

AGENDA

DATE: DECEMBER 21, 1998
PLACE: COUNCIL CHAMBERS
TIME: 7:30 P.M.

1. ROLL CALL
2. INVOCATION - COUNCILMAN MIKE LOUDIANA
3. PLEDGE OF ALLEGIANCE
4. READING OF THE JOURNAL
5. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS ON THE AGENDA

A). MAYOR TO SPEAK ON DONATION OF PROPERTY TO CITY ORDINANCE NO. 277 - 1998

6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 272 - 1998 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM.

P AN ORDINANCE authorizing and directing the Mayor to enter into an agreement with Weight Watchers Gourmet Foods, DBA Heinz Frozen Foods Company, in cooperation with Americold Logistics, Inc., providing for the adoption of a project which will expand a facility and create employment opportunities in the City of Massillon, Ohio, and declaring an emergency.

ORDINANCE NO. 273 - 1998 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM.

P AN ORDINANCE authorizing the Mayor and the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract with the Stark Metropolitan Housing Authority to assist in the construction of new sidewalks along 16th Street S.E., at the Lillian Beane Community Center and at the Franklin Apartments in Massillon, Ohio, and declaring an emergency.

ORDINANCE NO. 274 - 1998 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM.

BC P AN ORDINANCE accepting the Final Plat and Vacation Plat for Forest Hill Allotment No. 3, in the City of Massillon, Stark County, Ohio, presently on file in the office of the City Engineer, and declaring an emergency.
8-0
Number obtained

ORDINANCE NO. 275 - 1998 BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

file P AN ORDINANCE authorizing and directing the Director of Public Service and Safety to enter into a contract agreement with Stark County regarding the future maintenance responsibility of the Tremont Avenue Bridge, and declaring an emergency.

ORDINANCE NO. 276 - 1998 BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

file P AN ORDINANCE authorizing and directing the Director of Public Service and Safety to enter into a contract agreement with Stark County regarding the future maintenance responsibility of the Earl Road Bridge, and declaring an emergency.

ORDINANCE NO. 277 - 1998 BY: COMMUNITY DEVELOPMENT AND ANNEXATION COMM.

file P AN ORDINANCE authorizing the Mayor of the City of Massillon to enter into an agreement to accept the donation of certain real estate located at 515 26th Street S.E. from the Shelby Group Int'l., and declaring an emergency.

DECEMBER 21, 1998

ORDINANCE NO. 278 - 1998 **BY: SEWER AND WASTE DISPOSAL COMMITTEE**

Amended
SDH *P* **AN ORDINANCE** authorizing the Mayor of the City of Massillon, Ohio, to submit an application for a loan of Two Million Seven Thousand Dollar (\$2,700,000.00) from the Ohio Water Pollution Control Loan Fund for the construction of the **Fothergill-Belmont Sanitary Sewer Project** and to execute said loan when approved, and declaring an emergency.

ORDINANCE NO. 279 - 1998 **BY: PARKS AND RECREATION COMMITTEE**

JTB *P* **AN ORDINANCE** authorizing the Director of Public Service and Safety to enter into a contract agreement, without competitive bidding, with The Cleveland Museum of Natural History for the purchase of two (2) acres of Singer Lake Basin for the purpose of wetland mitigation within the new **Community Park**, and declaring an emergency.

ORDINANCE NO. 280 - 1998 **BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE**

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

ORDINANCE NO. 281 - 1998 **BY: FINANCE COMMITTEE**

P **AN ORDINANCE** authorizing the Auditor of the City of Massillon to deposit the three-tenths percent (.3%) City Income Tax for the parks and recreation system into the "Parks and Rec Fund" "Capital Improvement Fund" and the "Bond Retirement Park and Rec Fund" under the Parks and Recreation Fund, and declaring an emergency.

ORDINANCE NO. 282 - 1998 **BY: FINANCE COMMITTEE**

P **AN ORDINANCE** authorizing and directing the Mayor to enter into a contract agreement with L & B Entertainment/William Curtain to provide services in the best interest of the City of Massillon, Ohio, for the purposes of having a summer concert entertainment series, and declaring an emergency.

ORDINANCE NO. 283 - 1998 **BY: FINANCE COMMITTEE**

P **AN ORDINANCE** authorizing the Auditor to pay a bill to the Massillon City Schools out of the General Fund and the Parks and Recreation Fund of which the purchase order was not established prior to service, and declaring an emergency.

ORDINANCE NO. 284 - 1998 **BY: FINANCE COMMITTEE**

SDH *P* **AN ORDINANCE** reducing the appropriated balance of the **OPWC Springhill/Springhaven Fund**, **OPWC Lake Avenue Fund**, **OPWC Lincoln Way West Box Culvert Fund**, **OPWC Lincoln Way West Rehab Fund** and the **Muni Road Fund**, of the City of Massillon, Ohio, for the year ending December 31, 1998, and declaring an emergency.

DECEMBER 21, 1998

ORDINANCE NO. 285 - 1998 BY: FINANCE COMMITTEE

Elden Road Waterline

SDH P
✓
AN ORDINANCE making certain appropriations from the unappropriated balance of the Indigent Driver Alcohol Treatment Fund, General Fund, Capital Improvement Fund, Community Development Block Grant Program Fund, OPWC Lincoln Way East Phase III Fund, and the State Patrol Transfer Fund of the City of Massillon, Ohio, for the year ending December 31, 1998, and declaring an emergency.

P *Resolution 20*

7. UNFINISHED BUSINESS

✓ **8. PETITIONS AND GENERAL COMMUNICATIONS**

✓ **9. BILLS, ACCOUNTS AND CLAIMS**

✓ **10. REPORTS FROM CITY OFFICIALS**

A). MAYOR SUBMITS MONTHLY REPORT FOR NOVEMBER- 1998

B). FIRE CHIEF SUBMITS MONTHLY REPORT FOR NOVEMBER- 1998

C). POLICE CHIEF SUBMITS MONTHLY REPORT FOR OCTOBER - 1998

✓ **11. REPORTS OF COMMITTEES**

✓ **12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS**

✓ **13. CALL OF THE CALENDAR**

✓ **14. THIRD READING ORDINANCES AND RESOLUTIONS**

BC. P 7-2 *ORD. # 245 - Raynell Hgfs - Services Agreement*

ORDINANCE NO. 248 - 1998 BY: RULES, COURTS & CIVIL SERVICE COMMITTEE

P
AN ORDINANCE amending Section 2(D) OCCUPATION LIST OF CLASS TITLES - PARKS AND RECREATION DEPARTMENT of Ordinance No. 127 - 1998 by repealing Section 2(D) OCCUPATION LIST OF CLASS TITLES - PARKS AND RECREATION DEPARTMENT; and enacting a new Section 2(D) OCCUPATION LIST OF CLASS TITLES - PARKS AND RECREATION DEPARTMENT, in the City of Massillon, Ohio, and declaring an emergency.

ORDINANCE NO. 249 - 1998 BY: RULES, COURTS & CIVIL SERVICE COMMITTEE

P
AN ORDINANCE amending the MISCELLANEOUS PAY SCHEDULE AND SEASONAL PAY SCHEDULE for the PARKS AND RECREATION DEPARTMENT of Ordinance No. 127 - 1997 by repealing the MISCELLANEOUS PAY SCHEDULE and SEASONAL PAY SCHEDULE for the PARKS AND RECREATION DEPARTMENT of Ordinance No. 127 - 197, in the City of Massillon, Ohio, and declaring an emergency.

ORDINANCE NO. 250 - 1998 BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMM.

P
AN ORDINANCE vacating a portion of 19th Street S.E., and declaring an emergency.

ORDINANCE NO. 251 - 1998 BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMM.

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

ORDINANCE NO. 252 - 1998 BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMM.

P
AN ORDINANCE vacating a part of a 20 foot alley and then replatting it with Lot No. 1628 to form a new lot, and declaring an emergency.

DECEMBER 21, 1998

15. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 261 - 1998 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

BC 2nd
AN ORDINANCE accepting the Plat for Nova East Industrial Park, a 132.121 acre parcel, consisting of Out Lots 767 and 768, located on the east side of Richville Drive S.E., north of Nave Road S.E., and accepting the dedication of Business Place S.E., Venture Circle S.E. and portions of Richville Drive S.E. and Nave Road S.E., in the City of Massillon, County of Stark, State of Ohio, presently on file in the office of the City Engineer, and declaring an emergency.

ORDINANCE NO. 263 - 1998 BY: 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 and Jackson Township to Massillon Zoning, and declaring an emergency.,

P - ORA. No 269 - Budget for 1999
RESOLUTION NO. 19 - 1998 BY: FINANCE COMMITTEE

P
A RESOLUTION indicating the intent of the City of Massillon to financially participate in certain civic events for 1999 by including funding for these events in the 1999 City Budget, and declaring an emergency.

16. UNFINISHED BUSINESS - Comm Hec assignments

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

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 272 - 1998

BY: COMMUNITY DEVELOPMENT AND ANNEXATION COMMITTEE

TITLE: AN ORDINANCE authorizing and directing the Mayor to enter into an agreement with Weight Watchers Gourmet Foods, DBA Heinz Frozen Foods Company, in cooperation with Americold Logistics, Inc., providing for the adoption of a project which will expand a facility and create employment opportunities in the City of Massillon, Ohio, 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, Weight Watchers Gourmet Foods is desirous of expanding a facility within the Enterprise Zone through the expansion of its production and warehouse operations at 1301 Oberlin Road, S.W., a total investment of \$26,000,000, to establish a "Center of Excellence for Frozen Foods" at the existing Weight Watchers site and that will result in the creation of 109 new permanent full-time jobs; and

WHEREAS, the Council of the City of Massillon, Ohio (hereinafter "Council") by Ordinance No. 163-1994, adopted July 18, 1994, and as amended by Ordinance No. 57-1998, adopted 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 on 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 as amended by Ordinance No. 57-1998, 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 Weight Watchers Gourmet Foods with the incentives available for development of the Project in the said Enterprise Zone, under Chapter 5709 of the Ohio Revised Code; and

WHEREAS, Weight Watchers Gourmet Foods has submitted a proposed agreement application, herein attached as Exhibit A, to the City of Massillon, Ohio, requesting that the incentives available for development with the Enterprise Zone be approved for the Project; and

WHEREAS, the Mayor of the City of Massillon, Ohio, has investigated the Application submitted by Weight Watchers Gourmet Foods, and has recommended approval of the same to Council on the basis that the enterprises are 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,

WHEREAS, the project site as proposed by Weight Watchers Gourmet Foods 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;

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" with the Weight Watchers Gourmet Foods, DBA Heinz Frozen Foods Company in cooperation with Americold Logistics, Inc., providing for the adoption of a project which will expand a facility and create employment opportunities within the City of Massillon Enterprise Zone.

Section 2:

This Ordinance is hereby declared to be an emergency measure necessary for the immediate 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 Weight Watchers Gourmet Foods, 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"), Weight Watchers Gourmet Foods DBA Heinz Frozen Foods Company, a Pennsylvania Corporation with its main offices located at USX Tower, P.O. Box 57, Pittsburgh, PA 15230-0057, (hereinafter referred to as "Heinz"), and Americold Logistics, Inc., a _____ Corporation, with its main offices located at _____ (hereinafter referred to as "Americold").

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, Heinz is desirous of expanding a facility within the Enterprise Zone through the construction, by Americold, of a new one hundred sixty-four thousand (164,000) square foot warehouse adjacent to the existing Weight Watchers/Heinz production facility located at 1301 Oberlin Road, S.W., resulting in a significant expansion of production and warehouse operations at this site, (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, 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 on 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 as amended by Ordinance No. 57-1998, 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 Heinz and Americold with the incentives available for development of the Project in the said Enterprise Zone, under Chapter 5709 of the Ohio Revised Code; and

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

Whereas, Heinz 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 Heinz and Americold, and has recommended approval of the same to the Council on the basis that Heinz and Americold are 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 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:

Heinz and Americold shall construct and equip a new one hundred sixty-four thousand (164,000) square foot warehouse facility adjacent to the existing Weight Watchers Gourmet Foods/Heinz Frozen Foods production facilities located at 1301 Oberlin Avenue, S.W. Said facility shall be constructed on an _____ acre parcel of land, known as and being Out Lot _____, in the City of Massillon, Stark County, Ohio.

The Project will involve a total investment of (\$26,083,333) Twenty-Six Million Eighty-Three Thousand Three Hundred Thirty-Three Dollars , plus or minus 10%, at the proposed project site, further described as follows:

(\$16,000,000) Sixteen Million Dollars, to be invested by Americold, for construction of the new warehouse.

(\$1,000,000) One Million Dollars, to be invested by Heinz, for the purchase and installation of first used machinery and equipment.

(\$9,083,333) Nine Million Eighty-Three Thousand Three Hundred Thirty-Three Dollars, to be invested by Heinz, for new inventory.

The Project does not involve the relocation of any existing machinery and equipment to the project site.

Heinz 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 (\$ _____) _____ Dollars

The Project will begin on January, 1999, and all acquisition, construction, and installation will be completed by December 31, 2001.

The total investment of this expansion project is greater than 10% of the market value of the facility assets already owned at the site prior to such expenditures as evidenced in Exhibit "A"; and as such, the new facility represents a significant new investment on behalf of the enterprise. For this reason, 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, Heinz and/or Americold determines that it will not undertake all the improvements set forth in this Section 1, or otherwise desires to modify the Project, the enterprises 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:

Heinz shall create within a time period not exceeding 36 months after the commencement of construction of the aforesaid facility, the equivalent of 81 new full-time permanent job opportunities.

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

Heinz currently has 749 full-time permanent employees at the project site. In total, Heinz has 749 full-time permanent employees in the State of Ohio

The increase in the number of employees will result in approximately (\$2,401,000) Two Million Four Hundred One Thousand Dollars of additional annual payroll for Heinz. As stated above, all new jobs created will be full-time permanent jobs.

Section 3:

Americold shall create within a time period not exceeding 36 months after the commencement of construction of the aforesaid facility, the equivalent of 28 new full-time permanent job opportunities.

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

Americold currently has 0 full-time permanent employees at the project site. In total, Americold has ____ full-time permanent employees in the State of Ohio

The increase in the number of employees will result in approximately (\$683,000) Two Million Four Hundred One Thousand Dollars of additional annual payroll for Heinz. As stated above, all new jobs created will be full-time permanent jobs.

Section 4:

Heinz and Americold 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 companies 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 5:

The City of Massillon hereby grants Heinz and Americold 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 shall commence after December 31, 2001 nor extend beyond December 31, 2011.

Section 6:

The City of Massillon hereby grants Heinz and Americold 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, 2001, nor extend beyond December 31, 2011.

Heinz and/or Americold 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 7:

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

Section 8:

Heinz 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 9:

Heinz and Americold 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 companies 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 10:

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 11:

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 Heinz and/or Americold materially fail to fulfill its obligations under this Agreement and the City of Massillon terminates or modifies the exemptions from taxation under this agreement.

Section 12:

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

Section 13:

Heinz and Americold hereby certify that at the time this agreement is executed, they do not owe any delinquent real or tangible personal property taxes to any taxing authority in the State of Ohio, and do not owe delinquent taxes for which Heinz and/or Americold is liable under Chapter 5733., 5735., 5739., 5741., 5743., 5747., or 5753. of the Revised Code, or, if such delinquent taxes are owed, Heinz and/or Americold 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 Heinz and/or Americold. 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 14:

Heinz and Americold affirmatively covenants that they do 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 15:

Heinz and Americold 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 16:

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, Heinz and Americold are committing to following non-discriminating hiring practices acknowledging that no individual may be denied employment solely on the basis of race, religion, sex, disability, color, national origin, or ancestry.

Section 17:

Exemptions from taxation granted under this agreement shall be revoked if it is determined that Heinz and/or Americold, 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 18:

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

Section 19:

Heinz and Americold affirmatively covenants that they have 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 Heinz and/or Americold have knowingly made a false statement to the State or local political subdivision to obtain the Enterprise Zone incentives, Heinz and/or Americold 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; Weight Watchers Gourmet Foods DBA Heinz Frozen Foods Company, by Catherine A. Caponi, its Assistant Treasurer; and Americold Logistics, Inc., by _____, its _____, have caused this instrument to be executed this _____ day of _____, 1998.

WITNESSED BY:

THE CITY OF MASSILLON, OHIO

Francis H. Cicchinelli, Jr., Mayor

**WEIGHT WATCHERS GOURMET
FOODS DBA HEINZ FROZEN FOODS
COMPANY**

Catherine A. Caponi
Assistant Treasurer

AMERICOLD LOGISTICS, INC.

By:
Title:

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 WEIGHT WATCHERS GOURMET FOODS (DBA HEINZ AND AMERICOLD LOGISTICS, INC. (Enterprise) FROZEN FOODS COMPANY)
(AMERICOLD WILL OWN AND LEASE FACILITIES TO HEINZ FROZEN FOODS)

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

HEINZ FROZEN FOODS COMPANY

enterprise name

CATHERINE A. CAPONI

contact person

USX TOWER, P.O. BOX 57

(412) 456-6070

telephone number

PITTSBURGH, PA 15230-0057

address

- b. Project Site:

1301 OBERLIN ROAD, SW

CATHERINE A. CAPONI

contact person

MASSILLON, OH 44647-7669

(412) 456-6070

telephone number

address

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

MANUFACTURING AND WAREHOUSING

- b. List primary 4 digit Standard Industrial Code (SIC) # 2038

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)

N/A

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

CORPORATION

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

N/A

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

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

749 FULL-TIME PERMANENT EMPLOYEES

- 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:

N/A

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

- e. State the enterprise's current employment level for each facility to be affected by the relocation of employment positions or assets: N/A

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

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).
- _____
- _____

8. Project Description (attach additional pages if necessary: SEE EXHIBIT 1)

9. Project will begin JANUARY, 19 99 and be completed

DECEMBER, 192001 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): SEE EXHIBIT 1

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): INCREMENTALLY OVER 3 YEARS

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). PERMANENT FULL-TIME HEINZ: \$2,401,000
PERMANENT FULL-TIME AMERICOLD: \$ 683,000
TOTAL PERMANENT PAYROLL: \$3,084,000
- b. Indicate separately the amount of existing annual payroll relating to any job retention
claim resulting from the project: \$ _____
12. Market value of the existing facility as determined for local property taxation.
\$ 6,042,900
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): \$ _____
14. An estimate of the amount to be invested by the enterprise to establish, expand, renovate
or occupy a facility:
- | | |
|---------------------------------------|-----------------------------|
| A. Acquisition of Buildings: | \$ _____ |
| B. Additions/New Construction: | \$ <u>16,000,000</u> |
| C. Improvements to existing buildings | \$ _____ |
| D. Machinery & Equipment | \$ <u>1,000,000</u> |
| E. Furniture & Fixtures: | \$ _____ |
| F. Inventory | \$ <u>9,083,333</u> |
| Total New Project Investment: | \$ <u>26,083,333</u> |
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)

SEE EXHIBIT 2

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.

WEIGHT WATCHERS GOURMET FOOD
COMPANY (DBA HEINZ FROZEN FOODS
COMPANY)

NOVEMBER 19, 1998

Name of Enterprise

Date

Signature

CATHERINE A. CAPONI
ASSISTANT TREASURER

Typed Name and Title

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

** Attach to Final Enterprise Zone Agreement as Exhibit A

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

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

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

NARRATIVE STATEMENT

I. PROJECT DESCRIPTION:

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

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

SEE EXHIBIT 1

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

164,000 SQUARE FOOT WAREHOUSE TO BE BUILT \$16,000,000
BY AMERICOLD ADJACENT TO CURRENT HEINZ FROZEN FOODS
WAREHOUSE LOCATED AT 1301 OBERLIN ROAD, SW,
MASSILLON, OH 44647-7669

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

N/A

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

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

1. MACHINERY AND EQUIPMENT	\$1,000,000
2. NO ASSETS WILL BE RELOCATED	N/A

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.

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).

SEE EXHIBIT 1

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 EXHIBIT 2

EXHIBIT 1 PROJECT DESCRIPTION

H.J. Heinz Company, as part of an overall corporate restructuring, has combined Ore-Ida and Weight Watchers Gourmet (Weight Watchers) brand foods into Heinz Frozen Foods Company. The Heinz Frozen Foods Company proposes to establish a "Center of Excellence for Frozen Foods" at the existing Weight Watchers site located at 1301 Oberlin Road SW, Massillon, Ohio 44647-7669. The establishment of the "Center" will involve significant expansion of production and warehouse facilities by Heinz Frozen Foods Company and Americold. Americold, a distributor of frozen foods, will build a new 164,000 square foot warehouse adjacent to the current Weight Watchers site in Massillon.

This expansion of the facility requires the investment of approximately \$126,000,000:

Inventory:	\$ 9,083,333 (Heinz)
Warehouse Expansion:	\$ 16,000,000 (Americold)
Machinery and Equipment:	\$ <u>1,000,000</u> (Heinz)
Total:	\$ <u>26,083,333</u>

The expansion will create an additional one hundred and nine (109) permanent full-time jobs, with full benefits, over three years. The new expansion will create additional \$3,084,000 of annual payroll. The breakdown of permanent full-time job and payroll creation between Heinz Frozen Foods and Americold is as follows:

Entity	New Jobs	Rate/Hour	Payroll
Heinz	81	\$14.25	\$2,401,000
Americold	<u>28</u>	\$11.72	<u>\$ 683,000</u>
Total	<u>109</u>		<u>\$3,084,000</u>

EXHIBIT 2
BUSINESS REASONS FOR REQUESTING
TAX ABATEMENT

As detailed previously in Exhibit 1, the establishment of the "Center" would involve significant expansion of production and warehouse facilities by Heinz Frozen Foods Company and Americold. As a result, Heinz Frozen Foods and Americold respectfully request a tax exemption for ten (10) years of seventy-five percent (75%) of tangible personal property first used in business at the project site, located at 1301 Oberlin Road SW, Massillon, Ohio 44647-7669, resulting from this agreement. Furthermore, Americold respectfully requests a tax exemption for ten (10) years of seventy-five percent (75%), of real property constituting the project site located at 1301 Oberlin Road SW, Massillon, Ohio 44647-7669.

Under the proposed restructuring, the two brands will be consolidated into a new "Center of Excellence for Frozen Foods" The new "Center", which will be located within the City of Massillon, will be known as Heinz Frozen Foods. This restructuring will allow Weight Watchers and Ore-Ida brand foods to remain competitive in the industry. Assistance from the City of Massillon will help lower costs allowing Heinz Frozen Foods to maintain and improve its competitive position within the frozen foods market. City assistance will help offset the high initial costs associated with the proposed expansion, thus allowing the new "Center" to be successfully launched.

Financial assistance from the City of Massillon, Ohio is an important component of Heinz Frozen Food's proposed restructuring and expansion. While other Companies in the area have been downsizing, cutting costs and eliminating jobs, Heinz Frozen Foods is increasing their commitment to the community. The planned restructuring will increase capital investment thereby creating and maintaining many new permanent full-time jobs. The benefits the City of Massillon will realize in the future as a result of the current tax abatement agreement will greatly outweigh the partial property tax foregone.

OHIO DEPARTMENT OF DEVELOPMENT
ENTERPRISE ZONE PROJECT TAX ANALYSIS

GENERAL PROJECT INFORMATION

County: StarkLocal Government Authority: City of MassillonBusiness: Heinz Frozen FoodsTotal Project Cost: \$128,009,800Total Current Real Property Tax of Business (at site): \$103,765Total Current Tangible Personal Property Tax of business (at site): \$448,388

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

Note, does the project involve relocation of any assets or jobs?

If yes, within local jurisdiction?

yes

no

N/A

within county?

yes

no

N/A

within state?

yes

no

N/A

(distance: _____ miles)

Does the project involve removal of any currently taxed assets (Real or Personal Property) from the Tax Roll?

yes

no

Estimated real property tax loss:

Estimated tangible personal tax loss:

Is there a local income tax?

X yes

no

If yes, please list the income tax rate:

1.80%

Note total number of new jobs projected attributed to the project:

109

Note new payroll projected from the new job commitment

\$3,064,000

X income tax rate

1.80%

New Income Tax Generation:

\$85,812

Enterprise Zone Manager or Authorized Signature _____

Date _____

1A. Total Project Costs including Real Property Exemption:

\$16,000,000

Number of years utilized:

10

Real Property Tax Matrix

Projected Tax Year

YR. 1 1999	YR. 2 2000	YR. 3 2001	YR. 4 2002	YR. 5 2003	YR. 6 2004	YR. 7 2005	YR. 8 2006	YR. 9 2007	YR. 10 2008
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Estimated value of Real Property Improvements

\$18,000,000	\$18,000,000	\$18,000,000	\$18,000,000	\$18,000,000	\$18,000,000	\$18,000,000	\$18,000,000	\$18,000,000	\$18,000,000
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Exemption Schedule

75%	75%	75%	75%	75%	75%	75%	75%	75%	75%
-----	-----	-----	-----	-----	-----	-----	-----	-----	-----

Exempted Value

\$12,000,000	\$12,000,000	\$12,000,000	\$12,000,000	\$12,000,000	\$12,000,000	\$12,000,000	\$12,000,000	\$12,000,000	\$12,000,000
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Taxable Value

\$4,000,000	\$4,000,000	\$4,000,000	\$4,000,000	\$4,000,000	\$4,000,000	\$4,000,000	\$4,000,000	\$4,000,000	\$4,000,000
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Assessment

38%	38%	35%	35%	35%	35%	35%	35%	35%	35%
-----	-----	-----	-----	-----	-----	-----	-----	-----	-----

Real Property Tax Rate

6.6900%	6.6900%	6.6900%	6.6900%	6.6900%	6.6900%	6.6900%	6.6900%	6.6900%	6.6900%
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Total Real Property Tax Foregone

\$279,720	\$279,720	\$279,720	\$279,720	\$279,720	\$279,720	\$279,720	\$279,720	\$279,720	\$279,720
-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------

Total Real Property Tax Foregone (Exempted Value x 35% x tax rate)

\$279,720	\$279,720	\$279,720	\$279,720	\$279,720	\$279,720	\$279,720	\$279,720	\$279,720	\$279,720
-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------

Net New Tax Revenue (Taxable Value x 35% x tax rate)

\$93,240	\$93,240	\$93,240	\$93,240	\$93,240	\$93,240	\$93,240	\$93,240	\$93,240	\$93,240
----------	----------	----------	----------	----------	----------	----------	----------	----------	----------

Total Taxes Foregone Over Project Term:

\$2,797,200

Total New Real Property Tax Revenue Generated Over Project Term:

\$932,400

Less: New Real Property Tax Generated

\$932,400

Less: Real Property Tax Revenue Loss

\$0

Net New Annual Real Property Increase (Loss)

\$0

2A. Total Project Costs Receiving Tangible Personal Property Exemptions:

\$10,083,333

Note that because of depreciation of Tangible Personal Property by the business these calculations must be repeated each year during the term of the exemption. The Business must supply the community with the annual estimate.

Number of years utilized:	10									
	YR 1 1999	YR 2 2000	YR 3 2001	YR 4 2002	YR 5 2003	YR 6 2004	YR 7 2005	YR 8 2006	YR 9 2007	YR 10 2008
Projected Tax Year										
True Value of Property	10,083,333	9,846,333	9,589,333	9,344,333	9,099,333	8,854,333	8,609,333	8,364,333	8,119,333	7,874,333
Exemption Rate	75%	75%	75%	75%	75%	75%	75%	75%	75%	75%
Exempted Value	7,562,500	7,384,750	7,267,000	7,158,250	7,049,500	6,940,750	6,832,000	6,723,250	6,614,500	6,505,750
Taxable Value	2,520,833	2,461,583	2,422,333	2,386,083	2,349,833	2,313,583	2,277,333	2,241,083	2,204,833	2,168,583
Assessment	25%	25%	25%	25%	25%	25%	25%	25%	25%	25%
Tangible Property Tax Rate	\$.6500%	\$.6500%	\$.6500%	\$.6500%	\$.6500%	\$.6500%	\$.6500%	\$.6500%	\$.6500%	\$.6500%
Total Tangible Property Tax Forgone (Exempted Value x 25% x tax rate)	\$124,817	\$122,985	\$120,596	\$118,189	\$115,761	\$113,349	\$110,925	\$108,500	\$106,075	\$103,650
Net New Tangible Property Tax Revenue (Taxable Value x 25 x Tax Rate)	41,638	40,985	40,332	39,728	39,267	38,860	38,708	38,642	38,542	38,642
Total Taxes Forgone Over Project Term:	\$1,187,266									
Total New Personal Property Tax Revenue Generated Over Project Term:	\$384,753									
2B. Please calculate the annual net new Tangible Personal Property Tax revenue generated by the project.										
New Tangible Personal Property Tax generated	\$385,755									
Less: Any Tangible Personal Property tax revenue loss	\$0									
Equals the net new annual Tangible Personal Property increase (loss)	\$385,755									

DATE: December 21, 1998

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 273 - 1998

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor and the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract with the Stark Metropolitan Housing Authority to assist in the construction of new sidewalks along 16th Street S.E., at the Lillian Beane Community Center and at the Franklin Apartments in 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 City Council of the City of Massillon, Ohio, hereby finds that it is necessary to enter into a contract with the Stark Metropolitan Housing Authority to assist in the construction of new sidewalks along 16th Street S.E., at the Lillian Beane Community Center and at the Franklin Apartments, in the City of Massillon, Ohio. The contract for services shall not exceed Seven Thousand Dollars (\$ 7,000.00).

Section 2:

The Mayor and the Director of Public Service and Safety of the City of Massillon be and are hereby authorized to enter into a contract with the Stark Metropolitan Housing Authority to assist in the construction of new sidewalks along 16th Street S.E., at the Lillian Beane Community Center and at the Franklin Apartments, in the City of Massillon, Ohio.

Section 3:

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

Section 4:

That this Ordinance is declared to be an emergency measure immediately necessary for the preservation of the health, safety and welfare of the community and for the additional reason that it is necessary to implement the 1998 fiscal year Community Development Block Grant Program. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____ 1998

APPROVED: _____

SHARON HOWELL, CLERK OF COUNCIL

DENNIS D. HARWIG, PRESIDENT

APPROVED: _____

FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: December 21, 1998

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 274 - 1998

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE accepting the Final Plat and Vacation Plat for Forest Hill Allotment No. 3, in the City of Massillon, Stark County, Ohio, presently on file in the office of the City Engineer, and declaring an emergency.

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

Section 1:

The Final Plat and Vacation Plat for Forest Hill Allotment No. 3, in the City of Massillon, Stark County, Ohio, presently on file in the Office of the City Engineer and the same is approved and accepted and that the dedication to public use of the streets and alleys thereon shown, be, and the same is hereby accepted and confirmed. This plat was approved by the Planning Commission at a meeting held December 9, 1998. The undertaking given by the owners for improvement of streets and now on file with the City Engineer is approved. The description of Forest Hill Allotment No. 3 is as follows:

Replatting of Lots No. 7189 through 7192 and Lots No. 7203 through 7205, Lots No. 15307 through 15328, Part of Lot No. 7206, Part of Lot No. 7185, Lots No. 7186 through 7188, and Lots No. 15373 and 15374 into 21 new single family residential lots; and the vacation of a portion of Bloominghills Place, S.E. (formerly Marvin Street, S.E.); and the vacation of part of Penmont Avenue S.E., from the west property line of Lot No. 15317 easterly a distance of 289.47 feet to the east property line of Lot No. 15318.

Section 2:

This Ordinance is declared to be an emergency measure for the reason that said plat is urgently needed for the development of this area and for the proper community growth and hence immediately necessary for the preservation of the health, safety and welfare of the community. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____ 1998

APPROVED:

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

APPROVED:

FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: December 21, 1998

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 275 - 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 with Stark County regarding the future maintenance responsibility of the Tremont Avenue 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 with Stark County regarding the future maintenance responsibility of the Tremont Avenue Bridge.

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 maintenance responsibility of the Tremont Avenue Bridge must be clearly determined between the City and the County. 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: December 21, 1998

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 276 - 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 with Stark County regarding the future maintenance responsibility of 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 with Stark County regarding the future maintenance responsibility of the Earl Road Bridge.

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 maintenance responsibility of the Earl Road Bridge must be clearly determined between the City and the County. 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: December 21, 1998

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 277 - 1998

BY: COMMUNITY DEVELOPMENT AND ANNEXATION COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor of the City of Massillon to enter into an agreement to accept the donation of certain real estate located at 515 26th Street S.E. from the Shelby Group Int'l., Inc., and declaring an emergency.

WHEREAS, the Shelby Company Int'l., Inc. has determined that it wishes to donate property located at 515 26th S.E. the City of Massillon;

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 authorizes the Mayor of the City of Massillon to enter into an agreement to accept the donation of certain real estate located at 515 26th Street S.E. from the Shelby Group Int'l., Inc.

Section 2:

A copy and legal description of said property is hereby attached and made a part of this ordinance.

Section 3:

This ordinance is declared to be an emergency measure immediately necessary for the preservation of the public health, safety, and welfare of the community and for the additional reason said property can be used by the City for future development within 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: December 21, 1998

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 278 - 1998

BY: SEWER AND WASTE DISPOSAL COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to submit an application for a loan of Two Million Seven Hundred Thousand Dollars (\$2,700,000.00) from the Ohio Water Pollution Control Loan Fund for the construction of the Fothergill-Belmont Sanitary Sewer Project ~~and to execute said loan when approved~~, and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby determines it to be necessary and in the public health, safety and welfare to authorize the Mayor of the City of Massillon, Ohio, to submit an application for a loan of Two Million Seven Hundred Thousand Dollars (\$2,700,000.00) from the Ohio Water Pollution Control Loan Fund for the construction of the Fothergill-Belmont Sanitary Sewer Project. ~~and to execute said loan when approved.~~

Section 2:

The Mayor of the City of Massillon, Ohio, is hereby authorized and directed to submit an application for a loan of Two Million Seven Hundred Thousand Dollars (\$2,700,000.00) from the Ohio Water Pollution Control Loan Fund for the construction of the Fothergill-Belmont Sanitary Sewer Project. ~~and to execute said loan when approved.~~

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 to submit an application for a loan of Two Million Seven Hundred Thousand Dollars (\$2,700,000.00) from the Ohio Water Pollution Control for construction of the Fothergill-Bellmont Sanitary Sewer Project. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____ 1998

APPROVED: _____

SHARON HOWELL, CLERK OF COUNCIL

DENNIS D. HARWIG, PRESIDENT

APPROVED: _____

FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: December 21, 1998

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 279 - 1998

BY: PARKS AND RECREATION COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety to enter into a contract agreement, without competitive bidding, with The Cleveland Museum of Natural History for the purchase of two (2) acres of Singer Lake Basin for the purpose of wetland mitigation within the new Community Park, and declaring an emergency.

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

Section 1:

The City Council of the City of Massillon, Ohio, hereby finds that it is necessary to enter into a contract, without competitive bidding, with The Cleveland Museum of Natural History for the purchase of two (2) acres of Singer Lake Basin for the purpose of wetland mitigation within the new Community Park.

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, without competitive bidding, with The Cleveland Museum of Natural History for the purchase of two (2) acres of Singer Lake Basin for the purpose of wetland mitigation within the new Community Park.

Section 3:

That the cost to purchase two (2) acres of Singer Lake Basin shall not exceed Ten Thousand (\$10,000.00).

Section 4:

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 to purchase the two (2) acres of Singer Lake Basin from The Cleveland Museum of Natural History is necessary for the purpose of wetland mitigation within the new Community Park. 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: December 21, 1998

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 280 - 1998

BY: RULES, COURTS & CIVIL SERVICE COMMITTEE

TITLE: AN ORDINANCE amending Section 2(D) OCCUPATION LIST OF CLASS TITLES - PARKS AND RECREATION DEPARTMENT of Ordinance No. 127 - 1997 by repealing Section 2(D) OCCUPATION LIST OF CLASS TITLES - PARKS AND RECREATION DEPARTMENT, and enacting a new Section 2(D) OCCUPATION LIST OF CLASS TITLES - PARKS AND RECREATION 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 - PARKS AND RECREATION DEPARTMENT of Ordinance No. 127 - 1997 be and is hereby repealed.

Section 2:

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

(SEE ATTACHMENT 'A' PAGE 5; AND INSERT IN THE SALARY ORDINANCE 127 - 1997)

Section 3:

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 provisions hereby enacted are immediately necessary for the more efficient operation of the Parks and Recreation Department 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

CLASS GRADE	SCHEDULE	DEPARTMENT & TITLE DESCRIPTION	
PARKS & RECREATION DEPARTMENT			
26S-30S	SU-UN	Parks & Recreation Director	
26S	SU-UN	Acting Parks & Recreation Director	
12S	UN	Office Manager	
7S	UN	Data Entry Clerk	
SENIOR CITIZENS CENTER			
15S	SU-UN	Senior Citizens Superintendent	450
PARK DEPARTMENT			
21S	SU-UN	Park Superintendent	505
14H	A	Park Lead Worker	
13H	A	Park Group Leader	
13H	A	Tree Trimmer	
12H	A	Truck Driver	
11H	A	Gardener	
10H	A	Assistant Gardener	
9H	A	Laborer I	
1H	A	Temp Laborer	
RECREATION DEPARTMENT			
21S *	SU-UN	Recreation Superintendent	510
PART TIME/TEMPORARY/SEASONAL			
	MS	Clerk	
	MS	Clerk/Typist	
	MS	Office Worker	
	MS	Recreation Coordinator III	
	MS	Recreation Coordinator II	
	MS	Recreation Coordinator I	
	MS	Program Coordinator III	
	MS	Program Coordinator II	
	MS	Program Coordinator I	
	SE	Laborer-1	
	SE	Laborer-2	
	SE	Laborer-3	
	SE	Laborer-4	
	SE	Laborer-5	
	SE	Laborer-6	

DATE: December 21, 1998

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 281 - 1998

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Auditor of the City of Massillon to deposit the three-tenths percent (.3%) City Income Tax for the parks and recreation system into the "Parks and Recreation Fund", "Capital Improvement Fund" and the "Bond Retirement Park and Rec Fund" under the Parks and Recreation Fund, and declaring an emergency.

WHEREAS, the electors of the City of Massillon voted to raise the city income tax rate by three-tenths percent (.3%) effective January 1st, 1996 and to be used exclusively for the parks and recreation system in the City of Massillon,

WHEREAS, it is necessary to determine what percentage of the tax collected for the Parks and Recreation Department shall be deposited into the "Parks and Recreation Fund", "Capital Improvement Fund" and the "Bond Retirement Park and Rec Fund" under the Parks and Recreation Fund.

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

Section 1:

It is hereby determined that it is necessary for the Auditor of the City of Massillon to deposit a portion of the three-tenths percent (.3%) City Income Tax for the parks and recreation system into the "Parks and Recreation Fund", "Capital Improvement Fund" and the Bond Retirement Park and Rec fund under the Parks and Recreation fund.

Section 2:

Effective January 1, 1999 the Auditor of the City of Massillon is hereby authorized to deposit the following percentages into the following funds from the amounts collected from the income tax for the Parks and Recreation Department:

- 1.) Forty-Five Percent (45%) shall be deposited into the "Parks and Recreation Fund".
- 2.) Forty-Five Percent (45%) shall be deposited into the "Capital Improvement Fund".
- 3.) Ten Percent (10%) shall be deposited into the "Bond Retirement Park and Rec Fund".

Section 3:

That Ordinance No. 227 - 1997 be and is hereby repealed as of December 31, 1998.

Section 4:

This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, welfare and safety, and for the further reason that said funds are necessary to provide sufficient funds to adequately maintain the expenditures of the Parks and Recreation Department. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the mayor. otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____ 1998

APPROVED:

SHARON HOWELL, CLERK OF COUNCIL

DENNIS D. HARWIG, PRESIDENT

APPROVED:

FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: December 21, 1998

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 282 - 1998

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE authorizing and directing the Mayor to enter into a contract agreement with L & B Entertainment/William Curtain to provide services in the best interest of the City of Massillon, Ohio, for the purposes of having a summer concert entertainment series, and declaring an emergency.

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

Section 1:

The Mayor of the City of Massillon, Ohio, is hereby authorized and directed to enter into a contract agreement with L & B Entertainment/William Curtain to provide services in the best interest of the City of Massillon, Ohio, for the purposes of having a summer concert entertainment series. The cost of said contract shall not exceed Eight Thousand Dollars (\$ 8,000.00) and shall be in effect through August 30, 1999.

Section 2:

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 to provide summer concert entertainment series for the citizens 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

JOINT VENTURE AGREEMENT

This Joint Venture Agreement, made and entered into this day of , 1998 by and between L & B Entertainment/ William Curtin, having its principal place of business at 577 31st Street SW, Apt. E in Barberton, Ohio, hereinafter referred to as "Company," and The City of Massillon, Ohio, a municipal corporation organized under the laws of the State of Ohio, and having its principal place of business at 2 James Duncan Plaza in Massillon, Ohio, hereinafter referred to as "Corporation."

WITNESSETH:

WHEREAS, the parties to this Joint Venture Agreement have entered into a contract, hereinafter referred to as an Entertainment Contract for the purposes of coordinating a summer concert series with the City of Massillon, Ohio, and to execute certain work and to provide services as described in said contract; and

WHEREAS, the City of Massillon, Ohio has found it to be in the City's best interests to accept the services of L & B Entertainment/William Curtin for the purposes of having a summer concert series, said contract is to be in existence from November 1, 1998 and continue in existence through August 30, 1999.

1. Formation and purpose.

Now therefore, the parties hereby for themselves agree to this joint venture for the purposes of performing and completing a summer concert series in the City of Massillon, Ohio, and agree with each other that they will carry on the work under such contract as joint venturers. It is specifically understood and agreed between the parties hereto that this Joint Venture Agreement extends only to the performance of the summer concert series entertainment contract, together with any changes or additions thereto or extra work thereunder, and in no event shall this agreement extend to or cover any other or different work or services.

2. Capital.

The City of Massillon will pay the sum of Eight Thousand Dollars (\$8,000.00) to L & B Entertainment/William Curtin for the services of L & B Entertainment to provide a summer concert series.

3. Interest of parties.

It is agreed that the interests of the parties hereto in and to the performance of the summer concert series entertainment contract, in and to any and all property, materials and equipment necessary for the summer concert series shall be provided for by the City of Massillon to L & B Entertainment and William Curtin.

4. Donations and collections.

All collections at the summer concert series in the City of Massillon, Ohio shall be the sole property of the City of Massillon.

5. General management.

L & B Entertainment shall have the duties of booking, introducing, and coordinating entertainers for the summer concert series. The Eight Thousand Dollar (\$8,000.00) fee is a booking and entertainment fee only. If necessary for any back-up bands or additional performers for the main acts, the City of Massillon shall pay L & B Entertainment, in addition to the Eight Thousand Dollar (\$8,000.00) contract price, for services necessary for back-up bands or additional entertainers. All entertainers and music performers will be paid through the City of Massillon funds.

The City of Massillon will pay the entertainers separately from the services of L & B Entertainment/William Curtin. L & B Entertainment will provide services as stated above.

The City of Massillon, Ohio shall be responsible for the set-up, location and tear down of the City's own equipment in regards to providing the summer concert series.

6. Interpretation.

It is the mutual intention of the parties that this Agreement shall be governed by the laws of the State of Ohio as to the execution, authentication, construction, the legal obligations arising under this Agreement, and as to what is to be deemed a performance or satisfaction thereof.

7. Parties bound.

Subject to the foregoing provisions herein contained, this agreement shall inure to the benefit of, and be binding upon the parties hereto, their successors, trustees, assigns, and legal representatives, but shall not inure to the benefit of any other person, firm, or corporation.

IN WITNESS WHEREOF, the parties hereto have executed this agreement the day and year first hereinabove written:

By:

The City Of Massillon
Mayor

By:

L & B Entertainment
William Curtin

L & B Entertainment / William Curtin

DATE: December 21, 1998

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 283 - 1998

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Auditor to pay a bill to the Massillon City Schools out of the General Fund and the Parks and Recreation Fund of which the purchase order was not established prior to service, and declaring an emergency.

WHEREAS, under the City's Enterprise Zone Program, certain funds are due the Massillon City Schools through December 31, 1997;

WHEREAS, no purchase order was established by the City of Massillon, it is necessary to do so to pay the schools;

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 a bill to the Massillon City Schools out of the General Fund and the Parks and Recreation Fund, of which the purchase order was not established prior to service. Said bill to be paid totals Fifteen Thousand Nine Hundred Four Dollars and Twenty-Two Cents (\$15,904.22) and shall be paid as follows:

\$13,253.52 from the General Fund

\$ 2,650.70 from the Parks and Recreation Fund

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 City of Massillon and the Massillon School System 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

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 284 - 1998

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE reducing the appropriated balance of the OPWC Springhill/Springhaven Fund, OPWC Lake Avenue Fund, OPWC Lincoln Way West Box Culvert Fund, OPWC Lincoln Way West Rehab Fund and the Muni Road 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:

The appropriated balance of the OPWC Springhill/Springhaven Fund of the City of Massillon, Ohio, be and hereby is reduced for the year ending December 31, 1998, as follows:

\$ 30,000.00 to an account entitled "Salary" 1484.435.2110
\$330,640.00 to an account entitled "Springhill/Springhaven" 1484.435.2510

Section 2:

The appropriated balance of the OPWC Lake Avenue Fund of the City of Massillon, Ohio, be and hereby is reduced for the year ending December 31, 1998, as follows:

\$ 38,000.00 to an account entitled "Salary" 1481.435.2110
\$255,120.00 to an account entitled "Lake Ave" 1481.435.2510

Section 3:

The appropriated balance of the OPWC Lincoln Way West Box Culvert Fund of the City of Massillon, Ohio, be and hereby is reduced for the year ending December 31, 1998, as follows:

\$ 6,679.59 to an account entitled "Salary" 1485.435.2110
\$129,200.00 to an account entitled "Lincoln Way West Box Culvert"
1485.435.2510

Section 4:

The appropriated balance of the OPWC Lincoln Way West Rehab Fund of the City of Massillon, Ohio, be and hereby is reduced for the year ending December 31, 1998, as follows:

\$ 61,074.35 to an account entitled "Lincoln Way West Rehab" 1482.435.2510

Section 5:

The appropriated balance of the OPWC Muni Road Fund of the City of Massillon, Ohio, be and hereby is reduced for the year ending December 31, 1998, as follows:

\$ 3,390.59 to an account entitled "Lincoln Way East III" 1409.435.2510
\$ 35,523.18 to an account entitled "Lincoln Way West" 1409.435.2511

Section 6:

This Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said reduction of funds are necessary prior to the end of 1998, 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

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 285 - 1998

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Indigent Driver Alcohol Treatment Fund, General Fund, Capital Improvement Fund, Community Development Block Grant Program Fund, OPWC Lincoln Way East Phase III Fund, and the State Patrol Transfer 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 is hereby appropriated from the unappropriated balance of the Indigent Driver Alcohol Treatment Fund of the City of Massillon, Ohio, for the year ending December 31, 1998, the following:

\$ 21,016.65 to an account entitled "Indigent Drivers" 1225.125.2392

Section 2:

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

\$ 13,253.51 to an account entitled "Massillon City Schools" 1100.210.2721

Section 3:

There be and is hereby 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:

\$ 9,950.00 to an account entitled "Eldon Street Lines" 1401.405.2511

Section 4:

There be and is hereby 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:

\$ 7,000.00 to an account entitled "16th Street S.E. Sidewalks" 1402.845.2827

Section 5:

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

\$ 4,155.04 to an account entitled "Lincoln Way East Phase III" 1483.435.2510

Section 6:

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

\$ 2,443.69 to an account entitled " State Patrol Refund to General " 3105.930.2720

Section 7:

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