

City of North Canton

NOTICE OF PUBLIC MEETING

Notice is hereby given that:

The City Council of the City of North Canton shall hold a Regular Council Meeting on Monday, August 22, 2022 at 7:00 PM at North Canton Civic Center 845 W Maple St. North Canton, OH.

See attached agenda for matters to be discussed.

Meetings are open to the public or may be livestreamed on the City of North Canton's YouTube page.

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

8/18/2022
Date

Benjamin R. Young
Clerk

NORTH CANTON REGULAR COUNCIL MEETING
August 22, 2022, 7:00 PM
Agenda

- 1. Call to Order**
- 2. Opening Prayer**
- 3. Pledge of Allegiance**
- 4. Roll Call**
- 5. Consideration**
- 6. Recognition of the Public**
- 7. Old Business**
 - 7.a Amend Council Rule 9 in order to rename the Water Sewer and Rubbish Committee.
 - 7.b Amend Council Rules 14 and 18 in order to condense redundant rules.
 - 7.c Amend Council Rules to establish a new rule(s) altering the procedure for recognition of the public.
- 8. New Business**
 - 8.a Ordinance No. 56-2022, 1st Reading, Finance and Property Committee**

An ordinance authorizing the Director of Finance of the City of North Canton to establish a fund entitled OneOhio Opioid Settlement (Fund Number 217) for the purpose of accounting for related revenue and expenditures associated with the OneOhio Opioid Settlement distributions, and declaring the same to be an emergency.
 - 8.b Ordinance No. 57-2022, 1st Reading, Finance and Property Committee**

An ordinance authorizing the appropriation of funds of the City of North Canton to be appropriated for current expenses during the fiscal year ending December 31, 2022.
 - 8.c Ordinance No. 58-2022, 1st Reading, Finance and Property Committee**

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to renew a personal services agreement for computer server, network, workstation monitoring, maintenance and support, remote and on-site support, malware protection, web browsing protection, patch management, Dark Web monitoring, and security awareness education for the City's critical, complex, municipal infrastructure equipment, and, given the critical nature of this agreement, to do so without advertising for bids as provided by Charter Section 4.05, Contracting and Purchasing, and declaring the same to be an emergency.
 - 8.d Ordinance No. 59-2022, 1st Reading, Street and Alley Committee**

An ordinance authorizing the Mayor of the City of North Canton to release AMC Land Company, Ltd., from performance bond obligations established by a commercial bond as

authorized by Ordinance 52-2021.

8.e Ordinance No. 60-2022, 1st Reading, Street and Alley Committee

An ordinance authorizing the Mayor of the City of North Canton to enter into an agreement with AMC Land Company, Ltd., thereby accepting its maintenance bond to guarantee certain maintenance improvements in the Monticello Phase 8 Development.

8.f Ordinance No. 61-2022, 1st Reading, Street and Alley Committee

An ordinance authorizing the Mayor of the City of North Canton to prepare and submit an application to the Ohio Public Works Commission (OPWC) for a grant for the Wise Avenue NE Reconstruction Project and, if awarded, authorizing the Mayor, upon Board of Control approval, to enter into an agreement for the receipt of said grant and declaring the same to be an emergency.

8.g Ordinance No. 62-2022, 1st Reading, Street and Alley Committee

An ordinance authorizing the Mayor of the City of North Canton to prepare and submit an application to the Ohio Public Works Commission (OPWC) for a grant for the East Maple Street Repaving Project and, if awarded, authorizing the Mayor, upon Board of Control approval, to enter into an agreement for the receipt of said grant and declaring the same to be an emergency.

9. Department Reports

Deputy Director of Administration	Director of Finance
Director of Administration	City Engineer
Mayor Wilder	Council Clerk

10. Council Reports

Ward 1 - Jamie McCleaster	At Large - Daryl Revoldt
Ward 2 - David Metheny	At Large - Christina Weyrick
Ward 3 - Stephanie Werren	At Large - Matthew Stroia
Ward 4 - John Orr	

11. Final Call for New Business

12. Meetings Calendar

August 29, 2022 - No Meeting
September 5, 2022 - No Meeting - Labor Day
September 12, 2022 - City Council
September 19, 2022 - Committee of the Whole
September 26, 2022 - City Council

13. Adjourn



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: August 22, 2022

SUBMITTED BY: Council's Office

ITEM TYPE: Non-Legislation Council Items

AGENDA SECTION: Old Business

SUBJECT: Amend Council Rule 9 in order to rename the Water Sewer and Rubbish Committee.

DESCRIPTION: If approved Rule 9 of Council Rules will be amended to rename the Water, Sewer, and Rubbish committee as the "Utilities" committee.

ATTACHMENTS:
[REDLINE Rules of City Council \(Rules 9 and 14\).pdf](#)

Rules of City Council

The following rules shall govern all meetings of the Council of the City of North Canton and its committees. If any part of these rules should become contrary to local or state law, it shall be considered immediately void and the Clerk shall have the authority to strike it from the rules without a vote of council.

Officers of Council

- Rule 1. The Officers of Council shall be elected by the members of Council at the annual organizational meeting of Council according to the following format.
- (a). The President shall be elected before the Vice President.
 - (b). The Chair will open the floor to nominations for the current office.
 - (c). Once all nominations are made the Chair shall close the floor to nominations and may open the floor to debate.
 - (d). The chair shall then call for the roll call vote of each Council member.
 - (e). Election to any office requires four (4) votes. If no member receives four votes the Chair may reopen the floor to deliberation before conducting another vote.
 - (f). The process shall continue until a nominee receives four (4) votes.
 - (g). Once a nominee has received four votes the Chair will instruct the Clerk to certify the election results via written statement and shall appoint the winner to the elected office. The Clerk may use a verbatim transcript of the meeting as the written statement.
- Rule 2. The President of Council shall:
- (a). Preside over Council meetings and public hearings and therein preserve order and decorum;
 - (b). Confine debate to the question under discussion;
 - (c). Decide all points of order;
 - (d). Assign seats at the Council dais; and
 - (e). Supervise the Director of Law, Director of Finance, and Clerk of Council.
- Rule 3. The Vice President of Council shall fulfill the duties of the President in the President's absence.
- Rule 4. A Clerk of Council shall be appointed by a majority vote of seated members of Council and serves until said Clerk resigns, retires, or is removed for any just cause as defined by Council.
- Rule 5. The Clerk or their designee shall be present at all meetings of Council and its committees unless excused by a vote of Council due to appropriate circumstances such as illness or legitimate use of vacation hours.
- Rule 6. The Clerk shall act as parliamentary advisor to the President of Council responsible for assisting in compliance with parliamentary procedure as adopted by these rules.

Meetings of Council

- Rule 7. Council shall hold an annual organizational meeting upon the call of the Mayor during the first three days of December to elect Officers. (Charter 2.01)
- (a). The Mayor shall preside over the meeting until such time as a President is elected.
 - (b). The Clerk is instructed to, at the direction of the Mayor, publish notice of the time, date, and location of the organizational meeting in accordance with local and state law.
 - (c). The provisions of this Rule shall not be constructed so as to grant the Mayor authority over legislative officers nor Council authority over administrative officers in violation of the Charter's provisions.
- Rule 8. A quorum necessary to conduct business shall be a Majority of all Seated Members of Council.

Committees of Council

- Rule 9. The standing committees of Council shall be:
- (a). Community and Economic Development;
 - (b). Finance and Property;
 - (c). Ordinance and Rules;
 - (d). Park and Recreation;
 - (e). Personnel and Safety;
 - (f). Street and Alley; and
 - (g). ~~Water, Sewer, and Rubbish.~~Utilities.
- Rule 10. By an affirmative vote of a Majority of Seated Members of Council ad-hoc committees may be established for specified purposes. Such ad-hoc committees shall last until the next organizational meeting of council.
- Rule 11. Council members shall present to the President of Council her or his preference of committee assignments, in writing, following the organizational meeting of council by a date established by the President of Council.
- Rule 12. The President of Council shall assign committee positions at his or her own discretion by the next regular meeting of council following the annual organizational meeting, but shall take into consideration seniority, preference, special qualifications, experience, and the best interests of the City, and may alter committee assignments or make special assignments thereafter as needed.
- Rule 13. The Clerk shall cause committee assignments to be publicly posted in City Hall and on the City's website for at least one week after assignments are made.

Rule 14. ~~All seated members of Council shall constitute each committee of council and T~~the President of Council shall designate one member of each committee as the chairperson and one member as the vice chairperson.

Rule 15. Committees of council shall meet upon call by the President or its chairperson subject to Rule 17.

Rule 16. Committee of the Whole shall meet upon call by the President subject to Rule 17.

Rule 17. No committee of council shall meet without the Clerk having first provided the committee's members and the public with twenty-four hours advance notice of the meeting's date and time.

~~Rule 18. All seated members of Council shall constitute each committee of Council and the Presidents shall designate one member as Committee Chair and one member as Vice Chair for each committee.~~

Commented [BY1]: Remove as redundant of Rule 14

Council Docket

~~Rule 19.~~Rule 18. A matter may be introduced to Council's docket only upon the receipt of a standard Agenda Request, as created and maintained by the Clerk of Council. Only the Directors of Administration, Finance, and Law, the Clerk of Council, and City elected officials may submit such requests.

~~Rule 20.~~Rule 19. Upon a matter's introduction to the council docket, or upon referral back to Council, the Clerk of Council, under the authority and supervision of the President of Council, shall refer the matter to the proper committee of council for consideration, or, in matters requiring pre-council approval, to appropriate boards and/or commissions.

~~Rule 21.~~Rule 20. The Clerk shall promptly notify a committee's chair of any items assigned to said committee.

~~Rule 22.~~Rule 21. All matters to be placed on a committee's meeting agenda shall be reported to the Clerk by 4:00 p.m. on the Tuesday before the meeting. The President of Council may make exceptions to this rule, provided that sufficient time is available to comply with the request.

~~Rule 23.~~Rule 22. All non-legislation matters to be placed on the Council's meeting agenda shall be reported to the Clerk by 10:00 a.m. on the Thursday prior to the council meeting. The President of Council may make exceptions to this rule, provided that sufficient time is available to comply with the request.

~~Rule 24.~~Rule 23. Legislation may be placed on the council agenda only upon a motion to move forward, second, and affirmative majority voice vote in a committee of council as recorded in Council's Journal.

~~Rule 25~~Rule 24. Legislation will be assigned an official ordinance number in the form of (### - year) by the Clerk upon its placement on the council agenda.

~~Rule 26~~Rule 25. The council meeting agenda shall be in substantially the following form:

- (a). Call to order;
- (b). Opening prayer;
- (c). Pledge of Allegiance;
- (d). Roll call;
- (e). Consideration of items submitted for Council approval;
- (f). Special Presentations
- (g). Recognition of the Public;
- (h). Old business;
- (i). New business;
- (j). Reports of Directors of Administration, Law, and Finance, City Engineer, Clerk, and Mayor;
- (k). Reports of Council members;
- (l). Final call for new business;
- (m). Adjourn.

~~Rule 27~~Rule 26. During the “final call for new business” only elected officials may introduce matters for consideration.

~~Rule 28~~Rule 27. The committee and council meeting agendas and supporting paperwork such as ordinances, resolutions, committee reports, etc., shall be available to Council, the Mayor, and the Directors of Administration, Law, and Finance by the Thursday before the meeting, or as soon thereafter as possible.

~~Rule 29~~Rule 28. The Clerk of Council shall present legislation to the Mayor, or their designee for the Mayor’s signature, veto, or failure to take action within forty-eight hours of Council having passed the legislation.

Speaking Before Council

~~Rule 30~~Rule 29. When speaking before Council, whether at a public meeting or otherwise, speakers will not discuss subject matter that contains defamation, slander, or obscenity. Speakers shall not act in a manner that is in violation of these rules. Council has the right and duty to preserve the decorum and order of its meetings and events. Any violation of any of these rules by the speaker allows Council to revoke the speaking privileges of the speaker.

~~Rule 31~~Rule 30. No person shall disrupt a lawful meeting or gathering or prevent such a meeting or gathering from taking place. No person shall act in any manner that would cause interference with the goals and due course of the meeting. No person shall make any gesture, utterance, or demonstration that would be outrageous to a

group. No person shall engage in any impermissible conduct, as defined by Rule 31.

~~Rule 32.~~Rule 31. No person shall engage in any disorderly, reckless, offensive, or any other impermissible conduct during any public meeting, event, gathering, or other City activity. Impermissible conduct includes but is not limited to:

- (a). Threatening harm to a person or property;
- (b). Engaging in violent or threatening behavior;
- (c). Causing a disturbance by creating excessive and unreasonable noise;
- (d). Using grossly abusive language;
- (e). Insulting or attempting to provoke another person to violence;
- (f). Physically touching, preventing from moving, harming, or creating an apprehension of fear of harm in another person;
- (g). Using defamatory or slanderous language;
- (h). Any other harmful, offensive, or violent conduct.

~~Rule 33.~~Rule 32. Council rules shall be strictly and equally enforced on members of the public and City personnel by the President of Council who shall promptly issue a warning to those that violate these rules. The President of Council may expel from the meeting those individuals that persist despite the President's warning to cease. If the individual fails to immediately leave the meeting upon the President of Council's request, the President shall have the individual removed from the meeting by a law enforcement officer in the course of enforcing the laws of the State of Ohio.

Recognition of the Public

~~Rule 34.~~Rule 33. Members of the public not specifically invited by a Councilmember or otherwise granted the floor are permitted to speak only during the Recognition of the Public portion of the Council meeting.

~~Rule 35.~~Rule 34. The Clerk of Council shall cause Rule 29 to Rule 32, or a succinct summary thereof to be clearly visible on the presentation screen during the Recognition of the Public.

~~Rule 36.~~Rule 35. During Recognition of the Public each speaker shall begin by first identifying themselves by name and home address.

~~Rule 37.~~Rule 36. Each speaker's comments are limited to a maximum of five (5) minutes which shall begin after the speaker has identified themselves.

~~Rule 38.~~Rule 37. There shall be no debate between the speaker and members of the public audience, city employees, or Councilmembers.

~~Rule 39~~Rule 38. Members of the public audience, city employees, or Councilmembers shall not interrupt or otherwise engage the speaker during the speaker's five minutes. Only after the speaker has completed speaking and returned to his or her seat may a Councilmember or city employee who is seated at the dais request permission from the President of Council to respond to the speaker's comments.

~~Rule 40~~Rule 39. When the speaker's five (5) minutes have expired, as indicated by both an audible alarm and a timer visible to all of those in attendance of the meeting, the speaker shall promptly cease speaking and shall return to his or her seat or shall exit the meeting. A speaker that continues beyond the allocated five minutes, and who continues to speak despite receiving notice that the speaker's time limit has expired, may have their speaking privileges revoked by Council.

Other Rules

~~Rule 41~~Rule 40. All matters of procedure not covered in these rules or applicable state or local law shall be governed by the most recent edition of Robert's Rules of Order Newly Revised (RRoONR) and the Council of the City of North Canton does hereby adopt RRoONR as the council's standard for parliamentary procedure.

Every municipal election year, following the election, but preceding the organizational meeting, the Clerk of Council shall offer training on RRoONR to all Councilmembers-elect.

~~Rule 42~~Rule 41. Any proposed amendments to these rules may be made by a motion to consider from the floor of any regular or special council meeting. Such motions, upon receiving four favorable votes shall be placed on the agenda for the next scheduled regular council meeting.

At the next regular council meeting Council shall vote on whether to adopt the proposed amendments.

~~Rule 43~~Rule 42. As used in these rules

- (a). "Majority" means 51% of Council members at a given meeting wherein a quorum is present, unless otherwise specified.
- (b). "Two Thirds Majority" means 67% of Council members at a given meeting wherein a quorum is present.
- (c). "Seated Members of Council" means all individuals who are currently members of North Canton City Council.



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: August 22, 2022

SUBMITTED BY: Council's Office

ITEM TYPE: Non-Legislation Council Items

AGENDA SECTION: Old Business

SUBJECT: Amend Council Rules 14 and 18 in order to condense redundant rules.

DESCRIPTION: If approved Rule 18 will be removed and Rule 14 will be amended to add the phrase "All seated members of Council shall constitute each committee of council" previously included in Rule 18.

See attachment to preceding item for redline edits.

ATTACHMENTS:



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: August 22, 2022

SUBMITTED BY: Council's Office

ITEM TYPE: Non-Legislation Council Items

AGENDA SECTION: Old Business

SUBJECT: Amend Council Rules to establish a new rule(s) altering the procedure for recognition of the public.

DESCRIPTION: At the Council meeting of August 15, 2022 Council requested that the Director of Legislative Affairs draft new versions of the new rule(s) based on the comments of Council during discussion of the original draft. The Director was unable to complete the drafts and submit them for legal review in the week between meetings and respectfully requests Council postpone further consideration until drafts, reviewed and approved by legal counsel, are complete.

ATTACHMENTS:



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: August 22, 2022

SUBMITTED BY: Finance

ITEM TYPE: Ordinance

AGENDA SECTION: New Business

SUBJECT: **Ordinance No. 56-2022, 1st Reading, Finance and Property Committee**

An ordinance authorizing the Director of Finance of the City of North Canton to establish a fund entitled OneOhio Opioid Settlement (Fund Number 217) for the purpose of accounting for related revenue and expenditures associated with the OneOhio Opioid Settlement distributions, and declaring the same to be an emergency.

DESCRIPTION: Establish a new fund (*Fund 217 OneOhio Opioid Settlement*) per ORC 5709(F) and 5705.10(I) to segregate and ensure separate accountability of OneOhio Opioid Settlement distributions. Said funds shall be used only for the approved purposes as required by the OneOhio MOU, which include evidence-based forward-looking strategies, programming and services used to (i) expand the availability of treatment for individuals affected by substance use disorders, (ii) develop, promote and provide evidence-based substance use prevention strategies, (iii) provide substance use avoidance and awareness education, (iv) decrease the oversupply of licit and illicit opioids, and (v) support recovery from addiction services performed by qualified and appropriately licensed providers.

The Ohio Opioid Abatement Strategy includes three main components:

1. Strategies for Community Recovery: Included but not limited to prevention, treatment, recovery support and community recovery

projects (examples include child welfare, law enforcement strategies and other infrastructure supports). These strategies have a hyper-local focus that allows communities to collaborate and expand necessary services to their community.

2. Strategies for Statewide Innovation & Recovery: Included but not limited to strategies included in Community Recovery Component but also projects that promote statewide change and regional development for prevention, treatment, recovery supports and community recovery (examples include regional treatment hubs, drug task forces, data collection and dissemination). This component also includes research and development to understand how to better serve individuals and families in Ohio.

3. Strategies for Sustainability: Ohio's addiction and mental health epidemic was not created overnight, and it will not go away immediately. By collaborating to share resources and knowledge, Ohio's state and local communities can build a sustainable financing strategy and infrastructure to reverse the damage that has been done and prevent future epidemics and crises.

ATTACHMENTS:

[Ord. 56-2022 Establishing Opioid Settlement Fund.docx](#)

North Canton City Council
Finance and Property Committee

ORDINANCE 56 - 2022

An ordinance authorizing the Director of Finance of the City of North Canton to establish a fund entitled OneOhio Opioid Settlement (Fund Number 217) for the purpose of accounting for related revenue and expenditures associated with the OneOhio Opioid Settlement distributions, and declaring the same to be an emergency.

WHEREAS, said funds shall be used only for the approved purposes as required by the OneOhio MOU, which include evidence-based forward-looking strategies, programming and services used to (i) expand the availability of treatment for individuals affected by substance use disorders, (ii) develop, promote and provide evidence-based substance use prevention strategies, (iii) provide substance use avoidance and awareness education, (iv) decrease the oversupply of licit and illicit opioids, and (v) support recovery from addiction services performed by qualified and appropriately licensed providers; and

WHEREAS, The Ohio Opioid Abatement Strategy includes three main components:

- a. Strategies for Community Recovery: Included but not limited to prevention, treatment, recovery support and community recovery projects (examples include child welfare, law enforcement strategies and other infrastructure supports). These strategies have a hyper-local focus that allows communities to collaborate and expand necessary services to their community.
- b. Strategies for Statewide Innovation & Recovery: Included but not limited to strategies included in Community Recovery Component but also projects that promote statewide change and regional development for prevention, treatment, recovery supports and community recovery (examples include regional treatment hubs, drug task forces, data collection and dissemination). This component also includes research and development to understand how to better serve individuals and families in Ohio.
- c. Strategies for Sustainability: Ohio's addiction and mental health epidemic was not created overnight, and it will not go away immediately. By collaborating to share resources and knowledge, Ohio's state and local communities can build a sustainable financing strategy and infrastructure to reverse the damage that has been done and prevent future epidemics and crises.

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 Director of Finance of the City of North Canton be, and is hereby, authorized to establish an OneOhio Opioid Settlement Fund (Fund Number 217) for the purpose of accounting for related revenue and expenditures associated with the OneOhio Opioid Settlement distributions.

Section 2. That if a provision of this ordinance is or becomes illegal, invalid, or unenforceable, it 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 to ensure proper accounting of funds to be received by the City 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 upon its adoption by Council, together with the Mayor's approval. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed in Council this _____ day of _____, 2022.

Attest: _____
Benjamin R. Young, Clerk of Council

Stephan B. Wilder, Mayor

Signed on: _____



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: August 22, 2022

SUBMITTED BY: Finance

ITEM TYPE: Ordinance

AGENDA SECTION: New Business

SUBJECT: **Ordinance No. 57-2022, 1st Reading, Finance and Property Committee**

An ordinance authorizing the appropriation of funds of the City of North Canton to be appropriated for current expenses during the fiscal year ending December 31, 2022.

DESCRIPTION: Approve supplemental appropriations, totaling (\$3,262,225):

204 Fire Levy Fund (\$250,000)	Fire Operations	Other Operating
211 Municipal Road Fund (\$125,000)	Street Maintenance	Other Operating
212 General Trust Fund +\$ 250	Police Department	Other Operating
	Parks Department	Other Operating
+\$ 24,125		
217 OneOhio Opioid Sttlmt +\$ 4,550	Police/SRO Program	Other Operating
219 COVID-19 Relief Fund +\$ 3,600	Sewer Maintenance	Other Operating
330 Capital Improvements (\$116,750)	Street Maintenance	Other Operating
331 Parks Development +\$ 15,000	Parks Department	Other Operating
332 OPWC/Issue II (\$2,050,000)	Paving Program	Other Operating

Street Resurfacing Other Operating

(\$ 768,000)

ATTACHMENTS:

[Ord. 57-2022 August Supplemental Appropriation.docx](#)

North Canton City Council
Finance and Property Committee

ORDINANCE 57 - 2022

An ordinance authorizing the appropriation of funds of the City of North Canton to be appropriated for current expenses during the fiscal year ending December 31, 2022.

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

Section 1. That to provide for the current expenses and other expenditures of the City of North Canton, during the fiscal year ending December 31, 2022, the following funds, be, and are hereby, set aside and appropriated as follows:

FIRE LEVY FUND			
204.133	Fire Suppression	Other Operating	(\$ 250,000)
MUNICIPAL ROAD FUND			
211.543	Street Maintenance	Other Operating	(\$ 125,000)
GENERAL TRUST FUND			
212.103	Police SRO Program	Other Operating	\$ 250
ONEOHIO OPIOID SETTLEMENT FUND			
217.103	Police SRO Program	Other Operating	\$ 4,550
COVID-19 RELIEF FUND			
219.779	Sewer Maintenance	Other Operating	\$ 3,600
CAPITAL IMPROVEMENTS FUND			
330.543	Street Mnt. & Repair	Other Operating	(\$ 116,750)
PARKS DEVELOPMENT FUND			
331.309	Parks Capital	Other Operating	\$ 15,000
OPWC / ISSUE II FUND			
332.544	Street Mnt. & Repair	Other Operating	(\$2,050,000)
332.549	Street Mnt. & Repair	Other Operating	(\$768,000)
TOTAL SUPPLEMENTAL APPROPRIATIONS			(\$3,286,350)

Section 2. That the Director of Finance be, and is hereby, authorized to issue warrants from appropriations established herein for the payment 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, it shall not affect the validity or enforceability of any other provision of this ordinance.

Section 4. That this ordinance shall take effect and be in full force from and after the earliest period allowed by law.

Passed in Council this _____ day of _____, 2022.

Attest: _____
Benjamin R. Young, Clerk of Council

Stephan B. Wilder, Mayor

Signed on: _____



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: August 22, 2022

SUBMITTED BY: Administration

ITEM TYPE: Ordinance

AGENDA SECTION: New Business

SUBJECT: **Ordinance No. 58-2022, 1st Reading, Finance and Property Committee**

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to renew a personal services agreement for computer server, network, workstation monitoring, maintenance and support, remote and on-site support, malware protection, web browsing protection, patch management, Dark Web monitoring, and security awareness education for the City’s critical, complex, municipal infrastructure equipment, and, given the critical nature of this agreement, to do so without advertising for bids as provided by Charter Section 4.05, Contracting and Purchasing, and declaring the same to be an emergency.

DESCRIPTION:

ATTACHMENTS:

[Ord. 58-2022 IT Services Contract Renewal.docx](#)

North Canton City Council
Finance and Property Committee

ORDINANCE 58 - 2022

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to renew a personal services agreement for computer server, network, workstation monitoring, maintenance and support, remote and on-site support, malware protection, web browsing protection, patch management, Dark Web monitoring, and security awareness education for the City's critical, complex, municipal infrastructure equipment, and, given the critical nature of this agreement, to do so without advertising for bids as provided by Charter Section 4.05, Contracting and Purchasing, and declaring the same to be an emergency.

WHEREAS, the City must have its critical, complex municipal infrastructure system, maintained through a trusted partner to continue to provide vital emergency, as well as prompt, routine services to its residents and guests; and

WHEREAS, the City Charter, Section 4.05, Contracting and Purchasing, provides that the Board of Control may authorize purchases and enter into contracts involving an expenditure in excess of that established by Ohio Revised Code Section 735.05 without advertising for bids if Council determines and declares, by an affirmative vote of at least six members, that an emergency exists, sets forth the nature of the emergency in its minutes, and appropriates the necessary funds.

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

- Section 1. That City Council determines and declares that an emergency exists involving the City's critical, complex infrastructure system.
- Section 2. That given the increased efforts to compromise and hold hostage for ransom municipal governments databases, the City must maintain a heightened vigilance to the protected—and sometimes personal—data the City collects and maintains to perform necessary services without delay and with the confidence of utilizing a trusted partner.
- Section 3. That, pursuant to Charter, Section 4.05, Contracting and Purchasing, Council respectfully requests the Board of Control consider and authorize renewal of a personal services agreement for computer server, network, workstation monitoring, maintenance and support, remote and on-site support, malware protection, web browsing protection, patch management, Dark Web monitoring, and security awareness education for the City's critical, complex, municipal infrastructure equipment, and given the critical nature of this agreement, to do so without advertising for bids.
- Section 4. That if a provision of this ordinance is or becomes illegal, invalid, or unenforceable, it 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 for the continued service, maintenance, and monitoring of critical, complex components of the City's infrastructure system, 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 upon its adoption by Council, together with the Mayor's approval. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed in Council this _____ day of _____, 2022.

Attest: _____
Benjamin R. Young, Clerk of Council

Stephan B. Wilder, Mayor

Signed on: _____



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: August 22, 2022

SUBMITTED BY: Council's Office

ITEM TYPE: Ordinance

AGENDA SECTION: New Business

SUBJECT: **Ordinance No. 59-2022, 1st Reading, Street and Alley Committee**
An ordinance authorizing the Mayor of the City of North Canton to release AMC Land Company, Ltd., from performance bond obligations established by a commercial bond as authorized by Ordinance 52-2021.

DESCRIPTION: This legislation would release the performance bond for Monticello Phase 8. The developer has submitted the maintenance bond which will take the place of the performance bond (see next item).

ATTACHMENTS:
[Ord. 59-2022 Release Monticello Phase 8 Performance Bond.docx](#)

North Canton City Council
Street and Alley Committee

ORDINANCE 59 - 2022

An ordinance authorizing the Mayor of the City of North Canton to release AMC Land Company, Ltd., from performance bond obligations established by a commercial bond as authorized by Ordinance 52-2021.

WHEREAS, the City Engineer has confirmed that AMC Land Company Ltd. has met its obligations for the installation and construction of streets, storm water management facilities, drainage improvements, and sewer improvements for Phase 8 of the Monticello Subdivision, and

WHEREAS, AMC Land Company Ltd. shall be required to provide a maintenance bond equivalent to 10% of the performance bond.

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

Section 1. That the Mayor be, and is hereby, authorized to release AMC Land Company, Ltd. from the bond obligations for the construction of streets, storm water management facilities, drainage improvements, and sewer improvements for Phase 8 of the Monticello Subdivision established by a commercial bond as authorized by Ordinance 52-2021.

Section 2. That if a provision of this ordinance is or becomes illegal, invalid, or unenforceable, it shall not affect the validity or enforceability of any other provision of this ordinance.

Section 3. That this ordinance shall take effect and be in full force from and after the earliest period allowed by law.

Passed in Council this _____ day of _____, 2022.

Attest: _____
Benjamin R. Young, Clerk of Council

Stephan B. Wilder, Mayor

Signed on: _____



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: August 22, 2022

SUBMITTED BY: Council's Office

ITEM TYPE: Ordinance

AGENDA SECTION: New Business

SUBJECT: **Ordinance No. 60-2022, 1st Reading, Street and Alley Committee**
An ordinance authorizing the Mayor of the City of North Canton to enter into an agreement with AMC Land Company, Ltd., thereby accepting its maintenance bond to guarantee certain maintenance improvements in the Monticello Phase 8 Development.

DESCRIPTION: This legislation would accept maintenance bond to replace performance bond. (See previous item.) New bond is to be secured by a mortgage deed on an unsold lot.

ATTACHMENTS:
[Ord. 60-2022 Accept Monticello Phase 8 Maintenance Bond.docx](#)

North Canton City Council
Street and Alley Committee

ORDINANCE 60 - 2022

An ordinance authorizing the Mayor of the City of North Canton to enter into an agreement with AMC Land Company, Ltd., thereby accepting its maintenance bond to guarantee certain maintenance improvements in the Monticello Phase 8 Development.

WHEREAS, AMC Land Company, Ltd., the “Developer” of the Monticello Phase 8 Development, whose plat is recorded in Instrument Number 202205190021969 of the Stark County officials records, requests the City accept a maintenance bond in the amount of \$53,990.97, which shall bind the Developer and guarantee its performance of the certain maintenance improvements, as described in the maintenance bond, which is secured by a mortgage deed, each of which is attached hereto and incorporated herein as Exhibits “A” and “B”.

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, be, and is hereby, authorized to enter into an agreement with AMC Land Company, Ltd., “Developer”, to accept a maintenance bond in the amount of \$53,990.97, which shall bind the Developer and guarantee its performance of certain maintenance improvements at the Monticello Phase 8 Development, as described in the maintenance bond, which is secured by a commercial bond, each of which is attached hereto and incorporated herein as Exhibits “A” and “B”.
- Section 2. That if a provision of this ordinance is or becomes illegal, invalid, or unenforceable, it shall not affect the validity or enforceability of any other provision of this ordinance.
- Section 3. That this ordinance shall take effect and be in full force from and after the earliest period allowed by law.

Passed in Council this _____ day of _____, 2022.

Attest: _____
Benjamin R. Young, Clerk of Council

Stephan B. Wilder, Mayor

Signed on: _____

MAINTENANCE BOND
(Monticello No. 8)

This Maintenance Bond is entered into on the date set forth herein by and between AMC Land Company, an Ohio limited liability company, (“Developer”) and the City of North Canton, Ohio, a municipal corporation of the State of Ohio, (“North Canton”).

WHEREAS, Developer is the owner and developer of an allotment located within the City of North Canton, which allotment is known as Monticello Phase 8 (the “Development”), as shown on the Plat recorded at Instrument No. 202205190021969 of the Stark County Records; and

WHEREAS, North Canton has requested that the Developer provide this Maintenance Bond, in accordance with the Montecello Phase 8 Performance Agreement dated September 9, 2021 (the “Performance Agreement”), which will allow North Canton to release the Performance Bond issued by Nationwide Mutual Insurance Company which was previously given by Developer pursuant to such Agreement; and

WHEREAS, Developer agrees to hold and firmly bind itself unto North Canton in the sum of Fifty Three Thousand, Nine Hundred Ninety and 97/100 Dollars (\$53,990.97), for which payment Developer binds itself by this instrument to perform the conditions and obligations set forth herein:

NOW THEREFORE, Developer agrees to undertake and complete as a condition of this to fulfill the maintenance obligations as provided in Section 1(d) and 1(e) of the Performance Agreement, namely to be responsible for the routine maintenance of the Improvements for a period of one (1) year after North Canton’s acceptance of the same, and to restore the Improvement at the end of the one (1) year period after the City has accepted the Improvements.

The Developer further agrees that a Mortgage Deed issued in accordance with Chapter 5301 of the Ohio Revised Code (attached as Exhibit A) shall be executed and delivered to North Canton, as security for the performance of the conditions of this agreement, which Mortgage Deed shall be enforceable in accordance with the terms and conditions stated therein.

In return North Canton agrees to release the performance bond which was required by the Performance Agreement.

Now, if Developer as a party to this instrument shall well and truly perform the obligations stated above, and as contained in the Performance Agreement, then this Agreement and obligation shall be void, otherwise to remain in full force and effect.

IN WITNESS WHEREOF, the parties have hereunto set their hands as of the ___ day of August, 2022.

AMC LAND COMPANY
By: Purple Tide, LLC, sole member

By: _____
Matthew Tucker, Member

CITY OF NORTH CANTON, OHIO a
municipal corporation of the State of Ohio

By: _____
Print: _____
Its: _____

APPROVED AS TO FORM BY:

Wayne Boyer, Esq.
City of North Canton Law Director

This instrument prepared by:
Adam M. Runkle, Esq.
Starkey & Runkle, LLC
638 W. Maple Street
Hartville, OH 44634
330.494.907

MORTGAGE DEED
OHIO REVISED CODE SECTION 5302.12

AMC LAND COMPANY, an Ohio limited liability company (hereinafter referred to as the “Mortgagor”) for Fifty Three Thousand, Nine Hundred Ninety and 97/100 Dollars (\$53,990.97), hereby grants, with mortgage covenants, to City of North Canton, Ohio, a municipal corporation of the State of Ohio (hereinafter referred to as “Mortgagee”), the following real property:

See Exhibit “A” attached hereto and incorporated herein.

This mortgage is given, upon the statutory condition, to secure the payment of Fifty Three Thousand, Nine Hundred Ninety and 97/100 Dollars (\$53,990.97) as provided in the Maintenance Bond of even date.

“Statutory condition” is defined in section 5302.14 of the Revised Code and provides generally that, if the Mortgagor pays the principal and interest secured by this mortgage, performs the other obligations secured by this mortgage and the conditions of any prior mortgage, pays all the taxes and assessments, maintains insurance against fire and other hazards, and does not commit or suffer waste, then this mortgage shall be void.

NOW THEREFORE, if Mortgagor shall honestly and faithfully honor its obligations in the Maintenance Bond executed herewith, then this obligation shall be void; otherwise, to remain in full force and effect.

Mortgagor does hereby pledge itself that during the life of this Mortgage Deed, it will not sell, dispose of, or convey its interest in the above property without the written consent of Mortgagee, which shall not be arbitrarily withheld.

IN WITNESS WHEREOF, the parties have executed this Mortgage Deed on the _____ day of August, 2022.

MORTGAGORS:

AMC LAND COMPANY
By: Purple Tide, LLC, sole member

By: _____
Matthew Tucker, Member

STATE OF OHIO)
) SS
COUNTY OF STARK)

Before me a notary public in and for said County and State personally appeared Matthew Tucker, Member of Purple Tide, LLC, an Ohio limited liability company, the sole member of AMC Land Company, an Ohio limited liability company, who acknowledged that he did sign the foregoing instrument and that the same is his free act and deed. No oath or affirmation was administered to the signers with regard to this notarial act.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal at _____, Ohio this _____ day of August, 2022.

NOTARY PUBLIC

This Instrument Prepared by:
Adam M. Runkle, Esq.
Starkey & Runkle, LLC
638 W. Maple Street
Hartville, OH 44632
330.494.9077

EXHIBIT A (*Of Mortgage Deed*)
Legal Description

**Situated in the City of North Canton, County of Stark and State of Ohio:
Known as and being Lot Number 7196 in said City.
Also known as and being Lot Number 268 in Monticello No. 8, as the same is recorded in
Instrument Number 202205190021969 of the Stark County Records.**



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: August 22, 2022

SUBMITTED BY: Administration

ITEM TYPE: Ordinance

AGENDA SECTION: New Business

SUBJECT: **Ordinance No. 61-2022, 1st Reading, Street and Alley Committee**
An ordinance authorizing the Mayor of the City of North Canton to prepare and submit an application to the Ohio Public Works Commission (OPWC) for a grant for the Wise Avenue NE Reconstruction Project and, if awarded, authorizing the Mayor, upon Board of Control approval, to enter into an agreement for the receipt of said grant and declaring the same to be an emergency.

DESCRIPTION: Pass via emergency due to grant due date of September 16, 2022.

ATTACHMENTS:
[Ord. 61-2022 Grant Application for Wise Ave. NE Project.docx](#)

North Canton City Council
Street and Alley Committee

ORDINANCE 61 - 2022

An ordinance authorizing the Mayor of the City of North Canton to prepare and submit an application to the Ohio Public Works Commission (OPWC) for a grant for the Wise Avenue NE Reconstruction Project and, if awarded, authorizing the Mayor, upon Board of Control approval, to enter into an agreement for the receipt of said grant and declaring the same to be an emergency.

WHEREAS, Wise Ave. NE is in need of complete reconstruction, and

WHEREAS, the City desires to submit an OPWC grant application for said project, the deadline for such submissions being September 16, 2022.

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 be, and is hereby, authorized to prepare and submit an Ohio Public Works Commission (OPWC) grant application for the Wise Avenue NE Reconstruction Project.
- Section 2. That the Mayor, upon Board of Control approval, be, and is hereby, authorized to enter into an agreement for said grant; if awarded to the City by OPWC.
- Section 3. That if a provision of this ordinance is or becomes illegal, invalid, or unenforceable, it 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 in order to meet the September 16, 2022 deadline for the submission of grant applications to OPWC, 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 upon its adoption by Council, together with the Mayor's approval. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed in Council this _____ day of _____, 2022.

Attest: _____
Benjamin R. Young, Clerk of Council

Stephan B. Wilder, Mayor

Signed on: _____



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: August 22, 2022

SUBMITTED BY: Administration

ITEM TYPE: Ordinance

AGENDA SECTION: New Business

SUBJECT: **Ordinance No. 62-2022, 1st Reading, Street and Alley Committee**
An ordinance authorizing the Mayor of the City of North Canton to prepare and submit an application to the Ohio Public Works Commission (OPWC) for a grant for the East Maple Street Repaving Project and, if awarded, authorizing the Mayor, upon Board of Control approval, to enter into an agreement for the receipt of said grant and declaring the same to be an emergency.

DESCRIPTION: Pass via emergency as applications are due on September 16, 2022.

ATTACHMENTS:
[Ord. 62-2022 Grant Application for East Maple Repaving Project.docx](#)

North Canton City Council
Street and Alley Committee

ORDINANCE 62 - 2022

An ordinance authorizing the Mayor of the City of North Canton to prepare and submit an application to the Ohio Public Works Commission (OPWC) for a grant for the East Maple Street Repaving Project and, if awarded, authorizing the Mayor, upon Board of Control approval, to enter into an agreement for the receipt of said grant and declaring the same to be an emergency.

WHEREAS, the East Maple Street Repaving Project will repave East Maple Street between Taft Ave. NE and Marquardt Ave. NE, and

WHEREAS, the City desires to submit an OPWC grant application for said project, the deadline for such submissions being September 16, 2022.

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 be, and is hereby, authorized to prepare and submit an Ohio Public Works Commission (OPWC) grant application for the East Maple Street Repaving Project.
- Section 2. That the Mayor, upon Board of Control approval, be, and is hereby, authorized to enter into an agreement for said grant; if awarded to the City by OPWC.
- Section 3. That if a provision of this ordinance is or becomes illegal, invalid, or unenforceable, it 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 in order to meet the September 16, 2022 deadline for the submission of grant applications to OPWC, 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 upon its adoption by Council, together with the Mayor's approval. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed in Council this _____ day of _____, 2022.

Attest: _____
Benjamin R. Young, Clerk of Council

Stephan B. Wilder, Mayor

Signed on: _____