

NOTICE OF NORTH CANTON CITY COUNCIL MEETING
Monday, October 24, 2016, 7:00 p.m., City Hall
Agenda

1. Call to Order
2. Opening Prayer - Reverend James Clark, St. Paul Roman Catholic Church
3. Pledge of Allegiance
4. Roll Call
5. Consideration

Council Meeting Minutes - October 10, 2016
Special Committee of the Whole Meeting Minutes – October 10, 2016
Financial Statement – September 2016 Month End Reports
Mayor's Court Receipts for September 2016

6. Recognition of Visitors
7. Old Business
8. **Ordinance No. 66 - 2016 – 2nd Reading - Community and Economic Development Committee**

An ordinance revoking the designating of all City of North Canton Community Reinvestment Areas ("CRA"), terminating the City's CRA program for new residential, commercial, and industrial tax exemption applications for new structures, rehabilitation, and remodeling, as may be permitted under Ohio law, specifically Ohio Revised Code ("R.C.") Sections 3735.65 through 3735.70, thereby repealing all local legislative provisions inconsistent herewith, as may be described in North Canton Ordinances 22-99, 106-00, 71-04, 107-09, and 5-10, and declaring the same to be an emergency.

9. New Business
10. **Ordinance No. 72 - 2016 - 1st Reading - Community and Economic Development Committee**

An ordinance stating the municipal services that the City of North Canton shall provide to a 0.8992 acre of land, more or less, being part of the Northeast Quarter of Section 16, Township 11 North (Plain Township), Range 8 West, Stark County, Ohio, in the event the land is annexed into the City, and declaring the same to be an emergency.

11. **Ordinance No. 73 - 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 North Canton Service and Clerical Employees ("Water Plant"), and declaring the same to be an emergency.

**Council Meeting
Agenda**

**October 24, 2016
Page 2**

12. 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		

13. Reports

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

15. Adjourn

Mary Beth Bailey
Clerk of Council

North Canton City Council
Community and Economic Development Committee

Ordinance No. 66 - 2016

An ordinance revoking the designation of all City of North Canton Community Reinvestment Areas ("CRA"), terminating the City's CRA program for new residential, commercial, and industrial tax exemption applications for new structures, rehabilitation, and remodeling, as may be permitted under Ohio law, specifically Ohio Revised Code ("R.C.") Sections 3735.65 through 3735.70, thereby repealing all local legislative provisions inconsistent herewith, as may be described in North Canton Ordinances 22-99, 106-00, 71-04, 107-09, and 5-10, and declaring the same to be an emergency.

WHEREAS, at the behest of North Canton's Board of Education, see Exhibit A attached hereto and incorporated herein, and those residents in accordance therewith, this Council declares the City's current CRA program no longer constitutes a public purpose for which new applications for real property exemptions may be granted. Council enacted the CRA program to provide incentives for residential, commercial, and industrial new construction, remodeling, and rehabilitation with the expectation that the program would increase economic stability by maintaining real property values and generating new employment opportunities. However, in its current statutory form, the CRA program, albeit temporarily, significantly reduces potential tax benefits that may accrue to the City school system's benefit, and therefore, no longer constitutes a public purpose for which real property exemptions may be granted; and

WHEREAS, in accordance with Ohio law, provided the applicants continue to comply with the terms, conditions, and obligations of their applications, and agreements, this ordinance shall not diminish real property tax exemptions previously granted or available under the CRA program; and

WHEREAS, pursuant to past CRA legislation, residential applicants shall have up to six months from construction, rehabilitation, or remodeling completion to file a tax exemption application with the Housing Officer—the Director of Economic Development—therefore, the Housing Officer shall continue to receive residential applications for a period of six months from the date this ordinance becomes law. The Housing Officer shall deny, however, residential CRA applications filed more than six months from the date this ordinance becomes law, and deny any commercial or residential application beginning the date this ordinance becomes law, for those relating to the legislation described above. Accordingly, beginning the date this ordinance becomes law, City Council shall not enter into any CRA agreements with those applying for commercial or industrial CRA applications relating to the legislation described above; and

WHEREAS, so that it is made aware of new applications, City Council requires the Housing Officer to provide its members with prompt notice of the approval or denial of residential CRA applications.

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

Section 1. Because City Council believes that Community Reinvestment Area program, in its current statutory form, significantly reduce potential tax benefits that may accrue to area school systems, it hereby finds and determines its current CRA

program no longer constitutes a public purpose for which real property exemptions may be granted.

- Section 2. This ordinance revokes the designation of all North Canton Community Reinvestment Areas, thus terminating the City's CRA program for new residential, commercial, and industrial tax exemption applications for new structures, rehabilitation, and remodeling, as may be permitted under Ohio law, specifically R.C. Sections 3735.65 through 3735.70, and thereby repeals all local legislative provisions inconsistent herewith, as may be described in North Canton Ordinances 22-99, 106-00, 71-04, 107-09, and 5-10.
- Section 3. This ordinance shall not diminish real property tax exemptions previously granted under a CRA program provided the applicants continue to comply with the terms, conditions, and obligations of their applications, and agreements.
- Section 4. Pursuant to past CRA legislation, residential applicants shall have up to six months from construction, rehabilitation, or remodeling completion to file a tax exemption application with the Housing Officer; therefore, the Housing Officer shall continue to accept residential applications for a period of six months from the date this ordinance becomes law. The Housing Officer shall deny residential CRA applications filed more than six months from the date this ordinance becomes law, and deny any commercial or residential application beginning the date this ordinance becomes law for those applications relating to the legislation described above. Accordingly, beginning the date this ordinance becomes law, City Council shall not enter into any CRA agreements with those applying for commercial or industrial CRA applications relating to the legislation described above.
- Section 5. To administer the winding up of North Canton's CRA program, the Housing Officer is authorized and directed to continue to receive applications and grant real property tax exemptions only as strictly described herein, and is further authorized and directed to continue to conduct annual inspections of properties until those tax exemption periods have been completed, and which proper exemptions have been granted, to continue to keep the Housing Council and Tax Incentive Review Council ("TIRC") apprised of any revocations of CRA tax exemptions made for lack of adequate property maintenance or compliance with a CRA agreement in accordance with R.C. 3735.68, and to provide City Council with prompt notice of the approval or denial of residential applications.
- Section 6. The North Canton Community Reinvestment Area Housing Council (the "Housing Council") shall continue as established heretofore, 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 continue 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 continue to make an annual inspection of the properties within the CRAs for which an exemption has been granted and shall hear appeals under R.C.

3735.70 from property owners whose CRA applications have been denied or tax exemptions revoked by the Housing Officer.

- Section 7. The TIRC shall continue to 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 CRAs. At least two members of the TIRC shall be residents of the City. The TIRC shall continue to review annually the compliance of all agreements involving the grant of exemptions for commercial or industrial real property improvements under R.C. 3735.67, et seq., and shall continue make written recommendations to City Council as to the continuation, modification, or termination of said agreements based upon the performance of those agreements.
- Section 8. A copy of this ordinance shall be sent to the Stark County Auditor and be published in a newspaper of general circulation in the City once a week for two consecutive weeks immediately following its enactment.
- Section 9. It is found and determined that all formal actions of this City Council and of any of its committees concerning and relation to the passage of this ordinance were adopted in an open meeting of 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 R.C. Section 121.22.
- Section 10. 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 rescission of the City's CRA program under the legislation and conditions described above, which significantly reduces potential tax benefits that may accrue to the City school system's benefit; 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
Community and Economic Development Committee

Ordinance No. 72 - 2016

An ordinance stating the municipal services that the City of North Canton shall provide to a 0.8992 acre of land, more or less, being part of the Northeast Quarter of Section 16, Township 11 North (Plain Township), Range 8 West, Stark County, Ohio, in the event the land is annexed into the City, and declaring the same to be an emergency.

WHEREAS, the owner of 0.8992 acres of land, more or less, (the "Territory") being part of the Northeast Quarter of Section 16, Township 11 North (Plain Township), Range 8 West, Stark County, Ohio, through its agent, Christopher J. Goldthorpe, has filed a petition with the Board of County Commissioners of Stark County for annexation of said Territory to the City of North Canton; and,

WHEREAS, the Board of County Commissioners of Stark County has scheduled a hearing on the proposed annexation for December 5, 2016; and,

WHEREAS, having received notice of said hearing, pursuant to section 709.03(D) of the Ohio Revised Code, the Council of the City of North Canton shall adopt by this ordinance a statement indicating, upon annexation, the services it shall provide to the annexed Territory together with the approximate date by which it will provide them.

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

- Section 1. Upon the effective date of said annexation of the Territory described above, the City of North Canton shall provide, police, fire, and emergency medical services, as well as other public services provided to all other lands within the corporate limits of the City of North Canton as provided for in the ordinances of the City of North Canton and the statutes of the State of Ohio, including, but not limited to, sanitary sewer, storm sewer, road maintenance, water, and maintenance thereof, together with the enforcement of applicable housing, zoning, and building code regulations and ordinances.
- Section 2. 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. 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 immediately necessary in order to meet the Stark County Commissioners and Ohio Revised Code filing requirement, and to detail the health and safety services the City shall provide the Territory upon annexation. 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

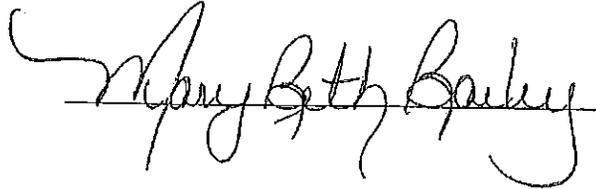
Signed: _____, 2016

ATTEST:

Mary Beth Bailey, Clerk of Council

RECEIPT

The original of this Notice of Filing of Annexation Petition and date of public hearing was received for filing by the Clerk of Council, of the City of North Canton, Stark County, Ohio, this 10th day of October, 2016.

A handwritten signature in cursive script that reads "Mary Beth Bailey". The signature is written over a horizontal line.

CHRISTOPHER J. GOLDTHORPE
693 Ozem Gardner Way
Westerville, Ohio 43081
Tele: 330-280-7601

Clerk of Council
City of North Canton
145 North Main Street
North Canton, Ohio 44720

Re: Walsh/Philzer Annexation

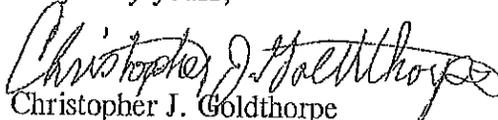
Gentlemen:

This will notify you of the filing of a petition requesting the annexation of 0.8992 acres of land from Plain Township to the City of North Canton, Ohio. The petition was signed by the sole property owner in the area sought for annexation and filed with the Stark County Commissioners on Sept. 30, 2016. We have attached the following:

- (1) Copy of the Petition;
- (2) Annexation Data Sheet;
- (3) Copy of receipt for filing of the Petition with the Stark County Commissioners;
- (4) A copy of the annexation plat with the legal description;
- (5) A list of contiguous property owners.

The matters contained in the Annexation Petition will come for hearing before the Board on Dec. 5, at 10⁰⁰ a.m/p.m. The hearing will be held at the Stark County Commissioners Board Room, 110 Central Plaza South, Canton, Ohio 44702.

Very truly yours,


Christopher J. Goldthorpe
Attorney and Agent for Petitioner

CJG:cj
Enclosures

TO: THE BOARD OF COUNTY COMMISSIONERS OF STARK COUNTY, OHIO

PETITION FOR ANNEXATION OF TOWNSHIP PROPERTY
TO CITY (R.C. 709.02)

The undersigned Petitioner or Petitioners hereby petition for the annexation of the real property described below (the "Territory") to the City of North Canton, Stark County, Ohio, (the "City").

SEE ATTACHED LEGAL DESCRIPTION (Exhibit "A")

The Territory consists of 0.8992 acre of land, more or less, located adjacent to and contiguous with the City. Petitioners have attached as Exhibit "B" and made a part of this Petition, an accurate map showing the boundaries of the Territory. The number of owners of the real estate in the Territory is one (1), who is the petitioner herein, to wit:

WALSH UNIVERSITY

CHRISTOPHER J. GOLDTHORPE is hereby appointed agent for the Petitioners as required by Section 709.02 of the Ohio Revised Code and is granted full power and authority to amend, alter, change, correct, withdraw or refile this Petition, increase or decrease the size of the Territory and do any and all things essential to this Petition and take any other action necessary pertaining to the granting of this Petition.

NAME	SIGNATURE	ADDRESS	DATE
WALSH UNIVERSITY	<i>Michelle Brown</i>	2020 East Maple Street North Canton, OH 44720	<u>3/17/16</u>

LIST OF CONTIGUOUS PROPERTY OWNERS

Robert R. & Marie L. Dunkle
(Parcel No. 5204153)
1929 Philzer Avenue NW
North Canton, Ohio 44720

George S. and Mary Naves
(Parcel No. 5207611)
1939 Philzer Avenue NW
North Canton, Ohio 44720

First Brethren Church
(Parcel No. 10005708)
6283 Market Avenue North
Canton, Ohio 44721

Alfred D. and Penelope Scrimo
(Parcel No. 52-08930)
1922 Philzer Avenue NW
North Canton, Ohio 44720

Jeffrey L. and Sally A. Houseman
(Parcel No. 52-07858)
1834 Philzer Street NW
North Canton, Ohio 44720

Jerry L. and Donna M. Roan
(Parcel No. 52-06916)
1835 Philzer Ave NW
North Canton, Ohio 44720

Sole Parcel In area to be annexed

Walsh University - Petitioner
(Parcel No. 52-80443)
City Lot 7075
R.I. No. 2004/11180081986
2020 East Maple Street
North Canton, Ohio 44720
Attn: Michelle Brown, Vice President for Finance

Parcels Contiguous Owned by Petitioner:

Walsh University - Petitioner
(Parcel No. 52-09461)
City Lot 7076
R.I. No. 2008/01060000945
2020 East Maple Street
North Canton, Ohio 44720

Walsh University – Petitioner
a/k/a Walsh University, Inc.
East Maple Street
North Canton, Ohio 44720

O.L. 99
Parcel 52-04327
R.I. No. 2011/092000037416

Parcel name: ANNEX AREA

North: 441268.97855 East : 2281187.63501
Line Course: S 05-20-00 W Length: 166.00
 North: 441103.69720 East : 2281172.20533
Line Course: N 85-34-00 W Length: 236.00
 North: 441121.93978 East : 2280936.91146
Line Course: N 05-20-00 E Length: 166.00
 North: 441287.22113 East : 2280952.34113
Line Course: S 85-34-00 E Length: 236.00
 North: 441268.97855 East : 2281187.63501

Perimeter: 804.00 Area: 39,171.17 sq. ft. 0.89925 acres

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.00000 Course: S 90-00-00 E
Error North: 0.000000 East : 0.000000
Precision 1: 804,000,000.00

North Canton City Council
Personnel and Safety Committee

Ordinance No. 73 - 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 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, 2016 through October 31, 2019, State Ohio Employment Relations Board case number 2014-MED-05-0750; 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, 2016 through October 31, 2019, State Ohio Employment Relations Board case number 2014-MED-05-0750, 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 _____ 2016

David Held, Mayor

Signed: _____, 2016

ATTEST:

Mary Beth Bailey, Clerk of Council