

AGENDA

DATE: JUNE 5, 2000

PLACE: COUNCIL CHAMBERS

TIME: 7:30 P.M.

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
6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 117 - 2000 BY: PARKS AND RECREATION COMMITTEE ✓

*Suspension
9-0
PMS
9-0*
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract with Midwest Dredge & Excavating for the **Sippo Reservoir Project** in the City of Massillon, and declaring an emergency.

ORDINANCE NO. 118 - 2000 BY: PARKS AND RECREATION COMMITTEE ✓

*Susp.
9-0
PMS
9-0*
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for, receive sealed bids and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the **Sippo Valley Trail Construction Project**, and declaring an emergency.

ORDINANCE NO. 119 - 2000 BY: PARKS AND RECREATION COMMITTEE ✓

*Susp.
9-0
PMS
9-0*
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into an agreement with the estate of **Knute Morell** for the **lease of 10 acres** of land for a period of 2 years, and declaring an emergency.

ORDINANCE NO. 120 - 2000 BY: RULES, COURTS & CIVIL SERVICE COMMITTEE

*Susp.
9-0
PMS
9-0*
AN ORDINANCE amending Section 2(D) OCCUPATION LIST OF CLASS TITLES - RECREATION DEPARTMENT of Ordinance No. 127 - 1997 by repealing Section 2(D) OCCUPATION LIST OF CLASS TITLES - RECREATION DEPARTMENT, and enacting a new Section 2(D) OCCUPATION LIST OF CLASS TITLES - RECREATION DEPARTMENT in the City of Massillon, Ohio, and declaring an emergency.

ORDINANCE NO. 121 - 2000 BY: RULES, COURTS & CIVIL SERVICE COMMITTEE

*Susp.
9-0
PMS
9-0*
AN ORDINANCE amending CHAPTER 333 "DUI, WILLFUL MISCONDUCT; SPEED" of the "TRAFFIC CODE" of the Codified Ordinances of the City of Massillon, by repealing existing Section 333.01 "Driving or Physical Control While Under The Influence; Evidence" and Section 333.99(b)(c) "Penalty" and enacting a new Section 333.01 "Driving of Physical Control While Under The Influence; Evidence" and Section 333.99(b)(c) "Penalty" of CHAPTER 333 "DUI, WILLFUL MISCONDUCT; SPEED" of the "Traffic Code" of the Codified Ordinances of the City of Massillon, and declaring an emergency.

JUNE 5, 2000

ORDINANCE NO. 122 - 2000 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

*503P
9-0
Pam*
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to prepare plans and specifications and to advertise for, and receive sealed bids according to law, for the sale of certain tracts of City owned land for the purpose of developing affordable housing for low and moderate income homeowners. The tracts of land owned by the City, and not needed for any municipal purpose, are known as Lots No. 3031, 2935 and 13223 in the City of Massillon, Stark County, Ohio, and declaring an emergency.

ORDINANCE NO. 123 - 2000 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

*503P
9-0
Pam*
AN ORDINANCE authorizing the Director of Public Service & Safety of the City of Massillon, Ohio, to enter into a contract, without competitive bidding, with Cottrill Trucking & Wrecking for the demolition of a structure at 232 Erie Street South, in the City of Massillon, and declaring an emergency.

ORDINANCE NO. 124 - 2000 BY: FINANCE COMMITTEE

*503P
9-0
Pam*
AN ORDINANCE authorizing the Director of Public Service & Safety of the City of Massillon, Ohio, to enter into a Grant Agreement with the Ohio Department of Natural Resources - Recreational Trails Program for the construction of the Sippo Valley Trail, and declaring an emergency.

ORDINANCE NO. 125 - 2000 BY: FINANCE COMMITTEE

*503P
9-0
Pam*
AN ORDINANCE authorizing and directing the Director of Public Service and Safety to enter into a Charitable Grant Agreement with the Stark Community Foundation for the repairs and replacement to the roof of the Massillon Senior Center, and declaring an emergency.

ORDINANCE NO. 126 - 2000 BY: FINANCE COMMITTEE

*503P
9-0
Pam*
AN ORDINANCE making certain appropriations from the unappropriated balance of the Parks & Recreation Capital Improvement Fund, Muni Motor Vehicle License Tax Fund, Muni Court Capital Improvement Fund, Capital Improvement Fund, Community Development Block Grant Program Fund, Massillon Mural Fund, Youth Center Activity Fund, and the General Fund, of the City of Massillon, for the year ending December 31, 2000, and declaring an emergency.

Mr. Hester Council Requests a copy of The Expenditure Report for 1-01/2000 - Belmont
ORDINANCE NO. 127 - 2000 BY: FINANCE COMMITTEE

*503P
9-0
Pam*
AN ORDINANCE making certain transfers in the 2000 appropriation from the Muni Court Capital Improvement Fund to the Clerk of Courts Computer Fund, of the City of Massillon, Ohio, and declaring an emergency.

JUNE 5, 2000

7. UNFINISHED BUSINESS
8. PETITIONS AND GENERAL COMMUNICATIONS
9. BILLS, ACCOUNTS AND CLAIMS - *pay Bill - p. 150 9-0*
10. REPORTS FROM CITY OFFICIALS - *June 12 5:20 CD FM Summary*

- A). MAYOR SUBMITS MONTHLY PERMIT REPORT FOR MAY - 2000
- B). AUDITOR SUBMITS MONTHLY REPORT FOR MAY - 2000

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

RESOLUTION NO. 10 - 2000 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

*REC NO. 10
number
(Isidore)
1-400*
A RESOLUTION reversing the decision of the Massillon Zoning Board of Appeals made on April 13th, 2000 wherein the Zoning Board of Appeals did approve a setback variance as it relates to property owned by Mr. Davor Nincevic and known as Lot No. 3300 located at the Southeast corner of Overlook and 8th Street S.W., in the City of Massillon, Ohio, and declaring an emergency.

15. SECOND READING ORDINANCES AND RESOLUTIONS

RESOLUTION NO. 12 - 2000 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

*REQUEST - TO BE
ADMIN TO BE
PRESENTED NEXT
COUNCIL MEETING TO VOTER*
A RESOLUTION declaring the intention of the City of Massillon, Ohio to appropriate property within the corporate limits pursuant to the authority in CHAPTER 719 of the Ohio Revised Code, and declaring the necessity to acquire property for the purpose of rehabilitation and subsequent sale.

RESOLUTION NO. 13 - 2000 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

A RESOLUTION declaring the intention of the City of Massillon, Ohio to appropriate property within the corporate limits pursuant to the authority in CHAPTER 719 of the Ohio Revised Code, and declaring the necessity to acquire property for the purpose of rehabilitation and subsequent sale.

RESOLUTION NO. 14 - 2000 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

A RESOLUTION declaring the intention of the City of Massillon, Ohio to appropriate property within the corporate limits pursuant to the authority in CHAPTER 719 of the Ohio Revised Code, and declaring the necessity to acquire property for the purpose of rehabilitation and subsequent sale.

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

SHARON HOWELL

THERE ARE NO PUBLIC HEARINGS THIS EVENING

DATE: June 5, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 117 - 2000

BY: PARKS AND RECREATION COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety to enter into a contract with Midwest Dredge & Excavating for the Sippo Reservoir Project in the City of Massillon, and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby determines it to be necessary in the public health, safety and welfare to enter into a contract with Midwest Dredge & Excavating for the Sippo Reservoir Project.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized to enter into a contract with Midwest Dredge & Excavating for the Sippo Reservoir Project. The cost of said contract shall not exceed Three Hundred Eighty-Nine Thousand Dollars (\$389,000.00).

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 that it is necessary to execute the contract so that the dredging and necessary work needed for the Sippo Reservoir Project may be commenced. 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 _____ 2000

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

APPROVED _____
FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: June 5, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 118 - 2000

BY: PARKS AND RECREATION COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for, receive sealed bids and to enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the Sippo Valley Trail Construction 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 advertise for, receive sealed bids according to law and to enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the Sippo Valley Trail Construction Project.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to prepare plans and specifications and to advertise for, receive sealed bids according to law, and enter into contract upon award and approval by the Board of Control, with the lowest and best bidder for the Sippo Valley Trail Construction Project.

Section 3:

This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and welfare of the community and for the additional reason that it is necessary to take bids and to enter into contract to continue with the completion of the Sippo Valley Trail Construction 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.

PASSED IN COUNCIL THIS _____ DAY OF _____, 2000

ATTEST:

SHARON HOWELL, CLERK OF COUNCIL

DENNIS D. HARWIG, PRESIDENT

APPROVED:

FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: June 5, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 119 - 2000

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 an agreement with the estate of Knute Morelli for the lease of 10 acres of land for a period of 2 years, 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 estate of Knute Morelli for the lease of 10 acres of land for a period of 2 years.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, be and is hereby authorized to execute on behalf of the City of Massillon, Ohio, an agreement with the estate of Knute Morelli for the lease of 10 acres of land for a period of 2 years.

Section 3:

A copy of the proposed Agreement is hereby attached and made a part of this ordinance.

Section 4

That said premises shall be leased for an amount of Fifty Thousand Dollars (\$50,000.00) for a 2 year period.

Section 5:

This Ordinance is declared to be an emergency measure immediately necessary for the preservation of the health, safety and welfare of the community and for the additional reason that it is necessary to lease the 10 acres for the Sippo Reservoir Dredging Project. Provided it receives the affirmative vote of two-thirds of the elected members of 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 _____ 2000

APPROVED: _____
SHARON HOWELL, CLERK OF COUNCIL TIM BRYAN, ACTING PRESIDENT

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

LICENSE, WAIVER, AND INDEMNIFICATION AGREEMENT

This License, Waiver and Indemnification Agreement is made and entered into on this _____ day of May, 2000, by and between the ESTATE OF N. KNUTE MORELLI, deceased (the "Estate") and THE CITY OF MASSILLON, OHIO (the "City").

WHEREAS, the Estate is the owner of a tract of real property being comprised of 10.01 acres located at the intersection of Valerie Avenue N.E. and Hawkins Road N.E., in the City of Massillon (the "Premises"), and further described as the highlighted parcel shown on Exhibit A attached hereto.

WHEREAS, the City desires to utilize the Premises for purposes of depositing sediment collected during the City's dredging operations from Sippo Park Reservoir ("Lake Sediment"), and all uses attendant thereto;

WHEREAS, as an inducement to allow the City to utilize the Premises for the purposes set forth herein, the City hereby agrees to waive any and all claims against the Estate, of any nature whatsoever, for damages and injuries resulting from the presence on the Premises of the City, the City's employees, invitees, agents, contractors, and/or representatives, and to indemnify the Estate against any claims, of any nature whatsoever, resulting from use of the Premises by the City, its employees, invitees, agents, contractors and/or representatives;

WHEREAS, the Estate desires to grant the City a license upon the terms and conditions herein, for utilization of the Premises for the purposes set forth herein;

NOW, THEREFORE, for the consideration set forth below and the City's compliance with all the terms and conditions set forth herein, the Estate hereby grants unto the City the privilege to use the Premises for the purposes set forth herein.

1. Grant of License. Upon the terms and conditions herein, the Estate hereby grants to the City the right of ingress and egress, and the privilege to utilize, enter upon, over, and across the Premises and, in accordance with the provisions of Paragraph 7 herein, to deposit Lake Sediment from Sippo Reservoir upon the Premises. The City's deposit of material on the Premises is expressly limited to deposit of Lake Sediment from Sippo Reservoir and no other material or sediment from any other source may be deposited on the Premises by the City.

2. Consideration. Upon execution of this Agreement, the City shall deliver to the Estate the sum of Fifty Thousand Dollars (\$50,000.00) as payment for the rights and privileges granted herein.

3. Term. Provided that the City is not in default hereunder, the rights and privileges granted herein shall extend until May 31, 2002; at which time the rights and privileges granted herein shall terminate. Pursuant to Paragraphs 8 and 14 herein, however, the obligations, waivers, indemnifications, representations and warranties of the City shall survive termination of this Agreement. Notwithstanding the foregoing, upon default by the City hereunder, which

default remains uncured for ten (10) days following the service of written notice of default by the Estate to the City, the Estate may terminate this License and all rights and privileges hereunder.

4. Waiver of Claims. The City hereby waives any and all claims related to and agrees to hold the Estate harmless, and indemnify the Estate, its invitees, agents, tenants, employees, representatives, successors and assigns, against all injuries of whatever nature that may occur to the City, the City's employees, invitees, agents, contractors, and/or representatives on the Premises. the City hereby agrees that it shall will exercise the privilege granted herein at the City's own risk, and agrees never to claim any damages against the Estate, its invitees, agents, tenants, employees, representatives, successors or assigns, for any injuries or damages suffered on account of the exercise of such privilege. The City assumes all liability for damages and expenses resulting from, arising out of, or in any way connected with, the exercise of the privilege by the City, the City's employees, invitees, agents, contractors, and/or representatives or other persons entering the Premises at the invitation, request and/or behest of the City. The City agrees that all property of the City located on the Premises, and all property of other persons located thereon, shall be so located at the risk of the City, the City's employees, invitees, agents, contractors, and/or representatives, or such other owner(s). The City acknowledges and agrees that the Estate will not be responsible for any damage to the personal property of the City, the City's employees, invitees, agents, contractors, and/or representatives, that may be stored anywhere on or about the Premises, and the City hereby indemnifies the Estate for all claims, of whatever nature, related to the same.

5. Assignment. It is acknowledged and agreed by the City that this License is personal to the City and that the privileges granted herein may not be assigned or transferred by the City to any party without the prior written consent of the Estate. Further, upon the occurrence of any such assignment by the City, the City agrees that it shall remain primarily responsible for the obligations herein.

6. Restrictions. The City shall not erect or cause or permit to be erected any structures on the Premises without the Estate's prior written consent. The City acknowledges and agrees that the Estate will not be responsible for any improvements and/or structures erected or placed upon the Premises by the City.

7. Deposit of Lake Sediment. The City hereby agrees that all Lake Sediment shall be deposited on the Premises so as not to materially alter the natural contour of the Premises. Upon completion of the City's operations on the Premises, the City shall take all necessary action to return the Premises to the contour which existed prior to the City's commencement of operations on the Premises.

8. Representations and Warranties of the City. In order to induce the Estate to enter into this Agreement and grant the rights and privileges outlined herein, the City represents and warrants to the Estate the following:

A. The City has full power and authority to enter into this Agreement and to perform in accordance herewith; the party executing this Agreement has been duly and properly authorized to take such steps on behalf of the City; and the execution hereof and the performance hereunder will not violate any judicial or administrative order, award, judgment, or decree applicable to the City, nor conflict with any of the terms, provisions, or conditions of any other agreement, contract, or indenture to which the City is a party, or by which the City is bound. All consents, approvals, authorizations, resolutions or orders required of the City for the authorization, execution, or performance in accordance with this Agreement have been or before execution hereof will be obtained and delivered to the Estate.

B. The City's exercise of the rights and privileges granted herein will not violate any applicable laws, ordinances, rules or regulations, restrictions, covenants or conditions affecting the Premises;

C. The Lake Sediment does not incorporate or contain any hazardous substance as defined by federal, state, county, municipal and local laws, ordinances, requirements, rules or regulations (hereinafter "Environmental Laws"). The Lake Sediment does not contain any other solid waste. The Lake Sediment has never been subjected to an environmental cleanup pursuant to any Environmental Law, nor have any notices been received pertaining to the Lake Sediment requiring an environmental clean up of the same. Finally, the Lake Sediment has never been included on any list as a hazardous waste;

D. There exists no prohibition, restriction, regulation, condition or ordinance which would prohibit the City's intended use of the Premises;

E. The City represents, acknowledges and understands that the Estate has made no representations or warranties concerning: (i) the condition of the Premises; or, (ii) the fitness of the Premises for any particular use contemplated by the City; and,

F. The City acknowledges legal title of the Estate to the Premises and agrees never to claim title to the Premises in the City's name.

All of the above-referenced representations and warranties in this section shall survive the termination of this Agreement.

9. Inspection and Right of Access. During the term of this Agreement, the Estate, its representatives, agents, employees, consultants and/or contractors shall have the right to enter upon and inspect the Premises.

10. Indemnification. The City shall defend, indemnify and hold the Estate harmless from and against any damages, losses, obligations, liabilities, claims, expenses, actions, injuries and/or causes of action sustained or suffered by the City or any third party arising from or out of a breach of any of the City's representations, covenants, or warranties set forth herein, or arising out of any acts or omissions of the City in connection with the City's utilization of the Premises

and/or exercise of the rights and privileges granted herein. This indemnification shall expressly include any environmental liability or liability for nuisance that the Estate may incur as a result of the City's utilization of the Premises and/or deposit of Lake Sediment thereon.

11. Remedies. If the City should fail to perform in accordance herewith, or otherwise breach any of the terms, covenants, agreements, representations or warranties contained herein, then the Estate may terminate this Agreement and seek such other remedies available at law or in equity, including monetary damages for any and all losses and costs incurred by the Estate as a result of such breach. Waiver by The Estate, its successors and assigns, of any term or provision hereof or any breach of any term or provision hereof shall not be deemed a waiver of any subsequent breach of the same or any other term or provision hereof.

12. Counterparts. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

13. Captions. The captions in this Agreement are inserted for convenience and reference only and in no way define, describe or limit the scope or intent of this Agreement or any of the provisions hereof.

14. Survival of Covenants, Warranties and Representations. This Agreement contemplates duties and obligations of the City subsequent to termination of this Agreement and the City hereby agrees that all such terms, conditions and provisions set forth herein, shall specifically survive termination of this Agreement and be binding upon the City.

15. Entire Agreement. The Estate and the City acknowledge that there are no covenants, representations, warranties, agreements or conditions, either expressed or implied which in any way effect, form a part of, or relate to this Agreement except for those expressly set forth herein or except for those which may be set forth by separate written agreement signed by both parties. This Agreement constitutes the entire agreement between the parties.

16. Severability. If any provision of this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remainder of the provisions of this Agreement shall remain in full force and effect and shall in no way be affected, impaired or otherwise invalidated.

17. Governing Law. The Estate and the City agree that this Agreement shall be governed by and construed in accordance with the laws of the State of Ohio.

(Signatures on following page)

IN WITNESS WHEREOF, The parties have signed this Agreement on the date first shown above.

Witnesses:

THE ESTATE OF N. KNUTE MORELLI

By: _____
William K. Henry, Administrator dbn/wwa

Witnesses:

THE CITY OF MASSILLON, OHIO

By: _____
Its: _____

G:\tpk\Morelli\License -Massillon Sediment dispersal.doc\4/25/00\

DATE: June 5, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 120 - 2000

BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE

TITLE: AN ORDINANCE amending Section 2(D) OCCUPATION LIST OF CLASS TITLES - RECREATION DEPARTMENT of Ordinance No. 127 - 1997 by repealing Section 2(D) OCCUPATION LIST OF CLASS TITLES - RECREATION DEPARTMENT, and enacting a new Section 2(D) OCCUPATION LIST OF CLASS TITLES - RECREATION 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 - RECREATION DEPARTMENT of Ordinance No. 127 - 1997 be and is hereby repealed.

Section 2:

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

(SEE ATTACHMENT 'A' PAGE 5; 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 provision hereby enacted is immediately necessary to bring current personnel up to an appropriate rate of pay in the Recreation Department. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____ 2000

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

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

CLASS GRADE	SCHEDULE	DEPARTMENT & TITLE DESCRIPTION	
		<u>STREET DEPT. CONT.</u>	
12H	A	Truck Driver	
11H	A	Laborer II	
10H	A	Storekeeper (Split 1/2)	
9H	A	Laborer I	
1H	A	Temporary Labor	
		<u>GARAGE</u>	440
22S	SU UN	Operations Superintendent (Split 1/3)	
18H	SU CL	Service Superintendent	
16H	A	Chief Automotive Mechanic	
14H	A	Automotive Mechanic	
11H	A	Assistant Automotive Mechanic	
		<u>PARKS AND RECREATIONS DEPT</u>	510
26S-30S	SU-UN	Parks and Recreation Director	
26S	SU UN	Acting Parks and Recreation Director	
12S	UN	Office Manager	
7S	UN	Data Entry Clerk	
		<u>SENIOR CITIZENS CENTER</u>	450
15S	SU UN	Senior Citizens Superintendent	
	MS	<u>PART TIME/TEMPORARY/SEASONAL</u>	
		Cooperative Business Aid	
		<u>PARK DEPARTMENT</u>	505
21S	SU UN	Park Superintendent	
14H	A	Park Lead Worker	
13H	A	Park Group Leader	
13H	A	Tree Trimmer	
12H	A	Truck Driver	
11H	A	Gardener	
10H	A	Assistant Gardener	
9H	A	Laborer I	
1H	A	Temp Laborer	
		<u>RECREATION DEPT</u>	510
21S	SU UN	Recreation Superintendent	
		<u>PART TIME/TEMPORARY/SEASONAL</u>	
	MS	Clerk	
	MS	Clerk/Typist	
	MS	Office Worker	
	MS	Recreation Coordinator III	
	MS	Recreation Coordinator II	
	MS	Recreation Coordinator I	
	MS	Program Coordinator III	
	MS	Program Coordinator II	
	MS	Program Coordinator I	
	MS	Security	
	MS	*Clerk/Receptionist	

1999 3.5% INCREASE

MISCELLANEOUS SCHEDULE

CODE
MS

DEPARTMENT

LAW DIRECTOR DEPARTMENT

AMOUNT

CHIEF POLICE PROSECUTOR/ASSISTANT LAW DIRECTOR

749.80 BI-WEEKLY

ASSISTANT POLICE PROSECUTOR (2)

599.68 BI-WEEKLY

COURT HOUSE SECURITY
(JUDGE SETS RATES)SUPERVISOR
OFFICERS

12.50 PER HR

PLANNING DEPT/ZONING BOARD

10.50 PER HR

SECRETARY

MUNICIPAL COURT PART TIME MEDIATOR
(JUDGE, SETS RATE)

48.24 PER MEETING

MEDIATOR

CIVIL SERVICE BOARD (APPOINTED BY MAYOR)

15.38 PER HR

CHAIRMAN
MEMBERS

275.77 PER MONTH

SCHOOL PATROL

205.07 PER MONTH

REGULAR
EXTRA

228.98 BI-WEEKLY

BUILDING DEPARTMENT

5.98 PER HR

PLANS EXAMINER

CLASS III INSPECTOR (BACKUP)

42.13 PER HR

ELECTRIC/PLUMBING INSPECTOR (BACKUP)

25.00 PER HR

HEALTH DEPARTMENT

14.05 PER HR

COMMISSIONER

ACTING HEALTH COMMISSIONER

750.18 BI-WEEKLY

MEDICAL DIRECTOR

200.00 BI-WEEKLY

363.56 BI-WEEKLY

SANITARIAN (NOT TO EXCEED \$12,000.00 PER YEAR)

13.71 PER HR

WIC PROFESSIONAL/NUTRITIONIST

13.14 PER HR

WIC STAFF PROFESSIONAL/PUBLIC HEALTH NURSE

12.30 PER HR

WIC CLERK

9.98 PER HR

PARK AND RECREATION

RECREATION COORDINATOR III

13.13 PER HR

RECREATION COORDINATOR II

11.78 PER HR

RECREATION COORDINATOR I

10.71 PER HR

PROGRAM COORDINATOR III

9.64 PER HR

PROGRAM COORDINATOR II

8.57 PER HR

PROGRAM COORDINATOR I

7.50 PER HR

GOLF COURSE

PROGRAMS COORDINATOR

9.20 PER HR

MAINTENANCE/LABOR COORDINATOR

8.54 PER HR

PARKING METER

METER MAID

SUMMER YOUTH PROGRAM

9.52 PER HR

TYPE TEACHER

SESP ADMINISTRATOR (LIMIT 6 HRS PER DAY)

16.19 PER HR

COOK

8.80 PER HR

AID

8.44 PER HR

TYPE COORDINATOR

7.81 PER HR

SITE COORDINATOR

7.08 PER HR

SECRETARY/JANITOR (LIMIT 6 HRS PER DAY)

7.04 PER HR

TYPE COUNSELOR

7.04 PER HR

COOK HELPER

6.08 PER HR

5.91 PER HR

PART-TIME/TEMPORARY/SEASONAL

AUDITOR

CLERK TYPIST

10.84 PER HR

LEGAL CLERK

10.26 PER HR

CLERK/LABORER

9.68 PER HR

OFFICE WORKER

7.81 PER HR

COOPERATIVE BUSINESS EDUCATION STUDENT

5.52 PER HR

COOPERATIVE BUSINESS AIDE

MIN. WAGE PER HR

clerk/receptionist

MIN. WAGE PER HR

ALL MISCELLANEOUS SCHEDULE EMPLOYEES EARN SICK LEAVE AT .0575 PER HOURS WORKED

VACATION-HOLIDAYS-PERSONAL TIME ARE ALSO ESTABLISHED BY HOURS WORKED

EFFECTIVE WITH CITY CONTRACTS

MSRATES.WK4 (A)

DATE: June 5, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 121 - 2000

BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE

TITLE: AN ORDINANCE amending CHAPTER 333 "DUI, WILLFUL MISCONDUCT; SPEED" of the "TRAFFIC CODE" of the Codified Ordinances of the City of Massillon, by repealing existing Section 333.01 "Driving or Physical Control While Under The Influence; Evidence" and Section 333.99 (b) (c) "Penalty" and enacting a new Section 333.01 "Driving or Physical Control While Under The Influence; Evidence" and Section 333.99 (b) (c) "Penalty" of CHAPTER 333 "DUI, WILLFUL MISCONDUCT; SPEED" of the "TRAFFIC CODE" of the Codified Ordinances of the City of Massillon, and declaring an emergency.

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

Section I:

The existing Section 333.01 "Driving or Physical Control While Under The Influence; Evidence" and Section 333.99 (b) (c) "Penalty" of CHAPTER 333 "DUI, WILLFUL MISCONDUCT; SPEED" of the "TRAFFIC CODE" of the Codified Ordinances of the City of Massillon, are hereby repealed.

Section 2:

That there hereby is enacted new Section 333.01 "Driving or Physical Control While Under The Influence; Evidence" and Section 333.99 (b) (c) "Penalty" of CHAPTER 333 "DUI, WILLFUL MISCONDUCT; SPEED" of the "TRAFFIC CODE" of the Codified Ordinances of the City of Massillon. Said newly enacted Sections shall read as follows:

(SEE ATTACHED)

Section 3:

This Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said enactments are necessary in that Ohio's DUI Laws were amended effective May 17, 2000 and it is necessary to amend the Massillon Codified Ordinances 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 _____, 2000

ATTEST: _____

SHARON HOWELL, CLERK OF COUNCIL

DENNIS D. HARWIG, PRESIDENT

APPROVED: _____

FRANCIS H. CICCHINELLI, JR., MAYOR

III DRIVING UNDER THE INFLUENCE

COMMENT

Senate Bill 22, effective May 17, 2000 amends Ohio R.C. 4511.19 and 4511.99 to establish stricter penalties for a person operating a vehicle under the influence of alcohol and/or a drug of abuse who has a concentration of .17 of one per cent or more by weight of alcohol in the person's blood, a concentration of .17 of one gram or more by weight of alcohol per 210 liters of the person's breath, or a concentration of .238 of one gram or more by weight of alcohol per 100 milliliters of the person's urine.

The new law essentially doubles the mandatory term of imprisonment for first, second and third-time misdemeanor violations exceeding the threshold referred to above. In addition all minimum fines have been increased by fifty dollars (\$50.00).

Set forth below are our model sections 333.01 and 333.99(b) and (c) which have been revised to reflect the new law. Unless otherwise agreed upon we will be making these modifications in your Code when we prepare the next set of replacement pages. The new sections have been included herein in the event you wish to amend your code prior to that time.

333.01 DRIVING OR PHYSICAL CONTROL WHILE UNDER THE INFLUENCE; EVIDENCE.

(a) Operation Generally. No person shall operate any vehicle within the Municipality, if any of the following apply:

- (1) The person is under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse;
- (2) The person has a concentration of ten-hundredths of one per cent or more but less than seventeen-hundredths of one per cent by weight of alcohol in the person's blood;
- (3) The person has a concentration of ten-hundredths of one gram or more but less than seventeen-hundredths of one gram by weight of alcohol per two hundred ten liters of the person's breath;
- (4) The person has a concentration of fourteen-hundredths of one gram or more but less than two hundred thirty-eight-thousandths of one gram by weight of alcohol per one hundred milliliters of the person's urine;
- (5) The person has a concentration of seventeen-hundredths of one per cent or more by weight of alcohol in the person's blood;

- (6) The person has a concentration of seventeen-hundredths of one gram or more by weight of alcohol per two hundred ten liters of the person's breath;
- (7) The person has a concentration of two hundred thirty-eight-thousandths of one gram or more by weight of alcohol per one hundred milliliters of the person's urine.

(b) Operation After Under-Age Consumption. No person under twenty-one years of age shall operate any vehicle within this Municipality, if any of the following apply:

- (1) The person has a concentration of at least two-hundredths of one per cent but less than ten-hundredths of one per cent by weight of alcohol in the person's blood;
- (2) The person has a concentration of at least two-hundredths of one gram but less than ten-hundredths of one gram by weight of alcohol per two hundred ten liters of the person's breath;
- (3) The person has a concentration of at least twenty-eight one-thousandths of one gram but less than fourteen-hundredths of one gram by weight of alcohol per one hundred milliliters of the person's urine.

(c) One Conviction Limitation. In any proceeding arising out of one incident, a person may be charged with a violation of subsection (a)(1) hereof and a violation of subsection (b)(1), (2) or (3) hereof, but the person may not be convicted of more than one violation of these subsections.

(d) Physical Control Generally. No person shall be in actual physical control of any vehicle within the Municipality, if any of the following apply:

- (1) The person is under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse;
- (2) The person has a concentration of ten-hundredths of one per cent or more by weight of alcohol in the person's blood;
- (3) The person has a concentration of ten-hundredths of one gram or more by weight of alcohol per two hundred ten liters of the person's breath;
- (4) The person has a concentration of fourteen-hundredths of one gram or more by weight of alcohol per one hundred milliliters of the person's urine;

(e) Physical Control by Minors. No person under twenty-one years of age shall be in actual physical control of any vehicle within this Municipality, if any of the following apply:

- (1) The person has a concentration of at least two-hundredths of one per cent but less than ten-hundredths of one per cent by weight of alcohol in the person's blood;

- (2) The person has a concentration of at least two-hundredths of one gram but less than ten-hundredths of one gram by weight of alcohol per two hundred ten liters of the person's breath;
 - (3) The person has a concentration of at least twenty-eight one-thousandths of one gram but less than fourteen-hundredths of one gram by weight of alcohol per one hundred milliliters of the person's urine.
- (f) (1) Evidence; Tests; Immunity. In any criminal prosecution or juvenile court proceeding for a violation of this section, the court may admit evidence on the concentration of alcohol, drugs of abuse, or alcohol and drugs of abuse in the defendant's blood, breath, urine or other bodily substance at the time of the alleged violation as shown by chemical analysis of the defendant's blood, urine, breath or other bodily substance withdrawn within two hours of the time of the alleged violation.
- When a person submits to a blood test at the request of a police officer under Ohio R.C. 4511.191, only a physician, a registered nurse or a qualified technician or chemist shall withdraw blood for the purpose of determining its alcohol, drug, or alcohol and drug content. This limitation does not apply to the taking of breath or urine specimens. A physician, a registered nurse or a qualified technician or chemist may refuse to withdraw blood for the purpose of determining the alcohol, drug, or alcohol and drug content of the blood, if in the opinion of the physician, nurse, technician, or chemist the physical welfare of the person would be endangered by the withdrawing of blood.
- Such bodily substance shall be analyzed in accordance with methods approved by the Ohio Director of Health by an individual possessing a valid permit issued by the Director of Health pursuant to Ohio R.C. 3701.143.
- (2) In a criminal prosecution or juvenile court proceeding for violation of subsection (a) hereof if there was at the time the bodily substance was withdrawn a concentration of less than ten-hundredths of one percent (0.10%) by weight of alcohol in the defendant's blood, less than ten-hundredths (0.10) of one gram by weight of alcohol per 210 liters of the defendant's breath or less than fourteen-hundredths (0.14) of one gram by weight of alcohol per 100 milliliters of the defendant's urine, such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant. This subsection does not limit or affect a criminal prosecution or juvenile court proceeding for a violation of subsection (b) hereof.

- (3) Upon the request of the person who was tested, the results of the chemical test shall be made available to the person or the person's attorney or agent, immediately upon the completion of the chemical test analysis.

The person tested may have a physician, a registered nurse or a qualified technician or chemist of the person's own choosing administer a chemical test or tests in addition to any administered at the request of a police officer, and shall be so advised. The failure or inability to obtain an additional chemical test by a person shall not preclude the admission of evidence relating to the chemical test or tests taken at the request of a police officer.

- (4) Any physician, registered nurse or qualified technician or chemist who withdraws blood from a person pursuant to this section, and any hospital, first-aid station or clinic at which blood is withdrawn from a person pursuant to this section, is immune from criminal liability, and from civil liability that is based upon a claim of assault and battery or based upon any other claim that is not in the nature of a claim of malpractice, for any act performed in withdrawing blood from a person.
(ORC 4511.19)

333.99 PENALTY.

(b) Driving Under the Influence. Whoever violates Section 333.01(a)(1), (2), (3) or (4) hereof, in addition to the license suspension or revocation provided in Ohio R.C. 4507.16 and any disqualification imposed under Ohio R.C. 4506.16, shall be punished as provided in subsection (b)(1), (2) or (3) hereof. Whoever violates Section 333.01(a)(5), (6) or (7), in addition to the license suspension or revocation provided in Ohio R.C. 4507.16 and any disqualification imposed under Ohio R.C. 4506.16, shall be punished as provided in subsection (b)(5), (6) or (7) hereof.

- (1) Except as otherwise provided in subsections (b)(2) to (b)(4) hereof, the offender is guilty of a misdemeanor of the first degree and the court shall sentence the offender to a term of imprisonment of three consecutive days and may sentence the offender pursuant to Section 303.99(b) to a longer term of imprisonment. In addition, the court shall impose upon the offender a fine of not less than two hundred fifty dollars (\$250.00) and not more than one thousand dollars (\$1,000).

The court may suspend the execution of the mandatory three consecutive days of imprisonment that it is required to impose by this paragraph, if the court, in lieu of the suspended term of imprisonment, places the offender on probation and requires the offender to attend, for three consecutive days, a drivers' intervention program that is certified pursuant to Ohio R.C. 3793.10. The court also may suspend the execution of any part of the mandatory three consecutive days of imprisonment that it is required to impose by this paragraph, if the court places the offender on probation for part of the three consecutive days; requires the offender to attend, for that part of the three consecutive days, a drivers' intervention program that is certified pursuant to Ohio R.C. 3793.10; and sentences the offender to a term of imprisonment equal to the remainder of the three consecutive days that the offender does not spend attending the drivers' intervention program. The court may require the offender, as a condition of probation, to attend and satisfactorily complete any treatment or education programs that comply with the minimum standards adopted pursuant to Ohio R.C. Chapter 3793 by the State Director of Alcohol and Drug Addiction Services, in addition to the required attendance at a drivers' intervention program, that the operators of the drivers' intervention program determine that the offender should attend and to report periodically to the court on the offender's progress in the programs. The court also may impose any other conditions of probation on the offender that it considers necessary.

- (2) Except as otherwise provided in subsection (b)(4) hereof, the offender is guilty of a misdemeanor of the first degree, and, except as provided in this subsection, the court shall sentence the offender to a term of imprisonment of ten consecutive days and may sentence the offender pursuant to Section 303.99(b) to a longer term of imprisonment if, within six years of the offense, the offender has been convicted of or pleaded guilty to one violation of the following:
- A. Division (A) or (B) of Ohio R.C. 4511.19;
 - B. A municipal ordinance relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse;
 - C. A municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath or urine;
 - D. Ohio R.C. 2903.04 in a case in which the offender was subject to the sanctions described in division (D) of that section;

- E. Division (A)(1) of Ohio R.C. 2903.06 or division (A)(1) of Ohio R.C. 2903.08 or a municipal ordinance that is substantially similar to either of those divisions;
- F. Division (A)(2), (3) or (4) of Ohio R.C. 2903.06, division (A)(2) of Ohio R.C. 2903.08, or former Ohio R.C. 2903.07, or a municipal ordinance that is substantially similar to any of those divisions or that former section, in a case in which the jury or judge found that the offender was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse;
- G. A statute of the United States or of any other state or a municipal ordinance of a municipal corporation located in any other state that is substantially similar to division (A) or (B) of Ohio R.C. 4511.19.

As an alternative to the term of imprisonment required to be imposed by this paragraph, but subject to paragraph (12) hereof, the court may impose upon the offender a sentence consisting of both a term of imprisonment of five consecutive days and not less than eighteen consecutive days of electronically monitored house arrest as defined in Ohio R.C. 2929.23(A)(4). The five consecutive days of imprisonment and the period of electronically monitored house arrest shall not exceed six months. The five consecutive days of imprisonment do not have to be served prior to or consecutively with the period of electronically monitored house arrest.

In addition, the court shall impose upon the offender a fine of not less than three hundred fifty dollars (\$350.00) and not more than one thousand five hundred dollars (\$1,500).

In addition to any other sentence that it imposes upon the offender, the court may require the offender to attend a drivers' intervention program that is certified pursuant to Ohio R.C. 3793.10. If the officials of the drivers' intervention program determine that the offender is alcohol dependent, they shall notify the court, and the court shall order the offender to obtain treatment through an alcohol and drug addiction program authorized by Ohio R.C. 3793.02. The cost of the treatment shall be paid by the offender.

- (3) Except as otherwise provided in subsection (b)(4) hereof, if, within six years of the offense, the offender has been convicted of or pleaded guilty to two violations identified in subsection (b)(2) hereof, except as provided in this paragraph, the court shall sentence the offender to a term of imprisonment of thirty consecutive days and may sentence the offender to a longer definite term of imprisonment of not more than one year. As an alternative to the term of imprisonment required to be imposed by this paragraph, but subject to paragraph (12) hereof, the court may impose upon the offender a sentence consisting of both a term of imprisonment of fifteen consecutive days and not less than fifty-five consecutive days of electronically monitored house arrest as defined in Ohio R.C. 2929.23(A)(4). The fifteen consecutive days of imprisonment and the period of electronically monitored house arrest shall not exceed one year. The fifteen consecutive days of imprisonment do not have to be served prior to or consecutively with the period of electronically monitored house arrest.

In addition, the court shall impose upon the offender a fine of not less than five hundred fifty dollars (\$550.00) and not more than twenty-five hundred dollars (\$2,500).

In addition to any other sentence that it imposes upon the offender, the court shall require the offender to attend an alcohol and drug addiction program authorized by Ohio R.C. 3793.02. The cost of the treatment shall be paid by the offender. If the court determines that the offender is unable to pay the cost of attendance at the treatment program, the court may order that payment of the cost of the offender's attendance at the treatment program be made from that court's indigent drivers alcohol treatment fund.

- (4) If, within six years of the offense, the offender has been convicted of or pleaded guilty to three or more violations identified in subsection (b)(2) hereof, or if the offender previously has been convicted of or pleaded guilty to a violation of Ohio R.C. 4511.19(A) under circumstances in which the violation was a felony and regardless of when the violation and the conviction or guilty plea occurred, the offender is guilty of a felony and shall be prosecuted under appropriate State law.

- (5) A. Except as otherwise provided in paragraph (6), (7) or (8) hereof, the offender is guilty of a misdemeanor of the first degree, and the court shall sentence the offender to one of the following:
1. A term of imprisonment of at least three consecutive days and a requirement that the offender attend, for three consecutive days, a drivers' intervention program that is certified pursuant to Ohio R.C. 3793.10.
 2. If the court determines that the offender is not conducive to treatment in the program, if the offender refuses to attend the program, or if the place of imprisonment can provide a drivers' intervention program, a term of imprisonment of at least six consecutive days.
- B. In addition, the court shall impose upon the offender a fine of not less than two hundred fifty dollars (\$250.00) and not more than one thousand dollars (\$1,000). The court may require the offender, as a condition of probation, to attend and satisfactorily complete any treatment or education programs that comply with the minimum standards adopted pursuant to Ohio R.C. Chapter 3793 by the Director of Alcohol and Drug Addiction Services, in addition to the required attendance at a drivers' intervention program, that the operators of the drivers' intervention program determine that the offender should attend and to report periodically to the court on the offender's progress in the programs. The court also may impose any other conditions of probation on the offender that it considers necessary.

- (6) Except as otherwise provided in paragraph (8) hereof and except as provided in this paragraph, if, within six years of the offense, the offender has been convicted of or pleaded guilty to one violation identified in subsection (b)(2) hereof, the offender is guilty of a misdemeanor of the first degree, and the court shall sentence the offender to a term of imprisonment of twenty consecutive days and may sentence the offender pursuant to Section 303.99(b) to a longer term of imprisonment. As an alternative to the term of imprisonment required to be imposed by this paragraph, but subject to paragraph (12) hereof, the court may impose upon the offender a sentence consisting of both a term of imprisonment of ten consecutive days and not less than thirty-six consecutive days of electronically monitored house arrest as defined in Ohio R.C. 2929.23(A). The ten consecutive days of imprisonment and the period of electronically monitored house arrest shall not exceed six months. The ten consecutive days of imprisonment do not have to be served prior to or consecutively with the period of electronically monitored house arrest.

In addition, the court shall impose upon the offender a fine of not less than three hundred fifty dollars (\$350.00) and not more than one thousand five hundred dollars (\$1,500).

In addition to any other sentence that it imposes upon the offender, the court may require the offender to attend a drivers' intervention program that is certified pursuant to Ohio R.C. 3793.10. If the officials of the drivers' intervention program determine that the offender is alcohol dependent, they shall notify the court, and the court shall order the offender to obtain treatment through an alcohol and drug addiction program authorized by Ohio R.C. 3793.02. The offender shall pay the cost of the treatment.

- (7) Except as otherwise provided in paragraph (8) hereof, and except as provided in this paragraph, if, within six years of the offense, the offender has been convicted of or pleaded guilty to two violations identified in subsection (b)(2) hereof, the court shall sentence the offender to a term of imprisonment of sixty consecutive days and may sentence the offender to a longer definite term of imprisonment of not more than one year, as an alternative to the term of imprisonment required to be imposed by this paragraph, but subject to paragraph (12) hereof, the court may impose upon the offender a sentence consisting of both a term of imprisonment of thirty consecutive days and not less than one hundred ten consecutive days of electronically monitored house arrest as defined in Ohio R.C. 2929.23(A). The thirty consecutive days of imprisonment and the period of electronically monitored house arrest shall not exceed one year. The thirty consecutive days of imprisonment do not have to be served prior to or consecutively with the period of electronically monitored house arrest.
- In addition, the court shall impose upon the offender a fine of not less than five hundred fifty dollars (\$550.00) and not more than two thousand five hundred dollars (\$2,500).
- In addition to any other sentence that it imposes upon the offender, the court shall require the offender to attend an alcohol and drug addiction program authorized by Ohio R.C. 3793.02. The offender shall pay the cost of the treatment. If the court determines that the offender is unable to pay the cost of attendance at the treatment program, the court may order that payment of the cost of the offender's attendance at the treatment program be made from that court's indigent drivers alcohol treatment fund.
- (8) If, within six years of the offense, the offender has been convicted of or pleaded guilty to three or more violations identified in subsection (b)(2) hereof or if the offender previously has been convicted of or pleaded guilty to a violation of Ohio R.C. 4511.19(A) under circumstances in which the violation was a felony, regardless of when the prior violation and the prior conviction or guilty plea occurred, the offender is guilty of a felony and shall be prosecuted under appropriate state law.

- (9) A. Except as provided in paragraph (9)B. hereof, upon a showing that imprisonment would seriously affect the ability of an offender sentenced pursuant to paragraphs (1) to (3) and (5) to (7) hereof to continue the offender's employment, the court may authorize that the offender be granted work release from imprisonment after the offender has served the three, six, ten, twenty, thirty or sixty consecutive days of imprisonment that the court is required by paragraphs (1) to (3) and (5) to (7) hereof to impose. No court shall authorize work release from imprisonment during the three, six, ten, twenty, thirty or sixty consecutive days of imprisonment or the mandatory term of local incarceration of sixty consecutive days that the court is required by paragraphs (1) to (3) and (5) to (7) hereof to impose. The duration of the work release shall not exceed the time necessary each day for the offender to commute to and from the place of employment and the place of imprisonment and the time actually spent under employment.

- B. An offender who is sentenced pursuant to paragraph (2), (3), (6) or (7) hereof to a term of imprisonment followed by a period of electronically monitored house arrest is not eligible for work release from imprisonment, but that person shall be permitted work release during the period of electronically monitored house arrest. The duration of the work release shall not exceed the time necessary each day for the offender to commute to and from the place of employment and the offender's home or other place specified by the sentencing court and the time actually spent under employment.

- (10) Notwithstanding any section of the Ohio Revised Code or this Traffic Code that authorizes the suspension of the imposition or execution of a sentence, the placement of an offender in any treatment program in lieu of imprisonment, or the use of a community control sanction for an offender convicted of a felony, no court shall suspend the ten, twenty, thirty or sixty consecutive days of imprisonment required to be imposed on an offender by paragraph (2), (3), (6) or (7) hereof; no court shall place an offender who is sentenced pursuant to paragraph (2), (3), (6) or (7) hereof in any treatment program in lieu of imprisonment until after the offender has served the ten, twenty, thirty or sixty consecutive days of imprisonment or the mandatory term of local incarceration or mandatory prison term of sixty consecutive days required to be imposed pursuant to paragraph (2), (3), (6) or (7) hereof. No court that imposes a sentence of imprisonment and a period of electronically monitored house arrest upon an offender under paragraph (2), (3), (6) or (7) hereof shall suspend any portion of the sentence or place the offender in any treatment program in lieu of imprisonment or electronically monitored house arrest.

Notwithstanding any section of the Ohio Revised Code or this Traffic Code that authorizes the suspension of the imposition or execution of a sentence or the placement of an offender in any treatment program in lieu of imprisonment, no court, except as specifically authorized by paragraph (1) or (5) hereof, shall suspend the three or more consecutive days of imprisonment required to be imposed by paragraph (1) or (5) hereof or place an offender who is sentenced pursuant to paragraph (1) or (5) hereof in any treatment program in lieu of imprisonment until after the offender has served the three or more consecutive days of imprisonment required to be imposed pursuant to paragraph (1) or (5) hereof.

- (11) No court shall sentence an offender to an alcohol treatment program pursuant to paragraph (1) to (8) hereof unless the treatment program complies with the minimum standards adopted pursuant to Ohio R.C. Chapter 3793 by the State Director of Alcohol and Drug Addiction Services.

- (12) No court shall impose the alternative sentence of a term of imprisonment plus a term of electronically monitored house arrest permitted to be imposed by paragraph (2), (3), (6) or (7) hereof, unless within sixty days of the date of sentencing, the court issues a written finding, entered into the record, that due to the unavailability of space at the incarceration facility where the offender is required to serve the term of imprisonment imposed upon the offender, the offender will not be able to commence serving the term of imprisonment within the sixty-day period following the date of sentencing. If the court issues such a written finding, the court may impose the alternative sentence comprised of a term of imprisonment and a term of electronically monitored house arrest permitted to be imposed by paragraph (2), (3), (6) or (7) hereof.
(ORC 4511.99)
- (13) As used in this section, "three consecutive days" means seventy-two consecutive hours. (ORC 4511.991)
- (14) Twenty-five dollars (\$25.00) of any fine imposed for violation of a municipal ordinance relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse or relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath or urine shall be deposited into the municipal or county indigent drivers alcohol treatment fund created pursuant to Ohio R.C. 4511.191(N).
(ORC 4511.193)
- (c) Operation After Under-Age Consumption.
- (1) Whoever violates Section 333.01(b) is guilty of operating a motor vehicle after under-age alcohol consumption and shall be punished as follows:
- A. Except as otherwise provided in subsection (c)(1)B. hereof, the offender is guilty of a misdemeanor of the fourth degree;
 - B. The offender is guilty of a misdemeanor of the third degree if, within one year of the offense, the offender has been convicted of or pleaded guilty to any violation of the following:
 1. Division (A) or (B) of Ohio R.C. 4511.19;
 2. A municipal ordinance relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse;
 3. A municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath or urine;
 4. Ohio R.C. 2903.04 in a case in which the offender was subject to the sanctions described in division (D) of that section;

5. Division (A)(1) of Ohio R.C. 2903.06 or division (A)(1) of Ohio R.C. 2903.08 or a municipal ordinance that is substantially similar to either of those divisions;
6. Division (A)(2), (3), or (4) of Ohio R.C. 2903.06, or division (A)(2) of Ohio R.C. 2903.08 or a municipal ordinance that is substantially similar to any of those divisions, or former Ohio R.C. 2903.07 or a substantially similar municipal ordinance, in a case in which the jury or judge found that the offender was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse;
7. A statute of the United States or of any other state or a municipal ordinance of a municipal corporation located in any other state that is substantially similar to division (A) or (B) of Ohio R.C. 4511.19.

(2) In addition to or independent of all other penalties provided by law, the offender's driver's or commercial driver's license or permit or nonresident operating privilege shall be suspended in accordance with, and for the period of time specified in Ohio R.C. 4507.16 (E),

(3) The court, in addition to and independent of any sentence that it imposes upon the offender for a violation of Section 333.01(b), shall order the immobilization of the vehicle and impoundment of the license plates or forfeiture of the vehicle as provided in Ohio R.C. 4511.193.

DATE: June 5, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 122 - 2000

BY: COMMUNITY DEVELOPMENT AND ANNEXATION COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to prepare plans and specifications and to advertise for, and receive sealed bids according to law, for the sale of certain tracts of City owned land for the purpose of developing affordable housing for low and moderate income homeowners, The tracts of land owned by the City, and not needed for any municipal purpose, are known as Lots No. 3031, 2935 and 13223 in the City of Massillon, Stark County, 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 determines it to be necessary in the public health, safety and welfare to prepare plans and specifications and to advertise for, and receive sealed bids according to law, for the sale of certain tracts of City owned land for the purpose of developing affordable housing for low and moderate income homeowners, The tracts of land owned by the City, and not needed for any municipal purpose, are known as Lots No. 3031, 2935 and 13223 in the City of Massillon, Stark County, Ohio,

Section 2:

The following described real estate belonging to the City of Massillon, Ohio, and not needed for any municipal purpose, to-wit:

1. Lot No. 3031, located at the northeast corner of Walnut Road and Third Street S.E.
2. Lot No. 2935, located on the south side of Oak Avenue S.E. between Third Street S.E. and Eighth Street S.E.
3. Lot No. 13223, located on the west side of 26th Street N.W. between Duane Avenue N.W. and Chauncey Avenue N.W.

Section 3:

The Director of Public Safety and Service is hereby authorized to prepare plans and specifications and to advertise for and receive sealed bids, according to law, for the sale of certain tracts of City owned land for the purpose of developing affordable housing for low and moderate income homeowners, The tracts of land owned by said City, and not needed for any municipal purpose, are known as Lots No. 3031, 2935 and 13223 in the City of Massillon, Stark County, Ohio,

Section 4:

The advertisement for the bidding of said real estate shall contain the following instructions:

- 1). Each bidder shall be prepared to review with the administration of the City of Massillon and City Council their intended use for the real estate.
- 2). The successful bidder shall be responsible to pay all fees and costs associated with the sale and transfer of said property.
- 3). The City reserves the right to reject any and all bids.
- 4). The minimum bid set by Stark County shall be disclosed in the advertisement

Section 5:

This Ordinance is declared to be an emergency measure immediately necessary for the preservation of the public health, safety and welfare of the community and for the further reason of such emergency arising out of the necessity to dispose of real estate no longer needed for any municipal purpose for the best price obtainable for the purpose of developing affordable housing for low and moderate income homeowners. 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.

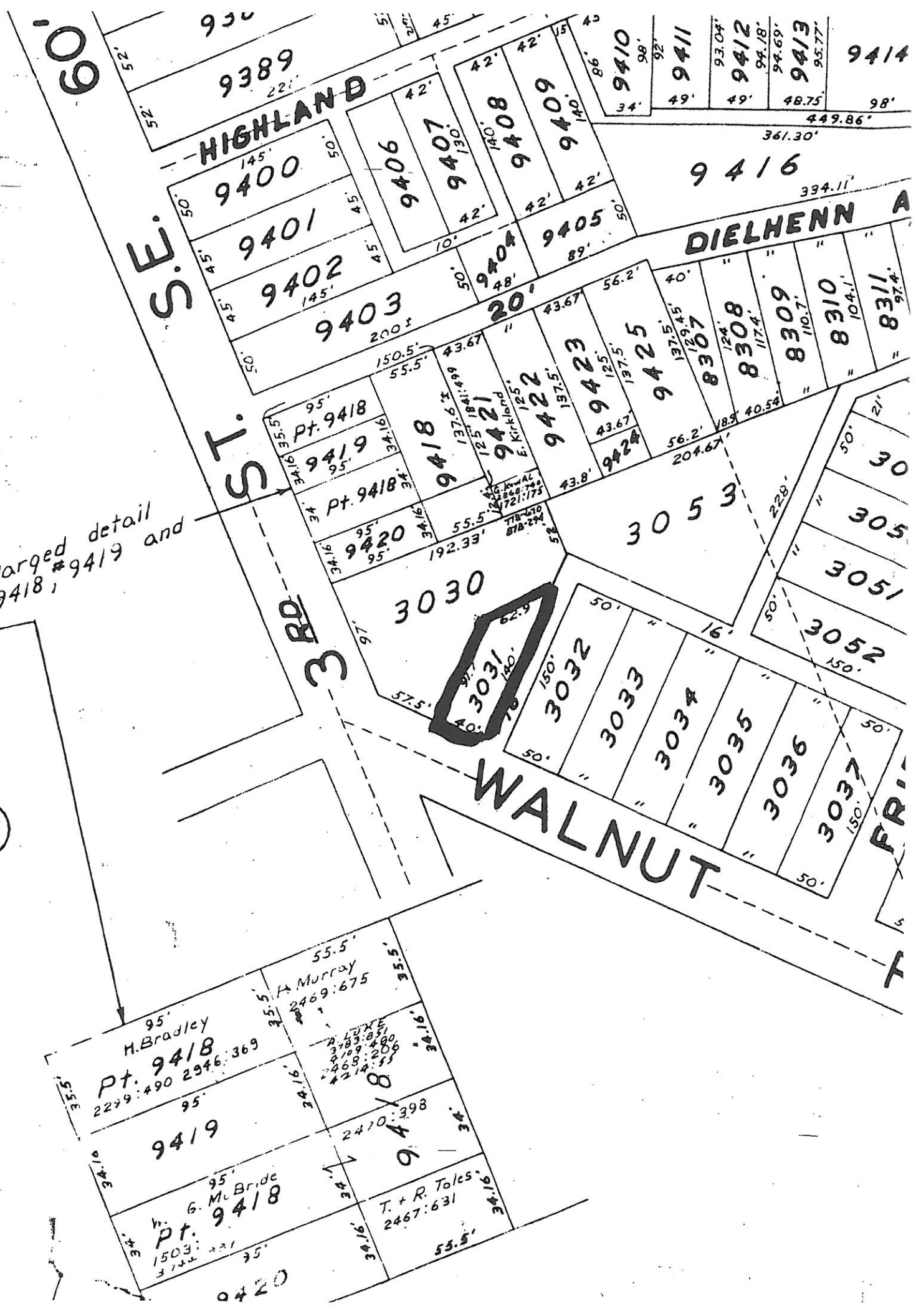
PASSED IN COUNCIL THIS _____ DAY OF _____ 2000

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

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

Note
see enlarged detail
lots
9418, 9419 and
9420

43



S 67° 30' E

OAK SE

N 86° 45' E



2938

2937

2936

2935

2934

2933

2932

2919

2920

2921

2922

2923

2924

B. Walters
1242-93 ETAL.

D. Hykes
3038-740
94021253

J. P. HUPPERT
138-291
3077
2712
3991
4273
138-445

M. M. Smith

2403-131
2910-27

1580-275
1580-275

DATE: June 5, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 123 - 2000

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety to enter into a contract, without competitive bidding, with Cottrill Trucking & Wrecking for the demolition of a structure at 232 Erie Street South, in the City of Massillon, and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby determines it to be necessary in the public health, safety and welfare to enter into a contract with Cottrill Trucking & Wrecking for the demolition of a structure at 232 Erie Street South, in the City of Massillon,

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized to enter into a contract with Cottrill Trucking & Wrecking for the demolition of a structure at 232 Erie Street South, in the City of Massillon. The cost of said contract shall not exceed Eighteen Thousand Five Hundred Dollars (\$18,500.00).

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 that it is necessary to demolish the building a home which has been damaged by fire and has been determined to be a unit for human habitation and needs to be raised immediately to protect Ohio citizens that live in close proximity of the structure. 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 _____ 2000

ATTEST:

SHARON HOWELL, CLERK OF COUNCIL

DENNIS D. HARWIG, PRESIDENT

APPROVED _____

FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: June 5, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 124 - 2000

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety to enter into a Grant Agreement from the Ohio Department of Natural Resources - Recreational Trails Program for the construction of the Sippo Valley Trail, 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 Grant Agreement from the Ohio Department of Natural Resources - Recreational Trails Program in the amount of One Hundred Seventy Thousand Dollars (\$170,000.00) for the construction of the Sippo Valley Trail.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to enter into a Grant Agreement with the Ohio Department of Natural Resources - Recreational Trails Program for the construction of the Sippo Valley Trail.

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 reason that the grant is necessary for the development of the Sippo Valley Trail. 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 _____ 2000

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

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

DATE: June 5, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 125 - 2000

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety to enter into a Charitable Grant Agreement with the Stark Community Foundation in the amount of Fifteen Thousand Dollars (\$15,000.00) for the repairs and replacement to the roof of the Massillon Senior Center, 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 Charitable Grant Agreement with the Stark Community Foundation in the amount of Fifteen Thousand Dollars (\$15,000.00) for the repairs and replacement to the roof of the Massillon Senior Center.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to enter into a Charitable Grant Agreement from the Stark Community Foundation in the amount of Fifteen Thousand Dollars (\$15,000.00) for the repairs and replacement to the roof of the Massillon Senior Center. Copy of said agreement is hereby attached.

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 reason that the grant is necessary for the repairs and replacement to the Massillon Senior Center roof. 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 _____ 2000

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

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

Stark Community Foundation
CHARITABLE GRANT AGREEMENT

The charitable grant to your organization from the Foundation is for the explicit purpose(s) described below and is subject to your acceptance of the following conditions. To acknowledge this agreement, to accept the grant, and to be eligible to receive the funds when needed, PLEASE RETURN ONE SIGNED COPY OF THIS CHARITABLE GRANT AGREEMENT TO THE FOUNDATION, THE OTHER COPY IS FOR YOUR FILES.

GRANTEE: Massillon Senior Center

DATE OF PROPOSAL TO FOUNDATION: 7/27/99

AMOUNT OF GRANT: \$15,000 General Purpose (contingent on funds being raised to complete roof project)

DATE AUTHORIZED: 2/3/2000

GRANT PURPOSE(S): For replacement of the roof on the Senior Center in downtown Massillon

GRANT PERIOD: BEGINS: 2/3/2000 **ENDS:** 10/1/2000

PAYMENT SCHEDULE: One payment of \$15,000 will be sent when one signed copy of this Grant Agreement is returned to the Foundation.

- A. This charitable grant is to be used only for the purpose described above in accordance with the approved budget. (Check here if attached). The program is subject to modification only with the Foundation's prior written approval. The grantee shall return to the Foundation any unexpended funds (NOTE - grant purpose).
1. At the end of the grant period, or
 2. If the Foundation determines that the grantee has not performed in accordance with this agreement and approved program/budget, or
 3. If the grantee loses its 501(c)(3) tax exemption
- B. No funds provided by the Foundation may be used for any political campaign, or to support attempts to influence legislation by any governmental body, other than through making available the results of nonpartisan analysis, study and research.

DATE: June 5, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 126 - 2000

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Parks & Recreation Capital Improvement Fund, Muni Motor Vehicle License Tax Fund, Muni Court Capital Improvement Fund, Capital Improvement Fund, Community Development Block Grant Program Fund, Massillon Mural Fund, Youth Center Activity Fund, and the General Fund, of the City of Massillon, for the year ending December 31, 2000, 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 Parks & Recreation Capital Improvement Fund for the year ending December 31, 2000, the following:

\$385,000.00 to an account entitled "Capital Improvement Project" 1433.505.2510

Section 2:

There be and hereby is appropriated from the unappropriated balance of the Muni Motor Vehicle License Tax Fund for the year ending December 31, 2000, the following:

\$105,000.00 to an account entitled "Fothergill-Belmont" 1206.435.2510

Section 3:

There be and hereby is appropriated from the unappropriated balance of the Muni Court Capital Improvement Fund for the year ending December 31, 2000, the following:

\$ 27,000.00 to an account entitled "Transfer To" 1204.125.2710

Section 4:

There be and hereby is appropriated from the unappropriated balance of the Capital Improvement Fund for the year ending December 31, 2000, the following:

\$ 23,420.00 to an account entitled "Pavement Marking Machine" 1401.435.2517

Section 5:

There be and hereby is appropriated from the unappropriated balance of the Community Development Block Grant Program Fund for the year ending December 31, 2000, the following:

\$ 7,100.00 to an account entitled "Demolitions" 1203.845.2801

Section 6:

There be and hereby is appropriated from the unappropriated balance of the Massillon Mural Fund for the year ending December 31, 2000, the following:

\$ 7,000.00 to an account entitled "Mural Project-Phase IV" 3112.905.2510

Section 7:

There be and hereby is appropriated from the unappropriated balance of the Youth Center Activity Fund for the year ending December 31, 2000, the following:

\$ 1,000.00 to an account entitled "Supplies" 1224.875.2410

\$ 700.00 to an account entitled "Services" 1224.875.2392

Section 8:

There be and hereby is appropriated from the unappropriated balance of the General Fund for the year ending December 31, 2000, the following:

\$ 800.00 to an account entitled "Office Supply-Community Service" 1100.126.2410

Section 9:

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.

PASSED IN COUNCIL THIS _____ DAY OF _____ 2000.

ATTEST:

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

APPROVED: _____

FRANCIS H. CICCHINELLI, JR, MAYOR

DATE: June 5, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 127 - 2000

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain transfers in the 2000 appropriation from the Muni Court Capital Improvement Fund to the Clerk of Courts Computer 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 2000 appropriation from the Muni Court Capital Improvement Fund to the Clerk of Courts Computer Fund, of the City of Massillon, the following:

\$ 27,000.00 FROM: "Transfer To" 1204.125.2710
TO: "Transfer In" 1232.130.1860

Section 2:

This Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said funds are necessary operation of the Clerk of Courts Department 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 _____ 2000

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

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