

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

April 21, 2020

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **SWEAR IN – DOUG MORGAN**
5. **REPORTS OF STANDING COMMITTEES**
6. **CITIZENS' COMMENTS – AGENDA MATTERS (Five Minutes per Individual – No Yield)**
7. **CORRECTING & ADOPTING THE RECORD OF PROCEEDINGS**
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**

4-7-2020 Council Meeting Minutes

4-7-2020 Finance/Safety Committee Meeting Minutes

4-14-2020 Special Council 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**

9. **SECOND READINGS**

Ordinance 10-20: An Ordinance Amending Ordinance 3-06, Utility Fees, And Repealing any Ordinances in Conflict Therewith

10. **FIRST READINGS**

Ordinance 11-20: An Ordinance by the Council of the City of Canal Fulton, Ohio to Enter into an Agreement with the Board of Stark County, Ohio Commissioners for the CDBG Program

P.O.s

**CITY OF CANAL FULTON
CITY COUNCIL MEETING MINUTES
April 7, 2020**

CALL TO ORDER

Mayor Schultz called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Council Members present were Sue Mayberry, Scott Svab, Eric Whittington, Mayor Schultz, Bonnie Donaldson and Jeanann VanDenberg

City Staff present were Clerk of Council Alyssa Bettis, City Manager Mark Cozy, Law Director Scott Fellmeth, Finance Director Bill Rouse, Fire Chief Ray Durkee

**** Due to COVID-19 the Council Meeting was closed to the public****

REPORTS OF STANDING COMMITTEES

Finance and Safety Committee met at a joint meeting. It was agreed to increase the EMS and the mileage rates compared to the maximum that Medicare allows. Legislation is on the Agenda. Safety discussed formally getting an ordinance ready for the renewal of the one-million-dollar fire levy.

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

CORRECTING & ADOPTING THE RECORD OF PROCEEDINGS

3-17-2020 Council Meeting Minutes

A motion was made to approve the 3-17-2020 Council Meeting Minutes by Sue Mayberry

Second by Scott Svab

All Council Members vote yes. Motion approved.

REPORTS OF ADMINISTRATIVE OFFICERS

Senior Citizens – Senior Center is closed.

Mrs. Donaldson has an invoice for the annual fire extinguisher maintenance. Mrs. Donaldson gives the invoice to Mr. Cozy.

Community Service- No report.

Fire Chief-

COVID- 19- Since COVID-19 the Fire Department has implemented the *Incident Action Plan* this is part of the National incident management system. The plan defines what the goals are to get through operation periods. The Fire Department has also had online meetings. The only people allowed in the fire station are the people that are on duty or administrative people who need to be there. In regards to personal protective equipment, the news has talked about reusing the equipment that used to be thrown away. Once the masks are used they go into a paper bag and you can keep them for up to a month unless they become soiled or we have known contact with a patient who has been exposed to Covid-19. Chief Durkee says they are looking for ways to disinfect those. KN-95 Masks were donated by Stark County. Chief Durkee says they have orders in for masks and gowns but there are just none out there. Chief Durkee reports that to his knowledge they are the only Fire Department in Stark County that has Akron General/ Cleveland Clinic as medical directors. Cleveland Clinic is taking the lead on COVID-19 procedures. Not only just in Ohio but throughout the country.

Declaration of Emergency- Chief Durkee spoke with the Mayor about doing a declaration of emergency for the city. That will help recoup some costs we may have through the Federal Government.

Mrs. Mayberry asks about the mask Chief Durkee had in the bag. She asks if you can wear it off and on. Chief Durkee says that is correct. Mrs. Donaldson says someone said something on Facebook about sterilizing them by putting it in a baggie in a

**CITY OF CANAL FULTON
CITY COUNCIL MEETING MINUTES
April 7, 2020**

microwave. Chief Durkee says to have caution to some of those things because it can break down the mask.

Chief Durkee is dismissed.

Police Chief- No report. On off- rotation after being on- rotation for 14 days. Mrs. Mayberry asks about the Police Officer who was on the cruise. Mrs. VanDenberg says yes. Mayor Schultz says it worked out really well with the 14 days split shift. Mrs. Donaldson asks if he was ok. Mayor Schultz says yes.

Engineer-

Discovery 5- Mr. Dylewski is finishing up with the final repairs so that we can move forward with releasing the funds we have held in reserve for the developer. Mrs. Mayberry says as a reminder for the Engineer, we agreed at the last meeting to do legislation for his two-year contract. Mayor Schultz says that is correct. Mrs. Mayberry says she doesn't know the timing on this but we agreed to do it. Mayor Schultz says he will make sure that it is on there for the next meeting.

Streets

Non-essential – Mayor Schultz reports that they have brought back people that they deemed non-essential originally. We brought them back to do the mowing and to get those projects started. We are trying to keep everyone separate so they are not together in the same building.

Public Utilities- No report.

HPC/Planning/Zoning-

April Meeting- Meeting is canceled, nothing on the Agenda.

Finance Director-

March Financials- The March Financial statements are included in the packets. Income tax through the end of March was up 11%. The General Fund closed at \$359,000 compared to \$284,000 last year. Mr. Rouse says we were in good shape through the end of the March but it is suspected to decline as we progress through April and May it is just a question of how much.

Essential and Non- Essential Staff- Through all of the orders to socially isolate we have been sending our employees home. When we did payroll we just did eight hours and then put a "C" for Corona. Mr. Rouse says that he feels employees should still be paid for the time that they are being sent home. Mr. Rouse would like to ask for a Voice Motion to legitimize this. The reason we are tracking it for Corona time is in case there are Federal reimbursements. These are employees that didn't ask to be sent home. When we need them we call them back and they come in. Mr. Rouse would like that voice motion for audit purposes and other things so that we are covered. We paid an employee without making them use their sick time or vacation. Mrs. Mayberry asks how many employees are doing this. Mr. Rouse says in his office there are two income tax people a utility person and a payroll/payables. The two income tax come in and work here by themselves. There is always two but they work by themselves. Then the utility clerk and Mr. Rouse come in the next day. The others are at home. The logic being is that we don't want Income Tax to infect the Utility or the Payable/ Payroll to infect. Mr. Rouse says we have the ability for one them to work from home but we can't have income tax working from home and taking personal tax returns with him. The days that he is at home he is not working. Where we counteracted that is he is coming in on Saturdays and Sundays. It is also the same thing in other departments as well. Mr. Whittington thinks that it is okay. Mayor Schultz says we are basically just flexing their schedules. Mrs. Mayberry says whatever you need to do to get your work done and keep people safe. Mr. Whittington says if the work is being done and the people are being safe then its okay.

CITY OF CANAL FULTON
CITY COUNCIL MEETING MINUTES
April 7, 2020

A motion was made to allow employees to flex their working schedule, to pay people if they are at home, and to track the hours by Eric Whittington

Second by Jeanann VanDenberg

All Council Members vote yes. Motion approved.

Budget – Mr. Rouse sent out an email last week discussing budget measures. The end goal was to essentially free up \$300,000.00 of General Fund money. What would have normally been charged to the General Fund gets freed up and then you take that in conjunction with our strong financial position coming out of March. Mr. Rouse says he feels like we have about \$400,000.00 between the two that is our firewall. We watch our financials as the months go by. The moment we decline by \$400,000.00 is our wiggle room. If we get passed the \$400,000.00 then we know we have a bigger problem on our hands than what we thought and we know we have to implement the next phase in cost reduction. Mr. Rouse is asking council to pass Ordinance 6-20, 7-20, 8-20, 9-20 and 4-20 tonight. They are all oriented towards the end goal. The reason that it is necessary to do it now is because we have to stop spending. Mr. Rouse says he has to be able to freeze the budgets and tell department heads that they can't use the money. The other reason is that it is critical to be able to look at the financial reports in the accounting system and know that everything is already put in there. Anything that happens now income tax wise, the buffer is already in there. Mr. Rouse says now he can see what is going on versus waiting for three more readings. It is easier to get it all done at one time to be able to tell department heads how to move forward. Mr. Cozy says plus we don't know what two weeks will bring.

Mrs. Mayberry asks about Ordinance 9-20, does this \$70,000 the surplus from 2019, you want to put that into the payroll instead of it being there for street projects. Mrs. Mayberry asks if Mr. Rouse wants to move it to the payroll and insurance fund for the Street Department workers? Mr. Rouse says essentially yes, that is what happened. Mr. Rouse says it is going to start crashing a little bit, we know that. This is money that we banked last year. We built up the cash balance. In 2019, we adopted the budget for the Street Department and then Governor DeWine got elected and took office and in August they increase the Gas Tax. We were already half way through a budget year so we didn't do anything with it. We just kept collecting the extra money and building up that cash. Mr. Rouse says this is cash that is already sitting there. Mr. Rouse knows that the gas tax going forward is going to come down but he is asking for the approval to use that \$70,000 to pay for the salaries. Mrs. Mayberry says it is normally supposed to be used on projects. Mr. Rouse says it can be used for any street purpose. At the time when we were looking at it we said that we would rather it go for street projects. Mr. Rouse says now we are at a point that he wants to be able to keep the employees on payroll. Mrs. Mayberry agrees.

Mr. Rouse says if we can keep paying people and view this for what it is. It is a temporary crisis and if we get through it we can go back to the project model. Mrs. Mayberry asks Mr. Rouse if Ordinance 3-20 needed to be passed too. Mr. Rouse says Ordinance 3-20 is for third reading. Mrs. Mayberry says the Resolution authorizing the director of finance and the director of administration, what does that mean. Mr. Rouse says that is not on his list. Mr. Fellmeth says it is from him, it is the wording requested that we have for COVID-19. It is more or less just a statement requesting cooperation. Mrs. Mayberry says on page 2, under the emergency clause, it states "receives the affirmative vote of 6 or more members of Council". Mrs. Mayberry says right now they have a Council of 5 so that would need to be changed. Mr. Fellmeth says that can cross it out and put unanimous. Mrs. Mayberry asks if this needs to be passed tonight. Mr. Fellmeth says it is requested to pass by emergency.

Ordinance 3-20 Third Reading – Mr. Rouse explains that Ordinance 3-20 is a budget amendment is for the water tower. It came up during the EPA review of the water system and they are asking for the amendment and the purchase order will be coming shortly to make the repair.

Meter reads on invoice – The amounts in "total billed" are correct but the meter reads did not print on the invoice.

**CITY OF CANAL FULTON
CITY COUNCIL MEETING MINUTES
April 7, 2020**

**A motion was made to approve the March Financials by Scott Svab
Second by Bonnie Donaldson
All Council Members vote yes. Motion approved.**

City Manager –

Canal Boat- Mr. Cozy says that we are not going to run the canal boat next month as planned. The two target dates are June 13th or June 20th. Mr. Murphy is getting the boat ready. Mr. Cozy says Alyssa and Carla are both set up to work from home. Carla's hours are not going to be as high but she is getting Canal Days ready and we are going to be interviewing people at the end of the month.

Horse Trailer- Mr. Cozy reports that we received the new trailer for the horses.

New Mower- The new mower is working excellently. They mowed as much grass in a day and a half as they would in four days last year. The mowing crew is back and working independently with their own sets of equipment.

COVID-19- The individuals at the waste water plant have been rotating. They don't see each other and they disinfect before they leave. Zoning has his own entrance, office and restroom.

Mrs. Donaldson asks about the door knob at the Senior Center on the main entrance is really shaky. They wanted someone to take a look at it. Mrs. Donaldson asks who would do that. Mr. Cozy says we would usually send John Murphy or Gary Hosking.

Mayor Schultz says we are back to full strength. Mr. Cozy says water and sewer not so much they are being rotated in and out as needed.

Mayor –

Safety Committee- Mayor Schultz says he is looking to schedule a meeting for the Safety Committee to study our noise ordinance. Looking into June. Mayor Schultz says he knows we were supposed to have that committee meeting tonight but with the present climate we shortened our meetings. The first meeting would be June 2nd and the second meeting would be June 16th. Mayor Schultz suggests June 16th just to be safe. Mrs. Mayberry asks what time. Mayor Schultz says lets do 6:00 p.m. just in case something else comes up.

**A motion was made to have a Safety Committee meeting on June 16th at 6:00 p.m. to talk about the Noise Ordinance by Bonnie Donaldson
Second by Sue Mayberry
All Council Members vote yes. Motion approved.**

Parks & Recreation Board

Canal Days- Mr. Cozy says they are still planning on Canal Days for the same day. Working on getting the fundraising there. The vendors are all losing money right now. We are hoping Canal Days is the first big event that we have. Mr. Cozy says it will be the second weekend in July. Mrs. Donaldson asks when Christmas on the Canal is. Mayor Schultz says it is always the first Saturday in December. Carla is working on updating a calendar for the year.

Law Director – No report.

THIRD READINGS

Ordinance 3-20: An Ordinance Amending Ordinance 33-19, and Providing for Changes to Previously Authorized Appropriations.

(\$13,250.00 repair work on Locust St water tower)

**CITY OF CANAL FULTON
CITY COUNCIL MEETING MINUTES
April 7, 2020**

A motion was made to approve Ordinance 3-20 by Scott Svab

Second by Eric Whittington

All Council Members vote yes. Motion approved.

Ordinance 4-20: An Ordinance by the Council of the City of Canal Fulton, Ohio Amending the Zoning Code by Re-Zoning Lot Number 332 (PPN 95-00614) and Lot Number 333 (PPN 95-00615) to R-2

Mayor Schultz says that this would be a public hearing meeting. This is 30 days out from when it was advertised. The hearing was scheduled for 7:30 p.m. Mr. Cozy says he doesn't know how this can be a public hearing without the public present and asks if they can post on Facebook. Mrs. Bettis says we are live so technically yes if they have any questions. Mrs. Donaldson says that is the only way we can do it. Mrs. VanDenberg says we have been talking about this for two months. Mayor Schultz explains that the O.R. Colon company that we hired to do this for us submitted the deed descriptions to the auditor's office but to get from the auditor's office to the recorder's office requires you to pay \$1 to the auditor and then \$120 to get it recorded. The people from O.R. Colon never did that. It has been sitting in a file for 4 years at the auditor's office. We got it resolved last week so that the parcels are recorded. Mrs. Donaldson asks where the parcels are. Mayor Schultz explains that when we widened Locust Street, we paid for 8 ft from one property and we still need to do the same thing for the AT&T building but it is more complicated because they never responded.

A motion was made to approve Ordinance 4-20 by Scott Svab

Second by Jeanann VanDenberg

All Council Members vote yes. Motion approved.

SECOND READINGS

FIRST READINGS

Ordinance 6-20: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$800,000 FOR THE PURPOSE OF REFUNDING FOR DEBT CHARGES SAVINGS THE CITY'S OUTSTANDING VARIOUS PURPOSE BONDS, SERIES 2018, DATED OCTOBER 30, 2018, WHICH WERE ISSUED FOR THE PURPOSE OF PAYING COSTS OF (i) IMPROVING STREETS AND ROADS IN THE CITY BY RECONSTRUCTING, RESURFACING, GRADING, DRAINING, CURBING, PAVING, CONSTRUCTING STORM SEWERS AND RELATED DRAINAGE FACILITIES AND MAKING OTHER IMPROVEMENTS AS DESIGNATED IN THE PLANS APPROVED OR TO BE APPROVED BY COUNCIL AND (ii) ACQUIRING AND IMPROVING A BUILDING AND SITE FOR USE IN PERFORMING THE FUNCTIONS OF THE CITY'S SERVICE AND UTILITY DEPARTMENTS, AND DECLARING AN EMERGENCY.

A motion was made to suspend the rules on Ordinance 6-20 by Scott Svab

Second by Eric Whittington

All Council Members vote yes. Motion approved.

A motion was made to approve Ordinance 6-20 by emergency by Scott Svab

Second by Sue Mayberry

All Council Members vote yes. Motion approved.

Ordinance 7-20: AN ORDINANCE AMENDING ORDINANCE 17-08, AMBULANCE SERVICE RATES, AND REPEALING ANY ORDINANCES IN CONFLICT THEREWITH.

A motion was made to suspend the rules on Ordinance 7-20 by Sue Mayberry

Second by Eric Whittington

All Council Members vote yes. Motion approved.

**CITY OF CANAL FULTON
CITY COUNCIL MEETING MINUTES
April 7, 2020**

A motion was made to approve Ordinance 7-20 under emergency by

Second by Sue Mayberry

All Council Members vote yes. Motion approved.

Ordinance 8-20: An Ordinance Amending Ordinance 33-19, and Providing for Changes to Previously Authorized Appropriations. (various adjustments to reduce General Fund spending by \$300,000)

A motion was made to suspend the rules on Ordinance 8-20 by Sue Mayberry

Second by Bonnie Donaldson

All Council Members vote yes. Motion approved.

A motion was made to approve Ordinance 8-20 under emergency by Bonnie Donaldson

Second by Eric Whittington

All Council Members vote yes. Motion approved.

Ordinance 9-20: AN ORDINANCE AMENDING THE PAYROLL AND INSURANCE FUND ALLOCATIONS FOR THE SERVICE DEPARTMENT EMPLOYEES, AND REPEALING ANY ORDINANCES IN CONFLICT THEREWITH.

A motion was made to suspend the rules on Ordinance 9-20 by Scott Svab

Second by Eric Whittington

All Council Members vote yes. Motion approved.

A motion was made to approve Ordinance 9-20 under emergency by Eric Whittington

Second by Scott Svab

All Council Members vote yes. Motion approved.

Ordinance 10-20: An Ordinance Amending Ordinance 3-06, Utility Fees and Repealing Any Ordinances in Conflict Therewith

Resolution 3-20: A Resolution Authorizing the Director of Finance and the Director of Administration to Apply on Behalf of and/or Assist the City of Canal Fulton with Requesting Any and All State and Federal Assistance Necessary to Assist with the COVID-19 Pandemic, and Declaring the Same to be An Emergency

A motion was made to suspend the rules on Resolution 3-20 by Scott Svab

Second by Eric Whittington

All Council Members vote yes. Motion approved.

A motion was made to approve Resolution 3-20 by Eric Whittington

Second by Bonnie Donaldson

All Council Members vote yes. Motion approved.

Resolution 4-20: A Resolution by the Council of the City of Canal Fulton, Ohio to Enter into a Small Business Loan Program

A motion was made to suspend the rules on Resolution 4-20 by Eric Whittington

Second by Scott Svab

All Council Members vote yes. Motion approved.

A motion was made to approve Resolution 4-20 by Sue Mayberry

Second by Scott Svab

All Council Members vote yes. Motion approved.

P.O.s

**CITY OF CANAL FULTON
CITY COUNCIL MEETING MINUTES
April 7, 2020**

P.O. MV009470 to MV Engineering in the amount of \$92,000.00 to Replace MV PO 9440

A motion was made to approve P.O. MV009470 by Scott Svab

Second by Eric Whittington

All Council Members vote yes. Motion approved.

BILLS- March bills: \$528,317.02

A motion was made to approve the March Bills by Scott Svab

Second by Bonnie Donaldson

All Council Members vote yes. Motion approved.

OLD/NEW/OTHER BUSINESS

Mr. Svab says he spoke with Mayor Schultz and the Finance Director last week and has been in contact many times. A lot of the financial things Bill has done to shore up our General Fund and cut our loses. It is also that he thinks that the way that our income tax is going to hit over the next couple months, he is looking at getting with the department heads to further reduce that. Mr. Svab says he wants our council to be able to give Mr. Rouse the authority to do such. Mr. Svab says Mr. Rouse thinks we might have to shore up another \$250,000. Mr. Svab says we should give him the leeway and power to do that and not have to wait for another meeting or two to find out where it is going.

A motion was made to allow Mr. Rouse more leeway to modify the budget by Scott Svab

Second by Jeanann VanDenberg

Mayor Schultz applauds Mr. Rouse for his vision. Mr. Svab says for being proactive.

All Council Members vote yes. Motion approved.

A motion was made to officially set the interview date to April 14th at 6 PM. In addition, this motion serves to officially state that at the March 10th Special Council meeting, both Mr. Losch and Davis were brought to the table for consideration of the open council seat. The motions were made, seconded, and voted on and both respectively failed to receive the majority votes necessary from the remaining 5 council members present to fill the open council seat, and there are disqualified from further consideration. The three remaining candidates for consideration are Mr. Joseph Harbour, Mr. Douglas Morgan, and Mr. Jeffrey Sayers by Sue Mayberry

Second by Jeanann VanDenberg

Mr. Svab asks why they are disqualified. Mr. Svab asks Mrs. Mayberry if she is saying that the two candidates that we voted on cannot be counted.

Mrs. Mayberry says that after thinking this through, next Tuesday, is your vote going to change. Mr. Svab says he has to see the other candidates.

Mrs. Mayberry asks each Council Member if their vote is going to change. Mrs. Mayberry says hers is not going to change.

Mr. Svab asks Mrs. Mayberry why have them come in if you are not going to change your vote.

Mrs. Mayberry says that is what she is saying. Why have them come in.

Mrs. VanDenberg says basically what she (Mrs. Mayberry) is saying is that they already got voted upon and they got voted down.

Mrs. Donaldson says exactly.

Mrs. Mayberry says we voted them both down.

Mrs. Donaldson says we did.

CITY OF CANAL FULTON
CITY COUNCIL MEETING MINUTES
April 7, 2020

Mr. Whittington says ultimately it can turn into a complete tie across the board so they should still be eligible to be considered.

Mrs. Mayberry says no it won't be a tie. It would be a waste of their time. Mrs. Mayberry says she is not going to change her vote and you just said you are not going to change your votes.

Mayor Schultz says so there is only a point in interviewing 3 people.

Mrs. Mayberry says we have lost already two times to do that and if something happens and we lose that this gives us the opportunity to give the last 3 ...

Mrs. Donaldson asks what day it will be.

Mrs. Mayberry says April 14th. Mrs. Mayberry says the Mayor Said they all agreed that they can be here but she says that those two should not even be here because they already been disqualified. Mrs. Mayberry says she is not going to change her vote.

Mayor Schultz says the whole idea behind an interview process is that you interview all the candidates and ask questions.

Mr. Whittington says we just decided to start the whole thing over and give everyone a chance.

Mrs. Mayberry says that the first time this happened it was a fiasco and should never have happened. The second meeting on March 24th got cancelled.

Mayor Schultz asks why was it a fiasco.

Mrs. Mayberry says the first one because you (Mayor Schultz) never called anybody to be here.

Mrs. VanDenberg says we didn't know.

Mrs. Mayberry says she is talking March 10th when we posted the special meeting.

Mayor Schultz says that was for a meeting we didn't have.

Mrs. Mayberry says no we were here.

Mrs. VanDenberg says we did but it wasn't.

Mrs. Mayberry says nobody came.

Mayor Schultz says what he did was follow the voice motion which was to ask for a letter of interest from anybody and we got 5 letters of interest.

Mrs. Mayberry says but you never called them.

Mayor Schultz says the motion wasn't for calling.

Mrs. VanDenberg says there was no motion made to have them here.

Mrs. Mayberry says that is the day we set to have the special meeting to interview and to choose someone.

Mrs. VanDenberg says we never said interview.

Mrs. Mayberry says she thinks that is a moot point. Mrs. Mayberry says the second meeting was canceled and she didn't even know it was being cancelled.

Mayor Schultz says he emailed everybody.

Mrs. Mayberry says you didn't email me anything about that. Mrs. Mayberry says you had already told them on March 23rd it was going to be cancelled on the 24th. You told us the very first thing in the morning.

Mr. Whittington says if we are going to interview on the 14th just have all five people show up and give everyone the exact same shot.

Mrs. Mayberry says that Mr. Losch and Mr. Davis are not going to be one of the chosen if they are going to come in here to us five. Mrs. Mayberry says she is not going to change her vote.

Mr. Fellmeth advises to listen to the interviews of all the candidates and then deciding.

**CITY OF CANAL FULTON
CITY COUNCIL MEETING MINUTES
April 7, 2020**

Mrs. Mayberry says she already made her motion and that is her motion.

Mrs. Donaldson says we already voted on those two.

Mrs. Mayberry says if it fails it fails but its her motion.

Scott Svab votes no. Eric Whittington votes no.

Mrs. VanDenberg says they basically got voted down.

Mr. Whittington says they didn't get to interview so we are starting from scratch.

Mrs. Mayberry says then why even do it in the first place.

Mrs. VanDenberg says that you four already know Danny and she is the only one who doesn't know Danny.

Mr. Whittington says he could look at these other three people and change.

Mrs. Mayberry says she already made her motion and got her second.

Scott Svab votes no. Eric Whittington votes no. Bonnie Donaldson votes yes. Sue Mayberry votes yes. Jeanann VanDenberg votes yes. Motion approved.

Mayor Schultz says so we will go on at 6:00 p.m. with the interviews for all five. Mrs. Mayberry says I hope so. Mrs. Donaldson says for three.

Mr. Svab defers to the Law Department; how can she make a motion to cancel out two people.

Mrs. VanDenberg says we already voted them down.

Mrs. Bettis says the motion was to interview them and they haven't been interviewed. Mrs. Bettis says Ron Davis barely got to talk and no questions were asked.

Mrs. Mayberry says then we shouldn't have even had that meeting where the first person who opened their mouth was Mr. Svab.

Mr. Whittington says that is why we decided to redo it and interview everybody. That is why we should can the whole thing to start from scratch.

Mrs. Mayberry says that is not how you do government work.

Mayor Schultz says he begs to differ with you Sue. Mrs. Mayberry says I'm sure you do beg to differ but when you cancel a meeting that you decide your power is stronger than a council vote to have a meeting.

Mr. Svab says that was a joint decision. Mr. Svab had spoken to Mayor Schultz. Mrs. Mayberry says you can't make that decision. Mr. Svab says as Council President. Mrs. Mayberry says no you cannot. You cannot cancel a meeting scheduled by the Council, who gives you that right as Council President.

Mr. Svab differs to the Law Department. Mrs. Mayberry says you hierarchy doesn't beat us.

Mayor Schultz says we are in a state of emergency. Mrs. Mayberry says she doesn't care she made the motion and the vote.

Mayor Schultz says he would've gone ahead with the meeting but people were reluctant. Mrs. Mayberry says she kind of doubted whatever would've taken place. Mayor Schultz says he was fine to have the meeting. Mrs. Mayberry says why didn't we have one on the 24th. Mayor Schultz says because people were reluctant to have the meeting. Mrs. Mayberry says who said, because I wasn't reluctant. Mayor Schultz says you didn't get back to me when I emailed. Mrs. Mayberry says I did get back to you, I said let's continue.

Mrs. VanDenberg asks if we should listen to our people because they are telling us we are wrong.

Mrs. Mayberry says she doesn't care she made the motion and they can be wrong. Mrs. Mayberry says that they don't understand.

Mr. Fellmeth wants to go on the record. Mr. Fellmeth advises hearing from all 5 candidates and then decided from there. He does not believe you can axe somebody out.

Mr. Whittington agrees since we started from scratch and redid the whole thing all five need the chance.

**CITY OF CANAL FULTON
CITY COUNCIL MEETING MINUTES
April 7, 2020**

Mayor Schultz says to reiterate his point the resolution that was passed was for him to solicit letters of interest. There was no direction to schedule interview or anything like that.

Mrs. Mayberry says why would you not schedule an interview when we were having a meeting to decide the next council person.

Mayor Schultz says you made the motion, why didn't the motion include instructions.

Mrs. Mayberry says that would've been the logical thing to do. Mayor Schultz says now you are telling me to take your motion to get letters of recommendation and then unilaterally on my own determine that there was going to be a meeting. Mayor Schultz says isn't that just the opposite.

Mrs. Mayberry holds up a meeting notice and asks what it is. She reads vacancy on council. Mrs. Mayberry says you gave this to me. Mayor Schultz says right. Mrs. Mayberry says what were we going to do just sit here and talk.

Mayor Schultz says now you are complaining about that meeting being scheduled by me and the council president but yet you are complaining about the meeting being canceled by me and the council president. Mayor Schultz says you can't have it both ways. Mrs. Mayberry says this was already scheduled by a motion and you added to it. Mayor Schultz says that was okay for me to add to it. Mrs. Mayberry says not really.

Mayor Schultz says we will have the interviews next week and interview all 5 people.

Mrs. Donaldson says no 3, it has already been voted on. We voted for 3. Those two are out.

Mayor Schultz says the motion didn't pass.

Mrs. Donaldson says yes it did, 3-2.

Mayor Schultz says we are only interviewing 3 people against the law director's recommendation.

REPORT OF PRESIDENT PRO TEMPORE

REPORT OF SPECIAL COMMITTEES

CITIZENS COMMENTS – Open Discussion (Five Minute Rule)

ADJOURNMENT

A motion was made to adjourn to executive session for contract negotiations and employment of personnel at 8:02 p.m. by Scott Svab

Second by Jeanann Vandenberg

All Council members vote yes. Motion approved.

A motion was made to return to regular session by Bonnie Donaldson

Second by Sue Mayberry

All Council Members voted yes. Motion approved.

Meeting adjourned at 8:54 p.m.

Meeting Minutes Prepared by: Alyssa Bettis

Meeting Minutes Approved by: Mayor Joseph A. Schultz

**Finance/ Safety Committee Meeting
April 7, 2020 at 6:45 p.m.
Meeting Minutes**

In Attendance: Sue Mayberry, Bonnie Donaldson, Jeanann VanDenberg, Scott Svab, Eric Whittington

Others in attendance - City Manager Mark Cozy, City Mayor Joseph Schultz, Clerk of Council Alyssa Bettis, Fire Chief Ray Durkee

EMS RATES

Mr. Rouse sent an email out with information.

Basically, a month ago, Mr. Rouse met with Ohio Billing, they handle all the billing for our EMS runs. They indicated our rates were adopted in 2008. Since then insurance have increased their allowable reimbursements for the services. Because our rates are so old, we have not been able to take the higher reimbursement.

In the proposed column, if we bump them up to that, that is what will ultimately be billed but where the insurance will settle will be at 60%-70% of that.

Mr. Rouse says to him it is a no brainer because we are leaving dollars on the table. Our citizens would not see any money out of pocket.

Mrs. Mayberry asks if this is just a housekeeping thing. Mr. Rouse says it is a necessary housekeeping. Mr. Rouse explains that just because we bill \$700 on this we will get \$400. The problem is when we bill \$450 now we only get \$200.

Mr. Svab asks if Lawrence Township has adopted this. Mr. Rouse says they are not using Ohio Billing. Their rates are much higher.

Mr. Cozy asks how the bills work. Chief Durkee says it is typically routed to the insurance. If they don't have insurance or didn't indicate they have insurance they will be billed directly.

Mr. Svab asks if we should suspend the rules. Mr. Rouse says yes. Everyday that goes by we are losing available revenue.

**A motion was made to approve the proposed EMS billing by Scott Svab
Second by Eric Whittington
All Council Members vote yes. Motion approved.**

FIRE LEVY

Mr. Rouse says right now we have a \$1Mil property tax levy that was originally passed for the purpose of buying a fire engine and an ambulance. The County Auditors indicated that our first chance to renew or do something with that levy is in the November Presidential Election. Mr. Rouse says we have a couple options. The first being to renew and propose for renewal. Or given everything that is going on we can wait until June. We have until July or August to have it in. Mrs. Mayberry asks how much the levy is for. Mr. Rouse says \$1Mil, it brings in \$98,000.00. The effective mileage is .88. Mrs. Mayberry says for how long. Mr. Rouse says it is 5 years but we are in year three. It will expire in 2021 and our last collection would be in 2022. Mr. Rouse says we ideally wanted to put it on the ballot in the presidential because you would have more voters. Mrs. Mayberry says we need this money and we can't let it lapse.

Mr. Whittington thinks we should hold off for another month. Mr. Svab says he wants approval to get legislation drafted. We would have three readings to present it. Mr. Cozy says we can prepare it and always change our minds. Mr. Svab says it won't be any new taxes its just a renewal.

Mr. Rouse says if things don't approve by November then do, we really want to be on the ballot. Mr. Wittington says he doesn't see a problem with getting it prepared but if things don't get better and people are out of money and work then we shouldn't.

Mr. Svab asks if the legislation being proposed strictly for capital or could it also be for operating. Mr. cozy says you would have to change the levy.

Mayor Schultz says the decision right now is whether to prepare it or not.

**A motion was made to prepare the legislation by Eric Whittington
Second by Bonnie Donaldson
All Council Members vote yes. Motion approved.**

Meeting adjourned at 7:00 p.m.

Meeting minutes prepared by: Alyssa Bettis

Meeting minutes approved by: Scott Svab

CITY OF CANAL FULTON
SPECIAL CITY COUNCIL MEETING MINUTES

April 14, 2020

CALL TO ORDER

Mayor Schultz called the meeting to order at 6:00

PLEDGE OF ALLEGIANCE

ROLL CALL

Council Members present were Sue Mayberry, Eric Whittington, Scott Svab, Mayor Schultz, Bonnie Donaldson and Jeanann VanDenberg

City Staff present were Clerk of Council Alyssa Bettis, Law Director Scott Fellmeth

Others Present – Danny Losch, Jeff Sayers, Joe Harbour and Doug Morgan

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

DANNY LOSCH

Danny Losch

548 High Street

Mr. Losch gives a brief summary of his background.

In 1995 he was living in Cleveland, Ohio as a single parent with two small boys after they lost their mom. Mr. Losch says knowing that there was no way a single parent could raise two kids in a big City like Cleveland, it would be best to find a community that would help raise the boys.

He found Canal Fulton to be that community. Mr. Losch says the Barabasch family helped him get settled in and he is so thankful to that family.

Once they got settled in Mr. Losch volunteered for the Olde Canal Days Festival and he still supports them today. Mr. Losch spent 2 years on the Zoning Board of Appeals and 12 years on City Council.

Last year, prior to petitions being due, Mr. Losch had an accident and discovered he had high blood pressure. Mr. Losch says his commitment to the City has not changed whatsoever.

At some point, Mayor Schultz called Mr. Losch about the open seat and Mr. Losch said he would be interested. As things progressed, Mr. Losch apologizes for not being able to be at that meeting, he was in Texas at the time.

Mr. Losch says he watches the meetings and everyone was on board to see 5 interviews. It wasn't until last Tuesday, 4/7.

Mr. Losch says what really disturbs him is that there were two people who were nominated and voted on. They were disqualified for that. Neither Ron nor Mr. Losch had any control over that. Mr. Losch says when he watched the video, he was even more disturbed. He says that anyone who watched the video could see that someone was trying to block it. Mr. Losch says he felt his rights were taken away from him. After the quizzing and the questioning, there was even no need to disqualify because there were 3 individuals who said they were not changing their vote.

Mr. Losch says he heard how it all progressed. There are some questions. Anyone from the outside looking in would think someone has been talking. Whether it is a question that the Sunshine Laws have been violated. Mr. Losch says he felt like he was being held back. Mr. Losch says Ron must feel just as bad, like his rights have been taken away over an interview. Mr. Losch says he noticed the Law Director advised those who voted for this movement, on three occasions and it was completely ignored.

Mr. Losch says he doesn't know what Sues problem with him is. He says he doesn't know if it goes back to 2008 when she lost her employment here at the City. Mr. Losch says that was his first year on board . The way they looked at it was the right thing to do at the time. The employees felt like they were in a volatile situation. Mr. Losch apologizes for that and doesn't know if Sue holds that against him or not.

Mr. Losch says he doesn't understand Jeanann. Mr. Losch says one minute she doesn't know me. Then seconds the motion and doesn't even want to have an interview.

Mr. Losch says he can't figure Bonnie out. He has no idea what she has against him. Mr. Losch says something happened here. Mr. Losch says he watch the Legal Director, the Mayor, Mr. Svab and Mr. Whittington encourage you guys to go through with the interviews.

Mr. Losch says he has copies of the video, audio and minutes. Mr. Losch says he is going to submit it to the Ohio Ethics Commission because he feels they need to see what is going on here. Let them make the decision to see if this was unethical. Mr. Losch says from there he will decide if he needs to move forward.

Mr. Losch says he respects Council decision. He has to it is Councils rules. At this point Mr. Losch urges council to really listen to the three people waiting to be interviewed. Find someone who is really going to work for this community. We are in a terrible time, fighting a virus. We need to work on keeping our safety forces safe so they can keep us safe. We need to work on keeping our employees safe.

CITY OF CANAL FULTON
SPECIAL CITY COUNCIL MEETING MINUTES
April 14, 2020

Mr. Losch says he saw that Mrs. Mayberry was very upset with how the nominations went. If you guys don't like how the nominations went then change it. Work together and make something happen. Mr. Svab is already looking ahead.

Mr. Losch tells Council to find someone who can sit in that seat and serve the people. The people in this City are worth it to do something about it. Mr. Losch thanks everyone and leaves the meeting.

Mr. Sayers says that is awkward.

Mrs. Donaldson says he wasn't supposed to be here.

Mayor Schultz asks for a motion to go into executive session.

Mr. Fellmeth says he wants to go back on his recollection on this. Back to the meeting we had in March. Where Scott Svab made the motion to appoint Danny Losch. It went down and lost 3 to 2. Mr. Fellmeth says his recollection is that we voted it down because Council wanted the opportunity to interview all candidates. ALL candidates. That is why it was postponed. Mr. Fellmeth says he is not trying to influence the vote that is council's choice. He believes all candidates should be interviewed. Mr. Losch has a point about an Ethics violation. To shut him out, when the agreement was to interview all candidates. Right now, the Council is 5. That means the majority is 3. Mr. Fellmeth says he is not making any insinuations, comments or observations. He says he has a legal observation that if a majority, meaning three council members, confer by telephone, email, or personal conversation to discuss the Council vacancy is a violation of sunshine laws. Mr. Fellmeth strongly suggests interviewing all candidates and avoid any appearance of impropriety.

Mr. Sayers asks Mayor Schultz if he is allowed to speak. Mayor Schultz says no.

A motion was made to go into Executive session by Jeanann VanDenberg

Second by Sue Mayberry

All Council Members vote yes. Motion approved.

Council Adjourns to Executive Session.

A motion was made to return to regular session by Scott Svab

Second by Jeanann VanDenberg

All Council Members vote yes. Motion approved.

A motion was made to have Doug Morgan fill the vacant Council seat by Jeanann VanDenberg

Second by Scott Svab

Mr. Svab thanks all the candidates. Everyone of the candidates were experienced and could hold the post. Mrs. VanDenberg says it was a hard decision.

All Council Members vote yes. Motion approved.

ADJOURNMENT

Council meeting adjourns at 7:10 p.m.

Meeting Minutes prepared by: Alyssa Bettis

Meeting Minutes approved by: Mayor Joseph A. Schultz

RECORD OF ORDINANCES

Ordinance No. 10-20

Passed

, 2010

AN ORDINANCE AMENDING ORDINANCE 3-06, UTILITY FEES, AND REPEALING ANY ORDINANCES IN CONFLICT THEREWITH.

WHEREAS, the Canal Fulton City Council wishes to amend the water and sewer utility tap-in fees, and

WHEREAS, Ordinance 3-06 (Chapter 143 of the Administrative Code) addresses utility fees, and

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

Section 1: Chapter 143.01 (a) of the Administrative Code is amended as follows:

143.01 ESTABLISHMENT OF RATES

The following rates are hereby established:

(a) Utility Fees

(1) Water and Sewer Contractor's License Fees, renewable annually:	\$50.00
(2) Water tap-in fees to be used for Capital Improvement Projects:	
A. 3/4" meter or less, and setting	\$3,200.00
B. 1" and over, up to 2", and setting	\$3,848.00
C. 2" meters and setting	\$5,558.00
D. 3" meters and setting	
Inside City	\$6,464.00
Outside City	\$9,696.00
E. 4" meters and setting	
Inside City	\$8,618.00
Outside City	\$12,928.00
F. 6" meters and setting	
Inside City	\$11,312.00
Outside City	\$16,967.00
G. 8" meters and setting	
Inside City	\$14,364.00
Outside City	\$21,546.00
H. 10" meters and setting	
Inside City	\$17,596.00
Outside City	\$26,393.00
I. 12" meters and setting	
Inside City	\$21,546.00
Outside City	\$32,319.00

RECORD OF ORDINANCES

PEAR GRAPHICS 500-825-8224 FORM NO. 30048

Ordinance No. _____ Passed _____, 20____

J. For actual tap-in work, the cost will be billed

(3) Sewer tap-in fees, per single family equivalent \$2,000.00

Section 3: All other ordinances inconsistent herewith are repealed.

Section 4: This Ordinance shall take effect on January 1, 2021.

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 ORDINANCES

WEA1047PES RES 02/094 FORM NO. 0043

Ordinance No. 11-20

Passed _____, 20_____

AN ORDINANCE BY THE COUNCIL OF THE CITY OF CANAL FULTON, OHIO TO ENTER INTO AN AGREEMENT WITH THE BOARD OF STARK COUNTY, OHIO COMMISSIONERS FOR THE CDBG PROGRAM.

WHEREAS, the County and the City have previously entered into a cooperation agreement for the purposes of receiving Community Development Block Grant (CDBG) and HOME Investment Partnership funding, which agreement is dated July 2, 2002; and

WHEREAS, said agreement faces expiration.

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

The City of Canal Fulton agrees to enter into an agreement of cooperation with the Board of Stark County, Ohio Commissioners for the Community Development Block Grant (CDBG) Program pursuant to agreement attached hereto 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 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

EXHIBIT "A"

Agreement

Stark County Commissioners

With _____

Dated _____

Subject CITY OF CANAL FULTON
COMMUNITY DEVELOPMENT BLOCK GRANT AGREEMENT

THIS AGREEMENT, entered into this day, by and between the Board of Stark County Commissioners of Stark County, Ohio, hereinafter referred to as the "County," and duly authorized through a resolution of the Board of Stark County Commissioners adopted on this day, and the City of Canal Fulton, Ohio, hereinafter called "City" and duly authorized through the enactment of Ordinance No. _____ of the Council of the City.

WITNESSETH:

WHEREAS, The Congress of the United States has enacted the Housing and Community Development Act of 1974, which has as its primary objective the development of viable urban communities, including decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low and moderate incomes; and

WHEREAS, both the City and County are desirous of entering into community development activities within Stark County, which are directed toward said objective and are desirous of seeking such federal funding as may be available to them pursuant to the Act; and

WHEREAS, the Act contemplates and encourages the joining by agreement of counties and municipalities for the purpose of carrying out the objectives of the Act; and

WHEREAS, municipalities and counties in Ohio have authority under Section 307.15 of the Revised Code of Ohio to enter into agreements whereby a board of county commissioners may undertake, and is authorized by a municipality, to exercise any power, perform any function, or render any service in behalf of a municipality, which such municipality may exercise, perform, or render; and

WHEREAS, the City and the County each have authority to carry out the kinds of activities which are the objectives of the Act pursuant to Sections 303.26 and 307.85, as well as other statutes of the Revised Code of Ohio; and

WHEREAS, the County and the City agree to cooperate to undertake or assist in undertaking, community renewal and lower income housing assistance activities, specifically urban renewal and publicly assisted housing; and

WHEREAS, the City and the County have agreed that it is in the best interests of their constituents that the objectives of the Act be carried out within Stark County and that the City and the County should join in community development activities; and

WHEREAS, the National Affordable Housing Act of 1990 created the HOME Investment Partnership program, hereinafter referred to as "HOME" which has its purpose the provision of affordable housing opportunities to low and moderate income purposes, which program is also covered by this Agreement.

NOW, THEREFORE, IN CONSIDERATION of the provisions hereinbefore and hereinafter contained, it is mutually agreed as follows:

1. The City and the County shall cooperate to undertake, or assist in undertaking, community renewal and lower income housing assistance activities, specifically urban renewal and publicly assisted housing.

2. The County shall have the authority to carry out activities which will be funded from annual Community Development Block Grants and HOME from Fiscal Years 2021, 2022, 2023 appropriations and from any program income generated from the expenditure of such funds.

3. This Agreement shall be in effect from the date of its execution by the Board of Stark County Commissioners and shall continue through the County's 2021, 2022, and 2023 Community Development program years, inclusive. This Agreement shall be automatically renewed for participation in successive three-year qualification periods, unless the County or the City provides written notice that they elect not to participate in a new qualification period. A copy of the notice not to participate must be sent to: Department of Housing and Urban Development, 200 North High Street, Columbus, Ohio 43215. The County shall notify the City of its right to elect to not participate in the next three-year qualification period, in accordance with guidelines and deadlines as specified in HUD's Urban County Requalification notice for the next qualification period.

Failure by either the County or the City to adopt an amendment to this Agreement incorporating all changes necessary to meet the requirements for cooperation agreements as set forth in the Urban County Requalification Notice applicable for a subsequent three-year urban

county qualification period, and to submit the amendment to HUD as provided in the urban county qualification notice, shall void the automatic renewal of such qualification period.

This Agreement remains in effect until the CDBG and HOME funds and program income received with respect to Fiscal Years 2021, 2022, and 2023 and any successive qualification period, are expended and the funded activities are completed.

4. This Agreement may not be terminated by either the City or the County during the period this Agreement is in effect.

5. The City hereby authorizes the County to undertake, and assist the City in undertaking, all essential activities and objectives of the Housing and Community Development Act of 1974, as amended, and as reauthorized and further amended under Title I of the Housing and Urban-Rural Recovery Act of 1983 (Public Law 98-181), and the National Affordable Housing Act of 1990, in accordance with any and all applicable provisions of said Acts and the administrative regulations of the U.S. Department of Housing and Urban Development as set forth in the Federal Register, Volume 53, Number 172, dated Tuesday, September 6, 1988, 24 CFR Part 570, and any applicable revisions which may become effective pursuant to the execution of this agreement.

6. The City agrees to cooperate to undertake, or assist in undertaking, community renewal activities, specifically urban renewal and publicly assisted housing.

7. The City, by executing this agreement understands that:

- a) it may not apply for grants under the Small Cities or State CDBG program from appropriations for Fiscal Years 2021, 2022, 2023; and
- b) it may not participate in a HOME consortium except through Stark County, regardless of whether Stark County receives a HOME formula allocation.

8. The County shall prepare and submit an application to the Secretary of Housing and Urban Development for a grant under the terms of the Housing and Community Development Act of 1974, as amended and the National Affordable Housing Act of 1990, as amended. This application shall set forth a five-year comprehensive Consolidated Plan and the One Year Updates which identifies community development and housing needs, and specifies both short- and long-term community development objectives, which have been developed in accordance with area wide development planning and national urban growth policies, and otherwise conform with applicable requirements of the Act.

9. The City may prepare recommended projects and activities for community development within its boundaries, which objectives and activities must be in accordance with the objectives of the Acts. These shall be submitted to the Stark County Regional Planning Commission, which has been designated by the County as the reviewing agency for all proposed objectives and activities to be included in the Consolidated Plan and subsequent One Year Updates. It is understood between the parties that the Stark County Regional Planning Commission, in conjunction with the SCRPC Citizens' Advisory Council, shall make recommendations to the County for the contents of the Consolidated Plan and for recommended priorities among these various projects and activities. It is also understood between the parties that the County shall have the authority and responsibility to make these decisions concerning the contents of the Consolidated Plan, and as to whether the projects and activities for which approval and urban county formula funding is sought under the application shall be in conformance with the purposes of the Acts. It is understood between the parties that the Acts place emphasis on those activities which further comprehensive neighborhood revitalization and principally benefit low and moderate income persons, including housing-related activities.

10. If projects or activities within the City are approved and funded pursuant to the application, the County may undertake the implementation of those activities which are to take place within the City. The parties acknowledge that the County will have the sole responsibility and authority for the overall implementation of the program and for the proper use of the urban county entitlement funds in accordance with the requirements of the Acts; and that nothing in this Agreement shall be construed to authorize the City to veto, restrict, or in any way limit the ability of the County, or the Stark County Regional Planning Commission working in conjunction with the County, to administer and implement the Community Development and Housing Assistance activities referred to in the Community Development Program, including the Consolidated Plan, included in the three-year plans covered by this Agreement, or to disapprove an activity after the plan in which it is included is submitted to the Department of Housing and Urban Development.

11. The County shall develop a uniform administrative procedure for the development of the Application and the review of project proposals submitted by the City. These procedures will, of necessity, reflect the requirements of the Secretary of Housing and Urban Development and the regulations which the Secretary may develop for the administration and implementation of the Community Development Block Grant program and HOME program.

12. The City authorizes the County to do, on behalf of the City in accordance with the conditions of this Agreement, all things which the City could do in its own behalf relative to the expenditure of CDBG funds.

13. The County and the City shall take all actions necessary to assure compliance with the urban county's certification required by Section 104(b) of Title I of the Housing and Community Development Act of 1974, as amended, that the grant will be conducted and administered in conformity with Title VI of the Civil Rights Act of 1964 and the Fair Housing Act, and will affirmatively further fair housing, in accordance with 24 CFR 91.225(a) and 5.105(a). Furthermore, the County and the City must also comply with Section 109 of Title I of the Housing and Community Development Act of 1974, which incorporates Section 504 of the Rehabilitation Act of 1973 of Title II of the Americans with Disabilities Act of 1990, the Age Discrimination Act of 1975, and Section 3 of the Housing and Urban Development Act of 1968, and all other applicable laws. Further, funding is prohibited for activities in or in support of any cooperating unit of general local government that does not affirmatively further fair housing within its own jurisdiction or that impedes the County's actions to comply with its fair housing certification. It is expressly understood by the parties to this Agreement that this provision is required because noncompliance by a unit of general local government included in an urban county may constitute noncompliance by the grantee (i.e. the entire urban county) which may provide cause for funding sanctions or other remedial actions by the U.S. Department of Housing and Urban Development.

14. The City, pursuant to 24 CFR 570.501(b), is subject to the same requirements applicable to subrecipients, including the requirement of a written agreement set forth in 24 CFR 570.503.

15. With respect to the expenditure of program income, the County and the City hereby agree as follows:

- a) that the City shall inform the County of any income generated by the expenditure of CDBG and/or HOME funds received by the City;
- b) that any such program income must be paid to the County or that the City may, upon consent of the County, retain program income subject to the requirements of the Section 2 CFR 200.307, and the provision of Section 570.504 of the "Community Development Block Grant Regulations - Final Rule" as published in the Federal Register, Vol. 53, No. 172, dated September 6, 1988;

- c) that any program income the City is authorized to retain may only be used for eligible activities in accordance with all CDBG and/or HOME requirements as may then apply;
- d) that the County has the responsibility for monitoring and reporting to HUD on the use of any such program income thereby requiring appropriate recordkeeping and reporting by the City as may be needed for this purpose; and
- e) that in the event of CDBG grant close-out or change in eligibility status of the City, any program income that is on hand or received subsequent to said close-out or change in status shall be paid to the County.

16. With respect to real property acquired or improved in whole or in part using CDBG funds, the County and the City hereby agree as follows:

- a) the City shall notify the County in a timely manner of any modification or change in the use of any real property from the planned or intended use at the time of acquisition or improvement, including disposition of real property subsequent to acquisition or improvement using CDBG funds;
- b) the City shall reimburse the County in an amount equal to the current fair market value (less any portion thereof attributable to expenditures of non-CDBG funds) of real property acquired or improved with CDBG funds which is sold or transferred for a use which does not qualify under the CDBG regulations; and
- c) that any program income generated from the disposition or transfer of property prior to or subsequent to the close-out of a CDBG-funded activity, change of eligibility status of the City, or termination of the cooperation agreement between the County and the City shall be returned to the County.

17. The City has adopted and is enforcing:

- a) a policy prohibiting the use of excessive force by law enforcement officials within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
- b) a policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject

of such non-violent civil rights demonstrations within the City's jurisdictions.

- 18. The City may not sell, trade, or otherwise transfer all or any portion of such funds (CDBG) to another such metropolitan city, urban county, unit of general local government, or Indian tribe, or insular area that directly or indirectly receives such funds in exchange for any other funds, credits or non-Federal considerations, but must use such funds for activities eligible under Title 1 of the Housing and Community Development Act of 1974, as amended.

IN WITNESS WHEREOF, the parties have hereunto set their hands this day of _____

WITNESSES:

BOARD OF COUNTY COMMISSIONERS OF STARK COUNTY, OHIO

BY: _____
Richard Regula, President

BY: _____
William Smith, Vice President

BY: _____
Janet Creighton, Member

WITNESSES:

CITY OF CANAL FULTON

BY: _____

ITS: _____

THE TERMS AND PROVISIONS OF THIS AGREEMENT ARE FULLY AUTHORIZED UNDER STATE AND LOCAL LAW AND THIS AGREEMENT PROVIDES FULL LEGAL AUTHORITY FOR THE COUNTY TO UNDERTAKE OR ASSIST IN UNDERTAKING ESSENTIAL COMMUNITY DEVELOPMENT AND HOUSING ASSISTANCE ACTIVITIES, SPECIFICALLY URBAN RENEWAL AND PUBLICLY ASSISTED HOUSING.

David E. Deibel
Prosecutor's Office, Civil Division
Stark County, Ohio

THIS AGREEMENT IS IN ACCORDANCE WITH THE LAWS OF THE STATE OF OHIO AND THE CITY OF CANAL FULTON

Counsel for City (please print name)