

# A G E N D A

DATE: JULY 21, 1997  
TIME: 7:30 P.M.  
PLACE: COUNCIL CHAMBERS

1. ROLL CALL
2. INVOCATION - COUNCILMAN PAUL LAMBERT
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

7 Council present  
Walterhouse absent  
Browning resigned

## ORDINANCE NO. 135 - 1997 BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMM

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into a contract agreement with the Ohio Public Works Commission for the Lincoln Way East Phase III Rehab Project, and declaring an emergency.

## ORDINANCE NO. 136 - 1997 BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMM

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into a contract agreement with the Ohio Public Works Commission for the Lincoln Way West Rehab Project, and declaring an emergency.

## ORDINANCE NO. 137 - 1997 BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMM

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into a contract agreement with the Ohio Public Works Commission for the Lincoln Way Box Culvert Project, and declaring an emergency.

## ORDINANCE NO. 138 - 1997 BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMM

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the Lincoln Way East Phase III Rehab Project, and declaring an emergency.

## ORDINANCE NO. 139 - 1997 BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMM

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the Lincoln Way West Rehab Project, and declaring an emergency.

## ORDINANCE NO. 140 - 1997 BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMM

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the Lincoln Way Box Culvert Project, and declaring an emergency.

## ORDINANCE NO. 141 - 1997 BY: SEWER AND WASTE COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the cleaning of the two (2) anaerobic digesters at the Wastewater Treatment Plant in the City of Massillon, and declaring an emergency.

## ORDINANCE NO. 142 - 1997 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

AN ORDINANCE authorizing the Mayor and the director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract agreement with the Boys and Girls Club of Massillon to provide funding assistance for an expansion project at the agency's building, in the City of Massillon, Ohio, and declaring an emergency.

## ORDINANCE NO. 143 - 1997 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

AN ORDINANCE authorizing and directing the Mayor to enter into an agreement with Republic Engineered Steel Inc., and with J.J. & W.V. Ltd., the Lessor, providing for the adoption of a project which will establish a facility and preserve employment opportunities within the City of Massillon Enterprise Zone, and declaring an emergency.

JULY 21, 1997

ORDINANCE NO. 144 - 1997

BY: FINANCE COMMITTEE

P  
AN ORDINANCE making certain transfers in the 1997 appropriation from within the General Fund of the City of Massillon, Ohio, and declaring an emergency.

ORDINANCE NO. 145 - 1997

BY: FINANCE COMMITTEE

P  
AN ORDINANCE making certain appropriations from the unappropriated balance of the, Community Development Block Grant Program Fund, Municipal Court Computer Fund and the UDAG B-81-AB-39-0097 Towne Plaza Fund, of the City of Massillon, Ohio, for the year ending December 31, 1997, and declaring an emergency.

RESOLUTION NO. 9 - 1997

BY: FINANCE COMMITTEE

P  
A RESOLUTION designating public depositories and awarding public monies, and declaring an emergency.

7. UNFINISHED BUSINESS  
8. PETITIONS AND GENERAL COMMUNICATIONS  
9. BILLS, ACCOUNTS AND CLAIMS  
10. REPORTS FROM CITY OFFICIALS

- A). MAYOR SUBMITS MONTHLY REPORT FOR JUNE 1997  
B). FIRE CHIEF SUBMITS MONTHLY REPORT FOR JUNE 1997

11. REPORTS OF COMMITTEES

- A). ACCEPTING APPOINTMENT OF COUNCILMAN JIM ROHR TO COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE TO FILL VACANCY.

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS  
13. CALL OF THE CALENDAR  
14. THIRD READING ORDINANCES AND RESOLUTIONS  
15. SECOND READING ORDINANCES AND RESOLUTIONS  
16. NEW AND MISCELLANEOUS BUSINESS  
17. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS NOT ON THE AGENDA  
18. ADJOURNMENT

THERE IS A PUBLIC HEARINGS PRIOR TO THE MEETING TONIGHT  
AT 7:00 p.m. REGARDING RESOLUTION 9 - 1997

SHARON HOWELL  
CLERK OF COUNCIL

DATE: July 21, 1997

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 135 - 1997

BY: STREETS, HIGHWAY, TRAFFIC AND SAFETY COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor to enter into a contract agreement with the Ohio Public Works Commission for the Lincoln Way East Phase III Rehab 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 finds that it is necessary to enter into a contract agreement with the Ohio Public Works Commission for the Lincoln Way East Phase III Rehab Project.

Section 2:

The Mayor of the City of Massillon be and is hereby authorized to enter into a contract agreement with the Ohio Public Works Commission for the Lincoln Way East Phase III Rehab Project.

Section 3:

That this Ordinance is declared to be an emergency measure immediately necessary for the preservation of the health, safety and welfare of the community and for the additional reason that it is necessary to complete the Lincoln Way East Phase III Rehab Project. Provided it receives the affirmative vote of two-thirds of the elected members to Council it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 1997

APPROVED: SHARON HOWELL, CLERK OF COUNCIL DAVID A. SMITH, PRESIDENT

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

DATE: July 21, 1997

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 136 - 1997

BY: STREETS, HIGHWAY, TRAFFIC AND SAFETY COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor to enter into a contract agreement with the Ohio Public Works Commission for the Lincoln Way West Rehab 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 finds that it is necessary to enter into a contract agreement with the Ohio Public Works Commission for the Lincoln Way West Rehab Project.

Section 2:

The Mayor of the City of Massillon be and is hereby authorized to enter into a contract agreement with the Ohio Public Works Commission for the Lincoln Way West Rehab Project.

Section 3:

That this Ordinance is declared to be an emergency measure immediately necessary for the preservation of the health, safety and welfare of the community and for the additional reason that it is necessary to complete the Lincoln Way West Rehab Project. Provided it receives the affirmative vote of two-thirds of the elected members to Council it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 1997

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

SHARON HOWELL, CLERK OF COUNCIL

DAVID A. SMITH, PRESIDENT

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

FRANCIS H. CICCHINELLI, JR., MAYOR



DATE: JULY 21, 1997

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 138 - 1997

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the Lincoln Way East Phase III Rehab 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 in the public health, safety and welfare to advertise for and receive sealed bids and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the Lincoln Way Rehab East Phase III Rehab Project.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to prepare plans and specifications and to advertise for and receive sealed bids according to law, and enter into contract, upon award and approval by the Board of Control, with the lowest and best bidder for Lincoln Way East Phase III Rehab Project.

Section 3:

That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and welfare of the community and for the additional reason that it is necessary for the rehabilitation of Lincoln Way in 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.

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 1997

APPROVED: \_\_\_\_\_  
SHARON HOWELL, CLERK OF COUNCIL      DAVID A. SMITH, PRESIDENT

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

DATE: JULY 21, 1997

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 139 - 1997

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the Lincoln Way West Rehab 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 in the public health, safety and welfare to advertise for and receive sealed bids and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the Lincoln Way West Rehab Project.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to prepare plans and specifications and to advertise for and receive sealed bids according to law, and enter into contract, upon award and approval by the Board of Control, with the lowest and best bidder for Lincoln Way West Rehab Project.

Section 3:

That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and welfare of the community and for the additional reason that it is necessary for the rehabilitation of Lincoln Way in 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.

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 1997

APPROVED: \_\_\_\_\_  
SHARON HOWELL, CLERK OF COUNCIL      DAVID A. SMITH, PRESIDENT

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

DATE: JULY 21, 1997

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 140 - 1997

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the Lincoln Way Box Culvert 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 in the public health, safety and welfare to advertise for and receive sealed bids and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the Lincoln Way Box Culvert Project.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to prepare plans and specifications and to advertise for and receive sealed bids according to law, and enter into contract, upon award and approval by the Board of Control, with the lowest and best bidder for Lincoln Way Box Culvert Project.

Section 3:

That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and welfare of the community and for the additional reason that it is necessary for the rehabilitation of Lincoln Way in 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.

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 1997

APPROVED: \_\_\_\_\_  
SHARON HOWELL, CLERK OF COUNCIL      DAVID A. SMITH, PRESIDENT

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

DATE: July 21, 1997

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 141 - 1997

BY: SEWER AND WASTE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the cleaning of the two (2) anaerobic digesters at the Wastewater Treatment Plant in the City of Massillon, and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby determines it to be necessary in the public health, safety and welfare to advertise for and receive sealed bids and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the cleaning of the two (2) anaerobic digesters at the Wastewater Treatment Plant in the City of Massillon.

Section 2:

That the Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to prepare plans and specifications and to advertise for and receive sealed bids according to law, and upon award and approval by the Board of Control, with the lowest and best bidder, according to law, as authorized in Section 1 of this Ordinance.

Section 3:

That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and welfare of the community and for the additional reason that it is necessary that the two anaerobic digesters be cleaned for the continued efficient operation of the Wastewater Treatment Plant. 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 \_\_\_\_\_ 1997

APPROVED: \_\_\_\_\_  
SHARON HOWELL, CLERK OF COUNCIL      DAVID A. SMITH, PRESIDENT

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

15. SECOND READING ORDINANCES AND RESOLUTIONS

*Steve*  
*12*  
*12*  
ORDINANCE NO. 141 - 1997

BY: SEWER AND WASTE COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids ~~and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder~~ for the cleaning of the two (2) anaerobic digester at the Wastewater Treatment Plant in the City of Massillon, and declaring an emergency.

16. NEW AND MISCELLANEOUS BUSINESS

A). APPROVAL OF APPOINTMENT OF COUNCILMAN BILL KRAFT TO COUNCIL COMMITTEES

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

18. ADJOURNMENT

SHARON HOWELL  
COUNCIL CLERK

THERE IS A PUBLIC HEARINGS SCHEDULED PRIOR TO THE MEETING  
REGARDING ORDINANCE NO. 149 - 1997

6:30 p.m.

LM,  
Note legislature  
change on file  
copy & steve's copy.

Thulas  
TB



DATE: July 21, 1997

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 142 - 1997

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor and the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract agreement with the Boys & Girls Club of Massillon to provide funding assistance for an expansion project at the agency's building, in 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:

The Council of the City of Massillon, Ohio, hereby finds that it is necessary to enter into a contract agreement with the Boys & Girls Club of Massillon to provide funding assistance for an expansion project at the agency's building, in the City of Massillon, Ohio. The contract for services shall not exceed Twenty Thousand Dollars (\$20,000.00).

Section 2:

The Mayor and the Director of Public Service and Safety of the City of Massillon be and are hereby authorized to enter into a contract agreement with the Boys & Girls Club of Massillon to provide funding assistance for an expansion project at the agency's building, in the City of Massillon, Ohio.

Section 3:

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

Section 4:

That this Ordinance is declared to be an emergency measure immediately necessary for the preservation of the health, safety and welfare of the community and for the additional reason that it is necessary to implement the 1997 Community Development Block Grant Program. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 1997

APPROVED: \_\_\_\_\_  
SHARON HOWELL, CLERK OF COUNCIL      DAVID A. SMITH, PRESIDENT

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

## CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

## ORDINANCE NO. 143 - 1997

BY: COMMUNITY DEVELOPMENT &amp; ANNEXATION COMMITTEE

TITLE: AN ORDINANCE authorizing and directing the Mayor to enter into an agreement with Republic Engineered Steel Inc., and with J.J. & W.V. Ltd., the Lessor, providing for the adoption of a project which will establish a facility and preserve employment opportunities within the City of Massillon Enterprise Zone, and declaring an emergency.

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

WHEREAS, Republic Engineered Steel Inc., and J.J. & W.V. Ltd., the Lessor, are proposing to construct a new facility on 5.53 acre parcel located within the Massillon Enterprise Zone, and Republic Engineered Steel Inc., and J.J. & W.V. Ltd., the Lessor, are proposing to relocate its manufacturing, warehouse, sales and corporate office operations to this new facility, at a total combined investment of \$2,974,000.00 (hereinafter the "Project"), provided that the appropriate development incentives are available to support the economic viability of said Project; and

WHEREAS, the Council of the City of Massillon, Ohio, (hereinafter "Council") by Ordinance No. 163-1994, adopted on July 18, 1994, has designated an area of the City as an "Enterprise Zone" pursuant to Chapter 5709 of the Ohio Revised Code; and

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

WHEREAS, the City of Massillon, having the appropriate authority for the stated type of project is desirous of providing Republic Engineered Steel Inc., and J.J. & W.V. Ltd., the Lessor, with the incentives available for development of the Project in said Enterprise Zone, under Chapter 5709 of the Ohio Revised Code; and

WHEREAS, Republic Engineered Steel Inc., and J.J. & W.V. Ltd., the Lessor, have submitted a proposed agreement application, herein attached as Exhibit "A", to the City of Massillon, Ohio, requesting that the incentives available for development within the Enterprise Zone be approved for the Project; and

WHEREAS, the Mayor of the City of Massillon, Ohio, has investigated the application submitted by Republic Engineered Steel Inc., and J.J. & W.V. Ltd., the Lessor, and has recommended approval of the same to the Council on the basis that the companies are qualified by financial responsibility and business experience to preserve employment opportunities and said Enterprise Zone and to improve the economic climate of the City of Massillon; and

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

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

Section 1:

The Council of the City of Massillon, Ohio does hereby authorize and direct the Mayor to enter into an agreement, attached hereto as Exhibit "A" and incorporated herein by reference, with Republic Engineered Steel Inc., and with J.J. & W.V. Ltd., the Lessor, providing for the adoption of a project which will establish a facility and preserve employment opportunities within the City of Massillon Enterprise Zone.

Section 2:

This Ordinance is declared to be an emergency measure immediately necessary for the preservation of the health, Safety and welfare of the City of Massillon, Ohio and for the further reason that approval of said agreement is necessary so as to maximize the investment that will be made by Republic Engineered Steel Inc., and J.J. & W.V. Ltd., the Lessor, within the City of Massillon, Ohio. Provided it receives the affirmative vote of two-thirds of the elected members to Council it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 1997

APPROVED: \_\_\_\_\_  
SHARON HOWELL, CLERK OF COUNCIL      DAVID A. SMITH, PRESIDENT

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

## OHIO ENTERPRISE ZONE AGREEMENT

**This Agreement** made and entered into by and between the City of Massillon, Ohio, a municipal corporation, with its main offices located at One James Duncan Plaza, Massillon, Ohio 44646 (hereinafter referred to as "City of Massillon"), Republic Engineered Steel, Inc., an Ohio Corporation with its main offices located at 410 Oberlin Road, S.W., Massillon, Ohio 44647, (hereinafter referred to as "RES"), and JJ&W V Ltd., the Lessor, an Ohio Limited Partnership with its offices located at 1621 Allen Avenue, S.E., Canton, Ohio 44707 (hereinafter referred to as "JJ&W").

### WITNESSETH:

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

**Whereas**, RES and JJ&W are desirous of establishing a facility within the Enterprise Zone through the construction of a new thirty-four thousand three hundred eighty (34,380) square foot building that will centralize, restructure and relocate all of Republic Engineered Steel's current machine and fabrication shop operations in Stark County into one facility, improving efficiency and streamlining operations while also preserving employment opportunities (hereinafter referred to as the "Project"), provided that the appropriate development incentives are available to support the economic viability of said Project; and

**Whereas**, the Council of the City of Massillon, Ohio (hereinafter "Council") by Ordinance No. 163-1994, adopted on July 18, 1994, has designated an area of the City as an "Enterprise Zone" pursuant to Chapter 5709 of the Ohio Revised Code; and

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

**Whereas**, the City of Massillon, having the appropriate authority for the stated type of project, is desirous of providing RES and JJ&W with the incentives available for development of the Project in the said Enterprise Zone, under Chapter 5709 of the Ohio Revised Code; and

**Whereas**, RES and JJ&W have submitted a proposed agreement application, herein attached as Exhibit A, (hereinafter referred to as the "Application") to the City of Massillon, Ohio, requesting that the incentives available for development within the Enterprise Zone be approved for the Project; and

**Whereas,** RES and JJ&W have remitted the required state application fee of \$500.00 made payable to the Ohio Department of Development with the application to be forwarded with the final agreement; and

**Whereas,** the Mayor of the City of Massillon, Ohio, has investigated the Application submitted by RES and JJ&W, and has recommended approval of the same to the Council on the basis that the enterprise is qualified by financial responsibility and business experience to create and preserve employment opportunities in said Enterprise Zone and to improve the economic climate of the City of Massillon; and

**Whereas,** the project site as proposed by RES and JJ&W is located in the Massillon City School District and the Board of Education of said district and any applicable Joint Vocational School District have been notified in accordance with Section 5709.83 and been given a copy of the Application; and

**Whereas,** pursuant to Section 5709.62(C) and in conformance with the format required under Section 5709.631 of the Ohio Revised Code, the parties hereto desire to set forth their agreement with respect to matters hereinafter contained.

**Now, therefore,** in consideration of the mutual covenants herein contained and the benefit to be derived by the parties from the execution hereof, the parties herein agree as follows:

**Section I:**

RES and JJ&W shall construct a new thirty-four thousand three hundred eighty (34,380) square foot building at 4135 Commerce Drive, S.W., Massillon, Ohio, to house Republic Engineered Steel's machine and fabrication shop operations that are being consolidated and relocated to this facility from the company's four existing Stark County steel plants. Said new facility shall be constructed on an 5.530 acre parcel of land, known as and being Part of Out Lot 587, in the City of Massillon, Stark County, Ohio.

The Project will involve a total investment by RES and JJ&W of (\$2,974,000) Two Million Nine Hundred Seventy-Four Thousand Dollars , plus or minus 10%, at the proposed project site. Included in this investment are (\$2,128,000) Two Million One Hundred Twenty-Eight Thousand Dollars for construction of the new facility; and (\$846,000) Eight Hundred Forty-Six Thousand Dollars to purchase first used machinery and equipment; furniture and fixtures.

In addition, RES will relocate and use at the project site existing machinery and equipment, with a total approximate value of (\$143,688) One Hundred Forty-Three Thousand Six Hundred Eighty-Eight Dollars.



The Enterprise has reported that it does not have an existing base level of inventory at the project site, and further, that all inventory relocated to the project site from existing facilities will not be subject to the tax exemptions granted under this agreement..

The Project will begin in July 1997, and all acquisition, construction, and installation will be completed by November 1997.

The total investment by RES and JJ&W in undertaking this Project and establishing the new facility represents a significant new investment on behalf of the enterprise, and as such, the City of Massillon hereby determines that the Project is eligible for the tax incentives and other benefits as described in this Agreement.

If, at any time, RES and JJ&W determine that they will not undertake all the improvements set forth in this Section 1, or otherwise desire to modify the Project, RES and JJ&W will notify the City of Massillon, stating the reasons for its determination. The parties will thereupon confer to discuss the effect of the enterprise's determination on the tax exemptions provided herein and to amend or terminate this Agreement accordingly. In no event shall any such amendment operate to revoke retroactively the tax exemptions provided herein.

## **Section 2:**

RES currently has 3221 full-time permanent employees in the State of Ohio. RES will be relocating to the Enterprise Zone Project Site 43 existing full-time permanent employees from the following locations: 15 existing full-time permanent employees will be relocated from the enterprise's two Massillon plants located at 410 Oberlin Road, S.W., and 401 Rose Avenue, S.E.; and 28 existing full-time permanent employees will be relocated from the enterprise's two Canton plants located at 2633 8th Street, N.E., and 2201 Harrison Avenue, S.E. RES will use its best efforts to retain these 43 existing full-time permanent jobs at the Project Site.

The retention of these existing jobs will maintain the company's current annual payroll for these jobs of (\$1,441,000) One Million Four Hundred Forty-One Thousand Dollars.

## **Section 3:**

RES and JJ&W shall provide to the proper Tax Incentive Review Council any information reasonably required by the council to evaluate the enterprise's compliance with the agreement, including returns filed pursuant to section 5711.02 of the Ohio Revised code if requested by the council. RES and JJ&W shall also be required to supply a copy of the Ohio Department of Taxation State Tax return form 913 to the Tax Incentive Review Council for each year the agreement is in effect or required to be reviewed.

#### **Section 4:**

The City of Massillon hereby grants a tax exemption pursuant to Section 5709.62 for eligible new tangible personal property acquired in conjunction with the Project, including , a new Gidding and Lewis table type CNC horizontal boring mill, office equipment and furniture. This tax exemption shall be at the rate of 75% on all machinery and equipment acquired as part of the Project. Each identified project improvement will receive a ten year exemption period. The exemption commences the first year for which the tangible personal property would first be taxable were that property not exempted from taxation. No exemption shall commence after December 31, 1998 nor extend beyond December 31, 2008

#### **Section 5:**

The City of Massillon hereby grants RES and JJ&W a tax exemption for real property improvements made to the Project Site pursuant to Section 5709.62 of the Ohio Revised Code. This tax exemption shall be at the rate of 75%. Each identified project improvement will receive a ten year exemption period. The exemption commences the first year for which the real property exemption would first be taxable were that property not exempted from taxation. No exemption shall commence after December 31, 1998, nor extend beyond December 31, 2008.

RES and JJ&W must file the appropriate tax forms (DTE 23) with the County Auditor and (#913) with the State Department of Taxation to effect and maintain the exemptions covered in the agreement. The #913 Ohio tax form must be filed annually.

#### **Section 6:**

Waivers under section 5709.633 of the revised code: not applicable.

#### **Section 7**

RES and JJ&W shall pay to the City of Massillon an annual monitoring fee of (\$500) Five Hundred Dollars for each year the agreement is in effect. The fee shall be made payable to the City of Massillon and shall be paid by certified check and delivered to the Mayor by March 31 of each year that the fee is due and payable. This fee shall be deposited in a special fund created for such purpose and shall be used exclusively for the purpose of complying with section 5709.68 of the revised code and by the tax incentive review council created under section 5709.85 of the revised code exclusively for the purposes of performing the duties prescribed under that section.

#### **Section 8:**

RES and JJ&W shall pay such real and tangible personal property taxes as are not exempted under this agreement and are charged against such property and shall file all tax reports and returns as required by law. If the enterprises fail to pay such taxes or file such returns and reports, all incentives granted under this agreement are rescinded beginning with the year for which such taxes are charged or such reports or returns are required to be filed and thereafter.

#### **Section 9:**

The City of Massillon shall perform such acts as are reasonably necessary or appropriate to effect, claim, reserve, and maintain exemptions from taxation granted under this Agreement including, without limitation, joining in the execution of all documentation and providing any necessary certificates required in connection with such exemptions.

#### **Section 10:**

If for any reason the Enterprise Zone designation expires, the Director of the Ohio Department of Development revokes certification of the zone, or the City of Massillon revokes the designation of the zone, entitlements granted under this agreement shall continue for the number of years specified under this agreement, unless RES and JJ&W materially fail to fulfill their obligations under this Agreement and the City of Massillon terminates or modifies the exemptions from taxation under this agreement.

#### **Section 11:**

If RES and JJ&W materially fail to fulfill its obligations under this Agreement, or if the City of Massillon determines that the certification as to delinquent taxes required by this agreement is fraudulent, the City of Massillon may terminate or modify the exemptions from taxation granted under this Agreement.

#### **Section 12:**

RES and JJ&W hereby certify that at the time this agreement is executed, RES and/or JJ&W do not owe any delinquent real or tangible personal property taxes to any taxing authority in the State of Ohio, and does not owe delinquent taxes for which RES and/or JJ&W is liable under Chapter 5733., 5735., 5739., 5741., 5743., 5747., or 5753. of the Revised Code, or, if such delinquent taxes are owed, RES and/or JJ&W currently are paying the delinquent taxes pursuant to an undertaking enforceable by the State of Ohio or an agent or instrumentality thereof, has filed a petition of bankruptcy under 11 U.S.C.A. 101, et seq., or such a petition has been filed against RES and/or JJ&W. For the purposes of the certification, delinquent taxes are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the Revised code governing payment of those taxes.

**Section 13:**

RES and/or JJ&W affirmatively covenants that it does not owe: (1) any delinquent taxes to the State of Ohio or a political subdivision of the State; (2) any moneys to the State or a state agency for the administration or enforcement of any environmental laws of the State; and (3) any other moneys to the State, a state agency or a political subdivision of the State that are past due, whether the amounts owed are being contested in a court of law or not.

**Section 14:**

RES, JJ&W and the City of Massillon acknowledge that this Agreement must be approved by formal action of the legislative authority of the City of Massillon as a condition for the agreement to take effect. This Agreement takes effect upon such approval.

**Section 15:**

The City of Massillon has developed a policy to ensure recipients of Enterprise Zone tax benefits practice non-discriminating hiring in its operations. By executing this agreement, RES and JJ&W are committing to following non-discriminating hiring practices acknowledging that no individual may be denied employment solely on the basis of race, religion, sex, disability, color, national origin, or ancestry.

**Section 16:**

Exemptions from taxation granted under this agreement shall be revoked if it is determined that RES, JJ&W, any successor enterprise, or any related member (as those terms are defined in Section 5709.61 of the Ohio Revised Code) has violated the prohibition against entering into this agreement under Division (E) of Section 3735.671 or Section 5709.62 of the Ohio Revised Code prior to the time prescribed by that division or either of those sections.

**Section 17:**

This Agreement is not transferrable or assignable without the express, written approval of the City of Massillon.

**Section 18:**

RES and JJ&W affirmatively covenants that it has made no false statements to the State or local political subdivision in the process of obtaining approval for the Enterprise Zone incentives. If any representative of RES and JJ&W has knowingly made a false statement to the State or local political subdivision to obtain the Enterprise Zone

incentives, RES and JJ&W shall be required to immediately return all benefits received under the Enterprise Zone Agreement pursuant to ORC Section 9.66(C)(2) and shall be ineligible for any future economic development assistance from the State, any state agency, or a political subdivision pursuant ORC 9.66(C)(1). Any persons who provides a false statement to secure economic development assistance may be guilty of falsification, a misdemeanor of the first degree, pursuant ORC 2931.13(D)(1), which is punishable by a fine of not more than \$1,000 and/or a term of imprisonment of not more than six months.

**In Witness Whereof**, the City of Massillon, Ohio, by Francis H. Cicchinelli, Jr., its Mayor, and pursuant to Ordinance No. \_\_\_\_-199\_\_, has caused this instrument to be executed this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_; and Republic Engineered Steel, Inc., by Joseph F. Lapinsky, its President - Hot Rolled Bar Division, has caused this instrument to be executed this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_; and JJ&W V Ltd., by D. Wayne Whipkey, has caused this instrument to be executed this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

**WITNESSED BY:**

**THE CITY OF MASSILLON, OHIO**

\_\_\_\_\_  
Francis H. Cicchinelli, Jr., Mayor

**REPUBLIC ENGINEERED STEEL, INC**

\_\_\_\_\_  
Joseph F. Lapinsky, President  
Hot Rolled Bar Division

**JJ&W V, LTD.**

\_\_\_\_\_  
D. Wayne Whipkey

Approved as to form and legal sufficiency:

\_\_\_\_\_  
John D. Ferrero, Jr., Director of Law  
City of Massillon, Ohio



OHIO DEPARTMENT OF DEVELOPMENT  
OHIO ENTERPRISE ZONE PROGRAM

PROPOSED AGREEMENT BETWEEN LOCAL GOVERNMENT OR COUNTY &  
ENTERPRISE PROPOSAL for Tax abatement Incentive Agreement Between the City of  
Massillon located in the County of Stark and \_\_\_\_\_  
(Enterprise)

1. a. Name of business, home or main office address, contact person, and telephone number (attach additional pages if multiple enterprise participants).

JJ&W V Ltd.  
Republic Engineered Steel, Inc.

enterprise name

1621 Allen Ave. S.E.  
410 Oberlin Rd. S.W.

Canton, Ohio 44707  
Massillon, Ohio 44647

address

D. Wayne Whipkey  
James D. Donohoe

contact person

330-455-5213  
330-837-7013

telephone number

- b. Project Site:

\_\_\_\_\_

Michael H. Brenner

contact person

4135 Commerce Dr. S.W.

Massillon, Ohio 44646

address

330-837-6186

telephone number

2. a. Nature of business (manufacturing, warehousing, wholesale or retail stores, or other).

Manufacturing

- b. List primary 4 digit Standard Industrial Code (SIC) # 3312

Business may list other relevant SIC numbers.

- c. If a consolidation, what are the components of the consolidation? (must itemize the location, assets, and employment positions to be transferred)

Location: ---; Assets: 30 pieces of machine/fabrication equipment  
Employment positions: 38 Hourly, 5 Salary

- d. Form of business of enterprise (corporation, partnership, or other).

Corporation

3. Name of principal owner(s) of the business (attach list if necessary).

Republic Engineered Steel, Inc.

4. Is business seasonal in nature? Yes \_\_\_\_\_ No X

5. a. State the enterprise's current employment level at the proposed project site:

-0-

- b. Will the project involve the relocation of employment positions or assets from one Ohio location to another? Note that relocation projects are restricted in non-distress based Ohio Enterprise Zones. A waiver from the Director of the Ohio Department of Development is available for special limited circumstances. The business and local jurisdiction should contact ODOD early in the discussions.

Yes X No \_\_\_\_\_

- c. If yes, state the locations from which employment positions or assets will be relocated and the location to where the employment positions or assets will be located:

Assets: Equipment

From - 410 Oberlin Rd. Massillon - 2633 - 8th St. N.E., Canton,

2201 Harrison Ave. S.E., Canton.- 401 Rose Ave. S.E., Massillon

- d. State the enterprise's current employment level in Ohio (itemized for full and part-time and permanent and temporary employees):

3221

- e. State the enterprise's current employment level for each facility to be affected by the relocation of employment positions or assets: 410 Oberlin Rd. Massillon - 439

2633 - 8th St. N.E., Canton,- 1684, 2201 Harrison Ave. S.E. Canton - 134

401 Rose Ave. S.E., Massillon.- 282

- f. What is the projected impact of the relocation, detailing the number and type of employees and/or assets to be relocated? Employees relocated: 5 management,

28 Journeyman Machinist, 8 Journeyman Boilermakers, 2 Utilitymen,

30 pieces of machine and fabrication equipment relocated.

6. a. Has the Enterprise previously entered into an Enterprise Zone Agreement with the local legislative authorities at any site where the employment or assets will be relocated as a result of this proposal? Yes \_\_\_\_\_ No X

- b. If yes, list the local legislative authorities, date, and term of the incentives for each Enterprise Zone Agreement: N/A

7. Does the Enterprise owe:

- a. Any delinquent taxes to the State of Ohio or a political subdivision of the state?  
Yes \_\_\_\_\_ No x
- b. Any moneys to the State or a state agency for the administration or enforcement of any environmental laws of the State? Yes \_\_\_\_\_ No x
- c. Any other moneys to the State, a state agency or a political subdivision of the State that are past due, whether the amounts are being contested in a court of law or not?  
Yes \_\_\_\_\_ No x
- d. If yes to any of the above, please provide details of each instance including but not limited to the location, amount and/or case identification numbers (add additional sheets if necessary).

N/A

8. Project Description (attach additional pages if necessary): Centralization of all Stark County Republic Engineered Steels: Machine and Fabrication Departments.

9. Project will begin July, 19 97 and be completed October 31, 19 97 provided a tax exemption is provided.

10. a. Estimate the number of new employees the business intends to hire at the facility that is the project site (job creation projection must be itemized by full and part-time and permanent and temporary): No new hirings. 28 employees now working in Canton will be relocated to Massillon. The other 15 employees already work in Massillon.

b. State the time frame for this projected hiring: -0- years.

c. State proposed schedule for hiring (itemize by full and part-time and permanent and temporary employees): N/A

- See Attachment 15-b

**APPLICATION TO THE CITY OF MASSILLON  
FOR A PROJECT AGREEMENT UNDER THE  
OHIO URBAN JOBS AND ENTERPRISE ZONE ACT  
QUESTION 15 - b.**

**PAGE 4**

**15 - b. Business's reasons for requesting tax incentives:**

Republic Engineered Steels, Inc. operates four (4) plants in Stark County each having it's own shops and crafts to maintain and repair equipment. An utilization evaluation, including a complete inventory of the equipment was recently performed on all Stark County Shops and Crafts operations. The evaluation shows that the Stark County Shops on an individual plant basis are marginally effective and, as a whole for Stark County, there are greater deficiencies in the utilization of both equipment and personnel. These deficiencies include: operating inefficient equipment while more efficient equipment is under utilized; redundant equipment and overlapping capability; only the day turn is covered; and support facilities that are duplicated. These all contribute to a maintenance structure that is inefficient at the individual plant, and is, on a county wide basis, grossly inefficient and uneconomical for Republic to support because it utilizes neither employee or equipment in the most cost efficient and productive manner.

The savings generated will help us to be more competative, keep our overall cost of production down, and inline with the oversea market.



Submission of this application expressly authorizes the City of Massillon, Ohio to contact the Ohio Environmental Protection Agency to confirm statements contained within this application including item #7 and to review applicable confidential records. As part of this application, the business may also be required to directly request from the Ohio Department of Taxation or complete a waiver form allowing the Ohio Department of Taxation to release specific tax records to the local jurisdictions considering the incentive request.

Applicant agrees to supply additional information upon request.

The applicant affirmatively covenants that the information contained in and submitted with this application is complete and correct and is aware of the ORC Sections 9.66(C)(1) and 2931.13(D)(1) penalties for falsification which could result in the forfeiture of all current and future economic development assistance benefit as well as a fine of not more than \$1,000 and/or a term of imprisonment of not more than six months.

Republic Engineered Steels

JJ&W V Ltd.

Name of Enterprise

Signature

June 12, 1997

Date

Michael H. Brenner, Plant Main. Engineer

D. Wayne Whipkey, Manager

Typed Name and Title

\* A copy of this proposal must be forwarded by the local government to the affected Board of Education along with notice of the meeting date on which the local government will review the proposal. Notice must be given a minimum of fourteen (14) days prior to the scheduled meeting to permit the Board of Education to appear and/or comment before the legislative authorities considering the request.

\*\* Attach to Final Enterprise Zone Agreement as Exhibit A

\*\*\* An Application Fee of Five Hundred Dollars (\$500.00) must be submitted along with the Proposed Agreement for Enterprise Zone Tax Exemption (Application). This fee is payable by check or money order made payable to the **Ohio Department of Development**.

Please note that copies of this proposal must be included in the finalized Enterprise Zone Agreement and be forwarded to the Ohio Department of Taxation and the Ohio Department of Development within fifteen (15) days of final approval.

APPLICATION TO THE CITY OF MASSILLON  
FOR A PROJECT AGREEMENT UNDER THE  
OHIO URBAN JOBS AND ENTERPRISE ZONE ACT

NARRATIVE STATEMENT

I. PROJECT DESCRIPTION:

Briefly summarize the project proposed to be undertaken, including a description of the investments to be made by the applicant enterprises. Describe the project site, including the lot number, address, and area (in square feet or acres).

**Note:** If the project involves the relocation of all or part of the enterprise's operations from another county or municipal corporation in the State of Ohio, the Enterprise shall attach a statement detailing the reasons for the proposed relocation.

See attached narrative statement.

**APPLICATION TO THE CITY OF MASSILLON  
FOR A PROJECT AGREEMENT UNDER THE  
OHIO URBAN JOBS AND ENTERPRISE ZONE ACT  
NARRATIVE STATEMENT  
PAGE 6**

**I. PROJECT DESCRIPTION:**

The Stark County shops and crafts, and the associated employees and equipment at Republic Engineered Steels Inc., will be centralized into a county operation, versus individual plant operations, to provide the most cost effective and efficient operation of maintenance for all plants in Stark County. This will involve the centralization, restructuring, and relocation of the Machine and Fabrication shops to a new facility.

Note: See also, answers to Questions 5, 8, 14, and Section II of this Narrative Statement.

See attached legal discription



R. JAMES HAMMONTREE, P.E., P.S.  
 BRUCE M. BARR, P.E., P.S.  
 CHARLES F. HAMMONTREE, P.E., P.S., A.P.A.  
 BARBARA H. BENNETT, P.E., P.S.  
 KEITH A. BENNETT, P.E., P.S.  
 W.D.P. DOHY, P.S.  
 J.L. TOUSSANT, P.S.  
 JOSE E. TOLEDO, P.E., P.S.  
 RICHARD R. COOK, P.E., P.S.  
 JAMES C. BOLLIBON, P.E., P.S.

# HAMMONTREE & ASSOCIATES, LIMITED

*Consulting Engineers - Planners - Surveyors*

TREEMORE BUILDING  
 5233 STONEHAM ROAD  
 NORTH CANTON, OHIO 44720

PHONE (330) 499-8817  
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 RICHARD J. FAUJHABER, P.E., P.S.  
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 DANIEL J. CANNYHEAD, P.E.  
 MARK B. FRANZEN, P.E.  
 KARL J. OPRISCH, P.E.  
 JEFFREY L. SPRAY, P.S.  
 PAUL A. TOMKO, P.S.  
 WILLIAM N. CLARK, P.E., P.S.  
 THOMAS J. KING, P.S.  
 PAUL K. MILLER, P.S.  
 DAVID T. MILLER, P.S.  
 D. JASON POPA, P.E.

May 22, 1997

## DESCRIPTION OF A 5.530 ACRE TRACT

Situated in the City of Massillon, County of Stark, State of Ohio and being part of Outlot 587; also being part of the Southwest Quarter of Section 29 (T-10, R-9).

Beginning at a standard county monument found at the southeast corner of said Southwest Quarter of said Section 29; thence N85°06'40"W along the south line of said Section 29 and the City of Massillon Corporation Line, 820.00 feet to a 1/2" iron bar with H&A cap set and the true place of beginning;

1. Thence continuing N85°06'40"W along said section and corporation line, 630.59 feet to a 1/2" iron bar with H&A cap set;
2. Thence N04°31'46"E, 381.06 feet to a 1/2" iron bar with H&A cap set;
3. Thence S85°27'35"E, 604.19 feet to a 1/2" iron bar with H&A cap set;
4. Thence along the westerly right-of-way line of Commerce Drive, S.W., (a 60 public right-of-way as dedicated in Plat Book 57, Page 90 of the Stark County Plat Records) on a curve to the right having a radius of 270.00 feet, a central angle of 26°59'54", a tangent of 64.82 feet, a chord of 126.05 feet and a chord bearing of S08°31'00"E, an arc distance of 127.23 feet to a 1/2" iron bar with H&A cap set at a point of tangency;
5. Thence S04°58'57"W continuing along the westerly right-of-way line of said Commerce Drive, S.W. and its extension, 262.11 feet to a 1/2" iron bar with H&A cap set and the true place of beginning.

The above described tract encloses and comprises part of a tract now or formerly owned by Massillon Development Foundation Inc. from a deed recorded in Vol. 551, Pg. 815 of the Stark County Official Records and contains 5.530 acres as surveyed by Barbara Hammontree Bennett, P.S. #7591 of Hammontree & Associates, Limited, Engineers and Surveyors of North Canton, Ohio in May of 1997.

The Basis of Bearings for this description is S04°58'57"W, the east line of the Southwest Quarter of Section 29 from a deed recorded in Vol. 551, Pg. 815 of the Stark County Official Records.

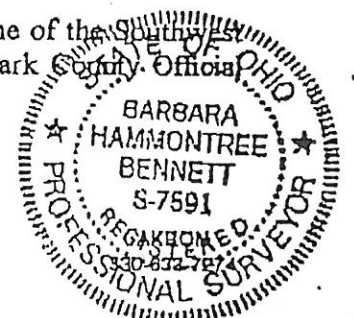
w:\desc\5530.doc

CANTON  
 330-499-8817

ORLANDO  
 407-096-0889

PITTSBURGH  
 412-281-3882

LAKE WALES  
 941-876-7911



O.L. 587

CURVE DATA

A=127.23'  
R=270.00'  
 $\Delta=26^{\circ}59'54''$   
B=S  $08^{\circ}31'00''$  E  
C=126.05'  
T=64.82'



ERIE ST. S., U.S. ROUTE 62/  
S.R. 21-VARIABLE R/W

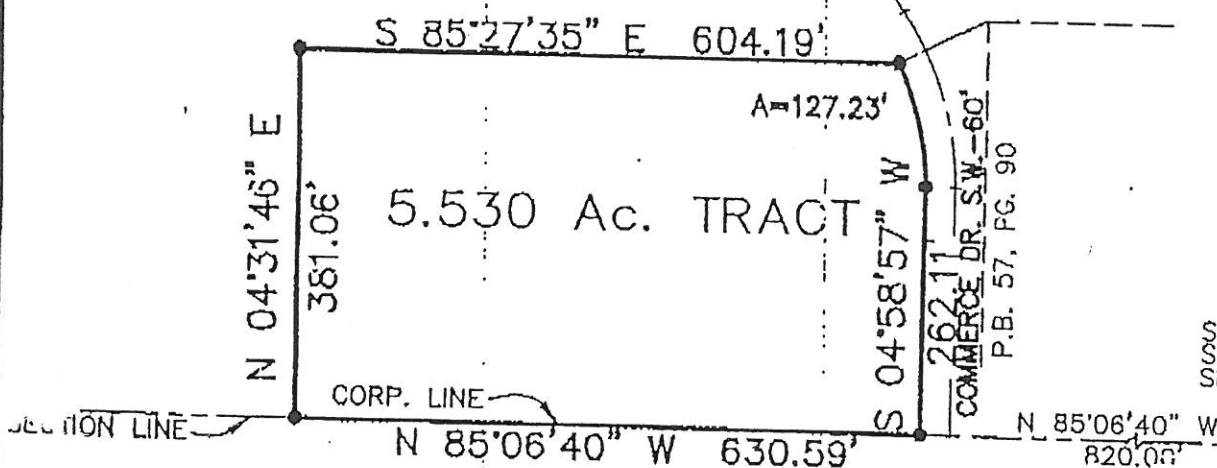
OTR. SEC. LINE

S.E. QTR., SEC. 29  
PERRY TWP.

N.E. QTR., SEC. 32  
PERRY TWP.

S.E. CORNER  
S.W. QTR.  
SEC. 29

N.W. QTR.  
SEC. 32  
PERRY TWP.



NOTES:

- DENOTES 1/2" IRON BAR WITH H&A CAP SET ( UNLESS OTHERWISE NOTED).
- DENOTES 1/2" IRON BAR WITH CAP FOUND (UNLESS OTHERWISE NOTED).
- ⊙ DENOTES STANDARD MONUMENT SET.
- ⊙ DENOTES STANDARD MONUMENT FOUND.

DATA USED:

TAX MAP - PERRY S.W. 29 & MASSILLON 123  
MAPS 57 & 58 OF PART OF THE OHIO CANAL,  
DATED SEPT. 1916  
DEDICATION PLAT - NAVARRE RD. S.W., ERIE ST. S.,  
& COMMERCE DR. S.W. BY R.F. WAGONER,  
DATED AUG. 1991  
MAP OF SURVEY - PART OF OUTLOT 587  
BY R.F. WAGONER, DATED SEPT. 1992  
ANNEXATION PLAT - 111.8089 ACRE TRACT, RANK  
FARM BY R.F. WAGONER, NO DATE  
DEEDS - VOL. 368, PG. 851  
O.R. VOL. 551, PG. 815

BASIS OF BEARING:

S  $04^{\circ}58'57''$  W, THE EAST LINE OF THE SOUTHWEST QUARTER, SECTION 29 FROM  
DEED RECORDED IN VOL. 551, PG. 815 OF THE STARK COUNTY OFFICIAL RECORDS.

BASIS OF BEARING:

S 04°58'57" W, THE EAST LINE OF THE SOUTHWEST QUARTER, SECTION 29 FROM  
DEED RECORDED IN VOL. 551, PG. 815 OF THE STARK COUNTY OFFICIAL RECORDS.

# MAP OF SURVEY

5.530 ACRES

SITUATED IN THE CITY OF MASSILLON, COUNTY OF STARK, STATE OF OHIO  
BEING PART OF OUILOT 587, ALSO BEING PART OF THE S.W. QUARTER  
SECTION 29 (T-10, R-9).

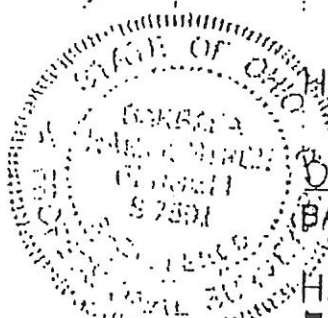
SCALE: 1 INCH = 200 FEET

0 100 200 400



FILE: J:\DWG\MDFCOMM\5530SUMA.DWG

K.M.H.



HAMMONTREE & ASSOCIATES, LTD.

*Barbara Hammontree Bennett* 5/22/97  
BARBARA HAMMONTREE BENNETT, P.S. #7591

HAMMONTREE & ASSOCIATES, LTD.



ENGINEERS, PLANNERS, SURVEYORS  
CANTON - ORLANDO - PITTSBURGH - AKRON

**D. MACHINERY AND EQUIPMENT**

Proposed Cost

1. Provide an itemized list of machinery, equipment, furniture, and fixtures to be purchased and installed at the project site and that will be subject to tax exemption under this Agreement.

2. Provide an itemized list of machinery, equipment, furniture, and fixtures used by the enterprise at another location in the State that will be relocated to the project site and that will not be exempted from taxation under this Agreement.

1.) RESI has purchased a new Gidding and Lewis table type CNC horizontal boring mill.	\$836,000.00
---	--------------

**E. INVENTORY**

Proposed Cost

List the value of inventory at the project site, including an itemization of the value of inventory held at another location in this state prior to the Agreement and to be relocated from that location to the project site; and the value of inventory held at the project site prior to the execution of the Agreement that will be not be exempted from taxation.

\$25,000.00

The inventory which is eligible for exemption is that amount or value of inventory in excess of the amount or value of inventory required to be listed in the personal property tax return for the tax year in which the Agreement is entered into.

-0-



# REPUBLIC ENGINEERED STEELS

## RELOCATED MACHINE SHOP EQUIPMENT VALUES 5/31/97

ASSET NUMBER	MANUFACTURER	EQUIPMENT TYPE	ORIGINAL VALUE	ACCUMULATED DEPRECIATION	NET BOOK VALUE
1592	LeBlond	Lathe	\$40,000.00	\$27,272.00	\$12,728.00
1594	LeBlond	Lathe	\$8,000.00	\$5,468.00	\$2,532.00
1596	LeBlond	Lathe	\$12,000.00	\$8,183.00	\$3,817.00
2895	LeBlond	Lathe	\$6,558.00	\$1,585.00	\$4,973.00
2719/2741	Clausing Metso	Slotter	\$10,639.00	\$2,893.00	\$7,746.00
1590	Rockford	Lathe	\$5,000.00	\$3,411.00	\$1,589.00
996	LeBlond	Lathe	\$25,000.00	\$17,038.00	\$7,962.00
1612	Lucas	Horizontal Mill	\$15,000.00	\$10,235.00	\$4,765.00
1615	Bridgeport	Milling Machine	\$4,000.00	\$2,721.00	\$1,279.00
524	Bridgeport	Milling Machine	\$7,500.00	\$5,118.00	\$2,382.00
534	Cincinnati	Milling Machine	\$28,000.00	\$19,099.00	\$8,911.00
535	Pratt & Whitney	Vertical Shaper	\$2,000.00	\$1,360.00	\$640.00
1008	Mits & Merrill	Key Seater	\$3,000.00	\$2,051.00	\$949.00
1265	Do All	Milling Machine	\$15,000.00	\$1,333.00	\$13,667.00
1573	Landis	Thread Machine	\$3,000.00	\$2,051.00	\$949.00
1584	Owtonna	Horizontal Press	\$2,000.00	\$1,361.00	\$639.00
1587	Armstrong Blum	Vertical Band Saw	\$9,000.00	\$6,132.00	\$2,868.00
1603	Giddings & Lewis	Radial Arm Drill	\$15,000.00	\$10,234.00	\$4,766.00
1597	Wood	Horizontal Press	\$5,000.00	\$3,411.00	\$1,589.00
1598	Hannifen	Vertical Press	\$4,000.00	\$2,721.00	\$1,279.00
1010	King	Vertical Turret Lathe	\$5,000.00	\$3,411.00	\$1,589.00
531	Gallmeyer & Livingston	Surface Grinder	\$20,000.00	\$13,646.00	\$6,354.00
998	Armstrong Blum	Horizontal Band Saw	\$15,000.00	\$10,234.00	\$4,766.00
1589	Giddings & Lewis	Mill/Drill/Bore Center	\$30,000.00	\$20,449.00	\$9,551.00
1015	Cincinnati	Cylindrical Grinder	\$6,000.00	\$4,082.00	\$1,918.00

**REPUBLIC ENGINEERED STEELS**  
**RELOCATED FABRICATION SHOP EQUIPMENT VALUES**

ASSET NUMBER	MANUFACTURER	EQUIPMENT TYPE	ORIGINAL VALUE	ACCUMULATED DEPRECIATION	NET BOOK VALUE
1823	Hill / Acme	Ironworker	\$8,000.00	\$5,462.00	\$2,538.00
953	Niles / Pond	Sub Arc Lathe	\$4,000.00	\$2,721.00	\$1,279.00
957	MG	Burning Center	\$10,000.00	\$6,822.00	\$3,178.00
2742/2748	Niegra	Shear	\$31,720.00	\$8,103.00	\$23,617.00
1721	Pacific	Press	\$9,000.00	\$6,132.00	\$2,868.00
			\$358,417.00	\$214,729.00	\$143,688.00

1A. Total Project Costs receiving Real Property Exemption: <u>2,128,000</u>										
Real Property Tax Matrix										
Projected tax year	YR1	YR2	YR3	YR4	YR5	YR6	YR7	YR8	YR9	YR10
Estimated Value of Real Property Improvements	2128000	2128000	2128000	2128000	2128000	2128000	2128000	2128000	2128000	2128000
Exemption Schedule	75%	75%	75%	75%	75%	75%	75%	75%	75%	75%
Exempted Value	1596000	1596000	1596000	1596000	1596000	1596000	1596000	1596000	1596000	1596000
Taxable Value	532000	532000	532000	532000	532000	532000	532000	532000	532000	532000
Assessment	35%	35%	35%	35%	35%	35%	35%	35%	35%	35%
Real Property Tax Rate	0.0666	0.0666	0.0666	0.0666	0.0666	0.0666	0.0666	0.0666	0.0666	0.0666
Total Real Property Tax Foregone (Exempted Value x 35% + tax rate)	37203	37203	37203	37203	37203	37203	37203	37203	37203	37203
Net New Tax Revenue (Taxable Value x 35% + tax rate)	12401	12401	12401	12401	12401	12401	12401	12401	12401	12401
Total Real Property Tax Foregone over Project Term:	\$ 372,030									
Total New Real Property Tax Revenue generated over Project Term:	\$ 124,010									

1B. Please calculate the annual net new Real Property Tax Revenue generated by the project. Subtract any real property tax revenue loss (page 1) from the new real property tax generated \$ 124,010 (1A) to equal the net new annual real property increase (loss) \$ 124,010 to community.

2A. Total Project Costs Receiving Tangible Personal Property Exemptions

Note that because of depreciation of Tangible Personal Property by the business - these calculations must be repeated for each year during the term of the exemptions. The Business must supply the community with the annual estimates. The Tangible Personal Property assessment rate for 1990 is 28¢, for 1991-27¢, for 1992-26¢, and for 1993 and beyond - 25¢.

Personal Property Tax Matrix

Projected Tax Year	YR1	YR2	YR3	YR4	YR5	YR6	YR7	YR8	YR9	YR10
Estimated Value of Tangible Personal Property	846,000	725,143	604,286	517,959	431,633	369,971	308,309	264,265	220,221	188,761
Exemption Schedule	75¢	75¢	75¢	75¢	75¢	75¢	75¢	75¢	75¢	75¢
Exempted Value	634,500	543,857	453,214	388,469	323,724	277,478	231,231	198,199	165,166	141,570
Taxable Value	211,500	181,286	151,071	129,490	107,908	92,493	77,077	66,066	55,055	47,190
Assessment	25% 2¢	25% 2¢	25¢	25¢	25¢	25¢	25¢	25¢	25¢	25¢
Tangible Personal Property Tax Rate	0.0666	0.0666	0.0666	0.0666	0.0666	0.0666	0.0666	0.0666	0.0666	0.0666
Total Tangible Property Tax Forgone (Exempted Value x Assessment x tax rate)	10,543	9,055	7,746	6,468	5,390	4,620	3,850	3,300	2,750	2,537
Net New Tangible Property Tax Revenue (Taxable Value x Assessment x tax rate)	3,521	3,018	2,515	2,156	1,797	1,540	1,283	1,100	917	786
Total Tangible Personal Property Tax forgone over Project Term:										
Total Net New Tangible Personal Property Tax Revenue generated over project term:										

2B. Please calculate the annual net new Tangible Personal Property Tax Revenue generated by the project. Subtract any Tangible Personal Property tax revenue loss \$ (page 1) from the new Tangible Personal Property Tax generated (2A) to equal the net new annual Tangible Personal Property increase (loss) \$ to community.

\$ 18,633

\$ 55,901

\$ 18,634

\$ 18,633

DATE: June 21, 1997

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 144 - 1997

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain transfers in the 1997 appropriation from within the General Fund 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 1997 appropriation from within the General Fund of the City of Massillon, Ohio, the following:

\$ 3,000.00 FROM: "Workers Comp" 1100.905.2270  
TO: "Mosquito Control Misc." 1100.725.2390

Section 2:

This Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said funds are immediately necessary for the operation of the Massillon Health Department mosquito control program 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 \_\_\_\_\_ 1997

APPROVED: \_\_\_\_\_  
SHARON HOWELL, CLERK OF COUNCIL      DAVID A. SMITH, PRESIDENT

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

DATE: July 21, 1997

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 145 - 1997

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the, Community Development Block Grant Program Fund, Municipal Court Computer Fund and the UDAG B-81-AB-39-0097 Towne Plaza Fund, of the City of Massillon, Ohio, for the year ending December 31, 1997, and declaring an emergency.

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

Section 1:

There be and hereby is appropriated from the unappropriated balance of the Community Development Block Grant Program Fund of the City of Massillon, Ohio, for the year ending December 31, 1997, the following:

\$ 20,000.00 to an account entitled "Boys & Girls Club of Massillon"  
1402.845.2824

Section 2:

There be and hereby is appropriated from the unappropriated balance of the Municipal Court Computer Fund of the City of Massillon, Ohio, for the year ending December 31, 1997, the following:

\$ 19,000.00 to an account entitled "Computer Supplies" 1233.125.2520

Section 3:

There be and hereby is appropriated from the unappropriated balance of the UDAG B-81-AB-39-0097 Towne Plaza Fund of the City of Massillon, Ohio, for the year ending December 31, 1997, the following:

\$ 6,924.25 to an account entitled "Boys & Girls Club of Massillon"  
1217.840.2595  
\$ 2,000.00 to an account entitled "Appraisal" 1217.840.2395

Section 4:

That this Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said funds are immediately necessary for the more efficient operation of the aforesaid departments of the City of Massillon, Ohio, 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 \_\_\_\_\_ 1997

APPROVED: \_\_\_\_\_  
SHARON HOWELL, CLERK OF COUNCIL      DAVID A. SMITH, PRESIDENT

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

DATE: July 21, 1997

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

RESOLUTION NO. 9 - 1997

BY: FINANCE COMMITTEE

TITLE: A RESOLUTION designating public depositories and awarding public monies, and declaring an emergency.

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

Section 1:

WHEREAS, the Council of the City of Massillon, Ohio, finds that the notice for applications for deposit of City monies was duly published as required by law and the hour heretofore named having arrived the Council proceeded, in open session, to consider said written application: and

WHEREAS, it is estimated the probable amount of active deposits to be deposited during the period of designation shall be an average of Two Hundred Thousand Dollars per month, and the probably maximum amount to be so deposited at any time, during such period shall be an average of Two Hundred Thousand Dollars per month, and

WHEREAS, written applications have been received as follows:

FOR ACTIVE DEPOSITS

<u>Name of Bank</u>	<u>AMOUNT</u>
First Merit - Citizens National	ALL
Key Bank	ALL
Bank One	ALL
United Bank	ALL
Savings Bank and Trust Company	ALL

FOR INTERIM DEPOSITS

<u>Name of Bank</u>	<u>AMOUNT</u>
First Merit - Citizens National	ALL
Key Bank	ALL
Bank One	ALL
United Bank	ALL
Savings Bank and Trust Company	ALL
Fifth Third	ALL

Section 2:

The Council of the City of Massillon finds that five banking institutions have applied for ACTIVE DEPOSITS and six for INTERIM/INACTIVE DEPOSITS, and that the securities tendered are proper. Now therefore, be it resolved that the deposit of monies for the City of Massillon, Ohio, be awarded to the said banks in accordance with the provisions of the Ohio Revised Code No. 135.08 and No. 135.09.

ACTIVE DEPOSITS:

First Merit-Citizens National has been designated as the public depository for ACTIVE deposits for said monies for the City for a period of two (2) years. Said Institution must have a Depository Agreement that is satisfactory to the City of Massillon, along with a signed copy of Massillon's Investment Policy.

INTERIUM/INACTIVE DEPOSITS:

All bids were accepted as INTERIUM/INACTIVE depositories, including Star Ohio. Monies may be distributed for deposit in the institutions as deemed favorable to the City of Massillon with compliance to Massillon/s Investment Policy. these shall also become depositories for said monies for the City for a period of two (2) years. All institutions must have a Depository Agreement that is satisfactory to the City of Massillon, along with a signed copy of Massillon's Investment Policy.



Section 3:

This Resolution is hereby declared to be an emergency measure, immediately necessary for the preservation of the health, safety and welfare of the community, and for the further reason that pursuant to Ohio Law it is necessary to enter into a depository contract in the manners hereinbefore provided in order to safeguard the deposit of public funds.

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 1997

APPROVED: \_\_\_\_\_  
SHARON HOWELL, CLERK OF COUNCIL      DAVID A. SMITH, PRESIDENT

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