

## AGENDA

DATE: MONDAY, NOVEMBER 6, 2006  
PLACE: COUNCIL CHAMBERS  
TIME: 7:30 P.M.

THERE ARE NO PUBLIC HEARINGS TONIGHT

1. ROLL CALL
2. INVOCATION BY COUNCILMAN TONY TOWNSEND
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. 160 – 2006**      **BY: FINANCE COMMITTEE**

**AN ORDINANCE** making certain appropriations from the unappropriated balance of the Capital Improvement Fund, Home Health Fund, OPWC Loan Payments Fund and the Muni Motor Vehicle License Fund, for the year ending December 31, 2006, and declaring an emergency.

**ORDINANCE NO. 161 – 2006**      **BY: FINANCE COMMITTEE**

**AN ORDINANCE** authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to accept the 2006 Assistance to Firefighters Grant from the U.S. Department of Homeland Security, and declaring an emergency.

**ORDINANCE NO. 162 – 2006**      **BY: FINANCE COMMITTEE**

**AN ORDINANCE** making certain transfers in the 2006 appropriations from within the General Fund, of the City of Massillon, Ohio, and declaring an emergency.

**ORDINANCE NO. 163 – 2006**      **BY: FINANCE COMMITTEE**

**AN ORDINANCE** authorizing the issuance of not to exceed \$2,993,000 of notes in anticipation of the issuance of bonds for the purpose of providing funds for acquiring land and interests in land and demolition relating thereto, for the purpose of urban redevelopment in connection with the Lincoln Center Phase III Project, and retiring notes previously issued for such purpose, and declaring an emergency.

**ORDINANCE NO. 164 – 2006**      **BY: FINANCE COMMITTEE**

**AN ORDINANCE** amending Ordinance No. 143 – 1976 by repealing Section 13 – “ALLOCATION OF FUNDS – INCOME TAX” and enacting a new Section 13 “ALLOCATION OF FUNDS – INCOME TAX” and repealing Ordinance No. 109 – 2005, and declaring an emergency.

ORDINANCE NO. 165 – 2006

BY: FINANCE COMMITTEE

AN ORDINANCE repealing Ordinance No. 111 – 2005, and declaring an emergency.

ORDINANCE NO. 166 – 2006

BY: FINANCE COMMITTEE

AN ORDINANCE authorizing the Auditor of the City of Massillon, Ohio, commencing January 1, 2007, to deposit revenue from the Inheritance Tax to the Capital Improvement Fund in a special account, and declaring an emergency.

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

- A). MAYOR SUBMITS MONTHLY PERMIT REPORT FOR OCTOBER 2006
- B). AUDITOR SUBMITS MONTHLY REPORT FOR OCTOBER 2006
- C). MAYOR SUBMITS MONTHLY REPORT FOR SEPTEMBER 2006

- 11. REPORTS OF COMMITTEES
- 12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBER
- 13. CALL OF THE CALENDAR
- 14. THIRD READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 153 – 2006

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the Street Fund, for the year ending December 31, 2006, and declaring an emergency.

- 15. SECOND READING ORDINANCES AND RESOLUTIONS
- 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: NOVEMBER 6, 2006

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*Passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 160 - 2006

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Capital Improvement Fund, Home Health Fund, OPWC Loan Payments Fund and the Muni Motor Vehicle License Fund, for the year ending December 31, 2006, 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 Capital Improvement Fund for the year ending December 31, 2006, the following:

\$51,498.00 to an account entitled "Fire Truck Lease" 1401.325.2530  
\$ 2,270.00 to an account entitled "Furnace Replacement" 1401.410.2513

Section 2:

There be and hereby is appropriated from the unappropriated balance of the Home Health Fund for the year ending December 31, 2006, the following:

\$10,000.00 to an account entitled "Restaurant Supplies" 1235.705.2410  
\$ 4,500.00 to an account entitled "Home Health Services/Contracts" 1235.705.2392

Section 3:

There be and hereby is appropriated from the unappropriated balance of the OPWC Loan Payments Fund for the year ending December 31, 2006, the following:

\$11,956.00 to an account entitled "OPWC Principal" 1342.940.2610

Section 4:

There be and hereby is appropriated from the unappropriated balance of the Muni Motor Vehicle License Fund for the year ending December 31, 2006, the following:

\$9,000.00 to an account entitled "Paint Machine Truck" 1206.435.2511

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 \_\_\_\_\_ 2006

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

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

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

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



DATE: NOVEMBER 6, 2006

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 161 - 2006

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to accept the 2006 Assistance to Firefighters Grant from the U.S. Department of Homeland Security, 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 accept the 2006 Assistance to Firefighters Grant from the U.S. Department of Homeland Security in the amount of Seventy-Seven Thousand Eight Hundred Fifty Dollars (\$77,850.00) for safety equipment to be used for the Massillon Fire Department. The grant amount is actually Seventy Thousand Sixty-Five Dollars (\$70,065.00) and must be matched Seven Thousand Seven Hundred Eighty-Five Dollars (\$7,785.00) to be paid by the city as its contribution.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to accept the 2006 Assistance to Firefighters Grant from the U.S. Department of Homeland Security in the Massillon Fire Department.

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 the grant is necessary for safety equipment to be used for the Massillon Fire Department. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

\* second page is the signature page

DATE: NOVEMBER 6, 2006

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 162 - 2006

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain transfers in the 2006 appropriations from within the General Fund, of the City of Massillon, Ohio, and declaring an emergency.

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

Section 1:

There be and hereby is transferred from the 2006 appropriations from within the General Fund, of the City of Massillon, Ohio, the following:

FROM "Debt Retirement" 1100.905.2712 \$50,000.00

TO: "Fire Salary" 1100.325.2110 \$50,000.00

Section 2:

That this Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said funds are necessary for the operation of the various departments for 2006, 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 \_\_\_\_\_ 2006

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

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

DATED: NOVEMBER 6, 2006

*passed*  
CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 163 - 2006

BY: THE FINANCE COMMITTEE

AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$2,993,000 OF NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PROVIDING FUNDS FOR ACQUIRING LAND AND INTERESTS IN LAND AND DEMOLITION RELATING THERETO, FOR THE PURPOSE OF URBAN REDEVELOPMENT IN CONNECTION WITH THE LINCOLN CENTER PHASE III PROJECT, AND RETIRING NOTES PREVIOUSLY ISSUED FOR SUCH PURPOSE, AND DECLARING AN EMERGENCY.

WHEREAS, the City Council (the "Council") of the City of Massillon (the "City") has issued notes dated November 15, 2005, in the amount of Two Million Nine Hundred Ninety-Three Thousand Dollars (\$2,993,000) (the "Outstanding Notes") in anticipation of the issuance of the bonds herein described, which Outstanding Notes will mature November 14, 2006; and

WHEREAS it appears advisable in lieu of issuing bonds at this time to issue new notes in anticipation of the issuance of bonds and to retire the Outstanding Notes; and

WHEREAS, the City Auditor (the "City Auditor") of the City has certified to the Council of the City (the "Council") that the estimated life of the improvement stated in the title of this ordinance (the "Project") which is to be financed with the proceeds of bonds and notes hereinafter referred to exceeds five (5) years, the maximum maturity of bonds being thirty (30) years and notes being sixteen (16) years;

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

Section 1. It is hereby declared necessary to issue bonds (the "Bonds") of the City in the principal sum of not to exceed \$2,993,000 for the purpose of paying the cost of financing the Project.

Section 2. The Bonds shall be dated prior to the maturity date of the Notes (as defined hereinbelow), shall bear interest at the maximum average annual interest rate presently estimated to be five per centum (5.00%) per annum, payable semiannually until the principal sum is paid and shall mature in thirty (30) annual installments.

Section 3. It is necessary to issue and this Council hereby determines that notes shall be issued in anticipation of the issuance of the Bonds and to retire the Outstanding Notes.

Section 4. Such anticipatory notes (the "Notes") shall be in the amount of not to exceed \$2,993,000, which sum does not exceed the amount of the Bonds. The Notes shall be dated the date established by the City Auditor and certified to this Council and shall mature on such date as shall be determined by the City Auditor and certified to this Council, provided that such maturity date shall not be later than one year after the date of issuance of the Notes. The City Auditor is authorized and directed to execute a Certificate setting forth the final terms of the Notes, consistent with the requirements of this Ordinance, and to present the same to Council after closing of the Notes.

Section 5. The Notes shall be issued as one fully registered note in book-entry only form in denominations of \$100,000 or any integral multiple of \$1,000 in excess thereof. Coupons shall not be attached to the Notes. The Notes shall be sold in a transaction exempt from the requirements of Rule 15c2-12 of the United States Securities and Exchange Commission. Based upon the foregoing, beneficial interests in the Notes are not to be sold or transferred in principal amounts of less than \$100,000.

Section 6. The Notes shall be the full general obligation of the City, and the full faith, credit and revenue of the City are hereby pledged for the prompt payment of the same. The par value to be received from the sale of the Bonds and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used only for the retirement of the Notes at maturity, together with interest thereon, and is hereby pledged for such purpose.

Section 7. There shall be and is hereby levied annually on all the taxable property in the City, in addition to all other taxes and inside the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Notes are outstanding, in an amount which is sufficient to provide funds to pay interest upon the Notes as and when the same fall due and to provide a fund for the repayment of the principal of the Notes at maturity or upon redemption. The Debt Service Levy shall not be less than the interest and sinking fund tax required by Article XII, Section 11 of the Ohio Constitution.

Section 8. The Debt Service Levy shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of such years are certified, extended and collected. The Debt Service Levy shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the Debt Service Levy shall be placed in a separate and distinct fund, which shall be irrevocably pledged for the payment of the premium, if any, and interest on and principal of the Notes and Bonds when and as the same fall due. Notwithstanding the foregoing, if the City determines that funds will be available from other sources for the payment of the Notes and Bonds in any year, the amount of the Debt Service Levy for such year shall be reduced by the amount of funds which

will be so available, and the City shall appropriate such funds to the payment of the Notes and Bonds in accordance with law.

Section 9. The Notes shall bear interest, based on a 360-day year of twelve 30-day months, payable at maturity, at such rate per annum as shall be determined by the City Auditor and certified to this Council, provided that such rate shall not exceed five per centum (5.00%) per annum. The Notes shall be, and hereby are, awarded and sold to Fifth Third Securities, Inc., Columbus, Ohio (the "Original Purchaser") at the par value thereof, and the City Auditor of this Council is hereby authorized and directed to deliver the Notes, when executed, to said purchaser upon payment of the purchase price and accrued interest, if any, to the date of delivery.

The proceeds of such sale, except any accrued interest or premium thereon, shall be deposited in the Treasury of the City and used for the purpose aforesaid and for no other purpose. Any accrued interest or premium on the Notes shall be transferred to the Bond Retirement Fund to be applied to the payment of the principal and interest on the Notes, and other outstanding obligations of the City, in the manner provided by law.

Section 10. The Notes shall be executed by the City Auditor and the Mayor, provided that either or both of such signatures may be a facsimile. The Notes shall be designated "City of Massillon, Ohio Lincoln Center Phase III Land Acquisition Notes, Series 2006," or as otherwise designated by the City Auditor, and shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this ordinance. No Note shall be valid or become obligatory for any purpose of shall be entitled to any security or benefit under this ordinance unless and until a certificate of authentication, as printed on the Note, is signed by the Note Registrar (as defined in this ordinance) as authenticating agent. Authentication by the Note Registrar shall be conclusive evidence that the Note so authenticated has been duly issued and delivered under this ordinance and is entitled to the security and benefit of this ordinance. The certificate of authentication may be signed by any officer or officers of the Note Registrar or by such other person acting as an agent of the Note Registrar as shall be approved by the City Auditor on behalf of the City. It shall not be necessary that the same authorized person sign the certificate of authentication on all of the Notes.

Section 11. The City hereby covenants, pursuant to Section 133.05(B)(7), Ohio Revised Code, to appropriate annually from lawfully available municipal income taxes, and to continue to levy and collect municipal income taxes adequate to produce, amounts necessary to meet the debt charges of the Notes and the Bonds in each year until full payment is made.

Section 12. The Auditor is hereby authorized and directed to serve as authenticating agent, note registrar, transfer agent, and paying agent for the Notes or to execute on behalf of the Council a Note Registrar Agreement with such bank or other appropriate financial institution as shall be acceptable to the Auditor and the Original Purchaser (as defined hereinbelow), pursuant to which such bank or financial institution shall agree to serve as authenticating agent, Note registrar, transfer agent, and paying agent (collectively, the "Note Registrar") for the Notes. So long as any of the Notes remain outstanding, the City will cause to be maintained and kept by the Note Registrar, at the office of the Note Registrar, all books and records necessary for the registration, exchange and transfer of Notes as provided in this section (the "Note Register"). The person in whose name any Note shall be registered on the Note Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and interest on any Note shall be made only to or upon the order of that person. Neither the City nor the Note Registrar shall be affected by any notice to the contrary, but the registration may be changed as herein provided. All payments shall be valid and effectual to satisfy and discharge the liability upon the Notes, including the interest thereon, to the extent of the amount or amounts so paid.

Any Note, upon presentation and surrender at the office of the Note Registrar, together with a request for exchange signed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Note Registrar, may be exchanged for Notes of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Notes surrendered, and bearing interest at the same rate and maturing on the same date.

A Note may be transferred only on the Note Register upon presentation and surrender thereof at the office of the Note Registrar, together with an assignment executed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Note Registrar. Upon that transfer, the Note Registrar shall complete, authenticate and deliver a new Note or Notes of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Notes surrendered, and bearing interest at the same rate and maturing on the same date.

In all cases in which Notes are exchanged or transferred hereunder, the City shall cause to be executed and the Note Registrar shall authenticate and deliver Notes in accordance with the provisions of the Note Ordinance. The exchange or transfer shall be without charge to the owner; except that the City and Note Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Note Registrar may require that those charges, if any, be paid before it begins the procedure for the exchange or transfer of the Notes. All Notes issued upon any transfer or exchange shall be the valid obligations of the City, evidencing the same debt, and entitled to the same benefits under the Note Ordinance, as the Notes surrendered upon that transfer or exchange.

Section 13. For purposes of the Note Ordinance, the following terms shall have the following meanings:

"Book entry form" or "book entry system" means a form or system under which (i) the beneficial right to payment of principal of and interest on the Notes may be transferred only through a book entry and (ii) physical Notes in fully registered form are issued only to a depository or its nominee as registered owner, with the Notes "immobilized" to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Notes.



"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, together with its participants, a book entry system to record beneficial ownership of Notes and to effect transfers of Notes, in book entry form.

The Notes will be initially issued to a Depository for use in a book entry system, and the provisions of this section shall apply, notwithstanding any other provision of the Note Ordinance; (i) there shall be a single Note of each maturity, (ii) those Notes shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners in book entry form shall have no right to receive Notes in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Notes in book entry form shall be shown by book entry on the system maintained and operated by the Depository, and transfers of the ownership of beneficial interests shall be made only by the Depository and by book entry; and (v) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City. Note service charges on Notes in book entry form registered in the name of a Depository or its nominee shall be payable in same day funds delivered to the Depository or its authorized representative upon presentation and surrender of Notes as provided in the Note Ordinance.

The Note Registrar may, with the approval of the City, enter into an agreement with the beneficial owner or registered owner of any Note in the custody of a Depository providing for making all payments to that owner of principal and interest on that Note or any portion thereof (other than any payment of the entire unpaid principal amount thereof) at a place and in a manner (including wire transfer of federal funds) other than as provided in the Note Ordinance, without prior presentation or surrender of the Note; upon any conditions which shall be satisfactory to the Note Registrar and to the City. That payment in any event shall be made to the person who is the registered owner of that Note on the date that principal is due, or, with respect to the payment of interest, as of the applicable date agreed upon as the case may be. The Note Registrar will furnish a copy of each of those agreements, certified to be correct by the Note Registrar, to other paying agents for Notes and to the City. Any payment of principal or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, the Note Ordinance.

The Clerk of the City is authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the City, if requested, a letter agreement among the City, the Note Registrar and The Depository Trust Company, to be delivered in connection with the issuance of the Notes to the Depository for use in a book entry system in substantially the form submitted to the City.

If any Depository determines not to continue to act as a depository for the Notes for use in a book entry system, the City and the Note Registrar may attempt to have established a securities depository/book entry relationship with another qualified Depository under the Note Ordinance. If the City and the Note Registrar do not or are unable to do so, the City and the Note Registrar, after the Note Registrar has made provision for notification of the beneficial owners by the then Depository, shall permit withdrawal of the Notes from the Depository and authenticate and deliver bond certificates in fully registered form to the assigns of the Depository or its nominee, all at the cost and expense (including costs of printing definitive Notes), if the event is not the result of action or inaction by the City or the Note Registrar, of those persons requesting such issuance.

Section 14. The City hereby covenants that it will comply with the requirements of all existing and future laws which must be satisfied in order that interest on the Notes is and will continue to be excluded from gross income for federal income tax purposes, including without limitation restrictions on the use of the property financed with the proceeds of the Notes so that the Notes will not constitute "private

activity bonds" within the meaning of Section 141 of the Internal Revenue Code of 1986, as amended (the "Code"). The City further covenants that it will restrict the use of the proceeds of the Notes in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder or under the Internal Revenue Code of 1954, as amended (the "Regulations").

The City Auditor, or any other officer of the City, including the Mayor, is hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the City with respect to the Notes as permitted or required to be made or given under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or the status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing any rebate amount or any payment of penalties, or making any payments of special amounts in lieu of making computations to determine, or paying, any excess earnings as rebate, or obviating those amounts or payments, as determined by the City Auditor, which action shall be in writing and signed by the City Auditor, or any other officer of the City, including the Mayor, on behalf of the City; (b) to take any and all actions, make or obtain calculations, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes; and (c) to give an appropriate certificate on behalf of the City, for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances, and reasonable expectations of the City pertaining to Section 148 and the Regulations, and the representations, warranties and covenants of the City regarding compliance by the City with sections 141 through 150 of the Code and the Regulations.

The City Auditor shall keep and maintain adequate records pertaining to investment of all proceeds of the Notes sufficient to permit, to the maximum extent possible and presently foreseeable, the City to comply with any federal law or regulation now or hereafter having applicability to the Notes which limits the amount of Note proceeds which may be invested on an unrestricted yield or requires the City to rebate arbitrage profits to the United States Department of the Treasury. The City Auditor of the City is hereby authorized and directed to file such reports with, and rebate arbitrage profits to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Notes requires any such reports or rebates.

The Notes are hereby designated by the City to be "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Code. The City Auditor or any other officer, including the City Manager, having responsibility with respect to the issuance of the Notes is authorized and directed to give an appropriate certificate on behalf of the City, for inclusion in the transcript of proceedings, setting forth the representations, warranties and covenants of the City designed to assure that the Notes will remain "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the Code.

Section 15. The officer having charge of the minutes of the Council and any other officers of the Council, or any of them individually, are hereby authorized and directed to prepare and certify a true transcript of proceedings pertaining to the Notes and to furnish a copy of such transcript to the Original Purchaser. Such transcript shall include certified copies of all proceedings and records of the Council relating to the power and authority of the City to issue the Notes and certificates as to matters within their knowledge or as shown by the books and records under their custody and control, including but not limited to a general certificate of the City Auditor and a no-litigation certificate of the Mayor and the City Auditor, and such certified copies and certificates shall be deemed representations of the City as to the facts stated therein.



Section 16. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted 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 Section 121.22 of the Ohio Revised Code.

Section 17. It is hereby determined that all acts, conditions and things necessary to be done precedent to, and in the issuing of the Notes in order to make them legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; that the full faith, credit and revenue of the City are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Notes.

Section 18. The Clerk is hereby directed to forward a certified copy of this ordinance to the Auditor of Stark County, Ohio.

Section 19. This ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety of the City and its inhabitants for the reason that notes heretofore issued are about to mature and it is necessary to make immediate provision for their repayment in order to preserve the credit of the City; wherefore this ordinance shall take effect and be in force from and immediately after its adoption.

Adopted in Council on November 6, 2006.

Effective on November 6, 2006.

Attest:

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
President of Council

Approved:

\_\_\_\_\_  
Mayor

CERTIFICATE

The undersigned Clerk hereby certifies that the foregoing is a true copy of Ordinance No. \_\_\_\_ - 2006 duly adopted by the Council of the City of Massillon, Ohio on November 6, 2006, and that a true copy thereof was certified to the County Auditor of Stark County, Ohio, on \_\_\_\_\_, 2006.

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Clerk  
City of Massillon, Ohio

RECEIPT OF COUNTY AUDITOR FOR  
LEGISLATION PROVIDING  
FOR THE ISSUANCE OF  
GENERAL OBLIGATION NOTES

I, Kim R. Perez, the duly elected, qualified, and acting County Auditor in and for Stark County, Ohio hereby certify that a certified copy of Ordinance No. \_\_\_\_ - 2006 duly adopted by the City Council of the City of Massillon, Ohio on November 6, 2006, providing for the issuance of general obligation notes designated City of Massillon, Ohio Lincoln Center Phase III Land Acquisition Notes, Series 2006 in the aggregate amount of not to exceed \$2,993,000 was filed in this office on \_\_\_\_\_, 2006.

WITNESS my hand and official seal at Canton, Ohio on \_\_\_\_\_, 2006.

[SEAL]

\_\_\_\_\_  
County Auditor  
Stark County, Ohio

DATE: NOVEMBER 6, 2006

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*Passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 164 - 2006

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE amending Ordinance No. 143 - 1976 by repealing Section 13 - "ALLOCATION OF FUNDS - INCOME TAX" and enacting a new Section 13 "ALLOCATION OF FUNDS - INCOME TAX" and repealing Ordinance No. 109 - 2005, and declaring an emergency.

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

Section 1:

Ordinance No. 109 - 2005 be and is hereby repealed.

Section 2:

That there be and hereby is enacted a new Section 13 "ALLOCATION OF FUNDS - INCOME TAX" of Ordinance No. 143 - 1976. Said new Section 13 shall read as follows:

Section 13 - ALLOCATION OF FUNDS

(A) Effective October 1, 2006 the funds collected under the provision of this ordinance shall be disbursed as follows:

- (1) One Hundred (100) percent shall be deposited in the General Fund and Zero (0) percent shall be deposited in said "Income Tax Capital Improvements" Fund and shall be used for capital improvements to defray operating expenses of the City including such part thereof as shall be necessary to defray all costs of administering and enforcing the provisions thereof.
- (2) Capital Improvements are all property, assets, machinery, equipment or improvements which the City is authorized by law to acquire, construct and maintain, including plans and studies thereof with an estimated life or usefulness of five (5) years or more, including land and interests therein, and including reconstructions, enlargements and extension thereof having an estimated life or usefulness of five (5) years or more provided, however, that the purchase of motorized equipment for the various city departments and the resurfacing and resealing of public streets, including "Chip and Seal" method, shall be deemed Capital Improvement without regard to estimated life or usefulness.

Section 3:

This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, welfare and safety and the emergency being the necessity of providing funds for the operation of necessary governmental functions imposed by law, including the proper police and fire protection, but not limited thereto, for, without said funds, said governmental functions would have to be curtailed to such an extent that the public safety and welfare would be greatly jeopardized. And 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 \_\_\_\_\_, 2006

ATTEST:

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

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

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

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

DATE: NOVEMBER 6, 2006

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 165 - 2006

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE repealing Ordinance No. 111 - 2005, and declaring an emergency.

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

Section 1:

Ordinance No. 111 - 2005 be and is hereby repealed.

Section 2:

This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the community, and for the additional reason that these funds are necessary to meet expenses that will be incurred through the end of the year 2006.

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 \_\_\_\_\_ 2006

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

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

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

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

DATE: NOVEMBER 6, 2006

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*Passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 166 - 2006

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Auditor of the City of Massillon, Ohio, commencing January 1, 2007, to deposit revenue from the Inheritance Tax to the Capital Improvement Fund in a special account, and declaring an emergency.

Section 1:

It is hereby determined that it is necessary for the Auditor of the City of Massillon, Ohio, commencing January 1, 2007, to deposit the revenue from the Inheritance Tax to the Capital Improvement Fund to be held in a special account these funds will not be included in the Capital Improvement Budget. These funds are presently being deposited into the General Fund and becoming part of the operating budget.

Section 2:

That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the community, and for the further reason that said funds are necessary to put into a special account for the Capital Improvement Fund. 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 \_\_\_\_\_ 2006

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

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

AGENDA

*Townsend absent*

DATE: MONDAY, NOVEMBER 20, 2006

PLACE: COUNCIL CHAMBERS

TIME: 7:30 P.M.

THERE ARE NO PUBLIC HEARINGS TONIGHT

1. ROLL CALL
2. INVOCATION BY COUNCILMAN TIM BRYAN
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. 167 – 2006

BY: ENVIRONMENTAL COMMITTEE

*Passed*  
*4/1*  
*(Peters excused)*  
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to accept the dedication of a sanitary sewer easement for an existing sewer on the property for Cherry Springs Allotment, and declaring an emergency.

ORDINANCE NO. 168 – 2006

BY: POLICE AND FIRE COMMITTEE

*1st. reading*  
AN ORDINANCE enacting a new CHAPTER 355 "AMBULANCE COMPANIES", of the Codified Ordinances of the City of Massillon, and declaring an emergency.

ORDINANCE NO. 169 – 2006

BY: POLICE AND FIRE COMMITTEE

*1st. reading*  
AN ORDINANCE amending CHAPTER 761 "TOWING COMPANIES" of the Codified Ordinances of the City of Massillon, by repealing existing SubSection 761.01(d) "IMPOUNDING LOTS AND MAIN TOWING CO. AND DISPATCH FACILITY" and enacting a new SubSection 761.01(d) "IMPOUNDING LOTS AND MAIN TOWING CO. AND DISPATCH FACILITY" and declaring an emergency.

ORDINANCE NO. 170 – 2006

BY: FINANCE COMMITTEE

*Passed*  
*8/0*  
AN ORDINANCE making certain appropriations from the unappropriated balance of the General Fund, Street Fund 1201 and the Massillon Museum Fund, for the year ending December 31, 2006, and declaring an emergency.

RESOLUTION NO. 22 – 2006

BY: COMMITTEE OF THE WHOLE

*Passed*  
*8/0*  
WHEREAS, Ms. Brenda M. Robinson in her many years as an educator, a community supporter, a role model and most importantly a friend and inspiration to young people, has left a lasting and indelible mark on the world. And

7. UNFINISHED BUSINESS



**8. PETITIONS AND GENERAL COMMUNICATIONS**

LETTER FROM OHIO DIVISION OF LIQUOR CONTROL REGARDING A TRANSFER OF LIQUOR LICENSE FROM BELLS STORES INC DBA FIRST STREET CITGO 1310 FIRST ST NE MASSILLON OHIO 44646 TO BELL STORES INC DBA BELL STORES 34 108 LAKE AVE NE MASSILLON OHIO 44646

**9. BILLS, ACCOUNTS AND CLAIMS**

**10. REPORTS FROM CITY OFFICIALS**

- A). POLICE CHIEF SUBMITS MONTHLY REPORT FOR OCTOBER 2006
- B). TREASURER SUBMITS MONTHLY REPORT FOR OCTOBER 2006
- C). FIRE CHIEF SUBMITS MONTHLY REPORT FOR OCTOBER 2006.
- D). INCOME TAX DEPARTMENT SUBMITS MONTHLY REPORT FOR OCTOBER 2006
- E). WASTE DEPARTMENT SUBMITS MONTHLY REPORT FOR OCTOBER 2006
- F). MAYOR SUBMITS MONTHLY REPORT FOR OCTOBER 2006

**11. REPORTS OF COMMITTEES**

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

**13. CALL OF THE CALENDAR**

**14. THIRD READING ORDINANCES AND RESOLUTIONS**

**15. SECOND READING ORDINANCES AND RESOLUTIONS**

**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: NOVEMBER 20, 2006

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*Passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 167 - 2006

BY: ENVIRONMENTAL COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to accept the dedication of a sanitary sewer easement for an existing sewer on the property for Cherry Springs Allotment, 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 accept the dedication of a sanitary sewer easement for an existing sewer on the property for Cherry Springs Allotment.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized to accept the dedication of a sanitary sewer easement for an existing sewer on the property for Cherry Springs Allotment.

Being known as Out Lot 697, located on the east side of 17<sup>th</sup> Street NW, south of Cherry Road NW. The request is to dedicate a sanitary sewer easement for an existing sewer on this property. Said sewer is to serve the future development on the property to the east Cherry Springs Allotment. The property is zoned I-1 Light Industrial and RM-1 Multi family residential. The applicant is Ben Grisez/FiberCorr Mills Inc.

Section 3:

That this Ordinance is hereby declared to be an emergency measure for the reason that this sanitary sewer easement must be dedicated to enable timely completion of the development. 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 \_\_\_\_\_ 2006

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

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

Easement Plat - Cherry Road NW

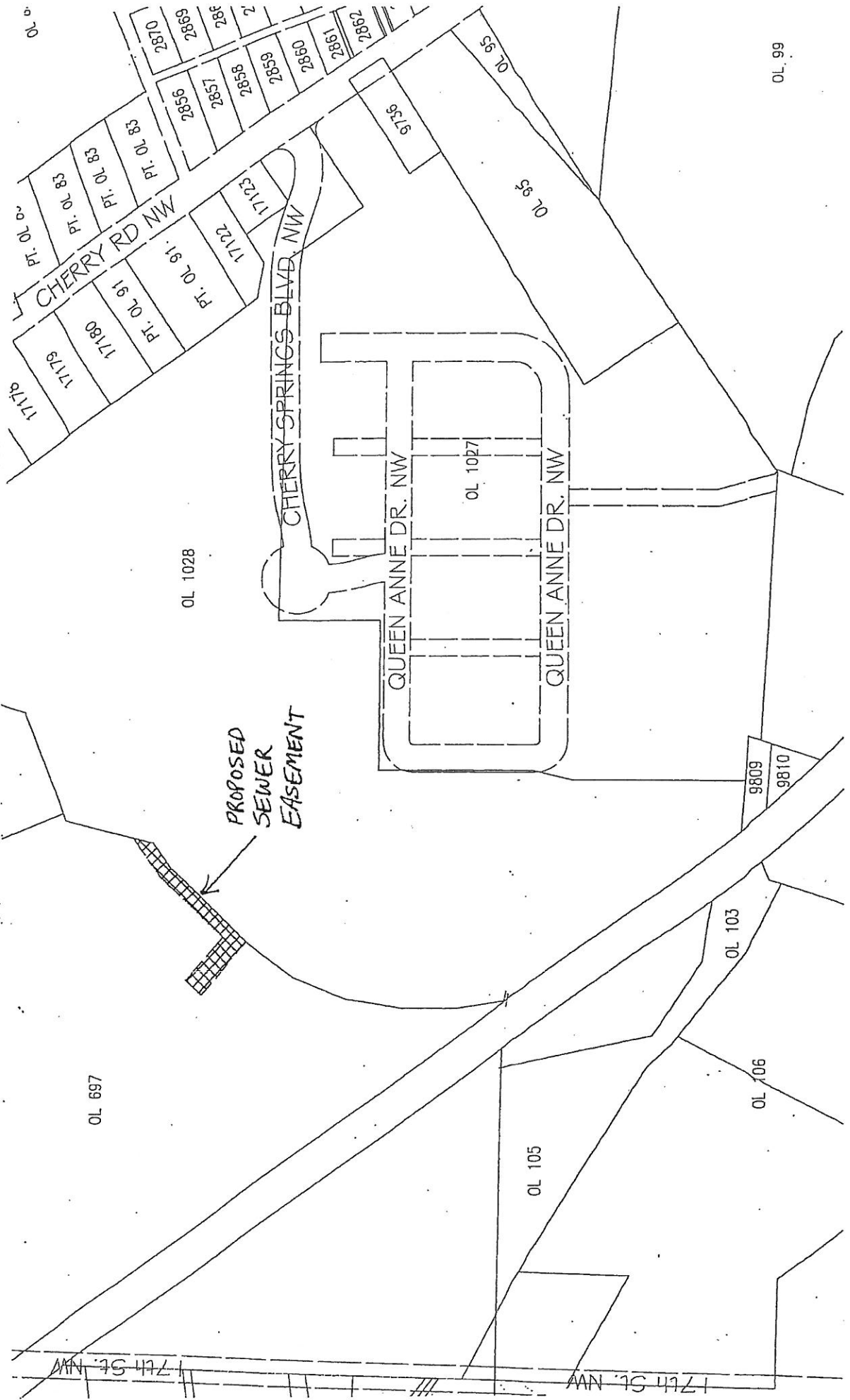
*Location and Description:* Out Lot 697, located on the east side of 17th Street NW, south of Cherry

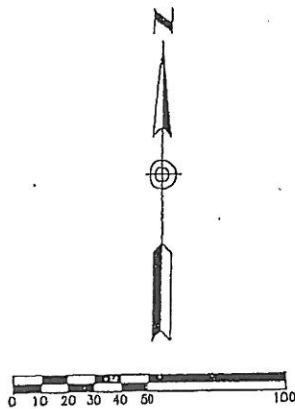
Road NW: The request is to dedicate a sanitary sewer easement for an existing sewer on this property. Said sewer is to serve the future development on the property to the East. (Cherry Springs)

An easement plat for that property will be submitted in the future. The property is zoned I-1 Light

Industrial and RM-1 Multi-family residential.

**Applicant:** Ben Grisez / FiberCorr Mills Inc.





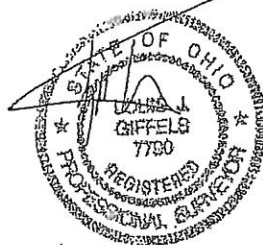
SCALE: 1" = 50'

SITUATED IN THE CITY OF MASSILLON  
COUNTY OF STARK  
STATE OF OHIO  
AND KNOWN AS BEING PART OF  
O.L. 697 AND PART OF O.L. 91  
OF SAID CITY OF MASSILLON

EX. SANITARY MANHOLE

O.L. 697  
P.B. 61, PG. 125

FIBERCORR MILLS, LLC  
INST. #200002230009956



PT. O.L. 91  
FIBERCORR, INC.  
INST. # 199511170055466

PT. O.L. 91  
ROBERT J. &  
SUE A. PRINCEHORN  
O.R. 8551, PG. 855

NE COR O.L. 697

REMOTE PLACE  
OF BEGINNING

S 18°36'14" E 369.70'  
(USED & PLAT & USED)

S 07°25'49" W 225.80'  
(PLAT & USED)

O.L. 91  
JOHN K. &  
RALPH E. BOGER  
O.R. 884, PG. 859

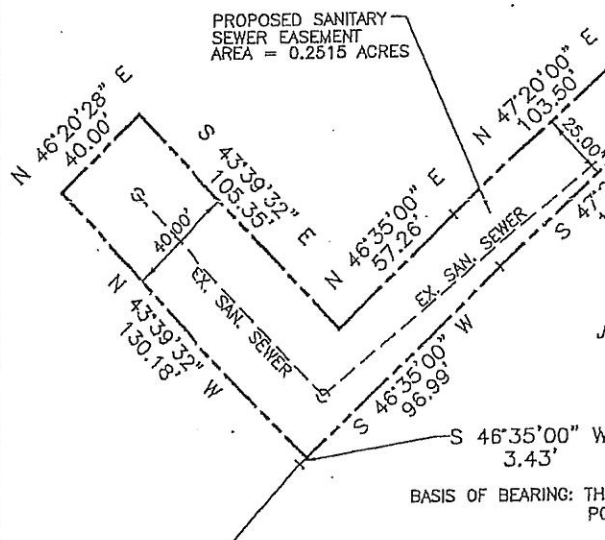
TRUE PLACE  
OF BEGINNING

S 18°22'43" W 34.43'  
EX. SAN. SEWER

S 18°24'00" E 2.79'

O.L. 93  
JOHN K. &  
RALPH E. BOGER  
O.R. 884, PG. 859

PT. O.L. 91  
JOHN K. & RALPH E. BOGER  
O.R. 884, PG. 859



BASIS OF BEARING: THE PLAT OF O.L. 697 AS RECORDED IN P.B. 61,  
PG. 125 OF THE STARK COUNTY RECORDS.

SANITARY SEWER EASEMENT  
FROM  
FIBERCORR MILLS, LLC & FIBERCORR, INC.  
TO  
BEN GRIEZ

PREPARED BY:  
**GBC** DESIGN, INC.  
3578 W. Market St. Akron, OH 44333-3986  
Phone 330-856-0228 Fax 330-856-6782

DATE: 1/25/05  
PROJECT No. 36052A

DATE: NOVEMBER 20, 2006

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

ORDINANCE NO. 168 - 2006

*1st reading*  
LEGISLATIVE DEPARTMENT

*2nd reading 12/5*  
*passed 12/18*

BY: POLICE AND FIRE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to adopt rules and regulations to govern all persons and entities which provide transportation or treatment of emergency medical patients, and declaring an emergency.

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

Section 1:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized to adopt rules and regulations to govern and regulate all persons and entities which operate any ambulance in the City of Massillon, Ohio and/or provide transportation or treatment of emergency medical patients.

Section 2:

The rules and regulations to be adopted shall be in substantially in the form as those attached hereto as Exhibit "A" and to be modified from time to time as determined by the Director of Public Service and Safety.

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 the adoption of such rules and regulations shall ensure that city residents receive timely response and quality treatment and care from ambulance companies in the city. 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 \_\_\_\_\_, 2006

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

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

CHAPTER 000  
Ambulance Companies

- 000.01 Terminology and Definitions
  - 000.02 Description of Service
  - 000.03 Response Requirements
  - 000.04 Response Time Requirements
  - 000.05 Organizational and management
  - 000.06 Personnel Requirements
  - 000.08 Applicable Laws
  - 000.09 Insurance Requirements
- 

**000.01 TERMINOLOGY AND DEFINITIONS**

- (a) Advanced Life Support (ALS) – advanced medical treatment performed by an EMT-P in accordance with local medical control protocols.
- (b) Basic Life Support (BLS) – medical treatment performed by an EMT-B or EMT-I in accordance with local medical control protocols.
- (c) Emergency Medical Technician Basic (EMT-B) – a person who holds a current certification to practice as an EMT-B under section 4765.30 of the Ohio Revised Code.
- (d) Emergency Medical Technician Intermediate (EMT-I) - a person who holds a current certification to practice as an EMT-I under section 4765.30 of the Ohio Revised Code.
- (e) Emergency Medical Technician Paramedic (EMT-P) - a person who holds a current certification to practice as an EMT-P under section 4765.30 of the Ohio Revised Code.
- (f) Ambulance – any motor vehicle that is designed to be used for the purpose of responding to emergency medical situations, transporting emergency patients, and/or administering emergency medical care to patients before, during, or after transportation from the scene of an emergency incident.
- (g) Ambulance Company or Service – any non-public organization whose primary purpose is to provide transportation and/or treatment of emergency medical patients.
- (h) City- as referred to in this ordinance city shall be the City of Massillon, Ohio.



(i) Code 1 – a patient that has been determined by on scene evaluation as to not needing an ambulance transport. Whereas the patient's condition is that they can safely be moved by private automobile.

(k) Code 2 – a response by an emergency vehicle to an emergency scene and/or transport of an emergency medical patient that is not urgent enough to constitute the use of emergency lights and siren, either to or from the scene.

(l) Code 3 – a response by an emergency vehicle to an emergency scene and/or transport of an emergency medical patient that is considered urgent enough to warrant the use of emergency lights and siren, either to or from the scene.

(m) R.E.D. Center – Regional Emergency Dispatch Center, dispatch agency that dispatches for the Massillon Fire Department.

(n) Emergency Medical Patient – any individual that is injured, ill, or incapacitated to the point of needing assistance by an EMT-B, EMT-I, and/or an EMT-P and transportation to an established medical facility for subsequent treatment.

(o) Paramedic Transport Assist – any transport situation in which it is determined by the in-charge Massillon Fire Department paramedic or by the request of the ambulance personnel to have an additional Massillon Fire Department personnel ride in the patient compartment of the ambulance to the receiving medical facility. This is normally due, but not limited to, the patient's condition being severe enough, as may need additional ALS treatment during transit.

#### **000.02 DESCRIPTION OF SERVICE**

The City of Massillon Fire Department EMS system consists of 2 tiers of response.

(1) The first response is from the Massillon Fire Department whose responsibility includes but is not limited to as the first responder to all emergency medical assistance calls within the City as well as mutual aid calls to surrounding communities.

(2) The second response is from a private ambulance company to provide patient transport to a medical facility as determined to be necessary by the in-charge Massillon Fire Department paramedic. The private ambulance company shall be notified to respond to the incident by the Massillon Fire Department and/or R.E.D. Center.

(a) Ambulance companies shall provide transportation for all patients referred by the Massillon Fire Department, inclusive of all basic life support and advanced life support transports as determined by the Massillon Fire Department. Ambulance companies shall not refuse service to any patients needing transportation to any medical facility because of any discriminating factor including but not limited to financial status.

(b) Ambulance company personnel shall operate under the Massillon Fire Department's Incident Management System.

(c) Any disputes or discrepancies in patient care shall be addressed at the appropriate administrative level after the incident.

#### **000.03 RESPONSE REQUIREMENTS**

(a) All ambulances responding within the City shall be equipped as full ALS capable units.

(b) All ambulances responding within the City shall be staffed with at least two (2) personnel, one (1) EMT-P and one (1) EMT-B as a minimum.

(c) All responses in this system shall adhere to A & B above regardless of being Code 2 or Code 3.

(d) All ambulances responding shall respond Code 2 to the incident unless otherwise notified by the Massillon Fire Department or R.E.D. Center to upgrade their response to Code 3.

(e) All ambulances responding to an incident as the first responder, due to the Massillon Fire Department not having any units available to respond shall respond Code 3 unless notified by the Fire Department or R.E.D. Center. An EMS run report shall be given to the Fire Department on all of these patients.

#### **000.04 RESPONSE TIME REQUIREMENTS**

(a) On all responses ambulance personnel shall show due regard to all traffic laws and the safety of all personnel and the patient as well as the general public.

(b) All Code 2 responses shall be 10 minutes or less.

(c) All Code 3 responses shall be 6 minutes or less.

(d) The City understands that due to periods of inclement weather or other hazardous road conditions that response times may be slightly longer. Due to the safety of all personnel involved such occasions shall be noted as excused exceptions by the City.

#### **000.05 ORGANIZATIONAL AND MANAGEMENT**

(a) The organizational structure of the ambulance company shall provide for the identification of the principal administrative officer and/or Manager responsible for day to day operations of the company.

(b) Contact information shall be provided that includes telephone, cell phone and pager numbers as well as business address for a primary and secondary person.

(c) The ambulance company shall have the following in place and available for review on request by the City.

1. Written dispatch procedures must be maintained.
2. A computer aided dispatch system which electronically time stamps appropriate time records, such as (time call is received, time dispatched, time on scene, time to hospital, and time arriving at hospital).
3. Have an emergency reserve power system for the dispatch center in the event of a power outage.
4. All phone and radio conversations shall be recorded and retained for a minimum of one year and able to be reviewed by the City.
5. A written agreement with a physician that serves as medical director for the ambulance company and its employees.
6. Shall have written medical protocols that are in accordance with current medical standards.
7. Records documenting each request for service inclusive of calls canceled and non-transport.
8. An EMS field report shall be generated for each patient that is treated and/or transported.
9. All dates and times shall be reported that said company is out of service or otherwise not able to provide service to the City.
10. Documentation shall be kept on all vehicle and equipment maintenance including scheduled and emergency repairs.
11. Shall have policies addressing safety and accident reduction including accident investigations and the outcome of such occurrences.

#### **000.06 PERSONNEL REQUIREMENTS**

The following requirements shall be adhered to by all ambulance company personnel operating within the City:

- (a) All employees shall maintain current State of Ohio EMS certifications and minimum required continuing education.
- (b) All employees shall maintain a current State of Ohio driver's license and maintain an acceptable driving record.

(c) All employees shall have received a formal and documented orientation to familiarize them with the operations of the company and the Massillon Fire Department EMS system.

(d) All employees shall have received a formal and documented emergency vehicle operator course prior to operating within the City.

(f) All employees shall maintain an appropriate physical appearance as well as a professional attitude while working in this system.

(g) All employees shall adhere to the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

#### **000.07 COMPENSATION**

(a) All services under this ordinance shall be at no cost to the City of Massillon.

(b) The City may impose a \$100.00 fine upon the ambulance company for response times that exceed the requirements of this ordinance for tenth violation and each time thereafter in each calendar month.

(c) The City shall assess a \$250.00 fine on each occasion an ambulance does not meet the requirements for equipment and/or personnel of this ordinance.

(d) The City shall in no way be responsible for discrepancies in ambulance company billing practices or any suit that may arise out of the performance of the ambulance company's duties.

(e) The City shall not be responsible for any other charges or fees from the ambulance company due to any errors in dispatching or calls for service that may end without transport.

#### **000.08 APPLICABLE LAWS**

Ambulance companies shall abide by all Federal, State, and local laws, statutes, ordinances, and rules and regulations applicable including all State of Ohio Workers Compensation, Equal Employment Opportunity and ADA laws.

#### **000.09 INSURANCE REQUIREMENTS**

Ambulance companies shall take and maintain, at their own expense, general liability and automotive liability insurance as shall protect itself, their agents, employees, representatives, and subconsultants from claims for damages for bodily injury, including wrongful death, as well as claims for property damage which may occur under this contact. The amounts of insurance shall be no less than the following and shall provide copies of all such related policies to the City prior to performing any services.

(a) Combined single limit – general liability insurance in the amount not less than \$3,000,000.

(b) Combined single limit automotive liability in an amount not less than \$3,000,000.

(c) Professional liability insurance coverage in the amount not less than \$1,000,000.



DATE: NOVEMBER 20, 2006

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

ORDINANCE NO. 169 – 2006

1<sup>st</sup> Reading  
LEGISLATIVE DEPARTMENT  
2<sup>nd</sup> Reading 12/5  
Tabled 3/5/07  
passed 3/5/07

BY: POLICE AND FIRE COMMITTEE

TITLE: AN ORDINANCE amending CHAPTER 761 "TOWING COMPANIES" of the Codified Ordinances of the City of Massillon, by repealing existing SubSection 761.01(d) "IMPOUNDING LOTS AND MAIN TOWING CO. AND DISPATCH FACILITY" and enacting a new SubSection 761.01(d) "IMPOUNDING LOTS AND MAIN TOWING CO. AND DISPATCH FACILITY", and declaring an emergency.

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

Section 1:

The existing SubSection 761.01(d) "IMPOUNDING LOTS AND MAIN TOWING CO. AND DISPATCH FACILITY" of CHAPTER 761 "TOWING COMPANIES" of the Codified Ordinances of the City of Massillon be and hereby is repealed.

Section 2:

That there be and hereby is enacted a new SubSection 761.01(d) "IMPOUNDING LOTS AND MAIN TOWING CO. AND DISPATCH FACILITY" of CHAPTER 761 "TOWING COMPANIES" of the Codified Ordinances of the City of Massillon be and hereby is enacted and shall read as follows:

761.01 IMPOUNDING LOTS AND MAIN TOWING CO. AND DISPATCH FACILITY.

(d) A fifteen minute E.T.A. (Estimated Time of Arrival) from 7:00 a.m. to 10:00 p.m. and a twenty minute E.T.A. from 10:01 p.m. to 6:59 a.m. If for any reason a towing company cannot comply with the required E.T.A. for a specific call it shall inform dispatch at the time the call is received and dispatch will reroute the call to the next towing company in the rotation.

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 of the towing company arriving to the scene more efficiently so that the city's safety services are able to respond to other calls. 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 \_\_\_\_\_, 2006

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

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

DATE: NOVEMBER 20, 2006

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 170 - 2006

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the General Fund, Street Fund 1201 and the Massillon Museum Fund, for the year ending December 31, 2006, 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, 2006, the following:

\$350,000.00 to an account entitled "Fire Salary" 1100.325.2110  
\$160,000.00 to an account entitled "Police Salary" 1100.305.2110  
\$ 70,065.00 to an account entitled "AFG Grant Supplies" 1100.325.2412  
\$ 64,000.00 to an account entitled "Police Overtime" 1100.305.2119  
\$ 45,000.00 to an account entitled "Police Comp" 1100.305.2118  
\$ 12,000.00 to an account entitled "Fire Comp" 1100.325.2118  
\$ 9,225.00 to an account entitled "Fire Central Dispatch Service" 1100.325.2375  
\$ 5,000.00 to an account entitled "Fire Overtime" 1100.325.2119  
\$ 4,000.00 to an account entitled "Police Clerks Salary" 1100.305.2111

Section 2:

There be and hereby is appropriated from the unappropriated balance of the Street Fund 1201 for the year ending December 31, 2006, the following:

\$58,000.00 to an account entitled "2006 Veterans Blvd., Augusta Dr., Cyprus Dr., Street Improvements" 1201.435.2510

Section 3:

There be and hereby is appropriated from the unappropriated balance of the Massillon Museum Fund for the year ending December 31, 2006, the following:

\$7,619.98 to an account entitled "Massillon Museum Holding Account" 3110.905.2379



Section 4:

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 \_\_\_\_\_ 2006

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

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

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

DATE: NOVEMBER 20, 2006

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*Passed*  
LEGISLATIVE DEPARTMENT

RESOLUTION NO. 22 - 2006

BY: COMMITTEE OF THE WHOLE

Whereas, Mrs. Brenda M. Robinson in her many years as an educator, a community supporter, a role model and most importantly a friend and inspiration to young people, has left a lasting and indelible mark on the world. And

Whereas, in her service as a biology teacher at Washington High School she helped and encouraged many young people to pursue careers in science and medicine and went above and beyond in her support and attention to her students. And

Whereas, as founder and leader of the S.U.C.C.E.S.S. Club, she created a support group for African-American students which stressed self improvement and positive attitudes and goals. And

Whereas, her support for her church her community and her students did not prevent her from successfully fulfilling the role of caring mother and wife. And

Whereas, for all who came to call her "Ms. Rob" their lives were richer and in many cases changed forever. And

Whereas, the Massillon Board of Education in their wisdom and appropriate respect is honoring Mrs. Brenda Robinson this night by naming the Washington High School science area the "Brenda M. Robinson Memorial Science Wing."

Therefore be it is resolved, by Massillon City Council in its regular session sitting, to declare this night Mrs. Brenda M. Robinson night in Massillon, Ohio and send its expressions of utmost respect to join with those honoring her at this time.

PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2006

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

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

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

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