

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

**June 6, 2017**

1. **CALL TO ORDER**
  2. **PLEDGE OF ALLEGIANCE**
  3. **ROLL CALL**
  4. **REPORTS OF STANDING COMMITTEES**
  5. **CITIZENS' COMMENTS – AGENDA MATTERS (Five Minutes per Individual – No Yield)**
  6. **CORRECTING & ADOPTING THE RECORD OF PROCEEDINGS**
  7. **REPORTS OF ADMINISTRATIVE OFFICERS**
    - o Senior Citizens
    - o Community Service
    - o Fire Chief
    - o Police Chief
    - o Engineer
    - o Streets
    - o Public Utilities
    - o Planning/Zoning
    - o Finance Director
    - o City Manager – Locust St Relief Storm Sewer
    - o Mayor – Newsletter /Chamber of Commerce
    - o Parks & Recreation Board
    - o Law Director
  8. **THIRD READINGS**

**TABLED ~ Resolution 7-17:** A Resolution by the Council of the City of Canal Fulton, Ohio to Enter into an Agreement with Bonezzi, Switzer Polito & Hupp CO. LPA to Serve as Consultant to the Formation of a Joint Fire District.
  9. **SECOND READINGS**

**Ordinance 12-17:** An Ordinance Amending Ordinance 30-16 and Providing for Changes to Previously Authorized Appropriations, Transfers and Advances

**Ordinance 13-17:** An Ordinance by the Council of the City of Canal Fulton, Ohio Amending the Zoning Code by Re-Zoning Lot Number 332 (PPN95-00614) and Lot Number 333 (PPN 9500615) to B-1

**Ordinance 14-17:** An Ordinance Amending Ordinance 30-16 and Providing for Changes to Previously Authorized Appropriations, Transfers and Advances

**Resolution 14-17:** A Resolution by the Council of the City of Canal Fulton, Ohio to Enter into a Construction Agreement with Schalmo Properties, Inc. for the Public Improvements for Discovery Park, Phase 5
  10. **P.O.s**

P.O. 11283 to Schalmo Builders, Inc. in the amount of \$36,200.00 to remove and replace hollow metal doors and create masonry firewall

P.O. 11284 to Schalmo Builders, Inc. in the amount of \$19,776.00 to install new overhead doors w/CHI 3285 24 Gauge Doors

P.O. 11285 to Canal Fulton Electrical in the amount of \$35,271.00 to provide & install electrical system per drawing for the maintenance building at 960 Milan Street

P.O. 11286 to Crown Heating and Cooling in the amount of \$33,135.00 for new HVAC system per drawing for the maintenance building at 960 Milan Street

P.O. 11282 to Tri C Concrete & Excavating in the amount of \$6,800.00 for 755 Redwood – 704 Sq ft of curb and road. Tamwood 41 ft curb
  11. **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)**
  16. **ADJOURNMENT**
- Ordinance 15-17:** An Ordinance Authorizing the Cherton-Arcadia Annexation Plat from Lawrence Township, Stark County, Ohio to the City of Canal Fulton, Ohio
- Ordinance 16-17:** An Ordinance Amending Ordinance 30-16, and Providing for Changes to Previously Authorized Appropriations.

# RECORD OF RESOLUTIONS

BEAR GRAPHICS 800-393-8284 FORM NO. 20042

Resolution No. 717

Passed \_\_\_\_\_

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

A RESOLUTION BY THE COUNCIL OF THE CITY OF CANAL FULTON, OHIO TO ENTER INTO AN AGREEMENT WITH BONEZZI SWITZER POLITO & HUPP CO. LPA. TO SERVE AS CONSULTANT TO THE FORMATION OF A JOINT FIRE DISTRICT.

WHEREAS, The City of Canal Fulton, Ohio has sought a proposal for a consultant to the formation of a Joint Fire District between the City of Canal Fulton and Lawrence Township, and

WHEREAS, the Law Firm of Bonezzi Switzer Polito & Hupp Co. LPA has submitted a proposal acceptable to the City to provide professional legal services for this endeavor.

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

The City of Canal Fulton agrees to enter into an agreement with Bonezzi Switzer Polito & Hupp Co. LPA to serve as Consultant to the formation of a Joint Fire District between the City of Canal Fulton and Lawrence Township pursuant to proposal attached as Exhibit "A" and incorporated by reference herein.

\_\_\_\_\_  
Joseph A. Schultz, Mayor

ATTEST:

\_\_\_\_\_  
Teresa Dolan, Clerk-of-Council

I, Teresa Dolan, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby certify that this is a true and correct copy of Resolution \_\_\_\_\_-17, duly adopted by the Council of the City of Canal Fulton, on the date of \_\_\_\_\_, 2017, and that publication of the foregoing Resolution was duly made by listing same on the city's web-site and by posting true and correct copies thereof at three of the most public places in said corporation as determined by Council as follows: Canal Fulton Post Office, Canal Fulton Public Library and Canal Fulton City Hall each for a period of fifteen days, commencing on the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Teresa Dolan, Clerk-of-Council

SEF/bp

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# BONEZZI SWITZER POLITO & HUPP

CO. L.P.A.

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ATTORNEYS AT LAW

David C. Comstock, Jr.  
Direct Dial: 330.286.3751  
E-mail: dcomstock@bsphlaw.com



May 9, 2016

CITY OF CANAL FULTON  
c/o Raymond Durkee, Fire Chief  
([firechief@cityofcanalfulton-oh.gov](mailto:firechief@cityofcanalfulton-oh.gov))  
1165 Locust Street S  
Canal Fulton, OH 44614

TOWNSHIP OF LAWRENCE  
c/o Mark Stewart, Fire Chief  
([mstewart@lawrencetwp-oh.org](mailto:mstewart@lawrencetwp-oh.org))  
1165 Locust Street S  
Canal Fulton, OH 44614

Dear Mayor, Council Members and Trustees:

The firm of Bonezzi Switzer Polito & Hupp Co. L.P.A. (BSPH), and I specifically, have been asked by you to serve as a consultant which may include the occasional provision of my legal advice, with respect to the formation of a Joint Fire District between your two political subdivisions. BSPH and I have agreed to undertake this task subject to the terms and conditions set forth in this letter.

Although I will not be serving as your legal counsel per se, because my work includes the provision of general legal advice relating to fire services, I am providing this engagement letter as required or recommended in the jurisdictions in which BSPH practices law. Such letter is designed to address the various parties' responsibilities to each other. This engagement letter will outline our responsibilities to each other with respect to this matter.

The Standard Terms of Engagement respond to specific requirements in the rules of professional ethics. It addresses common issues that often arise in an attorney-client relationship. Please read this carefully, particularly the section on "Conflicts of Interest."

### FEES AND EXPENSES

My rate of pay is \$180.00 per hour. The rate will not increase before January 1, 2017.

Depending on the circumstances, additional BSPH attorneys with particular areas of expertise/experience and/or other personnel may also perform work on this matter. Again, no rate will exceed that set forth above.

Time will be billed in one-tenth of an hour increments. All billing will be detailed, so the parties know exactly what work was performed and how much time the work took to complete. If there are specific expenses associated with this project (postage, long distance calls, mileage), the specific expense with documentary support where applicable will also be provided. Bills will be generated on a monthly basis. Payment for the bills should be remitted generally within thirty days of receipt.

4137 Boardman-Canfield Road | Suite 101  
Canfield, OH 44406-1584

Phone  
330.286.3701

Fax  
330.286.3745

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[www.bsphlaw.com](http://www.bsphlaw.com)

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BSPH will provide monthly invoices for all services rendered in this project. The billing will be split equally between the two involved parties. By signing this agreement, each of the political subdivisions agrees to timely pay their portion of the invoice to BSPH. The billing will be sent to: City of Canal Fulton, 1165 Locust Street S, Canal Fulton, OH 44614, Attn: Raymond Durkee, Fire Chief, and Lawrence Township Trustees, 1165 Locust Street S, Canal Fulton, OH 44614, Attn: Mark Stewart, Fire Chief.

The political subdivisions involved in this project will not be required to pay a retainer fee, provided that the respective fiscal officers encumber funds and issue a purchase order in anticipation of work being performed.

#### COOPERATION

Each of the political subdivisions agrees to cooperate fully with BSPH in our work by, among other things, providing us with all requested information, and making yourself and any employees, agents or other persons or parties subject to your control or influence, reasonably available for consultation and interviews as needed. Furthermore, in order to enable us to render effective services in this matter, you have agreed to disclose fully and accurately all of the known facts and keep us informed of all future developments relating to this matter. We necessarily must rely on the accuracy and completeness of the facts and information provided to us.

#### CONFLICTS OF INTEREST

As stated previously, BSPH may, during the course of this project, provide general legal advice regarding the legal implications of various alternative choices relating to the creation of a joint fire district. Other legal advice pertaining to fire service related laws may also be provided. This advice will be provided to both political subdivisions with the understanding that both political subdivisions are interested in creating a joint fire district and that the legal advice is provided with that goal in mind.

However, when creating a joint fire district, which is essentially a joint venture or partnership between various political subdivisions, there is always a possibility that a conflict between the political subdivisions may exist. Where conflicts of interest may exist, BSPH will attempt whenever possible to refrain from taking a position that perpetuates the conflict of interest and instead will attempt to resolve it. However, BSPH and each of the political subdivisions agrees and acknowledges that each of the political subdivisions ultimately must rely upon their own legal counsel (County Prosecutor, Law Director, Solicitor, or other individual chosen by them to provide legal advice) in determining the legal implications of any joint resolution that may be created to form a joint fire district.

To the extent there is any conflict of interest on the part of BSPH or any of its attorneys individually in creating the joint fire district, the political subdivisions to this agreement expressly waive that conflict of interest and agree that BSPH and David C. Comstock, Jr. may provide legal advice relating to the creation of the joint fire district and fire and EMS service issues to each of the political subdivisions.

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## ATTORNEY-CLIENT PRIVILEGE ISSUES

To the extent legal advice is being provided, the political subdivisions will be treated as one client, and legal advice will be provided to all political subdivisions at one time. Information will not be disseminated to outside parties by BSPH without the approval of the political subdivisions. However, the political subdivisions may choose, collectively or individually, to release information received by them from BSPH. However, to the extent the release of any information may serve as a waiver of any attorney-client privilege, the political subdivisions, individually and collectively, are urged to again consult with their legal counsel.

Notwithstanding the paragraph above, BSPH generally will conduct all business in a public forum and will urge the clients to communicate openly with members of the fire department and the public in order to avoid misconceptions or misunderstandings regarding the possible creation of a joint fire district.

## TERMINATION OF ENGAGEMENT

Although we certainly expect to have a satisfactory and successful relationship, you agree that BSPH has the right to withdraw from this project if the terms and conditions of the engagement are not met. You agree that BSPH has the right to withdraw from this project if, among other things, there is a failure to cooperate or to follow advice on a material matter, or any upon any other matter or circumstance that would, in our view, render our continuing engagement unlawful or unethical.

If you fail to meet the obligations under this Agreement and continue to fail to do so thirty (30) or more days after we have attempted to provide written notice about the failure through correspondence sent to you, we shall have the right to the fullest extent authorized by any applicable rule or law, in our sole discretion and without any further authorization by you, to declare this engagement agreement at an end.

Likewise, any political subdivision may terminate their involvement in this project. The political subdivisions responsibility for fees generated pursuant to this agreement will terminate upon the receipt by BSPH and the other political subdivisions of notification regarding the withdrawal from the project. Any political subdivision remaining in the project agrees to the fee schedule set forth in this engagement letter.

## PROJECTED FEES AND EXPENSES

Because of the uncertain nature of the project and the political subdivisions' willingness to participate or unknown thoughts regarding their involvement in this project, it is less predictable than most other business transactions in attempting to determine possible fees and expenses. At various times, it may be possible to give a general estimate as to the estimated cost of the project, and whenever possible, BSPH will attempt to provide an estimate based upon the known facts and positions of the political subdivisions at the time the request is made. At the outset, BSPH expects that the costs of this project will not

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exceed, in the aggregate, \$15,000 (\$7,500 per political subdivision). It is likely that the costs will be significantly less, and ultimately as stated above the total costs are dependent upon the cooperation between and among the political subdivisions.

EXECUTION

If the terms of this engagement agreement are satisfactory to you, BSPH will need for you to sign this letter in the space indicated, and return the original to BSPH in the enclosed self-addressed, stamped envelope. Should you have any questions or concerns, please do not hesitate to call me.

Very truly yours,



DAVID C. COMSTOCK, JR.

DCJ:trp

CITY OF CANAL FULTON

\_\_\_\_\_  
Mayor Joe Schultz

Date: \_\_\_\_\_

LAWRENCE TOWNSHIP

\_\_\_\_\_  
Fiscal Officer

Date: \_\_\_\_\_

\_\_\_\_\_  
Trustee Lester Kamph

Date: \_\_\_\_\_

\_\_\_\_\_  
Trustee Shawn Lockhart

Date: \_\_\_\_\_

\_\_\_\_\_  
Trustee Mike Stevens

Date: \_\_\_\_\_

# RECORD OF ORDINANCES

BEAR C:\WP4\06 809-025-0004 FORM NO. 32003

Ordinance No. 12-17 Passed \_\_\_\_\_, 20\_\_\_\_

An Ordinance Amending Ordinance 30-16, and Providing for Changes to Previously Authorized Appropriations, Transfers and Advances.

WHEREAS, it is necessary for the City of Canal Fulton to modify its appropriations and transfers for current expenses and other expenditures for the fiscal year ending December 31, 2017, which were not anticipated or included in Ordinance 30-16, as the City's 2017 Appropriation Ordinance, and

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

**Section 1:** City Council authorizes the Finance Director to decrease the General Fund appropriations and transfers-out in the following manner:

	Original Appropriation/Transfer Amt. ORD 30-16	Revision	New Appropriation/Transfer Amt.
To Police Fund (Fund #210)	\$1,025,000	(\$5,000)	\$1,020,000
To Fire/Ems Fund (Fund #222)	\$427,000	(\$4,000)	\$423,000
To General Capital Fund (Fund #391)	\$300,000	(\$43,800)	\$256,200

**Section 2:** City Council also authorizes the Finance Director to decrease the General Capital Projects Fund appropriations by \$36,900.

General Capital Projects Fund			
Category	Previously Approved	Change	New Appropriations
Non-Payroll Costs	348,760.00	(36,900.00)	311,860.00

**Section 3:** This Ordinance shall take effect and be in full force and effect from and after the earliest period allowed by law.

\_\_\_\_\_  
Joseph A. Schultz, Mayor

ATTEST:

\_\_\_\_\_  
Teresa Dolan, Clerk of Council

I, Teresa Dolan, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby certify that this is a true and correct copy of Ordinance \_\_\_\_\_, 17, duly adopted by the Council of the City of Canal Fulton, on the date of \_\_\_\_\_, 2017, and that publication of the foregoing Ordinance was duly made by listing same on the City's website and by posting true and correct copies thereof at three of the most public places in said corporation as determined by Council as follows: Canal Fulton Post Office, Canal Fulton Public Library and Canal Fulton City Hall, each for a period of fifteen days, commencing on the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Teresa Dolan, Clerk of Council

# RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8104 PCRAM NJ 03043

Ordinance No. 1317

Passed \_\_\_\_\_

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

AN ORDINANCE BY THE COUNCIL OF THE CITY OF CANAL FULTON, OHIO AMENDING THE ZONING CODE BY RE-ZONING LOT NUMBER 332 (PPN 95-00614) AND LOT NUMBER 333 (PPN 9500615) TO B-1.

WHEREAS, on April 20, 2017 the Planning Commission of the City of Canal Fulton has recommended re-zoning Lot Number 332 and Lot Number 333 located at 132 S. Locust St., Canal Fulton, Ohio from R-2 to B-1.

WHEREAS, a public hearing and notice thereof have been held and given, as required by Ohio Revised Code Section 713.12.

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

Lot Number 332 (PPN 95-00614) and Lot Number 333 (PPN 95-00615) located at 132 S. Locust St., Canal Fulton, Ohio shall be re-zoned B-1 as shown on attached map marked as Exhibit "A" and incorporated by reference herein.

\_\_\_\_\_  
Joseph A. Schultz, Mayor

ATTEST:

\_\_\_\_\_  
Teresa Dolan, Clerk-of-Council

I, Teresa Dolan, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby certify that this is a true and correct copy of Ordinance \_\_\_\_\_ 2017, duly adopted by the Council of the City of Canal Fulton, on the date of \_\_\_\_\_, 2017, and that publication of the foregoing Ordinance was duly made by listing same on the city's web site and by posting true and correct copies thereof at three of the most public places in said corporation as determined by Council as follows: Canal Fulton Post Office, Canal Fulton Public Library and Canal Fulton City Hall each for a period of fifteen days, commencing on the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Teresa Dolan, Clerk-of-Council

SEF/bp





# City of Canal Fulton

155 East Market Street, Suite A, Canal Fulton, Ohio 44614  
(330) 854-2225, Ext. 19 - Fax (330) 854-6913

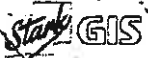
May 3, 2017

STARK COUNTY  
PUBLIC HEARING NOTICE

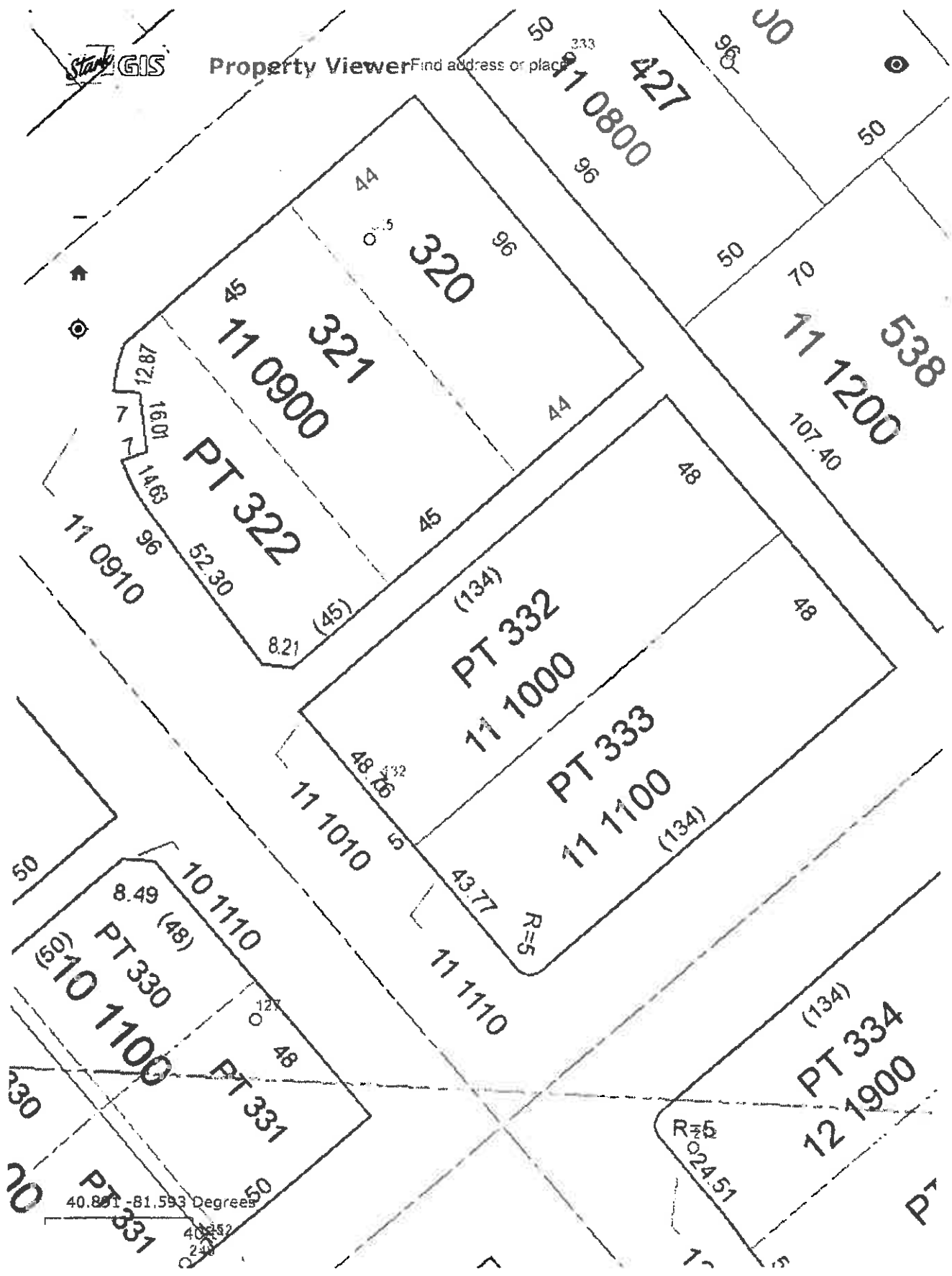
Canal Fulton's City Council will hold a Public Hearing Tuesday, June 20, 2017 at 7:30pm to consider a zoning change Parcel Numbers 95-00614 (Lot Number 332) and Parcel Number 95-00615 (Lot Number 333) located at 132 S. Locust St. from R-2 to B-1.

Any discussions concerning this are welcomed by Canal Fulton City Council. The meeting will be held at Canal Fulton City Hall, 155 E Market St., Canal Fulton, OH; by order of the Teresa Dolan, Clerk of Council.

Exhibit "A"



Property Viewer Find address or place



# RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

Ordinance No. 14.17 Passed \_\_\_\_\_, 20\_\_\_\_

An Ordinance Amending Ordinance 30-16, and Providing for Changes to Previously Authorized Appropriations.

WHEREAS, it is necessary for the City of Canal Fulton to authorize additional appropriations for current expenses and other expenditures for the fiscal year ending December 31, 2017, which were not anticipated or included in Ordinance 30-16, as the City's 2017 Appropriation Ordinance, and

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

**Section 1:** City Council authorizes the Finance Director to increase the General Capital Projects Fund appropriations by \$390,000 in order to purchase a building located at 960 Milan Street (parcel #95-00894) as approved in Resolution 2-17.

General Capital Projects Fund			
Category	Previously Approved	Change	New Appropriations
Non-Payroll Costs	311,860.00	390,000.00	701,860.00

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

\_\_\_\_\_  
Joseph A. Schultz, Mayor

ATTEST:

\_\_\_\_\_  
Teresa Dolan, Clerk of Council

I, Teresa Dolan, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby certify that this is a true and correct copy of Ordinance \_\_\_\_\_, 17, duly adopted by the Council of the City of Canal Fulton, on the date of \_\_\_\_\_, 2017, and that publication of the foregoing Ordinance was duly made by listing same on the City's website and by posting true and correct copies thereof at three of the most public places in said corporation as determined by Council as follows: Canal Fulton Post Office, Canal Fulton Public Library and Canal Fulton City Hall, each for a period of fifteen days, commencing on the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Teresa Dolan, Clerk of Council

# RECORD OF RESOLUTIONS

BEAR GRAPHICS 800-325-8054 FORM NO. 30043

Resolution No. 14-17 Passed \_\_\_\_\_, 20\_\_\_\_

A RESOLUTION BY THE COUNCIL OF THE CITY OF CANAL FULTON, OHIO TO ENTER INTO A CONSTRUCTION AGREEMENT WITH SCHALMO PROPERTIES, INC. FOR PUBLIC IMPROVEMENTS FOR DISCOVERY PARK, PHASE 5.

WHEREAS, Schalmo Properties, Inc., in compliance with Title One of the Planning and Zoning Code of the City of Canal Fulton, Ohio, entitled "Subdivision Regulations", hereby covenants and agrees to construct and install within the proposed subdivision known as **Discovery Park Phase 5** as previously approved by the Planning Commission, all public improvements and installments required by said Subdivision Regulations of 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 enter into a Construction Agreement with Schalmo Properties, Inc. for Public Improvements for Discovery Park, Phase 5 pursuant to proposal attached as Exhibit "A" and incorporated by reference herein.

\_\_\_\_\_  
Joseph A. Schultz, Mayor

ATTEST:

\_\_\_\_\_  
Teresa Dolan, Clerk-of-Council

I, Teresa Dolan, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby certify that this is a true and correct copy of Resolution \_\_\_\_-17, duly adopted by the Council of the City of Canal Fulton, on the date of \_\_\_\_\_. 2017, and that publication of the foregoing Resolution was duly made by listing same on the city's web-site and by posting true and correct copies thereof at three of the most public places in said corporation as determined by Council as follows: Canal Fulton Post Office, Canal Fulton Public Library and Canal Fulton City Hall each for a period of fifteen days, commencing on the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Teresa Dolan, Clerk-of-Council

SEF/bp

Exhibit "A"

**CONSTRUCTION AND PERFORMANCE AGREEMENT**

The undersigned, Schalmo Properties, Inc., hereinafter called the "Developer", in compliance with Title One of the Planning and Zoning Code of the City of Canal Fulton, Ohio, entitled "Subdivision Regulations", hereby covenants and agrees to construct and install within the proposed subdivision known as **Discovery Park Phase 5** as previously approved by the Planning Commission, all public improvements and installments required by said Subdivision Regulations of The City of Canal Fulton, Ohio.

Developer further covenants and agrees:

1. That all such public improvements and utilities shall be constructed and installed in full compliance with the provisions of said Subdivision Regulations, as well as with specifications established by the City Engineer and kept on file in his office. The aforementioned provisions and specifications shall be considered part of this Agreement as though fully rewritten herein.
2. To notify the City Engineer when each phase of any and each improvement or installment is completed and ready for final inspection and approval thereof, and that any service rendered to the Developer by the City of Canal Fulton, Ohio, in connection with necessary inspections or other related matters shall be promptly paid by Developer, as they are billed therefore.
3. That such improvements will be completed and installed within eighteen (18) months of the date of this agreement.
4. That all such improvements and installations will be laid, constructed and installed in a workmanlike manner and that the Developer guarantees such work and materials for a period of two (2) years from the date of acceptance thereof by the City Engineer. Upon acceptance of improvements, the Developer shall file a maintenance bond which shall guarantee improvements for two years. The amount of the bond shall be determined by the City Engineer and approved by City Council.
5. That the Developer will bear and pay the total cost of all improvements thereof.
6. That the Developer will promptly replace or repair any work or materials shown to be defective within the two (2) year maintenance guarantee period, provided that timely notice of the nature of the same is given in writing to the Developer by the City Engineer. In the event that the Developer refuses or fails to replace any defective work or materials within a reasonable time after such notice thereof, the City of Canal Fulton, Ohio, may cause such work to be done and the Developer shall pay the cost of the same.
7. That a title report approved in form and content by the City Law Director, shall be furnished showing the titles to all lands within the subdivision.
8. That all such required improvements shall be available to and for the benefit of the lands and lots within said Subdivision.

The Developer further agrees to comply with the rules and regulations of the City of Canal Fulton, Ohio, governing the construction and installation of the above improvements, and to take the necessary safety precautions to prevent injury to persons and property on or about the site of the improvements. The Developer shall assume the defense of, indemnify, and save harmless the City of Canal Fulton, Ohio, and its individual officers and agents from all claims relating to labor and materials furnished for the work and from all liability for injuries to any person, corporation or property received or sustained by or from the act of the Developer or its employees, agents or subcontractors in connection with the construction and installation of the improvements herein set forth.

For the purposes of indemnifying and saving harmless the City of Canal Fulton, Ohio, from all claims for damages as set forth above, the Developer will give evidence by a certificate of insurance to the City of Canal Fulton, Ohio, of its having in effect a general liability insurance policy with \$500,000 coverage for each occurrence combined single limit of liability for bodily injury and/or property damage. Said certificate of insurance shall identify the City of Canal Fulton, Ohio, as additional insured.

In order to insure the full and faithful performance of the Agreement, the Developer attaches hereto, its unconditional escrow commitment or performance bond subject to the sole and exclusive control of the City of Canal Fulton, Ohio, in the sum of **Two Hundred Forty-Five Thousand Dollars (\$245,000.00)** to insure the construction of the Improvements shown on the approved plans and implementation of soil and erosion control measures and the full payment of inspection and engineering fees within ninety (90) days of billing by the City. The Developer acknowledges that this sum shall be subject to the sole and exclusive control of the City of Canal Fulton, Ohio, for its release, based upon the City of Canal Fulton's acceptance for the performance assured herein. No direct or sub-contractual agreement of the Developer shall be deemed to authorize or encumber these funds, nor shall the obligation of the Developer constitute a basis for their release. Said funds shall be released only by the City of Canal Fulton, Ohio, upon proper acceptance of partial performance or completion, based upon the percentage of the project deemed completed and acceptable by the City Engineer, or the City Council, and no others. The Developer shall hold the City of Canal Fulton harmless, shall assure the defense of, and fully indemnify the City, its individual officers and agents from any and all liability for claims arising out of the release of escrow funds. Notwithstanding completion of the improvements mentioned herein, the escrow agreement shall not be released until a satisfactory maintenance bond in terms and amount approved by the City of Canal Fulton's Council; shall have been furnished for a maintenance period of two (2) years.

The City of Canal Fulton, Ohio, agrees with the Developer that it shall make all inspections as called for, and, so long as the Developer complies with the terms of the Agreement, shall not unreasonably hinder or obstruct the Developer in the performance of the work herein set forth.

IN WITNESS WHEREOF, the parties hereto have set their hands and seal this \_\_\_\_ day of

\_\_\_\_\_, 2017.

Witnesses:

\_\_\_\_\_

\_\_\_\_\_

Kenneth L. Schalmo

In the Presence of:

\_\_\_\_\_

The City of Canal Fulton, Ohio

\_\_\_\_\_

\_\_\_\_\_

Mark Cozy, City Manager

Approved as to form:

\_\_\_\_\_

Scott Fellmeth, Law Director

# RECORD OF ORDINANCES

~~ORDINANCE~~ ~~FILED~~ ~~FOR~~ ~~NO.~~ ~~DATE~~

Ordinance No. 15-17

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

AN ORDINANCE AUTHORIZING THE CHERTON-ARCADIA ANNEXATION PLAT FROM LAWRENCE TOWNSHIP, STARK COUNTY, OHIO TO THE CITY OF CANAL FULTON, OHIO.

WHEREAS, Ohio Revised Code §709.14 mandates that the City shall pass by a vote of not less than a majority of the members elected to its legislative authority, an ordinance authorizing an annexation of City owned lands;

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

The Council of the City of Canal Fulton has the legislative authority of the City, and does hereby authorize the annexation of the Cherton-Arcadia Annexation Plat as described in the attached legal description; and that Attorney Eric J. Williams shall be authorized to prosecute the proceedings necessary to effect this annexation.

\_\_\_\_\_  
Joseph A. Schultz, Mayor

ATTEST:

\_\_\_\_\_  
Teresa Dolan, Clerk-of-Council

I, Teresa Dolan, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby certify that this is a true and correct copy of Ordinance \_\_\_\_\_ 2017, duly adopted by the Council of the City of Canal Fulton, on the date of \_\_\_\_\_, 2017, and that publication of the foregoing Ordinance was duly made by listing same on the city's web-site and by posting true and correct copies thereof at three of the most public places in said corporation as determined by Council as follows: Canal Fulton Post Office, Canal Fulton Public Library and Canal Fulton City Hall each for a period of fifteen days, commencing on the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Teresa Dolan, Clerk-of-Council

SEF/bp



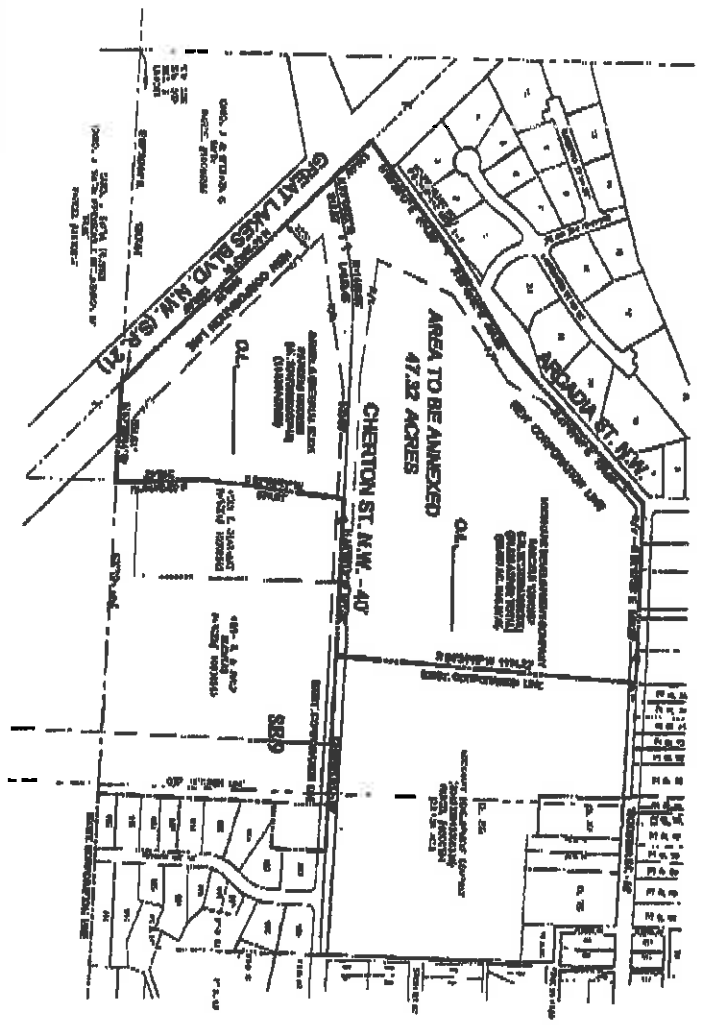
Exhibit "A"

ANNEXATION PLAT  
TO THE  
CITY OF CANAL FULTON

41.22 ACRES OF LAND SITUATED IN THE  
TOWNSHIP OF WELLS, COUNTY OF  
MADISON, STATE OF MISSISSIPPI  
WELLS COUNTY, MISSISSIPPI

DESCRIPTION OF AREA TO BE ANNEXED

- 1. A 40' WIDE STRIP OF LAND BOUNDARY...
- 2. A 40' WIDE STRIP OF LAND BOUNDARY...
- 3. A 40' WIDE STRIP OF LAND BOUNDARY...
- 4. A 40' WIDE STRIP OF LAND BOUNDARY...
- 5. A 40' WIDE STRIP OF LAND BOUNDARY...
- 6. A 40' WIDE STRIP OF LAND BOUNDARY...
- 7. A 40' WIDE STRIP OF LAND BOUNDARY...
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- 15. A 40' WIDE STRIP OF LAND BOUNDARY...
- 16. A 40' WIDE STRIP OF LAND BOUNDARY...
- 17. A 40' WIDE STRIP OF LAND BOUNDARY...
- 18. A 40' WIDE STRIP OF LAND BOUNDARY...
- 19. A 40' WIDE STRIP OF LAND BOUNDARY...
- 20. A 40' WIDE STRIP OF LAND BOUNDARY...



THIS PLAT IS THE PROPERTY OF \_\_\_\_\_

DATE OF RECORDATION \_\_\_\_\_

THE PLAT IS THE PROPERTY OF \_\_\_\_\_

DATE OF RECORDATION \_\_\_\_\_

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DATE OF RECORDATION \_\_\_\_\_

# RECORD OF ORDINANCES

BEAR GRAPHICS 402-325-2284 FORM NO. 93043

Ordinance No. 16-17 Passed \_\_\_\_\_, 20\_\_\_\_

An Ordinance Amending Ordinance 30-16,  
and Providing for Changes to Previously  
Authorized Appropriations.

WHEREAS, it is necessary for the City of Canal Fulton to authorize additional appropriations for current expenses and other expenditures for the fiscal year ending December 31, 2017, which were not anticipated or included in Ordinance 30-16, as the City's 2017 Appropriation Ordinance, and

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

**Section 1:** City Council authorizes the Finance Director to increase the General Capital Projects Fund appropriations by \$125,000 in order to renovate the building located at 960 Milan Street (parcel #95-00894) as approved in Resolution 2-17.

General Capital Projects Fund			
Category	Previously Approved	Change	New Appropriations
Non-Payroll Costs	701,860.00	125,000.00	826,860.00

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

\_\_\_\_\_  
Joseph A. Schultz, Mayor

ATTEST:

\_\_\_\_\_  
Teresa Dolan, Clerk of Council

I, Teresa Dolan, Clerk-of-Council of the City of Canal Fulton, Ohio, do hereby certify that this is a true and correct copy of Ordinance \_\_\_\_\_, 17, duly adopted by the Council of the City of Canal Fulton, on the date of \_\_\_\_\_, 2017, and that publication of the foregoing Ordinance was duly made by listing same on the City's website and by posting true and correct copies thereof at three of the most public places in said corporation as determined by Council as follows: Canal Fulton Post Office, Canal Fulton Public Library and Canal Fulton City Hall, each for a period of fifteen days, commencing on the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Teresa Dolan, Clerk of Council

**BILL TO:**



**City of Canal Fulton**

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

**PURCHASE ORDER**

PO. NUMBER: RG011283  
 PO. DATE: 06/01/17  
 DEPARTMENT: MAYOR . ADMIN  
 CREATED BY:  
 VENDOR NO.: 00429

DELIVER TO:

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

VENDOR:

SCHALMO BUILDERS, INC  
 464 ETHERIDGE BLVD.  
 CANAL FULTON, OHIO 44614

ACCOUNT NUMBER	AMOUNT
391.120.5730	\$36,200.00

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

FEDERAL ID # 34-6000498

QUANTITY	UNIT	DESCRIPTION	PRICE / UNIT	AMOUNT
		REMOVE AND REPLACE HOLLOW METAL DOORS AND CREATE MASONRY FIREWALL		\$36,200.00
		THIS PURCHASE ORDER IN EXCESS OF \$5,000 WAS APPROVED BY A MOTION OF CANAL FULTON CITY COUNCIL ON _____ / _____ / _____		
<b>TOTAL:</b>				<b>\$36,200.00</b>

**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.

**FISCAL OFFICER'S CERTIFICATE**

I hereby certify that the amount required to meet the contract, agreement, obligation, interest 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 from the credit of the appropriate Fund(s), free from any obligation or certification now outstanding.

\_\_\_\_\_  
 Finance Director

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 City Manager / Mayor

\_\_\_\_\_  
 Date

**BILL TO:**



# City of Canal Fulton

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

## PURCHASE ORDER

P.O. NUMBER: RG011284  
P.O. DATE: 06/01/17  
DEPARTMENT: MAYOR . ADMIN  
CREATED BY:  
VENDOR NO.: 00429

DELIVER TO:

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

VENDOR:

SCHALMO BUILDERS, INC  
464 ETHERIDGE BLVD.  
CANAL FULTON, OHIO 44614

ACCOUNT NUMBER	AMOUNT
391.120.5730	\$19,776.00

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

FEDERAL ID # 34-6000498

QUANTITY	UNIT	DESCRIPTION	PRICE / UNIT	AMOUNT
		INSTALL NEW OVERHEAD DOORS W/CHI 3285 24 GAUGE DOORS		\$19,776.00
		THIS PURCHASE ORDER IN EXCESS OF \$5,000 WAS APPROVED BY A MOTION OF CANAL FULTON CITY COUNCIL ON ____ / ____ / ____		
<b>TOTAL:</b>				<b>\$19,776.00</b>

**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.

### FISCAL OFFICER'S CERTIFICATE

I am 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 from the credit of the appropriate Fund(s), free from any obligation or certification now outstanding.

\_\_\_\_\_  
Finance Director

\_\_\_\_\_  
Date

\_\_\_\_\_  
City Manager / Mayor

\_\_\_\_\_  
Date

**THIS ORDER IS NOT VALID UNLESS SIGNED BY THE FINANCE DIRECTOR AND EITHER THE CITY MANAGER OR MAYOR**

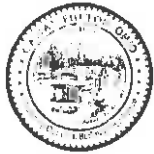
**BILL TO:**

**PURCHASE ORDER**

**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: RG011285  
P.O. DATE: 06/01/17  
DEPARTMENT: MAYOR . ADMIN  
CREATED BY:  
VENDOR NO.: 02239



DELIVER TO:

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

VENDOR:

CANAL FULTON ELECTRICAL  
SCOTT HELLER  
774 BEVERLY AVENUE  
CANAL FULTON, OHIO 44614

ACCOUNT NUMBER	AMOUNT
391.120.5730	\$35,271.00

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

FEDERAL ID # 34-6000498

QUANTITY	UNIT	DESCRIPTION	PRICE / UNIT	AMOUNT
		PROVIDE & INSTALL ELECTRICAL SYSTEM PER DRAWING FOR THE MAINTENANCE BUILDING 960 MILAN STREET  THIS PURCHASE ORDER IN EXCESS OF \$5,000 WAS APPROVED BY A MOTION OF CANAL FULTON CITY COUNCIL ON ____ / ____ / ____ .		\$35,271.00
<b>TOTAL:</b>				<b>\$35,271.00</b>

**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.

**FISCAL OFFICER'S CERTIFICATE**

I hereby certify that the amount required to meet the contract, agreement, obligation, 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 credit of the appropriate Fund(s), free from any obligation or certification now outstanding.

\_\_\_\_\_  
Finance Director

\_\_\_\_\_  
Date

\_\_\_\_\_  
City Manager / Mayor

\_\_\_\_\_  
Date

BILL TO:



# City of Canal Fulton

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

## PURCHASE ORDER

P.O. NUMBER: RG011286  
P.O. DATE: 06/01/17  
DEPARTMENT: MAYOR . ADMIN  
CREATED BY:  
VENDOR NO.: 01596

DELIVER TO:

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

VENDOR:

CROWN HEATING AND COOLING  
11197 CLEVELAND AVE. NW  
PO. BOX 1030  
UNIONTOWN, OHIO 44685-1030

ACCOUNT NUMBER	AMOUNT
391.120.5730	\$33,135.00

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

FEDERAL ID # 34-6000498

QUANTITY	UNIT	DESCRIPTION	PRICE / UNIT	AMOUNT
		NEW HVAC SYSTEM PER DRAWINGS FOR THE NEW MAINTENANCE BUILDING 960 MILAN ST.		\$33,135.00
		THIS PURCHASE ORDER IN EXCESS OF \$5,000 WAS APPROVED BY A MOTION OF CANAL FULTON CITY COUNCIL ON _____ / _____ / _____.		
<b>TOTAL:</b>				<b>\$33,135.00</b>

**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.

### FISCAL OFFICER'S CERTIFICATE

I am hereby certified that the amount required to meet the contract, agreement, obligation, commitment 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 appropriate Fund(s), free from any obligation or certification now outstanding.

\_\_\_\_\_  
Finance Director

\_\_\_\_\_  
Date

\_\_\_\_\_  
City Manager / Mayor

\_\_\_\_\_  
Date



**BILL TO:**

# City of Canal Fulton

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

## PURCHASE ORDER

P.O. NUMBER      RG011282  
P.O. DATE        06/01/17  
DEPARTMENT     STREET  
CREATED BY  
VENDOR NO.      02264

DELIVER TO:

CANAL FULTON STREET DEPT  
155 EAST MARKET ST  
CANAL FULTON, OH 44614

VENDOR:

TRI C CONCRETE & EXCAVATING  
8263 CLEVELAND MASSILLON RD  
CLINTON, OH 44216

ACCOUNT NUMBER	AMOUNT
391.360.5730	\$6,800.00

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

FEDERAL ID # 34-6000498

QUANTITY	UNIT	DESCRIPTION	PRICE / UNIT	AMOUNT
		755 REDWOOD- 704 SQ FT OF ROAD AND 18' OF CURB AND ROAD. TAMWOOD 41 FT CURB		\$6,800.00
		THIS PURCHASE ORDER IN EXCESS OF \$5,000 WAS APPROVED BY A MOTION OF CANAL FULTON CITY COUNCIL ON _____ / _____ / _____.		
<b>TOTAL:</b>				<b>\$6,800.00</b>

**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.

### FISCAL OFFICER'S CERTIFICATE

I hereby certified that the amount required to meet the contract, agreement, obligation, commitment 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 for the credit of the appropriate Fund(s), free from any obligation or certification now outstanding.

\_\_\_\_\_  
Finance Director

\_\_\_\_\_  
Date

\_\_\_\_\_  
City Manager / Mayor

\_\_\_\_\_  
Date