

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

May 6, 2015

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 21, 2015

7. REPORTS OF ADMINISTRATIVE OFFICERS

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

8. THIRD READINGS

Ordinance 11:15 - An Ordinance Amending Ordinance 23-14, and Providing for Supplemental Appropriations for the Current Expenses and Other Expenditures of the City of Canal Fulton, County of Stark, Ohio, for the Fiscal Year Ending December 31, 2015.

9. SECOND READINGS

Ordinance 13:15 - An Ordinance Amending Part Three of the Traffic Code of the Codified Ordinances of Canal Fulton, Ohio Amending Chapter 351 Parking Generally Adding Sections 351.17 and 351.18

Ordinance 14:15 – An Ordinance by the Council of the City of Canal Fulton for the Supplemental Agreement No. 4 for Wastewater Plant Improvements by and between the Board of County Commissioners of Stark County, Ohio and the City of Canal Fulton, Ohio.

10. FIRST READINGS

Resolution 10-15:A Resolution by the Council of the City of Canal Fulton, Ohio to Enter into an Agreement with Risinger & Associates, Inc. for Implementation Phase Services to Develop a Recreation and Community Center.

11. P.O.s

P.O. 10346: to Hammontree & Associates in the amount of \$1,950.00 for Vacation Plot of Duke Place from High St to Ohio Ct (City Manager requesting Council Approval)

P.O. 10361 to Magnetech Industrial Service in the amount of \$5,975.00 to repair #4 Blower

P.O. 10359 to Physio Control, Inc. in the amount of \$13, 148.00 for Lucas Chest Compression Machine

12. BILLS:

13. OLD/NEW/OTHER BUSINESS

Meeting with Lawrence Township Trustees – May 20

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

PLEDGE OF ALLEGIANCE

ROLL CALL

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

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

A motion was made to excuse Mayor Harbaugh who was out of town by Sue Mayberry, second by Scott Svab. All Council members voted yes. Motion approved.

Others Present: Joan Porter, Chell Rossi, Joe Schultz, Dan Bucher Jr., Ken Roberts, Marilyn Chapanar, Jeff Chapanar and Earl Minks

CORRECTING & ADOPTING THE RECORD OF PROCEEDINGS

April 7, 2015

A motion was made to approve the February 7, 2015 minutes by Nellie Cihon, second by Scott Svab. All Council Members voted yes. Motion approved.

REPORTS OF ADMINISTRATIVE OFFICERS

Senior Citizens – The Council Clerk reported on upcoming events at the Senior Center.

Community Service - No Report

Fire Chief – Chief Ray Durkee passed out a written report with March statistics. Included in the statistics was a house fire with a \$22,000 loss. One fire fighter was injured, treated and is now back to working full status.

Police Chief – A written report was included in the packet. Chief Doug Swartz stated that he would like to look into solicitor's permits and the process of issuing them. As of right now we cannot do background checks on the permits. The Chief asked for a safety meeting to discuss this.

A motion was made to have a Safety Committee on May 6, 2015 at 6:00pm to discuss the soliciting permit process by Jim Deans, second by Sean Craney. All Council Members voted yes. Motion approved.

Engineer/Streets/Public Utilities – No Report.

Finance Director – Finance Director William Rouse included the March Financials in the Council packet. Mr. Rouse said the income tax is steadily moving. The income tax revenue is trailing but he feels that it should be similar to last April numbers.

Mr. Rouse reported that the note issue is progressing and the proceeds should be in by the first week of May. He said he will have request a committee meeting to discuss the proceeds and course of action.

Mr. Rouse said that the tabled Ordinance 9:15 in regards to the purchase order threshold should be taken off the table and passed. In discussion with the Law Director it is legal as presented. Law Director Scott Fellmeth agreed.

A motion was made to approve the March Financials by Nellie Cihon, second by Scott Svab. All Council Members voted yes. Motion approved.

City Manager – City Manager Mark Cozy included a report in the Council Packet. Mr. Cozy stated that Alley Bussey from the Stark Convention and Visitors Bureau would like to speak at an Economic Development Meeting in regards to Stark County Tourism.

A motion was made to schedule an Economic Development Committee Meeting on May 19, 2015 at 6:00pm with Alley Bussey, Stark Convention and Visitors Bureau to discuss Stark County tourism by Sean Craney, second by Jim Deans. All Council Members voted yes. Motion approved.

Mr. Cozy reported on legislation that he would like to ask Council for legislation to prepare by voice motion in regards to giving a discount to groups for canal boat rides.

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A motion was made to have legislation drafted for a 10% discount on group boat rides by Jim Deans, second by Sean Craney. All Council Members voted yes. Motion approved.

Mr. Cozy reported that he along with the Engineer and Zoning Director met with Mr. Scharmo in regards to the Locust Street Water and Sewer project. Mr. Cozy recommends moving the project forward and to assess only those who sign. The Engineer will report on this next meeting.

Mr. Cozy stated that Don DeMali was informed by the building inspector of what it would take to update the old school house up to code. Mr. DeMali is no longer interested in the project. Mr. Cozy asked for a voice motion to set bids to demolish the building.

A motion was made to set bids to demolish the old school house by Nellie Svab, second by Scott Svab. All Council Members voted yes. Motion approved.

Mr. Cozy asked for a motion to approve the plat for the Nicter property. Mr. Craney stated that he would make a motion. This is just agreeing that we are ok with the preliminary plot and Mr. Cozy should keep discussing the property and proposal. Mr. Fellmeth said to let the State continue to work on the project.

Mr. Cozy asked Council about a scheduling a Civil Service test for the position of Utility Billing Clerk. The current Clerk will be retiring July 25, 2015.

A motion was made to have a Civil Service test on June 6, 2015 for the position of Utility Billing Clerk by Nellie Cihon, second by Jim Deans

Scott Svab said that the position may need to be looked at and asked Mr. Rouse if there were any thoughts he had on the position. Mr. Rouse said that position did not report to him. Mr. Cozy stated it is a union position so a Civil Service test would need to be set. Mr. Svab stated he thought the Personnel Committee should look over the position.

Scott Svab voted no, all other Council Members voted yes. Motion approved.

Mr. Cozy reported that he had a proposal from B & C Communications for \$1,830.00 to put the existing siren in order for the old fire station behind City Hall. Council was in agreement for Mr. Cozy to go forward.

Mayor – No Report.

Parks & Recreation Board – Earl Minks commended Mark Petersen and the crew that took down the concession stand. Mr. Minks stated there is a tree across the canal that will need removed for the boat to run. Mark Cozy stated that Stark Parks has been notified and will remove it.

Law Director – No Report.

THIRD READINGS

TABLED - Ordinance 9:15 – An Ordinance by the Council of the City of Canal Fulton Amending Section 123.03 of the Codified Ordinances of Canal Fulton Ohio and Repealing any Ordinance in Conflict Therewith.

A motion was made to remove Ordinance 9:15 from the table by Scott Svab, second by Nellie Cihon. All Council Members voted yes. Motion approved.

A motion was made to approve Ordinance 9:15 by Scott Svab, second by Sean Craney. All Council Members voted yes. Motion approved.

Ordinance 10:15 – An Ordinance Amending Ordinance 17-14, Rates of Pay for Safety Forces Part-Time Employees, and Repealing any Ordinances in Conflict Therewith

A motion was made to approve Ordinance 10:15 by Scott Svab, second by Sean Craney. All Council Members voted yes. Motion approved.

SECOND READINGS

Ordinance 11:15 - An Ordinance Amending Ordinance 23-14, and Providing for Supplemental Appropriations for the Current Expenses and Other Expenditures of the City of Canal Fulton, County of Stark, Ohio, for the Fiscal Year Ending December 31, 2015.

FIRST READINGS

Ordinance 13:15 - An Ordinance Amending Part Three of the Traffic Code of the Codified Ordinances of Canal Fulton, Ohio Amending Chapter 351 Parking Generally Adding Sections 351.17 and 351.18

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Ordinance 14:15 – An Ordinance by the Council of the City of Canal Fulton for the Supplemental Agreement No. 4 for Wastewater Plant Improvements by and between the Board of County Commissioners of Stark County, Ohio and the City of Canal Fulton, Ohio.

P.O.s

P.O. 10329: to CTI Engineers, Inc. in the amount of \$58,000.00 for Engineering for the OPWC Waterline Replacement

A motion was made to approve Purchase Order 10329 by Scott Svab, second by Nellie Cihon. All Council Members voted yes. Motion approved.

P.O. 10334: to DJL Materials and Supply in the amount of \$8,000.00 for Crack Sealer

A motion was made to approve Purchase Order 10334 by Sean Craney, second by Scott Svab. All Council Members voted yes. Motion approved.

P.O. 10338: to Tri C Concrete and Excavating in the amount of \$10,000.00 for repair for back entrance of City Hall

A motion was made to approve Purchase Order 103238 by Nellie Cihon, second by Scott Svab. All Council Members voted yes. Motion approved.

P.O. 10336 to Preferred Temporary Services in the amount of \$15,500.00 for Contracted Grounds Keeping Service

A motion was made to approve Purchase Order 10336 by Sean Craney, second by Nellie Cihon. All Council Members voted yes. Motion approved.

BILLS: 538,803.13

A motion was made to approve the March Bills by Nellie Cihon, second by Scott Svab. All Council Members voted yes. Motion approved.

OLD/NEW/OTHER BUSINESS

A motion was made to hold a Personnel Committee Meeting to discuss the Utility Billing Clerk position on May 6, 2015 at 6:00pm by Sue Mayberry, second by Scott Svab. All Council Members voted yes. Motion approved.

A motion was made to move the next Council Meeting to May 6, 2015 at 7:00pm due to Election Day by Nellie Cihon, second by Scott Svab. All Council Members voted yes. Motion approved.

Sue Mayberry asked about the Locust Water and Sewer project. She stated that Mrs. Chapanar asked whether they were or were not going to be assessed. Mr. Cozy said no, that is the recommendation. Mrs. Mayberry said that MCCaulley, Carter and the Chapanars are not going to be assessed for the project. Mr. Cozy said at the recommendation from his office after meeting with Mr. Schalmo that the only people that will be assessed are those that have signed the petition. The only one that we have right now is Don Schalmo. If we go further out, the only other one we have signed now is Tim Gesseman. We may have a third. The engineer is going to come back with a recommendation on how we can accomplish that.

Mrs. Mayberry asked if he was saying water, sewer and also curb and sidewalk. Mr. Cozy said right.

Mr. Svab said he would be in favor if we have three, because this plan has changed so many times in the last year, he would like to see water and sewer punched out to our far eastern border. He does not want to cause any economic hardship on any property owner there, but when the project is started it does not cost a whole lot more. The City may have to pay for it and later on recoup our money. Mr. Svab said he would like to see it done depending on how much it is going to cost us. Eventually when ready or the next property owner is ready it is already there and we do not have to worry about now. Eventually the property will develop and he hoped that they would gain from the sale of their property or redevelop in some fashion.

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Mr. Losch stated that we were going through a whole re-engineering phase to steer this thing in another direction based on what we have heard from the property owners. He is confident that we need to push this out to the border. This is economic development for the City. We are making this extra step to look at the cost of engineering on the north side. We cannot give Mrs. Mayberry fact as of right now. We are going to look at the cost of the engineering to get it out there. He agrees with Mr. Svab. We will do everything we can to make this as less painful as we can for all parties concerned.

Mrs. Chapanar said if she understood, what he was proposing was to push the water and sewer to the corporate line and not assess those who don't want to participate at this time. Mr. Svab said yes that is what he was thinking. Mrs. Chapanar said but, at a late point if we did have a need or the economy goes up then we could pay at that time.

Mr. Losch said you had to keep in mind depending on what the study says to move it on the north side. Those folks on the other side may have to pay for the boring to get it to you. We do not know what the cost will be. It could be much higher than now if we have to move it to the north side. We do not know that yet.

Mr. Cozy said the water and sewer are already on the north side, so it saves the City money to keep it on the north side. It will add to the cost of future connection because you would have to bore under the road to connect.

Mrs. Mayberry said it was a shame that this could have been a sweet project. Two and a half years of not knowing that is was not going how we thought it was going. That is what is disheartening.

Mr. Svab said he thought there was a lot of miscommunication and a lot of once the prices were set and the engineering, then everyone got sticker shock. It is a huge project and a nice parcel of ground that needs to be developed for long term goals in his opinion for commercial real estate. Ten years ago with Dan Mayberry he helped Dan formulate the annexation and he went to the property owners and we got them. We had enough at that time that we could have gone beyond that.

REPORT OF PRESIDENT PRO TEMPORE

REPORT OF SPECIAL COMMITTEES

CITIZENS COMMENTS – Open Discussion (Five Minute Rule)

Jim Deans – 426 Heritage

Mr. Deans reported on behalf of the Friends of the Library. He stated that the book sale that was held went very well raising \$1,057.00 in profit. This will help the Children's Room at the library.

Sue Mayberry asked about the letter from the township they had received. Mrs. Mayberry said she was not aware of the answer to the letter. Mr. Losch asked what they were looking for.

Mr. Cozy stated that when the legislation was passed for Canal Lands II, the Heritage Society was not part of that annexation. Plus, when he reviewed with our outside legal counsel, he had a question about one of the property owners also. We were dealing with conflicting surveys and field notes. When the Heritage Society said they were willing to get in on the annexation, which changed the whole map. Right now we are redoing the map and will have to pass new legislation with the new map. The map is a draft of the new annexation map until Council approves the new one, he can't really give it to anybody because it is not approved.

Mr. Losch said his understanding was that it would be an amendment because two and three has been passed.

Mr. Cozy said our outside legal counsel will recommend legislation at that point to amend or rescind to include the Heritage Society. Canal Lands III was passed by Council, but then when he heard from Council they had an interest in securing all the towpath trail, we did not do that in 2008. We have a big chunk of land that we own, stark parks has a big chunk of land that they own, and the old Muskingum trail is also part of this one. When he hears Council saying they want to annex all the towpath trail, we did not do that. We can. Mr. Losch stated that he thought that it was part of that. Mr. Cozy said the part of the towpath trail that borders our land we took again, but not all the way back to the corporate boundary that we probably could take more of it. He is not sure he will have to have an engineer look at it. Basically his focus was canal lands II to get it done, then he was going to revisit with Council Canal Lands III. If it is what they want to do is take in all the

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towpath trail down to the corporate boundary, then they will need to redo this one also. He was not going to approach that topic until we were moving on two as to not confuse the two annexations.

Mrs. Mayberry said she does not remember hearing towpath trail as being a specific request.

Mr. Cozy said he did not want Council to come back and ask why he didn't do that so he was asking Council today, basically we are looking to annex the towpath trail southeast to the Jackson township line and in this current Canal Lands III we are picking up the towpath trail across from the school, but basically from that point down past Lake Lucerne is still not in the City. His question was if you want to annex the entire Canalway from the corporate boundary all the way to Clinton, then we need to redo three.

Mr. Losch said his understanding was that the towpath was all part of that. Mr. Cozy said that is what he picked up on in conversations. Mr. Losch asked if he was going to bring this to outside counsel to review. Mr. Cozy said he could go back to the designer of the plat to review and change.

Mr. Fellmeth stated if this is what Council wants to do, then you are far better off and cost efficient to redo the plat.

Mr. Craney said move forward, and then at that point talk to the Township. Mr. Cozy said he spoke to one of the trustees yesterday. Mr. Cozy said he could send it to them and tell them they could send the copy as it is and let them know it is not complete. Mr. Fellmeth said to hold off.

ADJOURNMENT

The meeting was adjourned at 8:10pm.

Meeting Minutes prepared by: _____

Teresa M. Dolan, Clerk

Minutes Approved: _____

Mayor Richard Harbaugh

RECORD OF ORDINANCES

Dojvan Legal Blank, Inc.

Form No. 30043

Ordinance No. 1315

Passed _____, 20____

AN ORDINANCE AMENDING
PART THREE OF THE TRAFFIC
CODE OF THE CODIFIED
ORDINANCES OF CANAL FULTON,
OHIO AMENDING CHAPTER 351
PARKING GENERALLY ADDING
SECTIONS 351.17 AND 351.18.

WHEREAS, the Council of the City of Canal Fulton, Ohio has recommended that Part Three of the Traffic Code of the Codified Ordinances of Canal Fulton, Ohio regarding Chapter 351 Parking Generally be amended to add Chapter 351.17 Parking of Vehicles Containing Flammable Fluids and Chapter 351.18 Parking Commercial Vehicles in Residential Districts.

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

Chapter 351 Parking Generally of Part Three of the Traffic Code of the Codified Ordinances of Canal Fulton, Ohio shall be amended to add Sections 351.17 and 351.18 and to read:

351.17 PARKING OF VEHICLES CONTAINING FLAMMABLE FLUIDS

(a) No person shall park or permit to be parked any truck, semi-trailer, trailer or other vehicle whose load consists of gasoline or other flammable fluid upon any public street at any time except for the necessary loading or unloading of its merchandise, the replacement or repair of tires or the making of minor adjustments. In making such stops, however, such person shall do so in such manner as not to impede traffic upon the street.

(Ord. 3943. Passed 5-6-40.)

(b) Whoever violates any provision of this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.

351.18 PARKING COMMERCIAL VEHICLES IN RESIDENTIAL DISTRICTS.

(a) No person shall park or store within the residential districts of the City, either on public or private property, including a public street or highway, any vehicle exceeding a gross weight of five tons, or a vehicle whose dimensions exceed one of the following:

- (1) No such vehicle shall have a width in excess of:
 - A. 104 inches for passenger bus type vehicles operated exclusively within municipal corporations;
 - B. 102 inches, excluding such safety devices as are required by law, for all other passenger bus type vehicles;
 - C. 132 inches for traction engines;
 - D. 102 inches, including load, for all other vehicles.

RECORD OF ORDINANCES

Dayton Legal Bank, Inc.

Form No. 30043

Ordinance No. _____

Passed _____, 20____

- (2) No such vehicle shall have a length in excess of:
- A. 48 feet for passenger bus type vehicles operated exclusively within municipal corporations;
 - B. 40 feet for all other passenger bus type vehicles;
 - C. 53 feet for any semi-trailer when operated in a commercial tractor-semi-trailer combination, with or without load;
 - D. 28.5 feet for any semi-trailer when operated in a commercial tractor-semi-trailer-trailer or commercial tractor-semi-trailer-semi-trailer combination;
 - E. 65 feet for any other combination of vehicles coupled together, with or without load, except as provided in subsections (a)(2)C. and D.;
 - F. 40 feet for all other vehicles except trailers and semi-trailers, with or without load.
- (3) No such vehicle shall have a height in excess of thirteen feet six inches, with or without load;
- (4) The lengths prescribed in subsections (a)(2) B. to F. hereof shall not include safety devices, bumpers attached to the front or rear of such bus or combination, B-train assembly used between the first and second semi-trailer of a commercial tractor-semi-trailer-semi-trailer combination, energy conservation devices as provided in any regulations adopted by the Secretary of the United State Department of Transportation, or any non-cargo-carrying refrigeration equipment attached to the front of trailers and semi-trailers.

Richard Harbaugh, Mayor

ATTEST:

Teresa Dolan, Clerk-of-Council

I, Teresa Dolan, Clerk-of-Council of the City of Canal Fulton, do hereby certify that this is a true and correct copy of Ordinance _____-15, duly adopted by the Council of the City of Canal Fulton, on the date of _____, 2015, and that publication of the foregoing Ordinance was duly made by listing same on the city's web-site and by posting true and correct copies thereof at three of the most public places in said corporation as determined by Council as follows: Canal Fulton Post Office, Canal Fulton Public Library and Canal Fulton City Hall each for a period of fifteen days, commencing on the _____ day of _____, 2015.

Teresa Dolan, Clerk-of-Council

SEF/bp

Ordinance 14:15

Distribution:
Journal
Sanitary Engineer
Auditor
Canal Fulton
File

**CANAL FULTON - STARK COUNTY SEWER SERVICE AGREEMENT
SUPPLEMENTAL NO.4 FOR WASTEWATER PLANT IMPROVEMENTS**

THIS SUPPLEMENTAL AGREEMENT made and entered into this _____ day of _____, 2015 by and between the Board of County Commissioners of Stark County, Ohio (hereinafter referred to as the "County"), duly authorized by a resolution adopted by the Board on the ____ day of _____, 2015, and the City of Canal Fulton, Ohio (hereinafter referred to as the "City"), duly authorized in its behalf by Ordinance No. _____ passed by its Council on the ____ day of _____, 2015.

WHEREAS, the City and the County entered into a sewer service agreement for the purposes stated therein on August 6, 1981, Supplemental No. 1 on March 11, 1997, Supplemental No. 2 on June 8, 1999, and Supplemental No. 3 on February 17, 2010 all of which Agreements are referred to as the Basic Agreement; and

WHEREAS, the City and the County find it necessary to enter into a supplemental agreement for the purpose of modifying the Basic Agreement; and

WHEREAS, the City has received a National Pollutant Discharge Elimination System (NPDES) permit from the Ohio Environmental Protection Agency (OEPA) which became effective October 1, 2011 and contains a 30 month compliance schedule to meet additional discharge limits related to phosphorus; and

WHEREAS, additional facility improvements are needed due to aging of various equipment and components; and

WHEREAS, the County has heretofore established Stark County Metropolitan Sewer District (hereinafter referred to as the "District") for the purpose of preserving and promoting the public health and welfare, the boundaries thereof being all of the unincorporated territory in the County, together with the Villages of East Sparta, Hills and Dales, Meyers Lake, East Canton, Waynesburg and the Stark portion of the Village of Magnolia; and

WHEREAS, the City and the County have determined accordingly to enter into this Supplemental Agreement to give effect to their common objectives as recited herein, the City being authorized to do so by Article XVIII of the Ohio Constitution and, to the extent required, by Ohio Revised Code, Sections 307.14 et. seq., and the County being so authorized by the Ohio Revised Code, including also Revised Code Sections 307.14 et. seq., and, in addition, Chapter 6117 thereof;

WHEREAS, the terms used herein have the same definitions as set forth in the Basic Agreement;

NOW, THEREFORE, in consideration of the premises and of the mutual covenants hereinafter set forth, and for other good and valuable considerations, Canal Fulton and Stark hereby promise and agree that:

ARTICLE 1.0 - Wastewater Treatment Plant Improvements

1.01 The wastewater treatment plant improvements necessary to meet the new permit requirements include the installation of a new influent bar screen the cost of which is estimated to be \$199,175 which includes all engineering and construction costs. The County share of said costs is \$79,670 said amount being 40% of the total cost as provided in the Basic Agreement.

1.02 Plant improvements also include the replacement of the grit removal/bar screen building. Total cost of the replacement of the building, including engineering, is estimated to be \$95,000 of which \$38,000 is County responsibility said amount being 40% of the total cost as provided in the Basic Agreement.

1.03 Plant improvements also include a chemical phosphorus removal system to meet new EPA permit limits the cost of which is \$76,080. Per the Basic Agreement, 40% of said cost, or \$30,432, will be the responsibility of the County.

The City shall complete all improvements to the wastewater plant listed above and shall provide the County with proper documentation of final project costs. Financial participation by the County shall be at 40% of final project costs as established in the Basic Agreement.

If and to the extent required, any and all other provisions of the Basic Agreement which may be inconsistent with the terms of this Supplemental Agreement, are hereby amended so as to conform hereto.

Except as amended hereby, the Basic Agreement is hereby confirmed in all other respects.

This Agreement includes the exhibits hereto, which is as fully a part of this Agreement as if herein fully set forth in writing.

IN WITNESS WHEREOF, the County and the City have caused this 4th Supplemental Agreement to be executed by their respective officers thereunto duly authorized and the Agreement shall be in effect as of the day and year first above written.

Approved as to form and legal sufficiency:

City of Canal Fulton

Canal Fulton Law Director

By: _____
Mark Cozy
City Manager

Approved as to form and legal sufficiency:

**Board of County Commissioners
of Stark County, Ohio**

Assistant Prosecuting Attorney for
Stark County

By: _____
Thomas M. Bernabei

By: _____
Janet Weir Creighton

By: _____
Richard Regula

RECORD OF ORDINANCES

BEIR GRAPHICS 000-025-0014 FORM NO. 00043

Ordinance No. 11-15

Passed _____, 20____

An Ordinance Amending Ordinance 23-14, and Providing for Supplemental Appropriations for the Current Expenses and Other Expenditures of the City of Canal Fulton, County of Stark, Ohio, for the Fiscal Year Ending December 31, 2015.

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, 2015, which were not anticipated or included in Ordinance 23-14, as the City's 2015 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 reallocate appropriations up to a maximum of \$6,000 within the Street Construction, Maintenance and Repair Fund in order to pay personnel costs.

Category	Previously Approved	Change	New Appropriations
Personnel	164,080.54	6,000.00	170,080.54
Non-Payroll Costs	111,600.00	(6,000.00)	105,600.00

Section 2: City Council authorizes the Finance Director to reallocate appropriations up to a maximum of \$8,000 within the Fire/EMS Fund in order to pay personnel costs.

Category	Previously Approved	Change	New Appropriations
Personnel	347,807.94	8,000.00	355,807.94
Non-Payroll Costs	181,300.00	(8,000.00)	173,300.00

Section 3: This Ordinance shall take effect and be in full force and effect from and after the earliest period allowed by law.

Richard Harbaugh, Mayor

ATTEST:

Teresa Dolan, Clerk of Council

I, Teresa Dolan, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby certify that this is a true and correct copy of Ordinance _____, 15, duly adopted by the Council of the City of Canal Fulton, on the date of _____, 2015, and that publication of the foregoing Ordinance was duly made by listing same on the City's website and by posting true and correct copies thereof at three of the most public places in said corporation as determined by Council as follows: Canal Fulton Post Office, Canal Fulton Public Library and Canal Fulton City Hall, each for a period of fifteen days, commencing on the _____ day of _____, 2015.

Teresa Dolan, Clerk of Council

RECORD OF RESOLUTIONS

Dayton Legal Blanks, Inc. Form No. 20040

Resolution No. 10:15

Passed _____, 20____

A RESOLUTION BY THE COUNCIL OF THE CITY OF CANAL FULTON, OHIO TO ENTER INTO AN AGREEMENT WITH RISINGER & ASSOCIATES, INC. FOR IMPLEMENTATION PHASE SERVICES TO DEVELOP A RECREATION AND COMMUNITY CENTER.

WHEREAS, the City of Canal Fulton has sought a proposal for implementation phase services to develop a Recreation and Community Center, and

WHEREAS, Risinger & Associates, Inc. has submitted a proposal acceptable to the City to provide the professional 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 Risinger & Associates, Inc. for implementation phase services to develop a Recreation and Community Center pursuant to agreement attached hereto as Exhibit "A" and incorporated by reference herein.

Richard Harbaugh, Mayor

ATTEST:

Teresa Dolan, Clerk-of-Council

I, Teresa Dolan, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby certify that this is a true and correct copy of Resolution ____-15, duly adopted by the Council of the City of Canal Fulton, on the date of _____, 2015, and that publication of the foregoing Resolution was duly made by listing same on the city's web-site and by posting true and correct copies thereof at three of the most public places in said corporation as determined by Council as follows: Canal Fulton Post Office, Canal Fulton Public Library and Canal Fulton City Hall each for a period of fifteen days, commencing on the _____ day of _____, 2015.

Teresa Dolan, Clerk-of-Council

May 01, 2015

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

Re: Implementation Phase
Collaboration Development Services
Canal Fulton Community Campus

Dear Mr. Cozy,

On behalf of Risinger + Associates (R+A) and based upon City Council's request for the next phase of services, we are excited about the opportunity to present this proposal to continue with Implementation Phase Services in support of the City of Canal Fulton Community Campus initiative.

Overview

As you know, a great deal has been collectively accomplished and the project has taken on considerable momentum, fueled by the collaborating partnerships. You now have partners with demonstrated intent to proceed with the goal of participating in a multi-organizational community campus with emphases on health, education and wellness for all generations.

Having successfully completed all aspects of the Feasibility Services defined in our initial scope of work, R+A is now prepared to continue in the delivery of Implementation Services

At the recent City Council meeting that concluded Phase I, the City Council requested two goals be met: 1) community levy in Nov 2015; and 2) campus construction in 2016. To meet both of those goals, R+A proposes the following continuation of professional services for the City of Canal Fulton:

IMPLEMENTATION PHASE SERVICES

I. COLLABORATION DEVELOPMENT SERVICES (May To Aug 2015)

R+A will manage and coordinate the collaboration partners, required financial experts and documents required for City Council consideration and the development of the community campus project in support of a Fall 2015 community levy process. R+A will assist the City in identifying a viable financial strategy, prioritizing and seeking funding opportunities and options. This will include assisting the City in assembling required financial information, materials and presentations for potential lending sources. R+A will continue to implement the project in BIM / REVIT, and utilize the combined strategic services program with the prototype program plan to create the pre-bond design. This will include floor plan(s), elevation(s) and site plan.

A. Partner Facilitation + Coordination

1. Coordinate and facilitate all Collaborative Partner meetings + discussions
2. Coordinate Collaborative Partner presentations and documents, as well as property documents, and agreements to assist the financial team in funding strategies.
3. Establish and refine project schedule for partners and the City.
4. Refine the project budget, including hard and soft costs fees related to all primary consultants, construction costs, documentation, legal, entitlement, permitting, recording, etc.
5. Secure binding Letters of Commitment for each Collaborative Partner.



B. Pre-Bond Preliminary Schematic Design for Budgeting

1. Refine the architectural programmatic floor plans with each partner to meet their specific area requirements for programming and budgeting
2. Develop preliminary building elevations identifying their "front door" in the project
3. Refine the site plans based upon refined parking requirements of the Partners and the City's required site development phasing requests
4. Provide two renderings illustrating major design elements.
5. Finalize the pre-bond project budgets + schedules

II. FUND DEVELOPMENT SERVICES (May To Aug 2015)

The Stark Development Board team that will assist the City of Canal Fulton on the Canal Fulton Community Center Project will consist of Squire Patton Boggs (as board bond counsel) Stern Brothers; Krugliak, Wilkins, Griffiths & Dougherty Co., L.P.A. (as board counsel) and the Stark Development Board. This team will collaborate with the team of Risinger + Associates Inc. This team will enter into a development agreement with the City of Canal Fulton to provide the necessary financial structure and strategies for the City of Canal Fulton and their Collaborative Partners. This Collaboration Development process will be led by Risinger + Associates while working closely with the Development Board to assemble the required applications and credit approvals for financing and binding commitments from all Collaboration Partners.

A. Funding Options + Opportunity Development

1. Identify the City's capacity for bonding, debt capacity and tax + income financing
2. Identify and qualify potential project-specific funding sources, both public and private
3. Facilitate the strategic development + prioritization of preferred funding strategies for the City and each Partner
4. Identify with the City an integrated funding solution for the community
5. Provide data needed for a levy application for Fall 2015

III. COMMUNITY INTEGRATION + MESSAGING (Aug 2015 To Nov 2015)

A. Community Integration + Strategy Development

R+A will direct the development of community surveys as the foundation for understanding issues related to community support for the project. The approach will be multigenerational and will include data from area residents, businesses and community organizations.

1. Assist the City in defining the relevant issues relating to public support for the project.
2. Coordinate the development of community survey instruments designed to sample community support related to the various components inherent in the project.
3. Assist the City in the administration, collection, analysis and reporting of the findings of the community survey as a key variable contributing to strategy development.

B. Strategy + Message Development

R+A will provide consensus building and messaging strategies for community funding.

1. Identify and develop messaging to reach all constituents, community groups and Collaborating Partners
2. Support efforts through graphic representations and presentation documents

C. Strategy + Message Implementation + Training

R+A will develop and instruct in the use of messaging presentation graphics and presentation strategies.

1. Develop and deliver strategies
2. Lead message training



3. Implement and support messaging efforts by the City and Partners.

COMPENSATION

R+A fees as well as any financial consultant fees and application fees are anticipated to be reimbursed through the project proceeds upon the successful levy or referendum passing of this potential project. When appropriate, our team will work to assemble the required applications and credit approvals for financing and binding commitments from all Collaboration Partners.

- I. **COLLABORATION DEVELOPMENT SERVICES** **\$85,000**
- II. **FUND DEVELOPMENT SERVICES** **\$45,000 NTE**

The Development Board Fees for the Phase II study will be \$45,000 and will consist of two payments. The first payment of \$20,000 due upon approval of the agreement and the balance of \$25,000 paid either after a successful Levy vote out of the project proceeds or by the City if the Levy fails. The development agreement will also include a commitment of the City of Canal Fulton to commit to using the Stark County Port Authority and it's team to serve as the vehicle to arrange for project financing for the new Community Center Project.

- III. **COMMUNITY INTEGRATION + MESSAGING** **\$15,000**

IV. Direct Reimbursables

R+A shall be reimbursed monthly for out-of-pocket expenses at cost. These expenses will include but are not limited to printing and other reproduction costs, presentation materials, messenger services, travel, long distance telephone costs and postage.

Thank you for the opportunity to submit this proposal for Phase II services in support of the Canal Fulton Community Campus. We look forward to having the opportunity to work with your team, to bring the vision forward and facilitate the highest and best use of the campus property.

Submitted by,

Risinger + Associates, Inc.

Eric S. Risinger, AIA | NCARB
President

Accepted By:

City of Canal Fulton, Ohio
Mark Cozy, City Manager

Signature	Title	Date
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ER/bd

Terms & Conditions

A. Acceptance of Proposal / Standard Terms and Conditions

Acceptance of this proposal, as reflected by your signature on the proposal, will establish the contract between the parties for this project, which contract also includes and incorporates Risinger + Associates Inc., Standard Terms and Conditions which are attached hereto and made part hereof.

1. Risinger + Associates Inc., shall not have control over or charge of, and shall not be responsible for any aspect of construction means, methods, techniques, details, sequences or procedures utilized by the contractor or any subcontractors. Risinger + Associates Inc. shall also not be responsible for the construction schedule or failure of the contractor or any subcontractors to carry out the work in accordance with either the construction documents or the construction schedule.
2. Risinger + Associates Inc., shall not be responsible for job safety, including the safety of the of the contractor, subcontractors or any persons at or around the job site, including but not limited to the contractor's and / or subcontractor's compliance with the Occupational Safety and Health Act ("OSHA"), or any other laws, regulations, standards or guidelines relating to job site safety.
3. Risinger + Associates Inc. shall not be responsible for any aspect of the design, procurement, erection, construction, monitoring, observation or use of scaffolds, hoists, cranes, ladders, bracing or supports of any type for the project, whether temporary, permanent or otherwise.
4. Risinger + Associates Inc., does not have authority to stop or reject the work performed by the contractor or any subcontractors on the project.
5. Risinger + Associates Inc., shall not be responsible for any aspect of the discovery, presence, handling, removal or disposal of any type of hazardous materials at the project site, including but not limited to asbestos, PCB's, mold, lead, oil, gasoline or any other toxic or hazardous substances.
6. Risinger + Associates Inc., shall not be responsible for the design, installation, procurement, erection, construction, monitoring, maintenance or use of any type of construction barricades, barriers, safety cones, tape, warnings, signage or other similar devices of any kind, whether required for vehicular or pedestrian traffic or otherwise on or around the project site.
7. If Risinger + Associates Inc., is hired to perform construction observation services as part of its scope of services set forth in section 1 and Risinger + Associates Inc. notices any defects or deficiencies in the work by the contractor or any subcontractor during construction which indicate to Risinger + Associates Inc. that the work is not being carried out in accordance with the construction documents, Risinger + Associates Inc. shall promptly notify the owner and contractor. However, since the failure to carry out the work in accordance with the construction documents is the sole responsibility of the contractor, and Risinger + Associates Inc. is only making limited site visits, Risinger + Associates Inc. shall not be responsible for such defects or deficiencies unless Risinger + Associates Inc. notices such defects or deficiencies and fails to promptly notify the owner and contractor.
8. If Risinger + Associates Inc. is hired to prepare any type of construction cost estimate as part of its scope of services set forth in Section 1, it is understood that such estimate is only intended to provide the owner with an estimated range or approximation of construction costs based upon Risinger + Associates Inc. prior experience and the scope of work set forth in the construction documents prepared by Risinger + Associates. However, since Risinger + Associates is not a contractor and has no control over the cost of materials, labor, contractor overhead, subcontractor pricing or other

construction cost factors, Risinger + Associates Inc., shall not be responsible for the final construction cost or any deviation between the final cost and any cost estimates or budgets.

9. Risinger + Associates Inc., shall not be responsible for the design or construction of existing conditions or systems previously designed or constructed by others which are not part of Risinger + Associates Inc., scope of work including, but not limited to, existing structural, mechanical, electrical, plumbing, and fire protection systems or existing architectural details. The owner agrees to indemnify, defend and hold harmless Risinger + Associates Inc., from any claims against Risinger + Associates Inc., relating to such existing conditions or systems.
10. Risinger + Associates Inc., shall not be responsible for any existing aspect of the structural, mechanical, electrical, plumbing, or fire protection work for the project.
11. Risinger + Associates Inc. shall review and approve or take other appropriate action only on those shop drawings involving architectural items of work designed by Risinger + Associates Inc. For those shop drawings involving items of work designed by Risinger + Associates Inc., consultants, Risinger + Associates Inc., shall forward those shop drawings to the appropriate consultant for their review. Risinger + Associates Inc., review of any shop drawings or other submittals from the contractor of any subcontractors for architectural items of work designed by Risinger + Associates Inc., shall be for the sole purpose of evaluating whether the overall design reflected in the shop drawings or submittals is generally consistent with Risinger + Associates Inc., design intent. All other aspects of the shop drawings or submittals constitute means, methods, techniques, details, dimensions, sequence or procedures to be utilized by the contractor or subcontractors, for which Risinger + Associates Inc., has no responsibility.
12. Owner agrees that it will include Risinger + Associates Inc., as an additional insured under any Builders Risk or other similar insurance policy maintained by the owner for the project. Owner also agrees that in any contract or agreement with the general contractor or any subcontractors, owner will require that the general contractor and any subcontractors include Risinger + Associates Inc., as an additional insured under their general liability insurance policies and that any exclusion in those policies for architectural or professional services be deleted as to Risinger + Associates Inc.
13. Owner agrees that it will require the general contractor to maintain a site pollution policy, naming the Owner and Risinger + Associates Inc. as an additional insured under such policy.
14. Either party to this Agreement may terminate the Agreement without cause by providing at least Thirty (30) days written notice to the other party.
15. In the event of any conflict or discrepancy between this Agreement and any other agreement or document, the terms and conditions of this Agreement shall control and govern.

BILL TO:

PURCHASE ORDER



City of Canal Fulton

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

P.O. NUMBER RG010346
P.O. DATE 04/21/15
DEPARTMENT MAYOR . ADMIN
CREATED BY
VENDOR NO. 02897

DELIVER TO:

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

VENDOR:

HAMMONTREE & ASSOCIATES
5233 STONEHAM ROAD
NORTH CANTON, OH 44720

ACCOUNT NUMBER	AMOUNT
101.120.5410	\$1,950.00

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
		VACATION PLOT OF DUKE PLACE FROM, HIGH ST TO OHIO COURT		\$1,950.00
TOTAL:				\$1,950.00

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

FISCAL OFFICER'S CERTIFICATE

I 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 appropriate Fund(s), free from any obligation or certification now outstanding.

Finance Director

4/21/15
Date

City Manager / Mayor

Date

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

BILL TO:

PURCHASE ORDER



City of Canal Fulton

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

P.O. NUMBER: RG010361
P.O. DATE: 04/30/15
DEPARTMENT: SEWER
CREATED BY:
VENDOR NO.: 02470

DELIVER TO:

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

VENDOR:

MAGNETECH INDUSTRIAL SERVICE
LOCKBOX #774299 - MISCOR GROUP
4299 SOLUTION CENTER
CHICAGO, IL 60677-4002

ACCOUNT NUMBER	AMOUNT
551.330.5620	\$5,975.00

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
		REPAIR #4 BLOWER		\$5,975.00
		THIS PURCHASE ORDER IN EXCESS OF \$3,000 WAS APPROVED BY A MOTION OF CANAL FULTON CITY COUNCIL ON _____ / _____ / _____.		
TOTAL:				\$5,975.00

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

FISCAL OFFICER'S CERTIFICATE

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

Finance Director

Date

City Manager / Mayor

Date

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



BILL TO:

City of Canal Fulton

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

PURCHASE ORDER

P.O. NUMBER RG010359
P.O. DATE 04/28/15
DEPARTMENT FIRE/EMS
CREATED BY
VENDOR NO. 02684

DELIVER TO:

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

VENDOR:

PHYSIO CONTROL, INC
P.O. BOX 97006
REDMOND, WA 98073-9706

ACCOUNT NUMBER	AMOUNT
391.210.5730	\$13,148.00

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 # 81-6000398

QUANTITY	UNIT	DESCRIPTION	PRICE / UNIT	AMOUNT
		LUCAS CHEST COMPRESSION MACHINE, BATTERIES, & CARRYING CASE. OFF SET BY \$7,000.00 GRANT		\$13,148.00
		THIS PURCHASE ORDER IN EXCESS OF \$3,000 WAS APPROVED BY A MOTION OF CANAL FULTON CITY COUNCIL ON ____ / ____ / ____		
TOTAL:				\$13,148.00

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

FISCAL OFFICER'S CERTIFICATE

I 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 on 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