

AGENDA

DATE: January 21, 2003
PLACE: COUNCIL CHAMBERS
TIME: 7:30 P.M.

THERE ARE NO PUBLIC HEARINGS TONIGHT

1. ROLL CALL *-Bill Aman excused*
2. INVOCATION BY COUNCILMAN MIKE LOUDIANA
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. 9 - 2003 BY: COMMUNITY DEVELOPMENT COMMITTEE

*Susp
8-0
Pass
8-0*
AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into a contract with Stark County Regional Planning Commission for Housing Rehabilitation Services in the City of Massillon, Ohio, and declaring an emergency.

ORDINANCE NO. 10 - 2003 BY: PARKS AND RECREATION COMMITTEE

*Susp
8-0
Pass
8-0*
AN ORDINANCE authorizing the Mayor to enter into contract agreements with Variety Attractions, Inc. And L&B Entertainment Inc. for various engagement contracts for the 2003 summer concert series, and declaring an emergency.

ORDINANCE NO. 11 - 2003 BY: PARKS AND RECREATION COMMITTEE

*Susp
8-0
Pass
8-0*
AN ORDINANCE authorizing and directing the Director of Public Service and Safety to enter into an agreement for the golf professional at The Legends Golf Course, and declaring an emergency.

ORDINANCE NO. 12 - 2003 BY: PARKS AND RECREATION COMMITTEE

1st
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to grant a utility easement along the former Wheeling & Lake Erie Railroad to the Village of Brewster for the placement of and maintenance of an overhead electrical transmission line, and declaring an emergency.

1st
ORDINANCE NO. 13 - 2003 BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMM.

AN ORDINANCE accepting the dedication of an extension of Raynell Avenue N.W. from Harmony Street N.W. westerly, a distance of approximately 690 feet on unimproved property and declaring an emergency.

1st
ORDINANCE NO. 14 - 2003 BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMM.

AN ORDINANCE accepting the dedication of an extension of Ryder Street Avenue from the current west right-of-way line westerly, a distance of approximately 300 feet of unimproved property, and declaring an emergency.

JANUARY 21, 2003

ORDINANCE NO. 15 - 2003 **BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMM.**

*Susp 8-0
Poco 8-0*
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon to enter into an agreement with the law firm of Stergios & Kurtzman for legal representation in the appropriation of any necessary parcels as required by the current LPA Agreement with the Ohio Department of Transportation for the 16th Street Project, and declaring an emergency.

ORDINANCE NO. 16 - 2003 **BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMM**

*Susp 8-0
Poco 8-0*
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon to enter into an agreement with the appropriate property owners for the purchase of right-of-way, temporary easements, highway easements and relocation, along the 16th Street Corridor for the widening of said street pursuant to the Agreement with the Ohio Department of Transportation, and declaring an emergency.

ORDINANCE NO. 17 - 2003 **BY: FINANCE COMMITTEE**

*Susp 8-0
Poco 8-0*
Advanced 16th St. Funds
AN ORDINANCE making an appropriation from the unappropriated balance of the General Fund of the City of Massillon, Ohio, for the year ending December 31, 2003, and declaring an emergency.

ORDINANCE NO. 18 - 2003 **BY: FINANCE COMMITTEE**

*Susp 8-0
Poco 8-0*
AN ORDINANCE making a transfer in the 2003 appropriation from within the General Fund to the 16th Street Project Fund, of the City of Massillon, Ohio, and declaring an emergency.

ORDINANCE NO. 19 - 2003 **BY: FINANCE COMMITTEE**

*Susp 8-0
Poco 8-0*
AN ORDINANCE authorizing the Mayor to accept the Federal Emergency Management Agency (FEMA) Assistance to Firefighters Grant for use by the Massillon Fire Department, and declaring an emergency.

ORDINANCE NO. 20 - 2003 **BY: FINANCE COMMITTEE**

*Susp 8-0
Poco 8-0*
AN ORDINANCE authorizing the Director of Law of the City of Massillon to enter into a contract with the City of Canal Fulton for the purpose of providing prosecutorial services, and declaring an emergency.

ORDINANCE NO. 21 - 2003 **BY: FINANCE COMMITTEE**

*Susp 8-0
Poco 8-0*
AN ORDINANCE approving the editing and inclusion of certain Ordinances as parts of the various component Codes of the Codified Ordinances of Massillon, Ohio, and declaring an emergency.

ORDINANCE NO. 22 - 2003 BY: FINANCE COMMITTEE

SUP 8-0
Paid 8-0
AN ORDINANCE making certain appropriations from the unappropriated balance of the 16th Street project Fund, Community Development Block Grant Program Fund, General Fund, Recreation Center Fund, Economic Development Fund, Health Fund, and Restaurant License Fund for the year ending December 31, 2003, and declaring an emergency.

ORDINANCE NO. 23 - 2003 BY: FINANCE COMMITTEE

SUP 8-0
Paid 8-0
AN ORDINANCE making certain transfers in the 2003 appropriation from within the Parks and Recreation Fund and the General Fund to the summer concert fund of the City of Massillon, Ohio, and declaring an emergency.

ORDINANCE NO. 24 - 2003 BY: FINANCE COMMITTEE

SUP 8-0
Paid 8-0
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 for health insurance coverage for City employees, and declaring an emergency.

7. UNFINISHED BUSINESS**8. PETITIONS AND GENERAL COMMUNICATIONS**

(A) LETTER FROM OHIO DIVISION OF LIQUOR CONTROL REGARDING A TRANSFER OF LIQUOR LICENSE FROM LAWSON CO. 5320, 2622 LINCOLN WAY WEST, MASSILLON, OHIO, 44646 TO MASSILLON S&K INC, DBA SNACK BOX, 2622 LINCOLN WAY WEST, MASSILLON, OHIO, 44646

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

Walter Drame Co. \$4,000 -
Copy co. \$772. -
Indep. 147.00

8-0
TO AG BILLS

A). MAYOR SUBMITS MONTHLY PERMIT REPORT FOR DEC. 2002

B). AUDITOR SUBMITS MONTHLY REPORT FOR DEC. 2002

C). POLICE CHIEF SUBMITS MONTHLY REPORT FOR DEC. 2002

D). FIRE CHIEF SUBMITS MONTHLY REPORT FOR DEC. 2002

E). INCOME TAX ADMINISTRATOR SUBMITS MONTHLY REPORT FOR DEC. 2002

F). TREASURER SUBMITS MONTHLY REPORT FOR DEC. 2002

G). MAYOR TO SUBMIT APPOINTMENTS TO BOARDS & COMMISSIONS 2003

H). HEALTH DEPARTMENT SUBMITS YEARLY REPORT FOR 2002

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

1-27 @ 5:30
Member
Ph. Rec. Report.
W/9000.
B-0 TO
ACCEPT APPL'S.

15. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 1 - 2003 BY: COMMUNITY DEVELOPMENT COMMITTEE

PH 2-18 @ 7:30 PM

ZND **AN ORDINANCE** amending CHAPTER 1187 "SUPPLEMENTAL ZONING REGULATIONS" of the Codified Ordinances of the City of Massillon, by enacting a new Section 1187.15 "Bed and Breakfast Regulations", and declaring an emergency.

ORDINANCE NO. 2 - 2003 BY: COMMUNITY DEVELOPMENT COMMITTEE

PH 2-18 @ 7:00 PM

ZND **AN ORDINANCE** amending CHAPTER 1153 "R-1 THROUGH R-4 ONE FAMILY RESIDENTIAL DISTRICTS" of the Codified Ordinances of the City of Massillon, by enacting a new Section 1153.03(k) "Principle Uses Permitted Subject To Special Conditions", and declaring an emergency.

ORDINANCE NO. 3 - 2003 BY: COMMUNITY DEVELOPMENT COMMITTEE

PH 2-18 @ 7:00 PM

ZND **AN ORDINANCE** amending CHAPTER 1155 "R-T TWO FAMILY RESIDENTIAL DISTRICTS" of the Codified Ordinances of the City of Massillon, by enacting a new Section 1155.03(c) "Principle Uses Permitted Subject To Special Conditions", and declaring an emergency.

ORDINANCE NO. 4 - 2003 BY: COMMUNITY DEVELOPMENT COMMITTEE

PH 2-18 @ 7:00 PM

ZND **AN ORDINANCE** amending CHAPTER 1157 "RM-1 MULTIPLE FAMILY RESIDENTIAL DISTRICTS" of the Codified Ordinances of the City of Massillon, by enacting a new Section 1157.04(f)&(g) "Principle Uses Permitted Subject To Special Conditions", and declaring an emergency.

ORDINANCE NO. 5 - 2003 BY: COMMUNITY DEVELOPMENT COMMITTEE

PH 2-18 @ 7:00 PM

ZND **AN ORDINANCE** amending CHAPTER 1163 "B-1 LOCAL BUSINESS DISTRICTS" of the Codified Ordinances of the City of Massillon, by enacting a new Section 1163.04(d)&(e) "Principle Uses Permitted Subject To Special Conditions", and declaring an emergency.

ORDINANCE NO. 6 - 2003 BY: COMMUNITY DEVELOPMENT COMMITTEE

PH 2-18 @ 7:00 PM

ZND **AN ORDINANCE** amending CHAPTER 1165 "B-2 CENTRAL BUSINESS DISTRICTS" of the Codified Ordinances of the City of Massillon, by enacting a new Section 1165.04(h)&(i) "Principle Uses Permitted Subject To Special Conditions", 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 - CLERK OF COUNCIL

DATE: January 21, 2003

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

Passed
LEGISLATIVE DEPARTMENT

COUNCIL CHAMBERS

ORDINANCE NO. 9 - 2003

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into a contract with Stark County Regional Planning Commission for Housing Rehabilitation Services 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:

The Council of the City of Massillon, Ohio, hereby finds that it is necessary to enter into a contract with Stark County Regional Planning Commission for Housing Rehabilitation Services in the City of Massillon. The contract for services shall not exceed Thirteen Thousand Dollars (\$13,000.00).

Section 2:

The Mayor of the City of Massillon is hereby authorized to enter into a contract with Stark County Regional Planning Commission for Housing Rehabilitation Services in the City of Massillon, Ohio.

Section 3:

Upon delivery of the aforesaid agreement, the Mayor 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:

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 needed to assist the City of Massillon in its Housing Rehabilitation Program. 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: January 21, 2003

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 10 - 2003

BY: PARKS AND RECREATION COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor to enter into contract agreements with Variety Attractions, Inc. and L & B Entertainment Inc. for various engagement contracts for the 2003 summer concert series, and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby determines it to be necessary in the public health, safety and welfare to enter into contract agreements with Variety Attraction, Inc. and L & B Entertainment Inc. for various engagement contracts for the 2003 summer concert series.

Section 2:

The Mayor of the City of Massillon, Ohio, is hereby authorized to enter into contract agreements with Variety Attraction, Inc. and L & B Entertainment Inc., for various engagement contracts for the 2003 summer concert series. The cost of said contracts shall not exceed Ninety-Five Thousand Dollars (\$95,000.00).

Section 2:

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 to provide summer concert entertainment series for the citizens 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.

DATE: January 21, 2003

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

Passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 11 - 2003

BY: PARKS AND RECREATION COMMITTEE

TITLE: AN ORDINANCE authorizing and directing the Director of Public Service and Safety to enter into an agreement for the golf professional at The Legends Golf Course, and declaring an emergency.

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

Section 1:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to enter into an agreement for the golf professional at The Legends Golf Course.

Section 2:

The cost to the City for the agreement with the golf professional shall not exceed Thirty-Five Thousand One Hundred Ten Dollars (\$35,110.00) and shall be for a one year period.

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 that a golf professional is hired prior to the 2003 season opening of The Legends Golf Course 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.

CITY OF MASSILLON Golf Professional Agreement

This agreement made this _____ day of _____, 2003, by and between the City of Massillon, hereinafter called "City" and Raymond S. Bush, hereinafter called the "Golf Professional".

The City does hereby agree to contract with the Golf Professional and the Golf Professional does hereby agree to serve the City as the Golf Professional of the City's municipal public golf course (The Legends of Massillon) for a period of twelve (12) months from approximately January 2 - December 31. If the commencing date would have to be delayed at the option of the City, the expiration date of the AGREEMENT will be extended accordingly.

The Golf Professional's normal schedule will be 45 hours per week from Tuesday through Sunday. The Golf Professional will organize and oversee a junior golf program complimentary to Massillon residents for a period of four weeks during the 2003 golf season. Any variation of this schedule must be submitted and approved by the Director of Golf.

The City will pay the Golf Professional for his services under this AGREEMENT \$35,110.00 per year, payable in monthly payments of \$2,925.83 per pay during the period of this AGREEMENT. Said compensation will be for a period of twelve (12) months during the said calendar year. The Golf Professional will be allowed three weeks vacation per year during the length of the AGREEMENT with the approval of the Director of Golf, which shall not be unreasonably denied. The Golf Professional will also be permitted use of the driving range and golf course at no cost.

The City considers public relations to be an important component of the Golf Professional's job duties and expects all actions of the Golf Professional to reflect this importance. The Golf Professional will be under the direct supervision of the Director of Golf and will have duties and responsibilities as outlined in the attached Golf Professional Job Description. As The Legends of Massillon is in the service business, the Golf Professional will ensure by example that patrons and all others are treated in a courteous and professional manner.

The Golf Professional further agrees to the following: (1) Supervise golf operations in the absence of the Director of Golf, (2) Provide golf lessons during off-duty hours.

The Golf Professional will have the right to give professional golf lessons during off-duty hours and to receive and retain all fees for such lessons during the period of the AGREEMENT.

The Golf Professional will have the right to operate a pro-shop. The Golf Professional will use existing space provided to operate and maintain an adequate stock of merchandise generally available in golf course pro-shops. A lease payment of \$10.00/year for the provided space shall be paid to the Legends of Massillon. All pro-shop merchandise selected to bear the Legends course name shall use "The Legends of Massillon" logo. The pro-shop shall also remain maintained in a clean and organized manner at all times.

Any persons employed by the Golf Professional in the pro-shop exclusively for merchandising purposes or any other purposes on his behalf will be solely his employees, and will be solely responsible for the compensation and duties of such persons. Said individuals shall not have access to golf course monies or be afforded any responsibilities for the golf course operations.

The City may exercise an option to take over the operations of the pro-shop no later than ninety (90) days after the commencement of this AGREEMENT. If this option is exercised, the Golf Professional may be hired as a full-time employee for the City of Massillon.

The Golf Professional is responsible for the payment of all federal, state, and local taxes on the fees he receives from the City. The City will pay no benefits or compensation other than what has been stated above.

The AGREEMENT will be in effect for the weeks outlined above. Should the Golf Professional violate any of the terms and conditions of this AGREEMENT, the City may terminate the AGREEMENT ten (10) days after written notice has been given to the Golf Professional.

Negotiations between the City and the Golf Professional will begin approximately November 1, 2003 and will be fully completed and approved by December 1, 2003 for the 2004 AGREEMENT.

IN WITNESS THEREOF, the parties have hereunto set their hands this

_____ day of _____, 2003.

ATTEST

THE CITY OF MASSILLON, OHIO

Witness

Alan W. Climer, Director of Public Service and Safety

ATTEST

GOLF PROFESSIONAL

Witness

Raymond S. Bush

**CITY OF MASSILLON
PARKS AND RECREATION DEPARTMENT
POSITION DESCRIPTION**

POSITION: Golf Professional

The Golf Professional is directly responsible to the Director of Golf. The Golf Professional has supervisory responsibility for The Legends of Massillon Golf Course operations in the absence of the Director of Golf. This responsibility should not be taken lightly and is to execute in the same manner as far as rules, regulations and policies set forth by the City of Massillon Parks and Recreation Department.

JOB RESPONSIBILITIES

- Will get change for cashiers when on duty
- Will adhere to the rules, regulations and policies governing the use of the golf course as set forth by the City of Massillon Parks and Recreation Department
- Will be responsible for outings and tournaments
- Will operate and maintain a reputable Pro-Shop featuring quality merchandise and service
- Will provide golf instruction for all age groups of players when not on duty

ESSENTIAL KNOWLEDGE, ABILITIES AND SKILLS

- Supervisory ability
- Promote golf in general (i.e., leagues, junior golf, outings, tournaments, etc.)
- Thorough knowledge of the game of golf in as far as rules and rules decisions
- Should be an accomplished golfer
- Sense of public relations
- Marketing savvy
- Ability to work with other employees

QUALIFICATIONS

- Must have PGA Class A status or the ability to obtain within one (1) year
- Minimum of five (5) years experience in the golf industry

The duties and responsibilities listed are not set forth for the purpose of limiting the assignment of work. They are not to be construed as a complete list of the many duties normally performed under the job title or to be performed temporarily outside an employee's normal line of work.

The City of Massillon expressly reserves the right to add to, detract from, modify or eliminate any of the above responsibilities.

DATE: January 21, 2003

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

1st reading
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 12 - 2003

2nd reading 8/3
Tabled 8/18 - 3/3

BY: PARKS AND RECREATION COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to grant a utility easement along the former Wheeling & Lake Erie Railroad to the Village of Brewster for the placement of and maintenance of an overhead electrical transmission line, 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, hereby finds that it is necessary to grant a utility easement along the former Wheeling & Lake Erie Railroad to the Village of Brewster for the placement of and maintenance of an overhead electrical transmission line,

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized to grant a utility easement along the former Wheeling & Lake Erie Railroad to the Village of Brewster for the placement of and maintenance of an overhead electrical transmission line.

Section 3:

That this Ordinance is hereby declared to be an emergency measure for the reason that this utility easement is needed to assist the Village of Brewster in the placement of and for the maintenance of an overhead electrical transmission line. 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 _____ 2003

APPROVED: _____

SHARON K. HOWELL, CLERK OF COUNCIL

DENNIS D. HARWIG, PRESIDENT

APPROVED _____

FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: January 21, 2003

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

1st reading
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 13 - 2003

passed 2/3

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE accepting the dedication of an extension of Raynell Avenue N.W. west of Greendale and 29th Street, and declaring an emergency.

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

Section 1:

Council hereby authorizes the acceptance of the dedication of an extension of Raynell Avenue N.W. west of Greendale and 29th Street, presently on file in the office of the City Engineer. This dedication was approved by the Planning Commission at its October 9, 2002 meeting. This dedication plat is being requested by Fred and Wanda Berens owners of the unimproved property. The description is as follows:

Being known as an extension of Raynell Avenue N.W. west of Greendale and 29th Street. The extension of the right of way will be approximately 700 feet west; on the north side of Out Lot 695, south of Raynell Heights Allotment. The area to be dedicated is approximately 0.70 acres of Out Lot

Section 2:

This Ordinance is declared to be an emergency measure for the reason that said dedication of the extension will assist in the future development of the area 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.

PASSED IN COUNCIL THIS _____ DAY OF _____ 2003

APPROVED: _____

SHARON HOWELL, CLERK OF COUNCIL

DENNIS D. HARWIG, PRESIDENT

APPROVED: _____

FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: January 21, 2003

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

1st Reading
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 14 - 2003

passed 2/3

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE accepting the dedication of an extension of Ryder Avenue N.W. west of Kenyon from the current west right-of-way line westerly, a distance of approximately 300 feet of unimproved property, and declaring an emergency.

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

Section 1:

Council hereby authorizes the acceptance of the dedication of an extension of Ryder Street Avenue from the current west right-of-way line westerly, a distance of approximately 300 feet of unimproved property, presently on file in the office of the City Engineer. This dedication was approved by the Planning Commission at its October 9, 2002 meeting. This dedication plat is being requested by Janet Princehorn owner of the unimproved property. The description is as follows:

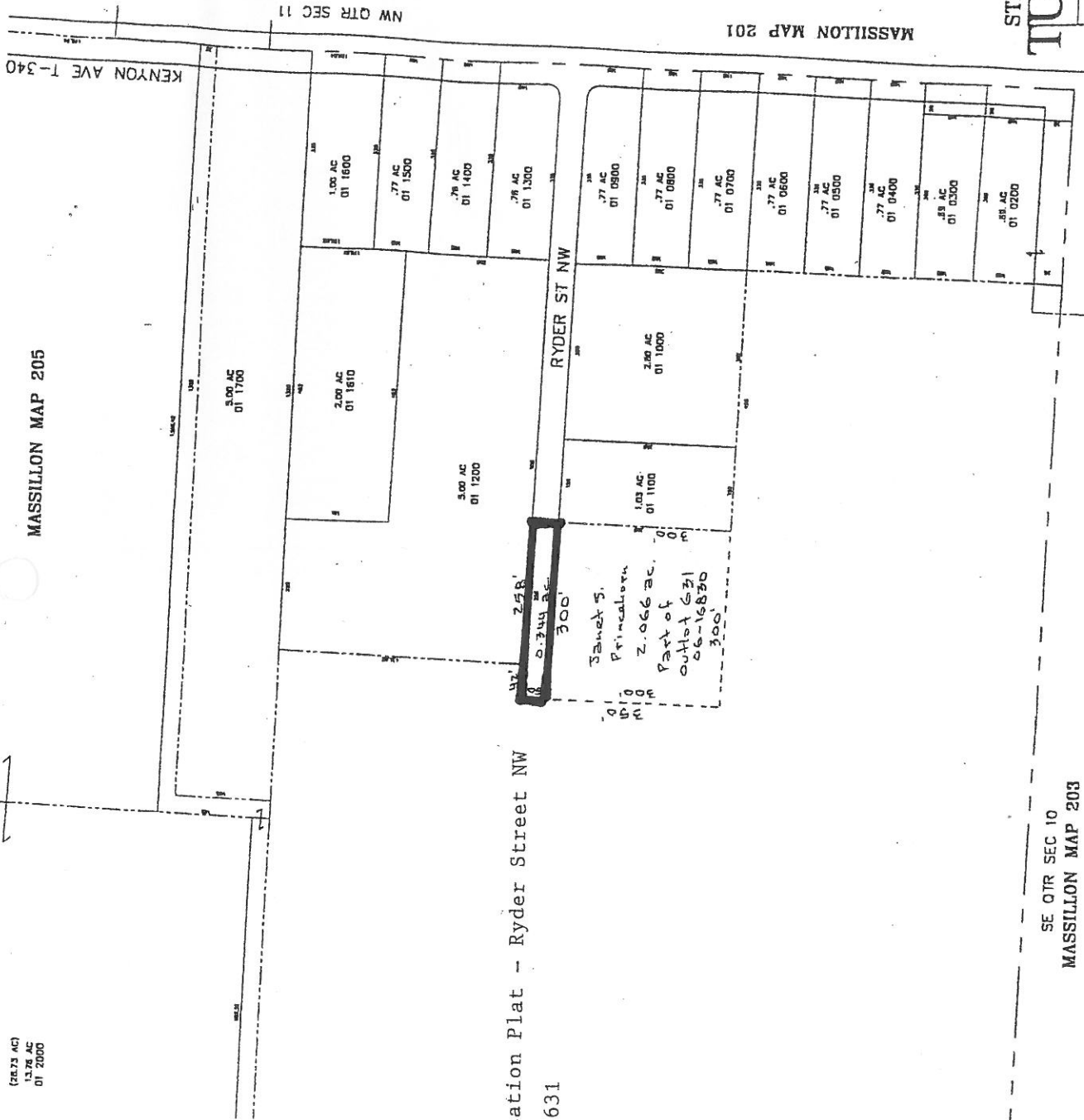
Being known as an extension of Ryder Avenue N.W., west of Kenyon. The proposed dedication is to extend right-of-way approximately 300 feet west. Area to be dedicataed is approximatley 0.344 acres of Out Lot 631. This street is known as Ryder Street N.W. in Tuskers Township but the portion inside City Limits will e known as Ryder Avenue N.W.

Section 2:

This Ordinance is declared to be an emergency measure for the reason that said dedication of the extension will assist in the future development of the area, 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.

(20.73 AC)
13.78 AC
01 2000

MASSILLON MAP 205



Replat and Dedication Plat - Ryder Street NW
Part of Out Lot 631

SE QTR SEC 10
MASSILLON MAP 203

MASSILLON MAP 201

STARK COUNTY TAX MAP

TUSCARAWA

TOWNSHIP 10 RANGE 10
SECTION 10 QUARTER N

TAX DISTRICT 74

SCALE 1"=100' REVISED 1-14-87 DJ

DATE: January 21, 2003

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 15 - 2003

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon to enter into an agreement with the law firm of Stergios & Kurtzman for legal representation in the appropriation of any necessary parcels as required by the current LPA Agreement with the Ohio Department of Transportation for the 16th Street Project, and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby determines it to be necessary in the public health, safety and welfare to enter into an agreement with the law firm of Stergios & Kurtzman for legal representation in the appropriation of any necessary parcels as required by the current LPA Agreement with the Ohio Department of Transportation for the 16th Street Project.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized to enter into an agreement with the law firm of Stergios & Kurtzman for legal representation in the appropriation of any necessary parcels as required by the current LPA Agreement with the Ohio Department of Transportation for the 16th Street Project.

Section 3:

This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety, and welfare of the community, and for the additional reason that it is necessary for the City of Massillon to enter into an agreement for legal representation so as to require the necessary property to complete the 16th Street project. 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: January 21, 2003

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 16 - 2003

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon to enter into an agreement with the appropriate property owners for the purchase of a right-of-way, temporary easements, highway easements and relocation, along the 16th Street Corridor for the widening of said street pursuant to the LPA Agreement with the Ohio Department of Transportation, and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby determines it to be necessary in the public health, safety and welfare to enter into an agreement with the appropriate property owners for the purchase of a right-of-way, temporary easements, highway easements and relocation, along the 16th Street Corridor for the widening of said street pursuant to the LPA Agreement with the Ohio Department of Transportation.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized to enter into an agreement with the appropriate property owners for the purchase of a right-of-way, temporary easements, highway easements and relocation, along the 16th Street Corridor for the widening of said street pursuant to the LPA Agreement with the Ohio Department of Transportation

Section 3:

This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety, and welfare of the community, and for the additional reason that it is necessary for the City of Massillon to enter into the appropriate agreements so as to complete the 16th Street corridor project. 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: January 21, 2003

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 17 - 2003

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making an appropriation from the unappropriated balance of the General Fund of the City of Massillon, Ohio, for the year ending December 31, 2003, 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, 2003, the following:

\$165,000.00 to an account entitled "Advance To" 1100.905.2570

Section 2:

That this Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said funds are necessary for completion of the 16th Street project in the City of Massillon, and for the preservation of the public health, safety and welfare of the community. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____ 2003

APPROVED: _____
SHARON HOWELL, CLERK OF COUNCIL DENNY HARWIG, PRESIDENT

APPROVED: _____
FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: January 21, 2003

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 18 - 2003

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making a transfer in the 2003 appropriation from within the General Fund to the 16th Street Project Fund, of 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:

There be and hereby is transferred from the 2003 appropriation from within the General Fund to the 16th Street Project Fund, of the City of Massillon, Ohio, the following:

\$165,000.00 FROM: "Advance To" 1100.905.2750
 TO "Advance In" 1410.435.1865

Section 2:

That this Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said funds are necessary for the completion of the 16th Street project in the City of Massillon, and for the preservation of the public health, safety and welfare of the community. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____ 2003

APPROVED: _____
SHARON HOWELL, CLERK OF COUNCIL DENNIS D. HARWIG, PRESIDENT

APPROVED: _____
FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: January 21, 2003

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 19 - 2003

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor to accept the Federal Emergency Management Agency (FEMA) Assistance to Firefighters Grant for use by 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 Mayor is hereby authorized to accept a the Federal Emergency Management Agency (FEMA) Assistance to Firefighters Grant for use by the Massillon Fire Department.

Section 2:

The said amount of the federal grant shall be Forty-Three Thousand Nine Hundred Two Dollars (\$ 43,902.00).

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 that the grant is necessary to fund the Massillon Fire Department for fire operations and fire safety. 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 _____ 2003

APPROVED: _____
SHARON HOWELL, CLERK OF COUNCIL DENNIS D. HARWIG, PRESIDENT

APPROVED: _____
FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: January 21, 2003

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

Passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 20 - 2003

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Law of the City of Massillon to enter into a contract with the City of Canal Fulton for the purpose of providing prosecutorial services, and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby determines it to be necessary in the public health, safety and welfare to enter into an a contract with the City of Canal Fulton for the purpose of providing prosecutorial services.

Section 2:

The Director of Law of the City of Massillon, Ohio, is hereby authorized to enter into an a contract with the City of Canal Fulton for the purpose of providing prosecutorial services. The cost of said contract to the City of Canal Fulton shall not exceed Eighteen Thousand Dollars (\$18,000.00).

Section 3:

This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety, and welfare of the community, and for the additional reason the City of Canal Fulton has requested the Director of Law of the City of Massillon to prosecute all criminal and traffic cases that come before the Massillon Municipal Court. 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: January 21, 2003

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

Passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 21 - 2003

BY: FINANCE COMMITTEE

Title: AN ORDINANCE approving the editing and inclusion of certain Ordinances as parts of the various component Codes of the Codified Ordinances of Massillon, Ohio, and declaring an emergency.

WHEREAS, various ordinances of a general and permanent nature have been passed which should be included in the Codified Ordinances of Massillon, Ohio; and

WHEREAS, numerous sections in the Traffic and General Offenses Codes need to be amended or enacted so as to conform to enactments of the Ohio General Assembly;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MASSILLON, OHIO,
IN REGULAR SESSION SITTING: TWO-THIRDS OF THE MEMBERS CONCURRING:

SECTION 1: That the editing, arrangement and numbering or renumbering of the following ordinances and parts of ordinances are hereby approved as parts of the various component codes of the Codified Ordinances of Massillon, Ohio, so as to conform to the classification and numbering system of the Codified Ordinances to wit:

<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
251-2001	2-4-02	1180.01 to 1180.03
286-2001	1-7-02	121.02(b)
12-2002	2-19-02	925.63 to 925.68
26-2002	3-18-02	1154.01 to 1154.04
56-2002	3-18-02	937.12
70-2002	5-6-02	505.14(c)(38)
123-2002	7-15-02	1187.14(a)(5)A & B.
143-2002	8-6-02	961.22
159-2002	9-3-02	961.23
160-2002	9-3-02	961.24
181-2002	11-18-02	925.625
182-2002	10-7-02	509.11 to 509.13
208-2002	12-2-02	965.09
209-2002	11-18-02	753.01 to 753.12, 753.99
210-2002	11-18-02	505.16

SECTION 2: The following sections of the Traffic and General Offenses Codes, as amended, are hereby approved and adopted as amended or enacted so as to conform to enactments of the Ohio General Assembly.

Traffic Code

301.51	Vehicle Defined. (Amended)
371.12	Electric Personal Assistive Mobility Devices. (Added)
371.99	Penalty for Pedestrian Violations. (Added)

General Offenses Code

501.01	General Code Definitions. (Amended)
501.99	Penalties for Misdemeanors. (Amended)
509.06	Inducing Panic. (Amended)
509.07	Making False Alarms. (Amended)
513.01	Definitions. (Amended)
525.08	Obstructing Justice. (Amended)
529.01	Liquor Control Definitions. (Amended)
529.02	Sales to and Use by Underage Persons. (Amended)
529.021	Purchase by Minor. (Amended)
529.07	Open Container Prohibited. (Amended)
533.01	Obscenity and Sex Offenses Definitions. (Amended)
533.02	Presumption of Knowledge; Actual Notice and Defense. (Amended)
533.04	Sexual Imposition. (Amended)
533.05	Importuning. (Repealed)
537.14	Domestic Violence. (Amended)
537.16	Illegal Distribution of Cigarettes or Other Tobacco Products. (Amended)
545.21	Identity Fraud. (Amended)

Building Code

1301.01	2002 Ohio Building Code Adopted. (Amended)
1301.02	Purpose. (Amended)
1301.03	Scope. (Amended)
1301.04	Compliance. (Amended)
1301.05	Existing Structures. (Amended)
1301.06	Violations. (Amended)
1301.07	Stop Work Order. (Amended)
1301.08	Conflict. (Amended)
1301.09	Enforcement. (Amended)
1301.99	Penalty. (Amended)

SECTION 3: A copy of such Ordinances as edited, arranged and numbered or renumbered as parts of the Codified Ordinances is attached to this Ordinance in the form of 2003 Replacement Pages to the Codified Ordinances.

SECTION 4: That this Ordinance is 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 there exists an imperative necessity for the earliest publication and distribution of the Codified Ordinances to the officials and residents of the City of Massillon, Ohio, so as to facilitate administration, daily operation and avoid practical and legal entanglements. 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 _____, 2003.

ATTEST:

Clerk of Council

President of Council

APPROVED: _____

Mayor

DATE: January 21, 2003

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 22 - 2003

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the 16th Street Project Fund, Community Development Block Grant Program Fund, General Fund, Recreation Center Fund, Economic Development Fund, Home Health Fund, and Restaurant License Fund, for year ending December 31, 2003, 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 16th Street Project Fund for the year ending December 31, 2003, the following:

\$165,000.00 to an account entitled "16th Street Project" 1410.435.2510

Section 2:

There be and hereby is appropriated from the unappropriated balance of the Community Development Block Grant Program Fund for the year ending December 31, 2003, the following:

\$ 76,300.90 to an account entitled "Section 108 Loan Program" 1203.845.2811

Hamilton Inn

Section 3:

There be and hereby is appropriated from the unappropriated balance of the General Fund for the year ending December 31, 2003, the following:

\$28,800.00 to an account entitled "Salary" 1100.326.2110

\$19,080.00 to an account entitled "Travel/Seminar/Schooling" 1100.326.2389

\$ 900.00 to an account entitled "Services/Contracts" 1100.326.2392

Section 4:

There be and hereby is appropriated from the unappropriated balance of the Recreation Center Fund for the year ending December 31, 2003, the following:

\$ 30,000.00 to an account entitled "Supplies" 1435.505.2410
\$ 35,000.00 to an account entitled "Services & Contracts" 1435.505.2392

Section 5:

There be and hereby is appropriated from the unappropriated balance of the Economic Development Fund for the year ending December 31, 2003, the following:

\$ 1,200.00 to an account entitled "Service/Contracts" 1237.845.2392
\$ 500.00 to an account entitled "Service/Contracts" 1237.845.2392

Section 6:

There be and hereby is appropriated from the unappropriated balance of the Home Health Fund for the year ending December 31, 2003, the following:

\$ 500.00 to an account entitled "Services/Contracts" 1235.705.2392
\$ 500.00 to an account entitled Travel/Seminar" 1235.705.2389

Section 7:

There be and hereby is appropriated from the unappropriated balance of the Restaurant License Fund for the year ending December 31, 2003, the following:

\$ 500.00 to an account entitled "Travel/Seminar" 1211.720.2389

Section 8:

This Ordinance is hereby declared to be an emergency measure, for the efficient operation of the various departments of the City of Massillon and for the preservation of the public health, safety and welfare of the community. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

DATE: January 21, 2003

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

Passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 23 - 2003

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain transfers in the 2003 appropriation from within the Parks and Recreation Fund and the General Fund to the Summer Concert Fund of 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:

There be and hereby is transferred from the 2003 appropriation from within the Parks and Recreation Fund to the Summer Concert Fund City of Massillon, Ohio, the following:

\$30,000.00 FROM: "Transfer To" 1234.505.2710
TO: "Summer Concerts" 1212.505.1860

Section 2:

There be and hereby is transferred from the 2003 appropriation from within the General Fund to the Summer Concert Fund of the City of Massillon, Ohio, the following:

\$35,000.00 FROM: "Transfer To" 1100.905.2714
TO: "Summer Concerts" 1212.505.1860

Section 3:

That this Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said funds are necessary to place the funds for the summer concert series in the proper accounts, so that the contracts may be signed by 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: January 21, 2003

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO.24 - 2003

BY: FINANCE 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 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 determines it to be necessary and in the public health, safety and welfare to enter into contract with Hometown Hospital Health Plan for health insurance coverage for City employees.

Section 2:

The Director of Public Service and Safety of the City of Massillon is hereby authorized to enter into contract with Hometown Hospital Health Plan for health insurance coverage for City employees.

Section 3:

This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety, and welfare of the community, and for the additional reason that it is necessary to enter into a contract with Hometown Hospital Health Plan for health 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.