

AGENDA

DATE: MONDAY, FEBRUARY 6, 2006

PLACE: COUNCIL CHAMBERS

TIME: 7:30 P.M.

THERE ARE NO PUBLIC HEARINGS TONIGHT

1. ROLL CALL
2. INVOCATION BY COUNCILMAN TONY TOWNSEND
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

1st. reading

ORDINANCE NO. 13 – 2006

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids, according to law, for the sale of Lot Nos. 2572 and 16416, Parcel Nos. 06-03162 and 06-18315, located on First Street NW, in the City of Massillon, Stark County, Ohio and owned by said City, which are not needed for any municipal purpose, and declaring an emergency.

passed 9/0

ORDINANCE NO. 14 – 2006

BY: POLICE AND FIRE COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids, and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder, for the lease/purchase of two 2006 police cruisers and two 2006 sedans for the Massillon City Police Department, and declaring an emergency.

Passed 9/0

ORDINANCE NO. 15 – 2006

BY: POLICE AND FIRE COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for structural repairs to the Number One Fire Station of the City of Massillon Fire Department, and declaring an emergency.

1st. reading

ORDINANCE NO. 16 – 2006

BY: PUBLIC UTILITIES COMMITTEE

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 Great Lakes Energy Partners, LLC for a 46.30 acre parcel owned by the City of Massillon, and declaring an emergency.

ORDINANCE NO. 17 – 2006

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

*passed
9/10*
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into contract, upon award and approval of the Board of Control, with ME Company Inc., to perform the 2006 Intersection Safety Study in the City of Massillon, Ohio, and declaring an emergency.

ORDINANCE NO. 18 – 2006

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

*passed
9/10*
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 contract with the lowest and best bidder, upon the award and approval of the Board of Control for the 27th Street NE/Jackson Avenue Rehab and Widening Project, and declaring an emergency.

ORDINANCE NO. 19 – 2006

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

*passed
9/10*
AN ORDINANCE authorizing and directing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a Participatory Consent Agreement with the Ohio Department of Transportation for necessary repairs to State Highways within the corporate limits of the City of Massillon, Ohio, and declaring an emergency.

ORDINANCE NO. 20 – 2006

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

*passed
9/10*
AN ORDINANCE authorizing and directing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a Consent Agreement with the Ohio Department of Transportation for necessary repairs to State Highways within the corporate limits of the City of Massillon, Ohio, and declaring an emergency.

ORDINANCE NO. 21 – 2006

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

1st. reading
AN ORDINANCE accepting the replatting of Part of Out Lot 933, located on the north side of Hankins Road NE, west of Valerie Avenue and including the dedication of additional right-of-way for Hankins Road and Valerie Avenue for street purposes, in the City of Massillon, County of Stark, State of Ohio, presently on file in the office of the City Engineer, and declaring an emergency.

ORDINANCE NO. 22 – 2006

BY: FINANCE COMMITTEE

*passed
9/10*
AN ORDINANCE making certain appropriations from the unappropriated balance of the Bond Retirement Park & Rec. Fund, Bond Retirement Legends Fund, Massillon Police Department Jail Repair Fund, Street M & R Fund, Parking Enforcement Fund and the General Fund, for the year ending December 31, 2006, and declaring an emergency.

ORDINANCE NO. 23 – 2006

BY: FINANCE COMMITTEE

9/10 Passed
AN ORDINANCE authorizing the Director of Law of the City of Massillon, Ohio; to enter into a one year contract with the City of Canal Fulton, for the purpose of providing prosecutorial services; and declaring an emergency.

ORDINANCE NO. 24 – 2006

BY: FINANCE COMMITTEE

9/10 Passed
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 contract upon award of the Board of Control, with the lowest and best bidder for various items needed for the use in various departments of the city, and declaring an emergency.

ORDINANCE NO. 25 – 2006

BY: FINANCE COMMITTEE

9/10 Passed
AN ORDINANCE authorizing and directing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract without competitive bidding with McCoy Associates, Inc., for the professional engineering services needed, and declaring an emergency.

ORDINANCE NO. 26 – 2006

BY: FINANCE COMMITTEE

1st. reading
AN ORDINANCE authorizing and directing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into an agreement with CTI Environmental, Inc. to perform a Preliminary Odor Control Study for the City of Massillon Regional Wastewater Treatment Facility, and declaring an emergency.

RESOLUTION NO. 2 – 2006

BY: COMMUNITY DEVELOPMENT COMMITTEE

1st. reading
A RESOLUTION extending support from the City Council of the City of Massillon, Ohio, to a development proposed by LW Associates and Community Investment Corp.

RESOLUTION NO. 3 – 2006

BY: COMMUNITY DEVELOPMENT COMMITTEE

1st. reading
A RESOLUTION expressing the support of the City of Massillon for the proposed Massillon Senior Housing Development proposed by PIRHL.

RESOLUTION NO. 4 – 2006

BY: COMMITTEE OF THE WHOLE

Passed 9/10
A RESOLUTION commending Gloria Autrey as a City Councilwoman for the City of Massillon, Ohio.

RESOLUTION NO. 5 – 2006

BY: COMMITTEE OF THE WHOLE

Passed 9/10
A RESOLUTION commending Doris Lewis as a City Councilwoman for the City of Massillon, Ohio.

RESOLUTION NO. 6 – 2006

BY: COMMITTEE OF THE WHOLE

*Passed
9/10* **A RESOLUTION** commending Tom Weber as a City Councilman for the City of Massillon, Ohio.

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

- A). MAYOR SUBMITS MONTHLY PERMIT REPORT FOR JANUARY 2006
- B). AUDITOR SUBMITS MONTHLY REPORT FOR JANUARY 2006

11. REPORTS OF COMMITTEES
12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBER
13. CALL OF THE CALENDAR
14. THIRD READING ORDINANCES AND RESOLUTIONS
15. SECOND READING ORDINANCES AND RESOLUTIONS
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 6, 2006

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

1st Reading
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 13 - 2006

BY: COMMUNITY DEVELOPMENT 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, according to law, for the sale of Lot Nos. 2572 and 16416, Parcel Nos. 06-03162 and 06-18315, located on First Street NW, in the City of Massillon, Stark County, Ohio and owned by said City, which are not needed for any municipal purpose, 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, for the sale of Lot Nos. 2572 and 16416, Parcel Nos. 06-03153 and 06-18315, located on First Street NW, in the City of Massillon, Stark County, Ohio and owned by said City, which are not needed for any municipal purpose.

Section 2:

The following described real estate belonging to the City of Massillon, Ohio, is not needed for any municipal purpose, to-wit:

Known as being Lot Nos. 2572 and 16416, Parcel Nos. 06-03153 and 06-18315, located on First Street NW, in the City of Massillon, Ohio, County of Stark and State of Ohio.

Section 3:

The Director of Public Safety and Service be and is hereby authorized to advertise for and receive sealed bids, according to law, for the sale of Lot Nos. 2572 and 16416, Parcel Nos. 06-03153 and 06-18315, located on First Street NW, in the City of Massillon, Stark County, Ohio and owned by said City, which are not needed for any municipal purpose.

Section 4:

The advertisement for the bidding of said real estate shall contain the following instructions:

- 1). Each bidder shall be prepared to review with the administration of the City of Massillon and City Council their intended use for the real estate.
- 2). The successful bidder shall be responsible to pay all fees and costs associated with the sale and transfer of said property.
- 3). The City reserves the right to reject any and all bids.

Section 5:

This Ordinance is declared to be an emergency measure immediately necessary for the preservation of the public health, safety and welfare of the community and for the further reason that it is necessary to dispose of real estate no longer needed for any municipal purpose for the best price obtainable. In addition the emergency passage of this Ordinance will enable the City to sell the land faster and potentially generate revenue. And 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 _____ 2006

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

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

AC 0400

113.5

16045
.94 AC
06 0700

136.45

66.60

72.31

154.20

1300

6.94

62.35

135.53

193.98

49.8

48.20

94.67

16415
06 0310

89.58

49.10

16416
06 0300

67.07

30.03

64.06

2572

06 0400

146

2573

06 0500

138

2574

06 0600

129.94

THORNE AVE

69.98

181.55

05 0100

69.4

05 0200

05 0800
VACATE

2582

3045

05 0700

45.64

149.1

149.1

15

05 0600

203

131.9

05 0500

2577

2576

05 0400

130

2575

05 0300

50

50

128.85

ON MAP 32A

NORTH AVE

~~ON MAP. 32A~~

0025740
THORNE AVE
69.4
05
02
VAL

149.1
NORTH A

DATE: FEBRUARY 6, 2006

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 14 - 2006

BY: POLICE AND FIRE 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 lease/purchase of two 2006 police cruisers and two 2006 sedans for the Massillon City 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 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 lease/purchase of two 2006 police cruisers and two 2006 sedans for the Massillon City Police Department.

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 to 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 lease/purchase of two 2006 police cruisers and two 2006 sedans for the Massillon City Police Department.

Section 3:

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 additional reason that it is necessary for the more efficient operation of the Massillon City 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.

PASSED IN COUNCIL THIS _____ DAY OF _____ 2006

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

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

DATE: FEBRUARY 6, 2006

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 15 - 2006

BY: POLICE AND FIRE 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 to enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for structural repairs to the Number One Fire Station of the City of Massillon Fire 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 advertise for and receive sealed bids and to enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for structural repairs to the Number One Fire Station for the City of Massillon Fire Department.

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 to enter into contract upon award and approval by the Board of Control, with the lowest and best bidder for structural repairs to the Number One Fire Station for the City of Massillon Fire Department. The estimated cost of the project is Sixty-Five Thousands Dollars (\$65,000.00)

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 these structural repairs be done before further damage occurs. 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 _____, 2006

ATTEST: _____

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

APPROVED: _____

FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: FEBRUARY 6, 2006

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

1st reading
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 16 - 2006

passed 2/6/06

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 Great Lakes Energy Partners, LLC for a 46.30 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 Great Lakes Energy Partners, LLC for a 46.30 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 Great Lakes Energy Partners, LLC for a 46.30 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-SURFACE DEVELOPMENT OIL & GAS LEASE

THIS LEASE, made this _____ day of _____, 200____, by and between THE CITY OF MASSILLON, OHIO of 151 Lincoln Way, East, Massillon, Ohio 44646-6615 hereinafter called Lessor, and GREAT LAKES ENERGY PARTNERS, L.L.C., 125 St. Rte 43, P.O. Box 550, Hartsville, OH 44632, hereinafter called Lessee, do agree:

1. Lessor, for consideration of one dollar (\$1.00), grants to Lessee all the oil and gas in the lands described below, with the exclusive right to operate for, produce and market same from a well or wells on other lands; and the right to unitize Lessor's lands, or any portion, or strata, with other lands into a drilling unit of no more than one hundred sixty acres. This Lease is for a period of five (3) 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. This lease covers all of Lessor's land in and adjoining

Section 9 SE & SW, of Perry Township, City of Massillon (Canton West), Stark County, Ohio, containing 8.42 acres, more or less.

and including all the acreage in the streets that are included in the Massillon Boosters Club Unit No. 1 split, shown on Exhibit A attached and made part of.

2. Lessor shall be paid as royalties a proportional share of one-eighth (1/8) of "Proceeds Realized" by Lessee on all the oil and gas produced and marketed from each well drilled and unitized, as the amount of the Lessor's acreage in the unit bears to total acreage in the unit, the same to be paid by the end of the next month following Lessee's receipt of payment for same, less any tax imposed by any government body, including but not limited to the severance tax. For purposes of calculating the natural gas royalties hereunder, "Proceeds Realized" by Lessee shall be based upon Lessee's "WAGSP" sales price for natural gas less a reasonable amount for transportation, compression and other post-production activities. WAGSP shall be defined as follows:

Lessee's weighted average natural gas actual sales price shall be calculated by the formula: P/V where: P = the total actual gross natural gas sales revenue received by Lessee for the applicable production period. Such sales revenue shall be calculated at the point where the gas first enters a regulated or common carrier pipeline or, if the gas is sold directly to the consumer, the consumer's designated facility, whichever point occurs first ("Delivery Point"); if the contractual point of sale is downstream from the Delivery Point, transportation and other fees may be deducted from the ultimate sales price to determine the sales price at the Delivery Point. The actual transportation charges, fees and other tariffs charged by non-affiliated pipeline carriers are hereby deemed fair and reasonable. The actual transportation charges, fees and other tariffs charged by any pipeline carriers affiliated with Lessee shall be entitled to a rebuttable presumption that they are fair and reasonable. V = the total actual number of units of natural gas (expressed in mcf) used to calculate P ; if the volume is not measured at the Delivery Point, adjustments shall be made to reasonably determine volume at the Delivery Point. If natural gas from the Lease is measured by a master meter (which is a meter through which gas from more than one well or Lease flows) the volume of gas allocated to each well shall be based upon an allocated percentage of the master meter volume. If after a well is drilled there is no production from any such unit for twelve (12) continuous months, then thereafter Lessor shall be paid fifty dollars (\$50.00) per year until production occurs or the well is plugged and abandoned according to law.

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 for the purpose of permitting 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.

4. This Lease shall be binding on all heirs, successors and assigns of Lessor and Lessee. 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 (on an acreage basis) 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 assign or surrender this Lease in whole or in part.

5. No change of ownership in the leased premises or in the rentals or royalties hereunder shall be binding on Lessee until after notice to the Lessee either by delivery of notice in writing duly signed by the parties to the instrument of conveyance or assignment and delivery of such original instrument or a duly certified copy thereof to the Lessee.

6. In the event Lessor considers Lessee has not complied with its expressed or implied obligations hereunder, Lessor shall notify Lessee in writing indicating specifically what Lessee allegedly has breached. Lessee shall have 30 days after receipt of said notice to meet or commence to meet any part of the breached alleged by Lessor. Lessor shall not bring any action against Lessee until after 30 days after service of such notice on Lessee.

7. 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 for any payments due hereunder.

8. Lessee agrees to indemnify, protect, save harmless and defend Lessor from and against any loss, claim or expense, including without limitation claims for injury or death to persons or damage to property occurring as a result of Lessee's use of the premises, or as a result of loss, expense, injury, death or damage, which would not have occurred but for Lessee's use of the premises, except to the extent any such damage or injury is caused by Lessor's negligence.

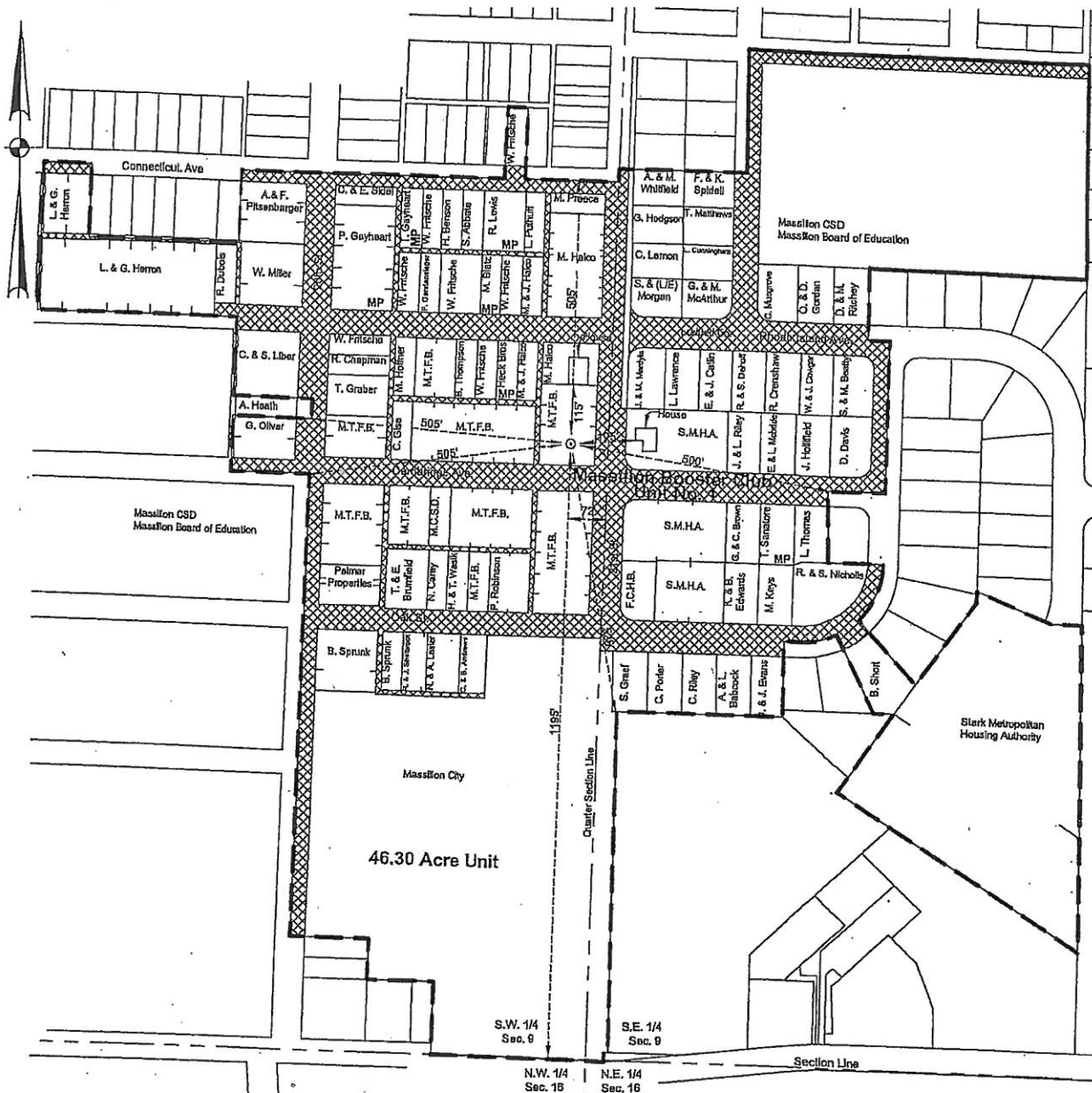
9. Lessee agrees to pay a one-time signing bonus of \$100.00 payable within 60 days of execution of the lease.

Signatures of Witnesses:

Signatures of Lessor(s):

Witness (Printed Name) _____

Michael J. Loudiana, Director of Public Safety and Service, The City of Massillon, Ohio



8.42 Acres in Streets.

Mandatory Pools

Heck Bros	130'
M. Blatz	235'
R. Lewis	375'
T. Sanatore	375'
P. Gayheart	410'
T. Gayheart	470'

Plat Showing Location of Well	
State of Ohio, Department of Natural Resources - Division of Mineral Resource Management, Columbus, Ohio	
Massillon Booster Club Unit No. 1	
<input checked="" type="checkbox"/> Oil or Gas	<input checked="" type="checkbox"/> New Location
Scale: 1" = 200'	
<p>I hereby state that all drilling or producing wells within 1000 feet and all buildings and streams within 150 feet have been shown, there are no drilling unit lines nearer than 500 feet, that this plat is true and correct and was prepared according to the current State of Ohio, Department of Natural Resources, Division of Mineral Resource Management.</p>	
David Bodo & Associates Professional Surveyors P.O. Box 398, Carrollton, Ohio, 44615 (330) 627-3639	
Registered Surveyor Number 6321 or Registered Surveyor Number 8239 01, 1401	
Operator: Great Lakes Energy Partners, L.L.C. Address: 125 S.R. 43, P.O. Box 550, Hartsville, Ohio, 44632-0550 Landowner: Surface <u>Massillon Tiger Football Boosters</u> Minerals <u>Massillon Tiger Football Boosters</u>	
Well Number <u>1</u> Drilling Unit Acre <u>46.30</u> County: <u>Stark</u> Township: <u>City of Massillon</u> Quad: <u>Carton West</u> (NAD 83) Ohio State Plane Coordinates (NAD 27) X <u>2,246,760</u> X <u>2,278,225</u> Y <u>412,495</u> Y <u>412,465</u>	
Subdivision Civil Township Township: <u>10 N</u> Range: <u>9 W</u> Quarter Township: <u>—</u> Section: <u>9</u> Lot: <u>—</u> Tract: <u>—</u> Allotment: <u>—</u> Fraction: <u>—</u> Other: <u>—</u> Elevation: <u>1095</u> Date: <u>04/14/2005</u> <small>Coordinates are based on actual GPS field observations</small>	

DATE: FEBRUARY 6, 2006

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

Passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 17 - 2006

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into contract, upon the award and approval of the Board of Control, with ME Company Inc., to perform the 2006 Intersection Safety Study in the City of Massillon, Ohio, and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby determines it to be necessary in the public health, safety and welfare to enter into contract, upon the award and approval of the Board of Control, with ME Company Inc., to perform the 2006 Intersection Safety Study in the City of Massillon, Ohio. Said contract will be funded by a 100% grant from the Governor's Highway Safety Office.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to enter into contract, upon the award and approval of the Board of Control, with ME Company Inc., for the study and analysis of the following intersections in the City of Massillon, Ohio:

- a). Lincoln Way East (SR 172) and Wales Road (SR 241)
- b). Great Lakes (SR 21) and Walnut Road
- c). Lake Avenue and Wales Road (SR 241)
- d). Hills and Dales Road and Wales Road (SR 241)
- e). 27th Street NE (Jackson Avenue) and Lincoln Way East (SR 172)

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 contracts are signed so the work may begin for the study and analysis for those intersections in the city. 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 6, 2006

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 18 - 2006

BY: STREETS, HIGHWAYS, TRAFFIC & SAFTY 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 contract with the lowest and best bidder, upon the approval of the Board of Control for the 27th Street NE/Jackson Avenue Rehab and Widening Project, 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 and enter into contract with the lowest and best bidder, upon the approval of the Board of Control for the 27th Street NE/Jackson Avenue Rehab and Widening Project.

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, with the lowest and best bidder and enter into contract with the lowest and best bidder, upon the approval of the Board of Control for the 27th Street NE/Jackson Avenue Rehab and Widening Project.

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 bids be received so that work may be timely commenced on the 27th Street NE/Jackson Avenue Rehab and Widening Project. 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 _____, 2006

ATTEST:

MARY BETH BAILEY, CLERK OF COUNCIL

GLENN E. GAMBER, PRESIDENT

APPROVED:

FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: FEBRUARY 6, 2006

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

Passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 19 - 2006

BY: STREET, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE authorizing and directing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a Participatory Consent Agreement with the Ohio Department of Transportation for necessary repairs to State Highways within the corporate limits of the City of Massillon, Ohio, and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby finds that it is necessary to enter into a Participatory Consent Agreement with the Ohio Department of Transportation for necessary repairs to State Highways within the corporate limits of the City of Massillon, Ohio. Project STA. 241 – 7.94, PID 25450 is for minor rehab/resurfacing from Finefrock to Lincoln Way and from Lincoln Way to .8 mile north of Hills and Dales.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to enter into a Participatory Consent Agreement with the Ohio Department of Transportation for necessary repairs to State Highways within the corporate limits of the City of Massillon, Ohio. Project STA. 241 – 7.94, PID 25450 is for minor rehab/resurfacing from Finefrock to Lincoln Way and from Lincoln Way to .8 mile north of Hills and Dales.

(SEE EXHIBIT "A" HERETO ATTACHED)

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 it is necessary to enter into a Participatory Consent Agreement with Ohio Department of Transportation so as to proceed with the necessary repairs needed to the State Highways within the corporate limits to make the roads safer for vehicular travel. 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 _____ 2006

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

APPROVED _____
FRANCIS H. CICCHINELLI, JR., MAYOR

PRELIMINARY LEGISLATION
RC 5521.01

Ordinance/Resolution# _____
PID No. 25450
County/Route/Section STA. 241 - 7.94
ODOT Agreement No. _____

The following is _____ enacted by the _____ City _____ of _____
(an Ordinance/a Resolution) (Local Public Agency)
Massillon, _____ Stark _____ County, Ohio, hereinafter referred to as the Local Public Agency
(LPA), in the matter of the stated described project.

SECTION I - Project Description

WHEREAS, the STATE has identified the need for the described project:

MINOR REHAB/RESURFACING FROM FINEFROCK TO LINCOLN WAY AND
FROM LINCOLN WAY TO .8 MILE NORTH OF HILLS & DALES.

NOW THEREFORE, be it ordained by the _____ City _____ of _____ Massillon _____,
(LPA)
Ohio.

SECTION II - Consent Statement

Being in the public interest, the LPA gives consent to the Director of Transportation to complete
the above described project.

SECTION III - Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the above described project as
follows:

MINOR REHAB/RESURFACING FROM FINEFROCK TO LINCOLN WAY AND
FROM LINCOLN WAY TO .8 MILE NORTH OF HILLS & DALES.

The LPA agrees to participate in the project by funding Twenty Percent (20%) of the resurfacing
within the City limits.

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JAN 17 2006

MB Bailey

The LPA further agrees to pay One Hundred Percent (100%) of the cost of those features requested by the LPA which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

The LPA further agrees to pay One Hundred Percent (100%) of the cost to install and/or repair curb ramps at all necessary intersections to ensure compliance with the Americans with Disabilities Act.

SECTION IV - Utilities and Right-of-Way Statement

The LPA grants permission to the Director of the Ohio Department of Transportation to acquire in the name of the LPA all necessary right-of-way required for the described Project. The LPA agrees to be responsible for all utility accommodation, relocation, and reimbursement and agrees that all such accommodations, relocations, and reimbursements shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

SECTION V - Maintenance

Upon completion of the described Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the described Project in accordance with all applicable state and federal law, including, but not limited to, 23 USC 116; (2) provide ample financial provisions, as necessary, for the maintenance of the described Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

Passed: _____, 2 _____
(Date)

Attested: _____
(Clerk)

(Officer of LPA - title)

Attested: _____
(Title)

(President of Council)

This _____ is hereby declared to be an emergency measure to expedite the _____
(Ordinance/Resolution)
highway project(s) and to promote highway safety. Following appropriate legislative action, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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JAN 17 2006

MB Bailey

DATE: FEBRUARY 6, 2006

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 20 - 2006

BY: STREET, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE authorizing and directing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a Consent Agreement with the Ohio Department of Transportation for necessary repairs to State Highways within the corporate limits of the City of Massillon, Ohio, and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby finds that it is necessary to enter into a Consent Agreement with the Ohio Department of Transportation for necessary repairs to State Highways within the corporate limits of the City of Massillon, Ohio. Project STA30/297 – 6.03-3.17, PID 23754 is the resurfacing and signing upgrade from Massillon West Corp to Canton West Crop. Re-decking of 3 structures and painting of 7 structures on US30.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to enter into a Consent Agreement with the Ohio Department of Transportation for necessary repairs to State Highways within the corporate limits of the City of Massillon, Ohio. Project STA30/297 – 6.03-3.17, PID 23754 is the resurfacing and signing upgrade from Massillon West Corp to Canton West Crop. Re-decking of 3 structures and painting of 7 structures on US30.

(SEE EXHIBIT "A" HERETO ATTACHED)

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 it is necessary to enter into a Consent Agreement with Ohio Department of Transportation so as to proceed with the necessary repairs needed to the State Highways within the corporate limits to make the roads safer for vehicular travel. 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 _____ 2006

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

APPROVED _____
FRANCIS H. CICCHINELLI, JR., MAYOR

CERTIFICATE OF COPY
STATE OF OHIO

City of Massillon of Stark County, Ohio (LPA)

I, _____, as Clerk of the _____ City _____
(LPA)
of _____ Massillon _____, Ohio, do hereby certify that the foregoing is a true and correct copy
of _____ adopted by the legislative Authority of the said
(Ordinance/Resolution)
_____ on the _____ day of _____, 2_____,
(LPA)
that the publication of such _____ has been made and certified of
(Ordinance/Resolution)
record according to law; that no proceedings looking to a referendum upon such
_____ have been taken; and that such _____
(Ordinance/Resolution) (Ordinance/Resolution)
and certificate of publication thereof are of record in _____, Page _____
(Ordinance/Resolution Record No.)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official
seal, if applicable, this _____ day of _____, 2_____.

Clerk

(SEAL)
(If Applicable)

_____ City _____ of _____ Massillon _____, Ohio.
(LPA)

The foregoing is accepted as a basis for proceeding with the project herein described.
For the _____ City _____ of _____ Massillon _____, Ohio
(LPA)

Attest: _____, Date _____
Contractual Officer

For the State of Ohio

Attest: _____, Date _____
Director, Ohio Department of Transportation

PRELIMINARY LEGISLATION
RC 5521.01

Ordinance/Resolution# _____

PID No. 23754

County/Route/Section STA. 30/297 - 6.03/3.17

ODOT Agreement No. _____

The following is _____ enacted by the _____ City _____ of _____
(an Ordinance/a Resolution) (Local Public Agency)
Massillon, _____ Stark _____ County, Ohio, hereinafter referred to as the Local Public Agency
(LPA), in the matter of the stated described project.

SECTION I - Project Description

WHEREAS, the STATE has identified the need for the described project:

Resurfacing and signing upgrade from Massillon West Corp to Canton West Corp. Re-decking of 3 structures and painting of seven structures on US-30. Additional paving segment on SR-297 (Whipple to Raff). Repair of 84" culvert located at SLM 4.80.

NOW THEREFORE, be it ordained by the _____ City _____ of _____ Massillon _____,
(LPA)

Ohio.

SECTION II - Consent Statement

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project.

SECTION III - Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the above described project as follows:

Resurfacing and signing upgrade from Massillon West Corp to Canton West Corp. Re-decking of 3 structures and painting of seven structures on US-30. Additional paving segment on SR-297 (Whipple to Raff). Repair of 84" culvert located at SLM 4.80.

The LPA further agrees to pay One Hundred Percent (100%) of the cost of those features requested by the LPA which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

SECTION IV - Utilities and Right-of-Way Statement

The LPA grants permission to the Director of the Ohio Department of Transportation to acquire in the name of the LPA all necessary right-of-way required for the described Project. The LPA agrees to be responsible for all utility accommodation, relocation, and reimbursement and agrees that all such accommodations, relocations, and reimbursements shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

SECTION V - Maintenance

Upon completion of the described Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the described Project in accordance with all applicable state and federal law, including, but not limited to, 23 USC 116; (2) provide ample financial provisions, as necessary, for the maintenance of the described Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

Passed: _____, 2_____
(Date)

Attested: _____
(Clerk)

(Officer of LPA - title)

Attested: _____
(Title)

(President of Council)

This _____ is hereby declared to be an emergency measure to expedite the _____ (Ordinance/Resolution) highway project(s) and to promote highway safety. Following appropriate legislative action, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

DATE: FEBRUARY 6, 2006

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

st reading
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 21- 2006

passed 4/21

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE accepting the replatting of Part of Out Lot 933, located on the north side of Hankins Road NE, west of Valerie Avenue and including the dedication of additional right-of-way for Hankins Road and Valerie Avenue for street purposes, in the City of Massillon, County of Stark, State of Ohio, presently on file in the office of the City Engineer, and declaring an emergency.

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

Section 1:

The replatting of Out Lot 993, located on the north side of Hankins Road NE, west of Valerie Avenue and including the dedication of additional right-of-way for Hankins Road and Valerie Avenue for street purposes, in the City of Massillon, County of Stark, State of Ohio, presently on file in the office of the City Engineer, is hereby accepted and confirmed. This replatting and dedication was approved by the Planning Commission at the meeting held February 9, 2005. The property being replatted is described as follows:

Being known as Part of Out Lot 933, located on the north side of Hankins Road NE, west of Valerie Avenue. The request is to split this 5.76 acre lot into 7 new lots each approximately 0.75 acres. This plat also includes additional right-of-way dedication for Hankins Road and Valerie Avenue. The applicant is Provident Development Corp. The property is zoned R-3 Single Family Residential.

Section 2:

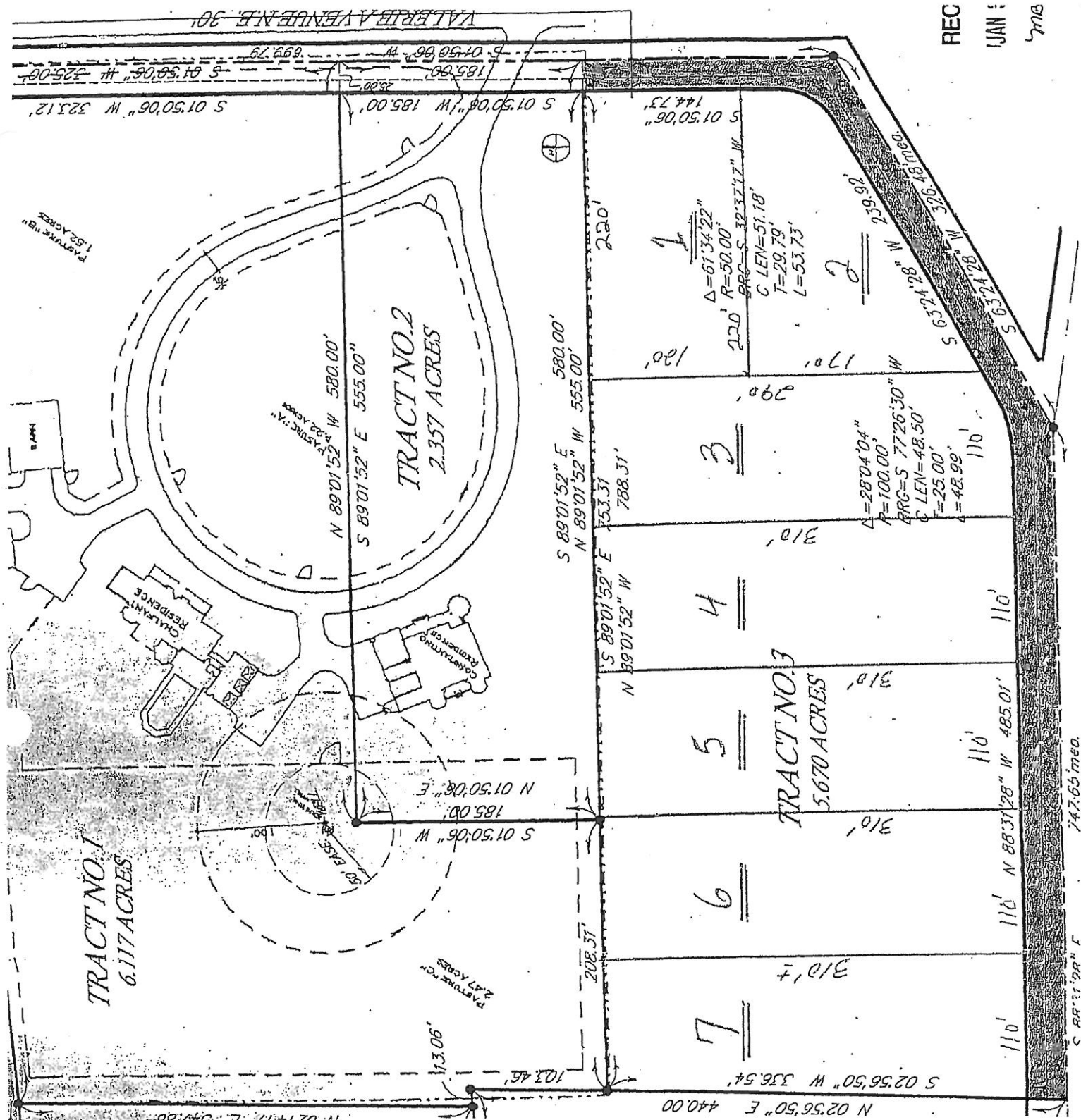
This Ordinance is declared to be an emergency measure for the reason that said replatting is needed for the redevelopment of the Meadows Plaza property. The replatting must be approved as an emergency as the development is scheduled to begin in a timely manner for proper community growth and hence immediately necessary for the preservation of the health, safety and welfare of the community. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise it shall take effect and be in force from and after the earliest period allowed by Law.

PASSED IN COUNCIL THIS _____ DAY OF _____ 2006.

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

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

But



DATE: FEBRUARY 6, 2006

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 22 - 2006

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Bond Retirement Park & Rec. Fund, Bond Retirement Legends Fund, Massillon Police Department Jail Repair Fund, Street M & R Fund, Parking Enforcement Fund and the General Fund, for the year ending December 31, 2006, 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 Bond Retirement Park & Rec. Fund, for the year ending December 31, 2006, the following:

\$276,581.00 to an account entitled "Bond Retirement Interest Golf" 1306.920.2621
\$165,000.00 to an account entitled "Bond Retirement Principal Golf" 1306.920.2611

Section 2:

There be and hereby is appropriated from the unappropriated balance of the South Bond Retirement Legends Fund, for the year ending December 31, 2006, the following:

\$14,659.56 to an account entitled "Debt Interest" 1302.940.2620

Section 3:

There be and hereby is appropriated from the unappropriated balance of the Massillon Police Department Jail & Repair Fund, for the year ending December 31, 2006, the following:

\$25,000.00 to an account entitled "Jail Equipment" 1205.125.1750

Section 4:

There be and hereby is appropriated from the unappropriated balance of the Street M & R Fund, for the year ending December 31, 2006, the following:

\$23,000.00 to an account entitled "Intersection Safety Study" 1201.435.2398

Section 5:

There be and hereby is appropriated from the unappropriated balance of the Parking Enforcement Fund, for the year ending December 31, 2006, the following:

\$4,800.00 to an account entitled "Parking Permit Contract" 1208.445.2392

Section 6:

There be and hereby is appropriated from the unappropriated balance of the General Fund, for the year ending December 31, 2006, the following:

\$2,084.21 to an account entitled "Supplies/Materials/Postage" 1100.325.2410

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 _____ 2006

ATTEST: _____

MARY BETH BAILEY, CLERK OF COUNCIL

GLENN E. GAMBER, PRESIDENT

APPROVED: _____

FRANCIS H. CICCHINELLI, JR, MAYOR

DATE: FEBRUARY 6, 2006

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 23 - 2006

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Law of the City of Massillon, to enter into a one year contract with the City of Canal Fulton, for the purpose of providing prosecutorial services, 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 for the Director of Law of the City of Massillon, to enter into a one year contract with the City of Canal Fulton for the purpose of providing prosecutorial services.

Section 2:

The Director of Law of the City of Massillon, Ohio, is hereby authorized to enter into a one year contract with the City of Canal Fulton for the purpose of providing prosecutorial services. The cost of said contract to the City of Canal Fulton shall not exceed Twenty-Two Thousand Dollars (\$22,000.00).

Section 2:

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 the City of Canal Fulton has requested the Director of Law of the City of Massillon to prosecute all criminal and traffic cases that come before the Massillon Municipal Court and it is necessary to be effective immediately so that increased revenue can be received. 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 _____ 2005

ATTEST: _____

MARY BETH BAILEY, CLERK OF COUNCIL

DENNIS D. HARWIG, PRESIDENT

APPROVED _____

FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: FEBRUARY 6, 2006

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

passed

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 24 - 2006

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for, receive sealed bids, and enter into contract upon the award and approval of the Board of Control, with the lowest and best bidder for various items needed for the use in various departments of the city, and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby determines it to be necessary in the public health, safety and welfare to advertise for and receive sealed bids and enter into a contract, upon the award and approval of the Board of Control, with the lowest and best bidder for various items needed for the use in various departments of the city, said items listed on Exhibit "A" attached hereto.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized to advertise for, receive sealed bids, and enter into contract with the lowest and best bidder for various items needed for the use in various departments of the city, said items listed on Exhibit "A" attached hereto.

Section 3:

This Ordinance is declared to be an emergency measure for the reason that the items listed on Exhibit "A" attached hereto are needed for the efficient operation of the city, and due to the time involved in advertising and bid process it must be commenced immediately so that the items are available for use as soon as possible as the various items are needed for the efficient operation of the various departments. 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 _____, 2006

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

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

BID FORM

City Garage
401 Walnut Road SW
Massillon, Ohio 44647
330-833-5746

STREET DEPARTMENT

1. Asphalt of H.P.M. cold mix (loaded on City trucks) \$ _____ ton
2. 402, 404 fine top asphalt hot mix under 200 tons daily 402 \$ _____ ton
(loaded on City trucks) 404 \$ _____ ton
3. 402, 404 fine top asphalt hot mix over 200 tons daily 402 \$ _____ ton
(loaded on City trucks) 404 \$ _____ ton
4. 412 sand and fine top asphalt hot mix (loaded on City trucks) \$ _____ ton
5. 301 base asphalt hot mix (loaded on City trucks) \$ _____ ton
6. 10,000 pounds, more or less, as the City may require of crack
sealant for City streets:
 - a) RS-221, sealant meets ODOT 705.04 specifications (a) \$ _____ lb.
 - b) RS-201 sealant (b) \$ _____ lb.
 - c) Polyfiber sealant (c) \$ _____ lb.
7. SS-921 cold mix asphalt (loaded on City trucks) \$ _____ ton
8. 702.04 MS-2 (tack coat No. 407) furnished and applied at one tenth
(1/10th) gallon per sq. yard \$ _____ gal.

MISCELLANEOUS

9. 200 tons, more or less, No. 4 gravel and limestone gravel \$ _____ ton
(Loaded on City trucks) limestone \$ _____ ton
10. 500 tons, more or less, No. 57 gravel and limestone gravel \$ _____ ton
(Loaded on City truck) limestone \$ _____ ton

11. 2,000 tons, more or less, as the City may require, of Grit (hailed by City trucks) \$ _____ ton

WASTEWATER TREATMENT PLANT

12. (a) **3,000 gallon 50% Caustic Soda; Tech Grade,**
Liquid delivered. 3,000 minimum gallon
Days and hours for delivery are Monday – Friday, 7:00 a.m.
to 2:00 p.m. Delivery of product must be received at the facility
within 72 hours of placement of order
\$ _____ gal.
- (b) **3,000 gallon Sodium Hypochlorite, delivered**
Liquid delivered. 3,000 minimum gallon
Same as above
Delivered to 2600 Treatment Road SW, Massillon, OH 44646
\$ _____ gal.

GOLF COURSE & PARKS AND RECREATION DEPARTMENTS

13. Sand - specifications available at the Safety-Service Director's office
14. Mulch - 100 yards, more or less, brown bark mulch - City will pick up \$ _____ yd.
15. Play Ground Surface - 100 yards, more or less, double ground oak, delivered \$ _____ yd.
Play ground surface is to be delivered to Reservoir Park on Reservoir Drive,
Massillon, Ohio.

DATE: FEBRUARY 6, 2006

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 25 - 2006

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing and directing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract without competitive bidding with McCoy Associates, Inc., for the professional services for professional engineering services needed, 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, is hereby authorized and directed to enter into a contract without competitive bidding with McCoy Associates, Inc., for professional engineering services needed.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to enter into a contract without competitive bidding with McCoy Associates, Inc., for professional engineering services needed.

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 it is necessary to have the professional engineering services of McCoy Associates, Inc., during the transitional stage in the Massillon City Engineering 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 6, 2006

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

DEFEATED
ORDINANCE NO. 26 - 2006

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing and directing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into an agreement with CTI Environmental, Inc. to perform a Preliminary Odor Control Study for the City of Massillon Regional Wastewater Treatment Facility, 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, is hereby authorized and directed to enter into a agreement with CTI Environmental, Inc. to perform a Preliminary Odor Control Study for the City of Massillon Regional Wastewater Treatment Facility.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to enter into an agreement with CTI Environmental, Inc. to perform a Preliminary Odor Control Study for the City of Massillon Regional Wastewater Treatment Facility. The cost of the study is not to exceed Twenty-Four Thousand Nine Hundred Dollars (\$24,900.00).

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 it is necessary to have this study performed to determine the exact problem at the Massillon Wastewater Treatment Plant and then to resolve it. 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 _____ 2006

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

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

SCOPE OF SERVICES

A. Services of CTI Environmental, Inc. (CTI)

In order to investigate and mitigate the odor control concerns within the City of Massillon's Wastewater Treatment Plant, CTI proposes to perform the following tasks:

1. Meet with City of Massillon personnel to interview plant operating staff to determine areas of the plant that odors are most frequently associated with.
2. Review current plant operating practices regarding odor generation and control.
3. Provide technical assistance and air sampling to establish baseline values and monitor performance of short term odor control measures using chemical addition.
4. Prepare a preliminary opinion of the probable construction cost for long-term odor control measures to include the covering of the following unit processes:
 - Preaeration tanks
 - Rectangular primary clarifiers
 - Square rectangular clarifiers
 - First stage screw pumps
 - Second stage screw pumps
 - Roughing filters
 - Sidestream storage tank
5. Prepare a preliminary opinion of the probable construction cost for providing odor control for the unit processes listed in item 4.
6. Prepare a report that will include a description of the tasks performed and provide short and long term recommendations for inhibiting or correcting the odors.
7. One (1) meeting will be held with the CLIENT to answer questions and assist with implementing the recommendations listed in the report.

B. Responsibilities of City of Massillon (CLIENT)

1. Provide all criteria and full information as to its requirements for the project.
2. Upon identification by CTI and approval by the CLIENT of the necessity and scope of information required, furnish CTI all data, reports, surveys, and other materials required for this project, except those included in CTI's Scope of Services.

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3. Provide access to the project and sample sites and make all provisions for CTI to enter upon public and private lands as required for CTI to perform it's services under this Agreement.
4. Provide prompt written notice whenever the CLIENT observes or otherwise becomes aware of any defect in the project.
5. Furnish to CTI, prior to execution of the Agreement, a copy of the design and construction standards the CLIENT shall require CTI to follow in performing it's services under the Agreement.
6. Provide payment for plan review, or other fees required by the OEPA or other reviewing agencies.
7. Provide or pay for laboratory analyses of any air or water samples required for CTI to perform the Scope of Work.

C. Additional Services

The following services are not included in CTI's Scope of Services listed in Part A, but are available to the CLIENT from CTI as additional services subject to additional compensation:

1. Services during design, bidding, and construction phases.
2. Subsurface and soils investigations.
3. Surveying Services.

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SCOPE OF SERVICES

A. Services of CTI Environmental, Inc. (CTI)

In order to investigate and mitigate the odor control concerns within the City of Massillon's Wastewater Treatment Plant, CTI proposes to perform the following tasks:

1. Meet with City of Massillon personnel to interview plant operating staff to determine areas of the plant that odors are most frequently associated with.
2. Review current plant operating practices regarding odor generation and control.
3. Provide technical assistance and air sampling to establish baseline values and monitor performance of short term odor control measures using chemical addition.
4. Prepare a preliminary opinion of the probable construction cost for long-term odor control measures to include the covering of the following unit processes:
 - Preaeration tanks
 - Rectangular primary clarifiers
 - Square rectangular clarifiers
 - First stage screw pumps
 - Second stage screw pumps
 - Roughing filters
 - Sidestream storage tank
5. Prepare a preliminary opinion of the probable construction cost for providing odor control for the unit processes listed in item 4.
6. Prepare a report that will include a description of the tasks performed and provide short and long term recommendations for inhibiting or correcting the odors.
7. One (1) meeting will be held with the CLIENT to answer questions and assist with implementing the recommendations listed in the report.

B. Responsibilities of City of Massillon (CLIENT)

1. Provide all criteria and full information as to its requirements for the project.
2. Upon identification by CTI and approval by the CLIENT of the necessity and scope of information required, furnish CTI all data, reports, surveys, and other materials required for this project, except those included in CTI's Scope of Services.

3. Provide access to the project and sample sites and make all provisions for CTI to enter upon public and private lands as required for CTI to perform its services under this Agreement.
4. Provide prompt written notice whenever the CLIENT observes or otherwise becomes aware of any defect in the project.
5. Furnish to CTI, prior to execution of the Agreement, a copy of the design and construction standards the CLIENT shall require CTI to follow in performing its services under the Agreement.
6. Provide payment for plan review, or other fees required by the OEPA or other reviewing agencies.
7. Provide or pay for laboratory analyses of any air or water samples required for CTI to perform the Scope of Work.

C. Additional Services

The following services are not included in CTI's Scope of Services listed in Part A, but are available to the CLIENT from CTI as additional services subject to additional compensation:

1. Services during design, bidding, and construction phases.
2. Subsurface and soils investigations.
3. Surveying Services.

RECEIVED

JAN 27 2006

MB Bailey

DATE: FEBRUARY 6, 2006

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

1st reading
LEGISLATIVE DEPARTMENT
2nd reading 4/1

RESOLUTION NO. 2 - 2006

BY COMMUNITY DEVELOPMENT COMMITTEE

TITLE: A RESOLUTION extending support from the City Council of the City of Massillon, Ohio, to a development proposed by LW Associates and Community Investment Corp.

WHEREAS, the development will be comprised of the construction of up to 60 apartments on the approximately 10 acres located south of Lincoln Way West and west of Noble Place NW; and

WHEREAS, 100% of the project's units will serve residents earning at or below 60% of the area median income; and

WHEREAS, the project is being awarded points under the Ohio Housing Finance Agency's Qualified Allocation Plan for serving residents over 55 years, and will set aside 100% of the units for this population; and

WHEREAS, it is necessary that this Resolution be adopted in order to meet a March 16, 2006 submission deadline to the Ohio Housing Finance Agency (OHFA); NOW, THEREFORE:

BE IT RESOLVED be the City Council of the City of Massillon, Ohio, with at least a simple majority of its members concurring:

Section 1:

That the Massillon City Council hereby extends its support to LW Associates and Community Investment Corp., to develop and construct this housing development.

Section 2:

That the Clerk of Council is hereby authorized and directed to forward a certified copy of this Resolution to LW Associates, Inc., 184 West Main Street, Ashville, Ohio 43103.

Section 3:

That this Resolution shall take effect and be in force from and after the earliest period allowed by law.

PASSED THIS _____ DAY OF _____ 2006

ATTEST: _____

MARY BETH BAILEY, CLERK OF COUNCIL

GLENN E. GAMBER, PRESIDENT

APPROVED: _____

FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: FEBRUARY 6, 2006

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

RESOLUTION NO. 3 - 2006

1st reading
2nd reading 2/21
passed 3/6

BY COMMUNITY DEVELOPMENT COMMITTEE

TITLE: A RESOLUTION expressing the support of the City of Massillon for the proposed Massillon Senior Housing Development proposed by PIRHL.

WHEREAS, the City Council of Massillon, Ohio, supports the proposed Massillon Senior Housing development; and

WHEREAS, the City understand that the development will contain up to 60 newly-constructed apartments designed for seniors age 55 and older to be located within the City of Massillon, Ohio; and

WHEREAS, the City understands that 100% of the apartments will be for residents earning 60% or less of the area median income for Stark County, adjusted for bedroom size; and

WHEREAS, the City understands that Massillon Senior Housing does not target any special needs population.

NOW, THEREFORE, BE IT RESOLVED BY THIS COUNCIL FOR THE CITY OF MASSILLON, STARK COUNTY, STATE OF OHIO:

Section 1:

The City of Massillon by and through its Council with support of the City and Administration hereby expresses its support for the proposed Massillon Senior Housing Development and to that end the City states the following:

- The Massillon City Council supports the proposed Massillon Senior Housing Development.
- The development will contain up to 60 newly-constructed apartments designed for seniors age 55 and older to be located within the City of Massillon, Ohio.
- 100% of the apartments will be for residents earning 60% or less of the area median income for Stark County, adjusted for bedroom size.
- Massillon Senior Housing is not targeted for any special needs population.

PASSED THIS _____ DAY OF _____ 2006

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

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

DATE: FEBRUARY 6, 2006

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

RESOLUTION NO. 4 - 2006

BY: COMMITTEE OF THE WHOLE

TITLE: A RESOLUTION commending Gloria Autrey as a Member of City Council for the City of Massillon, Ohio.

WHEREAS, on December 31, 2005 Gloria Autrey completed 3 terms as a member of the Council of the City of Massillon, Ohio, and

WHEREAS, Gloria Autrey has devoted herself to her responsibilities and duties as a member of Massillon City Council, and

WHEREAS, Mrs. Autrey, during her terms of office as a member of City Council has given outstanding service to the Citizens for the betterment of Massillon, and the Fourth Ward, and

WHEREAS, City Council desires to recognize and note upon its official records its appreciation and commendation to Mrs. Gloria Autrey for the excellent service she has rendered to the people and the City of Massillon during her terms of office, especially in the areas of Parks and Recreation.

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

Section 1:

On behalf of the City of Massillon and the members of City Council, the Council commends Gloria Autrey for the efficient, energetic and capable manner in which she has discharged her duties and for the lasting contribution she has made to our City during her terms of office.

Section 2:

That this Resolution shall be immediately effective.

PASSED IN COUNCIL THIS _____ DAY OF _____ 2006

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

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

DATE: FEBRUARY 6, 2006 CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

RESOLUTION NO. 5 - 2006

BY: COMMITTEE OF THE WHOLE

TITLE: A RESOLUTION commending Doris Lewis as a Member of City Council for the City of Massillon, Ohio.

WHEREAS, on December 31, 2005 Doris Lewis completed her term as a member of the Council of the City of Massillon, Ohio, and

WHEREAS, Doris Lewis has devoted herself to her responsibilities and duties as a member of Massillon City Council, and

WHEREAS, Mrs. Lewis, during her term of office as a member of City Council has given outstanding service to the Citizens for the betterment of Massillon, and

WHEREAS, City Council desires to recognize and note upon its official records its appreciation and commendation to Mrs. Doris Lewis for the excellent service she has rendered to the people and the City of Massillon during her terms of office.

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

Section 1:

On behalf of the City of Massillon and the members of City Council, the Council commends Doris Lewis for the efficient, energetic and capable manner in which she has discharged her duties and for the lasting contribution she has made to our City during her term of office.

Section 2:

That this Resolution shall be immediately effective.

PASSED IN COUNCIL THIS _____ DAY OF _____ 2006

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

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