

AGENDA

DATE: OCTOBER 19, 1998
TIME: 7:30 P.M.
PLACE: COUNCIL CHAMBERS

1. ROLL CALL
2. INVOCATION - COUNCILMAN TIM BRYAN
3. PLEDGE OF ALLEGIANCE
4. READING OF THE JOURNAL
5. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS ON THE AGENDA
 - A) Council to Adjourn to Executive Session with Mayor to consider the Purchase of Property for Public Purposes.
6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 228 - 1998

BY: RULES, COURTS & CIVIL SERVICE COMM.

15
AN ORDINANCE amending Section 2(D) OCCUPATION LIST OF CLASS TITLES - SAFETY/TRAFFIC DEPARTMENT of Ordinance No. 127 - 1997 by repealing Section 2(D) OCCUPATION LIST OF CLASS TITLES - SAFETY/TRAFFIC DEPARTMENT of Ordinance No. 127 - 1997, and enacting a new Section 2(D) OCCUPATION LIST OF CLASS TITLES - SAFETY/TRAFFIC DEPARTMENT, in the City of Massillon, Ohio, and declaring an emergency.

ORDINANCE NO. 229 - 1998

BY: FINANCE COMMITTEE

2
AN ORDINANCE making certain appropriations from the unappropriated balance of the General Fund and the Special Assessment Bond Retirement Fund of the City of Massillon, Ohio, for the year ending December 31, 1998, and declaring an emergency.

ORDINANCE NO. 230 - 1998

BY: RULES, COURTS & CIVIL SERVICE COMM.

12
AN ORDINANCE amending the Codified Ordinances of the City of Massillon by enacting a new CHAPTER 152 "PUBLIC RECORDS", and declaring an emergency.

RESOLUTION NO. 17 - 1998

BY: FINANCE COMMITTEE

2
A RESOLUTION accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor.

7. UNFINISHED BUSINESS

8. PETITIONS AND GENERAL COMMUNICATIONS

A). LETTER OHIO DIVISION OF LIQUOR CONTROL REGARDING A TRANSFER OF LIQUOR LICENSE FROM GJIFFRE INC., DBA TIGER BOWL, 1219 FIRST STREET N.E., FIRST FLOOR AND BASEMENT, MASSILLON, OHIO, 44646 C/O PHILLIP ELUM TO TOWNE PLAZA PIZZA PUB INC., 248-62 FEDERAL AVENUE N.W., MASSILLON, OHIO 44647.

9. BILLS, ACCOUNTS AND CLAIMS

10. REPORTS FROM CITY OFFICIALS

- 20, 126
A). MAYOR SUBMITS MONTHLY REPORT FOR SEPTEMBER 1998
B). FIRE CHIEF SUBMITS MONTHLY REPORT FOR SEPTEMBER 1998
C). POLICE CHIEF SUBMITS MONTHLY REPORT FOR SEPTEMBER 1998

11. REPORTS OF COMMITTEES

RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

13. CALL OF THE CALENDAR

14. THIRD READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 213 - 1998

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

216
AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning certain tracts of land from A-1 Agricultural to R-2 Single Family Residential, and declaring an emergency.

ORDINANCE NO. 214 - 1998

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM.

212
AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning certain tracts of land from RM-1 Multiple Family to B-2 Central business, and declaring an emergency.

15. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 222 - 1998

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMM.

212
AN ORDINANCE vacating a certain public alley, and declaring an emergency.

2.2
AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning certain tracts of land from R-1 single Family Residential to I-1 Light Industrial and O-1 Office, and declaring an emergency.

NEW AND MISCELLANEOUS BUSINESS

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

SHARON HOWELL
COUNCIL CLERK

THERE ARE NO PUBLIC HEARINGS THIS EVENING

DATE: October 19, 1998

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 228 - 1998

BY: RULES, COURTS & CIVIL SERVICE COMMITTEE

TITLE: AN ORDINANCE amending Section 2(D) OCCUPATION LIST OF CLASS TITLES - SAFETY/TRAFFIC DEPARTMENT of Ordinance No. 127 - 1997 by repealing Section 2(D) OCCUPATION LIST OF CLASS TITLES - SAFETY/TRAFFIC DEPARTMENT, and enacting a new Section 2(D) OCCUPATION LIST OF CLASS TITLES - SAFETY/TRAFFIC DEPARTMENT, in the City of Massillon, Ohio, and declaring an emergency.

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

Section 1:

Section 2(D) OCCUPATION LIST OF CLASS TITLES - SAFETY/TRAFFIC DEPARTMENT of Ordinance No. 127 - 1997 be and is hereby repealed.

Section 2:

That a new Section 2(D) OCCUPATION LIST OF CLASS TITLES - SAFETY/TRAFFIC DEPARTMENT of Ordinance No. 127 - 1997 be and is hereby enacted and shall read as follows:

(SEE ATTACHMENT 'A' PAGE 4; AND INSERT IN THE SALARY ORDINANCE 127 - 1997)

Section 3:

That this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the community and for the additional reason that the provisions hereby enacted are immediately necessary for the more efficient operation of the Safety/Traffic Department of the City of Massillon, Ohio. 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 _____ 1998

APPROVED:

SHARON HOWELL, CLERK OF COUNCIL

DENNIS D. HARWIG, PRESIDENT

APPROVED:

FRANCIS H. CICCHINELLI, JR., MAYOR

CLASS GRADE	SCHEDULE	DEPARTMENT & TITLE DESCRIPTION	
		<u>ENGINEERING DEPT CONT.</u>	
15S	CL	Contract Manager	
14S	CL	Construction Inspector III	
14S	CL	Engineering Aide III	
12S	CL	Construction Inspector II	
12S	CL	Engineering Aide II	
11S	CL	Engineering /Planning Clerk	
10S	CL	Construction Inspector I	
10S	CL	Engineering Aide I	
9S	CL	Secretary	
	MS	<u>PART TIME/TEMPORARY/SEASONAL</u>	
		Clerk/Laborer	
		<u>CITY HALL/PUBLIC BLDGS</u>	410
12H	SU UN	Chief Custodian	
10H	CL	Janitor	
		<u>BUILDING DEPT</u>	415
20S	SU UN	Chief Building Official	
16S	UN	Building/Plumbing/Electrical Inspector	
9S	UN	Code Enforcement Officer	
9S	UN	*Secretary	
6S	CL	Clerk Typist II	
		<u>PART TIME/TEMPORARY /SEASONAL</u>	
	MS	Secretary - Zoning Board	
	MS	Electrical/Plumbing Inspector Backup	
	MS	Clerk	
	MS	Plans Examiner	
	MS	Class III Inspector (Backup)	
		<u>SAFETY/TRAFFIC DEPT.</u>	420
21S	SU UN	Chief Electrician	
16H	A	Electrician III	
15H*	A	Electrician II	
13H	A	Electrician I	
13H	A	Light Equipment Operator	
12H	A	Truck Driver	
11H	A	Electrician Helper	
11H	A	Laborer II	
9H	A	Laborer I	
1H	A	Temporary Labor	
		<u>STREET DEPARTMENT</u>	435
22S	SU UN	Operations Superintendent (Split 1/3)	
19S	SU UN	Street Superintendent	
18H	SU CL	Street Department Foreman	
16H	A	Street Group Leader	
		CONTINUED.....	

DATE: October 19, 1998

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 229 - 1998

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the General Fund and the Special Assessment Bond Retirement Fund of the City of Massillon, Ohio, for the year ending December 31, 1998, 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 General Fund of the City of Massillon, Ohio, for the year ending December 31, 1998, the following:

\$ 5,000.00 to an account entitled "Testing & Physical Exams" 1100.150.2399
\$ 2,500.00 to an account entitled "Supplies & Materials" 1100.150.2410

Section 2:

There be and hereby is appropriated from the unappropriated balance of the Special Assessment Bond Retirement Fund of the City of Massillon, Ohio, for the year ending December 31, 1998, the following:

\$ 365.00 to an account entitled "County Fees" 1501.935.2382

Section 3:

This Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said funds are immediately necessary for the efficient operation of the various departments in 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.

PASSED IN COUNCIL THIS _____ DAY OF _____ 1998

APPROVED: _____

SHARON HOWELL, CLERK OF COUNCIL

DENNIS D. HARWIG, PRESIDENT

APPROVED: _____

FRANCIS H. CICCHINELLI, JR., MAYOR

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 230 - 1998

BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE

TITLE: AN ORDINANCE amending the Codified Ordinances of the City of Massillon by enacting a new CHAPTER 152 "PUBLIC RECORDS", 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 enacted a new CHAPTER 152 "PUBLIC RECORDS" of the Codified Ordinances of the City of Massillon be and hereby is enacted. Said newly enacted CHAPTER 152 shall read as follows:

152.01 PURPOSE

The purpose of this chapter is to establish procedures for compliance with Ohio's Public Records Act, Chapter 149 of the Ohio Revised Code, as it exists as of the date of passage hereof or as may be amended from time to time.

152.02 DEFINITIONS AND ADOPTION OF STATE STATUTES BY REFERENCE

There is hereby adopted, by reference, the relevant sections found in Chapter 149 of the Ohio Revised Code entitled "Documents, Reports, and Records," to include Sections 149.011, Definitions; 149.39, City Records Commission; 149.40, Only Necessary Records to Be Made; 149.43, Availability of Public Records; 149.431, Financial Records of Non-Profit Organizations Receiving Governmental Funds; and any other statutory provisions that regulate municipal records, as they exist as of the date of passage hereof or as may be amended from time to time.

152.03 EXCEPTIONS

The following are not public records and shall be kept confidential:

- (a) Medical Records.
- (b) Records pertaining to adoption, probation, and parole proceedings.
- (c) Trial preparation records.
- (d) Attorney-client communications.
- (e) Confidential law enforcement investigatory records.
- (f) Certain personnel records.
- (g) Records not subject to disclosure pursuant to Chapter 149.
- (h) Records the release of which is prohibited by state or federal law.

152.04 PROCEDURES

- (a) Each Appointing Authority or Elected Official shall establish appropriate rules and regulations to be enforced by the records custodian of each department for the inspection of routine public records consistent with the requirements of Ohio's Public Records Act and for the furnishing of copies of such records upon request by any person. Requests for public records need not be in writing. Routine public records shall be made promptly available for inspection and copying during regular business hours.

- (b) Where there is some question as to whether the record requested is public or where the record contains both public and confidential information, the record contains both public and confidential information, the records custodian shall immediately refer such request to the City Law Department for review. Such request shall be made in writing by the records custodian or the person requesting the record, and shall be dated and specify the documents, reports or records requested.
- (c) If a request for public records concerns records not readily available because of their volume, age, requirement for reduction, storage retrieval difficulties, or questions concerning the legality of their disclosure in accordance with paragraph (b), then compliance with a public records request shall be produced within a reasonable time subject to the demands of the department's business. The responsible records custodian shall provide in writing an explanation to the person making the request the reasons for delay if the records are not produced within five (5) days of the request.
- (d) Where the record or records requested are not public or where the records are public, but require reduction of confidential information contained in the public record, the records custodian shall, in writing, advise the person making the request the reasons for denial as soon as a determination is made, or the reasons for reduction when the records are produced.
- (e) The duty to provide a written explanation described in paragraph (c) or (d) does not apply if the party making the public records request does not wish to provide a name and address.

152.05 COSTS OF PUBLIC RECORDS

- (a) There shall be no cost associated with the inspection of public records.
- (b) Unless a higher fee is prescribed in accordance with state law or subparagraph (c) below or unless the cost is waived pursuant to subparagraph (e) below, the charges for copies of any requested documents, reports or records shall be as follows:
 - (1) Photostatic copy \$.25 per page, per side, for a report, document or record that is 8 1/2" x 11" or 8 1/2" x 14" or 11" x 17".
 - (2) Facsimile transmission:
 - \$.25 per page (local)
 - \$.50 per page (long distance).
 - (3) City Codes ("Building," "Minimum Housing," "Zoning" or "Plumbing")
 - \$10.00.
 - (4) Maps or atlas sheets:
 - 36" x 38" color map of City - \$10.00
 - 36" x 38" black & white map of City - \$2.00
 - (5) Codified Ordinance Book:
 - \$35.00 (soft cover).
 - (6) Reproduction of microfilmed records:
 - \$1.00 per page
 - (7) Computer printouts:
 - \$1.00 per pageComputer ready software:
 - cost to reproduce.
 - (8) Blueprints, reproductions, drawings, diagrams, plats and comparable sized records duplicated on an oversized copy machine:
 - \$1.00 per page, per side, for a document that is 11" x 14", or smaller;
 - \$2.00 per page, per side, for a document that is 18" x 14" or 24" x 36";
 - \$3.00 per page, per side, for a document that is 30" x 42" or 36" x 42", \$1.00 per each additional foot over 42".

- (9) Certification:
- \$.50 per certification in addition to the copying cost.

(c) (1) Police Department.

- A. Accident reports (Revised Code Section 5502.11 and 5502.12),
 - \$2.00 per report
 - \$3.00 (if mailed).
- B. Preparation of fingerprint impression cards for purposes of employment, obtaining licenses, or other civilian uses;
 - \$10.00.
- C. Employee background checks and the preparation of employer questionnaires;
 - \$5.00 per employee.
- D. Reproduction of photographs:
 - \$3.00 (4" x 5")
 - \$4.00 (8" x 10")
 - \$2.00 Polaroids by laser print.

(2) Fire Department.

Emergency medical reports or fire incident reports transcribed from the daily master log:
- \$3.00 per report.

(3) Traffic Engineering Department.

Preparation, research and typing of response for Traffic Engineering inquiries such as the function of a traffic signal:
- \$3.75 per quarter hour.

(4) Municipal Court.

The reproduction of Municipal Court records filed with the Clerk of Courts is established by the judges and published in the local rules of the Massillon Municipal Court.

(5) Health Department.

Birth certificate (Revised Code Sections 3705.24 and 3109.14);
- \$7.00
- \$.50 lamination.

- (d) Any public document, report or record which is not described above shall be reproduced for the requesting party at a reasonable cost established by the Appointing Authority or Elected Official. Reasonable cost may include expendable supplies, cost of retrieval, mailing or other delivery costs; and direct equipment operating and maintenance costs. Labor costs may be included only if the department is required to create a record that is not in their possession.
- (e) Appointing authorities or elected officials may permit the dissemination of copies of documents constituting public records at no cost, for those records which have previously been traditionally or routinely made available at no cost; provided, however, that the cost for the records identified in subparagraphs (b)(3)-(9) and subparagraphs (c)(1)-(5) above may not be waived. Copies of public records shall be made free of charge to other departments within City government and to other governmental entities which reciprocally provide free copies of records.
- (f) A signed duplicate of numerically numbered receipt by the person in charge of providing the copy shall be furnished to the individual upon payment. A duplicate copy of the receipt shall be retained by the Department along with a duplicate of the pay-in order and receipts shall be turned in daily, when practical, to the City Treasurer. If payment is made by check through the mail, no receipt need be furnished to the individual.

152.06 DESTRUCTION OF PUBLIC RECORDS

Public records which have been microfilmed or no longer have administrative, legal or fiscal value may be destroyed in accordance with the procedures set out in Ohio Revised Code Section 149.39 with the approval of the City Records Commission.

Section 2:

That all ordinances pertaining to the cost of copies, documents or records presently in effect within all departments in the City of Massillon shall be repealed.

Section 3:

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 various departments 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 _____, 1998

ATTEST:

SHARON HOWELL, CLERK OF COUNCIL DENNIS D. HARWIG, PRESIDENT

APPROVED: _____

FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: October 19, 1998

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

RESOLUTIONS NO. 17 - 1998

BY: FINANCE COMMITTEE

TITLE: A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.

(SEE ATTACHED PAGES)

PASSED THIS _____ DAY OF _____, 1998

ATTEST:

SHARON K. HOWELL, CLERK OF COUNCIL

DENNIS D. HAWIG, PRESIDENT

APPROVED: _____

MAYOR

MAYOR FRANCIS H. CICCHINELLI, JR.,

OCT 07 1998

**¹ RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE
BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES
AND CERTIFYING THEM TO THE COUNTY AUDITOR**

(CITY COUNCIL)

Rev. Code, Secs. 5705.34, 5705.35

The Council of the City of Massillon Stark
County, Ohio, met in session on the day of
(Regular or Special)
19, at the office of with the following members
present:

Mr. moved the adoption of the following Resolution:

WHEREAS, This Council in accordance with the provisions of law has previously adopted a Tax Budget for the next succeeding fiscal year commencing January 1st, 19; and

WHEREAS, The Budget Commission of County, Ohio, has certified its action thereon to this Council together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Council, and what part thereof is without, and what part within the ten mill tax limitation; therefore be it

RESOLVED, By the Council of the City of County, Ohio, that the amounts and rates, as determined by the Budget Commission in its certification, be and the same are hereby accepted; and be it further

RESOLVED, That there be and is hereby levied on the tax duplicate of said City the rate of each tax necessary to be levied within and without the ten mill limitation as follows:

[illegible]

FUND		Maximum Rate Authorized to Be Levied	County Auditor's Estimate of Yield of Levy (Carry to Schedule A, Column II)				
General Fund:							
Current expense levy authorized by voters on	, 19						
for not to exceed	years.						
Current expense levy authorized by voters on	, 19						
for not to exceed	years.						
Total General Fund outside 10 m. Limitation.							
Park Fund: Levy authorized by voters on	, 19						
for not to exceed	years.						
Recreation Fund: Levy authorized by voters on	, 19						
for not to exceed	years.						
Fund: Levy authorized by voters on	, 19						
for not to exceed	years.						

[illegible]

RESOLVED, That the Clerk of this Council be, and he is hereby directed to certify a copy of this Resolution to the County Auditor of said County.

Mr,

Mr. _____

Mr. _____,

Mr. _____; _____

Mr. _____

Mr. _____; _____

Mr. _____

Attest:

.....
President of Council

.....
Clerk of Council

CERTIFICATE TO COPY

ORIGINAL ON FILE

The State of Ohio,.....County, ss.

I,....., Clerk of the Council of the City of
....., within and for said County, and in whose
custody the Files and Records of said Council are required by the Laws of the State of
Ohio to be kept, do hereby certify that the foregoing is taken and copied from the original

.....
now on file, that the foregoing has been compared by me with said original document,
and that the same is a true and correct copy thereof.

WITNESS my signature, this.....day of....., 19.....

.....
Clerk of Council
.....

1. A copy of this Resolution must be certified to the County Auditor before the first day of October in each year, or at such later date as may
be approved by the Board of Tax Appeals.

No.....	
COUNCIL OF THE CITY OF	
County, Ohio	
RESOLUTION	
ACCEPTING THE AMOUNTS AND RATES AS DE- TERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.	
(City Council)	
Adopted, 19.....	
Clerk of Council	
Filed, 19.....	
County Auditor	
By, Deputy	