

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

AGENDA

DATE: TUESDAY, FEBRUARY 17, 2009  
PLACE: COUNCIL CHAMBERS  
TIME: 7:30 P.M.

THERE ARE NO PUBLIC HEARINGS TONIGHT

1. ROLL CALL
2. INVOCATION BY COUNCILWOMAN KATHY CATAZARO-PERRY
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. 23 – 2009

BY: COMMUNITY DEVELOPMENT COMMITTEE

*PASS 9-0*  
AN ORDINANCE approving an application for assistance under the Ohio Neighborhood Stabilization Program, and authorizing the execution and filing of the application and related assurances and certifications, and declaring an emergency.

ORDINANCE NO. 24 – 2009

BY: COMMUNITY DEVELOPMENT COMMITTEE

*PASS 9-0*  
AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to make an application to the Ohio Historic Preservation Office for financial assistance under the Certified Local Government Grant Program designating the Massillon Heritage Foundation as the Third Party Administrator, and declaring an emergency.

ORDINANCE NO. 25 – 2009

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 advertise for and receive sealed bids, and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder, for the purchase of chemicals and fertilizer for The Legends of Massillon Golf Course, and declaring an emergency.

ORDINANCE NO. 26 – 2009

BY: PARKS AND RECREATION COMMITTEE

*PASS 8-1 (MANSON)*  
AN ORDINANCE amending Ordinance No. 201 – 1995 by repealing Sections 1 and 2, and enacting new Sections 1 and 2 as on attached, and declaring an emergency.

ORDINANCE NO. 27 – 2009

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 enter into a contract with Waikem Ford Inc., for the purchase of one prisoner van for the Massillon Police Department, and declaring an emergency.

**ORDINANCE NO. 28 – 2009**

**BY: PUBLIC UTILITIES COMMITTEE**

3/16/09 - P.H. 7:20 → 1<sup>ST</sup> READING

**AN ORDINANCE** amending CHAPTER 1187 "SUPPLEMENTAL ZONING REGULATIONS" of the Codified Ordinances of the City of Massillon, Ohio, by enacting a new Section 1187.16 "FREE STANDING WINDMILL REGULATIONS", and declaring an emergency.

**ORDINANCE NO. 29 – 2009**

**BY: RULES, COURTS & CIVIL SERVICE**

1<sup>ST</sup> READING

**AN ORDINANCE** amending CHAPTER 373 "BICYCLES AND MOTORCYCLES" of the Codified Ordinances of the City of Massillon, Ohio, by enacting a new SubSection 373.24 "CODE APPLICATION TO ALL PURPOSE VEHICLES" and 373.25 "CODE RULES FOR EQUIPMENT OF ALL PURPOSE VEHICLES" of CHAPTER 373 "BICYCLES AND MOTORCYCLES" and declaring an emergency.

**ORDINANCE NO. 30 – 2009**

**BY: FINANCE COMMITTEE**

PASS 9-0

**AN ORDINANCE** making certain appropriations from the unappropriated balance of the Capital Improvement Fund, OPWC Projects Fund, 1205 Fund, State Highway Fund, Federal Law Enforcement Trust Fund and the Bond Retirement WWT Fund, for the year ending December 31, 2009, and declaring an emergency.

**ORDINANCE NO. 31 – 2009**

**BY: FINANCE COMMITTEE**

PASS 9-0

**AN ORDINANCE** reducing the appropriation in the General Fund, for the year ending December 31, 2009, and declaring an emergency.

**7. UNFINISHED BUSINESS**

**8. PETITIONS AND GENERAL COMMUNICATIONS**

LETTER FROM THE OHIO DIVISION OF LIQUOR CONTROL REGARDING A TRANSFER OF LIQUOR LICENSE FROM FOE AERIE0190 MASSILLON 117 1<sup>ST</sup> ST SW 1<sup>ST</sup> FL & 2<sup>ND</sup> FL MASSILLON OHIO 44647 TO FOE AERIE0190 MASSILLON DBA FOE AERIE 190 MASSILLON 303 WEIRICH BLVD NW MASSILLON OH 44647

**9. BILLS, ACCOUNTS AND CLAIMS**

**10. REPORTS FROM CITY OFFICIALS**

- A). POLICE CHIEF SUBMITS MONTHLY REPORT FOR JANUARY 2009
- B). TREASURER SUBMITS MONTHLY REPORT FOR JANUARY 2009
- C). FIRE CHIEF SUBMITS MONTHLY REPORT FOR JANUARY 2009
- D). INCOME TAX DEPARTMENT SUBMITS MONTHLY REPORT FOR JANUARY 2009
- E). WASTE DEPARTMENT SUBMITS MONTHLY REPORT FOR JANUARY 2009
- F). MAYOR'S MONTHLY REPORT FOR JANUARY 2009

**11. REPORTS OF COMMITTEES**

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

**13. CALL OF THE CALENDAR**

14. THIRD READING ORDINANCES AND RESOLUTIONS
15. SECOND READING ORDINANCES AND RESOLUTIONS

**ORDINANCE NO. 16 – 2009**      **BY: COMMUNITY DEVELOPMENT COMMITTEE**

*2ND READING 3/2/09 7:20 P.H.*

**AN ORDINANCE** amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from Tuscarawas Township (no zoning) to A-1 General Agricultural District, and declaring an emergency.

**ORDINANCE NO. 18 – 2009**      **BY: HEALTH, WELFARE & BLDG REGULATIONS**

*PASS 9-0*

**AN ORDINANCE** authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into the Planned Service Agreement with Honeywell for the maintenance of heating and air conditioning for the Wastewater Treatment Plant, City Hall and Fire Stations 1, 2, 3 and 4, Municipal Annex Building and the City Garage, and declaring an emergency.

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

**MARY BETH BAILEY - CLERK OF COUNCIL**



DATE: FEBRUARY 17, 2009

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

*Passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 23 - 2009

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE approving an application for assistance under the Ohio Neighborhood Stabilization Program, and authorizing the execution and filing of the application and related assurances and certifications, and declaring an emergency.

WHEREAS, under the provisions of Title III of the Housing and Economic Recovery Act, 2008, Congress enacted Section 2301, appropriating Federal funds to be used for Emergency Assistance for the Redevelopment of Abandoned and Foreclosed Homes, to which the U. S. Department of Housing and Urban Development (HUD) has assigned the name Neighborhood Stabilization Program (NSP); and

WHEREAS, HUD has allocated NSP funding to the State of Ohio, to be distributed to areas of greatest need within the State, based on the number of home foreclosures, subprime loans, defaults, delinquencies, and vacancy rates; and

WHEREAS, the State of Ohio has announced that the City of Massillon is eligible to receive \$1,578,149 in NSP funding, provided that the City makes application to the State for these funds; and

WHEREAS, NSP funds may be used to improve neighborhoods by purchasing and redeveloping abandoned and foreclosed properties, establishing land banks and demolishing blighted structures.

WHEREAS, the City of Massillon proposes to apply to the State of Ohio for NSP funding in order to carry out neighborhood improvement activities in accordance with the rules and regulations of the NSP Program as set forth by HUD and the State of Ohio.

WHEREAS, the City of Massillon has developed a plan for the use of NSP funds, including the targeting of NSP funds to give priority emphasis and consideration to areas with greatest need within the City; and

WHEREAS, the City of Massillon has made the plan for the use and targeting of NSP funds available for citizen review and comment.

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



Section 1:

This Council hereby finds and determines that the City of Massillon's NSP Application adequately identifies the City's areas of greatest need; that the programs and activities to be undertaken by the City with NSP funding have been designed to target these funds to give priority emphasis and consideration to areas with greatest need within the City; that the City of Massillon's proposed use of funds, including the purchase and redevelopment of abandoned foreclosed properties; the establishment of a land bank, and the demolition of blighted structures, will achieve the national objectives of the NSP Program; and that for these reasons, this Council approves said application.

Section 2:

That the Mayor, being the chief executive officer of the City of Massillon, is hereby designated as the authorized representative of the City, to act in connection with the City's application for NSP funds, and to provide such additional information, as well as to execute and file such additional documentation or certifications, as may be required by the State of Ohio or by other responsible agencies in connection with this application.

Section 3:

That this Council hereby authorizes the Mayor to execute and file the application for NSP funds, together with related documentation, with the State of Ohio.

Section 4:

That this Council hereby directs that the City of Massillon, in carrying out its NSP funded activities, continue to comply with applicable requirements and regulations of the NSP Program and with other applicable laws including civil rights, equal opportunity and fair housing, environmental protection, fair labor standards, real property acquisition and relocation, and that this Council authorizes the Mayor to execute and file with the State of Ohio certifications in such form as the State may prescribe, which will provide assurance concerning these foregoing matters along with any other matters as may be required by the State of Ohio in connection with carrying out the City's NSP Program.

Section 5:

That 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 further reason that this application must be filed with the State of Ohio by February 27, 2009 in order to be eligible to receive NSP funding. 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

## City of Massillon Application for Neighborhood Stabilization Program Funds

In December 2008, the Ohio Department of Development (ODOD) announced the availability of grant funds under the Neighborhood Stabilization Program (NSP). These NSP funds have been allocated to the State by the U.S. Department Of Housing & Urban Development (HUD) for distribution to areas of greatest need. The City of Massillon has been allocated \$1,578,149 in NSP funding and the City intends to make application to ODOD for this funding.

The NSP aims to stabilize and strengthen neighborhoods and urban areas suffering from increased vacancies and property devaluation as a result of the nation's foreclosure crisis. The program provides targeted emergency assistance to state and local governments to acquire and redevelop foreclosed properties that might otherwise become sources of abandonment and blight within their communities.

The City of Massillon intends to use its NSP funds to: (a) demolish blighted abandoned properties; (b) offer downpayment and home repair assistance for the purchase of foreclosed homes to low- and moderate-income homebuyers with incomes not exceeding 120 percent of area median income; (c) assemble, temporarily manage, and dispose of vacant land through land banking; and (d) encourage the re-use and redevelopment of foreclosed upon properties.

City of Massillon Proposed NSP Budget

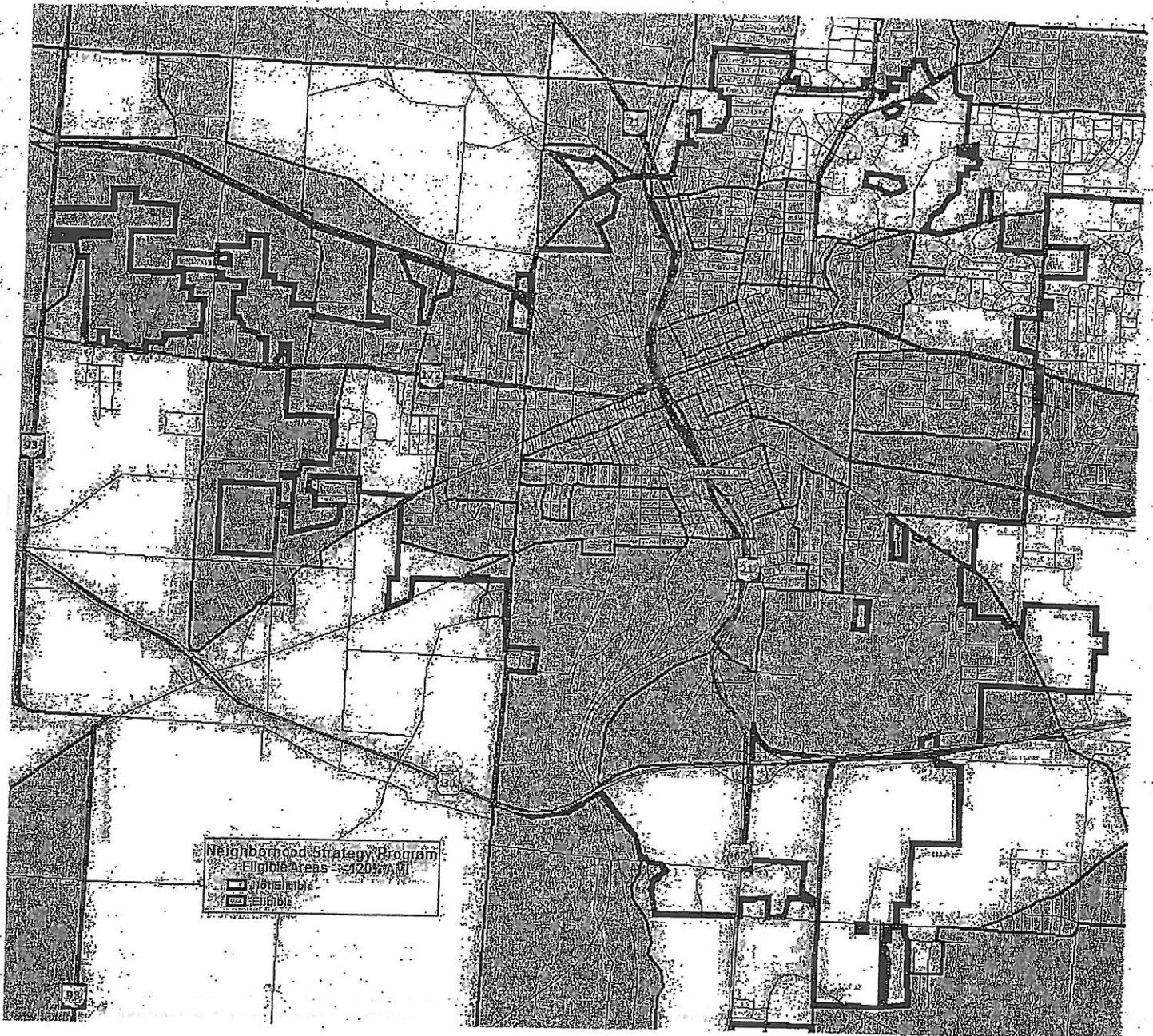
Activity	Units	Budget
Demolition of blighted structures	60	\$450,000
Purchase foreclosed properties for residential development or land banking	30	\$600,000
Downpayment & Rehabilitation assistance for LMMI homebuyers	20	\$350,000
Maintenance of Land Bank Parcels Over 4 Years		\$20,349
Administration Costs Over 4 Years		\$157,800
<b>Total</b>		<b>\$1,578,149</b>

### Analysis of Existing Housing Data

Based on NSP guidelines, and using available data on local foreclosures, the number of high cost housing loans, the extent of vacancies, the number of tax delinquent parcels, and proposed demolition activities, the City has tried to identify those residential areas with the greatest needs in order that NSP funds can be targeted to activities serving these neighborhoods.

Map of NSP Eligible Areas  
City of Massillon

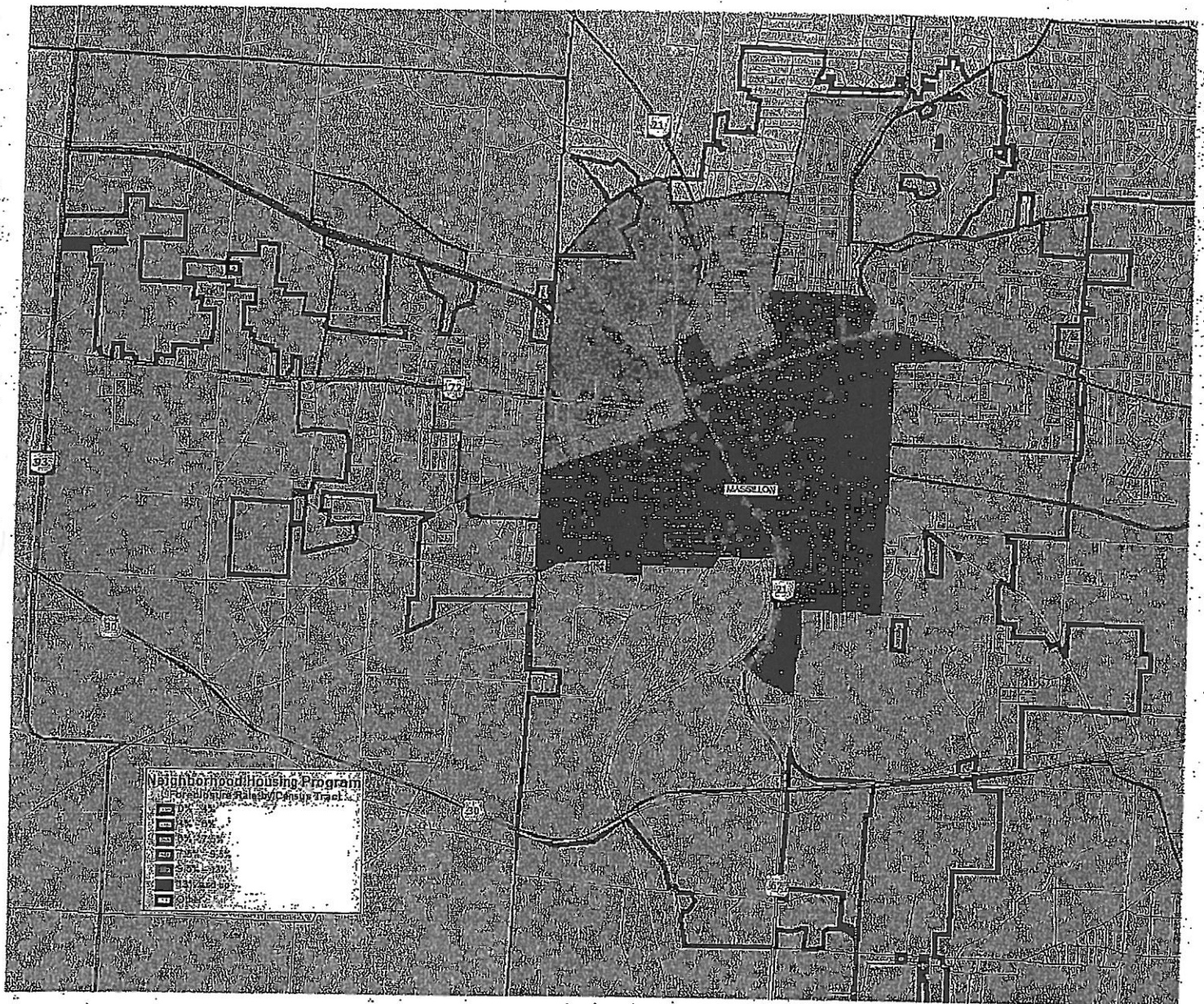
The shaded portion of the map indicates those areas where at least 51% of the population reside in households with incomes at or below 120% of the area median income. HUD has termed these households as eligible low-, moderate-, or middle-income (LMMI) households. NSP activities, such as the demolition of blighted structures, can only be undertaken within these LMMI eligible areas.





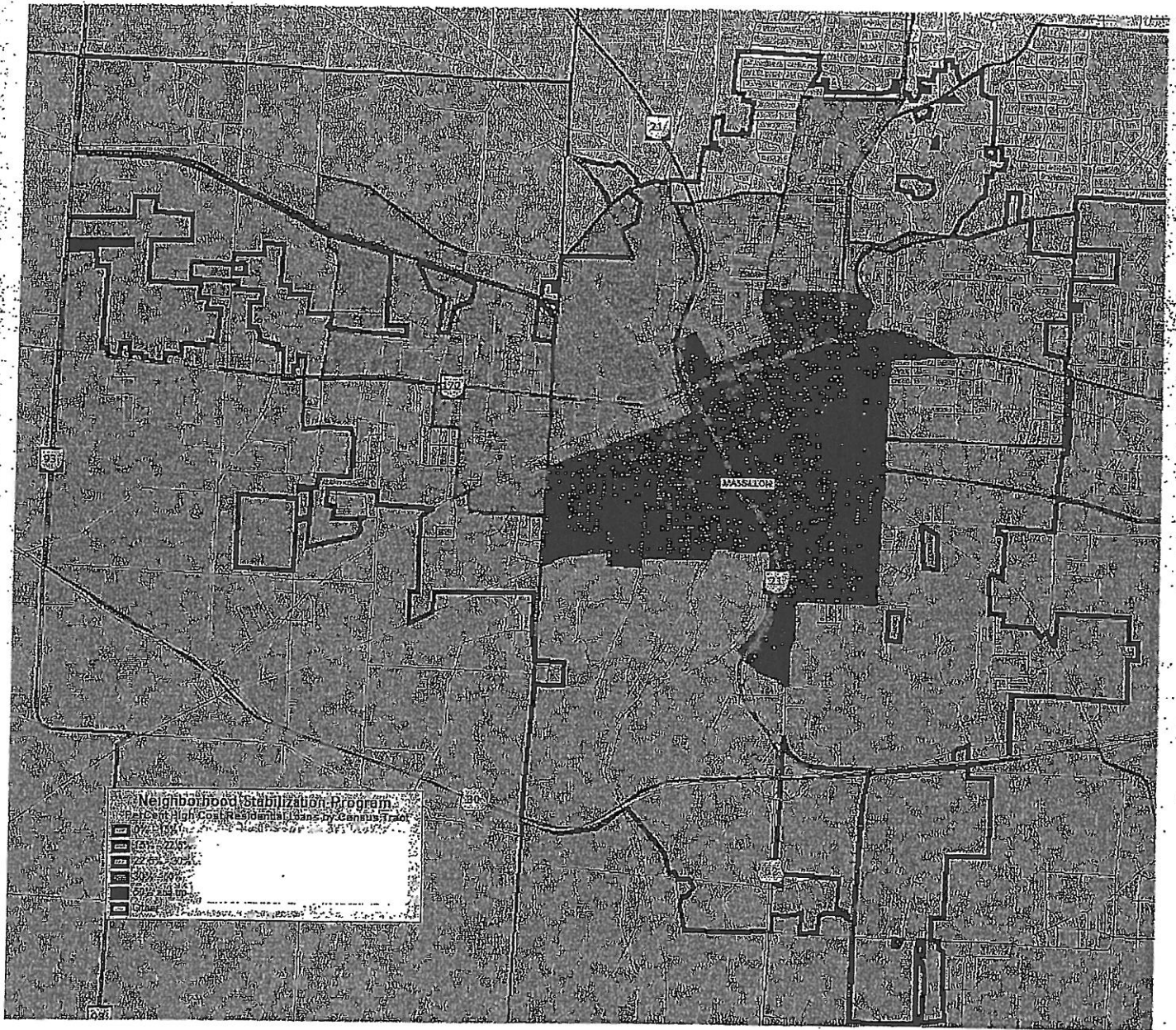
Foreclosure Rate Map  
City of Massillon

This map highlights those census tracts within the City of Massillon with the highest rates of home foreclosures.



# High Cost Residential Loans Map City of Massillon

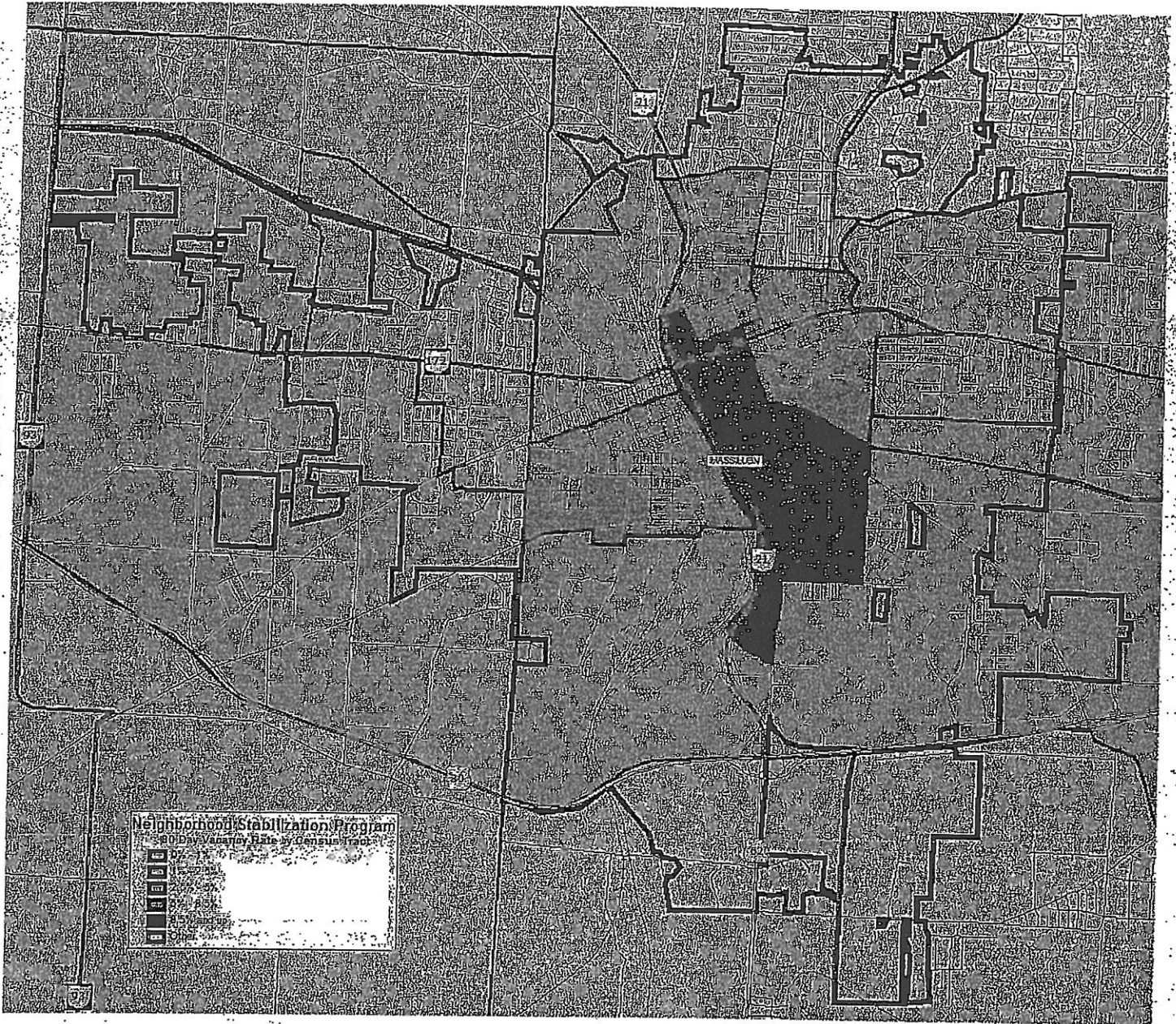
This map highlights those census tracts within the City with the highest percentage of high cost housing loans.





Vacancy Rate Map  
City of Massillon

This map highlights those census tracts in the City of Massillon with the highest percentage of housing units vacant for at least 90 days.



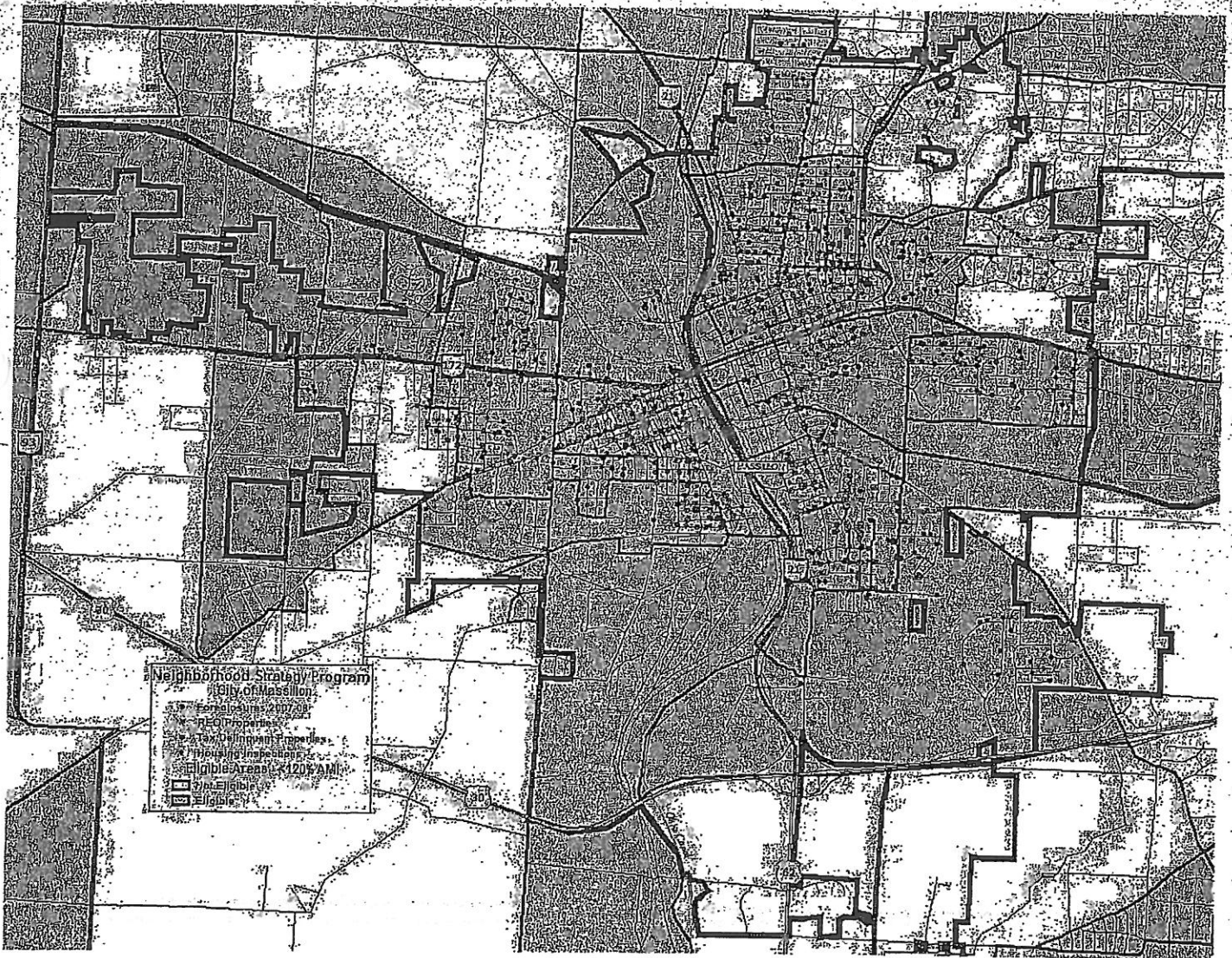


## City of Massillon NSP Program Local Housing Data Map

This map shows the locations of the following types of housing properties in the City of Massillon:

- Foreclosures 2007-2008
- REO Properties
- Tax Delinquent Properties
- Housing Code Enforcement Inspections

The map also highlights NSP eligible areas – where 51% of the population resides in households with incomes at or below 120% of the area median income.



## Summary of Massillon NSP Planning / Citizen Involvement Process

Due to the short timeline between the City's notification of its NSP Allocation by the State of Ohio (December 19, 2008) and the NSP Application deadline (February 27, 2009), the City of Massillon has had to take a streamlined approach to planning and citizen involvement in the development of its NSP Program.

The City of Massillon has taken the following actions in the planning and development of its NSP Program Application:

### Housing Data Research and Analysis

The City of Massillon utilized the following resources to research and analyze the housing data used in the preparation of the NSP Application:

- HUD Neighborhood Stabilization Program Data from the HUD User website at <http://www.huduser.org/datasets/nsp.html>
- U.S. Postal Service aggregated vacancy data from the UD User website at <http://www.huduser.org/datasets/usps.html>
- Foreclosure data from the Stark County Sheriff
- Tax Delinquent Property information from the Stark County Treasurer
- REO Property ownership data from the Stark County Auditor
- Housing Inspection data from the City of Massillon Community Development Department / Code Enforcement Division
- Ohio Maps software prepared by the Ohio Department of Development / Office of Housing & Community Partnerships

### State and Regional Planning and Coordination

The City of Massillon has participated in the following meetings and worked with the following State and regional organizations in NSP Program Planning:

- ODOD / OHCP NSP Training, including Best Practices Workshop and NSP Application Training
- Ohio Conference of Community Development (OCCD) Focus on the NSP Program and NSP Property Acquisition Workshop

### Local Planning and Citizen Involvement

The City of Massillon has met with the following local governments, housing organizations, and citizen groups to review and discuss the NSP Program:

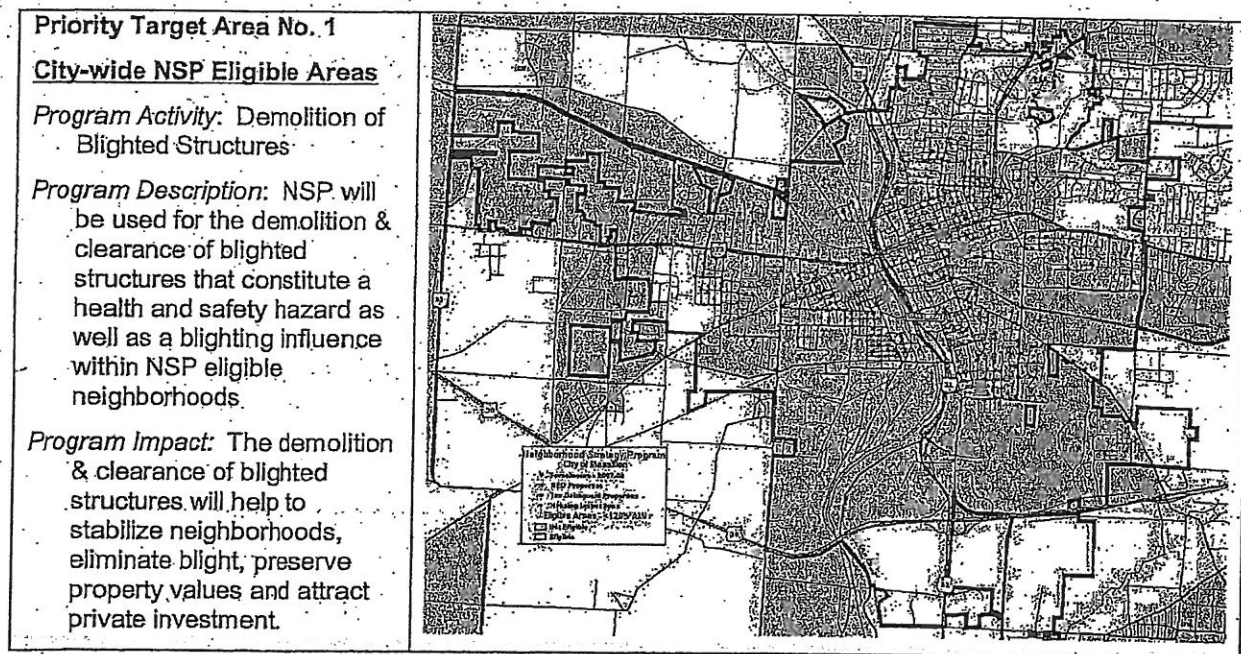
- Meetings with Stark County and the cities of Canton and Alliance
- Meetings with local housing organizations, including the Stark Metropolitan Housing Authority, Freed Housing Corporation, Habitat for Humanity of Greater Stark and Carroll Counties, and the Association for Better Community Development (ABCD)

- Meetings with the Massillon Neighborhood Leadership Council, consisting of representatives of all the local neighborhood associations
- NSP Program Questionnaire which has been distributed to local neighborhood groups as well as available at the City's Community Development / NSP website: <http://www.massillonohio.com/commdevelopment/index.html>
- Meeting with local lenders through FICIG (Financial Institutions Community Interest Group)

### Neighborhood Strategy Program Priority Target Areas

NSP program guidelines state that local governments should make every effort to target NSP funds to the areas of greatest need. Based on an analysis of the foregoing housing data on foreclosures, high cost loans, vacant properties, REO properties, tax delinquent properties, and code enforcement inspections, along with consultation with local housing organizations, neighborhood associations, and the general public, the City of Massillon has established the NSP Priority Target Areas. These target areas are ranked in order of importance and indicate those neighborhoods with the greatest need for neighborhood stabilization assistance.

The City of Massillon's NSP Priority Target Neighborhoods, along with the specific NSP activities which can be undertaken in each area, are listed below as follows:





### Southeast Neighborhood

- 1) Residential Development
- 2) Demolition / Land Banking

- Demolish blighted structures
- Offer downpayment & housing rehab assistance for the purchase of foreclosed homes by LMMI households
- Assemble, manage & dispose of vacant land thru land banking
- Encourage the re-use & redevelopment of foreclosed upon properties

**Program Impact:** NSP activities will help to stabilize neighborhoods, eliminate blight, preserve property values and encourage re-investment.

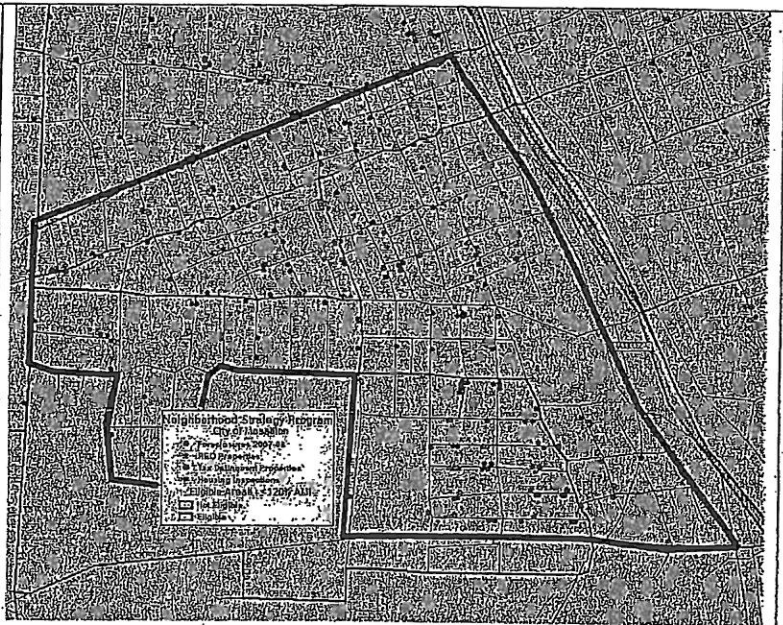


### Southwest Neighborhood

- 1) Residential Development
- 2) Demolition / Land Banking

- Demolish 'blighted' structures
- Offer downpayment & housing rehab assistance for the purchase of foreclosed homes by LMMI households
- Assemble, manage & dispose of vacant land thru land banking
- Encourage the re-use & redevelopment of foreclosed upon properties

**Program Impact:** NSP activities will help to stabilize neighborhoods, eliminate blight, preserve property values and encourage re-investment.



#### Priority Target Area No. 4

##### Central Area Neighborhood

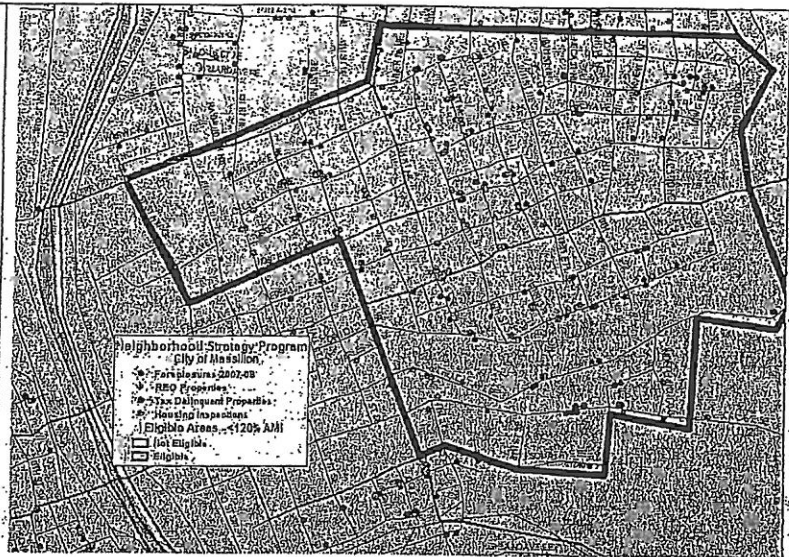
###### *NSP Program Activities:*

- 1) Residential Development
- 2) Demolition / Land Banking

###### *Program Description:* NSP used to:

- Demolish blighted structures
- Offer downpayment & housing rehab assistance for the purchase of foreclosed homes by LMMI households
- Assemble, manage & dispose of vacant land thru land banking
- Encourage the re-use & redevelopment of foreclosed upon properties

*Program Impact:* NSP activities will help to stabilize neighborhoods, eliminate blight, preserve property values and encourage re-investment.



#### Target Area No. 5

##### Northeast Neighborhood

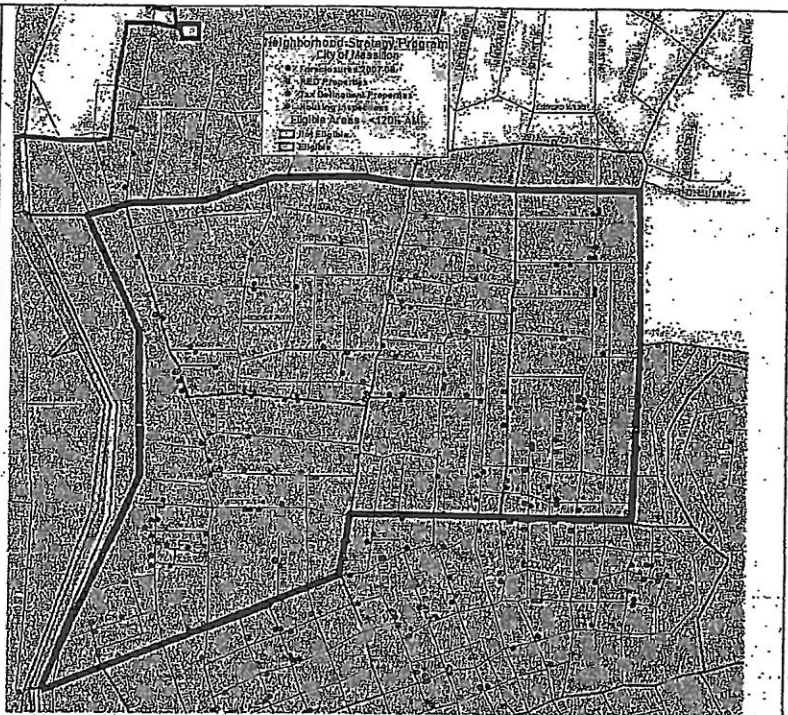
###### *NSP Program Activities:*

- 1) Residential Development
- 2) Demolition / Land Banking

###### *Program Description:* NSP used to:

- Demolish blighted structures
- Offer downpayment & housing rehab assistance for the purchase of foreclosed homes by LMMI households
- Assemble, manage & dispose of vacant land thru land banking
- Encourage the re-use & redevelopment of foreclosed upon properties

*Program Impact:* NSP activities will help to stabilize neighborhoods, eliminate blight, preserve property values and encourage re-investment.





### Target Area No. 6

#### Lincoln Way East Neighborhood

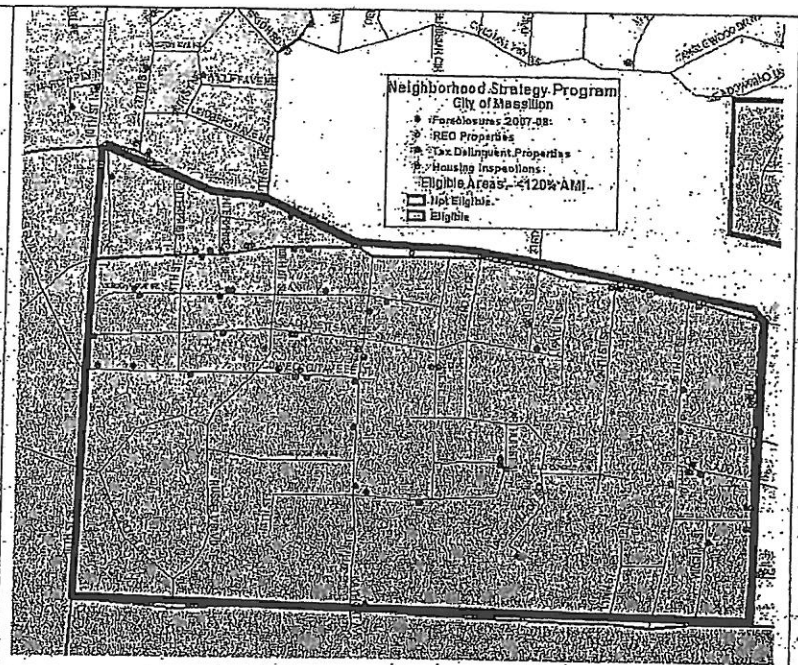
##### *NSP Program Activities:*

- 1) Residential Development
- 2) Demolition / Land Banking

##### *Program Description:* NSP used to:

- Demolish blighted structures
- Offer downpayment & housing rehab assistance for the purchase of foreclosed homes by LMMI households
- Assemble, manage & dispose of vacant land thru land banking
- Encourage the re-use & redevelopment of foreclosed upon properties

*Program Impact:* NSP activities will help to stabilize neighborhoods, eliminate blight, preserve property values and encourage re-investment.



### Target Area No. 7

#### Lincoln Way West Neighborhood

##### *NSP Program Activities:*

- 1) Residential Development
- 2) Demolition / Land Banking

##### *Program Description:* NSP used to:

- Demolish blighted structures
- Offer downpayment & housing rehab assistance for the purchase of foreclosed homes by LMMI households
- Assemble, manage & dispose of vacant land thru land banking
- Encourage the re-use & redevelopment of foreclosed upon properties

*Program Impact:* NSP activities will help to stabilize neighborhoods, eliminate blight, preserve property values and encourage re-investment.





# Final Projection Tables

(Includes Affluent Bldg, Reznor Unit and Fire Station #1 Heater)

WWTP, ANNEX AND MUNICIPAL BLDGS W/ALTERNATE (1) 10-YEAR PLAN										
	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
Annual Payment	\$130,274.00	\$126,929.00	\$128,931.00	\$130,993.00	\$133,117.00	\$135,305.00	\$137,559.00	\$139,880.00	\$142,271.00	\$144,734.00
Annual Savings	\$167,423.00	\$167,423.00	\$167,423.00	\$167,423.00	\$167,423.00	\$167,423.00	\$167,423.00	\$167,423.00	\$167,423.00	\$167,423.00
Cashflow	\$ 37,149.00	\$ 40,494.00	\$ 38,492.00	\$ 36,430.00	\$ 34,306.00	\$ 32,118.00	\$ 29,864.00	\$ 27,543.00	\$ 25,152.00	\$ 22,689.00

WWTP, ANNEX AND MUNICIPAL BLDGS W/ALTERNATE (1) 7-YEAR PLAN						
	Year 1	Year 2	Year 3	Year 4	Year 5	Year 7
Annual Payment	\$150,919.00	\$147,574.00	\$149,576.00	\$151,638.00	\$153,762.00	\$158,204.00
Annual Savings	\$167,423.00	\$167,423.00	\$167,423.00	\$167,423.00	\$167,423.00	\$167,423.00
Cashflow	\$ 16,504.00	\$ 19,849.00	\$ 17,847.00	\$ 15,785.00	\$ 13,661.00	\$ 9,219.00

WWTP, ANNEX AND MUNICIPAL BLDGS W/ALTERNATE (1) 5-YEAR PLAN				
	Year 1	Year 2	Year 3	Year 5
Annual Payment	\$178,685.00	\$175,340.00	\$177,342.00	\$181,528.00
Annual Savings	\$167,423.00	\$167,423.00	\$167,423.00	\$167,423.00
Cashflow	\$ (11,262.00)	\$ (7,917.00)	\$ (9,919.00)	\$ (14,105.00)

DATE: FEBRUARY 17, 2009

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 24 - 2009

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to make an application to the Ohio Historic Preservation Office for financial assistance under the Certified Local Government Grant Program designating the Massillon Heritage Foundation as the Third Party Administrator, and declaring an emergency.

WHEREAS, under the Certified Local Government Grant Program, the Ohio Historic Preservation Office makes available 70% funding for historic preservation planning activities to qualifying units of local government; and

WHEREAS, the City of Massillon, Ohio, has been designed by the U.S. Department of the Interior as a certified local government, eligible to apply for funding; and

WHEREAS, the City of Massillon, Ohio, desires to file an application with the Ohio Historic Preservation Office for grant funds to prepare a preservation plan for Five Oaks Historic Home and to designate the Massillon Heritage Foundation as the Third Party Administrator of the proposed grant;

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

Section 1:

The Mayor of the City of Massillon, Ohio, is hereby authorized and directed to make application to the Ohio Historic Preservation Office for financial assistance under the Certified Local Government Grant Program.

Section 2:

The Massillon Heritage Foundation is hereby designated as the authorized Third Party Administrator of the City, to act in connection with the city's application to the State of Ohio for historic preservation grant funding and to administer the Certified Local Government Project.

Section 3:

That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the 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.

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

#### IV. PROJECT DESCRIPTION

##### A. Proposal for Historic Structure Report: Five Oaks Historic Home

*Location:* 210 4<sup>th</sup> Street NE, Massillon, Ohio 44646

*Scope of Work:* The Historic Structures Report (HSR) would be summarized in a written and graphical report which would include the following:

- In depth Investigation and evaluation of the site including the interior and exterior of the building. The survey and inspection will address the building's exterior and interior materials, features and finishes, interior spaces and visible structural systems. The investigation will not include the concealed structural systems; mechanical, electrical, plumbing systems, fire detection and security systems.
- A detailed summary of information known and conditions observed at the time of the survey.
- Two to three levels of treatment for repair, preservation or restoration for individual features and/or areas of damage/deterioration.
- Laboratory analysis of the existing mortar (four to six locations).
- Recommendations for decision-making about the overall treatment approach (preservation, rehabilitation, or restoration) of the facility.
- Prioritization of the recommendations for treatment
- Identification of future areas of research or documentation.
- Submit HSR to Ohio Historic Preservation Office for review. Revise and resubmit as needed.
- Provide a CD of photographic images and report as a pdf file.

In addition, as part of this project, the Massillon Heritage Foundation will develop a series of activities and lectures to educate and advocate historic preservation and Five Oaks to adults and children. Some of the possible topics have been listed below:

- Preservation and Conservation efforts at Five Oaks
- History of the Five Oaks mansion and the surrounding neighborhood
- Cleveland architect Charles F. Schweinfurth, designer of Five Oaks
- CSI (Conservation Science Investigation): Five Oaks – Join the investigative team on site
- How Did They Build That? – Focus will be on the craftsmanship of the decorative materials of Five Oaks, possible hands-on activity of stone carving

*Estimated Cost*

*\$12,000.00*



## B. Proposal for Field Verification Services: Five Oaks Historic Home - Massillon, Ohio

### *Scope of Work*

- Field verify the site, all interior floors including basement, first floor, second floor and third floor; and the four exterior elevations, (approx. 40+ hours)
- Preparation of AutoCAD digital plans of the site, floor plans and exterior elevations listed above. (approx. 60+ hours)
- Printing costs associated with three sets of drawings.

*Estimated Cost*

\$4,800.00

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*Total Cost - Historic Preservation Consultant*

\$16,800.00

*Plus Program Management - Agency Volunteers  
(est. 80 hours @ \$7.00/hr)*

560.00

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**Total Project Cost**

**\$17,360.00**

## C. Purpose and Benefits of Project



The Massillon Women's Club (or Five Oaks) was listed on the National Register of Historic Places in 1973. Five Oaks was designed by noted Cleveland architect Charles F. Schweinfurth for prominent local businessman J. Walter McClymond. The name was adopted from five-oak trees that stood on the lawn. An oak motif, employing designs of the acorn, leaf, and tree, is used extensively in the house. Constructed in 1894, the massive three-story Romanesque mansion anchors the City's Fourth Street NE National Register Historic District.

The Fourth Street Historic District is part of the City's CHARM neighborhood. CHARM, or Central Historic Area Residents of Massillon, is a neighborhood association dedicated to the revitalization and preservation of the City's near northeast side. As part of its many activities, CHARM holds an annual Summertime on Fourth Street festival, recreating the atmosphere of life in 1890's Massillon.

The Massillon Heritage Foundation, Inc., was founded in December 1975, as a charitable, non-profit organization to carry on preservation and restoration. Its immediate responsibility has been Five Oaks or the Massillon Woman's Club. Tours may be scheduled for parties of 15 or more from September - June. In July and August, tours are available on Sundays from 2:00 - 4:00pm without reservations.

The Massillon Woman's Club sponsors many events open to the public including the Autumn Luncheon, Sights & Sounds of Christmas Past, the Daffodil Luncheon, and the Rose Luncheon. The Club also has Chili Suppers in the fall and Open Houses for all to enjoy. Dinners and Luncheons are available for personal events. The home is also available for weddings, showers, rehearsal dinners, and other times warranting the memorable atmosphere the home provides.

Through all of these many events, the Massillon Heritage Foundation provides a myriad of educational opportunities for the public to learn about the history of Massillon and the significance of Five Oaks as an important part of Massillon's history.

The Massillon Heritage Foundation currently lacks a detailed historic structure analysis of the Five Oaks building, and for this reason, is currently managing up-keep and repairs to this National Register facility on a piecemeal basis. The proposed Historic Structure Report would assist the Foundation by providing a comprehensive plan for the preservation of this historically and architecturally important building.

A historic structure report provides documentary, graphic, and physical information about a property's history and existing condition. Broadly recognized as an effective part of preservation planning, a historic structure report also addresses management or owner goals for the use or re-use of the property. The report serves as an important guide for all changes made to a historic property during a project-repair, rehabilitation, or restoration and can also provide information for maintenance procedures. Finally, it records the findings of research and investigation, as well as the processes of physical work, for future researchers.

Generally, a completed historic structure report provides:

- A planning document for decision-making about the overall treatment approach (preservation, rehabilitation, restoration, or reconstruction)
- Identifies remaining significant and character defining features
- A summary of information known and conditions observed at the time of the survey
- Recommended treatments for individual features or areas.
- Prioritization of recommendations
- Identification of future areas of research or documentation

Because of extensive research and comprehensive existing condition information, the HSR is a valuable reference tool for the site. This information establishes the framework for owners and stewards to consider physical alterations to the property, with the understanding how the proposed work will impact the historical fabric and character.

In the development of any historic structure report, the scope of work and level of detail are necessarily adjusted to meet the requirements of a particular project, taking into account the property's significance, condition, intended use, and available funding.

Most projects would benefit greatly from the preparation of such a report and not only from the value of the report as an efficient planning tool. If work proceeds without a historic structure report to guide it, it is possible that physical evidence important to understanding the history and construction of the structure may be destroyed or that inappropriate change may be made. The preparation of a report prior to initiation of work preserves such information for future researchers. Even more importantly, prior preparation of a report helps ensure that the history, significance, and condition of the property are thoroughly understood and taken into consideration in the selection of a treatment approach and development of work recommendations. One of the goals of a historic structure report is to reduce the loss of historic fabric or significance and to ensure the preservation of the historic character of the resource.

At the completion of the project, the Foundation will receive three sets of blue prints and two copies of the CAD digital files on CD media. This work is very much needed as the Massillon Heritage Foundation has been unable to locate the original drawings and blueprints for Five Oaks. Many

## V. SCHEDULE FOR PROJECT COMPLETION

[illegible]



DATE: FEBRUARY 17, 2009

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 25 - 2009

BY: PARKS AND RECREATION COMMITTEE

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

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

Section 1:

The Council of the City of Massillon, Ohio, hereby determines it to be necessary in the public health, safety and welfare to advertise for and receive sealed bids according to law and to enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the purchase of chemicals and fertilizers for The Legends of Massillon Golf Course.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to prepare plans and specifications and to advertise for and receive sealed bids according to law, and enter into contract upon award and approval by the Board of Control, with the lowest and best bidder for the purchase of chemicals and fertilizers for The Legends of Massillon Golf Course.

Section 3:

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

DATE: FEBRUARY 17, 2009

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 26 - 2009

BY: PARKS AND RECREATION COMMITTEE

TITLE: AN ORDINANCE amending Ordinance No. 201 - 1995 by repealing Sections 1 and 2, and enacting new Sections 1 and 2 as on attached, and declaring an emergency.

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

Section 1:

Ordinance No. 201 - 1995 is amended to reflect the following new Sections 1 and 2:

(SEE ATTACHED HERETO)

Section 2:

This ordinance is hereby declared to be an emergency measure, the reason for the emergency is for in the future council will vote on the appointments to the Recreation Board. 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 \_\_\_\_\_, 2009

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

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

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

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

ATTACHMENT FOR ORDINANCE NO. 26 - 2009

Section 1: The Council of the City of Massillon hereby approves the establishment of a Recreation Board as provided for in Section 755.14(A) of the Ohio Revised Code.

Section 2: The number of the members of the Recreation Board shall consist of five (5) members who are residents of the City of Massillon. Three (3) members shall be appointed by the Mayor with the consent of Council for a term of five years except the original appointments for the terms beginning January 1, 1996, one shall be appointed for a term of one year, one for a term of three years and one for a term of five years. The other two (2) members of the Board shall be appointed by the Board of Education of the City of Massillon for a term of five years except that the original appointments for the terms beginning January 1, 1996, one shall be for two years and one shall be for a term of four years. The successors to each member of the Board shall be appointed for a term of five years by the original appointing authority. Vacancies on the Board shall be filled for the unexpired term by the original appointing authority for the members. The three (3) members of the Recreation Board appointed by the Mayor and the successors to each of those members shall be appointed with the consent of Council. Vacancies in the Recreation Board, occurring otherwise than expiration of term, shall be for the unexpired term and shall be filled in the same as the original appointments with the consent of Council. Members of the Board shall serve without pay.



DATE: FEBRUARY 17, 2009

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 27 - 2009

BY: POLICE AND FIRE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract with Waikem Ford Inc., for the purchase of one prisoner van for the Massillon Police 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 finds that it is necessary to enter into a contract with Waikem Ford Inc., for the purchase of one prisoner van for the Massillon Police Department. The cost of said contract shall not exceed Forty-Eight Thousand Eight Hundred Eighty-Three Dollars and Ninety Cents (48,883.90)

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized to enter into a contract with Waikem Ford Inc., for purchase of one prisoner van for the Massillon Police Department.

Section 3:

Upon delivery of the aforesaid agreement, the Director of Public Service and Safety is hereby authorized to issue vouchers to the Auditor of the City of Massillon, Ohio, directing prompt payment for said agreement and the City Auditor is authorized and directed to honor and pay said vouchers.

Section 4:

This Ordinance is 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 the City of Massillon enter into a contract with Waikem Ford Inc., so the prisoner van may be purchased for use by the Police 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.

DATE: FEBRUARY 17, 2009

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

*1st reading*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 28 - 2009

*2nd reading 3/2*  
*passed 3/17*

BY: PUBLIC UTILITIES COMMITTEE

TITLE: AN ORDINANCE amending CHAPTER 1187 "SUPPLEMENTAL ZONING REGULATIONS" of the Codified Ordinances of the City of Massillon, Ohio, by enacting a new Section 1187.16 "FREE STANDING WINDMILL REGULATIONS", and declaring an emergency.

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

Section 1:

New Section 1187.16 "FREE STANDING WINDMILL REGULATIONS" of CHAPTER 1187 "SUPPLEMENTAL ZONING REGULATIONS" of the Codified Ordinances of the City of Massillon, Ohio, be and hereby is enacted.

SEE ATTACHED EXHIBIT "A" HERETO

Section 3:

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 codified code for the City of Massillon will include the regulation of wind energy systems. 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 \_\_\_\_\_, 2009

ATTEST:

MARY BETH BAILEY, CLERK OF COUNCIL

GLENN E. GAMBER, PRESIDENT

APPROVED \_\_\_\_\_

FRANCIS H. CICCHINELLI, JR., MAYOR

**PROPOSED AMENDMENT TO CHAPTER 1187  
SUPPLEMENTAL ZONING REGULATIONS**

**CHAPTER 1187.16 – FREE STANDING WINDMILL REGULATIONS**

1187.16(A) Certain terms are defined for the purpose of this Chapter as follows:

- 1) "SMALL WIND ENERGY SYSTEM": A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 150 kW and which is intended to reduce on-site consumption of utility power.
- 2) NACELLE: The enclosure located at the top of a wind turbine tower that houses the gear box, generator and other equipment.
- 3) POWER CENTER: Serves as the central connection point for the electrical components in the system and provides a number of necessary control functions.
- 4) ROTOR: The rotating part of a turbine, including the blades.
- 5) TOWER: The support structure, including guyed, monopole and lattice types, upon which a wind turbine or other mechanical device is mounted.
- 6) TOWER HEIGHT: The height of the tower, measured from the natural grade surrounding the support pad to the tip of the blade in a vertical position along the vertical axis of the tower.
- 7) WIND TURBINE: A device that converts kinetic wind energy into rotational energy that drives an electrical generator. A wind turbine typically consists of a tower, nacelle body, power center and a rotor with two or more blades."

**(B) SMALL WIND ENERGY SYSTEMS**

- 1) It is the purpose of this regulation to promote the safe, effective and efficient use of small wind energy systems installed to reduce the on-site consumption of utility supplied electricity. A small wind energy system may be permitted in any zoning district as a conditionally permitted use.
- 2) No person shall cause, allow or maintain the use of a small wind energy system without first having obtained a conditional zoning certificate from the board of Zoning Appeals. Application for a conditional zoning certificate shall be submitted to the board of Zoning Appeals in accordance with Chapter 1129.



### (C) DISTRICT REGULATIONS

- 1) Small wind energy systems shall be permitted in the following districts: R-1 through R-4 One-Family Residential, R-T Two-Family Residential, RM-1 and RM-2 Multiple Family Residential, I-1 Light Industrial, I-2 General Industrial, A-1 Agricultural and A-2 General Agricultural.
- 2) Small wind energy systems shall meet the following requirements:
  - (a) Primary purpose shall be to provide power for the principal and accessory uses of the property and not for the generation of power for commercial purposes.
  - (b) Minimum lot size of two (2) acres.
  - (c) One small wind energy system tower per lot or parcel.
  - (d) Small wind energy system shall be located only in the rear yard area.
  - (e) Maximum height shall be 80 feet, measured from the natural grade surrounding the support pad to the tip of the blade in a vertical position measured along the vertical axis of the tower.
  - (f) Minimum setback from all property lines, structures, and above ground utility lines shall be no less than 110 percent of the tower height.
  - (g) Anchor points for guy wires for the tower shall be located no closer than 25 feet to the property lines and not on or across any above ground electric transmission or distribution lines.
  - (h) Minimum height from the base of the tower to the lowest part of the blade tip or rotor system shall be 12 feet.
  - (i) Tower and blade color shall be white or light gray.
  - (j) Lighting of the tower or aircraft and helicopter shall conform with Federal Aviation Administration standards for wattage and color, when applicable.
  - (k) The tower shall have either:
    - 1) Tower climbing apparatus located no closer than 12 feet to the ground level at the base of the structure;
    - 2) A locked anti-climb device installed on the tower; or
    - 3) Shall be completely enclosed with a locked fence at least six feet in height to prevent uncontrolled access from unauthorized personnel.

(l) A sign shall be posted at the base of the tower warning of electrical shock or high voltage.

(m) An automatic braking, governing or feathering system shall be required to prevent uncontrolled rotation.

(n) All small wind energy systems must separately comply with Massillon Building Department regulations (building, mechanical, electrical, etc.)

(o) All small wind energy systems shall be installed, operated and maintained per the manufacturer's instructions, including compliance with Ohio EPA regulations regarding storage and disposition of batteries and other hazardous materials.

(p) No variance shall be issued for the placement of a small wind energy system so close to a property line that it may result in any portion of the system to overhang, cross, or otherwise extend beyond the property line at any time, whether erect or in the event the system should fall or be toppled.

(q) Decommissioning and Restoration. Any small wind energy system which has reached the end of its useful life or has been abandoned shall be removed. A small wind energy system shall be considered abandoned when it fails to operate for one year. The applicant shall include the following information regarding decommissioning of the project and restoring the site when submitting the application for a conditional zoning certificate:

- 1) The anticipated life of the project;
- 2) The estimated decommissioning costs in current dollars;
- 3) The method and schedule for updating the costs of decommissioning and restoration;
- 4) The method of ensuring funds will be available for decommissioning and restoration; and
- 5) The anticipated manner in which the project will be decommissioned and the site restore.

(r) Site Plan requirement shall include, but not be limited to:

- 1) Property lines and physical dimensions of the site.
- 2) Location of small wind energy system tower, guy wires, setbacks from property lines, above- and under- ground utility lines, easements and any structures on the property. Also, show location of sewage treatment system, if applicable.
- 3) Location of signage.
- 4) Elevation of the proposed small wind energy system tower.
- 5) Location of tress within a 100-ft. radius of the proposed small wind energy system.

- 6) Manufacturer's specifications, including make, model, and picture.
- 7) Scaled drawing prepared by a licensed engineer and/or surveyor, no smaller than 1" = 100'.



DATE: FEBRUARY 17, 2009

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

*1st reading*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 29 - 2009

*repeated 3/2*

BY: RULES, COURTS & CIVIL SERVICE COMMITTEE

TITLE: AN ORDINANCE amending CHAPTER 373 "BICYCLES AND MOTORCYCLES" of the Codified Ordinances of the City of Massillon, Ohio, by enacting a new SubSection 373.24 "CODE APPLICATION TO ALL PURPOSE VEHICLES" and 373.25 "CODE RULES FOR EQUIPMENT OF ALL PURPOSE VEHICLES" of CHAPTER 373 "BICYCLES AND MOTORCYCLES" and declaring an emergency.

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

Section 1:

CHAPTER 373 "BICYCLES AND MOTORCYCLES" be and is hereby amended by enacting additional SubSections.

Section 2:

There be and is hereby is enacted a new SubSection 373.24 "CODE APPLICATION TO ALL PURPOSE VEHICLES" and 373.25 "CODE RULES FOR EQUIPMENT OF ALL PURPOSE VEHICLES" of CHAPTER 373 "BICYCLES AND MOTORCYCLES". SubSections shall read as follows:

SEE ATTACHED EXHIBIT "A"

Section 3:

This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety, and welfare of the community, and for the additional reason that this will allow the citizens of Massillon to operate a all purpose vehicle on the public streets of Massillon. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

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

### 373.24 CODE APPLICATION TO ALL PURPOSE VEHICLES

A. The provisions of this Traffic Code are applicable to all-purpose vehicles and apply whenever an all-purpose vehicle is operated upon any street or upon any path set aside for the exclusive use of all-purpose vehicles.

B. Except as provided in subsection (C) of this section, an all-purpose vehicle operator who violates any section of this Traffic Code in subsection (A) of this section that is applicable to all-purpose vehicles may be issued a ticket, citation or summons by law enforcement officer for the violation in the same manner as the operator of a motor vehicle would be cited for the same violation. A person who commits any such violation while operating an all-purpose vehicle shall not have any points assessed against the person's driver's license, commercial driver's license, temporary instruction permit, or probationary license under Ohio R.C. 4510.036.

C. Subsection (B) does not apply to violations of Section 333.01 of the Traffic Code. (ORC 4511.52)

D. The provisions of this Traffic Code shall apply to all-purpose vehicles except those which by their nature are not applicable.

### 373.25 CODE RULES FOR EQUIPMENT OF ALL-PURPOSE VEHICLES

A. The council shall adopt rules for the equipment of all-purpose vehicles. The rules may be revised from time to time as the council considers necessary, and shall include, but not necessarily be limited to, requirements for the following items of equipment;

1. At least one headlight having a minimum candlepower of sufficient intensity to reveal persons and objects at a distance of at least one hundred feet ahead under normal atmospheric conditions during hours of darkness;

2. At least one red taillight having a minimum candlepower of sufficient intensity to be plainly visible from a distance of five hundred feet to the rear under normal atmospheric conditions during hours of darkness;

3. Adequate brakes.

4. A muffler system capable of precluding the emission of excessive smoke or exhaust fumes, and of limiting the engine noise of vehicles.

B. No person shall operate any all-purpose vehicle in violation of division (A) (1), (2), (3) or (4) of this section, except that equipment specified in divisions (A) (1) and (2) of this section shall not be required on all-purpose vehicles operated during the daylight hours.

C. Except as otherwise provided in this division, whoever violates division (B) of this section shall be fined not more than fifty dollars. If the offender within the preceding year previously has committed a violation of division (B) of this section, whoever violates division (B) or this section shall be fined not less than fifteen or more than one hundred dollars, imprisoned not more than three days, or both.

D. The provisions of this Traffic Code are applicable to all-purpose vehicles and apply whenever an all-purpose vehicle is operated upon any street or upon any path set aside for the exclusive use of all-purpose vehicles.



DATE: FEBRUARY 17, 2009

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

*Passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 30- 2009

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Capital Improvement Fund, OPWC Projects Fund, 1205 Fund, State Highway Fund, Federal Law Enforcement Trust Fund and the Bond Retirement WWT Fund, for the year ending December 31, 2009, 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 Capital Improvement Fund, for the year ending December 31, 2009, the following:

\$57,498.00 to an account entitled "6 Cruisers Lease Payment" 1401.905.2530  
\$51,500.00 to an account entitled "Fire Truck Lease Payment" 1401.325.2530  
\$42,593.00 to an account entitled "Early Warning Signals" 1401.325.2512  
\$19,780.00 to an account entitled "Street Sweeper Lease Payment" 1401.435.2530

Section 2:

There be and hereby is appropriated from the unappropriated balance of the OPWC Projects Fund, for the year ending December 31, 2009, the following:

\* \$74,893.80 to an account entitled "Keuper Blvd Storm Sewer Project 1482.425.2510

Section 3:

There be and hereby is appropriated from the unappropriated balance of the 1205 Fund, for the year ending December 31, 2009, the following:

\$48,884.00 to an account entitled "Equipment" 1205.305.2530

Section 4:

There be and hereby is appropriated from the unappropriated balance of the State Highway Fund, for the year ending December 31, 2009, the following:

\$26,857.94 to an account entitled "Supplies" 1201.435.2410

Section 5:

There be and hereby is appropriated from the unappropriated balance of the Law Enforcement Trust Fund, for the year ending December 31, 2009, the following:

\$7,000.00 to an account entitled "Services/Contracts" 1216.305.2392

Section 6:

There be and hereby is appropriated from the unappropriated balance of the Bond Retirement WWT Fund, for the year ending December 31, 2009, the following:

\$1,838.00 to an account entitled "Fees" 1305.940.2393

Section 7:

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

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2009.

ATTEST:

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

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

FRANCIS H. CICCHINELLI, JR, MAYOR

DATE: FEBRUARY 17, 2009

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 31 - 2009

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE reducing the appropriation in the General Fund, for the year ending December 31, 2009, and declaring an emergency.

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

Section 1:

The appropriations are hereby reduced in the General Fund, for the year ending December 31, 2009, as follows:

\$255,500.00 from an account entitled "Salary - Police" 1100.305.2110  
\$255,500.00 from an account entitled "Salary - Fire" 1100.325.2110

Section 2:

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 and for the additional reason that the appropriation needs to be reduced because of an audit procedure. 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 \_\_\_\_\_ 2009

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

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

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

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