



## NOTICE OF PUBLIC MEETING

Notice is hereby given that:

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

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

The Council of the City of North Canton shall hold the **Regular Committee of the Whole** on **Monday August 31, 2020 at 7:00 PM** via teleconference. See attached agenda for matters to be discussed.

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

FOR THOSE WISHING TO WATCH THE MEETING:

The meetings will be livestreamed via the City's YouTube page. The livestream can be accessed at the link below and will begin at approximately 6:55 p.m., Monday, August 31, 2020.

[https://youtu.be/w\\_RyZjALcgg](https://youtu.be/w_RyZjALcgg)

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

08/27/2020

Date

  
Benjamin R. Young  
Clerk of Council

**NORTH CANTON CITY COUNCIL  
COMMITTEE OF THE WHOLE  
August 31, 2020, 7:00 PM, via teleconference  
Agenda**

1. Community and Economic Development Committee

Chairperson: Daryl Revoldt

Vice Chairperson: Mark Cerreta

- a. An ordinance to amend and re-title Chapter 1181, Amendments, of the Codified Ordinances to remove procedural redundancies and clarify the amendment process.
- b. An ordinance to create Chapter 1182, Amendments to Zoning Map, of the Codified Ordinances in order to clarify the Zoning Map amendment process.
- c. For Consideration: Requested amendments to Zoning Code relating to outdoor dining from the Mayor.

2. Finance and Property Committee

Chairperson: Stephanie Werren

Vice Chairperson: Matthew Stroia

- a. For Discussion: Methods of providing legal services for the City.

3. Ordinance, Rules, and Claims Committee

Chairperson: Matthew Stroia

Vice Chairperson: Doug Foltz

- a. Special presentation by the Clerk of Council on the Records Maintained by the Office of City Council.
- b. An ordinance to approve the 2020 Codified Ordinances of the City of North Canton; to adopt new matter; and to amend and repeal certain obsolete and conflicting legislative provision.
- c. An ordinance establishing policies relating to the use of paper representation materials such as letterhead and business cards by members of City Council.
- d. A resolution accepting and establishing a policy for the viewing of permanent paper records maintained by the Office of City Council including Council's Journal, the Record of Legislation, the Codified Ordinances, and other historic documents.
- e. A resolution acknowledging the loss of certain records of proceedings and accepting the replacements created by the Office of Council as more fully described below.

4. Water, Sewer, and Rubbish Committee

Chairperson: Mark Cerreta  
Vice Chairperson: Daryl Revoldt

- a. An ordinance authorizing the Mayor of the City of North Canton to enter into an agreement with the Stark County Commissioners for the relocation and replacement of City waterlines as part of the Commissioner's Pittsburg Avenue/Orion Street/Shuffel Street Dual Roundabout Project (the "Project"), and declaring the same to be an emergency.
- b. An ordinance authorizing the Mayor of the City of North Canton to prepare and submit an application to the Ohio Public Works Commission (OPWC) for a grant for the Glenwood Street SW Waterline Replacement Project, and, if awarded, authorizing the Mayor, upon Board of Control Approval, to enter into an agreement for said grant, and declaring the same to be an emergency.

5. Street and Alley Committee

Chairperson: Dominic Fonte  
Vice Chairperson: Daniel Peters

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

6. Adjourn



# City of North Canton Office of City Council

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## Agenda Request Form

**DATE:** 8/26/2020

**SUBJECT:** Amendments to Chapter 1181

**I am requesting:**

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

**FOR:** Amending Chapter 1181 to remedy an unintended redundancy in the zoning amendment process created by Ord. 34-2020 and separating the zoning text and zoning map amendment processes for clarity by creating Chapter 1182. See attached sheets for proposed new chapters.

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

**RATIONALE FOR EMERGENCY:**

**SIGNED:** Benjamin R. Young    **Title:** Clerk of Council    **Date:** 8/26/2020

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

**APPROVAL NEEDED:**

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

**APPROVED BY:**

\_\_\_\_\_ **Title:**                      **Date:**

**CHAPTER 1181 – AMENDMENTS TO ZONING ORDINACES**

Section 1181.01 Authority for Amendments ..... 1  
Section 1181.02 Initiation of Zoning Amendments ..... 1  
Section 1181.03 Amendment Applications..... 1  
Section 1181.04 Public Meeting and Notice by Planning Commission ..... 2  
Section 1181.05 Recommendation by the Planning Commission ..... 2  
Section 1181.06 Public Meeting and Notice by Council ..... 3  
Section 1181.07 Action by Council ..... 3

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**SECTION 1181.01 AUTHORITY FOR AMENDMENTS**

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

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

**SECTION 1181.02 INITIATION OF ZONING AMENDMENTS**

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

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

**SECTION 1181.03 AMENDMENT APPLICATIONS**

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

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

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

(b) Submission Process.

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

## SECTION 1181.04 (REPEALED)

## SECTION 1181.05 PUBLIC MEETING AND NOTICE BY PLANNING COMMISSION

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

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

and

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

## SECTION 1181.06 RECOMMENDATION BY THE PLANNING COMMISSION

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

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

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

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

#### SECTION 1181.07 PUBLIC MEETING AND NOTICE BY COUNCIL

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

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

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

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

#### SECTION 1181.08 ACTION BY COUNCIL

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

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

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

## CHAPTER 1182 – AMENDMENTS TO ZONING MAP

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Section 1182.02	Initiation of Zoning Amendments .....	1
Section 1182.03	Amendment Applications.....	1
Section 1182.04	Public Meeting and Notice by Planning Commission .....	2
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Section 1182.06	Public Meeting and Notice by Council .....	3
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### SECTION 1182.01 AUTHORITY FOR AMENDMENTS

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

### SECTION 1182.02 INITIATION OF ZONING AMENDMENTS

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

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

### SECTION 1182.03 AMENDMENT APPLICATIONS

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

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

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

- (1) The name, address, and phone number of the applicant and the property owner if other than the applicant;
- (2) A statement of the reason(s) for the proposed amendment;
- (3) A statement on the ways in which the proposed amendment relates to the Comprehensive Land Use Plan; and,
- (4) Legal description of the parcel(s) to be rezoned, drawn by a registered surveyor;
- (5) Present use and zoning district;
- (6) Proposed use and zoning district; and
- (7) A vicinity map at a scale approved by the Chief Building Official showing property lines, thoroughfares, existing and proposed zoning, and such other items as the Chief Building Officer may require;
- (8) A list of all property owners lying within 200 feet of any part of the property on which the zoning amendment is requested, including the addresses, and permanent parcel number as shown upon the County auditor's current tax list;
- (9) Existing topography at two-foot contour intervals of the property to be rezoned and extending at least 200 feet outside the proposed site, including property lines, easements, street rights-of-ways, existing structures, trees and landscaping features existing thereon;
- (10) The payment of the application fee as established by Council.

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

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

#### SECTION 1182.04 PUBLIC MEETING AND NOTICE BY PLANNING COMMISSION

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

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

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

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

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

#### SECTION 1182.05 RECOMMENDATION BY THE PLANNING COMMISSION

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

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

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

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

#### SECTION 1182.06 PUBLIC MEETING AND NOTICE BY COUNCIL

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

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

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

(b) During the 30 days prior to the public meeting, the text of the proposed amendment, maps or plans, if applicable, and the Planning Commission's recommendation, shall be on file for

public examination in the office of the Clerk of Council or in such other office as is designated by Council.

SECTION 1182.07 ACTION BY COUNCIL

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

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

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

North Canton City Council  
Community and Economic Development

ORDINANCE ## - 2020

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

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

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

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

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

SECTION 1181.01 AUTHORITY FOR AMENDMENTS

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

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

SECTION 1181.02 INITIATION OF ZONING AMENDMENTS

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

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

SECTION 1181.03 AMENDMENT APPLICATIONS

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

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

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

(b) Submission Process.

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

SECTION 1181.04 (REPEALED)

SECTION 1181.05 PUBLIC MEETING AND NOTICE BY PLANNING COMMISSION

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

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

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

SECTION 1181.06 RECOMMENDATION BY THE PLANNING COMMISSION

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

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

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

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

SECTION 1181.07 PUBLIC MEETING AND NOTICE BY COUNCIL

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

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

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

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

SECTION 1181.08 ACTION BY COUNCIL

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

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

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

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

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

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

Passed in Council this \_\_\_\_\_ day of \_\_\_\_\_ 2020.

Attest: \_\_\_\_\_  
Benjamin R. Young, Clerk of Council

\_\_\_\_\_  
Stephan B. Wilder, Mayor

Signed on: \_\_\_\_\_

North Canton City Council  
Community and Economic Development

ORDINANCE ## - 2020

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

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

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

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

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

SECTION 1182.01 AUTHORITY FOR AMENDMENTS

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

SECTION 1182.02 INITIATION OF ZONING AMENDMENTS

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

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

SECTION 1182.03 AMENDMENT APPLICATIONS

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

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

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

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

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

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

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

#### SECTION 1182.04 PUBLIC MEETING AND NOTICE BY PLANNING COMMISSION

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

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

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

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

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

#### SECTION 1182.05 RECOMMENDATION BY THE PLANNING COMMISSION

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

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

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

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

#### SECTION 1182.06 PUBLIC MEETING AND NOTICE BY COUNCIL

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

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

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

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

SECTION 1182.07 ACTION BY COUNCIL

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

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

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

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

Section 3. That this ordinance shall take effect and be in full force from and after the earliest period allowed by law.

Passed in Council this \_\_\_\_\_ day of \_\_\_\_\_ 2020.

Attest: \_\_\_\_\_  
Benjamin R. Young, Clerk of Council

\_\_\_\_\_  
Stephan B. Wilder, Mayor

Signed on: \_\_\_\_\_



# City of North Canton Office of City Council

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## Agenda Request Form

**DATE:** 8/26/2020

**SUBJECT:** Amendments to outdoor dining

**I am requesting:**

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

**FOR:** Council to consider, according to the process laid out in Chapter 1181, amendments to the Zoning Code relating to the use of outdoor dining in order to encourage such dining in light of the circumstances created by the COVID-19 pandemic. See attached sheets for further detail.

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

**RATIONALE FOR EMERGENCY:**

**SIGNED:** Stephan B. Wilder **Title:** Mayor **Date:** 8/26/2020

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

**APPROVAL NEEDED:**

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

**APPROVED BY:**

\_\_\_\_\_ **Title:**                      **Date:**

## City of North Canton

145 N. Main Street  
North Canton, Ohio 44720  
Northcantonohio.gov



**Stephan B. Wilder**

**Mayor**

330-499-8223 Ext. 1004

[mayorwilder@northcantonohio.gov](mailto:mayorwilder@northcantonohio.gov)

August 26, 2020

To: Daniel "Jeff" Peters,  
Council President

Re: Amending City Ord. 1137.03, 1145.06 1145.07 to allow the use of outdoor dining and seating

Dear President Peters,

I direct this letter to your attention, respectfully requesting North Canton City Council to consider amending a portion of the City zoning code as described below. This request is presented to council concerning the lengthened and important safety changes and demands caused by the COVID-19 pandemic on city restaurants and food establishments. Therefore, I appeal to City council to take into consideration the need to help promote, protect, and preserve the public health, safety, and general welfare for the community. These general goals include among others, the following specific purposes:

- To attract residents and non-residents to the City of North Canton.
- To provide an additional way for restaurants or food establishments to expand their operations.
- To promote outdoor seating as useful and properly planned visual amenities.
- To provide adequate space for pedestrians on the sidewalk adjacent to sidewalk cafes or outdoor seating and to ensure access to adjacent commercial and retail uses.
- To promote the most desirable use of land and buildings and thereby protect the city's tax revenues.

Allowing restaurants and food establishments make use of outdoor dining facilities aids the recovery of lost business. Businesses and food operations shall comply with social distancing recommendations and requirements as specified by the Stark County Health Department, the Ohio Department of Health and Centers for Disease Control and Prevention.

The proposed amendments would not change the usage or zoning of any land but merely enable business owners to efficiently use their current property and make full utilization of outdoor dining areas which currently they do not have any opportunity to do so. Therefore, I do not believe such changes would create conflict with the Comprehensive Land Use Plan.

The proposed amendments are as follows:

1. Redact the text "in completely enclosed building" from NC Ord. 1137.03 Business District Regulations, Schedule of permitted uses, item (d)(12), to allow restaurants additional outdoor dining throughout the City's Main Street and General Business Districts.
2. Redact from NC Ord 1145.06, Conditional Use Regulations, Schedule of Minimum Lot and Yard Dimensions for Conditional Uses in Commercial and Industrial Districts, item

(m), Outdoor Dining, to remove the conditional use requirement for “Outdoor Dining” throughout the City’s Main Street and General Business Districts.

3. Redact from NC Ord. 1145.07, Conditional Use Regulations, Supplemental Regulations for Certain Uses, item (n), Outdoor Dining.

These few changes expand opportunities for active living and social interaction all the while profiting restaurants and food establishments to help maximize the economic impact and community benefits of new development opportunities.

Please see the attached Exhibits to see these amendments as they would appear in the Codified Ordinances.

Sincerely,

A handwritten signature in blue ink that reads "Stephan B. Wilder". The signature is written in a cursive style.

---

Stephan B. Wilder  
Mayor

### **1137.01 INTENT.**

Business Districts (OB, MSB, GB-A, and GB-B) and their regulations are established in order to achieve, among others, the following purposes:

(a) To provide in appropriate and convenient locations, sufficient areas for business activities, the exchange of goods and services;

(b) To protect residential neighborhoods adjacent to business uses by regulating the types of establishments, particularly at the common boundaries, that would create congestion, noise or other objectionable influences;

(c) To protect and stabilize both residential and nonresidential developments from congestion by requiring off-street parking facilities;

(d) To provide Office Building Districts (OB) to create an environment that is conducive to well-located and designed offices building sites to accommodate all types of offices and limited business service activities.

(e) To provide a Main Street Business District (MSB) that maintains and promotes the central portion of Main Street as a core area for retail sales by permitting buildings to be close to the street and to one another, and by modifying the parking requirements for this district.

(f) To provide General Business Districts (GB-A) to accommodate a variety of retail and service establishments in generally a shopping center environment, and where only limited outdoor sales is permitted.

(g) To provide General Business Districts (GB-B) to accommodate uses in addition to those specified for in the GB-A District, and to thereby provide service and sales in support of the primary business activities in the community. Their location is advantageous at specified points on major thoroughfares and at outlying locations in the community.

### **1137.02 USE REGULATIONS.**

(a) Uses Permitted by Right. A use listed in Schedule [1137.03](#) shall be permitted by right as a principal use in a district when denoted by the letter "P" provided that all requirements of other city ordinances and this Zoning Ordinance have been met;

(b) Conditional Uses. A use listed in Schedule [1137.03](#) shall be permitted as a conditional use in a district when denoted by the letter "C", provided the Planning Commission first makes the determination that the requirements of Chapter [1145](#) have been met according to the procedures set forth in Chapter [1177](#);

(c) Accessory Uses. A use listed in Schedule [1137.03](#) shall be permitted as an accessory use in a district when denoted by the letter "A". Such use shall be permitted as a subordinate building or use when it is clearly incidental to and located on the same lot as the principal building or use. Accessory uses are further regulated in subsequent sections of this Ordinance.

(d) Use Not Listed in Schedule. Although a use may be indicated as a permitted principal, conditional or accessory use in a particular district, it shall not be approved on a parcel unless it can be located thereon in full compliance with all of the standards and other regulations of this Ordinance applicable to the specific use and parcel in question. Any use not specifically listed as either a permitted principal or conditional use shall be a prohibited use in these zoning districts and shall only be permitted upon amendment of this Ordinance and/or the Zoning Map as provided in Chapter [1181](#) or upon a finding that a use is substantially similar as provided in Section [1177.09](#).

**1137.03 SCHEDULE OF PERMITTED USES.**

Land Use Category	Office Building District	Main Street District	General Business District	
	OB	MSB	GB-A	GB-B
<b>(a) Residential</b>				
(1) Multi-family dwellings	P		P	P
(2) Residential units accessory to a commercial use		C	C	C
(3) Residential care facility	C		C	C
<b>(b) Office and Professional Services</b>				
Offices, including administrative, business and professional	P	P	P	P
Sales office with only samples of products	P	P	P	P
Banks or banks with accessory drive- through lanes	C	P	P	P
<b>(c) Medical Facilities</b>				
(1) Medical or dental office	P	P	P	P
(2) Hospital	C		C	C
Land Use Category	Office Building District	Main Street District	General Business District	
	OB	MSB	GB-A	GB-B
<b>(d) Retail/Services</b>				
(1) Retail in completely enclosed building	A, subject to Section <a href="#">1137.09</a>	P	P	P
(2) Personal service establishment including barber, beauty shops, and repair shop for personal items such as shoes, watch, camera, but excluding tattoo and/or body piercing businesses and the like	A, subject to Section <a href="#">1137.09</a>	P	P	P
(3) Business equipment and supplies			P	P
(4) Studios for instruction	C	C	P	P
(5) Drive-through facility in association with a permitted use		C	C*	C*
(6) Dry cleaning counter service		P	P	P
(7) Funeral home, mortuary	P	C	P	P
(8) Furniture, home furnishing, office equipment and office supplies store			P	P
(9) Motels, hotels	C		C	P

Exhibit #1

(10) Mainstream media shop in compliance with Section <a href="#">1137.13</a>		P	P	P
(11) Photographic reproduction services		P	P	P
(12) Restaurant <del>in completely enclosed building</del>		P	P	P
(13) Outdoor dining		C	C	C
(14) Self serve laundry facility			P	P
(15) Veterinary hospitals with associated cages, runs and kennels			C	P
(16) Adult uses				C
P = Principal use permitted by right C = Conditional use A = Accessory use		*Amended 11-14-03; Ord. 107-03		

**1145.01 PURPOSE.**

(a) Conditional uses are a classification of uses that are determined to generally be compatible in the district in which they are listed as a conditional use. However, this category of uses is so classified because of the need to adequately monitor the proposed use in order to ensure that the use and its operational aspects are indeed appropriate in the specific location in which the use is proposed. Such monitoring is necessary because the external impacts of a particular use are either sufficiently varied or indeterminable in advance and therefore may vary from site to site, making it possible that, without the Planning Commission's review, a particular use could be inappropriate in a certain location within the district.

(b) These regulations are intended to ensure that conditional uses are reviewed in a reasonable and equitable manner, while safeguarding the property rights of all individuals and the health, safety, and general welfare of the community. Toward these ends, it is recognized that this Ordinance should provide for more detailed evaluation of each use listed as a conditional use in a specific district with respect to such considerations as location, design, size, method(s) of operation, intensity of use, requirements for public facilities and traffic generation. In considering a proposed conditional use, the Planning Commission may assign reasonable requirements to ensure that the proposed development is appropriate in the location in which it is proposed. Accordingly, conditional use permits shall conform to the procedures and requirements of Chapter 1177.

**1145.02 GENERAL CRITERIA FOR ALL CONDITIONAL USES.**

A conditional use, and uses accessory to such conditional use, shall be permitted in a district only when specified as a conditional use in such district, and only if such use conforms to the following general criteria, which are in addition to specific conditions, standards and regulations set forth in Sections 1145.03 through 1145.06. The Planning Commission shall review the particular facts and circumstances of each proposed use in terms of the following criteria and shall find adequate evidence that the use as proposed:

(a) Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not essentially change the character of the same area;

(b) Will not be detrimental to property values in the immediate vicinity.

(c) Will not restrict or adversely affect the existing use of the adjacent property owners.

(d) Will be designed and constructed so that all access drives, access points to public streets, driveways, parking and service areas shall be in compliance with the regulations set forth in Chapter 1153.

(e) Will meet the requirements of EPA for stormwater runoff, when applicable.

(f) Will be properly landscaped in accordance with Chapter 1155.

(g) The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety or general welfare;

(h) The hours of operation of the proposed use are similar to a use permitted in the district.

Exhibit #2

(i) The establishment of the conditional use in the proposed location will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;

(j) Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;

(k) Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion on the surrounding public streets;

(l) The establishment of the conditional use should not be detrimental to the economic welfare of the community by creating excessive additional requirements at public cost for public facilities such as police, fire and schools;

(m) There is minimal potential for future hardship on the conditional use that could result from the proposed use being surrounded by uses permitted by right that may be incompatible.

**1145.03 SPECIFIC STANDARDS FOR CONDITIONAL USES.**

In addition to the general criteria established in Section 1145.02, the following specific conditions pertaining to each use or group of uses shall apply.

(a) Supplementary Conditions and Safeguards. Nothing in these regulations shall prohibit the Planning Commission from prescribing supplementary conditions and safeguards in addition to these requirements in order to ensure compliance with the criteria set forth in Section 1145.02.

(b) Conformance with District Regulations. A conditional use shall conform to the regulations of the district in which it is located and to other substantive requirements of this Zoning Ordinance, as well as satisfy the conditions, standards and requirements of this Chapter. Whenever there is a difference between the provisions of the conditional use regulations and the district regulations, the most restrictive provision shall prevail, unless clearly indicated differently in the regulations.

(c) Specific Development Standards.

(1) The Planning Commission may limit the hours of operation to ensure that the conditional use is compatible with the surrounding uses.

(2) No lighting shall constitute a nuisance and in no way shall impair safe movement of traffic on any street or highway. All outside lighting shall comply with the requirements specified in Section 1155.11.

(3) Floodlights, loudspeakers or similar structures shall not be erected or used in any manner that will cause hazards or annoyance to the public generally or to the occupants of adjacent property.

(4) All trash receptacles shall be adequately screened in compliance with the regulations set forth in Chapter 1155.

(5) Grading and surface drainage provisions shall be prepared by a registered engineer and reviewed or approved by the City Engineer.

(6) In a residential district, on lots of one acre or more, all points of entrance or exit should be no closer than 50 feet from an intersection.

(7) A building permitted to exceed the maximum height set forth for the district in which the building is located shall have adequate building setbacks to ensure that the surrounding area is not negatively impacted by the additional building height.

**1145.04 SCHEDULE OF MINIMUM LOT AND YARD DIMENSIONS FOR CONDITIONAL USES IN PARK AND INSTITUTIONAL DISTRICT.**

Schedule 1145.04 sets forth regulations governing minimum lot area, minimum lot width and minimum yard requirements for principal and accessory buildings and parking areas for conditional uses in a Park and Institutional district. Supplemental requirements pertaining to such uses are set forth in Section 1145.07, and the specific subsections are referenced in Schedule 1145.04, below.

**Schedule 1145.04**

Minimum Area, Width and Yard Regulations for Conditional Uses in P/I Districts

Conditional Use	Minimum Lot Regulations		Minimum Building Setbacks		Minimum Parking Setbacks		Also see Section
	Area	Width	Front	Side-Rear	Front	Side-Rear	
(a) Accredited college or university, including associated on-campus student housing and athletic fields	5 acres	300 ft.	100 ft.	100 ft. (1)	50 ft.	15 ft.	1145.07(p)
(b) Administrative government offices	(2)	(2)	(2)	(2)	(2)	(2)	---
(c) Cemetery	5 acres	300 ft.	100 ft.	100 ft.	50 ft.	15 ft.	1145.07(c)
(d) Civic facility for public assembly	2 acres	150 ft.	50 ft.	40 ft.	50 ft.	15 ft.	1145.07(d)
(e) Day care facility, adult or child	(2)	(2)	(2)	(2)	(2)	(2)	1145.07(e)
(f) Facility providing government sponsored adult education	(2)	(2)	(2)	(2)	(2)	(2)	--
(g) Golf course	50 acres	300 ft.	100 ft.	100 ft.	50 ft.	15 ft.	1145.07(m)
(h) Hospital and associated medical offices	5 acres	300 ft.	50 ft.	40 ft.	(2)	(2)	1145.07(i)
(i) Library, museum	(2)	(2)	(2)	(2)	(2)	(2)	---

Exhibit #2

(j) Monuments	None	None	(2)	(2)	(2)	(2)	---
(k) Parish residence, convent or other residential use associated with a place of worship	(2)	(2)	(2)	(2)	(2)	(2)	1145.07(p)
(l) Place of worship	(2)	(2)	(2)	(2)	(2)	(2)	1145.07(p)
(m) Residential care facility	2 acres	150 ft.	50 ft.	40 ft.	50 ft.	15 ft.	1145.07(q)

(n) Safety facility, public	(2)	(2)	(2)	(2)	(2)	(2)	---
(o) School facility, public or private	(2)	(2)	(2)	(2)	(2)	(2)	1145.07(p)
(p) Swimming pool	(2)	(2)	(2)	(2)	(2)	(2)	1145.07(m)
(q) Technical college or business and trade school	(2)	(2)	(2)	(2)	(2)	(2)	---
(r) Temporary outdoor special events lasting longer than 45 days	(2)	(2)	(2)	(2)	(2)	(2)	1145.07(t)
(s) Wireless telecommunication facility	See Chapter 1157						
<u>Notes to Schedule 1145.04:</u>							
(1) Including outdoor athletic facilities.							
(2) Shall comply with district regulations.							
NA Not applicable.							

**1145.05 SCHEDULE OF MINIMUM LOT AND YARD DIMENSIONS FOR CONDITIONAL USES IN RESIDENTIAL DISTRICTS.**

Schedule 1145.05 sets forth regulations governing minimum lot area, minimum lot width and minimum yard requirements for principal and accessory buildings and parking areas for conditional uses in residential districts. Supplemental requirements pertaining to such uses are set forth in Section 1145.07, and the specific subsections are referenced in Schedule 1145.05, below.

**Schedule 1145.05**

Minimum Area, Width and Yard Regulations for Conditional Uses

Conditional Use	Minimum Lot Regulations		Minimum Building Setbacks		Minimum Parking Setbacks		Also See Section:
	Area	Width	Front	Side- Rear	Front	Side- Rear	
(a) Bed and breakfast in association with a permitted dwelling	(1)	(1)	(1)	(1)	(2)	(1)	1145.07(b)
(b) Day care facility, adult or child	1 acre	150 ft.	50 ft.	40 ft.	50 ft.	15 ft.	1145.07(e)
(c) Family home for handicapped persons	(1)	(1)	(1)	(1)	(2)	(1)	1145.07(g)
(d) Group home for handicapped persons	(1)	(1)	(1)	(1)	(2)	(1)	1145.07(h)
(e) Home occupation	See Section 1131.09						
(f) Library, museum	1 acre	150 ft.	50 ft.	40 ft.	50 ft.	15 ft.	---
(g) Off-street parking as principal use of lot	(1)	(1)	NA	NA	(1)	15 ft. (3)	1145.07(l)
(h) Place of worship	1 acre	150 ft.	50 ft.	40 ft.	50 ft.	15 ft.	1145.07(p)
(i) Public park and/or playground	None	None	(1)	15 ft.	(2)	15 ft.	1145.07(m)
(j) Residential care facility	2 acre	150 ft.	50 ft.	40 ft.	50 ft.	15 ft.	1145.07(q)
(k) Safety facility, public	1 acre	150 ft.	40 ft.	40 ft.	50 ft.	15 ft.	----
(l) School, public or private	1 acre	150 ft.	40 ft.	40 ft.	50 ft.	15 ft.	1145.07(p)
<b>Notes to Schedule 1145.05:</b>							
(1) Shall comply with district regulations.							
(2) Parking spaces for more than 2 vehicles shall comply with the building setback requirement.							
(3) When abutting a "R" or "RMF" parcel; minimum parking setback shall be 5 feet when abutting parcels in a non-residential district.							
NA Not applicable.							

**1145.06 SCHEDULE OF MINIMUM LOT AND YARD DIMENSIONS FOR CONDITIONAL USES IN COMMERCIAL AND INDUSTRIAL DISTRICTS.**

Schedule 1145.06 sets forth regulations governing minimum lot area, minimum lot width and minimum yard requirements for principal and accessory buildings and parking areas for conditional uses in a commercial or industrial district. Supplemental requirements pertaining to such uses are set forth in Section 1145.07, and the specific subsections are referenced in Schedule 1145.06, below.

**Schedule 1145.06**

Area, Width and Yard Regulations for Conditional Uses

Conditional Use	Minimum Lot Regulations		Minimum Building Setbacks		Minimum Parking Setbacks		Also See Section:
	Area	Width	Front	Side- Rear (1)	Front	Side- Rear (1)	
(a) Adult use	(2)	(2)	(2)	(2)	(2)	(2)	1145.07(a)
(b) Bank or bank with accessory drive-through lanes	(2)	(2)	(2)	(2)	(2)	(2)	---
(c) Business or trade school	(2)	(2)	(2)	(2)	(2)	(2)	---
(d) Club, lodge or assembly hall	(2)	(2)	(2)	(2)	(2)	(2)	1145.07(d)
(e) Day care facility, adult or child	(2)	(2)	(2)	(2)	(2)	(2)	1145.07(e)
(f) Drive-through facility in association with a permitted use	(2)	(2)	(2)	(2)	(2)	(2)	1145.07(f)
(g) Funeral home, mortuary	(2)	(2)	(2)	(2)	(2)	(2)	---
(h) Hospital	5 acre	300 ft.	50 ft.	40 ft.	(2)	(2)	1145.07(i)
(i) Manufacture of products from raw materials	5 acre	300 ft.	100 ft.	100 ft.	(2)	(2)	1145.07(j)
(j) Mini/self storage facility	(2)	(2)	(2)	(2)	(2)	(2)	1145.07(k)
(k) Motel, hotel	(2)	(2)	(2)	(2)	(2)	(2)	---

Exhibit #2

(l) Outdoor commercial recreation	(2)	(2)	(2)	(2)	(2)	(2)	1145.07(m)
Notes to Schedule 1145.06:							
(1) Regulations apply to all side and rear setbacks unless a greater setback is specified in the district regulations for lots adjacent to residential districts.							
(2) Shall comply with district regulations.							
-- Not applicable							

Conditional Use	Minimum Lot Regulations		Minimum Building Setbacks		Minimum Parking Setbacks		Also See Section:
	Area	Width	Front	Side- Rear (1)	Front	Side- Rear (1)	

<del>(m)</del> Outdoor dining			<del>(2)</del>	<del>(2)</del>	<del>(2)</del>	<del>(2)</del>	<del>(2)</del>	<del>(2)</del>	<del>1145.07(n)</del>
<del>(am)</del> Outdoor display of merchandise for sale			(2)	(2)	(2)	(2)	(2)	(2)	1145.07(o)
<del>(en)</del> Place of worship			(2)	(2)	(2)	(2)	(2)	(2)	1145.07(p)
<del>(po)</del> Residential care facility			(2)	(2)	(2)	(2)	(2)	(2)	1145.07(q)
<del>(ap)</del> Residential unit accessory to a commercial use			(2)	(2)	(2)	(2)	(2)	(2)	1145.07(r)
<del>(fg)</del> School, public or private			(2)	(2)	(2)	(2)	(2)	(2)	1145.07(p)
<del>(sr)</del> Studio for instruction			(2)	(2)	(2)	(2)	(2)	(2)	1145.07(s)
<del>(ts)</del> Temporary outdoor special event lasting longer than 45 days			(2)	(2)	(2)	(2)	(2)	(2)	1145.07(t)
<del>(ut)</del> Truck transfer terminal, motor freight garage			5 acre	300 ft.	100 ft.	100 ft.	(2)	(2)	1145.07(u)
<del>(vu)</del> Veterinary hospital with associated cages, runs and kennels			(2)	(2)	(2)	(2)	(2)	(2)	1145.07(v)
<del>(wv)</del> Wireless telecommunications facility			See Chapter 1157						

Notes to Schedule 1145.06:

- (1) Regulations apply to all side and rear setbacks unless a greater setback is specified in the district regulations for lots adjacent to residential districts.
- (2) Shall comply with district regulations.
- Not applicable

(Ord. 96-07. Passed 9-24-07.)

**1145.07 SUPPLEMENTAL REGULATIONS FOR CERTAIN USES.**

The following are specific conditions, standards and regulations for certain conditional uses and are in addition to the criteria and standards set forth in Sections 1145.02, 1145.03, 1145.04, 1145.05 and 1145.06.

(a) Adult Uses. North Canton has determined that permitting adult uses, as defined in this Section, in proximity to residential, institutional, and non-adult oriented retail uses would have a detrimental effect on such adjacent uses. It has been demonstrated that adult uses, as defined in this Section, have been known to cause undesirable secondary effects on residential and institutional uses, particularly those where children are present, as well as adjacent non-adult use oriented retail uses. Therefore, in order to prevent potential deterioration in North Canton's retail areas; and to avoid potential adverse impacts on residential and institutional uses particularly those where children are present, and thereby protecting the public health, safety and welfare, adult uses, as defined in this Section, shall be permitted only in the GB-B District subject to the following requirements.

(1) For purposes of this Ordinance adult uses shall include but not be limited to any of the following:

A. Adult media shop. An establishment that rents and/or sells media and that meets any of the following three (3) tests:

- 1. More than 33 percent of the gross public floor area is devoted to adult media.
- 2. More than 33 percent of the stock-in-trade consists of adult media.
- 3. It advertises or holds itself out in any forum as "XXX", "adult", "sex" or otherwise is a sexually oriented business.

B. Adult motion picture theater. An enclosed motion picture theater which regularly uses or utilizes 5 percent or more of its total viewing time, for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to adult material as defined in this Section.

C. Adult only live entertainment business. An establishment where the patron directly or indirectly is charged a fee, and where the establishment features:

- 1. Entertainment or services that constitute adult entertainment or services as defined in this section; or

Exhibit #2

2. Exhibitions, dance routines, or gyrational choreography of persons totally nude, topless, bottomless, or strippers, male or female impersonators or similar entertainment or services that constitute adult entertainment or services as defined in this section.

D. Sex shop. An establishment offering goods for sale or rent and that meets any of the following tests:

1. The establishment offers for sale items from any two of the following categories: (a) adult media; (b) lingerie, or (c) leather goods marketed or presented in a context to suggest their use for sadomasochistic practices; and the combination of such items constitutes more than 10 percent of its stock in trade or occupies more than 10 percent of its floor area.

2. More than five (5) percent of its stock-in-trade consists of sexually oriented toys or novelties.

3. More than five (5) percent of the total area of the building that is accessible to the public is devoted to the display of sexually oriented toys or novelties.

E. Sexually oriented business. An inclusive term used to describe collectively: adult only live entertainment business; adult motion picture theater; video arcade; bath house; and/or sex shop.

(2) To further determine whether the above facilities are adult uses, the following definitions shall apply.

A. Adult media, adult entertainment and adult service. Any media, entertainment or service capable of creating sexual interest through sight, sound or touch, and;

1. Which media, entertainment or service is distinguished or characterized by an emphasis on matter displaying, describing, or representing sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination; or

2. Which entertainment or service is distinguished or characterized by an emphasis on sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination.

B. Bottomless. Less than full opaque covering of male or female genitals, pubic area or buttocks.

C. Nude or nudity. The showing, representation, or depiction of human male or female genitals, pubic area, or buttocks with less than full, opaque covering of any portion thereof, or female breast(s) with less than a full, opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernibly turgid state.

D. Public display. The act of exposing, placing, posting, exhibiting, or in any fashion displaying in any location, whether public or private, an item in such a manner that it may be readily seen and its content or character distinguished by normal unaided vision viewing it from a street, highway, or public sidewalk, or from the property of others, or from any portion of the premises where items and material other than adult media are on display to the public.

E. Sadomasochistic practices. Flagellation or torture by or upon a person clothed or naked, or the condition of being fettered, bound, or otherwise physically restrained on the part of another.

F. Sexual activity. Sexual conduct or sexual contact, or both.

Exhibit #2

G. Sexual contact. Any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or, if the person is female, a breast, for the purpose of sexually arousing or gratifying either person.

H. Sexual excitement. The condition of the human male or female genitals, when in a state of sexual stimulation or arousal.

I. Sexually oriented toys or novelties. Instruments, devices, or paraphernalia either designed as representatives of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs.

J. Topless. The showing of a female breast with less than a full opaque covering of any portion thereof below the top of the nipple.

(3) Adult uses shall be located in accordance with the following distance requirements:

A. A minimum of 800 feet from the boundaries of any lot containing a church, library, public park or playground, day care center, school or any other institution where children are kept day or night;

B. A minimum of 800 feet from any residentially zoned parcel in North Canton or any adjacent community; and

C. A minimum of 800 feet from any other adult use.

(b) Bed and Breakfast in association with a Permitted Dwelling shall comply with the following:

(1) The bed and breakfast facility shall be located on a parcel abutting, or adjacent to an arterial or collector street; park; or OB, MSB, GB-A, or GB- B District.

(2) Meals shall be provided only to guests taking lodging in the facility.

(3) Guestrooms shall not contain cooking facilities. A common lounge area may be provided for guests.

(4) The building shall be compatible with surrounding land use and shall not exceed three (3) guestrooms.

(c) Cemeteries shall comply with the following:

(1) Except for office uses incidental to cemetery operation, no business or commercial uses of any kind shall be permitted on the cemetery site.

(2) Interior drives having a minimum width of 20 feet shall be installed as development progresses and as indicated in the final plans by the Planning Commission.

(3) Sufficient pull-off areas for vehicles shall be provided throughout the cemetery so as not to hinder traffic flow.

(4) No gravesite, mausoleum or crematory shall be located within 50 feet of a public street right-of-way or residential property line.

(5) All maintenance equipment and materials shall be stored in a completely enclosed building.

Exhibit #2

(d) Clubs, Lodges or Assembly Halls, Civic Facilities for Public Assembly shall comply with the following:

(1) All activities, programs and other events shall be directly related to the conditional use permit so granted, and shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents or to the community in general.

(2) Outdoor activities shall be approved by the Planning Commission.

(e) Day Care Center, Adult or Child shall comply with the following:

(1) All outdoor activity areas shall be enclosed by a fence or wall having a height of at least five feet. An entry gate shall be securely fastened.

(2) A drop-off/pick-up location that will not impede traffic on or off the site shall be provided to ensure the safety of the children and adults.

(f) Drive-Through Facilities shall comply with the following:

(1) Such facilities shall be located in an area least disruptive to pedestrian or vehicular traffic.

(2) Any proposed loudspeaker system shall be approved as part of the development plan.

(g) Family Home for Handicapped Persons shall comply with the following:

(1) The persons residing in such residential home shall live as a single housekeeping unit in a single dwelling unit and maintain said home as their sole, bona fide, permanent residence. The term "permanent residence" means:

A. The resident intends to live at the dwelling on a continuing basis; and,

B. The resident does not live at the dwelling in order to receive counseling, treatment, therapy or medical care.

(2) Prior to a handicapped person commencing residence in the home, either the applicant or the placement agency shall certify that the resident is handicapped as defined in 42 U.S.C. §3602(h) and that the resident can function adequately in a community residential setting. The applicant or the placement agency shall have a continuing duty to provide such certification to the Planning Commission for each handicapped person who resides in the home after a conditional use permit is granted;

(3) The applicant shall demonstrate that adequate qualified supervision will exist in the home on a 24 hour per day basis;

(4) In order to maintain the single-family residential character of the area in which the family home is located, the applicant is required and shall agree that upon termination of this conditional use for any reason the applicant shall restore the premises to a condition in which it is marketable as a single-family dwelling, unless ownership and/or possession of the premises is transferred to a person(s) who has obtained a similar conditional use permit for the premises;

Exhibit #2

(5) Signs or other means of identification as a family home for handicapped persons shall not be permitted;

(6) The applicant shall comply with the applicable parking regulations of the Zoning Ordinance for the type of residential structure used by the residential home and shall make adequate provision for on-site parking of vehicles used by visitors and the home supervisors;

(7) In considering whether to grant the conditional use permit, Planning Commission shall take into consideration the proximity and location of other such homes for handicapped persons within the neighborhood so as not to change the character of the area, create undue congestion in the public ways, or otherwise adversely impact upon a given area with such use, but in no event shall a family home be closer than 600 feet from where another family home or group home for handicapped persons is located;

(8) Evidence shall be presented that the proposed facility meets the certification, licensing or approval requirements of the appropriate state agency. Failure to maintain such license, certification or other approval requirements shall result in immediate revocation of the home's conditional use permit;

(9) Conversion of an existing dwelling to a family home shall require that the dwelling be brought into conformity with existing City regulations.

(h) Group Homes for Handicapped Persons shall comply with the following:

(1) Evidence shall be presented that the proposed facility meets the certification, licensing, or approval requirements of the appropriate state agency. Failure to maintain such license, certification or other approval requirements shall result in immediate revocation of the home's conditional use permit;

(2) The applicant shall comply with the applicable parking regulations of this Zoning Ordinance for the type of residential structure used by the residential home and shall make adequate provision for on-site parking of vehicles used by visitors and the home supervisors;

(3) In considering whether to grant the conditional use permit, the Planning Commission shall take into consideration the proximity and location of other such homes for handicapped persons within the neighborhood so as not to change the character of the area, create undue congestion in the public ways, or otherwise adversely impact upon a given area with such use, but in no event shall a group home be closer than 600 feet from where a family home or group home for handicapped persons is located;

(4) The architectural design and site layout of a group home and the height of any walls, screens, or fences connected with any said group home shall be compatible with adjoining land uses and the residential character of the neighborhood.

(i) Hospitals shall comply with the following:

(1) Such use shall be located on an arterial or collector street.

(2) Outdoor storage of ambulances and other vehicles used in the operation of the principal use may be permitted provided such storage areas shall be located in the side or rear yard in off-street parking areas.

(j) Manufacturing of Products from Raw Materials shall comply with the following:

Exhibit #2

(1) The outdoor storage shall comply with the building setback requirements.

(2) The outdoor storage of any raw materials shall be enclosed by a solid wall or fence, including solid gates, having a minimum height of seven feet, which shall be maintained at all times.

(3) All fences or walls required in this section shall be constructed of uniform materials painted or otherwise preserved, and approved by the Commission. Additional fences, walls or shrubs may be required by the Commission, if necessary, to adequately screen the materials from adjoining districts or public streets.

(k) Mini/Self Storage Facility shall comply with the following:

(1) The leases for all self-storage units shall include clauses prohibiting:

A. The storage of flammable liquids, radioactive, highly combustible or explosive materials or hazardous materials.

B. The use of property for uses other than dead storage.

(2) The North Canton Fire Department forces shall be provided with 24-hour accessibility to the grounds. A lockbox shall be provided for its use.

(3) The maximum size of individual storage compartments shall be 500 square feet.

(4) Such uses should be located on an arterial street.

(l) Off-Street Parking as a Principal Use on Lot. In an R-70, R-50, R-2F, RMF-A, or RMF-B District, parking lots or garages constructed as the principal use on a lot that is contiguous to and within 150 feet of a OB, MSB, GB-A, or GB-B or P/I District when the parking spaces are accessory to a use located within that nonresidential district shall comply with the following:

(1) For the purposes of this section, contiguous includes a parcel directly across a public right-of-way. The start of the 150 foot distance shall be measured from the side of the public right-of-way on such contiguous lot.

(2) An approved parking area shall be used solely for the parking of the passenger automobiles of the employees and customers of the use to which it is accessory.

(3) The off-street parking lot or garage shall not be located closer to the street than the setback of the existing dwelling on the adjacent lot, or the setback required for the district in which the lot or garage is located, whichever is greater.

(4) Such off-street parking garages shall be of a design, scale, and massing to complement the adjacent residential buildings.

(m) Public Parks and/or Playgrounds; Golf Courses; Swimming Pools, Athletic Fields Associated with a School, College or University, and Outdoor Commercial Recreation shall comply with the following:

(1) The proposed use shall not generate excessive noise, odor, dust or smoke beyond the premises. In order to minimize any effects of the above, the Planning Commission may require all applicable surface areas to be paved, and impose additional noise reduction measures, including

Exhibit #2

mounding, landscaping and sound barriers, to ensure that the level of noise is less than or the same as the prevailing noise levels of permitted uses in the District.

(2) The Planning Commission may require active recreation areas to be enclosed by a fence having a minimum height of five (5) feet.

(3) Rifle ranges, skeet shooting ranges, pistol ranges and other uses involving the use of firearms including high powered air rifles; paint ball activities, motor-cross and/or go-cart tracks/racing; amusement parks; outdoor/drive-in movie theatre and all other concentrated outdoor commercial recreation uses shall not be permitted.

(4) Outdoor commercial recreation shall be permitted only in when it is specifically listed as a conditional use in the schedule of permitted uses in the district in which it is proposed.

(5) Delivery trucks shall not be used as refreshment stands, souvenir stands, and/or concession stands.

(6) Only retail uses that are customarily accessory and incidental to the main recreational use shall be permitted as part of the recreational area. Included as such retail uses are refreshment stands, souvenir stands, concession stands, and an office.

(7) All activities, programs and other events shall be directly related to the conditional use permit so granted, and shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents or to the community in general.

(8) An adequate number of public restrooms for both men and women shall be provided and maintained.

(9) Vehicular approaches to the property shall be designed so as not to create an interference with traffic on surrounding public streets or roads.

(10) Commercial recreation establishments shall not be permitted in residential districts unless specifically permitted otherwise.

(11) In a residential district, no retail uses such as a snack bar, shall be permitted as an accessory use to a public park and/or recreation facility.

(12) Swimming pools shall comply with the following additional requirements:

A. Pools shall be adequately fenced to prohibit unauthorized access to the facility.

B. Pools and their enclosures shall comply with the building setback requirements set forth in Schedule 1145.04, 1145.05, or 1145.06, as applicable.

C. The enclosure required in this subsection (12) shall be kept locked at all times the pool is not in use.

D. The Planning Commission may limit the maximum lot coverage of related buildings and lounging/deck areas.

Exhibit #2

(13) Golf courses, including tees, fairways, greens and golf driving ranges shall be designed and landscaped in such a manner as to reasonably prevent a misfired ball from landing out of the golf course.

~~(n) Outdoor Dining shall comply with the following:~~

~~—(1) The facility shall be used in conjunction with, and is under the same management and exclusive control of, a restaurant located on the same or contiguous property;~~

~~—(2) The outside seating capacity shall not exceed 25 percent of the restaurant seating capacity;~~

~~—(3) The facility shall not interfere with the public right of way. The Planning Commission shall determine to what extent, if any, such use may encroach upon the public right of way.~~

~~—(4) Noise shall be adequately controlled to ensure that patrons do not create a nuisance.~~

(en) Outdoor Display of Merchandise for Sale shall comply with the following:

(1) All displays shall meet the principal building setbacks established for the district in which the principal use is located.

(2) Displays shall not be located in areas intended for traffic circulation according to the site plan.

(po) Places Of Worship, Schools, and Accredited Colleges and Universities shall comply with the following:

(1) Such uses should be located on an arterial or collector street or have direct access to an arterial or collector street without going through a residential neighborhood to lessen the impact on the residential area.

(2) The Planning Commission may require outdoor activity areas to be enclosed by a fence or wall having a height of at least five feet and an entry gate that can be securely fastened.

(3) Places of worship may be erected to a height not to exceed 75 feet if the building is set back from each lot line one (1) foot for each foot of additional building height in excess of the district limitation.

(4) Associated uses such as a convent, faculty residence, cafeteria, or infirmary shall be located on the same lot as a place of worship, school, college or university and shall comply with the building setback requirements set forth in this chapter.

(5) Athletic facilities shall also comply with the supplemental regulations set forth in Section 1145.07(m).

(rp) Residential Care Facility shall comply with the following:

(1) A residential care facility may include, but is not limited to, one or more of the following types of residential facilities:

A. Congregate living; which for the purposes of this Section shall be residential accommodations for which congregate dining, recreation, and/or other social and community facilities are provided as integral part of the design and expected to be utilized by the occupants on a regular basis.

Exhibit #2

B. Assisted living, which for the purposes of this Section shall be residential accommodations designed for and intended to be occupied by individuals who require supervision, assistance and health care services or who are otherwise dependent on the services of others by reason of age or physical or mental impairment.

C. Nursing home;

D. Hospice facility.

(2) Density:

A. The number of beds for nursing facilities shall not exceed one bed for every 1,000 square feet of net lot area devoted to the facility and its related parking.

(3) Such uses shall be located on an arterial or collector street or have direct access to an arterial or collector street without going through a residential neighborhood to lessen the impact on the residential area.

(4) The development plan shall indicate the parking and emergency entrances or exits and other safety precautions.

(5) Evidence shall be presented that the proposed facility meets the certification, licensing or approval requirements of the appropriate state agency. Failure to maintain such license, certification or other approval requirements shall result in immediate revocation of the facility's conditional use permit;

(6) In considering whether to grant the conditional use permit, the Planning Commission shall take into consideration the intensity of the use and building coverage compared to the surrounding uses and the uses permitted in the district so as not to change the character of the area or otherwise adversely impact upon a given area with such use.

(fg) Residential Units Accessory to a Commercial Use shall comply with the following:

(1) In the MSB district, accessory residential units should be located on the second floor of retail buildings.

(2) Any accessory residential use located on the first floor of a commercial building shall not occupy more than 50% of the first floor area of the building and shall be located within the building so as not to interfere with the principal use of the building.

(3) Parking spaces for the accessory residential use shall be clearly marked and shall be in addition to and separate from the parking spaces required for the principal use.

(st) Studios for Instruction shall comply with the following:

(1) All activities shall take place in a fully enclosed sound-resistant building, with closed windows and double-door entrances that provide a sound lock.

(2) Such establishment offering non-academic instruction should be located so as to minimize the amount of space inactive during normal business hours that is located in the middle of a retail setting. Studios are encouraged to have associated retail uses located in the first floor space nearest the street in order to contribute to the retail environment of the district.

Exhibit #2

(~~ts~~) Temporary Outdoor Special Events Lasting Longer than 45 Days shall, in addition to Section 1123.06, comply with the following:

- (1) The conditional use permit shall authorize a specific duration for the proposed event.
- (2) The applicant shall submit a parking plan to ensure that the proposed special event does not impede or disrupt the existing principal use(s).
- (3) The Planning Commission may require the applicant to post a bond as required in Section 1175.16, Development Plan Review.

(~~tt~~) Truck or Transfer Terminal, Motor Freight Garage shall comply with the following:

- (1) Such uses shall be located on an arterial street.
- (2) Vehicular approaches to the property shall be designed so as not to create an interference with traffic on surrounding public streets or roads.

(~~vu~~) Veterinary Hospitals with Associated Cages, Runs and Kennels shall comply with the following:

- (1) Outdoor areas devoted to kennel operations shall be located in the rear yard and shall comply with the building setback requirements set forth in Schedule 1145.06.
- (2) Odor and noise shall be adequately controlled to ensure that animals do not create a nuisance.



# City of North Canton Office of City Council

## Agenda Request Form

**DATE:** 8/28/2020

**SUBJECT:** Discussion on Legal Services

**I am requesting:**

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

**FOR:** Discussion of the need for legal services following the resignation of the Law Director and how best to acquire such services for the City.  
Requested by President of Council via phone communication on 08.28.2020.

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

**RATIONALE FOR EMERGENCY:**

**SIGNED:** *Benjamin R. Young* **Title:** Clerk of Council **Date:** 8/<sup>28</sup>/~~26~~/2020

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

**APPROVAL NEEDED:**

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

**APPROVED BY:**

\_\_\_\_\_ **Title:**    **Date:** *08/28/2020*





North Canton City Council  
Rules, Ordinance, and Claims Committee

ORDINANCE ## - 2020

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

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

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

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

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

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

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

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

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

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

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

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

Section 7. That if a provision of this ordinance is or becomes illegal, invalid or unenforceable, that shall not affect the validity or enforceability of any other provision of this ordinance.

Section 8. That this ordinance shall take effect and be in full force from and after the earliest period allowed by law.

Passed in Council this \_\_\_\_\_ day of \_\_\_\_\_ 2020.

Attest: \_\_\_\_\_  
Benjamin R. Young, Clerk of Council

\_\_\_\_\_  
Stephan B. Wilder, Mayor

Signed on: \_\_\_\_\_



# City of North Canton Office of City Council

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## Agenda Request Form

**DATE:** 8/10/2020

**SUBJECT:** Policies for Councilmember Use of City Letterhead and Businesscards

**I am requesting:**

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

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

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

**RATIONALE FOR EMERGENCY:**

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

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

**APPROVAL NEEDED:**

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

**APPROVED BY:**

\_\_\_\_\_ **Title:**                      **Date:**

## **Paper Representation**

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

### **Letterhead / Envelopes**

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

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

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

Envelopes may be used to send any communication written on letterhead

### **Business Cards**

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

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

North Canton City Council  
Ordinance, Rules, and Claims Committee

ORDINANCE ## - 2020

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

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

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

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

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

- Section 1. That a policy, be, and is hereby, established, regulating the use of paper representation materials of the City by members of City Council.
- Section 2. That Councilmembers may utilize official City letterhead for communications provided that:
- a. A copy of all communications written using City letterhead shall be sent to, and kept on file by, the Clerk of Council.
  - b. Letterhead shall only be used for communications relating to City business.
  - c. Letterhead shall not be used to discuss elections, referendums, recalls, or votes of the electorate regarding elected officials in any capacity.
  - d. Letterhead shall not contain personal phone numbers or email addresses but shall instead contain the number for the Office of Council and the email address for the position held.
  - e. That all communications shall also comply with the provisions of Section 111.08 Survey of Constituents, of the Codified Ordinances.
- Section 3. That in order to ensure compliance with letterhead standards the Clerk of Council shall not distribute the letterhead template. Council members may draft communications and send them to the Clerk to be placed on letterhead or request the Clerk to draft communications on their behalf.
- Section 4. That Councilmembers may use City envelopes to send any communications written on City letterhead.
- Section 5. That Councilmembers may utilize City business cards to represent themselves to the public subject to the following provisions.
- a. Upon request Councilmembers may be provided with up to 500 business cards, paid for by the City, per elected term, with at least 50 of such cards to be retained by the Office of Council to distribute to members of the Public that visit Council Offices in person. Any additional cards must be paid for by the Councilmember themselves.
  - b. Business cards shall not list personal phone numbers, only the number for the Office of City Council.
  - c. Business cards shall not list personal emails, only the email for the position held on Council.
  - d. Business cards shall not list any titles or officers of Council such as Committee Chairman, President, or Vice President as these positions may be subject to frequent change.
  - e. Business cards may not be used as, in conjunction with, or as part of, campaigning or election materials.
- Section 6. That if a provision of this ordinance is or becomes illegal, invalid, or unenforceable, it shall not affect the validity or enforceability of any other provision of this ordinance.

Section 7. That this ordinance shall take effect and be in full force from and after the earliest period allowed by law.

Passed in Council this \_\_\_\_\_ day of \_\_\_\_\_ 2020.

Attest: \_\_\_\_\_  
Benjamin R. Young, Clerk of Council

\_\_\_\_\_  
Stephan B. Wilder, Mayor

Signed on: \_\_\_\_\_



# City of North Canton Office of City Council

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## Agenda Request Form

**DATE:** 8/10/2020

**SUBJECT:** Permanent Records Viewing Policy

**I am requesting:**

Ordinance     Resolution     Discussion     Vote of Council

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

**EMERGENCY REQUEST:**  YES     NO

**RATIONALE FOR EMERGENCY:**

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

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

**APPROVAL NEEDED:**

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

**APPROVED BY:**

\_\_\_\_\_ **Title:**            **Date:**

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

### **Rules for Viewing Permanent Paper Records**

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

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

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

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

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

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

North Canton City Council  
Resolution, Rules, and Claims Committee

RESOLUTION ## - 2020

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

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

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

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

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

Passed in Council this \_\_\_\_\_ day of \_\_\_\_\_ 2020.

Attest: \_\_\_\_\_  
Benjamin R. Young, Clerk of Council

\_\_\_\_\_  
Stephan B. Wilder, Mayor

Signed on: \_\_\_\_\_



North Canton City Council  
Ordinance, Rules, and Claims Committee

RESOLUTION ## - 2020

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

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

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

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

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

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

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

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

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

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

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

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

Section 4. 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:** August 25, 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 Pittsburg Avenue/Orion Street/Shuffel Street Dual Roundabout Project. The Commissioners will apply for Ohio Public Works Commission funding as their 20% Local share match for the \$2,660,000 Federal grant which they have already received. The OPWC grant application will be "stronger" utilizing the City as a partner on this project as the City can utilize the OPWC grant funding to offset the costs of our necessary waterline relocation work in order to accommodate the dual roundabouts. The draft agreement is attached.

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

**RATIONALE FOR EMERGENCY:** OPWC grant applications are due on Friday, October 16th.

**SIGNED:**  City Engineer

**APPROVAL NEEDED:**

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

**APPROVED BY:**

  
**Signature**      \_\_\_\_\_ **Title**      8-25-2020 **Date**

## AGREEMENT

### PITTSBURG AVENUE/ORION STREET and SHUFFEL STREET

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

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

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

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

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

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

1. The **COUNTY** will provide the design plans for the improvement of the roadways. The **CITY** will provide the design plans for the proposed new waterline and replacement/relocation of existing waterlines.
2. The **COUNTY** and the **CITY** will provide and pay for construction supervision for their respective portions of the project.

3. The **COUNTY** will apply for Ohio Public Works Commission (OPWC) funding for the project. Upon receipt of OPWC grant for the project, fifty-one percent (51%) of the water line work shall be paid for by the **CITY**, with forty-nine percent (49%) of the water line work shall be paid with OPWC funds.
4. The **CITY** will reimburse the **COUNTY** for all costs associated with the necessary water line improvements, for all expenses related to the new waterline and replacement of existing waterlines. Included in these costs are a percentage of the cost of overall project incidental items; maintenance of traffic, mobilization, field office, layout stakes and bond. The percentage shall be based on the overall cost of the project as compared to the cost of the water work.
5. The **COUNTY** will advertise and open bids for the project.
6. The **CITY** will review the bids to ensure that the costs associated with the new waterline improvements are reasonable and not unbalanced.
7. The **COUNTY** shall award the contract for construction of the project.
8. The **COUNTY** will invoice the **CITY** on a monthly basis for waterline work performed on the project. The **CITY** will reimburse the **COUNTY** within 30 days of receipt of an invoice.
9. Upon completion of the project, the **COUNTY** will maintain the new roadways and bridges. The **CITY** will maintain the new water lines.
10. This Agreement contains the entire agreement by and between the parties and the terms contained herein are contractual and are not a mere recital.

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

WITNESSES:

THE BOARD OF COMMISSIONERS  
STARK COUNTY, OHIO

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

WITNESSES:

THE CITY OF NORTH CANTON

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_

Approved as to legal  
form and sufficiency:

By: \_\_\_\_\_  
Assistant Prosecuting Attorney  
Stark County, Ohio

Approved as to legal  
form and content:

By: \_\_\_\_\_  
City of North Canton Law Director

North Canton City Council  
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 relocation and replacement of City waterlines as part of the Commissioner's Pittsburg Avenue/Orion Street/Shuffel Street Dual Roundabout Project (the "Project"), and declaring the same to be an emergency.

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

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

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

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

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

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

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

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

Passed in Council this \_\_\_\_\_ day of \_\_\_\_\_ 2020.

Attest: \_\_\_\_\_  
Benjamin R. Young, Clerk of Council

\_\_\_\_\_  
Stephan B. Wilder, Mayor

Signed on: \_\_\_\_\_

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

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

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

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

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

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

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

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

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

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

WITNESSES:

THE BOARD OF COMMISSIONERS  
STARK COUNTY, OHIO

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

WITNESSES:

THE CITY OF NORTH CANTON

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_

Approved as to legal  
form and sufficiency:

By: \_\_\_\_\_  
Assistant Prosecuting Attorney  
Stark County, Ohio

Approved as to legal  
Form and content:

By: \_\_\_\_\_  
City of North Canton Law Director



# City of North Canton Office of City Council

## Agenda Request

**TO:** President of City Council  
**DATE:** August 24, 2020  
**SUBJECT:** Submittal of OPWC Application

**I am requesting:**

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

**For:** Submittal of an Ohio Public Works Commission Grant Application for the Glenwood Street SW Waterline Replacement Project Phase II per the attached.

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

**RATIONALE FOR EMERGENCY:** OPWC Grant applications are due on Friday, October 16, 2020.

**SIGNED:**  City Engineer

**APPROVAL NEEDED:**

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

**APPROVED BY:**

  
**Signature**

\_\_\_\_\_  
**Title**

8-25-2020  
**Date**



# City of NORTH CANTON, OHIO

145 NORTH MAIN STREET  
NORTH CANTON OHIO 44720-2587

## LEGISLATION REQUEST

August 24, 2020

To: Daniel Jeff Peters, President  
City Council

Subject: Glenwood Street SW Waterline Replacement Project Phase II  
OPWC Grant Application

Requested By:   
City Engineer

Date: 8/24/2020

Approved By: \_\_\_\_\_  
Director of Administration

Date: \_\_\_\_\_

Requesting legislation authorizing the Mayor to prepare and submit an application to the Ohio Public Works Commission for a grant for the Glenwood Street SW Waterline Replacement Project Phase II, and authorizing the Mayor through the Board of Control, to enter into an agreement for said grant. Project limits are from Donner Avenue east approximately 1,500 feet to Hillcrest Avenue and then north on Hillcrest approximately 650 feet to the Middle School south property line. Project will also replace approximately 1,200 feet on Donner Avenue from Glenwood north to Glendale Street SW.

EMERGENCY REQUESTED: Yes  No \_\_\_\_\_

This legislation is requested on emergency in order to submit the grant application due October 16, 2020.

North Canton City Council  
Water, Sewer & Rubbish Committee

Ordinance No. 64-2019<sup>20</sup>

*Glenwood Street SW  
Waterline*

*Phase II*

An ordinance authorizing the Mayor of the City of North Canton to prepare and submit an application to the Ohio Public Works Commission for a grant for the ~~10<sup>th</sup> Street NE Sanitary Sewer Replacement Project~~, and authorizing the Mayor, upon Board of Control approval, to enter into an agreement for said grant, and declaring the same to be an emergency.

WHEREAS, the ~~10<sup>th</sup> Street NE sanitary sewer~~, from Hoover High School's driveway, to approximately 1,800 feet west to North Main Street, is in need of replacement; and

*description on request*

WHEREAS, the City desires to submit an Ohio Public Works Commission's grant application for said project.

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

Section 1. That the Mayor of the City of North Canton, be, and is hereby authorized to prepare and submit an Ohio Public Works Commission grant application for the ~~10<sup>th</sup> Street NE Sanitary Sewer Project~~.

*Glenwood Street SW Waterline Replacement Project, Phase II*

Section 2. That the Mayor, upon Board of Control approval, be, and is hereby authorized to also enter into an agreement for said grant.

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 in order to meet the ~~September 13, 2019~~ deadline for submission of the ~~10<sup>th</sup> Street NE Sanitary Sewer Replacement Project~~ grant application; 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 immediately upon its adoption by Council, together with Board of Control and Mayor approval. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

*October 16, 2020*

Passed in Council this 26 day of August 2019<sup>20</sup>

  
-David Held, Mayor

Signed: 8/26, 2019<sup>20</sup>

ATTEST:  
  
Laura Brown, Director of Finance

North Canton City Council  
Water, Sewer, and Rubbish Committee

ORDINANCE ## - 2020

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

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

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

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

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

Passed in Council this \_\_\_\_\_ day of \_\_\_\_\_ 2020.

Attest: \_\_\_\_\_  
Benjamin R. Young, Clerk of Council

\_\_\_\_\_  
Stephan B. Wilder, Mayor

Signed on: \_\_\_\_\_



# City of North Canton Office of City Council

## Agenda Request

**TO:** President of City Council  
**DATE:** August 26, 2020  
**SUBJECT:** Sidewalk Bond Release for Monticello Subdivision

**I am requesting:**

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

**For:** The developer, AMC Land Company, is requesting that the Sidewalk Bond be released for the Monticello Subdivision as Engineering can confirm that the entire sidewalk for Phases 1 through 7 has been completed. In lieu of a cash bond, the City has held two lots as the bond. The respective lots are City Lot 6824 (County Parcel #9400986) and City Lot 6774 (County Parcel #9400949).

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

**RATIONALE FOR EMERGENCY:** If permitted, AMC would kindly request Emergency as they have a pending contract for the sale of Lot 6824.

**SIGNED:**  City Engineer

**APPROVAL NEEDED:**

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

**APPROVED BY:**

  
**Signature**

\_\_\_\_\_  
**Title**

8.26.2020  
**Date**

North Canton City Council  
Street and Alley Committee

ORDINANCE ## - 2020

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

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

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

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

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

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

Passed in Council this \_\_\_\_\_ day of \_\_\_\_\_ 2020.

Attest: \_\_\_\_\_  
Benjamin R. Young, Clerk of Council

\_\_\_\_\_  
Stephan B. Wilder, Mayor

Signed on: \_\_\_\_\_