

AGENDA

DATE: MONDAY, MAY 3, 2004

PLACE: COUNCIL CHAMBERS

TIME: 7:30 P.M.

THERE ARE NO PUBLIC HEARINGS TONIGHT

1. ROLL CALL
2. INVOCATION BY COUNCILMAN TOM WEBER
3. PLEDGE OF ALLEGIANCE *move 68-2004 to 1st item*
4. READING OF THE JOURNAL
5. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS ON THE AGENDA
6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 84 - 2004

BY: ENVIRONMENTAL COMMITTEE

Supp 9-0
Pro 9-0 **AN ORDINANCE** enacting a new CHAPTER 920 "EROSION/SEDIMENT CONTROL", of the Codified Ordinances of the City of Massillon, and declaring an emergency.

ORDINANCE NO. 85 - 2004

Supp 9-0
Pro 9-0 **AN ORDINANCE** authorizing the Director of Public Service and Safety of the City of Massillon to enter into an agreement with Stark Soil and Water District for the administering of the soil erosion/sediment control chapter of the City of Massillon Codified Ordinances, and declaring an emergency.

ORDINANCE NO. 86 - 2004

Supp 9-0 **BY: PARKS AND RECREATION COMMITTEE**

Pro 9-0 **AN ORDINANCE** authorizing and directing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into an option to purchase the real estate located in the Township of Tuscarawas, Stark County, Ohio, which is currently owned by Daniel D. Cottrill, Jr., and declaring an emergency.

ORDINANCE NO. 87 - 2004

135 **BY: PUBLIC UTILITIES COMMITTEE**

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into an extension of a no-drilling oil and gas lease agreement for a 1.24 acre parcel of land owned by the City, and declaring an emergency.

ORDINANCE NO. 88 - 2004

Supp 9-0 **BY: FINANCE COMMITTEE**

Pro 9-0 **AN ORDINANCE** making certain appropriations from the unappropriated balance of the BR Lincoln Center Fund, BR Tax Increment Fund, Community Health Fund, Capital Improvement Fund, and the Bond Retirement WWT Fund, for the year ending December 31, 2004, and declaring an emergency.

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

- A). MAYOR SUBMITS MONTHLY PERMIT REPORT FOR APRIL 2004
- B). AUDITOR SUBMITS MONTHLY REPORT FOR APRIL 2004

11. REPORTS OF COMMITTEES — *May 10 @ 5:30pm*
12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBER
13. CALL OF THE CALENDAR

*Tin Bryan presentation
MCH @ 6:20pm
Gloria - proposed 1:30 Annex*

ORDINANCE NO. 59 - 2004

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

9-0 MOTION TO TABLE indefinitely

AN ORDINANCE directing the City Engineer and the Director of Public Service and Safety to prepare cost estimates, plans, profiles and specifications for replacement of sidewalks at 815 Seneca NE., in the City of Massillon.

ORDINANCE NO. 60 - 2004

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

9-0 MOTION TO TABLE indefinitely

AN ORDINANCE directing the City Engineer and the Director of Public Service and Safety to prepare cost estimates, plans, profiles and specifications for replacement of sidewalks at 725 Main Avenue West, in the City of Massillon.

ORDINANCE NO. 61 - 2004

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

9-0 MOTION TO TABLE indefinitely

AN ORDINANCE directing the City Engineer and the Director of Public Service and Safety to prepare cost estimates, plans, profiles and specifications for replacement of sidewalks at 319 Cherry Road NE., in the City of Massillon

14. THIRD READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 58 - 2004

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

*Pass
9-0*

AN ORDINANCE amending CHAPTER 353 "ON-STREET AND OFF-STREET PARKING" of the Codified Ordinances of the City of Massillon, by repealing existing Section 353.99 "PENALTY" and enacting a new Section 353.99 "PENALTY".

ORDINANCE NO. 68 - 2004

BY: COMMUNITY DEVELOPMENT COMMITTEE

9-0 MOTION TO Amend The Budget TO reflect the 4-26-04 Rev.

AN ORDINANCE approving an application for assistance under Title I of the Housing and Community Development Act of 1974, as amended, including the Consolidated Plan and Annual Action Plan, authorizing the execution and filing of the application and related assurances and certifications, and declaring an emergency.

*5-25-04
9-0
Perry
Mayer*

ORDINANCE NO. 75 - 2004

BY: POLICE AND FIRE COMMITTEE

Pass 9-0
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to implement the Knox Box program in the Massillon Fire Department.

ORDINANCE NO. 79 - 2004

BY: FINANCE COMMITTEE

Pass 9-0
AN ORDINANCE amending CHAPTER 181 "INCOME TAX" of the Codified Ordinances of the City of Massillon, and amending Section 181.03 "IMPOSITION OF TAX" by repealing subsection 181.03 (e) (13) and enacting a new subsection 181.03 (e) (13) and adding additional language to Section 181.03 (a) (1) of the Codified Ordinances of the City of Massillon to provide for the taxation of Lottery winnings.

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: MAY 3, 2004

CLERK: MARY BETH BAILEY

*5020 9-0
p. 10 9-0*

CITY OF MASSILLON, OHIO

Passed
LEGISLATIVE DEPARTMENT

COUNCIL CHAMBERS

ORDINANCE NO. 84 - 2004

BY: ENVIRONMENTAL COMMITTEE

TITLE: AN ORDINANCE enacting a new CHAPTER 920 "EROSION/SEDIMENT CONTROL", of the Codified Ordinances of 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:

Whereas, the City of Massillon finds that erosion and sedimentation from land-disturbing activities detrimentally affects that public health, safety, and general welfare and there is a need for the enactment of regulations and rules governing the same.

Section 2:

There be and is hereby enacted a new CHAPTER 920 "EROSION/SEDIMENT CONTROL", of the Codified Ordinances of the City of Massillon. Said newly created Chapter shall read as follows:

(SEE ATTACHED EXHIBIT "A")

Section 3:

This ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and welfare of the community and for the additional reason of preventing further erosion and sediment damage due to the current constructions activities and the fact that the U.S. EPA has imposed these rules on cities effective March 10, 2003. 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 _____, 2004

APPROVED: _____
MARY BETH BAILEY, CLERK OF COUNCIL DENNIS D. HARWIG, PRESIDENT

APPROVED: _____
FRANCIS H. CICCHINELLI, JR., MAYOR

"Exhibit A"

Chapter 920
EROSION/SEDIMENT CONTROL

920.01	Findings/Purpose and Scope
920.02	Administration
920.03	Terms Defined
920.04	Regulated Activities
920.05	Performance Standards
920.06	Application Procedures for ESC Plan
920.07	Fees
920.08	Monitoring the Permit for Compliance
920.09	Variances to Rules
920.10	Disclaimer of Liability

920.01 Findings/Purpose and Scope

The City of Massillon finds that erosion and sedimentation from land-disturbing activities detrimentally affects the public health, safety and general welfare in the following ways:

Increases the risk of flooding because streams and storm water facilities that receive excessive sediment have a reduced capacity to convey water;

Damages fisheries and habitat quality in streams and wetlands when siltation clogs spawning gravel and when excessive turbidity impairs the survivability of aquatic organisms;

Increases public expenditures for maintenance of stormwater facilities, ditches, culverts and storm sewers that receive excessive amounts of sediment;

Damages adjacent properties, including public right-of-ways, when sediment is deposited on these properties;

Promotes transport of nutrients to lakes causing algal blooms and oxygen depletion;

These rules are adopted in accordance with the City of Massillon's authorization for small municipal separate storm sewer systems (MS4's) to discharge storm water under the national pollutant discharge elimination system and shall apply to all soil-disturbing activities on land within the incorporated area of the City of Massillon used or being developed for non-farm commercial, industrial residential, or other non-farm purposes, including, but not limited to, individual or multiple lots, subdivisions, multi-family developments, condominium units, commercial and industrial developments, recreational projects, general clearing and grading projects, underground utilities, highways, building activities on farms, redevelopment of urban areas and all other uses unless expressly excluded as follows:

- a) Activities related to producing agricultural crops and silviculture operations or areas regulated by the Ohio Agricultural Sediment Abatement Rules (H.B 88)
- b) Strip mining and surface mining operations regulated under Revised Code 1513.01, 1514.01.
- c) Normal landscape maintenance activities and gardening/horticulture.

d) An Erosion Sediment Control Plan is not required before clearing, grading, excavating, filling or otherwise wholly or partially less than 1(one) contiguous acres of land owned by one person or operated as one development unit; however, areas of less than 1 (one) contiguous acres are not exempt from compliance with all other provisions of these rules (See, 920.04(a)).

920.02 ADMINISTRATION

a) AUTHORISED AGENTS

1) The Stark Soil & Water Conservation District, acting as the City of Massillon's duly authorized representative, shall administer these regulations. Staff of the Stark SWCD shall be responsible for the determination of compliance with these regulations and shall, through the Stark SWCD board of supervisors, issue notices and orders as may be necessary. Reference the most recent mutual Agreement for Technical Assistance on file in the City Engineer's Office.

b) DISBURSEMENT OF FUNDS

- 1100-405-4-1600
- 1) The funds received from the rates and charges hereinafter provided in Section 920.07 shall be deposited as received with the City Treasure, who shall keep the same in General Fund Revenue account entitled License, Permit and Inspection Fees.
 - 2) Per the City's agreement with the agency providing the technical assistance needed the City shall pay the billed amount out of these funds received.

920.03 TERMS DEFINED

a) INTERPRETATION OF TERMS AND WORDS

- 1) Words used in the present tense include the future tense and the singular includes the plural, unless the context clearly indicates the contrary.
- 2) The term "shall" is always mandatory and not discretionary; the word "may" is permissive. The term "should" is permissive but indicates strong suggestion.
- 3) The word or term not interpreted or defined by this section shall be construed according to the rules of grammar and common usage so as to give these Rules their most reasonable application.

b) Acre: A unit of measure equaling 43,560 square feet.

c) Stark SWCD: The office responsible for administering sediment pollution and/or storm water run-off control programs.

d) Best Management Practice or BMP: Means physical, structural, non-structural and managerial practices that when used singly or in combination prevent or reduce erosion.

e) Channel: A natural bed that conveys water. A ditch excavated for water flow

f) Critical Storm: That storm which is calculated by means of the percentage increase in volume of runoff by a proposed development. The critical storm is used to calculate the maximum allowable storm water discharge rate from a developed site.

g) Cut: An excavation that reduces an existing elevation, as in road or foundation construction.

h) Detention Structure: A permanent storm water management structure whose primary purpose is to temporarily store water runoff and release the stored runoff at controlled rates.

i) Development Area: Any contiguous area owned by one person or persons, or operated as one development unit, and use being developed for non-farm commercial, industrial, residential or other institutional construction or alteration which changes the runoff characteristics of a parcel of land.

j) Disturbed Area: An area of land subject to erosion due to the removal of vegetative cover and/or soil moving activities, including filling.

k) Ditch: An open channel, either dug or natural, for the purpose of drainage or irrigation with intermittent flow.

l) Drainage: The removal of excess surface water or ground water from land by surface or subsurface drains.

m) Drainage Surface Area: An area, measured in a horizontal plane, enclosed by a topographic divide from which surface run-off from precipitation normally drains by gravity into a stream, river or lake above the specified point of measurement.

n) Drainage Improvement: As defined in O.R.C 6131.01 (C), and/or conservation works of improvement, O.R.C. 1511 and 1515.

o) Earth Material: Soil, sediment, rock, sand, gravel and organic material or residue associated with or attached to the soil.

p) Engineer: A Professional Engineer registered by the State of Ohio.

q) Erosion: The process by which the land surface is worn away by the action of wind, water, ice, gravity or any combination of those forces.

r) Erosion & Sediment Control: A system of structural and vegetative measures that minimize soil erosion and offsite sediment pollution. The control of soil material, both mineral and organic, during soil disturbing activity to prevent its transport out of the disturbed area by means of wind, water, ice or gravity.

s) Farm: Land or water devoted to growing crops and nursery crops.

t) Grading: Excavating, filling, or stockpiling of earth material or any combination thereof, including the land in its excavated or filled condition.

u) Impervious: That which does not allow infiltration.

v) Landslide: A rapid mass movement of soil and rock materials downhill under the influence of gravity.

w) Multi-family development: Apartments, condominiums, duplexes or other similar buildings housing more than one family

x) One Hundred-Year Frequency Storm: A storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in 100 years. It may also be expressed as an exceedence probability with a 1 percent chance of being equaled or exceeded in any given year

y) Person: Any individual, corporation, firm, trustee, commission, board, public or private partnership, joint venture, agency, unincorporated association, municipal corporation, county or state agency, the federal government or any combination thereof.

z) Pre-construction Meeting: A meeting between the Stark SWCD and all principal parties, prior to the start of any construction, at a site that requires an Erosion and Sediment Control Plan.

aa) Pre-Winter Stabilization Meeting: A meeting between the Stark SWCD and all principal parties, prior to October 1, in order to plan winter erosion and sediment controls for a site that requires an Erosion and Sediment Control Plan.

bb) Qualified Person: Professional Engineer or Surveyor, Landscape Architect, Soil Conservationist, Certified Professional in Erosion/Sediment Control or any person having completed a minimum of 20 hours of accredit training in erosion sediment control.

cc) Retention Structure: A permanent structure whose primary purpose is to permanently store a given volume of storm water runoff for release of the given volume by infiltration and/or evaporation.

dd) Sediment: Soils or other surface materials that can be transported or deposited from its site of origin by the action of wind, water, ice or gravity as a product of erosion.

ee) Sedimentation: Deposition of sediment particles in water bodies.

ff) Sediment Basin: A temporary barrier or other suitable retention structure built across an area of water flow to intercept runoff and allow transported sediment to settle and be retained prior to discharge into waters of the State.

gg) Sediment Pollution: Degradation of Waters of the State by sediment as a result of failure to apply management or conservation practices to abate wind or water soil erosion, specifically in conjunction with soil-disturbing activities on land used or being developed for commercial, industrial, residential or other non-farm purposes.

hh) Sloughing: A slip or downward movement of an extended layer of soil resulting from the undermining action of water or the earth-disturbing activity of man.

ii) Soil Conservation: The use of the soil within the limits of its physical characteristics and protecting it from unalterable limitations of climate and topography.

jj) Soil-Disturbing Activity: A clearing, grading, excavating, filling or other alteration of the earth's surface where natural or man-made ground cover is destroyed, which may result in, or contribute to, erosion and sediment pollution.

kk) Soil and Water Conservation District: The agency responsible for implementing these regulations as organized under Chapter 1515 of the Ohio Revised Code; referring either to the Soil and Water Conservation District Board or its designated employee(s), hereinafter referred to as the Stark SWCD.

ll) Soil Loss: Soil moved from a given site by the forces of erosion, measured using "T".

mm) Stabilization: The installation of vegetative and/or structural measures to establish a soil cover in order to reduce soil erosion by storm water runoff, wind, ice, and gravity.

nn) Storm Drain: A conduit, pipe, or human-made structure, which serves to transport storm water runoff.

oo) Storm Water Management: Runoff water safely conveyed or temporarily stored and released at an allowable rate to minimize erosion and flooding.

Storm Water Runoff: The direct response of a watershed to precipitation and includes the surface and subsurface runoff that enters a stream, ditch, storm sewer or other concentrated flow during and following the precipitation.

pp) Stream: A body of water running or flowing on the earth's surface in which flow may be perennial and/or seasonally intermittent.

qq) Subsoil: That portion of the soil below the topsoil or plow layer, beginning 6-12" below surface down to bedrock parent material.

rr) T: The soil loss tolerance expressed in tons per acre per year as determined by the USDA Revised Universal Soil Loss Equation (RUSLE)

ss) Temporary Soil Erosion and Sediment Control Measures: Interim control measures which are installed or constructed to control soil erosion or sedimentation until permanent soil erosion control measures are established.

tt) Top soil: The upper layer of soil that is usually darker in color and richer in organic matter and nutrients than the subsoil.

uu) Unstable Soils: A portion on land surface or area which is prone to slipping, sloughing, landslides or is identified by Natural Resource Conservation Service, USDA methodology as having low soil strength.

vv) Watercourse: A definite channel with bed and banks within which concentrated water flows, either continuously or intermittently; e.g. streams.

ww) Watershed: The total drainage area contributing runoff to a single point.

920.04 REGULATED ACTIVITIES

No person shall cause or allow soil-disturbing activities, land clearing, grading, excavating or filling within the scope of these rules without full compliance with the requirements set forth in these rules.

- a) When a proposed soil-disturbing activity on land used or being developed, either wholly or partially, for non-farm residential, commercial, industrial, recreational or other non-farm purposes consisting of one (1) or more contiguous acres of land owned by one person or operated as one development unit for the construction of non-farm buildings, structures, utilities, recreational areas or other limited non-farm uses, the owner of said land shall prepare and file with the Stark SWCD an Erosion and Sediment Control (ESC) plan. Areas of less than one (1) contiguous acres shall not be exempt from compliance with other provisions of these rules including but not limited to installing and maintaining erosion/sediment control practices to prevent sediment from depositing into local creeks, ditches, ponds, streets, highways or public lands or onto existing landowners properties.
- b) The owners must obtain an approved plan before starting any soil-disturbing activity. It is mandatory that a qualified person with knowledge of erosion/sediment control design the ESC Plan.
- c) The owner shall submit three ESC plans to the City of Massillon Engineer for review by the Stark SWCD no less than thirty (30) days before any soil-disturbing activity at the proposed site. This process is explained in section 920.06.
- d) The owner or owner's delegated representative of said land shall notify the City of Massillon Engineer and Stark SWCD no less than two (2) working days before the start of soil-disturbing activity. The owner shall also notify the City of Massillon Engineer and Stark SWCD no later than five (5) working days after project completion.
- e) The ESC plan shall contain narrative and drawings that explain practices to be used to prevent soil erosion and off-site disposal of soil sediment during and after land development. (See Section 920.05 for plan requirements and review schedules)
- f) Erosion and sediment control practices used to satisfy the performance criteria of these Rules shall meet the specifications provided in the most current edition of Rainwater & Land Development Manual, Ohio's Standards for Storm water Management and Land Development, and Urban Stream Protection, published by Ohio Department of Natural Resources. The City in conjunction with the Stark SWCD shall review any new or innovative practice before incorporating them into a plan. (See Section 920.05 for performance standards and requirements.)
- g) The ESC plan shall contain all items in Section 920.05 of these rules and shall be accompanied by proof of compliance and/or notification with required natural resource permits and documentation relevant to the project, including:

- 1) Proof of compliance with the Ohio Environmental Protection Agency (OEPA) General Storm Water National Pollution Discharge Elimination System (NPDES) permit. Proof of compliance shall be, but not limited to, a copy of NPDES General Storm Water permit Notice of Intent, and/or a copy of NPDES General Storm Water permit number, and/or a copy of OEPA Director's Acceptance Letter for NPDES permit.
 - 2) Proof of compliance with Section 404 of the Clean Water Act administered by the US Army Corps to streams, wetlands, and waterways under its jurisdiction. Proof of compliance shall be, but is not limited to, a copy of the US Army Corps of Engineers permit number, and/or project approval letter from a US Army Corps of Engineers agent
 - 3) Proof of compliance with the Ohio Dam Safety Law administered by ODNR Division of Water. Proof of compliance shall be, but is not limited to, a copy of the ODNR Division of Water permit number, and/or project approval letter from the ODNR Division of Water. If the dam is exempt from the Ohio Dam Safety Laws, a letter from the designer stating the criteria for exemption is satisfactory.
 - 4) Wetland Delineation verified by the US Army Corps of Engineers
- h) The owner and/or developer of said land and/or the developer's delegated representative shall meet with the Stark SWCD for a Pre-Construction Meeting no less than seven (7) days prior to soil-disturbing activity at the site.
 - i) The Developer's delegated representative shall perform first inspection of erosion and sediment control practices to certify that the practices comply with the approved plan no less than two (2) working days after the start of the project. An inspection report confirming this should be completed by the Developer's delegated representative and if requested, sent to the Stark SWCD confirming said inspection. Stark SWCD will perform bi-monthly inspections of on going construction sites sending a verbal report of any deficiencies.
 - j) All permitted activity shall be subject to monitoring. Site inspection by the Stark SWCD shall record compliance. (See Section 920.06) for monitoring schedule, inspection reports and findings of non-compliance.)
 - k) If the site is, or plans to remain active through the winter months, a Pre-Winter Stabilization Meeting shall be held by the developer of said land and/or delegated representative of the project and the Stark SWCD prior to October 1, in order to plan winter erosion and sediment controls as defined in the most current edition of Rainwater & Land Development Manual, Ohio's standards for Storm water Management and Land Development, and Urban Stream Protection, published by Ohio Department of Natural Resources.
 - l) Upon completion of all construction and final stabilization of the entire construction site, the owner or delegated representative of said land shall contact the Stark SWCD through written notification that construction is complete and final stabilization, as specified in the Rainwater & Land Development Book, has been achieved.

920.05 PERFORMANCE STANDARDS

a) All properties adjacent to the site of soil-disturbing activity shall be protected to the maximum extent practicable, from soil erosion and sediment runoff and drainage, including, but not limited to private properties, natural and artificial waterways, wetlands, storm sewers and public lands.

b) Construction site erosion and sediment control practices used to satisfy this requirement shall conform, as a minimum, to State of Ohio standards as set forth in the most-current edition of the Rainwater and Land Development Manual, defined by the Ohio Department of Natural Resources Division of Soil and Water Conservation and Natural Resource Conservation Service and shall conform to the most current Ohio Environmental Protection Agency, Ohio Revised Code chapter 6111 requirements.

c) Erosion and sediment control plan approvals issued in accordance with these Rules do not relieve the owner of responsibility for obtaining all other necessary permits and or approvals from federal state, and/or county agencies. If requirements vary, the most stringent requirements shall be followed.

d) Erosion and sediment control practices at the site, and as identified in the ESC plan shall comply with the following:

- 1) An approved erosion and sediment control plan or approval letter from the Stark SWCD shall be located on site for review.

- 2) Limits to clearing and grading shall be shown on ESC plans. Limits to clearing and grading shall be clearly marked on site with signage, flagging, and/or fencing etc.

- 3) Install erosion and sediment perimeter controls as a first action of construction as specified by construction sequence. This shall include and is not limited to protective BMP's for stream corridors and crossings, wetlands, site entrance, sediment traps & basins, barriers, and diversion dikes.

- 4) Concentrated storm water runoff shall pass through a sediment control device before exiting the site boundaries. Concentrated runoff from bare soil areas shall be diverted into a settling pond or sediment control structure, or other approved sediment barrier before leaving the site.

- 5) Earthen structures such as dams, basins, stream modifications and water diversions shall be seeded and mulched within seven (7) days of the completion of installation. Dams shall conform to the Ohio Dam Laws (ORC 1521.06). Permanent storm water basins modified for sediment control must be permanently seeded and mulched. Gullies, rills and/or slippage along the banks and/or dam must be repaired immediately.

- 6) Stabilization of critical areas such as flood plains or within 50 feet of any stream or wetland shall be temporarily stabilized within two (2) days of disturbance if area will remain inactive for fourteen (14) days or longer. Construction vehicles shall avoid streams and the 50 foot buffer areas. If an active drainage-way must be

crossed by construction vehicles repeatedly during construction, a temporary stream crossing shall be constructed according to the specifications in the most recent Rainwater & Land Development Book. Construction of bridges, culverts or sediment control structures shall not place soil, debris and other fine particulate material into or close to the water resource in such a manner that it may slough, slip or erode.

7) Storm sewer inlets (and sanitary) shall be protected so that sediment-laden runoff will not enter the storm sewer system without first being filtered and/or treated. Sediment deposits must be cleaned from the storm water pipes once the site is stabilized with vegetation.

8) Re-vegetate soil: Temporary soil stabilization shall occur within seven (7) days after rough grading if the area will remain idle longer than thirty (30) days. Vegetation must be the result of the seeding or the site must be re-seeded. Permanent soil stabilization shall be installed within seven (7) days after final grade is reached on any portion of the site. Permanent vegetation is a ground cover dense enough to cover 80% of the soil surface and mature enough to survive winter weather condition.

9) Soil stockpiles shall be stabilized or protected to prevent soil loss. Stabilization, such as seeding and mulching, shall be required if stockpiles are located within critical areas near streams or wetlands, or if determined by the Stark SWCD that sediment from stockpiles will leave the site.

10) Unstable soils prone to slipping or sloughing shall not be cleared, graded, excavated, filled or have loads imposed upon them unless the work is Planned by a qualified professional engineer and installed in accordance with the ESC plan. Cut and fill slopes should be designed to minimize erosion problems. Adequate slope design includes use of rough soil surface along the face of the slope; water diversion along the top of the slope away from the face; terraces to reduce slope length; delivery of concentrated storm water flows to the base of the slope via adequate channel or pipe; and drainage for water seeps in the slope that endanger slope stability.

11) Soil shall be removed from paved surfaces and/or public roads at the end of each day in such a manner that does not create off-site sedimentation in order to ensure safety and abate off-site soil loss. Collected sediments shall be placed in a stable location on site or taken off-site to a stable location.

12) Stabilize disturbed or modified drainage ways. Reduce erosive effects of storm water by using and/or maintaining grassed swales, infiltration structures, or water diversions.

13) Sediment and erosion controls shall be inspected once every seven (7) days and within 24 hours of a 0.5" or greater rainfall event. A written log of these inspections and improvements to controls shall be kept on site. The inspections shall include the date of inspection, name of inspector, weather conditions, actions taken to correct any problems and the date corrective actions were taken.

14) Trenches for underground utility lines and pipes shall be temporarily stabilized within seven (7) days if they are to remain inactive for thirty (30) days. Trench dewatering devices shall discharge in a manner that filters soil-laden water before discharging it to a receiving drainage ditch or pond. If seeding, mulching, or other erosion and sediment control measures were previously installed, these protective measures shall be reinstalled.

920.06 APPLICATION PROCEDURES FOR ESC PLAN

a) Two (3) copies of the ESC Plan for all projects which are subject to the City of Massillon Subdivision Regulations, as adopted and administered by the City of Massillon, Engineering Department in accordance with Sec. 711.10 of the Ohio Revised Code, shall be submitted to the City of Massillon Engineering Department. The City of Massillon Engineering Department will forward these copies to the Stark SWCD after the approval of the preliminary plans and prior to the approval of Improvement Plans or Drawings by the City of Massillon in the case of subdivisions; concurrently with the submittal of construction drawings to the City of Massillon in the case of other construction projects; and thirty (30) working days prior to any earth-disturbing activity for general clearing projects.

b) The Stark SWCD shall review the ESC plan and approve, or return for revision with comments and recommendations for revision, within twenty-five (25) working days of receipt of said plan. A plan rejected because of deficiencies shall receive a narrative report stating specific problems and procedure for filing a revised plan. At the time of receipt of a revised plan, another 25-day review period shall be commenced. If no letter is received from the Stark SWCD after twenty-five (25) working days the plan is automatically approved.

c) The applicant may be required to provide additional copies of ESC plan if required by City of Massillon or its agents.

d) Approved plans shall remain valid for three years from the date of approval. The Stark SWCD shall forward a copy of the approved plan and/or its review report to the City of Massillon, Engineering Department.

e) A plan is considered complete when it contains two sets of the following:

- 1) Site construction plans intended for contractor's bid, for erosion/sediment control.
- 2) Contact information for the owner of the land, the developer, the ESC plan designer and person responsible for the implementation and maintenance of the plan; project's name; project vicinity map.

3) Permit Verification

- a) Jurisdictional Wetland: In areas where jurisdictional wetlands as defined by an on-site delineation verified by the United States Army Corps of Engineers will be affected, a copy of the wetland delineation report and a copy of the appropriate permit showing project approval

and any restrictions that apply to site activities shall be submitted with the ESC Plan, or notification thereof.

- b) An Ohio environmental Protection Agency (OEPA) National Pollutant Discharge Elimination System (NPDES) permit with permit verification number or Notice of Intent shall be submitted with the ESC Plan.

4) Project Description: A brief description of the project and types of soil-disturbing activities. Note specifically items not self-evident from the plan drawings. The project description shall list total project acreage, north arrow, and adjacent property boundaries.

5) Existing site conditions shown with maximum scale of 1"=200' and 2' contour intervals; locations and names of soil type boundaries, vegetation, ditches, springs, streams, lakes, wetlands, woods, agricultural fields; location of downstream lakes and wetlands within 1000' of project based on Wetland Inventory Maps; existing drainage patterns including direction of flow and watershed acreage.

6) Grading plan-showing types of soils and boundaries; limits of disturbance; areas of excavation and fill; final contours; and proposed drainage pattern including storm sewer inlets and permanent storm water basins. Basin detail shall be drawn to scale and show volumes, size of contributing drainage area and method for calculating trapping efficiency. Basins and/or ponds must conform to the Ohio Dam Laws (ORC 1521.06).

7) Erosion and Sediment Control plan showing location, type, and construction detail for perimeter controls; sediment settling devices; limits of disturbance; buffers for streams, wetlands, ponds, and drainage's; seeding mixtures and rates; type of mulching & fertilizer. Erosion and sediment control plans shall also provide a detailed construction sequence. Updates and/or corrections to schedules and/or sequencing shall be clearly marked or listed on approved plans, which shall be located at the site.

8) Contractor's Construction Sequence that estimates the time frame required for the following:

- a) Pre-Construction Meeting
- b) Initial clearing and grubbing to gain access, and installation of perimeter controls within seven (7) days of clearing and grubbing
- c) Clearing and grubbing followed by excavation of sediment traps and basins; temporary soil stabilization for these sediment settling devices within fourteen (14) days of excavation

- d) Maintenance inspection schedule and party responsible for inspection and repair of erosion and sediment control devices
- e) Pre-Winter Stabilization meeting if project is to be through the Winter
- f) Final grading and permanent soil stabilization within 30 days of finishing final grade
- g) Removal of temporary erosion and sediment control devices
- h) Final Stabilization meeting with provisions for long-term maintenance of storm water facilities including mechanisms for notification of future responsible parties and/or property owners.

920.07 FEE

- a) For the purpose of these regulations, the following fee schedule shall apply: (Minimum \$75.00 review fee for 1-5 acres)

Preliminary Plan Review \$15.00 per/acre
 Storm Water Pollution Prevention Plan Review (SWP3)..... \$15.00 per/acre

- b) The bi-monthly inspection costs are included in the review fee above, however, non-compliant sites that require more than the scheduled two inspections a month will pay an additional fee, above the review fees, and the developer/owner is to be held personally responsible for these fees. Said additional inspection fee will be an hourly fee for each additional inspection required. These fees are to be paid to the City of Massillon prior to the final acceptance of the improvements. This fee is \$50.00/hour.

920.08 MONITORING THE PERMIT FOR COMPLIANCE

- a) Following the initial inspection of erosion and sediment control devices by the developer's delegated representative, regular inspections (bi-monthly) will be performed by the Stark SWCD for compliance with these Rules. If it appears that a violation of any of these Rules has occurred, the owner and developer will be notified of deficiencies or non-compliance in writing by certified mail, return receipt requested. If within 7 days after receipt of the letter, the owner or developer has not rectified the deficiency or received approval of plans for its correction, the deficiency or non-compliance shall be reported to the City of Massillon Engineering Department for consideration of referral to the Prosecuting Attorneys Office for immediate enforcement of these regulations
- b) If the City of Massillon Engineer determines that a violation exists and requests the City of Massillon Director of Law in writing, the Director of Law shall seek an injunction to cease work immediately until compliance with these rules. A court may also order the construction of sediment control improvements or implementation or other control measures.
- c) The Stark SWCD may require revisions to the ESC plan as necessary to achieve compliance to these Rules.

d) A final inspection will be made to determine if the criteria of these Rules have been satisfied and a report sent to the City of Massillon Engineer on the compliance status of the site.

920.09 VARIANCE TO RULES

a) The City of Massillon Engineer upon consulting the Stark SWCD the responsible party for plan review and approval may grant a written variance from any requirement of these Rules if there are special conditions applicable to the site such that strict adherence to the provisions of these rules will result in unnecessary hardship and not fulfill the intent of these Rules. A written request for variance shall be provided to the City of Massillon Engineer and shall state the specific variances sought and the reasons with supporting data for their granting. The City of Massillon Engineer shall not grant a variance unless and until the applicant provides sufficient specific reasons justifying the variance. The City of Massillon Engineer in conjunction with the Stark SWCD will conduct a review of the request for variance within 20 (twenty) working days.

Adverse economic conditions shall not be a valid reason to grant a variance.

920.10 DISCLAIMER of LIABILITY

a) Neither approval of a plan under these provisions, nor compliance with provisions of these regulations, shall relieve any person from responsibility for damage to any person or property otherwise imposed by law.

DATE: MAY 3, 2004

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 85 - 2004

BY: ENVIRONMENTAL COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon to enter into an agreement with Stark Soil and Water District for the administering of the soil erosion and sediment control chapter of the City of Massillon Codified Ordinances, 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 authorize the Director of Public Service and Safety of the City of Massillon to enter into an agreement with Stark Soil and Water District, the terms of which are contained in Exhibit "A" attached hereto.

Section 2:

That this agreement will allow Stark Soil and Water District to administer the soil erosion and sediment control chapter set forth by the City of Massillon Codified Ordinances.

Section 3:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized to enter into an agreement with Stark Soil and Water District for the administering of the soil erosion and sediment chapter of the City of Massillon Codified Ordinances.

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. It is necessary to immediately enter into this agreement in conjunction with the anticipated passage of Ordinance No. 84 - 2004, and that the fees collected will pay the Stark Soil and Water District once billed. 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 _____ 2004

ATTEST: _____
MARY BETH BAILEY, CLERK OF COUNCIL

DENNIS D. HARWIG, PRESIDENT

APPROVED _____

FRANCIS H. CICCHINELLI, JR., MAYOR

Exhibit "A"

**Mutual Agreement for Technical Assistance
Between the City of MASSILLON and
Stark County [Ohio] Soil & Water Conservation District**

Upon this _____ day of _____, 20____, this Memorandum of Understanding was entered into by and between Stark Soil & Water Conservation District, herein referred to as the District and the City of MASSILLON, herein referred to as the City.

Recognizing the need for effective relationships in carrying out their mandated responsibilities, the (City) and the (District) accept this agreement as the document, which describes the process for exchange. Cooperation between these two units of government facilitates solutions to problems encountered by the City as it plans for the development and conservation of its environment.

What the District will do:

1. Administration of the City's Erosion and Sediment Control Regulations.
 - a) Review of development plans of residential, recreation, general grading and commercial construction, for compliance with, and universal application of, the City's regulations.
 - b) Inspection of subdivisions, commercial development, and individual home lots for implementation and maintenance of approved plans for erosion and sediment control.
 - c) Report to City Engineer of non-compliant sites; presentation of District records for City Council or Prosecutor as requested.
2. Provide training and educational materials for local officials and City staff including:
 - a) Seminars on resource management, land-use planning and erosion/sediment control design.
 - b) Best Management Practices (BMP) specifications; model ordinances; handbooks on conservation development design and open space protection; training tapes and public brochures; and erosion/sediment control for the homebuilder.

What the City will do:

1. Recognize the environmental and economic functions of open spaces such as wetlands, stream corridors, ravines, woodlands and open fields as worthy of City protection.
2. Adopt, apply, and enforce District recommendations when the City deems them technically feasible and economically reasonable solutions to resource management and conservation problems. The City recognizes that the District has no authority to enforce its recommendations. The District depends on the City's reliance of the District's recommendations as reasonable and worthy of enforcement through the City's existing regulatory process.
3. Direct builders, developers and consultants to the District for assistance on planning, conservation and permitting problems early in the land development and planning cycle. *The city will be responsible for forwarding plans for review to the Stark Soil & Water Conservation District.*

Agreed Procedures

1. The District and the City will meet periodically to review the effectiveness of this agreement, coordinate individual and joint progress and exchange information.
2. All services of the District and the USDA Natural Resources Conservation Service are offered on a non-discriminatory basis without regard to race, color, national origin, religion, age, marital status or handicap.
3. The City recognizes the District's obligation to make its report and other written materials available to the public on request in accordance with the Ohio Public Records Act.

4. The District will Invoice the City annually for the number of *plans reviewed* within the corporation limits. Said fees are based upon the following:

Minimum fee (review for 1 to 5 acres)	\$50.00
Preliminary Plan Review	\$10.00/ac.
Storm Water Pollution Prevention Plan Review (SWP3)	\$10.00/ac.

These fees are to be reviewed annually and mutually agreed upon by the District and the City.

Note: All Massillon Sponsored projects would be exempt from the above noted fee Schedule; however, an SWP3 plan must still be submitted for review.

A. Field Inspection Fees:

Bi-monthly inspection costs are included in the review fee, however, non-compliance sites that require more than the scheduled two inspections will pay an additional fee, above the review fee, for each additional inspection required. These fees shall be the inspector's regular rate per hour, plus the cost of fringe benefits and related overhead. These fees shall be payable to and will be billed by the Stark SWCD. The developer/owner shall be held responsible for all inspection fees above the scheduled bi-monthly inspections. This fee is \$40.00/hour.

5. This agreement may be amended or terminated at any time by mutual consent of both governments, or terminated by either party giving sixty (60) days notice in writing to the other.

In witness thereof, this Agreement executed and agreed to on the ____ day of _____, 20__.

City of MASSILLON

Stark Soil & Water Conservation District

By _____

By _____

Alan W. Climer, Safety and Service Director

Title _____

Date _____

Date _____

DATE: MAY 3, 2004

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 86 - 2004

BY: PARKS AND RECREATION COMMITTEE

TITLE: AN ORDINANCE authorizing and directing the Director of Public Service and Safety of the City of Massillon, Ohio to enter into an option to purchase the real estate located in the Township of Tuscarawas, Stark County, Ohio, which is currently owned by Daniel D. Cottrill, Jr., and declaring and emergency.

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

Section 1:

The Director of Public Service and Safety is authorized to enter into an option to purchase the real estate described in the option agreement for Six Hundred and Thirty-Thousand Dollars (\$ 630,000.00) and upon the execution and approval the said Director of Public Service and Safety and the Director of Parks and Recreation are further authorized and directed to submit any and all grant applications to obtain funds necessary to enable the future exercise the option.

Section 2:

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 the acquisition of the real estate is necessary for further preservation of natural wildlife and nature preserves and in order to apply for grant funding it is necessary to submit the option with the grant application. 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 _____ 2004

APPROVED: _____
MARY BETH BAILEY, CLERK OF COUNCIL DENNIS D. HARWIG, PRESIDENT

APPROVED: _____
FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: MAY 3, 2004

CLERK: MARY BETH BAILEY

Sup 1st 5-3-04
2nd

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

1st Reading
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 87 - 2004

2nd Reading 5/17
3rd 6/7 - passed

BY: PUBLIC UTILITIES COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into an extension of a no-drilling oil and gas lease agreement for a 1.24 acre parcel of land owned by the City, 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 that it would be beneficial to enter into an extension of the non-drilling oil and gas lease agreement for a 1.24 acre parcel of land owned by the City. The existing lease is with Great Lakes Energy Partners, LLC.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized to enter into an extension of the current lease agreement with Great Lakes Energy Partners, LLC, upon the terms and conditions of Exhibit "A" attached 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 such emergency arising out of the necessity to enter into such extension so that the City may continue to receive royalties from the production of the existing well. 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 _____ 2004

ATTEST: _____
MARY BETH BAILEY, CLERK OF COUNCIL

DENNIS D. HARWIG, PRESIDENT

APPROVED _____

FRANCIS H. CICCHINELLI, JR., MAYOR

Exhibit "A"

EXTENSION OF PAID-UP OIL AND GAS LEASE

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned The City of Massillon as the current Lessor, and Great Lakes Energy Partners, L.L.C. as the current Lessee, are parties by execution or succession to that certain Paid-Up Oil and Gas Lease dated September 12, 2000, covering lands situated in Perry Township, bounded and described as follows:

SECTION 8 SE

NORTH: City of Massillon
EAST: 16th Street SE
SOUTH: Oak Avenue
WEST: Oak Avenue SE

containing 1.2400 acres more or less, said Paid-Up Oil and Gas Lease being recorded in Stark County, Ohio and recorded in Instrument 2001000602; and

WHEREAS, the primary term of said Paid-Up Oil and Gas Lease is four (4) year(s), and the undersigned and Great Lakes Energy Partners, L.L.C. desire to extend said primary term.

NOW THEREFORE, in consideration of the sum of One Dollar (\$1.00) and other valuable consideration paid to the undersigned, the receipt and sufficiency of which is hereby acknowledged, the undersigned agrees as follows:

1. Said Paid-Up Oil and Gas Lease is hereby amended such that the primary term of four (4) year(s) as therein provided shall be extended to be a total of eight (8) year(s) from the date of said lease, said primary term thereby extended for an additional five (5) year(s) and expiring on September 12, 2009.

The undersigned hereby ratifies and confirms the aforementioned Paid-Up Oil and Gas Lease; leases and lets the lands described therein to Great Lakes Energy Partners, L.L.C. under the same terms and conditions thereunder, and acknowledges that the same is in full force and effect.

This agreement shall be binding upon and inure to the benefit of the respective heirs, representatives, successors and assigns of the undersigned.

This instrument is executed this ____ day of _____, 2004.

Mayor, City of Massillon

Director of Public Service and Safety, City of Massillon

CORPORATE ACKNOWLEDGEMENT

STATE/Commonwealth of _____ :
: SS
COUNTY OF _____ :

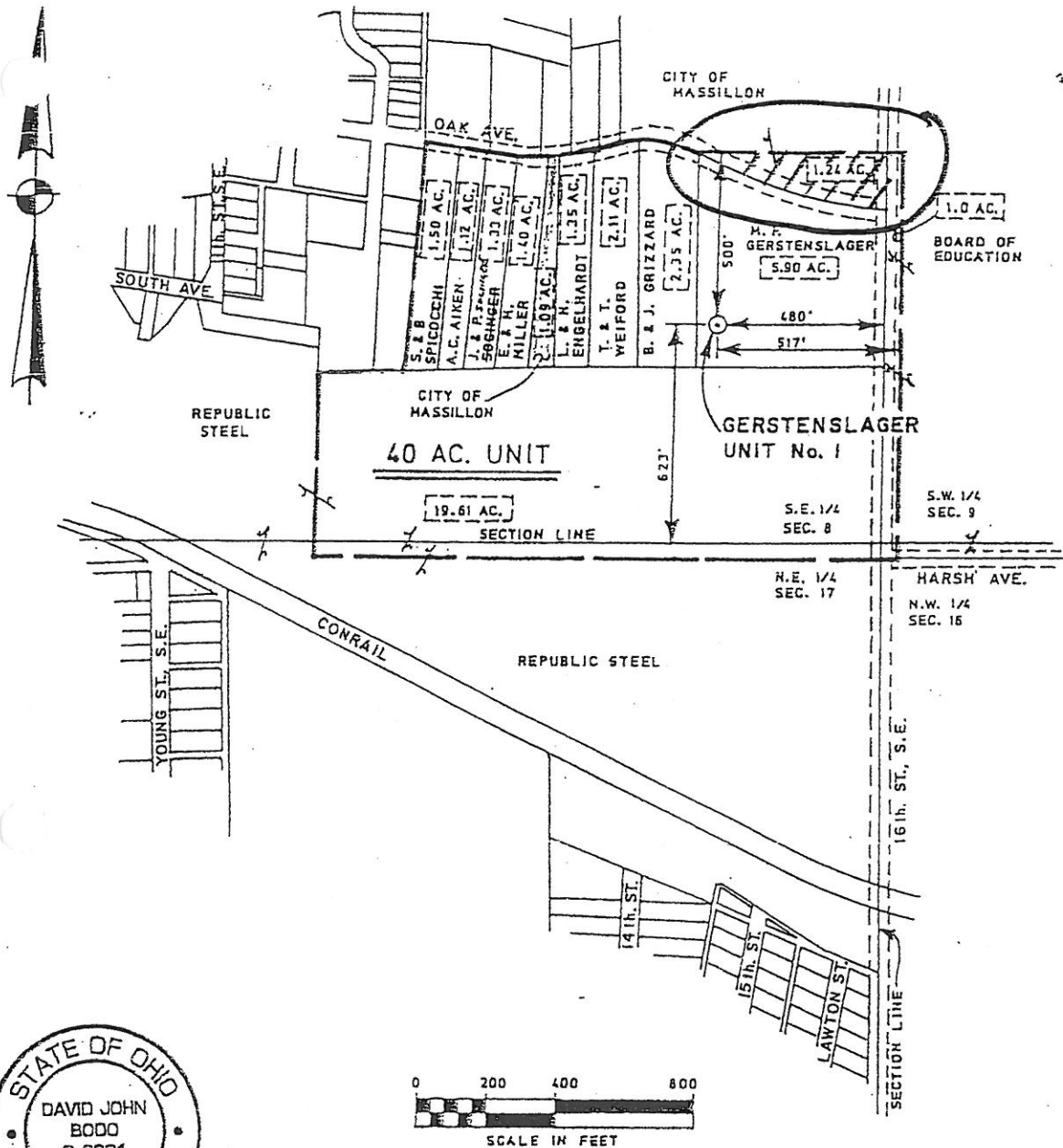
On this, the ____ day of _____, 2004, before me _____,
the undersigned officer, personally appeared _____,
who acknowledged himself/herself to be the _____
of _____, a _____ corporation, and that he/she as such
being authorized to do so,
executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself/herself as

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public

My Commission Expires: _____

This instrument prepared by: PS
GREAT LAKES ENERGY PARTNERS, L.L.C.
125 State Route #3, PO Box 550
Hartsville Ohio 44632-0550
LEASE# 341515437



Plat Showing Location of Well
State of Ohio, Department of Natural Resources — Division of Oil & Gas, Columbus, Ohio.

Well Name GERSTENSLAGER UNIT No. 1
☒ Oil or Gas ☒ New Location Scale: 1" = 400'

I hereby certify that all drilling or producing wells within 1000 feet and all buildings and streams within 150 feet have been shown, there are no drilling unit lines nearer than 500 feet, that this plat is true and correct and was prepared according to the current State of Ohio, Department of Natural Resources, Division of Oil and Gas Regulations.

David J. Bodo
Registered Surveyor Number 6321

Notary _____
Expiration Date _____

Operator: MB Operating Company, Inc.
Addr: 104 6th St., S.W., Canton, Ohio 44702
Land: Surface M. F. GERSTENSLAGER
Minerals SAME AS SURFACE
Well Number 1 Drilling Unit Acre 40
County: STARK
Township: PERRY
Quadrant: MASSILLON
Ohio Plane Coordinates X 2,275,100
 Y 411,950

Subdivision Civil Township
Township: 10 N
Range: 9 W
Quarter Township: _____
Section: 8 Lot: _____
Tract: _____
Allotment: _____
Fraction: _____ Other: _____
Elevation: 1070 Date: 9/17/98

DATE: MAY 3, 2004

CLERK: MARY BETH BAILEY

*50090
p. 90*
COUNCIL CHAMBERS

CITY OF MASSILLON, OHIO

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 88 - 2004

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the BR. Lincoln Center Fund, BR Tax Increment Fund, Community Health Fund, Capital Improvement Fund, and the Bond Retirement WWT Fund, for the year ending December 31, 2004, 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 BR Lincoln Center Fund, for the year ending December 31, 2004, the following:

\$2,872,000.00 to an account entitled "Lincoln Center III" 1303.940.2611
\$ 35,903.00 to an account entitled "Lincoln Center III" 1303.940.2621

Section 2:

There be and hereby is appropriated from the unappropriated balance of the BR Tax Increment Fund, for the year ending December 31, 2004, the following:

\$90,000.00 to an account entitled "TIF Fund BR" 1340.905.2610
\$44,850.00 to an account entitled "TIF Fund BR" 1340.905.2620

Section 3:

There be and hereby is appropriated from the unappropriated balance of the Community Health Fund, for the year ending December 31, 2004, the following:

\$10,500.00 to an account entitled "Bio-Terrorism Supplies" 1235.705.2411

Section 4:

There be and hereby is appropriated from the unappropriated balance of the Capital Improvement Fund, for the year ending December 31, 2004, the following:

\$2,385.00 to an account entitled "Council Equipment" 1401.105.2530

Section 5:

There be and hereby is appropriated from the unappropriated balance of the Bond Retirement WWT Fund, for the year ending December 31, 2004, the following:

\$2,045.16 to an account entitled "Fees" 1305.940.2393

Section 6:

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 _____ 2004

ATTEST: _____
MARY BETH BAILEY, CLERK OF COUNCIL DENNIS HARWIG, PRESIDENT

APPROVED: _____
FRANCIS H. CICCHINELLI, JR, MAYOR