

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
TONY M. TOWNSEND, PRESIDENT
AGENDA

DATE: MONDAY, AUGUST 17, 2015
PLACE: COUNCIL CHAMBERS
TIME: 7:30 P.M.

THERE ARE NO PUBLIC HEARINGS TONIGHT

1. ROLL CALL - 8 present; Starrett absent
2. INVOCATION BY COUNCILMAN ED LEWIS
3. PLEDGE OF ALLEGIANCE
4. READING OF THE JOURNAL - Inscribed; not on website
5. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS ON THE AGENDA
6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

1st Reading
ORDINANCE NO. 117 - 2015

BY: ENVIRONMENTAL COMMITTEE

AN ORDINANCE amending the following sections of Chapter 925 "SEWERS GENERALLY" of the Codified Ordinances of the City of Massillon, Ohio, and declaring an emergency.

Passed 8-yes
ORDINANCE NO. 118 - 2015

BY: FINANCE COMMITTEE

AN ORDINANCE to appropriate from the unappropriated balance of the 1229 HOME Fund, for the year ending December 31, 2015, and declaring an emergency.

Passed 8-yes
ORDINANCE NO. 119 - 2015

BY: FINANCE COMMITTEE

AN ORDINANCE to appropriate from the unappropriated balance of the 3108 Unclaimed Money Fund, for the year ending December 31, 2015, and declaring an emergency.

Passed 8-yes
ORDINANCE NO. 120 - 2015

BY: FINANCE COMMITTEE

AN ORDINANCE to appropriate from the unappropriated balance of the 2202 Insurance Fund, for the year ending December 31, 2015, and declaring an emergency.

MONDAY, AUGUST 17, 2015

Passed 8-2 yes
ORDINANCE NO. 121 – 2015

BY: FINANCE COMMITTEE

AN ORDINANCE correcting references in Ordinance No. 90 – 2015, passed on July 27, 2015, and declaring an emergency.

7. UNFINISHED BUSINESS

8. PETITIONS AND GENERAL COMMUNICATIONS

9. BILLS, ACCOUNTS AND CLAIMS

The Respository - \$693.60 – Publication of June Ordinances – *8 yes to pay the bills*

10. REPORTS FROM CITY OFFICIALS

Treasurer's Report – July 2015

11. REPORTS OF COMMITTEES

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBER

13. CALL OF THE CALENDAR

14. THIRD READING ORDINANCES AND RESOLUTIONS

15. SECOND READING ORDINANCES AND RESOLUTIONS

Passed 8-2 yes
ORDINANCE NO. 107 – 2015

BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE

AN ORDINANCE amending Section 2(D) OCCUPATION LIST OF CLASS TITLES – WASTEWATER TREATMENT DEPARTMENT of Ordinance No. 127 – 1997 by amending Section 2(D) OCCUPATION LIST OF CLASS TITLES – WASTEWATER TREATMENT DEPARTMENT, and establishing new classifications and eliminating classifications under Section 2(D) OCCUPATION LIST OF CLASS TITLES – WASTEWATER TREATMENT DEPARTMENT in the City of Massillon, Ohio and declaring an emergency.

2nd Reading
ORDINANCE NO. 108 – 2015

BY: HEALTH, WELFARE AND BLDG. RELATIONS

AN ORDINANCE establishing the Housing Market Reinvestment Program (HMRP), and declaring an emergency.

2nd Reading
ORDINANCE NO. 109 – 2015

BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE

AN ORDINANCE adopting a "Petty Cash Policy" that shall be in effect in the City of Massillon, Ohio, and declaring an emergency.

2nd Reading
ORDINANCE NO. 110 – 2015**BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE**

Asses 8-18-15
AN ORDINANCE adopting a "Cash Drawer Policy" that shall be in effect in the City of Massillon, Ohio, and declaring an emergency.

ORDINANCE NO. 114 – 2015**BY: FINANCE COMMITTEE**

2nd Reading
AN ORDINANCE to reduce appropriations in the 1234 Park and Recreation Fund; for the year ending December 31, 2015, and declaring an emergency.

ORDINANCE NO. 115 – 2015**BY: FINANCE COMMITTEE**

2nd Reading
AN ORDINANCE amending CHAPTER 181 "INCOME TAX" of the Codified Ordinances of the City of Massillon and enacting new Section 181.031 LEVY OF ADDITIONAL TAX to reflect the increase in the municipal income tax rate from one and eighth-tenths (1.8%) to two percent (2.0%) to be effective January 1, 2017, subject to approval of the electors of the City of Massillon at a Primary Election to be held in the spring of 2016.

ORDINANCE NO. 116 – 2015**BY: FINANCE COMMITTEE**

2nd Reading
AN ORDINANCE amending Section 181.15 "CREDIT FOR TAX PAID TO ANOTHER MUNICIPALITY" OF CHAPTER 181 "INCOME TAX" of the Codified Ordinances of the City of Massillon by enacting a new Section 181.15 "CREDIT FOR TAX PAID TO ANOTHER MUNICIPALITY" of said CHAPTER 181 "INCOME TAX".

16. NEW AND MISCELLANEOUS BUSINESS**17. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS NOT ON THE AGENDA****18. ADJOURNMENT**

Marsha Harris
Larry Marcus

DIANE ROLLAND – CLERK OF COUNCIL

DATE: AUGUST 17, 2015

CLERK: DIANE ROLLAND

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
TONY M. TOWNSEND, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 117 – 2015

BY: ENVIRONMENTAL COMMITTEE

TITLE: AN ORDINANCE amending the following sections of Chapter 925 "SEWERS GENERALLY" of the Codified Ordinances 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:

Existing Chapter 925 "SEWERS GENERALLY" is hereby amended. Proposed changes have been requested by the Ohio EPA after a review of this chapter of the Codified Ordinances of the City of Massillon, Ohio. Said amendments of Chapter 925 "SEWERS GENERALLY" shall read as follows:

SEE EXHIBIT "A" ATTACHED HERETO

Section 2:

The Clerk of Council is authorized to correct any typographical errors discovered herein during or after the pendency or passage of this ordinance. The Clerk of Council is further authorized, in conjunction with the Law Department and the Council President to correct any ministerial or de minimis errors that do not substantially alter the intended results or numerical total sums of this ordinance, during or after the pendency or passage of this ordinance. Corrected copies are to be sent to all official recipients.

Section 3:

This Ordinance is hereby declared to be an emergency measure 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.

Corrections to be made to the Online Ordinance

925.20 General Discharge prohibitions – a.) Spelling of Centigrade

1.) Correct Celsius to 104 F.

j.) Spelling of cause

m.) Spelling of emulsified

925.28 Pretreatment of Industrial Wastes- c.) Spelling of Degradable

d.) Spelling of outlined

925.48 Pretreatment violation enforcement response policy 1.) Spelling of violation

Chart) Spelling of environmental

B6.) Change Range of response to L6

C8.) Change Range of response to L6

D6.) Needs to be removed and 7 & 8
renumbered to 6 & 7.

E3.) Range of response to L6

925.50 Operating Upsets – Remove (a) and section b needs to be deleted.

925.54 Records Retention – Spelling of requirements and Spelling of analysis

925.60 Baseline monitoring report – grammar-sources, that change sources which and spelling of within.

925.61 Signatory requirements for industrial user reports and certifications – Spelling of And

Appendix A – Priority Toxic Pollutants – Multiple spelling errors see attached items in red and other copy contains with all corrections.

925.20 GENERAL DISCHARGE PROHIBITIONS

No discharger shall contribute or cause to be discharged, directly or indirectly, any of the following described substances into the City wastewater collection and treatment system:

(a) Any pollutants which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction to create a fire or explosion hazard in the wastewater collection system and/or treatment plant including but not limited to, waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test method specified in 40 CFR 261.21.

(b) Solid or viscous substances which will or may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater system. (Ord. 69-1991. Passed 4-15-91.)

(c) Any wastewater having a pH less than 6.0 S.U. or higher than 10 S.U., or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the system.

(Ord. 56-1999. Passed 4-5-99.)

(d) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, or to exceed the limitation set forth in any applicable Categorical Pretreatment Standards. A toxic pollutant shall include but not be limited to any pollutant identified in the Toxic Pollutant List set forth in Appendix A hereto.

(e) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction are capable of creating a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair.

(f) Any substance which may cause the City wastewater treatment plant effluent or treatment residues, sludges, or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process.

(g) Any substance which will cause the City's wastewater treatment plant to violate its National Pollutant Discharge Elimination System (NPDES) and/or other Disposal System Permits.

(h) Any substance with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

(i) Any wastewater having a temperature which will inhibit biological activity in the City's wastewater treatment plant resulting in interference; but in no case, wastewater with a temperature at the introduction into the City's wastewater treatment plant which exceeds 40 degrees Celsius or 104 degrees Fahrenheit.

(j) Any slugload, which means any pollutant, including oxygen demanding pollutants released in a single extraordinary discharge episode of such volume or strength as to cause interference to the City's wastewater treatment plant.

(k) Any wastewater containing any radioactive wastes or isotopes of such half life or concentration as exceed limits established by the City in compliance with

applicable State or Federal regulations.

(l) Any wastewater which causes a hazard to human life or creates a public nuisance.

(m) Any water or wastes containing free oils, emulsified oils, and grease exceeding an average of 100 parts per million of either soluble matter.

(n) Any petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin discharged in amounts which cause pass through or interference at the wastewater treatment plant.

(o) Pollutants which result in the presence of toxic gases, vapors, or fumes within the wastewater collection system and/or treatment plant in a quantity that may cause acute worker health and safety problems

(p) Any garbage that has not been properly shredded.

(q) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the wastewater treatment plant, or having a chlorine demand greater than 30 parts per million.

(r) Under no conditions will the discharge of concentrated plating baths or acid pickling liquor whether neutralized or not be permitted to the sanitary sewer system.

(s) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly, or by interaction with other pollutants, will cause interference with the POTW.

(t) Trucked or hauled pollutants, except at discharge points designated by the Plant Manager in accordance with Section 925.26 of this ordinance.

(u) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the Plant Manager.

(v) Sludges, screenings, or other residues from the pretreatment of industrial wastes.

(w) Medical wastes, except as specifically authorized by the Plant Manager in an individual wastewater discharge permit.

(x) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test

(y) Detergents, surface-active agents, or other substances which might cause excessive foaming in the POTW

(z) Wastewater causing two successive readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the system, be more than five percent (%) of the Lower Explosive Limit (LEL) of the meter nor shall any single reading be more than 10 percent (%) of the Lower Explosive Limit (LEL) of the meter. (Ord. 69-1991. Passed 4-15-91.)

925.28 TREATMENT OF INDUSTRIAL WASTES

- (a) The admission into the public sewers of any waters or wastes having:
- (1) A 5-day biochemical oxygen demand greater than 300 parts per million by weight; and/or
 - (2) More than 300 parts per million by weight of suspended solids; and/or
 - (3) Any quantity of substances with the characteristics described in Sections 925.20 and 925.25; and/or
 - (4) An average daily flow greater than 25,000 gallons per day;

Shall be subject to the review and approval of the Safety-Service Director and the Plant Manager of the wastewater treatment plant.

(b) The Safety-Service Director and the Plant Manager of the wastewater treatment plant shall have the right to reject any and all wastes which, in their opinion, may be harmful to or exceed capacities of the wastewater treatment system. Where necessary, in the opinion of the Safety-Service Director and the Plant Manager of the wastewater treatment plant, the owner shall provide at his expense such preliminary treatment as may be necessary to:

- (1) Reduce the biochemical oxygen demand to 300 parts per million and the suspended solids to 300 parts per million by weight;
- (2) Reduce objectionable characteristics or constituents to within the maximum limits provided for in Sections 925.20 and 925.25; or
- (3) Control the quantities and rates of discharge of such waters or wastes. Detailed plans, specifications, operating procedures, and any other pertinent information relating to proposed treatment facilities shall be submitted for the approval of the City Engineer, Safety-Service Director and the Plant Manager of the wastewater treatment plant. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the City under provisions of this ordinance. No construction of such facilities shall be commenced until such approval is obtained in writing.

(c) The discharge of industrial wastes with concentrations exceeding the "normal strength" limitations may be permitted when, in the opinion of the Safety-Service Director and the Plant Manager of wastewater treatment plant, it is determined that such wastes can be satisfactorily treated without adverse effects to the collection and/or treatment systems. The industrial waste mentioned in this section must be a biologically degradable wastewater constituent capable of being removed by the existing wastewater treatment plant. Priority pollutants do not fall within this category.

The discharge of such wastes exceeding "normal strength" shall be subject to and require a surcharge to compensate the City for all costs associated with the collection,

conveyance, treatment, and final disposal for all excess concentrations as provided for in Section 929.12 and/or Section 937.10.
(Ord. 69-1991. Passed 4-15-91.)

(d) The discharge of industrial wastes with concentrations containing greater than the following limits require review and approval of the City Engineer and Plant Manager before discharge. This approval may be outlined in the permit to discharge, or added as an addendum.

Total Phosphorus	8 mg/L
Total Nitrogen	10 mg/L
Sulfate	150 mg/L
Dissolved Sulfide	0.1 mg/L
Hydrogen Sulfide	10 mg/L
(atmospheric)	
Total Dissolved Solids	1500 mg/L

925.48 PRETREATMENT VIOLATION ENFORCEMENT RESPONSE POLICY.

(a) The following definitions and response criteria shall be used in responding to violations of the City of Massillon Industrial Wastewater Pretreatment Program.

(b) Definitions.

(1) Major violation. Major violations are those that exceed the limits frequently and/or by a large quantity (e.g., the technical review criteria under subsection (c) (2) hereof); impede the determination of compliance status; have the potential to cause or may have actually caused adverse environmental effects, health problems, or interfered with the POTW treatment capability. Any violation that meets the definition of Significant Noncompliance (subsection (b) (2) hereof) is considered a major violation.

(2) Significant noncompliance (SNC). Any violation of pretreatment requirements (limits, samplings, analysis, reporting and meeting compliance schedules, and regulatory deadlines) is an instance of noncompliance for which the Industrial User is liable for enforcement, including penalties. Instances of SNC are Industrial User violations which meet one of more of the following criteria:

(c) Violations of Wastewater Discharge Limits.

(1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken for the same pollutant during a six-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 925.01;

(2) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three (33%) percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined by Section 925.01 multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);

(3) Any other violation of a pretreatment effluent limit (daily maximum, long term average, Instantaneous Limit, or narrative standard) that the Safety- Service Director or Plant Manager determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public).

(4) Any discharge of a pollutant that has caused imminent endangerment of human health, welfare or to the environment or has resulted in the POTW's exercise of emergency authority to halt or prevent such a discharge.

(d) Violations of Compliance Schedule Milestones. Violations of compliance schedule milestones that are contained in a local control mechanism or enforcement order, for starting construction, completing construction, and attaining final compliance by 90 days or more after the schedule date.

(e) Failure to Provide Reports. Failure to provide reports for compliance scheduled, self-monitoring data, or categorical standards (baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules) within 30 days from the due date.

(f) Failure to accurately report noncompliance.

(g) Any other violation or group of violations, which may include a violation of Best Management Practices, that the City considers to be significant by adversely affecting the operation or implementation of the local pretreatment program.

(h) Industrial User (IU) Violation Response Categories.

Level 1 (L1) - Telephone Call.

Level 2 (L2) - Notice of Violation (NOV).

Level 3 (L3) - Administrative Order (AO).

Level 4 (L4) - Administrative Order and/or Penalty.

Level 5 (L5) - Administrative Order and/or Penalty and/or Judicial Action.

Level 6 (L6) - Administrative Order and/or Penalty and/or Judicial Action

And/or Show Cause Hearing and/or Termination of Service.

(i) Titles and Timeframes for Industrial Users' Violation Response Categories.

Level 1 - Immediately, Pretreatment Coordinator, Pretreatment Inspector.

Level 2 - 5 Days, Pretreatment Coordinator, Pretreatment Inspector,
Manager.

Level 3 - 10 Days, Manager, City Engineer, Director of Public Service and Safety.

Level 4 - 10 Days, Manager, City Engineer, Director of Public Service and Safety.

Level 5 - 30 Days, Manager, City Engineer, Director of Public Service and Safety, Law Director.

Level 6 - 30 Days, Manager, City Engineer, Director of Public Service and Safety, Law Director.

(j) Pretreatment Enforcement Criteria. The following pages represent the City's Pretreatment Enforcement Response Criteria:

NONCOMPLIANCE	NATURE OF VIOLATION	RANGE OF RESPONSES
A. ILLEGAL DISCHARGE		
1. Nonpermitted discharge	Failure to apply for permit renewal, no environmental or POTW damage	L4
2. Unpermitted discharge	Discharger unaware of permit requirement, no environmental or POTW damage	L3
3. Unpermitted discharge	Results in violation of POTW NPDES permit, or dangerous situation - (SNC)	L5
NONCOMPLIANCE	NATURE OF VIOLATION	RANGE OF RESPONSES
B. DISCHARGE STANDARD VIOLATION		
1. Exceedance of discharge limits (local or categorical)	Isolated, nonsignificant (< 120% of limit)	L1 - Initial violation L2 - Subsequent violations
2. Exceedance of discharge limits	Frequent, nonsignificant (repeated offense)	L4
3. Exceedance of discharge limits	SNC	L5
4. Exceedance of discharge limits	Results in known environmental or POTW damage (endangerment to life)	L5
5. Slug load discharge	Isolated without known damage	L3
6. Slug load discharge	Isolated with known interference, pass-through, or damage results - (SNC)	L6
7. Slug load discharge	Recurring - (SNC)	L6
C. SAMPLING, MONITORING AND REPORTING VIOLATIONS		
1. Minor sampling, monitoring or reporting deficiencies	Isolated or infrequent (1st or 2nd offense)	L1 - Initial violation L2 - Subsequent violation
2. Minor sampling, monitoring or reporting deficiencies	Frequent (repeated offense) or continuous	L3
3. Major sampling, monitoring or reporting deficiencies	Isolated or infrequent (1st or 2nd offense)	L3
4. Major sampling, monitoring or reporting deficiencies	Frequent (repeated offense) or continuous to become SNC	L4
5. Complete failure to sample, monitor or report	SNC	L5
6. Continued failure to sample, monitor or report	Violation of NOV condition	L6
7. Failure to submit schedule of compliance (SOC)	Violation of consent order or AO	L6
8. Failure to notify of effluent limit violation of slug discharge	Isolated or infrequent No known effects	L6
9. Failure to notify of effluent limit violation of slug discharge	Frequent or continued violation - (SNC)	L5
10. Failure to notify of effluent limit violation or slug discharge	Known environmental or POTW damage results - (SNC)	L6
NONCOMPLIANCE	NATURE OF VIOLATION	RANGE OF RESPONSES
D. COMPLIANCE SCHEDULE		
1. Missed milestone date	Will not affect other milestone dates or final date	L2
2. Missed milestone date	Will affect other milestone or final date. Violation for good or valid cause	L3
3. Missed milestone date	Will affect other milestone or final date. Violation not for a good or valid cause - (SNC)	L5
4. Failure to meet compliance schedule reporting requirements	Did not submit report but did complete milestone	L2
5. Failure to meet compliance schedule reporting requirements	Did not submit report and did not complete milestone	L4
6. Missed final date	30 days or more outstanding Failure or refusal to comply without good or valid cause	L5

7.	Reporting false information	Any instance - (SNC)	L5
E. SPILL INCIDENTS			
1.	Spill incident	Reported and investigated	L3
2.	Repeated spill incidents	Failure to upgrade or develop spill prevention program	L4
3.	Repeated spill incidents	Failure to act on a decision of compliance meeting and results in known environmental damage or WWTP damage	L6
F. VIOLATIONS DETECTED DURING FIELD INSPECTIONS/INVESTIGATIONS			
1.	Minor violation of analytical procedures	Any instance	L2
2.	Major violation of analytical procedures	No evidence of intent	L3
3.	Major violation of analytical procedures	Evidence of negligence or intent (SNC)	L5
4.	Minor violation of permit condition	No evidence of negligence or intent	L3
5.	Minor violation of permit condition	Evidence of negligence or intent	L4
6.	Major violation of permit condition	Evidence of negligence or intent (SNC)	L5

ENFORCEMENT

(a) Administrative Orders. The City has the authority to issue enforceable Administrative Orders to any or all dischargers to the sanitary sewer system. Such Orders may contain numerical discharge values limiting the volume, concentration, or mass loadings from dischargers.

(b) Compliance Schedule. The City may issue Compliance Schedules to Dischargers who fail to achieve compliance with Administrative Orders issued by the City or numerical limitations of the City or other regulatory agencies.

(c) Litigation. Whoever violates an Order of the City or fails to comply with any provisions of this chapter shall be guilty of a misdemeanor and shall be penalized in the manner set forth.

(d) Enforcement Actions; Annual Publications. At least annually, the Safety-Service Director shall provide meaningful public notification in a newspaper of general circulation within the jurisdiction served by the POTW of all industrial users which at any time during the previous twelve months were in significant noncompliance with applicable pretreatment standards or other pretreatment requirements. For the purposes of this provision, an industrial user is in significant noncompliance if its violations meet one or more of the following criteria:

(1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken for the same pollutant during a six-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 925.01;

(2) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined by Section 925.01 multiplied by the applicable TRC ($TRC = 1.4$ for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);

(3) Any other violation of a pretreatment effluent limit (daily maximum, long term average, Instantaneous Limit, or narrative standard) that the Safety-Service Director or Plant Manager determines has caused, alone or in combination with other dischargers, interference or pass through (including endangering the health of POTW personnel or the general public);

(4) Any discharge of a pollutant that has caused imminent endangerment of human health, welfare or to the environment or has resulted in the POTW's exercise of emergency authority to halt or prevent such a discharge;

(5) Violation by ninety days or more after the scheduled date of a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(6) Failure to provide required reports such as baseline monitoring reports, ninety days compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules within 45 days of the due date;

(7) Failure to accurately report noncompliance;

(8) Any other violation or group of violations, which may include a violation of Best Management Practices, which the Safety-Service Director or Plant Manager determines will or has adversely affected the operation or implementation of the City's pretreatment program.

(Ord. 140-2012. Passed 1-22-13.)

925.50 OPERATING UPSETS

Any discharger that experiences an upset in operations which places the discharger in a temporary state of noncompliance with this chapter or a Wastewater Discharge Permit issued pursuant hereto shall inform the Plant Manager thereof within twenty-four hours of first awareness of the commencement of the upset. Where such information is given orally, a written follow-up report thereof shall be filed by the discharger with the Plant Manager within five days. The report shall specify:

- (1) Description of the upset, the cause thereof, and the upset's impact on a discharger's compliance status.
- (2) Duration of noncompliance, including exact dates and times of noncompliance, and if the noncompliance continues, the time by which compliance is reasonably expected to occur.
- (3) All steps taken or to be taken to reduce, eliminate and prevent recurrence of such an upset or other conditions of noncompliance.

(Ord. 69-1991. Passed 4-15-91.)

925.54 RECORDS RETENTION.

Industrial Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the Industrial User independent of such requirements, and documentation associated with Best Management Practices established under Section 925.35(c). Records shall include the date, exact place, method and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed, who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning the Industrial User or the City, or where the Industrial User has been specifically notified of a longer retention period by the Plant Manager. (Ord. 140-2012. Passed 1-22-13.)

925.60 BASELINE MONITORING REPORT.

All Industrial Users, including new sources, which are subject to categorical pretreatment standards shall submit baseline monitoring report ("BMRs") to the Plant Manager. These reports shall supply basic information to identify the Industrial User, the characteristics of the User's discharge and the compliance status. A BMR must contain the following information:

- (a) Name and address of the facility, including names of operator(s) and owner(s).
- (b) List of all environmental control permits held by or for the facility.
- (c) Brief description of the nature, average production rate, and SIC code for each of the operation(s) conducted, including a schematic process diagram which indicates points of discharge from the regulated process to the POTW.
- (d) Flow measurement information for regulated process streams discharged to the Municipal system. Flow measurements of other wastestreams will be necessary if application of the combined wastestream formula is necessary.
- (e) Identification of the pretreatment standards applicable to each regulated process and results of measurements of pollutant concentrations and/or mass. All samples must be representative of daily operations and results reported must include values for daily maximum and average concentration (or mass, where required). Where the flow of the regulated stream being sampled is less than or equal to 250,000 gallons per day, the Industrial User must take six samples within a two-week period. Where the flow of the stream is greater than 250,000 gallons per day, the Industrial User must take six samples within a two-week period. If samples cannot be taken immediately downstream from the regulated process and other wastewaters are mixed with the regulated process, the Industrial User should measure flows and concentrations of the other wastestreams sufficient to allow use of the combined wastestream formula.
- (f) Statement of certification concerning compliance or noncompliance with the Pretreatment Standards.
- (g) If not in compliance, a compliance schedule must be submitted with the BMR that describes the actions the user will take and a timetable for completing those actions to achieve compliance with the standard. This compliance schedule must contain specific increments of progress in the form of dates for the commencement and completion of major events, however, no increment of the schedule shall exceed nine months. Within fourteen days of each completion date in the schedule, the Industrial User shall submit a progress report to the City indicating whether or not it complied with the increment of progress to be met on such date, and, if not, the date on which it expects to comply with this increment of progress and the steps being taken to return to the schedule.
- (h) The baseline monitoring report does not apply to discharges not covered by categorical standards.
- (i) Industrial Users shall submit BMRs to the Plant Manager within 180 days after the effective date on the applicable categorical standard, or within 180 days after the final decision on a category determination request, whichever is later.
- (j) New sources, and existing sources that become Industrial Users subsequent to the promulgation of an applicable categorical standard, shall submit a baseline monitoring report at least ninety days prior to commencement of the facility's discharge to a POTW. New sources may provide estimates for the information on production, flow, and the presence and quantity of regulated pollutants in its wastestream.
- (k) New sources shall also provide information on the pretreatment equipment the new source proposes to install to meet applicable discharge limits.

(Ord. 140-2012. Passed 1-22-13.)

925.61 SIGNATORY REQUIREMENTS FOR INDUSTRIAL USER REPORTS AND CERTIFICATIONS.

The application and reports required by Sections 925.32, 925.38, 925.39 and 925.60 shall include the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction and supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations." And shall be signed as follows:

(a) By a responsible corporate officer, if the Industrial User submitting the application and reports required by Sections 925.32, 925.38, 925.39 and 925.60 is a corporation. For the purpose of this subsection, a responsible corporate officer means:

(1) A president, secretary, treasurer, or vice-president of a corporation in charge of a principal business function, or any other person who performs similar policy-or decision-making functions for the corporation, or

(2) The manager of one or more manufacturing, production, or operating facilities, provided that the manager is authorized to make management decisions which govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations, and to initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(b) By a general partner or proprietor if the Industrial User submitting the applications and reports required by Sections 925.32, 925.38, 925.39 and 925.60 is a partnership or sole proprietorship respectively.

(c) By a duly authorized representative of the individual designated in subsection (a) or (b) of this section if

(1) The authorization is made in writing by the individual described in subsection (a) or (b);

(2) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the Industrial Discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and

(3) The written authorization is submitted to the City.

(d) If an authorization under subsection (c) hereof is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of subsection (c) hereof must be submitted to the City prior to or together with any reports to be signed by an authorized representative.

(e) Certification Statements.

(1) Annual certification for non-significant categorical industrial users. A facility determined to be a Non-Significant Categorical Industrial User as described in Section 925.39 and pursuant to Section 925.39 must annually submit the following certification statement signed in accordance with the signatory requirements above. This certification must accompany an alternative report required by the Plant Manager:

"Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR __, I certify that, to the best of my knowledge and belief that during the period from __ to __, __ [months, days, year]. (a) The facility described as __ [facility name] met the definition of a Non-Significant Categorical Industrial User as described in Section 925.39. (b) The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and (c) The facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period. This compliance certification is based on the following information.

[Approximate justification may include water billing records, production records, etc.]

(2) Certification of pollutants not present. Users that have an approved monitoring waiver based on Section 925.39 must certify on each report with the following statement that there has been no increase in the pollutant in its waste stream due to activities of the Industrial User. Based on my inquiry of the person or persons directly responsible 40 CFR 403.6(a) (2) (ii) or the most recent applicable National Pretreatment Standard part(s) and shall be signed in accordance with the criteria set forth in 40 CFR 403.12(l) (1) - (4).

(3) Certification for Toxic Organics Management Plans. Users that have in force a City approved Total Toxic Organics Management Plan (TOMP) must certify on each report with the following statement that there has been no dumping of contaminated toxic organics into the wastewater since the last monitoring report.

(Based on my inquiry of the person or persons directly responsible for managing compliance with the pretreatment standard for total toxic organics (TTO), I certify that, to the best of my knowledge and belief, no dumping of concentrated toxic organics into the wastewaters has occurred since filing the last discharge monitoring report. I further certify that this facility is implementing the toxic organic management plan submitted to the control authority).

(Ord. 140-2012. Passed 1-22-13.)

APPENDIX A - PRIORITY TOXIC POLLUTANTS

1. Acenaphthene
2. Acrolein
3. ~~Acryloitrile~~ Acrylonitrile
4. Benzene
5. Benzidine
6. Carbon tetrachloride (tetrachloromethane)
7. Chlorobenzene
8. 1, 2, 4 - Trichlorobenzene
9. Hexachlorobenzene
- ~~10. 1, 1 - Dichloroethane (Remove)~~
10. 1, 2 - Dichloroethane
11. 1, 1, 1 - Trichloroethane
12. Hexachloroethane
13. ~~1, 1 - Dichloroethane (add)~~
14. 1, 1, 2 - Trichloroethane
15. 1, 1, 2, 2 - Tetrachloroethane
16. Chloroethane
17. Bis (2 - chloroethyl) ether
18. 2 - Chloroethyl vinyl ether (mixed)
19. 2 - Chloronaphthalene
20. 2, 4, 6 - Trichlorophenol
21. Parachlorometa cresol
22. Chloroform (trichloromethane)
23. 2 - Chlorophenol
24. 1, 2 - Dichlorobenzene
25. 1, 3 - Dichlorobenzene
26. 1, 4 - ~~Dichlorobezene~~ Dichlorobenzene
27. 3, 3 - Dichlorobenzidine
28. 1, 1 - Dichloroethylene
29. 1, 2 - Trans-dichloroethylene
30. 2, 4 - ~~Dichlorophenyl~~ Dichlorophenol
31. 1, 2 - Dichloropropane
32. 1, 2 - ~~Dichloropropane~~ 3 Dichloropropylene (1, 3-Dichloropropene)
33. 1, 2 - Dichloropropylene
34. 2, 4 - Dimethylphenol
35. 2, 4 - Dinitrotoluene
36. 2, 6 - Dinitrotoluene
37. 1, 2 - Dephenylhydrazine
38. Ethylbenzene
39. Fluoranthene
40. 4 - Chlorophenyl phenyl ether
41. 4 -Bromophenyl phenyl ether
42. Bis (2 - chloroisopropyl) ether
43. Bis (2 - chloroethoxy) methane
44. Methylene \odot chloride (dichloromethane)
45. Methyl \odot chloride (chloromethane)
46. Methyl bromide (bromomethane)
47. Bromoform (tribromomethane)
48. Dichlorobromomethane
49. Chlorodibromomethane
50. Hexachlorobutadiene
51. Hexachlorocyclopentadiene
52. Isophorone

53. Naphthalenec
54. Nitrobenzene
55. 2 - Nitrophenol
56. 4 - Nitrophenol
57. 2, 4 - Dinitrophenol
58. 4, 6 - Dinitro-o-cresol
59. N - nitrosodimethylamine
60. N - nitrosodiphenylamine
61. N - nitrosodi-n-propylamine
62. Pentachlorophenol
63. Phenol
64. Bis (2-ethylhexyl) phthalate
65. Butyl benzyl phthalate
66. Di-n-octyle-phthalate
67. Di-n-butyl phthalate
68. Diethyl phthalate
69. Dimethyl phthalate
70. 1, 2- Benzeanthracene 12 Benzeanthracene (benzo (a) anthracene)
71. Benzo (a) pyrene (3, 4 - benzopyrene)
72. ~~3, 4- Benzo~~fluoranthene (~~benzo-(b) fluoranthene~~) 3-4-Benzofluoranthene (benzo(b)fluoranthene)
73. 11, 12 - Benzofluoranthene (benzo (k) fluoranthene)
74. Chrysene
75. Acenaphthylene
76. Anthracene
77. 1, 12 - Benzoperylene (benzo (ghi) perylene)
78. Fluorene
79. Phenanthrene
80. 1 2, 5, 6 - Dibenzanthracene (dibenzo (a, h) anthracene)
81. Indeno (1, 2, 3-cd) pyrene (2, 3-o-phenylene pyrene)
82. Pyrene
83. Tetrachoroethylene
84. Toluene
85. Trichloroethylene
86. Vinyl chloride (chloroethylene)
87. Aldrin
88. Dieldrin
89. Chlordane (technical mixture and metabolites)
90. 4, 4 -DDT
91. 4, 4 - DDE (p, p-DDX)
92. 4, 4 - DDD (p, p-TDE)
93. Alpha-endosulfan
94. Beta-endosulfan
95. Endosulfan sulfate
96. Endrin
97. Endrin aldehyde
98. Heptachlor
99. Heptachlor epoxide (BHC - hexachlorocyclohexane)
100. Alha - BHC
101. Beta - BHC
102. Gamma - BHC
103. Delta - BHC (PCB - polychlorinated biphenyls)
104. PCB - 1242 (Arochlor 1242)
105. PCB - 1254 (Arochlor 1254)
106. PCB - 1221 (Arochlor 1221)

107. PCB - 1232 (Arochlor 1232)
108. PCB - 1248 (Arochlor 1248)
109. PCB - 1260 (Arochlor 1260)
110. PCB - 1016 (Arochlor 1016)
111. Toxaphene
112. 2, 3, 7, 8 - Tetrachlorodibenzo-p-dioxin (TCDD)
113. Antimony (Total)
114. Arsenic
115. Asbestos
116. Beryllium
117. Cadmium
118. Chromium
119. Copper
120. Cyanide
121. Lead
122. Mercury
123. Nickel
124. Selenium
125. Silver
126. Thallium
127. Zinc

	<u>Pollutant</u>	<u>Limit</u>
127.	Arsenic	0.081 mg/l
128.	Cadmium	0.457 mg/l
129.	Chromium (Total)	22.129 mg/l
130.	Chromium (Hexavalent)	2.742 mg/l
131.	Copper	1.805 mg/l
132.	Cyanide	0.133 mg/l
133.	Lead	3.190 mg/l
134.	Mercury	0.004 mg/l
135.	Nickel	0.816 mg/l
136.	Selenium	0.450 mg/l
137.	Silver	0.227 mg/l
138.	Zinc	1.816 mg/l

(Ord. 140-2012. Passed 1-22-13.)

APPENDIX A - PRIORITY TOXIC POLLUTANTS

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5. Benzidine
6. Carbon tetrachloride (tetrachloromethane)
7. Chlorobenzene
8. 1, 2, 4 - Trichlorobenzene
9. Hexachlorobenzene
10. 1, 2 - Dichloroethane
11. 1, 1, 1 - Trichloroethane
12. Hexachloroethane
13. 1, 1, 2 - Trichloroethane
14. 1, 1, 2, 2 - Tetrachloroethane
15. Chloroethane
16. Bis (2 - chloroethyl) ether
17. 2 - Chloroethyl vinyl ether (mixed)
18. 2 - Chloronaphthalene
19. 2, 4, 6 - Trichlorophenol
20. Parachlorometa cresol
21. Chloroform (trichloromethane)
22. 2 - Chlorophenol
23. 1, 2 - Dichlorobenzene
24. 1, 3 - Dichlorobenzene
25. 1, 4 - Dichlorobezene
26. 3, 3 - Dichlorobenzidine
27. 1, 1 - Dichloroethylene
28. 1, 2 - Trans-dichloroethylene
29. 2, 4 - Dichlorophenol
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32. 1, 3, Dichloropropene)
33. 1, 2 - Dichloropropylene
34. 2, 4 - Dimethylphenol
35. 2, 4 - Dinitrotoluene
36. 2, 6 - Dinitrotoluene
37. 1, 2 - Dephenylhydrazine
38. Ethylbenzene
39. Fluoranthene
40. 4 - Chlorophenyl phenyl ether
41. 4 -Bromophenyl phenyl ether
42. Bis (2 - chloroisopropyl) ether
43. Bis (2 - chloroethoxy) methane
44. Methylene chloride (dichloromethane)
45. Methyl chloride (chloromethane)
46. Methyl bromide (bromomethane)
47. Bromoform (tribromomethane)
48. Dichlorobromomethane
49. Chlorodibromomethane
50. Hexachlorobutadiene
51. Hexachlorocyclopentadiene
52. Isophorone
53. Naphthalene

108. PCB - 1248 (Arochlor 1248)
109. PCB - 1260 (Arochlor 1260)
110. PCB - 1016 (Arochlor 1016)
111. Toxaphene
112. 2, 3, 7, 8 - Tetrachlorodibenzo-p-dioxin (TCDD)
113. Antimony (Total)
114. Arsenic
115. Asbestos
116. Beryllium
117. Cadmium
118. Chromium
119. Copper
120. Cyanide
121. Lead
122. Mercury
123. Nickel
124. Selenium
125. Silver
126. Thallium
127. Zinc

	<u>Pollutant</u>	<u>Limit</u>
127.	Arsenic	0.081 mg/l
128.	Cadmium	0.457 mg/l
129.	Chromium (Total)	22.129 mg/l
130.	Chromium (Hexavalent)	2.742 mg/l
131.	Copper	1.805 mg/l
132.	Cyanide	0.133 mg/l
133.	Lead	3.190 mg/l
134.	Mercury	0.004 mg/l
135.	Nickel	0.816 mg/l
136.	Selenium	0.450 mg/l
137.	Silver	0.227 mg/l
138.	Zinc	1.816 mg/l

(Ord. 140-2012. Passed 1-22-13.)

DATE: AUGUST 17, 2015

CLERK: DIANE ROLLAND

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
TONY M. TOWNSEND, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 118 – 2015

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE to appropriate from the unappropriated balance of the 1229 HOME Fund, for the year ending December 31, 2015, 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 1229 HOME Fund, for the year ending December 31, 2015, the following:

\$ 50,000.00 to an account entitled "HOME Housing Rehabilitation" - 1229.845.5.2814

Section 2:

The Clerk of Council is authorized to correct any typographical errors discovered herein during or after the pendency or passage of this ordinance. The Clerk of Council is further authorized, in conjunction with the Law Department and the Council President to correct any ministerial or de minimis errors that do not substantially alter the intended results or numerical total sums of this ordinance, during or after the pendency or passage of this ordinance. Corrected copies are to be sent to all official recipients.

Section 3:

This Ordinance is hereby declared to be an emergency measure for the efficient operation of various departments of the City of Massillon and for the preservation of the 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.

DATE: AUGUST 17, 2015

CLERK: DIANE ROLLAND

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
TONY M. TOWNSEND, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 119 – 2015

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE to appropriate from the unappropriated balance of the 3108 Unclaimed Money Fund, for the year ending December 31, 2015, 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 3108 Unclaimed Money Fund, for the year ending December 31, 2015, the following:

\$ 221.57 to an account entitled "Unclaimed Money"	- 3108.905.5.2390
<u>159.68</u> to an account entitled "Transfer to General"	- 3108.905.5.2710
\$ 381.25 TOTAL	

Section 2:

The Clerk of Council is authorized to correct any typographical errors discovered herein during or after the pendency or passage of this ordinance. The Clerk of Council is further authorized, in conjunction with the Law Department and the Council President to correct any ministerial or de minimis errors that do not substantially alter the intended results or numerical total sums of this ordinance, during or after the pendency or passage of this ordinance. Corrected copies are to be sent to all official recipients.

Section 3:

This Ordinance is hereby declared to be an emergency measure for the efficient operation of various departments of the City of Massillon and for the preservation of the 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.

DATE: AUGUST 17, 2015

CLERK: DIANE ROLLAND

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
TONY M. TOWNSEND, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 120 – 2015

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE to appropriate from the unappropriated balance of the 2202 Insurance Fund, for the year ending December 31, 2015, 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 2202 Insurance Fund, for the year ending December 31, 2015, the following:

\$ 3,693.00 to an account entitled "Employee Insurance (COBRA)" - 2202.905.5.2310

Section 2:

The Clerk of Council is authorized to correct any typographical errors discovered herein during or after the pendency or passage of this ordinance. The Clerk of Council is further authorized, in conjunction with the Law Department and the Council President to correct any ministerial or de minimis errors that do not substantially alter the intended results or numerical total sums of this ordinance, during or after the pendency or passage of this ordinance. Corrected copies are to be sent to all official recipients.

Section 3:

This Ordinance is hereby declared to be an emergency measure for the efficient operation of various departments of the City of Massillon and for the preservation of the 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.

DATE: AUGUST 17, 2015

CLERK: DIANE ROLLAND

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 121 - 2015

BY: FINANCE COMMITTEE

CORRECTING REFERENCES IN ORDINANCE NO. 90-2015 PASSED ON JULY 27, 2015; AND DECLARING AN EMERGENCY.

WHEREAS, this Council passed Ordinance No. 90-2015 on July 27, 2015 (the "Amending Ordinance") amending an ordinance that Council had passed on August 2, 1999 (defined therein and herein as the "Initial TIF Ordinance") pursuant to and in accordance with Ohio Revised Code Sections 5709.40, 5709.42 and 5709.43 and in which Council declared (a) the construction of certain Commercial Improvements (as defined in the Initial TIF Ordinance and comprising a shopping center located generally at the intersection of U.S. Route 30 and Erie Street), to be a public purpose benefiting the City and its residents and that the duration of that public purpose should be 30 years and (b) the Commercial Improvements to be exempt from real property taxation, commencing on the effective date of the Initial TIF Ordinance and ending on the 30th anniversary of the effective date or the date the Infrastructure Improvements (as defined originally in the Initial TIF Ordinance and more particularly described in Exhibit C attached to the Initial TIF Ordinance and comprised generally of infrastructure improvements in the immediate vicinity of the Commercial Improvements that would directly benefit or, once made, would directly benefit the Commercial Improvements, the "Initial Infrastructure Improvements"), are paid in full;

WHEREAS, reference was made incorrectly to the number of the Initial TIF Ordinance as No. 157-99 in the caption of the Amending Ordinance and in the first recital of the Amending Ordinance in which the Initial TIF Ordinance was defined;

WHEREAS, Ordinance No. 157-99 was passed by this Council on August 16, 1999, related to the City's purchase of the Sports Bowl property and had nothing to do with the subject matter of the Initial TIF Ordinance;

WHEREAS, the references in the caption and first recital of the Amending Ordinance to the Initial TIF Ordinance were intended to be references to Ordinance No. 151-99 passed on August 2, 1999, which was incorrectly stated to be Ordinance No. 157-99 due to a typographical error;

ORDINANCE NO. 121 – 2015

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

Section 1. This Council hereby confirms the statements made in the recitals to this Ordinance, including that the references in the caption and first recital of the Amending Ordinance to Ordinance No. 157-99 were intended to be references to Ordinance No. 151-99, it being the understanding and intention of this Council at that time that it was amending the Initial TIF Ordinance relating to the Commercial Improvements and the Initial Infrastructure Improvements. This Council hereby authorizes and directs that the record of its proceedings, and, in particular, the caption and first recital of Ordinance No. 90-2015 be corrected to read in full as follows so as to set forth accurately and with finality this Council's intentions and understandings at the time of its passage of Ordinance No. 90-2015:

**"AMENDING ORDINANCE NO. 151-1999 PASSED
ON AUGUST 2, 1999 AND RELATING TO THE
MARKETPLACE DEVELOPMENT AND PUBLIC
INFRASTRUCTURE IMPROVEMENTS;
AUTHORIZING RELATED MATTERS; AND
DECLARING AN EMERGENCY.**

WHEREAS, this Council passed Ordinance No. 151-1999 on August 2, 1999 (the "Initial TIF Ordinance") and, as amended by this ordinance, the "TIF Legislation") pursuant to and in accordance with Ohio Revised Code Sections 5709.40, 5709.42 and 5709.43 (the "Act") and declared in the Initial TIF Ordinance (a) the construction of the Commercial Improvements (as defined in the Initial TIF Ordinance and comprising a shopping center located generally at the intersection of U.S. Route 30 and Erie Street), to be a public purpose benefiting the City and its residents and that the duration of that public purpose should be 30 years and (b) the Commercial Improvements to be exempt from real property taxation, commencing on the effective date of the Initial TIF Ordinance and ending on the 30th anniversary of the effective date or the date the Infrastructure Improvements (as defined originally in the Initial TIF Ordinance and more particularly described in Exhibit C attached to the Initial TIF Ordinance (the "Initial Exhibit C") and comprised generally of infrastructure improvements in the immediate vicinity of the Commercial Improvements that would directly benefit or, once made, would directly benefit the Commercial Improvements; the "Initial Infrastructure Improvements"), are paid in full;"

Section 2. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or committees, and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with the law.