



City of North Canton
Mary Beth Bailey
Clerk of Council

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NOTICE OF PUBLIC HEARING

Notice is hereby given that North Canton City Council will hold a public hearing on Monday, May 23, 2016, at 6:45p.m., in Council Chambers at North Canton City Hall.

The purpose of the hearing is for Council to obtain the public's comments and concerns regarding a request to vacate (a) a portion of Orchard Street NE, from Witwer Street NE to Hower Street NE; and (b) a portion of Witwer Street NE, from North Main Street to Orchard Street NE.

North Canton's Planning Commission, at its April 6, 2016 meeting, recommended that Council approve the partial vacations described above.

Council shall take final action on the request, the Planning Commission's recommendation, and the public's comments and concerns at a date after the public hearing.

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

Mary Beth Bailey
Clerk of Council

NOTICE OF NORTH CANTON CITY COUNCIL MEETING
Monday, May 23, 2016, 7:00 p.m., City Hall
Agenda

1. Call to Order
2. Opening Prayer – Reverend Eli Klingensmith, Zion United Church,
3. Pledge of Allegiance
4. Roll Call
5. Consideration

Mayor's Court Receipts – April 2016
Financial Statement – February 2016 Month End Report

6. Recognition of Visitors
7. Old Business
8. **Ordinance No. 37 – 2016 – 2nd Reading – Personnel and Safety Committee**

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 to update the compensation level of exempt employees in line with non-exempt employees and thereby permit the City to promptly recruit, attract, and maintain highly trained and experienced leaders and managers, and declaring the same to be an emergency.

9. **Ordinance No. 38 – 2016 – 2nd Reading – Personnel and Safety Committee**

An ordinance amending Section 10 VACATION REGULATIONS, of Chapter 155 Personnel Regulations of Part One – Administrative Code of the Codified Ordinances of the City of North Canton to update the vacation levels of exempt employees in line with their contemporaries and thereby permit the City to promptly recruit, attract, and maintain highly trained and experienced leaders and managers, and declaring the same to be an emergency.

10. New Business
11. **Ordinance No. 32 – 2016 – 1st Reading – Community and Economic Development Committee**

An ordinance implementing Sections 3735.65 through 3735.70 of the Ohio Revised Code, establishing and describing the boundaries of a Community Reinvestment Area in the City of North Canton, designating a Housing Officer to administer the program, creating a Community Reinvestment Housing Council and a Tax Incentive Review Council.

12. **Ordinance No. 40 – 2016 – 1st Reading – Street and Alley Committee**

An ordinance approving, confirming, and accepting a perpetual public fire hydrant and waterline easement for the real property known as part of Parcel No. 9208743, and being part of Out Lot No. 200, by and between the City of North Canton, an Ohio Charter municipal corporation ("City"), Grantee, and Jan D Walther Irrevocable Trust, Grantor, and declaring the same to be an emergency.

13. Resolution No. 3 – 2016 – 1st Reading – Ordinance, Rules and Claims Committee

A resolution designating the Dogwood tree as the City's tree.

14. 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		

15. Reports

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

17. Adjourn

Mary Beth Bailey
Clerk of Council

North Canton City Council
Community and Economic Development Committee

Ordinance No. 32 – 2016

An ordinance implementing Sections 3735.65 through 3735.70 of the Ohio Revised Code, establishing and describing the boundaries of a Community Reinvestment Area in the City of North Canton, designating a Housing Officer to administer the program, creating a Community Reinvestment Housing Council and a Tax Incentive Review Council.

WHEREAS, the General Assembly of the State of Ohio, by the enactment of Ohio Revised Code (“ORC”) 3735.65 through 3735.70 (herein sometimes referred to as the “Community Reinvestment Area Program”) has heretofore authorized municipal corporations to designate Community Reinvestment Areas (“CRAs”) within the state in order to provide an incentive for new residential, commercial or industrial development and/or rehabilitation in such areas by making available real property tax exemptions for such new development or rehabilitation; and

WHEREAS, a housing survey has been prepared and submitted to this City Council, which is on file with the Housing Officer, which proposes a CRA be located in the City of North Canton, and which shows the facts and conditions relating to existing structures and undeveloped areas in the proposed North Canton CRA, including, among other things, evidence of deterioration and lack of new construction, or repair or rehabilitation, of substantial portions of the area in which the new CRA is proposed; the new CRA proposed is more fully described and designated in Exhibit A, attached hereto and made a part hereof; and

WHEREAS, there has been recommended to this City Council the approval of the designation of the North Canton CRA described in Exhibit A as a Community Reinvestment Area, and this City Council has determined that the new construction and rehabilitation in such area would serve to encourage economic stability, maintain real property values, and generate new employment opportunities, and would be in the best City’s best interest;

WHEREAS, the City desires to expand the existing CRA into additional areas in order to more effectively administer the CRA; and

WHEREAS, the City intends that the new CRA shall encourage reinvestment in the existing housing district; and

WHEREAS, the construction of new housing and remodeling of existing structures in the new North Canton CRA constitutes a public purpose for which real property exemptions may be granted.

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

Section 1. Based upon the aforesaid recommendations and upon said housing survey, and on this City Council’s own knowledge of the facts and conditions existing in the North Canton CRA, this City Council hereby finds and determines that: the North Canton CRA constitutes an area expansion in which housing

facilities are located and new housing construction and repair of existing facilities or structures is discouraged.

- Section 2. Pursuant to Section 3735.66 of the Ohio Revised Code, the North Canton CRA is hereby established and designated as a Community Reinvestment Area meeting the requirements of the Ohio Revised Code Sections 3735.65 through 3735.70, and said North Canton CRA is hereby established and designated in the area described and depicted in Exhibit A attached hereto.
- Section 3. Within the North Canton CRA, new construction and remodeling of existing residential, commercial and industrial structures are hereby declared to be a public purpose and eligible for an exemption from real property taxation. Only residential, commercial and industrial improvements consistent with the applicable zoning regulations within the North Canton CRA will be eligible for exemptions, and applicants shall permit representatives from the Stark County Auditor's office to have access to property both before and after construction and remodeling has been completed so that a full and fair valuation may be completed.
- Section 4. With the North Canton CRA, the percentage of the tax exemption on the increase in the assessed valuation resulting from improvements to commercial and industrial real property and the period of those exemptions shall be negotiated on a case-by-case basis in advance of the commencement of construction or remodeling consistent with ORC 3735.67. The results of such negotiations as approved by this City Council shall be set forth in writing in CRA Agreements as outlined in ORC 3735.671.
- Section 5. For residential property, a tax exemption is hereby authorized on 100% of the increase in the assessed valuation resulting from improvements as described in ORC 3735.67 and shall be granted upon proper application by the property owner and certification thereof by the City's designated Housing Officer. Residential applications must be filed with the Housing Officer no later than six months after completion of construction, unless such time period is extended in writing by the Housing Officer. The following periods of real property tax exemption shall apply to all residential property:
- (a) 10 years, for the remodeling of dwellings containing not more than 2 units, and upon which the cost of remodeling is at least \$2,500, as described in ORC 3735.67(D)(1).
 - (b) 12 years, for the remodeling of dwellings containing more than 2 units, and upon which the cost of remodeling is at least \$50,000, as described in ORC 3735.67(D)(2).
 - (c) 15 years, for construction of dwellings as described in ORC 3735.67(D)(4).
- Section 6. All commercial and industrial projects are required to comply with the state application fee requirements of ORC 3735.672(C). This Council hereby determines that the City shall waive collection of the local annual monitoring fee of one percent of the amount of taxes exempted in connection with the North Canton Citywide CRA Program. When, in the sole discretion of the City's Housing Officer, an inequity exists between the local annual monitoring fee of 1% of the amount of taxes exempted and the amount of taxes

exempted in connection with the CRA, the Housing Officer may waive the annual monitoring fee.

- Section 7. To administer and implement the provisions of the CRA in accordance with ORC 3735.65 through 3735.70, the City's Director of Economic Development is hereby designated as the Housing Officer. The Housing Officer is authorized and directed to receive applications and grant real property tax exemptions for new structures or remodeling completed after the date of passage of this ordinance, and is further authorized and directed to conduct annual inspections of properties within the CRA for which exemptions have been granted, and to keep the Housing Council and TIRC (as defined below) apprised of any revocations of CRA tax exemption made for lack of adequate property maintenance or compliance with a CRA agreement in accordance with ORC 3735.68.
- Section 8. A North Canton Community Reinvestment Area Housing Council (the "Housing Council") shall be established, consisting of two members appointed by the Mayor, two members appointed by City Council, one member appointed by the Planning Commission, and two City residents, appointed by a majority of the first five members, which appointments are hereby authorized to be made. Terms of the members of the Housing Council shall be for three years. An unexpired term resulting from a vacancy in the Housing Council shall be filled in the same manner in which the initial appointment was made. The Mayor, City Council, and Planning Commission are hereby authorized and directed to make their respective appointments to the Housing Council and those five appointed members are authorized to appoint the final two members. The Housing Council shall make an annual inspection of the properties within the CRA for which an exemption has been granted and shall hear appeals under ORC 3735.70 from property owners whose CRA applications have been denied or tax exemptions revoked by the Housing Officer.
- Section 9. A North Canton Tax Incentive Review Council (the "TIRC") shall be established pursuant to ORC 5709.85. The TIRC shall consist of three representatives appointed by the Board of County Commissioners, two representatives appointed by the Mayor with concurrence of City Council, the County Auditor (or designee) and a representative of each affected board of education located in the CRA. At least two members of the TIRC shall be residents of the City. The TIRC shall review annually the compliance of all agreements involving the grant of exemptions for commercial or industrial real property improvements under ORC 3735.67 and shall make written recommendations to the Council as to the continuation, modification or termination of said agreements based upon the performance of those agreements.
- Section 10. City Council reserves the right to re-evaluate the designation of the CRA after December 31, 2016, and on a biennial basis thereafter, at which time it may direct the Housing Officer to not accept new applications for exemptions as described in ORC 3735.67, with respect to any additional construction or remodeling thereafter commenced.
- Section 11. The Mayor is hereby authorized and directed to petition the Ohio Director of Development to confirm the findings contained within this ordinance.

Section 12. A copy of this ordinance shall be forwarded to the Stark County Auditor; a copy of this ordinance shall also be published in a newspaper of general circulation in the City once a week for two consecutive weeks immediately following its passage.

Section 13. It is found and determined that all formal actions of this Council and of any of its committees concerning and relation to the passage of this ordinance were adopted in an open meeting of this Council or of any of its committees, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Ohio Revised Code 121.22.

Section 14. 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

North Canton City Council
Street and Alley Committee

Ordinance No. 40 - 2016

An ordinance approving, confirming, and accepting a perpetual public fire hydrant and waterline easement for the real property known as part of Parcel No. 9208743, and being part of Out Lot No. 200, by and between the City of North Canton, an Ohio charter municipal corporation ("City"), Grantee, and Jan D Walther Irrevocable Trust, 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 public fire hydrant and waterline easement for the real property known as Parcel No. 9208743, by and between the City, Grantee, and Jan D Walther Irrevocable Trust, 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 completion hydrant and waterlines to be installed, 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 PUBLIC FIRE HYDRANT
And WATER LINE EASEMENT
Parcel No.: 9208743**

For and in consideration of ONE DOLLAR (\$1.00) and other good and valuable consideration, the sufficiency of which is hereby acknowledged, the **Jan D. Walther Irrevocable Trust**, GRANTOR, does 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 potable water main, and to perform any other tasks GRANTEE deems necessary or advisable in order to operate or maintain water mains, connections, pipes 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 Grantor 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 Grantor, 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 Grantor, 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 Grantor to place driveways, parking areas, or walkways in said easement. Grantor shall not change the ground elevation, within the easement area, without approval of Grantee.
3. That the Grantor 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 Grantor 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 Grantor and Grantee and shall inure to the benefit of their respective heirs, executors, administrators, successors, and assigns forever.
7. That Grantor 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. Grantor 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 Public Fire Hydrant and Water Line Easement this 2nd day of May, 2016.

GRANTOR(S):

Jan D. Walther Irrevocable Trust

By: Jan D. Walther, Trustee

Jan D. Walther, Trustee
(Signed Name)

NOTARY:

STATE OF OHIO)
) SS:
COUNTY OF Stark)

Before me, a Notary Public in and for said County, personally appeared Jan D. Walther, Trustee for the Jan D. Walther Irrevocable Trust 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 2nd Day of May, 2016.

Jill Fitch
Notary Public



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

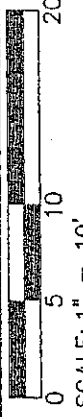
This instrument prepared by: City of North Canton
145 North Main Street
North Canton, OH 4720

PROP. PUBLIC FIRE HYDRANT & WATERLINE EASE.
LOCATED IN THE CITY OF NORTH CANTON



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

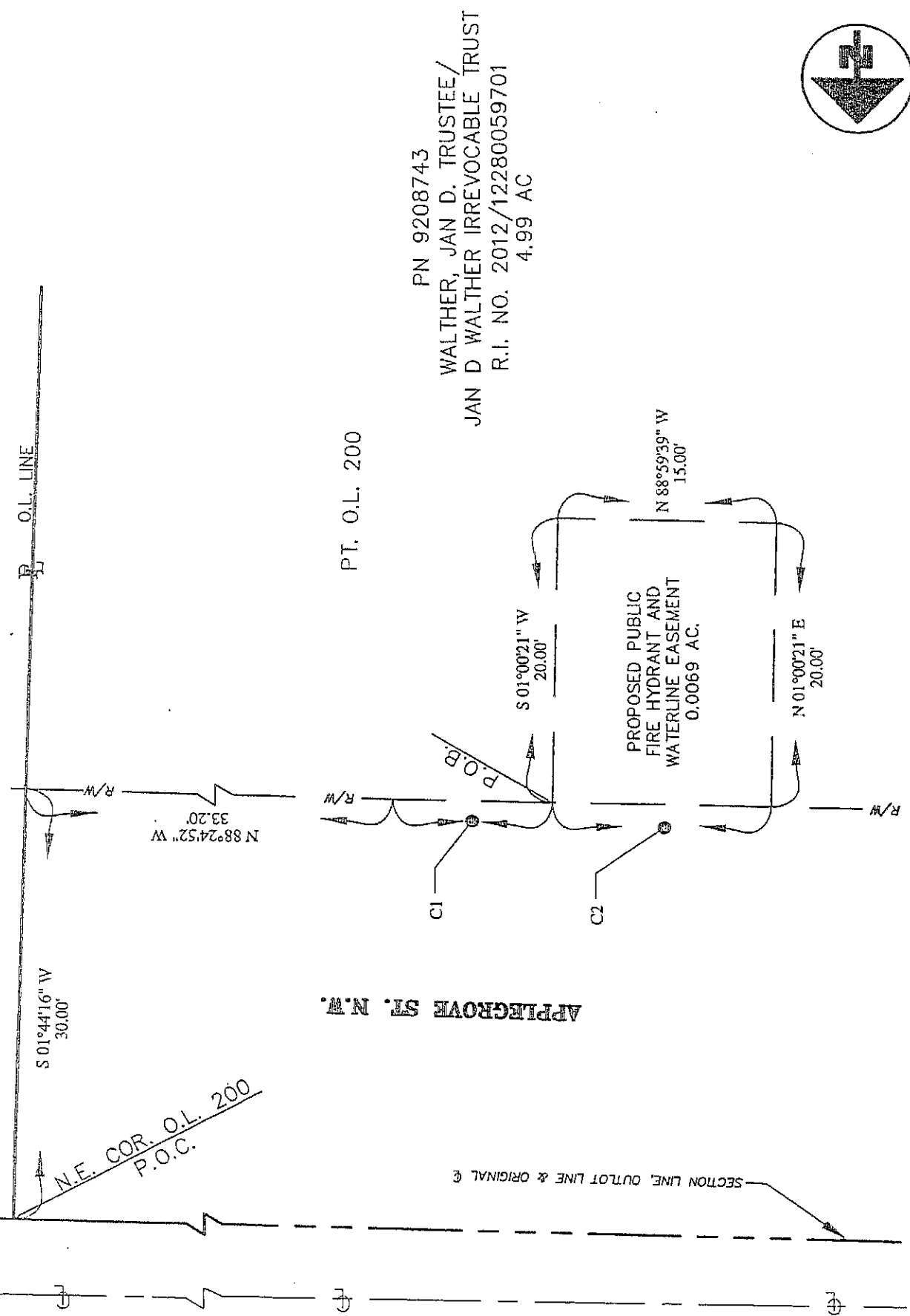
SCALE: 1" = 10'
DRAWN BY: JMG
CHECKED BY: JEG



PN 9208743
WALTHER, JAN D. TRUSTEE/
JAN D WALTHER IRREVOCABLE TRUST
R.I. NO. 2012/12280059701
4.99 AC

PT. O.L. 200

APPLEGROVE ST. N.W.



CURVE 'C1' DATA:

L = 10.90'
R = 22883.31
Δ = 00°01'38"
T = 5.45'
Ch = 10.90'
ChBrg = N88°57'42"W

CURVE 'C2' DATA:

L = 15.00'
R = 22883.31
Δ = 00°02'15"
T = 7.50'
Ch = 15.00'
ChBrg = S88°59'39"E

5. Thence $N01^{\circ}00'21''E$, along the west line of the proposed Hydrant & Waterline Easement, a distance of 20.00 feet, to a point on the said south right-of-way line of Applegrove Street NW;
6. Thence along a portion of said right-of-way line, on an arc of a curve to the left, in an easterly direction with said curve having a central angle of $00^{\circ}02'15''$, a radius of 22,883.31 feet, a tangent distance of 7.50 feet and an arc length of 15.00 feet, a distance of 15.00 feet to a point and being the **true place of beginning** for the Hydrant & Waterline Easement herein described (last stated curved course has a chord bearing and distance of $S88^{\circ}59'39''E - 15.00$ feet);

The above defined Hydrant & Waterline Easement contains 0.0069 acre of land more or less (300 SF).

As determined by Jerold E. Geib, PS #6725 of Cooper & Associates, LLP in November of 2015.

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

North Canton City Council
Ordinance, Rules and Claims Committee

Resolution No. 3 – 2016

A resolution designating the Dogwood tree as the City's tree.

WHEREAS, based on feedback from the public, the City of North Canton desires to designate the Dogwood tree as the City's tree.

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 feedback from the public, this City Council has decided to adopt the Dogwood tree as the City's tree.
- Section 2. That, accordingly, the Dogwood tree shall be designated as the City's tree.
- Section 3. 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 4. 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