



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 Committee of the Whole on Monday August 17, 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, August 17, 2020.

https://youtu.be/mo2iv6m_E0Y

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

August 14, 2020

Date

Benjamin R. Young
Benjamin R. Young
Clerk of Council

**NORTH CANTON CITY COUNCIL
COMMITTEE OF THE WHOLE
August 17, 2020, 7:00 PM, Via teleconference
Agenda**

1. Finance and Property Committee

Chairperson: Stephanie Werren

Vice Chairperson: Matthew Stroia

- a. Special presentation on year 2019 Annual Audit by Mariah Richards of Perry and Associates.
- b. Discussion of 2021 Alternative Tax Budget presented by Director of Finance.
- c. An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to renew a personal services agreement for computer server, network, workstation monitoring, maintenance and support, remote and on-site support, malware protection, web browsing protection, patch management, Dark Web monitoring, and security awareness education for the City's critical, complex, municipal infrastructure equipment, and given the critical nature of this agreement, to do so without advertising for bids as provided by Charter Section 4.05 Contracting and Purchasing, and declaring the same to be an emergency.
- d. 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.

2. Street and Alley Committee

Chairperson: Dominic Fonte

Vice Chairperson: Daniel Peters

An ordinance authorizing the Mayor 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.

3. Ordinance, Rules, and Claims Committee

Chairperson: Matthew Stroia

Vice Chairperson: Doug Foltz

- a. Special presentation by the Clerk of Council on the state of the permanent and public records maintained by the Office of City Council with companion report dated July 15, 2020.
- b. An ordinance to approve the 2020 Codified Ordinances; to adopt new matter; and to amend and repeal certain obsolete and conflicting legislative provision.

- c. An ordinance amending Chapter 111, Council, of the Codified Ordinances of the City of North Canton, as described in “Exhibit A” attached hereto.
- d. A resolution to adopt Rules for the Council of the City of North Canton, Ohio as attached hereto and incorporated herein as “Exhibit A.”
- e. An ordinance establishing policies relating to the use of paper representation materials such as letterhead and business cards by members of City Council.
- f. 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 Resolutions, and other historic documents.
- g. 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.

4. Executive Session

Council may hold an executive session if a majority of a quorum of its members determine, by a roll-call vote, to hold an executive session for the sole purpose of discussing the employment of a public employee.

5. Adjourn



City of North Canton Office of City Council

Agenda Request

TO: President of City Council

DATE: 8/17/2020

SUBJECT: Post Audit Review

I am requesting:

Ordinance Resolution Discussion Council Vote

For: Audit Manager, Mariah Richards from the Perry & Associates, to present/discuss 2019 post-audit review with Council Committee of the Whole.

EMERGENCY REQUEST: YES NO

RATIONALE FOR EMERGENCY: _____

SIGNED: *JCR*

APPROVAL NEEDED:

Dir. Of Administration Dir. Of Finance Dir. Of Law Council President

APPROVED BY:

Jina E. Alaback
Signature

Director of Finance
Title

7/30/2020
Date



City of North Canton Office of City Council

Agenda Request

TO: President of City Council

DATE: _____

SUBJECT: _____

I am requesting:

Ordinance Resolution Discussion Council Vote

For: _____

EMERGENCY REQUEST: YES NO

RATIONALE FOR EMERGENCY: _____

SIGNED: _____

APPROVAL NEEDED:

Dir. Of Administration Dir. Of Finance Dir. Of Law Council President

APPROVED BY:

Jina E. Alaback

Signature

Title

Date

ALTERNATIVE TAX BUDGET INFORMATION

Municipalities, Special Districts & County Only

County, Municipality or Special District Name City of North Canton

For the Fiscal Year Commencing January 1, 202

Fiscal Officer Signature *Spina E. Alaback* Date 8/18/2020

COUNTY OF STARK

Background

Substitute House Bill No. 129 (HB129) effective June 3, 2002, was enacted by the 124th General Assembly in part to allow a county budget commission to waive the requirement that a taxing authority adopt a tax budget for a political subdivision or other taxing unit, pursuant to Ohio Revised Code (ORC) Section 5705.281.

Under the law in effect prior to June 3, 2002, the budget commission could only waive the tax budget for a subdivision or other taxing unit that was receiving a share of the county undivided local government fund or the county undivided local government revenue assistance fund under an alternative method or formula pursuant to ORC Sections 5747.53 and 5747.63. Thus, tax budgets could be waived only for counties, municipalities, townships, and park districts. This restriction is now removed.

Ohio Revised Code Section 5705.281

Under the amended version of this section pursuant to HB 129, a county budget commission, by an affirmative vote of a majority of the commission, including an affirmative vote by the county auditor, may waive the tax budget for any subdivision or other taxing unit. However, the commission may require the taxing authority to provide any information needed by the commission to perform its duties, including the division of the tax rates as provided under ORC Section 5705.04.

County Budget Commission Duties

The county budget commission must still certify tax rates to each subdivision or other taxing unit, by March 1 for school districts and by September 1 for all other taxing authorities under ORC Section 5705.35, even when a tax budget is waived. Also, the commission is still required to issue an official certificate of estimated resources under ORC Section 5705.35 and amended official certificates of estimated resources under ORC Section 5705.36.

Therefore, when a budget commission is setting tax rates based on a taxing unit's need, for purposes of ORC Sections 5705.32, 5705.34, and 5705.341, its determination must be based on that other information the commission asked the taxing authority to provide under ORC Section 5705.281, when the tax budget was waived. Also, an official certificate must be based on that other information the commission asked the taxing authority to provide.

County Budget Commission Action

At the November 8, 2007 Stark County Budget Commission meeting, the commission, with an affirmative vote of all members waived the requirement for the county, municipalities and special districts to adopt a tax budget as provided under ORC Section 5705.281, but shall require the filing of this Alternative Tax Budget Information document on an annual basis.

Alternative Tax Budget Information Filing Deadline

The fiscal officer must file one original signed copy of this alternate document with the Stark County Auditor on or before **AUGUST 20TH.**

GUIDELINES FOR COMPLETING THE ALTERNATIVE TAX BUDGET INFORMATION

SCHEDULE 1

The general purpose of schedule 1 is to meet the requirement of Ohio Revised Code (ORC) Section 5705.04 which requires the taxing authority of each subdivision to divide the taxes levied into separate levies. For help use the "green sheet" issued by the auditor's office for the current year and add any new levies. This will help to ensure that no levies are missed.

In column 1, list the fund that will receive the property tax revenue amount shown across, in column 9. In column 4, levy type refers to the following terms: additional, renewal, renewal and increase, renewal and decrease, replacement, replacement and increase or replacement and decrease. In column 9, identify the gross amount of property tax revenue requested from each levy. List a total for the general fund and individual totals for other funds.

SCHEDULE 2

The general purpose of schedule 2 is to demonstrate the need to produce property tax revenues to cover the estimated expenditures for the "tax year/collection year" involved. ORC Section 5705.34 states in part:

"Nothing in this section or any section of the ORC shall permit or require the levying of any rate of taxation, whether within the 10 mill limitation or whether the levy has been approved by the electors, the political subdivision or the charter of a municipal corporation in excess of such 10 mill limitation, unless such rate of taxation for the ensuing fiscal year is clearly required by a budget properly and lawfully adopted under this chapter or by other information required per ORC 5705.281."

Property tax revenue includes real estate taxes, personal property taxes, manufactured home taxes and homestead and rollbacks.

Complete a separate schedule 2 for all funds that receive property taxes, i.e.: general, fire, ems, police, cemetery, roads, museum, recreation, senior citizen, bonds or special bond retirement funds.

SCHEDULE 3

The general purpose of schedule 3 is to produce an Official Certificate of Estimated Resources for funds that do not receive property tax revenue, i.e. motor vehicle license, gasoline tax, reserve, etc.

In column 3, 2015 estimated revenues should include all revenues plus transfers in.

SCHEDULE 4

The general purpose of schedule 4 is to provide inside millage for debt service. The basic security for payment of general obligation debt is the requirement of the levy of ad valorem property taxes within the 10 mill limitation imposed by Ohio law. Ohio law requires a levy and collection of ad valorem property tax to pay debt service on general obligation debt as it becomes due, unless that debt service is paid from other sources.

SCHEDULE 5

The general purpose of schedule 5 is to provide for the proper amount of millage to cover debt service requirements on voted bond issues. Major capital improvement projects are sometimes financed through the use of voted bonds. The taxing authority seeks voter approval for issuance of general obligation bonds, and for the levy of property taxes outside the indirect debt limitation in amounts sufficient to make required payments on those bonds.

Stark County Auditor on or before **AUGUST 20TH.**

To determine the proper amount of millage required for voted debt service the budget commission is required to take into consideration the beginning estimated cash balance in the debt service fund for the "tax year/collection year" involved, in addition to the debt payment amounts.

SCHEDULE 6

The general purpose of schedule 6 is to properly account for tax anticipation notes. See Schedule 6 for more details.

*** Please reproduce all pages as necessary.**

STATEMENT OF FUND ACTIVITY

Always complete for General Fund. Also complete for any fund that will receive property tax.

SCHEDULE 2

FUND: 101 General

Description	2018 Actual	2019 Actual	2020		2021 Estimated
			January thru July ACTUAL	August thru December ESTIMATED	
Cash Balance January 1st	3,919,898.93	4,579,658.34	4,124,049.27	3,748,008.53	3,452,154.99
Revenues:					
Property Taxes (include homestead and rollbacks)	933,743.21	1,023,129.79	537,586.16	467,413.84	1,082,000.00
Personal Property \$10,000 Exemption Reimbursement					
Personal Property Phase-Out/Elimination Reimbursement					
Local Government/Revenue Assistance	285,171.47	330,010.74	201,653.44	178,346.56	380,000.00
Other Revenue	6,240,811.47	6,630,495.78	3,652,583.12	3,928,966.88	12,100,000.00
Total Revenues	7,459,726.15	7,983,636.31	4,391,822.72	4,574,727.28	13,562,000.00
Expenditures:					
Personal Services	4,208,684.41	4,052,406.33	2,518,448.97	2,333,014.05	5,336,000.00
Capital Outlay	158,800.89	102,466.73	28,351.12	117,648.88	150,000.00
Other Expenditures	2,432,481.44	4,284,372.32	2,221,063.37	2,119,917.89	9,720,750.00
Transfer to Reserve Fund(s)					
Total Expenditures	6,799,966.74	8,439,245.38	4,767,863.46	4,570,580.82	15,206,750.00
Cash Balance December 31st	4,579,658.34	4,124,049.27	3,748,008.53	3,752,154.99	1,807,404.99
Less Encumbrances				300,000.00	300,000.00
Unencumbered Balance December 31st				3,452,154.99	1,507,404.99

9.72%

If the estimated unencumbered balance December 31, 2020, divided by the total of 2020 estimated expenditures plus 2020 estimated encumbrances is greater than 25%, a written explanation must be included explaining the reason for the estimated large carry-over.

STATEMENT OF FUND ACTIVITY

Always complete for General Fund. Also complete for any fund that will receive property tax.

SCHEDULE 2

FUND: 204 Fire Levy

Description	2018 Actual	2019 Actual	2020		2021 Estimated
			January thru July ACTUAL	August thru December ESTIMATED	
Cash Balance January 1st	291,083.75	193,599.57	148,739.21	57,993.68	12,345.89
Revenues:					
Property Taxes (include homestead and rollbacks)	183,370.25	186,616.91	98,507.78	89,492.22	198,100.00
Personal Property \$10,000 Exemption Reimbursement					
Personal Property Phase-Out/Elimination Reimbursement					
Local Government/Revenue Assistance					
Other Revenue	257,994.54	256,825.96	420,120.13	176,546.87	315,000.00
Total Revenues	441,364.79	443,442.87	518,627.91	266,039.09	513,100.00
Expenditures:					
Personal Services	335,621.04	333,200.95	204,849.92	174,223.20	402,000.00
Capital Outlay	5,919.62	4,902.00	280,422.58	8,844.42	5,000.00
Other Expenditures	197,308.31	150,200.28	124,100.94	98,619.26	115,000.00
Transfer to Reserve Fund(s)					
Total Expenditures	538,848.97	488,303.23	609,373.44	281,686.88	522,000.00
Cash Balance December 31st	193,599.57	148,739.21	57,993.68	42,345.89	3,445.89
Less Encumbrances				30,000.00	3,000.00
Unencumbered Balance December 31st				12,345.89	445.89
					0.08%

If the estimated unencumbered balance December 31, 2020, divided by the total of 2020 estimated expenditures plus 2020 estimated encumbrances is greater than 25%, a written explanation must be included explaining the reason for the estimated large carry-over.

STATEMENT OF FUND ACTIVITY

Always complete for General Fund. Also complete for any fund that will receive property tax.

SCHEDULE 2

FUND: 205 EMS Levy

Description	2018 Actual	2019 Actual	2020		2021 Estimated
			January thru July ACTUAL	August thru December ESTIMATED	
Cash Balance January 1st	489,923.87	534,281.76	273,692.81	95,649.06	69,750.53
Revenues:					
Property Taxes (include homestead and rollbacks)	916,902.61	933,105.69	492,539.19	449,460.81	990,700.00
Personal Property \$10,000 Exemption Reimbursement					
Personal Property Phase-Out/Elimination Reimbursement					
Local Government/Revenue Assistance					
Other Revenue	860,771.49	828,403.39	478,734.45	482,265.55	960,000.00
Total Revenues	1,777,674.10	1,761,509.08	971,273.64	931,726.36	1,950,700.00
Expenditures:					
Personal Services	1,488,659.61	1,565,157.43	970,250.75	800,163.67	1,876,000.00
Capital Outlay	6,437.91	232,611.78	20,275.80	14,124.20	15,000.00
Other Expenditures	238,218.69	224,328.82	158,790.84	128,337.02	120,000.00
Transfer to Reserve Fund(s)					
Total Expenditures	1,733,316.21	2,022,098.03	1,149,317.39	942,624.89	2,011,000.00
Cash Balance December 31st	534,281.76	273,692.81	95,649.06	84,750.53	9,450.53
Less Encumbrances				15,000.00	5,000.00
Unencumbered Balance December 31st				69,750.53	4,450.53

0.22%

If the estimated unencumbered balance December 31, 2020, divided by the total of 2020 estimated expenditures plus 2020 estimated encumbrances is greater than 25%, a written explanation must be included explaining the reason for the estimated large carry-over.

STATEMENT OF FUND ACTIVITY

Always complete for General Fund. Also complete for any fund that will receive property tax.

SCHEDULE 2

FUND: 209 Storm Sewer Levy

Description	2018 Actual	2019 Actual	2020		2021 Estimated
			January thru July ACTUAL	August thru December ESTIMATED	
Cash Balance January 1st	712,857.20	405,563.79	378,959.31	406,538.19	352,850.80
Revenues:					
Property Taxes (include homestead and rollbacks)	366,792.32	373,384.74	197,015.72	178,984.28	396,300.00
Personal Property \$10,000 Exemption Reimbursement					
Personal Property Phase-Out/Elimination Reimbursement					
Local Government/Revenue Assistance					
Other Revenue		100,000.00			
Total Revenues	366,792.32	473,384.74	197,015.72	178,984.28	396,300.00
Expenditures:					
Personal Services	55,000.00	55,000.00			
Capital Outlay	5,000.00	40,337.60		20,000.00	20,000.00
Other Expenditures	614,085.73	404,651.62	169,436.84	172,671.67	600,000.00
Transfer to Reserve Fund(s)					
Total Expenditures	674,085.73	499,989.22	169,436.84	192,671.67	620,000.00
Cash Balance December 31st	405,563.79	378,959.31	406,538.19	392,850.80	129,150.80
Less Encumbrances				40,000.00	40,000.00
Unencumbered Balance December 31st				352,850.80	89,150.80

13.51%

If the estimated unencumbered balance December 31, 2020, divided by the total of 2020 estimated expenditures plus 2020 estimated encumbrances is greater than 25%, a written explanation must be included explaining the reason for the estimated large carry-over.

STATEMENT OF FUND ACTIVITY

Always complete for General Fund. Also complete for any fund that will receive property tax.

SCHEDULE 2

FUND: 210 Street Levy

Description	2018 Actual	2019 Actual	2020		2021 Estimated
			January thru July ACTUAL	August thru December ESTIMATED	
Cash Balance January 1st	395,333.84	355,646.66	214,212.55	207,223.48	14,099.77
Revenues:					
Property Taxes (include homestead and rollbacks)	366,790.96	373,381.73	197,345.30	178,654.70	396,300.00
Personal Property \$10,000 Exemption Reimbursement					
Personal Property Phase-Out/Elimination Reimbursement					
Local Government/Revenue Assistance					
Other Revenue	5,318.00				
Total Revenues	372,108.96	373,381.73	197,345.30	178,654.70	396,300.00
Expenditures:					
Personal Services	55,000.00	55,000.00			
Capital Outlay					
Other Expenditures	356,796.14	459,815.84	204,334.37	331,778.41	400,000.00
Transfer to Reserve Fund(s)					
Total Expenditures	411,796.14	514,815.84	204,334.37	331,778.41	400,000.00
Cash Balance December 31st	355,646.66	214,212.55	207,223.48	54,099.77	10,399.77
Less Encumbrances				40,000.00	10,000.00
Unencumbered Balance December 31st				14,099.77	399.77
					0.10%

If the estimated unencumbered balance December 31, 2020, divided by the total of 2020 estimated expenditures plus 2020 estimated encumbrances is greater than 25%, a written explanation must be included explaining the reason for the estimated large carry-over.

STATEMENT OF FUND ACTIVITY

(List All Funds Individually Unless Reported On Schedule 2)

SCHEDULE 3

I Fund Type Fund Name	II 2021 Beginning Estimated Unencumbered Fund Balance	III 2021 Estimated Revenues	IV 2021 Total Resources Available For Expenditures	V 2021 Total Estimated Expenditures & Encumbrances	VI 2021 Ending Estimated Unencumbered Balance
Special Revenue					
Income Tax	1,369,100.00	7,200,000.00	8,569,100.00	8,000,000.00	569,100.00
Computer	20,700.00		20,700.00	20,000.00	700.00
Enforcement & Education	22,550.00	2,500.00	25,050.00	15,000.00	10,050.00
Street Const, Maint, & Repair	10,550.00	880,000.00	890,550.00	880,000.00	10,550.00
Municipal Road	9,875.00	125,000.00	134,875.00	125,000.00	9,875.00
General Trust	800.00	5,000.00	5,800.00	5,000.00	800.00
Law Enforcement Trust	42,750.00	7,500.00	50,250.00	30,000.00	20,250.00
Compensated Absences	1,104,925.00		1,104,925.00	100,000.00	1,004,925.00
Continuing Prof Education	6,850.00	5,500.00	12,350.00	7,500.00	4,850.00
Community Disaster					
CARES ACT RELIEF/COVID-19					
Total Special Revenue	2,588,100.00	8,225,500.00	10,813,600.00	9,182,500.00	1,631,100.00

STATEMENT OF FUND ACTIVITY

(List All Funds Individually Unless Reported On Schedule 2)

SCHEDULE 3

I Fund Type Fund Name	II 2021 Beginning Estimated Unencumbered Fund Balance	III 2021 Estimated Revenues	IV 2021 Total Resources Available For Expenditures	V 2021 Total Estimated Expenditures & Encumbrances	VI 2021 Ending Estimated Unencumbered Balance
Capital Projects					
Capital Improvement	363,850.00	2,000,000.00	2,363,850.00	2,200,000.00	163,850.00
Park Development	221,100.00	1,500,000.00	1,721,100.00	1,600,000.00	121,100.00
Issue 2	135,175.00	500,000.00	635,175.00	500,000.00	135,175.00
Indoor Firearms Training	220,000.00		220,000.00	20,000.00	200,000.00
Total Capital Projects	940,125.00	4,000,000.00	4,940,125.00	4,320,000.00	620,125.00
Enterprise					
Water Revenue	1,741,200.00	6,385,000.00	8,126,200.00	7,000,000.00	1,126,200.00
Water Exp, Replacement & Imp	864,700.00	800,000.00	1,664,700.00	1,000,000.00	664,700.00
Sewer Revenue	493,000.00	3,110,000.00	3,603,000.00	3,200,000.00	403,000.00
Garbage Service	466,200.00	1,120,000.00	1,586,200.00	1,120,000.00	466,200.00
Total Enterprise	3,565,100.00	11,415,000.00	14,980,100.00	12,320,000.00	2,660,100.00

STATEMENT OF FUND ACTIVITY

(List All Funds Individually Unless Reported On Schedule 2)

SCHEDULE 3

I Fund Type Fund Name	II 2021 Beginning Estimated Unencumbered Fund Balance	III 2021 Estimated Revenues	IV 2021 Total Resources Available For Expenditures	V 2021 Total Estimated Expenditures & Encumbrances	VI 2021 Ending Estimated Unencumbered Balance
Internal Service					
Insurance	914,200.00	1,400,000.00	2,314,200.00	1,600,000.00	714,200.00
Total Internal Service	914,200.00	1,400,000.00	2,314,200.00	1,600,000.00	714,200.00
Trust & Agency					
Permit Fee	3,500.00	5,000.00	8,500.00	5,000.00	3,500.00
Required Deposits	175,000.00	15,000.00	190,000.00	15,000.00	175,000.00
Unclaimed Monies	2,000.00	500.00	2,500.00	2,000.00	500.00
North Ridge Developer Payments		25,000.00	25,000.00	25,000.00	
Total Trust & Agency	180,500.00	45,500.00	226,000.00	47,000.00	179,000.00

TAX ANTICIPATION NOTES

SCHEDULE 6

Tax anticipation notes are issued in anticipation of the collection of the proceeds of a property tax levy. The amount of money required to cover debt service must be deposited into a bond retirement fund, from collections and distribution of the tax levy, in the amounts and at the times required to pay those debt charges as provided in the legislation authorizing the tax anticipation notes. (ORC Section 133.24)

The appropriation to the fund which normally receives the tax levy proceeds is limited to the balance available after deducting the amounts to be apportioned to debt service.

After the issuance of general obligation securities or of securities to which section 133.24 of the ORC applies, the taxing authority of the subdivision shall include in its annual tax budget, and levy a property tax in a sufficient amount, with any other monies available for the purpose, to pay the debt charges on the securities payable from property tax. (ORC Section 133.25)

	Name Of Tax Anticipation Note Issue	Name Of Tax Anticipation Note Issue
	N/A	N/A
Amount Required To Meet Budget Year Principal & Interest Payments:		
Principal Due		
Principal Due Date		
Interest Due		
Interest Due Date		
Interest Due		
Interest Due Date		
Total		
Name Of The Special Debt Service Fund		
Amount Of Debt Service To Be Apportioned From The Following Settlements:		
February 2019 Real		
August 2019 Real		
June 2019 Tangible		
October 2019 Tangible		
Total		
Name Of Fund To Be Charged		



City of North Canton Office of City Council

Agenda Request

TO: President of City Council

DATE: 07/27/2020

SUBJECT: Personal Services Contract Renewal for Software Maintenance Agreement

I am requesting:

Ordinance **Resolution** **Discussion** **Council Vote**

For: Authorizing the Mayor, upon Board of Control Approval, to renew a personal services contract with AtNet for computer server, network, workstation monitoring, maintenance and support, remote and on-site support, malware protection, web browsing protection, patch management, Dark Web monitoring, and security awareness education for the City's critical, complex, municipal infrastructure equipment.

EMERGENCY REQUEST: **YES** **NO**

RATIONALE FOR EMERGENCY: Given the critical nature of this agreement, to do so without advertising for bids as provided by Charter Section 4.05 Contracting and Purchasing.

SIGNED: _____

APPROVAL NEEDED:

Dir. Of Administration Dir. Of Finance Dir. Of Law Council President

APPROVED BY:



Signature

Director of Administration

Title

7-27-20

Date

North Canton City Council
Finance and Property Committee

ORDINANCE ## - 2020

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to renew a personal services agreement for computer server, network, workstation monitoring, maintenance and support, remote and on-site support, malware protection, web browsing protection, patch management, Dark Web monitoring, and security awareness education for the City's critical, complex, municipal infrastructure equipment, and given the critical nature of this agreement, to do so without advertising for bids as provided by Charter Section 4.05 Contracting and Purchasing, and declaring the same to be an emergency.

WHEREAS, the City must have its critical, complex municipal infrastructure system, maintained through a trusted partner to continue to provide vital emergency, as well as prompt, routine services to its residents and guests; and

WHEREAS, the City Charter, Section 4.05 Contracting and Purchasing, provides the Board of Control may authorize purchases and enter into contracts involving an expenditure in excess of that established by Ohio Revised Code Section 745.05 without advertising for bids if Council determines and declares, by an affirmative vote of at least six members, that an emergency exists, sets forth the nature of the emergency in its minutes, and appropriates the necessary funds.

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

- Section 1. That City Council determines and declares that an emergency exists involving the City's critical, complex infrastructure system.
- Section 2. That given the increased efforts to compromise and hold hostage for ransom municipal governments databases, the City must maintain a heightened vigilance to the protected—and sometimes personal—data the City collects and maintains to perform necessary services without delay and with the confidence of utilizing a trusted partner.
- Section 3. That, pursuant to Charter, Section 4.05 Contracting and Purchasing, Council respectfully requests the Board of Control consider and authorize renewal of a personal services agreement for computer server, network, workstation monitoring, maintenance and support, remote and on-site support, malware protection, web browsing protection, patch management, Dark Web monitoring, and security awareness education for the City's critical, complex, municipal infrastructure equipment, and given the critical nature of this agreement, to do so without advertising for bids.
- Section 4. 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 5. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety, and peace of the City of North Canton; and; further necessary for the continued service, maintenance, and monitoring of critical, complex components of the City's infrastructure system, 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: _____



City of North Canton Office of City Council

Agenda Request

TO: President of City Council

DATE: 7/15/2020

SUBJECT: Appropriations Amendment

I am requesting:

Ordinance **Resolution** **Discussion** **Council Vote**

For: Amend Appropriations to add \$2850 Fire Grant to purchase ballistic vests and \$95,000 additional Municipal Road Funds awarded for E.Maple & Portage St

EMERGENCY REQUEST: **YES** **NO**

RATIONALE FOR EMERGENCY: _____

SIGNED: *J EA*

APPROVAL NEEDED:

Dir. Of Administration Dir. Of Finance Dir. Of Law Council President

APPROVED BY:

Jina E. Alaback
Signature

Director of Finance
Title

7/15/2020
Date

North Canton City Council
Finance and Property Committee

ORDINANCE ## - 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: _____



City of North Canton Office of City Council

Agenda Request

TO: President of City Council

DATE: 7/30/20

SUBJECT: Sanctuary Phase 4

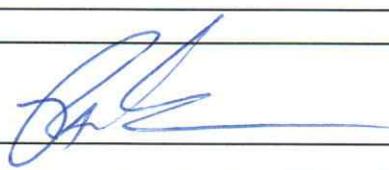
I am requesting:

Ordinance Resolution Discussion Council Vote

For: Conversion of the performance board to a maintenance board.

EMERGENCY REQUEST: YES NO

RATIONALE FOR EMERGENCY: _____

SIGNED: 

APPROVAL NEEDED:

Dir. Of Administration Dir. Of Finance Dir. Of Law Council President

APPROVED BY:



Signature

Title

7/30/20

Date



Jamie R. Minor, Esq.
E-mail: jminor@wr-law.com

Direct Dial: 330-639-2420
Office Fax: 330-433-6701

July 27, 2020

VIA FIRST-CLASS MAIL

Mr. Timothy L. Fox
Director of Law
City of North Canton, Ohio
145 N. Main Street
North Canton, Ohio 44720

RE: *The Sanctuary #4*

Dear Tim:

Enclosed herein is the originally executed Maintenance Bond Agreement and the Commercial Bond issued by The Hartford Fire Insurance Company for The Sanctuary #4. Please add these items to the City Council's agenda for the August 17, 2020 meeting (or sooner if a special meeting occurs). Upon approval, please forward fully executed copies of the Maintenance Bond Agreement for my file.

Should you have any questions, you may contact me at (330) 433-6700.

Yours very truly

WINKHART & MINOR, LLC
Attorneys at Law

A handwritten signature in blue ink that reads "Jamie R. Minor".

Jamie R. Minor, Esq.

JRM/jrm
Encls.

**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

**MAINTENANCE BOND
SECURED BY COMMERCIAL BC**

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

COPY

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] (Seal)
(Principal)

Attest _____
(If Corporation)

(Title) (Seal)

Hartford Fire Insurance Company (Seal)

Attest or Witness:
[Signature]

[Signature]
(Surety)
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

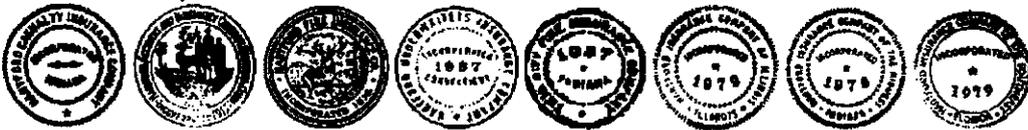
Kathleen T. Maynard

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
Street and Alley Committee

ORDINANCE ## - 2020

An ordinance authorizing the Mayor 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

Records of the Office of City Council

Full Report on the Disposition of Records in the Care of the Office of Council



Benjamin R. Young, Clerk of Council
Prepared for City Council
City of North Canton
Office of City Council
July 15, 2020

Certified Final Copy by:

Benjamin R. Young
Clerk of City Council

Contents

State of Records as of December 2019 2

Records Maintained by the Office of Council 3

Records Retention / Filing System 4

Initial Records Priorities Accomplished in the First Six Months 6

 Organization of the Clerk’s Office 6

 Rough Organization of the Cage..... 6

 Creation of Clerk’s Binder..... 6

 Records Database / Master Ordinance Index..... 6

 Rules of City Council Decodification..... 6

 Codified Ordinance Recodification 7

 Retention Books for Legislation 7

 YouTube Organization..... 7

Priorities Moving Forward / Council Record Goals 7

 1 Year (by Summer 2021)..... 7

 2 years (by Summer 2022)..... 8

 3 Years (by Summer 2023)..... 8

In December of 2019 City Council appointed an interim Clerk of Council after that Office had been vacant for more than a year and hired him as full Clerk in April of 2020. Upon assuming the role of Clerk Mr. Young also assumed custody of a large volume of public records which are by law under the care of the Office of City Council. The following report is a summary of the state of those records when Mr. Young assumed custody, how record retention policy has changed in the Office of Council over the past six months, and the top priorities for future retention.



State of Records as of December 2019

As of December 2019 records of the Office of Council were stored in five locations: The Clerk of Council's Office and supporting cabinets in the hallway, the Finance Department's safe, the Council cage storage area in the basement of City hall, the City's Legal_share server, and the City of North Canton's YouTube page. These records covered a wide variety of topics and information, but suffered from flaws in organization. The Council office also housed important reference material such as the Codified Ordinances of the City of North Canton.

The City's YouTube page was the most organized storage location due to its limited capacity. The YouTube page stores only the livestreamed video records of the meetings of City Council and other municipal bodies. These videos were available in chronological order, but no organized folders or playlists had been created.

While drawers of paper files were generally labeled, the contents did not always match the labels, and documents stored were frequently duplicates, obsolete, or unnecessary. In addition to the lack of referencing, documents were generally disorganized, and drawers were overloaded as shown in Figure 1 below. It was clear that a coherent and consistent records retention schedule had not been followed or maintained for many years. Records from the period of 2010 to 2019 were in a particular state of disorder.

Electronic records stored on the Legal_share server were organized and contained primarily legislative records from 2005 and later. However, the server folder structure was overly truncated making it difficult to locate records, and similar to paper files many duplicates existed. In addition, due to improper computer usage, files that had been ported over from the previous Clerk's computer also contained 3 gigabytes of corrupted memory files. That is equivalent to approximately 225,000 pages of information.

Council's permanent records, including the Record of Legislation and Council's Journal in both bound and microfiche form were housed in the Finance Department's safe. These records were placed in the safe in order to protect them in case of a fire, but in early 2020 Mr. Young was informed by the Director of Administration that the safe was no longer fireproof. Upon deeper inspection of these permanent records, several issues were found. In the Record of Legislation, three different number systems had been used and never reconciled leading some ordinances to even have the same number such as Ordinances 3506. There was no coherent searchable record of all legislation in order to easily locate documents. Finally, a not-insignificant amount of ordinances had not been properly bound into books for permanent retention. In Council's Journal, books were poorly labeled making it difficult to locate records, committee minutes had been frequently left out of the journal, and one journal volume, No. 37 covering May 2011 to November 2012, is missing completely. In addition to the issues of human error, these records also suffer from typical and expected issues, most notably deterioration over time. In particular, records from 1920 and earlier, being now 100 years old or older, are in poor shape and desperate need of preservation and rebinding.

Figure 1: Unsorted Drawer in Council's Office



Lastly, in the performance of the Clerk's duties, certain documents maintained by Council's office such as Council's docket tracker and the Codified Ordinances are referenced frequently. Over the course of using these documents, it quickly became apparent that they had also been somewhat neglected and become increasingly outdated and overly complicated as the years went on.

Records Maintained by the Office of Council

The first priority in preserving Council's records was to generate a complete, accurate, and valuable records retention schedule by inventorying the records maintained by the office. Once a record retention schedule was generated work could then begin on auditing and reorganizing Council records. Four broad categories of Council records were identified: legislative records, office records, zoning or land records, and permanent/historic records.

Legislative records cover all records relating to the regular activities of Council in order to pass legislation including agendas, legislation drafts and requests, public notices, press releases, etc. These records are generally not of a permanent nature and will usually be stored for retention digitally in the same manner they are created, usually by the Clerk.

Office records cover the non-legislative activities of the Office of Council including, but not limited to, liquor permits, bankruptcies, member files, general correspondence, and union contracts. These files can be permanent and may be paper or digital depending on whether they are received or generated by the Office.

Zoning or land records cover important city records that may have corresponding legislation but are unique pertaining to real property in the City including annexations, vacations, zoning changes, and appropriation of property. These documents are frequently permanent and often received in paper form by the office of Council.

Permanent/historic records are those records which generally document the important history of the City or actions of Council including the Council Journal, the Record of Legislation, the Codified Ordinances, and master databases. These documents are all permanent and frequently have requirements to be published or maintained in book form. The high volume of important information maintained in these records is what enables most other Council records to be non-permanent due to overlapping information. These records are the most valuable to the City and community and therefore the most important to maintain properly.

A fifth sub-category was also identified as the Clerk's files. These records are typically process documents such as templates, blank forms, instructional pages, and other such documents subject to frequent updates or changes that do not necessarily document the activities of the City or Council.

From these categories, a retention schedule containing 26 record categories unique to the office of Council was completed and submitted to the Records and Archives Commission for approval in 2020. This new retention schedule has been used as the guiding document for all subsequent efforts to reorganize and preserve Council records and can be reviewed as "Exhibit A" attached hereto.



Records Retention / Filing System

In performing the audit of records a second issue in the system was identified that the Office of Council had no centralized record of the documents in its care, and where or how they were stored. If a public records request were to be received for a document from 1998 for example, the Clerk would have no way of knowing if the document was still in the Office's possession or where to find it except for spending hours searching through boxes. To address these issues a coherent and practical filing system was created based on the new records retention schedule taking into account the ability to accommodate continued records creation in the future. The filing system is also adaptable to both electronic and paper retention where applicable. The best way to represent this new filing system is by examining the new file structure of Council's electronic records.

The Office of Council's server now contains five parent folders, one for each broad records category. Within the legislative folder, records are first organized by year because these records are generated on a yearly basis in conjunction with a session of Council. Titles for sub-folders reflect this organization i.e. "2019 (89th Council 2nd Session)". Files are then organized by document type to facilitate proper maintenance under the records retention schedule. Once the retention period has expired for all non-permanent records in a given year the remaining documents are migrated to the legislative records hard drive, or for paper records to the Council basement storage, and kept under lock and key for permanent retention. In addition, a uniform naming system has been adopted where all non-legislation's name begins with the eight-digit date of the Council meeting for which it was generated and then a clear description of the item. For example, "06.15.2020 Council Meeting Agenda". Legislation begins with the three-letter legislation type abbreviation followed by a "modern" legislation number reflecting the fully reconciled listing of legislation, and then a brief description. For example, "Ord. 37-1984 Authorizing the Mayor to enter a contract for the installation of 'Big Brother'". Legislative documents are most often requested by date or specific legislation number and can now be easily referenced and searched by these common identifiers.

Within the office folder, files are first organized into sub-folders based on the type of document as office files are not necessarily generated annually and are generally requested by type or topic. Sub-folders include liquor permits, research files, correspondence, ethics filings, employment, labor union contracts, and bankruptcies. Within sub-folders files are generally organized by topic or occurrence with the exception of correspondence which is organized chronologically with one folder for each retained year and using an eight-digit date naming system like legislative files as at least some correspondence is generated every year and are frequently referenced by date received or sent. Non-correspondence files are named descriptively such as "2012 Fire/EMS Labor Union Contract" or "Applebee's Liquor Permit". In all such descriptive titles, both the specific instance and the type of document are used to accommodate logical reference searches using standard query language.

Zoning or land is organized in the same manner as the office folder with sub-folders for the type of record organized within by occurrence using descriptive file naming. Sub-folders include zoning changes, annexations, vacation, appropriations of property, sale of property, and lease of property.

Permanent/historic records have a much more unique retention structure due to the nature of these records as either physical or databases. The databases are stored on the Council server and are password protected to prevent accidental editing or tampering. No sub-folders are needed except for the Codified Ordinances, the base documents for which will be maintained on the Council server in this folder following the



2020 recodification.¹ Databases stored here include historic elected officials, the Master Ordinance Index, and the Master Council Information Database. Paper permanent/historic records in book form are kept in specific locations. The official Codified Ordinances are kept in the Clerk of Council's office in a clearly labeled and fully tabbed binder.

The Record of Legislation books are also kept in the Clerk's office in a dedicated filing cabinet under lock and key. These records are to be printed on 8.5x14 archival quality paper and bound in hardcover books using plastic posts to prevent degradation over time. Each book contains both ordinances and resolutions with recently bound books placing resolutions at the end. Currently, the City uses *Wilson Jones* archival materials. Each book is then labeled with a volume number, the ordinances it contains by number, and the period it covers as shown below on both the spine and cover. Modern volumes generally contain one calendar year.

Record of Legislation
Volume 40
 Ord. 01-2020 to 97-2020 and
 Res. 01-2020 to 10-2020
 January 2020 to December 2020

The Council Journal, otherwise known as the record of proceedings, was historically bound similar to legislation in volumes. This method created consistency between the two, but was inefficient for the referencing of minutes which is typically done by date. Such archival quality binding is also unnecessarily expensive due to the easy replicability of modern meeting minutes with computer technology. Minutes will now be bound in semi-hard cover bindings and labeled on the cover by Council and years as shown below. No book may cover more than one calendar year in order to improve searchability and reflect the filing system of the digital back up of all minutes that will be stored on the Council's hard drive. Once all digital backups are completed minute books no longer need to be maintained in the finance safe as any book that goes missing or becomes damaged can be easily reprinted by the City. While the original minutes do bear signatures authenticating them as approved by Council, they do not bear the same force of law and historic importance as legislation and therefore do not necessitate the same security of storage. The final retention location of these books has yet to be determined but for now they will remain in the finance safe.

Record of Proceedings
 of the
90th Council, 1st Session
 Book 1
 January 2020 to June 2020

The final permanent/historic record is the Council docket tracker which as of April 2020 has been shifted to the City of North Canton's AirTable account in order to facilitate efficient use and reference by the Clerk, Council, and the public.

¹ Note: annual codification updates are kept in legislative records.



Initial Records Priorities Accomplished in the First Six Months

In addition, to the creation of a retention schedule, standard filing system, and new docket tracker the following records priorities have been accomplished in the last six months.

Organization of the Clerk's Office

One of the first tasks accomplished by Clerk Young was the organization of the Clerk's Office. Nearly every drawer was full of files, poorly labeled, and largely unusable in their initial state. All drawers have been audited, cleaned, reorganized, and labeled. The office now contains primarily working files, all drawers are clearly labeled with their contents and a schedule of the contents of drawers is posted in the Clerk's Office.

Rough Organization of the Cage

Council's cage storage was in a similar state to the Clerk's office. Little usable space remained due to poor organization of files making it difficult to search for records. An initial organization of the Cage has been completed with boxes of files sorted by type, shelves designated for the future record storage scheme, and boxes condensed where possible. The cage still needs a lot of organization and an in-depth audit.

Creation of Clerk's Binder

In order to preserve the institutional knowledge of how to perform the role of Clerk of Council a binder of duties and best practices has been created and is frequently updated as the policies and procedures of the Office of Council continue to evolve. In conjunction with this project work has also begun on the creation of a Councilmember's binder to aid Councilmembers in navigating their role in municipal government and understanding the resources available to them.

Records Database / Master Ordinance Index

In order to improve records tracking and retrieval the scaffolding for a records database, in particular for ordinances and minutes, has been created using the database management tool Microsoft Access. This database will eventually cover all legislation ever passed in North Canton as well as some other related records in a searchable form free of the bias of traditional ordinance indexes. Traditional indexes were organized alphabetically by a one-sentence summarization written by the clerk, the new master index records the official title of the ordinance, the topic, the original and modern numbers, and the date of final action all of which can be searched individually or using combined queries to easily locate legislation and records instead of searching through books based on a rough hunch. So far all legislation up to 1930 has been entered into the database.

Rules of City Council Decodification

Currently, the rules of Council are codified as part of the City's standing law making them difficult to amend and granting the Mayor undue authority over how the legislature conducts its business. As one piece of the larger effort to improve the City's Codified Ordinances, newly revised and decodified rules of Council have been drafted in conjunction with the Chair of the Ordinance, Rules, and Claims committee and will be formally introduced to Council for adoption in the Fall of 2020.



Codified Ordinance Recodification

While interacting with the Codified Ordinances in the performance of the Clerk's duties it became evident that the standard to which such an important document should be maintained had become more relaxed as new material was continuously adopted. In mid-2020, in light of the COVID-19 epidemic, City departments were asked to reexamine expenses and cut unnecessary spending. The outsourcing of ordinance codification was identified as a potential way to cut unnecessary spending of more than \$5,000 annually. In order to improve the efficiency, accuracy, and quality of the City's Codified Ordinances the entire document has been audited and recodified by the staff of Council's office cutting more than 500 pages of unnecessary, obsolete, or incorrect legislation as well as adding some laws which should have been codified, but for various reasons were not. Examples of issues include codification of conflicting provisions, chapter modification without legislative authorization, duplications of Ohio Revised Code, and missing codification of personnel regulations. This proposal will be formally introduced to Council for adoption in Fall 2020.

Retention Books for Legislation

Since 2016 legislation passed by Council and signed by the mayor had not been bound and stored for retention in archival books as is the standard best practice, but had been hole punched and placed in three-ring binders. This practice not only damaged the legislation and was more likely to lead to record degradation, but also required twice as much storage space than the standard archival books. Beginning with legislative year 2020 new archival quality record books have been sourced and Council's office has returned to proper retention of legislation.

YouTube Organization

Videos on the City's YouTube page have now been organized into playlists by video type and year. For example, there is now a "City Council 2020" and a "Mayor's Updates" playlist.

Priorities Moving Forward / Council Record Goals

In order to complete the revitalization of Council records the following goals have been laid out for completion by Council staff over the next one to three years.

1 Year (by Summer 2021)

1. The first priority over the next year is to scan all legislation, which currently exists only in paper form, into the Council server and eventually hard drive for permanent retention. Maintaining digital copies of these vital records will act as insurance against, theft, fire, flood, or other act of God which may cause damage to or destroy the paper originals. Once scanned, the originals for years 1969 to 1980 and 2016 to 2019 which are not the versions maintained in the permanent bound books, can be donated to the North Canton Heritage Society to ensure their continue preservation and relieve the City of the financial and resource burden of maintaining them while preserving the ability to fulfill records request for such documents.
2. At present the Codified Ordinances are not built into the city's website, or searchable from the City's website. As a long-term piece of the 2020 recodification, the Codified Ordinances are to be fully



integrated into the City's website as a separate page making them easily searchable from the City's homepage for both public and City use.

2 years (by Summer 2022)

1. In June of 2020, the Clerk of Council once again became responsible for the duties of secretary of the Civil Service Commission and maintenance of all related records. Such civil service records are in a similar state of disarray as Council's records were in December 2019 and will need audited and record maintenance practices developed similar to the process currently being done for Council's records as described in this report.
2. Council's cage storage contains a large number of duplicates and obsolete files in addition to the important records stored there. Instead of true filing cabinets, the cage consists of a series of wooden shelves and bankers boxes that do not properly fit onto the shelving units. Shelves are not designated or organized for specific record types and boxes tend to be a random assortment of thrown together files. As a result, there is a large amount of wasted storage space and a large number of records that could be either disposed of or digitized. The cage storage will need to be completely audited, file-by-file, and ideally, new filing cabinets ordered and installed to better maintain records. This will not only free up storage space, but allow Council's office to more accurately and efficiently respond to records requests should they be received.
3. All legislation, as recorded in the records of legislation, needs to be accurately entered into the new Master Ordinance Index Database for easy referencing and review. This database can then be made available to the public for informational and research purposes as well as used internally for City analytics, activities tracking, and reference.

3 Years (by Summer 2023)

1. The Planning Commission and Zoning Board of Appeals both have numerous duties and responsibilities laid out in the City Charter, Codified Ordinances, and Ohio law but lack a single clear and coherent document summarizing all rules and regulations relating to those bodies similar to the Rules and Regulations of the Civil Service Commission. Consolidating all of these rules and regulations into a single document will make navigating interactions with these bodies easier for not just the public, but also the clerks who run the meeting, city employees who assist in the functions of the body, and the members of the boards themselves.
2. Record of Legislation books bound prior to 2019 have been found to occasionally suffer from problems including unnecessary blank pages, omitting attachments, and missing legislation and approximately 10 previously bound volumes need completely rebound due to degradation or improper binding. In addition, Record of Proceedings books also frequently have blank pages, omit proceedings, especially of Council's committees, and are inconsistently labeled. In order to correct these issues and create standardization and accuracy, record books will be consolidated, rebound, relabeled, and, in extreme cases, replaced as necessary. This will improve record searchability as well as present a professional outward appearance for those members of the public who choose to exercise their rights under Ohio law and review these records.



SCHEDULE OF RECORDS RETENTION AND DISPOSITION

To: City of North Canton Records Commission (330) 499-3466 Telephone Number

145 N. Main St. North Canton 44720 Stark
(Address) (City) (Zip Code) (County)

From: City of North Canton Office of City Council
(Political Subdivision Name) (Unit)

Benjamin R. Young Clerk of Council 7/13/2020
(Signature of Responsible Official) (Name) (Title) (Date)

CERTIFICATION: I hereby certify that our records commission met in an open meeting, as required by Section 121.22 ORC, and passed the retention schedules contained on this form and any continuation sheets. I further certify that our commission will make every effort to prevent these records series from being destroyed, transferred, or otherwise disposed of in violation of this schedule and that no record will be knowingly disposed of which pertains to any pending case, claim, action or request. This was approved on _____ as reflected by the minutes kept by this commission.

Chairman, Records Commission:

Signature Date

Subject to selection upon receipt of a Certificate of Records Disposal (RC-3)

For the Ohio Historical Society Date

Approved by the Ohio Auditor of State:

For the Ohio Auditor of State Date

Schedule Number	Records title and description.	Retention Period	Media type	For use by Auditor of State or OHS-LGRP	RC-3 required by OHS
Council 1	Moral Claims: All records regarding claims against the city sounding in tort or contract even though they may not be enforceable in a court of law	8 years	paper		
Council 2	Bankruptcy: All records related to bankruptcy proceedings involving the City as a Party to include court filings, party responses, decisions, appeals, research, drafts, etc.	1 year after case/appeal concluded	paper		
Council 3	Labor Union Agreements: All records related to contract negotiations between the City and its labor unions including contracts, decisions, negotiations, state agency communications, drafts, notes, illustrations, charts, etc.	8 years after termination	paper and/or digital		
Council 4	Resumes/ Applications: All records related to hiring for City Council positions including members clerk, law director, assistants, and finance director including advertisements, resumes, references, notes, etc.	Place in personnel file if hired, 2 years if not hired	paper and/or digital		
Council 5	Agendas of Council: All records related to City Council meeting Agendas including committee meetings, notes, attachments, etc.	2 years	paper and/or digital		
Council 6	Ethics Commission Elections Filings: All records relating to bi-annual Elected Officials filings with the Ohio Ethics Commission including notes, drafts, etc.	10 years	paper and/or digital		
Council 7	Codified Ordinance Codification Updates: Records of changes made to the Codified Ordinances of the city of North Canton during annual codification updates.	Permanent	paper and/or digital		
Council 8	Agenda Request Forms: All agenda and/or legislative requests received by the Office of Council for action to be placed on the Council docket.	2 years	paper and/or digital		
Council 9	Affidavits of Publication: All affidavits of publication received from media outlets relating to the publishing of materials for the actions of City Council.	10 years	paper		
Council 10	Annual Department Budget: all documents related to the preparation and submission of the annual estimated department budget.	10 years appraise for historical value	paper and/or digital		
Council 11	Annual Department Report: Annual reports detailing the activities of the Office of Council for the applicable Calendar Year	10 years the appraise for historical value	paper and/or digital		
Council 12	Attendance Records: All records of attendance of individual Council Members at meetings of City Council and its committees	2 years	digital		
Council 13	Blank Forms: All fillable forms created or held by the office Council that have not been filled out.	until no longer of administrative value	paper and/or digital		

Schedule Number	Records title and description.	Retention Period	Media type	For use by Auditor of State or OHS-LGRP	RC-3 required by OHS
Council 14	Correspondence: All mail, email, letters, fax, memorandums, and passed notes detailig the activities of the Office of Council.	2 years / appraise for historical value	paper and/or digital		
Council 15	Drafts: All records that are preliminary versions of any other document or record and was not released to the public.	Until no longer of administrative value	paper and/or digital		
Council 16	Audio and/or Video recordings of Council meeetings: All records recording in a visual and/or audio format, the proceedings of City Council.	Until corresponding minutes are approved by Council and added to record of proceedings	digital		
Council 17	Meeting Notices: All records intednded to notify the public/and or media of a meeting of a public body.	2 years	paper and/or digital		
Council 18	Press / News Releases: All records created and published with the indent to convey specific information the media and public.	2 years	paper and/or digital		
Council 19	Administrative files: All research, topic, project, or working files not intended for public release.	5 years after end of related project	paper and/or digital		
Council 20	Voicemail messages: All audio recordings of messages from telephone callers.	until no longer of administrative use	digital		
Council 22	Rosters: All records listing either the members of City Council or employees of the Office of Council.	1 year after superceeded	paper and/or digital		
Council 23	Zoning Amendment Files: All records of Zoning Amendment applications received and processed by the Office of City Council.	5 years after final action by Council	paper and/or digital		
Council 24	Council Docket Tracker (Airtable): All records designed the track the legislative docket of City Council.	2 years assuming completion of related Annual permanent records	digital		
Council 25	Index to Ordinances/ Resolutions (Master): Records detailing the number, title, and content, of all ordinances ro resolutions passed by City Council.	Permanent	digital		
Council 26	Index to Ordinances/ Resolutions (Year Specific): Records detailing the number, title, and content, of all ordinances ro resolutions passed by City Council in a given year.	Until Incorporated into Master Index	paper and/or digital		

North Canton City Council
Rules, Ordinance, and Claims Committee

ORDINANCE ## - 2020

An ordinance to approve the 2020 Codified Ordinances; to adopt new matter; and to amend and repeal certain obsolete and conflicting legislative provision.

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

WHEREAS, the City desires to reduce unnecessary spending, ensure currency, 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 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 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: _____



City of North Canton Office of City Council

Agenda Request

TO: President of City Council

DATE: 5/20/2020

SUBJECT: Amend Council Rules

I am requesting:

Ordinance Resolution Discussion Council Vote

For: - Streamlining council rules
- Improving efficiency of rules

EMERGENCY REQUEST: YES NO

RATIONALE FOR EMERGENCY: _____

SIGNED: *Matt St*

APPROVAL NEEDED:

Dir. Of Administration Dir. Of Finance Dir. Of Law Council President

APPROVED BY:

Signature

Title

Date



City of North Canton Office of City Council

Agenda Request

TO: President of City Council
DATE: May 28, 2020
SUBJECT: Rules of Council - Decorum and Public Speaks

I am requesting:

Ordinance **Resolution** **Discussion** **Council Vote**

For: Updates to the Rules of City Council to better reflect the Supreme Court's most recent decisions regarding the freedom of speech and discussion at meetings of public bodies.

Proposed changes are in the attached document.

EMERGENCY REQUEST: **YES** **NO**

RATIONALE FOR EMERGENCY: _____

SIGNED: _____

APPROVAL NEEDED:

Dir. Of Administration Dir. Of Finance Dir. Of Law Council President

APPROVED BY:



Signature

Director of Law

Title

May 28, 2020

Date

111.10 RULES OF DECORUM, COURTESY, AND PROPRIETY.

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

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

(c) In the interest of its guests, City employees, and Council Members, and to help prevent the disruption of its meetings that delay or cease the legislative process, Council rules shall be strictly and equally enforced. The President of Council shall promptly issue a warning to those that violate the Rules of Decorum, Courtesy, and Propriety to cease the disruptive behavior. Because a disruptive individual waives his or her right to remain at a meeting, and to prevent the further delay or cessation of the legislative process, the President of Council ~~shall~~ may expel from the meeting those individuals that persist despite the President's warning to cease the disruptive behavior. If the disruptive individual fails to immediately leave the meeting upon the President of Council's ~~demand~~ request, the President, or other Council member, may move, and if the motion is seconded and receives a positive voice vote, Council shall temporarily recess the meeting to have the individual removed from the Council, Committee of the Whole, or special meeting by a law enforcement officer in the course of enforcing the laws of the State of Ohio. Once the disruptive individual is removed from the meeting, by a motion, a second, and a positive voice vote, Council shall resume the meeting. A person who disrupts a Council, Committee of the Whole, or special meeting may be prosecuted for disturbing a lawful meeting, a fourth degree misdemeanor, and obstructing official business, a second degree misdemeanor. If a violation of this section creates a risk of physical harm to any person, obstructing official business is a felony of the fifth degree.

111.11 RECOGNITION OF VISITORS.

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

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

(c) Each speaker's comments are limited to a maximum of five minutes and shall be directed only to the President of Council. There shall be no debate between the speaker and guests, City employees, or Council Members. Other guests, City employees, or Council members shall not interrupt or otherwise engage the speaker during the speaker's five minutes. Only after the speaker has completed speaking and returned to her or his seat may a Council member, or City employee, who is seated at the Council dais, respond to the speaker's comments.

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

(e) A speaker that continues beyond the allocated five minutes, and who continues to speak despite receiving notice that the speaker's time limit has expired, disrupts the meeting, and therefore is subject to Section 111.10(c). ~~and waives his or her right to remain. To prevent the disruptive individual's further delay or cessation of the legislative process, the President of Council shall expel from that meeting those that persist despite the President's warning to cease the disruptive behavior. If the disruptive individual fails to immediately leave the meeting upon the President of Council's demand, the President shall have the individual removed from the Council, Committee of the Whole, or special meeting by a law enforcement officer in the course of enforcing the laws of the State of Ohio. A person who disrupts a Council, Committee of the Whole, or special meeting may be prosecuted for disturbing a lawful meeting, a fourth degree misdemeanor, and obstructing official business, a second degree misdemeanor.~~

North Canton City Council
Ordinance, Rules, and Claims Committee

Resolution ## - 2020

A resolution to adopt Rules for the Council of the City of North Canton, Ohio as attached hereto and incorporated herein as "Exhibit A."

WHEREAS, Council seeks to adopt uncodified rules that govern the processes and procedures of the body to grant the body increased control over its own affairs and to be more in line with best practices of similar governmental organizations; and

WHEREAS, as a consequence the current Rules of Council, codified in Chapter 111, Council, of the Codified Ordinances of the City of North Canton shall be repealed through Ordinance ###.

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

- Section 1. That the Rules of Council as attached hereto and incorporated herein as "Exhibit A" are hereby adopted as the Rules of the Council of the City of North Canton, Ohio.
- Section 2. That if a provision of this resolution is or becomes illegal, invalid or unenforceable, that shall not affect the validity or enforceability of any other provision of this ordinance.
- Section 3. That this resolution shall take effect and be in full force from and after December 1, 2020.

Passed in Council this _____ day of _____ 2020.

Attest: _____
Benjamin R. Young, Clerk of Council

Stephan B. Wilder, Mayor

Signed on: _____

Rules of City Council

The following rules shall govern all meeting of the Council of the City of North Canton and its committees. If any part of these rules should become contrary to local or state law, it shall be considered immediately void and the Clerk shall have the authority to strike it from the rules without a vote of council.

Officers of Council

- Rule 1. The Officers of Council shall be elected by the members of Council at the annual organizational meeting of Council according to the following format.
- (a). The President shall be elected before the Vice President.
 - (b). The Chair will open the floor to nominations for the current office.
 - (c). Once all nominations are made the Chair shall close the floor to nominations and may open the floor to debate.
 - (d). The chair shall then call for the roll call vote of each Council member.
 - (e). Election to any office requires four (4) votes. If no member receives four votes the chair may reopen the floor to deliberation before conducting another vote.
 - (f). The process shall continue until a nominee receives four (4) votes.
 - (g). Once a nominee has received four votes the chair will call for a motion and second to certify the election and appoint the winner to the elected office.
- Rule 2. The President of Council shall:
- (a). preside over Council meetings and public hearings and therein preserve order and decorum;
 - (b). confine debate to the question under discussion;
 - (c). decide all points of order; and
 - (d). assign seats at the Council dais.
- Rule 3. The Vice President of Council shall fulfill the duties of the President in the President's absence.
- Rule 4. A Clerk of Council shall be appointed by a majority vote of council members and serves until said Clerk resigns, retires, or is removed for any just cause by a two thirds majority vote.
- Rule 5. The Clerk or their designee shall be present at all meetings of Council and its committees unless excused by a vote of council due to appropriate circumstances such as illness or legitimate use of vacation hours.
- Rule 6. The Clerk shall act as parliamentary advisor to the President of Council responsible for assisting in compliance with parliamentary procedure.

Meetings of Council

- Rule 7. Council shall hold an annual organizational meeting during the first three days of December to elect Officers.
- Rule 8. All Council and committee meetings as recorded shall be transcribed verbatim.
- Rule 9. All meeting minutes shall state those City officials in attendance and seated at the dais.

Committees of Council

- Rule 10. The standing committees of Council shall be:
- (a). Community and Economic Development;
 - (b). Finance and Property;
 - (c). Ordinance, and Rules;
 - (d). Park and Recreation;
 - (e). Personnel and Safety;
 - (f). Street and Alley; and
 - (g). Water, Sewer, and Rubbish.
- Rule 11. Council members shall present to the President of Council her or his preference of committee assignments, in writing, following the Organizational Meeting of Council by a date established by the President of Council.
- Rule 12. The President of Council shall assign committee positions at his or her own discretion by the next regular meeting of Council following the annual organizational meeting, but shall take into consideration seniority, preference, special qualifications, experience, and the best interests of the City, and may alter committees assignments or make special assignments thereafter as needed.
- Rule 13. The Clerk shall cause committee assignments to be publicly posted in City Hall and on the City website for at least one week after assignments are made.
- Rule 14. The President of Council shall designate one member each of each committee as the chairperson and one member as the vice chairperson.
- Rule 15. Committees of Council shall meet upon call by its chairperson.
- Rule 16. No Committee of Council shall meet without the Clerk having first provided the committee's members and the public with twenty-four hours advance notice of the meeting's date and time.
- Rule 17. Council members may attend meetings of a Committee of which they are not a member as members of the public but not as speaking members of the meeting.

Council Docket

- Rule 18. A matter may be introduced to Council's docket only upon the receipt of an Agenda Request Form, as kept on file by the Clerk of Council in the Office of Council. Only the Directors of Administration, Finance, and Law, the Clerk of Council, and City elected officials may submit such requests.
- Rule 19. Upon a matter's introduction to the council docket, or upon referral back to Council, the Clerk of Council, under the authority and supervision of the President of Council, shall refer the matter to the proper committee of Council for consideration, or, in matters requiring pre-council approval, to appropriate boards and/or commissions.
- Rule 20. The Clerk shall promptly notify a committee's chair of any items assigned to said committee.
- Rule 21. All matters to be placed on a Committee's meeting agenda shall be reported to the Clerk by 12:00 p.m. on the Wednesday before the meeting. The President of Council may make exceptions to this rule, provided that sufficient time is available to comply with the request.
- Rule 22. All non-legislation matters to be placed on the Council's meeting agenda shall be reported to the Clerk by 10:00 a.m. on the Thursday prior to the Council meeting. The President of Council may make exceptions to this rule, provided that sufficient time is available to comply with the request.

- Rule 23. Legislation may be placed on the Council agenda only upon:
- (a). The Clerk's receipt of the applicable committee's meeting minutes; or
 - (b). The Clerk's witness of a committee's favorable vote recommending said legislation to the agenda.
- Rule 24. By a two thirds majority vote of members Council may suspend Rule 19 and place legislation on the Council agenda.
- Rule 25. Legislation will be assigned an official ordinance number in the form of (### - year) by the Clerk upon its placement on the Council Agenda.
- Rule 26. The Council meeting agenda shall be in substantially the following form:
- (a). Call to order;
 - (b). Opening prayer;
 - (c). Pledge of Allegiance;
 - (d). Roll call;
 - (e). Consideration of minutes of regular meetings, special meetings, and public hearings held in the period between two regular meetings;
 - (f). Consideration of the financial statement for the previous month (Placed on the agenda once a month);
 - (g). Recognition of visitors;
 - (h). Committee reports;
 - (i). Old business;
 - (j). New business;
 - (k). Reports of Directors of Administration, Law and Finance, City Engineer, Clerk and Mayor;
 - (l). Reports of Council members;
 - (m). Final call for new business;
 - (n). Adjourn.
- Rule 27. The Committee and Council meeting agendas and supporting paperwork such as ordinances, resolutions, committee reports, etc., shall be available to Council, the Mayor, and the Directors of Administration, Law, and Finance by the Thursday before the meeting, or as soon thereafter as possible.
- Rule 28. The Clerk of Council shall present legislation to the Mayor, or their designee within 48 hours of Council having passed the legislation.

Other Rules

- Rule 29. All matters of procedure not covered in these rules or applicable state or local law shall be governed by the most recent edition of Robert's Rule of Order Newly Revised (RRoONR) and the Council of the City of North Canton does hereby adopt RRoONR as the council's standard for parliamentary procedure.
- Rule 30. Any proposed amendments may be made by a motion to consider from the floor of any regular or special Council meeting. Such motions, upon receiving three favorable votes shall be referred to the Ordinance and Rules committee for consideration. After consideration the Ordinance and Rules committee shall report its recommendation to the Council as a whole.

After having heard the report of the Ordinance and Rules Committee Council shall vote on a motion to adopt the rule. Upon a favorable vote the Clerk shall cause the proposed amendment to be made to the rules of Council and the amendment shall become effective immediately.

North Canton City Council
Ordinance, Rules, and Claims Committee

ORDINANCE ## - 2020

An ordinance amending Chapter 111, Council, of the Codified Ordinances of the City of North Canton, as described in "Exhibit A" attached hereto.

WHEREAS, City Council wishes to continue to improve the efficiency and clarity of its legislative process and the rules of the body.

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

Section 1. That Chapter 111, Council, of the Codified Ordinances of the City of North Canton, be, and is hereby amended to read as described in "Exhibit A" attached hereto.

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 and after December 1, 2020.

Passed in Council this _____ day of _____ 2020.

Attest: _____
Benjamin R. Young, Clerk of Council

Stephan B. Wilder, Mayor

Signed on: _____

SECTION 111.01 MEETINGS; TIME, PLACE, AND RECORDING PROCEDURE

(a) Council of the City of North Canton, Ohio, ("Council") shall meet on the first, third, and fifth, and fifth Monday, as applicable, of each month at 7:00 p.m. in Council chambers, located in the Civic Center, 845 W Maple Street, with the exception of the month of August when Council will not meet.

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

(c) Council shall meet as a Committee of the Whole on the second and fourth, Monday of each month at 7:00 p.m. in Council chambers, located in in the Civic Center, 845 W Maple Street, with the exception of the month of August when the Committee of the Whole shall not meet.

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

SECTION 111.02 COUNCIL STRUCTURE

(a) Within the Charter's limits, the President of Council shall supervise the Director of Law, Director of Finance, and Clerk of Council.

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

- (1) Within the Charter's limits, the President of Council shall have the power to set the entire schedule for Council vacancy applications and voting.
- (2) Nominations to fill a Council vacancy shall be made from the floor of Council.
- (3) The Council vacancy shall be filled by the individual receiving a majority of roll call votes from Council members.

SECTION 111.03 COMMITTEES OF COUNCIL (REPEALED)

SECTION 111.04 LEGISLATIVE PROCEDURE

(a) At the Annual Organizational meeting of Council Council shall, by motion and vote of Council, adopt such rules and regulations as Council sees fit to govern its legislative process.

SECTION 111.05 COMMITTEE OF THE WHOLE AGENDA (REPEALED)

SECTION 111.06 COUNCIL MEETING AGENDA (REPEALED)

SECTION 111.07 NOTICE

(Pursuant to Ohio Revised Code Section 121.22.)

(a) The Clerk shall post at a prominent place in the North Canton City Hall, the time, date, and place of all meetings of Council and the Council meeting as a Committee of the Whole which notice shall include the time, place, and purpose(s) of such meeting.

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

(c) Upon request, any person, including news media, may obtain reasonable advance notice by e-mail or telephone number of all meetings of Council, Council meeting as a Committee of the Whole, and/or special meetings at which specific public business is to be discussed. The Clerk shall make reasonable effort to notify the person at the provided email address or telephone number and may use the meeting agenda as notification.

SECTION 111.08 SURVEY OF CONSTITUENTS

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

- (a) The survey/letter may address only a single issue;
- (b) The survey/letter may be sent only to residents directly affected by the issue addressed in the survey/letter;
- (c) The content of the survey/letter must receive consent of the majority of Council.
- (d) A Council member may not send out a survey/letter to constituents within 90 days of an election of North Canton City Council members unless all of the following the restrictions have been met:
 - (1) A majority of Council must agree that conditions (a), (b), and (c) above have been met; and
 - (2) The survey/letter does not contain the name of the sending Council member, but rather is signed, "North Canton City Council. "
- (e) The above restrictions shall not control correspondence between a Council member and the member's constituents if City resources are not utilized; however, no City letterhead, envelopes (or likeness thereof) shall be used.

SECTION 111.09 RULES OF DECORUM, COURTESY, AND PROPRIETY

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

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

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

SECTION 111.10 RECOGNITION OF VISITORS

(a) Guests of Council meetings are permitted to speak only during the Recognition of Visitors portion of the Council meeting. Guests shall observe the Rules of Decorum, Courtesy, and

Propriety described above. See 111.10. There shall be no shouting or other types of disruptive behavior during a Council, Committee of the Whole, or special meeting.

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

(c) Each speaker's comments are limited to a maximum of five minutes and shall be directed only to the President of Council. There shall be no debate between the speaker and guests, City employees, or Council Members. Other guests, City employees, or Council members shall not interrupt or otherwise engage the speaker during the speaker's five minutes. Only after the speaker has completed speaking and returned to her or his seat may a Council member, or City employee, who is seated at the Council dais, respond to the speaker's comments.

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

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

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

SECTION 111.11 SALARIES AND BONDS¹

(a) Salaries and Bonds for all elected officials and appointed officials and City employees shall be as established by Council.

(b) The public officials of the City of North Canton shall give bond in the amounts set below with premiums for such bonds to be paid by the City.

- (1) The Mayor and Director of Administration shall give bond in the amount of \$50,000.
- (2) The Director of Finance shall give bond in the amount of \$250,000.

¹ Shown as would be amended by Ord. No. 27-2020



City of North Canton Office of City Council

Agenda Request Form

DATE: 8/10/2020

SUBJECT: Policies for Councilmember Use of City Letterhead and Businesscards

I am requesting:

Ordinance **Resolution** **Discussion** **Vote of Council**

FOR: Establishing policies relating to the use of the City's paper representation such as letter head and Business Cards by Councilmembers as described in the attached document.

EMERGENCY REQUEST: **YES** **NO**

RATIONALE FOR EMERGENCY:

SIGNED: *Benjamin R. Young* **Title:** Clerk of Council **Date:** 8/10/2020

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:**

Paper Representation

As an elected official and employee of the City, Councilmembers have the right to use paper representation materials used by other City employees. However, due to their unique position as elected officials several policies should be adopted to ensure that incumbents do not have an unfair advantage or abuse the powers and position of their Office, and protect City processes and public accessibility in the event any given Council member is not re-elected.

Letterhead / Envelopes

Council Members are free to use official City letterhead for their communications provided it meets the following conditions.

1. All communications written using City letterhead must also be sent to and kept on file by the Clerk of Council.
2. Letterhead may not be used for communications not related to City business.
3. Letterhead may not be used to discuss elections, referendums, recalls, or votes of the electorate in any capacity.
4. Letter head may not contain personal phone numbers or emails but shall instead contain the number for the Office of City Council and position email addresses.
5. All communications must also comply with the provisions of the Codified Ordinances Section 111.08 Survey of Constituents.

In order to best meet these requirements the Clerk of Council will not distribute the letterhead template. Instead Councilmembers are welcome to draft letters and send them to the Clerk to be put on letterhead or to ask the Clerk to draft communications for them.

Envelopes may be used to send any communication written on letterhead

Business Cards

Council members may use City business cards to represent themselves to the public in accordance with the following policies to prevent electoral advantages and issues with communications.

1. Upon request Councilmembers may be provided with up to 500 business cards paid for by the City per elected term with at least 50 to be retained by the Office of Council for distribution to members of the Public who visit City Hall. Any additional cards must be paid for by the Councilmember themselves. (Approximate cost is \$33.00 per 500)
2. Business cards may not list personal phone numbers only the number for the Office of City Council in order to avoid confusion in the event the card is used after the member is no longer in office.
3. Business cards may not list personal emails only the email for the held position on Council in order to avoid confusion in the event the card is used after the member is no longer in office.
4. Business cards will not list any titles or officers of Council such as Committee Chairman, President, or Vice President as these position may be subject to frequent change.
5. Business cards may not be used as, in conjunction with, or as part of, campaigning or election materials.

North Canton City Council
Ordinance, Rules, and Claims Committee

ORDINANCE ## - 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 that 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 list personal phone numbers, only 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 position 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: _____



City of North Canton Office of City Council

Agenda Request Form

DATE: 8/10/2020

SUBJECT: Permanent Records Viewing Policy

I am requesting:

Ordinance **Resolution** **Discussion** **Vote of Council**

FOR: Accepting and supporting a policy governing the viewing of paper permanent records maintained by the Office of City Council by members of the public as detailed in the attached document.

EMERGENCY REQUEST: **YES** **NO**

RATIONALE FOR EMERGENCY:

SIGNED: Benjamin R. Young **Title:** Clerk of Council **Date:** 8/10/2020

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:**

In accordance with Ohio Public Records law the official Council Journal and Records of Legislation in book form are available to be viewed by the public during business hours. For more information or to schedule an appointment please email citycouncil@northcantonohio.gov or call (330)-499-8223 ext. 1101.

Rules for Viewing Permanent Paper Records

Appointments must be made with the Clerk of Council at least 24 hours in advance.

Appointments may only be made during regular office hours weekdays from 8:00 am to 4:00 pm.

Only one volume of records may be viewed at a time.

Records may not be modified, disassembled, or otherwise altered in any way.

All members of the public must be supervised while viewing records.

Some records may require the use of gloves and/or masks in order to prevent deterioration at the discretion of the Clerk of Council.

North Canton City Council
Resolution, Rules, and Claims Committee

RESOLUTION ## - 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 Resolutions, and other historic documents.

WHEREAS, Ohio Sunshine Law requires documents such as Council's Journal, the Record of Legislation, the Codified Resolutions, 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 ## - 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 acknowledges 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 Record 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 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: _____

Ben Young

From: Daryl Revoldt
Sent: Friday, August 14, 2020 12:50 PM
To: Ben Young; Daniel Peters
Subject: Request Exec Session

I ask that an executive session be scheduled for Monday to discuss the employment of a public official. Participants are limited to elected officials only: members of council and mayor.

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