

## AGENDA

DATE: JANUARY 7, 2002  
PLACE: COUNCIL CHAMBERS  
TIME: 7:30 P.M.

THERE ARE TWO PUBLIC HEARING THIS EVENING  
ORDINANCE NO. 251 - 2001 6:45 P.M.  
ORDINANCE NO. 209 - 2001 7:15 P.M.

1. ROLL CALL
2. INVOCATION BY COUNCILMAN AMAN (OR GUEST)
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. 2 - 2002    BY: COMMUNITY DEVELOPMENT COMMITTEE

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

ORDINANCE NO. 3 - 2002    BY: COMMUNITY DEVELOPMENT COMMITTEE

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

ORDINANCE NO. 4 - 2002    BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE amending the agreements between the City of Massillon, International Enterprises, Inc., and Michael and Rochelle Farina that were entered into under the Urban Jobs and Enterprise Zone Program, by approving the assignment and assumption to National Land Company LLC, an Ohio Limited Liability Company, of the interest, rights, and duties of Michael and Rochelle Farina under the original Enterprise Zone Agreements, and declaring an emergency.

ORDINANCE NO. 5 - 2002    BY: ENVIRONMENTAL COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety to enter into a contract, without competitive bidding, with First Energy Solutions for meter equipment for the Wastewater Treatment Plant Upgrade 2000 Project, and declaring an emergency.

**7. UNFINISHED BUSINESS**

**8. PETITIONS AND GENERAL COMMUNICATIONS**

A). LETTER FROM OHIO DIVISION OF LIQUOR CONTROL REGARDING A TRANSFER OF LICENSE FROM BP EXPLORATION & OIL INC., DBA BP FOOD MART 5967, 2711 LINCOLN WAY EAST, MASSILLON, OHIO, 44646 TO BP PRODUCTS NORTH AMERICA INC. DBA BP FOOD MART 5967, 2711 LINCOLN WAY EAST & GAS PUMPS, MASSILLON, OHIO 44646

**9. BILLS, ACCOUNTS AND CLAIMS**

**10. REPORTS FROM CITY OFFICIALS**

A). MAYOR TO GIVE STATE OF THE CITY ADDRESS

B). MAYOR SUBMITS MONTHLY PERMIT REPORT FOR DECEMBER - 2001

C). AUDITOR SUBMITS MONTHLY REPORT FOR DECEMBER - 2001

**11. REPORTS OF COMMITTEES**

**12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS**

**13. CALL OF THE CALENDAR**

**ORDINANCE NO. 209 - 2001 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM**

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

**ORDINANCE NO. 251 - 2001 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM**

**AN ORDINANCE** adding a new CHAPTER 1180 "HOME OCCUPATIONS AND INCIDENTAL RESIDENTIAL USES" to PART ELEVEN - PLANNING AND ZONING CODE under TITLE SEVEN - Zoning Regulations of the Codified Ordinances of the City of Massillon, Ohio, and declaring an emergency.

**14. THIRD READING ORDINANCES AND RESOLUTIONS**

**15. SECOND READING ORDINANCES AND RESOLUTIONS**

**ORDINANCE NO. 273 - 2001 BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMM**

**AN ORDINANCE** authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to remove the existing street parking space on the west side of Second Street N.E. between Lincoln Way East and the new proposed Massillon Library parking lot in order to ensure the proper site distance, and declaring an emergency

**ORDINANCE NO. 276 - 2001 BY: PUBLIC UTILITIES/GOLF COURSE COMMITTEE**

**AN ORDINANCE** authorizing the Director of Public Service and Safety to enter into an agreement for the golf professional at The Legends Golf Course, and declaring an emergency..

**ORDINANCE NO. 286 - 2001 BY: COMMITTEE OF THE WHOLE**

**AN ORDINANCE** amending CHAPTER 121 "COUNCIL" of the Codified Ordinances of the City of Massillon, by enacting a new Section 121.02(b) Rule 8.1 "Powers and Duties" and amending Rule 19 "Standing Committees" (5) & (9), 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  
CLERK OF COUNCIL**

DATE: January 7, 2002

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

*1st  
2nd - 1/22*

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 2 - 2002

*Tabled 1/4/02  
passed 2/19/02*

BY: COMMUNITY DEVELOPMENT COMMITTEE

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

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

Section 1:

It is hereby determined to be in the best interest and promotion of the general health, safety and convenience, comfort, prosperity and welfare of the community to change the designation of the area set forth in Section 2 hereof from R-1 Single Family Residential to RM-1 Multiple Family Residential. Said rezoning request was approved by the Planning Commission of the City of Massillon, Ohio, on December 12th, 2001 and that notice and public hearing has been given according to law.

Section 2:

The City of Massillon, Ohio, Zone Map as identified by Section 1151.02 of the Massillon Code by, be and is hereby amended to show the following described area as RM-1 Multiple Family Residential.

Lot No. 1657, a 0.053 acre parcel located at 611 Andrew Avenue N.E. an existing 10 unit apartment building and presently zoned R-1 Single Family Residential. (Christine Miller is planning to purchase and renovate this apartment building and is requesting it to be rezoned to RM-1 Multiple Family Residential).



Section 3:

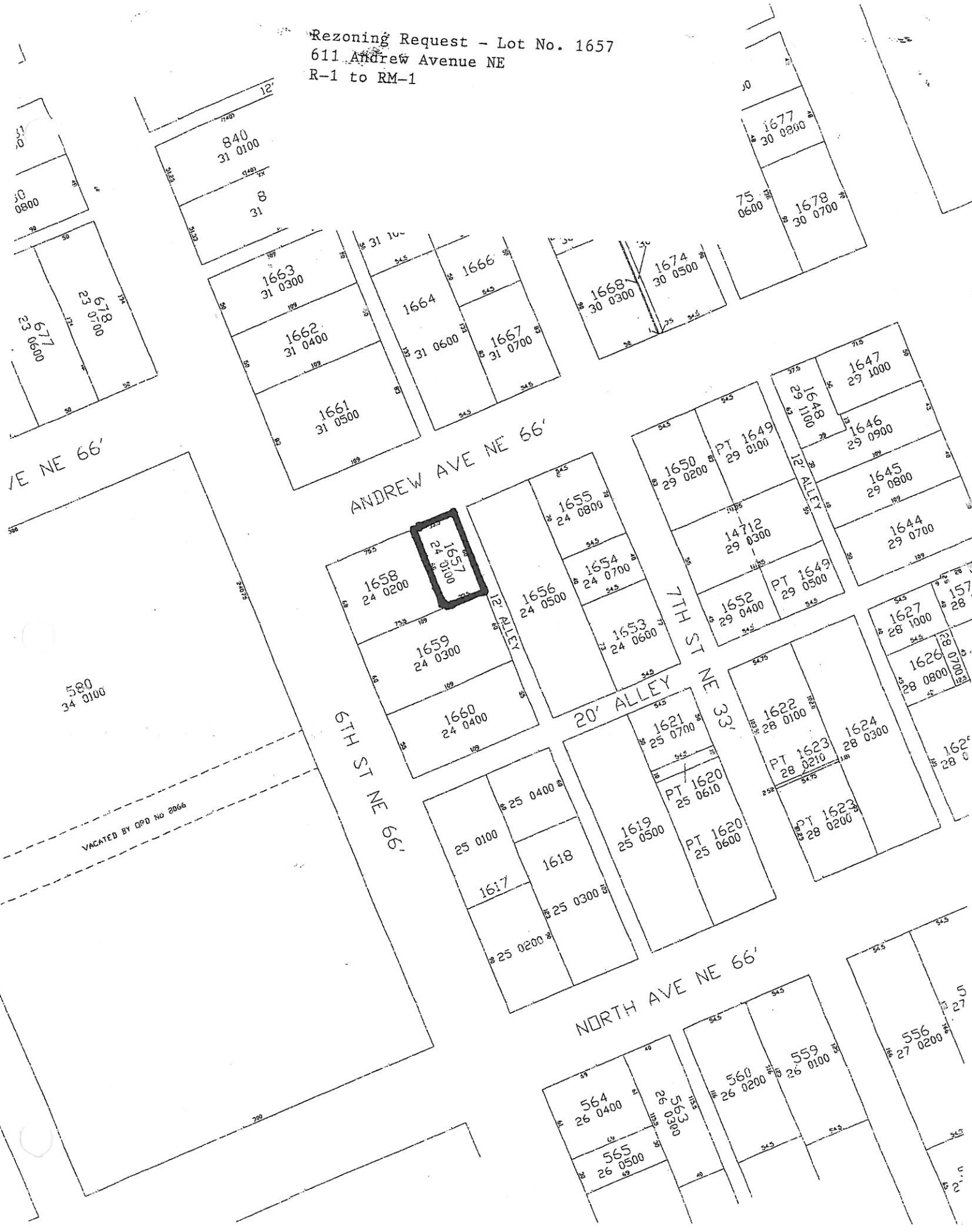
That this ordinance is declared to be an emergency measure in that the use herein provided for is essential to the proper community growth and hence immediately necessary for the preservation of the health, safety and welfare of the community and that this property would best be served to be designated RM-1 Multiple Family Residential. 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 \_\_\_\_\_ 2002

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

APPROVED: \_\_\_\_\_  
FRANCIS H. CICCHINELLI, JR., MAYOR

Rezoning Request - Lot No. 1657  
611 Andrew Avenue NE  
R-1 to RM-1



DATE: January 7, 2002

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*Sharon Howell*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 3 - 2002

BY: COMMUNITY DEVELOPMENT COMMITTEE

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

WHEREAS, Massillon Township was established to conform with the corporation limits of the City of Massillon, Stark County, Ohio by the Board of County Commissioners on August 3, 1963, and

WHEREAS, the corporation limits of the City of Massillon, Ohio, have been enlarged since the establishment of said Massillon Township, through the annexation of one tract of land comprising a part of Tuscarawas Township, and

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

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

Section 1:

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

Section 2:

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

Known and being part of the Northeast and Southeast Quarter Section 14 of Tuscarawas Township, Stark County, State of Ohio and being further described as follows:

Beginning at the Southeast corner of said Northeast quarter Section 14, and the true place of beginning; Thence S 05°00'00" W, along the section line between the Southeast Quarter Section 14 and the Southwest Quarter Section 13, said line also being the centerline of Greendale Avenue Southwest, a distance of 570.20' to a point, said point being on the south right-of-way line of Raynell Street Southwest and the southerly line of Raynell Heights Allotment No. 1 as recorded in Plat Book 37, Page 64 in Stark County;

Thence N 85°00'00" W, continuing along said Raynell Heights Plat and said right-of-way line, a distance of 380.00' to a point, said point being on the existing City of Massillon Corporation Line;

Thence continuing along said Corporation line the following courses:

N 05°00'00" E, a distance of 40.20' to a point;

Thence N 85°00'00" W, a distance of 1050.00' to a point;

Thence N 05°00'00" E, a distance of 455.00' to a point;

Thence N 85°00'00" W, a distance of 300.00' to a point;

Thence N 05°00'00" E, a distance of 455.40' to a point;

Thence S 84°48'40" E, a distance of 1728.54' to a point, said point also being on the centerline of Greendale Avenue S.W.;

Thence S 04°46'30" W, along said centerline and corporation line, a distance of 374.71' to a point, said point being the true place of beginning, containing 14.842 acres in the Northeast Quarter Section 14 and 18.413 acres in the Southeast Quarter Section 14, Tuscarawas Township. Total acreage in annexation is 33.255 acres, more or less.

The Bearings are based on S 05° 00' 00" W for the Section Line between the Southeast Quarter Section 14 and the Southwest Quarter Section 13 of Tuscarawas Township as described in Plat Book 37, Page 64.



Section 3:

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

Section 4:

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

Section 5:

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

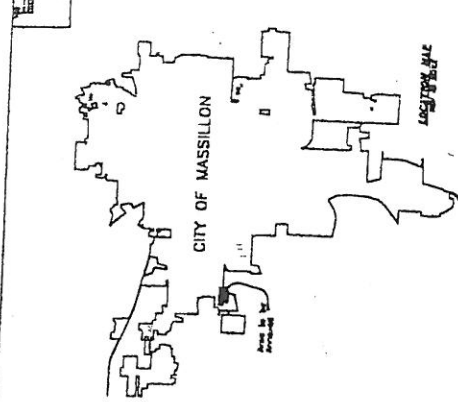
Section 6:

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

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2002

APPROVED: \_\_\_\_\_  
SHARON HOWELL, CLERK OF COUNCIL    TIM BRYAN, ACTING RESIDENT

APPROVED: \_\_\_\_\_  
FRANCIS H. CICCHINELLI, JR., MAYOR



MAP OF TERRITORY TO BE ANNEXED TO THE CITY OF MASSACHUSETTS

**NOTE:** This map is compiled, calculated, and drawn from available deeds of record, recorded plat, and other documents obtained from the official records maintained by the various offices of Stark County, Ohio. It is not to be construed to be correct, but it is believed that the property boundaries shown are correct. The City of Mansfield is recorded in Official Record Mapping Number 388352, and the Stark is recorded in Official Record Mapping Number 388353.

MASSILLON CITY COUNCIL

accepted by The City Council of Madison, Ohio, by Ordinance No. \_\_\_\_\_

in less than 300

PROPERTY OF THE  
FEDERAL BUREAU OF INVESTIGATION  
U. S. DEPARTMENT OF JUSTICE

by lot numbers assigned this day of \_\_\_\_\_, 200\_\_\_\_\_.

\_\_\_\_\_

COUNTY AUDITOR  
I received this \_\_\_\_\_ Day of \_\_\_\_\_  
CITY DESIGNS

1

**DUNTY RECORDER**

this Bureau of Prisons \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_.

\_\_\_\_\_

Recorded in Vol. \_\_\_\_\_

\_\_\_\_\_ right \_\_\_\_\_ his \_\_\_\_\_ day at \_\_\_\_\_ 200 \_\_\_\_\_

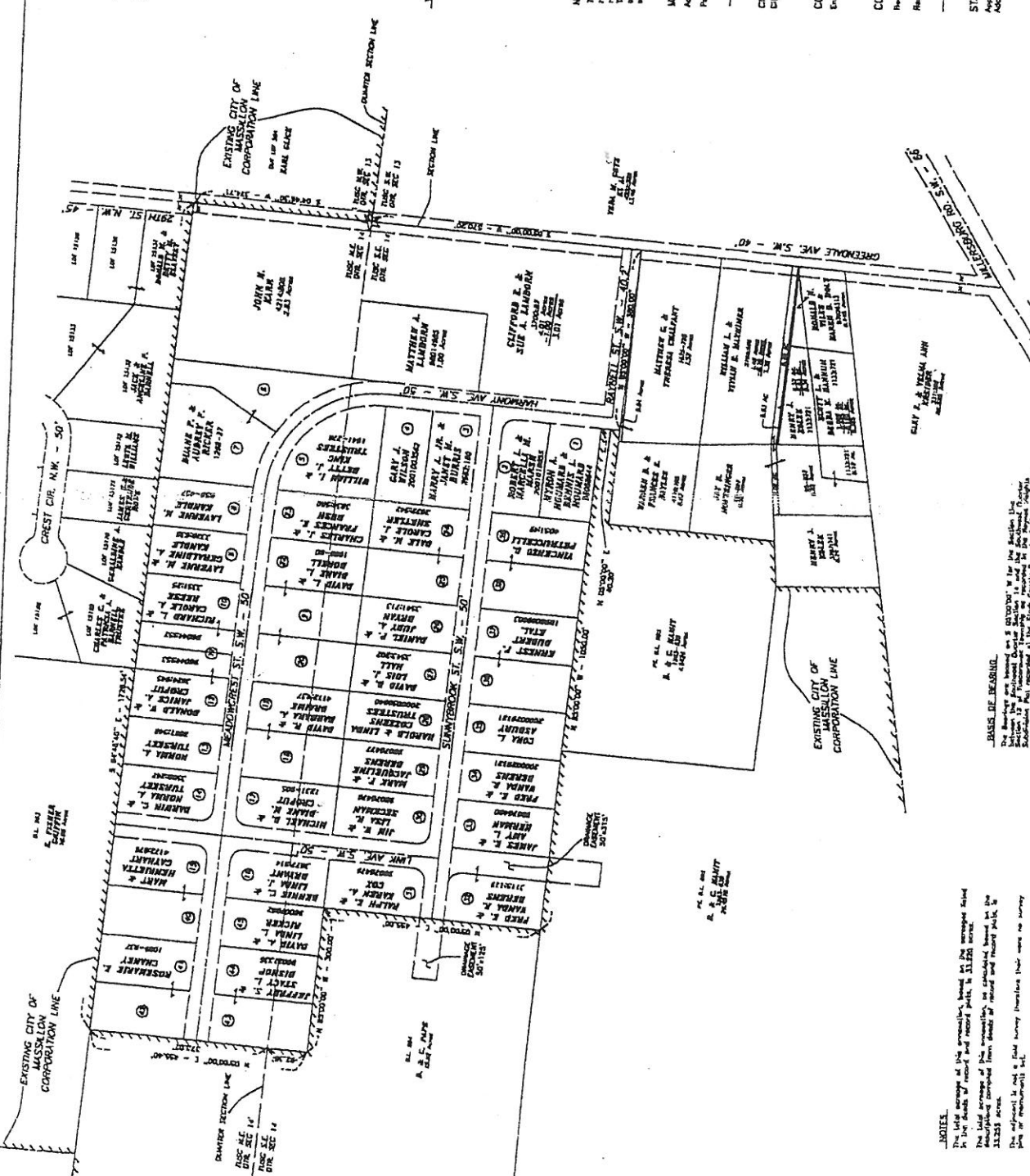
LOCALITY INFORMATION

ST. LOUIS COUNTY COMMISSIONERS

\_\_\_\_\_ 200\_\_\_\_\_

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**POSSIBLE LINKS WITH**



NOTES

The total acreage of this grower's land, based on the acreage listed on the deeds of record and record plots, is 33,720 acres.

The total acreage of this grower's land, as calculated based on the classification completed from deeds of record and record plots, is 32,539 acres.

It is difficult to not find survey lines and their were no survey or monuments but

BASIS OF BEARING

The bearings are based on S 69°00'00" W for the Section line between the Railroad Quarter Section 14 and the Southeast Quarter Section 13 of Tuccumcove Township as recorded in the Maynes & McArthur Subdivision Plat recorded in the Stark County Recorder in Plat Book 17, Page 64.

DATE January 7, 2002

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 4 - 2002

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE amending the agreement between the City of Massillon, International Enterprises, Inc., and Michael and Rochelle Farina that were entered into under the Urban Jobs and Enterprise Zone Program, by approving the assignment and assumption to National Land Company LLC, an Ohio Limited Liability Company, of the interest, rights, and duties of Michael and Rochelle Farina under the original Enterprise Zone Agreements, and declaring an emergency.

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

Section 1:

The agreement between the City of Massillon, International Enterprises, Inc., and Michael and Rochelle Farina that were entered into under the Urban Jobs and Enterprise Zone Program, by approving the assignment and assumption to National Land Company LLC, an Ohio Limited Liability Company, of the interest, rights, and duties of Michael and Rochelle Farina under the original Enterprise Zone Agreements.

Section 2:

A copy of said amendment is attached hereto and made part of this Ordinance.

Section 3:

This Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said enactment is necessary for the Enterprise Zone agreement to reflect the assignment of International Enterprises, Inc., and Michael and Rochelle Farina, to National Land Company LLC, an Ohio Limited Liability Company. of all the interests, rights and duties under said agreement. 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 \_\_\_\_\_, 2002

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

ATTEST: \_\_\_\_\_  
FRANCIS H. CICCHINELLI, JR. MAYOR



## CONSENT TO ASSIGNMENT

This Consent to Assignment is made as of December \_\_\_\_\_, 2001, by and among the City of Massillon, Ohio ("Consenting Party"), and Nation Land Company, LLC, an Ohio Limited Liability Company ("Assignee").

### RECITALS

Rochelle Farina and Michael Farina ("Farina") and Consenting Party are parties to the agreements listed on Schedule A hereto (the "Agreements"). Assignee and Farina entered into an Agreement (the "Agreement") on December 1, 2001 pursuant to which Farina will transfer to Assignee certain real property and Assignee will assume certain of Farina's liabilities (the "Transfer"), such Transfer being scheduled to occur on or before January 10, 2002. In connection with the Transfer, Assignee will purchase all of Farina's right, title and interest in, to and under the Agreements.

### AGREEMENTS

NOW THEREFORE, the parties hereby agree as follows:

1. Consenting Party acknowledges that (i) no default or event of default now exists under the terms and provisions of any of the Agreements, (ii) no fact or condition now exists which, with notice or lapse of time or both, would become such a default and (iii) immediately after assignment no such default will exist.
2. Assignee hereby agrees that, in connection with the consummation of the Transfer, it will assume Farina's payment and performance obligations under the Agreements arising from and after the date of the Transfer.
3. Consenting Party approves of and consents to the assignment to Assignee of the Agreements, including the transfer to Assignee of all rights of Farina contemplated by the Agreements and the assumption by Assignee of all of Farina's payment and performance obligations arising from the Agreements from and after the date of the Transfer, it being understood that such rights and obligations shall be limited to those explicitly set forth in or contemplated by the Agreements.
4. The effective date of the Transfer shall be the date upon which completion of the transactions contemplated by the Agreement is scheduled. If, for any reason, completion under the Agreement shall not be consummated, this Consent to Assignment and the assignment contemplated hereby shall be of no further force and effect.
5. Consenting Party hereby undertakes to execute and deliver on its behalf such further instruments and documents as may be reasonably requested by Assignee to evidence the assignment of rights and assumption of obligations.

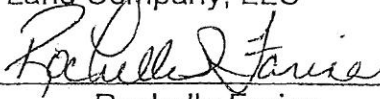
6. This Consent to Assignment shall be binding upon the parties hereto and their respective successors and assigns.

7. This Consent to Assignment shall be construed and enforced in accordance with the laws of the State of Ohio.

8. This Consent to Assignment may be executed by the parties hereto in one or more counterparts, each of which shall be deemed to be an original and all of which shall constitute together but one and the same agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Consent to Assignment to be duly executed as of the date first above written.

Assignee: Nation Land Company, LLC

By:   
Name: Rochelle Farina  
Title: Managing Member

Consenting Party: City of Massillon

By: \_\_\_\_\_  
Name: Francis H. Cicchinnelli, Jr.  
Title: Mayor

## LAW DIRECTOR'S CERTIFICATE

I, the undersigned, the duly elected and qualified Law Director of the City of Massillon, Ohio, to hereby certify that I have personally examined the foregoing contract and have found the same to be regular with respect to form and correctness, and binding upon all parties signatory thereto.

December, 2001  
Date

\_\_\_\_\_  
City Law Director

## SCHEDULE A

- (1) Ohio Enterprise Zone Agreement dated May 9, 2000, by and between the City of Massillon, Ohio, International Enterprises, Inc., and Rochelle S. Farina;
- (2) Ohio Enterprise Zone Agreement dated August 20, 2001, by and between the City of Massillon, Ohio, International Enterprises, Inc., and Michael and Rochelle Farina



DATE: January 7, 2002

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*Passed 1/22*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 5 - 2002

BY: ENVIRONMENTAL COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety to enter into a contract, without competitive bidding, with First Energy Solutions for meter equipment for the Wastewater Treatment Plant Upgrade 2000 Project, and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby finds that it is necessary to enter into a contract, without competitive bidding, with First Energy Solutions for meter equipment for the Wastewater Treatment Plant Upgrade 2000 Project.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to enter into a contract, without competitive bidding, with First Energy Solutions for meter equipment for the Wastewater Treatment Plant Upgrade 2000 Project.

Section 3:

That the amount of the contract with First Energy Solutions for meter equipment for the Wastewater Treatment Plant Upgrade 2000 Project shall not exceed the amount of Fourteen Thousand Dollars (\$14,000.00).

Section 4:

That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety, and welfare of the community, and for the additional reason that it is necessary to enter into contract with First Energy Solutions for meter equipment for the Wastewater Treatment Plant Upgrade 2000 Project. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2002

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

APPROVED: \_\_\_\_\_  
FRANCIS H. CICCHINELLI, JR., MAYOR

# FIRST ENERGY SOLUTIONS, CORP.

## CONTRACTING SERVICES AGREEMENT

City of Massillon, acting on its own behalf or as an authorized agent of the Owner, of Massillon Waste Water Treatment Plant, Massillon, Ohio 44646, ("Owner"), and FIRSTENERGY SOLUTIONS, CORP., an Ohio corporation, with its principal address at 395 Ghent Rd., Akron, Ohio ("Contractor"), enter into this Agreement as of January \_\_\_\_, 2002.

In consideration of the mutual promises contained herein, the parties agree as follows:

1. At Owner's request and solely for Owner's benefit, Contractor shall furnish the "Work", as more particularly set forth in Exhibit "A", attached to and incorporated into this Agreement, all permanent materials and equipment, labor, installation related equipment and/or tools, and miscellaneous expendable job supplies necessary to complete the Work specified herein and at the following location: **The City of Massillon, 2700 Treatment Road SW, Stark County, Massillon, Ohio**. The parties shall cooperate, consult, and coordinate with each other in the performance of the Work. The parties agree that Contractor may subcontract for all or any portion of the Work.

2. Owner shall pay Contractor **Fourteen Thousand Dollars (\$14,000)** plus applicable taxes for performance of the Work. Any changes to the Work shall be initiated by written order of the Owner, agreed to by Contractor in writing, and Contractor shall be paid for such additional Work an amount to be determined, prior to the performance of the additional Work, using either lump sum, unit price, or other agreed upon method of reimbursement. This pricing offer is valid through March 31, 2002.

THE TERMS AND CONDITIONS, INCLUDING THE WARRANTY AND LIMITATIONS OF LIABILITY, ON THE REVERSE SIDE ARE PART OF THIS AGREEMENT. OWNER BY ITS SIGNATURE ACKNOWLEDGES THAT IT HAS READ THIS AGREEMENT, UNDERSTANDS IT, AND AGREES TO BE BOUND BY ITS TERMS AND CONDITIONS, AND THAT IT CONSTITUTES THE ENTIRE AGREEMENT RESPECTING THE SUBJECT MATTER HEREOF.

FIRSTENERGY SOLUTIONS, CORP.

CITY OF MASSILLON  
OWNER

By \_\_\_\_\_

By \_\_\_\_\_

Susan A. Reid

\_\_\_\_\_  
(Name Printed)

\_\_\_\_\_  
(Name Printed)

National Account Executive

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Title)

## EXHIBIT A

Installation of meters at five (5) sites. (One meter for two transformers). Meters have the ability to provide peak load and Kwh information.

FirstEnergy Solutions will provide ten sets of current transformers, five meters and meter bases, and labor to install.

Customer to provide 1½" rigid conduit between secondary chambers of transformers (may be PVC rather than rigid). Assume that meters will be mounted on the side of the transformers. If this is not the case, the conduits will need to be routed to meter socket locations with appropriate place to attach a meter socket. Conduits should be installed while trenching is being done for conductors and transformers.

Bob Perkins:

440-326-3204

Please consult prior to starting installation so that installation is designed properly.