

NOTICE OF NORTH CANTON CITY COUNCIL MEETING
Monday, April 13, 2015, 7:00 p.m., City Hall
Agenda

1. Call to Order
2. Opening Prayer
3. Pledge of Allegiance
4. Roll Call
5. Consideration:

Committee of the Whole Meeting Minutes: March 23, 2015, April 6, 2015
Council Meeting Minutes: March 23, 2015
Special Council Meeting Minutes: March 25, 2015, April 6, 2015
Finance Statement – February and March 2015 Month-End Reports

6. Recognition of Visitors
7. Old Business:
8. **Ordinance No. 15 - 2015 – 3rd Reading – Ordinance, Rules and Claims Committee**

An ordinance amending TITLE THREE – LEGISLATION, of the Codified Ordinances of the City of North Canton specifically CHAPTER 111 – COUNCIL and to repeal Section 111.02 COUNCIL STRUCTURE.

9. **Ordinance No. 16 - 2015 – 3rd Reading – Ordinance, Rules and Claims Committee**

An ordinance amending TITLE FIVE – ADMINISTRATION, of the Codified Ordinances of the City of North Canton specifically CHAPTER 1171 – ADMINISTRATIVE POWERS AND DUTIES, and to repeal Section 1171.05 CITY COUNCIL.

10. **Ordinance No. 17 - 2015 – 3rd Reading – Ordinance, Rules and Claims Committee**

An ordinance amending TITLE FIVE – ADMINISTRATION, of the Codified Ordinances of the City of North Canton specifically CHAPTER 1177 – CONDITIONAL USE PERMITS AND SIMILAR USES, and to repeal and delete Section 1177.11 APPEAL TO CITY COUNCIL.

11. **Ordinance No. 21 – 2015 – 2nd Reading – Finance and Property 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 to replace the siding on the North Canton's Service Center at a total cost not to exceed \$185,000.

12. Ordinance No. 24 – 2015 – 2nd Reading – Personnel and Safety Committee

An ordinance amending Section 20 COMPENSATION, of Chapter 155 Personnel Regulations of Part One – Administrative Code of the Codified Ordinances of the City of North Canton, remove the swimming pool positions, in accordance with North Canton Ordinance No. 14 – 2015, and for the timely implementation of an essential, part-time payroll manager/administrative assistant position, and declaring the same to be an emergency.

13. Ordinance No. 25 – 2015 – 2nd Reading – Personnel and Safety Committee

An ordinance repealing and replacing the City of North Canton's Public Records Policy, and declaring the same to be an emergency.

14. New Business:

15. Ordinance No. 23 – 2015 – 1st Reading – Park and Recreation Committee

An ordinance repealing and replacing Ordinance No. 29 – 2011 to increase the rates for season membership and daily admission to the City of North Canton Municipal Swimming Pool, and rate for swimming lessons, repealing any and all legislation inconsistent herewith, and declaring the same to be an emergency.

16. Ordinance No. 26 – 2015 – 1st Reading – Community and Economic Development Committee

An ordinance terminating a Community Reinvestment Area ("CRA") agreement between the City of North Canton and L.T. Parker & Associates, Inc., DBA APARCO Security Systems ("APARCO").

17. Ordinance No. 27 – 2015 – 1st Reading – Community and Economic Development Committee

An ordinance continuing Community Reinvestment Area (CRA") agreements between the City of North Canton and LMD Property and Reed Funeral Home.

18. Ordinance No. 28 – 2015 – 1st Reading – Ordinance, Rules and Claims Committee

An ordinance authorizing all actions necessary to effect a governmental electricity aggregation program with opt-out provisions pursuant to R.C. 4928.20, and directing the Stark County Board of Elections to submit a ballot question to the electors, and declaring the same to be an emergency.

19. Ordinance No. 29 – 2015 – 1st Reading – Personnel and Safety Committee

An ordinance authorizing the Mayor of the City of North Canton, Ohio, to enter into a successor collective bargaining agreement between the City and the Fraternal Order of Police ("FOP"), Ohio Labor Council, Inc. (Police Lieutenants and Sergeants), and declaring the same to be an emergency.

20. **Ordinance No. 30 – 2015 – 1st Reading – Personnel and Safety Committee**

An ordinance authorizing the Mayor of the City of North Canton, Ohio, to enter into a successor collective bargaining agreement between the City and the Ohio Patrolmen's Benevolent Association ("OPBA") (Dispatch), and declaring the same to be an emergency.

21. **Ordinance No. 31 – 2015 – 1st Reading – Finance and Property 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 for the Mayor of the City of North Canton to be authorized, through the Board of Control, to enter into an agreement for the purchase of one 2015 Kovatch Mobile Corporation (KME) custom pumper Predator Panther Fire Vehicle for the Fire Department from a vendor or, in the alternative, pursuant to the Ohio Cooperative Purchase Act, and declaring the same to be an emergency.

22. **Ordinance No. 32 – 2015 – 1st Reading – Finance and Property Committee**

An ordinance declaring that certain Fire Department equipment owned by the City of North Canton, is no longer required for municipal purposes, and authorizing the Mayor of the City of North Canton to enter into an agreement with Mahoning County Career and Technical Center to sell a 1989 Pierce Arrow Fire Engine, and declaring the same to be an emergency.

23. 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		

24. Reports:

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

25. Final Call for New Business

26. Adjourn

Mary Beth Bailey
Clerk of Council

North Canton City Council
Community and Economic Development Committee

Ordinance No. 26 - 2015

An ordinance terminating a Community Reinvestment Area ("CRA") agreement between the City of North Canton and L.T. Parker & Associates, Inc., DBA APARCO Security Systems ("APARCO").

WHEREAS, the North Canton Tax Incentive Review Council ("TIRC") has analyzed applicable historical data, and as a result, recommends the City terminate the CRA between the City and APARCO, and APARCO is in agreement therewith, and that as a consequence, the tax previously exempted from tax year 2014 shall be due to the City.

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

- Section 1. That based upon the TIRC's recommendation and APARCO's assent, the Community Reinvestment Area agreement between the City of North Canton and APARCO hereby is terminated.
- Section 2. That based upon this termination and paragraph nine of the CRA agreement, a true and accurate copy of which is attached hereto, the City requires APARCO to pay the amount of taxes, \$2,875.12, that would have been payable for the last tax year of the agreement, 2014, had the property not been exempted from taxation.
- Section 3. That a copy of this ordinance shall be forwarded to the Ohio Department of Development.
- Section 4. That this ordinance 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

Ordinance No. 27 - 2015

An ordinance continuing Community Reinvestment Area ("CRA") agreements between the City of North Canton and LMD Property and Reed Funeral Home.

WHEREAS, the North Canton Tax Incentive Review Council ("TIRC") has analyzed applicable historical data, and as a result, recommends the City continue the CRA's between the City and LMD Property and Reed Funeral Home.

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

- Section 1. That based upon the TIRC's recommendations, the City shall continue the CRA agreements between the City and LMD Property and Reed Funeral Home.
- Section 2. That a copy of this Ordinance shall be forwarded to the Ohio Department of Development.
- Section 3. That this ordinance 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
Ordinance, Rules and Claims Committee

Ordinance No. 28 - 2015

An ordinance authorizing all actions necessary to effect a governmental electricity aggregation program with opt-out provisions pursuant to R.C. 4928.20, and directing the Stark County Board of Elections to submit a ballot question to the electors, and declaring the same to be an emergency.

WHEREAS, the Ohio General Assembly has enacted electric deregulation legislation (“Am. Sub. S.B. No. 3”), which authorizes the legislative authorities of municipal corporations to aggregate the retail electrical loads located in the respective jurisdictions and to enter into service agreements to facilitate for those loads the purchase and sale of electricity;

WHEREAS, governmental aggregation provides an opportunity for residential and small business customers collectively to participate in the potential benefits of electricity deregulation through lower electric rates that they would not otherwise be able to do individually;

WHEREAS, this Council seeks to establish a governmental aggregation program with opt-out provisions pursuant to R. C. 4928.20, (the “Aggregation Program”), for its City residents, businesses, and other electric consumers, and jointly with other Ohio political subdivisions as permitted by law.

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

- Section 1. This Council finds and determines that it is in the best interest of the City, its residents, businesses, and other electric consumers located within the City corporate limits, to establish an Aggregation Program. Provided that the Aggregation Program is approved by the electors of the City pursuant to Section 2 of this ordinance, the City is hereby authorized to aggregate, in accordance with R.C. 4928.20, the retail electrical loads located within the City, and, for that purpose, to enter into service agreements to facilitate for those loads the sale and purchase of electricity. The City may also exercise such authority jointly with other Ohio political subdivisions using Independent Energy Consultants, Inc., an energy broker and aggregator certified by the Public Utilities Commission of Ohio. The aggregation will occur automatically for each person owning, occupying, controlling, or using an electric load center proposed to be aggregated, and will provide for the opt-out rights described in Section 4 of this Ordinance.
- Section 2. That the Mayor is hereby authorized and directed to enter into the agreement, attached hereto, for energy consulting services, and other required services related to electric utility deregulation for the City of North Canton, and ratifying any such services heretofore performed under the terms and conditions of the agreement.
- Section 3. The Board of Elections of Stark County is hereby directed to submit the following question to the electors of the City at the general election on November 3, 2015.

Shall the City of North Canton have the authority to aggregate the retail electric loads located in the City, and for that purpose, enter into service agreements to facilitate for those loads the sale and purchase of electricity, such aggregation to occur automatically except where any person elects to opt out, in accordance with Section 4928.20 of the Ohio Revised Code, and North Canton Ordinance No. 28 – 2015 adopted by City Council?

The Clerk of this Council is instructed immediately to file a certified copy of this ordinance and the proposed form of the ballot question with the Stark County Board of Elections not less than ninety (90) days prior to November 3, 2015. The aggregation program shall not take effect unless approved by a majority of the electors voting upon this ordinance and the aggregation program provided for herein at the election held pursuant to this Section 2 and R. C. 4928.20.

Section 4. Upon the approval of a majority of the electors voting at the general election provided for in Section 2 of this ordinance, this Council, individually or jointly, through Independent Energy Consultants, Inc., shall develop a plan of operation and governance for an electric aggregation program. Before adopting such plan, this Council shall hold at least two public hearings on the plan. Before the first hearing, notice of the hearings shall be published once a week for two consecutive weeks in a newspaper of general circulation in the City. The notice shall summarize the plan and state the date, time, and location of each hearing. No plan adopted by this Council shall aggregate the electrical load of any electric load center within the City unless in advance, the City clearly discloses to the person owning, occupying, controlling, or using the load center that the person will be enrolled automatically in the aggregation program, and will remain so enrolled unless the person affirmatively elects by a stated procedure not to be so enrolled. The disclosure shall state prominently the rates, charges, and other terms and conditions of enrollment. The stated procedure shall allow any person enrolled in the aggregation program the opportunity to opt out of the program every three years, without paying a switching fee. Any such person that opts out of the aggregation program pursuant to the stated procedure shall default to the standard service offer provided under R. C. 4928.14 or division (d) of R.C. 4928.35, until the person chooses an alternative supplier.

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 further necessary for time is of the essence to hold required two public hearings so the residents of the City of North Canton have the opportunity to give input on the aggregation program before it is placed on the ballot for the November 3, 2015 general election; 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
Personnel and Safety Committee

Ordinance No. 29 - 2015

An ordinance authorizing the Mayor of the City of North Canton, Ohio, to enter into a successor collective bargaining agreement between the City and the Fraternal Order of Police ("FOP"), Ohio Labor Council, Inc. (Police Lieutenants and Sergeants), and declaring the same to be an emergency.

WHEREAS, the Mayor of the City of North Canton and the exclusive representatives for the FOP (Lieutenants and Sergeants) entered into a tentative collective bargaining agreement, which is effective January 1, 2015 through December 31, 2017, State Ohio Employment Relations Board case number 2014-MED-05-0767; and

WHEREAS, this tentative agreement has been reduced to writing, has been submitted to North Canton's City Council, and is on file in the office of Council's clerk; and

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, be, and is hereby authorized to enter into a successor collective bargaining agreement between the City of North Canton and the Fraternal Order of Police (Lieutenants and Sergeants), effective January 1, 2015 through December 31, 2017, State Ohio Employment Relations Board case number 2014-MED-05-0767, which shall supersede all previously adopted legislation in direct conflict herewith.
- Section 2. That the Director of Finance is hereby authorized to expend the necessary funds therefore, which funds are hereby appropriated.
- 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 and further necessary for the timely effectiveness of the collective bargaining agreement for the City's safety forces; 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.

Passed in Council this _____ day of _____ 2015

David Held, Mayor

Signed: _____, 2015

ATTEST:

Mary Beth Bailey, Clerk of Council

North Canton City Council
Personnel and Safety Committee

Ordinance No. 30 - 2015

An ordinance authorizing the Mayor of the City of North Canton, Ohio, to enter into a successor collective bargaining agreement between the City and the Ohio Patrolmen's Benevolent Association ("OPBA") (Dispatch), and declaring the same to be an emergency.

WHEREAS, the Mayor of the City of North Canton and the exclusive representatives for the OPBA (Dispatch) entered into a tentative collective bargaining agreement, which is effective January 1, 2015 through December 31, 2017, State Ohio Employment Relations Board case number 2014-MED-05-0753; and

WHEREAS, this tentative agreement has been reduced to writing, has been submitted to North Canton's City Council, and is on file in the office of Council's clerk; and

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, be, and is hereby authorized to enter into a successor collective bargaining agreement between the City of North Canton and the Ohio Patrolmen's Benevolent Association (Dispatch), effective January 1, 2015 through December 31, 2017, State Ohio Employment Relations Board case number 2014-MED-05-0753, which shall supersede all previously adopted legislation in direct conflict herewith.
- Section 2. That the Director of Finance is hereby authorized to expend the necessary funds therefore, which funds are hereby appropriated.
- 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 and further necessary for the timely effectiveness of the collective bargaining agreement for the City's safety forces; 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.

Passed in Council this _____ day of _____ 2015

David Held, Mayor

Signed: _____, 2015

ATTEST:

Mary Beth Bailey, Clerk of Council

North Canton City Council
Finance and Property Committee

Ordinance No. 31 - 2015

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, to enter into an agreement for the purchase of one 2015 Kovatch Mobile Corporation (KME) custom pumper Predator Panther Fire Vehicle for the Fire Department from a vendor or, in the alternative, pursuant to the Ohio Cooperative Purchase Act, and declaring the same to be an emergency.

WHEREAS, the City of North Canton must replace a fire engine; and

WHEREAS, the Ohio Cooperative Purchase Act enables municipalities, such as the City of North Canton, to benefit from economies of scale, expedite its procurement process, and achieve a substantial purchase savings for the purchase of one 2015 Kovatch Mobile Corporation (KME) custom pumper Predator Panther Fire Vehicle.

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, through the Board of Control, be, and is hereby authorized to enter into an agreement for the purchase of one 2015 Kovatch Mobile Corporation (KME) custom pumper Predator Panther Fire Vehicle from a vendor or pursuant to the Ohio Cooperative Purchase Act, price dependent; at a cost not to exceed \$435,000.

Section 2. That the Director of Finance of the City of North Canton, be, and is hereby authorized to draw funds necessary for the payment of the above-specified contract from the following appropriations:

330	CAPITAL IMPROVEMENT FUND	
330.133.5500	Equipment	\$435,000

upon receipt 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 purchase of the fire engine and to ensure continued efficient operation of the Fire 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.

Passed in Council this _____ day of _____ 2015

David Held, Mayor

Signed: _____, 2015

ATTEST:

Mary Beth Bailey, Clerk of Council

North Canton City Council
Finance and Property Committee

Ordinance No. 32 - 2015

An ordinance declaring that certain Fire Department equipment owned by the City of North Canton, is no longer required for municipal purposes; and authorizing the Mayor of the City of North Canton to enter into an agreement with Mahoning County Career and Technical Center to sell a 1989 Pierce Arrow Fire Engine, and declaring the same to be an emergency.

WHEREAS, the City of North Canton desires to sell a 1989 Pierce Arrow Fire Engine no longer needed by the Fire Department; and

WHEREAS, Mahoning County Career and Technical Center plans to purchase the 1989 Pierce Arrow Fire Engine for their fire training course(s).

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 sell the 1989 Pierce Arrow Fire Engine which is no longer utilized by the Fire Department to Mahoning County Career and Technical Center for its fire training course(s) for the sum of \$10,000.
- 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 sale of the 1989 fire engine no longer needed by the City, and to respond to the Mahoning County Career and Technical Center's urgent request for equipment for their fire training course(s); 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