

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

June 4, 2019

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. SWEARINS- FIRE

Brandon Swope-Casper

5. REPORTS OF STANDING COMMITTEES

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

7. CORRECTING & ADOPTING THE RECORD OF PROCEEDINGS

5-28-2019 Council Meeting Minutes

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
- o Parks & Recreation Board
- o Law Director

9. THIRD READINGS

Ordinance 12-19: An Ordinance Amending Ordinance 48-18, Rates of Pay for Non-Bargaining Employees, and Repealing Any Ordinances in Conflict Therewith

Ordinance 13-19: An Ordinance Amending Ordinance 48-18, and Providing for Changes to Previously Authorized Appropriations. (\$11,400.00 – engineering to connect Wooster St waterlines to new water tower)

Resolution 5-19: A Resolution by the Council of the City of Canal Fulton, Ohio to Adopt a Policy for the Law Enforcement Trust Fund

10. SECOND READINGS

Ordinance 14-19: An Ordinance Amending Section 111.04 of the Codified Ordinances of

the City of Canal Fulton Relating to the Pay of Members of the Council and Mayor, and Repealing any Ordinances in Conflict Therewith

Ordinance 15-19: An Ordinance by the Council of the City of Canal Fulton, Ohio Amending the Zoning Code by Re-Zoning PPN 27-03295

11. FIRST READINGS

12. P.O.s

P.O. RG012193 to Great Lakes Water & Waste Systems, LLC in the amount of \$8,500.00 for hydramatic pump and 4" PR Sealing Flange

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

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CALL TO ORDER

Mayor Schultz called the meeting to order at 6:33pm

PLEDGE OF ALLEGIANCE

ROLL CALL

Council Members present were Dan Bucher, Jr., Bonnie Donaldson, Sue Mayberry, Danny Losch, and Scott Svab

Eric Whittington not in attendance at this time.

City Staff present were Law Director Scott Fellmeth, City Manager Mark Cozy, Sergeant Josh Barabasch

Others in attendance were Carla Rante, Chell Rossi, Wendy Kertesz, Charles Mashburn, Larry Murgatroyd, and Ken Schalmo

A motion to excuse Mr. Whittington from the meeting was made by Danny Losch.

Second by Scott Svab.

All members present vote yes. Motion approved.

REPORTS OF STANDING COMMITTEES

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

CORRECTING & ADOPTING THE RECORD OF PROCEEDINGS

5-21-2019 Council Meeting Minutes

Mr. Losch asks why we are repeating this, it's a special meeting. Mayor Schultz states that it is a regular meeting just an additional meeting that gives us the right to discuss anything that comes up. If it's a special meeting then you can only talk about items on the agenda. Mrs. Mayberry says yes; in our Charter it allows additional regular meetings. Mr. Losch says this was sent out and advertised as a special meeting in regards to Monarch, correct? Mayor Schultz says no, that was the Planning Commission was a special meeting. This is just an additional regular meeting and that's how it went out. Mrs. Mayberry says it was stated, and I'm going to jump ahead here, it was stated at the last meeting that we had. Mrs. Mayberry reads from the 5-21-19 Council Meeting Minutes; "We had the bid opening on the Community Park project that was Friday and I think what we are hoping to do is see if you have any questions now and then we would like to schedule another regular council meeting", this is the Mayor speaking, "for a couple of different reasons, for next Tuesday the 28th. One would be for the decision about the Community Park bid who to award it to and then the other one was regarding Monarch Living Resorts so we can start having 3 readings." I do believe we were going to have legislation, is there legislation for that? Mayor Schultz says yes. Mrs. Mayberry says yes, it's in the new packet. So that's really all that was stated and then we made the motion to do it on the 28th. Mr. Losch says ok so all these readings are moved up? Mrs. Mayberry says we've never done this before, we haven't scheduled another regular meeting, this is the first time that I can remember. Mayor Schultz says so you see the Third Readings we have 2 of them, they were Second Readings last time. Mr. Losch says correct.

A motion was made to approve the 5-21-2019 Council Meeting Minutes by Sue Mayberry.

Second by Scott Svab.

Scott Svab, Bonnie Donaldson, Sue Mayberry, Dan Bucher, Jr., Danny Losch, and vote yes. Eric Whittington not yet in attendance. Motion approved.

REPORTS OF ADMINISTRATIVE OFFICERS

Senior Citizens – No Report

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Community Service – No Report

Fire Chief – Mayor Schultz says he excused the Fire Chief so he has no report to provide.

Police Chief – Sergeant Barabasch is here to answer any questions we have from the Police Department.

Engineer – Not present

Streets – Not present

Public Utilities – Mayor Schultz says I do want to recognize, I think I said something last time about George retiring so congratulations to George Lukinac, well deserved retirement.

Planning/Zoning – No Report

Finance Director – Mayor Schultz says the Finance Director is excused to attend a baseball tryout with his son in Dayton.

City Manager – Mayor Schultz says we will come back to this.

Mayor – Mayor Schultz says he has 2 permit requests for special use applications for alcoholic beverages which is beer and wine only, these are both for Muhlhauser Park. One is for a wedding on June 15th and the other is for a family party on June 1st from 2pm-6pm and the wedding is from 5pm-8pm. I don't know if we want to do these separately, I would imagine. They have been approved by the Park Board Chairperson Earl Minks and the Police Chief Doug Swartz have signed off on them so we need to have Council approval.

Mrs. Mayberry asks if they are weddings out in the Park. Mayor Schultz says one is a wedding at Muhlhauser Park they want to use the large gazebo area and they expect 100-150 people and just want to be able to serve beer at that park which we require Park approval and the Chief of Police has to sign off on them. I would imagine since alcohol is there Sergeant Barabasch will need to have Police, provide Police. Mrs. Donaldson asks if this has been done before. Mayor Schultz says when he was on the Park Board in 2010 in that time period, we did corporate picnics down in St. Helena Park and they would do the same thing. Mrs. Mayberry says this is the first time they've done it where they require permission from Council at Muhlhauser. Anytime they've wanted alcohol down at the Park I've never voted in favor of it because of the children down there and things, I just have never voted.

A motion was made to approve the Alcoholic Beverages Special Use Permit Application for the Morber Family Party on June 1, 2019 from 2pm-6pm by Danny Losch.

Second by Dan Bucher, Jr.

Mr. Whittington, now in attendance, asks what the motion is for. Mr. Bucher says permits for alcohol at a wedding and a family party at Muhlhauser Park. Mrs. Mayberry says there should probably be 2 separate motions for each. Mr. Bucher says that would be best. Mayor Schultz says let's make the first one for June 1st and the second will be June 15th so we will do it in chronological order. We will take the one for June 1st first and this is for Kelly Morber, it's the Morber Family Party. We will use Danny's motion for this one. Any other discussion?

Sue Mayberry votes no. All other members vote yes. Motion Approved.

Mayor Schultz says moving on to the second one. Could I get a motion from Council for the Bell-Coast Wedding, one person's name is Bell the other is Coast, Chelsea Bell is the person who filled out the application we received it on the 27th of March. They are serving beer only, that is from 5pm-8pm and that's June 15th for their wedding.

A motion was made to approve the Alcoholic Beverages Special Use Permit Application for the Bell-Coast Wedding on June 15, 2019 from 5pm-8pm by Danny Losch.

Second by Scott Svab.

Sue Mayberry votes no. All other members vote yes. Motion Approved.

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Mayor Schultz says Eric is here. Do we officially have to break him into attendance in the meeting? Can we get a voice motion by Council?

Mr. Losch says we will just recognize that Mr. Whittington has entered into the meeting.

Mayor Schultz says next thing I have is if anyone saw The Canton Repository, they did the best of Stark County and Skipco Auto Auction was the peoples choice award for best auction and finishing second place is Brimstone Bicycles, under recreational under Best Bike Shop. Mayor Schultz says next year they will do a better job of letting people know the voting is open and hopefully we will get more local companies recognized there so congratulations to both of you.

The VFW hosted our Memorial Day Parade yesterday and kudos to all the people from the VFW who put on a great parade and a beautiful day for it so thank you especially Leanne and Lisa who worked very hard to organize that many people in one place and get them lined up and going. Thank you very much on behalf of the City.

Also, special recognition to the 8 families who lost their sons in service to our Country. We always remember our Veterans and our Memorial Day Parade is all about the men who lost their lives and did not get to come home so we thank you and appreciate your service, and ultimate sacrifice.

Mayor Schultz says and with that I want to take this to the bid for the Community Park at our last Council Meeting we shared that we had the bid opening and want to turn it over to Mr. Fellmeth and see what kind of latitude we have to accept or reject any of these bids.

Mr. Fellmeth says that Council has the authority not to take the lowest bid, if you look at lowest and best bid. Frankly, most communities in Ohio are recognizing companies that actually are within the municipality of the City as the preference to accept bids. So, the third lowest bid was from Chapanmar Construction, that was within 1% of the previous bid, the other lower one. So, Council has authority to do what they wish to do. I'll be happy to answer any questions on this matter.

Mr. Whittington says he would rather stay local, that is his preference. Mr. Fellmeth says he is paying taxes here. Mrs. Mayberry says anyone that does business here is going to pay taxes. Anyone that comes in here to work is going to pay taxes. Mr. Whittington says it's still a local business and he wants to support local businesses. Mayor Schultz says the net profit is what's different Sue for the businesses, we tax businesses on the net profits on the end of the year. So, you are right, the bricklayers who are working down at the YMCA when they work for more than 15 days in our City, we charge them City income tax but that business that owns the bricklaying company would pay net profits outside of Canal Fulton, they wouldn't pay them to Canal Fulton. Mrs. Mayberry says but that is a \$20,000.00 difference between Cavanaugh and Mr. Chapanmar's price.

Mayor Schultz says if someone would like to make a motion and then we can get that discussion started. Mrs. Mayberry says our Engineer isn't even here to talk to us and give us who he feels is the best low bidder, CTI always did that. Mayor Schultz says well it's the Councils decision. Mrs. Mayberry says based on his recommendation and I haven't heard it yet. Mayor Schultz says we have had a week for all of us to call and ask questions and discuss this. Mrs. Mayberry says we do things public Mayor, in public meetings, not on the phone individually.

Mrs. Mayberry says Cavanaugh Builders did our downtown revitalization; they are landscape contractors. There was information that was supposedly missing out of his bid, one of them was the Non-Collusion Affidavit of some contractor, that's just bid rigging so you're not, 2 sub-contractors aren't going in together and saying bid high, I'll bid low, that's one of the sheets and something else about something not getting notarized. You don't go back to the low bidder or even next to the low bidder and say something is missing can you provide it to Council. Mr. Svab says once those bids are open, he is disqualified. Mrs. Mayberry says that is not true. Mr. Svab says if he did not have his complete bid package from what I understand. Mrs. Mayberry says well we understand it was one sheet and then two notarizations. Mr. Bucher says I guess that's my question, just how egregious is this mistake that they've made; is it enough to disqualify them and spend another \$20,000.00? That right there is the entire master plan. Mrs. Mayberry says we are about out of our Park money anyhow now, it's almost gone, the grant money is gone. Mr. Losch says so are you in favor of Cavanaugh then? Mrs. Mayberry says

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I'm just saying were getting into the 3rd lowest bidder just because he's local. Mr. Losch says he's already done a lot of work for us, that's why I'm supporting him. Mrs. Mayberry says we are supposed to be watching the finances of the City. We aren't supposed to be doing this based on a local person. Mr. Losch so why would we go with a \$20,000.00 higher bid? Mrs. Mayberry says no the other ones are lower than Chapanar. Mr. Losch says what was the percentage? Run this by me again, am I missing something here? Mr. Fellmeth says Chapanar was the third lowest bidder, he is within of 1% of the second lowest bidder. Mr. Bucher says the lowest bidder was around \$634-635,000.00. Mr. Fellmeth says Cavanaugh was at \$635,000.00, Digioia Suburban Excavating was \$705,000.00. Mrs. Mayberry says Fechko was the second and they were \$647,000.00. Mr. Fellmeth says Chapanar was \$653,000.00. Mrs. Mayberry says all his equipment is on site too which you would have though he would have had a lower bid,

Mr. Schalmo says he is a retired contractor and when a bid document is stated that it has to be filled out a certain way I have lost bids myself because if you don't have it bound to the book, which is what is asked for, bound with the book, complete, everything signed, everything notarized it's a null and void contract, bid. I've lost bids that way myself and I think, I'm just going to give you my opinion. Jeff Chapanar has helped the City in many, many cases on sewer and water problems has jumped in and has fixed at the spur of the moment has represented the City in emergency situations. If you don't give him a bid, I think you're burning a bridge and he's taken down signs for you, it's not his business to take down signs. He's doing it to help the City because he's that type of person.

Mayor Schultz says to build off of that last week at the Council meeting Earl came in and asked us to get work done on St. Helena Park where we tore down the old Boy Scout building and the next morning we had 7 dump loads of topsoil on the site, which was a gift from Mr. Chapanar. When we did the cemetery project, and I know that's not a City project, but it speaks to his civil service to our community, he donated 12 dump trucks full of top spoil to that project too. Like Ken said you could go on and on about the other things he has done. When we need a plate for a road opening and we need to be able to drive across the trench he's the one who provides it to us.

Mrs. Mayberry says Mayor when it says you can waive informalities and irregularities in a bid what does that mean. Mayor Schultz says he will let the Law Director speak to that. Mrs. Mayberry says because I would like to know how egregious the things were missing are to not save \$20,000.00. Mayor Schultz says I guess that's the other thing I would like to speak to Sue, is the idea that Mr. Chapanar having intimate knowledge already of the work site having done work on there for the YMCA. Mrs. Mayberry says I understand that Mayor but everyone has a shot, everyone's got a shot, we've got a lot of people take a shot at it, that's why we've got to do this, this is the way the public works. Mayor Schultz says I guess the confidence I would have in a local contractor not to get on site and find reasons to change orders and unexpected, unforeseen things. Mrs. Mayberry says you can't predict that. Mayor Schultz says no you can't, all you can do is go based on someone's history of giving us a bid and not coming back with added costs to do that. Mr. Bucher asks if we checked the references on Cavanaugh. Mayor Schultz says I think they are fine, if you look at their big package, all the companies there have a healthy resume it's just a matter of how many of them have the healthy resume that Mr. Chapanar has. Mayor Schultz says I will let Keith speak to it, Mrs. Mayberry wanted a recommendation.

Mr. Fellmeth says we will have to update him on what we are talking about as he just arrived to the meeting. Mr. Fellmeth says we are talking about the bids for the Park Project and whether to take the higher bid from Chapanar and Mrs. Mayberry would like your opinion on the companies. Mrs. Mayberry says your recommendation.

Mr. Dylewski says we did reach out to about a half dozen references on their list and we heard back from 3 people so far and they came back fine. I guess to the Mayor's point we went through and analyzed the bids and looked for everything in the packets that was supposed to be there. There was the one document that wasn't submitted, whether that deems it non-responsive is getting more into the legalities of the contract.

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Mrs. Mayberry says but have you ever taken an engineer after the bid opening and said since you are the lowest bidder, we just don't have that document, is that an irregularity or informality that you can overlook and award somebody or just say too bad you're SOL. It doesn't change the dollar amount; it doesn't change his bid. Mr. Dylewski says the dollar amounts added up to the total amount he had in his bid. Mrs. Mayberry says I just look at the \$20,000.00 and I know that were pretty much used up our park grant money and so every little bit we don't have to spend.

Mr. Cozy says he has examples from 7 cities that if a local business is within 5% of the low bid, they automatically award it to the local business. I'm all for supporting the local business. Mrs. Mayberry says well how far down the list do you go with that. Mr. Cozy says he was number 3 and within 3%. Mrs. Mayberry says so it has to be 1, 2, or 3 you have to be within 3. Mr. Cozy says well they say 5%. Mr. Cozy says he put an email out about a week ago and he got responses from 7 communities right away. Some have it in legislative form some just have it as policy. That's where I fall on this, I'm all about supporting local businesses. They pay their taxes here they keep their businesses here; they could go somewhere else. Mr. Whittington says they are more intimate with the town, going above and beyond to help out the community; that's important. Mrs. Donaldson says so is \$20,000.00. Mr. Cozy says true but that's what you've got to determine, is it worth \$20,000.00 to support local businesses. Mrs. Mayberry says the bidding process is not to be trifled with. Mr. Cozy says he will pass out the responses he received from various communities.

Mrs. Mayberry says but I still haven't heard from the Engineer, what is his recommendation on who we should choose for this project. We've heard it before; I'd like to hear it. Mrs. Mayberry says who would you recommend to Council because we take recommendation from our staff. Mr. Fellmeth says you are putting him on the spot, he is the Engineer. Mrs. Mayberry says he is the one who gives the recommendation doesn't he? Mr. Cozy says Council makes the decision on lowest and best bid, I guess lowest and best. Mrs. Mayberry says so our Engineer doesn't recommend, I've heard it before, Mr. Dorman used to recommend, used to sit there and read it right off to us, I mean that's what I'm waiting for. If we aren't doing that anymore that's ok, then do whatever you're going to do. Mr. Dylewski says like I said it all comes down to what the contract book said, it said these documents were supposed to be submitted with the bid. The bid prices are what they are and so I think that falls onto the legality of it, does it deem it to be a non-responsive bid. I think that falls onto Scott's expertise. Mr. Bucher says but do we have precedence on doing that within Canal Fulton? Have we been known to reject bids based on something being missing and determining it's non-responsive or are we going outside the door this time because Chapanar is... Mr. Cozy says I've never had this before. Mrs. Mayberry says I will say that I spoke with my husband Dan Mayberry who was Service Director and he was here for 42 years, he has called the sub-contractor who submitted a bid that we needed a piece of paper that wasn't in the bid and the way he put the bids together it's not the Engineers sitting there doing the administrative work to get all the legalities put together it's a team of people that work on it and sometimes things get left out and if they respond favorably they are not kicked out of the running. It's happened before, I can't say when or what the project was but it's been done. Mr. Cozy says I would say it probably has been done but has a local business been deferred because of it, that's key for me. Mrs. Mayberry says I don't know but 20 grand is 20 grand, and if money is no object then whatever.

Mr. Losch says I guess I would ask what would be the payoff by staying local and coming back to the community, has anybody done any assessment to that?

Mr. Murgatroyd says as a local business I would hope that Council would support a local business. To answer your question ma'am, I send quarterly taxes to the City of Canal Fulton every quarter, he does the same thing. It's not just because people are working here it's because we have employees here so you're getting paid, your salary is paid by us supporting and paying taxes each time so I would hope that you would at least look at supporting a local contractor. There again switching hats, as President of the YMCA Board, Jeff has been very helpful in clearing the dirt, getting us taken care of, and taking care of things. Mrs. Mayberry says I don't have anything against Mr. Chapanar. Mr. Murgatroyd says secondly, he has also donated tremendously to the community throughout the Rotary and other things. Mrs. Mayberry says she understands. Mr. Murgatroyd says so I would hope with all that being said that you could say yeah let's give it to the local guy that also we've

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worked with for years that knows were not going to get screwed over. Mrs. Mayberry says is there any possibility of asking him if he would lower his bid? Mr. Fellmeth says you can't re-submit. Mrs. Mayberry says I'm just asking, you can't, ok.

Mr. Bucher says I was just reading something about that, this is not for this type of project, it's about purchasing commodities and equipment but it does say if the lowest and best bid received from non-local (Mr. Cozy asks if this is from Kettering, Mr. Bucher replies yes) if it is non-local the qualifying local business that has submitted a bid to the City it conforms to the bid specs and within 5% may be given the opportunity to match the lowest bid. We can't do that or is that specifically for purchasing equipment and commodities. Mr. Cozy says that is legislation that was passed, I don't know about that, that a legal question again; of course, that's for commodities like police cruisers, computers. Mrs. Donaldson says but it does say that we have the right. Mayor Schultz says I don't know if there is that much material here, like drainage pipe, storm sewers, and things like that, those would be commodities that we would be purchasing. Mr. Bucher says I am torn on this one, because I agree with supporting local businesses but do we want to set a precedent that we're going to skip lowest bidders in favor of local projects all the time and disincentivize non-city companies from even bidding on our projects.

Mr. Mashburn says I'm sorry I just got the tail-end of this, was the process followed by the underbidder, did he follow everything? Mr. Bucher says there was a couple of mis-documents, I guess. Mr. Mashburn says that concerns me right now, if they can't follow directions to do the documents what good is the lowest bidder. Mr. Bucher says that's what I'm trying to figure out, just how egregious this is. If it's enough then I'm fine with it. Mr. Whittington says if they can't fill out a piece of paper what are they going to do building our building. Mr. Cozy says we need them to be able to file everything properly to get reimbursed. Mr. Svab says Keith, you are the one that reviewed these bid packages, would you say that Cavanaugh's would be considered incomplete could be legally tossed because he didn't follow directions on submitting everything. Mr. Dylewski says he can't speak to the legality of it, I'm just reporting this is what he turned in.

Mayor Schultz says so it comes down to our Law Director telling us we have the right to select anybody we want. Mrs. Donaldson says anybody we want doesn't matter what the bid. Mayor Schultz says all 7 bids, 6 of them are below the estimate of the job at \$730,000.00, I had a conversation with Mr. Lockhart from Lockhart Construction, who was the 4th place bidder and he would like to be selected. He used the rationale of being a local business, well I shared with him that the 3rd place business is actually located in the City of Canal Fulton and he didn't say anything after that. Mayor Schultz says I need a motion, that's why I wanted to start, if somebody wants to make a motion about who they want to see selected for the project I'll entertain the motion.

A motion was made to select J A Chapanar Excavating for the Community Park Project – Phase 1 by Eric Whittington.

Second by Dan Bucher, Jr.

Scott Svab, Danny Losch, Dan Bucher, Jr., and Eric Whittington all vote yes. Bonnie Donaldson and Sue Mayberry vote no. Motion Approved.

Mayor Schultz says moving on to City Manager, anything to report? Mr. Cozy says there is a Park Master Plan Public Meeting scheduled for June 19th, do we have a location for that yet Joe? Mayor Schultz says not yet but we should be fine, I'll go down there and book it. Mr. Cozy says the plan is to have it at Canal Grille and that's at 6:30pm. We'll have a solid answer at the next Council Meeting. That's all I have.

Mrs. Donaldson says what exactly are you talking about right now, I didn't hear that. Mr. Cozy says the Park Master Plan Public Meeting for public input. We had a shareholders meeting, we met with the Park Board initially with City Officials and now it's time to open up for to the public for input. The first meeting we went through the original Master Plan and now there are some other ideas and now we want the whole community involved with the planning. Mrs. Donaldson says that's at 6:30, what day? Mr. Cozy says June 19th. Mrs. Donaldson asks if he has anything that they've said so far, that they are recommending. Mr. Cozy says basically what was in the original plan that they had a splash pad accessible for

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different skill levels, ball field, athletic fields, picnic shelter. Mrs. Donaldson says I'm curious about the ball fields because we have so many of them. Mr. Cozy says there's one ball field. Mrs. Donaldson says we have them everywhere. Mr. Cozy says basically we want to get away from St. Helena Park, we have soccer and baseball there and they are prone to flooding so it would be nice to have a ball field and have a central park here and replace what's over there. Mrs. Donaldson says don't they have a lot at the school too though? Lots of fields? Mr. Cozy says those are privately owned; the athletic complex is private. Mayor Schultz asks if there are any more questions for Mr. Cozy.

Mrs. Mayberry says she wanted to bring up the topic we voted on last week regarding the underground storage tank in a public right-a-way and the conversation that went back and forth was the fact that this was in the public right-a-way and we are the property owner. That public right-a-way up at my house is the sidewalk and the strip where my tree was that I had cut down last year. Is that my property or is that City property? because the fact that right-a-way is City property, property owners are supposed to replace curb and sidewalk. Mr. Cozy says that is all legislated, trees and sidewalks are legislated. Mrs. Mayberry says and so is curb. Mr. Cozy says right, curb too. Underground storage tanks are not even allowed, but we did it, somehow, we allowed it, they're not even allowed. We have legislation in place for the City to maintain the trees with the property to maintain the trees, the City and the property to maintain the trees, the sidewalks, the curb it's all legislated part of the property owner and then the property owner is assessed. That tank was not allowed to be there to begin with. Mrs. Mayberry says so why do we even, why did we even make him pay half of it. Mr. Cozy says I didn't vote, I didn't make the decision. Mr. Svab says because he was agreeable to settle for that, we probably could have been stuck for the whole bill. Mrs. Mayberry says well maybe we should have been. Mr. Svab says I will settle for half and be happy because I think we were in the wrong when we pulled that tank out of there, we should have followed up with number 2 mediation and we didn't.

Mrs. Mayberry says now another thing, the curbs, I understand that the curbs that were replaced down there next to the parking lot the City is going to pay for and not the Hatfield's who own the property. But the church up there paid for their own curbs to get put in. I'm going to pay for my own curb to get put in. Why are some people paying...Mr. Cozy says I don't know anything about that curb and the City paying for that. Mrs. Mayberry says wasn't it paid for by the City, Mayor? Mayor Schultz says I believe the Street Department had it in their budget. Mrs. Mayberry says but why? Mr. Cozy says I don't know. Mrs. Mayberry says it should not be. Mr. Cozy says I know we have an agreement with the Hatfield's to maintain that; I was not party to the curb. Mr. Bucher asks how long ago was that done? Mayor Schultz says 2 weeks ago. Mrs. Mayberry says she needs some clarification on that because if we're not charging the property owner or assessing the property owner for curb and we are assessing other people in this community for anything they are required by ordinance to maintain, that's a problem. Whether is trees or curb or sidewalk, we need to make sure that we do for one do for the other. Mr. Svab says he was unaware of the curbs being set over there, that's the first I've heard of it. Mrs. Mayberry says it was all replaced. Mayor Schultz says what was done with was through the storm water assessment and that's how it was connected because it is related to the flow of the water and so when it wasn't really out of the Street Department budget as much as out of Storm Water. Mrs. Mayberry says but it is still the curb, that should be covered by the property owner, that's my opinion and if that's in the Code then we don't break the Code, you don't just say well we're going to do the storm water side of it now and then ignore what's in the Code. Mayor Schultz says that's one of the things Sue, I think you can look at now that we have a Storm Water Assessment Fee that we never had before is you know what falls, but you're right I think it needs... Mrs. Mayberry says were going to ruin, were going to deplete our storm, we don't have that much money in it to begin with. We want to even increase that rate down the road to make it a lot healthier fund. If were doing that to replace curb that should be paid for by the property owner, that doesn't make sense. That's all I have Mr. Cozy.

Parks & Recreation Board – No report

Law Director – Mr. Fellmeth says he has no report

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May 28, 2019**

THIRD READINGS

Ordinance 10-19: An Ordinance Amending Ordinance 45-18, and Providing for Changes to Previously Authorized Appropriations. (\$21,500 - archeological study and other expenses at community park)

A motion was made to pass Ordinance 10-19 by Dan Bucher, Jr.

Second by Scott Svab.

Mrs. Donaldson asks what the other expenses are, aren't they supposed to be specified? Mayor Schultz says what is Bonnie, is within that budgeted amount we got an estimate from the State saying this is what they would charge and then because we went out and used the local contractor who only charged us, I believe \$276.00 for plowing the field which they had budgeted like \$5-6,000.00. Mrs. Donaldson says so it doesn't have to be specified? Mayor Schultz says as long as it's within that amount. Mr. Cozy you can speak to this too. We are well underneath that I think were \$8,000.00 underneath that. Mrs. Donaldson says ok, I'm just curious. Mayor Schultz says good question, they are all good questions.

All Council Members vote yes. Motion approved.

Ordinance 11-19: An Ordinance Amending Ordinance 45-18, and Providing for Changes to Previously Authorized Appropriations. (\$45,000 – YMCA utilities)

A motion was made to pass Ordinance 11-19 by Scott Svab.

Second by Dan Bucher, Jr.

Mayor Schultz says the YMCA is putting in a 4" line and the minimum water bill with that 4" line is \$1,020.00 just for the water, so I think we will re-coop our investment rather quickly on that.

All Council Members vote yes. Motion approved.

SECOND READINGS

Ordinance 12-19: An Ordinance Amending Ordinance 48-18, Rates of Pay for Non-Bargaining Employees, and Repealing Any Ordinances in Conflict Therewith

Ordinance 13-19: An Ordinance Amending Ordinance 48-18, and Providing for Changes to Previously Authorized Appropriations. (\$11,400.00 – engineering to connect Wooster St waterlines to new water tower)

Resolution 5-19: A Resolution by the Council of the City of Canal Fulton, Ohio to Adopt a Policy for the Law Enforcement Trust Fund

FIRST READINGS

Ordinance 14-19: An Ordinance Amending Section 111.04 of the Codified Ordinances of the City of Canal Fulton Relating to the Pay of Members of the Council and Mayor, and Repealing any Ordinances in Conflict Therewith

Mayor Schultz wants to point out that Ordinance 15-19 is a first reading. Mrs. Mayberry says Ordinance 14-19 was a first reading too correct? Mayor Schultz says yes.

Ordinance 15-19: An Ordinance by the Council of the City of Canal Fulton, Ohio Amending the Zoning Code by Re-Zoning PPN 27-03295

P.O.s

BILLS

OLD/NEW/OTHER BUSINESS

REPORT OF PRESIDENT PRO TEMPORE

REPORT OF SPECIAL COMMITTEES

**CITY OF CANAL FULTON
CITY COUNCIL MEETING MINUTES
May 28, 2019**

CITIZENS COMMENTS – Open Discussion (Five Minute Rule)

Mrs. Donaldson says she has a question she would like to say about something. This is pertaining back to Craney; have we gotten an invoice or have we seen anything that that's what they are charging. Mayor Schultz says we will get it. Mrs. Donaldson says I just thought we hadn't seen anything it's just we voted yes and we don't even know what it is. Mayor Schultz says I think they paid it already. Mrs. Donaldson says he said he hadn't gotten anything. Mayor Schultz says he hadn't gotten anything from us but they are working on the property so I'm guessing that they closed. Mrs. Donaldson says he must have got it since then. Mayor Schultz says yes.

ADJOURNMENT

Meeting adjourned at 7:18pm

Meeting minutes prepared by: Carla Rante

Meeting minutes approved by: Mayor Joseph A. Schultz

RECORD OF ORDINANCES

BEAR GRAPHICS 800-323-8094 FORM NO. 30043

Ordinance No. 12-19

Passed _____, 20____

AN ORDINANCE AMENDING ORDINANCE 48-18, RATES OF PAY FOR NON-BARGAINING EMPLOYEES, AND REPEALING ANY ORDINANCES IN CONFLICT THEREWITH.

WHEREAS, the Canal Fulton City Council has established rates of pay for non-bargaining employees, and

WHEREAS, adjustments are to be made to their pay, and

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

Section 1: Section 124.02 of the Codified Ordinances shall be amended to read:

124.02 CLERK OF COUNCIL / ASSISTANT TO THE CITY MANAGER
There is established the position of Clerk of Council / Assistant to the City Manager at the direction of the City Manager. The salary shall be \$37,500.00 per year, payable 42% from the General Fund, 29% from the Water Operating Fund, and 29% from the Sewer Operating Fund. The salary will be applied retroactively to February 4, 2019 at a rate of \$18.03 per hour (\$37,500/2,080 hours). The position will receive 80 hours of vacation time in 2019, and then will accrue vacation time according to Chapter 141.18 of the codified ordinances in subsequent years. The position will also receive a stipend equal to \$459.00 in 2019, which represents the \$500.00 stipend that all other full-time employees received, but pro-rated based on 11 months of employment (\$500.00 *11/12).

Section 2: Section 123.01 of the Codified Ordinances shall be amended to read:

123.01 FINANCE DIRECTOR
The Finance Director shall receive a salary of \$64,139.09 per year, payable 42% from the General Fund, 29% from the Water Operating Fund, and 29% from the Sewer Operating Fund.

Section 3: The Assistant to the Finance Director shall receive a pay rate of \$20.45 per hour, payable 42% from the General Fund, 29% from the Water Operating Fund, and 29% from the Sewer Operating Fund.

Section 4: The Chief of Police shall receive a salary of \$71,765.25 per year, payable from the Police Fund. The position shall receive the same uniform allowance as union employees of the department. The position shall also receive an administrative stipend of \$4,000.00.

Section 5: The Police Department Administrative Assistant shall receive a pay rate of \$20.45 per hour, payable from the Police Fund.

Section 6: The Superintendent of the Utility Department shall receive a salary of \$56,791.03 per year, payable 50% from the Water Operating Fund and 50% from the Sewer Operating Fund. The position shall receive the same uniform allowance as union employees of the department. If the employee possesses a Water Operator and/or Sewer Operator certification equivalent to the classification of the City Water Treatment Plant and Wastewater Treatment Plant, then the position shall receive the same stipend as union employees of the Utilities Department.

Section 7: The Superintendent of the Street Department shall receive a salary of \$56,791.03 per year, payable 25% from the General Fund and 75% from the Street Fund. The position shall also receive the same vacation, sick leave and

RECORD OF ORDINANCES

Ordinance No. 12-19 Passed _____, 20____

uniform allowance as union employees of the department.

Section 8: Pursuant to the compensation package adopted by Ordinance 22-12, the City Manager shall receive a salary of \$80,597.89 per year, payable 42% from the General Fund, 29% from the Water Operating Fund, and 29% from the Sewer Operating Fund.

Section 9: The Law Director shall receive a salary of \$28,717.14 per year, payable 42% from the General Fund, 29% from the Water Operating Fund, and 29% from the Sewer Operating Fund. Since the position is not a full-time employee, the position is not eligible for longevity pay defined in Section 13 below.

Section 10: The Zoning Inspector shall receive a pay rate of \$20.40 per hour, payable from the General Fund. Since the position is not a full-time employee, the position is not eligible for longevity pay defined in Section 13 below.

Section 11: There is established the position of Parks and Recreation Director. The salary shall be \$18.93 per hour, payable 60% from the General Fund and 40% from the St. Helena II Fund. Since the position is not a full-time employee, the position is not eligible for longevity pay defined in Section 13 below.

Section 12: All full-time employees shall receive additional compensation of \$150 for every year of full-time service worked for the City. This longevity service pay shall be cumulative upon each employee's anniversary date of full-time employment.

Section 13: Rates of pay for **part-time** police officers and the **part-time** fire department administrative assistant shall be established as follows:

	HOURLY RATE		
	YEAR 1	YEAR 2	3 or More Years of Service
Part-Time Police Officers	\$15.29	\$16.42	\$17.54
Part-Time Fire Dept. Administrative Assistant	\$12.77	\$13.67	\$14.36

Section 14: Rates of pay for **part-time** Canal Boat employees shall be established as follows:

	YEAR 1	2 or More Years of Service
Canal Boat Crew	State Minimum Wage	\$9.37
Canal Boat Captain	\$10.74	\$11.92

Section 15: Rates of pay for non-safety **part-time** employees shall be established as follows:

	HOURLY RATE		
	YEAR 1	YEAR 2	3 or More Years of Service
Seasonal Street Department CDL Laborer	\$12.77	\$13.67	\$14.36
Utility Public Works Laborer	\$11.35	\$12.16	\$12.78
Casual Laborer	State		

RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-6094 FORM NO. 30043

Ordinance No. 12-19 Passed _____, 20____

	Minimum Wage	\$9.20	\$9.68
Summer Works Program	State Minimum Wage	State Minimum Wage	State Minimum Wage
Clerical	\$9.37	\$10.74	\$11.92
Income Tax Assistant	\$12.77	\$13.67	\$14.36
Payroll & Finance Clerk	\$12.77	\$13.67	\$14.36
Community Service Coordinator	\$12.77	\$13.67	\$14.36
Canalway Programs Director	\$12.77	\$13.67	\$14.36
Canalway Programs Assistant	\$9.37	\$10.74	\$11.92

Section 16: The permanent non-bargaining part-time employees (currently consists of the Parks and Recreation Director, Community Service Coordinator, Income Tax Assistant, Zoning Inspector) will receive 4 hours of pay for the following holidays: New Year's Day, President's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, the day after Thanksgiving, Christmas Eve, and Christmas Day.

Section 17: All other ordinances inconsistent herewith are repealed.

Section 18: This Ordinance shall be effective February 4, 2019 for the fiscal year 2019.

Joseph A. Schultz, Mayor

ATTEST:

Alyssa Bettis, Clerk of Council

I, Alyssa Bettis, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby certify that this is a true and correct copy of Ordinance _____, 19, duly adopted by the Council of the City of Canal Fulton, on the date of _____, 2019, 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 _____, 2019.

Alyssa Bettis, Clerk of Council

RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

Ordinance No. 13-19 Passed _____, 20____

An Ordinance Amending Ordinance 45-18, 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, 2019, which were not anticipated or included in Ordinance 45-18, as the City's 2019 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 \$11,400.00 to pay for the engineering survey and design work to connect the Wooster Street water lines to the new water tower.

Fund/Department	Previously Approved	Change	New Appropriation
Water Capital Projects Fund - 341			
Water Capital Projects Fund	\$403,750.00	\$11,400.00	\$415,150.00

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

Joseph A. Schultz, Mayor

ATTEST:

Alyssa Bettis, Clerk of Council

I, Alyssa Bettis, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby certify that this is a true and correct copy of Ordinance _____, 19, duly adopted by the Council of the City of Canal Fulton, on the date of _____, 2019, 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 _____, 2019.

Alyssa Bettis, Clerk of Council

RECORD OF RESOLUTIONS

BEAD GRAPHICS 1001-325-8004 FORM NO. 00043

Resolution No. 5-19 Passed _____, 20____

A RESOLUTION BY THE COUNCIL OF
THE CITY OF CANAL FULTON, OHIO
TO ADOPT A POLICY FOR THE LAW
ENFORCEMENT TRUST FUND.

WHEREAS, The City of Canal Fulton, Ohio has sought to adopt a policy for the Law Enforcement Trust Fund, and

WHEREAS, ORC 2925.03 (F) (2) and ORC 2933.43 (D) require a written control policy.

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

The City of Canal Fulton agrees to adopt a policy for the Law Enforcement Trust Fund pursuant to policy attached as Exhibit "A" and incorporated by reference herein.

Joseph A. Schultz, Mayor

ATTEST:

Alyssa Bettis, Clerk-of-Council

I, Alyssa Bettis, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby certify that this is a true and correct copy of Resolution ____-19, duly adopted by the Council of the City of Canal Fulton, on the date of _____, 2019, 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 _____, 2019.

Alyssa Bettis, Clerk-of-Council

SEF/bp

Policy Title: LAW ENFORCEMENT TRUST FUND

I. POLICY

The Canal Fulton Police Department, pursuant to law as required by ORC 2925.03 (F)(2) and 2933.43(D), hereby adopts the following as the written internal control policy for the Law Enforcement Trust Fund and Drug Fine Monies and Bond Forfeitures received from drug offenders. Drug fine distributions are to be made directly to the law enforcement agencies involved in arresting and prosecuting the offender, provided that such an internal control policy is in force.

II. PROCEDURE

A. Receipt of Proceeds

1. All monies ordered deposited or received from any court, or forfeiture that is designated for the Canal Fulton Police Department Law Enforcement Trust Fund by the Chief of Police shall be promptly recorded, by employees designated by the department in a log reflecting deposits into our account established by the Auditor of the City of Canal Fulton. The log of deposits into the trust fund account shall be accurately kept and shall include the date of receipt of the proceeds and the amount of the proceeds received. All monies shall be deposited into the Canal Fulton Police Department Law Enforcement Trust Fund account as provided by law.

B. Expenditure of Proceeds

1. Proceeds used from the Canal Fulton Police Department Law Enforcement Trust Fund account shall be expended in the furtherance of investigation and prosecution of criminal cases in the City of Canal Fulton within the following general expenditure categories:
 - a. Investigation and prosecution cost of complex cases.
 - b. Training and providing technical expertise.
 - c. Matching Federal or State funds.
 - d. Any other law enforcement purpose as determined by the Chief of Police and appropriated by Canal Fulton City Council.
2. A detailed log of all expenditures shall be kept and recorded either manually or electronically, with appropriate written receipts documenting such transactions. The log of expenditures shall include:
 - a. The date of expenditure of proceeds from the account. The specific amount of expenditure listed under the appropriate general expenditure category which the specific amount falls.
3. Specific expenditures of monies shall not be immediately listed during investigation of ongoing cases as such specifics, open to public inspection, may jeopardize the integrity of the investigation and thwart justice.

RECORD OF RESOLUTIONS

BEAR GRAPHICS 800-325-8094 FORM NO. 30045

Resolution No. 14-19

Passed _____, 20____

AN ORDINANCE AMENDING SECTION 111.04 OF THE CODIFIED ORDINANCES OF THE CITY OF CANAL FULTON RELATING TO THE PAY OF MEMBERS OF THE COUNCIL AND MAYOR, AND REPEALING ANY ORDINANCES IN CONFLICT THEREWITH.

WHEREAS, on January 1st 2018, the Ohio Public Employee Retirement System (OPERS) revised the standards to require a minimum salary of \$660 per month in order to earn service credit for pension purposes.

WHEREAS, the current compensation rates for City Council members is below this threshold.

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

Section 1: Section 111.04 of the Codified Ordinances shall be amended to read:

Compensation of Mayor, Council President, and Members of Council.

- (a) The compensation for the Mayor shall be \$15,000.00 per year, and shall be paid 42% from the General Fund, 29% from the Water Operating Fund, and 29% from the Sewer Operating Fund.
- (b) The compensation for Council President shall be \$8,712.00 per year, and shall be paid 42% from the General Fund, 29% from the Water Operating Fund, and 29% from the Sewer Operating Fund.
- (c) The compensation for the members of City Council shall be \$7,920.00 per year, and shall be paid 42% from the General Fund, 29% from the Water Operating Fund, and 29% from the Sewer Operating Fund.

Section 2: If the above amounts become insufficient to meet the minimum requirements for full OPERS service credit, then the annual salary of all members of City Council shall be equal to the minimum earnable salary required by OPERS for full service credit. In addition, the compensation for Council President will equal the minimum earnable salary required by OPERS plus an additional 10 percent, and the compensation for the Mayor will equal the minimum earnable salary required by OPERS plus 90 percent in order to maintain the salary differentials noted in Section 1.

Section 3: These pay rates shall become effective for those taking office after January 1, 2020.

RECORD OF RESOLUTIONS

BEAR GRAPHICS 800-325-8084 FORM NO. 30045

Resolution No. 14-19 Passed _____, 20____

Joseph A. Schultz, Mayor

ATTEST:

Alyssa Bettis, Clerk of Council

I, Alyssa Bettis, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby certify that this is a true and correct copy of Ordinance _____, 19, duly adopted by the Council of the City of Canal Fulton, on the date of _____, 2019, 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 _____, 2019.

Alyssa Bettis, Clerk of Council

RECORD OF ORDINANCES

BEAM GRAPHICS 800-325-0394 FORM NO. 00040

Ordinance No.

15-19

Passed

, 20

AN ORDINANCE BY THE COUNCIL
OF THE CITY OF CANAL FULTON,
OHIO AMENDING THE ZONING
CODE BY RE-ZONING
PPN 27-03295.

WHEREAS, on May 23, 2019 the Planning Commission of the City of Canal Fulton has recommended re-zoning PPN 27-03295 in the City, and

WHEREAS, a public hearing and notice thereof have been held and given, as required by Ohio Revised Code Section 713.12.

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

PPN 27-03295 in the City of Canal Fulton shall be re-zoned S-1 Suburban Office District as shown on attached map marked as Exhibit "A" and incorporated by reference herein.

Joseph A. Schultz, Mayor

ATTEST:

Alyssa Bettis, Clerk-of-Council

I, Alyssa Bettis, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby certify that this is a true and correct copy of Ordinance ____ 2019, duly adopted by the Council of the City of Canal Fulton, on the date of _____, 2019, 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 _____, 2019.

Alyssa Bettis, Clerk-of-Council

SEF/bp

Exhibit "A"

**DIVERSIFIED
ENGINEERING
INC.**

304 East High Avenue
New Philadelphia, Ohio 44663

Phone: (330) 384-1831
Fax: (330) 384-4031
E-Mail: mail.dai@adelphia.net

DESCRIPTION OF A 44.448 ACRE TRACT

Situated in the Township of Lawrence, County of Stark and the State of Ohio.

Being part of the Northeast Quarter of Section 16 of Township 1, Range 10 and being all of the residue of a 45.59 acre tract as conveyed to Alta Duncan by a deed recorded in O.R. 540, Page 313 of the Stark County Official Records, Auditor's Parcel No. 26-17707 and being more fully described as follows:

Beginning at a County Brass Monument (found- ID LAW059A) at the northeast corner of the Northeast Quarter of Section 16 and the northeast corner of the aforementioned 45.59 acre tract;

1) thence from said beginning and with the east line of said section and the east line of said 45.59 acre tract, S 02° 16' 47" W, 1483.71 feet to an iron pin (set) at the southeast corner of said 45.59 acre tract and the northeast corner of a 36.38 acre tract as conveyed to Louis Andrew Sisler and Carol J. Smith (O.I.R. 98011744 & 200410010070467);

2) thence with the south line of said 45.59 acre tract and the north line of said 36.38 acre tract, N 87° 17' 25" W, 1340.41 feet to a stone monument (found) at the southwest corner of said 45.59 acre tract, the northwest corner of said 36.38 acre tract and the southeast corner of a 72.15 acre tract as conveyed to Louis Andrew Sisler and Carol J. Smith (O.I.R. 98011744 & 200410010070467);

3) thence with the west line of said 45.59 acre tract and the east line of said 72.15 acre tract, N 02° 18' 53" E, 1480.51 feet to a ¾" iron pipe (found) at the northwest corner of said 45.59 acre tract, on the south line of the Riverview Estates as recorded in Plat Book 41, Page 66 of the Stark County Plat Records, on the south line of the City of Canal Fulton Corporation and in the center of Millhaven Avenue and passing on line a ¾" iron pin (found) at 1460.39 feet;

4) thence with the north line of said 45.59 acre tract, the south line of said Riverview Estates, the south corporation line of Canal Fulton and the center of said road, S 87° 30' 00" E, 237.57 feet to a 5/8" iron pin (found) at the northwest corner of a 1.165 acre tract as conveyed to Gerald G. and Wilma J. Duncan (O.I.R. 200502250011610) and passing on line ¾" iron pins (found) at 8.33 feet and 68.14 feet;

5) thence leaving the center of said road and with the west line of said 1.165 acre tract, S 02° 30' 00" W, 251.00 feet to a 5/8" iron pin (found) at the southwest corner of said 1.165 acre tract;

Consulting Engineers & Surveyors

6) thence with the south line of said 1.165 acre tract, S 87° 30' 00" E, 202.15 feet to a 5/8" iron pin (found) at the southeast corner of said 1.165 acre tract;

7) thence with the east line of said 1.165 acre tract, N 02° 30' 00" E, 251.00 feet to a 5/8" iron pin (found) at the northeast corner of said 1.165 acre tract, in the center of said Milhaven Avenue, on the north line of said 45.59 acre tract, on the south line of said Riverview Estates and on said south line of City of Canal Fulton Corporation;

8) thence with the north line of said 45.59 acre tract, the south line of said Riverview Estates and the south line of said corporation, S 87° 30' 00" E, 711.64 feet to a 3/4" iron pin (found) on the north line of said 45.59 acre tract, at the southeast corner of said Riverview Estates and on the south line of said corporation and passing on line a 3/4" iron pin (found) at 108.21 feet;

9) thence continuing with the north line of said 45.59 acre tract and the south line of said corporation, S 86° 58' 48" E, 188.14 feet to the Place of Beginning, containing 44.448 acres, more or less of which 0.571 of an acre is within the road right-of-way of Milhaven Avenue, but subject to all legal highways, easements, reservations and restrictions of record.

County Road Records of the Stark County Engineers Office indicate a 40 foot right of way width for Milhaven Avenue recorded in Road Record C, Page 343 outside of the City of Canal Fulton corporation limits and a 50 foot right of way width for Milhaven Avenue recorded in Road Record D, Page 338 inside of the City of Canal Fulton corporation limits.

Bearings are oriented to the 1.165 acre tract as recorded in O.I.R. 200502250011610 of the Stark County Official Image Records.

All iron pins set are 30" x 3/4" round steel bars with plastic caps stamped "D A Bower 5753".

Description prepared from a field survey by D.A. Bower, Registered Surveyor No. 5753 in July 2005.


David A. Bower, Registered Surveyor
No. 5753



Now Known As OUTLOT 27A 44.45 ACRES

CITY OF CANAL FULTON, OHIO

APPLICATION FOR ZONING AMENDMENT

Three copies required

Application No. _____

Name of applicant Monarch Land Holding

Address of applicant 1133 Genesee Avenue, Mayfield Hts, OH

Phone No. where applicant can be reached (440) 821-5022

Name of owner Wendy Kertes

Address of owner 1133 Genesee Avenue, Mayfield Hts, OH

Phone No. where owner may be reached (440) 821-5022

Location and address of area to be rezoned 6971 Milhaven Avenue
Canal Fulton, OH 44614

Legal description and map: Attach sheet stating description and a map at a scale of one inch equals 100 feet prepared by a registered civil engineer or surveyor or other competent person showing all lots and streets and names and addresses of owners of all property within and contiguous to and directly across the street from such area proposed to be rezoned or redistricted.

Present zoning R1 Proposed zoning B1/B2

For zoning text change, attach sheet stating words to be deleted and words to be added.

Previous requests for rezoning of this property

From _____ To _____ Date _____

The property will be used for and have the following buildings, parking and other improvements constructed see site Plan for

Monarch a living Resort

OL 279

27-032 95

The existing zoning is unreasonable and deprives the property owner of his lawful and reasonable use of the land because: zoning

The above information and attachments are true and accurate to the best of my knowledge:

5/22/19
Date

Fee paid _____

Wendy S. Kutesy
Signature of applicant

Planning Commission Approval _____ Disapproval _____

Modification _____

Date _____ Chairman of P.C. _____ Secretary of P.C. _____

Date of public hearing by City Council _____

Area rezoned by City Council _____

Date rezoned by City Council _____

Official map or text has been revised to show change: date _____

Signature of City Clerk



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 **RG012193**
 P.O. DATE **05/29/19**
 DEPARTMENT **SEWER**
 CREATED BY
 VENDOR NO. **02846**

DELIVER TO:

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

VENDOR:

GREAT LAKES WATER
 & WASTE SYSTEMS, LLC.
 P.O. BOX 1366
 SALEM, OH 44480

ACCOUNT NUMBER	AMOUNT
351.330.5730	\$8,500.00

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
		HYDRAMATIC PUMP & 4" PR SEALING FLANGE		\$8,500.00
		THIS PURCHASE ORDER IN EXCESS OF \$5,000 WAS APPROVED BY A MOTION OF CANAL FULTON CITY COUNCIL ON _____ / _____ / _____.		
			TOTAL:	\$8,500.00

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

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

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

