

AGENDA

CANFIELD CITY COUNCIL

October 21 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.

A: An **Ordinance** Amending Ordinance 1973-44 Rezoning Lot 2699 at 490 North Broad Street from Single Family Residential (R-1) to a Planned Unit Development (R-PUD).

Public Comments

B: An **Ordinance** Amending Section 1141.16 of the Codified Ordinance of the City of Canfield.

Public Comments

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** Authorizing the City to Enter Into the Northeast Ohio Public Energy Council ("NOPEC") and the Execution and Delivery of the Agreement Establishing NOPEC and Approving the Bylaws of NOPEC, and Declaring an Emergency.

Public Comments

B: An **Ordinance** Approving the Plan of Operation and Governance for the NOPEC Electricity Aggregation Program, for the Purpose of Jointly Establishing and Implementing an Electricity Aggregation Program, and Declaring an Emergency.

Public Comments.

C: An **Ordinance** Authorizing Entering Into a Natural Gas Program Agreement with the Northeast Ohio Public Energy Council and Declaring an Emergency.

Public Comments.

D. An **Ordinance** Authorizing All Actions Necessary to Establish an Opt-in Natural Gas Program Pursuant to Section 4929.27(A)(1), Ohio Revised Code, Jointly Through NOPEC as a NOPEC Member.

Public Comments.

E. An **Ordinance** Approving the Plan of Operation and Governance for the NOPEC Natural Gas Aggregation Program for the Purpose of Jointly Establishing and Implementing a Gas Aggregation Program as a NOPEC Member, 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: Mr. Neff
 First Reading: September 16, 2020

ORDINANCE

AN ORDINANCE AMENDING ORDINANCE 1973-44
 REZONING LOT 2699 FROM R-1 TO R-PUD AT 490 NORTH
 BROAD STREET

WHEREAS, the Council of the City of Canfield, Ohio desires to rezone lot
 2699 located at 490 North Broad Street; and

WHEREAS, the Planning & Zoning Commission has recommended these zone
 changes to Council; and.

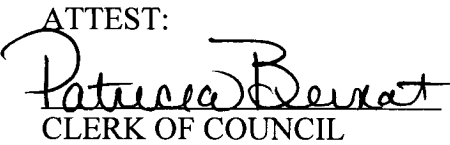
NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE
 CITY OF CANFIELD, OHIO:

Section 1: Situated in the City of Canfield, County of Mahoning and State of
 Ohio; Lot 2699 located at 490 North Broad Street is hereby rezoned from (R-1) Single Family
 Residential to (R-PUD) Planned Unit Development.

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 _____ 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____

RECORD OF ORDINANCES

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

Ordinance No. _____ Passed _____, 20____

Introduced by: Mr. Duffett
First Reading: September 16, 2020

AN ORDINANCE AMENDING
SECTION 1141.16 OF THE CODIFIED ORDINANCE
OF THE CITY OF CANFIELD

WHEREAS, the Planning and Zoning Commission and the Zoning Inspector of the City of Canfield recommend adding Inside storage facilities as a Conditionally Permitted Use in the M-1 District.

WHEREAS, the Council of the City of Canfield deems it to be in the best interests of the City to modify the Zoning ordinance accordingly,

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

Section 1. That Canfield Codified Ordinance Section 1141.16 is modified to include adding inside storage facilities as a conditionally permitted use in the M-1 District.

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____

RECORD OF ORDINANCES

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

Ordinance No. _____ Passed _____, 20____

Introduced by: _____
First Reading; _____

CITY OF CANFIELD, OHIO

AN ORDINANCE AUTHORIZING THE CITY TO ENTER INTO THE NORTHEAST OHIO PUBLIC ENERGY COUNCIL (“NOPEC”) AND THE EXECUTION AND DELIVERY OF THE AGREEMENT ESTABLISHING NOPEC AND APPROVING THE BYLAWS OF NOPEC, AND DECLARING AN EMERGENCY

WHEREAS, the Council of the City of Canfield wishes to establish an electric aggregation program pursuant to Section 4928.20, Ohio Revised Code (the “Electric Program”), and a natural gas aggregation program pursuant to Sections 4929.26 and 4929.27 of the Ohio Revised Code (the “Natural Gas Program”), for the residents, businesses and other consumers located within the City, and for that purpose, to act jointly with any other village, city, township, municipal corporation, county or other political subdivision of the State of Ohio, as permitted by law; and

WHEREAS, by joining the Northeast Ohio Public Energy Council, the City will be able to act jointly with other member political subdivisions and thereby maximize the potential benefit of electric and natural gas deregulation through group purchasing efforts.

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

SECTION 1. The Council of the City (the “Council”) finds and determines that it is in the best interest of the City, including the electric and natural gas consumers located within the City, to join NOPEC and adopt the NOPEC Bylaws, for the purpose of establishing and implementing the Natural Gas Program within the City.

SECTION 2. The City Manager of the City is hereby authorized and directed to execute and deliver the Agreement Establishing the Northeast Ohio Public Energy Council (the “NOPEC Agreement”). The NOPEC Agreement shall be substantially in the form presented to this Council and on file with the Clerk, subject to such changes, insertions and omissions which are consistent with this Ordinance and are not substantially adverse to the City and as may be approved by the Mayor, which approval shall be conclusively evidenced by the execution of the NOPEC Agreement.

SECTION 3. The Council hereby approves and adopts the Bylaws of NOPEC (in the form attached to the NOPEC Agreement).

SECTION 4. 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.

SECTION 5. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the City, and for the further reason that this Ordinance is required to be immediately effective in order to maximize the potential benefit through the Electric and Natural Gas Program provided by NOPEC; wherefore, this Ordinance shall be in full force and effect immediately upon its adoption and approval by the Council of the City.

RECORD OF ORDINANCES

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

Ordinance No. _____ Passed _____, 20____

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: _____.

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

APPROVING THE PLAN OF OPERATION AND GOVERNANCE FOR THE NOPEC ELECTRICITY AGGREGATION PROGRAM, FOR THE PURPOSE OF JOINTLY ESTABLISHING AND IMPLEMENTING AN ELECTRICITY AGGREGATION PROGRAM, AND DECLARING AN EMERGENCY

WHEREAS, this Council previously enacted legislation authorizing the City to establish an electricity aggregation program pursuant to Section 4928.20, Ohio Revised Code (the “Electricity Aggregation Program”), for the residents, businesses and other electric consumers in the City, and for that purpose, to act jointly with any other municipal corporation, township, county or other political subdivision of the State of Ohio, as permitted by law; and

WHEREAS, by joining the Northeast Ohio Public Energy Council, the City will be able to act jointly with other member political subdivisions and thereby maximize the potential benefits of electricity deregulation through group purchasing efforts; and

WHEREAS, this Council pursuant to Section 4928.20, Ohio Revised Code, has held two (2) public hearings on the Plan of Operation and Governance for the NOPEC Electricity Aggregation Program.

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

SECTION 1. This Council hereby approves and adopts the Plan of Operation and Governance of the NOPEC Electricity Aggregation Program (in the form presented to this Council and on file with the Clerk).

SECTION 2. 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.

SECTION 3. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the City, and for the further reason that this Ordinance is required to be immediately effective in order to maximize the potential benefit through the Electric Program provided by NOPEC. It shall therefore become effective upon its passage by the affirmative vote of not less than five (5) members of Council and approval by the Mayor; otherwise, it shall become effective at the earliest time allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____ A.D., 2020.

PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL

RECORD OF ORDINANCES

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

Ordinance No. _____ Passed _____, 20_____

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: _____.

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 AUTHORIZING ENTERING INTO A NATURAL GAS PROGRAM AGREEMENT WITH THE NORTHEAST OHIO PUBLIC ENERGY COUNCIL AND DECLARING AN EMERGENCY

WHEREAS, under Section 4929.26 of the Ohio Revised Code, the City of Canfield, Ohio (the “City”) is authorized to establish an opt-out natural gas aggregation program for the benefit of eligible natural gas consumers located within the City;

WHEREAS, under Section 4929.26 of the Ohio Revised Code, the City may exercise such authority jointly with other political subdivisions in the State of Ohio;

WHEREAS, governmental aggregation provides an opportunity for natural gas consumers collectively to participate in the potential benefits of natural gas deregulation through lower gas rates which they would not otherwise be able to have individually;

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

SECTION 1. The Council of the City (the “Council”) finds and determines that it is in the best interest of the City and certain natural gas consumers located within the City, to establish an opt-out natural gas aggregation program (the “Gas Aggregation Program”) in the City, and to enter into a Natural Gas Program Agreement with NOPEC in order to establish a Gas Aggregation Program through NOPEC.

SECTION 2. The Council is hereby authorized and desires to execute and deliver the Natural Gas Program Agreement of NOPEC (the “Gas Program Agreement”). The Gas Program Agreement shall be substantially in the form presented to the Board on file with the Clerk, subject to such changes, insertions and omissions which are consistent with this Ordinance and are not substantially adverse to the City and as may be approved by the Council of the City, which approval shall be conclusively evidenced by execution of the Gas Program Agreement.

SECTION 3. 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.

SECTION 4. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the City, wherefore, this Ordinance shall be in full force and effect immediately upon its adoption and approval by the Council.

PASSED IN COUNCIL THIS _____ DAY OF _____ A.D, 2020

PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL

RECORD OF ORDINANCES

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

Ordinance No. _____ Passed _____, 20 _____

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: _____.

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 ALL ACTIONS
NECESSARY TO ESTABLISH AN OPT-IN NATURAL
GAS PROGRAM PURSUANT TO SECTION
4929.27(A)(1), OHIO REVISED CODE, JOINTLY
THROUGH NOPEC AS A NOPEC MEMBER

WHEREAS, the City of Canfield, Ohio (“City”), has previously established an “opt-out” natural gas aggregation program pursuant to Section 4929.26, Ohio Revised Code, for its residents, businesses, and other consumers located within the City jointly through NOPEC as a NOPEC member; and

WHEREAS, to expand the natural gas supply options available to residents, businesses and other consumers within the City of Canfield, the City wishes to establish an “opt-in” natural gas aggregation program pursuant to Section 4929.27(A)(1), Ohio Revised Code (the “Opt-In Natural Gas Aggregation Program”) for its residents, businesses and other consumers located within the City and, for that purpose, to act jointly with any other city, village, township, municipal corporation, county or other political subdivision of the State of Ohio, as permitted by law; and

WHEREAS, the City wishes to conduct the Opt-In Natural Gas Aggregation Program jointly through NOPEC as a NOPEC member.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY/VILLAGE OF CANFIELD, COUNTY OF MAHONING, AND STATE OF OHIO, THAT:

SECTION 1. This Council hereby approves and authorizes the establishment of an Opt-In Natural Gas Aggregation Program in the City jointly through NOPEC as a NOPEC member and adopts this Ordinance pursuant to the authority contained in Section 4929.27(A)(1), Ohio Revised Code.

SECTION 2. 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.

SECTION 3. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the City; wherefore, this Ordinance shall be in full force and effect immediately upon its adoption and approval by the Council of the City.

PASSED IN COUNCIL THIS _____ DAY OF _____ A.D., 2020.

PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL

RECORD OF ORDINANCES

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

Ordinance No. _____ Passed _____, 20____

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: _____

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 APPROVING THE PLAN OF OPERATION AND GOVERNANCE FOR THE NOPEC NATURAL GAS AGGREGATION PROGRAM FOR THE PURPOSE OF JOINTLY ESTABLISHING AND IMPLEMENTING A GAS AGGREGATION PROGRAM AS A NOPEC MEMBER, AND DECLARING AN EMERGENCY

WHEREAS, this Council previously enacted legislation authorizing the City of Canfield (the “City”) to establish an “opt-out” Gas Aggregation Program pursuant to Section 4929.26, Ohio Revised Code (the “Opt-Out Gas Aggregation Program”), for the eligible residents, businesses and other gas consumers in the City, and for that purpose, to act jointly with any other municipal corporation, city, county or other political subdivision of the State of Ohio, as permitted by law;

WHEREAS, this Council previously enacted legislation authorizing the City to join the Northeast Ohio Public Energy Council (NOPEC), and to execute a Natural Gas Program Agreement, so that the City would be able to act jointly with other member political subdivisions and thereby maximize the potential benefits of gas deregulation through group purchasing efforts;

WHEREAS, this Council has enacted legislation establishing an “opt-in” natural gas aggregation program pursuant to Section 4927(A)(1), Ohio Revised Code, (the “Opt-In Natural Gas Aggregation Program”) for the eligible residents, business and other consumers located within the City, and to conduct the Opt-In Natural Gas Aggregation Program jointly through NOPEC as a NOPEC member; and

WHEREAS, on behalf of this Council pursuant to Section 4929.27(B), Ohio Revised Code, two (2) public hearings have been held on the Plan of Operation and Governance for the NOPEC Opt-Out and Opt-In Natural Gas Aggregation Program (collectively, the “NOPEC Natural Gas Aggregation Program”).

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

SECTION 1. This Council finds and determines that it is in the best interest of the City, including the gas consumers located within the City, to adopt the Plan of Operation and Governance of the NOPEC Natural Gas Aggregation Program, for the purpose of establishing and implementing the NOPEC Natural Gas Aggregation Program in the City.

SECTION 2. 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.

SECTION 3. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the City, and for the further reason that this Ordinance is required to be immediately effective in order to maximize the potential benefits of gas deregulation through the NOPEC Natural Gas Aggregation Program, as provided herein; wherefore, this Ordinance shall be in full force and effect immediately upon its adoption and approval by the City.

RECORD OF ORDINANCES

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

Ordinance No. _____ Passed _____, 20_____

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: _____

APPROVED AS TO FORM:

MUNICIPAL ATTORNEY