

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

**October 4, 2016**

**1. CALL TO ORDER**

Engineering Services for a Water Tower Preliminary Design Study

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

**4. Swearing In – Fire Department**

Robert Cline

**Resolution 18-16:** A Resolution by the Council of the City of Canal Fulton Ohio to Enter into an Agreement with CTI Engineers, Inc. to Provide Professional Engineering Services for the Locust Relief Storm Sewer Alternate Route Study and Design

**5. Recognition – Mayor Schultz**

Sean Paul Craney Jr.  
Canal Fulton Heritage Society  
Senior Citizens Commission  
*Clinton Historical Society*

**12. SECOND READINGS**

**Ordinance 24-16:** An Ordinance Amending Ordinance 34-15, and Providing for Changes to Previously Authorized Appropriations.

**Ordinance 25-16:** An Ordinance Amending Ordinance 34-15, and Providing for Changes to Previously Authorized Appropriations.

**6. Community Beautification Award**

Hatfield Family

**Ordinance 26-16:** An Ordinance by the Council of the City of Canal Fulton, Ohio to Accept the Dedication Plat of Locust Street & Storm Sewer, Sanitary Sewer & Waterline Easement Plat

**7. REPORTS OF STANDING COMMITTEES**

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

**Ordinance 27-16:** An Ordinance Amending the Codified Ordinances of the General Offenses Code of the City of Canal Fulton, Ohio in Order to Amend Chapter 509.09 Regarding Noise-Making and Noise-Amplifying Devices; Variances and Repealing any Ordinances in Conflict Therewith

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

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**13. FIRST READINGS**

**Resolution 19-16:** A Resolution by the Council of the City of Canal Fulton, Ohio in Support of Issue 51, Stark Area Regional Transit Authority's (SARTA) Renewal of a Quarter (1/4) Percent Sales Tax

**10. REPORTS OF ADMINISTRATIVE OFFICERS**

- o Senior Citizens
- o Community Service
- o Fire Chief
- o Police Chief
- o Engineer
- o Streets
- o Public Utilities
- o Planning/Zoning
- o Finance Director
- o City Manager
- o Mayor
- o Parks & Recreation Board
- o Law Director

**Resolution 20-16:** A Resolution by the Council of the City of Canal Fulton, Ohio accepting the Amounts and Rates as Determined by the Budget Commission and Authorizing the Necessary Tax Levies and Certifying them to the County Auditor

**14. P.O.s**

TABLED - P.O. 10971 to CTI Engineers, Inc. in the amount of \$17,500.00 for Water Tower Preliminary Design Study Resolution 16-16

**11. THIRD READINGS**

**TABLED Ordinance 23-16:** An Ordinance Amending Ordinance 31-15, Rates of Pay for Non-Bargaining Employees, and Repealing any Ordinances in Conflict Therewith

**TABLED Resolution 16-16:** A Resolution by the City of Canal Fulton, Ohio to Enter into an Agreement with CTI Engineers, Inc. to Provide Professional

**15. BILLS:**

**16. OLD/NEW/OTHER BUSINESS**

**17. REPORT OF PRESIDENT PRO TEMPORE**

**18. REPORT OF SPECIAL COMMITTEES**

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

**20. ADJOURNMENT**

**CITY OF CANAL FULTON  
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September 6, 2016

**CALL TO ORDER**

Mayor Joe Schultz called the meeting to order at 7:00pm

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

Council Members Present: Mayor Joe Schultz, Dan Bucher Jr., Sean Craney, Sue Mayberry, Scott Svab and Nellie Cihon.

A motion was made to excuse Danny Losch by Scott Svab, second by Sean Craney. All Council Members voted yes. Motion approved.

City Staff in Attendance: City Manager Mark Cozy, Finance Director William Rouse, Police Chief Doug Swartz, Law Director Scott Fellmeth, Engineer Bill Dorman

Others in Attendance: Chell Rossi, Joan Porter, Earl Minks

**REPORTS OF STANDING COMMITTEES**

Dan Bucher reported that the Public Service Committee met prior to the meeting to discuss the noise ordinance and the possibility of a water tower. Mr. Bucher stated that the committee would like the Law Director to draft legislation to add a waiver to the noise ordinance that would allow events for a specific time frame. Mr. Fellmeth stated he could model after Massillon or Canton. The City Manager will have the ability to recommend approving or denying the waiver.

Mr. Bucher said the committee met about the possibility of an additional water tower. The committee said they were going to defer reporting on this and ask the engineer some questions in regards to the possibility.

Sean Craney reported that the Economic Development Committee met on August 30, 2016 in regards to the Olde Canal Days Festival. Mr. Craney said at this time the committee is waiting on financial information. When the financials are available, a meeting will be scheduled so that discussions will continue about the future of the event.

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

**CORRECTING & ADOPTING THE RECORD OF PROCEEDINGS**

August 16, 2016

A motion was made to approve the August 16, 2016 minutes by Nellie Cihon, second by Scott Svab.

Sue Mayberry asked that the word accessible be changed to the word revenue on page 3. All Council Members present voted yes. Motion approved.

**REPORTS OF ADMINISTRATIVE OFFICERS**

Senior Citizens – Mayor Schultz stated that the center was looking at options to update. The Mayor said he will be attending the Commissioners meeting and there may be a possibility of the school giving a dishwasher to the center.

Community Service – No report.

Fire Chief - Mayor Schultz stated that both stations are staffed right now. Mr. Cozy stated that everyone checks in at the safety center, then two go to staff to Lawrence Township with a vehicle.

Police Chief - Police Chief Doug Swartz stated that there was an investigation being done in regards to a sexual assault on the towpath trail. NO further information was available at this time.

Engineer – Engineer Bill Dorman updated Council on projects. The three waterline projects are progressing. Cherry/Locust intersection project is also progressing.

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Sean Craney asked Mr. Dorman if he could check a high spot on the road in front of Saints Phillip and James on High Street. Mr. Dorman said he would check into it.

Mr. Craney asked for the Water Tower what information could the Engineer provide without knowing what is going on on the property. Mr. Dorman said the water tower was part of the water and sewer master plan that was done eight to nine years ago. As pointed out, when the Wooster Street waterline extension, they could not go to the end of the street because the water pressure would be too low. This raised the awareness that there were portions of the City that did not have adequate water pressure or supply. The Mayor mentioned in his business breakfast that there were areas of the City that request water service. As a result the Administration asked if it would be feasible to look at what the cost of a water tower might be in the west side of town and would it solve the low pressure issues as well as flow for a wider area of service. The answer is yes it would, but a study would need to be done to determine what the service is would be and what the cost of the tower would be.

Mr. Craney said without know what is going to be developed, can they plan for a water tower. Mr. Dorman said know the areas they can estimate densities when they are doing surveys taking into consideration whether it is residential or industrial. Any time you are doing planning, you use estimates on water consumption based on what the zoning or what may happen in that area.

Mr. Craney asked how long that process might take if the legislation is passed on the 20<sup>th</sup>. Mr. Dorman said roughly six weeks. Mr. Dorman said if it would pass tonight they could have it done prior to the auction of the property being looked at by a developer.

Dan Bucher said that it sounded like there is some belief that this water tower may be necessary even without the development of the Kilbride property. Mr. Dorman said in order to service that part of the City with water then yes, we would need to provide more storage.

Mayor Schultz asked if this would have an impact on an investor or developer to know what the cost would be prior to the auction. Mr. Dorman said if he was going to participate it would be advantageous to him. It also would let him know how much he can get out of the property if he has it developed.

Streets – Mayor Schultz stated that he met with Mark Petersen in regards to crack sealing on Cabot. We would seal the private area and the homeowner's association would pay for the cost.

**A voice motion was made to allow Mark Petersen to crack seal Cabot by Sean Craney, second by Nellie Cihon. All Council Members present voted yes. Motion approved.**

Public Utilities – No report.

Planning/Zoning – Mayor Schultz stated that the Zoning Director had shared with him that we are getting some response from people that we have contacted several times in the past that have not been receptive. Mr. Hensel has responded to our request for the first time ever. Mayor Schultz said he thought we went in and tore down his garage last year and there are some issues with the roof on his house and trash. Mayor Schultz said that is positive.

Finance Director – No report.

City Manager – City Manager Mark Cozy stated that in regards to the St. Helena II project that there were no bidders. Mr. Cozy said the engineer may need to refigure the ramp part of the project and rebid the project. One bidder was interested but at the last minute had a family emergency and was unable to get the bid in.

Mr. Cozy said he thought that Council had received copies of Old Canal Days Committee by-laws from Rochelle Rossi. It looks like the committee has not been following their by-laws very closely for the last several years. When he reads the by-laws it is apparent that all participating organizations have a vote. That any participating organization would be part of the committee and a member of that organization would then cast a vote. What is happening right now is that you have one organization where all the voting comes from. Mr. Bucher asked what other participating organizations are supposed to be on the committee, and was the City technically supposed to be one. Mr. Cozy said in 2000 he had a list with members including the Heritage Society, the

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City, churches, Rotary, Police, Fire, Lions Club and others. He said he was not sure if the departments had a vote. Ms. Rossi said yes each department. Mr. Cozy said he remembers the first years here, and the room was full of all who participated and all who voted. Somehow over the years, it was whittled down to just five people and they are on the Chamber of Commerce Board. No one else was allowed to vote. Mr. Cozy said he remembered showing up and was not allowed to vote or have any say at all, yet they wanted us to kick in services. They have paid the police. There is still an outstanding bill of about \$7,940.97. Mr. Cozy said we will keep the discussions going. Mr. Bucher asked if Mr. Cozy had spoken to the Chamber's attorney, Mr. Cozy said he represents the Chamber, but not Old Canal Days. He has washed his hands of this. The attorney said the chamber retained his services and acted like they did not at the meeting. Mr. Cozy stated that he did not want to get into their argument. Mr. Cozy said that he felt that we back up just a little and let them work it out on their own, but we can't wait too long because Canal Days planning will be starting and needs ramped up for next year. The longer we wait the more behind we are for next year.

Sean Craney said we are waiting for the last set of bills to come in. Once they are in, we were promised that the Old Days Committee will be in contact with us to reschedule a meeting. Mr. Craney said he felt we could wait at least until the end of the month. If we do not hear anything by the next Council meeting, Mr. Craney said he plans on moving ahead.

Mrs. Cihon asked if they contacted Bates Amusement for next year. Mr. Cozy said a date has been set for next year so he is assuming that they did. Ms. Cihon said she hopes so because if you wait any longer, we will be out of luck. Ms. Cihon said Ms. Cihon was correct.

Mr. Cozy said the Planning Commission did vote to recommend the approval of the right-of-way vacation request submitted by Mr. Hatfield. The decision was based on to the recent survey confirming that most of the existing driveway is on County owned land and the right-of-way is only two to three feet wide and not useable by the City. The County Prosecutor also weighed in with an opinion stating that even a permanent easement for private access is not allowed under the terms stated in the governor's deed. That being the case, Ken Roberts has withdrawn his objection to the right of way vacation. It is up to the Law Director whether to pull this off the table and vote on it, or go forward with a public hearing.

Mr. Fellmeth stated that based on how long the matter had been tabled; he said he felt we could proceed on this tonight without a public hearing. Because of the six weeks' notice since the time this had actually commenced, the public had notice to what we were doing. He did not see a reason to hold this up any more. Mr. Fellmeth stated he would have no objection to take this off the table and voting on it.

Sue Mayberry asked about the plat for the Aqua Ohio property out by Butterbridge, and the status on it. She stated that we had talked about this several months ago, and she had not heard anything about it. Mr. Cozy stated we had a plat prepared and our outside legal counsel is looking to put a petition together for it. He is going to make a recommendation as far as the annexation method to use. We own a parcel and the other parcel is owned by a public utility. Mrs. Mayberry asked if the house bill went through on the type two annexation. Mr. Cozy stated no it did not. Mrs. Mayberry asked if it go squashed or still in limbo. Mr. Cozy said it was not heard, and if it was not heard last year, then nothing happens. The House passed it, but the Senate did not hear it. Mr. Cozy said he watches the OML web page all the time and has not heard anything on it.

Sean Craney asked if Mr. Cozy had heard anything on Butterbridge from ODOT. Mr. Cozy said he, Mike Stevens, Mayor Schultz and Mike Hoffman from Lindsay Concrete traveled to Akron to the ODOT office to meet with their staff in regards to the restricted center u-turn. Main issues in the conversations were Lindsay precast and a number of other businesses create over 200 tractor/trailer trips per week through that intersection. The question to ODOT was will this type of u-turn handle tractor/trailers coming on and off Route 21. Mr. Cozy said once they looked at that, they are going to make some alterations to their plan. They will also be looking at bicycle traffic there. They will be scheduling a public meeting early next year to provide more input before engineering the project.

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Mayor Schultz said out of the top 100 worst intersections this one was number 17. That is not because of fatalities, just accidents. Usually the accident happens once the vehicle passes over the first half of the intersection. There will be a map and article in the newsletter to explain it.

Mayor – Mayor Schultz asked Council to do a recognition evening on October 4<sup>th</sup> at the Safety Center. He will be recognizing some students and volunteers. There were no objections to having the meeting there.

Mayor Schultz stated at the last Planning/Historic Planning Commission meeting there was representative from MCreative, which is a local company. They do information kiosks. This is a relatively new concept. Massillon is committing to fifteen of the kiosks. Scott Svab stated that it will provide Wi-Fi up to 500 feet which would provide citizens with Wi-Fi downtown. Our only cost would be to install electricity. It is legally set up where we would have to lease them, but the company guarantees that it is paid for by the advertising they sell. Mr. Svab said it sounded like an interesting deal.

Mayor Schultz said he talked with Mr. Workman about the historical district. They are stainless steel. Rochelle Rossi said she was impressed, but afraid of where they want them in the downtown, they may have an issue. Mayor Schultz asked if a presentation would be wanted by full Council. Sue Mayberry said from what she heard, this needed to go on the agenda for the next HPC meeting. Mark Cozy said they could apply for a certificate of appropriateness, Sean Craney asked if they were allowed to sell advertising. Mayor Schultz said yes, that was the whole motivation. Sean Craney said the issue was raised for the charging station and that they were not allowed to advertising downtown. Mayor Schultz said basically it is a TV screen. He said one item was told they can't have advertising, where this does provide advertising. Mark Cozy said plus it is off premise advertising, so that is a zoning issue. Mayor Schultz stated he would get them on the agenda for the HPC and then have them come in for a presentation.

Mayor Schultz stated that he had correspondence from Butcher and Son in regards to the Old School demolition. Mayor Schultz and Bill Rouse met with Mr. Butcher. This is Mr. Butcher's response. Mr. Butcher would like to get paid without moving in to litigation. Mr. Svab asked Mr. Dorman if he had a chance to look at the letter. Mr. Svab stated that Mr. Butcher was sitting cold weather and that is part of the contract. Mr. Dorman said he had a conversation with Mr. Butcher and when he became aware that the retainer was being withheld, Mr. Dorman said there was a certificate of substantial completion which stated what the completion. He signed it and said he didn't. Mr. Cozy sent the signed copy to Mr. Dorman. That was June 10<sup>th</sup> when the date was established. Mr. Svab said Butcher stated they were in contact with someone from the City the whole time and we were aware of the delay. Mr. Dorman said that is not true, he did not inform us for any reason for delay. Mr. Cozy said the change orders and timeline were signed off on the day they were received. Mr. Dorman said the additional time line had the number of days as zero and Mr. Butcher signed that too. Mr. Dorman said our inspector called him weeks before the completion date letting him know that he needed to get it done by May 3, and it did not get done. Mr. Dorman said he could respond to the letter. Mr. Cozy said he would support what Council decided. Nellie Cihon stated that he does not list the breakdown of equipment as part of the delay. Mayor Schultz asked Mr. Fellmeth if he had any opinion on the matter at this time. Mr. Fellmeth said he had no comment. Mr. Cozy stated that an executive session may be needed at the next meeting to hear what the law director recommended.

Mayor Schultz stated that there would be a state of the City address with Lawrence Township and the Northwest Schools on October 11, 2016 at 7:00pm at the Puffenberger Hall.

**Parks & Recreation Board**

**Special Use Permit Application**

**A motion was made to approve the Seeman Wedding Special Use Permit by Scott Svab, second by Sean Craney. Sue Mayberry voted no, all other Council Members present voted yes.**

Earl Minks stated he would like the board to have a permit to have special access to drive down to the fields for people that are elderly or disabled.

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Law Director – No report

**THIRD READINGS**

**TABLED-Ordinance 15-16:** An Ordinance by the Council of the City of Canal Fulton, Ohio to Vacate Part of Basin Street

A motion as made to remove Ordinance 15-16 from the table by Dan Bucher, second by Nellie Cihon. All Council Members present voted yes. Motion approved.

A motion was made to approve Ordinance 15-16 by Sean Craney, second by Scott Svab. All Council Members voted yes. Motion approved.

**SECOND READINGS**

**Ordinance 21-16:** An Ordinance Amending Ordinance 34-15 and Providing for Changes to Previously Authorized Appropriations

**Ordinance 22-16:** An Ordinance Amending Ordinance 19-85, Employee Health and Welfare, and Repealing any Ordinances in Conflict Therewith

**Ordinance 23-16:** An Ordinance Amending Ordinance 31-15, Rates of Pay for Non-Bargaining Employees, and Repealing any Ordinances in Conflict Therewith

**Resolution 16-16:** A Resolution by the City of Canal Fulton, Ohio to Enter into an Agreement with CTI Engineers, Inc. to Provide Professional Engineering Services for a Water Tower Preliminary Design Study

**Resolution 17-16:** A Resolution by the City of Canal Fulton, Ohio to Enter into Amended Agreement Number 3 with CTI Engineers, Inc. to Provide Professional Engineering Services for the Cherry Locust Intersection Improvements

**FIRST READINGS**

**Resolution 18-16:** A Resolution by the Council of the City of Canal Fulton Ohio to Enter into an Agreement with CTI Engineers, Inc. to Provide Professional Engineering Services for the Locust Relief Storm Sewer Alternate Route Study and Design

**P.O.s** None

**BILLS:** None

**OLD/NEW/OTHER BUSINESS**

Sue Mayberry asked regarding the Smale's Pond legislation that is on for a first reading, in 2010 Smale's Pond came about, legislation was passed twice on this. Mark Cozy said right. She asked what that was about. In 2011 legislation was passed, and she wanted to know what this legislation was versus the other two that we had passed. Mr. Cozy said we were applying for two separate grants. We were rejected both times. The grant that was applied for a year ago and were turned down last November, but then in July of this year they said there was extra money, and we could have the grant. This legislation will be reimbursed by Mr. Smale if we go forward with it and look at an alternate route if we go through with it. Mr. Smale's engineer retired, so he asked that we do this. Depending upon how things go, Mr. Cozy said we might recommend this be turned down for lack of a second, because at this point we are not sure if we are going to do the alternate route or not. Mr. Cozy said part of this if it moves forward benefits the City as we do have a problem with Locust Street. As designed the sewer infrastructure on Drake that this whole new project is dumping into will be all upgraded down to the canal. That would be done for the City at no City expense.

**REPORT OF PRESIDENT PRO TEMPORE**

Sean Craney stated that Brimstone Bicycles is interested in ice skating on the canal. Mr. Craney asked if we were moving forward or if there were any thoughts on that. Mr. Cozy said he mentioned it to Mr. Petersen and he said there was ice skating behind the VFW.

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If we use this, it would not require any construction. The issue with ice skating is the City would be committed to testing the ice and assuming liability if someone falls through. Mr. Craney said he knew the businesses would appreciate this as it would bring people to town during the slow period in the winter months.

Mr. Craney stated that Mark Petersen and his crew had added parking downtown on S. Canal. He appreciated it and said it helped out.

Mr. Craney met with Kirk Schuring and he brought in some developers and gave us an idea on how House Bill 233 would work on a historic redevelopment zone. They identified some key properties downtown that would fit. Mr. Craney said he will be meeting with Mr. Schuring again soon to see what legislation would need brought up. This would help some downtown with their buildings and be more cost effective.

**REPORT OF SPECIAL COMMITTEES**

None

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

John Hatfield – 639 Locust

Mr. Hatfield thanked the Mayor, Mr. Cozy, Law Director and Council for the vacation of Basin Street. He said he had put in a lot of money, time and effort on this. Hopefully the property is cleaned up now and will be what it should be.

**ADJOURNMENT**

The meeting was adjourned.

Meeting minutes prepared by: Teresa Dolan

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Meeting Minutes approved by Mayor Joseph A. Schultz

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**CALL TO ORDER**

Mayor Joe Schultz called the meeting to order at 7:00pm

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

Council Members Present: Mayor Joe Schultz, Dan Bucher Jr., Sean Craney, Sue Mayberry, Danny Losch

**A motion was made to excuse Nellie Cihon and Scott Svab by Sean Craney, second by Dan Bucher. All Council Members present voted yes. Motion approved.**

City Staff in Attendance: City Manager Mark Cozy, Finance Director William Rouse, Police Chief Doug Swartz, Fire Chief Ray Durkee, Law Director Scott Fellmeth, Engineer Bill Dorman, Clerk of Council Teresa Dolan

Others in Attendance: Chell Rossi, Joan Porter, Kathy Snyder

**Swearing In – Fire Department**

Marena Frasher

**A motion was made to approve the appointment of Marena Frasher by Sean Craney, second by Sue Mayberry. All Council Members present voted yes. Motion approved.**

**REPORTS OF STANDING COMMITTEES**

The Finance Committee met prior to the meeting to start the review of the 2017 Budget.

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

**CORRECTING & ADOPTING THE RECORD OF PROCEEDINGS**

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The September 6, 2016 meeting minutes will be presented at the next Council meeting due to lack of a quorum to vote on them.

**REPORTS OF ADMINISTRATIVE OFFICERS**

Senior Citizens – Kathy Snyder updated Council on activities and trips in regards to the Senior Center. October 8, 2016 will be the next Swiss steak dinner and the Christmas Bazaar will be on November 5, 2016. Mrs. Snyder stated that they were still working on finding ways to update the kitchen in the center.

Community Service – No report

Fire Chief - Monthly Report was included in the packet. Chief Ray Durkee announced the award of Ohio Fire Office of the Year being presented to Shawn Yeran, who was the co-winner. Council was invited to go to the ceremony where the award would be presented.

Chief Durkee stated that the Feel the Heat program emails have went out to Council and invited Council to attend.

Police Chief - Monthly Report was included in the packet. Chief Doug Swartz commended his department on their professionalism. The Chief specifically commended Officers Sara Wilson and John Barabasch on recent cases. Chief Swartz stated that our community is very fortunate to have a Police Department such as this one.

Engineer – Bill Dorman updated Council on projects being done in the City. Mr. Dorman stated that the Cherry Locust Intersection project is going well. Our City water department is having some frustration with valve shut offs and are mapping things as they go along for future reference.

Mr. Dorman said they have submitted a proposal for the parking on Kilbride Park that the administration was looking at.

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Danny Losch asked about mapping out our infrastructure and if it was brought to the Engineer's attention as far as GIS systems for the budget for the utilities and street departments. Mr. Rouse said he had spoken with Mark Petersen about it and they are still working through the price. In the budget it would be shared equally by water, sewer and storm water utility. It has no impact on the budget, and will be in the next discussion as the departments are still working on it.

Streets – No Report

Public Utilities – No Report

Planning/Zoning – Mark Cozy stated that something that has come up with the property on the hill being auctioned off, developers are calling the City in regards to the glaring issue in our current Zoning Code. He asked if Council wanted to address this now, or wait. The minimum lot frontage for an R1 lot right now is 100 feet. Everyone else is in the 75 to 90 foot range. Developers are basically saying, why is Canal Fulton so restrictive. Mark Cozy said the Planning Commission had recommended and Council approved this a few years ago. This is more restricted than the Township zoning. Mr. Cozy stated that Planning was satisfied with where this is.

**A motion was made to have an Economic Development meeting on October 4, 2016 at 6:30 to discuss R1 Zoning to lot zoning by Sean Craney, second by Dan Bucher. All Council Members present voted yes. Motion approved.**

Finance Director – August Financials were included in the packet. Finance Director William Rouse stated that Income Tax was up about a half a percent from the prior year. It will probably be higher than that at year close.

Mr. Rouse also explained Ordinances and Purchase Orders that were on tonight's agenda.

**A motion was made to change the scheduled October 18, 2016 Finance Committee meeting time to 6:00pm by Sue Mayberry, second by Dan Bucher. All Present Council Members voted yes. Motion approved.**

City Manager – City Manager Mark Cozy stated that Kevin Breck from Mobility was in attendance. We have been approached by his company in regards to a wireless broadband franchise. Mr. Cozy said he felt it was appropriate to schedule a public service committee meeting to discuss.

**A motion was made to have a Public Service/Economic Development Meeting on November 1, 2016 at 6:00pm for a presentation from Mobility by Dan Bucher, second by Danny Losch. All Council Members present voted yes. Motion approved.**

Mr. Cozy stated that SARTA is putting a renewal on the ballot and would Council like to direct the Law Director to do a resolution in support of the renewal. Sean Craney said he had no problem with supporting SARTA.

**A motion was made to have the Law Director draft a resolution of support for the SARTA Renewal by Sean Craney, second by Dan Bucher.**

Sue Mayberry said she was just hearing about this for the first time.

**Sue Mayberry – No, Danny Losch – No, Sean Craney – Yes, Dan Bucher – Yes. Motion fails.**

Mark Cozy said to the Mayor that they could still put the resolution on, with no guarantee it will pass. Mr. Cozy asked the Mayor if he would like to have him put it on the agenda. Mayor Schultz said he could see the consternation on Council's part when you see it for the first time, but for him given the fact that it has been in place for so long, he encouraged Mr. Cozy to put it on the agenda.

Mr. Cozy said he was in need of an executive session for contract negotiations and a potential property purchase.

Mayor – Mayor Schultz said he wanted to make Council aware of our contract with Republic Waste has one more year. He spent some time with representatives from Republic talking about different programs where you can renew. He would like to take this to committee to look at the dollars and cents of it due to the rates going up after the year significantly. Mayor Schultz said we have three percent a year increases billed in right now. If you are increasing three percent of \$14.00 you know what your numbers are going to be. If you are increasing three percent of \$15.00 because you know that is

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where the rates are going to be, so he does not know what you consider significant, but if we take it to one of the committees and look at the numbers, he would be more prepared to look at that.

Mrs. Mayberry asked if we had something on contract to look at. Mayor Schultz said yes and they have been trying to get a rat pack truck in here to protect our streets. Mayor Schultz said the concern is having garbage trucks that our fully loaded being equivalent to 12,000 cars a day. That lets you know the impact. Then we have ten foot wide streets and alleyways.

Mayor Schultz said at the next meeting on October 4<sup>th</sup> will be at the Safety Center to recognize some outstanding volunteers in our community. On October 11<sup>th</sup> we are having a state of the City address. That will be a state of the schools and Lawrence Township will be there as well. Puffenberger Hall at 7:00pm.

**A motion was made to have a Public Service Committee Meeting on November 1, 2016 at 6:30pm to discuss the Republic Service Contract by Dan Bucher, second by Sean Craney. All Council Members present voted yes. Motion approved.**

Parks & Recreation Board – No report.

Law Director – Law Director Scott Fellmeth reported that the Mayor had asked about the Medical Marijuana Control Plan, whether we can ban it or not. We can, and Mr. Fellmeth asked if the Mayor wished him to draft legislation to do so. The specific statute is ORC 3796.29 which allows townships or municipal corporations to prohibit or limit the number of cultivators, processors or retail dispensaries of medical marijuana. Mr. Fellmeth wanted to make us aware of the option.

Mr. Fellmeth updated Council on the Broadcast Music, Inc. issue and negotiating a price. They are not willing to negotiate on the price for the music. The fee will be \$336.00 a year. Mr. Fellmeth recommending just sitting on it for right now.

Mr. Fellmeth recommending voting down Ordinance 28-16 to take it off of the agenda. The ordinance would not be legal because Planning Commission cannot designate decide the flood plain. Suspend the rules and let it die for lack of a second.

Mayor Schultz asked Mr. Fellmeth to take a look into the kiosks in downtown Massillon and see if they have any legislation as to them.

**THIRD READINGS**

**Ordinance 21-16:** An Ordinance Amending Ordinance 34-15 and Providing for Changes to Previously Authorized Appropriations

**A motion was made to approve Ordinance 21-16 by Danny Losch, second by Dan Bucher. All Present Council Members voted yes. Motion approved.**

**Ordinance 22-16:** An Ordinance Amending Ordinance 19-85, Employee Health and Welfare, and Repealing any Ordinances in Conflict Therewith

Mr. Rouse stated that this Ordinance allowed our part-time employees working more than 20 hours to participate in our health insurance, provided they pay the whole cost of the premium.

Sean Craney asked what is the cost of premiums. Mayor Schultz said it was more than he was making as Mayor. So, he said he thinks it is \$750.00 a month for family coverage.

Danny Losch stated there was some language in there that was about full time also. Mr. Rouse stated that this is the wording that was in the existing legislation, that the only piece that is new is the part-time language.

**A motion was made to approve Ordinance 22-16 by Sue Mayberry, second by Dan Bucher.**

Sean Craney asked if this was brought up by the permanent part time employees, or Council people. Has there been a mass waving of hands.

Mayor Schultz said yes, we do not have a whole lot of people to waive their hands.

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Sean Craney asked if there had been people.

Mayor Schultz said yeah, Johnson Belford is the one who approached Mayor Schultz about it and said it does not impact him, but if he was in a different position, it would have an impact on him. Mayor Schultz said he thinks it helps make us more competitive for part time people to stay here.

Sean Craney state he called and spoke with Canton, and this is not something they offer. Sean Craney said he felt this would be more than their paycheck. He is not sure how many people are going to get it. Mr. Craney said he had a concern that the people who are going to use it, it would eat up their whole paycheck, and they will be the ones who will use health insurance. Mr. Craney said a young guy, if it was going to cost me my paycheck, he was not going to buy into this health insurance program. He had a concern that if we offer this to people, that we would now have more claims on our health insurance and could possibly raise our costs. We are talking about our health care cost jumping if the people are going to go into this plan, since we do have such a good plan, and start using our medical plan, are we at risk of our cost of insurance premiums going up. He asked the Finance Director if that was correct and if it had an effect on our insurance premiums.

Mr. Rouse said the more claims that you have, it could go either way. The more claims you generate, the more you are at risk that your premiums are going to go up. But you can also add someone who would not generate any claims.

Sean Craney said if this was going to cost him his whole paycheck, he would make claims. If he no longer has a paycheck because his paying for his health care, these people are not full time, it is going to eat up a huge chunk of the cost,

Mr. Ross said if they have to get insurance on the open market, they are not going to be able to afford it one way or the other.

Mr. Craney said he understood some of this stuff, but again if they are needing health care insurance, he is worried about it affecting our healthcare premiums in the future.

Mrs. Mayberry asked how many people this would affect, and has anybody approached the people.

Sean Craney said the Mayor said Johnson Belford did. Mayor Schultz said he is not the only one, he thinks all the part-time.

Mr. Cozy said there are two aspects, the vacation and the health care. Johnson asked about the vacation not the healthcare.

Mr. Rouse said there were probably six people that would be eligible under the parameters.

Mr. Craney asked about the fire or police departments.

Mr. Rouse said no, they are not averaging the 20 hours. You have Council members as well. He apologized and said he was thinking six permanent part time employees.

Mayor Schultz questioned Mr. Craney that his rational was that people would think they are spending all of their paycheck on my insurance premium so they are going to purposely...

Mr. Craney said, well not purposely, just take advantage, it is a benefit to take advantage. When I had no health insurance or crappy health insurance and he got the sniffles he probably wouldn't go to the doctor, and just got some orange juice and said that is what it is as opposed to now that my family has a good plan, he does not have to worry about that. He uses his plan and it provides a good benefit. Fortunately he has it, but he knows that his company has to bear the brunt of it. As those costs have went up, he has seen the cost of his insurance go up at work too. It is one of those things as a City, we have a small budget, and every year the finance director is like the Dutch boy holding his finger in the damn fighting these healthcare costs and we get grandfathered another and another year. Mr. Craney said he is worried when it does take a jump and you throw some stuff on top of it, he has a concern over that. If health care costs are of that great of concern, he

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would like to, before we offer something like this, see what happens to everyone once we lose that grandfather clause. Again, he would not think that is fair either, we do offer right now and say holy smokes when it finally does, and we lose the grandfather clauses, and now we say alright guys it was fine that we had it for two years and now we are just going to dump you now. He does not want to give and then yank the rug out from under them. He said he is just one vote and this is just his opinion, but this is how he feels and the concern he has.

Mr. Craney said why wouldn't the police and fire be covered under this? Mr. Rouse stated you have to average 20 hours a week for the prior year. At this point no police have averaged. There is a possibility of fire, but his understanding is that most of them have health insurance through their primary jobs.

Mr. Craney said they would be eligible for it though, and if they are getting crappy health care insurance at their other place, they can purchase through...

Mr. Rouse said they have to average 20 hours for an entire year.

Chief Durkee said we probably do have people that do that, but first of all we have people that our career fire fighters in other departments and they get their insurance that way. We have fire fighters that also work for other organizations, or some have spouses that they are insured through. The other end of the spectrum is that we have a lot of younger people that are still on their parent's healthcare plan until 25 or 26.

Mr. Craney said if no one is eligible and no one needs it, it's basically benefitting Council.

Mr. Cozy said basically, what you are saying is your concern is the only people that would be buying the plan would be chronic users that use it. Mr. Cozy said he was trying to understand what Mr. Craney was trying to say.

Mr. Craney said yes, that is what he said. He worries it might have an adverse effect on our healthcare premiums. If again, if people can get it and it is a very good plan, people....

Mayor Schultz said, I will tell you it will impact him from when he retires from teaching and he can't purchase insurance through the City, which would have been a nice benefit to save him money that he has to work harder at another job to make money to pay for more expensive health insurance. And he thinks Scott Svab might be in the same boat.

Mr. Craney said being a Public Servant is not a good reason to get health care.

Mayor Schultz said Mr. Craney had his vote.

Mayor Schultz said there was a motion by Sue and second by Dan Bucher, Jr. and asked for any more discussion.

**Roll Call – Sue Mayberry – Yes, Sean Craney – No, Dan Bucher – yes, Danny Losch – yes.**

**Mayor Schultz asked now does that pass.**

**Mr. Fellmeth said No. You need four votes on that.**

**Mrs. Dolan asked it has to be four votes on Council, so the Mayor cannot vote on it, right.**

Mr. Cozy said no, the way our charter reads the Mayor can only break a tie. Mr. Cozy said the next time we review the charter we need to fix that.

Mr. Fellmeth said this is subject to legislation, not procedural. If it is procedural it could pass under a three to one vote, but not legislation.

Mrs. Mayberry asked about the water tower design study.

Mr. Fellmeth said they may want to bring this legislation up though again to give an opportunity to full vote of Council.

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Mrs. Mayberry said is that legislation is that legislation still going to be necessary for the design study. She said she knew that members of the City asked Dan Mayberry to speak to someone relative to this, and that this design study may not be necessary. Is this something that we want to pass tonight and spend the money on.

Mr. Cozy stated his recommendation was to table it tonight. He said you might want to table it until you see who buys the property. Mr. Cozy said Mr. Svab's recommendation was to table it and see who buys the property and share the cost with the developer. Part of the conversation needs to go into executive session if a buyer would come forward. There is a buyer that has come forward for a parcel.

Mayor Schultz said they are bidding just like everyone else.

Mrs. Mayberry apologized for jumping ahead on the agenda.

**Ordinance 23-16:** An Ordinance Amending Ordinance 31-15, Rates of Pay for Non-Bargaining Employees, and Repealing any Ordinances in Conflict Therewith

**A motion was made to pass Ordinance 23-16 by Sue Mayberry, second by Danny Losch.**

Sean Craney stated he contacted Canton City and other businesses and this is not something that is normally offered. It only affects a handful of employees and this is the one that the Johnson Belford brought up. It was mentioned that Streets and Sewer and the other departments work around the schedule for the holidays. We allow the part time people to adjust their schedule for the week to make up the hours. Mr. Cozy said some do not have that luxury and he said he should have participated more in the last conversation. He does not know where the City of Canton is, but park and rec, zoning, finance, these are all key positions in the City and they are part time. He asked how many of these are part time in Canton. Zero. So, we are a different situation that the City of Canton. We rely on our part timers heavily. Without them it would negatively impact us. Canton has full time people doing these jobs. It is just an effort on the part of the Mayor to step forward, well not just the Mayor, all of us need to step forward and take care of our part time people because they are key fixtures in our structure and organizational chart working for the City.

Mr. Rouse said he believes that the total impact is right around \$3,000 to reward these folks for a lot of years of service.

Mayor Schultz said well if you are going to use that argument, then you need to go back to where it is not costing the City anything and you are not going to approve it now, now it is going to cost the City \$3,000 and you are going to approve it. So, if you are going to use the rationale that it is costing money than, I guess Sean rules the day. Cause we are in a situation here where we only have four people and one vote carries a huge impact.

Sean Craney said it can be brought up again. Danny Losch stated it could be brought up again by a no vote.

**Sue Mayberry and Danny Losch withdrew their first and second.**

**A motion was made to table Ordinance 23-16 by Dan Bucher, second by Sean Craney, All Council Members Present voted yes. Motion approved.**

**Resolution 16-16:** A Resolution by the City of Canal Fulton, Ohio to Enter into an Agreement with CTI Engineers, Inc. to Provide Professional Engineering Services for a Water Tower Preliminary Design Study

**A motion was made to table Resolution 16-16 by Danny Losch, second by Sue Mayberry, All Council Members Present voted yes. Motion approved.**

**Resolution 17-16:** A Resolution by the City of Canal Fulton, Ohio to Enter into Amended Agreement Number 3 with CTI Engineers, Inc. to Provide Professional Engineering Services for the Cherry Locust Intersection Improvements

**A motion was made to pass Resolution 17-16 by Dan Bucher, second by Sean Craney, All Council Members Present voted yes. Motion approved.**

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**SECOND READINGS**

**Resolution 18-16:** A Resolution by the Council of the City of Canal Fulton Ohio to Enter into an Agreement with CTI Engineers, Inc. to Provide Professional Engineering Services for the Locust Relief Storm Sewer Alternate Route Study and Design

**FIRST READINGS**

**Ordinance 24-16:** An Ordinance Amending Ordinance 34-15, and Providing for Changes to Previously Authorized Appropriations.

**Ordinance 25-16:** An Ordinance Amending Ordinance 34-15, and Providing for Changes to Previously Authorized Appropriations.

**Ordinance 26-16:** An Ordinance by the Council of the City of Canal Fulton, Ohio to Accept the Dedication Plat of Locust Street & Storm Sewer, Sanitary Sewer & Waterline Easement Plat

**Ordinance 27-16:** An Ordinance Amending the Codified Ordinances of the General Offenses Code of the City of Canal Fulton, Ohio in Order to Amend Chapter 509.09 Regarding Noise-Making and Noise-Amplifying Devices; Variances and Repealing any Ordinances in Conflict Therewith

**Ordinance 28-16:** An Ordinance by the City of Canal Fulton, Ohio Amending the Zoning Code by Re-Zoning Parts of Elm Ridge Industrial Park

**A motion was made to suspend the rules by Dan Bucher, second by Sean Craney. All Council Members present voted yes. Motion approved.**

**A motion was made to pass Ordinance 28-16 by Dan Bucher. The motion dies for lack of a second.**

**P.O.s**

P.O. 10957 to G & J Northcoast Construction in the amount of \$5,900.00 to Re-roof Salt Storage Building

**A motion was made to approve P.O. 10957 by Danny Losch, second by Dan Bucher. All Council Members present voted yes. Motion approved.**

P.O. 10964 to J.D. Striping & Service Inc. in the amount of \$7,012.50 for Striping of Street Lines

**A motion was made to approve P.O. 10964 by Sue Mayberry, second by Dan Bucher. All Council Members present voted yes. Motion approved.**

P.O. 10969 to Wenger Excavating Inc. in the amount of \$105,000.00 for the OPWC Waterline Project – High Street Wrap-up

**A motion was made to approve P.O. 10969 by Danny Losch, second by Sue Mayberry. All Council Members present voted yes. Motion approved.**

P.O. 10970 to CTI Engineers, Inc. in the amount of \$19,265.00 for Locust/Chery Street Resolution 17-16

**A motion was made to approve P.O. 10970 by Dan Bucher, second by Sue Mayberry. All Council Members present voted yes. Motion approved.**

P.O. 10971 to CTI Engineers, Inc. in the amount of \$17,500.00 for Water Tower Preliminary Design Study Resolution 16-16

**A motion was made to table P.O. 10971 by Sue Mayberry, second by Danny Losch. All Council Members present voted yes. Motion approved.**

**BILLS:** August – \$595,703.71

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**A motion was made to approve the August 2016 bills by Sue Mayberry, second by Danny Losch. All Council Members present voted yes. Motion approved.**

**OLD/NEW/OTHER BUSINESS**

Law Director Scott Fellmeth stated that the Locust Street Roadway Widening Improvements Phase 1B Project is scheduled to be done. Schalmo was required to post bond in the amount of \$257,815.00. In the past we have allowed him to hold that money in a private escrow account which is held by the City of Canal Fulton. The money cannot be released until the project is done. Mr. Fellmeth would like a voice motion to approve establishing the escrow account.

**A motion was made to approve establishing an Escrow Account for Schalmo Properties for the Locust Street Widening Project Phase 1B by Sean Craney, second by Dan Bucher. All Council Members present voted yes. Motion approved.**

**A motion was made to have Trick or Treat on October 31, 2016 from 6-8:00pm by Dan Bucher, second by Sean Craney. All Council Members present voted yes. Motion approved.**

**REPORT OF PRESIDENT PRO TEMPORE**

Sean Craney said Chief Durkee touched on Sean Yerian and he wanted to acknowledge him for his award but also for his work with the Explorers program. This is a career opportunity for these kids and it is obviously showing the professionalism that is put into the program. We saw another youth come forward to join our staff and that is a good job and a good feeder system for us. We know these kids and watched them grow up and now they are ready to help and join the community. He thanked Captain Yerian and asked Chief Durkee to pass that forward.

**REPORT OF SPECIAL COMMITTEES**

No report.

**CITIZENS COMMENTS – Open Discussion (Five Minute Rule) – none.**

**A motion was made adjourn to Executive Session at 8:40pm by Sean Craney for the purpose of consideration of the purchase of real, personal, tangible or intangible property, a conference with the law director or other retained counsel concerning pending or imminent court action, preparing for, conducting or reviewing negotiations or bargaining sessions with public employees, second by Dan Bucher. All Council Members present voted yes. Motion approved.**

**A motion was made to return to public session at 9:28pm by Danny Losch, second by Sean Craney. All Council Members present voted yes. Motion approved.**

**A motion was made to pay Butcher and Sons for the demolition of the old school property in full by Sean Craney, second by Dan Bucher. All Council Members present voted yes. Motion approved.**

**ADJOURNMENT**

The meeting was adjourned at 9:30pm

Meeting minutes prepared by: Teresa Dolan

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Meeting Minutes approved by Mayor Joseph A. Schultz

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# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 300-3

Ordinance No. 03-16 Passed \_\_\_\_\_, 20\_\_\_\_

AN ORDINANCE AMENDING ORDINANCE 31-15, RATES OF PAY FOR NON-BARGAINING EMPLOYEES, AND REPEALING ANY ORDINANCES IN CONFLICT THEREWITH.

WHEREAS, the Canal Fulton City Council has established rates of pay for 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 Manager at the direction of the City Manager. The salary shall be \$45,137.42 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 \$60,439.70 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 \$15.92 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 \$67,626.00 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 \$17.72 per hour, payable from the Police Fund.

**Section 6:** The Superintendent of the Utility Department shall receive a salary of \$53,515.45 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 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 Street Department shall receive a salary of \$57,222.00 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 8:** Pursuant to the compensation package adopted by Ordinance 22-12, the City Manager shall receive a salary of \$75,949.20 per year, payable 42% from the General Fund, 29% from the Water Operating Fund, and 29% from the Sewer Operating Fund.

# RECORD OF ORDINANCES

Dayton Leg. l Blank, Inc.

Form No. 30043

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_

**Section 9:** The Law Director shall receive a salary of \$27,060.80 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 11 below.

**Section 10:** The Zoning Inspector shall receive a pay rate of \$17.84 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 11 below.

**Section 11:** 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 12:** Rates of pay for part-time police officers and the part-time fire department administrative assistant shall be established as follows:

	HOURLY RATE		
	YEAR 1	YEAR 2	3 or More Years of Service
Part-Time Police Officers	\$14.41	\$15.47	\$16.53
Part-Time Fire Dept. Administrative Assistant	\$12.03	\$12.88	\$13.53

**Section 13:** Rates of pay for part-time Canal Boat employees shall be established as follows:

	YEAR 1	2 or More Years of Service
Canal Boat Crew	State Minimum Wage	\$8.83
Canal Boat Captain	\$10.12	\$11.24

**Section 14:** Rates of pay for non-safety part-time employees shall be established as follows:

	HOURLY RATE		
	YEAR 1	YEAR 2	3 or More Years of Service
Seasonal Street Department CDL Laborer	\$12.03	\$12.88	\$13.53
Utility Public Works Laborer	\$10.70	\$11.46	\$12.04
Casual Laborer	State Minimum Wage	\$8.67	\$9.12
Summer Works Program	State Minimum Wage	State Minimum Wage	State Minimum Wage
Clerical	\$8.83	\$10.12	\$11.24
Income Tax Assistant	\$12.03	\$12.88	\$13.53
Payroll & Finance Clerk	\$12.03	\$12.88	\$13.53
Community Service Coordinator	\$12.03	\$12.88	\$13.53
Canalway Programs Director	\$12.03	\$12.88	\$13.53
Canalway Programs Assistant	\$8.83	\$10.12	\$11.24

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

**Section 15:** The permanent non-bargaining part-time employees (currently consists of the Canalway Programs Director, Community Service Coordinator, Income Tax Assistant, Zoning Inspector, Utility Public Works Laborer) will receive 4 hours of pay for the following holidays: New Year's Day, President's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, the day after Thanksgiving, Christmas Eve, and Christmas Day.

**Section 16:** All other ordinances inconsistent herewith are repealed.

**Section 17:** This Ordinance shall take effect and be in full force and effect from and after the earliest period allowed by law.

\_\_\_\_\_  
Joseph A. Schultz, 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 \_\_\_\_\_, 16, duly adopted by the Council of the City of Canal Fulton, on the date of \_\_\_\_\_, 2016, 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 \_\_\_\_\_, 2016.

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

# RECORD OF RESOLUTIONS

BEAR GEN. 7711CS 800-325-8084 FORM NO. 30045

Resolution No. 16.16 Passed \_\_\_\_\_, 20\_\_\_\_

A RESOLUTION BY THE COUNCIL OF THE CITY OF CANAL FULTON, OHIO TO ENTER INTO AN AGREEMENT WITH CTI ENGINEERS, INC. TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR A WATER TOWER PRELIMINARY DESIGN STUDY.

WHEREAS, The City of Canal Fulton, Ohio has sought a proposal for a Preliminary Design Study to design and construct a new Westside Elevated Water Tower and Booster Pump Station, and

WHEREAS, CTI Engineers, Inc. has submitted a proposal acceptable to the City to provide professional engineering services for the design of these infrastructure improvements.

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 agreement with CTI Engineers, Inc. to provide professional engineering services for a Water Tower Preliminary Design Study pursuant to agreement attached hereto as Exhibit "A" and incorporated by reference herein.

\_\_\_\_\_  
Joseph A. Schultz, 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 \_\_\_\_-16, duly adopted by the Council of the City of Canal Fulton, on the date of \_\_\_\_\_. 2016, and that 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 \_\_\_\_\_, 2016.

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

SEF/bp



CTI ENGINEERS, INC.  
One Cascade Plaza  
Suite 710  
Akron, Ohio 44308  
Phone 330.294.5998  
Fax 330.315.0946  
www.ctiengr.com

August 9, 2016

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

Subject: Proposal to Provide Professional Engineering Services for  
Preliminary Engineering Study for an Elevated Storage Tank  
CTI Proposal No. EP16055

Dear Mr. Cozy:

CTI Engineers, Inc. (CTI) is pleased to provide the attached proposal to perform a Preliminary Engineering Study to investigate the feasibility of constructing an elevated water storage tank and booster pump station to serve the higher elevations of the City and outlying areas. The proposed tank and booster would provide a new Westside /SR21 High-Pressure District near SR21 between SR93 and Arcadia and/or near Marshallville Road as proposed in the *City of Canal Fulton, Ohio Sanitary Sewer and Water Master Plan*.

In order to properly size the new tank and prepare a reasonable opinion of the probable cost of construction it will be necessary to perform preliminary engineering and conduct preliminary computer modeling utilizing the City's water distribution model to size the booster pump station and tank and determine the tank's overflow elevation (height) and volume necessary to serve the desired service area. By having the preliminary engineering done you will reduce the final design engineering costs. One added benefit from the new tank, if constructed, would be the elimination of the Streby Street booster pump station which Ohio EPA commented on during their recent Sanitary Survey of the City's water system. If authorized to prepare the study by August 16, 2016, we can have it completed by September 30, 2016 for a not to exceed fee of Seventeen Thousand Five Hundred Dollars (\$17,500.00).

If this information is acceptable and you wish to proceed with the project, please let us know and we will forward an Agreement to you for your signature.

Very truly yours,

CTI Engineers, Inc.

A handwritten signature in black ink that reads "David B. Kohlmeier". The signature is written in a cursive style.

David B. Kohlmeier, P.E.  
Project Manager

A handwritten signature in black ink that reads "William A. Dorman". The signature is written in a cursive style.

William A. Dorman, P.E.  
President

Enclosures

**APPENDIX B**  
**Canal Fulton – Water Tower Preliminary Design Study**  
**Scope of Services**

The following Scope of Services describes the anticipated tasks required to prepare a preliminary design study to investigate the feasibility and costs to design and construct an elevated storage tank on property owned by George H. Kilbride located on the east side of State Route 21 between Cherry Street West (Arcadia Street Exit) and Manchester Ave, NW (S.R. 93).

**Part 1 - Responsibilities of CTI Engineers, Inc. (CTI)**

1. CTI will collect and review existing available information related to the project and the existing water distribution system.
2. CTI personnel will visit the proposed tank site and discuss the proposed location on the property with City personnel and/or the property owner to determine a desired and feasible location.
3. CTI will determine a proposed service area for the new tank and determine the necessary hydraulic grade line and approximate overflow elevation for the tank based on the elevations to be served and the desired minimum system pressure.
4. CTI will evaluate the City's existing storage and determine if additional system storage is needed to serve existing customers. The size (volume) of the proposed new tank will be determined based on required system and fire suppression storage, and the proposed service area demands.
5. CTI will determine a feasible water booster station location and determine the pump size (flow rate, total dynamic head [TDH] and horsepower [HP]) needed to fill the tank from the existing distribution system. A proposed alignment will also be determined for the new water main that will be required to feed the new elevated storage tank from the booster pump station.
6. CTI will use the City's existing water distribution computer model to simulate the addition of the proposed tank, waterlines and booster pump station and determine any impacts to existing system pressures and fire flows. An evaluation will be made of the new infrastructure and how it will interact with the existing system. Any other modifications to the proposed tank design will be determined (pressure reducing valves, altitude valves, water line re-sizing, or other infrastructure needs) based on the results of the computer model.
7. A preliminary Opinion of Probable Construction Cost will be prepared to provide the City with budgetary funds needed to design and build the new infrastructure.

8. CTI will prepare a Preliminary Design Report describing the tasks performed, presenting the preliminary design information and recommendations. The report will include a map showing the proposed tank and booster locations and service area. The report will also present the cost opinions and any other findings and recommendations developed during the study.
9. CTI personnel will meet with the City to present the findings from the study and answer any questions from City representatives.

**Part 2 - Responsibilities of the City of Canal Fulton (CLIENT)**

- A. Provide all criteria and full information as to its requirements for the project.
- B. Upon identification by CTI and approval by the CLIENT of the necessity and scope of information required, furnish CTI all data, reports, surveys, and other materials required for this project, except those included in CTI's Scope of Services.
- C. Provide access to the project site and make all provisions for CTI to enter upon public and private lands as required for CTI to perform its services under this Agreement.
- D. Provide prompt written notice whenever the CLIENT observes or otherwise becomes aware of any defect in the project.
- E. Furnish to CTI, prior to execution of the Agreement, a copy of the design and construction standards the CLIENT shall require CTI to follow in performing its services under the Agreement.
- F. Provide payment for plan review, or other fees required by the OEPA or other reviewing agencies if needed.
- G. Provide information on existing water demands within the City and any desired service areas, pressure and fire flow requirements if known.

### **Part 3 - Future Phase(s) Services to be Provided by CTI Engineers, Inc. (CTI)**

The following services are not included in the Scope of Services for Phase 1, but are anticipated to be provided to the CLIENT from CTI as future services subject to additional compensation (lump sum or cost-plus, via contract amendment or new contract). This list includes those services that may be authorized at the conclusion of this phase:

- A. Design Services.
- B. Field Survey.
- C. Soil borings or geotechnical services. [City may want to consider adding this to the Preliminary Design Study scope if a precise tank location is known. The soil boring information and testing can help us to more accurately determine the cost of the tank construction.]
- D. Bidding and Construction Services.

## Exhibit "A"

### APPENDIX B Canal Fulton – Water Tower Preliminary Design Study Scope of Services

The following Scope of Services describes the anticipated tasks required to prepare a preliminary design study to investigate the feasibility and costs to design and construct an elevated storage tank on property owned by George H. Kilbride located on the east side of State Route 21 between Cherry Street West (Arcadia Street Exit) and Manchester Ave, NW (S.R. 93).

#### Part 1 - Responsibilities of CTI Engineers, Inc. (CTI)

1. CTI will collect and review existing available information related to the project and the existing water distribution system.
2. CTI personnel will visit the proposed tank site and discuss the proposed location on the property with City personnel and/or the property owner to determine a desired and feasible location.
3. CTI will determine a proposed service area for the new tank and determine the necessary hydraulic grade line and approximate overflow elevation for the tank based on the elevations to be served and the desired minimum system pressure.
4. CTI will evaluate the City's existing storage and determine if additional system storage is needed to serve existing customers. The size (volume) of the proposed new tank will be determined based on required system and fire suppression storage, and the proposed service area demands.
5. CTI will determine a feasible water booster station location and determine the pump size (flow rate, total dynamic head [TDH] and horsepower [HP]) needed to fill the tank from the existing distribution system. A proposed alignment will also be determined for the new water main that will be required to feed the new elevated storage tank from the booster pump station.
6. CTI will use the City's existing water distribution computer model to simulate the addition of the proposed tank, waterlines and booster pump station and determine any impacts to existing system pressures and fire flows. An evaluation will be made of the new infrastructure and how it will interact with the existing system. Any other modifications to the proposed tank design will be determined (pressure reducing valves, altitude valves, water line re-sizing, or other infrastructure needs) based on the results of the computer model.
7. A preliminary Opinion of Probable Construction Cost will be prepared to provide the City with budgetary funds needed to design and build the new infrastructure.

8. CTI will prepare a Preliminary Design Report describing the tasks performed, presenting the preliminary design information and recommendations. The report will include a map showing the proposed tank and booster locations and service area. The report will also present the cost opinions and any other findings and recommendations developed during the study.
9. CTI personnel will meet with the City to present the findings from the study and answer any questions from City representatives.

**Part 2 - Responsibilities of the City of Canal Fulton (CLIENT)**

- A. Provide all criteria and full information as to its requirements for the project.
- B. Upon identification by CTI and approval by the CLIENT of the necessity and scope of information required, furnish CTI all data, reports, surveys, and other materials required for this project, except those included in CTI's Scope of Services.
- C. Provide access to the project site and make all provisions for CTI to enter upon public and private lands as required for CTI to perform its services under this Agreement.
- D. Provide prompt written notice whenever the CLIENT observes or otherwise becomes aware of any defect in the project.
- E. Furnish to CTI, prior to execution of the Agreement, a copy of the design and construction standards the CLIENT shall require CTI to follow in performing its services under the Agreement.
- F. Provide payment for plan review, or other fees required by the OEPA or other reviewing agencies if needed.
- G. Provide information on existing water demands within the City and any desired service areas, pressure and fire flow requirements if known.

**Part 3 - Future Phase(s) Services to be Provided by CTI Engineers, Inc. (CTI)**

The following services are not included in the Scope of Services for Phase 1, but are anticipated to be provided to the CLIENT from CTI as future services subject to additional compensation (lump sum or cost-plus, via contract amendment or new contract). This list includes those services that may be authorized at the conclusion of this phase:

- A. Design Services.
- B. Field Survey.
- C. Soil borings or geotechnical services. [City may want to consider adding this to the Preliminary Design Study scope if a precise tank location is known. The soil boring information and testing can help us to more accurately determine the cost of the tank construction.]
- D. Bidding and Construction Services.

# RECORD OF RESOLUTIONS

CEAR GRAPHICS 100-325-3094 FORM NO. 30045

Resolution No. 18-16 Passed \_\_\_\_\_, 20\_\_\_\_

A RESOLUTION BY THE COUNCIL OF THE CITY OF CANAL FULTON, OHIO TO ENTER INTO AN AGREEMENT WITH CTI ENGINEERS, INC. TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR THE LOCUST RELIEF STORM SEWER ALTERNATE ROUTE STUDY AND DESIGN.

WHEREAS, The City of Canal Fulton, Ohio has sought a proposal for the Locust Relief Storm Sewer Alternate Route Study and Design, and

WHEREAS, CTI Engineers, Inc. has submitted a proposal acceptable to the City to provide professional engineering services for the study and design of drainage facilities for this project.

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 agreement with CTI Engineers, Inc. to provide professional engineering services for the Locust Relief Storm Sewer Alternate Route Study and Design pursuant to proposal attached as Exhibit "A" and incorporated by reference herein.

\_\_\_\_\_  
Joseph A. Schultz, 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 \_\_\_\_-16, duly adopted by the Council of the City of Canal Fulton, on the date of \_\_\_\_\_. 2016, and that 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 \_\_\_\_\_, 2016.

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

SEF/bp

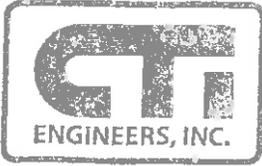


EXHIBIT "A"

CTI Engineers, Inc.  
One Cascade Plaza  
Suite 710  
Akron, Ohio 44308  
Phone 330.294.5996  
Fax 330.315.0945  
www.ctiengr.com

August 15, 2016

Mr. Mark Cozy, City Manager  
City of Canal Fulton  
155 E. Market St.  
Canal Fulton, Ohio 44614

Subject: Proposal to Provide Professional Engineering Services  
Locust Relief Storm Sewer Alternate Route Study and Design  
CTI Proposal No. EP16057

Dear Mr. Cozy:

CTI is pleased that the City of Canal Fulton has requested our proposal to provide professional engineering services for the study and design of drainage facilities to serve as an Alternate Route for the Locust Street Relief Storm Sewer. Our services will include the study of the existing drainage facilities, and design of new storm sewer, to accommodate the outflow from Smail's Pond to Locust St., to Canal St., and to the Ohio & Erie Canal. The final design will include storm sewer across the Puffenberger parcel, which will be utilized as that city park is developed.

CTI proposes to perform the survey and study tasks outlined in the attached Scope of Services for a cost-plus fee not to exceed Twenty Thousand Dollars (\$20,000.00), within sixty (60) calendar days of authorization. Invoices will be submitted monthly to the City based on actual hours worked.

CTI proposes to perform the design tasks outlined in the attached Scope of Services for a cost-plus fee not to exceed Twenty-two Thousand Dollars (\$22,000.00), within sixty (60) calendar days after acceptance of the study. Invoices will be submitted monthly to the City based on actual hours worked.

Please contact us if you have any questions or require further information.

Very truly yours,

CTI Engineers, Inc.

A handwritten signature in black ink, appearing to read "Richard W. Reed".

Richard W. Reed, P.E.  
Vice President

A handwritten signature in black ink, appearing to read "David L. Koontz".

David L. Koontz, P.E.  
Project Manager

Enclosures

## APPENDIX B SCOPE OF SERVICES

---

This scope describes the professional engineering services for the study and design of drainage facilities to serve as an Alternate Route for the Locust Street Relief Storm Sewer.

The current Smail's Pond drainage outlet course starts at the southern shore of the pond, and drains southerly to Locust St., where it is carried by storm sewers in Locust St. and Drake Pl., and easements to the Ohio & Erie Canal. The Initial Design outlet route included a new pond outlet from the western end of the pond and, to mitigate overwhelming the Locust St. storm sewer system provided relief to it by replacing a number of pipe segments with larger pipes. This Alternate Route to be studied and designed starts at the southeast end of Smail's Pond, and then goes southerly along Prospect Ave. before crossing Locust St. to the Puffenberger lot, and then either follows the overland drainage route southeasterly to a drainage ditch, or else southwesterly across Erie Ave. to the Ohio & Erie Canal.

This project will study the existing facilities, and design a new storm sewer to accommodate the outflow from Smail's Pond. It will include an evaluation of the existing storm outlet system from Heim's Pond to Locust St., along which some basement flooding has been reported. This alternate system provides relief to the Locust-Drake storm sewer by removing the Smail's Pond outlet flow.

### **A. Study Services of CTI Engineers, Inc. (CTI)**

1. Perform topographic and right-of-way survey along the above-described route, including key stormwater facilities, such as pond outlets, storm sewers, catch basins, and ditches. Tie these survey points to the Stark County GIS mapping and prepare a base map plan of the project area from the GIS with these survey points included.
2. Review and verify the calculations and designs performed by Richard Friedl, PE for the Initial Design western outlet from Smail's Pond.
3. Determine the drainage areas contributing stormwater runoff to Prospect Ave., Heim's Pond, and the Puffenberger lot.
4. Perform hydrologic calculations to determine the flow rate of stormwater runoff generated by the delineated drainage areas.
5. Perform hydraulic calculations to determine the flow capacity of the existing drainage facilities along the above-described drainage route.
6. Develop and evaluate alternative solutions to improve the drainage conditions along the study route. It has been proposed that the Smail's Pond overflow pipe be routed to Prospect Ave., and then possibly through Heim's Pond. Areas of concern include the following:
  - a. Can the storm facilities along Prospect Ave. and to/from Heim's Pond handle the added flow from Smail's Pond?
  - b. Can the existing wetland area and drainage courses on the Puffenberger lot handle the extra storm water?
  - c. What improvements could be considered to handle the extra flow?

7. Prepare a schematic plan drawing for the study area, showing the existing drainage facilities and the recommended improvements. Plan will be prepared on 22" x 34" sheets showing the plan view at 1" = 200' scale.
8. Calculate preliminary quantities and prepare a preliminary opinion of the probable cost of construction for the recommended drainage improvements.
9. Prepare a report of findings and recommendations, and present to the City.
10. Revise and Finalize the Report based upon City comments.

**B. Final Design Services of CTI Engineers, Inc. (CTI)**

1. Prepare construction drawings for approximately 3,000 linear feet of storm sewer construction along the above-described route, with new catch basins and manholes.
2. Develop typical sections for the storm sewer trenches, including surface restoration.
3. Plans will be prepared on 22" x 34" sheets showing both the plan view at 1"= 20' scale (on Prospect) and 1"=50' scale (across undeveloped land), and a profile view at 1"= 5' vertical scale. The improvement drawing sheets will also include a Title Sheet, Survey Sheet, General Notes, Details, Typical Sections, and Stormwater Pollution Prevention Plan.
4. The State of Ohio Department of Transportation (ODOT) Location and Design (L&D) Manuals, Construction and Material Specifications (C&MS), and standard details will be used on the project.
5. Prepare technical specifications or plan notes for any items not covered by ODOT C&MS.
6. Prepare a Storm Water Pollution Prevention Plan. Submit the SWPPP to the Stark Soil & Water Conservation District, along with their application form. An Ohio EPA Notice-of-Intent (NOI) application for storm water discharge permit will be required if the area of land disturbance is greater than one (1) acre.
7. Prepare an opinion of the probable cost of construction and a Bid Sheet for the project.
8. Prepare a Project Bidding Manual consisting of the Bid Sheet, General Specifications, Technical Specifications, plus miscellaneous front-end contract documents routinely utilized, and prevailing wages (to be provided by the City).

**C. Responsibilities of City of Canal Fulton (CLIENT)**

1. Provide all criteria and full information as to its requirements for the project.
2. Upon identification by CTI and approval by the CLIENT of the necessity and scope of information required, furnish CTI the CAD files of the Canal Fulton Community Campus Site Plan prepared in 2015 (if available), and additional data, reports, surveys, and other materials required for this project, except those included in CTI's Scope of Services.

3. Provide access to the project site and make all provisions for CTI to enter upon public and private lands as required for CTI to perform its services under this Agreement.
4. Give prompt written notice to CTI whenever the CLIENT observes or otherwise becomes aware of any defect in the project.
5. Furnish to CTI, prior to execution of this Agreement, a copy of any design and construction standards the CLIENT shall require CTI to follow in performing its services under this Agreement.
6. Provide payment for plan review, or other fees required by the Ohio EPA, or other reviewing agencies.

**D. Additional Study and Design Services**

The following services are not included in the above Scope of Services, but are available to the CLIENT from CTI as additional services subject to additional compensation:

1. Wetlands delineations or determinations or other permits that may be required by the Army Corps of Engineers or other regulating agencies. It is anticipated that the suspected wetland area on the Puffenberger parcel can be avoided.
2. Subsurface geotechnical engineering.
3. On-site observation and administration services during construction of the recommended improvements.



CTI Engineers, Inc.  
One Cascade Plaza  
Suite 710  
Akron, Ohio 44308  
Phone 330.294.5996  
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August 15, 2016

Mr. Mark Cozy, City Manager  
City of Canal Fulton  
155 E. Market St.  
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Subject: Proposal to Provide Professional Engineering Services  
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Richard W. Reed, P.E.  
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David L. Koontz, P.E.  
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Enclosures

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7. Prepare a schematic plan drawing for the study area, showing the existing drainage facilities and the recommended improvements. Plan will be prepared on 22" × 34" sheets showing the plan view at 1" = 200' scale.
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4. The State of Ohio Department of Transportation (ODOT) Location and Design (L&D) Manuals, Construction and Material Specifications (C&MS), and standard details will be used on the project.
5. Prepare technical specifications or plan notes for any items not covered by ODOT C&MS.
6. Prepare a Storm Water Pollution Prevention Plan. Submit the SWPPP to the Stark Soil & Water Conservation District, along with their application form. An Ohio EPA Notice-of-Intent (NOI) application for storm water discharge permit will be required if the area of land disturbance is greater than one (1) acre.
7. Prepare an opinion of the probable cost of construction and a Bid Sheet for the project.
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**C. Responsibilities of City of Canal Fulton (CLIENT)**

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**D. Additional Study and Design Services**

The following services are not included in the above Scope of Services, but are available to the CLIENT from CTI as additional services subject to additional compensation:

1. Wetlands delineations or determinations or other permits that may be required by the Army Corps of Engineers or other regulating agencies. It is anticipated that the suspected wetland area on the Puffenberger parcel can be avoided.
2. Subsurface geotechnical engineering.
3. On-site observation and administration services during construction of the recommended improvements.

# RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-6094 FORM NO. 30043

Ordinance No. 24-16

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

An Ordinance Amending Ordinance 34-15, and Providing for Changes to Previously Authorized Appropriations.

WHEREAS, it is necessary for the City of Canal Fulton to authorize additional appropriations for current expenses and other expenditures for the fiscal year ending December 31, 2016, which were not anticipated or included in Ordinance 34-15, as the City's 2016 Appropriation Ordinance, and

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

**Section 1:** City Council authorizes the Finance Director to increase the Water Capital Fund appropriations by \$105,000 in order to complete the OPWC waterline replacement project.

Category	Water Capital Fund		
	Previously Approved	Change	New Appropriations
Non-Payroll Costs	46,000.00	105,000.00	151,000.00

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

\_\_\_\_\_  
Joseph A. Schultz, 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 \_\_\_\_\_, 16, duly adopted by the Council of the City of Canal Fulton, on the date of \_\_\_\_\_, 2016, 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 \_\_\_\_\_, 2016.

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

# RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8084 FORM NO. 30943

Ordinance No. 25-16 Passed \_\_\_\_\_, 20\_\_\_\_

An Ordinance Amending Ordinance 34-15, and Providing for Changes to Previously Authorized Appropriations.

WHEREAS, it is necessary for the City of Canal Fulton to authorize additional appropriations for current expenses and other expenditures for the fiscal year ending December 31, 2016, which were not anticipated or included in Ordinance 34-15, as the City's 2016 Appropriation Ordinance, and

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

**Section 1:** City Council authorizes the Finance Director to increase the Road Improvement Projects Fund appropriations by \$19,265 in order to account for additional engineering administration costs approved in Resolution 17-16.

Road Improvement Projects Fund			
Category	Previously Approved	Change	New Appropriations
Non-Payroll Costs	2,515,584.00	19,265.00	2,534,849.00

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

\_\_\_\_\_  
Joseph A. Schultz, 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 \_\_\_\_\_, 16, duly adopted by the Council of the City of Canal Fulton, on the date of \_\_\_\_\_, 2016, 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 \_\_\_\_\_, 2016.

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

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 26.16

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

AN ORDINANCE BY THE COUNCIL OF THE CITY OF CANAL FULTON, OHIO TO ACCEPT THE DEDICATION PLAT OF LOCUST STREET & STORM SEWER, SANITARY SEWER & WATERLINE EASEMENT PLAT

WHEREAS, on July 16, 2009 the Planning Commission of the City of Canal Fulton, Ohio recommended approving the Dedication Plat of Locust Street & Storm Sewer, Sanitary Sewer & Waterline Easement Plat.

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

The City of Canal Fulton agrees to accept the Dedication Plat of Locust Street & Storm Sewer, Sanitary Sewer & Waterline Easement Plat pursuant to plat attached hereto as Exhibit "A" and incorporated by reference herein.

\_\_\_\_\_  
Joseph A. Schultz, Mayor

ATTEST:

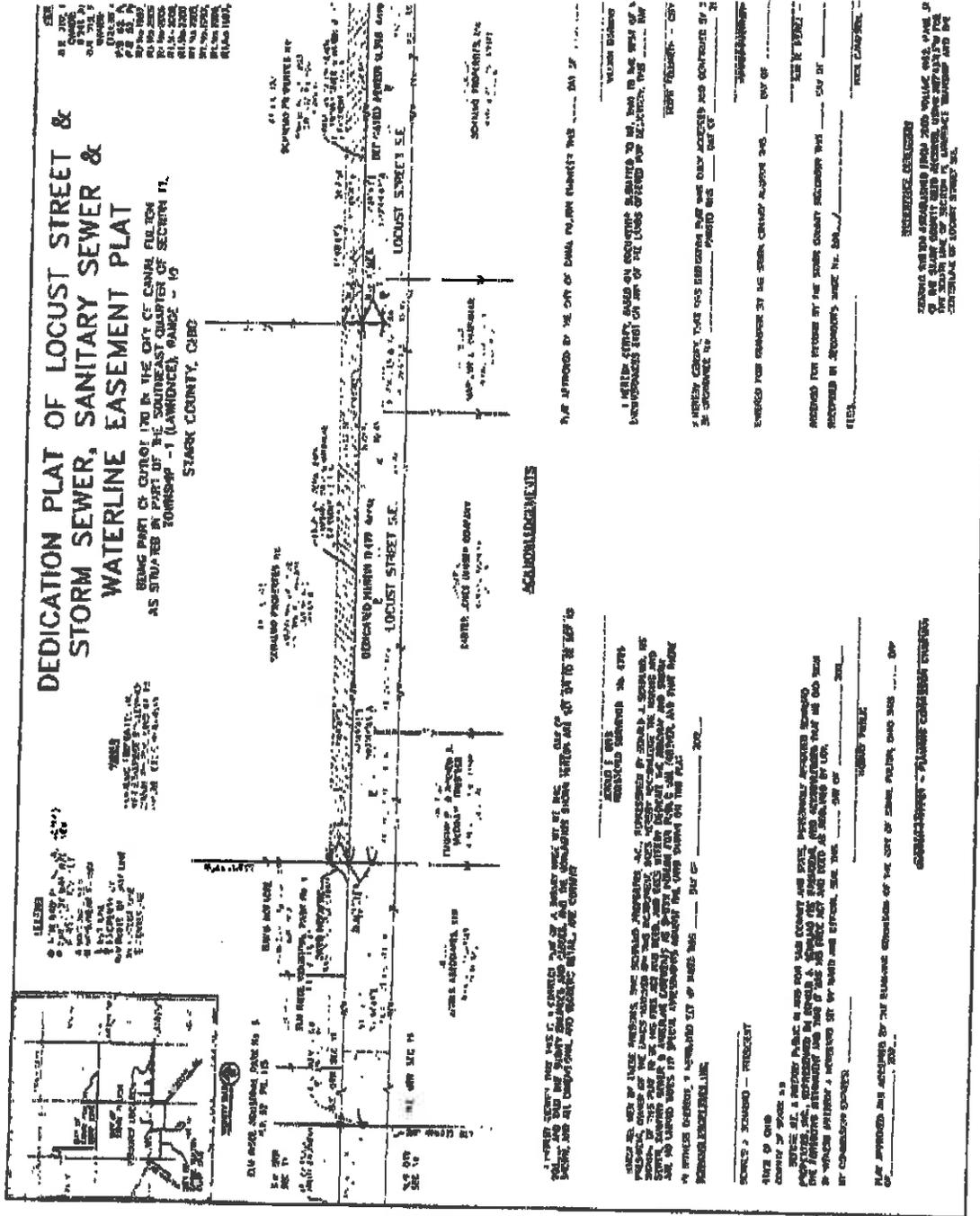
\_\_\_\_\_  
Teresa Dolan, Clerk-of-Council

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 \_\_\_\_\_ 2016, duly adopted by the Council of the City of Canal Fulton, on the date of \_\_\_\_\_, 2016 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 \_\_\_\_\_, 2016.

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

SEF/sb

EXHIBIT "A"



**DEDICATION PLAT OF LOCUST STREET & STORM SEWER, SANITARY SEWER & WATERLINE EASEMENT PLAT**

BEING PART OF LOT 170 IN THE CITY OF CANAL CITY, TN AS SHOWN IN PART OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP - 1 (LANDOWNE) RANGE - 10 STARK COUNTY, TENN.

BEING PART OF LOT 170 IN THE CITY OF CANAL CITY, TN AS SHOWN IN PART OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP - 1 (LANDOWNE) RANGE - 10 STARK COUNTY, TENN.

**ACKNOWLEDGEMENTS**

I, **WALTER W. DEMSEY**, being duly sworn, depose and say that I am the Attorney at Law for the City of Canal City, Tennessee, and that the above and foregoing plat was prepared by me and is a true and correct copy of the original plat as the same appears on the files of the City of Canal City, Tennessee, and that the same was duly recorded in the Office of the County Clerk of Stark County, Tennessee, on this 15th day of September, 2016.

**WALTER W. DEMSEY**  
Attorney at Law  
Stark County, Tennessee

I, **WALTER W. DEMSEY**, being duly sworn, depose and say that I am the Attorney at Law for the City of Canal City, Tennessee, and that the above and foregoing plat was prepared by me and is a true and correct copy of the original plat as the same appears on the files of the City of Canal City, Tennessee, and that the same was duly recorded in the Office of the County Clerk of Stark County, Tennessee, on this 15th day of September, 2016.

**WALTER W. DEMSEY**  
Attorney at Law  
Stark County, Tennessee

I, **WALTER W. DEMSEY**, being duly sworn, depose and say that I am the Attorney at Law for the City of Canal City, Tennessee, and that the above and foregoing plat was prepared by me and is a true and correct copy of the original plat as the same appears on the files of the City of Canal City, Tennessee, and that the same was duly recorded in the Office of the County Clerk of Stark County, Tennessee, on this 15th day of September, 2016.

**WALTER W. DEMSEY**  
Attorney at Law  
Stark County, Tennessee

## RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 27-16

Passed \_\_\_\_\_

, 20\_\_\_\_

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE GENERAL OFFENSES CODE OF THE CITY OF CANAL FULTON, OHIO IN ORDER TO AMEND CHAPTER 509.09 REGARDING NOISE- MAKING AND NOISE-AMPLIFYING DEVICES; VARIANCES AND REPEALING ANY ORDINANCES IN CONFLICT THEREWITH.

WHEREAS, the Council of the City of Canal Fulton, Ohio has recommended that Chapter 509.09 of the Codified Ordinances of the General Offenses Code of Canal Fulton, Ohio regarding Noise-Making and Noise-Amplifying Devices; Variances be amended, and

WHEREAS, a public hearing with notice as required by law has been held.

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

**509.09 NOISE-MAKING AND NOISE-AMPLIFYING DEVICES;  
VARIANCES**

- (a) The operation or maintenance of noise-making, noise-amplifying or noise-producing instruments or devices by which the peace or good order of a neighborhood is disturbed is hereby declared to be a nuisance. No person shall operate or maintain any radio, phonograph, tape player, compact disc player, loudspeaker or any noise-making device, or noise-amplifying device, in any public or private place by which the peace and good order of the neighborhood is disturbed or persons owning or occupying property in the neighborhood are disturbed or annoyed. "Neighborhood" includes the vicinity of any school, institution of learning, place of worship, court or hospital, while the same is in use.
- (b) It shall be unlawful to use, operate or permit the operation of any loudspeaker, public address system, mobile sound vehicle or similar device amplifying sound therefrom on a public right-of-way or public place for any commercial purpose. It shall be unlawful to use, operate or permit for any noncommercial purposes any loudspeaker, public address system, mobile sound vehicle or similar device between the hours of 8:00 p.m. and 8:00 a.m. such that the sound therefrom creates a noise disturbance across a residential real property boundary.
- (c) The City Manager or his designated representative shall have the authority consistent with this section, to grant special variances.

## RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30049

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

(1) Any person seeking a special variance pursuant to this section shall file an application with the City Manager or his designated representative. The application shall contain information which demonstrates that bringing the source of sound or activity for which the special variance is sought into compliance with this section would constitute an unreasonable hardship on the applicant, community or other persons.

(2) In determining whether to grant or deny the application, the City Manager or his designated representative shall balance the hardship to the applicant, the community and other persons, of not granting the special variance against the adverse impact on the health, safety and welfare of persons affected, the adverse impact on property affected, and any other adverse impact of granting the special variance. Any regulations of time, place and manner shall be independent of the content of the speech. Applicants for special variances and persons contesting special variances may be required to submit any information the City Manager or his representative may reasonably require.

(3) A special variance shall be granted by notice to the applicant containing all necessary conditions, including a time limit on the permitted activity. The special variance shall not become effective until all conditions are agreed to by the applicant. Noncompliance with any conditions of the special variance shall terminate it and subject the person holding it to those provisions of this section regulating the source of sound or activity for which the special variance was granted.

- (d) The provisions of this section shall not apply to the following:
- (1) The emission of sound for the purpose of alerting persons to the existence of an emergency or for the performance of emergency work; or
  - (2) Organized school-related programs, activities or events, or parades or other public programs, activities or events, authorized by the City Manager or his designated representative.
- (e) Any violation of this section is declared to be a nuisance. In addition to any other relief provided by this section, the Law Director may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this section. Such application for relief may include a temporary restraining order, preliminary injunction and permanent injunction.
- (f) Whoever violates this section is guilty of a minor misdemeanor; if the offender has had one prior conviction of this offense, the second violation of this section is a misdemeanor of the fourth degree; if the offender has had two or more prior convictions of this offense, any subsequent violation of this section is a misdemeanor of the third degree.

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. \_\_\_\_\_

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

\_\_\_\_\_  
Joseph A. Schultz, 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 \_\_\_\_\_, duly adopted by the Council of the City of Canal Fulton, on the date of \_\_\_\_\_ 2016, 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 \_\_\_\_\_, 2016.

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

SEF/sb

# RECORD OF RESOLUTIONS

BEAR GRAPHICS 800-338-8888 FORM NO. 30045

Resolution No. 19-16 Passed \_\_\_\_\_, 20\_\_\_\_

A RESOLUTION BY THE COUNCIL OF THE CITY OF CANAL FULTON, OHIO IN SUPPORT OF ISSUE 51, STARK AREA REGIONAL TRANSIT AUTHORITY'S (SARTA) RENEWAL OF A QUARTER (1/4) PERCENT SALES TAX.

WHEREAS, SARTA is the public transportation system for all of Stark County and is supported by a ¼ percent sales tax that provides 80% of their operating costs; and

WHEREAS, Issue 51 will appear on the ballot throughout Stark County on Tuesday, November 8, 2016; and

WHEREAS, SARTA provides yearly, nearly 3 million rides for individuals who are veterans, disabled, and those who need transportation to work and school; and

WHEREAS, this renewal will allow SARTA to continue to provide safe, reliable transportation by receiving the ¼ percent sales tax for a period of 10 years.

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

The City of Canal Fulton supports Issue 51, Stark Area Transit Authority's (SARTA) sales tax renewal.

\_\_\_\_\_  
Joseph A. Schultz, 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 \_\_\_\_-16, duly adopted by the Council of the City of Canal Fulton, on the date of \_\_\_\_\_, 2016, and that 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 \_\_\_\_\_, 2016.

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

SEF/bp



RESOLUTION 2016

ALAN HAROLD  
STARK COUNTY AUDITOR

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, 2017: 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		237,808	2.50	
Bond Retirement Fund	104,635			1.10
Total	104,635	237,808	2.50	1.10

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.

1.10

104,635

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

BILL TO:

PURCHASE ORDER



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

RG010971

P.O. DATE

09/14/16

DEPARTMENT

WATER

CREATED BY

VENDOR NO.

00486

DELIVER TO:

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

VENDOR:

CTI ENGINEERS, INC.  
220 MARKET AVE SOUTH  
SUITE 750  
CANTON, OH 44702

ACCOUNT NUMBER	AMOUNT
341.310.5730	\$17,500.00

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 # 34-5000498

QUANTITY	UNIT	DESCRIPTION	PRICE / UNIT	AMOUNT
		WATER TOWER PRELIMINARY DESIGN STUDY RESOLUTION 16-16  THIS PURCHASE ORDER IN EXCESS OF \$5,000 WAS APPROVED BY A MOTION OF CANAL FULTON CITY COUNCIL ON ____ / ____ / ____		\$17,500.00
			TOTAL:	\$17,500.00

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 certified that the amount required to meet the contract, agreement, obligation, commitment 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 appropriate Fund(s), free from any obligation or certification now outstanding.

\_\_\_\_\_  
Finance Director.

\_\_\_\_\_  
Date

\_\_\_\_\_  
City Manager / Mayor

\_\_\_\_\_  
Date

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

