

**CITY OF CANAL FULTON
CITY COUNCIL MEETING AGENDA**

November 1, 2011

1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

4. **CORRECTING & ADOPTING THE RECORD OF PROCEEDINGS**

October 18, 2011

5. **REPORTS OF STANDING COMMITTEES**

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

7. **REPORTS OF ADMINISTRATIVE OFFICERS**

A. Senior Citizens

B. Community Service Coordinator

C. Fire Chief

D. Police Chief

E. Engineer/Streets/Public Utilities

Service Director Report

F. Finance Director

G. City Manager

Letter Regarding Issues Related to Oil & Gas Drilling - ODNR

Contracts (3) – Voice Motion

H. Report of Mayor

Appointment to Park Board – Jeff Bowman

I. Parks & Recreation Board

Canalway Center Report

J. Law Director

8. **THIRD READINGS**

Ordinance 30-11: An Ordinance Amending Ordinance 11-10 and Providing for Supplemental Appropriations Within Various Accounts for the Purpose of Accounting for Expenses Paid By Other Entities on the Behalf of the City of Canal Fulton.

Ordinance 31-11: An Ordinance Amending Ordinance 11-10 and Providing for Changes to Previously Authorized But Not Yet Executed Transfers.

Ordinance 32-11: An Ordinance Amending Ordinance 11-10 and Providing for Supplemental Appropriations Within Various Accounts for the Purpose of Paying Various City Obligations and Declaring an Emergency.

9. **SECOND READINGS**

Resolution 28-11: Accepting the Amounts and Rates as Determined By the Budget Commission and Authorizing the Necessary Tax Levies and Certifying Them to the County Auditor.

10. **FIRST READINGS**

Resolution 29-11: A Resolution By the Council of the City of Canal Fulton, Ohio to Join Stark County Schools' Council of Governments (COG) and Declaring an Emergency.

Ordinance 34-11: An Ordinance Requiring Public Meetings for Water and Sewer Line Extensions and Notifying Property Owners of Such Meetings.

11. **PURCHASE ORDERS & BILLS**

P.O. 6671 to Huntington National Bank for 12/1/2011 Fire Station Bond Payments in the Amount of \$88,925.00.

P.O. 6644 NOW AND THEN CERTIFICATE to Canal Fulton PC for Replacement Server for Old Server Damage By Lightning in \$5,108.95.

BILLS: \$ None

12. **OLD/NEW/OTHER BUSINESS**

13. **REPORT OF PRESIDENT PRO TEMPORE**

14. **REPORT OF SPECIAL COMMITTEES**

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

17. **ADJOURNMENT**

RECORD OF PROCEEDINGS

Minutes of

CITY OF CANAL FULTON

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

October 18, 2011

Held

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COUNCIL MEETING

Mayor John Grogan called the October 18, 2011 City Council meeting to order at 7:00 PM in Council Chambers at City Hall.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: Nellie Cihon, Danny Losch, Sue Mayberry, Matthew Moellendick, Linda Zahirsky and Paul Bagocius.

Absent: None

Others Present: Scott Fellmeth, Law Director; Mark Cozy, City Manager; Tammy Charlson, Clerk of Council; Daniel Mayberry, Service Director; Ray Durkee, Fire Chief; Dave Frisone, Police Chief; James Goffe, Finance Director; Scott M. Svab, Cyndi Wilson, Francisca Harmon, Chell Rossi, James Deans and David Cornelius, Residents; Joan Porter, Repository.

PRESENTATION – COUNTY SALES TAX (Richard Reinbold):

Mr. Reinbold is a retired Common Pleas Court Judge, Canton Municipal Court Judge and former County Prosecutor.

Judge Reinbold stated he has been doing the sales tax presentation throughout the community for support of the issue.

He presented the information regarding the need for the increase in the county sales tax and the dire need of it for the criminal justice system.

CORRECTING/ADOPTING THE RECORD OF PROCEEDINGS -

Mrs. Zahirsky moved to adopt the record of proceedings as amended for October 4, 2011, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

Mr. Bagocius made the following amendments:

Page 2, 3 paragraphs from bottom:

Should read: regarding the senior center commission members being elected, have they discussed that.

Mr. Fellmeth made the following amendment:

Page 8, Law Director: It should have reflected that he would be absent at the November 1, 2011 meeting and not the October 18, 2011 meeting.

REPORTS OF STANDING COMMITTEES

Public Service Committee: Mr. Moellendick stated the committee met this evening and discussed the four options that were presented previously by RCAP. They have been working on the language for the legislation for a

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water rate increase The committee is recommending the implementation of Option D. He stated they will work on legislation and would like to schedule a meeting to review.

Mr. Moellendick moved to hold a public service committee meeting on October 25, 2011 at 6:00 PM for the purpose of the review of the water rate legislation, seconded by Mrs. Zahirsky. ROLL: Yes, ALL.

Finance Committee: Mrs. Zahirsky moved to change the time of the Finance Committee meeting on October 25, 2011 from 6:00 PM to 6:30 PM, seconded by Mr. Moellendick. ROLL: Yes, ALL.

CITIZENS' COMMENTS – AGENDA MATTERS - None

REPORTS OF ADMINISTRATIVE OFFICERS

SENIOR CITIZENS (Nellie Cihon)

August Financial Statement: Included in packet.

Mrs. Zahirsky moved that they are in receipt of the August Financial statement, seconded by Mrs. Mayberry. ROLL: Yes, Mr. Losch, Mrs. Mayberry, Mr. Moellendick, Mrs. Zahirsky and Mr. Bagocius. Abstain, Mrs. Cihon.

Luncheon: The center will be having a luncheon on October 25, 2011 and is open to the public. The cost is \$4.50.

Swiss Steak Dinner: The next swiss steak dinner will be held on October 29, 2011 and serving from 4:00-6:30 PM. Call the center for reservations.

Bus Trip: The center will be hosting a bus trip to the Rivers Casino on October 26, 2011. The cost is \$30, with \$15 back in free play and a \$5 food voucher.

Holiday Dinner: The center will be hosting a holiday dinner on Wednesday, November 16, 2011 from 1:00-3:00 PM. The dinner is for members and guests.

Applesauce: The center will be making applesauce on October 19, 2011.

COMMUNITY SERVICE (John Murphy, Coordinator)

Monthly Report: Included in council agenda packet.

FIRE CHIEF (Ray Durkee, Fire Chief)

Monthly Report: The monthly stats report was included in the council agenda packet.

Fire Week: The department held fire prevention activities at the schools this past week.

Training: Two members attended fire school at Bowling Green and reported the classes were excellent.

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POLICE DEPARTMENT (David Frisone, Police Chief)

Monthly Report: The monthly report was included in the council agenda packet. There were 451 calls for service for the month of September.

Training: Officer Muntean recently completed the basic pistol instructor course. They now have two certified trainers.

Drug Take Back Day: The department will be having a drug take back day on October 29, 2011 from 10:00 AM to 2:00 PM. The program is for expired or unwanted prescription drugs. They will not accept syringes/needles. This will be done in conjunction with the fire department.

ENGINEER/STREETS/PUBLIC UTILITIES (William Dorman/Dan Mayberry):

Elmridge #10: The water and sewer line is completed. The storm sewer will soon be underway. It is anticipated to be completed by year end.

Mr. Fellmeth stated he would like notified when the job is completed so he knows when to release monies he is holding for the bond for the developer.

Sewer Lateral – Library: The Y connection failed and needed repaired. During the repair, the department televised the lateral going from the street to the library and the system looks in good repair.

FINANCE DEPARTMENT (James Goffe)

September Financial Report: The report is included in the packet.

Resolution 28-11: The deadline for filing the resolution to the county is November 2, 2011. He would like to ask for suspension of the rules at the November 1, 2011 meeting.

He would like to request a finance committee meeting at the second meeting in November to make some changes in the appropriations budget.

Finance Committee: Mrs. Zahirsky moved to hold a finance committee meeting on November 15, 2011 at 6:30 pm for review/changes of the appropriations, seconded by Mrs. Mayberry. **ROLL: Yes, ALL.**

Mrs. Zahirsky moved they are in receipt of the September financial statement and finance director report, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

CITY MANAGER (Mark Cozy)

Mr. Cozy reported the following:

Joint Fire District: He met with Chief Durkee and Chief Stewart from the Lawrence Township Fire Department. They went over his recommendations on pursuing a Joint Fire District between Canal Fulton and Lawrence Township. They recommended in section 3(H) it be

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changed from:

The Northwest Fire District would be given the option to assume ownership of the Fire Station through a purchase agreement that pays the City its cost to engineer, construct, and bond it;

TO

The Northwest Fire District would be given the option to assume ownership of the Fire Station through a purchase agreement with the City.

There may be other factors other than engineering, construction, and bonding costs that might affect the negotiated price and this should be left up to city council to decide.

Questions:

Mr. Bagocius asked who is pushing the joint fire district because it wasn't the committee. He stated the committee recommended a living together arrangement.

Mr. Cozy stated he is pushing for the district. He saw that the communications were stalled and wanted to invigorate it again. He stated they may go back to the living together arrangement. He is making known his recommendations.

Mr. Bagocius doesn't have a problem with getting the ball rolling in the right direction and stated the direction that the committee wanted was to look at a living together arrangement and to not necessarily to negate that. He stated their concern was the cost factor once it is taken out of the Township and City's hands. The cost factor can escalate because the board of directors wouldn't be directly voted on by the people and there would not be a direct link between the people of the community and the joint fire district.

Mr. Cozy stated the completion of the fire district would be through the ballot and if the people voted against the funding, it would never happen.

Mr. Bagocius stated a fire district could lead to full-time employment which would escalate the costs.

Mr. Cozy stated his recommendation is a fail-safe because if that happens and they can no longer meet the payroll, the fire district would dissolve.

Mr. Bagocius stated it goes back to his original question on who is pushing it because he would like to see the living together further discussed especially since the committee worked on it extensively.

Mr. Cozy stated he didn't mean disrespect to the committee but wanted to get the ball rolling. From his observations, some of the meetings and his position as city manager, he believes they should move forward with it. He hopes they revisit it and now council understands where he stands on the issue.

Mrs. Zahirsky stated he might found out where they stand in December.

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Mr. Cozy stated that is good and hopes they can come forward with a consensus and answer because they never got there.

Mrs. Zahirsky stated they got there.

Mayor Grogan stated they have been trying to get this moving for thirty years and the ball has been rolling. He stated there has always been an effect to get both agencies combined to try to save costs. He stated this isn't anything new; it has been worked on by past council since the late '70's.

Mr. Bagocius stated he agrees with the mayor and about saving money. This needs to be the empathy behind it, even though there are professional firefighters who say it will not save money, but it may improve efficiency and coordination. He stated the ball rolling should at least start with what the committee has already worked on.

Mayor Grogan stated at that point, the ball had already been rolling for such a long point, that is has morphed into a lot of different things; regionalization isn't a new thing. A lot of communities have look at regionalization, and there are ups and downs to it. He stated in the end, they need to look at what is going to be more cost effective to the taxpayers.

Mrs. Zahirsky stated if they bothered to look at the report that the committee put together, they answered these questions. She stated she is asking those that are saying to head on to the joint fire district to take the time to look at the report the committee put together. She feels they did a good job.

Mr. Cozy stated he reviewed the report and based his observation on what happened at the two meetings he attended and the reaction he was engaging from the township, especially the firefighter's themselves because it seemed very clear from two of the trustees, possibly all three, they were very interested and keyed in to what their firefighter's felt and thought about the issue. He heard loud and clear what the firefighter's felt. He feels it is important to continue the dialogue with them and if the living together arrangement is stonewalled, then look at the fire district.

Mrs. Zahirsky stated they haven't sat down with the trustees. She stated they don't want to meet until December and she understands why. They will meet after the first of the year.

Mayor Grogan stated it should be a dialogue that continues beyond this body and to take as long as it takes to find a reasonable solution. He stated if the driving force behind it is the current city manager, the next mayor or council president, or whomever, it is an issue than cannot die. It has to continue. He stated to have one side or the other decide they don't want to discuss it will not make the problem go away.

Mayor Grogan stated they need to figure out ways on how to be good stewards of the taxpayers' dollars and they need to keep on this issue until a solution is made. He stated the study was well written and hopes the conversations continue in the future.

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Mr. Bagocius stated when they meet in December; he hopes they focus initially on the report and its recommendation and not on the city manager's recommendations of the joint fire district.

Energy Audit Status: Mr. Bagocius asked Mr. Cozy about the energy audit status.

Mr. Cozy stated he has been in communication with the First Energy website and he has been emailing back and forth. He stated there isn't a current program. He will receive updates. There is a time limit for the next program year.

Mr. Cozy stated he has been in discussion with Tammy Hurst, Stark County School Board regarding doing a consortium with them in purchases.

Mr. Mayberry stated he previously reported when the get done with water/sewer study, RCAP also does these studies and they can move forward with having them do a study. There would be a charge for the energy audit.

Mr. Cozy stated they had a private enterprise previously do one, and all they wanted to look at was the light bulbs.

Mr. Cozy stated he continues to check the website for the next cycle. This has been done through emails.

Railway Study: Mr. Cozy has been in communication with Wayne Barton. He sent him a copy of the comprehensive plan. The plan speaks about the train station study. He did indicate they were still looking at some legal issues pertaining to them not owning the entire railroad line between us and Philadelphia. He said he forwarded the community plan to his legal department.

Mr. Cozy stated he also sent a copy of the city plan to the firm that came to town who was curious about building a hotel on the site. His statement is they are very open to moving into Canal Fulton and invest money, but financing is not available now.

Mr. Cozy stated he feels this is where they train company is as well, as there is going to be some investment needed to accommodate a scenic railway in Canal Fulton. He stated it is a matter of financing and budgets.

YMCA Committee: Mr. Cozy stated they learned last week that the Charter for a Canal Fulton Area YMCA has been approved. They will be part of the YMCA of Central Stark County along with Canton, North Canton, Jackson, Minerva, Louisville, Lake and Carroll County. Individuals will soon be able to give to the United Way and have the Canal Fulton Area YMCA as a recipient of their contributions.

A Board will need to be set up next. The name also can be changed as did the Jackson YMCA when a sizable donation was made by Paul and Carol David.

REPORT OF MAYOR (John Grogan) -

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Park Board Appointment: Mayor Grogan stated he would like to make the recommendation of Jeff Bowman to the Park Board. The Clerk will email his resume to each council member and place a copy in their city mailbox on Friday, October 21, 2011.

PARKS & RECREATION BOARD (Fred Fleming, Chair) - None

LAW DIRECTOR (Scott Fellmeth)

Resolution 33-11: Mr. Fellmeth stated he would recommend deleting any references in the anti-retaliation policy where it refers to anonymous complaints. He feels they should be made on a confidential basis, but the rest of the language is okay. He isn't comfortable legally to responding to complaints made on an anonymous basis. He feels the reviewing authority, should not only be the director of law, but all the designated city prosecutorial service because of the potential for criminal violations in such conduct. He can make these changes and have available for the next meeting.

Mr. Fellmeth stated there are currently at least twelve statutes in the Ohio Revised Code regarding retaliation and extortion or otherwise that would mostly cover this conduct. He stated threats, physical harm or loss of job are contained in the Ohio Revised Code. He would suggest having the prosecutor's office review if they wish to adopt the same.

Mr. Moellendick stated he thinks the intent was meant to be confidential.

Mr. Fellmeth stated he feels it puts the checks and balances in to have the prosecutorial service included in the document.

Mrs. Mayberry asked if the rest of council members agree with the changes.

Council members indicated yes.

Mr. Fellmeth stated he will make the changes and have for the next meeting.

Mr. Bagocius stated when he read, he doesn't see where council is informed of any of the complaints and he brings this up since it is going to be revised. He stated as a council member he would like to know what the complaint is.

Mr. Fellmeth stated maybe they should take back to committee.

Mrs. Mayberry stated she would rely on the city manager to deal with these kinds of issues and to have a policy in which to use. She stated council can't be involved in each aspect of what is going on with employees.

Mr. Fellmeth stated if Mrs. Mayberry wants to think about it, she could get back to him.

Mrs. Mayberry stated it is a resolution and it can be amended.

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Mr. Fellmeth stated he feels this should be a resolution and not an ordinance. He stated they could then be in the position to amend it later rather than make it the law. He stated there isn't a penalty phase for it anyways. They are expressing a policy in which they wish to have adopted. It would be subject to revision at a later date should council choose to do so.

Mrs. Zahirsky stated she would recommend the law director to prepare the legislation for the next meeting with the changes they suggested. She stated if it isn't working, then they could review at a later date.

THIRD READINGS

Resolution 25-11: A Resolution By the Council of the City of Canal Fulton, Ohio to Place A Moratorium on Horizontal Hydraulic Fracturing.
Cihon, Losch ROLL: Yes, ALL.

Ordinance 26-11: An Ordinance Amending Chapter 1149.08 Application, Plan Review and Inspection Fees of the Planning and Zoning Code of the Codified Ordinances of Canal Fulton, Ohio and Repealing Any Ordinance in Conflict Therewith.

Mr. Moellendick moved for passage, seconded by Mrs. Cihon. ROLL: Yes, ALL

Ordinance 27-11: An Ordinance Amending Chapter 143.01(d) Zoning Fees of the Administrative Code of the Codified Ordinances of Canal Fulton, Ohio and Repealing Any Ordinance in Conflict Therewith.

Mrs. Zahirsky moved for passage, seconded by Mrs. Mayberry. ROLL: Yes, ALL.

SECOND READINGS

Ordinance 30-11: An Ordinance Amending Ordinance 11-10 and Providing for Supplemental Appropriations Within Various Accounts for the Purpose of Accounting for Expenses Paid By Other Entities on Behalf of the City of Canal Fulton.

STANDS AS SECOND READING

Ordinance 31-11: An Ordinance Amending Ordinance 11-10 and Providing for Changes to Previously Authorized But Not Yet Executed Transfers.

STANDS AS SECOND READING

Ordinance 32-11: An Ordinance Amending Ordinance 11-10 and Providing for Supplemental Appropriations Within Various City Obligations and Declaring an Emergency.

STANDS AS A SECOND READING

FIRST READINGS

Resolution 27-11: A Resolution By the Council of the City of Canal Fulton, Ohio In Support of the Proposed County Sales Tax and Declaring an Emergency.

Mrs. Cihon moved to suspend the rules, seconded by Mr. Moellendick ROLL: Yes, ALL.

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Mrs. Mayberry moved for passage under suspension, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

Resolution 28-11: A Resolution Accepting the Amounts and Rates as Determined By the Budget Commission and Authorizing the Necessary Tax Levies and Certifying Them to the County Auditor.
STANDS AS A SECOND READING

Mr. Goffe stated he would like passage at the next meeting under suspension as it needs to be certified November 2, 2011. As outlined in the Charter, finance legislation goes into effect on date of passage.

Ordinance 33-11: An Ordinance Adopting the City of Canal Fulton's Policy on Anti-Retaliation.
Mrs. Cihon moved to postpone indefinitely, seconded by Mrs. Mayberry.
ROLL: Yes, ALL.

PURCHASE ORDERS & BILLS

P.O. 6654 to CTI Engineers, Inc. for Engineering Service Blanket in the Amount of \$15,000.00.
Mr. Goffe requested that this P.O. be held.

P.O. 6662 to Roto Rooter for Emergency Repair Sewer Main at Lateral for Canal Fulton Public Library in the Amount of \$3,855.27.
Mrs. Cihon moved for approval, seconded by Mrs. Mayberry. **ROLL: Yes, ALL.**

P.O. 6667 to The Bank of New York for Final Bond Payments in the Amount of \$183,780.02.
Mr. Losch moved for approval, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

P.O. 6668 to Ohio Treasurer of State-OPWC for Loan Payments in the Amount of \$54,278.75.
Mrs. Cihon moved for approval, seconded by Mrs. Mayberry. **ROLL: Yes, ALL.**

P.O. 6669 to Excavating, Inc. for Remaining Retainage for Marshallville Sanitary Sewer in the Amount of \$6,135.44.
Mrs. Cihon moved for approval, seconded by Mr. Losch **ROLL: Yes, ALL.**

Mr. Bagocius asked Mr. Goffe the total cost to the city for the entire project Mr. Cozy stated the city paid \$166,517 and the grant was \$188,000. He didn't have the engineering costs.

BILLS: \$335,469.37

Mrs. Mayberry moved to accept the bills in the amount of \$335,469.37, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

Questions were asked and answered by the finance director.

OLD/NEW/OTHER BUSINESS - None

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REPORT OF PRESIDENT PRO TEMPORE (Linda Zahirsky) -

Mrs. Zahirsky stated it has been a pleasure working with the committees. She appreciates the amount of committee work that goes on.

REPORT OF SPECIAL COMMITTEES - None

CITIZENS COMMENTS-Open Discussion (Five-Minute Rule)

Mr. Svab: Mr. Svab asked Mrs. Mayberry if she found the anti-retaliation from another community. She stated North Canton.

Mr. Cozy stated the anti-retaliation policy is written to go to law director and would need to be changed to include him.

ADJOURNMENT

Mayor John Grogan adjourned the October 18, 2011 meeting. The next regular scheduled meeting is November 1, 2011 at Canal Fulton City Hall, Council Chambers.

Tammy Charlson, Clerk of Council John Grogan, Mayor

Mayor:
John Grogan
President Pro tem:
Linda Zahirsky



Council Members:
Paul Bagocius
Nellie Cihon
Danny Losch
Sue Mayberry
Matthew Moellendick

CITY OF CANAL FULTON

Service Director Report for November 1, 2011

RCAP Energy Audit: Continue to gather information to complete the preliminary energy audit for the Water and Sewer Dept. After completion of this phase of the study we will be able to determine whether or not there is a likelihood of significant cost savings.

Service Call Activity: Attached is the breakdown of activity for Customer Service Calls for January through Sept 2011. You will note that 413 calls have been completed at approximately .75 man hrs per call. Nancy Lawson continues to do a fine job in account collections and coordination of Customer Service.

Steiner Street Sanitary Sewer: Bontrager Excavating plans on beginning construction of the subject sewer within the next two weeks. Cold weather conditions will not impact construction. The Utilities has begun clearing the site of trees.

Emergency Generators: I am in the process of gathering cost estimates for maintenance of the subject equipment. It is hopeful that I will be able to receive a least three quotes. The City Maintenance Mechanic, will maintain and service the engines and the contract vendor will service the generator and transfer switch.

Public Service Committee: The Administration met with the committee to discuss and adjust the language of the proposed Water Rate Ordinance. Attention to the existing and proposed Senior Discount was the main topic of discussion.



Ohio Department of Natural Resources

JOHN R. KASICH, GOVERNOR

SCOTT A. ZODY, INTERIM DIRECTOR

October 3, 2011

Lanny E. Erdos, Chief
Division of Mineral Resources Management
2045 Morse Road, Building H-2
Columbus, OH 43229-6693
Phone: (614) 265-6893; Fax: (614) 265-7999

The Honorable Scott Oelslager
Ohio Senate
1 Capitol Square
Columbus, OH 43215

Dear Senator Oelslager:

Thank you for your letter regarding issues related to oil and gas drilling. The answers to both of your questions—protection of local water resources and receiving notification for new permits follows below:

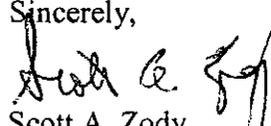
We share the concerns of Mr. Mark Cozy, city manager for Canal Fulton, regarding protecting groundwater resources. The Division of Mineral Resources Management staff work closely with the Ohio Environmental Protection Agency to develop special permitting conditions when applications are for well locations within sensitive groundwater resource areas.

We believe it is critical that well construction, well control and fluid control be handled in the most environmentally responsible manner as possible. To that end, we have made it a priority to have inspection staff on site during critical stages of drilling including well casing and hydraulic fracturing. Further, the division will have doubled its inspection staff, from 20 to 40, by the end of 2011. This will enable the division to provide additional natural resource protection. ODNR is well positioned to ensure environmental responsibility at Ohio's drilling sites.

Regarding notification for drilling applications, under Senate Bill 165, public officials may receive notification when applications have been received by the division. On May 25, 2011, Mr. William A. Dorman, city engineer, was added to our notification list for any application filed in Canal Fulton. If he is no longer the appropriate contact, please ask Mr. Cozy to contact Patty Nicklaus at patty.nicklaus@dnr.state.oh.us and provide her with updated contact information.

I appreciate the opportunity to provide further details regarding your constituents' concerns. If there is anything else we can provide, please contact Ben Pendery, ODNR Legislative Liaison at (614) 265-6891.

Sincerely,


Scott A. Zody
Interim Director

Thanks Scott!

c: Ben Pendery, ODNR Legislative Liaison



Scott Oelslager
State Senator, 29th District

Senate Building
1 Capitol Square
Columbus, Ohio 43215
Phone: 614.466.0626
SD29@senate.state.oh.us

Committee Assignments
Health, Human Services and Aging, *Chairman*
Judiciary – Civil Justice, *Vice-Chair*
Rules and Reference
Finance Committee
Judiciary – Criminal Justice

October 13, 2011

Mr. Mark Cozy
City Manager
City of Canal Fulton
155 East Market Street, Suite A
Canal Fulton, Ohio 44614

Dear Mr. Cozy,

Enclosed please find the response I received from the Ohio Department of Natural Resources as a result of my inquiry on your behalf.

If I can be of further assistance with this matter or any other state related topic, please do not hesitate to contact my office.

Sincerely,

Scott Oelslager
State Senator
29th District

SO/gew

Construction Inspection Services Agreement

The City of Canal Fulton (City) and Don Schwendiman (Service Provider) do hereby agree to the following independent contract agreement for the provision of construction inspection services for the Canal Fulton City Hall:

1. Service Provider shall provide construction inspection services for the City of Canal Fulton. The construction inspection services shall be scheduled to take place when contractors perform work in proposed platted subdivisions as coordinated through the City Engineer and/or Director of Public Services.
2. Service Provider will be required to provide services within 48 hours of receipt of notice or notify the City Engineer immediately if unable to provide services.
3. Service Provider shall be considered an independent contractor. Service Provider shall receive (\$32.00) per hour. Service Provider shall be responsible for paying any assistants and shall also be responsible for arranging for and paying any replacements.
4. The agreement may be cancelled by either party at anytime by providing a thirty (30) calendar day advance written notice to the other party.
5. Service Provider shall have sole control over the manner or method by which the construction inspection services are provided as coordinated through the City Engineer and/or Director of Public Services. The City shall have the ability to direct the Service Provider only with regard to whether or not the construction inspection services are satisfactory to the City.
6. The City shall not be obligated to withhold federal, state, or local taxes from the aforementioned (\$32.00) per hour payment. Service Provider shall receive an IRS Form 1099 for income tax purposes.
7. Service Provider is not eligible for workers' compensation or unemployment compensation under the City's programs.
8. As an independent contractor, Service Provider is not eligible for any employment benefits provided by the City such as, but not limited to, paid sick leave, paid vacation leave, uniform allowance, holiday pay, longevity pay, and/or other forms of compensation/fringe benefits.
9. Service Provider shall complete daily inspection forms provided by the City for each day of serviced provided for each project.
10. Invoices prepared by the Service Provider for inspection shall detail the date the services were performed, the nature of the work, the title of the individual responsible for the work, the hours spent doing the work, the hourly rates and the total charge for the work.
11. The City agrees to indemnify and hold harmless Service Provider from damage to City property that results from negligent acts of Service Provider.

The parties entered into this Service Agreement on this ____ day of _____, 2011.

Mark Cozy, City Manager

Don Schwendiman, Service Provider

Approved as to form:

Scott Fellmeth, Law Director

Service Agreement

The City of Canal Fulton (City) and Elaine Weitzel (Service Provider) do hereby agree to the following independent contract agreement for the provision of cleaning services for the Canal Fulton Police Station:

1. Service Provider shall provide the cleaning services of the Canal Fulton City Hall, with said duties being completed one (1) time per week. The cleaning services shall be scheduled to take place at a mutually convenient time outside of the regular business hours of the City.
2. Service Provider shall be considered an independent contractor. Service Provider shall receive a forty dollar (\$40.00) payment per cleaning service occasion. Service Provider shall be responsible for paying any assistants and shall also be responsible for arranging for and paying any replacements.
3. The agreement may be cancelled by either party at anytime by providing a thirty (30) calendar day advance written notice to the other party.
4. Service Provider shall have sole control over the manner or method by which the cleaning services are provided. The City shall have the ability to direct the Service Provider only with regard to whether or not the cleaning services are satisfactory to the City.
5. The City shall not be obligated to withhold federal, state, or local taxes from the aforementioned forty dollar (\$40.00) payment. Service Provider shall receive an IRS Form 1099 for income tax purposes.
6. Service Provider is not eligible for workers' compensation or unemployment compensation under the City's programs.
7. As an independent contractor, Service Provider is not eligible for any employment benefits provided by the City such as, but not limited to, paid sick leave, paid vacation leave, uniform allowance, holiday pay, longevity pay, and/or other forms of compensation/fringe benefits.
8. The City agrees to indemnify and hold harmless Service Provider from damage to City property that results from negligent acts of Service Provider.

The parties entered into this Service Agreement on this ____ day of _____, 2011.

For the City of Canal Fulton

Elaine Weitzel, Service Provider

Approved as to form:

Scott Fellmeth, Law Director

Service Agreement

The City of Canal Fulton (City) and Karen Hiltbrand (Service Provider) do hereby agree to the following independent contract agreement for the provision of cleaning services for the Canal Fulton City Hall:

1. Service Provider shall provide the cleaning services of the Canal Fulton City Hall, with said duties being completed one (1) time per week. The cleaning services shall be scheduled to take place at a mutually convenient time outside of the regular business hours of the City.
2. Service Provider shall be considered an independent contractor. Service Provider shall receive a ninety dollar (\$90.00) payment per cleaning service occasion. Service Provider shall be responsible for paying any assistants and shall also be responsible for arranging for and paying any replacements.
3. The agreement may be cancelled by either party at anytime by providing a thirty (30) calendar day advance written notice to the other party.
4. Service Provider shall have sole control over the manner or method by which the cleaning services are provided. The City shall have the ability to direct the Service Provider only with regard to whether or not the cleaning services are satisfactory to the City.
5. The City shall not be obligated to withhold federal, state, or local taxes from the aforementioned ninety dollar (\$90.00) payment. Service Provider shall receive an IRS Form 1099 for income tax purposes.
6. Service Provider is not eligible for workers' compensation or unemployment compensation under the City's programs.
7. As an independent contractor, Service Provider is not eligible for any employment benefits provided by the City such as, but not limited to, paid sick leave, paid vacation leave, uniform allowance, holiday pay, longevity pay, and/or other forms of compensation/fringe benefits.
8. The City agrees to indemnify and hold harmless Service Provider from damage to City property that results from negligent acts of Service Provider.

The parties entered into this Service Agreement on this ____ day of _____, 2011.

For the City of Canal Fulton

Karen Hiltbrand, Service Provider

Approved as to form:

Scott Fellmeth, Law Director

**City of Canal Fulton Parks and Recreation and Canalway Center
Monthly Report for September 2011
Mary Ann Higgins, Canalway Programs Director**

Canal Fulton Canalway Center

- Canalway Center is open weekends only in October and will close in November.
- Researching options to improve Canalway Center doors – too heavy for senior citizens
- Outdoor drinking fountain – would like to improve function for park users.

Recreation Programming

Completed Programs

Sat, Sept 10, Family Campfire Program, with Stark Parks, cancelled due to rain

Tues, Oct 11, CF Night Hike, 27 participants attended – nice evening – went well

Upcoming programs/cost (besides staffing):

Mon, Oct 31, Fall Fun Fest, Setup 4-6 pm, event 6-8 pm, clean up 8-9 pm, Olde School Playground, Good response for volunteers - planning going well. *\$200*

Sat. Dec 3, Christmas on the Canal, City pays for Santa, coloring books, canes, max \$325

Fri, Feb 3, 2012, Daddy-Daughter Dance – new location at High School – planning.

Parks & Recreation - Administration:

- **Discover Park** – mulch purchased and put in Oct 11 – have a lot left over.
- **Playground repairs:** St. Helena playground repairs – Dan Mayberry working on it.
- **Updating Pavilion/facility rental fees** – will complete email proposed 2012 updated facility rental fees soon
- **Program Publicity:** Depending on the target audience for the event, publicity is posted at: Muhlhauser Park Sign, city website, city newsletter, news releases to area newspapers, starkcountyevents.com, Canton Stark Cty visitors Bureau website, safety center sign, Hatfield sign, CFCC facebook page, OECA, OECC websites.
- **Meetings:** I attended the following meetings: Safe Routes to School team mtg, Christmas on the Canal Planning mtg., Fall Fun Fest mtg, Chamber mtg,

Other project work

- Boat Crew and Canalway Staff evaluations
- Safe Routes to School Project Coordination: public mtg Oct 12 and report due Oct 31.
- Compiling Canalway Center and Boat end of year revenue information

Canalway Center September 2011 DAILY VISITOR LOG

| TIME | Thur 9-1 | Fri 9-2 | Sat 9-3 | Sun 9-4 | Mon 9-5 | Tue 9-6 | Wed 9-7 | Thur 9-8 | HOURLY TOTAL | GROUPS/PROGRAMS INCLUDED | # Attended |
|--------|----------|---------|---------|---------|---------|---------|---------|----------|--------------|--------------------------|------------|
| 10:00 | 1 0 | 2 0 | 15 2 | 4 2 | 5 0 | 1 0 | 0 0 | 19 0 | 49 | V-L's Dinner Cruise | 30 |
| 11:00 | 1 0 | 4 2 | 37 4 | 12 2 | 12 2 | 1 0 | 0 0 | 0 0 | 82 | Country C. Charter | 19 |
| 12:00 | 1 0 | 2 0 | 30 1 | 8 0 | 10 1 | 0 0 | 0 0 | 0 0 | 53 | | |
| 1:00 | 0 0 | 7 1 | 14 0 | 2 0 | 4 0 | 4 2 | 0 0 | 4 1 | 40 | | |
| 2:00 | 3 0 | 2 0 | 34 2 | 14 5 | 8 3 | 0 0 | 3 0 | 1 0 | 75 | | |
| 3:00 | 2 2 | 2 1 | 28 1 | 7 3 | 10 0 | 4 1 | 1 0 | 1 0 | 63 | | |
| 4:00 | * * | * * | 10 1 | 1 0 | * * | * * | * * | 11 | 11 | | |
| 5-6pm | * * | * * | 12 0 | 7 3 | * * | * * | * * | 32 0 | 54 | | |
| Totals | 9 2 | 19 4 | 180 11 | 54 13 | 49 6 | 10 3 | 9 0 | 57 1 | 427 | * CLOSED | 49 |

| TIME | Fri 9-9 | Sat 9-10 | Sun 9-11 | Mon 9-12 | Tue 9-13 | Wed 9-14 | Thur 9-15 | Fri 9-16 | HOURLY TOTAL | GROUPS/PROGRAMS INCLUDED | # Attended |
|--------|---------|----------|----------|----------|----------|----------|-----------|----------|--------------|--------------------------|------------|
| 10:00 | 2 0 | 7 1 | 1 0 | 2 0 | 3 0 | 0 0 | 1 0 | 34 36 | 90 | Beer Cruise | 32 |
| 11:00 | 5 0 | 7 0 | 14 0 | 14 0 | 4 0 | 0 0 | 1 0 | 21 26 | 92 | Smuckers in the park | 200 |
| 12:00 | 7 1 | 8 0 | 17 2 | 7 0 | 4 0 | 6 0 | 3 0 | 15 14 | 84 | Heritage Hirsch grp | 90 |
| 1:00 | 5 0 | 17 3 | 26 11 | 10 0 | 2 0 | 2 0 | 4 0 | 14 19 | 113 | | |
| 2:00 | 2 0 | 12 1 | 16 5 | 0 0 | 15 0 | 3 0 | 6 0 | 8 8 | 76 | | |
| 3:00 | 9 3 | 12 6 | 11 3 | 5 1 | 6 0 | 10 0 | 21 3 | 3 2 | 95 | | |
| 4:00 | * * | 5 7 | 17 2 | * * | * * | * * | * * | * * | 31 | | |
| 5-6pm | * * | 2 0 | 5 1 | * * | * * | * * | 37 2 | * * | 47 | | |
| Totals | 30 4 | 70 18 | 107 24 | 38 1 | 34 0 | 24 0 | 73 5 | 95 105 | 628 | * CLOSED | 322 |

| TIME | Sat 9-17 | Sun 9-18 | Mon 9-19 | Tue 9-20 | Wed 9-21 | Thur 9-22 | Fri 9-23 | Sat 9-24 | HOURLY TOTAL | GROUPS/PROGRAMS INCLUDED | # Attended |
|--------|----------|----------|----------|----------|----------|-----------|----------|----------|--------------|---------------------------|------------|
| 10:00 | 7 0 | 11 0 | 0 0 | 0 0 | 0 0 | 22 0 | 1 0 | 3 1 | 45 | Clays Park DVD & boat chr | 17 |
| 11:00 | 20 1 | 10 1 | 2 0 | 0 0 | 1 0 | 7 0 | 0 0 | 12 3 | 57 | | |
| 12:00 | 21 6 | 22 5 | 2 0 | 5 0 | 8 0 | 3 0 | 0 0 | 24 8 | 104 | | |
| 1:00 | 60 2 | 29 2 | 0 0 | 0 0 | 3 0 | 8 0 | 1 0 | 21 3 | 129 | | |
| 2:00 | 12 1 | 24 9 | 1 0 | 2 0 | 1 3 | 7 0 | 0 0 | 15 7 | 82 | | |
| 3:00 | 26 2 | 40 4 | 1 0 | 1 0 | 2 0 | 11 1 | 1 0 | 22 5 | 116 | | |
| 4:00 | 8 0 | 10 3 | * * | * * | * * | * * | * * | 23 1 | 45 | | |
| 5-6pm | 4 0 | 9 2 | * * | * * | * * | * * | * * | 6 0 | 21 | | |
| Totals | 158 12 | 155 26 | 6 0 | 8 0 | 15 3 | 58 1 | 3 0 | 126 28 | 599 | * CLOSED | 17 |

| TIME | Sun 9-25 | Mon 9-26 | Tue 9-27 | Wed 9-28 | Thur 9-29 | Fri 9-30 | HOURLY TOTAL | GROUPS/PROGRAMS INCLUDED | # Attended |
|----------------|----------|----------|----------|----------|-----------|----------|--------------|--------------------------|------------|
| 10:00 | 6 0 | 1 0 | 3 0 | 25 0 | 2 0 | 2 0 | 39 | 9/28/11 Mdwf MRDD bt chr | 21 pp |
| 11:00 | 13 0 | 1 0 | 6 0 | 5 1 | 0 0 | 2 0 | 28 | 9/29/11 Ghost Cruise | 37 pp |
| 12:00 | 24 12 | 0 0 | 2 0 | 37 1 | 0 0 | 0 0 | 76 | | |
| 1:00 | 10 1 | 0 0 | 2 0 | 6 0 | 0 0 | 0 0 | 19 | | |
| 2:00 | 32 4 | 2 0 | 5 2 | 7 0 | 0 0 | 0 0 | 52 | | |
| 3:00 | 20 11 | 0 0 | 3 0 | 4 2 | 1 0 | 1 0 | 42 | | |
| 4:00 | 22 1 | * * | * * | * * | * * | * * | 23 | | |
| 5-6pm | 3 0 | * * | * * | * * | 43 1 | * * | 47 | | |
| Totals Monthly | 130 29 | 4 0 | 21 2 | 84 4 | 46 1 | 5 0 | 326 | * CLOSED | |
| Totals | 327 47 | 248 48 | 314 37 | 184 18 | 144 10 | 97 4 | 1980 | | |

Canalway Center Visitor Numbers

| Monthly Total | 1980 | Daily Total for Aug 2011 | 4104 |
|---------------|------|---------------------------|------|
| Adult Total | 1677 | Daily Total for Sept 2010 | 2403 |
| Youth Total | 303 | Daily Total Sept 2009 | 2042 |
| | | Daily Total for Sept 2008 | 1154 |

| RIDERS | | | |
|-------------------------------|-----|-------------------------------|-----|
| Total Public Riders Sept 2011 | 288 | Total Public Riders Sept 2010 | 320 |
| Total Public Riders Sept 2009 | 303 | Total Public Riders Sept 2008 | 0 |

| SALES | | | |
|----------------------------------|-------------|----------------------------------|-------------|
| Sales for Public Rides Sept 2011 | \$ 1,586.00 | Sales for Public Rides Sept 2010 | \$ 1,971.00 |
| Sales for Public Rides Sept 2009 | \$ 1,780.00 | Sales for Public Rides Sept 2008 | \$ - |

September 2011 Report

**NO Boat Rides in Sept or Oct of 2008

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 30-11

Passed _____, 20__

An Ordinance Amending Ordinance 11-10, and Providing for Supplemental Appropriations Within Various Accounts for the Purpose of Accounting for Expenses Paid by Other Entities on the Behalf of the City of Canal Fulton.

WHEREAS, other entities, who provided funding during 2011 for the project known as the High Street / Erie Avenue Roadway and Plum Creek Culvert Project, have and/or will make payments for expenses directly to the projects vendors, and

WHEREAS, it is necessary for the City of Canal Fulton to increase appropriations previously adopted in Ordinance 11-10, as the City's 2011 Appropriation Ordinance, and

WHEREAS, it is necessary to adjust appropriations within accounts in the Appropriation to properly account for the expenses paid directly to vendors on the behalf of the City of Canal Fulton, and

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

Section 1: In order to reduce appropriations previously adopted in Ordinance 11-10, as the City's 2011 Appropriation Ordinance, Council authorizes the amendment of appropriations as follows:

| <u>Expense Account</u> | <u>Account Description</u> | <u>Appropriation Changes</u> |
|------------------------|----------------------------|------------------------------|
| 391.120.5720 | Admin Capital Outlay | \$ 470,000.00 |

Section 2: This Ordinance shall take effect and be in full force and effect from and after the earliest period allowed by law.

John Grogan, Mayor

ATTEST:

Tammy Charlson, Clerk of Council

I, Tammy Charlson, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby certify that this is a true and correct copy of Ordinance _____, 11, duly adopted by the Council of the City of Canal Fulton, on the date of _____, 2011, and that publication of the foregoing Ordinance was duly made by posting true and correct copies thereof as five of the most public places and in said corporation as determined by Council as follows: Post Office, Public Library, Giant Eagle Supermarket, Heritage Square Pharmacy, and entrances to Council Chambers, each for a period of fifteen days, commencing on the _____ day of _____, 2011.

Tammy Charlson, Clerk of Council

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No.

31-11

Passed

20

An Ordinance Amending Ordinance 11-10, and Providing for Changes to Previously Authorized But Not Yet Executed Transfers.

WHEREAS, audit adjustments posted to the accounting system during the financial audit of the 2010 fiscal year financial statements resulted in the reduction of the General Fund 2011 beginning fund balance and increase of the General Capital Project Fund 2011 beginning fund balance, and

WHEREAS, a portion of the transfers into the General Capital Project from both the General Fund and Income Tax Fund, which were previously authorized by Ordinance 11-10, have not yet be transferred, and

WHEREAS, there has been an increased in the anticipated income tax revenues beyond the original 2011 estimate, and

WHEREAS, it is necessary for the City of Canal Fulton to change the authorized transfers in order to the fund balance in the General Fund, and

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

Section 1: In order to reduce transfers previously authorized in Ordinance 11-10, as the City's 2011 Appropriation Ordinance, Council authorizes the reduction of the following transfer from the General Fund to the General Capital Fund:

| <u>Expense Account</u> | <u>Account Description</u> | <u>Appropriation Changes</u> |
|------------------------|----------------------------|------------------------------|
| 101.799.2602 | Transfer to Squad | \$ 26,796.00 |

Section 2: In order to reduce transfers previously authorized in Ordinance 11-10, as the City's 2011 Appropriation Ordinance, Council authorizes the reduction of the following transfer from the Income Tax Fund to the General Capital Fund:

| <u>Expense Account</u> | <u>Account Description</u> | <u>Appropriation Changes</u> |
|------------------------|----------------------------|------------------------------|
| 200.140.5939 | Transfer/Capital #391 | \$ 46,500.00 |

Section 3: In order to increase the fund balance in the General Fund, Council authorizes the following transfer from the Income Tax Fund to the General Fund:

| <u>Expense Account</u> | <u>Account Description</u> | <u>Appropriation Changes</u> |
|------------------------|----------------------------|------------------------------|
| 200.140.5910 | TRNSFR/GENERAL FUND | \$ 176,500.00 |

Section 4: This Ordinance shall take effect and be in full force and effect from and after the earliest period allowed by law.

John Grogan, Mayor

ATTEST:

Tammy Charlson, Clerk of Council

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 31-11

Passed _____, 20____

I, Tammy Charlson, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby certify that this is a true and correct copy of Ordinance _____, 11, duly adopted by the Council of the City of Canal Fulton, on the date of _____, 2011, and that publication of the foregoing Ordinance was duly made by posting true and correct copies thereof as five of the most public places and in said corporation as determined by Council as follows: Post Office, Public Library, Giant Eagle Supermarket, Heritage Square Pharmacy, and entrances to Council Chambers, each for a period of fifteen days, commencing on the _____ day of _____, 2011.

Tammy Charlson, Clerk of Council

RECORD OF ORDINANCES

Ordinance No. 32-11

Passed _____, 20____

Under Suspension of the Rules An Ordinance Amending Ordinance 11-10, and Providing for Supplemental Appropriations Within Various Accounts for the Purpose of Paying Various City Obligations, and Declaring an Emergency.

WHEREAS, it is necessary for the City of Canal Fulton to pay for additional current expenses not anticipated or included in Ordinance 11-10, as the City's 2011 Appropriation Ordinance, and

WHEREAS, it is necessary to adjust appropriations within accounts in the Appropriation to meet these obligations and ensure the timely delivery of services, and

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

Section 1: In order to provide for current expense and other expenditures not originally anticipated or included in Ordinance 11-10, the City's 2011 Appropriation Ordinance, Council authorizes supplemental appropriations as follows:

| Expense Account | Account Description | Appropriation Changes |
|-----------------|-------------------------------------|-----------------------|
| 101.160.5360 | General Fund - Engineering Services | \$ 15,000.00 |

Section 2: This Ordinance is hereby determined to be an emergency measure, the immediate passage of which is necessary for the preservation of the public peace, health, safety, and welfare of the City of Canal Fulton, such emergency arising because it is necessary to pay various City obligations in various funds, wherefore this Ordinance shall take effect and be in full force immediately upon its passage.

John Grogan, Mayor

ATTEST:

Tammy Charlson, Clerk of Council

I, Tammy Charlson, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby certify that this is a true and correct copy of Ordinance _____, 11, duly adopted by the Council of the City of Canal Fulton, on the date of _____, 2011, and that publication of the foregoing Ordinance was duly made by posting true and correct copies thereof as five of the most public places and in said corporation as determined by Council as follows: Post Office, Public Library, Giant Eagle Supermarket, Heritage Square Pharmacy, and entrances to Council Chambers, each for a period of fifteen days, commencing on the _____ day of _____, 2011.

Tammy Charlson, Clerk of Council

ALAN HAROLD
STARK COUNTY AUDITOR

RESOLUTION 28-11
(Under Suspension of the Rules)

2011

RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE
BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND
CERTIFYING THEM TO THE COUNTY AUDITOR
Revised Code, Secs. 5705.34-5705.35

The (Council of the) CANAL FULTON CITY,
Of Stark County, Ohio, met in _____ Session on the _____ day of
_____ at the office of _____ with the following members present:

Mr./Ms. _____ moved the adoption of the following Resolution:

WHEREAS, This council in accordance with the provisions of law has previously adopted a Tax Budget for the next succeeding fiscal year commencing January 1st, 2012: and

WHEREAS, The Budget Commission of Stark County, Ohio, has certified its action thereon to this council together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this (Council/Board) and what part thereof is without, and what part within the ten mill limitation; there be it

RESOLVED, by the (Council) of _____ City/Village, Stark County, Ohio that the amounts and rates, as determined by the Budget Commission in its certification, be and the same are hereby accepted: and be it further

RESOLVED, That there be and is hereby levied on the tax duplicate of said (Village/City) the rate of each tax necessary to be levied within and without the ten mill limitation as follows:

SCHEDULE A

SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED
 BY BUDGET COMMISSION, AND COUNTY AUDITOR'S ESTIMATED TAX RATES

| <u>FUND</u> | Amount to be derived from Levies outside 10 mill Limitation | Amount Approved by Budget Commission Inside 10 Mill Limitation | County Auditor's Estimate of Tax Rate to be Levied | |
|----------------------|--|---|--|---------|
| | | | Inside | Outside |
| General Fund | | 238,133 | 2.50 | |
| Bond Retirement Fund | 114,304 | | | 1.20 |
| Total | 114,304 | 238,133 | 2.50 | 1.20 |

SCHEDULE B
LEVIES OUTSIDE 10 MILL LIMITATION, EXCLUSIVE OF DEBT LEVIES

FUND

**Maximum Rate
 Authorized
 to be Levied**

**County Auditor's
 Estimate of Yield
 of Levy**

GENERAL FUND:

Current expense levy authorized by voters on
 for not to exceed Continued years.

Emergency Current expense levy authorized by voters on
 for not to exceed 5 years.

Emergency Current expense levy authorized by voters on
 for not to exceed Continued years.

Current expense levy authorized by voters on
 for not to exceed Continued years.

Current expense levy authorized by voters on
 for not to exceed Continued years.

Current expense levy authorized by voters on
 for not to exceed 5 years.

Current expense levy authorized by voters on
 for not to exceed Continued years.

Current expense levy authorized by voters on
 for not to exceed Continued years.

Current expense levy authorized by voters on
 for not to exceed Continued years.

Current expense levy authorized by voters on
 for not to exceed years.

Bond Fund: Levy authorized by voters on 11/8/05
 for not to exceed 20 years.

1.20

114,304

And be it further

Resolved, That the clerk of this Board be and he is hereby directed to certify a copy of this resolution to the County Auditor of said County.

Mr./Ms. _____ seconded the Resolution and the roll being called upon its adoption the vote resulted as follows:

Mr/Ms. _____

Mr/Ms. _____

Mr/Ms. _____

Mr/Ms. _____

Mr/Ms. _____

Mr/Ms. _____

Adopted the _____ day of _____, 20_____.

 Clerk

 City/Village

 County, Ohio.

CERTIFICATE TO COPY
ORIGINAL ON FILE

The State of Ohio, Stark County, Ss.

I, _____ Clerk City/Village of _____

Within and for said County, and in whose custody the Files and Records of said Council 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
_____ now on file, that the foregoing has been compared by me with said original document, and that the same is true and correct copy thereof.

Witness my signature, this _____ day of _____.

Clerk

No. _____

City/Village _____, Stark County Ohio.

Resolution

Accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor.

Adopted _____

Clerk

Filed _____

County Auditor

By _____
Deputy Auditor

RECORD OF RESOLUTIONS

Doyon Legal Blank, Inc., Form No. 30048

Resolution No. 29-11 Passed _____ 20____

**UNDER SUSPENSION
OF THE RULES**

**A RESOLUTION BY THE COUNCIL
OF THE CITY OF CANAL FULTON,
OHIO TO JOIN STARK COUNTY
SCHOOLS' COUNCIL OF
GOVERNMENTS (COG) AND
DECLARING AN EMERGENCY.**

WHEREAS, the Stark County Schools' Council of Governments (hereinafter "COG") have formed a regional council of governments for the purposes of promoting cooperative arrangements and agreements among its members and between its members and government agencies or private persons or entities, performing functions and duties which its members can perform and addressing problems of mutual concern; and

WHEREAS, the City of Canal Fulton governing authority (hereinafter "Member") desires to become a member of the COG and participate in its cooperative purchasing program as well as other programs that are or may become available;

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

SECTION 1: The Agreement establishing the Stark County Schools' Council ("Agreement"), and Bylaws is hereby approved and the City Manager is authorized and directed to execute any documents necessary to effectuate participation in the COG on behalf of this Member.

SECTION 2. This Resolution is hereby determined to be an emergency measure, the immediate passage of which is necessary for the preservation of the public peace, health, safety, and welfare of the City of Canal Fulton, such emergency arising from the need to obtain immediate benefits wherefore this Resolution shall take effect and be in full force immediately upon its passage.

John Grogan, Mayor

ATTEST:

Tammy Charlson, Clerk-of-Council

I, Tammy Charlson, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby certify that this is a true and correct copy of Resolution _____-11, duly

RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc., Form No. 80046

Resolution No. 29-11 Passed _____, 20____

adopted by the Council of the City of Canal Fulton, on the date of _____, 2011, and that publication of the foregoing Resolution was duly made by posting true and correct copies thereof at five of the most public places in said corporation as determined by Council as follows: Post Office, Public Library, Giant Eagle Supermarket, Heritage Square Pharmacy, and entrances to Council Chambers each for a period of fifteen days, commencing on the _____ day of _____, 2011.

Tammy Charlson, Clerk-of-Council

SEF/bp

RECORD OF ORDINANCES

Ordinance No. 34-11

Passed _____, 20____

AN ORDINANCE REQUIRING
PUBLIC MEETINGS FOR WATER
AND SEWER LINE EXTENSIONS
AND NOTIFYING PROPERTY
OWNERS OF SUCH MEETINGS.

WHEREAS, future extensions of water and sewer lines will take place; and

WHEREAS, residents and property owners should be fully informed through public meetings of such extensions prior to them being built; and

WHEREAS, these residents and property owners should be afforded the opportunity to comment on these extensions; and

WHEREAS, property owners directly affected by these water/sewer line extensions should be notified by mail of public meetings to ensure their awareness of such meetings.

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

SECTION 1: At least two public meetings (exclusive of City Council meetings) shall be conducted prior to any extension of water or sewer liens within or outside of the City of Canal Fulton.

SECTION 2: Each property owner directly affected (can potentially be hooked up to these lines) by any extension of water or sewer lines by the City of Canal Fulton shall receive notification of these public meeting through regular U.S. mail. Notification shall include the time, date, place of such meetings and the reason for the meeting. A record of such mailings shall be maintained by the Service Director.

SECTION 3: Such meeting shall include but not limited to:

- 1) Reasoning for the water and/or sewer line extension
- 2) The approximate time period of construction
- 3) The approximate cost to each property owner, including any cost associated with receiving service from the line
- 4) Public comment and question time

John Grogan, Mayor

ATTEST:

Tammy Charlson, Clerk of Council

I, Tammy Charlson, Clerk of Council of the City of Canal Fulton, do hereby certify that this is a true and correct copy of Ordinance _____, duly adopted by the Council of the City of Canal Fulton, on the date of _____, 2011, and that publication of the foregoing Ordinance was duly made by posting true and correct copies thereof as six of the most public places and in said corporation as determined by Council as follows: Post Office, Public Library, Giant Eagle Supermarket, Heritage Square Pharmacy, and entrances to Council Chambers, each for a period of fifteen days, commencing on the ____ day of _____, 2011.

Tammy Charlson, Clerk of Council

PURCHASE ORDER

BILL TO:



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

PO. NUMBER: RG006671
 PO. DATE: 10/17/11
 DEPARTMENT: FIRE/EMS
 CREATED BY:
 VENDOR NO.: 01460

DELIVER TO:

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

VENDOR:

HUNTINGTON NATIONAL BANK
 CORP. TRUST DEPT. EA4E63
 7 EASTON OVAL
 COLUMBUS, OHIO 43219

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

| ACCOUNT NUMBER | AMOUNT |
|----------------|-------------|
| 391.210.5860 | \$30,000.00 |
| 391.210.5870 | \$14,525.00 |
| 391.210.5880 | \$30,000.00 |
| 391.210.5890 | \$14,400.00 |

| QUANTITY | UNIT | DESCRIPTION | PRICE / UNIT | AMOUNT |
|----------|------|--|--------------|-------------|
| | | 12/1/2011 Fire Station Bond Payments | | |
| | | Series 2006-1 | | |
| | | Principal | | \$30,000.00 |
| | | Interest | | \$14,525.00 |
| | | Series 2006-2 | | |
| | | Principal | | \$30,000.00 |
| | | Interest | | \$14,400.00 |
| | | ITEM IS A FIXED ASSET Yes <input type="checkbox"/> No <input type="checkbox"/> | TOTAL: | \$88,925.00 |

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.

CLERK'S CERTIFICATE

I hereby certified that the amount (\$ _____) required to meet the contract, agreement, obligation, payment or expenditure stated in this purchase order has been fully appropriated, authorized or directed for such purpose and is in the Treasury or in the process of collection to the credit of the _____ Fund(s), free from any obligation or certification now outstanding.

Finance Director

Date

City Manager

Date

THIS ORDER IS NOT VALID UNLESS SIGNED BY THE FINANCE DIRECTOR AND THE CITY MANAGER

INVOICE

PURCHASE ORDER

BILL TO:



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

P.O. NUMBER: RG006644
 P.O. DATE: 09/20/11
 DEPARTMENT: POLICE
 CREATED BY:
 VENDOR NO.: 01713

DELIVER TO:

CANAL FULTON POLICE DEPT
 1165 S. LOCUST ST
 CANAL FULTON, OH 44614

VENDOR:

CANAL FULTON PC
 2067 LOCUST STREET
 CANAL FULTON, OHIO 44614

| ACCOUNT NUMBER | AMOUNT |
|----------------|------------|
| 210.250.5410 | \$5,108.95 |

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FEDERAL ID #34-6000498

| QUANTITY | UNIT | DESCRIPTION | PRICE / UNIT | AMOUNT |
|----------|------|--|--------------|------------|
| | | Replacement server for old server damage by lightning. Includes installation, file transfer, and 2-year warranty. \$5,108.95 insurance reimbursement received on October 5. NOW AND THEN CERTIFICATE I CERTIFY FUNDS FOR THIS PURCHASE WERE AVAILABLE THEN <u>9 / 14 / 11</u> AVAILABLE NOW <u>19 / 26 / 11</u> SIGNED: THIS THEN AND NOW CERTIFICATE IN EXCESS OF \$3,000 WAS APPROVED BY A MOTION OF CANAL FULTON CITY COUNCIL ON _____ / _____ / _____ ITEM IS A FIXED ASSET Yes <input type="checkbox"/> No <input type="checkbox"/> | | \$5,108.95 |
| | | | TOTAL: | \$5,108.95 |

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.

CLERK'S CERTIFICATE

I hereby certified that the amount (\$ 5,108.95) 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 to the credit of the 210 Fund(s), free from any obligation or certification now outstanding.

[Signature]
 Finance Director

10/26/11
 Date

City Manager

Date