City of North Canton, Ohio

Council Office
145 North Main Street
North Canton, Ohio 44720-2587
330-499-3986 - 330-499-2960 Fax
www.northcantonohio.com
email: citycouncil@northcantonohio.com

AMENDED AGENDA

NOTICE OF MEETINGS

Mr. Daniel Peters, Chairman of the Personnel & Safety Committee of North Canton City Council, has requested a meeting of said Committee Members, Council, Mayor, Director of Administration, Director of Law and Director of Finance **Monday, May 23, 2011 at 6:30 p.m.** in the Council Chamber at North Canton City Hall.

The meeting will be called to order and then moved into **executive session** for the purpose of discussing collective bargaining. The executive session **will not be** open to the public.

Council Meeting Agenda
Monday, May 23, 2011 - 7:00 p.m.

1. Call to Order: 7:00 p.m.

2. Opening Prayer: Rev. David E. Warren, 1st Southern Baptist Church

3. Pledge of Allegiance

4. Roll Call

5. Consideration

   Council Meeting Minutes – May 9, 2011
   Financial Statement – April, 2011

6. Committee Minutes

7. Recognition of Visitors

OLD BUSINESS:

8. **Ordinance No. 49-11 – 3RD Reading – Water, Sewer & Rubbish**
   An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to exercise the option to extend the existing franchise contract for a two (2) year period commencing July 1, 2011 and ending June 30, 2013, for the collection of residential garbage, rubbish, recyclables and yard waste in the City of North Canton.

9. **Ordinance No. 53-11 – 2nd Reading – Community & Economic Development**
An ordinance authorizing the Mayor of the City of North Canton to enter into an Industrial and Commercial Occupancy Grant Agreement for Project Omega and declaring the same to be an emergency.

NEW BUSINESS:

10. **Ordinance No. 54-11 – 1st Reading – Water, Sewer & Rubbish**
An ordinance authorizing the Akron-Canton Regional Airport Waterline Extension, located in the Southeast portion of the Akron-Canton Airport property in Lake Township, Stark County, Ohio, in accordance with plans and specifications approved by the North Canton City Engineer, and accepting any necessary easement associated with said waterline extension, and declaring the same to be an emergency.

11. **Ordinance No. 55-11 – 1st Reading – Finance & Property**
An ordinance authorizing the supplemental appropriation of funds of the City of North Canton, Ohio, to be appropriated from the unappropriated resources of the Capital Improvement Fund to the Bond/Note Repayment and Bond/Note Interest Payment Accounts in the amount of $143,058.61 for the current expenses during the fiscal year ending December 31, 2011, and declaring the same to be an emergency.

12. **Ordinance No. 56-11 – 1st Reading – Finance & Property**
An ordinance authorizing the supplemental appropriation of funds of the City of North Canton, Ohio, to be appropriated from the unappropriated resources of the Water Revenue Fund to the Bond/Note Repayment and Bond/Note Interest Payment Accounts in the amount of $117,280.56 for the current expenses during the fiscal year ending December 31, 2011, and declaring the same to be an emergency.

13. **Ordinance No. 57-11 – 1st Reading – Finance & Property**
An ordinance establishing a policy requiring authorization and approval by the Director of Law of the City of North Canton prior to hiring of outside legal counsel for collection matters.

14. **Ordinance No. 58-11 – 1st Reading – Finance & Property**
An ordinance authorizing the Mayor of the City of North Canton to submit a Participation Agreement and request authority for the City of North Canton to participate in the Ohio Department of Transportation's ("ODOT") contract for the purchase of sodium chloride (rock salt) for the 2011-2012 winter season and declaring the same to be an emergency.

15. **Ordinance No. 59-11 – 1st Reading – Finance & Property**
An ordinance authorizing the supplemental appropriation of funds of the City of North Canton, Ohio, to be appropriated from the unappropriated resources of the General Fund to the Bond/Note Repayment and Interest Payment Accounts in the amount of $92,830.74 for the current expenses during the fiscal year ending December 31, 2011, and declaring the same to be an emergency.

REPORTS:

Director of Law Director of Finance Director of Administration Mayor
City Engineer Director of Economic Development Clerk of Council

REPORTS – COUNCIL:

Pat DeOrio	At Large	Doug Foltz	Ward 1
Marcia Kiesling	At Large	Daniel Peters	Ward 2
Mark Cerreta	At Large	Jeff Davies	Ward 3
		Jon Snyder	Ward 4

FINAL CALL FOR NEW BUSINESS:

ADJOURN:

Gail M. Kalpac
Clerk of Council

5/23/11-gmk
c: Council, Director of Law
Mayor, D/Administration
D/Finance, City Engineer
D/Economic Development
Police Chief, Fire/EMS Chief
Press

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EXECUTIVE SESSION
MEETING MINUTES

The Personnel & Safety Committee of North Canton City Council met Monday, May 9, 2011 at 6:30 p.m. in the Council Chambers at North Canton City Hall.

Present for the Meeting were: Chairman Peters, Vice Chairman Snyder, Member Cerreta, Council Members DeOrio, Foltz and Kiesling. Council Member Davies was not present for the meeting.

Also present were: Mayor Held, Director of Administration Grimes, Director of Law Nilges and Director of Finance Alger.

Upon a roll call vote of Council, all present moved into an executive session at 6:30 p.m. for the purpose of matters pertaining to collective bargaining. Subsequent to the discussion the executive session adjourned at 7:00 p.m.

Respectfully submitted,

_____
Daniel Peters, Chairman

_____
Jon Snyder, Vice Chairman

_____
Mark Cerreta, Member

5/19/11-gmk

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COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE MEETING MINUTES

The Committee of the Whole agenda was amended to include a meeting of the Community & Economic Development Committee of North Canton City Council Monday, May 16, 2011 in Council Chamber at North Canton City Hall.

Present for the meeting were: Chairperson Kiesling, Member Davies, Council Members Cerreta, DeOrio, Foltz and Snyder. Vice Chairman Peters was not present for the meeting.

Also present were: Mayor Held, Director of Administration Grimes, Director of Law Nilges, City Engineer Benekos, Director of Economic Development Bowles and Superintendent of Streets & Utilities Chufar. Director of Finance Alger was not present for the meeting.

Item discussed:

a. Amendment to Ordinance No. 53-11 re Occupancy Grant Agreement: Item was discussed. Providing Agreements are ready, Council to consider amending Ordinance No. 53-11 at their May 23, 2011 meeting.

Respectfully submitted,

_____
Marcia Kiesling, Chairperson

_____
Daniel Peters, Vice Chairman

_____
Jeff Davies, Member

5/17/11-gmk
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FINANCE & PROPERTY COMMITTEE MEETING MINUTES

The Finance & Property Committee of North Canton City Council met as part of the Committee of the Whole Monday, May 16, 2011 in the Council Chamber at North Canton City Hall.

Present for the meeting were: Chairman Snyder, Vice Chairman Davies, Member DeOrio, Council Members Cerreta, Foltz and Kiesling. Council Member Peters was not present for the meeting.

Also present were: Mayor Held, Director of Administration Grimes, Director of Law Nilges, City Engineer Benekos, Director of Economic Development Bowles and Superintendent of Streets & Utilities Chufar. Director of Finance Alger was not present for the meeting.

Items discussed:

a. Financial Statement – April, 2011: The Financial Statement was reviewed and will be placed on the May 23, 2011 council agenda for formal approval.

b. Supplemental Appropriation re Capital Improvements: The Committee authorized legislation, on an emergency basis, authorizing the supplemental appropriation of funds to be appropriated from the unappropriated resources of the Capital Improvement Fund to the Bond/Note Repayment and Bond/Note Interest Payment Accounts in the amount of $143,058.61 for the current expenses during the fiscal year ending December 31, 2011.

c. Supplemental Appropriation re Water: The Committee authorized legislation, on an emergency basis, authorizing the supplemental appropriation of funds to be appropriated from the unappropriated resources of the Water Revenue Fund to the Bond/Note Repayment and Bond/Note Interest Payment Accounts in the amount of $117,280.56 for the current expenses during the fiscal year ending December 31, 2011.

d. Discussion – Collection of Fees: The Committee authorized legislation, establishing a policy requiring authorization and approval by the Director of Law prior to hiring of outside legal counsel for collection matters.

The agenda was amended to include the following items:

e. Cooperative Purchasing Program for Rock Salt: The Committee authorized legislation, on an emergency basis, authorizing the Mayor to submit a Participation Agreement and request authority for the City of North Canton to participate in the Ohio Department of Transportation's Contract for the purchase of sodium chloride (rock salt) for the 2011-2012 winter season.

f. Supplemental Appropriation re Fairways: The Committee authorized legislation, on an emergency basis, authorizing the supplemental appropriation of funds to be appropriated from the unappropriated resources of the General Fund to the Bond/Note Repayment and Interest Payment Accounts in the amount of $92,830.74 for the current expenses during the fiscal year ending December 31, 2011.

Respectfully submitted,

_____
Jon Snyder, Chairman

_____
Jeff Davies, Vice Chairman

_____
Pat DeOrio, Member

5/17/11-gmk
c: Council, Director of Law
Mayor, D/Administration
D/Finance, City Engineer
D/Economic Development
Police Chief, Fire/EMS Chief
Press

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WATER, SEWER & RUBBISH COMMITTEE MEETING MINUTES

The Water, Sewer & Rubbish Committee of North Canton City Council met as part of the Committee of the Whole Monday, May 16, 2011 in the Council Chamber at North Canton City Hall.

Present for the meeting were: Chairman Davies, Vice Chairman DeOrio, Member Snyder, Council Members Cerreta, Foltz and Kiesling. Council Member Peters was not present for the meeting.

Also present were: Mayor Held, Director of Administration Grimes, Director of Law Nilges, City Engineer Benekos, Director of Economic Development Bowles and Superintendent of Streets & Utilities Chufar. Director of Finance Alger was not present for the meeting.

Item discussed:

a. Akron-Canton Regional Airport Waterline Extension: The Committee authorized legislation, on an emergency basis, authorizing the Akron-Canton Regional Airport Waterline Extension, located in the Southeast portion of the Akron-Canton Airport property, in Lake Township, Stark County, Ohio, in accordance with plans and specifications approved by the North Canton City Engineer, and accepting any necessary easement associated with said waterline extension.

Respectfully submitted,

_____
Jeff Davies, Chairman

_____
Pat DeOrio, Vice Chairman

_____
Jon Snyder, Member

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RECORD OF ORDINANCES

Dayton Legal Blank, Inc. Form No. 30043

Ordinance No. _____ *Passed* _____, 20____

5/17/11-gmk
(Water, Sewer & Rubbish)

Ordinance No. 54-11

An ordinance authorizing the Akron-Canton Regional Airport Waterline Extension, located in the Southeast portion of the Akron-Canton Airport property, in Lake Township, Stark County, Ohio, in accordance with plans and specifications approved by the North Canton City Engineer, and accepting any necessary easement associated with said waterline extension, 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 Administration of the City of North Canton, be, and is hereby authorized to extend the Akron-Canton Regional Airport Waterline Extension, located in the Southeast portion of the Akron-Canton Airport property, approximately 1640 +/- feet, in Lake Township, Stark County, Ohio, in accordance with plans and specifications approved by the North Canton City Engineer, and accepting any necessary easements associated with said water main extension.

Section 2. That payment of the full cost of said water main extension shall be the responsibility of the applicant-developer.

Section 3. That pursuant to Section 925.01(e) of the Codified Ordinances, Council hereby authorizes the extension of the aforementioned waterline located outside the corporate limits of the City of North Canton.

Section 4. That said waterline extension shall be pursuant to Section 935.08, Nonresident's Use of Water or Sanitary Sewer Service; Agreement, of the Codified Ordinances of the City of North Canton.

Section 5. That the engineer for the developer shall be required to certify that the design of the water main extension will supply the required flows and pressures for the intended purpose at this extension.

Section 6. 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 7. 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 installation of the water main; 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:

_____
MAYOR

SIGNED: _____, 2011

ATTEST:

_____
CLERK OF COUNCIL

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RECORD OF ORDINANCES

Dayton Legal Blank, Inc. Form No. 30043

Ordinance No. _____ *Passed* _____, *20*____

5/17/11-gmk

Ordinance No. 55-11

An ordinance authorizing the supplemental appropriation of funds of the City of North Canton, Ohio, to be appropriated from the unappropriated resources of the Capital Improvement Fund to the Bond/Note Repayment and Bond/Note Interest Payment Accounts in the amount of $143,058.61 for the current expenses during the fiscal year ending December 31, 2011, 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. To provide for the current expenses and other expenditures of the City of North Canton, Ohio, during the fiscal year ending December 31, 2011, the following funds, be, and are hereby set aside and appropriated as follows:

Appropriate From:

The unappropriated resources of the 330 Capital Improvement Fund	$143,058.61

Appropriate To:

Capital Improvement Fund 330		
330.801.5800	Bond/Note Repayment	$ 95,000.00
330.801.5810	Bond/Interest Payment	$ 48,058.61
		$143,058.61

Section 2. That the Director of Finance of the City of North Canton, be, and is hereby authorized to issue warrants from appropriations established herein for the payment of vouchers duly approved by the proper departmental authority.

Section 3. 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 4. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and peace of the City of North Canton and further necessary for the timely note/bond repayment and interest payment and to ensure the continued efficient operation of the City of North Canton; 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:

_____
MAYOR

SIGNED: _____, 2011

ATTEST:

_____
CLERK OF COUNCIL

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RECORD OF ORDINANCES

Dayton Legal Blank, Inc. Form No. 30043

Ordinance No. _____ *Passed* _____, 20____

5/17/11-gmk
(Finance & Property)

Ordinance No. 56-11

An ordinance authorizing the supplemental appropriation of funds of the City of North Canton, Ohio, to be appropriated from the unappropriated resources of the Water Revenue Fund to the Bond/Note Repayment and Bond/Note Interest Payment Accounts in the amount of $117,280.56 for the current expenses during the fiscal year ending December 31, 2011, 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. To provide for the current expenses and other expenditures of the City of North Canton, Ohio, during the fiscal year ending December 31, 2011, the following funds, be, and are hereby set aside and appropriated as follows:

Appropriate From:

The unappropriated resources of the 650 Water Revenue Fund	$117,280.56

Appropriate To:

Water Revenue Fund 650		
650.766.5800	Bond/Note Repayment	$ 75,000.00
650.766.5810	Bond/Note Interest Payment	$ 42,280.56
		$117,280.56

Section 2. That the Director of Finance of the City of North Canton, be, and is hereby authorized to issue warrants from appropriations established herein for the payment of vouchers duly approved by the proper departmental authority.

Section 3. 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 4. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and peace of the City of North Canton and further necessary for the timely note/bond repayment and interest payment and to ensure the continued efficient operation of the City of North Canton; 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:

_____
MAYOR

SIGNED: _____, 2011

ATTEST:

_____
CLERK OF COUNCIL

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RECORD OF ORDINANCES

Dayton Legal Blank, Inc. Form No. 30043

Ordinance No. _____ *Passed* _____, *20*____

5/17/11-gmk
(Finance & Property)

Ordinance No. 57-11

An ordinance establishing a policy requiring authorization and approval by the Director of Law of the City of North Canton prior to hiring of outside legal counsel for collection matters.

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

Section 1. That a policy requiring authorization and approval by the Director of Law of the City of North Canton prior to hiring of outside legal counsel for collection matters, be, and is hereby established.

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

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

North Canton, OH
Passed:

_____
MAYOR

SIGNED: _____, 2011

ATTEST:

_____
CLERK OF COUNCIL

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RECORD OF ORDINANCES

Dayton Legal Blank, Inc.
Form No. 30043

Ordinance No. _____ *Passed* _____, 20____

5/17/11-gmk
(Finance & Property)

Ordinance No. 58-11

An ordinance authorizing the Mayor of the City of North Canton to submit a Participation Agreement and request authority for the City of North Canton to participate in the Ohio Department of Transportation's ("ODOT") Contract for the purchase of sodium chloride (rock salt) for the 2011-2012 winter season and declaring the same to be an emergency.

WHEREAS, Section 5513.01(B) of the Ohio Revised Code provides the opportunity for Counties, Townships, Municipal Corporations, Port Authorities, Regional Transit Authorities, State Colleges/Universities and County Transit Board to participate in contract of the of the Ohio Department of Transportation for the purchase of machinery, material, supplies, or other articles.

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, be, and is hereby authorized to submit and request authority for the City of North Canton to Participate in the Ohio Department of Transportation's Contract for the purchase of sodium chloride (rock salt) for the 2011-2012 winter season.

Section 2. That the Mayor is hereby authorized to agree in the name of the City of North Canton to be bound by all terms and conditions as the Director of Transportation prescribes.

Section 3. That the Mayor is hereby authorized to agree in the name of the City of North Canton to directly pay vendors, under each such contract of the ODOT in which the City of North Canton participates.

Section 4. That the City of North Canton agrees to be responsible for resolving all claims or disputes arising out of its participation in the cooperative purchasing program under Section 5513.01(B) of the Ohio Revised Code. The City of North Canton releases and forever discharges the Director of Transportation and ODOT from all such claims, actions, expenses, or other damages arising out of its participation in the cooperative purchase program which the City of North Canton may have or claim to have against ODOT or its employees, unless such liability is the result of negligence on the part of ODOT or its employees.

Section 5. 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 7. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and peace of the City of North Canton and further necessary to meet the submission deadline of the application for the 2011-2012 season; 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:

_____
MAYOR
SIGNED: _____, 2011

ATTEST:

_____
CLERK OF COUNCIL

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RECORD OF ORDINANCES

Dayton Legal Blank, Inc. Form No. 30043

Ordinance No. _____ *Passed* _____, 20____

5/17/11-gmk
(Finance & Property)

Ordinance No. 59-11

An ordinance authorizing the supplemental appropriation of funds of the City of North Canton, Ohio, to be appropriated from the unappropriated resources of the General Fund to the Bond/Note Repayment and Interest Payment Accounts in the amount of $92,830.74 for the current expenses during the fiscal year ending December 31, 2011, 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. To provide for the current expenses and other expenditures of the City of North Canton, Ohio, during the fiscal year ending December 31, 2011, the following funds, be, and are hereby set aside and appropriated as follows:

Appropriate From:

The unappropriated resources of the 101 General Fund		$92,830.74

Appropriate To:

Capital Improvement Fund101		
101.801.5800	Bond/Note Repayment	$70,000.00
101.801.5810	Bond/Interest Payment	$22,830.74
		$92,830.74

Section 2. That the Director of Finance of the City of North Canton, be, and is hereby authorized to issue warrants from appropriations established herein for the payment of vouchers duly approved by the proper departmental authority.

Section 3. 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 4. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and peace of the City of North Canton and further necessary for the timely note/bond repayment and interest payment and to ensure the continued efficient operation of the City of North Canton; 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:

_____
MAYOR

SIGNED: _____, 2011

ATTEST:

_____
CLERK OF COUNCIL
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