

## AGENDA

### CANFIELD CITY COUNCIL

April 15, 2020 -5:30 P.M.

#### FRANCIS J. McLAUGHLIN MUNICIPAL BUILDING

1. Call to Order.
2. Pledge of Allegiance.
3. Roll Call: Quorum is Present - Meeting is in Session.
4. Proclamations & Presentations.
5. Approval of Minutes.
6. Reading of Communications.
7. Reports of Committees, Boards, Mayor's Report, City Manager, Finance Director, Chief of Police, Zoning Inspector and Public Works Superintendent.
8. Public questions from residents (or representative) related to the above referenced reports. Questions may be limited to three (3) minutes.
9. Recognition of Persons Desiring to Appear Before Council.
10. OLD BUSINESS  
Note: After each item is placed on the table for action, public comments from residents (or representative) as to that business item are received. May be limited to three (3) minutes per person and thirty (30) minutes total.
11. NEW BUSINESS  
Note: After each item is placed on the table for action, public comments from residents (or representative) as to that business item are received. May be limited to three (3) minutes per person and thirty (30) minutes total.
  - A. An **Ordinance** Adopting a New Section 1183.02(a) (20) of the Codified Ordinances of the City of Canfield.  
  
Public Comments
  - B. An **Ordinance** Providing for the Regulation of Window Signage.  
  
Public Comments
  - C. An **Ordinance** Declaring Surplus Property and Authorizing its Disposal.  
  
Public Comments
  - D. An **Ordinance** Authorizing the City Manager to Purchase a Vac All, All Jet, Vac Truck.  
  
Public Comments
  - E. An **Ordinance** Establishing A Video Service Provider Fee To Be Paid By Any Video Service Provider Offering Video Service In The City: Authorizing The City Manager To Give Notice To The Video Service Provider Of The Video Service Provider Fee; and Declaring an Emergency.

Public Comments

- F. A **Resolution** Authorizing The City Manager To Enter Into An Agreement With MS Consultants, Inc. In the Form Attached Hereto For Project Management Services Regarding Road Resurfacing and Related Items as Provided Therein and Declaring an Emergency.

Public Comments.

12. Council Comments.

13. Adjournment

# RECORD OF ORDINANCES

GOVERNMENT FORMS & SUPPLIES (844) 224-3338 FORM NO. 30043

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

Introduced by: \_\_\_\_\_

First Reading: \_\_\_\_\_

**AN ORDINANCE ADOPTING  
A NEW SECTION 1183.02(a)(20) OF THE  
CODIFIED ORDINANCES OF THE CITY OF CANFIELD**

**WHEREAS**, the Council of the City of Canfield desires to prohibited the placement of signs to attract public attention.

**NOW THEREFORE, BE IT ORDAINED, BY THE COUNCIL OF THE CITY OF CANFIELD, COUNTY OF MAHONING, AND STATE OF OHIO;**

**Section 1.** That new section 1183.02(a) (b) is hereby adopted as follows:

1183.02 (a)(b) Signs mounted on, painted on or affixed in any manner to a vehicle of any kind, or a trailer, parked on private property for the primary purpose of attracting public attention or directing the public to a use, business, event, product, or service are prohibited..

**Section 2.** That this Ordinance and all deliberations relating to the passage of this Ordinance were held in open meetings of this Council, all pursuant to Section 121.22 of the Ohio Revised Code and Section 3.11 of the Charter of the Municipality of Canfield.

PASSED IN COUNCIL THIS \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST:

\_\_\_\_\_  
CLERK OF COUNCIL

**Certification of Publication**

I, the undersigned Clerk of Council of the City of Canfield, Ohio, hereby certify that the foregoing Ordinance was posted in a prominent place at the Municipal Building, Canfield, Ohio for seven continuous days, to wit: \_\_\_\_\_

\_\_\_\_\_  
CLERK OF COUNCIL

APPROVED TO FORM:

\_\_\_\_\_  
MUNICIPAL ATTORNEY

# RECORD OF ORDINANCES

GOVERNMENT FORMS & SUPPLIES (844) 224-3338 FORM NO. 30043

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_\_

Introduced by: \_\_\_\_\_

First Reading: \_\_\_\_\_

## AN ORDINANCE PROVIDING FOR THE REGULATION OF WINDOW SIGNAGE

**WHEREAS**, the Zoning Inspection, City Manager and Law Director have recommended an amendment to Canfield Codified Ordinance Section 1183.02 to provide for regulations regarding window signage, and

**WHEREAS**, Council has determined such amendment is necessary for the health, safety and welfare of the citizens of the City of Canfield,

**NOW THEREFORE, BE IT ORDAINED, BY THE COUNCIL OF THE CITY OF CANFIELD, COUNTY OF MAHONING, AND STATE OF OHIO;**

**Section 1.** That new Section 1183.02(j) entitled "Window Signs" shall be added to the Codified Ordinances of the City as follows:

1183.02(j) Window Signs.

Window signs placed within four (4) feet of a window, or directly on the window and visible to the outside shall not cover more than thirty percent (30%) of the window space between 4 feet and 7 feet above grade and shall not block views to any cashier area if one exists. Only seventy five percent (75%) of the total area(s) where letters are placed directly on windows shall count toward the maximum amount of allowable window coverage.

**Section 2.** That this Ordinance and all deliberations relating to the passage of this Ordinance were held in open meetings of this Council, all pursuant to Section 121.22 of the Ohio Revised Code and Section 3.11 of the Charter of the Municipality of Canfield.

PASSED IN COUNCIL THIS \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST:

\_\_\_\_\_  
CLERK OF COUNCIL

### Certification of Publication

I, the undersigned Clerk of Council of the City of Canfield, Ohio, hereby certify that the foregoing Ordinance was posted in a prominent place at the Municipal Building, Canfield, Ohio for seven continuous days, to wit: \_\_\_\_\_

\_\_\_\_\_  
CLERK OF COUNCIL

APPROVED TO FORM:

\_\_\_\_\_  
MUNICIPAL ATTORNEY

# RECORD OF ORDINANCES

GOVERNMENT FORMS & SUPPLIES (844) 324-3338 FORM NO. 30042

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

Introduced by: \_\_\_\_\_  
First Reading: \_\_\_\_\_

## ORDINANCE

### AN ORDINANCE DECLARING SURPLUS PROPERTY AND AUTHORIZING ITS DISPOSAL

**WHEREAS**, the City Manager has recommended that certain vehicles and accessories are no longer needed by the City; and

**WHEREAS**, Council desires to declare the following vehicles and accessories surplus and dispose of them.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CANFIELD, OHIO:**

**Section 1:** The following vehicles and accessories are hereby declared surplus:

1997 Ford 1FDYR8E4VVA18118
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2004 International 1HTWAAR24J089204
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**Section 2:** The City Manager is hereby authorized to dispose of the listed equipment by online auction.

**Section 3:** That this Ordinance and all deliberations relating to the passage of this Ordinance were held in open meetings of this Council, all pursuant to Section 121.22 of the Ohio Revised Code and Section 3.11 of the Ohio Revised Code.

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D., 2020.

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST:

\_\_\_\_\_  
CLERK OF COUNCIL

## CERTIFICATION OF PUBLICATION

I, the undersigned Clerk of Council of the City of Canfield, Ohio, hereby certify that the foregoing Ordinance was posted in a prominent place at the Municipal Building, Canfield, Ohio for seven continuous days, to-wit: \_\_\_\_\_

\_\_\_\_\_  
CLERK OF COUNCIL

APPROVED AS TO FORM:

\_\_\_\_\_  
MUNICIPAL ATTORNEY

# RECORD OF ORDINANCES

GOVERNMENT FORMS & SUPPLIES (844) 224-3338 FORM NO. 30043

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

Introduced By: \_\_\_\_\_  
First Reading: \_\_\_\_\_

## ORDINANCE

### **AN ORDINANCE AUTHORIZING THE CITY MANAGER TO PURCHASE A VAC ALL, ALL JET, VAC TRUCK**

WHEREAS, the Public Works Department has requested the purchase of a Vac All, All Jet Vac Truck; and

WHEREAS, Council desires to purchase this equipment through Southeastern Equipment.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE  
CITY OF CANFIELD, OHIO:**

**Section 1:** The City Manager is hereby authorized to purchase a Vac All, All Jet Vac Truck, through Southeastern Equipment.

**Section 2:** The total cost of the purchase shall not exceed \$387,942.12.

**Section 3:** That this Ordinance and all deliberations relating to the passage of this Ordinance were held in open meetings of this Council, all pursuant to Section 121.22 of the Ohio Revised Code and Section 3.11 of the Charter of the Municipality of Canfield.

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D., 2020.

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST:

\_\_\_\_\_  
CLERK OF COUNCIL

### Certification of Publication

I, the undersigned Clerk of Council of the City of Canfield, hereby certify that the foregoing Ordinance was posted in a prominent place at the Municipal Building, Canfield, Ohio for seven continuous days, to-wit: \_\_\_\_\_

\_\_\_\_\_  
CLERK OF COUNCIL

APPROVED AS TO FORM:

\_\_\_\_\_  
MUNICIPAL ATTORNEY

# RECORD OF ORDINANCES

GOVERNMENT FORMS & SUPPLIES (844) 224-3338 FORM NO. 30043

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_\_

Introduced by: \_\_\_\_\_

First Reading: \_\_\_\_\_

**AN ORDINANCE ESTABLISHING A VIDEO SERVICE PROVIDER FEE TO BE PAID BY ANY VIDEO SERVICE PROVIDER OFFERING VIDEO SERVICE IN THE CITY; AUTHORIZING THE CITY MANAGER TO GIVE NOTICE TO THE VIDEO SERVICE PROVIDER OF THE VIDEO SERVICE PROVIDER FEE; AND DECLARING AN EMERGENCY.**

**WHEREAS**, the Ohio General Assembly enacted Sections 1332.21 through 1332.34 of the Ohio Revised Code, effective September 24, 2007, to provide a statewide "uniform regulatory framework" for the provision of cable television and/or other video service (the "Video Law"); and

**WHEREAS**, under the Video Law a video service provider that is providing video service to subscribers in the City pursuant to a state-issued video service authorization must pay the City a video service provider fee ("VSP Fee") based on a percentage of the provider's gross revenues received from providing video service in the City, not to exceed five percent (5%) of such gross revenues; and

**WHEREAS**, the Video Law requires that the percentage of gross revenues of which VSP Fees are paid must be the same as the percentage of gross revenues that a cable operator pays pursuant to a franchise agreement that is in effect in the City (the "VSP Fee Percentage") or, if there is not effective franchise agreement under which franchise fees are payable for a given calendar quarter, the VSP Fee percentage shall be zero (0%) of gross revenues unless the City determines by Ordinance that the VSP Fee will be a percentage of gross revenues not to exceed five percent (5%) of gross revenues; and

**WHEREAS**, the Video Law further requires the City to provide a video service provider with written notice of the VSP Fee Percentage within ten (10) days of receiving notice from the video service provider, pursuant to R.C. 1332.27(A), that it will begin offering service in the City; and

**WHEREAS**, the Video Law provides that advertising revenues will not be included in the gross revenues base upon which the VSP Fee Percentage is applied unless the City specifically enacts an Ordinance uniformly applicable to all video service providers requiring that advertising revenues also be included in the gross revenues base; and

**WHEREAS**, the Video Law requires the City to promptly notify affected video service providers of the Ordinance that requires the inclusion of advertising revenues in the gross revenues base and that requirement will not take effect until the first day of the first calendar quarter that begins more than thirty (30) days after giving such notice of the Ordinance; and

**WHEREAS**, in order to provide timely notice to a video service provider of the VSP Fee Percentage and of the inclusion of advertising revenues in the VSP Fee gross revenues base, it is necessary for this Council (i) to establish the VSP Fee Percentage;(ii) to include advertising revenues in the VSP Fee gross revenue base, and (iii) to authorize the City Manager to provide the appropriate notice of the VSP Fee Percentage and the inclusion of advertising revenues in gross revenues to a video service provider within ten (10) days of the City receiving notice that a video service provider will begin providing service in the City.

**NOW THEREFORE, BE IT ORDAINED, BY THE COUNCIL OF THE CITY OF CANFIELD, COUNTY OF MAHONING, AND STATE OF OHIO;**

# RECORD OF ORDINANCES

GOVERNMENT FORMS & SUPPLIES (644) 224-3336 FORM NO. 50043

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

**Section 1.** That this Council of the City of Canfield hereby establishes a VSP Fee that is calculated by applying a VSP Fee Percentage of 3 percent (3%) to the video service provider's gross revenues as defined in Section 1332.32(B) of the Video Law. For purposes of calculating the VSP Fee, the provider's gross revenue shall include advertising revenues in accordance with Section 1332.32(B) (2) (g) of the Video Law. The VSP Fee Percentage and Video Law gross revenues definition, as modified in this Ordinance, shall apply equally to all video service providers and cable television operators providing video service in the City.

**Section 2.** That the VSP Fee shall be paid by each video service provider providing service in the City on a quarterly basis but not sooner than forty-five (45) days nor later than sixty (60) days after the end of each calendar quarter. R.C. §1332.32(A).

**Section 3.** That the City Manager is authorized and directed to provide any video service provider with notice of the VSP Fee Percentage and gross revenues definition as determined by this Council above, which notice shall be given by certified mail, upon receipt of notice from such video service provider that it will begin providing video service in the City pursuant to a state-issued video service authorization.

**Section 4.** That this Ordinance and all deliberations relating to the passage of this Ordinance were held in opening meetings of this Council, all pursuant to Section 121.22 of the Ohio Revised Code and Section 3.11 of the Charter of the Municipality of Canfield.

**Section 5.** That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the City of Canfield, and this Ordinance shall become immediately effective upon receiving the affirmative vote of 4 out of 5 of all members elected to Council and approval of the City Manager, otherwise from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST:

\_\_\_\_\_  
CLERK OF COUNCIL

Certification of Publication

I, the undersigned Clerk of Council of the City of Canfield, Ohio, hereby certify that the foregoing Ordinance was posted in a prominent place at the Municipal Building, Canfield, Ohio for seven continuous days, to wit:

\_\_\_\_\_

\_\_\_\_\_  
CLERK OF COUNCIL

APPROVED AS TO FORM:

\_\_\_\_\_  
MUNICIPAL ATTORNEY



# RECORD OF ORDINANCES

GOVERNMENT FORMS & SUPPLIES (844) 224-3338 FORM NO. 30043

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

Introduced by: \_\_\_\_\_

First Reading: \_\_\_\_\_

**RESOLUTION AUTHORIZING THE CITY MANAGER  
TO ENTER INTO AN AGREEMENT WITH  
MS CONSULTANTS, INC. IN THE FORM ATTACHED  
HERETO FOR PROJECT MANAGEMENT SERVICES  
REGARDING ROAD RESURFACING AND RELATED ITEMS  
AS PROVIDED THEREIN AND DECLARING AN EMERGENCY**

**WHEREAS**, the City of Canfield hereby desires to engage MS Consultants, Inc. with regards for project management for services regarding road resurfacing and related items as provided therein,

**NOW THEREFORE, BE IT ORDAINED, BY THE COUNCIL OF THE CITY OF CANFIELD, COUNTY OF MAHONING, AND STATE OF OHIO;**

**Section 1.** That the City Manager is hereby authorized and directed to enter into the attached agreement with MS Consultants, Inc. for the provision of certain services as provided therein.

**Section 2.** That this Resolution is hereby declared to be an emergency necessary for the preservation of the public peace, health, safety, and welfare of the Citizens of the City of Canfield. Said emergency exists by reason of the fact that it is necessary to commence project services immediately.

**Section 3.** That this Resolution and all deliberations relating to the passage of this Resolution were held in open meetings of this Council, all pursuant to Section 121.22 of the Ohio Revised Code and Section 3.11 of the Charter of the Municipality of Canfield.

PASSED IN COUNCIL THIS \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST:

\_\_\_\_\_  
CLERK OF COUNCIL

Certification of Publication

I, the undersigned Clerk of Council of the City of Canfield, Ohio, hereby certify that the foregoing Resolution was posted in a prominent place at the Municipal Building, Canfield, Ohio for seven continuous days, to wit: \_\_\_\_\_

\_\_\_\_\_  
CLERK OF COUNCIL

APPROVED TO FORM:

\_\_\_\_\_  
MUNICIPAL ATTORNEY