

## AGENDA

DATE: MONDAY, DECEMBER 3, 2007  
PLACE: COUNCIL CHAMBERS  
TIME: 7:30 P.M.

THERE IS ONE PUBLIC HEARING TONIGHT  
ORDINANCE NO. 52 – 2007 – REZONING FOR CARL OSER AT 6:50PM

1. ROLL CALL
2. INVOCATION BY COUNCILMAN DONNIE PETERS
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. 137 – 2007**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

Pass 9-0

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with Bill Hawk, Inc., to provide an economic development "incentive grant" to assist the company in relocating from Dover, Ohio to Massillon, and declaring an emergency.

**ORDINANCE NO. 138 – 2007**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

Pass 9-0

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with Cold Headed Fasteners & Assemblies, Inc., to provide an economic development "incentive grant" to assist the company in relocating to Massillon, and declaring an emergency.

**ORDINANCE NO. 139 – 2007**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

Pass 9-0

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with M & K Supermarket to provide an economic development "incentive grant" to assist the company in expanding its operations in Massillon, and declaring an emergency.

**ORDINANCE NO. 140 – 2007**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

Pass 9-0

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with Donna Williams Insurance Services to provide an economic development "incentive grant" to assist the company in relocating in Massillon, and declaring an emergency.

**ORDINANCE NO. 141 – 2007**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

Pass 9-0

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with Total Productions, Inc./Erie Street Leather to provide an economic development "incentive grant" to assist the company in relocating in Massillon, and declaring an emergency.

**ORDINANCE NO. 142 – 2007**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

*Pass 9-0*

**AN ORDINANCE** authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with PatentHealth LLC to provide an economic development "inducement grant" to assist the company in relocating its operations in Massillon, and declaring an emergency.

**ORDINANCE NO. 143 – 2007**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

*1<sup>ST</sup> READING*

**AN ORDINANCE** amending CHAPTER 1121 "CONSTRUCTION OF LANGUAGE; DEFINITIONS", CHAPTER 1187 "SUPPLEMENTAL ZONING REGULATIONS" and CHAPTER 1189 "GENERAL EXCEPTIONS" of the Codified Ordinances of the City of Massillon, by repealing existing Sections 1121.02 (23) and (67) "DEFINITIONS", 1187.01 "COMMERCIAL TELEVISION AND RADIO TOWERS AND PUBLIC UTILITY MICROWAVES AND PUBLIC UTILITY T.V. TRANSMITTING TOWERS" and 1189.04 "HEIGHT LIMIT" and enacting new Sections 1121.02 (23) and (67) "DEFINITIONS", 1187.01 "COMMERCIAL TELEVISION AND RADIO TOWERS AND PUBLIC UTILITY MICROWAVES AND PUBLIC UTILITY T.V. TRANSMITTING TOWERS" and 1189.04 "HEIGHT LIMIT" of CHAPTER 1121, CHAPTER 1187 and CHAPTER 1189, and declaring an emergency.

**ORDINANCE NO. 144 – 2007**

**BY: FINANCE COMMITTEE**

*Pass 9-0*

**AN ORDINANCE** making certain appropriations from the unappropriated balance of the Economic Development Fund, 1201 Street Fund and the Community Health Fund, for the year ending December 31, 2007, and declaring an emergency.

**ORDINANCE NO. 145 – 2007**

**BY: FINANCE COMMITTEE**

*Pass 9-0*

**AN ORDINANCE** making certain appropriations from the unappropriated balance of the Solid Waste Fund, for the year ending December 31, 2007, and declaring an emergency.

**ORDINANCE NO. 146 – 2007**

**BY: FINANCE COMMITTEE**

*Pass 9-0*

**AN ORDINANCE** making certain transfers in the 2007 appropriations from within the 2102 Solid Waste Fund to the 1222 Waste Management Grant Fund, for the year ending December 31, 2007, and declaring an emergency.

**ORDINANCE NO. 147 – 2007**

**BY: FINANCE COMMITTEE**

*Pass 9-0*

**AN ORDINANCE** making certain appropriations from the unappropriated balance of the General Fund, for the year ending December 31, 2007, and declaring an emergency.

**ORDINANCE NO. 148 – 2007**

**BY: FINANCE COMMITTEE**

*Pass 9-0*

**AN ORDINANCE** making certain transfers in the 2007 appropriations from within the General Fund to the 1234 Parks & Recreation Fund, for the year ending December 31, 2007, and declaring an emergency.

ORDINANCE NO. 149 – 2007

BY: FINANCE COMMITTEE

Pass 9-0

AN ORDINANCE making certain appropriations from the unappropriated balance of the Parks & Recreation Fund, for the year ending December 31, 2007, and declaring an emergency.

ORDINANCE NO. 150 – 2007

BY: FINANCE COMMITTEE

Pass 9-0

AN ORDINANCE making certain transfers in the 2007 appropriations from within the General Fund and the Parks & Rec. Fund, for the year ending December 31, 2007, and declaring an emergency.

ORDINANCE NO. 151 – 2007

BY: FINANCE COMMITTEE

Pass 9-0

AN ORDINANCE amending Ordinance No. 8 – 2007 by revising Section 4 of the 2007 budget, and declaring an emergency.

ORDINANCE NO. 152 – 2007

BY: FINANCE COMMITTEE

Pass 9-0

AN ORDINANCE to approve current replacement pages to the Massillon Codified Ordinances, and declaring an emergency.

RESOLUTION NO. 17 – 2007

BY: COMMITTEE OF THE WHOLE

Pass 9-0

A RESOLUTION of support for Ohio "Gold Star Family" license plates.

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

- A). MAYOR SUBMITS MONTHLY PERMIT REPORT FOR NOVEMBER 2007
- B). AUDITOR SUBMITS MONTHLY REPORT FOR NOVEMBER 2007

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

TABLED FROM SEPTEMBER 17, 2007

(CATABARO, MEIER, MANG)

ORDINANCE NO. 52 – 2007

BY: COMMUNITY DEVELOPMENT COMMITTEE

DEFEATED 6-3

AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from RM-1 Multiple Family Residential to B-1 Local Business.

14. THIRD READING ORDINANCES AND RESOLUTIONS
15. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 127 – 2007

BY: COMMUNITY DEVELOPMENT COMMITTEE

*2ND READING*

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids, and enter into contract with the highest bidder, for the sale of approximately 51 acres located at the Legends Golf Course, in the City of Massillon, Stark County, Ohio and owned by said City, which are not needed for any municipal purpose, and declaring an emergency.

ORDINANCE NO. 129 – 2007

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

*2ND READING*

AN ORDINANCE vacating a portion of 1<sup>st</sup> Street NE, and declaring an emergency.

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

MARY BETH BAILEY - CLERK OF COUNCIL



DATE DECEMBER 3, 2007

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*Passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 137 - 2007

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with Bill Hawk, Inc., to provide an economic development "incentive grant" to assist the company in relocating from Dover, Ohio to Massillon, and declaring an emergency.

WHEREAS, the City of Massillon carries out a variety of economic development programs designed to promote the creation and expansion of business and industry in the community; and

WHEREAS, Bill Hawk, Inc., desires to relocate from Dover, Ohio to a 5 acre parcel located In Nova East Industrial Park, and

WHEREAS, the City of Massillon proposed to assist Bill Hawk, Inc., in this relocation of its operations by providing an economic development "incentive grant", the purpose of which is to help offset the company's costs in relocating its operations to Massillon.

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

Section 1:

This Council hereby authorizes the Mayor to enter into an agreement with Bill Hawk, Inc., providing an economic development "incentive grant", in a total amount not to exceed Ten Thousand Dollars (\$10,000.00) for the purpose of assisting the company in relocating its operations from Dover, Ohio to Massillon.

Section 2:

In return for this economic development grant assistance, Bill Hawk, Inc., shall provide the City with information regarding the number of jobs that it has provided as a result of the company's relocation from Dover, Ohio, to Massillon.

Section 3:

This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the health, safety, and welfare of the community and for the additional reason that it is necessary to improve the economic climate of the community through the expansion of business and employment opportunities. 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 \_\_\_\_\_, 2007

APPROVED: \_\_\_\_\_  
MARY BETH BAILEY, CLERK OF COUNCIL      GLENN E. GAMBER, PRESIDENT

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

## AGREEMENT

This Agreement made and entered into this \_\_\_\_\_ day of \_\_\_\_\_ 2007 by and between the **City of Massillon, Ohio**, a municipal corporation, with its main offices located at 151 Lincoln Way East, Massillon, Ohio 44646 (hereinafter referred to as the "City"), and **Bill Hawk, Inc.**, a Corporation with its main offices currently located at 2421 N. Wooster Avenue, Dover, Ohio 44622 (hereinafter referred to as the "Company").

### WITNESSETH:

**Whereas**, the City carries out a variety of economic development programs designed to promote the creation and expansion of business and industry in the community; and

**Whereas**, the Company, which specializes in pipeline construction services for the oil and natural gas industry, desires to relocate and expand its business operations to property located in the City of Massillon at 2200 Venture Place SE (hereinafter the "Project Site"). The Company will use the Project Site to construct a new 16,200 square foot industrial building for fabrication, shop, warehousing, and office space (hereinafter the "Project").and

**Whereas**, the Company, proposes to invest \$2,028,900 on this Project, including property acquisition, construction of new buildings, machinery & equipment, furniture & fixtures, and inventory; and

**Whereas**, the Company, as a result of this project, plans to relocate approximately 72 existing jobs and create 13 new jobs in Massillon within a three year period; and

**Whereas**, the City of Massillon proposes to assist the Company in this relocation by providing an economic development "inducement grant", the purpose of which is to help offset the Company's costs in relocating its operations to Massillon.

**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 1: Project Description

The Company shall relocate and expand its business operations to Massillon, through the construction of a new 16,200 square foot facility at 2200 Venture Place SE in Nova East Industrial Park, at a total cost of \$2,028,900. As a result of this project, the Company shall relocate 72 existing jobs and create 13 new jobs at the Project Site within a three year period.

### Section 2: Economic Development Grant

In order to assist the Company in this relocation and expansion, the City shall make an economic development inducement grant to the Company in a total amount not to exceed Ten Thousand Dollars (\$10,000.00). The Company shall use these funds to help offset its costs related to the relocation and expansion of its operations at the Project Site.

This inducement grant shall be provided in the form of a deferred payment loan, at 0% interest, for a ten year term. At the end of the ten year period, the balance on said deferred payment loan shall be \$0.00, and no payment shall be required, provided that Company is still in operation at the Project Site.

The entire amount of the inducement grant shall become immediately due and payable either upon the bankruptcy, reorganization, syndication, dissolution or liquidation of Company. In addition, if during the term of the deferred payment loan, the Company relocates its business operations outside the corporate limits of the City of Massillon, Ohio, the entire amount of the inducement grant shall become immediately due and payable.

**Section 3: Assurance of Project Jobs**

In return for this economic development grant assistance, the Company shall furnish the City with information regarding its total project investment and the number of jobs that it has provided at the Project Site as a result of the project.

**Section 4: Disbursement of Funds**

The City shall provide this inducement grant to the Company, or its designee, upon the relocation and the establishment of its business operations at the Project Site. Economic development grant funds shall be disbursed by the City on the basis of vouchers submitted by the Company, including any supporting documentation as needed to verify project costs.

**Section 5: Miscellaneous**

This Agreement shall be governed by and constructed in accordance with the laws of the State of Ohio.

**In Witness Whereof**, the City and Company have caused this Agreement to be duly executed, as of the date first above written.

**WITNESSED BY:**

**THE CITY OF MASSILLON, OHIO**

\_\_\_\_\_

\_\_\_\_\_  
Francis H. Cicchinelli, Jr., Mayor

**WITNESSED BY:**

**BILL HAWK, INC.**

\_\_\_\_\_

\_\_\_\_\_  
Jenine M. Ottobre, Vice President

Approved as to form and legal sufficiency:

  
Pericles G. Stergios, Director of Law  
City of Massillon, Ohio



DATE DECEMBER 3, 2007

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 138 - 2007

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with Cold Headed Fasteners & Assemblies, Inc., to provide an economic development "incentive grant" to assist the company in relocating to Massillon, and declaring an emergency.

WHEREAS, the City of Massillon carries out a variety of economic development programs designed to promote the creation and expansion of business and industry in the community; and

WHEREAS, Cold Headed Fasteners & Assemblies, Inc., desires to relocate to the former Ansell Perry facility at 1875 Harsh Avenue SE, and

WHEREAS, the City of Massillon proposed to assist Cold Headed Fasteners & Assemblies, Inc., in this relocation of its operations by providing an economic development "incentive grant", the purpose of which is to help offset the company's costs in relocating its operations to Massillon.

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

Section 1:

This Council hereby authorizes the Mayor to enter into an agreement with Cold Headed Fasteners & Assemblies, Inc., providing an economic development "incentive grant", in a total amount not to exceed Seven Thousand Five Hundred Dollars (\$7,500.00) for the purpose of assisting the company in relocating its operations to Massillon.

Section 2:

In return for this economic development grant assistance, Cold Headed Fasteners & Assemblies, Inc., shall provide the City with information regarding the number of jobs that it has provided as a result of the company's relocation to Massillon.

Section 3:

This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the health, safety, and welfare of the community and for the additional reason that it is necessary to improve the economic climate of the community through the expansion of business and employment opportunities. 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 \_\_\_\_\_, 2007

APPROVED: \_\_\_\_\_

MARY BETH BAILEY, CLERK OF COUNCIL

\_\_\_\_\_  
GLENN E. GAMBER, PRESIDENT

ATTEST: \_\_\_\_\_

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

## AGREEMENT

This Agreement made and entered into this \_\_\_\_\_ day of \_\_\_\_\_ 2007 by and between the **City of Massillon, Ohio**, a municipal corporation, with its main offices located at 151 Lincoln Way East, Massillon, Ohio 44646 (hereinafter referred to as the "City"), and **Cold Headed Fasteners & Assemblies, Inc.**, a Corporation with its main offices currently located at 1929 9<sup>th</sup> Street SW, Massillon, Ohio 44647 (hereinafter referred to as the "Company").

### WITNESSETH:

**Whereas**, the City carries out a variety of economic development programs designed to promote the creation and expansion of business and industry in the community; and

**Whereas**, the Company, which specializes in custom parts and fasteners for a variety of machining and assembly operations, desires to relocate and expand its business operations to property located in the City of Massillon at 1875 Harsh Avenue SE (hereinafter the "Project Site"), and

**Whereas**, the Company, as a result of this project, plans to relocate approximately 15 existing jobs to the Project Site; and

**Whereas**, the City of Massillon proposes to assist the Company in this relocation by providing an economic development "inducement grant", the purpose of which is to help offset the Company's costs in relocating its operations to the Project Site.

**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 1: Project Description**

The Company shall relocate its business operations to an existing facility located at 1875 Harsh Avenue SE, in the City of Massillon, Stark County, Ohio. As a result of this project, the Company shall provide a minimum of 15 jobs at the Project Site.

#### **Section 2: Economic Development Grant**

In order to assist the Company in this relocation and expansion, the City shall make an economic development inducement grant to the Company in a total amount not to exceed Seven Thousand Five Hundred Dollars (\$7,500.00). The Company shall use these funds to help offset its costs related to the relocation and expansion of its operations at the Project Site.

This inducement grant shall be provided in the form of a deferred payment loan, at 0% interest, for a five year term. At the end of the five year period, the balance on said deferred payment loan shall be \$0.00, and no payment shall be required, provided that Company is still in operation at the Project Site.

The entire amount of the inducement grant shall become immediately due and payable either upon the bankruptcy, reorganization, syndication, dissolution or liquidation of Company. In addition, if during the term of the deferred payment loan, the Company relocates its business operations outside the corporate limits of the City of Massillon, Ohio, the entire amount of the inducement grant shall become immediately due and payable.

**Section 3: Assurance of Project Jobs**

In return for this economic development grant assistance, the Company shall furnish the City with information regarding its total project investment and the number of jobs that it has provided at the Project Site as a result of the project.

**Section 4: Disbursement of Funds**

The City shall provide this inducement grant to the Company, or its designee, upon the relocation and the establishment of its business operations at the Project Site. Economic development grant funds shall be disbursed by the City on the basis of vouchers submitted by the Company, including any supporting documentation as needed to verify project costs.

**Section 5: Miscellaneous**

This Agreement shall be governed by and constructed in accordance with the laws of the State of Ohio.

**In Witness Whereof**, the City and Company have caused this Agreement to be duly executed, as of the date first above written.

WITNESSED BY:

THE CITY OF MASSILLON, OHIO

\_\_\_\_\_

Francis H. Cicchinelli, Jr., Mayor

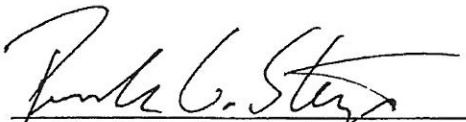
WITNESSED BY:

COLD HEADED FASTENERS AND  
ASSEMBLIES, INC.

\_\_\_\_\_

Oscar Lee, President

Approved as to form and legal sufficiency:



Pericles G. Stergios, Director of Law  
City of Massillon, Ohio



DATE DECEMBER 3, 2007

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

*passed*

ORDINANCE NO. 139 - 2007

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with M & K Supermarket to provide an economic development "incentive grant" to assist the company in expanding its operations in Massillon, and declaring an emergency.

WHEREAS, the City of Massillon carries out a variety of economic development programs designed to promote the creation and expansion of business and industry in the community; and

WHEREAS, M & K Supermarket desires to expand its business operations located at 1619 Walnut Road SE by constructing a gasoline pump/canopy island to serve the residents on the southeast side, and

WHEREAS, the City of Massillon proposed to assist M & K Supermarket in expanding its operations by providing an economic development "incentive grant", the purpose of which is to help offset the company's costs in expanding its operations in Massillon.

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

Section 1:

This Council hereby authorizes the Mayor to enter into an agreement with M & K Supermarket providing an economic development "incentive grant", in a total amount not to exceed Five Thousand Dollars (\$5,000.00) for the purpose of assisting the company in expanding its operations in Massillon.

Section 2:

In return for this economic development grant assistance, M & K Supermarket will construct needed storm drainage site improvements on their property.

Section 3:

This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the health, safety, and welfare of the community and for the additional reason that it is necessary to improve the economic climate of the community through the expansion of business and employment opportunities. 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 \_\_\_\_\_, 2007

APPROVED: \_\_\_\_\_  
MARY BETH BAILEY, CLERK OF COUNCIL      GLENN E. GAMBER, PRESIDENT

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

## AGREEMENT

This Agreement made and entered into this \_\_\_\_\_ day of \_\_\_\_\_ 2007 by and between the **City of Massillon, Ohio**, a municipal corporation, with its main offices located at 151 Lincoln Way East, Massillon, Ohio 44646 (hereinafter referred to as the "City"), and **Kalas Supermarket, Inc., DBA M & K Supermarket**, located at 1619 Walnut Road SE, Massillon, Ohio 44646 (hereinafter referred to as the "Company").

### WITNESSETH:

**Whereas**, the City carries out a variety of economic development programs designed to promote the creation and expansion of business and industry in the community; and

**Whereas**, the Company, which operates a grocery store at 1619 Walnut Road SE (hereinafter the "Project Site"), desires to expand its business operations through the construction of a gasoline fuel pump island with canopy (hereinafter the "Project"), and

**Whereas**, the Project will provide needed services to the residents of the southeast side of Massillon; and

**Whereas**, the City proposes to assist the Company in this Project by providing an economic development "inducement grant", the purpose of which is to help offset the Company's costs in constructing needed storm drainage site improvements at the Project Site.

**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 1: Project Description

The Company shall expand its business operations through the construction of a gasoline fuel pump island with canopy at its store location at 1619 Walnut Road SE, in the City of Massillon, Stark County, Ohio. As part of this project, the Company will undertake certain storm drainage improvements as indicated on the approved site plan. These drainage improvements include: installation of a 6" PVC pipe from the fuel pump canopy to the catch basin on 16<sup>th</sup> Street SE; and construction of a concrete drive entrance and grade out of a ditch along Walnut Road SE.

### Section 2: Economic Development Grant

In order to assist the Company in the construction of the identified storm drainage improvements that are part of the Project, the City shall make an economic development inducement grant to the Company in a total amount not to exceed Five Thousand Dollars (\$5,000.00).

This inducement grant shall be provided in the form of a deferred payment loan, at 0% interest, for a five year term. At the end of the five year period, the balance on said deferred payment loan shall be \$0.00, and no payment shall be required, provided that Company is still in operation at the Project Site.

The entire amount of the inducement grant shall become immediately due and payable either upon the bankruptcy, reorganization, syndication, dissolution or liquidation of Company. In addition, if during the term of the deferred payment loan, the Company relocates its business

operations outside the corporate limits of the City of Massillon, Ohio, the entire amount of the inducement grant shall become immediately due and payable.

**Section 3: Disbursement of Funds**

The City shall provide this inducement grant to the Company, or its designee, upon the completion of the Project, including the storm drainage improvements indicated on the approved site plan. Economic development grant funds shall be disbursed by the City on the basis of vouchers submitted by the Company, including any supporting documentation as needed to verify project costs.

**Section 4: Miscellaneous**

This Agreement shall be governed by and constructed in accordance with the laws of the State of Ohio.

In Witness Whereof, the City and Company have caused this Agreement to be duly executed, as of the date first above written.

**WITNESSED BY:**

**THE CITY OF MASSILLON, OHIO**

\_\_\_\_\_

\_\_\_\_\_  
Francis H. Cicchinelli, Jr., Mayor

**WITNESSED BY:**

**KALAS SUPERMARKET, INC. DBA  
M & K SUPERMARKET**

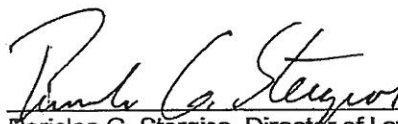
\_\_\_\_\_

\_\_\_\_\_  
Mohammed Hassan

\_\_\_\_\_

\_\_\_\_\_  
Joan Hassan

Approved as to form and legal sufficiency:

  
\_\_\_\_\_  
Pericles G. Stergios, Director of Law  
City of Massillon, Ohio



DATE DECEMBER 3, 2007

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

*passed*

ORDINANCE NO. 140 - 2007

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with Donna Williams Insurance Services to provide an economic development "incentive grant" to assist the company in relocating in Massillon, and declaring an emergency.

WHEREAS, the City of Massillon carries out a variety of economic development programs designed to promote the creation and expansion of business and industry in the community; and

WHEREAS, Donna Williams Insurance Services desires to relocate its business to downtown Massillon located at 248 Erie Street South by renovating the building, and

WHEREAS, the City of Massillon proposed to assist Donna Williams Insurance Services in relocating its operations by providing an economic development "incentive grant", the purpose of which is to help offset the company's costs in renovating the building in downtown Massillon.

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

Section 1:

This Council hereby authorizes the Mayor to enter into an agreement with Donna Williams Insurance Services providing an economic development "incentive grant", in a total amount not to exceed Two Thousand Five Hundred Dollars (\$2,500.00) for the purpose of assisting the company in relocating its operations in downtown Massillon.

Section 2:

In return for this economic development grant assistance, Donna Williams Insurance Services will relocate to the downtown Massillon area and renovate the property.

Section 3:

This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the health, safety, and welfare of the community and for the additional reason that it is necessary to improve the economic climate of the community through the expansion of business and employment opportunities. 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 \_\_\_\_\_, 2007

APPROVED: \_\_\_\_\_  
MARY BETH BAILEY, CLERK OF COUNCIL      GLENN E. GAMBER, PRESIDENT

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

## AGREEMENT

This Agreement made and entered into this \_\_\_\_\_ day of \_\_\_\_\_ 2007 by and between the **City of Massillon, Ohio**, a municipal corporation, with its main offices located at 151 Lincoln Way East, Massillon, Ohio 44646 (hereinafter referred to as the "City"), and **Donna Williams Insurance Services**, currently located at 434 Lake Avenue NE, Massillon, Ohio 44646 (hereinafter referred to as the "Company").

### WITNESSETH:

**Whereas**, the City carries out a variety of economic development programs designed to promote the creation and expansion of business and industry in the community; and

**Whereas**, the Company desires to relocate and expand its business operations to an existing building located in downtown Massillon at 248 Erie Street South (hereinafter the "Project"), and

**Whereas**, the Project will have a positive impact on the downtown area through the acquisition and renovation of a currently vacant building; and

**Whereas**, the City proposes to assist the Company undertake this Project by providing an economic development "inducement grant", the purpose of which is to help offset a portion of the Company's Project costs, including relocation expenses and building renovation costs.

**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 1: Project Description

The Company shall relocate its business operations to an existing facility located at 248 Erie Street South, in the City of Massillon, Stark County, Ohio.

### Section 2: Economic Development Grant

In order to assist the Company in this Project, the City shall make an economic development inducement grant to the Company in a total amount not to exceed Two Thousand Five Hundred Dollars (\$2,500.00).

This inducement grant shall be provided in the form of a deferred payment loan, at 0% interest, for a five year term. At the end of the five year period, the balance on said deferred payment loan shall be \$0.00, and no payment shall be required, provided that Company is still in operation at the Project Site.

The entire amount of the inducement grant shall become immediately due and payable either upon the bankruptcy, reorganization, syndication, dissolution or liquidation of Company. In addition, if during the term of the deferred payment loan, the Company relocates its business operations outside the corporate limits of the City of Massillon, Ohio, the entire amount of the inducement grant shall become immediately due and payable.

**Section 3: Disbursement of Funds**

The City shall provide this inducement grant to the Company, or its designee, upon the relocation and the establishment of its business operations at the Project Site. Economic development grant funds shall be disbursed by the City on the basis of vouchers submitted by the Company, including any supporting documentation as needed to verify project costs.

**Section 4: Miscellaneous**

This Agreement shall be governed by and constructed in accordance with the laws of the State of Ohio.

In Witness Whereof, the City and Company have caused this Agreement to be duly executed, as of the date first above written.

WITNESSED BY:

THE CITY OF MASSILLON, OHIO

\_\_\_\_\_

\_\_\_\_\_  
Francis H. Cicchinelli, Jr., Mayor

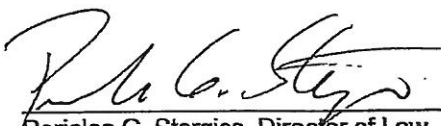
WITNESSED BY:

DONNA WILLIAMS INSURANCE SERVICES

\_\_\_\_\_

\_\_\_\_\_  
Donna Williams

Approved as to form and legal sufficiency:

  
\_\_\_\_\_  
Pericles G. Stergios, Director of Law  
City of Massillon, Ohio



DATE DECEMBER 3, 2007

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

*Passed*

ORDINANCE NO. 141 - 2007

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with Total Productions, Inc./Erie Street Leather to provide an economic development "incentive grant" to assist the company in relocating in Massillon, and declaring an emergency.

WHEREAS, the City of Massillon carries out a variety of economic development programs designed to promote the creation and expansion of business and industry in the community; and

WHEREAS, Total Productions, Inc./Erie Street Leather desires to relocate its business to downtown Massillon located at 416 Erie Street North by renovating the building, and

WHEREAS, the City of Massillon proposed to assist Total Productions, Inc./Erie Street Leather in relocating its operations from Jackson Township by providing an economic development "incentive grant", the purpose of which is to help offset the company's costs in renovating the building in downtown Massillon.

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

Section 1:

This Council hereby authorizes the Mayor to enter into an agreement with Total Productions, Inc./Erie Street Leather providing an economic development "incentive grant", in a total amount not to exceed Two Thousand Five Hundred Dollars (\$2,500.00) for the purpose of assisting the company in relocating its operations from Jackson Township to downtown Massillon.

Section 2:

In return for this economic development grant assistance, Total Productions, Inc./Erie Street Leather will relocate from Jackson Township to the downtown Massillon area and renovate the property.

Section 3:

This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the health, safety, and welfare of the community and for the additional reason that it is necessary to improve the economic climate of the community through the expansion of business and employment opportunities. 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 \_\_\_\_\_, 2007

APPROVED: \_\_\_\_\_  
MARY BETH BAILEY, CLERK OF COUNCIL      GLENN E. GAMBER, PRESIDENT

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

## AGREEMENT

This Agreement made and entered into this \_\_\_\_\_ day of \_\_\_\_\_ 2007 by and between the **City of Massillon, Ohio**, a municipal corporation, with its main offices located at 151 Lincoln Way East, Massillon, Ohio 44646 (hereinafter referred to as the "City"), and **Jayem Properties LLC**, a limited liability company located at 416 Erie Street North, Massillon, Ohio 44646 (hereinafter referred to as the "Company").

### WITNESSETH:

**Whereas**, the City carries out a variety of economic development programs designed to promote the creation and expansion of business and industry in the community; and

**Whereas**, the Company has acquired and is making certain improvements to property located in downtown Massillon at 416 Erie Street North (hereinafter the "Project Site"). The Company will use the Project Site for the operation of two businesses: Total Production, Inc., an existing web design business; and Erie Street Leather, a start-up retail business (hereinafter the "Project"). and, and

**Whereas**, the Project will have a positive impact on the downtown area through the acquisition, renovation, and re-use of a currently vacant building for commercial business uses; and

**Whereas**, the City proposes to assist the Company in this Project by providing an economic development "inducement grant", the purpose of which is to help offset a portion of the Company's building renovation costs at the Project Site.

**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 1: Project Description**

The Company shall make building and other improvements to the Project Site located at 416 Erie Street North so that the following businesses can operate at this location: Total Production, Inc., an existing web design business; and Erie Street Leather, a start-up retail business.

### **Section 2: Economic Development Grant**

In order to assist the Company in this Project, the City shall make an economic development inducement grant to the Company in a total amount not to exceed Two Thousand Five Hundred Dollars (\$2,500.00).

This inducement grant shall be provided in the form of a deferred payment loan, at 0% interest, for a five year term. At the end of the five year period, the balance on said deferred payment loan shall be \$0.00, and no payment shall be required, provided that Company and its associated businesses are still in operation at the Project Site.

The entire amount of the inducement grant shall become immediately due and payable either upon the bankruptcy, reorganization, syndication, dissolution or liquidation of the Company and/or its associated businesses. In addition, if during the term of the deferred payment loan, the Company relocates any of these business operations outside the corporate limits of the City of

Massillon, Ohio, the entire amount of the inducement grant shall become immediately due and payable.

**Section 3: Disbursement of Funds**

The City shall provide this inducement grant to the Company, or its designee, upon the completion of renovation work as needed in order for the two businesses, Total Production, Inc., and Erie Street Leather, to begin operations at the Project Site. Economic development grant funds shall be disbursed by the City on the basis of vouchers submitted by the Company, including any supporting documentation as needed to verify project costs.

**Section 4: Miscellaneous**

This Agreement shall be governed by and constructed in accordance with the laws of the State of Ohio.

**In Witness Whereof**, the City and Company have caused this Agreement to be duly executed, as of the date first above written.

**WITNESSED BY:**

**THE CITY OF MASSILLON, OHIO**

\_\_\_\_\_

\_\_\_\_\_  
Francis H. Cicchinelli, Jr., Mayor

**WITNESSED BY:**

**JAYEM PROPERTIES LLC**

\_\_\_\_\_

\_\_\_\_\_  
Jerry Smith

Approved as to form and legal sufficiency:

  
\_\_\_\_\_  
Pericles G. Stergios, Director of Law  
City of Massillon, Ohio

DATE DECEMBER 3, 2007

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 142 - 2007

*passed*

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with PatentHealth LLC to provide an economic development "inducement grant" to assist the company in relocating its operations in Massillon, and declaring an emergency.

WHEREAS, the City of Massillon carries out a variety of economic development programs designed to promote the creation and expansion of business and industry in the community; and

WHEREAS, PatentHealth LLC desires to relocate its headquarters to 410 Oberlin SW, and

WHEREAS, the City of Massillon proposed to assist PatentHealth, LLC in the relocation of its operations by providing an economic development "inducement grant", the purpose of which is to help offset the company's costs in relocating its operations to Massillon.

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

Section 1:

This Council hereby authorizes the Mayor to enter into an agreement with PatentHealth LLC providing an economic development "inducement grant", in a total amount not to exceed One Hundred Sixty Thousand Four Hundred Seventy-Two Dollars (\$160,472.00) for the purpose of assisting the company in relocating its operations in Massillon.

Section 2:

In return for this economic development grant assistance, PatentHealth, LLC shall provide the City with information regarding the number of jobs that it has provided as a result of the company's relocation in Massillon.



Section 3:

This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the health, safety, and welfare of the community and for the additional reason that it is necessary to improve the economic climate of the community through the expansion of business and employment opportunities. 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 \_\_\_\_\_, 2007

APPROVED: \_\_\_\_\_  
MARY BETH BAILEY, CLERK OF COUNCIL      GLENN E. GAMBER, PRESIDENT

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

## AGREEMENT

This Agreement made and entered into this \_\_\_\_\_ day of \_\_\_\_\_ 2007 by and between the **City of Massillon, Ohio**, a municipal corporation, with its main offices located at 151 Lincoln Way East, Massillon, Ohio 44846 (hereinafter referred to as the "City"), **PatentHealth, LLC**, a limited liability corporation with its main offices located at 3939 Everhard Road NW, Canton, Ohio 44709, and **Universal Syndications, Inc.**, a \_\_\_\_\_ Corporation with its main offices located at 3939 Everhard Road NW, Canton, Ohio 44709 (both together hereinafter referred to as the "Company").

### WITNESSETH:

**Whereas**, the City carries out a variety of economic development programs designed to promote the creation and expansion of business and industry in the community; and

**Whereas**, the Company desires to expand its business operations to property located in the City of Massillon at 410 Oberlin Road SW (hereinafter the "Project Site"). The Company will use the Project Site to expand its existing direct sales and marketing business for health related pharmaceutical products, commemorative collectibles and other consumer products (hereinafter the "Project").and

**Whereas**, the Company, proposes to invest \$5,607,000 on this Project, including property acquisition, improvements to existing buildings, site improvements, machinery & equipment, and furniture & fixtures; and

**Whereas**, the Company, as a result of this project, plans to create 500 new full-time jobs at the Project Site within three years of the Project's initial operations; and

**Whereas**, the City of Massillon proposes to assist the Company in this business expansion by providing economic development grant assistance, the purpose of which is to help the Company manage the costs of expansion, allowing it to remain its competitiveness as well as to attract and grow its workforce.

**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: Project Description

The Company shall expand its business operations to an existing facility located at 410 Oberlin Road SW, in the City of Massillon, Stark County, Ohio, at a total project investment of \$5,607,000, including \$200,000 in land costs, \$2,907,000 in building costs, \$2,000,000 in machinery and equipment costs, and \$500,000 in on-site infrastructure and/or site preparation. The Company shall create a minimum of 500 jobs at the Project Site within three years of the project's initial operations. The average wage of the new jobs will be \$14.92 per hour, plus \$4.48 per hour in benefits. The Company shall commit to hiring at least 10 percent disadvantaged and/or minority persons, as defined by the Ohio Administrative Code.

### Section 2: City Economic Development Grant Assistance

This Project is being assisted by the State of Ohio through a 60 percent, eight-year job creation tax credit awarded by the Ohio Tax Credit Authority. In order to provide the required local financial support necessary for the Company to secure these tax credits and to further assist

the Company in this expansion project, the City shall provide economic development grant assistance to the Company in a total amount not to exceed One Hundred Sixty Thousand Four Hundred Seventy Two Dollars (\$160,472.00). This grant assistance shall be provided as set forth in this Agreement.

### **Section 3: Economic Development Inducement Grant**

\* The City hereby grants the Company an economic development inducement grant in the amount of Sixty Thousand Four Hundred Seventy-Two Dollars (\$60,472). This economic development inducement grant shall be disbursed by the City to the Company upon the Company's start-up of business operations at the Project Site. The Company shall provide a minimum of 75 full-time jobs at the Project Site before these grant funds shall be disbursed by the City. The Company shall provide documentation satisfactory to the City that business operations have commenced at the Project Site and that the required jobs are in place, prior to disbursement of the economic development inducement grant.

### **Section 4: Economic Development Job Creation Grant**

The City hereby grants the Company an economic development job creation grant in an amount not to exceed One Hundred Thousand Dollars (\$100,000). This job creation grant shall be paid to the Company over an eight-year period according to the following formula:

\* The City shall make an annual payment to the Company in an amount equal to six percent (6%) of the city income tax withholding payments made by the Company on behalf of those persons employed by the Company at the Project Site for the calendar year for which an annual grant payment is due and payable by the City. The City shall make an annual economic development job creation grant payment to the Company once a year for a period not to exceed eight years, beginning with the first year business operations commence at the Project Site, or until a total amount of \$100,000 has been disbursed by the City, whichever occurs first. The maximum amount of economic development job creation grant payments made by the City to the Company, pursuant to this section, shall not exceed \$100,000, and the City shall make no more than eight (8) annual grant payments. Such payments will be made only so long as the Agreement is in effect and the Company is in compliance with the terms and conditions in accordance therewith. All such grant payments shall cease if the agreement is terminated or cancelled.

The amount of this annual economic development job creation grant payment shall be calculated each year in arrears and will be based on 6% of the total amount of city income tax withholding payments paid by the Company on behalf of those persons employed by the Company at the Project Site for the preceding calendar year. The City shall make such annual payment amount on or before June 30 of each calendar year following the calendar year for which the Company made income tax withholding payments to the City.

### **Section 5: Assurance of Project Jobs**

In return for this economic development grant assistance, the Company shall furnish the City with information regarding its total project investment and the number of jobs that it has provided at the Project Site.

In the event the Company fails to achieve and maintain the full-time employment levels proposed for the Project, as set forth in Section 1 of this Agreement, the Company may not earn the entire amount of the economic development job creation grant as set forth in Section 4 of this Agreement.

#### **Section 6: Company to Maintain Operations at Project Site**

The Company shall maintain its operations at the Project Site for a minimum of 16 years. On or before March 1 of each year, the Company shall provide the City with a written certification that it has maintained its operations at the Project Site. The certification shall be signed by the Company's chief executive officer, chief financial officer, or any other authorized officer of the Company. If the Company fails to maintain its operations at the Project Site as described in this section, the Company hereby agrees to refund to the City the entire amount of the grant assistance provided by the City pursuant to this agreement.

#### **Section 7: Relocation of Project Jobs**

The Company shall not relocate employment positions from the Project Site to another location outside the City without the prior approval of the legislative authority of the City. For purposes of this Agreement, the transfer of an individual employee from one political subdivision to another political subdivision shall not be considered a relocation of an employment position as long as the individual's employment position in the first political subdivision is refilled.

If the Company relocates employment positions in violation of this Section, the Company shall not claim any economic development grant from the City under Sections 3 and 4 of this Agreement, for any calendar years in which the relocation occurs and any subsequent calendar years.

#### **Section 8: Compliance with Ohio Tax Credit Agreement**

The Company agrees that it will remain in full compliance with its Tax Credit Agreement executed with the State of Ohio. The Company agrees that it take all action necessary to cure any and all defaults under its Tax Credit Agreement with the State of Ohio. Termination by the State of Ohio of its Tax Credit Agreement with the Company will be cause for termination of this Agreement by the City.

#### **Section 9: Termination**

The entire amount of the economic development grant assistance provided by the City to the Company under the terms of this Agreement shall become immediately due and payable upon the bankruptcy, reorganization, syndication, dissolution or liquidation of the Company. In addition, if during the 16 year period specified in Section 6 of this agreement, the Company relocates its business operations outside the corporate limits of the City of Massillon, Ohio, the entire amount of the inducement grant shall become immediately due and payable.

If, as determined by the legislative authority of the City, the Company has failed to perform satisfactorily any requirements of this Agreement, or if the Company is in violation of any provision of this Agreement, or if the Company is in violation of any provision of any other agreement entered into by and between the State of Ohio, Tax Credit Authority or the Ohio Department of Development and the Company, or upon just cause, the City may terminate the Agreement after providing the Company with written notice, in accordance with the notice provisions of this Agreement, (the "Notice"), of its failure to perform satisfactorily any requirement of this Agreement. The Notice shall provide the Company with a thirty-(30) day period to cure any and all defaults under this Agreement.

#### **Section 10: Effect of Termination**

Within sixty (60) days after termination of this Agreement, the Company shall repay to the City any and all grant funds paid by the City to the Company pursuant to this Agreement.



#### **Section 11: Forbearance Not a Waiver**

No act of forbearance or failure to insist on the prompt performance by the Company of its obligations under this Agreement, either express or implied, shall be construed as a waiver by the City of any of its rights hereunder.

#### **Section 12: Indemnification**

The Company agrees to hold the City harmless from any and all liabilities or claims caused by or resulting from Company's performance of the obligations or activities in furtherance of the Project. The Company will reimburse the City for any judgments arising from Company's performance hereunder which may be obtained against the City, including, but not limited to, judgments for infringements of patents or copyrights. The Company agrees to reimburse the City for all costs incurred by the City in defending against any such claims or legal actions if called upon by the City to do so.

#### **Section 13: Adherence to State and Federal Laws, Regulations**

The Company agrees to comply with all applicable federal, state, and local laws related to the Project. The Company accepts full responsibility for payments of all real and personal property taxes, unemployment compensation, insurance premiums, worker's compensation premiums, all income tax deductions, social security deductions, and any and all other taxes or payroll deductions required for all employees engaged by the Company on the performance of the work authorized by this Agreement. During the term of the Agreement, the Company further agrees to make good faith efforts to resolve any and all findings and orders issued by the Ohio Environmental Protection Agency ("EPA") and to pay any and all fines, assessments, or other charges owed to the Ohio EPA.

#### **Section 14: Equal Employment Opportunity**

The Company will not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, ancestry, veteran status, disability or age. The Company shall ensure that applicants for employment are considered for employment and that employees are treated during employment, without regard to their race, religion, color, sex, national origin, ancestry, veteran status, disability or age. The Company will incorporate the requirements of this paragraph in all of its respective contracts for any of the work prescribed herein (other than subcontracts for standard commercial supplies or raw materials), and the Company will require all of its subcontractors for any part of such work to incorporate such requirements in all subcontracts for such work.

#### **Section 15: Outstanding Liabilities**

The Company affirmatively covenants that it does not owe: (1) any delinquent taxes to the State of Ohio (the "State") 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 16: Falsification of Information**

The Company affirmatively covenants that it, any parent company of the Company, and any other related entity or member have made no false statements to the City in the process of obtaining this grant of funds. If the Company, any parent company of the Company, or other related entity or member has knowingly made a false statement to the City to obtain this grant of funds, the Company shall be required to return all funds immediately to the City.



### **Section 17: Notices**

All notices, consents, demands, requests and other communications which may or are required to be given hereunder shall be in writing and shall be deemed duly given if personally delivered or facsimile with confirmation and regular United States mail, or sent by United States mail, registered or certified, return receipt requested, postage prepaid, to the addresses set forth hereunder or to such other address as the other party hereto may designate in written notice transmitted in accordance with this provision.

1. In case of the City to:  
Mayor Francis H. Cicchinelli, Jr.  
151 Lincoln Way East  
Massillon, Ohio 44646
2. In case of the Company to:  
Wayne L. Knabel  
Vice President & CFO  
PatentHealth, LLC  
3939 Everhard Road NW  
Canton, Ohio 44709

### **Section 18 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 19: Assignment**

Neither this Agreement nor any rights, duties, or obligations described herein shall be assigned or subcontracted by the Company without the prior express written consent of the City. Such consent shall not be unreasonably withheld.

Where the City has consented to an assignment as described above, each and all of the terms and conditions of this Agreement shall extend to and bind and inure to the benefit of not only the Company, but to its successors and assigns.

### **Section 20: Miscellaneous**

This Agreement shall be governed by and constructed in accordance with the laws of the State of Ohio.

This Agreement and its exhibits and any documents referred to herein constitute the complete understanding of the parties and merge and supersede any and all other discussions, agreements and understandings, either oral or written, between the parties with respect to the subject matter hereof.

Whenever possible, each provision of this Agreement shall be interpreted in such manner as to be effective and valid under applicable law, but if any provision of this Agreement is held to be prohibited by or invalid under applicable law, such provision shall be ineffective only to the extent of such prohibition or invalidity, without invalidating the remainder of such provisions of this Agreement.

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

In Witness Whereof, the City and Company have caused this Agreement to be duly executed, as of the date first above written.

WITNESSED BY:

THE CITY OF MASSILLON, OHIO

\_\_\_\_\_

\_\_\_\_\_  
Francis H. Cicchinelli, Jr., Mayor

WITNESSED BY:

PATENT HEALTH, LLC.

\_\_\_\_\_

\_\_\_\_\_  
Wayne L. Knabel, Vice President & CFO

WITNESSED BY:

UNIVERSAL SYNDICATIONS, INC..

\_\_\_\_\_

\_\_\_\_\_  
Wayne L. Knabel, Vice President & CFO

Approved as to form and legal sufficiency:

\_\_\_\_\_  
Pericles G. Stergios, Director of Law  
City of Massillon, Ohio

Grant Proposal for PatentHealth (Providing Local Share Commitment for Ohio Job Creation Tax Credit)

\$60,472 Economic Development Inducement Grant

Paid upon Start up of Business Operations at Project Site - Minimum of 75 on-site FTE jobs required for payment

\$100,000 Massillon Economic Development Job Creation Grant

Annual Grant Payment = 6% Company's Annual City Income Tax Payment from Jobs at Project Site  
8 Year Grant Period  
Up to \$100,000 Total Grant Payments

\$160,472 Total Massillon Local Funding Commitment to PatentHealth Project

Company must stay in Massillon 16 years or entire grant amount must be repaid.  
No jobs shall be relocated from the Project site  
Project must remain in compliance with the Ohio Job Creation Tax Credit Agreement  
Grant subject to review and approval by City Council

Grant Payment Schedule (Estimate Based on Proposed Job Creation Schedule)

Year	Jobs	Salary	Total Payroll	Tax Rate	Income Taxes	Grant Rate	Est. Annual Grant Payment	Total Job Creation	Grant Total Jobs	\$ Per Job
2008			Massillon Economic Development Inducement Grant				\$60,472.00			
2008	75	\$30,000.00	\$2,250,000.00	1.80%	\$40,500.00	6.00%	\$2,430.00	\$100,000.00	500	\$200.00
2009	175	\$30,000.00	\$5,250,000.00	1.80%	\$94,500.00	6.00%	\$5,670.00			
2010	350	\$30,000.00	\$10,500,000.00	1.80%	\$189,000.00	6.00%	\$11,340.00			
2011	500	\$30,000.00	\$15,000,000.00	1.80%	\$270,000.00	6.00%	\$16,200.00			
2012	500	\$30,000.00	\$15,000,000.00	1.80%	\$270,000.00	6.00%	\$16,200.00			
2013	500	\$30,000.00	\$15,000,000.00	1.80%	\$270,000.00	6.00%	\$16,200.00			
2014	500	\$30,000.00	\$15,000,000.00	1.80%	\$270,000.00	6.00%	\$16,200.00			
2015	500	\$30,000.00	\$15,000,000.00	1.80%	\$270,000.00	6.00%	\$15,760.00	Balance of Grant		
							\$1,674,000.00			
							Total Income Taxes Over 8 Yr Period			
							\$160,472.00			
							Total Massillon Economic Development Assistance			
							\$160,472.00			

Jobs Created  
\$14.92/hr Avg Salary  
\$31,034 /Year

DATE: DECEMBER 3, 2007

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*passed 1/7/08*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 143 - 2006

BY: ENVIRONMENTAL COMMITTEE

*1st Reading  
2nd Reading 12/17  
Jan 7 - Public Hearing*

TITLE: AN ORDINANCE amending CHAPTER 1121 "CONSTRUCTION OF LANGUAGE; DEFINITIONS", CHAPTER 1187 "SUPPLEMENTAL ZONING REGULATIONS" and CHAPTER 1189 "GENERAL EXCEPTIONS" of the Codified Ordinance of the City of Massillon, by repealing existing Sections 1121.02 (23) and (67) "DEFINITIONS", 1187.01 "COMMERCIAL TELEVISION AND RADIO TOWERS AND PUBLIC UTILITY MICROWAVES AND PUBLIC UTILITY T.V. TRANSMITTING TOWERS" and 1189.04 "HEIGHT LIMIT" and enacting new Sections 1121.02 (23) and (67) "DEFINITIONS", 1187.01 "COMMERCIAL TELEVISION AND RADIO TOWERS AND PUBLIC UTILITY MICROWAVES AND PUBLIC UTILITY T.V. TRANSMITTING TOWERS" and 1189.04 "HEIGHT LIMIT" of CHAPTER 1121, CHAPTER 1187 and CHAPTER 1189, and declaring an emergency.

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

Section 1:

The existing Sections 1121.02 (23) and (67) "DEFINITIONS", 1187.01 "COMMERCIAL TELEVISION AND RADIO TOWERS AND PUBLIC UTILITY MICROWAVES AND PUBLIC UTILITY T.V. TRANSMITTING TOWERS" and 1189.04 "HEIGHT LIMIT" of CHAPTER 1121, CHAPTER 1187 and CHAPTER 1189 of the Codified Ordinances of the City of Massillon be and hereby are repealed.

Section 2:

That there be and hereby is enacted new Sections 1121.02 (23), 23.1 and (67) "DEFINITIONS", 1187.01 "COMMERCIAL TELEVISION AND RADIO TOWERS AND PUBLIC UTILITY MICROWAVES AND PUBLIC UTILITY T.V. TRANSMITTING TOWERS" and 1189.04 "HEIGHT LIMIT" of CHAPTER 1121, CHAPTER 1187 and CHAPTER 1189 of the Codified Ordinances of the City of Massillon be and hereby are enacted and shall read as follows:

(REVISED AND AMENDED PROVISIONS ARE BOLD FACED IN THE ATTACHMENTS)

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 these changes are needed in order for the city to have the ability to regulate cellular towers in the city limits. 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 \_\_\_\_\_, 2007

ATTEST: \_\_\_\_\_

MARY BETH BAILEY, CLERK OF COUNCIL      GLENN E. GAMBER, PRESIDENT.

APPROVED \_\_\_\_\_

FRANCIS H. CICCHINELLI, JR., MAYOR



## PROPOSED AMENDMENTS TO CITY ZONING CODE

(Amended Language in Bold-Face Type)

### I.

Existing Sections 1121.02 (23) and (67) of CHAPTER 1121 "CONSTRUCTION OF LANGUAGE; DEFINITIONS" of the Codified Ordinances of the City of Massillon shall be repealed and new Sections 1121.02 (23) (23.1) and (67) of CHAPTER 1121 "CONSTRUCTION OF LANGUAGE; DEFINITIONS", enacted to read as follows:

#### 1121.02 DEFINITIONS

(23) "Essential Services" means the erection, construction, alteration or maintenance by public utilities or Municipal departments of underground, surface, or overhead gas, electrical, steam, fuel or water transmission or distribution system, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment in connection herewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or Municipal departments for the general health, safety, or welfare, **and further excluding from the definition of the "Essential Services" under the Codified Ordinances of the City of Massillon, Ohio cellular or wireless communications systems, towers, facilities, structures, support structures, and all other facilities attendant thereto.**

(23.1) "Cellular Communications Antenna, Tower, Communication Systems, or Wireless Communication Systems" shall mean any structure or device used to receive or transmit electrode magnetic waves between cellular phones, pagers, and ground wired communication systems, including both directional antennas, such as panels, microwave dishes, and satellite dishes, and omni, directional antennas such as whips or other equipment utilized to serve personal communication services.

(67) "Public utility" means a person, firm or corporation, municipal department, board or commission duly authorized to furnish and furnishing under Federal, State or Municipal regulations to the public gas, steam, electricity, sewage disposal, **wired** communication, **wired** telegraph, transportation or water.

## II.

Existing Section 1187.01(a) of CHAPTER 1187 "SUPPLEMENTAL ZONING REGULATIONS" of the Codified Ordinances of the City of Massillon shall be repealed and new Sections 1187.01(a) and (b) of CHAPTER 1187 "SUPPLEMENTAL ZONING REGULATIONS", enacted as follows:

**1187.01 CELLULAR OR WIRELESS COMMUNICATIONS SYSTEMS AND TOWERS, COMMERCIAL TELEVISION AND RADIO TOWERS, PUBLIC UTILITY MICROWAVES AND PUBLIC UTILITY T.V. TRANSMITTING TOWERS.**

(a) Radio and television towers, public utility microwaves and public utility T.V. transmitting towers and their attendant facilities shall be permitted in I-1 and I-2 Districts and on public or quasi-public property in non-industrial districts provided such use shall be located centrally on a continuous parcel of not less than one and one-half times the height of the tower measured from the base of the tower to all points on the property line.

(b) Cellular or Wireless Communications Towers, Antenna, communications Systems or Wireless Communications systems and their attendant facilities shall be permitted in I-1 and I-2 Districts and on public or quasi-public property in non-industrial districts provided such use shall be located centrally or, a continuous parcel of not less than, one and one-half times the height of the tower measured from the base of the tower to all points on the property line.

## III.

Existing Section 1189.04 of CHAPTER 1189 "GENERAL EXCEPTIONS" of the Codified Ordinances of the City of Massillon shall be repealed and a new Section 1189.04 of CHAPTER 1189 "GENERAL EXCEPTIONS", enacted to read as follows:

**1189.04 HEIGHT LIMIT**

The height limitations of the Zoning Ordinance shall not apply to farm buildings, chimneys, church spires, flag poles or public monuments ~~or wireless transmission towers~~; provided, however, that the Board of Zoning Appeals may specify a height limit for any such structure when such structure requires authorization as a condition use.

DATE: DECEMBER 3, 2007

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 144 - 2007

*passed*

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Economic Development Fund, 1201 Street Fund and the Community Health Fund, for the year ending December 31, 2007, 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 Economic Development Fund, for the year ending December 31, 2007, the following:

—\$87,972.00 to an account entitled "Services/Contracts" 1237.845.2392  
\$69,750.00 to an account entitled "Lease Purchase Payment" 1237.505.2513

Section 2:

There be and hereby is appropriated from the unappropriated balance of the 1201 Street Fund, for the year ending December 31, 2007, the following:

\$16,000.00 to an account entitled "Street Salary" 1201.435.2110  
\$15,000.00 to an account entitled "Street Overtime" 1201.435.2119  
\$ 2,000.00 to an account entitled "Street Comp" 1201.435.2118  
\$10,000.00 to an account entitled "Storm Sewer Repairs" 1201.435.2397

Section 3:

There be and hereby is appropriated from the unappropriated balance of the Community Health Fund, for the year ending December 31, 2007, the following:

\$4,200.00 to an account entitled "Health Salary" 1235.705.2110

Section 5:

This Ordinance is hereby declared to be an emergency measure, for the efficient operation of the various departments of the City of Massillon and for the preservation of the public health, safety and welfare of the community. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2007

APPROVED: \_\_\_\_\_  
MARY BETH BAILEY, CLERK OF COUNCIL      GLENN E. GAMBER, PRESIDENT

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

DATE: DECEMBER 3, 2007

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 145 - 2007

*Passed*

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Solid Waste Fund, for the year ending December 31, 2007, 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 Solid Waste Fund, this amount will be transferred back to Solid Waste Fund in the first quarter of 2008, for the year ending December 31, 2007, the following:

\$29,000.00 to an account entitled "Advance To" 2102.605.2750

Section 2:

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 \_\_\_\_\_ 2007

APPROVED: \_\_\_\_\_  
MARY BETH BAILEY, CLERK OF COUNCIL      GLENN E. GAMBER, PRESIDENT

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



DATE: DECEMBER 3, 2007

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

*passed*

ORDINANCE NO. 146 - 2007

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain transfers in the 2007 appropriation from within the 2102 Solid Waste Fund to the 1222 Waste Management Grant Fund, for the year ending December 31, 2007, 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 2007 appropriation from within the 2102 Solid Waste Fund to the 1222 Waste Management Grant Fund, for the year ending December 31, 2007, the following:

\$29,000.00 FROM: "Advance To" 2102.605.2750  
TO: "Advance In" 1222.605.1865

Section 2:

That this Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said funds are necessary for the operation of the various departments for 2007, 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.

*2<sup>nd</sup> page is the signature page*

DATE: DECEMBER 3, 2007

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 147 - 2007

*Passed*

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the General Fund, for the year ending December 31, 2007, and declaring an emergency.

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

Section 1:

There be and hereby is appropriated from the unappropriated balance of the General Fund, for the year ending December 31, 2007, the following:

\$140,000.00 to an account entitled "Advance To" 1100.905.2750

Section 2:

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 \_\_\_\_\_ 2007

APPROVED: \_\_\_\_\_  
MARY BETH BAILEY, CLERK OF COUNCIL      GLENN E. GAMBER, PRESIDENT

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

DATE: DECEMBER 3, 2007

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

*passed*

ORDINANCE NO. 148 - 2007

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain transfers in the 2007 appropriation from within the General Fund to the 1234 Parks & Recreation Fund, for the year ending December 31, 2007, 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 2007 appropriation from within the General Fund to the 1234 Parks & Recreation Fund, for the year ending December 31, 2007, the following:

\$140,000.00 FROM: "Advance To" 1100.905.2750  
TO: "Advance In" 1100.605.1865

Section 2:

That this Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said funds are necessary for the operation of the various departments for 2007, 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.

*2<sup>nd</sup> Page is the signature page*



DATE: DECEMBER 3, 2007

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 149 - 2007

*passed*

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Parks & Recreation Fund, for the year ending December 31, 2007, 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 Parks & Recreation Fund, for the year ending December 31, 2007, the following:

\$140,000.00 to an account entitled "Salary - Recreation" 1234.505.2112

Section 2:

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 \_\_\_\_\_ 2007

APPROVED: \_\_\_\_\_  
MARY BETH BAILEY, CLERK OF COUNCIL      GLENN E. GAMBER, PRESIDENT

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

DATE: DECEMBER 3, 2007

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

*passed*

ORDINANCE NO. 150 - 2007

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain transfers in the 2007 appropriations from within the General Fund and the Parks & Rec. Fund, for the year ending December 31, 2007, 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 2007 appropriation from within the General Fund, for the year ending December 31, 2007, of the City of Massillon, Ohio, the following:

FROM:	Workers Comp	1100.905.2270	10,611.64
	Law Director Staff	1100.115.2111	10,000.00
	Accum Sick Leave	1100.905.2150	2,892.00
	Hosp/Eye/Dental	1100.325.2210	1,600.00
TO	Service Director	1100.160.2110	5,732.00
	Salary – Building	1100.415.2110	5,020.00
	Salary – Street	1100.435.2110	4,518.00
	Salary – Health Dept	1100.705.2110	2,892.00
	Services/Contracts	1100.150.2392	1,600.00
	Salary -Engineer	1100.405.2110	1,368.00
	Street PERS	1100.435.2230	1,271.21
	Street Overtime	1100.435.2119	1,073.64
	Salary – Council Staff	1100.105.2111	1,000.00
	Salary – Mayor Staff	1100.110.2111	1,000.00
	Salary – EEO Director	1100.175.2112	900.00
	Street Medicare	1100.435.2231	297.45



Section 2

There be and hereby is transferred from the 2007 appropriation from within the General Fund, for the year ending December 31, 2007, of the City of Massillon, Ohio, the following:

FROM:	Workers Comp	1100.905.2270	43,096.00
	Transfer Debt Retirement	1100.905.2712	7,568.00
	Real Property Tax	1100.905.2391	5,914.00
	Annexation Fees	1100.905.2721	5,000.00
	Bank Fees	1100.905.2396	3,500.00
	State Examination	1100.905.2396	906.00
	Indigent Burial	1100.905.2390	750.00
	Insurance	1100.905.2312	637.00
TO	SD Revenue Sharing	1100.210.2721	67,371.00

Section 3

There be and hereby is transferred from the 2007 appropriation from within the Parks & Rec. Fund, for the year ending December 31, 2007, of the City of Massillon, Ohio, the following:

FROM:	Supplies/Materials	1234.515.2410	6,500.00
TO	Salary - Recreation	1234.505.2112	6,500.00

Section 4

That this Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said funds are necessary for the preservation of the public health, safety and welfare of the community and for the additional reason that the funds are required in the specific accounts to pay city obligations by the end of 2004. 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 \_\_\_\_\_ 2007

APPROVED: \_\_\_\_\_  
MARY BETH BAILEY, CLERK OF COUNCIL

\_\_\_\_\_  
GLENN E. GAMBER, PRESIDENT

APPROVED: \_\_\_\_\_

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

DATE: DECEMBER 3, 2007

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 151 - 2007

*passed*

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE amending Ordinance No. 8 – 2007 by revising Section 4 of the 2007 budget, and declaring an emergency.

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

Section 1:

Ordinance No. 8 - 2007 a copy of which is attached hereto as Exhibit "A" be and is hereby amended.

Section 2:

The following provision is hereby inserted into Ordinance No. 8 – 2007:

\$441,000.00 from General Fund to Fire Pension Fund  
\$348,000.00 from General Fund to Police Pension Fund  
\$314,520.00 from General Fund to Lincoln Center Debt Fund  
\$ 23,911.73 from General Fund to OPWC Debt Fund

Section 3:

This ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said amendment is necessary to the budget as a requirement by the State Auditor for these transferred to be completed. 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.

*2<sup>nd</sup> page is the signature page*

*passed*

ORDINANCE NO. 152-2007

AN ORDINANCE TO APPROVE CURRENT REPLACEMENT  
PAGES TO THE MASSILLON CODIFIED ORDINANCES AND  
DECLARING AN EMERGENCY.

WHEREAS, the Ohio Constitution requires that Ohio municipal ordinances comply with State law if they are an exercise of the Municipality's police powers;

WHEREAS, certain provisions within the Codified Ordinances should be amended to conform with current State law; and

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

WHEREAS, the City has heretofore entered into a contract with the Walter H. Drane Company to prepare and publish such revision which is before Council;

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Massillon, Ohio:

SECTION 1: That the ordinances of the City of Massillon, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections within the 2008 Replacement Pages to the Codified Ordinances, are hereby approved and adopted.

SECTION 2: That the following sections and chapters are hereby added, amended or repealed as respectively indicated in order to comply with current State law.

Traffic Code

301.20	Definition of Motor Vehicle. (Amended)
333.01	Driving or Physical Control While Under the Influence. (Amended)
333.08	Operation Without Reasonable Control. (Amended)
335.03	Driving With Temporary Instruction Permit. (Amended)
335.031	Driving With Probationary License. (Amended)
337.10	Lights on Slow-Moving Vehicles. (Amended)
337.18	Motor Vehicle and Motorcycle Brakes. (Amended)
337.26	Child Restraint System Usage. (Amended)
339.03	Maximum Width, Height and Length. (Amended)
339.05	Wheel Protectors. (Amended)

General Offenses Code

501.01	Definitions. (Amended)
513.12	Drug Paraphernalia. (Amended)
525.02	Falsification. (Amended)
525.03	Impersonation of Peace Officer. (Amended)
525.10	Having an Unlawful Interest in a Public Contract. (Amended)
533.01	Obscenity and Sexual Offenses' Definitions. (Amended)
533.07	Public Indecency. (Amended)
537.02	Vehicular Homicide and Manslaughter. (Amended)
537.03	Assault. (Amended)
537.051	Menacing by Stalking. (Amended)
537.08	Unlawful Restraint. (Amended)
537.16	Illegal Distribution of Cigarettes. (Amended)
537.17	Criminal Child Enticement. (Amended)
549.02	Carrying Concealed Weapons. (Amended)
549.04	Improperly Handling Firearms in a Motor Vehicle. (Amended)

SECTION 3: That the complete text of the sections listed above are set forth in full in the current replacement pages to the Codified Ordinances which are hereby attached to this ordinance as Exhibit A. The listing above of each new section by reference to its title shall constitute sufficient publication of new matter contained therein.

SECTION 4: That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety of the Municipality and its inhabitants for the reason that there exists an imperative necessity for the earliest publication and distribution of current Replacement Pages to the officials and residents of the Municipality, so as to facilitate administration, daily operation and avoid practical and legal entanglements, including conflict with general State law, and shall go into effect immediately.

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2008.

APPROVED: \_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President

\_\_\_\_\_  
Mayor



DATE: DECEMBER 3, 2007

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

RESOLUTION NO. 17 - 2007

*passed*

BY COMMITTEE OF THE WHOLE

TITLE: A RESOLUTION of support for Ohio "Gold Star Family" license plates

WHEREAS, many Ohioans have given their lives in combat during service to their country.

WHEREAS, the surviving family members are recognized as "Gold Star Families".

WHEREAS, the Ohio Senate has passed a bill establishing "Gold Star Family" license plates to recognize this ultimate sacrifice.

WHEREAS, the bill is now to be considered by the Ohio House of Representatives

Now, therefore be it resolved that Massillon City Council supports the earliest passage by the Ohio House of Representatives of this tribute to Ohio's Fallen Warriors and their families.

PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2007

ATTEST: \_\_\_\_\_  
MARY BETH BAILEY, CLERK OF COUNCIL      GLENN E. GAMBER, PRESIDENT

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