

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

September 4, 2018

1. CALL TO ORDER

2. CANAL DAYS COMMITTEE – DONATION PRESENTATION

3. PLEDGE OF ALLEGIANCE

4. ROLL CALL

5. REPORTS OF STANDING COMMITTEES

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

7. CORRECTING & ADOPTING THE RECORD OF PROCEEDINGS

8-21-18

8. REPORTS OF ADMINISTRATIVE OFFICERS

- o Senior Citizens
- o Community Service
- o Fire Chief
- o Police Chief
- o Engineer
- o Streets
- o Public Utilities
- o Planning/Zoning
- o Finance Director
- o City Manager
- o Mayor – Danny Buck Eagle Presentation
- o Parks & Recreation Board
- o Law Director

9. THIRD READINGS

Ordinance 28-18: An Ordinance by the City of Canal Fulton, Ohio Amending Ordinance No. 1-15 and Repealing Ordinance 14-16

Ordinance 29-18: An Ordinance by the City of Canal Fulton, Ohio to Replat Outlot 257 Known as Canal Place and Repealing any Ordinance in Conflict Therewith

Resolution 15-18: A Resolution by the Council of the City of Canal Fulton to Enter into an Agreement with Stark County Park District and the Stark County Regional Planning Commission

10. SECOND READINGS

11. FIRST READINGS

Resolution 16-18: A Resolution by the Council of the City of Canal Fulton to Apply for a Grant from the Ohio Public Works Commission for the Westside Water Tower

Ordinance 30-18: An Ordinance Amending Ordinance 19-85, Employee Health and Welfare, and Repealing and Ordinances in Conflict Therewith

Ordinance 31-18: An Ordinance Amending Ordinance 31-17, and Providing for Changes to Previously Authorized Appropriations

Ordinance 32-18: An Ordinance by the Council of the City of Canal Fulton, Ohio to Adopt a Public Records Request Policy

Resolution 17-18: A Resolution by the Council of the City of Canal Fulton, Ohio to Enter into a Separation Agreement with Jeff Boak

12. P.O.s

P.O. 11825 to Craun Liebing Co in the amount of \$6,500.00 for repair of #2 Pump at Liftstation F

P.O. 11837 to Massillon Asphalt Company in the amount of \$9,930.08 for Asphalt Road Repairs.

13. BILLS:

14. OLD/NEW/OTHER BUSINESS

15. REPORT OF PRESIDENT PRO TEMPORE

16. REPORT OF SPECIAL COMMITTEES

17. CITIZENS COMMENTS – Open Discussion (Five Minute Rule)

18. ADJOURNMENT

**CITY OF CANAL FULTON
CITY COUNCIL MEETING MINUTES
August 21, 2018**

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

ROLL CALL

Mayor Joe Schultz, Scott Svab, Bonnie Donaldson, Danny Losch, Dan Bucher, Jr., Eric Whittington and Sue Mayberry

Law Director Scott Fellmeth, Police Chief Doug Swartz, Finance Director William Rouse, Fire Chief Ray Durkee.

Others in attendance were Joan Porter, Wendy Curtis and Chell Rossi

Mayor Schultz amended the meeting to include Wendy Curtis from Monarch Resorts to present her project. Ms. Curtis talked through a plan that she passed out to Council. She explained the area being off Milhaven Ave off of Rt. 93. The farmhouse will still be there but renovated into offices called the Gatehouse. Education classes will be held there also on Sustainability and the only building open to the public. There will be four extended stay chalets. There is a well building that will house a fitness center and spa room along with storage for equipment. The largest building on the property is the resort and a one at a time guest facility with 20 guest rooms. The facility can accommodate 125 people for events. All buildings will be built with a green building standard.

Mayor Schultz stated that the Planning Commission needed a Zoning Change. Based on the recommendation from the Planning Commission is that we give a voice motion that will be a commitment to provide the necessary Zoning change in written commitment. It is zoned as R-1 and Planning prefers B-2.

**A motion was made that Council give written approval for commitment of a zoning change to Monarch Resorts by Danny Losch
Second by Eric Whittington
All Council Members voted yes. Motion approved.**

Ms. Curtis said that she hopes the building is done by 2020.

REPORTS OF STANDING COMMITTEES

No report.

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

No comments.

CORRECTING & ADOPTING THE RECORD OF PROCEEDINGS

8-7-18

**A motion was made to accept the 8-7-18 minutes by Sue Mayberry
Second by Dan Bucher, Jr.**

Mrs. Mayberry asked for the following amendments:
Roll Call correct the balance of Council. (members were left off roll call)
On page 2 add "the new canal boat house" where talking about Isabella.
On page 4 add "where City Hall sits" when referring to the corner.

All Council Members voted yes. Motion approved.

REPORTS OF ADMINISTRATIVE OFFICERS

Senior Citizens – No report.

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Community Service – School is back in session so the Mayor’s Summer workers are back to school.

Fire Chief – Report was included in packet. Chief Ray Durkee stated that progress of the truck is happening. He did have pictures of the truck. Hopefully we will have a date soon when the truck will be ready. He said personally they hosted traveling cyclists in their home. He stated he was impressed at how the travelers connect trails as they came from Cape Cod and were returning to Indianapolis, Indiana. They have traveled through the East and were amazed at our Trails.

Police Chief – Report was included in the packet. Chief Swartz stated that Chad Leopold had turned in his resignation as a part time officer. He was a great officer and now is working as the school safety officer for Jackson. Chief Swartz said he was very happy for him. Officers took a week to do in service training. We are able to do this with our own officers in house. They were trained on offensive tactics and building searches. Drew Taylor taught the CPR classes. The first shift for our additional resource officers begins tomorrow. Officer Stetka was trained over the summer for the position.

Danny Losch thanked Chief Swartz for filling in for the officers were in training. Chief Swartz said he loves being able to do this in his position.

Engineer – Mayor Schultz said the Water tower may be able to qualify for a grant from OPWC. We will have to look at if the grant can be used for a new or used water tower. They will put together a package for Council that would include charging the developer for front tap fees and charging new customers until the tower is paid off along with grant funding.

Streets – Chip and seal went well and street sweeping will be happening Thursday. Mayor Schultz said we are working on the yard waste. He said they are hopeful with preparation being done at our new service department with the goal of having a site to drop off branches. We want to stay away from grass clippings. We are doing leaf pick up so they will need raked to the street for pick up. The size of starting up being small will only be for City residents. The site is off the corner of the Milan property and we will need gates because it will only be open limited times and will be manned. We are putting numbers together for cost of gates and fencing. It will need lit at night with a security camera. Other costs include a grinder. The grinder may do it at one price if they get to include the grindings, or the grindings could be given to our residents for free. Mrs. Mayberry said if giving to residents, you don’t know what you would be giving. Mrs. Mayberry asked about hours. Mayor Schultz said they are still working on hours. He said Saturday would probably be a big day. Mrs. Mayberry said we would have more conversation on this. Mayor Schultz said possibly two days a week. Mrs. Donaldson said maybe someone could call and make arrangements to drop off.

Public Utilities – Mayor Schultz said we voted on salary for the street superintendent. He would like to have a meeting to discuss salary so that we have some understanding moving forward as we prepare for retirement and fulfilling positions. Other items to bring up would be Council not being paid enough for full PERS credit for retirement.

A motion was made to have a Finance/Personnel Committee Meeting to discuss employee and Council salary structure by Scott Svab

Second by Bonnie Donaldson

All Council Members voted yes. Motion approved.

A motion was made to have Finance Committee Meetings on October 2, 2018 and October 16, 2018 at 6:00pm to discuss the 2019 Budget by Scott Svab

Second by Dan Bucher, Jr.

All Council Members voted yes. Motion approved.

A motion was made to reschedule the Public Service Committee on September 18 to 6:15pm by Sue Mayberry

Second by Scott Svab

All Council Members voted yes. Motion approved.

Planning/Zoning – Mayor Schultz thanked Council for their support on the Monarch Resort. A letter went out to people regarding tree trimming and snow plowing ability. Our new Zoning Director will be aggressive with this rather than complaint driven. Mayor

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Schultz said he is in favor of the Zoning Inspector to drive around town and inspect. The trees around the road have branches lower than ten feet. The snow plow drivers have branches hitting the windshields and can rip off mirror and housing brackets which could be an \$850.00 repair. At one time the City planted trees and some are saying why should they have to trim them if we planted them. Research has been done by our intern and legislation can be written to have the City trim the trees. Trees were measured before the letter went out with a ten-foot pole. Mr. Whittington said it would be a good time to get the yard waste facility open so that there is somewhere to take the branches. Mayor Schultz said he thinks we should restrict planting trees near the road. Mr. Fellmeth stated that this the Historical Preservation Commission was responsible for the shade tree ordinance. Currently the property owners are responsible for the trees abutting their property. He stated we did not need to change it. Mrs. Mayberry said she sent the ordinance to Council and the Commission does want to change it.

Finance Director – Finance Director William Rouse stated that due to a timing issue the withholdings for income tax were down 16% compared to last year. This resolved itself this month. August financials should show better. The remainder of the finances were typical for the month.

Mr. Rouse explained that the legislation to allow part time employees and Council Members would need to be reintroduced for the COG insurance and would like to do so before joining the COG on December 1st.

Council members approved the legislation being brought back.

A motion was made to accept the July Financials by Danny Losch

Second by Scott Svab. All Council Members voted yes. Motion approved.

City Manager – No report.

Mayor – Mayor Schultz passed out bids for trash and recycling for Navarre. Their bids were for exclusive haulers. Mayor Schultz stated we can renew with Republic at a three percent increase and .78 increase on recycling for one year. The other option is to go out to bid. If we go with renewal it is under the same terms. An educational campaign will also be starting with Republic for recycling for Empty Clean and Dry recyclables.

Mr. Fellmeth stated that this contract would be for a year and not negotiable. Recycling efforts are bad at this time due to the problems in China and transporting recycles there.

A motion was made to approve the one-year contract renewal for Republic for trash and recycling with a three percent increase and .78 increase for recycling by Danny Losch

Second by Scott Svab

All Council Members voted yes. Motion approved.

Mayor Schultz stated that the Locust Street issue still has top soil removal that needs addressed. Mr. Lockhart removed all equipment and can't be back until September. Mr. Smail said he may look into someone else. Mr. Bucher stated that residents are happy with progress.

Mayor Schultz reported that Danny Buck will be presenting an Eagle Scout project for Council's approval to put an additional sign near the annexed area of Arcadia/Cherton. The signs will be identical to the new signs going up at the entrances to Canal Fulton.

Mrs. Mayberry stated the branding information has not been put on our website as of yet.

Parks & Recreation Board – Mayor Schultz and Mrs. Mayberry stated that there has been vandalism in the park in regards to the boat. Mrs. Mayberry stated that if cameras are going to go at the yard waste site they need to be on the boat also. Mrs. Mayberry stated that the Park and Recreation Director was in favor of the cameras and feel they would help with deterring of vandalism.

Law Director – Law Director Scott Fellmeth stated that the High Street Fire Station Closing will be happening on Thursday.

THIRD READINGS

**CITY OF CANAL FULTON
CITY COUNCIL MEETING MINUTES
August 21, 2018**

Resolution 14-18: A Resolution Designating Eligible Depositories for the Period from January 1, 2018 Through December 31, 2023.

A motion was made to pass Resolution 14-18 by Sue Mayberry

Second by Scott Svab

All Council Members voted yes.

Motion approved.

Ordinance 27-18: An Ordinance Amending Ordinance 29-17, Rates of Pay for Non-Bargaining Employees, And Repealing Any Ordinances In Conflict Therewith.

A motion was made to pass Ordinance 27-18 by Scott Svab

Second by Sue Mayberry

All Council Members voted yes.

Motion approved.

SECOND READINGS

Ordinance 28-18: An Ordinance by the City of Canal Fulton, Ohio Amending Ordinance No. 1-15 and Repealing Ordinance 14-16

Ordinance 29-18: An Ordinance by the City of Canal Fulton, Ohio to Replat Outlot 257 Known as Canal Place and Repealing any Ordinance in Conflict Therewith

A motion was made to suspend the rules on 29-18 by Danny Losch

Second by Dan Bucher

All Council Members voted yes. Motion approved.

Resolution 15-18: A Resolution by the Council of the City of Canal Fulton to Enter into an Agreement with Stark County Park District and the Stark County Regional Planning Commission

FIRST READINGS

P.O.s

P.O. 11818 to B & K Concrete Construction in the amount of \$23,947.98 for Concrete Road Repair

A motion was made to approve P.O. 11818 by Sue Mayberry

Second by Eric Whittington

All Council Members voted yes.

Motion approved.

BILLS: \$323,965.49

A motion was made to approve the July Bills Danny Losch

Second by Dan Bucher, Jr.

All Council Members voted yes.

Motion approved.

**CITY OF CANAL FULTON
CITY COUNCIL MEETING MINUTES
August 21, 2018**

OLD/NEW/OTHER BUSINESS

Eric Whittington asked about the section behind Coash House Floral and possibly camping for a free place to stay for cyclists. Mrs. Mayberry stated that he thought you had to do something in order to allow camping.

There is a place in Clinton to stay per Chief Doug Swartz.

Mr. Whittington stated he would like this because it would keep cyclists in town to do business.

Mrs. Donaldson stated she sent Public Service committee meetings by email and would like them passed.

Mayor Schultz stated that he would like them submitted in a timely fashion and bring them to full Council. Mayor Schultz asked everyone to review and to pass at full Council or the next Public Service Committee meeting.

REPORT OF PRESIDENT PRO TEMPORE

No Report

REPORT OF SPECIAL COMMITTEES

None

CITIZENS COMMENTS – Open Discussion (Five Minute Rule)

Mayor Schultz asked questions or comments via online. Doug Swartz stated to have the questions ready at the beginning of the meeting for the next time.

ADJOURNMENT

Minutes prepared by Teresa Dolan

Minutes approved by Mayor Joseph A. Schultz

RECORD OF ORDINANCES

SEAR GRAPHICS 800-325-8994 FORM NO. 30043

Ordinance No.

28-18

Passed

, 20

AN ORDINANCE BY THE COUNCIL
OF THE CITY OF CANAL FULTON,
OHIO AMENDING ORDINANCE
NO. 1-15 AND REPEALING
ORDINANCE 14-16.

WHEREAS, City Council and the Administration wish to amend the Ordinance No. 1-15, which created the classification of Sergeant within the Police Department so as to provide for up to two (2) positions, and to provide for initial compensation for the position(s), and repealing Ordinance No. 14-16.

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

SECTION 1. Ordinance No. 1-15 which provides for the classification of Sergeant within the City of Canal Fulton Police Department shall be amended and replaced with the language in Section 2 and 3 below. Additionally, Ordinance No. 14-16 shall be repealed.

SECTION 2.

(a) The City shall have in the Police Department the classification of Police Sergeant. There shall be no more than two (2) Police Sergeants within the department at any time. Police Sergeants shall continue in office until removed therefrom as provided in Ohio R.C. 737.12 or other applicable Ohio law.

(b) The classification of Police Sergeant shall be a classified service of the City and shall serve with specific duties and responsibilities assigned by the Chief of Police.

SECTION 3.

(c) Benefits for the Sergeant classification shall be provided in accordance with City ordinances and the hourly wage rate shall be set by the City Council, or if applicable, any collective bargaining agreement.

SECTION 4. It is found and determined that all formal actions of this

RECORD OF ORDINANCES

DEAR GRAPHICS 800-325-0094 FORM NO. 35043

Ordinance No. _____ Passed _____, 20____

Council concerning and relating to the adoption of this Ordinance were conducted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Joseph A. Schultz, Mayor

ATTEST:

Teresa Dolan, Clerk-of-Council

I, Teresa Dolan, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby certify that this is a true and correct copy of Ordinance ____-18, duly adopted by the Council of the City of Canal Fulton, on the date of _____, 2018, 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 _____, 2018.

Teresa Dolan, Clerk-of-Council

SEF/bp

RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-6104 FORM NO. 30043

Ordinance No.

29 18

Passed

, 20

AN ORDINANCE BY THE
COUNCIL OF THE CITY OF
CANAL FULTON, OHIO TO
REPLAT OUT LOT 257
KNOWN AS CANAL PLACE
AND REPEALING ANY
ORDINANCE IN CONFLICT
THEREWITH.

WHEREAS, The Planning Commission of the City of Canal Fulton, Ohio has recommended replatting Out Lot 257 known as Canal Place.

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

The City of Canal Fulton agrees to replat Out Lot 257 known as Canal Place pursuant to Plat attached as "Exhibit A" and incorporated by reference herein and repealing any Ordinance in conflict therewith.

Joseph A. Schultz, Mayor

ATTEST:

Teresa Dolan, Clerk-of-Council

I, Teresa Dolan, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby certify that this is a true and correct copy of Ordinance ____ 2018, duly adopted by the Council of the City of Canal Fulton, on the date of _____. 2018, 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 _____, 2018.

Teresa Dolan, Clerk-of-Council

SEF/bp

RECORD OF RESOLUTIONS

BEAR OFFICE 900-328-8084 FCIM NO. 3084

Resolution No. 15-18 Passed _____, 20____

A RESOLUTION BY THE COUNCIL OF THE CITY OF CANAL FULTON, OHIO TO ENTER INTO AN AGREEMENT WITH STARK COUNTY PARK DISTRICT AND THE STARK COUNTY REGIONAL PLANNING COMMISSION.

WHEREAS, the City of Canal Fulton, Ohio has sought an agreement to fund the Canal Fulton Active Transportation and Connectivity Plan, and

WHEREAS, the City of Canal Fulton, the Stark County Park District and the Stark County Regional Planning Commission have agreed to jointly fund the 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 the Stark County Park District and the Stark County Regional Planning Commission pursuant to proposal attached as EXHIBIT "A" and incorporated by reference herein.

Joseph A. Schultz, Mayor

ATTEST:

Teresa Dolan, Clerk-of-Council

I, Teresa Dolan, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby certify that this a true and correct copy of Resolution ____18, duly adopted by the Council of the City of Canal Fulton, on the date of _____. 2018, 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 _____, 2018.

Teresa Dolan, Clerk-of-Council

SEF/bp

EXHIBIT "A"

Agreement

By and Between
City of Canal Fulton
Stark County Park District
and the
Stark County Regional Planning Commission

This Agreement is made and entered into this ____ day of August, 2018 by and between the Stark County Regional Planning Commission, hereinafter referred to as "SCRPC", the City of Canal Fulton, hereinafter referred to as "Canal Fulton" and the Stark County Park District, hereinafter referred to as "Stark Parks".

WITNESSETH:

WHEREAS, The Stark County Area Transportation Study (SCATS) solicited applications for Community Transportation Planning grants; and

WHEREAS, Canal Fulton and Stark Parks identified and applied for the Canal Fulton Active Transportation and Connectivity Plan; and

WHEREAS, the SCATS Policy Committee, on January 22, 2018, approved this project for funding; and

WHEREAS, the SCRPC has determined to enter into a contract with Environmental Design Group (EDG) in the amount of \$45,000.00 to develop a travel plan along this connector.

NOW, THEREFORE, for the mutual consideration contained and specified herein, the SCRPC, Canal Fulton and Stark Parks hereby agree as follows:

1. The SCRPC agrees to pay EDG the aforementioned sum of Forty-five Thousand Dollars (\$45,000.00) pursuant to authorization approved by the Commission at their August 7, 2018 meeting as follows:
 - a. Stark County Area Transportation Study (SCATS) planning funds will be committed to this project in the amount of Twenty-five Thousand Dollars (\$25,000.00)
 - b. Canal Fulton agrees to commit to this project, pursuant to their grant application, as their local match the sum of Ten Thousand Dollars (\$10,000.00).
 - c. As their match, Stark Parks agrees to commit to this project the sum of Ten Thousand Dollars (\$10,000.00).

2. Canal Fulton and Stark Parks will be invoiced by the SCRPC for their respective contributions and will pay the entire amount invoiced within thirty (30) days from the receipt of this invoice.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the date and year set forth below.

WITNESSED BY:

CITY OF CANAL FULTON

Mark Cozy, City Manager

Date

WITNESSED BY:

STARK COUNTY PARK DISTRICT

Robert Fonte, Park Director

Date

WITNESSED BY:

STARK COUNTY REGIONAL
PLANNING COMMISSION

Wayne Schillig, President

Date

Approved as to legal form and sufficiency

David A. Thorley, Attorney at Law

RECORD OF RESOLUTIONS

MAR 02 09:23 AM 2018

Resolution No. 16.18 Passed _____, 20_____

A RESOLUTION BY THE COUNCIL OF THE CITY OF CANAL FULTON, OHIO TO APPLY FOR A GRANT FROM THE OHIO PUBLIC WORKS COMMISSION FOR THE WESTSIDE WATER TOWER.

WHEREAS, the City of Canal Fulton, Ohio desires to apply for a grant from the Ohio Public Works Commission (OPWC) for the Westside Water Tower, and

WHEREAS, the estimated cost of said project is \$1,750,000.00.

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

The City of Canal Fulton agrees to apply for a grant from the Ohio Public Works Commission for the Westside Water Tower.

Joseph A. Schultz, Mayor

ATTEST:

Teresa Dolan, Clerk-of-Council

I, Teresa Dolan, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby certify that this is a true and correct copy of Resolution ____-18, duly adopted by the Council of the City of Canal Fulton, on the date of _____, 2018, 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 _____, 2018.

Teresa Dolan, Clerk-of-Council

SEF/bp

RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-6094 FORM NO. 30043

Ordinance No. 30-18 Passed _____, 20____

AN ORDINANCE AMENDING ORDINANCE 19-85, EMPLOYEE HEALTH AND WELFARE, AND REPEALING ANY ORDINANCES IN CONFLICT THEREWITH.

WHEREAS, the Canal Fulton City Council wishes to amend the hospitalization and medical insurance plan benefits to allow for conditional participation by elected officials and part-time employees, and

WHEREAS, Ordinance 19-85 (Chapter 141 of the Administrative Code) addresses employee health and welfare benefits, and

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

Section 1: Chapter 141.19 (e) of the Administrative Code is amended as follows:

141.19 HEALTH AND WELFARE.

(e) The City will provide hospitalization and medical insurance for the full-time employees on a voluntary basis. The full-time employees shall pay fifteen percent (15%) of the total premium and the City will pay eighty-five percent (85%) of the total premium. The City will also allow elected officials and permanent part-time employees who work an average of more than 20 hours per week to participate in its hospitalization and medical insurance programs provided they pay the full cost of the premiums and provided that the insurance companies are willing to provide coverage to them (elected officials and permanent part-time employees). An elected official or permanent part-time employee who chooses this option must agree to have the premiums paid in advance through direct payroll withholdings, or through some other manner deemed acceptable by the Finance Director. The measurement period for the 20 hour per week threshold is based on an analysis of the hours/schedule worked in the prior calendar year. Exceptions to the 20 hour requirement must be approved by City Council. Hospitalization and medical insurance plans are not available to part-time employees who work an average of less than 20 hours per week, seasonal employees, or volunteers.

Section 3: All other ordinances inconsistent herewith are repealed.

Section 4: This Ordinance shall take effect and be in full force and effect from and after the earliest period allowed by law.

ATTEST:

Joseph A. Schultz, Mayor

Teresa Dolan, Clerk of Council

I, Teresa Dolan, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby certify that this is a true and correct copy of Ordinance _____, 18, duly adopted by the Council of the City of Canal Fulton, on the date of _____, 2018, 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 _____, 2018.

Teresa Dolan, Clerk of Council

RECORD OF ORDINANCES

BEAR GR/PHICS 800-325-5084 FORM NO. 30049

Ordinance No. 31-18

Passed _____, 20____

~~An Ordinance Amending Ordinance 31-17, and~~
 Providing for Changes to Previously Authorized
 Appropriations.

WHEREAS, it is necessary for the City of Canal Fulton to authorize additional appropriations for current expenses and other expenditures for the fiscal year ending December 31, 2018, which were not anticipated or included in Ordinance 31-17, as the City's 2018 Appropriation Ordinance, and

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

Section 1: City Council authorizes the Finance Director to increase the appropriations by \$200,000.00 to account for the up-front cost of joining the COG health insurance consortium, one month of 2018 COG premiums and to account for several salary adjustments that took place during the year.

| Fund/Department | Previously Approved | Change | New Appropriation |
|------------------------------------------------------------|---------------------|-------------|-------------------|
| General Fund | | | |
| Mayor & Administration - Personnel | \$105,679.56 | \$6,500.00 | \$112,179.56 |
| Finance - Personnel | \$69,003.75 | \$6,700.00 | \$75,703.75 |
| Income Tax - Personnel | \$69,794.60 | \$5,000.00 | \$74,794.60 |
| Lands & Buildings - Personnel | \$56,448.75 | \$3,000.00 | \$59,448.75 |
| Street Construction, Maintenance and Operating Fund | | | |
| Street Dept. - Personnel | \$195,000.25 | \$16,000.00 | \$211,000.25 |
| Police Fund | | | |
| Police - Personnel | \$1,077,160.29 | \$68,800.00 | \$1,147,160.29 |
| Fire Fund | | | |
| Fire - Personnel | \$415,260.25 | \$2,000.00 | \$417,260.25 |
| St. Helena II Fund | | | |
| Canal Boat - Personnel | \$26,403.75 | \$10,000.00 | \$36,403.75 |
| Water Operating Fund | | | |
| Water Operating - Personnel | \$458,932.62 | \$41,000.00 | \$499,932.62 |
| Sewer Operating Fund | | | |
| Sewer Operating - Personnel | \$459,470.22 | \$41,000.00 | \$500,470.22 |

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

Joseph A. Schultz, Mayor

ATTEST:

Teresa Dolan, Clerk of Council

I, Teresa Dolan, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby certify that this is a true and correct copy of Ordinance _____, 18, duly adopted by the Council of the City of Canal Fulton, on the date of _____, 2018, 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 _____, 2018.

Teresa Dolan, Clerk of Council

RECORD OF ORDINANCES

BEAR GRAPHICS 600-382-3000 FORM NO. 300-03

Ordinance No. 02032-18 Passed _____, 20____

AN ORDINANCE BY THE COUNCIL OF THE CITY OF CANAL FULTON, OHIO TO ADOPT A PUBLIC RECORDS REQUEST POLICY.

WHEREAS, Openness leads to a better informed citizenry, which leads to better government and better public policy, and

WHEREAS, it is the mission and intent of the City of Canal Fulton to at all times fully comply with and abide by both the spirit and the letter of Ohio's Public Records Act.

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

The City of Canal Fulton agrees to adopt a Public Records Request Policy pursuant to proposal attached as "Exhibit A" and incorporated by reference herein.

Joseph A. Schultz, Mayor

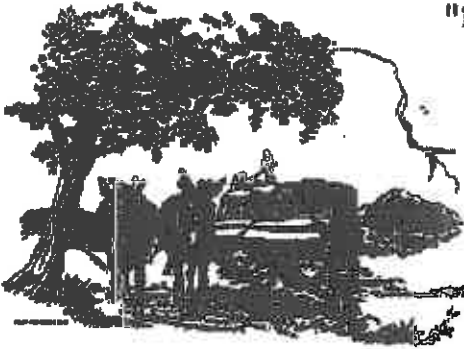
ATTEST:

Teresa Dolan, Clerk-of-Council

I, Teresa Dolan, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby certify that this is a true and correct copy of Ordinance ____ 2018, duly adopted by the Council of the City of Canal Fulton, on the date of _____. 2018, 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 _____, 2018.

Teresa Dolan, Clerk-of-Council

SEF/bp



"Exhibit A"

City of Canal Fulton

155 East Market Street, Suite A
Canal Fulton, Ohio 44614
(330) 854-6761 Fax (330) 854-6260

> PUBLIC RECORDS REQUEST POLICY

Effective Date: November 1, 2018

I. PURPOSE

Openness leads to a better-informed citizenry, which leads to better government and better public policy. It is the mission and intent of the City of Canal Fulton (City) to at all times fully comply with and abide by both the spirit and the letter of Ohio's Public Records Act.

II. SCOPE

This policy applies to all full-time or part-time employees; permanent, temporary, or intermittent employees; interns and externs; consultants; and contractors of the City, and any other holders of City records.

III. DEFINITIONS

A "record" is defined to include the following: A document in any format – paper, electronic (including, but not limited to, business e-mail) – that is created, received by, or comes under the jurisdiction of the City that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the City.

A "public record" is a "record" that is being kept by this City at the time a public records request is made, subject to applicable exemptions from disclosure under Ohio or federal law. All public records must be organized and maintained in such a way that they can be made available for inspection and copying.

IV. PROVISIONS

A. Applicable Timeframes

1. Public records are to be available for inspection during regular business hours. Public records must be made available for inspection promptly.
2. Copies of public records must be made available within a reasonable period of time. "Prompt" and "reasonable" take into account the volume of records requested; the proximity of the location where the records are stored; the

necessity for any legal review and redaction; and other facts and circumstances of the records requested.

3. Generally, all requests for public records should be acknowledged in writing or, if feasible, satisfied within a reasonable timeframe following the City's receipt of the request.

B. Handling Requests

1. No specific language is required to make a request for public records. However, the requester must at least identify the records requested with sufficient clarity to allow the City to identify, retrieve, and review the records. In processing the request, the City does not have an obligation to create new records or perform a search or research for information in the City's records.
2. An electronic record is deemed to exist so long as a computer is already programmed to produce the record through the City's standard use of sorting, filtering, or querying features. Although not required by law, the City should consider generating new records when it makes sense and is practical under the circumstances.
3. The requester does not have to put a records request in writing, and does not have to provide his or her identity or the intended use of the requested public record. It is this City's general policy that this information is not to be requested. However, the law does permit the City to ask for a written request, the requestor's identity, and/or the intended use of the information requested, but only (1) if a written request or disclosure of identity or intended use would benefit the requestor by enhancing the City's ability to identify, locate, or deliver the public records that have been requested; and (2) after telling the requestor that a written request is not required and that the requestor may decline to reveal the requestor's identity or intended use.
4. If a request is made by a member of the media, the recipient of the request must notify the City. In processing a request for inspection of a public record, a City employee must accompany the requester during inspection to make certain original records are not taken or altered.
5. A copy of the most recent edition of the Ohio Sunshine Laws manual is available on the Ohio Attorney General's website for the purposes of keeping employees of the City, and the public, educated as to the City's obligations under the Ohio Public Records Act, Open Meetings Act, records retention laws, and Personal Information Systems Act.

C. Electronic Records

1. Records in the form of e-mail, text messaging, and instant messaging, including those sent and received via a hand-held communications device, are to be treated in the same fashion as records in other formats, such as paper or audiotape.
2. Public record content transmitted to or from private accounts or personal devices is subject to disclosure. All employees or representatives of the City are required to retain their e-mail records and other electronic records in accordance with applicable records retention schedules.

D. Denial and Redaction of Records

1. If the requester makes an ambiguous or overly broad request or has difficulty in making a request such that the City cannot reasonably identify what public records are being requested, the request may be denied, but the City must then provide the requester an opportunity to revise the request by informing the requester of the manner in which records are maintained and accessed by the City.
2. If the City withholds, redacts, or otherwise denies requested records, it must provide an explanation, including legal authority, for the denial(s). If the initial request was made in writing, the explanation must also be in writing. If some portions of a record are public and other portions are exempt, the exempt portions may be redacted and the rest must be released. When making public records available for public inspection or copying, the City shall notify the requestor of any redaction or make the redaction plainly visible.

E. Copying and Mailing Costs

1. Those seeking public records may be charged only the actual cost of making copies, not labor. The charge for paper copies is (5) cents per page. The charge for electronic files downloaded to a compact disc is one dollar (\$1) per disc.
2. A requester may be required to pay in advance for costs involved in providing the copy. The requester may choose whether to have the record duplicated upon paper, upon the same medium in which the public record is kept, or upon any other medium on which the City determines that the record can reasonably be duplicated as an integral part of the City's normal operations.
3. If a requester asks that documents be delivered to them, he or she may be charged the actual cost of the postage and mailing supplies, or other actual costs of delivery.

4. There is no charge for e-mailed documents.

F. Managing Records

Current and obsolete records retention schedules for the City are available at City Hall, 155 E. Market Street, Canal Fulton, Ohio.

CONTACT

The Finance Department is available for consultation or questions regarding this policy.

This policy supersedes any previous policies and will remain in effect until cancelled or superseded.

RECORD OF RESOLUTIONS

SPAN@NAPLES and MICHELE FORMICA 2004

Resolution No. 17-18 Passed _____, 20_____

A RESOLUTION BY THE COUNCIL OF THE CITY OF CANAL FULTON, OHIO TO ENTER INTO A SEPARATION AGREEMENT WITH JEFF BOAK.

WHEREAS, the City of Canal Fulton, Ohio has sought a Separation Agreement with Jeff Boak because there is concern Boak is unable to continue to perform the duties of the position of Assistant Utility Superintendent, and

WHEREAS, it is acknowledged that Boak has a valid medical condition that prevents him from currently working and based on the parties understanding that as a result of said condition Boak will be unable to work his position.

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

The City of Canal Fulton agrees to enter into a Separation Agreement with Jeff Boak pursuant to proposal attached as Exhibit "A" and incorporated by reference herein.

Joseph A. Schultz, Mayor

ATTEST:

Teresa Dolan, Clerk-of-Council

I, Teresa Dolan, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby certify that this a true and correct copy of Resolution _____ 18, duly adopted by the Council of the City of Canal Fulton, on the date of _____, 2018, 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 _____, 2018.

Teresa Dolan, Clerk-of-Council

SEF/bp

EXHIBIT "A"

SEPARATION AGREEMENT – JEFF BOAK
AUGUST 2018

This agreement is entered into between City of Canal Fulton ("Employer"), the International Brotherhood of Teamsters, Local 24 ("Union"), and Jeff Boak ("Boak").

WHEREAS there is concern that Boak is unable to continue to perform the duties of the position of Assistant Utility Superintendent with Employer; and

WHEREAS it is acknowledged that Boak is seeking a service/disability retirement from his position with the Employer and said service/disability retirement application process takes time; and

WHEREAS it is acknowledged that Boak has a valid medical condition that prevents him from currently working and based on the parties understanding that as a result of said condition Boak will be unable to work his position such that all his available sick leave will be used; and,

NOW THEREFORE, parties enter into this Separation Agreement in order to allow for:

1. Boak agrees to submit a letter of resignation and/or retirement to be effective _____, 2018.
2. Boak shall utilize sick leave up until the date of his resignation or retirement, whichever is sooner. Boak shall be entitled to all benefits under the contract in the same manner as any other member of the bargaining unit while on sick leave up until his separation date. Following that date Boak shall no longer be an employee of the Employer and will only be entitled to leave separation payments as outlined below.
3. Upon his resignation/retirement effective, Boak shall be entitled to receive payment in accordance with the collective bargaining agreement for his balance of compensatory time and accrued vacation time. Said payment shall be made by the Employer at the next payroll payment following his resignation/retirement.
4. Sick Leave Conversion. In consideration of this agreement with Boak and the Union, in lieu of the contractually requires sick leave upon separation payment of one-fourth (1/4th) of his sick leave balance, the Employer following Boak's resignation/retirement date agrees to pay Boak one hundred percent (100%) of his then remaining sick leave balance at his regular rate of pay at the time of resignation/retirement. The parties agree that this payment varies from the terms of the parties' collective bargaining agreement (as specified in Section 15.6) and is made on a non precedential basis and shall not require the Employer to make any such accommodation for any other employee in the future.
5. Other Leave. The amounts of payment to Boak for other forms of leave shall be paid under the terms of the collective bargaining agreement between the Union and Employer.
6. Law Violations. The Employee hereby states and agrees that during the entire term of his employment by the Employer, the Employer did not discriminate against the Employee under any state or federal anti-discrimination law, commit an unfair labor practice against the Employee, violate the collective bargaining agreement between the Employer and the

**SEPARATION AGREEMENT – JEFF BOAK
AUGUST 2018**

Union concerning the Employee, or in any other way violate any laws in its dealings with the Employee. The Employee further agrees that the Union has satisfied its duty of fair representation with respect to the Employee in all regards.

The Employee releases the Employer, its assigns, consultants, advisors, attorneys, and employees, past and present, collectively or individually, from any and all claims, demands, causes of actions, losses and expenses of every nature whatsoever, known or unknown, arising up to and including the date on which the Employee executes this Agreement, including but not limited to any claims arising out of or in connection with his employment with the Employer. These claims include, but are not limited to, breach of express or implied contract, intentional or negligent infliction of emotional harm, libel, slander, claims under the Age Discrimination in Employment Act (ADEA) of 1967, 29 U.S.C. § 621, *et seq.*, Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1001, *et seq.*, the American with Disabilities Act (ADA), as amended, 42 U.S.C. § 12111, *et seq.*, Title VII of the Civil Rights Act, 42 U.S.C. § 2000e, *et seq.*, 29 U.S.C. § 2601 *et seq.*, Family and Medical Leave Act (FMLA), claims under R.C. 124, claims under R.C. 4112, and any other federal, state, or local employment laws, statutes, public policies, orders, or regulations. This release shall not apply to breach of this Agreement nor shall it apply to any pending claim for workers' compensation.

SPECIFIC ADEA NOTICE: Pursuant to the Age Discrimination in Employment Act, 29 U.S.C. §621 *et seq.*, you have certain specific rights. A waiver of those rights cannot apply to age discrimination claims arising in the future. Your signature below signifies your acknowledgement of the accuracy of the following statements:

The Employee recognizes that, in signing this Agreement and Release of Claims, the Employee is waiving his right to pursue any and all claims under the Age Discrimination in Employment Act, 29 U.S.C. 621 *et seq.* (ADEA) arising prior to the date the Employee signs the release.

The Employee specifically acknowledges that he has read and fully understands this Agreement and Release and that he is entering into it voluntarily. The Employee acknowledges that he has been advised of and had the opportunity to consult with an attorney prior to signing this Agreement and Release. The Employee further acknowledges that he has been given a period of twenty-one (21) days within which to consider this Agreement, and if he signs the Agreement within such twenty-one (21) day period, his signature constitutes his voluntary and knowing waiver of such twenty-one (21) day period. The Employee understands that he may revoke this Agreement within seven (7) days from the date on which he signs it by giving written notice by certified mail or hand delivery of such revocation to Mark Cozy, City Manager. After seven (7) days have passed following the Employee's execution of this Agreement and Release, such execution shall be final and irrevocable.

7. **Appeal of Agreement.** The Employee and the Union hereby agree not to appeal any issue concerning this Agreement through the grievance arbitration procedure contained in the current collective bargaining agreement between the Employer and the Union. The Employee and the Union further agree not to challenge, appeal, or otherwise question, by

SEPARATION AGREEMENT – JEFF BOAK
AUGUST 2018

any other administrative or legal means, the issue of this Agreement, the resignation, or any compensation and/or benefit owed the Employee as a result of same.

- 8. Non-Precedent. The Employer and the Union agree that this Separation Agreement is to be considered as a non-precedent setting agreement. Any future personnel actions undertaken by the Employer will be handled on a case-by-case basis and in compliance with the collective bargaining agreement between the Employer and the Union.
- 9. Authorship. Neither party acknowledges authorship of this Separation Agreement, as it was jointly reviewed, and such language shall not be construed against either party.

Agreed by the parties this 13th day of August, 2018.

For Canal Fulton

For International Brotherhood of Teamsters,
Local 24

Joe Schultz, Mayor


Dave Richards, IBT Representative

Mark Cozy, City Manager

Jeff Boak

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: RG011825
P.O. DATE: 08/21/18
DEPARTMENT: SEWER
CREATED BY:
VENDOR NO.: 01423

DELIVER TO:

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

VENDOR:

CRAUN LIEBING CO.
11801 CLIFTON BLVD., SUITE 2
CLEVELAND, OHIO 44614

| ACCOUNT NUMBER | AMOUNT |
|----------------|------------|
| 351.330.5730 | \$6,500.00 |

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

FEDERAL ID # 34-6000498

| QUANTITY | UNIT | DESCRIPTION | PRICE / UNIT | AMOUNT |
|---------------|------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|-------------------|
| | | REPAIR OF #2 PUMP AT LIFTSTATION F NOW AND THEN CERTIFICATE I CERTIFY FUNDS FOR THIS PURCHASE WERE AVAILABLE THEN ____ / ____ / ____ AVAILABLE NOW ____ / ____ / ____ SIGNED: THIS THEN AND NOW CERTIFICATE IN EXCESS OF \$5,000 WAS APPROVED BY A MOTION OF CANAL FULTON CITY COUNCIL ON ____ / ____ / ____ | | \$6,500.00 |
| TOTAL: | | | | \$6,500.00 |

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

FISCAL OFFICER'S CERTIFICATE

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

Finance Director

Date

City Manager / Mayor

Date



BILL TO:

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

PURCHASE ORDER

P.O. NUMBER **RG011837**
 P.O. DATE **08/30/18**
 DEPARTMENT **STREET**
 CREATED BY
 VENDOR NO. **00299**

DELIVER TO:

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

VENDOR:

MASSILLON ASPHALT COMPANY
 5947 WHIPPLE AVE. NW
 NORTH CANTON, OH 44720

| ACCOUNT NUMBER | AMOUNT |
|----------------|------------|
| 206.360.5630 | \$9,930.08 |

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 |
|---------------|------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|-------------------|
| | | ASPHALT FOR ROAD REPAIRS NOW AND THEN CERTIFICATE I CERTIFY FUNDS FOR THIS PURCHASE WERE AVAILABLE THEN ____ / ____ / ____ AVAILABLE NOW ____ / ____ / ____ SIGNED: THIS THEN AND NOW CERTIFICATE IN EXCESS OF \$5,000 WAS APPROVED BY A MOTION OF CANAL FULTON CITY COUNCIL ON ____ / ____ / ____ | | \$9,930.08 |
| TOTAL: | | | | \$9,930.08 |

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

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

 Finance Director Date

 City Manager / Mayor Date