

AGENDA

DATE: MARCH 6, 2000
PLACE: COUNCIL CHAMBERS
TIME: 7:30 P.M.

1. ROLL CALL
2. INVOCATION - COUNCILMAN GLENN GAMBER
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. 38 - 2000 BY: SEWER AND WASTE DISPOSAL COMM

SDH
1st ✓ **AN ORDINANCE** amending CHAPTER 937 "WASTEWATER TREATMENT REVENUE FUND" of the Codified Ordinances of the City of Massillon, by repealing existing Section 937.09(a) "Annual Rates for Sewer Service" - Domestic Class and Section 937.10(c) "Additional Surcharge For Industrial Wastes" of CHAPTER 937, and declaring an emergency.

ORDINANCE NO. 39 - 2000 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

P ✓ **AN ORDINANCE** authorizing and directing the Mayor to enter into an agreement with Rayco Manufacturing, 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.

ORDINANCE NO. 40 - 1999 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

P ✓ **AN ORDINANCE** authorizing and directing the Mayor to enter into an agreement with the Perry School District Board of Education and Rayco Manufacturing, Inc., whereby authorizing general compensation to the School District resulting from the Enterprise Zone Agreement for the Rayco Manufacturing, Inc., Project, and declaring an emergency.

ORDINANCE NO. 41 - 2000 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

P ✓ **AN ORDINANCE** authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract agreement with the Massillon Chapter of Habitat for Humanity to assist in the construction of new housing for low income homeowners in the City of Massillon, Ohio, and declaring an emergency.

ORDINANCE NO. 42 - 2000 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

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

ORDINANCE NO. 43 - 2000 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

P ✓ **AN ORDINANCE** authorizing and directing the Director of Public Service and Safety to enter into an agreement for the purchase of property known as Part of Lot No. 9248, in the City of Massillon, Ohio, which is currently owned by Archie Toland, and declaring an emergency.

MARCH 6, 2000

ORDINANCE NO. 44 - 2000 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

P
AN ORDINANCE authorizing and directing the Director of Public Service and Safety to enter into an agreement for the purchase of property known as Lots No. 2524 and 15421, in the City of Massillon, Ohio, which is currently owned by Ida Pierce, and declaring an emergency.

ORDINANCE NO. 45 - 2000 BY: PARKS AND RECREATION COMM

P
AN ORDINANCE authorizing and directing the Director of Public Service and Safety to enter into an agreement for the purchase of property known as Part of Lots No. 2533, 13476 and 15432, in the City of Massillon, Ohio, which is currently owned by Joe Knapp, and declaring an emergency.

ORDINANCE NO. 46 - 2000 BY: PARKS AND RECREATION COMM

P
AN ORDINANCE authorizing and directing the Director of Public Service and Safety to enter into an agreement for the purchase of property known as Part of Lot No. 13475, 82.95' north side, in the City of Massillon, Ohio, which is currently owned by Steven D. Studer, and declaring an emergency.

ORDINANCE NO. 47 - 2000 BY: PUBLIC UTILITIES/GOLF COURSE COMMITTEE

SDH
P
AN ORDINANCE amending Ordinance No. 223 - 1995 Section 2(8) which provided for water service to be furnished by Consumers Ohio Water Company to the City of Massillon, Ohio, and the inhabitants thereof, and declaring an emergency.

ORDINANCE NO. 48 - 2000 BY: PUBLIC UTILITIES/GOLF COURSE COMMITTEE

SDH
P
AN ORDINANCE authorizing the director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids, and to enter into contract upon award of the Board of Control, with the lowest and best bidder for improvements and expansion of the club house at The Legends of Massillon Golf Course, and declaring an emergency.

ORDINANCE NO. 49 - 2000 BY: FINANCE COMMITTEE

SDH
P
AN ORDINANCE making certain transfers in the 2000 appropriation from within the Marketplace Infrastructure Fund to the TIF Debt Retirement Fund (Market Place), of the City of Massillon, Ohio, and declaring an emergency.

ORDINANCE NO. 50 - 2000 BY: FINANCE COMMITTEE

SDH
P
AN ORDINANCE making certain appropriations from the unappropriated balance of the Canal View Streetscape Fund, Community Development Block Grant Program Fund and the Capital Improvement Fund, of the City of Massillon, for the year ending December 31, 2000, and declaring an emergency.

Computer Upgrades - Engr. Dept.
Lincoln Center II - Prof. Services

MARCH 6, 2000

ORDINANCE NO. 51 - 2000 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM.

1ST
AN ORDINANCE declaring certain described territory in the Central business and General Business Districts of the City of Massillon, Ohio, and known as the Lincoln Centre Phase III Project Area, as a slum and blighted area, and approving the Downtown Redevelopment plan for the Lincoln Centre Phase III Project, and declaring an emergency.

P - RESOLUTION #7 - (Added to agenda)

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 FEBRUARY - 2000

B). AUDITOR SUBMITS MONTHLY REPORT FOR FEBRUARY - 2000

C). COUNCIL TO ACCEPT RULES OF COUNCIL FOR THE 2000-2001 TERM.

11. REPORTS OF COMMITTEES

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

13. CALL OF THE CALENDAR

14. THIRD READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 20 - 2000 BY: HEALTH, WELFARE & BUILDING REGULATIONS COMM

P
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.

15. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 21 - 2000 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

P
AN ORDINANCE repealing Ordinance No. 194 - 1999 and enacting a new ordinance authorizing and directing the Mayor to enter into an agreement with International Enterprises, 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.

ORDINANCE NO. 22 - 2000 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

P
AN ORDINANCE authorizing the Mayor to enter into a contract agreement with the Perry School District Board of Education and International Enterprises, Inc., whereby authorizing general compensation to the School District resulting from the Enterprise Zone Agreement for the international Enterprises, Inc. Project, and declaring an emergency.

MARCH 6, 2000

ORDINANCE NO. 23 - 2000 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

P **AN ORDINANCE** repealing Ordinance No. 167 - 1999 and enacting a new ordinance authorizing and directing the Mayor to enter into an agreement with Sterilite Corporation of Ohio, providing for the adoption of a project which will establish a new facility and create employment opportunities within the City of Massillon Enterprise Zone, and declaring an emergency.

ORDINANCE NO. 24 - 2000 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

P **AN ORDINANCE** authorizing the Mayor to enter into a contract agreement with the Perry School District Board of Education and Sterilite Corporation of Ohio, whereby authorizing general compensation to the School District resulting from the Enterprise Zone Agreement for the Sterilite Corporation of Ohio Project, and declaring an emergency.

16. NEW AND MISCELLANEOUS BUSINESS

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

18. ADJOURNMENT

**SHARON HOWELL
THERE ARE NO PUBLIC HEARINGS THIS EVENING**

DATE: March 6, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 38 - 2000

BY: SEWER AND WASTE DISPOSAL COMMITTEE

TITLE: AN ORDINANCE amending CHAPTER 937 "WASTEWATER TREATMENT REVENUE FUND" of the Codified Ordinances of the City of Massillon, by repealing existing Section 937.09(a) "Annual Rates for Sewer Service" - Domestic Class and Section 937.10(c) "Additional Surcharge For Industrial Wastes" of CHAPTER 937 and enacting a new Section 937.09(a) "Annual Rates For Sewer Service" - Domestic Class and Section 937.10(c) "Additional Surcharge For Industrial Wastes" of CHAPTER 937, 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 937.09(a) "Annual Rates for Sewer Service" - Domestic Class and Section 937.10(c) "Additional Surcharge For Industrial Wastes" of said CHAPTER 937 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 937.09(a) "Annual Rates for Sewer Service" - Domestic Class and Section 937.10(c) "Additional Surcharge For Industrial Wastes" of said CHAPTER 937 of the Codified Ordinances of the City of Massillon. Said newly enacted Section shall read as follows:

(SEE ATTACHMENT "A")

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 and future improvements of the Wastewater Treatment Plant 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

ATTACHMENT "A"

← Missing sections 10-12
See submitted legislation

937.09 ANNUAL RATES FOR SEWER SERVICE

(a) The following rates are effective April 1, 2000, with respect to any such premises situated within the corporate limits of the City:

<u>Classification</u>	<u>Annual Rate</u>	
<u>Domestic Class</u>		
	<u>Existing</u>	<u>Proposed</u>
(1) One family residential	\$109.50	\$120.00
(2) Multiple family residences and apartments	\$213.00 plus 70.00 for each dwelling unit over two	\$120.00 for each dwelling unit
(3) Mobile homes and house trailers	\$109.50	\$120.00
<u>Commercial and Public Authority Class</u>		
(1) Churches	\$ 17.50	\$ 18.60
(2) Stores, restaurants, bars, garages, filling stations, professional offices, barber shops, beauty parlors, bowling alleys, theaters, lodges, clubs, business offices and public buildings	\$ 73.00 for each urinal and commode located in public or private restrooms \$ 31.00 for each restaurant kitchen and sink \$ 17.00 for each hair rinse station \$ 17.50 for each slop sink	\$ 80.00 \$ 34.00 \$ 18.60 \$ 19.20
(3) Hotels, motels, and YMCA units	\$124.00 \$ 17.50 for each bedroom	\$136.00 \$ 19.20
(4) Rooming houses	\$106.00 plus \$ 17.50 for each bedroom exceeding one (1)	\$116.00 \$ 19.20
(5) Hospitals, nursing or convalescent homes, Ohio Youth Commission Facilities, & Massillon State Hospital	\$ 15.00 for each patient student housed and employee	\$ 16.40
(6) Football or baseball stadiums, field houses, etc.	\$ 1.50 for each 100 seats	\$ 1.60
(7) Laundromat	\$ 64.00 for each machine	\$ 70.00
(8) Laundries	\$ 7.00 for each rated pound of capacity	\$ 7.60

Classification (Cont.)Annual Rate (Cont.)

	<u>Existing</u>	<u>Proposed</u>
(9) Car washes		
A. Each single stall manual	\$ 130.00	\$ 142.00
B. Each single stall automatic	\$ 432.00	\$ 473.00
C. Each drive-through automatic	\$2736.00	\$3000.00

937.10 ADDITIONAL SURCHARGE FOR INDUSTRIAL WASTES

- (c) The surcharge shall be calculated and billed semi-annually based on the results of tests and measurements made by the City.

<u>Additional Surcharge</u>	<u>Existing</u>	<u>Proposed</u>
(1) BOD in excess of 300 mg/l	\$0.04159/lb of BOD	\$0.05/lb of BOD
(2) Suspended solids in excess of 300 mg/l	\$0.04342/lb of SS	\$0.05/lb of SS

<u>Classification</u>	<u>Annual Rate</u>	
<u>Domestic Class</u>		
	<u>Existing</u>	<u>Proposed</u>
(1) One family residential	\$109.50	\$120.00
(2) Multiple family residences and apartments	\$213.00 plus 70.00 for each dwelling unit over two	\$120.00 for each dwelling unit
(3) Mobile homes and house trailers	\$109.50	\$120.00
<u>Commercial and Public Authority Class</u>		
(1) Churches	\$ 17.50	\$ 18.60
(2) Stores, restaurants, bars, garages, filling stations, professional offices, barber shops, beauty parlors, bowling alleys, theaters, lodges, clubs, business offices and public buildings	\$ 73.00 for each urinal and commode located in public or private restrooms \$ 31.00 for each restaurant kitchen and sink \$ 17.00 for each hair rinse station \$ 17.50 for each slop sink	\$ 80.00 \$ 34.00 \$ 18.60 \$ 19.20
(3) Hotels, motels, and YMCA units	\$124.00 \$ 17.50 for each bedroom	\$136.00 \$ 19.20
(4) Rooming houses	\$106.00 plus \$ 17.50 for each bedroom exceeding one (1)	\$116.00 \$ 19.20
(5) Hospitals, nursing or convalescent homes, Ohio Youth Commission Facilities, & Massillon State Hospital	\$ 15.00 for each patient student housed and employee	\$ 16.40
(6) Football or baseball stadiums, field houses, etc.	\$ 1.50 for each 100 seats	\$ 1.60
(7) Laundromat	\$ 64.00 for each machine	\$ 70.00
(8) Laundries	\$ 7.00 for each rated pound of capacity	\$ 7.60
Car washes		
A. Each single stall manual	\$ 130.00	\$ 142.00
B. Each single stall automatic	\$ 432.00	\$ 473.00
C. Each drive-through automatic	\$2736.00	\$3000.00

Classification (Cont.)Annual Rate (Cont.)ExistingProposed

(10) Schools (public and parochial)

\$ 3.50 for each student
and employee

\$ 3.80

(11) Industrial employees

\$ 17.50 for each employee

\$ 19.20

(12) Industrial flow

\$508.00 for each million
gallons

\$560.00

937.10 ADDITIONAL SURCHARGE FOR INDUSTRIAL WASTESAdditional SurchargeExistingProposed

(1) BOD in excess of 300 mg/l

\$0.04159/lb of BOD

\$0.05/lb of BOD

(2) Suspended solids in excess of 300 mg/l

\$0.04342/lb of SS

\$0.05/lb of SS

REQUEST FOR LEGISLATION TO:

Sewer & Waste Committee
Council Committee

REQUEST LEGISLATION FOR:

March 6, 2000

Council Meeting Date

DEPARTMENT REQUESTING LEGISLATION:

James J. Benekos, City Engineer
Department Head

MAYOR'S APPROVAL:

James J. Benekos
Mayor

Date:

February 28, 2000

AVAILABILITY OF FINANCES:

Auditor

Date: _____

SUBJECT OF REQUESTED LEGISLATION: ANNUAL RATES FOR SEWER SERVICE

Please prepare legislation to request revision to Section 937.09, "ANNUAL RATES FOR SEWER SERVICE", and Section 937.10, "ADDITIONAL SURCHARGE FOR INDUSTRIAL WASTES", as shown on the attachments. This rate should become effective April 1, 2000 to coincide with the billing cycle. This increase is approximately 10%.

A rate study is scheduled to be performed later this year. When that is completed, rate increases for subsequent years will be presented to Council for consideration. Those subsequent rates will be structured to provide for a **flat rate** for all residential units and a **flow-based** rate for all non-residential units. This type of rate structure should ease the rates for residential users and provide for a more equitable rate for commercial/industrial users.

The revenues generated by the rate increase is for the planned improvements to the Wastewater Treatment Plant. Construction is planned to begin at the start of 2001.

James J. Benekos
James J. Benekos, P.E., P.S.
City Engineer

Date Given to Auditor: _____

Date Given to Council Clerk: _____

DATE: March 6, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 39 - 2000

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE authorizing and directing the Mayor to enter into an agreement with Rayco Manufacturing, 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, Rayco Manufacturing, Inc., is proposing to construct a new 200,000 foot industrial facility on a 15 acre site in Neocom Park I, on Millennium Boulevard S.E., within the Massillon Enterprise Zone, and Rayco Manufacturing, Inc., is proposing to establish this new facility to relocate its manufacturing operation from Wooster, at a total combined investment of Four Million One Hundred Thousand Dollars (\$4,100,000.00), (hereinafter the "Project"), provided that the appropriate development incentives are available to support the economic viability of said Project. The Company will relocate 116 existing jobs and create a total of 25 new jobs over a 5 year period.; 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 Rayco Manufacturing, Inc., with the incentives available for development of the Project in said Enterprise Zone, under Chapter 5709 of the Ohio Revised Code; and

WHEREAS, Rayco Manufacturing, Inc., has submitted a proposed agreement application, herein attached as Exhibit "A", to the City of Massillon, Ohio, requesting that the incentives available for development within the Enterprise Zone be approved for the Project; and

WHEREAS, the Mayor of the City of Massillon, Ohio, has investigated the application submitted by Rayco Manufacturing, 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 Perry Local School District and the Perry Board of Education has been notified in accordance with Section 5709.83 and have been given a copy of the application.

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

Section 1:

The Council of the City of Massillon, Ohio does hereby authorize and direct the Mayor to enter into an agreement, attached hereto as Exhibit "A" and incorporated herein by reference, with Rayco Manufacturing, 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 2:

This Ordinance is declared to be an emergency measure immediately necessary for the preservation of the health, safety and welfare of the City of Massillon, Ohio and for the further reason that approval of said agreement is necessary so as to maximize the investment that will be made by Rayco Manufacturing, 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

Summary Tax Alternatives: Rayco Manufacturing, Inc.

Totals for 10 Year Tax Abatement Period	0% Abatement	75% Abatement	100% Abatement w/ Side Agreement for 25% taxes
Total Real Estate Taxes Paid	\$296,976	\$74,244	\$0
Non-Emergency School Taxes Payable	\$133,000	\$33,250	\$0
23 Mill Charge-Off State School Funding	\$152,950	\$38,238	\$0
Net Gain in Real Estate Tax Revenue	-\$19,950	-\$4,988	\$0
Total Personal Property Taxes Paid	\$173,814	\$43,453	\$0
Non-Emergency School Taxes Payable	\$94,589	\$23,647	\$0
23 Mill Charge-off School Funding	\$61,456	\$15,364	\$0
Net Gain in Personal Property Tax Revenue	\$33,133	\$8,283	\$0
Enterprise Zone Income Tax Revenue Sharing on Company's additional annual payroll of \$782,500 resulting from new jobs created as a result of the project	NA	\$0	NA
Total Compensation Agreement Payments from Company	NA	NA	\$117,697
Total Net Gain in School Tax Revenues (for the total 10 year abatement period)	\$13,183	\$3,296	\$117,697
Massillon City/Perry Local School District	65.05		
School Levy	51.60	79%	
County Levy	9.60	15%	
Municipal Corp Levy	2.60	4%	
Special District	1.25	2%	

Perry Local School District Tax Breakdown	Real Estate* Personal Property	
Non-Emergency Levies	20.00	35.40
Emergency Levies	16.20	16.20
Total of all School Levies	36.20	51.60

*Real Estate Tax Rate shown is net rate after reductions and rollbacks and represents actual RE taxes paid by property owner

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 Rayco Manufacturing, Inc., a _____ Corporation with its main offices located at 4255 Lincoln Way East, Wooster, Ohio 44691 (hereinafter referred to as "Rayco").

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, Rayco, a manufacturer of stump cutter machines and forestry mowing equipment, is desirous of establishing a facility within the Enterprise Zone through the construction of a new facility that will house the company's manufacturing operations, (hereinafter referred to as the "Project"), provided that the appropriate development incentives are available to support the economic viability of said Project; and

Whereas, the Project contemplates two phases: Phase 1 being the construction of a new two hundred thousand (200,000) square foot industrial building including the purchase and installation of new machinery and equipment; and Phase 2 being the construction of a new one hundred thousand (100,000) square foot addition and the purchase and installation of additional machinery and equipment to provide increased manufacturing capacity.

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 Rayco with the incentives available for development of the Project in the said Enterprise Zone, under Chapter 5709 of the Ohio Revised Code; and

Whereas, Rayco 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, Rayco 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 Rayco, 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 Rayco is located in the Perry Local School District and the Board of Education of said district and any applicable Joint Vocational School District have been notified in accordance with Section 5709.83 and been given a copy of the Application; and

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

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

Section I:

Phase 1 of this Project is as follows: Rayco shall construct a new 200,000 square foot industrial facility on Millennium Boulevard, S.E., in Neocom I Industrial Park to house its manufacturing operations, including the manufacture of stump cutter machines and forestry mowing equipment. The Project shall be constructed on an approximate 15 acre parcel of land known as and being Part of Out Lot 569, in the City of Massillon, Stark County, Ohio (hereinafter, the "Project Site").

In addition, Rayco shall also purchase and install new machinery and equipment including, but not limited to, a laser cutting machine, press brake, new paint system and booth, new overhead crane system, a truck, and furniture and fixtures.

Phase 1 of the Project will involve a total investment by Rayco of (\$4,100,000) Four Million One Hundred Thousand Hundred Dollars , plus or minus 10%, at the project site. Included in this investment are (\$600,000) Six Hundred Thousand Dollars for

property acquisition; (\$1,900,000) One Million Nine Hundred Thousand Dollars for new construction; and (\$1,600,000) One Million Six Hundred Thousand Dollars to purchase first used machinery and equipment; furniture and fixtures.

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 (\$3,500,000) Three Million Five Hundred Thousand Dollars.

Phase 1 will begin in March 2000, and all acquisition, construction, and installation under will be completed by December 31, 2000.

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

Section 2:

With regard to Phase 1 of the Project, Rayco shall create within a time period not exceeding 60 months after the completion of construction of the aforesaid facility, the equivalent of 25 new full-time permanent job opportunities. In addition, Rayco will use its best efforts to retain 116 existing full-time permanent jobs at the new facility.

Rayco's schedule for hiring is as follows: create 5 new full-time permanent job in year one; create 5 new part-time permanent job in year two; create 5 new part-time permanent job in year three; create 5 new part-time permanent job in year four; and create 5 new full-time permanent job in year five. The job creation period begins in 2000 and all jobs will be in place by December 31, 2005.

Rayco Manufacturing, Inc., currently has 116 full-time permanent employees in the State of Ohio located at its present manufacturing in Wayne County. Rayco will be relocating to the Enterprise Zone Project Site 116 existing full-time permanent jobs from its plant facility located at 4255 Lincoln Way East, Wooster. Rayco will use its best efforts to retain these 116 existing full-time permanent jobs at the Project Site.

The increase in the number of full-time permanent employees will result in approximately (\$475,000) Four Hundred Seventy-Five Thousand Dollars of additional

annual payroll for the Enterprise. The retention of the existing jobs will provide an annual payroll of (\$2,900,000) Two Million Nine Hundred Thousand Dollars.

Section 3:

Phase 2 of this Project is as follows: Rayco shall construct a new one hundred thousand (100,000) square foot addition at the Project Site on Millennium Boulevard, S.E., in Neocom I Industrial Park Navarre Road, S.E. Massillon, Ohio. This new construction will provide increased manufacturing capacity for Rayco. In addition, Rayco will purchase and install new machinery and equipment for this new addition, including a laser cutting machine, crane systems, lift truck, shearer, and press brake.

Phase 2 of this Project will involve a total investment by Rayco of (\$2,000,000) Two Million Dollars, plus or minus 10%, at the project site. Included in this investment is (\$1,000,000) One Million Dollars for construction of the building addition; and (\$1,000,000) One Million Dollars to purchase first used machinery and equipment; furniture and fixtures.

Phase 2 of this Project will begin no later than April 1, 2005, and all acquisition, construction, and installation will be completed no later than December 31, 2005. The parties hereto find that Phase 2 of this Project represents a significant new investment within the City's Enterprise Zone.

Section 4:

With regard to Phase 2 of the Project, Rayco shall create within a time period not exceeding 60 months after the completion of construction of the Phase 2 facility, the equivalent of 15 new full-time permanent job opportunities.

Rayco's schedule for hiring is as follows: create 3 new full-time permanent job in year one; create 3 new part-time permanent job in year two; create 3 new part-time permanent job in year three; create 3 new part-time permanent job in year four; and create 3 new full-time permanent job in year five. The job creation period begins in 2005 and all jobs will be in place by December 31, 2010.

The increase in the number of full-time permanent Phase 2 employees will result in approximately (\$307,500) Three Hundred Seven Thousand Five Hundred Dollars of additional annual payroll for the Enterprise

Section 5:

The initiation and performance of Phase 2 of the Project is independent from the initiation and performance of Phase 1 of the Project. Commencement of Phase 2 of the Project shall be dependent upon market factors and other business conditions. The parties hereto acknowledge that the projections set forth in regard to Phase 2 are based

upon currently available information. If Rayco does not proceed with Phase 2 of the Project, or if Rayco otherwise fails to fulfill any of its obligations in regard to Phase 2 of the Project, such failure to proceed or to fulfill obligations will in no way impact the exemptions and incentives in regard to Phase 1 of the Project.

Section 6:

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

Section 7:

The City of Massillon hereby grants Rayco 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, furniture and fixtures acquired as part of the Project. Each identified project improvement will receive a ten year exemption period. The exemption commences the first year for which the tangible personal property would first be taxable were that property not exempted from taxation. No exemption for Phase 1 of the Project shall commence after December 31, 2001 nor extend beyond December 31, 2011.

If Rayco elects to proceed with Phase 2 of the Project, no exemption for Phase 2 of the Project shall commence after December 31, 2006 nor extend beyond December 31, 2016. Each phase of the Project will receive a ten year exemption from the date for which the pertinent tangible personal property for that phase would first be taxable were that property not exempted from taxation.

The tax exemptions granted in this Section are made subject to the Compensation Agreement (attached hereto as Exhibit "B") by and between Rayco, the Perry Local 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 7 of this Enterprise Zone Agreement shall revert to the rate of 75% on the eligible new tangible personal property as described herein.

Section 8:

The City of Massillon hereby grants Rayco 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, 2001 nor extend beyond December 31, 2011.

If Rayco elects to proceed with Phase 2 of the Project, no exemption for Phase 2 of the Project shall commence after December 31, 2006 nor extend beyond December 31, 2016. Each phase of the Project will receive a ten year exemption from the date for which the pertinent real property improvement for that phase would first be taxable were that property not exempted from taxation.

The tax exemptions granted in this Section are made subject to the Compensation Agreement (attached hereto as Exhibit "B") by and between Rayco, 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 8 of this Enterprise Zone Agreement shall revert to the rate of 75% on the real property improvements as described herein.

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

Section 9:

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

Section 10:

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

Section 11:

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

Section 12:

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

Section 13:

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

Section 14:

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

Section 15:

Rayco 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 Rayco is liable under Chapter 5733., 5735., 5739., 5741., 5743., 5747., or 5753. of the Revised Code, or, if such delinquent taxes are owed, Rayco 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 Rayco. For the purposes of the certification, delinquent taxes are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the Revised code governing payment of those taxes.

Section 16:

Rayco affirmatively covenants that it does not owe: (1) any delinquent taxes to the State of Ohio or a political subdivision of the State; (2) any moneys to the State or a state agency for the administration or enforcement of any environmental laws of the State; and (3) any other moneys to the State, a state agency or a political subdivision of

the State that are past due, whether the amounts owed are being contested in a court of law or not.

Section 17:

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

Section 18:

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

Section 19:

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

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

Section 21:

Rayco 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 Rayco has knowingly made a false statement to the State or local political subdivision to obtain the Enterprise Zone incentives, Rayco 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 Rayco Manufacturing, Inc., by John M. Bowling, its President, has caused this instrument to be executed this ____ day of _____, 2000.

WITNESSED BY:

THE CITY OF MASSILLON, OHIO

Francis H. Cicchinelli, Jr., Mayor

WITNESSED BY:

RAYCO MANUFACTURING, INC.

John M. Bowling, President

Approved as to form and legal sufficiency:

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

DATE: March 6, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 40 - 2000

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor to enter into an agreement with the Perry School District Board of Education and Rayco Manufacturing, Inc., whereby authorizing general compensation to the School District resulting from the Enterprise Zone Agreement for the Rayco Manufacturing, Inc., Project, and declaring an emergency.

WHEREAS, Rayco Manufacturing, 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 Rayco Manufacturing, Inc., met with the Superintendent and/or his designees to discuss the impact of the project, requested further tax incentives from the Perry 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 Rayco Manufacturing, 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 Perry School District Board of Education, and Rayco Manufacturing, Inc., whereby authorizing general compensation to the school district resulting from the Enterprise Zone Agreement for the Rayco Manufacturing, Inc., Project.

Section 2:

The Mayor of the City of Massillon, Ohio, is hereby authorized to enter into an agreement with the Perry School District Board of Education and Rayco Manufacturing, Inc., whereby authorizing general compensation to the school district resulting from the Enterprise Zone Agreement for the Rayco Manufacturing, Inc., Project. A copy of said agreement is attached hereto as Exhibit "AA" incorporated herein by reference.

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 named parties 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

**OHIO DEPARTMENT OF DEVELOPMENT
OHIO ENTERPRISE ZONE PROGRAM**

**PROPOSED AGREEMENT BETWEEN LOCAL GOVERNMENT OR COUNTY &
ENTERPRISE PROPOSAL for Tax abatement Incentive Agreement Between the City of
Massillon located in the County of Stark and RAYCO MANUFACTURING INC
(Enterprise)**

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

RAYCO MANUFACTURING INC

enterprise name

4255 LINCOLN WAY EAST

WOOSTER OH 44691

address

RICHARD L BALL

contact person

(330) 264-8699

telephone number

- b. Project Site:

NEOCOM ONE

NAVARRE RD

MASSILLON OH

address

GENEN P BOERNER

contact person

(330) 833-3146

telephone number

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

MANUFACTURING STUMP CUTTER MACHINES AND FORESTRY MOWING EQUIPMENT

- b. List primary 4 digit Standard Industrial Code (SIC) # 3531

Business may list other relevant SIC numbers.

- c. If a consolidation, what are the components of the consolidation? (must itemize the location, assets, and employment positions to be transferred)

N/A

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

S-CORPORATION

2/28/00

Glenn Pyber
2/28/00 Mike Audiana

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

JOHN M BOWLING

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

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

N/A

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

Yes X No _____

- c. If yes, state the locations from which employment positions or assets will be relocated and the location to where the employment positions or assets will be located:

FROM 4255 LINCOLN WAY EAST WOOSTER OH TO NEOCOM ONE

NAVARRE RD MASSILLON OH

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

116

- e. State the enterprise's current employment level for each facility to be affected by the relocation of employment positions or assets: 116

- f. What is the projected impact of the relocation, detailing the number and type of employees and/or assets to be relocated? ALL 116 EMPLOYEES WOULD BE

RELOCATED. WE ANTICIPATE ADDITIONS OF 20-30 DURING NEXT FIVE YEARS.

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

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

7. Does the Enterprise owe:

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

N/A

8. Project Description (attach additional pages if necessary: Move and enlarge current

facility to Massillon area, with land cost of \$600,000 Build a 200,000

sq ft building at approx cost of \$1,900,000. Transfer current equipment

and add new equipment, furniture, and fixtures, at approx \$1,600,000. In

addition, within three years, we would anticipate the building of an additional

(continued on
back)

9. Project will begin SPRING 2000, 19 and be completed
YEAR END 2000, 19 provided a tax exemption is provided.

10. a. Estimate the number of new employees the business intends to hire at the facility that is the project site (job creation projection must be itemized by full and part-time and permanent and temporary): PROJECT WILL ENTAIL EVENTUALLY ADDING

20-30 FULL TIME PERMANENT EMPLOYEES OVER FIVE YEARS. Phase one will

take five years, we expect to add five(at least) new permanent employees every
year for those first five years. Phase two till require an additional (see back)

b. State the time frame for this projected hiring: FIVE years, for each Phase.

c. State proposed schedule for hiring (itemize by full and part-time and permanent and temporary employees: Phase One, five years, 25 new full time permanent

Phase Two, five years, fifteen new employees ALL FULL TIME PERMANENT

11. a. Estimate the amount of annual payroll such new employees will add \$ 475,000.
(new annual payroll must be itemized by full and part-time and permanent and temporary new employees). all full time permanent.
-
- b. Indicate separately the amount of existing annual payroll relating to any job retention claim resulting from the project: \$ N/A
12. Market value of the existing facility as determined for local property taxation.
\$ N/A
13. a. Business's total current investment in the facility as of the proposal's submission.
\$ N/A
- b. State the business's value of on-site inventory required to be listed in the personal property tax return of the enterprise in the return for the tax year (stated in average \$ value per most recent 12 month period) in which the agreement is entered into (baseline inventory): \$ 3.5 MILLION
14. An estimate of the amount to be invested by the enterprise to establish, expand, renovate or occupy a facility:
- | | |
|---------------------------------------|---------------------|
| A. Acquisition of Buildings: | \$ <u>600,000</u> |
| B. Additions/New Construction: | \$ <u>1,900,000</u> |
| C. Improvements to existing buildings | \$ _____ |
| D. Machinery & Equipment | \$ <u>1,500,000</u> |
| E. Furniture & Fixtures: | \$ <u>100,000</u> |
| F. Inventory | \$ _____ |
| Total New Project Investment: | \$ <u>4,100,000</u> |
15. a. Business requests the following tax exemption incentives: 75 % for 10 YEARS
years covering real and/or personal property including inventory as described above.
Be specific as to type of assets, rate, and term.
- b. Business's reasons for requesting tax incentives (be quantitatively specific as possible)
- Need incentives for capitol to help expand for increased sales
- including floor space, additional equipment, and improved work
- flow.
-

Submission of this application expressly authorizes the City of Massillon, Ohio to contact the Ohio Environmental Protection Agency to confirm statements contained within this application including item #7 and to review applicable confidential records. As part of this application, the business may also be required to directly request from the Ohio Department of Taxation or complete a waiver form allowing the Ohio Department of Taxation to release specific tax records to the local jurisdictions considering the incentive request.

Applicant agrees to supply additional information upon request.

The applicant affirmatively covenants that the information contained in and submitted with this application is complete and correct and is aware of the ORC Sections 9.66(C)(1) and 2931.13(D)(1) penalties for falsification which could result in the forfeiture of all current and future economic development assistance benefit as well as a fine of not more than \$1,000 and/or a term of imprisonment of not more than six months.

RAYCO MFG INC
Name of Enterprise

1/25/00
Date


Signature

JOHN M BOWLING, OWNER
Typed Name and Title

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

** Attach to Final Enterprise Zone Agreement as Exhibit A

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

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

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

NARRATIVE STATEMENT

I. PROJECT DESCRIPTION:

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

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

RAYCO wishes additional manufacturing space to accommodate increased sales and new product lines. Project would be located in Neocom One Navarre Rd, Massillon, Ohio, with an anticipated 200,000 sq ft facility. A new laser machine, paint system, press brake, and overhead cranes, and truck would also be required. this would all be built and relocated ona proposed fifteen acres.

Our current rural location is unable to obtain additional permits from the EPA for septic systems.

II. PROJECT BUDGET

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

Proposed Cost

Phase One; 200,000 square foot-approximate cost \$1,900,000 .
Fifteen acres of land \$600,000

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

Proposed Cost

Phase Two; 100,000 sq ft addition to accomodate anticipated increase of sales and subsequent manufacturing and storage requirements.

\$1,000,000.

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

Proposed Cost

N/A

D. MACHINERY AND EQUIPMENT**Proposed Cost**

1. Provide an itemized list of machinery, equipment, furniture, and fixtures to be purchased and installed at the project site and that will be subject to tax exemption under this Agreement.

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

PHASE ONE**PHASE TWO**

1. LASER CUTTING MACHINE	\$550,000.
2. PRESS BRAKE	50,000.
3. NEW PAINT SYSTEM AND BOOTH	500,000.
4. NEW OVERHEAD CRANE SYSTEM	350,000.
5. TRUCK	50,000.
6. FURNITURE AND FIXTURES	<u>100,000.</u>
	\$1,600,000.

LASER CUTTING MACHINE	\$550,000
CRANE SYSTEMS	225,000.
LIFT TRUCK	20,000.
SHEARER	100,000.
PRESS BRAKE	<u>75,000.</u>
	\$1,000,000.

E. INVENTORY**Proposed Cost**

List the value of inventory at the project site, including an itemization of the value of inventory held at another location in this state prior to the Agreement and to be relocated from that location to the project site; and the value of inventory held at the project site prior to the execution of the Agreement that will be not be exempted from taxation.

\$3,500,000.

The inventory which is eligible for exemption is that amount or value of inventory in excess of the amount or value of inventory required to be listed in the personal property tax return for the tax year in which the Agreement is entered into.

**Project costs and inventories are estimated, and could be plus or minus 10-15%.

III. EMPLOYMENT

Describe the current workforce of the company, including annual payroll. Describe the impact that the project will have on the company's workforce, specifically, at the project site. List the total number of jobs to be created/and or retained as a result of the project, itemized as to the number of full-time, part-time, and temporary positions, and including a schedule of hiring, itemized by each type of position listed above (the suggested maximum job creation is 36 months). Provide estimates of the dollar amount of additional payroll attributable to each type of position to be created (i.e., full-time, part-time, and temporary).

Current Workforce	116
Current Payroll	\$2,900,000.

We anticipate adding 25-30 new full time permanent employees with Phase One through the next five years of growth. This should add \$475,000. to annual payroll.

In addition, Phase Two will require hiring an additional fifteen employees over another five year period. This will add an additional \$307,500 to annual payroll.

The phases will overlap in some regard, but basically, we see an additional hiring of 40-45 over an 8-10 year period with the largest group being hired during Phase One.

IV. REQUEST FOR TAX EXEMPTION

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

- (1) An exemption for a specified number of years, not to exceed ten, of a specified portion, up to seventy-five per cent, of tangible personal property first used in business at the project site as a result of this Agreement. ("First used in business" means that the property referred to has not been used in business in this State by the enterprise that owns it, or by an enterprise that is an affiliate or subsidiary of such an enterprise, other than as inventory, prior to being used in business at the project site as a result of an Agreement.)
- (2) An exemption for a specified number of years, not to exceed ten, of a specified portion, up to seventy-five per cent, of real property constituting the project site.

In addition, provide a detailed explanation of the reasons why the proposed tax exemptions are necessary for the project. Provide any supporting financial information that would document the need for such tax exemptions. Using the attached forms, provide an analysis of the total taxes that would result from the project, both with and without the proposed tax exemptions. Summarize the benefits to the community as a result of the project.

We would ask for 75% exemption and ten year period.

There is some major capital investment for RAYCO to make to handle the increased sales and product lines.

OHIO DEPARTMENT OF DEVELOPMENT
ENTERPRISE ZONE PROJECT TAX ANALYSIS

General Project Information

County: STARK Local Government Authority: MASSILLON
Business: Rayco Manufacturing, Inc. Total Project Cost: \$4,100,000
Total Current Real Property Tax of Business (at site): NA
Total Current Tangible Personal Property Tax of Business (at site): 0

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

Note, does the project involve relocation of any assets or jobs? X yes no
If yes, within local jurisdiction? yes X no
within county? yes X no
within State (distance 18 mi.) X yes no

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

Estimate real property tax loss \$ yes X no
Estimate tangible personal tax loss \$ yes X no

Is there a local income tax? X yes no
If yes, please list income tax rate: 1.8 %

Note total number of new jobs projected - attributable to the project 25;

Note new payroll projected from the new job commitment \$475,000 x 1.8 % income tax rate = \$8,550
New income tax generation

Enterprise Zone Manager or Authorized Signature _____ Date _____

1A. Total Project Costs receiving Real Property Exemption: \$1,900,000

Real Property Tax Matrix

Projected Tax Year	YR1	YR2	YR3	YR4	YR5	YR6	YR7	YR8	YR9	YR10
Estimated Value of Real Property Improvements	\$ 1,900,000	\$ 1,900,000	\$ 1,900,000	\$ 1,900,000	\$ 1,900,000	\$ 1,900,000	\$ 1,900,000	\$ 1,900,000	\$ 1,900,000	\$ 1,900,000
Exemption Schedule	75%	75%	75%	75%	75%	75%	75%	75%	75%	75%
Exempted Value	\$ 1,425,000	\$ 1,425,000	\$ 1,425,000	\$ 1,425,000	\$ 1,425,000	\$ 1,425,000	\$ 1,425,000	\$ 1,425,000	\$ 1,425,000	\$ 1,425,000
Taxable Value	\$ 475,000	\$ 475,000	\$ 475,000	\$ 475,000	\$ 475,000	\$ 475,000	\$ 475,000	\$ 475,000	\$ 475,000	\$ 475,000
Assessment	35%	35%	35%	35%	35%	35%	35%	35%	35%	35%
Real Property Tax Rate (\$/1000)	44.658	44.658	44.658	44.658	44.658	44.658	44.658	44.658	44.658	44.658
Total Real Property Tax Foregone (Taxable Value x 35% + tax rate)	\$ 22,273	\$ 22,273	\$ 22,273	\$ 22,273	\$ 22,273	\$ 22,273	\$ 22,273	\$ 22,273	\$ 22,273	\$ 22,273
Net New Tax Revenue Taxable Value x 35% + tax rate)	\$ 7,424	\$ 7,424	\$ 7,424	\$ 7,424	\$ 7,424	\$ 7,424	\$ 7,424	\$ 7,424	\$ 7,424	\$ 7,424

Total Real Property Tax Foregone over Project Term:

Total New Real Property Tax Revenue generated over Project Term:

\$	222,732
\$	<u>74,244</u>

1B. Please calculate the annual net new Real Property Tax Revenue generated by the project. Subtract any real property tax revenue loss (page 1) 0 from the new real property tax generated \$74,244 (1A) to equal the net new annual real property increase (loss) \$74,244 to community.

2A. Total Project Costs Receiving Tangible Personal Property Exemptions

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

Personal Property Tax Matrix

Projected Tax Year	YR1	YR2	YR3	YR4	YR5	YR6	YR7	YR8	YR9	YR10
Estimated Value of Tangible Personal Property	\$ 1,600,000	\$ 1,409,600	\$ 1,308,800	\$ 1,209,600	\$ 1,108,800	\$ 1,009,600	\$ 910,400	\$ 809,600	\$ 710,400	\$ 611,200
Exemption Schedule	75%	75%	75%	75%	75%	75%	75%	75%	75%	75%
Exempted Value	\$ 1,200,000	\$ 1,057,200	\$ 981,600	\$ 907,200	\$ 831,600	\$ 757,200	\$ 682,800	\$ 607,200	\$ 532,800	\$ 458,400
Taxable Value	\$ 400,000	\$ 352,400	\$ 327,200	\$ 302,400	\$ 277,200	\$ 252,400	\$ 227,600	\$ 202,400	\$ 177,600	\$ 152,800
Assessment	25%	25%	25%	25%	25%	25%	25%	25%	25%	25%
Tangible Personal Property Tax Rate	65.05	65.05	65.05	65.05	65.05	65.05	65.05	65.05	65.05	65.05
Total Tangible Property Tax Foregone (Exempted Value x Assessment x Tax Rate)	\$ 19,515	\$ 17,193	\$ 15,963	\$ 14,753	\$ 13,524	\$ 12,314	\$ 11,104	\$ 9,875	\$ 8,665	\$ 7,455
Net New Tangible Property Tax Revenue (Taxable Value x Assessment x Tax Rate)	\$ 6,505	\$ 5,731	\$ 5,321	\$ 4,918	\$ 4,508	\$ 4,105	\$ 3,701	\$ 3,292	\$ 2,888	\$ 2,485

Total Tangible Personal Property Tax Foregone over Project Term:

\$ 130,360

Total Net New Tangible Personal Property Tax Revenue generated over Project Term:

\$ 43,453

2B. Please calculate the annual net new Tangible Personal Property Tax Revenue generated by the project. Subtract any Tangible Personal Property tax revenue loss \$ 0 (page 1) from the new Tangible Personal Property Tax generated \$ 43,453 (2A) to equal the net new annual Tangible Property increase (loss) \$ 43,453 to community.

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 **Perry Local School District Board of Education**, a public school corporation with its principal offices at 4201 13th Street, S.W. Ohio 44646 (hereinafter "School Board"), and **Rayco Manufacturing, Inc.**, an Ohio corporation with its main offices located at 4255 Lincoln Way East (hereinafter "Rayco"), 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 Rayco 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. _____, 2000 adopted _____ 2000 to grant a tax exemption to Rayco and entered into a formal enterprise zone agreement on _____ 2000; and

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

"Enterprise Zone Agreement" shall be the Enterprise Zone Agreement executed by the City, and Rayco 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 Rayco 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, Rayco 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 Rayco 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 Rayco in the preceding year. The amount of Rayco's 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 Rayco 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 Rayco is receiving the real estate and the personal property tax exemptions in accordance therewith. All such contributions shall cease if the 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 Rayco is required to reimburse or repay all or any part of the taxes abated under the Enterprise Zone Agreement, then any sums paid by Rayco under this Section, during the term of the Enterprise

Zone Agreement shall be applied to the sum to be refunded by Rayco or shall be credited against the taxes or other sums deemed to due and owing.

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

Within 45 days of receipt of the Annual Payment Amount, the School Board will reimburse the appropriate taxing entities the amount they would have received during the tax year levied had the abatement been only 75%.

Section 3: Waivers

Through this Agreement, the School Board hereby waives compliance with the notice requirements of ORC Section 5709.62(D) and the municipal income tax sharing provisions of ORC Section 5809.82 except as otherwise provided in Section 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 Rayco 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 Rayco 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 Rayco in the dispute.

Section 5: Enforcement

The obligation to make an Annual Payment Amount to the School Board may be enforced directly against Rayco 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, Rayco, 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. Rayco 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. Rayco 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 Rayco in this agreement may not be assigned by Rayco 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 Rayco, the controlling interest of which is held by Rayco.

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, Rayco shall provide \$_____ for college or trade/technical school scholarships to be awarded by the Perry Local School District. The Board of its designee shall select the recipients. The scholarships shall be designated as the Rayco Manufacturing, Inc., Scholarship Awards".

Each year that the Enterprise Zone Agreement is in effect, Rayco shall provide an internship program for students of the Perry Local School District. The terms of the program will be mutually agreed to by Rayco 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:

**THE BOARD OF EDUCATION OF THE
PERRY LOCAL SCHOOL DISTRICT**

Superintendent

Treasurer

WITNESSED BY:

RAYCO MANUFACTURING, INC.

John M. Bowling, President

Approved as to form and legal sufficiency:

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

DATE: March 6, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 41 - 2000

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract agreement with the Massillon Chapter of Habitat for Humanity to assist in the construction of new housing for low income homeowners in the City of Massillon, Ohio, and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby finds that it is necessary to enter into a contract with the Massillon Chapter of Habitat for Humanity to assist in the construction of new housing for low income homeowners in the City of Massillon, Ohio. The cost of this contract for services shall not exceed FiftyThousand Dollars (\$50,000.00).

Section 2:

The Director of Public Service and Safety of the City of Massillon is hereby authorized to enter into a contract with the Massillon Chapter of Habitat for Humanity to assist in the construction of new housing for low income homeowners in the City of Massillon, Ohio.

Section 3:

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

Section 4:

This Ordinance is declared to be an emergency measure immediately necessary for the reservation of the health, safety and welfare of the community and for the additional reason that it is necessary to implement the 1999 fiscal year Community Development Block Grant Program. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____ 2000

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

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

DATE: March 6, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 42 - 2000

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

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

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

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

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

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

Section 1:

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

Section 2:

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

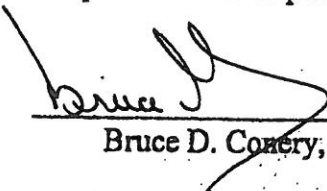
Known as being part of the Northwest Quarter of Section 5, Perry Township, (T-10, R-9), Stark County, State of Ohio and being further described as follows:

Beginning at a 1 inch pinch top pipe found at the northwest corner of Lot 15882 in the City of Massillon, said pipe being the true place of beginning for the tract of land herein described;

1. Thence S 05°15'44"W along the west line of said Lot 15882 and the west end of Shaw Avenue N.E., a 50 foot public right-of-way and the west line of Lot 15881 in said City of Massillon, a distance of 350.66 feet to a 1/2 inch iron pipe in concrete found at the southwest corner of said Lot 15881;
2. Thence N88°11'26"W a distance of 305.67 feet to a 5/8 inch iron bar with Conery cap set;
3. Thence N05°15'44"E a distance of 351.53 feet to the southwest corner of Lot 12575 in said City of Massillon, witnessed by a 5/8 inch iron bar in concrete found at N05°15'44"E, 0.27 feet;
4. Thence S88°04'36"E along the south line of said Lot 12575 and the south lines of Lots 12574 and 12573 in said City of Massillon, a distance of 305.64 feet to the true place of beginning.

The above described tract of land to be annexed to the City of Massillon contains 2.459 acres in the Northwest Quarter of Section 5, Perry Township; as surveyed by Buckeye Surveying Services in July of 1999.

Basis of Bearings: N-05°15'44"E on a west corporation line as per a survey by Buckeye Surveying Services, Inc. in June, 1987.


Bruce D. Conery, P.S.



Section 3:

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

Section 4:

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

Section 5:

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

Section 6:

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

PASSED IN COUNCIL THIS _____ DAY OF _____ 2000

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

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

DATE: March 6, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 43 - 2000

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE authorizing and directing the Director of Public Service and Safety to enter into an agreement for the purchase of property known as Part of Lot No. 9248, in the City of Massillon, Ohio, which is currently owned by Archie Toland, and declaring an emergency.

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

Section 1:

The real property owned by Archie Toland, which is known as Part of Lot No. 9248, in the City of Massillon, Ohio, is needed for a municipal purpose for the Lincoln Centre Phase III Project.

Section 2:

The Director of Public Service and Safety is authorized to enter into an agreement to purchase the above described real estate for One Hundred Six Thousand Dollars (\$106,000.00) and upon the execution and approval the said Director of Public Service and Safety is further authorized to execute and approve all necessary documents to expedite the purchase of said real estate.

Section 3:

The City Auditor is hereby authorized to pay the purchase price of One Hundred Six Thousand Dollars (\$106,000.00) from the "Property Acquisition" Acct. No. 1401.410.2590.

Section 4:

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

Section 5:

That this Ordinance is hereby declared to be an emergency measure, immediately necessary for the preservation of the health, safety and welfare of the community and for the additional reason that the acquisition of the real estate is necessary for further development within the downtown area 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

DATE: March 6, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 44 - 2000

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE authorizing and directing the Director of Public Service and Safety to enter into an agreement for the purchase of property known as Lots No. 2524 and 15421, in the City of Massillon, Ohio, which is currently owned by Ida Pierce, and declaring an emergency.

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

Section 1:

The real property owned by Ida Pierce, which is known as Lots No. 2524 and 15421, in the City of Massillon, Ohio, are needed for a municipal purpose for the Lincoln Centre Phase III Project.

Section 2:

The Director of Public Service and Safety is authorized to enter into an agreement to purchase the above described real estate for Sixty-One Thousand Five Hundred Dollars (\$61,500.00) and upon the execution and approval the said Director of Public Service and Safety is further authorized to execute and approve all necessary documents to expedite the purchase of said real estate.

Section 3:

The City Auditor is hereby authorized to pay the purchase price of Sixty-One Thousand Five Hundred Dollars (\$61,500.00) from the "Property Acquisition" Acct. No. 1401.410.2590.

Section 4:

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

Section 5:

That this Ordinance is hereby declared to be an emergency measure, immediately necessary for the preservation of the health, safety and welfare of the community and for the additional reason that the acquisition of the real estate is necessary for further development within the downtown area 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

DATE: March 6, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 45 - 2000

BY: PARKS AND RECREATION COMMITTEE

TITLE: AN ORDINANCE authorizing and directing the Director of Public Service and Safety to enter into an agreement for the purchase of property known as Lots No. 2533, 13476 and 15432 in the City of Massillon, Ohio, which is currently owned by Joe Knapp, and declaring and emergency.

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

Section 1:

The real property owned by Joe Knapp, which is known as Lots No. 2533, 13476 and 15432 in the City of Massillon, Ohio.

Section 2:

The Director of Public Service and Safety is authorized to enter into an agreement to purchase the above described real estate for Two Hundred Seven Thousand Seven hundred Dollars (\$207,700.00) and upon the execution and approval the said Director of Public Service and Safety is further authorized to execute and approve all necessary documents to expedite the purchase of said real estate.

Section 3:

The City Auditor is hereby authorized to pay the purchase price of Two Hundred Seven Thousand Seven Hundred Dollars (\$207,700.00) from the "Rec Center Project" Acct. No. 1435.505.2510.

Section 4:

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

Section 5:

That this Ordinance is hereby declared to be an emergency measure, immediately necessary for the preservation of the health, safety and welfare of the community and for the additional reason that the acquisition of the real estate is necessary for the development of the Community Center within the downtown area 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

DATE: March 6, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 46 - 2000

BY: PARKS AND RECREATION COMMITTEE

TITLE: AN ORDINANCE authorizing and directing the Director of Public Service and Safety to enter into an agreement for the purchase of property known as Lot No. 13475, 82.95' north side in the City of Massillon, Ohio, which is currently owned by Steven D. Studer, and declaring and emergency.

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

Section 1:

The real property owned by Steven D. Studer, which is known as Lot No. 13475, 82.95' north side, in the City of Massillon, Ohio.

Section 2:

The Director of Public Service and Safety is authorized to enter into an agreement to purchase the above described real estate for One Hundred Fifty Thousand Dollars (\$150,000.00) and upon the execution and approval the said Director of Public Service and Safety is further authorized to execute and approve all necessary documents to expedite the purchase of said real estate.

Section 3:

The City Auditor is hereby authorized to pay the purchase price of One Hundred Fifty Thousand Dollars (\$150,000.00) from the "Rec Center Project" Acct. No. 1435.505.2510.

Section 4:

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

Section 5:

That this Ordinance is hereby declared to be an emergency measure, immediately necessary for the preservation of the health, safety and welfare of the community and for the additional reason that the acquisition of the real estate is necessary for the development of the Community Center within the downtown area 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

DATE: March 6, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 47 - 2000

BY: PUBLIC UTILITIES/GOLF COURSE COMMITTEE

TITLE: AN ORDINANCE amending Ordinance No. 223 - 1995 Section 2(8) which provided for water service to be furnished by Consumers Ohio Water Company to the City of Massillon, Ohio, and the inhabitants thereof, and declaring an emergency.

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

Section 1:

The Section 2(8) of Ordinance No. 224 - 1995 be and is hereby repealed.

Section 2:

That there be and hereby is enacted a new Section 2(8) of Ordinance No. 223 - 1995 and it shall read as follows:

- (8) The company shall install adjustable boxes over valves located in streets to be paved and shall change at its own expense and service connections or mains where such change is necessary and unavoidable in the construction of any public works project by the City.

Section 3:

This Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said enactments are necessary to provide efficient water service to 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: March 6, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 48 - 2000

BY: PUBLIC UTILITIES/GOLF COURSE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for, receive sealed bids and to enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the improvements and expansion of the club house at The Legends of Massillon Golf Course, and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby determines it to be necessary in the public health, safety and welfare to advertise for, receive sealed bids according to law and to enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the improvements and expansion of the club house at The Legends of Massillon Golf Course.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to prepare plans and specifications and to advertise for, receive sealed bids according to law, and enter into contract upon award and approval by the Board of Control, with the lowest and best bidder for the improvements and expansion of the club house at The Legends of Massillon Golf Course.

Section 3:

This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and welfare of the community and for the additional reason that it is necessary for the more efficient operation of The Legends of Massillon Golf Course. 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: March 6, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 49 - 2000

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain transfers in the 2000 appropriation from the Marketplace Infrastructure Fund to the TIF Debt Retirement Fund (Market Place), 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 the Marketplace Infrastructure Fund to the TIF Debt Retirement Fund (Market Place), of the City of Massillon, the following:

\$170,000.00 FROM: "Marketplace Infrastructure" 1419.435.2710
TO: "TIF Bond Retirement" 1340.905.1860

Section 2:

This Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said funds are necessary for the payment of the bonds for the Marketplace Project, and for the preservation of the public health, safety and welfare of the community. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____ 2000

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

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

DATE: March 6, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

****AMENDED**
ORDINANCE NO. 50 - 2000

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Canal View Streetscape Fund, P&R Recreation Center Project, Community Development Block Grant Program Fund, General Fund and the Capital Improvement 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 Canal View Streetscape Fund for the year ending December 31, 2000, the following:

\$525,000.00 to an account entitled "Canal View Streetscape Proj." 1424.435.2510

Section 2:

There be and hereby is appropriated from the unappropriated balance of the P&R Recreation Center Project Fund for the year ending December 31, 2000, the following:

**\$357,700.00 to an account entitled "Capital Projects-Recreation Center Project" 1435.505.2510

Section 3:

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:

\$ 50,000.00 to an account entitled "Habitat for Humanity" 1203.845.2849

Section 4:

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

\$ 15,000.00 to an account entitled "Arbitrator Services/Contracts" 1100.905.239A

Section 5:

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

\$ 12,000.00 to an account entitled "Engineering Department Computer Upgrade" 1401.405.2530
\$ 10,000.00 to an account entitled "Lincoln Center Phase III Professional Services" 1401.905.2392
\$ 6,800.00 to an account entitled "Mayor's Office - Copy Machine & Printer" 1401.110.2530

Section 6:

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 6th DAY OF March 2000

ATTEST: Sharon Howell
SHARON HOWELL, CLERK OF COUNCIL

Dennis D. Harwig
DENNIS D. HARWIG, PRESIDENT

APPROVED: March 7, 2000 Francis H. Cicchinelli, Jr.
FRANCIS H. CICCHINELLI, JR, MAYOR

I hereby certify that the foregoing ordinance is a true copy of the original, as passed by the Council of the City of Massillon, Ohio, and as noted thereon:

Sharon Howell
Clerk of Council

Date 3/6/00

DATE: March 6, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 50 - 2000

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Canal View Streetscape Fund, P&R Recreation Center Project, Community Development Block Grant Program Fund, General Fund and the Capital Improvement 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 Canal View Streetscape Fund for the year ending December 31, 2000, the following:

\$525,000.00 to an account entitled "Canal View Streetscape Proj." 1424.435.2510

Section 2:

There be and hereby is appropriated from the unappropriated balance of the P&R Recreation Center Project Fund for the year ending December 31, 2000, the following:

~~\$150,000.00~~ to an account entitled "Capital Projects-Recreation Center Project" 1435.505.2510

Section 3:

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:

\$ 50,000.00 to an account entitled "Habitat for Humanity" 1203.845.2849

Section 4:

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

\$ 15,000.00 to an account entitled "Arbitrator Services/Contracts" 1100.905.239A

Section 5:

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

\$ 12,000.00 to an account entitled "Engineering Department Computer Upgrade" 1401.405.2530
\$ 10,000.00 to an account entitled "Lincoln Center Phase III Professional Services" 1401.905.2392
\$ 6,800.00 to an account entitled "Mayor's Office - Copy Machine & Printer" 1401.105.2530

Section 6:

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: March 6, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 51 - 2000

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE declaring certain described territory in the Central Business and General Business Districts of the City of Massillon, Ohio, and known as the Lincoln Centre Phase III Project Area, as a slum and blighted area, and approving the Downtown Redevelopment Plan for the Lincoln Centre Phase III Project, and declaring an emergency.

WHEREAS, a "slum and blighted area" means an area within a municipality in which there is a predominance of buildings and improvements, whether residential or nonresidential, which by reason of dilapidation, deterioration, age or obsolescence, inadequate provisions for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, unsafe and unsanitary conditions or the existence of conditions which endanger life or property from fire or other hazards and causes, or any combination of such factors is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime, and an area with over-crowding or improper location of structures on the land, excessive dwelling unit density, detrimental land uses or conditions, unsafe, congested, poorly designed streets or inadequate public facilities or utilities, all of which substantially impairs the sound growth and planning of the community, retards the provision of decent, safe, and sanitary housing, or constitutes an economic or social liability, and is detrimental to the public health, safety, and welfare in its present condition and use; and

WHEREAS, the City of Massillon, Ohio, has previously declared it to be in the public interest to bring about the renewal of the Central Business district by eliminating substandard and obsolete buildings and encouraging the development of new buildings; and

WHEREAS, THE CITY OF Massillon, Ohio, has previously carried out and completed a redevelopment project in the Central Business/General Business District known as the Lincoln Centre Phase I & II Projects; and

WHEREAS, the City of Massillon, Ohio, has proposed the further revitalization and redevelopment of the Central Business/General Business District through the undertaking of a project to be known as the Lincoln Centre Phase III Project. The site occupies the northwest corner of Massillon's Central Business/General Business District. The Project Area is approximately 14.39 acres in size and is composed of twenty-one (21) properties. There are twenty (20) structures in the Project Area, including fire garages or storage sheds. The Project Area is composed of commercial, light industrial, residential, and outdoor recreation land uses. There are nine (9) vacant properties and structures located in the Project Area and two (2) other properties which are under utilized and in a state of neglect.

WHEREAS, the City of Massillon, Ohio, has made a study of the location, physical condition of the structures, land use, environmental influences, and social, cultural and economic conditions of the Lincoln Centre Phase III Project Area, and has released a Project Area report which indicates, among its findings and recommendations, that 76% of the properties have blighting influences on the Project Area. Also, 75% of identified buildings or structures are considered substandard and or incompatible with surrounding land use as described above under "Slum and Blighted" conditions. The Project Area contains incompatible and inconsistent land uses, seasonal/outdoor. The combination of industrial, residential, recreation and commercial activities are detrimental and not conducive to Central Business/General Business District development. This mix of land usage in such a small area appears confusing and such development would not be permitted by today's standards in the city. Additionally, the structures located in the Project Area are of such significant variations that they are not aesthetically pleasing. For example, a two-story residence is only fifteen feet (15) from a flat roof commercial structure, and on the other side is an industrial storage. Likewise an unsightly industrial operation is located among commercial activity and across the street from a viable retail plaza.

WHEREAS, the City of Massillon, Ohio, has prepared a Downtown Redevelopment Plan, dated February 2000 for the Lincoln Centre Phase III Project Area, and that said Plan proposes activities to acquire and remove substandard structures and other buildings warranting clearance; to remove blighting influences; to remove impediments to the evolution of an improved land use pattern in the Project Area as a whole in order to prevent the occurrence and reoccurrence of blight; to retain and encourage the rehabilitation of substandard buildings essential to maintaining the architectural character, fabric, quality, and street facade of the Project Area; and to stimulate economic revitalization, job creation, and redevelopment of the Project Area; and

WHEREAS, the City of Massillon, Ohio, has previously prepared a general plan which is recognized and used as a guide for the general development of the municipality as a whole, and that said plan is of sufficient scope and content to furnish a basis for the evaluation of the need of the Lincoln Centre Phase III Project in that the comprehensive planning program which is an integral part of the general plan has identified the Project Area as an area requiring renewal; and

WHEREAS, the members of the Council of the City of Massillon, Ohio, have general knowledge of the conditions prevailing in the Lincoln Centre Phase III Project Area, and in light of such knowledge, have carefully considered and reviewed such proposals as are contained in the Downtown Redevelopment Plan for said Project Area; and

WHEREAS, a public hearing will be held on the _____ allowing all interested persons an opportunity to speak regarding the declaration of the Lincoln Centre Phase III Project Area as a slum and blighted area and also regarding the approval of the Project Area Report and Downtown Redevelopment Plan for said Project Area.

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

Section 1:

That the following described area is hereby declared to be a slum and blighted area, within the meaning of Ohio Law for the declaration of areas for the undertaking of urban renewal and redevelopment activities, to be known as the Lincoln Centre Phase III Project Area:

The Project Area is located in the Centra Business/General Business District of the City of Massillon, County of Stark, State of Ohio. The Project Area is bordered to the north by Cherry Road, to the east by Third and First Streets N.W., to the south by Lincoln Way, Towne Plaza and other commercial ventures and to the west by U.S. Route 21. (See attached map)

Section 2:

The Council of the City of Massillon, Ohio, has investigated and found it to be in the public interest to make this declaration in order to accomplish the following objectives:

- a. The renewal of the Project Area through the acquisition and/or removal of substandard structures and structures requiring clearance to remove existing blighting influences and prevent the reoccurrence of blight.
- b. The acquisition and/or clearance of deficient or substandard structures or buildings to remove impediments to the evolution of an improved and use pattern.
- c. The assemblage of small separate and/or buildings in order to encourage the evolution of large-scale unified development.
- d. The provision of supporting improvements necessary to facilitate land disposition and development.
- e. The establishment of land uses compatible with the proposed development for the Project Area.
- f. The creation of job opportunities for the unemployed and underemployed residents of the Massillon Area, especially for those of low and moderate income.
- g. To facilitate changes in land use, thereby establishing the most orderly and functional use of project area land including the elimination of incompatible land uses.
- h. To encourage the conservation and rehabilitation of architecturally significant structures, especially historic properties, and/or those contributing toward the area's redevelopment, or those within Historic Districts..
- i. The preservation of properties of historic and architectural value.

- j. To stimulate economic revitalization and development of the Project Area through incentives to encourage new construction and redevelopment activities, to increase employment opportunities, and to approve the economic welfare of Massillon residents.
- k. To acquire buildings and vacant parcels with uses inconsistent with the proposed Downtown Redevelopment Plan in order to encourage private investment.
- l. To promote off-street parking necessary to support redevelopment.

Section 3:

The Downtown Redevelopment Plan for the Lincoln Centre Phase III Project Area, having been duly reviewed and considered, is hereby approved, and that the Director of Public Service and Safety be and is hereby directed to file a copy of said Project Area Report and Downtown Redevelopment Plan with the minutes of this meeting.

Section 4:

Council hereby finds and determines that where clearance activities are proposed within the Lincoln Centre Phase III Project Area, that the objectives of the Downtown Redevelopment Plan cannot be achieved through rehabilitation of those portions of the Project Area.

Section 5:

Council hereby finds and determines that the Downtown Redevelopment Plan for the Lincoln Centre Phase III Project Area conforms to the general plan of the City of Massillon, Ohio.

Section 6:

Council hereby finds and determines that the Downtown Redevelopment Plan for the Lincoln Centre Phase III Project Area will afford maximum opportunity, consistent with the sound needs of the City of Massillon as a whole, for the redevelopment of the area by private enterprise.

Section 7:

That, in order to implement and facilitate the effectuation of the Downtown Redevelopment Plan for the Lincoln Centre Phase III Project Area hereby approved, this Council hereby finds and determines that certain official actions must be taken by this body with reference, among other things, to the vacating and removal of streets, alleys and other public ways, the establishment of new street patterns, the capping off of any abandoned public infrastructure, the location and relocation of public facilities and other public action, and accordingly this Council hereby pledges its cooperation in helping to carry out this Downtown Redevelopment Plan, and requests the various officials, departments, boards and agencies of the City of Massillon, Ohio, having administrative responsibilities in the premises likewise to cooperate to such end and to exercise their respective functions and powers in a manner consistent with the Downtown Redevelopment Plan, and stands ready to consider to take appropriate action upon proposals and measures designed to effectuate the Downtown Redevelopment Plan.

Section 8:

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 facilitate redevelopment of the Lincoln Centre Phase III Project Area. Provided it receives the affirmative vote of two-thirds of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____ 2000

ATTEST: _____
SHARON HOWELL, CLERK OF COUNCIL

DENNIS D. HARWIG, PRESIDENT

APPROVED: _____

FRANCIS H. CICCHINELLI, JR. MAYOR

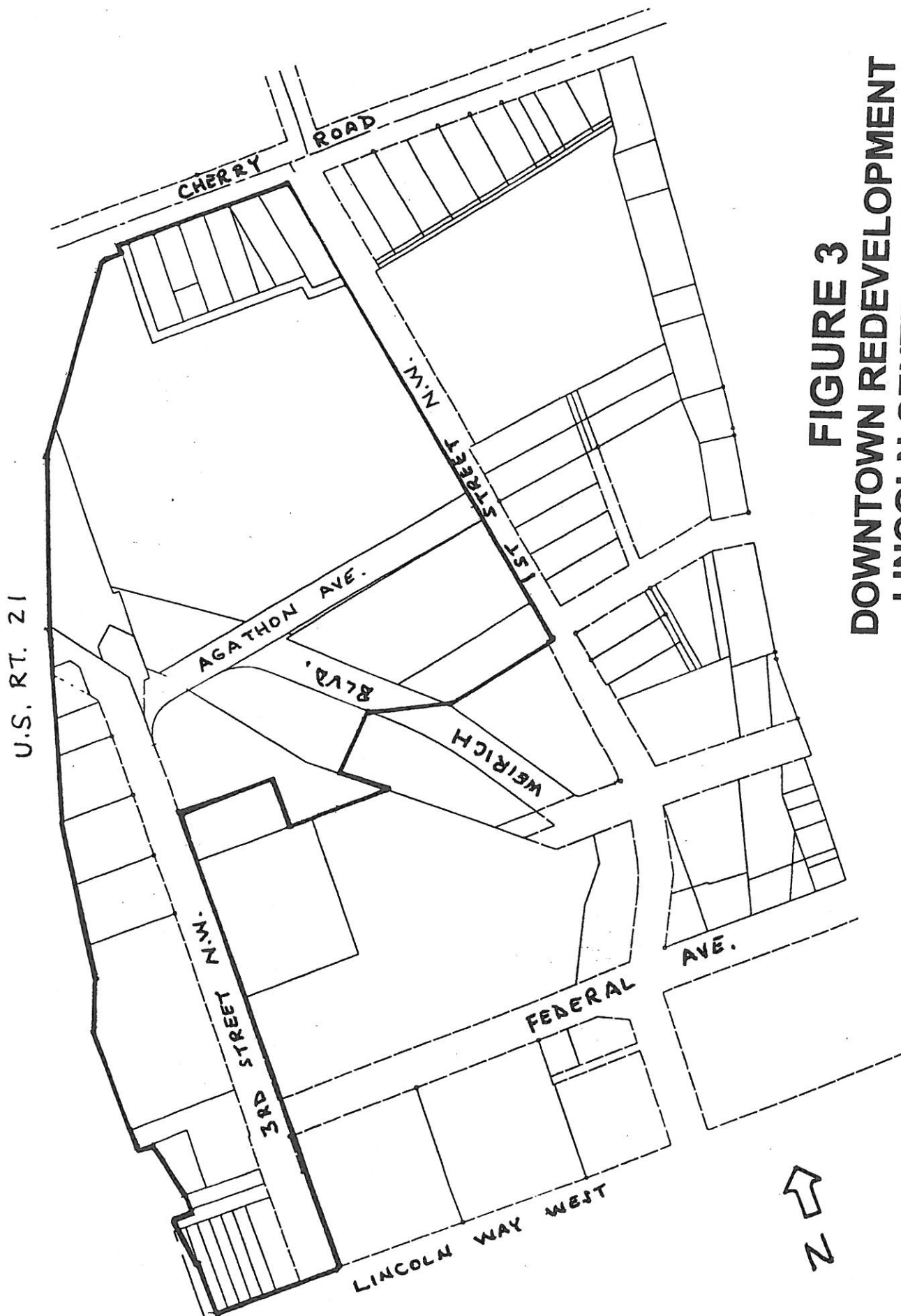


FIGURE 3
DOWNTOWN REDEVELOPMENT
LINCOLN CENTER PHASE III

DATE: March 6, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

RESOLUTION NO. 7 - 2000

BY: COMMITTEE OF THE WHOLE

TITLE: A RESOLUTION honoring Mr. Charles Mc Dew, a native of Massillon, Ohio, for his achievements and accomplishments concerning the social and political issues of this country.

WHEREAS, Charles Mc Dew was born on June 23, 1938 and resided in Massillon, Ohio, having graduated from Washington High School in 1957;

WHEREAS, Mr. Mc Dew furthered his education at South Carolina State College, where he was elected as a student leader;

WHEREAS, Mr. McDew participated in the founding of the Student Non-Violent Coordinating Committee in 1960 and served as Chairman of this Committee from 1961 through 1964;

WHEREAS, under his leadership, the Student Non-Violent Coordinating Committee challenged racists laws and practices, desegregated local facilities, operated freedom schools, registered people to vote and developed local leadership in the South during the turbulent 1960's;

WHEREAS, Mr. Mc Dew has been active in organizations for social change, working as a labor organizer, managing anti-poverty programs in Washington, D.C., serving as community organizer and catalyst for change in Boston and San Francisco, as well as other communities. He has appeared on countless radio and television programs as a spokesman against racism. He continues to be involved in programs for social and political change designed to empower local leadership and break down racial and cultural barriers;

WHEREAS, MR. MC DEW is presently on the faculty at Metropolitan State University, St. Paul, Minnesota, where his classes in history of the civil rights movement and classes in social and cultural awareness are always oversubscribed. His dynamic and intensely personal style make him a compelling teacher;

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

Section I:

On behalf of the City of Massillon and the members of City Council, the Council honors Mr. Charles Mc Dew for his achievements and accomplishments concerning the social and political issues of this country.

Section 2:

That this Resolution shall be immediately effective.

PASSED IN COUNCIL THIS _____ DAY OF _____, 2000

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

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