



City of North Canton

Council Office

145 North Main Street - North Canton, Ohio 44720-7587
330.499.3986 – 330.499.2060 Fax
citycouncil@northcantonhio.com

President of Council
Jon Snyder

Vice President of Council
Marcia Kiesling

Council at Large
Mark Cerreta

Council at Large
Dan Griffith

Councilman, Ward 1
Doug Foltz

Councilman, Ward 2
Daniel Peters

Councilwoman, Ward 3
Stephanie Werren

Council Meeting Agenda

Monday, July 8, 2013 - 7:00 p.m.

1. Call to Order: 7:00 p.m.
2. Opening Prayer:
3. Pledge of Allegiance
4. Roll Call
5. Consideration
Financial Statement – May, 2013
6. Committee Minutes
7. Recognition of Visitors

OLD BUSINESS:

8. **Ordinance No. 47-13 – 2nd Reading – Personnel & Safety**
An ordinance establishing the rates of compensation for elected officials of the City of North Canton, Ohio, effective December 1, 2013, and declaring the same to be an emergency.

NEW BUSINESS:

9. **Ordinance No. 49-13 – 1st Reading – Community & Economic Development**
An ordinance amending CHAPTER 1138 MIXED USE OVERLAY DISTRICT, specifically Section 1138.04 Use Regulations, of the Codified Ordinances of the City of North Canton, permit certain agricultural uses in a mixed use overlay district.
10. **Ordinance No. 50-13 – 1st Reading – Personnel & Safety**
An ordinance amending CHAPTER 135, DEPARTMENT OF FIRE AND EMERGENCY MEDICAL SERVICE, specifically Section 135.03 Personnel, of the Codified Ordinance of the City of North Canton, amend the maximum limits of personnel, repealing any and all legislation inconsistent herewith, and declaring the same to be an emergency.

11. **Ordinance No. 51-13 – 1st Reading – Personnel & Safety**
An ordinance amending Ordinance No. 16-13, specifically Section 20. COMPENSATION, to adjust federal and state minimum wage compensation for part-time exempt and non-exempt personnel, repealing any and all legislation inconsistent herewith, and declaring the same to be an emergency.
12. **Ordinance No. 52-13 – 1st Reading – Finance & Property**
An ordinance authorizing the Director of Finance of the City of North Canton to make payment to Plain Township in the amount of \$23,274.29 for of property tax reparations due through tax year 2012, and declaring the same to be an emergency.
13. **Ordinance No. 53-13 – 1st Reading – Finance & Property**
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, for the Mayor of the City of North Canton to be authorized, through the Board of Control, within the purview of the Ohio Cooperative Purchase Act, to enter into an agreement for the purchase of two (2) Marked Cruisers for use by the Police, at a cost not to exceed \$56,000, and declaring the same to be an emergency.
14. **Ordinance No. 54-13 – 1st Reading – Finance & Property**
An ordinance amending PART SEVENTEEN – HOUSING CODE, specifically Chapter 1701 – Minimum Housing Code, of the Codified Ordinances of the City of North Canton, to establish regulations for portable temporary storage units, and declaring the same to be an emergency.

REPORTS – COUNCIL:

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

REPORTS:

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

FINAL CALL FOR NEW BUSINESS:

ADJOURN:

Gail M. Kalpac
Clerk of Council



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COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE MEETING MINUTES

The Community & Economic Development Committee of North Canton City Council met as part of the Committee of the Whole Monday, July 1, 2013 in Council Chamber at North Canton City Hall.

Present for the meeting were: Chairperson Kiesling, Vice Chairman Cerreta, Member Werren, Council Members Foltz, Griffith, Peters, and Snyder. Also present were: Mayor Held, Director of Administration Grimes, Director of Law Fox, Director of Finance Alger, and City Engineer Benekos.

Item discussed:

Amendment to Chapter 1138.04 re Agricultural Uses in a Mixed Use Overlay District: The Committee authorized legislation, amending CHAPTER 1138 MIXED USE OVERLAY DISTRICT, specifically Section 1138.04 Use Regulations, of the Codified Ordinances of the City of North Canton, to allow certain agricultural uses in a mixed use overlay district.

Respectfully submitted,

Marcia Kiesling, Chairperson

Mark Cerreta, Vice Chairman

Stephanie Werren, Member

7/2/13-gmk



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Councilman, Ward 2
Daniel Peters

Councilwoman, Ward 3
Stephanie Werren

FINANCE & PROPERTY COMMITTEE MEETING MINUTES

The Finance & Property Committee of North Canton City Council met as part of the Committee of the Whole Monday, July 1, 2013 in the Council Chambers at North Canton City Hall.

Present for the meeting were: Chairman Snyder, Vice Chairman Kiesling, Member Griffith, Council Members Cerreta, Foltz, Peters, and Werren. Also present were: Mayor Held, Director of Administration Grimes, Director of Law Fox, Director of Finance Alger, and City Engineer Benekos.

Items discussed:

- a. Financial Statement – May, 2013: The financial statement for May, 2013 was reviewed and will be placed on the July 8, 2013 council agenda for formal approval.
- b. 2012 Tax Reparation Payment to Plain Township: The Committee authorized legislation, on an emergency basis, authorizing the Director of Finance to make payment to Plain Township in the amount of \$23,274.29 for payment of property tax reparations due through tax year 2012.
- c. Purchase of Two Marked Cruisers: The Committee authorized legislation, on an emergency basis, authorizing the Director of Administration to advertise and receive bids; and, for the Mayor, through the Board of Control, within the purview of the Ohio Cooperative Purchase Act, to enter into an agreement for the purchase of two (2) Marked Cruisers for use by the Police, at a cost not to exceed \$56,000.

- d. Portable Storage Unit Regulations: The Committee authorized legislation, on an emergency basis, amending PART SEVENTEEN – HOUSING CODE, specifically Chapter 1701 – Minimum Housing Code, of the Codified Ordinances of the City of North Canton, to establish regulations for portable temporary storage units.

Respectfully submitted,

Jon Snyder, Chairman

Marcia Kiesling, Vice Chairperson

Dan Griffith, Member

7/2/13-gmk

c: Council, Director of Law
Mayor, Director of Administration
Director of Finance, City Engineer
Director of Permits & Development
Police Chief, Fire/EMS Chief
Press



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CITY OF NORTH CANTON COUNCIL OFFICE

ORDINANCE, RULES & CLAIMS COMMITTEE MEETING MINUTES

*President of Council
Jon Snyder*

The agenda was amended to include a meeting of the Ordinance, Rules & Claims Committee of the North Canton City Council as part of the Committee of the Whole Monday, July 1, 2012 in the Council Chambers at North Canton City Hall.

*Vice President of Council
Marcia Kiesling*

*Council at Large
Mark Cerreta*

Present for the meeting were: Chairperson Werren, Vice Chairman Foltz, Member Kiesling, Council Members Cerreta, Fox, Peters, and Snyder.

*Council at Large
Dan Griffith*

Also present were: Mayor Held, Director of Administration Grimes, Director of Law Fox, Director of Finance Alger and City Engineer Benekos

*Councilman, Ward 1
Doug Foltz*

Item discussed:

*Councilman, Ward 2
Daniel Peters*

Transfer of Liquor License from Washington Square Restaurant II, Inc. to LMBS 6 LLC Winking Lizard Tavern & Patio: There are no objections to the transfer of the liquor permit. Council does not request a hearing. Minutes will suffice to allow permit.

*Councilwoman, Ward 3
Stephanie Werren*

Respectfully submitted,

Stephanie Werren, Chairperson

Doug Foltz, Vice Chairman

Marcia Kiesling, Member

7/2/13-gmk

g:\2013 committee report minutes\7-1-13 o,r&c.docx



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Stephanie Werren

PERSONNEL & SAFETY COMMITTEE MEETING MINUTES

The Personnel & Safety Committee of North Canton City Council met as part of the Committee of the Whole, July 1, 2013 in the Council Chambers at North Canton City Hall.

Present for the meeting were: Chairman Peters, Vice Chairman Snyder, Member Cerreta, Council Members Griffith, Kiesling, and Werren. Council Member Foltz was not present for the meeting. Also present were: Mayor Held, Director of Administration Grimes, Director of Law Fox, Director of Finance Alger, and City Engineer Benekos,

Items discussed:

- a. Amendment re Number of Voluntary Firefighter/EMT'S: The Committee authorized legislation, on an emergency basis, amending CHAPTER 135, DEPARTMENT OF FIRE AND EMERGENCY MEDICAL SERVICE, specifically Section 135.03 Personnel, of the Codified Ordinance of the City of North Canton, to amend the maximum limits of personnel, and repealing any and all legislation inconsistent herewith.
- b. Amendment to Ordinance No. 16-13 re Minimum Wage: The Committee authorized legislation, on an emergency basis, amending Ordinance No. 16-13, specifically Section 20. COMPENSATION, to adjust federal and state minimum wage compensation for part-time exempt and non-exempt personnel, and repealing any and all legislation inconsistent herewith.

Respectfully submitted,

Daniel Peters, Chairman

Jon Snyder, Vice Chairman

Mark Cerreta, Member



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Stephanie Werren

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, July 1, 2013 in the Council Chambers at North Canton City Hall.

Present for the meeting were: Committee Chairman Cerreta, Vice Chairman Griffith, Member Snyder, Council Members Foltz, Kiesling, Peters, and Werren.

Also present were: Mayor Held, Director of Administration Grimes, Director of Law Fox, Director of Finance Alger, and City Engineer Benekos.

Items discussed:

Discussion Temporary Roll-off Dumpster Regulations: After a lengthy discussion it was determined that further investigation and research is necessary. No action taken at this time.

Respectfully submitted,

Mark Cerreta, Chairman

Dan Griffith, Vice Chairman

Jon Snyder, Member

RECORD OF ORDINANCES

Ordinance No. 49-13 Passed _____, 2013

1. A minimum distance of three feet from the rear and interior side lot lines;
 2. A maximum distance of 25 feet from the rear lot line; and
 3. A minimum distance of 10 feet from the street side lot line and front lot line.
- f. Compost enclosures must be located to prevent the runoff of water, which has come in contact with the compost, from flowing onto adjacent property, into natural or human-made storm channels, and the public right-of-way.
- g. Compost enclosures must be maintained in a manner that protects adjacent properties from adverse environmental, health and safety impacts such as noise, odors and attraction of rodents or other pests.
- ii. Planning Commission Approval. No agricultural produce or related products may be sold from the property of an agricultural use and no farm stand for the sale of such products may be located on the property unless the Planning Commission has determined that the farm may be located on the property and sales there from will meet a community need without adversely affecting the local neighborhood. In making this determination, the Planning Commission shall consider, amongst others things, the following factors:
1. The nature of nearby uses of land with respect to their sensitivity to the activity associated with farm stand sales;
 2. The proximity of the farm stand to one and two-family houses;
 3. Traffic volume on the street on which the subject property is located;
 4. The availability of off and/or on-street parking to serve the farm stand's use; and
 5. The maintenance of a substantially unobstructed view in the setback area, which shall include a clear view through the farm stand above a height of three feet.
- iii. Signs. Where an agricultural use is the principal use in a MUO District, one sign shall be permitted on each street frontage identifying the agricultural use and listing hours of operations for market sales and contract information. Such sign shall not exceed four square feet in area and, if freestanding, shall not exceed three feet in height, and shall be setback at least five feet from all property lines unless the sign is placed on a permitted farm stand.
- iv. Maintenance. Any land developed to agricultural use shall be well-maintained and shall be free of excessively tall weeds or grass. All accessory structures to an agricultural use shall also be well maintained.
- v. Building Permits. Neither a building permit nor a certificate of occupancy shall be required to establish an agricultural use. A building permit shall be required, however, prior to the installation of a fence, construction of a barn or other structure routinely requiring such permit, and for the construction or placement of a farm stand. The permit application shall include the name, address, and phone number of the farm stand's operator; the length, width, and height of the farm stand; a description of the type of produce to be sold from the farm stand; and the name of the property owner. If the applicant is not the property owner, the applicant shall include with the permit application a signed, written statement from the property owner authorizing the applicant to install and operate the farm stand.

RECORD OF ORDINANCES

Ordinance No. 49-13 Passed _____, 2013

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 shall take effect and be in full force from and after the earliest period allowed by law.

North Canton, OH
Passed:

MAYOR

SIGNED: _____, 2013

ATTEST:

CLERK OF COUNCIL

RECORD OF ORDINANCES

Ordinance No. 50-13 Passed _____, 2013

7/2/13-gmk
(Personnel & Safety)

Ordinance No. 50-13

An ordinance amending CHAPTER 135, DEPARTMENT OF FIRE AND EMERGENCY MEDICAL SERVICE, specifically Section 135.03 Personnel, of the Codified Ordinance of the City of North Canton, to amend the maximum limits of personnel, repealing any and all legislation inconsistent herewith, and declaring the same to be an emergency.

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

Section 1. That CHAPTER 135, DEPARTMENT OF FIRE AND EMERGENCY MEDICAL SERVICE, specifically Section 135.03 Personnel, of the Codified Ordinance of the City of North Canton, be, and the same is hereby amended to read as follows:

Section 135.03 Personnel

The Fire and Emergency Medical Service Department shall be comprised of the following ranks and positions: One full-time Chief of Fire and Emergency Medical Service Department; no more than three full-time Firefighter/EMT/Fire Inspectors; no more than three full-time Captains—Emergency Medical Technician-Paramedics; no more than six full-time Emergency Medical Technician Paramedics; together with those part-time volunteer personnel, as required, and that shall be designated by the Director of Administration.

Effective January 1, 2005, if a full-time Emergency Medical Technician-Paramedic position becomes vacant, it shall be replaced with a full-time Emergency Medical Technician-Paramedic/Firefighter. At no time will there be more than six full-time Emergency Medical Technician Paramedic/Firefighters.

That pursuant to Section 3.07(1) of the North Canton City Charter, full-time positions of the Fire and Emergency Medical Service Department are classified civil servants and covered by the City's civil service provisions.

Section 2. That any and all legislation inconsistent herewith, be, and the same is hereby repealed.

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.

RECORD OF ORDINANCES

Ordinance No. 50-13 Passed _____, 2013

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 to allow the Administration time to prepare for the Affordable Health Care Act; and to ensure the continued efficient operation of the Fire and Emergency Medical Service Department 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.

North Canton, OH
Passed:

MAYOR

SIGNED: _____, 2013

ATTEST:

CLERK OF COUNCIL

RECORD OF ORDINANCES

Ordinance No. 51-13 Passed _____, 2013

EMT – Paramedic	\$ 14.60
Firefighter / EMT – Paramedic	\$ 14.60
Firefighter / EMT – Basic	\$ 14.13
Firefighter	\$ 14.13
EMT – Basic	\$ 14.13
EMT Personnel on Standby	\$ 2.21

Manned at Station:

Firefighter / EMT - Paramedic/Basic	\$ 12.00
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EMT and/or Paramedics manned at station shall not receive Standby Wages; hours will be a minimum of 5 hours/day, maximum of 10 hours/day, 30 hours/week.

Public Safety – Police

Dispatcher C	\$ 12.21
School Crossing Guard	\$ 11.77
Auxiliary Police	\$ 11.04
Special Patrolman	\$ 14.96

Financial & Clerical

Fiscal/Clerical Specialist	\$ 11.88
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Department of Engineering

Engineering Clerk	\$ 10.12
Special Project Inspector	\$ 16.82

Engineering Clerk and Special Project Inspector shall be paid an amount equal to or less than the amount set forth in the schedule listed above

Building & Permits

Building Inspector	\$ 24.08
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Municipal Swimming Pool

Pool Director*	\$6,288.71
Assistant Pool Director*	\$4,666.12
Concession Stand Mgr.*	\$4,891.26
Pool Personnel	Minimum Wage
Lifeguard I	Minimum Wage + 3.5%
Lifeguard II	Lifeguard 1 + 3.5%
Lifeguard/Instructor I	Minimum Wage + 15.3%
Lifeguard/Instructor II	Lifeguard/Instructor 1 + 3.5%
Head Lifeguard I	Minimum Wage + 23.1%
Head Lifeguard II	Head Lifeguard 1 + 3.5%

Pool Maintenance	Minimum Wage
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*Paid for Season

General Government

Summer I	Minimum Wage
Summer II	Minimum Wage + 7.3%
Intern	Minimum Wage + 25.3%
Skilled Worker	\$ 14.50

Hours per Skilled Worker will be limited to a maximum of 1200 per year

RECORD OF ORDINANCES

Ordinance No. 51-13 Passed _____, 2013

Recreation

Class "A" Instructor \$ 11.00
Senior Program Director** \$ 203.50

**Paid bi-weekly

- A. In the event the Senior Program Director works less than 20 hours in a bi-weekly pay period, the actual hours worked will be paid at his/her applicable hourly rate.
B. That there be and is hereby established an overtime rate of time and one-half after a scheduled eight (8) hours or working a holiday for part-time police officers and part-time radio dispatchers.
C. Effective January 1 of each year, any employee receiving minimum wage shall have their hourly compensation automatically adjusted to reflect the applicable Federal or State minimum wage, whichever is higher.

Section 2: An annual uniform allowance shall be paid for the following positions. Note that, if the person is hired during the first quarter of the calendar year, 100% of the compensation shall be paid. If hired during the second quarter of the calendar year, three-quarters shall be paid. If hired during the third quarter of the calendar year, one-quarter shall be paid.

Radio Dispatcher C

First year: \$200.00 paid at time of employment. Each year thereafter, \$200.00 shall be paid on or before the year's second pay period.

Special Patrolman

First year: \$300.00 paid at time of employment. Each year thereafter, \$300.00 shall be paid on or before the year's second pay period.

Auxiliary Patrolman

First year: \$150.00 paid at time of employment. Each year thereafter, \$200.00 shall be paid on or before the year's second pay period.

Section 3. That any and all legislation inconsistent herewith, be, and the same is hereby repealed.

Section 4. 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 5. 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 is further necessary for the timely effectiveness of the wage increases to minimum wage; 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.

North Canton, OH
Passed:

MAYOR
SIGNED: _____, 2013

ATTEST:

CLERK OF COUNCIL

RECORD OF ORDINANCES

Ordinance No. 54-13 Passed _____, 2013

7/2/13-tlf
(Finance & Property)

Ordinance No. 54-13

An ordinance amending PART SEVENTEEN – HOUSING CODE, specifically Chapter 1701 – Minimum Housing Code, of the Codified Ordinances of the City of North Canton, to establish regulations for portable temporary storage units, and declaring the same to be an emergency.

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

Section 1. That PART SEVENTEEN – HOUSING CODE, specifically Chapter 1701 – Minimum Housing Code, of the Codified Ordinances of the City of North Canton, to establish regulations for portable temporary storage units, be, and is hereby amended to read as follows:

PORTABLE TEMPORARY STORAGE UNITS.

(a) For purposes of this section, "portable temporary storage unit" shall mean any container, storage unit, or like container designed for temporary storage of personal property and transported to the property and left on-site. Such unit is located outside an enclosed building and is not an approved accessory building or shed.

(b) A portable temporary storage unit permit shall be required whenever a portable temporary storage unit is placed on residential property for every fifteen (15) days or portion thereof, for a maximum period of thirty (30) days. The permit shall be displayed either on the front exterior surface of the unit in a plastic liner or in the front window of the residence. No more than one sign, having a maximum area no greater than permitted for temporary signs, shall be displayed on any portable temporary storage container.

(c) If the portable temporary storage unit is being used to store personal property as a result of a major calamity at the property (e.g., fire, flood, or other event where there is significant property damage), the time period may be extended by the Superintendent of Permits and Inspection for good cause shown.

(d) Portable temporary storage units shall be located behind the minimum front yard setback line of the lot placed upon and shall comply with all minimum side and rear yard setback regulations. The unit shall be placed on a driveway or on an improved hard surface such as asphalt, concrete, or gravel and between the front property line and the rear building line of the principal structure on the owner's property.

(e) The placement of any portable temporary storage unit shall be in such a manner as not to create a public nuisance, obstruct or hinder public or private traffic, shall not be located in any required open space, landscaped area, on any street or sidewalk or in any public right-of-way or utility easement, in any location that interferes with vehicular or pedestrian circulation, in any required off-street parking space, in any location that restricts safe ingress or egress of buildings, in any location that hinders access to fire hydrants or utility shut-off valves, or in any location that obstructs a clear sight triangle or clear sight distance. The portable temporary storage unit shall not encroach on City property, neighboring property, or be placed in the street.

(f) The maximum size of any portable temporary storage unit shall not exceed eight (8) feet in width, eight (8) feet in height, and sixteen (16) feet in length. The maximum number of portable temporary storage units that can be placed on a single residential property site at one time is one (1) unless a prior written exemption is secured from the Superintendent of Permits and Inspection.

RECORD OF ORDINANCES

Ordinance No. 54-13 Passed _____, 2013

(g) All portable temporary storage units shall be free of rust, peeling paint, graffiti, other visible forms of deterioration, and shall be maintained in good condition.

(h) No portable temporary storage unit shall be used as a dwelling unit, or to store solid waste, construction debris, demolition debris, recyclable materials, business inventory, commercial goods, goods for property other than at the residential property where the unit is located (i.e. used for retail sales), or any other illegal or hazardous material. Upon reasonable notice to the responsible party, the City may inspect the contents of any portable temporary storage unit at any reasonable time to ensure that it is not being used to store said materials. At no time shall a portable temporary storage unit be used for any of these purposes.

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 for the timely implementation portage temporary storage unit regulations to the minimum housing code; 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: _____, 2013

ATTEST:

CLERK OF COUNCIL