

MASSILLON CITY COUNCIL  
CITY OF MASSILLON, OHIO  
GLENN E. GAMBER, PRESIDENT

AGENDA

DATE: MONDAY, OCTOBER 6, 2008  
PLACE: COUNCIL CHAMBERS  
TIME: 7:30 P.M.

THERE ARE NO PUBLIC HEARINGS TONIGHT

1. ROLL CALL
2. INVOCATION BY COUNCILWOMAN KATHY CATAZARO-PERRY
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. 122 – 2008

BY: COMMUNITY DEVELOPMENT COMMITTEE

**AN ORDINANCE** authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with Shearer's Foods, Inc., and the Stark County Port Authority (as the Lessor) providing for the adoption of a project which will establish a new facility, with result in the location and the creation of 170- 181 new jobs over a 3 year period within the City of Massillon enterprise Zone, and declaring an emergency.

ORDINANCE NO. 123 – 2008

BY: FINANCE COMMITTEE

**AN ORDINANCE** making certain appropriations from the unappropriated balance of the TIF Service Payment Fund, Park & Rec. Capital Improvement Fund, Probation Services Fund, Muni Motor Vehicle License Plate Fund, Bond Retirement WWT Fund, Home Health Fund and the Waste Management Grant Fund, for the year ending December 31, 2008, and declaring an emergency.

RESOLUTION NO. 20 – 2008

BY: HEALTH, WELFARE & BLDG REGULATIONS

**A RESOLUTION** in support of a United States National Health Insurance Act.

RESOLUTION NO. 21 – 2008

BY: COMMUNITY DEVELOPMENT COMMITTEE

**A RESOLUTION** reversing the decision of the Massillon Zoning Board of Appeals made on September 11, 2008 wherein the Zoning Board of Appeals denied a variance from the Massillon Zoning Code for proposed construction of two 30' X 84' warehouses at 35 Warwick Avenue NW. Known as Lot No. 17265 in the City of Massillon, Ohio, and declaring an emergency.

RESOLUTION NO. 22 – 2008

BY: POLICE AND FIRE COMMITTEE

**A RESOLUTION** recognizing Trevor McCune, Dru Yost and Mike Budrow, Jr., for their selfless act of bravery on September 26, 2008 during a neighborhood house fire.

**7. UNFINISHED BUSINESS**

**8. PETITIONS AND GENERAL COMMUNICATIONS**

LETTER FROM THE OHIO DIVISION OF LIQUOR CONTROL REGARDING A TRANSFER OF LIQUOR LICENSE FROM TEAM LCJS LLC DBA THIRD BASE 2215 W MAIN 1<sup>ST</sup> FL ONLY MASSILLON OHIO 44646 TO RWA ENTERPRISES LLC DBA THIRD BASE 1<sup>ST</sup> FL ONLY 2215 W MAIN MASSILLON OHIO 44646.

**9. BILLS, ACCOUNTS AND CLAIMS**

**10. REPORTS FROM CITY OFFICIALS**

A). MAYOR SUBMITS MONTHLY PERMIT REPORT FOR SEPTEMBER 2008

B). AUDITOR SUBMITS MONTHLY REPORT FOR SEPTEMBER 2008

**11. REPORTS OF COMMITTEES**

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

**13. CALL OF THE CALENDAR**

**14. ~~THIRD READING ORDINANCES AND RESOLUTIONS~~**

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**15. SECOND READING ORDINANCES AND RESOLUTIONS**

**ORDINANCE NO. 118 – 2008**

**BY: PUBLIC UTILITIES COMMITTEE**

**AN ORDINANCE** amending CHAPTER 741 "OILS WELLS" of the Codified Ordinances of the City of Massillon, by repealing the chapter in its entirety, 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: OCTOBER 6, 2008

CLERK: MARY BETH BAILEY

MASSILLON CITY COUNCIL  
CITY OF MASSILLON, OHIO  
GLENN E. GAMBER, PRESIDENT

COUNCIL CHAMBERS

*Passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 122 – 2008

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with Shearer's Foods, Inc., and the Stark County Port Authority (as the Lessor) providing for the adoption of a project which will establish a new facility, will result in the relocation and the creation of 170 – 181 new jobs over a 3 year period within the City of ~~Massillon Enterprise Zone, and declaring an emergency.~~

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

WHEREAS, Shearer's Foods, Inc., plans to construct a new Massillon facility which will be used to expand production capacity of its current product lines and provide capacity to pursue additional product lines. The facility will also serve as a distribution center and administrative offices. The proposal is to construct a new 197,500 square foot production facility on a 30 acre site on Millennium Blvd in NeoCom Industrial Park, within the Massillon Enterprise Zone, at a total investment of \$60 million (hereinafter the "Project"), provided that the appropriate development incentives are available to support the economic viability of said Project; and

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

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

WHEREAS, the City of Massillon, having the appropriate authority for the stated type of project is desirous of providing Shearer's Foods, Inc., with the incentives available for development of the Project in said Enterprise Zone, under Chapter 5709 of the Ohio Revised Code; and



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

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

WHEREAS, the project site is located in the Perry Local School District and the Board of Education of said district and any applicable Joint Vocational School District have been notified in accordance with Section 5709.83 and have been given a copy of the application.

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

Section 1:

The Council of the City of Massillon, Ohio does hereby authorize and direct the Mayor to enter into an Ohio Enterprise Zone Agreement, attached hereto as Exhibit "B" and incorporated herein by reference, with Shearer's Foods, Inc. and the Stark County Port Authority, providing for the adoption of a project which will relocate their facility and preserve employment opportunities within the City of Massillon Enterprise Zone.

Section 2:

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

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

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

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



**PROPOSED AGREEMENT for Enterprise Zone Tax Incentives between the City of Massillon located in the County of Stark and Shearer's Foods, Inc.,  
(Enterprise)**

- |                                |                        |
|--------------------------------|------------------------|
| <u>Shearer's Foods, Inc.</u>   | <u>Fredric Kohmann</u> |
| enterprise name                | contact person         |
| <u>692 Wabash Avenue North</u> | <u>330-767-7115</u>    |
|                                | telephone number       |
| <u>Brewster, OH 44613</u>      |                        |
| address                        |                        |

- |                               |                        |
|-------------------------------|------------------------|
| 4100 Millennium Blvd SE _____ | _____ Fredric Kohmann  |
| Massillon, Ohio 44646 _____   | _____ contact person   |
| _____ address                 | _____ telephone number |

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

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

n/a

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

Shearer's is developing a plan to build an additional production facility in the City of Massillon, Ohio to support the Company's projected growth. The Company has identified a need for an additional 60 million pounds of capacity, a 76 percent increase over its 2007 production, by 2009. The preliminary plan includes Shearer's making a fixed-asset investment of approximately \$70 million in Phase 1, including \$30 million in new construction and real estate, and \$40 million in machinery and equipment. The Company plans to build an approximately 197,000 square foot facility in Phase 1. The facility will be used to expand production capacity of its current product lines and provide capacity to pursue additional product lines. The facility will also serve as a distribution center and administrative offices. Shearer's is committed to attaining Leadership in Energy and Environmental design (LEED) Gold Certification for design, construction, and operation of the new facility to assure energy conservation. The Company plans to create 170-181 new full-time jobs within three years of the project's initial operations and will retain 540 existing full-time jobs in Ohio.

9. Project will begin October 2008 and be completed  
October 2009 provided a tax exemption is provided.

10. a. Estimate the number of new employees the business intends to hire at the facility that is the project site (job creation projection must be itemized by full and part-time and permanent and temporary): 170-181, full time

### 2008 Manufacturing Expansion-Headcount

	New Positions	Amount / Yr / Position	Amount
Plant Mgr	1	110,000	110,000
Processing	20	24,960	499,200
Processing Lead	4	29,640	118,560
Master Fryer	1	31,200	31,200
Tortilla	4	24,960	99,840
Tort Lead	1	29,640	29,640
Tort Master	1	31,200	31,200
Packaging	63	22,464	1,415,232
Packaging Floater	12	24,440	293,280
Packaging Trainer	5	24,440	122,200
PMO	16	31,720	507,520
Prodn General	7	80,000	560,000
Prod Logistics	13	32,560	423,280
Sanitation	7	25,480	178,360
Sanitation Lead	1	28,450	28,450
Sanitation Mgr	1	56,780	56,780
Quality I	4	24,960	99,840
Quality II	1	26,000	26,000
Quality Mgr	1	59,600	59,600
Maintenance	9	60,000	540,000
Maintenance Mgr	1	67,000	67,000
Water Resources	1	42,700	42,700
Security	3	36,000	108,000
G&A	1	28,960	28,960
Finance	1	60,000	60,000
HR	1	58,000	58,000
IT	1	65,000	65,000
<b>TOTAL</b>	<b>181</b>		<b>5,659,842</b>
	(170)	--	5,315,873)

- b. State the time frame for this projected hiring: 3 years.
- c. State proposed schedule for hiring (itemize by full and part-time and permanent and temporary employees): (all full-time) 75-81-year 1; 47-50-year 2; 48-50-year 3

11. a. Estimate the amount of annual payroll such new employees will add \$ 5.7 million (new annual payroll must be itemized by full and part-time and permanent and temporary new employees). (all full-time)



- b. Indicate separately the amount of existing annual payroll relating to any job retention claim resulting from the project: \_\_\_\_\_

**2008 Manufacturing Expansion - Retention**

	<i>Retained Positions</i>	<i>Amount / Yr / Position</i>	<i>Amount</i>
Processing	10	24,960	249,600
Packaging	14	22,464	314,496
Prodn General	5	80,000	400,000
Prod Logistics	4	32,560	130,240
Sanitation	2	25,480	50,960
Quality I	4	24,960	99,840
Materials Mgmt	7	56,940	398,580
Water Resources	2	42,700	85,400
Fleet-shuttle	7	28,160	197,120
Customer Service	2	56,940	113,880
G&A	7	28,960	202,720
Finance	9	60,000	540,000
HR	2	58,000	116,000
IT	7	65,000	455,000
<b>TOTAL</b>	<b>82</b>		<b>3,353,836</b>
	(75)	--	3,067,533)

12. Market value of the existing facility as determined for local property taxation.  
\$ None, project is new
13. a. Business's total current investment in the facility as of the proposal's submission.  
\$ None, project is new
- b. State the business's value of on-site inventory required to be listed in the personal property tax return of the enterprise in the return for the tax year (stated in average \$ value per most recent 12 month period) in which the agreement is entered into (baseline inventory): \$ None, project is new
14. An estimate of the amount to be invested by the enterprise to establish, expand, renovate or occupy a facility:

	Minimum	Maximum
A. Acquisition of Buildings:	\$ _____	\$ _____
B. Additions/New Construction:	\$ <u>25,000,000</u>	\$ <u>40,000,000</u>
C. Improvements to existing buildings	\$ _____	\$ _____
D. Machinery & Equipment	\$ <u>35,000,000</u>	\$ <u>40,000,000</u>
E. Furniture & Fixtures:	\$ _____	\$ _____
F. Inventory	\$ _____	\$ _____
<b>Total New Project Investment:</b>	\$ <u>60,000,000</u>	\$ <u>80,000,000</u>

15. a. Business requests the following tax exemption incentives: 75% for 10 years covering real and/or personal property including inventory as described above. Be specific as to type of assets, rate, and term.

Enterprise zone tax abatement on real property taxes of 75% for 10 years. In addition, an economic incentive grant in the amount of \$50,000.

- b. Business's reasons for requesting tax incentives (be quantitatively specific as possible)

To induce expansion in Stark County, Ohio

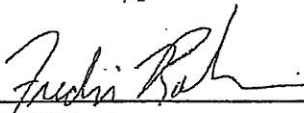
Submission of this application expressly authorizes the City of Massillon, Ohio to contact the Ohio Environmental Protection Agency to confirm statements contained within this application including item #7 and to review applicable confidential records. As part of this application, the business may also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

Applicant agrees to supply additional information upon request.

The applicant affirmatively covenants that the information contained in and submitted with this application is complete and correct and is aware of the ORC Sections 9.66(C)(1) and 2921.13(D)(1) penalties for falsification which could result in the forfeiture of all current and future economic development assistance benefit as well as a fine of not more than \$1,000 and/or a term of imprisonment of not more than six months.

Shearer's Foods, Inc.  
Name of Enterprise

8/26/08  
Date

  
Signature

Fredric Kohmann, CFO  
Typed Name and Title

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

\*\* Attach to Final Enterprise Zone Agreement as Exhibit A

\*\*\* An Application Fee of Seven Hundred Fifty Dollars (\$750.00) must be submitted along with the Proposed Agreement for Enterprise Zone Tax Exemption (Application). This fee is payable by check or money order made payable to **Ohio Treasurer Richard Cordray**.

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

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

**NARRATIVE STATEMENT**

**I. PROJECT DESCRIPTION:**

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

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

Shearer's is developing a plan to build an additional production facility in the City of Massillon, Ohio, at 4100 Millennium Blvd SE on approximately 30 acres, to support the Company's projected growth. The Company has identified a need for an additional 60 million pounds of capacity or a 76 percent increase over its 2007 production by 2009. The preliminary plan includes Shearer's making a fixed-asset investment of approximately \$65-70 million, including \$30 million in new construction and real estate, and \$40 million in machinery and equipment. The Company plans to build a 180,000 square foot facility in Phase 1. The facility will be used to expand production capacity of its current product lines and provide capacity to pursue additional product lines. The facility will also serve as a distribution center and administrative offices. Shearer's is committed to attaining Leadership in Energy and Environmental design (LEED) Gold Certification for design, construction, and operation of the new facility to assure energy conservation (see attached LEED Checklist for more detailed description of the LEED attributes of the facility). The Company plans to create 181 new full-time jobs within three years of the project's initial operations and will retain 560 existing full-time jobs in Ohio.

**II. PROJECT BUDGET**

- |   |                             |
|---|-----------------------------|
| <b>A. NEW BUILDINGS</b> (Provide a brief description of size, type, etc.) | <b><u>Proposed Cost</u></b> |
|---|-----------------------------|

*See attached "Estimated Plant Capital" schedule*

- |   |                             |
|---|-----------------------------|
| <b>B. ADDITIONS</b> (Provide a brief description of size, type, etc.) | <b><u>Proposed Cost</u></b> |
|---|-----------------------------|

*See attached "Estimated Plant Capital" schedule*

- |   |                             |
|---|-----------------------------|
| <b>C. IMPROVEMENTS TO EXISTING BUILDINGS</b><br>(Provide an itemized description) | <b><u>Proposed Cost</u></b> |
|---|-----------------------------|

*See attached "Estimated Plant Capital" schedule*

- |                                   |                             |
|-----------------------------------|-----------------------------|
| <b>D. MACHINERY AND EQUIPMENT</b> | <b><u>Proposed Cost</u></b> |
|-----------------------------------|-----------------------------|

1. Provide an itemized list of machinery, equipment, furniture, and fixtures to be purchased and installed at the



project site and that will be subject to tax exemption under this Agreement.

*See attached "Estimated Plant Capital" schedule*

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

*See attached "Estimated Plant Capital" schedule*

**E. INVENTORY**

**Proposed Cost**

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

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

*Company estimates that \$1.5 to \$2.0 million of inventory will consisting of raw materials and finished goods will be held at the proposed facility.*

### III. EMPLOYMENT

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

*See details included within Application.*

### IV. REQUEST FOR TAX EXEMPTION

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

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

*None*

- (2) An exemption for a specified number of years, not to exceed ten, of a specified portion, up to seventy-five per cent, of real property constituting the project site.

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

*(2) The Company is requesting an enterprise zone tax abatement on real property taxes of 75% for 10 years. In addition, the Company is requesting an economic incentive grant in the amount of \$50,000.*

## Estimated Plan Capital Schedule

**SHEARER'S FOODS, INC.**  
Estimated Massillon Plant Capital  
July 31, 2008

Item	Description	Phase I - Base {\$ in millions}	
<b>REAL ESTATE AND BUILDING</b>			
Land	30.5 acres x 30M/acre	\$ 0.9	
Warehouse	52,000 square feet x \$80/ square ft.	4.2	
Plant area	76,000 square feet x \$120.00/square ft.	9.1	
Second floor above packaging	19,500 square feet x \$100.00/square ft.	2.0	
Offices / Support Areas	50,000 square feet x \$160.00/ square ft.	7.0	
Office systems and furniture	Open office dividers, desks, and accessories	0.5	
Site Development	Grading / Parking / Landscaping	1.5	
Pretreatment building	3000 square feet x \$80/square foot	0.2	
Wastewater	Pretreatment facility	1.5	
Utilities	Water, sewer, natural gas, electric service	0.7	
Plant waste	Compactors, bailers, wet waste, starch	0.1	
Security/Fire alarm system	Central alarm system for fire and security	0.1	
Power distribution	Transformers, capacitor bank	0.2	
		<u>\$ 28.0</u>	
<b>INFRASTRUCTURE</b>			
Information Technology	Complete infrastructure	1.0	1:0
<b>WAREHOUSE EQUIPMENT</b>			
Storage & Handling Equip	Racks, equipment, etc.	1.4	1.4
<b>PRODUCTION EQUIPMENT</b>			
Potato Handling	Truck Dump / Flume and 2 Peeling lines	0.8	
Batch Fryers	6 BF- 360 Batch fryers	3.6	
Centrifuge	2-AHC Heated Centrifuges	0.7	
Extruded line	Wenger single screw extruded line	1.1	
Tortilla Line	2.0 CC Tortilla Chip Line	3.5	
Continuous Fryer	PC 4200 Multi-Zone Fryer	1.9	
Product Handling & Seasoning	Conveyance, OMS seasoning	3.5	
Sortation Equipment	3 Defect removal systems for potato chip lines	0.8	
Fire Suppression	Fire Protection for 6 BF 360'S and AHC'S	0.8	
Tanks	Oil storage	0.4	
Oil filtering	1 Oberlin filter, mix tank, pumps	0.3	
Packaging Machines	19 Packaging /-weigher machine stack- ups	6.4	
Installation Costs	Costs associated with denoted equipment	10.5	
Shipping	Freight cost for new equipment	0.4	
		<u>34.4</u>	
<b>PRODUCTION SUPPORT EQUIPMENT</b>			
Rack washer	washer and racks for scale buckets	0.1	
Emergency generator	back up power of IT	0.1	
Maintenance shop equipment	tools, shop machinery, spare parts racks,	0.1	
Boiler	boiler, feed water tank, condensate pumps	0.3	
Hot water system	hot water generator and high pressure pumps	0.3	
Formers	Additional formers for size changes	0.5	
Sanitation Equipment	Trash barrels, dumpsters, chemical metering, etc.	0.1	
Quality Laboratory Equipment	testing equipment for new plant lab-function	0.2	
Second slicer heads		0.1	
Energy recovery systems	heat recovery, heat exchangers, pumps, etc.	0.8	
Equipment start-up and vendor support		1.0	
		<u>3.5</u>	
Total Cost Estimate		<u>\$ 68.3</u>	





# The City of Massillon, Ohio

Francis H. Cicchinelli, Jr., Mayor  
330.830.1700

Michael J. Londiana  
Dir. of Public Safety & Service  
330.830.1702

August 26, 2008

John Richard, Superintendent  
Perry Local School District  
4201 Harsh Avenue, SW  
Massillon, Ohio 44646-3498

Subject: Shearer's Foods, Inc. / Massillon Enterprise Zone Program

Dear Mr. Richard:

On behalf of the City of Massillon and in accordance with the provisions of Section 5709.83 of the Ohio Revised Code, I am hereby providing formal notice to the Perry Local School District that Shearer's Foods, Inc., is planning to establish a new facility in Massillon, and further, that the company has applied to the City for tax incentives under the Ohio Enterprise Zone Program.

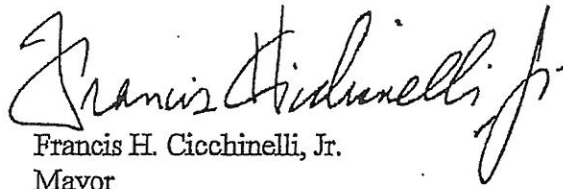
Shearer's Foods, Inc., which specializes in the manufacture and distribution of potato chips and other snack foods, is proposing to expand its business operations through the construction of a new 197,500 square foot building in Massillon, on a 31 acre site along Millennium Boulevard SE in NeoCom Industrial Park. Shearer's will be investing \$70 million on this project, and the company will create a total of 181 new full-time, permanent jobs. In addition, Shearer's will also relocate 82 existing jobs from Brewster to Massillon.

The company is applying to the City for a 10 year, 75% Enterprise Zone tax exemption on real property improvements to the site. I am enclosing for your review and comment a copy of the enterprise zone application to the City.

In accordance with the provisions of Section 5709.83 of the Ohio Revised Code, this notice is being provided not later than fourteen (14) days prior to the day that City Council will take formal action to approve the proposed enterprise zone agreement. The company's application is scheduled to go before Council's Community Development Committee on September 29, 2008 at 5:30 P.M. The enterprise zone agreement would then be considered by City Council at its regular meeting on October 6, 2008, at 7:30 P.M.

This is a very important project, not only for the City, but for the surrounding region. I would like very much to meet with you and discuss this development, the incentives being offered, and the impact this project will have on the community. I look forward to this meeting.

Very truly yours,



Francis H. Cicchinelli, Jr.  
Mayor

---

FHC:aa

encl.

Cc: Beth Winkhart, Treasurer, Perry Local School District



# The City of Massillon, Ohio

Francis H. Cicchinelli, Jr., Mayor  
330.830.1700

Michael J. Loudiana  
Dir. of Public Safety & Service  
330.830.1702

August 26, 2008

Mayor Ken Ensley  
Brewster Village Hall  
302 S. Wabash Avenue  
Brewster, Ohio 44613

Subject: Relocation Notice: Shearer's Foods, Inc. - Ohio Enterprise Zone Program

Dear Mayor Ensley:

On behalf of the City of Massillon and in accordance with the provisions of Section 5709.69 of the Ohio Revised Code, I am hereby providing formal notice to the Village of Brewster that Shearer's Foods, Inc., is planning to relocate a portion of its existing workforce, presently located at 692 Wabash Avenue North to a site located on Millennium Boulevard SE, in Massillon. As a result of this project, the company will be relocating a maximum of 82 existing jobs to Massillon.

Shearer's Foods will be establishing a new facility within the City of Massillon's Enterprise Zone; and the company has made application to the City for tax incentives under the Ohio Enterprise Zone Program. I am enclosing a copy of the proposed Enterprise Zone Agreement between the City of Massillon and Shearer's Foods, Inc.

In accordance with the provisions of Section 5709.69 of the Ohio Revised Code, the City of Massillon is providing this notice to the Village of Brewster not later than thirty (30) days prior to the day of the first public meeting at which the Enterprise Zone Agreement will be deliberated by Massillon City Council.

This notice replaces my previous notice dated May 5, 2008 regarding Shearer's Foods. If you have any questions regarding this matter, please contact me at your convenience.

Very truly yours,

A handwritten signature in dark ink, reading 'Francis H. Cicchinelli, Jr.' in a cursive style.

Francis H. Cicchinelli, Jr.  
Mayor, City of Massillon

FHC:aa  
encl.

cc: Lee Fisher, Director, Ohio Department of Development



OHIO ENTERPRISE ZONE AGREEMENT

This Agreement made and entered into by and among 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 "City of Massillon"), **SHEARER'S FOODS, INC.**, a Corporation with its main offices currently located at 692 Wabash Avenue North, Brewster, Ohio 44613 (hereinafter referred to as the "Enterprise"), and **THE STARK COUNTY PORT AUTHORITY**, a county authorized port authority, with its office located at the offices of its administrator, the Stark Development Board, Inc., at 116 Cleveland Avenue, N.W., Suite 600, Canton, Ohio 44702-1730 (hereinafter referred to as the "Port").

WITNESSETH:

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

WHEREAS, the Enterprise, which specializes in the production and distribution of potato chips and other snack foods, is desirous of establishing a facility within the Enterprise Zone through the construction of a new approximately 197,500 square foot production facility, which facility shall include distribution and administrative offices and related site improvements and infrastructure (hereinafter referred to as the "Project"), to expand the production of its current product lines and to provide the capacity for additional product lines, provided that the appropriate development incentives are available to support the economic viability of the Project; and

WHEREAS, to facilitate the construction of the Project, the Enterprise shall acquire the fee simple title to the Project Site (later defined) and shall thereafter enter into a ground lease for the Project Site with the Port. The Port, contemporaneous with the execution of the ground lease, shall finance and construct the Project and shall enter into an operating lease with the Enterprise. The aforesaid operating lease shall provide that the Enterprise is responsible for all operating expenses of the Project and Project Site, including all real estate taxes and assessments, as well as all capital maintenance, repair and replacement expenses.

WHEREAS, the Council of the City of Massillon, Ohio (hereinafter "Council") by Ordinance No. 163-1994, adopted on July 18, 1994, and as amended by Ordinance No. 57-1998, adopted on March 2, 1998, and as amended by Ordinance No. 43-1999, adopted on March 1, 1999,

has designated an area of the City as an "Enterprise Zone" pursuant to Chapter 5709 of the Ohio Revised Code (hereinafter "Revised Code"); and

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

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

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

WHEREAS, the Enterprise has remitted the required state application fee of \$750.00 made payable to the Ohio Department of Development with the Application to be forwarded with the final Agreement; and

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

WHEREAS, the Project Site (as defined herein) is located in the Perry Local School District and the Board of Education of said District and any applicable Joint Vocational School District have been notified in accordance with Section 5709.83 of the Revised Code and have been given a copy of the Application; and

WHEREAS, the Enterprise shall be relocating certain jobs from its Brewster, Ohio plant to the Project Site and as a result thereof, the legislative authority for the City of Brewster has been notified in accordance with Section 5709.69 of the Revised Code and has been given a copy of the Application and this Agreement; and

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

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

1. The Port shall construct the Project on an approximately thirty (30) acre parcel, located at 4100 Millennium Blvd. SE, in the City of Massillon ("Project Site"), and shall lease the Project to the Enterprise under a certain operating lease. The Project will be used by the Enterprise to expand the production capacity of its current product lines, to provide the capacity for additional product lines, and also to serve as a distribution center and administrative offices. The Enterprise shall also purchase and install new machinery and equipment as outlined in the Narrative Statement attached to the Application.

The Project will involve a total investment by the Enterprise as detailed below:

	Minimum	Maximum
A. Acquisition of Land:	\$ _____	\$ _____
B. Additions/New Construction:	\$ <u>25,000,000</u>	\$ <u>40,000,000</u>
C. Improvements to existing buildings:	\$ _____	\$ _____
D. Machinery & Equipment:	\$ <u>35,000,000</u>	\$ <u>40,000,000</u>
E. Furniture & Fixtures:	\$ _____	\$ _____
F. Inventory:	\$ _____	\$ _____
<b>Total New Project Investment:</b>	<b>\$ <u>60,000,000</u></b>	<b>\$ <u>80,000,000</u></b>

Furthermore, the Enterprise has reported that its existing base level of inventory as listed in the personal property tax return for the tax year (stated in an average dollar value for the most recent twelve (12) month period) in which the Agreement is entered into is \$0.

The Project will begin before October 2009, and all acquisition, construction and installation will be completed no later than December 2010. Any changes to the beginning and completion dates must be agreed to by formal resolution and an amended agreement.

The total investment by the Port and the Enterprise in constructing and leasing the Project and purchasing the necessary machinery and equipment for the Project represents a significant new investment on behalf of the Port and the Enterprise, and as such, the City of Massillon hereby determines that the Project is eligible for the tax incentives and other benefits as described in this Agreement.

If, at any time, the Port and the Enterprise jointly determine that it will not undertake all the improvements set forth in this Section 1, or otherwise desire to modify the Project, the Port and the Enterprise will notify the City of Massillon, stating the reasons for their determination. The parties will thereupon confer to discuss the effect of this joint determination on the tax exemptions

provided herein and to amend or terminate this Agreement accordingly. In no event shall any such amendment operate to revoke retroactively the tax exemptions provided herein.

2. The Enterprise shall create within a time period not exceeding thirty-six (36) months after the completion of construction of the Project, the following new jobs at the Project Site:

New Jobs to be Created

170 to 181 new permanent full-time jobs, with a maximum annual payroll of Five Million Six Hundred Fifty-Nine Thousand Eight Hundred Forty-two Dollars (\$5,659,842) if all 181 permanent employees are hired.

The Enterprise's schedule for hiring is as follows: create 75 to 81 new permanent full-time jobs in year one (1); create 47 to 50 new permanent full-time jobs in year two (2); and create 48 to 50 new permanent full-time jobs in year three (3). The aforerecited job creation period begins in 2011 and all jobs will be in place by December 31, 2013.

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The Enterprise currently has 540 full-time employees in the State of Ohio, including 510 employees at its plant in Brewster, Ohio. As a result of this Project, the Enterprise will relocate and retain the following existing jobs from its Brewster, Ohio facility to the Project Site in Massillon:

Existing Jobs to be Relocated and Retained

An estimated 75 to 82 existing full-time permanent jobs with an annual payroll of approximately Three Million Three Hundred Fifty-Three Thousand Eight Hundred Thirty-Six Dollars (\$3,353,836).

3. The Enterprise shall provide to the proper Tax Incentive Review Council (hereafter "Council") any information reasonably required by the Council to evaluate the Enterprise's compliance with this Agreement, including returns filed pursuant to Section 5711.02 or 5727.08 of the Revised Code and form 913EX of the Ohio Department of Taxation if requested by the Council.

4. The City of Massillon hereby grants the Enterprise a tax exemption for real property improvements made to the Project pursuant to Section 5709.62 of the Revised Code. This tax exemption shall be at the rate of seventy-five percent (75%) of the real property improvements. Each identified project improvement will receive a ten (10)-year exemption period. The minimum investment for the real property improvements to qualify for exemption shall be Twenty-five Million Dollars (\$25,000,000). The maximum investment for the real property improvements to qualify for the exemption shall be Forty Million Dollars (\$40,000,000).

The real property improvement tax exemption commences the first year for which the real property improvements would first be taxable if said improvements were not exempted from taxation hereunder, and shall continue for a period of ten (10) years. No exemption shall commence after December 31, 2011 nor extend beyond December 31, 2020. The Enterprise must file the appropriate tax forms (DTE 23) with the County Auditor and the Ohio Department of Taxation to effect and maintain the exemption covered in this Agreement.

5. Waivers under Section 5709.633 of the Revised Code shall not be applicable.

6. The Enterprise shall pay to the City of Massillon an annual monitoring fee of Five Hundred Dollars (\$500) for each year this Agreement is in effect. The fee shall be made payable to the City of Massillon and shall be paid by certified check and delivered to the Mayor by March 31<sup>st</sup> of each year that the fee is due and payable. This fee shall be deposited in a special fund created for such purpose and shall be used exclusively for the purpose of complying with Section 5709.68 of the Revised Code and by the Council exclusively for the purpose of performing duties prescribed under Section 5709.85 of the Revised Code.

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

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

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

10. If the Enterprise materially fails to fulfill its obligations under this Agreement, other than with respect to the number of employee positions estimated to be created or retained under this Agreement, or if the City of Massillon determines that the certification as to delinquent



taxes required by this Agreement is fraudulent, the City of Massillon may terminate or modify the exemptions from taxation granted under this Agreement.

11. The Enterprise and the Port hereby certify that, at the time this Agreement is executed, they do not owe any delinquent real or tangible personal property taxes to any taxing authority in the State of Ohio, and do not owe delinquent taxes for which the Enterprise is liable under Chapter 5733., 5735., 5739., 5741., 5743., 5747., or 5753. of the Revised Code, or, if such delinquent taxes are owed, they are currently paying the delinquent taxes pursuant to an undertaking enforceable by the State of Ohio or an agent or instrumentality thereof. In addition, the Enterprise and the Port hereby certify that they have not filed a petition of bankruptcy under 11 U.S.C.A. 101, et seq., nor has any such petition been filed against either of them. For the purposes of this certification, delinquent taxes are taxes that remain unpaid on the latest day prescribed for payment, without penalty, under the chapter of the Revised Code governing payment of those taxes.

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

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

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

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

16. Subject to the terms hereof, in any three (3)-year period during which this Agreement is in effect, if the actual number of employee positions created or retained by the Enterprise is not equal to or greater than seventy-five percent (75%) of the lowest number of

employee positions estimated to be created or retained under this Agreement during that three (3)-year period, then the Enterprise shall repay the amount of taxes on the real property improvements that would have been payable had the real property improvements not been exempted from taxation under this Agreement during that three (3)-year period. In addition, the City of Massillon may terminate or modify the exemptions from taxation granted under this Agreement.

17. The Enterprise and the Port affirmatively covenant that they have made no false statements to the State of Ohio or its local political subdivision in the process of obtaining approval for the Enterprise Zone incentives granted hereunder. If any representative of the Enterprise or the Port has knowingly made a false statement to the State of Ohio or its local political subdivision to obtain the Enterprise Zone incentives, then the Enterprise or the Port, as the case may be, shall be required to immediately return all benefits received under this Agreement pursuant to Section 9.66(C)(2) of the Revised Code. Furthermore, the Enterprise shall be ineligible for any future economic development assistance from the State of Ohio or any state agency, or a political subdivision thereof pursuant to Section 9.66(C)(1) of the Revised Code. Any person who provides a false statement to secure economic development assistance may be guilty of falsification, a misdemeanor of the first degree, pursuant to Section 2931.13(D)(1) of the Revised Code, which is punishable by a fine of not more than \$1,000 and/or a term of imprisonment of not more than six (6) months.

18. This Agreement may not be amended or modified and is not transferable or assignable, without the prior written approval of the City of Massillon, the Enterprise, and the Port. If any term or provision of this Agreement is found to be invalid or unenforceable, any such term or provision shall be modified and enforceable to the extent permitted by law, and any such invalidity shall not affect any other term or provision of this Agreement, all of which remaining terms and provisions shall remain in full force and effect.

19. This Agreement may be signed in counterparts and all such copies so signed by a party hereto shall be deemed to constitute a single binding Agreement.

IN WITNESS WHEREOF, the City of Massillon, Ohio, by Francis H. Cicchinelli, Jr., its Mayor, and pursuant to Ordinance No. \_\_\_\_\_, has caused this instrument to be executed this \_\_\_\_\_ day of \_\_\_\_\_, 2008; Shearer's Foods, Inc., by Fredric Kohmann, its CFO, has caused this instrument to be executed this \_\_\_\_\_ day of \_\_\_\_\_, 2008; and the Stark County

Port Authority, by Michael P. Gill, its Chairman, and pursuant to Resolution No. \_\_\_\_\_, has caused this instrument to be executed this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

WITNESSED BY:

THE CITY OF MASSILLON, OHIO

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

\_\_\_\_\_  
(type or print name)

\_\_\_\_\_  
(type or print name)

WITNESSED BY:

SHEARER'S FOODS, INC.

By: \_\_\_\_\_, CFO  
Fredric Kohmann, CFO

\_\_\_\_\_  
Randolf L. Whisler  
(type or print name)

\_\_\_\_\_  
SCOTT SMITH  
(type or print name)

WITNESSED BY:

THE STARK COUNTY PORT  
AUTHORITY

By: \_\_\_\_\_  
Michael P. Gill, Chairman

\_\_\_\_\_  
ALAN C. Edie  
(type or print name)

\_\_\_\_\_  
Jeffery Hasapiu  
(type or print name)

Approved as to form and legal sufficiency:

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

DATE: OCTOBER 6, 2008

CLERK: MARY BETH BAILEY

MASSILLON CITY COUNCIL  
CITY OF MASSILLON, OHIO  
GLENN GAMBER, PRESIDENT

COUNCIL CHAMBERS

*Passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 123- 2008

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the TIF Service Payment Fund, Park & Rec. Capital Improvement Fund, Probation Services Fund, Muni Motor Vehicle License Plate Fund, Bond Retirement WWT Fund, Home Health Fund and the Waste Management Grant Fund, for the year ending December 31, 2008, 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 TIF Service Payment Fund, for the year ending December 31, 2008, the following:

\$267,225.78 to an account entitled "Developer's TIF" 3109.905.2380  
\$ 83,592.70 to an account entitled "School District TIF" 3109.905.2379  
\$ 6,436.94 to an account entitled "County Collection TIF" 3109.905.2393

Section 2:

There be and hereby is appropriated from the unappropriated balance of the Park & Rec. Capital Improvement Fund, for the year ending December 31, 2008, the following:

\$21,000.00 to an account entitled "Refunds" 1433.505.2720  
\$17,000.00 to an account entitled "SD Revenue Sharing" 1433.505.2721

Section 3:

There be and hereby is appropriated from the unappropriated balance of the Probation Services Fund, for the year ending December 31, 2008, the following:

\$28,000.00 to an account entitled "Salaries" 1238.125.2110  
\$ 3,500.00 to an account entitled "PERS" 1238.125.2230  
\$ 417.00 to an account entitled "Medicare" 1238.125.2231



Section 4:

There be and hereby is appropriated from the unappropriated balance of the Muni Motor Vehicle License Plate Fund, for the year ending December 31, 2008, the following:

\$5,500.00 to an account entitled "Gas & Oil" 1206.435.2430

Section 5:

There be and hereby is appropriated from the unappropriated balance of the Bond Retirement WWT Fund, for the year ending December 31, 2008, the following:

\$3,400.00 to an account entitled "Fees" 1305.940.2393

Section 6:

There be and hereby is appropriated from the unappropriated balance of the Home Health Fund, for the year ending December 31, 2008, the following:

\$3,000.00 to an account entitled "Services/Contracts" 1235.705.2392

Section 7:

There be and hereby is appropriated from the unappropriated balance of the Waste Management Grant Fund, for the year ending December 31, 2008, the following:

\$2,700.00 to an account entitled "Services/Contracts" 1222.605.2392

Section 8:

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 \_\_\_\_\_ 2008

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

MARY BETH BAILEY, CLERK OF COUNCIL

GLENN E. GAMBER, PRESIDENT

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

FRANCIS H. CICCHINELLI, JR, MAYOR



DATE: OCTOBER 6, 2008

CLERK: MARY BETH BAILEY

MASSILLON CITY COUNCIL  
CITY OF MASSILLON, OHIO  
GLENN E. GAMBER, PRESIDENT

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

RESOLUTION NO. 20 - 2008

BY: HEALTH, WELFARE AND BUILDING REGULATIONS COMMITTEE

TITLE: A RESOLUTION in support of a United States National Health Insurance Act.

WHEREAS, every person in Massillon and in the United States deserves access to affordable, quality healthcare; and

~~WHEREAS, over 45.8 million Americans, including residents of Massillon, Ohio, live daily~~  
without healthcare coverage of which approximately one quarter of these individuals are children, even though over 80% of these families have at least one family who is employed; and

WHEREAS, small and large businesses alike are finding it increasingly difficult to provide health insurance to their employees due to growing premiums, and even those employees that receive some health benefits are often under-insured, facing rising co-payments and deductibles, and lack sufficient coverage for vital care and medications; and

WHEREAS, the City of Massillon's 2008 budget includes approximately \$2 million for health coverage for City employees and/or retirees;

WHEREAS, those insured now often experience burdensome medical debt and sometimes life-threatening delays in obtaining healthcare; and

WHEREAS, one-half of all personal bankruptcies are due to illnesses or medical bills; and

WHEREAS, administrative costs for our current healthcare system consume approximately thirty percent (30%) of United States healthcare spending, with rising costs contributing to decreased international business competitiveness and massive layoffs; and

WHEREAS, the goal of universal health care single-payer universal health care, with complete freedom of choice of doctors and no waiting lists, is to ensure that all Americans have access, guaranteed by law, to the highest quality and most cost-effective healthcare services regardless of their employment, income, or healthcare status; and

WHEREAS, single-payer universal health care will cover all medically necessary services, including primary care, inpatient care, outpatient care, emergency care, prescription drugs, durable medical equipment, long term care, mental health services, dentistry, eye care, chiropractic, and substance abuse treatment; and

WHEREAS, single-payer universal health care will give patients their choice of physicians, providers, hospitals, and clinics with no co-pays or deductibles in a publicly financed, privately delivered system; and

WHEREAS, Physicians for a National Health Program estimates that employers that provide health coverage for their employees currently pay an average of 8.5% of their payroll to healthcare costs, and the United States national Health Insurance Program would, in its first year result in a savings of \$50 billion in overall health care spending, \$150 billion on paperwork processing, and \$50 billion through bulk purchasing of medications, which would allow 95% of families in the United States to pay less for health care than they do currently; and

WHEREAS, under the terms of single-payer universal health care, a national, single payer health care system would be primarily financed by the imposition of a 3.3% payroll tax in addition to the current 1.45% Medicare tax; and

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MASSILLON, COUNTY OF STARK AND STATE OF OHIO, THAT;

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Section 1:

This Council of the City of Massillon, Ohio, hereby supports and endorses single-payer universal health care with complete freedom of choice of doctors to be designated "United States Health Insurance Act," and respectfully requests our elected federal officials to endorse and adopt single-payer universal health care, with complete freedom of choice of doctors, such that the United States National Health Insurance Program is created to provide all citizens and/or taxpayers residing in the United States and in U.S. territories with free health care that includes all medically necessary care, such as primary care, prevention, prescription drugs, emergency care, and mental health services; and the Council Clerk is authorized and directed to forward copies of this Resolution to our federal legislators and to our state legislators to enlist their support of this vital piece of legislation.

Section 2:

This Resolution shall take effect upon its passage and approval.

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

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

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

APPROVED \_\_\_\_\_

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



DATE: OCTOBER 6, 2008

CLERK: MARY BETH BAILEY

MASSILLON CITY COUNCIL  
CITY OF MASSILLON, OHIO  
GLENN E. GAMBER, PRESIDENT

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT  
*defeated 11/17*

RESOLUTION NO. 21 - 2008

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: A RESOLUTION reversing the decision of the Massillon Zoning Board of Appeals made on September 11, 2008 wherein the Zoning Board of Appeals denied a variance from the Massillon Zoning Code for proposed construction erect two 30' X 84' warehouses at 35 Warwick Avenue NW. Known as Lot No. 17265 in the City of Massillon, Ohio, and declaring an emergency.

WHEREAS, the Massillon Zoning Board of Appeals on September 11, 2008 denied a request for a variance from the Massillon Zoning Code, and

WHEREAS, on September 18, 2008, a Notice of Appeal pursuant to Section 1129.09 of the Massillon Zoning Code was filed with the Clerk of Council by Mr. Carl Oser, appealing the decision in Case No. 1232 of the Massillon Zoning Board of Appeals.

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

Section 1:

The Council of the City of Massillon, Ohio, deems it is in the best interest for proper community growth to reverse and amend the decision of the Massillon Zoning Board of Appeals made on September 11, 2008 in Case No. 1232, by granting the variance and permitting the construction on Lot No. 17265 in the City of Massillon, Ohio, which is currently zoned B-2, and the zoning code only permits warehouses in an I-1 zoned district.

Section 2:

This Resolution is declared to be an emergency measure in that the reversal of the decision of the Massillon Zoning Board of Appeals is essential for the proper community growth and hence immediately necessary for the preservation of the health, safety and welfare of the community. Wherefore, this Resolution shall be in full force and effect immediately from and after passage and approval by the Mayor. Provided that this Resolution receives the affirmative vote of two-thirds of the members of Council it shall go into effect as soon as permitted by law.

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

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

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

REPLAT  
BEING ALL OF LOT 3540 AND LOT 3541 IN  
THE CITY OF MASSILLON, STARK COUNTY,  
OHIO.

ACKNOWLEDGEMENTS:

I hereby certify that this is a correct plat of a Boundary Survey pursuant to Chapter 633-57 of the Ohio Administrative Code and performed under my direct supervision in October 2007.

David Allen, Hobden, P.S. No. S-07613

Hobden Land Surveying  
5060 Georgetown, Street N.E.  
East Canton, Ohio 44720  
330-448-1718 Fax



Know all men by these presents, that the undersigned Owner of the land shown on this Plat, does hereby approve the making and filing of this same.

OWNER:

*[Signature]*  
DRUM PALMER

WITNESSES:

*[Signature]*  
Curtis A. Hobden  
Curtis A. Hobden

State of Ohio  
County of Stark

Before me, a Notary Public in and for said County and State, personally appeared DRUM PALMER, the Owner of Lots 3540 and 3541, who acknowledged that they did sign the foregoing instrument and that the same was his free act and deed.

In testimony whereof, I have hereunto subscribed my name, this 6<sup>th</sup> Day of October, 2007.

Notary Public  
by Commission Expires 10/06/2010  
JERRY V. FLETCHER

Approved by the Massillon City Planning Commission at a meeting held this 14th Day of August, 2007.

*[Signature]*  
Secretary  
Keith A. Anderson

Approved by the Massillon City Engineer this 24th Day of February, 2008.

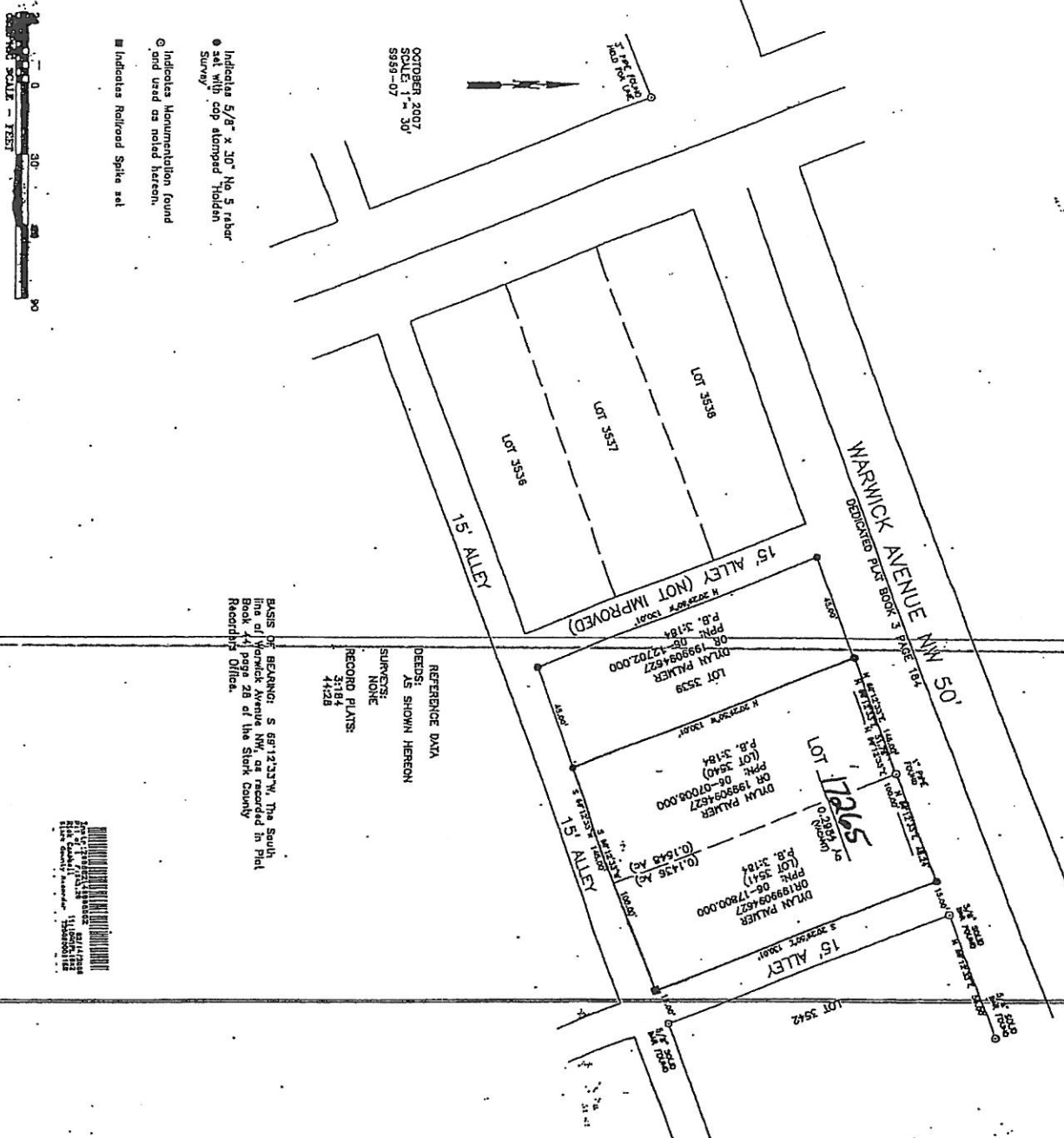
*[Signature]*  
Keith A. Anderson

Entered for Transfer this 14th Day of February, 2007.

*[Signature]*  
Sick County Auditor  
John C. Feltz

Recorded for Record this 14th Day of February, 2007.

*[Signature]*  
Sick County Recorder



SCALE - 1" = 30'



07 PS 25

DATE: OCTOBER 6, 2008

CLERK: MARY BETH BAILEY

MASSILLON CITY COUNCIL  
CITY OF MASSILLON, OHIO  
GLENN E. GAMBER, PRESIDENT

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

RESOLUTION NO. 22 - 2008

BY: POLICE AND FIRE COMMITTEE

TITLE: A RESOLUTION recognizing Trevor McCune, Dru Yost and Mike Budrow, Jr., for their selfless act of bravery on September 26, 2008 during a neighborhood house fire.

WHEREAS, Trevor McCune, Dru Yost and Mike Budrow, Jr., while visiting a friend noticed a ~~house on fire in the neighborhood.~~

WHEREAS, all three individuals entered the burning structure in search of any persons who may have been trapped in the house.

WHEREAS, these individuals did indeed rescue a woman from the second floor of the burning structure. While at the same time trying to put out the flames until the Massillon Fire Department arrived on the scene.

Now, therefore be it resolved that Massillon City Council recognizes the selfless act of bravery shown by Trevor McCune, Dru Yost and Mike Budrow, Jr., on the official record.

PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2008

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

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