

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

October 4, 2011

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

September 20, 2011

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
Report
- G. City Manager
Inspector Services Agree.-Voice Motion
- H. Report of Mayor
- I. Parks & Recreation Board
- J. Law Director

8. **THIRD READINGS** - None
9. **SECOND READINGS**

Resolution 25-11: A Resolution By the Council of the City of Canal Fulton, Ohio To Place A Moratorium On Horizontal Hydraulic Fracturing.

Ordinance 26-11: An Ordinance Amending Chapter 1149.08 Application, Plan Review and Inspection Fees of the Planning and Zoning Code of the Codified Ordinances of Canal Fulton, Ohio and Repealing Any Ordinance In Conflict Therewith.

Ordinance 27-11: An Ordinance Amending Chapter 143.01(d) Zoning Fees of the Administrative Code of the Codified Ordinances

of Canal Fulton, Ohio and Repealing Any Ordinance In Conflict Therewith.

10. **FIRST READINGS**

Ordinance 28-11: An Ordinance Amending Ordinance 11-10 and Providing for Supplemental Appropriations Within Various Accounts for the Purpose of Acquiring New Telephone System Hardware and Declaring An Emergency.

Ordinance 29-11: An Ordinance Amending 11-10 and Providing for Supplemental Appropriations Within Various accounts for the Purpose of Paying Various City Obligations and Declaring An Emergency.

Ordinance 30-11: An Ordinance Amending Ordinance 11-10 and Providing for Supplemental Appropriations Within Various Accounts for the Purpose of Accounting for Expenses Paid By Other Entities on the Behalf of the City of Canal Fulton.

Ordinance 31-11: An Ordinance Amending Ordinance 11-10 and Providing for Changes to Previously Authorized But Not Yet Executed Transfers.

Ordinance 32-11: An Ordinance Amending Ordinance 11-10 and Providing for Supplemental Appropriations Within Various Accounts for the Purpose of Paying Various City Obligations and Declaring an Emergency.

11. **PURCHASE ORDERS & BILLS**

Voucher 02488001 Then and Now to H.D. Waterworks Supply for 4" Water Meter for NW Middle School In The Amount Of \$3,184.10.

P.O. 6649 to Loader Fabricating & Welding to Repair Tanks #1 & #2 Steel at WWTP In The Amount Of \$6,215.00.

P.O. 6652 to Teledata Solutions Group For Star2Star VOIP Hardware & Installation in the Amount of \$24,538.56.

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P.O. 6654 to CTI Engineers, Inc. For
Engineering Service Blanket In The Amount of
\$15,000.00.

BILLS: \$None

12. **OLD/NEW/OTHER BUSINESS**
13. **REPORT OF PRESIDENT PRO TEMPORE**
14. **REPORT OF SPECIAL COMMITTEES**
15. **CITIZENS COMMENTS – Open Discussion**
(Five Minute Rule)
17. **ADJOURNMENT**

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COUNCIL MEETING

Mayor John Grogan called the September 20, 2011 City Council meeting to order at 7:00 PM in Council Chambers at City Hall.

PLEDGE OF ALLEGIANCE

ROLL CALL

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

Absent: Mr. Losch
(Motion was done later in meeting)

Others Present: Scott Fellmeth, Law Director; Mark Cozy, City Manager; Daniel Mayberry, Service Director; Tammy Charlson, Clerk of Council; Ray Green, Asst. Fire Chief; James Goffe, Finance Director; William Dorman, City Engineer; David Frisone, Police Chief; Cyndi Wilson, James Deans, Rochelle Rossi, Deanna Lockard, Carol Lyons, David Cornelius, Mike Mouse, Scott Svab, Fran Hatt and Helen Dittmer, Residents; Joan Porter, Repository.

CORRECTING/ADOPTING THE RECORD OF PROCEEDINGS

Mrs. Zahirsky moved to adopt the record of proceedings, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

The following corrections were made to the record of proceedings:

Page 5, Second Paragraph, Second Sentence: with a finding of no culpable culpable activity on behalf of the Mayor.

Page 7, First Paragraph, First Sentence: stated they have all the physical fiscal evidence anyways.

Page 6, Second Paragraph, First Sentence: Mrs. Mayberry stated she spoke to Julie ~~Gortay~~ Korte

Mr. Bagocius stated he would like to have the letter from the Stark County Prosecuting Attorney's Office that was presented at the last meeting included in the minutes:

Dear Attorney Fellmeth: Pursuant to our phone conversation on August 23, 2011, enclosed please find a copy of the Stark County Sheriff's Office investigative report regarding the conduct of John Grogan, Mayor of the city of Canal Fulton. As we discussed, while it is my opinion that theft in office charges may not be fully warranted, the appropriateness of Mayor Grogan's conduct is certainly deserving of consideration by city officials, specifically as to any potential abuse of authority. Although the Sheriff's Office does not consider the report, itself, to be a public record, I am forwarding it to you in your capacity as the city's Law Director for the purpose of addressing the conduct and for preventing any similar such conduct by the mayor and/or any future city official.

Additionally, I have notified the complainant that the matter has been forwarded to you for review. Please don't hesitate to contact me in the event that I may be of assistance in this matter. Sincerely, Chryssa N. Hartnett, Assistant Chief, Criminal Division.

REPORT OF STANDING COMMITTEES

Public Service Committee: Mr. Moellendick stated the committee discussed the proposed water rate increases Joshua Eggleston, RCAP, was present and the

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study that was completed was reviewed. A copy of the study packet is available in the finance department.

The committee asked administration to prepare draft legislation based on the Option 2 choice.

Public Service Committee: Mr. Moellendick moved to hold a public service committee meeting to review the proposed water rate increase legislation, on Tuesday, October 18 at 6:00PM, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

The committee would like to extend a thank you to administration and to Mr. Eggleston for the great work and time put into this matter.

Mr. Bagocius stated he is glad we have a five year plan put in place. He commended Mr. Goffe, Mr. Mayberry, Mr. Cozy and Mr. Eggleston for their time and efforts in dealing with this matter.

Mrs. Zahirsky reminded the finance committee of the meeting scheduled for Wednesday, September 21 at 6:00 PM.

CITIZENS' COMMENTS – AGENDA MATTERS

Michael Mouse: Mr. Mouse asked who the author is of Resolution 25-11. Mr. Fellmeth stated he drafted it at the request of council who asked him to look into the situation.

REPORT OF ADMINISTRATIVE OFFICERS

SENIOR CITIZENS (Nellie Cihon)

Swiss Steak Dinner: A swiss steak dinner will be held on September 24, 2011, serving from 4:00-6:30 PM. Reservations are required.

Luncheon: A luncheon will be served on Tuesday, September 27. The cost is \$4.50. No reservations are required.

Flu Shots: The center will be hosting a site for flu shots on October 3, 2011. For those with Medicare, Part B, there will be no fee. Self-pay cost is \$30.

River's Gambling Trip: The center will be hosting a trip to the River's on October 26, 2011. The cost is \$30 with \$15 back in free play and \$5 back in food. Reservations are required.

Mr. Bagocius stated council hasn't received a copy of the commission minutes in a while. Mrs. Cihon stated she will be distributing them at the next meeting. With several staff members hours being cut, there has been a delay in getting them done.

COMMUNITY SERVICE (John Murphy, Coordinator) – No Report

FIRE CHIEF (Ray Green, Assistant Chief):

Monthly Report: The report was distributed at the meeting. There were 55 runs for the month of August. They are soon approaching 800 YTD. This is a 3% increase.

The national fire data report was recently released for 2010. The numbers are down for structure fires. There has been an increase though in fatalities due to the lack of smoke detectors. They are going to try to get some grants to purchase smoke detectors to distribute free. They will also assist anyone with installation if needed.

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Mayor Grogan stated for the record if there is an increase in the call volume, we are the only city in Stark County to show the highest growth and are going to have more call activity.

POLICE DEPARTMENT (David Frisone, Chief)

Monthly Report: The monthly report was included in the packet. Chief Frisone gave an overview of the break-ins that were listed on the monthly report.

Proposed Sales Tax Increase: Chief Frisone stated there are going to be two public meetings regarding the increase in the sales tax that is going to be on the ballot. They will be held on September 22, 2011 at 2:00 PM for the Massillon Municipal Court District and on Wednesday, September 21, 2011 at 4:00 PM for the Canton Municipal Court District.

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

Locust Street Repair: Mr. Mayberry stated the street department, along with Northstar Asphalt, will be repairing road berm on Locust Street by Giant Eagle.

Mayor Grogan asked about the chip and seal program.

Mr. Mayberry stated the contractor that does the work that bid to do the work has been delayed due to the weather this spring and now in the fall. He is committed to other communities and doesn't feel he is going to be able to get here. Mr. Mayberry stated looking at the ODOT Traffic Manual, they don't want chip and seal done if the temperatures are going to dip below 70 degrees. He stated they want to get the parking on Walnut Street and the Sr. Citizen Center parking lot done where there won't be a lot of abuse of traffic, as well as several cul-de-sacs. They won't be able to get to some of the main roads. Superintendent Petersen feels as much as we would have all liked to have got the chip and seal program done this year, the roads will make it through the winter. They will have to do the program in the spring when the weather temperatures get up to 70 degrees.

Mayor Grogan asked how they got to the point where they didn't get the bids in sooner.

Mr. Mayberry stated this is the first year that this work had to be bid. They were ready to do the project in August, but it was delayed by four weeks, as advertising requirements needed met. The contractor was then unable to get to us immediately, we were doomed.

Mr. Mayberry stated they chip and sealed mid-September last year, but doesn't feel it is going to happen this year. The contractor is working in other communities.

Mr. Goffe stated with the chip and seal set to cost approximately \$75,000 it was far in excess of the bid threshold. We had to do two advertisements, which delayed the process. The city is not accustomed to bidding this project.

Mayor Grogan stated when he is asked why we didn't as an elected body maintain the roads for this year, knowing full well that the snow, trucks and snow plows that tear up the concrete and are going to do damage, how does he describe to them the reason or what is he to say to them when they ask why the streets weren't repaired.

Mr. Goffe stated part of the reason is they were trying to make sure they were in compliance with the Ohio Revised Code and our own charter regarding the bidding process. He stated earlier in the year, once we realized that we were going to be able to use money for another project that wasn't done, they should

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have implemented the bidding process earlier. This is something that will be done as a correction action in the future.

Mayor Grogan stated they are now aware of where they could have made a different decision and they will make the change next time.

Mr. Goffe stated he is confident they will.

Mr. Cozy stated the Dura patch the street department did will hold the road together.

Mayor Grogan asked if the money council voted on for the chip and seal program will carry over for next year.

Mr. Cozy stated they are going to spend part of it. He stated the project would need to be re-bid next year as the current bid can only be held for sixty days.

Mr. Goffe stated anything they don't use, they would have to cancel the purchase order and the remaining funds would be available for next year's appropriations.

Mayor Grogan asked if the amount of dollars this body voted on will be available for the chip and seal.

Mr. Cozy stated hopefully.

Mr. Goffe stated the body will have to reappropriate the money and unless they choose to make alternative decisions, it will be.

FINANCE DEPARTMENT (James Goffe)

August 2011 Reports: Mr. Goffe stated the audit report was released by the auditors and is available on the website.

The monthly report is included in the report. The bank reconciliation has been done with the assistance of Susan Reed.

Telecommunication Expenses: A consultant was hired to review our telecommunication expenses and they found that some of our contracts had expired and were now being charged higher rates. They will be presenting this information to the finance committee for further review.

Questions: Mr. Bagocius asked if these were cell phones or landlines. Mr. Goffe stated this does not include cell phones.

Mrs. Zahirsky moved that they are in receipt of the August financial statements, seconded by Mrs. Cihon. **Roll: Yes, ALL.**

CITY MANAGER (Mark Cozy)

Mr. Cozy reported the following:

Ryan Trewin Sign at Locust/Cherry: The HPC and Planning Commission both approve the concept of the sign at their August meeting.

Waterside Apartments: The construction plans have been approved by the Stark County Building Department and their zoning permit is now pending. The new construction can begin next week.

Phone System: Mr. Goffe and Mr. Cozy have been meeting with our phone consultant. He has found several ways for the city to save significant funds, perhaps \$30,000 per year on the phone bills. They've entertained proposals from Teledata and Massillon Cable that will be presented to the Finance

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Committee on Wednesday. They would like to place legislation on the next meeting's agenda suspending the three readings rule to upgrade the phone system to a voice over IP and begin saving money ASAP. They kept in mind the need for redundancy and disaster recovery and this new system will enable to improve our computer network as well.

Mrs. Zahirsky moved to have a Finance Committee meeting on October 4, 2011 at 6:00 PM for the purpose of discussion on the telecommunication report, seconded by Mr. Bagocius **ROLL: Yes, ALL.**

Chip and Seal Program: Mr. Cozy reported it is unlikely they will be able to move forward with most of the chip and seal this year. The extended bad weather last spring pushed back our time window with the Dura-patch and crack sealing program. Our need to bid the project put us further behind. The colder temperatures the past two weeks will not enable the tar and fill to adhere properly to the asphalt. The temperature needs to be over 70 degrees for 24 hours for proper adhesion would like to re-appropriate the funds in 2012 to bid next spring. They do have a verbal commitment from the county engineer to partner with a grant to pave Locust through an OPWC grant in 2013. The Dura-patch is what will hold Locust together until that time.

Summer Evening Paving: A preconstruction site meeting took place with Schalmo Builders for the Elmridge 10 development to extend Summer Evening Drive to Elmridge Avenue. The project could be completed this fall.

Questions:

Mr. Bagocius asked if the Summer Evening drive is public or private. It was stated it is private at this point.

Energy Audit: Mr. Cozy stated he registered the City online for more information.

Railroad Status: Mr. Cozy stated he hasn't been in contact with them since last report. He will follow up and call tomorrow.

Bulk Gas & Oil Purchase: Mr. Cozy stated he talked to Perry Township's road superintendent and their clerk. It was stated their savings is due to the amount they are purchasing. They are buying directly from the school. He will need to call Northwest School and see if they are willing to work with us and see if there would be a savings. He feels there is potential for collaboration.

Mr. Goffe stated we usually purchase approximately 790 gallons of diesel per month.

Reserve Fund: Mr. Bagocius asked if they were going to restrict the use of the reserve fund. Mr. Goffe stated it will be on the finance committee agenda.

Skate Park: Mayor Grogan stated it has been put on hold at this time. He stated they are waiting on an affirmative answer from the park board.

It was thought that more bikes would be used instead of skate boards. Mr. Cozy stated there may be an alternative site. They are still doing research on this matter.

MAYOR (John Grogan):

Invitation to Open House: Mayor Grogan stated he received an email from Integrated Medical and they will be celebrating their one year anniversary and have extended an invitation to an open house to city officials. It is to be held on Thursday, October 27 from 4:00-7:00 PM.

PARKS & RECREATION BOARD - Not Present

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LAW DIRECTOR (Scott Fellmeth)

Mr. Fellmeth stated he didn't have a report but would answer any questions.

Mayor Grogan stated to let the record reflect Mr. Losch is not present due to family obligations. (The Clerk checked email and received an email from Mr. Losch at 5:49PM)

Mrs. Cihon moved to excuse Mr. Losch due to family matters, seconded by Mrs. Mayberry. **ROLL: Yes, ALL.**

THIRD READINGS

Ordinance 24-11: An Ordinance Amending the Codified Ordinances of the Administrative Code of the City of Canal Fulton, Ohio to Amend Chapter 139 Senior Citizens Commission and Repealing Any Ordinances in Conflict Therewith. Mr. Bagocius moved for passage, seconded by Mrs. Zahirsky. **ROLL: Yes, Mrs. Zahirsky, Mr. Bagocius, Mrs. Mayberry and Mr. Moellendick. Abstain, Mrs. Cihon.**

Questions: Mr. Moellendick asked for clarification on section 139.05 –Voting: He wanted to know if the 2/3 vote was for members or for commissioners. It was stated commissioners.

SECOND READINGS - None

FIRST READINGS

Resolution 25-11: A Resolution By the Council of the City of Canal Fulton, Ohio To Place A Moratorium On Horizontal Hydraulic Fracking. **STANDS AS A FIRST READING**

Ordinance 26-11: An Ordinance Amending Chapter 1149.08 Application, Plan Review and Inspection Fees of the Planning and Zoning Code of the Codified Ordinances of Canal Fulton, Ohio and Repealing Any Ordinance In Conflict **STANDS AS A FIRST READING**

Questions: Mr. Bagocius asked if the changes were recommended by the planning commission.

It was stated this was from administration and the Public Service Committee.

Ordinance 27-11: An Ordinance Amending Chapter 143.01(d) Zoning Fees of the Administrative Code of the Codified Ordinances of Canal Fulton, Ohio and Repealing Any Ordinance in Conflict Therewith. **STANDS AS A FIRST READING**

Ordinance 28-11: An Ordinance Amending Ordinance 11-10 and Providing for the Change of a Transfer of Funds and Change Appropriations Within Various Accounts for the Purpose of Paying Various City Obligations, and Declaring An Emergency. Mrs. Cihon moved for suspension, seconded by Mrs. Zahirsky **ROLL: Yes, ALL.** Mrs. Cihon moved for passage under suspension, seconded by Mrs. Zahirsky. **ROLL: Yes, ALL.**

PURCHASE ORDERS & BILLS

P.O. 6615 to Verizon Wireless for Cellphones for All Department, Except Police, In the Amount of \$3,700.00. Mrs. Cihon moved for approval, seconded by Mr. Moellendick **ROLL: Yes, ALL.**

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P.O. 6617 to Auditor of State for YR2010 Audit and FY2010 GAAP Conversation in the Amount of \$10,000.00 (Includes a Then & Now Certification). Mrs. Zahirsky moved for approval, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

P.O. 6618 to Dominion East Ohio for Natural Gas for All Departments in the Amount of \$10,000.00. Mr. Moellendick moved for approval, seconded by Mrs. Zahirsky. **ROLL: Yes, ALL.**

P.O. 6619 to Ohio Edison Company for Electricity in the Amount of \$75,800.00. Mrs. Cihon moved for approval, seconded by Mrs. Mayberry. **ROLL: Yes, ALL.**

P.O. 6625 to Speedway SuperAmerica for Gasoline Blanket for All Departments in the Amount of \$15,500.00. Mrs. Zahirsky moved for passage, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

Questions: There was discussion on what the discount is. It was suggested to check into the discount rate the city is receiving.

P.O. 6626 to Triner Oil Company for Diesel Blanket for All Departments in the Amount of \$10,500.00. Mr. Moellendick moved for approval, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

P.O. 6629 to Cargill, Inc. for Road Salt Blanket in the Amount of \$7,000.00. Mrs. Cihon moved for approval, seconded by Mrs. Mayberry. **ROLL: Yes, ALL.**

P.O. 6638 to Bontrager Excavating LTD for Steiner Street Sanitary Sewer Construction in the Amount of \$24,500.00. Mrs. Zahirsky moved for approval, seconded by Mrs. Mayberry. **ROLL: Yes, ALL.**

It was stated this was included in the 2011 capital improvements.

P.O. 6644 to Canal Fulton PC for Replacement of Server for Older Server Damage by Lightning in the Amount of \$5,108.95. Mrs. Zahirsky moved for approval, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

BILLS: \$ 357,864.79 Mrs. Cihon moved that they are in receipt, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

OLD/NEW/OTHER BUSINESS

Mr. Bagocius had three ordinances that he submitted to Mrs. Zahirsky, President ProTempore for review to see if they could be assigned to a committee or sent directly to council for review. They are: Require public hearings to be held for waterline and sewer line extensions and the notification of property owners affected; a reduction in the mayor's salary if council meetings are missed; require that city property may only be used in a legal manner by city officials.

Mrs. Mayberry asked who at the table was interviewed by the press. No one responded. She stated she asked because she wanted to know how and why it was reported that she followed the Mayor because she never followed him anywhere.

Mayor Grogan stated because on record she said she did.

Mrs. Mayberry stated she didn't.

Mayor Grogan stated to let the record reflect that she did.

Mrs. Mayberry stated to let the record reflect that she didn't. She stated she also says this because she never followed him anywhere. She drove to Akron after he had already arrived there and took a picture of the vehicle on two occasions, but she never followed him, was never behind the red Taurus in motion going down the street.

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Mayor Grogan stated she could review the record and the taped recording of the conversation in case she misinterpreted.

Mrs. Mayberry stated she wanted to add that Mr. Bagocius and she went to the Massillon Prosecutor as advised by Council. It was the Massillon Prosecutor who suggested they take it to the Stark County Sheriff's office. She stated they didn't contact the FBI or the Stark County Prosecutor's office that someone else must have because it wasn't them. She stated she wanted to make this clear. She stated she is so glad so many people think this is so funny. She addressed Mrs. Zahirsky and stated she won't apologize for as what Mrs. Zahirsky had stated "shoving this issue back on her in January 2010".

Mrs. Mayberry stated there was an article in the Canton Repository on September 14th, where Commissioner Bernabei made a statement surrounding the Ziegler case. He stated all elected officials need to be held accountable to their office and to the tax payers. She stated she has done her job and she will continue to do so.

Mrs. Mayberry stated regarding the information that she brought up at the last meeting regarding the passage of legislation, she did some research and found some minutes from 2003, and she stated at one of the meetings there were five members at the meeting and the vote was 3-2 and the ordinance failed. She stated at another meeting, there was a first reading and it had emergency language. There were four members present at the meeting. A motion was made to suspend the rules, and the roll was 3-1. The rules were not able to be suspended on this piece of legislation. At the next meeting it was a second reading and the legislation did pass with a vote of 5-1. She stated this concerns her because they passed legislation for the Canal Lands annexation with a 3-1 vote and in 2003 they couldn't suspend the rules with the same vote.

Mr. Fellmeth stated there is a difference when passing legislation under emergency as opposed to passing legislation after three readings.

Mrs. Mayberry asked why the ORC doesn't state this.

Mr. Fellmeth stated when they are talking about rules and four votes being necessary to pass as legislation as given by then Law Director Kincaid, this was in 1997, that would have been correct. The Charter was then passed in 2000 for the City of Canal Fulton which then amended the rules of the Ohio Revised Code. We now have a different set of rules now and not the Ohio Revised Code.

He stated now section 4.05, Vote Required for Passage. Where the Charter is silent, the ORC governs. Legal passage requires quorum for legislation. The ORC defines quorum as a majority of all of its members (4 of 6).

There is a three step procedure for legislation

1. Need quorum, four of six.
2. Need a majority of council members to pass a resolution or ordinance. Does not say a majority of all of its members or 2/3 (4) of the members of council, need majority of the quorum voting for passage.
3. Emergency legislation requires 2/3 of the members of council (4 of 6). Need 4 votes, but you only need a majority for passage as non-emergency legislation (4.05 Charter). Contrast ORC requires ¾ of all of its members for emergency legislation (5 votes)/Charter requires 4 votes which supersede ORC.

It is true that 4 votes would have been required for passage of legislation prior to the enactment of the Charter because ORC specifies a majority of all of its members is needed for passage. The Charter supersedes this.

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Otherwise, the numerous references in the Charter for necessary requirement for legislation on Council action would not distinguish between majority requirements and 2/3 requirements.

References to majority and 2/3 of its members would not be necessary if the authors of the Charter meant that a 2/3 vote was necessary for all council action.

Example:

- 2/3 for emergency legislation
- 2/3 for vote for removal from office

Non-Emergency Legislation

- Annexation Legislation (3-1) majority of a quorum of the members of council voting on that particular legislation

Mrs. Mayberry stated at the last meeting Mr. Fellmeth had stated to read the Ohio Revised Code and wanted to know if she should no longer look at the ORC.

Mr. Fellmeth stated he never said that. He said the ORC governs where the Charter is silent. He stated you can't look at one isolated part of the law and another isolated portion from another and come to conclusion; you have to put it all together. He stated you have to have a quorum; we have a Charter that states majority vote on non-emergency legislation will pass a particular measure.

Mrs. Mayberry stated so what they did in 2003, which was post Charter, was wrong.

Mrs. Zahirsky stated yes it was.

Mr. Fellmeth stated it could be one of the examples she is citing, but it is not when you are mixing together emergency legislation and non-emergency legislation. He stated Mrs. Mayberry had said it failed because it needed the votes of the 2/3. He stated she is mixing apples and oranges again. He stated you have to talk about the readings verses emergency legislation. You have to take each piece in its own context. He stated if you have a quorum of votes, that is four. If you have a majority of the members voting for the legislation on a non-emergency issue, it passes by majority. He stated 3-1 will pass, 3-2 will pass.

Mrs. Mayberry stated in our Charter under 4.10 Amendment, where it talks about pending ordinance or resolution may be amended at any time, etc., by a majority vote of the members of the council present. She stated this is the only place in the entire Charter where it is stipulated council members present. She asked why does it mention council members present there, but yet she is to assume that a quorum is good enough for passage of legislation.

Mr. Fellmeth stated he wishes to be consolatory and this is his attempt at this point, but the ORC when it defines legislation has to be passed by a majority; it says a majority by all of its members. He stated the all was taken out completely which takes away the requirements that you need the four or six vote. He stated you only need a majority of the quorum. He stated when all are present, then they would need four for passage or three and three and the Mayor break the tie. Mr. Fellmeth stated he doesn't feel she is grasping the concept and strongly recommend she get legal counsel.

Mayor Grogan stated this is a council meeting and not an on-the-job training. He stated it is getting to a point where they have strayed from doing council work and business. He appreciates the facts that they need answers and have questions, but these are things that can certainly be done through email or one on one. There are people present from the community that want to hear what is going on with the community and move on. He stated the fact that they are

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going to argue between someone who is not an attorney, they are going to have to rely on the fact that they have a law director was confirmed and recognized by the State of Ohio as an attorney that can interpret the law. He stated we are going to have to fall on the fact that he knows what he is doing. He stated if they want to question him, feel free to do so in private. He stated now is not the time, they have council business to do. It is getting to the point where it is becoming monotonous.

REPORT OF PRESIDENT PRO TEMPORE (Linda Zahirsky) - None

REPORT OF SPECIAL COMMITTEES - None

CITIZENS COMMENTS-Open Discussion (Five-Minute Rule)

Mike Mouse: Mr. Mouse stated he had recommended a pre-paid gas card several years ago so they could save money on gas. He suggested speaking with Campbell Oil and seeing if they would be willing to talk to the finance director. He also stated that Mr. Yost, State Auditor, is going to double the cost of audits to cities and school boards.

Mr. Mouse asked if one reads the Charter and a section reads a majority and if they say less than four, then it dilutes the meaning of the majority. He stated it can be read a thousand times, but it says but the same thing. He stated it is his understanding that the Charter requires four votes, not three. He understands that Mr. Fellmeth is an attorney, but feels his education and reading is equal to Mr. Fellmeth, but reasonable people can disagree.

Mr. Mouse stated they can head to court, and he know they don't want the citizens of Canal Fulton to pay for Mr. Fellmeth's mistake or his mistake, but he would be willing to head to court and have this resolved in the Common Pleas Court. He stated if he is wrong he would pay for all costs and if Mr. Fellmeth is wrong he should pay all costs.

Mayor Grogan stated he doesn't want anyone to pay. He stated there is a difference between actually filing, that is his given right. He stated sometimes things are seen better in the light of day.

Mr. Mouse stated it is his understanding that it says majority and the majority means four. He stated Mr. Fellmeth wasn't the author of the Charter, he was the person who boil-plated it from Pataskala. It was Pataskala's Charter. He stated at the time Mr. Fellmeth was on the commission, if he wanted to alter and specifically break down that meaning, they could have done so at the time. It could have been specified if there were any exceptions to the meaning of majority.

ADJOURNMENT

Mayor John Grogan moved to adjourn the September 20, 2011 meeting. The next regular scheduled meeting is October 1, 2011 at Canal Fulton City Hall, Council Chambers.

Tammy Charlson, Clerk

John Grogan, Mayor



City of Canal Fulton

Director of Finance

155 East Market Street, Suite A

Canal Fulton, Ohio 44614

(330) 854-6761 Fax (330) 854-6260

Finance Director Report to Council October 4, 2011

Reimbursement Revenues

During August and September, the City received several significant reimbursements:

- a. \$2,000 from Stark County Community Improvement Corporation
 - Train Study
- b. \$52,012.95 from Stark County Engineer
 - Local share of the High St / Erie Ave Roadway Improvement outside the City
- c. \$22,804.34 from Northwest LSD
 - Local share of driveway improvements performed as part of the High St / Erie Ave Roadway Improvement
- d. \$2,302 from Northwest LSD
 - Stinson Elementary site plan review beyond the original \$1,000 deposit
- e. \$518 from Northwest LSD
 - High School site plan review beyond the original \$1,000 deposit
- f. \$258 from Ohio Department of Commerce
 - Unclaimed Monies from a prior City vendor
- g. \$1,199.97 from Ohio Municipal Joint Insurance Pool
 - Insurance Claim for lightning strike at Police Department
- h. \$74,806.13 from Stark County Metropolitan Sewer District
 - Sewer Joint User Costs

Property Taxes Revenues

In September, the City received the second and final 2011 property tax remittance.

- Total General Fund 2011 Property Tax Receipts: \$206,695.66
- Total Fire Station Bonds 2011 Property Tax Receipts: \$99,213.91
- Total 2011 Special Assessments: \$1,690.25
 - \$1,388 of Special Assessments were for Zoning / Code Enforcement
 - \$302.25 of Special Assessments were for Delinquent Utilities

Construction Inspection Services Agreement

The City of Canal Fulton (City) and Don Schwendiman (Service Provider) do hereby agree to the following independent contract agreement for the provision of construction inspection services for the Canal Fulton City Hall:

1. Service Provider shall provide construction inspection services for the City of Canal Fulton. The construction inspection services shall be scheduled to take place when contractors perform work in proposed platted subdivisions as coordinated through the City Engineer and/or Director of Public Services.
2. Service Provider will be required to provide services within 48 hours of receipt of notice or notify the City Engineer immediately if unable to provide services.
3. Service Provider shall be considered an independent contractor. Service Provider shall receive (\$32.00) per hour. Service Provider shall be responsible for paying any assistants and shall also be responsible for arranging for and paying any replacements.
4. The agreement may be cancelled by either party at anytime by providing a thirty (30) calendar day advance written notice to the other party.
5. Service Provider shall have sole control over the manner or method by which the construction inspection services are provided as coordinated through the City Engineer and/or Director of Public Services. The City shall have the ability to direct the Service Provider only with regard to whether or not the construction inspection services are satisfactory to the City.
6. The City shall not be obligated to withhold federal, state, or local taxes from the aforementioned (\$32.00) per hour payment. Service Provider shall receive an IRS Form 1099 for income tax purposes.
7. Service Provider is not eligible for workers' compensation or unemployment compensation under the City's programs.
8. As an independent contractor, Service Provider is not eligible for any employment benefits provided by the City such as, but not limited to, paid sick leave, paid vacation leave, uniform allowance, holiday pay, longevity pay, and/or other forms of compensation/fringe benefits.
9. Service Provider will be held liable for any damage to City property that results from the negligent, reckless, or willful acts of Service Provider or any of her employees or agents. Service Provider agrees to indemnify and hold the City harmless from any damages or injury that might result from the negligent, reckless, or willful acts of Service Provider or any of her employees or agents.
10. Service Provider shall complete daily inspection forms provided by the City for each day of serviced provided for each project.

11. Service Provider will be responsible for providing his/her own transportation to and from the job site and the tools, cell phone, camera, and work and safety clothing necessary to perform the job.
12. Invoices prepared by the Service Provider for inspection shall detail the date the services were performed, the nature of the work, the title of the individual responsible for the work, the hours spent doing the work, the hourly rates and the total charge for the work.

The parties entered into this Service Agreement on this ____ day of _____, 2011.

Mark Cozy, City Manager

Don Schwendiman, Service Provider

RECORD OF RESOLUTIONS

Dayton Legal Work, Inc., Form No. 30045

Resolution No. 25-11 Passed _____, 20____

A RESOLUTION BY THE COUNCIL
OF THE CITY OF CANAL FULTON,
OHIO TO PLACE A MORATORIUM
ON HORIZONTAL HYDRAULIC
FRACTURING.

WHEREAS, Horizontal Fracturing, aka "Fracking," of underground shale is being utilized to commercially extract natural gas in Ohio and is being contemplated and/or implemented in Stark County; and

WHEREAS, Canal Fulton City Council wishes to express their concern over fracking in Stark County and the State; and

WHEREAS, according to credible news sources and anecdotal evidence, fracking has allegedly resulted in the damage of nearby water well casings and the pollution of wells with toxic chemicals; and

WHEREAS, large mining apparatus with increased related traffic are necessary to fracking as in the transport, high-pressure use and collection of large amounts of toxic chemicals which also pose a risk of air, land and water pollution; and

WHEREAS, numerous political subdivisions, other state authorities and medical associations are calling for a moratorium on fracking in their respective areas to protect their ecosystems; and

WHEREAS, the City of Canal Fulton and its residents rely on the City's water resources as a magnificent health and economic resource; and

WHEREAS, Canal Fulton City Council is charged with protecting the health, safety and welfare of their residents via their police powers and constitutional home rule authority under Ohio law; and

WHEREAS, the City of Canal Fulton authorities are conducting legal research and pursuing due diligence investigation into safeguarding their residents, lands, water transport and aquifers via future local legislation from the potential threats of fracking.

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

Section 1. The Canal Fulton City Council encourages the Ohio General Assembly and Governor's Administration to place a moratorium on the future use of horizontal hydraulic fracturing ("fracking") for the commercial extraction of natural gas until the safety of the process and related chemicals have been fully investigated and vetted through the Ohio and United States Environmental Protection agencies.

RECORD OF RESOLUTIONS

Dayton Legal Blotter, Inc., Form No. 30045

Resolution No. 25-11

Passed _____ 20__

Section 2. That Canal Fulton City Council wishes to express their concerns over the adverse effects and possible irreversible damage to the City's water systems and supplies that pose a threat to the health, safety and welfare and that of future generations.

Section 3. That a copy of this Resolution shall be forwarded, via Certified Mail, to the Ohio Governor's Office, the Leadership of the Ohio House and Senate and the Senator and Representative serving the City of Canal Fulton in the Ohio General Assembly as well as the Stark Council of Governments.

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 Charlson, Clerk-of-Council

SEF/bp

RECORD OF ORDINANCES

Payton Legal Blank, Inc.

Form No. 30043

Ordinance No. 26-11

Passed _____, 20____

AN ORDINANCE AMENDING CHAPTER 1149.08 APPLICATION, PLAN REVIEW AND INSPECTION FEES OF THE PLANNING AND ZONING CODE OF THE CODIFIED ORDINANCES OF CANAL FULTON, OHIO AND REPEALING ANY ORDINANCE IN CONFLICT THEREWITH.

WHEREAS, the Council of the City of Canal Fulton, Ohio desires to amend Chapter 1149.08 Application, Plan Review and Inspection fees of the Planning and Zoning Code of the Codified Ordinances of Canal Fulton.

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

Chapter 1149.08 (b) and (e) of the Planning and Zoning Code of the Codified Ordinances of Canal Fulton shall be amended to read:

1149.08 APPLICATION, PLAN REVIEW AND INSPECTION FEES.

(b) Any person, firm, corporation or owner who or which submits a site Plan for development in a R-3, R-4, R-5, B-1, B-2 or I district shall be required to deposit two thousand dollars (\$2,000.00) with the Clerk of Council to cover the costs of site plan review and field inspection by the Engineer. No site plan shall be considered for review unless the deposit is made.

(e) If the costs of site plan review and field inspection services exceed the two thousand dollar (\$2,000.00) deposit, the applicant shall pay the City a supplemental deposit of five hundred dollars (\$500.00) upon recommendation of the Engineer. Additional supplemental deposits in the amount of five hundred dollars (\$500.00) shall be levied by the Engineer, as needed.

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 Ordinance ____ 11, duly adopted by the Council of the City of Canal Fulton, on the date of _____. 2011, 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

RECORD OF ORDINANCES

Dayton Legal Blum's, Inc.

Form No. 30143

Ordinance No. 26-11

Passed _____, 20__

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 ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 27-11

Passed _____ 20__

AN ORDINANCE AMENDING CHAPTER 143.01(d) ZONING FEES OF THE ADMINISTRATIVE CODE OF THE CODIFIED ORDINANCES OF CANAL FULTON, OHIO AND REPEALING ANY ORDINANCE IN CONFLICT THEREWITH.

WHEREAS, the Council of the City of Canal Fulton, Ohio desires to amend Chapter 143.01(d) Zoning Fees of the Administrative Code of the Codified Ordinances of Canal Fulton.

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

Chapter 143. Fees of Title Five of the Administrative Code of the Codified Ordinances of Canal Fulton shall be amended to read:

Chapter 143.01(d)

(d) Zoning Fees.

All Zoning fees shall be deposited to the General Fund. Charges for Items (1) and (2) are based on area under roof measured in square feet:

- (1) Zoning Certificate Application Fee
 - New residential construction \$.02
 - Minimum charge per residential unit 50.00
- (2) Zoning Certificate Application Fee
 - Residential additions or alterations .02
 - Minimum charge 50.00
- (3) Zoning Certificate Application Fee
 - Garage (800 sq. ft. maximum), or detached, accessory residential structure 50.00
- (4) Zoning Certificate Application Fee
 - Commercial buildings, additions or alterations 300.00
- (5) Zoning Certificate Application Fee
 - Industrial buildings, additions or alterations 300.00
 - (Ord.23-97. Passed 4-1-97)
- (6) Lot split review 125.00
 - (Ord.13-01). Passed 4-17-01.)
- (7) Swimming Pools
 - In Ground Pool 50.00
 - Above Ground Pool (36" + Capacity) 25.00
 - 36" or more Water Capacity
- (8) Variance 50.00
- (9) Conditional Zoning Permit 50.00
- (10) Zoning change or amendment 150.00

RECORD OF ORDINANCES

<small>Dixson Legal Blanks, Inc.</small>	<small>Form No. 30043</small>																																													
Ordinance No. <u>27-11</u>	Passed _____, 20__																																													
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%;">(11)</td> <td style="width: 85%;">Signs for home occupation (Ord. 23-97. Passed 4-1-97.)</td> <td style="width: 10%; text-align: right;">10.00</td> </tr> <tr> <td>(12)</td> <td>Signs other than home occupation:</td> <td></td> </tr> <tr> <td style="padding-left: 20px;">A.</td> <td>Pole and building signs</td> <td style="text-align: right;">30.00</td> </tr> <tr> <td style="padding-left: 20px;">B.</td> <td>Subdivision or temporary real estate signs advertising land development or opening of a new subdivision</td> <td style="text-align: right;">100.00</td> </tr> <tr> <td style="padding-left: 20px;">C.</td> <td>Temporary or portable signs; 30-day permit No fee shall be charged to nonprofit organizations within the City of Canal Fulton or within the Northwest School District. (Ord. 7-04. Passed 3-1-04.)</td> <td style="text-align: right;">50.00</td> </tr> <tr> <td>(13)</td> <td>Dish-type satellite receiving stations. Dishes under 36 inches in diameter do not require a permit</td> <td style="text-align: right;">50.00</td> </tr> <tr> <td>(14)</td> <td>Preliminary plat fee 100.00 Per lot charge (added to plat fee)</td> <td style="text-align: right;">10.00</td> </tr> <tr> <td>(15)</td> <td>Final plat fee 250.00 plus County Filing Fee(s) Per lot charge (added to plat fee)</td> <td style="text-align: right;">20.00</td> </tr> <tr> <td>(16)</td> <td>Parks and Recreation Capital Improvement Fee (Open Space) per sq. ft. of total area under roof (Ord. 23-97. Passed 4-1-97.)</td> <td style="text-align: right;">.04</td> </tr> <tr> <td>(17)</td> <td>Residential utility barns or sheds (Ord. 32-98. Passed 9-1-98.)</td> <td style="text-align: right;">25.00</td> </tr> <tr> <td>(18)</td> <td>Fences and walls. (Ord. 31-98. Passed 9-1-98.)</td> <td style="text-align: right;">25.00</td> </tr> <tr> <td>(19)</td> <td>Site Plan Review Fees All costs + 10% -fee equals all costs incurred from City Engineer plus 10% administrative fee/\$2,000.00 Deposit required</td> <td></td> </tr> <tr> <td>(20)</td> <td>Certified police and fire reports Victims may obtain one certified copy without charge. (Ord. 13-01. Passed 4-17-01.)</td> <td style="text-align: right;">5.00</td> </tr> <tr> <td>(21)</td> <td>Residential decks</td> <td style="text-align: right;">25.00</td> </tr> <tr> <td>(22)</td> <td>Flood Plain Permit</td> <td style="text-align: right;">100.00</td> </tr> </table>		(11)	Signs for home occupation (Ord. 23-97. Passed 4-1-97.)	10.00	(12)	Signs other than home occupation:		A.	Pole and building signs	30.00	B.	Subdivision or temporary real estate signs advertising land development or opening of a new subdivision	100.00	C.	Temporary or portable signs; 30-day permit No fee shall be charged to nonprofit organizations within the City of Canal Fulton or within the Northwest School District. (Ord. 7-04. Passed 3-1-04.)	50.00	(13)	Dish-type satellite receiving stations. Dishes under 36 inches in diameter do not require a permit	50.00	(14)	Preliminary plat fee 100.00 Per lot charge (added to plat fee)	10.00	(15)	Final plat fee 250.00 plus County Filing Fee(s) Per lot charge (added to plat fee)	20.00	(16)	Parks and Recreation Capital Improvement Fee (Open Space) per sq. ft. of total area under roof (Ord. 23-97. Passed 4-1-97.)	.04	(17)	Residential utility barns or sheds (Ord. 32-98. Passed 9-1-98.)	25.00	(18)	Fences and walls. (Ord. 31-98. Passed 9-1-98.)	25.00	(19)	Site Plan Review Fees All costs + 10% -fee equals all costs incurred from City Engineer plus 10% administrative fee/\$2,000.00 Deposit required		(20)	Certified police and fire reports Victims may obtain one certified copy without charge. (Ord. 13-01. Passed 4-17-01.)	5.00	(21)	Residential decks	25.00	(22)	Flood Plain Permit	100.00
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ATTEST:																																														
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RECORD OF ORDINANCES

Deyann Legal Blank, Inc.	Form No. 30043
Ordinance No. <u>27-11</u>	Passed _____, 20____
<p>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 Ordinance <u>11</u>, duly adopted by the Council of the City of Canal Fulton, on the date of _____, 2011, 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 _____, 2011.</p> <p>_____ Tammy Charlson, Clerk-of-Council</p>	

RECORD OF ORDINANCES

Ordinance No. 28-11 Passed _____, 20____

Under Suspension of the Rules An Ordinance Amending Ordinance 11-10, and Providing for Supplemental Appropriations Within Various Accounts for the Purpose of Acquiring New Telephone System Hardware, and Declaring an Emergency.

WHEREAS, it is necessary for the City of Canal Fulton to acquire new telephone system hardware in order to achieve savings on the monthly telephone expenses, and

WHEREAS, it is necessary for the City of Canal Fulton to pay for additional current expenses not anticipated or included in Ordinance 11-10, as the City's 2011 Appropriation Ordinance, and

WHEREAS, it is necessary to adjust appropriations within accounts in the Appropriation to meet these obligations and ensure the timely delivery of services, and

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

Section 1: In order to provide for current expense and other expenditures not originally anticipated or included in Ordinance 11-10, the City's 2011 Appropriation Ordinance, Council authorizes supplemental appropriations as follows:

Expense Account	Account Description	Appropriation Changes
341.310.5410	Water Capital - Contracted Services	\$ 2,029.64
351.330.5410	Sewer Capital - Contracted Services	\$ 1,353.10
391.120.5720	General Capital - Admin Capital Outlay	\$ 23,679.12
Total Appropriations Increase		\$ 27,061.86

Section 2: This Ordinance is hereby determined to be an emergency measure, the immediate passage of which is necessary for the preservation of the public peace, health, safety, and welfare of the City of Canal Fulton, such emergency arising because it is necessary to pay various City obligations in various funds, wherefore this Ordinance shall take effect and be in full force immediately upon its passage.

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 Ordinance _____, 11, duly adopted by the Council of the City of Canal Fulton, on the date of _____, 2011, and that publication of the foregoing Ordinance was duly made by posting true and correct copies thereof as five 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 ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 29-11

Passed _____, 20____

Under Suspension of the Rules An Ordinance Amending Ordinance 11-10, and Providing for Supplemental Appropriations Within Various Accounts for the Purpose of Paying Various City Obligations, and Declaring an Emergency.

WHEREAS, it is necessary for the City of Canal Fulton to pay for additional current expenses not anticipated or included in Ordinance 11-10, as the City's 2011 Appropriation Ordinance, and

WHEREAS, it is necessary to adjust appropriations within accounts in the Appropriation to meet these obligations and ensure the timely delivery of services, and

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

Section 1: In order to provide for current expense and other expenditures not originally anticipated or included in Ordinance 11-10, the City's 2011 Appropriation Ordinance, Council authorizes supplemental appropriations as follows:

Expense Account	Account Description	Appropriation Changes
101.170.5480	General Fund - Lands/Buildings - Communications	\$ 5,300.00
210.250.5480	Police - Communications	\$ 2,200.00
222.210.5480	Fire/EMS - Communications	\$ 3,400.00
541.310.5480	Water - Communications	\$ 2,800.00
551.330.5480	Sewer - Communications	\$ (300.00)
551.330.5487	Sewer - Lift Stations Communications	\$ 300.00
	Total Appropriations Increase	\$ 13,700.00

Section 2: This Ordinance is hereby determined to be an emergency measure, the immediate passage of which is necessary for the preservation of the public peace, health, safety, and welfare of the City of Canal Fulton, such emergency arising because it is necessary to pay various City obligations in various funds, wherefore this Ordinance shall take effect and be in full force immediately upon its passage.

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 Ordinance _____, 11, duly adopted by the Council of the City of Canal Fulton, on the date of _____, 2011, and that publication of the foregoing Ordinance was duly made by posting true and correct copies thereof as five 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 ORDINANCES

Ordinance No. 30-11

Passed _____, 20____

An Ordinance Amending Ordinance 11-10, and Providing for Supplemental Appropriations Within Various Accounts for the Purpose of Accounting for Expenses Paid by Other Entities on the Behalf of the City of Canal Fulton.

WHEREAS, other entities, who provided funding during 2011 for the project known as the High Street / Erie Avenue Roadway and Plum Creek Culvert Project, have and/or will make payments for expenses directly to the projects vendors, and

WHEREAS, it is necessary for the City of Canal Fulton to increase appropriations previously adopted in Ordinance 11-10, as the City's 2011 Appropriation Ordinance, and

WHEREAS, it is necessary to adjust appropriations within accounts in the Appropriation to properly account for the expenses paid directly to vendors on the behalf of the City of Canal Fulton, and

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

Section 1: In order to reduce appropriations previously adopted in Ordinance 11-10, as the City's 2011 Appropriation Ordinance, Council authorizes the amendment of appropriations as follows:

Expense Account	Account Description	Appropriation Changes
391.120.5720	Admin Capital Outlay	\$ 470,000.00

Section 2: This Ordinance shall take effect and be in full force and effect from and after the earliest period allowed by law.

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 Ordinance _____, 11, duly adopted by the Council of the City of Canal Fulton, on the date of _____, 2011, and that publication of the foregoing Ordinance was duly made by posting true and correct copies thereof as five 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 ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No.

31-11

Passed

20

An Ordinance Amending Ordinance 11-10, and Providing for Changes to Previously Authorized But Not Yet Executed Transfers.

WHEREAS, audit adjustments posted to the accounting system during the financial audit of the 2010 fiscal year financial statements resulted in the reduction of the General Fund 2011 beginning fund balance and increase of the General Capital Project Fund 2011 beginning fund balance, and

WHEREAS, a portion of the transfers into the General Capital Project from both the General Fund and Income Tax Fund, which were previously authorized by Ordinance 11-10, have not yet be transferred, and

WHEREAS, there has been an increased in the anticipated income tax revenues beyond the original 2011 estimate, and

WHEREAS, it is necessary for the City of Canal Fulton to change the authorized transfers in order to the fund balance in the General Fund, and

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

Section 1: In order to reduce transfers previously authorized in Ordinance 11-10, as the City's 2011 Appropriation Ordinance, Council authorizes the reduction of the following transfer from the General Fund to the General Capital Fund:

<u>Expense Account</u>	<u>Account Description</u>	<u>Appropriation Changes</u>
101.799.2602	Transfer to Squad	\$ 26,796.00

Section 2: In order to reduce transfers previously authorized in Ordinance 11-10, as the City's 2011 Appropriation Ordinance, Council authorizes the reduction of the following transfer from the Income Tax Fund to the General Capital Fund:

<u>Expense Account</u>	<u>Account Description</u>	<u>Appropriation Changes</u>
200.140.5939	Transfer/Capital #391	\$ 46,500.00

Section 3: In order to increase the fund balance in the General Fund, Council authorizes the following transfer from the Income Tax Fund to the General Fund:

<u>Expense Account</u>	<u>Account Description</u>	<u>Appropriation Changes</u>
200.140.5910	TRNSFR/GENERAL FUND	\$ 176,500.00

Section 4: This Ordinance shall take effect and be in full force and effect from and after the earliest period allowed by law.

John Grogan, Mayor

ATTEST:

Tammy Charlson, Clerk of Council

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30041

Ordinance No. 31-11

Passed _____, 20____

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 Ordinance _____, 11, duly adopted by the Council of the City of Canal Fulton, on the date of _____, 2011, and that publication of the foregoing Ordinance was duly made by posting true and correct copies thereof as five 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 ORDINANCES

Ordinance No. 32-11

Passed _____, 20____

Under Suspension of the Rules An Ordinance Amending Ordinance 11-10, and Providing for Supplemental Appropriations Within Various Accounts for the Purpose of Paying Various City Obligations, and Declaring an Emergency.

WHEREAS, it is necessary for the City of Canal Fulton to pay for additional current expenses not anticipated or included in Ordinance 11-10, as the City's 2011 Appropriation Ordinance, and

WHEREAS, it is necessary to adjust appropriations within accounts in the Appropriation to meet these obligations and ensure the timely delivery of services, and

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

Section 1: In order to provide for current expense and other expenditures not originally anticipated or included in Ordinance 11-10, the City's 2011 Appropriation Ordinance, Council authorizes supplemental appropriations as follows:

Expense Account	Account Description	Appropriation Changes
101.160.5360	General Fund - Engineering Services	\$ 15,000.00

Section 2: This Ordinance is hereby determined to be an emergency measure, the immediate passage of which is necessary for the preservation of the public peace, health, safety, and welfare of the City of Canal Fulton, such emergency arising because it is necessary to pay various City obligations in various funds, wherefore this Ordinance shall take effect and be in full force immediately upon its passage.

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 Ordinance _____, 11, duly adopted by the Council of the City of Canal Fulton, on the date of _____, 2011, and that publication of the foregoing Ordinance was duly made by posting true and correct copies thereof as five 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

Voucher Entry

Batch 02488 (09-11-2011)

Fiscal month

Voucher 02488001

Vendor # 01651

Name H.D. WATERWORKS SUPPLY

Address 1 P.O. BOX 91036

Address 2

City, state CHICAGO, ILLINOIS

Zip 60693-1036

Terms N0

Remark 4" Water Meter for Northwest Middle School

Invoice date

Invoice #

09-01-2011
68779

Gross amount

Discount

Due date

Bank class

3184.10
0.00
10-01-2011
0002

541 310.5620	SUPPLIES/MATERIALS					3184.10
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Handwritten: NW LSD will be invoiced for the meter,

Accounts Payable

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

PO. NUMBER: RG006649
 PO. DATE: 09/29/11
 DEPARTMENT: SEWER
 CREATED BY:
 VENDOR NO.: 02460

DELIVER TO:

CANAL FULTON WASTE WATER
 TREATMENT PLANT
 5500 BUTTERBRIDGE ROAD
 CANAL FULTON, OH 44614

VENDOR:

LOADER FABRICATING & WELDING
 3212 WATERFOD AVE NW
 CANTON, OH 44708

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
351.330.5710	\$6,215.00

QUANTITY	UNIT	DESCRIPTION	PRICE / UNIT	AMOUNT
		Repair Tank Steel at WWTP Tanks #1 and #2		\$6,215.00
ITEM IS A FIXED ASSET Yes <input type="checkbox"/> No <input type="checkbox"/>			TOTAL:	\$6,215.00

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 (\$ _____) 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 _____ Fund(s), free from any obligation or certification now outstanding.

Finance Director

Date

City Manager

Date

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

INVOICE

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: **RG006652**
 P.O. DATE: **09/29/11**
 DEPARTMENT: **WATER**
 CREATED BY:
 VENDOR NO.: **02444**

DELIVER TO:

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

VENDOR:

TELEDATA SOLUTIONS GROUP
 3653 DARROW ROAD
 SUITE 4
 STOW, OH 44224

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
341.310.5410	\$1,840.39
351.330.5410	\$1,226.93
391.120.5720	\$21,471.24

QUANTITY	UNIT	DESCRIPTION	PRICE / UNIT	AMOUNT
		Star2Star VOIP Hardware & Installation		\$24,538.56
ITEM IS A FIXED ASSET Yes <input type="checkbox"/> No <input type="checkbox"/>			TOTAL:	\$24,538.56

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Finance Director

Date

City Manager

Date

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

09/29/11

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

PO. NUMBER **RG006654**
 PO. DATE **09/29/11**
 DEPARTMENT **ENGINEERING**
 CREATED BY
 VENDOR NO. **00486**

DELIVER TO:

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

VENDOR:

CTI ENGINEERS, INC.
 220 MARKET AVE SOUTH
 SUITE 750
 CANTON, OH 44702

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
101.160.5360	\$15,000.00

QUANTITY	UNIT	DESCRIPTION	PRICE / UNIT	AMOUNT
		Engineering Service Blanket		\$15,000.00
ITEM IS A FIXED ASSET Yes <input type="checkbox"/> No <input type="checkbox"/>			TOTAL:	\$15,000.00

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CLERK'S CERTIFICATE

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