

**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 Public Hearing before City Council on Monday, September 25, 2023 at 6:30 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:

08/23/2023  
\_\_\_\_\_  
Date

*Benjamin R. Young*  
\_\_\_\_\_  
Clerk

**NORTH CANTON PUBLIC HEARING BEFORE CITY COUNCIL**  
**September 25, 2023, 6:30 PM**  
**Agenda**

**1. Call to Order**

**2. Roll Call**

**3. Public Comment**

City Council is seeking public comment on the following items. An opportunity to be heard will be afforded to any interested person.

**3.a Ord. 71-2023, Community and Economic Development Committee**

An ordinance declaring the improvement of certain real property located in the City of North Canton, Stark County, Ohio to be a public purpose; declaring such property to be exempt from real property taxation; designating specific public infrastructure improvements that, once made, will directly benefit the parcels for which improvement is declared to be a public purpose; requiring annual service payments in lieu of taxes; establishing a municipal public improvement tax increment equivalent fund; and providing related authorizations pursuant to Ohio Revised Code Sections 5709.40(B), 5709.42, 5709.43, 5709.832 and 5709.85.

**4. Adjourn**



# Item Cover Page

## CITY COUNCIL AGENDA ITEM REPORT

**DATE:** September 25, 2023

**SUBMITTED BY:** Council's Office

**ITEM TYPE:** Ordinance

**AGENDA SECTION:** Public Comment

**SUBJECT:** **Ord. 71-2023, Community and Economic Development Committee**

An ordinance declaring the improvement of certain real property located in the City of North Canton, Stark County, Ohio to be a public purpose; declaring such property to be exempt from real property taxation; designating specific public infrastructure improvements that, once made, will directly benefit the parcels for which improvement is declared to be a public purpose; requiring annual service payments in lieu of taxes; establishing a municipal public improvement tax increment equivalent fund; and providing related authorizations pursuant to Ohio Revised Code Sections 5709.40(B), 5709.42, 5709.43, 5709.832 and 5709.85.

**DESCRIPTION:** The proposal would create a Non-School Tax Increment Financing (TIF) district primarily in the City's North Gateway zoning district. The TIF district would redirect all non-school property taxes levied on increased property tax value revenues since January 1, 2023, from their normal collecting entities to the City for use on public infrastructure improvements within the district for thirty years. This redirection of funds would only affect new construction resulting in increased property value. Existing tax revenue will continue to be distributed as normal. In addition, as a Non-School TIF, the North Canton City School District will continue receiving 100% of its entitled property tax revenue on pre-existing and new construction. The district is estimated to provide an additional \$73,000 in revenue annually for the City. This revenue may then be spent on public

infrastructure improvements, as defined by ORC 133.15(B). This includes but is not limited to roads, public spaces and beautification such as streetscapes, sidewalks, and public utilities such as water and sewer.

The TIF district will further capitalize on the major development occurring in the City's North Gateway to ensure necessary public improvements can be made without affecting the revenue sources of the School District.

City Council must set a public hearing for consideration of the TIF. The Clerk recommends 6:30 PM on September 25, 2023.

**ATTACHMENTS:**

[Ord. -2023 North Gateway TIF.docx](#)

[North Gateway TIF v2 - Acreage.PNG](#)

North Canton City Council  
Community and Economic Development Committee

ORDINANCE ## - 2023

An ordinance declaring the improvement of certain real property located in the City of North Canton, Stark County, Ohio to be a public purpose; declaring such property to be exempt from real property taxation; designating specific public infrastructure improvements that, once made, will directly benefit the parcels for which improvement is declared to be a public purpose; requiring annual service payments in lieu of taxes; establishing a municipal public improvement tax increment equivalent fund; and providing related authorizations pursuant to Ohio Revised Code Sections 5709.40(B), 5709.42, 5709.43, 5709.832 and 5709.85.

WHEREAS, Ohio Revised Code (“R.C.”) Section 5709.40(B) provides that this Council may, under certain circumstances, (i) declare improvement to parcels of real property located in the City of North Canton (the “City”) to be a public purpose, thereby granting to that improvement an exemption from real property taxation, and (ii) designate specific public infrastructure improvements made, to be made, or in the process of being made that directly benefit, or that once made will directly benefit, the parcels for which improvement is declared to be a public purpose; and

WHEREAS, pursuant to R.C. Section 5709.40(D)(1), said exemption may be for up to one hundred percent (100%) of such improvement for up to thirty (30) years without approval of the board of education of the city, local or exempted City school district within the territory of which the improvement is or will be located if payments in lieu of taxes, as provided for in R.C. Section 5709.42, shall be paid to such school district in the amount of the taxes that would have been payable if the improvement had not been exempted from taxation; and

WHEREAS, the real property shown in Exhibit A hereto and incorporated herein by reference (the “Property”) is located in the State of Ohio (the “State”), County of Stark (the “County”), and the City, with each parcel of the Property referred to herein as a “Parcel” (whether as presently appearing on County tax duplicates or as subdivided or combined and appearing on future tax duplicates); and

WHEREAS, the current and future owners of the Property (each an “Owner” and collectively the “Owners”) wish to develop the Property by constructing and renovating commercial facilities together with related site improvements thereon and otherwise improving the Property (the “Project”), provided that the appropriate development incentives are available to support the Project; and

WHEREAS, this Council has determined that it is necessary and appropriate and in the best interests of the City to provide for service payments in lieu of real property taxes (“Service Payments,” as further defined below) with respect to the Property pursuant to R.C. Section 5709.42; and

WHEREAS, the City desires to facilitate the construction of the public infrastructure improvements described in Exhibit B attached hereto and incorporated herein by this reference (the “Public Infrastructure Improvements”); and

WHEREAS, notice of this proposed Ordinance has been delivered to the Board of Education of the North Canton City School District (the “School District”) in accordance with and within the time period prescribed in R.C. Section 5709.83, or such notice has been waived; and

WHEREAS, this Council has determined that payments in lieu of taxes shall be paid to the School District pursuant to R.C. Section 5709.42 in the amount of the real property taxes that the School District would have received if such increase in the assessed value of the Property had not been exempted from real property taxes pursuant to this Ordinance.

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

Section 1. The Public Infrastructure Improvements described in Exhibit B hereto intended to be made or caused to be made by the City are hereby designated as public infrastructure improvements that, once made, will directly benefit the Property.

- Section 2. One hundred percent (100%) of the increase in the assessed value of each Parcel within the Property after the effective date of this Ordinance (each of which increase in assessed value is an “Improvement” as defined in R.C. Section 5709.40) shall be a public purpose and shall be exempt from real property taxation, commencing for each Parcel the first day of the tax year in which there is an Improvement with respect to the Parcel (as it may be subdivided or combined) of at least \$35,000 (i.e., an increase in true value of \$100,000) and ending for each Parcel on the earlier of (a) thirty (30) years after such commencement, or (b) the date on which the City can no longer require service payments in lieu of taxes, all in accordance with the requirements of R.C. Sections 5709.40, 5709.42 and 5709.43.
- Section 3. As provided in R.C. Section 5709.42, the Owner of any Parcel with an Improvement is required hereby to make annual payments in lieu of taxes to the Stark County Treasurer (the “County Treasurer”) on or before the final dates for payment of real property taxes. Each such payment (including interest and penalties) shall be charged and collected in the same manner and in the same amount as the real property taxes that would have been charged and payable against the Improvement if it were not exempt from taxation (with the payments in lieu of tax, including any penalties and interest, being the “Service Payments”). The County Treasurer shall remit all Service Payments to the City for deposit in the North Gateway Municipal Public Improvement Tax Increment Equivalent Fund (the “Fund”) established in Section 4 hereof, except for amounts paid directly to the School District as provided in Section 5 hereof. This Council hereby authorizes the Mayor or other appropriate officers of the City to provide such information and certifications and execute and deliver, or accept delivery of, such instruments as are necessary and incidental to collect those Service Payments and to make such arrangements as are necessary and proper for payment of the Service Payments. Any late payments shall be subject to penalty and bear interest at the then-current rate established under R.C. Sections 323.121 and 5703.47, as may be amended from time to time, or any successor provisions thereto, as the same may be amended from time to time. The Service Payments shall be allocated and deposited in accordance with Sections 4 and 5 of this Ordinance.
- Section 4. This Council hereby establishes, pursuant to and in accordance with the provisions of R.C. Section 5709.43, the Fund, into which shall be deposited all of the Service Payments distributed to the City with respect to the Improvements to Parcels of the Property by or on behalf of the County Treasurer, as provided in R.C. Section 5709.42, except for amounts paid directly to the School District as provided in Section 5 hereof, and hereby appropriates all of the moneys deposited in the Fund from time to time to pay any costs associated with the Public Infrastructure Improvements approved by the City, including, but not limited to, the “costs of permanent improvements” described in R.C. Section 133.15(B).
- The Fund shall remain in existence so long as Service Payments are collected and used for the aforesaid purposes, subject to the limits set forth in Section 2 hereof, after which said Fund shall be dissolved in accordance with R.C. Section 5709.43(D). Upon dissolution, any incidental surplus money remaining in the Fund shall be transferred to the City general fund as provided in R.C. Section 5709.43(D).
- Section 5. The County Treasurer shall make semi-annual payments to the School District, solely from the Service Payments, collectively in the amount equal to the property tax payments that the School District would otherwise have received from the Improvements had the Improvements not been exempted pursuant to this Ordinance. The County Treasurer shall remit all remaining Service Payments to the City for deposit in the Fund established in Section 4 hereof.
- Section 6. This Council hereby authorizes the Mayor or other appropriate officers of the City to take such actions as are necessary or appropriate to implement the transactions contemplated by this Ordinance, including the filing of one or more applications for exemption and any related forms in accordance with R.C. Section 5709.911.

Section 7. This Council hereby designates the tax incentive review council (the "TIRC") established in City Ordinance No. 19-2020, passed June 22, 2020, as the TIRC that shall annually review the exemptions provided pursuant to this Ordinance as required by R.C. Section 5709.85.

Section 8. The Mayor, or any other official, as appropriate, are each authorized and directed to sign any other documents, instruments or certificates and to take such actions as are necessary or appropriate to consummate or implement the actions described herein or contemplated by this Ordinance.

Section 9. Pursuant to R.C. Section 5709.40(I), the Director of Administration is hereby directed to deliver a copy of this Ordinance to the Director of the Ohio Department of Development ("ODOD") within fifteen (15) days after its passage. On or before March 31 of each year that the exemption set forth in Section 2 hereof remains in effect, the Director of Administration or other authorized officer of this City shall prepare and submit to the Director of ODOD the status report required under R.C. Section 5709.40(I).

Section 10. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any decision-making bodies of the City that resulted in such formal actions were in meetings open to the public and in compliance with all legal requirements.

Section 11. 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 12. 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 \_\_\_\_\_, 2023.

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

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

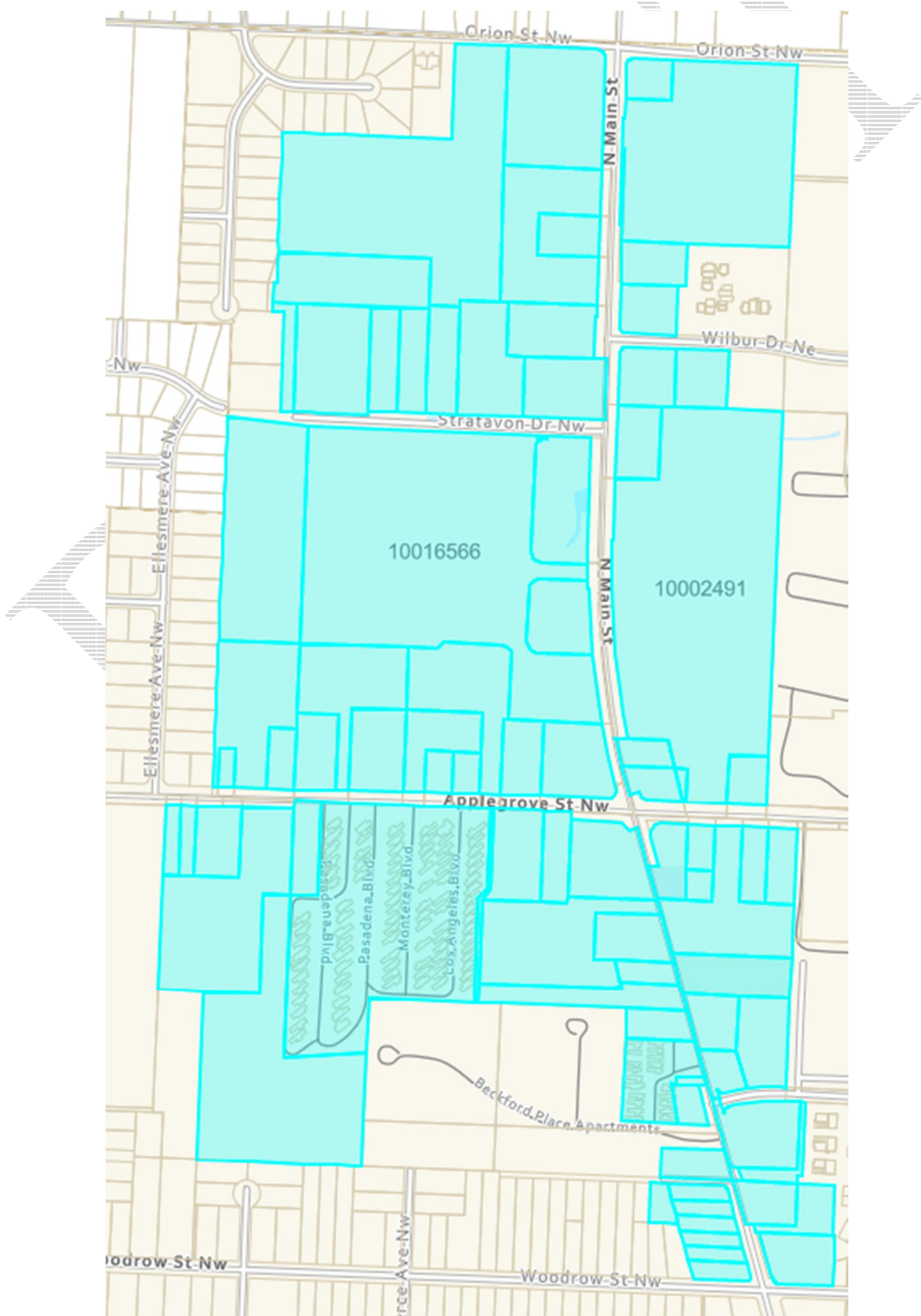
Signed on: \_\_\_\_\_

**EXHIBIT A**

**DESCRIPTION OF PARCELS AFFECTED BY THE IMPROVEMENT**

The Project Site is the real estate situated in the City of North Canton, County of Stark and State of Ohio consisting of the tax year 2022 parcel number(s) listed below (and including any subsequent combinations and/or subdivisions of the current parcel numbers), depicted on the map and attached hereto:

- 10000736, 10001281, 10001392, 10001520, 10001607, 10002312, 10002475, 10002478, 10002480, 10002482, 10002484, 10002491, 10002591, 10002818, 10003907, 10009365, 10009657, 10014973, 10016562, 10016563, 10016564, 10016565, 10016566, 10016625, 10017004, 9200767, 9200809, 9202230, 9203089, 9204594, 9205251, 9205436, 9205705, 9205814, 9205817, 9207394, 9207396, 9207398, 9207400, 9207402, 9207404, 9207406, 9207428, 9207429, 9207471, 9207591, 9207775, 9207850, 9207868, 9207951, 9208042, 9208044, 9208192, 9208379, 9208380, 9208551, 9208689, 9208697, 9208700, 9208708, 9208730, 9208741, 9208743, 9208749, 9208751, 9208756, 9208758, 9208760, 9208764, 9208775, 9208776, 9208904, 9209024, 9209025, 9209043, 9209046, 9209047, 9209048, 9209049, 9209050, 9209052, 9209428, 9209429





**EXHIBIT B****DESCRIPTION OF THE PUBLIC INFRASTRUCTURE IMPROVEMENTS**

The Public Infrastructure Improvements include, but are not limited to, any or all of the following improvements that will directly benefit the Property and all related costs of permanent improvements (including, but not limited to, those costs listed in R.C. Section 133.15(B)):

- Construction, reconstruction, extension, opening, improving, widening, grading, draining, curbing or changing of the lines and traffic patterns of, highways, streets, intersections, bridges (both roadway and pedestrian), sidewalks, bikeways, medians and viaducts accessible to and serving the public, and providing signage (including traffic signage and informational/promotional signage), lighting systems, signalization, and traffic controls, and all other appurtenances thereto.
- Signage, artwork, sculpture and other related items that enhance, compliment and beautify the Project Area and the Public Infrastructure Improvements located in the public right-of-way or within public easements.
- Construction, reconstruction, extension, opening, improving, widening, grading, draining or curbing of walking and/or multipurpose paths.
- Construction, reconstruction or installation of public utility improvements (including any underground municipally owned utilities), storm and sanitary sewers (including necessary site grading therefor), water and fire protection systems, including, but not limited to, tap, capacity and connection improvements for accessing the water, storm and sanitary sewers, or fire protection systems, and all appurtenances thereto.
- Construction, reconstruction or installation of gas, electric and communication service facilities (including any underground lines or other facilities), and all appurtenances thereto.
- Construction, reconstruction and installation of stormwater and flood remediation projects and facilities, including such projects and facilities on private property when determined to be necessary for public health, safety and welfare.
- Continued and ongoing maintenance, paving, repaving, striping, grading and related work on roads, highways, streets, water and sewer lines constructed as part of the Public Infrastructure Improvements.
- Construction or installation of streetscape and landscape improvements including trees, tree grates, signage, curbs, sidewalks, scenic fencing, street and sidewalk lighting, trash receptacles, benches, newspaper racks, burial of overhead utility lines and related improvements, together with all appurtenances thereto, including, but not limited to streetscape improvements in conjunction with and along the roadway improvements described above.
- Acquisition of real estate or interests in real estate (including easements) (a) necessary to accomplish any of the foregoing Public Infrastructure Improvements or (b) in aid of industry, commerce, distribution or research, including, but not limited to, any acquisition of land in connection with the City's taking title to any Public Infrastructure Improvements.
- Provision of health, safety, and welfare service facilities and services, including the construction, expansion, and alteration of building or structures designed to provide and implement said services.
- Any other public infrastructure improvements constructed or maintained by or on behalf of the City that are determined by the City to benefit the Property.

