

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

**August 2, 2016**

**1. CALL TO ORDER**

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

**4. REPORTS OF STANDING COMMITTEES**

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

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

July 19, 2016

**7. REPORTS OF ADMINISTRATIVE OFFICERS**

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

**8. THIRD READINGS**

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

**Ordinance 17-16:** An Ordinance by the Council of the City of Canal Fulton, Ohio Creating a Commission on Disabilities

**Resolution 12-16:** A Resolution by the Council of the City of Canal Fulton, Ohio to enter into an Agreement with Canal Fulton Enterprises Inc. to Operate an Electric Charging Station

**9. SECOND READINGS**

**Ordinance 18-16:** An Ordinance Amending Ordinance 34-15, and Providing for Changes to Previously Authorized Appropriations

**Ordinance 19-16:** An Ordinance Amending Part Nine Title Three of the Codified Ordinances of Canal Fulton, Ohio (Utilities) to Create Chapter 938 Storm Water Management

**10. FIRST READINGS**

**Resolution 14-16:** A Resolution Establishing the Storm Water Utility Fund (Fund561) to be used in accounting for the newly created Storm Water Utility.

**Ordinance 20-16:** An Ordinance Amending Ordinance 34-15, and Providing for Changes to Previously Authorized Transfers and Advances

**11. P.O.s**

P.O. 10916 to United Survey, Inc. in the amount of \$16,250.00 for replacing storm sewer pipe

**12. BILLS:**

**13. OLD/NEW/OTHER BUSINESS**

**14. REPORT OF PRESIDENT PRO TEMPORE**

**15. REPORT OF SPECIAL COMMITTEES**

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

**17. ADJOURNMENT**

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**CALL TO ORDER**

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

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

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

City Staff in Attendance: City Manager Mark Cozy, Finance Director William Rouse, Police Chief Doug Swartz, Fire Chief Ray Durkee

Others in Attendance: Chell Rossi, Joan Porter, Ken Roberts, James and Janet Deans, Nick Hesse, John Workman

**Swearing in – Police**

Mayor Joe Schultz swore in Police Officer Nick Hesse

**A motion was made to approve the appointments of Nicholas C. Hesse and Chad Lebold to the Police Department by Sue Mayberry, second by Scott Svab. All Council Members voted yes. Motion approved.**

**REPORTS OF STANDING COMMITTEES**

Sean Craney reported that the Economic Development Committee met with Bob Fonte from Stark Parks and discussed creating a master plan to expand Stark Parks presence in Canal Fulton. Discussions will continue with the Mayor and City Manager to see what they can do to work towards the master plan to determine budget and reaching towards other businesses in town for participation. More meetings will be planned. Mr. Cozy stated that this plan would entail sidewalks, bike lanes and bike paths for a connectivity plan out to the schools and downtown.

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

None

**CORRECTING & ADOPTING THE RECORD OF PROCEEDINGS**

June 7, 2016

**A motion was made to approve the June 7, 2016 minutes by Nellie Cihon, second by Scott Svab.**

**Mrs. Mayberry said on the first page under Fire Chief, leadership class there is a small typo. Mrs. Mayberry said on the third page, sixty paragraph down where Dan Bucher was talking about the electric vehicle charging station. She was trying to understand the sentence where it said "Mr. Fellmeth said he spoke with Mr. Smith and he recommends a term of one year for the contract and a sixty day cancellation for either property" – it should read party. Mrs. Mayberry also said when she spoke with Mr. Minks about the park rental, it needs clarified that when she asked him "So years back, we did not collect that \$125 from people" his response was, yes that is correct, but last year it was not collected from Canal Days. Mrs. Mayberry said that is misrepresenting what was said, because (this is on page 3, 3<sup>rd</sup> paragraph in talking with charging for the park) The comment was Mr. Minks said it is not correct that last year it was not collected from Canal Days. That does not represent what our conversation was. What he said was from any one. What we were talking about was that prior to a charge of \$125 it had not been collected from everybody. Some paid, some didn't it was not specific for Canal Days. It does not represent our conversation accurately. She may need to relisten to that to address it properly.**

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**All Council Members voted yes. Motion approved.**

June 21, 2016

**A motion was made to approve the June 21, 2016 minutes by Danny Losch, second by Dan Bucher, Jr. All Council Members voted yes. Motion approved.**

**REPORTS OF ADMINISTRATIVE OFFICERS**

Senior Citizens – no report. Mayor Schultz stated he was meeting with the Senior Citizens Thursday morning at 8:30am.

Community Service – Mayor Schultz stated he met with Mr. Murphy and Canal Days went well. A couple of kids called off and Mayor Schultz said he was not happy about at all. He will be meeting with those when they return to work after their three day suspension.

Fire Chief – A written report was passed out at the meeting. The fire loss reported was due to a building fire in Lawrence Township. The Chief said Canal Days fell during the Ohio Fire Youth Experience, where they sent nine people down. It also fell during the Ohio Fire Chief's Conference and three went to that. Most of Canal Days fell on Chief Durkee and he spent a lot of time at Canal Days. One thing that happens with the fire works is that after they are over, he walks the field and makes sure there are no unexploded shells, and the same thing on the next day during the day light. At night he found one and in the daytime he found two more. During the daytime, he also noticed some of the cleanup efforts with the youth from the Mayor's program, John Murphy and Mark Petersen were cleaning everything up. Chief Durkee said he wanted to offer kudos for the quick job they did.

Chief Durkee said he has sent out an email about the status of their vehicles with the ages. He is trying to support the resolution in the packet tonight.

Danny Losch stated he read the requirements on the replacement of the vehicles. Mr. Losch said he knew that there were some old vehicles. The one in reference was a 1987. Mr. Losch asked if they had maintenance records on the vehicle. Chief Durkee said he did have a lot of records, but they were not tabulated. That is one of his goals and he has asked his lieutenant to utilize the Firehouse software. Repairs are somewhat fragmented by several that take care of the vehicles. Mr. Losch asked about the vacuum tests on the pump. He said in talking with the Mechanic, they failed. Chief Durkee said Engine five did fail and they will have to chase down and find out where the leak is. Mr. Losch stated that they had discussed on how they were going to integrate the departments with the mechanic. They are looking at several software programs. The one they are looking in to is one that the City would own and not web based. Mr. Losch said that that the software can be utilized to see the justification of repairs or replacement.

Police Chief - Police Chief Doug Swartz was absent due to a call.

Engineer – Mr. Bill Dorman updated Council on projects. The Cherry/Locust project continues. Signs have been posted for the 30 day closure. There will be a progress meeting on Thursday. Some videotaping has been going on of foundation walls to document the condition of structures along where the construction is to be completed.

Mr. Dorman stated that waterline projects throughout the town are wrapping up. Zero Interest funding for the High Street Waterline will be received and can be added to the existing waterline projects.

Danny Losch said the owner of the Cherry Street Creamery asked about a parking lot in the lot behind the ice cream stand. Mr. Losch asked if we had looked into this being feasible and if we had looked into a parking lot being there and how many vehicles could we get in there. This could be in next year's budget. Mr. Dorman will be looking into the feasibility.

Mark Petersen asked about the waterline and get it moving. Mr. Dorman said they are getting the paperwork processed now so that Wenger can jump on it. Mark Petersen said it needs done because school will be starting. Mark Cozy stated that we would not need full engineering as this will be added to an existing project.

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Streets – Mark Petersen handed out a list for chip and seal. The project is set to start the first week of August. Northstar did the repair on Route 93 and the repair is smooth. This was a good project. Sean Crane said he appreciated it.

Mr. Petersen spoke in in regards to the purchase order in for repairs to his dump-truck motor. The truck is a 2003 International, and he has driven it since purchased. They said the damage was due to idle hours which Mr. Petersen said could be related to running the leaf vac.

Mayor Schultz stated that he and Mr. Petersen met with some representative from Republic Waste on the issue of impact of garbage trucks are having on our streets, especially cul-de-sacs and smaller alleys. Republic has been asked to come back with a few scenarios on what it would cost to get smaller vehicles on the cul-de-sacs and alleys, rather than the full size dump truck. Another proposal would be for everyone to take their trash to one central location. Mayor Schultz said it would be interesting to see how that works in Fairlawn.

Mayor Schultz said he and Mr. Petersen also looked at drainage issues. When we look at the storm-water assessment revenue, we can see how soon we can get started on projects. Mayor Schultz said he had no idea how one projects impacts the other.

Public Utilities – No report

Finance Director – June Financials were included in the packet. William Rouse stated that the income tax was up seven percent from last year. Expenses are inflated because of three payrolls in June.

Mr. Rouse stated that for the Cherry/Locust Street project estimate for the construction and project management costs came in a bit higher than the original estimates from a couple of years ago. Mr. Rouse said he had been trading phone calls with the CMAC federal grant portion and where the money is going to be. It looks like they did have some contingency funds built in to their grant that were designed in case we ran in to some construction problems that would require change orders. Those contingency monies would be available to cover some of the higher costs. The problem is if we were to run into problems during construction, that portion would have been used already. The million dollar debt issue, there was \$250,000 that had been issued to do some various road improvements throughout the City. At this point, Mr. Petersen has used \$50,000 on the Route 93 project. The other \$200,000 has not been used yet. Mr. Rouse said he knew that Mr. Petersen had some plans for that, but he talked to Mr. Petersen to see if it would be possible to use that money until we get further along in the Cherry/Locust project and then have the money act as the contingency piece of the project, in case of unforeseen problems. Mr. Petersen was ok with that.

Mr. Rouse said Ordinance 19-16 establishes the storm water sewer fee. The Mayor brought this up as well. There are a lot of storm sewer repairs that need to be taken care of very quickly. The ordinance will not take effect until January so we will not collect the money until next year. Mr. Rouse asked if Council would be agreeable to us presenting an ordinance at the next meeting that we could advance some money from the general fund into a storm water utility fund so that we can start taking care of some of these repairs. When the money comes in, then we can repair the general fund. Mr. Svab said he agreed with that.

Mr. Rouse said he would present legislation at the next meeting for all of this.

Purchase Order 10897 and 10898 are for the Cherry/Locust Street projects. Council had approved the contracts before. Any time we have these big projects where we have grant monies that are paid directly to the construction contractors and vendors, we still have to do the purchase orders for the whole amounts for the accounting side as we have paid it. The numbers are inflated and the cash will not actually leave our bank account, but we have to reflect it as it came into us and then goes out.

The online utility payment option is up and functional. There is a button on the front page of the website.

**A motion was made to accept the June Financials by Danny Losch, second by Nellie Cihon. All Council Members voted yes. Motion approved.**

City Manager

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City Manager Mark Cozy said his report was continuation of the discussion about the storm water assessment. Mr. Cozy wanted to ask if there was a way they can start collecting in October rather than January. Mr. Rouse said he believed we would need the time to set up and start in January.

Mr. Cozy said he had the request for qualification drafted for Johnson Controls. He is recommending not acting on this yet. He said the draft is available for Council to review. The finance director and he did discuss this and they are forecasting savings on potential utility payments which is hard to capture. Mr. Cozy said he did not have a good feeling about doing a contract like that. The comparing of new and old water meters would give an accurate forecast what they could save over a matter of time and Mr. Cozy would like to review this part of the contract further. Mr. Losch said he agreed. Mr. Cozy will meet with Johnson Controls again to discuss this further.

Mr. Cozy said Resolution 7-16 can be brought off the table and voted down because we do not to do the contract since the emergency waterline repair will be added to an existed contract.

Mr. Cozy said he did recommend tabling the legislation to vacate Basin Street. He does not have a plan from the developer. This was a recommendation of the Planning Commission and he would like to follow that. Mr. Roberts and Mr. Hatfield had also agreed to wait until we see a plan and then Council can make a decision. Mr. Cozy said once we get a plan from the developer, we need to set a public hearing and have 30 days to review and there will be no snap decisions.

Mrs. Mayberry said in regards to the sewer assessment, the former service director, Dan Mayberry, read the packet. Mrs. Mayberry said he was heavily involved in that and going over it and explaining to her that there are some things that Council should understand before they go forward with it. She agrees with the need for it and a storm water utility and an associated fee for land owners within the corporate limits. The system of charges should be equitable and based on contribution or use of the system. The current legislation is levied equally to recipients of a water and sewer bill only. This will exempt some land owners within the corporate limits. The system charge is set to collect the same amount of two dollars per month from a single family or multi family or commercial or industrial property. There is a significant difference in contribution to the storm water system from each of these user classes. Scott Svab said these were all valid points, but they had discussed this for years, and he said let's just get this going. Mrs. Mayberry said she just wanted to point this out. Mr. Svab said it's taking the first step to get some revenue in. Mrs. Mayberry said she understood.

Mayor Schultz stated that one of this issues we have involves a land owner that is not in the City, but is aware of the problem and it is impacting his property, where the problem is starting in our neighborhood and crossing his property. He is losing agricultural land because of a ditch that is filling in with runoff. We probably will have to partner with some people outside the City to adjust. Mrs. Mayberry said she just wanted to bring this to everyone's mind. Mr. Cozy said he agreed with Mrs. Mayberry and recommended we explore assessing the property owner, not tagging it on the water bill. This way you have the address and the property owner. This may be the first step to assessing property owner through a County assessment was problematic. This would have allowed us to what Mrs. Mayberry was recommending, with what Mr. Cozy believes would be fair.

Mr. Fellmeth said when he drafted the legislation, written upon comparisons of several, everyone has different classifications whether they are industrial or light industrial. There are different fees. Mr. Fellmeth said he was directed by Council to assess a two dollar fee period. Mr. Fellmeth said if you look at the language in the legislation it gives Council the right to amend to a different fee schedule. Mr. Fellmeth said to push it forward and we can change it later.

Mr. Rouse said he thought the difficulty for us would be at this point; this would be enacted in August which would give us one month to work with CMI to implement it in our utility billing section. Mr. Rouse said he was not comfortable that we could pull it off and not have any glitches.

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Mayor - Mayor Joe Schultz said he would like to talk about part time benefits. Mayor Schultz said the Chief Swartz had sent a request for part time people coming in to the police department. One of the new hires had full time service in his past and so as he comes to us do we want to bring him in at the bottom of the pay scale or reflect his years of service in full time law enforcement paying him at the higher scale.

Sean Craney said that the Police Chief did voice to him that he is worried about a precedence being set of giving time and credit for past time. Mr. Craney said this gentleman had 17 years past full time credit as a police chief and he did not see a problem giving him the extra pay.

**A motion was made to honor prior police full time service with Hills and Dales to Chad Lebold and pay at the higher rate by Sean Craney, second by Nellie Cihon. All Council Members voted yes, motion approved.**

Mayor Schultz said in the staff meeting, we talked about liquidated damages as a result of the Butcher and Son demolition of the old school. Mayor Schultz said he had a conversation with Butcher for their side of the problem. The delay was not due to the asbestos, the bigger impact was due to the machine breaking down and towards the end he wanted to do the job right and make sure that the ground was graded correctly. He has a history of experience with the City and projects. One of the things the Mayor suggested to him was maybe in lieu of the liquidated damages he could help us with some site preparation for the cold storage garage that we are working on. Today he spent an hour and a half with the City Manager and the Mayor looking at the site. Butcher is going to give the Mayor a report in a few days. The Mayor stated he wanted to bring this to Council as this was not an administrative decision.

Scott Svab agreed and he thought that there was contract and there should be a dollar amount. Bill Dorman said there was about a month. Mr. Dorman said Butcher did his best to do a good job and regraded the property three times to get it to drain. Weather was also a problem. He has not claimed any of that as damages. Mr. Dorman said his experience with these kind of things, is liquidated damages are usually there when you can show you have incurred an expense as a result. It is incentive for the contractor to finish, but he would have to defer to Mr. Fellmeth. The clause is used in most contracts to motivate the contractor to complete on time. Mr. Fellmeth said there were change orders utilized and we were not damaged by the delay. Mr. Fellmeth said he would be inclined to let this slide. Dan Bucher and Nellie Cihon agreed. Mr. Craney said he was concerned about bidding on the road garage and did not want to see him given preferential treatment. Mayor Schultz said no. Mr. Craney said he did not like the comingling of the two jobs.

Mrs. Mayberry said the park would be used for positioning of heavy equipment for the intersection project. This may make some more damage to the property.

Mayor Schultz said he would like a voice motion.

**A motion was made to not push for the damages at this time against Butcher and Son by Sean Craney.**

Mr. Fellmeth said he would let it slide and not to a motion at all. Mr. Craney said ok. Mr. Losch said there are really no damages. Mr. Dorman said there is a one year maintenance bond on the project. If there is something attributable to Butcher's work, then we may have a claim, if it is Wenger's problem, we will need to make sure we document it.

Mayor Schultz said it would not impact the City in any negative way if we offered part time employees the opportunity to purchase the benefits. The City would not have to pay any cost. Part time people would be able to purchase the same benefits at 100% of the cost. This is something he would like to move on to a committee. The other topic would be possibly including some vacation pay for these permanent part time people. On the Fourth of July, these people lose their right to work. They are not able to work and lose the income.

**A motion was made to have a Finance/Personnel/Rules committee meeting on August 2, 2016 at 6:00pm to discuss Part time benefits by Sue Mayberry, second by Scott Svab. All Council Members voted yes. Motion approved.**

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Mayor Schultz talked to Council about Mayor's Court. This has been kicked around by Council in past years. The purpose is not a fundraiser, but a way to build a relationship with our residents before we give the issue to an outside entity. Linda Zahirsky would be a great candidate and cannot be paid to do this. We would have to hold court every two weeks by law. This would help us with some zoning issues. Nellie Cihon asked if the state was trying to get rid of Mayor's Court. Mayor Schultz said Mr. Fellmeth may want to speak to that. Mark Cozy said the idea would be to limit the Mayor's court to property maintenance and zoning issues. Scott Fellmeth said it really wasn't Mayor's Court we were talking about, this is zoning mediation. Mr. Cozy said property maintenance also. Mayor Schultz stated he like the word court in there.

Mrs. Mayberry said she said Clinton had Mayor's court at one time, but they don't now and she did not know why. When Linda Zahirsky wanted to be magistrate, it got close to happening, and she had no administrative assistance to make that happen. She approached City Hall and the Police Department. No one had the time. Mrs. Zahirsky said she could not do it without that. There is another facet to that that Mrs. Mayberry said he may want to talk about. Mr. Losch said that is a good point, you are going to need a person to operate. Mayor Schultz said you were looking at every two weeks and if there are no issues, there is no reason to hold courts. This is something we could eliminate if we do have problems. Mr. Craney said they have been under the complaint based zoning issues for the most part. Is it still going to be driven this way? Mr. Cozy said the Mayor wants to enforce the code and the zoning department will do as directed. Mayor Schultz said it is just not zoning it is also vehicles that are not licensed. That is a police issue. Mr. Cozy stated at this time we take care of vehicles, we already have the legislation to do so.

Mr. Fellmeth said rather than a Mayor's Court, you can do a mediation officer through zoning to look at the issues.

Mayor Schultz said right now if we write a citation, they can rip it up and throw it at your feet. Mayor Schultz said he likes the word court. Mr. Cozy said you want the person to have the authority to compel the enforcement.

Mr. Cozy stated he needed to bring this with a plan back to Council. We should try and run it through Massillon and see how it goes.

Mayor Schultz talked to Council about the relationship between Relsinger and Associates. He said they were working on our behalf with a signed contract to make the community campus happen. Currently we have exceeded the contract, but they are still working on our behalf and we are paying their expenses. Mayor Schultz asked Council if they wanted to continue to pay their expenses. Mrs. Mayberry asked for an explanation. Mr. Rouse said they are reimbursable expenses, such as copies. Mayor Schultz said they are minimal costs. Mr. Cozy said there was a charge for a conference where a principal was flown in and we were billed for some of the cost. Mr. Cozy said he wanted Council's approval before paying that. Mrs. Mayberry asked if we told them we would pay them. Mr. Cozy said no.

Mr. Bucher asked where we are with them. Mr. Cozy said we are not paying them any more consulting fees. We are still negotiating on our behalf. We took a tour to Named and looked at several financing options, and we are very close to solidifying a partnership plan to present to Council. They have been charging us for travel and if they have to make copies.

Mayor Schultz said he wanted to make Council aware that our efforts to provide City water to all of our City residents. Skyview and part of Wooster Street do not have City water available to them. Mayor Schultz said he has approached some property owners near Route 21 and they have expressed an interest in having a relationship allowing an easement to put a water tower up there and run it down to our residents. He said he would be looking for from Council is a voice motion to give the law director the authority to have dialogue with this land owner's attorney about a possible relationship. Mr. Fellmeth said he did not know if he felt comfortable with that. Mrs. Mayberry said as long as the landowner pays for it. Mayor Schultz said a lift station and tower would be needed. A lot of expenses would be incurred and we cannot know what those expenses are until we look into entering into a negotiation. Mayor Schultz asked if Mr. Dorman had time to look into any past or current research that has been done. Mr.

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Dorman said they had done a site visit last week and they were preparing a scope of services for review. Mr. Dorman said a water master plan was done ten years ago. The only way to expand to the west was to have a water tank in the Route 21 area. There is interest from some in the area so we are looking into what the cost may be.

Mrs. Mayberry said she would like to see a big picture. Mr. Cozy said the Mayor was spearheading this.

Mayor Schultz brought up medical marijuana cultivation. They would like to prohibit in the City of Canal Fulton people from doing cultivation or dispensaries. Mr. Fellmeth said it has not passed through legislation yet and we should wait.

Parks & Recreation Board – No Report

Law Director – No Report.

**THIRD READINGS**

**TABLED - Resolution 7-16:** A Resolution by the Council of the City of Canal Fulton, Ohio to Enter into an Agreement with CTI Engineers, Inc. to Provide Professional Engineering Services for the High Street Waterline Replacement.

**A motion was made to take Resolution 7-16 off of the table by Sue Mayberry, second by Sean Craney.**

**No motion was made. Resolution fails.**

**Ordinance 12-16:** An Ordinance by the Council of the City of Canal Fulton, Ohio to Amend Chapter 1169.02 of Title Five – Zoning Map and Districts of the Codified Ordinances of Canal Fulton

**A motion was made to approve Ordinance 12-16 by Nellie Cihon, second by Sean Craney. All Council Members voted yes. Motion approved.**

**Ordinance 13-16:** An Ordinance Amending Ordinance 08-07, Employee Leave Benefits and Repealing any Ordinances in Conflict Therewith

**A motion was made to approve Ordinance 13-16 by Dan Bucher, second by Nellie Cihon. All Council Members voted yes. Motion approved.**

**Ordinance 14-16:** An Ordinance Amending the Department of Police Services of the Codified Ordinances of Canal Fulton, Ohio to Create the Position of Police Lieutenant and Adding Chapter 129.04 Entitled Police Lieutenant

**A motion was made to approve Ordinance 14-16 by Sue Mayberry, second by Nellie Cihon.**

Sean Craney asked if this would go through Civil Service. Mark Cozy said you would need to create the position first. Civil Service roll would be to fill it. This would be for existing officers to apply for first, so there should not be an age limit to this, but Mr. Cozy will follow up on that. **All Council Members voted yes. Motion approved.**

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

**A motion was made to table Ordinance 15-16 by Sean Craney, second by Dan Bucher.**

Mr. Fellmeth said Council has three different ways they can handle this. They can table this. They can send it back to planning commission for recommendation, or they can wait on it and vote on it themselves. The vacation of Basin Street was voted yes by the Planning Commission on a conditional basis. Planning Commission does not have the authority to put conditions on whether or not they are going to approve or disapprove a vacation of a property, therefore Mr. Fellmeth suggests it goes back to Planning Commission for determination along the lines of up or down, yes or know. Mr. Fellmeth

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said to keep in mind that they conditionally voted yes and there is a property owner, Mr. Hatfield who spent the money required to do the plat. We have to have a determination on what the Planning Commission wants to do with this before we act on it.

John Workman said there was no reason to vacate it at this point, and what they were trying to do was send a message to the developers that we could work with them at a future date. Anything that was presented to us was something that would happen in the future. That was the reason we came up with the condition. They can look at it again knowing they have to vote up or down. Mr. Fellmeth stated that the underlying determination legally, which the Planning Commission should be looking at, they have to make the determination that the portion to be vacated is not needed by the City. That is the legal standard. If we do not need it, get rid of it. Council makes the decision, planning commission makes the recommendation.

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

**A motion was made to approve Ordinance 16-16 by Nellie Cihon, second by Danny Losch. All Council members voted yes. Motion approved.**

**SECOND READINGS**

**Ordinance 17-16:** An Ordinance by the Council of the City of Canal Fulton, Ohio Creating a Commission on Disabilities

Mrs. Mayberry asked what this legislation was about. Mayor Schultz said in Massillon they have this. The goal is for the Mayor to establish a commission that would try to ensure that people with disabilities are included in City activities.

**Resolution 12-16:** A Resolution by the Council of the City of Canal Fulton, Ohio to enter into an Agreement with Canal Fulton Enterprises Inc. to Operate an Electric Charging Station

**FIRST READINGS**

**Resolution 13-16:** A Resolution Declaring it Necessary to Levy an Additional 1.0Mill Tax Levy for the Purpose of Purchasing Capital Fire Equipment for the City of Canal Fulton, Ohio Pursuant to Ohio Revised Code Sections 5705.19(G) and 5705.191, Requesting the Stark County Fiscal Officer to Certify the Total Current Tax Valuation of the City and the Dollar Amount of Revenue that would be Generated by that Levy, and Declaring an Emergency

Mr. Fellmeth said he was opposed to passing tax legislation under emergency. Legally it can be done, but this is his personal opinion.

Danny Losch said this will just get the numbers.

**A motion was made to pass Resolution 13-16 under emergency by Sean Craney, second by Scott Svab.**

Sue Mayberry said she would vote no. She stated that in 2014 she presented information regarding collaborative purchases of equipment with the Township, and nobody wants to look at it. Mr. Cozy said we answered those questions. Mrs. Mayberry said no. Sean Craney said wasn't that just an article on two towns that did that. Mrs. Mayberry said it was more than just an article. It happens all over the place. You just try, and she was not going to argue about it. Mr. Craney asked for pros and cons on joint purchases. Chief said the Township got a grant and is replacing an engine with a tanker. Mr. Cozy said they bought a combination of a tanker and fire truck. It is very heavy and we do not want that on our cul-de-sacs or alleys. They need it due to not having hydrants. It is a great purchase for them. Mr. Cozy said collaboration of purchases is a short term solution. You have two entities collaborating on one vehicle which means both entities are using the one vehicle and it is getting double the use which is half the life. Long term you are

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spending the same money if you are buying your own vehicle. Mrs. Mayberry said she had never heard that.

**Sue Mayberry voted no. All other Council Members voted yes. Motion approved.**

**Ordinance 18-16:** An Ordinance Amending Ordinance 34-15, and Providing for Changes to Previously Authorized Appropriations

**Ordinance 19-16:** An Ordinance Amending Part Nine Title Three of the Codified Ordinances of Canal Fulton, Ohio (Utilities) to Create Chapter 938 Storm Water Management

**P.O.s**

P.O. 10894 to United Survey, Inc. in the amount of \$16,250.00 for repairing storm sewer pipe.

**A motion was made to approve P.O. 10894 to Scott Svab, second by Nellie Cihon. All Council Members voted yes. Motion approved.**

P.O. 10895 to North Canton Truck Center in the amount of \$11,000.00 for repair engine-dump truck

**A motion was made to approve P.O. 10895 by Sue Mayberry, second by Scott Svab. All Council Members voted yes. Motion approved.**

P.O. 9360 to Multi Vendor Income Tax Refunds in the amount of \$30,000.00 for Income Tax Refunds

**A motion was made to approve P.O. 9360 by Nellie Cihon, second by Scott Svab. All Council Members voted yes. Motion approved.**

P.O. 10897 to Wenger Excavating, Inc. in the amount of \$2,032,2884.00 for Cherry/Locust Intersection Construction Cost

**A motion was made to approve P.O. 10898 by Sue Mayberry, second by Dan Bucher. All Council Members voted yes. Motion approved.**

P.O. 10898 to Mannik & Smith Group in the amount of \$183,300.00 for Cherry/Locust Intersection Engineering and Inspection Services

**A motion was made to approve P.O. 10898 by Sean Craney, second by Nellie Cihon. All Council Members voted yes. Motion approved.**

P.O. 10896 to Melway Paving, Inc. in the amount of \$85,765.00 for Chip & Seal Program

**A motion was made to approve P.O. 10896 by Scott Svab, second by Sean Craney. All Council Members voted yes. Motion approved.**

**BILLS:** \$465,577.10

**A motion was made of receiving the June bills by Scott Svab, second by Sean Craney. All Council members voted yes. Motion approved.**

**OLD/NEW/OTHER BUSINESS**

Scott Fellmeth stated that Council had agreed to send Ordinance 15-16 back to the Planning Commission. Mayor Schultz said the motion was to table it. Scott Fellmeth said that the Planning Commission would need to make a recommendation. Dan Bucher asked if we could leave it on the table for a little bit until they do because of the conditions that the Planning Commission made. If we leave it on the table at least until they can work something out. Mr. Fellmeth said they never made the determination at the resident's request and Mr. Hatfield has spent the money based on the representation that

**CITY OF CANAL FULTON  
CITY COUNCIL MEETING AGENDA  
July 19, 2016**

it was going to be passed. This issue has to be addressed; otherwise we need to refund his money. Mr. Hatfield was told it was passed and advanced the money for the plat. The property owners have done when told when vacating a property. Mr. Cozy said to keep it on the table and if the Planning Commission wants to hear it again let them. Mr. Fellmeth said it is off the table, but he wants to tell Mr. Workman to bring it back up and get an issue decided one way or another.

Mr. Bucher said he felt they did not want to make the decision because they want to see what the hotel developer was going to do. XXXXXXXXXXXXXXXXXXXXXXX

**A motion was made to move Ordinance 15-16 back to Planning Commission by Danny Losch, second by Nellie Cihon. All Council Members voted yes. Motion approved.**

**REPORT OF PRESIDENT PRO TEMPORE**

**REPORT OF SPECIAL COMMITTEES**

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

**ADJOURNMENT**

The meeting was adjourned at pm

Meeting minutes prepared by: Teresa Dolan

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Meeting Minutes approved by Mayor Joseph A. Schultz

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**REPORTS, ARRESTS, CITATIONS & WARNINGS**  
**June 1, 2016 thru June 30, 2016**

**OFFENSES**

Breaking & Entering and/or Burglary <i>(Includes Attempted)</i>	<u>1</u>
Robbery <i>(Includes Attempted)</i>	<u>0</u>
Theft <i>(Includes bad checks, identity and drive-offs)</i>	<u>14</u>
Domestic <i>(Includes Violence and Disputes)</i>	<u>4</u>
Juvenile Problems	<u>6</u>
Criminal Mischief / Criminal Damaging	<u>2</u>
Drug Related Offenses	<u>4</u>
Menacing and Aggravated Menacing	<u>2</u>
Vandalism/Property Crimes	<u>3</u>
Harassment <i>(Includes Phone)</i>	<u>4</u>
Alcohol Related	<u>2</u>
Disorderly Conduct	<u>1</u>
Assault	<u>2</u>
Missing Persons	<u>1</u>
Tax Evasions filed	<u>0</u>
Sex Offense	<u>0</u>
Solicitors	<u>0</u>
Stalking	<u>0</u>
Suicidal Person	<u>0</u>
<b>TOTAL OFFENSES</b>	<b><u>46</u></b>

**PUBLIC SERVICE**

Public Service Calls	<u>7</u>
Disturbance Calls	<u>3</u>
Suspicious Activities <i>(Includes persons, vehicles, circumstances)</i>	<u>22</u>
Assist Lawrence Township Police Department	<u>16</u>
Assist Medical Squad / Fire	<u>4</u>
Assist Other P.D.	<u>0</u>
Alarms	<u>22</u>
911 Hang Ups	<u>12</u>
Attempted Suicide	<u>0</u>
Threats	<u>0</u>
K-9 Assist to other agency	<u>2</u>
Firework complaints	<u>0</u>
<b>TOTAL PUBLIC SERVICE CALLS</b>	<b><u>88</u></b>

**MISCELLANEOUS CALLS**

***Includes, but is not limited to:***

lock-outs, animal complaints, fingerprinting, escorts, welfare checks, unwanted subjects, civil matters, loud music, neighbor disputes, disabled vehicles, follow-ups, lost and/or found property, notifications, open doors, trespassing, extra patrol, attempts to serve warrants.

<b>TOTAL MISCELLANEOUS CALLS</b>	<b><u>109</u></b>
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**TRAFFIC INCIDENTS:**

Speed and/or Assured Clear Distance	<u>4</u>
Stop sign and/or Traffic Signal	<u>0</u>
Passing on Double Line	<u>0</u>
Seat Belt Violation	<u>0</u>
Parking Problems (Total)	<u>3</u>
Written Warnings	<u>0</u>
Verbal Warnings	<u>63</u>
Driver's License Violations	<u>6</u>
Registration Violations	<u>1</u>
Failure to Control	<u>0</u>
Failure to Yield	<u>0</u>
OVI	<u>2</u>
Right of Way	<u>0</u>
Improper Backing	<u>1</u>
Juvenile Violation	<u>0</u>
Turn signal	<u>0</u>
Marked Lanes	<u>1</u>
<b>TOTAL TRAFFIC INCIDENTS:</b>	<b><u>81</u></b>

**ACCIDENTS**

Property Damage Only:	<u>4</u>
Injuries:	<u>0</u>
Private Property Accident:	<u>8</u>
Hit/Skip Accident	<u>0</u>
<b>TOTAL ACCIDENTS</b>	<b><u>12</u></b>

<b>TOTAL CALLS OF SERVICE:</b>	<b><u>336</u></b>
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From all of the above calls, the following numbers represent the amount of arrests that resulted from said call:

<b>ARRESTS MADE:</b>	<u>4</u>
<b>WARRANTS SERVED:</b>	<u>2</u>
<b>TOTAL</b>	<b><u>6</u></b>

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 15-16

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

AN ORDINANCE BY THE COUNCIL OF THE CITY OF CANAL FULTON, OHIO TO VACATE PART OF BASIN STREET.

WHEREAS, the City of Canal Fulton has received a request by a City property owner to vacate part of Basin Street containing 234 square feet more or less, and

WHEREAS, the Canal Fulton Planning Commission has reviewed the proposal of the portion to be vacated, and

WHEREAS, the Planning Commission has made a determination that the portion to be vacated is not needed by the City, and

WHEREAS, a public hearing and notice thereof have been held and given.

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

The City of Canal Fulton agrees to vacate part of Basin Street containing 234 square feet more or less pursuant to legal description on plat attached hereto as Exhibit "A" and incorporated by reference herein.

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

ATTEST:

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

I, Teresa Dolan, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby certify that this is a true and correct copy of Ordinance \_\_\_\_\_ 2016, duly adopted by the Council of the City of Canal Fulton, on the date of \_\_\_\_\_, 2016 and that publication of the foregoing Ordinance was duly made by listing same on the City's web site and by posting true and correct copies thereof at three of the most public places in said corporation as determined by Council as follows: Canal Fulton Post Office, Canal Fulton Public Library and Canal Fulton City Hall each for a period of fifteen days, commencing on the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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

SEF/bp



# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 17-16

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

**AN ORDINANCE BY THE COUNCIL  
OF THE CITY OF CANAL FULTON,  
OHIO CREATING A COMMISSION  
ON DISABILITIES.**

WHEREAS, the Council of the City of Canal Fulton desires to create a Commission on Disabilities.

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

A Commission on Disabilities is hereby created. The mission of the Commission on Disabilities is to seek out potential issues for individuals with disabilities in order to eliminate any boundaries within the City and create a community that is integrated and accessible for all people. The commission will advise City officials on policies and infrastructure changes that allow persons with disabilities, and their families, full access to the community. The commission will consist of ten members appointed by the Mayor. Each member shall be appointed for one four-year term and may continue to serve for one additional four-year term thereafter.

\_\_\_\_\_  
Joseph Schultz, Mayor

ATTEST:

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

I, Teresa Dolan, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby certify that this is a true and correct copy of Ordinance \_\_\_\_ 2016, duly adopted by the Council of the City of Canal Fulton, on the date of \_\_\_\_\_. 2016, and that publication of the foregoing Ordinance was duly made by listing same on the city's web-site and by posting true and correct copies thereof at three of the most public places in said corporation as determined by Council as follows: Canal Fulton Post Office, Canal Fulton Public Library and Canal Fulton City Hall each for a period of fifteen days, commencing on the \_\_\_\_ day of \_\_\_\_\_, 2016.

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

SEF/bp

# RECORD OF RESOLUTIONS

BEAR DEPARTMENT 800-325-8114 FORM NO. 30042

Resolution No.

12-16

Passed

, 20

A RESOLUTION BY THE COUNCIL OF THE CITY OF CANAL FULTON, OHIO TO ENTER INTO AN AGREEMENT WITH CANAL FULTON ENTERPRISES INC. TO OPERATE AN ELECTRIC CHARGING STATION.

WHEREAS, The City of Canal Fulton, Ohio has sought a proposal for the installation and operation of an Electric Charging Station for use by the general public, and

WHEREAS, Canal Fulton Enterprises Inc. has submitted a proposal acceptable to the City to provide the services needed to implement this project.

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

The City of Canal Fulton agrees to enter into an agreement with Canal Fulton Enterprises Inc. to operate an Electric Charging Station pursuant to agreement attached hereto as Exhibit "A" and incorporated by reference herein.

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

ATTEST:

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

I, Teresa Dolan, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby certify that this is a true and correct copy of Resolution \_\_\_\_-16, duly adopted by the Council of the City of Canal Fulton, on the date of \_\_\_\_\_. 2016, and that publication of the foregoing Resolution was duly made by listing same on the city's web-site and by posting true and correct copies thereof at three of the most public places in said corporation as determined by Council as follows: Canal Fulton Post Office, Canal Fulton Public Library and Canal Fulton City Hall each for a period of fifteen days, commencing on the \_\_\_\_ day of \_\_\_\_\_, 2016.

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

SEF/bp

Exhibit "A"

LICENSE OF OCCUPATION

The City of Canal Fulton, Ohio hereinafter referred to as Licenser and Canal Fulton Enterprises Inc. hereinafter referred to as Licensee For One Dollar (\$1.00) and Other Valuable Consideration (OVC) the receipt of which is hereby acknowledged do hereby enter into this agreement this \_\_\_\_\_ day of \_\_\_\_\_, 2016 to install and operate an electric charging station on City owned property.

The location of the proposed electric charging station shall be on a parking space on the North end of a Municipal Parking Lot as determined by the Council of the City of Canal Fulton, Ohio on the following described premises:

Situated in the City of Canal Fulton, Stark County, Ohio: Known as and being Lot Number ONE HUNDRED SIXTY-SEVEN (167) in the City of Canal Fulton, Ohio, according to the present enumeration of lots in said City.

Excepting therefrom a piece 31 feet by 53.63 feet off the entire north side of Lot 167 in the City of Canal Fulton, Stark County, Ohio, containing 0.04 more or less as shown by the plat of said City, Stark County, Ohio Records.

Canal Fulton Lot 167 was formerly known as Lot 54 in the Village of Canal Fulton, Stark County, Ohio.

Together with all rights in an Agreement and Lease between the Township of Lawrence and the Village of Canal Fulton recorded in Volume 240, Page 780, of the Stark County Recorder's Official Records.

Subject to all legal highways and easements of record.

NOW, THEREFORE, in consideration of the premises, the mutual covenants herein contained, and each and every act performed hereunder by either party, the parties enter into the following Articles of Agreement:

## ARTICLE I

1. Term. The term of this Agreement shall be for a period of One (1) year commencing on the 1<sup>st</sup> day of \_\_\_\_\_, 2016 and ending on the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

2. Option to Extend Term. The Licensee is given the option to extend the term on all the provisions contained in the agreement.

3. This Agreement can be terminated by either party upon presentment of sixty (60) days written notice after the initial commencement of the agreement term.

## ARTICLE II

1. Licensee will purchase, maintain, manage and pay all network fees for the station.

2. Licensor shall pay installation costs.

3. Licensor shall provide, maintain and pay for the electrical supply to the Station.

4. There will be no charge for utilizing the electric supply station during the initial one year term of the agreement.

## ARTICLE III

1. Notices. All notices and demands which may or are required to be given by either party to the other hereunder shall be in writing and shall be deemed given when either delivered personally to the other party or sent by United States certified or registered mail, postage prepaid, addressed to the other party as follows:

LICENSER: City of Canal Fulton, Ohio  
155 East Market St.  
Canal Fulton, Ohio 44614

LICENSEE: Canal Fulton Enterprises Inc.  
4589 Erie Ave. N.W.  
Canal Fulton, Ohio 44614

Either party may change its address for notice from time to time by serving notice on the other party as provided above.

2. Governing Law. This Agreement shall be governed in accordance with the Laws of the State of Ohio.

3. Authority. Each party to this Agreement represents that it has full power and authority to enter into this Agreement.

4. Amendment. No subsequent alterations, amendments, changes or additions to this Agreement shall be binding upon Licensor and Licensee unless set forth in writing and duly executed by both Licensor and Licensee.

IN WITNESS WHEREOF, the Licensor and the Licensee have executed this Agreement on the date first above written, after due authorization.

LICENSER  
CITY OF CANAL FULTON, OHIO

By: \_\_\_\_\_  
MARK A. COZY, City Manager

LICENSEE  
CANAL FULTON ENTERPRISES, INC.

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

APPROVED BY:

\_\_\_\_\_  
SCOTT E. FELLMETH  
Director of Law  
City of Canal Fulton

State of Ohio )  
Stark County )ss:

Before me, a Notary Public in and for said County and State, personally appeared CITY OF CANAL FULTON by MARK A. COZY, CITY MANAGER, who acknowledged before me that the foregoing instrument is signed for the purpose therein stated and as the free act and deed of the signer thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal at \_\_\_\_\_, Ohio, said county and state, this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
NOTARY PUBLIC

State of Ohio )  
Stark County )ss:

Before me, a Notary Public in and for said County and State, personally appeared CANAL FULTON ENTERPRISES, INC. by \_\_\_\_\_ who acknowledged before me that the foregoing instrument is signed for the purpose therein stated and as the free act and deed of the signer thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal at \_\_\_\_\_, Ohio, said county and state, this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
NOTARY PUBLIC

This Instrument Prepared by:  
Scott E. Fellmeth  
Attorney at Law  
54 Federal Ave. N.E.  
Massillon, Ohio 44646

LICENSE OF OCCUPATION

The City of Canal Fulton, Ohio hereinafter referred to as Licensor and Canal Fulton Enterprises Inc. hereinafter referred to as Licensee For One Dollar (\$1.00) and Other Valuable Consideration (OVC) the receipt of which is hereby acknowledged do hereby enter into this agreement this \_\_\_\_\_ day of \_\_\_\_\_, 2016 to install and operate an electric charging station on City owned property.

The location of the proposed electric charging station shall be on a parking space on the North end of a Municipal Parking Lot as determined by the Council of the City of Canal Fulton, Ohio on the following described premises:

Situated in the City of Canal Fulton, Stark County, Ohio: Known as and being Lot Number ONE HUNDRED SIXTY-SEVEN (167) in the City of Canal Fulton, Ohio, according to the present enumeration of lots in said City.

Excepting therefrom a piece 31 feet by 53.63 feet off the entire north side of Lot 167 in the City of Canal Fulton, Stark County, Ohio, containing 0.04 more or less as shown by the plat of said City, Stark County, Ohio Records.

Canal Fulton Lot 167 was formerly known as Lot 54 in the Village of Canal Fulton, Stark County, Ohio.

Together with all rights in an Agreement and Lease between the Township of Lawrence and the Village of Canal Fulton recorded in Volume 240, Page 780, of the Stark County Recorder's Official Records.

Subject to all legal highways and easements of record.

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## ARTICLE I

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2. Option to Extend Term. The Licensee is given the option to extend the term on all the provisions contained in the agreement.

3. This Agreement can be terminated by either party upon presentment of sixty (60) days written notice after the initial commencement of the agreement term.

## ARTICLE II

1. Licensee will purchase, maintain, manage and pay all network fees for the station.

2. Licensor shall pay installation costs.

3. Licensor shall provide, maintain and pay for the electrical supply to the Station.

4. There will be no charge for utilizing the electric supply station during the initial one year term of the agreement.

## ARTICLE III

1. Notices. All notices and demands which may or are required to be given by either party to the other hereunder shall be in writing and shall be deemed given when either delivered personally to the other party or sent by United States certified or registered mail, postage prepaid, addressed to the other party as follows:

LICENSER: City of Canal Fulton, Ohio  
155 East Market St.  
Canal Fulton, Ohio 44614

LICENSEE: Canal Fulton Enterprises Inc.  
4589 Erie Ave. N.W.  
Canal Fulton, Ohio 44614

Either party may change its address for notice from time to time by serving notice on the other party as provided above.

2. Governing Law. This Agreement shall be governed in accordance with the Laws of the State of Ohio.

3. Authority. Each party to this Agreement represents that it has full power and authority to enter into this Agreement.

4. Amendment. No subsequent alterations, amendments, changes or additions to this Agreement shall be binding upon Licensor and Licensee unless set forth in writing and duly executed by both Licensor and Licensee.

IN WITNESS WHEREOF, the Licensor and the Licensee have executed this Agreement on the date first above written, after due authorization.

LICENSER  
CITY OF CANAL FULTON, OHIO

By: \_\_\_\_\_  
MARK A. COZY, City Manager

LICENSEE  
CANAL FULTON ENTERPRISES, INC.

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

APPROVED BY:



SCOTT E. FELLMETH  
Director of Law  
City of Canal Fulton

State of Ohio )  
Stark County )ss:

Before me, a Notary Public in and for said County and State, personally appeared CITY OF CANAL FULTON by MARK A. COZY, CITY MANAGER, who acknowledged before me that the foregoing instrument is signed for the purpose therein stated and as the free act and deed of the signer thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal at \_\_\_\_\_, Ohio, said county and state, this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
NOTARY PUBLIC

State of Ohio )  
Stark County )ss:

Before me, a Notary Public in and for said County and State, personally appeared CANAL FULTON ENTERPRISES, INC. by \_\_\_\_\_ who acknowledged before me that the foregoing instrument is signed for the purpose therein stated and as the free act and deed of the signer thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal at \_\_\_\_\_, Ohio, said county and state, this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
NOTARY PUBLIC

This Instrument Prepared by:  
Scott E. Fellmeth  
Attorney at Law  
54 Federal Ave. N.E.  
Massillon, Ohio 44646

SCOTT E. FELLMETH  
ATTORNEY AT LAW  
54 FEDERAL AVENUE NE  
MASSILLON, OHIO 44646

## LICENSE OF OCCUPATION

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Subject to all legal highways and easements of record.

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## ARTICLE I

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2. Option to Extend Term. The Licensee is given the option to extend the term on all the provisions contained in the agreement.

3. This Agreement can be terminated by either party upon presentment of sixty (60) days written notice after the initial commencement of the agreement term.

## ARTICLE II

1. Licensee will purchase, maintain, manage and pay all network fees for the station.

2. Licensor shall pay installation costs.

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1. Notices. All notices and demands which may or are required to be given by either party to the other hereunder shall be in writing and shall be deemed given when either delivered personally to the other party or sent by United States certified or registered mail, postage prepaid, addressed to the other party as follows:

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155 East Market St.  
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LICENSEE: Canal Fulton Enterprises Inc.  
4589 Erie Ave. N.W.  
Canal Fulton, Ohio 44614

Either party may change its address for notice from time to time by serving notice on the other party as provided above.

2. Governing Law. This Agreement shall be governed in accordance with the Laws of the State of Ohio.

3. Authority. Each party to this Agreement represents that it has full power and authority to enter into this Agreement.

4. Amendment. No subsequent alterations, amendments, changes or additions to this Agreement shall be binding upon Licensor and Licensee unless set forth in writing and duly executed by both Licensor and Licensee.

IN WITNESS WHEREOF, the Licensor and the Licensee have executed this Agreement on the date first above written, after due authorization.

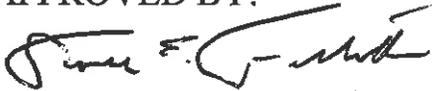
LICENSER  
CITY OF CANAL FULTON, OHIO

By: \_\_\_\_\_  
MARK A. COZY, City Manager

LICENSEE  
CANAL FULTON ENTERPRISES, INC.

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

APPROVED BY:



SCOTT E. FELLMETH  
Director of Law  
City of Canal Fulton

State of Ohio )  
Stark County )ss:

Before me, a Notary Public in and for said County and State, personally appeared CITY OF CANAL FULTON by MARK A. COZY, CITY MANAGER, who acknowledged before me that the foregoing instrument is signed for the purpose therein stated and as the free act and deed of the signer thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal at \_\_\_\_\_, Ohio, said county and state, this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
NOTARY PUBLIC

State of Ohio )  
Stark County )ss:

Before me, a Notary Public in and for said County and State, personally appeared CANAL FULTON ENTERPRISES, INC. by \_\_\_\_\_ who acknowledged before me that the foregoing instrument is signed for the purpose therein stated and as the free act and deed of the signer thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal at \_\_\_\_\_, Ohio, said county and state, this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
NOTARY PUBLIC

This Instrument Prepared by:  
Scott E. Fellmeth  
Attorney at Law  
54 Federal Ave. N.E.  
Massillon, Ohio 44646

# RECORD OF ORDINANCES

BEVERLYHUB 810-225-8188 FORM NO 3003

Ordinance No. Ord 18-16 Passed \_\_\_\_\_, 20\_\_\_\_

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

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

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

**Section 1:** City Council authorizes the Finance Director to increase the Road Improvement Projects Fund appropriations by \$2,215,584.00 in order to account for the "on behalf" payments made by the various federal and state grants associated with the Cherry-Locust Street Intersection Project.

Road Improvement Projets Fund			
Category	Previously Approved	Change	New Appropriations
Non-Payroll Costs	246,000.00	2,215,584.00	2,461,584.00

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

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

ATTEST:

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

I, Teresa Dolan, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby certify that this is a true and correct copy of Ordinance \_\_\_\_\_, 16, duly adopted by the Council of the City of Canal Fulton, on the date of \_\_\_\_\_, 2016, and that publication of the foregoing Ordinance was duly made by listing same on the City's website and by posting true and correct copies thereof at three of the most public places in said corporation as determined by Council as follows: Canal Fulton Post Office, Canal Fulton Public Library and Canal Fulton City Hall, each for a period of fifteen days, commencing on the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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

RECORD OF ORDINANCES

Dryum Legal Blank, Inc.

Form No. 30043

Ordinance No. 19-16

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

AN ORDINANCE AMENDING PART NINE TITLE THREE OF THE CODIFIED ORDINANCES OF CANAL FULTON, OHIO (UTILITIES) TO CREATE CHAPTER 938 STORM WATER MANAGEMENT.

WHEREAS, the Council of the City of Canal Fulton, Ohio has recommended that Part Nine Title Three of the Codified Ordinances of Canal Fulton (Utilities) be amended, and

WHEREAS, the Council of the City of Canal Fulton desire to create Chapter 938 entitled Storm Water Management, and

WHEREAS, a public hearing and notice thereof have been held and given.

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

Part Nine Chapter Three – Utilities shall be amended to create Chapter 938 which shall be amended to read:

TITLE THREE – Utilities

CHAPTER 938  
Storm Water Management

938.01 STORM WATER UTILITY GENERALLY

It is hereby declared necessary for the protection of the public health, safety, welfare and convenience of the City of Canal Fulton and its inhabitants to codify the establishment of the storm drainage utility and to codify just and equitable rates or charges to be paid to the City for the use of such services which shall be used for the payment of the cost of the management, maintenance, operation, repair, construction, reconstruction, enlargement, replacement and related costs of the storm drainage system and items relating to the City Storm Water Management Plan as required through the Ohio Environmental Protection Agency (OEPA).

938.02 STORM WATER USER FEE COLLECTION

The Storm Water User Fee shall be imposed effective January 1, 2017, and billed and collected monthly beginning with bills due the last billing day of January 2017 with the City's Water and Sewer Utility Bill for those properties

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

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

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

within the corporate limits of the City utilizing the City's Water and Sewer Utilities. The Storm Water User Fee will become part of the consolidated statement for City utility customers which is paid by a single payment. In the event that a partial payment is received, the payment shall be applied as follows: storm water utility first, sewer charges second and water charges third.

938.03 DEPOSIT OF COLLECTIONS

All proceeds of the storm water user fees and other collections made pursuant to the provisions of this chapter shall be deposited in the account of the Storm Water Management Utility, and are deemed to be in payment for use of the Storm Drainage System.

938.04 STORM WATER FEE

Subject to the provisions of this chapter, each and every residential developed and nonresidential developed, other than exempt property, within the corporate limits of the City, and the owners and non-owner users thereof, have imposed upon them a storm water fee. In the event the owner and non-owner users of a particular property are not the same, the liability for each the owner and non-owner user for the fee attributable to that property shall be joint and several. The storm water fee shall be billed on a monthly basis which shall be determined by the provisions of this chapter and the rate which shall be established and charged from time to time by City Council. The rate hereby adopted by the City Council is \$2.00 per month, beginning January 1, 2017.

938.05 DELINQUENCY CHARGES

All charges in arrears and delinquent hereunder shall bear interest at the statutory rate, and constitute a lien upon the real property affected. The Storm Water User Fees which remain unpaid for a period of thirty days shall be assessed against the property to which the Storm Water User Fee is rendered and shall be a lien against such property collectible in the same manner as other taxes and assessments. It shall be the duty of persons purchasing the property to ascertain all unpaid Storm Water User Fees outstanding against the property.

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

ATTEST:

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

I, Teresa Dolan, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby certify that this is a true and correct copy of Ordinance \_\_\_\_\_ 2016, duly

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

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

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

adopted by the Council of the City of Canal Fulton, on the date of \_\_\_\_\_, 2016, and that publication of the foregoing Ordinance was duly made by listing same on the city's web-site and by posting true and correct copies thereof at three of the most public places in said corporation as determined by Council as follows: Canal Fulton Post Office, Canal Fulton Public Library and Canal Fulton City Hall each for a period of fifteen days, commencing on the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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

SEF/bp

# RECORD OF RESOLUTIONS

BEAR GRAPHICS 401-385-9394 FORM NO. 20042

Resolution No. 14-16

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

A Resolution Establishing the Storm Water Utility Fund (Fund 561) to be used in accounting for the newly created Storm Water Utility.

WHEREAS, it is necessary for the City of Canal Fulton to establish a separate fund to account for the revenues and expenses associated with the Storm Water Utility.

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

**Section 1:** Council hereby establishes Fund 561 as the Storm Water Utility Fund to be used in accounting for the revenues and expenses associated with the new Storm Water Utility.

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

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

ATTEST:

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

I, Teresa Dolan, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby certify that this is a true and correct copy of Ordinance \_\_\_\_\_, 16, duly adopted by the Council of the City of Canal Fulton, on the date of \_\_\_\_\_, 2016, and that publication of the foregoing Ordinance was duly made by listing same on the City's website and by posting true and correct copies thereof at three of the most public places in said corporation as determined by Council as follows: Canal Fulton Post Office, Canal Fulton Public Library and Canal Fulton City Hall, each for a period of fifteen days, commencing on the \_\_\_\_ day of \_\_\_\_\_, 2016.

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

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 20-16

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

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

WHEREAS, the City has established a new storm water utility fee to be used in maintaining the storm water infrastructure in the City, and

WHEREAS, the City needs to undertake various storm water utility repairs prior to the fee starting in 2017, and

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

Section 1: In order to cover the cost of immediate storm water utility repair needs in the City, Council authorizes a \$40,000.00 advance from the General Fund to the Storm Water Utility Fund:

Expense Account	Account Description	Appropriation Changes
101.190.5900	Advances	\$40,000.00
561.360.5445	Storm Water Repairs & Maintenance	\$40,000.00

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

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

ATTEST:

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

I, Teresa Dolan, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby certify that this is a true and correct copy of Ordinance \_\_\_\_\_, 16, duly adopted by the Council of the City of Canal Fulton, on the date of \_\_\_\_\_, 2016, and that publication of the foregoing Ordinance was duly made by listing same on the City's website and by posting true and correct copies thereof at three of the most public places in said corporation as determined by Council as follows: Canal Fulton Post Office, Canal Fulton Public Library and Canal Fulton City Hall, each for a period of fifteen days, commencing on the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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



**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 **RG010916**  
P.O. DATE **07/29/16**  
DEPARTMENT **STREET**  
CREATED BY  
VENDOR NO. **03023**

DELIVER TO:

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

VENDOR:

**UNITED SURVEY, INC.**  
**25145 BROADWAY AVE**  
**CLEVELAND, OH 44146**

ACCOUNT NUMBER	AMOUNT
561.360.5445	\$16,250.00

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 # 94-6000498

QUANTITY	UNIT	DESCRIPTION	PRICE / UNIT	AMOUNT
		REPLACING STORM SEWER PIPE		\$16,250.00
		THIS PURCHASE ORDER IN EXCESS OF \$5,000 WAS APPROVED BY A MOTION OF CANAL FULTON CITY COUNCIL ON _____ / _____ / _____.		
<b>TOTAL:</b>				<b>\$16,250.00</b>

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

**FISCAL OFFICER'S CERTIFICATE**

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

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

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