



## NOTICE OF PUBLIC MEETING

Notice is hereby given that:

Recent, and temporarily amended sections of Ohio's Revised Code, specifically R.C. 121.22 Public meeting - exceptions, together with orders and directives from the Ohio Attorney General and the Ohio Department of Health, as well as the safety directives from the President and Center for Disease Control regarding health risks posed by COVID-19, compel the City of North Canton to take unprecedented actions to continue the business of government while limiting gatherings so as to prevent the spread of COVID-19. Accordingly, in this limited circumstance, where the Governor has declared a state of emergency and the Director of the Ohio Department of Health is limiting gatherings to prevent the spread of COVID-19, the City shall hold its public meetings via teleconference; all other requirements of Ohio's Open Meetings Act, R.C. 121.22, shall be fulfilled.

Meeting notices shall provide instructions for the public on how they may hear the discussions and deliberations of all members of the public body, and in certain circumstances, address the public body themselves.

The Council of the City of North Canton shall hold the **Regular Council Meeting on Monday August 24, 2020 at 7:00 PM** via teleconference. See attached agenda for matters to be discussed.

Instructions to hear and perhaps participate in the meeting described above are as follows:

### FOR THOSE WISHING TO WATCH THE MEETING:

The meetings will be livestreamed via the City's YouTube page. The livestream can be accessed at the link below and will begin at approximately 6:55 p.m., Monday, August 24, 2020.

[https://youtu.be/3\\_Tp4CEbiKY](https://youtu.be/3_Tp4CEbiKY)

THOSE WISHING TO PARTICIPATE IN RECOGNITION OF VISITORS at the Council Meeting on Monday, August 24, 2020, must email a request to the Council Clerk at [citycouncil@northcantonohio.gov](mailto:citycouncil@northcantonohio.gov) with your **name, email, and telephone number** no later than **3:00 PM Monday, August 24, 2020**.

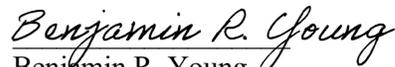
Once your email has been received, the clerk will contact you with information on how to join the meeting. Members of the public wishing to participate will be called to speak in the order requests are received by Council's office.

Residents wishing to address Council may alternatively submit a written statement to the office of Council to be attached to the record of proceedings by **emailing such statements as a word or pdf attachment to [byoung@northcantonohio.gov](mailto:byoung@northcantonohio.gov) by 5:00 pm, August 24, 2020**. Statements must include the attributed party's **name and address**.

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

08/21/2020

Date

  
Benjamin R. Young  
Clerk of Council

**NORTH CANTON CITY COUNCIL MEETING**  
**August 24, 2020, 7:00 p.m., via teleconference**  
**Agenda**

1. Call to Order
2. Opening Prayer
3. Pledge of Allegiance
4. Roll Call
5. Consideration
  - a. Minutes from July 6, 2020 – Committee of the Whole
  - b. Minutes from July 8, 2020 – Special Council Meeting
  - c. Minutes from July 13, 2020 – Council Meeting
  - d. Minutes from July 17, 2020 – Special Council Meeting
6. Recognition of Visitors
7. Old Business
  - a. **Ordinance No. 40-2020 – 2nd Reading, Parks and Recreation Committee**  
An ordinance authorizing the Director of Administration to establish rental rates for City owned buildings, facilities, parks, sport fields, and portions thereof.
8. New Business
  - a. **Ordinance No. 42-2020 – 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.
  - b. **Ordinance No. 43-2020 – 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, 2020.
  - c. **Ordinance No. 44-2020 – 1st Reading, Finance and Property Committee**  
An ordinance authorizing the Mayor to enter into an agreement with McKinley-Applegrove, LTD., thereby accepting its maintenance bond to guarantee certain maintenance improvements at The Sanctuary Phase 4 Development.

9. Department Reports

Deputy Director of Administration  
Director of Administration  
Mayor Wilder

Director of Finance  
City Engineer  
Council Clerk

10. Council Reports

Ward 1 - Doug Foltz  
Ward 2 - Daniel Peters  
Ward 3 - Stephanie Werren  
Ward 4 - Dominic Fonte

At Large - Daryl Revoldt  
At Large - Mark Cerreta  
At Large - Matthew Stroia

11. Final Call for New Business

12. Meetings Calendar

- a. August 31, 2020 – Committee of the Whole
- b. September 7, 2020 – No Meeting due to Labor Day

13. Adjourn

North Canton City Council  
Park and Recreation Committee

ORDINANCE 40 - 2020

An ordinance authorizing the Director of Administration to establish rental rates for City owned buildings, facilities, parks, sport fields, and portions thereof.

WHEREAS, the City desires to make the renting of public facilities, efficient and cost effective for the guests and residents of North Canton, and

WHEREAS, the Director of Administration and staff are best suited to monitor and regulate the rental rates of City facilities to ensure rates are affordable yet cover all City costs incurred and are available at such times as may be reasonable and most desired by guests and residents.

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 Administration is authorized to establish rental rates for City owned buildings, facilities, parks, sport fields, and portions thereof.
- Section 2. That any changes to rental rates made by the Director of Administration must be announced at a public meeting of City Council at least 14 calendar days prior to such rate changes taking effect.
- Section 3. That the rentals rates as established by City Council in Ordinance 96-2017 shall continue until such time as new rates are hereby established.
- Section 4. That any and all legislation previously passed and inconsistent herewith, be, and the same are hereby, repealed.
- Section 5. 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 6. 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 \_\_\_\_\_ 2020.

Attest: \_\_\_\_\_  
Benjamin R. Young, Clerk of Council

\_\_\_\_\_  
Stephan B. Wilder, Mayor

Signed on: \_\_\_\_\_

North Canton City Council  
Finance and Property Committee

ORDINANCE 42 - 2020

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 745.05 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.

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 \_\_\_\_\_ 2020.

Attest: \_\_\_\_\_  
Benjamin R. Young, Clerk of Council

\_\_\_\_\_  
Stephan B. Wilder, Mayor

Signed on: \_\_\_\_\_

North Canton City Council  
Finance and Property Committee

ORDINANCE 43 - 2020

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, 2020.

WHEREAS, the City has received additional revenue in the form of grant funding for the purchase of ballistic vests and Municipal Road Funds for the East Maple and Portage street projects that must be appropriated before use.

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, 2020, the following funds, be, and are hereby, set aside and appropriated as follows:

FIRE FUND			
204.133	Fire Suppression	Operating Supplies	\$ 2,850.00
CAPITAL IMPROVEMENT FUND			
330.546	Transportation	Paving/Curb/Gutter	\$95,000.00
TOTAL SUPPLEMENTAL APPROPRIATIONS			\$97,850.00

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, that 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 \_\_\_\_\_ 2020.

Attest: \_\_\_\_\_  
Benjamin R. Young, Clerk of Council

\_\_\_\_\_  
Stephan B. Wilder, Mayor

Signed on: \_\_\_\_\_

North Canton City Council  
Street and Alley Committee

ORDINANCE 44 - 2020

An ordinance authorizing the Mayor of the City of North Canton to enter into an agreement with McKinley-Applegrove, LTD., thereby accepting its maintenance bond to guarantee certain maintenance improvements at The Sanctuary Phase 4 Development.

WHEREAS, McKinley-Applegrove, LTD., the “Developer” of The Sanctuary Phase 4 Development, whose plat is recorded in Instrument Number 201912050047967 of the Stark County officials records, requests the City accept a maintenance bond in the amount of \$61,113.00, 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 commercial bond, each of which is attached hereto and incorporated herein as Exhibits “A” and “B”.

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 McKinley-Applegrove, LTD., “Developer”, to accept a maintenance bond in the amount of \$61,113.00, which shall bind the Developer and guarantee its performance of certain maintenance improvements at The Sanctuary Phase 4 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 \_\_\_\_\_ 2020.

Attest: \_\_\_\_\_  
Benjamin R. Young, Clerk of Council

\_\_\_\_\_  
Stephan B. Wilder, Mayor

Signed on: \_\_\_\_\_

**MAINTENANCE BOND  
SECURED BY COMMERCIAL BOND**

This Maintenance Bond is entered into as of the 23<sup>rd</sup> day of July, 2020, by and between **McKINLEY-APPLEGROVE, LTD.**, an Ohio limited liability company, (the "Developer"), and the **CITY OF NORTH CANTON**, a municipal corporation of the state of Ohio, (the "City").

WHEREAS, the Developer is the owner and developer of an allotment located within the City of North Canton, which allotment is known as The Sanctuary Phase 4 (the "Development"), as the same is shown on the Plat recorded in Instrument Number 201912050047967 of the Stark County Official Records; and

WHEREAS, the Developer has installed certain improvements within the Development in accordance with the City's plans and specifications; and

WHEREAS, the City has agreed to accept the work performed by Developer in exchange for the Developer's acceptance of the terms and conditions contained within this Maintenance Bond; and

WHEREAS, the Developer agrees to hold and firmly bind itself unto the City in the sum of SIXTY-ONE THOUSAND ONE HUNDRED THIRTEEN DOLLARS AND 00/100 (\$61,113.00), the payment of which shall guarantee the performance of the conditions and obligations set forth herein; and

NOW, THEREFORE, the Developer agrees to be responsible for the maintenance of the improvements installed in accordance with the plans and specifications approved by the City and for providing services necessary to guarantee access to all occupied property, excluding snow removal, for a period of one (1) year from July 23, 2020. The Developer further agrees to be responsible for routine maintenance of all improvements and to repair all failures due to faulty construction as soon as they become apparent. The Developer agrees to make repairs due to erosion or abuse by utility companies installing utilities and to repair all failures for other reasons during the one (1) year period. The Developer agrees to restore the improvements at the end of the Maintenance period.

The faithful performance of conditions and obligations set forth herein is secured by a commercial bond issued by The Hartford Fire Insurance Company, in the amount of \$61,113.00.

Now, if said Developer, as a party to this instrument, shall well and truly perform the obligations stated above within the time hereinbefore set out, 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 date first set forth above.

**McKINLEY-APPLEGROVE, LTD.**,  
an Ohio limited liability company

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

By: McKinley Holdings, LLC, its  
Sole Member



By: William J. Lemmon, its Manager

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

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

**Approved as to form and content:**

\_\_\_\_\_  
Director of Law

This instrument prepared by:

Jamie R. Minor, Esq.  
Winkhart & Minor, LLC  
825 South Main Street  
North Canton, Ohio 44720  
Phone: (330) 433-6700  
Fax: (330) 433-6701



Bond No. 45BSBHW5092

**Maintenance Bond**

KNOW ALL MEN BY THESE PRESENTS, That we McKinley-Applegrove, Ltd.  
\_\_\_\_\_, as Principal, hereinafter called Principal, and

Hartford Fire Insurance Company, a corporation organized and existing under  
the laws of the State of Connecticut, with it's principal office in the City of Hartford, as Surety,  
hereinafter called Surety, are held and firmly bound unto City of North Canton

\_\_\_\_\_, as Obligee, hereinafter called Obligee, in the sum of  
Sixty One Thousand One Hundred Thirteen 00/100 (\$ 61,113.00/00) Dollars, for the payment of which, well and  
truly to be made, we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally,  
firmly by these presents.

Sealed with our seals and dated this 22nd day of July A. D. 2020.

WHEREAS, the Principal entered into a certain written contract with the Obligee dated the 14th day of  
June A. D. 2019 to Sanctuary Phase 4

\_\_\_\_\_,  
which contract is hereby referred to as the Contract.

WHEREAS, the Contract contains provisions for the correction of any defects due to defective materials or workmanship in  
the work performed under said Contract.

NOW, THEREFORE, the condition of this obligation is such that if the Principal shall well and truly, upon receipt of written  
notification from the Obligee, remedy any defects which are discovered and reported during a period of 1 year(s)  
from July 22, 2020, provided such defects are caused by defective materials or workmanship, then  
this obligation shall be void; otherwise to be and remain in full force and effect.

Any suit under this bond must be instituted before the expiration of one (1) year from the date of the written notification  
referred to in the paragraph above, it being understood, however, that if any limitation embodied in this bond is prohibited by  
any law controlling the construction hereof, such limitation shall be deemed to be amended so as to be equal to the minimum  
period of limitation permitted by such law.

The penal sum of this bond shall be reduced by and to the extent of any payment or payments made in good faith.

No right of action shall accrue on this bond to or for the use of any person or corporation other than the Obligee named  
herein or its heirs, executors, administrators or successors.

Witness [Signature] McKinley-Applegrove, Ltd. [Signature] (Seal)  
(If Individual) (Principal)

Attest \_\_\_\_\_ (Seal)  
(If Corporation) (Title)

Hartford Fire Insurance Company (Seal)

Attest or Witness: [Signature] (Surety)

[Signature] By Taylor D Schauer, Attorney-in-Fact (Seal)

# POWER OF ATTORNEY

Direct Inquiries/Claims to:

**THE HARTFORD**  
 BOND, T-12  
 One Hartford Plaza  
 Hartford, Connecticut 06155  
 Bond.Claims@thehartford.com

call: 888-266-3488 or fax: 860-757-5835

KNOW ALL PERSONS BY THESE PRESENTS THAT:

Agency Name: SCHAUER GROUP INCORPORATED  
 Agency Code: 45-450168

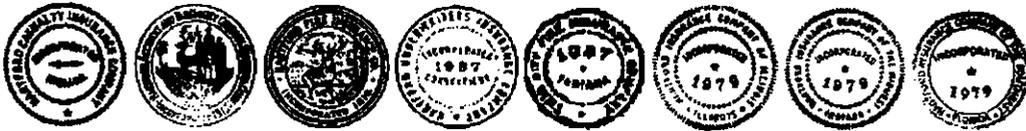
- Hartford Fire Insurance Company**, a corporation duly organized under the laws of the State of Connecticut
- Hartford Casualty Insurance Company**, a corporation duly organized under the laws of the State of Indiana
- Hartford Accident and Indemnity Company**, a corporation duly organized under the laws of the State of Connecticut
- Hartford Underwriters Insurance Company**, a corporation duly organized under the laws of the State of Connecticut
- Twin City Fire Insurance Company**, a corporation duly organized under the laws of the State of Indiana
- Hartford Insurance Company of Illinois**, a corporation duly organized under the laws of the State of Illinois
- Hartford Insurance Company of the Midwest**, a corporation duly organized under the laws of the State of Indiana
- Hartford Insurance Company of the Southeast**, a corporation duly organized under the laws of the State of Florida

having their home office in Hartford, Connecticut, (hereinafter collectively referred to as the "Companies") do hereby make, constitute and appoint, **up to the amount of Unlimited** :

Todd Adams, Timothy Bentivegna, Lanasu Brandt, Peter L. Butler, Brianna Fickeisen, Deanna Kidwell, David T. Schauer, Taylor Schauer, William T. Schauer, Diane Schultz, Susan Sokol of CANTON, Ohio

their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign its name as surety(ies) only as delineated above by , and to execute, seal and acknowledge any and all bonds, undertakings, contracts and other written instruments in the nature thereof, on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

**In Witness Whereof**, and as authorized by a Resolution of the Board of Directors of the Companies on May 6, 2015 the Companies have caused these presents to be signed by its Senior Vice President and its corporate seals to be hereto affixed, duly attested by its Assistant Secretary. Further, pursuant to Resolution of the Board of Directors of the Companies, the Companies hereby unambiguously affirm that they are and will be bound by any mechanically applied signatures applied to this Power of Attorney.



*John Gray*

John Gray, Assistant Secretary

*M. Ross Fisher*

M. Ross Fisher, Senior Vice President

STATE OF CONNECTICUT }  
 COUNTY OF HARTFORD } ss. Hartford

On this 5th day of January, 2018, before me personally came M. Ross Fisher, to me known, who being by me duly sworn, did depose and say: that he resides in the County of Hartford, State of Connecticut; that he is the Senior Vice President of the Companies, the corporations described in and which executed the above instrument; that he knows the seals of the said corporations; that the seals affixed to the said instrument are such corporate seals; that they were so affixed by authority of the Boards of Directors of said corporations and that he signed his name thereto by like authority.



CERTIFICATE

*Kathleen T. Maynard*

Kathleen T. Maynard  
 Notary Public

My Commission Expires July 31, 2021

I, the undersigned, Assistant Vice President of the Companies, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which is still in full force effective as of July 22, 2020

Signed and sealed at the City of Hartford.



*Kevin Heckman*

Kevin Heckman, Assistant Vice President