

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

AGENDA

DATE: MONDAY, MARCH 17, 2008  
PLACE: COUNCIL CHAMBERS  
TIME: 7:30 P.M. -

THERE ARE NO PUBLIC HEARINGS TONIGHT

1. ROLL CALL
2. INVOCATION BY COUNCILMAN DAVE MCCUNE
3. PLEDGE OF ALLEGIANCE
4. READING OF THE JOURNAL
5. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS ON THE AGENDA
6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 45 – 2008

BY: COMMUNITY DEVELOPMENT COMMITTEE

*PASS 9-0*  
**AN ORDINANCE** petitioning the Board of County Commissioners of Stark County, Ohio, for a change in the township lines of Massillon and Perry Township, and declaring an emergency.

ORDINANCE NO. 46 – 2008

BY: PARKS AND RECREATION COMMITTEE

*PASS 9-0*  
**AN ORDINANCE** repealing CHAPTER 969 "MASSILLON YOUTH CENTER" of the Codified Ordinances of the City of Massillon, Ohio, by deleting existing Sections 969.01 "USER FEE" 969.02 "DEPOSIT FEE" and 969.03 "PARKS AND RECREATION DEPARTMENT CONTROL" of CHAPTER 969, and declaring an emergency.

ORDINANCE NO. 47 – 2008

BY: PARKS AND RECREATION COMMITTEE

*PASS 9-0*  
**AN ORDINANCE** authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to accept a grant from the United States Golf Association for the Massillon Parks and Recreation Department, and declaring an emergency.

ORDINANCE NO. 48 – 2008

BY: PUBLIC UTILITIES COMMITTEE

*PASS 9-0*  
**AN ORDINANCE** authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a Non-Surface Development Gas & Oil Lease with Ohio Valley Energy Systems Corporation for a 0.460 acre parcel owned by the City of Massillon, and declaring an emergency.

ORDINANCE NO. 49 – 2008

BY: RULES, COURTS & CIVIL SERVICE COMMITTEE

*PASS 9-0*  
**AN ORDINANCE** establishing a Public Records Policy for use by the City of Massillon, Ohio pursuant to House Bill 9.

**ORDINANCE NO. 50 - 2008**

**BY: FINANCE COMMITTEE**

*PASS 9-0*  
**AN ORDINANCE** making certain appropriations from the unappropriated balance of the Street Fund, Insurance Fund, Muni Motor Vehicle License Plate Fund and the Massillon Police Dept Safety Forces Equipment Fund, for the year ending December 31, 2008, and declaring an emergency.

**ORDINANCE NO. 51 - 2008**

**BY: ENVIRONMENTAL COMMITTEE**

*PASS 9-0*  
**AN ORDINANCE** amending CHAPTER 920 "EROSION/SEDIMENT CONTROL" of the Codified Ordinances of the City of Massillon, Ohio, by renumbering existing Section 920.10 to 920.11 and enacting a new Section 920.10 "WATER QUALITY", and declaring an emergency.

**ORDINANCE NO. 52 - 2008**

**BY: ENVIRONMENTAL COMMITTEE**

*PASS 9-0*  
**AN ORDINANCE** amending CHAPTER 925 "SEWERS GENERALLY" of the Codified Ordinances of the City of Massillon, Ohio, by amending the language in said CHAPTER 925 "SEWERS GENERALLY", and declaring an emergency.

**ORDINANCE NO. 53 - 2008**

**BY: ENVIRONMENTAL COMMITTEE**

*PASS 9-0*  
**AN ORDINANCE** enacting CHAPTER 923 "ILLICIT DISCHARGE & ILLEGAL CONNECTION CONTROL" of the Codified Ordinances of the City of Massillon, Ohio, and declaring an emergency.

**ORDINANCE NO. 54 - 2008**

**BY: ENVIRONMENTAL COMMITTEE**

*PASS 9-0*  
**AN ORDINANCE** amending CHAPTER 920 "EROSION/SEDIMENT CONTROL" of the Codified Ordinances of the City of Massillon, Ohio, by repealing existing SubSections 920.10(b), 920.04(c) and (f), 920.06(a), and 920.07(b), and replacing said SubSections with new Sections 920.10(b), 920.04(c) and (f), 920.06(a), and 920.07(b), and declaring an emergency.

**RESOLUTION NO. 6 - 2008**

**BY: COMMITTEE OF THE WHOLE**

*1ST READING*  
**A RESOLUTION** urging a moratorium on home foreclosures and congressional enactment of a Homeowners and Bank Protection Act, and declaring an emergency.

**7. UNFINISHED BUSINESS**

**8. PETITIONS AND GENERAL COMMUNICATIONS**

LETTER FROM OHIO DIVISION OF LIQUOR CONTROL REGARDING A NEW LIQUOR LICENSE FOR EAST OAK GRILL INC DBA EAST OAK GRILL 872 OAK AVE SE 1<sup>ST</sup> FL & PATIO MASSILLON OHIO 44646

**9. BILLS, ACCOUNTS AND CLAIMS**

**10. REPORTS FROM CITY OFFICIALS**

- A). POLICE CHIEF SUBMITS MONTHLY REPORT FOR FEBRUARY 2008
- B). TREASURER SUBMITS MONTHLY REPORT FOR FEBRUARY 2008
- C). FIRE CHIEF SUBMITS MONTHLY REPORT FOR FEBRUARY 2008
- D). INCOME TAX DEPARTMENT SUBMITS MONTHLY REPORT FOR FEBRUARY 2008
- E). WASTE DEPARTMENT SUBMITS MONTHLY REPORT FOR FEBRUARY 2008
- F). MAYOR SUBMITS MONTHLY REPORT FOR FEBRUARY 2008
- G). CANTON-STARK COUNTY CRIME LABORATOR ANNUAL REPORT 2007

**11. REPORTS OF COMMITTEES**

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

**13. CALL OF THE CALENDAR**

**14. THIRD READING ORDINANCES AND RESOLUTIONS**

*No (PETERS, TOWNSEND, CATAZARO-PERRY, MAIER)*  
**ORDINANCE NO. 29 - 2008**      **BY: ENVIRONMENTAL COMMITTEE**

*PASS 5-4*  
**AN ORDINANCE** amending CHAPTER 925 "SEWERS GENERALLY" of the Codified Ordinances of the City of Massillon, Ohio, by amending existing Section 925.12 SEWER CONNECTION PERMIT REQUIRED; FEE and adding Subsection 925.12(d) to said section.

*(MCCUNE, PETERS, TOWNSEND, CATAZARO-PERRY, MAIER)*  
**ORDINANCE NO. 30 - 2008**      **BY: ENVIRONMENTAL COMMITTEE**

*DEFEATED 5-4*  
**AN ORDINANCE** amending CHAPTER 937 "WASTEWATER TREATMENT REVENUE FUND" of the Codified Ordinances of the City of Massillon, Ohio, by repealing existing Sections 937.05 PAYMENT DATES; PENALTY CHARGE, 937.08 ADMINISTRATION AND DISTRIBUTION OF FUNDS, 937.09 ANNUAL RATES FOR SEWER SERVICE and 937.10 ADDITIONAL SURCHARGE FOR INDUSTRIAL WASTES and enacting new Sections 937.05 PAYMENT DATES; PENALTY CHARGE, 937.08 ADMINISTRATION AND DISTRIBUTION OF FUNDS 937.09 ANNUAL RATES FOR SEWER SERVICE and 937.10 ADDITIONAL SURCHARGE FOR INDUSTRIAL WASTES of CHAPTER 937.

**ORDINANCE NO. 34 - 2008**      **BY: FINANCE COMMITTEE**

*PASS 9-0*  
**AN ORDINANCE** establishing a fund entitled "Collection System Improvement Fund", and creating line items within said fund, and declaring an emergency.

**15. SECOND READING ORDINANCES AND RESOLUTIONS**

**16. NEW AND MISCELLANEOUS BUSINESS**

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

**18. ADJOURNMENT**

**MARY BETH BAILEY - CLERK OF COUNCIL**



DATE: MARCH 17, 2008

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

*Passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 45 - 2008

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE petitioning the Board of County Commissioners of Stark County, Ohio, for a change in the township lines of Massillon and Perry Township, and declaring an emergency.

WHEREAS, a petition to annex certain land in Perry Township to the corporation limits of the City of Massillon, Stark County, Ohio, was approved by the Board of County Commissioners on November 29, 2007, and

WHEREAS, the corporation limits of the City of Massillon, Ohio, have been enlarged since the approval of the Board of County Commissioners through the annexation of 78.614 acres of land comprising a part of Perry Township, and

WHEREAS, these annexed lands are still shown as a part of Perry Township and the County Commissioners must amend the boundaries.

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

Section 1:

The Council of the City of Massillon, Ohio hereby finds that the corporation limits of the City of Massillon includes 78.614 acres of land which is part of Perry Township, Stark County, Ohio, and that it will be in the public interest of the City to have the boundaries of said Perry Township changed by excluding this 78.614 acres of land from said Perry Township and adding this 78.614 acres of land to the City of Massillon within the corporation limits of the City.

Section 2:

The Board of County Commissioners of Stark County, Ohio, are hereby petitioned under authority of Section 503.07 Ohio Revised Code, to change the Township boundaries of Perry Township and the City of Massillon, all in Stark County, Ohio, by excluding from said Perry Township by adding to said City of Massillon the respective areas thereof which are presently located within the corporation limits of the City of Massillon, Ohio, which areas are described as follows:

SEE EXHIBIT "A" ATTACHED HERETO



Section 3:

That attached hereto and made a part of this ordinance is one (1) map covering the tract of land described in Section 2 of this ordinance.

Section 4:

That the Board of County Commissioners of Stark County, Ohio, are hereby petitioned under the authority of Section 503.07, Ohio Revised Code, to add the 0.382 acres of land described in Section 2 of this ordinance to the City of Massillon, Stark County, Ohio.

Section 5:

That upon passage of this ordinance the Clerk of Council is directed to forward a certified copy thereof and the attached map, together with an authenticated copy of the proceedings relating thereto, to the Board of County Commissioners of Stark County, Ohio.

Section 6:

This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of this community and for the further reason that the timely resolution of its subject matter is essential for making the boundary lines of Perry Township conform with the corporation lines of the City of Massillon, Ohio. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

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

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

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

PETITION  
BY CITIZENS FOR THE PROPHECY MASSILLON ANNEXATION  
TO THE CITY OF MASSILLON, OHIO

TO THE COMMISSIONERS OF STARK COUNTY, STATE OF OHIO:

We, the undersigned, being a majority of the adult owners of real estate in the territory hereinafter described, hereby petition for the annexation of the following described territory to the City of Massillon, Massillon Township, Stark County, Ohio.

Situated in the Township of Perry, County of Stark, and State of Ohio and known as and being parts of the Northeast Quarter of Section 32, Southwest Quarter of Section 33, and Southeast Quarter of Section 33; T-10, R-9, and further described as follows:

Beginning at a county monument at the southwest corner of the Northeast Quarter of Section 32, Perry Township, said point also being the centerline of Erie Ave. SW (SR 21); thence S 85° 14' 00" E along the quarter section line, a distance of 40.00 feet to a point on the east right-of-way line of said Erie Ave. SW, said point being further known as the True Place of Beginning for the tract herein described;

Thence along said right-of-way line, said line also being the west line of a tract of land currently or formerly owned by Prophecy Massillon, LLC; on a bearing of N 05° 00' 00" E a distance of 875.67' to a point, said point being on the south line of a tract of land currently or formerly owned by Dorothy Doll;

Thence continuing along said Doll tract the following courses:

S 85° 03' 00" E a distance of 250.40 feet to a point;

S 05° 05' 00" W a distance of 14.40 feet to a point;

S 85° 25' 00" E a distance of 471.83 feet to a point;

N 05° 00' 00" E a distance of 206.97 feet to a point, said point being at the southeast corner of a tract of land currently or formerly owned by N. & B. Petty, Trustees;

Thence along the south line of said Petty tract N 85° 09' 44" W a distance of 722.20 feet to a point, said point being on the east right-of-way line of Erie Ave. SW (SR 21);

Thence along said right-of-way line, on a bearing of N 05° 00' 00" E a distance of 303.84' to a point, said point being on the northwest corner of a tract of land currently or formerly owned by; N. & B. Petty, Trustees;

Thence along the north line of said Petty tract, and along the north line of said Prophecy Massillon LLC tract, on a bearing of S 85° 09' 44" E a distance of 2604.39 feet to a point, said

point being the northeast corner of said Prophecy Massillon LLC tract and also the corporation line for the City of Massillon;

Thence along said corporation line, said line also being the east line of Section 32, Perry Township; on a bearing of S 04° 55' 00" W a distance of 1368.70 feet to a point; said point being the southeast corner of the Northeast Quarter of Section 32, Perry Township;

Thence along the south line of the Northeast Quarter of Section 32, Perry Township, on a bearing of N 85° 16' 18" W a distance of 2606.40 feet to the True Place of Beginning and containing 78.614 acres more or less, but subject to all legal highways.

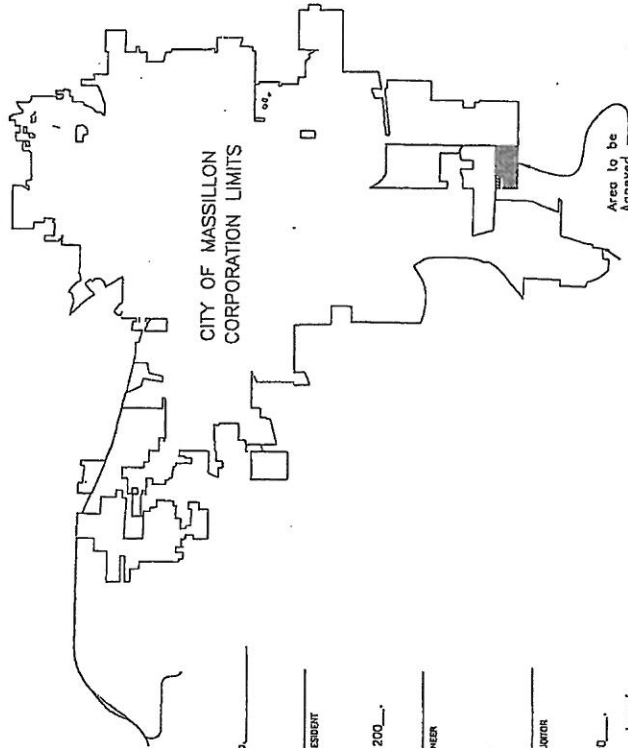
Bearings are based on a Bearing of S 04°55'00"W for the east line of Section 32, Perry Township, as recorded in Instrument # 200610020060499 of the Stark County Official Records.

Jason Haines, 6645 Baymere Ave. S.W., Navarre, Ohio, 44662 is hereby appointed agent for the undersigned petitioners as required RC 709.02 with full power and authority hereby granted to said agent to amend, alter, change, withdraw, refile, substitute, and to take any action necessary for obtaining the granting of this petition. Said amendment, compromise, increase or deletion, or other things for granting this petition shall be made in the petition, description, and/or plat by said agent without further expressed consent of the petitioners.

*\*\* This petition was modified on 12-20-07 to reflect changes made by the Stark County Commissioners at the public hearing on November 29, 2007. \*\*\**



# PROPHECY MASSILLON ANNEXATION



MASSILLON CITY COUNCIL  
Accepted by the City Council of Massillon, Ohio, by Ordinance No. \_\_\_\_\_  
Passed this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

CLERK \_\_\_\_\_ COUNCIL PRESIDENT \_\_\_\_\_

CITY ENGINEER  
City lot numbers assigned this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

CITY ENGINEER \_\_\_\_\_  
COUNTY AUDITOR  
Entered this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

COUNTY RECORDER  
Received for record this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.  
Recorded in Vol. \_\_\_\_\_ Page \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

STARK COUNTY COMMISSIONERS  
Approved for annexation by the Stark County Commissioners,  
Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

STARK COUNTY COMMISSIONERS

MAP OF TERRITORY TO BE ANNEXED TO THE CITY OF MASSILLON, OHIO.

Miles of State Highways	0	Miles
Miles of County Roads	0	Miles
Miles of Township Roads	0	Miles
N.E. Qtr. Section 32 Perry Twp.	78.614	Acres
S.W. Qtr. Section 33 Perry Twp.	0	
S.E. Qtr. Section 33 Perry Twp.	0	
Total Acreage in Annexation	78.614	Acres

NOTE:  
This map is compiled, calculated, and drawn from available deeds of record, record plats, and other documents obtained from the official records maintained by the various offices of Stark County, Ohio.  
A boundary survey was not performed on any properties.

## BASIS OF BEARING

The bearings are based on the fact that the Northeast Quarter Section 32, Perry Township, having a bearing of S 04°55'00" W as described in I.R.# 200610020060499 of the Stark County Official Records. Presently or formerly owned by Prophecy Massillon, LLC.

## PERTINENT DOCUMENTS

DEEDS:  
I.R. # 200607090053753  
I.R. # 200610020060499  
I.R. # 2006061828  
VOLUME 3982 PAGE 347  
VOLUME 815 PAGE 461  
I.R. # 199501899  
I.R. # 199501899  
VOLUME 1352 PAGE 135  
VOLUME 998 PAGE 781  
VOLUME 1763 PAGE 823  
VOLUME 1105 PAGE 883

TAX MAPS:  
MASSILLON TAX MAP 135  
PERRY SECTION MAP 32  
PERRY SECTION MAP 33  
ANNEXATION MAPS TO VALUE OF MANAPPE:  
PLAT BOOK 62 PAGE 92  
PLAT BOOK 61 PAGE 142

LOCATION MAP  
NOT TO SCALE



SCALE 1" = 200'	PROPOSED
DATE JAN 2007	BY
DATE JULY 2007	BY

PROPHECY MASSILLON ANNEXATION  
Part of the NE Quarter Section 32, Perry Township  
City of Massillon  
Stark County, Ohio  
Annexation Map  
City of Massillon



DATE	DESCRIPTION
12/19/07	REMOVE COL. F
07/03/01.DWG	
07/03/01	



DATE: MARCH 17, 2008

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

*Passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 46 – 2008

BY: PARKS AND RECREATION COMMITTEE

TITLE: AN ORDINANCE repealing CHAPTER 969 "MASSILLON YOUTH CENTER" of the Codified Ordinances of the City of Massillon, Ohio, by deleting existing Sections 969.01 "USER FEE" 969.02 "DEPOSIT FEE" and 969.03 "PARKS AND RECREATION DEPARTMENT CONTROL" of CHAPTER 969, and declaring an emergency.

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

Section 1:

Chapter 969 "MASSILLON YOUTH CENTER" of the Codified Ordinances of the City of Massillon, Ohio, is hereby repealed in its entirety including existing Sections 969.01 "USER FEE" 969.02 "DEPOSIT FEE" and 969.03 "PARKS AND RECREATION DEPARTMENT CONTROL" of CHAPTER 969 "MASSILLON YOUTH CENTER" of the Codified Ordinances of the City of Massillon, Ohio, which are hereby repealed and deleted.

Section 2:

That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, welfare and safety and for the further reason that the Massillon Youth Center no longer exists. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

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

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

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

APPROVED \_\_\_\_\_

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



CHAPTER 969  
Massillon Youth Center

969.01 User Fee.  
969.02 Deposit Fee.

969.03 Parks and Recreation Department  
Control.

CROSS REFERENCES  
Recreation Board - see ADM. 163

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969.01 USER FEE.

(a) Council hereby imposes a User Fee for the use of the Massillon Youth Center Building.

(b) Such fee shall be at the following rates:

- (1) Community Service organizations: no charge.
- (2) Youth Organizations (Boy or Girl Scouts etc): no charge.
- (3) Private Use (receptions, parties, gatherings etc.):  
\$25.00 - use of the downstairs hall and/or the upstairs hall.  
\$50.00 - use of the above including access to kitchen facilities.

(c) An additional charge may be assessed to cover supervisory or custodial services deemed necessary by the Director. Charges will reflect actual costs.

(d) All requests should be made in writing and submitted to the Director of the Youth Center.

(e) All checks shall be made payable to the "Youth Center Activity Fund". All cash and checks shall be deposited in the Youth Center Account.  
(Ord. 71-1991. Passed 5-6-91.)

969.02 DEPOSIT FEE.

(a) Council hereby imposed a Deposit Fee for private use of the Massillon Youth Center Building.

(b) The Deposit Fee shall be at the following rates:

- (1) Twenty-five dollars (\$25.00); and
- (2) For groups estimated upon application to be over forty in attendance, an additional fifty cents (\$.50) for each person shall be charged.

(c) All requests should be made in writing and submitted to the Director of the Youth Center.

(d) All checks shall be made payable to the "Youth Center Activity Fund". All cash and checks shall be deposited in the Youth Center Account.

(e) In the event of any physical damage to City property, the deposit fee shall be retained for the purposes of correcting the damage incurred.

(f) The deposit fee shall be refunded with the determination of the Director that no damage has been incurred.  
(Ord. 107-1991. Passed 7-1-91.)

#### 969.03 PARKS AND RECREATION DEPARTMENT CONTROL.

The By-Laws of the Massillon Youth Center Board of Directors are hereby dissolved and the Massillon Youth Center shall immediately be placed under the direction and control of the Parks and Recreation Department. (Ord. 109-2001. Passed 5-7-01.)

DATE: MARCH 17, 2008

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 47 - 2008

BY: PARKS AND RECREATION COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to accept a grant from the United States Golf Association for the Massillon Parks and Recreation Department, and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby determines it to be necessary in the public health, safety and welfare to accept a grant from the United States Golf Association in the amount of Fourteen Thousand Dollars (\$14,000.00) for the "Summer Hooked on Golf" program for the Massillon Parks and Recreation Department.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to accept a grant from the United States Golf Association for the "Summer Hooked on Golf" program for the Massillon Parks and Recreation Department.

Section 3:

This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety, and welfare of the community, and for the reason that the grant is necessary for the "Summer Hooked on Golf" program for the Massillon Parks and Recreation Department. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.





United States Golf Association  
1631 Mesa Ave., Suite D, Colorado Springs, CO 80906  
T 719 471-4810 F 719 471-4976  
www.usga.org

February 8, 2008

Ms. Christa Lancaster  
Youth Outreach Program Supervisor  
City of Massillon Parks and Recreation Department  
505 Erie St. N  
Massillon, OH 44646

Dear Ms. Lancaster:

It is a pleasure to inform you that the United States Golf Association, Inc. (hereinafter USGA) has awarded a one-year challenge grant in the amount of \$14,000 to the City of Massillon Parks and Recreation Department (hereinafter MPR) for the "Summer Hooked on Golf" program.

We understand the overall goals are those stated in the grant request from MPR dated October 5, 2007, which are incorporated by reference herein. Enclosed with this letter is a copy of the Executive Summary and Budget Forms from which the Grants Committee based their decision as to your award. Your organization will be expected to operate in a manner consistent with all areas of program structure as described.

USGA grant funds are restricted to the following items as described in your application:

- PGA/LPGA instruction (up to \$2,750 at no more than \$50 per hour)
- High School Golf Coach (up to \$1,000 at no more than \$20 per hour)
- golf course access (up to \$3,750 at no more than at the rates described in the application)
- driving range access (up to \$3,000 at no more than at the rates described in the application)
- golf clubs and bags (up to \$4,500)
- transportation (up to \$5,500)

Discounted clubs and bags were taken into consideration by the Grants Committee when reviewing your request. Please see the enclosed memo regarding the opportunity to purchase clubs and bags at a discount.

USGA grant funds may not be used for any items other than those expressly listed above. Additionally, any USGA grant dollars for golf instruction must be provided only to individuals who consider themselves golf professionals or individuals who are receiving payment for golf instruction where permitted under the Rules of Amateur Status. All golf instructors associated with your program should be given the informational attachment related to the Rules of Amateur Status. Payment of this grant is contingent upon an authorized representative of MPR signing and returning to the USGA the enclosed form verifying that this information has been/will be given to all golf instructors associated with your program.

Payment of this grant is also contingent upon the attached General Grant Terms and Conditions. Please read this document carefully. Your Chief Executive Officer or other authorized representative must sign on behalf of your organization, that person acknowledging and accepting responsibility for the grant and all associated terms and conditions. Return one copy of the signed General Grant Terms and Conditions to the USGA Grants Office as soon as possible.

Payment of this grant is also contingent upon appropriate USGA recognition, as described in the General Terms and Conditions.

Under the terms of this grant, the USGA will provide up to \$14,000. USGA funds will go toward the items listed above. To meet the challenge, the remaining \$14,000 of the program's cash budget must be raised between the date of this letter and February 28, 2009 and must be used for the specified program during this time. Only the net proceeds from fundraising events will be considered; similarly, in-kind donations and program fees will generally not be considered as a part of the challenge. Furthermore, it is the USGA's understanding that the program will remain principally the same as proposed, including the overall participant experience and any fees to participate in the program. Please contact our office with any questions or updates you may have relating to this grant, and specifically if you foresee a reduction in cash needs to run your programming.

Payment of this grant is contingent upon the submission of documentation that the remaining \$14,000 of the program funding is in place. When requesting to draw on the grant, please complete the enclosed Request for Draw on USGA Grant Funds form documenting that the remaining \$14,000 of the cash costs of the program has been secured. Submitting proof of donations, such as copies of checks or bank statements, is encouraged and may be requested by USGA staff. This funding for the program can be obtained from City of Massillon Parks and Recreation Department or from outside sources. If the budget for the program has been materially altered since the grant application was submitted you will also be required to submit this updated budget for USGA review and approval.

The period of the grant is from the date of this letter to February 28, 2009. Please note the requirement that the enclosed Final Report be returned to this office via email, and not later than March 15, 2009. This Final Report will require the tracking of all program components, financial accounting, and demographic information on the participants (see template accompanying this award letter) during the course of the grant period. It is also a requirement of this grant that summary information from program impact evaluation methods; i.e., outcomes measurements, be submitted to the USGA with the Final Report.

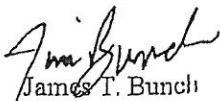
Please understand that non-compliance with any conditions or terms of this grant, including those described in this award letter, may jeopardize this award, may require the return of some or all of the funds provided, and may negatively affect your organization's standing with the USGA in terms of future funding requests.

Any changes to or deviations from the terms of this grant award letter, including the line item allocations, or accompanying General Grant Terms and Conditions must receive prior, written approval from the USGA. It is imperative that you maintain frequent communication with the USGA Fellow assigned to your grant, and fully disclose any potential changes in program structure or other grant terms. Any USGA grant funds not used as specified during the grant period should be returned promptly to the USGA.


Please be aware that the end of this grant period has no bearing on application deadlines for future grant requests. It is the responsibility of the applicant to be aware of these deadlines.

The USGA extends its best wishes for success with this venture.

Sincerely,



James T. Bunch  
Chairman, Grants Committee



Steve Czarnecki  
Assistant Director, Grants & Fellowship



Jack Hendrickson  
USGA Fellow, First-Year  
North Central Region

# Request for Draw on USGA Grant Funds



Grants Initiative  
Fellowship Program

When requesting a draw on USGA grant funds, please complete this form and attached required documentation. Payment cannot be made until this form is complete and all contingencies of the grant are met.

Organization Name: \_\_\_\_\_

Requested Draw Amount: \_\_\_\_\_

My signature below verifies that I understand the following conditions of a grant draw:

- USGA grant funds are restricted to the items described in our Letter of Agreement. USGA funds may not be used for any other items.
- All matching funds and USGA grant funds must be used for the program for which the grant was made during the specified grant period.
- All matching funds must be raised during the grant period, which typically begins on the date of the Letter of Agreement.

Please attach a list of donations including donor name, date of donation, and amount. For fundraisers, please provide a list of revenues and expenses showing that the amount to be matched only represents the net proceeds of the event. Submitting proof of donations, such as copies of checks or bank statements, is encouraged and may be requested by USGA staff.

Please note that grant draws cannot be made until all other contingencies of the grant have been satisfied, including, but not limited to:

- Submission of a signed copy of the General Terms and Agreements for USGA Grants document.
- Submission of a signed copy of the Information Regarding the Rules of Amateur Status document.
- Informing the USGA Fellow assigned to your grant of your organization's plans to recognize the USGA's support of your program or project.

Please do not hesitate to contact our office at (719) 471-4810 if you have any questions.

Signature

Date

Name (printed)

Title



United States Golf Association  
1631 Mesa Ave., Suite D, Colorado Springs, CO 80906  
T 719 471-4810 F 719 471-4976  
www.usga.org



## GENERAL TERMS AND CONDITIONS FOR UNITED STATES GOLF ASSOCIATION GRANTS

In addition to the specific terms outlined in our grant award letter dated February 8, 2008, to which these general terms and conditions are attached, the United States Golf Association (hereinafter USGA) is awarding this grant to you contingent upon the following general terms and conditions:

**STATUS AS A GOVERNMENTAL ENTITY.** You do hereby certify that you are a governmental entity as defined under Section 170(c)(1) of the Internal Revenue Code of 1986, as amended (hereinafter the Code) which includes a State, a possession of the United States or any political subdivision of the foregoing, or the United States or the District of Columbia. In cases where your governmental connection may not be obvious, you agree to provide USGA with adequate documentation verifying your association as a governmental entity.

**USE OF GRANT FUNDS.** This grant (together with any income earned upon investment of the grant proceeds) is restricted to the purpose specified in the grant award letter and is to be spent in accordance with your proposed budget. Any part of the grant funds not so used must be returned promptly to USGA. You acknowledge that USGA has not earmarked the use of the grant funds or any portion thereof for another organization, an individual or any lobbying activity. You agree not to pledge or otherwise encumber any real property acquired as a result of this grant.

**FINAL REPORT.** USGA will require that you submit a final report on the use of the grant by the date specified in the grant award letter. This report should give an accounting of how the grant was spent as compared to the budget submitted in your grant proposal, the progress made in accomplishing the objectives of the grant, and any other information you feel would be relevant in allowing USGA to evaluate the grant (including candid photos, if available). Additionally, you agree to complete reasonable surveys and reports on an annual basis as requested by USGA for as long as your organization operates a golf program.

**PAYMENT OF GRANT.** The payment of this grant will be in accordance with the schedule specified in the grant award letter. If payments are conditioned upon receipt of progress reports or other required documentation, delays may occur if these documents are not submitted in a timely manner or if USGA determines there is a lack of reasonable progress in the funded activity. All payments and related correspondence will be sent to the individual you designate below. Written notice signed by your chief executive officer will be required to change your designated representative.

Contact Name \_\_\_\_\_

Title \_\_\_\_\_

Address \_\_\_\_\_

**RELIANCE ON FUTURE FUNDING.** You acknowledge that neither USGA nor its representatives have made any actual or implied promise of funding beyond the amounts specified in the grant award letter. This includes any obligation to provide continued support for this or any other project. Continued funding can only be obtained through submission of additional proposals in accordance with USGA policies and guidelines.

**REQUIRED NOTIFICATION.** You are required to provide USGA with immediate written notification in the event of: (a) an inability to expend the grant for the intended purposes; (b) any expenditure made from this grant for any purpose other than those for which the grant was intended or (c) any change in the "Contact Name" listed on the application.

(continued on reverse)

DATE: MARCH 17, 2008

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 48 - 2008

BY: PUBLIC UTILITIES COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a Non-Surface Development Gas & Oil Lease with Ohio Valley Energy Systems Corporation for a 0.460 acre parcel owned by the City of Massillon, and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby determines it to be necessary in the public health, safety and welfare to enter into a Non-Surface Development Gas & Oil Lease with Ohio Valley Energy Systems Corporation for a 0.460 acre parcel owned by the City of Massillon.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized to enter into a Non-Surface Development Gas & Oil Lease with Ohio Valley Energy Systems Corporation for a 0.460 acre parcel owned by the City of Massillon. A copy of the Non-Surface Development Oil & Gas Lease and map is attached hereto as 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 that it is necessary that this oil and gas lease is signed. 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.

# NON- DEVELOPMENT OIL & GAS LEASE

THIS LEASE, made this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_, by and between  
 City of Massillon  
 151 Lincoln Way E  
 Massillon, OH 44646  
 hereinafter called Lessor, and *Ohio Valley Energy Systems Corp., 200 Victoria Rd. Bldg. 4 Austintown, Ohio 44515*  
 hereinafter called Lessee, do agree:

1. Lessor, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, grants and leases Lessee all the oil and gas in the lands described below, with the exclusive right to operate for, produce and market the same from a well or wells on other lands; the right to unitize Lessor's lands, or any portion, with other lands into a drilling unit of no more than one hundred sixty acres, together with the right to pool, reform, enlarge and/or reduce such pool, and repool all or any part or parts of the leased premises. This Lease is for five (5) years, and as long thereafter as operations are being conducted on any such unit or oil or gas can be produced in paying quantities in Lessee's judgment from any such unit. Lessee and Lessor agree that the term "operations" as defined in this Lease shall mean at which time Lessee has filed an Application for Drilling Permit with the Ohio Department of Natural Resources Division of Mineral Resources Management. This lease covers all of Lessor's land in and adjoining Section 8 and 17 of Perry Township, City of Massillon, Stark County, State of Ohio, containing 0.460 acres, more or less, and described as follows: Parcel ID#(s) 0614432, 0680285, 0680626 Or further described as \_\_\_\_\_ of Stark County Records.

2. Lessor shall be paid as royalties a proportional share of one-eighth (1/8) of the proceeds realized by Lessee on all the oil and gas sold commercially off the unit, as the amount of Lessor's acreage in the unit bears to the total acreage in the unit. Such proceeds shall be net of severance, ad valorem and any other taxes or charges levied against production. Lessor grants Lessee the authority to execute division orders or contract for the sale of gas or oil.

3. No well shall be drilled on Lessor's property, nor shall Lessee enter upon or install any surface installation of any nature whatsoever on the leased property, the within Lease being granted solely for the purpose of permitting the Lessee to unitize the leased property with other properties, which other properties shall bear all the burden of surface development. Lessor understands and gives consent that, due to slant (directional) drilling originating from surface entry on a parcel not owned by Lessor, the wellbore may pass through or terminate below the surface of Lessor's property. This directional drilling condition is granted exclusively to Lessee.

4. This lease shall be binding on all heirs, successors, and assigns of Lessor and Lessee. No change of ownership shall be binding on Lessee until Lessee has received adequate evidence of transfer. If the leased land is hereinafter owned in separate tracts, the premises, nevertheless, shall be treated as an entirety and all payments due shall be paid proportionally to each separate owner, and if Lessor owns less than the entire fee, Lessor shall be paid only his proportional share of any payment due. Lessee may at any time surrender this Lease in whole or in part.

5. Lessor hereby warrants and agrees to defend title to the land herein described and agrees that Lessee, at its option, may pay and discharge any taxes, mortgages, or other liens existing, levied, or assessed on or against the said lands and, in the event it exercises such option, it shall be subrogated to the rights of any holder or holders thereof and may reimburse itself from any payments due hereunder. Should Lessee be delayed or prevented from complying with any express or implied covenant of this Lease, from conducting any drilling or any other operations, or from producing oil or gas therefrom by reason of the operation of force majeure or any federal, state or local law or regulation, or by reason of any other cause beyond the control of Lessee, then while so delayed or prevented, Lessee's obligations to comply with such covenant or obligation shall be suspended. The term, both primary and secondary, hereof shall be extended while Lessee is delayed or prevented by any such cause.

6. It is mutually agreed that this instrument contains and expresses all of the agreements and understandings of the parties in regard to the subject matter thereof, that no verbal representations or promises have been made or relied upon by either party which are not contained herein, and no implied covenants, agreements or obligation shall be read into this agreement or imposed upon either party.

7. Lessee agrees to make payment to Lessor a sum of \$250.00 payable upon drilling commencement activities (spudding).

Lessor(s): \_\_\_\_\_

Social Security # \_\_\_\_\_

STATE OF OHIO )  
 )SS:  
 COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_

(Lessor).

My Commission Expires: \_\_\_\_\_

Notary Public



DATE: MARCH 17, 2008

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 49 - 2008

BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE

TITLE: AN ORDINANCE establishing a Public Records Policy for use by the City of Massillon, Ohio, pursuant to House Bill 9.

WHEREAS, it is the policy and intention of the City of Massillon, Ohio, to establish guidelines for public records release of the same; and

WHEREAS, it is the intention of the City of Massillon, Ohio, to comply with the guidelines in House Bill 9.

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

Section 1:

That a Public Records Policy for the use by the City of Massillon, Ohio, be and the same is hereby established and attached hereto as Exhibit "A".

Section 2:

This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

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

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

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

APPROVED \_\_\_\_\_

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

# PUBLIC RECORDS POLICY OF THE CITY OF MASSILLON, STARK COUNTY, OHIO

## INTRODUCTION:

It is the policy of the City of Massillon that openness leads to a better informed citizenry, which leads to better government and better public policy. It is the policy of the City of Massillon to strictly adhere to the state's Public Records Act. All exemptions to openness are to be construed in their narrowest sense and any denial of public records in response to a valid request must be accompanied by an explanation, including legal authority, as outlined in the Ohio Revised Code. If the request is in writing, the explanation must also be in writing.

## SECTION 1. PUBLIC RECORDS

The City of Massillon, in accordance with the Ohio Revised Code, defines records as including the following: Any document – paper, electronic (including, but not limited to, e-mail), or other format – that is created or received by, or comes under the jurisdiction of a public office that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office. All records of the City of Massillon are public unless they are specifically exempt from disclosure under the Ohio Revised Code.

### SECTION 1.1

It is the policy of the City of Massillon that, as required by Ohio law, records will be organized and maintained so that they are readily available for inspection and copying (See Section 4 for the e-mail record policy). Record retention schedules are to be updated regularly and posted prominently.

## SECTION 2. RECORD REQUESTS

Each request for public records should be evaluated for a response using the following guidelines:

### SECTION 2.1

Although no specific language is required to make a request, the requester must at least identify the records requested with sufficient clarity to allow the public office to identify, retrieve, and review the records. If it is not clear what records are being sought, the records custodian must contact the requester for clarification, and should assist the requester in revising the request by informing the requester of the manner in which the office keeps its records.



## SECTION 2.2

The requester does not have to put a records request in writing, and does not have to provide his or her identity or the intended use of the requested public record. It is the City of Massillon's general policy that this information is not to be requested. A record custodian may ask for a written request and the requester's identity and intended use if the records custodian believes the information would be helpful in identifying, locating, or delivering the records to the requester. However, prior to requesting the written request, requester's identity and intended use, the records custodian must advise that such information is not required by law.

## SECTION 2.3

Public records are to be available for inspection during regular business hours, with the exception of published holidays. Public records must be made available for inspection promptly. Copies of public records must be made available within a reasonable period of time. "Prompt" and "reasonable" take into account the volume of records requested; the proximity of the location where the records are stored; and the necessity for any legal review of the records requested.

## SECTION 2.4

Each request should be evaluated for an estimated length of time required to gather the records. Routine requests for records should be satisfied immediately if feasible to do so. Routine requests include, but are not limited to, meeting minutes (both in draft and final form), budgets, salary information, forms and applications, personnel rosters, etc. If fewer than 20 pages of copies are requested or if the records are readily available in an electronic format that can be e-mailed or downloaded easily, these should be made as quickly as the equipment allows.

All requests for public records must either be satisfied (see Section 2.4) or be acknowledged in writing by the City of Massillon within three business days following the office's receipt of the request. If a request is deemed significantly beyond "routine," such as seeking a voluminous number of copies or requiring extensive research, the acknowledgement must include the following:

SECTION 2.4a – An estimated number of business days it will take to satisfy the request.

SECTION 2.4b – An estimated cost if copies are requested.

SECTION 2.4c – Any items within the request that may be exempt from disclosure.

## SECTION 2.5

Any denial of public records requested must include an explanation, including legal authority. If portions of a record are public and portions are exempt, the exempt portions are to be redacted and the rest released. If there are redactions, each redaction must be accompanied by a supporting explanation, including legal authority.

### SECTION 3. COSTS FOR PUBLIC RECORDS

Those seeking public records will be charged only the actual cost of making copies.

SECTION 3.1 The charge for paper copies is 5 cents per page (single side).

SECTION 3.2 The charge for downloaded computer files to a compact disc shall be the replacement cost of the compact disc.

SECTION 3.3 The charge for photographs shall be the actual costs incurred by the City of Massillon for the reproduction of the photographs.

SECTION 3.4 There is no charge for documents e-mailed.

SECTION 3.5 The charge for downloaded or recorded information on all other forms of media shall be the replacement costs of the media.

### SECTION 3.6

Requesters may ask that documents be mailed to them. They will be charged the actual cost of the postage and mailing supplies.

### SECTION 4. E-MAIL

Documents in electronic mail format are records as defined by the Ohio Revised Code when their content relates to the business of the office. E-mail is to be treated in the same fashion as records in other formats and should follow the same retention schedules.

SECTION 4.1 Records in private e-mail accounts used to conduct public business are subject to disclosure, and all employees or representatives of this office are instructed to retain their e-mails that relate to public business (see Section 1 Public Records) and to copy them to their business e-mail accounts and/or to the office's records custodian.

SECTION 4.2 The records custodian is to treat the e-mails from private accounts as records of the public office, filing them in the appropriate way, retaining them per established schedules and making them available for inspection and copying in accordance with the Public Records Act.

### SECTION 5. FAILURE TO COMPLY WITH A PUBLIC RECORDS REQUEST

The City of Massillon recognized the legal and non-legal consequences of failure to properly respond to a public records request. In addition to the distrust in government that failure to comply may cause, the City of Massillon's failure to comply with a request may result in a court ordering the City of Massillon to pay the requester attorney's fees and damages.

DATE: MARCH 17, 2008

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 50 - 2008

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Street Fund, Insurance Fund, Muni Motor Vehicle License Plate Fund and the Massillon Police Dept Safety Forces Equipment Fund, for the year ending December 31, 2008, and declaring an emergency.

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

Section 1:

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

\$38,000.00 to an account entitled "Salary Street" 1201.435.2110  
\$ 8,603.79 to an account entitled "Workers Comp Safety" 1201.420.2270  
\$ 5,890.00 to an account entitled "PERS Street" 1201.435.2230  
\$ 1,101.98 to an account entitled "Workers Comp Street" 1201.435.2270  
\$ 551.00 to an account entitled "Medicare" 1201.435.2231

Section 2:

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

\$25,000.00 to an account entitled "Employee Insurance" 2202.905.2310  
\$ 3,000.00 to an account entitled "Retirees Insurance" 2202.905.2311

Section 3:

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

\$20,000.00 to an account entitled "Storm Sewer Repair" 1206.425.2510  
\$ 1,528.10 to an account entitled "Services/Contracts" 1206.405.2392

Section 4:

There be and hereby is appropriated from the unappropriated balance of the Massillon Police Dept Safety Forces Equipment Fund, for the year ending December 31, 2008, the following:

\$5,000.00 to an account entitled "Equipment" 1205.125.2530

Section 5:

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

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

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

MARY BETH BAILEY, CLERK OF COUNCIL

GLENN E. GAMBER, PRESIDENT

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

FRANCIS H. CICCHINELLI, JR, MAYOR



DATE: MARCH 17, 2008

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

*Passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 51 - 2008

BY: ENVIRONMENTAL COMMITTEE

TITLE: AN ORDINANCE amending CHAPTER 920 "EROSION/SEDIMENT CONTROL" of the Codified Ordinances of the City of Massillon, by renumbering existing Section 920.10 to 920.11 and enacting a new Section 920.10 "WATER QUALITY", and declaring an emergency.

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

Section 1:

Existing Section 920.10 is renumbered to 920.11 and there be and is hereby enacted a new Section 920.10 "WATER QUALITY" of CHAPTER 920 "EROSION/SEDIMENT CONTROL" of the Codified Ordinances of the City of Massillon. Said newly created Section shall read as follows:

SEE EXHIBIT "A" ATTACHED HERETO

Section 2:

This ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and welfare of the community and for the additional reason that these changes would bring the city into compliance with the Ohio Environmental Protection Agency's (OEPA) NPDES Phase II requirements. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

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



## **920.10 WATER QUALITY**

### **(A) POST CONSTRUCTION WATER QUALITY**

- (1) In order to control Post Construction water quality damage and damage to public and private lands, the owner/developer of each development area or redevelopment area shall be responsible for incorporating appropriate water quality measures both structural and non structural practices into the Storm Water Pollution Prevention Plan (SWPPP) for the project. Post Construction BMP's are required on all sites where the larger common plan of development or sale calls for 1 or more acres of land disturbance and shall comply with the most recently amended Construction General Permit for storm water discharges associated with construction activities. If requirements vary, the most stringent requirements shall be followed.
- (2) Construction activities shall be exempt from these requirements if it can be demonstrated that these post construction storm water management requirements have been provided as part of a larger common plan of development or they are addressed in a regional or local storm water management plan. Linear projects which can show that they will not create impervious surfaces are exempted from these requirements.
- (3) Roadway and highway transportation projects that fall under these regulations are to be in compliance with the current City of Massillon requirements/specifications and the most current ODOT Location and Design Manual for Post Construction Water Quality submittals.

### **(B) WATER QUALITY VOLUME DETERMINATION REQUIREMENTS**

- (1) Water Quality Volume (WQv) shall be the equivalent to the volume of runoff from a ¼ inch rainfall. This shall be determined according to the methods and specifications outlined in the most recently amended Construction General Permit for storm water discharges associated with construction activities in addition to the following criteria:
  - a) The storm water quantity volume must be stacked on top of the storm water quality volume for any storm water facility that will also serve as the post construction water quality facility.
  - b) The water quality orifice cannot be less than 2 ½ inches in diameter.
  - c) Non structural practices must be protected in perpetuity through the use of appropriate legal tools. All legal easements or buffer areas must appear on the final plat per the City subdivision regulations and be disclosed to potential buyers.
  - d) Any manufactured water quality practice must be construction certified by a representative of the company or engineer representing the developer of its correct installation. Certifications must be submitted in writing to the City Engineer by the Developer.

### (C) MAINTENANCE REQUIREMENTS

- (1) Any portion of the permanent post construction water quality management systems that are constructed by the landowner/developer will be continuously maintained into perpetuity. The project landowner/developer is only required to maintain all temporary and permanent facilities throughout the construction process and until the final inspection and as built documentation. At that time, maintenance responsibility will transfer to the controlling entity/operator (i.e. the person/parties named in the post construction maintenance plan). Workshops for these controlling entities will be made available through the Stark SWCD detailing the long term responsibilities.
- (2) The Stark SWCD will inspect post construction practices that fall under the categories in Table 2 of the Ohio EPA GCP. A separate Memorandum of Understanding (MOU's) with the City outlines the extent of these inspections and any applicable appropriations. Inspection reports, detailing the maintenance needs and a timeline to complete them, will be sent to the City and person/parties responsible for long term maintenance. The City Administration shall ensure the work is done in accordance with the recommendations in the inspection report.
- (3) An as built survey shall be submitted to the City Engineer and the Stark SWCD for all water quality structural practices prior to the Notice of Termination (N.O.T) submittal. The survey is to be sealed by a Professional Engineer or Professional Surveyor licensed by the State of Ohio.
- (4) Detail drawings and maintenance plans shall be provided to the City Engineer and the Stark SWCD for all Post Construction Best Management Practices (BMPs) prior to plan approval and shall include the following information:
  - a) Cover sheet with site name and date.
  - b) Name and number of the party or association responsible for post construction long term maintenance.
  - c) List of all post-construction BMP's, structural and non-structural with all supporting design data.
  - d) Instructions on how and when the practices are to be maintained along with an inspection schedule.
  - e) A detail drawing of the BMP's listed.
  - f) A copy of any required easements and/or deed restrictions.
- (5) Maintenance plans must ensure that pollutants collected within structural post construction BMP practices are disposed of in accordance with local, state and federal guidelines.

DATE: MARCH 17, 2008

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 52 - 2008

BY: ENVIRONMENTAL COMMITTEE

TITLE: AN ORDINANCE amending CHAPTER 925 "SEWERS GENERALLY" of the Codified Ordinances of the City of Massillon, Ohio, by amending the language in said CHAPTER 925 "SEWERS GENERALLY", and declaring an emergency.

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

Section 1:

CHAPTER 925 "SEWERS GENERALLY" be and is hereby amended by deleting all references to, "service director" and replacing such references with, "director of public service and safety."

Section 2:

CHAPTER 925 "SEWERS GENERALLY" be and is hereby amended by deleting all references to, "superintendent" and replacing such language with, "manager".

Section 3:

This Ordinance is hereby declared to be an emergency measure, the reason for the emergency being it is necessary for the language in Chapter 925 to be changed to correctly reflect the responsibilities of the director of public service and safety and the manager. 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: MARCH 17, 2008

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 53 - 2008

BY: ENVIRONMENTAL COMMITTEE

TITLE: AN ORDINANCE enacting CHAPTER 923 "ILLICIT DISCHARGE & ILLEGAL CONNECTION CONTROL" of the Codified Ordinances of the City of Massillon, Ohio, and declaring an emergency.

WHEREAS, illicit discharges to the City of Massillon separate storm sewer system create water quality risks to public health, safety, and general welfare; and,

WHEREAS, illicit discharges may necessitate repair of storm sewers and ditches; damage to public and private property; and may damage water resources by reducing water quality; and,

WHEREAS, there are watershed-wide efforts to reduce illicit discharges to the Tuscarawas River and to protect and enhance the unique water resources of the Tuscarawas River watershed; and,

WHEREAS, the City of Massillon is a member of the Stark County Consortium that was formed to prepare and file the permit applications for the NPDES Phase II in Stark County and recognizes its obligation as a part of this Consortium to control illicit discharges and to protect water quality within its borders; and,

WHEREAS, 40 C.F.R. Parts 9, 122, 123 and 124, and Ohio Administrative Code 3745-39 require designated communities, including the City of Massillon, to develop a Storm Water Management Program that, among other components, requires the City of Massillon to prohibit illicit discharges to their storm water system and to implement appropriate enforcement procedures and actions to detect and eliminate such illicit discharges; and,

WHEREAS, Article XVIII, Section 3 of the Ohio Constitution grants municipalities the legal authority to exercise all powers of local self-government and to adopt and enforce within their limits such local police, sanitary, and other similar regulations, as are not in conflict with general laws.

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

**SECTION 1:** Codified Ordinance *Chapter 923 Illicit Discharge and Illegal Connection Control* is hereby enacted and adopted to read in total as follows:

**CHAPTER 923**  
**Illicit Discharge and Illegal Connection Control**

**923.01 PURPOSE AND SCOPE**

The purpose of this regulation is to provide for the health, safety, and general welfare of the citizens of the City of Massillon through the regulation of illicit discharges to the municipal separate storm sewer system (MS4). This regulation establishes methods for controlling the introduction of pollutants into the MS4 in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process as required by the Ohio Environmental Agency (Ohio EPA). The objectives of this regulation are:

- A. To regulate the contribution of pollutants to the (MS4) by stormwater discharges by any user.
- B. To prohibit illicit discharges and illegal connections to the MS4.
- C. To establish legal authority to carry out inspections, monitoring procedures, and enforcement actions necessary to ensure compliance with this regulation.

## 923.02 APPLICABILITY

This regulation shall apply to all residential, commercial, industrial, or institutional facilities responsible for discharges to the MS4 and on any lands in the City of Massillon, except for those discharges generated by the activities detailed in Section 923.07 (A)(1) to (A)(3) of this regulation.

## 923.03 DEFINITIONS

The words and terms used in this regulation, unless otherwise expressly stated, shall have the following meaning:

- A. Best Management Practices (BMPs): means schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to storm water. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.
- B. Community: means the City of Massillon, its designated representatives, boards, or commissions.
- C. Environmental Protection Agency or United States Environmental Protection Agency (USEPA): means the United States Environmental Protection Agency, including but not limited to the Ohio Environmental Protection Agency (Ohio EPA), or any duly authorized official of said agency.
- D. Floatable Material: in general this term means any foreign matter that may float or remain suspended in the water column, and includes but is not limited to, plastic, aluminum cans, wood products, bottles, and paper products.
- E. Hazardous Material: means any material including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
- F. Illicit Discharge: as defined at 40 C.F.R. 122.26 (b)(2) means any discharge to an MS4 that is not composed entirely of storm water, except for those discharges to an MS4 pursuant to a NPDES permit or noted in Section 923.07 of this regulation.
- G. Illegal Connection: means any drain or conveyance, whether on the surface or subsurface, that allows an illicit discharge to enter the MS4.
- H. Municipal Separate Storm Sewer System (MS4): as defined at 40 C.F.R. 122.26 (b)(8), municipal separate storm sewer system means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):
  - 1. Owned or operated by a State, city, town, borough, county, parish, district, municipality, township, county, district, association, or other public body (created by or pursuant to State law) having jurisdiction over sewage, industrial wastes, including special districts under State law such as a sewer district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the Clean Water Act that discharges to waters of the United States;
  - 2. Designed or used for collecting or conveying storm water;
  - 3. Which is not a combined sewer; and
  - 4. Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 C.F.R. 122.2.
- I. National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit: means a permit issued by the EPA (or by a State under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.
- J. Off-Lot Discharging Home Sewage Treatment System: means a system designed to treat home sewage on-site and discharges treated wastewater effluent off the property into a storm water or surface water conveyance or system.
- K. Owner/Operator: means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or on the owner's behalf.



- L. Pollutant: means anything that causes or contributes to pollution. Pollutants may include, but are not limited to, paints, varnishes, solvents, oil and other automotive fluids, non-hazardous liquid and solid wastes, yard wastes, refuse, rubbish, garbage, litter or other discarded or abandoned objects, floatable materials, pesticides, herbicides, fertilizers, hazardous materials, wastes, sewage, dissolved and particulate metals, animal wastes, residues that result from constructing a structure, and noxious or offensive matter of any kind.
- M. Storm Water: any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.
- N. Wastewater: The spent water of a community. From the standpoint of a source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions.

#### 923.04 DISCLAIMER OF LIABILITY

Compliance with the provisions of this regulation shall not relieve any person from responsibility for damage to any person otherwise imposed by law. The provisions of the regulation are promulgated to promote the health, safety, and welfare of the public and are not designed for the benefit of any individual or for the benefit of any particular parcel of property.

#### 923.05 CONFLICTS, SEVERABILITY, NUISANCES & RESPONSIBILITY

- A. Where this regulation is in conflict with other provisions of law or ordinance, the most restrictive provisions, as determined by the City of Massillon, shall prevail.
- B. If any clause, section, or provision of this regulation is declared invalid or unconstitutional by a court of competent jurisdiction, the validity of the remainder shall not be affected thereby.
- C. This regulation shall not be construed as authorizing any person to maintain a nuisance on their property, and compliance with the provisions of this regulation shall not be a defense in any action to abate such a nuisance.
- D. Failure of the City of Massillon to observe or recognize hazardous or unsightly conditions or to recommend corrective measures shall not relieve the site owner from the responsibility for the condition or damage resulting therefrom, and shall not result in the City of Massillon, its officers, employees, or agents being responsible for any condition or damage resulting therefrom.

#### 923.06 RESPONSIBILITY FOR ADMINISTRATION

The City of Massillon shall administer, implement, and enforce the provisions of this regulation. The City of Massillon may contract with the Stark County Board of Health to conduct inspections and monitoring and to assist with enforcement actions.

#### 923.07 DISCHARGE AND CONNECTION PROHIBITIONS

- A. Prohibition of Illicit Discharges. No person shall discharge, or cause to be discharged, an illicit discharge into the MS4. The commencement, conduct, or continuance of any illicit discharge to the MS4 is prohibited except as described below:
  1. Water line flushing; landscape irrigation; diverted stream flows; rising ground waters; uncontaminated ground water infiltration; uncontaminated pumped ground water; discharges from potable water sources; foundation drains; air conditioning condensate; irrigation water; springs; water from crawl space pumps; footing drains; lawn watering; individual residential car washing; flows from riparian habitats and wetlands; dechlorinated swimming pool discharges; street wash water; and discharges or flows from fire fighting activities. These discharges are exempt until such time as they are determined by the City of Massillon to be significant contributors of pollutants to the MS4.
  2. Discharges specified in writing by the City of Massillon as being necessary to protect public health and safety.
  3. Discharges from off-lot discharging home sewage treatment systems permitted by the City of Massillon Health Department and the Stark County Board of Health for the purpose of discharging treated sewage effluent in accordance with Ohio Administrative Code 3701-29-02 (6) until such time as the Ohio Environmental Protection Agency issues a NPDES permitting mechanism for residential 1, 2, or 3 family dwellings. These discharges are exempt unless such discharges are deemed to be creating a public health nuisance by the City of Massillon Health Department and/or the Stark Board of Health.

In compliance with the City of Massillon Storm Water Management Program, discharges from all off-lot discharging home sewage treatment systems must either be eliminated or have coverage under an appropriate NPDES permit issued and approved by the Ohio Environmental Protection Agency. When such permit coverage is available, discharges from off-lot discharging household sewage treatment systems will no longer be exempt from the requirements of this regulation.

- B. Prohibition of Illegal Connections. The construction, use, maintenance, or continued existence of illegal connections to the MS4 is prohibited.
1. This prohibition expressly includes, without limitation, illegal connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
  2. A person is considered to be in violation of this regulation if the person connects a line conveying illicit discharges to the MS4, or allows such a connection to continue.

#### 923.08 MONITORING OF ILLICIT DISCHARGES AND ILLEGAL CONNECTIONS

- A. Establishment of an Illicit Discharge and Illegal Connection Monitoring Program: The City of Massillon shall establish a program to detect and eliminate illicit discharges and illegal connections to the MS4. This program shall include the mapping of the MS4, including MS4 outfalls and home sewage treatment systems; the routine inspection of storm water outfalls to the MS4, and the systematic investigation of potential residential, commercial, industrial, and institutional facilities for the sources of any dry weather flows found as a result of these inspections.
- B. Inspection of Residential, Commercial, Industrial, or Institutional Facilities.
1. The City of Massillon shall be permitted to enter and inspect facilities subject to this regulation as often as may be necessary to determine compliance with this regulation.
  2. The City of Massillon shall have the right to set up at facilities subject to this regulation such devices as are necessary to conduct monitoring and/or sampling of the facility's storm water discharge, as determined the City of Massillon.
  3. The City of Massillon shall have the right to require the facility owner/operator to install monitoring equipment as necessary. This sampling and monitoring equipment shall be maintained at all times in safe and proper operating condition by the facility owner/operator at the owner/operator's expense. All devices used to measure storm water flow and quality shall be calibrated by the owner/operator to ensure their accuracy with certificates of said calibration provided to the City.
  4. Any temporary or permanent obstruction to safe and reasonable access to the facility to be inspected and/or sampled shall be promptly removed by the facility's owner/operator at the written or oral request of the City of Massillon and shall not be replaced. The costs of clearing such access shall be borne by the facility owner/operator.
  5. Unreasonable delays in allowing the City of Massillon access to a facility subject to this regulation for the purposes of illicit discharge inspection is a violation of this regulation.
  6. If the City of Massillon is refused access to any part of the facility from which storm water is discharged, and the City of Massillon demonstrates probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of an inspection and sampling program designed to verify compliance with this regulation or any order issued hereunder, or to protect the public health, safety, and welfare, the City of Massillon may seek issuance of a search warrant, civil remedies including but not limited to injunctive relief, and/or criminal remedies from any court of appropriated jurisdiction.
  7. Any costs associated with these inspections shall be assessed to the facility owner/operator.

#### 923.09 ENFORCEMENT

- A. Notice of Violation. When the City of Massillon finds that a person has violated a prohibition or failed to meet a requirement of this regulation, the City of Massillon may order compliance by written Notice of Violation. Such notice must specify the violation and shall be hand delivered, and/or sent by registered mail, to the owner/operator of the facility. Such notice may require the following actions:
1. The performance of monitoring, analyses, and reporting;
  2. The elimination of illicit discharges or illegal connections;
  3. That violating discharges, practices, or operations cease and desist;
  4. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; or
  5. The implementation of source control or treatment BMPs.

- B. If abatement of a violation and/or restoration of affected property is required, the Notice of Violation shall set forth a deadline within which such remediation or restoration must be completed. Said Notice shall further advise that, should the facility owner/operator fail to remediate or restore within the established deadline, a legal action for enforcement may be initiated.
- C. Any person receiving a Notice of Violation must meet compliance standards within the time established in the Notice of Violation.
- D. Administrative Hearing: If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, the City of Massillon shall schedule an administrative hearing to determine reasons for non-compliance and to determine the next enforcement activity. Notice of the administrative hearing shall be hand delivered and/or sent registered mail. The Administrative Hearing shall take place at a regularly scheduled Planning Commission Meeting.
- E. Injunctive Relief: It shall be unlawful for any owner/operator to violate any provision or fail to comply with any of the requirements of this regulation pursuant to O.R.C. 3709.211. If an owner/operator has violated or continues to violate the provisions of this regulation, the City of Massillon may petition for a preliminary or permanent injunction restraining the owner/operator from activities that would create further violations or compelling the owner/operator to perform abatement or remediation of the violation.

923.10 REMEDIES NOT EXCLUSIVE

The remedies listed in this regulation are not exclusive of any other remedies available under any applicable federal, state or local law and it is in the discretion of the City of Massillon to seek cumulative remedies.

Section 2:

This ordinance is hereby declared to be an emergency measure necessary, immediately necessary for the preservation of the health, safety, and welfare of the community and for the additional reason that the Ohio EPA is requiring the City of Massillon, Ohio, to adopt these regulations in order to comply with the Ohio EPA's Phase II storm water requirements. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

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

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

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

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

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

DATE: MARCH 17, 2008

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 54 - 2008

BY: ENVIRONMENTAL COMMITTEE

TITLE: AN ORDINANCE amending CHAPTER 920 "EROSION/SEDIMENT CONTROL" of the Codified Ordinances of the City of Massillon, Ohio, by repealing existing SubSections 920.10(b), 920.04(c) and (f), 920.06(a), and 920.07(b), and replacing said SubSections with new Sections 920.10(b), 920.04(c) and (f), 920.06(a), and 920.07(b).

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

Section 1:

Existing SubSections 920.10(b), 920.04(c) and (f), 920.06(a), and 920.07(b), are hereby repealed and replaced with the following revised Subsections:

SEE EXHIBIT "A" ATTACHED HERETO

Section 2:

Existing Chapter 920 "EROSIONS/SEDIMENT CONTROL" is hereby amended by the addition of the following definitions and performance standards contained in Section 920.03 and 920.05:

SEE EXHIBIT "B" ATTACHED HERETO

Section 3:

This Ordinance is hereby declared to be an emergency measure for preservation of the health, safety, and welfare of the community and for the additional reason that the revisions and amendments to existing Chapter 920 "EROSION/SEDIMENT CONTROL" are required by the Ohio Environmental Protection Agency to keep the city in compliance with its regulations. 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.



These are Amendments to Existing Subsections

ATTACHMENT "A"

**920.01 FINDINGS/PURPOSE AND SCOPE**

- (b) 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:

**920.04 REGULATED ACTIVITIES**

- (c) The owner shall submit three ESC plans to the City of Massillon Engineer and to 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.
- (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 SWPPP shall meet the minimum requirements listed in the most recent Ohio EPA Construction General Permit. 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.)

**920.06 APPLICATION PROCEDURES FOR ESC PLAN**

- (a) Three (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 Section 711.10 of the Ohio Revised Code, shall be submitted to the City of Massillon Engineering Department and to the Stark SWCD thirty (30) working days prior to any earth-disturbing activity for general clearing projects.

**920.03 FEE**

\*\* Please note: Non-compliance sites will incur an additional inspection fee of \$45.00/hour for each inspection required until the site is in compliance.



DATE: MARCH 17, 2008

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

RESOLUTION NO. 6 - 2008

BY: COMMITTEE OF THE WHOLE

TITLE: A RESOLUTION urging a moratorium on home foreclosures and congressional enactment of a Homeowners and Bank Protection Act; and declaring an emergency.

WHEREAS, a financial crisis involving home mortgages, debt instruments and the United States banking system threatens economic stability; and

WHEREAS, the financial crisis threatens the integrity of federal and chartered banks such that consumer deposits and life savings are jeopardized; and

WHEREAS, financial investments and home ownership is the fabric of economic stability and the stability of financial institutions; and

WHEREAS, millions of Americans and thousands of Ohio residents are facing foreclosures on their home; and

WHEREAS, historically the federal government has intervened to protect financial institutions and home ownership and to provide guarantees of social and economic stability; and

WHEREAS, the quality of life in any community can be directly related to the responsiveness of government and its ability to meet the needs and expectations of its citizens; and

WHEREAS, the residents of Massillon understand the connection and elect local leaders with certain expectations regarding the service they will provide and the role they will play in their lives; and

WHEREAS, those elected to serve the residents of Massillon accept the privilege of service with the understanding of their responsibility and the expectation of the community; and

WHEREAS, the accountability for the city's viability, prosperity and overall well-being lies with those elected to serve local government,

*1st Reading*  
*Filed 5/5*  
*Filed 5/19*  
*1st Reading 5/19*  
*2nd Reading 6/2*  
*Passed 6/16*

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

Section 1:

That Council hereby calls upon the United States Congress to take emergency action to protect homeowners by enacting a Homeowners and Bank Protection Act specifically to:

(A) Create a federal agency to place Federal and State chartered banks under protection, freezing all existing home mortgages for a period of time, adjusting mortgage values to fair prices, and restructuring existing mortgages at appropriate interest rates and writing off speculative debt obligations of mortgage-backed securities, financial derivatives and other forms of financial pyramid schemes that have brought the banking system to the point of bankruptcy;

(B) Declare a moratorium on all home foreclosures for the duration of the transitional period, allowing families to retain their homes;

(C) Require affordable monthly home mortgages payments, the equivalent of "rental payments," to be made to designated banks for use as collateral in normal lending practices for recapitalization of the banking industry and to factor such affordable payments into new mortgages thereby deflating the housing bubble, establishing appropriate property valuation and reducing fixed mortgage interest rates.

(D) Provide an interim period during which homeowners may not be evicted from their homes and protection to banks pending the resumption of traditional banking functions, including serving local communities and facilitating credit for investment in productive entities; and

(E) Authorize state governors to administer the implementation of programs, including provisions for "rental" assessments payable to specific banks, and with provisions for necessary federal guarantees and credits to assure successful transition.

Section 2:

That this resolution serve as notice that the Council of the City of Massillon has been, is, and shall be vigilant as guardians of the public interest of the citizens of Massillon, Ohio, in all matters to the extent legally feasible and possible.

Section 3:

That the Clerk of the Council of the City of Massillon is hereby directed to transmit a true and correct copy of the adopted resolution to members of the United States Senate and the House of Representatives.

Section 4:

That this resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare for the reason that immediate action is necessary to protect residents who are facing foreclosure on their homes, and provided this resolution receives the affirmative vote of two-thirds of the members elected or appointed 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 at the earliest time allowed by law.

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

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

\_\_\_\_\_  
GLENN GAMBER, PRESIDENT

APPROVED \_\_\_\_\_

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