

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

February 3, 2015

1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

4. **SWEARING IN – JOSH PAPPAS – FIRE DEPT**

5. **REPORTS OF STANDING COMMITTEES**

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

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

January 20, 2015

8. **REPORTS OF ADMINISTRATIVE OFFICERS**

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

9. **THIRD READINGS**

Ordinance 1:15: An Ordinance Amending the Department of Police Services of the Codified Ordinances of Canal Fulton, Ohio to Create the Position of Police Sergeant and Adding Chapter 129.06 Entitled Police Sergeant

Ordinance 2:15: An Ordinance by the Council of the City of Canal Fulton, Ohio to Vacate a Portion of Summer Evening Drive and Repealing and Ordinance in Conflict Therewith

10. **SECOND READINGS**

Resolution 1:15: 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 Years 2015 and 2016 for the City of Canal Fulton Engineer.

Ordinance 3-15: An Ordinance by the Council of the City of Canal Fulton, Ohio Authorizing the Canal Lands III Annexation of 120.987 Acres, more or less, from Lawrence Township, Stark County, Ohio to the City of Canal Fulton

Ordinance 4-15: An Ordinance by the Council of the City of Canal Fulton, Ohio to Amend Title Seven of the Planning and Zoning Code of the Codified Ordinances of Canal Fulton, Ohio to Amend Chapter 188.07 – Amusement Arcades and Repealing any Ordinance Conflict Therewith.

Ordinance 5-15: An Ordinance by the Council of the City of Canal Fulton, Ohio to Amend Title Seven of the Planning and Zoning Code of the Codified Ordinances of Canal Fulton, Ohio to Amend Chapter 188.07 – Amusement Arcades and Repealing any Ordinance Conflict Therewith.

Resolution 2:15 – A Resolution Authorizing the Purchase of a Street Truck and Related Equipment to be Financed via Leasing and Declaring and Emergency.

Ordinance 6:15 – An Ordinance Amending Ordinance 23-14 and Providing for Changes to Previously Authorized Appropriations.

Resolution 3:15 – A Resolution by the Council of the City of Canal Fulton, Ohio Declaring it Necessary to Improve Locust Street and Certain Other Parcels by Constructing and Installing Sanitary Sewer Lines Together with Necessary Appurtenances thereto Comprising the Locust Street Sanitary Sewer and Waterline Improvement Project, and Declaring an Emergency

Resolution 4:15 – A Resolution by the Council of the City of Canal Fulton Ohio to Enter into a Contract with O.R.Colan Associates to Provide Right of Way Acquisition Services for the Cherry/Locust Street Intersection Project

Resolution 5:15- A Resolution by the Council of the City of Canal Fulton, Ohio to Enter into a Contract with Martin & Wood Appraisal Group, Ltd. to Complete Reviews for Cherry/Locust Street Intersection Project

11. **FIRST READINGS**

12. **P.O.s**

P.O. 10205 to North Bay Construction, Inc. in the amount of \$25,300.00 for the Influent Bar Screen – Change Order

P.O. 10207 to CCI, Inc. in the amount of \$17,500.00 for Engineering – Erie Ave Storm Sewer

P.O. 10222 to Massillon Law Department in the amount of \$26,000.00 for Prosecutor Legal Services

P.O. 10223 to Henderson Truck Equipment in the amount of \$56,250.00 for 2015 Dump Truck Equipment

CITY OF CANAL FULTON
CITY COUNCIL MEETING AGENDA
February 3, 2015

P.O. 10224 to Young Truck Sales, Inc. in the amount
of \$78,555.00 for 2015 Freightliner Dump Truck

13. **BILLS:**
14. **OLD/NEW/OTHER BUSINESS**
15. **REPORT OF PRESIDENT PRO TEMPORE**
16. **REPORT OF SPECIAL COMMITTEES**
17. **CITIZENS COMMENTS – Open Discussion (Five
Minute Rule)**
18. **ADJOURNMENT**

Teresa Dolan

From: Raymund Durkee <firechief@cityofcanalfulton-oh.gov>
Sent: Wednesday, January 28, 2015 10:42 AM
To: 'Mayor Harbaugh'; 'Teresa Dolan'; 'Danny Losch'; 'Jim Deans'; 'Mark Cozy'; 'Nellie Cihon'; 'Scott Svab'; Sean Craney; 'Sue Mayberry'
Cc: Renae Griffith; William Rouse; 'Dave Cole'; 'Glen Boyd'; 'Mike Wykoff'; 'Ray Green'; 'Raymund Durkee'; 'Ryan Osborne'; 'Shawn Yerian'; 'Dan Podlogar'; 'Jim Anderson'; 'Mark Stewart'
Subject: New Hire Firefighter Josh Pappas

Mayor and Council,

I am requesting the hire of Josh Pappas to the Fire Department.

Josh has been a member of the Fire Explorer program. He has completed his Level II firefighter certification and his EMT basic certification.

Josh has demonstrated leadership as an Explorer. He comes from a firefighting family, his father is Captain Dan Pappas of the Jackson Township Fire Department.

Josh will help us maintain our staffing levels as we have lost members and lost members availability as they have taken other employment or moved from the area.

Thank you,

Raymund Durkee
Fire Chief
Canal Fulton Fire Department
firechief@cityofcanalfulton-oh.gov
330-854-2456 (ext 203)
330-854-0619 (fax)

CONFIDENTIAL COMMUNICATION:

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City of Canal Fulton, Ohio

**CITY OF CANAL FULTON
CITY COUNCIL MEETING AGENDA
January 20, 2015**

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

ROLL CALL

Mayor/Council Members Present: Richard Harbaugh, James Deans, Scott Svab, Sean Craney, Danny Losch, Sue Mayberry and Nellie Cihon

Others Present: City Manager Mark Cozy, Council Clerk Teresa Dolan, Police Chief Doug Swartz, Street Superintendent Mark Petersen, Fire Chief Ray Durkee, Finance Director William Rouse, and Engineer Bill Dorman

Others Present: Joan Porter, Chell Rossi, John Hatfield, Tiffany Craney, Earl Minks, Joe Schultz, Dan Bucher Jr.

REPORT OF STANDING COMMITTEES

Danny Losch reported that the Committee on Committees met prior to the meeting. All Committees must meet prior to the end of the first quarter and elect a chair.

A motion was made for the Finance Committee to have a meeting on February 3, 2015 at 6:30pm to elect a Committee Chair by Danny Losch, second by Scott Svab. All Council Members voted yes. Motion approved.

A motion was made for the Personnel/Rules Committee to have a meeting on February 3, 2015 at 6:35pm to elect a Committee Chair by Sue Mayberry, second by Sean Craney. All Council Members voted yes. Motion approved.

A motion was made for the Safety Committee to have a meeting on February 3, 2015 at 6:40pm to elect a Committee Chair by Danny Losch, second by Nellie Cihon, All Council Members voted yes. Motion approved.

A motion was made for the Economic Development Committee to have a meeting on February 3, 2015 at 6:45pm to elect a Committee Chair by Danny Losch, second Sean Craney. All Council Members voted yes. Motion approved.

A motion was made for the Public Service Committee to have a meeting on February 3, 2015 at 6:50pm to elect a Committee Chair by Danny Losch, second by Nellie Cihon. All Council Members voted yes. Motion approved.

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

None

CORRECTING & ADOPTING THE RECORD OF PROCEEDINGS

January 6, 2015

A motion was made to approve the January 6, 2015 meeting minutes by Nellie Cihon, second by James Deans.

Sue Mayberry asked that on Page 5 the word condemnation to condensation.

All Council Members voted yes. Motion approved.

REPORTS OF ADMINISTRATIVE OFFICERS

Senior Citizens- No Report

Community Service – No Report

Fire Chief – A Report was included in the packet. Chief Ray Durkee reported on the recent A T & T phone outage. Chief Durkee stated that the outage was handled well in Canal Fulton and that we were the only ones that we knew of that actually set up station crews strategically throughout the community.

Police Chief – A Report was included in the packet. Chief Doug Swartz commended the fire department on going above and beyond on the A T & T phone outage. Chief Swartz stated that this was the only set-up in a community that he knew of.

CITY OF CANAL FULTON
CITY COUNCIL MEETING AGENDA
January 20, 2015

Chief Swartz stated that during the electrical outage this past weekend that officers were stopping people at traffic signals that were out. Traffic signals are to be treated like a four-way stop.

Chief Swartz commended officers on a recent letter he received from the Petry family in regards to a missing family member. The person was located and is home and safe.

Chief Durkee stated that the County EMA will be meeting for a follow up meeting on the A T & T outage.

Engineer/Streets/Public Utilities – Engineer Bill Dorman stated that he was assisting administration with the Locust/Cherry right-of-way Consultant interviews.

Mr. Dorman is working with Administration on the Ohio EPA Storm Water Review.

Mr. Dorman stated that they are working with the Law Director in making some corrections to a vacation that Council had approved.

Mr. Dorman stated that he is working with Administration on the Municipal Road Fund Applications.

Mr. Dorman stated that he attended a workshop for the Planning Commission in reviewing the City Code regarding street design standards and other issues that have come up over the years.

Street Superintendent Mark Petersen reported on a truck that the Street Department is looking to purchase. Three different trucks have been looked at that they are really looking at is a Henderson Freightliner. The price for this truck is about \$135,000. Visibility is one of the reasons they chose this truck. Service on this truck will also be good. Emissions were looked at also.

Mr. Petersen they have put 258 tons of salt down.

Finance Director William Rouse stated that he had worked with Mark Petersen researching finance companies and banks for the purchase of the truck. Parameters included financing \$140,000 with a five year repayment term. Mr. Rouse presented Council with a summary of quotes they had.

Mr. Rouse asked Council if they were comfortable with him making a decision to start the paperwork or process with the lowest cost bank is and then bring legislation to Council to review at the next meeting. They are looking at a six to eight month period to build the truck. Mr. Svab stated that he would recommend that Mr. Rouse go ahead and draft the legislation.

Finance Director – Finance Director William Rouse stated that the December Financials were included in the packet. 2014 is closed. The highlights are the income tax has finished strong in December. For the year we were about 2.7% higher than last year. The utility collections were up about 3%. The fund balances and finances have finished where they were projected. Mr. Svab said they had increased the reserve fund from \$75,000 to \$150,000. There was an extra carryover in all funds. Mr. Svab said he was extremely happy with how the budget went for 2014.

Mr. Rouse stated that the W2s and 1099s went to the printer and they should be mailed by the end of the week assuming everything goes well with the printer.

Mr. Rouse stated that Ordinance 30-14 is set for 3rd reading and that is the financing mechanism for the Erie Avenue Storm Sewer project which is Resolution 30-14 that was tabled last meeting. If Council chooses to leave that tabled, they would need to table the Ordinance.

Danny Losch asked if there were any answers in regards to the school's participation on the project. Mark Cozy stated that the Superintendent had contacted him and said they would pay for their portion of the project which is \$3,500.

City Manager – A Report was included in the packet. City Manager Mark Cozy reported that he distributed the Bill of Sale for the St. Helena III with changes that were handwritten by John Hatfield. Mr. Cozy stated the changes that Mr. Hatfield would like changed including clarification of language, Rochelle Rossi was to be on the document as Vice President and language stricken from the last page. Mr. Cozy stated he did not have an issue with the changes. He did question if the City replaces the boat with a new one, would this obligate us to maintain the old boat forever or is this something we can go back and ask the Heritage Society. Mr. Hatfield was in attendance and stated that if the boat works out its livelihood, the Heritage Society would hopefully put the St. Helena II back in the water and then we could stick the St. Helena III there. Mr. Hatfield said that it was not the intent to keep the cement boat forever.

Sean Craney stated that we already agreed on all of this and he did not see any major changes to it.

A motion was made to accept the Bill of Sale of the St. Helena III with the written changes to be prepared by Scott Fellmeth by Sean Craney, second by Scott Svab. Sue Mayberry abstained from the vote. All other Council Members voted yes. Motion approved.

Mr. Cozy stated that the third reading on the Annexation of Canal Lands II was tonight. He had a diagram prepared by CTI Engineers that he presented Council. In his report he stated that if City Council had an issue with maintenance on Erie Avenue we could take Stark County Park District's portion out of this and this minimized any infringement on Erie Avenue.

CITY OF CANAL FULTON
CITY COUNCIL MEETING AGENDA
January 20, 2015

Sue Mayberry asked where the Dog Park and the Waste Water Treatment Plant are, how much further down past that does this annexation go? Mr. Cozy stated that this one went to the Lawrence Township/Jackson Township line. Mrs. Mayberry stated that the Dog Park and the Waste Water Treatment Plant have been discussed as to needing to get it into the City. Mrs. Mayberry asked why we had to go past Butterbridge in this annexation if one of the main issues was to get the dog park and the treatment plant.

Mr. Cozy stated that she would have to ask Council that question. Mrs. Mayberry asked who directed him to do that. Mr. Cozy stated that was the initial annexation that was recommended by the previous Mayor with the plat that he asked for. This is the same plat we have been using for this annexation.

Mrs. Mayberry stated that House Bill 277 was an issue, but it was stalled in the Senate and will be reintroduced in 2015. Mrs. Mayberry asked if the mutual collaboration between the Township and City important. Mrs. Mayberry stated that Mr. Cozy had strongly urged Council to vote the annexation down. She stated that she is not against annexation, but personally feels not give the full picture of what future plans are for this.

Mr. Cozy stated that he was against the annexation until House Bill 277 was introduced. He said this is not about land grabbing or population increase. If the opportunity is going to be taken from us by Columbus, we need to act. Mr. Cozy stated that there were Trustees here tonight and he is all for collaboration. Mr. Cozy stated he would push that even with the annexation. He said he hopes it fosters future collaboration with the Township.

Mark Cozy reported on a conference call he had with the Ohio Erie Canalway Association. They are not going to approve federal funding for the shelter over the St. Helena II. He did talk to them today. They have an ADA boardwalk they want to build around the boat and he mentioned a possible portable structure in use for the winter. They will look into those options. The project continues with research and they will not withdrawal the grant.

Danny Losch stated we could relocate the boat and put it into a place that is more pleasing and get the funds to cover it.

Mr. Cozy said if we ever retire the St. Helena III we could possibly move that to Lock IV.

Mr. Cozy stated that we did purchase the Old School property. He presented a notice of unsafe structure that is issued by the Building Department. Hopefully the deed will be delivered by the next Council meeting. When the building was sold originally it was in decent shape. Now, every piece of metal has been stripped out. The roof is also leaking. There are people that would like to come in and get their stuff out after not paying their taxes. The City has stepped in and paid the back taxes and secured the building. Mr. Cozy said he was shocked to hear that. Mr. Fellmeth has directed Mr. Cozy that everything in the building belongs to the City now. It would be an absolute auction. Anyone that would want to come in and take anything out would require City Council approval. A member of the Heritage Society has asked about historical items like the cornerstone. Mr. Cozy said there was a state championship basketball team that was part of the high school. Any kind of artifact that we could save from the gym for posterity we should consider that. He said he would like to work with the Heritage Society to form a list. Mr. Cozy also stated that there is a time capsule that they will be locating. At some point Mr. Cozy said he would like to have our safety forces in the building for training.

Mayor – Mayor Harbaugh appointed Karen Hiltbrand to the Stark County Health Department Board Appointment. Mrs. Hiltbrand has represented the City on this board for the past several years.

A motion was made to appoint Karen Hiltbrand to the Stark County Health Board for a five year term by Scott Svab, second by Sean Craney. All Council Members voted yes. Motion approved.

Parks & Recreation Board – Earl Minks stated that the Father/Daughter Dance would be at the Middle School on February 7, 2015 from 6:00-8:00pm. The board is looking for Volunteers for the dance and for the Easter Egg Hunt to be held on March 28th, 2015.

Law Director – Law Director Scott Fellmeth was absent due to illness.

THIRD READINGS

TABLED Resolution 30-14: A Resolution by the Council of the City of Canal Fulton, Ohio to Enter into an Amended Contract with CCI to Develop Construction Plans for the Erie Avenue Storm Sewer Extension Project

A motion was made to remove Resolution 30-14 from the table by Sean Craney, second by Nellie Cihon. All Council Members voted yes. Motion approved.

A motion was made to pass Resolution 30-14 by Sean Craney, second by James Deans.

**CITY OF CANAL FULTON
CITY COUNCIL MEETING AGENDA
January 20, 2015**

Danny Losch asked about the total cost of Engineering. Mr. Cozy stated that the cost was \$11,320. \$3,500 is the school's share and \$7,820. Mayor Harbaugh asked what the engineering was on the project. Mr. Cozy stated that there is a substantial amount of water that is running on the property from the schools causing a drainage problem for a home across the street. The existing infrastructure is not in the proper easement. This is an issue where water runs into the property and causes a health and safety issue for the folks living there. It is our fiduciary duty to step up and take care of the problem. Mr. Harbaugh asked what we were going to change. Mr. Cozy stated that this is what the engineering is about. He is happy the school stepped up to help take care of this. Had the school done there expansion and development under the new subdivision rules, what happened there would not have happened.

Scott Svab said this is just for the plan, if it comes out to where they are going to have to dig out the retention basin, is the school willing to put in some more money to make the project work? Mr. Svab stated he was not comfortable with the price tag to fix this. Mr. Cozy explained that this is the reason for the engineering up front, so we don't make mistakes in fixing the problem. This is the assurance that the project will be done right.

Sue Mayberry voted no, all other Council Members voted yes. Motion approved.

Ordinance 28-14: An Ordinance by the Council of the City of Canal Fulton, Ohio Authorizing the Canal Lands II Annexation of 66 Acres, more or less, from Lawrence Township, Stark County, Ohio to the City of Canal Fulton

A motion was made to approve Ordinance 28-14 by Danny Losch, second by Sean Craney. All Council Members voted yes. Motion approved.

Ordinance 30-14: An Ordinance Amending Ordinance 23-14 and Providing for Changes to Previously Authorized Appropriations

A motion was made to approve Ordinance 30-14 by Danny Losch, second Sean Craney. Sue Mayberry voted No. All other Council Members voted yes. Motion approved.

SECOND READINGS

Ordinance 1:15: An Ordinance Amending the Department of Police Services of the Codified Ordinances of Canal Fulton, Ohio to Create the Position of Police Sergeant and Adding Chapter 129.06 Entitled Police Sergeant

Ordinance 2:15: An Ordinance by the Council of the City of Canal Fulton, Ohio to Vacate a Portion of Summer Evening Drive and Repealing and Ordinance in Conflict Therewith

FIRST READINGS

Resolution 1:15: 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 Years 2015 and 2016 for the City of Canal Fulton Engineer.

Ordinance 3-15: An Ordinance by the Council of the City of Canal Fulton, Ohio Authorizing the Canal Lands III Annexation of 120.987 Acres, more or less, from Lawrence Township, Stark County, Ohio to the City of Canal Fulton

Ordinance 4-15: An Ordinance by the Council of the City of Canal Fulton, Ohio to Amend Title Seven of the Planning and Zoning Code of the Codified Ordinances of Canal Fulton, Ohio to Amend Chapter 188.07 – Amusement Arcades and Repealing any Ordinance Conflict Therewith.

Ordinance 5-15: An Ordinance by the Council of the City of Canal Fulton, Ohio to Amend Title Seven of the Planning and Zoning Code of the Codified Ordinances of Canal Fulton, Ohio to Amend Chapter 188.07 – Amusement Arcades and Repealing any Ordinance Conflict Therewith.

P.O.s

P.O. 9296 to Multi Vendor in the Amount of \$47,000.00 for Income Tax Refund

A motion was made to approve P.O. 9296 by Nellie Cihon, Second by Scott Svab. All Council Members voted yes. Motion approved.

P.O. 9297 to Multi Vendor in the Amount of \$20,500.00 for Employee Reimbursements for Health Care Deductibles

**CITY OF CANAL FULTON
CITY COUNCIL MEETING AGENDA
January 20, 2015**

A motion was made to approve P.O. 9297 by Scott Svab, Second by Sean Caney. All Council Members voted yes. Motion approved.

P.O. 10180 to Auditor of State in the Amount of \$28,000.00 for Annual Financial Audit

A motion was made to approve P.O. 10180 by Sean Craney, Second by James Deans. All Council Members voted yes. Motion approved.

P.O. 10181 to Auditor of State in the Amount of \$10,000.00 for Financial Statement Preparation

A motion was made to approve P.O. 10181 by Scott Svab, Second by Nellie Cihon. All Council Members voted yes. Motion approved.

P.O. 10182 to CTI Engineers, Inc. in the amount of \$60,000 for General Engineering Services

A motion was made to approve P.O. 10182 by Sue Mayberry, Second by Scott Svab. All Council Members voted yes. Motion approved.

P.O. 10184 to NALCO Company in the amount of \$5,000.00 for Water Chemicals and Supplies

A motion was made to approve P.O. 10184 by Nellie Cihon, Second by James Deans. All Council Members voted yes. Motion approved.

P.O. 10185 to MTECH in the amount of \$10,500.00 for New Portable Mini Mainline Push Camera (replace old one bought in 1999)

A motion was made to approve P.O. 10185 by Sean Craney, Second by Scott Svab. All Council Members voted yes. Motion approved.

P.O. 10186 to Cargill, Inc. in the amount of \$20,000.00 for Road Salt

A motion was made to approve P.O. 10186 by Nellie Cihon, Second by Sean Craney. All Council Members voted yes. Motion approved.

P.O. 10187 to Stephen A. Ginella Jr. in the amount of \$20,000.00 for Income Tax/Utility/EMS Collection Services

A motion was made to approve P.O. 10187 by James Deans, Second by Scott Svab. All Council Members voted yes. Motion approved.

P.O. 10189 to Bonded Chemicals, Inc. in the amount of \$33,000.00 for Water & Sewer Chemicals

A motion was made to approve P.O. 10189 by Nellie Cihon, Second by Sue Mayberry. All Council Members voted yes. Motion approved.

BILLS: \$518,052.53

A motion was made to approve the December Bills by Scott Svab, Second by Sean Craney. All Council Members voted yes. Motion approved.

OLD/NEW/OTHER BUSINESS

None

REPORT OF PRESIDENT PRO TEMPORE

Danny Losch reported that it was an advantage to have the Old School Property. He would like to invite community input as well as all boards and commissions to give their input on what they would like to see with the property. Mrs. Dolan stated that could be a good use of a survey of residents.

REPORT OF SPECIAL COMMITTEES

No report.

CITIZENS COMMENTS – Open Discussion (Five Minute Rule)

Elizabeth Durkin, 256 High Street.

Mrs. Durkin stated that she would love to see a park where the Old School was. She lives in the neighborhood and would like to see that for the young families that live around there.

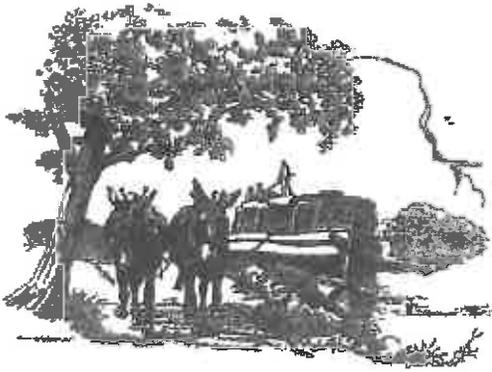
ADJOURNMENT

**CITY OF CANAL FULTON
CITY COUNCIL MEETING AGENDA
January 20, 2015**

The meeting was adjourned at 8:30pm

Meeting Minutes prepared by: _____
Teresa M. Dolan, Clerk

Minutes Approved: _____
Mayor Richard Harbaugh



City of Canal Fulton

155 East Market Street, Canal Fulton, Ohio 44614

(330) 854-2225, Ext. 119 - Fax (330) 854-6913

Email: citymgr@cityofcanalfulton-oh.gov

From the Office of the City Manager

City Manager's Report for February 3, 2015

1. Civil Service Test: We have the test results. The Civil Service Commission still needs to meet to confirm the eligibility list.

2. Cherry-Locust ROW Consultant: The Selection Committee met and conducted another interview for the second of two contracts we need. They have recommended O.R Colan Assoc. to provide ROW Acquisition services (Contract 1), and Martin + Wood to provide Appraisal Review services (Contract 2). Legislation should be on the agenda for a first reading. Our engineer is recommending that we approve both contracts and POs at our February 17th meeting to keep the project on schedule.

3. Storm Water Management Plan: The Ohio EPA is mandating that the City develop detailed storm water management plans for the Streets Garage and Wastewater Treatment Plant. CTI is currently working on this as part of their engineering contract for the City. I did get a proposal from Burgess & Niple that would have cost \$13,000. CTI submitted a proposal for \$9,400 that could be expended within their current contract.

4. Hotel Study: I reviewed a draft site assessment report. We are still waiting on data from other hotels in our area needed to complete the study.

5. Old School: We brought an auctioneer through the building to determine if there was enough value in the contents to justify an auction or sale. In their opinion it would cost more to clear the building than what the contents are worth. Nearly every room, including the gym, is filled with items that appear to have been discarded by previous owners. Much of what's there includes discarded clothing. We are seeking proposals to clear the building of all contents, abate the asbestos, and demo the building.

6. St Helen II Project: The local representatives of the OECA are still open to providing matching funds to build the ADA ramp and secure the canal boat. They've also asked if we could add an educational component, such as a kiosk to the project. This we have already done but we have not yet put forth any designs for the kiosk. This along with altering the plan for a possible temporary structure would require additional engineering. Our local OECA representatives are confirming our proposal with their main office. We still have a \$15,000 grant in place for construction.

RECORD OF ORDINANCES

Duym Legal Blank, Inc.

Form No. 30043

Ordinance No. 1-15

Passed _____, 20____

AN ORDINANCE AMENDING THE DEPARTMENT OF POLICE SERVICES OF THE CODIFIED ORDINANCES OF CANAL FULTON, OHIO TO CREATE THE POSITION OF POLICE SERGEANT AND ADDING CHAPTER 129.06 ENTITLED POLICE SERGEANT.

WHEREAS, the City of Canal Fulton, Ohio enacted Chapter 129 to regulate the Department of Police Services, and

WHEREAS, the Council of the City of Canal Fulton desires to amend Chapter 129 to create the position of Police Sergeant.

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

Chapter 129 of the Canal Fulton, Ohio Department of Police Services shall be amended to add Chapter 129.06 entitled Police Sergeant.

129.06 Police Sergeant

- (a) The City shall have an assistant marshall, designated as Police Sergeant, appointed by the Mayor, with the advice and consent of Council. The Police Sergeant shall continue in office until removed therefrom as provided in ORC 737.12 or other applicable Ohio law.
- (b) The position of Police Sergeant shall be a classified second in command to the Chief of Police and shall serve with specific duties and responsibilities assigned by the Chief of Police.

Richard Harbaugh, Mayor

ATTEST:

Teresa Dolan, Clerk-of-Council

I, Teresa Dolan, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby certify that this is a true and correct copy of Ordinance ____-15, duly adopted by the Council of the City of Canal Fulton, on the date of _____, 2015, 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 _____, 2015.

Teresa Dolan, Clerk-of-Council

SEF/bp

RECORD OF ORDINANCES

Ordinance No. 2-15

Passed _____, 20____

AN ORDINANCE BY THE COUNCIL OF THE CITY OF CANAL FULTON, OHIO TO VACATE A PORTION OF SUMMER EVENING DRIVE AND REPEALING ANY ORDINANCE IN CONFLICT THEREWITH.

WHEREAS, the Planning Commission of the City of Canal Fulton, Ohio has recommended vacating an additional portion of Summer Evening Drive in Elm Ridge Industrial Park No. 10, and

WHEREAS, this Council finds that there is good cause for such vacation of said street as prayed for, that such vacation of the street will not be detrimental to the general interests and ought to be made, and

WHEREAS, a portion of Summer Evening Drive be and the same hereby is vacated on the condition that the owners of the property abutting thereupon shall convey to the City of Canal Fulton easements for the construction, maintenance and operation of various public utilities, publicly owned and otherwise.

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

The City of Canal Fulton agrees to vacate a portion of Summer Evening Drive pursuant to Vacation Plat attached as Exhibit "A" and incorporated by reference herein and repealing any Ordinance in conflict therewith.

Richard Harbaugh, Mayor

ATTEST:

Teresa Dolan, Clerk-of-Council

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

Teresa Dolan, Clerk-of-Council

SEF/bp

UTILITY EASEMENT GRANT

KNOW ALL MEN BY THESE PRESENTS, that Schalmo Properties, Inc., the

Grantor(s), in consideration of the sum of One Dollar, (\$ 1.00), received to their full satisfaction from the Grantee, the City of Canal Fulton, and in further consideration of the following:

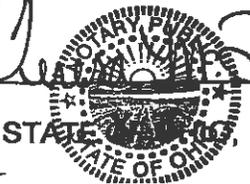
THE UNDERSIGNED PROPERTY OWNER(S) OF THE LAND PLATTED IN ELMRIDGE INDUSTRIAL PARK NO. 11 DO HEREBY GRANT UNTO THE CITY OF CANAL FULTON, OHIO, AND THEIR HEIRS, SUCCESSORS, ADMINISTRATORS, EXECUTORS, AND ASSIGNS, HEREINAFTER REFERRED TO AS GRANTEES, A PERMANENT "UTILITY EASEMENT", AND RIGHTS WITHIN SAID EASEMENT, UNDER, OVER, AND THROUGH ALL LANDS WITHIN SAID UTILITY EASEMENT TO CONSTRUCT, MAINTAIN, OPERATE, ENLARGE, RELOCATE, REPLACE, AND REPAIR (COLLECTIVELY, THE "WORK") SUCH SANITARY SEWER, DRINKING WATER, STORM WATER UTILITY AND OTHER RELATED INFRASTRUCTURE AS MAY PASS THROUGH THE REAL ESTATE, AS PLATTED IN ELMRIDGE INDUSTRIAL PARK NO. 11 AND ARE DEEMED NECESSARY OR CONVENIENT BY THE GRANTEES FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF UTILITY INFRASTRUCTURE. SAID EASEMENT RIGHTS SHALL INCLUDE WITHOUT LIABILITY THEREFORE THE RIGHT TO REMOVE TREES AND LANDSCAPING INCLUDING LAWNS, PAVEMENTS, FENCES, OR STRUCTURES, WITHIN AND WITHOUT SAID EASEMENT PREMISES WHICH MAY INTERFERE WITH THE INSTALLATION MAINTENANCE, REPAIR OR OPERATION OF SAID UTILITY INFRASTRUCTURE. SAID EASEMENT RIGHTS SHALL FURTHER INCLUDE THE RIGHTS TO INSTALL, REPAIR, AUGMENT AND MAINTAIN SERVICE LINES OUTSIDE THE DESCRIBED EASEMENT PREMISES OR THE RIGHT OF ACCESS FOR INGRESS AND EGRESS TO AND FROM ANY OF THE WITHIN DESCRIBED PREMISES FOR EXERCISE OF ANY OF THE PURPOSES OF THIS UTILITY EASEMENT GRANT.

Said Utility Easement is indicated on the dedication plat of Elm Ridge Industrial Park No. 11, and is further described in "Exhibit A" attached hereto.

IN WITNESS WHEREOF, Schalmo Properties, Inc., the Grantor(s), hereto set their

hands this 27 day of December, A.D., 2014.

WITNESSES:

Johnson Belford
Teresa M. Dolan

TERESA M. DOLAN
Notary Public - State of Ohio
My Commission Expires 01-30-17

GRANTOR(S)::

Schalmo Prop. Inc.
Sign - *Donald J. Schalmo*
Print - Donald J. Schalmo

Sign - _____
Print - _____

Exhibit A

AKINS LAND SURVEYING

776 NORTH UNION AVENUE
ALLIANCE, OHIO 44601
(330) 821-4602

EASEMENT DESCRIPTION

SITUATED IN THE CITY OF CANAL FULTON, COUNTY OF STARK AND STATE OF OHIO AND KNOWN AS BEING PART OF OUTLOTS 170 AND 314 AND PART OF VACATED SUMMER EVENING DRIVE AND BEING PART OF THE TRACTS OF LAND TRANSFERRED TO SCHALMO PROPERTIES INC. AS RECORDED IN OFFICIAL RECORD IMAGE 201401030000259 AND OFFICIAL RECORD VOLUME 719, PAGE 927 (EXHIBIT B, PARCEL 9) AND FURTHER DESCRIBED AS FOLLOWS TO WIT;

BEGINNING AT A 5/8" IRON BAR FOUND AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 11, LAWRENCE TOWNSHIP (TOWNSHIP 1, RANGE 10);

THENCE SOUTH 87° 29' 30" EAST, ALONG THE CORPORATION LINE AND QUARTER SECTION LINE, A DISTANCE OF 1312.03 FEET TO A POINT;

THENCE SOUTH 02° 19' 06" WEST, A DISTANCE OF 409.13 FEET TO A POINT AND FURTHER KNOWN AS THE TRUE PLACE OF BEGINNING FOR THE EASEMENT HEREIN DESCRIBED;

THENCE CONTINUING SOUTH 02° 19' 06" WEST, A DISTANCE OF 45.00 FEET TO A POINT;

THENCE NORTH 87° 40' 54" WEST, A DISTANCE OF 782.37 FEET TO A POINT;

THENCE SOUTH 02° 19' 06" WEST, A DISTANCE OF 47.00 FEET TO A POINT;

THENCE NORTH 87° 40' 54" WEST, A DISTANCE OF 76.82 FEET TO A POINT;

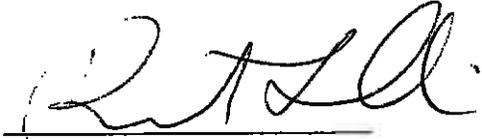
THENCE NORTH 02° 19' 06" EAST, A DISTANCE OF 92.00 FEET TO A POINT;

THENCE SOUTH 87° 40' 54" EAST, A DISTANCE OF 859.20 FEET TO THE TRUE PLACE OF BEGINNING.

PRIOR DEED REFERENCE: OFFICIAL RECORD IMAGE 201401030000259
 OFFICIAL RECORD VOLUME 719, PAGE 927 (EXHIBIT B, PARCEL 9).

SUBJECT TO ALL LEGAL HIGHWAYS AND ANY EASEMENTS OR RESTRICTIONS OF RECORD.

BASIS OF BEARING: BEARINGS ARE BASED ON GRID NORTH OF THE STARK COUNTY GEODETIC REFERENCE SYSTEM.



ROBERT L. AKINS
REGISTERED SURVEYOR #6331



SCHALMO-ELMRIDGE EASEMENT-VKC-CD2014

RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc., Form No. 30042

Resolution No.

1-15

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 YEARS 2015 AND 2016 FOR THE CITY OF CANAL FULTON ENGINEER.

WHEREAS, The City of Canal Fulton has sought a proposal to provide professional engineering services as designated City of Canal Fulton Engineer, and

WHEREAS, CTI Engineers, Inc. has submitted a proposal acceptable to the City to provide the professional engineering services needed to fill this position.

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 the CTI Engineers, Inc. to provide professional engineering services as City of Canal Fulton Engineer commencing January 1, 2015 and terminating December 31, 2016 pursuant to Agreement attached as Exhibit "A" and incorporated by reference herein.

Richard Harbaugh, Mayor

ATTEST:

Teresa Dolan, Clerk-of-Council

I, Teresa Dolan, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby certify that this is a true and correct copy of Resolution ____-15, duly adopted by the Council of the City of Canal Fulton, on the date of _____. 2015, 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 _____, 2015.

Teresa Dolan, Clerk-of-Council

SEF/bp

EXHIBIT "A"

**AGREEMENT TO PROVIDE PROFESSIONAL
ENGINEERING SERVICES FOR THE YEARS 2015 & 2016
FOR THE CITY OF CANAL FULTON ENGINEER**

This Agreement effective the ___ day of January in the year Two Thousand Fifteen (2015)
by and between:

**The City of Canal Fulton
155 East Market Street
Canal Fulton, Ohio 44614
(hereinafter referred to as the "CITY")**

and

**CTI Engineers, Inc.
220 Market Avenue South, Suite 750
Canton, Ohio 44702
(hereinafter referred to as the "ENGINEER")**

SCOPE OF SERVICES TO BE PROVIDED BY THE ENGINEER

General Duties

Duties shall include the following:

1. Attend all meetings of Planning Commission (third Thursday of the month).
2. Attend City Council Meetings, as needed or requested.
3. Review of subdivision applications (plats and construction plans), site plans, lot splits and zoning permit applications.
4. Inspection of subdivision construction and individual construction projects for code compliance.
5. Assign lot numbers and house numbers.
6. Support services for Administration, City Council, department heads, developers and citizens, e.g., answer telephone calls and e-mails regarding regulations, standards, and specifications.
7. Serve as liaison with other government agencies e.g. answer telephone calls and e-mails regarding regulations, standards, and specifications.

8. Grant application and administration assistance, primarily OPWC.
9. Update City zoning maps, lot maps, and subdivision maps as required.

Compensation

General duties, Items 1, 2, 5, 6, and 7 will be provided to the CITY by the ENGINEER through William A. Dorman, P.E., or his designate on a monthly retainer basis of Seven Hundred Fifty Dollars per month (\$750.00/month).

General duties, Items 3, 4, 8, and 9 will be provided to the CITY by the ENGINEER as authorized by the City Manager or the Service Director. Billing for these services will be based on the Hourly Rate Schedule. Direct non-salary expenses will be invoiced at cost plus 10 percent. These expenses shall include subconsultants, travel, field supplies, equipment rental, reproduction, and other project-related expenses.

Payment for services shall be made within thirty (30) days after receipt of a monthly invoice which shall contain an itemized breakdown of services performed and personnel utilized. Services such as site plan review, preliminary and final plat reviews, lot splits, and construction inspection services which may be partially or fully reimbursable by others than the City will be identified.

ADDITIONAL SERVICES

Additional services such as special projects required by the CITY and not included in the Scope of Services shall be provided by the ENGINEER according to the following Hourly Rate Schedule, or at a mutually acceptable not to exceed fee.

HOURLY RATE SCHEDULE	
CITY/PROFESSIONAL ENGINEER	\$141.00/HOUR
DESIGNER/TECHNICIAN/RPR	\$76.00/HOUR
CLERICAL	\$40.00/HOUR

TERMS

This Agreement shall commence January 1, 2015, and shall end on December 31, 2016.

TERMINATION

Either party may terminate the Agreement by providing the other party a thirty (30) day written notice of their intent to do the same.

SIGNATURES

ENGINEER

By: _____
William A. Dorman, P.E.

Date: _____

CITY

By: _____
Mark Cozy, City Manager

Date: _____

By: _____
William Rouse, Finance Director

Date: _____

The Foregoing Agreement is Approved as to Form:

By: _____
Scott E. Fellmeth, Law Director

Date: _____



CTI Engineers, Inc.
220 Market Avenue South
Suite 750
Canton, Ohio 44702
Phone 330.455.7733
Fax 330.313.2282
www.ctiengr.com

December 10, 2014

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

Subject: Agreement to Provide Professional Engineering Services
for the City of Canal Fulton Engineer
CTI Proposal No. EP14077

Dear Mr. Cozy:

We are pleased that the City of Canal Fulton has requested our proposal to continue serving as the City Engineer for the years 2015 and 2016. Our rates remain unchanged from our previous agreement.

If the attached Agreement is acceptable, please return one signed copy to us.

I look forward to the commencement of my 22nd year in this assignment. Please contact me if you have any questions or require further information.

Very truly yours,

CTI Engineers, Inc.

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

William A. Dorman, P.E.
President

WAD/dpe

Enclosures

**AGREEMENT TO PROVIDE PROFESSIONAL
ENGINEERING SERVICES FOR THE YEARS 2015 & 2016
FOR THE CITY OF CANAL FULTON ENGINEER**

This Agreement effective the ___ day of January in the year Two Thousand Fifteen (2015) by and between:

**The City of Canal Fulton
155 East Market Street
Canal Fulton, Ohio 44614
(hereinafter referred to as the "CITY")**

and

**CTI Engineers, Inc.
220 Market Avenue South, Suite 750
Canton, Ohio 44702
(hereinafter referred to as the "ENGINEER")**

SCOPE OF SERVICES TO BE PROVIDED BY THE ENGINEER

General Duties

Duties shall include the following:

1. Attend all meetings of Planning Commission (third Thursday of the month).
2. Attend City Council Meetings, as needed or requested.
3. Review of subdivision applications (plats and construction plans), site plans, lot splits and zoning permit applications.
4. Inspection of subdivision construction and individual construction projects for code compliance.
5. Assign lot numbers and house numbers.
6. Support services for Administration, City Council, department heads, developers and citizens, e.g., answer telephone calls and e-mails regarding regulations, standards, and specifications.
7. Serve as liaison with other government agencies e.g. answer telephone calls and e-mails regarding regulations, standards, and specifications.

- 8. Grant application and administration assistance, primarily OPWC.
- 9. Update City zoning maps, lot maps, and subdivision maps as required.

Compensation

General duties, Items 1, 2, 5, 6, and 7 will be provided to the CITY by the ENGINEER through William A. Dorman, P.E., or his designate on a monthly retainer basis of Seven Hundred Fifty Dollars per month (\$750.00/month).

General duties, Items 3, 4, 8, and 9 will be provided to the CITY by the ENGINEER as authorized by the City Manager or the Service Director. Billing for these services will be based on the Hourly Rate Schedule. Direct non-salary expenses will be invoiced at cost plus 10 percent. These expenses shall include subconsultants, travel, field supplies, equipment rental, reproduction, and other project-related expenses.

Payment for services shall be made within thirty (30) days after receipt of a monthly invoice which shall contain an itemized breakdown of services performed and personnel utilized. Services such as site plan review, preliminary and final plat reviews, lot splits, and construction inspection services which may be partially or fully reimbursable by others than the City will be identified.

ADDITIONAL SERVICES

Additional services such as special projects required by the CITY and not included in the Scope of Services shall be provided by the ENGINEER according to the following Hourly Rate Schedule, or at a mutually acceptable not to exceed fee.

HOURLY RATE SCHEDULE	
CITY/PROFESSIONAL ENGINEER	\$141.00/HOUR
DESIGNER/TECHNICIAN/RPR	\$76.00/HOUR
CLERICAL	\$40.00/HOUR

TERMS

This Agreement shall commence January 1, 2015, and shall end on December 31, 2016.

TERMINATION

Either party may terminate the Agreement by providing the other party a thirty (30) day written notice of their intent to do the same.

SIGNATURES

ENGINEER

By: _____
William A. Dorman, P.E.

Date: _____

CITY

By: _____
Mark Cozy, City Manager

Date: _____

By: _____
William Rouse, Finance Director

Date: _____

The Foregoing Agreement is Approved as to Form:

By: _____
Scott E. Fellmeth, Law Director

Date: _____

Oed 3-15

**AN ORDINANCE BY THE COUNCIL
OF THE CITY OF CANAL FULTON,
OHIO AUTHORIZING THE CANAL
LANDS III ANNEXATION OF
120.987 ACRES, MORE OR LESS,
FROM LAWRENCE TOWNSHIP,
STARK COUNTY, OHIO TO THE CITY
OF CANALFULTON.**

WHEREAS, Ohio Revised Code Sec.709.14 mandates that the City shall pass by a vote of not less than a majority of the members elected to its legislative authority, an ordinance authorizing an annexation of City owned lands;

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

The Council of the City of Canal Fulton, Ohio has the legislative authority of the City, and does hereby authorize the annexation of the Canal Lands III territory as described in the attached legal description; and that Attorney Eric J. Williams shall be authorized to prosecute the proceedings necessary to effect this annexation.

Richard Harbaugh, Mayor

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 ____15, duly adopted by the Council of the City of Canal Fulton, on the date of _____. 2015, 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 _____, 2015.**

Teresa Dolan, Clerk-of-Council

ORD-4-15

AN ORDINANCE BY THE COUNCIL OF THE CITY OF CANAL FULTON, OHIO TO AMEND TITLE SEVEN OF THE PLANNING AND ZONING CODE OF THE CODIFIED ORDINANCES OF CANAL FULTON, OHIO TO AMEND CHAPTER 1188.07 – AMUSEMENT ARCADES AND REPEALING ANY ORDINANCE IN CONFLICT THEREWITH.

WHEREAS, the Council of the City of Canal Fulton, Ohio desire to amend Title Seven of the Planning and Zoning Code of the Codified Ordinances of Canal Fulton, Ohio to amend Chapter 1188.07 regarding Amusement Arcade fees.

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

Chapter 1188.07 – Amusement Arcades is amended to read as follows:

1188.07 LICENSE ISSUANCE; EFFECTIVE PERIOD; FEE

The City Manager is hereby authorized to issue amusement arcade licenses and amusement and/or game machine licenses, in such form as he or she determines to be appropriate, for a period of up to one year, upon satisfaction of all of the following conditions:

- (a) The operator of the amusement arcade has properly filed the application required by this chapter. The owner of the game machines and the real property owner shall sign the application;
- (b) A fee of one thousand dollars (\$1,000.00) per arcade location per year has been paid;
- (c) A fee of fifty dollars (\$50.00) per machine per month has been paid in advance annually;
- (d) The operator or any employee of the operator has not been convicted of a crime of moral turpitude within the past five years;
- (e) The City Manager has determined that no other reasonable cause exists to deny the issuance of such license;
- (f) Compliance with Section 1188.09.
- (g) License fees are non-refundable except upon approval by Council.

Richard Harbaugh, Mayor

ATTEST:

Teresa Dolan, Clerk-of-Council

hereby certify that this is a true and correct copy of Ordinance _____ 15, duly adopted by the Council of the City of Canal Fulton, on the date of _____, 2015, 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 _____, 2015.

Teresa Dolan, Clerk-of-Council

SEF/bp

ORD 5-45

AN ORDINANCE BY THE COUNCIL OF THE CITY OF CANAL FULTON, OHIO TO AMEND TITLE SEVEN OF THE PLANNING AND ZONING CODE OF THE CODIFIED ORDINANCES OF CANAL FULTON, OHIO TO AMEND CHAPTER 1188.07 - AMUSEMENT ARCADES AND REPEALING ANY ORDINANCE IN CONFLICT THEREWITH.

WHEREAS, the Council of the City of Canal Fulton, Ohio desire to amend Title Seven of the Planning and Zoning Code of the Codified Ordinances of Canal Fulton, Ohio to amend Chapter 1188.07 regarding Amusement Arcade fees.

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

Chapter 1188.07 - Amusement Arcades is amended to read as follows:

1188.07 LICENSE ISSUANCE; EFFECTIVE PERIOD; FEE

The City Manager is hereby authorized to issue amusement arcade licenses and amusement and/or game machine licenses, in such form as he or she determines to be appropriate, for a period of up to one year, upon satisfaction of all of the following conditions:

- (a) The operator of the amusement arcade has properly filed the application required by this chapter. The owner of the game machines and the real property owner shall sign the application;
- (b) A fee of one thousand dollars \$1,000.00 per arcade location per year has been paid;
- (c) A fee of one hundred dollars (\$100.00) shall be paid per machine, per month, or any portion of a month. This fee shall be payable in advance, on a quarterly basis, on the first day of January, April, July and October.
- (d) The operator or any employee of the operator has not been convicted of a crime of moral turpitude within the past five years;
- (e) The City Manager has determined that no other reasonable cause exists to deny the issuance of such license;
- (f) Compliance with Section 1188.09.
- (g) License fees are non-refundable except upon approval by Council.

Richard Harbaugh, Mayor

ATTEST:

hereby certify that this is a true and correct copy of Ordinance _____ 15, duly adopted by the Council of the City of Canal Fulton, on the date of _____, 2015, 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 _____, 2015.

Teresa Dolan, Clerk-of-Council

SEF/bp

RECORD OF RESOLUTIONS

BS&R GRAPHICS 300-325-8184 FORM NO. 30045

Resolution No. 2-15

Passed _____, 20____

Under Suspension of the Rules A Resolution Authorizing the Purchase of a Street Truck and Related Equipment to be Financed via Leasing, and Declaring an Emergency.

WHEREAS, it is necessary for the City of Canal Fulton to acquire a new snowplow truck for the Street Department, and

WHEREAS, it is necessary to finance the snowplow truck and related equipment via a lease, and

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

Section 1: Council authorizes the City to purchase a snowplow truck and related equipment for an amount not to exceed \$140,000.00.

Section 2: Council authorizes the City to enter into a lease agreement with Huntington Public Capital Corporation to finance the purchase of the snowplow truck over a period of five years with the first annual lease payment due in 2016.

Section 3: This Resolution is hereby determined to be an emergency measure, the immediate passage of which is necessary for the preservation of the public peace, health, safety, and welfare of the City of Canal Fulton, such emergency arising because it is necessary to pay various City obligations in various funds, wherefore this Ordinance shall take effect and be in full force immediately upon its passage.

Richard Harbaugh, Mayor

ATTEST:

Teresa Dolan, Clerk of Council

I, Teresa Dolan, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby certify that this is a true and correct copy of Ordinance _____, 15, duly adopted by the Council of the City of Canal Fulton, on the date of _____, 2015, 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 _____, 2015.

Teresa Dolan, Clerk of Council

RECORD OF ORDINANCES

BEAR GRAPHICS 888-325-3384 FORM NO. 3090

Ordinance No.

6-15

Passed

, 20

An Ordinance Amending Ordinance 23-14, and Providing for Changes to Previously Authorized Appropriations.

WHEREAS, City Council has authorized the purchase of a new snowplow truck and related equipment through lease financing, and

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

Section 1: Council authorizes an appropriation increase in the General Capital Projects Fund by a total of \$134,805:

Expense Account	Account Description	Appropriation Changes
391.360.5710	Street Dept. Capital Improvements	\$134,805

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

Richard Harbaugh, Mayor

ATTEST:

Teresa Dolan, Clerk of Council

I, Teresa Dolan, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby certify that this is a true and correct copy of Ordinance _____, 15, duly adopted by the Council of the City of Canal Fulton, on the date of _____, 2015, 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 _____, 2015.

Teresa Dolan, Clerk of Council

02/23/2015 10:20 000000217

RECORD OF RESOLUTIONS

Dayton Legal Desk, Inc., Form No. 00042

Resolution No. 4-15

Passed _____, 20____

A RESOLUTION BY THE COUNCIL OF THE CITY OF CANAL FULTON, OHIO TO ENTER INTO A CONTRACT WITH O.R. COLAN ASSOCIATES TO PROVIDE RIGHT OF WAY ACQUISITION SERVICES FOR THE CHERRY/LOCUST STREET INTERSECTION PROJECT.

WHEREAS, The City of Canal Fulton, Ohio has sought a proposal to provide right-of-way acquisition services for the infrastructure improvement known as the Cherry Street/Locust Street Intersection Project, and

WHEREAS, O.R. Colan Associates (ORC) has submitted a proposal acceptable to the City to provide those services.

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 a contract with O.R. Colan Associates (ORC) to complete the right-of-way acquisition services for the STA-Cherry Street/Locust Street (PID 90972) pursuant to agreement attached hereto as Exhibit "A" and incorporated by reference herein.

Richard Harbaugh, Mayor

ATTEST:

Teresa Dolan, Clerk-of-Council

I, Teresa Dolan, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby certify that this is a true and correct copy of Resolution ____-15, duly adopted by the Council of the City of Canal Fulton, on the date of _____, 2015, 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 _____, 2015.

Teresa Dolan, Clerk-of-Council

SEF/bp

EXHIBIT "A"



January 28, 2015

Mark Cozy
City Manager
City of Canal Fulton
155 Market Street East
Canal Fulton, Ohio 44614

Re: **City of Canal Fulton**
STA-93-Cherry/Locust - PID 90972
Cost Proposal - Right of Way Acquisition Services

Dear Mr. Cozy:

O. R. Colan Associates (ORC) is pleased to submit a cost proposal for Turnkey Land Acquisition and Relocation services in regard to the above noted roadway project. Our proposal is based on acquisition from thirty (30) auditor parcels as shown in the attached Parcel List. It is assumed that four (4) of the parcels will be consolidated for acquisition purposes due to contiguous ownership. This is why we are proposing twenty-six (26) parcels for many of the tasks within the proposal.

Our attached cost proposal is setup on a "per task/per parcel" basis. The parcel counts associated with the appraisal & closing tasks are our best estimate of formats at the time of submitting this proposal without final plans. The appraisal & closing formats and associated fees are subject to change once final plans are provided and the scoping of the project is completed with the appraisal reviewer. Should the number of parcels change, ORC reserves the right to adjust our fees accordingly. I've enclosed a Scope of Services which covers each of the tasks ORC is proposing.

O. R. Colan is ready to begin upon a notice to proceed. The fees provided in this proposal are good until February 1, 2016. We appreciate the opportunity to work with the City of Canal Fulton on this project. If you require additional information or need clarification, feel free to call me at 440.827.6116, ext. 204.

Respectfully,

Matthew Staring
Project Manager

Enclosures

cc: File

STA-93-Cherry/Locust - PID 90972		
Project Parcel Count	Auditor Parcel Number	Owner's Name
1	9500157	JONES CAROL E
	9500158	JONES CAROL E
2	9500952	KALHORN RICHARD M & JOY E
3	9503289	CITY OF CANAL FULTON
4	9502989	OHIO BELL TELEPHONE COMPANY
	9502064	OHIO BELL TELEPHONE COMPANY
5	9500145	MAYBERRY JANICE K
6	9500731	FACTORA FRANCIS E
7	9502063	HAMMER JENNIFER C ETAL
8	9500518	GLIEM BRITTANY C
9	9500908	HAWK ROBERTA G
10	9500061	BAGOCIUS PAUL & LUCINDA K
11	9500720	DITTMER HELEN E TRUSTEE
	9500719	DITTMER HELEN E TRUSTEE
12	9501975	CROSKY JAMES E & KATHLEEN E
13	9500482	NETTLE LARRY L & MARGARET E
14	9500888	CLARK DWIGHT H
15	9500395	POTTER EVA G
16	9500047	CANAL FULTON BAPTIST CHURCH
17	9500010	DUNN DANIELLE C
18	9580024	CANAL FULTON HERITAGE SOCIETY
19	9500526	WEBER JAMES P & KRISTINE A
20	9500492	WATT DEIDRE M
21	9500614	RABER SUSAN E
	9500615	RABER SUSAN E
22	9503188	SULLIVAN BRUCE & NANCY
23	9501973	KRUEGER PAMELA J
24	9500572	AMAN ELIZABETH K
25	9502058	A P & P DEVELOPMENT& CONSTRUCTION CO
26	9500602	NETTLE DONNA M
26	30	Count Totals

RW ACQUISITION SERVICES COST PROPOSAL

Company Name: O.R. Colan Associates

District: 4

Date: 1/28/15

PID NO.: 90972

Task No.:

Project CRS: STA-93-Cherry / Locust

Pay Item	Type of Unit	No. of Units	Fee Per Unit	Total Amount
1. Project Management for Title Researches, Appraisal, Appraisal Review	parcel	26	\$400.00	\$10,400.00
2. Appraisal				
a. RE 95 Preparation	parcel	8	\$350.00	\$2,800.00
b. Summary R/W Appraisal (RE 25-17)	parcel	1	\$3,500.00	\$3,500.00
c. Limited Scope Summary Appraisal (RE 25-17)	parcel			\$0.00
d. Value Finding (RE 90)	parcel	6	\$1,200.00	\$7,200.00
e. Value Analysis	parcel	19	\$650.00	\$12,350.00
f. Project Data Book	parcel			\$0.00
3. Appraisal Review				
a. Summary R/W Appraisal (RE 25-16)	parcel			\$0.00
b. Limited Scope Summary Appraisal (RE 25-16)	parcel			\$0.00
c. Value Finding (RE 25-14)	parcel			\$0.00
d. Value Analysis (RE 25-13)	parcel			\$0.00
e. USPAP Review (RE 25-12)	parcel			\$0.00
f. Parcel Impact Note	parcel			\$0.00
g. Appraisal Problem Analysis	parcel			\$0.00
4. Title Researches				
a. Abbreviated Titles	parcel			\$0.00
b. Full Title (42 year)	parcel	30	\$600.00	\$18,000.00
c. Title Update	parcel			\$0.00

Table split for Federal Authorization for Right of Way Acquisition

Pay Item	Type of Unit	No. of Units	Fee Per Unit	Total Amount
5. Project Management for Negotiations, Closings	parcel	26	\$450.00	\$11,700.00
6. Negotiation				
a. Negotiation (includes letters, packets, negotiations, billings, document preparation, plan revision coordination, etc.)	parcel	26	\$1,750.00	\$45,500.00
b. Bill of Sale Negotiation	Per BS Parcel	1	\$1,500.00	\$1,500.00
c. Negotiation Trainee	parcel			\$0.00
7 Closings				
a. Mail Out	parcel	21	\$375.00	\$7,875.00
b. Formal (includes forms RE 30, 31, 44, 45 & 57 and etc.)	parcel	4	\$650.00	\$2,600.00
c. Formal - structure parcels	parcel	1	\$650.00	\$650.00
d. Title Update for Appropriation	parcel	6	\$200.00	\$1,200.00
e. Mortgage Release	per release	6	\$350.00	\$2,100.00
8. Relocation Assistance Services				
a. Project Management for Relocation/Relocation Review	parcel	1	\$500.00	\$500.00
b. Residential offer made	parcel	1	\$3,000.00	\$3,000.00
c. Residential final billing	parcel	1	\$3,000.00	\$3,000.00
d. Commercial Offer made	parcel			\$0.00
e. Commercial final billing	parcel			\$0.00
f. Personal Property final billing	parcel			\$0.00
g. Pre-Acquisition Survey/Interview	parcel			\$0.00
h. Pre-Acquisition Report	parcel	1	\$750.00	\$750.00
9. Relocation Review				
a. Residential Review	parcel			\$0.00
b. Commercial Review	parcel			\$0.00
c. Personal Property Review	parcel			\$0.00

Pay Item	Type of Unit	No. of Units	Fee Per Unit	Total Amount
10. Asbestos				
a. Collection	parcel			\$0.00
b. Testing	parcel			\$0.00
11. Miscellaneous				
a. Red Books	parcel			\$0.00
b. Meetings and Testimony for appropriations	parcel			\$0.00
c. Property Management	parcel			\$0.00
d. Specialty Appraisal Studies (Parking, Rent, Architectural etc.)	parcel			\$0.00
e. Copies and Recording fees (reimbursable based on actual cost for Titles and Closings - receipts necessary)	parcel	26	\$175.00	\$4,550.00
f. R/W Cost Estimate (RE-101)	parcel			\$0.00

**City of Canal Fulton
STA-93-Cherry/Locust – PID 90972
Real Estate Acquisition/Right-of-Way Clearance
Scope of Services**

DEFINITIONS AND DESCRIPTIONS OF DUTIES TO BE PERFORMED

Local Public Agency– References to “Local Public Agency” in this Scope of Services shall mean the City of Canal Fulton.

Design Consultant – References to “Design Consultant” in this Scope of Services shall mean Environmental Design Group.

Consultant – References to “Consultant” in this Scope of Services shall mean the right of way acquisition consultant, O. R. Colan Associates of Florida, LLC.

Standards – For the purposes of preparing this Scope of Services and Cost Proposal, the Consultant will follow accepted real estate acquisition standards that are in compliance with the Ohio Revised Code and Ohio Administrative Code.

TITLES:

Title Research - All title research activities will be the responsibility of the Consultant. Title activities include the following:

- The Consultant will charge one parcel for each Auditor Parcel impacted by the project. The Auditor parcel count may differ from Project parcel count.
- Preparation of Report on ODOT Form LPA RE 46 (Title Report) and LPA RE 46-1 (Chain of Title). A title report will be completed for each common ownership which may contain multiple Auditor Parcel Numbers (APN's).
- Consultant will be responsible for a 42-year minimum title search back to a warranty deed for all parcel numbers; except railroad parcels. The root of Title for a Railroad is the deed of conveyance providing evidence of when a private owner conveyed the tract of real estate to the railroad for the area impacted by the project.
 - o If during the title search the consultant determines that auditor parcels have more than five (5) fractional interests, or more than 10 (ten) active liens associated with the parcel, or more than ten (10) easements per title report; the Consultant reserves the right to request additional funds through a contract modification for the additional research required beyond a typical report.

The following will be completed as part of the standard title research:

- Complete copy of the current deed of record and additional deeds vesting fee simple title in the current owner and the root deed of title;
- Copy of Auditor's card showing land and improvement values;
- Tax mailing address;
- Copy of taxes for each auditor's parcel number and payment status;

- Copies of mortgages, mortgage assignments, tax liens, judgment liens, workers compensation liens, unemployment liens and other liens that encumber each auditor's parcel number that is subject of the title report;
- Copies of leases (In the case of Oil and Gas Leases no search will performed on the assignment of various lease interest);
- Copies of easements and rights of way found within the time frame searched, or referenced on current documents found;
- Copies of subdivision plats, annexation plats, splits and combines of property (only provided if they indicate easements or restrictions on the subject parcel);
- Docket entries for pending suits;
- Corporate Documents (if available on the Secretary of State's website);
- Auditor's Tax Maps (If Available);
- One original written title report to include the title report, the title chain and all pertinent attachments. The paper copy shall have the original signature of the title agent in the verification block.
- One (1) hard copy of the original title report with all the attachments will be provided along with the all WORD documents, and PDF's of all the Title Reports.

The following research is not part of the Title Report and will not be provided:

- Copies of all the deeds in the chain of title for the time period searched, other than the current deed of record and root deed as identified under Title Research;
- Subdivision plats, annexation plats, split plats and combine plats not showing easements or restrictions;
- Search chain of Oil & Gas lease assignments or mineral rights, reserved or conveyed out.

APPRAISALS:

Right of Accompaniment – Owners of property where value finding and summary appraisals are being conducted will be given the right of accompaniment. Only one meeting/accompaniment per property is included in the scope of services. Contact will be made by telephone or certified letter form depending upon the project timeline. If no response is made by the owner before the indicated deadline to do so, then it is implied that the owners have declined their right of accompaniment and no subsequent trip to provide accompaniment will be granted unless other arrangements have been made or additional compensation is agreed upon between Consultant and LPA.

Appraisal Process – The appraisal function will be consistent with The Uniform Standards of Professional Appraisal Practice USPAP and the appropriate agency appraisal guidelines and requirements of the client such as: State DOT Policy & Procedures, FAA, FEMA, The Uniform Appraisal Standards for Federal Land Acquisitions "Yellow Book" and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 "Uniform Act". The appraisal formats and associated fees are subject to change once final plans are provided and the scoping of the project is completed with the appraisal reviewer.

Appraisal/Appraisal Updates – The Consultant will be responsible for all appraisal activities. All valuation activities will be done in accordance with USPAP appraisal standards and the appropriate *DOT Policy and Procedures Manual*, unless otherwise directed by the Local Public Agency. Appraisal and Appraisal updates will be the

responsibility of the Consultant. Any appraisal update will require prior approval from the client at the consultant's pre-negotiated fee.

Appraisal Reviews – The Appraisal Review process is required if either: (1) directed by the Local Public Agency or (2) State or Federal funds are used on any phase of this project. Review appraisers are not part of Appraisal Scope of Services and this price proposal does not include fees for a Review Appraiser unless otherwise stated in the proposal.

The Appraisal Review process is considered necessary and a required element when State or Federal funding is provided. The appraisal review quote implies one review per parcel. Should more than one review per parcel be necessary resulting from plan changes, multiple reviews of the same appraisal report, etc. then the review appraiser may seek additional compensation for additional review services.

Continued Appraisal Support – A certain level of continued appraisal support is included during the negotiation process in order to explain a complicated appraisal process or to answer a simple question. This is implied in the scope as an effort to aid the negotiating team. However should a significant block of time be required to be set aside to answer issues or prepare additional documentation, not otherwise requested in the appraisal review process, the appraiser retains the right to submit a contract modification for additional time and expenses accrued outside the limits of the original appraisal scope.

Sign Value Estimates – When acquiring right of way, especially within a commercial corridor it becomes necessary to provide a sign valuation estimate. This task is generally provided by someone experienced in the field of sign valuation and comes at an additional cost. The cost of the sign valuation will be incurred by the client unless otherwise specifically stated in the proposal.

ACQUISITION:

Preparation of Individual Parcel Files – The Consultant shall be responsible for the assemblage and maintenance of all acquisition and relocation files. All files will be maintained in accordance with the ODOT Real Estate *Policy and Procedures Manual* and as directed by the Local Public Agency.

Negotiations – The Consultant will be responsible for all negotiation activities. All negotiation activities will be done in accordance with the ODOT Real Estate *Policy and Procedures Manual* Section 5000 et seq., unless otherwise directed by the Local Public Agency. Consultant is responsible for the preparation and distribution of the Notification Letters and Brochures; and the preparation and distribution of Offer Letters. During negotiations, the Consultant shall supply the fee owner with a copy of the applicable Appraisal or Value Analysis. Consultant will prepare and supply a Local Public Agency approved Brochure or ODOT Brochure, as directed by the Local Public Agency. Consultant will complete a maximum of ten (10) contacts (face to face meetings, phone calls, faxes, mail, and/or e-mails) per acquisition parcel within a sixty (60) day period from the date of the Initial Offer, in order to secure the parcel. All contacts will be logged in the Acquisition Agent's notes, as part of the parcel file records. Should the Local Public Agency wish to extend negotiations beyond ten (10) contacts or beyond a sixty (60) day period, Consultant reserves the right to request a contract modification for additional Negotiation labor fee(s) with the affected property owner(s).

Property Inventory Classification – One of the early items of work will be the preparation of a Property Inventory Classification (typically using Ohio Department of Transportation (ODOT) Form RE-95), if needed for specific parcels on this project. This will identify signs, fences, light poles, etc... being removed as part of the project, which are located in the Warranty Deed (WD), Permanent Easement and Temporary Easement areas. This form will establish ownership of these items and identify which improvements are real property and which are personal property. These forms will be provided to the appraiser(s) so that the owners/tenants are accurately compensated for their site improvements. The Consultant estimates eight (8) RE-95's will be needed on the project. If additional RE-95's are required, an additional fee will be charged to perform this work.

Bill of Sale – Bill of sale parcels are encountered when a third party (or more) owns the improvement(s) in the take area. As such, a Bill of Sale parcel is treated as a separation negotiation with the owner(s) of the improvement(s) and a separate negotiating fee is provided for in the Cost Proposal for each owner of an improvement. Bill of Sale parcels require the completion of ODOT Forms RE 56, RE 68 and RE 69, per ODOT *Policy and Procedures*. The Consultant estimates one (1) Bill of Sale parcel on the project. If additional BS parcels are required, an additional fee will be charged to perform this work.

Legal Descriptions – Legal Descriptions will be supplied by the Design Consultant and should be approved by the applicable County(s). It is the responsibility of the Design Consultant to review their Legal Descriptions to ensure they match up with the right of way & Construction Plans. The Design Consultant shall secure "pre-approved" legal descriptions with the applicable County(s) where appropriate and whenever possible. Consultant reserves the right to request a contract modification if multiple revisions are required with the provided Legal Descriptions.

Legal (Conveyance) Instruments – Legal (Conveyance) Instruments will be provided by the Local Public Agency. In the absence of the Local Public Agency providing their own Instruments, the Consultant will use ODOT's LPA Instruments, with the understanding that they will be reviewed and approved by the Local Public Agency's legal counsel prior to use on this project.

CLOSING & TITLE UPDATE:

Closings – All closing activities are to be the responsibility of the Consultant. Closing activities include the following:

- Title Update
- Preparation of ODOT Form RE-57 and submission of the completed form to the County Auditor's Office for determination of pro-rated taxes and unpaid assessments;
- Preparation of mortgage and lien releases;
- Securing of said releases on encumbered property from the property owners or the mortgage/lien holders;
- Conducting of closings and the disbursement and collecting of monies as required;
- Assisting the property owner in the execution of required instruments and forms, including but not limited to the Closing & Settlement Statement (RE-44/44-1) and Affidavit by Seller (RE-45);

- Securing the necessary approvals from required local agencies to permit the transfer of ownership of property rights in the County Auditor's Office;
- Recording the instruments and releases with the County Recorder's Office;
- Depositing the pro-rated taxes with the required County office and obtaining a receipt;
- Monitoring the property owner for compliance with performance withholding requirements on non-structure parcels involving retention of signs, etc.; Paying owner(s) and securing receipt upon property owners' compliance with requirements

The Local Public Agency will be responsible for the following:

- Completing and submitting to the specific County offices the tax exemptions (DTE 23 Forms);
- The Local Public Agency will be responsible for payment of any taxes from the date of deed transfer to obtaining tax exemption status

Title Updates – Consultant will be responsible to provide one (1) title update per parcel prior to closing a parcel. If additional title updates are required, by the Local Public Agency, an additional title update fee will be charged to complete this work.

Mortgage Releases – Consultant will be responsible to secure Mortgage Releases for parcels with compensation in excess of \$25,000; which includes contacting, providing documents and continued coordination with the Lending Institution(s) or Lien Holder(s). The Consultant estimates six (6) mortgage and/or lien releases on the project. If additional releases are required beyond the estimated number of releases provided for in this proposal, an additional fee will be charged to perform this work, with approval of the Local Public Agency. Mortgage Release fees charged by the Lending Institution will be invoiced as actual costs to the project, as pre-approved by the Local Public Agency.

RELOCATION:

Relocation Advisory Services – If required, the Consultant will be responsible for all relocation advisory services. All relocation activities will be done in accordance with Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act and Ohio Revised Code unless otherwise directed by the Local Public Agency. Relocation Advisory service means all work necessary to satisfactorily relocate all eligible displacees as follows:

- Utilize all applicable forms, reports documents and other data as may be required for any one displacee to be relocated. All forms will be type written or computer generated.
- All required relocation notices will be provided (e.g. general, 90 day, 30 day notice, etc...). This Scope of Service and Fee does not provide for processing an eviction proceeding. If an eviction proceeding is required Consultant can provide assistance to the Local Public Agency in preparing the paperwork required with a mutually agreed upon scope and fee.
- Consultant will adequately document all meetings, phone calls, and other forms of correspondence on the agent's log form to the extent it is clear the displacees have been apprised of their rights and entitlement to advisory services.

- Consultant shall determine replacement housing and/or rent supplement additive determinations and down payments in lieu of rent supplements for all eligible displacees. Consultant will provide only one (1) determination per displacee.
- Scope does not include determination of Normal Home Site Valuation (NHSV) calculation. If calculation is required Consultant can provide assistance to the Local Public Agency in preparing the paperwork required with a mutually agreed upon scope and fee.
- Consultant will determine increased mortgage interest reimbursements and incidental expenses as may be appropriate for each displacee.
- Consultant will perform up to one (1) inspection per displacee to verify decent, safe and sanitary housing requirements are met for replacement dwellings and comparables utilized for additive determinations. If additional inspections are required by the Local Public Agency the Consultant can provide this service with a mutually agreed upon scope and fee.
- Prepare and/or assist the displacees in the preparation of personal property inventories for eligible moving expenses. Verify accuracy of inventories, draft moving specifications and solicit up to two (2) moving estimates from reputable contractors.
- Provide advisory services based upon the needs of individual displacees.
- Conduct post-move inspections and coordinate same with the party responsible for property management on the project. Move out inspection doesn't include posting of no trespassing signs, rodent abatement, board-up or utility disconnections.
- Secure necessary signed relocation claim forms and all supporting documentation appropriate to the claim(s) being secured.
- This Scope of Service and Fee does not include provision for providing any handicap modifications required at replacement site to meet Decent, Safe and Sanitary requirements. If this service is required and requested by the Local Public Agency, then Consultant can provide these services with a mutually agreed upon scope and fee.

Pre-Acquisition Survey – O.R. Colan Associates (ORC) will provide a Pre-Acquisition Report in accordance with ODOT Policy & Procedures Manual 6203. The following shall be incorporated into the scope of services.

- ORC will personally inspect the property and interview the displaced person.
- ORC will research the local Real Estate market to ascertain the availability of replacement housing.
- The occupant will be interviewed using the Site Occupant Interview form.
- ORC will provide a relocation brochure, explain the contents of the brochure and provide the RE-BRO to the displaced person.
- Preparation of the RE-95 (Property Inventory Classification form)
- Provide a Pre-acquisition report that includes the following but not limited to:
 - Brief description of the project.
 - List of potential relocation and hardship issues along with a plan to resolve these issues, if applicable.
 - Statement of availability of replacement housing for rent or purchase in the project area.
 - An estimate of time required to clear the project.

- o Any additional information that would aid in the identification and/or timely resolution of project delaying relocation issues, if applicable.
- o Copy of all completed Site Occupant Interview forms.
- o Completed RE-95.

Relocation Appeal Process – This Scope of Services and Fee provides for Relocation Assistance only and does not include additional labor and expense to attend Appeal Hearings. Furthermore, the Consultant is not obligated to respond or prepare documents as a result of Agency decisions on an Appeal that are not related to errors, miscalculations or non-compliance to Policy & Procedures by the Consultant. However, if requested by the Local Public Agency, the Consultant can provide assistance in responding to an appeal. This service can be provided by the Consultant with a mutually agreed upon scope and fee.

PROJECT ADMINISTRATION:

Project Mobilization Meeting – A Project Mobilization Meeting is held to introduce each other and to clarify any questions relating to project scope. A Project Mobilization Meeting will outline contact persons and communication protocol. At this meeting, all issues related to the specific job and its division of responsibilities will be resolved.

Project Timeline – A Project Timeline will be submitted by the Consultant. It will indicate the critical path of the project as it relates to overall project development.

Administrative Reviews – The Local Public Agency shall be the primary contact for settlement authority requested by the Consultant for administrative reviews. All requests for administrative reviews shall be in writing and shall contain all appropriate documentation to support a request. A recommendation will be provided by the Consultant. The Consultant shall have the authority to approve Administrative Reviews up to \$1,000.00 over the original offer (the established fair market value estimate) per ODOT *Policies and Procedures Manual*. Inter-agency coordination, if required, for this task will be performed by the Consultant to secure all approvals and signatures on Administrative Settlements.

Appropriation Coordination – The Local Public Agency's legal counsel or other official as designated by the Local Public Agency shall be the primary contact for all appropriation coordination activities. Upon receipt of the appropriation billing package from the Consultant, the Local Public Agency will be responsible for filing in the appropriate court of law. The Local Public Agency will file the DTE 23 upon receipt of a final court entry.

This Scope of Service and Cost Proposal provides for the preparation of the appropriation package only. Follow-up meetings during or after the filing process (after the parcel has been submitted for appropriation and the Local Public Agency directs the Consultant to re-enter into negotiations); mediation hearings, court deposition and testimony, or assisting legal counsel is not included with this Scope and Fee. However, these services can be provided by the Consultant if a scope and fee can be mutually agreed upon between the Local Public Agency and the Consultant.

Billing – Complete billing packages (signed parcels or appropriations) shall be submitted to the Local Public Agency for processing. Billing package contents will be consistent with the particular section of the ODOT *Policies and Procedures Manual* being utilized. All forms/negotiator and relocation notes must be typed or computer generated. Specific items of information to be included in the billing package will be defined during the Project Mobilization meeting. All billing requests will be reviewed and warrants processed by appropriate Local Public Agency personnel. Deficient packages returned to the Consultant for correction shall be completed and returned to the Local Public Agency within ten (10) business days. In the case of signed parcels, the warrant shall be prepared by the Local Public Agency and then forwarded to the Consultant for payment to the owner(s). In the case of appropriations, the warrant will be forwarded to the Local Public Agency's legal counsel to be placed on deposit with the Court. In all cases, the Local Public Agency will prepare the 1099-S forms, in conjunction with the processing of the warrants to pay each property owner.

Project Status Reports – The Consultant shall provide a monthly status report to the Local Public Agency and the Design Consultant on a form acceptable to the Local Public Agency. The status report shall be a stand-alone document indicating the current acquisition status of the project.

Project Meetings – The Consultant will provide phone conference meetings with the Local Public Agency personnel once per month after the Project Mobilization Meeting to discuss project status.

Final File Disposition – Upon receipt of recorded instruments for signed parcels or the filing of an appropriation case, the Consultant shall submit the individual parcel file(s) to the Local Public Agency; either individually or at the end of the project during the project closeout.

Invoicing by Consultant – Consultant shall invoice the Design Consultant on a monthly basis for labor and expenses based on position rates provided in fee proposal.

Utility Coordination Process – The utility service providers will work with the Design Consultant to identify specific utility relocation needs critical to the advancement and completion of the project. Utility coordination is the responsibility of the Design Consultant or other third party, and is not part of this Scope of Services.

RESPONSIBILITY OF THE CONSULTANT

The Consultant shall be responsible for the following acquisition services under the Scope of Services for this project:

- Property Inventory Classifications (ODOT Form RE-95)
- Project Schedule
- Title Research
- Preparation of Individual Parcel Files
- Value Analyses/Appraisals/Updates
- All Phases of Acquisition (Negotiations) including all necessary written correspondence to owners (Notification Letters, Offer Letters, etc...)

- Preparation of Billing Packages
- Closings/Title Updates
- Project Administration
- Project Status Reports – Monthly Submittals
- Project Certification to the Local Public Agency
- Final File Disposition

RESPONSIBILITY OF THE LOCAL PUBLIC AGENCY

The Local Public Agency shall be responsible for the following acquisition activities under the Scope of Services for this project:

- Project Authorization
- Encumbrances
- Administrative Reviews
- Appropriation Coordination
- Billings for Owner Settlement Checks or Checks for Deposit in Court
- The Local Public Agency will file the DTE 23 upon receipt of a final recorded document or final court entry
- Payment of taxes, if any, after deed transfer and proration of taxes
- Completion of IRS Form 1099-S
- Labor & Expense payments to the Consultant

RESPONSIBILITY OF THE DESIGN CONSULTANT

The Design Consultant shall be responsible for the following acquisition activities under the Scope of Services for this project:

- Highway Construction and Right-of-Way Plans showing the properties to be acquired, and all currently available information relative to the parcels to be acquired
- Preparation of Legal Descriptions
- Pre-approval of Legal Descriptions with specific County(s) (if applicable)

Reference Documents – Applicable provisions of the following documents shall be incorporated by reference into this Scope of Service:

- The Ohio Revised Code (including but not limited to Chapter 163)
- The Ohio Administrative Code
- USPAP

RECORD OF RESOLUTIONS

Dayton Legal Block, Inc., Form No. 20046

Resolution No.

5-15

Passed

20

A RESOLUTION BY THE COUNCIL OF THE CITY OF CANAL FULTON, OHIO TO ENTER INTO A CONTRACT WITH MARTIN + WOOD APPRAISAL GROUP, LTD. TO COMPLETE APPRAISAL REVIEWS FOR CHERRY/ LOCUST STREET INTERSECTION PROJECT.

WHEREAS, The City of Canal Fulton, Ohio has sought a proposal to complete the right-of-way appraisal services for the infrastructure improvement known as the Cherry Street/Locust Street Intersection Project, and

WHEREAS, Martin + Wood Appraisal Group, Ltd. has submitted a proposal acceptable to the City to provide the services needed to provide same.

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 a contract with Martin + Wood Appraisal Group, Ltd. to complete the right-of-way appraisal reviews for STA-Cherry Street/Locust Street (PID 90972) pursuant to agreement attached hereto as Exhibit "A" and incorporated by reference herein.

Richard Harbaugh, Mayor

ATTEST:

Teresa Dolan, Clerk-of-Council

I, Teresa Dolan, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby certify that this is a true and correct copy of Resolution ____-15, duly adopted by the Council of the City of Canal Fulton, on the date of ____, 2015, 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 ____, 2015.

Teresa Dolan, Clerk-of-Council

SEF/bp

EXHIBIT "A"



**PROPOSAL & AGREEMENT
FOR APPRAISAL REVIEW SERVICES**

To: Mark Cozy, City Manager
City of Canal Fulton

From: Gerald A. Tout, Vice President
Martin + Wood Appraisal Group, Ltd.

RE: Proposal for STA-Cherry Street/Locust Street (PID 90972)

Date: January 28, 2015

We have reviewed the preliminary information provided by the City of Canal Fulton and the following is a proposal to complete the right-of-way appraisal reviews for the above-referenced project:

RW ACQUISITION SERVICES COST PROPOSAL

Company Name: Martin + Wood Appraisal Group, Ltd. Date: 01/28/2015
District: 4 Project CRS: STA-Cherry Street/Locust Street
PID No.: 90972 Task No.: N/A

Pay Item	Type of Unit	No. of Units	Fee per Unit	Total Amount
1. Project Management for Title Researches, Appraisal, Appraisal Review				
a. Pre-Acquisition Survey				
2. Appraisal				
a. RE 95 Preparation				
b. Summary R/W Appraisal (RE 25-17)				

Pay Item	Type of Unit	No. of Units	Fee per Unit	Total Amount
c. Limited Scope Summary Appraisal (RE 25-17)				
d. Value Finding (RE 90)				
e. Value Analysis				
f. Project Data Book				
3. Appraisal Review				
a. R/W Appraisal (RE 25-16)	Total Take	1	\$2,000	\$2,000
b. Limited Scope Appraisal (RE 25-16)				
c. Value Finding (RE 25-14)	VF	6	\$600	\$3,600
d. Value Analysis (RE 25-13)	VA	19	\$325	\$6,175
e. USPAP Review (RE 25-12)				
f. Parcel Impact Note	PIN	26	\$100	\$2,600
g. Appraisal Problem Analysis				
h. Time associated with appropriation work (preparation, conference, deposition, trial, travel, etc.)			\$250 per hour (if authorized)	
4. Title Researches				
a. Abbreviated Title				
b. Full Title (42 year)				
c. Title Update (not a separate pay item for Closings)				
TOTALS				\$14,375

Page 2 – Proposal & Agreement for Appraisal Review Services

The above fees quoted assume our firm will be awarded the entire project (26 Parcels), and there will be no major changes to the plans. The parcel impact notes (PIN's) will be completed within three weeks of authorization. The reviews will be completed within three weeks of receipt of the reports from the appraiser. All reviews will be completed in accordance to ODOT and USPAP standards.

Payment for appraisal review services will be made to Martin + Wood Appraisal Group, Ltd. within 45 days after the reviews are submitted. Martin + Wood Appraisal Group, Ltd. shall be paid for all costs associated with consultation, litigation support, deposition and/or expert witness testimony @ \$250 per hour. In addition, Martin + Wood Appraisal Group, Ltd. shall be paid for report revisions due to project changes @ \$200 per hour.

Please note that since 1965 we have completed over 325,000 appraisals of residential, commercial, industrial, agriculture and special purpose properties and we maintain a high level of competency and thoroughness within our work. Please visit our website at www.martin-woodappraisal.com for additional information on our firm.

Thank you for your consideration. If you have any questions or have further instructions, please call me at 614-356-7729. If the fees quoted and terms are acceptable, please email a signed copy of the agreement to gtout@martin-woodappraisal.com, or fax the agreement to 419-241-5932.

Respectfully Submitted By:
Martin + Wood Appraisal Group, Ltd.

Proposal Accepted By:
City of Canal Fulton



Gerald A. Tout
Vice President

1/28/2015
Date

Mark Cozy
City Manager

Date

BILL TO:



City of Canal Fulton

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

PURCHASE ORDER

P.O. NUMBER: RG010205
P.O. DATE: 01/23/15
DEPARTMENT: SEWER
CREATED BY:
VENDOR NO.: 02729

DELIVER TO:

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

VENDOR:

NORTH BAY CONSTRUCTION, INC.
25800 FIRST ST.
WESTLAKE, OHIO 44145

ACCOUNT NUMBER	AMOUNT
351.330.5710	\$25,300.00

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 #31-5000498

QUANTITY	UNIT	DESCRIPTION	PRICE / UNIT	AMOUNT
		Influent Bar Screen - Change Order		\$25,300.00
			TOTAL:	\$25,300.00

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, payment or expenditure stated in this purchase order has been lawfully appropriated, authorized or directed for such purpose and is in the Treasury or in the process of collection from 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

BILL TO:



City of Canal Fulton

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

PURCHASE ORDER

P.O. NUMBER: RG010207
P.O. DATE: 01/23/15
DEPARTMENT: MAYOR . ADMIN
CREATED BY:
VENDOR NO.: 02797

DELIVER TO:

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

VENDOR:

CCI INC
2323 WEST 5TH AVE
SUITE 120
COLUMBUS, OH 43204

ACCOUNT NUMBER	AMOUNT
391.120.5730	\$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 # 34-6000498

QUANTITY	UNIT	DESCRIPTION	PRICE / UNIT	AMOUNT
		Engineering - Eire Ave. Storm Sewer		\$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 certify 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 on the credit of the appropriate Fund(s), free from any obligation or certification now outstanding.

Finance Director

Date

City Manager / Mayor

Date

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BILL TO:



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

PURCHASE ORDER

P.O. NUMBER **RG010222**
P.O. DATE **01/29/15**
DEPARTMENT **LEGAL**
CREATED BY
VENDOR NO. **00071**

DELIVER TO:

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

VENDOR:

MASSILLON LAW DEPARTMENT
ATTN: JESSICA MARTIN
TWO JAMES DUNCAN PLAZA
MASSILLON, OH 44646

ACCOUNT NUMBER	AMOUNT
101.150.5410	\$26,000.00

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 # 34-5000398

QUANTITY	UNIT	DESCRIPTION	PRICE / UNIT	AMOUNT
		PROSECUTOR LEGAL SERVICES NOW AND THEN CERTIFICATE I CERTIFY FUNDS FOR THIS PURCHASE WERE AVAILABLE THEN ____ / ____ / ____ AVAILABLE NOW ____ / ____ / ____ SIGNED: THIS THEN AND NOW CERTIFICATE IN EXCESS OF \$3,000 WAS APPROVED BY A MOTION OF CANAL FULTON CITY COUNCIL ON ____ / ____ / ____		\$26,000.00
TOTAL:				\$26,000.00

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, interest 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 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

BILL TO:

City of Canal Fulton

PURCHASE ORDER

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

P.O. NUMBER: **RG010223**
P.O. DATE: **01/29/15**
DEPARTMENT: **STREET**
CREATED BY:
VENDOR NO.: **02869**



DELIVER TO:

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

VENDOR:

HENDERSON TRUCK EQUIPMENT
P.O. BOX 40
MANCHESTER, IA 52057

ACCOUNT NUMBER	AMOUNT
391.360.5710	\$56,250.00

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 # 046000498

QUANTITY	UNIT	DESCRIPTION	PRICE / UNIT	AMOUNT
		2015 DUMP TRUCK EQUIPMENT		\$56,250.00
		THIS PURCHASE ORDER IN EXCESS OF \$3,000 WAS APPROVED BY A MOTION OF CANAL FULTON CITY COUNCIL ON _____ / _____ / _____.		
TOTAL:				\$56,250.00

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, amount 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 or 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

BILL TO:



City of Canal Fulton

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

PURCHASE ORDER

P.O. NUMBER: RG010224
P.O. DATE: 01/29/15
DEPARTMENT: STREET
CREATED BY:
VENDOR NO.: 02870

DELIVER TO:

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

VENDOR:

YOUNG TRUCK SALES, INC
4970 SOUTHWAY ST SW
CANTON, OH 44706

ACCOUNT NUMBER	AMOUNT
391.360.5710	\$78,555.00

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 # 34-6000198

QUANTITY	UNIT	DESCRIPTION	PRICE / UNIT	AMOUNT
		2015 FREIGHTLINER DUMP TRUCK		\$78,555.00
		THIS PURCHASE ORDER IN EXCESS OF \$3,000 WAS APPROVED BY A MOTION OF CANAL FULTON CITY COUNCIL ON _____ / _____ / _____.		
			TOTAL:	\$78,555.00

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

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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