

**City of North Canton**

**NOTICE OF PUBLIC MEETING**

Notice is hereby given that:

The City Council of the City of North Canton shall hold a Committee of the Whole Meeting on Monday, January 23, 2023 at 7:00 PM at North Canton Civic Center 845 W Maple St. North Canton, OH.

See attached agenda for matters to be discussed.

Meetings are open to the public or may be livestreamed on the City of North Canton's YouTube page.

BY THE ORDER OF THE CITY OF NORTH CANTON, COUNTY OF STARK, STATE OF OHIO:

January 19, 2023  
Date

Benjamin R. Young  
Clerk

**NORTH CANTON COMMITTEE OF THE WHOLE MEETING**  
**January 23, 2023, 7:00 PM**  
**Agenda**

**1. Call to Order**

**2. Roll Call**

**3. Community and Economic Development Committee**

Chairperson: Daryl Revoldt

Vice Chairperson: Jamie McCleaster

3.a An ordinance amending Chapter 1159, Nonconforming Uses, Buildings, Lots, And Structures, specifically Subsection 1159.03(e), Discontinuance of Use, of the Codified Ordinance of the City of North Canton, to lower the period during which a nonconforming use is continued while inactive from two (2) years to twelve (12) months.

**4. Finance and Property Committee**

Chairperson: Stephanie Werren

Vice Chairperson: Matthew Stroia

4.a An ordinance authorizing the Mayor of the City of North Canton to enter into an agreement with the North Canton Community Improvement Corporation for the conveyance of the real property known as the Dressler Well Field in the Jackson Township, Stark County Parcel Nos. 1680670, 1680666, and 1680668, (collectively, the “Properties”) from the City to the North Canton Community Improvement Corporation, and declaring the same to be an emergency.

**5. Utilities Committee**

Chairperson: Jamie McCleaster

Vice Chairperson: Christina Weyrick

5.a An ordinance authorizing the Mayor of the City of North Canton to enter into an agreement with the Stark County Commissioners for the relocation and replacement of City waterlines as part of the Commissioner’s Pittsburg Avenue/Mount Pleasant Street Roundabout Project (the “Project”) and declaring the same to be an emergency.

**6. Adjourn**



# Item Cover Page

## CITY COUNCIL AGENDA ITEM REPORT

**DATE:** January 23, 2023

**SUBMITTED BY:** Administration

**ITEM TYPE:** Ordinance

**AGENDA SECTION:** Community and Economic Development Committee

**SUBJECT:** An ordinance amending Chapter 1159, Nonconforming Uses, Buildings, Lots, And Structures, specifically Subsection 1159.03(e), Discontinuance of Use, of the Codified Ordinance of the City of North Canton, to lower the period during which a nonconforming use is continued while inactive from two (2) years to twelve (12) months.

**DESCRIPTION:** See attached zoning application.

**ATTACHMENTS:**  
[Non-Conforming Use Zoning Application.pdf](#)  
[Ord. -2023 Limiting Non-Conforming Uses to 1 Year of Vacancy.docx](#)



City of North Canton, OH

01/10/2023

## ZAMD-23-2

Zoning Amendment

**Status:** Active

**Date Created:** Jan 6, 2023

### Applicant

Ben Young  
byoung@northcantonohio.gov  
145 N Main St.  
Council's Office  
North Canton, OH 44720  
330-499-8223 ext. 1101

### Is this a Text Amendment?

**Is a Text Amendment**



**Applicant is City**



### Planning Commission Review

### City Council Review

**Committee Date**

01/23/2023

**City Council's Decision**

Pending

### Zoning Text Amendment

#### Description of Amendment

Lower the period during which a nonconforming use is continued while inactive from two (2) years to twelve (12) months

#### Reasons for Requested Amendment

At present a building, part of a building, lot, or part of a lot wherein a nonconforming use is

located may be vacant for up to two (2) years and still resume the nonconforming use. The administration wishes to more strictly limit the time nonconforming uses may be inactive prior to the expiration of the nonconforming use.

### **Compliance with Master Plan**

The policy will cause uses that do not conform to the City's current zoning, and by extension, the Master Plan for a commercial and pedestrian Main Street as enacted by the Main Street Zoning, to more rapidly come into compliance with the City's Zoning Code.

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### **Verification**

**By checking the box below I affirm that all statements and facts given in the forgoing application and any supporting documents I may provide are complete and true to the best of my knowledge and belief.**



**By checking the box below I hereby petition the Council of the City of North Canton, Ohio to amend the Zoning Regualtions as requested herein.**




### **Digital Signature**

Stephan B. Wilder

01/06/2023

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### **Attachments**

 Ord. -2023 Limiting Non-Conforming Uses to 1 Year of Vacancy.docx  
Uploaded by Ben Young on Jan 6, 2023 at 4:34 pm

North Canton City Council  
Community and Economic Development Committee

ORDINANCE ## - 2023

An ordinance amending Chapter 1159, Nonconforming Uses, Buildings, Lots, And Structures, specifically Subsection 1159.03(e), Discontinuance of Use, of the Codified Ordinance of the City of North Canton, to lower the period during which a nonconforming use is continued while inactive from two (2) years to twelve (12) months.

WHEREAS, at present a building, part of a building, lot, or part of a lot wherein a nonconforming use is located may be vacant for up to two (2) years and still resume the nonconforming use; and

WHEREAS, the City wishes to more strictly limit the time nonconforming uses may be inactive prior to the expiration of the nonconforming use; and

WHEREAS, the Office of City Council, on January 6, 2023, received a completed and approved Application for Zoning Amendment for the above described zoning change from the Office of the Mayor; and

WHEREAS, the Planning Commission held a public meeting for the purpose of gaining public input on the proposed zoning change on \_\_\_\_\_, pursuant to Section 1181.04 of the North Canton Codified Ordinances, and recommended that City Council \_\_\_\_\_; and

WHEREAS, City Council held a public meeting for the purpose of gaining public input on the proposed zoning change on \_\_\_\_\_, pursuant to Section 1181.06 of the North Canton 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 Chapter 1159, Nonconforming Uses, Buildings, Lots, And Structures, specifically Subsection 1159.03(e), Discontinuance of Use, of the Codified Ordinance of the City of North Canton, be and is hereby amended to read as follows:

(e) Discontinuance of Use. Discontinuance of the nonconforming use of a building, part of a building, lot, or part of a lot for a continuous period of twelve (12) months or longer shall constitute voluntary abandonment of such use and thereafter any use of the premises shall conform to the use regulations of the district in which the building or lot is located.

Section 2. That the Clerk of Council and Mayor of the City of North Canton be, and are hereby, authorized to make such amendments as may be needed to the Codified Ordinances of the City of North Canton to accurately reflect this ordinance upon approval of such amended pages by a voice vote of Council.

Section 3. That if a provision of this ordinance is or becomes illegal, invalid, or unenforceable, 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 \_\_\_\_\_, 2023.

Attest: \_\_\_\_\_  
Benjamin R. Young, Clerk of Council

\_\_\_\_\_  
Stephan B. Wilder, Mayor

Signed on: \_\_\_\_\_



# Item Cover Page

## CITY COUNCIL AGENDA ITEM REPORT

**DATE:** January 23, 2023

**SUBMITTED BY:** Administration

**ITEM TYPE:** Ordinance

**AGENDA SECTION:** Finance and Property Committee

**SUBJECT:** An ordinance authorizing the Mayor of the City of North Canton to enter into an agreement with the North Canton Community Improvement Corporation for the conveyance of the real property known as the Dressler Well Field in the Jackson Township, Stark County Parcel Nos. 1680670, 1680666, and 1680668, (collectively, the “Properties”) from the City to the North Canton Community Improvement Corporation, and declaring the same to be an emergency.

**DESCRIPTION:** The properties known as the Dressler well field were acquired by the City of North Canton for use as a drinking water wellfield however subsequent surrounding development including a junkyard, auto repair, and major highway in close proximity and are incompatible with drinking water wells. The City has identified alternative drinking water well sources that will enable the City to safely provide clean drinking water without the need for water pumped from the Dressler well field. As a result, the City intends to shut down the operation of all wells located on the property and therefore the property is no longer needed for municipal purposes. The City wishes to sell the properties to relieve the tax-payers of the burden of the maintenance thereof. As a highly commercial area the administration believes the City will receive a fair price for the property.

**ATTACHMENTS:**

[Ord. -2023 Conveying Dressler property to CIC.docx](#)

North Canton City Council  
Community and Economic Development Committee

ORDINANCE ## - 2023

An ordinance authorizing the Mayor of the City of North Canton to enter into an agreement with the North Canton Community Improvement Corporation for the conveyance of the real property known as the Dressler Well Field in the Jackson Township, Stark County Parcel Nos. 1680670, 1680666, and 1680668, (collectively, the “Properties”) from the City to the North Canton Community Improvement Corporation, and declaring the same to be an emergency.

WHEREAS, the Properties were acquired by the City of North Canton for use as a drinking water wellfield; and

WHEREAS, surrounding development uses are incompatible with drinking water wells yet are in close proximity to the wellfield; and

WHEREAS, the City has identified alternative drinking water well sources that will enable the City to safely provide clean drinking water without the need for water pumped from the Properties; and

WHEREAS, the City intends to shut down the operation of all wells located on the property and therefore the property is no longer needed for municipal purposes; and

WHEREAS, the City wishes to sell the properties to relieve the tax-payers of the burden of the maintenance thereof; and

WHEREAS, the conveyance of the Properties will allow the North Canton Community Improvement Corporation to act as the City’s agent in the sale of the Properties; and

WHEREAS, Ohio Revised Code Section 1724.10(B)(3) permits the conveyance of municipal property no longer needed for municipal purposes to a Community Improvement Corporation without advertisement for bids.

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 real property owned by the City of North Canton known as the Dressler Well Field in the Jackson Township, Stark County Parcel Nos. 1680670, 1680666, and 1680668 be, and are hereby, declared no longer needed for municipal purposes.
- Section 2. That the conveyance of said real property to the North Canton Community Improvement Corporation will help promote the welfare of the people of the City, and will further promote the reclamation, rehabilitation, and reutilization of vacant land.
- Section 3. That the Mayor of the City of North Canton be, and he is hereby, authorized to enter into an agreement with the North Canton Community Improvement Corporation for the conveyance of the above described real property, from the City to the North Canton Community Improvement Corporation.
- Section 4. That if a provision of this ordinance is or becomes illegal, invalid, or unenforceable, 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 of North Canton; and; further necessary to ensure the prompt sale of the above described property; 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 upon its adoption by Council, together with the Mayor’s approval. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.



Passed in Council this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Attest: \_\_\_\_\_  
Benjamin R. Young, Clerk of Council

\_\_\_\_\_  
Stephan B. Wilder, Mayor

Signed on: \_\_\_\_\_

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# Item Cover Page

## CITY COUNCIL AGENDA ITEM REPORT

**DATE:** January 23, 2023

**SUBMITTED BY:** Administration

**ITEM TYPE:** Ordinance

**AGENDA SECTION:** Utilities Committee

**SUBJECT:** An ordinance authorizing the Mayor of the City of North Canton to enter into an agreement with the Stark County Commissioners for the relocation and replacement of City waterlines as part of the Commissioner’s Pittsburg Avenue/Mount Pleasant Street Roundabout Project (the “Project”) and declaring the same to be an emergency.

**DESCRIPTION:** Pass via emergency to accommodate the Commissioner's project bidding schedule.

**ATTACHMENTS:**

- [Ord. -2023 Pittsburg Avenue-Mount Pleasant Street Roundabout Project.docx](#)
- [Ord. -2023 Exhibit A.pdf](#)

North Canton City Council  
Utilities Committee

ORDINANCE ##-2023

An ordinance authorizing the Mayor of the City of North Canton to enter into an agreement with the Stark County Commissioners for the relocation and replacement of City waterlines as part of the Commissioner's Pittsburg Avenue/Mount Pleasant Street Roundabout Project (the "Project") and declaring the same to be an emergency.

WHEREAS, the Stark County Board of Commissioners is undertaking a project to construct a roundabout at the intersection of Pittsburg Avenue and Mount Pleasant Street, and

WHEREAS, the Project will require the relocation and replacement of City waterlines outside the corporation limits, 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, be, and is hereby authorized to enter into an agreement with the Stark County Commissioners for the relocation and replacement of City waterlines as part of the Commissioner's Pittsburg Avenue/Mount Pleasant Street Roundabout Project as described in "Exhibit A" attached hereto and incorporated herein.

Section 2. That if a provision of this ordinance is or becomes illegal, invalid, or unenforceable, it 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 to meet the project start date of June 1<sup>st</sup>, 2023, set by the County 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 upon its adoption by Council, together with the Mayor's approval. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed in Council this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Attest: \_\_\_\_\_  
Benjamin R. Young, Clerk of Council

\_\_\_\_\_  
Stephan B. Wilder, Mayor

Signed on: \_\_\_\_\_

## AGREEMENT

### PITTSBURG AVENUE/MOUNT PLEASANT STREET

This Agreement is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2023, by and between the Board of County Commissioners of Stark County, Ohio, with offices located at the County Administrative Building, 110 Central Plaza South, Suite 240, Canton, Ohio 44702, duly authorized by a resolution adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 2023; hereinafter referred to as the COUNTY; 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 \_\_\_\_\_, 2023.

**WHEREAS**, there are currently located roadways in Jackson Township, Stark County that contain City of North Canton waterlines on Pittsburg Avenue and Mt. Pleasant Street; and

**WHEREAS**, the CITY wishes to install and replace waterlines outside the incorporated limits as part of the construction contract for the Pittsburg Avenue and Mt. Pleasant Street (PID 107649) project; and

**WHEREAS**, it is in the best interests of the COUNTY and the CITY to reconstruct the roadways and construct and replace waterline; and

**WHEREAS**, the COUNTY and the CITY wish to resolve their respective liabilities and/or obligations with respect to the design, right of way and construction of said improvement.

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

1. The COUNTY will provide the design plans for the improvement of the roadways. The CITY will provide the design plans for the proposed new waterline and replacement/relocation of existing waterlines.
2. The COUNTY and the CITY will provide and pay for construction supervision for their respective portions of the project.

3. The CITY will reimburse the COUNTY for all costs associated with the necessary water line improvements and for all expenses related to the new waterline and replacement of existing waterlines. Included in these costs are a percentage of the cost of overall project incidental items; maintenance of traffic, mobilization, field office, layout stakes and bond, and related change orders. The percentage shall be based on the overall cost of the project as compared to the cost of the water work.
4. ~~The CITY will be responsible for supplying to the project contractor at the project site all necessary waterline and appurtenances for the project prior to the project anticipated project start date of June 1, 2023.~~
5. ~~The CITY along with the COUNTY shall address with the project contractor any delays to the project resulting from the waterline work.~~
6. The COUNTY will advertise and open bids for the project.
7. The CITY will review the bids to ensure that the costs associated with the new waterline improvements are reasonable and not unbalanced.
8. The COUNTY shall award the contract for construction of the project.
9. The COUNTY will invoice the CITY on a monthly basis for waterline work performed on the project. The CITY will reimburse the COUNTY within 30 days of receipt of an invoice.
10. Upon completion of the project, the COUNTY will maintain the new roadways and bridges. The CITY will maintain the new water lines.
11. This Agreement contains the entire agreement by and between the parties and the terms contained herein are contractual and are not a mere recital.

*IN WITNESS WHEREOF*, we have hereunto set our hands to this instrument this \_\_\_\_\_  
day of \_\_\_\_\_, 2023.

WITNESSES:

THE BOARD OF COMMISSIONERS  
STARK COUNTY, OHIO

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

WITNESSES:

THE CITY OF NORTH CANTON

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Approved as to legal  
form and sufficiency:

By: \_\_\_\_\_  
Assistant Prosecuting Attorney  
Stark County, Ohio

Approved as to legal  
form and content:

By: \_\_\_\_\_  
City of North Canton Law Director