

# AGENDA

DATE: FEBRUARY 2, 1998  
TIME: 7:30 P.M.  
PLACE: COUNCIL CHAMBERS

1. ROLL CALL
2. INVOCATION - COUNCILMAN GLENN GAMBER
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

*E - Addressing*  
*1 - Annn-absent*

## ORDINANCE NO. 25 - 1998 BY: PARKS AND RECREATION COMMITTEE

*Passed*  
*7-1 up*  
AN ORDINANCE repealing Section 961.15 "ANIMALS" of CHAPTER 961 "PARKS" and enacting a new Section 961.15 "ANIMALS" of CHAPTER 961 "PARKS", and declaring an emergency.

## ORDINANCE NO. 26 - 1998 BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMM.

*JB*  
*Tabled*  
*Ind. by*  
AN ORDINANCE authorizing and directing the Director of Public Service and Safety to enter into a contract agreement, without competitive bidding, with Finkbeiner, Pettis & Strout for engineering services to design the Earl Road Bridge, and declaring an emergency.

## ORDINANCE NO. 27 - 1998 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

*Passed*  
AN ORDINANCE authorizing and directing the Mayor to enter into an agreement with Elastochem, Inc., 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.

## ORDINANCE NO. 28 - 1998 BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMM

*1st*  
AN ORDINANCE vacating a portion of Stanton Avenue N.W., and declaring an emergency.

## ORDINANCE NO. 29 - 1998 BY: PUBLIC UTILITIES/GOLF COURSE COMMITTEE

*Passed*  
AN ORDINANCE establishing a rate schedule for fees to be charged at The Legends of Massillon Golf Course for the 1998 golf season, and declaring an emergency.

## ORDINANCE NO. 30 - 1998 BY: PUBLIC UTILITIES/GOLF COURSE COMMITTEE

*1st*  
AN ORDINANCE authorizing the Director of Public Service and Safety to enter into a contract agreement with Motter and Meadows Architects for the design development, construction documents and bidding phase of Phase II of the clubhouse at The Legends of Massillon Golf Course, and declaring an emergency.

## ORDINANCE NO. 31 - 1998 BY: PUBLIC UTILITIES/GOLF COURSE COMMITTEE

*Passed*  
AN ORDINANCE authorizing the Director of Public Service and Safety to enter into a contract agreement with the Golf Professional for The Legends of Massillon Golf Course for a one year period, and declaring an emergency.

## ORDINANCE NO. 32 - 1998 BY: FINANCE COMMITTEE

*Passed*  
AN ORDINANCE authorizing and directing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids, and to enter into contract upon award of the Board of Control, with the lowest and best bidder for various items as the said City may require for use of its several departments for a one (1) year period, and declaring an emergency.

## ORDINANCE NO. 33 - 1998 BY: FINANCE COMMITTEE

*Passed*  
AN ORDINANCE authorizing the Auditor to pay various 1997 bills that have been received and that will be received by her office between January 1, 1998 and March 1, 1998, for which there is a discrepancy in the purchase order or no purchase order date, out of the 1998 appropriations within the various departments of the City of Massillon, and declaring an emergency.

## ORDINANCE NO. 34 - 1998 BY: FINANCE COMMITTEE

*Passed*  
AN ORDINANCE repealing Section 1 of Ordinance No. 4 - 1998 and enacting a new Section 1 of Ordinance No. 4 - 1998, and declaring an emergency.

FEBRUARY 2, 1998

ORDINANCE NO. 35 - 1998BY: FINANCE COMMITTEE

*Passed*  
AN ORDINANCE making certain appropriations from the unappropriated balance of the Capital Improvement Fund of the City of Massillon, Ohio, for the year ending December 31, 1998, and declaring an emergency.

ORDINANCE NO. 36 - 1998BY: FINANCE COMMITTEE

*1st*  
AN ORDINANCE making certain appropriations from the unappropriated balance of the Municipal Golf Course Fund of the City of Massillon, Ohio, for the year ending December 31, 1998, and declaring an emergency.

RESOLUTION NO. 9 - 1998BY: COMMITTEE OF THE WHOLE

*Passed*  
A RESOLUTION commending SANDRA AEGERTER as Treasurer for the City of Massillon, Ohio.

RESOLUTION NO. 10 - 1998BY: COMMITTEE OF THE WHOLE

*Passed*  
A RESOLUTION commending MINNIE M. TRAYLOR as a member of the Civil Service Commission for the City of Massillon, Ohio.

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

- A). MAYOR SUBMITS MONTHLY PERMIT REPORT FOR JANUARY 1998
- B). AUDITOR SUBMITS MONTHLY REPORT FOR JANUARY 1998
- C). HEALTH DEPARTMENT SUBMITS YEARLY REPORT FOR 1997
- D). LAW DIRECTOR SUBMITS YEARLY REPORT FOR 1997
- E). MAYOR TO GIVE CAPITAL IMPROVEMENT LIST FOR 1998

11. REPORTS OF COMMITTEES
12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS
13. CALL OF THE CALENDAR
14. THIRD READING ORDINANCES AND RESOLUTIONS
15. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 8 - 1998BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

*2nd*  
AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning certain tracts of land from Perry Township to Massillon Zoning, and declaring an emergency.

ORDINANCE NO. 9 - 1998BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

*2nd*  
AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from P-1 Parking to B-2 Central Business District, and declaring an emergency.

ORDINANCE NO. 10 - 1998BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

*2nd*  
AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from R-1 Single Family to B-1 Local Business District, and declaring an emergency.

ORDINANCE NO. 11 - 1998BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

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

ORDINANCE NO. 24 - 1998BY: PARKS AND RECREATION COMMITTEE

*2nd*  
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to prepare plans and specifications and to advertise for and receive sealed bids, according to law, for the sale of a certain tract of land known as and being Lot No. 3541 in the City of Massillon, Stark County, Ohio and owned by said City, which is not needed for any municipal purpose, and declaring an emergency.

16. NEW AND MISCELLANEOUS BUSINESS
17. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS NOT ON THE AGENDA
18. ADJOURNMENT

SHARON HOWELL  
COUNCIL CLERK

THERE ARE NO PUBLIC HEARINGS THIS EVENING

DATE: February 2, 1998

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 27 - 1998

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE authorizing and directing the Mayor to enter into an agreement with Elastochem, Inc., 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, Elastochem, Inc., is proposing to construct a new facility on 9.741 acre parcel located within the Massillon Enterprise Zone, and Elastochem, Inc., is proposing to relocate its rubber chemicals mixing and packaging company to this new facility, at a total combined investment of One Million Six Hundred Seventy Thousand Dollars (\$1,670,000.00), (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 Elastochem, Inc., with the incentives available for development of the Project in said Enterprise Zone, under Chapter 5709 of the Ohio Revised Code; and

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

WHEREAS, the Mayor of the City of Massillon, Ohio, has investigated the application submitted by Elastochem, Inc., 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 Elastochem, Inc., 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 Elastochem, Inc., 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 \_\_\_\_\_ 1998

APPROVED: \_\_\_\_\_  
SHARON HOWELL, CLERK OF COUNCIL      DENNIS D. HARWIG, 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"), and Elastochem, Inc., an Ohio Corporation with its main offices located at 145 Parker Court, Chardon, Ohio 44024 (hereinafter referred to as the "Enterprise").

### 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**, the Enterprise is desirous of establishing a facility within the Enterprise Zone through the construction of a new forty thousand (40,000) square foot industrial building and the purchase of equipment and inventory needed to operate the Enterprise's rubber chemicals mixing and packaging operations (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 the Enterprise with the incentives available for development of the Project in the said Enterprise Zone, under Chapter 5709 of the Ohio Revised Code; and

**Whereas**, the Enterprise has 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**, the Enterprise has remitted the required state application fee of \$500.00 made payable to the Ohio Department of Development with the application fee to be forwarded with the final agreement; and

**Whereas**, the Mayor of the City of Massillon, Ohio, has investigated the Application submitted by the Enterprise 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 the Enterprise 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:**

The Enterprise shall construct a new forty thousand (40,000) square foot industrial facility on Commerce Drive, S.W., to house its rubber chemicals mixing and packaging operations. Said facility shall be constructed on a 9.741 acre parcel of land, known as and being Part of Out Lot 587 in the City of Massillon, Stark County, Ohio.

In addition, the Enterprise shall purchase and install new machinery and equipment as described in Section II D, "Project Budget" of the Application, attached hereto as Exhibit A.

The Project will involve a total investment by the Enterprise of (\$4,700,000) Four Million Seven Hundred Thousand Dollars, plus or minus 10%, at the proposed project site on Commerce Drive, S.W. Included in this investment are (\$250,000) Two Hundred Fifty Thousand Dollars for acquisition of the project site; (\$2,000,000) Two Million Dollars for construction of the new facility; (\$950,000) Nine Hundred Fifty Thousand Dollars to purchase first used machinery and equipment, and (\$1,500,000) One Million Five Hundred Thousand Dollars for new inventory.

The Project does not involve the relocation of any of the Enterprise's existing operations. In addition, because the Project does not involve the relocation of any existing inventory, the base level of inventory at the project site is (\$0) zero.

The Project will begin in May 1998 and all acquisition, construction, and installation will be completed by December 1998.

The total investment of the Enterprise in undertaking this Project and establishing the new facility represents a significant new investment, 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, the Enterprise determines that it will not undertake all the improvements set forth in this Section 1, or otherwise desires to modify the Project, the Enterprise 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:**

The Enterprise shall create within a time period not exceeding 36 months after the completion of construction of the aforesaid facility, a total of 60 new full-time permanent job opportunities at the project site.

The Enterprise's schedule for hiring is as follows: create 27 new full-time permanent jobs in year one; create 17 new full-time permanent jobs in year two; and create 16 new full-time permanent jobs in year three. The job creation period begins January 1, 1999 and all jobs will be in place by December 31, 2001.

The Enterprise currently has no employees at the project site. In total, The Enterprise has 168 full-time permanent employees in the State of Ohio.

The increase in the number of full-time permanent employees will result in approximately (\$1,670,000) One Million Six Hundred Seventy Thousand Dollars of additional annual payroll for the Enterprise.

## **Section 3:**

The Enterprise 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. The Enterprise 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. 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, 1999 nor extend beyond December 31, 2009.

#### **Section 5:**

The City of Massillon hereby grants the Enterprise 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, 1999, nor extend beyond December 31, 2009.

The Enterprise 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**

The Enterprise 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:**

The Enterprise 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 Enterprise fails 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 the Enterprise materially fails to fulfill its obligations under this Agreement and the City of Massillon terminates or modifies the exemptions from taxation under this agreement.

#### **Section 11:**

If the Enterprise materially fails 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:**

The Enterprise hereby certifies that at the time this agreement is executed, the Enterprise does 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 the Enterprise is liable under Chapter 5733., 5735., 5739., 5741., 5743., 5747., or 5753. of the Revised Code, or, if such delinquent taxes are owed, the Enterprise currently is 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 the Enterprise. 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:**

The Enterprise 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:**

The Enterprise, 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, the Enterprise is 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 the Enterprise, 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 transferable or assignable without the express, written approval of the City of Massillon.

**Section 18:**

The Enterprise 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 the Enterprise has knowingly made a false statement to the State or local political subdivision to obtain the Enterprise Zone incentives, the Enterprise 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. \_\_\_\_-1998, has caused this instrument to be executed this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_; Elastochem, Inc., by Martin J. Eble, its Vice President and Chief Financial Officer, has caused this instrument to be executed this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

**WITNESSED BY:**

**THE CITY OF MASSILLON, OHIO**

\_\_\_\_\_

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

**WITNESSED BY:**

**ELASTOCHEM, INC.**

\_\_\_\_\_

\_\_\_\_\_  
Martin J. Eble, Vice President and  
Chief Financial Officer

Approved as to form and legal sufficiency:

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

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 Elastochem, Inc.  
(Enterprise)

- corporation



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

Subsidiary of Berwind Industries, Inc., Nashville, Tenn.

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

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

No employment or facility presently at Massillon site.

- 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 \_\_\_\_\_ No X

- 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:

not applicable

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

168 full-time permanent employees

- e. State the enterprise's current employment level for each facility to be affected by the relocation of employment positions or assets: No other facility affected.

- f. What is the projected impact of the relocation, detailing the number and type of employees and/or assets to be relocated? \_\_\_\_\_

not applicable

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

no relocation - not applicable

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

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).

not applicable

8. Project Description (attach additional pages if necessary: Construction of an  
approximately 40,000 sq. ft. rubber chemical mixing and packaging  
plant, purchase of all the necessary equipment and inventory  
needed to produce and store products.

9. Project will begin May, 1998 and be completed

December, 1998 provided a tax exemption is provided.  
(This is construction time. Job creation & inventory investment is over 3 yrs.)

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): Sixty full-time permanent new employees

- b. State the time frame for this projected hiring: 3 years.

- c. State proposed schedule for hiring (itemize by full and part-time and permanent and temporary employees: First year of operation - 27, second year - 17,  
third year - 16.

11. a. Estimate the amount of annual payroll such new employees will add \$ 1,670,000  
(new annual payroll must be itemized by full and part-time and permanent and  
temporary new employees). Sixty full-time permanent positions

created in three year period.

- b. Indicate separately the amount of existing annual payroll relating to any job retention  
claim resulting from the project: \$ not applicable

12. Market value of the existing facility as determined for local property taxation.  
\$ no facility exists

13. a. Business's total current investment in the facility as of the proposal's submission.  
\$ none

- b. State the business's value of on-site inventory required to be listed in the personal  
property tax return of the enterprise in the return for the tax year (stated in average  
\$ value per most recent 12 month period) in which the agreement is entered into  
(baseline inventory): \$ no property at proposed site

14. An estimate of the amount to be invested by the enterprise to establish, expand, renovate  
or occupy a facility:

A.	Acquisition of <del>Buildings</del> : Land	<u>\$ 250,000</u>
B.	Additions/New Construction:	<u>\$ 2,000,000</u>
C.	Improvements to existing buildings	<u>\$</u>
D.	Machinery & Equipment	<u>\$ 920,000</u>
E.	Furniture & Fixtures:	<u>\$ 30,000</u>
F.	Inventory	<u>\$ 1,500,000</u>

Total New Project Investment: \$ 4,700,000

15. a. Business requests the following tax exemption incentives: 75 % for 10  
years covering real and/or personal property including inventory as described above.  
Be specific as to type of assets, rate, and term.

- b. Business's reasons for requesting tax incentives (be quantitatively specific as  
possible)

This investment is very significant to the Company, increasing its  
capacity by more than 50% and investing in the most current technology.

In addition, a substantial investment in new computer systems is being  
made to accommodate the new operation since it is physically separated

from the Company's Chardon, Ohio location. See page 10 for further  
information.

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.

Elastochem, Inc.  
Name of Enterprise

Martin J. Eble  
Signature

December 15, 1997  
Date

Martin J. Eble  
Vice President & C.F.O.  
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.

The project includes the purchase of a site of approximately ten acres, construction of an industrial building of approximately 40,000 square feet and purchase of equipment and inventory needed to operate the Enterprise's rubber chemicals mixing and packaging operations.

The preferred site is situated in the City of Massillon, County of Stark, and being a part of Outlot 587; also being a part of the Southwest Quarter of Section 29 (T-10, R-9.) The property is presently owned by Massillon Development Foundation, Inc. and is located between Warmington and Navarre Roads on the west side of Erie Street.

The operation is expected to be a single shift initially, then expand to three shifts.

The Enterprise presently has two production facilities located in Chardon, Ohio. The project does not involve the relocation of any of its existing operations.

## II. PROJECT BUDGET

A. NEW BUILDINGS (Provide a brief description of size, type, etc.) Proposed Cost

40,000 sq. ft. pre-engineered single floor manufacturing plant, with 28 ft. ceiling height, all electric

\$2,000,000

B. ADDITIONS (Provide a brief description of size, type, etc.) Proposed Cost

None

C. IMPROVEMENTS TO EXISTING BUILDINGS Proposed Cost  
(Provide an itemized description)

None

**Ohio Department of Development  
Ohio Enterprise Zone Program**

**Application to the City of Massillon  
for a Project Agreement Under the Ohio Urban Jobs and Enterprise Zone Act**

II. Proposed Cost  
D. Machinery and Equipment

	<u>Proposed Cost</u>
2,000 liter Littleford mixer	\$235,000
Accurate feeders	125,000
Bulk oil storage tank system	100,000
Forklifts	80,000
Highspeed checkweighers	60,000
Dock levelers and cushions	60,000
Conveying system	55,000
Bag printers	30,000
Warehouse racks	30,000
Scales	30,000
Overhead hoists	25,000
Emplex sealers	23,000
Water filtration system	20,000
Berg heating unit	12,000
Furniture and office equipment (incl. computers)	<u>65,000</u>
	\$950,000

No machinery and equipment will be relocated by the Enterprise to this project site.

E. Inventory

Value of inventory investment within three  
years of the start of operation: \$1,500,000

No inventory will be relocated by the Enterprise to this project site. No inventory is held at the project site prior to the execution of the Agreement.

### III. EMPLOYMENT

Describe the current workforce of the company, including annual payroll. Describe the impact that the project will have on the company's workforce, specifically, at the project site. List the total number of jobs to be created/and or retained as a result of the project, itemized as to the number of full-time, part-time, and temporary positions, and including a schedule of hiring, itemized by each type of position listed above (the suggested maximum job creation is 36 months). Provide estimates of the dollar amount of additional payroll attributable to each type of position to be created (i.e., full-time, part-time, and temporary).

Elastochem, Inc. presently has a total workforce of approximately 168. During 1997 the average workforce was approximately 155. All of these positions are full-time and all but one is located in Ohio. The Company has no employees at the project site and no relocation of positions is taking place.

The current workforce consists of the following:

Production	93
Production support	25
Laboratory	15
Sales and customer service	11
Management and administrative	<u>24</u>
	168

The new 60 positions being established at the project site are in addition to those already in existence and are expected to be filled as follows: 27 in the first year, 17 in the second year, and 16 in the third year. They are all full-time jobs.

The Company's present annual payroll is approximately \$6,700,000 and the new jobs will add approximately \$1,700,000.



#### IV. REQUEST FOR TAX EXEMPTION

Describe the type, amount, and term of tax exemption being requested for this project as follows:

- (1) An exemption for a specified number of years, not to exceed ten, of a specified portion, up to seventy-five per cent, of tangible personal property first used in business at the project site as a result of this Agreement. ("First used in business" means that the property referred to has not been used in business in this State by the enterprise that owns it, or by an enterprise that is an affiliate or subsidiary of such an enterprise, other than as inventory, prior to being used in business at the project site as a result of an Agreement.)
- (2) An exemption for a specified number of years, not to exceed ten, of a specified portion, up to seventy-five per cent, of real property constituting the project site.

In addition, provide a detailed explanation of the reasons why the proposed tax exemptions are necessary for the project. Provide any supporting financial information that would document the need for such tax exemptions. Using the attached forms, provide an analysis of the total taxes that would result from the project, both with and without the proposed tax exemptions. Summarize the benefits to the community as a result of the project.

See attached statement

**Ohio Department of Development  
Ohio Enterprise Zone Program**

**Application to the City of Massillon  
for a Project Agreement Under the Ohio Urban Jobs and Enterprise Zone Act**

**IV. Request for Tax Exemption**

Elastochem, Inc. requests a tax exemption for ten years and seventy-five per cent of the value of tangible personal property and real property at the project site.

Elastochem presently produces approximately 30,000,000 pounds of proprietary and customized chemical mixtures and dispersions per year for the rubber and plastics industry. The proposed facility will increase capacity by more than 50% and the ten acre site being considered will allow for a future expansion of similar size.

The equipment to be purchased has a higher capacity and is more automated than our present facilities. For instance, the main mixing machine is a 2,000 liter Littleford mixer compared to our present 1,200 and 300 liter mixers. The new operation will have more automated material handling equipment as well. The larger site and larger and more advanced equipment demand more investment at the beginning of the project than would be required with a more conventional approach. All of the existing operations are located in Chardon, Ohio. Since the Massillon location is removed from the present operation, additional costs are also required to provide voice and data communication.

The Chardon operations operate three shifts, five and one half or six days a week. The efficiencies gained by using the equipment around the clock are significant and the new operation is projected to start as a single shift and gradually grow by increasing the number of shifts. Management is confident that all of these investments will ultimately be justified, but the early years tend to be the ones that are the most difficult.

Elastochem is known as a leader and innovator in the industry, and that also applies to our role as an employer and corporate citizen. As an employer, Elastochem provides good jobs and because of our growth it also provides ongoing opportunities for individuals to increase their responsibilities. Elastochem presently provides a competitive wage rate, company paid health and life insurance, a generous retirement plan and a cash bonus program for all of the employees. The present entry level production job starts at \$8.00/hr. and has increases every six months for two years before entering a pattern of annual increases. The higher skilled jobs have substantially higher rates. The employees have a competitive vacation and holiday benefits as well as a sick pay program based on their good attendance.

Twice a year peer evaluations are conducted for all employees. These are designed to obtain input from each employee's co-workers so that the top performers are rewarded and areas of improvement can be identified. A variety of employee recognition programs exist including Rookie of the Year (\$1,000), perfect attendance awards (about 50 hours of extra pay), and awards for the highest scores from the peer evaluations (\$100 to \$500.)

Employee education in such subjects as statistical process control, computer-related training, and English as a second language are provided. (We presently have about 10 Hispanic employees nearing completion of a twenty-four week English course conducted in our office.)

Elastochem is not just providing jobs, but good jobs with a career path for anyone who is willing to learn, work hard and be a valuable team player. These jobs provide a decent standard of living, not just a paycheck.

As a corporate citizen, Elastochem takes its environmental responsibilities very seriously. The operation is designed to generate as little waste as possible. The waste that is generated is controlled with water and air filtration equipment, and trash, etc. is kept inside until it is removed by the disposal company. No chemical waste is landfilled.

Regulatory management requires the commitment to governmental regulations, personal health and safety and environmental improvement. Elastochem's dedication to full regulatory compliance to a healthful workplace for our employees, and to an environmentally "green" ethic establishes us as a viable and reliable supplier, now and in the future.

1A. Total Project Costs receiving Real Property Exemption: 2,000,000

Real Property Tax Matrix

Projected tax year	YR1	YR2	YR3	YR4	YR5	YR6	YR7	YR8	YR9	YR10
Estimated Value of Real Property Improvements	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000
Exemption Schedule	<u>75%</u>	<u>75%</u>	<u>75%</u>	<u>75%</u>	<u>75%</u>	<u>75%</u>	<u>75%</u>	<u>75%</u>	<u>75%</u>	<u>75%</u>
Exempted Value	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000
Taxable Value	500,000	500,000	500,000	500,000	500,000	500,000	500,000	500,000	500,000	500,000
Assessment	35%	35%	35%	35%	35%	35%	35%	35%	35%	35%
Real Property Tax Rate	54.80	54.80	54.80	54.80	54.80	54.80	54.80	54.80	54.80	54.80
66.6 less 17.7%										
Total Real Property Tax Foregone	28,770	28,770	28,770	28,770	28,770	28,770	28,770	28,770	28,770	28,770
(Exempted Value x 35% + tax rate)										
Net New Tax Revenue (Taxable Value x 35% + tax rate)	9,590	9,590	9,590	9,590	9,590	9,590	9,590	9,590	9,590	9,590

Total Real Property Tax Foregone over Project Term: \$ 287,700  
 Total New Real Property Tax Revenue generated over Project Term: \$ 95,900

1D. 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 \$9,590 (1A) to equal the net new annual real property increase (loss) \$9,590 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	1,645,850	1,936,950	2,177,100	2,218,200	2,158,350	2,099,450	2,040,550	1,980,700	1,921,800	1,862,900
Exemption Schedule	75¢	75¢	75¢	75¢	75¢	75¢	75¢	75¢	75¢	75¢
Exempted Value	1,234,390	1,452,710	1,632,830	1,663,650	1,618,760	1,574,590	1,530,410	1,485,530	1,441,350	1,397,180
Taxable Value	411,460	484,240	544,280	554,550	539,590	524,860	510,140	495,180	480,450	465,730
Assessment	25¢	25¢	25¢	25¢	25¢	25¢	25¢	25¢	25¢	25¢
Tangible Personal Property Tax Rate	66.6	66.6	66.6	66.6	66.6	66.6	66.6	66.6	66.6	66.6
Total Tangible Property Tax Forgone (Exempted Value x Assessment x tax rate)	20,553	24,188	27,187	27,700	26,952	26,217	25,481	24,734	23,998	23,263
Net New Tangible Property Tax Revenue (Taxable Value x Assessment x tax rate)	6,851	8,063	9,062	9,233	8,984	8,739	8,494	8,245	7,999	7,754
Total Tangible Personal Property Tax forgone over Project Term:	\$ 250,273									
Total Net New Tangible Personal Property Tax Revenue generated over project term:	\$ 83,424									

2B. Please calculate the annual net new Tangible Personal Property Tax Revenue generated by the project. Subtract any Tangible Personal Property tax revenue loss \$ 0 (page 1) from the new Tangible Personal Property Tax generated \$ 8,342 (2A) to equal the net new annual Tangible Personal Property increase (loss) \$ 8,342 to community.

OHIO DEPARTMENT OF DEVELOPMENT  
ENTERPRISE ZONE PROJECT TAX ANALYSIS

General Project Information

County: Stark Local Government Authority: City of Massillon  
Business: Elastochem, Inc. Total Project Cost: \$4,700,000

Total Current Real Property Tax of Business (at site): vacant land only  
Total Current Tangible Personal Property Tax of Business (at site): none

\*(Note, if not applicable to site, use within local jurisdiction):

Note, does the project involve relocation of any assets or jobs? yes X no

If yes within local jurisdiction yes no

within county yes no

within State (distance mi.) yes no

Does the project involve removal of any currently taxed assets (Real or Personal Property from the Tax Rolls? yes no  
Estimate real property tax loss \$             
Estimate tangible personal tax loss \$           

Is there a local income tax? X yes no

If yes, please list income tax rate: 2 %

Note total number of new jobs projected-attributable to the project 60;

Note new payroll projected from the new job commitment 1,670,000 x 2 % Income tax rate = 33,400  
new income tax generation

Enterprise Zone Manager or Authorized Signature

Date



DATE: February 2, 1998

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 28 - 1998

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE vacating a portion of Stanton Avenue N.W., and declaring an emergency.

WHEREAS, there has been filed with this Council by the owners of two of the three lots and lands bounding and abutting upon the street hereinafter described, a petition requesting that a portion thereafter described be vacated, and

WHEREAS, upon hearing, the Council hereby find that there is good cause for such vacation and that it will not be detrimental to the general interest of this community and that such vacation should be made.

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

Section 1:

There has been a request to vacate a portion of Stanton Avenue N.W., a 50 foot wide right-of-way, lying west between Gordon Avenue N.W. and Crest Circle N.W. and running in an east-west direction between 29th Street N.W. and the City Corporation Line. This request is to vacate that portion of Stanton Avenue N.W., from the west right-of-way line of Noble Place N.W., westerly to the City Corporation Line, a distance of 122 feet. This vacation plat is filed in the City Engineer's Office. Approval of the vacation was recommended by the City Planning Commission on July 9, 1997. Said vacation is hereby approved, adopted and confirmed.

Section 2:

That this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the community and for the additional reason that the vacation of the street is necessary in that it will not be detrimental to the general interest 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 \_\_\_\_\_ 1998

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

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

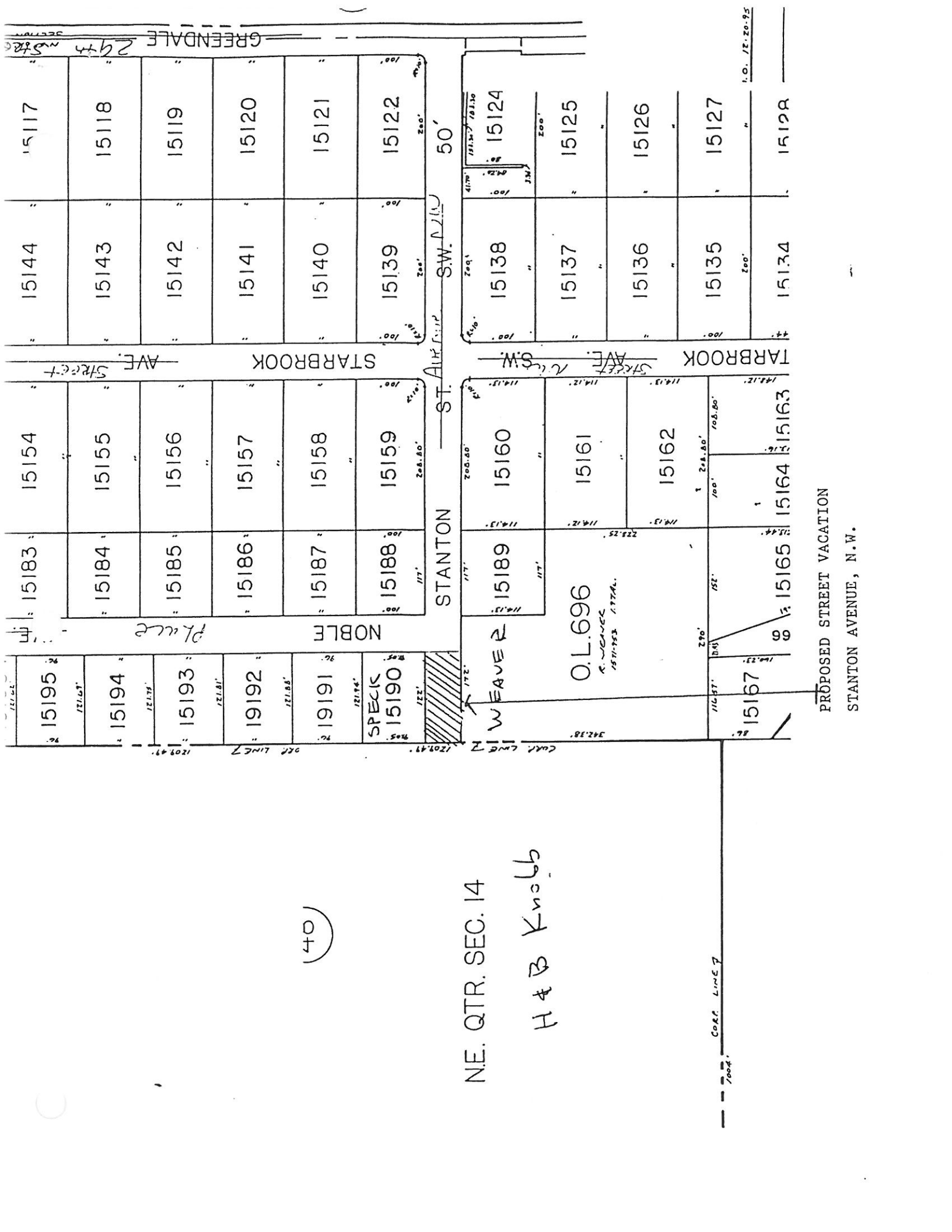
(40)

NE. QTR. SEC. 14

H & B Knolls

CORR. LINE 7

7004



PROPOSED STREET VACATION

STANTON AVENUE, N.W.

DATE: February 2, 1998CLERK: SHARON HOWELL

## CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 29 - 1998

BY: PUBLIC UTILITIES/GOLF COURSE COMMITTEE

TITLE: AN ORDINANCE establishing a rate schedule for fees to be charged at The Legends of Massillon Golf Course for the 1998 golf season, 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 that it is necessary to establish a rate schedule for fees to be charged at The Legends of Massillon Golf Course for the 1998 golf season.

Section 2:

It is hereby determined that the following rate schedule for fees to be charged at The Legends of Massillon Golf Course for the 1998 golf season is hereby approved and accepted by this Council.

THE LEGENDS OF MASSILLON 1998 RATE SCHEDULE

<u>9 HOLES WEEKDAY (Mon.-Thur)</u>		<u>18 HOLES WEEKDAY (Mon.-Thurs)</u>		<u>18 HOLES FRIDAY</u>	
Walking	\$12.00	Walking	\$22.00	Walking	\$25.00
Riding	\$17.00	Riding	\$32.00	Riding	\$35.00
<u>9 HOLES WEEKEND</u>		<u>18 HOLES WEEKEND</u>			
Walking	\$18.00	Walking	\$32.00		
Riding	\$23.00	Riding	\$42.00		

SENIOR/JUNIOR DAYS (Mon.-Thur.)

9 Holes Walking	\$ 8.00
9 Holes Riding	\$ 13.00
18 Holes Walking	\$ 14.00
18 Holes Riding	\$ 24.00

HOTEL PACKAGE RATES

Weekday	\$ 32.00
Fri.-Sun.	\$ 36.00

Section 3:

This ordinance is hereby declared to be an emergency measure, the reason for the emergency being that it is necessary that the rate schedule be approved in that the golf season will soon begin, and that it is necessary to publish the rates, and for the additional reason 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 \_\_\_\_\_ 1998

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

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

DATE: February 2, 1998

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 30 - 1998

BY: PUBLIC UTILITIES/GOLF COURSE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety to enter into a contract agreement with Motter and Meadows Architects for the design development, construction documents and bidding phase of Phase II of the clubhouse at The Legends of Massillon Golf Course, 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, without competitive bidding, with Motter and Meadows Architects for the design development, construction documents and bidding phase of Phase II of the clubhouse at The Legends of Massillon Golf Course.

Section 2:

That the Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to enter into a contract agreement with Motter and Meadows Architects for the design development, construction documents and bidding phase of Phase II of the clubhouse at The Legends of Massillon Golf Course.

Section 3:

That the cost of said contract for surveying will not exceed Thirty-Five Thousand One Hundred Dollars (\$35,100.00).

Section 4:

That upon the completion of said services 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 such services, and the City Auditor is hereby authorized and directed to honor and pay said vouchers.

Section 5:

That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety, and welfare of the community, and for the additional reason that it is necessary that the contract agreement be entered into to complete Phase II of the clubhouse at The Legends of Massillon Golf Course. 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 \_\_\_\_\_ 1998

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

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

DATE: February 2, 1998

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 31 - 1998

BY: PUBLIC UTILITIES/GOLF COURSE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety to enter into a contract agreement with the Golf Professional for The Legends of Massillon Golf Course for a one year period, 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 Golf Professional for The Legends of Massillon Golf Course for a one year period.

Section 2:

That the Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to enter into a contract agreement with the Golf Professional for The Legends of Massillon Golf Course for a one year period.

Section 3:

That the cost of said contract will not exceed Twenty-Five Thousand Dollars (\$25,000.00).

Section 4:

That upon the completion of said services 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 such services, and the City Auditor is hereby authorized and directed to honor and pay said vouchers.

Section 5:

That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety, and welfare of the community, and for the additional reason that it is necessary that the Golf Professional be hired prior to the 1998 golf season. 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 \_\_\_\_\_ 1998

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

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

## **THE LEGENDS OF MASSILLON GOLF PROFESSIONAL AGREEMENT**

This AGREEMENT made this \_\_\_\_\_ day of \_\_\_\_\_, 1998,  
by and between the City of Massillon (The Legends of Massillon Golf Course), hereinafter called  
"City" and \_\_\_\_\_ hereafter called the "Golf Professional."

The City does hereby agree to contract with the Golf Professional and the Golf Professional does hereby agree to serve the City as a Golf Professional of the City's public golf course (The Legends of Massillon) for a period of 7 and 1/2 months from approximately March 17 through October. If the commencing date would have to be delayed at the option of the City, the expiration date of the AGREEMENT will be extended accordingly.

The Golf Professional's normal work week will be 45 hours from Tuesday through Sunday of each week in addition to organizing and overseeing a Massillon residents Junior Program for a period of four weeks during the 1998 golf season. Any variation of this schedule must be submitted and approved by the Golf Course Superintendent.

The City will pay the Golf Professional for his services under this AGREEMENT \$25,000.00 per year, payable in bi-weekly payments of \$1515.16 per pay during the period of this AGREEMENT. The Golf Professional will be allowed five (5) days off per year during the length of the AGREEMENT with the approval of the golf course Superintendent, which will not unreasonably be denied. Said compensation will be for a period of one year.

The City considers public relations to be an important component of the Golf Professional's job duties and expects all actions of the Golf Professional to reflect this importance. The Golf Professional will be under the direct supervision of the Golf Course Superintendent and will have the duties and responsibilities as outlined in the enclosed Golf Professional Job Description. As The Legends of Massillon is in the service business, the Golf Professional will ensure by example that all persons under his control treat patrons and all others in a courteous and businesslike manner.

The Golf Professional further agrees to the following:

- \* Junior Programs (Beginners through advanced for Massillon residents)
- \* Supervising golf operations in the absence of Golf Course Management Staff
- \* Teaching should be during off-duty hours
- \* Use of driving range and golf course at no cost



The Golf Professional will have the right to give professional golf lessons and to receive and retain all fees for such lessons during the period of the agreement.

The Golf Professional will have the right to operate a Pro Shop. Upon the completion of the Phase II of the club house, the Golf Professional will have additional space provided to operate and maintain an adequate stock of merchandise generally available in golf course Pro Shops. A separate lease agreement will be negotiated with the Golf Professional upon the Completion of Phase II of the club house.

Any person employed by the Golf Professional in the Pro Shop for the sale of merchandise or for any other purpose will be solely his employees, and he will be solely responsible for the compensation and duties of such persons. Said individuals will not have any access to golf course monies or responsibilities for golf course operations.

The Golf Professional is responsible for the payment of all federal, state, and local taxes on the fees he receives from the City. The City will pay no benefits or compensation other than what has been stated above.

This AGREEMENT will be in effect for the weeks mentioned, and is a non-renewable AGREEMENT. Should the Golf Professional violate any of the terms and conditions of this AGREEMENT, the City may terminate this AGREEMENT ten (10) days after written notice has been given to the Golf Professional.

IN WITNESS WHEREOF, the parties have hereunto set their hands this \_\_\_\_\_ day of \_\_\_\_\_, 1998.

ATTEST

\_\_\_\_\_

ATTEST

\_\_\_\_\_

THE CITY OF MASSILLON, OHIO

\_\_\_\_\_  
Director of Public Service & Safety

GOLF PROFESSIONAL

\_\_\_\_\_  
Raymond S Bush

## **GOLF PROFESSIONAL**

### **JOB DESCRIPTION**

The Golf Pro is directly responsible to the Golf Course Superintendent. The Golf Pro has supervisory responsibility, in the absence of golf course management staff, over all seasonal employees assigned to the clubhouse operation (namely starters, rangers, cart personnel, cashiers) at The Legends of Massillon Municipal Golf Course.

### **JOB RESPONSIBILITIES**

- \* Will get change for cashiers when on duty
- \* Will adhere to the rules and regulations governing the use of the golf course as set forth by the golf course superintendent
- \* Will assist with field days and tournaments
- \* Operate and maintain a reputable Pro shop featuring quality merchandise and service
- \* Provide golf instruction for all age groups of players when not on duty

### **ESSENTIAL KNOWLEDGE, ABILITIES AND SKILLS**

- \* Supervisory ability
- \* Promote golf in general (i.e., leagues, junior golf, etc.).
- \* Thorough knowledge of the rules of golf in the event of rules decision
- \* Should be an accomplished golfer
- \* Sense of public relations
- \* Ability to work with other Golf Department employees

### **QUALIFICATIONS**

- \* Must have a Class A or the ability to obtain one within one (1) year
- \* Minimum of five (5) years experience in the golf industry

**GOLF PROFESSIONAL  
CONTINUED**

The duties and responsibilities listed are not set forth for the purpose of limiting the assignment of work. They are not to be construed as a complete list of the many duties normally performed under the job title or to be performed temporarily outside an employee's normal line of work.

The City of Massillon expressly reserves the right to add to, detract from, modify, or eliminate any of the above provisions.

DATE: February 2, 1998

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 32 - 1998

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing and directing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids, and to enter into contract upon award of the Board of Control, with the lowest and best bidder for various items as the said City may require for use of its several departments for a one (1) year period, and declaring an emergency.

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

Section 1:

The Director of Public Safety and Service be and he is authorized and directed to prepare the necessary specifications and to advertise for and receive sealed bids and to enter into contract upon award of the Board of Control, with the lowest bidder for various items as the said City may require the same for use of its several departments for a one (1) year period. ;  
(Bid List Attached)

Section 2:

Each bidder may bid for the furnishing of all or any portion, of the items in Section I. Contracts may be made for each separate item as the same shall be awarded for the furnishing of a portion of the aforesaid materials, subject to the approval of the Board of Control.

The bid shall be solicited and the contracts awarded and executed for the purpose of establishing a unit price only. No specific enumeration of quantities whether in this Ordinance, in the advertisements, in the bids, in the contracts or anyone of them shall operate in any way to limit the right or power of the City of any of its boards or officers otherwise properly authorized from purchasing all of the said materials as the City may require the same during the contract period.

Section 3:

Upon acceptance of the aforesaid bids and their approval by the Board of Control and upon the execution of a contract therefore, 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 materials, supplies and equipment as the same shall be furnished in accordance with the requirements of the City of Massillon, Ohio, and the City Auditor is hereby authorized and directed to honor and pay said vouchers.

Section 4:

This Ordinance is declared to be an emergency measure immediately necessary for the reason being that the materials, supplies and equipment to be purchased are needed for immediate use and for the preservation of the health, safety and welfare of the community. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon 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 \_\_\_\_\_ 1998

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

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

ATTACHMENT "A"

City Garage  
401 Walnut Road SW  
Massillon, Ohio 44647  
(330) 833-5746

**STREET DEPARTMENT**

1. Asphalt of H.P.M. cold mix (loaded on City trucks) \$ \_\_\_\_\_ ton
2. 402, 404 fine top asphalt hot mix under 200 tons daily  
(loaded on City trucks) \$ \_\_\_\_\_ ton
3. 402, 404 fine top asphalt hot mix over 200 tons daily  
(loaded on City trucks) \$ \_\_\_\_\_ ton
4. 412 sand and fine top asphalt hot mix (loaded on City trucks) \$ \_\_\_\_\_ ton
5. 301 base asphalt hot mix (loaded on City trucks) \$ \_\_\_\_\_ ton
6. 10,000 pounds, more or less, as the City may require of crack  
sealant for City streets:
  - a) RS-221, sealant meets ODOT 705.04 specifications \$ \_\_\_\_\_ lb.
  - b) RS-201 sealant \$ \_\_\_\_\_ lb.
  - c) Polyfiber sealant \$ \_\_\_\_\_ lb.
7. SS-921 cold mix asphalt (loaded on City trucks) \$ \_\_\_\_\_ ton
8. 702.04 MS-2 (tack coat No. 407) furnished and applied at one tenth  
(1/10th) gallon per sq. yard \$ \_\_\_\_\_ gal.

Most contracts will be effective for a one (1) year period.

**MISCELLANEOUS**

9. 200 tons, more or less, No. 4 gravel and limestone  
(Bid both)

gravel	\$ _____ ton
limestone	\$ _____ ton

10. 500 tons, more or less, No. 57 gravel and limestone  
(Bid both) gravel \$ \_\_\_\_\_ ton  
limestone \$ \_\_\_\_\_ ton
11. 5,000 tons, more or less, as the City may require, of Rock Salt  
for ice control for a period of October 1, 1998 to March 31, 1999. \$ \_\_\_\_\_ ton  
Salt must be delivered and dumped at Massillon City Garage
12. 2,000 tons, more or less, as the City may require, of Grit (hailed by  
City trucks) for a period of October 1, 1998 to March 31, 1999. \$ \_\_\_\_\_ ton
13. Bids for the purpose of purchasing fuel at an off-site location for all City owned vehicles.  
Specifications available at the Safety-Service Director's office.

#### **WASTEWATER TREATMENT PLANT**

14. 36 - 150 pound cylinders, more or less, as the City may require of liquid chlorine gas delivered  
six (6) at a time.

#### **GOLF COURSE DEPARTMENT**

15. Chemicals - specifications available at the Safety-Service Director's office
16. Fertilizers - specifications available at the Safety-Service Director's office

Chemical and fertilizers are to be delivered to The Legends Golf Course at 2100 Nave Road SE  
Massillon, Ohio 44646



DATE: February 2, 1998

CLERK; SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 33 - 1998

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Auditor to pay various 1997 bills that have been received and that will be received by her office between January 1, 1998 and March 1, 1998, for which there is a discrepancy in the purchase order or no purchase order date, out of the 1998 appropriations within the various departments of 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 finds it necessary to authorize the City Auditor to pay various 1997 bills that have been received and that will be received by her office between January 1, 1998 and March 1, 1998, for which there is a discrepancy in the purchase orders or no purchase orders, from the 1998 appropriations within the various departments.

Section 2:

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 various 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 \_\_\_\_\_ 1998

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

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

DATE: February 2, 1998

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 34 - 1998

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE repealing Section 1 of Ordinance No. 4 - 1998 and enacting a new Section 1 of Ordinance No. 4 - 1998, and declaring an emergency.

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

Section 1:

Section 1 of Ordinance No. 4 - 1998 be and is hereby repealed.

Section 2:

That there be and is hereby enacted a new Section 1 of Ordinance No. 4 - 1998. Said new Section 1 shall read as follows:

The City Auditor is hereby authorized and directed to deposit funds from the sale of the St. Andrew lots as follows:

- (1). Seventy-Five Percent (75%) of the money received shall be deposited into the Economic Development Fund.
- (2). Twenty-Five Percent (25%) of the money received shall be deposited into the Bond Retirement Fund.

Section 3:

This Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that the additional funds are necessary to promote economic development in the City of Massillon, Ohio, and for the additional reason 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 \_\_\_\_\_ 1998

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

SHARON HOWELL, CLERK OF COUNCIL

DENNIS D. HARWIG, PRESIDENT

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

FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: February 2, 1998

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 35 - 1998

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Capital Improvement Fund of the City of Massillon, Ohio, for the year ending December 31, 1998, 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 Capital Improvement Fund of the City of Massillon, Ohio, for the year ending December 31, 1998, the following:

\$167,000.00 to an account entitled "Leases" 1401.905.2530

Section 2:

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 \_\_\_\_\_ 1998

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

SHARON HOWELL, CLERK OF COUNCIL

DENNIS D. HARWIG, PRESIDENT

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

FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: February 2, 1998

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 36 - 1998

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Municipal Golf Course Fund the City of Massillon, Ohio, for the year ending December 31, 1998, 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 Municipal Golf Course Fund of the City of Massillon, Ohio, for the year ending December 31, 1998, the following:

\$ 35,100.00 to an account entitled "Capital Projects" 1432.920.2510

Section 2:

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 efficient operation of The Legends of Massillon Golf Course 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 \_\_\_\_\_ 1998

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

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

DATE: February 2, 1998

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

RESOLUTION NO. 9 - 1998

BY: COMMITTEE OF THE WHOLE

TITLE: A RESOLUTION commending SANDRA AEGERTER as Treasurer for the City of Massillon, Ohio.

WHEREAS, on December 31, 1997, SANDRA AEGERTER completed ONE (1) year and FIVE (5) months of service as Treasurer of the City of Massillon, Ohio, and

WHEREAS, SANDRA AEGERTER, has fully cooperated with all members of City Council and the Administration regardless of political affiliation and she has devoted herself to her responsibilities and duties as Treasurer of the City of Massillon; and

WHEREAS, MRS. AEGERTER, during her years as Treasurer brought integrity and pride as well as professionalism and trust into giving the outstanding service to the citizens for the betterment of Massillon, and

WHEREAS, through her administrative expertise and knowledge of local government she has been instrumental in the accomplishment of many distinct services now offered by the Treasurer's Office; and

WHEREAS, SANDRA AEGERTER is indeed a public spirited individual who is dedicated and loyal to serving government and the citizens of the community to the best of her ability so that this great City continues to grow; and

WHEREAS, City Council desires to recognize and note upon its official records its appreciation and commendation to MRS. AEGERTER for the excellent service she has rendered to the people and the City of Massillon during her years of public service.

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

Section 1:

On behalf of the City of Massillon and the members of City Council, the members of City Council commend SANDRA AEGERTER for the efficient, energetic and capable manner in which she has discharged her duties and for the lasting contribution she has made to our City during her years in office.

Section 2:

That this Resolution shall be immediately effective.

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 1998

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

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

DATE: February 2, 1998

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

RESOLUTION NO. 10 - 1998

BY: COMMITTEE OF THE WHOLE

TITLE: A RESOLUTION commending MINNIE M. TRAYLOR as a member of the Civil Service Commission for the City of Massillon, Ohio.

WHEREAS, on December 20, 1997 MINNIE M. TRAYLOR completed twelve (12) years and five (5) months as a member of the Civil Service Commission of the City of Massillon, Ohio, and

WHEREAS, MINNIE M. TRAYLOR, fully cooperated with all members of City Council regardless of political affiliation and devoted herself to her responsibilities and duties as a member of Massillon Civil Service Commission, and

WHEREAS, MRS. TRAYLOR, during her terms of office as a member of the Civil Service Commission gave outstanding service to the Citizens for the betterment of Massillon, and

WHEREAS, City Council desires to recognize and note upon its official records its appreciation and commendation to MRS. MINNIE M. TRAYLOR for the excellent service she rendered to the citizens and the City of Massillon during her terms of office, and

WHEREAS, MINNIE M. TRAYLOR, passed away unexpectantly December 1997, she will be sadly missed by the citizens of the City of Massillon.

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

Section 1:

On behalf of the City of Massillon and the members of City Council, this Council posthumously commends MINNIE M. TRAYLOR for the efficient, energetic and capable manner in which she discharged her duties and for the lasting contribution she made to our City during her terms of office.

Section 2:

That this Resolution shall be immediately effective.

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 1998

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

APPROVED: \_\_\_\_\_  
MAYOR2 FRANCIS H. CICCHINELLI, JR.,



DATE: February 2, 1998

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 25 - 1998

BY: PARKS AND RECREATION COMMITTEE

TITLE: AN ORDINANCE repealing Section 961.15 "ANIMALS" of CHAPTER 961 "PARKS", and enacting a new Section 961.15 "ANIMALS" of CHAPTER 961 "PARKS", and declaring an emergency.

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

Section 1:

Section 961.15 "ANIMALS" of CHAPTER 961 "PARKS" be and is hereby repealed.

Section 2:

That a new Section 961.15 "ANIMALS" of CHAPTER 961 "PARKS" be and is hereby enacted. Said new Section shall read as follows:

961.15 ANIMALS

No person shall tie or release in a public park, or permit any animal whatsoever to run at large within the boundaries of any City park. Further restrictions shall be imposed in South Sippo, North Sippo and Reservoir Parks prohibiting all domestic animals other than for assistance to visually impaired persons.

Section 3:

This Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that a new Section 961.15 be enacted to include South Sippo Park 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 \_\_\_\_\_ 1998

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

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

DATE: February 2, 1998

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 26 - 1998

BY: STREETS, HIGHWAYS, TRAFFIC AND SAFETY COMMITTEE

TITLE: AN ORDINANCE authorizing and directing the Director of Public Service and Safety to enter into a contract agreement, without competitive bidding, with Finkbeiner, Pettis & Strout for engineering services to design the Earl Road Bridge, and declaring an emergency.

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

Section 1:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to enter into a contract agreement, without competitive bidding, with Finkbeiner, Pettis & Strout for engineering services to design the Earl Road Bridge. The cost of said contract shall not exceed Fifty-One Thousand Dollars (\$51,000.00).

Section 2:

That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety, and welfare of the community and for the additional reason that the engineering services are needed for the Erie Road Bridge Project 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 \_\_\_\_\_ 1998

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

SHARON HOWELL, CLERK OF COUNCIL

DENNIS D. HARWIG, PRESIDENT

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

FRANCIS H. CICCHINELLI, JR., MAYOR

## CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

## ORDINANCE NO. 37 - 1998

BY: COMMUNITY DEVELOPMENT AND ANNEXATION COMMITTEE

TITLE: AN ORDINANCE approving and authorizing the Mayor to enter into an agreement with Raedel College, providing an economic development "inducement grant" to assist the College in purchasing additional computers for their business classes, and declaring an emergency.

WHEREAS, the City of Massillon carries out a variety of economic development programs designed to promote the creation and expansion of business and industry in the community; and

WHEREAS, Raedel College recently relocated to Massillon and is leasing space in the first floor of the Massillon Building, 14 Lincoln Way East; and

WHEREAS, the City of Massillon proposes to assist Raedel College, in purchasing additional computers for their business classes by providing an economic development "inducement grant", the purpose of which is to help offset the College's costs at its new location in the City of Massillon.

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

Section 1:

This Council hereby approves and authorizes the Mayor to enter into an agreement with Raedel College, providing an economic development "inducement grant," in a total amount not to exceed Five Thousand Dollars (\$ 5,000.00) for the purpose of assisting the College in purchasing additional computers for their business classes. This "inducement grant" shall be provided as follows:

1. \$ 5,000.00 shall be provided to Raedel College, for the purchase of additional computers for their business classes.
2. This "inducement grant" shall be provided in the form of a deferred payment loan, at 0% interest, for a five year term. At the end of the five year period, no repayment shall be required, provided the College is still in operation at the project site. If the College should cease operations at the site within the five year period, the loan shall become due and payable.

Section 2:

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 improve the economic climate of the community through this financial assistance to the Raedel College. 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 \_\_\_\_\_ 1998

APPROVED:

SHARON HOWELL, CLERK OF COUNCIL      DENNIS D. HARWIG, PRESIDENT

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

FRANCIS H. CICCHINELLI, JR., MAYOR