

CITY OF CANAL FULTON
CITY COUNCIL MEETING AGENDA
July 6, 2010

1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

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

June 15, 2010

5. **REPORTS OF STANDING COMMITTEES**

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

7. **REPORTS OF ADMINISTRATIVE OFFICERS**

- A. Senior Citizens
- B. Community Service Coordinator
- C. Fire Chief
- D. Police Chief
- E. Engineer/Streets/Public Utilities
- F. Finance Director
- G. City Manager
- H. Report of Mayor
 - Civil Service Appointment*
 - Park Board Appointment*
 - Board of Zoning Appeals*
 - Planning Commission*
- I. Parks & Recreation Board
- J. Law Director

8. **THIRD READINGS**

Resolution 22-10 A Resolution to Adopt the Solid Waste Management Plan for the Stark-Wayne-Tuscarawas Joint Solid Waste Management District.

Resolution 23-10: A Resolution By The Council of the City of Canal Fulton, Ohio To Enter Into A Lease With Bud Graham.

9. **SECOND READINGS**

Resolution 24-10: A Resolution By the Council of the City of Canal Fulton, Ohio Sustaining Diversity.

FIRST READINGS

Resolution 26-10: A Resolution By the Council of the City of Canal Fulton, Ohio to Adopt An EMS Policy for Lawrence Township Residents.

Resolution 27:10: A Resolution By the Council of the City of Canal Fulton, Ohio to Adopt A Revised Emergency Operations Plan.

10. **PURCHASE ORDERS & BILLS**

BILLS: \$344,464.89

11. **OLD/NEW/OTHER BUSINESS**

14. **REPORT OF PRESIDENT PRO TEMPORE**

15. **REPORT OF SPECIAL COMMITTEES**

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

17. **ADJOURNMENT**

RECORD OF PROCEEDINGS

Minutes of

CITY OF CANAL FULTON

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

June 15, 2010

20

COUNCIL MEETING

Mayor John Grogan called the June 15, 2010 City Council meeting to order at 7:00 PM in Council Chambers at City Hall.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: Danny Losch, Sue Mayberry, Matthew Moellendick, Nellie Cihon, Mr. Bagocius and Linda Zahirsky.

Absent: None

Others Present: Mark Cozy, City Manager; Tammy Marthey, Clerk of Council; Daniel Mayberry, Scott Fellmeth, Law Director; Service Director; Glenn Boyd, Captain; Scott Svab, Finance Director; Chell Rossi, James Deans, Jeremy Graber and Ken Roberts, Residents; Joan Porter, Repository; and Amy Knapp, Independent.

CORRECTING/ADOPTING THE RECORD OF PROCEEDINGS

Mrs. Zahirsky moved to approve the record of proceedings from June 1, 2010, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

REPORTS OF STANDING COMMITTEES

Economic Development Committee: Mrs. Mayberry reported that the committee met on June 8, 2010. Discussion included the following:

Massillon Building Department: The city will begin using the Massillon Building Department. There are many benefits, with one being a cost savings.

JEDD: The committee previously met with Lawrence Township Trustees regarding a JEDD along Marshallville Street. The city was directed by the townships law director to review the ORC 715.70 and 715.71. It was discovered at the Economic Development meeting that ORC 715.70 does not apply to the city. This code is for county charters. Mr. Cozy had a copy of the correct code, ORC 715.72-83. All members received copies and will be reviewed at another meeting scheduled. Mr. Cozy had indicated they would get legal rendering of the code so they will have an understanding of the process. He advised the committee that he has met with landowners about the JEDD and relayed the current information that he had from them to committee members. All agreed that the JEDD will require much work and thorough review and not to be done in haste. They will be meeting again in the near future.

Stakeholders Committee-Downtown Revitalization: A meeting was held on June 14, 2010 regarding the downtown revitalization with the train station. Mr. Mersky, Floyd Browne, was the presenter. There were many questions asked by those in attendance. All were in favor of the plan.

The next meeting will held on July 19, 2010.

RECORD OF PROCEEDINGS

Minutes of

CITY OF CANAL FULTON

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

June 15, 2010

20

Safety Committee: Mr. Bagocius reported the committee met tonight and discussed the City's Emergency Preparedness Plan. They decided to bring it out of committee and present to council at the next council meeting. They would like for to make sure that this plan follows the Stark County EMA and the NIMS standards.

Finance Committee: Mrs. Zahirsky reported the committee met and discussed the reserve funds. Mr. Svab provided the committee with examples of financial policies from Grandview. They are going to have to look with how it fits with our budget to see how we can set up a fiscal policy.

They reviewed Westlake as well. Their policy required a super majority of council to transfer funds out of the reserve fund. Mrs. Zahirsky asked Mr. Fellmeth how our charter relates to this.

Mr. Fellmeth stated our Charter states only a majority.

Mr. Bagocius asked about the possibility of a budget reduction of 5% for each department head. They would like the department heads to go to employees to see how departments can reduce budgets by 5% next year.

Mrs. Zahirsky moved to meet on July 6 at 6:00 PM to look at all financial policies and any other matters necessary, seconded by Mr. Bagocius.
ROLL: Yes, ALL.

CITIZENS' COMMENTS – AGENDA MATTERS - None

REPORTS OF ADMINISTRATIVE OFFICERS

SENIOR CITIZENS (Nellie Cihon)

Swiss Steak Dinner: The next Swiss Steak dinner will be held on June 26, 2010. They will be serving dinner from 4:00 – 6:30 PM and reservations are required.

Fundraiser: There will be a fundraiser on June 16, 2010 from 6-8 PM at Dairy Queen for the Center. The center will receive 20% of the proceeds.

COMMUNITY SERVICE (John Murphy, Coordinator) - None

FIRE CHIEF (Glenn Boyd, Captain)

Monthly Report: Captain Boyd reported that the monthly report is attached.

Burn Shed: Captain Boyd stated the aluminum cans shed is in place. The monies are used for Akron Children's Hospital burn patients.

Joint Fire District Committee: The next committee meeting will be held on June 17, 2010 at 6:30 PM at the Canal Fulton Fire Department.

RECORD OF PROCEEDINGS

Minutes of

CITY OF CANAL FULTON

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

June 15, 2010

20

POLICE DEPARTMENT(Doug Swartz, Lieutenant)

Bike Helmets: The department will be participating in giving citations for kids who are wearing bicycles helmets. They would like to pass out as many as they can. The AAA is sponsoring the program. It didn't cost the department anything.

ENGINEER/STREETS/PUBLIC UTILITIES (William Dorman/Dan Mayberry):

Marshallville Sewer: The project should be completed next week, weather permitted. Wenger Excavating will then begin to build the laterals, which will take about a week.

Ohio EPA Inspection: The annual wastewater treatment plant inspection was completed by the Ohio EPA. All processes were in good maintenance and no violations. Overall the system is operating satisfactory and under capacity. They have more capacity to utilize.

FINANCE DEPARMTENT (Scott Svab)

Purchase Orders & Bills: Mr. Svab reported two purchase orders were included in the packet.

May 2010 Financial Statements: Mr. Svab stated he placed a copy of the statement at each member's seat. He would like a voice motion regarding receipt of same.

Income Tax Collections: Mr. Svab reported the income tax revenues for May 2010 are up 2% from May 2009.

The income tax amount collected in 2010 was \$97,501 compared to \$95,307 in 2009.

EMS Revenues: The collections for the month of May 2343 \$7,898. The overall EMS revenues for the year are \$41,471.00. They have collected 48.8% of anticipated revenues for 2010.

Water and Sewer: The collections for the year are lagging with anticipated revenues collected at 39.5% for water and 39.2% for sewer.

Mrs. Zahirsky moved they are in receipt of the May 2010 Financial Statements, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

CITY MANAGER (Mark Cozy)

Heritage Society Mural Dedication: Mr. Cozy stated the Heritage Society will be having a dedication for the murals on the trash cans on June 26, 2010 at 3:00 PM at the Market Street Plaza.

Marsha Wagner from the library has requested a proclamation. Mayor Grogan asked Mr. Cozy to let them know they need to provide information for the preparation of a proclamation.

Mr. Cozy stated council was originally asked if they wanted to allocate funds to sponsor a mural. It was decided for council/administration to

RECORD OF PROCEEDINGS

Minutes of

CITY OF CANAL FULTON

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

June 15, 2010

Held

20

donate the funds. He reported only three members donated. Half of the funds for the program were donated by Arts in Stark.

Mr. Cozy stated council was asked to participate. He stated a motion was then made for Council to make a donation. Some of council did not participate. Mrs. Wagner, Director of the Library, has been the driving force behind this project.

EMS Policy: Mr. Cozy stated he was asked at previous meetings if there is any other ordinances in effect that address EMS billing of Lawrence Township residents. Mr. Cozy stated he researched and didn't find any that addresses this issue.

Mr. Fellmeth stated the EMS policy has been on the agenda for the three readings and he would recommend we bring back to the table and pass it and do a first reading at the next meeting for the Lawrence Township language.

Resolution 25-10: Doing program now to get project completed before school starts. The County Commissioners have been in support of the project, as indicated in letter from the Stark County Engineers Office dated August 25, 2010.

Stakeholders – Downtown Revitalization Meeting: Mr. Cozy stated Mrs. Mayberry had reported on this matter.

YMCA Committee: Mr. Cozy reported that a YMCA committee has been formed by the school. As far as the city's involvement, it is not official. Mr. Cozy would like to have a member of council appointed to attend the meetings with him. Mrs. Cihon and Mr. Bagocius stated they would both be willing to attend. He stated there were two Lawrence Township Trustees at the last meeting.

The areas being looked at currently for possible sites are the Varsity Athletic Club, Arcadia Street by Rt. 21 and the school campus. Mr. Cozy stated he let them know about the Puffenberger site.

The schools have been in contact with headquarters in Chicago.

REPORT OF MAYOR (John Grogan) -

Suspension of Meeting - Vacation: Mayor asked if any of council has an objection to canceling the July 20, 2010 meeting for vacation of council.

Mrs. Cihon moved to suspend the July 20, 2010 meeting, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

Charter Review Committee: Mayor Grogan stated Mr. Fellmeth, Chair for the Charter Review Committee, submitted a letter to his office. He stated the committee had their final meeting and voted to make no changes or revisions to the existing Charter approved by the voters in 2000.

PARKS & RECREATION BOARD (Fred Fleming) – Not Present

RECORD OF PROCEEDINGS

Minutes of

CITY OF CANAL FULTON

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

June 15, 2010

20

LAW DIRECTOR (Scott Fellmeth)

Charter Review Commission: Mr. Fellmeth reported there were good comments and suggestions for the Charter. They did think there were a few suggestions, notable one by Mr. Bagocius regarding the City Manager interim appointment if he should be disabled or otherwise unable to serve, appointed by the Mayor as opposed by him. This certainly had merit and was addressed. However, in doing the totality of the circumstances they felt that going to the expense of a revision and a referendum far out weighed the balances of any changes.

Lease Agreement: Mr. Fellmeth stated on Resolution 23-10, it needs changed from Planning Commission to Historic Preservation Commission. The land is in the historic district.

THIRD READINGS

Resolution 19-10: A Resolution By the Council of the City of Canal Fulton, Ohio To Enter Into An Agreement with the Board of Commissioners of Stark County, Ohio for a Community Development Block Grant for the High Street/Erie Avenue Plum Creek Culvert Replacement Project.

Mrs. Cihon moved for passage of Resolution 19-10, seconded by Mrs. Zahirsky. **ROLL: Yes, ALL.**

Resolution 20-10: A Resolution to Amend Resolution 1-10, Rules and Regulations for the Council of the City of Canal Fulton, Specifically Rules 30, 31, 33 and Repealing All Prior Rules and Regulations Inconsistent Herewith.

Mrs. Cihon moved for passage of Resolution 20-10, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

Resolution 17-10: (Tabled) A Resolution By the Council of the City of Canal Fulton, Ohio to Adopt An EMS Policy.

Mr. Mollendick moved to bring Resolution 17-10 back to the table, seconded by Mrs. Cihon. **ROLL: Yes, ALL**

Mrs. Zahirsky moved for passage of Resolution 17-10, seconded by Mr. Losch. **ROLL: Yes, ALL.**

SECOND READINGS

Resolution 22-10: A Resolution to Adopt the Solid Waste Management Plan for the Stark-Wayne-Tuscarawas-Wayne Joint Solid Waste Management District.

STANDS AS SECOND READING

Resolution 23-10: A Resolution by the Council of the City of Canal Fulton, Ohio to Enter Into a Lease With Bud Graham.

STANDS AS SECOND READING

The lease will be changed to reflect that the property is in the historic district and the signage will need to be approved by the Historic Preservation Commission.

RECORD OF PROCEEDINGS

Minutes of

CITY OF CANAL FULTON

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

June 15, 2010

20

FIRST READINGS

Resolution 24-10: A Resolution By the Council of the City of Canal Fulton, Ohio Sustaining Diversity.
STANDS AS A FIRST READING

Resolution 25-10: A Resolution By the Council of the City of Canal Fulton, Ohio to Enter Into An Agreement With the Board of Commissioners of Stark County, Ohio for the High Street/Erie Avenue Roadway Improvements Phase I and Declaring an Emergency.
Mrs. Zahirsky moved to suspend the rules on Resolution 25-10, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**
Mrs. Zahirsky moved for passage of Resolution 25-10 under suspension, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

Mrs. Mayberry asked for the dollar amount for the city's portion.

Mr. Cozy stated the city is paying 26%, which pays for the road widening. The paving will be paid by the county.

Mr. Cozy stated the emergency clause is for the Stark County Commissioner's to authorize payment on the project. He stated they had an agreement with the county engineers since 2008 and this is a formality that somehow fell through the cracks and our engineer should have been on top of this when we got the grant. He stated with us planning on doing the project later in the summer and now the project has been moved forward and has accelerated everything.

PURCHASE ORDERS & BILLS

P.O. 6096 to Ohio Public Works Commission for Sewer and Waterline Improvements in the Amount of \$108,557.54.
Mrs. Cihon moved to approve P.O. 6096, seconded by Mr. Moellendick.
ROLL: Yes, ALL.

P.O. 6100 to Ohio Drilling Company for Rehabilitate Well and Well Pump for #6 in the Amount of \$15,000.00
Mr. Moellendick moved to approve P.O. 6100, seconded by Mrs. Cihon.
Roll: Yes, ALL.

Bills: \$81,148.26 Mrs. Cihon moved to approve the bills, seconded by Mrs. Zahirsky. **ROLL: Yes, ALL.**

Mrs. Mayberry asked about the finances for the canal boat this year to date. The revenues are down due to the rainy weather. Mrs. Mayberry asked if the boarding was for year round. It was stated yes.

OLD/NEW/OTHER BUSINESS

Mr. Bagocius asked if there has been any allocation of the funds that were authorized at the Special Council meeting for the fire victims. He also asked what the purpose of the allocations was for.

Mayor Grogan stated the mind set was that our office received information about displaced residents and there was a set amount of time in which to get a roof over their heads. It was our intent to help make arrangements

RECORD OF PROCEEDINGS

Minutes of

CITY OF CANAL FULTON

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

June 15, 2010

20

to get these people accommodated. The city would have utilized the fire department. We did not have the additional beds, mattresses, sheets to accommodate and this is why he wanted to get members of council together to have a fund prepared for such an event. It is his understanding that several days after the meeting, the victims were all placed, all housed and all had their amenities handled. At that point, the monies were still kept aside. There is going to be a point where he is going to make a recommendation to council to return the funds to the general fund.

Mr. Bagocius asked the Red Cross who provides the cots and bedding when they set up a disaster.

Mrs. Slater stated the Red Cross provides this and they run the shelter and they take the cots/bedding back with them at the end of the disaster.

She stated had we used the fire department, that is a city property and not designated as an emergency center, therefore, the city would have had to provide the bedding for the facility. The property had not previously been inspected and approved by the Red Cross.

Mr. Bagocius asked if the money could have been used for food. Mrs. Slater stated if the city would have housed them at the fire department, the city would have had to provide the food.

Mr. Bagocius asked if this is something that is set up ahead of time.

Mrs. Slater stated when school is not in session, they utilize that. There is someone from the Red Cross that is looking for a place in our area for another site.

The Red Cross utilizes volunteers and these volunteers have had background checks and training.

The Mayor stated the money that was allocated was to be utilized to help the fire department take care of the individuals had that facility been used. He stated they would also have to have staff on duty if that facility is used.

Mr. Graham asked if the city can ask the Red Cross to look at particular sites in the city.

The Red Cross stated yes. She stated they also need to remember, if site is used, if a business is used, the shelter becomes primary.

Meeting Suspension: Mr. Fellmeth stated in regards to the suspension of the July 20, 2010, this can not be done according to section 3.04(a) of the Charter. The charter state council shall hold at least two regular meetings in each month in at least eleven months of each year. A meeting was missed in February due to inclement weather.

Mayor Grogan stated he will get with Mrs. Zahirsky to establish a date and then will notify council.

Mrs. Mayberry asked Mr. Roberts and Mr. Graber how the displaced residents are doing.

Mr. Roberts stated they are in housing, some still in temporary housing.

RECORD OF PROCEEDINGS

Minutes of

CITY OF CANAL FULTON

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

June 15, 2010

20

REPORT OF PRESIDENT PRO TEMPORE (Linda Zahirsky) - None

REPORT OF SPECIAL COMMITTEES - None

CITIZENS COMMENTS-Open Discussion (Five-Minute Rule)

Ken Roberts:, Mr. Roberts asked for clarification to how the city could use the money because previously he was told we couldn't use tax payer's monies for housing.

Mayor Grogan stated the money would have been used for a public entity, the fire department, to purchase bedding to use for anyone that was without housing.

Mr. Roberts asked if the monies were going to be used for the fire victims.

Mayor Grogan stated if they were going to be housed at the fire department.

Mr. Moellendick stated he feels very bad for the individuals, but what other city provides shelter, televisions, air conditioners and anything else they need. He said he read the emails that were being sent about not providing these amenities to the individuals. He stated it is not our responsibility. He stated there are houses in the floodplain, and if those houses flooded those residents would then come to the city and asking for items to be replaced. He stated it is their personal responsibility to have insurance to protect their possessions. He stated council's job and what the intention was to provide temporary housing if any of the individuals were left homeless. We would have provided a shelter for them until they could get to Metropolitan housing to provide their own housing.

Mr. Roberts stated he never referred or insinuated that the monies were to be used for any household items or anything. He stated they provided to the community everything that these people needed. He stated it was very upfront.

Mr. Moellendick stated the money was to be for the city to cover expenses outside of normal city operations in support of the recovery effort.

Mr. Roberts asked what the city has done to address the fire victim's needs.

Mayor Grogan asked what has the city had to do. None of the victims utilized the city's facilities. They didn't need it. We would have provided them with housing at the fire department if they needed it. They have the housing that they needed. There was nothing in city hall that said anything different.

ADJOURNMENT

Mayor John Grogan adjourned the June 15 2010 meeting. The next regular scheduled meeting is July 6, 2010 at Canal Fulton City Hall, Council Chambers.

Tammy Marthey, Clerk of Council John Grogan, Mayor

RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc., Form No. 30045

Resolution No.

22-10

Passed

20

A RESOLUTION TO ADOPT
THE SOLID WASTE
MANAGEMENT PLAN FOR
THE STARK-TUSCARAWAS-
WAYNE JOINT SOLID WASTE
MANAGEMENT DISTRICT

WHEREAS, The City of Canal Fulton is located within the jurisdiction of the Stark-Tuscarawas-Wayne Joint Solid Waste management District (STW District).

WHEREAS, the STW District Policy Committee prepared and adopted a final draft of the Solid Waste management Plan in accordance with Ohio Revised Code Sections 3734.53, 3734.54 and 3734.55.

WHEREAS, the STW District has provided a copy of the Draft Final Solid Waste management Plan for ratification to each of the legislative authorities of the District.

WHEREAS, the City of Canal Fulton must decide whether is approves of said Solid Waste Management Plan within ninety days of receipt of the Final Draft Plan.

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

1. The City of Canal Fulton _____ Approves _____ Disapproves the STW District Solid Waste Management Plan.
2. The Clerk is hereby directed to send to the STW District a copy of this resolution to the attention of David Held, STW District, 9918 Wilkshire Boulevard, Bolivar, Ohio 44612.
3. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

John Grogan, Mayor

RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc. Form No. 30045

Resolution No. 23-10

Passed _____, 20____

A RESOLUTION BY THE COUNCIL
OF THE CITY OF CANAL FULTON,
OHIO TO ENTER INTO A LEASE
WITH BUD GRAHAM.

WHEREAS, the City of Canal Fulton, Ohio and Bud Graham have entered into negotiations to lease City property, and

WHEREAS, said parties have reached an agreement to further that end.

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

The City of Canal Fulton agrees to enter into a lease with Bud Graham pursuant to proposal attached as Exhibit "A".

John Grogan, Mayor

ATTEST:

Tammy Marthey, Clerk-of-Council

I, Tammy Marthey, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby certify that this is a true and correct copy of Resolution ____-10, duly adopted by the Council of the City of Canal Fulton, on the date of _____, 2010, and that publication of the foregoing Resolution was duly made by posting true and correct copies thereof at five of the most public places in said corporation as determined by Council as follows: Post Office, Public Library, Giant Eagle Supermarket, Heritage Square Pharmacy, and entrances to Council Chambers each for a period of fifteen days, commencing on the _____ day of _____, 2010.

Tammy Marthey, Clerk-of-Council

SEF/bp

LEASE

FOR ONE DOLLAR (\$1.00) and OVC the City of Canal Fulton, Ohio, the Lessor, agrees to lease to Bud Graham at Canal Fulton, Ohio, the Lessee, the premises situated in the City of Canal Fulton, County of Stark and State of Ohio and more fully described as follows:

Known as and being Lot Number FIFTY (#50) in the City of Canal Fulton, Ohio according to the present enumeration of lots therein.

PPN: 95-80123

The term of the Lease shall be one (1) year commencing _____, 2010.

Lessee agrees not to commit waste, not to use the premises for any unlawful purpose; not to manufacture or sell or permit to be manufactured or sold on the premises, during the term, intoxicating liquor; not to assign this lease, or sublet the premises, or permit the sale of his interest by legal process, without the written consent of the Lessor.

Lessee further agrees to provide and pay for all maintenance on the premises in a regularly scheduled manner and to permit a historical marker chosen by Canal Fulton City Council to be erected on the premises.

Lessor agrees that Lessee may erect a sign on said premises subject to approval of the Historical Preservation Commission.

If the Lessee vacates the premises during the term of this lease, then the Lessor may terminate this lease and re-enter and repossess the premises without prejudice to the Lessor's right of action for breach of covenant.

The Lessor agrees (the Lessee having performed all his obligations under this lease) that the Lessee shall occupy the premises during the term without any hindrance by the Lessor, his heirs, or any person lawfully claiming under him or them.

Signed in duplicate this _____ day of _____, 2010.

CITY OF CANAL FULTON, OHIO

BY: _____

BUD GRAHAM

State of Ohio)
Stark County) ss:

Before me, a Notary Public, in and for said County and State, personally appeared the above named CITY OF CANAL FULTON, OHIO,
BY: _____ LESSOR and BUD GRAHAM, LESSEE, who acknowledged that they did sign the foregoing Lease and that the same is their free act and deed as such Lessor and Lessee.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Canal Fulton, Ohio, this _____ day of _____, 2010.

NOTARY PUBLIC

This Instrument Prepared by:
Scott E. Fellmeth
Attorney at Law.

RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc., Form No. 30045

Resolution No.

24-10

Passed

20

A RESOLUTION BY THE COUNCIL OF THE CITY OF CANAL FULTON, OHIO SUSTAINING DIVERSITY.

WHEREAS, Canal Fulton, Ohio a diverse community devoted to excellence, and

WHEREAS respect for diversity of people and thought is clearly stated, and

WHEREAS, the statutory authority for the governance of Canal Fulton is vested in the duly appointed and/or elected members of Canal Fulton, and

WHEREAS, issues of diversity are of a significant and ongoing interest to the members of Canal Fulton in their official duties and personal and professional lives, and

WHEREAS, Canal Fulton as a matter of institutional policy, highly values inclusiveness, representation and diversity as essential sources of strength and vitality for our community, and

WHEREAS, Canal Fulton embraces the achievement of diversity as an invaluable element of our mission, vision and values.

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

The infusion of diversity into all aspects of Canal Fulton, Ohio life is of paramount importance and we hereby recommit ourselves to that shared value and hereby challenge all members of the Canal Fulton community to act affirmatively in identifying, creating and accomplishing diversity in its many forms and venues.

John Grogan, Mayor

ATTEST:

Tammy Marthey, Clerk-of-Council

I, Tammy Marthey, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby certify that this is a true and correct copy of Resolution ____-10, duly adopted by the Council of the City of Canal Fulton, on the date of _____, 2010, and that publication of the foregoing Resolution was duly made by posting

RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc., Form No. 30045

Resolution No. _____

Passed _____, 20____

true and correct copies thereof at five of the most public places in said corporation as determined by Council as follows: Post Office, Public Library, Giant Eagle Supermarket, Heritage Square Pharmacy, and entrances to Council Chambers each for a period of fifteen days, commencing on the _____ day of _____, 2010.

Tammy Marthey, Clerk-of-Council

SEF/bp

RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc., Form No. 30016

Resolution No.

26-10

Passed

20

A RESOLUTION BY THE COUNCIL
OF THE CITY OF CANAL FULTON,
OHIO TO ADOPT AN EMS POLICY
FOR LAWRENCE TOWNSHIP
RESIDENTS.

WHEREAS, the City of Canal Fulton, Ohio desires to establish an
Emergency Medical Services (EMS) policy for Lawrence Township Residents.

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

The City of Canal Fulton agrees to adopt an EMS Policy for Lawrence
Township Residents pursuant to proposal attached as Exhibit "A".

John Grogan, Mayor

ATTEST:

Tammy Marthey, Clerk-of-Council

I, Tammy Marthey, Clerk-of-Council of the City of Canal Fulton, Ohio, do
hereby certify that this is a true and correct copy of Resolution ____-10, duly
adopted by the Council of the City of Canal Fulton, on the date of _____,
2010 and that publication of the foregoing Resolution was duly made by posting
true and correct copies thereof at five of the most public places in said
corporation as determined by Council as follows: Post Office, Public Library,
Giant Eagle Supermarket, Heritage Square Pharmacy, and entrances to Council
Chambers each for a period of fifteen days, commencing on the ____ day of
_____, 2010.

Tammy Marthey, Clerk-of-Council

SEF/bp

RECORD OF RESOLUTIONS

Dayton Legal Bank, Inc., Form No. 30040

Resolution No.

27-10

Passed

20

A RESOLUTION BY THE COUNCIL
OF THE CITY OF CANAL FULTON,
OHIO TO ADOPT A REVISED
EMERGENCY OPERATIONS PLAN.

WHEREAS, the City of Canal Fulton, Ohio desires to establish a revised
Emergency Operations Plan for the City.

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

The City of Canal Fulton agrees to adopt a revised Emergency Operations
Plan pursuant to proposal attached as Exhibit "A".

John Grogan, Mayor

ATTEST:

Tammy Marthey, Clerk-of-Council

I, Tammy Marthey, Clerk-of-Council of the City of Canal Fulton, Ohio, do
hereby certify that this is a true and correct copy of Resolution ____-10, duly
adopted by the Council of the City of Canal Fulton, on the date of _____.
2010 and that publication of the foregoing Resolution was duly made by posting
true and correct copies thereof at five of the most public places in said
corporation as determined by Council as follows: Post Office, Public Library,
Giant Eagle Supermarket, Heritage Square Pharmacy, and entrances to Council
Chambers each for a period of fifteen days, commencing on the ____ day of
____, 2010.

Tammy Marthey, Clerk-of-Council

SEF/bp

Tammy Marthey**From:** Saved by Windows Internet Explorer 7**Sent:** Wednesday, June 23, 2010 8:12 PM**Subject:** Page Title

SPECIAL CHECK REGISTER BANK - 0002 - City of Canal Fulton 19:59:29 23 Jun 2010 PAGE: 1

| Check. | Date..... | Vendor Name..... | Amount..... | |
|--------|------------|--------------------------------------|-------------|----------------------------|
| 040591 | 06-19-2010 | 00963 PURCHASE POWER | 450.00 | POSTAGE MACHINE |
| 040592 | 06-10-2010 | 02140 BRIAN BAYS | 375.00 | FERRIER |
| 040593 | 06-14-2010 | 02255 STEPHEN'S ASPHALT PAVING CO. | 8250.00 | WALKING TRACK RESURFACE SI |
| 040594 | 06-16-2010 | 00102 U. S. POSTMASTER | 185.00 | PERMIT |
| 040595 | 06-20-2010 | 01705 DYNAMERICAN SEPTIC AND DRAIN | 1200.00 | GRIT BLDG. MAINT. |
| 040596 | 06-16-2010 | 01606 CLEMANS-NELSON & ASSOC. INC. | 175.00 | LEGALS |
| 040597 | 06-16-2010 | 02244 ELAINE WEITZEL | 80.00 | CLEANING |
| 040598 | 06-16-2010 | 01710 SPEEDWAY SUPERAMERICA | 1550.01 | FUEL |
| 040599 | 06-16-2010 | 00314 WENGER EXCAVATING, INC. | 193718.13 | MARSHALLVILLE SEWER PROJ. |
| 040601 | 06-17-2010 | 00551 ADVANCE AUTO PARTS | 7.19 | PARTS |
| 040602 | 06-17-2010 | 01785 BAKER VEHICLE SYSTEMS INC. | 187.21 | MOWER PARTS |
| 040603 | 06-17-2010 | 02239 CANAL FULTON ELECTRICAL | 3360.00 | WATER DEPT. UPGRADE |
| 040604 | 06-17-2010 | 01443 CANAL FULTON WATER DEPT. | 50.00 | NON PAYER DEPOSIT |
| 040605 | 06-17-2010 | 00490 DALE B. KINCAID | 90.44 | COLLECTIONS |
| 040606 | 06-17-2010 | 00033 DOMINION EAST OHIO | 461.12 | GAS |
| 040607 | 06-17-2010 | 00635 J. F. GOOD CO. | 1992.50 | SOLENOID WATER VALVE |
| 040608 | 06-17-2010 | 01510 JEFFERSON LINCOLN INS. CO. | 160.20 | INSURANCE |
| 040609 | 06-17-2010 | 00094 OHIO EDISON COMPANY | 1215.85 | ELECTRIC |
| 040610 | 06-17-2010 | 00498 QUILL CORPORATION | 175.95 | SUPPLIES |
| 040611 | 06-17-2010 | 00842 THE REPOSITORY GATEHOUSE MEDIA | 31.80 | AD |
| 040612 | 06-17-2010 | 02277 ROBERT HODGES | 46.97 | REIMB. EXPENSES |
| 040613 | 06-17-2010 | 00542 SAM'S CLUB | 210.88 | CLEANING EXPENSES |
| 040614 | 06-17-2010 | 01710 SPEEDWAY SUPERAMERICA | 1345.33 | FUEL |
| 040615 | 06-17-2010 | 00981 STARK CONCRETE LEVELING INC | 825.00 | LEVEL SIDEWALK |
| 040616 | 06-17-2010 | 01817 TOSHIBA BUSINESS SOLUTIONS | 245.72 | COPIER |
| 040617 | 06-17-2010 | 02279 VICKI FULKS | 50.00 | WATER REFUND |
| 040618 | 06-23-2010 | 00692 ROSE PRODUCTS & SERVICES INC | 54.55 | PAPER PROD. PARKS |
| 040619 | 06-23-2010 | 00003 A J DIANA SONS INC | 85.25 | ROAD MATERIALS |
| 040620 | 06-23-2010 | 00384 BONDED CHEMICALS INC. | 1434.20 | WATER CHEMICALS |
| 040621 | 06-23-2010 | 01713 CANAL FULTON PC | 70.00 | SERVICE CALLS |
| 040622 | 06-23-2010 | 01727 CHUCK HAAS | 250.00 | CONCERT IN PARK |
| 040623 | 06-23-2010 | 02281 CONCRETE CUTTING SYSTEMS | 300.00 | ROADS DEPT |
| 040624 | 06-23-2010 | 00490 DALE B. KINCAID | 171.34 | COLLECTIONS |
| 040625 | 06-23-2010 | 02282 DANA DONCHESS | 65.00 | AD IN NEWSPAPER |
| 040626 | 06-23-2010 | 00526 DONAMARC WATER SYSTEMS COMPANY | 16.50 | WATER |
| 040627 | 06-23-2010 | 01705 DYNAMERICAN SEPTIC AND DRAIN | 2400.00 | GRIT BLDG. PROJECT |
| 040628 | 06-23-2010 | 01694 ELLIOTT DIAMOND INC. | 490.00 | SAW BLADES STREETS |
| 040629 | 06-23-2010 | 02280 FLEET SAFETY EQUIPMENT | 262.35 | FORD EXPLORER BRACKETS |
| 040630 | 06-23-2010 | 01214 HOMETOWN INSURANCE GROUP, INC | 13872.40 | INSURANCE HEALTH |
| 040631 | 06-23-2010 | 00554 LAKE BUSINESS PRODUCTS | 9.60 | COPIER |
| 040632 | 06-23-2010 | 01511 MARK COZY | 27.00 | REIMB. TRAVEL EXP |
| 040633 | 06-23-2010 | 01739 MATT'S LAWN CARE | 280.00 | LOTS MOWED |
| 040634 | 06-23-2010 | 00387 MINER'S INC | 800.00 | SEWER PROJECT HIGH ST. |
| 040635 | 06-23-2010 | 00596 NEXTEL SPRINT COMMUNICATIONS | 296.44 | CELL PHONE |
| 040636 | 06-23-2010 | 00002 OHIO PLASTICS & SAFETY PROD. | 385.50 | SIGNAGE STREETS |
| 040637 | 06-23-2010 | 01633 PELLINI AND ASSOCIATES LLC | 1525.50 | LEGALS |
| 040638 | 06-23-2010 | 01459 PETTY CASH FUND POLICE | 163.85 | STAMPS ETC. |
| 040639 | 06-23-2010 | 00506 PITNEY BOWES PURCHASE POWER | 204.00 | POSTAGE METER |
| 040640 | 06-23-2010 | 00099 PITTS' FIRE EXTINGUISHER, INC. | 76.00 | EXTINGUISHERS |
| 040641 | 06-23-2010 | 00498 QUILL CORPORATION | 281.28 | OFFICE SUPPLIES |
| 040642 | 06-23-2010 | 00630 REAM & HAAGER LABORATORY INC | 177.50 | WATER LAB TESTS |
| 040643 | 06-23-2010 | 02283 STANLEY STEEMER | 525.00 | FIRE STA CLEANING |
| 040644 | 06-23-2010 | 01155 STATE CHEMICALS | 419.77 | SEWER LIFT STA. CHEMICAL |
| 040645 | 06-23-2010 | 02255 STEPHEN'S ASPHALT PAVING CO. | 1825.00 | RESURFACE PARKING LOT |

SPECIAL CHECK REGISTER BANK - 0002 - City of Canal Fulton 19:59:29 23 Jun 2010 PAGE: 2

| Check. | Date..... | Vendor Name..... | Amount..... | |
|--------|------------|--------------------------------------|--------------|---------------------------|
| 040646 | 06-23-2010 | 00404 TRINER OIL CO. | 384.08 | FUEL |
| 040647 | 06-23-2010 | 00179 WARWICK CCI COMMUNICATIONS | 21.25 | PHONE SERVICE REPAIR CALL |
| 040648 | 06-23-2010 | 01786 FGM MEDIA, INC. | 190.00 | WEBSITE UPDATES |
| 040649 | 06-23-2010 | 00486 CTI ENVIRONMENTAL, INC. | 27477.38 | PROJECTS |
| 040650 | 06-23-2010 | 02285 DARE AMERICA CONF. REGISTRY | 425.00 | CONFERENCE KOSCO |
| 040651 | 06-23-2010 | 01771 JONES ROLL OFF CONTAINERS INC. | 85.00 | BRUSH HOG LOTS |
| 040652 | 06-23-2010 | 00372 KUNKLE PUMP & PLUMBING INC | 188.90 | WATER DEPT. |
| 040653 | 06-23-2010 | 00401 LOGIC | 3943.08 | POLICE DISPATCH |
| 040654 | 06-23-2010 | 01742 MET LIFE INSURANCE CO. | 1823.31 | DENTAL |
| 040655 | 06-23-2010 | 02284 MILLENIUM HOTEL CINCINNATI | 536.00 | DARE CONFERENCE |
| 040656 | 06-23-2010 | 00103 O.P.E.R.S. | | |
| 040657 | 06-23-2010 | 00103 O.P.E.R.S. | 11154.52 | |
| 040658 | 06-23-2010 | 00489 OHIO PUBLIC WORKS COMMISSION | 54278.77 | DEBT |
| 040659 | 06-23-2010 | 00556 PRIDE HEATING & COOLING | 225.20 | SENIOR CENTER AC |
| 040660 | 06-23-2010 | 00515 VISION SERVICE PLAN - (OH) | 825.07 | VISION INS. |
| *** | | TOTAL | \$344,464.89 | |