

## AGENDA

DATE: JANUARY 2, 1996  
TIME: 7:30 P.M.  
PLACE: COUNCIL CHAMBERS

1. ROLL CALL
2. INVOCATION - COUNCILMAN GREG BROWNING
3. PLEDGE OF ALLEGIANCE
- 3a. AMEND AGENDA TO BRING FORWARD RESOLUTION NO. 1 - 1996
4. READING OF THE JOURNAL
- 4a. NAMING OF COUNCIL COMMITTEES AND ACCEPTANCE
5. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS ON THE AGENDA
6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

### ORDINANCE NO. 1 - 1996

BY: PUBLIC UTILITIES

*1st. read.*  
AN ORDINANCE authorizing the director of Public Service and Safety to convey a right-of-way easement to FiberCorr, Inc., to install and maintain an 8" gas line along the west side of 4th Street S.W., in the City of Massillon, and declaring an emergency.

### ORDINANCE NO. 2 - 1996

BY: POLICE AND FIRE COMMITTEE

*9-0  
Passed.*  
AN ORDINANCE authorizing and directing the Mayor and the Director of Public Service and Safety to enter into a contract agreement with the Stark County Commissioners concerning the booking and housing of prisoners charged under City Ordinances at the Stark County Jail, and declaring an emergency.

### ORDINANCE NO. 3 - 1996

BY: PARKS & RECREATION COMMITTEE

*Passed  
30-00  
26*  
AN ORDINANCE amending Section 2(D) OCCUPATION LIST OF CLASS TITLES - PARKS AND RECREATION DEPARTMENT of Ordinance No. 94 - 1994 by repealing Section 2(D) OCCUPATION LIST OF CLASS TITLES - PARKS AND RECREATION DEPARTMENT and enacting a new Section 2(D) OCCUPATION LIST OF CLASS TITLES - PARKS AND RECREATION DEPARTMENT, in the City of Massillon, Ohio, and declaring an emergency.

### RESOLUTION NO. 1 - 1996

BY: COMMITTEE OF THE WHOLE

*Adopted*  
A RESOLUTION appointing Sharon Howell as Clerk of Massillon City Council and establishing salary for said position.

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

- A). MAYOR'S STATE OF THE CITY ADDRESS
- B). MAYOR SUBMITS MONTHLY PERMIT REPORT FOR DECEMBER 1995
- C). AUDITOR SUBMITS MONTHLY REPORT FOR DECEMBER 1995
- D). MAYOR SUBMITS BOARD AND COMMISSION APPOINTMENTS FOR 1996

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

### ORDINANCE NO. 233 - 1995

BY: HEALTH, WELFARE & BUILDING REGULATIONS

*table*  
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, to enter into a contract with Hometown Hospital Health Plan and Professional Claims Management (PCM) for health insurance coverage for City employees, and declaring an emergency.

### 15. SECOND READING ORDINANCES AND RESOLUTIONS

### ORDINANCE NO. 240 - 1995

BY: POLICE & FIRE COMMITTEE

*2nd read.*  
AN ORDINANCE repealing Ordinance No. 207 - 1988 and Section 2 of Ordinance No. 126 - 1977 and enacting a new Section 2 of Ordinance No. 126 - 1977, and declaring an emergency.

### ORDINANCE NO. 249 - 1995

BY: SEWER AND WASTE DISPOSAL COMMITTEE

*table*  
AN ORDINANCE repealing Section 965.09 "Collection Rates" of CHAPTER 965;, "GARBAGE AND REFUSE COLLECTION" and enacting a new Section 965.09 "Collection Rates" of CHAPTER 965, and declaring an emergency.

JANUARY 2, 1995

*2nd*  
ORDINANCE NO. 250 - 1995

BY: FINANCE COMMITTEE

AN ORDINANCE appropriating money for current expenses and other expenses of the City of massillon, Ohio, for the fiscal period ending December 31, 1996, and declaring an emergency.

16. NEW AND MISCELLANEOUS BUSINESS
17. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS NOT ON THE AGENDA
18. ADJOURNMENT

SHARON HOWELL  
COUNCIL CLERK

DATE: January 2, 1996

CLERK: SHARON HOWELL

*Adopted*

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

RESOLUTION NO. 1 - 1996

BY: THE COMMITTEE OF THE WHOLE

TITLE: A RESOLUTION appointing Sharon Howell as Clerk of Massillon City Council and establishing salary for said position.

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

Section 1:

Sharon Howell be appointed Clerk of City Council of Massillon, Ohio, to serve for the term of 1996 and 1997.

Section 2:

That the annual salary for the Clerk of Council shall be classified as a S UN Classified position.

Section 3:

This Resolution being one for the internal management of Council shall be immediately effective and Section 2 shall have retroactive effect as of January 1, 1996.

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 1996

ATTEST: \_\_\_\_\_

ACTING CLERK OF COUNCIL

\_\_\_\_\_  
JOHN H. FRIEG, PRESIDENT OF COUNCIL

APPROVED: \_\_\_\_\_

\_\_\_\_\_  
FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: December 4, 1995

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 233 - 1995

BY: HEALTH, WELFARE AND BUILDING REGULATIONS COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, to enter into a contract with Hometown Hospital Health Plan and Professional Claims Management (PCM) for health 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 finds that it is necessary to enter into a contract with Hometown Hospital Health Plan and Professional Claims Management (PCM) for health insurance coverage for City employees.

Section 2:

That the Director of Public Service and Safety of the City of Massillon be and hereby is authorized to enter into a contract with Hometown Health Plan and Professional Claims Management (PCM) for health insurance coverage for City employees.

Section 3:

Upon delivery of the aforesaid agreement, the Director of Public Service and Safety is hereby authorized to issue vouchers to the Auditor of the City of Massillon, Ohio, directing prompt payment for said agreement and the City Auditor is authorized and directed to honor and pay said vouchers.

Section 4:

That 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 that it is necessary for the continuation of the Health Care Program for the 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.

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 1995

APPROVED: \_\_\_\_\_  
SHARON HOWELL, CLERK OF COUNCIL      CARL M. TURKAL, PRESIDENT

APPROVED: \_\_\_\_\_  
FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: December 18, 1995

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 240 - 1995

BY: POLICE AND FIRE COMMITTEE

TITLE: AN ORDINANCE repealing Ordinance No. 207 - 1988 and Section 2 of Ordinance No. 126 - 1977 and enacting a new Section 2 of Ordinance No. 126 - 1977, 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. 208 - 1988 be and hereby is repealed.

Section 2:

Section 2 of Ordinance No. 126 - 1977 be and hereby is repealed.

Section 3:

That there be and is hereby enacted a new Section 2 of Ordinance No. 126 - 1977. Said new Section 2 shall read as follows:

Personnel of Police Department

- 1 Chief of Police
- 2 Captains
- 4 Lieutenants
- 6 Sergeants
- 44 Patrol Officers

Section 4:

This Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said enactments are necessary for the more efficient operation of the Police Department of the City of Massillon, Ohio, and for the additional reason 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 \_\_\_\_\_ 1995

APPROVED: \_\_\_\_\_  
SHARON HOWELL, CLERK OF COUNCIL      CARL M. TURKAL, PRESIDENT

APPROVED: \_\_\_\_\_  
FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: December 18, 1995

CLERK: SHARON HOWELL

*1st reading  
tabled 1/2/96*  
COUNCIL CHAMBERS

CITY OF MASSILLON, OHIO

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 249 - 1995

BY: THE SEWER AND WASTE DISPOSAL COMMITTEE

TITLE: AN ORDINANCE repealing Section 965.09 "Collection Rates" of CHAPTER 965, "GARBAGE AND REFUSE COLLECTION" and enacting a new Section 965.09 "Collection Rates" of CHAPTER 965, and declaring an emergency.

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

Section 1:

The existing Section 965.09 "Collection Rates" of CHAPTER 965 "GARBAGE AND REFUSE COLLECTION" of the Codified Ordinances of the City of Massillon be and hereby is repealed.

Section 2:

That there be and hereby is enacted a new Section 965.09 "Collection Rates" of CHAPTER 965 "GARBAGE AND REFUSE COLLECTION", of the Codified Ordinances of the City of Massillon. Said newly enacted Section shall read as follows:

965.09 COLLECTION RATES

- (a) For garbage and rubbish collected and removed, the Director of Public Service and Safety on behalf of the City shall make a monthly charge of:

- \* (1). Twelve Dollars (\$12.00) for each single family residence or unit for weekly service.
- (2). Weekly service shall be limited to five (5) units of trash or garbage in plastic bags no larger than thirty (30) gallons. Bags or containers must not weigh in excess of fifty (50) pounds.
- (b) Any quantity over the weekly limit of five (5) units will be billed at Fifty Cents (.50) per unit.
- (c) The applicable rate shall be payable in quarterly installments in advance on the twenty fifth day of January, April, July and October of each year at the office of the Treasurer, Collections Department. All bills not paid on or before the due date are subject to a ten percent (10%) penalty.
- (d) An additional charge shall be incurred for pickup upon prior arrangements of additional items not generally characterized as garbage or rubbish except automotive or building materials which will not be picked up at all. (Example: Major appliances - approved; auto transmission - unapproved; construction brick - unapproved; furniture - approved.)
- (e) The rates for additional pick-ups indicated in Subsection (d) above shall be:
- (1) Ten Dollars (\$10.00) for each major appliance, piece of furniture, mattress or box springs.
- (2) Special clean-up of trash: Ten Dollars (\$10.00) for ten bags or boxes not weighing over fifty pounds each plus One Dollar (\$1.00) per bag or box over ten.
- (3) Other large quantities or extraordinary circumstances will be determined on an individual basis and will be billed accordingly.

- (f) Rates for commercial users are as follows:  
(SEE ATTACHED)



- (g) All bills not paid fifteen (15) days after the date when they are billed shall be subject to a ten percent (10%) penalty.
- (h) The use of a City-owned container would be subject to the commercial rates established herein.
- (i) All moneys and revenues received by the Director of Public Service and Safety or City Auditor in any manner for the collection and disposal of garbage and rubbish shall be held and retained in the Department of Garbage and Rubbish Fund and applied to the expense of the conduct and operation of such department.
- (j) Fifty Cents (.50) per month per residential billing collected and One Dollar (\$1.00) per cubic yard per pickup per week per commercial billing collected shall be placed into a fund within the Garbage and Rubbish Fund with its use restricted to Capital Improvements within the Garbage Fund.

Section 3:

This Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said enactment is necessary for the more efficient operation of the Solid Waste Department of the City of Massillon, Ohio, and for the additional reason for the preservation of the public health, safety and welfare of the community. And provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 1995

ATTEST:

SHARON HOWELL, CLERK OF COUNCIL      CARL M. TURKAL, PRESIDENT

APPROVED: \_\_\_\_\_

FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: January 2, 1996

CLERK: SHARON HOWELL

*passed*

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 2 - 1996

BY: POLICE AND FIRE COMMITTEE

TITLE: AN ORDINANCE authorizing and directing the Mayor and the Director of Public Service and Safety to enter into a contract agreement with the Stark County Commissioners concerning the booking and housing of prisoners charged under City Ordinances at the Stark County Jail, and declaring an emergency.

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

Section 1:

The Mayor and the Director of Public Service and Safety of the City of Massillon, Ohio, are hereby authorized and directed to enter into a contract agreement with the Stark County Commissioners concerning the booking and housing of prisoners charged under City ordinances at the Stark County Jail.

Section 2:

A copy of said contract agreement is attached hereto and made part of this ordinance.

Section 3:

That 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 for the efficient operation of the Massillon City jail and the booking of its prisoners. 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 \_\_\_\_\_, 1996

ATTEST: \_\_\_\_\_  
SHARON HOWELL, CLERK OF COUNCIL

\_\_\_\_\_  
JOHN H. FRIEG, PRESIDENT

APPROVED: \_\_\_\_\_

\_\_\_\_\_  
FRANCIS H. CICCHINELLI, JR., MAYOR



AGREEMENT

BOARD OF  
STARK COUNTY COMMISSIONERS  
WITH

\_\_\_\_\_  
DATED \_\_\_\_\_

SUBJECT: \_\_\_\_\_

This Agreement made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 1995, by and between the Board of Commissioners of Stark County, Ohio, a political subdivision of the State of Ohio (hereinafter referred to as "Commissioners") and \_\_\_\_\_, a municipal corporation (hereinafter referred to as \_\_\_\_\_),

WITNESSETH:

WHEREAS, The Stark County Jail is duly licensed by the Department of Corrections in accordance with the minimum standards for jails in Ohio; and,

WHEREAS, the Stark County Sheriff is authorized, or charged with the duty, to keep such persons safely, attend the jail, and govern and regulate the jail in accordance with the aforesaid standards; and,

WHEREAS, it is the intent of the parties hereto that arrestees be charged in good faith so as not to circumvent the charges which flow from this agreement; and,

WHEREAS, \_\_\_\_\_ municipal corporation utilizes the Stark County Jail for the housing of arrestees, pre-trial detainees and prisoners;

Now therefore in accordance with the mutual promises contained herein, the parties hereto agree as follows:

1. This Agreement shall be effective October 1, 1995, and shall remain in full force and effect through September 30, 1999, unless terminated by the parties hereto by either party giving the other thirty (30) days notice in writing of its intention to terminate said Agreement, except as restricted by Section 1905.37 of the Ohio Revised Code.

2. With respect to cases charged under municipal ordinances, the Commissioners shall furnish:

- (a) Reasonable, customary and routine medical care.
- (b) In cases where surgical, medical, and/or acute mental health attention is required, other than that routinely given at the Stark County Jail, the Stark County Sheriff immediately shall notify \_\_\_\_\_ and provide the necessary medical/mental health treatment, including, but not limited to, transporting said prisoner to a local hospital and/or specialized medical facility where the necessary medical and surgical attention can be given in accordance with jail policy. If requested by \_\_\_\_\_, the Sheriff will furnish guards for those committed prisoners who require confinement in off-site medical facilities, including, but not limited to, hospitals. \_\_\_\_\_ shall reimburse the Stark County Sheriff for all the actual costs incurred.
- (c) In cases where the prisoners are working in the jail, or on the premises, the Stark County Sheriff shall furnish said prisoner with clothing at the expense of the Commissioners.
- (d) The Stark County Sheriff will provide booking, fingerprinting, and photographing to \_\_\_\_\_. One (1) fingerprint card and four (4) photographs (on one card) will be furnished. Additional copies will be furnished at a cost of \$2.00 per fingerprint card and \$2.00 per photograph.

3. With respect to cases charged under municipal ordinances \_\_\_\_\_ shall:

- (a) Reimburse the Commissioners the actual cost to Stark County of all special medicines, treatments, procedures, and/or appliances required in the treatment of prisoners from \_\_\_\_\_.
- (b) Reimburse the Commissioners for surgical, medical, and acute mental health attention rendered under this Contract to prisoners in medical facilities and/or hospitals outside the premises of the Stark County Jail.
- (d) Reimburse the Commissioners, in the event the Stark county Sheriff's Office is required to furnish guards during hospital care, the actual pay expense incurred by the Sheriff.
- (e) In the case of the death of a prisoner, assume the disposition of the body and burial of same.

- (f) Reimburse the Commissioners for all reasonable and necessary expenses incurred on behalf of \_\_\_\_\_ in all habeas corpus proceeding for any prisoner committed to the jail under the authority of \_\_\_\_\_.

4. For all cases, whether the arrestee is charged under municipal ordinance or otherwise, \_\_\_\_\_ shall:

- (a) Provide for the transportation of prisoners both to and from the Stark County Jail whenever necessary for court appearances.
- (b) The Sheriff shall prepare a list of the prisoners each day who have special medical needs, and who must be transported back to the Stark County Jail for treatment during the lunch recess. \_\_\_\_\_ shall transport such prisoners at the recess and, if necessary, return them to \_\_\_\_\_ Municipal Court.
- (c) \_\_\_\_\_ shall be responsible for guarding prisoners while attending \_\_\_\_\_ Municipal Court. \_\_\_\_\_ will sign a prisoner receipt acknowledging custody of the inmates prior to their departure from the Stark County Jail.
- (d) \_\_\_\_\_ shall indemnify, and hold harmless, the Sheriff for necessary medical expenses incurred as a result of the following:
- (1) An automobile accident resulting in injury to a prisoner who is occupying a vehicle operated by \_\_\_\_\_; and
- (2) An injury occurring to a prisoner while in the custody of \_\_\_\_\_.

5. The Commissioners agree to receive for confinement, board, and work, all prisoners committed by \_\_\_\_\_, with the exception of those suffering from active bleeding or a serious untreated medical condition, subject to the right of the Stark County Sheriff to deny access to those suffering from a contagious and/or infectious disease and those who are mentally ill, including, without limitation thereto, those prisoners who fit the guidelines attached hereto as Exhibit "A".

6. The Stark County Sheriff, in his sole discretion, shall retain the authority to refuse to accept any prisoner for whom complete information is not provided as required by the booking form attached hereto as Exhibit "B"; or to refuse to accept, or to release, any \_\_\_\_\_ prisoner when in his judgement such act is necessary in order to comply with any order of a court of competent jurisdiction or consent decree thereof, or meet the

requirements of minimum standards for jails promulgated by the Ohio Department of Rehabilitation and Corrections.

7. The Stark County Sheriff will issue to \_\_\_\_\_ an itemized invoice of all charges under this Agreement on a monthly basis as soon as practicable after the month in which the charges were incurred. \_\_\_\_\_ shall pay said charges as soon as legally permitted after receipt of same.

8. All prior Contracts between the parties hereto pertaining to the housing of prisoners at the Stark County Jail are hereby cancelled and terminated.

IN WITNESS WHEREOF, the parties hereto have affixed their signatures the date and year hereinafter first written.

WITNESSES:

THE BOARD OF COMMISSIONERS  
COUNTY OF STARK

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

WITNESSES:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Approved as to legal  
form and sufficiency:

\_\_\_\_\_  
David M. Bridenstine  
Assistant Prosecuting Attorney

\_\_\_\_\_  
Law Director of \_\_\_\_\_

## Exhibit "A"

The following is a list of different situations which may indicate possible medical problems and is to be used as a guideline only:

1. Psychotic patients - Any patient who appears not to be oriented to time, place, or person; any person who has recently been apprehended in the act of suicide.
2. Patients who have been involved in trauma. Any patient who has been involved in a traumatic incident in which there is evidence of head or neck injury; unconsciousness; any penetrating wounds to the chest or abdomen; evidence of arterial or massive bleeding; any alteration of vital signs.
3. Any patient who has a high temperature (102 degrees and above) and is known to have an infectious disease as in AIDS, tuberculosis, meningitis or hepatitis.
4. An unconscious patient or any patient having active seizures.
5. Those patients that have any deformity of bony prominence that may indicate they have a fracture that would require an immediate x-ray and treatment.
6. An alcohol intoxicated and/or drug intoxicated patient that cannot care for his bodily functions - a patient who cannot stand by himself, who cannot urinate or defecate on his own and is incontinent. A patient who has obviously vomited and possibly choked on his vomitus.
7. Any patient with a history of cardiac disease that is experiencing chest pain or shortness of breath at the time of admission.
8. In any situation where there is a question concerning the individual's medical welfare the Sheriff may exercise discretion and have the inmate transferred to an area hospital ER for triage and treatment.