

AGENDA

DATE: AUGUST 2, 1999
PLACE: COUNCIL CHAMBERS
TIME: 7:30 P.M.

1. ROLL CALL
2. INVOCATION - COUNCILMAN TIM BRYAN
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. 146 - 1999 BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMM

JH/LM ✓
P
AN ORDINANCE vacating a portion of a certain public alley, and declaring an emergency.

JH/LM ✓
P
ORDINANCE NO. 147 - 1999 BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMM

AN ORDINANCE vacating a portion of Wray Street N.E., and declaring an emergency.

ORDINANCE NO. 148 - 1999 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

JH ✓
P
AN ORDINANCE accepting the Final Plat and dedication of various streets in the Autumn Ridge Estates Phase II in the City of Massillon, Stark County, Ohio, presently on file in the office of the City Engineer, and declaring an emergency.

ORDINANCE NO. 149 - 1999 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

JH ✓
P
1st
AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning certain tracts of land from Jackson and Perry Townships to Massillon Zoning, and declaring an emergency. → Annex.

ORDINANCE NO. 150 - 1999 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

1st
AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning certain tracts of land from RM-1 Multiple Family Residential to B-1 Local Business, and declaring an emergency.

ORDINANCE NO. 151 - 1999 BY: FINANCE COMMITTEE

JH ✓
P
AN ORDINANCE declaring the improvement of certain real property located in the City of Massillon to be a public purpose; declaring such property to be exempt from real property taxation; designating public infrastructure; improvements made or to be made that will benefit such property; requiring annual service payments in lieu of taxes; establishing a Municipal Public Improvement Tax Increment Equivalent Fund; and declaring an emergency.

→ Massillon Marketplace - TIF

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AUGUST 2, 1999

ORDINANCE NO. 152 - 1999 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM.

P ✓ **AN ORDINANCE** authorizing and directing the Mayor to enter into an agreement with R and D Incorporated, providing for the adoption of a project which will expand their facility and create employment opportunities within the City of Massillon Enterprise Zone, and declaring an emergency.

ORDINANCE NO. 153 - 1999 BY: FINANCE COMMITTEE

SDH ✓ P ✓ **AN ORDINANCE** making certain appropriations from the unappropriated balance of the General Fund of the City of Massillon, Ohio, for the year ending December 31, 1999, and declaring an emergency. *Amherst Rd.*

ORDINANCE NO. 154 - 1999 BY: FINANCE COMMITTEE

SDH ✓ P ✓ **AN ORDINANCE** making certain transfers in the 1999 appropriation from within the General Fund to the Municipal Road Fund, of the City of Massillon, Ohio, and declaring an emergency. *Amherst.*

ORDINANCE NO. 155 - 1999 BY: FINANCE COMMITTEE

SDH ✓ P ✓ **AN ORDINANCE** making certain appropriations from the unappropriated balance of the Mini Road Fund, OPWC CS14B Fund and the General Fund, for the year ending December 31, 1999, and declaring an emergency. *Amherst Harch Ave Muni*

7. UNFINISHED BUSINESS

8. PETITIONS AND GENERAL COMMUNICATIONS

A). LETTER OHIO DIVISION OF LIQUOR CONTROL REGARDING A STCK LICENSE.TO BE ISSUED TO CONSUN FOOD INDUSTRIES INC., DBA CONVENIENT FOOD MART 714, 704 WALES ROAD, MASSILLON, OHIO 44646.

9. BILLS, ACCOUNTS AND CLAIMS

10. REPORTS FROM CITY OFFICIALS

A). MAYOR SUBMITS MONTHLY PERMIT REPORT FOR JULY - 1999

B). AUDITOR SUBMITS MONTHLY REPORT FOR JULY - 1999

11. REPORTS OF COMMITTEES

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

13. CALL OF THE CALENDAR

ORDINANCE NO. 118 - 1999 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

P ✓ **AN ORDINANCE** amending Section 1151.02 of the Massillon Code of 1985 rezoning certain tracts of land from R-1 Single Family Residential to B-1 Local business, and declaring an emergency. *- Began excused from vote*

- Amended to exclude 75' of the southern portion of lot.

14. THIRD READING ORDINANCES AND RESOLUTIONS
15. SECOND READING ORDINANCES AND RESOLUTIONS
16. NEW AND MISCELLANEOUS BUSINESS
17. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS NOT ON THE AGENDA
18. ADJOURNMENT

SHARON HOWELL

THERE IS A PUBLIC HEARING THIS EVENING
AT 7:00 P.M.
REGARDING ORDINANCE NO. 118 - 1999

DATE: August 2, 1999

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 146 - 1999

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE vacating a portion of a certain public alley, and declaring an emergency.

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

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

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

Section 1:

A request to vacate a 10 foot wide alley lying between Connecticut Avenue S.E. and Massachusetts Avenue S.E. and running in a west/east direction between 16th Street S.E. and 18th Street S.E., that portion of the alley from 18th Street S.E. westerly a distance of 40 feet.. This vacation plat is filed in the City Engineer's Office and was approved by the City Planning Commission on July 14th, 1999. The said vacation is hereby approved, adopted and confirmed.

Section 2:

That this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the community and for the reason that the alley is no longer needed for a municipal purpose. 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 _____ 1999

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

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

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DATE: August 2, 1999

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 147 - 1999

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE vacating a portion of Wray Street N.E., and declaring an emergency.

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

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

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

Section 1:

There has been a request to vacate a portion of Wray Street N.E., lying between Shaw Avenue N.E. and Lori Avenue N.E. and running in a north-south direction between Massillon west corporation line and Amherst Road. The request is to vacate that portion of Wray Street N.E. from Lori Avenue N.E. southerly to Shaw Avenue N.E. a distance of approximately 256.05 feet. This vacation plat is filed in the City Engineer's Office. Approval of the vacation was recommended by the City Planning Commission on July 14th, 1999. Said vacation is hereby approved, adopted and confirmed.

Section 2:

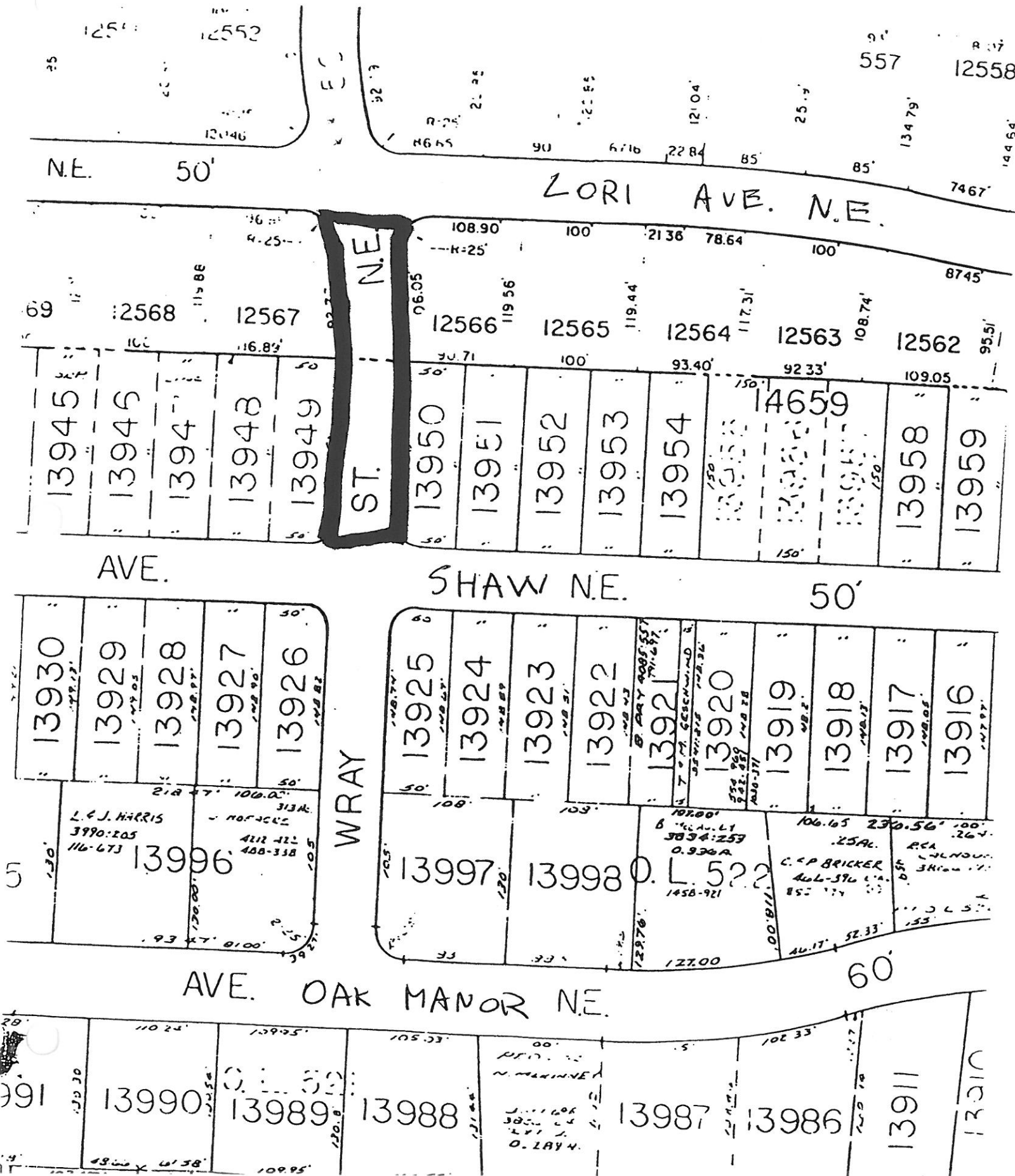
That this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the community and for the continued efficient operation of the City of Massillon, Ohio, and that the portion of the street to be vacated is no longer needed for municipal purposes. 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 _____ 1999

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

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

STREET VACATION - WRAY STREET, N.E.



DATE: August 2, 1999

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 148 - 1999

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE accepting the Final Plat and dedication of various streets for Autumn Ridge Estates Phase II 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 for Autumn Ridge Estates Phase II in the City of Massillon, Stark County, Ohio, presently on file in the Office of the City Engineer, is hereby 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 June 9th, 1999. The undertaking given by the owners for improvement of streets and now on file with the City Engineer is approved. The description of Autumn Ridge Estates Phase II is as follows:

Being Known as Part of Out Lot 502, a 6.679 acre parcel located on the east side of 29th Street N.W., south of Lincoln Way N.W. This plat will create a total of 16 lots zoned R-2 One Family Residential. The plat also includes the dedication of Fire Bush Drive N.W., Lauren Circle N.W. and Turning Leaf Avenue N.W.

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 _____ 1999

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

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

DATE: August 2, 1999

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 149 - 1999

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning certain tracts of land from Jackson and Perry Townships to Massillon Zoning, and declaring an emergency.

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

Section 1:

It is hereby determined to be in the best interest and promotion of the general health, safety and convenience, comfort, prosperity and welfare of the community to change the designation of the area set forth in Section 2 from Jackson and Perry Townships to Massillon Zoning classifications, as approved by the Planning Commission of the City of Massillon, Ohio, on July 14th, 1999, and that notice and public hearing has been given according to law.

Section 2:

That the City of Massillon, Ohio, Zone Map as identified by Section 1151.02 of the Massillon Code of 1985, be and is hereby amended to show the following described area as B-1 Local Business

Being known as Lot Nos. 15898 and 15899 and Out Lots 810, 811 and 812, a 2.527 acre area located on the north side of Hills and Dales Road, east of Wales Road. Recently annexed to the City from Perry and Jackson Townships, the area includes a portion of the Massillon Auto Club facility, a bank office and a gasoline station.

Section 3:

That this ordinance is declared to be an emergency measure in that the use herein provided for is essential to 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 THIS _____ DAY OF _____, 1999 _____

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

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

DATE: August 2, 1999

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 150 - 1999

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning certain tracts of land from RM-1 Multiple Family Residential to B-1 Local Business, and declaring an emergency.

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

Section 1:

It is hereby determined to be in the best interest and promotion of the general health, safety and convenience, comfort, prosperity and welfare of the community to change the designation of the area set forth in Section 2 hereof from RM-1 Multiple Family Residential to B-1 Local Business. Said rezoning was denied by the Planning Commission of the City of Massillon, Ohio, on July 14h, 1999 and that notice and public hearing has been given according to law.

Section 2:

The City of Massillon, Ohio, Zone Map as identified by Section 1151.02 of the Massillon Code of 1985, be and is hereby amended to show the following described area as B-1 Local Business.

Being known as Lot Nos. 4328, 4329 and 4330, totaling approximately 0.93 acres in size located at 2109-2119 Lincoln Way East, Massillon, Ohio.. This request has been submitted by Carl Oser who wishes to use this property for commercial development.

Section 3:

That this ordinance is declared to be an emergency measure in that the use herein provided for is essential to the proper community growth and hence immediately necessary for the preservation of the health, safety and welfare of the community and that this property would best be served to be designated B-1 Local Business. 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.

DATE: August 2, 1999

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 150 - 1999

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning certain tracts of land from RM-1 Multiple Family Residential to B-1 Local Business, and declaring an emergency.

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

Section 1:

It is hereby determined to be in the best interest and promotion of the general health, safety and convenience, comfort, prosperity and welfare of the community to change the designation of the area set forth in Section 2 hereof from RM-1 Multiple Family Residential to B-1 Local Business. Said rezoning was denied by the Planning Commission of the City of Massillon, Ohio, on July 14h, 1999 and that notice and public hearing has been given according to law.

Section 2:

The City of Massillon, Ohio, Zone Map as identified by Section 1151.02 of the Massillon Code of 1985, be and is hereby amended to show the following described area as B-1 Local Business.

Being known as Lot Nos. 4328, 4329 and 4330, totaling approximately 0.93 acres in size located at 2109-2119 Lincoln Way East, Massillon, Ohio.. This request has been submitted by Carl Oser who wishes to use this property for commercial development.

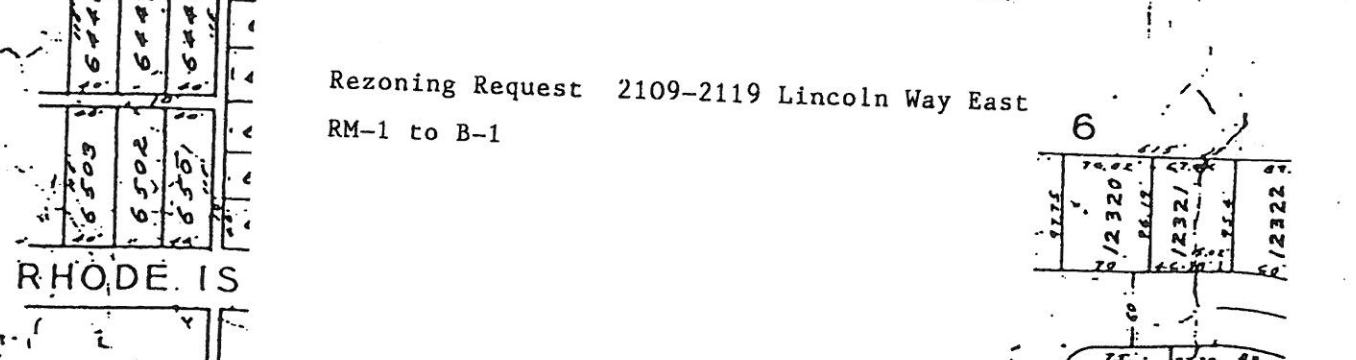
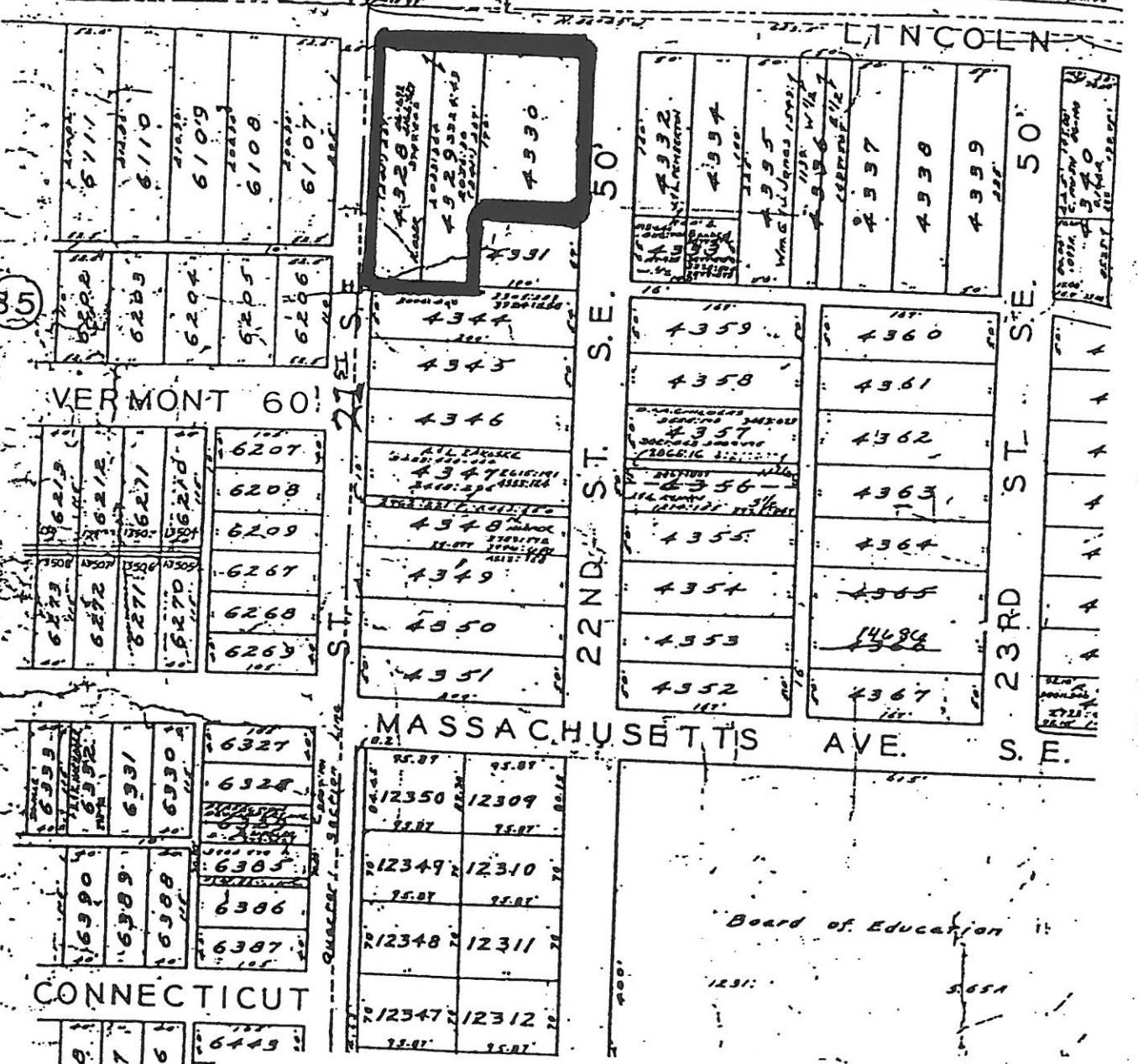
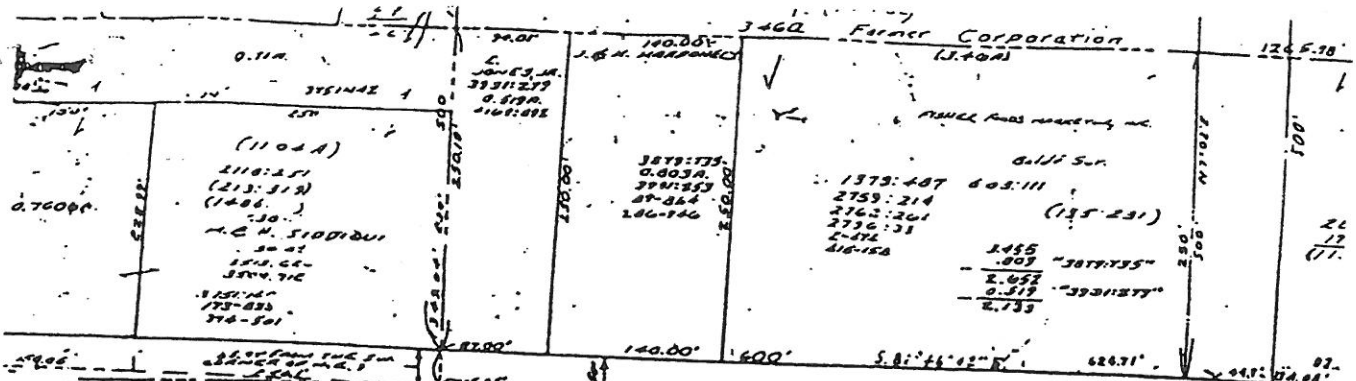
Section 3:

That this ordinance is declared to be an emergency measure in that the use herein provided for is essential to the proper community growth and hence immediately necessary for the preservation of the health, safety and welfare of the community and that this property would best be served to be designated B-1 Local Business. 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 _____ 1999

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

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



Rezoning Request 2109-2119 Lincoln Way East
RM-1 to B-1

B-3

LINCOLN WAY EAST

R-1

RM-1 TO

B-1

RM-1

RM-1

R-1

VERMONT SE

21 ST SE

R-1

22ND ST SE

R-1

R-1

EXISTING ZONING
MAP

DATED: AUGUST 2, 1999

CLERK: SHARON K. HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 157-1999

BY: THE FINANCE COMMITTEE

DECLARING THE IMPROVEMENT OF CERTAIN REAL PROPERTY LOCATED IN THE CITY OF MASSILLON TO BE A PUBLIC PURPOSE; DECLARING SUCH PROPERTY TO BE EXEMPT FROM REAL PROPERTY TAXATION; DESIGNATING PUBLIC INFRASTRUCTURE IMPROVEMENTS MADE OR TO BE MADE THAT WILL BENEFIT SUCH PROPERTY; REQUIRING ANNUAL SERVICE PAYMENTS IN LIEU OF TAXES; ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND; AND DECLARING AN EMERGENCY

WHEREAS; the development of commercial properties in the City of Massillon (the "City") will benefit the City and its residents by creating jobs, enlarging the property tax base, enhancing income tax revenues and stimulating collateral development in the City; and

WHEREAS; by providing infrastructure improvements including streets, water and sewer systems, and related improvements, the City may facilitate the development of commercial and industrial properties; and

WHEREAS, Ohio Revised Code Sections 5709.40 through 5709.43 provide for the use of municipal tax increment financing to construct infrastructure improvements which will benefit new commercial and industrial development and redevelopment in the City; and

WHEREAS, DeVille Developments (the "Developer") wishes to construct a retail shopping facility, with related amenities and improvements (the "Commercial Improvements"), all as described in

more detail on Exhibit A attached hereto and made a part hereof, on certain property (the "Site") located in the City and more particularly described on Exhibit B, attached hereto and made a part hereof, and that such Commercial Improvements would first appear on the tax list and duplicate of real and public utility property subsequent to the effective date of this Ordinance were it not for the exemptions specified herein; and

WHEREAS, the City has made, is in the process of making, or will make certain public infrastructure improvements consisting of street improvements, bridge improvements, drainage improvements, traffic signals, utility relocation and related infrastructure improvements (the "Infrastructure Improvements") as more particularly described on Exhibit C, attached hereto and made a part hereof, that directly benefit or, once made, will directly benefit the Commercial Improvements; and

WHEREAS, pursuant to and in the manner prescribed by Ohio Revised Code Section 5709.83, the City delivered notice to the Massillon City School District on July __, 1999, stating the City's intent to declare the Commercial Improvements to be a public purpose under Ohio Revised Code Section 5709.40, and the board of education of the school district has passed a resolution waiving its right to receive notice in connection therewith;

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

Section 1. It is hereby declared that construction of the Commercial Improvements on the Site is a public purpose benefiting the City and its residents and that the duration of such public purpose shall be thirty (30) years.

Section 2. The Commercial Improvements are hereby declared exempt from real property taxation, commencing on the effective date of this Ordinance and ending on the thirtieth (30th) anniversary of such effective date or the date the Infrastructure Improvements are paid in full, whichever occurs first. One hundred percent (100%) of the assessed value of the Commercial Improvement shall be exempted from taxation.

Section 3. The City shall construct the Infrastructure Improvements which will directly benefit the Commercial Improvements. The cost of such Infrastructure Improvements may be paid in part from the proceeds of bonds and/or notes to be issued by the City and secured in part from revenues received by the City from service payments made by the Developer in lieu of taxes, as set forth herein. It is hereby found and determined that the percentage exempted (100%) does not exceed the estimated

percentage of the incremental demand placed on the Infrastructure Improvements that is directly attributable to the Commercial Improvements (100%).

Section 4. The Developer shall make annual service payments in lieu of taxes (the "Service Payments"), which Service Payments shall be paid to the Stark County Treasurer and collected and distributed as set forth in Ohio Revised Code Section 5709.42 and as provided in Section 6 and Section 7 hereof. Payments due with respect to partial calendar years shall be apportioned on a pro rata basis.

Section 5. If determined to be necessary and appropriate, the Mayor shall execute on behalf of the City an agreement between the City and the Developer providing for the payment and collection of such Service Payments, which agreement shall be in a form acceptable to the Mayor, approved by the Law Director, and not substantially inconsistent with the terms of this Ordinance.

Section 6. Pursuant to Ohio Revised Code Sections 5709.40(B)(1) and 5709.42, the Stark County Treasurer shall pay to the Massillon City School District, from a portion of the Service Payments, the amount of the taxes that would have been payable to the Massillon City School District with respect to operating levies (excluding millage for voted bond issues, emergency levies and permanent improvement levies) if the Commercial Improvements had not been exempted from taxation pursuant to this Ordinance for the period commencing on the effective date of this Ordinance and ending on the date of termination of the exemption of the Commercial Improvements as set forth in Section 2 hereof. Such amounts shall be payable to the Massillon City School District as a semi-annual real property tax payment. The Mayor of the City is hereby authorized to execute an agreement with the Massillon City School District providing for the payments set forth in this Section 6.

Section 7. There is hereby established within the City Treasury a municipal public improvement tax increment equivalent fund (the "Tax Increment Fund") into which shall be deposited the portion of the Service Payments which are distributed to the City by the Stark County Treasurer after the payments to the Massillon City School District as provided in Section 6 hereof. Such Fund may be combined with other funds created by ordinances of this Council authorizing other such projects. Money in the Tax Increment Fund (i) shall be used to finance the Infrastructure Improvements, and (ii) to the extent provided in further ordinances of this Council, shall be pledged to the repayment of bonds and/or notes issued to finance the Infrastructure Improvements.

Section 8. The Clerk of this Council is hereby directed to deliver, not later than fifteen (15) days after the effective date of this Ordinance, a copy thereof to the Director of Development of the State of Ohio and to further deliver to such Director, not later than March 31 of each year during which the tax exemption remains in effect, a status report outlining the progress of the project herein described.

Section 9. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 10. This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and welfare of the City of Massillon and its inhabitants for the reason that this Ordinance must be effective immediately in order to capture all of the Commercial Improvements described herein and so that construction of the Commercial Improvements and the

Infrastructure Improvements may begin directly in order to take advantage of favorable weather conditions and to satisfy construction timelines required by the Developer.

WHEREFORE this Ordinance shall take effect and be in force from and immediately following its passage.

Adopted in Council on this 2nd day of August, 1999.

Attest:

Clerk

President of Council

Approved:

Mayor

CERTIFICATE

The undersigned Clerk hereby certifies that the foregoing is a true copy of Ordinance No. ____-1999 duly adopted by the Council of the City of Massillon, Ohio on August 2, 1999, and that a true copy thereof was certified to the Director of Development of the State of Ohio on _____, 1999.

Clerk
City of Massillon, Ohio

RECEIPT OF DIRECTOR OF DEVELOPMENT FOR THE STATE OF OHIO
FOR LEGISLATION DECLARING CERTAIN IMPROVEMENTS TO REAL
PROPERTY TO BE EXEMPT FROM REAL PROPERTY TAXATION
PURSUANT TO SECTION 5709.40 OF THE OHIO REVISED CODE

I, C. Lee Johnson, the Director of Development for the State of Ohio hereby certify that a certified copy of an ordinance duly adopted by the City Council of the City of Massillon, Stark County, Ohio on August 2, 1999, declaring the improvement of certain real property located in the City of Massillon to be a public purpose and declaring a portion of such property to be exempt from real property taxation pursuant to Section 5709.40 of the Ohio Revised Code was filed in this office on _____, 1999.

WITNESS my hand and official seal at Columbus, Ohio this _____ day of _____, 1999.

Director, Ohio Department of Development

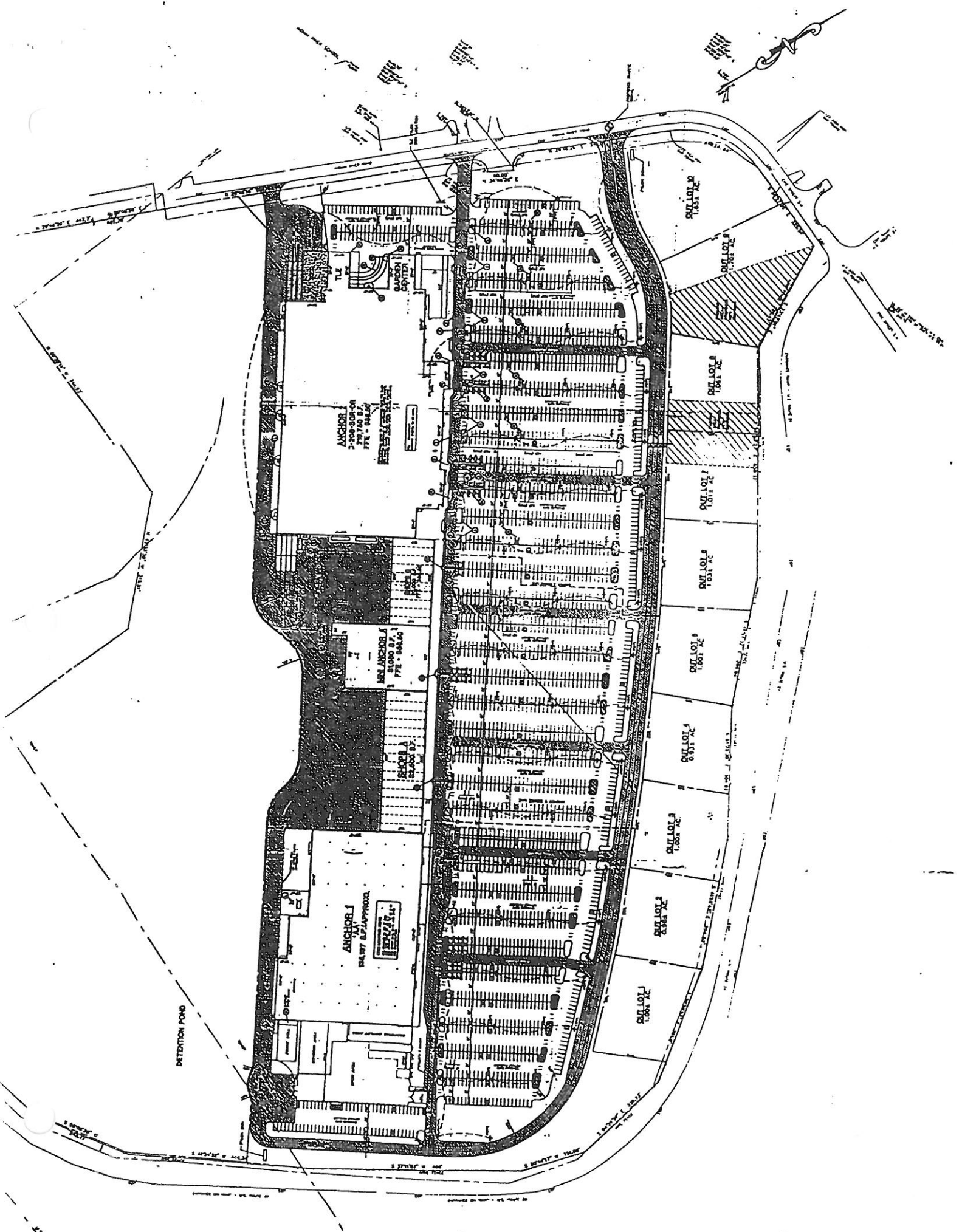


EXHIBIT C

DESCRIPTION OF INFRASTRUCTURE IMPROVEMENTS

Engineering:

- Interchange Justification Study (IJS)
- Signal warrants
- Environmental studies as required
- Permit fees
- Surveying
- Design plans and specifications
- Right of way plans and acquisition
- Bidding and construction services

Construction:

- Widening of the entrance/exit ramps at SR21/Erie St. interchange
- Widening of Erie Street
- Widening of Nave Street at Erie Street
- New traffic signals and associated appurtenances
- Bridge improvements
- Signing (public) and striping
- Street lights
- Guardrail modifications
- Associated drainage improvements
- Utility relocation
- Any improvements required by the Ohio Department of Transportation as a result of the IJS
- Any mitigation required as a result of the environmental studies

Inspection:

- Inspection fees
- Material testing

DATE: August 2, 1999

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 152 - 1999

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE authorizing and directing the Mayor to enter into an agreement with R and D Incorporated,. providing for the adoption of a project which will expand their 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, R and D Incorporated, is proposing to construct a new 27,000 square foot addition to its existing facility at 1111 Oberlin Road S.W. within the Massillon Enterprise Zone, at a total combined investment of One Million Five Hundred Thousand Dollars (\$1,500,000.00), (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, and as amended by Ordinance No. 57-1998, adopted March 2, 1998 and as amended by Ordinance No. 43 - 1999, adopted March 1, 1999, 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, and as amended on March 9, 1999, 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 R and D Incorporated, with the incentives available for development of the Project in said Enterprise Zone, under Chapter 5709 of the Ohio Revised Code; and

WHEREAS, R and D Incorporated, 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 R and D Incorporated, and has recommended approval of the same to the Council on the basis that the company is qualified by financial responsibility and business experience to create 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 Local School District and the Massillon 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 R and D Incorporated, providing for the adoption of a project which will expand their 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 R and D Incorporated, 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 _____ 1999

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"), R and D Incorporated, a _____ Corporation with its main offices located at 1111 Oberlin Road, S.W., Massillon, Ohio 44647 (hereinafter referred to as "the Enterprise").

WITNESSETH:

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

Whereas, the Enterprise, presently located within the Massillon Enterprise Zone at 1111 Oberlin Road, S.W., is desirous of expanding its manufacturing and warehouse operations, through the construction of a new twenty-seven thousand (27,000) square foot addition to its existing industrial facility (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, and as amended by Ordinance No. 43-1999, adopted on March 1, 1999, 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 and on March 9, 1999, the Director of Development of the State of Ohio has determined that the aforementioned area designated in said Ordinance No. 163-1994, Ordinance No. 57-1998, and Ordinance No. 43-1999 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 the Enterprise with the incentives available for development of the Project in the said Enterprise Zone, under Chapter 5709 of the Ohio Revised Code; and

Whereas, the Enterprise 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, the Enterprise 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 the Enterprise, and has recommended approval of the same to the Council on the basis that the enterprise is qualified by financial responsibility and business experience to create and preserve employment opportunities in said Enterprise Zone and to improve the economic climate of the City of Massillon; and

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

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

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

Section I:

The Enterprise shall undertake the expansion of its facility at 1111 Oberlin Road, S.W., through the construction of a new twenty-seven thousand (27,000) square foot building addition, enabling the company to enlarge its manufacturing and warehouse space. The Project Site is located on part of Out Lot 287, Part of Out Lot 511 and Part of Lot No. 14124 in the City of Massillon, Stark County, Ohio.

In addition, the Enterprise shall also purchase and install new machinery and equipment including, but not limited to, a McKinley Rotary Die Cut Machine.

The Project will involve a total investment by the Enterprise of (\$1,500,000) One Million Five Hundred Dollars, plus or minus 10%, at the project site. Included in this investment are (\$1,000,000) One Million Dollars for new construction/building additions; and (\$500,000) Five Hundred Thousand Dollars to purchase first used machinery and equipment.

Furthermore, 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 (\$33,833) Thirty-Three Thousand Eight Hundred Thirty-Three Dollars.

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

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 City of Massillon hereby determines that the Project is eligible for the tax incentives and other benefits as described in this Agreement.

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

Section 2:

The Enterprise shall create within a time period not exceeding 36 months after the commencement of construction of the aforesaid addition to the facility, the equivalent of 10 new full-time permanent job opportunities. In addition, the Enterprise will use its best efforts to retain 26 full-time permanent employees at the Project Site.

The Enterprise's schedule for hiring is as follows: create -3- new full-time permanent jobs in Year One; create -4- new full-time permanent jobs in Year Two; and create -3- new full-time permanent jobs in Year Three. The job creation period begins August 1, 1999 and all jobs will be in place by July 31, 2002.

The Enterprise currently has 26 full-time permanent employees at the Project Site. All of these existing jobs will be retained. In total, the Enterprise has 26 full-time permanent employees in the State of Ohio.

The existing jobs being retained have a total annual payroll of (\$500,000) Five Hundred Thousand Dollars. The increase in the number of full time permanent employees will result in approximately (\$350,000) Three Hundred Fifty Thousand Dollars of additional annual payroll for the Enterprise.

Section 3:

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

Section 4:

The City of Massillon hereby grants a tax exemption pursuant to Section 5709.62 for eligible new tangible personal property acquired in conjunction with the Project. This tax exemption shall be at the rate of 75% on all machinery and equipment, 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, 2000 nor extend beyond December 31, 2010.

Section 5:

The City of Massillon hereby grants the Enterprise a tax exemption for real property improvements made to the Project Site pursuant to Section 5709.62 of the Ohio Revised Code. This tax exemption shall be at the rate of 75%. Each identified project improvement will receive a ten year exemption period. The exemption commences the first year for which the real property exemption would first be taxable were that property not exempted from taxation. No exemption shall commence after December 31, 2000, nor extend beyond December 31, 2010.

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

Section 6:

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

Section 7

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

Section 8:

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

Section 9:

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

Section 10:

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

Section 11:

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

Section 12:

The Enterprise hereby certifies that, at the time this agreement is executed, 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 the Enterprise is liable under Chapter 5733., 5735., 5739., 5741., 5743., 5747., or 5753. of the Revised Code, or, if such delinquent taxes are owed, the Enterprise currently is paying the delinquent taxes pursuant to an undertaking enforceable by the State of Ohio or an agent or instrumentality thereof, has filed a petition of bankruptcy under 11 U.S.C.A. 101, et seq., or such a petition has been filed against the Enterprise. For the purposes of the certification, delinquent taxes are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the Revised code governing payment of those taxes.

Section 13:

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

Section 14:

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

Section 15:

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

Section 16:

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

Section 17:

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

Section 18:

The Enterprise affirmatively covenant that it has made no false statements to the State or local political subdivision in the process of obtaining approval for the Enterprise Zone incentives. If any representative of the Enterprise has knowingly made a false statement to the State or local political subdivision to obtain the Enterprise Zone incentives, the Enterprise shall be required to immediately return all benefits received

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

In Witness Whereof, the City of Massillon, Ohio, by Francis H. Cicchinelli, Jr., its Mayor, and pursuant to Ordinance No. ____ -1999, has caused this instrument to be executed this ____ day of _____, 1999; and R and D Incorporated, by Kerry W. Keyes, its President, has caused this instrument to be executed this ____ day of _____, 1999.

WITNESSED BY:

THE CITY OF MASSILLON, OHIO

Francis H. Cicchinelli, Jr., Mayor

WITNESSED BY:

R AND D INCORPORATED

Kerry W. Keyes, 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 R and D, Incorporated
(Enterprise)**

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

R and D Incorporated

Mr. Kerry W. Keyes

enterprise name

contact person

1111 Oberlin Road S.W.

(330) 832-5096

Massillon, Ohio 44647

telephone number

address

- b. Project Site:

SAME AS ABOVE

contact person

address

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) # 2653

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)

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

Corporation

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

Mary Lou Jester

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

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

26

- 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:
-
-

- 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: _____
-

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

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

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

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: Approximately
27,000-Sq.Ft. addition to current facility for the
purpose of manufacturing and warehousing. Passage way
building will include new bathroom and lunchroom
facilities for hourly employees.

9. Project will begin August 1, 19⁹⁹ and be completed
December 31, 19⁹⁹ 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): _____

10 Full-Time

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: 3 by 8-1-99, 2 by 6-1-00, 2 by 1-1-01

3 by 8-1-01 Full-Time

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). 10 Jobs at \$35,000/year =
Approximately \$350,000 Annually (All Full-Time)
- b. Indicate separately the amount of existing annual payroll relating to any job retention claim resulting from the project: \$ Approximately \$500,000
12. Market value of the existing facility as determined for local property taxation
\$ 377,000
13. a. Business's total current investment in the facility as of the proposal's submission.
\$ 15,000 - 20,000
- 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): \$ 33,833
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>1,000,000</u> |
| C. | Improvements to existing buildings | \$ _____ |
| D. | Machinery & Equipment | \$ <u>500,000 +</u> |
| E. | Furniture & Fixtures: | \$ _____ |
| F. | Inventory | \$ _____ |
| Total New Project Investment: | | \$ <u>1,500,000 - 1,700,000</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)

We are requesting this Tax abatement due to the increased
cost of operating our business. This abatement of 75%
over 10 years for real and personal property taxes will
make the continuation of our operation economically feasible.

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.

R and D, Incorporated

Name of Enterprise



Signature

7-2-99

Date

Kerry W. Keyes - 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.

It is the intention of R and D, Incorporated to add approximately 27,000-Sq. Ft. of manufacturing and warehouse space to its present location 1111 Oberlin Road S.W. in Massillon, Ohio. This addition will also include new bathroom and lunchroom facilities for our hourly employees. This project should take approximately 4 months to complete. The company will also be investing over \$500,000 in new equipment to be housed in the new addition.

II. PROJECT BUDGET

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

Proposed Cost

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

Proposed Cost

1,700-Sq.Ft. connector building providing passage to new addition (includes bath-rooms and lunchroom). 25,000-Sq.Ft. manufacturing and warehouse. Buildings will be concrete block masonry.

\$972,000

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

Proposed Cost

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.

\$499,000

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. McKinley Rotary Die Cut Machine (See Literature)

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).

- Anticipation of the project has created 3 new salaried positions already.
- All jobs created will be full-time.
- Current workforce: 8 Salary, 18 Hourly = 26 all full-time.
- Schedule for hiring:

3 - Full-Time as of 8-1-99

2 - Full-Time by 6-1-00

2 - Full-Time by 1-1-01

3 - Full-Time by 8-1-01

10 x \$35,000 = \$350,000 increase in payroll.

IV. REQUEST FOR TAX EXEMPTION

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

- 75% over 10 Yrs. (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)
- 75% over 10 Yrs. (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.

Reasons Why Necessary

1. To make our operations economically feasible.
2. To allow us to proceed with our planned expansion.
3. To insure our ability to continue to provide jobs to the community.
4. We are making a large investment in our business and the community. We want to make sure this investment will be a success in providing more jobs now and in the future.
5. To allow us to compete within our ever increasing competitive market place.

Benefits

1. Increase workforce by 40% over the next 3 years.
2. Secure the jobs of the 26 employees of this community currently working.
3. In spite of the abatement, we will be providing additional tax revenue to this community.

OHIO DEPARTMENT OF DEVELOPMENT
ENTERPRISE ZONE PROJECT TAX ANALYSIS

General Project Information

County: Stark

Local Government Authority: City of Massillon

Business: R and D, Incorporated

Total Project Cost: \$1,500,000

Total Current Real Property Tax of Business (at site): \$5,658.00

Total Current Tangible Personal Property Tax of Business (at site): \$9,872.00

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

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

If yes within local jurisdiction yes no

Within county yes no

Within state (distance mi.) yes no

Does the project involve removal of any currently taxed assets (Real or Personal Property from the Tax Rolls)? yes 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 10

Note new payroll projected from the new job commitment \$350,000 X 1.8 income tax rate \$6,300.00

new income tax generation

Enterprise Zone Manager or Authorized Signature

Date

\$ 1,000,000.00

[illegible]

\$ 112,691

\$ 37,564

[illegible]

2A. Total Project Cost Receiving Tangible Personal Property Tax Exemptions: \$500,000.00

Projected Tax Year	YR1	YR2	YR3	YR4	YR5	YR6	YR7	YR8	YR9	YR10
Used True Value %age (Class 5) for valuing machinery & equipment	94.30%	88.10%	81.80%	75.60%	69.30%	63.10%	56.90%	50.60%	44.40%	38.20%
Estimated Value of Tangible Personal Property	471,500	440,500	409,000	378,000	346,500	315,500	284,500	253,000	222,000	191,000
Exemption Schedule	75%	75%	75%	75%	75%	75%	75%	75%	75%	75%
Exempted Value	353,625	330,375	306,750	283,500	259,875	236,625	213,375	189,750	166,500	143,250
Taxable Value	117,875	110,125	102,250	94,500	86,625	78,875	71,125	63,250	55,500	47,750
Assessment	25%	25%	25%	25%	25%	25%	25%	25%	25%	25%
Tangible Personal Property Tax rate	0.0575	0.0575	0.0575	0.0575	0.0575	0.0575	0.0575	0.0575	0.0575	0.0575
Total Tangible Property Tax Foregone	5,083	4,749	4,410	4,075	3,736	3,401	3,067	2,728	2,393	2,059
Net New Tangible Property Tax Revenue	1,694	1,583	1,470	1,358	1,245	1,134	1,022	909	798	686

Total Tangible Personal Property Tax Foregone over Project term: \$ 35,702

Total Net New Tangible Personal Property Tax Revenue generated over project term: \$ 11,901

2B. Calculation of the annual net new Tangible Personal Property Tax Revenue generated by the project.

New Tangible Property tax generated	1,694	1,583	1,470	1,358	1,245	1,134	1,022	909	798	686
Less: Personal Property tax revenue loss	0	0	0	0	0	0	0	0	0	0
Net New Annual Tangible Personal Property tax increase to the Community	<u>\$ 1,694</u>	<u>\$ 1,583</u>	<u>\$ 1,470</u>	<u>\$ 1,358</u>	<u>\$ 1,245</u>	<u>\$ 1,134</u>	<u>\$ 1,022</u>	<u>\$ 909</u>	<u>\$ 798</u>	<u>\$ 686</u>

DATE: August 2, 1999

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 153 - 1999

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the General Fund of the City of Massillon, Ohio, for the year ending December 31, 1999, and declaring an emergency.

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

Section 1:

There be and hereby is appropriated from the unappropriated balance of the General Fund of the City of Massillon, Ohio, for the year ending December 31, 1999, the following:

\$300,000.00 to an account entitled "Transfer to Muni Road" 1100.905.2752

Section 2:

This Ordinance is hereby declared to be an emergency measure, for the reason that said appropriation is needed for the Amherst Road N.E. Rehab Project, 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 _____ 1999

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

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

DATE: August 2, 1999

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 154 - 1999

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain transfers in the 1999 appropriation from within the General Fund to the Municipal Road Fund, of the City of Massillon, Ohio, and declaring an emergency.

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

Section 1:

There be and hereby is transferred from the 1999 appropriation from within the General Fund to the Municipal Road Fund, of the City of Massillon, Ohio, the following:

\$300,000.00 FROM: "Transfer to Muni Road" 1100.904.2752
TO: "Muni Road Fund" 1409.850.1418

Section 2:

That this Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said funds are necessary for the operation of the Engineering Department, 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 _____ 1999

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

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

DATE: August 2, 1999

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 155 - 1999

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the , Muni Road Fund, OPWC CS14B Fund, and the General Fund, for the year ending December 31, 1999, 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 Muni Road Fund for the year ending December 31, 1999, the following:

\$300,000.00 to an account entitled "Amherst Road N.E. Rehab" 1409.435.2510

Section 2:

There be and hereby is appropriated from the unappropriated balance of the OPWC CS14B Fund for the year ending December 31, 1999, the following:

\$283,645.00 to an account entitled "Harsh Avenue S.E. Rehab" 1486.435.2510

Section 3:

There be and hereby is appropriated from the unappropriated balance of the General Fund of he City of Massillon, Ohio, for the year ending December 31, 1999, the following:

\$ 6,916.00 to an account entitled "Unemployment Compensation" 1100.305.2290

\$ 1,500.00 to an account entitled "Unemployment Compensation" 1100.130.2290

Section 4:

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

PASSED IN COUNCIL THIS _____ DAY OF _____ 1999

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

APPROVED: _____
FRANCIS H. CICCHINELLI, JR, MAYOR