

**Special Council Meeting
Wednesday, March 21, 2018**

Mr. Daniel Peters, President of North Canton's City Council, has requested a Special Council Meeting for **Wednesday, March 21, 2018 at 6:00 p.m.** in Council chambers at North Canton City Hall, to consider the following:

1. Call to Order
2. Roll Call
3. Recognition of Visitors
4. Old Business
5. **Ordinance No. 11 - 2018 - 2nd Reading - Ordinance, Rules and Claims Committee**

An ordinance repealing North Canton Ordinance No. 44 - 2017 and thereby amending Chapter 145 - Planning Commission, specifically 145.01 TRANSCRIPTION/DISTRIBUTION OF MINUTES, of the Codified Ordinances of the City of North Canton.

6. **Ordinance No. 12 - 2018 - 2nd Reading - Ordinance, Rules and Claims Committee**

An ordinance repealing North Canton Ordinance No. 45 - 2017 and thereby amending Chapter 147 - Zoning and Building Standards Board of Appeals, specifically 147.01 TRANSCRIPTION/DISTRIBUTION OF MINUTES, of the Codified Ordinances of the City of North Canton.

7. **Ordinance No. 13 - 2018 - 2nd Reading - Personnel and Safety Committee**

An ordinance amending Section 20 COMPENSATION, of Chapter 155 Personnel Regulations, Part One - Administrative Code of the Codified Ordinances of the City of North Canton, in accordance with North Canton Ordinance No. 6 - 2018, to include the overtime rate language of part-time Police Officers, part-time Dispatchers previously omitted, and declaring the same to be an emergency.

8. **Ordinance No. 14 - 2018 - 2nd Reading - Personnel and Safety Committee**

An ordinance authorizing the Mayor of the City of North Canton, Ohio, to amend the collective bargaining agreement between the City and the International Association of Firefighters, Local 3489, ("Firefighters' Union"), to include a light duty provision, and declaring the same to be an emergency.

9. **Ordinance No. 15 - 2018 - 2nd Reading - Street and Alley 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, upon Board of Control approval, to enter into a contract for the West Maple Street Widening Project, at a total cost not to exceed \$550,000.00, and declaring the same to be an emergency.

10. Ordinance No. 16 - 2018 - 2nd Reading - Finance and Property Committee

An ordinance appointing Director of Finance, Laura Brown, as the authorized representative for the City's investment account with UBS Financial Services Inc., and declaring the same to be an emergency.

11. Ordinance No. 17 - 2018 - 2nd Reading - Finance and Property Committee

An ordinance authorizing the Mayor of the City of North Canton, upon Board of Control approval, and pursuant to the Ohio Cooperative Purchase Act, to enter into an agreement with Ohio CAT, for the purchase of a 2018 CAT 926M Front Loader with the trade in of the City's 2002 Case 621DXT Front Loader, and declaring the same to be an emergency.

12. New Business

13. Ordinance No. 18 - 2018 - 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 Fraternal Order of Police ("FOP"), Ohio Labor Council, Inc., (Police Lieutenants and Sergeants), and declaring the same to be an emergency.

14. Ordinance No. 19 - 2018 - 1st Reading - Water, Sewer and Rubbish Committee

An ordinance authorizing the Mayor of the City of North Canton to enter into a water service agreement with Orthopaedic Property Management, Ltd. ("OMNI") to provide water for OMNI's proposed new and additional medical office and surgery center location in Jackson Township, Stark County Parcel Numbers 16-11101, 16-11102, and a portion of 16-27333 (the "Property"), and declaring the same to be an emergency.

15. Ordinance No. 20 - 2018 - 1st Reading - Finance and Property Committee

An ordinance authorizing the Mayor of the City of North Canton, upon Board of Control approval, and pursuant to the Ohio Cooperative Purchase Act, to enter into an agreement with Rush Truck Centers, for the purchase of a 2019 7400 SFA 4X2 dump truck, and declaring the same to be an emergency.

16. Adjourn

North Canton City Council
Personnel and Safety Committee

Ordinance No. 18 - 2018

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 Fraternal Order of Police ("FOP"), Ohio Labor Council, Inc. (Police Lieutenants and Sergeants), and declaring the same to be an emergency.

WHEREAS, City Council and the exclusive representatives for the FOP (Lieutenants and Sergeants) voted to accept the report and recommendations of fact-finder Jonathan I. Klein, State Employment Relations Board ("SERB") Case No. 2017-MED-10-1251, and

WHEREAS, the fact-finder's recommendations have been included in a written collective bargaining agreement between the parties, which 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 Fraternal Order of Police (Lieutenants and Sergeants), effective January 1, 2018 through December 31, 2020, SERB case number 2017-MED-10-1251, 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 to timely implement the the collective bargaining agreement between the City and the Police Department's Lieutenants and Sergeants; 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 _____ 2018

David Held, Mayor

Signed: _____, 2018

ATTEST:

Mary Beth Bailey, Clerk of Council

North Canton City Council
Water, Sewer & Rubbish
Ordinance No. 19 - 2018

An ordinance authorizing the Mayor of the City of North Canton to enter into a water service agreement with Orthopaedic Property Management, Ltd. ("OMNI") to provide water for OMNI's proposed new and additional medical office and surgery center location in Jackson Township, Stark County Parcel Numbers 16-11101, 16-11102, and a portion of 16-27333 (the "Property") and declaring the same to be an emergency.

WHEREAS, Council has previously authorized and the City has extended water lines outside the corporation limits of North Canton and along the Property's location; and

WHEREAS, OMNI agrees that it shall pay the full amount of tap in fees and the City's outside water rate for the Property's use of City water; and

WHEREAS, the proposed agreement will make OMNI one of the City's largest water customers; and

WHEREAS, the City's Water Treatment Plant has sufficient excess capacity to supply OMNI together with all of the City's current customers; and

WHEREAS, this Council has determined that it is in the best interest of the City's health, welfare, and safety authorize and continue the sale of water to OMNI without requiring it to agree to annex into the City now, or in the future.

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

- Section 1. That Mayor of the City of North Canton is hereby authorized to enter into a water service agreement with OMNI to provide water for OMNI's proposed new and additional medical office and surgical center location in Jackson Township, the Property.
- Section 2. That said agreement shall require OMNI to pay the full amount of tap in fees and the City's outside water rate for the Property's use of City water. A copy of said agreement is attached hereto and incorporated herein as Exhibit A.
- Section 3. That this Council has determined it is in the best interest of the City's health, welfare, and safety to authorize and continue the sale of water to OMNI without requiring it to agree to annex into the City now, or in the future.

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 permit the City and OMNI to enter a water service agreement so that OMNI may nearly immediately enter into additional agreements to begin construction of the Property and utilization of City water; 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 _____, 2018

David Held, Mayor

Signed: _____, 2018

ATTEST:

Mary Beth Bailey, Clerk of Council

WATER SERVICE AGREEMENT

THIS WATER SERVICE AGREEMENT (the “**Agreement**”) is made and entered into as of this ____ day of _____, 2018 by and between ORTHOPAEDIC PROPERTY MANAGEMENT, LTD., an Ohio limited liability company (“**OMNI**”), and THE CITY OF NORTH CANTON, an Ohio municipal corporation (the “**City**”), OMNI and the City collectively being referred to herein as the “**Parties.**”

WHEREAS, OMNI has entered into a purchase and sale agreement to acquire certain real property located in the Township of Jackson, County of Stark, and State of Ohio and known as Parcel Numbers 16-11101, 16-11102, and a portion of 16-27333 (the “**Property**”); and

WHEREAS, OMNI intends to develop the Property for a new and additional medical office and surgery center location (the “**Development**”); and

WHEREAS, in connection with the Development, OMNI requires water service to be provided by the City.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereto agree as follows:

1. City Obligations. The City agrees to provide water service to the Property during the Term at the then-existing rates provided to other non-resident water service customers of the City.

2. OMNI Obligations. OMNI agrees to pay the full amount of the tap in fees to obtain such water service from the City and to pay for all costs of water service as and when such costs become due and payable at the City’s then outside water rates.

3. No Annexation. The City acknowledges and agrees that during the term of this Agreement, OMNI shall not be required to annex into the City in order to continue to receive water services from the City.

4. Term. The term of this Agreement is from the date that OMNI acquires ownership of the Property (the “Effective Date”) and shall continue for a period of no less than thirty (30) years.

5. Notices. All notices to be given in connection with this Agreement shall be in writing and sent by registered or certified mail with postage prepaid or by nationally recognized overnight courier (i.e. Federal Express) to the following addresses:

To OMNI: Orthopaedic Property Management, Ltd.
4760 Belpar Street NW
Canton, Ohio 44718
Attention: Anthony S. Pentz, MD, CEO

To the City: City of North Canton
145 Main Street
North Canton, Ohio 44720
Attention: Mayor

Either party may, upon notice to the other, change the addresses whereby notices are to be sent.

6. Miscellaneous. A waiver of any breach of any provision of this Agreement shall not operate or be construed as a waiver of a breach of any other provision of this Agreement or of any subsequent breach. This Agreement constitutes the entire agreement between the parties on the subject matter hereof. This Agreement shall not be altered, amended, or modified in any manner except by a written agreement executed by all of the parties hereto. If any provision contained in this Agreement is determined to be illegal, invalid, or unenforceable by a court of competent jurisdiction, the remaining provisions of this Agreement shall not thereby become invalid, but this Agreement shall be construed as if such illegal, invalid, or unenforceable provision was not originally a part hereof. This Agreement shall be governed by and construed in accordance with the laws of the State of Ohio. The Parties hereto expressly consent to the jurisdiction of the courts located in the State of Ohio and agree that any disputes between them concerning this Agreement shall be brought in the federal or state courts of Stark County, Ohio.

7. Counterparts; Electronic Signatures. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument. Signatures transmitted by facsimile or e-mail shall have the same effect as original signatures.

[SIGNATURES CONTAINED ON SUBSEQUENT PAGE]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

CITY OF NORTH CANTON,
an Ohio municipal corporation

By: _____
David J. Held, Mayor

Approved as to form and content.

By: _____
Timothy L. Fox, Director of Law

ORTHOPAEDIC PROPERTY MANAGEMENT, LTD.,
an Ohio limited liability company

By: _____

Print Name: _____

Its: _____

North Canton City Council
Finance and Property Committee

Ordinance No. 20 - 2018

An ordinance authorizing the Mayor of the City of North Canton, upon Board of Control approval, and pursuant to the Ohio Cooperative Purchase Act, to enter into an agreement with Rush Truck Centers, for the purchase of a 2019 7400 SFA 4X2 dump truck, and declaring the same to be an emergency.

WHEREAS, the City of North Canton must replace a 2005 7400 SFA 4X2 dump truck; 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 a 2019 7400 SFA 4X2 dump truck.

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, upon Board of Control approval, and pursuant to the Ohio Cooperative Purchase Act, be, and is hereby authorized to enter into an agreement with Rush Truck Centers, for the purchase of a 2019 7400 SFA 4X2 dump truck at a cost not to exceed \$164,246.34.

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	
330.546.5500 Equipment	\$164,246.34

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 a 2019 7400 SFA 4X2 dump truck, this will replace a 2005 7400 SFA 4X2 dump truck to ensure the efficient operation of the City's Street 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 _____ 2018

David Held, Mayor

Signed: _____, 2018

ATTEST:

Mary Beth Bailey, Clerk of Council