

AGENDA

DATE: DECEMBER 20, 1999
PLACE: COUNCIL CHAMBERS
TIME: 7:30 P.M.

1. ROLL CALL
2. INVOCATION - COUNCILMAN BILL AMAN
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. 247 - 1999 BY: PUBLIC UTILITIES/GOLF COURSE COMMITTEE

2
AN ORDINANCE authorizing the Director of Public Service and Safety to enter into a five year renewal of the contract agreement with Ohio Edison Company for the street lighting, known as The Efficiency/Safety Incentive Program (ESIP), for public streets and roads in the City of Massillon, and declaring an emergency.

ORDINANCE NO. 248 - 1999 BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE

1st
AN ORDINANCE 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. 249 - 1999 BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE

1st
AN ORDINANCE Section 2(D) OCCUPATION LIST OF CLASS TITLES - AUDITORS DEPARTMENT of Ordinance No. 127 -1997 by repealing Section 2(D) OCCUPATION LIST OF CLASS TITLES - AUDITORS DEPARTMENT, and enacting a new Section 2(D) OCCUPATION LIST OF CLASS TITLES - AUDITORS DEPARTMENT in the City of Massillon, Ohio, and declaring an emergency.

ORDINANCE NO. 250 - 1999 BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE

SDH 1st
AN ORDINANCE Section 2(D) OCCUPATION LIST OF CLASS TITLES - WASTEWATER TREATMENT DEPARTMENT of Ordinance No. 127 -1997 by repealing Section 2(D) OCCUPATION LIST OF CLASS TITLES - WASTEWATER TREATMENT DEPARTMENT, and enacting a new Section 2(D) OCCUPATION LIST OF CLASS TITLES - WASTEWATER TREATMENT DEPARTMENT in the City of Massillon, Ohio, and declaring an emergency.

ORDINANCE NO. 251 - 1999 BY: STREETS, HIGHWAYS, TRAFFIC AND SAFETY COMM.

SDH P
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the Canalview Streetscape Project (ODOT Project STA-241-8.91), and declaring an emergency.

ORDINANCE NO. 252 - 1999 BY: STREETS, HIGHWAYS, TRAFFIC AND SAFETY COMM

504 ✓
AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to submit an application to the Stark County Commissioners for the Hills and Dales Improvement Project from Wales Road to Ledgewood Blvd. for the proposed Municipal Road Funds, and declaring an emergency.

ORDINANCE NO. 253 - 1999 BY: STREETS, HIGHWAYS, TRAFFIC AND SAFETY COMM.

504 ✓
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the Erie Street/SR 21 Improvement Project in the City of Massillon, and declaring an emergency.

**ORDINANCE NO. 254 - 1999 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM and
STREETS, HIGHWAYS, TRAFFIC AND SAFETY COMM.**

504 ✓
AN ORDINANCE making revisions to the Final Plats for Country View Estates No. 1 & 2 by changing the street name of Eileen Avenue, S.W. to Linda Lane S.W., to avoid duplication with other similar street names in the County, and declaring an emergency.

ORDINANCE NO. 255 - 1999 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

504 ✓
AN ORDINANCE petitioning the Board of County Commissioners of Stark County, Ohio, for a change in the township lines of Massillon, Jackson and Perry Townships, and declaring an emergency.

ORDINANCE NO. 256 - 1999 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

504 ✓
AN ORDINANCE authorizing the Director of Public Service and Safety to grant a 10 foot wide easement between Nave Road S.E. and State Route 21 for a 4 inch natural gas pipeline to be installed by the Northeast Ohio Natural Gas Corp. to serve the Massillon Marketplace Development and a 20 foot wide temporary easement during construction of a pipeline, and declaring an emergency.

ORDINANCE NO. 257 - 1999 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

504 ✓
AN ORDINANCE amending Section 1151.02 of the Massillon Code rezoning a certain tract of land from Jackson and Perry Townships to Massillon Zoning, and declaring an emergency.
P.H. - 2/7/00 @ 7:05

ORDINANCE NO. 258 - 1999 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

504 ✓
AN ORDINANCE amending Section 1151.02 of the Massillon Code rezoning a certain tract of land from Perry Township to Massillon Zoning, and declaring an emergency.
P.H. 2/7/00 7:15

ORDINANCE NO. 259 - 1999 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

504 ✓
AN ORDINANCE repealing Ordinance No. 198 - 1999 and enacting a new ordinance authorizing and directing the Mayor of the City of Massillon to enter into an agreement with Hercules Engine Components LLC, and Stoneham Associates, Inc., providing for the adoption of a project which will establish a new facility and create employment opportunities within the City of Massillon Enterprise Zone, and declaring an emergency.

DECEMBER 20, 1999

ORDINANCE NO. 260 - 1999 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

P AN ORDINANCE authorizing the Mayor to enter into an agreement with the Massillon City School District Board of Education, Hercules Engine Components LLC, and Stoneham Associates, Inc., authorizing general compensation to the school district resulting from the Enterprise Zone Agreement for the Hercules Engine Components Project, and declaring an emergency.

ORDINANCE NO. 261 - 1999 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

P AN ORDINANCE establishing a Community Reinvestment Area within the City of Massillon, Ohio, and declaring an emergency.

ORDINANCE NO. 262 - 1999 BY: PARKS AND RECREATION COMMITTEE

P AN ORDINANCE authorizing the Mayor to enter into contract agreements with Varied Attractions, Inc., and L & B Entertainment Inc., for various engagement contracts for the summer concert series, and declaring an emergency.

ORDINANCE NO. 263 - 1999 BY: FINANCE COMMITTEE

SDH P AN ORDINANCE establishing a fund entitled "Canalview Streetscape Project ODOT STA-241-8.91, creating line items within said fund, and declaring an emergency.

ORDINANCE NO. 264 - 1999 BY: FINANCE COMMITTEE

SDH P AN ORDINANCE authorizing the Auditor of the City of Massillon, Ohio, to accept a donation from the Massillon Development Foundation for reimbursement of Capital Improvement Funds used for the Canalview Streetscape Project, and declaring an emergency.

ORDINANCE NO. 265 - 1999 BY: FINANCE COMMITTEE

P AN ORDINANCE authorizing the issuance of not to exceed \$4,150,000.00 of notes in anticipation of the issuance of bonds for the purposes of (i) acquiring land in connection with a proposed recreation center; (ii) Paying preliminary expenses in connection with a proposed City Recreation Center; and (iii) constructing Phase I Park and Recreation Facilities at the Community Park; furnishing and equipping the same; landscaping and improving the sites thereof; acquiring land and interests in land for park and recreation purposes; and retiring notes previously issued for such purposes; authorizing a note purchase agreement appropriate for the sale of the notes; and declaring an emergency.

ORDINANCE NO. 266 - 1999 BY: FINANCE COMMITTEE

P AN ORDINANCE making certain transfers in the 1999 appropriation from within the General Fund of the City of Massillon, Ohio, and declaring an emergency.

ORDINANCE NO. 267 - 1999 BY: FINANCE COMMITTEE

P AN ORDINANCE making certain transfers in the 1999 appropriation from within the General Fund to the Capital Improvement Fund, of the City of Massillon, Ohio, and declaring an emergency.

DECEMBER 20, 1999

ORDINANCE NO. 268 - 1999 BY: FINANCE COMMITTEE

? **AN ORDINANCE** making certain appropriations from the unappropriated balance of the Capital Improvement Fund, State Route 21 BR Fund, Police Pension Fund, Market Place Fund, P&R Rec Center Fund, and the General Fund of the City of Massillon, for the year ending December 31, 1999, and declaring an emergency.

RESOLUTION NO. 9 - 1999 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

? **A RESOLUTION** supporting the efforts of the committee of the Stark County Housing Task Force to create a local Housing Trust Fund for the purpose of promoting decent affordable housing.

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 - 1999
- B). POLICE CHIEF SUBMITS MONTHLY REPORT FOR NOVEMBER - 1999
- C). FIRE CHIEF SUBMITS MONTHLY REPORT FOR NOVEMBER - 1999
- D). TREASURER SUBMITS MONTHLY REPORT FOR NOVEMBER - 1999

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

ORDINANCE NO. 203 - 1999 BY: HEALTH, WELFARE & BUILDING REGULATIONS COMM

Tabled
1/18/00
AN ORDINANCE amending CHAPTER 1137 "CHANGES AND AMENDMENTS" of the Codified Ordinances of the City of Massillon, by repealing existing Section 1137.02 "Details of Procedure", Section 1137.03 "Application Fees" and Section 1137.04 "Reference and Hearing" and enacting a new Section 1137.02 "Details of Procedure", Section 1137.03 "Application Fees" and Section 1137.04 "Reference and Hearing" of CHAPTER 1137 "CHANGES AND AMENDMENTS", and declaring an emergency.

ORDINANCE NO. 210 - 1999 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

Tabled
1/2/00
AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning certain tracts of land from A-1 Agricultural to RM-1 Multiple Family Residential, and declaring an emergency.

14. THIRD READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 215 - 1999 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

Tabled
1/3/00
AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from R-1 Single Family Residential to O-1 Office, and declaring an emergency.

P.H. 1/3/00 - 7:00

ORDINANCE NO. 216 - 1999 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

Tabled
AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from R-1 Single Family Residential to B-1 Neighborhood Business, and declaring an emergency.

P.H. 1/3/00 - 7:15

15. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 232 - 1999 BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMM

04 *P*
AN ORDINANCE accepting the vacation of Paiwanic Avenue S.W. and part of Duncan Street S.W., the replatting of Lot Nos. 12005 and 10366, Out Lot 293 and part of Out Lot 788 and the vacated parts of Pennock Avenue S.W. and Duncan Street S.W., and the dedication of part of Oberlin Avenue S.W. and part of 6th Street S.W. 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. 237 - 1999 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

P
AN ORDINANCE amending the agreement between the City of Massillon and Republic Engineered Steels, Inc. that was entered into under the Urban Jobs and Enterprise Zone Program, by accepting the assignment the Republic Technologies International, LLC the interest, rights and duties under the original Enterprise Zone Agreement, and declaring an emergency.

ORDINANCE NO. 238 - 1999 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

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

P.H. 1/18/00 - 7:00

ORDINANCE NO. 239 - 1999 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

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

P.H. 1/18/00 - 7:15

ORDINANCE NO. 245 - 1999 BY: FINANCE COMMITTEE

P
AN ORDINANCE appropriating money for current expenses and other expenses of the City of Massillon, Ohio, for the fiscal period ending December 31, 2000, and declaring an emergency.

16. NEW AND MISCELLANEOUS BUSINESS

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

18. ADJOURNMENT

SHARON HOWELL
COUNCIL CLERK

THERE IS A PUBLIC HEARING THIS EVENING
REGARDING ORDINANCE NO. 210 - 1999 AT 7:15 P.M.

DATE: December 20, 1999

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 247 - 1999

BY: PUBLIC UTILITIES/GOLF COURSE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety to enter into a five year renewal of the contract agreement with Ohio Edison Company for the street lighting , known as The Efficiency/Safety Incentive Program (ESIP), for public streets and roads in the City of Massillon, and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby finds that it is necessary to enter into a five year renewal of the contract agreement with Ohio Edison Company for the street lighting , known as The Efficiency/Safety Incentive Program (ESIP), for public streets and roads in the City of Massillon.

Section 2:

That the Director of Public Service and Safety be and is hereby authorized to enter into a five year renewal of the contract agreement with Ohio Edison Company for the street lighting , known as The Efficiency/Safety Incentive Program (ESIP), for public streets and roads in the City of Massillon.

Section 3:

That this Ordinance is declared to be an emergency measure immediately necessary for the additional reason that the existing contract with Ohio Edison Company terminates on December 31, 1999. 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: December 20, 1999

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 248 - 1999

BY: RULES, COURTS AND 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:

That this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the community and for the additional reason that the provisions hereby enacted are immediately necessary in that new personnel is needed in 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 _____ 1999

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

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

CLASS GRADE	SCHEDULE	DEPARTMENT & TITLE DESCRIPTION	
		<u>STREET DEPT. CONT.</u>	
15H	A	Heavy Equipment Operator	
13H	A	Light Equipment Operator	
12H	A	Truck Driver	
11H	A	Laborer II	
10H	A	Storekeeper (Split 1/2)	
9H	A	Laborer I	
1H	A	Temporary Labor	
		<u>GARAGE</u>	440
22S	SU UN	Operations Superintendent (Split 1/3)	
18H	SU CL	Service Superintendent	
16H	A	Chief Automotive Mechanic	
14H	A	Automotive Mechanic	
11H	A	Assistant Automotive Mechanic	
		<u>PARKS AND RECREATIONS DEPT</u>	510
26S-30S	SU-UN	Parks and Recreation Director	
26S	SU UN	Acting Parks and Recreation Director	
12S	UN	Office Manager	
9S	UN	*Secretary/Account Clerk	
7S	UN	Data Entry Clerk	
		<u>SENIOR CITIZENS CENTER</u>	450
15S	SU UN	Senior Citizens Superintendent	
		<u>PART TIME/TEMPORARY/SEASONAL</u>	
	MS	Cooperative Business Aid	
		<u>PARK DEPARTMENT</u>	505
21S	SU UN	Park Superintendent	
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	
		<u>RECREATION DEPT</u>	510
21S	SU UN	Recreation Superintendent	
		<u>PART TIME/TEMPORARY/SEASONAL</u>	
	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	
	MS	Security	

CONTINUED.....

DATE: December 20, 1999

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 249 - 1999

BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE

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

Section 2:

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

(SEE ATTACHMENT 'A' PAGE 3; AND INSERT IN THE SALARY ORDINANCE 127 - 1997)

Section 3:

That this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the community and for the additional reason that the provisions hereby enacted are immediately necessary to restructure positions within the Auditors Office. 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

GRADE	SCHEDULE	DEPARTMENT & TITLE DESCRIPTION	
		<u>BAILIFF</u>	135
	EL	Bailiffs	
		<u>PLANNING DEPARTMENT</u>	140
	MS	<u>PART TIME/TEMPORARY/SEASONAL</u>	
		Secretary - Planning Board	
		<u>CIVIL SERVICE COMM</u>	150
12S	CL	Civil Service Administrator (1)	
9S	CL	Clerk Administrator	
	MS	Chairman (Appointed by Mayor)	
	MS	Members (Appointed by Mayor)	
		<u>SERVICE DEPARTMENT</u>	160
26S	SU UN	Safety Service Director	
9S	UN	Secretary	
		<u>DATA CENTER</u>	170
15S	SU UN	Data Center Chief (Split 1/3)	
		<u>HUMAN SERVICES DEPT.</u>	175
22S	SU UN	E.E.O./M.B.E. Director/Drug Coordinator	
6S	UN	Clerk Typist II	
		<u>AUDITOR DEPARTMENT</u>	205
	EL	Auditor	
14S	UN	*Chief Deputy Clerk	
13S	UN	*Deputy Clerk	
12S	UN	Deputy Auditor	
9S	UN	Deputy Account Clerk II	
8S	UN	Deputy Account Clerk II	
6S	UN	Deputy Clerk Typist II	
		<u>PART TIME/TEMPORARY/SEASONAL</u>	
	MS	Clerk Typist	
		<u>INCOME TAX</u>	210
18S	SU UN	Tax Administrator	
12S	UN	Investigator	
11S	UN	Deputy Tax Administrator	
9S	UN	Senior Auditor	
8S	UN	Income Tax Auditor	
6S	UN	Cashier/Receptionist	
5S	UN	Deputy Clerk Typist II	
		<u>PART TIME TEMPORARY/SEASONAL</u>	
	MS	Auditor	
	MS	Cooperative Business Education Student	
		<u>TREASURER</u>	215
	EL	Treasurer	
		<u>PART TIME TEMPORARY/SEASONAL</u>	
	MS	Clerk Typist	

DATE: December 20, 1999

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 250 - 1999

BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE

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

Section 2:

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

(SEE ATTACHMENT 'A' PAGE 7; AND INSERT IN THE SALARY ORDINANCE 127 - 1997)

Section 3:

That this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the community and for the additional reason that the provisions hereby enacted are immediately necessary to employ additional personnel within the Wastewater Treatment Department to comply with the EPA Requirements. 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

CLASS GRADE	SCHEDULE	DEPARTMENT & TITLE DESCRIPTION
<u>WASTEWATER TREAT CONT.</u> 610 - 615		
20S	CL	Laboratory Technician II
18S	CL	Industrial Pretreatment Inspector
18S	CL	Instrument Electrician II
18S	CL	Chief Main. Mechanic/Coll Sys Inspector
18S	UN	Collection System Technician II
17S	SU UN	Collection Department Chief (Split 1/2)
16S	CL	Instrument Electrician I
16S	UN	Collection System Technician I
15S	SU UN	Collection Department Chief (Split 1/2)
15S	SU UN	Collection/Data Center (Split 1/3)
12S	CL	Laboratory Technician I
12S	CL	Administrative Assistant
9S	CL	Account Clerk
9S	UN	Asst to Manager/Superintendent/Adm Asst
9S	UN	Account Clerk II Typist
8S	UN	Account Clerk II Typist
8S	UN	Laboratory Asst/Admin.. Aide
7S	UN	Account Clerk II Typist
6S	UN	Secretary
3S	UN	Clerk Typist I
16W	WW	Chief Operator
16w	WW	*Collection System Crew Chief
15W	WW	Operator III
15W	WW	Maintenance Mechanic II
14W	WW	Vactor Operator
14W	WW	Operator II (w/class II license)
14W	WW	Sewer Inspector
13W	WW	Operator I (w/class I license)
13W	WW	Maintenance Mechanic I
13W	WW	Light Equipment Operator
12W	WW	Operator (w/o license)
11W	WW	Laborer II
9W	WW	Laborer I
1W	WW	Temporary Labor
<u>PART TIME/TEMPORARY/SEASONAL</u>		
	MS	Clerk/Laborer
1W	WW	Temp Sanit. Sewer Insp.. (West Mass Trunk)
<u>HEALTH DEPT</u> 705-710-730		
21S	SU CL	Health Administration Officer
17S*	CL	Public Health Nursing Director/Supervisor
15S	CL	Housing Inspector
15S*	CL	Public Health Nurse I
14S	CL	Public Health Sanitarian

DATE: December 20, 1999

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 251 - 1999

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the Canalview Streetscape Project (ODOT Project STA-241-8.91), and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby determines it to be necessary in the public health, safety and welfare to advertise for and receive sealed bids and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the Canalview Streetscape Project (ODOT Project STA-241-8.91).

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to prepare plans and specifications and to advertise for and receive sealed bids according to law, and enter into contract upon award and approval by the Board of Control, with the lowest and best bidder for the Canalview Streetscape Project (ODOT Project STA-241-8.91).

Section 3:

This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and welfare of the community and for the additional reason that it is necessary that bids be received so that work may be completed on the Canalview Streetscape Project (ODOT Project STA-241-8.91). 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

DATE: December 20, 1999

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 252 - 1999

BY: STREETS, HIGHWAYS, TRAFFIC AND SAFETY COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to submit an application to the Stark County Commissioners for the Hills & Dales Improvement Project from Wales Road to Ledgewood Blvd. for the proposed Municipal Road Funds Commissioners, 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 to the Stark County Commissioners for the Hills & Dales Improvement Project from Wales Road to Ledgewood Blvd. for the proposed Municipal Road Funds.

Section 2:

That the Mayor of the City of Massillon, Ohio, is hereby authorized and directed to submit an application to the Stark County Commissioners for the Hills & Dales Improvement Project from Wales Road to Ledgewood Blvd. for the proposed Municipal Road Funds.

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 to the Stark County Commissioners for the Hills and Dales Improvement Project from Wales Road to Ledgewood Blvd. prior to December 31, 1999. 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: December 20, 1999

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 253 - 1999

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the Erie Street/SR 21 Improvement Project in the City of Massillon, and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby determines it to be necessary in the public health, safety and welfare to advertise for and receive sealed bids and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the Erie Street/SR 21 Improvement Project in the City of Massillon.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to prepare plans and specifications and to advertise for and receive sealed bids according to law, and enter into contract upon award and approval by the Board of Control, with the lowest and best bidder for the Erie Street/SR 21 Improvement Project in the City of Massillon.

Section 3:

This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and welfare of the community and for the additional reason that it is necessary that bids be received so that work may be completed on the Erie Street/SR 21 Improvement 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 _____, 1999

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

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

DATE: December 20, 1999

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 254 - 1999

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE making revisions to the final Plats for Country View Estates No. 1 & 2 by changing the street name of Eileen Avenue, S.W. to Linda Lane S.W., to avoid duplication with other similar street names in the County, and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby determines it to be necessary in the public health, safety and welfare to authorize the changing of the street named Eileen Avenue S.W. in the Country View Estates No. 1 & 2 Final Plat to Linda Lane S.W. to avoid duplication with other similar street names in the County.

Section 2:

The Director of Public Service and Safety is authorized and directed to post appropriate signs on said street giving notice of said name change. The Safety Service Director shall remove any signs presently existing on said street which indicate that said street may have a name other than Linda Lane S.W.

Section 3:

That the Traffic Control Map is hereby amended to show said name designation.

Section 4:

That any prior ordinance or part of any ordinance that may be in conflict with this ordinance, be and is hereby repealed.

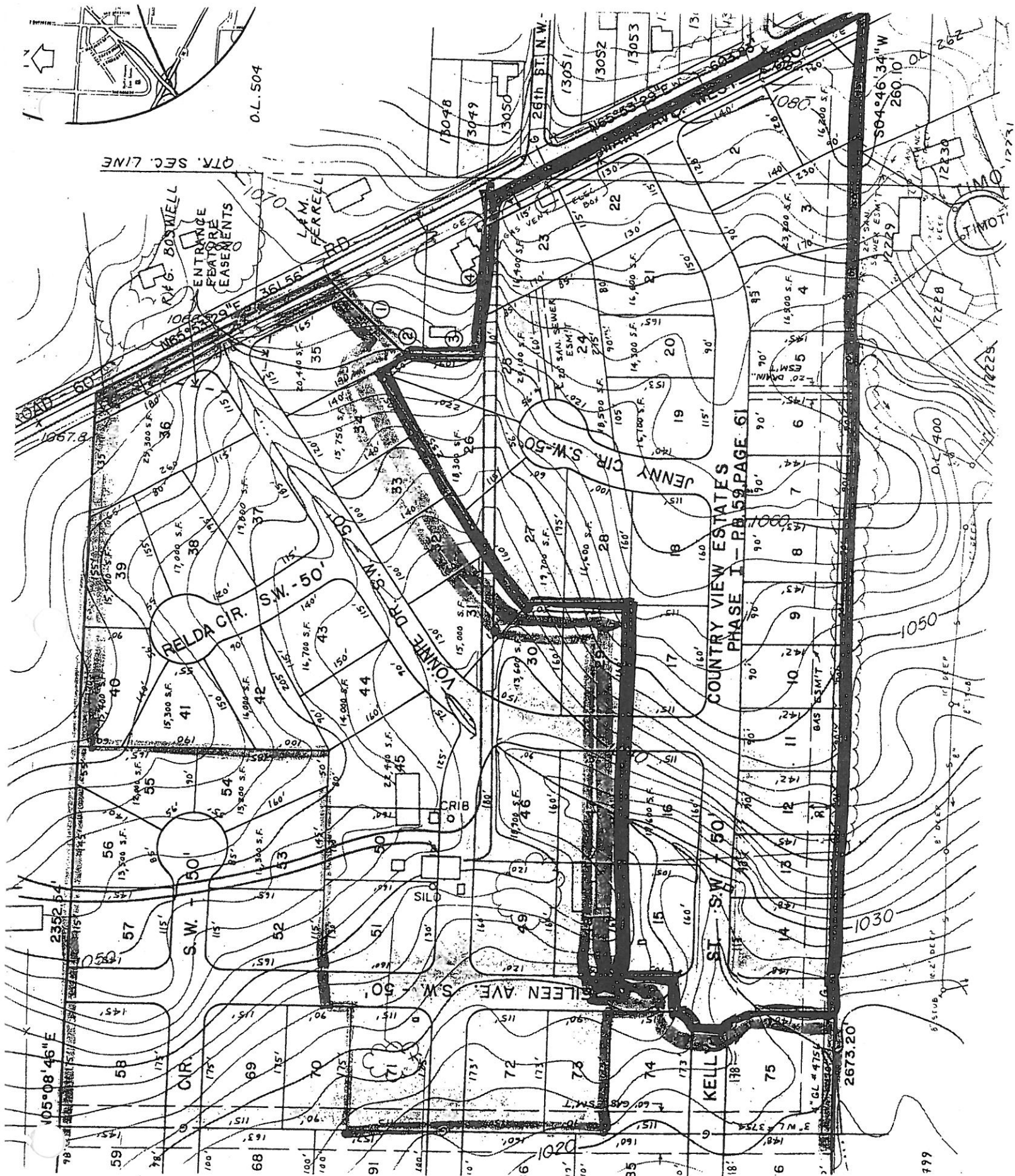
Section 5:

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 change the name of Eileen Avenue S.W. to Linda Lanes, S.W. in the Country View Estates No. 1 & 2 Final Plats to avoid duplication with other similar street names in 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 _____ 1999

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

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



DATE: December 20, 1999

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 255 - 1999

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

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

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

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

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

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

Section 1:

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

Section 2:

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

Section 3:

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

Section 4:

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

Section 5:

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

Section 6:

This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of this community and for the further reason that the timely resolution of its subject matter is essential for making the boundary lines of Massillon Township conform with the corporation lines of the City of Massillon, Ohio. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____ 1999

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

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

Known and being part of the Northwest Quarter Section 4 Perry Township and Southwest Quarter Section 33 of Jackson Township, Stark County, State of Ohio and being further described as follows:

Beginning at the Northwest corner of said Northwest quarter Section 4 Perry Township. Thence S85°24'42" E, along the section line between the Southwest Quarter Section 33 Jackson Township and the Northwest Quarter Section 4 Perry Township, also being said township line, a distance of 758.24' to a point, in the center line of Hills & Dales Rd N.E., said point being at the existing City of Massillon Corporation Line and the true place of beginning;

Thence N 66°31'49" E, continuing along said centerline of Hills & Dales Rd N.E., and the existing City of Massillon Corporation Line, a distance of 404.53' to a point, in the centerline of Ledgewood Blvd. N.E.

Thence continuing the following courses:

S 23°37'20" E, a distance of 161.96' to a point; along said centerline of Ledgewood Blvd. N.E.

Thence along centerline of Ledgewood Blvd. N.E., a curve to the right a distance of 52.18'. Said curve having a radius of 373.67', central angle of 8°00' 05", chord length of 52.14', and chord bearing S19°37'17"E, to a point, on the centerline of Ledgewood Blvd. N. E., and being the existing City of Massillon Corporation Line.

Thence leaving said centerline of Ledgewood Blvd. N.E., and following the existing City of Massillon Corporation Line, N 85°24'42" W, a distance of 42.98' to a point; at said west right-of-way line of Ledgewood Blvd. N.E., and existing City of Massillon Corporation Line.

Thence along west right-of-way of Ledgewood Blvd. N.E., and said City of Massillon Corporation Line, a curve to the right a distance of 163.30'. Said curve having a radius of 333.67', central angle of 28°02' 29", chord length of 161.68', and chord bearing S04°09'01"E, to a point, on the west right-of-way line, and existing City of Massillon Corporation Line.

Thence leaving said west right-of-way line of Ledgewood Blvd. N.E., and following the existing City of Massillon Corporation Line, S 87°40'30" W, a distance of 187.23' to a point, on the existing City of Massillon Corporation Line.

Thence, departing the existing City of Massillon corporation line and along the northeasterly line of a 4.212 acre tract of land now or formerly owned by Jerry Remlinger, N 49°22'45" W, a distance of 309.96' to a point, said point being the true place of beginning, and the existing City of Massillon Corporation Line, containing 1.234 acres in the Northwest Quarter Section 4, Perry Township and 1.001 acres in the Southwest Quarter Section 33, Jackson Township. Total acreage in annexation is 2.235 acres; more or less.

DATE: December 20, 1999

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 256 - 1999

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety to grant a 10 foot wide easement between Nave Road S.E. and State Route 21 for a 4 inch natural gas pipeline to be installed by the Northeast Ohio Natural Gas Corp. to serve the Massillon Marketplace Development and a 20 foot wide temporary easement during construction of a pipeline, 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, hereby finds that it is necessary to enter into a 10 foot wide easement between Nave Road S.E. and State Route 21 for a 4 inch natural gas pipeline to be installed by the Northeast Ohio Natural Gas Corp. to serve the Massillon Market place Development and a 20 foot wide temporary easement during construction of a pipeline,

Section 2:

The Director of Public Service and Safety is hereby authorized to grant a 10 foot wide easement between Nave Road S.E. and State Route 21 for a 4 inch natural gas pipeline to be installed by the Northeast Ohio Natural Gas Corp. to serve the Massillon Marketplace Development and a 20 foot wide temporary easement during construction of a pipeline,

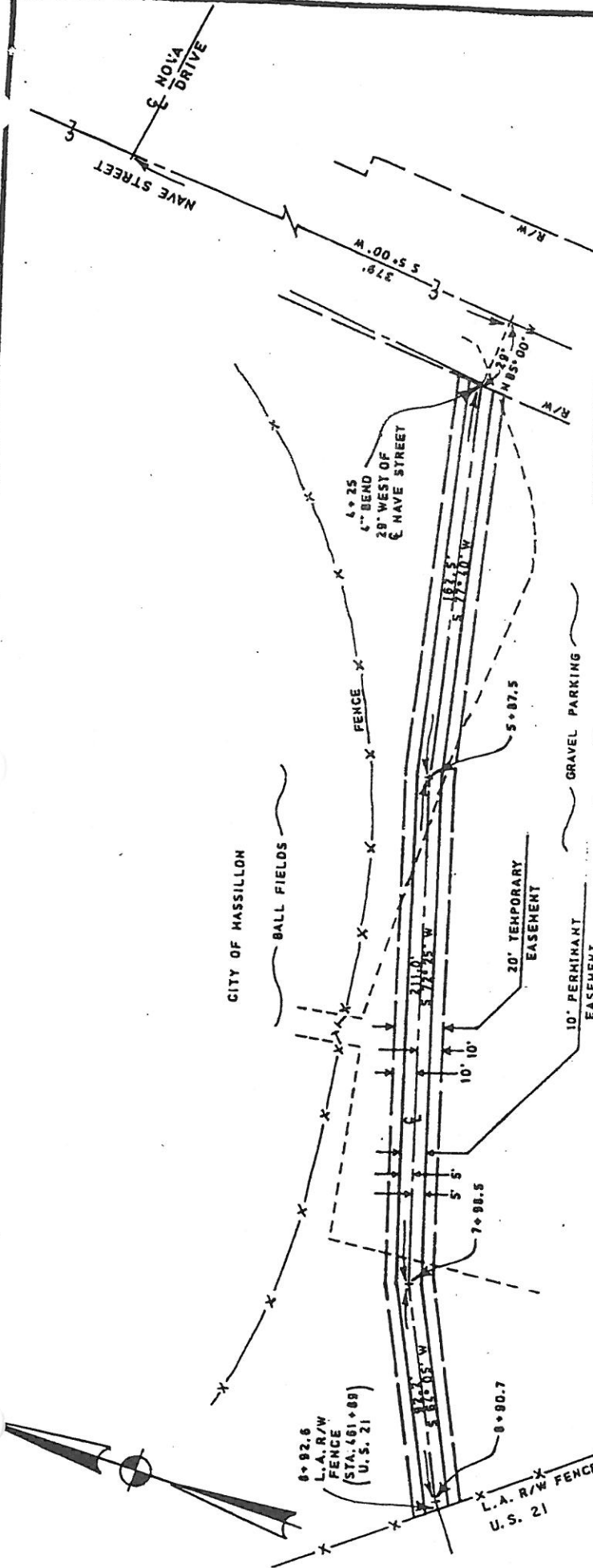
Section 2:

That this Ordinance is hereby declared to be an emergency measure for the reason that this easement is needed by the Northeast Ohio Natural Gas Corp. to install a 4 inch natural gas pipeline to serve the Massillon Marketplace Development. 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 K. HOWELL, CLERK OF COUNCIL DAVID A. SMITH, PRESIDENT

APPROVED _____
FRANCIS H. CICCHINELLI, JR., MAYOR



NATURAL GAS EASEMENT FOR

NORTHEAST OHIO NATURAL GAS CORP.

LOCATED IN SECTION 20, TOWNSHIP 10
OF RANGE 9, CITY OF MASSILLON,
COUNTY OF STARK, STATE OF OHIO.

OWNER: CITY OF MASSILLON

DATE: 11/23/99

JOB NO. 99113

INC

DAVID BODO & ASSOCIATES

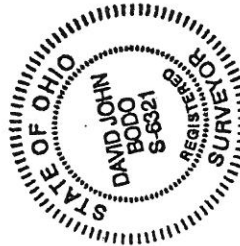
P.O. BOX 398

CARROLLTON, OHIO 44615

(330)627-3639

I HEREBY STATE THAT THIS PLAT OF SURVEY REPRESENTS
THE MINIMUM STANDARDS FOR BOUNDARY SURVEYS IN
THE STATE OF OHIO AS PUBLISHED IN CHAPTER 4733-37
OF THE OHIO ADMINISTRATIVE CODE.

David John Bodo
REGISTERED SURVEYOR NUMBER 6321



DATE: December 20, 1999

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 257 - 1999

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE amending Section 1151.02 of the Massillon Code rezoning a certain tract 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 Perry Townships to Massillon Zoning classifications, as approved by the Planning Commission of the City of Massillon, Ohio, on December 8th, 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, be and is hereby amended to show the following described area as kB-3 General Business:

Being known as Out Lot 825 located on the south side of Hills and Dales Road, between Wales Road and Ledgewood Blvd., recently annexed to the City from Perry and Jackson Townships. This rezoning is being requested by Shoeppner Properties, the property owners.

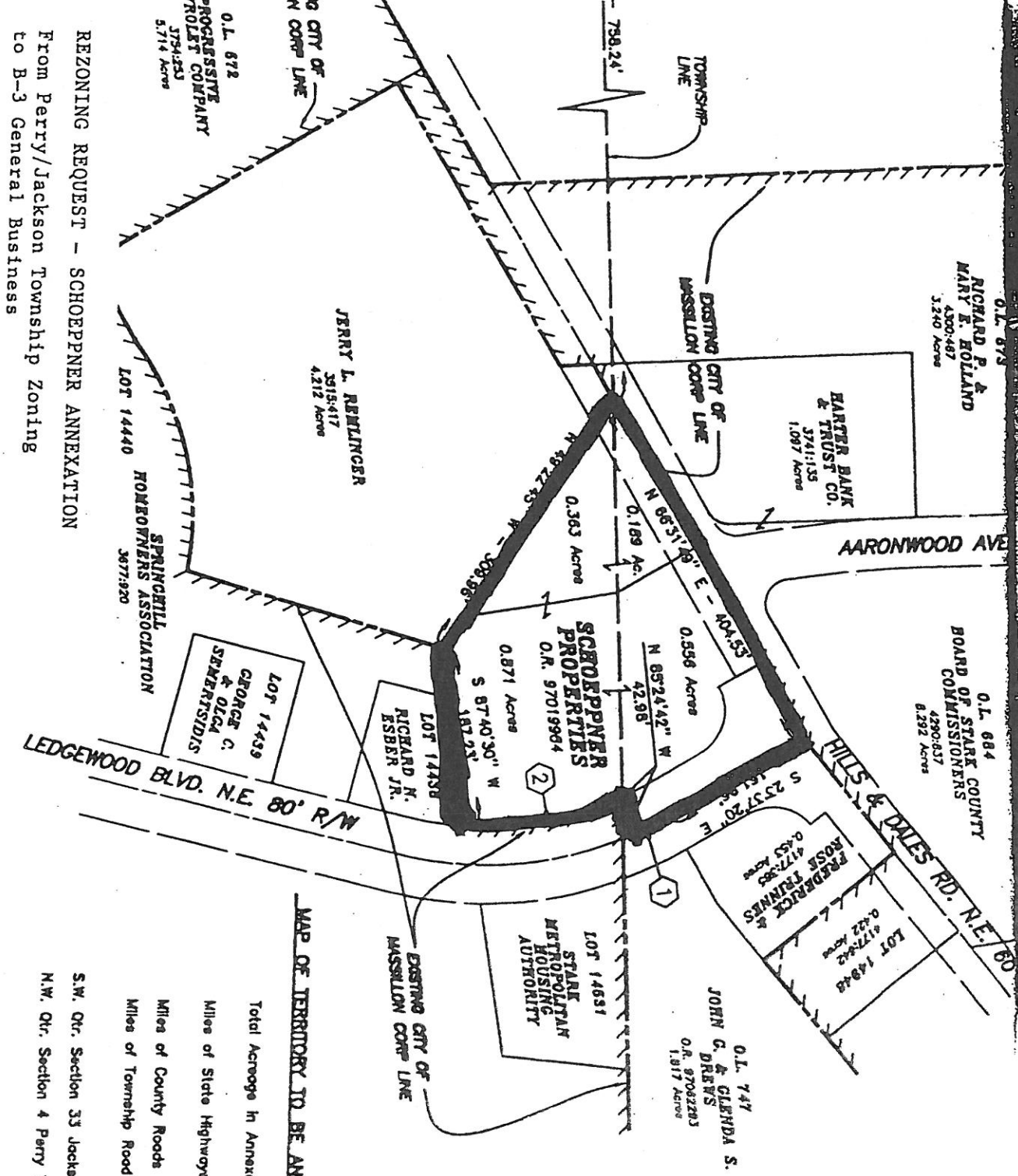
Section 3:

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



Total Acreage in Annexation 2.235 Acres

Miles of State Highway 0 Miles

Miles of County Roads 1.027 Miles

Miles of Township Roads 0.021 Miles

S.W. Qtr. Section 33 Jackson Twp. 1.001 Acres

N.W. Qtr. Section 4 Perry Twp. 1.234 Acres

DATE: December 20, 1999

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 258 - 1999

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE amending Section 1151.02 of the Massillon Code rezoning a certain tract of land from Perry Township 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 Perry Townships to Massillon Zoning classifications, as approved by the Planning Commission of the City of Massillon, Ohio, on December 8th, 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, be and is hereby amended to show the following described area as R-T Two Family Residential

Being known as Out Lot 824 located on the east side of 27th Street, N.E. between Lincoln Way East and Elmbreeze Street and recently annexed to the City from Perry Township. This rezoning is being requested by Simon Warstler, the property owner.

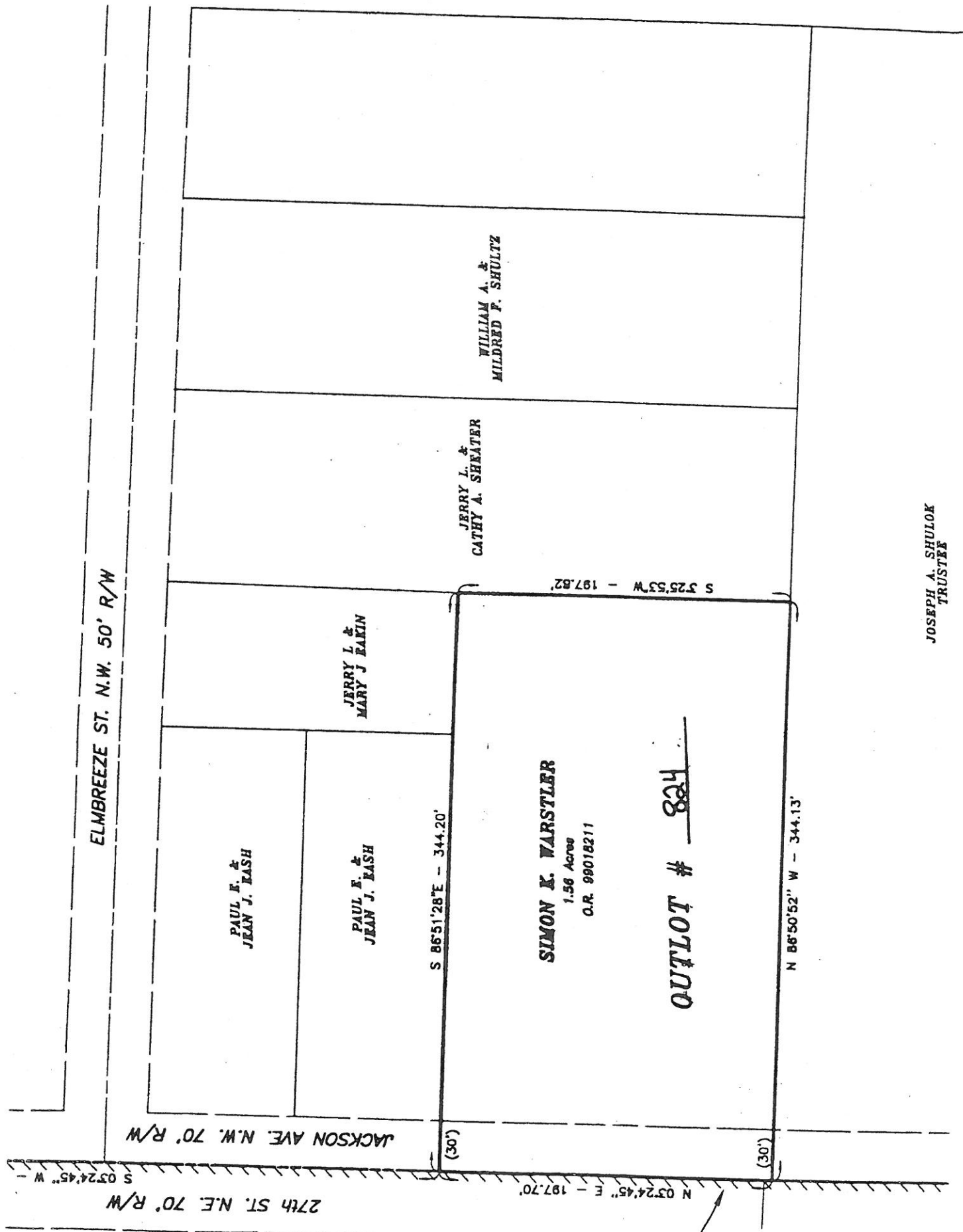
Section 3:

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



ELMBREEZE ST. N.W. 50' R/W

JACKSON AVE. N.W. 70' R/W

27th ST. N.E. 70' R/W

PAUL E. &
JEAN J. RASH

PAUL E. &
JEAN J. RASH

JERRY L. &
MARY J. EAKIN

S 86°51'28"E - 344.20'

SIMON K. WARSTLER
1.56 Acres
O.R. 99018211

OUTLOT # 824

JERRY L. &
CATHY A. SHEATER

WILLIAM A. &
MILDRED F. SHULTZ

S 32°53'W - 197.82'

N 86°50'52" W - 344.13'

JOSEPH A. SHULOK
TRUSTEE

DATE: December 20, 1999

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 259 - 1999

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE repealing Ordinance No. 198 - 1999 and enacting a new ordinance authorizing and directing the Mayor of the City of Massillon to enter into an agreement with Hercules Engine Components LLC, and Stoneham Associates, Inc., providing for the adoption of a project which will establish a new facility and create employment opportunities within the City of Massillon Enterprise Zone, and declaring an emergency.

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

WHEREAS, Hercules Engine Components LLC., and Stoneham Associates, Inc., are proposing to construct a new facility on a 2.50 acre site including a 10,000 square foot building addition and provision of a loading dock in Massillon at 2770 Erie Street South within the Massillon Enterprise Zone, and is proposing to establish a new facility to relocate its manufacturing operations, at a total combined investment of One Million Seven Hundred Ninety-Five Thousand Dollars (\$1,795,000.00), (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 Hercules Engine Components LLC., and Stoneham Associates, Inc., with the incentives available for development of the Project in said Enterprise Zone, under Chapter 5709 of the Ohio Revised Code; and

WHEREAS, Hercules Engine Components LLC., and Stoneham Associates, Inc., have submitted a proposed agreement application, herein attached as Exhibit "A", to the City of Massillon, Ohio, requesting that the incentives available for development within the Enterprise Zone be approved for the Project; and

WHEREAS, the Mayor of the City of Massillon, Ohio, has investigated the application submitted by the Hercules Engine Components LLC., and Stoneham Associates, Inc., and have 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 City 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:

Ordinance No. 198 - 199 is hereby repealed.

Section 2:

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 Hercules Engine Components LLC., and Stoneham Associates, Inc., providing for the adoption of a project which will establish a facility and preserve employment opportunities within the City of Massillon Enterprise Zone.

Section 3:

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 the Hercules Engine Components LLC., and Stoneham Associates, Inc., within the City of Massillon, Ohio. Provided it receives the affirmative vote of two-thirds of the elected members to Council it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____ 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"), Hercules Engine Components LLC, a Limited Liability Corporation with its main offices located at 151 Lennox Avenue, Massillon, Ohio 44646 (hereinafter referred to as "the Enterprise"); and Stoneham Associates, Inc., the Lessor, an Ohio Corporation with its offices located at 4810 Munson Street, N.W., Canton, OH 44718 (hereinafter referred to as "the Lessor")

WITNESSETH:

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

Whereas, the Enterprise is desirous of occupying a vacant facility within the Enterprise Zone through the acquisition, renovation, and expansion of an existing building located at 2770 Erie Avenue, S.W., enabling the Enterprise to operate and expand its start-up business operations remanufacturing engine blocks and heads, as well as to preserve and create employment opportunities (hereinafter referred to as the "Project"), provided that the appropriate development incentives are available to support the economic viability of said Project; and

Whereas, the Council of the City of Massillon, Ohio (hereinafter "Council") by Ordinance No. 163-1994, adopted on July 18, 1994, 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 and the Lessor 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 and the Lessor 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 the Lessor, 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 and the Lessor 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 and the Lessor shall undertake the Project to occupy a vacant facility within the Enterprise Zone through the acquisition, renovation, and expansion of an existing building located at 2770 Erie Avenue, S.W., enabling the Enterprise to operate and expand its start-up business operations remanufacturing engine blocks and heads. The Project will involve a total investment by the Enterprise and the Lessor of (\$1,795,000) one million seven hundred ninety-five thousand dollars , plus or minus 10%, at the proposed project site, further described as follows:

1. The acquisition by the Lessor of an existing 12,000 square foot existing metal and block industrial building located at 2770 Erie Avenue, S.W., known as and being Part of Out Lot 545 (2.5 acres), in the City of Massillon, Stark County, Ohio, (Parcel 06-15852), at a total cost of (\$345,000) three hundred forty-five thousand dollars.
2. The renovation of the existing building by the Lessor , including offices, new rest rooms, HVAC, new lighting and electrical improvements, at a total cost of (\$50,000) fifty thousand dollars.

3. The construction by the Lessor of a new 10,000 square foot addition to the existing building including a metal and block warehouse with dock at a total cost of (\$400,000) four hundred thousand dollars.
4. The purchase and installation by the Enterprise of machinery and equipment at the Project Site at a total cost of (\$25,000) twenty-five thousand dollars.
5. The investment by the Enterprise in new inventory at a total cost of (\$975,000) nine hundred seventy-five thousand dollars.

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 \$ 0.

The Project will begin in September 1999, and all acquisition, construction, and installation will be completed by June 30, 2000.

The total investment by the Enterprise and the Lessor in undertaking this Project and in occupying and improving these existing vacant facilities is greater than 20% of the market value of these facilities prior to such expenditures, 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 and the Lessor determines that it will not undertake all the improvements set forth in this Section 1, or otherwise desires to modify the Project, the Enterprise and the Lessor 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 12 new full-time permanent jobs and 1 new part time job at the Project Site.

The Enterprise's schedule for hiring is as follows: create -8- new full-time permanent jobs and -1- new part time permanent job in 1999; create -2- new full-time permanent jobs in 2000; create -1- new full-time permanent job in 2001; and create -1- new full-time permanent job in 2002. The job creation period begins September, 1999 and all jobs will be in place by December 31, 2002.

The Enterprise is a start up company and has 0 full-time permanent employees and 0 part-time permanent employees either at the project site or in the State of Ohio.

The increase in the number of full time permanent employees will result in approximately (\$377,000) three hundred seventy-seven thousand dollars of additional annual payroll for the Enterprise. The increase in the number of part time permanent employees will result in approximately (\$10,000) ten thousand dollars of additional annual payroll for the Enterprise.

Section 3:

The Enterprise and the Lessor 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, including but not limited to, machinery, equipment, furniture and fixtures. This tax exemption shall be at the rate of 100% on all machinery, equipment, furniture and fixtures, 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, 2111.

Section 5:

The City of Massillon hereby grants the Enterprise and the Lessor 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 100%. 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.

The tax exemptions granted in this Section and in Section 4 are made subject to the Compensation Agreement (attached hereto as Exhibit "B") by and between the Enterprise, the Lessor, the Massillon School District Board of Education (the "District"), and the City of Massillon. If this Compensation Agreement is terminated by the parties

subject to the provisions of Section 17 therein, the percentage of abatement granted by the City of Massillon in this Section 5 and in Section 4 of this Agreement shall revert to the rate of 75% on the real and personal property improvements as described in these sections.

The Enterprise and the Lessor 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 and the Lessor 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 and/or the Lessor 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 and/or the Lessor 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 and the Lessor 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 the Enterprise and/or the Lessor 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 and/or the Lessor 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 and/or the Lessor. 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 and the Lessor affirmatively covenant 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 14:

The Enterprise, the Lessor 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 and/or the Lessor, 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 and the Lessor affirmatively covenant 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 the Enterprise and/or the Lessor has knowingly made a false statement to the State or local political subdivision to obtain the Enterprise Zone incentives, the Enterprise and/or the Lessor 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 Hercules Engine Components LLC, by Jack Dienes, its President, and Stoneham Associates, Inc., the Lessor, by Timothy Putman, 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:

**HERCULES ENGINE COMPONENTS
LLC**

Jack Dienes, President

WITNESSED BY:

STONEHAM ASSOCIATES, INC.

Timothy Putman, 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 Hercules Engine Components LLC
Stoneham Associates Inc.
(Enterprise)

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

Hercules Engine Components LLC
Stoneham Associates Inc.

Jack Dienes
Tim Putman

enterprise name

contact person

HEC - 151 Lennox Ave, Massillon, OH (330) 830-2498

SAI - 4810 Munson Ave, Canton (330) 498-9485

telephone number

address

- b. Project Site:

2770 Erie St. South

Jack Dienes
Tim Putman

contact person

Massillon, OH 44646

(330) 830-2498

(330) 498-9485

address

telephone number

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

Distribution - Light Manufacturing

- b. List primary 4 digit Standard Industrial Code (SIC) # 3519, 3592, 3599, 3694,
Business may list other relevant SIC numbers. 3714, 7538, 7689

- 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).

HEC - Limited Liability Corporation

SAI - Ohio Corporation

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

HEC - Jack Dienes, Bruce Weick, FinCom

SAI - Tim Putnam, Paul Hartung III

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

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

-0-

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

Yes _____ 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):

"0" Start-up company

- 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: N/A

7. Does the Enterprise owe:

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

N/A

8. Project Description (attach additional pages if necessary): _____

See attached "Schedule A"

9. Project will begin September 15, 19 99 and be completed
June 30, 2000 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): 12 full-time, 1 part-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): 12/31/99 - 8 full-time, 1 part-time;
12/31/00 - 10 full-time, 1 part-time; 12/31/01 - 11 full-time, 1 part-time
12/31/02 - 12 full-time, 1 part-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). _____

See attached "Schedule B"

- b. Indicate separately the amount of existing annual payroll relating to any job retention claim resulting from the project: \$ -0-

12. Market value of the existing facility as determined for local property taxation.
\$ 322,784.00

13. a. Business's total current investment in the facility as of the proposal's submission.
\$ 345,000.00

- 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): \$ -0-

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

A.	Acquisition of Buildings:	\$ <u>345,000.00</u>
B.	Additions/New Construction:	\$ <u>400,000.00</u>
C.	Improvements to existing buildings	\$ <u>50,000.00</u>
D.	Machinery & Equipment	\$ <u>25,000.00</u>
E.	Furniture & Fixtures:	\$ <u>-0-</u>
F.	Inventory	\$ <u>975,000.00</u>

Total New Project Investment: \$ 1,795,000.00

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)

Due to the financial requirements for improvements and additions
to the existing facility, the lease rate would be prohibitive
without tax incentives.

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.

Hercules Engine Components
Stoneham Associates Inc.

August 27, 1999

Name of Enterprise

Date

Jack R. Dienes Hercules
Engine Components

Jack Dienes, President (HEC)

Tim Putnam Pres. - Stoneham
Associates, Inc.

Tim Putnam, President (SAT)

Signature

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.

SCHEDULE A

8) PROJECT DESCRIPTION

Hercules Engine Company, Canton, OH was dissolved in April 1999. Shortly thereafter the Senior Secured Lender, CIT Financial made a decision, to liquidate all of the assets at the Canton facility. Hercules Engine Components LLC was formed for the purpose of acquiring specific assets of Hercules Engine Company, necessary to service the aftermarket needs for the nearly 300,000 engines still in service.

Since the secured lender wishes to vacate the Canton facility, Hercules Engine Components is currently seeking warehouse and office space in the Stark County area for the operation of the new business. The acquisition included inventory trademarks, trade names, intellectual property and other ancillary equipment. The project will involve the transfer of material, equipment and office fixtures to the new facility. It is the intention of Hercules Engine Components to expand the business and operations by initiating a program to remanufacture blocks and heads.

A facility has been located in the City of Massillon at 2770 S. Erie Avenue. Unfortunately, this facility will require some improvements including a loading dock, office reconstruction, and a 10,000 sq. ft. addition. To financially justify the commitment of this move, substantial real estate and property tax incentives are required.

**HERCULES ENGINE COMPONENTS
PAYROLL ESTIMATE**

SCHEDULE B

ANNUAL (BASED ON DECEMBER 31, 1999 ESTIMATE)

YEAR	FULL-TIME EMPLOYEES	FULL-TIME PAYROLL	PART-TIME EMPLOYEES	PART-TIME PAYROLL	TOTAL EMPLOYEES	TOTAL PAYROLL
1 1999	8	\$317,000.00	1	\$10,000.00	9	\$327,000.00
2 2000	10	\$337,000.00	1	\$10,000.00	11	\$347,000.00
3 2001	11	\$357,000.00	1	\$10,000.00	12	\$367,000.00
4 2002	12	\$377,000.00	1	\$10,000.00	13	\$387,000.00
5 2003	12	\$377,000.00	1	\$10,000.00	13	\$387,000.00
6 2004	12	\$377,000.00	1	\$10,000.00	13	\$387,000.00
7 2005	12	\$377,000.00	1	\$10,000.00	13	\$387,000.00
8 2006	12	\$377,000.00	1	\$10,000.00	13	\$387,000.00
9 2007	12	\$377,000.00	1	\$10,000.00	13	\$387,000.00
10 2008	12	\$377,000.00	1	\$10,000.00	13	\$387,000.00
TOTAL		\$3,650,000.00		\$100,000.00		\$3,750,000.00

PROJECT DESCRIPTION (Narrative)

Hercules Engine Company, Canton, OH was dissolved in April 1999. Shortly thereafter the Senior Secured Lender, CIT Financial made a decision, to liquidate all of the assets at the Canton facility. Hercules Engine Components LLC was formed for the purpose of acquiring specific assets of Hercules Engine Company, necessary to service the aftermarket needs for the nearly 300,000 engines still in service.

Since the secured lender wishes to vacate the Canton facility, Hercules Engine Components is currently seeking warehouse and office space in the Stark County area for the operation of the new business. The acquisition included inventory trademarks, trade names, intellectual property and other ancillary equipment. The project will involve the transfer of material, equipment and office fixtures to the new facility. It is the intention of Hercules Engine Components to expand the business and operations by initiating a program to remanufacture blocks and heads.

A facility has been located in the City of Massillon at 2770 S. Erie Avenue. Unfortunately, this facility will require some improvements including a loading dock, office reconstruction, and a 10,000 sq. ft. addition. To financially justify the commitment of this move, substantial real estate and property tax incentives are required.

PROJECT SITE:

2770 Erie South
Massillon, OH 44646-7943

Parcel ID:	06-15852
Legal Description:	01 545 2.50 A
Acreage:	2.5
Existing building:	12,000 sq. ft.
Proposed addition:	10,000 sq.ft.

INVESTMENTS:

Hercules Engine Components	\$1,000,000.00
Stoneham Associates Inc.	<u>795,000.00</u>
TOTAL	\$1,795,000.00

**HERCULES ENGINE COMPONENTS
ANCILARY AND OTHER ITEMS - EVALUATION
ASSET LIST AND ALLOCATION**

<u>ITEM</u>	<u>PURCHASE VALUE</u>	
CAD SYSTEM AND FILES	\$485.00	1
3M 1640 BLUEPRINT READER/PRINTER	\$93.00	1
BLUEPRINT FILE CABINETS Approx 250	\$155.00	1
FILE CABINETS ENGINEERING (APPROX 80)	\$124.00	1
FILE CABINETS PARTS SERVICE (APPROX 30)	\$48.50	1
GOV'T CONTRACT BOOKCASE	\$7.75	1
FILE CABINETS SALES DEPT. (APPROX 10)	\$15.50	1
FILE CABINETS PURCHASING (APPROX 8)	\$12.40	1
#2150 PRESS AND FIXTURES	\$48.50	
#1288 ARBOR PRESS	\$48.50	
MISC. FIXTURES 53 DEPT.	\$82.00	
G1600 ROCKER ASSY PRESS AND FIXTURE	\$48.50	
CYL. HD. TEST MACHINES	\$48.50	
#555 ARBOR MACHINE	\$62.00	
#2241 PRESS FOR CAM GEARS	\$62.00	
FAMCO PRESS FOR GEAR COVER	\$62.00	
GEAR HEATER	\$62.00	
HIGH & LOW BAY RACKS ASSY. (APPROX. 150 FT.)	\$485.00	
PRESS FOR CAM GEAR DEPT. 80	\$62.00	
#876 PUMP TESTER G&D DEPT 38	\$48.50	
#2238 PUMP TESTER 4800 DEPT 38	\$48.50	
#2818 PUMP TESTER G1600	\$48.50	
#1211 PRESS & FIXTURES OIL PUMP (DEPT 38)	\$62.00	
#2149 DRILL PRESS OIL PUMP DEPT 38	\$62.00	
#488 KEY WAY 4800 OIL PUMPS	\$62.00	
MISC. FIXTURES DEPT.38	\$62.00	
#2901 HOSE CRIMPER	\$31.00	
#2234 TUBE SPINNER	\$31.00	
#2088 FITTING CRIMPER	\$31.00	
MISC. BENDERS FIXTURES DEPT. 59	\$93.00	
ALL HIGH BAY AND LOW BAY RACKS (APPROX 800FT)	\$2,480.00	
RAYMOND REACH (2 UNITS)	\$1,680.00	
CLEANING & OIL TANKS (3 UNITS)	\$65.10	
WIEGH SCALES (3 UNITS)	\$188.00	
VACUUM SEAL MACHINES	\$82.00	
BAKER LIFT TRUCK	\$372.00	
SHARP COPY MACHINE	\$31.00	
SERVICE P.C.	\$82.00	
CARDBOARD SAW	\$82.00	
7 SETS OFFICE FURNITURE	\$888.00	
VENDOR TOOLING	\$9,300.00	
MACHINE FIXTURES	\$7,760.00	
TOTAL	\$28,303.78	

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

NARRATIVE STATEMENT

I. PROJECT DESCRIPTION:

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

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

See attached Exhibit "C"

II. PROJECT BUDGET

A. NEW BUILDINGS (Provide a brief description of size, type, etc.)	<u>Proposed Cost</u>
12,000 sq. ft. Metal & block Warehouse (no dock)	\$345,000.00
B. ADDITIONS (Provide a brief description of size, type, etc.)	<u>Proposed Cost</u>
10,000 sq. ft. Metal & block Warehouse with dock	\$400,000.00
C. IMPROVEMENTS TO EXISTING BUILDINGS (Provide an itemized description)	<u>Proposed Cost</u>
Renovate offices New lighting Rest rooms to code HVAC Electrical power 3 phase	\$ 50,000.00

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.

See attached Exhibit "D"

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.

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.

-0-

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.

\$975,000.00

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).

Hercules Engine Components is a newly formed corporation established to fill the need for parts and service of Hercules Engines. All of the jobs are new positions created with the new corporation. We anticipate having 8 full-time employees and 1 part-time employee on payroll by December 31, 1999. The dollar impact of payroll is attached as Schedule "B".

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.

Requested Personal Property Tax Exemption 75% - ten years

Requested Real Estate Property Tax Exemption 75% - ten years

OHIO DEPARTMENT OF DEVELOPMENT
ENTERPRISE ZONE PROJECT TAX ANALYSIS

General Project Information

County: Stark

Business: Hercules Engine Components LLC Local Government Authority: Massillon

Total Current Real Property Tax of Business (at site): \$5,085.00 Total Project Cost: \$1,795,000.00

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

*(Note, if not applicable to site, use within local jurisdiction):
Note, does the project involve relocation of any assets or jobs? yes -X no

If yes within local jurisdiction yes X no
within county yes X no

within State (distance mi.) yes X no

Does the project involve removal of any currently taxed assets (Real or Personal Property from the Tax Rolls? X yes no

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 13;
Note new payroll projected from the new job commitment \$3,750,000.00 x 1.8 % income tax rate = \$67,500.00
new income tax generation

Estimate real property tax loss \$3813.75
Estimate tangible personal tax loss -0-

Enterprise Zone Manager or Authorized Signature _____ Date _____

1A. Total Project Costs receiving Real Property Exemption: \$795,000.00

Real Property Tax Matrix

Projected tax year	YR1	YR2	YR3	YR4	YR5	YR6	YR7	YR8	YR9	YR10
Estimated Value of Real Property Improvements	\$795,000	755,000	705,000	665,000	625,000	585,000	545,000	505,000	465,000	425,000
Exemption Schedule	75%	75%	75%	75%	75%	75%	75%	75%	75%	75%
Exempted Value	596,250	566,250	528,750	498,750	468,750	438,750	408,750	378,750	348,750	318,750
Taxable Value	198,750	188,750	176,250	166,250	156,250	146,250	136,250	126,250	116,250	106,250
Assessment	35%	35%	35%	35%	35%	35%	35%	35%	35%	35%
Real Property Tax Rate	.04293	.04293	.04293	.04293	.04293	.04293	.04293	.04293	.04293	.04293
Total Real Property Tax Foregone (Exempted Value x 35% + tax rate)	8959	8508	7945	7494	7043	6592	6142	5691	5240	4789
Net New Tax Revenue (Taxable Value x 35% + tax rate)	2986	2836	2648	2498	2348	2197	2047	1897	1747	1596

Total Real Property Tax Foregone over Project Term: \$ 68,403
 Total New Real Property Tax Revenue generated over Project Term: \$ 22,794

1B. Please calculate the annual net new Real Property Tax Revenue generated by the project. Subtract any real property tax revenue loss (page 1) \$3813 from the new real property tax generated \$ 2986 to equal the net new annual real property increase (loss) \$ (827)

20 yr depreciation

2A. Total Project Costs Receiving Tangible Personal Property Exemptions

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

Personal Property Tax Matrix

Projected Tax Year	YR1	YR2	YR3	YR4	YR5	YR6	YR7	YR8	YR9	YR10
Estimated Value of Tangible Personal Property	1,000,000	1,500,000	1,500,000	1,500,000	1,250,000	1,250,000	1,250,000	1,000,000	1,000,000	1,000,000
Exemption Schedule	75%	75%	75%	75%	75%	75%	75%	75%	75%	75%
Exempted Value	750,000	1,125,000	1,125,000	1,250,000	937,500	937,500	937,500	750,000	750,000	750,000
Taxable Value	250,000	375,000	375,000	250,000	312,500	312,500	312,500	250,000	250,000	250,000
Assessment	27%	26%	25%	25%	25%	25%	25%	25%	25%	25%
Tangible Personal Property Tax Rate	57.5%	57.5%	57.5%	57.5%	57.5%	57.5%	57.5%	57.5%	57.5%	57.5%
Total Tangible Property Tax Forgone (Exempted Value x Assessment x tax rate)	10,781	16,172	16,172	16,172	13,477	13,477	13,477	10,781	10,781	10,781
Net New Tangible Property Tax Revenue (Taxable Value x Assessment x tax rate)	3,594	5,391	5,391	5,391	4,492	4,492	4,492	3,594	3,594	3,594

Total Tangible Personal Property Tax forgone over Project Term: \$132,071

Total Net New Tangible Personal Property Tax Revenue generated over project term: \$44,025

2B. Please calculate the annual net new Tangible Personal Property Tax Revenue generated by the project. Subtract any Tangible Personal Property tax revenue loss \$-0- (page 1) from the new Tangible Personal Property Tax generated \$3,594 (2A) to equal the net new annual Tangible Personal Property increase (loss) \$3,594 to community.

DATE: October 4, 1999

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 198 - 1999

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE authorizing and directing the Mayor of the City of Massillon to enter into an agreement with Hercules Engine Components LLC, providing for the adoption of a project which will establish a new facility and create employment opportunities within the City of Massillon Enterprise Zone, and declaring an emergency.

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

WHEREAS, Hercules Engine Components LLC., is proposing to construct a new facility on a 2.50 acre site including a 10,000 square foot building addition and provision of a loading dock in Massillon at 2770 Erie Street South within the Massillon Enterprise Zone, and is proposing to establish a new facility to relocate its manufacturing operations, at a total combined investment of One Million Seven Hundred Ninety-Five Thousand Dollars (\$1,795,000.00), (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 Hercules Engine Components LLC with the incentives available for development of the Project in said Enterprise Zone, under Chapter 5709 of the Ohio Revised Code; and

WHEREAS, Hercules Engine Components LLC 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 the Hercules Engine Components LLC 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 City 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 Hercules Engine Components LLC providing for the adoption of a project which will establish a facility and preserve employment opportunities within the City of Massillon Enterprise Zone.

Section 2:

This Ordinance is declared to be an emergency measure immediately necessary for the preservation of the health, safety and welfare of the City of Massillon, Ohio and for the further reason that approval of said agreement is necessary so as to maximize the investment that will be made by the Hercules Engine Components LLC 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 4th DAY OF October 1999

APPROVED: Sharon Howell Dennis D. Harwig
SHARON HOWELL, CLERK OF COUNCIL DENNIS D. HARWIG, PRESIDENT

APPROVED: October 5, 1999 Francis H. Cicchinelli, Jr.
FRANCIS H. CICCHINELLI, JR., MAYOR

Whereas, the Board of Education of the Massillon City School District, by resolution adopted October 27, 1999, has authorized the Superintendent to approve the granting of a 100% tax abatement by the City for this project, provided that Hercules Components LLC and Stoneham Associates, Inc., enter into an agreement with the School District and the City, through which the companies will compensate the District for tax revenues foregone as a result of the abatement; and

DATE: December 20, 1999

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 260 - 1999

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor to enter into an agreement with the Massillon City School District Board of Education, Hercules Engine Components LLC, and Stoneham Associates, Inc., authorizing general compensation to the school district resulting from the Enterprise Zone Agreement for the Hercules Engine Components Project, and declaring an emergency.

WHEREAS, Hercules Engine components LLC (Hereinafter "Hercules") and Stoneham Associates, Inc. (hereinafter "Stoneham") have requested a tax abatement on real and personal property from the City of Massillon (hereinafter the "City"); and

WHEREAS, the Ohio Enterprise Zone Program, pursuant to ORC Sections 5709.61 through 5709.60 authorizes municipalities to grant real and/or personal property tax exemptions on eligible new investments; and

WHEREAS, the City provided the School Board with notice of its intent to grant an enterprise zone tax abatement in the amount of 75% for ten years; and

WHEREAS, representatives of Hercules and Stoneham met with the Superintendent and/or his designees to discuss the impact of the project, requested further tax incentives from the Massillon City School District (hereinafter "District") and agreed to make certain annual payments to compensate the District for tax revenues foregone as a result of the abatement and in consideration of the District agreeing to a 100% abatement; and

WHEREAS, the proposed payments from Hercules and/or Stoneham will compensate the District in an amount estimated and agreed upon by the parties as a result of the abatement.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby determines it to be necessary in the public health, safety and welfare to enter into an agreement with the Massillon City School District Board of Education, Hercules Engine Components LLC, and Stoneham Associates, Inc., authorizing general compensation to the school district resulting from the Enterprise Zone Agreement for the Hercules Engine Components Project.

Section 2:

The Mayor of the City of Massillon, Ohio, is hereby authorized to enter into an agreement with the Massillon City School District Board of Education, Hercules Engine Components LLC, and Stoneham Associates, Inc., authorizing general compensation to the school district resulting from the Enterprise Zone Agreement for the Hercules Engine Components Project.,

Section 3:

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 an agreement between the above reference must be in place prior to the effective date of the tax abatement. 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

ENTERPRISE ZONE COMPENSATION AGREEMENT

This Agreement between the **City of Massillon, Ohio**, a municipal corporation, with its main offices located at One James Duncan Plaza, Massillon, Ohio 44646 (hereinafter "City"), the **Massillon City School District Board of Education**, a public school corporation with its principal offices at 207 Oak Street, S.E., Massillon, Ohio 44646 (hereinafter "School Board"), **Hercules Engine Components LLC**, an Ohio limited liability corporation with its main office located at 151 Lennox Avenue, Massillon, Ohio 44646 (hereinafter "Hercules"); and **Stoneham Associates, Inc.**, the Lessor, an Ohio Corporation with its offices located at 4810 Munson Street, N.W., Canton, OH 44718 (hereinafter "SAI"), specifies the manner and procedure to be used pursuant to Ohio Revised Code (hereinafter "ORC") Section 5709.82 authorizing general compensation and income tax revenue sharing on new municipal income tax revenues relating to the Hercules/SAI Enterprise Zone project.

Whereas, the Ohio Enterprise Zone Program, pursuant ORC Sections 5709.61 through 5709.69, authorizes municipalities (with the consent of the board of county commissioners where required) to grant real and/or personal property tax exemptions on eligible new investments; and

Whereas, the City, 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 within the municipality as an Enterprise Zone; 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; and

Whereas, the City has provided the School Board with notice of the project prior to formal approval as required within ORC 5709.83; and

Whereas, the City has acted pursuant ORC Section 5709.62 within Ordinance No. _____, 1999 adopted _____ to grant a tax exemption to Hercules/SAI and entered into a formal enterprise zone agreement on _____; and

Whereas, the City, the School Board, Hercules and SAI pursuant to ORC Section 5709.82 elect to enter into a Compensation Agreement concerning the benefits relating to the aforementioned project.

Now, therefore, in consideration of the foregoing and the mutual promises, covenants and agreements hereinafter set forth, the parties hereto agree as follows:

Section 1: Definitions

As used in this Agreement, the following shall have the meanings set forth below:

"Annual Payment Amount" shall mean the amount paid directly by Hercules and SAI to the School Board under Section 2 of this Agreement.

"Enterprise Zone Agreement" shall be the Enterprise Zone Agreement executed by the City, Hercules and SAI on _____, 1999, and which affects only the Project.

"Exemption Year" shall mean any calendar year in which the real and personal property would be taxable but for the exemptions granted under the Enterprise Zone Agreement.

"Project" shall mean Hercules and SAI real and personal property investment in connection with improvements to be made to its existing facility located within the Enterprise Zone and the acquisition of first used equipment and personal property to be utilized in connection therewith and/or located within the Enterprise Zone, as the same is referenced and further described in the Enterprise Zone Agreement.

Section 2: Annual Payment Amount

In consideration of their consent to the tax abatement granted, Hercules and/or SAI hereby agrees to make an annual monetary contribution to the School Board for each Exemption Year during the term of the Enterprise Zone Agreement that Hercules / SAI receives a tax exemption with respect to real estate and personal property taxes associated with the Project. The amount of this Annual Payment Amount will be \$_____ ~~calculated each year in arrears and will be based on the total amount of real estate and personal property tax abatement recognized by Hercules / SAI in the preceding per year. The amount of Hercules / SAI Annual Payment Amount will be an amount which is equal to twenty five percent (25%) of the total real estate and the personal property tax abatement savings recognized by Hercules / SAI in the preceding year pursuant to the terms of the Enterprise Zone Agreement, with such~~ Such payment shall being made directly to the School Board. Such payments will be made only so long as the Enterprise Zone Agreement is in effect and Hercules / SAI are receiving the real estate and the personal property tax exemptions in accordance therewith. All such contributions shall cease if the tax abatement exemptions are is terminated or replaced with other taxes or required payments in lieu thereof,

which payments are not subject to or reduced by the Enterprise Zone Agreement in the abatement percentages set forth therein. Further, if at any time Hercules / SAI is required to reimburse or repay all or any part of the taxes abated under the Enterprise Zone Agreement, then any sums paid by Hercules / SAI under this Section, during the term of the Enterprise Zone Agreement shall be applied to the sum to be refunded by Hercules / SAI or shall be credited against the taxes or other sums deemed to be due and owing.

Hercules / SAI shall make such Annual Payment Amount on or before June 30 of each calendar year following an Exemption Year in which Hercules / SAI received the real property and personal property tax exemption.

Section 3: Waivers

Through this Agreement, the School Board hereby waives compliance with the notice requirements of ORC Section 5709.62(D) and the municipal income tax sharing provisions of ORC Section 5809.82 **except as otherwise provided in Section 16 herein** respect to the Enterprise Zone Agreement described herein, the City shall not be required under this Compensation Agreement to make an annual payment to the School Board as described in ORC Section 5709.82 **except as otherwise provided in Section 16 herein.**

Section 4: Division of Annual Payment Amount

Within thirty (30) business days of receipt of the Annual Payment Amount from Hercules / SAI pursuant to Section 2 of this Agreement, the School Board shall pay to the City a portion of the Annual Payment Amount equal to that percentage derived when the effective millage rate levied by the City on the abated improvements for the tax year on which the Annual Payment Amount is calculated is divided by the total effective millage ~~levied by the School Board and the City on the abated improvements above the 75% the City could have abated without permission of the School Board for the same year.~~ If the percentage so derived is fractional, the percentage shall be determined to two (2) decimal points (i.e. .00%).

Further, this division of the Annual Payment Amount shall be made only if the net amount of said payment to be retained by the School Board upon division with the City exceeds the net amount of real and personal property tax revenues (taking into account the State funding formula and 23 mill charge off) the School Board would have received as a result of the Project but for the tax exemptions granted by the Enterprise Zone Agreement.

The School Board and City agree that this division of the Annual Payment Amount represents a fair distribution of the Annual Payment Amount in relation to the respective share of the revenues foregone as a result of the enterprise zone

tax abatement granted to Hercules / SAI above the 75% the City could have granted without permission of the School Board with respect to the Project. The School Board and the City further agree that any disputes between them concerning division of the Annual Payment Amount under this Section shall be resolved without the necessity of joining or involving Hercules / SAI in the dispute.

Section 5: Enforcement

The obligation to make an Annual Payment Amount to the School Board may be enforced directly against Hercules / SAI by the School Board without the requirement of involving or joining the City in any legal action. As the amount of tax liability abated is material to the operation of this Agreement, Hercules / SAI, without waiving any confidentiality rights, agrees to cooperate with the City and the School Board to provide information necessary to determine the amount of taxes which are abated in any Exemption Year. Hercules / SAI agrees to provide to the City and the School Board annually, promptly upon filing, a copy of its personal property tax return (specifically including Form 813-EX or its successor) containing information on the personal property comprising the Project. Hercules / SAI shall provide to the City and the School Board a copy of any real property exemption form filed with the Stark County Auditor or the Ohio Department of Taxation promptly following the filing thereof.

Section 6: Intent

~~—This agreement is intended to provide compensation to the School Board to account for any net real and/or personal property tax revenues (as defined in Section 4) forgone by the School Board as a result of the tax exemptions granted by the Enterprise Zone Agreement.~~

Section 7: Amendments

This agreement may be amended or modified by the parties, only by means of a written agreement, signed by all parties to this Agreement.

Section 8: Entire Agreement

This agreement sets forth the entire agreement and understanding between the parties as to the subject matter contained herein and merges and supersedes all prior discussions, agreements, and undertakings of every kind and nature between the parties with respect to the subject matter of this Agreement, excepting the Enterprise Zone Agreement and any other written agreement which has been executed by the parties thereto.

Section 9: Waiver

No waiver by the School Board of the performance of any terms or provisions hereof shall constitute, or be construed as, a waiver of performance of the same or any other term or provision hereof.

Section 10: Assignment

The obligation to make an Annual Payment Amount to the School Board is made for its benefit. Such obligation undertaken by Hercules / SAI in this agreement may not be assigned by Hercules / SAI without the prior written consent of the School Board, which consent shall not be unreasonably withheld or delayed. The School Board's consent shall not be required for assignments to (i) any successor entity as a result of consolidation or merger; or (ii) a subsidiary or affiliate of Hercules / SAI, the controlling interest of which is held by Hercules / SAI.

Section 11: Binding Nature

This agreement shall inure to the benefit of and shall be binding upon the parties hereto and their respective permitted assigns or successors.

Section 12: Notices

All payments, certificates, reports and notices which are required to or may be given pursuant to the provisions of this agreement shall be sent by regular mail, postage prepaid, by personal delivery, by overnight delivery service, or by fax, and shall be deemed to have been given or delivered when so mailed, personally delivered, deposited with the overnight delivery service, or faxed to the parties hereto at the addresses set forth above. Any party may change contact or address for receiving notices and reports by giving written notice of such change to the other parties.

Section 13: Severability of Provisions

The invalidity of any provision of this agreement shall not affect the other provisions of this agreement, and this agreement shall be construed in all respects as if any invalid portions were omitted.

Section 14: Consent to Tax Exemptions

The School Board hereby acknowledges that it has received and reviewed the Enterprise Zone Agreement and that it hereby consents and agrees to the tax abatement and exemption percentages set forth herein, for the period of time set forth herein, and under the terms and requirements thereof.

Section 16: Municipal Income Tax Sharing Provisions

In the event that **Section 17: Termination is Implemented**, the municipal income tax sharing provisions of ORC Section 5809.82 shall be reinstituted.

Section 17: Termination

If the funding method for school districts is changed so that the district receives less revenue under the terms of this Agreement than if the abatement had not exceeded the amount the City would have given in the absence of this Agreement (up to the statutory maximum allowed without permission of the District, i.e. up to 75%), the percentage of abatement shall revert to the percentage that would have been given in the absence of this Agreement.

In Witness Whereof, the parties have caused this Agreement to be executed as this _____ day of _____, 1999.

WITNESSED BY:**THE CITY OF MASSILLON, OHIO**

Francis H. Cicchinelli, Jr., Mayor**WITNESSED BY:****THE BOARD OF EDUCATION OF THE
MASSILLON CITY SCHOOL DISTRICT**

Superintendent_____
Treasurer**WITNESSED BY:****HERCULES ENGINE COMPONENTS
LLC**

Jack Dienes, President

WITNESSED BY:

STONEHAM ASSOCIATES, INC

Timothy Putnam, President

Approved as to form and legal sufficiency:

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

DATE: December 20, 1999

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 261 - 1999

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE establishing a Community Reinvestment Area within the City of Massillon, Ohio, and declaring an emergency.

WHEREAS, the Council of the City of Massillon, Ohio, desires to pursue all reasonable and legitimate incentive measures to assist in encouraging housing maintenance and economic and community development in areas that have not enjoyed reinvestment by remodeling or new construction; and

WHEREAS, this Council has made a survey of housing within the City of Massillon, Ohio, and particularly within the area hereinafter described; and

WHEREAS, such survey indicates, and this Council hereby finds, that the area hereinafter designated as a Community Reinvestment Area is an area in which housing facilities and structures of historical significance are located and new housing construction and repair of existing facilities or structures are discouraged; and

WHEREAS, the maintenance and construction of structures in such areas would have to encourage economic stability, maintain real property values, and generate new employment opportunities.

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

Section 1:

A Community Reinvestment Area within the City of Massillon is hereby established. That the boundaries of the Community Reinvestment Area shall be as follows:

Being in the City of Massillon, County of Stark, State of Ohio, and beginning at a point which is the intersection of the center lines of Tremont Avenue, S.W., and the Tuscarawas River; thence northerly along the center line of the Tuscarawas River to the center line of Cherry Road, N.W.; thence east along the center line of Cherry Road, N.W. to the center line of Erie Street North; thence south along the center line of Erie Street North to the center line of North Avenue, N.E.; thence east along the center line of North Avenue, N.E., to the center line of 2nd

Street, N.E.; thence south along the center line of 2nd Street, N.E., to the center line of Diamond Court, S.E.; thence west along the center line of Diamond Court, S.E., to the center line of 1st Street, S.E.; thence south along the center line of 1st Street, S.E., to the center line of Tremont Avenue, S.E., thence west along the center line of Tremont Avenue, S.E. to the place of beginning.

Section 3:

To administer and implement the provisions of this Ordinance, the Community Development Director of the City of Massillon, Ohio, shall be the Housing Officer as described in Section 3735.65-66 of the Ohio Revised Code.

Section 4:

Subject to Section 5 of this Ordinance, tax exemptions for improvements to real property made within the Community Reinvestment Area, pursuant to Section 3735.67 of the Ohio Revised Code, shall be granted for the following periods:

- a). Ten (10) years for the remodeling of every dwelling containing not more than two (2) family units, and upon which the cost of remodeling is at least Two Thousand Five Hundred Dollars (\$2,500.00).
- b). Twelve (12) years for the remodeling of every dwelling containing more than two (2) family units, and commercial and industrial properties upon which the cost of remodeling is at least Five Thousand Dollars (\$5,000.00)
- c). Fifteen (15) years for the construction of every dwelling, or commercial, or industrial structure.

Section 5:

The housing Officer shall not accept any applications for tax exemptions pursuant to Section 4 of the Ordinance and Section 3735.67 of the Ohio Revised Code after December 31, 2009.

Section 6:

The Clerk of Council of the City of Massillon, Ohio, be and is hereby authorized and directed to forward a certified copy of this Ordinance with the Stark County Auditor for information and reference.

Section 7:

This Council hereby finds and determines that the area included within the foregoing description as a Community Reinvestment Area is one in which housing facilities or structures of historical significance are located and new housing construction and repair of existing facilities or structures are discouraged.

Section 8:

It is hereby found and determined that all formal actions of this Ordinance 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 actions were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 9:

This Ordinance shall be published in a newspaper of general circulation in the City once a week for two consecutive weeks immediately after its passage and approval by the Mayor.

Section 10:

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 this Ordinance is necessary to encourage the renovation and redevelopment of structures within the Central business District of the City of Massillon, Ohio. Provided it receives the affirmative vote of two-thirds of the members elected 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.

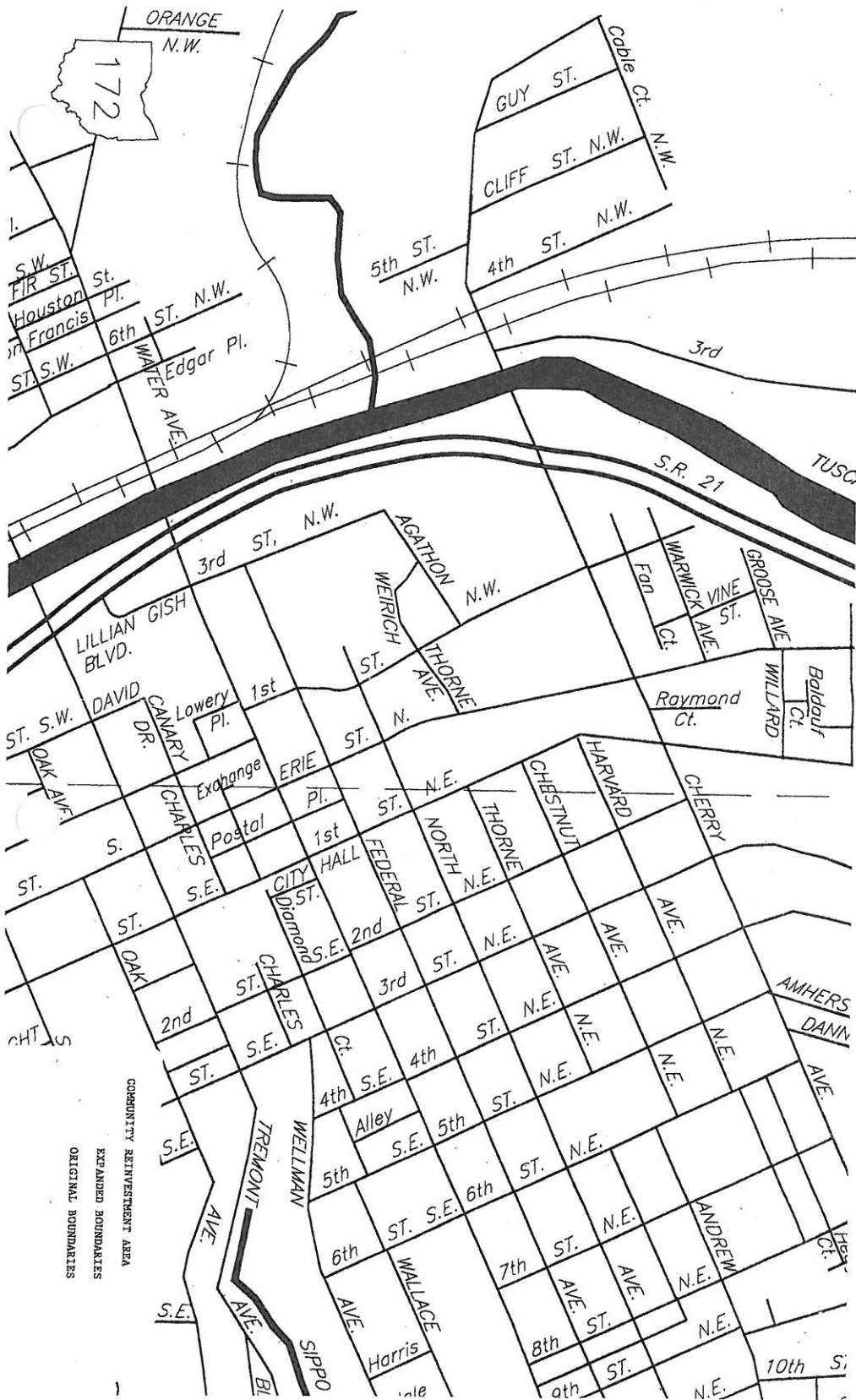
PASSED IN COUNCIL THIS _____ DAY OF _____ 1999

ATTEST: _____
SHARON HOWELL, CLERK OF COUNCIL

DENNIS D. HARWIG, PRESIDENT

APPROVED: _____

FRANCIS H. CICCHINELLI, JR., MAYOR



DATE: December 20, 1999

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 262 - 1999

BY: PARKS AND RECREATION COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor to enter into contract agreements with Variety Attractions, Inc. and L & B Entertainment Inc., for various engagement contracts for the summer concert 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 to enter into contract agreements with Variety Attraction, Inc. L & B Entertainment Inc., for various engagement contracts for the summer concert series. The cost of said contracts shall not exceed Ninety Thousand Dollars (\$90,000.00).

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 _____ 1999

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

APPROVED _____
FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: December 20, 1999

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 263 - 1999

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE establishing a fund entitled "Canalview Streetscape Project ODOT STA-241-8.91", creating line items within said fund, 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 established within the City of Massillon, Ohio, a fund entitled "Canalview Streetscape Project ODOT STA-241-8.91", and creating line items within said fund.

Section 2:

The City Auditor is hereby authorized and directed to draw her warrants and make payments on vouchers duly approved by the proper departmental authority.

Section 3:

That this Ordinance is declared to be an emergency measure immediately necessary for the preservation of the health, safety and welfare of the community and for the additional reason that it is necessary to establish this Fund for the purpose of receiving and dispursing all necessary funds for the 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 _____ 1999

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

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

DATE: December 20, 1999

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 264 - 1999

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Auditor of the City of Massillon, Ohio, to accept a donation from the Massillon Development Foundation for reimbursement of Capital Improvement Funds used for the Canalview Streetscape Project, and declaring an emergency.

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

Section 1:

The Auditor of the City of Massillon, Ohio, is hereby authorized to accept a donation from the Massillon Development Foundation for reimbursement of Capital Improvement Funds used for the Canalview Streetscape Project. Said donation shall be in an amount up to Fifty Thousand Dollars (\$50,000.00)

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 reimburse the Capital Improvement funds used for the Canalview Streetscape 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 _____ 1999

ATTEST:

SHARON HOWELL, CLERK OF COUNCIL

DENNIS D. HARWIG, PRESIDENT

APPROVED _____

FRANCIS H. CICCHINELLI, JR., MAYOR

DATED: DECEMBER 20, 1999

CLERK: SHARON K. HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 265-1999

BY: THE FINANCE COMMITTEE

AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$4,150,000 OF NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSES OF (I) ACQUIRING LAND IN CONNECTION WITH A PROPOSED RECREATION CENTER; (II) PAYING PRELIMINARY EXPENSES IN CONNECTION WITH A PROPOSED CITY RECREATION CENTER; AND (III) CONSTRUCTING PHASE I PARK AND RECREATION FACILITIES AT THE COMMUNITY PARK; FURNISHING AND EQUIPPING THE SAME; LANDSCAPING AND IMPROVING THE SITES THEREOF; ACQUIRING LAND AND INTERESTS IN LAND FOR PARK AND RECREATION PURPOSES; AND RETIRING NOTES PREVIOUSLY ISSUED FOR SUCH PURPOSES; AUTHORIZING A NOTE PURCHASE AGREEMENT APPROPRIATE FOR THE SALE OF THE NOTES; AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinances Nos. 4-1999, 74-1999, and 162-1999 duly adopted by the Council of the City (the "Council") on January 4, 1999, May 3, 1999, and August 16, 1999, respectively (collectively, the "1999 Ordinances"), three series of notes in the aggregate principal amount of \$4,150,000 were issued in anticipation of the issuance of bonds for the purposes stated in the 1999 Ordinances and in the title of this ordinance, to mature on January 14, 2000 (collectively, the "Outstanding Notes"), and it appears advisable in lieu of issuing bonds at this time to issue new notes in anticipation of the issuance of bonds; and

WHEREAS, the City Auditor of the Council (the "City Auditor") has certified to this Council that the estimated life of the improvements stated in the title of this ordinance (the "Project") which are to be financed from the proceeds of the bonds and notes hereinafter referred to is as described in the 1999 Ordinances; and

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

Section 1. It is hereby declared necessary to issue bonds (the "Bonds") of the City in the principal sum of not to exceed Four Million One Hundred Fifty Thousand Dollars (\$4,150,000) for the purpose of paying the cost of financing the Project.

Section 2. The Bonds shall be dated prior to the maturity date of the Notes, shall bear interest at the maximum average annual interest rate presently estimated to be seven per centum (7.00%) per annum, payable semiannually until the principal sum is paid and shall mature in thirty (30) annual installments.

Section 3. It is necessary to issue and this Council hereby determines that notes shall be issued in anticipation of the issuance of the Bonds and to retire the Outstanding Notes.

Section 4. Such anticipatory notes (the "Notes") shall be in the amount of not to exceed \$4,150,000, which sum does not exceed the amount of the Bonds. The Notes shall be dated the date determined by the City Auditor and certified to this Council and shall mature on such date as shall be determined by the City Auditor and certified to this Council, provided such maturity date shall not be later than one year after the date of issuance of the Notes. The Notes shall be issued as one fully registered note in book entry form only and shall be reoffered in minimum denominations of \$100,000. Coupons shall not be attached to the Notes. The Notes shall not be subject to redemption prior to stated maturity.

Section 5. The Notes shall be the full general obligation of the City, and the full faith, credit and revenue of the City are hereby pledged for the prompt payment of the same. The par value to be received from the sale of the Bonds and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used only for the retirement of the Notes at maturity, together with interest thereon, and is hereby pledged for such purpose.

Section 6. There shall be and is hereby levied annually on all the taxable property in the City, in addition to all other taxes and inside the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Notes are outstanding, for the purpose of providing, and in an amount which is sufficient to provide funds to pay interest upon the Notes as and when the same falls due and to provide a fund for the repayment of the principal of the Notes at maturity. The Debt Service Levy shall not be less than the interest and sinking fund tax required by Article XII, Section 11 of the Ohio Constitution.

Section 7. The Debt Service Levy shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of such years are certified, extended and collected. The Debt Service Levy shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the Debt Service Levy shall be placed in a separate and distinct fund, which shall be irrevocably pledged for the payment of the premium, if any, and interest on and principal of the Notes and Bonds when and as the same fall due. Notwithstanding the foregoing, if the City determines that funds will be available from other sources for the payment of the Notes and Bonds in any year, the amount of the Debt Service Levy for such year shall be reduced by the amount of funds which will be so available, and the City shall appropriate such funds to the payment of the Notes in accordance with law.

Section 8. The Notes shall bear interest at such rate per annum as shall be determined by the City Auditor and certified to this Council, provided that such rate shall not exceed six per centum (6.00%) per annum, based on a 360-day year of twelve 30-day months, payable at maturity. The Notes shall be sold at private sale to Fifth Third Securities, Inc., Columbus, Ohio (the "Original Purchaser") at the par value thereof. The City Auditor is hereby authorized and directed to execute on behalf of the Council a Note Purchase Agreement with the Original Purchaser, setting forth the conditions under which the Notes are to be sold and delivered, which agreement shall not be substantially inconsistent with the terms of this ordinance, and to deliver the Notes, when executed, to the Original Purchaser upon payment of the purchase price and accrued interest, if any, to the date of delivery.

The proceeds of such sale, except any accrued interest or premium thereon, shall be deposited in the Treasury of the City and used for the purpose aforesaid and for no other purpose. Any accrued interest or premium on the Notes shall be transferred to the Bond Retirement Fund to be applied to the payment of the principal and interest on the Notes in the manner provided by law.

Section 9. The Notes shall be executed by the Mayor and by the City Auditor in their official capacities, provided that either or both of their signatures may be a facsimile. The Notes shall be designated "City of Massillon, Stark County, Ohio Various Purpose Park and Recreation Notes, Series 2000" and shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this ordinance. No Note shall be valid or become obligatory for any purpose or shall be entitled to any security or benefit under this ordinance unless and until a certificate of authentication, as printed on the Note, is signed by the Note Registrar (as defined in this ordinance) as authenticating agent. Authentication by the Note Registrar shall be conclusive evidence that the Note so authenticated has been duly issued and delivered under this ordinance and is entitled to the security and benefit of this ordinance. The certificate of authentication may be signed by any officer or officers of the Note Registrar or by such other person acting as an agent of the Note Registrar as shall be approved by the City Auditor on behalf of the City. It shall not be necessary that the same authorized person sign the certificate of authentication on all of the Notes.

Section 10. The City hereby covenants, pursuant to Section 133.05(B)(7), Ohio Revised Code, to appropriate annually from lawfully available municipal income taxes, and to continue to levy and collect municipal income taxes adequate to produce, amounts necessary to meet the debt charges of the Notes and the Bonds in each year until full payment is made.

Section 11. The Fifth Third Bank in the City of Cincinnati, Ohio, is hereby appointed to act as the authenticating agent, Note Registrar, transfer agent and paying agent (collectively, the "Note Registrar") for the Notes. If at any time the Note Registrar shall be unable or unwilling to serve as such, or the City Auditor in such officer's discretion shall determine that it would be in the best interest of the City for such functions to be performed by another party, the City Auditor may, and is hereby authorized and directed to, enter into an agreement with a national banking association or other appropriate institution experienced in providing such services, to perform the services required of the Note Registrar hereunder. Each such successor Note Registrar shall promptly advise all noteholders of the change in identity and new address of the Note Registrar. So long as any of the Notes remain outstanding, the City shall cause to be maintained and kept by the Note Registrar, at the office of the Note Registrar, all books and records necessary for the registration, exchange and transfer of Notes as provided in this section (the "Note Register"). Subject to the provisions of this ordinance, the person in whose name any Note shall be registered on the Note Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and interest on any Note shall be made only to or upon the order of that person. Neither the City nor the Note Registrar shall be affected by any notice to the contrary, but the registration may be changed as herein provided. All payments shall be valid and effectual to satisfy and

discharge the liability upon the Notes, including the interest thereon, to the extent of the amount or amounts so paid.

Any Note, upon presentation and surrender at the office of the Note Registrar, together with a request for exchange signed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Note Registrar, may be exchanged for Notes of the same form and of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Notes surrendered, and bearing interest at the same rate and maturing on the same date.

A Note may be transferred only on the Note Register upon presentation and surrender thereof at the office of the Note Registrar, together with an assignment executed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Note Registrar. Upon that transfer, the Note Registrar shall complete, authenticate and deliver a new Note or Notes of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Notes surrendered, and bearing interest at the same rate and maturing on the same date.

In all cases in which Notes are exchanged or transferred hereunder, the City shall cause to be executed and the Note Registrar shall authenticate and deliver Notes in accordance with the provisions of this ordinance. The exchange or transfer shall be without charge to the owner; except that the City and Note Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Note Registrar may require that those charges, if any, be paid before it begins the procedure for the exchange or transfer of the Notes. All Notes issued upon any transfer or exchange shall be the valid obligations of the City, evidencing the same debt, and entitled to the same benefits under this ordinance, as the Notes surrendered upon that transfer or exchange.

Section 12. For purposes of this ordinance, the following terms shall have the following meanings:

"Book entry form" or "book entry system" means a form or system under which (i) the beneficial right to payment of principal of and interest on the Notes may be transferred only through a book entry and (ii) physical Notes in fully registered form are issued only to the Depository or its nominee as registered owner, with the Notes "immobilized" to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Notes.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, together with its participants, a book entry system to record beneficial ownership of Notes, and to effect transfers of Notes, in book entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York.

The Notes will be initially issued to a Depository for use in a book entry system, and the provisions of this section shall apply, notwithstanding any other provision of this ordinance: (i) there shall be a single Note of each maturity; (ii) those Notes shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners in book entry form shall have no right to receive Notes in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Notes in book entry form shall be shown by book entry on the system maintained and operated by the Depository, and transfers of the ownership of beneficial interests shall be made only by the Depository and by book entry; and (v) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the Council. Note service charges on Notes in book entry form registered in the name of a Depository or its

nominee shall be payable in same day funds delivered to the Depository or its authorized representative upon presentation and surrender of Notes as provided in this ordinance.

The Note Registrar may, with the approval of the Council, enter into an agreement with the beneficial owner or registered owner of any Note in the custody of a Depository providing for making all payments to that owner of principal and interest on that Note or any portion thereof (other than any payment of the entire unpaid principal amount thereof) at a place and in a manner (including wire transfer of federal funds) other than as provided above in this ordinance, without prior presentation or surrender of the Note, upon any conditions which shall be satisfactory to the Note Registrar and the Council. That payment in any event shall be made to the person who is the registered owner of that Note on the date that principal is due, or, with respect to the payment of interest, as of the applicable date agreed upon as the case may be. The Note Registrar shall furnish a copy of each of those agreements, certified to be correct by the Note Registrar, to other paying agents for Notes and to the City. Any payment of principal or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this ordinance.

The Clerk of Council is authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the City, the letter agreement among the City, the Note Registrar and The Depository Trust Company, as depository, to be delivered in connection with the issuance of the Notes to the Depository for use in a book entry system in substantially the form submitted to the Council.

If any Depository determines not to continue to act as a depository for the Notes for use in a book entry system, the City and the Note Registrar may attempt to establish a securities depository/book entry relationship with another qualified Depository under this ordinance. If the City and the Note Registrar do not or are unable to do so, the City and the Note Registrar, after the Note Registrar has made provision for notification of the beneficial owners by the then Depository, shall permit withdrawal of the Notes from the Depository and authenticate and deliver note certificates in fully registered form to the assigns of the Depository or its nominee, all at the cost and expense (including costs of printing definitive Notes), if the event is not the result of action or inaction by the City or the Note Registrar, of those persons requesting such issuance.

Section 13. The City hereby covenants that it shall comply with the requirements of all existing and future laws which must be satisfied in order that interest on the Notes is and will continue to be excluded from gross income for federal income tax purposes, including without limitation restrictions on the use of the property financed with the proceeds of the Notes so that the Notes will not constitute "private activity bonds" within the meaning of Section 141 of the Internal Revenue Code of 1986, as amended (the "Code"). The City further covenants that it shall restrict the use of the proceeds of the Notes in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the Notes are issued, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder (the "Regulations").

The City Auditor, or any other officer of the City, including the Mayor, is hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the City with respect to the Notes as permitted or required to be made or given under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or the status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing any rebate amount or any payment of penalties, or making any payments of special amounts in lieu of making computations to determine, or paying, any excess earnings as rebate, or obviating those amounts or payments, as determined by the City Auditor, which action shall be in writing and signed by the City Auditor, or any other officer, including the Mayor, on behalf of the City; (b) to take any and all actions, make or obtain calculations, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from

gross income and the intended tax status of the Notes; and (c) to give an appropriate certificate on behalf of the City, for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances, and reasonable expectations of the City pertaining to Section 148 and the Regulations, and the representations, warranties and covenants of the City regarding compliance by the City with Sections 141 through 150 of the Code and the Regulations.

The City Auditor shall keep and maintain adequate records pertaining to investment of all proceeds of the Notes sufficient to permit, to the maximum extent possible and presently foreseeable, the City to comply with any federal law or regulation now or hereafter having applicability to the Notes which limits the amount of note proceeds which may be invested on an unrestricted yield or requires the City to rebate arbitrage profits to the United States Department of the Treasury. The City Auditor is hereby authorized and directed to file such reports with, and rebate arbitrage profits to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Notes requires any such reports or rebates.

The Notes are hereby designated by the City to be "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Code. The City Auditor, or any other officer of this Council, including the Mayor, is authorized and directed to give an appropriate certificate on behalf of the City, for inclusion in the transcript of proceedings, setting forth the representations, warranties and covenants of the City designed to assure that the Notes will remain "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the Code.

Section 14. It is hereby found and determined that all formal actions of the Council concerning and relating to the passage of this ordinance were taken in an open meeting of the Council, and that all deliberations of the 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 15. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Notes in order to make them legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; that the faith, credit and revenue of the City are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Notes.

Section 16. The City Auditor is hereby directed to forward a certified copy of this ordinance to the County Auditor of Stark County, Ohio.

Section 17. This ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety of the City and its inhabitants for the reason that notes heretofore issued are about to mature and it is necessary to make immediate provision for their repayment in order to preserve the credit of the City; wherefore this ordinance shall take effect and be in force from and immediately after its adoption.

Adopted in Council on this 20th day of December, 1999.

Attest:

Clerk

President of Council

Approved:

Mayor

CERTIFICATE

The undersigned Clerk of Council of the City of Massillon, Stark County, Ohio hereby certifies that the foregoing is a true copy of an ordinance duly passed by the Council of said City on the 20th day of December, 1999 and that a true copy thereof was certified to the County Auditor of Stark County, Ohio, on the ____ day of December, 1999.

Clerk of Council
City of Massillon
Stark County, Ohio

DATE: December 20, 1999

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 266 - 1999

BY: FINANCE COMMITTEE

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

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

Section 1:

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

\$140,000.00 FROM: "Salary Fire" 1100.325.2110
\$ 75,000.00 "Salary Police" 1100.305.2110
\$ 41,495.00 "Insurance" 1100.905.2312
\$ 23,023.00 "Salary HWY Safety" 1100.120.2110
\$ 11,200.00 "Transfer For Debt" 1100.905.2712
\$ 9,282.00 "Hospital/Eye/Dental" 1100.305.2210

\$300,000.00 TO: "Transfer to CI" 1100.905.2710

Section 2:

This Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said funds are immediately necessary for the efficient operation of the various departments 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: December 20, 1999

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 267 - 1999

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain transfers in the 1999 appropriation from within the General Fund to the Capital Improvement 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 Capital Improvement Fund, of the City of Massillon, Ohio, the following:

\$300,000.00 FROM: "Transfer To CI" 1100.905.2710
TO: "Transfer In" 1401.905.1860

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 Auditors 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: December 20, 1999

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 268 - 1999

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Capital Improvement Fund, State Route 21 BR Fund, Police Pension Fund, Market Place Fund, P&R Rec Center Fund, and the General Fund of the City of Massillon, 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 Capital Improvement Fund for the year ending December 31, 1999, the following:

\$300,000.00 to an account entitled "Land Acquisition" 1401.410.2590

Section 2:

There be and hereby is appropriated from the unappropriated balance of State Route 21 BR Fund the year ending December 31, 1999, the following:

\$ 39,390.08 to an account entitled "Transfer To" 1307.905.2710

Section 3:

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

\$ 10,185.00 to an account entitled "Police Pension" 3101.330.2240

Section 4:

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

\$ 3,074.91 to an account entitled "Services/Contracts" 1419.435.2392

Section 5:

There be and hereby is appropriated from the unappropriated balance of the P&R Rec Center Fund for the year ending December 31, 1999, the following:

\$ 3,074.91 to an account entitled "Services & Contracts" 1435.505.2392

Section 6:

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

\$ 1,000.00 to an account entitled "Services & Contracts" 1100.105.2392

Section 7:

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

DATE: December 20, 1999

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

RESOLUTION NO. 9 - 1999

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: A RESOLUTION supporting the efforts of the committee of the Stark County Housing Task Force to create a local Housing Trust Fund for the purpose of promoting decent affordable housing.

WHEREAS, THE City of Massillon presently supports low and moderate income housing efforts through the Community Development Block Grant (CDBG) and HOME Programs of the Federal U.S. Department of Housing and Urban Development (HUD); and

WHEREAS, it is necessary to promote decent affordable housing by raising and distributing funds to agencies to provide additional housing opportunities to low and moderate income households; and

WHEREAS, a committee of the Stark County Housing Task Force is looking to develop a local Housing Trust Fund with the mission to promote decent affordable housing by raising and distributing funds to agencies that provide housing opportunities and assistance to low and moderate income households in Stark County.

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

Section 1:

This Council hereby supports the committee of the Stark County Housing Task Force to develop a local Housing Trust Fund to promote decent affordable housing opportunities.

Section 2:

That this resolution shall be immediately effective.

PASSED IN COUNCIL THIS _____ DAY OF _____ 1998

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

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