

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

July 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**

- July 2, 2013

7. **REPORTS OF ADMINISTRATIVE OFFICERS**

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

8. **THIRD READINGS**

**Resolution 14-13: TABLED** A Resolution by the Council of the City of Canal Fulton, Ohio to Authorize the City Manager to Engage Bond Counsel for the Locust and Portage Streets Resurfacing Project.

**Resolution 15-13: TABLED** A Resolution by the Council of the City of Canal Fulton, Ohio to Authorize the City Manager to Engage Bond Counsel for the Cherry and Locust Streets Intersection Project.

9. **SECOND READINGS**

**Resolution 17-13:** A Resolution by the Council of the City of Canal Fulton, Ohio to Authorize the City Manager to engage Bond Counsel for the Locust Street Sewer Extension Project.

10. **FIRST READINGS**

**Resolution 18-13:** a Resolution by the Council of the City of Canal Fulton Ohio to Enter into a License Agreement with the City of Canton, Ohio, the Stark County Sheriff and the Board of the Stark County Commissioners

11. **P.O.s**

**P.O. 7906:** to City of Massillon in the amount of \$3,000.00 for upgrade to Massillon Building Department Software to Include Canal Fulton

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**  
July 2, 2013

**CALL TO ORDER**

Mayor Richard Harbaugh called the meeting to order at 7:00pm. A moment of silence was held to honor the 19 firefighters that lost their lives in Arizona.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

Mayor Richard Harbaugh, Council Members - Sue Mayberry, Scott Svab, Danny Losch and Linda Zahirsky

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

Others Present: Fire Chief Glenn Boyd, Police Chief Doug Swartz, City Manager Mark Cozy, Law Director Scott Fellmeth, Finance Director William Rouse and Council Clerk Teresa Dolan.

Others Present: Chell Rossi, James Deans, Ken Roberts, Jeremy Graber, Mike Pfiffner, Tim Shetzer, Scott Phillips, Gregory Phillips, Logan Sundheimer, Joan Porter, Dennis Downing

**REPORTS OF STANDING COMMITTEES**

No Reports.

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

No Comments.

**Tim Shetzer – YMCA**

Mr. Tim Shetzer was in attendance from the YMCA. Mr. Shetzer discussed the Four Square Research Study. The YMCA has been very active in Canal Fulton for about three years. Canal Fulton YMCA Board made a motion unanimously to try and get the study done. This is a company that the YMCA works with. They have done over 700 of the studies. The purpose of the study is to determine what the demand is of the YMCA services, and to determine the best location for a YMCA. They talk to 600 residents and it is all scientifically done. The Company has done outstanding work. The YMCA is hoping for Canal Fulton's participation in the study.

Linda Zahirsky asked how long the study usually takes. Mr. Shetzer said that there are a number of different agencies involved. Everyone will have some input into what the questions are. That is the most important thing, to build the research instrument. Someone from the City will need to build the right questions to make sure that the right questions are asked. From start to finish, it should be somewhere between three or four months.

Mrs. Mayberry said back in 2011 we were given a report that the YMCA committee that they met with a Mr. Stazen, a property development director for the YMCA and they discussed the demographic data linked from their study. Mrs. Mayberry said there has been a series of studies along the way and it was inclusive regarding site selection, but it indicated that the Canal Fulton/Lawrence Township area may not have enough of a population base to sustain an indoor swimming pool. Mrs. Mayberry asked if that was something that had already been figured out, and is that a phase that has already been completed. Mr. Shetzer said that the YMCA has a national office, they have staff, and the gentlemen mentioned has since retired. His job was to travel around the country and help communities like Canal Fulton do the right thing as far as the YMCA was concerned. That was his opinion, but no citizens were asked. Mr. Shetzer said we needed to get better data, and more importantly we need to hear what the citizens have to say.

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

Mr. Deens said that one of the major things that the study would do, would be to show us how big a YMCA could be sustained. It would allow expansion with the study.

Mayor Harbaugh stated that about 25 to 30 years ago the village filled in the swimming pool. They were going to build another, but it never happened. He would really push for the pool if at all possible. Mr. Shetzer said that is something they would ask.

Mrs. Zahirsky said it was on the ballot, but people voted it down.

Mr. Shetzer said feel free to contact him with any other questions.

Mr. Cozy asked if the partners had been identified. Mr. Shetzer said he has verbal commitments, but he is still working on that. Whether there are three people or four, the YMCA is committed to getting it done.

Mrs. Mayberry asked what would be some contributing factors to it just not working out. Mr. Shetzer said that he could have the person that runs the company come back and speak. The primary thing would be not enough demand.

Mrs. Mayberry asked how we would define the demand. Mr. Shetzer said they would talk to 600 residents by phone and then they would build a questionnaire document. With the analysis it would be determined, mathematically how something could work or would not work.

Mrs. Mayberry asked how it would be paid for. Mr. Shetzer said if it works out, typically it would come from a lot of different things. A fundraising campaign, grant writing, there is a lot of different ways that it has been done in past years. A lot of that will be determined by the YMCA committee. Tim Shetzer said that it is usual that a YMCA serve a five mile radius.

**CORRECTING & ADOPTING THE RECORD OF PROCEEDINGS**

June 18, 2013

A motion was made to accept the June 18, 2013 minutes by Sue Mayberry, second by Linda Zahirsky.

Linda Zahirsky asked that on the last page Scott Svab's name needed corrected. All present Council Members voted yes. Motion approved

**REPORTS OF ADMINISTRATIVE OFFICERS**

Senior Citizens- No Report

Community Service Coordinator – No Report

Fire Chief – A written report was included in the Packet. Glenn Boyd was here in place of Chief Durkee.

Police Chief - Police Chief Doug Swartz commended the City safety forces on the excellent job they did on the recent meth lab bust. The Fire department incident command was very professional. Officer Dennis Muntean was also commended on his performance.

Chief Swartz also discussed a radio agreement with the Stark County Sheriff's Department. For a period of time we were one of the test pilot sites and used the radio package for free. Now we will need to start paying. The Chief explained how the radios work and why they are necessary.

A motion was made to approve the creation of legislation to enter into a license agreement with the Stark County Sheriff by Danny Losch, second by Linda Zahirsky. All present Council Members voted yes. Motion approved.

Chief Swartz also commended Scott Svab on the Fishing Workshops held at Discovery Park. The classes were very well attended and the attendees were able to take home a fishing pole and tackle.

Engineer/Streets/Public Utilities – Dan Mayberry stated that there was a written report included in the packet. Mr. Mayberry also commented that P.O. 7844 was for Jones Fish and Lake Management in the amount of \$4,926.00 for two Fountain

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

Aerators for the canal. Mr. Mayberry said he would like to have the aerators in place by Canal Days.

Finance Director – Finance Director William Rouse stated that the May Financials were included in the packet.

A motion was made to accept the May Financials by Linda Zahirsky, second by Scott Svab. All Council Members voted yes. Motion approved.

Mr. Rouse also noted that a special meeting may be need to be scheduled to approve the July financials due to reports that are due in August to Stark County.

Mr. Rouse went over the report. The May financials included income taxes being 1.6% higher than last year, and this is due to profits from businesses in the City making more money.

City Manager – City Manager Mark Cozy stated that there is a written report included in the packet. Scott Svab asked about the Locust Sewer project. Mr. Cozy stated that a meeting is to be scheduled. Seventy percent participation is needed. He will be speaking to property owners next week.

Report of Mayor – Mayor Harbaugh said the new canal boat horse seemed to be doing a fine job. The Mayor also discussed the former finance director's contract and hours to be used if needed for questions.

Parks & Recreation Board – No Report.

Law Director – No Report. Mrs. Mayberry asked about the two resolutions on the agenda in regards to bond counsel. Mrs. Mayberry wanted to know what the process was and if there was an estimated cost. Scott Fellmeth stated that they typically hire a law firm that specializes in bonds. The cost depends; they usually work on an hourly rate. Scott Svab said the cost could be a percentage of the note. They roll it into the whole total debt. Scott Svab said there is a lot of paperwork involved and a lot of filing with different agencies. Mrs. Mayberry asked if they would present different scenarios. Scott Svab said yes, they could. Mr. Svab stated that since they did not have a full council he would like to ask that the third readings be tabled so that there would be six people to vote.

A motion was made to table Resolution 14-13 and Resolution 15-13 by Scott Svab, second by Danny Losch. All present Council Members voted yes. Motion approved.

Mrs. Mayberry asked if there were two types of obligations with a revenue bond. Scott Svab said we would probably choose general obligation. Mr. Svab said he felt to spread the infrastructure project over twenty years for future taxpayers and not deplete our finances. Mrs. Mayberry stated that there was risk. Mayor Harbaugh stated that one thing that bothered him was he was thinking about his kids and grandkids that they would be paying a debt off that we were creating. Mr. Svab stated that they would be using that intersection. Mayor Harbaugh said yes, but they could also use the intersection here today. Mr. Cozy stated the rationale was almost like an insurance policy. Mr. Cozy stated the cash was on hand to pay the local matches, but we would spend all of our cash. If there was an emergency that happened in the meantime before we would build the reserves again, then we would not have that cash on hand. Mr. Cozy stated that if things went the way they were planned they would be paying this off in five years. We could float the loan and see how the economics are. Mrs. Mayberry stated that we needed to put the money where we were not going to use it. Mr. Svab said that the money could be put in reserves.

**THIRD READINGS**

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

**Resolution 14-13:** A Resolution by the Council of the City of Canal Fulton, Ohio to Authorize the City Manager to Engage Bond Counsel for the Locust and Portage Streets Resurfacing Project. – TABLED

**Resolution 15-13:** A Resolution by the Council of the City of Canal Fulton, Ohio to Authorize the City Manager to Engage Bond Counsel for the Cherry and Locust Streets Intersection Project. - TABLED

**Ordinance 17-13:** An Ordinance by the Council of the City of Canal Fulton, Ohio to Grant William Rouse Foreign Service Credit to Determine Vacation Time Under Administrative Code Chapter 141.18 (b).

A motion was made to pass Ordinance 17-13 by Linda Zahirsky, second by Scott Svab. All present Council Members voted yes. Motion approved.

**SECOND READINGS** - none

**FIRST READINGS**

**Ordinance 21-13:** An Ordinance Amending Ordinance 7-13, 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, 2013.

A motion was made to suspend the rules by Scott Svab, second by Sue Mayberry. All present Council Members voted yes. Motion approved.

A motion was made to pass Ordinance 21-13 under suspension of the rules by Linda Zahirsky, second by Scott Svab. All present Council Members voted yes. Motion approved.

**Resolution 17-13:** A Resolution by the Council of the City of Canal Fulton, Ohio to Authorize the City Manager to engage Bond Counsel for the Locust Street Sewer Extension Project.

**P.O.s**

**P.O. 7864:** to JWF Specialty Company in the amount of \$5,000.00 for liability insurance deductible for Michael Mouse lawsuit

A motion was made to approve P.O. 7864 by Sue Mayberry, second by Scott Svab.

It was noted by Mr. Rouse that this purchase order had been approved at the last council meeting, but he wanted to make Council aware that this was a then and now purchase order.

All present Council Members voted yes. Motion approved.

**P.O. 7894:** to Miner's Inc in the amount of \$4,290.00 for Material to Install 3" Cycle Stop 5-500 GPM Hydraulic Valve and 119 Gal WX-350 Pressure Tank on Water Well at the WWTP

A motion was made to approve P.O. 7894 by Linda Zahirsky, second by Sue Mayberry. All present Council Members voted yes. Motion approved.

**P.O. 7896:** to Northstar Asphalt in the amount of \$1,216,677.24 for the Locust/Portage Street Rehabilitation and Resurfacing, including Change Order #1

A motion was made to approve P.O. 7896 by Linda Zahirsky, second by Danny Losch. All present Council Members voted yes. Motion approved.

**P.O. 7884:** to Jones Fish and Lake Management in the amount of \$4,926.00 for two Fountain Aerators for Ohio Erie Canal

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

A motion was made to approve P.O. 7884 by Scott Svab, second by Sue Mayberry. All present Council Members voted yes. Motion approved.

**P.O. 7890:** to Lytle Construction Inc in the amount of \$45,000.00 for CRS – 2 Tar for Chip and Seal

A motion was made to approve P.O. 7890 by Sue Mayberry, second by Scott Svab. All present Council Members voted yes. Motion approved.

**P.O. 7891:** to ROIO Sand and Gravel in the amount of \$4,050.00 for Number 8 # Washed Gravel for Chip and Seal

A motion was made to approve P.O. 7891 by Linda Zahirsky, second by Scott Svab. All present Council Members voted yes. Motion approved.

**P.O. 7893:** to PEM Properties in the amount of \$3,250.00 for Repairs to St. Helena II

A motion was made to approve P.O. 7893 by Scott Svab, second by Linda Zahirsky. All present Council Members voted yes. Motion approved.

**P.O. 7895:** to YMCA of Central Stark County in the amount of \$6,000.00 for Four Square Study

A motion was made to approve P.O. 7895 by Scott Svab, second by Linda Zahirsky. All present Council Members voted yes. Motion approved.

Mrs. Mayberry asked if Lawrence Township was contributing. Mr. Cozy stated that he knew that one Trustee was for the study and that Trustee would be taking it to the others.

**BILLS** - May Bills \$365,172.38

A motion was made to approve the May bills by Linda Zahirsky, second by Scott Svab. All present Council Members voted yes. Motion approved.

**OLD/NEW/OTHER BUSINESS** - None

**REPORT OF PRESIDENT PRO TEMPORE**

Linda Zahirsky turned to Scott Svab to report on the grant that he had received for the fishing program. Scott Svab thanked everyone for participating. The Fire Explorers had a boat safety demonstration. Children really enjoyed that. Two events were sponsored, all moneys paid by the Ohio Division of Wildlife with their aquatics grant program and Step Outside Grant. Both dates were well attended with the first having 26 attendees and the second 62. The children learned how to tie knots, education on watershed and conservation, proper fish handling and how to cast. Each child received a tackle box and fishing pole.

Linda Zahirsky reported that she and Scott Svab went to a seminar in Warren on Zoning and Planning. The seminar was very informative. Watershed grants were discussed, and grants are available to review Comprehensive Plans. Easements were also gone over.

Scott Svab said they talked about downtown revitalization, and they talked about Erie, PA and how an older building was used to discuss challenges, and ways to bring people to the area. Scott said the American Planning Association sponsored the seminar and they definitely brought some information back that could be used here.

**REPORT OF SPECIAL COMMITTEES** – No Report.

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

Ken Roberts, 239 N. Canal Street

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

Mr. Roberts handed out literature on the Comprehensive Plan model for an Arts and Entertainment District. Mr. Roberts discussed some concerns on eroding of the downtown and the importance of the downtown. Mr. Roberts said the Comprehensive Plan served a number of functions to look at the future of our City. He said that the literature that he passed out was a summary. Mr. Roberts talked about the Arts and Entertainment District. Mr. Roberts was asked to attend an Economic Development Committee Meeting, where he could discuss his concerns at length.

A motion was made by to schedule an Economic Development Committee on July 16, 2013 at 6:00pm, second by Linda Zahirsky. All present Council Members voted yes. Motion approved.

James Deans reported that Olde Canal Days was on schedule, he would like all to pray for nice weather and good crowds.

Scott Phillips, 84 Blannet Street, Medina

Mr. Phillips owns the Union Block Building. He said back years ago Fenn Place was converted from an alley to what it is now. He wanted to know what happened to the plans for tables and benches in the alley. Mr. Mayberry said that in 1990 the downtown was revitalized. Mr. Mayberry said that at one time there were benches there. Mr. Mayberry there were many benches around town. Tables have been retrieved from the canal and the conclusion was made that plaza tables were not going to work. Mr. Mayberry said Mr. Phillips could come in and discuss Fenn Place with him, and they would look into the matter.

Jeremy Graber, 379 Heritage Ave.

Mr. Graber spoke on his support for the Arts and Entertainment District. He thought the community was small and safe and people would come to visit.

Dennis Downing, 778 Denshire Drive

Mr. Downing reported on the mural which is going up. He said it would be done shortly and it will be dedicated the last Saturday in July. He also said he was in support of an Arts district.

Mike Pfiffner, N Canal Street.

Mr. Pfiffner plays guitar frequently on the street. He wanted to discuss his support of the Arts District also.

Mrs. Mayberry stated that the downtown was let go and it looked terrible as far as weeds and landscaping. She asked about a garden club being in existence.

Jim Guest, aka Joseph Porter

Mr. Guest spoke on the Canal Boat and the Canal. He is a canal historian and very involved with the Canal Boat. He has traveled the United States and Canal towns for 47 years. He would like to include his knowledge at the economic development meeting. He thinks there are many communities that were in total disrepair and declining. They have risen again by using tourism. Mr. Guest is also working on getting the St Helena II is on the National Historic Register. He is also working on getting a roof over the St. Helena II to help to preserve it.

A motion was made to go into executive session at 8:45pm by Linda Zahirsky to discuss the purchase of real, personal, tangible or intangible property, second by Danny Losch. All present Council Members voted yes. Motion approved.

A motion was made to return to public session at 9:14pm by Linda Zahirsky, second by Danny Losch. All present Council Members voted yes. Motion approved.

**ADJOURNMENT** – the meeting was adjourned at 9:15pm

# REPORTS, ARRESTS, CITATIONS & WARNINGS

June 1, 2013 - June 30, 2013

## OFFENSES

Breaking & Entering and/or Burglary	0
<i>(Includes Attempted)</i>	<u>0</u>
Robbery <i>(Includes Attempted)</i>	<u>0</u>
Theft	6
<i>(Includes bad checks, identity and drive-offs)</i>	<u>1</u>
Domestic <i>(Includes Violence and Disputes)</i>	<u>8</u>
Juvenile Offenses	<u>5</u>
Criminal Mischief / Criminal Damaging	<u>2</u>
Drug Related Offenses	<u>2</u>
Menacing and Aggravated Menacing	<u>0</u>
Vandalism/Property Crimes	<u>1</u>
Harassment <i>(Includes Phone)</i>	<u>8</u>
Alcohol Related	<u>0</u>
Disorderly Conduct	<u>1</u>
Assault	<u>1</u>
Missing Persons	<u>2</u>
Shots Fired	<u>0</u>
Sex Offense	<u>1</u>
Solicitors	<u>1</u>
Stalking	<u>0</u>
Suicide	<u>39</u>
<b>TOTAL OFFENSES</b>	<b><u>39</u></b>

## PUBLIC SERVICE

Public Service Calls	17
Disturbance Calls	<u>11</u>
Suspicious Activities	7
<i>(Includes persons, vehicles, circumstances)</i>	<u>42</u>
Assist Lawrence Township Police Department	<u>10</u>
Assist Medical Squad / Fire	<u>3</u>
Assist Other P.D.	<u>13</u>
Alarms	<u>4</u>
911 Hang Ups	<u>0</u>
Attempted Suicide	<u>1</u>
Threats	<u>38</u>
Security Checks	<u>146</u>
<b>TOTAL PUBLIC SERVICE CALLS</b>	<b><u>146</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>105</u></b>
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## TRAFFIC INCIDENTS:

Speed and/or Assured Clear Distance	<u>2</u>
Stop sign and/or Traffic Signal	<u>0</u>
Juvenile Offense	<u>0</u>
Seat Belt Violation	<u>0</u>
Parking Problems (Total)	<u>2</u>
Written Warnings	<u>2</u>
Verbal Warnings	<u>46</u>
Driver's License Violations	<u>2</u>
Registration Violations	<u>1</u>
Wrongful Entrustment	<u>0</u>
Failure to Yield	<u>2</u>
OVI	<u>6</u>
Vehicle Violations	<u>0</u>
Improper Turning	<u>0</u>
Failed to Stop at Accident	<u>1</u>
Failure to Control	<u>2</u>
Marked Lanes	<u>2</u>
<b>TOTAL TRAFFIC INCIDENTS:</b>	<b><u>68</u></b>

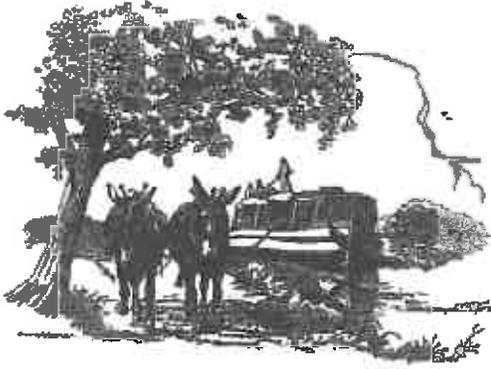
## ACCIDENTS

Property Damage Only:	<u>7</u>
Injuries:	<u>2</u>
Private Property Accident:	<u>3</u>
Hit/Skip Accident	<u>1</u>
<b>TOTAL ACCIDENTS</b>	<b><u>13</u></b>

**TOTAL CALLS OF SERVICE: 371**

From all of the above calls, the following numbers represent the amount of arrests that resulted from said call:

ARRESTS MADE:	<u>11</u>
WARRANTS SERVED:	<u>1</u>
<b>TOTAL</b>	<b><u>12</u></b>



# 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 July 16, 2013**

**1. Locust-Cherry Intersection Project:** We met with EDG last week to iron out some of the technical details so we can finalize scope and fees for their proposal. EDG's proposal came in significantly higher than CTI's estimates while EDG's estimate for construction is significantly lower than CTI's estimate. CTI is reviewing the data with our ODOT committee representative to find reasons for these discrepancies and will report their findings at the Council meeting.

**2. Locust Street Water & Sewer:** We are now ready to meet with the property owners to review engineering and construction estimates and get commitments to move forward with the project. According to CTI we need commitments from at least 70% of the affected properties before we can assess all of them. We are having problems finding accurate contact information for one of the property owners. We should have what we need by Monday. We will then schedule the meeting.

**4. LGIF Grant:** I made an email inquiry with the Ohio Development Services Agency for a list of qualified consultants for our police study and did not get a response. Charley Bowman of EDDS did give us a list of references along with references for two individuals who he will bring on board to assist with the study. We still haven't received the grant agreement from the Office of Redevelopment.

**5. Locust Street Paving Project:** CTI is working on the change order that will be a part of our agreement with the OPWC. Once that is finished we will bring it to Council for approval

**6. Tornado Sirens:** We are meeting with FEMA next week to review the grant application process for tornado sirens. We will need to pass legislation by emergency at our August 6<sup>th</sup> Council meeting approving the application and partnership agreement with Lawrence Township, the lead agency for the grant. The grant could be awarded as early as September.

# RECORD OF RESOLUTIONS

Dayton Legal Staff, Inc. Form No. 0004B

Resolution No. 14-13

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

A RESOLUTION BY THE COUNCIL OF THE CITY OF CANAL FULTON, OHIO TO AUTHORIZE THE CITY MANAGER TO ENGAGE BOND COUNSEL FOR THE LOCUST AND PORTAGE STREETS RESURFACING PROJECT.

WHEREAS, the City of Canal Fulton needs to engage the services of Bond Counsel in order to issue debt for certain transportation improvements, and

WHEREAS, the Council of the City of Canal Fulton desires to authorize the City Manager to engage Bond Counsel for the Locust Street and Portage Street Resurfacing Project.

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

The City Manager is authorized to engage the services of Bond Counsel in order to issue debt for the Locust and Portage Streets Resurfacing Project.

\_\_\_\_\_  
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

# RECORD OF RESOLUTIONS

City of Canal Fulton, Ohio - Form No. 20048

Resolution No. 15-13

Passed 6-4, 2013

A RESOLUTION BY THE COUNCIL OF THE CITY OF CANAL FULTON, OHIO TO AUTHORIZE THE CITY MANAGER TO ENGAGE BOND COUNSEL FOR THE CHERRY AND LOCUST STREETS INTERSECTION PROJECT.

WHEREAS, the City of Canal Fulton needs to engage the services of Bond Counsel in order to issue debt for certain transportation improvements, and

WHEREAS, the Council of the City of Canal Fulton desires to authorize the City Manager to engage Bond Counsel for the Cherry Street and Locust Street Intersection Project.

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

The City Manager is authorized to engage the services of Bond Counsel in order to issue debt for the Cherry and Locust Streets Intersection Project.

\_\_\_\_\_  
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

# RECORD OF RESOLUTIONS

Dejean Legal Blank, Inc. Form No. 0001E

Resolution No.

17-13

Passed

, 20

A RESOLUTION BY THE COUNCIL OF THE CITY OF CANAL FULTON, OHIO TO AUTHORIZE THE CITY MANAGER TO ENGAGE BOND COUNSEL FOR THE LOCUST STREET SEWER EXTENSION PROJECT.

WHEREAS, the City of Canal Fulton needs to engage the services of Bond Counsel in order to issue debt for certain public improvements, and

WHEREAS, the Council of the City of Canal Fulton desires to authorize the City Manager to engage Bond Counsel for the Locust Street Sewer Extension Project.

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

The City Manager is authorized to engage the services of Bond Counsel in order to issue debt for the Locust Street Sewer Extension Project.

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

# RECORD OF RESOLUTIONS

City of Canal Fulton, Inc. Form No. 30006

Resolution No. 18-13

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

A RESOLUTION BY THE COUNCIL OF THE CITY OF CANAL FULTON OHIO TO ENTER INTO A LICENSE AGREEMENT WITH THE CITY OF CANTON, OHIO, THE STARK COUNTY SHERIFF AND THE BOARD OF STARK COUNTY, OHIO COMMISSIONERS.

WHEREAS, the City of Canal Fulton desires to enter into a Non-Exclusive License Agreement with the City of Canton, Ohio, the Stark County Sheriff and the Board of Stark County, Ohio Commissioners to have use of talk groups and radios for the use of emergency responders in Canal Fulton, Ohio.

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 Non-Exclusive License Agreement with the City of Canton, Ohio, the Stark County Sheriff and the Board of Stark County, Ohio Commissioners 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 \_\_\_\_\_-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

Exhibit "A"

NON-EXCLUSIVE LICENSE AGREEMENT

This Non-Exclusive License Agreement is made by and between THE CITY OF CANTON, OHIO, the STARK COUNTY SHERIFF and THE BOARD OF STARK COUNTY COMMISSIONERS, (hereinafter collectively called "Licensors") and THE CITY OF CANAL FULTON, by its duly authorized representative (hereinafter called "Licensee").

RECITALS:

- A. The Stark County Commissioners and Stark County Sheriff applied for and received a federal grant in 2004 to provide equipment, radios, programming and chargers to the County so that it could supply the same to emergency responder agencies in Stark County. The purpose was expanded capacity and interoperability between agencies in the county - law enforcement, fire, EMS and health departments.
- B. The City of Canton and Stark County executed an agreement in July, 2010, to merge their 800 MHZ radio systems ("Shared System Agreement"), benefitting both Stark County and the city of Canton, who share administrative control of the System.
- C. A segment of the merged system known as "Zone C", paid for, in part, by the federal grant, was established to allow other safety force agencies to have use of talk groups and radios for the use of emergency responders in Stark County. Licensee is a police agency commissioned by the state of Ohio.
- D. There is talk group space available on "Zone C" for Licensee.

NOW, THEREFORE, the Licensors and Licensee, in consideration of the mutual covenants, promises, conditions and terms to be kept and performed, do hereby agree as follows:

- 1. Licensors agree to provide talk group space on the 800 MHZ City/County Shared System to Licensee for use by its police and fire departments under the terms and conditions hereinafter provided for emergency response needs. The system service provided by Licensor shall permit radio communication by and between law enforcement, fire, dispatch, ambulance/first responder/medical personnel, and other safety forces, with Licensee, Licensor, MARCS users, and other Licensees of the Shared System on the assigned countywide emergency talk groups.
- 2. Licensee is authorized by this Agreement, access to Zone C of Licensors' System and one (1) talk group which shall be charged by Licensor to

Licensee as follows: \$15.00 per mobile or portable radio per month. Currently CANAL FULTON has TWENTY-THREE (23) radios for a total monthly cost of \$345.00. Each payment shall be made on or before the first day of the month of each calendar quarter. Payments shall be made payable to the Stark County Treasurer and forwarded to the SHERIFF'S fiscal officer.

3. Licensee may request use and approval from Licensors for additional or fewer radios and talk groups. Licensee shall not add any radios or other communications equipment for use in conjunction with this License Agreement without the express written consent of Licensors.

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4. The term of this Non-Exclusive License Agreement shall be for a period of Twenty-seven (27) consecutive months beginning July 1, 2013 and terminating on September 30, 2015. Licensee shall have the option of renewing this License Agreement for an additional two-year period. Licensee shall inform Licensors, in writing, of its desire to renew this Agreement sixty (60) days before the termination date. No renewal shall take effect unless Licensee has complied with the terms of this Licensee Agreement.
5. This License Agreement may be canceled by Licensors at any time during the term of this License Agreement without notice to Licensee if it is determined that Licensee's use of the communication system materially interferes with Licensors' use of the system. Licensor shall notify Licensee immediately in the event of this unforeseen cancellation. Either party may cancel this License Agreement or any renewal term, without cause upon ninety (90) days written notice to the other party, or upon shorter notice if mutually agreed.
6. Licensee is responsible for purchasing and maintaining any radios and transmission equipment. Licensee's use of the communication System shall not materially interfere with the usage by Licensors or any other Licensee of the System.
7. By executing this Agreement, each party hereby releases the other party, its agents and employees from all claims, liability or demands arising from any other cause, including but not limited to, injury to persons or property, or damage of any other nature.
8. Licensee may not transfer or assign this License Agreement without the express written consent of Licensors.
9. Licensee shall abide by the directives of Licensors and shall obey all applicable rules, regulations and laws relative to the use of the radio system that have been provided by Licensor to Licensee, provided they do not modify the terms of this Agreement.

10. This License Agreement shall be binding upon the parties' successors and assigns.

IN WITNESS WHEREOF, triplicate originals of this Non-Exclusive License Agreement have been signed by the City of Canal Fulton this \_\_\_\_ day of June, 2013

SIGNED IN THE PRESENCE OF:

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

IN WITNESS WHEREOF, triplicate originals of this Non-Exclusive License Agreement have been signed by the CITY OF CANTON, OHIO Director of Public Safety this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

SIGNED IN THE PRESENCE OF:

THE CITY OF CANTON, OHIO

\_\_\_\_\_ By: \_\_\_\_\_  
Director of Public Safety

APPROVED AS TO LEGAL FORM  
AND SUFFICIENCY:

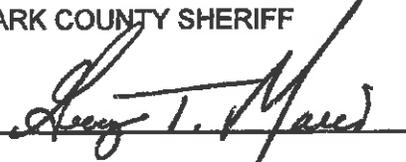
Joseph Martuccio, Law Director City  
of Canton

IN WITNESS WHEREOF, triplicate originals of this Non-Exclusive License Agreement have been signed by the STARK COUNTY SHERIFF by \_\_\_\_\_ This \_\_\_\_\_ day of \_\_\_\_\_, 2013.

SIGNED IN THE PRESENCE OF:

STARK COUNTY SHERIFF

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



IN WITNESS WHEREOF, triplicate originals of this Non-Exclusive License Agreement have been signed by the STARK COUNTY SHERIFF by \_\_\_\_\_ This \_\_\_\_\_ day of \_\_\_\_\_, 2013.

SIGNED IN THE PRESENCE OF:

BOARD OF STARK COUNTY COMMISSIONERS

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

County Administrator

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:

Deborah A. Dawson Assistant Chief, Civil Division Stark County Prosecutor's Office

BILL TO:

# City of Canal Fulton

## PURCHASE ORDER

155 East Market Street, Suite #A  
Canal Fulton, Ohio 44614-1305  
(330) 854-2225 • FAX (330) 854-6313

P.O. NUMBER

RG007906

P.O. DATE

07/08/13

DEPARTMENT

MAYOR . ADMIN

CREATED BY

VERSION NO.

01282

DELIVER TO:

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

VENDOR:

**CITY OF MASSILLON**  
**AUDITOR'S OFFICE**  
**ONE JAMES DUNCAN PLAZA**  
**MASSILLON, OH 44646**

ACCOUNT NUMBER	AMOUNT
101.120.5410	\$3,300.00

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

FEDERAL ID # 34-6000498

QUANTITY	UNIT	DESCRIPTION	PRICE / UNIT	AMOUNT
		PRICE TO UPGRADE MASSILLON BLDG DEPT SOFTWARE TO INCLUDE CANAL FULTON		\$3,300.00
<b>TOTAL:</b>				<b>\$3,300.00</b>

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

**FISCAL OFFICER'S CERTIFICATE**

I hereby certify that the amount required to meet the contract, agreement, obligation, 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, 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