

NOTICE OF NORTH CANTON CITY COUNCIL MEETING
Monday, January 22, 2018, 7:00 p.m., City Hall

Agenda

1. Call to Order
2. Opening Prayer
3. Pledge of Allegiance
4. Roll Call
5. Consideration

Committee of the Whole Meeting Minutes: December 4, 2017
Council Meeting Minutes: January 8, 2018
Financial Reports: December 2017

6. Recognition of Visitors
7. Old Business
8. **Ordinance No. 103 - 2017 - 3rd Reading - Street and Alley Committee**

An ordinance establishing a Trailway easement by and between the City of North Canton, an Ohio charter municipal corporation ("City"), Grantor, and Stark County Park District ("Stark Parks"), Grantee, running through the property known as Parcel No. 9480025, and being Out Lot 299, located within the City of North Canton, Stark County, Ohio.

9. **Ordinance No. 104 - 2017 - 3rd Reading - Water, Sewer and Rubbish Committee**

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids according to specifications now on file in the Director's office, and authorizing the Mayor of the City of North Canton, upon Board of Control approval, to enter into a contract for the Everhard Road and Whipple Avenue Waterline Replacement Project, at a total cost not to exceed \$250,000.00.

10. New Business
11. **Ordinance No. 1 - 2018 - 1st Reading - Ordinance, Rules and Claims Committee**

An ordinance repealing and replacing Ordinances 105-78, 3581-75, and 3544-75, prohibiting, at all times, right turns on red at certain intersections regulated by traffic control signals, and prohibiting right turns on red between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, at certain intersections regulated by traffic control signals, and declaring the same to be an emergency.

12. **Ordinance No. 2 - 2018 - 1st Reading - Ordinance, Rules and Claims Committee**

An ordinance prohibiting medical marijuana cultivators, processors, and retail dispensaries licensed under Ohio Revised Code Chapter 3796, Medical Marijuana Control Program, within the City of North Canton, and declaring the same to be an emergency.

13. Ordinance No. 3 - 2018 - 1st Reading - Personnel and Safety Committee

An ordinance amending the City of North Canton's Employee Handbook by including in the Drug Testing Policy notice that the City shall neither permit nor accommodate an employee's use, possession, or distribution of medical marijuana, and declaring the same to be an emergency.

14. Ordinance No. 4 - 2018 - 1st Reading - Street and Alley Committee

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids according to specifications now on file in the Director's office, and authorizing the Mayor of the City of North Canton, upon Board of Control approval, to enter into a contract for the resurfacing, repaving, replacement, repair, and preventative maintenance of certain City streets, alleys, and parking lots, at a cost not to exceed \$852,000.00, and declaring the same to be an emergency.

15. Ordinance No. 5 - 2018 - 1st Reading - Finance and Property Committee

An ordinance authorizing the Mayor of the City of North Canton, upon Board of Control approval, and pursuant to the Ohio Cooperative Purchase Act, to enter into an agreement with Pfund Superior Sales Co. Inc., for the purchase of a 2018 Ford F-550 4X2 Life Line "Custom Superliner" Type I Ambulance with the trade in of the City's 2012 International Type I Ambulance, and declaring the same to be an emergency.

16. Resolution No. 1 - 2018 - 1st Reading - Personnel and Safety Committee

A resolution (accepting/rejecting) the Fact Finder Report dated January 18, 2018, regarding the City of North Canton, Ohio, Employer, and Ohio Patrolmen's Benevolent Association, Patrol Officers' Union, State Employment Relations Board ("SERB") Case No. 2017-MED-10-1313, by Fact Finder Thomas Nowel, and declaring the same to be an emergency.

17. Resolution No. 2 - 2018 - 1st Reading - Personnel and Safety Committee

A resolution (accepting/rejecting) the Fact Finder Report dated January 18, 2018, regarding the City of North Canton, Ohio, Employer, and Ohio Patrolmen's Benevolent Association, Dispatch and Lead Dispatcher's Union, State Employment Relations Board ("SERB") Case No. 2017-MED-10-1312, by Fact Finder Thomas Nowel, and declaring the same to be an emergency.

18. Reports - Council

Doug Foltz	Ward 1	Mark Cerreta	At Large
Daniel Peters	Ward 2	Daryl Revoldt	At Large
Stephanie Werren	Ward 3	Marcia Kiesling	At Large
Dominic Fonte	Ward 4		

19. Reports

Director of Law Mayor	Director of Finance City Engineer	Director of Administration Clerk of Council
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**Council Meeting
Agenda**

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20. Final Call for New Business

21. February's Meeting Schedule

****Monday, January 29, 2018 - no meeting**

Monday, February 5, 2018 - Committee of the Whole meeting

Monday, February 12, 2018 - Council meeting

Monday, February 19, 2018 - no meeting

Monday, February 26, 2018 - Council meeting

22. Adjourn

North Canton City Council
Ordinance, Rules and Claims Committee

Ordinance No. 1 - 2018

An ordinance repealing and replacing ordinances 105-78, 3581-75, and 3544-75, prohibiting, at all times, right turns on red at certain intersections regulated by traffic control signals, and prohibiting right turns on red between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, at certain intersections regulated by traffic control signals, and declaring the same to be an emergency.

WHEREAS, the City of North Canton wishes to prevent or reduce the likelihood of motor vehicle accidents at certain intersections controlled by traffic control signals, specifically, those involving inadequate sight distances or pedestrian conflicts with right-turn-on-red maneuvers, and most especially those intersections utilized often by children, older pedestrians, or persons with disabilities.

WHEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, AND STATE OF OHIO, that ordinances 105-78, 3581-75, and 3544-75, prohibiting, at all times, right turns on red at certain intersections regulated by traffic control signals, and prohibiting right turns on red between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, at certain intersections regulated by traffic control signals, are hereby repealed and replaced with the following:

- Section 1. That pursuant to Section 4511.13 of the Ohio Revised Code, right turns on a red signal are prohibited, at all times, at the following intersections regulated by traffic control signals:
- A. South Main Street and Everhard Road SW, south-bound turns only;
 - B. Portage Street NW and Pittsburgh Avenue NW, west-bound turns only;
 - C. City Square, i.e., North Main Street, South Main Street, East Maple Street, and West Maple Street, all right turns on a red signal;
 - D. North Main Street and 7th Street NE, east-bound turns only;
 - E. South Main Street and Schneider Street NE; east-bound turns only.

Section 2. That pursuant to Section 4511.13 of the Ohio Revised Code, right turns on a red signal are prohibited between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, at the following intersections regulated by traffic control signals:

- A. North Main Street and Charlotte Street NE, north and south-bound turns only;
- B. East Maple Street and Clearmount Avenue NE, all right turns on a red signal;
- C. Hillcrest Avenue NW and West Maple Street, all right turns on a red signal;
- D. Hillcrest Avenue NW and Charlotte Street NW, east and west-bound turns only.

Section 2. That if a provision of this ordinance is or becomes illegal, invalid or unenforceable, that shall not affect the validity or enforceability of any other provision of this ordinance.

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and peace of the City of North Canton and further necessary to prevent or reduce the likelihood of motor vehicle accidents at certain intersections controlled by traffic control signals, specifically, those involving inadequate sight distances or pedestrian conflicts with right-turn-on-red maneuvers, and most especially those intersections utilized often by children, older pedestrians, or persons with disabilities; provided it receives the affirmative vote of six or more members of Council elected thereto, this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed in Council this _____ day of _____ 2018.

David Held, Mayor

ATTEST:

Mary Beth Bailey, Clerk of Council

Signed: _____, 2018

North Canton City Council
Ordinances, Rules & Claims
Ordinance No. 2 - 2018

An ordinance prohibiting medical marijuana cultivators, processors, and retail dispensaries licensed under Ohio Revised Code Chapter 3796, Medical Marijuana Control Program, within the City of North Canton, and declaring the same to be an emergency.

WHEREAS, Ohio's General Assembly adopted and its Governor signed into law House Bill 523, codified in Chapter 3796 of the Ohio Revised Code; and

WHEREAS, Ohio Revised Code Chapter 3796, among other things, permits licensed physicians to recommend the use of medical marijuana to patients within the State of Ohio, and creates State regulatory oversight of the cultivation, processing, and sale of medical marijuana; and

WHEREAS, Ohio Revised Code Section 3796.29 authorizes the legislative authority of a municipal corporation to adopt by ordinance restrictions including the prohibition of cultivators, processors, and retail dispensaries within said municipal corporation; and

WHEREAS, the City of North Canton, as with other municipal corporations and boards of township trustees, takes legislative notice that the use, possession, cultivation, distribution, and sale of marijuana, whether for medical or recreational use, remains illegal under the Controlled Substances Act, codified at 21 U.S.C. Section 841; and

WHEREAS, pursuant to the Controlled Substances Act, North Canton has enacted and codified Chapter 531, Drug Abuse Control, therein banning the cultivation, processing, and sale of marijuana; and

WHEREAS, this Council has determined that in the best interest of the City's health, welfare, and safety to prohibit the cultivation, processing, and dispensing of marijuana for medical purposes with the City pursuant to Ohio Revised Code Section 3796.29.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, AND STATE OF OHIO:

- Section 1. That cultivation, processing, and retail dispensing of marijuana for medical purposes, as defined in Chapter 3796 of the Ohio Revised Code, is hereby specifically prohibited with the City of North Canton.
- Section 2. That for the purpose of this ordinance, "medical marijuana" shall have the same meaning as defined in Section 3796.01(A)(2) of the Ohio Revised Code.

- Section 3. That a new section of Chapter 513, Drug Abuse Control, is hereby created and titled "513.15 Medical Marijuana," which shall restate Sections one and two above.
- Section 4. That if a provision of this ordinance is or becomes illegal, invalid or unenforceable, that shall not affect the validity or enforceability of any other provision of this ordinance.
- Section 5. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and peace of the City of North Canton, and further necessary to protect our children, families, workforce—our City—from the increased exposure of marijuana, and the consequences thereof, that may result from legalizing marijuana for medical use; wherefore, provided it receives the affirmative vote of six or more members of Council elected thereto, this ordinance shall take effect and be in full force immediately upon its adoption by Council 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 _____, 2018

David Held, Mayor

Signed: _____, 2018

ATTEST:

Mary Beth Bailey, Clerk of Council

North Canton City Council
Personnel and Safety Committee
Ordinance No. 3 - 2018

An ordinance amending the City of North Canton's Employee Handbook by including in the Drug Testing Policy notice that the City shall neither permit nor accommodate an employee's use, possession, or distribution of medical marijuana, and declaring the same to be an emergency.

WHEREAS, Ohio's General Assembly adopted and its Governor signed into law House Bill 523, codified in Chapter 3796 of the Ohio Revised Code; and

WHEREAS, the federal government regulates drugs through the Controlled Substances Act, which classifies marijuana as a Schedule 1 drug with no currently accepted medical use, together with a high potential for abuse. 21 U.S.C. 812.

WHEREAS, pursuant to the Controlled Substances Act, North Canton has enacted and codified Chapter 531, Drug Abuse Control, therein banning the cultivation, processing, and sale of marijuana; and

WHEREAS, this Council has determined in the best interest of the City's health, welfare, and safety that it shall neither permit nor accommodate a City employee's use, possession, or distribution of medical marijuana. Ohio Revised Code Section 3796.08. A copy of the amended Drug Testing Policy is attached hereto and included herein.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, AND STATE OF OHIO:

- Section 1. That the federal government regulates drugs through the Controlled Substances Act, which classifies marijuana as a Schedule 1 drug with no currently accepted medical use, together with a high potential for abuse. 21 U.S.C. 812.
- Section 2. That pursuant to the Controlled Substances Act, North Canton has enacted and codified Chapter 531, Drug Abuse Control, therein banning the cultivation, processing, and sale of marijuana.
- Section 3. That this Council has determined in the best interest of the City's health, welfare, and safety that it shall neither permit nor accommodate a City employee's use, possession, or distribution of medical marijuana. Ohio Revised Code Section 3796.08.
- Section 4. That if a provision of this ordinance is or becomes illegal, invalid or unenforceable, that shall not affect the validity or enforceability of any other provision of this ordinance.

Section 5. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and peace of the City of North Canton, and further necessary to protect our guests, residents, and workforce—the City itself—from the consequences relating to a City employee’s use, possession, and distribution of marijuana, be it for medical purposes or otherwise; wherefore, provided it receives the affirmative vote of six or more members of Council elected thereto, this ordinance shall take effect and be in full force immediately upon its adoption by Council 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 _____, 2018

David Held, Mayor

Signed: _____, 2018

ATTEST:

Mary Beth Bailey, Clerk of Council

North Canton City Council
Street and Alley Committee

Ordinance No. 4 - 2018

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids according to specifications now on file in the Director's office, and authorizing the Mayor of the City of North Canton, upon Board of Control approval, to enter into a contract for the resurfacing, repaving, replacement, repair, and preventative maintenance of certain City streets, alleys, and parking lots, at a cost not to exceed \$852,000.00, and declaring the same to be an emergency.

WHEREAS, certain City streets, alleys, and parking lots require resurfacing, repaving, replacement, repair, and preventative maintenance; and

WHEREAS, the City desires to enter into a contract for the resurfacing, repaving, replacement, repair, and preventative maintenance of certain City streets, alleys, and parking lots.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, AND STATE OF OHIO:

Section 1. That the Director of Administration of the City of North Canton, be, and is hereby authorized to advertise and receive bids according to specifications now on file in the Director's office for the resurfacing, repaving, replacement, repair, and preventative maintenance of certain City streets, alleys, and parking lots.

Section 2. That the Mayor of the City of North Canton, upon Board of Control approval, be, and is hereby authorized to enter into a contract for the resurfacing, repaving, replacement, repair, and preventative maintenance of certain City streets, alleys, and parking lots, at a cost not to exceed \$852,000.00.

Section 3. That the Director of Finance of the City of North Canton, be, and is hereby authorized to draw funds necessary for the payment of the above specified contract from the following appropriations:

210	STREET IMPROVEMENT LEVY FUND	
210.543.5229	Contract Payments	\$350,000.00
330	CAPITAL IMPROVEMENT FUND	
330.546.5229	Contract Payments	\$402,000.00
651	WATER EXP. REPAIR & IMPROVEMENT FUND	
651.767.5229	Sewer Revenue	\$100,000.00

upon receipt of vouchers duly approved by the proper departmental authority.

- Section 4. That if a provision of this ordinance is or becomes illegal, invalid, or unenforceable, that shall not affect the validity or enforceability of any other provision of this ordinance.
- Section 5. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and peace of the City of North Canton and further necessary for the timely bidding process and to enter into a contract in order for the 2018 Street Resurfacing Program to begin in a timely manner; wherefore, provided it receives the affirmative vote of six or more members of Council elected thereto, this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed in Council this _____ day of _____ 2018

David Held, Mayor

Signed: _____, 2018

ATTEST:

Mary Beth Bailey, Clerk of Council

North Canton City Council
Finance and Property Committee

Ordinance No. 5 - 2018

An ordinance authorizing the Mayor of the City of North Canton, upon Board of Control approval, and pursuant to the Ohio Cooperative Purchase Act, to enter into an agreement with Pfund Superior Sales Co. Inc., for the purchase of a 2018 Ford F-550 4X2 Life Line "Custom Superliner" Type I Ambulance with the trade in of the City's 2012 International Type I Ambulance, and declaring the same to be an emergency.

WHEREAS, the City of North Canton must replace an ambulance; and

WHEREAS, the Ohio Cooperative Purchase Act enables municipalities, such as the City of North Canton, to benefit from economies of scale, expedite its procurement process, and achieve a substantial purchase savings for the purchase of a 2018 Ford F-550 4X2 Life Line "Custom Superliner" Type I Ambulance with the trade in of the City's 2012 International Type I Ambulance.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, AND STATE OF OHIO:

Section 1. That the Mayor of the City of North Canton, upon Board of Control approval, and pursuant to the Ohio Cooperative Purchase Act, be, and is hereby authorized to enter into an agreement with Pfund Superior Sales Co. Inc., for the purchase of a 2018 Ford F-550 4X2 Life Line "Custom Superliner" Type I Ambulance at a cost not to exceed \$200,000.00. The total cost of the 2018 Ford F-550 4X2 Life Line "Custom Superliner" Type I Ambulance originally was \$218,000.00, with the trade in price of \$18,000.00 given for the 2012 International Type I Ambulance, the final cost will not exceed \$200,000.00.

Section 2. That the Director of Finance of the City of North Canton, be, and is hereby authorized to draw funds necessary for the payment of the above-specified contract from the following appropriations:

330 CAPITAL IMPROVEMENT FUND	
330.133.5500 Equipment	\$200,000.00

upon receipt of vouchers duly approved by the proper departmental authority.

Section 3. That if a provision of this ordinance is or becomes illegal, invalid, or unenforceable, that shall not affect the validity or enforceability of any other provision of this ordinance.

Section 4. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety, and peace of the City of North Canton and further necessary for the timely purchase of a 2018 Ford F-550 4X2 Life Line "Custom Superliner" Type I Ambulance with the trade in of the 2012 International Type I Ambulance to ensure the efficient operation of the Fire EMS Department serving the medical needs of the City residents; wherefore, provided it receives the affirmative vote of six or more members of Council elected thereto, this ordinance shall take effect and be in full force immediately upon its adoption by Council 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 _____ 2018

David Held, Mayor

Signed: _____, 2018

ATTEST:

Mary Beth Bailey, Clerk of Council

North Canton City Council
Personnel and Safety Committee

Resolution No. 1 - 2018

A resolution (accepting/rejecting) the Fact Finding Report dated January 18, 2018, regarding the City of North Canton, Ohio, Employer, and Ohio Patrolmen's Benevolent Association, Patrol Officers' Union, State Employment Relations Board ("SERB") Case No. 2017-MED-10-1313, by Fact Finder Thomas Nowel, and declaring the same to be an emergency.

WHEREAS, the City of North Canton intends to amend the City's Employee Handbook and each collective bargaining agreement by including in the Drug Testing Policy articles notice that the City shall neither permit nor accommodate an employee's use, possession, or distribution of medical marijuana.

WHEREAS, Fact Finder Nowel has

WHEREAS, pursuant to rule 4117-9-05, Fact-finding, of the Ohio Administrative Code, the employer's legislative body shall meet and vote to accept or reject the recommendations of the fact finder, and within 24 hours after the vote, shall serve by electronic mail, SERB and the employee organization's exclusive representative, verification of the date of the vote, the vote tally, and the number of members of the legislative body.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, AND STATE OF OHIO:

Section 1. That because the fact finder . . . the Council of the City of North Canton, Ohio hereby (accepts/rejects) the Fact Finding Report dated January 18, 2018, regarding the City of North Canton, Ohio, Employer, and Ohio Patrolmen's Benevolent Association, Patrol Officers' Union, Case No. 2017-MED-10-1312, by Fact Finder Thomas Nowel.

Section 2. That if a provision of this resolution is or becomes illegal, invalid or unenforceable, that shall not affect the validity or enforceability of any other provision of this resolution.

Section 3. That this resolution is hereby declared to be an emergency measure necessary for the preservation of the health, safety, and peace of the City of North Canton and further necessary for the timely (acceptance/rejection) of the Fact Finding Report dated January 18, 2018, as required by the State Employment Relations Board; wherefore, provided it receives the affirmative vote of six or more members of Council elected thereto, this resolution shall take effect and be in full force immediately upon its adoption by Council 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 _____ 2018

David Held, Mayor

Signed: _____, 2018

ATTEST:

Mary Beth Bailey, Clerk of Council

North Canton City Council
Personnel and Safety Committee

Resolution No. 2 - 2018

A resolution (accepting/rejecting) the Fact Finding Report dated January 18, 2018, regarding the City of North Canton, Ohio, Employer, and Ohio Patrolmen's Benevolent Association, Dispatch and Lead Dispatcher's Union, State Employment Relations Board ("SERB") Case No. 2017-MED-10-1312, by Fact Finder Thomas Nowel, and declaring the same to be an emergency.

WHEREAS, the City of North Canton intends to amend the City's Employee Handbook and each collective bargaining agreement by including in the Drug Testing Policy articles notice that the City shall neither permit nor accommodate an employee's use, possession, or distribution of medical marijuana.

WHEREAS, Fact Finder Nowel has

WHEREAS, pursuant to rule 4117-9-05, Fact-finding, of the Ohio Administrative Code, the employer's legislative body shall meet and vote to accept or reject the recommendations of the fact finder, and within 24 hours after the vote, shall serve by electronic mail, SERB and the employee organization's exclusive representative, verification of the date of the vote, the vote tally, and the number of members of the legislative body.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, AND STATE OF OHIO:

Section 1. That because the fact finder . . . the Council of the City of North Canton, Ohio hereby (accepts/rejects) the Fact Finding Report dated January 18, 2018, regarding the City of North Canton, Ohio, Employer, and Ohio Patrolmen's Benevolent Association, Dispatch and Lead Dispatcher's Union, Case No. 2017-MED-10-1312, by Fact Finder Thomas Nowel.

Section 2. That if a provision of this resolution is or becomes illegal, invalid or unenforceable, that shall not affect the validity or enforceability of any other provision of this resolution.

Section 3. That this resolution is hereby declared to be an emergency measure necessary for the preservation of the health, safety, and peace of the City of North Canton and further necessary for the timely (acceptance/rejection) of the Fact Finding Report dated January 18, 2018, as required by the State Employment Relations Board; wherefore, provided it receives the affirmative vote of six or more members of Council elected thereto, this resolution shall take effect and be in full force immediately upon its adoption by Council 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 _____ 2018

David Held, Mayor

Signed: _____, 2018

ATTEST:

Mary Beth Bailey, Clerk of Council