

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

**April 16, 2013**

**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**

- April 2, 2013

**7. REPORTS OF ADMINISTRATIVE OFFICERS**

A. Senior Citizens

B. Community Service Coordinator

- Monthly Report

C. Fire Chief

- Monthly Report

D. Police Chief

- Monthly Report

E. Engineer/Streets/Public Utilities

- Service Director Written Report

F. Finance Director

G. City Manager

- Written Report

H. Report of Mayor

I. Parks & Recreation Board

J. Law Director

**8. THIRD READINGS**

**Resolution 12-13:** A Resolution by the Council of the City of Canal Fulton Ohio Authorizing the City to Enter into a Contract to Rent the Hatfield Parking Lot.

**Resolution 13-13:** A Resolution by the Council of the City of Canal Fulton Ohio to Enter into an Agreement with the Canal Fulton Heritage Society for Canal Boat Operations.

**9. SECOND READINGS**

**Ordinance 11-13:** An Ordinance Amending the Codified Ordinances of the Zoning Code of the

City of Canal Fulton Ohio to Amend Chapter 1181.02(e) and Create Chapter 1181.02(f) Permitted Signs and Repealing and Ordinances Therewith.

**Ordinance 12-13:** An Ordinance Amending the Codified Ordinances of the Zoning Code of the City of Canal Fulton Ohio to Amend Chapter 1187.22 Fences, Walls and Hedges and repealing any Ordinances in Conflict Therewith.

**10. FIRST READINGS**

**11. P.O.s**

**P.O. 7751:** to D.J.L. Materials and Supply in the amount of \$7500.00 for three pallets of tar for crack sealer.

**P.O. 7747:** to Southern Sales Company in the amount of \$53,124.00 for the enclosure for phosphorous removal system.

**P.O. 7748:** to VASCO Group in the amount of \$12,935.00 for the resurface of Muhlhauser Tennis Courts.

**P.O. 7758:** to Domer Water Supply in the amount of \$3,850.00 for a Water Softener for the Safety Center.

**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**

**CITY OF CANAL FULTON  
CITY COUNCIL MEETING MINUTES  
April 2, 2013**

**CALL TO ORDER**

Mayor Richard Harbaugh called the April 2, 2013 City Council Meeting to order at 7:00pm in Council Chambers, City Hall, Canal Fulton, Ohio.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

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

Paul Bagocius and Danny Losch were absent this meeting.

A motion was made by Linda Zahirsky to excuse Danny Losch and Paul Bagocius, second by Nellie Cihon. All Council Members present voted yes. Motion approved.

Others Present: Fire Chief Ray Durkee, Chief Doug Swartz, Service Director Dan Mayberry, Engineer Bill Dorman and Council Clerk Teresa Dolan.

Others Present: Joan Porter, Earl Minks, Terry Cyphert, James Deans, Mikeal and Laura Stevens, Anthony Lumpp, Daniel Snodgrass, Ashley Hoover, Chell Rossi, Matthew Baldwin, Ray Green, Debbie Green, Sean Green and Sherry Stevens.

**REPORTS OF STANDING COMMITTEES** - None

**CITIZENS' COMMENTS – AGENDA MATTERS (Five Minutes per Individual – No Yield)** - None

**Swearing In Firefighter/EMS Personnel**

A motion was made by Linda Zahirsky to swear in Sean Green, Anthony Lumpp, Dan Snodgrass and Mike Stevens as part time fire personnel, second by Scott Svab. All Council Members present voted yes. Motion approved.

Fire Chief Ray Durkee introduced each person and pointed out some of their achievements. Mayor Harbaugh then swore the personnel in as part time fire personnel.

**CORRECTING & ADOPTING THE RECORD OF PROCEEDINGS**

March 19, 2013

A motion was made by Linda Zahirsky to approve the March 19, 2013 Council meeting minutes. Second by Nellie Cihon.

Sue Mayberry asked that a correction be made to page one. Remove the motion to excuse Danny Losch, he was present at the March 19, 2013 meeting.

All Council Members present voted yes. Motion approved.

**REPORTS OF ADMINISTRATIVE OFFICERS**

Senior Citizens - No Report

Community Service Coordinator – No Report

**Fire Chief**

Chief Ray Durkee thanked Council and the Mayor for swearing in new personnel. Chief Durkee reported that the Living Together Arrangement was going well at this point. The Explorers program is going well and is beneficial to the City for hiring new personnel. The Chief also reported that there

**CITY OF CANAL FULTON**  
**CITY COUNCIL MEETING MINUTES**  
**April 2, 2013**

was an Open House that was well received and the Explorers also held a Pancake Breakfast which was a success.

Police Chief

Chief Douglas Swartz gave the department's condolences to Law Director Scott Fellmeth and the passing of his father Eugene Fellmeth. Chief Swartz announced that the department would like to put together a plaque to honor Mr. Fellmeth as well as other Veterans in the town.

Chief Swartz reported that the schools are willing to participate in the SRO program. The schools would like to have an officer in place at the opening of the next school year, which is August 19, 2013. A Civil Service Test would be required for the position. The Chief asked for a Public Safety Committee to discuss the SRO and it was stated that there was a meeting previously scheduled for April 16, 2013 at 6:00pm and that this could be discussed then.

Engineer/Streets/Public Utilities

Engineer Bill Dorman reported that his office is working on the Cherry/Locust Street project presently and that proposals were received. He will be reviewing those. Mr. Dorman then stated that the Portage/Locust Street Rehabilitation and Resurfacing project will be advertised for bid in the middle of May.

Service Director Written Report was included in the packet. Service Director Dan Mayberry reported that there would be a purchase order at the next Council meeting to Southern Sales Co. for approximately \$53,124.00 for the enclosure of the phosphorous removal system.

Finance Director

The February Financial Report was included in the Council Packet.

A motion was made to accept the February Financial Report by Linda Zahirsky, second by Nellie Cihon. All Council Members present voted yes. Motion approved.

Finance Director James Goffe reported that the advertisement had been posted in the Canton Repository, and on the Ohio Municipal League website. The deadline for applications was April 19, 2013.

Mr. Goffe handed out a report on donations for the Police Department K9, Bishop. He stated that he will be sending out letters for donations coming in as receipts for tax purposes.

March Income tax was down .29% versus last year. This is due to income tax returns coming in more slowly.

Mr. Goffe also reported on the payments for the Senior Center Tennis Court electric. There is money to be remitted and is a little less than \$2,000. Mrs. Zahirsky stated it was too bad we didn't have lights at the Dog Park.

City Manager

Written Report was included in the Council Packet.

City Manager reported that there were eight proposals from engineering firms for the Cherry/Locust intersection project. He will be giving them to Mr. Doorman for review. A committee still needs to be appointed to conduct the interviews on the proposals. Mr. Cozy stated that he would like at least two Council people on the committee. Mrs. Mayberry said that it was indicated that someone be on the committee from the Public Service committee. Scott Svab said he was interested. Mark Cozy said he also knew that Mr. Bagocius had expressed interest also.

Mr. Cozy passed a handout in regards to Lawrence Township under is Stark County Council of Governments Agreement to work with Canal Fulton Street Department to share equipment and manpower for roadwork. This is huge for both the City and the Township. Both street superintendents have been discussing the issue of saving money by collaborating working together. Initially the Township would run the chip and seal and the City would truck the materials. This seems like an advantage to both communities. Mr. Cozy asked for a voice motion to begin collaborating with the Lawrence Township.

Mrs. Mayberry asked if there was any exchange of finances. Mr. Cozy said no nothing at this point. Mrs. Mayberry asked if this was just a matter of putting their heads together to see what needs

**CITY OF CANAL FULTON  
CITY COUNCIL MEETING MINUTES  
April 2, 2013**

done. Mr. Cozy said the Township is willing to let the two street superintendents work out how they are going to collaborate. Mr. Cozy said it was a really good plan.

A motion was made by Sue Mayberry that the City of Canal Fulton reciprocates the shared equipment and manpower for road work in both Canal Fulton and Lawrence Township, Second by Scott Svab. All Council Members present voted yes. Motion approved.

Mr. Cozy said in light of that, we had an annexation petition that has been tabled for the Canal Lands II. He would encourage Council, even though there were two Council people absent tonight, that he would strongly encourage Council to bring that off of the table and to vote it down. Mr. Cozy said he thought the Township Trustees had put their best foot forward. This annexation has been an obstacle to us negotiating on good faith to collaborate. We still have a grant pending for shared services for shared services with our Police Departments. Mr. Cozy said he would love to see the annexation voted down. He would encourage getting the annexation of the table and having Council vote against it.

Report of Mayor

Property Acquisition Executive Session – Mayor Harbaugh stated that he would like to have an executive session on property acquisition at the end of the meeting.

Parks & Recreation Board – No Report

Law Director

Mr. Fellmeth stated that the Ohio Board of Building Standards has approved the Canal Fulton Building Department.

Mrs. Mayberry asked about the couple pieces of legislation on the agenda for first readings. She wanted to know if there were public hearings done on those. Mr. Fellmeth said that the public hearing is scheduled afterwards. It should be scheduled after introduction. Any zoning change has to have three readings and a public hearing. No exceptions. The hearing can be scheduled for the same day as the third meeting. Mrs. Mayberry asked if it was not done during a Planning Commission. Mrs. Zahirsky said no, it does have to be done in Council. Mr. Fellmeth said the Planning Commission makes a recommendation to Council. Council then acts on the recommendation and schedules a public hearing which usually coincides with the Council meeting.

THIRD READINGS

SECOND READINGS

**Resolution 12-13:** A Resolution by the Council of the City of Canal Fulton Ohio Authorizing the City to Enter into a Contract to Rent the Hatfield Parking Lot.

**Resolution 13-13:** A Resolution by the Council of the City of Canal Fulton Ohio to Enter into an Agreement with the Canal Fulton Heritage Society for Canal Boat Operations.

FIRST READINGS

A motion was made to bring Ordinance 11-13 off the table, second by Scott Svab. All Council Members present voted yes. Motion approved.

A motion was made to amend Ordinance 11-13 to include the language as written in regards to landowners giving approval for signs to be place in yards for an auction by Linda Zahirsky, second by Sue Mayberry. Scott Svab asked where he could get information at in regards to the code. Linda Zahirsky said she could tell Mr. Svab. All Council Members present voted yes. Motion Approved.

**Ordinance 11-13:** An Ordinance Amending the Codified Ordinances of the Zoning Code of the City of Canal Fulton Ohio to Amend Chapter 1181.02(e) and Create Chapter 1181.02(f) Permitted Signs and Repealing and Ordinances Therewith.

**CITY OF CANAL FULTON  
CITY COUNCIL MEETING MINUTES  
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**Ordinance 12-13:** An Ordinance Amending the Codified Ordinances of the Zoning Code of the City of Canal Fulton Ohio to Amend Chapter 1187.22 Fences, Walls and Hedges and repealing any Ordinances in Conflict Therewith.

Scott Fellmeth stated the only thing that was being done with Ordinance 12-13 was a requirement that a fence had to be ten percent lighter air gaps in a fence. Mrs. Zahirsky stated the reason that it was done was due to a fence could not be purchased like that it would have to be custom built. Mr. Fellmeth said the reason the issue was coming up in the first place was that there was a neighborhood dispute where a privacy fence went up and a resident is mad about it. It's basically a privacy issue.

**P.O.s**

**P.O. 7737:** to Shamrock Company in the amount of \$3,945.32 to print 2012 Final Return Packets.

A motion was made by to approve Purchase Order 7737 by Nellie Cihon, second by Scott Svab. All Council Members present voted yes. Motion approved.

**BILLS** – February Bills \$407,963.73

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

**OLD/NEW/OTHER BUSINESS**

A motion was made to remove the probation for the Police Chief affective April 3, 2013, Second by Scott Svab. All Council Members present voted yes. Motion approved.

**REPORT OF PRESIDENT PRO TEMPORE**

Linda Zahirsky stated that she and Nellie Cihon went to Public Meeting and Records training. During your four year term, you are required to attend at least one meeting. Mrs. Zahirsky brought back a copy of the 2013 Yellow Book.

Mr. Goffe stated that the training must be approved by the Attorney General's office, and he encouraged all members to attend. The approved trainings can be found on the Attorney General's website.

Mrs. Zahirsky also asked about another tree in the small dog park. Mrs. Zahirsky said she would like to see if she could get donations possible from the people who utilize the park. She asked for suggestions on what kind of tree to get.

**REPORT OF SPECIAL COMMITTEES** - No reports.

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

A motion was made by to adjourn to executive session at 8:00am to discuss the purchase of real, personal, tangible or intangible property by Linda Zahirsky, second by Sue Mayberry. All Council Members voted yes. Motion approved.

A motion was made by Sue Mayberry to return to public session at 8:07pm, second by Nellie Cihon. All Council Members present voted yes. Motion approved.

**ADJOURNMENT**

The meeting was adjourned at 8:08pm.



## **City Of Canal Fulton Community Service Report March 2013**

### **March 2013**

11	Defendants currently sentenced to Community Service.
26	Hours worked by defendants in March.
1	Defendants completing their community service.
1	Defendants sent back to court for non-compliance.

Dear Mayor and City Council,

During the month of March community service worked mostly on getting the St. Helena III ready for the season. Due to cold weather painting of the boat was temporarily held up. But we did get priming and caulking completed. We also helped the street department with snow removal and roadside litter pickup along Locust St. We also had a worker for 20 hours at the senior center helping with spring-cleaning.

Future projects include painting of the St. Helena III canal boat and getting Muhlhauser Park ready for scheduled April weddings.

Respectfully submitted,

John Murphy  
Community Service Coordinator

**CANAL FULTON FIRE DEPARTMENT  
 1165 SOUTH LOCUST STREET  
 CANAL FULTON, OHIO 44614**



**330 854-2456**

**MONTHLY  
 CALL REPORT 2013**

**MARCH 2013**

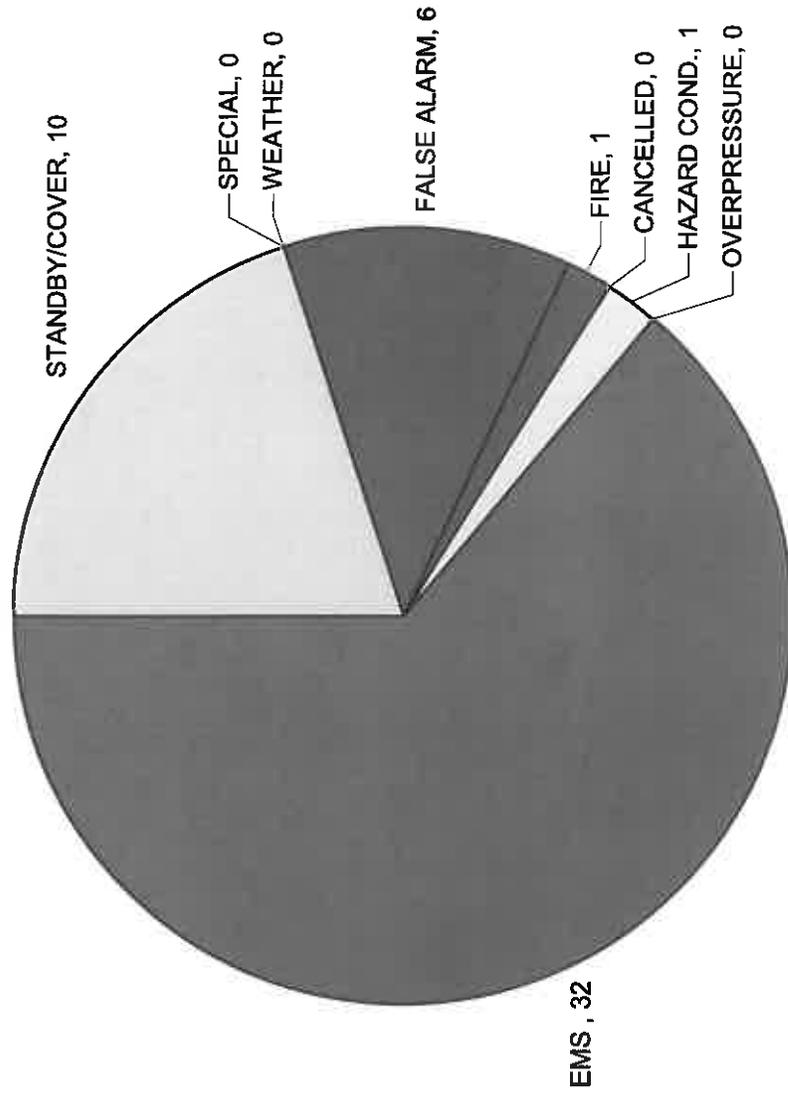
AVG. RESPONSE TIME FOR MONTH	4:22 MINUTES
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DISTRICT	CANAL FULTON			CLINTON		JACKSON		LAWRENCE		N LAWRENCE		OTHER	TOTALS
FALSE ALARM	6			0		0		2		0		0	8
FIRE	1			0		0		3		1		0	5
CANCELLED	0			0		0		2		2		0	4
HAZARD COND.	1			0		0		1		0		0	2
OVERPRESSURE	0			0		0		0		0		0	0
EMS	32			0		0		17		0		0	49
STANDBY/COVER	10			0		0		2		0		0	12
SPECIAL	0			0		0		0		0		0	0
WEATHER	0			0		0		0		0		0	0
<b>MONTH TOTALS</b>	<b>50</b>			<b>0</b>		<b>0</b>		<b>27</b>		<b>3</b>		<b>0</b>	<b>80</b>
<b>YEARLY TOTALS</b>	<b>J</b>	<b>F</b>	<b>M</b>	<b>A</b>	<b>M</b>	<b>J</b>	<b>J</b>	<b>A</b>	<b>S</b>	<b>O</b>	<b>N</b>	<b>D</b>	<b>TOTAL/YR</b>
<b>271</b>	103	88	80										271

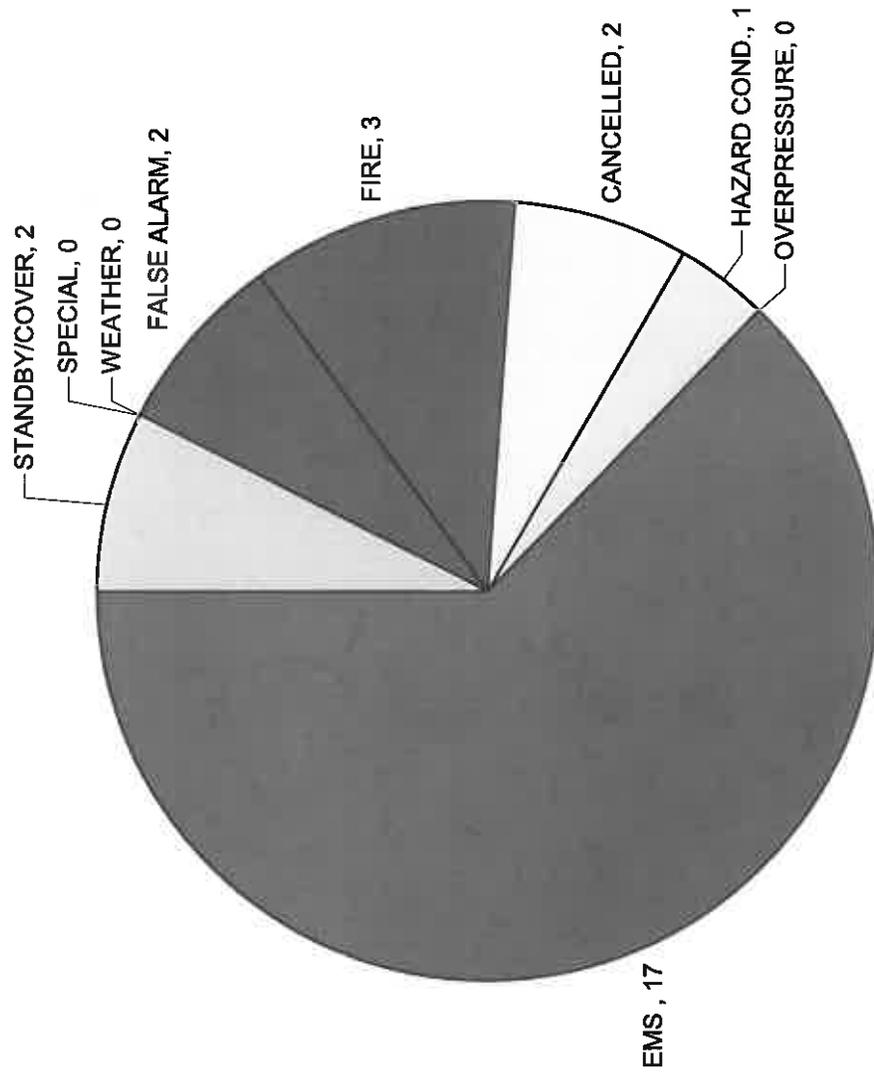
NOTE:

# CANAL FULTON FIRE DEPARTMENT

## Canal Fulton Incident Summary



### Lawrence Township Incident Summary



# REPORTS, ARRESTS, CITATIONS & WARNINGS

March 1, 2013 - March 31, 2013

## OFFENSES

Breaking & Entering and/or Burglary	0
<i>(Includes Attempted)</i>	<u>0</u>
Robbery <i>(Includes Attempted)</i>	<u>0</u>
Theft	7
<i>(Includes bad checks, identity and drive-offs)</i>	<u>3</u>
Domestic <i>(Includes Violence and Disputes)</i>	<u>3</u>
Juvenile Offenses	<u>5</u>
Criminal Mischief / Criminal Damaging	<u>1</u>
Drug Related Offenses	<u>1</u>
Menacing and Aggravated Menacing	<u>2</u>
Vandalism/Property Crimes	<u>6</u>
Harassment <i>(Includes Phone)</i>	<u>5</u>
Alcohol Related	<u>0</u>
Disorderly Conduct	<u>1</u>
Assault	<u>0</u>
Missing Persons	<u>1</u>
Shots Fired	<u>0</u>
Sex Offense	<u>0</u>
Solicitors	<u>0</u>
Stalking	<u>0</u>
Suicide	<u>0</u>
<b>TOTAL OFFENSES</b>	<b><u>35</u></b>

## PUBLIC SERVICE

Public Service Calls	13
Disturbance Calls	1
Suspicious Activities	24
<i>(Includes persons, vehicles, circumstances)</i>	<u>32</u>
Assist Lawrence Township Police Department	<u>3</u>
Assist Medical Squad / Fire	<u>12</u>
Assist Other P.D.	<u>22</u>
Alarms	<u>6</u>
911 Hang Ups	<u>0</u>
Attempted Suicide	<u>1</u>
Threats	<u>53</u>
Security Checks	<u>0</u>
Tax Evasions	<u>0</u>
<b>TOTAL PUBLIC SERVICE CALLS</b>	<b><u>167</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>129</u></b>
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## TRAFFIC INCIDENTS:

Speed and/or Assured Clear Distance	17
Stop sign and/or Traffic Signal	<u>1</u>
Juvenile Offense	<u>1</u>
Seat Belt Violation	<u>0</u>
Parking Problems (Total)	<u>5</u>
Written Warnings	<u>6</u>
Verbal Warnings	<u>230</u>
Driver's License Violations	<u>3</u>
Registration Violations	<u>2</u>
Failure to Control	<u>0</u>
Failure to Yield	<u>3</u>
OVI	<u>5</u>
Vehicle Violations	<u>1</u>
Improper Turning	<u>0</u>
Failed to Stop at Accident	<u>1</u>
Failure to Signal	<u>0</u>
Marked Lanes	<u>2</u>
<b>TOTAL TRAFFIC INCIDENTS:</b>	<b><u>277</u></b>

## ACCIDENTS

Property Damage Only:	5
Injuries:	<u>0</u>
Private Property Accident:	<u>0</u>
Hit/Skip Accident	<u>1</u>
<b>TOTAL ACCIDENTS</b>	<b><u>6</u></b>

<b>TOTAL CALLS OF SERVICE:</b>	<b><u>614</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:

ARRESTS MADE:	7
WARRANTS SERVED:	<u>6</u>
<b>TOTAL</b>	<b><u>13</u></b>

# MEMO

**April 16, 2013**

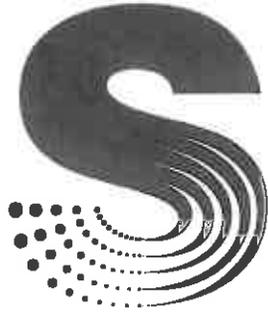
**To: Mayor and Council**

**From: Daniel P Mayberry, Service Director**

**Subject: Service Directors Report**

**P.O. 7747** - This Purchase Order will authorize the Administration to purchase a 12ft. x 24 ft fiberglass structure equipped (See Attached Description) to be used at the wastewater Treatment Plant to house the equipment necessary to remove Phosphorous from the wastewater. As you may recall was mandated by Ohio EPA in our most recent National Pollution Discharge Elimination System Permit (NPDES).

**P.O. 7748** – This Purchase Order will authorize the Administration to enter in contract for the repair of the Tennis Courts at Muhlhauser Park. See attached description. As you may recall small cracks had opened in the asphalt compromising the playing surface. It is good to know that the courts will be repaired prior to another winter.



**SOUTHERN**  
SALES COMPANY, INC.

P. O. Box 40384  
Nashville, TN 37204  
615-254-0066 phone  
615-254-0791 fax

## Canal Fulton Phosphorous Removal Enclosure Bid

**To:** City of Canal Fulton  
155 East Market Street  
Canal Fulton, Ohio 44614  
Attn: Dan Mayberry

**Date:** 3/28/2013  
**Project:** Phosphorous Removal Enclosure  
**Owner:** City of Canal Fulton  
**Engineer:** N/A  
**Quote No:** 8411

Under the terms and conditions herein stated, we are pleased to quote the following equipment.

### Equipment:

QTY	DESCRIPTION
(1)	12'x24'x8' (wall height) Shelter Works "Freedom Series" fiberglass shelter with exclusive FiberBeam Technology. Weight = 6,000 lbs.
(1)	WARRANTY, Industry leading 25-Year limited warranty.
(1)	COLOR, exterior to be decided: White, Tan, Grey, or Green
(1)	FOAM core, 2.5" thick, R-19 insulation.
(1)	WOOD, 19/32" OSB plywood encapsulated within interior surface of all walls, roof and doors for International Building Code (IBC) compliance.
(4)	LIFTING RING, 3/8" stainless steel U-bolt. One in each corner for easy off-loading.
(5)	SEALANT, 14.5 ft roll ConSeal-Bituman blend for weather-tight interface between shelter and floor. (ships loose)
(1)	DOOR, single, 3'-0" x 6'-8", pad-lockable 3-point hardware, rain drip edge above door, and high-end industrial hydraulic closer.
(1)	THRESHOLD, trip-proof, 1/2" high, aluminum for 3' door.
(1)	DOOR, double, 6'-0" x 6'-8", pad-lockable 3-point hardware, rain drip edge above door, and high-end industrial hydraulic closer.
(6)	Receptacles, interior, 20-amp GFCI duplex, weatherproof when not in use (drawing shows 6 outlets).
(1)	THRESHOLD, trip-proof, 1/2" high, aluminum for 6' door.
(3)	SWEEP, door bottom, for 3' door with trip-proof threshold, vinyl insert with aluminum flange.
(1)	BULKHEAD, rectangular shaped to allow weather-proof wall or roof penetration. (for 4" dia and/or 1" dia pipes)
(1)	LOAD CENTER, single-phase, NEMA 1, 120/240V, 12-space, 100-amp, main breaker.
(2)	SWITCH, weatherproof, 3-way, operates interior lights.
(4)	LIGHT, interior, 48", 3-bulb (28 Watt/bulb) vapor-proof, fluorescent, 120-277V.
(1)	FAN, exhaust, thermostatically-controlled, 12", up to 800 CFM.
(1)	THERMOSTAT, 30-110F, 120-240V, operates fan.
(1)	VENT, 12" gravity louver, galvanized steel with insect screen.
(2)	RAIN HOOD, 16" FRP weatherproof, matching shelter exterior color. (may ship loose)
(1)	HEATER, single-phase, 240-volt, fan forced, 7.5 Kw wall-mounted.
(1)	THERMOSTAT for Chromalox HVH heater, 40-90F, single pole because heater has contactor.
(1)	BRACKET, for Chromalox HVH heater models 07 and up.
(1)	DISCONNECT, NEMA 1, 240V, 30 amp. 3-phase, unfused.
(1)	CONDUIT, Schedule 80 PVC. Wiring per latest NEC with terminations in the load center.

- (1) LABEL: State of Ohio building label applied by certified third party inspector. Includes one copy of original drawings and calculations wet-stamped by a professional engineer.
- (1) SHIPPING St. Louis to Canal Fulton, OH. - Wide Load Permits Required
  - \* Drawing calls for 2'-6" door. Specification calls for 3'-0" door. We've quoted 3'-0" with specification.
  - \* Specification calls for keyed locksets. We've quoted padlockable door hardware which owner can lock with keyed alike padlocks.
  - \* Specification calls for single 2-way switch. Drawing shows (2) switches. We've quoted (2) 3-way switches.
- (1) 8 Hour crane service for off-loading of enclosure.

**Total bid: \$53,124.00**

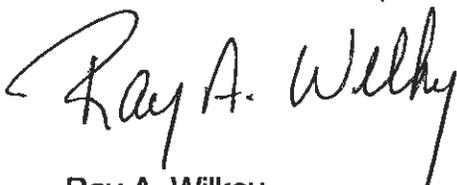
**General Notes:**

1. Delivery: 8 weeks after approved submittals
2. No sales tax included.
3. Installation, piping, electrical *by others*. (Off Loading is included)
4. Start up is not included in pricing but may be added at \$1,500 per day.
5. Equipment is FOB point of manufacture with freight and handling allowed.
6. Payment terms are 100% net 30 days from invoice.
7. Any items, equipment or services not specifically outlined in the above to be supplied by others.
8. Please direct all inquires regarding this proposal to Ray Wilkey at the phone numbers shown below.  
If you are unable to reach Ray, please call the Southern Sales Company Nashville Office.

We appreciate the opportunity to quote you on this project.

Sincerely yours,

**SOUTHERN SALES COMPANY**



Ray A. Wilkey  
(812) 282-4028 (Office)  
(502) 415-8974 (Cell)



PROPOSAL SUBMITTED TO:  
CITY OF CANAL FULTON  
DAN MAYBERRY

LOCATION: April 2, 2013  
Tennis Courts

PHONE: 330-352-6343 FAX:

Is job located within the city limits?  no  yes

PAYMENT TERMS: Net upon completion - 1½% per month (18% APR) finance charge on all balances over 30 days. We propose to furnish material and labor according to the specifications below, for the sum of:

\$12,935.00

Material is guaranteed to be as specified and work will be according to standard practices. Changes from specifications involving additional costs will only be done upon a written order and will become an extra above the estimate. All agreements contingent upon strikes, accidents, or delays beyond our control. Owner to carry fire, tornado, and other necessary insurance. Our workers are fully covered by Worker's Compensation Insurance. Note: This proposal may be withdrawn by us if not accepted within 30 days.

ESTIMATOR Matt Savage

SIGNATURE Matt Savage

SPECIFICATIONS:

Tennis Court Repair & Resurfacing

2 Court Battery

1. Clean existing courts of all dirt and debris.
2. Clean & fill cracks as needed to prepare for fiberglass system.
3. Apply fiberglass membrane over severely checked areas.
4. Apply 3 coat color system over entire area. (Owner to select colors)
5. Stripe tennis courts per American Sports Builders Association specifications.

Work performed in addition to the specifications listed above require additional charges.

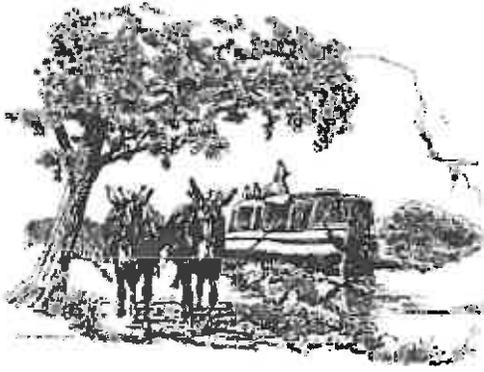
Upon acceptance, please sign and return one copy.

***\*\*Important Note - Due to rising costs of petroleum based products,  
there is the potential for increased asphalt pricing.***

ACCEPTANCE: The above specifications, conditions, and price(s) are acceptable. I authorize Vasco to do the work as specified.

4-2-13  
DATE OF ACCEPTANCE

[Signature]  
AUTHORIZED SIGNATURE



# City of Canal Fulton

155 East Market Street, Canal Fulton, Ohio 44614

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

Email: [citymgr@cityofcanalfulton-oh.gov](mailto:citymgr@cityofcanalfulton-oh.gov)

## *From the Office of the City Manager*

### City Manager's Report for April 2, 2013

**1. Locust-Cherry Intersection Project:** CTI is presently reviewing all the engineering proposals. They need to assure that the proposals are complete and that the primary bidders and all their subcontractors are qualified. For a project like this most firms will use a number of subcontractors to conduct specialized services such as the environment study, surveying, etc. Due to the complexity, CTI is drafting a spreadsheet showing all the proposals. This will make it easier for the selection committee to evaluate them.

From my notes I have Mayor Harbaugh, Dan Mayberry, James Goffe, Mark Cozy, Sue Mayberry, Paul Bagocius, and Scott Svab as being on the selection committee.

**2. Public Hearings for Zoning Changes:** I was not aware of the May 1<sup>st</sup> meeting until last week's council meeting. We normally move council meetings to the Wednesday following Election Day. This affected the timing for the public hearings for the two zoning changes. We are required to place legal ads in the local paper at least 30-days in advance of the hearings. Scott Fellmeth advised us to schedule the public hearings for the proposed zoning changes during our second meeting in May in order to allow for the required legal notices. Council will need to table the legislation during the May 1<sup>st</sup> meeting to allow for the public hearings on May 21<sup>st</sup>.

**3. Canal Fulton Area YMCA:** The Canal Fulton YMCA Board received a proposal from FourSquare Research Inc. They specialize in market research and strategic planning for non-profit organizations. They've conducted over 700 studies for YMCAs throughout the United States. More than half of their studies with YMCAs pertain to the development of new YMCA facilities. They have conducted studies for YMCAs for Ohio cities, including Akron, Canton, Wooster, Tiffin, Lima, Mansfield, Cleveland, Fairfield, Cincinnati, Barberton, and North Royalton.

Their proposal for the Canal Fulton Area would identify the ideal location, programs, facilities, business plan, and pricing for our community YMCA through thorough market research, study, and surveys. This would include a comprehensive demographic study that takes into consideration growing national trends. The cost of the study would be \$24,000. The YMCA of Central Stark County will pay for half of the study. I will have copies of the proposal for distribution to City Council on Tuesday.

**BILL TO:**

**PURCHASE ORDER**



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

PO. NUMBER            RG007751  
 PO. DATE             04/05/13  
 DEPARTMENT         STREET  
 CREATED BY  
 VENDOR NO.           02312

**DELIVER TO:**

CANAL FULTON STREET DEPT  
 155 EAST MARKET ST  
 CANAL FULTON, OH 44614

**VENDOR:**

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

ACCOUNT NUMBER	AMOUNT
206.360.5630	\$7,500.00

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
3		PALLETS OF TAR FOR CRACK SEALER  THIS PURCHASE ORDER IN EXCESS OF \$3,000 WAS APPROVED BY A MOTION OF CANAL FULTON CITY COUNCIL ON _____ / _____ / _____		\$7,500.00
ITEM IS A FIXED ASSET    Yes <input type="checkbox"/> No <input type="checkbox"/>			TOTAL:	\$7,500.00

**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.

**CLERK'S CERTIFICATE**

I am 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 to the credit of the \_\_\_\_\_ Fund(s), free from any obligation or certification now outstanding.

Finance Director

Date

City Manager

Date

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

**PURCHASE ORDER**

**BILL TO:**



**City of Canal Fulton**

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

P.O. NUMBER: RG007747  
 P.O. DATE: 04/05/13  
 DEPARTMENT: SEWER  
 CREATED BY:  
 VENDOR NO.: 02648

**DELIVER TO:**

CANAL FULTON WASTE WATER  
 TREATMENT PLANT  
 5500 BUTTERBRIDGE ROAD  
 CANAL FULTON, OH 44614

**VENDOR:**

SOUTHERN SALES COMPANY  
 PO BOX 40384  
 NASHVILLE, TN 37204

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

FEDERAL ID #34-6000498

ACCOUNT NUMBER	AMOUNT
351.330.5730	\$53,124.00

QUANTITY	UNIT	DESCRIPTION	PRICE / UNIT	AMOUNT
		ENCLOSURE FOR PHOSPHOROUS REMOVAL SYSTEM		\$53,124.00
		THIS PURCHASE ORDER IN EXCESS OF \$3,000 WAS APPROVED BY A MOTION OF CANAL FULTON CITY COUNCIL ON _____ / _____ / _____		
		ITEM IS A FIXED ASSET Yes <input type="checkbox"/> No <input type="checkbox"/>	TOTAL:	\$53,124.00

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

**CLERK'S CERTIFICATE**

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

Finance Director

Date

City Manager

Date

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

FILE COPY

**PURCHASE ORDER**

**BILL TO:**

**City of Canal Fulton**

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

RO. NUMBER: RG007748  
 RO. DATE: 04/05/13  
 DEPARTMENT: PARK/RECREATION  
 CREATED BY:  
 VENDOR NO.: 01149

**DELIVER TO:**

CANAL FULTON PARKS  
 155 EAST MARKET ST  
 CANAL FULTON, OH 44614

**VENDOR:**

VASCO GROUP  
 4270 STERILITE ST SE  
 MASSILLON, OH 44648

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

FEDERAL ID #34-6000498

ACCOUNT NUMBER	AMOUNT
331.510.5730	\$12,935.00

QUANTITY	UNIT	DESCRIPTION	PRICE / UNIT	AMOUNT
		RESURFACE MUHLHAUSER TENNIS COURTS		\$12,935.00
		THIS PURCHASE ORDER IN EXCESS OF \$3,000 WAS APPROVED BY A MOTION OF CANAL FULTON CITY COUNCIL ON _____ / _____ / _____		
		ITEM IS A FIXED ASSET Yes <input type="checkbox"/> No <input type="checkbox"/>	TOTAL:	\$12,935.00

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

**CLERK'S CERTIFICATE**

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

Finance Director \_\_\_\_\_ Date \_\_\_\_\_ City Manager \_\_\_\_\_ Date \_\_\_\_\_

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

FILE COPY

**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**

PO. NUMBER: RG007758  
 PO. DATE: 04/09/13  
 DEPARTMENT: FIRE/EMS  
 CREATED BY:  
 VENDOR NO: 02649

**DELIVER TO:**

CANAL FULTON FIRE DEPT  
 155 EAST MARKET ST  
 CANAL FULTON, OH 44614

**VENDOR:**

DOMER WATER SUPPLY  
 17279 E OLD LINCOLN WAY  
 DALTON, OH 44618

ACCOUNT NUMBER	AMOUNT
391.210.5710	\$3,850.00

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
		9100 WATER SOFTNER (INSTALLED)		\$3,850.00
		THIS PURCHASE ORDER IN EXCESS OF \$3,000 WAS APPROVED BY A MOTION OF CANAL FULTON CITY COUNCIL ON _____ / _____ / _____.		
		ITEM IS A FIXED ASSET Yes <input type="checkbox"/> No <input type="checkbox"/>	TOTAL:	\$3,850.00

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

**CLERK'S CERTIFICATE**

It is 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 to the credit of the \_\_\_\_\_ Fund(s), free from any obligation or certification now outstanding.

Finance Director \_\_\_\_\_ Date \_\_\_\_\_ City Manager \_\_\_\_\_ Date \_\_\_\_\_

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

FILE COPY

RECORD OF RESOLUTIONS

Duquesne Legal Station, Inc., Form No. 99018

Resolution No.

12-13

Passed

20

A RESOLUTION BY THE COUNCIL OF THE CITY OF CANAL FULTON, OHIO AUTHORIZING THE CITY TO ENTER INTO A CONTRACT TO RENT THE HATFIELD PARKING LOT.

WHEREAS, the City of Canal Fulton, Ohio desires to increase the amount of available parking downtown in the historic district of the City, and

WHEREAS, John D. Hatfield desires to lease his parking lot located adjacent to Canal Street, Market Street and Walnut Street in Canal Fulton.

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 John D. Hatfield for the rental of his parking lot located adjacent to Canal Street, Market Street and Walnut Street pursuant to contract attached hereto as Exhibit "A".

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 \_\_\_\_-13, duly adopted by the Council of the City of Canal Fulton, on the date of \_\_\_\_\_. 2013, and that publication of the foregoing Resolution was duly made by posting true and correct copies thereof at five of the most public places in said corporation as determined by Council as follows: Post Office, Public Library, Giant Eagle Supermarket, Heritage Square Pharmacy, and entrances to Council Chambers each for a period of fifteen days, commencing on the \_\_\_\_ day of \_\_\_\_\_, 2013.

Teresa Dolan, Clerk-of-Council

SEF/bp

State of Ohio )  
Stark County )ss:

Before me, a Notary Public in and for said County and State, personally appeared HATFIELD FAMILY REVOCABLE LIVING TRUST, JOHN D. HATFIELD and INA L. HATFIELD, TRUSTEES who acknowledged before me that the foregoing instrument is signed for the purpose therein stated and as the free act and deed of the signers thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal at \_\_\_\_\_, Ohio, said county and state, this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

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

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 \_\_\_\_\_ of \_\_\_\_\_, 2013.

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

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

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

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

IN WITNESS WHEREOF, the Lessor and the Lessee have executed this Lease on the date first above written, after due authorization.

LESSOR  
HATFIELD FAMILY REVOCABLE  
LIVING TRUST  
JOHN D. HATFIELD and  
INA L. HATFIELD, TRUSTEES

\_\_\_\_\_  
JOHN D. HATFIELD  
TRUSTEE

\_\_\_\_\_  
INA L. HATFIELD  
TRUSTEE

LESSEE  
CITY OF CANAL FULTON, OHIO

BY \_\_\_\_\_  
MARK A. COZY  
CITY MANAGER

APPROVED BY:

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

sidewalks.

6. Lessee will not permit heavy dumpsters, containers, unlicensed or inoperable vehicles, tractor trailers or heavy trucks in the parking lot.
7. Lessee retains the exclusive right to sublet the premises and/or enter into agreements with other downtown business to help defray the cost of operation and maintenance.
8. Lessee will be responsible for landscaping and maintenance of unpaved areas of the parking lot property.
9. Lessor will retain the right to erect a commercial grade sign which complies with all historical and zoning regulations listing downtown merchants near the intersection of Market and Canal Streets on the unimproved portion of the premises.
10. Lessor and Lessee agree that any other prior lease or agreements regarding the premises are revoked, rescinded and annulled rendering said null and void.

## ARTICLE V

### Miscellaneous

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:

LESSOR: Hatfield Family Trust  
123 N. Canal St.  
Canal Fulton, Ohio 44614

LESSEE: City of Canal Fulton, Ohio  
155 East Market St.  
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 Lease shall be governed in accordance with the laws of the State of Ohio.

3. Option to Extend Term. The Lessee is given the option to extend the term on all the provisions contained in the lease, except for rent.

4. This agreement can be terminated by either party upon presentment of ninety (90) days written notice one year after the initial commencement of the lease term.

## ARTICLE II

1. Rental. During the term hereof, the monthly rental hereunder shall be Three Hundred and no/100 Dollars (\$300.00). The monthly rent shall be paid on or before the first (1<sup>st</sup>) day, but no later than the Tenth (10<sup>th</sup>) day, of each month, without demand.

2. Deposit. No Security Deposit shall be required of Lessee.

## ARTICLE III

1. Beginning Possession. The right of Lessee to possess the Leased Property shall commence upon May 1, 2013.

2. Use of Premises. Lessee shall have the right to use the Leased Property for commercial purposes. Lessee shall not use or occupy, or permit the use of the Leased Property or any part thereof, in any manner constituting a violation of any ordinance, statute, regulation or order of any governmental authority (including, but not limited to zoning, health, safety and environmental laws and regulations) or constituting a nuisance. Lessee covenants and agrees that it will use and occupy the Leased Property as a Public Parking Lot.

## ARTICLE IV Terms and Conditions.

1. Lessee will set aside four parking spaces to be used as private parking by permit only as designated by John D. Hatfield.
2. Lessee will install appropriate signage for the parking lot and private parking areas.
3. Lessee will fill cracks and pot holes or resurface the parking lot as necessary.
4. Lessee will seal coat and stripe the parking lot once per year or as needed as determined by Lessee.
5. Lessee will provide snow removal for the parking lot and surrounding

## EXHIBIT "A"

PARKING LOT LEASE

This Lease made and entered into as of the \_\_\_\_\_ day of \_\_\_\_\_, 2013, by and between HATFIELD FAMILY REVOCABLE LIVING TRUST, JOHN D. HATFIELD and INA L. HATFIELD, TRUSTEES (Lessor) and CITY OF CANAL FULTON, OHIO (Lessee),

## WITNESSETH:

WHEREAS, Lessor desires to lease to Lessee and Lessee desires to lease from Lessor a Parking Lot owned by Lessor and hereinafter described,

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

## The Leased Property and the Term.

1. Leased Property. Lessor, in consideration of the rents to be paid as set forth below, and upon the covenants and conditions herein contained, hereby leases to Lessee, and Lessee hereby leases from Lessor, the following described real estate to wit:

Situated in the City of Canal Fulton, County of Stark and State of Ohio:

Known as and being Lot Number ONE HUNDRED FORTY-THREE (#143) in the City of Canal Fulton, according to the present enumeration of lots thereon.

2. Term. The term of this Lease shall be for a period of two (2) years commencing on the 1<sup>st</sup> day of May, 2013, and ending on the 30<sup>th</sup> day of April, 2015.

## RECORD OF RESOLUTIONS

City of Canal Fulton, Inc., Form No. 99016

Resolution No. 13-13

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

A RESOLUTION BY THE COUNCIL  
OF THE CITY OF CANAL FULTON,  
OHIO TO ENTER INTO AN  
AGREEMENT WITH THE CANAL  
FULTON HERITAGE SOCIETY FOR  
CANAL BOAT OPERATIONS.

WHEREAS, the City of Canal Fulton, Ohio wishes to provide for the operation of the St. Helena III Canal Boat with the objective of offering a tourist attraction to the public and to preserve the history of Canal Fulton, and

WHEREAS, the consent of the Canal Fulton Heritage Society is required to effectuate this purpose.

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 Canal Fulton Heritage Society for Canal Boat Operations pursuant to Agreement attached hereto as Exhibit "A".

\_\_\_\_\_  
Richard Harbaugh

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 \_\_\_\_\_-13, duly adopted by the Council of the City of Canal Fulton, on the date of \_\_\_\_\_, 2013, and that publication of the foregoing Resolution was duly made by posting true and correct copies thereof at five of the most public places in said corporation as determined by Council as follows: Post Office, Public Library, Giant Eagle Supermarket, Heritage Square Pharmacy, and entrances to Council Chambers each for a period of fifteen days, commencing on the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

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

SEF/bp

**Canal Boat Operations Agreement**

Between

**City of Canal Fulton & Canal Fulton Heritage Society**

The parties to this Agreement agree that:

- 1) The City of Canal Fulton (hereafter referred to as the City) will provide for the operation of the St. Helena III Canal Boat with the objective of offering a tourist attraction to the public and to preserve the history of Canal Fulton.
- 2) City and Canal Fulton Heritage Society (hereafter referred to as the CFHS) approval is required before any city expenditures pertaining to canal boat operations, the canal boat, horses, etc.
- 3) The City is the recipient of all income derived from charter boat rentals and public ticket sales.
- 4) The income from charter boat rentals and public ticket sales will be used to subsidize canal boat operations and shall be maintained in a separate fund.
- 5) Money remaining in this fund after the City is reimbursed for providing staff directly involved with canal boat operations shall be used to repair, maintain, or replace facilities and assets directly related to canal boat operations and shall remain with canal boat operations; canal boat, horses, dry dock, boat dock, horse trailer, etc.
- 6) All assets currently owned by the CFHS shall remain as such including the canal boat, horses, and museum.
- 7) Any assets purchased or acquired by the City with funds outside the boat operations fund shall belong to the City.
- 8) Any assets purchased or acquired by the CFHS shall remain the property of the CFHS.
- 9) The City and CFHS reserve the right to not operate or limit boat operations if they determine that the canal isn't passable or the boat too damaged.
- 10) If the City decides to operate the canal boat it will insure the boat and horses and indemnify the CFHS from any liability incurred in the operation.
- 11) If the City decides not to operate or limit operations of the canal boat the CFHS reserves the right to operate and/or utilize the canal boat even if on a limited basis.
- 12) The CFHS will be recognized as "owner" on all printed & media materials pertaining to their canal boat.
- 13) The City will make every effort within its means to keep the canal boat maintained and the canal watered and free from obstructions and cause routine maintenance activities to be performed in the canalway.
- 14) The CFHS will serve an advisory role in boat operations, marketing, and the use and replacement of their assets.
- 15) The City will honor CFHS membership benefits of free public rides for all Members.

**The Following is an outline of the tasks that will be performed by the City of Canal Fulton**

Public Rides -Ticket Sales	Coordinate Daily Public Ticket Sales / Maintain Sales & Passenger participation records / Maintain Ticket Inventory / Utilize credit card machine supplied by City / Prepare Daily Sales Deposit.
Call Ahead Seat Reservations - Public Rides	Coordinate Call Ahead Phone Reservations for Groups 15+ / Maintain Daily Ride Reservation Book
Group Charters - Non Public Rides	Primary Contact Information / Maintain Group Charter Reservation Book / Coordinate with Canal Boat Captain on boat/crew availability / Coordinate Scheduling Groups & Payment / Maintain Charter Reservation Records
Special Event Cruises (Themed Cruises)	Determine Cruise Themes w/ Special Event Committee / Coordinate event supply needs / Determine staff & volunteer needs / Coordinate crew needs with Canal Boat Captain / Purchase Supplies / Event Publicity / Oversee Event Ticket Sales / Submit Event Net Profit to City Manager / Maintain Program Records
Canal Boat Marketing	Develop Canal Boat Promo Brochure - Public Rides / Special Event Cruises / Group & School Charter Info. Coordinate Canal Boat Marketing Information to: Canton/Stark CVB / Area Newspapers / various tourism websites. Maintain primary phone contact site for public inquiries on canal boat. Provide Heritage Society advertising access on the corner of Locust & Cherry streets to promote Heritage Society and Canalway activities.
Canalway Center - Facility	Maintain facility space for ticket sales and boat information. Present program information on Ohio & Erie Canal era & St. Helena canal boat operations. Present video operation of "Our Canal Heritage". Provide facility staff for the safe and efficient operation of ticket sales, canal boat information in addition to their other duties as assigned by the City. Work with Heritage society to staff Museum for weekends & special events.
Administration:	Maintain Daily Sales Deposit & Daily Record reports. Provide Public Ride Tickets for Canalway Center Inventory Provide Canal Boat Operation Profit/Loss Report to the City Manager and Heritage Society
Canal Boat Crew	Recruit / Hire / Train / Maintain Boat Crew Staff / Maintain Staff Schedule for sufficient operation of Public Rides, Group Charters & Special Event Cruise operations / Supervise & manage boat crew staff / Provide boat crew staff equipment & uniform necessary for operation of duties / Maintain payroll and fiscal records of boat crew and boat operations.
Equipment / Maintenance	Horses: Provide - Board / Feed / Veterinary Needs / Farrier Needs / etc. Canal Boat Maintenance / General Upkeep to maintain boat operation Truck & Trailer - Maintenance & Licensure to maintain safe working order

**Terms**

This Agreement shall commence on January 1, 2013 and shall end on December 31, 2013.

**Termination**

Either party may terminate this Agreement by providing the other party a ninety (90) day written notice.

**Canal Fulton Heritage Society**

**City of Canal Fulton**

By \_\_\_\_\_  
John D. Hatfield, President Date

By \_\_\_\_\_  
Richard Harbaugh, Mayor Date

The Foregoing has been approved as to Form:

\_\_\_\_\_  
Scott Fellmeth, Law Director Date

By \_\_\_\_\_  
Mark Cozy, City Manager Date

## RECORD OF ORDINANCES

Dwyer Legal Blank, Inc.

Form No. 30243

Ordinance No. 11-13

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

AN ORDINANCE AMENDING  
THE CODIFIED ORDINANCES OF  
THE ZONING CODE OF THE CITY  
OF CANAL FULTON OHIO TO  
AMEND CHAPTER 1181.02 (e) AND  
CREATE CHAPTER 1181.02 (f)  
PERMITTED SIGNS AND  
REPEALING ANY ORDINANCES  
IN CONFLICT THEREWITH.

WHEREAS, the Planning Commission of the City of Canal Fulton, Ohio has recommended that Chapter 1181.02 of the Codified Ordinances of the Zoning Code of Canal Fulton, Ohio regarding Permitted Signs be amended, and

WHEREAS, the Council has recommended the amendment of Chapter 1181.02 of Chapter 1181 regarding Sign Regulations, and

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

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

Chapter 1181.02 Permitted Signs

- (e) Off Premise Marquee type signs are a conditionally permitted use where the following conditions have been met and approved by the Planning Commission.
- (1) A collaboration of 3 or more businesses within the city limits in I-1, L-1, B-1 and/or B-2 districts.
  - (2) The businesses must be located on a non-thru street.
  - (3) The sign must be located at the intersection of their street and the nearest thru street within a business district.
  - (4) A business owner at this intersection must be in agreement to have this sign placed on his/her property. The agreement must be signed by all parties involved, notarized, and recorded with the Stark County, Ohio Recorder's Office.
  - (5) The sign must conform to the zoning district regulations of the district where the sign is placed, not pose any sight obstructions, and be placed outside the sightline triangle of any intersection.
  - (6) The sign design must be approved by the Planning Commission.
  - (7) A business plan for the construction, operation, and maintenance of the sign must be approved by the Planning Commission.

## RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 11-13

Passed

20

- (8) Off-Premise signs would be prohibited in the historic district, F-P and S-1 districts, and all residential districts.
- (9) The minimum separation between other off-premise signs on same side of street would be 300 ft. to prevent clutter.
- (10) The minimum separation between off- and on- premise signs for safety purposes would be 100 ft.
- (11) Prohibit any flashing elements, movement simulation, or video displays.
- (12) Signs advertising auctions to be held inside the city limits will be permitted on private property with the approval of the land owner. Signs shall not exceed 12 Sq. Ft., will be limited to 3 signs and may be posted three weeks prior to the sale. All signs must be removed immediately after the sale.
- (f) Any sign not expressly permitted in the above subsections (a), (b) (c), (d) and (e) of Section 1181.02 are prohibited within the City of Canal Fulton.

Any Ordinance in conflict therewith is hereby repealed.

\_\_\_\_\_  
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 11-13, duly adopted by the Council of the City of Canal Fulton, on the date of           , 2013, and that publication of the foregoing Ordinance was duly made by posting true and correct copies thereof at five of the most public places in said corporation as determined by Council as follows: Post Office, Public Library, Giant Eagle Supermarket, Heritage Square Pharmacy, and entrances to Council Chambers each for a period of fifteen days, commencing on the            day of           , 2013.

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Teresa Dolan, Clerk-of-Council

SEF/bp

RECORD OF ORDINANCES

Denton Local Blank Jrs.

Form No. 30043

Ordinance No.

12-13

Passed

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AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE ZONING CODE OF THE CITY OF CANAL FULTON OHIO TO AMEND CHAPTER 1187.22 FENCES, WALLS AND HEDGES AND REPEALING ANY ORDINANCES IN CONFLICT THEREWITH.

WHEREAS, the Planning Commission of the City of Canal Fulton, Ohio has recommended that Chapter 1187.22 of the Codified Ordinances of the Zoning Code of Canal Fulton, Ohio regarding Fences, Walls and Hedges be amended, and

WHEREAS, the Council has recommended the amendment of Chapter 1187.22 of Chapter 1187 regarding Supplementary Regulations, and

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

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

Chapter 1187.22 FENCES, WALLS AND HEDGES

- (a) Fences, walls and hedges may be permitted in any required yard, or along the edge of any yard, provided that no fence, wall or hedge along the sides or front edge of any front yard shall be over two and one-half feet in height.
(b) Fences, walls or hedges may be permitted along the side or rear lot lines to a height of not more than six feet above the grade, and that any fence, wall or hedge shall be well maintained, will be harmonious and appropriate in appearance with the existing character of the immediate area in which it is to be located, and will not be hazardous or disturbing to existing or future neighboring uses.
(c) Informal planting may be higher than six feet.

Any Ordinance in conflict therewith is hereby repealed.

Richard Harbaugh, Mayor

ATTEST:

Teresa Dolan, Clerk-of-Council