

AGENDA

DATE: (TUES) February 18, 2003
PLACE: COUNCIL CHAMBERS
TIME: 7:30 P.M.

THERE ARE SIX ORDINANCES SET FOR A PUBLIC HEARING TONIGHT

ORDINANCE NO. 1 - 2003; ORDINANCE NO. 2 - 2003

ORDINANCE NO. 3 - 2003; ORDINANCE NO. 4 - 2003

ORDINANCE NO. 5 - 2003; ORDINANCE NO. 6 - 2003

THESE ORDINANCES DEAL WITH CHANGES IN OUR ZONING CODE AND WILL BE HELD
AS ONE HEARING AT 7:00 P.M.

1. ROLL CALL
2. INVOCATION BY COUNCILMAN BILL AMAN
3. PLEDGE OF ALLEGIANCE
4. READING OF THE JOURNAL
5. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS ON THE AGENDA
6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 39 - 2003

BY: COMMUNITY DEVELOPMENT COMMITTEE

125 **AN ORDINANCE** authorizing the Director of Public Service and Safety of the City of Massillon to enter into an agreement to retain the services of Chapman Holdings LTD as consultants in areas of industrial redevelopment of underutilized and or closed down steel industrial plants and sites, and declaring an emergency.

ORDINANCE NO. 40 - 2003

BY: COMMUNITY DEVELOPMENT COMMITTEE

125 **AN ORDINANCE** amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from P-1 Parking to R-1 One Family Residential, and declaring an emergency.

ORDINANCE NO. 41 - 2003

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMM

*506P
9-0
10000
9-0* **AN ORDINANCE** authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the 16th Street S.E. Improvement Project in the City of Massillon, and declaring an emergency.

ORDINANCE NO. 42 - 2003

BY: FINANCE COMMITTEE

*506P
9-0
10000
9-0* **AN ORDINANCE** making certain appropriations from the unappropriated balance of the General Fund, Local Law Block Grant Fund, Vehicle License Plate Tax Fund and the Capital Improvement Fund, for the year ending December 31, 2003, and declaring an emergency.

ORDINANCE NO. 43 - 2003 BY: FINANCE COMMITTEE

5090
9-0
P000
9-0
AN ORDINANCE reducing the appropriations in the General Fund of the City of Massillon for the year ending December 31, 2003, and declaring an emergency.

ORDINANCE NO. 44 - 2003 BY: FINANCE COMMITTEE

5090
9-0
P000
9-0
AN ORDINANCE authorizing the issuance of not to exceed \$1,775,000.00 of notes in anticipation of the issuance of bonds for the purpose of making improvements to S.R. 21 and Erie Street, including road widening and improvements, traffic signalization, drainage improvements, repair and replacement of curbs, street lights, utility relocation and grading and seeding of same, and necessary appurtenances related thereto, and retiring notes previously issued for such purpose, the debt service payments for which are expected to be paid from payments in lieu of taxes made pursuant to Section 570-9.42, Ohio Revised Code, and declaring an emergency.

5090
9-0
P000
9-0
RESOLUTION NO. 7 - 2003 BY: COMMITTEE OF THE WHOLE

A RESOLUTION requesting the Stark County Auditor to certify to the city of Massillon the total current tax valuation of the city and the number of mills required to generate a specified amount of revenue or the dollar amount of revenue that would be generated by a specified number of mills and declaring an emergency.

7. UNFINISHED BUSINESS

8. PETITIONS AND GENERAL COMMUNICATIONS

(A) LETTER FROM OHIO DIVISION OF LIQUOR CONTROL REGARDING A TRANSFER OF LIQUOR LICENSE FROM RONALD P. WIGAL INC., DBA NEW STADIUM RESTAURANT, 2700 ERIE STREET SOUTH, MASSILLON, OHIO, 44647 TO ANTHONY V. SIMCIC INC., DBA STADIUM, 2700 ERIE STREET SOUTH, MASSILLON, OHIO, 44647

9. BILLS, ACCOUNTS AND CLAIMS

10. REPORTS FROM CITY OFFICIALS

- A).** AUDITOR SUBMITS MONTHLY REPORT FOR JAN. 2002
- B).** POLICE CHIEF SUBMITS MONTHLY REPORT FOR JAN. 2002
- C).** FIRE CHIEF SUBMITS MONTHLY REPORT FOR JAN. 2002
- D).** INCOME TAX ADMINISTRATOR SUBMITS MONTHLY REPORT FOR JAN. 2002
- E).** TREASURER SUBMITS MONTHLY REPORT FOR JAN. 2002

11. REPORTS OF COMMITTEES

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

13. CALL OF THE CALENDAR

ORDINANCE NO. 1 - 2003 BY: COMMUNITY DEVELOPMENT COMMITTEE

*505P
7-0
P. 90*
AN ORDINANCE amending CHAPTER 1187 "SUPPLEMENTAL ZONING REGULATIONS" of the codified Ordinances of the City of Massillon, by enacting a new Section 1187.15 "Bed and Breakfast Regulations", and declaring an emergency.

ORDINANCE NO. 2 - 2003 BY: COMMUNITY DEVELOPMENT COMMITTEE

*Tabled
until
March 3*
AN ORDINANCE amending CHAPTER 1153 "R-1 THROUGH R-4 ONE FAMILY RESIDENTIAL DISTRICTS" of the Codified Ordinances of the City of Massillon, by enacting a new Section 1153.03(k) "Principle Uses Permitted Subject To Special Conditions", and declaring an emergency.

ORDINANCE NO. 3 - 2003 BY: COMMUNITY DEVELOPMENT COMMITTEE

*Tabled
3/3*
AN ORDINANCE amending CHAPTER 1155 "R-T TWO FAMILY RESIDENTIAL DISTRICTS" of the Codified Ordinances of the City of Massillon, by enacting a new Section 1155.03(c) "Principle Uses Permitted Subject To Special Conditions", and declaring an emergency.

ORDINANCE NO. 4 - 2003 BY: COMMUNITY DEVELOPMENT COMMITTEE

*Tabled
3/3*
AN ORDINANCE amending CHAPTER 1157 "RM-1 MULTIPLE FAMILY RESIDENTIAL DISTRICTS" of the Codified Ordinances of the City of Massillon, by enacting a new Section 1157.04(f)&(g) "Principle Uses Permitted Subject To Special Conditions", and declaring an emergency.

ORDINANCE NO. 5 - 2003 BY: COMMUNITY DEVELOPMENT COMMITTEE

*Tabled
3/3*
AN ORDINANCE amending CHAPTER 1163 "B-1 LOCAL BUSINESS DISTRICTS" of the Codified Ordinances of the City of Massillon, by enacting a new Section 1163.04(d)&(e) Principle Uses Permitted Subject To Special Conditions", and declaring an emergency.

ORDINANCE NO. 6 - 2003 BY: COMMUNITY DEVELOPMENT COMMITTEE

*Tabled
3/3*
AN ORDINANCE amending CHAPTER 1165 "B-2 CENTRAL BUSINESS DISTRICTS" of the Codified Ordinances of the City of Massillon, by enacting a new Section 1165.04(h)&(i) "Principle Uses Permitted Subject To Special Conditions", and declaring an emergency.

14. THIRD READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 12 - 2003 BY: PARKS AND RECREATION COMMITTEE

*Tabled
3/13*
AN ORDINANCE authorizing the Director of Public Service and Safety of the city of Massillon, Ohio, to grant a utility easement along the former Wheeling & Lake Erie Railroad to the village of Brewster for the placement of and maintenance of an overhead electrical transmission line, and declaring an emergency

15. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 26 - 2003 BY: POLICE AND FIRE COMMITTEE

*5090
P090*
AN ORDINANCE authorizing the Mayor and the Director of Public Service and Safety of the City of Massillon, to accept the Massillon Professional Firefighters I.S.F.F. Local #251 contract effective November 22, 2002 through November 21, 2005, and declaring an emergency.

16. NEW AND MISCELLANEOUS BUSINESS

17. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS NOT ON THE AGENDA

18. ADJOURNMENT

SHARON HOWELL - CLERK OF COUNCIL

DATE: February 18, 2003

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

1st reading
LEGISLATIVE DEPARTMENT
passed 3/3/03

ORDINANCE NO. 39 - 2003

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon to enter into an agreement to retain the services of Chapman Holdings LTD as consultants in areas of industrial redevelopment of underutilized and or closed down steel industrial plants and sites, and declaring an emergency.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MASSILLON, STATE OF OHIO, THAT:

Section 1:

The Council of the City of Massillon, Ohio, hereby determines it to be necessary in the public health, safety and welfare to authorize the Director of Public Service and Safety of the City of Massillon to enter into an agreement to retain the services of Chapman Holdings LTD as consultants in areas of industrial redevelopment of underutilized and or closed down steel industrial plants and sites.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized to enter into an agreement to retain the services of Chapman Holdings LTD as consultants in areas of industrial redevelopment of underutilized and or closed down steel industrial plants and sites. Said agreement shall not exceed One Dollar (\$1.00).

Section 3:

This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety, and welfare of the community, and that this agreement is necessary to assist in the future growth of various areas of the City of Massillon. Provided it ceives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

DATE: February 18, 2003

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

ORDINANCE NO. 40 - 2003

1st Reading
LEGISLATIVE DEPARTMENT

2nd Reading 3/3/03

PH 4/7/03

passed 4/7/03

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from P-1 Parking to R-1 One Family Residential, and declaring an emergency.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MASSILLON, STATE OF OHIO, THAT:

Section 1:

It is hereby determined to be in the best interest and promotion of the general health, safety and convenience, comfort, prosperity and welfare of the community to change the designation of the area set forth in Section 2 hereof from P-1 Parking to R-1 One Family Residential. Said rezoning was approved by the Planning Commission of the City of Massillon, Ohio, on February 12th, 2003 and that notice and public hearing has been given according to law.

Section 2:

The City of Massillon, Ohio, Zone Map as identified by Section 1151.02 of the Massillon Code of 1985, be and is hereby amended to show the following described area as R-1 One Family Residential.

Lot No. 16620, located at 33 6th Street S.E. an existing home built in 1928 with no new construction to be added. This rezoning is needed for the financing of the property.

Section 3:

That this Ordinance is declared to be an emergency measure in that the use herein provided for is essential to the proper community growth and hence immediately necessary for the preservation of the health, safety and welfare of the community and that this property would best be served to be designated R-1 One Family Residential. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____ 2003

APPROVED: _____
SHARON HOWELL, CLERK OF COUNCIL DENNIS D. HARWIG, PRESIDENT

APPROVED: _____
FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: February 18, 2003

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 41 - 2003

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the 16th Street S.E. Improvement Project in the City of Massillon, and declaring an emergency.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MASSILLON, STATE OF OHIO, THAT:

Section 1:

The Council of the City of Massillon, Ohio, hereby determines it to be necessary in the public health, safety and welfare to advertise for and receive sealed bids and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the 16th Street S.E. Improvement Project in the City of Massillon.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to prepare plans and specifications and to advertise for and receive sealed bids according to law, and to enter into contract upon award and approval by the Board of Control, with the lowest and best bidder for the 16th Street S.E. Improvement Project in the City of Massillon.

Section 3:

This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and welfare of the community and for the additional reason that it is necessary that bids be received so that work may be completed on the 16th Street S.E. Improvement Project, Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

DATE: February 18, 2003

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

Passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 42 - 2003

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the General Fund, Local Law Block Grant Fund, Vehicle License Plate Tax Fund and the Capital Improvement Fund, for the year ending December 31, 2003, and declaring an emergency.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MASSILLON, STATE OF OHIO, THAT:

Section 1:

There be and hereby is appropriated from the unappropriated balance of the General Fund for the year ending December 31, 2003, the following:

- \$ 24.00 to an account entitled "Judges Salary" 1100.125.2110
- \$20,235.00 to an account entitled "Muni Court Staff Salary" 1100.125.2111
- \$ 6,000.00 to an account entitled "Health/Life" 1100.125.2210
- \$ 127.00 to an account entitled "City Share Medicare" 1100.125.2231
- \$ 602.79 to an account entitled "Travel/Seminar/Schooling" 1100.125.2389

- \$12,552.00 to an account entitled "Coordinator Salary" 1100.126.2110
- \$ 7,800.00 to an account entitled "Health/Life" 1100.126.2210
- \$ 3,192.00 to an account entitled "P.E.R..S." 1100.126.2230
- \$ 342.00 to an account entitled "City Share Medicare" 1100.126.2231
- \$ 2,000.00 to an account entitled "Travel/Seminar/Schooling" 1100.126.2389
- \$10,000.00 to an account entitled "Supplies/Materials/Postage" 1100.126.2410

- \$30,389.00 to an account entitled "Bailiff Salary" 1100.135.2111
- \$ 2,459.26 to an account entitled "Health/Life" 1100.135.2210
- \$ 1,344.74 to an account entitled "City Share Medicare" 1100.135.2231

Section 2:

There be and hereby is appropriated from the unappropriated balance of the Local Law Block Grant Fund, for the year ending December 31, 2003, the following:

\$37,444.00 to an account entitled "2001LBBX2327" 1231.305.2514

Section 3:

There be and hereby is appropriated from the unappropriated balance of the Vehicle License Plate Tax Fund for the year ending December 31, 2003, the following:

\$ 1,800.00 to an account entitled "Section Corner Recovery Program" 1206.435.2519

Section 4:

There be and hereby is appropriated from the unappropriated balance of the Capital Improvement Fund for the year ending December 31, 2003, the following:

^ 1,263.43 to an account entitled "Federal Avenue Pump Station Project" 1401.405.2531

Section 5:

This Ordinance is hereby declared to be an emergency measure, for the efficient operation of the various departments of the City of Massillon and for the preservation of the public health, safety and welfare of the community. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____ 2003

ATTEST: _____
SHARON HOWELL, CLERK OF COUNCIL DENNIS HARWIG, PRESIDENT

APPROVED: _____
FRANCIS H. CICCHINELLI, JR, MAYOR

DATE: February 18, 2003

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

Sharon Howell
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 43 - 2003

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE reducing the appropriations in the General Fund of the City of Massillon, for the year ending December 31, 2003, and declaring an emergency.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MASSILLON, STATE OF OHIO, THAT:

Section 1:

The appropriations are hereby reduced in the General Fund for the year ending December 31, 2003, as follows:

- \$ 9,847.00 from an account entitled "P.E.R.S." 1100.125.2230
- \$ 8,942.00 from an account entitled "P.E.R.S." 1100.135.2230

Section 2:

This Ordinance is hereby declared to be an emergency measure, for the efficient operation of the Massillon Municipal Court of the City of Massillon and for the preservation of the public health, safety and welfare of the community and for the additional reason that the appropriation needs to be reduced because of an audit finding. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

DATED: FEBRUARY 18, 2003

CLERK: SHARON K. HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

Passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 44 - 2003

BY: THE FINANCE COMMITTEE

AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$1,775,000 OF NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF MAKING IMPROVEMENTS TO S.R. 21 AND ERIE STREET, INCLUDING ROAD WIDENING AND IMPROVEMENTS, TRAFFIC SIGNALIZATION, DRAINAGE IMPROVEMENTS, REPAIR AND REPLACEMENT OF CURBS, STREET LIGHTS, UTILITY RELOCATION AND GRADING AND SEEDING OF SAME, AND NECESSARY APPURTENANCES RELATED THERETO, AND RETIRING NOTES PREVIOUSLY ISSUED FOR SUCH PURPOSE, THE DEBT SERVICE PAYMENTS FOR WHICH ARE EXPECTED TO BE PAID FROM PAYMENTS IN LIEU OF TAXES MADE PURSUANT TO SECTION 5709.42, OHIO REVISED CODE; AND DECLARING AN EMERGENCY.

WHEREAS, the Council of the City (the "Council") of the City of Massillon (the "City") has issued notes dated February 28, 2002, in the amount of \$1,775,000 (the "Outstanding Notes") in anticipation of the issuance of the bonds herein described, which Outstanding Notes will mature February 28, 2003; and

WHEREAS, it appears advisable in lieu of issuing bonds at this time to issue new notes in anticipation of the issuance of bonds and to retire the Outstanding Notes; and

WHEREAS, the City Auditor (the "City Auditor") of the City has certified to the Council that the estimated life of the improvement stated in the title of this ordinance (the "Project") which is to be financed with the proceeds of bonds and notes hereinafter referred to exceeds five (5) years, the maximum maturity of bonds being twenty (20) years and notes being seventeen (17) years;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MASSILLON, COUNTY OF STARK, STATE OF OHIO, THAT:

Section 1. It is hereby declared necessary to issue bonds (the "Bonds") of the City in the principal sum of not to exceed \$1,775,000 for the purpose of paying the cost of financing the Project.

Section 2. The Bonds shall be dated prior to the maturity date of the Notes (as defined hereinbelow), shall bear interest at the maximum average annual interest rate presently estimated to be five and one half per centum (5.50%) per annum, payable semiannually until the principal sum is paid and shall mature in twenty (20) annual installments.

Section 3. It is necessary to issue and this Council hereby determines that notes shall be issued in anticipation of the issuance of the Bonds.

Section 4. Such anticipatory notes (the "Notes") shall be in the amount of not to exceed \$1,775,000, which sum does not exceed the amount of the Bonds. The Notes shall be dated the date established by the City Auditor and certified to this Council and shall mature on such date as shall be determined by the City Auditor and certified to this Council, provided that such maturity date shall not be later than one year after the date of issuance of the Notes. The Notes shall be designated "City of Massillon, Stark County, Ohio S.R. 21/Erie Street Improvement Notes, Series 2003," or as otherwise designated by the City Auditor.

Section 5. The Notes shall be issued as one fully registered note in book-entry only form in denominations of \$100,000 or any integral multiple of \$5,000 in excess thereof. Coupons shall not be attached to the Notes. The Notes shall be sold in a transaction exempt from the requirements of Rule 15c2-12 of the United States Securities and Exchange Commission.

Section 6. The Notes shall be the full general obligation of the City, and the full faith, credit and revenue of the City are hereby pledged for the prompt payment of the same. The par value to be received from the sale of the Bonds and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used only for the retirement of the Notes at maturity, together with interest thereon, and is hereby pledged for such purpose.

Section 7. There shall be and is hereby levied annually on all the taxable property in the City, in addition to all other taxes and inside the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Notes are outstanding, in an amount which is sufficient to provide funds to pay interest upon the Notes as and when the same fall due and to provide a fund for the repayment of the principal of the Notes at maturity or upon redemption. The Debt Service Levy shall not be less than the interest and sinking fund tax required by Article XII, Section 11 of the Ohio Constitution.

Section 8. The Debt Service Levy shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of such years are certified, extended and collected. The Debt Service Levy shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the Debt Service Levy shall be placed in a separate and distinct fund, which shall be irrevocably pledged for the payment of the premium, if any, and interest on and principal of the Notes and Bonds when and as the same fall due. Notwithstanding the foregoing, if the City determines that funds will be available from other sources for the payment of the Notes and Bonds in any

year, including payments in lieu of taxes made pursuant to Section 5709.42, Ohio Revised Code, paid by property owners directly benefiting from the Project, the amount of the Debt Service Levy for such year shall be reduced by the amount of funds which will be so available, and the City shall appropriate such funds to the payment of the Notes and Bonds in accordance with law.

Section 9. The Notes shall bear interest at such rate per annum as shall be determined by the City Auditor and certified to this Council, provided that such rate shall not exceed five per centum (5.00%) per annum, based on a 360-day year of twelve 30-day months, payable on such dates as shall be determined by the City Auditor. The Notes shall be, and hereby are, awarded and sold to Fifth Third Securities, Inc., Columbus, Ohio (the "Original Purchaser") at the par value thereof, and the City Auditor of this Council is hereby authorized and directed to deliver the Notes, when executed, to said purchaser upon payment of the purchase price and accrued interest, if any, to the date of delivery.

The proceeds of such sale, except any accrued interest or premium thereon, shall be deposited in the Treasury of the City and used for the purpose aforesaid and for no other purpose. Any accrued interest or premium on the Notes shall be transferred to the Bond Retirement Fund to be applied to the payment of the principal and interest on the Notes, or other outstanding obligations of the City, in the manner provided by law.

Section 10. The Notes shall be executed by the City Auditor and the Mayor, provided that either or both of such signatures may be a facsimile. The Notes shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this ordinance.

Section 11. Fifth Third Bank, is hereby appointed to act as the authenticating agent, note registrar, transfer agent and paying agent (collectively, the "Note Registrar") for the Notes. So long as any of the Notes remain outstanding, the City will cause to be maintained and kept by the Note Registrar, at the office of the Note Registrar, all books and records necessary for the registration, exchange and transfer of Notes as provided in this section (the "Note Register"). The person in whose name any Notes shall be registered on the Note Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and interest on any Notes shall be made only to or upon the order of that person. Neither the City nor the Note Registrar shall be affected by any notice to the contrary, but the registration may be changed as herein provided. All payments shall be valid and effectual to satisfy and discharge the liability upon the Notes, including the interest thereon, to the extent of the amount or amounts so paid.

Any Notes, upon presentation and surrender at the office of the Note Registrar, together with a request for exchange signed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Note Registrar, may be exchanged for Notes of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Notes surrendered, and bearing interest at the same rate and maturing on the same date.

A Notes may be transferred only on the Note Register upon presentation and surrender thereof at the office of the Note Registrar, together with an assignment executed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Note Registrar. Upon that transfer, the Note Registrar shall complete, authenticate and deliver a new Notes or Notes of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Notes surrendered, and bearing interest at the same rate and maturing on the same date.

In all cases in which Notes are exchanged or transferred hereunder, the City shall cause to be executed and the Note Registrar shall authenticate and deliver Notes in accordance with the provisions of the Note Ordinance. The exchange or transfer shall be without charge to the owner; except that the City and Note Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Note Registrar may require that those charges, if any, be paid before it begins the procedure for the exchange or transfer of the Notes. All Notes issued upon any transfer or exchange shall be the valid obligations of the City, evidencing the same debt, and entitled to the same benefits under the Note Ordinance, as the Notes surrendered upon that transfer or exchange.

Section 12. For purposes of the Note Ordinance, the following terms shall have the following meanings:

"Book entry form" or "book entry system" means a form or system under which (i) the beneficial right to payment of principal of and interest on the Notes may be transferred only through a book entry and (ii) physical Notes in fully registered form are issued only to a depository or its nominee as registered owner, with the Notes "immobilized" to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Notes.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, together with its participants, a book entry system to record beneficial ownership of Notes and to effect transfers of Notes, in book entry form.

The Notes will be initially issued to a Depository for use in a book entry system, and the provisions of this section shall apply, notwithstanding any other provision of the Note Ordinance; (i) there shall be a single Notes of each maturity, (ii) those Notes shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners in book entry form shall have no right to receive Notes in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Notes in book entry form shall be shown by book entry on the system maintained and operated by the Depository, and transfers of the ownership of beneficial interests shall be made only by the Depository and by book entry; and (v) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City. Note service charges on Notes in book entry form registered in the name of a Depository or its nominee shall be payable in same day funds delivered to the Depository or its authorized representative upon presentation and surrender of Notes as provided in the Note Ordinance.

The Note Registrar may, with the approval of the City, enter into an agreement with the beneficial owner or registered owner of any Notes in the custody of a Depository providing for making all payments to that owner of principal and interest on that Notes or any portion thereof (other than any payment of the entire unpaid principal amount thereof) at a place and in a manner (including wire transfer of federal funds) other than as provided in the Note Ordinance, without prior presentation or surrender of the Notes, upon any conditions which shall be satisfactory to the Note Registrar and to the City. That payment in any event shall be made to the person who is the registered owner of that Notes on the date that principal is due, or, with respect to the payment of interest, as of the applicable date agreed upon as the case may be. The Note Registrar will furnish a copy of each of those agreements, certified to be correct by the Note Registrar, to other paying agents for Notes and to the City. Any payment of principal or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, the Note Ordinance.

The Clerk of the City is authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the City, if requested, a letter agreement among the City, the Note Registrar and The Depository Trust Company, to be delivered in connection with the issuance of the Notes to the Depository for use in a book entry system in substantially the form submitted to the City.

If any Depository determines not to continue to act as a depository for the Notes for use in a book entry system, the City and the Note Registrar may attempt to have established a securities depository/book entry relationship with another qualified Depository under the Note Ordinance. If the City and the Note Registrar do not or are unable to do so, the City and the Note Registrar, after the Note Registrar has made provision for notification of the beneficial owners by the then Depository, shall permit withdrawal of the Notes from the Depository and authenticate and deliver bond certificates in fully registered form to the assigns of the Depository or its nominee, all at the cost and expense (including costs of printing definitive Notes), if the event is not the result of action or inaction by the City or the Note Registrar, of those persons requesting such issuance.

Section 13. The City hereby covenants that it will comply with the requirements of all existing and future laws which must be satisfied in order that interest on the Notes is and will continue to be excluded from gross income for federal income tax purposes, including without limitation restrictions on the use of the property financed with the proceeds of the Notes so that the Notes will not constitute "private activity bonds" within the meaning of Section 141 of the Internal Revenue Code of 1986, as amended (the "Code"). The City further covenants that it will restrict the use of the proceeds of the Notes in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder (the "Regulations").

The City Auditor, or any other officer of the City, including the Mayor, is hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the City with respect to the Notes as permitted or required to be made or given under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or the status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing any rebate amount or any payment of penalties, or making any payments of special amounts in lieu of making computations to determine, or paying, any excess earnings as rebate, or obviating those amounts or payments, as determined by the City Auditor, which action shall be in writing and signed by the City Auditor, or any other officer of the City, including the Mayor, on behalf of the City; (b) to take any and all actions, make or obtain calculations, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes; and (c) to give an appropriate certificate on behalf of the City, for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances, and reasonable expectations of the City pertaining to Section 148 and the Regulations, and the representations, warranties and covenants of the City regarding compliance by the City with sections 141 through 150 of the Code and the Regulations.

The City Auditor shall keep and maintain adequate records pertaining to investment of all proceeds of the Notes sufficient to permit, to the maximum extent possible and presently foreseeable, the City to comply with any federal law or regulation now or hereafter having applicability to the Notes which limits the amount of Notes proceeds which may be invested on an unrestricted yield or requires the City to rebate arbitrage profits to the United States Department of the Treasury. The City Auditor of the City is hereby authorized and directed to file such reports with, and rebate arbitrage profits to, the

United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Notes requires any such reports or rebates.

The Notes are hereby designated by the City to be "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Code. The City Auditor or any other officer, including the Mayor, having responsibility with respect to the issuance of the Notes is authorized and directed to give an appropriate certificate on behalf of the City, for inclusion in the transcript of proceedings, setting forth the representations, warranties and covenants of the City designed to assure that the Notes will remain "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the Code.

Section 14. The officer having charge of the minutes of the Council and any other officers of the Council, or any of them individually, are hereby authorized and directed to prepare and certify a true transcript of proceedings pertaining to the Notes and to furnish a copy of such transcript to the Original Purchaser. Such transcript shall include certified copies of all proceedings and records of the Council relating to the power and authority of the City to issue the Notes and certificates as to matters within their knowledge or as shown by the books and records under their custody and control, including but not limited to a general certificate of the City Auditor and a no-litigation certificate of the Mayor and the City Auditor, and such certified copies and certificates shall be deemed representations of the City as to the facts stated therein.

Section 15. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 16. It is hereby determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Notes in order to make them legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; that the full faith, credit and revenue of the City are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Notes.

Section 17. The Clerk is hereby directed to forward a certified copy of this ordinance to the Auditor of Stark County, Ohio.

Section 18. This ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety of the City and its inhabitants for the reason that notes heretofore issued are about to mature and it is necessary to make immediate provision for their repayment in order to preserve the credit of the City; wherefore this ordinance shall take effect and be in force from and immediately after its adoption.

Adopted in Council on this 18th day of February, 2003.

Attest:

Clerk

President of Council

Approved:

Mayor

CERTIFICATE

The undersigned Clerk hereby certifies that the foregoing is a true copy of Ordinance No. ____ - 2003 duly adopted by the Council of the City of Massillon, Ohio on February 18, 2003, and that a true copy thereof was certified to the County Auditor of Stark County, Ohio, on February ____, 2003.

Clerk
City of Massillon, Ohio

RECEIPT OF COUNTY AUDITOR FOR
LEGISLATION PROVIDING
FOR THE ISSUANCE OF
GENERAL OBLIGATION NOTES

I, Janet Weir Creighton, the duly elected, qualified, and acting County Auditor in and for Stark County, Ohio hereby certify that a certified copy of Ordinance No. _____ - 2003 duly adopted by the City Council of the City of Massillon, Stark County, Ohio on February 18, 2003, providing for the issuance of general obligation notes designated City of Massillon, Stark County, Ohio S.R. 21/Erie Street Improvement Notes, Series 2003, in the aggregate amount of not to exceed \$1,775,000 was filed in this office on February _____, 2003.

WITNESS my hand and official seal at Canton, Ohio this _____ day of February, 2003.

[SEAL]

County Auditor
Stark County, Ohio

DATE: February 18, 2003

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

RESOLUTION NO. 7 - 2003

BY: COMMITTEE OF THE WHOLE

TITLE: A RESOLUTION requesting the Stark County Auditor to certify to the city of Massillon the total current tax valuation of the city and the number of mills required to generate a specified amount of revenue or the dollar amount of revenue that would be generated by a specified number of mills and declaring an emergency.

WHEREAS, the city of Massillon has determined that it is necessary to levy a tax outside the ten-mill limitation for the Massillon Museum;

WHEREAS, the levy is a renewal of a tax in the amount of one (1) mill for each One Dollar (\$1.00) of evaluation, which amounts to Ten Cents per One Hundred Dollars (\$100.00) of valuation a period of five (5) years for the purpose of providing for a free Museum of art, science and history that is maintained and operated by a private, non-profit organization as authorized by Section 5705.19(AA) of the Ohio Revised Code;

WHEREAS, the levy will be submitted to the electors of the city of Massillon at the primary election to be held on Tuesday May 6, 2003;

WHEREAS, this Resolution is being submitted to the Stark County Auditor pursuant to the report of Section 5705.03(B) of the Ohio Revised Code.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MASSILLON, STATE OF OHIO, THAT:

Section 1:

This Council determines that it would be in the best interest of the public to request the Stark County Auditor to certify to the city of Massillon the total current tax valuation of the City and the number of mills required to generate a specified amount of revenue or the dollar amount of revenue that would be generated by a specified number of mills.