

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

AGENDA

DATE: MONDAY, MARCH 16, 2009
PLACE: COUNCIL CHAMBERS
TIME: 7:30 P.M.

THERE IS ONE PUBLIC HEARING TONIGHT
ORDINANCE NO. 28 – 2009 AT 7:20PM

1. ROLL CALL
2. INVOCATION BY COUNCILMAN CHUCK MAIER
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. 39 – 2009

BY: COMMUNITY DEVELOPMENT COMMITTEE

1ST READING

AN ORDINANCE authorizing and directing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract agreement with Massillon Main Street for continuation of its Downtown Revitalization Program, and declaring an emergency.

ORDINANCE NO. 40 – 2009

BY: PUBLIC UTILITIES COMMITTEE

1ST READING

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 Everflow Eastern Partners, LP for three (3) parcels of real estate owned by the City of Massillon, and declaring an emergency.

ORDINANCE NO. 41 – 2009

BY: PUBLIC UTILITIES COMMITTEE

1ST READING

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

ORDINANCE NO. 42 – 2009

BY: STREETS, HIGHWAYS TRAFFIC & SAFETY

1ST READING

AN ORDINANCE vacating a portion of Sweatleaf Circle NW, and declaring an emergency.

ORDINANCE NO. 43 – 2009

BY: FINANCE COMMITTEE

PASS 9-0

AN ORDINANCE making certain appropriations from the unappropriated balance of the Municipal Road Fund, General Fund, Community Development Block Grant Program Fund, Local Law Enforcement Trust Fund, Street Fund and the Waste Management Fund, for the year ending December 31, 2009, and declaring an emergency.

MONDAY, MARCH 16, 2009

ORDINANCE NO. 44 – 2009

BY: FINANCE COMMITTEE

Pass 9-0

AN ORDINANCE making certain transfer in the 2009 appropriations from within the Capital Improvement Fund and the General Fund, for the year ending December 31, 2009, and declaring an emergency.

ORDINANCE NO. 45 – 2009

BY: FINANCE COMMITTEE

Pass 9-0

AN ORDINANCE authorizing the Director of Law of the City of Massillon, to renew the one year contract with the City of Canal Fulton, for the purpose of providing prosecutorial services; and declaring an emergency.

ORDINANCE NO. 46 – 2009

BY: FINANCE COMMITTEE

Pass 9-0

AN ORDINANCE repealing Ordinance No. 226 – 1997 establishing a fee for administration costs in regards in warning letters sent out by the Law Director's Office of the City of Massillon, Ohio, pertaining to complaints lodged with the Law Director's Office, and declaring an emergency.

ORDINANCE NO. 47 – 2009

BY: FINANCE COMMITTEE

Pass 9-0

AN ORDINANCE repealing Ordinance No. 100 – 2008, and declaring an emergency.

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

- A). POLICE CHIEF SUBMITS MONTHLY REPORT FOR FEBRUARY 2009
- B). TREASURER SUBMITS MONTHLY REPORT FOR FEBRUARY 2009
- C). FIRE CHIEF SUBMITS MONTHLY REPORT FOR FEBRUARY 2009
- D). INCOME TAX DEPARTMENT SUBMITS MONTHLY REPORT FOR FEBRUARY 2009
- E). WASTE DEPARTMENT SUBMITS MONTHLY REPORT FOR FEBRUARY 2009
- F). MAYOR'S MONTHLY REPORT FOR FEBRUARY 2009
- G). CANTON-STARK COUNTY CRIME LAB ANNUAL REPORT FOR 2008

11. REPORTS OF COMMITTEES
12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS
13. CALL OF THE CALENDAR
14. THIRD READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 28 – 2009

BY: PUBLIC UTILITIES COMMITTEE

Pass 8-1 (Peres)

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.

15. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 33 - 2009

BY: COMMUNITY DEVELOPMENT COMMITTEE

2ND READING

AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from I-1 Light Industrial to R-1 Single Family Residential.

ORDINANCE NO. 34 - 2009

BY: COMMUNITY DEVELOPMENT COMMITTEE

2ND READING

AN ORDINANCE implementing Sections 3735.65 through 3735.70 of the Ohio Revised Code, establishing and describing the boundaries of community reinvestment area in the City of Massillon, Ohio, designating a housing officer to administer the program, and creating a community reinvestment housing council, 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: MARCH 16, 2009

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

1st reading
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 39 - 2009

BY: COMMUNITY DEVELOPMENT COMMITTEE

2nd reading
passed 4/50
TITLE: AN ORDINANCE authorizing and directing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract agreement with Massillon Main Street for continuation of its Downtown Revitalization Program, 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 agreement with Massillon Main Street for continuation in its Downtown Revitalization Program. The contract for services shall not exceed Twenty-Five Thousand Dollars (\$25,000.00).

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 agreement with Massillon Main Street for continuation of its Downtown Revitalization Program.

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 hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety, and welfare of the community, and for the further reason that these services are needed to meet the goals and objectives of the City's 2008 fiscal year Community Development Block Grant Program. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

DATE: MARCH 16, 2009

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

1st reading
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 40 - 2009

2nd reading
passed 4/20

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 Everflow Eastern Partners, LP for three (3) parcels of real estate 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 Everflow Eastern Partners, LP for Not Numbers 9493, 9494 and 9495.

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 Everflow Eastern Partners, LP for Lot Numbers 9493, 9494 and 9495 owned by the City of Massillon. A copy of the Non-Surface Development Oil & Gas Lease and map is attached hereto as Exhibit "A".

Section 3:

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

NON DEVELOPMENT OIL AND GAS LEASE

THIS LEASE, made this _____ day of _____, 2009, by and between

Massillon City
1 James Duncan Plaza SE
Massillon, Ohio 44646

Please circle marital status: Single, Married, Divorced, Widowed (If married, spouse must sign lease)
Hereinafter called Lessor, and, **HYPERFLOW EASTERN PARTNERS, LP**, P.O. Box 629, Canfield, Ohio 44406, hereinafter called Lessee,
do agree:

1. Lessor, for consideration, grants Lessee all the oil and gas in the lands described below, with the exclusive right to operate for, produce and market the same from a well or wells on other lands; the right to unitize Lessor's lands, or any portion, with other lands into a drilling unit of no more than one hundred sixty acres. This Lease is for 5 years(s), 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/Lot 9495, 9494, & 9493 of the City of Massillon, Stark, County, Ohio, containing: 0.33 acres, more or less, and bounded substantially, now or formerly, as follows:

Or further described as: Parcel #: 0680877, 0680316, & 0680315

Property Address: Vac. lots on Tremont Avenue, Massillon

2. Lessor shall be paid as royalties a proportional share of one-eighth (1/8) of the proceeds realized by Lessee on all the oil and gas sold off the unit, as the amount of Lessor's acreage in the unit bears to the total acreage in the unit. Lessor grants Lessee a power of attorney to execute division orders or contracts for the sale of gas or oil.

3. No well shall be drilled on Lessor's property, nor shall Lessee enter upon or install any surface installation of any nature whatsoever on the leased property, the within Lease being granted solely for the purpose of permitting the Lessee to unitize the leased property with other properties, which other properties shall bear all the burden of 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. No change of ownership shall be binding on Lessee until Lessee has received adequate evidence of transfer. If the leased land is hereinafter owned in separate tracts, the premises, nevertheless, shall be treated as an entirety and all payments due shall be paid proportionally to each separate owner, and if Lessor owns less than the entire fee, Lessor shall be paid only his proportional share of any payment due. Lessee may at any time surrender this Lease in whole or in part.

5. Lessor hereby warrants and agrees to defend title to the land herein described and agrees that Lessee, at its option, may pay and discharge any taxes, mortgages, or other liens existing, levied, or assessed on or against the said lands and, in the event it exercises such option, it shall be subrogated to the rights of any holder or holders thereof and may reimburse itself for any payments due hereunder.

6. Lessee agrees to pay Lessor a sum of \$50.00 as a signing bonus consideration, payable prior to drilling.

LESSOR:

Massillon City

STATE OF OHIO

The foregoing instrument was acknowledged before me this _____ day of _____, 2009
by _____

My commission expires _____

Notary Public

*This instrument prepared by Hyperflow Eastern Partners, LP, P.O. Box 629, Canfield OH 44406

S/sko #1
44, 43, & 42



Approximate Location
Proposed Well Site

Your Property Highlighted. Yellow

DATE: MARCH 16, 2009

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 41 - 2009

1st reading
2nd reading
passed 4/0

BY: PUBLIC UTILITIES COMMITTEE

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

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

Section 1:

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

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized to enter into a Non-Surface Development Gas & Oil Lease with Ohio Valley Energy Systems Corporation for various streets as shown on the attached Exhibit "A". A copy of the Non-Surface Development Oil & Gas Lease and map is attached hereto as Exhibit "A".

Section 3:

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

NON- DEVELOPMENT OIL & GAS LEASE

THIS LEASE, made this _____ day of _____, 200____, by and between
City of Massillon
151 Lincoln Way East
Massillon, Ohio 44646
"Lessor", and Ohio Valley Energy Systems Corp., 200 Victoria Rd. Bldg. 4 Austintown, Ohio 44515 "Lessee", do agree:

1. Lessor, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, grants and leases Lessee all the oil and gas in the lands described below, with the exclusive right to operate for, produce and market the same from a well or wells on other lands; the right to unitize Lessor's lands, or any portion, with other lands into a drilling unit of no more than one hundred sixty acres, together with the right to pool, reform, enlarge and/or reduce such pool, and repool all or any part or parts of the leased premises. This Lease is for five (5) years, and as long thereafter as operations are being conducted on any such unit or oil or gas can be produced in paying quantities in Lessee's judgment from any such unit. Lessee and Lessor agree that the term "operations" as defined in this Lease shall mean at which time Lessee has filed an Application for Drilling Permit with the Ohio Department of Natural Resources Division of Mineral Resources Management. This lease covers all of Lessor's land in or adjoining Sections 8 and 17 of Perry Township, City of Massillon, Stark County, State of Ohio, containing 42.36 acres, more or less, and described as follows: See Exhibits "A" and "B" attached hereto and made a part hereof.

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

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

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

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

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

7. Lessee agrees to make payment to Lessor a sum of \$10,510.00 payable upon execution of Non-Development Oil and Gas Lease.

Lessor(s):

Social Security # _____

STATE OF OHIO)

COUNTY OF _____)

SS: _____

The foregoing instrument was acknowledged before me this _____ day of _____, 200____,
by _____ (Lessor).

My Commission Expires: _____

Notary Public

This instrument prepared by: Ohio Valley Energy Systems Corp.
Version 041307 200 Victoria Rd, Bldg 4
020209 Austintown, OH 44515

PROPERTY DESCRIPTION

Attached hereto and made a part here of that certain Non-Development Oil and Gas Lease from the City of Massillon, as Lessor and Ohio Valley Energy Systems Corp., as Lessee, dated the _____ day of _____, 2009.

Situated in the City of Massillon, County of Stark, and State of Ohio

Being part of 44 roads within the City of Massillon, Section 8 and Section 17, Township 10 North of Range 9 West (formerly Perry Township), and being more formerly described as follows:

1st STREET S.W. (66')

Beginning at the point of intersection of the northerly right-of-way of Walnut Road S.W. and 1st Street and extending northerly approximately 1510 feet to the southerly right-of-way of South Avenue. Including the entire width of the right-of-way the said 1510 feet distance.

ERIE STREET S. (80')

Beginning at the point of intersection of the southerly right-of-way of Shriver Avenue and Erie Street and extending northerly approximately 3710 feet to the southerly right-of-way of South Avenue. Including the entire width of the right-of-way the said 3710 feet distance.

DEWALT PLACE (30')

Beginning at the point of intersection of the southerly right-of-way of Rawson Avenue and Dewalt Place and extending southerly approximately 335 feet to the northerly right-of-way of Curley Court. Including the entire width of the right-of-way the said 335 feet distance.

1st STREET S.E. (50', 60' & 66')

Beginning at the point of intersection of the southerly right-of-way of South Avenue and 1st Street and extending southerly approximately 395 feet to the northerly right-of-way of Penn Avenue & beginning at the point of intersection of the southerly right-of-way of a Curley Court and 1st Street and extending southerly approximately 1040 feet to the northerly right-of-way of Ideal Court. Including the entire width of the right-of-ways the said 395 & 1040 feet distances.

SUNSET PLACE (15')

Beginning at the point of intersection of the southerly right-of-way of Rawson Avenue and Sunset Place and extending southerly approximately 335 feet to the northerly right-of-way of Curley Court. Including the entire width of the right-of-way the said 335 feet distance.

AVON PLACE (30')

Beginning at the point of intersection of the southerly right-of-way of Rawson Avenue and Avon Place and extending southerly approximately 335 feet to the northerly right-of-way of Curley Court. Including the entire width of the right-of-way the said 335 feet distance.

ALBRIGHT STREET S.E. (50')

Beginning at the point of intersection of the southerly right-of-way of South Avenue and Albright Street and extending southerly approximately 350 feet to the northerly right-of-way of Penn Avenue. Including the entire width of the right-of-way the said 350 feet distance.



2nd STREET S.E. (60')

Beginning at the point of intersection of the southerly right-of-way of a Curley Court and 2nd Street and extending southerly approximately 1040 feet to the northerly right-of-way of Ideal Court. Including the entire width of the right-of-way the said 1040 feet distance.

3rd STREET S.E. (55' & 60')

Beginning at the point of intersection of the southerly right-of-way of Shriver Avenue and 3rd Street and extending northerly approximately 3710 feet to the southerly right-of-way of South Avenue. Including the entire width of the right-of-ways the said 3710 feet distance.

FAY STREET (40')

Beginning at the point of intersection of the southerly right-of-way of Walnut Road and Fay Street and extending southerly approximately 615 feet to the northerly right-of-way of Beckman Avenue. Including the entire width of the right-of-way the said 615 feet distance.

11th STREET S.E. (45' & 39')

Beginning at the point of intersection of the southerly right-of-way of Walnut Road and 11th Street and extending southerly approximately 1190 feet to the northerly right-of-way of Arch Avenue. Including the entire width of the right-of-ways the said 1190 feet distance.

JOHNSON STREET S.E. (38.5' & 45')

Beginning at the point of intersection of the northerly right-of-way of 3rd Street and Johnson Street and extending northerly approximately 1970 feet to the southerly right-of-way of Walnut Road. Including the entire width of the right-of-ways the said 1970 feet distance.

SHRIVER AVENUE (50')

Beginning at the point of intersection of the easterly right-of-way of Erie Street and Shriver Avenue and extending easterly approximately 1605 feet to the westerly right-of-way of Johnson Street. Including the entire width of the right-of-way the said 1605 feet distance.

ARCH AVENUE (40' & 58')

Beginning at the point of intersection of the easterly right-of-way of Erie Street and Arch Avenue and extending easterly approximately 1715 feet to the westerly right-of-way of Johnson Street. Including the entire width of the right-of-ways the said 1715 feet distance.

IDEAL COURT S.E. (18')

Beginning at the point of intersection of the easterly right-of-way of Erie Street and Ideal Court and extending easterly approximately 1095 feet to the westerly right-of-way of 3rd Street. Including the entire width of the right-of-way the said 1095 feet distance.

DWIGHT AVENUE (58')

Beginning at the point of intersection of the easterly right-of-way of Erie Street and Dwight Avenue and extending easterly approximately 1095 feet to the westerly right-of-way of 3rd Street. Including the entire width of the right-of-way the said 1095 feet distance.



EDWIN AVENUE (58')

Beginning at the point of intersection of the easterly right-of-way of Erie Street and Edwin Avenue and extending easterly approximately 1095 feet to the westerly right-of-way of 3rd Street. Including the entire width of the right-of-way the said 1095 feet distance.

VERNA COURT S.E. (18')

Beginning at the point of intersection of the easterly right-of-way of Erie Street and Ideal Court and extending easterly approximately 1095 feet to the westerly right-of-way of 3rd Street, excluding the area within parcel 14274. Including the entire width of the right-of-way the said 1095 feet distance.

BECKMAN AVENUE (50')

Beginning at the point of intersection of the easterly right-of-way of 3rd Street and Beckman Avenue and extending easterly approximately 990 feet to the westerly right-of-way of Johnson Street. Including the entire width of the right-of-way the said 990 feet distance.

MAPLE AVENUE (58')

Beginning at the point of intersection of the easterly right-of-way of Erie Street and Maple Avenue and extending easterly approximately 1095 feet to the westerly right-of-way of 3rd Street. Including the entire width of the right-of-way the said 1095 feet distance.

HALL COURT (16')

Beginning at the point of intersection of the easterly right-of-way of 3rd Street and Hall Court and extending easterly approximately 410 feet to the westerly right-of-way of Fay Street. Including the entire width of the right-of-way the said 410 feet distance.

SONDRA COURT (10')

Beginning at the point of intersection of the easterly right-of-way of Fay Street and Sondra Court and extending easterly approximately 305 feet to the westerly right-of-way of Fay Street. Including the entire width of the right-of-way the said 305 feet distance.

CURLEY COURT S.E. (17')

Beginning at the point of intersection of the easterly right-of-way of Erie Street and Curley Court and extending easterly approximately 1095 feet to the westerly right-of-way of 3rd Street. Including the entire width of the right-of-way the said 1095 feet distance.

RAWSON AVENUE (40')

Beginning at the point of intersection of the easterly right-of-way of Erie Street and Rawson Avenue and extending easterly approximately 680 feet to the westerly right-of-way of 15' Alley. Including the entire width of the right-of-way the said 680 feet distance.

WALNUT ROAD S.E. & S.W. (40', 50', & 60')

Beginning at the point of intersection of the westerly right-of-way of 13th Street S.E. and Walnut Road and extending northwesterly & westerly approximately 4055 feet to the westerly right-of-way of US 21. Including the entire width of the right-of-ways the said 4055 feet distance.



WETMORE AVENUE (60')

Beginning at the point of intersection of the easterly right-of-way of Erie Street and Wetmore Avenue and extending easterly approximately 1080 feet to the westerly right-of-way of 3rd Street. Including the entire width of the right-of-way the said 1080 feet distance.

PENN AVENUE (50')

Beginning at the point of intersection of the easterly right-of-way of Erie Street and Penn Avenue and extending easterly approximately 1080 feet to the westerly right-of-way of 3rd Street. Including the entire width of the right-of-way the said 1080 feet distance.

ALLEY (between 11th St. & Johnson St., 119.2' N. of Arch Ave.) (18')

Beginning at the point of intersection of the easterly right-of-way of 11th Street and Alley and extending easterly approximately 320 feet to the westerly right-of-way of Johnson Street. Including the entire width of the right-of-way the said 320 feet distance.

ALLEY (between an Alley & Johnson St., 287.2' N. of Arch Ave.) (17')

Beginning at the point of intersection of the easterly right-of-way of an Alley and said Alley and extending easterly approximately 152 feet to the westerly right-of-way of Johnson Street. Including the entire width of the right-of-way the said 152 feet distance.

ALLEY (between 11th St. & Johnson St., 200' S. of Beckman Ave.) (17')

Beginning at the point of intersection of the easterly right-of-way of 11th Street and Alley and extending easterly approximately 322 feet to the westerly right-of-way of Johnson Street. Including the entire width of the right-of-way the said 322 feet distance.

ALLEY (between 11th St. & Johnson St., 152' E. of 11th St.) (18')

Beginning at the point of intersection of the southerly right-of-way of Beckman Avenue and Alley and extending southerly approximately 585 feet to the westerly right-of-way of Johnson Street. Including the entire width of the right-of-way the said 585 feet distance.

UNNAMED ALLEY (west of Maple Avenue S.E.) (10')

Beginning at the point of intersection of the westerly right-of-way of Erie Street S. and Unnamed Alley and extending westerly approximately 105 feet. Including the entire width of the right-of-way the said 105 feet distance.

UNNAMED ALLEY (12', 15', 16', 17, & 20')

Beginning all of the remaining Unnamed Alleys contained between Wetmore Avenue S.E. on the north, Shriver Avenue S.E. on the south, Erie Street S. on the west, and 3rd Street S.E. on the east. Said Alleys totaling approximately 4865 feet in length. Including the entire width of the right-of-ways the said 4865 feet distance.

And containing 42.36 acres of land (excepting the area duplicated by road crossings) more or less as described by David J Bodo Jr., Ohio Registered Surveyor Number 8239 in January, 2009.

D. Bodo Jr.

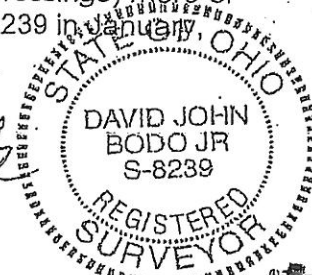
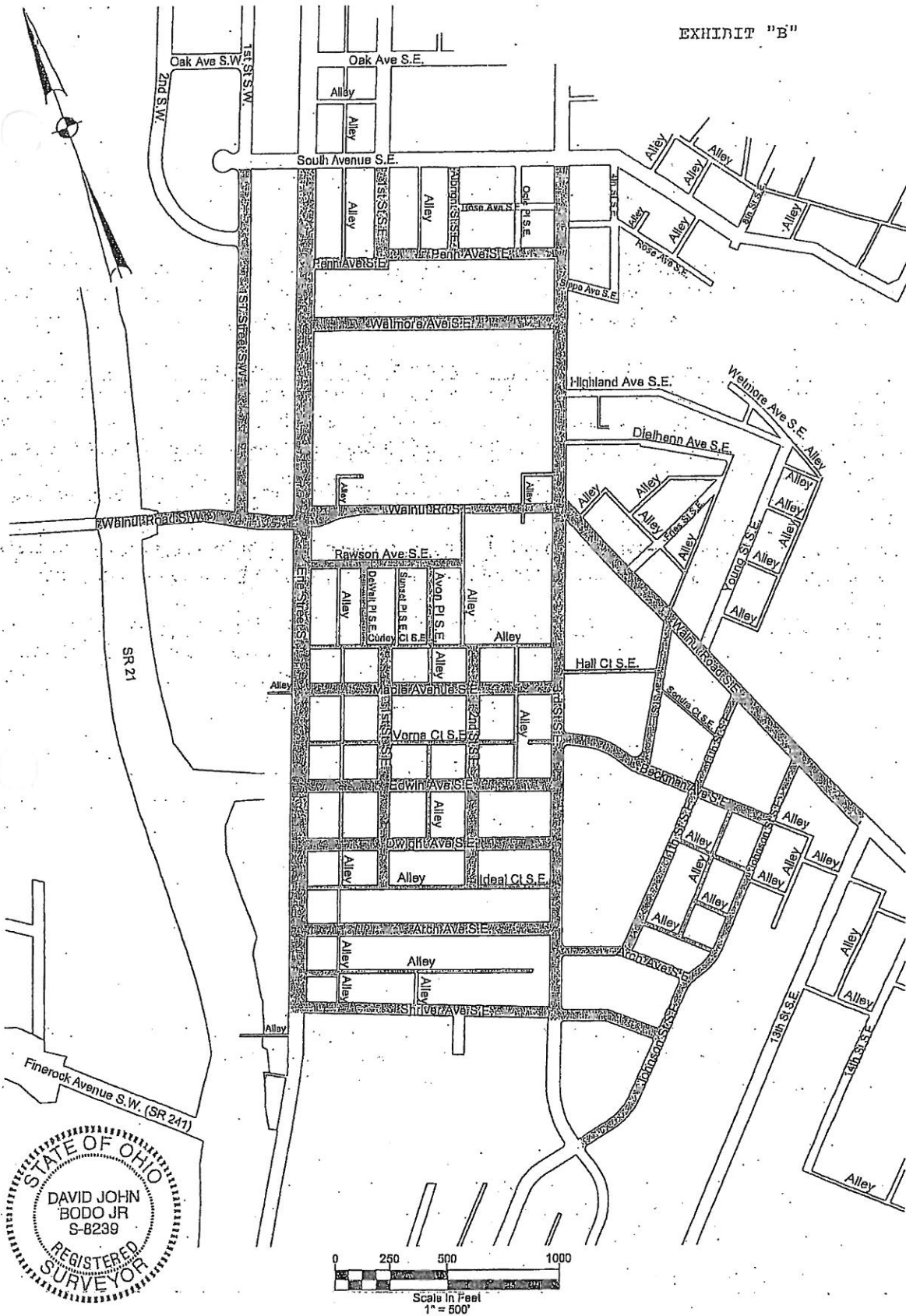


EXHIBIT "B"



Massillon Road Lease Area

01/27/2009

09013

Operator: Ohio Valley Energy Systems Corp.,
200 Victoria Road, Building 4, Austintown, Ohio 44515-2093

David Bodo & Associates, Inc. 5175 Tongo Rd NW, Carrollton, Ohio, 44615 (330) 863-2300

Registered Surveyor Number 6321

or

Registered Surveyor Number 8239

DATE: MARCH 16, 2009

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 42 - 2009

1st reading
2nd reading
Passed 7-20

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE vacating a portion of Sweetleaf Circle NW, and declaring an emergency.

WHEREAS, there has been filed with this Council by the owners of all of the lots and lands bounding and abutting upon the street hereinafter described, a petition requesting that a portion of Sweetleaf Circle NW be vacated, and

WHEREAS, upon hearing, this Council hereby finds that there is good cause for such vacation and that it will not be detrimental to the general interest of this community and that such vacation should be made.

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

Section 1:

That Sweetleaf Circle NW, approximately 50 foot wide right-of-way, located on the north side of Sippo Reserves Drive NW, east of Manchester Road. The request is to vacate that portion from the north side of Sippo Reserves Drive approximately 115 feet in a northerly direction. Said property will be re-platted with the adjoining lots on either side of the street. The applicant is Nathan and Tig Held/David and Jennifer Jaquay. Approval of the vacation was recommended by the Planning Commission on October 8th, 2008. Said vacation is hereby approved, adopted and confirmed.

Section 2:

This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the community and for the continued efficient operation of the City of Massillon, Ohio; and that the portion of the street to be vacated is necessary to permit immediate commencement of the replatting of the lots in the area. 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.

2nd page is the signature page

DATE: MARCH 16, 2009

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 43- 2009

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Municipal Road Fund, General Fund, Community Development Block Grant Program Fund, Local Law Enforcement Trust Fund, Street Fund and the Waste Management 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 Municipal Road Fund, for the year ending December 31, 2009, the following:

\$158,000.00 to an account entitled "Lincoln Way W Project" 1409.435.2399

Section 2:

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

\$138,000.00 to an account entitled "Advance To" 1100.905.2750

Section 3:

There be and hereby is appropriated from the unappropriated balance of the Community Development Block Grant Program Fund, for the year ending December 31, 2009, the following:

\$25,000.00 to an account entitled "Main Street Revitalization" 1203.845.2828

Section 4:

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

\$10,650.00 to an account entitled "Supplies" 1215.305.2410

Section 5:

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

\$5,515.21 to an account entitled "Workers Compensation" 1201.420.2270

Section 6:

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

\$1,647.14 to an account entitled "Workers Compensation" 1222.605.2270

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: MARCH 16, 2009

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 44 - 2009

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain transfers in the 2009 appropriations from within the Capital Improvement Fund and 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:

There be and hereby is transferred from the 2009 appropriation from within the Capital Improvement Fund, for the year ending December 31, 2009, the following:

FROM:	Advance To	1100.905.2750	\$138,000.00
TO	Return On Advance	1401.905.1865	\$138,000.00

Section 2:

There be and hereby is transferred from the 2009 appropriation from within the General Fund, for the year ending December 31, 2009, the following:

FROM:	Accumulated Sick Leave	1100.905.2150	\$30,000.00
	Energy Savings Lease	1100.410.2333	\$ 6,481.00
	State Examination	1100.905.2395	\$ 5,000.00
	PERS Health	1100.705.2210	\$ 5,000.00
	Hosp/Eye	1100.705.2210	\$ 5,000.00
	Hosp/Eye	1100.435.2210	\$ 5,000.00
TO	Utilities	1100.410.2340	\$30,000.00
	Utilities	1100.410.2340	\$ 6,481.00
	Utilities	1100.410.2340	\$ 5,000.00
	Utilities	1100.410.2340	\$ 5,000.00
	Utilities	1100.410.2340	\$ 5,000.00
	Utilities	1100.410.2340	\$ 5,000.00

Section 3

That this Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said funds are necessary for the preservation of the public health, safety and welfare of the community and for the additional reason that the funds are required in the specific accounts to pay city obligations by the end of 2009. 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

DATE: MARCH 16, 2009

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 45 - 2009

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Law of the City of Massillon, to renew the 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 renew the 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 renew the one year contract with the City of Canal Fulton for the purpose of providing prosecutorial services. The City of Canal Fulton shall pay the sum of Twenty-Five Thousand Two Hundred Dollars (\$25,200.00) under the terms of the contract. The contract will be from February 1, 2009 through January 31, 2010.

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 _____ 2009

APPROVED: _____

MARY BETH BAILEY, CLERK OF COUNCIL

GLENN E. GAMBER, PRESIDENT

APPROVED _____

FRANCIS H. CICCHINELLI, JR., MAYOR

AGREEMENT

THIS AGREEMENT effective February 1, 2009 through January 31, 2010, between the CITY OF CANAL FULTON and the CITY OF MASSILLON LAW DEPARTMENT, (MLD) sets forth the following responsibilities and mutual benefits. Accordingly, MLD agrees to prosecute criminal and traffic offenders in the Massillon Municipal Court, perform other related traffic and criminal legal services for Canal Fulton and maintain specific responsibility for:

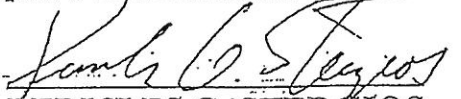
1. Municipal Cases via City Ordinances/ORC (Titles 29 & 45);
2. Private citizens complaints and affidavits for violations under ORC Titles 29 & 45;
3. Informal Prosecutor conferences for bad checks, domestic disputes, neighborhood disturbances, and other appropriate circumstances as the MLD determines;
4. Review search warrants when appropriate or upon request;
5. Assist with and direct Misdemeanor/Felony summons/warrants when appropriate;
6. Issue subpoenas when appropriate (trial/hearings in Massillon Municipal Court);
7. Participate in Court pre-trials, trials, pleas and felony preliminary hearings to conclusion as required and scheduled by Massillon Municipal Court;
8. Prosecute traffic/criminal offenders by trial (judge/magistrate/jury) to conclusion as necessary. Objections to Magistrate Decisions are part of this contract included in basic compensation below. Appeals of trial court decisions to a higher court are not included in this Agreement;

9. Coordinate with crime victims to explain their rights under law and secure their attendance when defendants are arraigned for issuance of TPO's, plus attendance at pre-trials, pleas and trial and coordinate restitution when appropriate; and
10. Serve as liaison between The Massillon Municipal Court and the Canal Fulton Police Department.
11. BASIC COMPENSATION: The City of Canal Fulton will pay the City of Massillon Twenty-five Thousand Two Hundred Dollars (\$25,200.00) for the one (1) year Agreement. The amount shall be paid in twelve (12) monthly payments of Two Thousand One Hundred and no/100 Dollars (\$2,100.00) commencing on February 1, 2009 and payable on the 1st day of each month thereafter.

TERM: THIS AGREEMENT is subject to termination at will by the CITY OF CANAL FULTON or the CITY OF MASSILLON LAW DEPARTMENT upon written notice by U.S. CERTIFIED MAIL, effective thirty (30) days after receipt.

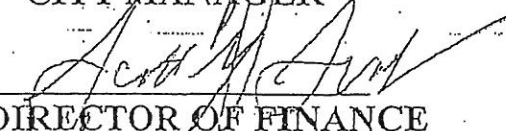
EXECUTED ON THE 3 DAY OF March, 2009.

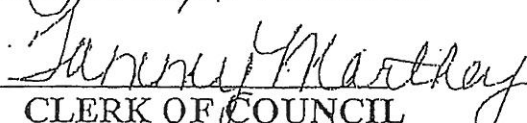
MASSILLON CITY
LAW DEPARTMENT


PERICLES G. STERGIOS
Director of Law

CITY OF CANAL FULTON

BY: 
CITY MANAGER

BY: 
DIRECTOR OF FINANCE

BY: 
CLERK OF COUNCIL

DATE: MARCH 16, 2009

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 46 - 2009

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE repealing Ordinance No. 226 – 1997 establishing a fee for administration costs in regards in warning letters sent out by the Law Director's Office of the City of Massillon, Ohio, pertaining to complaints lodged with the Law Director's Office, 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. 226 - 1997 be and is hereby repealed.

Section 2:

There be and hereby is established the following fees for warning letters sent out by the Law Director's Office of the City of Massillon, Ohio, pertaining to complaints lodged with the Law Director's Office.

\$15.00 for private complaint letters not sent out by certified mail.

\$25.00 for private complaint/bad checks letters going out by certified mail.

\$10.00 for follow-up letter for passing bad checks

Section 3:

That any ordinance or resolution or sections thereof that may be in conflict with any section of this ordinance be and is hereby repealed.

Section 4:

This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the community and for the additional reason to update the age requirements to meet the state code for original appointments to 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.

PASSED IN COUNCIL THIS _____ DAY OF _____ 2009

APPROVED _____

MARY BETH BAILEY, CLERK OF COUNCIL

GLENN E. GAMBER, PRESIDENT

APPROVED: _____

FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: MARCH 16, 2009

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

Passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 47 - 2009

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE repealing Ordinance No. 100 - 2008, 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. 100 - 2008 be and is hereby repealed.

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 that these funds are necessary to meet expenses that will be incurred through the end of the year 2009. 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