

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
TONY M. TOWNSEND, PRESIDENT
AGENDA

DATE: MONDAY, NOVEMBER 18, 2013
PLACE: COUNCIL CHAMBERS
TIME: 7:30 P.M.

THERE ARE NO PUBLIC HEARINGS TONIGHT

1. ROLL CALL
2. INVOCATION BY COUNCILMAN DONNIE PETERS, JR.
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. 132 – 2013

BY: COMMUNITY DEVELOPMENT COMMITTEE

1ST READING

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a purchase agreement between the City of Massillon and the Community Improvement Corporation of Massillon, Inc., for the sale of real estate located on the southeast corner of the intersection of Tremont Avenue SE and Hess Blvd SE, upon approval of the Board of Control.

ORDINANCE NO. 133 – 2013

BY: ENVIRONMENTAL COMMITTEE

PASS 9-0

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to prepare plans and specifications, advertise for and receive sealed bids and enter into a two year contract, upon award and approval of the Board of Control, with the lowest and best bidder for laboratory services at the Wastewater Treatment Plant in the City of Massillon, and declaring an emergency.

ORDINANCE NO. 134 – 2013

BY: POLICE AND FIRE COMMITTEE

1ST READING

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to sell the 1989 Ford F350 Ambulance to the Fire Department Rehab Unit (FDRU), which is no longer needed for any municipal purposes, and declaring an emergency.

ORDINANCE NO. 135 – 2013

BY: POLICE AND FIRE COMMITTEE

PASS 9-0

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to accept a donation towards the repairs to the wheels of the 1853 apparatus The Vigilant for the Massillon Fire Department, and declaring an emergency.

ORDINANCE NO. 136 – 2013

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 8.10 acres of real estate owned by the City of Massillon, and declaring an emergency.

ORDINANCE NO. 137 – 2013

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 10.65 acres of real estate owned by the City of Massillon, and declaring an emergency.

ORDINANCE NO. 138 – 2013

BY: RULES, COURTS AND CIVIL SERVICE

1ST READING

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a participation agreement with the Ohio AFSCME Care Plan for vision insurance coverage for City employees, and declaring an emergency.

ORDINANCE NO. 139 – 2013

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

1ST READING

AN ORDINANCE vacating a portion of an unnamed, unimproved 10 foot wide alley located between Cherry Road NE and Andrew Avenue NE, and declaring an emergency.

ORDINANCE NO. 140 – 2013

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

PASS 9-0

AN ORDINANCE accepting the dedication of right of way and easement areas for the Country View Meadows Phase I, located on 18.91 acres just east of Kelly Street SW. The request includes an approximate 400 foot extension of Linda Lane SW, from where the existing roadway currently ends, and declaring an emergency.

ORDINANCE NO. 141 – 2013

BY: FINANCE COMMITTEE

PASS 9-0

AN ORDINANCE making certain appropriations from the unappropriated balance of the 2105 Stormwater Utility Fund and the Income Tax Capital Improvement Fund, for the year ending December 31, 2013, and declaring an emergency.

ORDINANCE NO. 142 – 2013

BY: FINANCE COMMITTEE

PASS 9-0

AN ORDINANCE making certain transfers in the 2013 appropriations from within the Parks and Recreation Fund, for the year ending December 31, 2013, and declaring an emergency.

ORDINANCE NO. 143 – 2013

BY: FINANCE COMMITTEE

PASS 9-0

AN ORDINANCE amending Ordinance No. 149 – 2012 by revising the 2013 budget, and declaring an emergency.

ORDINANCE NO. 144 – 2013

BY: FINANCE COMMITTEE

PASS 9-0

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to accept the Wal-Mart Company Grant for the Massillon Parks and Recreation Department, and declaring an emergency.

7. UNFINISHED BUSINESS
8. PETITIONS AND GENERAL COMMUNICATIONS

LETTER FROM THE OHIO DIVISION OF LIQUOR CONTROL REGARDING A TRANSFER OF LIQUOR LICENSE FROM ELUM MUSIC CO. DBA ELUM MUSIC CO 1ST FL ONLY 280 FEDERAL AVE NW MASSILLON OHIO 44647 TO MY REWARD INC 213 ERIE ST S MASSILLON OHIO 44646

LETTER FROM THE OHIO DIVISION OF LIQUOR CONTROL REGARDING A NEW LIQUOR LICENSE FOR BUEHLER FOOD MARKETS INC 2226 LINCOLN WAY W MASSILLON OHIO 44647

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

A. MAYOR SUBMITS MONTHLY REPORT FOR SEPTEMBER 2013

11. REPORTS OF COMMITTEES
12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS
13. CALL OF THE CALENDAR – RECONSIDERATION OF ORDINANCE

ORDINANCE NO. 73 – 2013

BY: PARKS AND RECREATION COMMITTEE

PASS B-1 (SCASSA)
AN ORDINANCE amending CHAPTER 163 "RECREATION BOARD" of the Codified Ordinances of the City of Massillon, by repealing existing Subsections 163.03 "POWERS AND DUTIES", 163.04 "PARK AND RECREATION DEPARTMENT", and creating a new Subsection 163.06 "GOLF ADVISORY COMMITTEE OF THE LEGENDS OF MASSILLON GOLF CLUB", and declaring an emergency.

14. THIRD READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 120 – 2013

BY: ENVIRONMENTAL COMMITTEE

DEFEAT (5-4) - HEDDERLEY; SCASSA; PETERS; LEWIS; CHIVAN.
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids, and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the construction of a salt storage structure to be located at the Department of Public Works on Walnut Road SW, in the City of Massillon, and declaring an emergency.

ORDINANCE NO. 121 – 2013

BY: ENVIRONMENTAL COMMITTEE

PASS 9-0
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the Genshaft Park Sanitary Sewer Replacement Project in the City of Massillon, and declaring an emergency.

ORDINANCE NO. 122 – 2013

BY: HEALTH, WELFARE & BLDG REGULATIONS

PASS 9-0

AN ORDINANCE enacting a new CHAPTER 751 "CHARITABLE DONATION CONTAINERS", of the Codified Ordinances of the City of Massillon, and declaring an emergency.

ORDINANCE NO. 128 – 2013

BY: COMMITTEE OF THE WHOLE

DEFEAT (5-4) CHORAN; HAMPTON; HOSKIN; HALLER

AN ORDINANCE amending CHAPTER 121 "COUNCIL" of the Codified Ordinances of the City of Massillon, by enacting a new Section 121.02(q) Rules 64 "Who Admitted Within Bar".

15. SECOND READING ORDINANCES AND RESOLUTIONS

16. NEW AND MISCELLANEOUS BUSINESS

17. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS NOT ON THE AGENDA

18. ADJOURNMENT

MARY BETH BAILEY - CLERK OF COUNCIL

DATE: NOVEMBER 18, 2013

CLERK: MARY BETH BAILEY

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
TONY M. TOWNSEND, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 132 - 2013

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a purchase agreement between the City of Massillon and the Community Improvement Corporation of Massillon, Inc., for the sale of real estate located on the southeast corner of the intersection of Tremont Avenue SE and Hess Blvd SE, upon approval of the Board of Control.

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 purchase agreement between the City of Massillon and the Community Improvement Corporation of Massillon, Inc., for the sale of real estate located on the southeast corner of the intersection of Tremont Avenue SE and Hess Blvd SE, the same being more fully described on Exhibit "A" attached hereto, upon approval of the Board of Control.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to enter into the purchase agreement between the City of Massillon and the Community Improvement Corporation of Massillon, Inc., the terms of which are contained in Exhibit "A" attached hereto.

Section 3:

The purchase price for said real estate shall be \$12,000 (Twelve Thousand Dollars). The city will be receiving the \$12,000 (Twelve Thousand Dollars) through the Community Improvement Corporation of Massillon, Inc., and said funds will be used to pay for the purchase of this parcel of real estate.

Section 4:

The Clerk of Council is authorized to correct any typographical errors discovered herein during or after the pendency or passage of this ordinance. The Clerk of Council is further authorized, in conjunction with the Law Department and the Council President to correct any ministerial or de minimis errors that do not substantially alter the intended results or numerical total sums of this ordinance, during or after the pendency or passage of this ordinance. Corrected copies are to be sent to all official recipients.

Section 5:

This Ordinance 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 _____, 2013

ATTEST: _____

MARY BETH BAILEY, CLERK OF COUNCIL

TONY M. TOWNSEND, PRESIDENT

APPROVED: _____

KATHY CATAZARO-PERRY, MAYOR

PURCHASE AGREEMENT

This Agreement made and concluded at Massillon, Ohio, this _____ day of _____, 2013, by and between the City of Massillon, an Ohio Municipal Corporation, hereinafter designated as SELLER, and Community Improvement Corporation of Massillon, Inc., an Ohio Non-Profit Corporation hereinafter designated as BUYER.

WITNESSETH, THAT:

WHEREAS, SELLER has this day agreed to sell, and BUYER has this day agreed to buy from SELLER, the following described real estate, located in the City of Massillon, Stark County, Ohio and further described as follows:

See Attached Exhibit "A"

Part of Parcel No. 680206

NOW, THEREFORE, in consideration of mutual covenants and agreements hereinafter set forth, said SELLER and BUYER do for themselves, their heirs, executors, administrators, successors and assigns bind themselves and agree as follows:

- (1) **PURCHASE PRICE AND TERMS** – The purchase price for the sale of the property is \$12,000.00 payable as follows: BUYER shall pay to SELLER \$0.00 as a down payment, receipt of which is hereby acknowledged, and the balance of \$12,000.00 shall be paid in cash at the closing of this real estate transaction.
- (2) **POSSESSION** – SELLER shall give BUYER possession of the property immediately upon closing of this real estate transaction.
- (3) **CLOSING** – This Agreement shall be performed and this transaction shall be closed within 60 days after acceptance hereof, unless the parties hereto agree in writing to an extension thereof, and the closing shall be held at such time and place in Stark County, Ohio, as BUYER shall designate.
- (4) **EVIDENCE OF TITLE** – At BUYERS option and expense SELLER shall furnish an Owners Title Insurance Commitment ("Commitment") certified to the date of the delivery of the Deed, and, after the closing, an Owners Title Insurance Policy in the amount of the total purchase price.

The Commitment shall show in SELLER and the policy shall insure in BUYER a good and marketable title in fee simple free and clear of all liens and encumbrances except: (i) those created by or assumed by BUYER; (ii) those specifically set forth in this Agreement; (iii) zoning ordinances; (iv) legal highways; and (v) restrictions, conditions and utility easements of record

created or reserved as part of a general plan in and for the subdivision in which said property is located, provided the same do not prevent BUYER's intended use.

Copies of all documents constituting the exceptions referred to in the Commitment shall be attached thereto.

If the title to all or part of the parcels to be conveyed is defective or not marketable, or if any part of the property is subject to liens, encumbrances, easements, conditions or restrictions other than those excepted in this Agreement, or in the event of any encroachment, SELLER shall have a reasonable time, not to exceed thirty days, after written notice thereof, within which to remedy or remove any such defect, lien, encumbrance, easement, condition, restriction or encroachment. If SELLER is unable to remedy or remove, or secure title insurance or a title guaranty against such defect, lien, encumbrance, easement, condition, restriction or encroachment within said thirty day period, the amount of the down payment, if any, shall be returned to BUYER forthwith, and this transaction shall be null and void.

It is agreed by the parties hereto that marketability shall be determined in accordance with the Standards of Title Examination adopted by The Ohio State Bar Association and any matter which comes within the scope of said Standards shall not constitute a valid objection to the title provided SELLER complies with the requirements of said Standards.

- (5) DEED – SELLER shall convey to BUYER a good and marketable title in fee simple to each parcel by transferable and recordable Quit Claim Deed, free and clear of all liens and encumbrances, except those above mentioned, and the following: None
- (6) TAXES AND ASSESSMENTS – The real estate taxes and assessments, if any, shall be prorated through the date of the delivery of the Deed. The proration of undetermined taxes shall be based on a three hundred sixty-five day year and on the last available tax rate and valuation, and the amount so computed and adjusted shall be final.

Except as hereinafter set forth, SELLER warrants that all assessments now a lien are shown on the treasurer's duplicate and that no improvements (site or area) have been installed by public authority, the cost of which is to be assessed against said premises in the future; and SELLER further warrants that SELLER has not been notified of possible future improvements by any public authority.

- (7) GENERAL PROVISIONS – All warranties, representations and covenants herein contained shall survive the delivery of the Deed executed and delivered in performance hereof and if said Deed and this Agreement are inconsistent, the provision of this Agreement shall control.

This Agreement shall be governed by the laws of the State of Ohio.

Each signatory party hereto shall be bound irrespective of prior negotiation contemplating binding other parties not signatory hereto.

IN WITNESS WHERE OF, the parties herein have executed this Agreement as of the day and year first above written.

By: Alfred G. Hennon
Its: Director of Public Service and Safety

By: _____
Its: PRESIDENT

By: _____
Its: _____

The foregoing instrument was acknowledged before me _____, 2013,
by _____, as _____ on behalf of the
Community Improvement Corporation of Massillon, Inc.

3

STATE OF OHIO

SS:

STARK COUNTY

The foregoing instrument was acknowledged before me _____, 2013,
by _____ Alfred G. Hennon, Director of Public Service and Safety _____, on behalf of
the City of Massillon, who acknowledged that he did sign the foregoing instrument and that the
same is the free act and deed of him personally.

Notary Public



16TH ST SE 60'

18TH ST SE 60'

TREMONT AVE SE 60'

VERMONT

MASSACHUSETTS

OL 338
4.40 AC
21 0100

6384 12 3000
6383
6382
6381 12 2900
15564 21 AC 12 2700
17358 12 2400
6374 12 2200
6373 12 2100
6372 12 2000
6371 12 1900
6370 12 1800
6369 12 1700

6326
6325
6324 11 1800
6323 11 1900
6322 11 2000
6321 11 2100
6320 11 2200
6319 11 2300
6318 11 2400
6317 11 2500
6316 11 2600
6315 11 2700
6314 11 2800
6313 11 2900
6312 11 3000
6311 11 3100

6266 11 1500
17005 21 AC 11 1300
6263 11 1200
6262 11 1100
15957 21 AC 11 0900
6259 11 0800
6258 11 0700
6257 11 0600
6256 11 0500
6255
6254 11 0400
6253 11 0300
6252 11 0200
6251 11 0100

PT 17210 10 1500
17211 10 1200
6160 10 1800
6161 10 1900
6162 10 2000
6163 10 2100
6164 10 2200
6165 10 2300
PT 6166
6167 10 2500
6168 10 2600
6169 10 2700

6153
6152 10 1000
6151
6150 10 0800
6149 10 0700
6148 10 0600
PT 6147
6146 10 0400
6145 10 0300
6144 10 0200
6138

4963 14 0100
14575 13 0110
14576 13 0100
PT 10424 13 0300
PT 10424 13 0300
PT 10424 13 0500
PT 10425 13 0400
10426 13 0500
10427 13 0600
10428 13 0700
PT 10429 13 0800
10430 13 1000

DATE: NOVEMBER 18. 2013

CLERK: MARY BETH BAILEY

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
TONY M. TOWNSEND, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 133 - 2013

BY: ENVIRONMENTAL COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to prepare plans and specifications, advertise for and receive sealed bids and enter into a two year contract, upon award and approval of the Board of Control, with the lowest and best bidder for laboratory services at the Wastewater Treatment Plant in 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 prepare plans and specification, advertise for and receive sealed bids and enter into a two year contract, upon award and approval of the Board of Control, with the lowest and best bidder for laboratory services at the Wastewater Treatment Plant in the City of Massillon.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to prepare plans and specifications, advertise for and receive sealed bids and to enter into a two year contract, upon award and approval by the Board of Control, with the lowest and best bidder, as authorized in Section 1 of this Ordinance.

Section 3:

The Clerk of Council is authorized to correct any typographical errors discovered herein during or after the pendency or passage of this ordinance. The Clerk of Council is further authorized, in conjunction with the Law Department and the Council President to correct any ministerial or de minimis errors that do not substantially alter the intended results or numerical total sums of this ordinance, during or after the pendency or passage of this ordinance. Corrected copies are to be sent to all official recipients.

Section 4:

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 enter advertise for bids and enter into contract for laboratory services as the present contract expires soon. 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 _____ 2013.

APPROVED: _____
MARY BETH BAILEY, CLERK OF COUNCIL

TONY M. TOWNSEND, PRESIDENT

APPROVED: _____

KATHY CATAZARO-PERRY, MAYOR

DATE: NOVEMBER 18, 2013

CLERK: MARY BETH BAILEY

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
TONY M. TOWNSEND, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 134 - 2013

BY: POLICE AND FIRE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to sell the 1989 Ford F350 Ambulance to the Fire Department Rehab Unit (FDRU), which is no longer needed for any municipal purposes, 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 in the public health, safety and welfare to sell the 1989 Ford F350 Ambulance to the Fire Department Rehab Unit (FDRU), which is no longer needed for any municipal purpose.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized to sell the 1989 Ford F350 Ambulance to the Fire Department Rehab Unit (FDRU), which is no longer needed for any municipal purpose. The Fire Department Rehab Unit (FRRU) has agreed to purchase the ambulance in the amount of One Dollar (\$1.00) with the understanding that all signage with respect to the City of Massillon and/or Massillon Fire Department would be removed from the vehicle prior to the purchase.

Section 3:

The non-profit agency provides rehab (food, shelter, hydration, temperature control) to Safety crews operating at large structure fires. In the event of a large fire the Massillon Fire Department is able to use them as a mutual aid company.

Section 4:

The Clerk of Council is authorized to correct any typographical errors discovered herein during or after the pendency or passage of this ordinance. The Clerk of Council is further authorized, in conjunction with the Law Department and the Council President to correct any ministerial or de minimis errors that do not substantially alter the intended results or numerical total sums of this ordinance, during or after the pendency or passage of this ordinance. Corrected copies are to be sent to all official recipients.

Section 5:

This Ordinance is declared to be an emergency measure immediately necessary for the preservation of the health, safety and welfare of the community and for the additional reason the 1989 Ford F350 Ambulance is no longer needed any municipal purchase which would allow the Fire Department Rehab Unit (FDRU) to purchase the used ambulance. . 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 _____ 2013

APPROVED _____
MARY BETH BAILEY, CLERK OF COUNCIL

TONY M. TOWNSEND, PRESIDENT

APPROVED: _____

KATHY CATAZARO-PERRY, MAYOR

DATE: NOVEMBER 18, 2013

CLERK: MARY BETH BAILEY

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
TONY M. TOWNSEND, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 135 - 2013

BY: POLICE AND FIRE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to accept a donation towards the repairs to the wheels of the 1853 apparatus The Vigilant for the Massillon Fire Department, and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby determines it to be necessary in the public health, safety and welfare to accept a donation towards the repairs to the wheels of the 1853 apparatus The Vigilant for the Massillon Fire Department.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to accept a donation towards the repairs to the wheels of the 1853 apparatus The Vigilant for the Massillon Fire Department. The donation is being made in memory of Captain Vern Weisgarber by his immediate family.

Section 3:

The Clerk of Council is authorized to correct any typographical errors discovered herein during or after the pendency or passage of this ordinance. The Clerk of Council is further authorized, in conjunction with the Law Department and the Council President to correct any ministerial or de minimis errors that do not substantially alter the intended results or numerical total sums of this ordinance, during or after the pendency or passage of this ordinance. Corrected copies are to be sent to all official recipients.

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 reason that the donated dollars will be used towards the repairs to the wheels of the 1853 apparatus The Vigilant for the Massillon Fire Department. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

DATE: NOVEMBER 18, 2013

CLERK: MARY BETH BAILEY

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
TONY M. TOWNSEND, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 136 - 2013

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 8.10 acres 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 8.10 acres of real estate owned by the City of Massillon.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized to enter into a Non-Surface Development Gas & Oil Lease with Everflow Eastern Partners LP., for 8.10 acres of real estate 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:

The Clerk of Council is authorized to correct any typographical errors discovered herein during or after the pendency or passage of this ordinance. The Clerk of Council is further authorized, in conjunction with the Law Department and the Council President to correct any ministerial or de minimis errors that do not substantially alter the intended results or numerical total sums of this ordinance, during or after the pendency or passage of this ordinance. Corrected copies are to be sent to all official recipients.

Section 4:

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.

PASSED IN COUNCIL THIS _____ DAY OF _____ 2013

APPROVED: _____
MARY BETH BAILEY, CLERK OF COUNCIL

TONY M. TOWNSEND, PRESIDENT

APPROVED: _____

KATHY CATAZARO-PERRY, MAYOR

NON-DEVELOPMENT OIL & GAS LEASE

Sisko Unit Well #1

THIS AGREEMENT, made and entered into this _____ day of _____

_____, 2013, by and between _____

City of Massillon

151 Lincoln Way East

Massillon, Ohio 44646

(the Lessor) and EVERFLOW EASTERN PARTNERS, LP 585 West Main Street, P.O. Box 629, Canfield, Ohio 44406 (the Lessee).

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 one or more drilling units of no more than one hundred sixty acres each. It is agreed that Lessor is granting Lessee rights down to and including one hundred (100) feet below the Clinton sand formation only. This Lease is for five (5) year(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 judgement from any such unit. This lease covers all of Lessor's land in and adjoining Parcel ID # Refer to Exhibit "A" attached hereto and made part hereof, City/Township of Massillon, County of Stark, State of Ohio containing 8.10 acres, more or less, being all of the land owned by Lessor in said township or adjoining tract.

2. Lessor shall be paid as royalties a proportional share of one-eighth (1/8th) of the proceeds realized by Lessee on all the oil and gas sold off any unit including Lessor's acreage or any of it, 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(s) may pass through or terminate below the surface of Lessor's property. The surface location of any new well or new tank battery shall not be within one hundred feet of a pre-existing occupied dwelling on said premises, and this lease shall operate as Lessor's consent to that one hundred foot setback.

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 Lessor's 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. 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, agreement or obligation shall be read into this agreement or imposed upon either party.

7. Lessee shall indemnify and save Lessor harmless from and against all claims, demands, actions, liabilities, losses expenses (including reasonable attorney fees) and costs arising from the negligence of the Lessee in the operations, repair, maintenance, installation, alteration, inspection, replacement, removal or renewal of any oil and gas well, pipeline and appurtenances thereto.

8. Lessee agrees to provide Lessor with a Certificate of Insurance naming the Lessor as an additional insured with respect to Lessor's operations.

9. Lessee agrees to pay Lessor a signing bonus of Two Thousand Five Hundred Dollars (\$2,500.00) payable prior to actual commencement of drilling.

CITY OF MASSILLON

By: _____

Its: _____

EVERFLOW EASTERN PARTNERS, L.P.

By: Everflow Management Limited, LLC
General Partner

By: Everflow Management Corporation,
Managing Member

By: _____

William A. Siskovic
President

Its: _____

STATE OF OHIO :
:SS

COUNTY OF _____:

The foregoing instrument was acknowledged before me this _____ day of _____, 2013 by _____

Notary Public
My commission expires:

STATE OF OHIO :
:SS
COUNTY OF Mahoning _____:

The foregoing instrument was acknowledged before me this _____ day of _____, 2013 by William A. Siskovic, President, Everflow Eastern Partners, L.P.

Notary Public

My commission expires:

Prepared by:
Everflow Eastern Partners, LP, P. O. Box 629, Canfield, OH 44406

DATE: NOVEMBER 18, 2013

CLERK: MARY BETH BAILEY

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
TONY M. TOWNSEND, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 137 - 2013

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 10.65 acres 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 10.65 acres of real estate owned by the City of Massillon.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized to enter into a Non-Surface Development Gas & Oil Lease with Everflow Eastern Partners LP., for 10.65 acres of real estate 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:

The Clerk of Council is authorized to correct any typographical errors discovered herein during or after the pendency or passage of this ordinance. The Clerk of Council is further authorized, in conjunction with the Law Department and the Council President to correct any ministerial or de minimis errors that do not substantially alter the intended results or numerical total sums of this ordinance, during or after the pendency or passage of this ordinance. Corrected copies are to be sent to all official recipients.

Section 4:

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.

PASSED IN COUNCIL THIS _____ DAY OF _____ 2013

APPROVED: _____
MARY BETH BAILEY, CLERK OF COUNCIL

TONY M. TOWNSEND, PRESIDENT

APPROVED: _____

KATHY CATAZARO-PERRY, MAYOR

NON-DEVELOPMENT OIL & GAS LEASE

Oser Unit Well #1

THIS AGREEMENT, made and entered into this _____ day of _____

_____, 2013, by and between _____

City of Massillon

151 Lincoln Way East

Massillon, Ohio 44646

(the Lessor) and EVERFLOW EASTERN PARTNERS, LP 585 West Main Street, P.O. Box 629, Canfield, Ohio 44406 (the Lessee).

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 one or more drilling units of no more than one hundred sixty acres each. It is agreed that Lessor is granting Lessee rights down to and including one hundred (100) feet below the Clinton sand formation only. This Lease is for five (5) year(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 judgement from any such unit. This lease covers all of Lessor's land in and adjoining Parcel ID # _____ Refer to Exhibit "A" attached hereto and made part hereof, City/Township of Massillon, County of Stark, State of Ohio containing 10.65 acres, more or less, being all of the land owned by Lessor in said township or adjoining tract.

2. Lessor shall be paid as royalties a proportional share of one-eighth (1/8th) of the proceeds realized by Lessee on all the oil and gas sold off any unit including Lessor's acreage or any of it, 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(s) may pass through or terminate below the surface of Lessor's property. The surface location of any new well or new tank battery shall not be within one hundred feet of a pre-existing occupied dwelling on said premises, and this lease shall operate as Lessor's consent to that one hundred foot setback.

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 Lessor's 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. 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, agreement or obligation shall be read into this agreement or imposed upon either party.

7. Lessee shall indemnify and save Lessor harmless from and against all claims, demands, actions, liabilities, losses expenses (including reasonable attorney fees) and costs arising from the negligence of the Lessee in the operations, repair, maintenance, installation, alteration, inspection, replacement, removal or renewal of any oil and gas well, pipeline and appurtenances thereto.

8. Lessee agrees to provide Lessor with a Certificate of Insurance naming the Lessor as an additional insured with respect to Lessor's operations.

9. Lessee agrees to pay Lessor a signing bonus of Five Thousand Dollars ~~(\$5,000.00)~~ payable prior to actual commencement of drilling.

CITY OF MASSILLON

By: _____

Its: _____

EVERFLOW EASTERN PARTNERS, L.P.

By: Everflow Management Limited, LLC
General Partner

By: Everflow Management Corporation,
Managing Member

By: _____

William A. Siskovic

Its: President _____

STATE OF OHIO :

:SS

COUNTY OF _____ :

The foregoing instrument was acknowledged before me this _____ day of _____, 2013 by _____

Notary Public

My commission expires: _____

STATE OF OHIO

:
:SS

COUNTY OF Mahoning

The foregoing instrument was acknowledged before me this _____ day of _____, 2013 by William A. Siskovic, President, Everflow Eastern Partners, L.P.

Notary Public

My commission expires:

Prepared by:

Everflow Eastern Partners, LP, P. O. Box 629, Canfield, OH 44406



1. Name of the Corporation or other legal entity: 2nd National Corporation of NYC 2. State of incorporation: NY 3. Date of filing: 01/11/2011 4. Filing office: NY 5. Filing fee: \$0.00 6. Filing type: Initial 7. Filing method: Online 8. Filing status: Active 9. Filing date: 01/11/2011 10. Filing time: 10:00 AM 11. Filing office: NY 12. Filing fee: \$0.00 13. Filing type: Initial 14. Filing method: Online 15. Filing status: Active 16. Filing date: 01/11/2011 17. Filing time: 10:00 AM 18. Filing office: NY 19. Filing fee: \$0.00 20. Filing type: Initial 21. Filing method: Online 22. Filing status: Active 23. Filing date: 01/11/2011 24. Filing time: 10:00 AM 25. Filing office: NY 26. Filing fee: \$0.00 27. Filing type: Initial 28. Filing method: Online 29. Filing status: Active 30. Filing date: 01/11/2011 31. Filing time: 10:00 AM 32. Filing office: NY 33. Filing fee: \$0.00 34. Filing type: Initial 35. Filing method: Online 36. Filing status: Active 37. Filing date: 01/11/2011 38. Filing time: 10:00 AM 39. Filing office: NY 40. Filing fee: \$0.00 41. Filing type: Initial 42. Filing method: Online 43. Filing status: Active 44. Filing date: 01/11/2011 45. Filing time: 10:00 AM 46. Filing office: NY 47. Filing fee: \$0.00 48. Filing type: Initial 49. Filing method: Online 50. Filing status: Active 51. Filing date: 01/11/2011 52. Filing time: 10:00 AM 53. Filing office: NY 54. Filing fee: \$0.00 55. Filing type: Initial 56. Filing method: Online 57. Filing status: Active 58. Filing date: 01/11/2011 59. Filing time: 10:00 AM 60. Filing office: NY 61. Filing fee: \$0.00 62. Filing type: Initial 63. Filing method: Online 64. Filing status: Active 65. Filing date: 01/11/2011 66. Filing time: 10:00 AM 67. Filing office: NY 68. Filing fee: \$0.00 69. Filing type: Initial 70. Filing method: Online 71. Filing status: Active 72. Filing date: 01/11/2011 73. Filing time: 10:00 AM 74. Filing office: NY 75. Filing fee: \$0.00 76. Filing type: Initial 77. Filing method: Online 78. Filing status: Active 79. Filing date: 01/11/2011 80. Filing time: 10:00 AM 81. Filing office: NY 82. Filing fee: \$0.00 83. Filing type: Initial 84. Filing method: Online 85. Filing status: Active 86. Filing date: 01/11/2011 87. Filing time: 10:00 AM 88. Filing office: NY 89. Filing fee: \$0.00 90. Filing type: Initial 91. Filing method: Online 92. Filing status: Active 93. Filing date: 01/11/2011 94. Filing time: 10:00 AM 95. Filing office: NY 96. Filing fee: \$0.00 97. Filing type: Initial 98. Filing method: Online 99. Filing status: Active 100. Filing date: 01/11/2011 101. Filing time: 10:00 AM 102. Filing office: NY 103. Filing fee: \$0.00 104. Filing type: Initial 105. Filing method: Online 106. Filing status: Active 107. Filing date: 01/11/2011 108. Filing time: 10:00 AM 109. Filing office: NY 110. Filing fee: \$0.00 111. Filing type: Initial 112. Filing method: Online 113. Filing status: Active 114. Filing date: 01/11/2011 115. Filing time: 10:00 AM 116. Filing office: NY 117. Filing fee: \$0.00 118. Filing type: Initial 119. Filing method: Online 120. Filing status: Active 121. Filing date: 01/11/2011 122. Filing time: 10:00 AM 123. Filing office: NY 124. Filing fee: \$0.00 125. Filing type: Initial 126. Filing method: Online 127. Filing status: Active 128. Filing date: 01/11/2011 129. Filing time: 10:00 AM 130. Filing office: NY 131. Filing fee: \$0.00 132. Filing type: Initial 133. Filing method: Online 134. Filing status: Active 135. Filing date: 01/11/2011 136. Filing time: 10:00 AM 137. Filing office: NY 138. Filing fee: \$0.00 139. Filing type: Initial 140. Filing method: Online 141. Filing status: Active 142. Filing date: 01/11/2011 143. Filing time: 10:00 AM 144. Filing office: NY 145. Filing fee: \$0.00 146. Filing type: Initial 147. Filing method: Online 148. Filing status: Active 149. Filing date: 01/11/2011 150. Filing time: 10:00 AM 151. Filing office: NY 152. Filing fee: \$0.00 153. Filing type: Initial 154. Filing method: Online 155. Filing status: Active 156. Filing date: 01/11/2011 157. Filing time: 10:00 AM 158. Filing office: NY 159. Filing fee: \$0.00 160. Filing type: Initial 161. Filing method: Online 162. Filing status: Active 163. Filing date: 01/11/2011 164. Filing time: 10:00 AM 165. Filing office: NY 166. Filing fee: \$0.00 167. Filing type: Initial 168. Filing method: Online 169. Filing status: Active 170. Filing date: 01/11/2011 171. Filing time: 10:00 AM 172. Filing office: NY 173. Filing fee: \$0.00 174. Filing type: Initial 175. Filing method: Online 176. Filing status: Active 177. Filing date: 01/11/2011 178. Filing time: 10:00 AM 179. Filing office: NY 180. Filing fee: \$0.00 181. Filing type: Initial 182. Filing method: Online 183. Filing status: Active 184. Filing date: 01/11/2011 185. Filing time: 10:00 AM 	
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DATE: NOVEMBER 18, 2013

CERK: MARY BETH BAILEY

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
TONY M. TOWNSEND, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 138 - 2013

BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a participation agreement with the Ohio AFSCME Care Plan for vision insurance coverage for City employees, 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 enter into a participation agreement with the Ohio AFSCME Care Plan for vision insurance coverage for City employees.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized to enter into a participation agreement with the Ohio AFSCME Care Plan for vision insurance coverage for City employees for the period of January 1, 2014 thru December 31, 2014. The vision insurance will be an opt-in option for existing City employees however will be mandatory for new employees.

Section 3:

The Clerk of Council is authorized to correct any typographical errors discovered herein during or after the pendency or passage of this ordinance. The Clerk of Council is further authorized, in conjunction with the Law Department and the Council President to correct any ministerial or de minimis errors that do not substantially alter the intended results or numerical total sums of this ordinance, during or after the pendency or passage of this ordinance. Corrected copies are to be sent to all official recipients.

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 additional reason that it is necessary to enter into a participation agreement with the Ohio AFSCME for vision insurance coverage for City employees. 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: NOVEMBER 18, 2013

CLERK: MARY BETH BAILEY

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
TONY M. TOWNSEND, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 139 - 2013

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE vacating a portion of an unnamed, unimproved 10 foot wide alley located between Cherry Road NE and Andrew Avenue NE, 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 to vacate the portion between 7th Street and 8th Street as shown on the attached map, 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:

The unnamed, unimproved, 10 foot wide alley located between Cherry Road NE and Andrew Avenue NE and running in a west/east direction between 7th Street and 8th Street. The request is to vacate that portion between 7th Street and 8th Street running in a west/east direction. The applicants are Douglas and Krista Garner, David Ragle, Ronald and Nancy Rocco and Kathleen Warner. Approval of the vacation was made by the Planning Commission on October 9th, 2013. Said vacation is hereby approved, adopted and confirmed.

Section 2:

The Clerk of Council is authorized to correct any typographical errors discovered herein during or after the pendency or passage of this ordinance. The Clerk of Council is further authorized, in conjunction with the Law Department and the Council President to correct any ministerial or de minimis errors that do not substantially alter the intended results or numerical total sums of this ordinance, during or after the pendency or passage of this ordinance. Corrected copies are to be sent to all official recipients.

Section 3:

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 will benefit the development of 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.

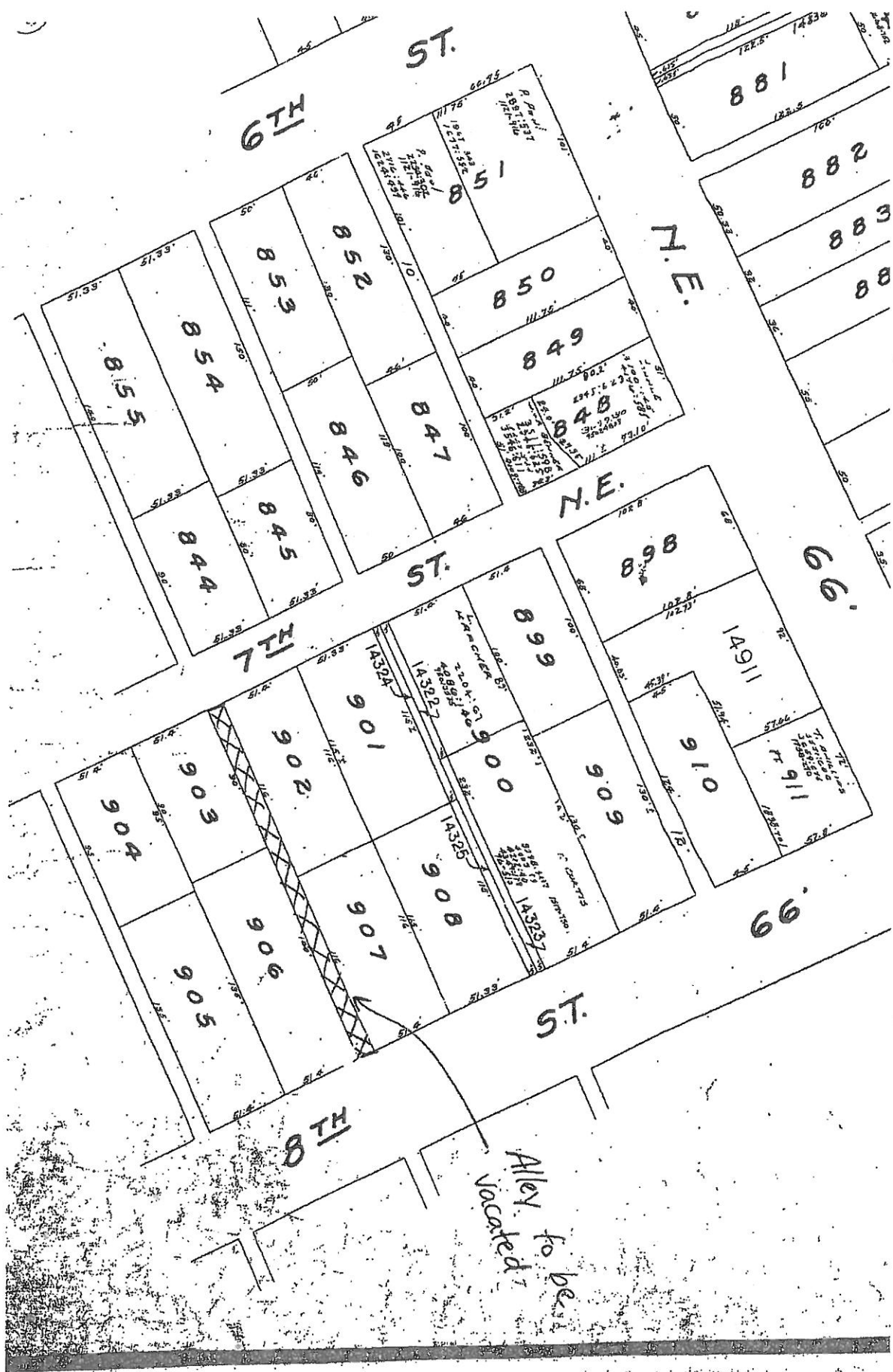
PASSED IN COUNCIL THIS _____ DAY OF _____ 2013

APPROVED: _____
MARY BETH BAILEY, CLERK OF COUNCIL

TONY M. TOWNSEND, PRESIDENT

APPROVED: _____

KATHY CATAZARO-PERRY, MAYOR



DATE: NOVEMBER 18, 2013

CLERK: MARY BETH BAILEY

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
TONY M. TOWNSEND, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 140- 2013

BY: STREETS, HIGHWAYS, TRAFFIC AND SAFETY COMMITTEE

TITLE: AN ORDINANCE accepting the dedication of right of way and easement areas for the Country View Meadows Phase I, located on 18.91 acres just east of Kelly Street SW. The request includes an approximate 400 foot extension of Linda Lane SW, from where the existing roadway currently ends, and declaring an emergency.

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

Section 1:

The dedication of right of way and easement areas for the Country View Meadows Phase I, located on 18.91 acres just east of Kelly Street SW. The request includes an approximate 400 foot extension of Linda Lane SW from where the existing roadway currently ends. Also proposed are grading easements that extend onto Community Park. This dedication was approved by the Planning Commission at the meeting held October 9, 2013. The area is currently zoned R-3 Single Family Residential.

Section 2:

The Clerk of Council is authorized to correct any typographical errors discovered herein during or after the pendency or passage of this ordinance. The Clerk of Council is further authorized, in conjunction with the Law Department and the Council President to correct any ministerial or de minimis errors that do not substantially alter the intended results or numerical total sums of this ordinance, during or after the pendency or passage of this ordinance. Corrected copies are to be sent to all official recipients.

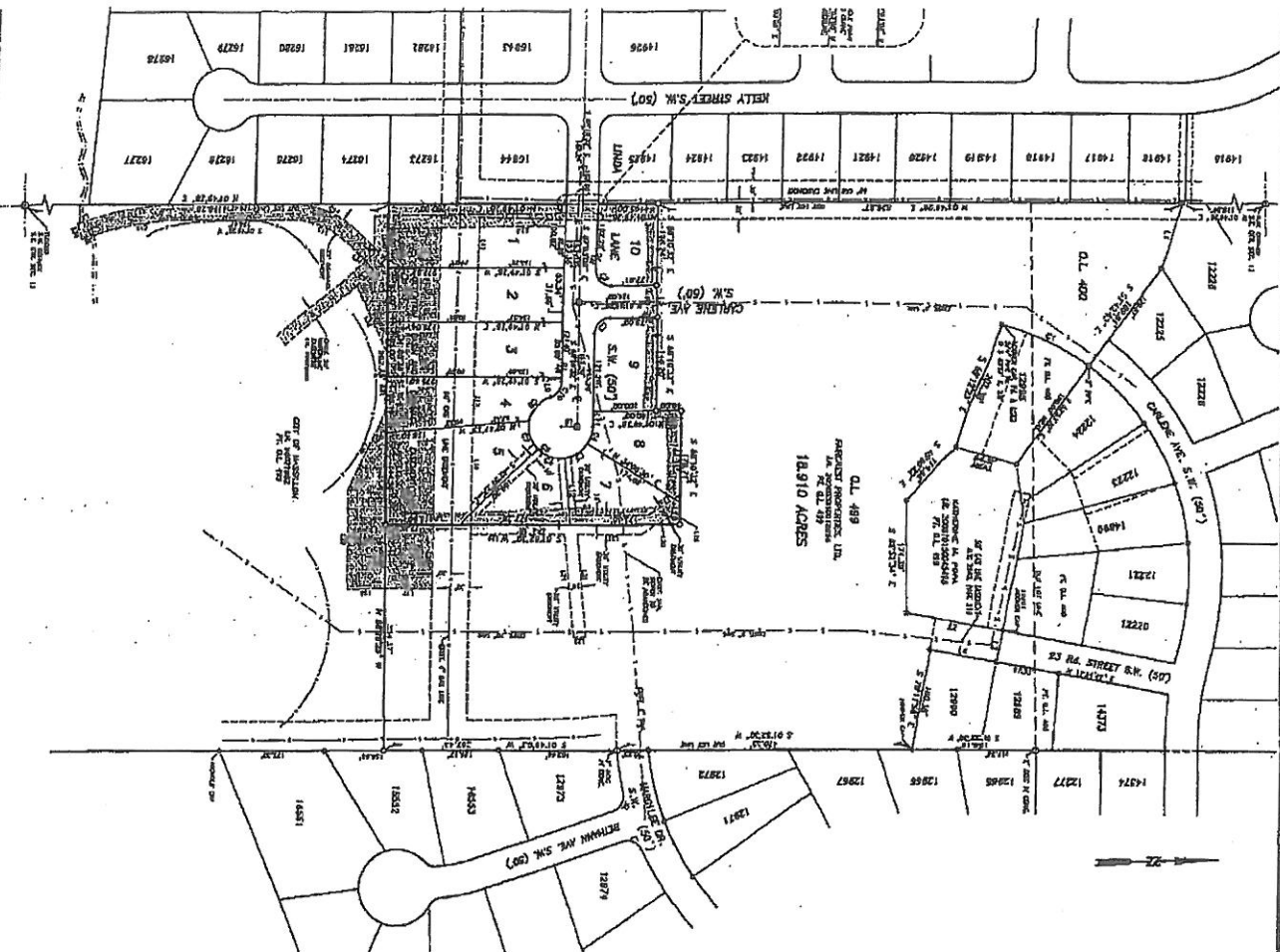
Section 3:

This Ordinance is declared to be an emergency measure for the reason that said replatting and dedication of right of way and easement areas are necessary and needed for the Country View Meadows Phase I. The dedication is for property growth and hence immediately necessary for the preservation of the health, safety and welfare of the community. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise it shall take effect and be in force from and after the earliest period allowed by Law.

2nd page is the signature page

RECORD PLAT
COUNTRY VIEW MEADOWS ALLOTMENT, PHASE 1
 LOCATED IN PART OF OUT LOT 499
 IN THE CITY OF MASSILLON
 STARK COUNTY, OHIO

Scale 1" = 100'
 100' 200'



LOT DATA

NO.	NEW LOT	ACRES
1	NEW LOT	0.840 AC.
2	NEW LOT	0.840 AC.
3	NEW LOT	0.840 AC.
4	NEW LOT	0.840 AC.
5	NEW LOT	0.840 AC.
6	NEW LOT	0.840 AC.
7	NEW LOT	0.840 AC.
8	NEW LOT	0.840 AC.
9	NEW LOT	0.840 AC.
10	NEW LOT	0.840 AC.

AREA IN 10 LOTS = 4.415 ACRES
 AREA IN ROADWAY = 0.607 ACRES
 TOTAL AREA IN PHASE 1 = 5.072 ACRES

CURVE DATA

NO.	STATION	BEARING	CHORD BEARING	CHORD DIST.
1	10+00.00	N 87°15'27" E	N 87°15'27" E	100.00
2	10+00.00	S 87°15'27" W	S 87°15'27" W	100.00
3	10+00.00	N 87°15'27" E	N 87°15'27" E	100.00
4	10+00.00	S 87°15'27" W	S 87°15'27" W	100.00
5	10+00.00	N 87°15'27" E	N 87°15'27" E	100.00
6	10+00.00	S 87°15'27" W	S 87°15'27" W	100.00
7	10+00.00	N 87°15'27" E	N 87°15'27" E	100.00
8	10+00.00	S 87°15'27" W	S 87°15'27" W	100.00
9	10+00.00	N 87°15'27" E	N 87°15'27" E	100.00
10	10+00.00	S 87°15'27" W	S 87°15'27" W	100.00

LINE DATA

NO.	BEARING	DISTANCE
1	N 87°15'27" E	100.00
2	S 87°15'27" W	100.00
3	N 87°15'27" E	100.00
4	S 87°15'27" W	100.00
5	N 87°15'27" E	100.00
6	S 87°15'27" W	100.00
7	N 87°15'27" E	100.00
8	S 87°15'27" W	100.00
9	N 87°15'27" E	100.00
10	S 87°15'27" W	100.00

NOTES:

1. ALL LOTS ARE TO BE CONVEYED TO THE CITY OF MASSILLON.
2. THE CITY OF MASSILLON SHALL BE RESPONSIBLE FOR THE INSTALLATION OF CURBS AND GUTTERS.
3. THE CITY OF MASSILLON SHALL BE RESPONSIBLE FOR THE INSTALLATION OF STORM SEWERS.
4. THE CITY OF MASSILLON SHALL BE RESPONSIBLE FOR THE INSTALLATION OF WATER MAINS.
5. THE CITY OF MASSILLON SHALL BE RESPONSIBLE FOR THE INSTALLATION OF GAS MAINS.
6. THE CITY OF MASSILLON SHALL BE RESPONSIBLE FOR THE INSTALLATION OF TELEPHONE LINES.
7. THE CITY OF MASSILLON SHALL BE RESPONSIBLE FOR THE INSTALLATION OF CABLE LINES.
8. THE CITY OF MASSILLON SHALL BE RESPONSIBLE FOR THE INSTALLATION OF FLOOD LIGHTS.
9. THE CITY OF MASSILLON SHALL BE RESPONSIBLE FOR THE INSTALLATION OF STREET LIGHTS.
10. THE CITY OF MASSILLON SHALL BE RESPONSIBLE FOR THE INSTALLATION OF PARKING LOTS.

— BY — RECORDS BOOK OF DEEDS
 — BY — RECORDS BOOK OF DEEDS

RECORD PLAT
COUNTRY VIEW MEADOWS, PHASE 1
 LOCATED IN PART OF OUT LOT 499
 IN THE CITY OF MASSILLON
 STARK COUNTY, OHIO



Civil Design Associates, Inc.
 Consulting Engineers • Surveyors
 1765 BROOKWOOD ROAD S.E.
 NEW PHILADELPHIA, OHIO 44663
 (330) 238-4242

REVISIONS	DATE	BY	CHKD

PROJECT NO. 1189

DATE 2 OF 2

DATE 2 OF 2

DATE 2 OF 2

DATE: NOVEMBER 18, 2013

CLERK: MARY BETH BAILEY

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
TONY M. TOWNSEND, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO.141 – 2013

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the 2105 Stormwater Utility Fund, Income Tax Capital Improvement Fund and the Fund, for the year ending December 31, 2013, 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 2105 Stormwater Utility Fund, for the year ending December 31, 2013, the following:

\$25,000.00 to an account entitled "Storm Sewer Repairs" 2105.425.2510

Section 2:

There be and hereby is appropriated from the unappropriated balance of the Income Tax Capital Improvement Fund, for the year ending December 31, 2013, the following:

\$2,100.00 to an account entitled "Fire Dept. Repairs" 1401.325.2511

Section 3:

The Clerk of Council is authorized to correct any typographical errors discovered herein during or after the pendency or passage of this ordinance. The Clerk of Council is further authorized, in conjunction with the Law Department and the Council President to correct any ministerial or de minimis errors that do not substantially alter the intended results or numerical total sums of this ordinance, during or after the pendency or passage of this ordinance. Corrected copies are to be sent to all official recipients.

Section 4:

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.

DATE: NOVEMBER 18, 2013

CLERK: MARY BETH BAILEY

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
TONY M. TOWNSEND, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 142 - 2013

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain transfers in the 2013 appropriations from within the Parks and Recreation Fund, for the year ending December 31, 2013, 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 2013 appropriation from within the Parks and Recreation Fund, for the year ending December 31, 2013, the following:

FROM:	Gas and Oil	1234.505.2430	\$18,000.00
	Recreation – Salary	1234.505.2112	\$57,000.00
TO	Capital Equipment/Carts	1234.920.2532	\$37,620.00
	Legends – Salary	1234.920.2110	\$37,380.00

Section 2:

The Clerk of Council is authorized to correct any typographical errors discovered herein during or after the pendency or passage of this ordinance. The Clerk of Council is further authorized, in conjunction with the Law Department and the Council President to correct any ministerial or de minimis errors that do not substantially alter the intended results or numerical total sums of this ordinance, during or after the pendency or passage of this ordinance. Corrected copies are to be sent to all official recipients.

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 2013. 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: NOVEMBER 18, 2013

CLERK: MARY BETH BAILEY

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
TONY M. TOWNSEND, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 143 - 2013

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE amending Ordinance No. 149 – 2012 by revising the 2013 budget, 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. 149 - 2012 a copy of which is attached hereto as Exhibit "A" be and is hereby amended.

Section 2:

The following provision is hereby inserted into Ordinance No. 149 – 2012:

\$636,684.27 from General Fund to Fire Pension Fund
\$418,650.93 from General Fund to Police Pension Fund
\$318,410.00 from General Fund to Lincoln Center II Debt Fund
\$198,506.26 from General Fund to Lincoln Center III Debt Fund
\$ 6,175.00 from General Fund to Senior Housing Debt
\$ 24,631.46 from General Fund to OPWC Debt Fund
\$ 1,671.64 from Unclaimed Fund to General Fund
\$190,000.00 from Solid Waste Fund to General Fund
\$ 39,546.88 from Solid Waste Capital Improvement Fund to General Fund

Section 3:

The Clerk of Council is authorized to correct any typographical errors discovered herein during or after the pendency or passage of this ordinance. The Clerk of Council is further authorized, in conjunction with the Law Department and the Council President to correct any ministerial or de minimis errors that do not substantially alter the intended results or numerical total sums of this ordinance, during or after the pendency or passage of this ordinance. Corrected copies are to be sent to all official recipients.

Section 4:

This ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said amendment is necessary to the budget as a requirement by the State Auditor for these transferred to be completed. 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 _____, 2013

ATTEST: _____

MARY BETH BAILEY, CLERK OF COUNCIL

TONY M. TOWNSEND, PRESIDENT

APPROVED: _____

KATHY CATAZARO-PERRY, MAYOR

Exhibit "A"

ORDINANCE NO. 149 - 2012

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Section 2:

The City Council hereby declares that amounts may be transferred between accounts in the same Department subject to the approval of the Department Head, the Finance Committee and the Auditor.

Section 3:

That the City Auditor is hereby authorized to draw his/her warrants on the City Treasurer for payments from any of the foregoing appropriations upon receiving proper certificates and vouchers therefore, approved by the Board of Officers (or Officer) authorized by law to be approved the same, or an Ordinance a Resolution of council to make the expenditures; provided that no warrant shall be drawn or paid for salaries or wages except to persons employed by authority of and in accordance with law or Ordinance. Provided further that the appropriation for contingencies can only be expended upon approval of a two-thirds vote of Council for items of expense constituting a legal obligation against the City and for purposes other than those covered by other specific appropriations herein made.

Section 4:

That there be and hereby is transferred from various appropriated accounts above certain funds as follows:

\$ 306,586.22	from General Fund to Police Pension Fund	1100.305.2710
\$ 375,664.80	from General Fund to Fire Pension Fund	1100.325.2710
\$ 143,861.28	from General Fund to Fire Pension Fund	1100.326.2710
\$ 516,916.26	from General Fund to Lincoln Center Phase II Bond Retirement Fund	1100.905.2712
\$ 60,175.00	from General Fund to Senior Housing Debt Retirement Fund	1100.905.2712
\$ 24,631.46	from General Fund to OPWC Debt Fund	1100.905.2712

Section 2:

That this Ordinance being one providing for appropriation for the current expenses of the City of Massillon, Ohio, shall be in force and take effect from and after passage and upon approval of the Mayor for the year beginning January 1, 2013.

PASSED IN COUNCIL 17th DAY OF December, 2012.

ATTEST:

Mary Beth Bailey
MARY BETH BAILEY, Clerk of Council

Glenn Gamber
GLENN GAMBER, President of Council

APPROVAL:

December 18, 2012

Katherine Catazaro-Perry
KATHERINE CATAZARO-PERRY, Mayor

I hereby certify that the foregoing ordinance is a true copy of the original, as passed by the Council of the City of Massillon, Ohio, and approved as noted thereon.

Mary Beth Bailey
Clerk of Council

Date 12/17/12

DATE: NOVEMBER 18, 2013

CLERK: MARY BETH BAILEY

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
TONY M. TOWNSEND, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 144 - 2013

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to accept the Wal-Mart Company Grant for the Massillon Parks and Recreation Department, and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby determines it to be necessary in the public health, safety and welfare to accept the Wal-Mart Company Grant for the Massillon Parks and Recreation Department in the amount of Two Thousand Dollars (\$2,000.00).

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to accept the Wal-Mart Company Grant to be used in the Massillon Parks and Recreation Department. The grant dollars will be deposited into the following account 1234.510.1890 which will be used for the Special Event Program expenses.

Section 3:

The Clerk of Council is authorized to correct any typographical errors discovered herein during or after the pendency or passage of this ordinance. The Clerk of Council is further authorized, in conjunction with the Law Department and the Council President to correct any ministerial or de minimis errors that do not substantially alter the intended results or numerical total sums of this ordinance, during or after the pendency or passage of this ordinance. Corrected copies are to be sent to all official recipients.

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 reason that the grant is necessary for use that these dollars will be used for the Special Event Program expenses. 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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