

AGENDA

DATE: MAY 4, 1998
TIME: 7:30 P.M.
PLACE: COUNCIL CHAMBERS

1. ROLL CALL
2. INVOCATION - COUNCILMAN JAMES ROHR
3. PLEDGE OF ALLEGIANCE
4. READING OF THE JOURNAL
5. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS ON THE AGENDA
6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 108 - 1998 BY: SEWER AND WASTE COMMITTEE

504 ✓ P
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 and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the Lori & Wray Storm Sewer Improvements Project in the City of Massillon, Ohio, and declaring an emergency.

ORDINANCE NO. 109 - 1998 BY: RULES, COURTS & CIVIL SERVICE COMMITTEE

Tabbed
Indefinitely
AN ORDINANCE amending Section 2(D) OCCUPATION LIST OF CLASS TITLES - AUDITOR DEPARTMENT of Ordinance No. 127 - 1997 by repealing Section 2(D) OCCUPATION LIST OF CLASS TITLES - AUDITOR DEPARTMENT, and enacting a new Section 2(D) OCCUPATION LIST OF CLASS TITLES - AUDITOR DEPARTMENT, in the City of Massillon, Ohio, and declaring an emergency.

ORDINANCE NO. 110 - 1998 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

file ✓ P
AN ORDINANCE accepting an application for annexation for territory to the City of Massillon, Ohio, and declaring an emergency.

ORDINANCE NO. 111 - 1998 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

file ✓ P
AN ORDINANCE petitioning the Board of County Commissioners of Stark County, Ohio, for a change in the township lines of Massillon, and Tuscarawas Township, and declaring an emergency.

ORDINANCE NO. 112 - 1998 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

P
AN ORDINANCE authorizing and directing the Mayor to enter into an agreement with Harwick Chemical Manufacturing Corporation providing for the adoption of a project which will establish a new facility and create employment opportunities within the City of Massillon Enterprise Zone, and declaring an emergency.

ORDINANCE NO. 113 - 1998 BY: FINANCE COMMITTEE

SDH ✓ P
AN ORDINANCE making certain appropriations from the unappropriated balance of the Community Development Block Grant Program Fund, Wastewater Treatment Fund, General Fund, UDAG B-81-AB-39-0097 Towne Plaza Fund, Special Assessment Bond Retirement Shaw/Castlewest Fund and the Restaurant License Fund, of the City of Massillon, Ohio, for the year ending December 31, 1998, and declaring an emergency. - Johnson C. 75A B/C

7. UNFINISHED BUSINESS
8. PETITIONS AND GENERAL COMMUNICATIONS

A). LETTER OHIO DEPARTMENT OF LIQUOR DEPARTMENT REGARDING A TRANSFER OF LICENSE FROM KRACKERS PIZZA INC., 248-52 FEDERAL AVENUE N.W., MASSILLON, OHIO, 44647 TO J. G. BAHAS RESTAURANT & CATERING, 364 FIRST STREET S.E., MASSILLON, OHIO, 44647.

9. BILLS, ACCOUNTS AND CLAIMS
10. REPORTS FROM CITY OFFICIALS

A). MAYOR SUBMITS MONTHLY PERMIT REPORT FOR APRIL 1998
B). AUDITOR SUBMITS MONTHLY REPORT FOR APRIL 1998
C). TREASURER SUBMITS MONTHLY REPORT FOR APRIL 1998

11. REPORTS OF COMMITTEES
12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS
13. CALL OF THE CALENDAR

MAY 4, 1998

14. THIRD READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 79 - 1998 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM.

AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning certain tracts of land from I-1 Light Industrial to A-1 Agricultural, and declaring an emergency.

ORDINANCE NO. 80 - 1998 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM.

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. 81 - 1998 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM.

AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning certain tracts of land from A-1 Agricultural to R-2 Single Family Residential, R-T Two Family Residential, RM-1 Multi Family Residential and B-1 Local Business, and declaring an emergency.

ORDINANCE NO. 82 - 1998 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM.

AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning certain tracts of land to R-2 Single Family Residential, R-1 Single Family, R-T Two Family Residential, RM-1 Multi Family Residential and B-1 Local Business, and declaring an emergency.

ORDINANCE NO. 83 - 1998 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM.

AN ORDINANCE indicating what services the City of Massillon, Ohio, will provide to the Oberlin-Bonks Area Annexation, upon annexation, and declaring an emergency.

ORDINANCE NO. 84 - 1998 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM.

AN ORDINANCE indicating what services the City of Massillon, Ohio, will provide to the Wheaton Place Annexation, upon annexation, and declaring an emergency.

ORDINANCE NO. 88 - 1998 BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMM.

AN ORDINANCE, vacating a certain public alley, and declaring an emergency.

ORDINANCE NO. 89 - 1998 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM.

AN ORDINANCE, approving an application for assistance under Title I of the Housing and Community Development Act of 1974, as amended, including the consolidation Plan and Annual Action Plan; authorizing the execution and filing of the application and related assurances and certifications, and declaring an emergency.

15. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 101 - 1998 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM.

AN ORDINANCE accepting the Final Plat for the Legend Hills Phase I in the City of Massillon, Stark County, Ohio, presently on file in the office of the City Engineer, 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: May 4, 1998

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 108 - 1998

BY: SEWER AND WASTE COMMITTEE

TITLE: 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 and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the Lori & Wray Storm Sewer Improvements Project 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 determines it to be necessary and in the public health, safety and welfare to prepare plans and specifications and to advertise for and receive sealed bids according to law, and to enter into contract upon award and approval by the Board of Control, with the lowest and best bidder for the Lori & Wray Storm Sewer Improvements Project in the City of Massillon, Ohio.

Section 2:

That the Director of Public Safety and Service 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 to enter into contract upon award and approval by the Board of Control, with the lowest and best bidder for the Lori & Wray Storm Sewer Improvements Project in the City of Massillon, Ohio.

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 plans and specifications be prepared so that bids may be received to construct the storm sewer improvements project for Lori & Wray. 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: MAY 4, 1998

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 109 - 1998

BY: RULES, COURTS & CIVIL SERVICE COMMITTEE

TITLE: AN ORDINANCE amending Section 2(D) OCCUPATION LIST OF CLASS TITLES - AUDITOR DEPARTMENT of Ordinance No. 127 - 1997 by repealing Section 2(D) OCCUPATION LIST OF CLASS TITLES - AUDITOR DEPARTMENT, and enacting a new Section 2(D) OCCUPATION LIST OF CLASS TITLES - AUDITOR DEPARTMENT, 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:

Section 2(D) OCCUPATION LIST OF CLASS TITLES - AUDITOR DEPARTMENT of Ordinance No. 127 - 1997 be and is hereby repealed.

Section 2:

A new Section 2(D) OCCUPATION LIST OF CLASS TITLES - AUDITOR DEPARTMENT of Ordinance No. 127 - 1997 be and is hereby enacted and shall read as follows:

(SEE ATTACHMENT 'A' PAGE 2; AND INSERT IN THE SALARY ORDINANCE 127 - 1997)

Section 3:

That this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the community and for the additional reason that the position of Chief Deputy Auditor be created in that the position requires additional duties. 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

CLASS	SCHEDULE	DEPARTMENT & TITLE DESCRIPTION	
		<u>BAILIFF</u>	135
	EL	Bailiffs	
		<u>PLANNING DEPARTMENT</u>	140
	MS	<u>PART TIME/TEMPORARY/SEASONAL</u>	
		Secretary - Planning Board	
		<u>CIVIL SERVICE COMM</u>	150
12S	CL	Civil Service Administrator (1)	
9S	CL	Clerk Administrator	
	MS	Chairman (Appointed by Mayor)	
	MS	Members (Appointed by Mayor)	
		<u>SERVICE DEPARTMENT</u>	160
26S	SU UN	Safety Service Director	
9S	UN	Secretary	
		<u>DATA CENTER</u>	170
15S	SU UN	Data Center Chief (Split 1/3)	
		<u>HUMAN SERVICES DEPT.</u>	175
22S	SU UN	E.E.O./M.B.E. Director/Drug Coordinator	
6S	UN	Clerk Typist II	
		<u>AUDITOR DEPARTMENT</u>	205
	EL	Auditor	
14S	UN	* Chief Deputy Auditor	
12S	UN	Deputy Auditor	
9S	UN	Deputy Account Clerk II	
8S	UN	Deputy Account Clerk II	
6S	UN	Deputy Clerk Typist II	
		<u>PART TIME/TEMPORARY/SEASONAL</u>	
	MS	Clerk Typist	
		<u>INCOME TAX</u>	210
18S	SU UN	Tax Administrator	
12S	UN	Investigator	
11S	UN	Deputy Tax Administrator	
9S	UN	Senior Auditor	
8S	UN	Income Tax Auditor	
6S	UN	Cashier/Receptionist	
5S	UN	Deputy Clerk Typist II	
		<u>PART TIME TEMPORARY/SEASONAL</u>	
	MS	Auditor	
	MS	Cooperative Business Education Student	
		<u>TREASURER</u>	215
	EL	Treasurer	
		<u>PART TIME TEMPORARY/SEASONAL</u>	
	MS	Clerk Typist	

DATE: May 4, 1998

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 110 - 1998

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE accepting an application for annexation for territory to the City of Massillon, Ohio, and declaring an emergency.

WHEREAS, a petition for the annexation for certain territory in Perry Township, was duly filed by Steve D. Hamit, Agent for the petitioners, and

WHEREAS, the said petition was duly considered by the Board of County Commissioners of Stark County on May 21, 1997, and

WHEREAS, the Board of County Commissioners rejected the annexation of said territory to the City of Massillon as hereinafter described, and

WHEREAS, the appeal was filed in the Common Pleas Court of Stark County, Ohio, on behalf of the appellants on August 22, 1997 and August 29, 1997, and

WHEREAS, the Court ruled in favor of the appellants and reversed the decision of the Board of County Commissioners of Stark County on January 29, 1998, thus granting the annexation, and

WHEREAS, pursuant to the judgment of the Stark County Court of Common Pleas, the Board of Stark County Commissioners adopted a resolution on February 17, 1998 approving the annexation, and

WHEREAS, at least two-thirds of the members elected to Council of the City of Massillon, Ohio, have found, considered and determined that in order to annex said territory to the City of Massillon, this constitutes an emergency, requiring immediate action.

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

Section 1:

The application of Steven D. Hamit, Agent for the petitioners is hereby accepted for the annexation of the following described territory in the County of Stark and adjacent to the City of Massillon, to wit:

Known and being part of the Northwest quarter Section 22, part of the Northeast quarter Section 22 of Perry Township, Stark County, Ohio, and being further described as follows:

Beginning at the Southwest corner of the Northwest quarter Section 22, Perry Township; Thence N03° 23' 56" E along the west line of the Northwest quarter Section 22, Perry Township, also being the west line of a parcel of land currently or previously owned by M. B. Operating Co., Inc. (IM. No. 96000910), a distance of 1476.92' to a point being the northwesterly corner of said parcel;

Thence S 86° 36' 04" E along the northerly line of said parcel a distance of 295.25' to a point said point being on the center line of Richville Drive and also being the northeasterly corner of said parcel;

Thence along the westerly line of a parcel currently or previously owned by D. Wayne and Deborah L. Whipkey (3929:239) the following courses:

N 03° 29' 42" E a distance of 627.55' to a point, thence
N 03° 23' 56" E a distance of 574.06' to a point being the northwesterly corner of said parcel

Thence S 87° 13' 45" E along the northerly line of said parcel also being the north line of said quarter section a distance of 2412.12' to a point being the northeast corner of said parcel and said quarter section;

Thence S 02° 59' 20" W along the east line of said parcel and said quarter section a distance of 590.00' to a point;

Thence along the easterly boundary of said parcel the following courses:

S 87° 13' 45" E a distance of 330.00' to a point; thence
S 02° 59' 20" W a distance of 723.00' to a point; thence
N 87° 13' 45" W a distance of 330.00' to a point, said
point also being on the east line of said quarter section;

Thence S 02° 59' 20" W along the east line of said quarter section a distance of 1361.15' to a point being the southeast corner of said quarter section, and also being on the centerline of Nave Street, said point also being the southeasterly corner of a parcel currently or previously owned by M. B. Operating Co., Inc. (IM No. 97006236);

Thence following the south line of said quarter section line N 87° 15' 00" W a distance of 2727.59' to a point; said point being the true place of beginning and containing a total of 164.210 acres, more or less, with 158.733 acres being in the Northwest quarter Section 22, Perry Township, and 5.477 acres being in the Northeast quarter Section 22, Perry Township.

Section 2:

That the City Council Clerk be and hereby is directed to file certified copies of said annexation containing the petition, map accompanying the petition, a transcript of the proceedings of the County Commissioners, and this Ordinance, with the Stark County Recorder and the Secretary of State.

Section 3:

That the Clerk of this Council be and hereby is directed to file with the Clerk of the Board of Commissioners of Stark County, as well as the County Board of Elections, notice in writing of the boundary changes of the City of Massillon hereby affected together with a map of the annexed territory.

Section 4:

This Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said enactment is necessary for the more efficient operation of the City of Massillon, Ohio, and for the additional reason that it is in the best interest of the property owners in the annexed area that their property become a part of the City of Massillon. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____ 1998

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

APPROVED: _____
FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: May 4, 1998

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 111 - 1998

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE petitioning the Board of County Commissioners of Stark County, Ohio, for a change in the township lines of Massillon and Tuscarawas Township, and declaring an emergency.

WHEREAS, Massillon Township was erected to conform with the corporation limits of the City of Massillon, Stark County, Ohio by the Board of County Commissioners on August 19, 1963, and

WHEREAS, the corporation limits of the City of Massillon, Ohio, have been enlarged since the erection of said Massillon Township, through the annexation of one (1) tract of land comprising a part of Tuscarawas Township, and

WHEREAS, these annexed lands are still shown as a part of Tuscarawas Township, and the County Commissioners must amend the boundaries.

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 the corporation limits of the City of Massillon includes one (1) tract of land which is part of Tuscarawas Township, Stark County, Ohio, and that it will be in the public interest of the City to have the boundaries of said Tuscarawas Township changed by excluding this one (1) tract of land from said Tuscarawas Township and adding this one (1) tract of land to Massillon Township within the corporation limits of the City.

Section 2:

The Board of County Commissioners of Stark County, Ohio, are hereby petitioned under the authority of Section 503.07 Ohio Revised Code, to change the Township boundaries of Tuscarawas Township and Massillon Township, all in Stark County, Ohio, by excluding from said Tuscarawas Township by adding to said Massillon Township the respective areas thereof which are presently located within the corporation limits of the City of Massillon, Ohio, which areas are described as follows:

Known and being part of the Northwest Quarter Section 10 of Tuscarawas Township, Stark County, State of Ohio and being further described as follows:

Beginning at the Northwest corner of said Northwest quarter Section 10, said point also being on the centerline of Manchester Avenue Northwest; Thence S 04°28'00"W along said centerline a distance of 238.00' to a point, and the true place of beginning; Thence S 04°28'00"W, continuing along said centerline and also being the westerly line of a parcel of land presently or previously owned by Jacob & Dorothy E. Glick, as recorded in Official Imaging Record 95028345, a distance of 319.49' to a point;

Thence continuing along said parcel the following courses:

S 85°18'00"E a distance of 802.90' to a point;
S 04°28'00"W a distance of 542.51' to a point;
S 85°18'00"E a distance of 454.73' to a point;
N 04°28'00"E a distance of 880.00' to a point;
N 85°18'00"W a distance of 1099.63' to a point;
S 04°28'00"W a distance of 18.00' to a point;

Thence N 85°18'00"W, continuing along the north line of said parcel a distance of 158.00' to a point, said point being the true place of beginning, containing 15.320 acres in the Northwest Quarter Section 10, Tuscarawas Township. Total acreage in annexation is 15.320 acres, more or less.

Section 3:

Attached hereto and made a part of this Ordinance is one (1) map covering the tract of land described in Section 2 of this Ordinance.

Section 4:

The Board of County Commissioners of Stark County, Ohio, are hereby petitioned under the authority of Section 503.07, Ohio Revised Code, to add the one (1) tract of land described in Section 2 of this Ordinance to Massillon Township, Stark County, Ohio.

Section 5:

Upon passage of this Ordinance the Clerk of Council is directed to forward a certified copy thereof and the attached map, together with an authenticated copy of the proceedings relating thereto, to the Board of County Commissioners of Stark County, Ohio.

Section 6:

This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of this community and for the further reason that the timely resolution of its subject matter is essential for making the boundary lines of Massillon Township conform with the corporation lines of 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

Tulaw
Board of Education

R. Harris & M. Allman

S.E. Qtr. Sec. 4
Tusc. Twp.

N.E. Qtr. Sec. 9
Tusc. Twp.

N.W. Qtr. Sec. 10
Tusc. Twp.
(651:15)

S. Campian
(3589:465)

S 04°28'00" W
238.00'

0.060 Ac.

N 85°18'00" W
1099.63'

S 04°28'00" W
18.00'

N 85°18'00" W
158.00'

B. Draine
& et al

J. & D. Gile
(L.R. 95028345)

25.380 Acres
- 8.000 Ac.
- 2.000 Ac.
- 0.060 Ac.
15.320 Acres

S 85°18'00" E
802.80'

R. & C. DeHoff
(1741:145)
2.000 Acres

Tulaw
Board of Education
(1824:80)
8.000 Acres

K.
Carroll

R.T. 93

Manchester Ave.

D. & C. Boyd

D. & J. Wismar

T. & D.
Thomas

S 85°18'00" E
454.73'

N 04°28'00" E
880.00'

(3598:438)

Bellevue City of Harrison
Corp. Mass

J. & D. Gile
O.L. 636

DATE: May 4, 1998

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 112 - 1998

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE authorizing and directing the Mayor to enter into an agreement with Harwick Chemical Manufacturing Corporation providing for the adoption of a project which will establish a new facility and create 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, Harwick Chemical Manufacturing Corporation is proposing to construct a new facility on a 16 acre site in Neocom Park II, on Navarre Road S.E. located within the Massillon Enterprise Zone, and Harwick Chemical Manufacturing Corporation is proposing to establish a new facility to relocate its manufacturing operations from its present facility in Akron, Ohio, at a total combined investment of Seven Million Nine Hundred Sixty Thousand Dollars (\$7,960,000.00), (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 Harwick Chemical Manufacturing Corporation with the incentives available for development of the Project in said Enterprise Zone, under Chapter 5709 of the Ohio Revised Code; and

WHEREAS, Harwick Chemical Manufacturing Corporation 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 Harwick Chemical Manufacturing Corporation 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 create 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 Perry Local School District and the Perry Board of Education has been notified in accordance with Section 5709.83 and have been given a copy of the application.

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

Section 1:

The Council of the City of Massillon, Ohio does hereby authorize and direct the Mayor to enter into an agreement, attached hereto as Exhibit "A" and incorporated herein by reference, with Harwick Chemical Manufacturing Corporation 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 Harwick Chemical Manufacturing Corporation 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 Harwick Chemical Manufacturing Corporation, an Ohio Corporation with its main offices located at 2020 Front Street, Suite 106, Cuyahoga Falls, Ohio 44221, (hereinafter referred to as "Harwick").

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, Harwick is desirous of establishing a facility within the Enterprise Zone through the construction of a new facility that will house the company's manufacturing operations, including the production of specialty chemicals, specialty colorants and water based products for the rubber and thermo plastic resin compounding industries and aqueous dispersions for latex markets, (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 Project contemplates two phases: Phase 1 being the construction of a new one hundred thousand (100,000) square foot manufacturing building, including a quality control laboratory, development laboratory, and plant offices; and Phase 2 being the construction of a new one hundred thousand (100,000) square foot addition (or free standing building) to house manufacturing and/or warehouse operations.

Whereas, the Council of the City of Massillon, Ohio (hereinafter "Council") by Ordinance No. 163-1994, adopted on July 18, 1994, and as amended by Ordinance No. 57-1998, adopted on March 2, 1998, has designated an area of the City as an "Enterprise Zone" pursuant to Chapter 5709 of the Ohio Revised Code; and

Whereas, effective September 12, 1994, and as amended March 13, 1998, the Director of Development of the State of Ohio has determined that the aforementioned area designated in said Ordinance No. 163-1994 and Ordinance No. 57-1998, contains the characteristics set forth in 5709.61 (A) (1) (a) and (e) 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 Harwick with the incentives available for development of the Project in the said Enterprise Zone, under Chapter 5709 of the Ohio Revised Code; and

Whereas, Harwick 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, Harwick has 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 Harwick, 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 Harwick is located in the Perry Local 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:

Phase 1 of this Project is as follows: Harwick shall construct a new one hundred thousand (100,000) square foot building on Navarre Road, S.E., in Neocom II Industrial Park Massillon, Ohio, to house its manufacturing operations, including a quality control laboratory, development laboratory, and plant offices. Said new facility shall be constructed on a 16 acre parcel of land, known as and being Part of Out Lot 724, in the City of Massillon, Stark County, Ohio.

Phase 1 of this Project will involve a total investment by Harwick of (\$7,960,000) Seven Million Nine Hundred Sixty Thousand Dollars, plus or minus 10%, at the proposed project site. Included in this investment are (\$3,960,000) Three Million Nine Hundred Sixty Thousand Dollars for construction of the new facility; (\$2,000,000) Two Million Dollars to purchase first used machinery and equipment; furniture and fixtures, and (\$2,000,000) Two Million Dollars in additional inventory above base levels.

In addition, Harwick will relocate and use at the project site existing machinery and equipment, with a total approximate value of (\$3,000,000) Three Million Dollars.

The Enterprise has reported that its existing base level of inventory as listed in the personal property tax return for the tax year (stated in average \$ value per most recent 12 month period) in which the agreement is entered into is (\$1,000,000) One Million Dollars.

The Project will begin in May 1998, and all acquisition, construction, and installation will be completed by December 31, 1999.

The total investment by Harwick in undertaking Phase 1 of 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, Harwick determines that it will not undertake all the improvements set forth in this Section 1, or otherwise desire to modify the Project, Harwick 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:

With regard to Phase One of the Project, Harwick shall create within a time period not exceeding 36 months after the completion of construction of the aforesaid facility, the equivalent of 25-35 new full-time permanent job opportunities. In addition, Harwick will use its best efforts to retain 120 existing full-time permanent jobs at the new facility.

Harwick's schedule for hiring is as follows: create 10 new full-time permanent job in year one; create 10 new full-time permanent job in year two; and create 5-15 new full-time permanent job in year three. The job creation period begins in 1999 and all jobs will be in place by December 31, 2001.

Harwick Chemical Manufacturing Corporation currently has 40 full-time permanent employees in the State of Ohio located at its Corporate Offices in Cuyahoga Falls. The enterprise will be relocating to the Enterprise Zone Project Site 120 existing full-time permanent jobs from Harwick Standard Distribution Corporation (formerly Harwick Chemical Corporation), as a result of Harwick Chemical having acquired the manufacturing assets of Harwick Standard. These 120 jobs will be relocated from Harwick Standard's plant facility located at 60 South Seiberling Street, in Akron. Harwick will use its best efforts to retain these 120 existing full-time permanent jobs at the Project Site.

The increase in the number of full-time permanent employees will result in between approximately (\$520,000 - \$730,000) Five Hundred Twenty Thousand Dollars and Seven Hundred Thirty Thousand Dollars of additional annual payroll for the Enterprise. The retention of the existing jobs will provide an annual payroll of (\$2,900,000) Two Million Nine Hundred Thousand Dollars.

Section 3:

Phase 2 of this Project is as follows: Harwick shall construct a new one hundred thousand (100,000) square foot addition or free standing facility at the Project Site on Navarre Road, S.E., in Neocom II Industrial Park Massillon, Ohio. This new construction will house manufacturing and/or warehouse operations. In addition, Harwick will purchase and install new machinery and equipment for this new facility.

Phase 2 of this Project will involve a total investment by Harwick of between (\$4,000,000 - \$5,500,000) Four Million and Five Million Five Hundred Thousand Dollars at the proposed project site. Included in this investment are (\$3,000,000 - \$4,000,000) between Three Million and Four Million Dollars for construction of the new facility; (\$500,000 - \$1,000,000) between Five Hundred Thousand and One Million Dollars to purchase first used machinery and equipment; furniture and fixtures, and (\$500,000) Five Hundred Thousand Dollars in new inventory. If the size of the Phase 2 Project is reduced (i.e., to a new 50,000 square foot facility addition), Harwick's investment is anticipated to be proportionately less.

Phase 2 of this Project will begin no later than June 30, 2001, and all acquisition, construction, and installation will be completed no later than December 31, 2002. The parties hereto find that Phase 2 of this Project represents a significant new investment within the City's Enterprise Zone.

Section 4:

With regard to Phase Two of the Project, Harwick shall create within a time period not exceeding 60 months after the completion of construction of the Phase 2 facility, the equivalent of 50 new full-time permanent job opportunities.

Harwick's schedule for hiring upon the commencement of Phase 2 the Project is as follows: create 0 new full-time permanent job in year one (construction); create 15 new full-time permanent job in year two; create 15 new full-time permanent job in year three; create 10 new full-time permanent job in year four; and create 10 new full-time permanent job in year five. The job creation period begins no later than June 30, 2001, and all jobs will be in place by December 31, 2005. The increase in the number of full-time permanent Phase 2 employees will result in approximately (\$1,000,000) One Million Dollars of additional annual payroll for the Enterprise

Section 5:

The initiation and performance of Phase 2 of the Project is independent from the initiation and performance of Phase 1 of the Project. Commencement of Phase 2 of the Project shall be dependent upon market factors and other business conditions. The parties hereto acknowledge that the projections set forth in regard to Phase 2 are based upon currently available information. If Harwick does not proceed with Phase 2 of the Project, or if Harwick otherwise fails to fulfill any of its obligations in regard to Phase 2 of the Project, such failure to proceed or to fulfill obligations will in no way impact the exemptions and incentives in regard to Phase 1 of the Project.

Section 6:

Harwick 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. Harwick 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 7:

The City of Massillon hereby grants Harwick 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, as well as increases in inventory over the base level, 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 for Phase 1 of the Project shall commence after December 31, 1999 nor extend beyond December 31, 2009.

If Harwick elects to proceed with Phase 2 of the Project, no exemption for Phase 2 of the Project shall commence after December 31, 2003 nor extend beyond December 31, 2013. Each phase of the Project will receive a ten year exemption from the date for which the pertinent tangible personal property for that phase would first be taxable were that property not exempted from taxation.

Section 8:

The City of Massillon hereby grants Harwick 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 for Phase 1 of the Project shall commence after December 31, 1999 nor extend beyond December 31, 2009.

If Harwick elects to proceed with Phase 2 of the Project, no exemption for Phase 2 of the Project shall commence after December 31, 2003 nor extend beyond December 31, 2013. Each phase of the Project will receive a ten year exemption from the date for which the pertinent tangible personal property for that phase would first be taxable were that property not exempted from taxation.

Harwick 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 9:

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

Section 10:

Harwick 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 11:

Harwick 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 12:

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 13:

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 Harwick 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 14:

If Harwick 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 15:

Harwick hereby certifies that at the time this agreement is executed, it 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 Harwick is liable under Chapter 5733., 5735., 5739., 5741., 5743., 5747., or 5753. of the Revised Code, or, if such delinquent taxes are owed, Harwick 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 Harwick. 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 16:

Harwick 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 17:

Harwick 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 18:

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, Harwick 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 19:

Exemptions from taxation granted under this agreement shall be revoked if it is determined that Harwick, 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 20:

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

Section 21:

Harwick 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 Harwick has knowingly made a false statement to the State or local political subdivision to obtain the Enterprise Zone incentives, Harwick 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 Harwick Chemical Manufacturing Corporation, by Talmadge Goldsby, its Executive Vice President, has caused this instrument to be executed this ____ day of _____, 19__.

WITNESSED BY:

THE CITY OF MASSILLON, OHIO

Francis H. Cicchinelli, Jr., Mayor

HARWICK CHEMICAL MANUFACTURING CORPORATION

Talmadge Goldsby, Executive Vice President

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 Harwick Chemical Manufacturing Corporation
(Enterprise)**

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

<u>Harwick Chemical Manufacturing Corporation</u> enterprise name	<u>Talmadge Goldsby/Chuck Kiko</u> contact person
<u>2020 Front Street Suite 106</u>	<u>330-916-6300</u>
<u>Cuyahoga Falls Ohio 44221</u> address	telephone number

- b. Project Site:

<u>City Of Massillon Ohio</u>	<u>Talmadge Goldsby</u>
<u>NEOCOM II Industrial Park</u>	contact person
<u>Navarre Rd. Massillon Ohio</u> address	<u>330-916-6300</u> 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) # 2815
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)

Plant Relocation from Akron

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

Corporation

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

M.A. Hanna Company (Public Owned Company)

4. Is business seasonal in nature? Yes _____ No X

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

None (New Construction)

- 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 _____ (See Attached)

- 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:

(See Attached)

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

40 full time permanent located in leased facility in Cuyahoga Falls Ohio

- e. State the enterprise's current employment level for each facility to be affected by the relocation of employment positions or assets: Corporate Offices - 40 associates currently in leased facility. Will not determine relocation option until end of 3 year lease. No other employees in Ohio. Manufacturing facility

in Akron currently under contract to produce product. See attachment relating to questions 5(a) & 5(b) for more information.

- f. What is the projected impact of the relocation, detailing the number and type of employees and/or assets to be relocated? Projected employment of Massillon to be 120. Assets consisting of Machinery & Equipment, Furniture Fixtures and Lab Equipment valued at 4.0 million will be moved from Akron.

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: _____

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: (See Attached))

9. Project will begin May 1, 19 98 and be completed
December 31, 19 99 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): Initial 120 associates. Growth 25 - 35 over next 3 years: All permanent full time. Any expansion (Phase II) in the future 3 - 5 years would create a proportionate number of jobs.

- b. State the time frame for this projected hiring: 3 years. (beginning 1999)

- c. State proposed schedule for hiring (itemize by full and part-time and permanent and temporary employees): Estimate 10 in 1999, 15 - 25 in 2000 - 2001.

Actual numbers based on Sales growth.

11. a. Estimate the amount of annual payroll such new employees will add \$
(new annual payroll must be itemized by full and part-time and permanent and
temporary new employees). Initially 25 to 35 associates - \$520,000 to
\$730,000.

b. Indicate separately the amount of existing annual payroll relating to any job retention
claim resulting from the project: \$ 120 associates Massillon 2.9 million

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

13. a. Business's total current investment in the facility as of the proposal's submission.
\$ 3 million - Consisting of Purchased Machinery & Equipment, Furniture
& Fixtures, etc.

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): \$ 1,000,000

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

A.	Acquisition of Buildings:	\$ <u> </u>
B.	Additions/New Construction:	\$ <u>3,960,000</u>
C.	Improvements to existing buildings	\$ <u> </u>
D.	Machinery & Equipment*	\$ <u>2,000,000*</u>
E.	Furniture & Fixtures: *	\$ <u> </u>
F.	Inventory	\$ <u>2,000,000</u>

Total New Project Investment: \$ 7,960,000

15. a. Business requests the following tax exemption incentives: 75 % for ten
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)

The business incentives positions Ohio to be more competitive when
compared with Corinth, Mississippi which represents an alternate
relocation site.

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.

Harwick Chemical Manufacturing Corporation
Name of Enterprise

3/20/98
Date

Talmadge Goldsby
Signature

Talmadge Goldsby - Executive Vice President
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.

PROJECT SITE

- NEOCOM II Industrial Park located in City of Massillon
- 16 acres
- 100,000 sq.ft. plant facility housing:
 - .Manufacturing with locker room
 - .Quality Control Laboratory
 - .Development Laboratory
 - .Plant offices
- New equipment including modifications, process improvements, computerization, temperature control systems, etc.

II. PROJECT BUDGET

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

Proposed Cost

The building structure will house Manufacturing, Quality Control Laboratory, Development Laboratory and offices.

101,000 sq.ft. plant addition	\$3,600,000.00
(Split faced block/steel sandwiched panels)	
Land	<u>360,000.00</u>
	\$3,960,000.00

Includes Electrical, HVAC and Sanitary Plumbing
Includes 12,000 sq.ft. Lab
Includes 3,000 sq.ft. Office
Includes 5,000 sq.ft. Shower and Breakroom

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

Proposed Cost

N/A

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

Proposed Cost

N/A

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.

\$2,000,000
(See Attached)

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.

\$3,000,000

Various equipment purchased at time of acquisition.

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.

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.

- Total inventory currently located in Ohio that will be relocated to Massillon. \$1,000,000

- Inventory that will be added to Massillon location. (Currently owned by Harwick Standard Distribution). \$2,000,000

TOTAL

\$3,000,000

D. 1. Machinery and Equipment

Dust Collection & Piping	\$225,000
Weigh Up Room	\$200,000
Temperature Control System	\$275,000

Plant (Spectrum/Conveyor)	\$600,000
Double Arm Mixer	\$150,000
Resin Crushing System	\$ 75,000

Other

Duct and Hood Fabrication And Process Piping Needed Tub's and totes Cowles Mixer and Pony Mixers Vaccu Hoist System Structural Steel for Equipment Racks Moving Expense – Existing Equipment	<u>\$475,000</u>
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TOTAL	\$2,000,000
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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).

Currently the Company has approximately 40 Associates located in Ohio with an annual payroll estimated to be \$2,400,000. As a result of this project, 120 Associates will initially occupy the new plant in Massillon with estimated payroll of \$2,900,000. The 120 number should be obtainable by 12/31/99 including projected growth as follows:

<u>YEAR</u>	<u>GROWTH</u>	<u>PAYROLL</u>
1999	10	208,000
2000	10	208,000
2001	5 - 10	104,000 to 208,000

All new jobs will be permanent and full time with the majority being machine operators. The above relates to Phase I. If a Phase II expansion occurs, the new jobs would be proportion to Phase I.

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.

ABATEMENT - 75% for ten years covering Real, Personal Property and Inventory.

CITY RELOCATION GRANT - \$150,000 over 3 years.

These incentives are necessary to offset incentives offered by Corinth, Mississippi as a relocation site.

OHIO DEPARTMENT OF DEVELOPMENT
ENTERPRISE ZONE PROJECT TAX ANALYSIS

General Project Information

County: Stark Local Government Authority: Massillon City
Business: Harwick Chemical Manufacturing Corporation Total Project Cost: \$7,960,000
Total Current Real Property Tax of Business (at site): 0

Total Current Tangible Personal Property Tax of Business (at site): 0

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

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

If yes within local jurisdiction yes X no

within county yes X no

within State (distance 23 mi.) X yes no

Does the project involve removal of any currently taxed assets (Real or Personal Property from the Tax Rolls? yes X 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: 1.8 %

Note total number of new jobs projected-attributable to the project 35;

Note new payroll projected from the new job commitment 730,000 x 1.8 % income tax rate = 13,140
new income tax generation

[Signature]
Enterprise Zone Manager or Authorized Signature

3/27/98
Date

1A. Total Project Costs receiving Real Property Exemption:										3,960,000
Real Property Tax Matrix										
Projected tax year	YR1	YR2	YR3	YR4	YR5	YR6	YR7	YR8	YR9	YR10
Estimated Value of Real Property Improvements	3,960,000	3,960,000	3,960,000	3,960,000	3,960,000	3,960,000	3,960,000	3,960,000	3,960,000	3,960,000
Exemption Schedule	75%	75%	75%	75%	75%	75%	75%	75%	75%	75%
Exempted Value	2,970,000	2,970,000	2,970,000	2,970,000	2,970,000	2,970,000	2,970,000	2,970,000	2,970,000	2,970,000
Taxable Value	990,000	990,000	990,000	990,000	990,000	990,000	990,000	990,000	990,000	990,000
Assessment	35%	35%	35%	35%	35%	35%	35%	35%	35%	35%
Real Property Tax Rate (net)	.04346	.04346	.04346	.04346	.04346	.04346	.04346	.04346	.04346	.04346
Total Real Property Tax Foregone (Exempted Value x 35% + tax rate)	45,177	45,177	45,177	45,177	45,177	45,177	45,177	45,177	45,177	45,177
Net New Tax Revenue (Taxable Value x 35% + tax rate)	15,059	15,059	15,059	15,059	15,059	15,059	15,059	15,059	15,059	15,059

Total Real Property Tax Foregone over Project Term: \$ 451,767

Total New Real Property Tax Revenue generated over Project Term: \$ 150,589

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 \$ 150,589 (1A) to equal the net new annual real property increase (loss) \$ 150,589 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	3,886,000	3,762,000	3,636,000	3,512,000	3,386,000	3,262,000	3,138,000	3,012,000	2,888,000	2,764,000
Exemption Schedule	75¢	75¢	75¢	75¢	75¢	75¢	75¢	75¢	75¢	75¢
Exempted Value	2,914,500	2,821,500	2,727,000	2,634,000	2,539,500	2,446,500	2,353,500	2,259,000	2,166,000	2,073,000
Taxable Value	971,500	940,500	909,000	878,000	846,500	815,500	784,500	753,000	722,000	691,000
Assessment	27¢	26¢	25¢	25¢	25¢	25¢	25¢	25¢	25¢	25¢
Tangible Personal Property Tax Rate	.06835	.06835	.06835	.06835	.06835	.06835	.06835	.06835	.06835	.06835
Total Tangible Property Tax Forgone (Exempted Value x Assessment x tax rate)	49,802	48,212	46,598	45,008	43,394	41,805	40,215	38,601	37,012	35,422
Net New Tangible Property Tax Revenue (Taxable Value x Assessment x tax rate)	16,601	16,071	15,533	15,003	14,465	13,935	13,405	12,867	12,337	11,807

Total Tangible Personal Property Tax forgone over Project Term: \$ 426,068

Total Net New Tangible Personal Property Tax Revenue generated over project term: \$ 142,023

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 \$ 142,023 (2A) to equal the net new annual Tangible Personal Property increase (loss) \$ 142,023 to community.

DATE: May 4, 1998

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 113 - 1998

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Community Development Block Grant Program Fund, Wastewater Treatment Fund, General Fund, UDAG B-81-AB-39-0097 Towne Plaza Fund, Special Assessment Bond Retirement Shaw/Castlewest Fund, and the Restaurant License 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 Community Development Block Grant Program Fund of the City of Massillon, Ohio, for the year ending December 31, 1998, the following:

\$ 35,000.00 to an account entitled "Economic Development Revolving Loans"
1402.845.2817

Section 2:

There be and hereby is appropriated from the unappropriated balance of the Wastewater Treatment Fund of the City of Massillon, Ohio, for the year ending December 31, 1998, the following:

\$ 28,812.75 to an account entitled "Maintenance of Equipment" 2101.610.2332

Section 3:

There be and hereby is appropriated from the unappropriated balance of the General Fund of the City of Massillon, Ohio, for the year ending December 31, 1998, the following:

\$ 9,604.25 to an account entitled "Maintenance of Equipment" 1100.410.2332

Section 4:

There be and hereby is appropriated from the unappropriated balance of the UDAG B-81-AB-39-0097 Town Plaza Fund of the City of Massillon, Ohio, for the year ending December 31, 1998, the following:

\$ 1,495.00 to an account entitled "Appraisals" 1217.840.2394

Section 5:

There be and hereby is appropriated from the unappropriated balance of the Special Assessment Bond Retirement Shaw/Castlewest Fund of the City of Massillon, Ohio, for the year ending December 31, 1998, the following:

\$ 600.00 to an account entitled "County Collection Fees" 1502.935.2382

Section 6:

There be and hereby is appropriated from the unappropriated balance of the Restaurant License Fund of the City of Massillon, Ohio, for the year ending December 31, 1998, the following:

\$ 400.00 to an account entitled "Professional Services" 1211.720.2392

Section 7:

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