

**CITY OF CANAL FULTON
CITY COUNCIL MEETING AGENDA
DECEMBER 3, 2019**

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **REPORTS OF STANDING COMMITTEES**
5. **CITIZENS' COMMENTS – AGENDA MATTERS (Five Minutes per Individual – No Yield)**

6. **CORRECTING & ADOPTING THE RECORD OF PROCEEDINGS**

11-19-2019 Council Meeting Minutes

7. **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

8. **THIRD READINGS**

9. **SECOND READINGS**

Ordinance 37-19: An Ordinance Amending Ordinance 12-19, Rates of Pay for Non-Bargaining Employees, and Repealing Any Ordinances in Conflict Therewith

Ordinance 38-19: An Ordinance Amending Ordinance 3-19, Rates of Pay for Safety Forces Part- Time Employees, Repealing Any Ordinances in Conflict Therewith.

Ordinance 39-19: An Ordinance Amending Ordinance 45-18, and Providing for Changes to Previously Authorized Appropriations. (\$9,024.68 to close out two capital project funds)

Ordinance 40-19: An Ordinance Amending Ordinance 33-19, and Providing for Changes to Previously Authorized Appropriations (reduction of \$270.55 to correct downtown improvement fund budget)

10. **FIRST READINGS**

Resolution 13-19: A Resolution by the Council of the City of Canal Fulton, Ohio to enter into a Transportation Agreement with the City of Massillon, Ohio for the Transportation of Incarcerated Prisoners.

Ordinance 41-19: An Ordinance by the Council of the City of Canal Fulton, Ohio to Rename a Section of Dakota Street to Barbara Drive

P.O.s

P.O. RG012437 to Finley Fire Equipment in the amount of \$5,074.00 for Safer Fire Gear

P.O. RG012440 to Canal Fulton Enterprises Inc. in the amount of \$5,900.00 for Sewer Plant Electrical Repairs

11. **BILLS-**

12. **OLD/NEW/OTHER BUSINESS**

13. **REPORT OF PRESIDENT PRO TEMPORE**

14. **REPORT OF SPECIAL COMMITTEES**

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

16. **ADJOURNMENT**

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CALL TO ORDER

Mayor Schultz called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

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

City Staff present were Law Director Scott Fellmeth, City Manager Mark Cozy, Finance Director William Rouse, Fire Chief Ray Durkee, Clerk of Council Alyssa Bettis, Police Chief Douglas Swartz, City Engineer Keith Dylewski

Others in attendance were Chell Rossi, Earl Minks, Joan Porter, Dennis Downing, Jeanann VanDenBerg, Curtis Coffield, Michael Costill

REPORTS OF STANDING COMMITTEES

Mr. Whittington reports that there was no committee meeting. It was just an open discussion.

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

CORRECTING & ADOPTING THE RECORD OF PROCEEDINGS

11-5-2019 Personnel and Finance Committee Meeting Minutes

A motion was made to approve the 11-5-2019 Personnel and Finance Committee Meeting Minutes by Sue Mayberry

Second by Scott Svab

Mrs. Mayberry says on page one, first paragraph, last sentence, is that prorated? Mr. Svab says, it was prorated. Mrs. Mayberry asks about Clyde. Mr. Svab says, yes the city of Clyde.

All Council Members voted yes. Motion approved.

11-5-2019 Council Meeting Minutes

A motion was made to approve the 11-5-2019 Council Meeting Minutes by Sue Mayberry

Second by Scott Svab

Mrs. Mayberry says on page 4 halfway down, Andrew M? Mayor Schultz says yes, it is Moellindick. He saw that and forgot.

All Council Members voted yes. Motion approved.

REPORTS OF ADMINISTRATIVE OFFICERS

Senior Citizens – Mayor Schultz reports they had a Swiss Steak Dinner. It went well. Mayor Schultz says the repairs made to the door look much better.

Community Service- No report

Fire Chief- Chief Durkee congratulates the Mayor and Councilman Svab on reelection. Also, our new Councilwoman Jeanann VanDenBerg.

Chief Durkee calls attention to an attached P.O. it is for the 2020 budget. This is for replacement cardiac monitors. There is an old cardiac monitor that has a modem that needs to be replaced and that is not a big factor. It is just one of those things that would help facilitate this process. Doing this to update to a newer system. It has increased cardiac resuscitations quite a bit. They are doing 20%-30% when typically, those are in the single digits. This device also helps produce an artificial pulse. Talking with our Finance Director, he thinks we can still fund those out of this year's budget but we may also have to use part of next years budget as well.

Mrs. Mayberry asks if the \$45,000.00 in the current 2020 budget? Mr. Rouse says it is in the budget for next year. Mrs. Mayberry says she couldn't remember if it was in the capital budget sheet that was provided. Mr. Rouse says he thinks we want the approval tonight for the purchase order so he can go ahead and place the order to have it delivered early in the year.

Chief Durkee explains other benefits to them. The old monitors had an expensive maintenance for the contract which will almost go away with the new ones.

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Mr. Svab asks how Lawrence Township will work on this? Do these two monitors go in our EMS trucks? Chief Durkee says they will go in ours. They are doing their own systems. Mr. Svab says so if you unfortunately have a heart attack when Lawrence Township is working you get the lesser. Chief Durkee says we are hopefully getting them at the same time.

Mrs. Mayberry says on the Capital Budget sheet for 2020, along with that \$45,000.00 that is in the 2020 budget column. In the other column there is the Dodge Dakota pickup that has been postponed for \$33,000.00. Mrs. Mayberry asks if he can delay another budget season on this truck? She asks if that \$33,000.00 is going to come back to us midyear? Chief Durkee explains how the truck is basically out of service and they have been working without it. It would be nice to replace it as soon as possible but they have been working without it for six months or so. Mrs. Mayberry says more important the chest compressor that wasn't in the 2020 budget column but in the priority 2 column that we are not going to consider in this budget. That \$15,000.00 chest compressor can be delayed? Chief Durkee says that will go off the map if we go through this because we have a different piece of equipment. Mrs. Mayberry advises Chief Durkee to be careful of what is critical is not overlooked.

Police Chief- Chief Swartz says he is looking forward to working with Jeanann. He thanks Danny. Chief Swartz says what a legacy that he left here. Mr. Losch says it has been an honor. Chief Swartz has his October report attached. He says it has been busy. It has been OVI arrests, warrants and people lying.

Chief Swartz says he is working with the City Manager on getting a Civil Service test put on. Chief Swartz says we had a young lady on our Department, Kendra Colby, as a reserve years ago. She left and she now she has a Juris doctorate degree in law. She ended up taking our test and she was the only one who passed with written and physical. So we hired her part time but due to timing of it she couldn't wait until Council meeting to get sworn in because of her time. She would have to go back to the academy. So, the Mayor swore her in. Chief Swartz says he never got a verbal motion to accept her appointment from Council. Chief Swartz explains that we took her on part time but she plans on becoming full time in January.

A motion was made to approve the appointment of Kendra Colby to Canal Fulton Police Department part time by Sue Mayberry

Second by Danny Losch

All Council Members voted yes. Motion approved.

Chief Swartz thanks Council. He says what she is actually looking to do is to be a school resource officer. He thinks she will make a great addition.

Mrs. Mayberry refers back to our capital budget. She says Chief Swartz had indicated that you would've liked to have two officers on duty at all times which was an estimated \$32,000.00 a year. Which we are not putting in this year's budget. Mrs. Mayberry asks Chief Swartz, is that acceptable to forgo doing this for the year 2020. Chief Swartz says he actually talked to our Finance Director about it. He says in this climate it is hard to find the part time staffing to do something like that. Mrs. Mayberry asks if that would be two part timers. Chief Swartz says it all depends. You can have three part time it just depends on how many hours you give to each one. Mrs. Mayberry says it was in the column so she just wanted to ask. Chief Swartz says he is actually the one who brought it up and told him. Right now, we are looking to try to get our full-time staff to where it needs to be.

Engineer- Mr. Dylewski reports on the Elmridge Sub division. They are looking to finish that project up between this week and next week. Planning Commission is going to have the final plat on their agenda this month. If that is approved it will be coming to Council shortly after.

Mayor Schultz asks if they put the final coat of asphalt on? Mr. Dylewski says they are hoping to get it in this week depending on the weather.

Streets- Mayor Schultz tells our community that we are looking very hard to get the leaves collected we only have two full time people on the Street Department right now. It is a challenge because it is a skill to operate that machine. They are working really hard. He appreciates the patience as the leaves get picked up.

Mayor Schultz says that when he was campaigning and going door to door. Trying to knock on every door in Canal Fulton. Residents on Locust Street when you ask them if they have any issues or concern, they say the traffic and speed on Locust Street. The speed on Locust from Millfield to Drake is 35 mph prior to that, coming east into town, from Beverly to Millfield the speed is 25 mph. Mayor Schultz says he went out this morning with no traffic on the road. He drove the stretch from Millfield to Drake 9/10ths of a mile, cruise control set at 25 mph. It took him 2 minutes and 20 seconds. Then he went back and set the cruise control to 35 mph, at the same distance, it was 1 minute 38 seconds. The difference of 42 seconds to slow down. Mayor Schultz says he doesn't know if this is something that we would want to take to a committee.

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Chief Swartz researched the speed limits, there is a section that says what every speed limit should be. It doesn't define that road. Then it says every other roadway in the City of Canal Fulton (in a municipality) shall be 25 mph. Looking at the history of Canal Fulton, when it was more rural, it was defined as a highway basically. As we developed, we started taking sections and bringing them down to 25 mph. He says we should start looking at those sections to see if they are in compliance with the Ohio Revised Code.

Mrs. Donaldson asks if he is thinking of lowering it all to 25 mph? Mayor Schultz says yes, because it is already 25 mph from Beverly, up the hill. Mrs. Donaldson asks if it will be all the way up to Cherry? Mayor Schultz answers, yes. Mayor Schultz asks what committee that would go to. Mr. Losch says Safety. Mrs. Mayberry says if we know what the rules are and we are being advised that there is an issue. Mr. Whittington says we already changed it on Canal Street. Mrs. Mayberry asks why a committee has to meet? Mr. Fellmeth says lower it to 10. Mr. Fellmeth says he wants to interject on this. He says people complain about trucks, lets enforce the speed limit that we have. Have law enforcement slow it down. Mr. Fellmeth says he drives through a school zone, which is 20 mph, it is like creeping along. He says it would be creeping along Locust Street if you take it down to 35 mph. He doesn't think it is reasonable to take it down to 25 mph. Mr. Cozy agrees with the Law Director. He says he lives there too. Mayor Schultz says, no you don't live there. Mr. Fellmeth says just enforce the law of the speed limit on Locust Street. He says the Police Department does a very good job. Occasionally you see some people flying by at night but he does not want a 25-mph speed limit on locust street. Frankly, the whole thing could be alleviated if they followed his suggestion in the first place which was to build a traffic light across from the gas station. Mr. Cozy asks what gas station? Mr. Cozy says that is on the other side of town it has nothing to do with what he is talking about. Mr. Fellmeth says yes it would slow the traffic down. Mr. Cozy says two miles away. Mayor Schultz says we get good results from our speed sign. Chief Swartz says to him if we want to look into doing if we need to first define what the ORC says. Then go from there and look at a traffic study which might not be necessary. Mayor Schultz says he talked to the bus drivers at the bus garage. He says that he doesn't think they like it personally, professionally it is another 42 seconds to pick up kids. The other factor that happens is for them to pull out of the busier streets. Its hard for them to pullout of some of the streets when cars are going fast.

Mr. Losch agrees with the Police Chief, this should go through committee. Mrs. Mayberry asks if the traffic speeds are being violated? Mrs. Donaldson says there is a lot of traffic but she doesn't think that 25 (mph) is going to make a difference. There is still going to be a lot of traffic regardless.

Chief Swartz says it helps with lower impact accidents. Mrs. Donaldson asks if there are a lot? Chief Swartz says he has seen some really bad accidents on Locust. It is mainly someone waiting to turn left into allotments and someone not paying attention and rear-ending them.

Mayor Schultz says he told the residents he would bring it up so if you want to take it to committee we can. Mrs. Mayberry tells Mrs. Donaldson that would be her. Mayor Schultz asks Mrs. Donaldson if she wants to take it into next year?

Mayor Schultz suggests the second meeting in January. Mr. Bucher says, no, we do committee on committees. Mayor Schultz says the first meeting in February. Mayor Schultz says February 4th. He asks if a half hour is good enough? Mrs. Donaldson says she would think so.

A motion was made to have a Safety Committee Meeting on February 4th at 6:30 to discuss lowering the speed limit by Bonnie Donaldson

Second by Eric Whittington

All Council Members voted yes. Motion approved.

Public Utilities- No report

Planning/Zoning- Mayor Schultz says there are a couple gentlemen here. They had some questions about what is under our Jurisdiction as far as zoning enforcement related to vehicles being parked in drive ways. Mayor Schultz says he has met with them and some of their neighbors to discuss deed restrictions. They brought a copy of the deed restrictions. They live on Spring morning.

Curtis Coffield

203 Spring morning Drive

Mr. Coffield explains that it is a cul-de-sac with only eight lots. They are all sold and built upon. At that time Mr. Schalmo is supposed to release an association type of deal to the residents. That never took place. Recently, one of the neighbors had a camping trailer parked in his driveway. In our restrictions that cannot take place. Mr. Coffield says he contacted Mr. Schalmo since he was still responsible for enforcing the deed restrictions. It took 3 calls and 2 visits by him to the offender. Then we contacted the Mayor. All before the camper was moved. Mr. Coffield explains his concern. When he drives around Canal Fulton or walk around, he sees more and more large campers, trailers

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and R.V.s in people's front yards, side yards or just a few feet off the street. Mr. Coffield says in his opinion it is starting to look trashy in some of the neighborhoods. He says he is not against campers and apologizes to anyone he may have offended. He is concerned with property values. If everyone is his cul de sac had a camper in their drive way it wouldn't look appealing. One neighbor even said that if he knew those were allowed, he would have never purchased in the area. Mr. Coffield would like to find out if there is a way there can be some type of regulation or restriction. Mrs. Mayberry asks if there is something about unlicensed vehicles? Mayor Schultz says that if they have licensed a registration then they are okay. This is more like storage of an illegal vehicle. Mrs. Mayberry asks, what if someone is living in it? Mr. Cozy says you can report that to zoning. Mrs. Donaldson says that is illegal. Mayor Schultz thanks Mr. Coffield and says that they will talk to the Law Director.

Mr. Fellmeth asks if there is an association of property owners, was it ever formed by Mr. Schalmo? Mr. Coffield says no it has not been formed, Mr. Schalmo has no released control of that to the residents. Mr. Fellmeth explains that this is not the responsibility of the City. The deed restriction enforcement goes to Mr. Schalmo. It has to be determined by a court of common pleas of Stark County if you can't reach an agreement. They are not violating zoning restrictions in our town. Mr. Fellmeth sympathizes with Mr. Coffield but this is his legal opinion. Mr. Coffield says that is fine for his cul de sac but the bigger issue for him is through out the City. Mrs. Mayberry agrees.

Finance Director – October financial statements are included in the packet. The Income Tax finished October up 2.4% as compared to last year. The October invoices or bill listings are pretty high but its just the construction costs for the park. It is winding down now but October was the bulk of the project. We are going live with our new utility billing system tomorrow. You won't have the ability to pay online for another day or two. You will still have to use the old one. It should be up and running pretty soon. When the new bills go to print. When you get your bill in December it will look a little bit different because it will be on the new software.

Mr. Rouse passed out the annual financial health report that the State Auditors Office does. If you recall from prior discussions on this, they take 17 categories that they evaluate every government entity financial condition. Then they give you an overall rating. Green is good, yellow is caution, red is a critical outlook. Our report for 2018, we had 15 areas in green or healthy and 2 areas with a cautionary rating. Mr. Rouse says he is excited about the two areas that are outlined as cautionary is the decline in our general fund balance last year. What that was, was us buying into the new healthy care program. It was a significant investment upfront but in the long term it saves us money and stabilizes what was a constant head ache. The other yellow rating was our income tax had been a little bit inconsistent over the last couple years. We have taken steps to address that and we are in pretty good shape.

Mayor Schultz asks how far back can we go with these reports?

Mr. Rouse says if you look on page 10 of the packet, those are our scores over the last four years. 2016, was when the income tax crashed for us. That is when we had some items as needing concern. Mr. Rouse says he is hoping to have all green for 2019 to set the bar for Stark County.

A motion was made to approve the October Financials by Danny Losch

Second by Scott Svab

All Council members voted yes. Motion approved.

City Manager – We are looking at our next Civil Service test. We are evaluating the strength and agility portion of the test. Comparing that to other jurisdictions, ours might be stricter than most and that might be causing a problem. The age restriction is something we were interpreting from the Ohio Revised Code. We were always going off the premise that we had a minimum age of 35 years old but the way the Ohio Revised Code is written is 35 years old from original appointment. Which enables lateral transfer of someone who was 35 at the age of original appointment they can take our test if they are coming from another jurisdiction. We will be scheduling the next test as soon as we can get everyone together. We can schedule it even before we get strength and agility revised.

Mr. Cozy says there are two buildings downtown that we have had issues with property maintenance code. Plus, there is another residence on South Canal Street. Zoning Inspector has had a conference with the Law Director and we are now going to the Prosecutors office and setting a court date to go after these three. Mr. Cozy explains that it takes time but it's the way we have to do these things.

We had a discussion today about parking. It was discussed about possibly restriping the angled parking on Canal Street, North of Market. Right now, it starts partly up the road, it would entail us to make Canal Street all one way and making it all angled parking. Mr. Cozy thinks we could add 8-10 spaces. It is adding space from just paint and a sign.

Mr. Cozy has been in communications with Tim McCully from Sluggers and Putters. He is setting up a nice winter display at his facility. He has had a display at other locations but he is doing it this year in Canal Fulton.

Mr. Cozy received an email from the State of Ohio for the Safe Routes to Schools Grant round is coming up again. We had something worked with the schools ten years ago. It didn't really gain any traction. Mr. Cozy says he

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mentioned it to Mr. Whittington and he thought maybe we should approach it again. Mr. Cozy sent an email to the school because they have to participate with us. It is 100% grant. The only local match we have is the time it takes us to get the information together. Mr. Cozy explains that it is a really good program. It is Federal money that is designed to enable student to walk or ride a bike to and from school safely. We can look at the sidewalk on Erie Street or enhancements on the Towpath Trail with lights. The whole deal would enhance the community.

Mrs. Mayberry asks if this 100% paid grant would include the sidewalk and the light? Mr. Cozy says yes if we apply. Mr. Whittington says and the bridge over the canal. Mrs. Mayberry says we didn't go with the canal route without lighting and have kids walk to school in the dark on the canal with water on both sides. We weren't thrilled with that so we didn't go with that. Mr. Cozy says the policy of Stark Parks is dawn to dusk anyways so they are not allowed on the towpath in the dark. The kids would only be using it in daylight hours.

Mayor Schultz says as he remembers there would be some buy in on the City's part as far as paying for the engineering study. We had the study done and they came back wanting more information. Mr. Cozy says he couldn't understand it because they were supposed to pay for it and they wanted us to pay for it. It didn't make any sense and Council voted it down.

Mayor- The YMCA is moving along really well. Mayor Schultz says he goes down there every couple of days to check on it. Thursday they are planning on filling the swimming pool. Thursday evening is the hard hat tour for people who joined up as Charter members.

Christmas on the Canal Parade is December 7th and the banner is up for the 12 Days of Christmas. The first activity is a free family movie night December 1st.

Parks & Recreation Board- Mr. Minks says that they had their meeting and the Mayor came. They went over some options and they all 100% agreed that this list. The kids come first in the parks. Take care of them first because they are our future. The playground and the splash pad will take care of the children. We discussed the restroom we would like the restroom and pavilion be one building that way you save on water and sewer. Mr. Minks says that sometimes the finance is not there to do the whole trail they agreed that with whatever money is there to do the trail they would like to do what can be done. We suggested to put it through the trees and along the canal.

Mayor Schultz says with the next round of the ODNR grant, what they saw happening in getting us the \$750,000.00 was the buy in from the community and the community support of the YMCA. Even though the YMCA wasn't apart of the grant application they looked at that as our match towards the projects. Mr. Cozy says that normally with ODNR the higher the match the better the score, Mr. Cozy says he would recommend 25% match. We have already demonstrated the ability to get it done. Mayor Schultz says that is what they are working on and they hope to have it into the State by the end of November.

Mr. Minks says he knows there will be more meetings on this. If we have to change priorities. We are open to any suggestions. We have meetings the second Wednesday of every month, except for December.

Mrs. Mayberry asks Mayor Schultz; you are talking about applying for a grant in November of 2019 for next year? Mrs. Mayberry says that this is not in our budget. Our portion of the grant should be apart of our budget and its not. Mrs. Mayberry says that anything we are going to spend money on should be in our grant for the year that we are going to be using the money. Mayor Schultz explains, when he went to Louisville to learn how they did their splash pad, your local match can come from a benefactor. In Louisville's case the rotary club contributed \$30,000.00 towards that match. The other thing we can do, the land that we are using has a value and we are contributing that value to the project. As we put together a package all those things are considered. The other thing would be to use the utility department to do a lot of the work. It not just a number out of the budget it would have to be a collaboration. Mrs. Mayberry says whatever we end up spending it should be something we have appropriated to spend. Mr. Cozy says this grant is on a two-year cycle. So, if nothing else we budget it for 2021. Mrs. Mayberry says that is fine. Mr. Cozy says we will know going into early spring what the grant is. We can put in our application that the game plan is to build it 2021.

Law Director- Mr. Whittington asks about setting up a Facebook page specifically for Canal Fulton City Council, are we allowed to do that? So that we could go live with the meetings and actually have it on there. Mr. Bucher asks if he is wanting to do it as a page of the six of us or one person individually. Mrs. Bettis says that they can all do it. Mrs. Mayberry says we don't have anything in our policy on Social Media but when you are doing a Social Media page, nothing can get deleted. Even if someone comments, the comment must always be retained as a public record. Mr. Whittington asks what if a citizen wants to start their own City Council Meeting Page can they legally do it? Mr. Fellmeth says if they are not a member of the body, they can set up a page anywhere but he would not recommend you doing it. Mr. Losch says a lot of it is transparency, on Facebook you have the ability to block comments and information. Mr. Bucher says we have Alyssa doing the City page anyways. Mrs. Bettis explains how she blocked certain words; you can have thousands of words that cannot be posted. So, if someone tries to they can't and that's how you filter through inappropriate comments.

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Mrs. Mayberry asks Mr. Fellmeth, under 31-19 records retention policy that we are passing on third reading tonight. She says she looks through this and it has everything in here that each department needs but she did not notice a special section for legal or engineering. Mrs. Mayberry says she knows that engineering records are on site at the service garage. Even though they are not an official government entity they work in concert with the government, therefore the legal records and engineering records on the City's behalf should be part of a retention policy. Mr. Fellmeth says not according to the State. This was a template that they sent us and this is what they recommended. However, legal records, whatever he has is in strict confidence. It can only be disclosed to members of Council, the Mayor and Administration. As far as Mr. Dylewski is concerned, he probably has similar responsibilities. Mr. Fellmeth says he understands concerns but this is what they want. Mrs. Mayberry says this looks like the actually RC-2 that you would submit for approval in Columbus. Mr. Fellmeth says that Lawyers have a different records retention policy and different rules and responsibilities. Mrs. Mayberry says letters that law directors would submit as an opinion, that would be in the legal realm of public records. Mr. Fellmeth says that would be something you would have here. Mrs. Mayberry says she was just wondering if there was a separate section for engineering and legal but everything else looks great.

THIRD READINGS

Ordinance 31-19: An Ordinance Adopting the Canal Fulton, Ohio Records Retention Policy and Repealing Any Ordinance in Conflict Therewith

A motion was made to approve Ordinance 31-19 by Dan Bucher, Jr.

Second by Scott Svab

All Council Members voted yes. Motion approved.

Ordinance 32-19: An Ordinance Enacting and Adopting a Supplement to the Code of Ordinances for Canal Fulton, Ohio

A motion was made to approve Ordinance 32-19 by Dan Bucher, Jr.

Second by Eric Whittington

All Council Members voted yes. Motion approved.

Resolution 11-19: A Resolution Establishing the Budget for the City of Canal Fulton, County of Stark, Ohio, for the Fiscal Year Ending December 31, 2020

A motion was made to approve Resolution 11-19 Danny Losch

Second by Scott Svab

Mrs. Mayberry says seeing the budget and all of the line items, our Newsletter that costs \$11,000.00. Is that the City's portion of the letter not including what we from Clinton and the Township? Mr. Rouse says no, that is incorrect, that is the total cost that we write checks for everything and the bulk of it comes back. You don't have the revenue side that we get from advertising and from Clinton and Lawrence. Mrs. Mayberry asks under the Street fund the contingency of \$105,000.00? Mr. Rouse says usually the contingency is a couple thousand in case something comes up. The contingency is really \$5,000.00 and the \$100,000.00 is the extra gas tax and being able to use it for additional chip and seal. That is where the gas tax money goes.

All Council members voted yes. Motion approved.

Ordinance 33-19: An Ordinance to Authorize Appropriations for the Current Expenses and Other Expenditures of the City of Canal Fulton, County of Stark, Ohio, for the Fiscal Year Ending December 31, 2020

A motion was made to approve Ordinance 33-19 by Dan Bucher, Jr.

Second by Eric Whittington

All Council Members voted yes. Motion approved.

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Ordinance 34-19: An Ordinance Amending Ordinance 45-18, and Providing for Changes to Previously Authorized Appropriations (\$645,000 to repay general fund and emergency reserve fund advances)

A motion was made to approve Ordinance 34-19 by Eric Whittington

Second by Dan Bucher, Jr.

Mrs. Mayberry asks if this \$645,000.00 that we got back, has that gone back into the budget, from the ODNR Grant? Mr. Rouse says right now it is in the Capital Fund where we paid for the construction. This is designed to send it from the Capital Fund back to the General Fund and then back to the Emergency Reserve Fund. Once this is approved all of the funds are back to normal. Mrs. Mayberry asks if that is what is reflected in the budget appropriations? Mr. Rouse answers, yes.

All Council Members voted yes. Motion approved

Ordinance 35-19: An Ordinance Providing for the Distribution of Water Revenues and Repealing any Ordinances in Conflict Therewith

Mr. Rouse explains that 35-19 and 36-19. What he done in the budget for 2020 is that he wanted to move in the water revenues is move a little bit of money from the operating fund into the capital fund to help pay for all of the meter replacements. The same for the sewer. All these are doing is taking 3% of what would normally go to the operating fund and going into capital fund for water and sewer.

A motion was made to approve Ordinance 35-19 by Scott Svab

Second by Dan Bucher, Jr.

All Council members voted yes. Motion approved.

Ordinance 36-19: An Ordinance Providing for the Distribution of Sewer Revenues, and Repealing any Ordinances in Conflict Therewith

A motion was made to approve Ordinance 36-19 by Scott Svab

Second by Dan Bucher, Jr.

Mr. Svab says that is was mentioned at one of the Finance Meetings that you were going to do this. Mr. Rouse says he knows he did this in committee but he meant to bring it up today. Mr. Losch says he noticed that you don't have storm water/ sewer in this fund you have it in other, what are revenues on that right now? Mr. Losch says he knows that we have budgeted for \$60,000.00 and we have spent about \$35,000.00. Mr. Rouse says we are bringing in about \$60,000.00 a year. About \$6,000.00 goes to debt payment on the Wooster storm sewers.

Mrs. Donaldson asks if Mrs. Bettis called it water revenues, instead of sewer. This one is supposed to be sewer and she said water again. Mrs. Donaldson says she wanted to clarify that it is the sewer.

Mayor Schultz says alrighty, correction noted.

All Council Members voted yes. Motion approved.

SECOND READINGS

FIRST READINGS

Resolution 12-19: A Resolution by the Council of the City of Canal Fulton, Ohio, to Enter into an Agreement with the Stark County Public Defender Commission and the Ohio Public Defender Commission to Provide Municipal Ordinance Representation for Indigent Defendants.

Mr. Fellmeth says he would like to see this passed under suspension because we always receive the contract late. Mayor Schultz asks if we need to have this done before the end of the year. Mr. Fellmeth says he would like to have this done before the end of the year.

A motion was made to suspend the rules on Resolution 12-19 by Dan Bucher, Jr.

Second by Scott Svab

**CITY OF CANAL FULTON
CITY COUNCIL MEETING MINUTES
NOVEMBER 19, 2019**

Mrs. Mayberry asks if there is a standard cost on this? Mr. Fellmeth answers, yes, it hasn't gone up in 5 years. Mrs. Mayberry asks if it is per case? Mr. Fellmeth answers, yes. Mrs. Mayberry asks if we know what we pay for this every year and if this is in our budget? Mr. Fellmeth says we don't have a choice. Mrs. Mayberry agrees she says she was trying to find it. Mr. Svab says \$195.00. Mr. Losch asks about the urgency on this. Mr. Fellmeth says they always give him the contract late and its set to go into effect in January and it has to go to Columbus and be approved. He usually doesn't get the paperwork back until March. He is trying to expedite it for once. We always honor the contract anyways.

All Council Members voted yes. Motion approved.

A motion was made to approve Resolution 12-19 under suspension by Dan Bucher, Jr.

Second by Eric Whittington

All Council Members voted yes. Motion approved.

Ordinance 37-19: An Ordinance Amending Ordinance 12-19, Rates of Pay for Non-Bargaining Employees, and Repealing Any Ordinances in Conflict Therewith

Ordinance 38-19: An Ordinance Amending Ordinance 3-19, Rates of Pay for Safety Forces Part- Time Employees, Repealing Any Ordinances in Conflict Therewith.

Ordinance 39-19: An Ordinance Amending Ordinance 45-18, and Providing for Changes to Previously Authorized Appropriations. (\$9,024.68 to close out two capital project funds)

Ordinance 40-19: An Ordinance Amending Ordinance 33-19, and Providing for Changes to Previously Authorized Appropriations (reduction of \$270.55 to correct downtown improvement fund budget)

P.O.s

P.O. RG12424 to Zoll Medical Corp in the amount of \$45,000.00 for 2020 Capital Budget Upgrade (2) Cardiac Monitor Defibrillators

A motion was made to approve P.O. RG12424 by Scott Svab

Second by Sue Mayberry

All Council Members voted yes. Motion approved.

BILLS- October Bills \$862,037.20

A motion was made to approve the October Bills by Dan Bucher, Jr.

Second by Eric Whittington

All Council Members voted yes. Motion approved.

OLD/NEW/OTHER BUSINESS

Mrs. Mayberry recognizes Mayor Schultz and Scott on their reelection and Jeanann on election to Council. Mr. Losch does the same.

REPORT OF PRESIDENT PRO TEMPORE

Mr. Bucher congratulates Mayor Schultz, Scott and Jeanann.

REPORT OF SPECIAL COMMITTEES

CITIZENS COMMENTS – Open Discussion (Five Minute Rule)

Curtis Coffield

2038 Spring Morning Drive

The speed limit issue concerns him greatly. Coming out of Elmridge or Colonial onto Locust, 25 mph is not going to improve this. You can slow it down but if there is no enforcement people will still go fast. If you go back into the neighborhoods, Longview and Colonial there are people doing 35-40 mph to get out of those neighborhoods. There is no observation and no enforcement. Mr. Coffield likes the signs we have approaching the city. It slows him down. Without enforcement he doesn't know what it would do to slow it down.

**CITY OF CANAL FULTON
CITY COUNCIL MEETING MINUTES
NOVEMBER 19, 2019**

Mr. Svab says that he lives on Longview and every resident he talks to, if you say 35 mph everyone is doing 40-42 mph. You always get the grace period. Not everyone's speedometer is accurate. At the same time by lowering it to 25 mph you are looking at 30-32 mph. Mr. Svab says every resident he has talked to is all for it.

Chief Swartz says our officers do a lot that people don't see. If you are driving around in the daytime those guys are really busy. There are periods of time where there is one officer out. To say there is no enforcement is not accurate. Mayor Schultz says a lot of the time you don't see where it happens. By the time we pull them over we are down further so you don't see the result of the enforcement.

Mr. Coffield says he is just speaking on his experience with walking the street. Sometimes he has to get out of the street because people are flying.

Chief Swartz all arrests talked about in reports come from self-initiated traffic stops. They are being proactive it is happening.

Mr. Minks says around 6:00 a.m. there is a Policeman on Locust. Mrs. Donaldson says she sees it all the time.

ADJOURNMENT

Meeting adjourns at 8:21 p.m.

Meeting Minutes prepared by: Alyssa Bettis

Meeting Minutes approved by: Mayor Joseph A. Schultz

RECORD OF ORDINANCES

BEAR GRAPHICS 300-325-8094 FORM NO. 30043

Ordinance No. 37-19 Passed _____, 20____

AN ORDINANCE AMENDING ORDINANCE 12-19, 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 \$38,250.00 per year, payable 42% from the General Fund, 29% from the Water Operating Fund, and 29% from the Sewer Operating Fund. In addition, the position will receive a \$500.00 stipend to be paid in January, similar to the bargaining unit members.

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 \$70,500.00 per year, payable 42% from the General Fund, 29% from the Water Operating Fund, and 29% from the Sewer Operating Fund. In addition, the position will receive a \$500.00 stipend to be paid in January, similar to the bargaining unit members.

Section 3: The Assistant to the Finance Director shall receive a pay rate of \$20.86 per hour, payable 42% from the General Fund, 29% from the Water Operating Fund, and 29% from the Sewer Operating Fund. In addition, the position will receive a \$500.00 stipend to be paid in January, similar to the bargaining unit members.

Section 4: The Chief of Police shall receive a salary of \$73,200.56 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. In addition, the position will receive a \$500.00 stipend to be paid in January, similar to the bargaining unit members.

Section 5: The Police Department Administrative Assistant shall receive a pay rate of \$20.86 per hour, payable from the Police Fund. In addition, the position will receive a \$500.00 stipend to be paid in January, similar to the bargaining unit members.

Section 6: The Superintendent of the Utility Department shall receive a salary of \$57,926.85 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

RECORD OF ORDINANCES

Ordinance No. 57-19 Passed _____, 20____

the Utilities Department. In addition, the position will receive a \$500.00 stipend to be paid in January, similar to the bargaining unit members.

Section 7: The Superintendent of the Street Department shall receive a salary of \$57,926.85 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 uniform allowance as union employees of the department. In addition, the position will receive a \$500.00 stipend to be paid in January, similar to the bargaining unit members.

Section 8: Pursuant to the compensation package adopted by Ordinance 22-12, the City Manager shall receive a salary of \$82,209.85 per year, payable 42% from the General Fund, 29% from the Water Operating Fund, and 29% from the Sewer Operating Fund. In addition, the position will receive a \$500.00 stipend to be paid in January, similar to the bargaining unit members.

Section 9: The Law Director shall receive a salary of \$29,291.48 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 \$20.81 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 \$19.31 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	\$15.60	\$16.75	\$17.89
Part-Time Fire Dept. Administrative Assistant	\$13.03	\$13.94	\$14.65

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	\$9.56
Canal Boat Captain	\$10.95	\$12.16

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

RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8084 FORM NO. 30043

Ordinance No. 37-191 Passed _____, 20____

follows:

	HOURLY RATE		
	YEAR 1	YEAR 2	3 or More Years of Service
Seasonal Street Department CDL Laborer	\$13.03	\$13.94	\$14.65
Utility Public Works Laborer	\$11.58	\$12.40	\$13.04
Casual Laborer	State Minimum Wage	\$9.38	\$9.87
Summer Works Program	State Minimum Wage	State Minimum Wage	State Minimum Wage
Clerical	\$9.56	\$10.95	\$12.16
Income Tax Assistant	\$13.03	\$13.94	\$14.65
Payroll & Finance Clerk	\$13.03	\$13.94	\$14.65
Community Service Coordinator	\$13.03	\$13.94	\$14.65
Canalway Programs Director	\$13.03	\$13.94	\$14.65
Canalway Programs Assistant	\$9.56	\$10.95	\$12.16

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 January 1, 2020.

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

FEAR GRAPHICS 800-325-8094 FORM NO. 30043

Ordinance No. 38-19 Passed _____, 20____

AN ORDINANCE AMENDING ORDINANCE 3-19, RATES OF PAY FOR SAFETY FORCES PART-TIME EMPLOYEES, AND REPEALING ANY ORDINANCES IN CONFLICT THEREWITH.

WHEREAS, the Canal Fulton City Council has established rates of pay for part-time 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: Rates of pay of safety forces part-time employees shall be established as follows:

FIRE DEPARTMENT OFFICERS PER YEAR

Chief	\$26,597.40
Assistant Chief	\$11,466.63
Captain (Maximum of 2)	\$7,837.51
Lieutenant (Maximum of 3)	\$3,858.46

FIRE DEPARTMENT HOURLY RATE

Paramedic/Firefighter	\$15.84
EMT-Advanced/Firefighter	\$14.55
EMT-Basic/Firefighter	\$13.25
Non-EMT Firefighter	\$12.15
Orientation / Probationary	Minimum Wage
Officer-in-Charge	\$1.00 per hour additional
Fire Inspector	\$14.95 or the employees hourly rate based upon EMT certification level, which ever is greater.

FIRE DEPARTMENT HOLIDAY PAY

Employees who provide joint staffing for medical and fire services shall receive holiday pay at one and one-half of their regular rate of payment for the following days:

- A. New Years Eve
- B. New Years Day
- C. Memorial Day
- D. Independence Day
- E. Labor Day
- F. Thanksgiving Day
- G. Christmas Eve
- H. Christmas Day

Section 2: Ordinance 26-17 created the position of Recruitment and Retention

RECORD OF ORDINANCES

BEAR GRAPHIC 800-325-8084 FORM NO. 30043

Ordinance No. 38-19 Passed _____, 20____

Coordinator to the Fire Department to be funded through the City's SAFER grant monies. The rate of pay for this position shall be \$21.99 per hour. Since the position is not a full-time employee, the position is not eligible for longevity pay or health benefits.

Section 3: All other ordinances inconsistent herewith are repealed.

Section 4: This Ordinance shall be effective January 1, 2020.

Joseph 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. 39-19

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, transfers and advances 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

WHEREAS, the City has various specific project related capital funds that need closed out, and

WHEREAS, the City needs to transfer any remaining balances in those funds to the General Capital Projects Fund, and

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

Section 1: Council authorizes the Finance Director to transfer the remaining fund balance of \$1,643.37 from the Special Assessment Capital Projects Fund (#321) to the General Capital Projects Fund (#391):

Expense Account	Account Description	Appropriation Changes
321.360.5991	Transfers-out	\$1,643.37

Section 2: Council authorizes the Finance Director to transfer the remaining fund balance of \$7,381.31 from the Road Improvement Projects Fund (#392) to the General Capital Projects Fund (#391):

Expense Account	Account Description	Appropriation Changes
392.360.5991	Transfers-out	\$7,381.31

Section 3: 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 ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

Ordinance No. 40-19

Passed _____, 20____

An Ordinance Amending Ordinance 33-19, 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, 2020, which were not anticipated or included in Ordinance 33-19, as the City's 2020 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 reduce the appropriations in the Downtown Improvement Fund by \$270.55 to correct a budgeting mistake.

Fund/Department	Previously Approved	Change	New Appropriation
Downtown Improvement Fund - 381			
Downtown Improvement Fund	\$13,000.00	(\$270.55)	\$12,729.45

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 ORDINANCES

SEAK GRAPHICS 800-725-8064 FORM NO. 30243

Ordinance No. 41-19

Passed _____

, 20____

AN ORDINANCE BY THE COUNCIL
OF THE CITY OF CANAL FULTON,
OHIO TO RENAME A SECTION OF
DAKOTA STREET TO BARBARA
DRIVE.

WHEREAS, The Planning Commission of the City of Canal Fulton, Ohio has approved renaming a section of Dakota Street to Barbara Drive.

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

The City of Canal Fulton agrees to rename a section of Dakota Street to Barbara Drive as determined by the City Engineer.

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

RECORD OF RESOLUTIONS

BEAR GRAPHICS 800-225-9094 FORM NO. 30045

Resolution No. 13-19

Passed _____, 20____

A RESOLUTION BY THE COUNCIL OF THE CITY OF CANAL FULTON, OHIO TO ENTER INTO A TRANSPORTATION AGREEMENT WITH THE CITY OF MASSILLON, OHIO FOR THE TRANSPORTATION OF INCARCERATED PRISONERS.

WHEREAS, the Council of the City of Canal Fulton, Ohio desires to enter into an agreement with the City of Massillon, Ohio for the transportation of Prisoners to and from the Stark County, Ohio Jail and the Massillon Municipal Court.

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 Transportation Agreement with the City of Massillon, Ohio for the Transportation of Incarcerated Prisoners pursuant to proposal 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

EXHIBIT "A"

**MASSILLON CITY AND CITY OF CANAL FULTON
TRANSPORTATION AGREEMENT**

This Agreement entered into this 21st day of November, 2019, by and between City of Canal Fulton, Stark County, Ohio, a political subdivision, hereafter "Agency", and the City of Massillon, Ohio, a municipal corporation, hereafter "Massillon".

WHEREAS Massillon will continue to operate a holding facility for the holding of incarcerated prisoners for Massillon Municipal Court appearances; and

WHEREAS, Massillon has agreed to be responsible for the transportation of said prisoners to and from the Stark County Jail with regard to appearances required in the Massillon Municipal Court; and

WHEREAS, Massillon and Agency wish to set forth the terms of their agreement with regard to the fees to be paid by Agency to Massillon for the transportation of such prisoners to and from the Stark County Jail and the Massillon Municipal Court.

THEREFORE, it is agreed by and between Massillon and Agency as follows:

1. Massillon shall be responsible for transportation of Agency's prisoners booked at the Stark County Jail to and/or from the Stark County Jail to the Massillon Municipal Court for court appearances.
 - A. In consideration of Massillon bearing the cost and expense for the transportation of such prisoners Agency shall pay to Massillon, for the period of January 1st 2020 Through December 31st, 2020, \$125.00 per prisoner transported.

The amounts owed by Agency for the 2020 calendar year shall be paid in four quarterly installments by the Agency. Massillon will bill Agency for amount due under this Agreement in the months of January, April, July and October. Agency will pay the quarterly amount due within thirty (30) days.

2. Warrant Service:

In the event an Agency makes an arrest upon a Warrant, and the Warrant is not a Warrant issued by the Massillon Police Department, the arresting Agency shall be responsible for transportation of said prisoner to the Stark County Jail for booking. In the event the Agency makes an arrest upon a Massillon Police Department Warrant, the arresting Agency may drop the prisoner off at the Massillon Police Department or make arrangements to meet at a mutually acceptable location to turn the arrestee over to the Massillon Police Department for transportation and booking.

3. Reportable Offenses:

When an Arresting Agency chooses to summons, rather than book a person charged with a reportable offense, and the person is sent to MPD for processing, the Agency will be charged a fee of \$20.00 per processing.

4. Additional Provisions:

Massillon further agrees to provide the following:

- A. Routine medical attention that may be required and can be provided at the Massillon City Jail;
- B. Transportation to a hospital emergency room or other local clinic in cases where medical attention other than routine is required and such transportation can be safely and properly provided in a police department vehicle;
- C. A guard for the prisoner while at the hospital for a period not to exceed three (3) hours, provided that no overtime costs are incurred to supply the guard;

5. In consideration of the foregoing, Agency covenants and agrees to pay Massillon the

following:

- A. The total cost of using a Massillon police officer to serve as a guard while the Agency prisoner is confined to a hospital, except as provided in section (2) above. A minimum of two (2) hours will be charged in the event that a hospital guard is required. Such costs shall include any overtime costs or other payroll costs associated with supplying a guard officer. Agency shall be given notice and an opportunity to supply personnel of its own law enforcement agency to serve as a guard while the prisoner is confined in a hospital. Massillon police officer shall serve only as a guard after Agency has been given notice and failed to supply a guard pursuant to this section.

- B. It is understood that individual prisoners are primarily responsible for all costs of medical treatment or special medicines required in their treatment. Agency agrees to assume responsibility for any medical costs for which an Agency prisoner cannot be held responsible. In the event that Massillon is adjudicated liable for costs incurred by a Agency prisoner, Agency shall reimburse Massillon for said amount. However, Agency shall not be responsible for payment of the above costs of special medicines, medical attention or burial costs where the cause of death or the cause of illness or injury requiring medical attention or the administration of special medicines was the result of malfeasance, nonfeasance, neglect of duty or any other action of an employee and/or police officer of Massillon.

This Agreement shall take effect in January 1, 2020, and remain in effect until December 31, 2020, unless superseded or rescinded, however, either party may terminate this agreement upon thirty (30) days written notice to the other party.

This Agreement constitutes the entire agreement between Massillon and Agency. All other agreements concerning the booking and handling of prisoners, whether written or verbal, are hereby rescinded. Nothing in the Agreement shall be construed to provide any agreement, benefit or cause of action to any third party.

IN WITNESS WHEREOF, the parties have affixed their signatures below:

WITNESS:

CITY OF MASSILLON

Kathy Catazaro-Perry, Mayor

Keith Moser, Chief of Police

WITNESSES:

CITY OF CANAL FULTON,
STARK COUNTY, OHIO

Joe Shultz, Mayor

Douglas Swartz, Chief of Police



BILL TO:

City of Canal Fulton

PURCHASE ORDER

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

P.O. NUMBER: **RG012437**
P.O. DATE: **11/22/19**
DEPARTMENT: **FIRE/EMS**
CREATED BY:
VENDOR NO.: **00039**

DELIVER TO:

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

VENDOR:

FINLEY FIRE EQUIPMENT
5255 N.STATE ROUTE 60 NW
MC CONNELSVILLE, OH 43756-0149

ACCOUNT NUMBER	AMOUNT
222.210.5691	\$5,074.00

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
		SAFER FIRE GEAR		\$5,074.00
		THIS PURCHASE ORDER IN EXCESS OF \$5,000 WAS APPROVED BY A MOTION OF CANAL FULTON CITY COUNCIL ON ____ / ____ / ____.		
		TOTAL:		\$5,074.00

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 certify that the amount required to meet the contract, agreement, obligation, commitment 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 in 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 PURCHASE ORDER

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

P.O. NUMBER RG012440
P.O. DATE 11/25/19
DEPARTMENT SEWER
CREATED BY
VENDOR NO. 00592

DELIVER TO:

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

VENDOR:

CANAL FULTON ENTERPRISES INC
4589 ERIE AVENUE
CANAL FULTON, OH 44614

ACCOUNT NUMBER	AMOUNT
551.330.5445	\$5,900.00

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 # 30-6000498

QUANTITY	UNIT	DESCRIPTION	PRICE / UNIT	AMOUNT
		SEWER PLANT ELECTRICAL REPAIRS		\$5,900.00
		THIS PURCHASE ORDER IN EXCESS OF \$5,000 WAS APPROVED BY A MOTION OF CANAL FULTON CITY COUNCIL ON _____ / _____ / _____.		
			TOTAL:	\$5,900.00

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

