

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

June 2, 2020

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

5-19-2020 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
7. **THIRD READINGS**

Resolution 5-20: A Resolution by the Council of the City of Canal Fulton, Ohio to Enter into an Agreement with CIVPRO Engineering, LLC to Provide Professional Engineering Services for the Years 2020 and 2021 for the City of Canal Fulton Engineer

Resolution 6-20: A Resolution Declaring it Necessary to Levy A Renewal of A 1.0 Mill Tax Levy for the Purpose of Purchasing Capital Fire Equipment for the City of Canal Fulton, Ohio Pursuant to Ohio Revised Code Sections 5705.19 (I) and 5705.191, Requesting the Stark County Auditor to Certify the Total Current Tax Valuation of the City and the Dollar Amount of Revenue that would be Generated by that Levy, and Declaring an Emergency.
8. **SECOND READINGS**

Ordinance 12-20: An Ordinance by the Council of the City of Canal Fulton, Ohio to Create a Designated Outdoor Refreshment Area and Establishing Requirements to Ensure Public Health and Safety Within Such Area.
9. **FIRST READINGS**

Ordinance 13-20: An Ordinance by the Council of The City of Canal Fulton, Ohio to Vacate the Alabama Court Alley.

P.O.s
10. **BILLS-**
11. **OLD/NEW/OTHER BUSINESS**
12. **REPORT OF PRESIDENT PRO TEMPORE**
13. **REPORT OF SPECIAL COMMITTEES**
14. **CITIZENS COMMENTS – Open Discussion (Five Minute Rule)**
15. **ADJOURNMENT**

**CITY OF CANAL FULTON
CITY COUNCIL MEETING MINUTES
May 19, 2020**

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

ROLL CALL

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

City Staff present were Finance Director Bill Rouse, City Manager Mark Cozy, Clerk of Council Alyssa Bettis, Law Director Scott Fellmeth, Police Chief Doug Swartz

Council Meeting closed to the public due to COVID-19

REPORTS OF STANDING COMMITTEES

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

CORRECTING & ADOPTING THE RECORD OF PROCEEDINGS

5-5-2020 Economic Development Committee Meeting Minutes

A Motion was made to approve the 5-5-2020 Economic Development Committee Meeting Minutes by Sue Mayberry

Second by Eric Whittington

Scott Svab abstains. All other Council Members vote yes. Motion approved.

5-5-2020 Finance Committee Meeting Minutes

A motion was made to approve the 5-5-2020 Finance Committee Meeting Minutes by Sue Mayberry

Second by Doug Morgan

Scott Svab abstains. All other Council Members vote yes. Motion approved.

5-5-2020 Council Meeting Minutes

A motion was made to approve the 5-5-2020 Council Meeting Minutes by Sue Mayberry

Second by Bonnie Donaldson

Scott Svab abstains. All other Council Members vote yes. Motion approved.

REPORTS OF ADMINISTRATIVE OFFICERS

Senior Citizens –

Swiss Steak Dinner- Mrs. Donaldson reports that the Northwest Senior Citizens Center is going to resume the Swiss Steak Dinners. It will be carryout only starting Saturday, May 23rd from 4-p.m., please call the center at 330-854-6307 to place your order.

Mrs. Donaldson says they are thinking of having Swiss Steak Dinners twice a month.

Mrs. Donaldson reports that they have accepted Harold Strong's resignation as chair person.

Shawn Lockhart was voted in as chair person. Mrs. Donaldson was voted in as vice chair. The resignation of Phyllis Mahaney as commissioner was accepted. As of now they are looking for two new commissioners for the board. Mayor Schultz asks if someone wants to be nominated do, they have to be a member. Mrs. Donaldson answers yes. There are no residency requirements.

Community Service- No report.

Fire Chief- Monthly Reports attached. Chief Durkee let Mayor Schultz know that they are continuing to follow the incident action plan with week to week tweaks. They did a teleconference with personnel.

Mayor Schultz reports that we had our first death in Canal Fulton of someone who passed away from Covid virus. Mayor Schultz sends his condolences to the family.

Police Chief- Chief Swartz sent an email to council about what he wanted to discuss with the solicitor's permit. Chief Swartz explains that there is a pest company that is determined an essential business. They feel that it is their right under the governor's orders of retail opening up that it permits them to go door to door. They submitted an application with 16 individuals who are coming from out of state and they live in an apartment. They submitted their safety guidelines to us for review. The guidelines are that they just have to review the guidelines. It doesn't say anywhere that they have to comply. The guidelines are not very specific, it says to check with the local area and mask sensitivity. Whether you should wear a mask or not. Chief

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Swartz says he is not satisfied with it. Chief Swartz feels that at this point in time our residents wouldn't want the City of Canal Fulton issuing permits. Chief Swartz says he contacted Grove Port Police Department because they had a permit with this company prior. They issued out that some retail organizations are allowed to open but no specific guidelines regarding door to door sale. The City of Grove Port has been under a state of emergency since March 19th. Taking that into account along with the risk to those who are most vulnerable in our community all peddler permits will remain suspended until the state of emergency is lifted. They have passed the guidelines that they are waiting until the city lifts the state of emergency to allow the solicitors to go door to door. They cautioned us that a denial of this application would result in litigation. Their premise is that door to door is protected speech. Chief Swartz says he would argue that protected speech is speech that can't be regulated and we regulate solicitors. Chief Swartz explains that our Ordinance states that he can deny a permit but it has to be with a couple different aspects. That the Chief finds the applicant to have felonies or misdemeanors, Chief Swartz has no way of checking that. Another is that they lied on the application. It doesn't say anything else. There is other language in other cities that say the Chief can deny base upon clear and present danger to the community. We don't have that.

Chief Swartz is asking for a voice motion from council. Even though we do not have that language in there maybe issue something along those lines of not allowing door to door sales at this time.

Mr. Fellmeth agrees with everything Chief Swartz has shared. Mr. Fellmeth is in favor to block the door to door solicitation. Mr. Fellmeth says the company is not discussing what they are going to do for PPE, how they are going to maintain a six-foot distance, what they are going to wear and how they are going to act. They are also required to provide background checks and information.

Mrs. Donaldson says she doesn't like solicitors at all. Mrs. Mayberry says she checked the city of Massillon. They have Chapter 753, retailers/ charitable solicitors and solicitors. Mrs. Mayberry says we have no solicitation decals too.

A motion was made to not allow door to door sales or issue any permits for 90 days by Bonnie Donaldson

Second by Sue Mayberry

All Council Members vote yes. Motion approved.

Chief Swartz says he will work with the law director for a long-term solution.

Finance Director – April Financials are included in the packet. Mr. Rouse says that the income tax through April was down 11%. The utility collections were down 9%. Out of the \$400,000.00 firewall we used \$100,000.00 by the end of April. Mr. Rouse says the good side is that tax collections have come in better than he thought. Mr. Rouse says he hopes we can get through May and not use any additional of the firewall. Mr. Rouse says he will have the May numbers by the first meeting in June and asks council if they want to do a 15-minute committee to go through them or if he should present them in his normal update.

Mayor Schultz asks if we were going to have a special meeting for the noise ordinance. Mrs. Mayberry says it is the second meeting in June. Mrs. Donaldson also says it is the second meeting. Mrs. Mayberry says she has not problem unless anyone else feels we should have a second meeting to discuss financials. Mr. Morgan says we can do it during the regular meeting. Mrs. Mayberry says she has no problem with that. Mrs. Donaldson says we also have to do the Charter Review. Mrs. Mayberry says we are going to check through and asks when we are going to do that.

Mayor Schultz says on June 16th we are supposed to have a public hearing for the DORA. Because of our space we are limited. Mayor Schultz reached out to the School District to see if we could use the High School Commons to have our Council meeting on the 16th of June. We would have our regular council meeting there and at 7:30 we would break from our meeting to have the public hearing for the DORA. We would have to be in a bigger venue to practice social distancing and still have a true public hearing and they are okay with that. Mayor Schultz says if we want to have a special meeting to select the Charter Review, we can do it before that. Mayor Schultz asks about the meeting on the 2nd to select the Charter Review Committee, are we going to have a meeting before the meeting or during. Mr. Morgan thinks we should have a meeting before. Mrs. Donaldson agrees. June 2nd we will be here at 6:00 p.m.

A motion was made to have a special council meeting on June 2nd at 6:00 p.m. to review the letters of interest for the Charter Review Commission and council will make a decision at that time by Sue Mayberry

Second by Scott Svab

Mrs. Mayberry asks if the Charter Review Commission comes up with issues to amend or change the Charter, which then the council makes that decision. If there are issues to go to the ballot, when do those issues have to be finalized in order to get on the ballot. Mr. Svab says it is usually August 10th. Mayor Schultz says he thinks this year it is August 8th. Mrs. Mayberry says we have to have information to Board of Elections on the 8th or before. Mayor Schultz says before. Mrs. Mayberry says there has to be a series of meetings scheduled. Mrs. Mayberry says the last Charter Review Commission had a meeting in April, May and two in June.

All Council Members vote yes. Motion approved.

A motion was made to move the Council Meeting to the High School Commons by Bonnie Donaldson

Second by Doug Morgan

All Council Members vote yes. Motion approved.

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Mr. Rouse says for the city health insurance we joined the COG which is predominantly school districts. It runs on a school year from July 1st to June 30th because of that we got the proposal to renew the health insurance for the next 12-month period. Basically, the proposal was to increase the health insurance premium by 3.8% there will be no increase in the dental or vision. We would get two premium holidays. That would be two months in the year that we don't pay a premium. When you factor all of that in our family premium becomes \$1,367.00. The state average for government in 2018 was \$1,593.

The purchase order that is up for vote had the budget amendment already done. It is for EPA mandated work on the water tower on locust street.

A motion was made to approve the April financials by Scott Svab

Second by Bonnie Donaldson

All Council Members vote yes. Motion approved.

Engineer- Mr. Cozy says the rest of Discovery 5 project will be finished this year. They are going to extend Cabot and build a cull de sac in there. All of those roads are private.

Streets- Crack sealing will start this Thursday. Mrs. Mayberry says that she was down at the museum and she had LadyBug doing the work for the summer. Talking with Donna, she had indicated that the trees that were taken down to the garage are in great shape. Mrs. Mayberry asked Donna how they were doing and when they should come out. Donna suggested planting the rest of the trees at the Y in the grass islands or somewhere in the park. She also said that the planter boxes that are completed and without a tree can have flowers planted and affix a tall, sturdy Sheppard's hook with a flower basket. Mrs. Mayberry says Donna would work on a design for us if we would choose to do something along those lines. Mr. Cozy says he put this idea out there last year.

Public Utilities- Mayor Schultz reports that we have started to call residents to start the meter project again. Mrs. Donaldson asks where they are putting the meters. Mayor Schultz says that they are going on the inside of the house.

HPC/Planning/Zoning – There is a meeting on Thursday at 6:30 for a couple alley vacations.

City Manager – Mr. Cozy says we rented a street sweeper this year and saved \$3,700 over not having to contract it out. Mayor Schultz says we could use the same amount of money to do street sweeping 2-3 times a year instead of once.

The Zoning Code is going to Planning Commission this week.

The Canal Way Center opened on May 15th. We only allow one at a time in the restroom. They are also limiting the amount of people who can come into the canal way center.

The canal boat is almost ready to go. We are experimenting with another concrete sealer that Lindsay Precast uses. We are going to put that on the bottom of the boat this year.

Mr. Cozy says Stark Parks is lined up to do the Debris clean up. There is a lot of debris in the canal from the flood last year. They will be running a long reach excavator on June 1st. We will help them with anything needed.

The boat will start running on June 12th. It will run Friday, Saturday and Sunday. Instead of doing 2 runs we will do 3.

Mr. Cozy says there is a first reading on the Designated Outdoor Refreshment Area. The policy is apart of the legislation. It is saying everything we discussed last week besides one thing. Toledo and Canton do not allow their cups to be refilled. Mr. Whittington says that is how you keep people from doubling up.

Mr. Cozy says Canal Days has been canceled for this year. Mr. Cozy says it was a hard decision. Mrs. Donaldson says it is pathetic. Mr. Cozy says that he was against it. They didn't want to try to do it and lose money. Mayor Schultz says he supports that 100%. Mrs. Donaldson says you have to but it is just sad.

The Butterbridge park is ahead now. It will be closed on June 1st.

Mr. Cozy says with the fireworks we paid in advanced and the company said we can hold them until next year. Mayor Schultz says we kicked around the thought of having a canal day. Mayor Schultz says it would be something we would have to look at in the fall. Mayor Schultz asks Mrs. Mayberry if Clinton is having anything. Mrs. Mayberry says they are having a parade and something little at the veteran's park.

Mayor – Mayor Schultz says they have a proposal by the Barrel Room to lease a space by the City. Mayor Schultz has handouts of the area where they want to put up picnic tables. They are the same tables in front of the Speak Easy. The quote on those tables were \$2670.00. That is the request from the Barrel Room. Mayor Schultz says a lot of other communities in the nation are trying to do everything they can to help businesses. Mrs. VanDenberg asks if they purchased these tables. Mayor Schultz says that is the negotiations part. Mayor Schultz wants council to tell him what they are comfortable with. The Speak Easy paid for half of the tables, they are not exclusive. The Barrel Rooms would be exclusive while they are open. Mrs. Mayberry asks if the reason we need to work up a lease agreement is because of the liquor. Mayor Schultz says it is State Liquor Control Board. Mr. Whittington says what about once the DORA is in place. Mr. Cozy says once the DORA is in place you won't need that. If we did a lease it would only be until the DORA is in place. Mr.

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Whittington suggests charging her \$5 a month for two months or until it goes into place. Mayor Schultz asks if they would still expect her to pay for the whole cost of the tables. Mr. Whittington says if she is going to be using them half the time and the city is why not split the cost. Mrs. VanDenberg says that is why she was wondering if it was going to be roped in. If it is roped in people would think they couldn't use it. Mr. Whittington says you can take the ropes down when she's not using it. Mr. Whittington says we should do what we can for the people in need. Mrs. Mayberry asks how much money would this cost. Mayor Schultz says four tables delivered would be \$2,670.00. Mrs. VanDenberg says that would be \$1400 on our end. Mrs. Mayberry asks if we would have to show anyone a lease agreement before she opened. Mayor Schultz says if you don't have alcohol out there you wouldn't. Mr. Whittington says she needs the alcohol sales and suggests coming up with a quick lease document. Mr. Fellmeth says that we do not have to have it in writing if the term is less than a year. We can do an oral lease.

Mr. Whittington says \$5 a month and the city will pay for half the cost of the tables. Mrs. Mayberry asks if those tables will stay there permanently. Mayor Schultz answers yes. Mr. Fellmeth says he would still prefer to have it also in writing.

A motion was made to purchase half of the tables for the Barrel Room and a lease for \$5 a month until the DORA is in place, not to exceed 12 months by Jeanann VanDenberg

Second by Scott Svab

All Council Members vote yes. Motion approved.

Mayor Schultz says this coming Saturday Northwest High School is doing their graduation ceremony. The parade will start at 6:30 p.m.

Parks & Recreation Board- No report

Law Director- No report.

THIRD 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

A motion was made to approve Ordinance 11-20 by Sue Mayberry

Second by Eric Whittington

Mayor Schultz explains that Community Block Grant money is determined by income in a community. The way they determine that is by sending out surveys. They send out 220,000 surveys a month. It is really important to fill the surveys out.

All Council Members vote yes. Motion approved.

SECOND READINGS

Resolution 5-20: A Resolution by the Council of the City of Canal Fulton, Ohio to Enter into an Agreement with CIVPRO Engineering, LLC to Provide Professional Engineering Services for the Years 2020 and 2021 for the City of Canal Fulton Engineer

Resolution 6-20: A Resolution Declaring it Necessary to Levy A Renewal of A 1.0 Mill Tax Levy for the Purpose of Purchasing Capital Fire Equipment for the City of Canal Fulton, Ohio Pursuant to Ohio Revised Code Sections 5705.19 (I) and 5705.191, Requesting the Stark County Auditor to Certify the Total Current Tax Valuation of the City and the Dollar Amount of Revenue that would be Generated by that Levy, and Declaring an Emergency.

FIRST READINGS

Ordinance 12-20: An Ordinance by the Council of the City of Canal Fulton, Ohio to Create a Designated Outdoor Refreshment Area and Establishing Requirements to Ensure Public Health and Safety Within Such Area.

P.O.s

P.O. RG012741 to Corpro Waterworks Companies in the amount of \$13,250.00 for Water Tower Cathodic Protection System

A motion was made to approve P.O. RG012741 by Sue Mayberry

Second by Bonnie Donaldson

All Council Members vote yes. Motion approved.

BILLS- April Bills \$420,420.84

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

Second by Doug Morgan

**CITY OF CANAL FULTON
CITY COUNCIL MEETING MINUTES
May 19, 2020**

All Council Members vote yes. Motion approved.

OLD/NEW/OTHER BUSINESS

REPORT OF PRESIDENT PRO TEMPORE

REPORT OF SPECIAL COMMITTEES

CITIZENS COMMENTS -- Open Discussion (Five Minute Rule)

ADJOURNMENT

Meeting adjourned at 8:07 p.m.

Meeting Minutes prepared by: Alyssa Bettis

Meeting Minutes approved by: Mayor Joseph A. Schultz

RECORD OF RESOLUTIONS

BEAR GRAPHICS 800-355-8094 FORM NO. 3004J

Resolution No. 5-20

Passed _____, 20____

A RESOLUTION BY THE COUNCIL OF THE CITY OF CANAL FULTON, OHIO TO ENTER INTO AN AGREEMENT WITH CIVPRO ENGINEERING, LLC TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR THE YEARS 2020 AND 2021 FOR THE CITY OF CANAL FULTON ENGINEER.

WHEREAS, The City of Canal Fulton has sought a proposal to provide professional engineering services as designated City of Canal Fulton Engineer, and

WHEREAS, CIVPRO Engineering, LLC has submitted a proposal acceptable to the City to provide the professional engineering services needed to fill this position.

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

The City of Canal Fulton agrees to enter into an agreement with the CIVPRO Engineering Inc. to provide professional engineering services as City of Canal Fulton Engineer commencing January 1, 2020 and terminating December 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 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

Professional Engineering Services Agreement

This Professional Engineering Services Agreement (the "Agreement") is entered into this _____ day of _____, 20____ by and between **The City of Canal Fulton**, having an address of 155 East Market Street, Canal Fulton, Ohio 44614 (hereinafter the "City") and **CIVPRO Engineering, LLC** with its principal place of business at 4450 Belden Village St. NW, Suite 800 Canton, Ohio 44718 (the "Engineer").

1. **Term:** The term of this Agreement shall be for the 2020 thru 2021 calendar years, and thereafter at the pleasure of the Mayor, upon the terms, provisions, and conditions set forth herein and as ratified by the City Council.

2. **Scope of Services:** Engineer will provide the below services to the City through professional engineer, Keith A. Dylewski, P.E., P.S., or his designee.

a) **General Services:** Engineer shall provide "General Services", up to ten (10) hours per month, to the City for a flat monthly retainer in the amount of One Thousand One Hundred Dollars (\$1,100.00). General Services exceeding 10 hours per month, shall be billed to the City at the hourly rates provided in the hourly rate schedule set forth in Section 3 below. General Services shall consist of:

- i. Attend City Planning Commission Meetings (on the third Thursday of the month);
- ii. Attend City Council Meetings, as needed or requested;
- iii. Assign lot numbers and house numbers;
- iv. Provide technical support services (answer questions and respond to telephone calls and e-mails regarding regulations, standards, and specifications pertaining to the infrastructure and/or the Engineer's duties and Scope of Services) to City Council, the Mayor, department heads, developers, citizens, or administrative personnel; and
- v. Serve as a liaison with other governmental agencies with respect to the City infrastructure and/or the Engineer's duties and Scope of Services.

b) **Additional Services:** Additional Services authorized by the City shall be billed to the City at the hourly rates provided in Section 3 below. Additional Services of the Engineer may include the following:

- i. Review of Subdivision applications (plats and construction plans), site plans, lot splits and zoning permit applications of private, commercial or residential developments for compliance with City Code requirements.
- ii. Inspection of subdivision construction and private construction projects for City Code compliance;

- iii. Act as a technical consultant and advisor on engineering matters referred to Engineer by the City;
- iv. Supervise and serve as representative of the City in the execution of those public improvement projects for which the Engineer is authorized to act on behalf of the City;
- v. Prepare necessary plans, specifications, and cost estimates for such public improvement projects as may be authorized by the Mayor and/or City Council;
- vi. Supervise and direct all construction inspectors on public improvement projects authorized by the Mayor and/or City Council;
- vii. As authorized, provide to the Mayor and City Council all necessary plans, specifications, and cost estimates for public improvement projects for the information and use by the contractors selected to construct such projects;
- viii. Provide GIS services as requested by the City;
- ix. Prepare grant applications for applicable funding assistance for public improvement projects;
- x. Update City zoning maps, lot maps, and subdivision maps as required;
- xi. Manage City's Municipal Separate Storm Sewer System (MS4) permit through the Ohio EPA and prepare required annual report.
- xii. Surveying services required to support the engineering duties or public improvement projects and/or as directed by the Mayor or City Council;
- xiii. Responsibility for all engineering and other work to be furnished hereunder as the same may be authorized by the Mayor and/or City Council, with the right and obligation of utilizing any of its personnel to cost effectively perform the same.

3. Compensation:

- a) **General Services:** General Services (up to 10 hours per month) shall be performed by Engineer for a retainer in the amount of One Thousand One Hundred Dollars (\$1,100.00) per month, due by the first business day of each month.
- b) **Additional Services:** Additional Services, including General Services provided in excess of 10 hours in one month, shall be billed on a monthly basis at the hourly rates set forth in the below Hourly Rate Schedule, unless part of a Public Improvement Project, in which case it shall be billed in accordance with the below fee schedule based upon total project cost. Compensation shall be based upon the time spent by the Engineer or his employees and associates at the rates set forth in the Hourly Rate

Schedule, plus reimbursable expenses. Reimbursable expenses, which include subconsultants, travel expenses, field supplies, equipment rental, reproduction costs, and other service related expenses, shall be invoiced at cost plus ten percent (10%). Payment for services shall be within thirty (30) days after receipt of the itemized monthly invoice.

Hourly Rate Schedule

Professional Engineer, PE	\$145.00 per hour
Professional Surveyor, PS	\$120.00 per hour
CAD Designer	\$ 80.00 per hour
GIS Technician	\$ 80.00 per hour
Clerical	\$ 40.00 per hour
2-man Field Survey Crew	\$130.00 per hour
Inspector	\$ 60.00 per hour

- c) **Public Improvement Projects:** For services in connection with the construction of public improvement projects with estimated construction costs in excess of \$150,000.00, compensation shall be determined as a percentage of the construction costs as follows:

Cost of Construction	Fee
\$0 - \$150,000	Hourly Rates
\$150,001 - \$250,000	Base fee of \$17,000, plus 8.5% of the amount over \$150,001
\$250,001 - \$500,000	Base fee of \$25,000, plus 7.5% of the amount over \$250,001
\$500,001 - \$1,000,000	Base fee of \$45,000, plus 7.0% of the amount over \$500,001
\$1,000,001 - \$5,000,000	Base fee of \$75,000, plus 6.5% of the amount over \$1,000,001

The fees set forth in this subsection (Public Improvement Projects) shall include: engineering services, including complete detailed plans and specifications; preparation of monthly and final estimates of contractor's payments; and Engineer oversight for construction management to administer the construction contract. The above schedule of fees does not encompass Supplemental Services. Supplement Services not encompassed within the fee schedule, include but are not limited to: grant application(s), wetland delineation; stream quality assessments; preparation and acquisition of United States Army Corps of Engineers and/or Ohio Environmental Protection Agency wetland or stream fill permits; property, boundary, or right of way surveys; topographic surveys; construction staking surveys; profile survey; construction inspection; shop, mill, field or laboratory inspection of materials; cost of test borings or other subsurface exploration, traffic studies, or calculations of special assessments. These Supplementary Services may be provided to the City on an hourly basis in accordance with the schedule provided in Section 3, subsection b. The Engineer shall notify the City, in writing, of any

Supplementary Services anticipated to be required for a proposed Public Improvement Project at the time that a preliminary estimate of construction costs is submitted for consideration or approval.

For Public Improvement Projects exceeding \$150,000.00, Engineer shall be entitled to progress payments in proportion to the Services performed on a monthly basis. Upon authorization by City Council, compensation shall be calculated by the following percentages of the Engineer's estimated construction cost. As soon as the final certificate of payment to the contractor is issued, any adjustment shall be made to the total fee so that the total fee shall be a sum equal to the schedule percentage based upon the actual cost of construction. The compensation schedule for payment for basic engineering services shall be based upon the following percentages of the total project cost:

(1) Preliminary Report Phase	-	15%
(2) Preliminary Design Phase	-	20%
(3) Final Design Phase	-	45%
(4) Bidding & Project Award Phase	-	10%
(5) Contract Administration	-	10%

In the event that a Public Improvement Project is abandoned or postponed and then revived and actively engaged by this or a successor City Council within five (5) years of the date of abandonment or postponement, Engineer shall credit against the total compensation the payment previously made hereunder, provided that Engineer is still engaged by the City to provide professional municipal engineering consulting services. In the event of a revival of a Public Improvement Project within the above specified timeframe, Engineer may, at its discretion, negotiate additional fees with the City to address conditions which have changed since the abandonment or postponement of the project, or changed design parameters which have occurred.

Engineering fees for federally funded Public Improvement Projects must be in accordance with Federal Regulations and are set and approved as a part of the funding process, and accordingly are not subject to the fee schedule set forth above.

4. **Documents and Files:** All engineering documents and project files created for the purpose of serving the City shall be the Property of the City.

5. **Conflict of Interest:** Engineer agrees that for the duration of this Agreement, no member or employee of CIVPRO Engineering, LLC, will accept private engineering or surveying work for compensation within the City that requires their review and/or approval; however, work for Federal, State, County, Regional or other Municipal Governments is not prohibited.

6. **Termination:** Either party may terminate this Agreement by providing the other party with thirty (30) days advanced written notice to the other party, provided that such termination shall not affect the duty of the Engineer to render service, nor the obligation of the City to pay for such service rendered, before the effective date of termination.

7. **Governing Law and Dispute Resolution:** The formation, construction, performance and enforcement of this Agreement shall be in accordance with the laws of the State of Ohio. In the event of a dispute between the parties arising out of this Agreement, the parties agree to first attempt to resolve the dispute through negotiation between the parties. If the parties are unable to resolve the dispute, the parties will first seek to resolve the matter through mediation with Attorneys Mediation Services, LLC.

8. **Miscellaneous:**

- a. This Agreement or any section thereof shall not be construed against any party due to the fact that said Agreement or any section thereof was drafted by said party.
- b. The headings and captions of the various sections are solely for convenience and reference and shall not affect the scope, meaning, intent or interpretation of the provisions of this Agreement, nor shall such headings be otherwise given any legal effect.
- c. This Agreement sets forth the entire agreement between the parties with respect to the subject matter hereof, and may not be modified or amended except by written agreement executed by the parties hereto.
- d. If any provision of this Agreement is declared to be illegal or invalid, only such provision shall be invalid and this Agreement shall otherwise be construed and enforced as if such provision had not been contained herein.

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed the day and year set forth above.

CIVPRO ENGINEERING, LLC.

By: _____
Title: _____
Date: _____

THE CITY OF CANAL FULTON

By: _____
Title: _____
Date: _____

By: _____
Title: _____
Date: _____

Approved as to Form by:

By: _____
Title: _____
Date: _____

RECORD OF RESOLUTIONS

BEAR GRAPHICS 800-325-6084 FORM NO. 30043

Resolution No. 6-20 Passed _____, 20____

UNDER SUSPENSION OF THE RULES

A RESOLUTION DECLARING IT NECESSARY TO LEVY A RENEWAL OF A 1.0 MILL TAX LEVY FOR THE PURPOSE OF PURCHASING CAPITAL FIRE EQUIPMENT FOR THE CITY OF CANAL FULTON, OHIO PURSUANT TO OHIO REVISED CODE SECTIONS 5705.19(I) AND 5705.191, REQUESTING THE STARK COUNTY AUDITOR TO CERTIFY THE TOTAL CURRENT TAX VALUATION OF THE CITY AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY THAT LEVY, AND DECLARING AN EMERGENCY.

WHEREAS, this Council finds that the amount of taxes which may be raised within the ten-mill limitation by levies on the current tax duplicate will be insufficient to provide an adequate amount for the necessary requirements of the City and that it is necessary to renew an existing 1.0 mill tax in excess of that limitation for the purpose of purchasing Capital Fire Equipment for the City; and

WHEREAS, in accordance with Division (B) of Section 5705.03 of the Revised Code, in order to submit the question of a tax levy pursuant to Sections 5705.19(I) and 5705.191 of the Revised Code, this Council must request that the Stark County Auditor certify (i) the total current tax valuation of the City and (ii) the dollar amount of revenue that would be generated by the proposed levy; and

WHEREAS, in accordance with Division (B) of Section 5705.03 of the Revised Code, upon receipt of a certified copy of a resolution of this Council declaring the necessity of the tax, stating its purpose, whether it is an additional levy or a renewal or a replacement of an existing tax, and the section of the Revised Code authorizing its submission to the electors, and requesting such certification, the Stark County Auditor is to certify the total current tax valuation of the City and the dollar amount of revenue that would be generated by the proposed levy;

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Canal Fulton, Stark County, Ohio, not less than two-thirds of all the members elected thereof concurring, that:

SECTION 1: This Council hereby finds, determines and declares that the amount of taxes which may be raised within the ten-mill limitation by levies on

RECORD OF RESOLUTIONS

BEAR GRAPHICS 800-353-8034 FORM NO. 30342

Resolution No. _____ Passed _____, 20____

the current tax duplicate will be insufficient to provide an adequate amount for the necessary requirements of the City, that it is therefore necessary to levy a renewal of an existing 1.0 mill ad valorem property tax outside of the ten-mill limitation for the purpose of purchasing Capital Fire Equipment for the City, for a period of five years, and that it intends to submit the question of that renewal levy to the electors of the City at an election on November 3, 2020 as authorized by Sections 5705.19(I) and 5705.191 of the Revised Code. If approved, that 1.0 mill tax would be first levied in tax year 2021, for first collection in calendar year 2022.

SECTION 2: This Council requests the Stark County Auditor to certify to it both (i) the total current tax valuation of the City and (ii) the dollar amount of revenue that would be generated by the renewal levy specified in Section 1.

SECTION 3: The Clerk of Council is directed to deliver a certified copy of this Resolution to the Stark County Auditor.

SECTION 4: This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION 5: This Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this Resolution is required to be immediately effective in order to permit necessary arrangements to be made in sufficient time for the aforesaid election; wherefore, this Resolution shall be in full force and effect immediately upon its adoption and approval by the Mayor.

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

RECORD OF RESOLUTIONS

BE/R GRAPHICS 800-325-8084 FORM NO. 30045

Resolution No. _____ Passed _____, 20____

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

DEAR GRAPHICS 480-324-8884 FAX#480-324-8883

Ordinance No.

18-80

Passed

, 20

AN ORDINANCE BY THE COUNCIL OF THE CITY OF CANAL FULTON, OHIO TO CREATE A DESIGNATED OUTDOOR REFRESHMENT AREA AND ESTABLISHING REQUIREMENTS TO ENSURE PUBLIC HEALTH AND SAFETY WITHIN SUCH AREA.

WHEREAS, R.C. § 4301.82 permits the City of Canal Fulton to create and approve an application for a "Designated Outdoor Refreshment Area (DORA) within its corporate limits; and

WHEREAS, City Manager Mark Cozy has submitted and filed an application with Canal Fulton City Council in compliance with R.C. § 4301.82(B) to have certain property designated as an outdoor refreshment area; and

WHEREAS, a public hearing concerning this application was held in Canal Fulton Council Chambers on June 16, 2020, a notice of which was published not less than 30 days prior to the date of said hearing in THE CANTON REPOSITORY, a newspaper of general circulation in the City of Canton, once a week for two separate weeks in compliance with R.C. § 4301.82 (C) and (F)(2); and

WHEREAS, Canal Fulton City Council finds that the application is in compliance with R.C. § 4301.82(B) and that the DORA to be created would be in compliance with R.C. §4301.82(D); and

WHEREAS, municipalities have the power to enact laws that preserve the health, safety, and welfare, comfort and peace of the municipality.

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

Section 1. Pursuant to R.C. §4301.82, there is hereby established and designated the Downtown Canal Fulton Designated Outdoor Refreshment Area (DORA) with the boundaries of the area, including the street addresses, as described hereto as Exhibit "A" and incorporated herein.

Section 2. It is hereby found and determined by Canal Fulton City Council for the purpose to ensure the public health and safety within the area that (1) the number, spacing, and type of signage designating the area, (2) the hours of operation for the area, (3) the number of personnel needed to ensure public safety in the area, (4) the sanitation plan that will help maintain the appearance and public health of the area and (5) the number of personnel needed to execute the sanitation plan will be provided by the City.

RECORD OF ORDINANCES

BEAR GRAPHICS 800-321-0284 FORM NO. 3104

Ordinance No. _____ Passed _____, 20____

Section 3. It is hereby further found and determined by Canal Fulton City Council that all beer, wine, and intoxicating liquor served and consumed in the area shall be solely in a specifically designated 16 oz. plastic cup.

Section 4. It is hereby further found and determined by Canal Fulton City Council that the business, artistic, cultural and entertainment establishments located within the area will be enhanced hereby; that the area will encompass no fewer than four (4) qualified liquor permit holders; that the uses of land within the proposed area are in accord with the Official Zoning Map of the City of Canal Fulton and the Draft Comprehensive Plan under consideration by Canal Fulton City Council; and that the hours and rules of the area set forth in Exhibit "A" and incorporated herein, will ensure public health and safety. Council reserves the right to modify the public health and safety requirements as needed pursuant to state law.

Section 5. It is hereby further found and determined by Canal Fulton City Council that each rule, requirement, and standard set forth in Exhibit "A" and incorporated herein is necessary to ensure the public health and safety, and the same is hereby adopted in its entirety, and Council therefore approves of the application filed on June 16, 2020.

Section 6. It is hereby further found and determined by Canal Fulton City Council that, five years from the date of the adoption of this Ordinance, Canal Fulton City Council shall review the operation of the Downtown DORA hereby created and shall either approve its continued operation or dissolve it, and such review shall be repeated five years after any subsequent approval of the Downtown DORA in the same manner. Council reserves the right, pursuant to state law, to dissolve all or part of the DORA at any time, subject to notice requirements.

Section 7. The Clerk of Council is hereby instructed upon adoption to provide notice as required by R.C. § 4301.82 of the establishment of this Downtown Canal Fulton DORA to the Superintendent of the Ohio Department of Commerce Division of Liquor Control, and to the investigative unit of the Department of Public Safety.

Section 8. The Clerk of Council is authorized to correct any typographical errors discovered herein during or after the pendency or passage of this Ordinance. The Clerk of Council is further authorized, in conjunction with the Law Department, to correct any ministerial or de minimis errors that do not substantially alter the intended results or numerical total sums of this ordinance, during or after the pendency or passage of this ordinance. Corrected copies are to be sent to all official recipients.

RECORD OF ORDINANCES

BLAIR GRAPHICS 800-725-0284 FORM NO. 33501

Ordinance No. _____ Passed _____, 20____

Section 9. All Ordinances or parts of Ordinances in conflict with this Ordinance are repealed. If any provision of this Ordinance is judged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder.

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 ____ 2020, 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 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

Appendix A - DORA Street Boundary Format

County: Stark
City: Canal Fulton
Designated Outdoor Refreshment Area
16-Jun-20

Street Name	Range	Even/Odd
Canal Street North	102-257	Even & Odd
Canal Street South	102-133	Even & Odd
Market St West	104-215	Even & Odd
Cherry St East	130	Even & Odd

DORA Application to Canal Fulton City Council

ORC 4301.83

- A) The City of Canal Fulton DORA map indicates 3.72 acres.
- B) The City of Canal Fulton's population is estimated at 5,500. The area is under 150 acres meeting the conditions of 4301.82 (A)(1)(b).
- C) The five (5) participating establishments consist of two D1-D2-D3 license holders, one D5 license holder, one D4 license holder, and one A2 license holder. They include three businesses that each have a bar and sit-down dining. One private non-profit with a bar and sit-down dining. And one winery.
- D) As shown above the DORA includes four D and one A2 permit holders totaling five meeting four member minimum.
- E) The entire DORA is zoned B-1 General Retail-Office District

The City of Canal Fulton DORA

Boundaries: 3.72 acres of land, with borders marked generally at 257 Canal St North; to address 133 Canal St South, including the City Boardwalk behind addresses 103 to 133 Canal St South; to address 103 Cherry St East; to address 215 Market St West.

Signage: There will be a minimum six signs, approximately 12"x18", designating the boundaries of the Canal Fulton DORA.

Days and Hours of Operation: Seven days per week, noon to midnight daily.

Public Safety: The Regional Dispatch Center and the Canal Fulton Police Department will be notified of the DORA's hours of operation.

Sanitation: The City of Canal Fulton trash hauler will be scheduled to conduct additional trash pickup within the DORA. The Canal Fulton Community Service Coordinator will monitor the amount of trash in the trash containers within the DORA.

Official Cup: A specifically designed and marked 16 oz. plastic cup is the only cup permitted in the DORA. Only patrons using the DORA "official cup" will be permitted outside with an open container of beer or intoxicating liquor. DORA cups will be available at any participating establishment. Each subsequent purchase of an alcoholic beverage requires an additional cup. DORA cups cannot be taken into any venue from which it was NOT purchased. DORA cups cannot be taken into any other business. DORA cups cannot be taken outside the DORA boundaries.

RECORD OF ORDINANCES

ORDINANCE RECORDING FORM NO. 8003

Ordinance No. 13-20

Passed _____, 20_____

**AN ORDINANCE BY THE
COUNCIL OF THE CITY OF
CANAL FULTON, OHIO TO
VACATE THE ALABAMA
COURT ALLEY.**

WHEREAS, the City of Canal Fulton has received a request by a City property owner to vacate the Alabama Court Alley, and

WHEREAS, the Canal Fulton Planning Commission has reviewed the proposal of the portion to be vacated, and

WHEREAS, the Planning Commission has made a determination that the portion to be vacated is not needed by the City on May 21, 2020, and

WHEREAS, a public hearing and notice thereof have been held and given.

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

The City of Canal Fulton agrees to vacate the Alabama Court Alley pursuant to legal description on plat 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 Ordinance _____ 2020, 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 web-site and by posting true and correct copies thereof at

RECORD OF ORDINANCES

DEAR GRAPHICS 003-2004 FORM NO. 0004

Ordinance No. _____ Passed _____, 20____

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

SBF/bp