

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
TONY M. TOWNSEND, PRESIDENT
AGENDA

DATE: MONDAY, DECEMBER 16, 2013
PLACE: COUNCIL CHAMBERS
TIME: 7:30 P.M.

THERE ARE NO PUBLIC HEARINGS TONIGHT

1. ROLL CALL
2. INVOCATION BY COUNCILMAN LARRY SLAGLE
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. 156 – 2013

BY: RULES, COURTS AND CIVIL SERVICE

PASS 9-0
AN ORDINANCE authorizing the Director of Law of the City of Massillon, Ohio, to renew a one year contract with the Stark County Public Defender's Office, for the purpose of providing representation for indigent defendants charged under City Ordinances, and declaring an emergency.

ORDINANCE NO. 157 – 2013

BY: RULES, COURTS AND CIVIL SERVICE

1ST READING
AN ORDINANCE amending CHAPTER 121 "COUNCIL" of the Codified Ordinances of the City of Massillon, by enacting a new Section 121.02(b) Rule 8.1 "Powers and Duties, and declaring an emergency.

ORDINANCE NO. 158 – 2013

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

1ST READING
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to sign the Consent Legislation with the Ohio Department of Transportation for the D04-Herbicidal Spraying FY 2015, PID 96977, and declaring an emergency.

ORDINANCE NO. 159 – 2013

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

1ST READING
AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to submit an application for 2014 Municipal Road Funds for the Hankins Road Improvement Project, and declaring an emergency.

ORDINANCE NO. 160 – 2013

BY: FINANCE COMMITTEE

PASS 9-0
AN ORDINANCE making certain appropriations from the unappropriated balance of the General Fund, Police Pension Fund and the Fire Pension Fund, for the year ending December 31, 2013, and declaring an emergency.

ORDINANCE NO. 161 – 2013

BY: FINANCE COMMITTEE

PASS 9-0
AN ORDINANCE adopting temporary appropriations for the operating and capital expenditures of the City of Massillon, Ohio, for fiscal year 2014, and declaring an emergency.

ORDINANCE NO. 162 – 2013

BY: FINANCE COMMITTEE

PASS 9-0
AN ORDINANCE to approve current replacement pages to the Massillon Codified Ordinances, and declaring an emergency.

ORDINANCE NO. 163 – 2013

BY: FINANCE COMMITTEE

1ST READING
AN ORDINANCE declaring improvements to certain real property located within the City of Massillon, Ohio, to be a public purpose, describing the public infrastructure improvements to be made to directly benefit that real property, requiring the owner of the improvements on that real property to make service payments in lieu of taxes, and establishing a municipal public improvement tax increment equivalent fund for the deposit of such service payments, all pursuant to Ohio Revised Code Sections 5709.40, 5709.42 and 5709.43, and declaring an emergency.

ORDINANCE NO. 164 – 2013

BY: FINANCE COMMITTEE

PASS 7-2 (Halter, Cunningham-Hervey)
AN ORDINANCE making certain appropriations from the unappropriated balance of the Income Tax Capital Improvement Fund, for the year ending December 31, 2013, and declaring an emergency.

ORDINANCE NO. 165 – 2013

BY: FINANCE COMMITTEE

PASS 9-0
AN ORDINANCE adopting temporary appropriations for the operating and capital expenditures of the City of Massillon, Ohio, for the fiscal year 2014, and declaring an emergency.

7. UNFINISHED BUSINESS

8. PETITIONS AND GENERAL COMMUNICATIONS

LETTER FROM DIVISION OF LIQUOR CONTROL REGARDING A TRANSFER OF LIQUOR LICENSE FROM B & L TREVOR LLC DBA MICHELLES MAIN MART 2304 MAIN AVE W MASSILLON OHIO 44647 TO AYALA ENTERPRISES LLC DBA JOES MAIN MART 2304 MAIN AVE W MASSILLON OHIO 44647.

9. BILLS, ACCOUNTS AND CLAIMS

10. REPORTS FROM CITY OFFICIALS

11. REPORTS OF COMMITTEES

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

13. CALL OF THE CALENDAR

14. THIRD READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 132 – 2013

BY: COMMUNITY DEVELOPMENT COMMITTEE

PASS 9-0
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a purchase agreement between the City of Massillon and the Community Improvement Corporation of Massillon, Inc., for the sale of real estate located on the southeast corner of the intersection of Tremont Avenue SE and Hess Blvd SE, upon approval of the Board of Control.

ORDINANCE NO. 134 – 2013

BY: POLICE AND FIRE COMMITTEE

PASS 9-0
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to sell the 1989 Ford F350 Ambulance to the Fire Department Rehab Unit (FDRU), which is no longer needed for any municipal purposes, and declaring an emergency.

ORDINANCE NO. 136 – 2013

BY: PUBLIC UTILITIES COMMITTEE

TABLE TO FEB 3, 2014
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a Non-Surface Development Gas & Oil Lease with Everflow Eastern Partners LP., for 8.10 acres of real estate owned by the City of Massillon, and declaring an emergency.

ORDINANCE NO. 137 – 2013

BY: PUBLIC UTILITIES COMMITTEE

TABLE TO FEB 3, 2014
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a Non-Surface Development Gas & Oil Lease with Everflow Eastern Partners LP., for 10.65 acres of real estate owned by the City of Massillon, and declaring an emergency.

ORDINANCE NO. 139 – 2013

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

PASS 9-0
AN ORDINANCE vacating a portion of an unnamed, unimproved 10 foot wide alley located between Cherry Road NE and Andrew Avenue NE, and declaring an emergency.

15. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 143 – 2013

BY: PUBLIC UTILITIES COMMITTEE

2ND READING TABLE TO FEB 3, 2014
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to sign an amendment and extension of an existing Oil and Gas Lease. The well lease area includes part of The Legends Golf Course property with a requested lease area from the City of Massillon of 9.77 acres, and declaring an emergency.

ORDINANCE NO. 149 – 2013

BY: PUBLIC UTILITIES COMMITTEE

2nd READING TABLE TO FEB 3, 2014

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to sign an amendment and extension of an existing Oil and Gas Lease. The well lease area includes the property known as Shriver Park, with a requested lease area from the City of Massillon of 5.40 acres, and declaring an emergency.

RESOLUTION NO. 16 – 2013

BY: FINANCE COMMITTEE

PASS 9-0

A RESOLUTION requesting the Stark County Auditor and Stark County Treasurer to pay the City's share of real estate taxes for the 2014 fiscal year.

RESOLUTION NO. 17 – 2013

BY: FINANCE COMMITTEE

PASS 9-0

A RESOLUTION requesting the Stark County Auditor and Stark County Treasurer to pay the City's share of 75% of the estate and inheritance taxes for the 2014 fiscal year.

RESOLUTION NO. 18 – 2013

BY: FINANCE COMMITTEE

PASS 9-0

A RESOLUTION authorizing the Auditor to convert a prior period advance outstanding from 2008 for \$105,000.00 from the Income Tax Capital Improvement Fund (1401) to the Parks and Recreation Fund (1204) to a transfer.

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: DECEMBER 16, 2013

CLERK: MARY BETH BAILEY

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
TONY M. TOWNSEND, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 156 - 2013

BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Law of the City of Massillon, Ohio, to renew a one year contract with the Stark County Public Defender's Office, for the purpose of providing representation for indigent defendants charged under City Ordinances, 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 for the Director of Law of the City of Massillon, Ohio, to renew the one year contract with the Stark County Public Defender's Office for the purpose of providing representation for indigent defendants charged with violations of City Ordinances.

Section 2:

The Director of Law of the City of Massillon, Ohio, is hereby authorized to renew the one year contract with the Stark County Public Defender's Office for the purpose of providing representation for indigent defendants. The City of Massillon shall pay the sum of One Hundred Ninety-Five Dollars (\$195.00) per case under the terms of the contract said payment to be made from municipal court funds which were previously used to pay private counsel appointed for indigent defendants. The contract will commence January 1, 2014 through the end of 2014 calendar year with an option to renew for an additional year.

Section 3:

The Clerk of Council is authorized to correct any typographical errors discovered herein during or after the pendency or passage of this ordinance. The Clerk of Council is further authorized, in conjunction with the Law Department and the Council President to correct any ministerial or de minimis errors that do not substantially alter the intended results or numerical total sums of this ordinance, during or after the pendency or passage of this ordinance. Corrected copies are to be sent to all official recipients.

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 the Stark County Public Defender's Office will provide representation to the City of Massillon's indigent defendants that come before the Massillon Municipal Court and it is necessary to be effective immediately. 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 _____ 2013

APPROVED: _____
MARY BETH BAILEY, CLERK OF COUNCIL

TONY M. TOWNSEND, PRESIDENT

APPROVED _____

KATHY CATAZARO-PERRY, MAYOR

CONTRACT FOR MUNICIPAL ORDINANCE REPRESENTATION

This Agreement is entered into by the Stark County Public Defender Commission (the "COMMISSION"), and the City of Massillon, Ohio (the "CITY").

WHEREAS, CITY recognizes its responsibilities under the laws of the State of Ohio and of the United States of America to provide legal counsel to indigent persons charged with loss of liberty offenses in Municipal Court; and

WHEREAS, CITY in furtherance of the execution of its legal responsibilities desires that the legal services of the Public Defender Office be delivered to CITY'S indigent citizens and others so situated;

NOW, THEREFORE, the parties do mutually agree to bind themselves as follows:

1. Scope of Work

COMMISSION shall, in a satisfactory and proper manner, under the terms and conditions contained herein, perform the services set out in the "Work Plan" as follows:

Work Plan

COMMISSION shall provide Public Defenders to be available in the Massillon Municipal Court to represent indigents charged under City Ordinances, thus allowing CITY continuing representation in conformance with Chapter 120 of the Ohio Revised Code. It is understood by both parties that the representation presently provided to indigents charged under the Ohio Revised Code will be continued by COMMISSION and is in no way affected by this Agreement.

2. Compensation

CITY shall pay to COMMISSION compensation for representation by COMMISSION on City ordinance jailable offenses as follows:

A. For purposes of this Agreement, a "case" is defined as follows:

- (i) one or a series of related traffic or criminal charges which are assigned the same case number; or
- (ii) one or a series of related traffic or criminal charges which are assigned separate case numbers; or
- (iii) one or a series of unrelated traffic or criminal charges which are assigned separate case numbers which are administratively processed together for ease of disposition (However, a current arrest where there are outstanding warrants on separate unresolved and unrelated charges constitute separate cases if the offense is tried to a verdict to the court or to a jury.)

B. In any case where the principal offense or count one constitutes a City ordinance jailable offense, CITY shall pay COMMISSION a fee of \$195.00

for representation in the case, regardless of the manner of disposition of the case.

- C. In any case where the principal offense or count one is charged under State statute with additional or secondary offenses charged as a City ordinance jailable offense or offenses, **CITY** shall pay **COMMISSION** a fee of \$195.00 for representation, provided that the City ordinance jailable offense(s) are tried to a verdict to the Court or to a jury. (In other words, no compensation shall be paid for such cases which are disposed of by pleas.)
- D. In any case where the principal offense is charged as a felony or felonies, with additional lesser included or associated or unassociated City ordinance jailable offenses, **CITY** shall pay **COMMISSION** a fee of \$195.00 for representation on the City ordinance jailable offense(s), provided that one of the following applies:
 - (i) The case(s) are bound over to the Stark County Grand Jury and the City ordinance offense(s) are returned to the Massillon Municipal Court; or
 - (ii) The Massillon Municipal Court retains jurisdiction of the City ordinance offense(s) apart from the felony case or cases which are bound over to the Stark County Grand Jury and a further appearance is required by the **COMMISSION** on behalf of Defendant.
- E. The Stark County Public Defender shall be entitled to a single fee for any one case, regardless of the number of separate offenses contained therein. No additional fee shall be paid if the Defendant fails to appear and is arrested requiring subsequent Court appearances. The fee of \$195.00 encompasses all work required to provide representation, including pre-trial and post-trial work in the Municipal Court.
- F. This amount whether by contractual amount or fee schedule does not exceed the fee schedule in effect and adopted by the Stark County Commissioners.

COMMISSION will bill **CITY** four (4) times per year (March 21, June 30, September 30, and December 31) for the amount of City ordinance cases assigned to **COMMISSION**. In the event that **CITY** fails to make full payment within thirty (30) days after receipt of invoice, then interest shall accrue at the rate of ten percent (10%) (per annum). The interest shall accrue beginning with the first day after the thirty (30) day period and be calculated on any unpaid balance until full payment is received. The formula for computation of any interest shall be as follows:

Total amount due X 10% : 365 = N x number of late days.

3. Term of Service

The duration of this contract shall be for the period commencing January 1, 2014 and shall terminate December 31, 2014 with an option to renew this contract for a period of one (1) year, commencing January 1, 2015 and terminating December 31, 2015.

4. Assignment

COMMISSION shall not assign all or any part of this Agreement without the prior written consent of CITY, which consent shall not be unreasonably withheld.

5. Termination of Agreement

If either party shall fail to fulfill in reasonable, timely or proper manner, its obligations under this Agreement, or if either party should substantially violate any of the covenants, agreements or stipulations of this Agreement, the other party shall thereupon have the right to terminate this Agreement by giving written notice to the party violating this Agreement of such termination and specifying an effective date thereof of at least sixty (60) days before the effective date of said termination. However, notwithstanding the above clause, COMMISSION shall have the separate and additional right to discontinue the service provided by COMMISSION under this contract, without notice, if payment of a quarterly invoice is not received within thirty (30) days of invoice. The decision to suspend or continue service under the contract upon non-payment of an invoice with thirty (30) days is discretionary with COMMISSION. The suspension or continuation of services by COMMISSION shall have no effect upon the obligation of payment of an invoice or the calculation of interest as set forth elsewhere in this contract. (If service is suspended, it shall be provided again when payment plus interest is received.)

6. Amendments

Any amendments to this Agreement agreed upon by the parties shall be in writing and made a part of this Agreement.

7. Anti-Discrimination Provision

There shall be no discrimination against any employee who is employed in the work covered by this Agreement or against any application for such employment because of race, color, religion, sex or national origin. This provision shall apply to, but not be limited to, employment, promotion or transfer, recruitment or recruitment advertising, layoffs or termination, raises of pay or other forms of compensations, and selections of training. COMMISSION shall insert a similar provision in any sub-contract for services covered by this Agreement.

8. Conflict of Interest

COMMISSION covenants that it presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner with the performance of services required under this Agreement. No resident commissioner shall share in any part of this contract or any benefits to arise here from.

9. Re-Negotiation of Agreement

Upon a thirty (30) day written notice either party may re-negotiate this agreement for good cause.

10. Determination of Indigency

The Standards of Indigency and other rules and standards as established by the Ohio Public Defender Commission and the State Public Defender shall be used in determining an individual's indigent status and the appointment of the services of the Public Defender shall be in conformity with those standards.

IN WITNESS WHEREOF, the parties have hereunto set their hands at Massillon, Ohio,
this _____ day of _____, 20____.

WITNESSES

STARK COUNTY PUBLIC DEFENDER
COMMISSION

BY: _____

CITY OF MASSILLON, OHIO

BY: _____

OHIO PUBLIC DEFENDER
COMMISSION

BY: _____

APPROVED AS TO FORM:

DATE: DECEMBER 16, 2013

CLERK: MARY BETH BAILEY

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
TONY M. TOWNSEND, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 157 - 2013

BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE:

TITLE: AN ORDINANCE amending CHAPTER 121 "COUNCIL" of the Codified Ordinances of the City of Massillon, by enacting a new Section 121.02(b) Rule 8.1 "Powers and Duties", 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, desired to amend Section 121.02(b) Rule 8.1 "Powers and Duties" of Chapter 121 "COUNCIL", of the Codified Ordinances of the City of Massillon.

Section 2:

There be and is hereby enacted a new Section 121.02(b) Rule 8.1 "Powers and Duties" of Chapter 121 "COUNCIL" of the Codified Ordinances of the City of Massillon. Said newly enacted Section shall read as follows:

Rule 8.1:

Committee meetings of Council shall be held on the second and last Monday of each month in Council chambers or the Council conference room in the Municipal Government Center, except on a Monday when the building is closed for a holiday, the Council shall meet on the following day, (Tuesday). The chairperson of a committee or 2 members of that committee can call a special meeting of the committee as long as 12 hours notice be given to each member of the committee as well as public notification.

Committees of council shall meet in three groups (Group A, Group B, Group C), with Group A beginning at 6 pm, Group B beginning at 630 pm, and Group C beginning at 7 pm, with each group consisting of three committees. Each member of council shall be named chairperson of one committee and then serve on the two corresponding committees of the same grouping. During each respective grouping only the members of that group shall be seated at the table. Any correspondence to a committee from non-committee members should be ushered through the chairperson of given committee and follow Robert's Rules of Order.

Section 3:

The Clerk of Council is authorized to correct any typographical errors discovered herein during or after the pendency or passage of this ordinance. The Clerk of Council is further authorized, in conjunction with the Law Department and the Council President to correct any ministerial or de minimis errors that do not substantially alter the intended results or numerical total sums of this ordinance, during or after the pendency or passage of this ordinance. Corrected copies are to be sent to all official recipients.

Section 4:

This ordinance is hereby declared to be an emergency measure the reason for the emergency being is to have in place for the beginning of the new year. 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 _____, 2013

ATTEST: _____
MARY BETH BAILEY, CLERK OF COUNCIL

TONY M. TOWNSEND, PRESIDENT

APPROVED: _____

KATHY CATAZARO-PERRY, MAYOR

DATE: DECEMBER 16, 2013

CLERK: MARY BETH BAILEY

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
TONY M. TOWNSEND, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 158 - 2013

BY: STREET, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to sign the Consent Legislation with the Ohio Department of Transportation for the D04-Herbicidal Spraying FY 2015, PID 96977, 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 sign the Consent Legislation with the Ohio Department of Transportation for the D04-Herbicidal Spraying FY 2015, PID 96977.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized to sign the Consent Legislation with the Ohio Department of Transportation for the D04-Herbicidal Spraying FY 2015, PID 96977. The State has identified the need for Herbicidal Spraying in various spots on US 30 that is located within the Corporation Limits of the City. There will be no City dollars expended for this project it will be funded 100% by ODOT, unless the City specifically requests items be completed that are determined by the State and Federal Highway Administration to be unnecessary for the project than those costs would be 100% City.

(SEE EXHIBIT "A" HERETO ATTACHED)

Section 3:

The Clerk of Council is authorized to correct any typographical errors discovered herein during or after the pendency or passage of this ordinance. The Clerk of Council is further authorized, in conjunction with the Law Department and the Council President to correct any ministerial or de minimis errors that do not substantially alter the intended results or numerical total sums of this ordinance, during or after the pendency or passage of this ordinance. Corrected copies are to be sent to all official recipients.

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 it is necessary to sign the Consent Legislation with Ohio Department of Transportation for the D04-Herbicidal Spraying FY 2015, PID 96977 which would cover the need of herbicidal spraying in various spots on US 30. 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 _____ 2013

APPROVED: _____
MARY BETH BAILEY, CLERK OF COUNCIL

TONY M. TOWNSEND, PRESIDENT

APPROVED _____

KATHY CATAZARO-PERRY, MAYOR

PRELIMINARY LEGISLATION

RC 5521.01

Ordinance/Resolution# _____

PID No. 96977

County/Route/Section DO4-HS FY2015

The following is _____ enacted by the City of Massillon of Stark
(An Ordinance/a Resolution) (Local Public Agency)
County, Ohio, hereinafter referred to as the Local Public Agency (LPA).

SECTION I - Project Description

WHEREAS, the (LPA/STATE) has identified the need for the described project:

Herbicidal spraying on US30 within the City limits

NOW THEREFORE, be it ordained by the City of Massillon of Stark County, Ohio.
(LPA)

SECTION II - Consent Statement

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project.

SECTION III - Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the above described project as follows:

The State shall assume and bear 100% of all of the costs of the improvement.

The LPA further agrees to pay One Hundred Percent (100%) of the cost of those features requested by the LPA which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

SECTION IV - Utilities and Right-of-Way Statement

The LPA agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of way costs include eligible utility costs.

SECTION V - Maintenance

Upon completion of the described Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the described Project in accordance with all applicable state and federal law, including, but not limited to, 23 USC 116; (2) provide ample financial provisions, as necessary, for the maintenance of the Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

SECTION VI - Authority to Sign

The _____ of said _____ is hereby empowered on behalf of
the _____ (Contractual Agent) _____ (LPA)
the _____ (LPA) to enter into contracts with the Director of Transportation which is

necessary to complete the above described project.

Passed: _____, 20____
(Date)

Attested: _____ (Clerk) _____ (Officer of LPA - title)

Attested: _____ (Title) _____ (President of Council)

This _____ is hereby declared to be an emergency measure to
(Ordinance/Resolution)
expedite the highway project(s) and to promote highway safety. Following appropriate legislative
action, it shall take effect and be in force immediately upon its passage and approval, otherwise it
shall take effect and be in force from and after the earliest period allowed by law.

CERTIFICATE OF COPY
STATE OF OHIO

City of Massillon of Stark County, Ohio
(LPA)

I, _____, as Clerk of the City of Massillon
(LPA)
of Stark County, Ohio, do hereby certify that the forgoing is a true and
correct copy of _____ adopted by the legislative Authority of the said
(Ordinance/Resolution)
City on the _____ day of _____, 20____
(LPA)
that the publication of such _____ has been made and certified of
(Ordinance/Resolution)
record according to law; that no proceedings looking to a referendum upon such
_____ have been taken; and that such _____
(Ordinance/Resolution) _____ Page _____
and certificate of publication thereof are of record in _____
(Ordinance/Resolution Record No.)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if
applicable, this _____ day of _____, 20____

11/11/2011

Clerk

_____ of _____, Ohio
(LPA)
(If the LPA is designated as a City then the "City Seal" is required. If no Seal, then a letter stating "No
Seal is required to accompany the executed legislation.)

The foregoing is accepted as a basis for proceeding with the project herein described.
For the _____ of _____, Ohio
(LPA)

Attest: _____, Date _____

For the State of Ohio

Attest: _____, Date _____
Director, Ohio Department of Transportation

DATE: DECEMBER 16, 2013

CLERK: MARY BETH BAILEY

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
TONY M. TOWNSEND, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 159 - 2013

BY: STREETS, HIGHWAYS, TRAFFIC AND SAFETY COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to submit an application for 2014 Municipal Road Funds for the Hankins Road Improvement Project, 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 and in the public health, safety and welfare to authorize the Mayor of the City of Massillon, Ohio, to submit an application for 2014 Municipal Road Funds for the Hankins Road Improvement Project.

Section 2:

The Mayor of the City of Massillon, Ohio, is hereby authorized and directed to submit an application for 2014 Municipal Road Funds. The breakdown of funds for the project is as follows:

SCATS Massillon Share	\$ 4,473.00
Hankins Road Improvement Project	\$175,000.00

Section 3:

The Clerk of Council is authorized to correct any typographical errors discovered herein during or after the pendency or passage of this ordinance. The Clerk of Council is further authorized, in conjunction with the Law Department and the Council President to correct any ministerial or de minimis errors that do not substantially alter the intended results or numerical total sums of this ordinance, during or after the pendency or passage of this ordinance. Corrected copies are to be sent to all official recipients.

Section 4:

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 submit the application for the Hankins Road Improvement Project in order to receive the 2014 Municipal Road Funds. 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 _____ 2013

APPROVED: _____
MARY BETH BAILEY, CLERK OF COUNCIL

TONY M. TOWNSEND, PRESIDENT

APPROVED: _____

KATHY CATAZARO-PERRY, MAYOR

DATE: DECEMBER 16, 2013

CLERK: MARY BETH BAILEY

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
TONY M. TOWNSEND, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO.160 – 2013

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the General Fund, Police Pension Fund and the Fire Pension Fund, for the year ending December 31, 2013, and declaring an emergency.

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

Section 1:

There be and hereby is appropriated from the unappropriated balance of the General Fund, for the year ending December 31, 2013, the following:

\$394,336.22 to an account entitled "Disability & Pension Transfer Police" 1100.305.2710
\$493,426.41 to an account entitled "Disability & Pension Transfer Fire" 1100.325.2710

Section 2:

There be and hereby is appropriated from the unappropriated balance of the Police Pension Fund, for the year ending December 31, 2013, the following:

\$394,336.22 to an account entitled "Police Pension Fund" 1209.305.2240

Section 3:

There be and hereby is appropriated from the unappropriated balance of the Fire Pension Fund, for the year ending December 31, 2013, the following:

\$493,426.41 to an account entitled "Fire Pension Fund" 1210.325.2240

Section 4:

The Clerk of Council is authorized to correct any typographical errors discovered herein during or after the pendency or passage of this ordinance. The Clerk of Council is further authorized, in conjunction with the Law Department and the Council President to correct any ministerial or de minimis errors that do not substantially alter the intended results or numerical total sums of this ordinance, during or after the pendency or passage of this ordinance. Corrected copies are to be sent to all official recipients.

Section 5:

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

PASSED IN COUNCIL THIS _____ DAY OF _____ 2013

ATTEST: _____
MARY BETH BAILEY, CLERK OF COUNCIL

TONY M. TOWNSEND, PRESIDENT

APPROVED: _____

KATHY CATAZARO-PERRY, MAYOR

DATE: DECEMBER 16, 2013

CLERK: MARY BETH BAILEY

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
TONY M. TOWNSEND, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 161 - 2013

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE amending Ordinance No. 143 – 2013 by revising the 2013 budget, 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. 143 – 2013 a copy of which is attached hereto as Exhibit "A" be and is hereby amended.

Section 2:

The following provision is hereby inserted into Ordinance No. 143 – 2013.

\$1,130,110.68 from General Fund to Fire Pension Fund
\$ 812,987.15 from General Fund to Police Pension Fund
\$ 318,410.00 from General Fund to Lincoln Center II Debt Fund
\$ 198,506.26 from General Fund to Lincoln Center III Debt Fund
\$ 6,175.00 from General Fund to Senior Housing
\$ 24,631.46 from General Fund to OPWC Loan
\$ 1,671.64 from Unclaimed Fund to General Fund
\$ 190,000.00 from Solid Waste Fund to General Fund
\$ 39,546.88 from Solid Waste Capital Improvement Fund to General Fund

Section 3:

The Clerk of Council is authorized to correct any typographical errors discovered herein during or after the pendency or passage of this ordinance. The Clerk of Council is further authorized, in conjunction with the Law Department and the Council President to correct any ministerial or de minimis errors that do not substantially alter the intended results or numerical total sums of this ordinance, during or after the pendency or passage of this ordinance. Corrected copies are to be sent to all official recipients.

Section 4:

This ordinance is hereby declared to be an emergency measure the reason for the emergency being that said amendment is necessary to the budget as a requirement by the State Auditor for these transferred to be completed. 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 _____, 2013

ATTEST: _____
MARY BETH BAILEY, CLERK OF COUNCIL

TONY M. TOWNSEND, PRESIDENT

APPROVED: _____

KATHY CATAZARO-PERRY, MAYOR

DATE: NOVEMBER 18, 2013

CLERK: MARY BETH BAILEY

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
TONY M. TOWNSEND, PRESIDENT

COUNCIL CHAMBERS

Exhibit "A"

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 143 - 2013

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE amending Ordinance No. 149 - 2012 by revising the 2013 budget, 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. 149 - 2012 a copy of which is attached hereto as Exhibit "A" be and is hereby amended.

Section 2:

The following provision is hereby inserted into Ordinance No. 149 - 2012:

\$636,684.27 from General Fund to Fire Pension Fund
\$418,650.93 from General Fund to Police Pension Fund
\$318,410.00 from General Fund to Lincoln Center II Debt Fund
\$198,506.26 from General Fund to Lincoln Center III Debt Fund
\$ 6,175.00 from General Fund to Senior Housing Debt
\$ 24,631.46 from General Fund to OPWC Debt Fund
\$ 1,671.64 from Unclaimed Fund to General Fund
\$190,000.00 from Solid Waste Fund to General Fund
\$ 39,546.88 from Solid Waste Capital Improvement Fund to General Fund

Section 3:

The Clerk of Council is authorized to correct any typographical errors discovered herein during or after the pendency or passage of this ordinance. The Clerk of Council is further authorized, in conjunction with the Law Department and the Council President to correct any ministerial or de minimis errors that do not substantially alter the intended results or numerical total sums of this ordinance, during or after the pendency or passage of this ordinance. Corrected copies are to be sent to all official recipients.

ORDINANCE NO. 1102-2013

AN ORDINANCE TO APPROVE CURRENT REPLACEMENT
PAGES TO THE MASSILLON CODIFIED ORDINANCES AND
DECLARING AN EMERGENCY.

WHEREAS, the Ohio Constitution requires that Ohio municipal ordinances comply with State law if they are an exercise of the Municipality's police powers;

WHEREAS, certain provisions within the Codified Ordinances should be amended to conform with current State law; and

WHEREAS, various ordinances of a general and permanent nature have been passed by Council which should be included in the Codified Ordinances; and

WHEREAS, the City has heretofore entered into a contract with the Walter H. Drane Company to prepare and publish such revision which is before Council;

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Massillon, Ohio:

SECTION 1: That the ordinances of the City of Massillon, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections within the 2014 Replacement Pages to the Codified Ordinances, are hereby approved and adopted.

SECTION 2: That the following sections and chapters are hereby added, amended or repealed as respectively indicated in order to comply with current State law.

Traffic Code

301.04	Bicycle. (Amended)
313.03	Traffic Signal Indications. (Amended)
333.03	Maximum Speed Limits. (Amended)
333.11	Texting While Driving Prohibited. (Added)
335.032	Electronic Wireless Communication Device Prohibited. (Added)
339.01	Oversize or Overweight Vehicle on State Routes. (Amended)
339.03	Maximum Width, Height and Length. (Amended)
341.01	Commercial Vehicle Definitions. (Amended)
341.03	Prerequisites to Operation of a Commercial Motor Vehicle. (Amended)
351.04	Parking Near Curb; Handicapped Parking. (Amended)
373.02	Riding Upon Seats; Handle Bars; Helmets and Glasses. (Amended)

General Offenses Code

513.01	Drug Abuse Definitions. (Amended)
513.03	Drug Abuse; Controlled Substance Possession. (Amended)
517.01	Gambling Definitions. (Amended)
517.02	Gambling. (Amended)
517.05	Cheating. (Amended)
517.06	Methods of Conducting a Bingo Game. (Amended)
517.07	Instant Bingo Conduct. (Amended)
517.08	Raffles. (Amended)
517.09	Charitable Instant Bingo Organizations. (Amended)
517.10	Location of Instant Bingo. (Amended)
517.11	Bingo or Game of Chance Records. (Amended)
517.13	Bingo Exceptions. (Amended)
517.15	Skill-Based Amusement Machines. (Amended)
537.03	Assault. (Amended)
537.12	Misuse of 9-1-1 System. (Amended)
545.01	Theft and Fraud Definitions. (Amended)
545.05	Petty Theft. (Amended)
545.18	Receiving Stolen Property. (Amended)
549.01	Weapons and Explosives Definitions. (Amended)
549.02	Carrying Concealed Weapons. (Amended)
549.04	Improperly Handling Firearms in a Motor Vehicle. (Amended)

SECTION 3: That the complete text of the sections listed above are set forth in full in the current replacement pages to the Codified Ordinances which are hereby attached to this ordinance as Exhibit A. The listing above of each new section by reference to its title shall constitute sufficient publication of new matter contained therein.

SECTION 4: That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety of the Municipality and its inhabitants for the reason that there exists an imperative necessity for the earliest publication and distribution of current Replacement Pages to the officials and residents of the Municipality, so as to facilitate administration, daily operation and avoid practical and legal entanglements, including conflict with general State law, and shall go into effect immediately.

PASSED IN COUNCIL THIS _____ DAY OF _____, _____.

APPROVED: _____
Clerk of Council

President

Mayor

DATED: December 16, 2013

CLERK: Mary Beth Bailey

CITY OF MASSILLON

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 163-2013

BY: Finance Committee

AN ORDINANCE DECLARING IMPROVEMENTS TO CERTAIN REAL PROPERTY LOCATED WITHIN THE CITY OF MASSILLON, OHIO TO BE A PUBLIC PURPOSE, DESCRIBING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS TO BE MADE TO DIRECTLY BENEFIT THAT REAL PROPERTY, REQUIRING THE OWNERS OF THE IMPROVEMENTS ON THAT REAL PROPERTY TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, AND ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS, ALL PURSUANT TO OHIO REVISED CODE SECTIONS 5709.40, 5709.42 AND 5709.43, AND DECLARING AN EMERGENCY.

WHEREAS, Ohio Revised Code Sections 5709.40, 5709.42 and 5709.43 (the "Act") provide that this Council may describe public improvements to be made that directly benefit certain parcels of real property, declare Improvements (as defined in Ohio Revised Code Section 5709.40) with respect to such parcels of real property located in the City of Massillon (the "City") to be a public purpose, thereby authorizing the exemption of those Improvements from real property taxation for a period of time, and provide for the making of service payments in lieu of taxes by the owners of such parcels, and establish a municipal public improvement tax increment equivalent fund into which such service payments shall be deposited;

WHEREAS, Baker Hughes Oilfield Operations, Inc. owns and is in the process of developing the parcel identified as Permanent Parcel No. 10002974 in the Official Records of Stark County, Ohio (the "Baker Hughes Parcel"), and Miller Land Development Ltd. owns the parcel identified as Permanent Parcel No. 10002976 in the Official Records of Stark County, Ohio (the "Miller Parcel") and Massillon Development Foundation Inc. owns the parcel identified as Permanent Parcel No. 10002965 in the Official Records of Stark County, Ohio (the "Foundation Parcel" and, together with the Baker Hughes Parcel and the Miller Parcel, as those parcels are consolidated or subdivided, but excluding therefrom any portion of that property, at and after such time, if ever, as that portion of the property is accepted by City for use as a public road, hereinafter referred to as the "Property,"), where it is anticipated that the Miller Parcel and the Foundation Parcel, given their proximity to the Baker Hughes Parcel and its development, are

expected to be developed in due course and to benefit directly from all or part of the additional public infrastructure improvements that would directly benefit the Baker Hughes Parcel; and

WHEREAS, to improve access to and from, and utility services to and public safety and storm water management services for, the Property and to provide necessary public infrastructure improvements, including without limitation, establishment and improvement of roadways, provision and upgrading of sanitary sewer, water, storm water management, and real and personal property to provide for the public safety and to protect public and private property, in and around and to serve the Property from time to time, this Council desires to cause the acquisition, construction and improvement of, or to make payment for, the public infrastructure improvements described in Exhibit A attached hereto (the "Public Improvements"), which, once made, will directly benefit the Property and the City and its residents;

WHEREAS, the City has determined that it is necessary and appropriate and in the best interests of the City to provide for service payments in lieu of taxes with respect to the Property pursuant to Section 5709.42 of the Ohio Revised Code (the "Service Payments") to pay costs of the Public Improvements; and

WHEREAS, notice of consideration by Council of passage of this Ordinance has been provided to the R.G. Drage Joint Vocational School District and the Perry Local School District consistent with Ohio Revised Code Section 5709.83 and, although perhaps not required, the Massillon City School District, also consistent with Ohio Revised Code Section 5709.83;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Massillon, Stark County, Ohio that:

Section 1. The Public Improvements described in Exhibit A attached hereto, if acquired, constructed or otherwise improved, or paid for, by the City are hereby designated as the Public Improvements that directly benefit or, once made, will directly benefit the Property, and are deemed to be necessary for the public health, safety and welfare, and are necessary for the development of the Property, including Public Improvements, if any, not owned by the City.

Section 2. Pursuant to and in accordance with the provisions of Ohio Revised Code Section 5709.40, and, in particular, Section 5709.40(B), this Council hereby finds and determines that 100% of the increase in the assessed value of the Property that would first appear on the tax list and duplicate of real property after the effective date of this Ordinance (which increase in assessed value is herein referred to as the "Property Improvement" and defined as an Improvement in Section 5709.40) is a public purpose and 100% of the Property Improvement is hereby declared to be a public purpose for a period of 30 years and exempt from taxation commencing with the tax year following the tax year in which this Ordinance is passed and ending on the earlier of (i) the date the Property Improvement has been exempted from taxation for a period of 30 years or (ii) the date on which the City has collected into the fund established in Section 4 hereof a total amount of Service Payments in lieu of taxes available for and sufficient to pay the costs provided in Section 4 hereof; provided, however that Service Payments shall be paid to the R.G. Drage Joint Vocational School District, the Perry Local School District and the Massillon City School District in the amount of any taxes that would have been payable to the respective School District if the Property Improvement had not been exempted from taxation.

Section 3. As provided in Section 5709.42 of the Ohio Revised Code, the owner or owners of the Public Improvement are hereby required to and shall pay the Service Payments to the County Treasurer on or before the final dates for payment of real property taxes, which Service Payments, together with any associated rollback payments, shall be deposited in the Municipal Public Improvement Tax Increment Equivalent Fund established in Section 4 hereof. In accordance with Ohio Revised Code Section 5709.42, the County Treasurer shall distribute a portion of the Service Payments directly to the R. G. Drage Joint Vocational School District, the Perry Local School District and the Massillon City School District, in an amount equal to any property tax payments the respective School District would have received from the portion of the Property Improvement exempted from taxation had such Property Improvement not been exempted from taxation. This Council hereby authorizes the Mayor, the Auditor and the Law Director, and other appropriate officers of the City, to provide such information and certifications, and execute and deliver or accept delivery of such instruments, as are necessary and incidental to collect those Service Payments, and to make such arrangements as are necessary and proper for payment of the Service Payments.

Section 4. This Council hereby establishes pursuant to and in accordance with the provisions of Ohio Revised Code Section 5709.43, the "Neocom I – No. 6 Public Improvement Tax Increment Equivalent Fund" (the "Fund") into which shall be deposited all of the Service Payments and any associated rollback payments distributed to the City with respect to the Property Improvements, by or on behalf of the County Treasurer as provided in Ohio Revised Code Section 5709.42, and hereby agrees that the money deposited in the Fund shall be used for any or all of the following purposes:

(i) to pay any and all planning, engineering, legal, acquisition, construction, improvement, installation, and financing costs, and any and all other direct and indirect costs of the Public Improvements, including without limitation, those costs set forth in Ohio Revised Code Section 133.15(B);

(ii) to pay principal of and interest and any premium on bonds or notes, including any refunding or additional bonds or notes or other obligations issued or loans entered into by the City or any other governmental entity to finance costs of the Public Improvements, until such notes or bonds or other obligations or loans are paid in full, and to pay trustee and other costs related to servicing the obligations and providing and replenishing a reserve fund and to pay any costs charged by the issuer of the obligations; and

(iii) to reimburse the City or any other governmental entity for any funds used to pay costs of Public Improvements, or to pay interest, principal or premium, and related costs, on any of those notes, bonds, loans or other obligations, prior to receipt of Service Payments.

The Fund shall remain in existence so long as the Service Payments are collected and used for the aforesaid purposes, after which the Fund shall be dissolved in accordance with Ohio Revised Code Section 5709.43.

Section 5. In accordance with Ohio Revised Code Section 5709.832, this Council hereby determines that the owner or owners of the Property Improvements, and their successors and

assigns in interest to the property tax exemption authorized herein, shall not deny employment to any individual based solely on race, religion, sex, disability, color, national origin, or ancestry.

Section 6. Pursuant to Ohio Revised Code Section 5709.40, the Clerk of Council is hereby directed to deliver a copy of this Ordinance to the Director of Development Services of the Development Services Agency of the State of Ohio within fifteen days after its passage. On or before March 31 of each year that the exemption set forth in Section 2 hereof remains in effect, the Mayor or other authorized officer of this City shall prepare and submit to the Director of Development Services of the Development Services Agency of the State of Ohio the status report required under Section 5709.40 of the Ohio Revised Code.

Section 7. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or committees, and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with the law.

Section 8. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that the real property tax exemption, the Service Payments, and the related objectives provided for herein are needed to benefit the City and its residents by creating economic opportunities, enlarging the property and income tax bases, and stimulating collateral development within the City; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Adopted in Council on _____, 2013

Effective on _____, 2013

Attest:

Clerk

President of Council

Approved:

Mayor

CERTIFICATE

The undersigned Clerk of Council hereby certifies that the foregoing is a true copy of Ordinance No. _____ passed by the Council of the City of Massillon, Ohio at a special meeting of Council held on December __, 2013 and that a true copy thereof was certified to the County Auditor of Stark County, Ohio.

Clerk
City of Massillon, Ohio

EXHIBIT A

DESCRIPTION OF THE PUBLIC IMPROVEMENTS

The Public Improvements consist of the following, including, in each instance, the acquisition of real estate and interests in real estate, and demolition and remediation related thereto:

(1) Improvement and extension of Millennium Boulevard, including pavement, curbs, drainage facilities, extension, installation, acquisition, construction and relocation of utilities, sidewalks, bike paths, landscaping, lighting, signalization, signage, and other public infrastructure improvements in or near the roadway.

(2) Improvement and extension of Cincinnati Street, including pavement, curbs and drainage facilities, extension, installation, acquisition, construction and relocation of utilities, sidewalks, bike paths, landscaping, lighting, signalization, signage, and other public infrastructure improvements in or near the roadway.

(3) Improvement of State Route 21, including pavement, curbs and drainage facilities, extension, installation, acquisition, construction and relocation of utilities, sidewalks, bike paths, landscaping, lighting, signalization, signage, and other public infrastructure improvements in or near the roadway.

(4) Improvement of Navarre Road, including pavement, curbs and drainage facilities, extension, installation, acquisition, construction and relocation of utilities, sidewalks, bike paths, landscaping, lighting, signalization, signage, and other public infrastructure improvements in or near the roadway.

(5) Establishment of new roadways in or around the Property or directly benefiting or serving the Property, including pavement, curbs and drainage facilities, and extension, installation, acquisition, construction and relocation of utilities, sidewalks, bike paths, landscaping, lighting, signalization, signage, and other public infrastructure improvements in or near such a roadway or in and around the Property and directly benefiting the Property.

(6) Acquisition and construction of traffic signalization system improvements, including but not limited to controller equipment, signal support poles, underground conduit, pull boxes, wiring, software control systems and associated hardware in or near the Property or directly benefitting or serving the Property, including such property as may be required for the management of truck and other traffic accessing or leaving the property by Millennium Boulevard, Cincinnati Street, Navarre Road, State Route 21 or U.S. Route 30 or any new roadway established in or around the Property.

(7) Acquisition and construction of improvements to any other public streets, including pavement, curbs and drainage facilities, and acquisition and construction of utilities, storm water management facilities, and real and personal property, or any combination thereof, to provide for the public safety and to protect public and private property in and around the Property, and other

public facilities, improvements or other property in and around the Property or directly benefiting or serving the Property.

(8) Land acquisition, environmental remediation and demolition within the meaning of "public infrastructure improvement" as defined in Revised Codes Section 5709.40(A).

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