

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

AGENDA

DATE: MONDAY, APRIL 20, 2009

PLACE: COUNCIL CHAMBERS

TIME: 7:30 P.M.-

THERE IS ONE PUBLIC HEARING TONIGHT
ORDINANCE NO. 54 – 2009 AT 6:30PM FOR CDBG

1. ROLL CALL
2. INVOCATION BY COUNCILMAN PAUL MANSON
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. 67 – 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 Range Resources Appalachia, LLC, and declaring an emergency.

ORDINANCE NO. 68 – 2009

BY: FINANCE COMMITTEE

PASS 9-0

AN ORDINANCE making certain appropriations from the unappropriated balance of the Muni Motor Vehicle License Plate Fund, for the year ending December 31, 2009, and declaring an emergency.

7. UNFINISHED BUSINESS

8. PETITIONS AND GENERAL COMMUNICATIONS

LETTER FROM OHIO DIVISION OF LIQUOR CONTROL REGARDING A TRANSFER OF LIQUOR LICENSE FROM GIANT OHIO LLC DBA GIANT 425 2711 LINCOLN WAY E & GAS PUMPS MASSILLON OHIO 44646 TO BHAI MART INC DBA GIANT 425 & GAS PUMPS 2711 LINCOLN WAY EAST MASSILLON OHIO 44646

LETTER FROM OHIO DIVISION OF LIQUOR CONTROL REGARDING A TRANSFER OF LIQUOR LICENSE FROM MARSHS MAIN MART LLC DBA MARSHS MAIN MART 2304 MAIN AVE W MASSILLON OHIO 44647 TO B & L TREVOR LLC DBA MICHELLES MAIN STREET 2304 MAIN AVE W MASSILLON OHIO 44647

LETTER FROM OHIO DIVISION OF LIQUOR CONTROL REGARDING A NEW LIQUOR LICENSE FOR TAMARKIN CO DBA GETCO MASSILLON #3152 2046 LINCOLN WAY EAST MASSILLON OHIO 44646

9. **BILLS, ACCOUNTS AND CLAIMS**
10. **REPORTS FROM CITY OFFICIALS**

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

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

ORDINANCE NO. 39 – 2009

BY: COMMUNITY DEVELOPMENT COMMITTEE

PASS 9-0

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

PASS 9-0

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a Non-Surface Development Gas & Oil Lease with 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

PASS 9-0

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

ORDINANCE NO. 42 – 2009

BY: STREETS, HIGHWAYS TRAFFIC & SAFETY

PASS 9-0

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

15. **SECOND READING ORDINANCES AND RESOLUTIONS**

ORDINANCE NO. 48 – 2009

BY: COMMUNITY DEVELOPMENT COMMITTEE

2ND READING

AN ORDINANCE amending the agreement between the City of Massillon and Alco Industries, dba U.S. Chemical & Plastics, under the Ohio Urban Jobs and Enterprise Zone Program, and declaring an emergency.

ORDINANCE NO. 49 – 2009

BY: COMMUNITY DEVELOPMENT COMMITTEE

2ND READING

AN ORDINANCE amending the agreement between the City of Massillon and Robert J. Matthews Co./Filters, Inc., under the Ohio Urban Jobs and Enterprise Zone Program, and declaring an emergency.

ORDINANCE NO. 50 – 2009

BY: COMMUNITY DEVELOPMENT COMMITTEE

2ND READING

AN ORDINANCE repealing Ordinance No. 150 – 2001, and rescinding the Enterprise Zone Agreement with Crown Cork & Seal Co., and declaring an emergency.

ORDINANCE NO. 51 – 2009

BY: COMMUNITY DEVELOPMENT COMMITTEE

2ND READING

AN ORDINANCE repealing Ordinance No. 148 – 2003, and rescinding the Enterprise Zone Agreement with Ring Masters LLC, and declaring an emergency.

ORDINANCE NO. 52 – 2009

BY: COMMUNITY DEVELOPMENT COMMITTEE

2ND READING

AN ORDINANCE repealing Ordinance No. 67 – 2004, and rescinding the Enterprise Zone Agreement with Ohio Packaging Corp., and declaring an emergency.

ORDINANCE NO. 53 – 2009

BY: COMMUNITY DEVELOPMENT COMMITTEE

2ND READING

AN ORDINANCE repealing Ordinance No. 152 – 1999, and rescinding the Enterprise Zone Agreement with R & D, Inc., and declaring an emergency.

ORDINANCE NO. 54 – 2009

BY: COMMUNITY DEVELOPMENT COMMITTEE

2ND READING

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

ORDINANCE NO. 55 – 2009

BY: COMMUNITY DEVELOPMENT COMMITTEE

2ND READING

AN ORDINANCE approving an amendment to the City of Massillon's FY 2008 Community Development Block Grant Program Annual Action Plan, authorizing the filing and execution of the amendment, and declaring an emergency.

ORDINANCE NO. 56 – 2009

BY: PARKS AND RECREATION COMMITTEE

2ND READING

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into contract agreements with Variety Attractions, Inc., L & B Entertainment Inc., and other companies for various engagements for the 2009 summer concert series, and declaring an emergency.

ORDINANCE NO. 59 – 2009

BY: PUBLIC UTILITIES COMMITTEE

2ND 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 Range Resources Appalachia, LLC for a 7.52 acre parcel owned by the City of Massillon, and declaring an emergency.

ORDINANCE NO. 60 – 2009

BY: PUBLIC UTILITIES COMMITTEE

2ND 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 Range Resources Appalachia, LLC for a 0.40 acre parcel owned by the City of Massillon, 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: APRIL 20, 2009

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

1st reading
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 67 - 2009

2nd reading

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 Range Resources Appalachia, LLC, 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 Range Resources Appalachia, LLC.

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 Range Resources Appalachia, LLC for lot numbers 5216, 5217, 8305, 14807 and 14813 owned by the City of Massillon 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.

2nd page is the signature page

NON-SURFACE DEVELOPMENT OIL & GAS LEASE

THIS LEASE, made this _____ day of _____, 200____, by and between Massillon City of 151 Lincoln Way East Massillon, Ohio 44846
hereinafter called Lessor, and Range Resources-Appalachia, LLC, 125 SL Rio 43, P.O. Box 550, Hartsville, OH 44632, hereinafter called Lessee, do agree:

1. Lessor, for and in consideration of One dollar (\$1.00) in hand paid by Lessee, the receipt of which is hereby acknowledged, and the covenants and agreements hereinafter contained, 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 utilize Lessor's lands, or any portion, or strata, with other lands into a drilling unit of no more than six hundred forty acres. 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. This lease covers all of Lessor's land in and adjoining Section/Lots 8305-5216-5217 in the City of Massillon, Stark County, Ohio, containing .38 acres, more or less, and bounded substantially, now or formerly, as follows:

Parcel ID #(s) 0680624-0680876-0680622

Or further described as _____

Being the property described in Deed Volume(s)/Page(s) _____

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 utilized, 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. "Proceeds Realized" shall mean the price received by Lessee for oil and gas marketed and sold at the delivery point less any charges for transportation, dehydration, compression and marketing paid by Lessee to deliver the oil and gas for sale.

3. No well shall be drilled on Lessor's property, nor shall Lessee enter upon or install any installation of any nature whatsoever on the leased property. The within Lease being granted for the purpose of permitting Lessee to utilize 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.

Signatures of Witnesses:

Signatures of Lessor(s):

(Printed Name)

Michael J. Loudens Safety Service Director

(Printed Name)

(Printed Name)

CORPORATE ACKNOWLEDGEMENT

STATE OF OHIO :

: ss

COUNTY OF _____ :

The foregoing instrument was acknowledged before me this _____ day of _____, 200____.

By _____ OF _____
THE _____ corporation, on behalf of the corporation.
A _____

My Commission Expires:

Notary Public _____

This instrument prepared by: Range Resources-Appalachia, LLC
125 State Route 43
P. O. Box 550
Hartsville, OH 44632-0550

Dear Property Owner:

Thank you for entering into an oil and gas lease with our firm. We are pleased to add your property to our exploration and development program! Range Resources-Appalachia, LLC pays an initial "bonus" payment to each property owner as consideration for executing the lease. This payment is made after the lease has been properly executed by each interest owner and our representative completes a title check at the courthouse of the county in which your land lies. We check to insure the proper persons have executed the lease, that the oil and gas rights are intact, and the status of other oil and gas leases that may be in term on the leased premises (a complete title examination is done by an attorney prior to drilling). Our landman then submits the results of his title check along with your lease and a detailed map of your lands to our office in Hartville for processing. In the office your lease is reviewed by an analyst, the location is placed upon our land maps, and the lease information is input into our computer system. Our accounting department then issues all bonus and other lease payments when due. This process helps protect us from erroneously making bonus payments and safeguards the property owner from accepting monies which may not be theirs due to bad title, reservations of oil and gas, and other existing leases, all of which invalidate our lease. Should you have any question regarding payments or your lease status, please contact our land department at the Hartville address or telephone number.

Range Resources-Appalachia, LLC hereby agrees to pay the following oil and gas owner the amount below set forth subject to approval of title and management lease review:

LESSOR(S): Massillon City
151 Lincoln Way East
Massillon Ohio 44646

BONUS AMT: \$450.00, which shall be paid to Lessor within 90 days from lease date.

LEASE DATE: _____, LANDMAN: Paul F. Meyers

Data For Parcel 0680876

[Base](#) [Land](#) [Valuation](#) [Sales](#) [Sketch](#) [Tax](#) [Building](#) [Pictometry](#)

Base Data

Parcel:	0680876
Owner:	MASSILLON CITY
Site Address:	15TH ST SE
Map Routing Number:	06 054 22-01600
Tax Map:	Click Here



[+] Map this property.

Tax Mailing Address

Address:	
	1 JAMES DUNCAN PLAZA SE
City State Zip:	MASSILLON OH 44646

Geographic Information

Tax District:	06 MASSILLON CITY-MASSILLON CSD
School District:	7609 MASSILLON CSD
City:	MASSILLON CITY
Township:	MASSILLON
Neighborhood ID:	006-01-99-01

Legal

Number of Sheets:	0	Last Inspected:	
Legal Description:	5216,14813 WH EA (CA#5834)	Allotment:	MASSILLON CITY -- Lot 5216
DTE Classification:	640 - Exempt, Municipality	Building Type:	-

Recent Sale

Transfer Date	Prior Owner	Stated Value	Taxable Value	No. Parcels	Arms Length Sale	Instrument No.	Work Order No.
		\$0	\$0				-

Parcel History

No history data found for this parcel.

Data For Parcel 0680622

Base Land Valuation Sales Sketch Tax Building Pictometry

Base Data

Parcel:	0680622
Owner:	MASSILLON CITY
Site Address:	WALNUT RD SE
Map Routing Number:	06 054 22 01500
Tax Map:	Click Here



[+] Map this property.

Tax Mailing Address

Address:	1 JAMES DUNCAN PLAZA SE
City State Zip:	MASSILLON OH 44646

Geographic Information

Tax District:	06 MASSILLON CITY-MASSILLON CSD
School District:	7609 MASSILLON CSD
City:	MASSILLON CITY
Township:	MASSILLON
Neighborhood ID:	006-01-99-01

Legal

Number of Sheets:	0	Last Inspected:	
Legal Description:	5217 WH (CA #4802)	Allotment:	MASSILLON CITY -- Lot 5217
DTE Classification:	600 - Exempt, USA	Building Type:	-

Recent Sale

Transfer Date	Prior Owner	Stated Value	Taxable Value	No. Parcels	Arms Length Sale	Instrument No.	Work Order No.
		\$0	\$0				-

Parcel History

No history data found for this parcel.

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Data For Parcel 0680624

[Base](#)
[Land](#)
[Valuation](#)
[Sales](#)
[Sketch](#)
[Tax](#)
[Building](#)
[Pictometry](#)

Base Data

Parcel:	0680624
Owner:	MASSILLON CITY
Site Address:	WALNUT RD SE
Map Routing Number:	06 054 22 01300
Tax Map:	Click Here



[+] Map this property.

Tax Mailing Address

Address:	
	1 JAMES DUNCAN PLAZA SE
City State Zip:	MASSILLON OH 44646

Geographic Information

Tax District:	06 MASSILLON CITY-MASSILLON CSD
School District:	7609 MASSILLON CSD
City:	MASSILLON CITY
Township:	MASSILLON
Neighborhood ID:	006-01-99-01

Legal

Number of Sheets:	0	Last Inspected:	
Legal Description:	8305,14807 WH EA (CA #4802)	Allotment:	MASSILLON CITY -- Lot 8305
DTE Classification:	680 - Exempt, Charitable	Building Type:	-

Recent Sale

Transfer Date	Prior Owner	Stated Value	Taxable Value	No. Parcels	Arms Length Sale	Instrument No.	Work Order No.
		\$0	\$0				-

Parcel History

No history data found for this parcel.

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DATE: APRIL 20, 2009

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO.68 – 2009

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Muni Motor Vehicle License Plate 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 Muni Motor Vehicle License Plate Fund, for the year ending December 31, 2009, the following:

\$40,000.00 to an account entitled "Supplies/Materials" 1206.435.24 10

Section 2:

This Ordinance is hereby declared to be an emergency measure, for the efficient operation of the various departments of the City of Massillon and for the preservation of the public health, safety and welfare of the community. 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