

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

DATE: MONDAY, AUGUST 17, 2009
PLACE: COUNCIL CHAMBERS
TIME: 7:30 P.M.

THERE ARE NO PUBLIC HEARINGS TONIGHT

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. 102 – 2009

BY: COMMITTEE OF THE WHOLE

PASS 9-0
AN ORDINANCE repealing Ordinance No. 45 – 1996 and enacting a new policy on harassment in the workplace, and declaring an emergency.

ORDINANCE NO. 103 – 2009

BY: ENVIRONMENTAL COMMITTEE

PASS 9-0
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into an agreement with AJ Diana Sons for the disposal of leaves for 2009, and declaring an emergency.

ORDINANCE NO. 104 – 2009

BY: HEALTH, WELFARE & BLDG REGULATION

PASS 9-0
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract with Love Insurance Agency for boiler and machinery insurance and crime insurance coverage, and declaring an emergency.

ORDINANCE NO. 105 – 2009

BY: PUBLIC UTILITIES COMMITTEE

PASS 9-0
AN ORDINANCE authorizing all actions necessary to effect a governmental electricity aggregation program with opt-out provisions pursuant to Section 4928.20 Ohio Revised Code, directing the Stark County Board of Elections to submit a ballot question to the electors and authorizing the execution of an agreement with Independent Energy Consultants, Inc., for such purposes, and declaring an emergency.

ORDINANCE NO. 106 – 2009

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

PASS 9-0
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to sign the Right of Way Acquisition Proposal with ME Companies for the intersection of Lincoln Way East (SR172) and 27th Street, and declaring an emergency.

ORDINANCE NO. 107 – 2009

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

PASS 9-0

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into an agreement with the Board of Stark County Commissioners, upon approval of the Board of Control, for the purchase of salt for ice control on the city streets for the 2009-2010 winter season, and declaring an emergency.

ORDINANCE NO. 108 – 2009

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

PASS 9-0

AN ORDINANCE vacating a portion of a certain public alley at 112 1st Street NE, and declaring an emergency.

ORDINANCE NO. 109 – 2009

BY: FINANCE COMMITTEE

PASS 9-0

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to submit an application for Ohio Public Works Commission Funding for the 2010 funding year, and declaring an emergency.

ORDINANCE NO. 110 – 2009

BY: FINANCE COMMITTEE

PASS 9-0

AN ORDINANCE making certain appropriations from the unappropriated balance of the Municipal Road Fund, Wastewater Treatment Capital Improvement Fund, Community Development Block Grant Program Fund, Park & Rec. Fund and the Capital Improvement Fund, for the year ending December 31, 2009, and declaring an emergency.

RESOLUTION NO. 12 – 2009

BY: PUBLIC UTILITIES COMMITTEE

PASS 9-0

A RESOLUTION authorizing all actions to effect a governmental natural gas aggregation program with opt-in provisions pursuant to Article 18.04, Ohio Constitution and authorizing and directing the Director of Public Service and Safety to enter into an agreement with Independent Energy Consultants, Inc., for the consulting services and any other required services related to natural gas aggregation.

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 JULY 2009
 - B). TREASURER SUBMITS MONTHLY REPORT FOR JULY 2009
 - C). FIRE CHIEF SUBMITS MONTHLY REPORT FOR JULY 2009
 - D). INCOME TAX DEPARTMENT SUBMITS MONTHLY REPORT FOR JULY 2009
 - E). WASTE DEPARTMENT SUBMITS MONTHLY REPORT FOR JULY 2009
11. REPORTS OF COMMITTEES
12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

13. CALL OF THE CALENDAR

TABLED FROM AUGUST 3, 2009

ORDINANCE NO. 78 – 2009**BY: PUBLIC UTILITIES COMMITTEE***PASS 8-1 (TOWNSEND)*

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

14. THIRD READING ORDINANCES AND RESOLUTIONS**ORDINANCE NO. 88 – 2009****BY: COMMUNITY DEVELOPMENT COMMITTEE***PASS 7-2 (TOWNSEND, CATAZARO - PERRY)*

AN ORDINANCE declaring the improvement of certain real property located in the City of Massillon, Ohio to be a public purpose, declaring such property to be exempt from real property taxation, designating the improvements to be made that will directly benefit or serve such real property; requiring the owner of such real property to make annual service payments in lieu of taxes; establishing a municipal public improvement tax increment equivalent fund for the deposit of service payments; and declaring an emergency.

ORDINANCE NO. 89 – 2009**BY: COMMUNITY DEVELOPMENT COMMITTEE***PASS 7-2 (TOWNSEND, CATAZARO - PERRY)*

AN ORDINANCE declaring the improvement of certain real property located in the City of Massillon, Ohio to be a public purpose; declaring such property to be exempt from real property taxation; designating the improvements to be made that will directly benefit or serve such real property; requiring the owner of such real property to make annual service payments in lieu of taxes; establishing a municipal public improvement tax increment equivalent fund for the deposit of service payments; and declaring an emergency.

ORDINANCE NO. 90 – 2009**BY: COMMUNITY DEVELOPMENT COMMITTEE***PASS 7-2 (TOWNSEND, CATAZARO - PERRY)*

AN ORDINANCE declaring the improvement of certain real property located in the City of Massillon, Ohio to be a public purpose; declaring such property to be exempt from real property taxation; designating the improvements to be made that will directly benefit or serve such real property; requiring the owner of such real property to make annual service payments in lieu of taxes; establishing a municipal public improvement tax increment equivalent fund for the deposit of service payments; and declaring an emergency.

ORDINANCE NO. 93 – 2009**BY: FINANCE COMMITTEE***PASS 6-3 (TOWNSEND, CATAZARO - PERRY, ANDERSON)*

AN ORDINANCE making certain appropriations from the unappropriated balance of the Marketplace Infrastructure Fund, for the year ending December 31, 2009, and declaring an emergency.

15. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 96 – 2009

BY: COMMUNITY DEVELOPMENT COMMITTEE

PASS 9-0
AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an amendment to the existing Agreement between the City of Massillon and Shearer's Foods Inc., under the Ohio Urban Jobs and Enterprise Zone Program, and declaring an emergency.

ORDINANCE NO. 101 – 2009

BY: FINANCE COMMITTEE

2ND READING
AN ORDINANCE amending CHAPTER 133 "AUDITOR" of the Codified Ordinances of the City of Massillon, by enacting new Subsection 113.05 "PAYMENT OF DIRECT DEPOSIT", 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: AUGUST 17, 2009

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 102 - 2009

BY: COMMITTEE OF THE WHOLE

TITLE: AN ORDINANCE repealing Ordinance No. 45 – 1996 and enacting a new police on harassment in the workplace, 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. 45 – 1996 is hereby repealed:

Section 2:

The Council of the City of Massillon, Ohio, hereby finds that it is in the best interest of the City of Massillon to adopt said policy.

Section 3:

The Administration of the City of Massillon, Ohio, is hereby authorized and directed to adopt a revised policy on harassment in the workplace for employees. A copy of said policy is hereby attached as Exhibit "A".

(SEE ATTACHED HERETO)

Section 4:

That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, welfare and safety and for the further reason that the policy for harassment in the workplace needs to be updated for the betterment of the employees of the City of Massillon. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

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ATTACHMENT D

[Revised 11-01-2008]

RECEIVED

OCT 28 2008

M.L.L.

CITY OF MASSILLON**POLICY ON HARASSMENT IN THE
WORKPLACE!****{STATEMENT OF PURPOSE/INTENT!}**

It is the policy of the City of Massillon that all employees should be able to work in an environment free from all forms of Harassment. Harassment as defined by this policy as unwelcome conduct that is based on Race, Color, Sex, Religion, National Origin, Disability, and /or Age. Harassment becomes, unlawful, where enduring the offensive conduct becomes a condition of continued employment, or the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

Harassment can take many forms. This policy refers to Harassment that can occur by the Victim's supervisor, a supervisor in another area, an agent- of -the - employer, a co-worker, or a non-employee. The Victim does not have to be the person harassed, but can be anyone affected by the offensive conduct. Unlawful Harassment may occur without economic injury to, or discharge of the Victim. Any complaints of Harassment shall be investigated promptly.

If an employee believes that he or she is being subjected to any of the prohibited forms of Harassment or believes he or she is being retaliated against because they filed a discrimination charge, testified or participated in any way in an investigation proceeding, or lawsuit; or opposed a employment practice that they reasonably believed did discriminate against an individual(s) in violation of this policy, must bring the violation (s) to the attention of the City. The very nature of harassment makes it virtually impossible to detect unless the person (s) being harassed registers his or her discontent with the appropriate City Representative. There shall be no intimidation, discrimination, or retaliation against any employee who makes a bona fide report of Harassment.

I. SEXUAL HARASSMENT- DEFINITION

Harassment on the basis of sex is a violation of Title VII of the 1964 Civil Rights Act. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute Sexual Harassment when:

- A. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- B. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- C. Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment, or unreasonable interference with a person's ability to perform his or her job.

II. RACIAL HARASSMENT- DEFINITION

Failing to provide a work environment free of Racial Harassment is a form of discrimination under Title VII. A hostile work environment can be comprised of various types of conduct. Examples include offensive jokes, slurs, epithets or name-calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance. The conduct need not be explicitly racial in nature, but race must be a reason that the work environment is hostile. There are two requirements for race-based conduct to trigger Unlawful Harassment:

- A. Unwelcome Conduct. The conduct must be unwelcome in the sense that the alleged victim did not solicit or incited the conduct and regarded it as undesirable or offensive.
- B. Severe or Pervasive. Racially Abusive conduct does not have to be so egregious that it causes economic or psychological injury.

Racial Harassment that may be seen as sufficient enough to create a hostile work environment may include any of the following:

- The frequency of the discriminatory conduct;
- The severity of the conduct;
- Whether the conduct was physically threatening or humiliating;
- Whether it unreasonably interfered with the employee's work Performance; and
- The context in which the harassment occurred, as well as, any other relevant factor.

Examples of the types of conduct and incidents that constitute a hostile and/or abusive work environment under the protection of Title VII, may include; but is not limited to:

- A. Threats or insinuations, implicit or explicit, that any employee's refusal to submit to sexual advances will adversely affect the employee's retention, evaluation, wages promotion, duties or any other conduct of employment;
- B. Unwelcome sexual flirtations, advances, contact or propositions;
- C. Verbal or written abuse of a sexual nature;
- D. Graphic verbal comments about an individual's body;
- E. Sexual comments of a provocative or suggestive nature;
- F. Sexually degrading words used to describe an individual;
- G. Sexually oriented jokes or innuendoes intended for or directed to another employee;
- H. The display in the work place of sexually suggestive objects or pictures.
- I. An actual or depicted noose or burning cross or any other manifestation of an actual or threatened racially motivated physical assault;
- J. A favorable reference to the Ku Klux Klan,
- K. An unambiguous racial epithet such as the "N- word" and/or a racial comparison to an animal.

III. Reporting Conduct and/or Acts of Harassment

Should any employee of the City of Massillon believe that he or she has been subjected to any form of Harassment in the workplace; he or she should respond to the alleged incident immediately in a fair serious and progressive manner.

Steps that should be taken/ How to report an incident!

- A. First, the employee should be sure that the person (s) who is harassing actually knows that you do not welcome the specific conduct, comment or actions. "Put him or her on notice"; "Tell them to stop".
- B. If the harassment continues, write down each offensive advance/comment/action. Be as specific as possible, including time, date and location. Note the name (s) of any co-worker (s), who may have witnessed and/or overheard the alleged harassment.
- C. Inform your immediate supervisor or any one of the following authorities in your chain of command that you are comfortable with. He or She may be the Department Manager, Safety Service Director, Mayor or the EEO Director. (Should the incident of harassment be created by your immediate supervisor report the incident to next higher person in position of the chain of command or the EEO Director)

IV. CONFIDENTIALITY

A record of the complaint and the findings will become a part of the complaint investigation record and the file will be maintained separately from the employee's personnel file. It is understood that any person electing to utilize this complaint resolution procedure will be treated courteously and with the insurance that all matters contained in the complaint shall remain confidential. The allegations will be investigated within thirty (30)- days- and resolved within sixty (60) days if possible.¹

V. DISCIPLINE/DISCHARGE FOR VIOLATION

Any employee who is found to have engaged in any form of "Workplace Harassment", after the appropriate investigation and due process; will be subject to discipline, up to and including discharge, pursuant to the terms of this policy, local, state and federal law and any applicable rule or order.

VI. NO RETALIATION FOR FILING A COMPLAINT

The registering of a Harassment complaint shall, in no way, be used or held against the employee; nor will it, have an adverse impact on the complaining individual's employment status, unless the complaint was found to be false or perjury by a court of law or a governmental administrative agency.

"NO RETALIATION WILL OCCUR AS A RESULT OF FILING A REPORT."

It is unlawful for an employer to retaliate against you because you filed a charge or because you aided in an investigation involving any form of "Harassment in the Workplace".

"If you believe retaliation has occurred", contact your Supervisor, Department Manager, Safety-Service Director, Mayor or the Equal Employment Opportunity Director, immediately.

DATE: AUGUST 17, 2009

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 103 - 2009

BY: ENVIRONMENTAL COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into an agreement with A J Diana Sons for the disposal of leaves for 2009, and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby determines it to be necessary in the public health, safety and welfare to enter into an agreement with A J Diana Sons for the disposal of leaves for 2009, collected by the city from residents.

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 A J Diana Sons for the disposal of leaves for 2009. The cost for the disposal of the leaves is not to exceed Twenty-Five Thousand Dollars (\$25,000.00).

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 the agreement is signed so the disposal of the leaves can begin in a timely manner. 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.

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DATE: AUGUST 17, 2009

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

Passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 104 - 2009

BY: HEALTH, WELFARE & BUILDING REGULATIONS COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract with Love Insurance Agency for boiler and machinery insurance and crime insurance coverage, 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 with Love Insurance Agency for boiler and machinery insurance and crime insurance coverage for 2009 – 2010 year.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized to enter into contract with Love Insurance Agency for boiler and machinery insurance and crime insurance coverage for 2009 – 2010 year.

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 enter into a contract with Love Insurance Agency as the previous policies are about to expire. 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: AUGUST 17, 2009

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

Passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 105 - 2009

BY: PUBLIC UTILITIES COMMITTEE

TITLE: AN ORDINANCE authorizing all actions necessary to effect a governmental electricity aggregation program with opt-out provisions pursuant to Section 4928.20 Ohio Revised Code, directing the Stark County Board of Elections to submit a ballot question to the electors and authorizing the execution of an agreement with Independent Energy Consultants, Inc., for such purposes, and declaring an emergency.

WHEREAS, the Ohio Legislature has enacted electric deregulation legislation ("Am. Sub. S.B. No. 3") which authorizes the legislative authorities of municipal corporations to aggregate the retail electric loads located in the respective jurisdictions and to enter into service agreements to facilitate for those loads the purchase and sale of electricity;

WHEREAS, governmental aggregation provides an opportunity for residential and small business customers collectively to participate in the potential benefits of electricity deregulation through lower electric rates which they would not otherwise be able to have individually;

WHEREAS, the Council of the City of Massillon, Ohio, seeks to establish a governmental aggregation program with opt-out provisions pursuant to Section 4928.20, Ohio Revised Code (the Aggregation Program'), for the residents, businesses and other electric consumers in the City and in conjunction jointly with any other political subdivision of the State of Ohio, as permitted by law.

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

Section I:

The Council of the City of Massillon, Ohio, finds and determines that it is in the best interest of the City, its residents, businesses and other electric consumers located within the corporate limits of the City to establish the Aggregation Program in the City. Provided that this Ordinance and the Aggregation Program is approved by the electors of the City pursuant to Section 2 of this Ordinance, the City is hereby authorized to aggregate in accordance with Section 4928.20, Ohio Revised Code, the retail electrical loads located within the City, and, for that purpose, to enter into service agreements to facilitate for those loads the sale and purchase of electricity. The City may exercise such authority jointly with any other political subdivision of the State of Ohio using Independent Energy Consultants, Inc., an energy broker and aggregator certified by the Public Utilities Commission of Ohio, to the full extent permitted by law, and for such purpose, the Safety Service Director is hereby authorized to execute and deliver a brokerage agreement with Independent Energy Consultants, Inc. The aggregation will occur automatically for each person owning, occupying, controlling, or using an electric load center proposed to be aggregated and will provide for the opt-out rights described in Section 3 of this Ordinance.

Section 2:

The Board of Elections of Stark County is hereby directed to submit the following question to the electors of the City at the general election on November 3, 2009.

Shall the City of Massillon have the authority to aggregate the retail electric loads located in the City, and for the purpose, enter into service agreements to facilitate for those loads the sale and purchase of electricity, such aggregation to occur automatically except where any person elects to opt out, all in accordance with Section 4928.20 of the Ohio Revised Code and Ordinance No. 105-2009 adopted by City Council?

The Clerk of Massillon City Council is instructed immediately to file a certified copy of this Ordinance and the proposed form of the ballot question with the County Board of Elections not less than seventy-five (75) days prior to November 3, 2009. The Aggregation Program shall not take effect unless approved by a majority of the electors voting upon this Ordinance and the Aggregation Program provided for herein at the election held pursuant to this Section 2 and Section 4928.20, Ohio Revised Code.

Section 3:

Upon the approval of a majority of the electors voting at the general election provided for in Section 2 of this Ordinance, this Council individually or jointly through Independent Energy Consultants, Inc., shall develop a plan of operation and governance for the Electric Aggregation Program. Before adopting such plan, this Council shall hold at least two public hearings on the plan. Before the first hearing, notice of the hearings shall be published once a week for two consecutive weeks in a newspaper of general circulation in the City. The notice shall summarize the plan and state the date, time, and location of each hearing. No plan adopted by this Council shall aggregate the electrical load of any electric load center within the City unless it in advance clearly discloses to the person owning, occupying, controlling, or using the load center that the person will be enrolled automatically in the Aggregation Program and will remain so enrolled unless the person affirmatively elects by a stated procedure not to be so enrolled. The disclosure shall allow any person enrolled in the Aggregation Program the opportunity to opt out of the program every three years, without paying a switching fee. Any such person that opts out of the Aggregation Program pursuant to the stated procedure shall default to the standard service offer provided under division (a) of Section 4928.14 or division (d) of Section 4928.35; Ohio Revised Code until the person chooses an alternative supplier.

Section 4:

The Council of the City of Massillon, Ohio, finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 5:

This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the City, and for the further reason that this Ordinance is required to be effective in order to file a certified copy of this Ordinance and the proposed form of the ballot question with the Board of Elections of Stark County not later than seventy-five (75) days prior to the November 3, 2009 election, as provided herein; wherefore, this Ordinance shall be in full force and effect immediately upon its adoption and approval by the Mayor.

Section 6:

The Safety Service Director is hereby authorized and directed to enter into an agreement with Independent Energy Consultants, Inc., for consulting services and any other required services related to electric utility deregulation for the City of Massillon and ratifying any such services heretofore performed.

Section 7:

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 must be passed in order to be put on the ballot for November 3, 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

ATTEST: _____

MARY BETH BAILEY, CLERK OF COUNCIL

GLENN E. GAMBER, PRESIDENT

APPROVED: _____

FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: AUGUST 17, 2009

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

Passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 106 - 2009

BY: STREET, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to sign the Right of Way Acquisition Proposal with ME Companies for the intersection of Lincoln Way East (SR172) and 27th Street, 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 the Right of Way Acquisition Proposal with ME Companies for the intersection of Lincoln Way East (SR172) and 27th Street.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized to sign the Right of Way Acquisition Proposal with ME Companies for the intersection of Lincoln Way East (SR172) and 27th Street. This is part of the intersection project that is being designed by URS Corporation. This project has the same financing split as the entire project, 90% ODOT and 10% City.

(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.

City of Massillon

Lincoln Way and 27th Street Intersection

Right of Way Acquisition Cost Proposal

	Quantity	Fee Each	Total
Title Reports			
Mini Titles	0	\$ 175	\$ -
Full Title Report	4	\$ 400	\$ 1,600
Appraisals			
Value Finding Report Type	4	\$ 1,000	\$ 4,000
Comparable Sales Research	1	\$ 750	\$ 750
Negotiations			
Warranty Deed/Temp Easements	4	\$ 975	\$ 3,900
Acquisition Package Preparation	4	\$ 175	\$ 700
Billing Package Preparation	4	\$ 75	\$ 300
Closings and Recordings			
Recordings (T only)	0	\$ 120	\$ -
Full Closing	4	\$ 425	\$ 1,700
Project Management			
	4	\$ 350	\$ 1,400
Grand Total			\$ 14,350

DATE: AUGUST 17, 2009

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS


LEGISLATIVE DEPARTMENT

ORDINANCE NO. 107 - 2009

BY: STREET, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into an agreement with the Board of Stark County Commissioners, upon approval of the Board of Control, for the purchase of salt for ice control on the city streets for the 2009-2010 winter season, 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 an agreement with the Board of Stark County Commissioners, upon approval of the Board of Control, for the purchase of salt for ice control on city streets for the 2009-2010 winter season.

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 the Board of Stark County Commissioners, upon approval of the Board of Control, for the purchase of salt for ice control on city streets for the 2009-2010 winter season.

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, participating in the cooperative purchase program saves the city money in its salt purchases and for the additional reason for the more efficient operation of the Street Department in the City of Massillon during the winter months of 2009-2010. 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: AUGUST 17, 2009

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

Passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 108 – 2009

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE vacating a portion of a certain public alley at 112 1st St NE.

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

WHEREAS, upon hearing, the Council hereby find 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:

A request to vacate an unnamed 10 foot wide alley lying between Federal Avenue NE and North Avenue NE and running west to east between 1st NE and Conrad Place NE. The total length to be vacated is approximately 132 feet. The vacated portion will be combined with the adjacent property to the north. The applicant is Robert P. Rohr.

Section 2:

This Ordinance is hereby declared to be an emergency measure for the immediate preservation of the health, safety, and welfare and for the continued efficient operation of the City of Massillon, Ohio, the portion of the street to be vacated is no longer needed for municipal purposes. 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

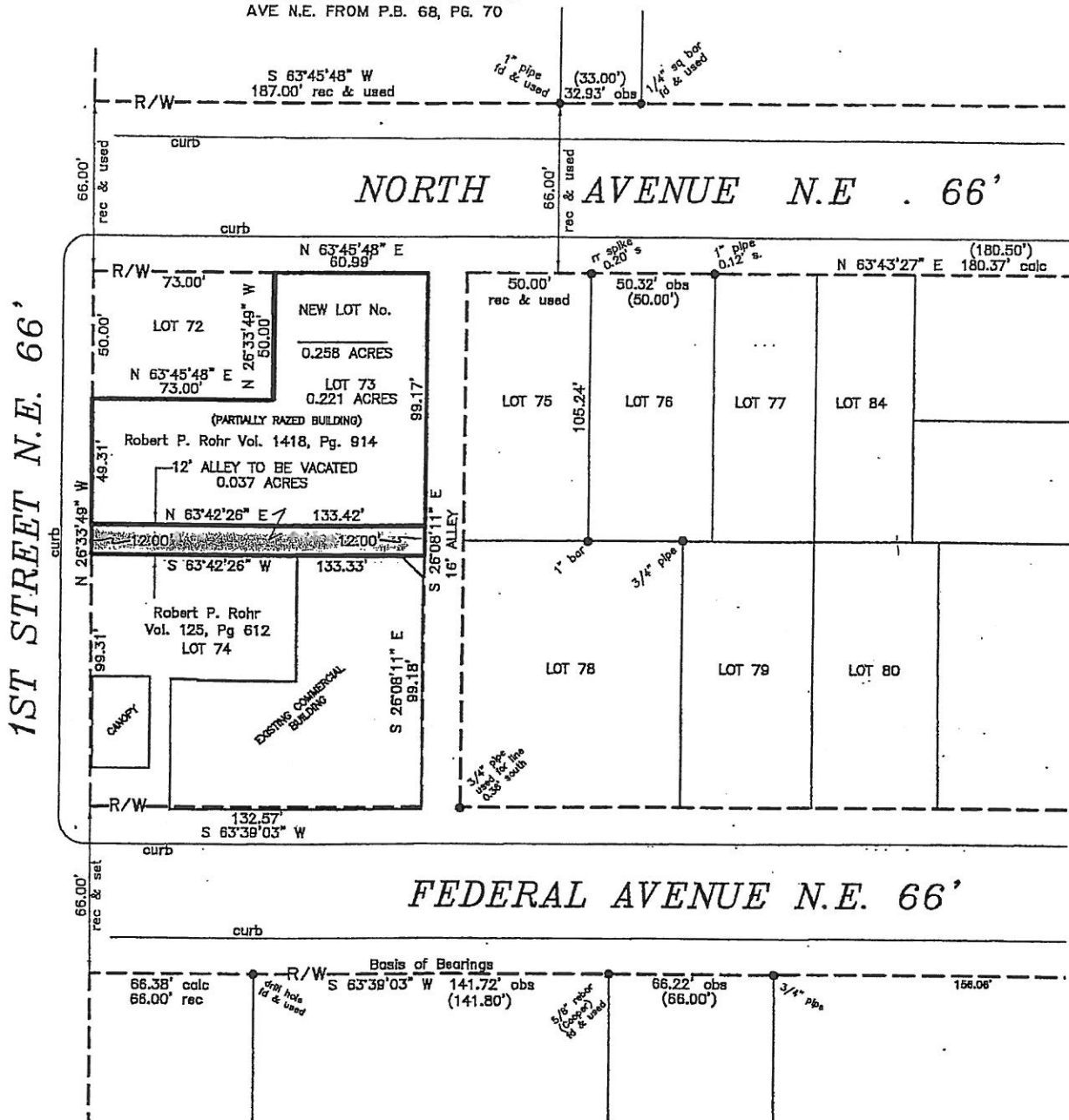


0 40' 80'
SCALE: 1"=40'

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR
THIS SURVEY IS S 63°39'03" W
AS THE SOUTH LINE OF FEDERAL
AVE N.E. FROM P.B. 68, PG. 70

VACATION OF A 12' UNNAM AND THE REPLAT OF L LOCATED IN THE CITY OF MASSILL STARK COUNTY, OHIO.



Vacation & Replat

For Robert Rohr
City of Massillon
State of Ohio



CAMPBELL &
ASSOCIATES, INC.
Surveying - Engineering
(330) 945-4117
www.campbellsurvey.com

1923 Bolley Road Suite A Cuyahoga Falls, Ohio 44221

Date: July 2009

By: DG

Scale: 1"=40'

Job: 20090223

Sheet 1 of 1

LEGEND

REC. - RECORD
CALC. - CALCULATED
OBS. - OBSERVED

T.P.O.B. - TRUE PLACE OF BE

● - MONUMENT FOUND SI
TYPE AS INDICATED.

○ - 5/8" REBAR, 30" IN
WITH C. & A. I.D. C/

5/8" rebar
(Cooper)
1/4" & used

DATE: AUGUST 17, 2009 CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 109- 2008

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to submit an application for Ohio Public Works Commission Funding for the 2010 funding year, 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 and in the public health, safety and welfare to authorize the Mayor of the City of Massillon, Ohio, to submit an application for Ohio Public Works Commission Funding for the 2010 funding year and execute any such documents necessary to obtain such funding.

Section 2:

That the Mayor of the City of Massillon, Ohio, is hereby authorized and directed to submit an application for the 2010 Ohio Public Works Commission Funding and execute any documents necessary to obtain such funding for the following projects for the year 2010. Said projects shall be as follows:

- A. Tremont Avenue SW Improvement Project
- B. Noble Place Improvement Project
- C. Nova Industrial Park Pump Station Replacement Project
- D. 9th Street SW Resurfacing Project

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 to submit the application in order to receive Ohio Public Works Funding. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

2nd page is the signature page

DATE: AUGUST 17, 2009

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

Passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO.110 – 2009

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Municipal Road Fund, Wastewater Treatment Capital Improvement Fund, Community Development Block Grant Program Fund, 16th Street/Intersection Improvement Fund, Collection System Improvement Fund, Park & Rec. Fund and the Capital Improvement 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:

\$415,944.03 to an account entitled "Wales Rd Resurfacing" 1409.435.2398

Section 2:

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

\$95,000.00 to an account entitled "Contracted Services" 1406.615.2392

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:

\$65,002.60 to an account entitled "Downtown Sidewalk Project" 1203.845.2870

Section 4:

There be and hereby is appropriated from the unappropriated balance of the 16th Street/Intersection Improvement Fund, for the year ending December 31, 2009, the following:

\$64,801.41 to an account entitled "Intersection Design Projects" 1410.435.2511

Section 5:

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

\$12,000.00 to an account entitled "Sanitary Sewer Improvements" 1414.610.2510

Section 6:

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

\$6,000.00 to an account entitled "Refunds" 1234.505.2750

Section 7:

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

\$4,000.00 to an account entitled "Services/Contracts" 1401.325.2392

Section 8:

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: AUGUST 17, 2009

CLERK: MARY BETH BAILEY

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

COUNCIL CHAMBERS

Passed
LEGISLATIVE DEPARTMENT

RESOLUTION NO. 12 - 2009

BY: PUBLIC UTILITIES COMMITTEE

TITLE: A RESOLUTION authorizing all actions necessary to effect a governmental natural gas aggregation program with opt-in provisions pursuant to Article 18.04, Ohio Constitution and authorizing and directing the Director of Public Service and Safety to enter into an agreement with Independent Energy Consultants, Inc. for consulting services and any other required services related to natural gas aggregation.

WHEREAS, the Ohio Constitution permits municipalities to act as purchasing agent for group of consumers located within their jurisdiction, and contract with others for any such product or service.

WHEREAS, governmental aggregation provides an opportunity for residential and small business customers collectively to participate in the potential benefits of natural gas deregulation through lower natural gas rates which they would not otherwise be able to have individually;

WHEREAS, this Council seeks to establish a governmental aggregation program with opt-in provisions pursuant to Article 18.04, Ohio Constitution for the residents, businesses and other natural gas consumers in the City, as permitted by law.

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

Section 1:

That the Director of Public Service and Safety is hereby authorized and directed to enter into an agreement with Independent Energy Consultants, Inc. for consulting services and any other required services related to natural gas utility aggregation for the City of Massillon and ratifying any such services heretofore performed.

Section 2:

This Council finds and determines that it is in the best interest of the City, its residents, businesses and other natural gas consumers located within the corporate limits of the City to establish the Aggregation Program in the City. The City may exercise such authority jointly with other municipalities using Independent Energy Consultants, Inc, as to the full extent permitted by law, and for such purpose, the Director of Public Service and Safety is hereby authorized to execute and deliver a service agreement with the selected natural gas program supplier. The aggregation will occur provided each interested person using natural gas service from Dominion East Ohio Gas within the city limits "opts-in" to the program by contacting the natural gas program supplier.

Section 3:

This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 4:

This Resolution is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the City, and for the further reason that this Resolution is required to be immediately effective in order to file a certified copy of this Resolution.

PASSED IN COUNCIL THIS _____ DAY OF _____ 2009

APPROVED _____
MARY BETH BAILEY CLERK OF COUNCIL

GLENN E. GAMBER, PRESIDENT

APPROVED _____

FRANCIS H. CICCHINELLI, JR., MAYOR