

AGENDA

DATE: MONDAY, NOVEMBER 7, 2005

PLACE: COUNCIL CHAMBERS

TIME: 7:30 P.M.

**THERE IS ONE PUBLIC HEARING TONIGHT
ORDINANCE NO. 105 – 2005 – REZONING AT 7:15PM**

- 1. ROLL CALL**
- 2. INVOCATION BY COUNCILWOMAN GLORIA AUTREY**
- 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. 117 – 2005

BY: COMMUNITY DEVELOPMENT COMMITTEE

P.H. 12/5/05 6:45

105 **AN ORDINANCE** amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from I-1 Light Industrial to RM-1 Multiple Family Residential and R-CRD Condominium Residential District.

ORDINANCE NO. 118 – 2005

BY: COMMUNITY DEVELOPMENT COMMITTEE

P.H. 12/5/05 7:00

105 **AN ORDINANCE** amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from R-3 Single Family Residential to O-1 Office.

ORDINANCE NO. 119 – 2005

BY: COMMUNITY DEVELOPMENT COMMITTEE

P.H. 12/5/05 7:15

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

ORDINANCE NO. 120 – 2005

BY: COMMUNITY DEVELOPMENT COMMITTEE

P **AN ORDINANCE** accepting the Final Plat and dedication of various streets for Sippo Reserves Allotment Phase II, in the City of Massillon, Stark County, Ohio, presently on file in the office of the City Engineer, and declaring an emergency.

ORDINANCE NO. 121 – 2005

BY: ENVIRONMENTAL COMMITTEE

P **AN ORDINANCE** authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into contract with Jack Doheny Supply for the lease purchase of a 2006 Series 2100 Combination Unit for use in the Waste Water Treatment Plant of the City of Massillon, Ohio, and declaring an emergency.

ORDINANCE NO. 122 – 2005

BY: POLICE AND FIRE COMMITTEE

155
AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into a three-year contract with the Board of Trustees of Local Organized Governments in Cooperation (LOGIC) for fire dispatching services with the Regional Emergency Dispatch for the Massillon Fire Department, and declaring an emergency.

ORDINANCE NO. 123 – 2005

BY: FINANCE COMMITTEE

P AN ORDINANCE authorizing the Mayor and the Chief of Police of the City of Massillon, Ohio, to accept the 2005 Federal Bulletproof Vest Partnership Grant for the Massillon Police Department, and declaring an emergency.

ORDINANCE NO. 124 – 2005

BY: FINANCE COMMITTEE

P AN ORDINANCE making certain transfers in the 2005 appropriations from within the General Fund for the year ending December 31, 2005, of the City of Massillon, Ohio, and declaring an emergency.

ORDINANCE NO. 125 – 2005

BY: FINANCE COMMITTEE

D AN ORDINANCE establishing a fund entitled "Veterans Park and Duncan Plaza Repair and Improvement Fund" within said fund, and declaring an emergency.

ORDINANCE NO. 126 – 2005

BY: FINANCE COMMITTEE

P AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract with Wheeled Coach Industries, Inc., for the purchase of a 2005 Ford E450 XL Wheeled Coach Type III Ambulance for the Massillon Fire Department, and declaring an emergency.

ORDINANCE NO. 127 – 2005

BY: FINANCE COMMITTEE

P AN ORDINANCE making certain appropriations from the unappropriated balance of the P & R Operating Fund, Community Development Block Grant Fund, Solid Waste Fund, Waste Management Grant Fund, Capital Improvement Fund, Federal Grant Fund and the General Fund, for the year ending December 31, 2005, and declaring an emergency.

ORDINANCE NO. 128 – 2005

BY: FINANCE COMMITTEE

P AN ORDINANCE authorizing the issuance of not to exceed \$2,993,000 of notes in anticipation of the issuance of bonds for the purpose of providing funds for acquiring land and interests in land and demolition relating thereto, for the purpose of urban redevelopment in connection with the Lincoln Center Phase III Project, and retiring notes previously issued for such purpose, and declaring an emergency.

7. UNFINISHED BUSINESS

8. PETITIONS AND GENERAL COMMUNICATIONS

(A) LETTER FROM OHIO DIVISION OF LIQUOR CONTROL REGARDING A NEW LIQUOR LICENSE FOR ELUM MUSIC CO DBA ELUM MUSIC CO 280 FEDERAL AVE NW MASSILLON, OHIO 44646

9. BILLS, ACCOUNTS AND CLAIMS

10. REPORTS FROM CITY OFFICIALS

A). MAYOR SUBMITS MONTHLY PERMIT REPORT FOR OCTOBER 2005

B). AUDITOR SUBMITS MONTHLY REPORT FOR OCTOBER 2005

11. REPORTS OF COMMITTEES

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBER

13. CALL OF THE CALENDAR

RESOLUTION NO. 20 – 2005

BY: COMMUNITY DEVELOPMENT COMMITTEE

Defeat **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.

14. THIRD READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 105 – 2005

BY: COMMUNITY DEVELOPMENT COMMITTEE

P **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.

15. SECOND READING ORDINANCES AND RESOLUTIONS

RESOLUTION NO. 21 – 2005

BY: COMMUNITY DEVELOPMENT COMMITTEE

2nd **A RESOLUTION** authorizing the Mayor and the Director of Public Service and Safety to enter into a settlement agreement settling the pending litigation between the City of Massillon and the Massillon and Perry Township School Districts concerning payroll tax revenue sharing between the City and School Districts.

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: NOVEMBER 7, 2005

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

ORDINANCE NO. 117 - 2005

1st reading
LEGISLATIVE DEPARTMENT

2nd reading 11/21
Passed 12/5

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from I-1 Light Industrial to RM-1 Multiple Family Residential and R-CRD Condominium Residential District.

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 I-1 Light Industrial to RM-1 Multiple Family Residential and R-CRD Condominium Residential District. Said rezoning was approved by the Planning Commission of the City of Massillon, Ohio, on October 12, 2005 and that notice and public hearing has been given according to law.

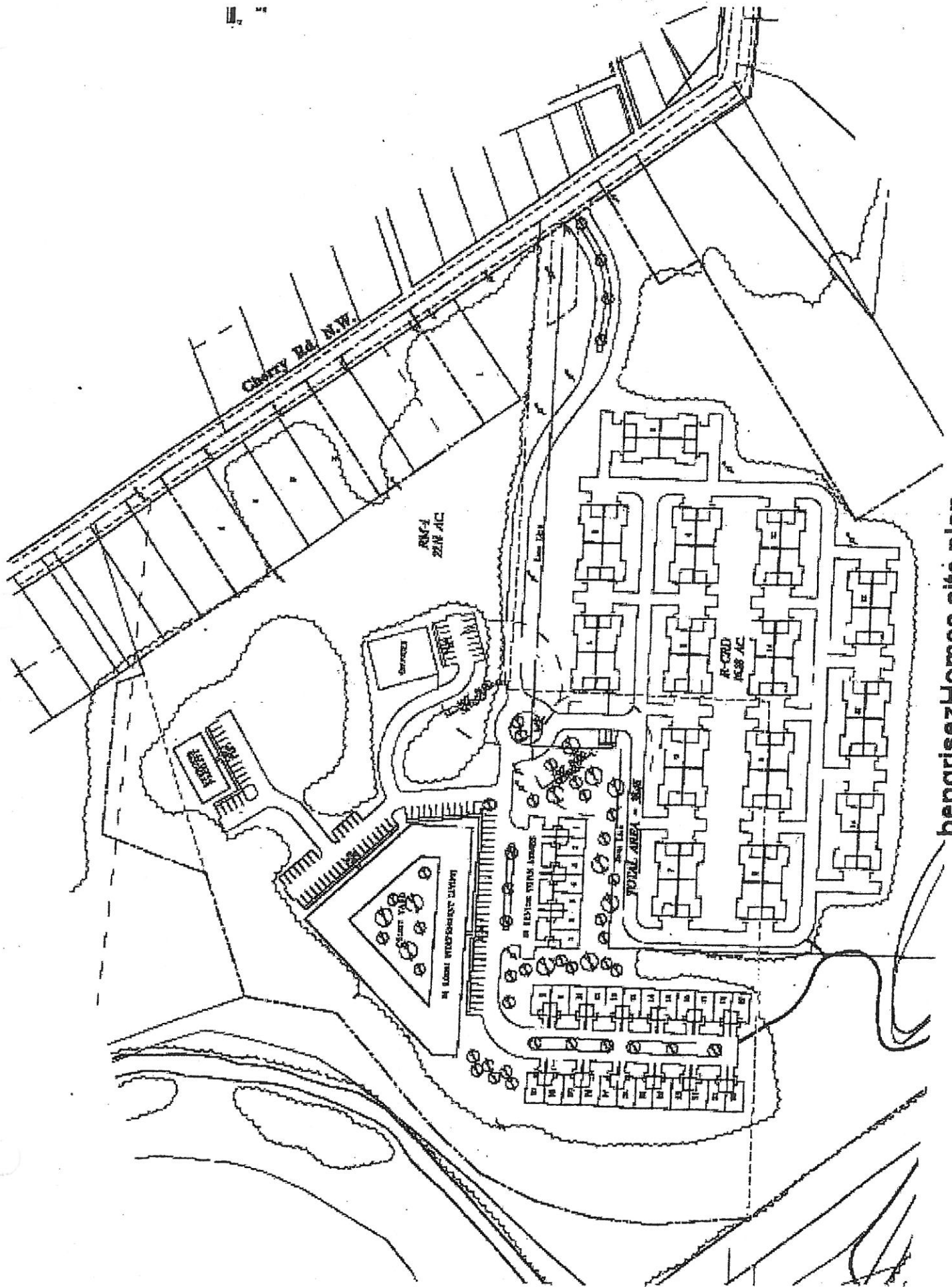
Section 2:

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 RM-1 Multiple Family Residential and R-CRD Condominium Residential District.

Being known as a 39.93 acre vacant tract of land located on the south side of Cherry Road NW, between 5th Street NW and 17th Street NW, and consisting of Out Lots 93, 94 and Part of Out Lot 91. The applicant wants to construct 14 4-unit condominium buildings, 31 attached town house senior apartments, and a 96 room independent living facility. The applicant is Ben Grisez Homes, Inc.

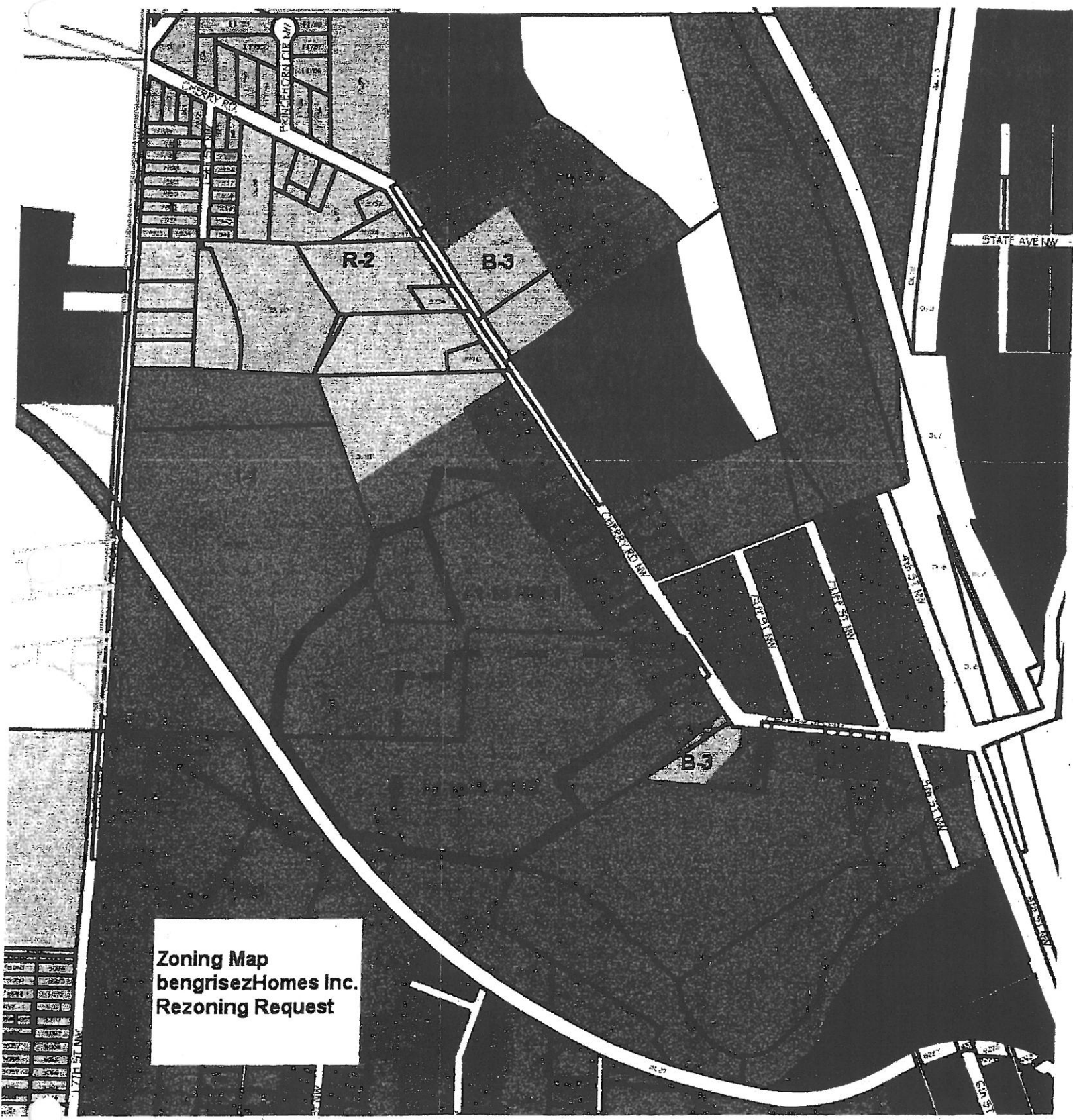
Section 3:

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



bengrisezHomes site plan

Zoning Map
bengrisezHomes Inc.
Rezoning Request



DATE: NOVEMBER 7, 2005

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

ORDINANCE NO. 118 - 2005

1st reading
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 R-3 Single Family Residential to O-1 Office.

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 R-3 Single Family Residential to O-1 Office. Said rezoning was approved by the Planning Commission of the City of Massillon, Ohio, on October 12, 2005 and that notice and public hearing has been given according to law.

Section 2:

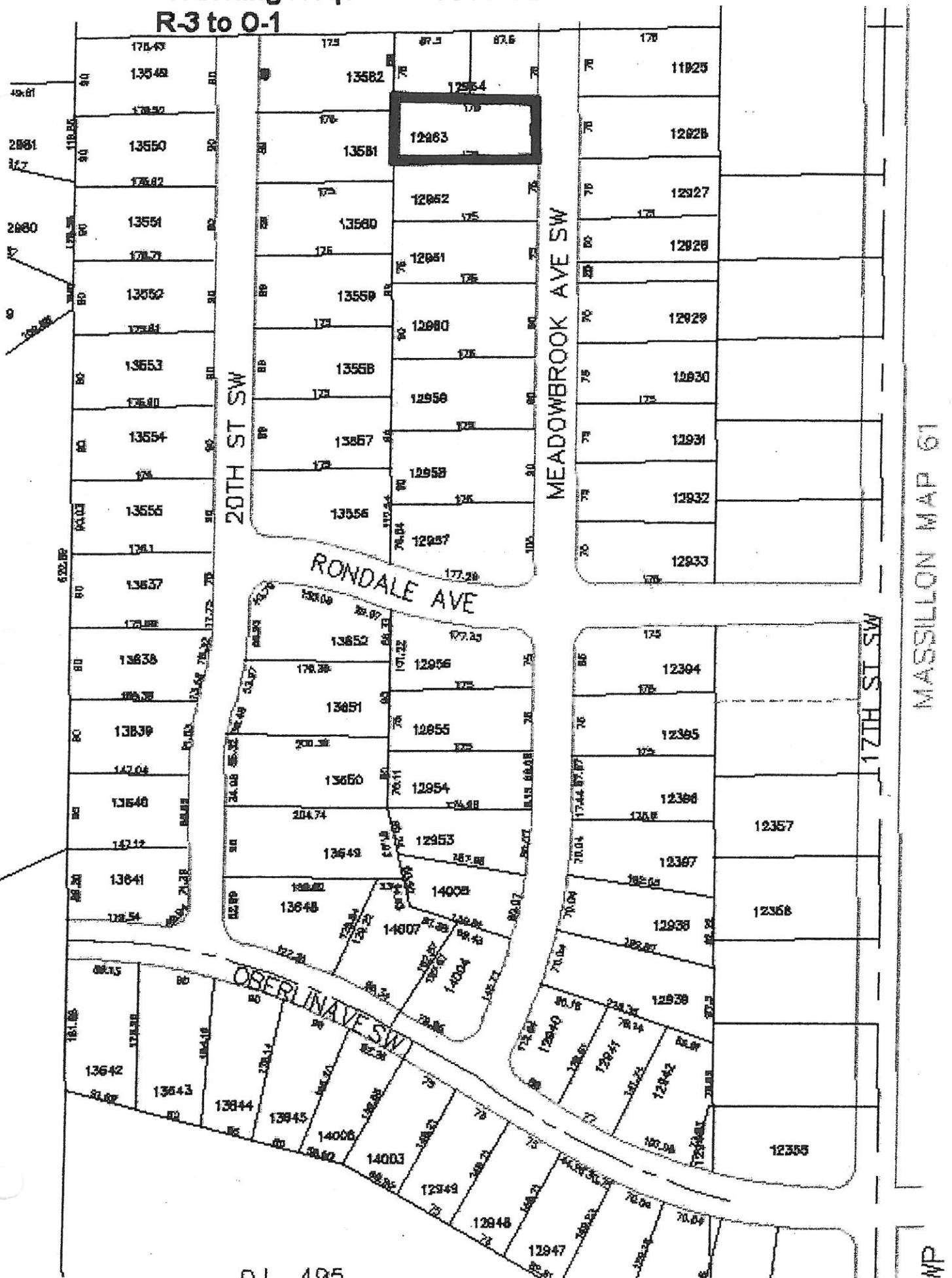
The City of Massillon, Ohio, Zone Map as identified by Section 1151.02 of the Massillon Code of 1985, be and is hereby amended to show the following described area as O-1 Office.

Being known as Lot No. 12963 located on the west side of Meadowbrook SW between Carlene Avenue SW and Rondale Avenue SW. The zone change is being requested to allow the operation of a beauty salon within the applicants home. The applicant is Mindi Berlin.

Section 3:

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

Rezoning Request - 1761 Meadowbrook SW R-3 to O-1



DATE: NOVEMBER 7, 2005

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

ORDINANCE NO. 119 - 2005

1st reading
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 R-1 Single Family Residential to RM-1 Multiple 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 R-1 Single Family Residential to RM-1 Multiple Family Residential. The Planning Commission of the City of Massillon, Ohio, recommended denial of the request for rezoning on October 12, 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 RM-1 Multiple Family Residential.

Being known as Out Lot No. 117, Part of Out Lot 118, Lot No. 9762 and Part of Lot No. 9760, an approximate 4.18 acre parcel located on the north side of Lincoln Way West between Orange Street NW and 12th Street NW. The zone change is being requested to allow the construction of apartment buildings on this property. The applicant is Rick Camp.

Section 3:

Provided it receives the affirmative vote of a majority of the elected members of Council. This ordinance shall take effect and be in force from and after the earliest period allowed by law.

City Zoning Map
Rezoning Request
968 Lincoln Way West
R-1 to RM-1

Q1 27

12TH ST NW

GRANITE ST NW

NW

DATE: NOBEMBER 7, 2005

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

Passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 120 - 2005

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE accepting the Final Plat and dedication of various streets for Sippo Reserves Allotment Phase II, in the City of Massillon, Stark County, Ohio, presently on file in the office of the City Engineer, and declaring an emergency.

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

Section 1:

The Final Plat for Sippo Reserves Allotment Phase II, in the City of Massillon, Stark County, Ohio, presently on file in the Office of the City Engineer, is hereby approved and accepted and that the dedication to public use is hereby accepted and confirmed. This plat was approved by the Planning Commission at a meeting held October 12, 2005. The undertaking given by the owners for improvement of streets and now on file with the City Engineer is approved. The description of Sippo Reserves Allotment Phase II is as follows:

Being Known as Out Lot 783, located on the east side of Manchester Road NW, north of Woodstone Ave. The request is to plat 14 additional lots and the extension of Sippo Reserves Drive NW. The property is zoned R-1 Single Family Residential. The applicant is David Hayes/Crockett Homes.

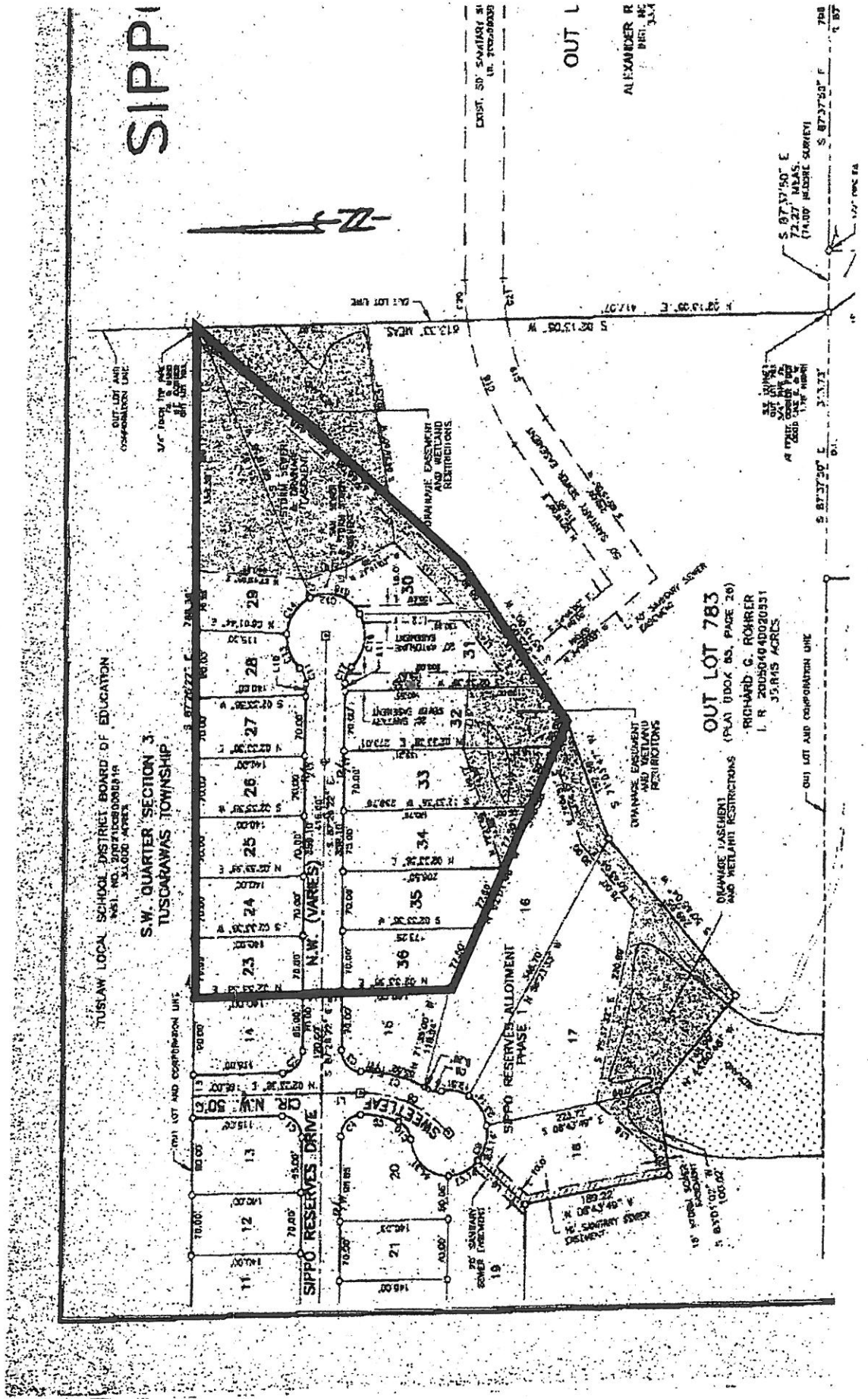
Section 2:

This Ordinance is declared to be an emergency measure for the reason that said plat is urgently needed for the development of this area and for the proper community growth and hence immediately necessary for the preservation of the 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.

Final Plat - Sippo Reserves Allotment Phase 2

Location and Description: Out Lot 783, located on the East side of Manchester Road NW, north of Woodstone Ave. The request is to plat 14 additional lots and the extension of Sippo Reserves Drive NW. The property is zoned R-1 Single Family Residential.

Applicant: David Hayes/Crockett Homes



DATE: NOVEMBER 7, 2005

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

Passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 121 - 2005

BY: ENVIRONMENTAL COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into contract with Jack Doheny Supply for the lease purchase of a 2006 Series 2100 Combination Unit for use in the Waste Water Treatment Plant of the City of Massillon, Ohio, and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby determines it to be necessary in the public health, safety and welfare to enter into contract with Jack Doheny Supply for the lease purchase of a 2006 Series 2100 Combination Unit for use in the Waste Water Treatment Plant of the City of Massillon, Ohio.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized to enter into contract, subject to the approval of the Law Director, with Jack Doheny Supply for the lease purchase of a 2006 Series 2100 Combination Unit for use in the Waste Water Treatment Plant of the City of Massillon, Ohio. The terms of the contract will require annual payments in accordance with the amortization schedule attached hereto as Exhibit "A".

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 for the efficient operation of the Waste Water Treatment Plant of the City of Massillon. 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.



Phone: 330-963-7766 • 1860 SUMMIT COMMERCE PARK • Fax: 330-963-9996
Toll Free: 800-892-2195 • TWINSBURG, OH 44087 • www.dohenysupplies.com

"Exhibit A"

Lease Purchase Options

5-YEAR LEASE / PURCHASE W / ANNUAL PAYMENTS

TOTAL AMOUNT FINANCED	\$268,888.50
ANNUAL PAYMENT (IN ADVANCE)	\$ 58,612.97
INTEREST RATE	4.50%

First payment is due upon delivery and acceptance of equipment of the above Lease/Purchase option.

The City of Massillon will own the equipment at the end of the 5-year lease.

Rates and payment factors, while expected firm, are for indication purposes only and are subject to change without notice unless confirmed.

The City of Massillon must enter into a lease agreement with the leasing corporation.

Prepayment of municipal lease is permitted without penalty on any annual anniversary of delivery with appropriate notice as provided in the agreement.

City of Massillon

Compound Period : Annual

Nominal Annual Rate : 4.500 %

CASH FLOW DATA

Event	Date	Amount	Number	Period	End Date
1 Loan	11/01/2005	268,888.50	1		
2 Payment	11/01/2005	58,612.97	5	Annual	11/01/2009

AMORTIZATION SCHEDULE - Normal Amortization

	Date	Payment	Interest	Principal	Balance
Loan	11/01/2005				268,888.50
1	11/01/2005	58,612.97	0.00	58,612.97	210,275.53
2005 Totals		58,612.97	0.00	58,612.97	
2	11/01/2006	58,612.97	9,462.40	49,150.57	161,124.96
2006 Totals		58,612.97	9,462.40	49,150.57	
3	11/01/2007	58,612.97	7,250.62	51,362.35	109,762.61
2007 Totals		58,612.97	7,250.62	51,362.35	
4	11/01/2008	58,612.97	4,939.32	53,673.65	56,088.96
2008 Totals		58,612.97	4,939.32	53,673.65	
5	11/01/2009	58,612.97	2,524.01	56,088.96	0.00
2009 Totals		58,612.97	2,524.01	56,088.96	
Grand Totals		293,064.85	24,176.35	268,888.50	

DATE: NOVEMBER 7, 2005

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 121-2005

1st reading
Indefinitely
passed 12/5

BY: POLICE AND FIRE COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into a three-year contract with the Board of Trustees of Local Organized Governments in Cooperation (LOGIC) for fire dispatching services with the Regional Emergency Dispatch 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:

The Council of the City of Massillon, Ohio, hereby determines it to be necessary in the public health, safety and welfare to enter into a three-year contract with the Board of Trustees of Local Organized Governments in Cooperation (LOGIC) for fire dispatching services with the Regional Emergency Dispatch for the Massillon Fire Department. The terms of the contract are detailed in the attached Exhibit "A".

Section 2:

The Mayor of the City of Massillon, Ohio, is hereby authorized and directed to enter into a three-year contract with the Board of Trustees of Local Organized Governments in Cooperation (LOGIC) for fire dispatching services with the Regional Emergency Dispatch for the Massillon Fire Department.

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 to enter into the three-year contract with the Board of Trustees of Local Organized Governments in Cooperation (LOGIC) for the efficient operation of the Massillon Fire Department. 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.

Exhibit "A"

CONTRACT

This Contract entered into this ____ day of _____, 2005, pursuant to ORC Section 167.08, between the City of Massillon, Stark County, Ohio (hereafter Massillon) and the Board of Trustees of Local Organized Governments in Cooperation, a Council of Governments (hereafter LOGIC).

It is hereby agreed that in exchange for the Regional Emergency Dispatch Center performing full service fire dispatching services for the Massillon Fire Department, Massillon agrees to pay LOGIC the sum of \$34.48 per call in 2006, \$35.68 per call in 2007 and \$36.93 per call in 2008. This Contract expires December 31, 2008. Massillon can request termination of this Contract prior to December 31, 2008 upon proof of financial hardship if said early termination is approved by LOGIC.

BOARD OF TRUSTEES OF
LOCAL ORGANIZED GOVERNMENTS
IN COOPERATION

CITY OF MASSILLON

John E. Pizzino, President

Francis H. Cicchinelli Jr., Mayor

DATE:

DATE:

DATE: NOVEMBER 7, 2005

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 122-2005

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor and the Chief of Police of the City of Massillon, Ohio, to accept the 2005 Federal Bulletproof Vest Partnership Grant for the Massillon Police Department, 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 Mayor and the Chief of Police of the City of Massillon, Ohio, to accept the 2005 Federal Bulletproof Vest Partnership Grant for the Police Department in the amount of \$4,802.50.

Section 2:

The Mayor and the Chief of Police of the City of Massillon, Ohio, hereby determines it to be necessary in the public health, safety and welfare to accept the 2005 Federal Bulletproof Vest Partnership Grant for the Massillon Police Department.

Section 3:

The said amount of the 2005 Federal Bulletproof Vest Partnership Grant shall be Four Thousand Eight Hundred Two Dollars and Fifty Cents (\$4,802.50). This grant will not require an additional match.

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 reason that the grant is necessary for the efficient operation of the Massillon Police Department. Provided it receives the affirmative vote of two-thirds of the elected members of 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: NOVEMBER 7, 2005

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 123 - 2005

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain transfers in the 2005 appropriations from within the General Fund for the year ending December 31, 2005, of the City of Massillon, Ohio, 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 transferred from the 2005 appropriation from within the General Fund, of the City of Massillon, Ohio, the following:

FROM:	Police Pension	1100.305.2710	22,000.00
	Bailiff Insurance	1100.135.2210	15,600.00
	Bailiff PERS	1100.135.2230	7,000.00
TO	Fire Pension	1100.325.2210	22,000.00
	Muni Court Insurance	1100.125.2210	15,600.00
	Muni Court PERS	1100.125.2230	7,000.00

Section 2

That this Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said funds are necessary for the preservation of the public health, safety and welfare of the community and for the additional reason that the funds are required in the specific accounts to pay city obligations by the end of 2005. 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: NOVEMBER 7, 2005

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 124⁵-2005

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE establishing a fund entitled "Veterans Park and Duncan Plaza Repair and Improvement Fund" within said fund, 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 is hereby established within the City of Massillon, Ohio, a fund entitled "Veterans Park and Duncan Plaza Repair and Improvement Fund", and creating line items within said fund.

Section 2:

The City Auditor is hereby authorized and directed to draw his warrants and make payments on vouchers duly approved by the proper departmental authority.

Section 3:

That this Ordinance is declared to be an emergency measure immediately necessary in order to keep the Community Work Service dollars in one specific fund as recommended by the State Auditor for accounting procedures within the Auditor's Department. 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: NOVEMBER 7, 2005

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

Passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 125-2005

BY: FINANCE COMMITTEE:

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract with Wheeled Coach Industries, Inc., for the purchase of a 2005 Ford E450 XL Wheeled Coach Type III Ambulance 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:

The Council of the City of Massillon, Ohio, hereby determines it to be necessary in the public health, safety and welfare to enter into a contract with Wheeled Coach Industries, Inc., for the purchase of a 2005 Ford E450 XL Wheeled Coach Type III Ambulance for the Massillon Fire Department.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to enter into a contract with Wheeled Coach Industries, Inc., for purchase of a 2005 Ford E450 XL Wheeled Coach Type III Ambulance for the Massillon Fire Department. The cost of the ambulance will be Seventy Eight Thousand Nine Hundred Forty Six Dollars (\$78,946.00). These funds will come from the Community Development Fund.

Section 3:

This Ordinance is declared to be an emergency measure immediately necessary for the preservation of the public health, safety and welfare of the community and for the additional reason for the efficient operation of the Massillon Fire Department. 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.



Delivers ...

October 12, 2005

Larry Layne
Fire Chief
City of Massillon Fire Department
233 Erie Street, South
Massillon, Ohio 44646

Dear Chief Layne,

I appreciate your interest and continued business with *Wheeled Coach Industries!*

I am pleased to present this quotation for your next emergency medical vehicle purchase:

2005 Ford E-450 XL Wheeled Coach Custom Type III Ambulance:

\$78,946.00

This price includes title fees and delivery to your facility in Massillon, Ohio. This price reflects: State of Ohio Pricing, Ford FIN Discount and Ford Government Price Concession.

Included Options:

- Ferno Washington Cot Model 35A
- Phoenix stainless steel wheel covers
- Entire Truck Paint Red to Customer Specifications
- Paint Belt to Customer Specifications
- Truck Lettering
- Ferno cot mount installed
- Rear safety hook
- Whelen 4500 Series Halogen Light Bar
- Fire Extinguisher, 51.B. ABC
- Running Boards
- Fluorescent Lights Added (3)

Delivery of this new custom vehicle will take approximately 3 weeks.

This price is in effect on remaining 2005 chassis which is limited. Should the 2005 chassis sell out prior to your decision, the 2006 chassis will be more expensive.

I am excited about the opportunity to provide the City of Massillon with their next vehicle!

Sincerely,



Donald N. Beckett
District Sales Manager

Office/Voice/Cell: 330-351-1020

Email: Donald.beckett@wheeledcoach.com



Mid-Bus, INC.**Authorized Dealer For
Wheeled Coach Ind.****505 E. Jefferson Street Bluffton, OH 45817
419-358-2500 • 330-351-1020****SOLD & TITLED TO: October 12, 2005****City of Massillon**

PURCHASER'S NAME

151 Lincoln Way East

STREET ADDRESS

Massillon**Ohio****44646****Larry Layne, Fire Chief****330-833-1053**

CONTACT

BUS PHONE

PLEASE ENTER MY ORDER FOR THE FOLLOWING AMBULANCE

YEAR **2005**MAKE **Ford**MODEL OR
SERIES **E450**BODY
TYPE **Ambulance**COLOR **White**TRIM **XL** V.I.N.TO BE DELIVERED
ON OR ABOUT**ASAP**SALESMAN **Donald N. Beckett**STOCK NO. **253248**CASH PRICE OF UNIT **2005 Ford E450 XL Wheeled Coach Custom Type III Ambulance****\$97,980.00**F.O.B. FACTORY OR DESINATION: **Massillon, Ohio****N/C******NOTE** Price includes Ferno 35A Cot****State of Ohio Contract Discount****(\$11,341.00)****Ford Government Price Concession****(\$6,683.00)****Ford FIN Discount****(\$1,010.00)**

MSO/TITLE TO BE FILLED OUT AS FOLLOWS:

SEND MSO/TITLE TO:

Same as Above

PHONE:

USED VEHICLE TRADE-IN AND /OR OTHER CREDITS**MAKE OF TRADE-IN**

YEAR MODEL BODY

V.I.N.

BALANCE OWED TO:**ADDRESS****USED TRADE-IN ALLOWANCE****BALANCE OWED ON TRADE-IN****NET ALLOWANCE ON USED TRADE-IN****DEPOSIT OR CREDIT BALANCE****DOWN PAYMENT (Trans. to Right Col.)**

CASH SALE PRICE OF DESCRIBED MOTOR VEHICLE:

\$78,946.00

STATE AND LOCAL TAXES

Exempt

LICENSE, LICENSE TRANSFER, TITLE REGISTRATION FEE

N/C

1. TOTAL PRICE OF THE UNIT

\$78,946.00

2. DOWN PAYMENT:

Consisting of \$ **0** In cash

And/or \$ Net trade in

Allowance on trade-in; see statement in

Left hand column for details.

-0-3. UNPAID CASH BALANCE DUE ON DELIVERY
(difference between items 1 and 2)**\$78,946.00**

ALL WARRANTIES, IF ANY, BY A MANUFACTURER OR SUPPLIER OTHER THAN WHEELED COACH ARE THEIRS, NOT WHEELED COACH, AND ONLY SUCH MANUFACTURER OR SUPPLIER SHALL BE LIABLE FOR PERFORMANCE UNDER SUCH WARRANTIES. UNLESS WHEELED COACH FURNISHES BUYER WITH A SEPARATE WRITTEN WARRANTY OR SERVICE CONTRACT MADE BY WHEELED COACH ON ITS BEHALF, WHEELED COACH HEREBY DISCLAIMS ALL WARRANTIES, EXPRESS OR IMPLIED, INCLUDING ANY IMPLIED WARRANTIES OF MERCHANTABILITY OF FITNESS FOR A PARTICULAR PURPOSE: (A) ON ALL GOODS AND SERVICES SOLD BY WHEELED COACH, AND (B) ON ALL USED VEHICLES WHICH ARE HEREBY SOLD "AS IS - NOT EXPRESSLY WARRANTED OR GUARANTEED".

IF THIS ORDER IS FOR A USED VEHICLE, THE INFORMATION YOU SEE ON THE (FEDERAL TRADE COMMISSION) WINDOW FORM IS PART OF THIS CONTRACT. INFORMATION ON THE WINDOW FOR OVERRIDES ANY CONTRARY PROVISIONS IN THE CONTRACT OF SALE.

The front and back of this Order comprise the entire agreement affecting the purchase and no other agreement or understanding of any nature concerning same has been made or entered into, or will be recognized. I hereby certify that no credit has been extended to me for the purchase of this motor vehicle except as appears in writing on the face of this agreement. I have read the matter printed on the back hereof and agree to it as a part of this order the same as it was printed above my signature. I certify that I am of legal age, and hereby acknowledge receipt of a copy of this order.

ACCEPTED BY:

Donald N. Beckett

PURCHASER'S SIGNATURE

DATE

WHEELED COACH AUTHORIZED REPRESENTATIVE

DATE: NOVEMBER 7, 2005

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

ORDINANCE NO. 126 - 2005

passed
LEGISLATIVE DEPARTMENT

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the P & R Operating Fund, Community Development Block Grant Fund, Solid Waste Fund, Waste Management Grant Fund, Capital Improvement Fund, Federal Grant Fund and the General 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 P & R Operating Fund, for the year ending December 31, 2005, the following:

\$38,000.00 to an account entitled "Rec. Center Utilities" 1234.505.2341
\$25,000.00 to an account entitled "Supplies/Materials" 1234.505.2410
\$13,600.00 to an account entitled "Utilities" 1234.505.2340
\$10,000.00 to an account entitled "Services/Contracts" 1234.505.2392
\$ 6,000.00 to an account entitled "Gas/Oil" 1234.505.2430

Section 2:

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

\$78,946.00 to an account entitled "Fire Department Ambulance" 1203.845.2864

Section 3:

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

\$20,000.00 to an account entitled "Landfill" 2102.605.2390
\$ 8,000.00 to an account entitled "Supplies/Materials/Postage" 2102.605.2410

Section 4:

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

\$20,000.00 to an account entitled "Recycling Services/Contracts" 1222.605.2392

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:

\$17,395.67 to an account entitled "Lease/Purchase" 1401.905.2530

Section 6:

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

\$4,802.50 to an account entitled "2005BUBX" 1218.305.2530

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:

\$4,000.00 to an account entitled "Web Page" 1100.210.2391

Section 8:

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

DATED: NOVEMBER 7, 2005

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 128 - 2005

BY: FINANCE COMMITTEE

AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$2,993,000 OF NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PROVIDING FUNDS FOR ACQUIRING LAND AND INTERESTS IN LAND AND DEMOLITION RELATING THERETO, FOR THE PURPOSE OF URBAN REDEVELOPMENT IN CONNECTION WITH THE LINCOLN CENTER PHASE III PROJECT, AND RETIRING NOTES PREVIOUSLY ISSUED FOR SUCH PURPOSE, AND DECLARING AN EMERGENCY.

WHEREAS, the City Council (the "Council") of the City of Massillon (the "City") has issued notes dated December 7, 2004, in the amount of Two Million Nine Hundred Ninety-Three Thousand Dollars (\$2,993,000) (the "Outstanding Notes") in anticipation of the issuance of the bonds herein described, which Outstanding Notes will mature December 7, 2005; 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 of the City (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 thirty (30) 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 \$2,993,000 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 per centum (5.00%) per annum, payable semiannually until the principal sum is paid and shall mature in thirty (30) 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 and to retire the Outstanding Notes.

Section 4. Such anticipatory notes (the "Notes") shall be in the amount of not to exceed \$2,993,000, 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 City Auditor is authorized and directed to execute a Certificate setting forth the final terms of the Notes, consistent with the requirements of this Ordinance, and to present the same to Council after closing of the Notes.

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 \$1,000 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. Based upon the foregoing, beneficial interests in the Notes are not to be sold or transferred in principal amounts of less than \$100,000.

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, 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, based on a 360-day year of twelve 30-day months, payable at maturity, 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. 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, and 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 be designated "City of Massillon, Ohio Lincoln Center Phase III Land Acquisition Notes, Series 2005A," or as otherwise designated by the City Auditor, and shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this ordinance. No Note shall be valid or become obligatory for any purpose or shall be entitled to any security or benefit under this ordinance unless and until a certificate of authentication, as printed on the Note, is signed by the Note Registrar (as defined in this ordinance) as authenticating agent. Authentication by the Note Registrar shall be conclusive evidence that the Note so authenticated has been duly issued and delivered under this ordinance and is entitled to the security and benefit of this ordinance. The certificate of authentication may be signed by any officer or officers of the Note Registrar or by such other person acting as an agent of the Note Registrar as shall be approved by the City Auditor on behalf of the City. It shall not be necessary that the same authorized person sign the certificate of authentication on all of the Notes.

Section 11. The City hereby covenants, pursuant to Section 133.05(B)(7), Ohio Revised Code, to appropriate annually from lawfully available municipal income taxes, and to continue to levy and collect municipal income taxes adequate to produce, amounts necessary to meet the debt charges of the Notes and the Bonds in each year until full payment is made.

Section 12. The Auditor is hereby authorized and directed to serve as authenticating agent, note registrar, transfer agent, and paying agent for the Notes or to execute on behalf of the Council a Note Registrar Agreement with such bank or other appropriate financial institution as shall be acceptable to the Auditor and the Original Purchaser (as defined hereinbelow), pursuant to which such bank or financial institution shall agree to serve as 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 Note 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 Note 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 Note, 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 Note 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 Note 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 13. 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 Note 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 Note in the custody of a Depository providing for making all payments to that owner of principal and interest on that Note 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 Note, 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 Note 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 14. 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 or under the Internal Revenue Code of 1954, as amended (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 Note 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 City Manager, 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 15. 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 16. 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 17. 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 18. The Clerk is hereby directed to forward a certified copy of this ordinance to the Auditor of Stark County, Ohio.

Section 19. 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 November 7, 2005.

Effective on November 7, 2005.

Attest:

Mary Beth Bailey, Clerk of Council

Glenn E. Gamber, President of Council

Approved:

Francis H. Cicchinelli, Jr., Mayor

CERTIFICATE

The undersigned Clerk hereby certifies that the foregoing is a true copy of Ordinance No. 128 - 2005 duly adopted by the Council of the City of Massillon, Ohio on November 7, 2005, and that a true copy thereof was certified to the County Auditor of Stark County, Ohio, on _____, 2005.

Mary Beth Bailey, Clerk of Council
City of Massillon, Ohio

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

I, Kim R. Perez, the duly elected, qualified, and acting County Auditor in and for Stark County, Ohio hereby certify that a certified copy of Ordinance No. 128 - 2005 duly adopted by the City Council of the City of Massillon, Ohio on November 7, 2005, providing for the issuance of general obligation notes designated City of Massillon, Ohio Lincoln Center Phase III Land Acquisition Notes, Series 2005A in the aggregate amount of not to exceed \$2,993,000 was filed in this office on _____, 2005.

WITNESS my hand and official seal at Canton, Ohio on _____, 2005.

[SEAL]

Kim R. Perez, County Auditor
Stark County, Ohio