

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

AGENDA

DATE: MONDAY, NOVEMBER 17, 2008  
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

ORDINANCE NO. 135 – 2008      BY: COMMUNITY DEVELOPMENT COMMITTEE

*PASS 9-0*

AN ORDINANCE repealing Ordinance No. 90 – 2000, and rescinding the Enterprise Zone Agreement with Controlled Power, LLC, and declaring an emergency.

ORDINANCE NO. 136 – 2008      BY: COMMUNITY DEVELOPMENT COMMITTEE

*1ST READING*

AN ORDINANCE authorizing and directing the Mayor of the City of Massillon, Ohio, to petition the Director of the Ohio Department of Development to amend the boundaries of the City of Massillon's Enterprise Zone, and declaring an emergency.

ORDINANCE NO. 137 – 2008      BY: COMMUNITY DEVELOPMENT COMMITTEE

*PASS 9-0*

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into certain amendments to various Enterprise Zone Agreements previously executed between the City of Massillon, Ohio, and various employers and property owners with regards to the enterprise zones, and declaring an emergency.

ORDINANCE NO. 138 – 2008      BY: COMMITTEE OF THE WHOLE

*PASS 9-0*

AN ORDINANCE establishing the City's Administrative policies of City Owned Assets, City Owned Vehicles and Equipment, City Credit Cards and Purchasing Cards, and City Cellular Telephones, and declaring an emergency.

ORDINANCE NO. 139 – 2008      BY: ENVIRONMENTAL COMMITTEE

*1ST READING*

AN ORDINANCE authorizing and directing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a Settlement & Mutual Release Agreement with CTI Environmental for the City of Massillon Regional Wastewater Treatment Facility, and declaring an emergency.

**ORDINANCE NO. 140 - 2008**

**BY: FINANCE COMMITTEE**

PASS 9-0

**AN ORDINANCE** making certain appropriations from the unappropriated balance of the General Fund, State Highway Fund, Solid Waste Fund, Street Fund, Museum Fund, 1206 Muni Motor Vehicle License Plate Fund and the Economic Development Fund, for the year ending December 31, 2008, and declaring an emergency.

**ORDINANCE NO. 141 - 2008**

**BY: FINANCE COMMITTEE**

PASS 9-0

**AN ORDINANCE** making certain transfers in the 2008 appropriations from within the General Fund, for the year ending December 31, 2008, of the City of Massillon, Ohio, and declaring an emergency.

**ORDINANCE NO. 142 - 2008**

**BY: FINANCE COMMITTEE**

PASS 9-0

**AN ORDINANCE** adopting the Community Development Department Procurement Policies as recommended by the State of Ohio Auditor's Office, and declaring an emergency.

**ORDINANCE NO. 143 - 2008**

**BY: FINANCE COMMITTEE**

1ST READING

**AN ORDINANCE** adopting the Procurement Policy for the City of Massillon as recommended by the State of Ohio Auditor's Office, and declaring an emergency.

**ORDINANCE NO. 144 - 2008**

**BY: FINANCE COMMITTEE**

PASS 9-0

**AN ORDINANCE** establishing the City's Administrative Travel Policy for the employee's reimbursements from the City of Massillon; and declaring an emergency.

**ORDINANCE NO. 145 - 2008**

**BY: FINANCE COMMITTEE**

PASS 9-0

**AN ORDINANCE** authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to prepare plans and specifications, advertise for and receive sealed bids and enter into a two year contract, upon award and approval of the Board of Control, with the lowest and best bidder for laboratory services at the Wastewater Treatment Plant in the City of Massillon, and declaring an emergency.

**ORDINANCE NO. 146 - 2008**

**BY: FINANCE COMMITTEE**

PASS 9-0

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

**7. UNFINISHED BUSINESS**

**8. PETITIONS AND GENERAL COMMUNICATIONS**

**9. BILLS, ACCOUNTS AND CLAIMS**

**10. REPORTS FROM CITY OFFICIALS**

- A). POLICE CHIEF SUBMITS MONTHLY REPORT FOR OCTOBER 2008
- B). TREASURER SUBMITS MONTHLY REPORT FOR OCTOBER 2008
- C). FIRE CHIEF SUBMITS MONTHLY REPORT FOR OCTOBER 2008
- D). INCOME TAX DEPARTMENT SUBMITS MONTHLY REPORT FOR OCTOBER 2008
- E). WASTE DEPARTMENT SUBMITS MONTHLY REPORT FOR OCTOBER 2008
- F). MAYOR SUBMITS MONTHLY REPORT FOR OCTOBER 2008
- G). COMMITTEE REASSIGNMENTS *McCUNE - POLICE AND FIRE*  
*MAIER - PUBLIC UTILITIES*

**11. REPORTS OF COMMITTEES**

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

**13. CALL OF THE CALENDAR**

**14. THIRD READING ORDINANCES AND RESOLUTIONS**

**RESOLUTION NO. 21 - 2008**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

*DEFEATED 8-1 MANG*

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

**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 17, 2008

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

*Passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 135 -2008

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE repealing Ordinance No. 90 - 2000, and rescinding the Enterprise Zone Agreement with Controlled Power, LLC. and declaring an emergency:

WHEREAS, in Ordinance No. 90 - 2000, Council authorized a tax abatement with Controlled Power LLC.; and

WHEREAS, pursuant to the passage of this ordinance, the City of Massillon entered into an Enterprise Zone Agreement; and

WHEREAS, the company has ceased operations and has relocated its business operations to North Canton; and

WHEREAS, in order for the Stark County Auditor and the State of Ohio to adjust the records, the tax abatement needs to be rescinded.

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

Section 1:

That Ordinance NO. 90 - 2000 be and is hereby repealed.

Section 2:

There the Enterprise Zone Agreement between the City of Massillon and Controlled Power, LLC. is hereby rescinded.

Section 3:

This Ordinance is declared to be an emergency measure immediately necessary for the preservation of the health, safety and welfare the community, and for the additional reason that the ordinance needs to be repealed and the Enterprise Zone Agreement needs to be rescinded so that the government entities may be rightfully adjusted. Provided it receives the affirmative vote of two-thirds of the elected members to Council it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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



DATE: NOVEMBER 17, 2008

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 136 - 2008

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE authorizing and directing the Mayor of the City of Massillon, Ohio, to petition the Director of the Ohio Department of Development to amend the boundaries of the City of Massillon's Enterprise Zone, and declaring an emergency.

WHEREAS, the Council of the City of Massillon, Ohio, (hereinafter "Council") by Ordinance No. 163 - 1994, adopted on July 18, 1994, has designated an area of the City as an "Enterprise Zone" pursuant to Chapter 5709 of the Ohio Revised Code, and

WHEREAS, effective September 12, 1994, the Director of Development of the State of Ohio has determined that the aforementioned area designated in said Ordinance No. 163 - 1994, contains the characteristics set forth in Section 5709.61A of the Ohio Revised Code, and has certified said area as an Enterprise Zone under chapter 5709, and

WHEREAS the City of Massillon, Ohio, proposes to amend the boundaries of its Urban Jobs and Enterprise Zone to include additional industrial and vacant land areas recently annexed to the City and located in the southern end of Massillon, including the Southwest Massillon Area Annexation and the Prophecy Massillon annexation and having a single continuous boundary as depicted and described in Exhibits "A" and "B" attached hereto and incorporated herein by reference, and

WHEREAS, The Council finds and determines that approval of this amendment to the City's Enterprise Zone pursuant to the Ohio Revised Code Section 5709.62 will promote the economic welfare of the residents of the City of Massillon by creating new jobs and retaining and preserving existing jobs and employment opportunities within such areas and is in the best interest of the City.

NOW, THEREFORE, BE IT 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 authorizes and directs the Mayor of the City of Massillon, Ohio, to petition the Director of the Ohio Department of Development to amend the boundaries of the City's Enterprise Zone to include recently annexed industrial and vacant land area within the southwest section of the City as show in Exhibit "A" and described in Exhibit "B" attached hereto and incorporated by reference as if fully rewritten herein.

Section 2:

That based upon the factual data, reports and conditions of the additional areas added to the boundaries of the City's Enterprise Zone, this Council hereby finds and determines that the City's Enterprise Zone, amended, continues to meet the State requirements for designation as an Enterprise Zone, as originally certified by the Director of the Ohio Department of Development on September 12, 1994, pursuant to Ohio Revised Code Section 5709.61(A)(1)(a) and (e).

Section 3:

That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the City of Massillon, Ohio, and for the further reason that it is necessary to improve the economic climate of the community through the creation of new jobs and the preservation of existing jobs 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 \_\_\_\_\_ 2008

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

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

OHIO ENTERPRISE ZONE PROGRAM  
MODEL: CITY ORDINANCE (MSA PRINCIPAL CITY) No.

WHEREAS, Ohio Revised Code Section 5709.61 through 5709.69 ("The Act") has authorized United States Office of Budget and Management designated Metropolitan Statistical Area - Principal Cities therein, to designate areas as Enterprise Zones and to execute agreements with certain enterprises for the purpose of establishing, expanding, renovating or occupying facilities and hiring new employees and preserving jobs within said zones in exchange for specified local tax incentives granted by the municipality; and

WHEREAS, the Council of the City of Marietta ("The Council") upon due consideration desires to implement said Act and to designate an Enterprise Zone within the boundaries of the City of to promote the economic welfare of the city; and

WHEREAS, the Council finds and determines that designation of the zone pursuant to the Ohio Revised Code Section (5709.62 of 5709.632 local jurisdiction must select) will promote the economic welfare of the residents of the City of Marietta by creating new jobs and retaining and preserving existing jobs and employment opportunities within such areas and is in the best interest of the city; and

WHEREAS, the Council is required by law to administer all Enterprise Zones and agreements within the City and will therefore appoint a designee to be responsible for 1) the establishment and operation of the Tax Incentive Review Council as specified in Ohio Revised Code Section 5709.85), 2) to ensure that the Enterprise Zone Agreements contain the information required in Ohio Revised Code Section 5709.631, including but not limited to a description of the project, the amount to be invested, the number of jobs created and/or retained, the annual new payroll associated with these jobs, and the specific percentage and term of the tax exemptions being granted on real and/or personal property, 3) to forward copies of all Enterprise Zone Agreements to both the Ohio Department of Development and the Ohio Department of Taxation within fifteen days after the agreement is entered into, as specified in the Ohio Revised Code, 4) to notify affected Board(s) of Education of proposed projects a minimum of fourteen (14) days prior to formal local legislative consideration and to include comments by the Board(s) of Education as part of the review process as required under Ohio Revised Code Section 5709.83, 5) to maintain a centralized record of all aspects of the Zone, including copies of all agreements, a list of the members of the Tax Incentive Review Council, and a summary of the Tax Incentive Review Council's annual review of each agreement and 6) to submit a comprehensive annual report of the status of all Enterprise Zone activities on or before March 31 of each year pursuant Section 5709.68; and

WHEREAS, the Council will have the responsibility of negotiating and administering all Enterprise Zone Agreements pursuant Section 5709.631 of the Ohio Revised Code; and

WHEREAS, the Council hereby agrees to the establishment of a Tax Incentive Review Council pursuant to Section 5709.85 of the Ohio Revised Code and will appoint the required representatives to said Council within sixty (60) days after the state of Ohio Director of Development certifies the Enterprise Zone;



BE IT FURTHER RESOLVED, that based upon the factual data, reports and conditions of the area designated as an Enterprise Zone, the Council hereby finds and determines the area meets the requirements for designation and the Council hereby designates the area shown in Exhibit "A" and described in Exhibit "B" as an Enterprise Zone of the City of Franklin pursuant to and in accordance with requirements of the Act; and

BE IT FURTHER RESOLVED, that based upon the factual data, reports, and conditions of the area designated as an Enterprise Zone, the Council hereby finds and determines that the proposed zone has a population of at least four thousand (4,000) persons according to the best and most recent data available to the Director of Development and the zone meets the characteristics outlined in Sections (5709.61(A) or 5709.632) of the Ohio Revised Code. The development of the area proposed as the Enterprise Zone would create and preserve employment opportunities in the zone and would improve the economic climate of the municipality.

Be it further resolved that the Council of Franklin hereby petitions the state of Ohio Director of Development to certify that the proposed zone meets the necessary characteristics of the Ohio Revised Code Sections (5709.61 or 5709.632 subsections optional) and certify the area as an Enterprise Zone.

(Emergency Measure optional)

passed (date)

Clerk of Council

President of Council

Approved

Mayor

Certification Box

I hereby certify that the foregoing is a true and correct copy of (ordinance) No. \_\_\_\_\_ as taken from the records on file in the office of the clerk of council

Name/Title





*Exhibit B*

City of Massillon Enterprise Zone  
Boundary Description

The City of Massillon has proposed the establishment of an Enterprise Zone, including all of those portions of Census Tract 7137, 7138, 7139, 7141, 7142, 7143.01, 7144 and 7146 located within its corporate limits, as well as certain designated portions of Census Tract 7114.01 (Block Group 1), Census Tract 7135.02 (Blocks 1012, 1013, 1014), and Census Tract 7143.02 (Blocks 1027, 1028, 1029, 1030, and the entire Block Group 2). The proposed Enterprise Zone will constitute a continuous boundary within the City of Massillon.

More particularly, the boundaries of the Massillon Enterprise Zone are as follows:

Beginning at the intersection of the centerline of 17th Street, N. W., and the centerline of Cherry Road, N. W., which is also the north corporation line of the City;

Thence east, north, and east along the north corporation line of the City to the centerline of 3<sup>rd</sup> Street NW;

Thence south along the centerline of 3<sup>rd</sup> Street NW to the centerline of Lake Avenue, N. W.;

Thence east along the centerline of Lake Avenue, N. W., and N. E., to the centerline of Amherst Road, N. E.;

Thence south along the centerline of Amherst Road, N. E., to the centerline of State Avenue, N. E.;

Thence east along the centerline of State Avenue, N. E., to Sippo Creek;

Thence south along Sippo Creek to the centerline of Lincoln Way East.;

Thence east along the centerline of Lincoln Way East, to the centerline of 27th Street, S. E. ;

Thence south along the centerline of 27th Street, S. E., to the centerline of Southway Street SE;

Thence west along the centerline of Southway Street, S. E., to the east corporation line of the City;

Thence generally south and west and then north along the east and south corporation lines of the City to the centerline of U.S. 30;

Thence west along the centerline of U. S 30 the centerline of 17th Street, S W. (Carmont Avenue, S W.):

Thence north along the centerline of 17th Street, S W (Carmont Avenue, S.W) to the west corporation line of the City;

Thence east, north, and west along the west corporation line of the City to the centerline of 17th Street, S. W.;

Thence north along the centerline of 17th Street, S. W., and N. W, to the place of beginning.

DATE: NOVEMBER 17, 2008

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

*Passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 137 - 2008

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into certain amendments to various Enterprise Zone Agreements previously executed between the City of Massillon, Ohio, and various employers and property owners with regards to the enterprise zones, and declaring an emergency.

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

Section 1:

The Stark County Auditor has changed its procedure and interpretation of various enterprise zone agreements previously entered into between the City of Massillon, Ohio, and the entities within the enterprise zones. Based upon the request of the Stark County Auditor the Council of the City of Massillon, Ohio, hereby determines it to be necessary and in the interest of the public health, safety and welfare to authorize the Mayor of the City of Massillon, Ohio, to enter into certain amendments to such agreements in order to comply with the request of the Stark County Auditor.

Section 2:

The specific agreements to be amended and the terms of the amendment to each agreement are as follows:

1. Harwich Chemical Manufacturing, 1675 Navarre Road SE - Approve the assignment of the enterprise zone agreement to PolyOne Corporation, the current owner.
2. Alfred Nickles Bakery/Truck Maintenance Garage, 4033 Erie Street South – Amend the enterprise zone agreement to state that the term of the 10 year, 75% real estate abatement will run from Tax Year 2000 through Tax Year 2009.
3. E-B Display Company, 1369 Sanders – Amend the enterprise zone agreement to state that the term of the 10 year, 75% real and personal property abatement will commence January 1, 1999.
4. International Enterprises, 4360 Sterilite Avenue SE – Amend the enterprise zone agreement to state that the term of the 10 year, 100% real and personal property abatement will run from Tax Year 2002 through Tax Year 2011.



5. Florline Midwest, 800 Vista Avenue SE – Amend the enterprise zone agreement to state that the term of the 10 year, 50% real and personal property abatement will run from Tax Year 1999 through Tax Year 2008.
6. Fame Beverage, now Pepsi-Cola Bottlers, 255 Warmington Road SW – Amend the enterprise zone agreement to state that the term of the 10 year, 75% real and personal property abatement will run from Tax Year 2003 through Tax Year 2012.
7. USDA Field Service Office, 2650 Richville Drive SE – Amend the enterprise zone agreement to state that the term of 5 year, 50% real estate tax abatement will run from Tax Year 2005 through Tax Year 2009.
8. Ohio Drilling Company, 2405 Bostic Boulevard SW – Amend the enterprise zone agreement to state that the term of the 10 year real estate tax abatement shall run from Tax Year 2004 through Tax Year 2013.
9. E-B Display Company/Building Addition, 1369 Sanders Avenue SW – Add language that was inadvertently omitted from Section 5 of the enterprise zone so that it reads no exceptional shall commence after tax return year 2007 nor extend beyond tax return year 2016.

Section 3:

The Mayor of the City of Massillon, Ohio, is hereby authorized and directed to enter into amendments to the agreements referenced above, provided that such amendments are consistent with the language stated above, and further subject to the approval of the Director of Law of the City of Massillon, Ohio.

Section 4:

This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety, and welfare of the community, as in order to continue to encourage economic development and the creation of jobs with employers in the City of Massillon, Ohio, it is necessary that such agreements be amended as requested by the Stark County Auditor. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

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

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

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

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

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



DATE: NOVEMBER 17, 2008

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

*Passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 138 – 2008

BY: COMMITTEE OF THE WHOLE

TITLE: AN ORDINANCE establishing the City's Administrative policies on City Owned Assets, City Owned Vehicles and Equipment, City Credit Cards and Purchasing Cards, and City Cellular Telephones, 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 establish the City's Administrative policies on City Owned Assets, City Owned Vehicles and Equipment, City Credit Cards and Purchasing Cards, and City Cellular Telephones as recommended by the State of Ohio Auditor's Office at the conclusion of the recent audit.

Section 2:

The City's Administrative policies on City Owned Assets, City Owned Vehicles and Equipment, City Credit Cards and Purchasing Cards, and City Cellular Telephones as recommended by the State of Ohio Auditor's Office at the conclusion of the recent audit.

(SEE ATTACHED EXHIBITS 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 for the City of Massillon to better track the city owned assets, city owned vehicles and equipment, city credit cards and purchasing cards, and city cellular telephones which are used by employees of the City of Massillon. 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.

THE CITY OF MASSILLON, OHIO

*Office of the Mayor*

FRANCIS H. CICHINELLI, JR.

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TO: To All Department Heads and Elected Officials      DATE: January 15, 2008

FROM: Mayor Francis H. Cichinelli, Jr.

SUBJECT: CITY POLICY – CITY OWNED ASSETS

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TO ALL DEPARTMENT HEADS and ELECTED OFFICIALS:

CITY OWNED ASSETS

No City owned assets are to be taken from City offices; unless for a professional reason and necessary to perform your job.

You must have signed permission from you Department Head and the Administration before removing any City owned assets. You check it out and then you check it back in, your responsibility.

Office equipment (such as, computers, typewriters, copiers, etc.) should never be removed from any City offices.

CITY OWNED VEHICLES AND EQUIPMENT

Some Department Heads and officials of various Departments are assigned a City vehicle. Some of these particular vehicles are permitted, by the Administration, for your 24/7 possession in performing your services for the citizens of Massillon. Some assigned vehicles are permitted to be used for travel from work to home and home to work; however, they are not to be used for personal or family transportation. Only you and a (sometimes when necessary) co-worker are permitted to travel in these City assigned vehicles.

It is your responsibility to take proper care of your City assigned vehicle. If a problem comes up with the vehicle, make the Administration aware of the problem and contact the City Garage. If you are involved in an accident with your assigned vehicle it is your responsibility to fill out all the proper reports. Of course, it is up to you to fill the gas tank on these assigned vehicles at the City's bid-selected fuel stations.

No City vehicle equipment (such as, tractors, trucks, spreaders, mowers,

THE CITY OF MASSILLON, OHIO

*Office of the Mayor*

FRANCIS H. CICCINELLI, JR.

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TO: To All Department Heads and Elected Officials      DATE: January 15, 2008

FROM: Mayor Francis H. Cicchinelli, Jr.

SUBJECT: CITY POLICY - CITY PURCHASING CREDIT CARDS

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TO ALL DEPARTMENT HEADS and ELECTED OFFICIALS:

CITY PURCHASING CREDIT CARDS

Several City Departments have purchasing credit cards at various establishments, such as, Lowes, Office Max, BP gas, etc.

These cards are to be used by the assigned Department only.

They should only be used when absolutely necessary and they are to never be given to other Departments for use.

When paying for each purchase made with these City purchasing credit cards, you should attach the original receipt; and, that original receipt must be signed by the Department Head or Elected Official giving approval for said purchase, plus, the signature of the employee who made that particular purchase must also appear on this original receipt.

Thank you for your cooperation in this matter.

THE CITY OF MASSILLON, OHIO  
*Office of the Mayor*  
FRANCIS H. CICCHINELLI, JR.

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TO: To All Department Heads and Elected Officials      DATE: January 15, 2008

FROM: Mayor Francis H. Cicchinelli, Jr.

SUBJECT: CITY POLICY - CITY FUEL CREDIT CARDS

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TO ALL DEPARTMENT HEADS and ELECTED OFFICIALS:

CITY FUEL CREDIT CARDS

Only City owned and assigned vehicles are permitted to get gas at the City's bid-selected fuel stations. NEVER a personal vehicle.

When you use your Super-Fleet credit card for your gas purchase make sure all the necessary information is correct before pulling your car away from the pump.

When you receive the breakdown receipt from the City listing your Departmental monthly gas & oil purchases, each Department is responsible for justifying each particular gas purchase. This breakdown receipt, sent to you, must be justified in order for the City to receive its fuel discount, etc. You must match each of your Departmental purchases with the correct gas & oil receipt.

After your justification of each Departmental purchase, in order for the City's monthly Super-Fleet gas & oil bill to be paid, you must attach the original Super-Fleet gas & oil receipts to your Departmental breakdown sheet receipt to be turned in for payment.

Each Department Head or Elected Official must sign the original gas & oil receipt for approval of the purchase and also the employee making this particular purchase must sign this receipt.

Properly signed gas & oil receipts are a necessity.

Thank you for your cooperation in this matter.



## CELLUAR TELEPHONE RULES POLICY

The City of Massillon has issued cellular telephones which are intended for official business use. While occasional personal use is permitted, it must be a necessary emergency of which you are responsible and must be clearly secondary to business use. Employees must reimburse the City for any costs associated with personal use of City issued cell telephones over the maximum minutes allotted per phone.

Cellular telephones shall be issued only to those employees with a demonstrated need for this type of communication. Cellular telephones shall be requested only by authorized personnel within the Departments. Employees who use a City issued cellular telephone agree to the following rules of usage:

- 1) Employees must safeguard any cellular telephone equipment in their possession.
- 2) The loss of any cellular telephone equipment shall be reported to the proper Department Head immediately. That Department Head should then report the loss of this equipment to the Safety-Service Director. If theft is suspected, the police should also be notified immediately.
- 3) Employees shall exercise extreme caution when driving and talking on a City issued cellular telephone. Employees should stop their vehicle as soon as safely possible to use a City issued cellular telephone, or their own personal cellular telephone, while operating a City owned vehicle.
- 4) Employees must limit all cellular telephone calls to no more than 15 minutes per call.
- 5) When an employee no longer has demonstrated a need for a cellular telephone or when the employee has terminated employment with the City of Massillon, the employee must return any cellular telephone equipment to the proper Department Head. When a cellular phone is given to another employee in your Department or any other City Department you MUST INFORM the Safety-Service Director's Office for billing purposes.
- 6) Non-compliance with these rules and this policy; and, the failure to remain within the allotted minutes, costs, etc. shall result in progressive discipline and may result in the loss of the cellular telephone equipment issued by the City of Massillon.

Upon reading these rules and this policy please sign the attach sheet to be filed in the office of the Safety-Service Director.

Thank you.

DATE: NOVEMBER 17, 2008

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

*1st Reading*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 139 - 2008 *Passed 11/17*

BY: ENVIRONMENTAL COMMITTEE

TITLE: AN ORDINANCE authorizing and directing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a Settlement & Mutual Release Agreement with CTI Environmental for the City of Massillon Regional Wastewater Treatment 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 Council of the City of Massillon, Ohio, is hereby authorized and directed to enter into a Settlement & Mutual Release Agreement with CTI Environmental for the City of Massillon Regional Wastewater Treatment Facility.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to enter into a Settlement & Mutual Release Agreement with CTI Environmental for the City of Massillon Regional Wastewater Treatment Facility.

Section 3:

This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety, and welfare of the community, and for the additional reason that this is recommended by the attorneys representing the City of Massillon in litigation matters involving the Massillon Wastewater Treatment Plant. 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.

### SETTLEMENT AND MUTUAL RELEASE

This Settlement and Mutual Release ("Agreement") is made on this \_\_\_\_ day of \_\_\_\_\_, 2008 (the "Effective Date") by and between CTI Environmental, Inc. ("CTI") and the City of Massillon, Ohio ("Massillon").

**WHEREAS**, on May 4, 1999, Massillon entered into an Agreement (the "CTI Design Agreement") with CTI Environmental, Inc. ("CTI") for the design and performance of engineering services for the project known as the Massillon Regional Wastewater Treatment Plant Upgrade 2000 (the "Project");

**WHEREAS**, on May 23, 2001, Massillon entered into an Agreement (the "CTI Construction Administration Agreement") with CTI to perform certain construction administration services on the Project;

**WHEREAS**, all of Massillon's funding for all design and construction related services for the Project come directly from a loan from the Ohio Water Development Authority ("OWDA Loan");

**WHEREAS**, Massillon pays for CTI's services under the CTI Design Agreement and CTI Construction Administration Agreement entirely from a disbursement category within the OWDA Loan identified as "Technical Services," which as of the date of this Agreement has a balance of no less than \$26,119.19;

**WHEREAS**, on December 18, 2001, Kokosing and Massillon entered into an Agreement to construct the Project;

**WHEREAS**, a dispute arose between Kokosing and Massillon;

**WHEREAS**, as part of the dispute between Kokosing and Massillon, Kokosing asserted claims against Massillon for extra-contractual work and inefficiencies which

Kokosing claimed arose from errors and omissions in the design documents prepared by CTI pursuant to the CTI Design Agreement (the "Kokosing Claims");

**WHEREAS**, on January 24, 2008, Massillon filed an action in the Court of Common Pleas for Stark County captioned *The City of Massillon, Ohio v. Infilco Degremont, Inc., et al.*; case number 2008CV00445 (the "Action"), seeking, among other relief from other parties, indemnification and money damages from CTI for the Kokosing Claims;

**WHEREAS**, the Court stayed the proceedings in the Action arising from the CTI Design Agreement only, pending arbitration;

**WHEREAS**, Massillon has also sought money damages in the Action from Infilco Degremont, Inc. ("Infilco") and Smith Environmental, Inc. ("Smith") for violations of express and implied warranties and negligent misrepresentation regarding the Automatic Backwash ("ABW") Filter System for the Project;

**NOW THEREFORE**, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. The above paragraphs are fully incorporated by reference and are not mere recitals and are relied upon by the parties hereto as a material part of this Agreement.

2. Within 30 days of complete execution of this Agreement, Massillon shall pay to CTI at least \$26,119.19 and thereafter make commercially reasonable efforts (short of instituting litigation) to procure from OWDA funding for an additional payment of \$26,186.47 by causing OWDA to recategorize any other remaining funds under the OWDA Loan Agreement to the Technical Services disbursement category. Within 30



days of such recategorization Massillon shall pay to CTI all funds so recategorized, up to a limit of \$26,186.47. CTI bears sole risk that Massillon's commercially reasonable efforts towards recategorization of funds within the OWDA Loan Agreement are not successful.

3. Upon complete execution of the terms of this Agreement, and except as otherwise set forth in this Agreement, CTI and Massillon for themselves and each of their employees, shareholders, members, directors, officers, agents, affiliates, representatives, predecessors in interest, successors and assigns, hereby release and forever discharge each other from and against all claims, damages, punitive damages, demands, actions and causes of action of whatever kind or nature whatsoever in law or in equity, known or unknown, suspected or unsuspected, which each has ever had, now has, or may hereafter have, or claim to have, against each other for or on account of any matter, cause or thing whatsoever, arising out of the CTI Construction Administration Agreement only.

4. Nothing in this Agreement shall be construed as a waiver of any claims arising under the CTI Design Agreement.

5. CTI will make available witnesses and non-privileged documents requested by Massillon to aid Massillon in prosecuting its claims against Inflico and Smith. Massillon will make available witnesses and non-privileged documents requested by CTI in connection with CTI's defense against claims brought against it related to the Project.

6. This Agreement shall be binding upon all parties to this Agreement, and their successors and assigns and shall inure to the parties' benefit and to that of their respective directors, officers, employees, attorneys, representatives, insurers, suppliers, distributors, agents and any of their past or present parents, subsidiaries, affiliates, divisions; or other organizational units of any kind;

7. The parties to this Agreement acknowledge and agree that this Agreement is voluntarily entered into by all parties hereto;

8. In the event that any portion of this Agreement is deemed illegal, invalid or unenforceable, in any respect, then such invalidity, illegality or unenforceability will not affect any other provision of this Agreement and this Agreement shall be construed as though such illegal, invalid or unenforceable provision had never been contained herein;

9. This Agreement may be signed in counterpart and a copy or fax shall constitute an original;

10. This Agreement constitutes the full and entire agreement and understanding between the parties with respect to the subject matter hereof, and there are no agreements, or representations relating to release of liability except as specifically set forth herein. All prior settlement discussions, negotiations, and demands of any kind are fully merged into this Agreement and are to be construed to be of no further force or effect, it being the intention of the parties that this Agreement shall serve as the sole and entire expression of their agreement and understanding on all claims arising under the CTI Construction Administration Contract. This Agreement may not

be amended or modified except by an instrument in writing intended as such and signed by the party against whom enforcement of such amendment or modification is sought;

11. None of the parties to this Agreement shall be considered to be the drafter of said Agreement or any provision hereof, for the purpose of any statute, case law, or rule of interpretation/construction that would or might otherwise cause any provision hereof to be construed against the drafter of this Agreement;

12. The parties acknowledge that they have reviewed this Agreement and have had the opportunity to obtain the advice of counsel of their choice prior to executing this Agreement; and

13. The parties represent and warrant that the person executing this Agreement on their behalf is duly authorized by each of them to do so.

**CTI Environmental, Inc.**

Sign: William A. Dorman  
Print: William A. Dorman  
Title: President

**Mayor for the  
City of Massillon, Ohio**

Sign: \_\_\_\_\_  
Print: \_\_\_\_\_

**Massillon City Attorney**

Sign: \_\_\_\_\_  
Print: \_\_\_\_\_

DATE: NOVEMBER 3, 2008

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 140-2008

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the General Fund, State Highway Fund, Solid Waste Fund, Street Fund, Museum Fund, 1206 Muni Motor Vehicle License Plate Fund and the Economic Development Fund, for the year ending December 31, 2008, and declaring an emergency.

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

Section 1:

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

\$107,000.00 to an account entitled "Police Comp Paid" 1100.305.2118  
\$ 68,000.00 to an account entitled "Fire Comp Paid" 1100.325.2118  
\$ 59,800.00 to an account entitled "Police Overtime" 1100.305.2119  
\$ 59,710.00 to an account entitled "Street Lighting" 1100.905.2392  
\$ 16,000.00 to an account entitled "Gas & Oil" 1100.305.2430  
\$ 7,918.92 to an account entitled "Fire Overtime" 1100.325.2119  
\$ 3,861.00 to an account entitled "Misc. Insurance" 1100.905.2312  
\$ 3,000.00 to an account entitled "Building - PERS" 1100.415.2230  
\$ 2,500.00 to an account entitled "Gas & Oil" 1100.325.2430  
\$ 1,500.00 to an account entitled "Police Clerks PERS" 1100.305.2230  
\$ 1,154.00 to an account entitled "Gas & Oil" 1100.405.2430  
\$ 1,100.00 to an account entitled "Gas & Oil" 1100.440.2430  
\$ 183.00 to an account entitled "Gas & Oil" 1100.160.2430  
\$ 121.00 to an account entitled "Gas & Oil" 1100.705.2430

Section 2:

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

\$10,000.00 to an account entitled "Safety Gas & Oil" 1202.420.2430  
\$10,000.00 to an account entitled "Safety Salary" 1202.420.2110  
\$10,000.00 to an account entitled "Safety PERS" 1202.420.2230  
\$ 4,000.00 to an account entitled "Safety Comp Paid" 1202.420.2118



Section 3:

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

\$15,000.00 to an account entitled "Salary" 2102.605.2110

Section 4:

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

\$12,000.00 to an account entitled "Street PERS" 1201.435.2230

\$ 4,000.00 to an account entitled "Street Comp Paid" 1201.435.2118

\$ 449.51 to an account entitled "Safety Salary" 1201.420.2110

Section 5:

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

\$9,627.54 to an account entitled "Massillon Museum Holding Account" 3110.905.2379

Section 6:

There be and hereby is appropriated from the unappropriated balance of the 1206 Muni Motor Vehicle License Plate Fund, for the year ending December 31, 2008, the following:

\$2,910.00 to an account entitled "Street Repairs" 1206.435.2510

Section 7:

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

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

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

MARY BETH BAILEY, CLERK OF COUNCIL

GLENN E. GAMBER, PRESIDENT

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

FRANCIS H. CICCHINELLI, JR, MAYOR

DATE: NOVEMBER 17, 2008

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 141 - 2008

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain transfers in the 2008 appropriations from within the General Fund, for the year ending December 31, 2008, 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 2008 appropriation from within the General Fund, for the year ending December 31, 2008, of the City of Massillon, Ohio, the following:

FROM:	Energy Savings Lease	1100.410.2333	11,290.99
	Health Salary	1100.705.2110	8,000.00
	Auditor Salary	1100.205.2111	6,000.00
	SD Revenue Sharing	1100.210.2721	5,990.00
	Hospital/Eye/Dental	1100.210.2210	5,000.00
	Worker's Comp	1100.905.2270	4,458.70
	Health PERS	1100.705.2230	2,500.00
	Hospital/Eye/Dental	1100.705.2210	2,000.00

TO	Disability Pension Tr	1100.305.2710	24,289.69
	Real Property Tax	1100.305.2210	13,000.00
	SD Rev. Sharing	1100.415.2110	6,000.00
	Services/Contracts	1100.415.2210	600.00
	Hospital/Eye/Dental	1100.405.2210	550.00
	Hospital/Eye/Dental	1100.110.2210	400.00
	Hospital/Eye/Dental	1100.405.2230	350.00
	Medicare	1100.415.2231	50.00

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 preservation of the public health, safety and welfare of the community and for the additional reason that the funds are required in the specific accounts to pay city obligations by the end of 2008. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

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

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

MARY BETH BAILEY, CLERK OF COUNCIL

GLENN E. GAMBER, PRESIDENT

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

FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: NOVEMBER 17, 2008

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 142 - 2008

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE adopting the Community Development Department Procurement Policies as recommended by the State of Ohio Auditor's Office, 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 adopt the Community Development Department Procurement Policies as recommended by the State of Ohio Auditor's Office at the conclusion of the recent audit.

Section 2:

The Community Development Department Procurement Policies as recommended by the State of Ohio Auditor's Office at the conclusion of the recent audit to help track all goods and services provided by the City of Massillon through the Community Development Department.

(SEE ATTACHED EXHIBIT 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 for the City of Massillon to better track the goods and services provided by the City of Massillon through the Community Development 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.



Procurement Policies  
Community Development Department  
City of Massillon, Ohio

1. The City of Massillon shall follow Federal laws and implement regulations applicable to procurement as noted in A-102 of the Common Rule.
2. The City of Massillon shall not contract with or make subawards under covered transactions to parties that are suspended or debarred or whose principals are suspended or debarred. Covered transactions include procurement contracts for goods or services equal to or in excess of \$100,000.

Contractors receiving individual awards for \$100,000 or more must certify that the organization and its principals are not suspended or debarred. The City of Massillon may rely upon the certification unless it knows that the certification is erroneous. The City of Massillon may check for suspended and debarred parties which are listed in the *List of Parties Excluded from Federal Procurement or Nonprocurement Programs* issued by the General Services Administration.

3. In the procurement of goods and services, the City of Massillon comply with applicable standards and regulations regarding acceptable practices, conflicts of interest, and expected standards of ethical and moral behavior.
4. Board of Control approval will be sought for all procurement contracts above the threshold amounts mandated by State and/or Federal law.
5. In the procurement of goods and services, the City of Massillon shall take all necessary action to identify risks arising from vendor inadequacy, e.g., quality of goods and services, delivery schedules, warranty assurances, user support. This shall include the identification of risks arising from conflicts of interest, e.g., kickbacks, related party transactions, and bribery.
6. In the procurement of goods and services, the City of Massillon shall provide:
  - a. Contract files that document significant procurement history.
  - b. Methods of procurement authorized including selection of contract type, contractor selection or rejection, and the basis of contract price.
  - c. Verification that procurements provide full and open competition.
  - d. Requirements for cost or price analysis, include contract modifications.
  - e. Obtaining and reacting to suspension and debarment certifications.
  - f. Monitoring of the contractor's performance with the terms, conditions, and specifications of the contract.

DATE: NOVEMBER 17, 2008

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT  
*1st reading*  
*passed*

ORDINANCE NO. 143 - 2008

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE adopting the Procurement Policy for the City of Massillon as recommended by the State of Ohio Auditor's Office, 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 adopt the Procurement Policy for the City of Massillon as recommended by the State of Ohio Auditor's Office at the conclusion of the recent audit.

Section 2:

The Procurement Policy for the City of Massillon as recommended by the State of Ohio Auditor's Office at the conclusion of the recent audit to help track all goods and services provided by the City of Massillon through the Community Development Department.

(SEE ATTACHED EXHIBIT 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 for the City of Massillon to better track the goods and services provided by the City of Massillon through the Procurement Policy. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

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

**PROCUREMENT POLICY  
CITY OF MASSILLON, OHIO**

1. The City of Massillon shall follow the local, state and federal laws and implement regulations applicable to procurement as noted in A-102 of the Common Rule.
2. The City of Massillon shall not contract with or make sub-awards under covered transactions to parties that are suspended or debarred or whose principals are suspended or debarred. Covered transactions include procurement contracts for goods or services equal to or in excess of \$25,000.00.

Contractors receiving individual awards for \$25,000.00 or more must certify that the organization and its principals are not suspended or debarred. The City of Massillon may rely upon the certification unless it knows that the certification is erroneous. The City of Massillon may check for suspended and debarred parties.

3. In procurement of goods and services, the City of Massillon will comply with applicable standards and regulations regarding acceptable practices, conflicts of interest and expected standards of ethical and moral behavior.
4. Board of Control approval will be sought for all procurement contracts above the threshold amounts mandated by local, state and federal laws.
5. In the procurement of goods and services, the City of Massillon shall take all necessary action to identify risks arising from vendor inadequacy, e.g., quality of goods and services, delivery schedules, warranty assurances, user support. This shall include the identification of risks arising from conflicts of interest, e.g., kickbacks, related party transactions and bribery.
6. In the procurement of goods and services, the City of Massillon shall provide:
  - a. Contract files that document significant procurement history.
  - b. Methods of procurement authorized including selections of contract type, contractor selection or rejection and the basis of contract price.
  - c. Verification that procurements provide full and open competition.
  - d. Requirements for cost or price analysis, including for contract modifications.
  - e. Obtaining and reacting to suspension and debarment certifications.
  - f. Monitoring of the contractor's performance with the terms, conditions and specifications of the contract.



DATE: NOVEMBER 17, 2008

CLERK: MARY BETH BAILEY

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

*passed*

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 144 - 2008

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE establishing the City's Administrative "Travel Policy" for the employee's reimbursements from the City of Massillon.

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

**Section 1:**

Employees who are sent out of town to attend seminars, meetings, etc., shall be paid their regular wage plus mileage to fluctuate with the federal standard, for use of their own car, lodging, toll charges and meals. Meal reimbursements are made only from submitted receipts at a maximum value not to exceed a \$35.00 per day reimbursement.

**Section 2:**

Employees who use their own cars for City business may be reimbursed at the rate to fluctuate with the federal standard. Long trips, if a City car is unavailable, are exempt. Auto Club mileage charts will be used to determine trip miles. Employees may, in lieu of the car allowance, use their expenses for federal income tax deductions.

**Section 3:**

Employees who travel for the City by air (which is a true rarity and only in an exceptional necessity) are not permitted to accumulate "frequent flyer" miles in any manner. The City has no use for accumulating "frequent flyer" miles and your reimbursement does not permit personal accumulations of "frequent flyer" miles for travel paid for by the City.

**Section 4:**

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 this administrative policy would be for better management of human resources in the workplace. 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 allows by law.

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

ATTEST:

MARY BETH BAILEY, Clerk of Council

GLENN GAMBER, President of Council

APPROVAL: \_\_\_\_\_

FRANCIS H. CICCHINELLI, JR., Mayor



DATE: NOVEMBER 17, 2008

CLERK: MARY BETH BAILEY

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

*passed*

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 145 - 2008

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to prepare plans and specifications, advertise for and receive sealed bids and enter into a two year contract, upon award and approval of the Board of Control, with the lowest and best bidder for laboratory services at the Wastewater Treatment Plant in the City of Massillon, 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 prepare plans and specification, advertise for and receive sealed bids and enter into a two year contract, upon award and approval of the Board of Control, with the lowest and best bidder for laboratory services at the Wastewater Treatment Plant in the City of Massillon.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to prepare plans and specifications, advertise for and receive sealed bids and to enter into a two year contract, upon award and approval by the Board of Control, with the lowest and best bidder, as authorized in Section 1 of this Ordinance.

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 to enter advertise for bids and enter into contract for laboratory services as the present contract expires soon. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

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

*passed*

ORDINANCE NO. 146-2008

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

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

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

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

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

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

SECTION 1: That the ordinances of the City of Massillon, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections within the 2009 Replacement Pages to the Codified Ordinances, are hereby approved and adopted.

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

Traffic Code

301.19	Definition of Motorcycle. (Amended)
301.20	Definition of Motor Vehicle. (Amended)
333.01	Driving or Physical Control While Under the Influence. (Amended)
335.05	Wrongful Entrustment of a Motor Vehicle. (Amended)
335.072	Driving Under Financial Responsibility Law Suspension or Cancellation. (Amended)
337.26	Child Restraint System Usage. (Amended)
339.11	Use of Studded Tires and Chains. (Amended)
373.02	Riding Upon Bicycle and Motorcycle Seats. (Amended)

General Offenses Code

- 501.06 Limitation on Criminal Prosecution. (Amended)
- 509.06 Inducing Panic. (Amended)
- 513.01 Drug Abuse Control Definitions. (Amended)
- 513.03 Controlled Substance Possession or Use. (Amended)
- 517.01 Gambling Definitions. (Amended)
- 517.16 Skill-Based Amusement Machines. (Added)
- 525.02 Falsification. (Amended)
- 525.10 Having an Unlawful Interest in a Public Contract. (Amended)
- 529.07 Open Container Prohibited. (Amended)
- 549.01 Weapons and Explosives Definitions. (Amended)
- 549.02 Carrying Concealed Weapons. (Amended)
- 549.04 Improperly Handling Firearms in a Motor Vehicle. (Amended)

Fire Prevention Code

- 1511.01 Open Burning Definitions. (Amended)
- 1511.03 Open Burning Restricted. (Amended)
- 1511.04 Permission From and Notification to the Ohio EPA. (Amended)
- 1511.05 Open Burning, Bonfires and Recreational Fires. (Amended)

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

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

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

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

\_\_\_\_\_  
President

\_\_\_\_\_  
Mayor