

**CITY OF CANAL FULTON
CITY COUNCIL MEETING AGENDA
February 4, 2020**

1. **CALL TO ORDER**
 2. **PLEDGE OF ALLEGIANCE**
 3. **ROLL CALL**
 4. **SWEAR INS**
 - Travis Brett FF/EMT
 - Christian Brienza FF/EMT
 - Jonathan Bode FF/EMT
 - Alexander Ciptak FF/EMT
 - Nathaniel Devis FF/EMT
 - Joshua Krug FF/Paramedic
 5. **REPORTS OF STANDING COMMITTEES**
 6. **CITIZENS' COMMENTS – AGENDA MATTERS (Five Minutes per Individual – No Yield)**
 7. **CORRECTING & ADOPTING THE RECORD OF PROCEEDINGS**
 - 1-21-2020 Council Meeting Minutes
 - 1-21-2020 Committee on Committee Meeting Minutes**REPORTS OF ADMINISTRATIVE OFFICERS**
 - o Senior Citizens
 - o Community Service
 - o Fire Chief
 - o Police Chief
 - o Engineer
 - o Streets
 - o Public Utilities
 - o HPC/Planning/Zoning
 - o Finance Director
 - o City Manager
 - o Mayor
 - o Parks & Recreation Board
 - o Law Director
 8. **THIRD READINGS**
 - Ordinance 1-20:** An Ordinance Amending Ordinance 33-19, and Providing for Changes to Previously Authorized Appropriations. (\$407,583.00 to establish budget for Cherry Street Water line)
 - Resolution 1-20:** A Resolution by the Council of the City of Canal Fulton to Enter into a Contract with the City of Massillon, Ohio Law Department Providing for Prosecution of Criminal and Traffic Offenders in the Massillon Municipal Court and Performance of Other
 9. **SECOND READINGS**
 - Ordinance 2-20:** An Ordinance Amending Ordinance 37-19, Rates of Pay for Non-Bargaining Employees and Repealing Any Ordinances in Conflict Therewith
 10. **FIRST READINGS**
 - Resolution 2-20:** A Resolution by the Council of the City of Canal Fulton, Ohio to Enter into a Contact with Mark A. Cozy to Serve as City Manager and Declaring an Emergency**P.O.s**
 - P.O. RG012603 to Trittech Software Systems in the amount of \$9,088.00 for Annual Fees for RMS System Through Central Square Formerly Known as Emergi Tech LLC
 - P.O. RG012605 to Highway Equipment Co. of Ohio in the amount of \$5,532.00 Rental of Long Reach Excavator to Clear Debris from Canal
 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**
- Related Traffic and Criminal Legal Services for Canal Fulton, Ohio.

**CITY OF CANAL FULTON
COMMITTEE ON COMMITTEES MEETING MINUTES
January 21, 2020**

CALL TO ORDER

Dan Bucher Jr. called the meeting to order at 6:45 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Council Members Present: Eric Whittington, Jeanann VanDenberg, Dan Bucher, Jr., Scott Svab, Bonnie Donaldson, Mayor Joseph A. Schultz

Absent: Sue Mayberry

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

Others Present: Sean VanDenberg, Joan Porter

Committee on Committees:

Public Service Committee will be Dan Bucher, Jr., Jeanann VanDenberg, Sue Mayberry, Eric Whittington

Economic Development Committee will be Jeanann VanDenberg, Eric Whittington, Scott Svab, Dan Bucher, Jr.

Finance Committee will be Scott Svab, Dan Bucher, Jr., Sue Mayberry, Bonnie Donaldson

Personnel/ Rules Committee will be Sue Mayberry, Bonnie Donaldson, Scott Svab, Dan Bucher, Jr.

Safety Committee – Jeanann VanDenberg, Eric Whittington, Bonnie Donaldson, Scott Svab

ADJOURNMENT

The meeting adjourned at 6:49 p.m.

Meeting minutes prepared by: Alyssa Bettis

Meeting minutes approved by: Mayor Joseph A. Schultz

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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, Eric Whittington, Jeanann VanDenberg, Dan Bucher, Jr., Bonnie Donaldson and Scott Svab

Absent: Sue Mayberry

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

Others in attendance were: Kathy Snyder, June Arndt, Mary Kocsis, Harold Strong, Joan Porter, Sean VanDenberg

A motion was made to excuse Sue Mayberry by Scott Svab

Second by Bonnie Donaldson

All Council Members vote yes. Motion approved.

REPORTS OF STANDING COMMITTEES

Mr. Svab reports that Committee on Committees met at 6:45 p.m. to discuss and appoint who will be on each committee. Finance will be Scott Svab, Dan Bucher, Jr., Bonnie Donaldson, and Sue Mayberry. Personnel/ Rules will be Sue Mayberry, Bonnie Donaldson, Scott Svab, and Dan Bucher, Jr. Safety Committee will be Scott Svab, Eric Whittington, Bonnie Donaldson and Jeanann VanDenberg. Economic Development is Jeanann VanDenberg, Eric Whittington, Dan Bucher, Jr., and Scott Svab. Public Service is Dan Bucher, Jr., Jeanann VanDenberg, Sue Mayberry, and Eric Whittington. Each Committee will meet and select chair.

A motion was made to have a Finance Committee meeting at 6:00 pm, Personnel/ Rules at 6:05 pm, Economic Development at 6:10 pm, Public Service at 6:15 pm, Safety at 6:30 pm by Scott Svab

Second by Dan Bucher, Jr.

All Council Members vote yes. Motion approved.

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

CORRECTING & ADOPTING THE RECORD OF PROCEEDINGS

12-17-2019 Personnel Committee Meeting Minutes

A motion was made to approve the 12-17-2019 Personnel Committee Meeting Minutes by Scott Svab

Second by Bonnie Donaldson

Scott Svab votes yes, Bonnie Donaldson votes yes. Motion approved.

1-7-2020 Council Meeting Minutes

A motion was made to approve the 1-7-2020 Council Meeting Minutes by Scott Svab

Second by Dan Bucher, Jr.

Mrs. Donaldson says its supposed to be Sean instead of Scott.

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All council members present vote yes. Motion approved.

REPORTS OF ADMINISTRATIVE OFFICERS

Senior Citizens – Review Senior Center Bylaws. Kathy Snyder thanks Mayor Schultz and members of Council. They have had some lighting problems especially with the light on the back of the building. It has been out for quite some time and there was an electrician who came in today to look at. There is also a light on the side that blinks off and on and it will be repaired. There is also a lighting issue inside of the foyer that has been out for a couple of years. The back porch is warped and we had an issue where one of the Seniors tripped on it a fell. Kathy says she talked to John Murphy about it and he looked at it and agreed that it's a fairly easy fix to do. Mayor Schultz apologizes because he looked at it when the member fell and Gary thought we needed some black top there. That has never happened.

A lot of activities planned for this year. February 8th is the next swiss steak dinner.

Three members are here. They just had a reorganizational meeting which they do on a yearly basis. This year there are new members on the board of commissioners and elected new officers. Mary Kocsis is here she is the secretary this year, Harold Strong is here, he is not only one of the volunteers of the year he is now one of our chair members on the board. June Arndt is here and she is our treasurer.

Mrs. Donaldson asks how many people were there to vote on the bylaw change? Mrs. Kocsis answers all of us. Mrs. Donaldson says no, not all of us, how many. Mrs. Donaldson says she wasn't there. Mrs. Kocsis says okay we haven't voted on anything. Mrs. Donaldson responds, you voted to change it. Mayor Schultz says it is a proposal. Mrs. Donaldson says it is still a vote. Mrs. Arndt says that there were 6 of them there. Mrs. Donaldson asks which six? Mrs. Kocsis lists everyone who was there, Shawn, Pat, Marg, Mary and June. Kathy was there taking minutes. Everyone was there except Harold. Mrs. Donaldson says and me. Mrs. Kocsis apologizes, she did not mean to. The last six years it has been three and three and the number 7. Legally it was never changed. There is a rotation every other year.

Mayor Schultz says this reflects what has been working. Mrs. Kocsis says yes, this seems to work for us. Mrs. Arndt says they are working really hard to make this compliant and most of them have been to the Senior Center multiple times a week. Mr. Strong thinks what they are implementing is good. He also thinks that bringing it up to council and meeting requirements is a good thing. Mr. Strong says that the Center is about the people that are at the building not the building itself.

Mrs. Donaldson would like to compare to what the old ones were. Mrs. VanDenberg asks what are the old ones and what is changing. Mrs. Kocsis explains that instead of 9 members there will be seven. The old one said there is a meeting every other month, and we chose to go every month. We have an alternate and they will step in when a regular commissioner cannot come. The alternate is very familiar with the Senior Center and what goes on. Therefore there would not be a tie. Mrs. Kocsis says if someone in the middle of the year cannot fill their term then it is decided on who would fill it by the commissioners there. They would ask people who are interested. Anyone who wants to take a position would write a note that they are interested. Often times it is tough to get someone in. Mrs. Donaldson asks if they publicize that the position is available? Mrs. Kocsis answers, yes, they have a newsletter and the minutes. It is also announced at bingo and the other activities. No blank checks are ever to be signed. Mrs. Kocsis says they had a minor problem of some of the other people on the board could sign the checks. The people that are doing this now come in frequently. We have the chairman and the treasurer; they sign the checks. Mrs. Donaldson says that they also changed that the Secretary did not have to be on the commission, which is good.

Mayor Schultz says this all came to light when he talked to Shawn about getting a member from Council. Mrs. Kocsis agrees and says she is very please. Mrs. Donaldson says she doesn't see why because she isn't able to vote. Mrs. Donaldson says in the past they have always voted. When you had a council member on the commission they voted. Mrs. Kocsis apologizes and says she doesn't remember, not in six years. Mayor Schultz says the last one they had was Scott. Mrs. Kocsis says she could be wrong but wasn't Scott elected to be a commission. Mr. Svab answers, no, he was never elected by the body. He was always appointed by the Mayor. Mrs. Kocsis says she thinks that was when she came in and to be truthful, she thought he was. Mrs. Kocsis asks Mrs. Donaldson if she feels that whoever they choose should be able to vote? Mrs. Donaldson answers, yes. Mayor Schultz says section 139.05 the Director of the Senior Center and the Representative of the Canal Fulton City Council are members with no voting power. Mrs. Kocsis says they said this because they

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are not there constantly and not able to see the things that go. Then it would also not fit to an even number. Mrs. Donaldson asks if she is an alternate? Mrs. Kocsis answers, no, the alternate is Joanie Miller. Mrs. Donaldson says it used to be the Director and the Mayor had no voting power and now your saying the Mayor can vote. Mrs. Kocsis says no. Mayor Schultz says no. Mrs. Kocsis says they are not lawyers. She asks Mrs. Donaldson if she wants them to address this. Mrs. Donaldson says she would like more time. Mrs. Kocsis says we met Thursday and then they sent this to everyone. Mrs. VanDenberg says she didn't receive anything. Mrs. Kocsis clarifies that it was not to everyone here it was to everyone who worked with it or working on it. So Bonnie and all the commissioners. Mayor Schultz asks if there is a term limit for board members being able to serve consecutive terms. As long as you are voted in you can serve. The struggle is finding people who are willing and able to participate. Mrs. Kocsis says they have tried to have people in the community come in. They have the manager of the Rite Aid for a while. They had a nurse from Aultman Hospital. Kathy Snyder says they try to get a mix of community and professionals. They helped us as far as writing grants. They don't just ask for members of the commission from our own organization because this is a community effort.

February 11th is the next board meeting. Mayor Schultz asks them to come back to the next Council Meeting after that which would be the 18th. Come back and discuss it some more that way Council members would have more time to review it. Mrs. Arndt asks if there is anything else they should be doing? Mr. Svab says that someone appointed by council should have the right to vote. Mr. Svab thinks that it keeps the council informed.

Kathy Snyder says when she was at the last Council Meeting and the Mayor made the announcement that Shawn asked that someone serve on the commission as a non-voting member. We made it clear that it was a non-voting member. Had we known that you wanted it to be a voting member we would have considered this on what we sent. We didn't mean to slight anyone in any way. Mr. Svab says she just sees the old laws and your laws that were passed in the ORC need to be reconciled. Mrs. Kocsis says they will discuss this and vote on it. Mayor Schultz says make a proposal. Mayor Schultz says we are just trying to establish a main line of communication.

Community Service – No report.

Fire Chief- Chief Durkee apologizes for not being at the last meeting. The new cardiac monitors came in. Lawrence Township has taken the lead on figuring out any hiccups. P.O. RG012558 is for turnout gear to equip future fire fighters. That money comes from the safer grant we have for recruitment and retention. Mayor Schultz asks how many years are left on the grant. Chief Durkee says we are on our 3rd of 4 years.

Police Chief- Chief Swartz says two cruisers are going to be done soon and on the road. Two laptop computers we secured with the grant are sitting on the shelf in Akron. The next Council Meeting he should be able to address a case they are working on with cars being broken into.

Engineer – Mr. Dylewski says this is in conjunction with Eric. They have been discussing the DORA and proposed boundaries. Mr. Dylewski passes out a map of boundaries. This is the copy Mark would send in with the application. Mr. Cozy asks if they want a committee to look at this map before we submit the application. Mr. Whittington says the Economic Development Committee is sitting right here. Mr. Bucher asks what the three parcels are. Mrs. VanDenberg explains that it's the Flower Shoppe and the parking lot behind the Flower Shoppe. He will be doing the run there. Mr. Whittington says we have one of the largest races in Ohio, it is 100 miler that comes through Canal Fulton. This is one of the main aid stations for that race. We want to be able to include that so the runners can enjoy a beer after 100 miles. The part that was missed was over on Canal Street up to the VFW. That section would have to be added in. That would cover all of the locations that have a liquor license.

Mr. Bucher asks what are the four participating businesses. Miller Doan, Canal Boat, The Barrel Room and Dragon Fly Tea House.

Mr. Whittington asks if we need the dates and times right now? Mr. Cozy says he is not sure but we are going to have to make decisions on this. Chief Swartz asks if the whole parking lot included. Mr. Whittington says, no, just the back-parking lot. Chief Swartz says that sometimes with tailgating or something we can keep that open. Mr. Whittington says the only downfall would be people walking to their car with an alcoholic beverage. Chief

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Swartz asks if this is just for certain times. Mr. Whittington says, **yes**, certain days or times. Or we can just go 7 days a week, noon to midnight.

Mr. Whittington says the park is excluded. We don't want it anywhere where there is a lot of children. The whole purpose of this is to bring more people in and help the businesses. Mrs. VanDenberg asks if we are going to mark this with signs or just have the maps up. Mr. Whittington says we could. MR. Cozy says people need to know. Mr. Whittington says he is sure these maps will be hanging up once they are finalized, in all four of the locations. They have to buy their alcohol in a special cup in all four locations.

Streets – There was a snow event over the weekend.

Public Utilities- No report. Working on meter updates.

HPC/Planning/Zoning- Mayor Schultz formally apologizes to John Workman. Mayor Schultz explains that he made an inappropriate comment to Mr. Workman. He told Mr. Workman he would apologize to him personally. Mayor Schultz says it was inappropriate to make that comment it was directed as something he would say in his office as a joke. It was the wrong time and place.

HPC made a recommendation to go with the light post that is hexagonal base. Mayor Schultz says we are going to continue the conversation with the banners to raise money to replace the lights. A question came up the other night. How do we know if they are failing? The only way is to take them down and if you take them down then you compromise them. We have had two of them that have fallen over from being rotted. The problem is on the inside of the post. Mayor Schultz asks council if we start replacing the post lights with the hexagonal style with the understanding that they are black not brown, are we okay with that. Mayor Schultz says he stopped out at the bridge painting company on Milan and talked to the owner there. They may be able to paint those brown for us. Mr. Whittington asks if HPC is okay with black or do they want them brown. Mayor Schultz says he didn't ask them that.

There is still money in the downtown fund to replace just those three. Mayor Schultz asks council if they are okay with a hexagonal base and the black color. Mrs. Donaldson says she originally liked the round but when she looked at them again she thought they looked funny. The hexagonal shape is okay with her. She says and as we replace them they will all be black so she doesn't see a problem with that. Mrs. Donaldson asks where we are getting them from that is so cheap? Mayor Schultz says they are made out of aluminum now and are rated for 40lbs of weight. They can hold the banners. They are \$840.00 a piece or around that. Mr. Svab says community service painted them to make them brown. Every one of the posts were painted downtown. Mrs. VanDenberg asks about the likelihood that they would be discontinued. Can we afford to buy all of them. Mayor Schultz says if you buy 60 of them you know you are going to have them all matching. Mr. Svab asks who the vendor is, there is a place in Canton who makes those posts. Mr. Cozy says the original place went out of businesses. Mr. Cozy says that all of these lights are cast iron, which is strong but the base is a big piece of one single thread rod. These new ones have a dual thread rod base so they are stronger as far as being anchored to the concrete. Mrs. VanDenberg says she would like to see us replace all of them at the same time. Mr. Cozy says maybe one section of town at a time. Mayor Schultz says we didn't put anything into the budget and that takes us into the topic of the banners, trying to do it as a fundraiser. Mayor Schultz hands out examples of the banners. C. Massough Printing is the company that does the school banners and they also did our military banners. Mayor Schultz wants to propose to HPC that we get sponsors and for \$1000 we would put the banner up during the Summer months with the military banners. Proposing we put them up for five years. With their \$1000.00 donation we could purchase the banner and the new light post. If you sell 60 of them then you pay for that improvement and we can move forward with purchasing all new light posts. HPC had a mixed review. There were only four members there with a two to two vote. There was no recommendation either way. Mr. Svab asks if HPC said that the current banners from the Northwest Highschool athletes, are they to be banned from the downtown area? Mayor Schultz says the comment they made was those were put up and no one ever asked from a recommendation from HPC. Mr. Svab says he is strongly for that. Mrs. Donaldson says that some students are left out if they don't play sports. Mr. Svab says that's going to happen no matter what you do. Mayor Schultz explains that it is only for the Senior year and they have been much more inclusive with choir and drama. Mrs. Donaldson says that is a good idea. Mr. Svab says he supports it 100%.

Mayor Schultz says back to the topic of these banners and being able to approach business and even individual. You could be retired from the air force and you may want to put a banner up. Mr. Bucher says we should wait and get full council opinion on this.

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Finance Director – Ordinance 2-20 is the non-bargaining pay ordinance. The only thing that is different with this one compared to the one we passed. This includes the new Canal Boat Coordinator position. We don't need to vote on it today. Tax amnesty letters went out last week. There have been 10 responses so far. Mr. Rouse asks for a committee meeting to look at the water and sewer tap in rates and discuss plans with the water tower.

A motion was made to have a joint Finance and Public Service meeting on February 18th at 6:00 p.m. by Scott Svab

Second by Dan Bucher, Jr.

All Council Members vote yes. Motion approved.

Mr. Rouse will be out of the office next week.

City Manager – There will be two civil service tests this weekend. One for Streets Department and one for Police Department. Both tests will be conducted simultaneously at the Safety Center at 10:00 am. Deadline for applications is tomorrow.

There are two street light requests for Lafayette and Locust, and also Herbert Circle. If you notice a street that is not lit or a street light out contact Alyssa and we will take care of it.

Daddy daughter dance is on February 1st.

Met with Stark Parks on a couple issues. Stark Parks has a levy this year in March. If it passes they are going to open that trail for horseback riding. Stark Parks will be doing canal clean up again this winter. At the next meeting you will see a purchase order to Highway Equipment Company of Ohio for a long reach excavator. We will pay for the rental and Stark Parks will provide the operator. We will be running our trucks simultaneously. Mr. Bucher asks if there are dates yet? Mr. Cozy says not yet.

Mayor – Mayor Schultz explains that the Stark Parks Levy is just for a renewal of existing taxes. Newsletter articles are due to Alyssa by February 1st. We are going to try to get those out by the first week of March.

*Paul Middlecoop, Larry Murgatroyd, Jeff Chapanar
12131 Gateway Drive*

Traffic light at the intersection of Locust and Bonita. There is no traffic light there now but there was a request and study done to put a traffic light at that intersection. Since the Bell Stores and Dollar Store is there now. Mr. Middlecoop says he is here to make a case against putting this light in. There was a traffic study done in February of 2019 that concluded that there should be a traffic light installed. Reading over that report and the accident reports, Mr. Middlecoop has come to some conclusions. This is a 35mph speed limit through this area but the study is basing it at a 45mph speed limit because over the hill it is 45mph. They think that coming over the hill people will not be slowing down. The recommendations are assessed over 40mph, they go with one set of rules, and under 40mph. There is a chance that the City could put a speed limit sign that shows actual vehicle speed like they have now. Maybe put another one on the other side of that hill. None the less the warrant for the traffic light is based on only traffic count. There is no mention of a traffic light potentially causing an accident in this study. Especially heading west which would be towards town from Jackson if cars were backed up the hill. So, if there was a stop light there with 8 or 10 cars backed up the hill someone coming over top the hill might not see those cars and hit them. Especially if it were winter time and the roads are slick. It could be significantly worse with winter weather. According to the Canal Fulton Police Department there is more accidents at intersections elsewhere in town than this area. Accident occurrence is higher at stop sign and stop light intersections than open intersections like this. There were five accidents in the last six months of 2018 at that intersection. Two of which may have been avoided with a light according to that study. There was only one accident of 2019 at that intersection. This represents an 87% drop from 2018 to 2019 taking into consideration five accidents in six months verses one accident in twelve months. This maybe be due to traveler awareness of this new intersection and a newly installed speed limit sign showing the actual vehicle speed as well. Bell Stores and Dollar Stores have far setbacks

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from the road and long driveways and open flat terrain with good visibility. This likely plays a major roll in the very low accident level. None of this is taken into consideration in this study. According to this study, in the 15-hour period between 7 am and 10 pm, there are 8,398 vehicles per day traveling through this intersection. That equates to 3,065,270 vehicles per year, with only 1 incident in 2019. Mr. Middlecoop says he would argue that this is the safest intersection in the state of Ohio. Mr. Middlecoop is asking that city Council vote to override the planning commissions request to install a traffic light at the intersection of Locust and Bonita.

Mrs. Donaldson asks who is we? Mr. Middlecoop says he is representing Don Schalmo. Mrs. VanDenberg says she lives right there. She feels that they need to allow Don to sell his property. We need to release it and allow him to sell it. Mrs. VanDenberg says she is "just saying" we get a Marcs or an Aldi beside the gas station and you are putting in 14 duplexes. That would bring in 28 new families. Mr. Middlecoop says 14 units from what he understands, Don told him 14 with 28 cars. Two cars per unit. Mayor Schultz says in that Planning Commission meeting what we had is Bell Stores attended and made a comment that they would be willing to participate. They sent Mayor Schultz down to look at their Berlin store on Route 39. They paid to have a light put in there themselves. Their rationale is that is a different scenario. They needed a traffic light there to get their patrons in and out. They don't feel the need is there yet. Mayor Schultz says the Auditors Office recommended a special improvement district. It is formed with a defined number of landowners. If 60% of the landowners wanted to form a Special Improvement District then whenever they want to form a traffic light, they would be able to do that. They could come to the city and say they need a traffic light now. Then it would be on the landowners who are apart of that district to pay for the traffic light. Mayor Schultz says your vote would be based on how much acreage you own. Currently Bell Stores owns about 4 acres. Dollar General is over 1.5 acres and Don Schalmo owns about 26 acres. Don owns a majority of the land. Just by himself he could form this district. What he could do, understanding that when he sells those lots, the buyer inherits the voting rights to that amount of land. If the day ever comes that those owners want to put up a traffic light, they can vote themselves to put up a light. Mayor Schultz thinks this is a great resolution but he is with Jeanann in that we are not there yet. Mrs. VanDenberg doesn't want to say no because he needs to sell the property first before we can make that decision.

Mr. Middlecoop asks if it is typically that the developers always pay for the lights. Mayor Schultz says no, because in communities you want to see development and growth. There is a cost that comes with that. You are increasing revenue by having more business in your community.

Mrs. VanDenberg feels that we are putting the cart before the horse because we do not know what is going in here.

Mayor Schultz says this would give the control back to the property owners. Mayor Schultz says he shared this idea with Don and his attorney.

Mayor Schultz asks if this was voted on at the last meeting in December. Eric was gone. It was voted down three to two. Mayor Schultz asks Mr. Fellmeth if they can bring up something for a vote that they voted down two meetings ago. Mr. Svab thinks Eric can because he didn't vote on it. Jeanann also can because she wasn't on Council at the time. Mrs. VanDenberg asks if we can table the traffic light and figure out how to get Dons property sold. Mr. Whittington asks if this is prohibiting growth. Mr. Middlecoop says yes because he can't sell his lots. Mr. Whittington says then its ridiculous if we are trying to promote growth and completely stop it over a traffic light that is not even needed in the first place right now. Mr. Middlecoop says he has been shut down for over a year.

Mayor Schultz says he would allow him to do it with the condition that he form a special improvement district. If we just approve it then we have no leverage.

Mr. Murgatroyd says this was already approved by the Planning Commission when the whole plot was done years ago. It is no secret that these lots were set up individually and the condos in the back would be put in. The open lots were for commercial use. All of this was put in front of everyone why didn't they suggest a light then. Mayor Schultz says that is when it was suggested. When Bell Stores got their curb cuts. Mr. Murgatroyd says he is talking before any of that. When he wrote up all of the different properties and said this is what he wanted to it got approved. Mayor Schultz says he begs to differ because things change. Mrs. Donaldson asks if they have gone back to Planning. Mayor Schultz says planning refuses to hear it because they voted on it. Mrs. Donaldson says that we already voted on it too.

Mayor Schultz asks for two more weeks to discuss and be in a better position. Mrs. VanDenberg asks how do we release Dons property to get it sold. Mayor Schultz says you can vote on in now if you can get four votes.

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Mr. Middlecoop asks where it says that it's the developer's responsibility. Mayor Schultz says it doesn't. It is the Planning Commissions recommendation. The Planning Commission said they are not going to let him move forward with any development until there is a traffic study done. Mr. Middlecoop says based on the study; the study doesn't say it is his responsibility.

Mr. Middlecoop asks how they can hold someone's property hostage when he has hundreds of thousands of dollars invested in the property and development of it. There is nothing that says he is responsible for the light. Mrs. VanDenberg says you have to look at both sides, why is it the City's responsibility when we didn't create this. Mr. Middlecoop says it is a public road and he is creating revenue for the City.

Mrs. VanDenberg doesn't think we should vote until we have full council. Mayor Schultz is asking for two weeks to get this resolved. Mr. Bucher says he wants to vote on this tonight because we have been talking about this for forever but he wants to see it in writing and that is the proper way to do it.

Mr. Middlecoop says as long as it is approved by Don. Mr. Chapanar says Don doesn't fully understand the zone that Joe is requesting be developed. Mr. Chapanar says Don needs someone to sit down with him and explain to him how it is going to work, he is not against this idea. He just needs to understand it a little better.

Parks & Recreation Board- Mr. Minks was asked by a couple of people why the YMCA is not open on Sunday. Mr. Bucher says it is, it is open from 11-4. He was just there on Sunday.

Law Director – Mr. Fellmeth is going to look at the DORA project again. The open container law in Canal Fulton is not going to fly because we do not have the population or the geographical area to support it under the law. Mr. Whittington says he thought that was the entertainment district not the DORA. Mr. Fellmeth says make your application but if it comes back and they say no, its not like I didn't try to tell you.

THIRD READINGS

Resolution 14-19: A Resolution by the Council of the City of Canal Fulton, Ohio to Enter into a Memorandum of Understanding for Technical Assistance Between the City of Canal Fulton and the Stark County, Ohio Soil and Water Conservation District

**A motion was made to approve Resolution 14-19 by Dan Bucher, Jr.
Second by Scott Svab
All Council Members vote yes. Motion approved.**

Resolution 15-19: A resolution by the Council of the City of Canal Fulton to Enter into an Agreement with the Board of Trustees of Local Organized Governments in Cooperation for Police Dispatching Services
**A motion was made to approve Resolution 15-19 by Scott Svab
Second by Bonnie Donaldson
All Council Members vote yes. Motion approved.**

Resolution 16-19: A Resolution by the Council of the City of Canal Fulton to Enter into an Agreement with the Board of Trustees of Local Organized Governments in Cooperation for Fire/ EMS Dispatching Services
A motion was made to approve Resolution 16-19 by Scott Svab

Second by Dan Bucher, Jr.

All Council Members vote yes. Motion approved.

SECOND READINGS

Ordinance 1-20: An Ordinance Amending Ordinance 33-19, and Providing for Changes to Previously Authorized Appropriations. (\$407,583.00 to establish budget for Cherry Street Water line)

Resolution 1-20: A Resolution by the Council of the City of Canal Fulton to Enter into a Contract with the City of Massillon, Ohio Law Department Providing for Prosecution of Criminal and Traffic Offenders in the Massillon Municipal Court and Performance of Other Related Traffic and Criminal Legal Services for Canal Fulton, Ohio.

FIRST READINGS

**CITY OF CANAL FULTON
CITY COUNCIL MEETING MINUTES
January 21, 2020**

Ordinance 2-20: An Ordinance Amending Ordinance 37-19, Rates of Pay for Non-Bargaining Employees and Repealing Any Ordinances in Conflict Therewith

P.O.s

P.O. RG012558 to Finley Fire Equipment in the amount of \$16,080.00 for Safer Recruitment and Retention PPE

A motion was made to approve P.O. RG012558 by Eric Whittington

Second by Scott Svab

All Council Members vote yes. Motion approved.

P.O. RG012542 to Ohio Treasurer of State Ohio Public Works Commission in the amount of \$148,957.84

A motion was made to approve P.O.RG012542 by Scott Svab

Second by Dan Bucher, Jr.

All Council Members vote yes. Motion approved.

P.O. M.V. 009441 to MV Income Tax Refunds in the amount of \$30,000.00 for Income Tax Refunds

A motion was made to approve P.O. MV009441 by Dan Bucher, Jr.

Second by Scott Svab

Mrs. Donaldson asks why this a multi payment? Mr. Svab says it is refunds for individuals.

All Council Members vote yes. Motion approved.

P.O. RG012541 to Zions Bank in the amount of \$72,239.50 for Service Building and Locust Cherry Intersection Debt Payment

A motion was made to approve P.O. RG012541 by Dan Bucher, Jr.

Second by Jeanann VanDenberg

Mr. Svab asks if this is for 15 years? Mr. Rouse answers, yes.

All Council Members vote yes. Motion approved.

P.O. RG012543 to Huntington National Bank in the amount of \$51,875.00 for Northwest Schools Waterline Debt

A motion was made to approve P.O. RG012543 by Eric Whittington

Second by Dan Bucher, Jr.

Mr. Svab asks when this one is up? Mr. Rouse answers, 2023.

All Council Members vote yes. Motion approved.

P.O.12544 to Huntington National Bank in the amount of \$119,250.00 for Fire Station Improvement Bonds

A motion was made to approve P.O. 12544 by Dan Bucher, Jr.

Second by Eric Whittington

Mayor Schultz asks how many years are left on this? Mr. Rouse says it is up in 2023.

All Council Members vote yes. Motion approved.

P.O. RG021546 to Huntington Public Cap Corp. in the amount of \$128,082.12 for Lease Payment Toward Dup Truck, Ambulance and Fire Engine

A motion was made to approve P.O. RG012546 by Scott Svab

**CITY OF CANAL FULTON
CITY COUNCIL MEETING MINUTES
January 21, 2020**

Second by Jeanann VanDenberg

All Council Members vote yes. Motion approved.

P.O. RG012547 to Massillon Law Department in the amount of \$26,000.00 for Prosecutor Legal Services

A motion was made to approve RG012547 by Bonnie Donaldson

Second by Scott Svab

All Council Members vote yes. Motion approved.

P.O. RG012548 to Clark, Schaeffer and Hackett in the amount of \$25,000.00 for 2019 Financial Audit

A motion was made to approve RG012548 by Scott Svab

Second by Dan Bucher, Jr.

Mr. Svab asks if this is to prepare the actual audit? Mr. Rouse confirms this is for the actual audit.

All Council Members vote yes. Motion approved.

P.O. RG012549 to Bonded Chemicals Inc. in the amount of \$30,000.00 for Water and Sewer Chemicals

A motion was made to approve P.O. RG012549 Dan Bucher, Jr.

Second by Jeanann VanDenberg

All Council Members vote yes. Motion approved.

P.O. RG012576 to Watchguard Video INC in the amount of \$19,700.00 for Watchguard Video Server/ CAQR Wireless Video Transmitters/ Reactive Software

A motion was made to approve P.O. RG012576 by Eric Whittington

Second by Jeanann VanDenberg

All Council Members vote yes. Motion approved.

BILLS-

OLD/NEW/OTHER BUSINESS

Mayor Schultz says he talked to Mr. Bucher about the idea of forming a Blue-Ribbon Commission on downtown revitalization. This was a topic that was discussed last year. A lot of people want to see us try to do something and come up with a plan to renovate downtown. Mr. Bucher will be reaching out to some people to get input and form the committee. He will look at other committees to see what they have done to improve their downtowns. Eric Whittington is working on the DORA. Bonnie Donaldson is working with the Senior Center. Mayor Schultz really appreciates Bonnie working with the Senior Center. Mr. Bucher says he is working with Sue Mayberry with the Blue-Ribbon Commission.

Mayor Schultz says when they sold the old garage the mural came down. He proposed putting it on the side of the Hatfield building which was turned down. It is still sitting in the old maintenance garage covered up. Mayor Schultz would love to see someone take the ball and run with that. Mrs. VanDenberg asks how big the mural is. Mayor Schultz says it is about 40ft long and 16feet high.

The Board of Education reached out. We have been working in cooperation with the Board of Education which has enabled us to gas up our vehicles. They buy the gasoline and we don't have to pay the tax on it. Lawrence Township is taking advantage of that program as well. For the first time they had to make some repairs to the pumps and they asked us if we would contribute \$1000. It is under the threshold but Mayor Schultz wants to make Council aware.

Chief Swartz he needs a voice motion to enter into a contract with the United States Secret Service. They ran into a case that they are working cooperatively with them. The Secret Service is going to take the case and we will work along side them and get restitution for the overtime we spend collaborating. They also have future opportunities to work with them as well.

A motion was made to approve the memorandum by Jeanann Vandenberg

**CITY OF CANAL FULTON
CITY COUNCIL MEETING MINUTES
January 21, 2020**

Second by Dan Bucher, Jr.

All Council Members vote yes. Motion approved.

Mr. Svab says he met with the Finance Director yesterday to discuss the 2020 budget and also brainstorm funding mechanisms for downtown improvement.

REPORT OF PRESIDENT PRO TEMPORE

REPORT OF SPECIAL COMMITTEES

CITIZENS COMMENTS – Open Discussion (Five Minute Rule)

Kristen Stefan

452 Dakota Street

We need our street fixed and our drains fixed. Down by the mailbox the street sign is almost falling over. There is nothing around the concrete that is holding the street sign. Dakota Street and Water Street and Chippewa Street. Mrs. Stefan says it is horrible. Mr. Bucher says it has been that way for a long time. Mrs. Stefan says the water that goes in her back yard is unbelievable. There is a fire hydrant in the front yard that is sunken in. Mrs. Stefan says this has been going on all of Mr. Bucher's life. Mr. Bucher agrees and says he used to ice skate on it in the winter. Mrs. Stefan urges something be done.

Mayor Schultz says he will talk to Mr. Hosking with the Street Department tomorrow.

ADJOURNMENT

Meeting adjourned at 8:50 p.m.

Meeting minutes prepared by: Alyssa Bettis

Meeting minutes approved by: Mayor Joseph A. Schultz

RECORD OF ORDINANCES

BEAR GRAPHICS 800-326-9084 FORM NO. 30043

Ordinance No. 1-20 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 increase the appropriations by \$407,583.00 in order to establish a budget for the Cherry Street waterline replacement project to be funded by OPWC monies.

Fund/Department	Previously Approved	Change	New Appropriation
Water Capital Fund - 341			
Water Capital Fund	\$70,759.33	\$407,583.00	\$478,342.33

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 _____, 20, duly adopted by the Council of the City of Canal Fulton, on the date of _____, 2020, 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 _____, 2020.

Alyssa Bettis, Clerk of Council

RECORD OF RESOLUTIONS

BEAT GRAPHICS 800-335-8014 FORM NO. 3064B

Resolution No. 1-20

Passed _____

, 20 _____

A RESOLUTION BY THE COUNCIL OF THE CITY OF CANAL FULTON, OHIO TO ENTER INTO A CONTRACT WITH THE CITY OF MASSILLON, OHIO LAW DEPARTMENT PROVIDING FOR PROSECUTION OF CRIMINAL AND TRAFFIC OFFENDERS IN THE MASSILLON MUNICIPAL COURT AND PERFORMANCE OF OTHER RELATED TRAFFIC AND CRIMINAL LEGAL SERVICES FOR CANAL FULTON, OHIO.

WHEREAS, the City of Canal Fulton, Ohio has sought a proposal for performance of various prosecutorial services, and

WHEREAS, the City of Massillon, Ohio has submitted a contractual proposal for same that is acceptable to the City.

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

The City of Canal Fulton, Ohio agrees to enter into a contract with the City of Massillon Ohio Law Department providing for prosecution of criminal and traffic offenders in the Massillon Municipal Court and performance of other related and criminal legal services for the City of Canal Fulton for the period of February 1, 2020 through and including January 31, 2021 pursuant to agreement 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 _____ 20 duly

RECORD OF RESOLUTIONS

BEAR GRAPHICS 800-325-6094 FORM NO. 30315

Resolution No. _____ Passed _____, 20_____

adopted by the Council of the City of Canal Fulton, on the date of _____.
2020 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
_____, 2020.

Alyssa Bettis, Clerk-of-Council

SEF/bp

RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8084 FORM NO. 30043

Ordinance No. 2-20

Passed _____, 20____

AN ORDINANCE AMENDING ORDINANCE 37-19, 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-

EXHIBIT "A"

AGREEMENT

THIS AGREEMENT effective February 1, 2020 through January 31, 2021, between the CITY OF CANAL FULTON and the CITY OF MASSILLON LAW DEPARTMENT (MLD) sets forth the following responsibilities and mutual benefits. Accordingly, MLD agrees to prosecute criminal and traffic offenders in the Massillon Municipal Court, perform other related traffic and criminal legal services for Navarre and be otherwise responsible for:

1. Misdemeanor and minor misdemeanor cases arising out of violation of City ordinances or ORC (Titles 29 & 45);
2. Private citizen complaints and affidavits for violations under City ordinances or ORC Titles 29 & 45;
3. Informal Prosecutor conferences for bad checks, domestic disputes, neighborhood disturbances, and other appropriate circumstances as the MLD determines;
4. Review search and arrest warrants when appropriate or upon request;
5. Assist with and direct misdemeanor/felony summons/warrants when appropriate;
6. Issue subpoenas when appropriate (trials/hearings in Massillon Municipal Court);
7. Participate in Court pre-trials, trials, pleas and felony preliminary hearings to conclusion as required and scheduled by Massillon Municipal Court;
8. Prosecute traffic/criminal offenders by trial (judge/magistrate/jury) to conclusion as necessary. Objections to Magistrate decisions and appeals of trial court decisions to a higher court are part of this contract included in basic compensation below;
9. Coordinate with crime victims to explain their rights under law, to execute the Marcy's Law notification of victims' rights, to secure victims attendance when defendants are arraigned for issuance of TPO's, including attendance at pre-trials, pleas and trial, and coordinate restitution when appropriate; and
10. Serve as liaison between the Massillon Municipal Court and the City of Canal Fulton, including but not limited to its Police Department.
11. BASIC COMPENSATION: The City of Canal Fulton will pay the City of Massillon Twenty-five Thousand Two Hundred and 00/100 Dollars (\$25,200.00) for the one (1) year Agreement. The amount shall be paid in twelve (12) monthly payments of Two Thousand One Hundred and 00/100 Dollars (\$2,100.00) commencing on February 1, 2020 and payable on the 1st of each month thereafter.

RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

Ordinance No. _____ Passed _____, 20____

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 follows:

	HOURLY RATE		
	YEAR 1	YEAR 2	3 or More

RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8084 FORM NO. 30049

Ordinance No. _____ Passed _____, 20____

			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
Canal Boat 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 _____, 20, duly adopted by the Council of the City of Canal Fulton, on the date of _____, 2020, 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 _____, 2020.

Alyssa Bettis, Clerk of Council

RECORD OF RESOLUTIONS

BEAR GRAPHICS 800-325-8084 FORM NO. 30045

Resolution No. 2-10

Passed _____, 20____

UNDER SUSPENSION OF THE RULES

A RESOLUTION BY THE COUNCIL
OF THE CITY OF CANAL FULTON,
OHIO TO ENTER INTO A CONTRACT
WITH MARK A. COZY TO SERVE AS
CITY MANAGER AND DECLARING AN
EMERGENCY.

WHEREAS, the City of Canal Fulton, Ohio has negotiated a new contract with City Manager Mark A. Cozy.

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

Section 1: The City of Canal Fulton agrees to enter into a contract with Mark A. Cozy to serve as City Manager pursuant to agreement attached as Exhibit "A".

Section 2: The Resolution is hereby determined to be an emergency measure, the immediate passage of which is necessary for the preservation of the public peace, health, safety, and welfare of the City of Canal Fulton, such emergency arising from the need to implement the contract immediately wherefore this Resolution shall take effect and be in full force immediately upon its passage.

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 ____-20, duly adopted by the Council of the City of Canal Fulton, on the date of _____, 2020, 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 _____, 2020.

Alyssa Bettis, Clerk-of-Council

SEF/bp

Employment Agreement

Introduction

This Agreement, made and entered into this 21st day of January, 2020, by and between the City of Canal Fulton of the State of Ohio, a municipal corporation, (hereinafter called "Employer") and Mark A. Cozy, (hereinafter called "Employee") an individual who has the education, training and experience in local government management and who, as a member of the International City/County Management Association, is subject to the ICMA Code of Ethics, both of whom agree as follows:

Section 1: Term

- A. This agreement shall remain in full force in effect from February 1st, 2020 until terminated by the Employer or Employee as provided in Section 5.03(A) of the City Charter and Sections 9 and 10 of this agreement.
- B. The term of this agreement shall be for a period of one (1) year from February 1st, 2020 to January 31st, 2021. This Agreement can be terminated by either party with a thirty (30) day written notice.

Section 2: Duties and Authority

Employer agrees to employ Mark A. Cozy as City Manager to perform the functions and duties specified in Article V of the Canal Fulton Municipal Charter and by Chapter 141 of the Canal Fulton Administrative Code and to perform other legally permissible and proper duties and functions.

Section 3: Compensation

- A. Base Salary: Employer agrees to pay Employee an annual base salary of \$65,000.00 payable in installments at the same time that the other management employees of the Employer are paid.
- B. This agreement shall be automatically amended to reflect any salary adjustments that are provided or required by the Employer's compensation policies.
- C. Consideration shall be given on an annual basis to increase compensation.

Section 4: Insurance Benefits

- A. The Employer will not provide life or health insurance benefits to the Employee.

Section 5: Sick Leave, Vacation and Holiday Pay

- A. Upon commencing employment, the Employee shall be credited with sick leave equal to the annual accrual provided to all other employees.
- B. The Employee will be credited two (2) weeks' vacation.
- C. In the event the contract is terminated by either party, the Employee shall be compensated for all accrued and unused vacation time to date.
- D. The Employee shall be entitled to the same holiday and holiday pay schedule as the fulltime salaried Employees of the Employer.

Section 6: Automobile

The Employee's duties require use of an automobile to be mutually agreed upon and provided to the Employee at the Employer's cost, subject to approval by Employer which shall not be withheld without good cause.

Section 7: Pension/Medicare/Workman's Compensation

The Employer agrees to enroll the Employee into the applicable state or local pension system and to make all the appropriate contributions on the Employee's behalf, for both the Employer and Employee share required.

Section 8: General Business Expenses

- A. Employer agrees to budget for and to pay for professional dues and subscriptions of the Employee necessary for continuation and full participation in national, regional, state, and local associations, and organizations necessary and desirable for the Employee's continued professional participation, growth, and advancement, and for the good of the Employer.
- B. Employer agrees to budget for and to pay for travel and subsistence expenses of Employee for professional and official travel, meetings, and occasions to adequately continue the professional development of Employee and to pursue necessary official functions for Employer, including but not limited to the ICMA Annual Conference, Ohio City/County Managers Association (OCMA) Conferences, the Ohio Municipal League, and such other national, regional, state, and local governmental groups and committees in which Employee serves as a member.
- C. Employer also agrees to budget for and to pay for travel and subsistence expenses of Employee for short courses, institutes, and seminars that are necessary for the Employee's professional development and for the good of the Employer.
- D. Employer recognizes that certain job related expenses are incurred by Employee, and agrees to reimburse or to pay said general expenses. The Director of Finance is authorized to disburse such monies upon receipt of duly executed expense or petty cash vouchers, receipts, statements or personal affidavits.
- E. The Employer shall provide Employee with an office computer, software, fax/modem, and cell phone required for the Employee to perform the job and to maintain communication.

Section 9: Termination

For the purpose of this agreement, termination shall occur when:

- A. The Mayor and Council decides to terminate the Employee at a duly authorized public meeting according to the provisions set forth in Article V, Section 5.03(A) of the City Charter.
- B. Either party may terminate this agreement with thirty (30) days' notice.

Section 10: Resignation

In the event that the Employee voluntarily resigns his/her position with the Employer, the Employee shall provide a minimum of 30 days' notice unless the parties agree otherwise.

Section 11: Hours of Work

This contract establishes the position as part time and based on a thirty (30) hour work week over the two (2) week pay period. Though, it is recognized that the Employee must devote a great deal of time outside the normal office hours on business for the Employer, and to that end Employee shall be allowed to establish an appropriate work schedule with the Mayor's consent.

Section 12: Outside Activities

The employment provided for by this Agreement shall be the Employee's sole employment. Recognizing that certain outside consulting or teaching opportunities provide indirect benefits to the Employer and the community, the Employee may elect to accept limited teaching, consulting or other business opportunities with the understanding that such arrangements shall not constitute interference with or a conflict of interest with his or her responsibilities under this Agreement with the Mayor's consent.

Section 13: Indemnification

Beyond that required under Federal, State or Local Law, Employer shall defend, save harmless and indemnify Employee against any tort, professional liability claim or demand or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of Employee's duties as City Manager or resulting from the exercise of judgment or discretion in connection with the performance of program duties or responsibilities, unless the act or omission involved willful or wanton conduct. The Employee may request and the Employer shall not unreasonably refuse to provide independent legal representation at Employer's expense and Employer may not unreasonably withhold approval. Legal representation, provided by Employer for Employee, shall extend until a final determination of the legal action including any appeals brought by either party. The Employer shall indemnify employee against any and all losses, damages, judgments, interest, settlements, fines, court costs and other reasonable costs and expenses of legal proceedings including attorney's fees, and any other liabilities incurred by, imposed upon, or suffered by such Employee in connection with or resulting from any claim, action, suit, or proceeding, actual or threatened, arising out of or in connection with the performance of his or her duties. Any settlement of any claim must be made with prior approval of the Employer in order for indemnification, as provided in this Section, to be available.

Employee recognizes that Employer shall have the right to compromise and unless the Employee is a party to the suit which Employee shall have a veto authority over the settlement, settle any claim or suit; unless, said compromise or settlement is of a personal nature to Employee. Further, Employer agrees to pay all reasonable litigation expenses of Employee throughout the pendency of any litigation to which the Employee is a party, witness or advisor to the Employer. Such expense payments shall continue beyond Employee's service to the Employer as long as litigation is pending. Further, Employer agrees to pay Employee reasonable consulting fees and travel expenses when Employee serves as a witness, advisor or consultant to Employer regarding pending litigation.

Section 14: Bonding

Employer shall bear the full cost of any fidelity or other bonds required of the Employee under any law or ordinance.

Section 15: Other Terms and Conditions of Employment

The Employer, only upon agreement with Employee, shall fix any such other terms and conditions of employment, as it may determine from time to time, relating to the performance of the Employee, provided such terms and conditions are not inconsistent with or in conflict with the provisions of this Agreement, the Canal Fulton City Charter or any other law.

Section 16: Notices

Notice pursuant to this Agreement shall be given by depositing in the custody of the United States Postal Service, postage prepaid, addressed as follows:

- (1) EMPLOYER: Mayor Joe Schultz
155 Market St. E
Canal Fulton, OH 44614
- (2) EMPLOYEE: Mark A. Cozy
451 Trelake Dr. NW
Canal Fulton, OH 44614

Alternatively, notice required pursuant to this Agreement may be personally served in the same manner as is applicable to civil judicial practice. Notice shall be deemed given as of the date of personal service or as the date of deposit of such written notice in the course of transmission in the United States Postal Service.

Section 17: General Provisions

- A. Integration. This Agreement sets forth and establishes the entire understanding between the Employer and the Employee relating to the employment of the Employee by the Employer. Any prior discussions or representations by or between the parties are merged into and rendered null and void by this Agreement. The parties by mutual written agreement may amend any provision of this agreement during the life of the agreement. Such amendments shall be incorporated and made a part of this agreement.
- B. Binding Effect. This Agreement shall be binding on the Employer and the Employee as well as their heirs, assigns, executors, personal representatives and successors in interest.
- C. Effective Date. This Agreement shall become effective on February 1st, 2020.
- D. Severability. The invalidity or partial invalidity of any portion of this Agreement will not affect the validity of any other provision. In the event that any provision of this Agreement is held to be invalid, the remaining provisions shall be deemed to be in full force and effect as if they have been executed by both parties subsequent to the expungement or judicial modification of the invalid provision.

In WITNESS WHEREOF, the parties have set their hands on the date above first written.

Witnessed in the presence thereof:

_____	_____	_____	_____
Witness	Date	Joe Schultz, Mayor	Date

_____	_____	_____	_____
Witness	Date	Mark A. Cozy, City Manager	Date

The Foregoing has been approved as to Form:

_____	_____
Scott Fellmeth, Law Director	Date



BILL TO:

PURCHASE ORDER
City of Canal Fulton

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

P.O. NUMBER: RG012605
 P.O. DATE: 01/27/20
 DEPARTMENT: MAYOR . ADMIN
 CREATED BY:
 VENDOR NO.:

DELIVER TO:

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

03358

VENDOR:

HIGHWAY EQUIPMENT CO. OF OHIO
 1405 TIMKEN PLACE SW
 CANTON, OH 44706

ACCOUNT NUMBER	AMOUNT
391.120.5730	\$5,532.00

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
		RENTAL OF LONG REACH EXCAVATOR TO CLEAR DEBRIA FROM CANA; THIS PURCHASE ORDER IN EXCESS OF \$5,000 WAS APPROVED BY A MOTION OF CANAL FULTON CITY COUNCIL ON _____ / _____ / _____.		\$5,532.00
			TOTAL:	\$5,532.00

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

 Finance Director Date

 City Manager / Mayor Date

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



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: RG012603
 P.O. DATE: 01/24/20
 DEPARTMENT: POLICE
 CREATED BY:
 VENDOR NO.: 03360

DELIVER TO:

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

VENDOR:

TRITECH SOFTWARE SYSTEMS
 1000 BUSINESS CENTER DRIVE
 LAKE MARY, FL 32746

ACCOUNT NUMBER	AMOUNT
210.250.5410	\$9,088.00

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
		ANNUAL FEES FOR RMS SYSTEM THROUGH CENTRAL SQUARE FORMERLY KNOWN AS EMERGI TECH LLC		\$9,088.00
		THIS PURCHASE ORDER IN EXCESS OF \$5,000 WAS APPROVED BY A MOTION OF CANAL FULTON CITY COUNCIL ON _____ / _____ / _____.		
			TOTAL:	\$9,088.00

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

FISCAL OFFICER'S CERTIFICATE

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

 Finance Director Date

 City Manager / Mayor Date

