

## AGENDA

DATE: MONDAY, OCTOBER 20, 2003

PLACE: COUNCIL CHAMBERS

TIME: 7:30 P.M.

**THERE ARE NO PUBLIC HEARING TONIGHT**

1. ROLL CALL
2. INVOCATION BY COUNCILMAN TIM BRYAN
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. 160 - 2003**

**BY: PARKS AND RECREATION COMMITTEE**

**AN ORDINANCE** amending CHAPTER 961 "PARKS" of the Codified Ordinances of the City of Massillon, by repealing existing Section 961.15 "ANIMALS" and by enacting a new Section 961.15 "ANIMALS", and declaring an emergency.

**ORDINANCE NO. 161 - 2003**

**BY: PARKS AND RECREATION COMMITTEE**

**AN ORDINANCE** authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract without competitive bidding with MS Consultants, Inc., for the development of an in-lake sediment detention area and stream restoration recommendations for the Reservoir/Sippo Creek Corridor, upon approval of the Board of Control, and declaring an emergency.

**ORDINANCE NO. 162 - 2003**

**BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY**

**AN ORDINANCE** designating Tommy Henrich Drive NW the name for a certain street located in the City of Massillon, Ohio, and described as a street between Lincoln Way West and First Street NW., formerly known as Third Street NW and Agathon Avenue NW., and declaring an emergency.

**ORDINANCE NO. 163 - 2003**

**BY: FINANCE COMMITTEE**

**AN ORDINANCE** authorizing the Auditor of the City of Massillon to deposit the three-tenths percent (3%) City Income Tax for the Parks and Recreation Ssystem into the Parks and Recreation Operation Fund", "Park and Recreation Debt Retirement Fund" and the :Park and Recreation Capitol Improvement Fund", and declaring an emergency.

**ORDINANCE NO. 164 - 2003**

**BY: FINANCE COMMITTEE**

**AN ORDINANCE** making certain appropriations from the unappropriated balance of the Wastewater Treatment Fund, Street M & R Fund, State Highway M & R and the Community Development Fund, for the year ending December 31, 2003, and declaring an emergency.

OCTOBER 20, 2003

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

- A). POLICE CHIEF SUBMITS MONTHLY REPORT FOR SEPTEMBER 2003
- B). TREASURER SUBMITS MONTHLY REPORT FOR SEPTEMBER 2003
- C). FIRE CHIEF SUBMITS MONTHLY REPORT FOR SEPTEMBER 2003.
- D). INCOME TAX DEPARTMENT SUBMITS MONTHLY REPORT SEPTEMBER 2003
- E). MAYOR'S SUBMITS MONTHLY REPORT FOR SEPTEMBER 2003
- F). WASTE DEPARTMENT SUBMITS MONTHLY REPORT FOR SEPTEMBER 2003

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

ORDINANCE NO. 152 - 2003

BY: POLICE AND FIRE COMMITTEE

AN ORDINANCE repealing CHAPTER 761 "TOWING COMPANIES" of the Codified Ordinances of the City of Massillon, Ohio, and enacting a new CHAPTER 761 "TOWING COMPANIES" of the Codified Ordinances of the City of Massillon, and declaring an emergency.

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

MARY BETH BAILEY - CLERK OF COUNCIL



DATE: OCTOBER 20, 2003

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 160 - 2003

BY: PARKS AND RECREATION COMMITTEE

TITLE: AN ORDINANCE amending CHAPTER 961 "PARKS" of the Codified Ordinances of the City of Massillon, by repealing existing Section 961.15 "ANIMALS" and by enacting a new Section 961.15 "ANIMALS", and declaring an emergency.

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

Section 1:

Section 961.15 "ANIMALS" be and is hereby repealed and there be and is hereby enacted a new Section 961.15 "ANIMALS". Said newly enacted section shall read as follows:

961.15 ANIMALS

No person shall tie or release in a public park, or permit any animal whatsoever to run at large within the boundaries of any City park. Further restrictions shall be imposed in South Sippo, Genshaft Park and Eagles #190 Sports Complex prohibiting all domestic animals other than for assistance to visually impaired persons. Dogs are allowed off-leash in the designated area at Furnas Park.

Section 2:

This ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said enactments are necessary for the proper operation of the parks 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 \_\_\_\_\_, 2003

ATTEST:

MARY BETH BAILEY, CLERK OF COUNCIL

DENNIS D. HARWIG, PRESIDENT

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

FRANCIS H. CICCHINELLI, JR., MAYOR

**961.09 FIRES.**

No person shall build, burn or maintain a fire on any park lands in the City except in units constructed as outdoor ovens or fireplaces, and all fires shall be extinguished before the persons starting such fires shall leave the park property.  
(Ord. 135-1984. Passed 10-1-84.)

**961.10 FIREARMS OR FIREWORKS.**

No person shall fire, discharge or set off within the boundaries of the City parks any firearms, rocket, torpedo or fireworks of any character whatsoever, unless a written permit is first obtained from the Park Board.  
(Ord. 135-1984. Passed 10-1-84.)

**961.11 ADVERTISING PROHIBITED.**

No person shall place or otherwise permanently affix any bill, notice, advertisement, sign or paper within City park boundaries, nor upon any fence, tree, or other protective or decorative device surrounding City park property, or upon such property without approval of City Council. A person may place or otherwise affix any temporary bill, notice, advertisement, sign or paper within City park boundaries with permission from the Parks and Recreation Board. (Ord. 55-1997. Passed 4-21-97.)

**961.12 GAMBLING PROHIBITED.**

No persons shall be permitted to indulge in any game of chance or gambling in any manner or form within the boundaries of the City parks.  
(Ord. 135-1984. Passed 10-1-84.)

**961.13 LIQUOR, DRUGS PROHIBITED.**

No person shall possess or use any intoxicating liquor, beer, illegal drugs or controlled substances of any form whatsoever on park property in the City.  
(Ord. 135-1984. Passed 10-1-84.)

**961.14 PUBLIC DECENCY.**

No person shall use threatening, abusive, boisterous, profane or indecent language on any public park grounds, and no person shall commit any obscene or indecent act while on the premises.  
(Ord. 135-1984. Passed 10-1-84.)

**961.15 ANIMALS.**

No person shall tie or release in a public park, or permit any animal whatsoever to run at large within the boundaries of any City park. Further restrictions shall be imposed in South Sippo, North Sippo and Reservoir Parks prohibiting all domestic animals other than for assistance to visually impaired persons.  
(Ord. 25-1998. Passed 2-2-98.)

**961.16 MUSICAL INSTRUMENTS.**

No person shall play upon any musical instrument in a boisterous manner within the boundaries of the City park property, nor shall any group of persons (two or more) play as a unit for dancing or the like for fee or otherwise, without having proper written consent of the City Park Commission or its proper representatives. Further, no person shall utilize any type of amplification devices in City parks without first obtaining the written approval of the Park Board.  
(Ord. 135-1984. Passed 10-1-84.)



DATE: OCTOBER 20, 2003

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 161 - 2003

BY: PARKS AND RECREATION COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract without competitive bidding with MS Consultants, Inc., for the development of an in-lake sediment detention area and stream restoration recommendations for the Reservoir/Sippo Creek Corridor, upon approval of the Board of Control, and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby determines it to be necessary in the public health, safety and welfare to enter into a contract without competitive bidding, with MS Consultants, Inc., for the development of an in-lake sediment detention area and stream restoration recommendations for the Reservoir/Sippo Creek Corridor.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to enter into a contract without competitive bidding with MS Consultants, Inc., for the development of an in-lake sediment detention area and stream restoration recommendations for the Reservoir/Sippo Creek Corridor.

Section 3:

That the contract for this professional service will not exceed the amount of Sixteen Thousand Eight Hundred and Eighty -Three Dollars (\$16,883.00).

Section 4:

This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and welfare of the community and for the additional reason that MS Consultants, Inc., has the experience and technology and familiarity with the project and the area to perform the required services. 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

DATE: OCTOBER 20, 2003

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*post reading*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 162 - 2003

*passed 11/17/03*

BY: STREETS, HIGHWAYS, TRAFFIC AND SAFETY COMMITTEE

TITLE: AN ORDINANCE designating Tommy Henrich Drive NW the name for a certain street located in the City of Massillon, Ohio, and described as a street between Lincoln Way West and First Street NW., formerly known as Third Street NW and Agathon Avenue NW., and declaring an emergency.

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

Section 1:

Tommy Henrich Drive NW be and is hereby designated as the name for a certain street located in the City of Massillon, Ohio, said street running west from Lincoln Way West to First Street NW, and formerly known as Third Street NW and Agathon Avenue NW

Section 2:

That the Director of Public Service and Safety is authorized and directed to post appropriate signs on said street giving notice of said name designation. The Safety Service Director shall remove any signs presently existing on said street which indicate that said street may have a name other than Tommy Henrich Drive NW.

Section 3:

That the Traffic Control Map is hereby amended to show said name designation.

Section 4:

That any prior ordinance or part of any ordinance that may be in conflict with this ordinance, be and is hereby repealed.

Section 5:

That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



DATE: OCTOBER 20, 2003

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*Passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 163 - 2003

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Auditor of the City of Massillon to deposit the three-tenths percent (.3%) City Income Tax for the Parks and Recreation System into the "Parks and Recreation Operations Fund", "Park and Recreation Debt Retirement Fund" and the "Park and Recreation Capitol Improvement Fund", and declaring an emergency.

WHEREAS, the electors of the City of Massillon voted to raise the city income tax rate by three-tenths percent (.3%) effective January 1st, 1996 and to be used exclusively for the parks and recreation system in the City of Massillon.

WHEREAS, it is necessary to determine what percentage of the tax collected for the Parks and Recreation Department shall be deposited into the "Parks and Recreation Operations Fund", "Park and Recreation Debt Retirement Fund" and the "Park and Recreation Capitol Improvement Fund".

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

Section 1:

It is hereby determined that it is necessary for the Auditor of the City of Massillon to deposit a portion of the three-tenths percent (.3%) City Income Tax for the parks and recreation system into the "Parks and Recreation Fund", "Park and Recreation Capital Improvement Fund" and the "Park and Recreation Bond Retirement Fund".

Section 2:

Effective October 1, 2003 through December 31, 2003 the Auditor of the City of Massillon is hereby authorized to deposit the following percentages into the following funds from the amounts collected from the income tax for the Parks and Recreation Department:

- 1.) Seventy percent (70%) shall be deposited into the "Parks and Recreation Operations 1234 Fund".
- 2.) Thirty percent (30%) shall be deposited into the "Park and Recreation Debt Retirement 1306 Fund".
- 3.) Zero percent (0%) shall be deposited into the "Park and Recreation Capitol Improvement 1433 Fund".

Section 3:

Effective January 1, 2004 the Auditor of the City of Massillon is hereby authorized to deposit the following percentages into the following funds from the amounts collected from the income tax for the Parks and Recreation Department:

- 1.) Fifty percent (50%) shall be deposited into the "Parks and Recreation Operations 1234 Fund".
- 2.) Forty percent (40%) shall be deposited into the "Park and Recreation Debt Retirement 1306 Fund".
- 3) Ten percent (10%) shall be deposited into the "Park and Recreation Capitol Improvement 1433 Fund".

Section 4:

That Ordinance No. 117 - 2001 be and is hereby repealed as of October 31, 2003.

Section 5:

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 further reason that said funds are necessary to provide sufficient funds to adequately maintain the Park and Recreation Department and provide sufficient funds for the operations of the department on a daily basis. 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: \_\_\_\_\_  
MARY BETH BAILEY, CLERK OF COUNCIL      DENNIS D. HARWIG, PRESIDENT

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



DATE: OCTOBER 20, 2003

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*Passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 164 - 2003

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Wastewater Treatment Fund, Street M & R Fund, State Highway M & R and the Community Development Fund, 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 Wastewater Treatment Fund for the year ending December 31, 2003, the following:

\$78,000.00 to an account entitled "PERS" 2101.610.2230

Section 2:

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

\$ 4,000.00 to an account entitled "Insurance" 1201.435.2210

\$ 2,700.00 to an account entitled "PERS" 1201.435.2230

\$ 2,000.00 to an account entitled "Medicare" 1201.435.2231

Section 3:

There be and hereby is appropriated from the unappropriated balance of the State Highway M & R Fund for the year ending December 31, 2003, the following:

\$7,300.00 to an account entitled "Salary" 1202.420.2110

Section 4:

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

\$5,000.00 to an account entitled "Hotel Audit" 1203.845.2831

Section 5:

This Ordinance is hereby declared to be an emergency measure, for the efficient operation of the various departments of the City of Massillon to insure that department accounts are adequately funded to pay necessary bills 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

ATTEST: \_\_\_\_\_  
MARY BETH BAILEY, CLERK OF COUNCIL    DENNIS HARWIG, PRESIDENT

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

CITY OF MASSILLON  
ENGINEERING DEPARTMENT  
151 LINCOLN WAY EAST  
MASSILLON, OHIO 44646  
330-830-1722  
330-830-1786 - FAX

**FAX**

TO:

*Mary Beth Bailey*

FROM:

*Steve*

COMPANY:

DATE:

FAX NUMBER:

*1793*

TOTAL NO. OF PAGES INCLUDING COVER:

RE:

*ORD 166-2003*

☐ URGENT

☒ FOR REVIEW

☐ PLEASE COMMENT

☐ PLEASE REPLY

☐ PLEASE RECYCLE

*Could we possibly edit for clarity*  
*See Attached*

*SD*