



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 a **Special Committee of the Whole on Monday June 1, 2020 at immediately following the public meeting on Ord. No. 23-2020 at 7:00 PM** via teleconference.

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, June 1, 2020.

<https://youtu.be/WBEtwDtf-As>



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

05/22/2020

Date

Benjamin R. Young
Benjamin R. Young
Clerk of Council

**NORTH CANTON CITY COUNCIL
SPECIAL COMMITTEE OF THE WHOLE**

June 1, 2020, Immediately following the public meeting at 7:00 pm, via teleconference.

Agenda

1. Community and Economic Development Committee

Chairperson: Daryl Revoldt

Vice Chairperson: Mark Cerreta

- a. A resolution to suggest amending Part Eleven, Planning and Zoning, of the Codified Ordinances of the City of North Canton, specifically, Chapter 1181, Amendments, as described below.
- b. An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into an agreement for the purchase of the real property located at 1136 North Main Street, in the City of North Canton, Stark County, Ohio (Permanent Parcel number 10002312) (the "Property") at a cost not to exceed \$230,000.00, and declaring the same to be an emergency.

2. Finance and Property Committee

Chairperson: Stephanie Werren

Vice Chairperson: Matthew Stroia

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

3. Ordinance, Rules, and Claims Committee

Chairperson: Matthew Stroia

Vice Chairperson: Doug Foltz

Discussion on the modification of the rules of City Council.

4. Park and Recreation Committee

Chairperson: Doug Foltz

Vice Chairperson: Stephanie Werren

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids, according to specifications now on file in the Director's office, and authorizing the Mayor, upon Board of Control approval, to enter into a contract for the Bitzer Park Expansion Project, at a total cost not to exceed \$450,000.00, and declaring the same to be an emergency.

5. Street and Alley Committee

Chairperson: Dominic Fonte
Vice Chairperson: Daniel Peters

An ordinance authorizing the Mayor of the City of North Canton, upon Board of Control Approval, to enter into an agreement with the Stark County Commissioners for the reimbursement of cost related to the East Maple Vehicular Bridge Rehabilitation as part of the Municipality's East Maple Street Enhancement Project (the "Project") and declaring the same to be an emergency.

6. Water, Sewer, and Rubbish Committee

Chairperson: Mark Cerreta
Vice Chairperson: Daryl Revoldt

An ordinance authorizing the Mayor of the City of North Canton, to enter into an agreement with the Stark County Commissioners for the use of Community Development Block Grant ("CDBG") funds on the Pittsburg/Milton/Carosel Waterline Replacement Project ("the Project"), and declaring the same to be an emergency.

7. 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 with the Director of Law an ongoing legal dispute involving the public body that is subject to imminent court action.

8. Council Meetings Calendar

- a. June 8, 2020 – City Council
 - i. Return to Council Chambers – See Press Release Dated May 28, 2020
- b. June 15, 2020 – Committee of the Whole
- c. June 22, 2020 – City Council
- d. June 29, 2020 – Committee of the Whole

9. Adjourn



City of North Canton Office of City Council

Agenda Request

TO: President of City Council

DATE: 05.15.2020

SUBJECT: 06.01.2020 COW Legislative Request

I am requesting:

Ordinance Resolution Discussion Council Vote

For: Possible amendments to the Zoning Laws. *see attached*

EMERGENCY REQUEST: YES NO

RATIONALE FOR EMERGENCY:

SIGNED:

APPROVAL NEEDED:

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

APPROVED BY:

[Signature]
Signature

Title

5.15.20
Date

1181.01 AUTHORITY FOR AMENDMENTS.

Whenever the public necessity, general welfare or good zoning practices require, City Council may by ordinance amend, revise, rearrange, renumber or recodify this Zoning Ordinance or amend, supplement, change or repeal the boundaries or classification of property according to the procedures set forth in this Chapter and subject to the procedures provided by law.

1181.02 INITIATION OF ZONING AMENDMENTS.

Amendments to the Zoning Ordinance, either text or map, may be initiated in one of the following ways:

- (a) By the filing of an application to the ~~Planning Commission~~ **Clerk of Council** by:
1. at least one owner or lessee of property or developer with an option on such property within the area proposed to be changed or affected by said amendment.
 2. a motion by the Planning Commission, or
 3. the passage of a resolution by City Council.

1181.03 AMENDMENTS **APPLICATIONS** INITIATED BY PROPERTY OWNER(S).

An amendment initiated by **any legal means** ~~at least one owner or lessee of property or developer with an option on such property within the area proposed to be changed or affected by said amendment~~ shall be submitted and reviewed according to the following:

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

(b) Submission Requirements. Applications, **motions, or resolutions** for proposed amendments shall contain at least the following information:

(1) The name, address and phone number of the applicant and the property owner if other than the applicant;

(2) A statement of the reason(s) for the proposed amendment;

(3) A statement on the ways in which the proposed amendment relates to the Comprehensive Land Use Plan;

(4) The payment of the application fee as established by Council.

(5) Amendments to the Zoning Map adopted as part of this Zoning Ordinance shall contain the following additional information:

A. Legal description of the parcel(s) to be rezoned, drawn by a registered surveyor;

B. Present use and zoning district;

C. Proposed use and zoning district;

D. A vicinity map at a scale approved by the Superintendent of Permits and Inspection showing property lines, thoroughfares, existing and proposed zoning, and such other items as the Superintendent of Permits and Inspection may require;

E. A list of all property owners lying within 200 feet of any part of the property on which the zoning amendment is requested, including their addresses and permanent parcel number as shown upon the County auditor's current tax list;

F. Existing topography at two-foot contour intervals of the property to be rezoned and extending at least 200 feet outside the proposed site, and including property lines, easements, street rights-of-ways, existing structures, trees and landscaping features existing thereon;

(c) Referral to Planning Commission. After the filing of a completed application by an owner, lessee of property or developer with an option on such property, **the planning commission, or City Council**, the ~~Superintendent of Permits and Inspection~~ **Clerk of Council** shall transmit the application, **motion or resolution** to **Council**. **Council may then, by voice vote, recommend transmission of the application to the** Planning Commission to begin the adoption process set forth in Sections [1181.05](#) through [1181.08](#).

~~1181.04 AMENDMENTS INITIATED BY PLANNING COMMISSION OR COUNCIL.~~

~~—After the passage of a motion by the Planning Commission or the adoption of a resolution by Council, the motion or resolution shall be reviewed and considered by the Planning Commission and Council according to the process set forth in Sections [1181.05](#) through [1181.08](#).~~

1181.05 PUBLIC HEARING AND NOTICE BY PLANNING COMMISSION.

Upon the receipt of an application, **motion**, or resolution ~~or upon the passage of a motion~~, the Planning Commission shall set a date for a public hearing thereon. Notice of the public hearing shall comply with the following:

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

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

(c) All notices shall be made at least seven (7) days prior to the date of the public hearing.

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

1181.06 RECOMMENDATION BY THE PLANNING COMMISSION.

(a) After the conclusion of the public hearing required in Section [1181.05](#), the Planning Commission shall recommend one of the following to City Council:

(1) That the amendment be granted as requested,

(2) That the amendment be granted as modified by the Planning Commission, or

(3) That the amendment be denied.

(b) **The Planning Commission shall submit such recommendation in writing to the Clerk of Council to be placed on the Council docket.**

(c) If the Planning Commission does not make a recommendation on the proposed amendment within forty-five (45) days, or an extended period as may be agreed upon by the applicant or City Council it shall be deemed that the recommendation of the Planning Commission is that the amendment be denied.

1181.07 PUBLIC HEARING AND NOTICE BY COUNCIL.

Upon receipt of the recommendation from the Planning Commission, Council shall set a time for a public hearing on the proposed amendment.

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

(1) Whenever a proposed map amendment proposes to rezone 10 or fewer parcels, written notification shall be given to the applicant and to all owners of property located within 200 feet of the property proposed to be rezoned or redistricted to the names and addresses of owners as shown upon the records of Stark County, or the list of property owners furnished by the applicant. Notices shall be sent by first class mail at least seven (7) days prior to the public hearing.

(2) Notice of the proposed amendment shall be published at least 30 days prior to the date of the required hearing, in one or more newspapers of general circulation in the City.

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

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

1181.08 ACTION BY COUNCIL.

After the conclusion of the public hearing required in Section 1181.07, Council shall take action on the proposed amendment.

(a) Council's action shall either:

- (1) Adopt the recommendation of the Planning Commission;
- (2) Deny the recommendation of the Planning Commission; or
- (3) Adopt some modification thereof.

(b) Required Vote for Adoption.

(1) When City Council confirms the recommendation of the Planning Commission, then the amendment shall be adopted when approved by a majority vote of the membership of Council.

(2) When the Planning Commission disapproves any proposed amendment then no such amendment or change shall take effect unless passed or approved by a vote of 5 members of Council.

(Ord. 59-04. Passed 6-16-04.)

(c) Any such proposal may be amended prior to the voting thereon by Council without further notice or postponement if such amendment to the proposal is germane to the subject matter thereof and is in accordance with the recommendation of the Planning Commission. Council approval, with modification of the recommendation of the Planning Commission, shall not be considered as overruling such Commission recommendation.

North Canton City Council
Community and Economic Development

RESOLUTION ## - 2020

A resolution to suggest amending Part Eleven, Planning and Zoning, of the Codified Ordinances of the City of North Canton, specifically, Chapter 1181, Amendments, as described below.

WHEREAS, The City seeks to establish a more stable and consistent system for recommending zoning amendments based best practices.

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

Section 1. That the below amendments to Part Eleven, Planning and Zoning, of the Codified Ordinances of the City of North Canton, specifically, Chapter 1181, Amendments, be, and is hereby recommended to the Planning Commission for consideration:

1181.01 AUTHORITY FOR AMENDMENTS.

Whenever the public necessity, general welfare, or good zoning practices require, City Council may, by ordinance, amend, revise, rearrange, renumber or recodify this Zoning Ordinance or amend, supplement, change, or repeal the boundaries or classification of property according to the procedures set forth in this Chapter and subject to the procedures provided by law.

1181.02 INITIATION OF ZONING AMENDMENTS.

Amendments to the Zoning Ordinance, either text or map, shall be initiated by filing an application to the Clerk of Council by:

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

1181.03 AMENDMENT APPLICATIONS

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

(a) Discussion with Planning Commission. The applicant is encouraged to meet with the Planning Commission, Chief Building Official, or designee, prior to submitting an application for an amendment to the Zoning Ordinance. The purpose of this meeting is to discuss early and informally with the applicant the purpose and effect of these zoning regulations and the criteria and standards contained within. No action shall be taken at such a meeting, and no discussions, opinions, suggestions, or recommendations of the Planning Commission, Chief Building Official, or designee may be relied upon by the applicant to indicate subsequent approval or disapproval of the proposed amendment.

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

- (1) The name, address, and phone number of the applicant and the property owner if other than the applicant;
- (2) A statement of the reason(s) for the proposed amendment;
- (3) A statement on the ways in which the proposed amendment relates to the Comprehensive Land Use Plan;
- (4) The payment of the application fee as established by Council.

(c) Amendments to the Zoning Map adopted as part of this Zoning Ordinance shall contain the following additional information:

- (1) Legal description of the parcel(s) to be rezoned, drawn by a registered surveyor;
- (2) Present use and zoning district;
- (3) Proposed use and zoning district; and
- (4) A vicinity map at a scale approved by the Chief Building Official showing property lines, thoroughfares, existing and proposed zoning, and such other items as the Superintendent of Permits and Inspection may require;

(5) A list of all property owners lying within 200 feet of any part of the property on which the zoning amendment is requested, including the addresses, and permanent parcel number as shown upon the County auditor's current tax list;

(6) Existing topography at two-foot contour intervals of the property to be rezoned and extending at least 200 feet outside the proposed site, including property lines, easements, street rights-of-ways, existing structures, trees and landscaping features existing thereon;

(d) Referral to Planning Commission. After the filing of a completed application by an owner, lessee of property or developer with an option on such property, the planning commission, or City Council, the Clerk of Council shall transmit the application, motion or resolution to Council. Council may then, by voice vote, recommend transmission of the application to the Planning Commission to begin the adoption process set forth in Sections 1181.05 through 1181.08.

1181.04 (REPEALED)

1181.05 PUBLIC MEETING AND NOTICE BY PLANNING COMMISSION.

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

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

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

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

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

1181.06 RECOMMENDATION BY THE PLANNING COMMISSION.

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

(1) That the amendment be granted as requested;

(2) That the amendment be granted as modified by the Planning Commission; or

(3) That the amendment be denied.

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

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

1181.07 PUBLIC MEETING AND NOTICE BY COUNCIL.

Upon receipt of the recommendation from the Planning Commission, Council shall set a time for a public meeting on the proposed amendment.

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

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

(2) Notice of the proposed amendment shall be published at least 30 days prior to the date of the public meeting in one or more newspapers of general circulation in the City;

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

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

1181.08 ACTION BY COUNCIL.

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

- (a) Adopt the Planning Commission’s recommendation;
- (b) Deny the Planning Commission’s recommendation; or
- (c) Adopt some modification thereof.

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 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: 05.28.2020
SUBJECT: Property Acquisition

I am requesting:

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

For: Authorizing the Mayor, through the Board of Control, to enter into an agreement to purchase the real property located at 1136 N. Main Street, North Canton, Stark County Parcel Number 10002312 at a price not to exceed \$230,000.00.

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

RATIONALE FOR EMERGENCY: In order to meet the closing date of sale on June 25, 2020

SIGNED: _____

APPROVAL NEEDED:

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

APPROVED BY:


Signature

Administrator
Title

5-29-2020
Date

North Canton City Council
Community and Economic Development

ORDINANCE - 2020

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into an agreement for the purchase of the real property located at 1136 North Main Street, in the City of North Canton, Stark County, Ohio (Permanent Parcel number 10002312) (the "Property") at a cost not to exceed \$230,000.00, and declaring the same to be an emergency.

WHEREAS, the City wishes to acquire the Property on which to construct a new Police/Fire/EMS safety building in order to house its emergency responders and thereby improve the service, resources, and efficiency of such departments; and

WHEREAS, the City has lawfully acquired revenue from the issuance of bonds in the principal amount of \$2,900,000 in order to fund such purchase through Ordinance 11-2020 and appropriated the use of such funds through ordinance 14-2020; and

WHEREAS, an emergency exists in that, for the immediate preservation of the public peace, property, health and safety, it is necessary that this ordinance be immediately effective in order to allow the City to fulfill its commitments in a timely manner with respect to the Project in furtherance of constructing a new community Police/Fire/EMS safety center in a prime, central location, and to promptly complete the sale during a narrow purchase window.

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

- Section 1. That the Mayor of the City of North Canton, be, and is hereby authorized, through the Board of Control, to enter into an agreement for the purchase of the real property located at 1136 North Main Street, in the City of North Canton, Stark County, Ohio (Permanent Parcel number 10002312) at a cost not to exceed \$230,000.00.
- Section 2. That the Director of Finance of the City of North Canton, be, and is hereby authorized to issue warrants from appropriations established by Ordinance 14-2020 for the payment of the above specified contract upon receipt 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 is hereby declared to be an emergency measure necessary for the preservation of the health, safety and peace of the City of North Canton; and; further necessary to ensure the prompt appropriation of funds prior to the narrow and strict closing date for the purchase of the Property on June 25, 2020, 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 _____ 20__.

Attest: _____
Benjamin R. Young, Clerk of Council

Stephan B. Wilder, Mayor

Signed: _____



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

Ben Young

From: Jina Alaback
Sent: Wednesday, May 27, 2020 9:25 AM
To: Ben Young
Cc: Daniel Peters; Stephanie Werren
Subject: Appropriations Ord
Attachments: Council Agenda Request Form.pdf

Ben,
Please add the following supplemental appropriations to the agenda for Council's consideration to process before summer recess.

GENERAL FUND			
101.313	Golf Course	\$ 31,100.00	forfeited R&S Golf security deposit+interest, to pay for facilities maintenance
INCOME TAX FUND			
203.631	Professional Services to post RITA collection/distribution fee	\$210,000.00	gross-up income tax receipts
GENERAL TRUST FUND			
212.416	Farmers Market Market	\$ 5,000.00	sponsorships for Farmers Market
212.627	MSB US Flags	\$ 4,100.00	2019 carryover donation for flags
COMPENSATED ABSENCES FUND			employee payouts due upon terminations/retirements
214.543	Street/Transportation	\$ 4,200.00	
214.627	General Government	\$ 6,700.00	
214.745	Utilities	\$ 15,100.00	
TOTAL SUPPLEMENTAL APPROPRIATIONS		\$276,200.00	

Jina E. Alaback
Director of Finance
CITY OF NORTH CANTON
145 N. Main Street
North Canton, OH 44720
Phone 330.499.3466
Fax 330.499.2960

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 from the unappropriated resources of the General Fund for current expenses during the fiscal year ending December 31, 2020.

WHEREAS, the City has received the forfeited security deposit from R&S Golf relating to the Arrowhead golf course to be used for facilities maintenance; and

WHEREAS, the City seeks to establish a community farmer's market and related funds for the establishment thereof in anticipation of expenses which shall be offset by related sponsorship income; and

WHEREAS, there is a carry over balance of \$4,100.00 from the donations for United States flags along Main Street; and

WHEREAS, the City is obligated to meet certain compensation requirements related to the recent departure of three employees.

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:

GENERAL FUND			
101.313	Golf Course	Maintenance of Facilities	\$ 31,100.00
INCOME TAX FUND			
203.631	Income Tax	Professional Services	\$210,000.00
GENERAL TRUST FUND			
212.416	Farmer's Market	Sponsorships	\$ 5,000.00
212.627	Main Street US Flags	2019 Carryover	\$ 4,100.00
COMPENSATED ADSENCES FUND			
214.543	Street/Transportation	Termination/Retirement	\$ 4,200.00
214.627	General Government	Termination/Retirement	\$ 6,700.00
214.745	Utilities	Termination/Retirement	\$ 15,100.00
TOTAL SUPPLEMENTAL APPROPRIATIONS			\$276.200.00

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: _____



Codified ordinances of the city of north canton

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Part 1: administrative: title 3: legislative

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Chapter 111 council

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PROPOSED AMENDMNTS 2

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111.01 MEETINGS; TIME, PLACE AND RECORDING PROCEDURE

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(a) Council of the City of North Canton, Ohio, ("Council") shall meet on the first, third, and fifth ~~second, and fourth, 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 months of July and August when Council will meet on the second Monday in July and the fourth Monday in August.

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

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

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

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

~~(c)~~ Council shall meet as a Committee of the Whole on the second and fourth ~~first, and third, and the fifth~~ Monday, as applicable, of each month at 7:00 p.m. in Council chambers, located in in the Civic Center, 845 W Maple Street, City Hall, 145 North Main Street, with the exception of the months of July and August when the Committee of the Whole shall meet on the first Monday in July and the third Monday in August.

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

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

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



~~(j) All transcribed meetings shall state those City officials in attendance and seated at the dais.~~

111.02 COUNCIL STRUCTURE

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

~~(b) The President of Council shall: preside over Council meetings and public hearings and therein preserve order and decorum; shall confine debate to the question under discussion; shall decide all points of order; and shall assign seats at the Council dais.~~

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

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

- ~~(1) A vacant at large Council member position may be filled by a ward council member or any person who meets the qualifications set out in the Charter.~~
- ~~(2) A vacant ward council member position must be filled by person residing in that ward.~~
- (3) Within the Charter's limits, the President of Council shall have the power to set the entire schedule for Council vacancy applications and voting.
- (34) Nominations to fill a Council vacancy shall be made from the floor of Council.
- (45) The Council vacancy shall be filled by the individual receiving a majority of roll call votes from Council members.

~~111.03 COMMITTEES OF COUNCIL~~

- ~~(a) The standing committees of Council shall be:~~
- ~~(1) Community and Economic Development;~~
 - ~~(2) Finance and Property;~~
 - ~~(3) Ordinance, Rules, and Claims;~~
 - ~~(4) Park and Recreation;~~
 - ~~(5) Personnel and Safety;~~
 - ~~(6) Street and Alley; and~~
 - ~~(7) Water, Sewer, and Rubbish.~~

~~(b) The President of Council shall assign committee positions at the beginning of each year.~~



~~(c) — The President of Council may make special committees assignments thereafter as needed.~~

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

~~(e) — The President of Council shall make assignments at his or her own discretion, but shall take into consideration seniority, preference, special qualifications, experience, and the best interests of the City.~~

~~(f) — The President of Council shall designate one member each of each committee as the chairperson and one member as the committee vice chairperson.~~

~~(g) — Committees of Council shall meet upon call by its members and as provided by the Charter.~~

~~(h) — No Committee of Council shall meet without the Clerk having first provided the committee's members with twenty-four hours advance notice of the meeting's date and time. Provided all committee members agree, the twenty-four hour notice requirement may be waived for a particular meeting.~~

~~(i) — Under exigent circumstances, and if a quorum is present, a Committee of Council meeting may be held even though all members did not receive advance notice. A quorum shall be a majority of all members assigned to a committee. The President of Council shall enter into the record the exigent circumstances and the Clerk the reason a committee member was not notified in advance of a meeting.~~

~~111.04 — LEGISLATIVE PROCEDURE~~

~~(a) — The Charter's provisions govern Council's legislative process.~~

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

~~(c) — Upon a matter's introduction to Council, or upon referral back to Council, the President of Council, in the President's complete discretion, shall refer the matter to the proper Council committee for consideration.~~

~~111.05 — COMMITTEE OF THE WHOLE MEETING AGENDA~~

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

~~(b) — The Committee of the Whole's meeting agenda and supporting paperwork such as ordinances, resolutions, committee reports, etc., shall be available to Council, Mayor, Directors~~



~~of Administration, Law, and Finance by 12:00 noon on the Thursday before the Committee of the Whole's meeting, or as soon thereafter as possible.~~

~~111.06 COUNCIL MEETING AGENDA~~

~~(a) Legislation may be placed on the Council agenda only upon:~~

- ~~(1) The Clerk's receipt of the applicable committee's favorable, written report;~~
- ~~or~~
- ~~(2) Notice that the applicable committee meeting shall be transcribed.~~

~~(b) In addition, legislation may be placed on the Council agenda only upon Council president, or designee, publicly polling Council, and a majority of members recommending the legislation be placed on the Council agenda.~~

~~(c) By a majority vote of members, however, Council may suspend the rule requiring a committee's favorable, written report, and place legislation on the Council agenda.~~

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

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

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

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



~~(g) — The Clerk of Council shall present legislation to the Mayor, or designee, on the same day Council has passed the legislation.~~

111.07 NOTICE

(Pursuant to Ohio Revised Code Section 121.22.)

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

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

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

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

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

111.08 SURVEY OF CONSTITUENTS

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

- (a) The survey/letter may address only a single issue;
- (b) The survey/letter may be sent only to residents directly affected by the issue addressed in the survey/letter;
- (c) The content of the survey/letter must receive consent of the majority of Council.



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

111.09 MORAL CLAIMS. (REPEALED)

111.10 RULES OF DECORUM, COURTESY, AND PROPRIETY.

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

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 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~~ ~~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.

111.12 SALARIES AND BONDS

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

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 reopen the floor to deliberation before conducting another vote. The process shall continue until a nominee receives four votes.
 - (f). 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). shall confine debate to the question under discussion;
 - (c). shall decide all points of order; and
 - (d). shall 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 may be removed for any just cause, as defined by Council, 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 on the first Monday in 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 committee 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.



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.~~



City of North Canton Office of City Council

Agenda Request

TO: President of City Council
DATE: 05.28.2020
SUBJECT: Bitzer Park

I am requesting:

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

For: Authorizing the Director of Administration to advertise and receive bids, and authorizing the Mayor through the Board of Control to enter into a contract for the Bitzer Park Expansion Project.

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

RATIONALE FOR EMERGENCY: June Bidding

SIGNED: _____

APPROVAL NEEDED:

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

APPROVED BY:

[Handwritten Signature]

Signature

Title

5-29-2020

Date

North Canton City Council
Park and Recreation Committee

ORDINANCE ## - 2020

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids, according to specifications now on file in the Director's office, and authorizing the Mayor, upon Board of Control approval, to enter into a contract for the Bitzer Park Expansion Project, at a total cost not to exceed \$450,000.00, and declaring the same to be an emergency.

WHEREAS, the City seeks to improve and expands City park and recreation facilities through a comprehensive park expansion project including Bitzer Park.

WHEREAS, the City must advertise, receive, and evaluate bids, determine the lowest and best bidder, and complete the project during a brief, weather-permitting window.

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

- Section 1. That the Director of Administration of the City of North Canton, be, and is hereby authorized to advertise and receive bids according to specifications now on file in the Director's office, for the Bitzer Park Expansion Project.
- Section 2. That the Mayor, upon Board of Control approval, be, and is hereby authorized to enter into a contract for the Bitzer Park Expansion Project, as described above, at a total cost not to exceed \$450,000.00.
- 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 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 City to advertise for and receive bids in June 2020 in order to begin construction during the summer of 2020 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: May 27, 2020
SUBJECT: Agreement with Stark County Commissioners Legislation

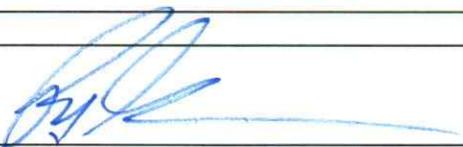
I am requesting:

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

For: Enter into an Agreement with the Stark County Board of Commissioners for the Commissioner's Vehicular Bridge component of the East Maple Street Enhancement project per the attached.

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

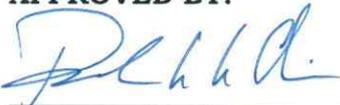
RATIONALE FOR EMERGENCY: Project bids open on June 5th with construction commencing in July.

SIGNED: 

APPROVAL NEEDED:

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

APPROVED BY:


Signature

Title

5-27-20
Date

**EAST MAPLE STREET ENHANCEMENT PROJECT AGREEMENT
BETWEEN
STARK COUNTY BOARD OF COMMISSIONERS
AND
CITY OF NORTH CANTON, OHIO
("AGREEMENT")**

This Agreement is made and entered into this ____ day of _____, 2020, by and between the Board of Stark County Commissioners, hereinafter referred to as the COUNTY, duly authorized by Resolution No. ____ adopted on the ____ day of _____, 2020, and the City of North Canton, hereinafter referred to as the CITY, duly authorized by Ordinance No. ____ adopted on the ____ day of _____, 2020.

WHEREAS, there is currently located on East Maple Street in Stark County and the City of North Canton, Ohio, a highway, which the parties believe is in need of improvement; and

WHEREAS, the COUNTY and CITY wish to improve this highway; and

WHEREAS, inasmuch as the highway currently lies within the CITY and within the COUNTY, and the COUNTY and the CITY will each have certain responsibilities toward the improvement Project ("Project"), which will need to be agreed upon between them; and

WHEREAS, the parties wish to resolve their respective liabilities and obligations with respect to the design and construction of the Project at said location; and

WHEREAS, it is in the best interests of the COUNTY and the CITY to cooperate in the improvement of East Maple Street; and

WHEREAS, pursuant to RC Sections 307.15, 5557.02, and 5557.03, the COUNTY and CITY have the authority to enter into said Agreement and the COUNTY may pay its portion of the above-described Project to the CITY; and

WHEREAS, the County and City mutually recognize the need for a formal Agreement regarding the maintenance of sections of road wherein mutual responsibilities exist; and

WHEREAS, it is agreed that general maintenance responsibility should be defined for the full width of road right-of-way for each section of roadway maintained; and

WHEREAS, it is agreed that a policy and system for the issuance of highway related permits is in the best interest of public health and welfare; and

WHEREAS, the COUNTY and the CITY mutually agree this Agreement regarding the maintenance of portions of said road by the other constitutes adequate consideration for entering into this agreement.

NOW THEREFORE, in consideration of the mutual covenants and agreements contained herein, the parties agree as follows:

1. The CITY shall prepare plans and specifications for the Roadway Enhancement portion of the Project and the COUNTY shall prepare plans and specifications for the Vehicular Bridge Rehabilitation portion of the Project.
2. The CITY will supervise and pay for the construction of the Project.
3. The CITY has applied for Federal funds through SCATS to pay for a portion of the construction of the Project. The CITY has also applied for Municipal Road Funding (MRF) through the Stark County Board of Commissioners with a minimum of twenty percent (20%) of this MRF dedicated to the COUNTY'S Vehicular Bridge portion of the Project. The remaining funding necessary for construction beyond that received from the Federal funds and MRF shall be borne by the COUNTY and CITY with the COUNTY to pay for the Vehicular Bridge Rehabilitation portion of the Project, and the CITY to pay for the remaining Roadway Enhancement aspects of the Project. The COUNTY will reimburse the CITY by payment to the CITY for the COUNTY'S share of the Vehicular Bridge Rehabilitation construction costs within thirty (30) days of receipt of an invoice from the CITY.
4. Upon completion of the Project, the COUNTY will maintain the Vehicular Bridge and the CITY will maintain the Pedestrian Bridge, the Roadway, and the Decorative Sidewalk.
5. This Agreement contains the entire Agreement by and between the parties and the terms contained herein are contractual and are not a mere recital.

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

STARK COUNTY COMMISSIONERS

Janet Creighton, Commissioner

Richard S. Regula, Commissioner

Bill Smith, Commissioner

Approved as to form
and legal sufficiency:

Assistant Prosecuting Attorney
Stark County, Ohio

CITY OF NORTH CANTON, OHIO

BY: _____
Stephan B. Wilder, Mayor

Approved as to form
and legal sufficiency:

Timothy L. Fox, Law Director
City of North Canton, Ohio

North Canton City Council
Street and Alley Committee

ORDINANCE ## - 2020

An ordinance authorizing the Mayor of the City of North Canton to enter into an agreement with the Stark County Commissioners for the reimbursement of cost related to the rehabilitation of Stark County's East Maple Vehicular Bridge as part of the City's East Maple Street Enhancement Project (the "Project") and declaring the same to be an emergency.

WHEREAS, the City has been offered additional funding by the Stark County Commissioners for any costs related to the rehabilitation of Stark County's East Maple Vehicular Bridge above what grant funds cover as part of the City's East Maple Street Enhancement Project.

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

- Section 1. That the Mayor, be, and is hereby authorized to enter into an agreement with the Stark County Commissioners for the reimbursement of cost related to the East Maple Vehicular Bridge Rehabilitation as part of the City's East Maple Street Enhancement Project as described and attached hereto and incorporated herein as "Exhibit A".
- Section 2. That if a provision of this ordinance is or becomes illegal, invalid, or unenforceable, that shall not affect the validity or enforceability of any other provision of this ordinance.
- Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and peace of the City of North Canton; and; further necessary for the prompt and timely submission of the signed agreement in prior to Project bidding; 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: _____

**EAST MAPLE STREET ENHANCEMENT PROJECT AGREEMENT
BETWEEN
STARK COUNTY BOARD OF COMMISSIONERS
AND
CITY OF NORTH CANTON, OHIO
("AGREEMENT")**

This Agreement is made and entered into this ____ day of _____, 2020, by and between the Board of Stark County Commissioners, hereinafter referred to as the COUNTY, duly authorized by Resolution No. __ adopted on the ____ day of _____, 2020, and the City of North Canton, hereinafter referred to as the CITY, duly authorized by Ordinance No. ____ adopted on the ____ day of _____, 2020.

WHEREAS, there is currently located on East Maple Street in Stark County and the City of North Canton, Ohio, a highway, which the parties believe is in need of improvement; and

WHEREAS, the COUNTY and CITY wish to improve this highway; and

WHEREAS, inasmuch as the highway currently lies within the CITY and within the COUNTY, and the COUNTY and the CITY will each have certain responsibilities toward the improvement Project ("Project"), which will need to be agreed upon between them; and

WHEREAS, the parties wish to resolve their respective liabilities and obligations with respect to the design and construction of the Project at said location; and

WHEREAS, it is in the best interests of the COUNTY and the CITY to cooperate in the improvement of East Maple Street; and

WHEREAS, pursuant to RC Sections 307.15 and 153.61, the COUNTY and CITY have the authority to enter into said Agreement and the COUNTY may pay its portion of the above-described Project to the CITY; and

WHEREAS, the County and City mutually recognize the need for a formal Agreement regarding the maintenance of sections of road wherein mutual responsibilities exist; and

WHEREAS, it is agreed that general maintenance responsibility should be defined for the full width of road right-of-way for each section of roadway maintained; and

WHEREAS, it is agreed that a policy and system for the issuance of highway related permits is in the best interest of public health and welfare; and

WHEREAS, the COUNTY and the CITY mutually agree this Agreement regarding the maintenance of portions of said road by the other constitutes adequate consideration for entering into this agreement.

NOW THEREFORE, in consideration of the mutual covenants and agreements contained herein, the parties agree as follows:

1. The CITY shall prepare plans and specifications for the Roadway Enhancement portion of the Project and the COUNTY shall prepare plans and specifications for the Vehicular Bridge Rehabilitation portion of the Project.
2. The CITY will supervise and pay for the construction of the Project.
3. The CITY has applied for Federal funds through SCATS to pay for a portion of the construction of the Project. The CITY has also applied for Municipal Road Funding (MRF) through the Stark County Board of Commissioners with a minimum of twenty

percent (20%) of this MRF dedicated to the COUNTY's Vehicular Bridge portion of the Project. The remaining funding necessary for construction beyond that received from the Federal funds and MRF shall be borne by the COUNTY and CITY with the COUNTY to pay for the Vehicular Bridge Rehabilitation portion of the Project, and the CITY to pay for the remaining Roadway Enhancement aspects of the Project. The COUNTY will reimburse the CITY by payment to the CITY for the COUNTY'S share of the Vehicular Bridge Rehabilitation construction costs within thirty (30) days of receipt of an invoice from the CITY.

4. Upon completion of the Project, the COUNTY will maintain the Vehicular Bridge and the CITY will maintain the Pedestrian Bridge, the Roadway, and the Decorative Sidewalk.
5. This Agreement contains the entire Agreement by and between the parties and the terms contained herein are contractual and are not a mere recital.

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

STARK COUNTY COMMISSIONERS

Janet Creighton, Commissioner

Richard S. Regula, Commissioner

Bill Smith, Commissioner

Approved as to form
and legal sufficiency:

Assistant Prosecuting Attorney
Stark County, Ohio

CITY OF NORTH CANTON, OHIO

BY: _____
Stephan B. Wilder, Mayor

Approved as to form
and Content:

Timothy L. Fox, Law Director
City of North Canton, Ohio



City of North Canton Office of City Council

Agenda Request

TO: President of City Council
DATE: May 21, 2020
SUBJECT: CDBG Grant Acceptance Legislation

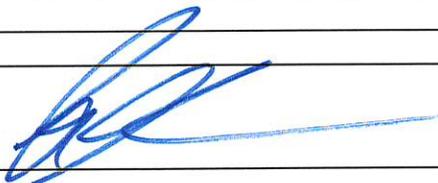
I am requesting:

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

For: Acceptance Agreement Legislation for the Pittsburg/Milton/Carosel Waterline Replacement \$249,950 CDBG grant with the Stark County Board of Commissioners per the attached.

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

RATIONALE FOR EMERGENCY: Commissioners will bid the project in mid June through mid July with construction to commence yet this summer.

SIGNED: 

APPROVAL NEEDED:

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

APPROVED BY:


Signature

Title

5.21.2020
Date



May 18, 2020

Mr. Robert Graham, P.E.
City Engineer
City of North Canton
145 North Main Street
North Canton, OH 44720

Dear Rob:

RE: CITY OF NORTH CANTON – PITTSBURG/MILTON/CAROSSEL WATERLINE
REPLACEMENT PROJECT – FY '20

Enclosed please find three copies of the funding agreement for the above-referenced project. The funding for this project will come from the Stark County Community Development Block Grant (CDBG) program. Please have your City Council approve the agreement at their next meeting. **Have all three of the agreements signed by the proper person(s) and have their signature witnessed by two persons.**

Based upon the grant application submitted by the City of North Canton in the fall of 2019, CDBG funding, \$249,950.00, is needed to help pay for the replacement of the waterline in the Pittsburg Avenue NW, Milton Street NW, and Carosel Circle NW areas of the City of North Canton. This information has been outlined in "Exhibit A – Scope of Services", which accompanies the funding agreement; it provides a description of the use of CDBG funding.

Return all three copies of the signed agreement, including Exhibit A, and the Ordinance approving it to our office as soon as possible. After their return, our office will submit the agreements to the Board of Stark County Commissioners for their approval and signatures. After the agreements are completely executed, we will return one for your files.

At this time, our office will gladly begin working with the city to help develop this project; please feel free to contact us in this regard. If you have any questions, please call me at 330-451-7774. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Lynn Carlone", with a long horizontal flourish extending to the right.

Lynn Carlone
Chief of Community Development

Enclosures

Agreement

Journal
File
North Canton
RPC/Lynn Carlone

Stark County Commissioners
North Canton

With _____

Dated _____

Subject AGREEMENT FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING – NORTH CANTON – PITTSBURG/ MILTON/CAROSSEL WATERLINE REPLACEMENT PROJECT

THIS AGREEMENT, entered into this day by and between the Board of Stark County Commissioners of Stark County, Ohio, hereinafter referred to as the "County" and duly authorized through an Ordinance of the Board of Stark County Commissioners adopted this day, and the City of North Canton, hereinafter referred to as the "City", and duly authorized through an Ordinance of the City enacted on _____, 2020.

WITNESSETH: WHEREAS, the Board of Stark County Commissioners participates in the federal Community Development Block Grant (CDBG) program of the U.S. Department of Housing and Urban Development (HUD); and

WHEREAS, the City has made application to the County for activities or projects to be funded under the County's CDBG program; and

WHEREAS, the City certifies that will affirmatively further Fair Housing; and

WHEREAS, by Resolution of April 22, 2020, the Board of Stark County Commissioners approved the FY 2020 Statement of Objectives and Use of Funds which included funding the North Canton – Pittsburg/Milton/Carosel Waterline Replacement project hereinafter referred to as "project", in the amount of \$249,950.00; and

WHEREAS, it is necessary that the County and the City enter into an Agreement for the implementation of the project with a funding amount of \$249,950.00.

NOW, THEREFORE, in consideration of the provisions hereinabove and hereinafter contained, it is mutually agreed as follows:

SECTION 1. PROJECT IMPLEMENTATION AND ADMINISTRATION

The City hereby authorizes the County to undertake on its behalf any and all work necessary for the implementation of said project. The Stark County Regional Planning Commission will administer the project on behalf of the Board of Stark County

Commissioners as delineated in the contract for Administration of the CDBG program. This includes but is not limited to the following:

- A) Undertake the necessary work to complete an environmental review of the project described in Section 570.604 of the HUD regulations;
- B) Implement the necessary procedures for the Intergovernmental Review (IGR) review process as specified under Executive Order 12372, as described at Section 570.612;
- C) Prepare bidding specifications, advertise for bids, receive and open bids;
- D) Award and enter into a contract with the lowest and best bidder;
- E) Make payments directly to the contractor based upon invoices approved by the County or their authorized representative;
- F) Keep all financial, payroll, and administrative records;
- G) Follow all applicable local, state, and federal requirements and regulations in carrying out the project.

SECTION 2. SCOPE OF SERVICES

- A) The County hereby agrees to utilize funds made available under the CDBG program for the purpose of implementing the above mentioned activity as described in Exhibit A – Project Description which is attached hereto and made a part hereof the same as though rewritten herein in full.
- B) Changes to the Scope of Services may be requested by either the County or the City and shall be incorporated by fully executed amendments to this Agreement.

SECTION 3. ALLOCATION/METHOD OF PAYMENT

- A. Allocation of CDBG funds:
 - 1) The County shall allocate funding from its FY 2020 CDBG program (B-20-UC-39-0005) in the amount of \$249,950.00 (two hundred forty-nine thousand nine hundred and fifty dollars) for the payment of eligible project expenditures incurred by the County carrying out the project.
 - 2) The County may, at its discretion, either with or without the concurrence of the City, amend the project funding allocation for payment of costs in excess of the allocation of funds as specified in Section 3(a)1 above, if determined necessary for project implementation.
 - 3) The County may, at its sole discretion, reallocate any funding remaining upon completion of the project as described in Exhibit A. attached.

B) Method of Payment

The County may make all payments on behalf of the City to the contractors, engineers, etc., based on invoices approved by the County or its authorized representatives. At no time shall payment be made to the City for payment of project invoices.

SECTION 4. TERMINATION

A. The County may terminate this Agreement at any time by giving at least thirty (30) days notice in writing to the City for the following reasons:

- 1) In the event the Secretary of HUD shall:
 - a) Withdraw funds allocated to the County under its application for program activities which substantially prevent performance of the Community Development program in the County;
 - b) Terminate the county's funding allocation pursuant to an act of Congress; or
 - c) Fail to approve a grant application by the County.
- 2) In the event that the County is unable to undertake the project due to physical barriers (i.e. unable to obtain easements, etc.)

SECTION 5. CONFLICT OF INTEREST

No officer, employee, or agent of the County who exercises any functions or responsibilities in connection with the planning or carrying out of the program, nor any immediate family member, close business associate or organization which is about to employ any such person, shall have any personal financial interest, direct or indirect in this contract, and the County will take appropriate steps to assure compliance.

IN WITNESS WHEREOF, the parties have hereunto set their hands this day.

WITNESSED BY:

BOARD OF STARK COUNTY
COMMISSIONERS,
STARK COUNTY, OHIO

WITNESSED BY:

CITY OF NORTH CANTON

Title

Approved as to legal form and sufficiency

John Anthony, RPC Staff Attorney

EXHIBIT "A"

PROJECT DESCRIPTION

City of North Canton – Pittsburg/Milton/Carosel Waterline Replacement Project

FY '20 Stark County Community Development Block Grant (CDBG) funding, \$249,950.00, will be utilized to help pay for the **construction cost only** of the replacement of the waterline along Pittsburg Avenue NW between Portage Street, NW and Carosel Circle NW, Milton Street NW from Pittsburg Avenue NW west to the dead end, and Carosel Circle NW from Pittsburg Avenue NW to the dead end, approximately 2,800 linear feet in the City of North Canton. The City of North Canton will pay for all engineering costs associated with this project and any construction costs exceeding the amount of CDBG funding allocated to this project.

North Canton City Council
Water, Sewer, and Rubbish Committee

ORDINANCE ## - 2020

An ordinance authorizing the Mayor of the City of North Canton, to enter into an agreement with the Stark County Commissioners for the use of Community Development Block Grant (“CDBG”) funds on the Pittsburg/Milton/Carosel Waterline Replacement Project (“the Project”), and declaring the same to be an emergency.

WHEREAS, the City of North Canton has been offered grant funding through the Stark County CDBG Program in the amount of \$249,950.00 for the Project; and

WHEREAS, the County shall oversee the Project and undertake all work necessary on City’s behalf.

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

Section 1. That the Mayor, be, and is hereby authorized to enter into an agreement with the Stark County Commissioners for the use of Community Development Block Grant funds on the Pittsburg/Milton/Carosel Waterline Replacement Project as attached hereto and incorporated herein as “Exhibit A”.

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

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and peace of the City of North Canton; and; further necessary for the prompt and timely submission of the signed agreement in accordance with Stark County’s deadline for receipt prior to Project bidding; wherefore, provided it receives the affirmative vote of six or more members of Council elected thereto, this ordinance shall take effect and be in full force upon its adoption by Council, together with the Mayor’s approval. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed in Council this _____ day of _____ 2020.

Attest: _____
Benjamin R. Young, Clerk of Council

Stephan B. Wilder, Mayor

Signed on: _____

Agreement

Journal
File
North Canton
RPC/Lynn Carlone

Stark County Commissioners
North Canton

With _____

Dated _____

Subject AGREEMENT FOR COMMUNITY DEVELOPMENT BLOCK
GRANT FUNDING – NORTH CANTON – PITTSBURG/
MILTON/CAROSSEL WATERLINE REPLACEMENT PROJECT

THIS AGREEMENT, entered into this day by and between the Board of Stark County Commissioners of Stark County, Ohio, hereinafter referred to as the "County" and duly authorized through an Ordinance of the Board of Stark County Commissioners adopted this day, and the City of North Canton, hereinafter referred to as the "City", and duly authorized through an Ordinance of the City enacted on _____, 2020.

WITNESSETH: WHEREAS, the Board of Stark County Commissioners participates in the federal Community Development Block Grant (CDBG) program of the U.S. Department of Housing and Urban Development (HUD); and

WHEREAS, the City has made application to the County for activities or projects to be funded under the County's CDBG program; and

WHEREAS, the City certifies that will affirmatively further Fair Housing;
and

WHEREAS, by Resolution of April 22, 2020, the Board of Stark County Commissioners approved the FY 2020 Statement of Objectives and Use of Funds which included funding the North Canton – Pittsburg/Milton/Carosel Waterline Replacement project hereinafter referred to as "project", in the amount of \$249,950.00; and

WHEREAS, it is necessary that the County and the City enter into an Agreement for the implementation of the project with a funding amount of \$249,950.00.

NOW, THEREFORE, in consideration of the provisions hereinabove and hereinafter contained, it is mutually agreed as follows:

SECTION 1. PROJECT IMPLEMENTATION AND ADMINISTRATION

The City hereby authorizes the County to undertake on its behalf any and all work necessary for the implementation of said project. The Stark County Regional Planning Commission will administer the project on behalf of the Board of Stark County

Commissioners as delineated in the contract for Administration of the CDBG program. This includes but is not limited to the following:

- A) Undertake the necessary work to complete an environmental review of the project described in Section 570.604 of the HUD regulations;
- B) Implement the necessary procedures for the Intergovernmental Review (IGR) review process as specified under Executive Order 12372, as described at Section 570.612;
- C) Prepare bidding specifications, advertise for bids, receive and open bids;
- D) Award and enter into a contract with the lowest and best bidder;
- E) Make payments directly to the contractor based upon invoices approved by the County or their authorized representative;
- F) Keep all financial, payroll, and administrative records;
- G) Follow all applicable local, state, and federal requirements and regulations in carrying out the project.

SECTION 2. SCOPE OF SERVICES

- A) The County hereby agrees to utilize funds made available under the CDBG program for the purpose of implementing the above mentioned activity as described in Exhibit A – Project Description which is attached hereto and made a part hereof the same as though rewritten herein in full.
- B) Changes to the Scope of Services may be requested by either the County or the City and shall be incorporated by fully executed amendments to this Agreement.

SECTION 3. ALLOCATION/METHOD OF PAYMENT

- A. Allocation of CDBG funds:
 - 1) The County shall allocate funding from its FY 2020 CDBG program (B-20-UC-39-0005) in the amount of \$249,950.00 (two hundred forty-nine thousand nine hundred and fifty dollars) for the payment of eligible project expenditures incurred by the County carrying out the project.
 - 2) The County may, at its discretion, either with or without the concurrence of the City, amend the project funding allocation for payment of costs in excess of the allocation of funds as specified in Section 3(a)1 above, if determined necessary for project implementation.
 - 3) The County may, at its sole discretion, reallocate any funding remaining upon completion of the project as described in Exhibit A. attached.

B) Method of Payment

The County may make all payments on behalf of the City to the contractors, engineers, etc., based on invoices approved by the County or its authorized representatives. At no time shall payment be made to the City for payment of project invoices.

SECTION 4. TERMINATION

A. The County may terminate this Agreement at any time by giving at least thirty (30) days notice in writing to the City for the following reasons:

- 1) In the event the Secretary of HUD shall:
 - a) Withdraw funds allocated to the County under its application for program activities which substantially prevent performance of the Community Development program in the County;
 - b) Terminate the county's funding allocation pursuant to an act of Congress; or
 - c) Fail to approve a grant application by the County.
- 2) In the event that the County is unable to undertake the project due to physical barriers (i.e. unable to obtain easements, etc.)

SECTION 5. CONFLICT OF INTEREST

No officer, employee, or agent of the County who exercises any functions or responsibilities in connection with the planning or carrying out of the program, nor any immediate family member, close business associate or organization which is about to employ any such person, shall have any personal financial interest, direct or indirect in this contract, and the County will take appropriate steps to assure compliance.

IN WITNESS WHEREOF, the parties have hereunto set their hands this day.

WITNESSED BY:

BOARD OF STARK COUNTY
COMMISSIONERS,
STARK COUNTY, OHIO

WITNESSED BY:

CITY OF NORTH CANTON

Title

Approved as to legal form and sufficiency

John Anthony, RPC Staff Attorney

EXHIBIT "A"

PROJECT DESCRIPTION

City of North Canton – Pittsburg/Milton/Carosel Waterline Replacement Project

FY '20 Stark County Community Development Block Grant (CDBG) funding, \$249,950.00, will be utilized to help pay for the **construction cost only** of the replacement of the waterline along Pittsburg Avenue NW between Portage Street, NW and Carosel Circle NW, Milton Street NW from Pittsburg Avenue NW west to the dead end, and Carosel Circle NW from Pittsburg Avenue NW to the dead end, approximately 2,800 linear feet in the City of North Canton. The City of North Canton will pay for all engineering costs associated with this project and any construction costs exceeding the amount of CDBG funding allocated to this project.