

## AGENDA

DATE: MONDAY, OCTOBER 3, 2005

PLACE: COUNCIL CHAMBERS

TIME: 7:30 P.M. (45 min)

### THERE IS ONE PUBLIC HEARING TONIGHT ORDINANCE NO. 90 – 2005 – REZONING AT 7:15PM

1. ROLL CALL
2. INVOCATION BY COUNCILMAN PAUL MANSON
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. 103 – 2005

#### BY: COMMUNITY DEVELOPMENT COMMITTEE

*SUSD 9-0 P.O.D. 9-0*  
**AN ORDINANCE** authorizing and directing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract agreement with various programs through the Community Development Block Grant Programs which the City has provided through the CDBG Program funding, and declaring an emergency.

#### ORDINANCE NO. 104 – 2005

#### BY: COMMUNITY DEVELOPMENT COMMITTEE

*SUSD 9-0 P.O.D. 9-0*  
**AN ORDINANCE** authorizing the Mayor to enter into an agreement with Nation Land Company LLC and Genco I Inc., for a development project. Nation Land Company is planning to construct a new 75,000 square foot warehouse located at 4300 Sterilite Street SE for use by Genco I Inc. The construction of this facility will result in the creation of 18 new jobs within the City of Massillon Enterprise Zone, and declaring an emergency.

#### ORDINANCE NO. 105 – 2005

#### BY: COMMUNITY DEVELOPMENT COMMITTEE

*SUSD 1-0 P.H. NOV. 7 @ 7:15*  
**AN ORDINANCE** amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from Tuscarawas Township (no zoning) to R-1 Single Family Residential.

#### ORDINANCE NO. 106 – 2005

#### BY: HEALTH, WELFARE & BLDG REGULATION

*SUSD 9-0 P.O.D. 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 repair and or replacement of the roof on the City Hall Municipal Building and the replacement of the roof on the Municipal Government Annex Building, and declaring an emergency.

**ORDINANCE NO. 107 – 2005**

**BY: STREETS, HIGHTWAYS, TRAFFIC & SAFETY**

*3P  
7-0  
P  
9-0*  
**AN ORDINANCE** making certain appropriations from the unappropriated balance of the Community Development Block Grant Program Fund, for the year ending December 31, 2005, and declaring an emergency.

**ORDINANCE NO. 108 – 2005**

**BY: FINANCE COMMITTEE**

*502P  
9-0  
P  
9-0*  
**AN ORDINANCE** making certain appropriations from the unappropriated balance of the Wastewater Treatment Bond Retirement Fund, Law Enforcement Fund, General Fund, Community Health Fund, Capital Improvement Fund and the Federal Grant Fund, for the year ending December 31, 2005, and declaring an emergency.

**ORDINANCE NO. 109 – 2005**

**BY: FINANCE COMMITTEE**

*502P  
9-0  
P  
9-0*  
**AN ORDINANCE** amending Ordinance No. 143 – 1976 by repealing Section 13 – “ALLOCATION OF FUNDS – INCOME TAX” and enacting a new Section 13 – “ALLOCATION OF FUNDS – INCOME” and repealing Ordinance No. 182 – 2004, and declaring an emergency.

**ORDINANCE NO. 110 – 2005**

**BY: FINANCE COMMITTEE**

*502P  
4-0  
P  
19-0*  
**AN ORDINANCE** repealing Ordinance No. 55 – 2005, and enacting a new ordinance authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a lease financing agreement with First Merit Bank, N.A. for the financing of one (1) 2006 Fire Pumper Truck for the Massillon Fire Department, and declaring an emergency.

**ORDINANCE NO. 111 – 2005**

**BY: FINANCE COMMITTEE**

*502P  
9-0  
P  
9-0*  
**AN ORDINANCE** authorizing the Auditor of the City of Massillon to deposit revenue from the Inheritance Tax in the Capital Improvement Fund in a special account, 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 THOMAS C STERLING 1008 DUNCAN ST SW MASSILLON, OHIO 44647 TO DRIFTERS LLC 1008 DUNCAN ST SW MASSILLON, OHIO 44647

(B) LETTER FROM OHIO DIVISION OF LIQUOR CONTROL REGARDING A TRANSFER OF LIQUOR LICENSE FROM PENN TRAFFIC CO DBA BIG BEAR PLUS 100 MAIN ST E/SIDE OF BLDG WINTERSVILLE, OHIO 43952 TO TAMARKIN COMPANY GIANT EAGLE 4152 2032 LINCOLN WAY EAST MASSILLON, OHIO 44646

**9. BILLS, ACCOUNTS AND CLAIMS**



**10. REPORTS FROM CITY OFFICIALS**

- A). MAYOR SUBMITS MONTHLY PERMIT REPORT FOR SEPTEMBER 2005
- B). AUDITOR SUBMITS MONTHLY REPORT FOR SEPTEMBER 2005

**11. REPORTS OF COMMITTEES**

**12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBER**

**13. CALL OF THE CALENDAR**

**14. THIRD READING ORDINANCES AND RESOLUTIONS**

**ORDINANCE NO. 90 – 2005**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

*post* **AN ORDINANCE** amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from R-2 Single Family Residential to RM-1 Multiple Family Residential.

**ORDINANCE NO. 91 – 2005**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

*post* **AN ORDINANCE** accepting the Final Plat and dedication of various streets for Amherst Village, in the City of Massillon, Stark County, Ohio, presently on file in the office of the City Engineer, and declaring an emergency.

**ORDINANCE NO. 93 – 2005**

**BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY**

*10* **AN ORDINANCE** vacating a portion of a certain public alley.

**15. SECOND READING ORDINANCES AND RESOLUTIONS**

**RESOLUTION NO. 19 – 2005**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

*2ND* **A RESOLUTION** reversing the decision of the Massillon Zoning Board of Appeals made on September 1, 2005 wherein the Zoning Board of Appeals approved variances from the Massillon Zoning Code for the proposed construction of two 30' X 84' accessory buildings at 35 Warwick Avenue NW, on Lot Nos. 3540 and 3541, in the City of Massillon, Ohio, and declaring an emergency.

**RESOLUTION NO. 20 – 2005**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

*2ND* **A RESOLUTION** reserving the decision of the Massillon Zoning Board of Appeals made on August 11, 2005 wherein the Zoning Board of Appeals denied a request for variance from the Massillon Zoning Code, Massillon Codified Ordinance Section 11987.08 (a), concerning the extension of a fence, and declaring an emergency.

**16. NEW AND MISCELLANEOUS BUSINESS**

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

**18. ADJOURNMENT**

**MARY BETH BAILEY - CLERK OF COUNCIL**

DATE: OCTOBER 3, 2005

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*Passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 103 - 2005

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE authorizing and directing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract agreement with various programs through the Community Development Grant Programs which the City has provided through the CDBG Program funding, 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 finds that it is necessary to enter into a contract agreement with various programs through the Community Development Grant Programs which the City has provided through the CDBG Program funding.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to enter into separate contract agreements with the programs listed below for the amounts specified through the Community Development Grant Programs which the City has provided through the CDBG Program funding.

Massillon Main Street	\$62,000.00
Habitat for Humanity of Massillon – Housing Program	\$20,000.00
Westark Family Services, Inc. - Elderly Homemaker Program	\$12,000.00
Walnut Hills Residents Association	\$10,000.00
Western Stark Medical Clinic	\$10,000.00
Massillon Urban League	\$ 8,000.00
Community Services of Stark County – Family Living Center	\$ 8,000.00
Domestic Violence Project	\$ 8,000.00
YWCA of Western Stark County - YWCA Child Development Center	\$ 3,000.00
Massillon Commission to Advance Literacy - Adult Literacy Program	\$ 3,000.00
Massillon Urban League - Teen Pregnancy Prevention Program	\$ 2,500.00
Lighthouse Visions, Inc.	\$ 1,750.00
Faith in Action of Western Stark County	\$ 1,750.00

Section 3:

Upon delivery of the aforesaid agreements, the Director of Public Service and Safety is hereby authorized to issue vouchers to the Auditor of the City of Massillon, Ohio, directing prompt payment for each agreement and the City Auditor is authorized and directed to honor and pay said vouchers.

Section 4:

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 for the further reason that these services are needed to benefit the community as a whole and to meet the goals and objectives of the City's Community Development Block Grant Program. 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 \_\_\_\_\_ 2005

APPROVED: \_\_\_\_\_  
MARY BETH BAILEY, CLERK OF COUNCIL    GLENN E. GAMBER, PRESIDENT

APPROVED: \_\_\_\_\_  
FRANCIS H. CICCHINELLI, JR., MAYOR



DATE: OCTOBER 3, 2005

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*Passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 104 - 2005

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor to enter into an agreement with Nation Land Company LLC and Genco I Inc., for a development project. Nation Land Company is planning to construct a new 75,000 square foot warehouse located at 4300 Sterilite Street SE for use by Genco I Inc., The construction of this facility will result in the creation of 18 new jobs within the City of Massillon Enterprise Zone, and declaring an emergency.

WHEREAS, the City of Massillon has encouraged the development of real property and the acquisition of personal property located in the area designated as an Enterprise Zone; and

WHEREAS, Nation Land Company is proposing to construct a new facility at 4300 Sterilite Street SE, within the Massillon Enterprise Zone, through the construction of this new facility at a total investment of \$2,050,000.00 (hereinafter the "Project"), provided that the appropriate development incentives are available to support the economic viability of said Project; and

WHEREAS, the Council of the City of Massillon, Ohio, (hereinafter "Council") by Ordinance has designated an area of the City as an "Enterprise Zone" pursuant to Chapter 5709 of the Ohio Revised Code; and

WHEREAS, effective September 12, 1994, and as amended on March 13, 1998, and as amended on March 9, 1999, the Director of Development of the State of Ohio has determined that the aforementioned area designated in said Ordinance No. 163 - 1994 contains the characteristics set forth in 5709.61(A) of the Ohio Revised Code, and has certified said area as an Enterprise Zone under Chapter 5709; and

WHEREAS, the City of Massillon, having the appropriate authority for the stated type of project is desirous of providing Nation Land Company with the incentives available for development of the Project in said Enterprise Zone, under Chapter 5709 of the Ohio Revised Code; and

WHEREAS, Nation Land Company has submitted a proposed agreement application, herein attached as Exhibit "A", to the City of Massillon, Ohio, requesting that the incentives available for development within the Enterprise Zone be approved for the Project; and

WHEREAS, the Mayor of the City of Massillon, Ohio, has investigated the application submitted by Nation Land Company and has recommended approval of the same to the Council on the basis that the company is qualified by financial responsibility and business experience to create employment opportunities in said Enterprise Zone and to improve the economic climate of the City of Massillon; and

WHEREAS, the project site is located in the Perry School District and the Perry Board of Education has been notified in accordance with Section 5709.83 and have been given a copy of the application.

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 does hereby authorize and direct the Mayor to enter into an agreement, attached hereto as Exhibit "A" and incorporated herein by reference, with Nation Land Company providing for the adoption of a project which will improve their facility and preserve employment opportunities within the City of Massillon Enterprise Zone.

Section 2:

This Ordinance is declared to be an emergency measure immediately necessary for the preservation of the health, safety and welfare of the City of Massillon, Ohio and for the further reason that approval of said agreement is necessary so as to maximize the investment that will be made by Nation Land Company within the City of Massillon, Ohio. 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 \_\_\_\_\_ 2005

APPROVED: \_\_\_\_\_  
MARY BETH BAILEY, CLERK OF COUNCIL      GLENN E. GAMBER, PRESIDENT

APPROVED: \_\_\_\_\_  
FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: OCTOBER 3, 2005

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

ORDINANCE NO. 105 - 2005

LEGISLATIVE DEPARTMENT

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from Tuscarawas Township (no zoning) to R-1 Single Family Residential.

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 Tuscarawas Township (no zoning) to R-1 Single Family Residential. Said rezoning was approved by the Planning Commission of the City of Massillon, Ohio, on September 14, 2005 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 Single Family Residential.

Being known as Out Lot 1019, a 2.127 acre parcel located on the north side of the intersection of Woodstone NW and Woodforest NW. This parcel was annexed to the City from Tuscarawas Township. The applicant is the City of Massillon. The purpose of the rezoning is this area is part of the Sippo Reserves residential allotment, the balance which is zoned R-1 Single Family Residential.

Section 3:

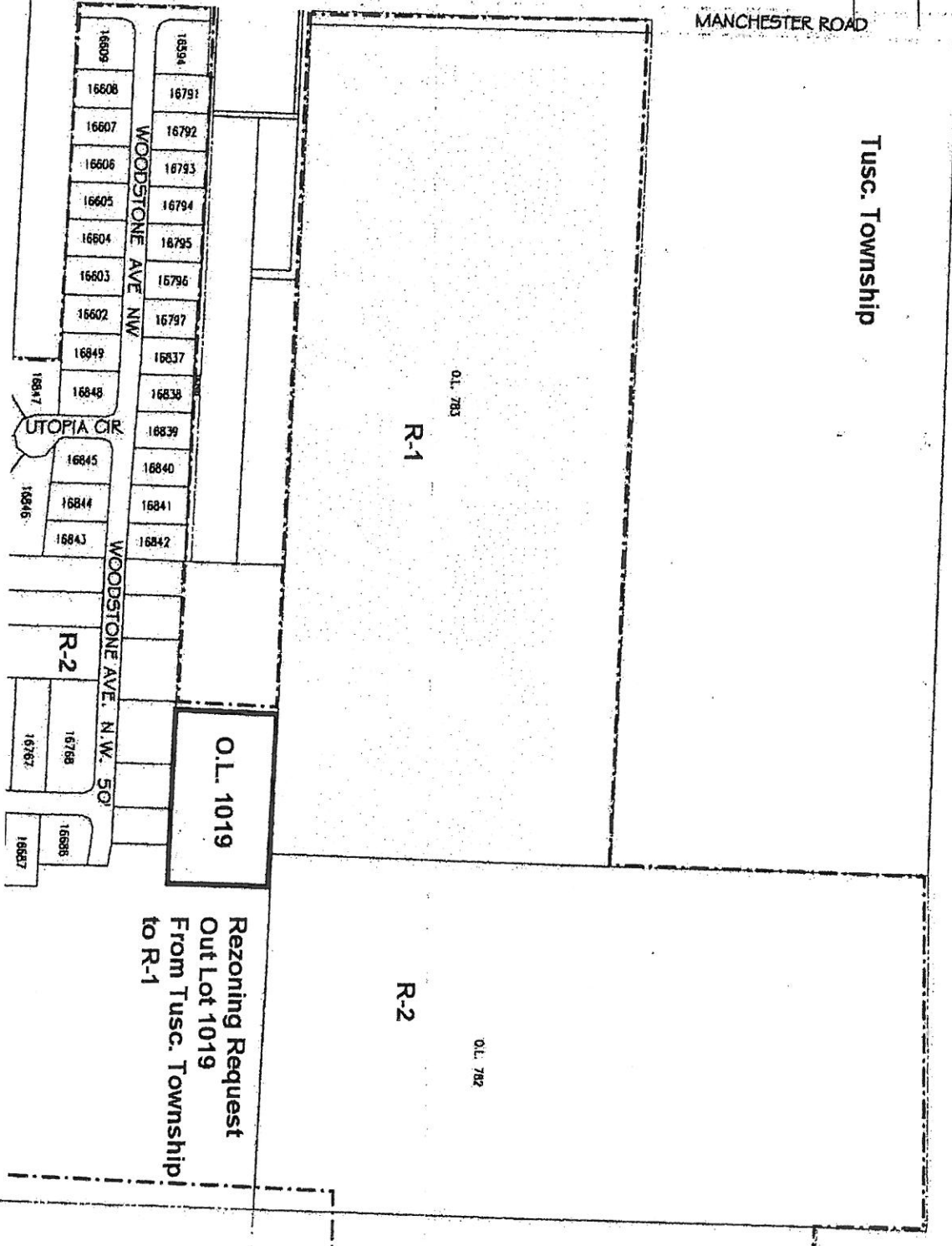
This ordinance shall take effect and be in force from and after the earliest period allowed by law.



Tusc. Township

MANCHESTER ROAD

Tusc. Township



DATE: OCTOBER 3, 2005

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*Passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 106 - 2005

BY: HEALTH, WELFARE & BUILDING REGULATIONS 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 repair and or replacement of the roof on the City Hall Municipal Building and the replacement of the roof on the Municipal Government Annex Building, 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, according to law, and to enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder, for the repair and or replacement of the roof on the City Hall Municipal Building and the replacement of the roof on the Municipal Government Annex Building.

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 to receive sealed bids according to law, and enter into contract upon award and approval by the Board of Control, with the lowest and best bidder for the repair and or replacement of the roof on the City Hall Municipal Building and the replacement of the roof on the Municipal Government Annex Building

Section 3:

That 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 to have the roof on both municipal buildings repaired and or replaced to prevent any further damage from occurring. 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: OCTOBER 3, 2005

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*Passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 107 - 2005

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Community Development Block Grant Program Fund, for the year ending December 31, 2005, 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 Community Development Block Grant Program Fund for the year ending December 31, 2005, the following:

\$62,000.00 to an account entitled "Main Street Revitalization" 1203.845.2828  
\$10,000.00 to an account entitled "Habitat for Humanity" 1203.845.2849  
\$12,000.00 to an account entitled "Elderly Homemaker Program" 1203.845.2803  
\$10,000.00 to an account entitled "Western Stark Medical Clinic" 1203.845.2857  
\$10,000.00 to an account entitled "Walnut Hills Improvement" 1203.845.2856  
\$ 8,000.00 to an account entitled "Family Living Center" 1203.845.2841  
\$ 8,000.00 to an account entitled "Housing Counseling Program" 1203.845.2802  
\$ 8,000.00 to an account entitled "Domestic Violence Shelter" 1203.845.2858  
\$ 3,000.00 to an account entitled "Massillon Literacy Commission" 1203.845.2819  
\$ 3,000.00 to an account entitled "YWCA Tots Day Care" 1203.845.2854  
\$ 2,500.00 to an account entitled "Teen Pregnancy Prevention" 1203.845.2815  
\$ 1,750.00 to an account entitled "Interfaith Caregivers Program" 1203.845.2859  
\$ 1,750.00 to an account entitled "Lighthouse Visions Program" 1203.845.2863

Section 2:

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.

DATE: OCTOBER 3, 2005

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 108 - 2005

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Wastewater Treatment Bond Retirement Fund, Law Enforcement Fund, General Fund, Community Health Fund, Capital Improvement Fund and the Federal Grant Fund, for the year ending December 31, 2005, 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 Wastewater Treatment Bond Retirement Fund, for the year ending December 31, 2005, the following:

\$,945,190.00 to an account entitled "BR WWT Upgrade Principle" 1305.940.2613  
\$261,271.00 to an account entitled "BR WWT Upgrade Interest" 1305.940.2623  
\$ 2,861.00 to an account entitled "County Collection Fees" 1305.940.2393

Section 2:

There be and hereby is appropriated from the unappropriated balance of the Law Enforcement Fund, for the year ending December 31, 2005, the following:

\$17,000.00 to an account entitled "Supplies/Materials/Postage" 1215.305.2410  
\$15,000.00 to an account entitled "Travel/Seminar/Schooling" 1215.305.2389  
\$ 8,000.00 to an account entitled "Furtherance of Justice" 1215.305.2387

Section 3:

There be and hereby is appropriated from the unappropriated balance of the General Fund, for the year ending December 31, 2005, the following:

\$12,000.00 to an account entitled "Arbitrator Services/Contracts" 1100.905.239A



Section 4:

There be and hereby is appropriated from the unappropriated balance of the Community Health Fund, for the year ending December 31, 2005, the following:

\$4,200.00 to an account entitled "Community Health Rent" 1235.705.2395

Section 5:

There be and hereby is appropriated from the unappropriated balance of the Capital Improvement Fund, for the year ending December 31, 2005, the following:

\$3,000.00 to an account entitled "Fire Department Equipment" 1401.325.2531

Section 6:

There be and hereby is appropriated from the unappropriated balance of the General Fund, for the year ending December 31, 2005, the following:

\$3,000.00 to an account entitled "Janitors-Salary" 1100.410.2110

Section 7:

There be and hereby is appropriated from the unappropriated balance of the General Fund, for the year ending December 31, 2005, the following:

\$2,816.74 to an account entitled "Supplies/Materials" 1100.325.2410

Section 8:

There be and hereby is appropriated from the unappropriated balance of the General Fund, for the year ending December 31, 2005, the following:

\$2,000.00 to an account entitled "Services/Contracts" 1100.150.2392

Section 9:

There be and hereby is appropriated from the unappropriated balance of the Federal Law Enforcement Fund, for the year ending December 31, 2005, the following:

\$1,889.82 to an account entitled "Services/Contracts" 1216.305.2392

Section 10:

There be and hereby is appropriated from the unappropriated balance of the General Fund, for the year ending December 31, 2005, the following:

\$ 300.00 to an account entitled "Services/Contracts" 1100.415.2392

Section 11:

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 \_\_\_\_\_ 2005

ATTEST: \_\_\_\_\_

MARY BETH BAILEY, CLERK OF COUNCIL

\_\_\_\_\_  
GLENN E. GAMBER, PRESIDENT

APPROVED: \_\_\_\_\_

\_\_\_\_\_  
FRANCIS H. CICCHINELLI, JR, MAYOR



DATE: OCTOBER 3, 2005

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

*passed*  
LEGISLATIVE DEPARTMENT

COUNCIL CHAMBERS

ORDINANCE NO. 109 - 2005

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE amending Ordinance No. 143 - 1976 by repealing Section 13 - "ALLOCATION OF FUNDS - INCOME TAX" and enacting a new Section 13 "ALLOCATION OF FUNDS - INCOME TAX" and repealing Ordinance No. 182 - 2004, and declaring an emergency.

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

Section 1:

Ordinance No. 182 - 2004 be and is hereby repealed.

Section 2:

That there be and hereby is enacted a new Section 13 "ALLOCATION OF FUNDS - INCOME TAX" of Ordinance No. 143 - 1976. Said new Section 13 shall read as follows:

Section 13 - ALLOCATION OF FUNDS

(A) Effective June 1, 2005 the funds collected under the provision of this ordinance shall be disbursed as follows:

- (1) Eighty Seven (87) percent shall be deposited in the General Fund and Thirteen (13) percent shall be deposited in said "Income Tax Capital Improvements" Fund and shall be used for capital improvements to defray operating expenses of the City including such part thereof as shall be necessary to defray all costs of administering and enforcing the provisions thereof.
- (2) Capital Improvements are all property, assets, machinery, equipment or improvements which the City is authorized by law to acquire, construct and maintain, including plans and studies thereof with an estimated life or usefulness of five (5) years or more, including land and interests therein, and including reconstructions, enlargements and extension thereof having an estimated life or usefulness of five (5) years or more provided, however, that the purchase of motorized equipment for the various city departments and the resurfacing and resealing of public streets, including "Chip and Seal" method, shall be deemed Capital Improvement without regard to estimated life or usefulness.

Section 3:

This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, welfare and safety and the emergency being the necessity of providing funds for the operation of necessary governmental functions imposed by law, including the proper police and fire protection, but not limited thereto, for, without said funds, said governmental functions would have to be curtailed to such an extent that the public safety and welfare would be greatly jeopardized. And 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 \_\_\_\_\_, 2005

ATTEST: \_\_\_\_\_

MARY BETH BAILEY, CLERK OF COUNCIL

GLENN E. GAMBER, PRESIDENT

APPROVED: \_\_\_\_\_

FRANCIS H. CICCHINELLI, JR, MAYOR

DATE: OCTOBER 3, 2005

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 110 - 2005

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE repealing Ordinance No. 55 - 2005, and enacting a new ordinance authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a lease financing agreement with First Merit Bank, N.A. for the financing of one (1) 2006 Fire Pumper Truck for the Massillon Fire Department, and declaring an emergency.

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

Section 1:

Ordinance No. 55 - 2005 be and is hereby repealed.

Section 2:

The Council of the City of Massillon, Ohio, hereby finds that it is necessary to enter into a lease financing agreement with First Merit Bank, N.A. for the financing of one (1) 2006 Fire Pumper Truck for the Massillon Fire Department. The terms of the lease agreement shall be reviewed by the City Law Director prior to execution.

Section 3:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to accept the proposal attached hereto as Exhibit "A", with First Merit Bank, N.A. for the financing of one (1) Fire Pumper Truck for the Massillon Fire Department.

SEE ATTACHED EXHIBIT "A" HERETO

Section 4:

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 for the additional reason that it is necessary for the efficiency of the Massillon Fire Department to purchase the new pumper truck. 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.



September 22, 2005

Mike Loudiana  
Safety & Service Director  
City of Massillon  
131 Lincoln Way East  
Massillon, Ohio 44646

Dear Mr. Loudiana:

The following lease financing proposal is submitted for your review. We are assuming that this transaction will qualify as a "Bank Qualified - Tax Exempt Transaction". Additional financing structures are available and will be provided upon request.

LENDER/LESSOR: FirstMerit Bank, N.A.

BORROWER/LESSEE: City of Massillon, Ohio

EQUIPMENT: New Fire Truck, acceptable to Lessor

EQUIPMENT COST: \$ 235,705.00

COMMENCEMENT DATE: November 30, 2005 or on a future date to be mutually agreed upon

IMPLICIT INTEREST RATE: 4.27% - fixed for 5-year term

RENTAL/PAYMENT: a) Five (5) payments of \$51,242.82 each, annually in advance, (see attached amortization schedule)

b) Five (5) payments of \$53,474.22 each, annually in arrears, (see attached amortization schedule)

PURCHASE OPTION: Upon lease expiration there will no further fees or charges, title will be maintained by Lessee.

PREPAYMENT: Lessee will be allowed to prepay the lease after one year without penalty.

DOCUMENTATION/  
LEGAL & UCC FEES: For account of Lessee - \$100.00

ANNUAL APPROPRIATION: Lease will be subject to annual appropriation

LEGAL OPINION: Prior to funding, Lessee will be required to provide Lessor with written opinion of Lessee's Legal Council (its City Attorney, Law Director, etc") concerning the validity of the proposed lease financing.

NATURE OF LEASE: Net/net bank-qualified tax-exempt lease. Lessee assumes responsibility for any applicable taxes, keeping the equipment fully insured and in good working order, and for all maintenance cost. Evidence of insurance may be required prior to advancing any funds.

NO. 7968

SEP. 22. 2005 11:53AM

The preceding proposal is submitted for your review and is good for 30 days from the date of this proposal. The terms and conditions specified herein represent the principle terms and conditions which will be incorporated into any approval; additional terms and/or conditions may be required. A commitment from the FirstMerit Bank is subject to the following conditions:

1. The base rentals/payments are calculated using current money market rates and are based upon the stated assumptions in this proposal including commencement date and equipment cost. If these change for any reason, the rentals/payments may be adjusted.
2. Until lease commencement, the rentals/rate quoted will also be indexed to FirstMerit Bank's current Funds Transfer Pricing Rate of 4.75% for a 60-month term respectively, hereinafter referred to as the "base index". Until lease commencement the Lessor may adjust the rentals/rate quoted to reflect any upward change in the current yield to maturity of the like term Funds Transfer Pricing Rate, basis point for basis point for any increase over the base index. Upon lease commencement the rentals/rate will be fixed for the term.
3. Satisfactory review of Lessee's past three years and current interim financial statements and subsequent approval of Lessor's Executive Credit Committee of this proposal.
4. Documentation satisfactory to FirstMerit Bank.

If you have any questions, I may be reached at (330) 996-8011.

Very truly yours,

FirstMerit Bank, N.A.  
Andrew Yesso  
Vice President

Accepted and Agreed to:

by: \_\_\_\_\_

title: \_\_\_\_\_

date: \_\_\_\_\_, 2005

City of Massillon, Ohio

Page 1

Compound Period: Monthly

Nominal Annual Rate: 4.270 %

## CASH FLOW DATA

Event	Date	Amount	Number	Period	End Date
1 Loan	11/30/2005	235,705.00	1		
2 Payment	11/30/2005	51,242.82	5	Annual	11/30/2009

## AMORTIZATION SCHEDULE - Normal Amortization

	Date	Payment	Interest	Principal	Balance
Loan	11/30/2005				235,705.00
1	11/30/2005	51,242.82	0.00	51,242.82	184,462.18
2	11/30/2006	51,242.82	8,032.53	43,210.29	141,251.89
3	11/30/2007	51,242.82	6,150.91	45,091.91	96,159.98
4	11/30/2008	51,242.82	4,187.35	47,055.47	49,104.51
5	11/30/2009	51,242.82	2,138.31	49,104.51	0.00
Grand Totals		256,214.10	20,509.10	235,705.00	



City of Massillon, Ohio

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Compound Period: Monthly

Nominal Annual Rate: 4.270 %

## CASH FLOW DATA

	Event	Date	Amount	Number	Period	End Date
1	Loan	11/30/2005	235,705.00	1		
2	Payment	11/30/2006	53,474.22	5	Annual	11/30/2010

## AMORTIZATION SCHEDULE - Normal Amortization


	Date	Payment	Interest	Principal	Balance
Loan	11/30/2005				235,705.00
1	11/30/2006	53,474.22	10,263.93	43,210.29	192,494.71
2	11/30/2007	53,474.22	8,382.31	45,091.91	147,402.80
3	11/30/2008	53,474.22	6,418.75	47,055.47	100,347.33
4	11/30/2009	53,474.22	4,369.69	49,104.53	51,242.80
5	11/30/2010	53,474.22	2,231.42	51,242.80	0.00
Grand Totals		267,371.10	31,666.10	235,705.00	

DATE: OCTOBER 3, 2005

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 111 - 2005

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Auditor of the City of Massillon to deposit revenue from the Inheritance Tax in the Capital Improvement Fund in a special account, and declaring an emergency.

Section 1:

It is hereby determined that it is necessary for the Auditor of the City of Massillon to deposit the revenue from the Inheritance Tax in the Capital Improvement Fund in a special account these funds will not be included in the Capital Improvement Budget.. These funds are presently being deposited into the General Fund and becoming part of the operating budget.

Section 2:

That 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 for the further reason that said funds are necessary to put into a special account for the Capital Improvement Fund. 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 \_\_\_\_\_ 2005

APPROVED: \_\_\_\_\_  
MARY BETH BAILEY, CLERK OF COUNCIL      GLENN E. GAMBER, PRESIDENT

APPROVED: \_\_\_\_\_  
FRANCIS H. CICCHINELLI, JR., MAYOR