

**North Canton City Council Notice
Special Committee of the Whole Agenda
Monday, February 25, 2019**

North Canton City Council will meet as a Committee of the Whole, **Monday, February 25, 2019**, immediately following the 7:00 p.m. City Council meeting in Council chambers at North Canton City Hall.

Items to be discussed:

1. Finance and Property Committee

Chairperson: Stephanie Werren

Vice Chairperson: Marcia Kiesling

Mark Cerreta

Doug Foltz

Dominic Fonte

Daniel Peters

Daryl Revoldt

(a) An ordinance authorizing the Mayor of the City of North Canton, upon Board of Control approval, to amend Exhibits "A" and "B" of the professional services agreement between the City and SafeBuilt Ohio, LLC, Ordinance 68-2018, to include Code Enforcement Services, and declaring the same to be an emergency.

(b) An ordinance authorizing the appropriation of funds of the City of North Canton, from donations received and pledged for placing additional United States flags along Main Street, to the unappropriated resources of the General Trust Fund, to General Trust/MSB US Flag account.

2. Community and Economic Development Committee

Chairperson: Marcia Kiesling

Vice Chairperson: Mark Cerreta

Doug Foltz

Dominic Fonte

Daniel Peters

Daryl Revoldt

Stephanie Werren

A resolution requesting the Planning Commission recommend to City Council amendments to North Canton's Codified Ordinance, Chapter 1145 Conditional Use Regulations, section 1145.07 Supplemental regulations for certain uses, subsection (n) Outdoor Dining, such that outdoor dining restrictions shall be based upon what is appropriate for the circumstances presented to the Planning Commission in a conditional use permit application and adjudication hearing.

3. Street and Alley Committee

Chairperson: Dominic Fonte

Vice Chairperson: Daniel Peters

Mark Cerreta

Doug Foltz

Marcia Kiesling

Daryl Revoldt

Stephanie Werren

An ordinance authorizing the Mayor of the City of North Canton, upon Board of Control approval, to participate in the Ohio Department of Transportation's (ODOT) cooperative purchasing program for purchasing machinery, material, supplies, or other articles, and declaring the same to be an emergency.

4. Executive Session

Upon a motion, second, and a sufficient number of favorable roll-call votes, Council, the Director and Deputy Director of Administration, the Director of Finance, and the Director of Law shall move into executive session to consider the employment of a City employee, and to confer with the Director of Law concerning disputes involving the City that are the subject of imminent court action. The executive session will not be open to the public.

5. Adjourn.

North Canton City Council
Finance and Property Committee

Ordinance No. - 2019

An ordinance authorizing the Mayor of the City of North Canton, upon Board of Control approval, to amend Exhibits "A" and "B" of the professional services agreement between the City and SafeBuilt Ohio, LLC, Ordinance 68-2018, to include Code Enforcement Services, and declaring the same to be an emergency.

WHEREAS, the City entered into a professional services agreement with SafeBuilt to remedy ongoing deficiencies with its building department's efficiency, documentation, customer service, and overall financial proficiency; and

WHEREAS, the City wishes to include Code Enforcement Services to the agreement to protect, preserve, and improve its building and housing stock; and

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

- Section 1. That Exhibits "A" and "B", attached hereto and incorporated herein, of the professional services agreement between the City and SafeBuilt, North Canton Ordinance 68-2018, is hereby amended to include Code Enforcement Services, as described in Amendment One, attached hereto and incorporate herein.
- 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 deterioration and protect and enhance the City's building and housing infrastructure; 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, together with Board of Control and Mayoral approval

Passed in Council this ____ day of _____ 2019

David Held, Mayor

Signed: _____, 2018

ATTEST:

Laura Brown, Director of Finance

**AMENDMENT ONE
PROFESSIONAL SERVICES AGREEMENT
BETWEEN CITY OF NORTH CANTON, OHIO
AND SAFEbuilt OHIO, LLC**

Amendment to the Professional Services Agreement effective November 13, 2018, between City of North Canton, Ohio, (Municipality) and SAFEbuilt Ohio, LLC, (Consultant). Municipality and the Consultant shall be jointly referred to as the "Parties".

Amendment Effective Date: This Amendment shall be effective on the latest date on which the Amendment is fully executed by both Parties.

RECITALS AND REPRESENTATIONS

Municipality and Consultant entered into a Professional Services Agreement (Agreement), by which both Parties established the terms and conditions for service delivery on November 13, 2018; and

The Parties hereto now desire to amend the Agreement as set forth herein; and

NOW, THEREFORE

Agreement Exhibit A - List of Services and Exhibit B - Fees Schedule for Services is hereby amended as set forth below:

1. Exhibit A - List of Services, As-Requested Code Enforcement Services shall be revised to Code Enforcement Services – Fifteen (15) Hour Weekly Minimum.
2. Exhibit B – Fee Schedule for Services, Code Enforcement Service fee shall be revised and replaced as follows:
 - a. \$36.00 per hour – fifteen (15) hour weekly minimum

The original Agreement, Exhibits and terms shall remain in effect, to the extent not modified by this Amendment.

IN WITNESS HEREOF, the undersigned have caused this Amendment to be executed in their respective names on the dates hereinafter enumerated.

Thomas P. Wilkas, CFO
SAFEbuilt Ohio, LLC

Date

Signature

Date

Name & Title
City of North Canton, Ohio

Approved as to form and content.

Timothy L. Fox, Director of Law

North Canton City Council
Finance and Property Committee

Ordinance No. - 2019

An ordinance authorizing the appropriation of funds of the City of North Canton, from donations received and pledged for placing additional United States flags along Main Street, from the unappropriated resources of the General Trust Fund, to General Trust/MSB US Flag account.

WHEREAS, the City has received donations and pledges for placing additional United States flags along Main Street; and

WHEREAS, an appropriation is necessary to provide an account for the donations and pledges.

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

- Section 1. That to provide for the expenses and expenditures for the Main Street Business U.S. Flag Fund during the fiscal year ending December 31, 2019, donations received and pledged for placing additional United States flags along Main Street are hereby set aside and appropriated from the unappropriated resources of the General Trust Fund, to General Trust/MSB US Flag Fund, account number 212.627.5200, in the amount of \$10,500.00.
- Section 2. That the Director of Finance of the City of North Canton, be, and is hereby authorized to issue warrants from appropriations established herein for the payment 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 shall take effect and be in full force from and after the earliest period allowed by law.

Passed in Council this _____ day of _____ 2019

David Held, Mayor

Signed: _____, 2019

ATTEST:

Laura Brown, Director of Finance



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lbrown@northcantonohio.gov

CITY OF NORTH CANTON

Laura Brown
Director of Finance

February 13, 2019

REC'D

FEB 13 2019

TO: Daniel J. Peters
President of Council

LAW DEPARTMENT
NORTH CANTON, OH

RE: Supplemental Appropriation Request

I am requesting that Council consider legislation appropriating funds due to the donations received and pledged for additional United States flags to be placed along Main Street. The supplemental appropriation is as follows:

- \$10,500 from the Unappropriated Resources of the General Trust Fund to account 212.627.5200

Emergency legislation is requested in order to replenish this account in a timely manner.

Respectfully submitted,

Laura Brown
Director of Finance

North Canton City Council
Community and Economic Development Committee

Resolution No. - 2019

A resolution requesting the Planning Commission recommend to City Council amendments to North Canton's Codified Ordinance, Chapter 1145 Conditional Use Regulations, section 1145.07 Supplemental regulations for certain uses, subsection (n) Outdoor Dining, such that outdoor dining restrictions shall be based upon what is appropriate for the circumstances presented to the Planning Commission in a conditional use permit application and adjudication hearing.

WHEREAS, current outdoor dining restrictions require a conditional use permit, and prohibit outdoor seating beyond 25 percent of a restaurant's indoor seating capacity, with no relief for those restaurants that cater almost, or exclusively, to the outdoor or takeaway diner:

(n) Outdoor Dining shall comply with the following:

- (1) The facility shall be used in conjunction with, and is under the same management and exclusive control of, a restaurant located on the same or contiguous property;
- (2) *The outside seating capacity shall not exceed 25 percent of the restaurant seating capacity;*
- (3) The facility shall not interfere with the public right-of-way. The Planning Commission shall determine to what extent, if any, such use may encroach upon the public right-of-way;
- (4) Noise shall be adequately controlled to ensure that patrons do not create a nuisance.

and

WHEREAS, reasonable outdoor dining restrictions should focus on safety, rights of way, noise, nuisance, etc., and outdoor dining capacity should not be limited to a proportion of a restaurant's inside seating capacity; and

WHEREAS, the Ohio Department of Commerce, Division of Liquor Control regulates all outdoor dining establishments and dining areas that serve alcohol, wherefore its requirements shall govern all such circumstances and usurp our own; and

WHEREAS, North Canton wishes to encourage, not randomly restrict, businesses that wish to provide desirable products and services to our residents and guests in a safe, conscientious, and courteous environment; and

WHEREAS, City Council respectfully requests the Planning Commission consider a text amendment to North Canton's Planning and Zoning Code to place reasonable, sensible restrictions on outdoor dining conditional use permits.

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 Planning Commission recommend to City Council text amendments to the City's Planning and Zoning Code, for reasonable, sensible restrictions for outdoor dining, Chapter 1145 Conditional Use Regulations, section 1145.07 Supplemental regulations for certain uses, paragraph (n) Outdoor Dining, such that outdoor dining restrictions shall be based upon what is appropriate for the circumstances presented to the Planning Commission in a conditional use permit application and adjudication hearing.
- Section 2. That outdoor dining restrictions shall be based upon what is appropriate for the circumstances presented to the Planning Commission with a conditional use application and hearing, not a restaurant's indoor seating capacity, while placing special emphasis on recognizing City Council's concerns in providing appropriate and convenient locations for business activities, protecting residential neighborhoods from traffic and pedestrian congestion, noise, and other objectionable consequences, together with respecting that the Ohio Department of Commerce, Division of Liquor Control regulates all outdoor dining establishments and dining areas that serve alcohol, wherefore its requirements shall govern all such circumstances and usurp our own.
- Section 3. 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 4. That this resolution shall take effect and be in force from and after the earliest period allowed by law.

Passed in Council this ____ day of _____ 2019

David Held, Mayor

Signed: _____, 2019

ATTEST:

Laura Brown, Director of Finance

North Canton City Council
Street and Alley Committee

Ordinance No. - 2019

An ordinance authorizing the Mayor of the City of North Canton, upon Board of Control approval, to participate in the Ohio Department of Transportation's (ODOT) cooperative purchasing program for purchasing machinery, material, supplies, or other articles, and declaring the same to be an emergency.

WHEREAS, Section 5513.01(B) of the Ohio Revised Code provides the opportunity for Ohio political subdivisions to participate in contracts publicly bid, negotiated, and awarded by ODOT for the purchase of machinery, material, supplies, or other articles; and

WHEREAS, the City wishes to have the ability to promptly purchase machinery, material, supplies, or other articles at the lowest and best prices; and

WHEREAS, time is of the essence to permit the City to participate in ODOT's Cooperative Purchase Program to timely and confidently obtain the best price available for machinery, material, supplies, or other articles for our taxpayers.

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, be, and is hereby authorized, upon Board of Control approval, and on behalf of the City of North Canton, to participate in the Ohio Department of Transportation contracts for the purchase of machinery, materials, supplies, or other articles, which the Department has entered into pursuant to Ohio Revised Code Section 5513.01(B).
- Section 2. That the Mayor is hereby authorized to agree in the name of the City of North Canton to be bound by all terms and conditions as the Director of Transportation prescribes.
- Section 3. That the Mayor is hereby authorized to agree in the name of the City of North Canton to directly pay vendors, under each such contract of the Ohio Department of Transportation in which the City of North Canton participates, for items the City receives pursuant to the contract.
- Section 4. That the City of North Canton shall be responsible for resolving all claims or disputes arising out of its participation in the cooperative purchasing program under Section 5513.01(B) of the Revised Code. The City releases and forever discharges the Director of Transportation and ODOT from all such claims, actions, expenses, or other damages arising out of its participation in the Cooperative Purchase Program that the City of North Canton may have or claim to have against ODOT or its employees, unless such liability is the result of negligence on the part of ODOT or its employees.

Section 5. That if a provision of this ordinance is or becomes illegal, invalid or unenforceable, that it shall not affect the validity or enforceability of any other provision of this ordinance.

Section 6. 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 ensure the City is able to promptly take advantage of the cost-saving measures through ODOT's Cooperative Purchasing Program; 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.

Passed in Council this _____ day of _____ 2019

David Held, Mayor

Signed: _____, 2019

ATTEST:

Laura Brown, Director of Finance