

**CITY OF CANAL FULTON**  
**CITY COUNCIL MEETING AGENDA**  
**Wednesday, May 7, 2014**

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **REPORTS OF STANDING COMMITTEES**
5. **Fire/EMS Presentation on Powered Cots**
6. **CITIZENS' COMMENTS – AGENDA MATTERS**  
**(Five Minutes per Individual – No Yield)**
7. **Brent Cline – Micro Distillery**
8. **CORRECTING & ADOPTING THE RECORD OF PROCEEDINGS**
  - April 15, 2014
9. **REPORTS OF ADMINISTRATIVE OFFICERS**
  - o Senior Citizens
  - o Community Service
  - o Fire Chief - Report
  - o Police Chief – Report
  - o Engineer/Streets/Public Utilities
  - o Finance Director
  - o City Manager - Report
  - o Mayor
  - o Parks & Recreation Board
  - o Law Director
10. **THIRD READINGS**
11. **SECOND READINGS**

**Ordinance 10:14:** An Ordinance by the Council of the City of Canal Fulton, Ohio Amending the Zoning Code by Re-Zoning 207 East Market Street (PPN#95-00334)

**Ordinance 13-14:** An Ordinance Amending Ordinance 5-14, Rates of Pay for Full-Time Non-Bargaining Employees, and Repealing and Ordinances in Conflict Therewith.

**Ordinance 14-14:** An Ordinance Amending Section 111.04 of the Codified Ordinances of the City of Canal Fulton Relating to the Pay of Members of the Council and Mayor, and Repealing any Ordinances in Conflict Therewith.

12. **FIRST READINGS**

**Resolution 11-14:** A Resolution by the Council of the City of Canal Fulton, Ohio to enter into an Intergovernmental Agreement with the Board of Trustees of Lawrence Township, Stark County, Ohio, for the Installation, Maintenance and Operation of Outdoor Warning Sirens.

13. **P.O.s**

P.O. 9252: to DJL Materials and Supply, in the amount of \$8,200.00 for Crack Sealer for Road Maintenance
14. **BILLS**
15. **OLD/NEW/OTHER BUSINESS**
16. **REPORT OF PRESIDENT PRO TEMPORE**
17. **REPORT OF SPECIAL COMMITTEES**
18. **CITIZENS COMMENTS – Open Discussion (Five Minute Rule)**
19. **ADJOURNMENT**

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**CALL TO ORDER**

Mayor Harbaugh called the meeting to order at 7:00pm

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

Mayor/Council Members Present: Richard Harbaugh, Linda Zahirsky, Scott Svab, Nellie Cihon and Sue Mayberry.

A motion was made to excuse Danny Losch and Sean Craney from the meeting by Scott Svab, second by Nellie Cihon. All present Council Members voted yes. Motion approved.

Others Present: City Manager Mark Cozy, Council Clerk Teresa Dolan, Service Director Dan Mayberry, Police Chief Doug Swartz, Fire Chief Ray Durkee, and Finance Director William Rouse

Others Present: Chell Rossi, Jim Deans, Joan Porter, Tiffany Craney, Barb Schaffer, Bob Schaffer,

**REPORTS OF STANDING COMMITTEES**

Scott Svab reported that the Finance Committee met prior to the meeting. The committee discussed a potential war memorial that City resident Sam Wilson has proposed. Because Mr. Wilson was unable to attend the committee would like more input on the proposed memorial.

Also discussed were a three year plan that Finance Director William Rouse is working on and the possibility of an additional levy for safety forces.

**CITIZENS' COMMENTS – AGENDA MATTERS (Five Minutes per Individual – No Yield)**

None

**CORRECTING & ADOPTING THE RECORD OF PROCEEDINGS**

April 1, 2014

A motion was made to accept the April 1, 2013 meeting minutes by Nellie Cihon, second by Linda Zahirsky.

Sue Mayberry asked for changes to be made to Page 3, 5<sup>th</sup> paragraph down, remove the words with the banners; 8<sup>th</sup> paragraph down correct the spelling of Helena; and the same paragraph add the words Helena II. On page 4, paragraph two, delete the sentence: Tires need to sit for a period of time before they are picked up.

All present Council Members voted yes. Motion approved.

**REPORTS OF ADMINISTRATIVE OFFICERS**

**Senior Citizens**

Clerk Teresa Dolan welcomed new Director, Kathy Lewis-Snyder to the Center. Mrs. Dolan then read a report submitted by Mrs. Lewis-Snyder on events that are going on at the Center.

**Community Service - Report**

John Murphy submitted a written report for the Council packet.

**Fire Chief – Report**

Fire Chief Ray Durkee submitted a written report for the Council packet. Chief Durkee requested a Safety Committee meeting to discuss the one year anniversary of the living together arrangement. With Danny Losch not being in attendance, it was decided to wait until the next Council meeting to set a date for the Safety Committee meeting.

Chell Rossi presented Chief Durkee with a sign for the James Coughlin Sr. Fire Training Center.

**Police Chief – Report**

Police Chief Doug Swartz submitted a written report for the Council packet. Chief Swartz discussed solicitor permits and not being able to do background checks through the Red Center. Chief Swartz recommended looking into changes for the solicitor's permits or eliminating them. It is important that we identify the people.

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Scott Svab asked if political and religious people could get a permit. Scott Fellmeth said the definition in the code does not include political or religious groups the way it is currently written. Mark Cozy stated that we can't legislate against private and non-profit. Right now the code is written that allows any others to get a permit. Mr. Cozy said at this time we are working on our Zoning Code and we could include limiting canvassing.

Mrs. Mayberry said she wanted to thank the Police and Fire Departments. One situation last week where a neighbor went to her house and she had fallen and was incoherent. The squad and police came quickly. Melissa Kosco was in attendance and did a great job. She also commended Melissa on a situation where she had to tell a resident about a death in her family.

Engineer/Streets/Public Utilities – Report

Engineer William Dorman reported that they are working on the Wooster Street Storm Sewer Project. The pre-construction meeting on that project will be within the next two weeks. Wenger Excavating is the contractor for that.

The Engineer is preparing a memorandum on alternatives for the Cherry Locust Project.

The Locust/Portage Waterline project preliminary work is going on at this time.

There is no Planning Commission or Historic Preservation meeting this week.

Lift station flow testing has started to determine capacity to receive the Clinton sewer project. Mr. Mayberry stated that he was on site today with the flow testing.

Mr. Dorman said they were working with Lindsey and they may be able to provide a screen building with would meet the need for the waste water treatment plant.

Mr. Dorman said he is working with Administration updating some estimates on the Locust Street sidewalk in anticipation of a Transportation Enhancement grant. The estimate was \$194,000.00. Mr. Cozy said the sidewalks are from Echoing Ridge to Sluggers and Putters on both sides of the road. Right of way acquisition is included in that. The deadline for the grant application is the May 20<sup>th</sup>. Mr. Cozy asked Council for a voice motion. This is federal money, an 80-20 grant that is funded through SCATS. If we don't apply now, we would have to wait until 2020. On this grant the business owners would be paying our local match. Our only out of pocket would be the engineering. Mr. Dorman said the Engineer estimate would be ten percent of the project.

A motion was made to apply for a grant for the transportation alternatives grant by Linda Zahirsky, second by Nellie Cihon. All present Council Members voted yes. Motion approved.

Service Director Dan Mayberry submitted a written report for the Council packet. Mr. Mayberry reported on the phosphorous removal system. Jeff Boak and Bob Earnsberger were commended for their efforts on the project. The utility and service departments are commended also on everything going smooth with the project. This project stretched our human resources, but we were able to get it done.

Scott Svab asked about the water line break across the street from the Senior Center to remove the barriers. Mr. Mayberry said that yard work, repair of the road will need done and that will be coordinated with the Beverly intersection along with a catch basin that needs completed. This is part of the Locust/Portage resurfacing. Mr. Mayberry would like to get Northstar Excavating to repair on the water main break because of the new pavement job. Pavement working weather will be needed along with weather for seeding and topsoil. As far as the water main break, Mr. Mayberry said he will be contacting CTI and talk to them about long range plans for an existing four inch line on that side and possibly abandoning that and connecting all of services over to the south side of locust street to a newer ten inch pipe that was installed in the early seventies. The four inch on Locust Street probably dates to the 1950s. The line break that we had there was a significant one at 550 gallons per minute. The break was reduced and then another break down the road happened. Mr. Svab asked if the road would need cut then for every house. Mr. Mayberry said that they would bore under the road.

Finance Director -March Financials

Finance Director William Rouse included the March Financials in the Council packet.

Mr. Rouse stated that Kathy Lewis-Snyder, who left for the Director's position at the Senior Center, was helpful in the transition of the Finance Department when Mr. Rouse came on board. He thanked the Mayor and Council for the infrastructure. Kathy was tremendously helpful to the department in the transition period. Mr. Rouse said that he and his assistant are up to speed. Trinkia Schultz has agreed take on more duties and helping to man the phones when needed. Mr. Rouse said he would like to go a couple of months without replacing the position and see how the workload falls on everybody.

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Income tax is about six percent higher than where we were at the end of March last year. Water and Sewer fee collections are also trending higher this year than last, this is due to the rate increase and usage. March was pretty uneventful as far as financial activities.

Council was sent an email requesting Council pass Resolution 10-14, Ordinance 11-14 and Ordinance 12-14 under suspension. This legislation is needed in order for us to move forward with the Locust/Portage water and sewer line extension projects from the financial and accounting side.

A motion was made to accept the March Financials by Linda Zahirsky, second by Scott Svab. All present Council Members voted yes. Motion approved.

**City Manager – Report**

City Manager Mark Cozy submitted a written report in the Council packet.

Mr. Cozy said that the Transportation Enhancement Grant current round was 2016 to 2018.

Mr. Cozy reported on the concession stand in the park. He said at this time the roof could be temporarily repaired. He was under the assumption that the soccer league was going to build another building in the park for their equipment. They had asked if we would prepare the site for them. Mr. Cozy said he was not ready to commit to that at this point. He will get some dollar figures to take it down. He does not want to commit funds at this time for that.

Lawrence Township Trustees are going to move forward with the Tornado Siren Project. They are working on an agreement right now to give to the City for us to participate. They will want our commitment at some point. Chell Rossi said they are expecting bids by the May 21<sup>st</sup>, and they have a meeting to make a decision on the vendor.

We have had some issues on Summers Evening again. Mr. Svab has been out talking with residents. We have had issues in other parts of town with parking of commercial vehicles and trailers. Instead of piece meal posting signs with time restrictions, we might be better served to outlaw parking of commercial trucks outside of a business use, along with one ton trucks with trailers or consider trailers. We do have issues with campers bringing them in and out of storage. They will park in front of their house for a day or two and then they are gone. Those are things we could accommodate. This is something for Council to consider. Perhaps this could go to a public service committee. Linda Zahirsky said she thought safety committee was where it was discussed before, that is where she would like it to go and really look at what other communities do. Mrs. Mayberry asked if this was a homeowner's association. Mrs. Zahirsky said maybe we could come up with an agreement with them. Mr. Cozy stated that there is a reason for the parking rules, the driveways are very short. A one ton dually truck parked in a driveway will not allow the neighbor to see to get out and blocks the sidewalks.

Mr. Mayberry stated that what we have in our Zoning and what allows it, is a condo association on one side of the street and single family homes on the opposite. On Redwing drive we had parking issues with duplexes on one side and single family on the other side. The mixture of that use divided by the center line of the street seems to be at the root of some of the problems. Mr. Mayberry said we needed to look at our Zoning Code generally and talk about that. This is an observation of his.

Scott Svab said he is for moving towards a one ton vehicle restriction. He said this is a hazard situation. This limits the homeowners who are affected on one side of the street enjoying their property. If you are running a business out of your house, that is illegal. While talking to residents, other issues include speeding and rolling through stop signs.

Sue Mayberry said when she was at her class in Canton, she had openly talked about collaboration and talked about where we are at with our Living Together arrangement with the biggest issue being the purchase of large equipment. Combining grants between two entities that are not in a fire district seemed to be an issue that was a roadblock. Everyone that was speaking seemed to think that there were avenues that we could apply to mutually purchase equipment. She received an email from a lady from the Ohio Development Services Agency and she is the local government incentive section supervisor. She indicated to Mrs. Mayberry that for local government innovative fund programs you would not need to be an official district. They require only that you have an MOU in place and that each entity that is participating has a resolution of support from the governing body. This may be an avenue that we can use.

Mr. Cozy stated that the issue is we can jointly purchase, but not jointly own. Mr. Cozy said he had a decision from the State Auditor's office and that is the sticking point. He said this is the grant we used for our Police Study. The issue is, who holds the title? There is no provision right now for joint owners of a total. You can have a usage agreement. Mr. Cozy said he spoke to Frank LaRose when he came by for his office hours, and Senator LaRose said there may be

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something that they could look into at the state level. Mr. Rouse stated that one person has to own it for insurance and liability purposes.

Mayor

Mayor Harbaugh said he was informed today that the material was used up in the horse shelter. It should be opened up.

Parks & Recreation Board

No Report

Law Director

No Report

Mrs. Mayberry asked Mr. Fellmeth about Resolution 8-14 in regards to voting. Mrs. Mayberry wanted to know if she should abstain from the vote being a member. Mr. Fellmeth said she did not have to abstain as she is a member and not a trustee.

**THIRD READINGS**

**Ordinance 8-14:** An Ordinance Amending Ordinance 30-12, Rates Of Pay For Non-Safety Service Part-Time Employees.

A motion was made to approve Ordinance 8-14 by Linda Zahirsky, second by Scott Svab. All present Council Members voted yes. Motion approved.

**Ordinance 9-14:** An Ordinance Amending Ordinance 32-12, Rates Of Pay For Canal Boat Employees.

A motion was made to approve Ordinance 9-14 by Nellie Cihon, second by Scott Svab. All present Council Members voted yes. Motion approved.

**Resolution 8-14:** a Resolution by the Council of the City of Canal Fulton, Ohio to Enter into an Agreement with the Canal Fulton Heritage Society for Canal Boat Operations

A motion was made to approve Resolution 8-14 by Linda Zahirsky, second by Nellie Cihon. All present Council Members voted yes. Motion approved

**SECOND READINGS**

No Second Readings.

**FIRST READINGS**

**Ordinance 10-14:** An Ordinance by the Council of the City of Canal Fulton, Ohio Amending the Zoning Code by Re-Zoning 207 East Market Street (PPN#95-00334)

**Resolution 10-14:** A Resolution Establishing the Special Assessments Capital Projects Fund (Fund 321) to be used in Accounting for the Locust Street Water and Sewer Line Extensions

A motion was made to suspend the rules by Linda Zahirsky, second by Scott Svab. All present Council Members voted yes. Motion approved.

A motion was made to approve Resolution 10-14 under suspension of the rules by Linda Zahirsky, second by Scott Svab. All present Council Members voted yes. Motion approved.

**Ordinance 11-14:** An Ordinance Amending Ordinance 31-13, and Providing for Changes to Previously Authorized Transfers and Advances.

A motion was made to suspend the rules by Scott Svab, second by Linda Zahirsky. All present Council Members voted yes. Motion approved.

A motion was made to approve Resolution 11-14 under suspension of the rules by Linda Zahirsky, second by Nellie Cihon. All present Council Members voted yes. Motion approved.

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**Ordinance 12-14:** An Ordinance Amending Ordinance 31-13, and Providing for Changes Previously Authorized Transfers and Advances.

A motion was made to suspend the rules by Linda Zahirsky, second by Nellie Cihon. All present Council Members voted yes. Motion approved.

A motion was made to approve Resolution 12-14 under suspension of the rules by Linda Zahirsky, second by Scott Svab. All present Council Members voted yes. Motion approved.

**Ordinance 13-14:** An Ordinance Amending Ordinance 5-14, Rates of Pay for Full-Time Non-Bargaining Employees, and Repealing and Ordinances in Conflict Therewith.

**Ordinance 14-14:** An Ordinance Amending Section 111.04 of the Codified Ordinances of the City of Canal Fulton Relating to the Pay of Members of the Council and Mayor, and Repealing any Ordinances in Conflict Therewith.

**P.O.s**

P.O. 9228: to Ohio Muni Joint Self Insurance Pool in the amount of \$42,000.00 for Property Casualty and Liability Insurance.

A motion was made to approve P.O. 9228 by Scott Svab, second by Sue Mayberry. All present Council Members voted yes. Motion approved.

P.O. 9217: to Wenger Excavating in the amount of \$124,000 for Wooster Street Storm Sewer Improvements Project

A motion was made to approve P.O. 9217 by Nellie Cihon, second by Linda Zahirsky. All present Council Members voted yes. Motion approved.

P.O. 9231: to CTI Engineers, Inc. in the amount of \$58,100.00 for Engineering for Locust Water and Sewer Line Extensions.

A motion was made to approve P.O. 9231 by Scott Svab, second by Nellie Cihon. All present Council Members voted yes. Motion approved.

P.O. 9213: to Miner's Inc., in the amount of \$5,610.00 for estimate for Water Treatment Plant to remove three old diffuser Pipes in #1 aeration tank and replace with new galvanized pipe and fittings.

A motion was made to approve P.O. 9213 by Sue Mayberry, second by Scott Svab. All present Council Members voted yes. Motion approved.

P.O. 9047: to Stark County Health Department in the amount of \$25,000.00 for 2014 Health Department Fees

A motion was made to approve P.O. 9047 by Nellie Cihon, second by Scott Svab. All present Council Members voted yes. Motion approved.

P.O. 9246: to Stark County Auditor in the amount of \$9,000.00 for 2014 Property Tax Collection Fees

A motion was made to approve P.O. 9246 by Nellie Cihon, second by Scott Svab. All present Council Members voted yes. Motion approved.

**BILLS – March Bills \$316,491.36**

A motion was made to approve the March Bills by Scott Svab, second by Linda Zahirsky. All present Council Members voted yes. Motion approved.

**OLD/NEW/OTHER BUSINESS**

Chief Swartz said he was not sure where we were with the widening project for Cherry and Locust. There are still problems with semis. A semi coming from Avalon wanting to make a turn north to Akron on Rt. 93 swung out to avoid the pole and went over into the AT & T property and blocked traffic for over an hour. The pole is still being chewed away at. The Chief said he still thinks the

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widening is a good idea. The truck actually had to be towed backwards due to sinking into the ground to the front bumper.

**REPORT OF PRESIDENT PRO TEMPORE**

Scott Svab reminded everyone that the Easter Egg Hunt would be on April 19<sup>th</sup> at 10:00am and then after that was the Fishing Clinic. Forty people signed up very quickly. Mr. Svab thanked the Water Department for putting that on the Water Bill and Mrs. Dolan for posting on Facebook.

Trying to get the issue resolved at Summer Evening, Mr. Svab would like to give this to the Safety Committee and see what they can come up with.

**REPORT OF SPECIAL COMMITTEES**

No Report.

A motion was made to reschedule the next Council meeting From May 6, 2014 to May 7, 2014 at 7:00pm due to Election Day by Linda Zahirsky, second by Nellie Cihon. All present Council Members voted yes. Motion approved.

**CITIZENS COMMENTS – Open Discussion (Five Minute Rule)**

Chell Rossi reported that there will be a work session April 16, 2014 at the Canalway Center to prepare seedlings for the giveaway for Earth Day.

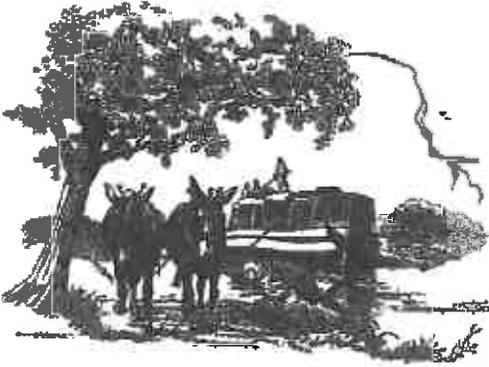
Jim Deans – Friends of the Library had a program last Saturday on the technology in the Civil War. Thursday, April 24<sup>th</sup>, Senator Frank LaRose will be at the Chamber of Commerce Luncheon held at the Rotary Building. The cost is \$15.00

**ADJOURNMENT**

The meeting was adjourned at 8:03pm.

Minutes Prepared by: \_\_\_\_\_  
Teresa M. Dolan, Clerk

Minutes Approved: \_\_\_\_\_  
Mayor Richard Harbaugh



# City of Canal Fulton

155 East Market Street, Canal Fulton, Ohio 44614  
(330) 854-2225, Ext. 119 - Fax (330) 854-6913  
Email: [citymgr@cityofcanalfulton-oh.gov](mailto:citymgr@cityofcanalfulton-oh.gov)

## *From the Office of the City Manager*

### **City Manager's Report for May 7, 2014**

**1. Canal Fulton Distillery:** Brent Cline would like to address council on May 7th with a proposal to start a local business using a micro distillery.

**2. Transportation Enhancement Grant Applications:** CTI will get us an estimate to restore our remaining brick streets. We have a voice motion to submit an application for the Locust Street East Sidewalk Project. SCATS will be accepting TA grant applications until May 23<sup>rd</sup>. These are on a three year cycle so projects for this round are for 2016 thru 2018.

**3. Downtown Hotel:** Next week I'll be meeting with Dave Crisafi of Ceres Enterprises to see what interest there might still be for a future hotel in our historic district. Ken Roberts invited him to tour his Warehouse on the Canal. We will also meet with John Hatfield at the Exchange Bank Building. We think area between those two buildings might prove to be an ideal place to build a small hotel.

**4. Clinton Sewer Project:** Dan Mayberry, Bill Dorman, and I met with the directors of the Summit and Stark sewer districts, and Clinton's mayor Al Knack. We reviewed and made some revisions to the agreement drafted by Summit County. I forwarded the draft to Scott Fellmeth. Dan, Bill, Scott Fellmeth and I will need to meet to assess any long term ramifications this agreement as drafted would have on the city. We would then need this to go through committee.

**5. Tornado Sirens:** The Lawrence Twp Trustees forwarded us an agreement to construct and operate the tornado sirens. Everything is as we have discussed last year except for the operation of the sirens. While the committee recommended the sirens be automated through the weather satellite system with the fire dept and RED Center as back-ups, the trustees are opting to have the sirens activated by the fire dept and RED Center with no automation. We should have our fire chief bring us up to speed with what that means.

The Trustees plan to advertise for bids this week. I did not think it good to ask council to pass this by emergency with just one reading. I'm thinking if we can at least give this two readings and then pass it by emergency, it would give everyone ample time to review and approve before the trustees open the bids. They are under a time constraint to have the project completed by the end of summer. We did commit the funds when the trustees applied for the grant last year.

**6. Summer Evening Drive:** We still need to schedule a Safety Committee meeting to discuss and research various solutions to the ongoing parking and speeding issues. The City installed an additional 25mph speed limit sign around the Summer Evening midpoint. Various parking restrictions have been discussed over the years. We may want to consider limiting parking on residential streets to motorized passenger and non-commercial vehicles with less than 1-ton chassis, except in the conducting of business.

This would eliminate 1-ton or larger trucks, commercial vehicles, and trailers from parking on our residential streets. We've had these issues in other parts of town. Instead of doing something such as creating timed parking restrictions on one city street, we may want to consider doing something that will cover the entire town.

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 10-14

Passed \_\_\_\_\_, 20\_\_\_\_

AN ORDINANCE BY THE COUNCIL  
OF THE CITY OF CANAL FULTON,  
OHIO AMENDING THE ZONING CODE  
BY RE-ZONING 207 EAST MARKET  
STREET (PPN #95-00334)

WHEREAS, the Council of the City of Canal Fulton, Ohio has amended the Zoning Code of the City of Canal Fulton to create a Zoning District known as S-1 Suburban Office District, and

WHEREAS, on March 20, 2014 the Planning Commission of the City of Canal Fulton has adopted a Resolution re-zoning PPN #95-00334 to S-1 Suburban Office District, and

WHEREAS, a public hearing and notice thereof have been held and given, as required by Ohio Revised Code Section 713.12.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CANAL FULTON OHIO THAT:

Permanent Parcel Number 95-00334 located at 207 E. Market Street shall be zoned S-1.

\_\_\_\_\_  
Richard Harbaugh, Mayor

ATTEST:

\_\_\_\_\_  
Teresa Dolan, Clerk-of-Council

I, Teresa Dolan, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby certify that this is a true and correct copy of Ordinance \_\_\_\_ 2014, duly adopted by the Council of the City of Canal Fulton, on the date of \_\_\_\_\_, 2014, and that publication of the foregoing Ordinance was duly made by listing same on the city's web site and by posting true and correct copies thereof at three of the most public places in said corporation as determined by Council as follows: Canal Fulton Post Office, Canal Fulton Public Library and Canal Fulton City Hall each for a period of fifteen days, commencing on the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Teresa Dolan, Clerk-of-Council

SEF/bp

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 13-14

Passed \_\_\_\_\_, 20\_\_\_\_

AN ORDINANCE AMENDING ORDINANCE 5-14, RATES OF PAY FOR FULL-TIME NON-BARGAINING EMPLOYEES, AND REPEALING ANY ORDINANCES IN CONFLICT THEREWITH.

WHEREAS, the Canal Fulton City Council has established rates of pay for full-time non-bargaining employees, and

WHEREAS, adjustments are to be made to their pay, and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CANAL FULTON, STATE OF OHIO, THAT:

**Section 1:** Section 124.02 of the Codified Ordinances shall be amended to read:

124.02 CLERK OF COUNCIL / ASSISTANT TO THE CITY MANAGER

There is established the position of Clerk of Council / Assistant to the City Manger at the direction of the City Manager. The salary shall be \$43,384.68 per year, payable 42% from the General Fund, 29% from the Water Operating Fund, and 29% from the Sewer Operating Fund.

**Section 2:** Section 123.01 of the Codified Ordinances shall be amended to read:

123.01 FINANCE DIRECTOR

The Finance Director shall receive a salary of \$58,092.75 per year, payable 42% from the General Fund, 29% from the Water Operating Fund, and 29% from the Sewer Operating Fund.

**Section 3:** The Assistant to the Finance Director shall receive a pay rate of \$15.30 per hour, payable 42% from the General Fund, 29% from the Water Operating Fund, and 29% from the Sewer Operating Fund.

**Section 4:** The Chief of Police shall receive a salary of \$65,000.00 per year, payable from the Police Fund. The position shall receive the same uniform allowance as union employees of the department.

**Section 5:** The Police Department Administrative Assistant shall receive a pay rate of \$17.03 per hour, payable from the Police Fund.

**Section 6:** The Director of Public Services shall receive a salary of \$59,972.77 per year, payable 10% from the General Fund, 45% from the Water Operating Fund, and 45% from the Sewer Operating Fund. If the employee possesses a Water Operator and/or Sewer Operator certification equivalent to the classification of the City Water Treatment Plant and Wastewater Treatment Plant, then the position shall receive the same stipend as union employees of the Utilities Department.

**Section 7:** The Superintendent of the Utility Department shall receive a salary of \$51,437.38 per year, payable 50% from the Water Operating Fund and 50% from the Sewer Operating Fund. The position shall receive the same uniform allowance as union employees of the department. If the

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 13-14

Passed \_\_\_\_\_, 20\_\_\_\_

employee possesses a Water Operator and/or Sewer Operator certification equivalent to the classification of the City Water Treatment Plant and Wastewater Treatment Plant, then the position shall receive the same stipend as union employees of the Utilities Department.

**Section 8:** The Superintendent of the Street Department shall receive a salary of \$55,000.00 per year, payable 25% from the General Fund and 75% from the Street Fund. The position shall also receive the same vacation, sick leave and uniform allowance as union employees of the department.

**Section 9:** Pursuant to the compensation package adopted by Ordinance 22-12, the City Manager shall receive a salary of \$73,000.00 per year, payable 42% from the General Fund, 29% from the Water Operating Fund, and 29% from the Sewer Operating Fund.

**Section 10:** The Law Director shall receive a salary of \$26,010.00 per year, payable 42% from the General Fund, 29% from the Water Operating Fund, and 29% from the Sewer Operating Fund. Since the position is not a full-time employee, the position is not eligible for longevity pay defined in Section 12 below.

**Section 11:** The Zoning Inspector shall receive a pay rate of \$17.15 per hour, payable from the General Fund. Since the position is not a full-time employee, the position is not eligible for longevity pay defined in Section 12 below.

**Section 12:** All full-time employees shall receive additional compensation of \$150 for every year of full-time service worked for the City. This longevity service pay shall be cumulative upon each employee's anniversary date of full-time employment.

**Section 13:** All other ordinances inconsistent herewith are repealed.

**Section 14:** This Ordinance shall be effective July 1, 2014 for the fiscal year 2014.

\_\_\_\_\_  
Richard Harbaugh, Mayor

ATTEST:

\_\_\_\_\_  
Teresa Dolan, Clerk of Council

I, Teresa Dolan, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby certify that this is a true and correct copy of Ordinance \_\_\_\_\_, 14, duly adopted by the Council of the City of Canal Fulton, on the date of \_\_\_\_\_, 2014, and that publication of the foregoing Ordinance was duly made by listing same on the City's website and by posting true and correct copies thereof at three of the most public places in said corporation as determined by Council as follows: Canal Fulton Post Office, Canal Fulton Public Library and Canal Fulton City Hall, each for a period of fifteen days, commencing on the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Teresa Dolan, Clerk of Council

# RECORD OF ORDINANCES

Dutton Legal Blank, Inc.

Form No. 30043

Ordinance No. 14-14

Passed \_\_\_\_\_, 20\_\_\_\_

AN ORDINANCE AMENDING SECTION 111.04 OF THE CODIFIED ORDINANCES OF THE CITY OF CANAL FULTON RELATING TO THE PAY OF MEMBERS OF THE COUNCIL AND MAYOR, AND REPEALING ANY ORDINANCES IN CONFLICT THEREWITH.

WHEREAS, on January 1<sup>st</sup> 2014, the Ohio Public Employee Retirement System (OPERS) revised the standards to require a minimum salary of \$600 per month in order to earn service credit for pension purposes.

WHEREAS, the current compensation rates for City Council members is below this threshold.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CANAL FULTON, STATE OF OHIO, THAT:

Section 1: Section 111.04 of the Codified Ordinances shall be amended to read:

Compensation of Mayor, Council President, and Members of Council.

- (a) The compensation for the Mayor shall be \$9,900.00 per year, and shall be paid 42% from the General Fund, 29% from the Water Operating Fund, and 29% from the Sewer Operating Fund.
- (b) The compensation for Council President shall be \$7,920 per year, and shall be paid 42% from the General Fund, 29% from the Water Operating Fund, and 29% from the Sewer Operating Fund.
- (c) The compensation for the members of City Council shall be \$7,200.00 per year, and shall be paid 42% from the General Fund, 29% from the Water Operating Fund, and 29% from the Sewer Operating Fund.

Section 2: These pay rates shall become effective for those taking office after January 1, 2015.

\_\_\_\_\_  
Richard Harbaugh, Mayor

ATTEST:

\_\_\_\_\_  
Teresa Dolan, Clerk of Council

I, Teresa Dolan, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby certify that this is a true and correct copy of Ordinance \_\_\_\_\_, 14, duly adopted by the Council of the City of Canal Fulton, on the date of \_\_\_\_\_, 2014, and that publication of the foregoing Ordinance was duly made by listing same on the City's website and by posting true and correct copies thereof at three of the most public places in said corporation as determined by Council as follows: Canal Fulton Post Office, Canal Fulton Public Library and Canal Fulton City Hall, each for a period of fifteen days, commencing on the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Teresa Dolan, Clerk of Council

# RECORD OF RESOLUTIONS

Dwyer Legal Blank, Inc., Form No. 8006

Resolution No. 11-14

Passed \_\_\_\_\_

20\_\_\_\_

**A RESOLUTION BY THE COUNCIL OF THE CITY OF CANAL FULTON, OHIO TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE BOARD OF TRUSTEES OF LAWRENCE TOWNSHIP, STARK COUNTY, OHIO FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF OUTDOOR WARNING SIRENS.**

WHEREAS, outdoor warning siren systems are designed and operated to provide an audible alert for those persons who are outdoors during a severe weather event or other significant emergency, and

WHEREAS, Lawrence Township, Stark County, Ohio and Canal Fulton, Ohio wish to coordinate the installation, maintenance and operation of five (5) Sirens, to be located at five (5) designated locations, to serve the residents of the respective jurisdictions, and

WHEREAS, Stark County, Ohio (through the Board of County Commissioners) has secured a grant award to provide a funding source for the acquisition and installation of Sirens, and

WHEREAS, the Parties desire to jointly maintain and operate the Sirens pursuant to a mutual set of policies.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CANAL FULTON, OHIO, THAT:

The City of Canal Fulton agrees to enter into an Intergovernmental Agreement with the Board of Trustees of Lawrence Township, Stark County, Ohio for the installation, maintenance and operation of outdoor warning sirens pursuant to agreement attached hereto as Exhibit "A" and incorporated by reference herein.

\_\_\_\_\_  
Richard Harbaugh, Mayor

ATTEST:

\_\_\_\_\_  
Teresa Dolan, Clerk-of-Council

I, Teresa Dolan, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby certify that this is a true and correct copy of Resolution \_\_\_\_\_-14, duly adopted by the Council of the City of Canal Fulton, on the date of \_\_\_\_\_, 2014, and that

# RECORD OF RESOLUTIONS

Dayton Legal Blanks, Inc., Form No. 20046

Resolution No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

publication of the foregoing Resolution was duly made by listing same on the city's web-site and by posting true and correct copies thereof at three of the most public places in said corporation as determined by Council as follows: Canal Fulton Post Office, Canal Fulton Public Library and Canal Fulton City Hall each for a period of fifteen days, commencing on the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Teresa Dolan, Clerk-of-Council

SEF/bp

**EXHIBIT "A"****INTERGOVERNMENTAL AGREEMENT FOR THE INSTALLATION,  
MAINTENANCE AND OPERATION OF  
OUTDOOR WARNING SIRENS**

This Intergovernmental Agreement ("Agreement") is made and entered into this Effective Date April 28, 2014, by and between the Board of Trustees of Lawrence Township, Stark County, Ohio ("Lawrence Township"), having its principal place of business located at 5828 Manchester Avenue, NW, North Lawrence, Ohio 44666, and the City of Canal Fulton, Stark County, Ohio ("Canal Fulton"), having its principal place of business located at 155 East Market Street, Suite A, Canal Fulton, Ohio 44614, who shall collectively be known as the "Parties" herein.

**RECITALS**

WHEREAS, outdoor warning siren systems ("Sirens") are designed and operated to provide an audible alert for those persons who are outdoors during a severe weather event or other significant emergency; and

WHEREAS, Lawrence Township and Canal Fulton wish to coordinate the installation, maintenance and operation of five (5) Sirens, to be located at five (5) designated locations, to serve the residents of the respective jurisdictions; and

WHEREAS, Stark County, Ohio (through the Board of County Commissioners) has secured a grant award (the "Grant") to provide a funding source for the acquisition and installation of Sirens; and

WHEREAS, the Parties understand the Grant to provide \$167,546.00, which will be in the form of reimbursement following acquisition and expenditure; and

WHEREAS, the Parties desire to jointly maintain and operate the Sirens pursuant to a mutual set of policies.

NOW THEREFORE, in consideration and exchange of the mutual promises contained herein, it is agreed as follows:

### **AGREEMENT**

1. Lawrence Township and Canal Fulton agree to expend the funds generated by the Grant (or a portion thereof) to acquire the necessary hardware, facilities and related services for the installation of Sirens to serve the respective areas of both jurisdictions. Based upon the Grant total, the Parties have agreed to apportion the expenses for the Sirens using the following formula: the share of such expense for Lawrence Township shall be fixed at sixty percent (60%); with the share of Canal Fulton fixed at forty percent (40%).
2. For initial acquisition and installation of the Sirens, the share of expense for Canal Fulton shall not exceed \$67,018.40, and the Lawrence Township share shall not exceed \$100,527.60.
3. The Grant funds are to be assigned or otherwise designated by the County Commissions to Lawrence Township, and Lawrence Township shall make reimbursements to the Parties from those funds in the proportion set forth herein above, based upon the respective shares allocated in accordance with paragraph 1 of this Agreement.
4. The Parties further agree that any expenses incurred for the acquisition and installation of the Sirens shall be borne by the Parties pursuant to their respective shares

allocated in accordance with paragraph 1 of this Agreement.

5. Similarly, expenses incurred for the maintenance, repair or operations of the Sirens shall be borne by the Parties pursuant to their respective shares allocated in accordance with paragraph 1 of this Agreement.

6. Lawrence Township and Canal Fulton agree to activate and operate the Sirens pursuant to the Policy entitled "Operation of Outdoor Warning Sirens" attached hereto and incorporated herein.

7. Either party may terminate the Agreement upon written notice of termination, provided to the other Party at least six (6) months in advance of the effective termination date. In the event of a termination, either unilaterally or mutually, the Parties shall provide for the dismantling and sale or other disposition or transfer of the Siren equipment, with the costs thereof to be borne by the Parties in accordance with the allocation set forth in paragraph 1 above, or as otherwise agreed between the Parties. Any proceeds from such disposition shall be distributed to the Parties based upon their apportionment set forth in this Agreement.

8. Nothing set forth in this Agreement shall, in any fashion, abrogate, reduce or otherwise affect any immunities existing under law.

9. The construction, interpretation and administration of this Agreement shall be governed by the laws of the state of Ohio.

10. This Agreement contains the entire terms of understanding between the Parties and, therefore, supercedes any previous terms of agreement expressed between them, whether verbal, written, express or implied, regarding the subject matter set forth herein. Further, this Agreement may be amended only by means of a separate written instrument, authorized and signed by the Parties hereto.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be duly executed and effective as of the date and year first written above.

Witnessed by:

THE CITY OF CANAL FULTON, OHIO

\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
Printed Name and Title

\_\_\_\_\_  
Dated

Approved as to form:

\_\_\_\_\_  
Law Director, City of Canal Fulton

\_\_\_\_\_  
Dated

Witnessed by:

LAWRENCE TOWNSHIP, STARK  
COUNTY, OHIO, BOARD OF  
TRUSTEES

[Signature]  
JAMES MATHIEWS

By: Michael P Stevens  
Michael Stevens President  
Printed Name and Title

[Signature]  
JAMES MATHIEWS

By: Lester E Kamp  
Lester E Kamp Trustee  
Printed Name and Title

Carol Blase  
Carol Blase

By: Shawn D. Lockhart  
Shawn D. Lockhart Trustee  
Printed Name and Title

9/20/14  
Dated

Approved as to form:

[Signature]  
James F. Mathews  
Additional Legal Counsel  
Lawrence Township Board of Trustees

9/20/14  
Dated

**CERTIFICATE**

I, **Cindy Meismer, Fiscal Officer of Lawrence Township, Stark County, Ohio**, in whose custody and control the files and records of the Board of said Township are required by the laws of the state of Ohio to be kept, do hereby certify that the foregoing is taken and copied from the original Agreement now on file, and that the foregoing has been compared by me with said original Agreement, and that the same is a true and correct copy thereof.

Attested this date, 4-28-14

Cindy Meismer  
Cindy Meismer, Fiscal Officer

**CERTIFICATE**

I, \_\_\_\_\_, Clerk for the City of Canal Fulton, Stark County, Ohio, in whose custody and control the files and records of the Board of said Township are required by the laws of the state of Ohio to be kept, do hereby certify that the foregoing is taken and copied from the original Agreement now on file, and that the foregoing has been compared by me with said original Agreement, and that the same is a true and correct copy thereof.

Attested this date, \_\_\_\_\_

\_\_\_\_\_  
City Clerk

**CERTIFICATE**

**Cindy Meisner, Fiscal Officer for Lawrence Township, Stark County, Ohio, does hereby certify that funds sufficient to meet the obligations set forth herein in the fiscal year in which the contract is made, have been lawfully appropriated for such purpose and are in the treasury or in process of collection to the credit of an appropriate fund free from any previous encumbrances.**

  
Cindy Meisner, Fiscal Officer

**CERTIFICATE**

\_\_\_\_\_, Treasurer for the City of Canal Fulton, Stark County, Ohio, does hereby certify that funds sufficient to meet the obligations set forth herein in the fiscal year in which the contract is made, have been lawfully appropriated for such purpose and are in the treasury or in process of collection to the credit of an appropriate fund free from any previous encumbrances.

\_\_\_\_\_

**Policy for the Operation of Outdoor Warning Sirens  
for  
The City of Canal Fulton, Stark County, Ohio  
("Canal Fulton")  
and  
Lawrence Township, Stark County, Ohio  
("Lawrence Township")**

The purpose of this policy is to provide general guidelines for the operation and activation of the outdoor warning sirens by Canal Fulton and Lawrence Township.

The sirens are to be activated only by designated safety department personnel from Canal Fulton or Lawrence Township, under the protocol set forth in this Policy, as may be amended or supplemented from time to time. These sirens are intended to provide alert warnings (a 3 to 5 minute steady siren) in the event of a severe weather emergency, funnel cloud sighting, or other threatening condition.

The Parties will activate the sirens under the following circumstances:

Severe weather is expected or observed with a storm producing golf-ball sized hail or winds greater than 70 mph.

Upon receipt of a severe weather alert (Severe Thunderstorm Warning) from the National Weather Service, or other official source, indicating that Canal Fulton/Lawrence Township is in the path of severe weather, including a flash flood warning.

If at any time the National Weather Service has issued a Tornado Warning for Canal Fulton, Lawrence Township, or any surrounding territory within a 10 mile radius of Canal Fulton or Lawrence Township.

If a tornado or funnel cloud has been spotted and reported, by a weather spotter or a public safety official (on-duty police supervisor, on-duty ranking fire supervisor, or other designated official) within 10 miles of Canal Fulton or Lawrence Township and is observed or suspected to be headed in the direction of Canal Fulton or Lawrence Township.

In the event of a national security crisis or attack event affecting the area, or occurrence of a chemical spill, hazardous chemical release or other such significant emergency.

The sirens will also be sounded if, in the discretion of any safety official with the city or township, a funnel cloud has reached the midway point between the cloud deck and the ground or when a tornado is on the ground, or in the event a severe weather condition is deemed to warrant such action.

The sirens will be subject to activation by both Canal Fulton and Lawrence Township fire department personnel and designated officials, including dispatch services.

Outdoor warning signs are meant to be heard outside. The system is not designed to provide notification inside homes or businesses. When sirens sound, residents should always seek shelter and tune to local weather information on radio, television, the internet or NOAA weather radio for more information.

The sirens will not be used for the issuance of any "all-clear" tone. Such signals may be confusing to residents in the event of additional warnings.

Residents calling or contacting the parties with weather-related questions will be directed to check local radio and television stations for accurate weather information and current warning information.

The threat of severe weather does not necessarily end when the sirens stop. Residents should continue to shelter and stay tuned to local weather information on radio, television, the internet or NOAA weather radios for the duration of any warning periods.

The sirens will be activated the first Wednesday of each month at 12:00 noon for the purpose of testing. It is not recommended that the sirens be tested during inclement weather, as this may be perceived as a notification. The cancellation of a test must be authorized by the city administrator, township official, Chief of Police, Fire Chief or other assigned operations manager.

A log shall be maintained by the parties documenting each testing event and activation.

Maintenance, use, operation and activation of the sirens involves the exercise of discretion and judgment on the part of Canal Fulton, Lawrence Township, and their respective public officials. Neither Canal Fulton nor Lawrence Township shall assume any liability for any mistakes or errors in judgment or for any act or omission occurring in the activation or operation of the sirens. Nothing set forth in this Policy or in any Agreement of parties shall, in any fashion, abrogate, reduce or otherwise effect any immunities existing under law.

4/22(1.0)



**BILL TO:**

# City of Canal Fulton

155 East Market Street, Suite #A  
Canal Fulton, Ohio 44614-1305  
(330) 854-2225 • FAX (330) 854-6913

## PURCHASE ORDER

P.O. NUMBER: RG009252  
P.O. DATE: 04/18/14  
DEPARTMENT: STREET  
CREATED BY:  
VENDOR NO.: 02312

DELIVER TO:

CANAL FULTON ADMINISTRATION  
155 E. MARKET ST.  
SUITE #A  
CANAL FULTON, OH 44614

VENDOR:

D.J.L. MATERIALS AND SUPPLY  
P.O. BOX 5293  
AKRON, OHIO 44334-0293

ACCOUNT NUMBER	AMOUNT
206.360.5630	\$8,200.00

THE ABOVE PURCHASE ORDER NUMBER MUST APPEAR ON ALL BILLS AND PACKAGES.  
Material on this order is exempted from the Ohio Sales Tax and Federal Excise Taxes.

FEDERAL ID # 34-6000498

QUANTITY	UNIT	DESCRIPTION	PRICE / UNIT	AMOUNT
		CRACK SEALER FOR ROAD MAINTENANCE NOW AND THEN CERTIFICATE I CERTIFY FUNDS FOR THIS PURCHASE WERE AVAILABLE THEN ____ / ____ / ____ AVAILABLE NOW ____ / ____ / ____ SIGNED:  THIS THEN AND NOW CERTIFICATE IN EXCESS OF \$3,000 WAS APPROVED BY A MOTION OF CANAL FULTON CITY COUNCIL ON ____ / ____ / ____ THIS PURCHASE ORDER IN EXCESS OF \$3,000 WAS APPROVED BY A MOTION OF CANAL FULTON CITY COUNCIL ON ____ / ____ / ____		\$8,200.00 0
<b>TOTAL:</b>				\$8,200.00

**CIRCLE IF APPLICABLE:** Now and then P.O. – the purchase was made before approval of P.O. Funds were available then as they are available now.

### FISCAL OFFICER'S CERTIFICATE

I hereby certify that the amount required to meet the contract, agreement, obligation, payment or expenditure stated in this purchase order has been lawfully appropriated, authorized or directed for such purpose and is in the Treasury or in the process of collection

Finance Director

Date