

**North Canton City Council Notice  
Committee of the Whole Agenda  
Monday, September 19, 2016**

North Canton City Council will meet as a Committee of the Whole **Monday, September 19, 2016 at 7:00 p.m.** in Council chamber at North Canton City Hall.

Items to be discussed.

1. Community and Economic Development Committee

Chairperson: Marcia Kiesling  
Vice Chairperson: Mark Cerreta  
Doug Foltz  
Dominic Fonte  
Dan Griffith  
Daniel Peters  
Stephanie Werren

Continuing discussion of Ordinance No. 52 – 2016, the Community Reinvestment Area.

2. Ordinance, Rules and Claims Committee

Chairperson: Stephanie Werren  
Vice Chairperson: Doug Foltz  
Mark Cerreta  
Dominic Fonte  
Dan Griffith  
Marcia Kiesling  
Daniel Peters

(a) An ordinance to approve and adopt current replacement pages to the Codified Ordinances, and declaring the same to be an emergency.

(b) A resolution, pursuant to North Canton Codified Ordinance 1181.04, recommending the amendment of CHAPTER 1177 – CONDITIONAL USE PERMITS AND SIMILAR USES, of the City's Planning and Zoning Code.

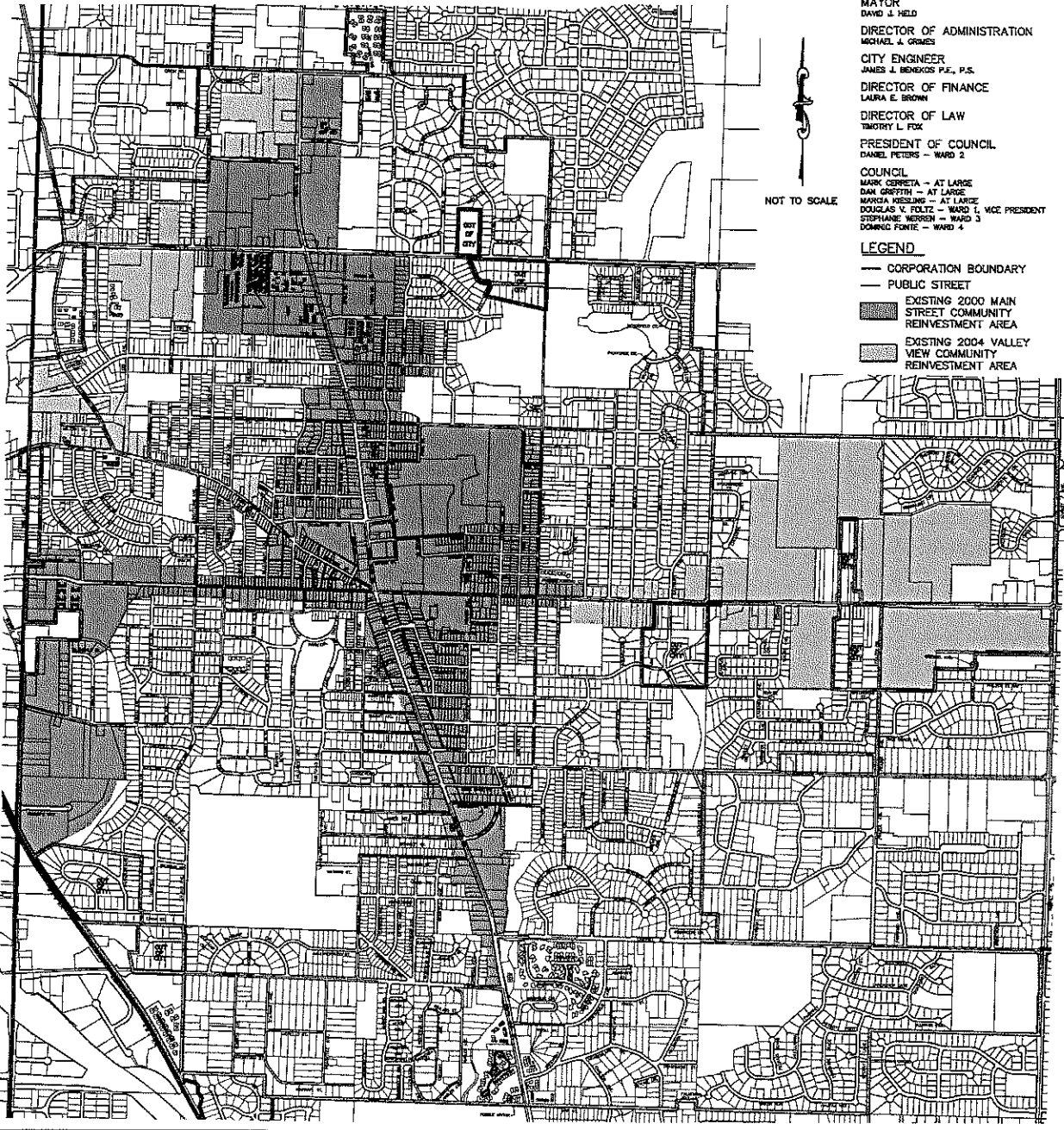
3. Personnel and Safety Committee

Chairperson: Daniel Peters  
Vice Chairperson: Dominic Fonte  
Mark Cerreta  
Doug Foltz  
Dan Griffith  
Marcia Kiesling  
Stephanie Werren

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, in accordance with North Canton Ordinance No. 54 – 2016, to include the position of Plans Examiner previously omitted and to add the duties of the Chief Building Officer to said position, and declaring the same to be an emergency.

4. Adjourn.

# CITY OF NORTH CANTON COMMUNITY REINVESTMENT AREA



MAYOR  
DAVID J. HELD

DIRECTOR OF ADMINISTRATION  
MICHAEL J. GRAMES

CITY ENGINEER  
JAMES J. BENEKOS P.E., P.S.

DIRECTOR OF FINANCE  
LAURA E. BROWN

DIRECTOR OF LAW  
TIMOTHY L. FOX

PRESIDENT OF COUNCIL  
DANIEL PETERS - WARD 2

COUNCIL  
MARK CERRETA - AT LARGE  
DAN GRIFFIN - AT LARGE  
MARCEA KESSELMAN - AT LARGE  
DOUGLAS V. FOLTZ - WARD 1, VICE PRESIDENT  
STEPHANIE NEPSEN - WARD 3  
DOMENICO FORTIS - WARD 4

NOT TO SCALE

### LEGEND

- CORPORATION BOUNDARY
- PUBLIC STREET
- EXISTING 2000 MAIN STREET COMMUNITY REINVESTMENT AREA
- EXISTING 2004 VALLEY VIEW COMMUNITY REINVESTMENT AREA

North Canton City Council  
Ordinance, Rules and Claims Committee

Ordinance No. - 2016

An ordinance to approve and adopt current replacement pages to the Codified Ordinances, and declaring the same to be an emergency.

WHEREAS, certain provisions within the Codified Ordinances should be amended to conform with current State law as required by the Ohio Constitution; and

WHEREAS, various ordinances of a general and permanent nature have been passed which should be included in the Codified Ordinances; and

WHEREAS, the City has heretofore entered into a contract with the Walter H. Drane Company to prepare and publish such revision which is before Council in the form of replacement pages to the Codified Ordinances.

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

- Section 1. That, in accordance with Ohio R.C. 731.23, the ordinances of the City of North Canton, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections within the 2016 Replacement Pages to the Codified Ordinances are hereby approved and adopted.
- Section 2. That the following sections and chapters are hereby added, amended or repealed as respectively indicated in order to comply with current State law.

Traffic Code

- 335.021 Ohio Driver's License Required for In State Residents. (Added)  
335.12 Stopping After Accident Upon Streets. (Amended)  
335.13 Stopping After Accident Upon Property Other Than Street.  
(Amended)

General Offenses Code

- 505.071 Cruelty to Companion Animals. (Amended)  
513.03 Drug Abuse; Controlled Substance Possession or Use. (Amended)  
525.15 Assaulting Police Dog or Horse or an Assistance Dog. (Amended)  
529.01 Liquor Control Definitions. (Amended)  
529.07 Open Container Prohibited. (Amended)  
537.051 Menacing by Stalking. (Amended)  
537.10 Telecommunications Harassment. (Amended)  
1519.04 Fireworks Possession, Sale or Discharge Prohibited. (Amended)

- Section 3. That the complete text of the sections of the Codified Ordinances listed above are set forth in full in the current replacement pages to the Codified Ordinances which are hereby attached to this ordinance as Exhibit A. Any summary publication of this ordinance shall include a complete listing of these sections. Notice of adoption of each new section by reference to its title shall constitute sufficient publication of new matter contained therein.
- Section 4: That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, welfare and safety for the reason that there exists an imperative necessity for the earliest publication and distribution of the current replacement pages to the Codified Ordinances to the officials and residents of the Municipality, so as to facilitate administration, daily operation and avoid legal entanglements including conflict with general State law; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Passed in Council this \_\_\_\_\_ day of \_\_\_\_\_ 2016

\_\_\_\_\_  
David Held, Mayor

Signed: \_\_\_\_\_, 2016

ATTEST:

\_\_\_\_\_  
Mary Beth Bailey, Clerk of Council

ORDINANCE NO. \_\_\_\_\_

An ordinance to approve and adopt current replacement pages to the Codified Ordinances, and declaring an emergency.

WHEREAS, certain provisions within the Codified Ordinances should be amended to conform with current State law as required by the Ohio Constitution; and

WHEREAS, various ordinances of a general and permanent nature have been passed which should be included in the Codified Ordinances; and

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SECTION 1. That, in accordance with Ohio R.C. 731.23, the ordinances of the City of North Canton, Ohio, of a general and permanent nature, as revised, recodified, rerarranged and consolidated into component codes, titles, chapters and sections within the 2016 Replacement Pages to the Codified Ordinances are hereby approved and adopted.

SECTION 2. That the following sections and chapters are hereby added, amended or repealed as respectively indicated in order to comply with current State law.

Traffic Code

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Fire Prevention Code

1519.04      Fireworks Possession, Sale or Discharge Prohibited. (Amended)

SECTION 3. That the complete text of the sections of the Codified Ordinances listed above are set forth in full in the current replacement pages to the Codified Ordinances which are hereby attached to this ordinance as Exhibit A. Any summary publication of this ordinance shall include a complete listing of these sections. Notice of adoption of each new section by reference to its title shall constitute sufficient publication of new matter contained therein.

SECTION 4. That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, welfare and safety for the reason that there exists an imperative necessity for the earliest publication and distribution of the current replacement pages to the Codified Ordinances to the officials and residents of the Municipality, so as to facilitate administration, daily operation and avoid legal entanglements including conflict with general State law; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Passed:

\_\_\_\_\_  
MAYOR

SIGNED: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
CLERK OF COUNCIL

North Canton City Council  
Ordinance, Rules and Claims Committee

Resolution No. - 2016

A resolution, pursuant to North Canton Codified Ordinance 1181.04, recommending the amendment of CHAPTER 1177 - CONDITIONAL USE PERMITS AND SIMILAR USES, of the City's Planning and Zoning Code.

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

Section 1. That to comply with Ohio law, and more specifically delineate duties and responsibilities involving a conditional use or permitted use permit application, that TITLE FIVE - Administration, of the Codified Ordinances of the City of North Canton, specifically CHAPTER 1177 - CONDITIONAL USE PERMITS AND SIMILAR USES, be amended to read as follows:

**CHAPTER 1177 CONDITIONS USE AND SIMILAR USE PERMITS**

**1177.01 Conditional Use Permit.**

When a proposed use is permitted in a zoning district as a conditional use, as set forth in the district regulations, a conditional use permit is required and the application for such conditional use permit shall be submitted and reviewed according to the guidelines outlined in this chapter

**1177.02 Conditional Use Permit Pre-application Meeting Encouraged.**

The conditional use permit applicant is encouraged to meet with the Planning Commission or Superintendent of Permits and Inspection, or designee, prior to submitting an application. The purpose of this meeting is to discuss early and informally the reasons and effect of these zoning regulations and the criteria and standards contained within. No action shall be taken at such a meeting and the applicant may not rely upon the Planning Commission or Superintendent of Permits and Inspection's opinions, suggestions, or recommendations to indicate subsequent approval or disapproval of the application.

**1177.03 Conditional Use Permit application.**

The owner, or agent thereof, of property for which such conditional use is proposed shall file with the Superintendent of Permits and Inspection an application for a conditional use permit accompanied by payment of the required fee established by Council. The application for a conditional use permit shall disclose all uses proposed for the development, their locations, extent and characteristics, and shall include the following:

(a) A development plan and associated documentation as required in Section 1175.06; however, the Superintendent of Permits and Inspection may determine, in writing, that specific items required in Section 1175.06 are inapplicable or unnecessary for an application, and thereby waive those items; and

(b) A list of all property owners lying within 200 feet of any part of the property on which the conditional use is proposed, including their addresses and permanent parcel number, as shown on the current tax duplicate in the Office of the Stark County Treasurer.

**1177.04 Review of Conditional Use Permit Application.**

The Planning Commission shall review the proposed conditional use, as presented on the submitted plans and specifications, to determine whether or not the proposed use is appropriate and in keeping with the purpose and intent of this Zoning Ordinance.

(a) The Planning Commission shall review the development plan for the proposed conditional use according to the development plan review procedures and criteria set forth in Chapter 1175, as applicable;

(b) The Planning Commission shall review the application to determine if the establishment and operation of the proposed use complies with the general criteria established for all conditional uses and the specific requirements established for that particular use, as set forth in Chapter 1145 of this Zoning Ordinance; and

(c) The Planning Commission may require the applicant to submit such additional information as deemed necessary including obtaining special studies and documented expert opinions.

**1177.05 Planning Commission Adjudicatory Hearing and Service of Notice.**

The Planning Commission shall hold an adjudicatory hearing on the proposed conditional use. Service of the notice of the adjudicatory hearing shall be provided by first class mail to the applicant and property owners lying within 200 feet of the property on which the use is proposed. Service of notice shall also be made by publication in a newspaper of general circulation within North Canton. All notices shall be mailed or published at least seven days before the date of the adjudicatory hearing. All notices shall set forth the time and place of the adjudicatory hearing and the nature of the proposed conditional use. Failure of delivery of such notice shall not invalidate action taken on such application.

**1177.06 Action by Planning Commission.**

(a) The Planning Commission shall take one of the following actions upon the application of a conditional use permit:

(1) If the Planning Commission determines the proposed conditional use is appropriate and in conformance with the criteria outlined in Section 1175.08, it shall:

A. Approve the conditional use application as submitted; or

B. Approve the conditional use application subject to specific conditions not included in the application as submitted. The Planning Commission may prescribe appropriate conditions, stipulations, safeguards, and limitations on the duration of the conditional use, as it may deem necessary and in conformance with the intent and purposes of Chapter 1145. The Planning Commission may require the applicant to revise and resubmit the application and/or the development plan to respond to the Planning Commission's condition(s) prior to issuing a final decision on the application.

(2) If the Planning Commission finds the proposed conditional use is not in compliance with the specifications of this Zoning Ordinance, it shall deny the application.

(b) If the Planning Commission fails to act within 60 days from the date the Superintendent of Permits and Inspection deems the application complete, or for the extended period as may be agreed upon, in writing, between the applicant and the Superintendent, the application shall be deemed denied.

**1177.07 Terms and duration of conditional use permit.**

A conditional use permit shall authorize a particular conditional use on a specific parcel for which it was approved. The conditional use permit shall expire one year from the date of enactment, unless substantial progress is accomplished or as otherwise specifically approved by the Planning Commission. A conditional use permit issued pursuant to this Chapter shall be valid only for the use and operation of such use as specified in the document indicating the Planning Commission's approval of the application. The breach of any condition, safeguard or requirement shall constitute a violation of this Zoning Ordinance.

**1177.08 Reapplication.**

The Superintendent of Permits and Inspection shall not accept a conditional use re-application until the expiration of one year after the denial of the original application. However, if the re-application reflects changes to the operation, design, layout, or other aspect of the proposed conditional use in response to the Planning



Commission's reasons for denying of the previous application, or the Planning Commission determines the re-application reflects a change in circumstances sufficient to justify another adjudicatory hearing, the Superintendent shall accept the re-application. The re-application shall comply with all the requirements of this Chapter, including payment of the required fee.

**1177.09 Similar Use Permit.**

Within each zoning district established by the Zoning Ordinance and amendments thereto, uses of land or structures that are compatible with each other are permitted in the district. To the extent that new types of uses are created and are not addressed by this Zoning Ordinance, this section provides the process by which the Planning Commission may determine that a proposed new use is sufficiently similar to a permitted use such that the proposed new use warrants inclusion.

(a) Determination. A proposed new use may be permitted as a similar use when the Planning Commission determines that such proposed new use complies with the following provisions:

- (1) The proposed new use is not prohibited in any other district;
- (2) The proposed new use is not listed as a permitted building or use in any other district;
- (3) The proposed new use conforms more, and is more consistent with, the purpose statement of the proposed district than in any other district; or
- (4) The proposed new use is of the same general character as the permitted uses in the district to which it is proposed or is similar to a specific use permitted in that district.

(b) Procedure. The Planning Commission shall review the proposed new use according to the conditional use procedures set forth in Sections 1177.02 through 1177.08, with the exception that public hearings shall be held instead of adjudicatory hearings.

(c) Action by Planning Commission. Within 10 business days of the public hearing, unless the similar use application is tabled or withdrawn, the Planning Commission shall forward its recommendation and rationale to City Council. The Planning Commission shall recommend that Council:

- (1) Approve the similar use application; or
- (2) Approve the similar use application with modifications; or
- (3) Deny the similar application.

(d) At a regular meeting, Council shall take action on the Planning Commission's recommendation for a similar use permit by:

- (1) Adopting the Planning Commission's recommendation; or
- (2) Adopting some modification of the Planning Commission's recommendation; or
- (3) Rejecting the Planning Commission's recommendation.

(e) Required vote for adoption, adoption with modification, or rejection:

- (1) A majority vote of Council members is required to adopt the Planning Commission's recommendation of a similar use permit;
- (2) A positive vote of not less than six Council members is required to adopt some modification of the Planning Commission's recommendation or to reject the Planning Commission's recommendation of a similar use permit.

(f) If Council adopts the Planning Commission's recommendation for a similar use permit, the similar use shall be included in those districts that permit a principal

or conditional use most similar as identified in the Planning Commission's recommendation.

Section 2. That if a provision of this resolution is or becomes illegal, invalid or unenforceable, that it shall not affect the validity or enforceability of any other provision of this resolution.

Section 3. That this resolution shall take effect and be in full force from and after the earliest period allowed by law.

Section 4. That at the time this resolution takes effect, it shall be delivered to the Planning Commission according to the process set forth in Sections 1181.05 through 1181.08.

Passed in Council this \_\_\_\_\_ day of \_\_\_\_\_, 2016

\_\_\_\_\_  
David Held, Mayor

ATTEST:

SIGNED: \_\_\_\_\_, 2016

\_\_\_\_\_  
Mary Beth Bailey, Clerk of Council

North Canton City Council  
Personnel and Safety Committee

Ordinance No. - 2016

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, in accordance with North Canton Ordinance No. 54 – 2016, to include the position of Plans Examiner previously omitted and to add the duties of the Chief Building Officer to said position, and declaring the same to be an emergency.

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

Section 1. That Chapter 155 Personnel Regulations of Part One, Administrative Code, specifically, Section 1. GENERAL PERSONNEL REGULATIONS of the Codified Ordinances of the City of North Canton, be, and the same is hereby amended to read as follows:

Section 2. **COMPENSATION**

Full-Time Schedule of Compensation: Full-time employees shall be paid an amount equal to or less than the amount set forth in the following schedule:

Position	Bi-Weekly Compensation
Director of Administration	\$4,423.08
Director of Law	\$4,423.08
Director of Finance	\$4,423.08
City Engineer	\$4,423.08
Chief of Police	\$3,269.23
Chief of Fire & EMS	\$3,269.23
Supt., Permits & Inspection	\$3,269.23
Director of Permits & Development	\$3,269.23
Supt., Utilities & Services	\$2,884.62
Supt., Streets & Parks	\$2,884.62
Superintendent – Drinking Water Plant	\$2,884.62
Supt., Recreation, Buildings & Grounds	\$2,884.62
Operations Managers:	
Recreation, Buildings & Grounds	
Streets & Parks	
Water & Sanitary Sewer	
Drinking Water Plant	\$2,884.62
Chief Building Officer	\$2,884.62

Clerk of Council/Law Dept.	\$2,468.82
Deputy Director of Finance	\$2,146.82
Administrative Assistant/Payroll Clerk	\$1,730.00
Administrative Assistant	\$1,730.00

At all times the position of Director of Permits & Development is filled, the person serving in the capacity shall also hold the title of Superintendent, Permits & Inspection at no additional compensation.

Public Safety – FIRE / EMS

Assistant Fire Chief	\$ 14.96
Fire Captain	\$ 14.60
Fire Captain / EMT – Paramedic	\$ 14.60
Fire Captain / EMT – Basic	\$ 14.60
<u>Public Safety – FIRE / EMS (Cont.)</u>	

EMT – Paramedic	\$ 14.60
Firefighter / EMT – Paramedic	\$ 14.60
Firefighter / EMT – Basic	\$ 14.13
Firefighter	\$ 14.13
EMT – Basic	\$ 14.13
EMT Personnel on Standby	\$ 2.21
Manned at Station: PPT or SDP	
Fire/Medic	\$ 13.30
Paramedic	\$ 13.30
Firefighter	\$ 12.30
Basic	\$ 12.30

Part-time employees staffed at station will not receive standby wages and will work a minimum of four hours.

Public Safety – Police

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

Financial & Clerical

Fiscal/Clerical Specialist	\$ 11.88
Payroll Manager/Admin. Assist.	\$ 19.47

Department of Engineering

Engineering Clerk	\$ 11.88
Special Project Inspector	\$ 16.82

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

Building & Permits

Building Inspector	\$ 24.08
Nuisance Officer	\$ 17.06
<b>Plans Examiner/Chief Building Officer</b>	<b>\$ 60.00</b>

General Government

Summer I	Minimum Wage
Summer II	Minimum Wage + 7.3%
Intern	Minimum Wage + 25.3%
Skilled Worker	\$ 14.50
Laborer	\$ 13.00

Laborer shall be paid an amount equal to or less than the amount set forth in the schedule listed above

Recreation

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

\*\*Paid bi-weekly

A. In the event the Senior Program Director works less than 20 hours in a bi-weekly pay period, the actual hours worked will be paid at the Senior Program Director's applicable hourly rate.

B. That there be and is hereby established an overtime rate of time and one-half after a scheduled eight (8) hours or working a holiday for part-time police officers and part-time radio dispatchers.

C. Effective January 1 of each year, any employee receiving minimum wage shall have their hourly compensation automatically adjusted to reflect the applicable Federal or State minimum wage, whichever is higher.

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

Section 4. That if a provision of this ordinance is or becomes illegal, invalid or unenforceable, that shall not affect the validity or enforceability of any other provision of this ordinance.

Section 5. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and peace of the City of North Canton, and further necessary to include the position of Plans Examiner

that was omitted and include the duties of the Chief Building Officer and thereby permit the City to utilize the expertise of a highly trained and experience individual to perform such duties of said position; wherefore provided it receives the affirmative vote of six or more members of Council elected thereto, this ordinance shall take effect and be in force immediately upon its adoption by Council and approval of the Mayor. Otherwise, it shall effect and be in full force immediately upon its adoption by Council and approval of the Mayor. Otherwise it shall take effect and be in full force from and after the earliest period allowed by law.

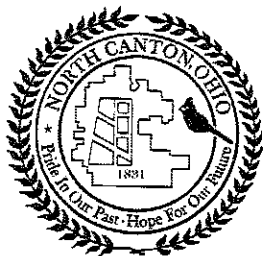
Passed by Council this \_\_\_\_\_ day of \_\_\_\_\_, 2016

\_\_\_\_\_  
David Held, Mayor

Signed: \_\_\_\_\_, 2016

ATTEST:

\_\_\_\_\_  
Mary Beth Bailey, Clerk of Council



145 North Main St. · North Canton, OH 44720  
Phone: 330-499-8223 Fax: 330-305-0603  
mgrimes@northcantonohio.gov

## CITY OF NORTH CANTON

**Michael J. Grimes**  
Director of Administration

### Legislation Request

To: Daniel J. Peters, Council President  
Date: September 14, 2016  
Subject: Exempt Ordinance Amendment Request

I am requesting that the Exempt Ordinance be amended to include a wage item that apparently was not brought forward when we amended the ordinance several times previously. I just recently discovered this issue.

The wage listing for "Plans Examiner" at \$35 per hour was in place in Ordinance # 16-13 but at some point there was an oversight and the wage listing was not brought forward in the ordinances that were amended since that time. This is a part-time position and hours are based on a needs basis.

While we are bringing this part-time position forward, I would like to have the position listing changed to "Plans Examiner / Chief Building Officer" and the wage amount reset with a ceiling at \$60 an hour. This would allow us some flexibility in determining a pay amount dependent upon what the part-time employee brings to our operation either as just a Plans Examiner, or if they operate just as a Chief Building Officer, or if they can do both functions and in addition bring some inspection certifications that will allow us to also use them in that role if needed. This amount is still significantly less than the outsourcing cost for just commercial plans examinations and again it's just a ceiling or an "up to amount" based on what an employee would bring to the table for us.

EMERGENCY REQUESTED  YES  NO

If passed on the 3<sup>rd</sup> reading I would request it be passed as an emergency so that we can have it available immediately to assist in our operations.

Respectfully Submitted,

Michael J. Grimes

Copy;  
File

**RECEIVED**

SEP 14 2016

COUNCIL OFFICE  
NORTH CANTON, OHIO