NOTICE OF NORTH CANTON CITY COUNCIL MEETING Monday, January 12, 2015, 5:30 p.m., City Hall Agenda

- 1. Call to Order
- 2. Opening Prayer Thomas Douce UMC
- 3. Pledge of Allegiance
- Roll Call
- 5. Consideration:

Mayor's Court Receipts for November 2014
Financial Statement – November 2014 Month End Report
Special Committee of the Whole Minutes: November 24, 2014
Committee of the Whole Meeting Minutes: December 1, 2014
Council Meeting Minutes: November 24, 2014 and November 10, 2014
Special Council Meeting Minutes: December 1, 2014 and December 12, 2014

- 6. Recognition of Visitors
- 7. Old Business:
- 8. Ordinance No. 90 2014 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, to change the rates of compensation for the Fire Department Paid Part Time ("PPT") and Special Duty Personnel ("SDP").

- 9. New Business:
- 10. Ordinance No. 1 2015 1st Reading Park and Recreation Committee

An ordinance amending North Canton Ordinance No. 55 – 14 such that the authorized amount of funds drawn necessary for payment of the purchase and installation of a liner for Dogwood Swimming Pool is increased from \$240,000 to \$770,400, that the Mayor of the City or North Canton be authorized, through the Board of Control, to enter into an agreement on behalf of the City of North Canton for the purchase and installation of a swimming pool liner, repair and replacement of concrete decking, piping, and replacement of mechanical systems, and declaring the same to be an emergency. A true and accurate copy of Ordinance No. 55 – 14 is attached hereto and incorporated herein.

11. Ordinance No. 2 - 2015 - 1st Reading - Street and Alley Committee

An ordinance authorizing the Mayor of the City of North Canton, upon Board of Control approval, and on behalf of the City of North Canton, to enter into an agreement to participate in the Ohio Department of Transportation's (ODOT) cooperative purchasing program to contract for the purchase of sodium chloride (rock salt) for the 2015-2016 winter season.

12. Ordinance No. 3 - 2015 - 1st Reading - Street and Alley Committee

An ordinance authorizing the vacation of a portion of Alley No. 4, being a 14-foot alley between lots 829 and 735, running east from the east line of McKinley Avenue SE, to the east line of said lots, located within the corporation limits of the City of North Canton.

13. Ordinance No. 4 - 2015 – 1st Reading – Water, Sewer and Rubbish Committee

An ordinance authorizing the Mayor of the City of North Canton to enter into a 5-year contract with Energy Curtailment Specialists, Inc., (ECS) PowerPay Program for the purpose of participating in the Emergency Demand Response program, and declaring the same to be an emergency.

14. Ordinance No. 5 - 2015 - 1st Reading - Finance and Property Committee

An ordinance authorizing the Director of Administration of the City of North Canton to request quotes for insurance, including, but not limited to, general liability, personal injury liability, automobile, building and contents, equipment floater, crime, boiler and machinery, and firemen's errors and omissions insurance according to specifications on file in the office of the Director of Administration, and for the Mayor to be authorized, through the Board of Control, to enter into a contract(s) for the policy/policies.

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

A resolution repealing North Canton Resolution 94 – 2014, which transferred from North Canton City Council to North Canton's Zoning and Building Standard Board of Appeals ("ZBOA") a November 7, 2014, appeal of North Canton's Planning Commission's approval of a conditional use permit for the expansion of the Hoover District's south parking lot, PC403-14CU, and declaring the same to be an emergency. A true and accurate copy of Resolution 94 – 2014 is attached hereto and is incorporated herein.

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

North Canton City Council Water, Sewer and Rubbish Committee

Ordinance No. 1 - 2015

An ordinance amending North Canton Ordinance 55-14 such that the authorized amount of funds drawn necessary for payment of the purchase and installation of a liner for Dogwood Swimming Pool is increased from \$240,000 to \$770,400, that the Mayor of the City of North Canton be authorized, through the Board of Control, to enter into an agreement on behalf of the City of North Canton for the purchase and installation of a swimming pool liner, repair and replacement of concrete decking, piping, and replacement of mechanical systems, and declaring the same to be an emergency. A true and accurate copy of Ordinance No. 55 – 2014 is attached hereto and incorporated herein.

WHEREAS, bids for the purchase of a replacement liner, repair and replacement of concrete decking, piping, and replacement of mechanical systems for Dogwood Swimming Pool were significantly higher than originally anticipated; and

WHEREAS, the City of North Canton is desirous of maintaining Dogwood Swimming Pool for the health, welfare, safety, and enjoyment of its residents and guests;

WHEREAS, the purchase and installation of a swimming pool liner, repair and replacement of concrete decking, piping, and replacement of mechanical systems are necessary to maintain Dogwood Swimming pool as a healthy and safe recreational environment for residents and guests.

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

- That North Canton Ordinance 55-14 be, and hereby is amended such Section 1. that the authorized amount of funds drawn necessary for payment of the purchase and installation of a liner for Dogwood Swimming Pool is increased from \$240,000 to \$770,400, that the Mayor of the City of North Canton be authorized, through the Board of Control, to enter into an agreement on behalf of the City of North Canton for the purchase and installation of a swimming pool liner, repair and replacement of concrete decking, piping, and replacement of mechanical systems, and declaring the same to be an emergency.
- That the Director of Finance of the City of North Canton, be, and is Section 2. hereby authorized to authorized to draw funds necessary for the payment of the above specified purchase from the following appropriation:

CAPITAL IMPROVEMENT FUND 330 330.308.5501 Facilities

(\$240,000) \$770,400

330.308.5501 Facilities

upon receipt of vouchers duly approved by the proper departmental authority.

- That if a provision of this ordinance is or becomes illegal, invalid, or Section 4. unenforceable, that it 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 North Canton and further necessary to timely award the purchase and installation contract so that the planning and design phase of the

project may begin with a minimum delay so that design and preconstruction phases may begin during permissible weather conditions, thereby reducing the amount of downtime for the swimming pool; 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.

Passed in Council this day of	, 2015		
	David Held, Mayor		
ATTEST:	SIGNED:	, 2015	
Mary Beth Bailey, Clerk of Council			

RECORD OF ORDINANCES

1	Dayton Legal Blank, Inc.					Form No. 30043
	Ordinance No	55 - 14	P	Passed	June 9	. 20 14
	5/20/14-gmk (Parks & Red					
			Ordinance No	o. 55-1	4	
	11		nd receive bid	ls for	the purchase	ation of the City of of a liner for the gency.
		AINED BY THE STARK, STATE		F THE	E CITY OF N	IORTH CANTON,
	Section 1.	is hereby autho	rized to adve w on file in the	ertise : e office	and receive I of the Directo	th Canton, be, and bids according to r of Administration ag Pool.
	Section 2.		d to authorized	to drav	w funds necess	Canton, be, and is ary for the payment opriation:
		330 CAPITAL I 330.308.5501	IMPROVEMEN Facilities	NT FUI	ND	\$240,000
. 		upon receipt of vauthority.	vouchers duly	appro	ved by the pro	oper departmental
	Section 4.	•	nat shall not af	fect the		s illegal, invalid or nforceability of any
	Section 5.	necessary for the City North Canton and receipt of bid of six (6) or more	e preservation n and further r ls; wherefore, p e members of and be in full f	of the necess provide Counc force ir	health, safety, sary for the timed and it receives to il elected there	nergency measure and peace of the nely advertisement he affirmative vote eto, this ordinance on its adoption by
	North Cantor Passed:	n, OH			MAY	Del Del De Cor
 !			•	SIG	NED: <u>6/</u>	09 , 2014
;	ATTEST: Cue Director	n & Gozer of Finance				

g:\2014 legislation\55-14 dogwood pool liner bids.docx

Published in THE REPOSITORY

DATES: MI QUOT 3. 2014

DATES: Seth Saint

North Canton City Council Street and Alley Committee

Ordinance No. 2 - 2015

An ordinance authorizing the Mayor of the City of North Canton, upon Board of Control approval, and on behalf of the City of North Canton, to enter into an agreement to participate in the Ohio Department of Transportation's (ODOT) cooperative purchasing program to contract for the purchase of sodium chloride (rock salt) for the 2015-2016 winter season.

WHEREAS, Section 5513.01(B) of the Revised Code provides the opportunity for the Ohio turnpike and infrastructure commission, any political subdivision, and any state university or college to participate in contracts with ODOT for the purchase of machinery, material, supplies, or other articles; and

WHEREAS, the City of North Canton is in need of rock salt for the 2015-2016 winter season.

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, upon Board of Control approval, and on behalf of the City of North Canton, to enter into an agreement to participate in the ODOT contract for the purchase of rock salt for the 2015-2016 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 Ohio Department of Transportation in which the City of North Canton participates.
- Section 4. That the City of North Canton shall 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 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 that 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 it shall not affect the validity or enforceability of any other provision of this ordinance.
- Section 6. That this ordinance shall take effect and be in full force from and after the earliest period allowed by law.

	Passed in Council this	_ day of		2015
		D	avid Held, Mayor	
ATTEST:		SI	GNED:	, 2015
Mary Beth Ba	iley, Clerk of Council			

North Canton City Council Street and Alley Committee

Ordinance No. 3 - 2015

An ordinance authorizing the vacation of a portion of Alley No. 4, being a 14-foot alley between lots 829 and 735, running east from the east line of McKinley Avenue SE, to the east line of said lots, located within the corporate limits of the City of North Canton.

WHEREAS, the parcel owners, pursuant to R.C. 713.02, initiated said vacation of a portion of Alley No. 4; and

WHEREAS, North Canton City Council, upon public hearing, is satisfied that there is a good cause for such vacation, that the portion vacated is no longer needed by North Canton, and that the vacation will not be detrimental to the general interest.

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

- Section 1. That said portion of Alley No. 4, being 14-foot alley between lots 829 and 735, running east from the east line of McKinley Avenue SE, to the east line of said lots, located within the corporate limits of the City of North Canton, be, and the same is hereby vacated.
- Section 2. That the vacation plat is on file in North Canton's Engineering Department, who shall record the vacation at the Stark County Recorder's Office upon the effective date 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.

Passed in Council this day of _		, 2015
	David Held, Mayor	-
	Signed:	, 2015
ATTEST:		
Mary Beth Bailey, Clerk of Council		

North Canton City Council Water, Sewer and Rubbish Committee

Ordinance No. 4 - 2015

An ordinance authorizing the Mayor of the City of North Canton to enter into a 5-year contract with Energy Curtailment Specialists, Inc., (ECS) PowerPay Program for the purpose of participating in the Emergency Demand Response program, and declaring the same to be an emergency.

WHEREAS, the City of North Canton is desirous of entering into an agreement that will compensate it for reducing its electrical demand during high demand periods; and

WHEREAS, such program will compensate the City of North Canton for periodically test its emergency backup systems.

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 5-year contract with ECS's PowerPay Program for the purpose of participating in the Emergency Demand Response program. The program will compensate the City of North Canton for the use of alternate generator power at the North Canton's Drinking Water Plant during such times when the electrical grid is experiencing high demand.
- Section 2. That the City of North Canton may, without penalty, decline to participate in the program.
- Section 3. That if a provision of this ordinance is or becomes illegal, invalid or unenforceable, that it 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 to ensure a continuous, potable water supply is available for residents and customers, and to timely participate in the 2015 calendar-year program; 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, I	Mayor
		Signed:	, 2015
ATTEST:			
Mary Beth Ba	ailey, Clerk of Council		



Signature: _

Signed by ECS: ____



_ Date: _

Сог	mpany Name:	(Hereinafter, "We" or "G	Our") Utility Name:
Util	lity Acct #(s):		
Ado	dress:	City:	Zip:
Сог	ntact Person;	Title:	
Tel	# Fax:	Email:	
for t prov	hereby enroil in Energy Curtailment Specialists, Inc. (ECS) PowerPay! Prog the Emergency Demand Response program. We will execute an addendum viding all of the information required for registration and event notification. It rual basis, we will execute an addendum to this agreement specifying the PJ	n if we wish to participate in the Economic and Sync Rese t is within our authority to curtail electricity usage at our fa	erves programs. We shall assist ECS by cilities. Prior to enrollment with PJM, on an
our We	the 2015/16 Emergency program, (which begins 6/1/2015), we agree to cur zone during the Obligation Period (June 1 to September 30). We agree to b can be called for a maximum of 10-events at a maximum duration of 6-hour ed, we shall respond to a 1-hour test.	begin curtailing at the time told to us by ECS which may b	e within 30 minutes of an event call by PJM.
Pay	ments:		
(A.)	Capacity Payment Rate: We will be paid as follows for our reduction: We we December 31st and prior to June 30th of the following calendar year.	will receive 70% of the PJM weighted clearing price for ou	r zone. Payments are made twice, prior to
(B.)	Energy Payment Rate: We will additionally receive \$0.70 per kWh as an er payments are paid prior to June 30th of the following calendar year.	nergy payment associated with our reduction, capped at	70% of any payments received. Energy
Gen	neral Terms:		
(1.)	We will not be subject to out-of-pocket financial penalties by participating in	n this program, even if we fail to reduce electricity when o	alled.
(2.)	If necessary, ECS will install an interval meter at no cost to us. We underst wishes to recover its meter if we no longer have an agreement with ECS.	·	cooperate with ECS in the event that ECS
(3.)	Payments are based on our Capacity Payment Rate (above) multiplied by	our expected reduction multiplied by our performance, wi	nere:
	a. "Expected reduction" is the expected kW reduction ECS assigns based to reassess our expected reduction on an annual basis and maintains sole dis		notify us of the expected reduction, ECS shall
	b. "Performance" is measured according to the applicable PJM Program rul over all called Event hours during the season. If no event is called, our pay		
(4.)	Our participation and payments are contingent upon successful registration	n confirmed by PJM and the actual sale of our capacity in	a PJM auction.
(5.)	If we use a generator to provide all or part of our expected reduction, we re as a demand response resource in the enrolled program(s) and shall opera permits during the term of this contract and shall promptly notify ECS if this	ate the generator in accordance with the permits during a	PJM grid emergency. We shall maintain the
(6.)	In order to streamline the registration of our account(s) with PJM, we authorization to allow our utility to release required information to ECS and		
(7.)	This agreement will be effective as of the date we sign this Agreement. We Term, to ensure continuous enrollment, this Agreement shall automatically the beginning of the upcoming Obligation Period. ECS has a right of first re this Agreement or renewal period. ECS shall determine in its discretion if we that we determine that we are unable to participate in a program, ECS will	renew under the same terms and conditions, unless we efusal to match any other offers for Demand Response by we qualify for a PJM program and whether we will be regis	notify ECS in writing by February 1st prior to another provider at the end of the Term of stered in the applicable program. In the event

North Canton City Council Finance and Property Committee

Ordinance No. 5 - 2015

An ordinance authorizing the Director of Administration of the City of North Canton to request quotes for insurance, including, but not limited to, general liability, personal injury liability, automobile, building and contents, equipment floater, crime, boiler and machinery, and firemen's errors and omissions insurance according to specifications on file in the office of the Director of Administration, and for the Mayor to be authorized, through the Board of Control, to enter into a contract(s) for the policy/policies.

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 Director of Administration of the City of North Canton, be, and is hereby authorized to request quotes for insurance including, but not limited to, general liability, personal injury liability, automobile, building and contents, equipment floater, crime, boiler and machinery, and firemen's errors and omissions insurance according to specifications on file in the office of the Director of Administration. Section 2. That the Mayor of the City of North Canton, through the Board of Control, be, and is hereby authorized to enter into a contract(s) for the policy/policies. That the Director of Finance of the City of North Canton, be, and is hereby Section 3. authorized to draw funds necessary for the payment of the above specified contract(s), upon receipt of vouchers duly approved by the proper departmental authority, from appropriations applicable hereto. That if a provision of this ordinance is or becomes illegal, invalid, or Section 4. unenforceable, that it shall not affect the validity or enforceability of any other provision of this ordinance. That this ordinance shall take effect and be in force from and after the earliest Section 5. period allowed by law. Passed in Council this _____ day of _____, 2015 David Held, Mayor SIGNED: _____, 2015

Mary Beth Bailey, Clerk of Council

ATTEST:

North Canton City Council Community and Economic Development Committee

Resolution No. 1 - 2015

A resolution repealing North Canton Resolution 94 - 2014, which transferred from North Canton City Council to North Canton's Zoning and Building Standard Board of Appeals ("ZBOA") a November 7, 2014, appeal of North Canton's Planning Commission's approval of a conditional use permit for the expansion of the Hoover District's south parking lot, PC403-14CU, and declaring the same to be an emergency. A true and accurate copy of Resolution 94 – 2014 is attached hereto and is incorporated herein.

WHEREAS, the initiator of the above-described appeal requests that North Canton City Council hear and decide the appeal; and

WHEREAS, North Canton City Council possesses the legal authority to hear and decide such appeal.

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

- That North Canton City Council possesses the authority to hear and Section 1. decide an appeal of North Canton's Planning Commission's approval of a conditional use permit for the expansion of the Hoover District's south parking lot, PC403-14CU.
- Section 2. That City Council hereby repeals North Canton Resolution 94 – 2014, which transferred the abovementioned appeal to the ZBOA for it to hear and decide the 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.
- That this resolution is hereby declared to be an emergency measure Section 4. necessary for the preservation of the health, safety, and peace of the City of North Canton and further necessary to timely hear an appeal regarding a major construction project that has been stayed pending the decision of the appeal; wherefore, provided it receives the affirmative vote of six or more members of Council elected thereto, this resolution 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	
ATTEST:	SIGNED:	, 2015
Mary Beth Bailey, Clerk of Council		

North Canton City Council Personnel and Safety Committee

Resolution No. 94 – 2014

A resolution transferring from North Canton City Council to North Canton's Zoning and Building Standard Board of Appeals ("ZBOA") a November 7, 2014, appeal of North Canton's Planning Commission's approval of a conditional use permit for the expansion of the Hoover District's south parking lot, PC403-14CU, and declaring the same to be an emergency.

WHEREAS, the City of North Canton's charter provides that it is the duty of the ZBOA to hear and decide appeals regarding, amongst other things, decisions of administrative agencies governing building and zoning within the municipality, and such other duties that Council may designate; and

WHEREAS, the Planning Commission is a City of North Canton administrative agency governing building and zoning within the municipality; and

WHEREAS, Council has determined that the ZBOA is the most appropriate agency to hear and decide the aforementioned appeal;

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

- Section 1. That it is the duty of the ZBOA to hear and decide appeals regarding decisions of administrative agencies governing building and zoning within the municipality, and such other duties that Council may designate.
- Section 2. That the Planning Commission is an administrative agency governing building and zoning within the municipality.
- Section 3. That the ZBOA is North Canton's most appropriate agency to hear the appeal of the Planning Commission's approval of a conditional use permit for the expansion of the Hoover District's south parking lot, PC403-14CU.
- Section 4. That City Council hereby transfers the abovementioned appeal to the ZBOA for it to hear and decide the appeal.
- Section 5. That because the appeal was timely filed with the City, the ZBOA shall consider the appeal as timely filed.
- Section 6. That the ZBOA shall set a schedule for a hearing on the matter allowing for proper notice of the proceedings.
- Section 7. 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 8. That this resolution 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 timely hear an appeal regarding a major construction project that has been stayed pending the decision of the appeal; wherefore, provided it receives the affirmative vote of six or more members of Council elected thereto, this resolution 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.

the earliest period allowed by law.	
Passed by Council this day of	2), 2014D.
	David Held, Mayor
ATTEST: Del Dail	Signed: / 2/0/, 2014
I MANAGETH DUM	Published in THE REPOSITORY

DATES: