

**CITY OF CANAL FULTON**  
**CITY COUNCIL MEETING AGENDA**  
**September 7, 2010**

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **CORRECTING & ADOPTING THE RECORD OF PROCEEDINGS**

August 17, 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 Manger
- H. Report of Mayor
  - Trick or Treating
  - Park Board Appointment
- I. Parks & Recreation Board
- J. Law Director

8. **THIRD READINGS**

9. **Resolution 30-10:** A Resolution by the Council of the City of Canal Fulton to Apply for a Grant from the Ohio Public Works Commission for the Canal Street Resurfacing Project.

**Resolution 31-10:** A Resolution by the Council of the City of Canal Fulton to Apply for a Grant from the Ohio Public Works Commission for the Smail's Pond Outlet Storm Sewer

10. **SECOND READINGS**

**Resolution 32-10:** A Resolution By the Council of the City of Canal Fulton, Ohio Sustaining Racial, Ethnic, and Cultural Harmony.

**Ordinance 7-10: (As Amended)** An Ordinance Assessing A Flat Rate Fee to the Water Service, As Amended.

11. **FIRST READINGS**

**Ordinance 8-10:** An Ordinance Accepting Construction of Streets and Utilities for Canal Place.

**Resolution 33-10:** A Resolution By the Council of the City of Canal Fulton to Enter Into An Agreement with CTI Engineers, Inc. to Provide Professional Services for the High Street/Erie Avenue Plum Creek Culvert Replacement.

12. **PURCHASE ORDERS & BILLS**

**P.O. 6150** to J & D Mining Inc. for High Street/Erie Avenue Roadway Improvements in the Amount of \$34,812.69.

**BILLS:** \$144,915.84

13. **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  
CITY OF CANAL FULTON

Minutes of

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

August 17, 2010

Held

20

**COUNCIL MEETING**

President ProTempore Linda Zahirsky called the August 17, 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, Linda Zahirsky, Paul Bagocius and Nellie Cihon.

Absent: John Grogan, Mayor

Mrs. Zahirsky stated the Mayor was called into work.

Mrs. Cihon moved to excuse Mrs. Cihon, seconded Mr. Losch. **ROLL: Yes, ALL.**

Others Present: Mark Cozy, City Manager; Tammy Marthey, Clerk of Council; Daniel Mayberry, Service Director; Scott Fellmeth, Law Director; Ray Green, Fire Chief; David Frisone, Police Chief; Scott Svab, Finance Director; James Dean, Resident; Amy Knapp, Independent; Joan Porter, Repository.

**CORRECTING/ADOPTING THE RECORD OF PROCEEDINGS -**

Mrs. Cihon moved to adopt the August 3, 2010 record of proceedings, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

**REPORTS OF STANDING COMMITTEES**

Mrs. Zahirsky stated she and Mr. Bagocius, as well as Mr. Kamph, Lawrence Township Trustee, went to Centerberg, Ohio to meet with their fire chief to discuss how they formed their fire district. They had three townships and a village that came together. He is saying it can be done and he is willing to talk to the committee.

The next meeting is August 26, 2010 at 6:30 PM.

**CITIZENS' COMMENTS - AGENDA MATTERS -** None

**REPORTS OF ADMINISTRATIVE OFFICERS**

***SENIOR CITIZENS (Nellie Cihon)*** - None

***COMMUNITY SERVICE (John Murphy, Coordinator)*** - Written

Mrs. Mayberry stated she is glad to see that the letters on the kiosk by the Canalway Center was painted.

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**FIRE CHIEF (Ray Green, Fire Chief)**

Monthly Report: Chief Green stated the department's monthly report was included in the packet. There were 74 calls for service for the month of July.

EMA - Chief Green reported the department has been asked to be the host for the EMA next year. They will test some of the hospital disasters plans, as well as the cities. It will be for this side of the county.

**POLICE DEPARTMENT(Doug Swartz, Lieutenant)**

Monthly Report: There were 416 calls for service. 2009-360 calls. 17% increase. Security checks is a new entry that they are monitoring. It is the security checks at the schools, as well as for those on vacation that want checks.

The burglary was a theft from a garage, property was stolen.

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

Mr. Mayberry submitted a written report which he distributed.

Street Repair: Mr. Mayberry gave a description to the streets that would be chip and sealed in 2010, as well as the streets that were recently dura-patched.

Water Quality Award: Mr. Mayberry stated the Water Department was awarded a Water Quality Award and is to be commended.

1992 CASE Backhoe: Mr. Mayberry stated the 1992 Case Backhoe is in need of repairs again. It had previous hydraulic repairs earlier this year costing approximately \$6,700.00. The machine now needs another repair, which is estimated to be approximately \$4,200.00.

Mr. Mayberry will be working with the finance director on a decision as to what to do in the near future.

Wooster Street Storm Sewer-Preliminary Design Report: The report was recently received for review. Administration will work toward a financial plan to finance the proposed improvements.

**FINANCE DEPARMTENT (Scott Svab)**

Purchase Orders & Bills: Mr. Svab stated there are two purchase orders in the packet.

Add-On Purchase Order: There is an add-on purchase order for Lytle Construction for chip seal parking lot in St. Helena Heritage Park.

Canal Boat Expenses: The revenue is slightly down from last year. The salaries are down approximately \$5,000 from last year, due to not as many captains.

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The boarding fees are for a full year for three horses. The ferrier bills are slightly higher. The ferrier had an opinion that these horses don't need shod.

Mrs. Zahirsky asked why we are paying for the ferrier to shoe the horses.

Mr. Bagocius asked who makes the contractual agreements. He stated he should let the vendors know that no services should be done until approved by the City Manager.

Mrs. Zahirsky stated she is in agreement with Mr. Bagocius and also wondered how much longer we would be responsible for the canal boat.

Mr. Cozy stated some businesses are glad the city has taken over the operations of the boat because their business has increased.

Mr. Svab stated having the third horse cost an additional \$3,300.

Mr. Cozy is to meet with Mr. Hatfield to discuss the ferrier bills in regards to the shoeing of the horses and utilizing three horses and report back to council at the next meeting.

Mr. Moellendick asked if there is any information if a team of mules would cost less.

Mr. Cozy stated they would be more expensive to purchase.

July Financial Statement: Mrs. Mayberry made a motion that they are in receipt of the July Financial Statements, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

Mr. Losch asked about purchase order 6138 and how often we are going to have to do this lot. This is regards to the St. Helena Heritage Park parking lot.

Mr. Mayberry stated it would last several years. Mr. Mayberry stated with it being in the floodplain he can't guarantee anything.

Mr. Losch stated he would like to see the drainage considered regarding this lot so we don't see this bill often.

**CITY MANAGER (Mark Cozy)**

Stark County Health Department Board: Mr. Cozy stated he had a letter of the letter that was sent to the health department with the costs for the residents on Marshallville Street for the sanitary sewer.

CEDA: Mr. Cozy stated he spoke with Charles Hal, the attorney the township is considering retaining regarding a CEDA. He stated he would like two members to serve on a

Mrs. Mayberry and Mrs. Zahirsky stated they are willing to serve on the committee.

Mr. Bagocius moved to appoint Mrs. Mayberry and Mrs. Zahirsky to the CEDA committee, seconded by Mrs. Cihon. **ROLL: Yes, Mr. Bagocius,**

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**Mrs. Cihon, Mr. Losch and Mr. Moellendick. Abstain, Mrs. Mayberry and Mrs. Zahirsky.**

High Street/Erie Avenue, Phase I: near completion berm work and striping needs finished. On schedule to be completed before school starts.

Mr. Mayberry stated they are going to add some stop bars and stop signs at some of the school drive ways.

High Street/Erie Avenue-Plum Creek – Phase II: The bid opening will be held on August 24. The work is expected to start in October. The road closures could be in the fall and spring.

Mr. Mayberry has forwarded detour routes to the school.

**REPORT OF MAYOR (John Grogan) – Not Present**

**PARKS & RECREATION BOARD – Not Present**

**LAW DIRECTOR (Scott Fellmeth) – No Report**

**THIRD READINGS**

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

Mr. Moellendick moved to approve, seconded by Mrs. Cihon. **ROLL: No, Mrs. Mayberry**

Mrs. Mayberry read the following into the record: I've have spent quite a bit of time researching diversity. I knew nothing about this concept when we were handed the letter and sample resolution which then was placed on the agenda.

I reacquainted myself with the EEOC State and Federal Laws and affirmative action. Why diversity has come into play in addition to what's already in place, I don't know. I'm not just speaking about what's before us from Coming Together Stark County. This issue is everywhere. Just look on-line.

I did find out that Coming Together's Akron branch and National group closed. Details of why other than finances not being there, I don't know why they are no longer in existence. I've read Coming Together Stark County's board member meeting minutes other than the ones in 2010, which I just received today. I have not had a chance to read.

I've contacted 12 other stark county government council members / trustees, and received feedback from 6. Of those six, 3 passed the resolution, 1 did not, 1 has not addressed yet, and the other has not seen the resolution at all. This issue has opened up an unknown territory to many and it's really hard to put your finger on just what it's really all about.

I talked to Coming Together to find out of we do pass it, are we now expected to have diversity training which is one of their goals for revenue streaming. I was told no, and may I add treated very kindly and respectfully on the phone.

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However, this requested legislation I am being asked to vote on, is written with words and phrases that make something supposedly simple and harmless, unclear. I'm not comfortable with it.

Mr. Bagocius stated the word "diversity" may have different definitions for different people, and since the organization Coming Together Stark County requested a resolution, and since the importance of this resolution may be lessened due to the many definitions, I am voting for this resolution using the definition of "diversity" that best coincides with the goal of Coming Together Stark County, i.e., promoting racial, ethnic, and cultural harmony in our community.

**Resolution 28-10:** A Resolution By the Council of the City of Canal Fulton, Ohio Sustaining Diversity.  
Mr. Bagocius moved to approve Resolution 28-10, seconded by  
**Failed due to lack of a second.**

**SECOND READINGS**

**Resolution 30-10:** A Resolution By the Council of the City of Canal Fulton to Apply for a Grant from the Ohio Public Works Commission for the Canal Street Resurfacing Project.  
**STANDS AS SECOND READING**

**Resolution 31-10:** A Resolution By the Council of the City of Canal Fulton to Apply for A Grant from the Ohio Public Works Commission for the Smail's Pond Outlet Storm Sewer.  
**STANDS AS SECOND READING**

**FIRST READINGS**

**Resolution 32-10:** A Resolution By the Council of the City of Canal Fulton, Ohio Sustaining Racial, Ethnic and Cultural Harmony.  
**Stands as First Reading**

**Ordinance 7-10:** An Ordinance Assessing A Flat Rate Fee to the Water Service.

Mr. Bagocius stated that according to the minutes that we approved by council, it is to be a \$3.00 flat rate increase and a 4% volumetric increase, and this this ordinance doesn't match the motion that was made in the motion that was made in June.

Mr. Svab stated he will have the ordinance amended.

Mr. Bagocius stated they have only had discussion on expenditure cut backs.

Mrs. Zahirsky stated over the years, this department has, and still does run a very tight budget. They do not come asking for things. They run equipment until it can't go anymore.

Mr. Bagocius stated he had asked for the 25% city hall salaries that come out of the water/sewer fund to be reviewed.

Mr. Moellendick stated they discussed that many times and they can't do that.

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Mrs. Zahirsky stated the auditor told the city two years ago that they needed to review the water rates.

Mrs. Mayberry stated she wanted to commend Mrs. Zahirsky on her perseverance and diligence into convincing the administration to take the Northwest Schools \$60,000 income tax after they were annexed out of the general fund and put it in the water fund for the debt for the waterline.

**PURCHASE ORDERS**

**P.O. 6138** to Lytle Construction Company to Chip and Seal Roads in the City in the Amount of \$24,900.00. Mrs. Cihon moved to approve, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

**P.O. 6139** to D.J.L. Materials and Supply to Rental of Crack Sealant Machine and Sealant in the Amount of \$5,149.00. Mrs. Cihon moved to approve, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

**P.O. 6144** to Lytle Construction Company to Chip and Seal Parking Lot in the Amount of \$24,900. Mrs. Cihon moved to approve, seconded by Mrs. Mayberry. **ROLL: Yes, ALL.**

Mr. Bagocius asked if there were any other vendors contacted.

Mr. Mayberry stated he contacted two other vendors.

**Bills: \$50,312.55** Mrs. Cihon moved to approve, seconded by Mr. Losch. **ROLL: Yes, ALL.**

**OLD/NEW/OTHER BUSINESS** - None

**REPORT OF PRESIDENT PRO TEMPORE (Linda Zahirsky)** - None

**REPORT OF SPECIAL COMMITTEES** - None

**CITIZENS COMMENTS-Open Discussion (Five-Minute Rule)** - None

**ADJOURNMENT**

President Protempore Zahirsky moved to adjourn the August 17, 2010 meeting. The next regular scheduled meeting is September 7, 2010 at Canal Fulton City Hall, Council Chambers.

Tammy Marthey, Clerk of Council      Linda Zahirsky, President Protempore

# RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc., Form No. 50045

Resolution No.

30-10

Passed

20

A RESOLUTION BY THE COUNCIL  
OF THE CITY OF CANAL FULTON  
TO APPLY FOR A GRANT FROM THE  
OHIO PUBLIC WORKS COMMISSION  
FOR THE CANAL STREET  
RESURFACING PROJECT.

WHEREAS, the City of Canal Fulton, Ohio desires to apply for a grant from the Ohio Public Works Commission (OPWC) for the Canal Street Resurfacing Project, and

WHEREAS, the estimated cost of said project is \$230,000.00.

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

The City of Canal Fulton agrees to apply for a grant from the Ohio Public Works Commission for the Canal Street Resurfacing Project.

\_\_\_\_\_  
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 Blank, inc. Form No. 30045

Resolution No. 31-10

Passed \_\_\_\_\_

20 \_\_\_\_\_

A RESOLUTION BY THE COUNCIL  
OF THE CITY OF CANAL FULTON  
TO APPLY FOR A GRANT FROM THE  
OHIO PUBLIC WORKS COMMISSION  
FOR THE SMAIL'S POND OUTLET  
STORM SEWER.

WHEREAS, the City of Canal Fulton, Ohio desires to apply for a grant from the Ohio Public Works Commission (OPWC) for the Smail's Pond Outlet Storm Sewer, and

WHEREAS, the estimated cost of said project is \$300,000.00.

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

The City of Canal Fulton agrees to apply for a grant from the Ohio Public Works Commission for the Smail's Pond Outlet Storm Sewer.

\_\_\_\_\_  
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

Deyan Legal Book, Inc. Form No. 30045

Resolution No. 33-10

Passed \_\_\_\_\_, 20\_\_\_\_

## A RESOLUTION BY THE COUNCIL OF THE CITY OF CANAL FULTON, OHIO SUSTAINING RACIAL, ETHNIC, AND CULTURAL HARMONY.

WHEREAS, Coming Together Stark County promotes the goal of racial, ethnic, and cultural harmony in every community in Stark County, and

WHEREAS, Canal Fulton, Ohio is a community in Stark County with a long history honoring that goal, and

WHEREAS, Coming Together Stark County has requested that the City of Canal Fulton pass a resolution celebrating that goal and make a public commitment to that principle.

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

The acceptance of racial, ethnic, and cultural harmony in our community is important and we recommit ourselves to that shared value and encourage all members of the Canal Fulton community to act in accordance with that shared value.

\_\_\_\_\_  
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 ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 7-10

Passed \_\_\_\_\_

20 \_\_\_\_\_

(Public Service Committee)  
AS AMENDED

An Ordinance Adding A Flat Rate Fee  
Increase to the Water Service.

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

WHEREAS, the income from water rates in the City have proved to be insufficient for  
the payment of the debt for the Water Treatment Plant Expansion.

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

Section 1: Effective for water service beginning with the bill due October 20,  
2010, a flat rate shall be established.

FLAT RATE FEE  
\$3.00

VOLUMETRIC INCREASE  
4%

The above fee shall be in effect through the December 31, 2011  
billing, with bill due on January 20, 2012.

\_\_\_\_\_  
John Grogan, Mayor

ATTEST:

\_\_\_\_\_  
Tammy Charlson, 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 Ordinance \_\_\_\_\_, duly adopted by the  
Council of the City of Canal Fulton, on the date of \_\_\_\_\_, 2010, and that  
publication of the foregoing Ordinance was duly made by posting true and correct  
copies thereof as six of the most public places and 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 Charlson, Clerk of Council

**RECORD OF ORDINANCES**

Dayton Local Plink, Inc.

Form No. 30043

Ordinance No.

8-10

Passed

20

**AN ORDINANCE ACCEPTING  
CONSTRUCTION OF STREETS  
AND UTILITIES FOR CANAL PLACE.**

WHEREAS, Streets and Public Utilities for Canal Place have been found by the City Engineer to be constructed in accordance with the drawings, specifications and design standards in effect, and to be in good repair, and

WHEREAS, the City Engineer has reported that streets and public utilities for Canal Place are nearly suitable for acceptance and maintenance by the City.

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

Section 1: The public streets accepted heretofore for dedication and public utilities for Canal Place are hereby conditionally accepted for public use and maintenance subject to some modification, and

Section 2: The construction bond is hereby released, and

Section 3: The maintenance bond shall not be released and shall remain in full force and effect until final inspection of said project.

\_\_\_\_\_  
John Grogan, Mayor

\_\_\_\_\_  
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 Ordinance \_\_\_\_ 10, duly adopted by the Council of the City of Canal Fulton, on the date of \_\_\_\_\_, 2010, and that publication of the foregoing Ordinance 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 Blank, Inc., Form No. 30045

Resolution No.

33-10

Passed

20

A RESOLUTION BY THE COUNCIL  
OF THE CITY OF CANAL FULTON  
TO ENTER INTO AN AGREEMENT  
WITH CTI ENGINEERS, INC. TO  
PROVIDE PROFESSIONAL  
ENGINEERING SERVICES FOR THE  
HIGH STREET/ERIE AVENUE PLUM  
CREEK CULVERT REPLACEMENT.

WHEREAS, The City of Canal Fulton has sought a proposal for the High Street/Erie Avenue Plum Creek Culvert Replacement, and

WHEREAS, CTI Engineers, Inc. has submitted a proposal acceptable to the City to provide the professional engineering services needed to implement and construct those improvements.

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 CTI Engineers, Inc. to provide professional engineering services for the High Street/Erie Avenue Plum Creek Culvert Replacement 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

**APPENDIX B**  
**SCOPE OF SERVICES**  
**City of Canal Fulton**  
**High Street / Erie Avenue Plum Creek Culvert Replacement**  
**Bidding and Construction Phase Services**

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The project will be bid and contracted by the Stark County Regional Planning Commission (SCRPC), due to their providing Community Development Block Grant (CDBG) funding. CTI will provide some construction assistance to SCRPC, and will provide the day-to-day construction assistance to the City. CTI's services will be paid by the City, and are further outlined below:

**A. Construction Services**

1. Attend one (1) pre-construction meeting at SCRPC.
2. Provide shop drawing reviews for all submitted items.
3. Provide full-time and part-time on-site construction observation by a resident project representative (RPR) at intervals relevant to the scope and progress of the construction, up to a maximum of three hundred seventy (370) on-site hours.
4. Review monthly contractor payment applications and make recommendations for approval.
5. Provide coordination and engineering support to the RPR.
6. Perform a final inspection and prepare a punch list of final tasks required of the contractor.

**B. Additional Services**

Services not included in the above Scope of Services, are available to the CLIENT from CTI as additional services subject to additional compensation:

1. Geotechnical engineering testing of compaction of subgrade, engineered fill, and pavement structure.

**C. Responsibilities of City of Canal Fulton (CLIENT)**

The CLIENT will be responsible to:

1. Provide all criteria and full information as to its requirements for the project.
2. Upon identification by CTI and approval by the CLIENT of the necessity and scope of information required, furnish CTI with data, reports, surveys and other materials required for this project.
3. Provide access to the project site and make all provisions for CTI to enter upon public and private lands as required for CTI to perform its services under this Agreement.
4. Examine all studies, reports, sketches, opinions of the construction costs, specifications, drawings, proposals, and other documents presented by CTI to the CLIENT, and render

in writing the CLIENT's decisions pertaining thereto within a reasonable time so as not to delay the services of CTI.

5. Give prompt written notice to CTI whenever the CLIENT observes or otherwise becomes aware of any defect in the project.
6. Furnish to CTI, prior to execution of this Agreement, a copy of any construction standards the CLIENT shall require CTI to follow in performing its services.
7. Pay for any permit fees.

Exhibit "A"



CTI Engineers, Inc.  
101 Central Plaza South  
Suite 400  
Canton, Ohio 44702  
Phone 330.455.7733  
Fax 330.313.2282  
www.ctiengr.com

August 13, 2010

Mr. Mark Cozy  
City Manager  
City of Canal Fulton  
155 East Market Street, Suite A  
Canal Fulton, Ohio 44614

Subject: Proposal to Provide Professional Engineering Services  
for the High Street/Erie Avenue Plum Creek Culvert Replacement  
Construction Phase Services  
CTI Proposal No. EP10059

Dear Mr. Cozy:

CTI is pleased that the City of Canal Fulton has requested our proposal to provide professional engineering services during the construction phase of the proposed project.

CTI proposes to perform the tasks outlined in the attached Agreement for a total fee not to exceed Thirty Thousand Dollars (\$30,000.00). Invoices will be submitted monthly to the City based on actual costs.

Please contact us if you have any questions or require further information.

Very truly yours,

CTI Engineers, Inc.

John V. Lund, P.E.  
Vice President

Enclosures

**BILL TO:**



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

**PURCHASE ORDER**

P.O. NUMBER: RG006150  
 P.O. DATE: 08/15/10  
 DEPARTMENT: MAYOR. ADMIN  
 CREATED BY:  
 VENDOR NO. 02315

DELIVER TO:

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

VENDOR:

J & D MINING, INC.  
 3497 UNIVERSITY DRIVE, NE  
 NEW PHILADELPHIA, OHIO 44663

ACCOUNT NUMBER	AMOUNT
391.120.5720	\$134,812.69

THE ABOVE PURCHASE ORDER NUMBER MUST APPEAR ON ALL BILLS AND PACKAGES.  
 Material on this order is exempted from the Ohio Sales Tax and Federal Excise Taxes.

FEDERAL ID #34-6000498

QUANTITY	UNIT	DESCRIPTION	PRICE / UNIT	AMOUNT
		HIGH STREET ERIE AVENUE ROADWAY IMPROVEMENTS- PHASE 1; 26% SHARE W/ COUNTY; OPWC GRANT FUNDING.		\$134,812.69
ITEM IS A FIXED ASSET			Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
			TOTAL:	\$134,812.69

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

CLERK'S CERTIFICATE

I hereby certify that the amount (\$ 134,812.69) required to meet the contract, agreement, obligation, payment or expenditure stated in this purchase order has been lawfully appropriated, authorized or directed for such purpose and is in the Treasury or in the process of collection to the credit of the Mayor Admin fund(s), free from any obligation or certification now outstanding.

Finance Director

*[Signature]*  
 Date: 8/1/10

City Manager

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

Date  
 INVOICE

Check.	Date.....	Vendor Name.....	Amount.....	
040900	08-09-2010	00399 SBC AMERITECH	2057.22	
040901	08-09-2010	00399 SBC AMERITECH	61.84	
040902	08-31-2010	00756 EMERGENCY MEDICAL PRODUCTS INC	1458.61	EMS SUPPLIES
040903	08-30-2010	02316 M CREATIVE MEDIA	475.00	FIRE DEPT. CAR GRAPHICS
040904	08-17-2010	01710 SPEEDWAY SUPERAMERICA	1244.21	
040905	08-17-2010	00003 A J DIANA SONS INC	221.70	STREET MATERIALS
040906	08-17-2010	02265 BONTRAGER EXCAVATING LTD	14760.00	SEWER EXCAVATING
040907	08-17-2010	02111 BUTTERBRIDGE STABLES	1650.00	HORSE STABLES
040908	08-17-2010	01443 CANAL FULTON WATER DEPT.	50.00	REFUND DEPOSIT
040909	08-17-2010	01282 CITY OF MASSILLON	2205.00	JAIL FEES
040910	08-17-2010	01606 CLEMANS-NELSON & ASSOC. INC.	175.00	LEGALS
040911	08-17-2010	01561 COUNTRY SUNRISE BAND	250.00	PARKS BAND
040912	08-17-2010	00486 CTI ENVIRONMENTAL, INC.	6224.80	PROJECTS
040913	08-17-2010	00974 D & G UNIFORMS, INC	105.95	FIRE DEPT
040914	08-17-2010	00490 DALE B. KINCAID	131.04	COLLECTIONS
040915	08-17-2010	00033 DOMINION EAST OHIO	298.53	
040916	08-17-2010	00756 EMERGENCY MEDICAL PRODUCTS INC	207.89	EMS SUPPLIES
040917	08-17-2010	01752 FURBAY -MANSFIELD ELECTRIC CO.	77.40	LIGHT BULBS
040918	08-17-2010	00054 HARDGROVE AUTO SERVICE	15.00	FLAT FIX
040919	08-17-2010	01214 HOMETOWN INSURANCE GROUP, INC	15760.53	HEALTH INS
040920	08-17-2010	01510 JEFFERSON LINCOLN INS. CO.	160.20	LIFE INS
040921	08-17-2010	02042 LEVINSON'S UNIFORMS	834.80	FIRE DEPT
040922	08-17-2010	00304 MITCHELL COMMUNICATIONS, INC.	339.00	FIRE RADIOS
040923	08-17-2010	02294 MTECH	75.00	SEWER SUPPLIES
040924	08-17-2010	00096 OH ASSOC OF PUBLIC TREASURERS	40.00	MEMBERSHIP
040925	08-17-2010	00094 OHIO EDISON COMPANY	18708.70	
040926	08-17-2010	01403 OHIO STATE HIGHWAY PATROL-LEAD	450.00	POLICE INFO.
040927	08-17-2010	01300 PUBLIC SAFETY CENTER, INC.	110.12	SAFETY VESTS FD
040928	08-17-2010	00498 QUILL CORPORATION	270.71	OFFICE ALL DEPTS
040929	08-17-2010	00399 SBC AMERITECH		
040930	08-17-2010	00399 SBC AMERITECH	306.72	
040931	08-17-2010	01710 SPEEDWAY SUPERAMERICA	1781.16	FUEL
040932	08-17-2010	01817 TOSHIBA BUSINESS SOLUTIONS	161.50	COPIER
040933	08-17-2010	01483 TRI STATE PUMP	490.00	SEWER BASE
040934	08-17-2010	00761 UNIVAR USA INC	1845.20	POLYMERS FOR SLUDGE
040935	08-17-2010	00179 WARWICK CCI COMMUNICATIONS	631.00	POLICE PHONE SERVICE
040936	08-17-2010	00314 WENGER EXCAVATING, INC.	3738.02	HIGH ST RETAINAGE
040937	08-17-2010	01556 WITMER ASSOCIATION INC.	159.00	FIRE DEPT
040938	08-23-2010	01505 HARBOR FREIGHT CO	61.17	SANDER COMM SERVICE
040939	08-31-2010	01739 MATT'S LAWN CARE	70.00	ZONING LOTS MOWED
040940	08-23-2010	02239 CANAL FULTON ELECTRICAL	290.00	REPAIR LIGHT FIXTURES
040941	08-23-2010	01443 CANAL FULTON WATER DEPT.	50.00	UTILITY DEPOSIT REFUND
040942	08-23-2010	01698 CENTRAL ALLIED ENTERPRISES	8441.00	LOCUST ST. PROJECT
040943	08-23-2010	01727 CHUCK HAAS	50.50	REIMB PARKS SUPPLIES
040944	08-23-2010	00486 CTI ENVIRONMENTAL, INC.	8658.88	ENG. PROJECTS
040945	08-23-2010	02313 MEDICAL MUTUAL	448.92	EMS REFUND
040946	08-23-2010	01742 MET LIFE INSURANCE CO.	863.60	DENTAL PREMIUM
040947	08-23-2010	00596 NEXTEL SPRINT COMMUNICATIONS	296.51	
040948	08-23-2010	01566 OHIO PARKS AND RECREATION	98.00	MEMBERSHIP
040949	08-23-2010	00665 OHIO RURAL WATER ASSOC	600.00	MEMBERSHIP
040950	08-23-2010	00652 SHERWIN WILLIAMS	149.20	STREET PAINT
040951	08-23-2010	00212 SLESNICK STRUCTURAL STEEL	58.56	SEWER JOB
040952	08-23-2010	01672 TAMMY MARTHEY	291.97	INSURANCE REIMB
040953	08-23-2010	00404 TRINER OIL CO.	1160.23	FUEL
040954	08-24-2010	02266 ADAMS SIGNS	1113.00	SIGNAGE PERMITS

Check.	Date.....	Vendor Name.....	Amount.....	
040955	08-24-2010	02266 ADAMS SIGNS	18978.00	SIGN AT SAFETY CTR.
040956	08-24-2010	01713 CANAL FULTON PC	51.99	SITE CALL
040957	08-24-2010	02302 CITY OF ORRVILLE	270.85	HOSE REPACMNT DURAPATCHER
040958	08-24-2010	02244 ELAINE WEITZEL	80.00	CONTRCAT CLEANING
040959	08-24-2010	00986 JOHN HATFIELD	500.00	CANAL BOAT FUNDS
040960	08-24-2010	01734 K COMPANY	879.71	REPAIR AC AT WATER PLANT
040961	08-24-2010	00953 MARK PETERSEN	44.75	REIMB.
040962	08-24-2010	00010 MATTHEW BENDER-LEXIS NEXIS	57.47	POLICE LAW BOOKS
040963	08-24-2010	00103 O.P.E.R.S.		
040964	08-24-2010	00103 O.P.E.R.S.	17565.55	
040965	08-24-2010	00967 OR-TEC SALES INC	240.92	SEWER PLANT BEARINGS
040966	08-24-2010	00515 VISION SERVICE PLAN - (OH)	814.21	VISION INS
040967	08-27-2010	02318 cortland bazetta fop lodge 168	50.00	TRAINING POLICE
040968	08-30-2010	00112 JOHN BARABASCH	90.00	REIMB.
040969	08-30-2010	02314 LOIS KERKLO	80.00	REFUND CANAL BOAT
040970	08-30-2010	00733 KAREN HILTBRAND	320.00	CLEANING
040971	08-30-2010	02140 BRIAN BAYS	310.00	HORSE SHOEING
040972	08-30-2010	00798 BILL FLOREANI	4350.00	CONCRETE CURB REPAIRS
***		TOTAL	\$ 144,915.84	