

307 Fairview St. SE

North Canton, OH 44720

February 16, 2002

Ohio Elections Commission

21 West Broad Street, Suite 600

Columbus, Ohio 43215

Dear Sir or Madam:

I am writing to the Commission to report what I believe is a clear violation of Ohio Revised Code §3517.21 **Infiltration of campaign prohibited; false statements.**

(B) No person, during the course of any campaign for nomination or election to public office or office of a political party, by means of campaign materials, including sample ballots, an advertisement on radio or television or in a newspaper or periodical, a public speech, press release, or otherwise, shall knowingly and with intent to affect the outcome of such campaign do any of the following:

(10) Post, publish, circulate, distribute, or otherwise disseminate a false statement concerning a candidate, either knowing the same to be false or with reckless disregard of whether it was false or not, if the statement is designed to promote the election, nomination, or defeat of the candidate.

My name is: Chuck Osborne

Home Phone:

Address:

Fax:

North Canton, Ohio 44720

Cell:

I am the individual bringing the complaint. I was one of five who ran for the three open Council at-Large seats in the City of North Canton in the November, 2001 election. This was my first campaign for public office and I was successful.

My complaint is against an incumbent for re-election who I feel clearly violated ORC §3517.21 (B) (10) by publishing, circulating and distributing campaign literature known to contain a false statement concerning her previous record as a councilperson that was designed to promote her election and the defeat of other candidates for the office of council at-Large in the City of North Canton.

My complaint is against the following individual:

Name: Kathy Magel

Address:

Home Phone:

I am submitting eight exhibits for evidence. My first exhibit is the suspect campaign flyer that contained the statement, "My committee work has consisted of extensive hours **authoring the new zoning code** in conjunction with the City Engineer and the City Zoning Inspector."

My second exhibit is a letter from the planning and development consultants D.B Hartt, Inc., who describe in the letter the process that they have used since the fall of 1997 to formulate, compile and then present to the City of North Canton a final draft of the city's proposed new zoning ordinance.

My third exhibit is a copy of an e-mail listing the individuals who have been chairperson of the Ordinance, Rules and Moral Claims Committee from 1997 through 2001.

My fourth exhibit is a campaign flyer from Mr. Greg Sarbach, an unsuccessful incumbent that ran for North Canton's ward two city council seat in the fall, 2001, election.

My fifth exhibit is a campaign flyer from Mr. Jon Snyder, a successful incumbent that ran for North Canton's ward one city council seat in the fall, 2001, election.

My sixth exhibit is a campaign flyer from Mr. Chris Thomas, a successful incumbent that ran for a council at-large seat on North Canton's city council in the fall, 1999, election.

My seventh exhibit is a copy of the North Canton's legislation authorizing the spending of \$50,000 for the purpose of entering into a professional services agreement to update the North Canton Zoning ordinance.

The eighth exhibit is a copy of the professional services agreement between the City of North Canton and D.B. Hartt, Inc.

I feel there are two falsehoods in the quoted statement detailed above that appeared in the campaign literature Mrs. Kathy Magel circulated in her campaign for re-election in the 2001 fall election. I contend the following:

- That Mrs. Kathy Magel did not author and could not have authored the city's new zoning code as stated in her campaign flyer.

- That the City of North Canton did not, and does not to this date, have a new zoning ordinance as stated in her campaign flyer.

In the American Heritage Dictionary of The English Language, 3rd edition, I find the following definitions for author. The first definition is: The original writer of a literary work or one who practices writing as a profession. A second definition defines an author as an originator or creator; the author of a new theory. Mrs. Kathy Magel does not qualify under these definitions as one who has authored the work cited by her in her campaign literature. As chairperson of the Ordinance, Rules and Moral Claims Committee, it was her responsibility to present and recommend legislation to the city council and serve as a contact person for issues that came under her committee. Nothing more.

Cited above and noted in the letter from D.B. Hartt, Inc., the rewrite of the city's zoning regulations began in the fall of 1997. Mrs. Kathy Magel did not take office as a councilperson until December 1, 1999. In addition, she did not become chairperson of the Ordinance, Rules and Moral Claims Committee until December, 2000, nearly three years after the start of the zoning rewrite (see attached e-mail concerning individuals who held the position of chairperson of the Ordinance, Rules and Moral Claims Committee). As can be seen from the attached e-mail, four other individuals have also held the chairperson of that committee since the city started the process of rewriting its zoning ordinances in the fall of 1997.

Two of those individuals, Mr. Greg Sarbach, Chairman in 1997, and Mr. Jon Snyder, Chairman in the latter part of 1998, ran for re-election in the November 2001 election and they did not claim authorship of the proposed new zoning ordinance as a result of their chairmanship of the

Ordinance, Rules and Moral Claims Committee (see campaign literature for Mr. Greg Sarbach and Mr. Jon Snyder).

Mr. Chris Thomas, chairman of the committee in 1998 and 1999, in his re-election bid in the fall of 1999, did not make any claim regarding authorship of the proposed new zoning ordinance in his campaign literature as a result of his chairmanship of the Ordinance, Rules and Moral Claims Committee (see Chris Thomas campaign literature).

I myself have been appointed the chairperson of the Ordinance, Rules and Morals Claims Committee and even though the rewrite of the City of North Canton's zoning regulations continues, I do not consider myself an author with regard to this ongoing zoning rewrite even though I too have sat with the Superintendent of Permits and Inspection and the City Engineer and discussed various aspects of the proposed new zoning regulations.

I have an MBA and in the past I have held a real-estate brokers' license. I could offer some suggestions to either the Superintendent of Permits and Inspection or the City Engineer but it is quite clear to me that a total rewrite of the city's zoning ordinances is their area of authority. I do not claim any expertise in the area of zoning issues and anything I might contribute would simply be ideas for discussion and nothing more. Mrs. Kathy Magel, in her campaign literature, states that her educational background consists of a Bachelor's degree in mathematics. On what basis does she have the ability to author the city's proposed new zoning regulations? If she has any background which would support her claim of authorship of the city's zoning regulations, the question comes to mind of why she did not include these additional credentials in her campaign literature. Simply sitting down with the city's engineer to discuss thoughts on a given issue **does not** make one an engineer nor does sitting down with the city's Superintendent of Permits and

Inspection (who also serves as the city's zoning inspector) convey expertise in authoring the city's new zoning ordinances.

Finally, there is the fact that the City of North Canton contracted with a firm in Cleveland, Ohio, by the name of D.B. Hartt, Inc. to update the City of North Canton's Zoning Ordinance (see legislation authorizing the Mayor of North Canton to enter into a professional service agreement as well as the signed copy of the Professional Services Agreement and the Proposed Scope of Services for the contract).

In the firm's home page, located at <http://www.dbhartt.com>, the following information is listed:

“Established in 1979, D.B. Hartt, Inc. is dedicated to providing superior consulting services in all phases of city planning to both public and private clients. Our expertise is both broad ranging and intimately familiar with community planning, zoning matters, and land development.” Under areas of specialization, the first item under Zoning Services is the following bulleted item:

- Prepare new and update existing zoning codes

This is exactly what North Canton has contracted with D. B. Hartt, Inc. to do for the city and I believe they are the ones who are the authors of the proposed new zoning ordinance.

The city appropriated \$50,000 in 1997 to prepare a new zoning code and has expended \$46,500 to date for the services of D.B. Hartt, Inc. The letter from Mr. David B. Hartt, President (see letter from D.B. Hartt, Inc.) describes the process that preceded the preparation and distribution of various drafts to the administration and city officials between May 1998 and November 2000. At this time, there is a current document, titled the “Proposed North Canton Zoning Ordinance Update.” There are additional changes from the Superintendent of Permits and Inspections that will be under review by D. B. Hartt, Inc. before a final draft is completed. This final draft will be

presented to the City Council, reviewed again by the Planning Commission and then will come back to the City Council. The City Council will then schedule public hearings and, pending further changes as a result of the public hearings, vote on accepting the city's new zoning ordinance.

Mrs. Kathy Magel's position as chairperson of the committee that presented a working draft of the city's proposed new zoning ordinance to council does not convey authorship of the document to her. Her observation of the process does not convert to the status of author. The city of North Canton paid a planning and consulting firm that specializes in a wide range of zoning services by the name of D.B. Hartt, Inc. to author the City of North Canton's new Zoning Ordinances. I believe they are the authors of the city's proposed new Zoning Ordinances and not Mrs. Kathy Magel.

Signature

Sworn To and subscribed before me on this _____ day of _____, 20_____.

Signature of Notary Public

EXHIBIT ONE:

CAMPAIGN FLYER OF KATHY MAGEL



Kathy Magel

Council at Large

Please consider me your choice for Council at Large in North Canton.

My background information:

- Married 29 years to Tom Magel
- Two daughters: Jennifer '93, Melissa '97 Hoover graduates
- Bachelor of Science: Mathematics, Clarion University
- Owned and operated computer business in North Canton, 12 years
- Tutored mathematics for proficiency test, Hoover High School
- Taught adult education GED classes, Canton City Schools
- Taught mathematics secondary education
- Volunteered for North Canton Meals on Wheels
- Past member of North Canton charter review committee

Currently, I am the most experienced Council at Large candidate. My committee work has consisted of extensive hours authoring the new zoning code in conjunction with the City Engineer and the City Zoning Inspector. I will continue to serve the city with both honesty and vigor to address the present concerns of the quality of water, the water distribution system, the implementation of upgrading the water treatment plant and the overall infrastructure of the city. Thank you for your support. I would be happy to hear your input and can be reached at 330/497-7171 or at www.northcanton.com on the web. A sign location would be greatly appreciated.

EXHIBIT TWO:

LETTER FROM DAVID B. HARTT, PRESIDENT OF D.B.
HARTT, INC.



planning and development consultants

January 10, 2002

Mr. Chuck Osborne, Councilperson
City of North Canton
145 North Main Street
North Canton, OH 44720

RE: Summary of Zoning Ordinance Update

Dear Chuck:

This is a follow-up to our earlier conversation regarding the development of the Zoning Ordinance Update. The City of North Canton began the process of updating the North Canton Zoning Ordinance in 1997. Throughout the entire update process, numerous people have contributed their time, energy, ideas, and comments in the formulation and review of the many drafts of the document titled "Proposed North Canton Zoning Ordinance Update", dated November 1, 2000.

I have summarized below a few of the key steps that the City has gone through, which indicate the broad contributions made in the formulation of the North Canton Zoning Ordinance Update.

D.B. Hartt, Inc. was retained by the City of North Canton in the fall of 1997 to prepare a comprehensive update to the North Canton Zoning Ordinance.

During the winter of 1998, D.B. Hartt conducted a complete evaluation of the existing zoning ordinance. As part of the evaluation, we interviewed various members of City Council, the Planning Commission and the Board of Zoning Appeals, selected administrative personnel, and interested citizens for their comments and suggestions about zoning related issues. We also met with Phil Roush, former City Engineer, and Gene Hemminger, Superintendent of Permits and Inspection, to review and refine the list of issues to be addressed in the update process.

In April 1998, D.B. Hartt prepared a summary report titled "Phase I Recommendations for Proposed Amendments". This report identified a number of conceptual revisions to the Zoning Ordinance, including creating new districts such as the Main Street District, the Mixed Use District, and a second industrial district, as well as more specific recommendations. The Phase I report was presented to members of City Council, Planning Commission, and Board of Zoning Appeals at a joint review meeting held in April 1998. At that meeting, the "group" agreed to pursue many of the recommended amendments.

Mr. Chuck Osborne, Councilperson
January 10, 2002
Page 2

Between May 1998 and November 2000, various drafts of the Zoning Ordinance Update were prepared and distributed to the administration and City officials. Several administrative meetings and joint review meetings with Council, Planning Commission and Board of Zoning Appeals members were held during this time. All of the joint review meetings were open to the public and citizens were given the opportunity to comment on the zoning changes being considered. The "group" took the citizens' comments into consideration and then recommendations made by Council, Planning Commission and Board of Zoning Appeals members were incorporated in each subsequent draft of the Zoning Ordinance Update.

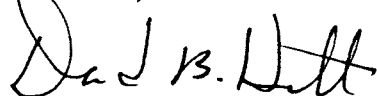
As you can see from this summary, the current document, titled the "Proposed North Canton Zoning Ordinance Update, as Recommended by Planning Commission to Council on November 1, 2000" has gone through an extensive review and refinement process and the final result is the compilation of the efforts of several individuals.

As requested, I have enclosed a CD that contains the complete Proposed North Canton Zoning Ordinance Update. Each chapter and the Table of Contents are in a separate Microsoft Word file.

If you have any further questions, please feel free to contact me.

Yours truly,

D.B. Hartt, Inc.



David B. Hartt, President

Dbh/kmh

c. Gene Hemminger



planning and development consultants

EXHIBIT THREE:

**E-MAIL LISTING PAST CHAIPERSONS OF THE ORDINANCE,
RULES AND MORAL CLAIMS COMMITTEE RECEIVED FROM
THE NORTH CANTON CITY COUNCIL OFFICE**

Subject: Ordinance, Rules & Claims Committee Chairperson

Date: Fri, 21 Dec 2001 15:09:02 -0500

From: "Gail Kalpac" <gkalpac@northcantonohio.com>

Organization: City of North Canton

To: <cosborne@neo.rr.com>

- 1997 - Greg Sarbach
- 1998 - Chris Thomas
Jon Snyder, last two months of year
- 1999 - Chris Thomas
- 2000-01 - Kathy Magel

EXHIBIT FOUR:

CAMPAIGN FLYER OF GREG SARBACH USED IN THE FALL,
2001 ELECTIONS

Re- Elect

GREGORY SARBACH your 2nd Ward Councilman

- ✓ 8 years of Proven Leadership
- ✓ Elected Vice President of Council 3 times by fellow members
- ✓ Chairman of Water Committee
 - Helped lead efforts to upgrade water system
 - Ensured safe water to all customers
 - Supports expansion of this lucrative system
- ✓ Worked in harmony with last three Mayors
- ✓ Supported non-assessed Ward 2 street & infrastructure projects
- ✓ Positive influence on city council
- ✓ Helped return esteem to office
- ✓ 100% attendance and always accessible

Paid for by THE GREGORY SARBACH FOR COUNCIL COMMITTEE,
611 Northbury Circle, NE, North Canton, OH 44720. Greg Sarbach. Treasurer

EXHIBIT FIVE:

CAMPAIGN FLYER OF JON SNYDER USED IN THE FALL, 2001 ELECTIONS

RE-ELECT

Jon Snyder your 4th Ward Councilman

- ✓ 3 years of Proven Leadership
- ✓ Attracted New Businesses and Retained Jobs
- ✓ Improved our City's tax base
- ✓ Supported improving city's water system
 - Repaired the treatment plant
 - Added a new well
 - Supported constructing a new million gallon tank
- ✓ Supported residential street repairs
- ✓ Positive influence on city council
- ✓ Chairman - Finance Committee
- ✓ President of Council

PAID FOR BY THE COMMITTEE TO RE-ELECT JON SNYDER, C.F. SNYDER, TREASURER,
1403 MILKSHIRE, S.W. NORTH CANTON, OHIO 44720

EXHIBIT SIX:

CAMPAIGN MATERIAL OF CHRIS THOMAS USED IN THE
FALL, 1999 ELECTIONS



Biography

Attorney in North Canton
Ohio State College of Law,
Juris Doctor Degree
Family: wife, Debbie; first child due in
October
Home: 811 Hillcrest Avenue SW
Phone: 966-2443

My Record

A voice of reason on City Council
Strongly endorsed by The Repository in 1997
Supported assessment-free curb and gutter
program
Supported development of new Little League
fields

Future Goals

Work to bring new businesses to
North Canton for a strong tax base
Maintain North Canton's character through
controlled growth
Support transition to full time Fire Dept.

EXHIBIT SEVEN:

**COPY OF NORTH CANTON LEGISLATION AUTHORIZING
THE SPENDING OF \$50,000 FOR THE PURPOSE OF ENTERING
INTO A PROFESSIONAL SERVICES AGREEMENT TO UPDATE
THE NORTH CANTON ZONING ORDINANCE**

10/9/97-mlb
(Comm. & Econ. Dev.)

ORDINANCE NO. 88-97

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a professional service agreement to update the North Canton Zoning Ordinance, at a cost not to exceed fifty thousand (\$50,000.00) dollars and declaring the same to be an emergency.

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

- Section 1. That the Mayor of the City of North Canton, through the Board of Control, be, and he is hereby authorized to enter into a professional service agreement to update the North Canton Zoning Ordinance, at a cost not to exceed fifty thousand (\$50,000.00) dollars.
- Section 2. That said Agreement and Scope of Service is attached hereto and incorporated herein as is fully rewritten herein.
- Section 3. That the Director of Finance of the City of North Canton, be, and she is hereby authorized to draw funds necessary for the payment of the above specified contract upon receipt of vouchers duly approved by the proper departmental authority from appropriations applicable thereto.
- 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 provided this ordinance receives the affirmative vote of six (6) of the members elected or appointed to Council and necessary so that the process of updating the North Canton Zoning Ordinance can begin in a timely fashion; wherefore, this ordinance shall take effect and be in force immediately upon its adoption by Council and approval by the Mayor.

Ordinance No. 88-97

Page 2

North Canton, OH
Passed: 10/13/97

William R. Harris
MAYOR

SIGNED: October 13, 1997

ATTEST:

Mary Louise Bittle
CLERK OF COUNCIL

EXHIBIT EIGHT:

COPY OF THE PROFESSIONAL SERVICES AGREEMENT
BETWEEN THE CITY OF NORTH CANTON WITH ATTACHED
PROPOSED SCOPE OF SERVICES

RECEIVED

JAN 27 1998

ENG 7 3L
NORTH CANTON, OHIO

PROFESSIONAL SERVICES AGREEMENT
Between
The City of North Canton and D.B. Hartt, Inc.

THIS AGREEMENT, made and entered into this 23rd day of Jan, 1998, by and between THE CITY OF NORTH CANTON, OHIO, a Municipal Corporation (hereinafter referred to as "CITY") and D. B. HARTT, INC., Professional Planning and Development Consultants (hereinafter referred to as "CONSULTANTS").

WHEREAS, the CITY desires to engage the services of Professional Planning Consultants to update the CITY'S Zoning Ordinance; and

WHEREAS, the CONSULTANTS have submitted a proposal to the CITY to provide such services; and

WHEREAS, City Council has recommended that D. B. HARTT, INC., be retained to provide such services to the CITY; and

WHEREAS, City Council has appropriated funds for the employment of the CONSULTANTS.

NOW, THEREFORE, the CITY and CONSULTANTS, in consideration of the mutual covenants hereinafter set forth, agree as follows:

SECTION 1: SCOPE OF SERVICES

The CONSULTANTS agree to perform the services in accordance with the CONSULTANTS' Proposed Scope of Service included in the proposal dated July 23, 1997, with the exception that the services shall not include any reference to or services related to potential services during the adoption process as outlined in Phase IV of the Proposed Scope of Services. The Proposed

Scope of Services is attached hereto as Attachment I and hereby incorporated as if fully rewritten in this Agreement.

SECTION 2. COMPENSATION FOR UPDATING THE ZONING ORDINANCE

1. For the Scope of Services in Section I, the fees and expenses will not exceed Fifty Thousand Dollars (\$50,00.00);

2. Fees and expenses include: organization of and attendance at the interviews in Phase I, Item B of the Work Program; attendance by David B. Hartt and/or Kristin M. Hopkins at Ten (10) formal review meetings with the City in Phases I-III of the Work Program; preparation of up to Twenty-five (25) copies of all interim reports, Twenty-five (25) copies of the Draft Formal Texts and Twenty-five (25) copies of the Final Text "suitable for adoption"; and a diskette of the proposed zoning text. The CONSULTANTS will also submit an overlay of the existing zoning map which depicts the map amendments necessary for the zoning map to be consistent with the new zoning text. The CITY will be responsible for reproducing any additional copies of all interim reports and final reports for public distribution, either by directly incurring the costs for such reproduction or reimbursing the CONSULTANTS if the CONSULTANTS are authorized by the CITY to incur such costs.

3. Services will be undertaken on a time plus expenses basis (up to the maximum amounts in SECTION 2.1 above) at the CONSULTANTS' current hourly rates: David B. Hartt - Ninety -five Dollars (\$95.00)/hour; Kristin Hopkins - Sixty-two Dollars and Fifty Cents (\$62.50)/hour; John Fellows - Forty-two Dollars and Fifty Cents (\$42.50)/hour; and assistant planners and graphics support, as needed - Thirty-three Dollars and Fifty Cents to Forty-two Dollars and Fifty Cents (\$33.50-

42.50)/hour. Secretarial time is part of the CONSULTANTS' overhead and will not be billed directly to the client.

4. The CONSULTANTS will submit invoices monthly, based on the work completed, which will be due upon receipt. All invoices will summarize the services rendered and the hours incurred by each employee.

SECTION 4. GENERAL TERMS AND CONDITIONS

1. David B. Hartt will be Project Director and assume overall responsibility for preparing the Zoning Ordinance and will coordinate the activities between the CONSULTANTS and the CITY. Kristin Hopkins, under Mr. Hartt's direction, will develop the detailed provisions in each of the three work phases. Otherwise, the CONSULTANTS, within the terms of this Agreement, shall be solely responsible and have sole authority to designate and determine which personnel are to perform services and the manner, time, and method in which such services shall be provided.

2. The CONSULTANTS shall act solely as independent contractors in performance of this Agreement and represent that they have provided all required Workers' Compensation and Unemployment Compensation insurance for its employees and shall furnish the CITY with all requested documents confirming such coverage.

3. The services of the CONSULTANTS shall commence immediately upon the date of execution of this Agreement and shall be undertaken and completed in such sequence as to ensure the expeditious completion in light of the terms and purposes of this Agreement and as generally specified in the attached Proposed Work Program and in the Proposed Project Schedule (Attachment II).

4. The CITY shall own all original copies of data compilations, statistical analyses, studies, reports, maps and other written material developed on their behalf by the CONSULTANTS. The CONSULTANTS shall be entitled to retain a copy thereof.

5. During the update of the Zoning Ordinance, the CITY shall designate the Superintendent of Permits and Inspection as authorized to act on its behalf with respect to any questions raised regarding the services and tasks to be undertaken pursuant to this Agreement.

6. The CITY shall make available all previous studies, maps and reports that pertain to the work to be performed. All such materials will be provided on a timely basis for the execution of the services.

7. Records of the CONSULTANTS personnel and expenses related to the services herein, shall be kept on a general accounting basis and shall be available to the CITY, or its authorized representative, for observation at mutually convenient times.

8. The CITY reserves the right to terminate this Contract upon thirty (30) days advanced written notice to the CONSULTANTS in the event that the work product is not meeting the Proposed Work Program attached hereto. Prior to any termination by the CITY, the CITY shall, in good faith, attempt to resolve any differences with the CONSULTANTS. In the event of termination, the CONSULTANTS shall be entitled to payment for all work completed prior to the date of termination.

IN WITNESS THEREOF, the parties hereto have caused this Agreement to be executed by their proper officers and attested to by their respective representatives on the day and year first above written.

CITY OF NORTH CANTON

D. B. HARTT, INC.

Signature: William L. Harris

Signature: David B. Hartt
David B. Hartt

Title: Mayor

Title: President

Date: January 26, 1998

Date: Jan. 23 1998

ATTEST:

By: [Signature]

By: Thomas M. Dean

Date: January 26, 1998

Date: January 23, 1998

CERTIFICATION OF FUNDS

I, _____, Director of Finance of the City of North Canton, in accordance with Section 5705.41, Ohio Revised Code, hereby certify that the amount required to meet the obligations of the foregoing Agreement in the fiscal year in which it is made has been lawfully appropriated or authorized or directed for such purpose and is in the treasury or in the process of collection to the credit of the appropriate fund free from any previous encumbrance.

1-27-98

Date

P.O. 222

J. Margaret Loretto

Director of Finance

City of North Canton

ATTACHMENT I

PROPOSED SCOPE OF SERVICES

I. PROPOSED SCOPE OF SERVICES

PHASE I - COMPREHENSIVE EVALUATION OF EXISTING ORDINANCE AND IDENTIFICATION OF ALL CONCEPTUAL MODIFICATIONS TO BE CONSIDERED

A. Comprehensive Review

The Consultants will undertake a comprehensive evaluation of all provisions in the existing Zoning Ordinance to determine their suitability for being retained, modified, or deleted. The following represent the major areas of evaluation to be considered:

1. Evaluating the Ordinance's entire format and organization, which would include incorporation of all recently enacted, and thus uncodified, amendments and developing a format for the ordinance and each chapter which is "user friendly" by:
 - Consolidating, to the extent practicable, all standards related to a subject in one place;
 - Widely using tables and charts;
 - Using a similar format for all use districts; and
 - Expanding the purpose sections.
2. Adding new districts or deleting existing districts to reflect any new or modified development concepts which the City hopes to pursue. This will be determined through the interviews (Section B, below), the Consultant's review of recently completed studies and the Consultant's experience.
3. Reviewing the adequacy of current administrative and review procedures and determining what procedures should be more fully described in the Ordinance and what other procedures should be modified.
4. Reviewing basic development standards for both principal and conditional uses.

5. Considering more definitive detailed standards for: site construction, accessory uses, landscaping/screening, etc.

B. Interviews

As part of this evaluation, the Consultants will conduct individual interviews with each member of the Planning Commission, City Council, Zoning Board of Appeals and representatives from the City's administrative staff (Engineer, Service Director, Director of Administration, Law Director or designated representative, etc.). In addition, the Consultants will interview 12 - 15 business owners or tenants (retail and industrial). Since the conversations are informal, two or three people will be interviewed simultaneously. Each interview will average 30-45 minutes in length and would be scheduled over a two-day or three-day period. The purpose of these interviews is to:

1. Gain a full understanding of the public and private concerns with the current Ordinance, in part by "probing" those being interviewed and hearing comments from several perspectives;
2. Explore broad optional regulatory concepts to address the issues; and
3. Alert City officials "early on" in the process to any possible solutions being considered that may not be workable. Conversely, the City alerts the Consultants to concepts that should not be pursued.

The Consultants have found that, in prior assignments, this process is both efficient and effective in gaining a full understanding of issues and problems with the current Ordinance.

C. Prepare Interim Report

The results of this evaluation (A and B) will be incorporated into an interim report which will:

1. Recommend any structural or format changes for the new Ordinance and each chapter therein;

2. Identify any new districts which should be considered;
3. Clarify the intent of each district -- both existing and proposed;
4. Outline modifications to the basic uses permitted in each district;
5. Identify basic development standards to be incorporated into each district;
6. Identify conceptual amendments to the administrative procedures which should be considered;
7. Identify any other new zoning techniques that may be appropriate;

This interim report will summarize the proposed changes and the rationale for each such change. The Consultants will review the preliminary findings with key representatives of the administration.

D. City Council/Commission Review

This report will then be presented by the Consultants to the elected and appointed officials for review. The Consultants suggest that meetings to review this document be joint work sessions of the Planning Commission, City Council and the Board of Zoning Appeals. Representatives of the City's administration should also be invited to attend.

At these meetings, the Consultants will:

1. Explain why directions are being proposed from among several possible alternatives;
2. Respond, from their experience, to the merits or limitations of alternatives proposed by the City during the interviews or these review meetings;
3. Understand the issues being discussed by City officials to effectively incorporate suggested changes in Phase II of the Ordinance's development; and

4. Work with City officials to reach general consensus on the broad concepts to be developed.

The consensus from this review will form the basis for proceeding to Phase II.

These meetings will assure that the directions established have general support and will thus minimize later "surprises" which require changing direction or "rethinking" issues previously reviewed. It is anticipated that two meetings will be required to review this interim report and identify the conceptual changes that should be pursued in the next phase.

***PHASE II - PREPARATION OF A COMPREHENSIVE "BLUEPRINT" DOCUMENT
DETAILING PROPOSED AMENDMENTS***

A. Develop Amendments in Detail

Based on the above review, the Consultants will develop the selected amendments in detail.

This "blueprint" phase will include, in outline and tabular form, all basic provisions and standards to be added, modified or deleted. This will include detailed standards for:

1. District regulations;
2. Parking;
3. Site development standards;
4. Signs;
5. Conditional uses;
6. Accessory use regulations (i.e., garages, storage sheds, patios, decks, pools, fences, etc.);
7. Recommended changes to definitions; and
8. Zoning procedures.

To facilitate the review, all proposed changes will be clearly marked in the interim material to indicate the nature of the change (added, modified or deleted).

B. Identify Possible Zoning Map Amendments

Simultaneously with the development of the "blueprint" document, the Consultants will identify map amendments which should be considered to assure that the zoning map is consistent with the revised text. These revisions will also include any appropriate technical adjustments in boundaries that emerge from conversations with the administration. This element will not include any broad

evaluation of revised land use and zoning policy for the City. The proposed changes will be "manually" drawn as an overlay on the current City zoning map.

C. Administrative Review

As the details are developed in this Phase II, the Consultants will regularly review progress with the City administration (similar to Phase I) to assure overall consistency with the administration's objectives and concerns.

D. City Council/Commission Review

As developed in sections, the "blueprint" document and the revised map boundaries will be presented to and reviewed with the Planning Commission, Council and Board of Zoning Appeals members should be invited to attend. However, based on our prior experience, Council and Board of Zoning Appeals involvement is less important at this level of detail (Phase II) than it is in Phases I and III.

Four such meetings will likely be required to review the proposed standards and procedures. This review will establish the detailed framework for drafting the formal text for each section. All of these meetings are open to the public and should include a period for public comment.

This interim review is intended to assure that subsequent drafting of the formal Ordinance revisions will occur with greater consistency than if each section were formally drafted and reviewed separately. In this way, time is not spent drafting formal language for provisions which may not be desired by the City.

PHASE III - FORMAL DEVELOPMENT OF THE ZONING ORDINANCE

A. Draft Formal Text

Once a general consensus is reached on the "blueprint" standards and procedures, the Consultants will draft the formal text of the revised Zoning Ordinance which will be in a form suitable for adoption.

B. Revised Zoning Map Amendments

Simultaneously, the final zoning boundary recommendations (within the context of work element II B) will be prepared and will reflect any revisions suggested in Phase II. The City will be responsible for preparing a formal revised zoning map.

C. Administrative Review

Similar to Phase II, as the formal text is developed, it will be reviewed by the City's administration.

D. City Council/Commission Review

The formal draft of the text will be presented to City officials for review. The Consultants suggest joint review meetings with the Planning Commission, City Council and the Zoning Board of Appeals similar to those suggested in Phase I.

Four meetings are anticipated to complete this review.

E. Final Revisions

Based on the above review, the text will be revised as directed by the City. The final document will reflect the consensus of the City officials and a revised version will be submitted to the City in a "form suitable to begin the formal adoption process".

PHASE IV - POTENTIAL SERVICES DURING THE ADOPTION PROCESS

Even though the final zoning text and recommended zoning map amendments have been submitted to the City in a form "suitable for adoption," the Consultants will be available to further review the text with the Planning Commission and Council and make additional revisions as directed during the formal adoption processes.

More specifically, these services could include:

- Attending additional review meetings with the Planning Commission or City Council prior to commencement of the formal adoption process.
- Attending Planning Commission, City Council or public meetings during the adoption process.
- Attending public meetings – either City-wide, in specific neighborhoods or related to specific subjects or issues.
- Providing consultation and making further revisions to the Ordinance as needed.

These services are optional and may not be required and would only be undertaken when expressly requested by North Canton.

ATTACHMENT TWO:
PROJECT SCHEDULE

PROJECT SCHEDULE

1/14/98
D 9/11

		1998	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	1998
		1998	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	1998
PHASE I - COMPREHENSIVE/CONCEPTUAL EVALUATION														
A.	Comprehensive Review													
B.	Conduct Interviews													
C.	Prepare Interim Report													
D.	City Council/Commission Review													
PHASE II - PREPARE "BLUEPRINT" DOCUMENT														
A.	Develop Amendments in Detail													
B.	Identify Map Amendments													
C.	Administrative Review													
D.	City Council/Commission Review													
PHASE III - FORMAL DEVELOPMENT OF CODE														
A.	Draft Formal Text													
B.	Revised Zoning Map Amendments													
C.	Administrative Review													
D.	City Council/Commission Review													
E.	Final Revisions													

Phase IV Adoption Process -- Services would only be undertaken during the adoption process (following January 1999) if requested by the City.