



City of North Canton

Council Office

145 North Main Street - North Canton, Ohio 44720-7587
330.499.3986 – 330.499.2060 Fax
citycouncil@northcantonhio.com

NOTICE OF MEETINGS

President of Council
Jon Snyder

Vice President of Council
Marcia Kiesling

Council at Large
Mark Cerreta

Council at Large
Dan Griffith

Councilman, Ward 1
Doug Foltz

Councilman, Ward 2
Daniel Peters

Councilwoman, Ward 3
Stephanie Werren

Mr. Jon Snyder, Chairman of the Finance & Property 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, **Monday, May 6, 2013 at 6:45 p.m.** in the Council Chambers at North Canton City Hall.

The meeting will be called to order and then moved into **executive session** for the purpose of discussing the sale of property at competitive bidding. The executive session **will not be** open to the public.

Committee of the Whole Meeting Agenda Monday, May 6, 2013 – 7:00 p.m.

North Canton City Council will meet as a Committee of the Whole **Monday, May 6, 2013 at 7:00 p.m.** in the Council Chambers at North Canton City Hall.

Items will be discussed as time allows; not necessarily in the order indicated.

1. Ordinance, Rules & Claims Committee

Chairperson: Stephanie Werren
Vice Chairman: Doug Foltz
Member: Marcia Kiesling

- a. Tamarkin Company dba Giant Eagle; Liquor Permit Renewal
Stephanie Werren
- b. Discussion – Proposed Amendments to Chapter 111 Council;
Repeal of Chapter 115 Rules of Council
Stephanie Werren
- c. Proposed Amendment to Chapter 1177 re Conditional and Similar
Use Permits
Stephanie Werren

2. Street & Alley Committee

Chairman: Dan Griffith
Vice Chairman: Daniel Peters
Member: Doug Foltz

Hoover District Streets Resurfacing Project
Dan Griffith

3. Water, Sewer & Rubbish Committee

Chairman: Mark Cerreta
Vice Chairman: Dan Griffith
Member: Jon Snyder

Residential Garbage, Rubbish, Recyclables & Yard Waste Contract
Mark Cerreta

4. Finance & Property Committee

Chairman: Jon Snyder
Vice Chairperson: Marcia Kiesling
Member: Dan Griffith

- a. Amendment to Dogwood Shelter Rental Rates and Policies
Jon Snyder
- b. Amendment to Civic Center Rental Rates and Policies
Jon Snyder
- c. Amendment to Ordinance No. 10-11 re Reduced Civic Center Rental Rates and Policies for Nonprofit Organizations
Jon Snyder

Gail M. Kalpac
Clerk of Council

5/2/13-gmk

c: Council, Director of Law
Mayor, Director of Administration
Director of Finance, City Engineer
Director of Permits & Development
Police Chief, EMS Chief
Press



Memo

from the City of North Canton Council Office

May 2, 2013

To: Stephanie Werren, Chairwoman
Ordinance, Rules & Claims Committee

From: Gail M. Kalpac
Clerk of Council

Re: Liquor Permit BN 8790690-0310
Tamarkin Company dba Giant Eagle Store #6378
1955 & 1959 East Maple Street – North Canton, OH 44720

Attached please find a copy of the “Notice to Legislative Authority” re the above mentioned liquor permit.

Ohio Revised Code Section 4303.26(A) provides the legislative authority with the right to object to a permit and to request a hearing before the Ohio Division of Liquor Control. Said objections must be postmarked by May 13, 2013 and must be done by a Resolution of Council.

Note that the residents have voted in favor of issuing a liquor permit to Tamarkin Company dba Giant Eagle Store #6378.

If Council has no objections to this permit, minutes indicating that there are no objections are all that is necessary.

Attachments

g:\alcohol permits\5-6-13 giant eagle permit renewal.docx

RECEIVED

APR 15 2013

COUNCIL OFFICE
NORTH CANTON, OHIO

NOTICE TO LEGISLATIVE
AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

| | | | | |
|------------------------------|-----|-----------|---|--|
| 87906900310 PERMIT NUMBER | | N TYPE | TAMARKIN CO DBA GIANT EAGLE STORE #6378 1955 & 1959 E MAPLE ST NORTH CANTON OHIO 44720 | |
| ISSUE DATE | | | | |
| 04 05 2013 FILING DATE | | | | |
| D1 D2 PERMIT CLASSES | | | | |
| 76 TAX DISTRICT | 187 | B | A04285 RECEIPT NO. | |

FROM 04/10/2013

AGENCY 801

| | | | | |
|----------------|--|------|-------------|--|
| PERMIT NUMBER | | TYPE | | |
| ISSUE DATE | | | | |
| FILING DATE | | | | |
| PERMIT CLASSES | | | | |
| TAX DISTRICT | | | RECEIPT NO. | |



MAILED 04/10/2013

RESPONSES MUST BE POSTMARKED NO LATER THAN.

05/13/2013

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES

B N 8790690-0310

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD IN OUR COUNTY SEAT. IN COLUMBUS.

WE DO NOT REQUEST A HEARING.

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)- Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

CLERK OF NORTH CANTON CITY COUNCIL
145 N MAIN ST
NORTH CANTON OHIO 44720



City of North Canton Council Office

C/W: 5/6/13
Item 1B, c

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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 Monday, April 15, 2013 in the Council Chambers at North Canton City Hall.

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

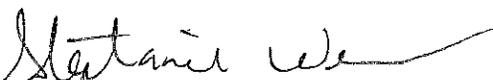
Also present were: Mayor Held, Director of Administration Grimes, Director of Law Fox, Director of Finance Alger, City Engineer Benekos, and Director of Permits & Development Bowles.

Item discussed:

- a. Discussion – Review Chapters 111 Council and 115 Rules of Council: The Committee authorized legislation, on an emergency basis, amending CHAPTER 111 – Council and CHAPTER 115 – Rules of Council of the Codified Ordinances of the City of North Canton pursuant to the items discussed.

Amendments still under review and will be placed on a council agenda for consideration at a later date.

Respectfully submitted,


Stephanie Werren, Chairperson


Doug Foltz, Vice Chairman

TITLE THREE - Legislative

- Chap. 111. Council.
- Chap. 113. Clerk of Council.
- Chap. 115. Rules of Council (Repealed).

**CHAPTER 111
Council**

- | | |
|---|--|
| 111.01 Meetings: time, place, and recording procedure. | 111.07 Notice. |
| 111.02 Council structure. | 111.08 Survey of constituents. |
| 111.03 Committees of Council. | 111.09 Moral Claims: Repealed. |
| 111.04 Legislative procedure. | 111.10 Rules of decorum, courtesy, and propriety. |
| 111.05 Committee of the Whole Meeting agenda. | 111.11 Recognition of visitors. |
| 111.06 Council meeting agenda. | 111.12 Salaries and bonds. |

CROSS REFERENCES

- Powers, membership and term - see CHTR. 2.01
- Officers - see CHTR. 2.03
- Meetings - see CHTR. 2.04
- Legislative procedure - see CHTR. 2.05
- Publication of ordinances - see CHTR. 2.05
- Vacancies - see CHTR. 5.05
- Relationship to administrative officers - see CHTR. 2.06
- Removal - see CHTR. 5.06
- Contract interest - see GEN. OFF. 525.10
- Notice of meetings - see Ohio R.C. 121.22

111.01 MEETINGS: TIME, PLACE, AND RECORDING PROCEDURE.

(a) Council of the City of North Canton, Ohio, ("Council") shall meet on the second and fourth Monday of each month at 7:00 p.m. in Council chambers, located in City Hall, 145 North Main Street, with the exception of the months of July and August when Council will meet on the second Monday in July and the fourth Monday in August.

(b) If a Council meeting date falls on a holiday recognized by the City, the meeting date shall be rescheduled or canceled.

(c) The starting time of a Council meeting or a public hearing may be set by motion of Council.

(d) Special Council meetings may be called as provided by the Charter of the Municipality of North Canton, Ohio ("Charter").

(e) Pursuant to the Charter, the Clerk of Council ("Clerk") shall keep a complete and accurate journal of all Council proceedings, which shall be authenticated by the Clerk's signature.

(f) Council shall meet as a Committee of the Whole on the first, third, and the fifth Monday, as applicable, of each month at 7:00 p.m. in Council chambers, located in City Hall, 145 North Main Street, with the exception of the months of July and August when the Committee of the Whole shall meet on the first Monday in July and the third Monday in August.

(g) The date and/or time of a Council or Committee of the Whole meeting may be changed or cancelled by a favorable vote of the majority of those members present at a prior Council or Committee of the Whole meeting, or upon the written request of four members of Council.

(h) All Council and Committee of the Whole meetings, with the exception of executive sessions, shall be recorded.

(i) All Council meetings that have been recorded shall be transcribed verbatim. Upon the committee chairperson's request and the President of Council's concurrence, a recorded Committee of the Whole meeting shall be transcribed verbatim.

111.02 COUNCIL STRUCTURE.

(a) As provided in the Charter, Council is composed of four ward and three at large council members. The President of Council and Vice President of Council are elected from all Council members.

(b) The President of Council shall assign seats at the Council dais.

(c) As provided by the Charter, Council member vacancies shall be filled as follows:

(1) A vacant at large council member position may be filled by a ward council member or any person who meets the qualifications set out in the Charter.

(2) A vacant ward council member position must be filled by a person residing in that ward.

(3) Within the Charter's limits, the President of Council shall have the power to set the entire schedule for Council vacancy applications and voting.

(4) The President of Council shall file with the Clerk a time limit for Council vacancy applications.

(5) Nominations to fill a Council vacancy shall be made from the floor of Council.

(6) The Council vacancy shall be filled by the individual receiving a majority of roll call votes from Council members.

111.03 COMMITTEES OF COUNCIL.

- (a) The standing committees of Council shall be:
- (1) Community and Economic Development;
 - (2) Finance and Property;
 - (3) Ordinance, Rules, and Claims;
 - (4) Park and Recreation;
 - (5) Personnel and Safety;
 - (6) Street and Alley; and
 - (7) Water, Sewer, and Rubbish.
- (b) The President of Council shall assign committee positions at the beginning of each year.
- (c) The President of Council may make special committees assignments thereafter as needed.
- (d) Council members shall present to the President of Council her or his preference of committee assignments, in writing, at the beginning of each year.
- (e) The President of Council shall make assignments at his or her own discretion, but shall take into consideration seniority, preference, special qualifications, experience, and the best interests of the City.
- (f) The President of Council shall designate one member each of each committee as the chairperson and one member as the committee vice chairperson.
- (g) Committees of Council shall meet upon call by its members and as provided by the Charter.
- (h) No Committee of Council shall meet without the Clerk having first provided the committee's members with twenty-four hours advance notice of the meeting's date and time. Provided all committee members agree, the twenty-four hour notice requirement may be waived for a particular meeting.
- (i) Under exigent circumstances, and if a quorum is present, a Committee of Council meeting may be held even though all members did not receive advance notice. A quorum shall be a majority of all members assigned to a committee. The President of Council shall enter into the record the exigent circumstances and the Clerk the reason a committee member was not notified in advance of a meeting.

111.04 LEGISLATIVE PROCEDURE.

- (a) The Charter's provisions govern Council's legislative process.
- (b) The President of Council shall refer those matters that require pre-Council consideration to commissions and boards.
- (c) Upon a matter's introduction to Council, or upon referral back to Council, the President of Council, in the President's complete discretion, shall refer the matter to the proper Council committee for consideration.

111.05 COMMITTEE OF THE WHOLE MEETING AGENDA.

(a) All matters to be placed on the Committee of the Whole's meeting agenda shall be reported to the Clerk by 4:00 p.m. on Tuesday before the meeting. The President of Council may make exceptions to this rule, provided that sufficient time is available to comply with the request.

(b) The Committee of the Whole's meeting agenda and supporting paperwork such as ordinances, resolutions, committee reports, etc., shall be available to Council, Mayor, Directors of Administration, Law, and Finance by 12:00 noon on the Thursday before the Committee of the Whole's meeting, or as soon thereafter as possible.

111.06 COUNCIL MEETING AGENDA.

(a) Legislation may be placed on the Council agenda only upon the Clerk's receipt of the applicable committee's favorable report. Council may, however, by a majority vote, suspend this rule and place legislation on the Council agenda without first referring the legislation to the applicable committee.

(b) A matter shall be placed on the Council agenda for the Council meeting following a committee's public report, or if a committee requests in its report, it may be placed Council's agenda the same day the report is given.

(c) The Council meeting agenda shall be in substantially the following form:

- (1) Call to order;
- (2) Opening prayer;
- (3) Pledge of Allegiance;
- (4) Roll call;
- (5) Consideration of minutes of regular meetings, special meetings, and public hearings held in the period between two regular meetings;
- (6) Consideration of the financial statement for the previous month (Placed on the agenda once a month);
- (7) Recognition of visitors;
- (8) Committee reports;
- (9) Old business;
- (10) New business;
- (11) Reports of Directors of Law, Finance, and Administration, Clerk, and Mayor.
- (12) Reports of Council members;
- (13) Final call for new business;
- (14) Adjourn.

(d) All matters to be placed on the Council meeting's agenda items shall be reported to the Clerk by 4:00 p.m., on the Tuesday prior to the Council meeting. The President of Council may make exceptions to this rule, provided that sufficient time is available to comply with the request.

(e) The agenda, and copies of all applicable ordinances, resolutions, committee reports, etc., shall be made available to each Council member, Mayor, Directors of Administration, Law, and Finance on the Thursday prior to the regular Council meeting, or as soon thereafter as possible.

(f) The Clerk of Council shall present legislation to the Mayor, or the Mayor's designee, on the same day the legislation has been passed by Council.

111.07 NOTICE. (Pursuant to Ohio Revised Code Section 121.22.)

(a) The Clerk shall post at a prominent place in the North Canton City Hall, the time, date, and place of all regularly scheduled meetings of Council and the Council meeting as a Committee of the Whole.

(b) Given the circumstances, within a reasonable period prior to the meeting, the Clerk shall post in a prominent place, at the North Canton City Hall, notice of all special meetings of any Council committee meeting as a public body, as defined by the Ohio Revised Code, which notice shall include the time, place, and purpose of such meeting.

(c) The prominent place described above shall be designated by Council motion from time to time.

(d) News media requesting twenty-four hours notice of special meetings shall provide the Clerk with a facsimile telephone number or an e-mail address at which that media may be notified. The Clerk shall make a reasonable effort to notify the media at the provided address and facsimile telephone number.

(e) Upon request, any person may obtain reasonable advance notice by e-mail or facsimile of all meetings of Council, Council meeting as a Committee of the Whole, and special meetings at which specific public business is to be discussed. The Clerk may use the meeting agenda as notification.

111.08 SURVEY OF CONSTITUENTS.

Any Council member that wishes to survey his or her constituents must meet the following conditions:

(a) The survey/letter may address only a single issue;

(b) The survey/letter may be sent only to residents directly affected by the issue addressed in the survey/letter;

(c) The content of the survey/letter must receive consent of the majority of Council.

(d) A Council member may not send out a survey/letter to constituents within 90 days of an election of North Canton City Council members unless all of the following the restrictions have been met:

1. A majority of Council must agree that conditions (a), (b), and (c) above have been met; and

2. The survey/letter does not contain the name of the sending Council member, but rather is signed, "North Canton City Council."

(e) The above restrictions shall not control correspondence between a Council member and the member's constituents if City resources are not utilized; however, no City letterhead, envelopes (or likeness thereof) shall be used.

111.09 MORAL CLAIMS. (REPEALED)

EDITOR'S NOTE: Former Moral Claims Section was repealed by Ordinance 22-12.

111.10 RULES OF DECORUM, COURTESY, AND PROPRIETY.

(a) Council has a significant governmental interest to ensure order during its meetings and expects and requires that its guests be respectful and courteous to other guests, City employees, and Council members. Guests also deserve and should expect a courteous, respectful hearing of their comments and concerns regarding matters under Council's jurisdiction. For those reasons, and so that the City's business may be effectively accomplished without disruption, meetings shall be conducted in an orderly, efficient, and dignified manner. Council must therefore insist that all in attendance not disrupt Council, committee, or special meetings by physical actions, excessive noise, or other disruptive or distracting behaviors, as those actions delay—and in some circumstances—cease the legislative process.

(b) Council shall designate a portion of its meeting, Recognition of Visitors, to provide its guests with a venue in which they may be heard in a fair, impartial, and respectful manner, which is open and welcoming to diverse viewpoints, and yet free from disruptions, and impertinent behavior. Therefore, with the exception of the amount of time permitted to speak, and the rule that Recognition of Visitor's is the only portion of Council meetings that a guest may speak, Council shall not limit a guest's message that appears free of impertinence, slander, profanity, obscenity, intimidation, threats of violence, or those spoken words or actions likely to invite a breach of the peace.

(c) In the interest of its guests, City employees, and Council Members, and to help prevent the disruption of its meetings that delay or cease the legislative process, Council rules shall be strictly and equally enforced. The President of Council shall promptly issue a warning to those that violate the Rules of Decorum, Courtesy, and Propriety to cease the disruptive behavior. Because a disruptive individual waives his or her right to remain at a meeting, and to prevent the further delay or cessation of the legislative process, the President of Council shall expel from the meeting those individuals that persist despite the President's warning to cease the disruptive behavior. If the disruptive individual fails to immediately leave the meeting upon the President of Council's demand, the President shall have the individual removed from the Council, Committee of the Whole, or special meeting by a law enforcement officer in the course of enforcing the laws of the State of Ohio. A person who disrupts a Council, Committee of the Whole, or special meeting may be prosecuted for disturbing a lawful meeting, R.C. 2917.12, a fourth degree misdemeanor, and obstructing official business, a second degree misdemeanor. R.C. 2921.31.

111.11 RECOGNITION OF VISITORS.

(a) Guests of Council meetings are permitted to speak only during the Recognition of Visitors portion of the Council meeting. Guests shall observe the Rules of Decorum, Courtesy, and Propriety described above. See 111.10. There shall be no shouting or other types of disruptive behavior during a Council, Committee of the Whole, or special meeting.

(b) Each speaker shall first acknowledge that the speaker has read and understands Council's Rules of Decorum, Courtesy, and Propriety, and Recognition of Visitors. If the speaker does not acknowledge having read and understanding the aforementioned rules, the Director of Law shall provide the individual with the necessary information so that the speaker may conduct itself accordingly during the Recognition of Visitor's portion of the Council meeting. The speaker shall begin by first identifying themselves by name, home address, and stating the subject matter on which he or she intends to speak.

(c) Each speaker's comments are limited to a maximum of five minutes and shall be directed only to the President of Council. There shall be no debate between the speaker and guests, City employees, or Council Members. Other guests, City employees, or Council members shall not interrupt or otherwise engage the speaker during the speaker's five minutes.

Only after the speaker has completed speaking and returned to her or his seat may a Council member, or City employee, who is seated at the Council dais, respond to the speaker's comments.

(d) When the speaker's five minutes have expired, as indicated by both an audible alarm and a timer visible to all of those in attendance of the meeting, the speaker shall promptly cease speaking and shall return to his or her seat or shall exit the meeting. Council members and City employees at the dais are available following the meeting if the speaker wishes to continue the speaker's comments. The speaker may also resume at the next Recognition of Visitor portion of a Council meeting.

(e) A speaker that continues beyond the allocated five minutes, and who continues to speak despite receiving notice that the speaker's time limit has expired, disrupts the meeting and waives his or her right to remain. To prevent the disruptive individual's further delay or cessation of the legislative process, the President of Council shall expel from that meeting those that persist despite the President's warning to cease the disruptive behavior. If the disruptive individual fails to immediately leave the meeting upon the President of Council's demand, the President shall have the individual removed from the Council, Committee of the Whole, or special meeting by a law enforcement officer in the course of enforcing the laws of the State of Ohio. A person who disrupts a Council, Committee of the Whole, or special meeting may be prosecuted for disturbing a lawful meeting, R.C. 2917.12, a fourth degree misdemeanor, and obstructing official business, a second degree misdemeanor, R.C. 2921.31.

(f) Speakers, and all of those in attendance of Council, Committee of the Whole, and special meetings, shall strictly follow all Rules of Decorum, Courtesy, and Propriety, as described above.

111.12 SALARIES AND BONDS.

Salaries and bonds for all elected and appointed officials and City employees shall be as established by Council and all ordinances pertaining thereto are hereby saved by reference.

TITLE THREE - Legislative

- Chap. 111. Council.
 Chap. 113. Clerk of Council.
 Chap. 115. Rules of Council.
-

**CHAPTER 111
 Council**

- | | |
|--|--|
| 111.01 Meetings: time, place and recording procedure. | 111.05 Moral claims. (Repealed) |
| 111.02 Council structure. | 111.06 Notice. |
| 111.03 Committees of Council. | 111.07 Salaries and bonds. |
| 111.04 Legislative procedure. | |

CROSS REFERENCES

- Powers, membership and term - see CHTR. 2.01
 Officers - see CHTR. 2.03
 Meetings - see CHTR. 2.04
 Legislative procedure - see CHTR. 2.05
 Publication of ordinances - see CHTR. 2.05
 Vacancies - see CHTR. 5.05
 Relationship to administrative officers - see CHTR. 2.06
 Removal - see CHTR. 5.06
 Clerk of Council - see ADM. Ch. 125
 Contract interest - see GEN. OFF. 525.10
 Notice of meetings - see Ohio R.C. 121.22
-

111.01 MEETINGS: TIME, PLACE AND RECORDING PROCEDURE.

(a) Council shall meet on the second and fourth Monday of each month at 7:00 p.m. in the Council Chambers located in the City Hall at 145 North Main Street with the exception of the months of July and August when Council will meet on the second Monday in July and the fourth Monday in August.

(b) If the regular meeting date falls on a holiday recognized by the City, the meeting date shall be changed to a date previously established at a regular Council meeting.

- (c) The starting time of a regular meeting or a public hearing may be set by motion of Council.
- (d) Special meetings of Council may be called as provided in the Charter.
- (e) A complete and accurate journal shall be kept of all proceedings of Council authenticated by the signature of the Clerk of Council and the President of Council, pursuant to the provisions of the North Canton City Charter.
- (f) The Council shall meet as a Committee of the Whole on the first and third Monday and the fifth Monday, as applicable, of each month at 7:00 p.m. at North Canton City Hall at 145 North Main Street with the exception of the months of July and August when Council will meet as a Committee of the Whole on the first Monday in July and the third Monday in August.
- (g) All meetings of the Council meeting as a Committee of the Whole, excluding executive sessions, shall be tape recorded, provided however, that a majority of the members of Council meeting as a Committee of the Whole may vote to have an executive session or portion thereof tape recorded.
(Ord. 4-86. Passed 2-10-86.)

111.02 COUNCIL STRUCTURE.

- (a) As provided in the Charter, Council is composed of four ward councilmen and three at large councilmen. The President and Vice President of Council are elected from all members of Council.
- (b) The President of Council shall assign the seats at the Council table.
- (c) The procedure for implementing the provision of the Charter of the City of North Canton, Ohio, as to vacancies occurring on Council shall be as follows:
- (1) A vacancy in an at large position may be filled by a ward councilman or any other person who meets the qualifications set out in the Charter.
 - (2) The President of Council shall set a time limit for applications for the vacancy to be filed with the Clerk of Council.
 - (3) The Clerk shall prepare a ballot with all the names of the applicants thereon. A space for write-in candidates shall be provided.
 - (4) The actual marking of the ballots by Council members shall be by secret ballot. The Clerk of Council shall collect the ballots and count them publicly. The actual ballot shall be open to public inspection. If a majority vote is not reached on the first ballot, the name of the person who receives the most votes shall be held

for the final ballot. Another ballot shall be marked and the person receiving the most votes shall then be in a run-off election with the first person. On the second ballot, only those names shall be considered that received votes on the first ballot.

- (5) The President of Council shall have the power to set the entire schedule for all applications and votes within the limits of the Charter.

(d) The vote for the election of the President of Council and the Vice-President of Council may also be by secret ballot. Nominations may be made from the floor of Council and the single name voted by each Councilman may be hand written on a blank ballot by each Councilman. The Clerk shall publicly count the ballots which shall be open for public inspection. The vote for President of Council shall be first, followed by separate vote for the Vice-President of Council. (1986 Code 111.02)

111.03 COMMITTEES OF COUNCIL.

- (a) The standing committees of Council shall be:

- (1) Community and Economic Development Committee;
- (2) Finance and Property Committee;
- (3) Ordinance, Rules and Claims Committee;
- (4) Park and Recreation Committee;
- (5) Personnel and Safety Committee;
- (6) Street and Alley Committee;
- (7) Water, Sewer and Waste Committee.

(b) Committee assignments shall be made by the President of Council at the beginning of each year.

(c) Special committees of Council may be assigned by the President of Council thereafter as needed.

(d) Each councilman shall present in writing to the President of Council at the beginning of each year, his or her preference of committee assignments.

(e) The President of Council shall make assignments at his own discretion, but shall take into consideration the seniority of each member, the member's preference of committee assignments, the member's special qualifications and experience, and the best interests of the residents of the City.

(f) The President of Council shall designate one of the committee members as chairman.

(g) Committees of Council shall meet upon call by its members.

(h) No committee shall meet without having first notified its members of the meeting date and time. The Clerk of Council shall send notices which must be received by each member at least twenty-four hours prior to the meeting. The Clerk shall enter into the record any failure to notify a member for whatever reason. The meeting may be held even though all members were unable to be notified, if a quorum is present. A quorum shall be a majority of all members assigned to a committee. Committee members may waive the twenty-four hour requirement if there is sufficient cause. However, all members of the committee must waive.

(i) Members of the Administration may call committee meeting through the Chairman of the proper committee. Whenever possible and unless special conditions are present, all committee meetings shall be held in the evening after 5:00 p.m.. This is due to the fact that the position of Councilman is a part time position and Councilmen usually have another job during the day.
(Ord. 117-84. Passed 12-17-84.)

111.04 LEGISLATIVE PROCEDURE.

(a) The legislative process shall be governed by the provisions of the City Charter.

(b) The President of Council shall refer those matters to commissions and boards which require pre-Council consideration.

(c) Upon referral back to Council or upon its introduction to Council the President in his complete discretion shall refer it to the proper committee of Council for its consideration.

(d) The committee of Council shall consider the matter and report its conclusion in writing to Council. All members of the committee shall sign the report, either assenting or dissenting.

(e) Where a matter must be considered by more than one committee of Council, all committees may meet together and file separate or joint reports.

(f) Legislation may be placed on the Council Agenda only after that legislation has been favorably recommended and asked to be placed on the Agenda by the committee or committees which considered it, except that Council may by a majority vote suspend this rule and place legislation on the Council Agenda without waiting for a committee report, or without referring to a committee, or without having received a favorable committee report.

(g) A matter shall be placed on the Agenda of the meeting following the public report of the committee or if a committee requests it in its report, it may be placed on the Agenda the same night as the report is given.

- (h) The Agenda of Council shall be in substantially the following form:
- (1) Call to order.
 - (2) Opening Prayer.
 - (3) Pledge of Allegiance.
 - (4) Roll call.
 - (5) Consideration of minutes of regular meetings, special meetings and public hearings held in the period between two regular meetings.
 - (6) Consideration of the financial statement for the previous month (Placed on the Agenda once a month.)
 - (7) Recognition of visitors.
 - (8) Committee reports.
 - (9) Old business.
 - (10) New business.
 - (11) Reports of Director of Law, Director of Finance, Clerk of Council, Mayor and Director of Administration.
 - (12) Reports of Council members.
 - (13) Final call for new business.
 - (14) Adjourn.

(i) All matters to be placed on the Agenda shall be reported to the Clerk of Council by 5:00 p.m., on the Wednesday prior to the Council meeting. This is necessary due to the time needed to prepare the Agenda and legislation. The Clerk of Council may, with discretion, make exceptions to this rule if the time is available.

(j) The Agenda and copies of all ordinances, resolutions, committee reports, etc., shall be made available to each councilman, the Mayor, Director of Administration, Director of Law and Director of Finance on the Friday prior to the regular Council meeting or as soon thereafter as possible.

(k) The Clerk of Council shall attempt to obtain the Mayor's signature on all passed legislation the same night as Council meetings so that legislation may be submitted for publication by noon on Tuesday following the meeting. This rule shall not require the signature of the Mayor in any other manner than those set out in the Charter.
(1986 Code 111.04)

111.05 MORAL CLAIMS. (REPEALED)

EDITOR'S NOTE: Former Section 111.05 was repealed by Ordinance 22-12.

111.06 NOTICE.

(a) The Clerk of Council shall post at a prominent place in the City Hall the time, day and place of all regularly scheduled meetings of Council and the Council meeting as a Committee of the Whole.

(b) Within a reasonable period prior to the meeting the Clerk of Council shall post in a prominent place at the City Hall notice of all special meetings of any Council committee meeting as a public body as defined in the Ohio Revised Code, which notice shall include the time, place and purpose of such meeting.

(c) The prominent place as referred in subsections (a) and (b) above shall be designated by motion of Council from time to time.

(d) News media requesting twenty-four hours notice of special meetings shall provide the Clerk of Council with two local telephone numbers at which that media can be reached as well as one address at which that media can be notified. The request by the news media shall be in writing and shall contain the information herein required. The Clerk of Council shall make a reasonable effort to contact the media at the provided address and telephone numbers.

(e) Any person may upon written request and upon compliance with the conditions herein obtain reasonable advance notification of all meetings of the public body at which any specific type of public business is to be discussed. Such request shall be in writing containing the name and address of the person as well as the specific type of public business. The request shall be accompanied by a five dollar (\$5.00) deposit and a self-addressed stamped envelope with the address of the requesting party. The charge for the notification shall be twenty-five cents (25¢) per page, which charge shall be made against the five dollar (\$5.00) deposit. The notification shall continue until the supply of self-addressed envelopes are exhausted, or until the five dollar (\$5.00) deposit is exhausted, or until the requesting party requests in writing that the notification be discontinued. Any balance remaining of the five dollar (\$5.00) deposit shall be refunded to the requesting party.

When available the Clerk of Council may use the meeting Agenda as notification. It shall be the responsibility of each committee chairman to contact the Clerk of Council not less than seventy-two hours prior to any committee meeting to advise the Clerk of the specific type of public business to be discussed at the committee meeting.

(1986 Code 111.06)

111.07 SALARIES AND BONDS.

Salaries and bonds for all elected and appointed officials and City employees shall be as established by Council and all ordinances pertaining thereto are hereby saved by reference.

(Ord. 2755. Passed 8-11-69.)

CHAPTER 115
Rules of Council

115.01 Rules adopted.

CROSS REFERENCES
Council to adopt rules - see CHTR. Sec. 2.05

115.01 RULES ADOPTED.

- (a) Meetings: Time, Place and Recording Procedure.
- (1) Council of the City of North Canton, Ohio, shall meet on the second and fourth Monday of each month at 7:00 p.m. in the Council Chambers located in the City Hall at 145 North Main Street with the exception of the months of July and August when Council will meet on the second Monday in July and the fourth Monday in August.
 - (2) If the regular meeting date falls on a holiday recognized by the City, the meeting date shall be changed to a date previously established at a regular Council meeting.
 - (3) The starting time of a regular meeting or a public hearing may be set by motion of Council.
 - (4) Special meetings of Council may be called as provided in the Charter.
 - (5) A complete and accurate journal shall be kept of all proceedings of Council authenticated by the signature of the Clerk of Council and the President of Council, pursuant to the provisions of the North Canton City Charter.
 - (6) The Council shall meet as a Committee of the Whole on the first and third Monday and the fifth Monday, as applicable, of each month at 7:00 p.m. at North Canton City Hall at 145 North Main Street with the exception of the months of July and August when Council will meet as a Committee of the Whole on the first Monday in July and the third Monday in August. The date and/or time of a meeting may be changed or a meeting may be cancelled at any regular meeting of Council or at a meeting of the Council meeting as a Committee of the Whole by a vote of a majority of those members voting at said meeting or upon the written request of four members of Council.
 - (7) All meetings of Council and all meetings of Council meeting as a Committee of the Whole, excluding executive sessions, shall be recorded.
 - (8) All meetings of Council of the City of North Canton that have been recorded shall be transcribed verbatim.
 - (9) Committee meetings, on the request of the Committee Chairperson and concurrence of President of Council, that have been recorded, shall be transcribed verbatim.

(b) Council Structure.

- (1) As provided in the Charter, Council is composed of four Ward Council Members and three At Large Council Members. The President and Vice President of Council are elected from all the members of Council.
- (2) The President of Council shall assign the seats at the Council table.
- (3) The procedure for implementing the provision of the Charter of the City, as to vacancies occurring on Council shall be as follows:
 - A. A vacancy in an At Large position may be filled by a Ward Council Member or any other person who meets the qualifications set out in the Charter. A vacancy in the office of a Council Member representing a ward must be filled from that ward.
 - B. The President of Council shall set a time limit for applications for the vacancy to be filed with the Clerk of Council.
 - C. Nominations to fill the vacancy shall be made from the floor of Council.
 - D. The filling of the vacancy shall be by roll call vote.
 - E. The President of Council shall have the power to set the entire schedule for all applications and votes within the limits of the Charter.
- (4) The vote for the election of President of Council and the Vice President of Council shall be by roll call vote. Nominations shall be made from the floor of Council. The vote for President of Council shall be first, followed by the separate vote for the Vice President of Council.

(c) Committees of Council.

- (1) The standing committees of Council shall be:
 - A. Community and Economic Development Committee
 - B. Finance and Property Committee
 - C. Ordinance, Rules and Claims Committee
 - D. Park and Recreation Committee
 - E. Personnel and Safety Committee
 - F. Street and Alley Committee
 - G. Water, Sewer and Rubbish Committee
- (2) Committee assignments shall be made by President of Council at the beginning of each year.
- (3) Special committees of Council may be assigned by the President of Council thereafter as needed.
- (4) Each Council Member shall present in writing to the President of Council at the beginning of each year, his or her preference of committee assignments.
- (5) The President of Council shall make assignments at his or her own discretion, but shall take into consideration the seniority of each member, the member's preference of committee assignments, the member's special qualifications and experience, and the best interests of the citizens of the City.
- (6) The President of Council shall designate one of the committee members as chairperson.
- (7) The committee of Council shall meet upon call by its members.

- (8) No committee shall meet without having first notified its members of the meeting date and time. The Clerk of Council shall send notices which must be received by each member at least twenty-four hours prior to the meeting. The Clerk shall enter into the record any failure to notify a member for whatever reason. The meeting may be held even though all members were unable to be notified, if a quorum is present. A quorum shall be a majority of all members assigned to a committee. Committee members may waive the twenty-four hour requirement if there is sufficient cause. However, all members of the committee must waive.
 - (9) Members of the Administration may call a committee meeting through the chairperson of the proper committee. Whenever possible and unless special conditions are present, all Committee meetings shall be held in the evening after 5:00 p.m. This is due to the fact that the position of Council Member is a part-time position and Council Members usually have another job during the day.
- (d) Legislative Procedure.
- (1) The legislative process shall be governed by the provisions of the North Canton City Charter.
 - (2) The President of Council shall refer those matters to commissions and boards which require pre-Council consideration.
 - (3) Upon referral back to Council or upon its introduction to Council, the President in his or her complete discretion shall refer it to the proper committee of Council for its consideration.
 - (4) The committee of Council shall consider the matter and report its conclusion in writing to Council. All members of the committee shall sign the report, either assenting or dissenting.
 - (5) Where a matter must be considered by more than one committee of Council, all committees may meet together and file separate or joint reports.
 - (6) Legislation may be placed on the Council Agenda only after that legislation has been favorably recommended and asked to be placed on the Agenda by the committee or committees which considered it, except that Council may by a majority vote suspend this rule and place legislation on the Council Agenda without waiting for a committee report, or without referring to a committee, or without having received a favorable committee report.
 - (7) A matter shall be placed on the agenda of the meeting following the public report of the committee or if a committee requests it in its report, it may be placed on the agenda the same night as the report is given.
 - (8) The Agenda of Council shall be in substantially the following form:
 - A. Call to Order
 - B. Opening Prayer
 - C. Pledge of Allegiance
 - D. Roll Call
 - E. Consideration of minutes of regular meetings, special meetings and public hearings held in the period between two regular meetings, Financial Statement and Mayor's Court Receipts (placed on the Agenda once a month.)
 - F. Committee Reports
 - G. Recognition of Visitors
 - H. Old Business

- I. New Business
 - J. Reports of Director of Law, Director of Finance, Director of Administration, Mayor, City Engineer, Director of Economic Development and Clerk of Council
 - K. Reports of Council Members
 - L. Final Call for New Business
 - M. Adjourn
- (9) All matters to be placed on the Agenda shall be reported to the Clerk of Council by 4:00 p.m., on the Tuesday prior to the Council meeting. This is necessary due to the time needed to prepare the Agenda and legislation. The Clerk of Council may, with discretion, make exceptions to this rule if the time is available.
- (10) The agenda and copies of all ordinances, resolutions, committee reports, etc., shall be made available to each Council Member, the Mayor, Director of Administration, Director of Law and Director of Finance on the Thursday prior to the regular Council meeting or as soon thereafter as possible.
- (11) The Clerk of Council shall present to the Mayor all legislation passed the same night as the Council meeting. This rule shall not require the signature of the Mayor in any other manner than those set out in the Charter.

(e) Moral Claims - Repealed

(f) Notice. (Pursuant to the requirements of Ohio R.C. 121.22)

- (1) The Clerk of Council shall post at a prominent place in the North Canton City Hall the time, day, and place of all regularly scheduled meetings of Council and the Council meeting as a Committee of the Whole.
- (2) Within a reasonable period prior to the meeting the Clerk of Council shall post in a prominent place at the North Canton City Hall notice of all special meetings of any Council committee meeting as a public body as defined in the Ohio Revised Code, which notice shall include the time, place and purpose of such meeting.
- (3) The prominent place as referred in subsection (f)(1) and (2) above shall be designated by motion of Council from time to time.
- (4) News media requesting twenty-four hours notice of special meetings shall provide the Clerk of Council with a facsimile phone number or an email address at which that media can be notified. The Clerk of Council shall make a reasonable effort to contact the media at the provided address and telephone number.
- (5) Any person may upon request obtain reasonable advance notification by e-mail or facsimile of all meetings of the public body at which any specific type of public business is to be discussed.
When available the Clerk of Council may use the meeting agenda as notification. It shall be the responsibility of each committee chairperson to contact the Clerk of Council not less than seventy-two hours prior to any committee meeting to advise the Clerk of the specific type of public business to be discussed at the committee meeting.

(g) If any Council Member has reason to believe that the Clerk of Council or Assistant Clerk of Council has by error or omission failed to properly discharge his or her work related duties, the Council Member shall inform the chairperson of the Personnel Committee of the incident. The chairperson of the Personnel Committee shall call an executive session to precede the next scheduled Council meeting.

At the executive session, the reporting Council Member will inform Council why he or she believes the Clerk of Council or Assistant Clerk of Council has failed to properly discharge his or her duties.

Following a discussion, Council shall vote on one of the following courses of action:

- (1) No finding.
- (2) Issue a warning (verbal or written).
- (3) Suspension (3 to 5 day).
- (4) Discharge

If none of the above receives four votes, then no action shall be taken.

The President of Council shall execute the disciplinary action (if any) which was authorized by Council.

A record of the disciplinary action taken shall be placed in the personnel file of the disciplined employee. The disciplined employee shall have one week from the date of the time of the discipline is implemented by the President of Council in which to make a written explanation, which shall be filed in the in the employee's personnel file.

No Council Member shall discipline the Clerk of Council or Assistant Clerk of Council, other than through the above procedure.

(h) Any member of Council who wishes to survey his or her constituents must meet the following conditions:

- (1) Survey/letter may only address a single issue;
- (2) Survey/letter may only be sent to residents who are directly affected by the issue which is addressed in the survey/letter;
- (3) Ninety days before an election of Council, a Council Member may not send out a survey/letter to constituents unless one of the following two restrictions have been met:
 - A. A majority of Council must agree that conditions one and two have been met; or
 - B. The survey/letter may not contain the name of the sending Council Member, but rather be signed, "North Canton City Council";
- (4) An at-large Council Member may not send a Citywide survey/letter without the consent of a majority of Council;
- (5) The member sending the survey/letter shall notify all other members of Council and provide them with a copy of the survey/letter twenty-four hours before it is mailed or hand delivered;
- (6) None of the above restrictions are meant to control any correspondence between a Council Member and his or her constituents if no City funds or material is used; however, no City letterhead, envelopes (or likeness thereof) shall be used.

(i) Matters to be placed on the Committee of the Whole agenda shall follow this procedure:

- (1) All matters to be placed on the Committee of the Whole agenda shall be reported to the Clerk of Council by 4:00 p.m. on Tuesday before the Committee of the Whole meeting.
- (2) The Committee of the Whole agenda and supporting paperwork such as ordinances, resolutions, committee reports, etc., shall be available to the Council, Mayor, Director of Administration, Director of Law, and Director of Finance by 12:00 noon on the Thursday before the Committee of the Whole meeting or as soon thereafter as possible.
- (3) The President of Council with concurrence of the Committee Chairperson, if available, (effort to be documented by Clerk of Council) may make exceptions to this subsection if time is available.

- (j) Recognition of Visitors.
- (1) Citizens shall be permitted to speak only during the Recognition of Visitors portion of the meeting.
 - (2) During Recognition of Visitors, each speaker shall identify themselves by name, home address and shall state the subject matter on which they intend to speak. Each speaker shall be limited to a maximum of five minutes to present their comments or at the discretion of the Presiding Officer, the speaker may continue beyond the limit if their remarks are deemed germane, non-redundant and consistent with the rules of decorum. Each speaker shall direct their comments to the Presiding Officer.
 - (3) A speaker shall observe all rules of the decorum as prescribed in Robert's Rules of Order. No debate, disrespect, personal attacks or obscenities shall be tolerated. The Presiding Officer shall rule any individual that violates the Recognition of Visitors rules or Robert's Rules of Order out of order.
(Ord. 22-12. Passed 3-12-12.)

CHAPTER 1177
Conditional and Similar Uses Permits

- 1177.01 Purpose.**
- 1177.02 Pre-application meeting encouraged.**
- 1177.03 Submission of application.**
- 1177.04 Review of conditional use permit application.**
- 1177.05 Public hearing and notice by Planning Commission.**
- 1177.06 Action by Planning Commission.**
- 1177.07 Terms and duration of conditional use permit.**
- 1177.08 Reapplication.**
- 1177.09 Similar uses.**
- 1177.10 Action by City Council.**
- 1177.11 Appeal to City Council.**

1177.01 PURPOSE.

When a proposed use is permitted in a zoning district as a conditional use, as set forth in the district regulations, a conditional use permit is required and the application for such conditional use permit shall be submitted and reviewed according to the guidelines outlined in this chapter.

1177.02 PRE-APPLICATION MEETING ENCOURAGED.

The applicant is encouraged to meet with the Planning Commission or Superintendent of Permits and Inspection, or his/her designee, prior to submitting an application for a conditional use permit. The purpose of this meeting is to discuss early and informally with the applicant the purpose and effect of these zoning regulations and the criteria and standards contained within. However, no action shall be taken at such a meeting and no discussions, opinion, suggestions, or recommendations of the Planning Commission or Superintendent of Permits and Inspection shall be relied upon by the applicant to indicate subsequent approval or disapproval of the application.

1177.03 SUBMISSION OF APPLICATION.

The owner, or agent thereof, of property for which such conditional use is proposed shall file with the Superintendent of Permits and Inspection an application for a conditional use permit accompanied by payment of the required fee established by Council. The application for a conditional use permit shall disclose all uses proposed for the development, their location, extent, and characteristics and shall include the following:

- (a) A development plan and associated documentation as required in Section 1175.06 unless specific items required in Section 1175.06 are determined by the Superintendent of Permits and Inspection to be inapplicable or unnecessary and are waived in writing by the Superintendent of Permits and Inspection.
- (b) A list of all property owners lying within 200 feet of any part of the property on which the conditional use is proposed, including their addresses and permanent parcel

number, as shown on the current tax duplicate in the Office of the Stark County Treasurer.

1177.04 REVIEW OF CONDITIONAL USE PERMIT APPLICATION.

The Planning Commission shall review the proposed conditional use, as presented on the submitted plans and specifications, to determine whether or not the proposed use is appropriate and in keeping with the purpose and intent of this Zoning Ordinance.

(a) The Planning Commission shall review the development plan for the proposed conditional use according to the development plan review procedures and criteria set forth in Chapter 1175, as applicable;

(b) The Planning Commission shall review the application to determine if the establishment and operation of the proposed use complies with the general criteria established for all conditional uses and the specific requirements established for that particular use, as set forth in Chapter 1145 of this Zoning Ordinance; and

(c) The Planning Commission may require the applicant to submit such additional information as deemed necessary including the carrying out of special studies and the provisions of expert advice.

1177.05 PUBLIC HEARING AND NOTICE BY PLANNING COMMISSION.

The Planning Commission shall hold a public hearing on the proposed conditional use. Notice of such public hearing shall be given by first class mail to the applicant and to the property owners within 200 feet of the property on which the use is proposed. Further notice shall be given in one or more newspapers of general circulation in the city. All notices shall be made at least seven days before the date of said public hearing. All notices shall set forth the time and place of the public hearing and the nature of the proposed conditional use. Failure of delivery of such notice shall not invalidate action taken on such application.

1177.06 ACTION BY PLANNING COMMISSION.

(a) The Planning Commission shall take one of the following actions:

(1) If the proposed conditional use is determined by the Planning Commission to be appropriate and in conformance with the review criteria outlined in Section 1175.08, the Planning Commission shall:

A. Approve the conditional use application as submitted.

B. Approve the conditional use application subject to specific conditions not included in the application as submitted. The Planning Commission may prescribe appropriate conditions, stipulations, safeguards and limitations on the duration of the use as it may deem necessary and in conformance with the intent and purposes of Chapter 1145. The Planning Commission may require the applicant to revise and resubmit the application and/or the development plan to respond to the Planning Commission's condition(s) prior to the Planning Commission's final action.

(2) If the proposed conditional use is found not to be in compliance with the specifications of this Zoning Ordinance, the Planning Commission shall deny the application.

(b) If the Planning Commission fails to act within 60 days from the date the application was deemed complete, or an extended period as may be agreed upon, then the applicant may deem the development denied.

1177.07 TERMS AND DURATION OF CONDITIONAL USE PERMIT.

A conditional use permit shall authorize a particular conditional use on a specific parcel for which it was approved. The conditional use permit shall expire one year from the date of enactment, unless substantial progress is accomplished or as otherwise specifically approved by the Planning Commission. A conditional use permit issued pursuant to this Chapter shall be valid only for the use and the operation of such use as specified on the certificate. The breach of any condition, safeguard or requirement shall constitute a violation of this Zoning Ordinance.

1177.08 RE-APPLICATION.

No re-application for a conditional use permit shall be accepted by the Superintendent of Permits and Inspection until the expiration of one year after the denial, unless the re-application reflects changes to the operation, design, layout, or other aspect of the proposed conditional use in response to the reasons for the denial of the previous application or the re-application is based on a change in circumstances from the time of the previous public hearing that is sufficient to justify another hearing as determined by the Planning Commission. A re-application shall comply with all the requirements of this Chapter, including payment of the required fee.

1177.09 SIMILAR USES.

Within each zoning district established by the Zoning Ordinance and amendments thereto, uses of land or structures that are compatible with each other are permitted in the district. To the extent that new types of uses are created and are not addressed by this Zoning Ordinance, this section provides the procedure by which the Planning Commission may make a determination that a new use is similar to a use permitted in a district.

(a) Determination. A proposed use may be permitted as a similar use when the Planning Commission determines that such proposed use is in compliance with the following provisions:

- (1) The proposed use is not prohibited in any other district;
- (2) The proposed use is not listed as a permitted building or use in any other district;
- (3) The proposed use conforms to and is consistent with the purpose statement of the proposed district more appropriately than in any other district;
- (4) The proposed use is of the same general character as the permitted uses in the district to which it is proposed or is similar to a specific use permitted in that district.

(b) Procedure. The Planning Commission shall review the proposed use according to the conditional use procedures set forth in Sections 1177.02 through 1177.08, including the requirement for a public hearing.

(c) Action by Planning Commission. The Planning Commission shall, within 10 days after its hearing, forward a recommendation to City Council. The Planning

Commission shall recommend that Council approve, approve with modifications or deny the application for a similar use determination and provide the reasons for their decision.

1177.10 ACTION BY CITY COUNCIL.

Council shall, at a regular meeting, take action on the Planning Commission's recommendation.

- (a) Council shall either:
 - (1) Adopt the recommendation of the Planning Commission; or
 - (2) Deny the recommendation of the Planning Commission; or
 - (3) Adopt some modification thereof.
- (b) Required vote for adoption or rejection:
 - (1) When City Council confirms the recommendation of the Planning Commission, the recommendation shall be adopted when approved by a majority vote of Council members.
 - (2) When City Council rejects the recommendation of the Planning Commission, the recommendation shall be overruled by not less than six votes of Council members.
- (c) If Council approves a similar use, then the similar use shall be added to those districts that allow the principal or conditional use that is most similar, as identified in Council's action.

1177.11 APPEAL TO CITY COUNCIL.

Any person who is adversely affected by a decision made by the Planning Commission according to the procedures set forth in this Chapter may appeal such decision to Council within 30 days of the Planning Commission's decision. Council shall establish appropriate rules and procedures to hear and decide such appeals.

CHAPTER 1177
Conditional Use Permits and Similar Uses

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| <p>1177.01 Purpose.</p> <p>1177.02 Preapplication meeting encouraged.</p> <p>1177.03 Submission of application.</p> <p>1177.04 Review of conditional use permit application.</p> <p>1177.05 Public hearing and notice by Planning Commission.</p> | <p>1177.06 Action by Planning Commission.</p> <p>1177.07 Terms and duration of conditional use permit.</p> <p>1177.08 Reapplication.</p> <p>1177.09 Similar uses.</p> <p>1177.10 Appeal to City Council.</p> |
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1177.01 PURPOSE.

When a proposed use is permitted in a zoning district as a conditional use, as set forth in the district regulations, a conditional use permit is required and the application for such conditional use permit shall be submitted and reviewed according to the guidelines outlined in this chapter.

1177.02 PREAPPLICATION MEETING ENCOURAGED.

The applicant is encouraged to meet with the Planning Commission or Superintendent of Permits and Inspection, or his/her designee, prior to submitting an application for a conditional use permit. The purpose of this meeting is to discuss early and informally with the applicant the purpose and effect of these zoning regulations and the criteria and standards contained within. However, no action shall be taken at such a meeting and no discussions, opinion, suggestions, or recommendations of the Planning Commission or Superintendent of Permits and Inspection shall be relied upon by the applicant to indicate subsequent approval or disapproval of the application.

1177.03 SUBMISSION OF APPLICATION.

The owner, or agent thereof, of property for which such conditional use is proposed shall file with the Superintendent of Permits and Inspection an application for a conditional use permit accompanied by payment of the required fee established by Council. The application for a conditional use permit shall disclose all uses proposed for the development, their location, extent, and characteristics and shall include the following:

- (a) A development plan and associated documentation as required in Section 1175.06 unless specific items required in Section 1175.06 are determined by the Superintendent of Permits and Inspection to be inapplicable or unnecessary and are waived in writing by the Superintendent of Permits and Inspection.
- (b) A list of all property owners lying within 200 feet of any part of the property on which the conditional use is proposed, including their addresses and permanent parcel number, as shown on the current tax duplicate in the Office of the Stark County Treasurer.

1177.04 REVIEW OF CONDITIONAL USE PERMIT APPLICATION.

The Planning Commission shall review the proposed conditional use, as presented on the submitted plans and specifications, to determine whether or not the proposed use is appropriate and in keeping with the purpose and intent of this Zoning Ordinance.

- (a) The Planning Commission shall review the development plan for the proposed conditional use according to the development plan review procedures and criteria set forth in Chapter 1175, as applicable;
- (b) The Planning Commission shall review the application to determine if the establishment and operation of the proposed use complies with the general criteria established for all conditional uses and the specific requirements established for that particular use, as set forth in Chapter 1145 of this Zoning Ordinance; and
- (c) The Planning Commission may require the applicant to submit such additional information as deemed necessary including the carrying out of special studies and the provisions of expert advice.

1177.05 PUBLIC HEARING AND NOTICE BY PLANNING COMMISSION.

The Planning Commission shall hold a public hearing on the proposed conditional use. Notice of such public hearing shall be given by first class mail to the applicant and to the property owners within 200 feet of the property on which the use is proposed. Further notice shall be given in one or more newspapers of general circulation in the city. All notices shall be made at least seven (7) days before the date of said public hearing. All notices shall set forth the time and place of the public hearing and the nature of the proposed conditional use. Failure of delivery of such notice shall not invalidate action taken on such application.

1177.06 ACTION BY PLANNING COMMISSION.

- (a) The Planning Commission shall take one of the following actions:
 - (1) If the proposed conditional use is determined by the Planning Commission to be appropriate and in conformance with the review criteria outlined in Section 1175.08, the Planning Commission shall:
 - A. Approve the conditional use application as submitted.

- B. Approve the conditional use application subject to specific conditions not included in the application as submitted. The Planning Commission may prescribe appropriate conditions, stipulations, safeguards and limitations on the duration of the use as it may deem necessary and in conformance with the intent and purposes of Chapter 1145. The Planning Commission may require the applicant to revise and resubmit the application and/or the development plan to respond to the Planning Commission's condition(s) prior to the Planning Commission's final action.
- (2) If the proposed conditional use is found not to be in compliance with the specifications of this Zoning Ordinance, the Planning Commission shall deny the application.

(b) If the Planning Commission fails to act within 60 days from the date the application was deemed complete, or an extended period as may be agreed upon, then the applicant may deem the development denied.

1177.07 TERMS AND DURATION OF CONDITIONAL USE PERMIT.

A conditional use permit shall authorize a particular conditional use on a specific parcel for which it was approved. The conditional use permit shall expire one year from the date of enactment, unless substantial progress is accomplished or as otherwise specifically approved by the Planning Commission. A conditional use permit issued pursuant to this Chapter shall be valid only for the use and the operation of such use as specified on the certificate. The breach of any condition, safeguard or requirement shall constitute a violation of this Zoning Ordinance.

1177.08 REAPPLICATION.

No re-application for a conditional use permit shall be accepted by the Superintendent of Permits and Inspection until the expiration of one year after the denial, unless the re-application reflects changes to the operation, design, layout, or other aspect of the proposed conditional use in response to the reasons for the denial of the previous application or the re-application is based on a change in circumstances from the time of the previous public hearing that is sufficient to justify another hearing as determined by the Planning Commission. A re-application shall comply with all the requirements of this Chapter, including payment of the required fee.

1177.09 SIMILAR USES.

Within each zoning district established by the Zoning Ordinance and amendments thereto, uses of land or structures that are compatible with each other are permitted in the district. To the extent that new types of uses are created and are not addressed by this Zoning Ordinance, this section provides the procedure by which the Planning Commission may make a determination that a new use is similar to a use permitted in a district.

- (a) Determination. A proposed use may be permitted as a similar use when the Planning Commission determines that such proposed use is in compliance with the following provisions:
- (1) The proposed use is not prohibited in any other district;
 - (2) The proposed use is not listed as a permitted building or use in any other district;

- (3) The proposed use conforms to and is consistent with the purpose statement of the proposed district more appropriately than in any other district;
- (4) The proposed use is of the same general character as the permitted uses in the district to which it is proposed or is similar to a specific use permitted in that district.
- (b) Procedure. The Planning Commission shall review the proposed use according to the conditional use procedures set forth in Sections 1177.02 through 1177.05, including the requirement for a public hearing.
- (c) Action by Planning Commission. The Planning Commission shall, within 10 days after its hearing, forward a recommendation to City Council. The Planning Commission shall recommend that Council approve, approve with modifications or deny the application for a similar use determination and provide the reasons for their decision.
- (d) Action By Council. Council shall, at a regular meeting, take action on the Planning Commission's recommendation.
 - (1) Council shall either:
 - A. Adopt the recommendation of the Planning Commission; or
 - B. Deny the recommendation of the Planning Commission; or
 - C. Adopt some modification thereof.
 - (2) Required Vote for Adoption.
 - A. When City Council confirms the recommendation of the Planning Commission, then the recommendation shall be adopted when approved by a majority vote of the membership of Council.
 - B. When City Council rejects the recommendation of the Planning Commission, then the recommendation shall be overruled by not less than 6 vote of the members of Council.
- (e) Assignment to Districts. If Council approves the proposed similar use, then the similar use shall be added to those districts that allow the principal or conditional use that is most similar, as identified in Council's action.

1177.10 APPEAL TO CITY COUNCIL.

Any person who is adversely affected by a decision made by the Planning Commission according to the procedures set forth in this Chapter may appeal such decision to Council within 30 days of the Planning Commission's decision. Council shall establish appropriate rules and procedures to hear and decide such appeals.



City of NORTH CANTON, OHIO

145 NORTH MAIN STREET
NORTH CANTON OHIO 44720-2587

LEGISLATION REQUEST

April 15, 2013

To: **Jon Snyder, President**
City Council

Subject: **Hoover District Streets Resurfacing Project**
(Charlotte, Orchard, Hower, Witwer & Park)

Requested By: J. Bunker
City Engineer

Date: 4/15/13

Approved By: [Signature]
Director of Administration

Date: 4/15/13

An ordinance 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 Hoover District Streets Resurfacing Project.

Funds not to exceed \$2,051,069 have been allocated as follows:

| | |
|--------------|--------------|
| 330.544.5229 | \$ 1,227,000 |
| 333.627.5228 | 824,069 |

EMERGENCY REQUESTED: Yes X No

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 office of the Director of Administration and authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a contract for the Hoover District Streets Resurfacing Project (Charlotte, Orchard, Hower, Witwer, and Park), in conjunction with the contract for the East Maple Street Improvements Project, at a total cost not to exceed \$2,051,069, 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 Hoover District Streets Resurfacing Project (Charlotte, Orchard, Hower, Witwer, and Park) .

Section 2. That the Mayor of City of North Canton, through the Board of Control, be, and is hereby authorized to enter into a contract for the Hoover District Streets Resurfacing Project (Charlotte, Orchard, Hower, Witwer, and Park), in conjunction with the contract for the East Maple Street Improvements Project, at a total cost not to exceed \$2,051,069.

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 contracts from the following appropriation

| | | |
|--------------|----------------------------------|-------------------|
| 330 | CAPITAL IMPROVEMENT FUND | |
| 330.544.5229 | Contract Payments | \$1,227,000 |
| 333 | HOOVER DISTRICT IMPROVEMENT FUND | |
| 333.627.5228 | Contract Payments – Developer | <u>\$ 824,069</u> |
| | | \$2,051,069 |

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 completion of the Hoover District Streets Resurfacing Project (Charlotte, Orchard, Hower, Witwer, and Park); 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.

North Canton, OH
Passed:



145 North Main St. · North Canton, OH 44720
Phone: 330-499-8223 Fax: 330-305-0603

CITY OF NORTH CANTON
Michael J. Grimes
Director of Administration

Legislation Request

To: Mr. Jon Snyder, Council President
Date: April 30, 2013
Subject: Agenda Item Request: Collection & Disposal of Residential Garbage, Rubbish,
Recyclables, & Yard Waste Contract

Request to bring before the appropriate Council Committee for discussion of the three (3) year contract bids for collection of residential garbage, rubbish, recyclables and yard waste that replaces the current contract that expires June 30, 2013.

Should one of the bids that is submitted on Thursday, May 2nd meet the approval of Council then request it be placed on the appropriate Council Agenda so that it can be read three (3) times if necessary.

EMERGENCY REQUESTED ___ YES ___ X ___ NO

Respectfully Submitted,

Michael J. Grimes

c: Director of Finance
Director of Law

RECEIVED

APR 30 2013

**COUNCIL OFFICE
NORTH CANTON, OHIO**

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a franchise contract for a three (3) year period commencing July 1, 2013 and terminating June 30, 2016, for the collection of residential garbage, rubbish, recyclables and yard waste in the City of North Canton and authorizing for collection of residential garbage, rubbish, recyclables and yard waste.

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, through the Board of Control, to enter into a franchise contract for a three (3) year period commencing July 1, 2013 and terminating June 30, 2016, for collection of residential garbage, rubbish, recyclables and yard waste.
- 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 upon receipt of vouchers duly approved by the proper departmental authority from appropriations applicable thereto.
- 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.

North Canton, OH
Passed:

MAYOR
SIGNED: _____, 2013

ATTEST:

CLERK OF COUNCIL



CITY OF NORTH CANTON

145 North Main St. · North Canton, OH 44720
Phone: 330-499-8223 Fax: 330-305-0603

Michael J. Grimes
Director of Administration

Legislation Request

To: Mr. Jon Snyder, Council President

Date: April 30, 2013

Subject: Agenda Item Request: Discussion about Amending City Ordinances Ref Fees for Dogwood Shelter & Civic Center Rentals

Request to bring before the appropriate Council Committee for discussion of amending / revising the Ordinance fees charged for Dogwood Shelter and the Civic Center Rentals.

I am requesting to change / amend ordinance 54-05 Section 1 to increase the Daily Rate for One-Half Shelter from \$75 to \$100 and the Entire Shelter Rate from \$150 to \$175. I am also requesting to delete the Four Hour & Special Group Rates. The Security Deposit mentioned in Section 2 would remain the same.

In Ordinance # 37-10, I am requesting to reduce the Saturday cost of the Civic Center rental from \$1200 to \$900. We currently experience very low rentals on Saturdays that is believed due to the high cost. I am also asking that any mention in the ordinance to the Mack Room, for Both Rooms or for smaller rooms rental be deleted since the Mack Room and smaller rooms are no longer available for rent.

I am also suggesting that consideration be given in Ordinance 10-11 Section 2 that the reduced rate for non-profits during certain months be deleted.

If any or all of the requests are approved, I would like these to go into effect as soon as possible. EMERGENCY REQUESTED YES NO

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Michael J. Grimes", is written over a horizontal line.

Michael J. Grimes

Copy: Law Director Fox
Finance Director Alger
Superintendent Davis

RECEIVED

APR 30 2013

**COUNCIL OFFICE
NORTH CANTON, OHIO**

An ordinance establishing rental rates and policies for the rental of the North Canton Dogwood Park Shelter, located at 241 Seventh Street, NE, repealing Ordinance 125-05, and any and all legislation inconsistent herewith, and declaring the same to be an emergency.

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

Section 1. That the rental rates and policies for the rental of the North Canton Dogwood Park Shelter located at 241 Seventh Street, NE, be, and the same are hereby established as follows:

| | | |
|-------------|---------------------|----------|
| Daily Rate: | One-half of Shelter | \$100.00 |
| | Entire Shelter | \$175.00 |

Section 2. That the following security deposit rate for the Dogwood Park Shelter, be, and is hereby established and applied at the discretion of the Director of Administration.

| | | |
|------------------------|---------------------|----------|
| Security Deposit Rate: | One-half of Shelter | \$ 20.00 |
| | Entire Shelter | \$ 40.00 |

Section 3. That there be, and is hereby established a key deposit rate of \$5.00.

Section 4. That games of chance shall be permitted at the North Canton Dogwood Park Shelter if the renter complies with the laws of the State of Ohio.

Section 5. That Ordinance No. 125-05 and any and all legislation passed previously and inconsistent with this ordinance, be, and the same is hereby repealed.

Section 6. That said rental rates for the North Canton Dogwood Park Shelter shall be for new reservations made after the effective date of this Ordinance.

Section 7. 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 8. 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 implementation of the rental rates for the North Canton Dogwood Park Shelter; 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.

6/10/05-gmk
(Finance & Property)

Ordinance No. 125-05

An ordinance amending Ordinance No. 54-05, specifically Section 1, establishing rental rates and policies for rental of the North Canton Dogwood Park Shelter located at 241 Seventh Street NE, and repealing any and all legislation passed previously and inconsistent with this ordinance.

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

Section 1. That there, be, and hereby are the following rates for the rental of the Dogwood Park Shelter located at 241 Seventh Street NE, be, and the same are hereby established:

| | | |
|---|---------------------|----------|
| Daily Rate: | One-half of Shelter | \$ 75.00 |
| | Entire Shelter | 150.00 |
| Four (4) Hours: | One-half of Shelter | 40.00 |
| Local Civic/ Religious Group | One-half of Shelter | 50.00 |
| | Entire Shelter | 75.00 |

***That the weekday morning rate shall apply to rentals that vacate the premises by 12:00 noon.**

Section 2. That the following security deposit rate for the Dogwood Park Shelter, be, and is hereby established and applied at the discretion of the Director of Administration.

Security Deposit Rate

| | |
|------------------|----------|
| One-half Shelter | \$ 20.00 |
| Entire Shelter | 40.00 |

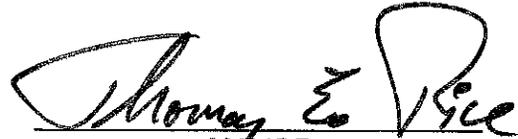
Section 3. That there, be, and is hereby established a key deposit rate of \$5.00.

Section 4. That games of chance shall be permitted at the North Canton Dogwood Park Shelter if the renter complies with Ohio State Law.

Section 5. That any and all legislation passed previously and inconsistent with this ordinance, be, and the same are hereby repealed.

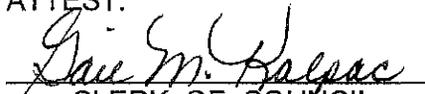
Section 6. That this ordinance shall take effect and be in full force from and after the earliest period allowed by law.

North Canton, OH
Passed 7/11/05


MAYOR

SIGNED: July 14, 2005

ATTEST:


CLERK OF COUNCIL

An ordinance establishing rental rates and policies for rental of the North Canton Civic Center, repealing Ordinance No. 37-10 and any and all legislation passed previously and inconsistent with this ordinance, and declaring the same to be an emergency.

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

Section 1. That the following rental rates and policies for the rental of the North Canton Civic Center located at 845 West Maple Street, be, and the same are hereby established as follows:

| | Events Hall |
|------------------|--------------------|
| Friday | \$ 600.00 |
| Saturday | 900.00 |
| Sunday | 600.00 |
| Weekdays | 325.00 |
| Holiday Weekdays | 900.00 |
| Weekdays AM* | 225.00 |

*That the weekday morning rate shall apply to rentals that vacate the premises by 12:00 noon.

Section 2. That there be, and are hereby established the following discount rates for rental of the third day of the North Canton Civic Center:

| | Events Hall |
|--------------|--------------------|
| Friday | \$ 500.00 |
| Saturday | 700.00 |
| Sunday | 500.00 |
| Weekdays | 275.00 |
| Weekdays AM* | 200.00 |

Said rates shall be applicable after rental of two days at the regular rate.

Section 3. That there be, and are hereby established the following discount rates for rental of the fourth day of the North Canton Civic Center:

| | Events Hall |
|--------------|--------------------|
| Friday | \$ 450.00 |
| Saturday | 600.00 |
| Sunday | 400.00 |
| Weekdays | 250.00 |
| Weekdays AM* | 150.00 |

Said rates shall be applicable after rental of two days at the regular rate and the third day at the discount rate listed above.

Section 4. That there be, and is hereby established the following damage security deposit amounts for the Civic Center.

| | |
|-------------|-----------|
| Events Hall | \$ 400.00 |
|-------------|-----------|

The rate schedule for the damage security deposit is not the maximum amount for which a renter may be held responsible.

Section 5. That at any event where alcoholic beverages are to be provided, the renter pay an additional amount of \$300.00 to the City of North Canton, which amount shall be applied to the cost of providing security services.

Section 6. That there be and is hereby established a contract rate of ten (10%) percent discount for five up to nine weekly reservations, excluding Friday nights and Saturdays, in a twelve month period.

That there be and is hereby established a contract rate of twenty-five (25%) percent discount for ten or more weekly reservations, excluding Friday nights and Saturdays, in a twelve month period.

Said discount shall be applicable to reservations made prior to the effective date of this ordinance, but be used in part subsequent to the effective date of this ordinance.

Section 7. That there be and is hereby established the following refund policy for cancellation of a reservation for the North Canton Civic Center, a reservation confirmation requires that one-half of the applicable rental rate be paid at the time of confirmation.

| | |
|--|----------------------------|
| Cancellation 120 days prior to reservation | Full Refund |
| Cancellation 90 to 120 days prior to reservation | Fifty (50%) Percent Refund |
| Cancellation less than 90 days | No Refund |

Section 8. That there be and is hereby established a procedure whereby governmental and school entities shall have the option of renting the North Canton Civic Center through a purchase order.

Section 9. That the Mayor, be, and is hereby authorized to establish a security policy for the North Canton Civic Center.

Section 10. That games of chance shall be permitted at the Civic Center if the renter complies with the laws of the State of Ohio.

Section 11. That Ordinance No. 37-10 and any and all legislation passed previously and inconsistent with this ordinance, be, and the same is hereby repealed.

Section 12. 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 13. 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 implementation of the North Canton Civic Center rental rates; 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.

Ordinance No. 37-10

Passed April 26, 20 10

4/20/10-gmk
(Finance & Property)

Ordinance No. 37-10

An ordinance amending Ordinance No. 118-08 establishing rental rates and policies for rental of the North Canton Civic Center, specifically Section 5, repealing any and all legislation passed previously and inconsistent with this ordinance 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 Ordinance No. 118-08 establishing rental rates and policies for rental of the North Canton Civic Center, specifically Section 5, be, and the same is hereby amended to read:

"That there be, and are hereby established the following rates for the rental of the North Canton Civic Center:

| | Events Hall | Mack Room | Both Rooms |
|------------------|-------------|-----------|------------|
| Friday | \$ 600.00 | \$ 250.00 | \$ 800.00 |
| Saturday | 1,200.00 | 300.00 | 1,400.00 |
| Sunday | 600.00 | 200.00 | 750.00 |
| Weekdays | 325.00 | 160.00 | 450.00 |
| Holiday Weekdays | 1,200.00 | 300.00 | 1,400.00 |
| Weekdays AM* | 225.00 | 100.00 | 300.00 |

Smaller Rooms

| | |
|-------------|----------|
| Day | \$ 75.00 |
| Weekday AM* | 50.00 |

*That the weekday morning rate shall apply to rentals that vacate the premises by 12:00 noon.

Section 2. That there be, and are hereby established the following discount rates for rental of the third day, of the North Canton Civic Center:

| | Events Hall | Mack Room | Both Rooms |
|-------------|-------------|-----------|------------|
| Friday | \$ 500.00 | \$ 150.00 | \$ 650.00 |
| Saturday | 1,000.00 | 250.00 | 1,250.00 |
| Sunday | 500.00 | 150.00 | 650.00 |
| Weekdays | 275.00 | 125.00 | 400.00 |
| Weekdays AM | 200.00 | 75.00 | 275.00 |

Said rates shall be applicable after rental of two days at the regular rate.

Section 3. That there be, and are hereby established the following discount rates for rental of the fourth day, of the North Canton Civic Center:

| | Events Hall | Mack Room | Both Rooms |
|-------------|-------------|-----------|------------|
| Friday | \$ 450.00 | \$ 200.00 | \$ 625.00 |
| Saturday | 600.00 | 250.00 | 725.00 |
| Sunday | 400.00 | 150.00 | 475.00 |
| Weekdays | 250.00 | 125.00 | 300.00 |
| Weekdays AM | 150.00 | 50.00 | 175.00 |

Said rates shall be applicable after rental of two days at the regular rate and the third day at the discount rate listed above.

Section 4. That there be, and is hereby established the following damage security deposit rates for the Civic Center.

| | |
|-------------|-----------|
| Events Hall | \$ 400.00 |
| Mack Room | 200.00 |

The rate schedule for the damage security deposit is not the maximum amount for which the renter shall be held responsible.

Ordinance No. 37-10

Passed April 26, 2010

Section 5. That at any event where alcoholic beverages are to be provided, the renter shall be obligated to pay an additional amount of \$300.00 to the City of North Canton which amount shall be applied to the cost of providing security services.

Section 6. That there be and is hereby established a contract rate of ten (10%) percent discount for five up to nine weekly reservations, excluding Friday night and Saturday, in a twelve month period.

That there be and is hereby established a contract rate of twenty-five (25%) percent discount for ten or more weekly reservations, excluding Friday night and Saturday, in a twelve month period.

Said discount shall be applicable to reservations made prior to the effective date of this ordinance but to be used in part subsequent to the effective date of this ordinance."

Section 7. That there be and is hereby established the following refund policy for cancellation of a reservation for the North Canton Civic Center. All reservations will be accompanied by one-half of the applicable rental fee; the balance due to be paid 120 days prior to the reservation date.

| | |
|--|----------------------------|
| Cancellation 120 days prior to reservation | Full Refund |
| Cancellation 90 to 120 days prior to reservation | Fifty (50%) Percent Refund |
| Cancellation less than 90 days | No Refund |

Section 8. That there be and is hereby established a procedure whereby governmental and school entities shall have the option of renting the North Canton Civic Center by a purchase order.

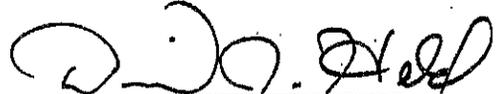
Section 9. That the Mayor, be, and is hereby authorized to establish a policy for the purpose of security at the North Canton Civic Center.

Section 10. That games of chance shall be permitted at the Civic Center if the renter complies with Ohio State Law.

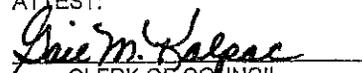
Section 11. That any and all legislation passed previously and inconsistent with this ordinance, be, and the same are hereby repealed."

Section 12. 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 implementation of the rental rates; wherefore, this ordinance shall take effect and be in full force immediately upon its adoption by council and approval by the Mayor.

North Canton, OH
Passed: 4/26/10


MAYOR

SIGNED: 4/26, 2010

ATTEST:

CLERK OF COUNCIL

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 10-11

Passed January 31, 20 11

1/5/11-han
(Park & Recreation)

Ordinance No. 10-11

An ordinance establishing reduced rental rates and policies for rental of the Events Hall at the North Canton Civic Center by certain nonprofit organizations 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 there be, and are hereby established the following reduced rates for the months of January, February and March for rental of the Events Hall at the North Canton Civic Center by certain nonprofit organizations:

| | Events Hall (no liquor permit) | Events Hall (beer only) | Events Hall (wine and/or intoxicating liquor) |
|-------------------------|-----------------------------------|----------------------------|---|
| Monday through Thursday | \$175.00 | \$475.00 | \$ 700.00 |
| Friday | \$325.00 | \$625.00 | \$ 850.00 |
| Saturday | \$475.00 | \$775.00 | \$1,000.00 |
| Sunday | \$325.00 | \$625.00 | \$ 850.00 |

Section 2. That the rates in this Ordinance shall only apply to: (1) nonprofit organizations or their local affiliates headquartered in or primarily serving residents of the City of North Canton or the North Canton City School District; and (2) that rent the Events Hall for a school related or authorized event.

Section 3. That the reduced rental rates for Friday and Saturday /in the Ordinance shall only apply if the Events Hall is reserved ninety (90) days or less prior to the scheduled event date.

Section 4. That all rentals will be subject to prior approval by North Canton City Council.

Section 5. That there be, and is hereby established a \$400.00 damage security deposit rate for rental of the Events Hall at the North Canton Civic Center. The rate schedule for the damage security deposit is not the maximum amount for which the renter shall be held responsible.

Section 6. That there be and is hereby established the following refund policy for cancellation of a reservation for the Events Hall at the North Canton Civic Center. All reservations will be accompanied by one-half of the applicable rental fee; the balance due to be paid five (5) working days prior to the reservation date.

| | |
|--|-----------|
| Cancellation 30 days or less prior to reservation | No Refund |
|--|-----------|

Section 7. That there be and is hereby established a procedure whereby governmental and school entities shall have the option of renting the Events Hall at the North Canton Civic Center by a purchase order.

Section 8. That the Mayor, be, and is hereby authorized to establish a policy for the purpose of security at the North Canton Civic Center.

Section 9. That games of chance shall be permitted at the Civic Center if the renter complies with Ohio State Law.

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 10-11

Passed January 31, 2011

Section 10. 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.

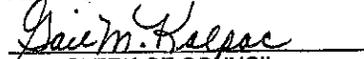
Section 11. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and peace of the City of North Canton and further necessary for the timely implementation of the reduced rental rates; wherefore, provided it receives the affirmative vote 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: 1/31/11


MAYOR

SIGNED: 1/31, 2011

ATTEST:


CLERK OF COUNCIL

g:\2011 legislation\10-11 reduced rental rates civic center.docx