

AGENDA

DATE: APRIL 17, 2000

PLACE: COUNCIL CHAMBERS

TIME: 7:30 P.M.

1. ROLL CALL
2. INVOCATION - COUNCILMAN PAUL LAMBERT
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. 80 - 2000 BY: PUBLIC UTILITIES/GOLF COURSE COMMITTEE

P
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract with Massillon Mens Team #1, Perry Mens Team #1 and Perry Ladies Team #1 for golf team privileges at The Legends of Massillon Golf Course, and declaring an emergency.

ORDINANCE NO. 81 - 2000 BY: PUBLIC UTILITIES/GOLF COURSE COMMITTEE

P
AN ORDINANCE authorizing and directing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract to purchase a John Deere rough mower, without competitive bidding, through pricing based on State Contract #0T920698-E and approved by the Board of Control, for The Legends of Massillon Municipal Golf Course, and declaring an emergency.

ORDINANCE NO. 82 - 2000 BY: PUBLIC UTILITIES/GOLF COURSE COMMITTEE

SDA ✓
P
AN ORDINANCE authorizing and directing the Director of Public Service and Safety of the City of Massillon, Ohio, to prepare plans and specifications and to advertise for and receive sealed bids according to law for the expansion of The Legends of Massillon Golf Course, and declaring an emergency. - No Award!

ORDINANCE NO. 83 - 2000 BY: PARKS AND RECREATION COMMITTEE

P
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 roof replacement at the Massillon Senior Center, and declaring an emergency.

ORDINANCE NO. 84 - 2000 BY: PARKS AND RECREATION COMMITTEE

P
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to approve Change Order No. 1 and No. 2 for the electrical contract for the restrooms at South Sippo, Stadium, The "Bottoms" and Franklin Parks, without competitive bidding, with Sander Electric, and declaring an emergency.

ORDINANCE NO. 85 - 2000 BY: PARKS AND RECREATION COMMITTEE

SDA ✓
P
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to grant a permanent easement covering the new pipeline within the right-of-way of South Erie to Great Lakes after the completion of the relocation of the pipeline by the City, and declaring an emergency.

ORDINANCE NO. 86 - 2000 BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

GM ✓ *P* **AN ORDINANCE** authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for, receive sealed bids and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder to pave and/or resurface various streets within the City of Massillon, and declaring an emergency.

ORDINANCE NO. 87 - 2000 BY: FINANCE COMMITTEE

P **AN ORDINANCE** closing out the Massillon Rental Rehab Fund #1213 by transferring the balance to the State housing Trust Fund, of the City of Massillon, Ohio, and declaring an emergency.

ORDINANCE NO. 88 - 2000 BY: FINANCE COMMITTEE

GM ✓ *P* **AN ORDINANCE** making certain appropriations from the unappropriated balance of the Capital Improvement Fund, OPWC Harsh Avenue Fund, Massillon Rental Rehab Fund, Restaurant License Fund and the Massillon Mural Fund, of the City of Massillon, for the year ending December 31, 2000, and declaring an emergency. *(Auditor Bookkeeping ?)*

ORDINANCE NO. 89- 2000 BY: FINANCE COMMITTEE

P **AN ORDINANCE** making certain appropriations from the unappropriated balance of the General Fund of the City of Massillon, Ohio, for the year ending December 31, 2000, and declaring an emergency.

ORDINANCE NO. 90 - 2000 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

P **AN ORDINANCE** authorizing and directing the Mayor of the City of Massillon to enter into an agreement with Controlled Power Corporation of Ohio 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. 91 - 2000 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

P **AN ORDINANCE** authorizing the Mayor to enter into an agreement with the Massillon City School District Board of Education, and Controlled Power Corporation of Ohio authorizing general compensation to the school district resulting from the Enterprise Zone Agreement for the Controlled Power Corporation Project, and declaring an emergency.

RESOLUTION NO. 9 - 2000 BY: COMMITTEE OF THE WHOLE

P **A RESOLUTION** commending ROBERT F. WAGONER as the Massillon City Engineer for nearly 29 years.

7. UNFINISHED BUSINESS

8. PETITIONS AND GENERAL COMMUNICATIONS

A). LETTER OHIO DIVISION OF LIQUOR REGARDING A TRANSFER OF LIQUOR LICENSE FROM WEST END TAVERN INC., 1407 TREMONT AVENUE S.W. FIRST FLOOR AND BASEMENT, MASSILLON, OHIO, 44647, TO WET-ONE INC., DBA WEST END TAVERN, 1407 TREMONT AVENUE S.W. FIRST FLOOR AND BASEMENT, MASSILLON, OHIO 44647.

9. BILLS, ACCOUNTS AND CLAIMS
10. REPORTS FROM CITY OFFICIALS

- A). MAYOR SUBMITS MONTHLY REPORT FOR MARCH - 2000
- B). POLICE CHIEF SUBMITS MONTHLY REPORT FOR MARCH - 2000
- C). FIRE CHIEF SUBMITS MONTHLY REPORT FOR MARCH - 2000
- D). TREASURER SUBMITS MONTHLY REPORT FOR MARCH - 2000
- E). INCOME TAX DEPARTMENT MONTHLY REPORT FOR MARCH - 2000

11. REPORTS OF COMMITTEES
12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS
13. CALL OF THE CALENDAR
14. THIRD READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 65 - 2000 BY COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

Tabled

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

ORDINANCE NO. 66 - 2000 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

Tabled

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

ORDINANCE NO. 67 - 2000 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

Tabled

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

ORDINANCE NO. 71 - 2000 BY: FINANCE COMMITTEE

Revenue Split.

*Amended
5-4*

1st Reading

AN ORDINANCE amending CHAPTER 937 "WASTEWATER TREATMENT REVENUE FUND" of the Codified Ordinances of the City of Massillon, by repealing existing Section 937.08(1) (2) "Administration and Disbursement of Funds" and enacting a new Section 937.08 (1), (2) and (3) "Administration and Disbursement of Funds" of CHAPTER 937 "WASTEWATER TREATMENT REVENUE FUND", and declaring an emergency.

Halber, Bryan, Jonick, Filheur.

15. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 75 - 2000 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

2nd

AN ORDINANCE approving an application for assistance under Title I of the Housing and Community Development Act of 1974, as amended, including the Consolidated Plan and Annual Action Plan; authorizing the execution and filing of the application and related assurances and certifications, and declaring an emergency.

16. NEW AND MISCELLANEOUS BUSINESS
17. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS NOT ON THE AGENDA
18. ADJOURNMENT

SHARON HOWELL
COUNCIL CLERK

✓ THERE IS A PUBLIC HEARING THIS EVENING
REGARDING ORDINANCE NO. 75 - 2000 AT 6:30 P.M.

DATE: April 17, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 80 - 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 enter into contract with Massillon Mens Team #1, Perry Mens Team #1 and Perry Ladies Team #1 for golf team privileges 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 finds that it is necessary to enter into contract with Massillon Mens Team #1, Perry Mens Team #1 and Perry Ladies Team #1 for golf team privileges at The Legends of Massillon Golf Course.

Section 2:

The Director of Public Service and Safety be and is hereby authorized to enter into contract with Massillon Mens Team #1, Perry Mens Team #1 and Perry Ladies Team #1 for golf team privileges at The Legends of Massillon Golf Course.

Section 3:

That this Ordinance is declared to be an emergency measure immediately necessary for the preservation of the health, safety and welfare of the community and for the additional reason that contracts with the schools must be entered into prior to the start of the school year. Provided it receives the affirmative vote of two-thirds of the elected members to Council it shall take effect and 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: April 17, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 81 - 2000

BY: PUBLIC UTILITIES/GOLF COURSE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, to enter into a contract to purchase a John Deer rough mower, without competitive bidding, through pricing based on State Contract #0T920698-E and approved by the Board of Control, for The Legends of Massillon Municipal 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 finds that it is necessary to enter into a contract to purchase a John Deer rough mower, without competitive bidding, through pricing based on State Contract #0T920698-E and approved by the Board of Control, for The Legends of Massillon Municipal Golf Course. The cost of said contract shall not exceed Thirty Two Thousand Dollars. (\$32,000.00)

Section 2:

The Director of Public Service and Safety of the City of Massillon is hereby authorized to enter into a contract to purchase a John Deer rough mower, without competitive bidding, through pricing based on State Contract #0T920698-E and approved by the Board of Control, for The Legends of Massillon Municipal Golf Course .

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 preservation of the health, safety and welfare of the community and for the additional reason the City of Massillon enter into a contract to purchase a John Deer rough mower for use by 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

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

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

DATE: April 17, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 82 - 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 prepare plans and specifications and to advertise for and receive sealed bids according to law for the expansion of 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 prepare plans and specifications and to advertise for and receive sealed bids according to law for the expansion of 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 and receive sealed bids according to law for the expansion of 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 that plans and specifications be prepared so that advertisement for sealed bids may be received by 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

ATTEST:

SHARON HOWELL, CLERK OF COUNCIL

DENNIS D. HARWIG, PRESIDENT

APPROVED:

FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: April 17, 2000

CLERK: - SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 83 - 2000

BY: PARKS AND RECREATION 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 roof replacement at the Massillon Senior Center, and declaring an emergency.

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

Section 1:

The 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 roof replacement at the Massillon Senior Center.

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 roof replacement at the Massillon Senior Center.

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 to replace the roof of the Massillon Senior Center in that it is in bad condition and needs replaced. 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: April 17, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 84 - 2000

BY: PARKS AND RECREATION COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to approve Change Order No. 1 and No. 2, for the electrical contract for the restrooms at South Sippo, Stadium, The "Bottoms" and Franklin Parks, without competitive bidding, with Sander Electric, 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 for the Director of Public Service and Safety of the City of Massillon, Ohio, to approve Change Order No. 1, and No. 2, for the electrical contract for the restrooms at South Sippo, Stadium, The "Bottoms" and Franklin Parks, without competitive bidding, with Sander Electric.

Section 2:

The Director of Public Service and Safety be and is hereby authorized to approve Change Order No. 1, and No. 2, for the electrical contract for the restrooms at South Sippo, Stadium, The "Bottoms" and Franklin Parks, without competitive bidding, with Sander Electric. The cost of said Change Order No. 1 shall not exceed Thirteen Thousand Eight Hundred Eight-Eight Dollars (\$13,888.00) and Change Order No. 2 shall not exceed One Thousand Four Hundred Sixty-Eight Dollars (\$1,468.00).

Section 3:

That upon the completion of said services, 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 such services and the City Auditor is hereby authorized and directed to honor and pay said vouchers.

Section 4:

That this Ordinance is declared to be an emergency measure immediately necessary for the preservation of the health, safety and welfare of the community and for the further reason that said services are necessary for the completion of electrical work contracted for the restrooms at South Sippo, Stadium, The "Bottoms" and Franklin Parks and the funds are available in account. 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: April 17, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 85 - 2000

BY: PARKS AND RECREATION COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to grant a permanent easement covering the new pipeline within the right-of-way of South Erie to Great Lakes after the completion of the relocation of the pipeline by the City, and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, hereby finds that it is necessary to grant a permanent easement covering the new pipeline within the right-of-way of South Erie to Great Lakes after the completion of the relocation of the pipeline by the City.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized to grant a permanent easement covering the new pipeline within the right-of-way of South Erie to Great Lakes after the completion of the relocation of the pipeline by the City.

Section 3:

That this Ordinance is hereby declared to be an emergency measure for the reason that this easement is needed for new pipeline within the right-of-way of South Erie to Great lakes after the completion of the relocation of the pipeline by the City. 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 K. HOWELL, CLERK OF COUNCIL DENNIS D. HARWIG, PRESIDENT

APPROVED _____
FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: April 17, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 86 - 2000

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for, receive sealed bids and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder to pave and/or resurface various streets within the City of Massillon, and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby determines it to be necessary in the public health, safety and welfare to advertise for, receive sealed bids and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder to pave and/or resurface various streets within the City of Massillon.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to prepare plans and specifications and to advertise for, receive sealed bids and enter into contract, upon award and approval by the Board of Control, with the lowest and best bidder to pave and/or resurface various streets within the City of Massillon.

Section 3:

That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and welfare of the community and for the additional reason that it is necessary that the advertising for bids be made to pave and/or resurface the streets prior to the end of the Spring of 2000. 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: April 17, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 87 - 2000

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE closing out the Massillon Rental Rehab Fund #1213 by transferring the balance to the State Housing Trust Fund, of the City of Massillon, Ohio, and declaring an emergency.

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

Section 1:

The Massillon Rental Rehab Fund #1213 shall be closed and the balance transferred to the State Housing Trust Fund, of the City of Massillon, Ohio, as follows:

\$ 3,235.01 FROM: "Transfer From" 1213.745.2710
TO: "Transfer In" 1228.845.1860

Section 2:

This Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that the Massillon Rental Rehab Fund #1213 be closed, 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: April 17, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 88 - 2000

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Capital Improvement Fund, OPWC Harsh Avenue Fund, Massillon Rental Rehab Fund, Restaurant License Fund and the Massillon Mural 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 Capital Improvement Fund for the year ending December 31, 2000, the following:

\$400,000.00 to an account entitled "2000 Street Resurfacing Program" 1401.435.2510
\$ 6,500.00 to an account entitled "Leases" 1401.905.2530

Section 2:

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

\$188,424.75 to an account entitled "OPWC Harsh Ave. Project" 1486.435.2510 ?

Section 3:

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

\$ 3,235.01 to an account entitled "Transfer To" 1213.845.2710

Section 4:

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

\$ 1,000.00 to an account entitled "Travel/Seminar" 1211.720.2389

Section 5:

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

\$ 870.00 to an account entitled "Valor" Mural Project" 3112.905.2510

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: April 17, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 89 - 2000

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the General Fund of the City of Massillon, Ohio, for the year ending December 31, 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 General Fund of the City of Massillon, Ohio, for the year ending December 31, 2000, the following:

\$ 20,000.00 to an account entitled "Massillon West/Stark Tourism Council 2000" 1100.905.2398

Section 2:

This Ordinance is hereby declared to be an emergency measure, for the reason that said appropriation is needed for Massillon West/Stark Tourism Council 2000 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: April 17, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 90 - 2000

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE authorizing and directing the Mayor of the City of Massillon to enter into an agreement with Controlled Power Corporation of Ohio 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, Controlled Power Corporation of Ohio is hereby proposing to start up business operations in the existing vacant facility located at 211 and 225 Wetmore Avenue, S.E., within the Massillon Enterprise Zone, and is proposing to establish a facility to relocate its manufacturing operations, at a total combined investment of Six point Fifty-Two Million (\$6.52 million), (hereinafter the "Project"), provided that the appropriate development incentives are available to support the economic viability of said Project; and

WHEREAS, the Council of the City of Massillon, Ohio, (hereinafter "Council") by Ordinance No. 163-1994, adopted on July 18, 1994, and as amended by Ordinance No. 57-1998, adopted March 2, 1998 and as amended by Ordinance No. 43 - 1999, adopted March 1, 1999, has designated an area of the City as an "Enterprise Zone" pursuant to Chapter 5709 of the Ohio Revised Code; and

WHEREAS, effective September 12, 1994, and as amended on March 13, 1998, and as amended on March 9, 1999, the Director of Development of the State of Ohio has determined that the aforementioned area designated in said Ordinance No. 163 - 1994 contains the characteristics set forth in 5709.61(A) of the Ohio Revised Code, and has certified said area as an Enterprise Zone under Chapter 5709; and

WHEREAS, the City of Massillon, having the appropriate authority for the stated type of project is desirous of providing Controlled Power Corporation of Ohio with the incentives available for development of the Project in said Enterprise Zone, under Chapter 5709 of the Ohio Revised Code; and

WHEREAS, Controlled Power Corporation of Ohio have submitted a proposed agreement application, herein attached as Exhibit "A", to the City of Massillon, Ohio, requesting that the incentives available for development within the Enterprise Zone be approved for the Project; and

WHEREAS, the Mayor of the City of Massillon, Ohio, has investigated the application submitted by the Controlled Power Corporation of Ohio and has recommended approval of the same to the Council on the basis that the company is qualified by financial responsibility and business experience to create employment opportunities in said Enterprise Zone and to improve the economic climate of the City of Massillon; and

WHEREAS, the project site is located in the Massillon City School District and the Massillon Board of Education has been notified in accordance with Section 5709.83 and has been given a copy of the application.

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

Section 1:

The Council of the City of Massillon, Ohio does hereby authorize and direct the Mayor to enter into an agreement, attached hereto as Exhibit "A" and incorporated herein by reference, with Controlled Power Corporation of Ohio providing for the adoption of a project which will establish a facility and preserve employment opportunities within the City of Massillon Enterprise Zone.

Section 3:

This Ordinance is declared to be an emergency measure immediately necessary for the preservation of the health, safety and welfare of the City of Massillon, Ohio and for the further reason that approval of said agreement is necessary so as to maximize the investment that will be made by the Controlled Power Corporation of Ohio within the City of Massillon, Ohio. Provided it receives the affirmative vote of two-thirds of the elected members to Council it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____ 2000

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

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

OHIO ENTERPRISE ZONE AGREEMENT

This Agreement made and entered into by and between the City of Massillon, Ohio, a Municipal Corporation, with its main offices located at One James Duncan Plaza, Massillon, Ohio 44646 (hereinafter referred to as "City of Massillon"), and Controlled Power Corporation of Ohio, an Ohio Corporation with its main offices located at 1501 Raff Road, S.W., Canton, Ohio 44710 (hereinafter referred to as "CPC").

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, CPC is desirous of establishing a facility within the Enterprise Zone through the occupation and renovation of an existing facility that will house the company's switchgear 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 purchase of an existing 18,000 sq. ft. office building located at 225 Wetmore Avenue, S.E., and the purchase of an existing 100,000 sq. ft. plant facility located at 211 Wetmore Avenue, S.E., including structural improvements to these facilities; and Phase 2 being the expansion of these facilities, including building additions and the purchase and installation of additional machinery and equipment; and

Whereas, the Council of the City of Massillon, Ohio (hereinafter "Council") by Ordinance No. 163-1994, adopted on July 18, 1994, and as amended by Ordinance No. 57-1998, adopted on March 2, 1998, and amended by Ordinance No. 43 1999, adopted on March 1, 1999, has designated an area of the City as an "Enterprise Zone" pursuant to Chapter 5709 of the Ohio Revised Code; and

Whereas, effective September 12, 1994, and as amended March 13, 1998 and on March 9, 1999, the Director of Development of the State of Ohio has determined that the aforementioned area designated in said Ordinance No. 163-1994, Ordinance No. 57-1998, and Ordinance No. 1999 contains the characteristics set forth in 5709.61 (A) (1) (a) and (e) of the Ohio Revised Code, and has certified said area as an Enterprise Zone under Chapter 5709; and

Whereas, the City of Massillon, having the appropriate authority for the stated type of project, is desirous of providing CPC with the incentives available for development of the Project in the said Enterprise Zone, under Chapter 5709 of the Ohio Revised Code; and

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

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

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

Section I:

Phase 1 of this Project is as follows: CPC shall acquire the following existing facilities (hereinafter, the "Project Site"):

1. 225 Wetmore Avenue, S.E., a 0.56 acre parcel, Part of Out Lot 45, including an 18,000 sq. ft. office building.
2. 211 Wetmore Avenue, S.E., a 4.597 acre parcel, Part of Out Lot 43 and Out Lot 45, including a 100,000 sq. ft. manufacturing facility.

CPC shall upgrade these existing facilities through structural improvements needed to conduct the management activities of CPC and the assembly of switchgear and other electrical products at the plant facility.


Phase 1 of this Project will involve a total investment by CPC of (\$1,520,000) One Million Five Hundred Twenty Thousand Dollars , plus or minus 10%, at the proposed project site. Included in this investment are (\$1,276,000) One Million Two Hundred Seventy-Six Thousand Dollars for acquisition of the Project Site; and (\$244,000) Two Hundred Forty-Four Thousand Dollars for improvements to existing buildings.

Phase 2 of this Project is as follows: CPC shall expand its manufacturing operations at the Project Site through building additions and the purchase and installation of machinery and equipment, including fabrication equipment (punch press, brakes, shears, and stamping presses), continuous powder paint system, and fluidized insulating system. Phase 2 shall commence by June 1, 2001..

Phase 2 of this Project will involve a total additional investment by CPC of (\$5,000,000) Five Million Dollars , plus or minus 10%, at the proposed project site. Included in this investment is (\$1,600,000) One Million Six Hundred Thousand Dollars for building additions; and (\$3,400,000) Three Million Four Hundred Thousand Dollars to purchase first used machinery and equipment.

In addition, CPC will relocate and use at the project site existing machinery and equipment, with a total current listed value of (\$405,711) Four Hundred Five Thousand Seven Hundred Eleven Dollars.

Furthermore, the Enterprise has reported that its existing base level of inventory as listed in the personal property tax return for the tax year (stated in average \$ value per most recent 12 month period) in which the agreement is entered into is (\$278,188) Two Hundred Seventy-Eight Thousand One Hundred Eighty-Eight Dollars.

 The Project will begin in January 2000, and all acquisition, construction, and installation under will be completed by December 31, 2002.

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

Section 2:

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

Section 3:

With regard to Phase 1 of the Project, CPC shall create within a time period not exceeding 24 months after the commencement of the Project, the equivalent of 31 new full-time permanent job opportunities. In addition, CPC will use its best efforts to relocate and retain 70 existing full-time permanent jobs at the new facility.

CPC's schedule for hiring is as follows: create 16 new full-time permanent jobs in year one; and create 15 new full-time permanent jobs in year two. The job creation period begins in 2000 and all jobs will be in place by December 31, 2001.

CPC currently has 70 full-time permanent employees in the State of Ohio. CPC will be relocating to the Enterprise Zone Project Site 70 existing full-time permanent jobs from its existing site at 1501 Raff Road, S.W., in Canton Township, Stark County. CPC will use its best efforts to retain these 70 existing full-time permanent jobs at the Project Site.

The increase in the number of full-time permanent employees in Phase 1 will result in approximately (\$1,000,000) One Million Dollars of additional annual payroll for the Enterprise. The retention of the existing jobs will provide an annual payroll of (\$2,600,000) Two Million Six Hundred Thousand Dollars.

With regard to the Phase 2 of the Project, CPC shall create within a time period not exceeding 24 months after commencement of Phase 2 the equivalent of 50 new full-time permanent job opportunities.

CPC's schedule for hiring is as follows: create 25 new full-time permanent jobs in year one, and 25 new full-time permanent jobs in year two. The job creation period begins in 2000 and all jobs under Phase 2 will be in place by December 31, 2002.

The increase in the number of full-time permanent employees in Phase 2 will result in approximately (\$1,525,000) One Million Five Hundred Twenty-Five Thousand Dollars of additional annual payroll for the Enterprise.

Section 4:

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

Section 5:

The City of Massillon hereby grants CPC a tax exemption pursuant to Section 5709.62 for eligible new tangible personal property acquired in conjunction with the Project. This tax exemption shall be at the rate of 100% on all machinery and equipment, as well as increases in inventory over the base level, acquired as part of the Project. Each identified project improvement will receive a ten year exemption period. The exemption commences the first year for which the tangible personal property would first be taxable were that property not exempted from taxation. No exemption for Phase 1 of the Project shall commence after December 31, 2001 nor extend beyond December 31, 2011

If CPC elects to proceed with Phase 2 of the Project, no exemption for Phase 2 of the Project shall commence after December 31, 2003 nor extend beyond December 31, 2013. 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 exemption granted in this Section is made subject to the Compensation Agreement (attached hereto as Exhibit "B") by and between CPC, the Massillon School District Board of Education (the "District"), and the City of Massillon. If this Compensation Agreement is not executed or is terminated by the parties, the percentage of abatement granted by the City of Massillon in Section 5 of this Enterprise Zone Agreement shall revert to the rate of 75% on the eligible new tangible personal property as described herein.

Section 6:

The City of Massillon hereby grants CPC a tax exemption for real property improvements made to the Project site pursuant to Section 5709.62 of the Ohio Revised Code. This tax exemption shall be at the rate of 100%. Each identified project improvement will receive a ten year exemption period. The exemption commences the first year for which the real property exemption would first be taxable were that property not exempted from taxation. No exemption for Phase 1 of the Project shall commence after December 31, 2003 nor extend beyond December 31, 2013.

If CPC elects to proceed with Phase 2 of the Project, no exemption for Phase 2 of the Project shall commence after December 31, 2003 nor extend beyond December 31, 2013. 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 exemption granted in this Section is made subject to the Compensation Agreement (attached hereto as Exhibit "B") by and between CPC, the Massillon School District Board of Education (the "District"), and the City of Massillon. If this Compensation Agreement is not executed or is terminated by the parties, the percentage of abatement granted by the City of Massillon in Section 6 of this Enterprise Zone Agreement shall revert to the rate of 75% on the real property improvements as described herein.

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

Section 7:

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

Section 8:

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

Section 9:

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

Section 10:

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

Section 11:

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

Section 12:

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

Section 13:

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

Section 14:

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

Section 15:

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

Section 16:

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

Section 18:

Exemptions from taxation granted under this agreement shall be revoked if it is determined that CPC, any successor enterprise, or any related member (as those terms are defined in Section 5709.61 of the Ohio Revised Code) has violated the prohibition against entering into this agreement under Division (E) of Section 3735.671 or Section 5709.62, 5709.63 or 5709.632 of the Ohio Revised Code prior to the time prescribed by that division or either of those sections.

Section 19:

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

Section 20:

CPC 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 CPC has knowingly made a false statement to the State or local political subdivision to obtain the Enterprise Zone incentives, CPC 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. 10-2000, has caused this instrument to be executed this ____ day of _____, 2000; and Controlled Power Corporation of Ohio, by Daniel J. Marchak, its Treasurer/CFO, has caused this instrument to be executed this ____ day of _____, 2000.

WITNESSED BY:

THE CITY OF MASSILLON, OHIO

Francis H. Cicchinelli, Jr., Mayor

**CONTROLLED POWER
CORPORATION OF OHIO**

Daniel J. Marchak, Treasurer/CFO

Approved as to form and legal sufficiency:

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

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

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

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

<u>Controlled Power Corporation of Ohio</u> enterprise name	<u>Daniel J. Marchak</u> contact person
<u>1501 Raff Road SW</u>	<u>(330) 478-6100</u>
<u>Canton, OH 44710</u> address	telephone number

- b. Project Site:

<u>211 Wetmore Ave. SE</u>	<u>Daniel J. Marchak</u> contact person
<u>225 Wetmore Ave. SE</u>	
<u>Massillon, OH 44646</u> address	<u>(330) 478-6100</u> telephone number

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

- b. List primary 4 digit Standard Industrial Code (SIC) # 3612
Business may list other relevant SIC numbers.

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

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

Corporation

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

See attached Schedule A

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

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

70

- 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:

70 employees from 1501 Raff Road SW in Canton Township in Stark

County to 211-225 Wetmore Avenue SE

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

Refer to Schedule B

- e. State the enterprise's current employment level for each facility to be affected by the relocation of employment positions or assets: 70

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

Controlled Power Corporation of Ohio will relocate to the Massillon facility.

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

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

7. Does the Enterprise owe:

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

8. Project Description (attach additional pages if necessary): Purchase and renovation of 18,000 sq. ft. of corporate office and 50,000 sq. ft. of plant space for switchgear assembly. Potential rental of another 50,000 sq. ft. of space until CPC is ready to occupy more space.

9. Project will begin March 31, 2000, ~~19XXXX~~ and be completed December 31, 2002, ~~19XXXX~~ 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): 31 Full-time employees

- b. State the time frame for this projected hiring: Two years.

- c. State proposed schedule for hiring (itemize by full and part-time and permanent and temporary employees): See attached Schedule B

11. a. Estimate the amount of annual payroll such new employees will add \$ 1 Million
(new annual payroll must be itemized by full and part-time and permanent and
temporary new employees). Full-time
-
- b. Indicate separately the amount of existing annual payroll relating to any job retention
claim resulting from the project: \$ 2,600,000
12. Market value of the existing facility as determined for local property taxation.
\$ See attached Real Estate Valuation, Schedule C
13. a. Business's total current investment in the facility as of the proposal's submission.
\$ -0-
- 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): \$ 278,188
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>1,276,000</u> |
| B. | Additions/New Construction: See Sch. D | \$ <u>1,600,000</u> |
| C. | Improvements to existing buildings | \$ <u>244,000</u> |
| D. | Machinery & Equipment See Sch. D | \$ <u>3,400,000</u> |
| E. | Furniture & Fixtures: | \$ <u></u> |
| F. | Inventory | \$ <u></u> |
| Total New Project Investment: | | \$ <u>6,520,000</u> |
15. a. Business requests the following tax exemption incentives: 75 % for 10
years covering real and/or personal property including inventory as described above.
Be specific as to type of assets, rate, and term.
- b. Business's reasons for requesting tax incentives (be quantitatively specific as
possible)
- The switchgear manufacturing business is very competitive nationwide.
- CPC needs to control costs while trying to develop niche markets and
- product lines from which gross margin can be increased and business
- can be expanded.

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.

Controlled Power Corporation of Ohio

February 29, 2000

Name of Enterprise

Date


Signature

Daniel J. Marchak - Treasurer/CFO
Typed Name and Title

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

** Attach to Final Enterprise Zone Agreement as Exhibit A

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

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

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

NARRATIVE STATEMENT

I. PROJECT DESCRIPTION:

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

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

See attached Schedule E

II. PROJECT BUDGET

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

Proposed Cost

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

Proposed Cost

See Phase II, Schedule D

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

Proposed Cost

See attached Schedule F

D. MACHINERY AND EQUIPMENT

Proposed Cost

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

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

See attached Schedule G

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. See Schedule H

\$278,188

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

III. EMPLOYMENT

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

See attached Schedule B

IV. REQUEST FOR TAX EXEMPTION

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

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

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

See attached Schedule I

OHIO DEPARTMENT OF DEVELOPMENT
ENTERPRISE ZONE PROJECT TAX ANALYSIS

General Project Information

County: Stark Local Government Authority: Massillon
Business: Controlled Power Corporation of Ohio
Total Current Real Property Tax of Business (at site): NA Total Project Cost: \$6,520,000
Total Current Tangible Personal Property Tax of Business (at site): NA

* (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? X yes no

within State (distance mi.) yes X no

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

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 81;

Note new payroll projected from the new job commitment \$2,525,000 x 1.8 % income tax rate = \$ 45,450.
New income tax generation

Enterprise Zone Manager or Authorized Signature _____ Date _____

1A. Total Project Costs receiving Real Property Exemption: \$1,845,000

Real Property Tax Matrix

Projected Tax Year	YR1	YR2	YR3	YR4	YR5	YR6	YR7	YR8	YR9	YR10
Estimated Value of Real Property Improvements	\$ 1,845,000	\$ 1,845,000	\$ 1,845,000	\$ 1,845,000	\$ 1,845,000	\$ 1,845,000	\$ 1,845,000	\$ 1,845,000	\$ 1,845,000	\$ 1,845,000
Exemption Schedule	75%	75%	75%	75%	75%	75%	75%	75%	75%	75%
Exempted Value	\$ 1,383,750	\$ 1,383,750	\$ 1,383,750	\$ 1,383,750	\$ 1,383,750	\$ 1,383,750	\$ 1,383,750	\$ 1,383,750	\$ 1,383,750	\$ 1,383,750
Taxable Value	\$ 461,250	\$ 461,250	\$ 461,250	\$ 461,250	\$ 461,250	\$ 461,250	\$ 461,250	\$ 461,250	\$ 461,250	\$ 461,250
Real Property Tax Rate (\$1000)	0.017918	0.017918	0.017918	0.017918	0.017918	0.017918	0.017918	0.017918	0.017918	0.017918
Total Real Property Tax Foregone (Taxable Value x 35% + tax rate)	24,794.03	24,794.03	24,794.03	24,794.03	24,794.03	24,794.03	24,794.03	24,794.03	24,794.03	24,794.03
Net New Tax Revenue Taxable Value x 35% + tax rate)	8,264.68	8,264.68	8,264.68	8,264.68	8,264.68	8,264.68	8,264.68	8,264.68	8,264.68	8,264.68

Total Real Property Tax Foregone over Project Term:

\$ 247,940
\$ 82,647

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 \$82,647 (1A) to equal the net new annual real property increase (loss) \$82,647 to community.

82647
17

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	\$ 3,400,000	\$ 3,060,000	\$ 2,754,000	\$ 2,478,600	\$ 2,230,740	\$ 2,007,666	\$ 1,806,899	\$ 1,626,209	\$ 1,463,589	\$ 1,317,230
Exemption Schedule	75%	75%	75%	75%	75%	75%	75%	75%	75%	75%
Exempted Value	\$ 2,550,000	\$ 2,295,000	\$ 2,065,500	\$ 1,858,950	\$ 1,673,055	\$ 1,505,750	\$ 1,355,175	\$ 1,219,657	\$ 1,097,691	\$ 987,922
Taxable Value	\$ 850,000	\$ 765,000	\$ 688,500	\$ 619,650	\$ 557,685	\$ 501,917	\$ 451,725	\$ 406,552	\$ 365,897	\$ 329,307
Assessment	25%	25%	25%	25%	25%	25%	25%	25%	25%	25%
Tangible Personal Property Tax Rate	66.7	66.7	66.7	66.7	66.7	66.7	66.7	66.7	66.7	66.7
Total Tangible Property Tax Foregone (Exempted Value x Assessment x Tax Rate)	\$ 42,521	\$ 38,269	\$ 34,442	\$ 30,998	\$ 27,898	\$ 25,108	\$ 22,598	\$ 20,338	\$ 18,304	\$ 16,474
Net New Tangible Property Tax Revenue (Taxable Value x Assessment x Tax Rate)	\$ 14,174	\$ 12,756	\$ 11,481	\$ 10,333	\$ 9,299	\$ 8,369	\$ 7,533	\$ 6,779	\$ 6,101	\$ 5,491

Total Tangible Personal Property Tax Foregone over Project Term:

\$ 276,950
\$ 92,317

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

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 \$ 92,317 (2A) to equal the net new annual Tangible Property increase (loss) \$ 92,317 to community.

INDEX

1. Schedule A - Principal Owners
2. Schedule B - Employment
3. Schedule C - Real Estate Evaluation
4. Schedule D - Phase II Costs
5. Schedule E - Project Description
6. Schedule F- Project Budget - Improvements to Existing Buildings
7. Schedule G - Machinery & Equipment #2
8. Schedule H - Inventory
9. Schedule I - Request for Tax Exemption

SCHEDULE A

PRINCIPAL OWNERS OF THE BUSINESS

<u>Name</u>	<u>% of Ownership</u>
FinCom	57.1%
James G. Owens	22.0%
James R. Fink	5.5%
Charles H. Ross	5.5%
Daniel J. Marchak	5.5%
Richard A. Sanchez	1.1%
Scott R. Hadley	1.1%
William D. Schiller	1.1%
Thomas R. Winkler	<u>1.1%</u>
	100%

SCHEDULE B

EMPLOYMENT

	Emp. as of <u>12/31/99</u>	Est. Emp. as of <u>12/31/01</u>	Add'l Emp. <hr/>	Est. Add'l Payroll <hr/>
Total Prod. Direct	34	54	20	500,000
Total Prod. Indirect	8	9	1	40,000
Total Eng. Direct	11	13	2	80,000
Total Eng. Indirect	2	2	-	-0-
Project Management	1	2	1	40,000
Total Sales	8	13	5	250,000
Total G&A	5	7	2	90,000
Grand Total	69	100	31	1,000,000

SCHEDULE C

REAL ESTATE EVALUATION

	<u>Parcel #</u>	<u>Land Value</u>	<u>Bldg. Value</u>	<u>Total Value</u>
211 Wetmore				
	06-01566	\$ 1,470		\$ 1,470
	06-16569	5,080	49,250	54,330
	06-09585	9,840	103,850	113,690
	06-16768	7,350	71,930	79,280
225 Wetmore				
	06-09584	<u>1,580</u>	<u>103,740</u>	<u>105,320</u>
Total Values		\$25,320	\$328,770	\$354,090

SCHEDULE D

Phase II Costs

**Start-up of a precision sheetmetal operation
to supply fabricated parts for CPC and outside customers**

Project to start by June 1, 2001 and be completed by December 31, 2002

Phase II Costs

Additions to Building	\$1,600,000
Fabrication equipment, including punch press, brakes, shears, and stamping presses	1,800,000
Continuous powder paint system	1,000,000
Fluidized insulating system	<u>600,000</u>
Total Cost	\$5,000,000

Phase II Employment Requirements

		Annual Wage
Fabrication personnel	30	\$ 750,000
Welders	5	150,000
Painters	5	125,000
Support personnel (SG&A)	10	<u>500,000</u>
		\$1,525,000

SCHEDULE E

PROJECT DESCRIPTION:

Form Investments, consisting of a small group of CPC officials, plans to purchase the 18,000 sq. ft. 2-story office building situated on .56 acres as part of Out Lot 45 located at 225 Wetmore Avenue SE and a 100,000⁺ sq. ft. plant facility on 4.597 acres of land as part of Out Lot 43 and Out Lot 45 located at 211 Wetmore Avenue SE. The purchase price of the facilities will be \$1,276,000, and structural improvements in excess of \$240,000 will be made to the facilities with the express purpose of conducting the management activities of CPC of Ohio, and the assembly of switchgear and other electrical products at the plant facility.

Initially, some office and plant space will be made available for rental. Currently, an assembler of key interlocking systems will make improvements in excess of \$100,000 and rent out a portion of the plant facility.

Controlled Power Corporation of Ohio is currently leasing office and plant space at 1501 Raff Road SW, Canton Township, from Chempower, Inc. As a result of our forecasts to expand the switchgear business and Chempower's own increased business activity, CPC requires more space than is available to us at Raff Road.

Controlled Power Corporation of Ohio has thus made plans to relocate to 211 Wetmore Ave. SE in Massillon to accommodate our current activity and the expected increased activity over the next few years.

SCHEDULE F

PROJECT BUDGET

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

Proposed Cost

211 Wetmore

Roof Repair and/or replacements	\$ 50,000
Additional 15 Ton Crane	50,000
Brick Repair	20,000
Plumbing Fixture Replacement	25,000
Landscaping & Parking Lot Improvements	15,000
Repair of Storm Sewer	<u>20,000</u>

Total Cost for 211 Wetmore \$180,000

225 Wetmore

Remodel entrance to create lobby and reception area	\$ 35,000
Roof Repair and Replacement	<u>30,000</u>

Total Cost for 225 Wetmore \$ 65,000

Combined Total Cost \$245,000

Property and Equipment Summary
 Controlled Power Corp.
 12/31/99

DESCRIPTION	ACCOUNT NUMBER	COST		ACCUMULATED DEPRECIATION		
		6/1/99 BEG. BALANCE	12/31/99 ENDING BALANCE	ADDITIONS	DELETIONS	ENDING BALANCE
Machinery & Equipment	2100	25,000.00	313,467.00	0.00	15,403.00	15,403.00
Office Furniture & Fixtures	2200	18,000.00	0.00	0.00	2,610.00	2,610.00
EDP-Computer Equipment	2220	28,000.00	7,244.00	0.00	4,760.00	4,760.00
Autos & Truck	2300	14,000.00	0.00	0.00	2,030.00	2,030.00
Construction in progress	2400	0.00	0.00			0.00
		85,000.00	320,711.00	0.00	24,803.00	24,803.00

Expense Tie-out

A/C 9320	15,403.00
A/C 9350	2,030.00
A/C 9360	2,610.00
A/C 9370	4,760.00
	<u>24,803.00</u>

MACHINERY AND EQUIPMENT – SCHEDULE 2. List at 25% machinery, repair parts, small tools, etc., used in manufacturing, mining, laundries, dry cleaning, towel and linen supply, stone and gravel plants and radio and television broadcasting. If the value of equipment is based on other than book value, attach detail of computation.

TAXING DISTRICT	DESCRIPTION	TRUE VALUE	LISTED VALUE
0100 CANTON LSD	DRILL PRESS, SAW & MISC.ASSEMBLY EQUIP	\$ 35,390	\$ 8,848
TOTAL (Carry Listed Value by Taxing District to Line 2 on Front of Return)		\$	\$

INVENTORIES—SCHEDULES 3 AND 3A. Monthly Inventory values are required of merchants and manufacturers. Inventory of finished products of a manufacturer not kept or stored in the place of manufacture or in a warehouse in the county where manufactured, shall be listed as merchandising inventory.

COMPLETE INFORMATION BELOW:

SOURCE OF VALUES LISTED	METHOD OF VALUING INVENTORIES LISTED			
Perpetual Inventory _____	FIFO COST _____		RETAIL _____	
Physical Inventory _____	LIFO COST _____		OTHER: _____	
Gross Profits method _____	BOOK ADJUSTMENTS	DATE	AMOUNT	DR/CR
Dates physicals taken: _____	Book to Physical			
	LIFO Reserve			
Net Sales \$ _____	Other Reserves			

MONTHS IN BUSINESS NUMBER	SCHEDULE 3 MANUFACTURING INVENTORIES		SCHEDULE 3A MERCHANDISING INVENTORIES		
	TAXING DISTRICT	TAXING DISTRICT	TAXING DISTRICT	TAXING DISTRICT	TAXING DISTRICT
	0100 CANTON LSD				
January	BOOK VALUE	BOOK VALUE	BOOK VALUE	BOOK VALUE	BOOK VALUE
February	\$	\$	\$	\$	\$
March					
April					
May					
June	46,105				
July	95,418				
August	230,491				
September	370,470				
October	503,608				
November	458,874				
December	242,349				
TOTAL VALUES	\$ 1,947,315	\$	\$	\$	\$
Average Values	\$ 278,188	\$	\$	\$	\$
Divide by No. Months					
List at 25% of Average Value	\$ 69,547	\$	\$	\$	\$

(Carry Listed Value by Taxing District to Line 3 or 4 on Front of Return)

SCHEDULE 4 – FURNITURE, FIXTURES, MACHINERY AND EQUIPMENT AND SUPPLIES NOT USED IN MANUFACTURING. List at 25% furniture, fixtures, machinery and equipment, supplies, small tools and repair parts not used in manufacturing, inventories of other than a manufacturer or merchant and all domestic animals not used in agriculture. List property used by public utility companies, and other property used in generating and distributing electricity to others at the listing percentage for that type of property. Contact the Property Tax Division for instructions. If the value is based on other than book value, attach details of the computation.

TAXING DISTRICT	DESCRIPTION	II	TRUE VALUE	PER CENT	LISTED VALUE
0100	OFFICE FURNITURE & EQUIPMENT CLASS		\$ 16,560	25	\$ 4,140
	COMPUTER EQUIPMENT		32,420	25	8,105
TOTAL (Carry Listed Value by Taxing District to Line 5 on Front of Return)			\$		\$ 12,245

937

TRUE VALUE COMPUTATION

STATE OF OHIO

CLASS II

RETURN YEAR 2000

☐ PUBLIC UTILITY PROPERTY[illegible]

OFFICE FURNITURE & EQUIPMENT TRUE VALUE COMPUTATION

Tax Form
937

Prescribed by the
Tax Commissioner
Rev. 1-89

☐ MACHINERY AND EQUIPMENT
☒ FURNITURE AND FIXTURES
☐ PUBLIC UTILITY PROPERTY

CLASS II

RETURN YEAR 2000

STATE OF OHIO

COMPANY				TAXING DISTRICT AND COUNTY		
CONTROLLED POWER CORP. OF OHIO				0100 CANTON TOWNSHIP CANTON LSD		
(1) YEAR ACQUIRED	(2) COST AT END OF _____	(3) ADDITIONS & TRANSFERS IN _____	(4) DISPOSALS TRANSFERS OUT _____	(5) COST AT END OF _____	(6) PCT.	(7) TRUE VALUE AMOUNT \$
1999		18,000	.	18,000	92	16,560.
TOTALS						

REMARKS

LIST @ %

Tax Form

937

Prescribed by the
Tax Commissioner
Rev. 1-89

COMPUTER EQUIPMENT TRUE VALUE COMPUTATION

STATE OF OHIO

☐ MACHINERY AND EQUIPMENT

☒ FURNITURE AND FIXTURES

CLASS II

RETURN YEAR 2000

☐ PUBLIC UTILITY PROPERTY

[illegible]

SCHEDULE I

REQUEST FOR TAX EXEMPTION

We are requesting a ten year, 75% tax exemption on both real estate and personal property tax for future development at 211 and 225 Wetmore Avenue, SE.

The switchgear manufacturing business is very competitive nationwide. CPC needs to control costs while trying to develop niche markets and product lines from which gross margin can be increased and business can be expanded.

Controlled Power has survived many management changes in the past ten years, but to help facilitate a sound, stable organization able to compete against the larger organizations, we must keep our costs down. Hopefully, with the help of the Ohio Development assistance, we will be able to operate profitably in Massillon for many years and provide an excellent stream of employment tax revenue and income tax revenue for Massillon and the State of Ohio.

DATE: April 17, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 91 - 2000

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor to enter into an agreement with the Massillon City School District Board of Education and Controlled Power Corporation of Ohio authorizing general compensation to the school district resulting from the Enterprise Zone Agreement for the Controlled Power Corporation of Ohio Project, and declaring an emergency.

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

WHEREAS, the proposed payments from Controlled Power Corporation of Ohio will compensate the District in an amount estimated and agreed upon by the parties as a result of the abatement.

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

Section 1:

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

Section 2:

The Mayor of the City of Massillon, Ohio, is hereby authorized to enter into an agreement with the Massillon City School District Board of Education and Controlled Power Corporation of Ohio authorizing general compensation to the school district resulting from the Enterprise Zone Agreement for the Controlled Power Corporation of Ohio

Section 3:

This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety, and welfare of the community, and for the additional reason that an agreement between the above must be in place prior to the effective date of the tax abatement.

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

PASSED IN COUNCIL THIS _____ DAY OF _____ 2000

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

APPROVED _____
FRANCIS H. CICCHINELLI, JR., MAYOR

ENTERPRISE ZONE COMPENSATION AGREEMENT

This Agreement between the **City of Massillon, Ohio**, a municipal corporation, with its main offices located at One James Duncan Plaza, Massillon, Ohio 44646 (hereinafter "City"), the **Massillon School District Board of Education**, a public school corporation with its principal offices at 207 Oak Avenue, S.E., Massillon, Ohio 44646 (hereinafter "School Board"), and **Controlled Power Corporation of Ohio**, an Ohio corporation with its main offices located at 1501 Raff Road, S.W., Canton, Ohio 44710 (hereinafter "CPC"), 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 CPC 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 _____ to grant a tax exemption to CPC and entered into a formal enterprise zone agreement on _____, 2000; and

Whereas, the City, the School Board, and CPC 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 I: 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 CPC to the School Board under Section 2 of this Agreement.

"Enterprise Zone Agreement" shall be the Enterprise Zone Agreement executed by the City, and CPC 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 CPC 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, CPC 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 CPC 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 CPC in the preceding year. The amount of CPC'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 CPC 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 CPC is receiving the real estate and the personal property tax exemptions in accordance therewith. All such contributions shall cease if the tax abatement is terminated or replaced with other taxes or required payments in lieu thereof, which payments are not subject to or reduced by the Enterprise Zone Agreement in the

division of the Annual Payment Amount under this Section shall be resolved without the necessity of joining or involving CPC in the dispute.

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

Section 5: Enforcement

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

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, CPC shall provide \$1,000 for college or trade/technical school Scholarships to be awarded by the Massillon City School District. The Board or its "designee shall select the

recipients. The scholarships shall be designated as the "Controlled Power Corporation Inc., Scholarship Awards".

Each year that the Enterprise Zone Agreement is in effect, CPC shall provide two internship programs for students of the Massillon City School District. The terms of the program will be mutually agreed to by CPC 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
MASSILLON CITY SCHOOL DISTRICT**

Superintendent

Treasurer

WITNESSED BY:

**CONTROLLED POWER
CORPORATION, INC.**

Daniel J. Marchak, Treasurer / CFO

Approved as to form and legal sufficiency:

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

DATE: April 17, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

RESOLUTION NO. 9 - 2000

BY: COMMITTEE OF THE WHOLE

TITLE: A RESOLUTION commending ROBERT F. WAGONER as the Massillon City Engineer for nearly 29 years.

WHEREAS, Bob Wagoner, dedicated the majority of his professional years to the City of Massillon as the City Engineer; and

WHEREAS, Bob Wagoner, gave tireless efforts of his time and talents in bringing Massillon into the year 2000 with his insight and intelligence; and

WHEREAS, Bob Wagoner, was born , raised and educated in the City of Massillon; and

WHEREAS, Bob Wagoner, oversaw the construction of the present Massillon Municipal Government Center; and

WHEREAS, Bob Wagoner, served as Director of the Massillon Planning Commission and the Building Board of Appeals for several years; and

WHEREAS, Bob Wagoner, contributed on a county wide basis by serving on the Stark County Planning Commission; and

WHEREAS, with Bob Wagoner's guidance and directions the city streets, new construction sites and numerous projects and developments were formalized and brought to conclusions; and

WHEREAS, Bob Wagoner has earned the respect and admiration of city residents by making himself available to listen to their concerns; and

WHEREAS, Bob Wagoner and his great abilities will be missed by his fellow Massillonians, his co-workers, his friends and all people who had the privilege of his great mind and great knowledge;

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

Section 1:

This Council recognizes the contributions made over nearly 29 years by ROBERT F. WAGONER, the Engineer of the City of Massillon to the citizens of Massillon.

Section 2:

That this Resolution shall be immediately effective.

PASSED IN COUNCIL THIS _____ DAY OF _____ 2000

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

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