



City of North Canton, Ohio

Council Office
145 North Main Street
North Canton, Ohio 44720-2587
330.499.3986 - 330.499.2960 Fax

www.northcantonohio.com
email: citycouncil@northcantonohio.com

NOTICE OF MEETINGS

Mr. Daniel Peters, Chairman of the Personnel & Safety Committee of North Canton City Council, has requested a meeting of said Committee Members on **Monday, September 10, 2012 at 6:15 p.m.** in the Council Chamber at North Canton City Hall.

The meeting will be called to order and then moved into **executive session** for the purpose of conducting interviews for the position of Director of Law. The executive session **will not be** open to the public.

Mr. Daniel Peters, Chairman of the Personnel & Safety Committee of North Canton City Council, has requested a meeting of said Committee Members, Council, Mayor, Director of Administration, Director of Law and Director of Finance on **Monday, September 10, 2012 at 6:30 p.m.** in the Council Chamber at North Canton City Hall.

The meeting will be called to order and then moved into **executive session** for the purpose of discussing personnel matters pertaining to the appointment, employment, dismissal, discipline, promotion, demotion or compensation of a public employee or official. The executive session **will not be** open to the public.

Council Meeting Agenda Monday, September 10, 2012 - 7:00 p.m.

1. Call to Order: 7:00 p.m.
2. Opening Prayer:
3. Pledge of Allegiance
4. Roll Call
5. Consideration - None
6. Committee Minutes
7. Voice Vote – Authorizing the Director of Law to Proceed with the Foreclosure of Two City Properties

8. Recognition of Visitors

OLD BUSINESS:

9. **Ordinance No. 68-12 – 3rd Reading – Community & Economic Development**
An ordinance authorizing the Mayor of the City of North Canton to enter into an Industrial and Commercial Retention Grant for Crowl, Montgomery & Clark, Inc.
10. **Ordinance No. 67-12 – 1st Reading – Ordinance, Rules & Claims
(Tabled prior to the 1st reading 6/25/12)**
An ordinance amending PART FIVE – GENERAL OFFENSES CODE of the Codified Ordinances of the City of North Canton to include Chapter 559 – Graffiti, requiring property owners to remove and restore any exterior surface where graffiti appears.

NEW BUSINESS:

11. **Ordinance No. 81-12 – 1st Reading – Park & Recreation**
An ordinance amending Chapter 555 Parks and Playgrounds, specifically Section 555.14 PARK REGULATIONS of the Codified Ordinances of the City of North Canton.
12. **Ordinance No. 82-12 – 1st Reading – Water, Sewer & Rubbish**
An ordinance approving, confirming and accepting Perpetual Public Water Main Easement, situated in the City of Green, County of Summit, State of Ohio, and known as being part of the Southwest Quarter of original Green Township Section 36, by and between the City of North Canton, an Ohio Charter Municipal Corporation its successors and assigns, (“Grantee”) and the Akron-Canton Regional Airport Authority (“Grantor”), for and in consideration of One Dollar (\$1.00) and other good and valuable consideration
13. **Ordinance No. 83-12 – 1st Reading – Water, Sewer & Rubbish**
An ordinance approving, confirming and accepting Perpetual Public Waterline Easement, being part of Parcel No. 9204151, situated in the City of North Canton, County of Stark and State of Ohio; and being part of City Lot 1506 of C.H. Corbett’s Donner Road Addition (P.B. 25, Pg. 19); also being part of parcel of land, now or formerly in the name of John H. Schen, Jr. and Kathleen Shanabruch by and between the City of North Canton, an Ohio Charter Municipal Corporation and any Public Utility regulated by the Public Utility Commission of Ohio (PUCO) its successors and assigns, (“collectively Grantees”) and John J. Schen Jr. and Kathleen Shanabruch (“Grantors”), for and in consideration of One Dollar (\$1.00) and other good and valuable consideration.

14. **Ordinance No. 84-12 – 1st Reading – Water, Sewer & Rubbish**

An ordinance approving, confirming and accepting Perpetual Public Waterline Easement, being part of Parcel No. 9201864, situated in the City of North Canton, County of Stark, and State of Ohio, and being part of City Lot 1505 of C.H. Corbett's Donner Road Addition, also being part of a parcel of land, now or formerly in the name of Laura Brison, by and between the City of North Canton, an Ohio Charter Municipal Corporation and any Public Utility regulated by the Public Utility Commission of Ohio (PUCO) its successors and assigns, ("collectively Grantees") and Laura Brison ("Grantor"), for and in consideration of One Dollar (\$1.00) and other good and valuable consideration.

15. **Ordinance No. 85-12 – 1st Reading – Water, Sewer & Rubbish**

An ordinance approving, confirming and accepting Perpetual Public Waterline Easement and Waterline Easement Vacation, being part of Parcel No. 5503229, situated in the Northeasterly Quarter of Section 6, Township of Plain (T-11, R-8), County of Stark, and State of Ohio,, by and between the City of North Canton, an Ohio Charter Municipal Corporation its successors and assigns, ("Grantee") and The Inn at Whitewood Village Limited ("Grantors"), for and in consideration of One Dollar (\$1.00) and other good and valuable consideration.

16. **Ordinance No. 86-12 – 1st Reading – Water, Sewer & Rubbish**

An ordinance approving, confirming and accepting Perpetual Public Waterline Easement, being part of Parcel No. 5500203, situated in the Northwest Quarter of Section 6, Township of Plain (T-11, R-8), County of Stark, and State of Ohio, also being part of a 1.00 acre parcel owned now or previously by Kenneth S. Cantrell as recorded in Official Record 668, Page 876 of the Stark County Recorder's records by and between the City of North Canton, an Ohio Charter Municipal Corporation and any Public Utility regulated by the Public Utility Commission of Ohio (PUCO) its successors and assigns, ("collectively Grantees") and Kenneth S. Cantrell ("Grantor"), for and in consideration of One Dollar (\$1.00) and other good and valuable consideration.

17. **Ordinance No. 87-12 – 1st Reading – Finance & Property**

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids; and authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a contract for the transport, disposal and payment of all related disposal fees for the remediation of the premises located 4215 Portage Street NW, North Canton, at a cost not to exceed \$100,000, and declaring the same to be an emergency.

18. **Ordinance No. 88-12 – 1st Reading – Finance & Property**

An ordinance authorizing the Mayor of the City of North Canton, Ohio, to enter into a contract with a financial institution that has been designated as the central depository for active funds for the City of North Canton, pursuant to Ordinance No. 81-97, for the period commencing January 1, 2013 and terminating December 31, 2015.

- 19. **Ordinance No. 89-12 – 1st Reading – Finance & Property**
An ordinance amending Chapter 195 Investments, specifically Section 195.01(e)(3) INVESTMENT POLICY of the Codified Ordinances of the City of North Canton, Ohio.

- 20. **Ordinance No. 90-12 – 1st Reading – Finance & Property**
An ordinance amending Chapter 191 Administrative Code, specifically Section 191.22 INTEREST AND PENALTIES, of the Codified Ordinances of the City of North Canton, and declaring the same to be an emergency.

- 21. **Ordinance No. 91-12 – 1st Reading – Ordinance, Rules & Claims**
An ordinance defining “Graffiti” establishing offense and penalties for the application of Graffiti and provide for the abatement of Graffiti and establishing a civil penalty for the failure of property owners for the abatement of Graffiti.

REPORTS:

Director of Law Mayor	Director of Finance City Engineer	Director of Administration Dir. of Administrative Services
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REPORTS – COUNCIL:

Mark Cerreta	At Large	Doug Foltz	Ward 1
Dan Griffith	At Large	Daniel Peters	Ward 2
Marcia Kiesling	At Large	Tim Fox	Ward 3
		Jon Snyder	Ward 4

FINAL CALL FOR NEW BUSINESS:

ADJOURN:

Gail M. Kalpac
Clerk of Council

9/6/12-gmk
c: Council, Director of Law
Mayor, D/Administration
D/Finance, City Engineer
D/Administrative Services
D/Permits & Development
Police Chief, Fire/EMS Chief
Press



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EXECUTIVE SESSION MEETING MINUTES

The Personnel & Safety Committee of North Canton City Council met Monday, August 27, 2012 in the Council Chambers at North Canton City Hall.

Present for the meeting were: Chairperson Peters, Vice Chairman Snyder, Member Griffith, Council Members Cerreta, Foltz, Fox and Kiesling. Also present were Mayor Held, Director of Administration Grimes, Director of Law Batista, and Director of Finance Alger.

Upon a roll call vote of Council, all present moved into an executive session at 6:00 p.m. for the purpose of discussing collective bargaining. Subsequent to the discussion, the executive session adjourned at 7:05 p.m.

Respectfully submitted,

Jeff Peters, Chairman

Jon Snyder, Vice Chairman

Dan Griffith

9/6/12-gmk

c: Council, D/Law, Mayor
D/Administration, D/Finance
City Engineer, D/Administrative Services
D/Permits & Development, Police Chief
Fire/EMS Chief, Press

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EXECUTIVE SESSION MEETING MINUTES

The Personnel & Safety Committee of North Canton City Council met Wednesday, August 29, 2012 in the Council Chambers at North Canton City Hall.

Present for the meeting were: Chairperson Peters, Vice Chairman Snyder, Member Griffith, and Council Member Cerreta. Council Members Foltz, Fox and Kiesling were not present for the meeting.

Upon a roll call vote of Council, all present moved into an executive session at 8:00 a.m. for the purpose of conducting interviews for the position of Director of Law. Subsequent to the interviews, the executive session adjourned at 9:15 a.m.

Respectfully submitted,

Jeff Peters, Chairman

Jon Snyder, Vice Chairman

Dan Griffith

9/6/12-gmk

c: Council, D/Law, Mayor
D/Administration, D/Finance
City Engineer, D/Administrative Services
D/Permits & Development, Police Chief
Fire/EMS Chief, Press

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EXECUTIVE SESSION MEETING MINUTES

The Personnel & Safety Committee of North Canton City Council met Thursday, August 30, 2012 in the Council Chambers at North Canton City Hall.

Present for the meeting were: Chairperson Peters, Vice Chairman Snyder, Member Griffith, and Council Member Cerreta. Council Members Foltz, Fox and Kiesling were not present for the meeting.

Upon a roll call vote of Council, all present moved into an executive session at 8:20 a.m. for the purpose of conducting interviews for the position of Director of Law. Subsequent to the interviews, the executive session adjourned at 9:22 a.m.

Respectfully submitted,

Jeff Peters, Chairman

Jon Snyder, Vice Chairman

Dan Griffith

9/6/12-gmk

c: Council, D/Law, Mayor
D/Administration, D/Finance
City Engineer, D/Administrative Services
D/Permits & Development, Police Chief
Fire/EMS Chief, Press



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EXECUTIVE SESSION MEETING MINUTES

The Personnel & Safety Committee of North Canton City Council met Tuesday, September 4, 2012 in the Council Chambers at North Canton City Hall.

Present for the meeting were: Chairperson Peters, Vice Chairman Snyder, Member Griffith, Council Members Cerreta, Foltz, and Kiesling. Council Member Fox was not present for the meeting.

Upon a roll call vote of Council, all present moved into an executive session at 6:00 p.m. for the purpose of discussing personnel matters pertaining to the appointment, employment, dismissal, discipline, promotion, demotion or compensation of a public employee or official. Subsequent to the discussion, the executive session adjourned at 6:20 p.m.

Respectfully submitted,

Jeff Peters, Chairman

Jon Snyder, Vice Chairman

Dan Griffith

9/6/12-gmk

c: Council, D/Law, Mayor
D/Administration, D/Finance
City Engineer, D/Administrative Services
D/Permits & Development, Police Chief
Fire/EMS Chief, Press

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EXECUTIVE SESSION MEETING MINUTES

The Personnel & Safety Committee of North Canton City Council met Tuesday, September 4, 2012 in the Council Chambers at North Canton City Hall.

Present for the meeting were: Chairperson Peters, Vice Chairman Snyder, Member Griffith, Council Members Cerreta, Foltz, Fox and Kiesling. Also present were Mayor Held and Director of Law Batista.

Upon a roll call vote of Council, all present moved into an executive session at 6:20 p.m. for the purpose of discussing collective bargaining. Subsequent to the discussion, the executive session adjourned at 6:58 p.m.

Respectfully submitted,

Jeff Peters, Chairman

Jon Snyder, Vice Chairman

Dan Griffith

9/6/12-gmk

c: Council, D/Law, Mayor
D/Administration, D/Finance
City Engineer, D/Administrative Services
D/Permits & Development, Police Chief
Fire/EMS Chief, Press

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FINANCE & PROPERTY COMMITTEE MEETING MINUTES

The Finance & Property Committee of North Canton City Council met as part of the Committee of the Whole Tuesday, September 4, 2012 in the Council Chamber at North Canton City Hall.

Present for the meeting were: Chairman Snyder, Vice Chairperson Kiesling, Member Cerreta, Council Members Fox, Foltz, Griffith and Peters. Also present were: Mayor Held, Director of Administration Grimes, Director of Law Batista, Director of Finance Alger, City Engineer Benekos, Director of Permits & Development Bowles, and Director of Administrative Services Bartos.

Items discussed:

- a. Bids for Abatement Plan – Street Sweeping Removal and Disposal: The Committee authorized legislation, on an emergency basis, authorizing the Director of Administration to advertise and receive bids; and authorizing the Mayor, through the Board of Control, to enter into a contract for the transport, disposal and payment of all related disposal fees for the remediation of the premises located 4215 Portage Street NW, North Canton, at a cost not to exceed \$100,000.
- b. Depository Contract: The Committee authorized legislation authorizing the Mayor, to enter into a contract with a financial institution that has been designated as the central depository for active funds for the City of North Canton, pursuant to Ordinance No. 81-97, for the period commencing January 1, 2013 and terminating December 31, 2015.
- c. Amendment to Investment Policy: The Committee authorized legislation amending Chapter 195 Investments, specifically Section 195.01(e)(3) INVESTMENT POLICY of the Codified Ordinances of the City of North Canton, Ohio.
- d. Amendment to the Income Tax Ordinance re Penalties: The Committee authorized legislation amending Chapter 191 Administrative Code, specifically Section 191.22 INTEREST AND PENALTIES, of the Codified Ordinances of the City of North Canton

Respectfully submitted,

Jon Snyder, Chairman

Marcia Kiesling, Vice Chairperson

Mark Cerreta, Member



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ORDINANCE, RULES & CLAIMS COMMITTEE MEETING MINUTES

The Ordinance, Rules & Claims Committee of the North Canton City Council met as part of the Committee of the Whole Tuesday, September 4, 2012 in the Council Chambers at North Canton City Hall.

Present for the meeting were: Chairman Griffith, Vice Chairman Foltz, Member Kiesling, Council Members Cerreta, Fox, Peters, and Snyder. Also present were: Mayor Held, Director of Administration Grimes, Director of Law Batista, Director of Finance Alger, City Engineer Benekos, Director of Permits & Development Bowles, and Director of Administrative Services Bartos.

Items discussed:

- a. Discussion – Residential Electric Aggregation Program: Item was discussed. Director of Administration Grimes to present information on an electric aggregation at a later date. No action taken at this time.

The agenda was amended to include the following:

- b. Amendment to Ordinance No. re Graffiti Removal: The Committee authorized legislation, defining "Graffiti" establishing offense and penalties for the application of Graffiti and provide for the abatement of Graffiti and establishing a civil penalty for the failure of property owners for the abatement of Graffiti.
- c. Authorization to Proceed with Foreclosure on Two City Properties: The Committee and Council to consider at their September 10, 2012 council meeting, by voice vote, authorizing the Director of Law to proceed with foreclosure on two city properties.

Respectfully submitted,

Dan Griffith, Chairman

Doug Foltz, Vice Chairman

Marcia Kiesling, Member



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PARK & RECREATION COMMITTEE MINUTES

The Park & Recreation Committee of North Canton City Council met as part of the Committee of the Whole Tuesday, September 4, 2012 in the Council Chamber at North Canton City Hall.

Present for the meeting were: Chairman Foltz, Vice Chairman Griffith, Member Peters, Council Members Cerreta, Fox, Kiesling and Snyder.

Also present were: Mayor Held, Director of Administration Grimes, Director of Law Nilges, Director of Finance Alger, City Engineer Benekos, Director of Permits & Development Bowles, and Director of Administrative Services Bartos.

Items discussed:

- a. Request to Waive Civic Center Rental Fee: After a discussion, the Committee and Council elected not to waive the Civic Center Rental fee on October 21, 2012 for Wishes Can Happen Inc.
- b. Park Regulations: The Committee authorized legislation, amending Chapter 555 Parks and Playgrounds, specifically Section 555.14 PARK REGULATIONS of the Codified Ordinances of the City of North Canton.

Respectfully submitted,

Doug Foltz, Chairman

Dan Griffith, Vice Chairman

Daniel Peters, Member



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WATER, SEWER & RUBBISH COMMITTEE MEETING MINUTES

The Water, Sewer & Rubbish Committee of North Canton City Council met as part of the Committee of the Whole Tuesday, September 4, 2012 in the Council Chamber at North Canton City Hall.

Present for the meeting were: Chairman Cerreta, Vice Chairman Fox and Member Snyder, Council Members Foltz, Griffith, Kiesling and Peters.

Also present were: Mayor Held, Director of Administration Grimes, Director of Law Batista, Director of Finance Alger, City Engineer Benekos, Director of Permits & Development Bowles, and Director of Administrative Services Bartos.

Items discussed:

- a. Acceptance of Perpetual Public Water Main Easement – Akron Canton Regional Airport Authority / ARFF Building: The Committee authorized legislation approving, confirming and accepting Perpetual Public Water Main Easement, situated in the City of Green, County of Summit, State of Ohio, and known as being part of the Southwest Quarter of original Green Township Section 36, by and between the City of North Canton, and the Akron-Canton Regional Airport Authority, for and in consideration of One Dollar and other good and valuable consideration
- b. Acceptance of Perpetual Public Waterline Easement – Schen/Shanabruch Donner Waterline Project: The Committee authorized legislation approving, confirming and accepting Perpetual Public Waterline Easement, being part of Parcel No. 9204151, situated in the City of North Canton, County of Stark and State of Ohio; and being part of City Lot 1506 of C.H. Corbett's Donner Road Addition (P.B. 25, Pg. 19); also being part of parcel of land, now or formerly in the name of John H. Schen, Jr. and Kathleen Shanabruch by and between the City of North Canton and any Public Utility regulated by the Public Utility Commission of Ohio its successors and assigns, and John J. Schen Jr. and Kathleen Shanabruch, for and in consideration of One Dollar and other good and valuable consideration.

- c. Acceptance of Perpetual Public Water Main Easement – Brison Donner Water Main Project: The Committee authorized legislation approving, confirming and accepting Perpetual Public Waterline Easement, being part of Parcel No. 9201864, situated in the City of North Canton, County of Stark, and State of Ohio, and being part of City Lot 1505 of C.H. Corbett's Donner Road Addition, also being part of a parcel of land, now or formerly in the name of Laura Brison, by and between the City of North Canton and any Public Utility regulated by the Public Utility Commission of Ohio its successors and assigns, and Laura Brison ("Grantor"), for and in consideration of One Dollar and other good and valuable consideration
- d. Acceptance of Perpetual Public Waterline & Vacation Easement – The Inn at Whitewood Village Limited: The Committee authorized legislation approving, confirming and accepting Perpetual Public Waterline Easement and Waterline Easement Vacation, being part of Parcel No. 5503229, situated in the Northeasterly Quarter of Section 6, Township of Plain (T-11, R-8), County of Stark, and State of Ohio,, by and between the City of North Canton, its successors and assigns, and The Inn at Whitewood Village Limited, for and in consideration of One Dollar and other good and valuable consideration
- e. Acceptance of Perpetual Public Water Main Easement – Mt. Pleasant Waterline Project: The Committee authorized legislation approving, confirming and accepting Perpetual Public Waterline Easement, being part of Parcel No. 5500203, situated in the Northwest Quarter of Section 6, Township of Plain (T-11, R-8), County of Stark, and State of Ohio, also being part of a 1.00 acre parcel owned now or previously by Kenneth S. Cantrell as recorded in Official Record 668, Page 876 of the Stark County Recorder's records by and between the City of North Canton, and any Public Utility regulated by the Public Utility Commission of Ohio, its successors and assigns, and Kenneth S. Cantrell, for and in consideration of One Dollar and other good and valuable consideration
- f. Master Plan Update re Signage: Chairman Cerreta provided a brief update and is scheduled to give a detailed presentation at the September 17, 2012 Committee of the Whole meeting.

Respectfully submitted,

Mark Cerreta, Chairman

Tim Fox, Vice Chairman

Jon Snyder, Member

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. _____

Passed _____, 20____

9/5/12-mjg
(Park & Recreation)

Ordinance No. 81-12

An ordinance amending Chapter 555 Parks and Playgrounds, specifically Section 555.14 PARK REGULATIONS of the Codified Ordinances of the City of North Canton.

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

Section 1. That Chapter 555 Parks and Playgrounds, specifically Section 555.14 PARK REGULATIONS of the Codified Ordinances of the City of North Canton, be, and the same is hereby amended to read as follows:

"Section 555.14 PARK REGULATIONS

The Park Department and Police Department have authority to enforce the following general and specific regulations by ejecting or arresting any violators. Convicted violators may be fined in the Mayor's Court. Furthermore, individuals or groups guilty of misconduct or a misdemeanor in any park or who damage park facilities may be denied further use of the park and will be required to pay for any damages they may cause as well as be subject to criminal prosecution.

- (a) Condition of Park and Facilities. All facilities shall be left in a condition equal to that in which they were found. Any facility which becomes defective while in use or is observed to be defective should be called to the attention of the Park Department.
- (b) Grounds and Buildings. Climbing trees, fences, gates or in and over buildings in any manner is unlawful. Digging sodded areas, removing any trees, shrubs, flowers or soil is also unlawful. Cutting or marring the bark of any tree or defacing any surface of any facility or building is likewise unlawful. No skateboarding, roller blading, coaster, sled, toy vehicle or bicycling in prohibited areas.
- (c) Use and Misuse of Recreational Facilities. Swings, slides, teeter-totters, climb-arounds, sandboxes and similar play area facilities are to be used in a proper manner at all times and by the age groups for which they are designed. Users of these facilities are expected to "play safe" at all times and any injuries resulting from unsafe acts or practices will be the responsibility of the user or users concerned.
- (d) Disposition of Refuse. Garbage, rubbish and other disposable wastes shall be placed in proper containers provided for such purposes. Neither shall any garbage, rubbish, brush, unsightly or offensive material be dumped or placed anywhere on park property.
- (e) Gambling. Gambling is not permitted on park property.
- (f) Intoxicants. Beer, wine and other beverages containing alcohol are not permitted on park property. No illegal drug use or possession allowed.

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. _____

Passed _____

20____

- (g) Automobiles, Trucks and Motorized Vehicles. Automobiles, trucks and other motorized vehicles are not permitted inside the park except for City vehicles and equipment. No vehicles shall remain on Park property after closing unless authorized by the Director of Administration, the Chief of Police, or their designee. Vehicles in violation may be ticketed and/or towed by the Police Department.
- (h) Horses. Riding of horses is prohibited in the park. Nor is it permissible to hitch any horse to any of the trees, lamp posts, hydrants, fences or buildings of the park.
- (i) Firearms and Hunting. The use of firearms or bow and arrows for hunting and target practice are not permitted in the park nor is it permitted to disturb, molest or harm any animal for which the park may be a home or a haven or refuge.
- (j) Interference with Park Personnel and Posted Regulations. It is unlawful for any person or persons to interfere with the officers, supervisors, laborers or personnel employed in the park. Also, it is unlawful to deface, tear down or destroy any rules, regulations, notices or signs of any kind posted in the park by the City for the proper and safe use of the park and any or all of its facilities.
- (k) Fire. No one may start or maintain any fires on park property except charcoal in appropriate facilities.
- (l) Posted Rules / Signs. No violating any posted park rule or sign.
- (m) Park Opening and Closing Time. City parks will open at 5:00 a.m. No person or persons shall remain on park property after 10:00 p.m. May through August inclusive; 8:00 p.m. September through April inclusive; except in those lighted facilities and adjacent parking areas wherein activities scheduled in advance with the Recreation Department and/or the City Administrator (or designee).

All park property will close at 11:00 p.m.

Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

North Canton, OH
Passed:

MAYOR

SIGNED: _____, 2012

ATTEST:

CLERK OF COUNCIL

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30041

Ordinance No. _____

Passed _____, 20____

9/5/12-gmk
(Water, Sewer & Rubbish)

Ordinance No. 82-12

An ordinance approving, confirming and accepting Perpetual Public Water Main Easement, situated in the City of Green, County of Summit, State of Ohio, and known as being part of the Southwest Quarter of original Green Township Section 36, by and between the City of North Canton, an Ohio Charter Municipal Corporation its successors and assigns, ("Grantee") and the Akron-Canton Regional Airport Authority ("Grantor"), for and in consideration of One Dollar (\$1.00) and other good and valuable consideration.

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

Section 1. That a Perpetual Public Water Main Easement, to lay, re-lay, construct, install, maintain, operate, alter, inspect, repair, remove, replace, and renew at will, a water main for conveying potable water and all appurtenances thereto with the right of ingress and egress at any time to and from such water main and all appurtenances thereto, on, under and through the property known as being part of the Southwest Quarter of original Green Township Section 36, by and between Grantee and Grantor, for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, be, and the same is hereby approved, confirmed and accepted.

Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

North Canton, OH
Passed:

MAYOR

SIGNED: _____, 2012

ATTEST:

CLERK OF COUNCIL

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RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. _____ Passed _____, 20____

9/5/12-gmk
(Water, Sewer & Rubbish)

Ordinance No. 83-12

An ordinance approving, confirming and accepting Perpetual Public Waterline Easement, being part of Parcel No. 9204151, situated in the City of North Canton, County of Stark and State of Ohio; and being part of City Lot 1506 of C.H. Corbett's Donner Road Addition (P.B. 25, Pg. 19); also being part of parcel of land, now or formerly in the name of John H. Schen, Jr. and Kathleen Shanabruch by and between the City of North Canton, an Ohio Charter Municipal Corporation and any Public Utility regulated by the Public Utility Commission of Ohio (PUCO) its successors and assigns, ("collectively Grantees") and John J. Schen Jr. and Kathleen Shanabruch ("Grantors"), for and in consideration of One Dollar (\$1.00) and other good and valuable consideration.

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

Section 1. That a Perpetual Public Waterline Easement, to lay, re-lay, construct, install, maintain, operate, alter, inspect, repair, remove, replace, and renew at will, storm sewers, sanitary sewers, water mains, or any other utility regulated by the PUCO with the right of ingress and egress at any time to and from such utility and all appurtenances thereto, on, under and through the property known as being part of Parcel No. 9204151, situated in the City of North Canton, County of Stark and State of Ohio; and being part of City Lot 1506 of C.H. Corbett's Donner Road Addition (P.B. 25, Pg. 19); also being part of parcel of land, now or formerly in the name of John H. Schen, Jr. & Kathleen Shanabruch; by and between Grantees and Grantors, for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, be, and the same is hereby approved, confirmed and accepted.

Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

North Canton, OH
Passed:

MAYOR

SIGNED: _____, 2012

ATTEST:

CLERK OF COUNCIL

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. _____

Passed _____, 20____

9/5/12-gmk
(Water, Sewer & Rubbish)

Ordinance No. 84-12

An ordinance approving, confirming and accepting Perpetual Public Waterline Easement, being part of Parcel No. 9201864, situated in the City of North Canton, County of Stark, and State of Ohio, and being part of City Lot 1505 of C.H. Corbett's Donner Road Addition, also being part of a parcel of land, now or formerly in the name of Laura Brison, by and between the City of North Canton, an Ohio Charter Municipal Corporation and any Public Utility regulated by the Public Utility Commission of Ohio (PUCO) its successors and assigns, ("collectively Grantees") and Laura Brison ("Grantor"), for and in consideration of One Dollar (\$1.00) and other good and valuable consideration.

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

Section 1. That a Perpetual Public Waterline Easement, to lay, re-lay, construct, install, maintain, operate, alter, inspect, repair, remove, replace, and renew at will, storm sewers, sanitary sewers, water mains, or any other utility regulated by the PUCO with the right of ingress and egress at any time to and from such utility and all appurtenances thereto, on, under and through the property known as being part of Parcel No. 9201864, situated in the City of North Canton, County of Stark, and State of Ohio, and being part of City Lot 1505 of C.H. Corbett's Donner Road Addition, also being part of a parcel of land, now or formerly in the name of Laura Brison, by and Grantees and Grantor, for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, be, and the same is hereby approved, confirmed and accepted.

Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

North Canton, OH
Passed:

MAYOR

SIGNED: _____, 2012

ATTEST:

CLERK OF COUNCIL

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. _____ Passed _____, 20____

9/5/12-gmk
(Water, Sewer & Rubbish)

Ordinance No. 85-12

An ordinance approving, confirming and accepting Perpetual Public Waterline Easement and Waterline Easement Vacation, being part of Parcel No. 5503229, situated in the Northeasterly Quarter of Section 6, Township of Plain (T-11, R-8), County of Stark, and State of Ohio,, by and between the City of North Canton, an Ohio Charter Municipal Corporation its successors and assigns, ("Grantee") and The Inn at Whitewood Village Limited ("Grantors"), for and in consideration of One Dollar (\$1.00) and other good and valuable consideration.

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

Section 1. That a Perpetual Public Waterline Easement and Waterline Easement Vacation, to lay, re-lay, construct, install, maintain, operate, alter, inspect, repair, remove, replace, and renew at will, water mains with the right of ingress and egress at any time to and from such utility and all appurtenances thereto, on, under and through the property known as being part of Parcel No. 5503229, situated in the Northeasterly Quarter of Section 6, Township of Plain (T-11, R-8), County of Stark, and State of Ohio,, by and between the City of North Canton, an Ohio Charter Municipal Corporation its successors and assigns, ("Grantee") and The Inn at Whitewood Village Limited ("Grantors"), for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, be, and the same is hereby approved, confirmed and accepted.

Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

North Canton, OH
Passed:

MAYOR

SIGNED: _____, 2012

ATTEST:

CLERK OF COUNCIL

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30047

Ordinance No. _____ Passed _____, 20____

9/5/12-gmk
(Water, Sewer & Rubbish)

Ordinance No. 86-12

An ordinance approving, confirming and accepting Perpetual Public Waterline Easement, being part of Parcel No. 5500203, situated in the Northwest Quarter of Section 6, Township of Plain (T-11, R-8), County of Stark, and State of Ohio, also being part of a 1.00 acre parcel owned now or previously by Kenneth S. Cantrell as recorded in Official Record 668, Page 876 of the Stark County Recorder's records by and between the City of North Canton, an Ohio Charter Municipal Corporation and any Public Utility regulated by the Public Utility Commission of Ohio (PUCO) its successors and assigns, ("collectively Grantees") and Kenneth S. Cantrell ("Grantor"), for and in consideration of One Dollar (\$1.00) and other good and valuable consideration.

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

Section 1. That a Perpetual Public Waterline Easement, to lay, re-lay, construct, install, maintain, operate, alter, inspect, repair, remove, replace, and renew at will, storm sewers, sanitary sewers, water mains, or any other utility regulated by the PUCO with the right of ingress and egress at any time to and from such utility and all appurtenances thereto, on, under and through the property known as being part of Parcel No. 5500203, situated in the Northwest Quarter of Section 6, Township of Plain (T-11, R-8), County of Stark, and State of Ohio, also being part of a 1.00 acre parcel owned now or previously by Kenneth S. Cantrell as recorded in Official Record 668, Page 876 of the Stark County Recorder's records by and between Grantees and Grantor, for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, be, and the same is hereby approved, confirmed and accepted.

Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

North Canton, OH
Passed:

MAYOR

SIGNED: _____, 2012

ATTEST:

CLERK OF COUNCIL

RECORD OF ORDINANCES

Dnyton Legal Blank, Inc.

Form No. 30043

Ordinance No. _____ Passed _____, 20____

9/5/12-gmk
(Finance & Property)

Ordinance No. 87-12

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids; and authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a contract for the transport, disposal and payment of all related disposal fees for the remediation of the premises located 4215 Portage Street NW, North Canton, at a cost not to exceed \$100,000, and declaring the same to be an emergency.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, 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 office of the Director of Administration for the transport, disposal and payment all related disposal fees for the remediation of the premises located at 4215 Portage Street NW.

Section 2. That the Mayor of the City of North Canton, through the Board of Control, be, and is hereby authorized to enter into a contract for the transport, disposal and payment of all related disposal fees for the remediation of the premises located 4215 Portage Street NW, North Canton, at a cost not to exceed \$100,000.

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 appropriation:

208	STREET CONSTRUCTION, MAINTENANCE & REPAIR FUND	
208.543.5506	Pollution Remediation	\$100,000

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

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 compliance of the public Health order issued by the Stark County Health Department for the disposal of the street sweepings from the premises located at 4215 Portage Street NW; wherefore, provided it receives the affirmative vote of six (6) 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.

North Canton, OH
Passed:

MAYOR

SIGNED: _____, 2012

ATTEST:

CLERK OF COUNCIL

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. _____

Passed _____, 20____

9/5/12-gmk
(Finance & Property)

Ordinance No. 88-12

An ordinance authorizing the Mayor of the City of North Canton, Ohio, to enter into a contract with a financial institution that has been designated as the central depository for active funds for the City of North Canton, pursuant to Ordinance No. 81-97, for the period commencing January 1, 2013 and terminating December 31, 2015.

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

Section 1. That the Mayor of the City of North Canton, Ohio, through the Board of Control, be, and is hereby authorized to enter into a contract with a financial institution that has been designated as the central depository for active funds for the City of North Canton, pursuant to Ordinance No. 81-97, for the period commencing January 1, 2013 and terminating December 31, 2015.

Section 2. That the option to use a sweep account is hereby authorized.

Section 3. That this ordinance shall take effect and be in full force from and after the earliest period allowed by law.

North Canton, OH
Passed:

MAYOR

SIGNED: _____, 2012

ATTEST:

CLERK OF COUNCIL

g:\2012 legislation\88-12 depository contract.docx

RECORD OF ORDINANCES

Dillon Legal Blank, Inc.

Form No. 30043

Ordinance No. _____ Passed _____, 20____

9/5/12-gmk
(Finance & Property)

Ordinance No. 89-12

An ordinance amending Chapter 195 Investments, specifically Section 195.01(e)(3) INVESTMENT POLICY of the Codified Ordinances of the City of North Canton, Ohio.

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

Section 1. That Chapter 195 Investments, specifically Section 195.01(e)(3) INVESTMENT POLICY of the Codified Ordinances of the City of North Canton, be, and the same is hereby amended to read as follows:

"191.01 INVESTMENT POLICY

(a) The achievement of good fiscal management for the City requires effective cash management of non-immediate funds which in turn depends on effective bank management practices with respect to the investment and deposit of these funds.

(b) The following investment and deposit objectives shall be applied in the management of the City's funds:

(1) The primary objective of the City's investment activities is the preservation of capital and the protection of investment principal.

(2) Those responsible for investing the City's public funds shall strive to maximize the return on the portfolio, but shall avoid assuming unreasonable investment risks.

(3) The City's investment portfolio shall remain sufficiently liquid to enable the City to meet operating requirements which might reasonably be anticipated.

(4) The City's investments shall be diversified to avoid the assumption of unreasonable and avoidable risks associated with specific types of securities or individual financial institutions.

(5) Investments shall be made with the exercise of that degree of judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

(6) A factor in determining which depository should hold the City's public funds shall be the City's desire to obtain the best possible banking services at the least possible cost.

(c) All active City deposits shall be concentrated in one central depository in order to provide the City with greater leverage in obtaining banking services. The request for proposals referred to in subsection (p) hereof shall indicate the City's intent to contract with one central depository.

(d) Securities shall be purchased only through financial institutions located within the State of Ohio or through "primary securities dealers" as designated by the Federal Reserve Bank. A list of these institutions shall be maintained by the Director of Finance. The Director of Finance:

(1) May make additions to the authorized list when the investment and deposit policy requirements are met;

(2) Shall make deletions from the list:

A. If and as directed by ordinance of City Council,

B. Upon failure of the financial institution to meet the foregoing investment and deposit policy requirements, or

C. Upon request of the financial institution or dealer; and

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. _____

Passed _____, 20____

(3) May make deletions from the list if the Director of Finance determines that:

- A. The financial institution or dealer is experiencing financial difficulties;
- B. There is a consistent lack of competitiveness by the financial institution or dealer;
- C. The account representative handling the City's account lacks experience or familiarity in providing service to large institutional accounts; or
- D. It is in the best interest of the City.

All financial institutions, primary securities dealers and consultants which desire to conduct investment business with the City must sign a Certificate of Reading, Understanding and Acceptance, certifying they have read, understand and agree to abide by the contents of this section, which sets forth and regulates the City's investment policies.

(e) The Director of Finance may invest on behalf of and in the name of the City in the following instruments at a price not exceeding their fair market value:

(1) Government Securities, including:

A. Negotiable direct obligations of the United States or obligations issued by federal agencies the principal of and interest on which are unconditionally guaranteed by the United States, and bonds, notes, debentures, or other obligations or securities issued by any federal government agency, whether or not they are guaranteed by the United States, including but not limited to, the following:

- 1. Direct obligations:
 - a. Treasury bills.
 - b. Treasury notes.
- 2. Obligations of the following federal agencies:
 - a. Government National Mortgage Association (GNMA).
 - b. Small Business Association (SBA).
 - c. Federal Housing Administration (FHA).
 - d. Farmers Home Administration (FmHA).
 - e. General Services Administration (GSA).

B. Obligations of Federal Farm Credit System, Export-Import Bank of the United States, Federal Home Loan Mortgage Corporation, or Federal Home Loan Bank or its district banks, including Federal Home Loan Mortgage Corporation participation certificates, or obligations guaranteed by the Government National Mortgage Association.

(3) Non-negotiable interest bearing time certificates of deposits and savings accounts through an eligible public depository, that acts as custodian and arranges for the redeposit of the moneys into one or more federally insured banks, savings banks, or savings and loan associations that re located in the United States and the full amount of moneys deposited, plus any accrued interest, is insured by the federal deposit insurance corporation.

(4) Negotiable interest bearing time certificates of deposit issued by institutions that are ranked nationally as being in the top fifty in asset and deposit size within their industry, provided that any such deposits are secured by collateral as provided in subsection (h) hereof.

(5) Bankers Acceptances eligible for purchase by the Federal Reserve System and issued by institutions that are ranked nationally as being in the top fifty in asset and deposit size within their industry.

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. _____ Passed _____, 20____

(6) Repurchase agreements and reverse repurchase agreements of a bank or savings and loan association organized under the laws of the United States or any state thereof for the following negotiable direct obligations of the United States and obligations of the following federal agencies and federal instrumentalities:

- A. U.S. Treasury (bills and notes).
- B. Government National Mortgage Association (GNMA).
- C. Federal Farm Credit System.
- D. Federal Home Loan Bank.

(7) Now Accounts, Super Now Accounts or any other similar account authorized by the Federal Reserve's Depository Institutions' Deregulation Committee, provided that any deposits in such accounts are secured by collateral as provided in subsection (h) hereof.

(f) To the extent possible, the City will attempt to match its investments with anticipated cash flow requirements. No investment shall be made unless the Director of Finance, at the time of making the investment, reasonably expects it can be held to its maturity. Unless matched to a specific obligation or debt of the City, the City will not directly invest in securities maturing more than five years from the date of settlement regardless of whether the security bears interest at a fixed or a variable rate; provided, however, that this restriction on maturity shall not apply to any security purchased by the City prior to the effective date of this section, the purchase of all such securities being hereby ratified and confirmed.

(g) The Director of Finance shall not on behalf of and in the name of the City do any of the following:

- (1) Contract to sell securities that have not yet been acquired on the speculation that prices will decline;
- (2) Make any investment in "derivatives" as deemed in Ohio R. C. 135.14(C);
- (3) Leverage current investments as collateral to purchase other assets; or
- (4) Invest in stripped principal or interest obligations of otherwise eligible obligations.

(h) All City funds deposited pursuant to subsection (e)(2), (3) and (6) hereof shall be secured by collateral pledged at the percent of face value as provided in Ohio R. C. 135.181(C), in an amount equal to at least one hundred percent (100%) of the deposit less the amount insured by the Federal Deposit Insurance Corporation. The following securities shall be eligible to be pledged as collateral:

- (1) Bonds, notes or other obligations of the United States; or bonds, notes, or other obligations guaranteed as to principal and interest by the United States or those for which the faith of the United States is pledged for the payment of principal and interest thereon, by language appearing in the instruments specifically providing such guarantee or pledge and not merely by interpretation or otherwise;
- (2) Bonds, notes, debentures or other obligations or securities issued by any federal government agency, or the Export-Import Bank of the United States, bonds, notes or other obligations guaranteed as to principal and interest by the United States or those for which the faith of the United States is pledged for the payment of principal and interest thereon, by interpretation or otherwise and not by language appearing in the instruments specifically providing such guarantee or pledge;
- (3) Bonds and other obligations of this State;
- (4) Bonds and other obligations of any county, township, school district, municipal corporation, or other legally constituted taxing subdivision of this State, which is not at the time of such deposit in default in the payment of principal or interest on any of its bonds or other obligations for which the full faith and credit of the issuing subdivision is pledged; and
- (5) Bonds of other states of the United States which have not during the ten years immediately preceding the time of such deposit defaulted in payments of either interest or principal on any of their bonds.

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 300/3

Ordinance No. _____

Passed _____, 20____

(i) Any securities pledged as collateral pursuant to subsection (h) hereof shall, at the direction of the Director of Finance, be delivered to the Director of Finance or segregated by the depository in a separate escrow account for the benefit of the City and placed in a separate place of safe keeping and, if so segregated, shall be available for inspection by the Director of Finance at all times during the regular business hours of the depository.

(j) If the depository fails to pay over any part of a deposit due the City, the Director of Finance shall have the option of selling, in the manner determined by the Director of Finance, any of the securities deposited or segregated pursuant to the provisions of this section. If the bonds or other securities are in escrow with the depository, the Director of Finance may request the depository to deliver to the Director of Finance any of the securities so deposited and the Director of Finance shall have the option to sell such securities in the manner determined by the Director of Finance. When a sale of securities has been made, upon payment to the Director of Finance of the purchase money, the Director of Finance shall transfer such securities to the purchaser whereupon the absolute ownership of such securities shall pass to the purchaser. Any surplus remaining after deducting the amount due the City and expenses of the sale shall be paid to the depository.

(k) When a depository has deposited securities in a separate escrow account in accordance with subsection (i), the depository may substitute or exchange eligible securities having a current market value equal to or greater than the current market value of the securities then on deposit and for which they are to be substituted or exchanged only:

(1) If the Director of Finance gives written authorization for such substitution or exchange;

(2) If the Director of Finance has authorized the depository to make such substitution or exchange on a continuing basis during a specified period without prior approval of each substitution or exchange. Written authorization shall be sent to the depository stating that substitution may be made on a continuing basis during a specified period under the conditions specified therein; or

(3) If no continuing authorization for substitution or exchange has been given by the Director of Finance, the depository notifies the Director of Finance of an intended substitution or exchange, and the Director of Finance fails to object to the depository within ten business days after receipt by the Director of Finance of the notice of proposed substitution, the substitution may be made without consent of the Director of Finance. The notice from the depository to the Director of Finance shall be given in writing and delivered personally or by certified or registered mail with a return receipt requested.

(l) The depository shall notify the Director of Finance of any substitution or exchange of securities authorized pursuant to subsection (k) hereof. Upon request from the Director of Finance, the depository shall furnish a detailed statement setting forth the face and market values of all securities pledged.

(m) With the approval of the Director of Finance, a depository may provide collateral for City funds deposited pursuant to subdivisions (e)(2),(3) and (6) hereof through a single pool of securities pledged for deposits of all public funds held by the depository, subject to the following conditions:

(1) Securities committed to the pool must have a market value at least equal to one hundred ten percent (110%) of all public moneys on deposit with the depository including the amount covered by federal deposit insurance.

(2) The securities eligible for deposit in the pool shall be those described in subsection (h) hereof.

(3) The securities constituting the pool shall be segregated in a separate escrow account as described in subsection (i) hereof.

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. _____ Passed _____ 20____

(4) If the depository fails to pay over any part of the deposits due the City, the Director of Finance may request the depository to deliver to the Director of Finance any of the securities on deposit as selected by the Director of Finance, provided the value of the securities delivered shall not exceed the amount necessary to produce an amount equal to City deposits made and not paid over, less the portions of such deposits covered by federal deposit insurance, plus any accrued interest due on the deposits; in any event, the value of such securities shall not exceed the City's proportional interest in the market value of the pool as of the date of the depository's failure to pay over the deposits. The Director of Finance shall have the option to sell the securities in such manner as determined by the Director of Finance. Any surplus remaining after deducting the amount due the City and expenses of the sale shall be paid to the depository.

(5) Within thirty days of the end of each calendar quarter, the depository shall provide a detailed statement setting forth the face and market values of all securities pledged to the pool and the total of all public funds on deposit.

(6) If at any time the market value of the pool is less than one hundred ten percent (110%) of all public deposits held by the Trustee, the depository shall immediately add securities to the pool sufficient to bring the market value of the pool to at least one hundred ten percent (110%) of all public funds on deposit with the depository.

(7) Failure of the institution to abide by any of the provisions of this section shall be cause for the immediate suspension of the institution as a qualified depository for any City funds.

(n) The Director of Finance is hereby authorized and directed to invest the City's funds so as to yield the highest returns consistent with the City investment principles provided in subsection (b) hereof and the applicable investment strategy.

(o) Price and rate quotations for all of the City's investments may be obtained from sources within or outside the City. In the case of the sale or purchase of securities where all other factors considered by the Director of Finance are equal, placement shall be made in a banking institution situated within the City.

(p) The Director of Finance is hereby authorized and directed to prepare and distribute a request for proposals for banking services in such form as may be approved by the Director of Law. Such a request shall be made as often as deemed appropriate by the Director of Finance, but in no case less often than every three years. Each request for proposals shall contain the following:

(1) A statement which provides that, to ensure the City will receive the best service possible, no financial institution shall receive deposits of City funds without an open and fair competitive process, and that all financial institutions have an equal opportunity to competitively bid in future years;

(2) A list of requirements which the depository must meet in order to maintain the depository agreement in good standing;

(3) A description of the accounts required to be maintained under the depository agreement and of the specifics of operation related thereto;

(4) A statement of guidelines for the investment of the City's funds;

(5) A list of services required by the City under the depository agreement, together with guidelines for the calculation of service charges and for the subsequent provision of additional services;

(6) A list of the criteria upon which the financial strength of each institution submitting a proposal will be evaluated;

(7) A statement of the instructions for submitting a proposal; and

(8) A description of the selection process and of the procedure for submitting questions relating to the request for proposals.

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. _____

Passed _____, 20____

(q) The Director of Finance is authorized and directed to seek competition in the investment of all City funds and may invest all or part of such funds outside the designated central depository bank, provided the central depository bank may bid for such investments as any other financial institution.

(r) The Director of Finance shall maintain a current inventory of all investments including:

- (1) Description of each security;
- (2) Cost;
- (3) Par value;
- (4) Dates;
- (5) Rates; and
- (6) Seller.

The Director of Finance shall also prepare and distribute quarterly to the Council and the Mayor (or more frequently if requested by the Council or the Mayor) a list of all investments and a report on investment activity and returns.

(s) The Director of Finance is authorized to pool cash balances from the several funds of the City for investment purposes.

(t) Persons involved in the process of investing the City's funds shall refrain from personal business activity that could conflict with proper execution of the investment program, or that could impair their ability to make impartial investment decisions. Employees and investment consultants shall disclose to the City any material financial interests in financial institutions that conduct business within the City and any large personal financial or investment positions that could be related to, or affected by, the performance of the City's portfolio. All employees, officers and investment consultants to the City shall subordinate their personal investment transactions to those of the City, particularly with regard to the timing of purchases and sales.

(u) The Director of Finance shall participate in any beginning and/or continuing education training programs, including as a possible program, but not limited to, the program sponsored by the State Treasurer pursuant to Ohio R. C. 135.22. Through participation in such programs, the Director of Finance will develop and maintain an enhanced background and working knowledge in investment, case management and ethics.

(v) The Director of Finance and the Mayor shall be relieved from any liability for the loss of any public moneys deposited or invested pursuant to and in compliance with this section, including, but not limited to, losses occasioned by the sale of any instruments, securities or obligations, the closing of any deposit accounts or the failure of any depository."

Section 2. That this ordinance shall take effect and be in full force from and after the earliest period allowed by law.

North Canton, OH

Passed:

MAYOR

SIGNED: _____, 2012

ATTEST:

CLERK OF COUNCIL

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. _____ Passed _____, 20____

9/5/12-gmk
(Finance & Property)

Ordinance No. 90-12

An ordinance amending Chapter 191 Administrative Code, specifically Section 191.22 INTEREST AND PENALTIES, of the Codified Ordinances of the City of North Canton.

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

Section 1. That Chapter 191 Administrative Code, specifically Section 191.22 INTEREST AND PENALTIES, of the Codified Ordinances of the City of North Canton, be, and the same are hereby amended to read as follows:

"191.22 INTEREST AND PENALTIES

(a) Interest: All taxes imposed by this Ordinance and all monies withheld, or required to be withheld, by employers under the provisions of this ordinance and remaining unpaid after they have become due shall bear interest, in addition to the amount of the unpaid tax or withholdings, at the rate of one-half of one percent (1/2%) per month.

(b) Penalties: In addition to interest as provided in paragraph (a) hereof, penalties based on the unpaid tax are hereby imposed as follows:

(1) For failure to pay taxes due, other than taxes withheld: one-half percent (1/2%) per month or fraction of a month. (No limit)

(2) For failure to remit taxes withheld from employees: three percent (3%) per month or fraction of a month.

(3) In case of taxpayer failing to file returns when due and who is not otherwise exempt from filing requirements: a civil penalty of Fifty Dollars (\$50.00) for the first instance and One Hundred Dollars (\$100.00) for each subsequent instance, for failure-to-file violation.

(c) Exceptions:

(1) No penalty shall be assessed on additional taxes found on audit to be due when a return was timely filed in good faith and the tax paid thereon within the prescribed time.

(2) In the absence of fraud neither penalty nor interest shall be assessed on any additional taxes resulting from a federal audit for federal income tax purposes provided an amended return is filed and the additional tax paid within three (3) months after final determination of the federal tax liability.

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. _____

Passed _____, 20____

(3) A taxpayer or employer shall have thirty (30) days after receipt of notice of any proposed imposition of interest and penalties within which to file a written protest or explanation with the Director of Finance. If no protest or explanation is filed within the prescribed time, the proposed imposition of interest and penalties shall become and be the final assessment. Upon filing of a written protest or explanation, the Director of Finance shall determine the assessment which may or may not be the same as the proposed assessment."

Section 2. That this ordinance shall take effect and be in full force from and after the earliest period allowed by law.

North Canton, OH
Passed:

MAYOR

SIGNED: _____, 2012

ATTEST:

CLERK OF COUNCIL

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RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. _____ Passed _____, 20____

9/5/12-rhb
(Ordinance, Rules & Claims)

Ordinance No. 91-12

An ordinance defining "Graffiti" establishing offense and penalties for the application of Graffiti and provide for the abatement of Graffiti and establishing a civil penalty for the failure of property owners for the abatement of Graffiti.

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

Section 1. DEFINITION:

Graffiti: Means any inscription, design, word, figure or mark of any type drawn, marked, painted, tagged or written upon any building, bridge, fence, gate, rock, structure, tree, wall or other property visible to the public which defaces, damages or destroys any public or private, real or personal property.

Section 2. PROHIBITED ACTS:

It shall be unlawful for any person to apply graffiti to any natural or manmade surface on any City-owned property or, without the permission of the owner or occupant, or any non-City-owned property.

Section 3. GRAFFITI AS NUISANCE:

- (a) The existence of graffiti on public or private property in violation of this article is expressly declared to be a public nuisance and, therefore, is subject to the removal and abatement provisions specified in this article.
- (b) It is the duty of both the owner of the property to which the graffiti has been applied and any person who may be in possession or who has the right to possess such property to at all times keep the property clear of graffiti.

Section 4. REMOVAL OF GRAFFITI:

- (a) Removal by the Perpetrator. Any person applying graffiti on public or private property shall have the duty to remove the graffiti within twenty-four (24) hours after notice by the City or private owner of the property involved. Such removal shall be done in a manner prescribed by the Director of Administration or any additional City department head, authorized by the City Council. Any person applying graffiti shall be responsible for the removal or for the payment of the removal. Failure of any person to remove graffiti or pay for the removal shall constitute an additional violation of this article. Where graffiti is applied by an unemancipated minor, the parents or legal guardian shall also be responsible for such removal or for the payment for the removal.
- (b) Property Owner Responsibility. If graffiti is not removed by the perpetrator according to the subsection above, graffiti shall be removed pursuant to the following provisions:

It is unlawful for any person who is the owner or who has primary responsibility for control of property or for repair or maintenance of property in the City to permit property that is defaced with graffiti to remain defaced for a period of ten (10) days after service by first class mail of notice of the defacement. The notice shall contain the following information:

1. The street address and legal description of the property sufficient for identification of the property.
2. A statement that the property is a potential graffiti nuisance property with a concise description of the conditions leading to the finding;

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3. A statement that the graffiti must be removed within ten (10) days after receipt of the notice and that if the graffiti is not abated within that time the City will declare the property to be a public nuisance, subject to the abatement of the City.

4. In the event the graffiti, in the opinion of the Director of Administration contains profanity, sexually explicit, or racial or ethnic derogatory language the Director may order the property owner to immediately appropriately cover the graffiti so that it is not visible from adjoining property. If said action is not taken within twenty-four (24) hours, the Director may enter on the property and cover the graffiti pursuant to the terms of Subsection (d)(2) of this Section 4.

(c) Exceptions to Property Owner Responsibility. The removal requirements above shall not apply if the property owner or responsible party can demonstrate that:

1. The property owner or responsible party lacks the financial ability to remove the defacing graffiti; or

2. The property owner or responsible party has an active program for the removal of graffiti and has scheduled the removal of the graffiti as part of that program, in which case it shall be unlawful to permit such property to remain defaced with graffiti for a period of fifteen (15) days after service by first class mail of notice of the defacement.

(d) Right of City to Remove.

1. Use of Public Funds. Whenever the City becomes aware or is notified and determines that graffiti is located on publicly or privately owned property viewable from a public or quasi-public or adjoining property to use public funds for the removal of the graffiti, or for the painting re repairing of the graffiti, but shall not authorize or undertake to provide for the painting or repair of any more extensive area than that where the graffiti is located, unless the Director of Administration, or the designee of the Director of Administration, determines in writing that a more extensive area is required to be repainted or repaired in order to avoid an esthetic disfigurement to the neighborhood or community, or unless the property owner or responsible party agrees to pay for the costs of repainting re repairing the more extensive area.

2. Right of Entry on Private Property. Prior to entering upon private property or property owned by a public entity other than the City for the purpose of graffiti removal the City shall attempt to secure the consent of the property owner or responsible party and a release of the City from liability for property damage or personal injury. If the property owner or responsible party fails to remove the offending graffiti within the time specified by this article, or if the City has requested consent to remove or paint over the offending graffiti and the property owner or responsible party has refused consent for entry on terms acceptable to the City and consistent with the terms of this Section, the City shall commence abatement and cost recovery proceedings for the graffiti removal according to the provisions specified below.

(e) Abatement and Cost Recovery Proceedings.

1. Notice of Due Process Hearing. The Director of Administration, or the designee of the Director of Administration serving as the Hearing Officer, shall provide the property owner of record and the party responsible for the maintenance of the property, if a person different from the owner, not less than forty-eight (48) hours notice of the City's intent to hold a due process hearing at which the property owner or responsible party shall be entitled to present evidence and argue that the property does not constitute a public nuisance. Notice shall be served in the same manner as a summons in a civil action in accordance with Ohio Rules of Civil Procedure. If the owner of record cannot be found after a diligent search, the notice may be served by posting a copy thereof in a conspicuous place upon the property for a period often (10) days and publication thereof in a newspaper of

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general circulation published in the area in which the property is located.

2. Determination of Hearing Officer. The determination of the Hearing Officer after the due process hearing shall be final and not appealable. If, after the due process hearing, regardless of the attendance of the Owner or the responsible party or their respective agents, the Hearing Officer determines that the property contains graffiti viewable from a public or quasi-public place, or adjoining property, the Hearing Officer shall give written notice in an eradication order that, unless the graffiti is removed within ten (10) days, the City shall enter upon the property, cause the removal, painting over (in such color as shall meet with the approval of the Hearing Officer), or such other eradication thereof as the Hearing Officer determines appropriate and shall provide the Owner and the responsible party thereafter with an accounting of the costs of the eradication effort on a full cost recovery basis.

3. Eradication Effort. Not sooner than the time specified in the order of the Hearing Officer, the Director of Administration, or the designee of the Director of Administration, shall implement the eradication order and shall provide an accounting to the Owner and the responsible party of the costs thereof.

Section 5. CITY ASSISTANCE:

The City through the Director of Administration may provide to the owner chemicals necessary for the abatement of the Graffiti at the City's cost and technical advice for the removal of the Graffiti.

Section 6. PENALTIES:

(a) Any person violating Section 2 or Section 4, Subsection (a) shall be punished by a fine up to five hundred dollars (\$500.00).

1. In the case of a minor, the parents or legal guardian shall be jointly and severally liable with the minor for payment of all fines.

2. Failure of the parents or legal guardian to make payment will result in the filing of a lien on the parents' or legal guardian's property that includes the fine and administrative costs.

3. Upon an application and find indigence, the court may decline to order fines against the minor, parents or guardian.

(b) Any owner who violates Section 2 Subsection (b) of this ordinance shall be subject to a civil penalty of five hundred dollars (\$500.00).

(c) Restitution. In addition to any punishment specified in this Section, the court shall order any violator to make restitution to the victim for damages or loss caused directly or indirectly by the violator's offense in the amount or manner determined by the court. In the case of a minor, the parents or legal guardian shall be ordered jointly and severally liable with the minor to make restitution.

Section 7. That this ordinance shall take effect and be in full force from and after the earliest period allowed by law.

North Canton, OH
Passed:

MAYOR

SIGNED: _____, 2012

ATTEST:

CLERK OF COUNCIL

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