

**CITY OF CANAL FULTON
CITY COUNCIL MEETING AGENDA
March 1, 2011**

1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

4. **PRESENTATION – NW SCHOOLS - LEVY**

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

February 15, 2011

6. **REPORTS OF STANDING COMMITTEES**

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

8. **REPORTS OF ADMINISTRATIVE OFFICERS**

A. Senior Citizens

B. Community Service Coordinator

C. Fire Chief

Dispatching Contract

Cardiac Monitor Contracts

MOU-Explorers

Knox-Box

D. Police Chief

E. Engineer/Streets/Public Utilities

F. Finance Director

G. City Manager

H. Report of Mayor

Appt-Sr. Citizen Commission

Appt-Park Board

I. Parks & Recreation Board

J. Law Director

9. **THIRD READINGS**

Resolution 1-11: A Resolution Authorizing The City Manager To Enter Into A Contract By And Between The City Of Canal Fulton And The City Of Massillon Law Department For Providing Prosecution Of Criminal And Traffic Offenders In The Massillon Municipal Court And Performance Of Other Related Traffic And Criminal Legal Services For Canal Fulton.

Resolution 2-11: A Resolution By the Council Of The City Of Canal Fulton Authorizing The City To Adopt The Flexible Benefit Plan, Retroactive To February 1, 2011.

10. **SECOND READINGS**

Resolution 3-11: A Resolution By the Council of the City of Canal Fulton, Ohio to Accept the Donation of Part of Outlot #155 in the City of Canal Fulton.

11. **FIRST READINGS**

12. **PURCHASE ORDERS & BILLS**

P.O. 6327 to Physio-Control Corporation for Annual Maintenance Agreement for EMS Heart Monitors in the Amount of \$3,365.00.

P.O. 6338 to Huntington National Bank for NW Waterline Debt Principal and Interest in the Amount of \$54,737.50.

BILLS: \$68,659.07

12. **OLD/NEW/OTHER BUSINESS**

13. **REPORT OF PRESIDENT PRO TEMPORE**

14. **REPORT OF SPECIAL COMMITTEES**

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

16. **ADJOURNMENT**

RECORD OF PROCEEDINGS

Minutes of

Meeting

CITY OF CANAL FULTON

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held

February 15, 2011

20

COUNCIL MEETING

Linda Zahirsky, President Protempore called the February 15, 2011 City Council meeting to order at 7:00 PM in Council Chambers at City Hall.

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE: Mrs. Zahirsky asked for a moment of silence for the officer that died in the line of duty today in Uniontown.

ROLL CALL

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

Absent: Mayor John Grogan and Matthew Moellendick.

Mrs. Cihon moved to excuse Matthew Moellendick due to personal illness, seconded by Mr. Losch. **ROLL: Yes, ALL.**

Mr. Losch moved to excuse Mayor Grogan due to personal illness, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

Others Present: Mark Cozy, City Manager; Tammy Charlson, Clerk of Council; Daniel Mayberry, Service Director; Scott Fellmeth, Law Director; Ray Durkee; Fire Chief; David Frisone, Police Chief; Scott Svab, Finance Director; William Dorman, Engineer; Rochelle Rossi and James Deans; Residents; Marsha Wagner, Canal Fulton Library; Dennis Downing, Canal Fulton Heritage Society.

CORRECTING/ADOPTING THE RECORD OF PROCEEDINGS

Mrs. Cihon moved to adopt the record of proceedings February 1, 2011, seconded by Mrs. Mayberry. **ROLL: Yes, ALL.**

REPORTS OF STANDING COMMITTEES -

Personnel Committee: Mrs. Zahirsky reported that the committee met this evening and Mrs. Cihon was elected as chairman. The committee looked at Council Rules and a recommendation was made to make a change. The change will include: The Mayor is to give 7 day notice to council of the name(s) that he would be making a recommendation for appointment(s) of employment and/or to committees/boards. The notice shall be given by electronic mail and paper copy in each member's mailbox at City Hall. This rule change will be presented at the next council meeting.

Temporary Part-Time Finance Director: Mrs. Zahirsky stated Mr. Svab has accepted another position at the City of Macedonia. His last day will be on Friday, February 25, 2011. The city will need to have a temporary part-time director until the position is filled.

Arts in Stark - Mural on Old Fire Station Wall: Mrs. Wagner stated the artists who did the paintings on the trash receptacles have received some preliminary funding through Arts in Stark. The budget is approximately \$24,000.00. The artists would paint a mural on the center of the wall and there would be 12 circles around that would be done by art students throughout Stark County. Schools would be assigned specific images to submit for the contest.

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They are asking for local support in and would ask that the city contribute a \$1,000 this year and \$3,000 next year.

Mrs. Zahirsky asked if they could wait until the second meeting in March to make any decision.

Mr. Cozy stated if they could commit a \$1,000 he could write a grant through Ohio-Erie Association. He could write it for \$8,000.

Mrs. Mayberry asked where the murals would begin at the bottom because she would not want to see it hidden by parked cars.

Mr. Downing stated it would be two feet off the ground.

Mr. Cozy stated Mr. Downing needs to get on the HPC agenda for the March meeting.

CITIZENS' COMMENTS – AGENDA MATTERS - None

REPORTS OF ADMINISTRATIVE OFFICERS

SENIOR CITIZENS (Nellie Cihon)

Mrs. Cihon reported the following events that will be taking place at the Center:

Swiss Steak Dinner: The next dinner will be served on February 26, 2011, serving from 4:00-6:30 PM. The cost is \$9/pp.

Monthly Luncheon: The luncheon will be held on February 22, 2011. The cost is \$4.50.

Boston Trip: The Center will be sponsoring a trip to Boston in October. The cost per person will be \$525. It will be for six nights/seven days.

Donation: The library received a grant to get new computers, and they will be donating two of the old computers to the Center. Their computer technician will be teaching some lessons at the Center.

COMMUNITY SERVICE (John Murphy, Coordinator) – Written and included in council packet.

FIRE CHIEF (Chief Ray Durkee):

Monthly Report: The Chief's monthly report was attached to the packet. He explained he has also included graphs of the monthly activity.

POLICE DEPARTMENT (Dave Frisone, Chief)

Monthly Report: The Chief's monthly report was attached to the packet.

Annual Report: Mr. Frisone had previously submitted a copy of the annual report to the Mayor and council. He will be posting a copy of the city website.

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

Planning Commission: Mr. Dorman reported the Planning Commission will be meeting and will be reviewing the site plan for Stinson School. This is the Phase II of the school project.

HPC: Mr. Dorman stated they will not be having a HPC meeting due to no items for the agenda.

Stark County Transportation Improvement: Mr. Dorman stated he has submitted a grant for the city for paving a portion of Locust Street from Millfield to Lafayette. He stated he resurrected one they did before and submitted it for consideration.

RCAP: Mr. Mayberry stated he continues to gather information for RCAP for the water rate study. He will need further information from the finance department and the utility superintendent. He has received all the information he needs from the billing clerk.

FINANCE DEPARTMENT (Scott Svab)

Purchase Orders and Bills: Mr. Svab reported there are purchase orders and bills included in the packet.

He stated regarding the purchase order to the Stark County Treasurer, the amount for the Muskingum Watershed is \$4,000 and the remaining amount is for property taxes.

Monthly Financial Statement: Mr. Svab distributed the monthly financial statement prior to the meeting. He stated he will need a motion that they are in receipt of same.

Mr. Svab stated he has been meeting with the street superintendent regarding the road salt expenses. He stated the \$21,168 is from 2010. Mr. Petersen is estimating if we don't have any more big storms, it will take approximately 100 more tons of salt to fill the bin.

Income Tax: Mr. Svab stated the collections are 4% below the previous year, but this is partly due to the department being closed due to the holiday. They budgeted under expectation so they will be okay.

EMS: Mr. Svab stated the bills are being turned over in a timely fashion. There has been a significant revenue stream. The EMS revenues for the month of January were \$6,024, compared to \$6,545 collected in January 2010.

Accomplishments: Mr. Svab presented a spreadsheet of the accomplishments he has made while serving the City. He stated he has saved the city more than his salary.

Council and the City Manager thanked Mr. Svab for his years of service.

Mrs. Cihon moved that they are in receipt of the monthly financial statements, seconded by Mr. Losch. **ROLL: Yes, ALL.**

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CITY MANAGER (Mark Cozy)

2010 Year End Summary: Distributed at meeting and attached to packet.

Mechanic Position: The position has been filled part-time. They will be administering a civil service test.

CEDA Agreements: Mr. Cozy stated he has been reviewing a couple of CEDA Agreements and working on one for the Marshallville Street area.

Engineering Contract: Mr. Cozy stated the contract in the packet is for two years and would recommend that council make a voice motion to approve.

Mrs. Cihon moved to approve the CTI Engineering contract for two years, seconded by Mrs. Mayberry. **ROLL: Yes, Mrs. Zahirsky, Mrs. Cihon, Mr. Losch and Mrs. Mayberry. No, Mr. Bagocius.**

Mr. Bagocius asked Mr. Dorman if there are large projects if he would be bidding them out.

Mr. Dorman stated some of the larger projects that the city has done in the past have been done by other outside vendors.

There was further discussion on engineering for the city.

Mr. Cozy thanked Mr. Svab for his services to the city. He has enjoyed working with him.

Mrs. Mayberry asked Mr. Cozy if he has heard of any groundbreaking on Marshallville Street. He stated yes, Chu and Associates.

MAYOR – Not Present

PARKS & RECREATION BOARD – Canalway Center Report in Packet.

LAW DIRECTOR (Scott Fellmeth) – Mr. Fellmeth thanked Mr. Svab for his years of service.

THIRD READINGS - None

SECOND READINGS -

Resolution 1-11: A Resolution Authorizing The City Manager To Enter Into A Contract By And Between The City Of Canal Fulton And The City Of Massillon Law Department For Providing Prosecution Of Criminal And Traffic Offenders In The Massillon Municipal Court And Performance Of Other Related Traffic And Criminal Legal Services For Canal Fulton.

STANDS AS A SECOND READING

Resolution 2-11: A Resolution By the Council Of The City Of Canal Fulton Authorizing The City To Adopt The Flexible Benefit Plan, Retroactive To February 1, 2011.

STANDS AS A SECOND READING

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FIRST READINGS

Resolution 3-11: A Resolution By The Council of The City of Canal Fulton, Ohio to Accept the Donation of Part of Outlot #155 in the City of Canal Fulton.

STANDS AS A FIRST READING

PURCHASE ORDERS

P.O. 6318 to Stark County Treasurer for Property Tax and Muskingum Water Tax in the Amount of \$13,125.80.

Mrs. Cihon moved to approve, seconded by Mrs. Mayberry. **ROLL: Yes, ALL.**

P.O. 6320 to Dawson Insurance Company for Liability Insurance Premium in the Amount of \$52,001.34.

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

P.O. 6321 to Workman's Auto Parts for Auto Parts, All Departments, in the Amount of \$9,000.00

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

Bills: \$163,020.07 Mrs. Cihon moved to accept the bills, Mr. Losch. **ROLL: Yes, ALL.**

Mr. Bagocius asked questions about several bills and was answered by the Finance Director.

OLD/NEW/OTHER BUSINESS

Mrs. Zahirsky stated she would like to discuss the letter that was submitted by Mrs. Mayberry and Mr. Bagocius to include in the newsletter. She stated the newsletter is not a place to put opinions.

It was a consensus of council that this information is opinions and should not be included in the newsletter.

There was further discussion about the rates and the percentages that have been established.

Mrs. Mayberry moved to put an article written by Mrs. Mayberry and Mr. Bagocius in the newsletter, seconded by Mr. Bagocius. **ROLL: Yes, Mr. Bagocius and Mrs. Mayberry. No, Mrs. Zahirsky, Mrs. Cihon, and Mr. Losch.**

Mrs. Mayberry asked if Mrs. Zahirsky was aware if the Mayor was going to be making recommendations for the appointments to the Senior Citizen Commissioners and Park Board.

Mrs. Mayberry distributed a written statement by Mr. Bagocius and her and requested that it be typed into the minutes verbatim.

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Mr. Fellmeth stated Council's vote is not necessary for the senior center commissioners. The Mayor makes the appointment. He stated he thinks it is best to wait until next meeting when the mayor is present to make a motion to reconsider the previous vote that was taken regarding the commission members.

Mr. Bagocius moved to reconsider his vote from a previous meeting on his vote to the Senior Citizen Commission, seconded by Mrs. Mayberry. **ROLL: No, Mrs. Zahirsky and Mr. Losch. Yes, Mrs. Mayberry and Mr. Bagocius. Abstain, Mrs. Cihon.**

Mr. Bagocius moved to reconsider the second motion that was made at the previous motion to reinstate two members, seconded by Mrs. Mayberry. **ROLL: No, Mrs. Zahirsky and Mr. Losch. Yes, Mrs. Mayberry and Mr. Bagocius. Abstain, Mrs. Cihon.**

Mrs. Mayberry read the following into the record:

A Joint Statement by Sue Mayberry and Paul Bagocius, February 15, 2011

Paul Bagocius and I support a motion of reconsideration of the appointments made to the Northwest Stark Senior citizens Center by the mayor and approved by council on January 4, 2011. We believe these appointments were made for the political purpose to reinstate Mrs. Cihon as Director of the Center. The evident that suggests this is:

- 1. All Commission members whose terms were expiring and who voted to dismiss Mrs. Cihon in December of 2010 were not approached to remain on the Commission and were all replaced.*
- 2. All new Commission members were approached in December after Mrs. Cihon was dismissed. Only Shawn Lockhart had voiced an interest in serving some 8 months prior to Mrs. Cihon's dismissal and he was the only new member who voted not to reinstate her.*
- 3. All appointed Commission members were approached to serve on the Commission by either Mrs. Cihon or supporters of Mrs. Cihon to remain as Director.*
- 4. Prior to voting on the appointments, Council was not informed that the Commission dismissed Mrs. Cihon at their December meeting or that the three Commission members voting to dismiss her were not being reappointed. We maintain this important information was deliberately withheld from Council even though ample opportunity allowed such disclosure during the discussion phase of the motion.*

To further substantiate that the appointees were "hand picked" for the purpose of reinstating Mrs. Cihon is that all the members appointed, with the exception of Shawn Lockhart, voted to reinstate Mrs. Cihon at their February 9 meeting. This was no coincidence. When asked what criteria the Commission used in the selection process, the response was that this person needed to be someone who really cared, was nice, was organized, going to try something new, and willing to stay a long time. When shallow criteria are used, then the selection process degenerates to making a decision based on personal issues, friendships, and biases. Our Senior Citizens deserved much better than this.

Unfortunately, the Mayor, through these appointments, has politicized the Senior Center Commission. We maintain these appointments were made

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for the political purpose of reinstating Mrs. Cihon, as shown by the evidence already presented. The Mayor needs to be held accountable for his actions and we will not be a willing party.

We cannot speak for the rest of Council, but we are displeased that this Council was used to further the personal ambitions and the benefit of continued employment of one of its members, namely Mrs. Cihon.

Mr. Fellmeth stated he spoke with previous members and asked them if they wanted to serve again, and they indicated no.

Cyndi Wilson and Rochelle Rossi, newly appointed commission members, responded that they were both insulted by the statement because hours had gone into reviewing applications and interviewing applicants before a decision was made.

Record Retention Committee: Mrs. Zahirsky moved to hold a record retention meeting on February 25, 2011 at 4:00 PM, seconded by Mr. Losch. ROLL: Yes, ALL.

EXECUTIVE SESSION

Mr. Losch moved to adjourn to Executive Session at 9:10 PM from the regular meeting as authorized under Ohio Revised Code 121.22 (G) for the purpose of the consideration of employment of a public employee or official, preparing for conducting or reviewing negotiations or bargaining sessions with public employees, with Council, Law Director, Finance Director, City Manager and Police Chief present, seconded by Mrs. Cihon. ROLL: Yes, ALL.

Mr. Losch moved to return to public session at 9:35 PM, seconded by Mrs. Cihon. ROLL: Yes, ALL.

Mrs. Zahirsky stated as a result of the executive session they discussed the employment of a full-time finance director and no decision was made.

She stated a decision needed made on hiring a temporary finance director to work part-time. Mr. Svab has agreed to work on a part-time basis at a rate of \$30 per hour.

Mrs. Cihon moved to hire Mr. Svab as part-time finance director at \$30 per hour to begin March 1, 2011, seconded by Mr. Losch. ROLL: Yes, ALL.

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 February 15, 2011 meeting at 9:37 PM. The next regular scheduled meeting is March 1, 2011 at Canal Fulton City Hall, Council Chambers.

Tammy Charlson, Clerk of Council Linda Zahirsky, President Protempore

FIRE/EMS DISPATCHING SERVICE AGREEMENT

I. PARTIES

This Agreement is made by Nimishillen Township Board of Trustees (hereafter Nimishillen Township), a political subdivision of the State of Ohio, and **The City of Canal Fulton**, a political subdivision of the State of Ohio.

II. PURPOSE

Under this Agreement, Nimishillen Township agrees to provide 24 hour per day Fire And EMS (Emergency Medical Service) dispatching services to **The Canal Fulton Fire Department** in exchange for a monthly fee.

III. SERVICES TO BE PROVIDED BY NIMISHILLEN TOWNSHIP

The Fire / EMS dispatching provided by Nimishillen Township to **The Canal Fulton Fire Department** shall include the following:

- A. Maintain an electronic log of telephone calls from complainants or victims
- B. Maintain an electronic log of all radio traffic
- C. Dispatch all emergency 10 digit and 911 calls
- D. Maintain a log of all 911 calls
- E. Notify agency of all monitored alarms
- F. Dispatch regional emergency or investigative information
- G. Notify agency of emergency alerts
- H. Notify of weather alerts
- I. Support with notification of various agencies, hazmat, EPA, etc.
- J. Group page members of emergencies as directed
- K. Provide integrated GIS Mapping of 911 landline and Phase II tracking of cellular 911 calls
- L. Provide full function Computer Aided Dispatching (CAD)
- M. Provide Records Management Systems (RMS)

IV. FEES AND COSTS

The City of Canal Fulton agrees to pay Nimishillen Township for emergency dispatching services a monthly fee of **\$1,887** at a rate of **\$34.00 per incident** based on your 2010 run volume of **666** incidents. This fee is due the first day of each month for the Fire/EMS dispatching services to be provided that month.

Nimishillen Township shall provide written notice of any rate increase at least 60 days prior to the effective date of such increase.

Each party is responsible for payment for its own telephone services and any equipment within its own facilities or services necessary to interface, connect, receive, send, install, maintain, or improve transmissions between parties.

V. LIABILITY INSURANCE

The Canal Fulton Fire Department shall have at least \$1,000,000.00 general liability insurance and at least \$1,000,000.00 professional liability insurance at all times during the term of this contract.

VI. TERM

This agreement shall be in effect for a period of one year commencing the 1st day of January, 2011 and ending the 31st day of December, 2011.

This agreement may be terminated by either party. In order to terminate this agreement, a party must provide written notice to the other party of its intention to terminate the agreement at least sixty (60) days prior to the termination date.

VII. ADOPTION OF RESOLUTION AND APPROPRIATION OF FUNDS

Both parties, being political subdivisions of the State of Ohio, agree to adopt all necessary resolutions or other actions required to approve that party's entering into and performance of its obligations under this agreement including authorization to enter this agreement and appropriation of necessary funds.

VIII. ENTIRE AGREEMENT

This agreement represents the entire agreement between Nimishillen Township and **The City of Canal Fulton** concerning Fire/EMS dispatching services.

IX. GOVERNING LAW

This agreement is a contract made in and governed by the laws of The State of Ohio.

X. SEVERABILITY

If any section of this agreement is determined invalid or unenforceable by a court of competent jurisdiction, the remaining portions of this agreement shall remain valid and enforceable.

XI. EXECUTION OF AGREEMENT

This Agreement shall be effective as of this date set forth below and is hereby executed with the signatures of the parties.

This Agreement is effective on the 1st day of January, 2011.

Nimishillen Township Board of Trustees

City Council of Canal Fulton

RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc., Form No. 30045

Resolution No. 1-11

Passed _____

20 _____

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

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

WHEREAS, the City of Massillon, Ohio has submitted a contractual proposal for same.

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

SECTION 1: That the City Manager be and hereby is authorized to enter into a contract by and between the City of Canal Fulton and the City of Massillon Law Department for providing prosecution of criminal and traffic offenders in the Massillon Municipal Court and performance of other related traffic and criminal legal services for the City of Canal Fulton for the period of February 1, 2011 through and including January 31, 2012 pursuant to proposal attached as Exhibit "A".

John Grogan, Mayor

ATTEST:

Tammy Charlson, Clerk-of-Council

I, Tammy Charlson, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby certify that this is a true and correct copy of Resolution 11, duly adopted by the Council of the City of Canal Fulton, on the date of _____, 2011, 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 _____, 2011.

Tammy Charlson, Clerk-of-Council

SEF/bp

RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc., Form No. 30045

Resolution No. 2-11

Passed _____

20____

A RESOLUTION BY THE
COUNCIL OF THE CITY OF
CANAL FULTON
AUTHORIZING THE CITY TO
ADOPT THE FLEXIBLE
BENEFIT PLAN,
RETROACTIVE TO FEBRUARY
1, 2011.

WHEREAS, The City of Canal Fulton Council did meet to discuss the implementation of the City of Canal Fulton Flexible Benefits Plan to be effective February 1, 2011.

WHEREAS, that the form of Cafeteria Plan, as authorized under Section 125 of the Internal Revenue Code of 1986, presented to this meeting is hereby adopted and approved and that the City Manager is hereby authorized and directed to execute and deliver to the Plan Administrator one or more copies of the Plan.

WHEREAS, that the Plan Year shall be for a period beginning on February 1st and ending January 31st.

WHEREAS, that the Employer shall contribute to the Plan amounts sufficient to meet its obligation under the Cafeteria Plan, in accordance with the terms of the Plan Document and shall notify the Plan Administrator to which periods said contributions shall be applied.

WHEREAS, that the proper officers of the Employer shall act as soon as possible to notify employees of the adoption of the Cafeteria Plan by delivering to each Employee a copy of the Summary Plan Description presented to this meeting, which form is hereby approved.

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

SECTION 1: The City of Canal Fulton shall adopt the Flexible Benefit Plan retroactive to February 1, 2011 as attached hereto as Exhibits A & B.

John Grogan, Mayor

ATTEST:

Tammy Charlson, Clerk of Council

I, Tammy Charlson, Clerk of Council of the City of Canal Fulton, do hereby certify that this is a true and correct copy of Resolution _____, duly adopted by the Council of the City of Canal Fulton, on the date of _____, 2011, and that publication of the foregoing Resolution 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 _____, 2011.

Tammy Charlson, Clerk of Council

RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc., Form No. 30045

Resolution No.

3-11

Passed

, 20

A RESOLUTION BY THE COUNCIL
OF THE CITY OF CANAL FULTON,
OHIO TO ACCEPT THE DONATION
OF PART OF OUTLOT #155 IN THE
CITY OF CANAL FULTON.

WHEREAS, Schalmo Properties, Inc., an Ohio Corporation, has expressed a desire to donate real property located in the City of Canal Fulton, Ohio.

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

The City of Canal Fulton agrees to accept the donation of part of Outlot #155 more fully described on attached Exhibit "A".

John Grogan, Mayor

ATTEST:

Tammy Charlson, Clerk-of-Council

I, Tammy Charlson, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby certify that this is a true and correct copy of Resolution ____-11, duly adopted by the Council of the City of Canal Fulton, on the date of _____. 2011, 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 _____, 2011.

Tammy Marthey, Clerk-of-Council

EXHIBIT "A"

December 6, 2010

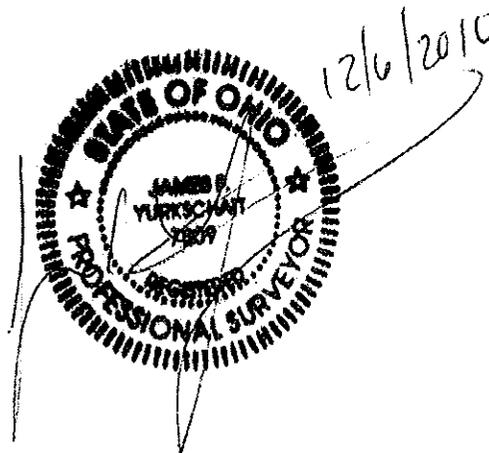
**DESCRIPTION OF A 0.858 ACRE PARCEL
SUMMER EVENING DRIVE – CANAL FULTON**

Situated in the State of Ohio, County of Stark, City of Canal Fulton, being part of Outlot 155, being part of the Southwest Quarter of Section 11 in original Township of Lawrence (T-1N, R-10W), being a part of a parcel of land now or formerly owned by Schalmo Properties, Inc. (O.R. 719, Page 946), and being further bounded and described as follows:

Beginning for reference at a 5/8" rebar found and held marking the Northeast corner of Lot 2039 in Discovery Park Phase 6 Subdivision (Inst. No. 200605230031200) and being **THE TRUE PLACE OF BEGINNING** for the parcel described herein;

- 1.) Thence S 72°36'01"W, along the North line of said Lot 2039 and the North line of Lot 2038 in said Discovery Park Phase 6 Subdivision, a distance of 193.37' to 5/8" rebar found and held marking the Northwest corner of said Lot 2038;
- 2.) Thence N 02°18'04"E, along a new division line, a distance of 270.59' to a 5/8" rebar set on the South line of Lot 1638 in the Spring Morning Subdivision (Inst. No. 200611200070846);
- 3.) Thence S 74°54'30"E, along the South line of said Lot 1638, a distance of 159.52' to a 5/8" rebar found and held marking the Southeast corner thereof and being on the West line of Lot 2044 in Discovery Park Phase 4 Subdivision (Inst. No. 200612190076799);
- 4.) Thence S 06°33'05"E, along the West line of Lot 2044, a distance of 172.14' to **THE TRUE PLACE OF BEGINNING** and containing 0.858 Acres (37,374 square feet) of land as surveyed by Campbell & Associates, Inc. under the supervision of James P. Yurkschatt, S-7809 in December of 2010. All 5/8" rebars are 30" in length and capped "C&A".

The basis of bearing for this description is N 87°41'30"W as the centerline of Summer Evening Drive and is the same bearing found in Discovery Park Phase 2 Subdivision (Inst. No. 200408190059773).



PURCHASE ORDER

BILL TO:



City of Canal Fulton

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

P.O. NUMBER **RG006327**
 P.O. DATE **02/23/11**
 DEPARTMENT **FIRE/EMS**
 CREATED BY
 VENDOR NO. **02082**

DELIVER TO:

CANAL FULTON FIRE DEPT
 393 SOUTH MILAN ST
 CANAL FULTON, OH 44614

VENDOR:

PHYSIO-CONTROL CORPORATION
 12100 COLLECTIONS CENTER DR.
 CHICAGO, IL 60693

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

ACCOUNT NUMBER	AMOUNT
222.210.5410	\$3,365.00

QUANTITY	UNIT	DESCRIPTION	PRICE / UNIT	AMOUNT
		ANNUAL MAINTENACE AGREEMENT FOR EMS HEART MONITORS		\$3,365.00
ITEM IS A FIXED ASSET Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			TOTAL:	\$3,365.00

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

CLERK'S CERTIFICATE

It is hereby certified that the amount (\$ 3365.00) 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 Fire Fund(s), free from any obligation or certification now outstanding.

[Signature]
 Date 2/23/11

City Manager

Date

PURCHASE ORDER

BILL TO:

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

DELIVER TO:

CANAL FULTON WATER DEPT
 453 WATER STREET
 CANAL FULTON, OH 44614

VENDOR:

HUNTINGTON NATIONAL BANK
 CORP. TRUST DEPT. EA4E63
 7 EASTON OVAL
 COLUMBUS, OHIO 43219

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

PO. NUMBER: **RG006338**
 PO. DATE: **02/23/11**
 DEPARTMENT: **WATER**
 CREATED BY:
 VENDOR NO.: **01460**

ACCOUNT NUMBER	AMOUNT
441.310.5850	\$30,000.00
441.310.5895	\$24,737.50

QUANTITY	UNIT	DESCRIPTION	PRICE / UNIT	AMOUNT
		N.W. WATERLINE DEBT PRINCIPLE NW WATERLINE INTEREST BALANCE \$535,000; LAST PAYMENT 2025		\$30,000.00 \$24,737.50
ITEM IS A FIXED ASSET Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			TOTAL:	\$54,737.50

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

CLERK'S CERTIFICATE

It is hereby certified that the amount (\$ 54,737.50) 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 Water Fund(s), free from any obligation or certification now outstanding.

Scott M. Galt 2/23/11

 Date

City Manager _____ Date _____

Check.	Date.....	Vendor Name.....	Amount.....	
041700	02-01-2011	00102 U. S. POSTMASTER	603.80	UTILITY BILLING POSTAGE
041701	02-01-2011	00431 TREASURER STATE OF OHIO - EPA	200.00	STORM WATER PERMIT
041702	02-04-2011	01808 TOM KNOUFF DJ SERVICE	160.00	SWEETHEART PARKS DANCE
041703	02-07-2011	00399 SBC AMERITECH	311.85	
041704	02-07-2011	01095 AULTMAN HOSPITAL	4300.00	PARAMEDIC PROGRAM
041705	02-07-2011	01713 CANAL FULTON PC	149.94	PC WORK
041706	02-07-2011	00649 CARGILL, INC	3320.21	SALT
041707	02-07-2011	00499 CARTER LUMBER	158.70	SUPPLIES
041708	02-07-2011	02364 CHAD WETZEL	24.99	REIMB. MEMBERSHIP
041709	02-07-2011	00031 DI STEFANO INSURANCE AGENCY	100.00	BOND
041710	02-07-2011	00514 FULTON HARDWARE INC	334.81	MISC. SUPPLIES
041711	02-07-2011	00538 OH FIRE CHIEFS ASSOC INC	56.25	MEMBRSH
041712	02-07-2011	00602 OH PLASTICS & SAFETY PROD, INC	520.00	SIGNAGE STREETS
041713	02-07-2011	00566 OHIO BILLING, INC.	500.00	EMS BILLING
041714	02-07-2011	00094 OHIO EDISON COMPANY	1137.46	
041715	02-07-2011	00319 OMEGA BALANCE SERVICE, INC.	109.95	SEWER SUPPLIES
041716	02-07-2011	00498 QUILL CORPORATION	125.96	OFFICE
041717	02-07-2011	00630 REAM & HAAGER LABORATORY INC	280.00	LAB TESTS WATER
041718	02-07-2011	00399 SBC AMERITECH	73.61	
041719	02-07-2011	00800 ST. PAUL STAMP WORKS, INC.	11.71	NAME PLATE
041720	02-07-2011	00404 TRINER OIL CO.	1708.75	FUEL
041721	02-20-2011	Non-issued	0.00	
041722	02-07-2011	00637 BOWLING GREEN ST. UNIVERSITY	850.00	CONFERENCE FIRE DEPT
041723	02-07-2011	02239 CANAL FULTON ELECTRICAL	1414.00	SEWER PLANT REPAIR
041724	02-07-2011	00490 DALE B. KINCAID	782.35	TAX COLLECTIONS
041725	02-07-2011	02163 DAVID AYERS	182.00	REIMB. FIRE
041726	02-07-2011	00225 DOC'S LAWN & GARDEN	4.40	SUPPLIES
041727	02-07-2011	00607 GRAINGER	224.76	STREET SUPPLIES
041728	02-07-2011	02042 LEVINSON'S UNIFORMS	20.00	FD
041729	02-07-2011	00094 OHIO EDISON COMPANY	20.52	
041730	02-07-2011	01169 PROPET DISTRIBUTORS	488.35	PARKS DOG BAGS
041731	02-07-2011	02090 REPOSITORY RETAIL PYMNT. CTR.	162.18	NEWSPAPER
041732	02-07-2011	00679 REPUBLIC WASTE SERVICES #870	446.82	TRASH
041733	02-07-2011	00542 SAM'S CLUB	87.52	MAINT SUPPLIES
041734	02-07-2011	01889 SMITH AMBULANCE STARK SUMMIT	26.60	MEMBRSH
041735	02-07-2011	00113 STARK CO. FIRE CHIEFS' ASSOC.	35.00	MEMBRSH
041736	02-07-2011	00404 TRINER OIL CO.	1333.32	FUEL
041737	02-07-2011	02361 VILLAGE CARPET AND FLOORS	1228.10	CITY HALL CARPET ETC
041738	02-07-2011	00515 VISION SERVICE PLAN - (OH)	781.61	VISION
041739	02-07-2011	02081 VISITING NURSE SERVICE EQUIP.	150.00	EMS EQUIP
041740	02-11-2011	00103 O.P.E.R.S.	14688.77	RETIREMENT
041741	02-08-2011	00007 AKRON INDUSTRIAL MOTOR SERVICE	377.90	LIFT STA. REPAIR
041742	02-08-2011	00406 B & C COMMUNICATIONS	367.16	FD RADIO
041743	02-08-2011	01443 CANAL FULTON WATER DEPT.	50.00	REFUND DEPOSIT
041744	02-08-2011	01816 CANTON DATA PRINT INC.	532.24	POSTAGE CITY MAP
041745	02-08-2011	00649 CARGILL, INC	2183.09	SALT
041746	02-08-2011	00486 CTI ENVIRONMENTAL, INC.	404.80	ENG. FEES
041747	02-08-2011	01703 DAWSON INSURANCE CO.		
041748	02-08-2011	01703 DAWSON INSURANCE CO.	8696.00	LIABILITY INSURANCE
041749	02-08-2011	01261 DIVE RESCUE INTERNATIONAL	3064.19	TRAINING
041750	02-08-2011	02194 EVANS SUPPLY	2103.80	STREET SUPPLIES
041751	02-08-2011	00288 GALL'S, INC.	62.95	POLICE DEPT.
041752	02-08-2011	02249 INT. INST. MUNICIPAL CLERKS	160.00	MEMBRSH
041753	02-08-2011	00986 JOHN HATFIELD	400.00	PARKING LOT LEASE

Check. Date..... Vendor Name..... Amount.....

041754	02-08-2011	00733 KAREN HILTBRAND	480.00	CONTRACT CLEANING
041755	02-08-2011	00465 KOSCO'S GARAGE INC	228.95	PD REPAIR
041756	02-08-2011	00778 LEK INTERNET SERVICES	350.00	INTERNET PROVIDER
041757	02-08-2011	00662 O.A.T.A. C/O EUCLID CITY	20.00	CONFERENCE
041758	02-08-2011	01459 PETTY CASH FUND POLICE	167.43	PD
041759	02-08-2011	00318 POP'S SEPTIC TANK SERVICE	140.00	SENIOR CENTER
041760	02-08-2011	00498 QUILL CORPORATION	286.28	OFFICE
041761	02-08-2011	00622 RAY GREEN	44.00	REIMB EXPENSES
041762	02-08-2011	02090 REPOSITORY RETAIL PYMNT. CTR.	990.25	CITY AD
041763	02-08-2011	00284 STARK COUNTY TREASURER	2211.82	REALESTATE TAX
041764	02-08-2011	01854 UNIFIRST CORPORATION	109.23	CARPET
041765	02-08-2011	01891 UNIFIRST CORPORATION UNIFORM	214.21	UNIFORMS
041766	02-08-2011	00548 VALLEY NATIONAL GASES INC	24.40	GAS
041767	02-08-2011	00129 WORKMAN'S AUTO PARTS	626.15	ALL DEPTS
041768	02-08-2011	00458 ZIEGLER TIRE	447.26	STREETS
041769	02-16-2011	01402 OHIO STATE U. EXTENSION	95.00	PESTICIDE LICENSE
041770	02-10-2011	00033 DOMINION EAST OHIO		
041771	02-10-2011	00033 DOMINION EAST OHIO	4795.80	
041772	02-10-2011	00756 EMERGENCY MEDICAL PRODUCTS INC	937.01	EMS SUPPLIES
041773	02-10-2011	01654 KRAFT POWER CORPORATION	463.93	GENERATOR REPAIR
041774	02-10-2011	01511 MARK COZY	23.12	REIMB.
041775	02-10-2011	01424 MILLER AND CO.	116.75	PORTA POTS
041776	02-10-2011	01675 OCMA	250.00	MEMBRSHIP
041777	02-10-2011	00498 QUILL CORPORATION	71.06	OFFICE
041778	02-10-2011	01817 TOSHIBA BUSINESS SOLUTIONS	50.00	COPIER

\$ 68,659.07