

NOTICE OF PUBLIC MEETING

Notice is hereby given that a public meeting will be held by the Council of the City of North Canton on Monday, October 12, 2015 at 6:40 p.m. in the Council chamber at North Canton City Hall.

The subject of the hearing is the City's consideration of exchanging a portion of a parcel consisting of approximately 0.48 acres owned by the City of North Canton, parcel number 9480024, in return for portion of a parcel consisting of approximately 0.48 acres, owned by Michael Shuster, parcel number 10006117

Final action thereon will be taken by the Council of the City of North Canton following the third reading of Ordinance No. 54 – 2015.

BY THE ORDER OF THE COUNCIL OF THE CITY OF NORTH CANTON,
COUNTY OF STARK, AND STATE OF OHIO:

Mary Beth Bailey
Clerk of Council

NOTICE OF NORTH CANTON CITY COUNCIL MEETING
Monday, October 12, 2015, 7:00 p.m., City Hall
Agenda

1. Call to Order
2. Opening Prayer – Reverend Diana L. Thompson
3. Pledge of Allegiance
4. Roll Call
5. Consideration:

Council Meeting Minutes: September 28, 2015
Special Council Meeting Minutes: September 29, 2015
Committee of the Whole Minutes: October 5, 2015
Mayor's Court Receipts for September 2015

6. Recognition of Visitors
7. Old Business:
8. **Ordinance No. 46 - 2015 – 3rd Reading – Water, Sewer and Rubbish Committee**

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids according to specifications now on file in the Director's office, and authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a contract for the Fixed Base Water Meter Project, at a total cost not to exceed \$1,074,000.

9. **Ordinance No. 54 - 2015 – 2nd Reading – Community & Economic Development Committee**

An ordinance authorizing the Mayor of the City of North Canton to take all necessary actions to exchange portions of certain parcels of real estate with Michael Shuster.

10. **Ordinance No. 57 - 2015 – 2nd Reading – Finance and Property Committee**

An ordinance authorizing the supplemental appropriation of funds of the City of North Canton, Ohio, to be appropriated from the unappropriated resources of the Permit Fee Fund to the State Building Permit Fees Account in the amount of \$3,000.00 for the current expenses during the fiscal year ending December 31, 2015.

11. **Ordinance No. 59 - 2015 – 2nd Reading – Finance and Property Committee**

An ordinance authorizing the Mayor of the City of North Canton, Ohio, to enter into a settlement agreement between the City and Zablo & Sons Building Corporation regarding a dispute over the foundation and construction of a proposed building located at 840 Easthill Street SE, North Canton, which caused the City to issue a notice of violation and file a complaint in the Canton Municipal Court, case number 2015CRB01881.

12. New Business:

13. Ordinance No. 60 - 2015 – 1st Reading – Community & Economic Development Committee

An ordinance providing that, upon a close review of the entire record, North Canton City Council finds the Planning Commission's decision to approve a conditional use permit for the Hoover District South Parking Lot was not unconstitutional, illegal, arbitrary, capricious, or unreasonable, and was supported by a preponderance of substantial, reliable and probative evidence on the entire record. Therefore, Council affirms the Planning Commission's decision to approve the permit.

14. Ordinance No. 61 - 2015 – 1st Reading – Finance and Property Committee

An ordinance authorizing the Mayor of the City of North Canton to enter into an agreement with the Regional Income Tax Agency ("RITA") for the administration of City income tax laws and the collection of City income tax.

15. Ordinance No. 62 - 2015 – 1st Reading – Finance and Property Committee

An ordinance to amend Chapter 191, Income Tax, of the Codified Ordinances of the City of North Canton regarding municipal income tax.

16. Resolution No. 3 - 2015 – 1st Reading – Finance and Property Committee

A resolution accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor..

17. Resolution No. 4 - 2015 – 1st Reading – Community & Economic Development Committee

A resolution expressing the Mayor and the Council of the City of North Canton's opposition to Issue 3, Proposed State Constitutional Amendment, which if passed by a majority of voters on the November 3, 2015 general election ballot, shall amend the Constitution of the State of Ohio, thereby granting a monopoly for the commercial production of marijuana and permit the retail sale of recreation marijuana at approximately 1,100 locations statewide.

18. Reports - Council:

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

19. Reports:

Director of Law	Director of Finance	Director of Administration
Mayor	City Engineer	Clerk of Council

- 20. Upon a motion and majority vote the meeting will be moved into executive session for the purpose of conferring with the City Law Director concerning disputes involving the City that are the subject of pending or imminent court action. The executive session will not be open to the public.**

21. Final Call for New Business
22. Adjourn

North Canton City Council
Community and Economic Development Committee

Ordinance No. 60 - 2015

An ordinance providing that, upon a close review of the entire record, North Canton City Council finds the Planning Commission's decision to approve a conditional use permit for the Hoover District South Parking Lot was not unconstitutional, illegal, arbitrary, capricious, or unreasonable, and was supported by a preponderance of substantial, reliable and probative evidence on the entire record. Therefore, Council affirms the Planning Commission's decision to approve the permit.

WHEREAS, Rosie Angelo, Michael Angelo, Clara Draper, Paula Blane, Deborah Patterson, Lyssa Darrah, Jeffrey Darrah, Thomas Hammen, Linda Hammen, Kelly Beck-Powell, Rita Palmer, Gretchen Bencan, Melanie Roll, James Blaine, Maria Harris, Charles Osborne, and Norma Boscia, (collectively, the "Applicants"), appealed to City Council the Planning Commission's approval of a Conditional Use Permit, Hoover District South Parking Lot, PC403-14CU, (the "Permit");

WHEREAS, North Canton City Council enacted Resolution 2-2015, finding and stating therein, that after its analysis of the entire record, it determined the Applicants failed to demonstrate standing to appeal the Planning Commission's decision, and therefore, Council denied the appeal;

WHEREAS, Appellants Maria Harris, Rita Palmer, and Charles Osborne filed an administrative appeal with the Stark County Court of Common Pleas, 2015CV00824, which North Canton moved to dismiss for lack of standing under Chapter 2506 of the Revised Code, failure to exhaust administrative remedies, and failure to demonstrate actual harm;

WHEREAS, the Court found neither Council nor the Zoning and Building Standards Board of Appeals ("ZBOA") approved or affirmed the Permit, so an appeal of the Permit was not properly before the Court; however, unlike with similar use permit applications, where the Planning Commission forwards its recommendation to Council for consideration, in North Canton, the Planning Commission possesses sole authority to approve conditional use permits; neither Council nor the ZBOA approves conditional use permits. NC Ords. 1177.06, 1177.09, and 1177.10;

WHEREAS, although the Court found Chapter 2506 of the Revised Code and Ohio's common-law rules regarding standing apply only to *courts*, North Canton established, through its Charter, all of the powers of local self-government and home rule, and all powers possible for a municipality to have under the Constitution of the State of Ohio, and therefore, possesses the legal authority to establish ordinances dealing with matters of local concern, such as zoning;

WHEREAS, although North Canton's Charter provides that "[i]t shall be the duty of the Zoning and Building Standards Board of Appeals to hear and decide appeals for exceptions to and variations in the application of ordinances * * *," and provides no legal authority for Council to hear such appeals, and the Supreme Court of Ohio, the Fifth District Court of Appeals, and the Stark County Court of Common Pleas have each held that an ordinance contrary to its municipal charter is void *ab initio*, the Court reversed Council's decision to deny Appellants' appeal and remanded the matter to North Canton City Council for full consideration of and hearing on Appellants' appeal;

WHEREAS, proceeding with its objections that the City has the right to determine standing to appeal the decisions of its administrative agencies, and that its Charter requires such appeals be heard by the ZBOA, Council provided Appellants full consideration and hearing on their Appeal;

WHEREAS, Council scheduled and provided proper notice to Appellants of its public meeting to hear Appellants' appeal;

WHEREAS, seven of the original Appellants, Draper, Roll, Osborne, Bencan, Palmer, Blaine, and Harris, appeared at the hearing and addressed Council with their concerns;

WHEREAS, Thomas and Linda Hammen did not appear at the appeal hearing, but had a letter hand-delivered to Council during the hearing;

WHEREAS, following Appellants' comments, Council heard responsive comments from and posed questions to the City's engineer, James Benekos, regarding the Planning Commission's hearings, Applicant's testimony, reports and exhibits in the record, and Appellants' comments;

WHEREAS, Council analyzed the entire record of this matter, including the Applicant's application and Appellants' brief, the meeting minutes of each of the Planning Commission's public hearings, together with the exhibits provided to the Planning Commission and Council;

WHEREAS, in determining whether the Planning Commission's decision was supported by reliable, probative, and substantial evidence, Council must give due deference to the Planning Commission's resolution of conflicting evidence, because as the original factfinder in this matter, it had the opportunity to observe the demeanor of those offering evidence and weigh their credibility;

WHEREAS, upon analyzing Appellants' brief to Council, which contains approximately 57 issues on appeal, together with the issues Appellants raised at the Planning Commission's two public hearings, it is patently clear the vast majority of issues raised on appeal were not presented to the Planning Commission during its hearings, and therefore, those issues are not preserved for appeal; nevertheless, even when examining each of the issues raised on appeal, it is just as clear the Planning Commission's decision to approve the Permit was in compliance with applicable North Canton codified ordinances, and was based upon the preponderance of substantial, reliable and probative evidence on the whole record;

WHEREAS, despite Appellants' brief listing approximately 57 errors on appeal, collectively, Appellants raised eight issues for the Planning Commission to consider during its two public hearings and for Council to consider at the appeal hearing; those eight issues are: concerns about not being told what to expect with construction; mines/safety; tree buffer; property value; storm water runoff; enjoyment of property; new lighting; and increased traffic;

WHEREAS, the record is replete with evidence of the Planning Commission listening to concerns, discussing, debating, and analyzing comments, exhibits, studies and reports from the Applicant and Appellants, the Ohio Environmental Protection Agency, and the Stark Soil & Water Conservation District regarding storm water runoff, together with a report from an engineering firm that drilled geological test holes for field exploration to ensure the soil would support the planned improvements; and what is even more compelling evidence of the Planning Commission's due diligence, it tabled the matter for four months after demanding the Applicant provide it with improved plans, together with suggesting things not required for the Permit's approval, such as how to be a good neighbor and help allay the residents' fear and concerns of the proposed construction, and suggesting the Applicant provide public informational meetings with drawings and renditions of the proposed plans, providing experts to answer questions, along with private meetings with residents, and more substantively, the Planning Commission required the Applicant to complete major revisions to the original plans—all of which the Applicant completed before returning for a second public hearing;

WHEREAS, upon review of the entire record in this matter, Council finds the Planning Commission's decision in granting the requested conditional use permit, PC403-14CU, fully addressed Appellants' errors on appeal and the applicable North Canton codified ordinances, was not unconstitutional, illegal, arbitrary, capricious, unreasonable, and was supported by the preponderance of substantial, reliable and probative evidence on the whole record. Therefore, Council affirms the Planning Commission's decision to award the Permit.

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

Section 1. That although City Council believes the City's Charter does not permit it to hear the appeal of the Planning Commission's decision to approve the conditional use permit, Hoover District South Parking Lot, PC403-14CU, and that even if it did, Appellants lack standing to appeal under Ohio Revised Code Section 2506 and Ohio common law interpreting that chapter, and that despite these objections, Council followed the Stark County Court of Common Pleas' order and provided

Appellants full consideration of and hearing on said appeal, thereby affording them a third opportunity to publicly address their concerns regarding the Permit.

- Section 2. That North Canton' Charter provides that neither City Council nor the ZBOA possesses the authority to approve conditional use permits and that such authority rests solely with the Planning Commission.
- Section 3. That Appellants raised numerous errors on appeal they had not raised to the Planning Commission during its two public hearings regarding the Permit, and therefore those issues were not preserved for appeal to Council.
- Section 4. That despite Appellants' alleged 57 errors contained in their brief to Council, and that most were not preserved for appeal, collectively, Appellants raised eight issues for the Planning Commission to consider at its two public hearings and for Council to consider at the appeal hearing.
- Section 5. That even when examining all of Appellants' issues raised on appeal, and providing due deference to the Planning Commission's decision, as it must, it is clear its decision to approve the Permit was based upon the preponderance of substantial, reliable and probative evidence on the whole record, and in accordance with applicable North Canton's codified ordinances, and was not unconstitutional, illegal, arbitrary, capricious, or unreasonable. Therefore, Council affirms the Planning Commission's decision to award the Permit
- Section 6. 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 7. That this ordinance shall take effect and be in full force from and after the earliest period allowed by law.

Passed in Council this _____ day of _____ 2015

David Held, Mayor

Signed: _____, 2015

ATTEST:

Mary Beth Bailey, Clerk of Council

North Canton City Council
Finance and Property Committee

Ordinance No. 61 - 2015

An ordinance authorizing the Mayor of the City of North Canton to enter into an agreement with the Regional Income Tax Agency ("RITA") for the administration of City income tax laws and the collection of City income tax.

WHEREAS, a Regional Council of Governments was created, pursuant to Chapter 167 of the Ohio Revised Code, to foster cooperation between municipalities; and

WHEREAS, the Regional Council of Governments was primarily created to establish a central collection facility, RITA, for the purpose of administering the income tax laws of the various participating member communities.

WHEREAS, the City of North Canton desires to contract with an outside agency to administer the income tax laws of North Canton and to act as its agent in the collection of said taxes; and

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

- Section 1. That the Mayor of the City of North Canton is hereby authorized and encouraged to enter into an agreement with RITA to have it administer the City's income tax law and collect its income tax, as more fully detailed in the Agreement attached hereto as Exhibit A and incorporated herein as if fully rewritten.
- Section 2. That if a provision of this ordinance is or becomes illegal, invalid or unenforceable, that shall not affect the validity or enforceability of any other provision of this ordinance.
- Section 3. That this ordinance shall take effect and be in full force from and after the earliest period allowed by law.

Passed in Council this _____ day of _____ 2015

David Held, Mayor

Signed: _____, 2015

ATTEST:

Mary Beth Bailey, Clerk of Council

North Canton City Council
Finance and Property Committee

Ordinance No. 62 - 2015

An ordinance to amend Chapter 191, Income Tax, of the Codified Ordinances of the City of North Canton regarding municipal income tax.

WHEREAS, the Home Rule Amendment to the Ohio Constitution, Article XVII, Section 3, provides that "Municipalities shall have authority to exercise all powers of local self-government," and the municipal taxing power is one of such powers of local self-government delegated by the people of the State to the people of municipalities; and

WHEREAS, Article XIII, Section 6 of the Ohio Constitution provides that the General Assembly may restrict a municipality's power of taxation to the extent necessary to prevent abuse of such power, and Article XVIII, Section 13 of the Ohio Constitution states that "Laws may be passed to limit the powers of municipalities to levy taxes and incur debts for local purposes * * * ;" and

WHEREAS, the General Assembly has determined that it is necessary and appropriate to comprehensively review and amend Chapter 718 of the Ohio Revised Code, setting forth statutory requirements for municipal income tax codes in Ohio; and

WHEREAS, more specifically, the General Assembly enacted House Bill 5 ("H.B. 5") in December 2014, and mandated that municipal income tax codes be amended by January 1, 2016, such that any income or withholding tax is "levied in accordance with the provisions and limitations specified in [R.C. Chapter 718];" and

WHEREAS, upon a detailed review of H.B. 5 and the Codified Ordinances of the City of North Canton, Council has found and determined that this Ordinance enacts the required amendments to Chapter 191 prior to the January 1, 2016 deadline, in accordance with the provisions and limitations specified in Chapter 718 of the Ohio Revised Code; and

WHEREAS, Council also finds and determines that the constitutionality of certain provisions of the state-mandated code may have been put in question by recent decisions of the Ohio Supreme Court regarding, among other things, taxation of professional athletes, but these provisions must be included if the municipal income tax code is to be "levied in accordance with the provisions and limitations specified in [R.C. Chapter 718]" and thus are reluctantly adopted by this Council, but are disclaimed to the extent they are unlawful or unconstitutional;

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

- Section 1. That Chapter 191 of the Codified Ordinances of the City of North Canton be and is amended to read as set forth in the document entitled "Chapter 192, Income Tax" attached hereto as Exhibit A and incorporated herein by this reference.
- Section 2. That this Ordinance shall take effect and be in force from and after January 1, 2016.
- 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.

Passed in Council this _____ day of _____ 2015

David Held, Mayor

Signed: _____, 2015

ATTEST:

Mary Beth Bailey, Clerk of Council

ALAN HAROLD
STARK COUNTY AUDITOR

Resolution No. 3 - 2015

RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE
BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND
CERTIFYING THEM TO THE COUNTY AUDITOR

Revised Code, Secs. 5705.34-5705.35

~~The (Council of the) NORTH CANTON CITY,~~

Of Stark County, Ohio, met in Regular Session on the 12th day of
October at the office of City Council with the following members present:

Mark Cerreta

Doug Foltz

Dominic Fonte

Dan Griffith

Marcia Kiesling

Daniel Jeff Peters

Stephanie Werren

Mr./Ms. Dan Griffith moved the adoption of the following Resolution:

WHEREAS, This council in accordance with the provisions of law has previously adopted
a Tax Budget for the next succeeding fiscal year commencing January 1st, 2016: and

WHEREAS, The Budget Commission of Stark County, Ohio, has certified its action thereon to this council
together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this (Council/Board),
and what part thereof is without, and what part within the ten mill limitation; there be it

RESOLVED, by the (Council) of North Canton City/Village, Stark County, Ohio that the
amounts and rates, as determined by the Budget Commission in its certification, be and the same are hereby accepted:
and be it further

RESOLVED, That there be and is hereby levied on the tax duplicate of said (Village/City) the rate of each
tax necessary to be levied within and without the ten mill limitation as follows:

SCHEDULE A

SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED
BY BUDGET COMMISSION, AND COUNTY AUDITOR'S ESTIMATED TAX RATES

<u>FUND</u>	Amount to be derived from Levies outside 10 mill Limitation	Amount Approved by Budget Commission Inside 10 Mill Limitation	County Auditor's Estimate of Tax Rate to be Levied	
			Inside	Outside
General Fund		36,766	2.40 (NCCSD)	
		729,339	2.40 (NCCSD)	
		0	1.90 (JLSD)	
		5,582	2.00 (JLSD)	
		1,919	1.90 (PLSD)	
		134,022	2.00 (PLSD)	
Street Improvement Fund	356,562		1.00	
Fire Fund	178,281		0.50	
Ambulance Fund	891,405		1.00	
Storm Sewer	356,562		1.00	
Total	1,782,810	907,628	12.60	3.50

SCHEDULE B
LEVIES OUTSIDE 10 MILL LIMITATION, EXCLUSIVE OF DEBT LEVIES

<u>FUND</u>	<u>Maximum Rate Authorized to be Levied</u>	<u>County Auditor's Estimate of Yeild of Levy</u>
GENERAL FUND:		
Current expense levy authorized by voters on for not to exceed Continued years.		
Emergency Current expense levy authorized by voters on for not to exceed 5 years.		
Emergency Current expense levy authorized by voters on for not to exceed Continued years.		
Current expense levy authorized by voters on for not to exceed Continued years.		
Current expense levy authorized by voters on for not to exceed Continued years.		
Current expense levy authorized by voters on for not to exceed 5 years.		
Current expense levy authorized by voters on for not to exceed Continued years.		
Current expense levy authorized by voters on for not to exceed Continued years.		
Current expense levy authorized by voters on for not to exceed Continued years.		
Current expense levy authorized by voters on for not to exceed Continued years.		
Current expense levy authorized by voters on for not to exceed Continued years.		
Current expense levy authorized by voters on for not to exceed Continued years.		
Current expense levy authorized by voters on for not to exceed Continued years.		
Fire Fund: Levy authorized by voters on 3/6/12 for not to exceed Continued years.	0.50	178,281
Street Improvement Fund: Levy authorized by voters on 11/4/14 for not to exceed 5 years.	1.00	356,562
Ambulance Fund: Levy authorized by voters on 3/6/12 for not to exceed Continued years.	1.00	356,562
Ambulance Fund: Levy authorized by voters on 11/6/12 for not to exceed 5 years.	1.50	534,843
Storm Sewer Fund: Levy authorized by voters on 11/4/14 for not to exceed 5 years.	1.00	356,562

And be it further

Resolved, That the clerk of this Board be and he is hereby directed to certify a copy of this resolution to the County Auditor of said County.

Mr./Ms. _____ seconded the Resolution and the roll being called upon its adoption the vote resulted as follows:

- Mr./Ms. Mark Cerreta _____
- Mr./Ms. Doug Foltz _____
- Mr./Ms. Dominic Fonte _____
- Mr./Ms. Dan Griffith _____
- Mr./Ms. Marcia Kiesling _____
- Mr./Ms. Daniel Jeff Peters _____
- Mr./Ms. Stephanie Werren _____

Adopted the _____ day of _____, 20_____.

Mary Beth Bailey
 Clerk
 City of North Canton
 _____ City/Village
 Stark
 _____ County, Ohio.

CERTIFICATE TO COPY
ORIGINAL ON FILE

The State of Ohio, Stark County, Ss.

I, Mary Beth Bailey Clerk City/Village of North Canton

Within and for said County, and in whose custody the Files and Records of said Council are required by the Laws of the State of Ohio to be kept, do hereby certify that the foregoing is taken and copied from the Original

now on file, that the foregoing has been compared by me with said original document, and that the same is true and correct copy thereof.

Witness my signature, this _____ day of _____, _____.

Mary Beth Bailey Clerk
City of North Canton

No. Resolution No. 3 - 2015

City/Village North Canton, Stark County Ohio.

Resolution

Accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor.

Adopted _____,

Mary Beth Bailey
Clerk

Filed _____,

County Auditor

By _____
Deputy Auditor

North Canton City Council
Community & Economic Development

Resolution No. 4 -2015

A resolution expressing the Mayor and the Council of the City of North Canton's opposition to Issue 3, Proposed State Constitutional Amendment, which if passed by a majority of voters on the November 3, 2015 general election ballot, shall amend the Constitution of the State of Ohio, thereby granting a monopoly for the commercial production of marijuana and permit the retail sale of recreational marijuana at approximately 1,100 locations statewide.

WHEREAS, residents of the City of North Canton will be asked to vote on a statewide ballot proposal to legalize marijuana for recreational and medical use. This proposal will appear on the November 3, 2015 general election ballot as Issue 3;

WHEREAS, Issue 3 will amend Ohio's Constitution and grant ResponsibleOhio, a small group of wealthy investors, the exclusive right to commercially grow, manufacture, and sell marijuana and marijuana-infused edibles, and in so doing, utilize Ohio's Constitution to create a monopoly and establish a legal cartel;

WHEREAS, we believe legalizing marijuana for medical use should not be decided by voter initiative, but should be subject to the same research, consideration, and study as any other potential medicine under the standards of the U.S. Food and Drug Administration;

WHEREAS, legalizing the recreational use of marijuana will adversely affect North Canton workplaces and burden our small businesses by negatively impacting workplace safety and productivity, as well as increasing employer liability, and make it more difficult for North Canton to recruit drug-free employees;

WHEREAS, Issue 3 would strip North Canton's right, as home-rule, charter municipality, from amending its zoning laws to restrict stores selling marijuana from entering our neighborhoods;

WHEREAS, North Canton is devoted to supporting and protecting its youth and ensuring families should not have to contend with their children facing increased drug exposure and the consequences thereof, that legalizing marijuana for recreational use would bring to our community;

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

- Section 1. That the Council and the Mayor of the City of North Canton oppose Issue 3 and affirm their belief that marijuana legalization for recreational purposes is not in the best interest of our community. Recreation use of marijuana is bad for our children, schools, families, and businesses. We encourage our residents to VOTE NO on Issue 3.
- Section 2. That if a provision of this ordinance is or becomes illegal, invalid or unenforceable, that shall not affect the validity or enforceability of any other provision of this ordinance.

Section 3. That this resolution is hereby declared to be an emergency measure necessary for the preservation of the health, safety and peace of the City of North Canton, and further necessary to protect our children, families, workforce—our City—from increased exposure to drugs, and the consequences thereof, which would result from legalizing marijuana for recreational-use purposes; wherefore, provided it receives the affirmative vote of six or more members of Council elected thereto, this resolution shall take effect and be in full force immediately upon its adoption by Council and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed in Council this _____ day of _____, 2015

David Held, Mayor

Signed: _____, 2015

ATTEST:

Mary Beth Bailey, Clerk of Council