

NOTICE OF NORTH CANTON CITY COUNCIL MEETING
Monday, February 23, 2015, 7:00 p.m., City Hall
Agenda

1. Call to Order
2. Opening Prayer – Pastor Gary Plauger, Hope Family Church
3. Pledge of Allegiance
4. Roll Call
5. Consideration:

Special Committee of the Whole Meeting Minutes: February 17, 2015
Council Meeting Minutes: February 9, 2015
Executive Session Minutes: February 9, 2015
Public Hearing Minutes: August 25, 2014 and January 5, 2015

6. Recognition of Visitors
7. Old Business:
8. **Ordinance No. 7 - 2015 – 3rd Reading – Street and Alley Committee**

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids according to specifications now on file in the office of the Director of Administration, and authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a contract for the Woodside Avenue (East Maple to 7th Street) Improvements Project, at a total cost not to exceed \$500,000.

9. **Ordinance No. 8 - 2015 – 3rd Reading – Water, Sewer and Rubbish Committee**

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids according to specifications now on file in the office of the Director of Administration, and authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a contract for the Dogwood Avenue NE (7th Street to Holl Rd NE) Waterline Replacement Project, at a total cost not to exceed \$650,000.

10. **Ordinance No. 9 - 2015 – 3rd Reading – Water, Sewer and Rubbish Committee**

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids according to specifications now on file in the office of the Director of Administration, and authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a contract for the Linwood Avenue SW (Glenwood to Chandler) Waterline Replacement Project, at a total cost not to exceed \$400,000.

11. **Ordinance No. 10 - 2015 – 3rd Reading – Water, Sewer and Rubbish Committee**

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids according to specifications now on file in the office of the Director of Administration, and authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a contract for the State Street (Cleveland to Chalford) Waterline Extension Project, at a total cost not to exceed \$275,000.

12. Ordinance No. 12 - 2015 – 3rd Reading – Finance and Property Committee

An ordinance authorizing the Mayor of the City of North Canton to enter into a contract for professional auction services for the sale of equipment and miscellaneous items which are no longer required for municipal purposes and for the disposition of unclaimed property in the custody of the Police Department.

13. New Business:

14. Ordinance No. 14 - 2015 – 1st Reading – Finance and Property Committee

An ordinance authorizing the Mayor of the City of North Canton to enter into a management agreement to have the North Canton YMCA manage the City's Dogwood Swimming Pool and associated facilities' day-to-day operations, and declaring the same to be an emergency.

15. Resolution No. 2 - 2015 – 1st Reading – Community and Economic Development Committee

A resolution dismissing the appeal of North Canton's Planning Commission's approval of a conditional use permit, Hoover District South Parking Lot, PC403-14CU.

16. Reports - Council:

Doug Foltz	Ward 1	Mark Cerreta	At Large
Daniel Peters	Ward 2	Dan Griffith	At Large
Stephanie Werren	Ward 3	Marcia Kiesling	At Large
Dominic Fonte	Ward 4		

17. Reports:

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

18. Final Call for New Business

19. Adjourn

Mary Beth Bailey
Clerk of Council

North Canton City Council
Finance and Property Committee

Ordinance No. 14 - 2015

An ordinance authorizing the Mayor of the City of North Canton to enter into a management agreement to have the North Canton YMCA manage the City's Dogwood Swimming Pool and associated facilities' day-to-day operations, and declaring the same to be an emergency.

WHEREAS, the City and the YMCA share the same goals and objectives of providing North Canton's residents and guests with safe, reliable, and efficient summer recreational activities; and

WHEREAS, the City recognizes the YMCA's vast experience and expertise in conducting aquatic programs for families, adults, and youths at its branches in Stark and adjoining counties; and

WHEREAS, City residents and guests will derive substantial benefits from the YMCA's activities and programs together with membership discounts; and

WHEREAS, it is the City and the YMCA's mutual desire that the YMCA manage the City's Dogwood Swimming Pool and associated facilities' day-to-day operations;

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

- Section 1. That the Mayor of the City of North Canton is hereby authorized to enter into a management agreement the North Canton YMCA for it to manage the City's Dogwood Swimming Pool and associated facilities' day-to-day operations.
- 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 other provision of this ordinance.
- Section 3. 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 enable the parties herein to plan and prepare for the 2015 summer season so that they may timely provide valuable, safe, and healthy summer recreational and exercise activities for the City's residents and guests; wherefore, provided it receives the affirmative vote of six 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.

Passed in Council this _____ day of _____ 2015

David Held, Mayor

Signed: _____, 2015

ATTEST:

Mary Beth Bailey, Clerk of Council

North Canton City Council
Community and Economic Development Committee

Resolution No. 2 – 2015

A resolution dismissing the appeal of North Canton's Planning Commission's approval of a conditional use permit, Hoover District South Parking Lot, PC403-14CU.

WHEREAS, Rosie Angelo, Michael Angelo, Clara Draper, Paula Blane, Deborah Patterson, Lyssa Darrah, Jeffrey Darrah, Thomas Hammen, Linda Hammen, Kelly Beck-Powell, Rita Palmer, Gretchen Bencan, Melanie Roll, James Blaine, Maria Harris, Charles Osborne, and Norma Boscia, (collectively, the "Applicants"), appealed to City Council the Planning Commission's October 8, 2014, approval of a Conditional Use Permit, Hoover District South Parking Lot, PC403-14CU, (the "Permit"); and

WHEREAS, prior to undertaking a the review of the Planning Commission's decision to approve the Permit, City Council must first determine which Applicants, if any, have standing to appeal the Planning Commission's decision; and

WHEREAS, according to the Supreme Court of Ohio, each Applicant has the burden of proving standing to appeal; and

WHEREAS, upon City Council's consideration of the requirements necessary to demonstrate standing to appeal the Planning Commission's decision, as provided by the Supreme Court of Ohio and Ohio's courts of appeal, together with its analysis of the relevant Planning Commission's meeting minutes, and the Applicants' application for appeal, it determined that none of the Applicants demonstrated standing to appeal the Planning Commission's decision to approve the Permit; and

WHEREAS, given all of these factors, City Council is compelled to dismiss the Applicants' appeal of the Planning Commission's decision to approve the Permit:

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

- Section 1. That upon review and careful contemplation of all of the factors described above, the Council of the City of North Canton, Ohio, hereby finds that each Applicant lacks standing to appeal the Planning Commission's October 8, 2014, approval of the Conditional Use Permit, Hoover District South Parking Lot, PC403-14CU.
- Section 2. That because each Applicant lacks standing to appeal the Planning Commission's October 8, 2014, approval of the Permit, City Council is compelled to dismiss Applicants' appeal.
- Section 3. That if a provision of this resolution is or becomes illegal, invalid, or unenforceable, that shall not affect the validity or enforceability of any other provision of this resolution.
- Section 4. That this resolution is shall take effect and be in force from and after the earliest period allowed by law.

Passed in Council this _____ day of _____, 2015

David Held, Mayor

SIGNED: _____, 2015

ATTEST:

Mary Beth Bailey, Clerk of Council