

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

DATE: MONDAY, OCTOBER 4, 2010
PLACE: COUNCIL CHAMBERS
TIME: 7:30 P.M.

THERE ARE NO PUBLIC HEARINGS TONIGHT

1. ROLL CALL
2. INVOCATION BY COUNCILMAN RON MANG
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

DAVE McCUNE ASSENT

ORDINANCE NO. 114 – 2010

BY: COMMUNITY DEVELOPMENT COMMITTEE

1ST READING

AN ORDINANCE declaring the improvement of certain real property located in the City of Massillon, Ohio, to be a public purpose; declaring such property to be exempt from real property taxation; designating the improvements to be made that will directly benefit or serve such real property; requiring the owner of such real property to make annual service payments in lieu of taxes; establishing a municipal public improvement tax increment equivalent fund for the deposit of service payments, and declaring an emergency.

ORDINANCE NO. 115 – 2010

BY: COMMUNITY DEVELOPMENT COMMITTEE

1ST READING

AN ORDINANCE declaring the improvement of certain real property located in the City of Massillon, Ohio, to be a public purpose; declaring such property to be exempt from real property taxation; designating the improvements to be made that will directly benefit or serve such real property; requiring the owner of such real property to make annual service payments in lieu of taxes; establishing a municipal public improvement tax increment equivalent fund for the deposit of service payments, and declaring an emergency.

ORDINANCE NO. 116 – 2010

BY: COMMUNITY DEVELOPMENT COMMITTEE

PASS 8-0

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with DD Nails to provide an economic development "inducement grant" to assist the company in locating its nail salon in Massillon, and declaring an emergency.

ORDINANCE NO. 117 – 2010

BY: PUBLIC UTILITIES COMMITTEE

1ST READING

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract extending our present Centrex services with AT&T on all City government telephone lines for a period of three (3) years, and declaring an emergency.

ORDINANCE NO. 118 – 2010

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

1ST READING

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to sign the Preliminary Legislation with the Ohio Department of Transportation for the SR 172 Paving Project, and declaring an emergency.

ORDINANCE NO. 119 – 2010

BY: FINANCE COMMITTEE

PASS 8-0

AN ORDINANCE making certain appropriations from the unappropriated balance of the General Fund, Legends Fund, TIF Service Fund and the Economic Development Fund, for the year ending December 31, 2010, and declaring an emergency.

7. UNFINISHED BUSINESS

8. PETITIONS AND GENERAL COMMUNICATIONS

LETTER FROM OHIO DIVISION OF LIQUOR CONTROL REGARDING A TRANSFER OF LIQUOR LICENSE FROM 720 LINCOLN WAY INC 720 LINCOLN WAY E MASSILLON OHIO 44646 TO PFS & SONS LLC DBA FILL & GO 720 LINCOLN WAY E MASSILLON OHIO 44646

LETTER FROM OHIO DIVISION OF LIQUOR CONTROL REGARDING A NEW LIQUOR LICENSE FOR CAMEO GRILL INC 809 S ERIE ST 1ST FL & BSMT MASSILLON OHIO 44646

9. BILLS, ACCOUNTS AND CLAIMS

10. REPORTS FROM CITY OFFICIALS

A). MAYOR SUBMITS MONTHLY PERMIT REPORT FOR SEPTEMBER 2010

B). AUDITOR SUBMITS MONTHLY REPORT FOR SEPTEMBER 2010

11. REPORTS OF COMMITTEES

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBER

13. CALL OF THE CALENDAR – TABLED FROM SEPTEMBER 20, 2010

ORDINANCE NO. 88 – 2010

BY: HEALTH, WELFARE & BLDG REGULATIONS

PASS 8-0

AN ORDINANCE amending CHAPTER 1188 "SIGNS" of the Codified Ordinances of the City of Massillon, by repealing existing SubSections 1188.03 "General Provisions"(b) and 1188.04 "Regulation of On-Premise Signs by Zone"(a)(7), and enacting new SubSections 1188.03 "General Provisions"(b) and 1188.04 "Regulations of On-Premise Signs by Zone"(a)(7),

ORDINANCE NO. 95 – 2010

AMENDED
BY: ENVIRONMENTAL COMMITTEE

1ST READING

AN ORDINANCE enacting a new CHAPTER 943 "STORMWATER UTILITY", of the Codified Ordinances of the City of Massillon, and declaring an emergency.

14. THIRD READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 102 – 2010

BY: COMMUNITY DEVELOPMENT COMMITTEE

TABLED INDEFINITELY

AN ORDINANCE indicating what services and zoning conditions the City of Massillon, Ohio, will provide to the Bit of Eden Area Annexation, upon annexation.

ORDINANCE NO. 104 – 2010

BY: HEALTH, WELFARE & BLDG REGULATIONS

PASS 7-1 (PETERS)

AN ORDINANCE amending CHAPTER 1188 "SIGNS" of the Codified Ordinances of the City of Massillon, by repealing existing SubSections 1188.07 (c) "Permit Fees" and 1188.07 (e) "Permit Conditions, Refunds and Penalties" (1), (2) and (3), and enacting new SubSections 1188.07 (c) "Permit Fees" and 1188.07 (e) "Permit Conditions, Refunds and Penalties" (1) and (2).

ORDINANCE NO. 107 – 2010

BY: COMMITTEE OF THE WHOLE

PASS 7-1 (PETERS)

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into an agreement with CBSC for the collection of delinquent accounts including but not limited to ambulance services, utility bills, delinquent taxes and parking violations, and declaring an emergency.

15. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 109– 2010

BY: PUBLIC UTILITIES COMMITTEE

PASS B-O

AN ORDINANCE establishing a video service provider fee to be paid by any video service provider offering video service in the city; authorizing the Mayor to give notice to the video service provider of the video service provider fee; and declaring an emergency.

RESOLUTION NO. 12 – 2010

BY: PARKS AND RECREATION COMMITTEE

2ND READING

A RESOLUTION renaming Shriver Park to T. Roy Roberson Memorial Park in honor of his service and dedication as the 4th Ward Councilman during 1981 until 1992.

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

DATED: OCTOBER 4, 2010

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 114 -2010

BY: COMMUNITY DEVELOPMENT COMMITTEE

*1st Reading
Defeated "11/1"*

AN ORDINANCE DECLARING THE IMPROVEMENT OF CERTAIN REAL PROPERTY LOCATED IN THE CITY OF MASSILLON, OHIO TO BE A PUBLIC PURPOSE; DECLARING SUCH PROPERTY TO BE EXEMPT FROM REAL PROPERTY TAXATION; DESIGNATING THE IMPROVEMENTS TO BE MADE THAT WILL DIRECTLY BENEFIT OR SERVE SUCH REAL PROPERTY; REQUIRING THE OWNER OF SUCH REAL PROPERTY TO MAKE ANNUAL SERVICE PAYMENTS IN LIEU OF TAXES; ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SERVICE PAYMENTS; AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ohio Revised Code Sections 5709.40(B), 5709.42 and 5709.43 (the "TIF Statutes") the City of Massillon (the "City") may utilize municipal tax increment financing to declare the improvement to certain parcels of real property located within the municipal corporation to be a public purpose and exempt from taxation, require the owner of each parcel to make service payments in lieu of taxes, provide for the distribution of the applicable portion of such service payments to the City, local or exempted village school district, establish a municipal public improvement tax increment equivalent fund for the deposit of the remainder of such service payments and specify public infrastructure improvements made, to be made or in the process of being made that directly benefit, or that once made will directly benefit, those parcels for which improvements are declared to be a public purpose; and

WHEREAS, the parcels of real property identified and depicted in Exhibit A attached hereto are located in the City (collectively, the "Property"), and this City Council of the City (the "Council") has determined to declare the Improvement (as defined in Section 1 of this Ordinance) to the Property to be a public purpose; and

WHEREAS, this Council has determined that it is necessary and appropriate and in the best interest of the City to exempt from taxation one hundred percent (100%) of the Improvement to the Property as permitted and provided in Section 5709.40(B) of the Ohio Revised Code for up to thirty (30) years (the "TIF Exemption") and to simultaneously direct and require the current and future owner(s) of

parcels (each such owner individually, an "Owner," and collectively, the "Owners") comprising the Property to make annual Service Payments (as defined in Section 2 of this Ordinance) with respect to the Property in lieu of real property tax payments, in the same amount as they would have made real property tax payments except for the exemption provided by this Ordinance; provided that the TIF Exemption and the obligation to make Service Payments is subject and subordinate to any tax exemptions applicable to the Improvement approved by the City pursuant to Sections 3735.65 through 3735.70 or 5709.61 through 5709.69 of the Ohio Revised Code; and

WHEREAS, the City has determined that a portion of the Service Payments shall be paid directly to the Perry Local School District (the "School District") in an amount equal to the real property taxes that the School District would have been paid if the Improvement to the Property located in the School District had not been exempt from taxation pursuant to this Ordinance; and

WHEREAS, pursuant to Section 5709.43(A) of the Ohio Revised Code, this Council has determined to establish a municipal public improvement tax increment equivalent fund for the Property, in which there shall be deposited the remaining Service Payments distributed to the City; and

WHEREAS, this Council has determined to provide for the construction of the public infrastructure improvements described in Exhibit B attached hereto (the "Public Infrastructure Improvements"), which, once made, will directly benefit the Property; and

WHEREAS, notice of this proposed Ordinance has been delivered to the Boards of Education of the School District and the Stark County Area Vocational School District in accordance with and within the time periods prescribed in Sections 5709.40 and 5709.83 of the Ohio Revised Code;

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

SECTION 1. Authorization of TIF Exemption. Pursuant to and in accordance with the provisions of Ohio Revised Code Section 5709.40(B), this Council hereby finds and determines that one hundred percent (100%) of the increase in assessed value of the Property subsequent to the effective date of this Ordinance (which increase in assessed value is hereinafter referred to as the "Improvement," as defined in Section 5709.40(A) of the Ohio Revised Code) is hereby declared to be a public purpose, and shall be exempt from taxation for a period commencing with the first tax year that begins after the effective date of this Ordinance and in which an Improvement to the Property first appears on the tax list and duplicate of real and public utility property and ending on the earlier of (a) thirty (30) years after such commencement, or (b) the date on which the City can no longer require Service Payments (as defined in Section 2 herein) in lieu of taxes, all in accordance with the requirements of the TIF Statutes.

SECTION 2. Service Payments and Property Tax Rollback Payments. Pursuant to Section 5709.42 of the Ohio Revised Code, the City hereby directs and requires the Owners of the Property to make annual Service Payments (as defined herein) in lieu of taxes with respect to the Improvement allocable thereto to the Stark County Treasurer on or before the final dates for payment of real property taxes. Each service payment in lieu of taxes, including any penalties and interest at the then current rate established under Sections 323.121(B)(1) and 5703.47 of the Ohio Revised Code (collectively, the "Service Payments") shall be charged and collected in the same manner and in the same amount as the real property taxes that would have been charged and payable against the Improvement if it were not exempt from taxation pursuant to Section 1 of this Ordinance. The Service Payments, and any other

payments with respect to the Improvement that are received by the Stark County Treasurer in connection with the reduction required by Sections 319.302, 321.24, 323.152 and 323.156 of the Ohio Revised Code, as the same may be amended from time to time, or any successor provisions thereto as the same may be amended from time to time (the "Property Tax Rollback Payments"), shall be allocated and distributed in accordance with Section 4 of this Ordinance. This Council further hereby authorizes and directs appropriate officers of the City to make such arrangements as are necessary and proper for collection of the Service Payments from the Owners, including the preparation and filing of any necessary exemption applications.

SECTION 3. Creation of TIF Fund. This Council hereby establishes pursuant to and in accordance with the provisions of Ohio Revised Code Section 5709.43, a Municipal Public Improvement Tax Increment Equivalent Fund (the "Fresh Mark TIF Fund"). The TIF Fund shall be maintained in the custody of the City and shall receive all distributions to be made to the City pursuant to Section 4 of this Ordinance. Those Service Payments and Property Tax Rollback Payments received by the City with respect to the Improvement of the Property and so deposited pursuant to Section 5709.42 of the Ohio Revised Code shall be used solely for the purposes authorized in the TIF Statutes or this Ordinance. The TIF Fund shall remain in existence so long as such Service Payments and Property Tax Rollback Payments are collected and used for the aforesaid purposes, after which time the TIF Fund shall be dissolved and any surplus funds remaining therein transferred to the City's General Fund, all in accordance with Section 5709.43 of the Ohio Revised Code.

SECTION 4. Distribution of Funds. Pursuant to the TIF Statutes, the Stark County Treasurer is requested to distribute the Service Payments and the Property Tax Rollback Payments as follows:

- (i) to the School District, an amount equal to the amounts that the School District would otherwise have received as real property tax payments (including the applicable portion of any Property Tax Rollback Payments) derived from the Improvement to the Property located within the School District's boundaries if the Improvement had not been exempt from taxation pursuant to this Ordinance; and
- (ii) to the City, all remaining amounts for further deposit into the TIF Fund for payment of costs of the Public Infrastructure Improvements, including debt service on any securities issued to finance those costs.

SECTION 5. Application for Real Property Tax Exemption and Remission. This Council further hereby authorizes the Mayor or the City Auditor, or other appropriate officers of the City, to sign and execute all documents and make such arrangements as are necessary and proper for collection of said Service Payments from the Owners of Property, which are to be deposited into the TIF Fund.

SECTION 6. Further Authorizations. This Council further hereby authorizes and directs the Mayor and the City Auditor, or other appropriate officers of the City, to prepare and sign all agreements, and any amendments thereto such that the character of those changes is not substantially adverse to the City, which shall be established conclusively by their signatures thereon, and to prepare and sign all instruments and to take all other actions as may be necessary and appropriate to implement this Ordinance.

SECTION 7. Filings with Ohio Department of Development. Pursuant to Ohio Revised Code Section 5709.40(I), the Clerk of Council is hereby directed to deliver a copy of this Ordinance to the

Director of Development of the Department of Development of the State of Ohio (the "Director of Development") within fifteen (15) days after its adoption. Further, on or before March 31 of each year that the TIF Exemption set forth in Section 1 hereof remains in effect, the City Auditor or other authorized officer of the City shall prepare and submit to the Director of Development the status report required under Ohio Revised Code Section 5709.40(I).

SECTION 8. Tax Incentive Review Council. The City hereby creates the City of Massillon Tax Incentive Review Council with the membership of that Council constituted in accordance with Ohio Revised Code Section 5709.85. That Council shall review annually all exemptions from taxation resulting from the declarations set forth in this Ordinance and any other such matters as may properly come before that Council, all in accordance with Ohio Revised Code Section 5709.85.

SECTION 9. Open Meetings. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were passed in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Ohio Revised Code Section 121.22.

Adopted in Council on this _____ day of _____, 2010.

Effective this _____ day of _____, 2010.

Attest:

MARY BETH BAILEY, CLERK OF COUNCIL

GLENN E. GAMBER, PRESIDENT OF COUNCIL

Approved:

FRANCIS H. CICCHINELLI, JR. MAYOR

CERTIFICATE

The undersigned Clerk hereby certifies that the foregoing is a true copy of Ordinance No. ____ - 2010 duly adopted by the City Council of the City of Massillon, Ohio _____, 2010.

Clerk
City of Massillon, Ohio

EXHIBIT A

The Property

Property Owner: Fresh Mark Inc.

Location: 1888 Southway SE

Parcel No.: 07-01618

EXHIBIT B

Description of Public Infrastructure Improvements

The Public Infrastructure Improvements include permanent improvements within the definition of "costs of permanent improvements" as defined in Ohio Revised Code Section 133.15(B), including, but not limited to:

- (i) Street improvements and other public infrastructure improvements to Southway SE, Richville SE, Walnut Road SE, 16th Street SE, including street repaving and reconstruction, Richville/US 30 interchange improvements, sewer and drainage, rail crossings, and traffic signal maintenance and replacement.
- (ii) The costs of financing such Public Infrastructure Improvements, which financing costs specifically include the debt service charges on securities issued to finance the Public Infrastructure Improvements; and
- (iii) Legal, consulting, engineering, and other eligible costs related thereto.

All of the Public Infrastructure Improvements described above are hereby determined to be "public infrastructure improvements" (as defined in Ohio Revised Code Section 5709.40(A)(7)) and will directly benefit the real property described in Exhibit A.

RECEIPT OF THE DIRECTOR OF DEVELOPMENT FOR THE STATE OF OHIO
FOR LEGISLATION DECLARING CERTAIN IMPROVEMENTS TO REAL PROPERTY
TO BE EXEMPT FROM REAL PROPERTY TAXATION PURSUANT TO
OHIO REVISED CODE SECTION 5709.40

I, Lisa Patt-McDaniel, the Director of Development of the Department of Development of the State of Ohio, hereby certify that a certified copy of Ordinance No. ____-2010, which was duly adopted by the City Council of the City of Massillon, Ohio (the "City") on _____, 2010 and which declared the improvement of certain real property located within the City to be a public purpose and declaring a portion of such property to be exempt from real property taxation pursuant to Ohio Revised Code Section 5709.40, was filed in this office on _____, 2010.

WITNESS my hand and official seal at Columbus, Ohio on _____, 2010.

Director of Development
Department of Development
State of Ohio

DATED: OCTOBER 4, 2010

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 115-2010

BY: COMMUNITY DEVELOPMENT COMMITTEE

*1st Reading
Tabled 11/1*

AN ORDINANCE DECLARING THE IMPROVEMENT OF CERTAIN REAL PROPERTY LOCATED IN THE CITY OF MASSILLON, OHIO TO BE A PUBLIC PURPOSE; DECLARING SUCH PROPERTY TO BE EXEMPT FROM REAL PROPERTY TAXATION; DESIGNATING THE IMPROVEMENTS TO BE MADE THAT WILL DIRECTLY BENEFIT OR SERVE SUCH REAL PROPERTY; REQUIRING THE OWNER OF SUCH REAL PROPERTY TO MAKE ANNUAL SERVICE PAYMENTS IN LIEU OF TAXES; ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SERVICE PAYMENTS; AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ohio Revised Code Sections 5709.40(B), 5709.42 and 5709.43 (the "TIF Statutes") the City of Massillon (the "City") may utilize municipal tax increment financing to declare the improvement to certain parcels of real property located within the municipal corporation to be a public purpose and exempt from taxation, require the owner of each parcel to make service payments in lieu of taxes, provide for the distribution of the applicable portion of such service payments to the City, local or exempted village school district, establish a municipal public improvement tax increment equivalent fund for the deposit of the remainder of such service payments and specify public infrastructure improvements made, to be made or in the process of being made that directly benefit, or that once made will directly benefit, those parcels for which improvements are declared to be a public purpose; and

WHEREAS, the parcels of real property identified and depicted in Exhibit A attached hereto are located in the City (collectively, the "Property"), and this City Council of the City (the "Council") has determined to declare the Improvement (as defined in Section 1 of this Ordinance) to the Property to be a public purpose; and

WHEREAS, this Council has determined that it is necessary and appropriate and in the best interest of the City to exempt from taxation one hundred percent (100%) of the Improvement to the Property as permitted and provided in Section 5709.40(B) of the Ohio Revised Code for up to thirty (30) years (the "TIF Exemption") and to simultaneously direct and require the current and future owner(s) of

parcels (each such owner individually, an "Owner," and collectively, the "Owners") comprising the Property to make annual Service Payments (as defined in Section 2 of this Ordinance) with respect to the Property in lieu of real property tax payments, in the same amount as they would have made real property tax payments except for the exemption provided by this Ordinance; provided that the TIF Exemption and the obligation to make Service Payments is subject and subordinate to any tax exemptions applicable to the Improvement approved by the City pursuant to Sections 3735.65 through 3735.70 or 5709.61 through 5709.69 of the Ohio Revised Code; and

WHEREAS, the City has determined that a portion of the Service Payments shall be paid directly to the Massillon City School District (the "School District") in an amount equal to the real property taxes that the School District would have been paid if the Improvement to the Property located in the School District had not been exempt from taxation pursuant to this Ordinance; and

WHEREAS, pursuant to Section 5709.43(A) of the Ohio Revised Code, this Council has determined to establish a municipal public improvement tax increment equivalent fund for the Property, in which there shall be deposited the remaining Service Payments distributed to the City; and

WHEREAS, this Council has determined to provide for the construction of the public infrastructure improvements described in Exhibit B attached hereto (the "Public Infrastructure Improvements"), which, once made, will directly benefit the Property; and

WHEREAS, notice of this proposed Ordinance has been delivered to the Boards of Education of the School District and the Stark County Area Vocational School District in accordance with and within the time periods prescribed in Sections 5709.40 and 5709.83 of the Ohio Revised Code;

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

SECTION 1. Authorization of TIF Exemption. Pursuant to and in accordance with the provisions of Ohio Revised Code Section 5709.40(B), this Council hereby finds and determines that one hundred percent (100%) of the increase in assessed value of the Property subsequent to the effective date of this Ordinance (which increase in assessed value is hereinafter referred to as the "Improvement," as defined in Section 5709.40(A) of the Ohio Revised Code) is hereby declared to be a public purpose, and shall be exempt from taxation for a period commencing with the first tax year that begins after the effective date of this Ordinance and in which an Improvement to the Property first appears on the tax list and duplicate of real and public utility property and ending on the earlier of (a) thirty (30) years after such commencement, or (b) the date on which the City can no longer require Service Payments (as defined in Section 2 herein) in lieu of taxes, all in accordance with the requirements of the TIF Statutes.

SECTION 2. Service Payments and Property Tax Rollback Payments. Pursuant to Section 5709.42 of the Ohio Revised Code, the City hereby directs and requires the Owners of the Property to make annual Service Payments (as defined herein) in lieu of taxes with respect to the Improvement allocable thereto to the Stark County Treasurer on or before the final dates for payment of real property taxes. Each service payment in lieu of taxes, including any penalties and interest at the then current rate established under Sections 323.121(B)(1) and 5703.47 of the Ohio Revised Code (collectively, the "Service Payments") shall be charged and collected in the same manner and in the same amount as the real property taxes that would have been charged and payable against the Improvement if it were not exempt from taxation pursuant to Section 1 of this Ordinance. The Service Payments, and any other

payments with respect to the Improvement that are received by the Stark County Treasurer in connection with the reduction required by Sections 319.302, 321.24, 323.152 and 323.156 of the Ohio Revised Code, as the same may be amended from time to time, or any successor provisions thereto as the same may be amended from time to time (the "Property Tax Rollback Payments"), shall be allocated and distributed in accordance with Section 4 of this Ordinance. This Council further hereby authorizes and directs appropriate officers of the City to make such arrangements as are necessary and proper for collection of the Service Payments from the Owners, including the preparation and filing of any necessary exemption applications.

SECTION 3. Creation of TIF Fund. This Council hereby establishes pursuant to and in accordance with the provisions of Ohio Revised Code Section 5709.43, a Municipal Public Improvement Tax Increment Equivalent Fund (the "Lincoln Centre III TIF Fund"). The TIF Fund shall be maintained in the custody of the City and shall receive all distributions to be made to the City pursuant to Section 4 of this Ordinance. Those Service Payments and Property Tax Rollback Payments received by the City with respect to the Improvement of the Property and so deposited pursuant to Section 5709.42 of the Ohio Revised Code shall be used solely for the purposes authorized in the TIF Statutes or this Ordinance. The TIF Fund shall remain in existence so long as such Service Payments and Property Tax Rollback Payments are collected and used for the aforesaid purposes, after which time the TIF Fund shall be dissolved and any surplus funds remaining therein transferred to the City's General Fund, all in accordance with Section 5709.43 of the Ohio Revised Code.

SECTION 4. Distribution of Funds. Pursuant to the TIF Statutes, the Stark County Treasurer is requested to distribute the Service Payments and the Property Tax Rollback Payments as follows:

- (i) to the School District, an amount equal to the amounts that the School District would otherwise have received as real property tax payments (including the applicable portion of any Property Tax Rollback Payments) derived from the Improvement to the Property located within the School District's boundaries if the Improvement had not been exempt from taxation pursuant to this Ordinance; and
- (ii) to the City, all remaining amounts for further deposit into the TIF Fund for payment of costs of the Public Infrastructure Improvements, including debt service on any securities issued to finance those costs.

SECTION 5. Application for Real Property Tax Exemption and Remission. This Council further hereby authorizes the Mayor or the City Auditor, or other appropriate officers of the City, to sign and execute all documents and make such arrangements as are necessary and proper for collection of said Service Payments from the Owners of Property, which are to be deposited into the TIF Fund.

SECTION 6. Further Authorizations. This Council further hereby authorizes and directs the Mayor and the City Auditor, or other appropriate officers of the City, to prepare and sign all agreements, and any amendments thereto such that the character of those changes is not substantially adverse to the City, which shall be established conclusively by their signatures thereon, and to prepare and sign all instruments and to take all other actions as may be necessary and appropriate to implement this Ordinance.

SECTION 7. Filings with Ohio Department of Development. Pursuant to Ohio Revised Code Section 5709.40(I), the Clerk of Council is hereby directed to deliver a copy of this Ordinance to the

Director of Development of the Department of Development of the State of Ohio (the "Director of Development") within fifteen (15) days after its adoption. Further, on or before March 31 of each year that the TIF Exemption set forth in Section 1 hereof remains in effect, the City Auditor or other authorized officer of the City shall prepare and submit to the Director of Development the status report required under Ohio Revised Code Section 5709.40(I).

SECTION 8. Tax Incentive Review Council. The City hereby creates the City of Massillon Tax Incentive Review Council with the membership of that Council constituted in accordance with Ohio Revised Code Section 5709.85. That Council shall review annually all exemptions from taxation resulting from the declarations set forth in this Ordinance and any other such matters as may properly come before that Council, all in accordance with Ohio Revised Code Section 5709.85.

SECTION 9. Open Meetings. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were passed in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Ohio Revised Code Section 121.22.

Adopted in Council on this ____ day of _____, 2010.

Effective this ____ day of _____, 2010.

Attest:

MARY BETH BAILEY, CLERK OF COUNCIL

GLENN E. GAMBER, PRESIDENT OF COUNCIL

Approved:

FRANCIS H. CICCHINELLI, JR., MAYOR

CERTIFICATE

The undersigned Clerk hereby certifies that the foregoing is a true copy of Ordinance No. ____ - 2010 duly adopted by the City Council of the City of Massillon, Ohio _____, 2010.

Clerk
City of Massillon, Ohio

EXHIBIT A

The Property

Parcel #1:

Property Owner: R L DeVille Enterprises LTD

Location: Lillian Gish SW

Parcel No.: 06-09472

Parcel #2:

Property Owner: 21 Lincoln Way Project LLC

Location: Tommy Henrich Drive NW

Parcel No.: 06-19352

Parcel #3:

Property Owner: Ragains Enterprises LLC

Location: 175 Cherry Rd., NW

Parcel No.: 06-018957

EXHIBIT B

Description of Public Infrastructure Improvements

The Public Infrastructure Improvements include permanent improvements within the definition of "costs of permanent improvements" as defined in Ohio Revised Code Section 133.15(B), including, but not limited to:

(i) Street improvements and other public infrastructure improvements to Lincoln Way West, Tommy Henrich Drive NW, Cherry Road NW, Lillian Gish SW, rd Street NW, Federal Avenue, 3rd Street NW, and State Route 21, including street repaving and reconstruction, SR 21 interchange improvements, sewer and drainage, pump station/flood control improvements, bridge maintenance and replacement, rail crossings, and traffic signal maintenance and replacement.

(ii) The costs of financing such Public Infrastructure Improvements, which financing costs specifically include the debt service charges on securities issued to finance the Public Infrastructure Improvements; and

(iii) Legal, consulting, engineering, and other eligible costs related thereto.

All of the Public Infrastructure Improvements described above are hereby determined to be "public infrastructure improvements" (as defined in Ohio Revised Code Section 5709.40(A)(7)) and will directly benefit the real property described in Exhibit A.

RECEIPT OF THE DIRECTOR OF DEVELOPMENT FOR THE STATE OF OHIO
FOR LEGISLATION DECLARING CERTAIN IMPROVEMENTS TO REAL PROPERTY
TO BE EXEMPT FROM REAL PROPERTY TAXATION PURSUANT TO
OHIO REVISED CODE SECTION 5709.40

I, Lisa Patt-McDaniel, the Director of Development of the Department of Development of the State of Ohio, hereby certify that a certified copy of Ordinance No. ____-2010, which was duly adopted by the City Council of the City of Massillon, Ohio (the "City") on _____, 2010 and which declared the improvement of certain real property located within the City to be a public purpose and declaring a portion of such property to be exempt from real property taxation pursuant to Ohio Revised Code Section 5709.40, was filed in this office on _____, 2010.

WITNESS my hand and official seal at Columbus, Ohio on _____, 2010.

Director of Development
Department of Development
State of Ohio

DATE OCTOBER 4, 2010

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 116 - 2010

Passed

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with DD Nails to provide an economic development "inducement grant" to assist the company in locating its nail salon 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, DD Nails desires to locate its nail salon at 155 Lincoln Way W, and

WHEREAS, the City of Massillon proposed to assist DD Nails in the location of its nail salon by providing an economic development "inducement grant", the purpose of which is to help offset the company's costs in locating its nail salon 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 DD Nails providing an economic development "inducement grant", in a total amount not to exceed Two Thousand Dollars (\$2,000.00) for the purpose of assisting the nail salon in locating to Massillon.

Section 2:

In return for this economic development grant assistance, DD Nails shall provide the City with information regarding the number of jobs that it has provided as a result of the nail salon's location 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 _____, 2010

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

ATTEST: _____
FRANCIS H. CICCHINELLI, JR. MAYOR

DATE: OCTOBER 4, 2010

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 117 - 2010

1st Reading

BY: PUBLIC UTILITIES COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract extending our present Centrex services with AT&T on all City government telephone lines for a period of three (3) years, and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby determines it to be necessary in the public health, safety and welfare to enter into a contract extending our present Centrex services with AT&T on all City Government telephone lines for a period of three (3) years.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized to enter into a contract extending our present Centrex services with AT&T on all City government telephones lines for a period of three (3) years.

Section 3

This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and welfare of the community and for the additional reason that it is necessary that the contract is signed in time manner to prevent any interruption in the city's phone service. 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.

2nd page is the signature page

DATE: OCTOBER 4, 2010

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 118 – 2010

*1st Reading
Passed 11/1*

BY: STREET, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to sign the Preliminary Legislation with the Ohio Department of Transportation for the SR 172 Paving Project, and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby finds that it is necessary to sign the Preliminary Legislation with the Ohio Department of Transportation for the SR 172 Paving Project.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized to sign the Preliminary Legislation with the Ohio Department of Transportation for the SR 172 Paving Project. The project funding will be 80/20 with ODOT being responsible for 80% and the City 20% of all project costs unless the city requests items for the project deemed unnecessary by the State and Federal Highway Administration. See attached Exhibit "A" hereto.

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 reason that it is necessary to sign the Preliminary Legislation with Ohio Department of Transportation so as to proceed with the SR 172 Paving Project. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PRELIMINARY LEGISLATION

RC 5521.01

Ordinance/Resolution# _____
PID No. 81597
County/Route/Section STA-SR172-6.09
ODOT Agreement No. _____

The following is _____ enacted by the City _____ of Massillon of _____
(An Ordinance/a Resolution) (Local Public Agency)
Stark County, Ohio, hereinafter referred to as the Local Public Agency (LPA), in
the matter of the stated described project.

SECTION I - Project Description

WHEREAS, the STATE has identified the need for the described project:

Paving from 7th Street to 3rd Street and from 3rd Street to Massillon eastern corporation limits

NOW THEREFORE, be it ordained by the City of Massillon of Stark County
(LPA)
Ohio.

SECTION II - Consent Statement

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project.

SECTION III - Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the above described project as follows:

The LPA agrees to participate in the cost of construction within the City Limits at twenty percent (20%) total cost. This includes the construction contract and construction engineering.

The LPA further agrees to pay One Hundred Percent (100%) of the cost of those features requested by the LPA which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

SECTION IV - Utilities and Right-of-Way Statement

The LPA agrees to acquire and/or make available to ODOT, in accordance with current State and Federal regulations, all necessary right-of-way required for the described Project. The LPA also understands that right-of-way costs include eligible utility costs. The LPA agrees to be responsible for all utility accommodation, relocation, and reimbursement and agrees that all such accommodations, relocations, and reimbursements shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

The LPA grants permission to the Director of the Ohio Department of Transportation to acquire in the name of the LPA all necessary right-of-way required for the described Project. The LPA agrees to be responsible for all utility accommodation, relocation, and reimbursement and agrees that all such accommodations, relocations, and reimbursements shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

SECTION V - Maintenance

Upon completion of the described Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the described Project in accordance with all applicable state and federal law, including, but not limited to, 23 USC 116; (2) provide ample financial provisions, as necessary, for the maintenance of the described Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

SECTION VI - Consultants and Authority to Sign

The _____ of said _____ is hereby empowered on behalf of
(Contractual Agent) (LPA)
the _____ to enter into contracts with ODOT pre-qualified consultants
(LPA)
for the preliminary engineering phase of the Project and to enter into contracts with the Director of Transportation necessary to complete the above described project.

Upon the request of ODOT, the _____ is also empowered to assign
(Contractual Agent)
all rights, title, and interests of the _____ to ODOT arising from
(LPA)
any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

The LPA agrees that if Federal Funds are used to pay the cost of any consultant contract, the LPA shall comply with 23 CFR 172 in the selection of its consultant and the administration of the consultant contract. Further the LPA agrees to incorporate ODOT's "Specifications for Consulting Services" as a contract document in all of its consultant contracts. The LPA agrees to require, as a scope of services clause, that all plans prepared by the consultant must conform to ODOT's current design standards and that the consultant shall be responsible for ongoing consultant involvement during the construction phase of the Project. The LPA agrees to include a completion schedule acceptable to ODOT and to assist ODOT in rating the consultant's performance through ODOT's Consultant Evaluation System.

Passed: _____, 20____
(Date)

Attested: _____
(Clerk) (Officer of LPA - title)

Attested: _____
(Title)

(President of Council)

This _____ is hereby declared to be an emergency measure to
(Ordinance/Resolution)
expedite the highway project(s) and to promote highway safety. Following appropriate
legislative action, it shall take effect and be in force immediately upon its passage and
approval, otherwise it shall take effect and be in force from and after the earliest period
allowed by law.

CERTIFICATE OF COPY
STATE OF OHIO

City of Massillon of Stark County, Ohio
(LPA)

I, _____, as Clerk of the City of Massillon
(LPA)
of Stark County, Ohio, do hereby certify that the forgoing is a true and
correct copy of _____ adopted by the legislative Authority of the said
(Ordinance/Resolution)
City on the _____ day of _____, 20____
(LPA)
that the publication of such _____ has been made and certified of
(Ordinance/Resolution)
record according to law; that no proceedings looking to a referendum upon such
_____ have been taken; and that such
(Ordinance/Resolution) _____
(Ordinance/Resolution)
and certificate of publication thereof are of record in _____ Page _____
(Ordinance/Resolution Record No.)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my
official seal, if applicable, this _____ day of _____, 20____

Clerk

(SEAL)
(If Applicable) _____ of _____, Ohio
(LPA)

The foregoing is accepted as a basis for proceeding with the project herein
described.

For the _____ of _____, Ohio
(LPA)

Attest: _____, Date _____

For the State of Ohio

Attest: _____, Date _____
Director, Ohio Department of Transportation

DATE: OCTOBER 4, 2010

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO.119 – 2010

passed

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the General Fund, Legends Fund, TIF Service Fund and Economic Development Fund, for the year ending December 31, 2010, 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, 2010, the following:

\$96,158.00 to an account entitled "Fire Salary" 1100.325.2110
\$38,934.00 to an account entitled "Fire Comp Paid" 1100.325.2118
\$25,908.00 to an account entitled "Accumulated Sick Leave" 1100.905.2150

Section 2:

There be and hereby is appropriated from the unappropriated balance of the Legends Fund, for the year ending December 31, 2010, the following:

\$50,000.00 to an account entitled "Legends Salary" 2104.920.2110
\$18,000.00 to an account entitled "Legends Utilities" 2104.920.2340
\$ 3,000.00 to an account entitled "Legends Bank Charges" 2104.920.2398
\$ 2,645.90 to an account entitled "Legends Hosp/Eye/Dental" 2104.920.2210

Section 3:

There be and hereby is appropriated from the unappropriated balance of the TIF Service Fund, for the year ending December 31, 2010, the following:

\$3,453.17 to an account entitled "County Collection Fees" 3109.905.2393

Section 4:

There be and hereby is appropriated from the unappropriated balance of the Economic Development Fund, for the year ending December 31, 2010, the following:

\$2,000.00 to an account entitled "Services/Contracts" 1237.845.2392

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 _____ 2010

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

APPROVED: _____
FRANCIS H. CICCHINELLI, JR, MAYOR