

NOTICE OF NORTH CANTON CITY COUNCIL MEETING
Monday, March 9, 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: February 23, 2015 and March 2, 2015
Council Meeting Minutes: February 23, 2015
Finance Statement – January 2015 Month End Report
Transfer of liquor license from Sally Morse Dale Foundation DBA Fieldcrest of North Canton 1346-54 Easthill St SE North Canton, Ohio 44720 to Fieldcrest LTD DBA Fieldcrest Estate 1346-54 Easthill St SE North Canton, Ohio 44720 to

6. Mayor Held will present a recognition award to Patrolman Phil Taylor for being named 2014 Stark County Community Officer of the Year.
7. Recognition of Visitors
8. PathMaster Incorporated will address concerns regarding the traffic signal timing issue
9. Old Business:
10. **Ordinance No. 14 - 2015 – 2nd 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.

11. **Resolution No. 2 - 2015 – 2nd 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.

12. New Business:

13. **Ordinance No. 15 - 2015 – 1st 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.

14. Ordinance No. 16 - 2015 – 1st 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.

15. Ordinance No. 17 - 2015 – 1st 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.

16. Ordinance No. 18 - 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") (Patrolmen), and declaring the same to be an emergency.

17. Ordinance No. 19 - 2015 – 1st Reading – Finance and Property Committee

An ordinance authorizing the Mayor of the City of North Canton to apply for, accept, and utilize a NatureWorks financial grant, through the Ohio Department of Natural Resources, for improvements to the Dogwood Swimming Pool Facility, and declaring the same to be an emergency.

18. Ordinance No. 20 – 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 two marked Police Department Cruisers, from a vender or, in the alternative, pursuant to the Ohio Cooperative Purchase Act, and declaring the same to be an emergency.

19. Ordinance No. 21 – 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 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.

20. 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		

21. Reports:

Director of Law
Mayor

Director of Finance
City Engineer

Director of Administration
Clerk of Council

22. Final Call for New Business

23. Adjourn

Mary Beth Bailey
Clerk of Council

North Canton City Council
Ordinance, Rules and Claims Committee

Ordinance No. 15 – 2015

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.

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

Section 1. That TITLE THREE – Legislation, of the Codified Ordinances of the City of North Canton, specifically CHAPTER 111 – COUNCIL, be and the same is hereby amended to read as follows:

CHAPTER 111 – COUNCIL

111.02 COUNCIL STRUCTURE.

(a) As provided in the Charter, Council is composed of four ward and three at-large council members. The President of Council and Vice President of Council are elected from all Council members.

(b) The President of Council shall: preside over Council meetings and public hearings and therein preserve order and decorum; shall confine debate to the question under discussion; shall decide all points of order; and shall assign seats at the Council dais.

(c) Within the Charter's limits, the President of Council shall supervise the Director of Law, Director of Finance, and Clerk of Council.

(d) As provided by the Charter, Council member vacancies shall be filled as follows:

- (1) A vacant at-large council member position may be filled by a ward council member or any person who meets the qualifications set out in the Charter.
- (2) A vacant ward council member position must be filled by person residing in that ward.
- (3) Within the Charter's limits, the President of Council shall have the power to set the entire schedule for Council vacancy applications and voting.
- (4) Nominations to fill a Council vacancy shall be made from the floor of Council.
- (5) The Council vacancy shall be filled by the individual receiving a majority of roll call votes from Council members.

Section 2. That a true and accurate copy of 111.02 is attached hereto and incorporated herein.

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 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

ATTEST:

SIGNED: _____, 2015

Mary Beth Bailey, Clerk of Council

- (c) The starting time of a Council meeting or a public hearing may be set by motion of Council.
- (d) Special Council meetings may be called as provided by the Charter of the Municipality of North Canton, Ohio ("Charter").
- (e) Pursuant to the Charter, the Clerk of Council ("Clerk") shall keep a complete and accurate journal of all Council proceedings, which shall be authenticated by the Clerk's signature.
- (f) Council shall meet as a Committee of the Whole on the first, third, and the fifth Monday, as applicable, of each month at 7:00 p.m. in Council chambers, located in City Hall, 145 North Main Street, with the exception of the months of July and August when the Committee of the Whole shall meet on the first Monday in July and the third Monday in August.
- (g) The date and/or time of a Council or Committee of the Whole meeting may be changed or cancelled by a favorable vote of the majority of those members present at a prior Council or Committee of the Whole meeting, or upon the written request of four members of Council.
- (h) All Council and Committee of the Whole meetings, with the exception of executive sessions, shall be recorded.
- (i) All Council meetings that have been recorded shall be transcribed verbatim. Upon the committee chairperson's request and the President of Council's concurrence, a recorded Committee of the Whole meeting shall be transcribed verbatim.
(Ord. 33-13. Passed 5-28-13.)

111.02 COUNCIL STRUCTURE.

- (a) As provided in the Charter, Council is composed of four ward and three at large council members. The President of Council and Vice President of Council are elected from all Council members.
- (b) The President of Council shall assign seats at the Council dais.
- (c) As provided by the Charter, Council member vacancies shall be filled as follows:
 - (1) A vacant at large council member position may be filled by a ward council member or any person who meets the qualifications set out in the Charter.
 - (2) A vacant ward council member position must be filled by a person residing in that ward.
 - (3) Within the Charter's limits, the President of Council shall have the power to set the entire schedule for Council vacancy applications and voting.
 - (4) The President of Council shall file with the Clerk a time limit for Council vacancy applications.
 - (5) Nominations to fill a Council vacancy shall be made from the floor of Council.
 - (6) The Council vacancy shall be filled by the individual receiving a majority of roll call votes from Council members.
(Ord. 33-13. Passed 5-28-13.)

North Canton City Council
Ordinance, Rules and Claims Committee

Ordinance No. 16 – 2015

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.

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

Section 1. That TITLE FIVE – Administration, of the Codified Ordinances of the City of North Canton, specifically CHAPTER 1171 – ADMINISTRATIVE POWERS AND DUTIES, be and the same is hereby amended to read as follows:

1171.05 CITY COUNCIL.

For the purposes of this Ordinance, the City Council shall have the following powers and duties:

- (a) Initiate or act upon proposed amendments to this Zoning Ordinance.
- (b) Establish by ordinance a schedule of fees.
- (c) To seek appellate review of determinations made by the Planning Commission or Zoning and Building Standards Board of Zoning Appeals.

Section 2. That a true and accurate copy of Section 1171.05 is attached hereto and incorporated herein.

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 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

ATTEST:

SIGNED: _____, 2015

Mary Beth Bailey, Clerk of Council

North Canton City Council
Ordinance, Rules and Claims Committee

Ordinance No. 17 – 2015

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.

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

- Section 1. That TITLE FIVE – Administration, of the Codified Ordinances of the City of North Canton, specifically CHAPTER 1177 – CONDITIONAL USE PERMITS AND SIMILAR USES, be and the same is hereby deleted Section 1177.11 APPEAL TO CITY COUNCIL.
- Section 2. 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 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

ATTEST:

SIGNED: _____, 2015

Mary Beth Bailey, Clerk of Council

- (c) Action by Planning Commission. The Planning Commission shall, within 10 days after its hearing, forward a recommendation to City Council. The Planning Commission shall recommend that Council approve, approve with modifications or deny the application for a similar use determination and provide the reasons for their decision. (Ord. 34-13. Passed 6-10-13.)

1177.10 ACTION BY CITY COUNCIL.

Council shall, at a regular meeting, take action on the Planning Commission's recommendation.

- (a) Council shall either:
- (1) Adopt the recommendation of the Planning Commission; or
 - (2) Deny the recommendation of the Planning Commission; or
 - (3) Adopt some modification thereof.
- (b) Required vote for adoption or rejection:
- (1) When City Council confirms the recommendation of the Planning Commission, the recommendation shall be adopted when approved by a majority vote of Council members.
 - (2) When City Council rejects the recommendation of the Planning Commission, the recommendation shall be overruled by not less than six votes of Council members.
- (c) If Council approves a similar use, then the similar use shall be added to those districts that allow the principal or conditional use that is most similar, as identified in Council's action. (Ord. 34-13. Passed 6-10-13.)

1177.11 APPEAL TO CITY COUNCIL.

Any person who is adversely affected by a decision made by the Planning Commission according to the procedures set forth in this Chapter may appeal such decision to Council within 30 days of the Planning Commission's decision. Council shall establish appropriate rules and procedures to hear and decide such appeals. (Ord. 34-13. Passed 6-10-13.)

North Canton City Council
Personnel and Safety Committee

Ordinance No. 18 - 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") (Patrolmen), and declaring the same to be an emergency.

WHEREAS, the Mayor of the City of North Canton and the exclusive representatives for the OPBA (Patrolmen) 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-03-045; 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 (Patrolmen), effective January 1, 2015 through December 31, 2017, State Ohio Employment Relations Board case number 2014-MED-03-04, 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

ATTEST:

SIGNED: _____, 2015

Mary Beth Bailey, Clerk of Council

North Canton City Council
Finance and Property Committee

Ordinance No. 19 - 2015

An ordinance authorizing the Mayor of the City of North Canton to apply for, accept, and utilize a NatureWorks financial grant, through the Ohio Department of Natural Resources, for improvements to the Dogwood Swimming Pool Facility, and declaring the same to be an emergency.

WHEREAS, the City of North Canton will apply for a NatureWorks financial grant with the purpose of offsetting improvement costs to the Dogwood Swimming Pool Facility; and

WHEREAS, the NatureWorks grant program provides up to 75% reimbursement assistance for municipalities, such as the City of North Canton, for the acquisition, development, and rehabilitation of recreational areas.

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 apply for, accept, and utilize a NatureWorks financial grant, through the Ohio Department of Resources, for improvements to the Dogwood Swimming Pool Facility.
- 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 application, acceptance and utilization of the grant monies for the improvements to the Dogwood Swimming Pool Facility, which provides valuable and necessary health and recreational activities to 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
Finance and Property Committee

Ordinance No. 20 - 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 two marked Police Department Cruisers 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 two marked Cruisers; 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 two marked Cruisers.

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, and pursuant to the Ohio Cooperative Purchase Act, be, and is hereby authorized to enter into an agreement for the purchase of two marked Cruisers at a cost not to exceed \$60,000.

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	
330.101.5500	Equipment	\$60,000

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 two marked cruisers and to ensure continued efficient operation of the Police 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. 21 - 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 authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a contract to replace the siding on North Canton's Service Center at a total cost not to exceed \$185,000.

WHEREAS, North Canton Service Center is in need of siding replacement;
and

WHEREAS, the City desires to enter into a contract to have its Service Center's siding removed and replaced.

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 advertise and receive bids, according to specifications now on file in the office of the Director of Administration, to have the City's Service Center's siding removed and replaced.

Section 2. That pursuant to Section 1 above, the Mayor of City of North Canton, through the Board of Control, be, and is hereby authorized to enter into a contract to have the Service Center's siding removed and replaced at a total cost not to exceed \$185,000.

Section 3. 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 appropriation:

330	CAPITAL IMPROVEMENT FUND	
330.309.5501	Facilities	\$185,000

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

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 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