

NOTICE OF NORTH CANTON CITY COUNCIL MEETING
Monday, September 28, 2015, 7:00 p.m., City Hall
Agenda

1. Call to Order
2. Opening Prayer – Reverend Jay Clarke, St. Paul Roman Catholic Church
3. Pledge of Allegiance
4. Roll Call
5. Consideration:

Council Meeting Minutes: September 14, 2015
Special Committee of the Whole Minutes: September 16, 2015
Committee of the Whole Minutes: September 21, 2015
6. Presentation given by Bob McNutt of CT Consultants regarding the Fixed Base Water Meter Project
7. Recognition of Visitors
8. New Business:
9. **Ordinance No. 54 - 2015 – 1st Reading – Community & Economic Development Committee**

An ordinance authorizing the Mayor of the City of North Canton to take all necessary actions to exchange portions of certain parcels of real estate with Michael Shuster.
10. **Ordinance No. 55 - 2015 – 1st Reading – Water, Sewer and Rubbish Committee**

An ordinance authorizing the waterline extension for St. James Place No. 13, located in part of the S.E. Quarter of Section 32, Lake Township, Range 8, Stark County, Ohio, in accordance with plans and specifications approved by the North Canton City Engineer, and accepting any necessary easements associated with said waterline extension, and declaring the same to be an emergency.
11. **Ordinance No. 56 - 2015 – 1st Reading – Water, Sewer and Rubbish Committee**

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into an amended agreement, by and between the city, and the Akron-Canton Regional Airport Authority (“Airport”) requiring the Airport to make payment to the City in the amount of \$23,537 for certain improvements to the City’s water system to provide adequate flow and pressure to the Airport, and repealing Ordinance No. 36 – 2006, which authorized the previous amended agreement, and repealing any and all legislation inconsistent herewith, and declaring the same to be an emergency.
12. **Ordinance No. 57 - 2015 – 1st Reading – Finance and Property Committee**

An ordinance authorizing the supplemental appropriation of funds of the City of North Canton, Ohio, to be appropriated from the unappropriated resources of the Permit Fee Fund to the State Building Permit Fees Account in the amount of \$3,000.00 for the current expenses during the fiscal year ending December 31, 2015.

13. Ordinance No. 58 - 2015 – 1st Reading – Finance and Property Committee

An ordinance authorizing the Mayor of the City of North Canton to accept and utilize funds donated by the North Canton Lions Club for the purchase of 60 trees to be planted throughout the City, and declaring the same to be an emergency.

14. Ordinance No. 59 - 2015 – 1st Reading – Finance and Property Committee

An ordinance authorizing the Mayor of the City of North Canton, Ohio, to enter into a settlement agreement between the City and Zablo & Sons Building Corporation regarding a dispute over the foundation and construction of a proposed building located at 840 Easthill Street SE, North Canton, which caused the City to issue a notice of violation and file a complaint in the Canton Municipal Court, case number 2015CRB01881.

15. Old Business:

16. Ordinance No. 46 - 2015 – 2nd Reading – Water, Sewer and Rubbish Committee

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids according to specifications now on file in the Director's office, and authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a contract for the Fixed Base Water Meter Project, at a total cost not to exceed \$1,074,000.

17. 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		

18. Reports:

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

19. Upon a motion and majority vote the meeting will be moved into executive session for the purpose of conferring with the City Law Director concerning disputes involving the City that are the subject of pending or imminent court action. The executive session will not be open to the public.

20. Final Call for New Business

21. Adjourn

North Canton City Council
Community and Economic Development Committee

Ordinance No. 54 - 2015

An ordinance authorizing the Mayor of the City of North Canton to take all necessary actions to exchange portions of certain parcels of real estate with Michael Shuster.

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 take all necessary actions to exchange portions of certain parcels of real estate with Michael Shuster.
- Section 2. That a portion of said parcel consisting of approximately 0.48 acres owned by the City of North Canton, parcel number 9480024, be exchanged in return for portion of a parcel consisting of approximately 0.48 acres by Michael Shuster, parcel number 10006117, as depicted in Exhibit A, which is incorporated herein.
- Section 3. That this exchange of real estate will adjust the property lines resulting in more usable square footage and resolve certain easement issues, to the mutual benefit of both owners, which demonstrates that there is good cause for the exchange, that the transferred land is no longer needed by City, and that the exchange will not be detrimental to the City's general interest.
- Section 4. That all costs associated with this exchange shall be the responsibility of Michael Shuster.
- Section 5: That the City hold a public meeting regarding this matter on Monday, October 12, 2015 and provide notice to all residents located within 200 feet of the subject parcels.
- 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


David Held, Mayor

Signed: _____, 2015

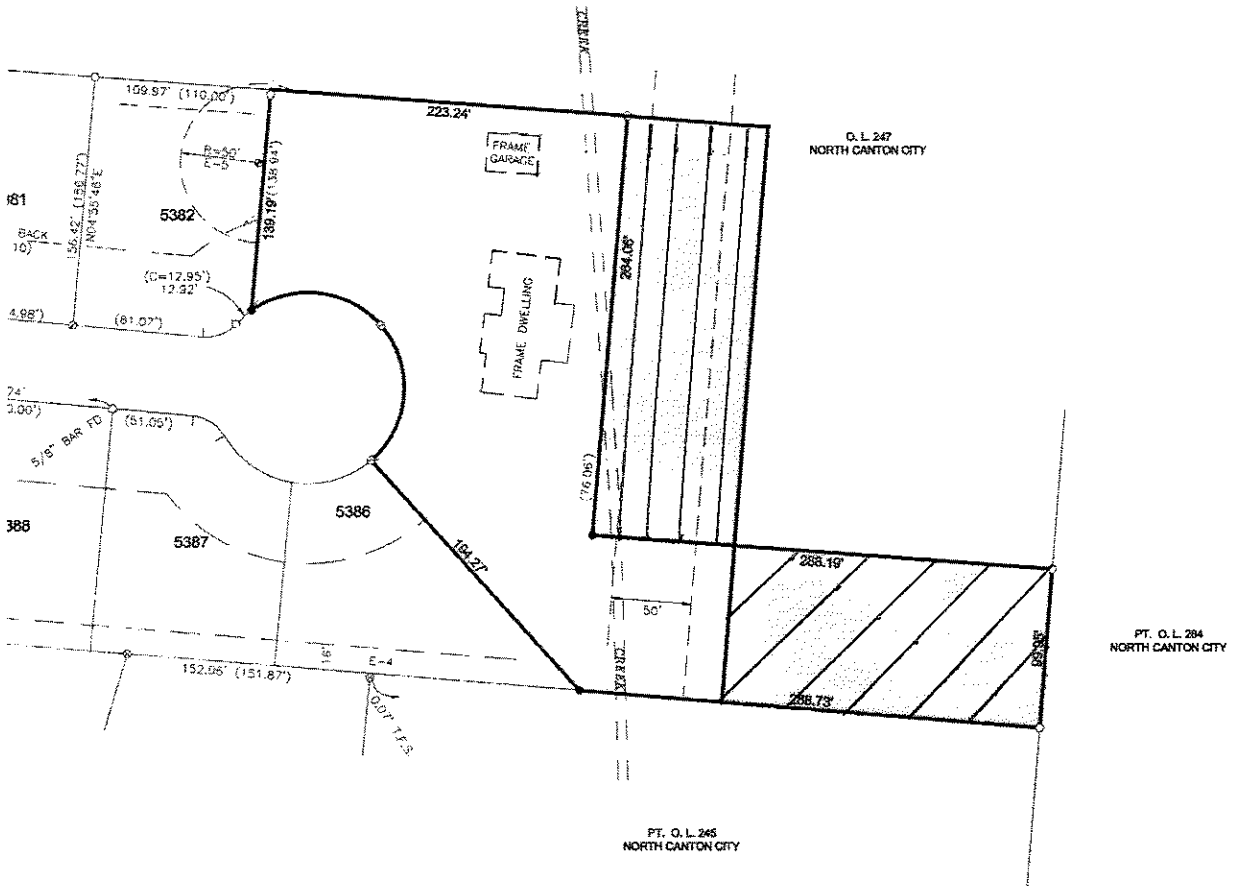
ATTEST:

Mary Beth Bailey, Clerk of Council

Exhibit A

Shuster's Exchange: 0.48 acres 

North Canton Exchanges: 0.48 acres 



North Canton City Council
Water, Sewer and Rubbish Committee

Ordinance No. 55 - 2015

An ordinance authorizing the waterline extension for St. James Place No. 13, located in part of the S.E. Quarter of Section 32, Lake Township, Range 8, Stark County, Ohio, in accordance with plans and specifications approved by the North Canton City Engineer, and accepting any necessary easements associated with said waterline extension, and declaring the same to be an emergency.

WHEREAS, St. James Place No. 13 requires a waterline extension; 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 extend a waterline to St. James Place No. 13, located in part of the S.E. Quarter of Section 32, Lake Township, Range 8, Stark County, Ohio, in accordance with plans and specifications approved by the North Canton City Engineer, and accepting any necessary easements associated with said waterline extension.
- Section 2. That payment of the full cost of said waterline extension shall be the responsibility of the applicant-developer.
- Section 3. That pursuant to Section 925.01 of the Codified Ordinances, Council hereby authorized the extension of the aforementioned waterline located outside the corporate limits of the City of North Canton.
- Section 4. That said waterline extension shall be pursuant to Section 935.08, Nonresident's Use of Water or Sanitary Sewer Service agreement of the Codified Ordinances of the City of North Canton.
- Section 5. 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 cost upon receipt of vouchers duly approved by the proper department authority from appropriations applicable thereto.
- Section 6. 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 approval so that the City may continue to provide potable water to its residents and complete the extension during favorable weather conditions; 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
Water, Sewer and Rubbish Committee

Ordinance No. 56 – 2015

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into an amended agreement, by and between the city, and the Akron-Canton Regional Airport Authority (“Airport”) requiring the Airport to make payment to the City in the amount of \$23,537 for certain improvements to the City’s water system to provide adequate flow and pressure to the Airport, and repealing Ordinance No. 36 – 2006, which authorized the previous amended agreement, and repealing any and all legislation inconsistent herewith, and declaring the same to be an emergency. .

WHEREAS, the Airport water system requires certain upgrades; and

WHEREAS, the City desires to enter into an amended agreement for the Airport Water System Improvement Project.

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 amended agreement by and between the city, and the Airport which require the Airport to make payment to the City in the amount of \$23,537 in 2016, certain improvements to the City’s water system, to provide adequate flow and pressure to the Airport.
- Section 2. That Ordinance No. 36 – 2006 and any and all legislation inconsistent herewith, be, and the same is hereby repealed.
- Section 3. That a copy of said agreement is attached hereto.
- 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 approval of the amended agreement so work may begin on the upgrades that are required to the Airport’s water system; 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

**AMENDED AGREEMENT
AKRON-CANTON AIRPORT WATER SERVICE**

This Agreement is made and entered into this ____ day of _____, 2015 by and between the Akron-Canton Regional Airport Authority, with offices located at 5400 Lauby Road #9, North Canton, Ohio 44720, duly authorized by a resolution adopted on the ____ day of _____, 2015; hereinafter referred to as the **AIRPORT** and the City of North Canton, Ohio, a municipal corporation, organized and existing under the laws of the State of Ohio, hereinafter referred to as the **CITY**, duly authorized by Ordinance No. _____, passed by its Council on the ____ day of _____, 2015. This agreement supersedes previous agreement dated May 17, 2006.

WHEREAS, the **AIRPORT** currently utilizes a well system to furnish potable water for the **AIRPORT** facilities and certain lessees; and

WHEREAS, the **AIRPORT** wishes to abandon its current well system and connect to the **CITY'S** water system; and

WHEREAS, the **CITY** wishes to provide water service to the **AIRPORT** and its certain lessees; and

WHEREAS, it is in the best interest of the **AIRPORT** and the **CITY** to connect the **AIRPORT** facilities and its certain lessees to the **CITY'S** water system.

NOW, THEREFORE, in consideration of the covenants and agreement contained herein, the sufficiency of which is hereby acknowledged, it is mutually agreed by and between the parties as follows:

1. The **AIRPORT** shall construct a waterline to serve the **AIRPORT** and its lessees in accordance with **CITY** requirements. As indicated on attached waterline map MP-101, it is noted that some of the waterline currently exists.

2. The **AIRPORT** shall provide for the connections of the **AIRPORT** facilities and its lessees with approved valving, piping, meters, etc.
3. The **AIRPORT** shall dedicate the water mains and necessary easements to the **CITY**. The **AIRPORT** retains the right to relocate the water mains at their expense, with the approval of the **CITY**.
4. The **AIRPORT** will contract with a licensed plumber to install the new backflow preventers and meters.
5. The **AIRPORT** shall replace existing hydrants with new hydrants, in accordance with the City standards, and locate any additional hydrants as required by Green Fire Department.
6. The **AIRPORT** shall provide new isolation shutoff valves at each existing service lateral to individual buildings at the connection to the main, which is to become the City Waterline (if the valves do not already exist). These valves will allow the City to turn off service to individual customers.
7. The **AIRPORT** shall complete Phase II (as indicated on waterline map Amended MP-101) and connect the Airport facilities and its lessees, in accordance with items 1, 2, 3, 4, 5 and 6 above by December 31, 2015.
8. The **CITY** shall provide water service to the **AIRPORT** and its lessees.
9. The **CITY** shall make improvements to its water system by December 31, 2015, to provide the **AIRPORT** with adequate flows, pressures and redundancy.
10. The **CITY** shall provide site inspections of the waterline installation during construction; these are supplemental to the owner/engineer inspections.
11. The **CITY** shall provide review of the construction plans during two (2) phases of design and provide comments to be incorporated into the construction set.
12. The **CITY** shall provide all associated items necessary for remote read of new water meters, if required.
13. The **CITY**'s plumbing inspectors and the Engineer/Architect for the Airport will visit each building to be served from the proposed City line to determine the modifications required for each building to meet the City's service connection requirements.
14. **CITY** inspectors will inspect any modifications to individual services to ensure that the City's requirements are met.

15. The **CITY** will provide water meters at the inside city rates (currently, \$650 for a 2" meter and \$205 for a 1" meter).
16. The **CITY** will not charge the Airport of the Airport's contractors any inspection, review, or "tap-in" fees.
17. The **AIRPORT** will pay the **CITY** \$23,537 in 2016 for the **CITY'S** improvements noted above.

IN WITNESS WHEREOF, we have hereunto set our hands to this instrument this _____ day of _____, 2015.

WITNESSES:

THE CITY OF NORTH CANTON

Mayor

WITNESSES:

AKRON-CANTON REGIONAL AIRPORT AUTHORITY

Secretary-Treasurer

Approved as to legal form and sufficiency:

By: _____
City of North Canton Law Director

North Canton City Council
Finance and Property Committee

Ordinance No. 57 – 2015

An ordinance authorizing the supplemental appropriation of funds of the City of North Canton, Ohio, to be appropriated from the unappropriated resources of the Permit Fee Fund to the State Building Permit Fees Account in the amount of \$3,000.00 for the current expenses during the fiscal year ending December 31, 2015.

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

Section 1. To provide for the current expenses and other expenditures of the City of North Canton, Ohio, during the fiscal year ending December 31, 2015, the following funds, be, and are hereby set aside and appropriated as follows:

Appropriate From:

The unappropriated resources of the Permit Fee Fund \$3,000.00

Appropriate To:

871 PERMIT FEE FUND
871.627.5200 State Building Permit Fees \$3,000.00

Section 2. That the Director of Finance of the City of North Canton, be, and is hereby authorized to issue warrants from appropriations established herein for the payment 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 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
Finance and Property Committee

Ordinance No. 58 - 2015

An ordinance authorizing the Mayor of the City of North Canton to accept and utilize funds donated by the North Canton Lions Club for the purchase of 60 trees to be planted throughout the City, and declaring the same to be an emergency.

WHEREAS, the North Canton Lions Club has generously donated funds to the City of North Canton for the purpose of purchasing of 60 trees to be planted throughout 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 the Mayor of the City of North Canton, be, and is hereby authorized to accept and utilize the funds donated by the North Canton Lions Club for the purchase of 60 trees to be planted throughout the City.
- 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 purchase of 60 trees to be planted throughout the City upon receipt of vouchers duly approved by the proper departmental authority, from appropriations applicable hereto.
- 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 in order for the City to purchase and plant the trees before the end of the summer season; 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

Signed: _____, 2015

ATTEST:

Mary Beth Bailey, Clerk of Council

North Canton City Council
Finance and Property Committee

Ordinance No. 59 - 2015

An ordinance authorizing the Mayor of the City of North Canton, Ohio, to enter into a settlement agreement between the City and Zablo & Sons Building Corporation regarding a dispute over the foundation and construction of a proposed building located at 840 Easthill Street SE, North Canton, which caused the City to issue a notice of violation and file a complaint in the Canton Municipal Court, case number 2015CRB01881.

WHEREAS, the parties hereto desire to resolve the underlying dispute that led to the a notice of violation and the filing of the above-described complaint; 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.

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, be, and is hereby authorized to enter into a settlement agreement between the City of North Canton and Zablo & Sons Building Corporation regarding a dispute over the foundation and construction of a proposed building located at 840 Easthill Street SE, which caused the City to issue a notice of violation and file a complaint in the Canton Municipal Court, case number 2015CRB01881.
- Section 2. That a copy of the tentative agreement is attached hereto and is incorporated herein.
- 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 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