

RECORD OF ORDINANCES

Ordinance No. 33-13

Passed May 28, 2013

5/7/13-tlf
(Ordinance, Rules & Claims)

Ordinance No. 33-13

An ordinance amending TITLE THREE – LEGISLATION, of the Codified Ordinances of the City of North Canton, specifically CHAPTER 111 – COUNCIL and to repeal CHAPTER 115 – RULES OF COUNCIL, and declaring the same to be an emergency.

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

Section 1. That TITLE THREE – Legislation, of the Codified Ordinances of the City of North Canton, specifically CHAPTER 111 - COUNCIL, be, and the same is hereby amended to read as follows:

CHAPTER 111 – COUNCIL

111.01 MEETINGS: TIME, PLACE, AND RECORDING PROCEDURE.

(a) Council of the City of North Canton, Ohio, ("Council") shall meet on the second and fourth Monday of each month at 7:00 p.m. in Council chambers, located in City Hall, 145 North Main Street, with the exception of the months of July and August when Council will meet on the second Monday in July and the fourth Monday in August.

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

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

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

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

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

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

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

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

111.02 COUNCIL STRUCTURE.

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

(b) The President of Council shall assign seats at the Council dais.

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

(1) A vacant at large council member position may be filled by a ward council member or any person who meets the qualifications set out in the Charter.

(2) A vacant ward council member position must be filled by a person residing in that ward.

(3) Within the Charter's limits, the President of Council shall have the power to set the entire schedule for Council vacancy applications and voting.

(4) The President of Council shall file with the Clerk a time limit for Council vacancy applications.

(5) Nominations to fill a Council vacancy shall be made from the floor of Council.

(6) The Council vacancy shall be filled by the individual receiving a majority of roll call votes from Council members.

111.03 COMMITTEES OF COUNCIL.

(a) The standing committees of Council shall be:

- (1) Community and Economic Development;
- (2) Finance and Property;
- (3) Ordinance, Rules, and Claims;
- (4) Park and Recreation;
- (5) Personnel and Safety;
- (6) Street and Alley; and
- (7) Water, Sewer, and Rubbish.

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

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

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

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

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

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

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

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

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Dayton Legal Blank, Inc.

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111.04 LEGISLATIVE PROCEDURE.

- (a) The Charter's provisions govern Council's legislative process.
- (b) The President of Council shall refer those matters that require pre-Council consideration to commissions and boards.
- (c) Upon a matter's introduction to Council, or upon referral back to Council, the President of Council, in the President's complete discretion, shall refer the matter to the proper Council committee for consideration.

111.05 COMMITTEE OF THE WHOLE MEETING AGENDA.

- (a) All matters to be placed on the Committee of the Whole's meeting agenda shall be reported to the Clerk by 4:00 p.m. on Tuesday before the meeting. The President of Council may make exceptions to this rule, provided that sufficient time is available to comply with the request.
- (b) The Committee of the Whole's meeting agenda and supporting paperwork such as ordinances, resolutions, committee reports, etc., shall be available to Council, Mayor, Directors of Administration, Law, and Finance by 12:00 noon on the Thursday before the Committee of the Whole's meeting, or as soon thereafter as possible.

111.06 COUNCIL MEETING AGENDA.

- (a) Legislation may be placed on the Council agenda only upon the Clerk's receipt of the applicable committee's favorable report. Council may, however, by a majority vote, suspend this rule and place legislation on the Council agenda without first referring the legislation to the applicable committee.
- (b) A matter shall be placed on the Council agenda for the Council meeting following a committee's public report, or if a committee requests in its report, it may be placed Council's agenda the same day the report is given.
- (c) The Council meeting agenda shall be in substantially the following form:
 - (1) Call to order;
 - (2) Opening prayer;
 - (3) Pledge of Allegiance;
 - (4) Roll call;
 - (5) Consideration of minutes of regular meetings, special meetings, and public hearings held in the period between two regular meetings;
 - (6) Consideration of the financial statement for the previous month (Placed on the agenda once a month);
 - (7) Recognition of visitors;
 - (8) Committee reports;
 - (9) Old business;
 - (10) New business;
 - (11) Reports of Directors of Law, Finance, and Administration, Clerk, and Mayor.
 - (12) Reports of Council members;
 - (13) Final call for new business;
 - (14) Adjourn.
- (d) All matters to be placed on the Council meeting's agenda items shall be reported to the Clerk by 4:00 p.m., on the Tuesday prior to the Council meeting. The President of Council may make exceptions to this rule, provided that sufficient time is available to comply with the request.
- (e) The agenda, and copies of all applicable ordinances, resolutions, committee reports, etc., shall be made available to each Council member, Mayor, Directors of Administration, Law, and Finance on the Thursday prior to the regular Council meeting, or as soon thereafter as possible.
- (f) The Clerk of Council shall present legislation to the Mayor, or the Mayor's designee, on the same day the legislation has been passed by Council.

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111.07 NOTICE. (Pursuant to Ohio Revised Code Section 121.22.)

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

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

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

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

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

111.08 SURVEY OF CONSTITUENTS.

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

(a) The survey/letter may address only a single issue;

(b) The survey/letter may be sent only to residents directly affected by the issue addressed in the survey/letter;

(c) The content of the survey/letter must receive consent of the majority of Council.

(d) A Council member may not send out a survey/letter to constituents within 90 days of an election of North Canton City Council members unless all of the following the restrictions have been met:

1. A majority of Council must agree that conditions (a), (b), and (c) above have been met; and

2. The survey/letter does not contain the name of the sending Council member, but rather is signed, "North Canton City Council."

(e) The above restrictions shall not control correspondence between a Council member and the member's constituents if City resources are not utilized; however, no City letterhead, envelopes (or likeness thereof) shall be used.

111.09 MORAL CLAIMS. (REPEALED)

EDITOR'S NOTE: Former Moral Claims Section was repealed by Ordinance 22-12.

111.10 RULES OF DECORUM, COURTESY, AND PROPRIETY.

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

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guest's message that appears free of impertinence, slander, profanity, obscenity, intimidation, threats of violence, or those spoken words or actions likely to invite a beach of the peace.

(c) In the interest of its guests, City employees, and Council Members, and to help prevent the disruption of its meetings that delay or cease the legislative process, Council rules shall be strictly and equally enforced. The President of Council shall promptly issue a warning to those that violate the Rules of Decorum, Courtesy, and Propriety to cease the disruptive behavior. Because a disruptive individual waives his or her right to remain at a meeting, and to prevent the further delay or cessation of the legislative process, the President of Council shall expel from the meeting those individuals that persist despite the President's warning to cease the disruptive behavior. If the disruptive individual fails to immediately leave the meeting upon the President of Council's demand, the President shall have the individual removed from the Council, Committee of the Whole, or special meeting by a law enforcement officer in the course of enforcing the laws of the State of Ohio. A person who disrupts a Council, Committee of the Whole, or special meeting may be prosecuted for disturbing a lawful meeting, R.C. 2917.12, a fourth degree misdemeanor, and obstructing official business, a second degree misdemeanor. R.C. 2921.31.

111.11 RECOGNITION OF VISITORS.

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

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

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

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

(e) A speaker that continues beyond the allocated five minutes, and who continues to speak despite receiving notice that the speaker's time limit has expired, disrupts the meeting and waives his or her right to remain. To prevent the disruptive individual's further delay or cessation of the legislative process, the President of Council shall expel from that meeting those that persist despite the President's warning to cease the disruptive behavior. If the disruptive individual fails to immediately leave the meeting upon the President of Council's demand, the President shall have the individual removed from the Council, Committee of the Whole, or special meeting by a law enforcement officer in the course of enforcing the laws of the State of Ohio. A person who disrupts a Council, Committee of the Whole, or special meeting may be prosecuted for disturbing a lawful meeting, R.C. 2917.12, a fourth degree misdemeanor, and obstructing official business, a second degree misdemeanor. R.C. 2921.31.

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

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111.12 SALARIES AND BONDS.

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

Section 2. That TITLE THREE – Legislation, of the Codified Ordinances of the City of North Canton, specifically CHAPTER 115 – RULES OF COUNCIL, be, and the same is hereby amended to read as follows:

CHAPTER 115 – RULES OF COUNCIL – Repealed

Section 3. That any and all legislation inconsistent herewith, be, and the same is hereby repealed.

Section 4. 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.

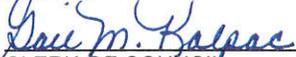
Section 5. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety, and peace of the City of North Canton and further necessary for the timely amendment to the CHAPTER 111- COUNCIL and repeal of CHAPTER 115 - RULES OF COUNCIL; wherefore, provided it receives the affirmative vote of six (6) or more members of Council elected thereto, this ordinance shall take effect and be in full force immediately upon its adoption by Council and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

North Canton, OH
Passed: 5/28/13


MAYOR

SIGNED: 5/28, 2013

ATTEST:


CLERK OF COUNCIL