

AGENDA

DATE: FEBRUARY 7, 2000
PLACE: COUNCIL CHAMBERS
TIME: 7:30 P.M.

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

ORDINANCE NO. 8 - 2000 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

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

ORDINANCE NO. 9 - 2000 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

P
AN ORDINANCE authorizing and directing the Mayor and the Director of Public Service and Safety to enter into a contract agreement with the Joe Sparma Community Center to assist in the completion of renovation work at the Center, and declaring an emergency.

Atney abstained

ORDINANCE NO. 10 - 1999 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

P
AN ORDINANCE authorizing and directing the Mayor of the City of Massillon to enter into an agreement with Massillon Stainless, 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.

Istaitieh abstained

ORDINANCE NO. 11 - 2000 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, and Massillon Stainless, Inc., authorizing general compensation to the school district resulting from the Enterprise Zone Agreement for the Massillon Stainless, Inc. Project, and declaring an emergency.

Istaitieh abstained

ORDINANCE NO. 12 - 2000 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

P
AN ORDINANCE amending Ordinance No. 235 - 1989, clarifying the boundaries and application period for the Community Reinvestment Area within the City of Massillon, Ohio, and declaring an emergency.

Halter abstained

ORDINANCE NO. 13 - 2000 BY: HEALTH, WELFARE & BUILDING REGULATIONS COMM

P
AN ORDINANCE approving the editing and inclusion of certain Ordinances as parts of the various component Codes of the Codified Ordinances of Massillon, Ohio, and declaring an emergency.

February 7, 2000

ORDINANCE NO. 14 - 2000 BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMM.

J.H. ✓
AN ORDINANCE accepting the **Dedication Plat** for an extension to existing **North Avenue N.E.**, in the City of Massillon, County of Stark, State of Ohio, presently on file in the office of the City Engineer, and declaring an emergency.

ORDINANCE NO. 15 - 2000 BY: FINANCE COMMITTEE

P
AN ORDINANCE authorizing the Mayor of the city of Massillon, Ohio, to accept the Federal bulletproof Vest Partnership Grant from the Bureau of Justice Assistance for use by the Massillon Police Department, and declaring an emergency.

ORDINANCE NO. 16 - 2000 BY: FINANCE COMMITTEE

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

ORDINANCE NO. 17 - 2000 BY: FINANCE COMMITTEE

P
AN ORDINANCE making certain transfers in the 2000 appropriation from within the General Fund to the Parks and Recreation Fund, of the City of Massillon, Ohio, and declaring an emergency.

ORDINANCE NO. 18 - 2000 BY: FINANCE COMMITTEE

P
AN ORDINANCE reducing appropriations in the Section 108 Fund and UDAG Towne Plaza Fund of the City of Massillon, for the year ending December 31, 2000, and declaring an emergency.

ORDINANCE NO. 19 - 2000 BY: FINANCE COMMITTEE

SDH ✓
AN ORDINANCE making certain appropriations from the unappropriated balance of the Section 108 Loan Repayment Fund, **Community Development Block Grant** program Fund, Capital Improvement Fund, and the Park and Rec Bond Retirement Fund of the City of Massillon, for the year ending December 31, 2000, and declaring an emergency. *land view 150,000 streetscape*

ORDINANCE N. 20 - 2000 BY: HEALTH, WELFARE & BUILDING REGULATIONS COMM

ct
AN ORDINANCE amending CHAPTER 509 "DISORDERLY CONDUCT AND PEACE DISTURBANCE" of the Codified Ordinances of the City of Massillon, by repealing existing Section 509.13 "COMPULSORY SCHOOL ATTENDANCE; PARENTAL DUTY IMPOSED" and enacting a new Section 509.13 "COMPULSORY SCHOOL ATTENDANCE; PARENTAL DUTY IMPOSED" of CHAPTER 509 "DISORDERLY CONDUCT AND PEACE DISTURBANCE, and declaring an emergency.

February 7, 2000

RESOLUTION NO. 5 - 2000 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

167
A RESOLUTION reversing the decision of the Massillon Zoning Board of Appeals made on January 13, 2000, wherein the Zoning Board of Appeals did not approve certain variances as it relates to property owned by Ms. Lori Gardner and known as Lot No. 26191 located at 2066 Tremont Avenue S.W., Massillon, Ohio, and declaring an emergency.

- Emergency Vote failed 5-4
to suspend rules

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

- A). MAYOR SUBMITS MONTHLY PERMIT REPORT FOR JANUARY - 2000
- B). AUDITOR SUBMITS MONTHLY REPORT FOR JANUARY - 2000
- C). MAYOR SUBMITS BOARDS AND COMMISSIONS FOR 2000 TO BE ACCEPTED.
- D). CLERK OF COURTS SUBMITS YEARLY REPORT FOR 1999
- E). THE LEGENDS OF MASSILLON YEARLY REPORT FOR 1999
- F). HEALTH DEPARTMENT SUBMITS YEARLY REPORT FOR 1999
- G). LAW DIRECTOR SUBMITS YEARLY REPORT FOR 1999

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

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

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

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

P
AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from Perry Township to Massillon Zoning, and declaring an emergency.

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

Q
SHARON HOWELL
THERE ARE TWO PUBLIC HEARINGS THIS EVENING
7:00 P.M. ORDINANCE NO. 257 - 1999
7:15 P.M. ORDINANCE NO. 258 - 1999

DATE: February 7, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 8 - 2000

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

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

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

WHEREAS, the said petition was duly considered by the Board of County Commissioners of Stark County, Ohio, on June 23, 1999, with reconvening hearings on July 15, 1999 and September 2, 1999, and

WHEREAS, the Board of County Commissioners on December 2, 1999, approved the annexation of said territory to the City of Massillon as hereinafter described, and

WHEREAS, the Board of County Commissioners certified the transcript and pertinent documents of proceedings in connection with said annexation with the map and petition required in connection therewith, to the Auditor of the City of Massillon, who received same on, and

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

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

Section I:

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

Known and being part of the Southeast Quarter Section 30, part of the Northeast, Northwest, Southeast and Southwest Quarter Sections 31, Part of the Northwest and Southwest Quarter Sections 32, of Perry Township and Part of the Northwest Quarter Section 5 and Northeast and Southeast Quarter Section 6 of Bethlehem Township, Stark County, State of Ohio and being further described as follows:

Beginning at an iron pin at the Northeast corner of said Southwest Quarter Section 32 Perry Township,

Thence N 85° 14' 39" W a distance of 700.01' to an iron pin in the north line of said Quarter Section and the true place of beginning of the tract herein described:

Thence following the eastern property line of a tract of land currently or previously owned by the Standard Slag Company as described in Deed Volume 2471, Page 454 in the Stark County Auditor's Records:

S 04° 55' 22" W a distance of 881.72' to a point,

S 25° 24' 02" W a distance of 1755.56' to a point,

S 85° 07' 03" E a distance of 747.39' to a point said point being in the centerline of SR 21/US 62;

Thence continuing along said centerline S 25° 24' 02" W a distance of 157.49' to a point said point being in the line between Perry and Bethlehem Townships;

Thence continuing along said Township line N 85° 22' 43" W a distance of 2268.64' to a point said point being in the centerline of the Tuscarawas River as portrayed by the Shillman Survey of 1916;

Thence continuing said centerline the following courses:

S 19° 36' 21" W a distance of 667.36' to a point,

S 07° 30' 58" W a distance of 164.05' to a point,

S 20° 19' 58" W a distance of 406.32' to a point,

S 23° 18' 58" W a distance of 409.29' to a point,

S 14° 08' 36" W a distance of 450.89' to a point said point being in the existing corporation line of the Village of Navarre;

Thence continuing the existing Village of Navarre corporation line the following courses:

N 83° 30' 52" W a distance of 158.09' to a point,

S 09° 41' 54" W a distance of 531.09' to a point along a curve to the right through a central angle of 00° 49' 15" an arc distance of 485.16' a chord bearing of S 09° 15' 01" W a distance of 485.15' to a point said point being in the centerline of Elton Road;

Thence along the centerline of Elton Road N 83° 04' 12" W, a distance of 108.01' to a point;

Thence around a curve to the right through a central angle of 16° 52' 46" an arc distance of 855.79' a chord bearing of S 38° 53' 03" W a distance of 852.70' to a point;

Thence around a curve to the right through a central angle of 05° 21' 30" on a distance of 85.28' a chord bearing of N 61° 49' 20" W a distance of 85.25' to a point;

Thence around a curve to the left through a central angle of 17° 53' 33" an arc distance of 830.91' a chord bearing of N 40° 06' 39" E a distance of 827.53' to a point said point being in the centerline of Elton Road;

Thence continuing along said centerline S 83° 04' 12" E a distance of 7.63' to a point;

Thence around a curve to the left through a central angle of $11^{\circ} 29' 25''$ on a distance of 507.29' a chord bearing of $N 25^{\circ} 39' 48'' E$ a distance of 506.44' to a point said point being in the south property line of a tract of land currently or previously owned by the Standard Slag Company as described in Deed 2786, Page 291 in the Stark County Auditor's Records;

Thence continuing along said tract of land the following courses:

S $88^{\circ} 36' 44'' W$ a distance of 613.95' to a point,
S $07^{\circ} 00' 44'' W$ a distance of 390.79' to a point,
N $84^{\circ} 01' 36'' W$ a distance of 717.21' to a point,
N $33^{\circ} 11' 01'' W$ a distance of 760.58' to a point,
N $25^{\circ} 17' 01'' W$ a distance of 348.94' to a point,
N $19^{\circ} 20' 01'' W$ a distance of 234.86' to a point,
N $69^{\circ} 16' 01'' W$ a distance of 314.74' to a point,
N $05^{\circ} 34' 40'' E$ a distance of 1821.70' to a point said point being in the line between Perry and Bethlehem Township;

Thence continuing along said township line S $85^{\circ} 11' 14'' E$ a distance of 323.00' to a point;

Thence along the boundary of the tracts of land currently or previously owned by Standard Slag as described in Volume 2628, Page 338 in the Stark County Auditor's Records the following courses:

N $06^{\circ} 43' 43'' E$ a distance of 2035.00' to a point,
N $85^{\circ} 16' 17'' W$ a distance of 1258.78' to a point,
N $54^{\circ} 11' 30'' E$ a distance of 1988.35' to a point,

Thence around a curve to the left through a central angle of $22^{\circ} 55' 10''$ an arc distance of 1203.69' a chord bearing N $42^{\circ} 32' 47'' E$ a distance of 1195.68' to a point; Thence

N $18^{\circ} 07' 11'' E$ a distance of 70.61' to a point,
S $02^{\circ} 56' 28'' E$ a distance of 77.35' to a point,
S $81^{\circ} 16' 57'' E$ a distance of 790.58' to a point,

Thence around a curve to the right through a central angle of $09^{\circ} 36' 16''$ an arc distance of 578.33' a chord bearing of S $44^{\circ} 07' 31'' E$ a distance of 577.65' to a point said point being in the west property line of a tract of land currently or previously owned by the City of Massillon as described in the Stark County Auditor's Records the following courses:

Thence around a curve to the left through a central angle of $05^{\circ} 52' 21''$ an arc distance of 583.87' a chord bearing N $08^{\circ} 10' 20'' N$ a distance of 583.61' to a point,

Thence N $11^{\circ} 06' 30'' W$ a distance of 1692.89' to a point;

Thence N $78^{\circ} 24' 09'' E$ a distance of 89.62' to a point said point being on the centerline of the Tuscarawas River;

Thence continuing along the centerline of said River the following courses:

N 13° 31' 01" E a distance of 190.28' to a point,
N 36° 14' 15" E a distance of 188.08' to a point,
N 43° 34' 39" E a distance of 306.45' to a point,
N 26° 36' 08" E a distance of 132.42' to a point,
N 01° 30' 36" E a distance of 140.65' to a point,
N 02° 17' 39" E a distance of 92.58' to a point,
N 01° 20' 29" W a distance of 91.75' to a point,
N 02° 35' 02" W a distance of 95.74' to a point,

Said point being in the east property line of a tract of land currently or previously owned by the Stark County Commissioners as described in Volume 3038, Page 476 in the Stark County Auditor's Records;

Thence following said property line in accordance to Shillman Survey of the Ohio Canal as traced by Amos in 1916 the following courses:

S 07° 54' 16" E a distance of 100.02' to a point,
S 12° 36' 33" E a distance of 22.85' to a point,
S 09° 18' 13" E a distance of 60.62' to a point,
S 87° 25' 20" E a distance of 37.29' to a point,
S 74° 52' 52" E a distance of 53.85' to a point,
N 52° 49' 27" E a distance of 100.72' to a point,
S 85° 19' 01" E a distance of 53.50' to a point,
S 50° 15' 46" E a distance of 37.67' to a point,
S 41° 20' 05" E a distance of 125.01' to a point,
S 05° 40' 54" E a distance of 100.02' to a point,
S 58° 28' 45" W a distance of 124.09' to a point,
N 86° 16' 29" W a distance of 99.64' to a point,
S 31° 58' 38" W a distance of 19.21' to a point,
S 06° 15' 19" W a distance of 65.43' to a point,
S 25° 59' 25" W a distance of 113.83' to a point,
S 05° 04' 31" W a distance of 100.89' to a point,
S 02° 52' 32" W a distance of 100.45' to a point,
S 03° 00' 01" W a distance of 100.47' to a point,
S 01° 22' 31" E a distance of 100.85' to a point,
S 01° 42' 46" E a distance of 100.00' to a point,
S 00° 38' 46" W a distance of 100.10' to a point,
S 07° 36' 24" E a distance of 100.50' to a point,
S 11° 27' 31" E a distance of 91.59' to a point,
S 01° 38' 03" E a distance of 100.61' to a point,
S 08° 05' 47" E a distance of 200.01' to a point,
S 06° 52' 28" E a distance of 60.90' to a point,
S 04° 54' 54" E a distance of 39.15' to a point,
S 06° 35' 36" E a distance of 100.03' to a point,
S 09° 03' 24" E a distance of 100.02' to a point,
S 05° 50' 57" E a distance of 100.07' to a point,
S 06° 45' 54" E a distance of 100.02' to a point,
S 06° 08' 07" E a distance of 100.05' to a point,
S 07° 28' 01" E a distance of 101.18' to a point,
S 07° 32' 09" E a distance of 100.01' to a point,

S 08° 46' 22" E a distance of 100.05' to a point,
S 07° 31' 28" E a distance of 100.00' to a point,
S 06° 39' 54" E a distance of 100.00' to a point,
S 08° 16' 08" E a distance of 100.03' to a point,
S 08° 21' 46" E a distance of 90.26' to a point,
S 12° 11' 13" E a distance of 100.08' to a point,
S 13° 50' 50" E a distance of 87.78' to a point,

Said point being in the north property of a tract of land currently or previously owned by the Standard Slag Company as described in Volume 2472, Page 454 in the Stark County Auditor's Records. Thence along said tract's property line the following courses: S 84° 55' 38" E a distance of 2570.07' to a point,

Said point being in the west right-of-way line of SR 21/US62

S 03° 36' 26" W a distance of 60.02' to a point,
N 84° 55' 38" W a distance of 655.10' to a point,
S 04° 58' 44" W a distance of 1263.90' to a point said point also being the true place of beginning containing,

23.42 acres in the Southeast Quarter Section 30 Perry Township
101.53 acres in the Northeast Quarter Section 31 Perry Township
3.08 acres in the Northwest Quarter Section 31 Perry Township
166.28 acres in the Southeast Quarter Section 31 Perry Township
13.03 acres in the Southwest Quarter Section 31 Perry Township
63.29 acres in the Northwest Quarter Section 32 Perry Township
117.98 acres in the Southwest Quarter Section 32 Perry Township
0.20 acres in the Northwest Quarter Section 5 Bethlehem Township
166.12 acres in the Northeast Quarter Section 6 Bethlehem Township
1.54 acres in the Southeast Quarter Section 6 Bethlehem Township

Total acreage to be annexed is 656.47 acres, more or less.

Section 2:

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

Section 3:

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

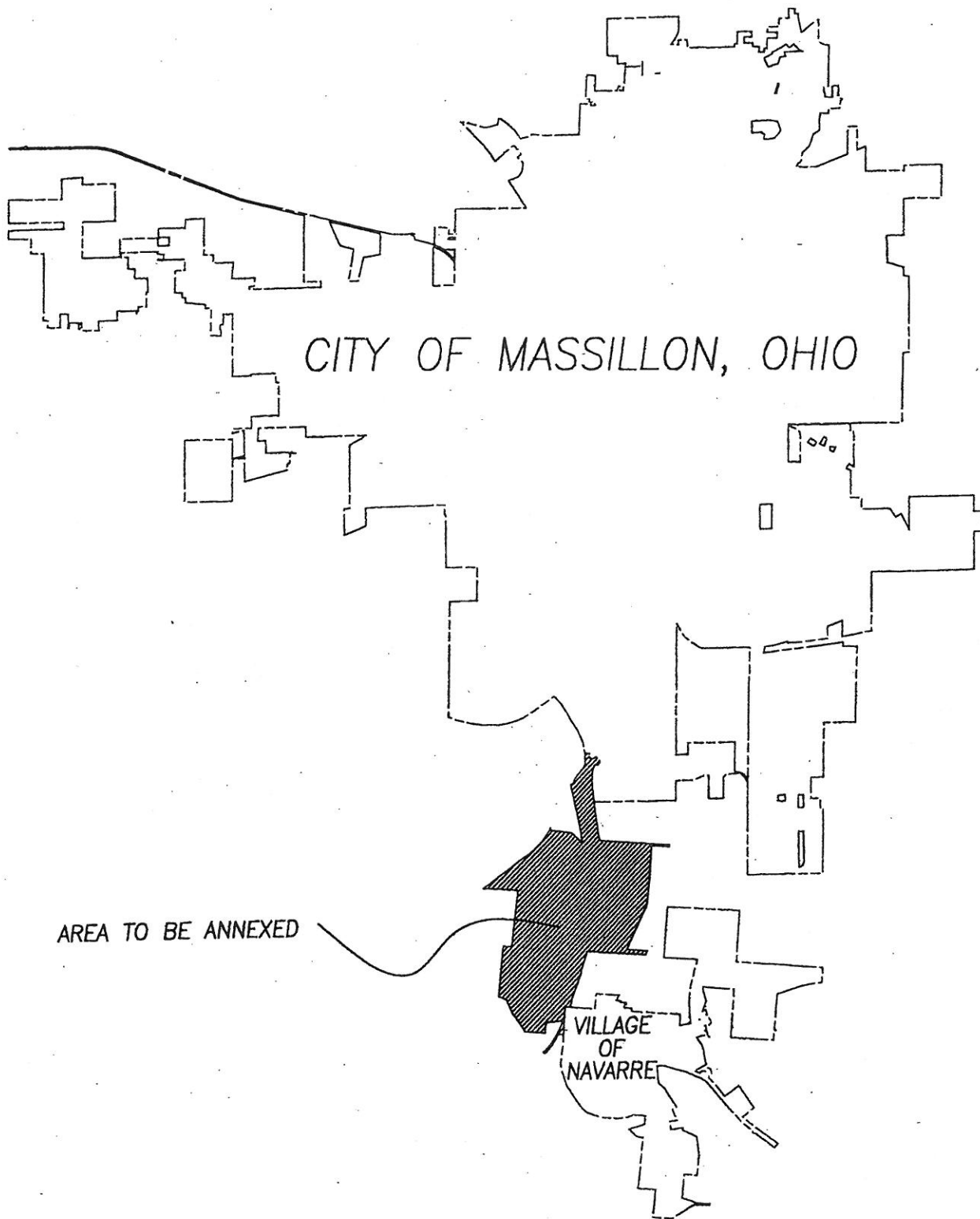
Section 4:

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

PASSED IN COUNCIL THIS _____ DAY OF _____ 2000

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

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



MAP OF TERRITORY TO BE ANNEXED TO THE CITY OF MASSILLON, OHIO

DATE: February 7, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 9 - 2000

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE authorizing and directing the Mayor and Director of Public Service and Safety to enter into a contract agreement with the Joe Sparma Community Center to assist in the completion of renovation work at the Center, and declaring an emergency.

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

Section 1:

The City Council of the City of Massillon, Ohio, hereby finds that it is necessary to enter into a contract agreement the Joe Sparma Community Center to assist in the completion of renovation work at the Center. The contract for services shall not exceed Total cost of said renovation shall not exceed Four Thousand Four Hundred Fifty-Nine Dollars (\$4,459.00).

Section 2:

The Mayor and Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to enter into a contract agreement with the Joe Sparma Community Center to assist in the completion of the renovation of the agency's facility.

Section 3:

That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety, and welfare of the community, and for the further reason that these services are needed to meet the goals and objectives of the City's Community Development Block Grant Program. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____ 1999

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

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

DATE: February 7, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 10 - 2000

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE authorizing and directing the Mayor of the City of Massillon to enter into an agreement with Massillon Stainless, 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, Massillon Stainless, Inc., is hereby proposing to start up business operations in the 78,000 square foot former Washington Steel facility located at 411 Oberlin Road, S.W. within the Massillon Enterprise Zone, and is proposing to establish a facility to relocate its manufacturing operations, at a total combined investment of One Million Three Hundred Thousand Dollars (\$1,300,000.00), (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 Massillon Stainless, Inc., with the incentives available for development of the Project in said Enterprise Zone, under Chapter 5709 of the Ohio Revised Code; and

WHEREAS, Massillon Stainless, 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 Massillon Stainless, Inc., 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 has 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 Massillon Stainless, 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 Massillon Stainless, 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 _____ 2000

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

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

OHIO ENTERPRISE ZONE AGREEMENT

This Agreement made and entered into by and between the City of Massillon, Ohio, a Municipal Corporation, with its main offices located at One James Duncan Plaza, Massillon, Ohio 44646 (hereinafter referred to as "City of Massillon"), and Massillon Stainless, Inc., a _____ Corporation with its main offices located at 411 Oberlin Road, S.W., Massillon, Ohio 44647 (hereinafter referred to as "Massillon Stainless").

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, Massillon Stainless is desirous of establishing a facility within the Enterprise Zone through the occupation and renovation of an existing facility that will house the company's stainless steel rolling and finishing operations, (hereinafter referred to as the "Project"), provided that the appropriate development incentives are available to support the economic viability of said Project; and

Whereas, the Project contemplates two phases: Phase 1 being the purchase of the existing assets of the former Washington Steel plant facility, including start-up expenses, machinery and equipment and plant upgrading; and Phase 2 being the expansion of the facility, including the purchase and installation of additional machinery and equipment; 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 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 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. 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 Massillon Stainless with the incentives available for development of the Project in the said Enterprise Zone, under Chapter 5709 of the Ohio Revised Code; and

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

Whereas, Massillon Stainless 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 Massillon Stainless, 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 Massillon Stainless 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:

Phase 1 of this Project is as follows: Massillon Stainless shall acquire the existing steel mill, which is approximately 78,000 square feet in size, and located on Out Lot 773, a 61.389 parcel of land located at 411 Oberlin Road, S.W. (Hereinafter, the "Project Site", a legal description of which is attached as Tab A to the Application.). Massillon Stainless shall upgrade the existing facility and purchase and install at the project site machinery and equipment as listed in Tab B attached to the Application.

Phase 1 of this Project will involve a total investment by Massillon Stainless of (\$11,300,000) Eleven Million Three Hundred Thousand Dollars, plus or minus 15%, at the proposed project site. Included in this investment are (\$800,000) Eight Hundred Thousand Dollars for improvements to the existing facility; (\$3,500,000) Three Million Five Hundred Thousand Dollars to purchase first used machinery and equipment; furniture and fixtures, and (\$7,000,000) Seven Million Dollars for new inventory.

Phase 2 of this Project is as follows: Massillon Stainless shall expand its manufacturing operations at the Project Site through additional upgrading of the plant and the purchase and installation of machinery, equipment, furniture and fixtures as listed in Tab B attached to the Application. Phase 2 shall commence within 24-36 months.

Phase 2 of this Project will involve a total additional investment by Massillon Stainless of (\$10,000,000) Ten Million Dollars , plus or minus 15%, at the proposed project site. Included in this investment is (\$100,000) One Hundred Thousand Dollars for improvements to the existing facility; (\$4,900,000) Four Million Nine Hundred Thousand Dollars to purchase first used machinery and equipment; furniture and fixtures, and (\$5,000,000) in new inventory.

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 January 2000, and all acquisition, construction, and installation under will be completed by December 31, 2003.

The total investment by Massillon Stainless in undertaking Phase 1 of this Project and establishing the new facility represents a significant new investment on behalf of the enterprise, and as such, the City of Massillon hereby determines that the Project is eligible for the tax incentives and other benefits as described in this Agreement.

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

Section 3:

With regard to the Project, Massillon Stainless shall create within a time period not exceeding 36 months after commencement of the Project the equivalent of 106 new full-time permanent job opportunities.

Massillon Stainless's schedule for hiring is as follows: create 75 new full-time permanent jobs in year one, and 31 new full-time permanent jobs in years two - three. The job creation period begins in 2000 and all jobs under Phase 1 will be in place by December 31, 2003.

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 (\$3,931,200) Three Million Nine Hundred Thirty-One Thousand Two Hundred Dollars of additional annual payroll for the Enterprise.

Section 4:

Massillon Stainless 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. Massillon Stainless shall also be required to supply a copy of the Ohio Department of Taxation State Tax return form 913 to the Tax Incentive Review Council for each year the agreement is in effect or required to be reviewed.

Section 5:

The City of Massillon hereby grants Massillon Stainless a tax exemption pursuant to Section 5709.62 for eligible new tangible personal property acquired in conjunction with the Project. This tax exemption shall be at the rate of 100% on all machinery and equipment, as well as increases in inventory over the base level, acquired as part of the Project. Each identified project improvement will receive a ten year exemption period. The exemption commences the first year for which the tangible personal property would first be taxable were that property not exempted from taxation. No exemption for Phase I of the Project shall commence after December 31, 2003 nor extend beyond December 31, 2013.

The tax exemption granted in this Section is made subject to the Compensation Agreement (attached hereto as Exhibit "B") by and between Massillon Stainless, the Massillon School District Board of Education (the "District"), and the City of Massillon. If this Compensation Agreement is not executed or is terminated by the parties, the percentage of abatement granted by the City of Massillon in Section 5 of this Enterprise

Zone Agreement shall revert to the rate of 75% on the eligible new tangible personal property as described herein.

Section 6:

The City of Massillon hereby grants Massillon Stainless 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 for Phase 1 of the Project shall commence after December 31, 2003 nor extend beyond December 31, 2013.

The tax exemption granted in this Section is made subject to the Compensation Agreement (attached hereto as Exhibit "B") by and between Massillon Stainless, the Massillon School District Board of Education (the "District"), and the City of Massillon. If this Compensation Agreement is not executed or is terminated by the parties, the percentage of abatement granted by the City of Massillon in Section 6 of this Enterprise Zone Agreement shall revert to the rate of 75% on the real property improvements as described herein.

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

Section 7:

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

Section 8:

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

Section 9:

Massillon Stainless 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 10:

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

Section 11:

If for any reason the Enterprise Zone designation expires, the Director of the Ohio Department of Development revokes certification of the zone, or the City of Massillon revokes the designation of the zone, entitlements granted under this agreement shall continue for the number of years specified under this agreement, unless Massillon Stainless 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 12:

If Massillon Stainless 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 13:

Massillon Stainless hereby certifies that at the time this agreement is executed, it does not owe any delinquent real or tangible personal property taxes to any taxing authority in the State of Ohio, and does not owe delinquent taxes for which Massillon Stainless is liable under Chapter 5733., 5735., 5739., 5741., 5743., 5747., or 5753. of the Revised Code, or, if such delinquent taxes are owed, Massillon Stainless 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 Massillon Stainless. For the purposes of the certification, delinquent taxes are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the Revised code governing payment of those taxes.

Section 14:

Massillon Stainless affirmatively covenants that it does not owe: (1) any delinquent taxes to the State of Ohio or a political subdivision of the State: (2) any moneys to the

State or a state agency for the administration or enforcement of any environmental laws of the State; and (3) any other moneys to the State, a state agency or a political subdivision of the State that are past due, whether the amounts owed are being contested in a court of law or not.

Section 15:

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

Section 16:

The City of Massillon has developed a policy to ensure recipients of Enterprise Zone tax benefits practice non-discriminating hiring in its operations. By executing this agreement, Massillon Stainless 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 18:

Exemptions from taxation granted under this agreement shall be revoked if it is determined that Massillon Stainless, 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, 5709.63 or 5709.632 of the Ohio Revised Code prior to the time prescribed by that division or either of those sections.

Section 19:

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

Section 20:

Massillon Stainless affirmatively covenants that it has made no false statements to the State or local political subdivision in the process of obtaining approval for the Enterprise Zone incentives. If any representative of Massillon Stainless has knowingly made a false statement to the State or local political subdivision to obtain the Enterprise Zone incentives, Massillon Stainless 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. ____-2000, has caused this instrument to be executed this ____ day of _____, 2000; and Massillon Stainless, Inc., by Sanjeev K. Vijay, its General Manager (Finance), has caused this instrument to be executed this day of _____, 2000.

WITNESSED BY:

THE CITY OF MASSILLON, OHIO

Francis H. Cicchinelli, Jr., Mayor

MASSILLON STAINLESS, INC.

Sanjeev K. Vijay, General Manager, Finance

Approved as to form and legal sufficiency:

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

DATE: February 7, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 11 - 2000

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, and Massillon Stainless, Inc. authorizing general compensation to the school district resulting from the Enterprise Zone Agreement for the Massillon Stainless, Inc. Project, and declaring an emergency.

WHEREAS, Massillon Stainless, Inc., has 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 Massillon Stainless, Inc., 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 Massillon Stainless, Inc., 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, and Massillon Stainless, Inc. authorizing general compensation to the school district resulting from the Enterprise Zone Agreement for the Massillon Stainless, Inc., 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, and Massillon Stainless, Inc. authorizing general compensation to the school district resulting from the Enterprise Zone Agreement for the Massillon Stainless, Inc.,

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 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 _____ 2000

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 Avenue, S.E., Massillon, Ohio 44646 (hereinafter "School Board") and **Massillon Stainless, Inc.** a _____ corporation with its main offices located at 411 Oberlin Road S.W., Massillon, Ohio 44647 (hereinafter "Massillon Stainless"); 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 Massillon Stainless 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. _____, adopted _____, 2000 to grant a tax exemption to Massillon Stainless and entered into a formal enterprise zone agreement on _____ 2000; and

Whereas, the City, the School Board, and Massillon Stainless 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 Massillon Stainless to the School Board under Section 2 of this Agreement.

"Enterprise Zone Agreement" shall be the Enterprise Zone Agreement executed by the City, and Massillon Stainless on _____, 2000, 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 the real and personal property investment by Massillon Stainless in connection with improvements to be made to the project site 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, Massillon Stainless 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 Massillon Stainless 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 Massillon Stainless in the preceeding year. The amount of Massillon Stainless 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 Massillon Stainless in the preceding year pursuant to the terms of the Enterprise Zone Agreement, with such payment being made directly to the School Board. Such payments will be made only so long as the Enterprise Zone Agreement is in effect and Massillon Stainless is receiving the real estate and the personal property tax exemptions in accordance therewith. All such contributions shall cease if the tax abatement 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 Massillon Stainless is required to reimburse or repay all or any part of the taxes abated under the Enterprise Zone Agreement, then any sums paid by Massillon Stainless under this Section, during the term of the Enterprise Zone Agreement shall be applied to the sum to be refunded by Massillon Stainless or shall be credited against the taxes or other sums deemed to be due and owing.

Massillon Stainless shall make such Annual Payment Amount on or before June 30 of each calendar year following an Exemption Year in which Massillon Stainless 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 5709.82 except as otherwise provided in Section 15 herein. With 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 15 herein.

Section 4: Division of Annual Payment Amount

Within thirty (30) business days of receipt of the Annual Payment Amount from Massillon Stainless 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. 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 Massillon Stainless 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 Massillon Stainless in the dispute.

Section 5: Enforcement

The obligation to make an Annual Payment Amount to the School Board may be enforced directly against Massillon Stainless 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, Massillon Stainless, 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. Massillon Stainless 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 913-EX or its successor) containing information on the personal property comprising the Project. Massillon Stainless 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: 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 7: 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 8: 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 9: Assignment

The obligation to make an Annual Payment Amount to the School Board is made for its benefit. Such obligation undertaken by Massillon Stainless in this agreement may not be assigned by Massillon Stainless 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 Massillon Stainless, the controlling interest of which is held by Massillon Stainless.

Section 10: 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 11: 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 12: 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 13: 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 14: Scholarships / Internships

The parties agree to the following:

Each year that the Enterprise Zone Agreement is in effect, Massillon Stainless shall provide \$2,000 for college or trade/technical school Scholarships to be awarded by the Massillon City School District. The Board or its "designee shall select the recipients. The scholarships shall be designated as the "Massillon Stainless, Inc., Scholarship Awards".

Each year that the Enterprise Zone Agreement is in effect, Massillon Stainless Shall provide an internship program for students of the Massillon City School District. The terms of the program will be mutually agreed to by Massillon Stainless and the Superintendent of the District.

Section 15: Municipal Income Tax Sharing Provisions

In the event that Section 16: Termination is implemented, the municipal income tax sharing provisions of ORC Section 5709.82 shall be reinstituted.

Section 16: 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 _____, 2000.

WITNESSED BY:

THE CITY OF MASSILLON, OHIO

Francis H. Cicchinelli, Jr., Mayor

WITNESSED BY:

Kristine Johnston

Sandy Hanson

THE BOARD OF EDUCATION OF THE
MASSILLON CITY SCHOOL DISTRICT

Robert C. Den Interim
Superintendent

Teresa R. [Signature]
Treasurer

WITNESSED BY:

MASSILLON STAINLESS, INC.

Sanjeev K. Vijay, General Manager

Approved as to form and legal sufficiency:

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

DATE: February 7, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 12 - 2000

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE amending Ordinance No. 235-1999, clarifying the boundaries and application period for the Community Reinvestment Area within the City of Massillon, Ohio, and declaring an emergency.

WHEREAS, the Council of the City of Massillon, Ohio, through Ordinance No. 235-1989, passed on January 17, 1990, established a Community Reinvestment Area, within a portion of its Central Business District, pursuant to Sections 3735.65 to 3735.70, inclusive, of the Ohio Revised Code, for the purpose of offering tax incentives to encourage housing maintenance and economic and community development in areas that have not enjoyed reinvestment by remodeling or new construction; and

WHEREAS, pursuant to Ordinance No. 235-1989, applications for tax exemptions for improvements to real property within the Community Reinvestment Area, pursuant to Section 3735.67 of the Ohio Revised Code, were to be accepted through December 31, 1999; and

WHEREAS, this Council, through Ordinance No. 261-1999, passed on December 20, 1999 extended the boundaries of the City's Community Reinvestment Area and extended the period through which applications for tax exemptions through December 31, 2009. and

WHEREAS, it is now necessary to amend Ordinance No. 261-1999, to bring its provisions into accordance with State of Ohio requirements.

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

Section 1:

That Section 1 of Ordinance No. 261-1999 is hereby amended to read as follows:

Section 1:

That the boundaries of the Community Reinvestment Area established pursuant to Ordinance No. 235-1989 shall be hereby amended 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 2:

That Section 5 of Ordinance No. 261-1999 is hereby amended to read as follows:

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, 2004.

Section 3:

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.

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

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

DATE: February 7, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 13 - 2000

BY: HEALTH, WELFARE AND BUILDING REGULATIONS COMMITTEE

Title: AN ORDINANCE approving the editing and inclusion of certain Ordinances as parts of the various component Codes of the Codified Ordinances of Massillon, Ohio, and declaring an emergency.

WHEREAS, various ordinances of a general and permanent nature have been passed which should be included in the Codified Ordinances of Massillon, Ohio; and

WHEREAS, numerous sections in the Traffic and General Offenses Codes need to be amended or enacted so as to conform to enactments of the Ohio General Assembly;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MASSILLON, OHIO, IN REGULAR SESSION SITTING: TWO-THIRDS OF THE MEMBERS CONCURRING:

SECTION 1: That the editing, arrangement and numbering or renumbering of the following ordinances and parts of ordinances are hereby approved as parts of the various component codes of the Codified Ordinances of Massillon, Ohio, so as to conform to the classification and numbering system of the Codified Ordinances to wit:

<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
56-1999	4-5-99	925.20(c)
61-1999	4-19-99	1129.01
86-1999	5-17-99	965.01 to 965.07
101-1999	6-7-99	937.09(a)(1), (11), (12)
102-1999	6-7-99	1153.03(h)
103-1999	6-7-99	1187.14
104-1999	6-7-99	155.02(a)
107-1999	6-7-99	937.08
131-1999	7-6-99	142.01(c)
182-1999	9-7-99	965.09(j)
213-1999	11-1-99	133.04
233-1999	12-6-99	965.09

SECTION 2: The following sections of the Traffic and General Offenses Codes, as amended, are hereby approved and adopted as amended or enacted so as to conform to enactments of the Ohio General Assembly.

Traffic Code

331.35	Occupying a Moving Trailer or Manufactured or Mobile Home. (Amended)
331.38	Stopping for School Bus. (Amended)
333.031	Approaching a Stationary Public Safety Vehicle. (Added)
335.07	Driving Under Suspension or Revocation. (Amended)
335.99	Penalty. (Amended)
351.04	Handicapped Parking. (Amended)
351.99	Penalty. (Amended)
375.01	Definitions. (Amended)
375.02	Equipment. (Amended)
375.03	Application; Prohibited Operation. (Amended)
375.04	Permitted Operation. (Amended)
375.05	Licensing Requirements. (Amended)
375.06	Registration of Vehicle. (Amended)
375.07	Accident Reports. (Amended)
375.08	Certificate of Title. (Added)

General Offenses Code

501.01	Definitions. (Amended)
501.05	Criminal Law Jurisdiction. (Amended)
509.03	Disorderly Conduct. (Amended)
537.03	Assault. (Amended)
537.051	Menacing by Stalking. (Amended)
537.10	Telecommunication Harassment. (Amended)
541.07	Desecration. (Amended)
545.01	Definitions. (Amended)
545.02	Determining Value in Theft Offense. (Amended)
545.05	Theft. (Amended)
545.06	Unauthorized Use of a Vehicle. (Amended)
545.08	Unauthorized Use of Property. (Amended)
545.10	Misuse of Credit Cards. (Amended)
545.14	Tampering With Records. (Amended)
545.15	Securing Writings by Deception. (Amended)
545.18	Receiving Stolen Property. (Amended)
545.21	Taking the Identity of Another. (Added)
549.14	Possessing Replica Firearm in School. (Amended)

SECTION 3: A copy of such Ordinances as edited, arranged and numbered or renumbered as parts of the Codified Ordinances is attached to this Ordinance in the form of 200 Replacement Pages to the Codified Ordinances.

SECTION 4: That this Ordinance is 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 there exists an imperative necessity for the earliest publication and distribution of the Codified Ordinances to the officials and residents of the City of Massillon, Ohio, so as to facilitate administration, daily operation and avoid practical and legal entanglements. And 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 _____, 2000.

ATTEST:

Clerk of Council

President of Council

APPROVED: _____

Mayor

DATE: February 7, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 14 - 2000

BY: STREETS, HIGHWAYS, TRAFFIC AND SAFETY COMMITTEE

TITLE: AN ORDINANCE accepting the Dedication Plat for an extension to existing North Avenue N.E., in the City of Massillon, County of Stark, State of Ohio, presently on file in the office of the City Engineer, and declaring an emergency.

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

Section 1:

The Dedication Plat for an extension to existing North Avenue N.E., in the City of Massillon, County of Stark and State of Ohio, presently on file in the office of the City Engineer, be and the same is approved and accepted and that the dedication plat for an extension to public use of North Avenue N.E. thereon shown, be and the same is hereby accepted and confirmed. This extension of the dedication plat for North Avenue N.E., was approved by the Planning Commission at the meeting held January 12, 2000. That the City Engineer has requested that this City owned roadway be formally accepted as a dedicated plat for a public right-of-way by the City and now on file with the City Engineer and the Council hereby approves the dedication as heretofore described:

An extension to existing North Avenue N.E., a 0.122 acre parcel of land, located between Lewis Place, N.E. and North Sippo Park and being part of Out Lot 64. in the City of Massillon, County of Stark and State of Ohio.

Section 2:

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

PASSED IN COUNCIL THIS _____ DAY OF _____, 2000

ATTEST: _____

SHARON HOWELL, CLERK OF COUNCIL

DENNIS D. HARWIG, PRESIDENT

APPROVED: _____

FRANCIS H. CICCHINELLI, JR., MAYOR

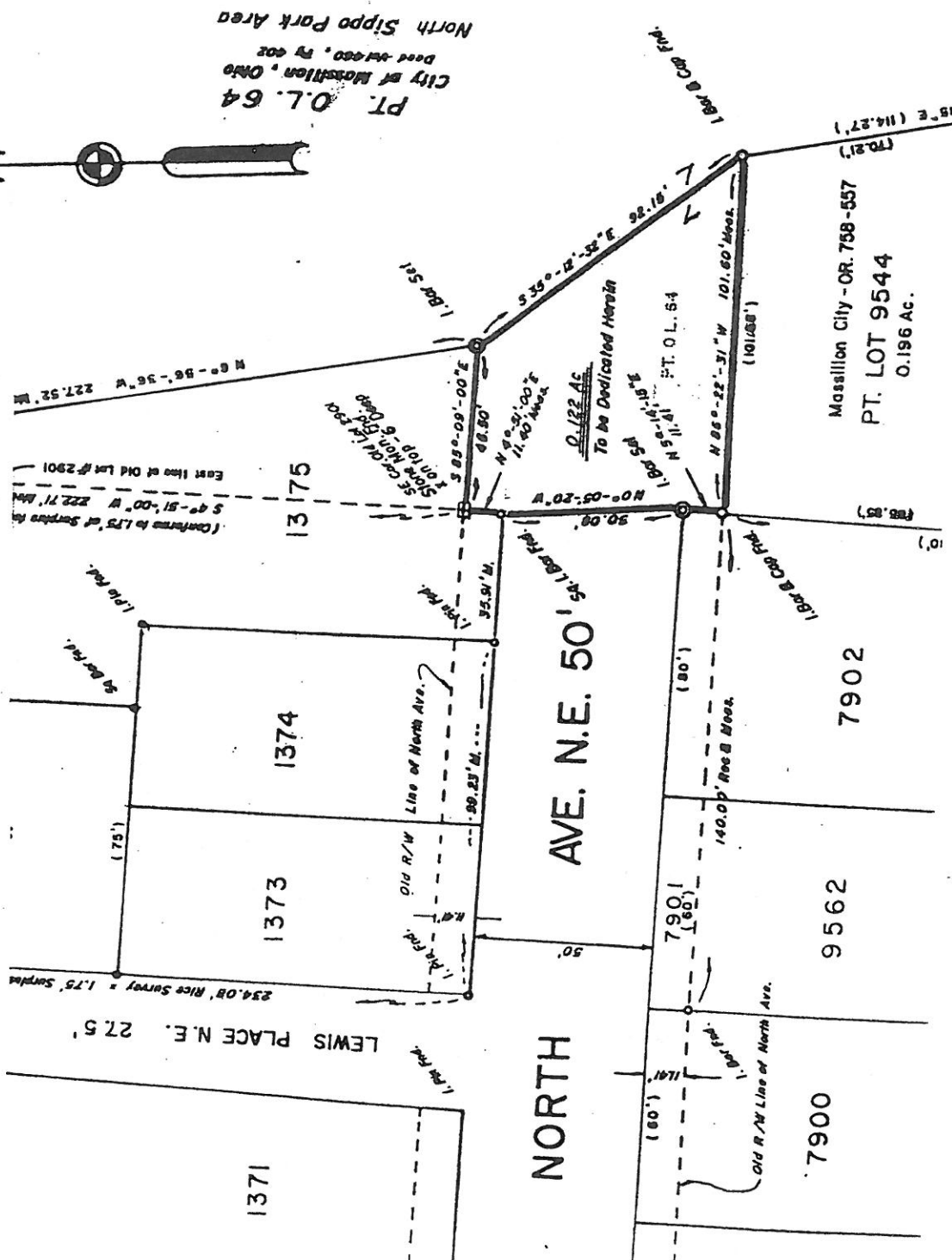
STATE OF OHIO
ORVILLE R. DEBOS, JR.
REGISTERED SURVEYOR
5823

NORTH AVE. N.E.

SCALE: 1" = 30'

DATE: DEC. 11, 1999

DEPARTMENT OF PUBLIC SERVICE,
ENGINEERING DIVISION
JAMES J. BENEKOS, CITY ENGINEER



DATE: February 7, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 15 - 2000

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to accept the Federal Bulletproof Vest Partnership Grant from the Bureau of Justice Assistance for use by the Massillon Police Department, 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 Mayor to accept the Federal Bulletproof Vest Partnership Grant from the Bureau of Justice Assistance for use by the Massillon Police Department to aid in the purchase of bulletproof vests.

Section 2:

The Mayor of the City of Massillon, Ohio, is hereby authorized to accept the Federal Bulletproof Vest Partnership Grant from the Bureau of Justice Assistance for use by the Massillon Police Department. Said grant shall be in an amount of Eight Thousand Thirty-Two Dollars and Fifty Cents (\$8,032.50).

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 help in the purchase of bulletproof vests for the Massillon Police 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 _____ 2000

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

APPROVED _____
FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: February 7, 2000 CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 16 - 2000

BY: FINANCE COMMITTEE

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

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

Section I:

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

(Bid List Attached)

Section 2:

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

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

Section 3:

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

Section 4:

This Ordinance is declared to be an emergency measure immediately necessary for the reason being that the materials, supplies and equipment to be purchased are needed for immediate use and for the preservation of the health, safety and welfare of the community. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____ 2000

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

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

ATTACHMENT "A"

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

STREET DEPARTMENT

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

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

MISCELLANEOUS

9. 200 tons, more or less, No. 4 gravel gravel \$ _____ ton
(Loaded on City trucks)
200 tons, more or less, No. 4 limestone limestone \$ _____ ton
(Loaded on City trucks)

10. 500 tons, more or less, No. 57 gravel
(Loaded on City trucks) gravel \$ _____ ton
500 tons, more or less, No. 57 limestone
(Loaded on City trucks) limestone \$ _____ ton
11. 5,000 tons, more or less, as the City may require, of Rock Salt
for ice control for a period of October 1, 2000 to March 31, 2001 \$ _____ ton
Salt must be delivered and dumped at Massillon City Garage
12. 2,000 tons, more or less, as the City may require, of Grit (hauled by
City trucks) for a period of October 1, 2000 to March 31, 2001. \$ _____ ton
13. Bids for the purpose of purchasing fuel at an off-site location for all City owned vehicles.
Specifications available at the Safety-Service Director's office.

WASTEWATER TREATMENT PLANT

14. 36 - 150 pound cylinders, more or less, as the City may require of liquid chlorine gas delivered
six (6) at a time.
15. 15,000 gallons, more or less, of sodium bisulfite \$ _____ gal.
16. 30,000 gallons, more or less, of sodium hypochlorite \$ _____ gal.

GOLF COURSE DEPARTMENT

17. Chemicals - specifications available at the Safety-Service Director's office
18. Fertilizers - specifications available at the Safety-Service Director's office

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

DATE: February 7, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 17 - 2000

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain transfers in the 2000 appropriation from within the General Fund to the Parks and Recreation 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 2000 appropriation from within the General Fund to the Parks and Recreation Fund, of the City of Massillon, Ohio, the following:

\$100,000.00 FROM: "Misc. Trans To Parks and Rec." 1100.905.2711
TO: "Parks & Rec" 1234.505.1860

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 Parks and Recreation 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 _____ 2000

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

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

DATE: February 7, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 18 - 2000

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE reducing appropriations in the Section 108 Fund and UDAG Towne Plaza Fund of the City of Massillon, for the year ending December 31, 2000, 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 a reduced appropriation in the Section 108 Fund for the year ending December 31, 2000, the following:

\$500,000.00 from an account entitled "Section 108" 1205.845.2392

Section 2:

There be and hereby is a reduced appropriation in the UDAG Towne Plaza Fund for the year ending December 31, 2000, the following:

\$25,000.00 from an account entitled "Professional Fees" 1217.845.2393

Section 3:

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: February 7, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 19 - 2000

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Section 108 Loan Repayment Fund, Community Development Block Grant Program Fund, Capital Improvement Fund, and the Park and Rec Bond Retirement Fund of the City of Massillon, for the year ending December 31, 2000, 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 Section 108 Loan Repayment Fund for the year ending December 31, 2000, the following:

\$186,546.00 to an account entitled "Interest" 1341.845.2620

Section 2:

There be and hereby is appropriated from the unappropriated balance of the Community Development Block Grant Program Fund for the year ending December 31, 2000, the following:

\$150,000.00 to an account entitled "Canal View Streetscape project" 1203.845.2510

\$ 20,000.00 to an account entitled "Joe Sparma Center" 1203.845.2832

Section 3:

There be and hereby is appropriated from the unappropriated balance of Capital Improvement Fund for the year ending December 31, 2000, the following:

\$ 27,920.00 to an account entitled "Tanker Conversion" 1401.325.2530

Section 4:

There be and hereby is appropriated from the unappropriated balance of Park and Rec Bond Retirement Fund for the year ending December 31, 2000, the following:

\$ 230.00 to an account entitled "Service Fees" 1306.505.2392

Section 5:

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 _____ 2000

ATTEST: _____

SHARON HOWELL, CLERK OF COUNCIL

_____ DENNIS D. HARWIG, PRESIDENT

APPROVED: _____

_____ FRANCIS H. CICCHINELLI, JR, MAYOR

DATE: February 7, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 20 - 2000

BY: HEALTH, WELFARE AND BUILDING REGULATIONS COMMITTEE

TITLE: AN ORDINANCE amending CHAPTER 509 "DISORDERLY CONDUCT AND PEACE DISTURBANCE" of the Codified Ordinances of the City of Massillon, by repealing existing Section 509.13 "COMPULSORY SCHOOL ATTENDANCE; PARENTAL DUTY IMPOSED" and enacting a new Section 509.13 "COMPULSORY SCHOOL ATTENDANCE; PARENTAL DUTY IMPOSED" of CHAPTER 509 "DISORDERLY CONDUCT AND PEACE DISTURBANCE", and declaring an emergency.

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

Section 1:

The existing Section 509.13 "COMPULSORY SCHOOL ATTENDANCE; PARENTAL DUTY IMPOSED" of CHAPTER 509 "DISORDERLY CONDUCT AND PEACE DISTURBANCE" of the Codified Ordinances of the City of Massillon be and hereby is repealed.

Section 2:

That there be and hereby is enacted a new Section 509.13 "COMPULSORY SCHOOL ATTENDANCE; PARENTAL DUTY IMPOSED" of CHAPTER 509 "DISORDERLY CONDUCT AND PEACE DISTURBANCE" of the Codified Ordinances of the City of Massillon. Said newly enacted Section shall read as follows:

509.13 COMPULSORY SCHOOL ATTENDANCE; PARENTAL DUTY IMPOSED

- (a) No minor over the age of six, other than a minor that has been suspended or expelled from school, shall be at any place within the City except in attendance at school during required attendance unless the minor has written proof from school authorities excusing him or her from attending school at that particular time or unless the minor is accompanied by a parent or legal guardian, or a responsible adult selected by the parent or legal guardian to supervise the minor.

- (b) Each parent or legal guardian of a minor over the age of six shall have a duty to prohibit the minor from behaving contrary to subsection (a) hereof. No person shall negligently fail to fulfill the duty imposed by this subsection.
- (c) It shall be an affirmative defense to subsections (a) and (b) hereof that the minor, at the time he or she was found at a place other than in school, was not required by law to be in attendance at school.
- (d) It shall be an affirmative defense to subsection (b) hereof that the parent or legal guardian initiated the jurisdiction of the Juvenile Court against the minor prior to the time that the minor was found violating subsection (a) hereof.
- (e) Police Officer, school attendance officer, probation or parole officer, when applicable, shall transport any minor found violating subsection (a) hereof to the Police Department for processing. At that time the minor can be booked under this section and transported to the juvenile attention center or summoned into juvenile court under this section. No minor will be released except into the custody of his or her parent or legal guardian.
- (f) Any minor violating the provisions of Section 509.13 shall be guilty of an act of unruliness and shall be cited to the Stark County Juvenile Court.
- (g) Any parent, guardian or other adult person violating Section 509.13 shall be guilty of a minor misdemeanor. For a second or any subsequent violation of these sections, such parent, guardian or other adult person shall be guilty of a misdemeanor of the fourth degree.

Section 3:

This Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said enactments are necessary for the more efficient operation of the local school system and the Municipal Court of the City of Massillon, Ohio, and for the additional reason for the preservation of the public health, safety and welfare of the community. And 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 _____, 2000

ATTEST: _____

SHARON HOWELL, CLERK OF COUNCIL

DENNIS D. HARWIG, PRESIDENT

APPROVED: _____

FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: December 6, 1999

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

RESOLUTION NO. 5 - 2000

BY: COMMUNITY DEVELOPMENT AND ANNEXATION COMMITTEE

TITLE: A RESOLUTION reversing the decision of the Massillon Zoning Board of Appeals made on January 13, 2000, wherein the Zoning Board of Appeals did not approve certain variances as it relates to property owned by Ms. Lori Gardner and known as Lot No. 26191 located at 2066 Tremont Avenue S.W., Massillon, Ohio, and declaring an emergency.

WHEREAS, the Massillon Zoning Board of Appeals on January 13, 2000 decided to deny the variances requested to build a 28' x 28' commercial place of business located at 2066 Tremont Avenue S.W., and known as Lot No. 26191 and which property is owned by Ms. Lori Gardner.

WHEREAS, on January 18, 2000, a Notice of Appeal pursuant to Section 1129.09 of the Massillon Zoning Code has been filed with the Clerk of Council by Ms. Lori Gardner, the owner of the property located at 2066 Tremont Avenue S.W. and known as Lot No. 26191, in the City of Massillon, Ohio, appealing a decision in Case No. 910 of the Massillon Zoning Board of Appeals.

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

Section 1:

The Council of the City of Massillon, Ohio, deems it is in the best interest for proper community growth to reverse the decision of the Massillon Zoning Board of Appeals made on January 13, 2000, in Case No. 910, in regards to the variances requested for property owned by Ms. Lori Gardner, located at 2066 Tremont S.W. and known as Lot No. 26191.

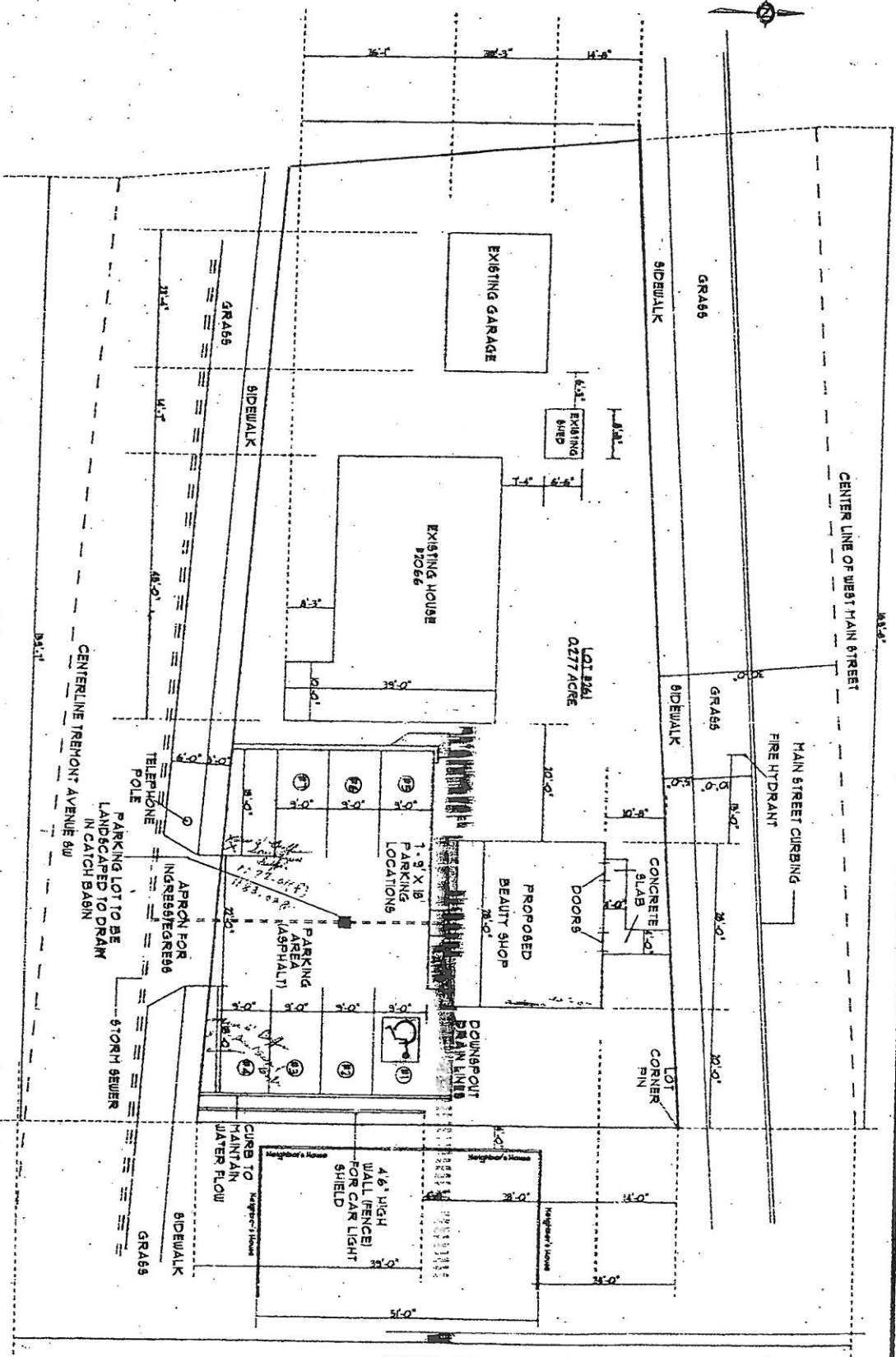
Section 2:

This Resolution is declared to be an emergency measure in that the reversal of the decision of the Massillon Zoning Board of Appeals is essential for the proper community growth and hence immediately necessary for the preservation of the health, safety and welfare of the community. Wherefore, this Resolution shall be in full force and effect immediately from and after passage and approval by the Mayor.

PASSED IN COUNCIL THIS _____ DAY OF _____ 2000

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

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



A diagram of a simple frame structure consisting of two vertical columns and a horizontal beam. The left column is fixed at its base. The right column is supported by a roller at its base. A horizontal beam connects the top of the two columns. Internal forces are indicated: a horizontal force H acts to the right at the top of the left column, and a horizontal force H acts to the left at the top of the right column. A vertical force V acts downwards at the top of the left column, and a vertical force V acts upwards at the top of the right column. The beam is shown with internal forces: a horizontal force H acts to the right at its left end, and a horizontal force H acts to the left at its right end. A vertical force V acts downwards at its left end, and a vertical force V acts upwards at its right end.

