

**NORTH CANTON CITY COUNCIL NOTICE  
SPECIAL COMMITTEE OF THE WHOLE AGENDA  
Monday, October 14, 2019**

North Canton City Council will meet as a Committee of the Whole, **Monday, October 14, 2019**, immediately following the 7:00 p.m. City Council meeting at the North Canton Civic Center

Items to be discussed:

1. Personnel & Safety Committee

Chairperson: Daniel Peters  
Vice Chairperson: Dominic Fonte  
Mark Cerreta  
Doug Foltz  
Marcia Kiesling  
Stephanie Werren  
Daryl Revoldt

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 North Canton Service and Clerical Union ("Water Plant"), and declaring the same to be an emergency.

2. Finance & Property Committee

Chairperson: Stephanie Werren  
Vice Chairperson: Marcia Kiesling  
Mark Cerreta  
Doug Foltz  
Dominic Fonte  
Daniel Peters  
Daryl Revoldt

- a) Resolution accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor.
- b) An ordinance authorizing the Mayor, on behalf of the City of North Canton, to execute a modification agreement of an open-end mortgage with AMC Land Company, Ltd., dated March 19, 2010, and modified on October 31, 2017, by replacing subplot 36, parcel 94-00552, with subplot 219, parcel 94-00986, and declaring the same to be an emergency.

3. Adjourn

North Canton City Council  
Personnel and Safety Committee

Ordinance No. - 2019

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 North Canton Service and Clerical Union ("Water Plant"), and declaring the same to be an emergency.

WHEREAS, the Mayor of the City of North Canton and the exclusive representatives for the Service and Clerical Union (Water Plant) entered into a tentative collective bargaining agreement, which will be effective November 1, 2019 through October 31, 2022, State Ohio Employment Relations Board case number 2019-MED-07-0633; 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 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 Service and Clerical Union, (Water Plant) effective November 1, 2019 through October 31, 2022, State Ohio Employment Relations Board case number 2019-MED-07-0633, 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 for the timely effectiveness of the collective bargaining agreement for the City's Water Plant Union; 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 by Council this \_\_\_\_\_ day of \_\_\_\_\_ 2019

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

Signed: \_\_\_\_\_, 2019

ATTEST:

\_\_\_\_\_  
Laura Brown, Director of Finance

145 N. Main Street  
North Canton, Ohio 44720  
Office Phone: (330) 499-8223  
Fax: (330)305-0603  
pdeorio@northcantonohio.gov



**Patrick A. De Orio**  
Director of Administration  
CITY OF NORTH CANTON

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**Special Committee of the Whole Meeting Request**

To: Daniel J. Peters, Council President  
Date: October 8, 2019  
Subject: Request for Special Committee of the Whole Meeting

I am requesting that Council hold a Special Committee of the Whole Meeting following the Council Meeting currently scheduled for October 14, 2019 to discuss entering into a contract with the Utility Workers Union of America, Local 605 (Water Plant).

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "P. De Orio", is written over the typed name.

Patrick A. De Orio

ALAN HAROLD  
STARK COUNTY AUDITOR

Resolution 16-2019

RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE  
BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND  
CERTIFYING THEM TO THE COUNTY AUDITOR

Revised Code, Secs. 5705.34-5705.35

**The (Council of the) NORTH CANTON CITY,**

Of Stark County, Ohio, met in Open Session on the \_\_\_ day of  
October at the office of City Council with the following members present:

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Mr./Ms. \_\_\_\_\_ moved the adoption of the following Resolution:

WHEREAS, This council in accordance with the provisions of law has previously adopted  
a Tax Budget for the next succeeding fiscal year commencing January 1st, 2020: and

WHEREAS, The Budget Commission of Stark County, Ohio, has certified its action thereon to this council  
together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this (Council/Board),  
and what part thereof is without, and what part within the ten mill limitation; there be it

RESOLVED, by the (Council) of North Canton City/Village, Stark County, Ohio that the  
amounts and rates, as determined by the Budget Commission in its certification, be and the same are hereby accepted:  
and be it further

RESOLVED, That there be and is hereby levied on the tax duplicate of said (Village/City) the rate of each  
tax necessary to be levied within and without the ten mill limitation as follows:

SCHEDULE A

SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED  
BY BUDGET COMMISSION, AND COUNTY AUDITOR'S ESTIMATED TAX RATES

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<u>FUND</u>	Amount to be derived from Levies outside 10 mill Limitation	Amount Approved by Budget Commission Inside 10 Mill Limitation	County Auditor's Estimate of Tax Rate to be Levied	
			Inside	Outside
General Fund		70,453	2.40 (NCCSD)	
		807,676	2.40 (NCCSD)	
		174	1.90 (JLSD)	
		8,118	2.00 (JLSD)	
		2,169	1.90 (PLSD)	
		146,496	2.00 (PLSD)	
Street Improvement Fund	376,833			1.00
Fire Fund	188,416			0.50
Ambulance Fund	942,082			2.50
Storm Sewer	376,833			1.00
Total	1,884,164	1,035,086	12.60	5.00

**SCHEDULE B**  
**LEVIES OUTSIDE 10 MILL LIMITATION, EXCLUSIVE OF DEBT LEVIES**

**FUND**

Maximum Rate  
 Authorized  
 to be Levied

County Auditor's  
 Estimate of Yeild  
 of Levy

**GENERAL FUND:**

Current expense levy authorized by voters on  
 for not to exceed Continued years.

Emergency Current expense levy authorized by voters on  
 for not to exceed 5 years.

Fire Fund: Levy authorized by voters on 3/6/12 for not to exceed <b>Continued</b> years.	0.50	188,416
Street Improvement Fund: Levy authorized by voters on 11/4/14 for not to exceed <b>5</b> years.	1.00	376,833
Ambulance Fund: Levy authorized by voters on 3/6/12 for not to exceed <b>Continued</b> years.	1.00	376,833
Ambulance Fund: Levy authorized by voters on 8/8/17 for not to exceed <b>5</b> years.	1.50	565,249
Storm Sewer Fund: Levy authorized by voters on 11/4/14 for not to exceed <b>5</b> years.	1.00	376,833

And be it further

Resolved, That the clerk of this Board be and he is hereby directed to cerfity a copy of this resolution to the County Auditor of said County.

Mr./Ms. \_\_\_\_\_ seconded the Resolution and the roll being called upon its adoption the vote resulted as follows:

Mr/Ms. \_\_\_\_\_

Mr/Ms. \_\_\_\_\_

Mr/Ms. \_\_\_\_\_

Mr/Ms. \_\_\_\_\_

Mr/Ms. \_\_\_\_\_

Mr/Ms. \_\_\_\_\_

Mr/Ms. \_\_\_\_\_

Adopted the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
 Laura Brown  
 Clerk

\_\_\_\_\_  
 North Canton City/Village

\_\_\_\_\_  
 Stark County, Ohio.

CERTIFICATE TO COPY  
ORIGINAL ON FILE

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The State of Ohio, Stark County, Ss.

I, Laura Brown Clerk City/Village of North Canton

Within and for said County, and in whose custody the Files and Records of said Council are required by the Laws of the State of Ohio to be kept, do hereby certify that the foregoing is taken and copied from the Original now on file, that the foregoing has been compared by me with said original document, and that the same is true and correct copy thereof.

Witness my signature, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
City of North Canton

Resolution 16-2019

City/Village of North Canton, Stark County Ohio.

**Resolution**

Accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor.

Adopted \_\_\_\_\_,

\_\_\_\_\_  
Clerk

Filed \_\_\_\_\_,

\_\_\_\_\_  
County Auditor

By \_\_\_\_\_  
Deputy Auditor



145 North Main St. · North Canton, OH 44720  
Phone: 330-499-3466 Fax: 330-499-2960  
lbrown@northcantonohio.gov

## CITY OF NORTH CANTON

**Laura Brown**  
Director of Finance

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October 9, 2019

TO: Daniel J. Peters  
President of Council

RE: Accepting Tax Amounts and Rates

I am requesting that Council consider legislation accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor. The County Auditor's office has provided the resolution for Council's consideration and asks that it be approved and returned as soon as possible.

Respectfully submitted,

*Laura Brown*

Laura Brown  
Director of Finance



North Canton City Council  
Finance and Property Committee

Ordinance No. - 2019

An ordinance authorizing the Mayor, on behalf of the City of North Canton, to execute a modification agreement of an open-end mortgage with AMC Land Company, Ltd., dated March 19, 2010, and modified on October 31, 2017, by replacing subplot 36, parcel 94-00552, with subplot 219, parcel 94-00986, and declaring the same to be an emergency.

WHEREAS, AMC Land Company has requested to modify an open-end mortgage, last recorded as Instrument No. 201710310046490, Stark County, Ohio, by replacing subplot 36, parcel 94-00552, with subplot 219, parcel 94-00986, Stark County, Ohio, so that subplot 36 may be sold for construction of a single-family home. A copy of the proposed modification agreement is attached hereto and incorporated herein.

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

- Section 1. That AMC Land Company has requested to modify an open-end mortgage with the City, last recorded as Instrument No. 201710310046490, Stark County, Ohio, by replacing subplot 36, parcel 94-00552, with subplot 219, parcel 94-00986, Stark County, Ohio, so that subplot 36 may be sold for construction of a single-family home.
- Section 2. That subplot 36, parcel 94-00552, shall be replaced with subplot 219, parcel 94-00986, for the open-end mortgage described above, and that the remaining provisions contained therein shall remain in full force and effect.
- Section 3. That the Mayor, on behalf of the City, be, and is hereby authorized to execute modification agreement described herein.
- 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 enable the property owner and purchaser to promptly complete and publicly record the sales transaction, and permit the developer to begin construction on a new North Canton single-family home in weather-permitting 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 full force from and after the earliest period allowed by law.

Passed in Council this \_\_\_\_\_ day of \_\_\_\_\_ 2019

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

ATTEST:

Signed: \_\_\_\_\_, 2019

\_\_\_\_\_  
Laura Brown, Director of Finance

### **MODIFICATION AGREEMENT**

This MODIFICATION AGREEMENT (this "Agreement") is made effective as of \_\_\_\_\_, 2019, by and between AMC LAND COMPANY, LTD., an Ohio limited liability company, (the "Grantor"), with a mailing address being 6690 Beta Drive, Suite 220, Mayfield Village, Ohio 44143, and the CITY OF NORTH CANTON, Stark County, Ohio, with a mailing address of 143 North Main Street, North Canton, Ohio 44720 (the "Grantee") for the purpose of memorializing the terms by which City Lot Number 6306 (Parcel Number 94-00552), originally mortgaged by the Grantor in that certain Open-End Mortgage, dated March 19, 2010 and recorded as Instrument Number 201003220009929, of the Stark County, Ohio Records, has been released and a new parcel, City Lot 68247 (Parcel Number 94-00986) substituted in its place.

**WHEREAS**, on or about March 19, 2010, Grantor entered into that certain Open-End Mortgage in favor of Grantee securing City Lots (6774)(Parcel No.: 94-00949)(Sublot 207); (6843)(Parcel No.: 94-01005)(Sublot 238); and (6814)(Parcel No.: 94-00976)(Sublot 209); and

**WHEREAS**, on July 17, 2017, Grantee partially released City Lot 6843 (Parcel No.: 94-01005)(Sublot 238), recorded as Instrument No. 201707170029657 of the Stark County, Ohio Records; and

**WHEREAS**, on October 31, 2017, Grantee entered into that certain Modification Agreement, and partially released City Lot 6814 (Parcel No.: 94-00976)(Sublot 209), recorded as Instrument No. 201710310046490 of the Stark County, Ohio Records; and

**WHEREAS**, on October 31, 2017 Grantor entered into that certain Modification Agreement and substituted Sublot 207 (Parcel No. 94-00949) with Sublot 36 (City Lot 6306, Parcel Number 94-00552), recorded as Instrument No. 201710310046490; and

**WHEREAS**, the Grantor has requested and the Grantee has agreed, to remove Sublot 36 (City Lot 6306, Parcel No.: 94-00552) from the Open-End Mortgage, provided that an additional City Lot is substituted in its place, namely, Sublot 219 (City Lot 6824, Parcel Number 94-00986).

**NOW THEREFORE**, for the mutual covenants contained herein and for other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor and Grantee agree as follows:

1. Affirmation of Recitals. Each of the parties acknowledge that the recitals set forth above are true and correct. All such recitals are incorporated herein by reference.

2. Specific Amendments to the Open-End Mortgage.

a. City Lot 6306 (Parcel No.: 94-00552)(Sublot 36), recorded as Instrument No. 201710310046489 of the Stark County, Ohio Records has been released from the Open-End Mortgage.

b. City Lot 6824 (Parcel No.: 94-00986)(Sublot 219), the legal description of which is attached hereto as Exhibit A, shall be added to the Open-End Mortgage in substitution of City Lot 6306 (Parcel No.: 94-00552)(Sublot 36).

3. Ratification. Grantor hereby represents and warrants to Grantee that all of the terms and provisions of the existing Open-End Mortgage not otherwise modified herein, are ratified and remain in full force and effect.

4. Representations by Grantor. The Grantor further represents and warrants that:

a. Grantor (i) is duly formed, validly existing and in full force and effect under the laws of the State of Ohio; (ii) has all necessary power and authority and full legal right to own its property and to carry on its business as presently conducted; and (iii) has all necessary power and authority, and full legal right, to enter into this Agreement and to perform, observe and comply with all of its agreements and obligations hereunder.

b. All necessary actions have been taken by Grantor, as applicable, to authorize the execution, delivery and performance of this Agreement.

5. Binding Effect. This Agreement shall be binding upon and shall inure to the benefit of Grantor and Grantee, and their respective successors and permitted assigns.

6. Governing Law. This Agreement shall be construed in accordance with the internal, substantive laws of the State of Ohio.

***Remainder of Page Intentionally Left Blank***

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first set forth above.

AMC LAND COMPANY, LTD.

By: [Signature]  
Name: James J. Aveni  
Title: Manager

STATE OF OHIO )  
  )  
COUNTY OF Cuyahoga )

BEFORE ME, a Notary Public in and for such County and State, personally appeared the above-named AMC LAND COMPANY, LTD., an Ohio limited liability company ("Grantor"), by James J. Aveni, its Member, who acknowledged that he did sign the foregoing Modification Agreement and that the same is Grantor's free act and deed and his free act and deed both personally and as Grantee's duly authorized member.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal at \_\_\_\_\_, County, Ohio, this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

[Signature]  
Notary Public

CITY OF NORTH CANTON

**James A. Grasso, Esq.**  
**Notary Public, State of Ohio**  
**My commission has no expiration date**  
**Section 147.03 R.C.**

By: \_\_\_\_\_

Name: Honorable David Held  
145 North Main Street  
North Canton, Ohio 44720

Title: Mayor

Approved as to form and content:

\_\_\_\_\_  
Timothy L. Fox, Director of Law

STATE OF OHIO            )  
  )  
COUNTY OF STARK        )

BEFORE ME, a Notary Public in and for said County and State, personally appeared the above named David Held, in his official capacity as the Mayor of the City of North Canton, who acknowledged that he did sign the foregoing Modification Agreement, and that the same is his free act and deed, this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Notary Public

This Instrument Prepared By:  
Nicholas J. DeBaltzo, Jr., Esq.  
Dinn, Hochman & Potter, LLC  
5910 Landerbrook Drive, Suite 200  
Mayfield Heights, Ohio 44124  
440-544-1104

**Exhibit A**

Situated in the City of North Canton, County of Stark and State of Ohio:

And known as City Lot No. 6824 and also known as Subdivision Sublot No. 219 of the Monticello Subdivision #7 as recorded by Instrument No. 200512070081813 of Stark County Records, be the same more or less, but subject to all legal highways.

Permanent Parcel Number 94-00986

Address: 1360 Shiloh Run SE, North Canton, Ohio 44709

**PARTIAL SATISFACTION OF MORTGAGE**

This is to certify that the conditions of a certain Open-End Mortgage given by AMC Land Company, LTD., an Ohio limited liability company, and dated March 19, 2010, as Modified on October 31, 2017, have been satisfied as to Sublot Number 36 in the Monticello Subdivision, Phase 7, which Sublot is further identified as Parcel Number 94-00552, City Lot 6306 in the County of Stark and City of North Canton, Ohio.

Therefore, the Open-End Mortgage attaching to said Sublot is hereby discharged, provided however, that the lien of said Open-End Mortgage attaching to the remaining real property within the Monticello Subdivision, Phase 7 remains in full force and effect.

Said Open-End Mortgage is recorded as Instrument Number 201003220009929 of the Stark County, Ohio Records, as Modified on October 31, 2017 and recorded as Instrument 201710310046489.

City of North Canton

By: \_\_\_\_\_  
Honorable David Held, Mayor  
143 North Main Street  
North Canton, Ohio 44720

State of Ohio            )  
                                  ) SS  
County of Stark        )

**BEFORE ME**, a Notary Public in and for said County and State, personally appeared the above named David Held, in his official capacity as the Mayor of the City of North Canton, who acknowledged that he did sign the foregoing Partial Satisfaction of Mortgage, and that the same is his free act and deed, this \_\_\_\_\_ day of July, 2019.



**In testimony Whereof**, I have hereunto set my hand and official seal at North Canton,  
Ohio this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Notary Public

Commission Expiration Date: \_\_\_\_\_

This Instrument Prepared By:

Nicholas J. DeBaltzo, Jr., Esq.  
Dinn, Hochman & Potter, LLC  
5910 Landerbrook Drive, Suite 200  
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**Patrick A. De Orio**  
Director of Administration  
CITY OF NORTH CANTON

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**Legislation Request**

To: Daniel J. Peters, Council President  
Date: October 10, 2019  
Subject: Monticello Parcels

I am requesting amendment to the Special Committee of the Whole meeting agenda of October 14, 2019 to include discussion and potential legislative action for the collateral pledge for undeveloped land in Monticello Estates for George Zablo and Sons Builders.

EMERGENCY REQUESTED:  YES  NO

Respectfully submitted,

Patrick A. De Orio