

NOTICE OF NORTH CANTON CITY COUNCIL MEETING
Monday, April 11, 2016, 7:00 p.m., City Hall
Agenda

1. Call to Order
2. Opening Prayer – Reverend Mel Lindberg, United Methodist Church,
3. Pledge of Allegiance
4. Roll Call
5. Consideration:

Council Meeting Minutes: March 28, 2016
Special Committee of the Whole Meeting Minutes: March 28, 2016
6. Recognition of Visitors
7. Old Business
8. **Ordinance No. 23 - 2016 – 3rd Reading – Ordinance, Rules and Claims Committee**

An ordinance authorizing the Director of Administration of the City of North Canton to seek bids for police and fire department dispatch services for the City of North Canton.
9. New Business:
10. **Ordinance No. 33 – 2016 – 1st Reading – Community and Economic Development Committee**

An ordinance continuing Community Reinvestment Area (“CRA”) agreements between the City of North Canton and LMD Property and Reed Funeral Home.
11. **Ordinance No. 34 – 2016 – 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 International Association of Firefighters, Local 3489, (“Firefighters’ Union”), and declaring the same to be an emergency.
12. **Ordinance No. 35 – 2016 – 1st Reading – Street and Alley Committee**

An ordinance approving, confirming, and accepting a perpetual sanitary sewer easement for the real property known as Parcel No. 10007372, by and between the City of North Canton, an Ohio charter municipal corporation (“City”), Grantee, and Charles W. & Carol J. Riegler, Grantor, and declaring the same to be an emergency.
13. **Ordinance No. 36 – 2016 – 1st Reading – Finance and Property Committee**

An ordinance amending Ordinance No. 14 – 2016, the East Maple (Westgate at Walsh University) Street Improvements Project, increasing the appropriation from not to exceed \$250,000.00 to not to exceed \$410,000.00, and declaring the same to be an emergency.

14. Resolution No. 1 – 2016 – 1st Reading – Ordinance, Rules and Claims Committee

A resolution repealing and replacing Resolution No. 547 – 1963, designating the City of North Canton as “The Dogwood City”.

15. 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		

16. Reports:

Director of Law Mayor	Director of Finance City Engineer	Director of Administration Clerk of Council
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17. Final Call for New Business

18. Adjourn

Mary Beth Bailey
Clerk of Council

North Canton City Council
Community and Economic Development Committee

Ordinance No. 33 – 2016

An ordinance continuing the Community Reinvestment Area ("CRA") agreements between the City of North Canton and LMD Property and Reed Funeral Home.

WHEREAS, the North Canton Tax Incentive Review Council ("TIRC") has analyzed applicable historical data, and as a result, recommends the City continue the CRA's between the City and LMD Property and Reed Funeral Home.

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

- Section 1. That based upon the TIRC's recommendations, the City shall continue the CRA agreements between the City and LMD Property and Reed Funeral Home.
- Section 2. That a copy of this ordinance shall be forwarded to the Ohio Department of Development.
- Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed in Council this _____ day of _____ 2016

David Held, Mayor

Signed: _____, 2016

ATTEST:

Mary Beth Bailey, Clerk of Council

City of North Canton
Tax Incentive Review Council Recommendations
For Projects Reviewed in 2016 for the 2015 Tax Year

TIRC Recommendations to City Council

Business/Agreement	Address	Original Date Approved	Incentive Percentage	Incentive Start	Incentive End	Incentive Term	Tax Incentive Review Council Recommendations to North Canton City Council
LMD Property	881 South Main Street	09/16/2005	50%	2008	2020	12 Years	Agreement in Compliance – Continue Agreement
Reed Funeral Home	801 Pittsburgh Avenue N.W.	07/01/04	50%	2006	2016	10 Years	Agreement in Compliance – Continue Agreement

North Canton City Council
Personnel and Safety Committee

Ordinance No. 34 - 2016

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 International Association of Firefighters, Local 3489, ("Firefighters' Union"), and declaring the same to be an emergency.

WHEREAS, the Mayor of the City of North Canton and the exclusive representatives for the Firefighters' Union have negotiated a tentative collective bargaining agreement, which is effective January 1, 2016 through December 31, 2018, State Ohio Employment Relations Board case number 2015-MED-06-0590; 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; 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 Firefighters' Union, effective January 1, 2016 through December 31, 2018, State Ohio Employment Relations Board case number 2015-MED-06-0590, 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 and further necessary for the timely effectiveness of the collective bargaining agreement for the City's safety forces; 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 _____ 2016

David Held, Mayor

Signed: _____, 2016

ATTEST:

Mary Beth Bailey, Clerk of Council

North Canton City Council
Street and Alley Committee

Ordinance No. 35 - 2016

An ordinance approving, confirming, and accepting a perpetual sanitary sewer easement for the real property known as Parcel No. 10007372, by and between the City of North Canton, an Ohio charter municipal corporation ("City"), Grantee, and Charles W. & Carol J. Riegler, Grantor, 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 a perpetual sanitary sewer easement for the real property known as Parcel No. 10007372, by and between the City, Grantee, and Charles W. & Carol J. Riegler, Grantor, be, and the same is hereby approved, confirmed and accepted.
- Section 2. That the easement is more fully described in documents attached hereto, which are incorporated herein as if fully rewritten 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 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 installation of the sanitary sewer lines; 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 _____ 2016

David Held, Mayor

Signed: _____, 2016

ATTEST:

Mary Beth Bailey, Clerk of Council

PERPETUAL SANITARY SEWER EASEMENT

Parcel No.: 10007372

For and in consideration of ONE DOLLAR (\$1.00) and other good and valuable consideration, the sufficiency of which is hereby acknowledged, Charles W. Riegler and Carol J. Riegler, GRANTORS, do hereby give and grant unto THE CITY OF NORTH CANTON, an Ohio municipal corporation, GRANTEE, a perpetual easement to lay, re-lay, construct, install, maintain, operate, alter, inspect, repair, remove, replace, and renew at will a sanitary sewer main and to perform any other tasks GRANTEE deems necessary or advisable in order to operate or maintain the sanitary sewer system and appurtenances in accordance with the ordinances, rules, and regulates of Grantee, which are now in effect or may be adopted hereafter, including the right of ingress and egress at any time to and from such utility and all appurtenances thereto on, under and through the following property, a/k/a the "Easement Area":

SEE ATTACHED EXHIBIT "A"

It is agreed by and between Grantors and Grantee as follows:

1. That the Grantee shall have the right to remove fences, shrubbery, plants, trees, landscaping, lawns, driveways, walkways, and paving within the Easement Area during initial construction or future maintenance of the utility and all appurtenances thereto. The Grantee shall be responsible to restore the surface area of the easement, disturbed by Grantee, to as closely as possible to its condition at the time of construction or maintenance. The Grantee will pay reasonable damages for items which cannot be restored or repaired. If the amount of said damages cannot be mutually agreed upon, the same shall be ascertained and determined by three disinterested persons; one appointed by the Grantors, one by the Grantee, and the third by the two so appointed. The award of such three persons shall be final and conclusive.
2. That no building or structure of any kind shall or will be erected within the easement area by Grantors, nor shall anything be placed in the vicinity of the easement which might be injurious to the utility. However, nothing herein shall interfere with the right of Grantors to place driveways, parking areas, or walkways in said easement. Grantors shall not change the ground elevation, within the easement area, without approval of Grantee.
3. That the Grantors may extend across, or grant easements to others to extend across said easement area to minimum acceptable clearances as determined by the Grantee.
4. That Grantors shall indemnify, defend and hold harmless Grantee from any and all claims, liabilities, damages, actions, costs and expenses or complaints, including reasonable attorney fees, arising out of Grantor's use of the Easement Area.
5. That upon removal of said utility and all appurtenances thereto, the Easement Area shall be restored as closely as possible to its then condition at the time of removal.
6. That this grant shall be binding upon the Grantors and Grantee and shall inure to the benefit of their respective heirs, executors, administrators, successors, and assigns forever.

7. That the Grantors covenants with Grantee that it is well seized of the Easement Area as a good and indefeasible estate in fee simple and has the right to grant and convey the Easement Area in the manner and form described above. Grantors further covenants that it will warrant and defend the premises with the appurtenances thereunto belonging to Grantee against all lawful claims and demands whatsoever for the purposes described herein.
8. That this easement is subject to all matters of record.

IN WITNESS WHEREOF, the undersigned grantor(s) have caused their name to be subscribed to this Perpetual Sanitary Sewer Easement this 15th day of March, 2016.

GRANTOR(S):

Charles W. Riegler
 Charles W. Riegler

Carol J. Riegler
 Carol J. Riegler

NOTARY:

STATE OF OHIO)
) SS:
 COUNTY OF Stark)

Before me, a Notary Public in and for said County, personally appeared Charles W. Riegler and Carol J. Riegler, who acknowledged that they did sign the foregoing instrument and that it is their free act and deed.

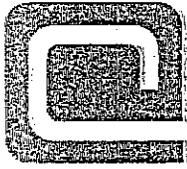
IN THE TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal a this 15th Day of March, 2016.

Jill Fitch
 Notary Public



Jill Fitch
 Notary Public, State of Ohio
 My Commission Expires 11-19-2017 Seal

This instrument prepared by: City of North Canton
 145 North Main Street
 North Canton, OH 4720



Cooper & Associates, LLP / ENGINEERS & SURVEYORS

Phone 330-452-5731

Fax: 330-452-9110

www.Cooperllp.com

1359 Market
Avenue North
Canton, Ohio 44714

Bryan J. Ashman P.E.
Jerold E. Geib P.S.

February 19, 2016

EXHIBIT 'A'

DESCRIPTION OF A 0.0850 ACRE, 20' WIDE, SANITARY SEWER EASEMENT

PART OF PARCEL NO. 100-07372

FOR: The City of North Canton

Known as and being part of Lot 7120 (Parcel #100-07372) as located in the City of North Canton, Stark County, Ohio; which is presently owned by Charles W. & Carol J. Riegler and recorded in Stark County Recorder's Instrument Number 2015/11240047391, being more particularly bounded and described as follows.

Beginning for the same at a point at the southern most corner of said Lot 7120. Thence along a portion of the cul-de-sac right-of-way line of Hanover Court SE, a 50 foot wide public roadway, on an arc of a curve to the right, in a northeasterly direction with said curve having a central angle of $47^{\circ}53'15''$, a radius of 50.00 feet, a tangent distance of 22.20 feet and an arc length of 41.79 feet, a distance of 41.79 feet to a point (last stated curved course has a chord bearing and distance of $N50^{\circ}31'00''E - 40.58$ feet). Said point also being the **True Place of Beginning** for the Sanitary Sewer Easement herein to be described.

1. Thence $N04^{\circ}00'04''W$, along a portion of the west line of the proposed Sanitary Sewer Easement a distance of 187.45 feet, to a point on the north line of said Lot 7120;
2. Thence $S84^{\circ}14'54''E$, along a portion of the north line of said Lot 7120 which is also the south right-of-way line of Easthill Street SE and the north line of the proposed Sanitary Sewer Easement, a distance of 20.29 feet to a point;
3. Thence $S04^{\circ}00'04''E$, along the east line of the proposed Sanitary Sewer Easement a distance of 184.01 feet, to a point on the cul-de-sac right-of-way line of said Hanover Court SE;
4. Thence along a portion of the cul-de-sac right-of-way line of Hanover Court SE, on an arc of a curve to the left, in a westerly direction with said curve having a central angle of $23^{\circ}04'26''$, a radius of 50.00 feet, a tangent distance of 10.21 feet and an arc length of 20.14 feet, a distance of 20.14 feet to a point (last stated curved course has a chord

bearing and distance of S85°59'51"W – 20.00 feet), terminating at the true place of beginning.

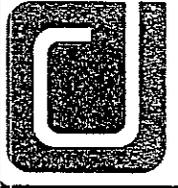
The above defined twenty (20) foot wide Sanitary Sewer Easement contains 0.0850 acre of land more or less (3701 SF).

As determined by Jerold E. Geib, PS #6725 of Cooper & Associates, LLP in February of 2016.

Subject to any and all easements, reservations, or restrictions that may be of record pertaining to the above described tract of land.

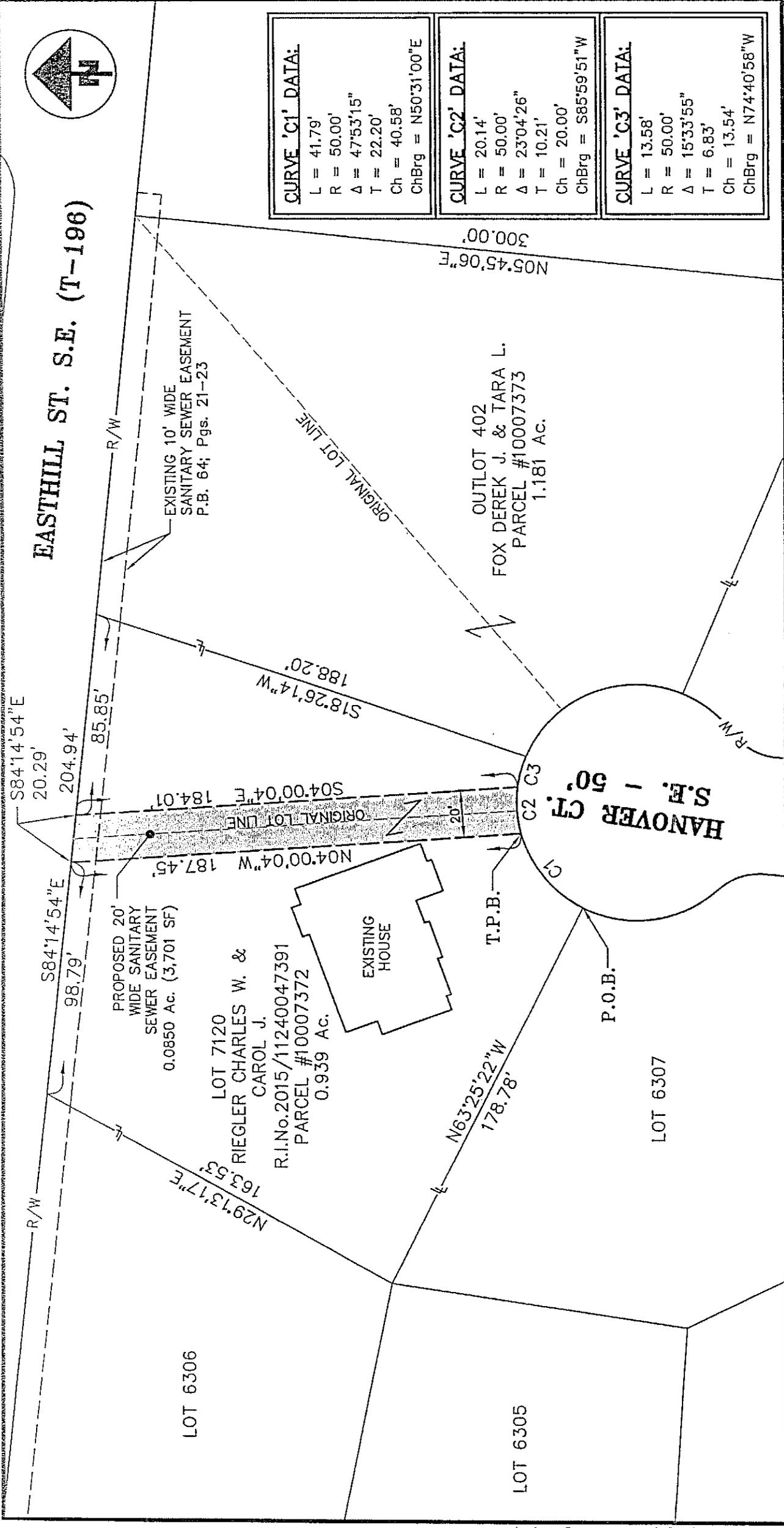
EXHIBIT A
 PAGE 1 OF 3
 PROJECT 16120

SANITARY SEWER EASEMENT
 LOCATED IN THE CITY OF NORTH CANTON
 STARK COUNTY, OHIO
FOR: THE CITY OF NORTH CANTON



COOPER & ASSOCIATES, LLP
 ENGINEERS AND SURVEYORS
 1359 MARKET AVE. NORTH
 CANTON, OHIO 44714
 PHONE: (330) 452-5731

0 25 50 100
 SCALE: 1" = 50'
 DRAWN BY: BEB
 CHECKED BY: JEG



North Canton City Council
Finance and Property Committee

Ordinance No. 36 – 2016

An ordinance amending Ordinance No. 14 - 2016, the East Maple (Westgate at Walsh University) Street Improvements Project ("Project"), increasing the appropriation from not to exceed \$250,000.00, to not to exceed \$410,000.00, and declaring the same to be an emergency.

WHEREAS, because the lowest bid received for the Project exceeded the current funding appropriation, yet was within 10 percent of the final engineer's estimate, City Council may increase its appropriation from not to exceed \$250,000.00, to not to exceed \$410,000.00 to permit the Project to be timely completed during construction season.

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

Section 1. That Ordinance No. 14 - 2016, the East Maple (Westgate at Walsh University) Street Improvements Project, be, and the same is hereby amended to increase its appropriation from not to exceed \$250,000.00 to not to exceed \$410,000.00; copy of Ordinance No. 14 – 2016 is attached hereto and is incorporated herein.

209	STORM SEWER IMPROVEMENT LEVY FUND	
209.745.5229	Contract Payments	\$ 30,000
210	STREET IMPROVEMENT LEVY FUND	
210.543.5229	Contract Payments	\$ 16,500
211	MUNICIPAL ROAD FUND	
211.543.5229	Contract Payments	\$233.500
330	CAPITAL IMPROVEMENT FUND	
330.546.5229	Contract Payments	\$130,000

Section 2. 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 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 for the timely completion of the East Maple (Westgate at Walsh University) Street Improvements Project during the construction 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. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed in Council this _____ day of _____ 2016

David Held, Mayor

Signed: _____, 2016

ATTEST:

Mary Beth Bailey, Clerk of Council

North Canton City Council
Ordinance, Rules and Claims Committee

Resolution No. 1 – 2016

A resolution repealing and replacing Resolution No. 547 – 1963, designating the City of North Canton as “The Dogwood City.”

WHEREAS, according to the North Canton Master Plan, 2012, “The Dogwood reference appears to be in need of renewal. Based on feedback from the public, few Dogwood trees remain in the city and residents don’t associate the city with this image.”

WHEREAS, based upon the current Master Plan, and further discussions with residents and local organizations, the City of North Canton shall be known simply as the “City of North Canton.”

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

- Section 1. That due to the abundance of Dogwood trees throughout the City, North Canton was known as “The Dogwood City.” However, as the number of local Dogwood trees decreased, few residents associated them with North Canton. As a result, and in accordance with the current Master Plan, North Canton shall be known simply as “The City of North Canton.”
- Section 2. That, accordingly, the tag line “The Dogwood City” shall be removed from City-owned property, equipment, uniforms, advertising, etc.
- Section 3. A true and accurate copy of Resolution No. 547 – 1963 is attached hereto.
- Section 4. That if a provision of this resolution is or becomes illegal, invalid, or unenforceable, that 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 force from and after the earliest period allowed by law.

Passed in Council this _____ day of _____, 2016

David Held, Mayor

SIGNED: _____, 2016

ATTEST:

Mary Beth Bailey, Clerk of Council

RESOLUTION

~~XXXXXXXXXX~~ 547

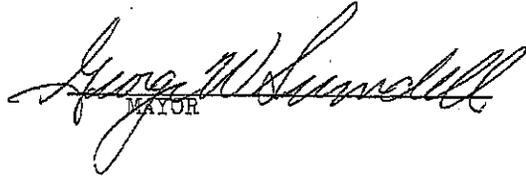
Passed June 10, 19 63

Resolution that the City of North Canton, Ohio, shall be designated and known as, The City of North Canton, Ohio, "The Dogwood City".

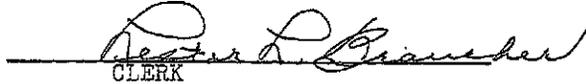
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORTH CANTON, OHIO.

That due to the request of numerous citizens and organizations and because of the aesthetic value of the dogwood tree as it is blended into the community of North Canton; that from this day forward the City of North Canton shall be known as and designated as "The Dogwood City".

North Canton, Ohio
Passed: June 10, 1963


MAYOR

Attest:


CLERK