



NOTICE OF PUBLIC MEETING

Notice is hereby given that:

Recent, and temporarily amended sections of Ohio's Revised Code, specifically R.C. 121.22 Public meeting - exceptions, together with orders and directives from the Ohio Attorney General and the Ohio Department of Health, as well as the safety directives from the President and Center for Disease Control regarding health risks posed by COVID-19, compel the City of North Canton to take unprecedented actions to continue the business of government while limiting gatherings so as to prevent the spread of COVID-19. Accordingly, in this limited circumstance, where the Governor has declared a state of emergency and the Director of the Ohio Department of Health is limiting gatherings to prevent the spread of COVID-19, the City shall hold its public meetings via teleconference; all other requirements of Ohio's Open Meetings Act, R.C. 121.22, shall be fulfilled.

Meeting notices shall provide instructions for the public on how they may hear the discussions and deliberations of all members of the public body, and in certain circumstances, address the public body themselves.

The Council of the City of North Canton shall hold the **Regular Council Meeting** on **Monday September 14, 2020 at 7:00 PM** via teleconference. See attached agenda for matters to be discussed.

Instructions to hear and perhaps participate in the meeting described above are as follows:

FOR THOSE WISHING TO WATCH THE MEETING:

The meetings will be livestreamed via the City's YouTube page. The livestream can be accessed at the link below and will begin at approximately 6:55 p.m., Monday, September 14, 2020.

https://youtu.be/z_LBg0Y1stg

THOSE WISHING TO PARTICIPATE IN RECOGNITION OF VISITORS at the Council Meeting on Monday, September 14, 2020, must email a request to the Council Clerk at citycouncil@northcantonohio.gov with your **name, email and telephone number** no later than **3:00 PM Monday, September 14, 2020**.

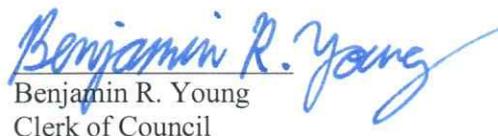
Once your email has been received, the clerk will contact you with information on how to join the meeting. Members of the public wishing to participate will be called to speak in the order requests are received by Council's office.

Residents wishing to address Council may alternatively submit a written statement to the office of Council to be entered into the public record by **emailing such statements as a word or pdf attachment to byoung@northcantonohio.gov by 5:00 PM, September 14, 2020**. Statements must include the attributed party's **name and address**.

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

09/09/2020

Date


Benjamin R. Young
Clerk of Council

NORTH CANTON CITY COUNCIL MEETING
September 14, 2020, 7:00 p.m., via teleconference
Agenda

1. Call to Order
2. Opening Prayer
3. Pledge of Allegiance
4. Roll Call
5. Consideration
 - a. Minutes from August 17, 2020 – Committee of the Whole
 - b. Minutes from August 24, 2020 – City Council
 - c. Minutes from August 31, 2020 – Committee of the Whole
6. Personnel and Safety Committee: Appointment of Director of Law.
7. The Mayor has requested the opportunity to read two Mayoral proclamations during a public meeting of Council.
 - a. Proclamation on Prostate Cancer Awareness and Education Month, September 2020.
 - b. Proclamation recognizing September 17 through 23, 2020 as Constitution week in recognition of the 133rd anniversary of the drafting of the U.S. Constitution.
8. Recognition of Visitors
9. Old Business
 - a. **Ordinance No. 40-2020 – 3rd Reading, Park and Recreation Committee**
An ordinance authorizing the Director of Administration to establish rental rates for City owned buildings, facilities, parks, sport fields, and portions thereof.
 - b. **Ordinance No. 43-2020 – 2nd Reading, Finance and Property Committee**
An ordinance authorizing the appropriation of funds of the City of North Canton to be appropriated for current expenses during the fiscal year ending December 31, 2020.
 - c. **Ordinance No. 44-2020 – 2nd Reading, Street and Alley Committee**
An ordinance authorizing the Mayor of the City of North Canton to enter into an agreement with McKinley-Applegrove, LTD., thereby accepting its maintenance bond to guarantee certain maintenance improvements at The Sanctuary Phase 4 Development.

10. New Business

- a. Ordinance No. 45-2020 – 1st Reading, Community and Economic Development Committee**
An ordinance to amend and re-title Chapter 1181, Amendments, of the Codified Ordinances to remove procedural redundancies and clarify the amendment process.
- b. Ordinance No. 46-2020 – 1st Reading, Community and Economic Development Committee**
An ordinance to create Chapter 1182, Amendments to Zoning Map, of the Codified Ordinances in order to clarify the Zoning Map amendment process.
- c. Ordinance No. 47-2020 – 1st Reading, Community and Economic Development Committee**
An ordinance to amend Chapter 1145, Conditional Use Regulations, of the Codified Ordinances, specifically Section 1145.06, Schedule of Minimum Lot and Yard Dimensions for Conditional Uses in Commercial and Industrial Districts, and Section 1145.07, Supplemental Regulations for Certain Uses, as more fully described below.
- d. Ordinance No. 48-2020 – 1st Reading, Community and Economic Development Committee**
An ordinance to amend Chapter 1173, Business Districts, of the Codified Ordinances, specifically Section 1173.03, Schedule of Permitted Uses, to remove the words “in completely enclosed building” from the restaurant use under Retail/Services.
- e. Ordinance No. 49-2020 – 1st Reading, Finance and Property Committee**
An ordinance authorizing the appropriation funds received under Section 5001 of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) for current expenses during the fiscal year ending December 31, 2020, and declaring the same to be an emergency.
- f. Ordinance No. 50-2020 – 1st Reading, Rules, Ordinance, and Claims Committee**
An ordinance to approve the 2020 Codified Ordinances of the City of North Canton; to adopt new matter; and to amend and repeal certain obsolete and conflicting legislative provisions.
- g. Ordinance No. 51-2020 – 1st Reading, Rules, Ordinance, and Claims Committee**
An ordinance establishing policies relating to the use of paper representation materials such as letterhead and business cards by members of City Council.

h. Ordinance No. 52-2020 – 1st Reading, Water, Sewer, and Rubbish Committee

An ordinance authorizing the Mayor of the City of North Canton to prepare and submit an application to the Ohio Public Works Commission (OPWC) for a grant for the Glenwood Street SW Waterline Replacement Project, and, if awarded, authorizing the Mayor, upon Board of Control Approval, to enter into an agreement for said grant, and declaring the same to be an emergency.

i. Ordinance No. 53-2020 – 1st Reading, Water, Sewer, and Rubbish Committee

An ordinance authorizing the Mayor of the City of North Canton to enter into an agreement with the Stark County Commissioners for the relocation and replacement of City waterlines as part of the Commissioner’s Pittsburg Avenue/Orion Street/Shuffel Street Dual Roundabout Project (the “Project”), and declaring the same to be an emergency.

j. Ordinance No. 54-2020 – 1st Reading, Street and Alley Committee

An ordinance authorizing the Mayor of the City of North Canton to release AMC Land Company, Ltd., from sidewalk bond obligations established by an open-end mortgage agreement between AMC Land Company, Ltd., and the City of North Canton, dated March 19, 2010, as modified, and declaring the same to be an emergency.

k. Resolution No. 06-2020 – 1st Reading, Rules, Ordinance, and Claims Committee

A resolution accepting and establishing a policy for the viewing of permanent paper records maintained by the Office of City Council including Council’s Journal, the Record of Legislation, the Codified Ordinances, and other historic documents.

l. Resolution No. 07-2020 – 1st Reading, Rules, Ordinance, and Claims Committee

A resolution acknowledging the loss of certain records of proceedings and accepting the replacements created by the Office of Council as more fully described below.

11. Department Reports

Deputy Director of Administration
Director of Administration
Mayor Wilder

Director of Finance
City Engineer
Council Clerk

12. Council Reports

Ward 1 - Doug Foltz
Ward 2 - Daniel Peters
Ward 3 - Stephanie Werren
Ward 4 - Dominic Fonte

At Large - Daryl Revoldt
At Large - Mark Cerreta
At Large - Matthew Stroia

13. Final Call for New Business

14. Meetings Calendar

- a. September 21, 2020 – Committee of the Whole (virtual)
- b. September 28, 2020 – City Council (virtual)

15. Adjourn



City of North Canton Office of City Council

Agenda Request Form

DATE: 9/4/2020

SUBJECT: Mayor's Proclamations

I am requesting:

Ordinance Resolution Discussion Vote of Council

FOR: Reading of two Proclamations: Prostate Cancer Awareness & Education Month September 2020. Declaring the week of September 17 through September 23, 2020 as Constituion Week. This is in recognition of the two hundred and thirty-third anniversary of the drafting of the Constitution of the United State of America.

EMERGENCY REQUEST: YES NO

RATIONALE FOR EMERGENCY:

SIGNED: Stephan B. Wilder **Title:** Mayor **Date:** 9/4/2020

Only requests originating from anyone other than the Directors of Administration, Finance, or Law, the Clerk of Council, or elected officials must have appropriate approval shown below.

APPROVAL NEEDED:

Dir. of Administration Dir. of Finance Dir. Of Law Council Pres.

APPROVED BY:

_____ **Title:** **Date:** 09/04/2020

North Canton City Council
Park and Recreation Committee

ORDINANCE 40 - 2020

An ordinance authorizing the Director of Administration to establish rental rates for City owned buildings, facilities, parks, sport fields, and portions thereof.

WHEREAS, the City desires to make the renting of public facilities, efficient and cost effective for the guests and residents of North Canton, and

WHEREAS, the Director of Administration and staff are best suited to monitor and regulate the rental rates of City facilities to ensure rates are affordable, yet cover all City costs incurred and are available at such times as may be reasonable and most desired by guests and residents.

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

- Section 1. That the Director of Administration is authorized to establish rental rates for City owned buildings, facilities, parks, sport fields, and portions thereof.
- Section 2. That any changes to rental rates made by the Director of Administration must be announced at a public meeting of City Council at least 14 calendar days prior to such rate changes taking effect.
- Section 3. That the rentals rates as established by City Council in Ordinance 96-2017 shall continue until such time as new rates are hereby established.
- Section 4. That any and all legislation previously passed and inconsistent herewith, be, and the same are hereby, repealed.
- Section 5. That if a provision of this ordinance is or becomes illegal, invalid, or unenforceable, it shall not affect the validity or enforceability of any other provision of this ordinance.
- Section 6. 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 _____ 2020.

Attest: _____
Benjamin R. Young, Clerk of Council

Stephan B. Wilder, Mayor

Signed on: _____

North Canton City Council
Finance and Property Committee

ORDINANCE 43 - 2020

An ordinance authorizing the appropriation of funds of the City of North Canton to be appropriated for current expenses during the fiscal year ending December 31, 2020.

WHEREAS, the City has received additional revenue in the form of grant funding for the purchase of ballistic vests and Municipal Road Funds for the East Maple and Portage street projects that must be appropriated before use.

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

Section 1. That to provide for the current expenses and other expenditures of the City of North Canton, during the fiscal year ending December 31, 2020, the following funds, be, and are hereby, set aside and appropriated as follows:

FIRE FUND			
204.133	Fire Suppression	Operating Supplies	\$ 2,850.00
CAPITAL IMPROVEMENT FUND			
330.546	Transportation	Paving/Curb/Gutter	\$95,000.00
TOTAL SUPPLEMENTAL APPROPRIATIONS			\$97,850.00

Section 2. That the Director of Finance, be, and is hereby authorized to issue warrants from appropriations established herein for the payment of vouchers duly approved by the proper departmental authority.

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

Section 4. That this ordinance shall take effect and be in full force from and after the earliest period allowed by law.

Passed in Council this _____ day of _____ 2020.

Attest: _____
Benjamin R. Young, Clerk of Council

Stephan B. Wilder, Mayor

Signed on: _____

North Canton City Council
Street and Alley Committee

ORDINANCE 44 - 2020

An ordinance authorizing the Mayor of the City of North Canton to enter into an agreement with McKinley-Applegrove, LTD., thereby accepting its maintenance bond to guarantee certain maintenance improvements at The Sanctuary Phase 4 Development.

WHEREAS, McKinley-Applegrove, LTD., the “Developer” of The Sanctuary Phase 4 Development, whose plat is recorded in Instrument Number 201912050047967 of the Stark County officials records, requests the City accept a maintenance bond in the amount of \$61,113.00, which shall bind the Developer and guarantee its performance of the certain maintenance improvements, as described in the maintenance bond, which is secured by a commercial bond, each of which is attached hereto and incorporated herein as Exhibits “A” and “B”.

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

- Section 1. That the Mayor, be, and is hereby, authorized to enter into an agreement with McKinley-Applegrove, LTD., “Developer”, to accept a maintenance bond in the amount of \$61,113.00, which shall bind the Developer and guarantee its performance of certain maintenance improvements at The Sanctuary Phase 4 Development, as described in the maintenance bond, which is secured by a commercial bond, each of which is attached hereto and incorporated herein as Exhibits “A” and “B”.
- Section 2. That if a provision of this ordinance is or becomes illegal, invalid, or unenforceable, it 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 _____ 2020.

Attest: _____
Benjamin R. Young, Clerk of Council

Stephan B. Wilder, Mayor

Signed on: _____

**MAINTENANCE BOND
SECURED BY COMMERCIAL BOND**

This Maintenance Bond is entered into as of the 23rd day of July, 2020, by and between **McKINLEY-APPLEGROVE, LTD.**, an Ohio limited liability company, (the "Developer"), and the **CITY OF NORTH CANTON**, a municipal corporation of the state of Ohio, (the "City").

WHEREAS, the Developer is the owner and developer of an allotment located within the City of North Canton, which allotment is known as The Sanctuary Phase 4 (the "Development"), as the same is shown on the Plat recorded in Instrument Number 201912050047967 of the Stark County Official Records; and

WHEREAS, the Developer has installed certain improvements within the Development in accordance with the City's plans and specifications; and

WHEREAS, the City has agreed to accept the work performed by Developer in exchange for the Developer's acceptance of the terms and conditions contained within this Maintenance Bond; and

WHEREAS, the Developer agrees to hold and firmly bind itself unto the City in the sum of SIXTY-ONE THOUSAND ONE HUNDRED THIRTEEN DOLLARS AND 00/100 (\$61,113.00), the payment of which shall guarantee the performance of the conditions and obligations set forth herein; and

NOW, THEREFORE, the Developer agrees to be responsible for the maintenance of the improvements installed in accordance with the plans and specifications approved by the City and for providing services necessary to guarantee access to all occupied property, excluding snow removal, for a period of one (1) year from July 23, 2020. The Developer further agrees to be responsible for routine maintenance of all improvements and to repair all failures due to faulty construction as soon as they become apparent. The Developer agrees to make repairs due to erosion or abuse by utility companies installing utilities and to repair all failures for other reasons during the one (1) year period. The Developer agrees to restore the improvements at the end of the Maintenance period.

The faithful performance of conditions and obligations set forth herein is secured by a commercial bond issued by The Hartford Fire Insurance Company, in the amount of \$61,113.00.

Now, if said Developer, as a party to this instrument, shall well and truly perform the obligations stated above within the time hereinbefore set out, then this agreement and obligation shall be void, otherwise to remain in full force and effect.

IN WITNESS WHEREOF, the parties have hereunto set their hands as of the date first set forth above.

McKINLEY-APPLEGROVE, LTD.,
an Ohio limited liability company

CITY OF NORTH CANTON, a municipal
corporation of the State of Ohio

By: McKinley Holdings, LLC, its
Sole Member



By: William J. Lemmon, its Manager

By: _____

Print Name: _____

Title: _____

Approved as to form and content:

Timothy L. Fox, Director of Law

This instrument prepared by:

Jamie R. Minor, Esq.
Winkhart & Minor, LLC
825 South Main Street
North Canton, Ohio 44720
Phone: (330) 433-6700
Fax: (330) 433-6701



Bond No. 45BSBHW5092

Maintenance Bond

KNOW ALL MEN BY THESE PRESENTS, That we McKinley-Applegrove, Ltd.

_____, as Principal, hereinafter called Principal, and

Hartford Fire Insurance Company, a corporation organized and existing under the laws of the State of Connecticut, with it's principal office in the City of Hartford, as Surety, hereinafter called Surety, are held and firmly bound unto City of North Canton

_____, as Obligee, hereinafter called Obligee, in the sum of Sixty One Thousand One Hundred Thirteen 00/100 (\$ 61,113.00/00) Dollars, for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

Sealed with our seals and dated this 22nd day of July A. D. 2020.

WHEREAS, the Principal entered into a certain written contract with the Obligee dated the 14th day of June A. D. 2019 to Sanctuary Phase 4

_____, which contract is hereby referred to as the Contract.

WHEREAS, the Contract contains provisions for the correction of any defects due to defective materials or workmanship in the work performed under said Contract.

NOW, THEREFORE, the condition of this obligation is such that if the Principal shall well and truly, upon receipt of written notification from the Obligee, remedy any defects which are discovered and reported during a period of 1 year(s) from July 22, 2020, provided such defects are caused by defective materials or workmanship, then this obligation shall be void; otherwise to be and remain in full force and effect.

Any suit under this bond must be instituted before the expiration of one (1) year from the date of the written notification referred to in the paragraph above, it being understood, however, that if any limitation embodied in this bond is prohibited by any law controlling the construction hereof, such limitation shall be deemed to be amended so as to be equal to the minimum period of limitation permitted by such law.

The penal sum of this bond shall be reduced by and to the extent of any payment or payments made in good faith.

No right of action shall accrue on this bond to or for the use of any person or corporation other than the Obligee named herein or its heirs, executors, administrators or successors.

Witness [Signature] (If Individual) McKinley-Applegrove, Ltd. [Signature] (Principal) (Seal)

Attest _____ (If Corporation) _____ (Title) (Seal)

_____ (Seal)
Hartford Fire Insurance Company

Attest or Witness: [Signature] (Surety)

[Signature] By Taylor D Schauer, Attorney-in-Fact (Seal)

POWER OF ATTORNEY

Direct Inquiries/Claims to:

THE HARTFORD
 BOND, T-12
 One Hartford Plaza
 Hartford, Connecticut 06155
 Bond.Claims@thehartford.com
 call: 888-266-3488 or fax: 860-757-5835

KNOW ALL PERSONS BY THESE PRESENTS THAT:

Agency Name: SCHAUER GROUP INCORPORATED
 Agency Code: 45-450168

- Hartford Fire Insurance Company**, a corporation duly organized under the laws of the State of Connecticut
- Hartford Casualty Insurance Company**, a corporation duly organized under the laws of the State of Indiana
- Hartford Accident and Indemnity Company**, a corporation duly organized under the laws of the State of Connecticut
- Hartford Underwriters Insurance Company**, a corporation duly organized under the laws of the State of Connecticut
- Twin City Fire Insurance Company**, a corporation duly organized under the laws of the State of Indiana
- Hartford Insurance Company of Illinois**, a corporation duly organized under the laws of the State of Illinois
- Hartford Insurance Company of the Midwest**, a corporation duly organized under the laws of the State of Indiana
- Hartford Insurance Company of the Southeast**, a corporation duly organized under the laws of the State of Florida

having their home office in Hartford, Connecticut, (hereinafter collectively referred to as the "Companies") do hereby make, constitute and appoint, **up to the amount of Unlimited** :

Todd Adams, Timothy Bentivegna, Lanasu Brandt, Peter L. Butler, Brianna Fickeisen, Deanna Kidwell, David T. Schauer, Taylor Schauer, William T. Schauer, Diane Schultz, Susan Sokol of CANTON, Ohio

their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign its name as surety(ies) only as delineated above by , and to execute, seal and acknowledge any and all bonds, undertakings, contracts and other written instruments in the nature thereof, on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

In Witness Whereof, and as authorized by a Resolution of the Board of Directors of the Companies on May 6, 2015 the Companies have caused these presents to be signed by its Senior Vice President and its corporate seals to be hereto affixed, duly attested by its Assistant Secretary. Further, pursuant to Resolution of the Board of Directors of the Companies, the Companies hereby unambiguously affirm that they are and will be bound by any mechanically applied signatures applied to this Power of Attorney.



John Gray

John Gray, Assistant Secretary

M. Ross Fisher

M. Ross Fisher, Senior Vice President

STATE OF CONNECTICUT

COUNTY OF HARTFORD

ss. Hartford

On this 5th day of January, 2018, before me personally came M. Ross Fisher, to me known, who being by me duly sworn, did depose and say: that he resides in the County of Hartford, State of Connecticut; that he is the Senior Vice President of the Companies, the corporations described in and which executed the above instrument; that he knows the seals of the said corporations; that the seals affixed to the said instrument are such corporate seals; that they were so affixed by authority of the Boards of Directors of said corporations and that he signed his name thereto by like authority.



CERTIFICATE

Kathleen T. Maynard

Kathleen T. Maynard
 Notary Public

My Commission Expires July 31, 2021

I, the undersigned, Assistant Vice President of the Companies, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which is still in full force effective as of July 22, 2020

Signed and sealed at the City of Hartford.



Kevin Heckman

Kevin Heckman, Assistant Vice President

North Canton City Council
Community and Economic Development

ORDINANCE 45 - 2020

An ordinance to amend and re-title Chapter 1181, Amendments, of the Codified Ordinances to remove procedural redundancies and clarify the amendment process.

WHEREAS, prior and valuable amendments to Chapter 1181 created unintended and cumbersome procedural redundancies in the amendment process, and

WHEREAS, the City wishes to separate the processes to amend the North Canton Zoning Map and the text of the North Canton Zoning Code in order to provide clarity for both processes.

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

Section 1. That Chapter 1181, Amendments, of the Codified Ordinances, be, and is hereby, amended to read as follows.

SECTION 1181.01 AUTHORITY FOR AMENDMENTS

Whenever the public necessity, general welfare, or good zoning practices require, City Council may, by ordinance, amend, or revise Title One, Subdivision Control, and Title Three, Zoning Regulations, of this code subject to the procedures provided in this chapter.

City Council may, by ordinance, rearrange, renumber, or recodify any provision of the Planning and Zoning code, or amend or revise any provisions of Title Five, Administration, of this Code through the regular legislative process as defined by the Charter and Rules of Council.

SECTION 1181.02 INITIATION OF ZONING AMENDMENTS

Amendments to the Zoning Ordinance, either Titles One, Subdivision Regulations, or Three, Zoning Regulations, shall be initiated by the submission to the Clerk of Council of:

- (a) a Planning Commission recommendation;
- (b) a City Council resolution; or
- (c) a written request from the Mayor.

SECTION 1181.03 AMENDMENT APPLICATIONS

An amendment initiated by any legal means shall be submitted and reviewed according to the following:

(a) Submission Requirements. Requests, recommendations, or resolutions for proposed amendments shall contain at least the following information:

- (1) The proposed amendment text;
- (2) A statement of the reason(s) for the proposed amendment; and
- (3) A statement on the ways in which the proposed amendment relates to the Comprehensive Land Use Plan;

(b) Submission Process.

- (1) After the receipt of a recommendation for amendment from the Planning Commission the Clerk of Council shall add the proposed amendment to Council's docket for adoption in accordance with the adoption process set forth in the Sections 1181.07 through 1181.08.
- (2) After the passage of a resolution proposing amendments by Council the Clerk of Council shall transmit the resolution to the Planning Commission to begin the adoption process set forth in the Sections 1181.05 through 1181.08.
- (3) After the receipt of a written request for amendments from the Mayor the Clerk of Council shall transmit the request to Council. Council may then, by voice vote, recommend transmission of the request to the Planning Commission to begin the adoption process set forth in the Sections 1181.05 through 1181.08.

SECTION 1181.04 (REPEALED)

SECTION 1181.05 PUBLIC MEETING AND NOTICE BY PLANNING COMMISSION

Upon the receipt of a request or resolution from the Clerk of Council, the Planning Commission shall set a date for a public meeting thereon. Notice of the public meeting shall comply with the following:

- (a) Notice shall be given in one or more newspapers of general circulation in the City;
 - (b) All notices shall be made at least seven days prior to the date of the public meeting;
- and

(c) Notices shall include the time and place of the public meeting, a summary of the proposed amendment, and a statement that an opportunity to be heard will be afforded to any interested person. Failure of delivery of such notice shall not invalidate any such amendment.

SECTION 1181.06 RECOMMENDATION BY THE PLANNING COMMISSION

(a) After the conclusion of the public meeting as required in Section 1181.05, the Planning Commission shall recommend one of the following to City Council:

- (1) That the amendment be adopted as submitted;
 - (2) That the amendment be adopted as modified by the Planning Commission;
- or
- (3) That the amendment to be denied.

(b) The Planning Commission shall submit its recommendation in writing to the Clerk of Council who shall place it on Council's docket.

(c) If the Planning Commission does not make a recommendation on the proposed amendment within 45 days of receipt of a request or resolution from the Clerk of Council, or an extended period agreed to by City Council, the application shall be deemed denied.

SECTION 1181.07 PUBLIC MEETING AND NOTICE BY COUNCIL

Upon receipt of the recommendation from the Planning Commission, or, if the planning Commission fails to make a recommendation on the proposed amendment within 15 days of its receipt of the resolution or request and this period has not been extended, Council shall set a time for a public meeting on the proposed amendment.

(a) Notice of the public meeting shall be given by Council according to the following:

- (1) Notice of the proposed amendment shall be published at least 30 days prior to the date of the public meeting in one or more newspapers of general circulation in the City;
- (2) Notices shall include the time and place of the public meeting, a summary of the proposed amendment, and a statement that an opportunity to be heard will be afforded to any interested person. Failure of delivery of such notice shall not invalidate any such amendment.

(b) During the 30 days prior to the public meeting, the text of the proposed amendment, and the Planning Commission's recommendation, shall be on file for public examination in the office of the Clerk of Council or in such other office as is designated by Council.

SECTION 1181.08 ACTION BY COUNCIL

(a) After the conclusion of the public meeting required in Section 1181.07, Council shall take action on the proposed amendment as follows:

- (1) Adopt the amendment;
- (2) Deny the amendment
- (3) Adopt some modification of the amendment

(b) If the initial amendment proposal originated from the Planning Commission and Council wishes to adopt a modification thereof the proposal must be sent back to the Planning Commission in accordance with the process outlined in Sections 1181.05 through 1181.06 prior to final adoption by Council.

Section 2. That Chapter 1181, Amendments, of the Codified Ordinances, be, and is hereby, retitled as “Amendments to Zoning Code”.

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

Section 4. That this ordinance shall take effect and be in full force from and after the earliest period allowed by law.

Passed in Council this _____ day of _____ 2020.

Attest: _____
Benjamin R. Young, Clerk of Council

Stephan B. Wilder, Mayor

Signed on: _____

North Canton City Council
Community and Economic Development

ORDINANCE 46 - 2020

An ordinance to create Chapter 1182, Amendments to Zoning Map, of the Codified Ordinances in order to clarify the Zoning Map amendment process.

WHEREAS, the City wishes to separate the processes to amend the North Canton Zoning Map and the text of the North Canton Zoning Code in order to provide clarity for both processes, and

WHEREAS, to clearly define the distinct and separate processes the procedure for amending the North Canton Zoning map shall be removed from Chapter 1181, Amendments, by Ordinance 45-2020, and incorporated into a new Chapter herein.

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

Section 1. That Chapter 1182, Amendments to Zoning Map, be, and is hereby, established as part of the Codified Ordinances of the City of North Canton to read as follows.

SECTION 1182.01 AUTHORITY FOR AMENDMENTS

Whenever the public necessity, general welfare, or good zoning practices require, City Council may, by ordinance, amend, supplement, change, or repeal the boundaries or classification of property, as set forth on the Zoning Map adopted in this Code, according to the procedures set forth in this Chapter.

SECTION 1182.02 INITIATION OF ZONING AMENDMENTS

Amendments to the Zoning Map, shall be initiated by filing an application to the Clerk of Council by:

- (a) at least one owner or lessee of the property or developer with an option on such property within the area proposed to be changed or affected by said amendment;
- (b) the Planning Commission;
- (c) a City Official on behalf of the Mayor or Council.

SECTION 1182.03 AMENDMENT APPLICATIONS

An amendment initiated by any legal means shall be submitted and reviewed according to the following:

(a) Discussion with Planning Commission. An owner, lessee, or developer applicant must meet with the, Chief Building Official, or designee, prior to submitting an application for an amendment to the Zoning Ordinance. 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. No action shall be taken at such a meeting, and no discussions, opinions, suggestions, or recommendations of the, Chief Building Official, or designee may be relied upon by the applicant to indicate subsequent approval or disapproval of the proposed amendment.

(b) Submission Requirements. Applications for proposed amendments shall contain at least the following information:

- (1) The name, address, and phone number of the applicant and the property owner if other than the applicant;
- (2) A statement of the reason(s) for the proposed amendment;
- (3) A statement on the ways in which the proposed amendment relates to the Comprehensive Land Use Plan;
- (4) Legal description of the parcel(s) to be rezoned, drawn by a registered surveyor;
- (5) Present use and zoning district;
- (6) Proposed use and zoning district; and
- (7) A vicinity map at a scale approved by the Chief Building Official showing property lines, thoroughfares, existing and proposed zoning, and such other items as the Chief Building Officer may require;

- (8) A list of all property owners lying within 200 feet of any part of the property on which the zoning amendment is requested, including the addresses, and permanent parcel number as shown upon the County auditor's current tax list;
- (9) Existing topography at two-foot contour intervals of the property to be rezoned and extending at least 200 feet outside the proposed site, including property lines, easements, street rights-of-ways, existing structures, trees and landscaping features existing thereon;
- (10) The payment of the application fee as established by Council.

(c) Referral to Planning Commission. After the filing of a completed application, except as provided in Section 1182.03(c)(1), the Clerk of Council shall transmit the application to Council. Council may then, by voice vote, recommend transmission of the application to the Planning Commission to begin the adoption process set forth in Sections 1182.04 through 1182.07.

- (1) Applications originating from the Planning Commission shall be added to Council's docket for adoption in accordance with the adoption process set forth in the Sections 1182.06 through 1182.07.

SECTION 1182.04 PUBLIC MEETING AND NOTICE BY PLANNING COMMISSION

Upon the receipt of an application the Planning Commission shall set a date for a public meeting thereon. Notice of the public meeting shall comply with the following:

(a) Whenever a proposed map amendment involves 10 or fewer parcels, written notification of the meeting shall be given by first class mail to the applicant and to all owners of property located within 200 feet of the property proposed to be rezoned or redistricted as shown upon the records of the Stark County Auditor, or the list of property owners furnished by the applicant;

(b) Notice shall be given in one or more newspapers of general circulation in the City;

(c) All notices shall be made at least seven days prior to the date of the public meeting;
and

(d) Notices shall include the time and place of the public meeting, a summary of the proposed amendment, and a statement that an opportunity to be heard will be afforded to any interested person. Failure of delivery of such notice shall not invalidate any such amendment.

SECTION 1182.05 RECOMMENDATION BY THE PLANNING COMMISSION

(a) After the conclusion of the public meeting as required in Section 1182.04, the Planning Commission shall recommend one of the following to City Council:

- (1) That the amendment to be adopted as submitted;
- (2) That the amendment be adopted as modified by the Planning Commission;
or
- (3) That the amendment to be denied.

(b) The Planning Commission shall submit its recommendation in writing to the Clerk of Council who shall place it on Council's docket.

(c) If the Planning Commission does not make a recommendation on the proposed amendment within 45 days of receipt of the application, or an extended period agreed by the applicant or City Council, the application shall be deemed denied.

SECTION 1182.06 PUBLIC MEETING AND NOTICE BY COUNCIL

Upon receipt of the recommendation from the Planning Commission, or, if the planning Commission fails to make a recommendation on the proposed amendment within 15 days of its receipt of the application and has not extended this period, Council shall set a time for a public meeting on the proposed amendment.

- (a) Notice of the public meeting shall be given by Council according to the following:

- (1) Whenever a proposed map amendment proposes to rezone 10 or fewer parcels, written notification of the meeting shall be given by first class mail to the applicant and to all owners of property located within 200 feet of the property proposed to be rezoned or redistricted as shown upon the records of the Stark County Auditor, or the list of property owners furnished by the applicant;
- (2) Notice of the proposed amendment shall be published at least 30 days prior to the date of the public meeting in one or more newspapers of general circulation in the City;
- (3) Notices shall include the time and place of the public meeting, a summary of the proposed amendment, and a statement that an opportunity to be heard will be afforded to any interested person. Failure of delivery of such notice shall not invalidate any such amendment.

(b) During the 30 days prior to the public meeting, the text of the proposed amendment, maps or plans, if applicable, and the Planning Commission’s recommendation, shall be on file for public examination in the office of the Clerk of Council or in such other office as is designated by Council.

SECTION 1182.07 ACTION BY COUNCIL

(a) After the conclusion of the public meeting required in Section 1182.06, Council shall take action on the proposed amendment as follows:

- (1) Adopt the amendment;
- (2) Deny the amendment
- (3) Adopt some modification of the amendment.

(b) If the initial amendment proposal originated from the planning commission and Council wishes to adopt a modification thereof the proposal must be sent back to the Planning Commission in accordance with the process outlined in Sections 1182.05 through 1182.06 prior to final adoption by Council.

Section 2. That if a provision of this ordinance is or becomes illegal, invalid, or unenforceable, it 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 _____ 2020.

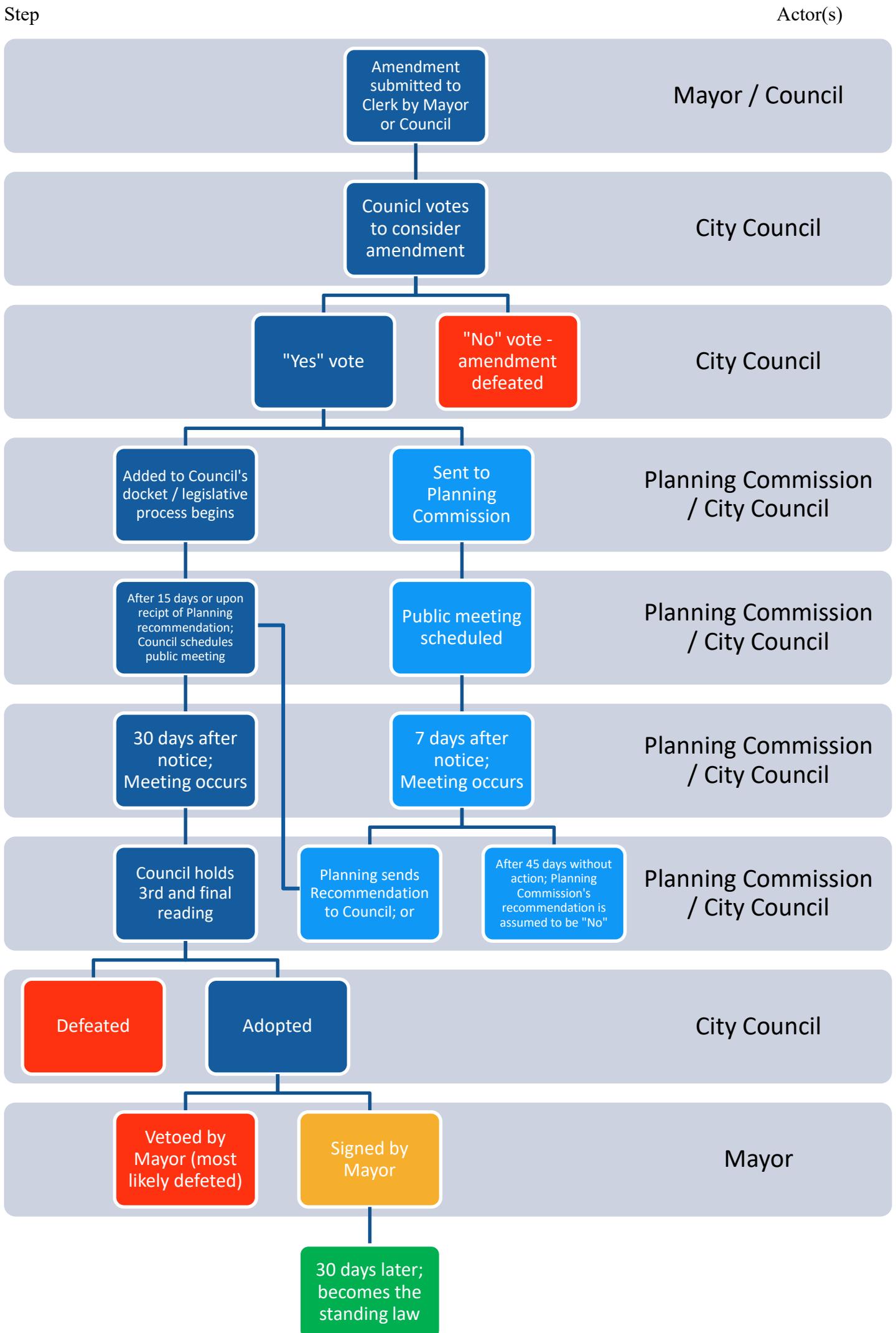
Attest: _____
Benjamin R. Young, Clerk of Council

Stephan B. Wilder, Mayor

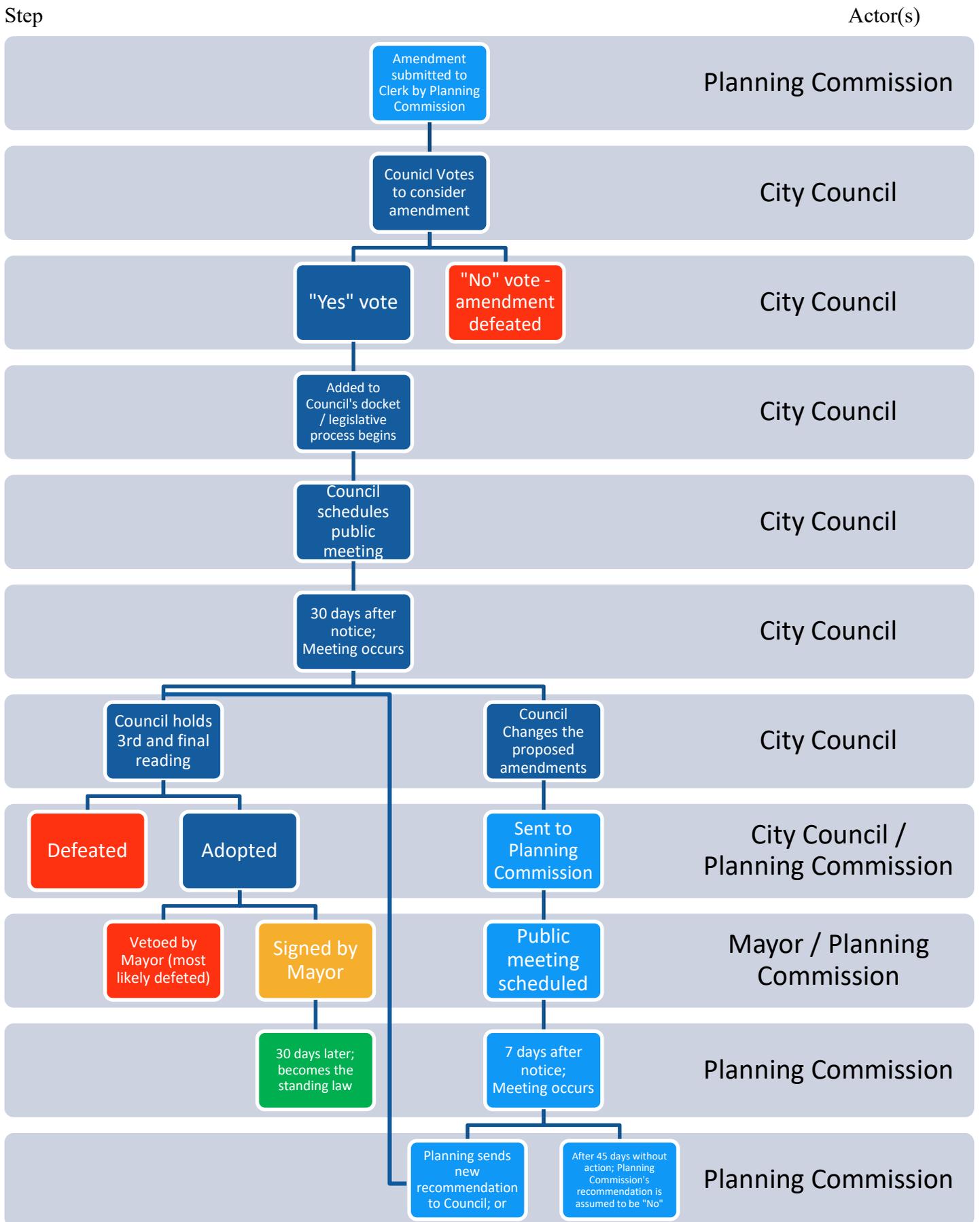
Signed on: _____

Zoning Text Amendment Process (New Chapter 1181)

Text Amendment Process when started by Mayor or Council.

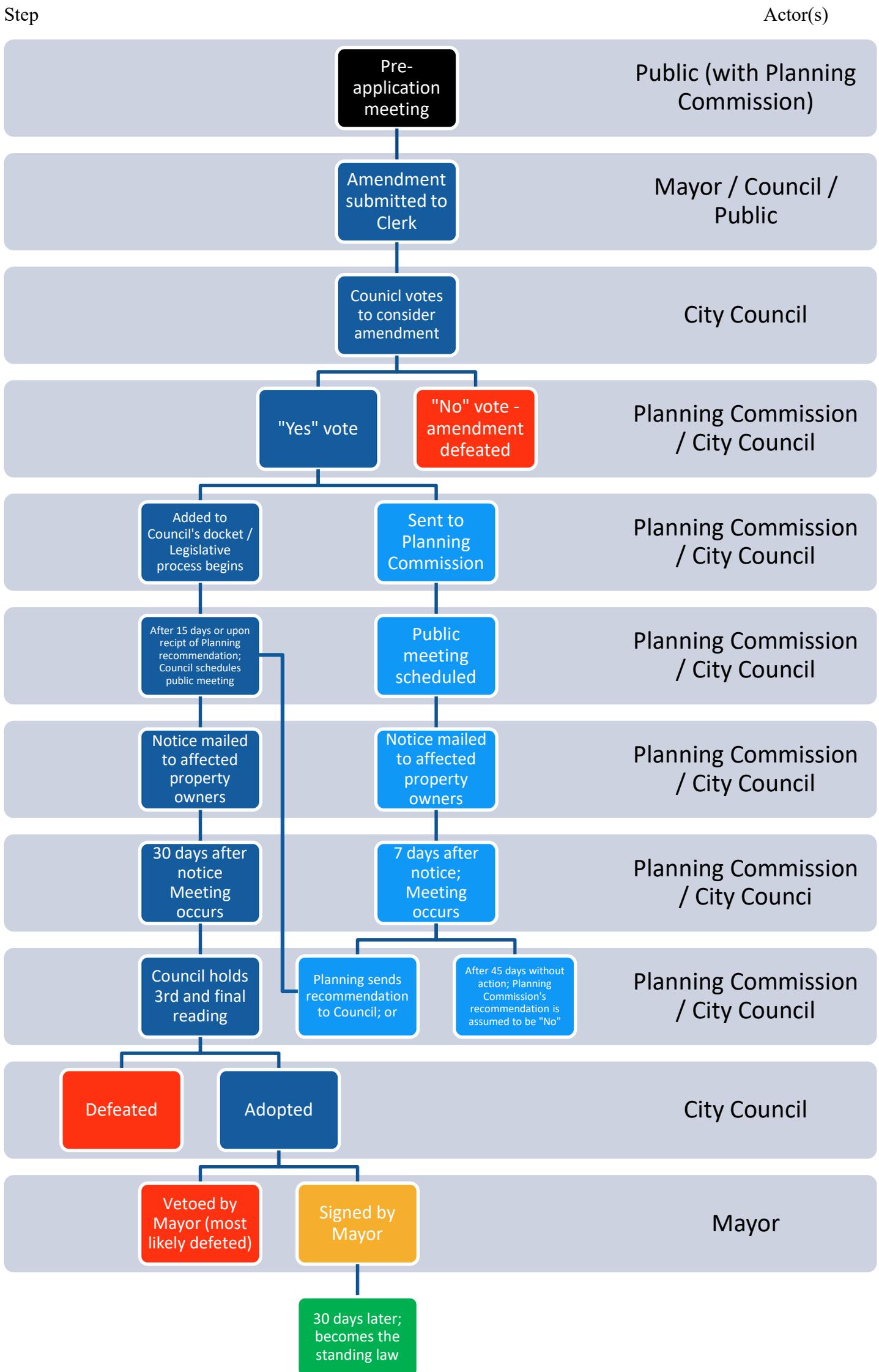


Text Amendment Process when started by Planning Commission

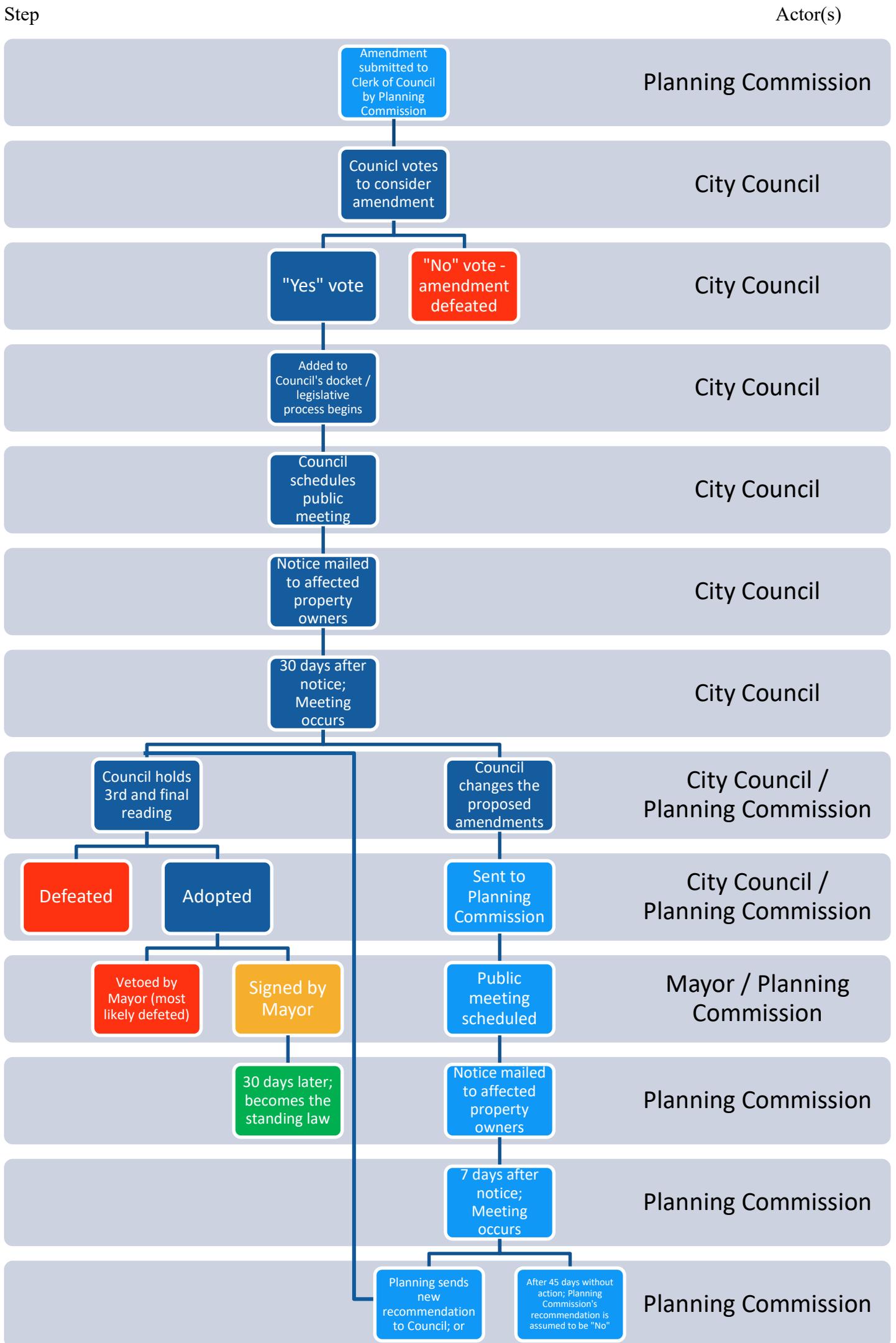


Zoning Map Amendment Process (New Chapter 1182)

Map Amendment Process when started by Mayor or Council.



Map Amendment Process when started by Planning Commission.



North Canton City Council
Community and Economic Development Committee

ORDINANCE 47 - 2020

An ordinance to amend Chapter 1145, Conditional Use Regulations, of the Codified Ordinances, specifically Section 1145.06, Schedule of Minimum Lot and Yard Dimensions for Conditional Uses in Commercial and Industrial Districts, and Section 1145.07, Supplemental Regulations for Certain Uses, as more fully described below.

WHEREAS, due to sudden and necessary changes caused by the COVID-19 pandemic and the need to preserve public health the City wishes to encourage the use of outdoor dining facilities to limit the continued spread of disease and encourage physical distancing.

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

- Section 1. That Chapter 1145, Conditional Use Regulations, of the Codified Ordinances, specifically Section 1145.06, Schedule of Minimum Lot and Yard Dimensions for Conditional Uses in Commercial and Industrial Districts, be, and is hereby, amended to remove “Outdoor Dining” from Schedule 1145.06, Area, Width, and Yard Regulations for Conditional Uses.
- Section 2. That Chapter 1145, Conditional Use Regulations, of the Codified Ordinances, specifically Section 1145.07, Supplemental Regulations for Certain Uses, be, and is hereby, amended to repeal Subsection 1145.07(n), Outdoor Dining.
- Section 3. That if a provision of this ordinance is or becomes illegal, invalid, or unenforceable, it shall not affect the validity or enforceability of any other provision of this ordinance.
- Section 4. That this ordinance shall take effect and be in full force from and after the earliest period allowed by law.

Passed in Council this _____ day of _____ 2020.

Attest: _____
Benjamin R. Young, Clerk of Council

Stephan B. Wilder, Mayor

Signed on: _____

North Canton City Council
Community and Economic Development

ORDINANCE 48 - 2020

An ordinance to amend Chapter 1173, Business Districts, of the Codified Ordinances, specifically Section 1173.03, Schedule of Permitted Uses, to remove the words “in completely enclosed building” from the restaurant use under Retail/Services.

WHEREAS, due to sudden and necessary changes caused by the COVID-19 pandemic and the need to preserve public health the City wishes to encourage the use of outdoor dining facilities to limit the continued spread of disease and encourage physical distancing.

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

Section 1. That Chapter 1173, Business Districts, of the Codified Ordinances, specifically Section 1173.03, Schedule of Permitted Uses, be, and is hereby, amended to remove the words “in completely enclosed building” from the Restaurant use under Retail/Services.

Section 2. That if a provision of this ordinance is or becomes illegal, invalid, or unenforceable, it 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 _____ 2020.

Attest: _____
Benjamin R. Young, Clerk of Council

Stephan B. Wilder, Mayor

Signed on: _____

North Canton City Council
Finance and Property Committee

ORDINANCE 49 - 2020

An ordinance authorizing the appropriation of funds received under Section 5001 of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) for current expenses during the fiscal year ending December 31, 2020, and declaring the same to be an emergency.

WHEREAS, the City anticipates receiving an additional \$170,851.81 in coronavirus relief funds as a result of the CARES Act and Ohio Senate Bill 310 of the 133rd General Assembly (S.B. 310).

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

Section 1. That to provide for the current expenses and other expenditures of the City of North Canton, during the fiscal year ending December 31, 2020, the following funds, be, and are hereby set aside and appropriated as follows:

COVID-19 RELIEF FUND			
219.627	General Government	Misc. Service & Incidentals	\$170,851.81

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

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety, and peace of the City of North Canton; and further necessary to meet the spending deadline set by the State of Ohio, wherefore, provided it receives the affirmative vote of six or more members of Council elected thereto, this ordinance shall take effect and be in full force upon its adoption by Council, together with the Mayor's approval. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed in Council this _____ day of _____ 2020.

Attest: _____
Benjamin R. Young, Clerk of Council

Stephan B. Wilder, Mayor

Signed on: _____

North Canton City Council
Rules, Ordinance, and Claims Committee

ORDINANCE 50 - 2020

An ordinance to approve the 2020 Codified Ordinances of the City of North Canton; to adopt new matter; and to amend and repeal certain obsolete and conflicting legislative provisions.

WHEREAS, a determination has been made that the ordinances of the City of a permanent and general nature should be recodified; and

WHEREAS, the City desires to reduce unnecessary spending, ensure timely updates, and improve accuracy by directly controlling the publication and codification of City Ordinances; and

WHEREAS, the recodification of such ordinances, together with the new matter to be adopted, the matters to be amended, and those to be repealed are before Council.

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

Section 1. That the ordinances of the City of North Canton, Ohio, of a general and permanent nature, as revised, recodified, rearranged, and consolidated into component codes, titles, chapters, and sections be, and are hereby, approved, adopted and enacted as the Codified Ordinances of the City of North Canton, Ohio, 2020.

Section 2. That the provisions of this Ordinance, including all provisions of the Codified Ordinances, shall be in full force and effect as provided in Section 8 of this Ordinance. All ordinances and resolutions, or parts thereof, enacted prior to July 31, 2020, which are inconsistent with any provision of the Codified Ordinances, are hereby repealed as of the effective date of this Ordinance, except as follows:

- a. The enactment of the Codified Ordinances shall not be construed to affect a right or liability accrued or incurred under any legislative provisions prior to the effective date of such enactment, or an action or proceeding for the enforcement of such right or liability. Such enactment shall not be construed to relieve any person from punishment to affect an indictment or prosecution therefor. For such purposes, any repeal for the purpose of revision and recodification.
- b. The repeal provided above shall not affect:
 1. The grant or creation of a franchise, license, right, easement, or privilege.
 2. The purchase, sale, lease, or transfer of property.
 3. The appropriation or expenditure of money or promise or guarantee of payment.
 4. The assumption of any contract or obligation.
 5. The issuance and delivery of any bonds, obligations, or other instruments of indebtedness.
 6. The levy or imposition of taxes, assessments, or changes.
 7. The establishment, naming, vacating, or grade level of any street or public way.
 8. The dedication of property or plat approval.
 9. The annexation or detachment of territory.
 10. Any legislation enacted subsequent to July 31, 2020.

Section 3. In accordance with Charter Section 2.05 and ORC 731.21 to 731.23, a succinct summary of this Ordinance shall be published by the Clerk of Council. The publication shall contain notice that the complete text of this Ordinance may be obtained or viewed, and the Codified Ordinances viewed, at the office of the Clerk of Council and may be viewed on the City's website, and at any other location designated by Council. The Law Director shall review the summary prior to publication to ensure that the summary is legally accurate and sufficient. The term of publication shall be once a week for two consecutive weeks.

Section 4. That each section of the Codified Ordinances without an ordinance history at the end thereof indicates that the section contains original material previously codified, or new material which is hereby enacted by this adopting ordinance.

Section 5. That through their authentication and approval the Mayor and Clerk of Council shall certify that the permanent and general ordinances of the City, as codified, are correctly set forth and constitute the Codified Ordinances of the City of North Canton, 2020.

Section 6. That the Director of Administration be, and is hereby, authorized and directed to send notice of cancellation of the Agreement for Annual Codification Supplement, by, and between, the City and The Walter H. Drane Company, dated August 5, 1998, pursuant to provision C. 2. thereof.

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 shall take effect and be in full force from and after the earliest period allowed by law.

Passed in Council this _____ day of _____ 2020.

Attest: _____
Benjamin R. Young, Clerk of Council

Stephan B. Wilder, Mayor

Signed on: _____

North Canton City Council
Ordinance, Rules, and Claims Committee

ORDINANCE 51 - 2020

An ordinance establishing policies relating to the use of paper representation materials such as letterhead and business cards by members of City Council.

WHEREAS, City Council members are elected officials and employees of the City and therefore have the right to use paper representation materials utilized by other City employees, and

WHEREAS, the City has an interest in ensuring free and fair elections and preventing incumbents from having an undue advantage due to their position in office, and

WHEREAS, the City has an interest in ensuring that members of the public have access to communicate with their elected officials regardless of the individual currently in office.

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

Section 1. That a policy, be, and is hereby, established, regulating the use of paper representation materials of the City by members of City Council.

Section 2. That Councilmembers may utilize official City letterhead for communications provided that:

- a. A copy of all communications written using City letterhead shall be sent to, and kept on file by, the Clerk of Council.
- b. Letterhead shall only be used for communications relating to City business.
- c. Letterhead shall not be used to discuss elections, referendums, recalls, or votes of the electorate regarding elected officials in any capacity.
- d. Letterhead shall not contain personal phone numbers or email addresses but shall instead contain the number for the Office of Council and the email address for the position held.
- e. That all communications shall also comply with the provisions of Section 111.08 Survey of Constituents, of the Codified Ordinances.

Section 3. That in order to ensure compliance with letterhead standards the Clerk of Council shall not distribute the letterhead template. Council members may draft communications and send them to the Clerk to be placed on letterhead or request the Clerk to draft communications on their behalf.

Section 4. That Councilmembers may use City envelopes to send any communications written on City letterhead.

Section 5. That Councilmembers may utilize City business cards to represent themselves to the public subject to the following provisions.

- a. Upon request Councilmembers may be provided with up to 500 business cards, paid for by the City, per elected term, with at least 50 of such cards to be retained by the Office of Council to distribute to members of the Public that visit Council Offices in person. Any additional cards must be paid for by the Councilmember themselves.
- b. Business cards shall not only list personal phone numbers, but also the number for the Office of City Council.
- c. Business cards shall not list personal emails, only the email for the position held on Council.
- d. Business cards shall not list any titles or officers of Council such as Committee Chairman, President, or Vice President as these positions may be subject to frequent change.
- e. Business cards may not be used as, in conjunction with, or as part of, campaigning or election materials.

Section 6. That if a provision of this ordinance is or becomes illegal, invalid, or unenforceable, it 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 _____ 2020.

Attest: _____
Benjamin R. Young, Clerk of Council

Stephan B. Wilder, Mayor

Signed on: _____

North Canton City Council
Water, Sewer, and Rubbish Committee

ORDINANCE 52 - 2020

An ordinance authorizing the Mayor of the City of North Canton to prepare and submit an application to the Ohio Public Works Commission (OPWC) for a grant for the Glenwood Street SW Waterline Replacement Project, and, if awarded, authorizing the Mayor, upon Board of Control Approval, to enter into an agreement for said grant, and declaring the same to be an emergency.

WHEREAS, the Glenwood Street SW Waterline Replacement Project, will replace approximately 3,350 feet of waterline on Donner Avenue, Hillcrest Avenue and Glenwood Street in need of replacement, and

WHEREAS, the City desires to submit an OPWC grant application for said project.

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

- Section 1. That the Mayor be, and is hereby, authorized to prepare and submit an Ohio Public Works Commission (OPWC) grant application for the Glenwood Street SW Waterline Replacement Project.
- Section 2. That the Mayor, upon Board of Control approval, be, and is hereby, authorized to enter into an agreement for said grant; if awarded to the City by OPWC.
- Section 3. That if a provision of this ordinance is or becomes illegal, invalid, or unenforceable, it shall not affect the validity or enforceability of any other provision of this ordinance.
- Section 4. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety, and peace of the City of North Canton; and; further necessary in order to meet the October 16, 2020 deadline for the submission of grant applications to OPWC, wherefore, provided it receives the affirmative vote of six or more members of Council elected thereto, this ordinance shall take effect and be in full force upon its adoption by Council, together with the Mayor's approval. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed in Council this _____ day of _____ 2020.

Attest: _____
Benjamin R. Young, Clerk of Council

Stephan B. Wilder, Mayor

Signed on: _____

North Canton City Council
Water, Sewer, and Rubbish Committee

ORDINANCE 53 - 2020

An ordinance authorizing the Mayor of the City of North Canton to enter into an agreement with the Stark County Commissioners for the relocation and replacement of City waterlines as part of the Commissioner's Pittsburg Avenue/Orion Street/Shuffel Street Dual Roundabout Project (the "Project"), and declaring the same to be an emergency.

WHEREAS, the Stark County Board of Commissioners is undertaking a project to construct a roundabout at the intersections of Pittsburg Avenue and Orion Street and Pittsburg Avenue and Shuffel Street, and

WHEREAS, the Project will require the relocation and replacement of City waterlines outside the corporation limits, and

WHEREAS, the Stark County Board of Commissioners wishes to utilize funding from Ohio Department of Public Works grants to cover part of the City's costs of construction, and

WHEREAS, the Stark County Board of Commissioners wishes to apply for said funding and administer both the bidding and construction process on the City's behalf.

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

Section 1. That the Mayor, be, and is hereby authorized to enter into an agreement with the Stark County Commissioners for the relocation and replacement of City waterlines as part of the Commissioner's Pittsburg Avenue/Orion Street/Shuffel Street Dual Roundabout Project as described in "Exhibit A" attached hereto and incorporated herein.

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

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety, and peace of the City of North Canton; and; further necessary to meet the October 16, 2020 deadline for the submission of grant applications to OPWC wherefore, provided it receives the affirmative vote of six or more members of Council elected thereto, this ordinance shall take effect and be in full force upon its adoption by Council, together with the Mayor's approval. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed in Council this _____ day of _____ 2020.

Attest: _____
Benjamin R. Young, Clerk of Council

Stephan B. Wilder, Mayor

Signed on: _____

**AGREEMENT
PITTSBURG AVENUE/ORION STREET and SHUFFEL STREET**

This Agreement is made and entered into this ____ day of _____, 2020, by and between the Board of County Commissioners of Stark County, Ohio, with offices located at the County Administrative Building, 110 Central Plaza South, Suite 240, Canton, Ohio 44702, duly authorized by a resolution adopted on the ____ day of _____, 2020; hereinafter referred to as the **COUNTY**; and the City of North Canton, Ohio, a municipal corporation, organized and existing under the laws of the State of Ohio, hereinafter referred to as the **CITY**, duly authorized by Ordinance No. **53-2020**, passed by its Council on the ____ day of _____, 2020.

WHEREAS, there is currently located roadways in Jackson Township that contains City of North Canton waterlines on Pittsburg Street, Orion Street and Shuffel Street; and

WHEREAS, the **CITY** wishes to install and replace waterlines outside the Incorporated limits as part of the construction contract for the Pittsburg Street, Orion Street and Shuffel Street (PID 103288); and

WHEREAS, it is in the best interests of the **COUNTY** and the **CITY** to reconstruct the roadways and construct new waterline; and

WHEREAS, the **COUNTY** and the **CITY** wish to resolve their respective liabilities and/or obligations with respect to the design, right of way and construction of said improvement.

NOW, THEREFORE, in consideration of the covenants and agreement contained herein, it is mutually agreed by and between the parties as follows:

1. The **COUNTY** will provide the design plans for the improvement of the roadways. The **CITY** will provide the design plans for the proposed new waterline and replacement/relocation of existing waterlines.
2. The **COUNTY** and the **CITY** will provide and pay for construction supervision for their respective portions of the project.
3. The **COUNTY** will apply for Ohio Public Works Commission (OPWC) funding for the project. Upon receipt of OPWC grant for the project, fifty-one percent (51%) of the water line work shall be paid for by the **CITY**, with forty-nine percent (49%) of the water line work shall be paid with OPWC funds.
4. The **CITY** will reimburse the **COUNTY** for all costs associated with the necessary water line improvements, for all expenses related to the new waterline and replacement of existing waterlines. Included in these costs are a percentage of the cost of overall project incidental items; maintenance of traffic, mobilization, field office, layout stakes and bond. The percentage shall be based on the overall cost of the project as compared to the cost of the water work.

5. The COUNTY will advertise and open bids for the project.
6. The CITY will review the bids to ensure that the costs associated with the new waterline improvements are reasonable and not unbalanced.
7. The COUNTY shall award the contract for construction of the project.
8. The COUNTY will invoice the CITY on a monthly basis for waterline work performed on the project. The CITY will reimburse the COUNTY within 30 days of receipt of an invoice.
9. Upon completion of the project, the COUNTY will maintain the new roadways and bridges. The CITY will maintain the new water lines.
10. This Agreement contains the entire agreement by and between the parties and the terms contained herein are contractual and are not a mere recital.

IN WITNESS WHEREOF, we have hereunto set our hand to this instrument this _____ day of _____, 2020.

WITNESSES:

THE BOARD OF COMMISSIONERS
STARK COUNTY, OHIO

WITNESSES:

THE CITY OF NORTH CANTON

Approved as to legal
form and sufficiency:

By: _____
Assistant Prosecuting Attorney
Stark County, Ohio

Approved as to legal
Form and content:

By: _____
City of North Canton Law Director

North Canton City Council
Street and Alley Committee

ORDINANCE 54 - 2020

An ordinance authorizing the Mayor of the City of North Canton to release AMC Land Company, Ltd., from sidewalk bond obligations established by an open-end mortgage agreement between AMC Land Company, Ltd., and the City of North Canton, dated March 19, 2010, as modified, and declaring the same to be an emergency.

WHEREAS, the City engineer has confirmed that AMC Land Company Ltd. has met its obligations for the installation of sidewalks for Phases 1 through 7 of the Monticello Subdivision, and

WHEREAS, in lieu of a Cash bond, the City has held two lots as bond with such lots currently being Stark County Parcels 94-00986 and 94-00949, known as City lots 6824 and 6774 respectively, and

WHEREAS, AMC Land Company Ltd. has a pending contract of sale for lot 6824 which cannot be completed until the City releases the bond.

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

- Section 1. That the Mayor be, and is hereby, authorized to release AMC Land Company, Ltd. from the bond obligations established by an open-end mortgage agreement between AMC Land Company, Ltd., and the City of North Canton, dated March 19, 2010, as modified, and to remove the City's hold on City lot 6824, Stark County Parcel 94-00986, and City lot 6774, Stark County Parcel 94-00949.
- Section 2. That if a provision of this ordinance is or becomes illegal, invalid, or unenforceable, it shall not affect the validity or enforceability of any other provision of this ordinance.
- Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety, and peace of the City of North Canton; and; further necessary to enable the property owner and purchaser to promptly complete, and publicly record, the sales transaction, and permit the developer to begin construction on a new North Canton single-family home in weather-permitting conditions, wherefore, provided it receives the affirmative vote of six or more members of Council elected thereto, this ordinance shall take effect and be in full force upon its adoption by Council, together with the Mayor's approval. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed in Council this _____ day of _____ 2020.

Attest: _____
Benjamin R. Young, Clerk of Council

Stephan B. Wilder, Mayor

Signed on: _____

North Canton City Council
Resolution, Rules, and Claims Committee

RESOLUTION 06 - 2020

A resolution accepting and establishing a policy for the viewing of permanent paper records maintained by the Office of City Council including Council's Journal, the Record of Legislation, the Codified Ordinances, and other historic documents.

WHEREAS, Ohio Sunshine Law requires documents such as Council's Journal, the Record of Legislation, the Codified Ordinances, and other historic documents be viewable by the public during normal business hours upon reasonable notice, and

WHEREAS, the City has an important interest in ensuring the security and preservation of such important documents to the City's history and the functions of City government.

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

- Section 1. That in accordance with Ohio Public Records law the official Council Journal, the Record of Legislation, the official Codified Ordinances, and other historic documents maintained by the Office of Council shall be available to be viewed by the public during normal business hours of City Hall subject to the following:
- a. Appointments must be made with the Clerk of Council at least 24 hours in advance.
 - b. Appointments may only be made during regular business hours of City Hall.
 - c. Only one volume or file of records may be viewed at a time.
 - d. All members of the public must be supervised while viewing records.
 - e. Records may not be modified, disassembled, or otherwise altered in any way, including file order.
 - f. At the Clerk of Council's discretion, reasonable restrictions, such as the use of gloves and/or masks, or no-touch restrictions, may be required to view older, delicate records, in order to help prevent deterioration thereof.
- Section 2. That if a provision of this resolution is or becomes illegal, invalid, or unenforceable, it shall not affect the validity or enforceability of any other provision of this resolution.
- Section 3. That this resolution shall take effect and be in full force from and after the earliest period allowed by law.

Passed in Council this _____ day of _____ 2020.

Attest: _____
Benjamin R. Young, Clerk of Council

Stephan B. Wilder, Mayor

Signed on: _____

North Canton City Council
Ordinance, Rules, and Claims Committee

RESOLUTION 07 - 2020

A resolution acknowledging the loss of certain records of proceedings and accepting the replacements created by the Office of Council as more fully described below.

WHEREAS, in July 2020 it was discovered that the Record of Proceedings Volume 37 covering the period from May 2011 to November 2012 was missing, and

WHEREAS, an exhaustive search of records storage locations was unable to locate the missing Volume, and

WHEREAS, the Clerk of Council, using electronically stored backups was able to fully reproduce all records which would have been maintained in the missing Volume, and

WHEREAS, the Clerk of Council has established new security and retention standards for the proper storage and maintenance of such records maintained by the Office of Council as set forth in the report Records of the Office of Council dated July 2020.

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

Section 1. That this Council does hereby acknowledge the loss of Volume 37 of the Record of Proceedings covering the period from May 2011 to November 2012 and its role in overseeing public records maintained by the Office of Council.

Section 2. That this Council hereby accepts the replacement volumes created by the Clerk of Council using electronic scans of the original documents and titled as follows:

“Record of Proceedings of the 85th Council, 1st Session : January 2011 through November 2011”

“Record of Proceedings of the 86th Council, 1st Session and 87th Council, 1st Session : December 2011 through November 2012”

“Record of Proceedings of the 87th Council, 2nd Session : December 2012”

Section 3. That the Clerk of Council has certified to Council that to the best of his knowledge and ability all records previously maintained in Volume 37 have been fully recreated and no records have been lost.

Section 4. That if a provision of this resolution is or becomes illegal, invalid, or unenforceable, it shall not affect the validity or enforceability of any other provision of this ordinance.

Section 5. That this resolution shall take effect and be in full force from and after the earliest period allowed by law.

Passed in Council this _____ day of _____ 2020.

Attest: _____
Benjamin R. Young, Clerk of Council

Stephan B. Wilder, Mayor

Signed on: _____