

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

DATE: TUESDAY, FEBRUARY 16, 2010
PLACE: COUNCIL CHAMBERS
TIME: 7:30 P.M.

THERE ARE NO PUBLIC HEARINGS TONIGHT

1. ROLL CALL
2. INVOCATION BY COUNCILMAN LARRY SLAGLE
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. 22 – 2010

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE amending the agreement between the City of Massillon and Heinz Frozen Foods, under the Ohio Urban Jobs and Enterprise Zone Program, and declaring an emergency.

ORDINANCE NO. 23 – 2010

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with Ideal Packaging & Supply Co., to provide an economic development "inducement grant" to assist the business in relocating its operations to Massillon, and declaring an emergency.

ORDINANCE NO. 24 – 2010

BY: PARKS AND RECREATION COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the purchase of chemicals and fertilizers for The Legends of Massillon Golf Course, and declaring an emergency.

ORDINANCE NO. 25 – 2010

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the Safety Forces Equipment Fund and the Economic Development Fund, for the year ending December 31, 2010; and declaring an emergency.

ORDINANCE NO. 26 – 2010

BY: FINANCE COMMITTEE

AN ORDINANCE authorizing the Auditor of the City of Massillon, Ohio, commencing January 1, 2010 to deposit revenue from the Inheritance Tax to the General Fund, and declaring an emergency.

2010

TUESDAY, FEBRUARY 10,

ORDINANCE NO. 27 – 2010

BY: FINANCE COMMITTEE

AN ORDINANCE amending Ordinance No. 134 – 2008 by revising Section IX Depreciation, and declaring an emergency.

RESOLUTION NO. 3 – 2010

BY: FINANCE COMMITTEE

A RESOLUTION requesting the Stark County Auditor and Stark County Treasurer to pay the City's share of real estate taxes for the 2010 fiscal year.

RESOLUTION NO. 4 – 2010

BY: FINANCE COMMITTEE

A RESOLUTION requesting the Stark County Auditor and Stark County Treasurer to pay the City's share of 75% of the estate and inheritance taxes for the 2010 fiscal year.

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 JANUARY 2010
- B). TREASURER SUBMITS MONTHLY REPORT FOR JANUARY 2010
- C). FIRE CHIEF SUBMITS MONTHLY REPORT FOR DECEMBER 2009
- D). INCOME TAX DEPARTMENT SUBMITS MONTHLY REPORT FOR JANUARY 2010
- E). WASTE DEPARTMENT SUBMITS MONTHLY REPORT FOR JANUARY 2010
- F). MAYOR SUBMITS MONTHLY REPORT FOR JANUARY 2010

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

ORDINANCE NO. 8 – 2010

BY: POLICE AND FIRE COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract with Wheeled Coach Industries, Inc., for the purchase of a 2009 Ford E450 XL Wheeled Coach Type III Ambulance for the Massillon Fire Department, and declaring an emergency.

ORDINANCE NO. 9 – 2010

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the Capital Improvement Fund, for the year ending December 31, 2010, and declaring an emergency.

15. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 12 - 2010

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from R-1 Single Family Residential to I-1 Light Industrial.

ORDINANCE NO. 21 - 2010

BY: FINANCE COMMITTEE

AN ORDINANCE appropriating money for current and other expenses of the City of Massillon, Ohio, for the fiscal period ending December 31, 2010, and declaring an emergency.

16. NEW AND MISCELLANEOUS BUSINESS

17. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS NOT ON THE AGENDA

18. ADJOURNMENT

MARY BETH BAILEY - CLERK OF COUNCIL

DATE FEBRUARY 16, 2010

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

Passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 22 - 2010

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE amending the agreement between the City of Massillon and Heinz Frozen Foods, under the Ohio Urban Jobs and Enterprise Zone Program, 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 does hereby authorize the Mayor to enter into an amended agreement between the City of Massillon and Heinz Frozen Foods, under the Ohio Urban Jobs and Enterprise Zone Program.

Section 2:

The agreement between the City of Massillon and Heinz Frozen Foods, under the Ohio Urban Jobs and Enterprise Zone Program will be amended to reflect the following changes:

A). The City, with the consent of the Massillon School Board of Education, would approve an extension of the current enterprise zone agreement with Heinz for an additional 5 years. This enterprise zone agreement, originally executed in 1999, provided Heinz with a 75%, 10 year real estate tax abatement on the cold storage facility addition that was constructed in 2000. The value to Heinz of this 5 year tax abatement extension is approximately \$700,000.

B). The City would pay Heinz \$20,000 a year over this 5 year period. In order to provide the funding for these payments, the School Board would waive income tax revenue payments otherwise due it under the enterprise zone agreement in an amount not to exceed \$20,000 per year over 5 years. In the event income tax revenue sharing payments due to the District would exceed \$20,000 in any year, the excess would be payable to the District by the City.

C). In return for School Board approval, Heinz will donate a \$25,000 grant to the District for the District's education technology program needs including computers, smart boards and other related educational technology needs. In addition, the School District is also requesting that Heinz include District students in its scholarship programs.

D). Heinz has submitted a request to the State of Ohio for a Rapid Outreach Grant to assist the Massillon Plant.

E). In return for these City and State economic development incentives, Heinz will make the following commitments:

1). Heinz will construct an on-site pretreatment facility at the Massillon Plant.

2). Heinz will commit to a good faith effort to retain production jobs at the facility during the 5 year extension period. If for any reason the job level should fall below an average of 400 full-time equivalent jobs at the Massillon Plant over the 5 year extension period, then the City shall have the right to amend the incentives being granted to the facility. The measurement of full time equivalent will be based upon a 35 hour work week. Further, Heinz will guarantee the City a minimum of \$217,000 in annual income tax withholding revenues over this 5-year period.

F). The City and the School District will require Heinz to maintain agreed upon employment levels at the Massillon facility as described above, minimum annual City employee payroll taxes as described above, and any other requirements under the extension as described in this document. The City and the District would have the right to recover any sums derived by Heinz under the terms of this extension in an event of default or other failure by Heinz to comply with its commitments and agreements in connection with the extension of the enterprise zone and related economic development incentives.

Section 3:

The Mayor of the City of Massillon, Ohio, is hereby authorized to enter into an amended agreement with Heinz Frozen Foods reflecting the amendments specified herein.

Section 4:

This Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said enactment is necessary for the Enterprise Zone agreement to reflect the changes stated in Section 2 of this ordinance. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____, 2010.

APPROVED: _____

MARY BETH BAILEY, CLERK OF COUNCIL

GLENN E. GAMBER, PRESIDENT

ATTEST: _____

FRANCIS H. CICCHINELLI, JR., MAYOR

DATE FEBRUARY 16, 2010

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

Passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 23 - 2010

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with Ideal Packaging & Supply Co., to provide an economic development "inducement grant" to assist the business in relocating its operations to Massillon, and declaring an emergency.

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

WHEREAS, E.J. Hoffman Custom Cabinetry desires to relocate its operations at 1875 Harsh Avenue SE, and

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

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

Section 1:

This Council hereby authorizes the Mayor to enter into an agreement with Ideal Packaging & Supply Co., providing an economic development "inducement grant", in a total amount not to exceed Ten Thousand Dollars (\$10,000.00) for the purpose of assisting the business in relocating its operations to 1875 Harsh Avenue SE.

Section 2:

In return for this economic development grant assistance, Ideal Packaging & Supply Co., will initially employ 8 full time persons, and plans to grow the business in its new location as the economy improves.

Section 3:

This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the health, safety, and welfare of the community and for the additional reason that it is necessary to improve the economic climate of the community through the expansion of business and employment opportunities. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____ 2010

APPROVED: _____

MARY BETH BAILEY, CLERK OF COUNCIL

GLENN E. GAMBER, PRESIDENT

ATTEST: _____

FRANCIS H. CICCHINELLI, JR. MAYOR

DATE: FEBRUARY 16, 2010

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

Passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 24 - 2010

BY: PARKS AND RECREATION COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the purchase of chemicals and fertilizers for The Legends of Massillon Golf Course, 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 advertise for and receive sealed bids according to law and to enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the purchase of chemicals and fertilizers for The Legends of Massillon Golf Course.

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 and to advertise for and receive sealed bids according to law, and enter into contract upon award and approval by the Board of Control, with the lowest and best bidder for the purchase of chemicals and fertilizers for The Legends of Massillon Golf Course.

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 for the more efficient operation of The Legends of Massillon Golf Course. 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.

DATE: FEBRUARY 16, 2010

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO.25 - 2010

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Safety Forces Equipment Fund and the Economic Development Fund, for the year ending December 31, 2010, and declaring an emergency.

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

Section 1:

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

\$30,000.00 to an account entitled "Equipment" 1205.125.2530

Section 2:

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

\$10,000.00 to an account entitled "Services/Contracts" 1237.845.2392

Section 3:

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

PASSED IN COUNCIL THIS _____ DAY OF _____, 2010

ATTEST:

MARY BETH BAILEY, CLERK OF COUNCIL

GLENN E. GAMBER, PRESIDENT

APPROVED: _____

FRANCIS H. CICCHINELLI, JR, MAYOR

DATE: FEBRUARY 16, 2010

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 26 - 2010

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Auditor of the City of Massillon, Ohio, commencing January 1, 2010, to deposit revenue from the Inheritance Tax to the General Fund, 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, 2010, to deposit the revenue from the Inheritance Tax to the General Fund.

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 the General 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 _____ 2010

APPROVED: _____

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

APPROVED: _____

FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: FEBRUARY 16, 2010

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 27 - 2010

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE amending Ordinance No. 134 – 2008, by revising Section IX Depreciation, and declaring an emergency.

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

Section I:

Ordinance No. 134 - 2008 a copy of which is attached hereto as Exhibit "A" be and is hereby amended, by amending the provisions specified below.

Section 2:

The following provision is hereby inserted into Section IX Depreciation, of Ordinance No. 134 - 2008:

Police Cruisers -10 years

Street Department snow/dump trucks – 15 years

Section 3:

This ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said amendments have been requested from the State of Ohio Auditor's Office. 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 10 DAY OF June, 2010

ATTEST:

MARY BETH BAILEY, CLERK OF COUNCIL

GLENN E. GAMBER, PRESIDENT

APPROVED: _____

FRANCIS H. CICCHINELLI, JR, MAYOR

Repairs

Ordinary repairs are expenditures made to maintain assets in operating condition; they are charged in the period in which they are incurred on the basis that it is the only period benefited. Replacement of minor parts, lubricating and adjusting of equipment, repainting, and cleaning are examples of the type of maintenance charges that occur regularly and are treated as ordinary operating expenses. It is often difficult to distinguish a repair from an improvement or replacement. The major consideration is whether the expenditure increases the future service potential. If a major repair, such as an overhaul, occurs, several periods will benefit and the cost should be handled as an addition, improvement, or replacement, depending on the type of repair made.

VIII. DISPOSITION OF CAPITAL ASSETS

All disposals are to go through the process of the City auction through the Mayor's Office. The department disposing of the asset should send notification to the Auditor's Office for any asset disposed which is maintained on the Capital Asset Tracking System.

IX. DEPRECIATION

The usefulness of most assets, other than land, declines over time and some type of write-down or write-off of cost is needed to indicate that the usefulness of an asset has declined. Depreciation is the term most often used to indicate that tangible assets have declined in service potential.

Capital assets should be depreciated over their estimated useful lives unless they are inexhaustible. Inexhaustible capital assets such as land should not be depreciated. Inactive (or idle) assets will be depreciated in order to maintain a reasonable book value however their depreciation expense will not be reported in the years in which they are inactive status.

Assets acquired prior to 2008 were assigned a salvage value ranging from ten to twenty percent (10-20%). The city will maintain the salvage values on these particular assets. However, assets acquired subsequent to 2007 will not be assigned a salvage value upon initial purchase and instead the salvage value will be determined upon the related assets' disposal or termination of service.

The method used for calculating depreciation will be the "straight-line basis" method with a full year expense in the year of acquisition. This method incorporates the total cost of the asset less any salvageable value over the useful life of the asset.

Useful lives for different capital asset classes are as follows:

- | | |
|----------------------|----------|
| 1. Land | N/A |
| 2. Easements | N/A |
| 3. Land Improvements | 20 years |
| 4. Buildings | 40 years |

5. Building Improvements	10-30 years
6. Computer Equipment	5 years
7. Vehicles	5-20 years
8. Machinery	15 years
9. Equipment	10 years
10. Works of Art	N/A
11. Infrastructure (New)	50 years
12. Infrastructure (Improved)	25 years
13. Other	5 years
14. Roads (New)	50 years
15. Roads (Improved)	25 years
16. Overlay	5 years
17. Resurfacing	10 years
18. Bridges (New)	50 years
19. Bridges (Improved)	25 years
20. Tunnels	50 years
21. Underground Piping	60 years
22. Water Systems	50 years
23. Sewer Systems	50 years
24. Dams (New)	100 years
25. Dams (Improved)	25 years
26. Lighting Systems	50 years

BUILDING IMPROVEMENTS

Building improvements include, but are not limited to, roof replacements, repairs to heating or cooling (HVAC) systems, remodeling/renovations. Building improvements will be depreciated out using straight-line depreciation with a ten, twenty or thirty-year life (10, 20, or 30 year life).

DATED: FEBRUARY 16, 2009

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

Passed
LEGISLATIVE DEPARTMENT

RESOLUTION NO. 4 - 2010

BY: FINANCE COMMITTEE

A RESOLUTION requesting the Stark County Auditor and Stark County Treasurer to pay the City's share of 75% of the estate and inheritance taxes for the 2010 fiscal year.

WHEREAS, Ohio Revised Code Section 321.34 provides that a municipality may request by Resolution an advance payment from the County of 75% of the estate and inheritance taxes that the County collects on behalf of the municipality; and

WHEREAS, the legislative authority of the City of Massillon has deemed it necessary to request such advance payment, and

WHEREAS, the legislative authority of the City of Massillon has determined such request is necessary at this time.

Now, therefore, it is hereby resolved that the legislative authority of the City of Massillon hereby requests an advance payment of 75% of the estate and inheritance taxes collected for the 2010 fiscal year, as permitted by Ohio Revised Code Section 321.34.

PASSED IN COUNCIL THIS _____ DAY OF _____, 2010.

ATTEST:

MARY BETH BAILEY,
CLERK OF COUNCIL

GLENN GAMBER, PRESIDENT

APPROVED: _____

FRANCIS H. CICCHINELLI, JR., MAYOR