

AGENDA

DATE: MAY 1, 2000
PLACE: COUNCIL CHAMBERS
TIME: 7:30 P.M.

1. ROLL CALL
2. INVOCATION - COUNCILMAN MIKE LOUDIANA
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. 92 - 2000 BY: PARKS AND RECREATION COMMITTEE

P
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a lease agreement with the Boys and Girls Club of Massillon for property adjacent to the Boys and Girls Club Building, and declaring an emergency.

ORDINANCE NO. 93 - 2000 BY: SEWER AND WASTE COMMITTEE

SDH ✓
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 for polymer to be used for liquid sludge dewatering at the Wastewater Treatment Plant in the City of Massillon, and declaring an emergency.

ORDINANCE NO. 94 - 1999 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

JB ✓
P
AN ORDINANCE recommending approval of a dedication of a permanent & temporary easement for the Sippo Valley Trail on part of Out Lot 697 located on the east side of 17th Street N.W. north of Lincoln Park, in the City of Massillon, Ohio, presently on file in the office of the City Engineer, and declaring an emergency.

ORDINANCE NO. 95 - 2000 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

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 designated lower income neighborhood streets within the City of Massillon, and declaring an emergency.

ORDINANCE NO. 96 - 2000 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

P
AN ORDINANCE authorizing and directing the Mayor of the City of Massillon to enter into an agreement with Robert J. Matthews Co. for the adoption for a project which will establish a new facility and create employment opportunities within the City of Massillon Enterprise Zone, and declaring an emergency.

MAY 1, 2000

ORDINANCE NO. 97 - 2000 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

P
AN ORDINANCE authorizing the Mayor to enter into an agreement with the Perry School District Board of Education and Robert J. Matthews Co. authorizing general compensation to the school district resulting from the Enterprise Zone Agreement for the Robert J. Matthews Co. Project, and declaring an emergency.

ORDINANCE NO. 98 - 2000 BY: FINANCE COMMITTEE

P
AN ORDINANCE authorizing the Director of Public Service & 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 purchase of one pavement marker machine for the City of Massillon Street Department, and declaring an emergency.

ORDINANCE NO. 99 - 2000 BY: FINANCE COMMITTEE

P
AN ORDINANCE authorizing the Director of Public Service & Safety of the City of Massillon, Ohio, to enter into a contract to lease/purchase one 2000 Ford Taurus, without competitive bidding, through pricing based on State Contract #0T920600-E and approved by the Board of Control, for use in the Income Tax Department of the City of Massillon, and declaring an emergency.

ORDINANCE NO. 100 - 2000 BY: FINANCE COMMITTEE

CM ✓
P
AN ORDINANCE making certain appropriations from the unappropriated balance of the Community Development Block Grant Program Fund, P & R Capital Improvement Fund, P & R Recreation Center Project Fund, Law Enforcement Block Grant Fund, General Fund, Capital Improvement Fund, General Fund and the Massillon Mural Fund of the City of Massillon, for the year ending December 31, 2000, and declaring an emergency.

ORDINANCE NO. 101 - 2000 BY: FINANCE COMMITTEE

P
AN ORDINANCE making certain transfers in the 2000 appropriation from the P & R Capital Improvement Fund to the P & R Rec Center Fund, of the City of Massillon, Ohio, and declaring an emergency.

ORDINANCE NO. 102 - 2000 BY: COMMITTEE OF THE WHOLE

P
AN ORDINANCE authorizing the Director of Law and his designees to file legal action against Perry Township and Jackson Township for the purpose of collecting the amounts due and owing for the Townships' proportionate share of the Massillon Municipal Court costs as mandated by Ohio Revised Code, Section 1901.026, and declaring an emergency.

MAY 1, 2000

ORDINANCE NO. 103 - 2000 BY: FINANCE COMMITTEE

P
AN ORDINANCE authorizing the Auditor of the City of Massillon to pay a 1999 bill out of the 2000 appropriations within the Municipal Golf Course Fund, and declaring an emergency.

ORDINANCE NO. 104 - 2000 BY: PARKS AND RECREATION COMMITTEE

P
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract agreement with the Wal-Mart Store allowing them to use the service area and bottom floor of the new City Hall Annex building for approximately 30 days, and declaring an emergency.

RESOLUTION NO. 10 - 2000 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

157
A RESOLUTION reversing the decision of the Massillon Zoning Board of Appeals made on April 13th, 2000 wherein the Zoning Board of Appeals did approve a setback variance as it relates to property owned by Mr. Davor Nincevic and known as Lot No. 3300 located at the Southeast corner of Overlook and 8th Street S.W., in the City of Massillon, Ohio, and declaring an emergency.

RESOLUTION NO. 11 - 2000 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

P
6-3
A RESOLUTION reversing the decision of the Massillon Zoning Board of Appeals made on April 13th, 2000 wherein the Zoning Board of Appeals denied a fence variance as it relates to property owned by Eric and Renee Adams and known as Lot Nos 2861 and 2862 located at 862 Cherry road N.W., in the City of Massillon, Ohio, and declaring an emergency.

7. UNFINISHED BUSINESS

8. PETITIONS AND GENERAL COMMUNICATIONS

A). LETTER OHIO DIVISION OF LIQUOR CONTROL REGARDING A TRANSFER OF LIQUOR LICENSE FROM ADBUL M. TORMAN DBA PLAZA MARKET, 910 S. ERIE STREET FIRST FLOOR, MASSILLON, OHIO, 44646 TO WAL MART STORES EAST INC. DBA WAL MART SUPERCENTER #2914 1 MASSILLON MARKET PLACE DRIVE S.W., MASSILLON, OHIO 44646

9. BILLS, ACCOUNTS AND CLAIMS

10. REPORTS FROM CITY OFFICIALS

A). MAYOR SUBMITS MONTHLY PERMIT REPORT FOR APRIL - 2000

B). AUDITOR SUBMITS MONTHLY REPORT FOR APRIL - 2000

11. REPORTS OF COMMITTEES

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

May 1, 2000

13. CALL OF THE CALENDAR

ORDINANCE NO. 65 - 2000 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

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

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

P
AN ORDINANCE amending Section 1151.02 of the Massillon Code ^{5th area annex} 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

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

14. THIRD READING ORDINANCES AND RESOLUTIONS

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

P
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.

15. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 71 - 2000 BY: FINANCE COMMITTEE

2nd
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.

16. NEW AND MISCELLANEOUS BUSINESS

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

18. ADJOURNMENT

SHARON HOWELL

THERE ARE THREE PUBLIC HEARINGS THIS EVENING

ORDINANCE NO. 65 - 2000 AT 6:15 P.M.

ORDINANCE NO. 66 - 2000 AT 6:45 P.M.

ORDINANCE NO. 67 - 2000 AT 7:15 P.M.

DATE: May 1, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 92 - 2000

BY: PARKS AND RECREATION COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a lease agreement with the Boys and Girls Club of Massillon for property adjacent to the Boys and Girls Club Building, and declaring an emergency.

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

Section 1:

This Council determines that it would be in the best interest of the City of Massillon to lease the City owned property adjacent to the Boys and Girls Club Building of Massillon to the Boys and Girls Club for recreational purposes.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, be and is hereby authorized to execute on behalf of the City of Massillon, Ohio, a lease agreement with the Boys and Girls Club of Massillon for property adjacent to the Boys and Girls Club Building.

Section 3:

That the Lease Agreement shall pertain to a parcel of land adjacent to the Boys and Girls Club in the City of Massillon, Ohio. A copy of the proposed Lease Agreement is hereby attached and made a part of this ordinance.

Section 4:

That said premises shall be leased for an amount of One Dollar (\$1.00) per year for a period of Ninety-Nine years (99).

Section 5:

This Ordinance is declared to be an emergency measure immediately necessary for the preservation of the health, safety and welfare of the community and for the additional reason that it is necessary to lease the property adjacent to the Boys and Girls Club of the City of Massillon for the purpose providing recreational land for the Club in that the Club will maintain the property that shall be used for the youth of Massillon. Provided it receives the affirmative vote of two-thirds of the elected members of 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

LEASE

THIS INDENTURE OF LEASE, is entered into this ____ day of _____, 2000, by and between the CITY OF MASSILLON (herein called "lessor"), an Ohio municipal corporation, through its Mayor and Safety-Service Director, duly authorized by Ordinance No. _____, whose address is One Duncan Plaza, Massillon, Ohio 44646, and The Boys and Girls Club of Massillon, Inc., (herein called "lessee"), a non-profit corporation organized and existing pursuant to the laws of the State of Ohio, through its President and Secretary, duly authorized by action of its Board of Directors, whose address is 730 Duncan Street S.W., Massillon, Ohio 44647.

WHEREAS, lessor is the owner of the real property hereinafter described (called "premises") for which it has no public use; and

WHEREAS, lessee has a Boys and Girls Club building and other facilities adjacent to the premises and has need for the premises as an outdoor recreational area to be used in conjunction with its Boys and Girls Club activities; and

WHEREAS, the parties desire to enter into a lease for the use of the premises by lessee;

NOW, THEREFORE, in consideration of the terms, provisions, conditions, covenants, and rental provisions hereinafter set forth, the parties agree as follows:

1. Lessor hereby leases to lessee, its successors and assigns, the following described premises, together with the exclusive right and privilege to occupy said premises and the appurtenances thereto for recreational purposes allowed under the corporate authority and supervision of lessee only, and for no other purpose than as

hereinafter set forth, for and during the term of ninety-nine (99) years, beginning on the _____ day of _____, 2000, and ending on the _____ day of _____,

2099. Said premises are described as follows:

Situated in the City of Massillon, Stark County, Ohio, and being more fully described as follows:

Beginning at an iron pin at the southeast corner of Lot No. 9927, said iron pin also being southwest corner of O.L. 433, said iron pin also being on the north Right-of-way line of Anthony Avenue S.W.;

Thence N 14° 15' W along the east property line of Lot No. 9927, a distance of 78.00' to a point;

Thence S 76° 03' 28" W along the north property line of Lot No. 9927, a distance of 146.00' to a point, said point being on the east Right-of-way line of Duncan Street, S.W.;

Thence N 14° 15' W along the east Right-of-way line of Duncan St. S.W., a distance of 415.71' to an iron pin, said iron pin also being the southwest corner of O.L. 432, presently owned by the Massillon Boys Club;

Thence N 75° 45' E along the south property line of the Massillon Boys Club (O.L. 432), a distance of 275.00' to an iron pin, said iron pin being the southeast corner of the Massillon Boys Club property (O.L. 432);

Thence S 4° 40' E, a distance of 166.72' to a point;

Thence S 15° 41' E, a distance of 201.08' to a point;

Thence S 3° 46' 54" E, a distance of 151.33' to a point, said point being on the north Right-of-way line of Anthony Ave., S.W.;

Thence S 89° 44' 40" W along the north Right-of-way line of Anthony Ave., S.W., a distance of 81.36' to the true place of beginning of the tract herein described, containing 2.606 acres, more or less.

2. Lessor shall have the right to terminate this lease upon the expiration of one (1) year by written notice to lessee subsequent to a formal declaration by Massillon City Council of the need by lessor to use the premises for a specified municipal purpose. In the event of such termination, lessor shall reimburse lessee the fair market value of any improvements made by it to the premises prior to the receipt of such written notice.

3. This lease is granted subject to the following conditions and restrictions:

(a) That the lessee shall keep all public sidewalks abutting upon the leased premises in good repair to the satisfaction of the Director of Public Service and Safety of the lessor, and the lessee shall save the City of Massillon harmless against any and all claims for damages or otherwise for which the City may be held liable by reason of the failure to keep said sidewalks in good repair.

(b) That the lessee shall maintain said premises in a manner satisfactory to the Director of Public Service and Safety.

(c) This lease may be assigned only with the prior consent of lessor provided by ordinance or resolution of its legislative body.

(d) If the lessee shall do or permit to be done, any act or thing herein prohibited, or shall in any respect violate the terms of this agreement, then, in either case, all the rights and privileges derivable to said lessee from this agreement shall, at the option of the lessor, cease and terminate, and said lessee shall be liable for any and all damages upon such violation of this agreement.

(e) Lessee shall pay to the lessor during the term of this lease an annual rental of One Dollar (\$1.00) per annum in annual installments of One Dollar (\$1.00) each in advance, payable on _____ of each year.

(f) It is distinctly understood and agreed that the lessee, its successors and assigns, shall not permit said leased premises to be used for any illegal purpose. It is further understood and agreed that if any installment of rent agreed to be paid under this lease shall not be paid at the time the same shall fall due, or within ten (10) days thereafter, providing lessor has notified lessee in writing, then this lease shall, at the option of the lessor hereto, become null and void as against the City of Massillon, and the lessee so in default, its successors and assigns, or any party in possession of the

premises leased, shall yield possession of the same to said lessor or its authorized agent; and the said lessor or its authorized agent, in case of default of the payment of the rent as aforesaid, may at any time, without any demand or notice whatever given the lessee, its successors and assigns, or the party in possession of the premises, enter upon and take possession of the premises herein leased on behalf of the City; provided, however, that in the event that the lessee, its successors and assigns, shall be in default for payment of any annual rental payment due hereunder, the lessor, before declaring a forfeiture of this lease shall give written notice of such default to any mortgagee of the lessee and such mortgagee shall have the right and privilege of paying to the lessor the delinquent payment or payments due under the lease within ten (10) days of receipt of such written notice of default.

(g) It is also further agreed and understood that if said lessee fails to comply with any of the conditions of this lease, as herein set forth, then this lease shall, at the option of the said lessor, upon 30 days written notice to the lessee and to any mortgagee of the lessee, become null and void, as to the lessee, and it is expressly agreed and understood that the receipt of rental after any act of forfeiture hereof by the lessee hereto, shall not be held to be a waiver by the lessor of its right to declare such forfeiture and cancel this lease, after the rental so taken has been earned under the terms of this lease, and the lessor may enter upon and take possession without notice or other legal process.

(h) The lessor hereby covenants and agrees that the lessee shall and will upon payment of the rents herein provided to be paid by the lessee and upon fully observing and performing the covenants and agreements herein provided to be observed and performed by the lessee, quietly and peaceably possess and enjoy said above described premises subject only to the terms of said lease during the full term of this

lease, unless said lease be sooner terminated under and in accordance with any of the provisions herein contained, provided for such termination.

IN WITNESS WHEREOF, the parties herein have hereunto set their hands the day and year first above written.

In the presence of:

City of Massillon, an Ohio Municipal Corporation

By: _____
Mayor

By: _____
Safety-Service Director

As to Lessor

The Boys and Girls Club of Massillon, Inc.

By: _____
President

By: _____
Secretary

As to Lessee

STATE OF OHIO)
) ss:
STARK COUNTY)

On this _____ day of _____, 2000, before me, a Notary Public in and for the State of Ohio, came _____, Mayor, and

_____, Safety-Service Director of the City of Massillon, Ohio the

officers having charge of the real estate described, duly authorized by law and ordinance, who acknowledged the execution of the foregoing lease to be their voluntary act on behalf of the City of Massillon and the free and corporate act and deed of said City of Massillon.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal at Massillon, Ohio, this ____ day of _____, 2000.

Notary Public

STATE OF OHIO)
) ss:
STARK COUNTY)

Before me, a Notary Public in and for the State of Ohio, personally appeared the above named The Boys and Girls Club of Massillon, Inc., by _____, its President, and _____, its Secretary, who acknowledged that they did sign the foregoing instrument and that the same is the free act and deed of said corporation and the free act and deed of each of them personally and as such officers.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Massillon, Ohio, this ____ day of _____, 2000.

Notary Public

This instrument was prepared by:
Thomas V. Ferrero
Attorney at law
46 Federal Ave. N.W.
Massillon, Ohio 44646

DATE: May 1, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 93 - 2000

BY: SEWER AND WASTE 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 for polymer to be used for liquid sludge dewatering at the Wastewater Treatment Plant in the City of Massillon, and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby determines it to be necessary in the public health, safety and welfare to advertise for, receive sealed bids and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for polymer to be used for liquid sludge dewatering at the Wastewater Treatment Plant in the City of Massillon.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to advertise for, receive sealed bids according to law, and upon award and approval by the Board of Control, with the lowest and best bidder, for polymers to be used for liquid sludge dewatering at the Wastewater Treatment Plant in the City of Massillon.

Section 3:

This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and welfare of the community and for the additional reason that it is necessary to enter advertise for bids and enter into contract for polymer to be used at the Wastewater Treatment Plant so as to be in compliance with the Ohio and Federal EPA standards. 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: May 1, 2000 CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 94 - 2000

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE recommending approval of a dedication of a permanent & temporary easements for the Sippo Valley Trail on part of Out Lot 697 located on the east side of 17th Street N.W. north of Lincoln Park, in the City of Massillon, Ohio, presently on file in the office of the City Engineer, and declaring an emergency.

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

Section 1:

The approval of a dedication of a permanent & temporary easements for the Sippo Valley Trail on part of Out Lot 697 located on the east side of 17th Street N.W. north of Lincoln Park, in the City of Massillon, Ohio, presently on file in the office of the City Engineer is hereby accepted and confirmed. This dedication of the proposed permanent & temporary easements was approved by the Planning Commission at a meeting held April 12th, 2000. The City Engineer having requested that the dedication of the easements for the proposed Sippo Valley Trail be formally dedicated by the City and is on file with the City Engineer is approved as heretofore described:

Being located on Part of Out Lot No. 697 the permanent easement shall contain of 0.2354 acres located on the east side of 17th Street NW, north of Lincoln Park and the temporary construction easement shall consist of 0.7360 acres for the Sippo Valley Trail.

Section 2:

This Ordinance is declared to be an emergency measure for the reason that said dedication is urgently needed for proper community growth and hence immediately necessary for the reservation of the health, safety and welfare of the community in that easements are needed to complete construction of the Sippo Valley Trail. 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

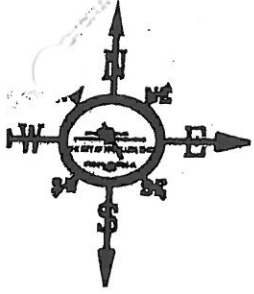
APPROVED: _____
SHARON HOWELL, CLERK OF COUNCIL DENNIS D. HARWIG, PRESIDENT

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

LON CITY PARK SYSTEM

000

DRAWN BY: J. HAINES



LEGEND

(25)

NUMBERS MATCH KEY
AT BOTTOM OF PAGE



SHADED AREAS REPRESENT
PARK PROPERTY

SIPPO VALLEY TRAIL

(25)

WHEELING AND LAKE RAILROAD

Proposed Easement for Sippo
Valley Trail

LINCOLN HWY WEST

COURTLAND

MILERSBURG

FINEFROCK RD.

OVERLOOK S.W.

WALNUT RD. S.W.

TREMONT AVE. S.W.

MAIN AVE. W.

WHITE AVE.

CHERRY

LAKE AVE.

WILLOW AVE.

STATE AVE.

AMHERST

ST. MAGATHON

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286th ST.

DATE: May 1, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 95 - 2000

BY: COMMUNITY DEVELOPMENT & ANNEXATION 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 designated lower income neighborhood 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 designated lower income neighborhood 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 designated lower income neighborhood 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 so that the City may complete the projects as part of its FY 1999 Community Development Block Grant Program. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____ 2000

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

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

1999 STREET RESURFACING TARGET AREA NEIGHBORHOOD

ESTIMATE ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT COST		TOTAL	TOTAL COST
				MATERIAL	LABOR		
203	ROADWAY EXC.	0.00	C.Y.	0.00	12.00	12.00	0.00
254	SPECIAL PLANING	15,618.06	S.Y.	0.00	1.25	1.25	19,522.57
301	BIT. AGG. BASE	0.00	C.Y.	36.00	14.00	50.00	0.00
402	ASPHALT CONC. LEVELING	50.00	C.Y.	34.00	14.00	48.00	2,400.00
404	ASPHALT CONC.	843.60	C.Y.	34.00	14.00	48.00	40,492.87
404	ASPHALT CONC./PARKING LOT	197.22	C.Y.	34.00	14.00	48.00	9,466.67
407	TACK COAT (0.10 GAL./SQYD.)	1,735.81	GAL.	0.01	0.00	0.01	17.36
604	CATCH BASIN ADJUSTMENT	10.00	EA.	50.00	75.00	125.00	1,250.00
604	CATCH BASIN REHAB.	10.00	EA.	175.00	50.00	225.00	2,250.00
604	ADJUST M.H. SOLID RISER	22.00	EA.	100.00	25.00	125.00	2,750.00
614	MAINTAINING TRAFFIC	1.00	LUMP	1000.00	5000.00	6000.00	6,000.00
624	MOBILIZATION	1.00	LUMP	0.00	5000.00	5000.00	5,000.00
705	JOINT SEALER	12.38	GAL.	1.00	9.00	10.00	123.80
SPEC	OVERLAY FABIC	4,733.33	S.Y.	2.00	1.00	3.00	14,200.00
SPEC.	LOW STRENGTH MORTAR	10.00	C.Y.	45.00	10.00	55.00	550.00

ESTIMATE	\$104,023.27
CONTINGENCY	\$976.73
TOTAL AMOUNT OF ESTIMATE	\$105,000.00

1999 TARGET AREA NEIGHBORHOOD STREET RESURFACING

NO.	WARD	STREET NAME	FROM	TO	WORK
1	4	Johnson SE	SE Walnut SE	3rd SE	GW
2	4	Riley Ct SE	SE Shawnee	End North	OL
3	4	Riley Ct SE	SE Shawnee	End North	OL
4	4	Mohican Av	SE Huron Rd	Arapahoe	GW
5	4	Ogle Pl SE	SE South SE	Penn SE	OL
6	4	Osage Av SE	SE Arapahoe	Huron Rd	GW
7	4	Shawnee Av SE	SE Arapahoe	Huron Rd	GW
8	4	Ute SE	SE 16th St SE	Arapahoe	GW

SPEC

GW-grind width

GE-grind edge

OL-overlay



16th ST.

UTE AVE.

ARAPAHOE

OSAGE

MOHICAN

HURON RD.

SHAWNEE

RILEY CT SE

UT RICH

DATE: May 1, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 96 - 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 Robert J. Matthews Co. 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, Robert J. Matthews Co. is hereby proposing to build a new facility on a five (5) acre site on Nave Road S.E. east of Richville Road, within the Massillon Enterprise Zone, and is proposing to establish a facility to relocate its manufacturing operations, at a total combined investment of One Million Three Hundred Thousand Dollars (\$1,300,000.00), (hereinafter the "Project"), provided that the appropriate development incentives are available to support the economic viability of said Project; and

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

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

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

WHEREAS, Robert J. Matthews Co. 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 Robert J. Matthews Co. and has recommended approval of the same to the Council on the basis that the company is qualified by financial responsibility and business experience to create employment opportunities in said Enterprise Zone and to improve the economic climate of the City of Massillon; and

WHEREAS, the project site is located in the Perry School District and the Perry 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 Robert J. Matthews Co. 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 Robert J. Matthews Co. 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"), Robert J. Matthews Co., an Ohio Corporation with its main offices located at 2800 Leemont Avenue, N.W., Canton, Ohio 44709 (hereinafter referred to as "the Enterprise"), and Filters, Inc., the Lessor, an Ohio Corporation with its main offices located at 2811 Andover Avenue, N.W., Canton, Ohio 44709 (hereinafter referred to as "the Lessor").

WITNESSETH:

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

Whereas, the Enterprise and the Lessor are desirous of establishing a facility within the Enterprise Zone through the construction of a new building that will house the Enterprises's wholesale and warehouse 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 Council of the City of Massillon, Ohio (hereinafter "Council") by Ordinance No. 163-1994, adopted on July 18, 1994, and as amended by Ordinance No. 57-1998, adopted on March 2, 1998, and as amended by Ordinance No. 43-1999, adopted on March 1, 1999, has designated an area of the City as an "Enterprise Zone" pursuant to Chapter 5709 of the Ohio Revised Code; and

Whereas, effective September 12, 1994, and as amended on March 13, 1998 and on March 9, 1999, the Director of Development of the State of Ohio has determined that the aforementioned area designated in said Ordinance No. 163-1994, Ordinance No. 57-1998, and Ordinance No. 43-1999 contains the characteristics set forth in 5709.61 (A) (1) (a) and (e) of the Ohio Revised Code, and has certified said area as an Enterprise Zone under Chapter 5709; and

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

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

Whereas, the Enterprise and the Lessor have remitted the required state application fee of \$500.00 made payable to the Ohio Department of Development with the application to be forwarded with the final agreement; and

Whereas, the Mayor of the City of Massillon, Ohio, has investigated the Application submitted by the Enterprise and the Lessor, and has recommended approval of the same to the Council on the basis that the Enterprise and the Lessor are qualified by financial responsibility and business experience to create and preserve employment opportunities in said Enterprise Zone and to improve the economic climate of the City of Massillon; and

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

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

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

Section I:

The Enterprise and the Lessor shall construct a new thirty thousand (30,000) square foot industrial facility on Nave Avenue, S.E., to house its wholesale and warehouse operations. The Project shall be constructed on a 5.008 acre parcel of land known as and being Out Lot 768, in the City of Massillon, Stark County, Ohio.

The Project will involve a total investment by the Enterprise and the Lessor of (\$1,300,000) One Million Three Hundred Thousand Hundred Dollars , plus or minus 10%, at the project site. Included in this investment are (\$1,150,000) One Million One Hundred Fifty Thousand Dollars for new construction; and (\$150,000) One Hundred Fifty Thousand Dollars to purchase first used machinery and equipment; furniture and fixtures.

Furthermore, the Enterprise has reported that its existing base level of inventory as listed in the personal property tax return for the tax year (stated in average \$ value per most recent 12 month period) in which the agreement is entered into is \$3,476,727.

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

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

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

Section 2:

The Enterprise will be relocating to the Enterprise Zone Project Site 51 existing full-time permanent jobs and 5 existing part-time permanent jobs. These jobs will be relocated from the Enterprise's present location at 2800 Leemont Avenue, N.W., in Canton, Ohio. The Enterprise will use its best efforts to retain these 51 existing full-time permanent jobs and 5 existing part-time permanent jobs at the Project Site. The Enterprise currently has 56 full-time permanent employees and 22 part-time permanent employees in the State of Ohio.

The relocation and retention of these existing 51 existing full-time permanent jobs and 5 existing part-time permanent jobs will maintain the company's current annual payroll for these jobs of (\$1,541,034) One Million Five Hundred Forty-One Thousand and Thirty-Four Dollars.

Section 3:

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

Section 4:

The City of Massillon hereby grants a tax exemption pursuant to Section 5709.62 for eligible new tangible personal property acquired in conjunction with the Project. This tax exemption shall be at the rate of 100% on all machinery and equipment, furniture and fixtures, as well as increases in inventory over the base level, acquired as part of the

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

The tax exemption granted in this Section is made subject to the Compensation Agreement (attached hereto as Exhibit "B") by and between Robert J. Matthews Co., Filters, Inc., the Perry 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 4 of this Enterprise Zone Agreement shall revert to the rate of 75% on the eligible new tangible personal property as described herein.

Section 5:

The City of Massillon hereby grants the Enterprise and the Lessor a tax exemption for real property improvements made to the Project Site pursuant to Section 5709.62 of the Ohio Revised Code. This tax exemption shall be at the rate of 100%. Each identified project improvement will receive a ten year exemption period. The exemption commences the first year for which the real property exemption would first be taxable were that property not exempted from taxation. No exemption for Phase 1 of the Project shall commence after December 31, 2001 nor extend beyond December 31, 2011.

The tax exemption granted in this Section is made subject to the Compensation Agreement (attached hereto as Exhibit "B") by and between Robert J. Matthews Co., Filters, Inc., the Perry 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 real property improvements as described herein.

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

Section 6:

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

Section 7

The Enterprise and/or the Lessor shall pay to the City of Massillon an annual monitoring fee of (\$500) Five Hundred Dollars for each year the agreement is in effect.

The fee shall be made payable to the City of Massillon and shall be paid by certified check and delivered to the Mayor by March 31 of each year that the fee is due and payable. This fee shall be deposited in a special fund created for such purpose and shall be used exclusively for the purpose of complying with section 5709.68 of the revised code and by the tax incentive review council created under section 5709.85 of the revised code exclusively for the purposes of performing the duties prescribed under that section.

Section 8:

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

Section 9:

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

Section 10:

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

Section 11:

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

Section 12:

The Enterprise and/or the Lessor hereby certifies that, at the time this agreement is executed, it does not owe any delinquent real or tangible personal property taxes to any

taxing authority in the State of Ohio, and does not owe delinquent taxes for which the Enterprise and the Lessor is liable under Chapter 5733., 5735., 5739., 5741., 5743., 5747., or 5753. of the Revised Code, or, if such delinquent taxes are owed, the Enterprise and/or the Lessor currently is paying the delinquent taxes pursuant to an undertaking enforceable by the State of Ohio or an agent or instrumentality thereof, has filed a petition of bankruptcy under 11 U.S.C.A. 101, et seq., or such a petition has been filed against the Enterprise and/or the Lessor. For the purposes of the certification, delinquent taxes are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the Revised code governing payment of those taxes.

Section 13:

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

Section 14:

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

Section 15:

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

Section 16:

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

Section 17:

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

Section 18:

The Enterprise and the Lessor affirmatively covenants that they have made no false statements to the State or local political subdivision in the process of obtaining approval for the Enterprise Zone incentives. If any representative of the Enterprise and/or the Lessor has knowingly made a false statement to the State or local political subdivision to obtain the Enterprise Zone incentives, the Enterprise and the Lessor shall be required to immediately return all benefits received under the Enterprise Zone Agreement pursuant to ORC Section 9.66(C)(2) and shall be ineligible for any future economic development assistance from the State, any state agency, or a political subdivision pursuant ORC 9.66(C)(1). Any persons who provides a false statement to secure economic development assistance may be guilty of falsification, a misdemeanor of the first degree, pursuant ORC 2931.13(D)(1), which is punishable by a fine of not more than \$1,000 and/or a term of imprisonment of not more than six months.

In Witness Whereof, the City of Massillon, Ohio, by Francis H. Cicchinelli, Jr., its Mayor, and pursuant to Ordinance No. ____-2000, has caused this instrument to be executed this ____ day of _____, 2000; the Robert J. Matthews Co., by John Matthews, its President, and Filters, Inc., the Lessor, by Robert J. Matthews, its President, have caused this instrument to be executed this ____ day of _____, 2000.

WITNESSED BY:

THE CITY OF MASSILLON, OHIO

Francis H. Cicchinelli, Jr., Mayor

WITNESSED BY:

ROBERT J. MATTHEWS CO.

John Matthews, President

WITNESSED BY:

FILTERS, INC.

Robert J. Matthews, President

Approved as to form and legal sufficiency:

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

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

**PROPOSED AGREEMENT BETWEEN LOCAL GOVERNMENT OR COUNTY &
ENTERPRISE PROPOSAL for Tax abatement Incentive Agreement Between the City of
Massillon located in the County of Stark and Filters, Inc.; Robert J. Matthews Co
(Enterprise)**

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

Filters, Inc. (LESSOR)

Robert J. Matthews Co. (LESSEE) John Matthews

enterprise name

contact person

See Attached

330-492-3000

telephone number

address

- b. Project Site:

Massillon, Ohio

John Matthews

Corner of Nave and

contact person

Richville Drive

330-492-3000

address

telephone number

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

Wholesale and mail order

- b. List primary 4 digit Standard Industrial Code (SIC) # 5191
Business may list other relevant SIC numbers.

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

N/A

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

S-Corporation

ADDRESSES

LESSOR:

Filters, Inc.
2811 Andover Avenue NW
Canton, Ohio 44709

LESSEE:

Robert J. Matthews Co.
2800 Leemont Avenue NW
Canton, Ohio 44709

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

See attached

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

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

-0-

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

Yes X No _____

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

From : Canton, Ohio

To: Massillon, Ohio

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

56 Full-time plus 22 part-time

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

51 Full-time plus 5 part-time

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

51 F/T
Employees - 5 P/T Assets - \$4,083,155

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 ✓

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

7. Does the Enterprise owe:

a. Any delinquent taxes to the State of Ohio or a political subdivision of the state?
Yes _____ No ☒

b. Any moneys to the State or a state agency for the administration or enforcement of any environmental laws of the State? Yes _____ No ☒

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 ☒

d. If yes to any of the above, please provide details of each instance including but not limited to the location, amount and/or case identification numbers (add additional sheets if necessary).

N/A

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

Construction of 30,000 sq. ft. warehouse building
including offices.

9. Project will begin June 1, 1999 and be completed
December 1, 2000, ~~19~~ provided a tax exemption is provided.

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

None

b. State the time frame for this projected hiring: N/A years.

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

N/A/

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.

Filters, Inc. (LESSOR)
Robert J. Matthews Co. (LESSEE)

Name of Enterprise

Robert J. Matthews, Pres.
John D. Matthews
Signature

3-16-2000
Date

Robert J. Matthews, President (LESSOR)
John Matthews, President (LESSEE)

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.

The Company has purchased land and will be building a 30,000 sq. ft. building. The total cost of the project including land, should be approximately \$1,414,000. The land is approximately 5 acres and is located at the corner of Nave and Richville Drive.

II. PROJECT BUDGET

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

Proposed Cost

30,000 sq. ft. warehouse building,
includes office space

\$1,150,000

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

Proposed Cost

N/A

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

Proposed Cost

N/A

D. MACHINERY AND EQUIPMENT

Proposed Cost

1. Provide an itemized list of machinery, equipment, furniture, and fixtures to be purchased and installed at the project site and that will be subject to tax exemption under this Agreement. Detail is not finalized.

This is just an estimate

\$100,000

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

See Attached

\$606,428

E. INVENTORY

Proposed Cost

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

\$3,476,727

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).

The total number of employees currently on payroll is 60
In 1999, wages paid amounted to \$1,541,034.00
We don't expect that we will be hiring any new employees
as a result of the new facility.

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.

- (1) We are requesting an exemption of 75% for 10 years of tangible personal property.
- (2) We are requesting an exemption of 75% for 10 years of real property.

OHIO DEPARTMENT OF DEVELOPMENT
ENTERPRISE ZONE PROJECT TAX ANALYSIS

General Project Information

County: STARK Local Government Authority: MASSILLON

Business: Robert J. Matthews Co. Total Project Cost: \$1,300,000

Total Current Real Property Tax of Business (at site): \$805 (Land Only)

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

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

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

If yes, within local jurisdiction? no yes X no

within county? X yes no

within State (distance mi.) no 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 \$ no
Estimate tangible personal tax loss \$ X

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 0;

Note new payroll projected from the new job commitment \$ 0 x 1.8 % income tax rate = \$ 0
New income tax generation

Enterprise Zone Manager or Authorized Signature _____ Date _____

1A. Total Project Costs receiving Real Property Exemption: \$1,150,000

Real Property Tax Matrix

Projected Tax Year	YR1	YR2	YR3	YR4	YR5	YR6	YR7	YR8	YR9	YR10
Estimated Value of Real Property Improvements	\$ 1,150,000	\$ 1,150,000	\$ 1,150,000	\$ 1,150,000	\$ 1,150,000	\$ 1,150,000	\$ 1,150,000	\$ 1,150,000	\$ 1,150,000	\$ 1,150,000
Exemption Schedule	75%	75%	75%	75%	75%	75%	75%	75%	75%	75%
Exempted Value	\$ 862,500	\$ 862,500	\$ 862,500	\$ 862,500	\$ 862,500	\$ 862,500	\$ 862,500	\$ 862,500	\$ 862,500	\$ 862,500
Taxable Value	\$ 287,500	\$ 287,500	\$ 287,500	\$ 287,500	\$ 287,500	\$ 287,500	\$ 287,500	\$ 287,500	\$ 287,500	\$ 287,500
Assessment	35%	35%	35%	35%	35%	35%	35%	35%	35%	35%
Real Property Tax Rate (/ \$1000)	44.658	44.658	44.658	44.658	44.658	44.658	44.658	44.658	44.658	44.658
Total Real Property Tax Foregone (Taxable Value x 35% + tax rate)	\$ 13,481	\$ 13,481	\$ 13,481	\$ 13,481	\$ 13,481	\$ 13,481	\$ 13,481	\$ 13,481	\$ 13,481	\$ 13,481
Net New Tax Revenue Taxable Value x 35% + tax rate)	\$ 4,494	\$ 4,494	\$ 4,494	\$ 4,494	\$ 4,494	\$ 4,494	\$ 4,494	\$ 4,494	\$ 4,494	\$ 4,494

Total Real Property Tax Foregone over Project Term:
Total New Real Property Tax Revenue generated over Project Term:

\$	134,811
\$	<u>44,937</u>

1B. Please calculate the annual net new Real Property Tax Revenue generated by the project. Subtract any real property tax revenue loss (page 1) 0 from the new real property tax generated \$44,937 (1A) to equal the net new annual real property increase (loss) \$44,937 to community.

2A. Total Project Costs Receiving Tangible Personal Property Exemptions

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

Personal Property Tax Matrix

Projected Tax Year	YR1	YR2	YR3	YR4	YR5	YR6	YR7	YR8	YR9	YR10
Estimated Value of Tangible Personal Property	\$ 100,000	\$ 90,000	\$ 80,000	\$ 70,000	\$ 60,000	\$ 50,000	\$ 40,000	\$ 30,000	\$ 25,000	\$ 25,000
Exemption Schedule	75%	75%	75%	75%	75%	75%	75%	75%	75%	75%
Exempted Value	\$ 75,000	\$ 67,500	\$ 60,000	\$ 52,500	\$ 45,000	\$ 37,500	\$ 30,000	\$ 22,500	\$ 18,750	\$ 18,750
Taxable Value	\$ 25,000	\$ 22,500	\$ 20,000	\$ 17,500	\$ 15,000	\$ 12,500	\$ 10,000	\$ 7,500	\$ 6,250	\$ 6,250
Assessment	25%	25%	25%	25%	25%	25%	25%	25%	25%	25%
Tangible Personal Property Tax Rate	65.05	65.05	65.05	65.05	65.05	65.05	65.05	65.05	65.05	65.05
Total Tangible Property Tax Foregone (Exempted Value x Assessment x Tax Rate)	\$ 1,220	\$ 1,098	\$ 976	\$ 854	\$ 732	\$ 610	\$ 488	\$ 366	\$ 305	\$ 305
Net New Tangible Property Tax Revenue (Taxable Value x Assessment x Tax Rate)	\$ 407	\$ 366	\$ 325	\$ 285	\$ 244	\$ 203	\$ 163	\$ 122	\$ 102	\$ 102

Total Tangible Personal Property Tax Foregone over Project Term:

\$ 6,952

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

\$ 2,317

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

DATE: May 1, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 97 - 2000

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor to enter into an agreement with the Perry School District Board of Education and Robert J. Matthews Co. authorizing general compensation to the school district resulting from the Enterprise Zone Agreement for the Robert J. Matthews Co. Project, and declaring an emergency.

WHEREAS, Robert J. Matthews Co. 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 5709.69 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 Robert J. Matthews Co. met with the Superintendent and/or his designees to discuss the impact of the project, requested further tax incentives from the Perry 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 Robert J. Matthews Co. will compensate the District in an amount estimated and agreed upon by the parties as a result of the abatement.

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

Section 1:

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

Section 2:

The Mayor of the City of Massillon, Ohio, is hereby authorized to enter into an agreement with the Perry School District Board of Education and Robert J. Matthews Co. authorizing general compensation to the school district resulting from the Enterprise Zone Agreement for the Robert J. Matthews Co.

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 **Perry Local School District Board of Education**, a public school corporation with its principal offices at 4201 13th Street, S.W. Ohio 44646 (hereinafter "School Board"), **Robert J. Matthews Co.**, an Ohio Corporation with its main offices located at 2800 Leemont Avenue, N.W., Canton, Ohio 44709 (hereinafter referred to as "Matthews"), and **Filters, Inc.**, the Lessor, an Ohio Corporation with its main offices located at 2811 Andover Avenue, N.W., Canton, Ohio 44709 (hereinafter referred to as "Filters"), 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 Robert J. Matthews Co. / Filters, Inc., Enterprise Zone project.

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

Whereas, the City, by Ordinance No. 163-1994, adopted on July 18, 1994, and as amended by Ordinance No. 57-1998, adopted on March 2, 1998, and as amended by Ordinance No. 43-1999, adopted on March 1, 1999, has designated an area within the municipality as an Enterprise Zone; and

Whereas, effective September 12, 1994, and as amended on March 13, 1998 and on March 9, 1999, the Director of Development of the State of Ohio has determined that the aforementioned area designated in said Ordinance No. 163-1994, Ordinance No. 57-1998, and Ordinance No. 43-1999 contains the characteristics set forth in 5709.61 (A) (1) (a) and (e) of the Ohio Revised Code, and has certified said area as an Enterprise Zone; and

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

Whereas, the City has acted pursuant ORC Section 5709.62 within Ordinance No. _____, 2000 adopted _____ 2000 to grant a tax exemption to Matthews and Filters and entered into a formal enterprise zone agreement on _____ 2000; and

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

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

Section 1: Definitions

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

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

"Enterprise Zone Agreement" shall be the Enterprise Zone Agreement executed by the City, Matthews and Filters 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 Matthews and Filters 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, Matthews and/or Filters 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 Matthews / Filters 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 Matthews / Filters in the preceding year. The amount of Matthews / Filters'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 Matthews / Filters 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 Matthews / Filters is receiving the real estate and the personal property tax exemptions in accordance

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

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

Section 3: Waivers

Through this Agreement, the School Board hereby waives compliance with the notice requirements of ORC Section 5709.62(D) and the municipal income tax sharing provisions of ORC Section 5809.82 except as otherwise provided in Section 15 herein. With respect to the Enterprise Zone Agreement described herein, the City shall not be required under this Compensation Agreement to make an annual payment to the School Board as described in ORC Section 5709.82 except as otherwise provided in Section 15 herein.

Section 4: Division of Annual Payment Amount

Within thirty (30) business days of receipt of the Annual Payment Amount from Matthews / Filters pursuant to Section 2 of this Agreement, the School Board shall pay to the City a portion of the Annual Payment Amount equal to that percentage derived when the effective millage rate levied by the City on the abated improvements for the tax year on which the Annual Payment Amount is calculated is divided by the total effective millage. If the percentage so derived is fractional, the percentage shall be determined to two (2) decimal points (i.e. .00%).

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

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

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

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

Section 5: Enforcement

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

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, Matthews / Filters shall provide \$1,000 for college or trade/technical school scholarships to be awarded by the Perry Local School District. The Board of its designee shall select the recipients. The scholarships shall be designated as the "Robert J. Matthews Co. Scholarship Awards".

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

Section 15: Municipal Income Tax Sharing Provisions

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

Section 16: Termination

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

In Witness Whereof, the parties have caused this Agreement to be executed as this ____ day of _____, 2000.

WITNESSED BY:

THE CITY OF MASSILLON, OHIO

Francis H. Cicchinelli, Jr., Mayor

WITNESSED BY:

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

Superintendent

Treasurer

WITNESSED BY:

ROBERT J. MATTHEWS CO.

John Matthews, President

WITNESSED BY:

FILTERS, INC.

Robert J. Matthews, President

Approved as to form and legal sufficiency:

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

Summary Tax Alternatives: Robert J. Matthews Co.

Totals for 10 Year Tax Abatement Period	0% Abatement	75% Abatement	100% Abatement w/ Side Agreement for 25% taxes
Total Real Estate Taxes Paid	\$179,748	\$44,937	\$0
Non-Emergency School Taxes Payable	\$80,500	\$20,125	\$0
23 Mill Charge-Off State School Funding	\$92,575	\$23,144	\$0
Net Gain in Real Estate Tax Revenue	-\$12,075	-\$3,019	\$0
Total Personal Property Taxes Paid	\$9,270	\$2,317	\$0
Non-Emergency School Taxes Payable	\$5,045	\$1,261	\$0
23 Mill Charge-off School Funding	\$3,278	\$819	\$0
Net Gain in Personal Property Tax Revenue	\$1,767	\$442	\$0
Total Compensation Agreement Payments from Company	NA	NA	\$47,255
Total Net Gain in School Tax Revenues (for the total 10 year abatement period)	-\$10,308	-\$2,577	\$47,255
Massillon City/Perry Local School District	65.05		
School Levy	51.60	79%	
County Levy	9.60	15%	
Municipal Corp Levy	2.60	4%	
Special District	1.25	2%	

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

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

DATE: May 1, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 98 - 2000

BY: FINANCE 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 purchase of one pavement marker machine for the City of Massillon Street Department, and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby determines it to be necessary in the public health, safety and welfare to advertise for, receive sealed bids for and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the purchase of one pavement marker machine for the City of Massillon Street Department.

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 to enter into contract upon award and approval by the Board of Control, with the lowest and best bidder for the purchase of one pavement marker machine for the City of Massillon Street Department.

Section 3:

This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and welfare of the community and for the additional reason that it is necessary for the more efficient operation of the Street Department in the City of Massillon in that the present pavement marker machine is no longer operable. 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: May 1, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 99 - 2000

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, to enter into a contract to lease/purchase one 2000 Ford Taurus, without competitive bidding, through pricing based on State Contract #0T920600-E and approved by the Board of Control, for use in the Income Tax Department of 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 finds that it is necessary to enter into a contract to lease/purchase one 2000 Ford Taurus, without competitive bidding, through pricing based on State Contract #0T920600-E and approved by the Board of Control, for use in the Income Tax Department of the City of Massillon. The cost of said contract shall not exceed Fourteen Thousand Seven Hundred and Thirty Five Dollars. (\$14,735.00)

Section 2:

The Director of Public Service and Safety of the City of Massillon is hereby authorized to enter into a contract to lease/purchase one 2000 Ford Taurus, without competitive bidding, through pricing based on State Contract #0T920600-E and approved by the Board of Control, for use in the Income Tax Department of the City of Massillon

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 lease/ purchase a 2000 Ford Taurus for use in the Income Tax Department in that the vehicle is needed for business conducted by the Income Tax Department. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____ 2000

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

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

DATE: May 1, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 100 - 2000

BY: FINANCE COMMITTEE

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

\$ 70,000.00 to an account entitled "Street Improvements" 1203.845.2812

\$ 50,000.00 to an account entitled "Section 108 Loan Program" 1203.845.2811

Section 2:

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

\$ 10,000.00 to an account entitled "Transfer To" 1433.505.2710

Section 3:

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

\$10, 000.00 to an account entitled "Capital Projects - Recreation Center Project" 1435.505.2510

Section 4:

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

\$ 9,085.00 to an account entitled "New Equipment" 1231.305.2510

Section 5:

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

\$ 8,032.50 to an account entitled "Police Dept. Supplies/Materials/Postage" 1100.305.2410

Section 6:

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

\$ 6,000.00 to an account entitled "Annex Renovation" 1401.410.2511

Section 7:

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

\$5,000.00 to an account entitled "Mural Project IV" 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: May 1, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 101 - 2000

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain transfers in the 2000 appropriation from the P & R Capital Improvement Fund to the P & R Rec Center Fund, of the City of Massillon, Ohio, and declaring an emergency.

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

Section 1:

There be and hereby is transferred from the 2000 appropriation from the P & R Capital Improvement Fund to the P & R Rec Center Fund, of the City of Massillon, the following:

\$ 10,000.00 FROM: "Transfer To" 1433.505.2710
TO: "P & R Rec Center Fund" 1435.505.1860

Section 2:

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

PASSED IN COUNCIL THIS _____ DAY OF _____ 2000

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

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

DATE: May 1, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 102 - 2000

BY: COMMITTEE OF THE WHOLE

AN ORDINANCE authorizing the Director of Law and his designees to file legal action against Perry Township and Jackson Township for the purpose of collecting the amounts due and owing for the Townships' proportionate share of the Massillon Municipal Court costs as mandated by Ohio Revised Code, Section 1901.026, and declaring an emergency.

WHEREAS, Ohio Revised Code, Section 1901.026 requires that each municipal corporation and each township within the territory of the Municipal Court shall be assigned a proportionate share of the current operating costs of the Municipal Court that is equal to the percentage of the total criminal and civil caseload of the Municipal Court that arose in that municipal corporation or township; and

WHEREAS, Ohio Attorney General Opinion 97-037 dated July 16, 1997 gave the legal interpretation of Ohio Revised Code Section 1901.026 that limited self-government townships like Perry and Jackson are responsible for payment of a portion of a municipal court's operating costs;

WHEREAS, Perry and Jackson townships have been informed of its respective portion of costs and both townships are refusing to pay amounts due the City;

WHEREAS, it is the City of Massillon's duty and obligation to commence legal action to collect the amounts due from the townships.

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

Section 1:

It is necessary and in the best interest of the City of Massillon that legal action be filed against Perry Township and Jackson township to collect the amounts due on the townships proportionate share of the Massillon Municipal Court operating costs.

Section 2:

The Director of Law of the City of Massillon and his designates are hereby authorized to commence legal action against Perry Township and Jackson Township to collect the amount due for the court operating costs.

Section 3:

The Director of Law is hereby authorized to issue voucher to the Auditor of the City of Massillon, Ohio, directing prompt payment for all necessary costs and expenses associated with the legal action, and the City Auditor is authorized and directed to honor and pay said vouchers.

Section 4:

This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, welfare, and safety and for the additional reason that it is necessary to commence legal action in that Perry Township and Jackson Township refuse to voluntarily pay the costs after repeated attempts by the City of Massillon to collect the amounts due in a peaceful and cooperative manner. Provided it receives the affirmative vote of two-thirds of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____ 2000

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

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

DATE: May 1, 2000 CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 103 - 2000

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Auditor to pay a 1999 bill out of the 2000 appropriations within the Municipal Golf Course Fund, 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 it necessary to authorize the City Auditor to pay a 1999 bill out of the 2000 appropriation within the Municipal Golf Course Fund. Said bill to be paid is as follows:

\$ 21.02 to Dick Lutz from "Supplies/Materials/Postage" #2104.920.2410

Section 2:

This Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said funds are immediately necessary to pay a 1999 bill that has recently been submitted to the City Auditor, 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: May1, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 104 - 2000

BY: PARKS AND RECREATION COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract agreement with the Wal-Mart Store allowing them to use the service area and bottom floor of the new City Hall Annex Building for approximately 30 days, 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 enter into a contract with the Wal-Mart Store allowing them to use the service area and bottom floor of the new City Hall Annex Building for approximately 30 days.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized to enter into a contract agreement with the Wal-Mart Store allowing them to use the service area and bottom floor of the new City Hall Annex Building for approximately 30 days.

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 to assist the Wal-Mart Store with a place for area residents to apply and be interviewed for jobs at the new facility being built in the Marketplace Shopping Area. 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: May 1, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

RESOLUTION NO. 10 - 1999

BY: COMMUNITY DEVELOPMENT AND ANNEXATION COMMITTEE

TITLE: A RESOLUTION reversing the decision of the Massillon Zoning Board of Appeals made on April 13th, 2000 wherein the Zoning Board of Appeals did approve a setback variance as it relates to property owned by Mr. Davor Nincevic and known as Lot No. 3300 located at the Southeast corner of Overlook and 8th Street S.W., in the City of Massillon, Ohio, and declaring an emergency.

WHEREAS, the Massillon Zoning Board of Appeals on April 13th, 2000 granted a setback variance, located at the Southeast corner of Overlook and 8th Street S.W. and which property is owned by Mr. Davor Nincevic.

WHEREAS, on April 20th, 2000, a Notice of Appeal pursuant to Section 1129.09 of the Massillon Zoning Code has been filed with the Clerk of Council by Mrs. Yvonne Oyster, 910 8th Street S.W., the owner of property located next to this property on the Southeast corner of Overlook and 8th Street S.W., in the City of Massillon, Ohio, appealing a decision in Case No. 918 of the Massillon Zoning Board of Appeals.

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

Section 1:

The Council of the City of Massillon, Ohio, deems it is in the best interest for proper community growth to reverse the decision of the Massillon Zoning Board of Appeals made on April 13th, 2000 in Case No. 918, 2000, in regards to the property owned by Mr. Davor Nincevic, at the Southeast corner of Overlook and 8th Street S.W.

Section 2:

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

PASSED IN COUNCIL THIS _____ DAY OF _____ 1999

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

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

DATE: May 1, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

RESOLUTION NO. 11 - 2000

BY: COMMUNITY DEVELOPMENT AND ANNEXATION COMMITTEE

TITLE: A RESOLUTION reversing the decision of the Massillon Zoning Board of Appeals made on April 13th, 2000 wherein the Zoning Board of Appeals denied a fence variance as it relates to property owned by Eric & Renee Adams and known as Lot Nos. 2861 & 2862 located at 862 Cherry Road N.W., in the City of Massillon, Ohio, and declaring an emergency.

WHEREAS, the Massillon Zoning Board of Appeals on April 13th, 2000 denied a fence variance, located at the 862 Cherry Road N.W. and which property is owned by Eric & Renee Adams.

WHEREAS, on April 20th, 2000, a Notice of Appeal pursuant to Section 1129.09 of the Massillon Zoning Code has been filed with the Clerk of Council by Eric and Renee Adams the owner of property located at 862 Cherry Road N.W. in the City of Massillon, Ohio, appealing a decision in Case No. 922 of the Massillon Zoning Board of Appeals.

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

Section 1:

The Council of the City of Massillon, Ohio, deems it is in the best interest for proper community growth to reverse the decision of the Massillon Zoning Board of Appeals made on April 13th, 2000 in Case No. 922, 2000, in regards to the property owned by Eric & Renee Adams, at the 862 Cherry Road N.W.

Section 2:

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

PASSED IN COUNCIL THIS _____ DAY OF _____ 2000

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

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