

CITY OF CANAL FULTON
CITY COUNCIL MEETING AGENDA
September 4, 2012

CALL TO ORDER

Mayor Richard Harbaugh called the September 4th, 2012 City of Canal Fulton City Council Meeting was called to order at 7:00pm in Council Chambers, City Hall, Canal Fulton, Ohio

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: Council Members Paul Bagocius, Nellie Cihon, Danny Losch, Sue Mayberry, Scott Svab and Linda Zahirsky

Others Present: Mark Cozy – City Manager, Fire Chief Ray Durkee, Police Chief – Doug Swartz, Teresa Dolan – Council Clerk, James Goffe – Finance Director and Dan Mayberry – Service Director

Absent: Scott Fellmeth – Law Director

CORRECTING & ADOPTING THE RECORD OF PROCEEDINGS

August 7, 2012 (DRAFT) – Discussion: Linda Zahirsky stated that the Council members would like to continue putting the minutes on hold for council members to continue working on changes. Mrs. Zahirsky did send in some corrections via email that were changed, but felt that there were a few more that needed to be made. Mrs. Zahirsky stated that she would like to have until the next meeting for Council member to work on the minutes.

August 21, 2012 - Linda Zahirsky made a motion to approve the August 21, 2012 minutes. Second by Nellie Cihon. All Council members voted in favor, motion approved.

REPORTS OF STANDING COMMITTEES

Sue Mayberry reported that the Public Service Committee had met before the Council Meeting to discuss an issue that the Park Board had asked the committee to look at. There has been some concern in regards to underage smoking down at the playground on Locust and Cherry. There is underage smoking individuals in the parl. Officer Swartz had indicated that they do go by and have seen the issue. Whether enforcing kids to not smoke will come to a decision by the body at some point down the road to ban smoking at the playground, we are not sure at this time. More input is needed. The Park Board is going to be told that they need to come to the Public Service Committee or full Council to bring specific information so that we can make a good decision. The committee does not want to rationally do a something without knowing all the information.

The issue of sidewalks needs to be revisited. Possible sidewalks down the east side of the downtown area from Echoing Ridge down towards Giant Eagle initially for some of the people that are at Echoing Ridge. It has been discussed and the committee feels that they should look into it again to see what possibilities there are. Possibilities on getting a grant to do something down there and maybe at some point the funds would be available to move sidewalks down west, but that is an expensive project. The committee is going to look into it.

A meeting was scheduled for October 2nd, 2012 at 6:00pm. Motion made by Nellie Cihon. Second was made by Scott Svab. Sewer rates may also be discussed. Finance Director James Goffe stated that he is working on a five year forecast for the sewer to try and assess what the rates should be. Mr. Goffe stated that he was hoping that Administration would have a recommendation by the meeting date. All Council members voted in favor, motion approved.

No other reports from standing committees.

Leslie Wyman- Welcome to Historic Canal Fulton/Ryan Trewin Memorial Sign

Leslie Wyman: Mr. Mayor and Council, if I could just take a moment. We visited this issue in the past and I wanted to remind everybody of the purpose of this sign. I have a little information to give you. Ryan's memorial sign is not dedicated to a boy named Ryan Trewin. It's a memorial that stands for life. Life that can be taken away from us at any given time, at any age. But Ryan Trewin's fight for life was what inspired us all to respect what we have in life. The sign was originally conceived because our family tried to think of a way to give back to the community for all the support and love they gave to the Ryan Trewin family. We wrapped our arms around him in his time of need, lifted him up and helped him to maintain his desire to be with us, his desire to be part of our community. This community gave so much love, so much kindness, and so many prayers. Our community gave so much to this child in a short time in his life. This sign was an effort to welcome people to our community to our historic beautiful town and remind them of how our community joined together. The sign is a celebration of Canal Fulton and everything that this town did for this young man who was in need of our support and love, who thrived and hopefully survived longer because of this love, kindness and prayers that were given to this young man. Last year in 2011, on June 21st, Council gave me the nod to move forward with the Welcome to Historic Canal Fulton sign that was designed in memory of Ryan on the front with opportunities for community members to remember loved ones on the back, and I have a rendition if anyone needs to see it.

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On July 19th the County Engineer came and concurred that the sign location would not interfere with the planned 2015 road improvements. Then I was to the Parks and Recreation Board and Historical Preservation Committee. I was granted approval by those groups on August 11th, and August 18th of 2011. September 20th it was presented to Council that both groups had approved the Welcome to Historic Canal Fulton sign. With this in mind, I reached out to our community members for support of this effort. I have now raised over \$6,000 for the sign. Much to my surprise the sign was questioned at last Council meeting over the electric. This electricity was offered by the City. It was never requested by me. However, this offered opportunity from members of Council to question the format of the sign recognizing Ryan Trewin on the front and whether or not the sign was ever approved. So why should the front of the sign be in memory of Ryan Trewin? A young man that we made a hero. I ask you, if he was not a hero that was embraced by our community, then why in the course of 48 hours did we sell over, did we have over 500 signs asking members to pray for Ryan? If he's not a hero, than why on his last days of school did we have a parade taking him to school in one of our police cars lead by our safety vehicles as we celebrated that boy's desire and strength to fight this disease? If he is not worthy of this memory then why did surrounding communities send 30 police and fire trucks to escort his funeral procession? If he is not worthy of this, than why did this town, and you as council, approve the Ryan Trewin day in May of 2008? We as a community embraced this child. We all hugged our children a little longer, appreciated the time with our families a little more, all while Ryan fought each day as if it was his last. He brought together a community with his fight and even touched people outside of our town, like the Cleveland Brown's Coach Mangini and Josh Cribbs. They gave an after game speech about a little boy's fight. All of this support was given to Ryan wasn't because they all knew him, it was because of the fight he was fighting that no child at that age, or any age, should have to endure. It was not that Ryan was better than anyone else that passed before him. It was the story about a child's fight for life. His fight brought to all our eyes that you must appreciate every moment. If you do not believe that this community has embraced this sign, then look around you in this room. These people are here as your constituents showing that they have supported a young man that touched all of our hearts. If they do not than why do I already have \$6,000 in the bank for this sign? Do we want to be a community, the council that remembered Ryan Trewin and found a place to remind us of this young boy? This is our opportunity to remember the young man we treated as a hero, while he valiantly fought this disease, that we agreed was a hero through our actions. This our opportunity to remind the children of the classes from 2009 to 2021 as they come back to this community as adults approaching the center of our town and upon seeing that sign remember that their friend and hero, the young boy who will forever live in their hearts. This is our chance for community members to remember the loved one that they will always be with them in their spirit, celebrate their families, their businesses and their organizations. So I now stand before you Mr. Mayor and Council and I ask you to continue to approval of this sign.

Lynda Zahirsky: Very well said.

Mayor Harbaugh: What is Council's pleasure on this here?

Danny Losch: You certainly have my support.

Sue Mayberry: I just want to say, Leslie, you came to council broken and yet driven over the loss of a special boy in this community and a very dear friend of your family and there are two sides here. There is an emotional side, and the emotional side that we all share with you as human beings. And the side that I was elected to do to uphold the charter and the ordinances and resolutions of the City. Number one, when this was first introduced, you wanted it to be your sign, not our sign. When did it become the City's sign? I've heard comments from the engineer, it appears the intersection can be widened and it won't interfere with this sign. It appears, but he cannot say for sure that something if it get put there and it have to be moved again, cause their not gonna do the design engineering, someone else is. Our engineer is not. I heard them tell you, you gotta go to HPC. I heard it said that the County has to approve. I heard it said planning has to approve. Planning never saw this. As far as Council nodding their approval, my feelings at the time was this has gotta go through other stages, it's not ready to be approved to the extent that I think you were lead to believe it was approved. Council members am I wrong, did we, did we...

Matt Moellendick: May I interrupt?

Sue Mayberry: Approve the sign?

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- Mark Cozy: Well I can say that Planning Commission
- Sue Mayberry: I am just asking the question.
- Mark Cozy: Planning Commission decided not to deliberate because the sign was on City property and it was a City/Council issue. So that is why they did not, they chose, the felt they did not have to deliberate on the sign. So that is why it did not go through Planning. It did go through HPC.
- Leslie Wyman: And it was also approved by Parks and Recreation.
- Sue Mayberry: But my question in all this is, when this all started, Linda said it's gotta go to HPC, the Law Director, said its gotta go through these channels, variance and things like that, but then I find out through my studying and looking at past council meetings and past planning meetings that the City property is exempt from its own rules. So if the City property was exempt from its own rules, than I'm thinking why are we telling this woman she's gotta go here, she's gotta go there? I was totally confused because if we're, if we need to abide by our rules, we need to abide by our rules. But then I find that we're exempt from them. Which I can't even understand that really.
- Mark Cozy: Well we're exempt from our Zoning, but Council decided they wanted the approval from the HPC since it's in the Historic District and it is a public park, so Council wanted approval from the Park Board, which those two agencies did approve the sign.
- Sue Mayberry: When did it become the City's sign? Did you know was it the City's sign?
- Leslie Wyman: I don't think of it as being the City's sign. It's on the Parks and Recreation property but its being put together by...
- Sue Mayberry: It's the City's sign.
- Leslie Wyman: donation.
- Sue Mayberry: It's the City's sign.
- Matt Moellendick: Mrs. Mayberry, When I sat on Council, many times I sat in Mr. Svab's seat...
- Sue Mayberry: I know.
- Matt Moellendick: I helped Mrs. Wyman...
- Sue Mayberry: You were very emotional...
- Matt Moellendick: go through this...
- Sue Mayberry: I understand, I remember.
- Matt Moellendick: and push the sign through.
- Sue Mayberry: I remember.
- Matt Moellendick: But, your arguments don't hold any water because, may I finish, I listened to you. Your arguments are that...
- Sue Mayberry: I'm not even arguing with you.
- Matt Moellendick: I'm not saying your, your arguments, your speech, your objections to the sign are that it, that it didn't have approval. However, we sat here, Leslie contacted me as a source of information – what should I do? – I said I think you need to come and ask for, ask Council what you need to do to find out where you need to start. So she came in and we discussed it, we deliberated it, Council talked about it, nobody liked the fact that it would just have Ryan's name on it. It needed to include a few other people. Through some discussion, it came up that, and it was greed, that Ryan would be on the front and the back would be all the other children that people could buy a larger brick to help sponsor the sign. Then it went through HPC, and I sat on HPC and then the Planning meeting, cause those two bodies meet together. HPC said we're fine with it. Parks said they were fine with it. She came back as a final,

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to find out what was next. The next thing was everybody agreed that it would be. There was never a motion, never a voice motion approval. But everybody here that night sat and said OK.

- Linda Zahirsky: Matt, was that the time that we also agreed to pay for the electric?
- Matt Moellendick: Yes.
- Linda Zahirsky: I was having trouble remembering at what point...
- Matt Moellendick: And we...
- Sue Mayberry: We never agreed on that.
- Matt Moellendick: That night we're sitting there and Leslie is confused, because there was – and I remember this – there wasn't a voice motion for this to give approval. It was just everybody agreeing – she was confused if it had passed – and the Mayor said you're done, go raise your money. I don't know if that's his words, but that's what he said to her. She left, looked at me and I agreed it sounded like everyone approved and she was done. She got up to leave, Mark left the meeting to go get her to give her the information she needed to make sure it was cleared, and that was it. Why would you found a non-profit organization and raise money for something that it wasn't approved?
- Sue Mayberry: Why would I what?
- Matt Moellendick: If you were taking on an endeavor like this, if it was not approved would you found a non-profit organization and raise money to build a sign if you knew it wasn't approved? It's a hypothetical question. If you were in this situation, would you go and raise money without approval?
- Sue Mayberry: I, I, I never thought it was.
- Matt Moellendick: It's a hypothetical, I'm asking you? If it was not approved, would, if you wanted to do something and it was not approved would you go raise money?
- Sue Mayberry: No, so she must have been told something else.
- Leslie Wyman: I was, I was told that it was approved. I was told to go on my way. And if you represent the City of Canal Fulton, how did you not possibly see these flyers at almost every public establishment in town, at the Northwest Day, on the City of Canal Fulton's Facebook Page- I posted on there for people to support it? I've met with Dan Mayberry about Zoning, I've met with Mark Cozy about Zoning, I've been to Mr. Belford for the permits, and Ohio Edison has come here to agree to put it in as a non-profit. I mean, have your head in the sand, but it was approved. The motions have been going on for a year. And here, let me ask you this. I don't understand the dilemma about it, when it is something that is given to the City for the City to recognize many people that they have lost in this town, and to be recognized as a community that stepped up and supported a young man. I don't understand your discontent with that. You don't have to put any electricity on it. You don't ever have to do anything to it as a City. We will spin a little mulch trimmer thing around the sign and you will never even have to cut the grass. But it is on Parks and Recreation property and they have approved it. Without any discontent.
- Sue Mayberry: Mam, mam, mam, mam, mam, I'm not just, I'm... this, this, this sign is going on City property.
- Matt Moellendick: It's a gift.
- Sue Mayberry: But, but...
- Leslie Wyman: If I wanted a park named after me, Mr. Bagocius told me if I wanted a park named after me I would have to donate 50 percent of the land or the money for that park. I am donating 100 percent of this sign. 100 percent on a City park.
- Sue Mayberry: Right now, according to Mr. Cozy last week, we have almost \$2,100 of City funds invested in that sign.
- Leslie Wyman: Then don't put any electricity on it and let it be dark at night. Then you want have any expense invested in it.

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Sue Mayberry: But we already have the pole; the pole has been put up. I didn't know it was goin up.

Leslie Wyman: That's not my fault.

Sue Mayberry: But I'm tellin you.

Jenni Barber: Council wanted the electric on it.

Sue Mayberry: No.

Jenni Barber: The City came to Leslie and said we'll put the electric in.

Sue Mayberry: Mr.

Jenni Barber: It wasn't initially gonna have electric.

Sue Mayberry: I know that, I went through every meeting – May 4th, June 7th, ...

Leslie Wyman: And I listened to all the DVDs as well; I have 15 hours invested in this as well, trust me.

Sue Mayberry: I went through all the minutes, all the meetings, and I listened.

Leslie Wyman: The fact that Leslie does not take copious notes is not my fault.

Jenni Barber: Mrs. Zahirsky just stated is that the time we approved the electric?

Sue Mayberry: But we didn't Mrs. Zahirsky, we didn't approve the electric.

Linda Zahirsky: Matt, did we approve the electric?

Sue Mayberry: No.

Linda Zahirsky: Mr. Cozy did we approve the electric?

Mark Cozy: Mr. Grogan did. Mayor Grogan and nobody objected. He mentioned it in the meeting that night...

Sue Mayberry: No he didn't. No he didn't.

Unknown: Yes he did.

Sue Mayberry: No he didn't, He did not.

Mayor Harbaugh: Ok, let's quit the arguing; let's just have a vote...

Mark Cozy: Well let's vote now, and get it over with.

Mayor Harbaugh: of council of yes or no and get it over with.

Jenni Barber: Can I just say one thing? Can I say one thing real quick, cause I...

Mark Cozy: Yeah.

Jenni Barber: just want to make a comment to Mrs. Mayberry. You sit here and you say that this is not an emotional issue; it's not an emotional issue. You came to my house...

Sue Mayberry: I know I did.

Jenni Barber: You didn't even know me and you...

Sue Mayberry: I know that.

Jenni Barber: came to my house because you were so overcome with emotion...

Sue Mayberry: I know.

Jenni Barber: about my son...

Sue Mayberry: right

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- Jenni Barber: and you cried in my driveway with me.
- Sue Mayberry: I know that.
- Jenni Barber: So I don't...
- Sue Mayberry: I'm just...
- Jenni Barber: It is irrelevant if it is an emotional issue or not an emotional issue for you. The thing is that Mrs. Wyman and Mr. Wyman wanted to do something wonderful for the community that gave so much to my son and this is a way that we can give back to the community. I grew up, I was born and raised here, and you have a rinky-dink sign sitting there now, and this would be a beautiful sign that says welcome to Historic Canal Fulton, and then we can honor everyone in the community that lost someone.
- Sue Mayberry: I was never against it, I was never against it. It's where it's going.
- Jenni Barber: Well then what are your...
- Sue Mayberry: It's where it's going to be. You, this is opening a Pandora's box...
- Jenni Barber: There's a sign there now.
Sue Mayberry: for a lot of...
- Jenni Barber: Except for its rinky-dink and it looks ridiculous. This would be a beautiful granite, beautiful sign for the community.
- Sue Mayberry: So no one else on council sees what, what, what, you know, this could, that someone else could ask the same thing and what are we gonna say to somebody else? I mean any place but city property would be a no brainer. You understand where I'm coming from? Mr. Cozy do you have any words to defend anything I've said tonight, knowing some of the things that have taken place that we were not told about? I didn't know...
- Mark Cozy: I was under the assumption that Council was aware of the sign. That's why I reported my report as I did.
- Sue Mayberry: The electric was enough, there was no electric monies, nothing was gonna come from us. She wanted it to be her sign. Not something that we even had any control over.
- Mark Cozy: No, the assumption all along has been that the sign was ...
- Leslie Wyman: Mayor Grogan said that once that sign is on City property than its all of our...
- Sue Mayberry: Exactly. And he wanted you to know that.
- Leslie Wyman: Sign. And that's why we listened, and took the input as to, and I believe it was you sir that recommended the on the back of the sign for all the community members that that would be put on the back of the sign.
- Paul Bagocius: Mr. Mayor, may I make a comment?
- Mayor Harbaugh: Yes.
- Paul Bagocius: I raised the issue at the last meeting, and one of the reasons I raised the issue was basically, well two reasons. One is it seemed like things were going without any discussion on Council and I wanted to make sure that Council approved it. Which they hadn't up to this point. The second, had to do with the wording, and Leslie and I had met approximately five days ago or six days ago. My concern was, and I'm not going to use Ryan's name, even though he is a very important person, I am going to use an individual. My concern is having a sign, a memorial sign, for an individual in the City on City property. That was my concern, and I shared it with Mrs. Wyman. I shared with her what I consider a more appropriate language or wording on the sign and I don't know whether you've shared it with anyone else or not, but I thought because it does honor all the children that may have died an untimely death, whether it be by accident, by disease, or anywhere else, that that to me was the purpose of the sign, to honor all the children in the City. And so I suggested to her

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that the, instead of the memory of, we would use the phrase – we remember our children – that would be the name of the sign, if you will, and then underneath that - inspired by the life of Ryan Trewin - so we would recognize Ryan, but also at the same time we are recognizing all the children in the City by that sign. And so that is my suggestion for the wording on the sign. I have no objection to the sign personally.

- Leslie Wyman: My reply was that was that I have \$6,000 in the bank from community members that have embraced how the sign is rendered currently, and then my impression was that I would have to go back to Parks and Recreation, I would have to go back to Historical Preservation to get it approved for the change of the wording. So therefore, I think it stands as it is. And I would also; I mean this sign is being, my energy and my efforts are in memory of Ryan Trewin. I am opening my arms to anyone who wants to participate and help me in memory of their loved ones. But the sign is in memory of Ryan Trewin.
- Linda Zahirsky: I wanted to just point out that some of the things that we have within in our community that have people's names on them. If you go out across from the high school where the pee wee football league plays, you'll see the stadium there, the area is named for Mr. Hammer, who spent an awful lot of time working for that stadium, and if you look at the actual football stadium, I believe it's for Dr. Martin Smiley, isn't it?
- Unknown: By the way there are two pavilions now at the youth football thing, and on the sign in memory of Ryan Trewin.
- Unknown: That was all donations as well.
- Linda Zahirsky: So it isn't like, you know, it isn't like it's a new concept.
- Matt Moellendick: There are bleachers in the pavilions down at St. Helena Park also have plaques with people's names on them. Trees have plaques with people's names on them. As examples of memorials.
- Sue Mayberry: Are we confident that if this sign gets erected in that area that when they widen the intersection that there will not be issues with that?
- Linda Zahirsky: I felt fairly confident that when the engineer came and talked about it that it wasn't going to be a problem.
- Matt Moellendick: You all recall that the sign is not going to be placed where Mr. Hatfield's portable sign is right now, it's going to be behind the fence and the fence will be relocated.
- Sue Mayberry: Right.
- Matt Moellendick: Also, just you know, to echo about the rinky-dink sign and terrible the intersection looks, all those banners violate the zoning code.
- Linda Zahirsky: Oh, thank you so much. I thought I was the only one that saw them. And if you want to sign a petition to get those removed, we might have to do that.
- Sue Mayberry: So, so can you please answer me Mr. Cozy, if she didn't need to go through all these channels, why did she do it?
- Mark Cozy: The assumption was, was approved by Council. I passed it out to everybody in a meeting last year, and nobody objected to this.
- Sue Mayberry: Last year?
- Mark Cozy: Last year, at the end of last year.
- Jenni Barber: And there were changes made actually. There were changes made with the original design.
- Mark Cozy: Yeah.
- Jenni Barber: Because the City wanted it worded in a different way.
- Mark Cozy: This is the amended version of this form to make a donation, and nobody objected to it.

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- Sue Mayberry: But nobody, I don't believe we ever came to a decision on the name or the wording was going to be.
- Linda Zahirsky: Well, we could do it now.
- Victor Colaianni: It's not your sign. Understand this it's not your sign, ok.
- Mark Cozy: It will be the City's sign. It will be the City's sign.
- Sue Mayberry: It is our sign.
- Victor Colaianni: No, I understand that, ok. Did you approve the Kilbright park sign down behind Cherry Street?
- Sue Mayberry: No
- Victor Colaianni: Did you approve Mulhauser Park when it was named Mulhauser Park?
- Sue Mayberry: I wasn't on Council.
- Victor Colaianni: Exactly my point. You want to end this all right now Mayor? My understanding and correct me if I'm wrong, the electric is under \$2,000, is that correct?
- Unknown: True.
- Victor Colaianni: You have the authority by City Charter and by Ordinance to approve the P.O. and fund it without approval of council, because this is a sham. Ok? My son in November had a blank one of these and coloring at the table. I did not prompt him to do that, ok; he had a copy of that sign. So, he remembers Ryan Trewin. I've heard something, and pardon my French. I've heard some BS about people saying in ten years no one is gonna care. That's a bunch of crap. I have a cousin whose son was in class with this young man and he was broken hearted when he passed away. He is gonna remember him his whole life. Ok, you represent the community. If you don't want to fund Mulhauser park because you don't want somebody's name on it, you and you voted against the Eugene Fellmuth safety center sign because you don't think buildings should be named after people. That's a bunch a crap. It's all a bunch a crap. It's all a bunch a smoke and mirrors and it's gotta end. Ok. This young man inspired more people than you know. And if it is true, and I am not questioning, Jenni at all that you showed up at her driveway...
- Sue Mayberry: Yeah.
- Victor Colainni: That's a slap in the face. What you're doing by objecting to that tonight. Mr. Mayor, you or the City Manager can sign the P.O. now for the electric. The Park Board which is by City Charter, which you took your oath to defend, they have the authority and so does HPC to approve the sign. It's a done deal. This is all a bunch a crap it's a waste of time. Pardon me for getting accelerated, but it is. There's three things that broke my heart the last five years. My Dad and my Grandmother passing away and going to this young man's calling hours.
- Danny Losch: If I may something...
- Victor Colainni: It's ridiculous.
- Danny Losch: When we were going through all these issues and we watched as things were created and how things were working, I mean this young man really moved, touched and inspired the community. Everybody was moved, touched and inspired. The whole community reacted to this. So, as a public official, or a public servant I have to react to the will of the people, and I was moved, touched and inspired myself by what went on. This sign should be lead with his name on it. And all the other children should be honored through this sign being established here. And, as far as putting the lighting on it, you are right, what's your name sir?
- Linda Zahirsky: Colainni
- Danny Losch: I just wanted to make sure I got that right. You're right this is an issue that the Mayor can resolve right now. Council has no business with its P.O., it's below \$3,000.

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- Mayor Harbaugh: Well I would just like to have Council vote on it and get it over with.
- Danny Losch: That's fine.
- Matt Moellendick: Just a reminder, Council spent \$1,300 for a light and \$1,600 to put up a mural on the side of the building.
- Danny Losch: That's correct.
- Sue Mayberry: We were approached and we were told...we were given the information
- Matt Moellendick: But you spent....
- Sue Mayberry: We weren't given that information
- Matt Moellendick: Sue, you were given the information.
- Sue Mayberry: I wasn't given the information about the electric.
- Matt Moellendick: You were given...
- Sue Mayberry: I wasn't.
- Matt Moellendick: Anyway,
- Nellie Cihon: That's funny, I remember that.
- Paul Bagocius: Mr. Mayor, I just need to correct Mr. Colianni's recollection, it's a minute...
- Mayor Harbaugh: Well I wasn't here so you go right ahead.
- Paul Bagocius: It's a small issue but I want to make sure it's corrected. I never said that not to, or I voted against the naming of the building. I said that there hadn't been enough...
- Victor Colainni: That's not the issue right now sir.
- Paul Bagocius: You made a mistake.
- Victor Colainni: You had a, you had a (inaudible) public education...
- Paul Bagocius: Excuse me Mr. Mayor; I believe he's out of order. Mr. Colianni, you made a statement, I just want to make sure it's correct.
- Victor Colianni: You voted against it.
- Paul Bagocius: I voted against it because I said there hadn't been enough thought to go into it. It was presented at one council meeting and voted, if not at the meeting the next meeting. That was my objection not to the name and not to the honor of the person, of the designated. Again, I just want to make sure, I think the sign if it were a tribute to all the children, when we say we remember our children and its inspired by the life of Ryan Trewin, would go beyond Ryan. I personally think as a parent, and I'm speaking strictly as a parent, I would want the memory of my child go beyond my child. I would want it to go to all the children, and by having the sign renamed, let's say, in remembering all our children inspired by the life of Ryan Trewin, with his name right up front, would be a real tribute to him. That's where I'm coming from.
- Jenni Barber: The whole reason why they came up with the idea is to go beyond Ryan, was to give back to the community. Leslie has already sold memorials, that's not just children, people that are remembering their grandmother, their grandfather and their other loved ones, not just children. The sign now is open for more people than just children. It is open for anyone in the community that has lost a loved one. It's even more encompassing than what you're trying to oppose.
- Danny Losch: And we did have that conversation during that time. We were talking about buying bricks and filling out the area and adding to it and any involvement to it. And I recall that, so we can end this and just have a voice motion and leave it right as it is and move on with this project. If I can get a second on that.
- Nellie Cihon: Second

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- Linda Zahirsky: Now wait, let's be specific about what your motion is. Are we paying for the electric? And are we leaving the sign exactly how it is?
- Danny Losch: Well as far as leaving the sign exactly the way it is, I think that is Council's choice here. As far as the electric, that is, doesn't have to be approved by Council. It doesn't have to be. That could be another motion if we want.
- Linda Zahirsky: Well it doesn't have to be, but let's do it anyway. Just include it in part of this one.
- Sue Mayberry: Is it electric sign? Or is it a light to shine on the sign?
- Mark Cozy: It's backlit. That was an issue. In defense of Mrs. Mayberry, the mayor told me to do was I brought it up. Maybe the recorder wasn't running. I brang it up asking do we, my recommendation was to put a nice sign up like that there, that we should probably backlight the sign.
- Sue Mayberry: Because you were talking about their problem with raising money, with their finances that if we added more to the sign. And she said, I talked to the sign company and they said 15 years down the road if you want to put electric in here, we'll work with you on getting that done.
- Leslie Wyman: That's not what I said. No. Whether or not it be an electric sign like they have at the Prudential Insurance Company and Dairy Queen, that kind of sign would not be approved by historic, so we were not even going down that road. It's just a regular reader board sign with a light coming up inside that will illuminate it.
- Sue Mayberry: Well whatever they could help you to change it to electric at some point.
- Leslie Wyman: Two different things.
- Mark Cozy: Well to a electronic sign. That's what was stated. This current sign is built to specification that if we wanted to put in an electronic panel in there for information than we could do so in the future. That's what that conversation was. The electric was a foregone conclusion that we were talking about.
- Sue Mayberry: I know that John asked you twice at HPC, is this an electric sign. They were concerned about that.
- Mark Cozy: Right.
- Sue Mayberry: And you both said no.
- Mark Cozy: No, electronic.
- Sue Mayberry: Or whatever, he said electronized or something he used. I forget the word he used.
- Mark Cozy: Electronic messaging system. That's what the question was. The sign can be backlit. And that's all that we are talking about.
- Danny Losch: Well if I may restate my motion. It's like a motion to approve the existing plans of the Ryan Trewin sign and including the cost of the electricity installation and the electricity.
- Nellie Cihon: Second
- Mayor Harbaugh: Any other discussion?
- Paul Bagocius: Yes, I just want to make one comment. I am going to vote in favor of it. Not because I agree with the wording, and I don't. There's no, but I also don't want this sign to be controversial having any negative impact or anything of that nature. I think it was a good discussion, but I just wanted to let you know I am going to vote yes, even though I don't agree with the wording. I think it should be more encompassing than what the current wording has.
- Mayor Harbaugh: Any other comments?
- Scott Svab: Yeah, I wanted to commend Mrs. Wyman and also Mrs. Trewin and I did know Ryan briefly and remember years ago when he was at Domino's and he dressed as the Pizza Man and he touched everyone's heart. My only contact with this, I wasn't on Council at the time, however last meeting when this issue came up, I was surprised because we were told that it would be \$1,500 in electric bill. And that's the first I

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heard that the City had to spend any kind of money towards this project. Again, with our deficit that we had at the beginning of the year that was reported to be \$250,000, and I know that a lot of effort that you went into to secure the \$6,000 it's a lot of time and effort. And I will help you out with a four by eight brick and getting this on. Again, it's gonna add to the downtown of coming in and I think it's a great project, but I also want to make sure that everyone on Council, Mrs. Mayberry and Paul had some definite opinions that are not out of line, because he is a special kid and we want to make sure that he is never forgotten, but when you're looking at a planning situation five years from now, we're gonna enlarge that intersection, we want to make sure that we make sure that we put that in a spot where we never have to move it, because I can imagine that what kind of you put that there and then all of the sudden it's like hey this is not fitting into our long range goals. Hopefully, you know, I don't want to undo all the work and all the sweat that you went through HP and Parks and everything else. I'm excited for the sign and I am hoping that it is gonna look just as nice as what you've put all your efforts into, and ...

Sue Mayberry: And I want to say one thing. I'm gonna approve this, but I'm gonna tell Mr. Cozy, and members of administration, if any more stuff comes to this Council table and we're not given all the information up front it's not gonna be a pretty sight. I want to know what's goin on. No supprises.

Paul Bagocius: And I would second that.

Nellie Cihon: I hope you're speaking for you and Paul, because there are other people on this Council.

Sue Mayberry: Oh, I don't need you to help me.

Nellie Cihon: Don't worry I won't

Danny Losch: Can we move forward please?

Mayor Harbaugh: If there is no other discussion, Roll Call.

All Council Members voted in favor, motion approved.

Mayor Harbaugh: Does this end that now and we can move forward with it.

Danny Losch: Thank you all for coming folks.

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

Resident Faith Murray asked if anything can be done about the old Locust Street grade school and cleaning up the mess. It needs mowed and various residents have mowed it in the past. Now there is also trash and debris in the back. Dan Mayberry stated that he would meet with Ms. Murray and discuss her concerns and then talk to the city Manager about the problem.

No other Citizens concerns.

REPORTS OF ADMINISTRATIVE OFFICERS

Senior Citizens – No Report

Community Service Coordinator – No Report

Fire Chief

Chief Durkee reported that Lawrence Township did put a new squad in service that will also service Canal Fulton Residents. Matt Lind has accepted a full time job with the City of Barberton. His new position does not allow him to work for another fire department job.

Council had no questions for the Chief Durkee.

Police Chief

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Chief Swartz reported that revisions were sent out for policy changes that Council requested. Chief Swartz stated that his belief was that the Law Director will be looking to see if anything embodied in the policies needed to come to Council for approval.

Engineer/Streets/Public Utilities

Service Director Dan Mayberry reported that the 2012 Chip and Seal program was completed. A few dust complaints were received, but nothing out of the ordinary. The streets were actually swept Thursday, August 30th. The Chip and Seal was completed August 27th and 28th. Crack Sealing of Cherry Street, Erie Ave and various roads throughout the town will begin September 6th, weather permitting, and continue for two to three weeks and will take us into leaf pickup season. Ninety-three delinquent letters were mailed out to water customers and thirty-six door notices were hand delivered. Of those thirty-six, two accounts had to be shut off. Since that action was taken the accounts were paid in full and turned back on.

Mayor Harbaugh asked if the street sweeping was done now. Mr. Mayberry stated it was and the Mayor wanted to know if a sweeper could come back in to the park and sweep. Scott Svab stated that Locust also seemed like a lot of loose gravel was there. Mark Cozy stated that there were a few areas that there were some areas that were not swept because there was concern about the base underneath.

Paul Bagocius asked if there was a handle on how much money the City has lost, if any, from people moving out. Finance Director James Goffe said he would have to inquire the Utility Department about that.

Mayor Harbaugh stated that he would like to see the sweeper back in to the park. And some of the holes need filled with black top, which the Mayor has spoken to the Finance Director about. Mr. Goffe stated that there are funds for that if that is Council's prerogative. Linda Zahirsky asked if we were too late to sweep again this year. Mr. Mayberry stated that the service is contracted and he would check. Mayor Harbaugh asked if Lawrence Township had all their roads done, and Mr. Mayberry said he did not know. Mayor Harbaugh said if not we could possibly hire them to come back into the City at the park. Mr. Mayberry also asked the Mayor in regards to the standing water if that was something he wanted addressed this year. Mr. Mayberry stated that a storm sewer system would aid in eliminating some of the puddles. Asphalt could be put down, but corner to corner that would be about 180 yards or so that is a long way. The water will be addressed in the parking lot at the park. Crack and seal will be done and then leaf pick up so it is a matter of man power and time. The mural also needs erected. Mayor Harbaugh stated that asphalt could be put down a little later in the year.

Finance Director

Written Report was in the Council Packet

Finance Director Goffe reported on the report on parcels that were applied for tax exemption. Email was also sent out to everyone in the City in regards to a town hall meeting about OPERS. The meeting will be at the City of North Canton. Mr. Goffe will be sending an RSVP back to the City of North Canton.

Mrs. Zahirsky stated that she understood that spouses may be shed from the program in 2013. Mr. Goffe is unclear about some of the details. The meeting will hopefully clear up some of this.

Paul Bagocius wanted to thank James for his work and effort concerning tax refunds. Mr. Goffe said that there were still some parcels that were outstanding.

City Manager

Written Report was in the Council Packet

City Manager Mark Cozy reported that a motion needed to be passed to set the date of Halloween.

Lawrence Township follows our lead also. October 31st is on a Wednesday this year. Mayor Harbaugh said the township always went with the county. This date will only be for the City of Canal Fulton. Nellie Cihon made a motion to make Trick or Treat on Wednesday October 31st from 6:00pm until 8:00pm. The motion was seconded by Sue Mayberry. Linda Zahirsky voted no and all other Council Members voted yes, motion approved.

Linda Zahirsky stated that she would like to see Trick or Treat on Sunday. Paul Bagocius said that they needed to see if they could coordinate next year with the schools if on a Friday.

Mr. Cozy also stated that the Natural Gas Aggregation rate was set. What was interesting was that a week ago the price was \$4.87, and today the price was \$4.82, so the City struck right at the right time with a price of \$4.665.

The LGIF grant application was submitted today and there were some problems with the software, but the application was submitted. There will be some follow up documents to be added to the grant.

Sue Mayberry asked a question about the downtown hotel that was listed on Mr. Cozy's report. In discussion with representatives, is there a percentage of occupancy that they need in order to survive. Mr. Cozy stated that yes there was. He was not sure what the percentage was. That is

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what the feasibility study done by a consultant to determine what the usage would be of the hotel. Two options are being considered, a hotel based off tourism, or one that also support business. The study should be done within the next few months. Mrs. Mayberry wanted to know if they were aware of the Hampton Inn in Massillon that is struggling. Mr. Cozy stated that they were.

Paul Bagocius asked if there was any commitment of local money toward either to the feasibility study or any other study. Mr. Cozy stated that no there was not. Nellie Cihon if we did get the hotel that during the Hall of Fame Season hotels in a fifty mile radius are filled during that time. Mr. Cozy stated that it would take more than that.

Danny Losch wanted to mention that he and Mr. Cozy had a conversation with the production company, Today in America. An opportunity has been proposed for them to come to Canal Fulton. They like to come to communities and film about the best places to live in regards to parks, tourism and employment. They do require a fee and what Mr. Losch was hoping was to get the Economic Development Committee together to review the possibility. Mrs. Cihon agreed that a meeting could be set. Mrs. Zahirsky asked about the fee. Mr. Losch stated that it was \$19,800. Mr. Losch stated that Council needed to be open-minded about it, and the Economic Development Committee should take a look. By no means is Mr. Losch suggesting that they go forward with this, he just wants them to consider it. Mr. Cozy said he hedged when he heard it, but felt he needed to do his duty to report it. The way they are presenting this is a five minute segment called Today in America on the Discovery Channel. There will be twenty airings of the final segment with Fox 8 News Regional and ABC News Regional and then we would own the licensing to the segment. This would be a full blown production. The introduction with Terry Bradshaw may be protected but we would own the segment. Mr. Losch said just by looking into it may create some new ideas to market ourselves.

The date of the Economic Development Committee will be October 16, 2012 at 6:15pm. Motion was made by Danny Losch and seconded by Linda Zahirsky. All Council Members voted in favor, motion passed.

Report of Mayor – No Report

Parks & Recreation Board – No Report

Law Director – Not present

THIRD READINGS

Resolution 23-12: A Resolution by the Council of the City of Canal Fulton, Ohio to adopt the updated Stark County Multi-Jurisdictional All-Hazard Mitigation Plan.

Motion to pass by Linda Zahirsky, second by Nellie Cihon. All Council Members voted in favor, motion passed.

Ordinance 17-12: An Ordinance establishing ticket prices for the St. Helena III Canal Boat rides for operations commencing in 2013.

Motion to pass by Nellie Cihon, second by Linda Zahirsky. All Council Members voted in favor, motion passed.

SECOND READINGS

Resolution 26-12: A Resolution by the Council of the City of Canal Fulton, Ohio to reimburse Scott Svab for tuition expenses incurred in 2006 in the amount of \$1,556.00.

Discussion: Danny Losch stated that he hoped the resolution affects future employees who may find themselves in the same situation. This was just a billing issue. The school was taken in the fall and the billing was not done until the following year in January. He is hoping that this protects future employees in taking educational courses. James Goffe stated that he was confident that the Law Director that this would only affect the situation with Scott Svab. It may need to be looked into further and legislation may be developed. This is just for this one incident. This is not a comprehensive change to the existing ordinance.

Ordinance 20-12: An Ordinance by the Council of the City of Canal Fulton, Ohio enacting and adopting changes to the civil service rules of the City of Canal Fulton, Ohio, and declaring an emergency.

Discussion: Scott Svab stated that Exhibit A had not been attached to the ordinance. The revisions are quite lengthy and Mr. Svab' opinion was that some changes needed to be made. The revisions would impact us for this test and tests in the future. Mr. Svab said he hoped that Council could have a really good discussion before going through with the rules. In the rules they are striking out those with college not getting any credit points. He feels that Council should take a look at it before a third reading is made. Mr. Cozy stated that the Ohio Revised Code was

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passed. Unless our Charter says different the Ohio Revised Code is what is used. Mr. Cozy agreed with Mr. Svab and stated that we had to adhere to the State code. Mr. Cozy stated that these tests were for entry-level personnel. Mr. Svab stated that 20 percent of the passing grade gets assessed for veterans. Mr. Cozy stated that the passing grade could not be stated in the rules due to the passing grade being established by the testing authority. They set the passing grade. Physical Agility will be pass or fail. The written test could be 70 percent. It is up to the testing authority. Police Chief Swartz asked if there was another Civil Service meeting before the testing. Mr. Cozy said no. Mr. Svab said 20 percent is good for Veterans in other municipalities, but it is going overboard in his view. Now the test is only good for one person. Mr. Cozy stated that the way it reads that the eligibility list is good until the position or positions are filled. Then the Commission can vote to extend that list for one year. Mr. Cozy stated that it takes some of the flexibility away from us. Mr. Svab said it also takes the power away from the Mayor and the City Manager. Mr. Cozy stated that the Mayor appoints the Safety Forces and the City Manager appoints the Service workers according to our Charter. Mr. Svab said he sees a lot of flaws in the rules. Sue Mayberry asked if the changes are by Ohio Revised Code and there is nothing we can do about that. Mr. Svab stated that some of them are but they can interpret the code. A special session with Clemans Nelson was suggested by Mrs. Zahirsky. All Council Members were in favor of the session. Mr. Goffe asked Mr. Cozy if the rules needed to be in place before a Civil Service test was given. Mr. Cozy stated yes that was necessary and that is why there was emergency legislation attached. The next Civil Service Test is scheduled for September 29th. If the rules are not in placed the test will be canceled. Mr. Goffe said if changes are needed and Council wants to make changes the City's charter would need to be changed.

A Civil Service meeting with Clemans Nelson was set for September 18th, 2012 at 6:00pm. Motion to pass by Scott Svab, second by Nellie Cihon, all Council Members in favor, motion passed.

FIRST READINGS

Ordinance 21-12: An ordinance amending the Codified Ordinances of the Administrative Code of the City of Canal Fulton, Ohio to amend Chapter 141 Employees Generally and amend Section 141.07 Overtime. 10011

PURCHASE ORDERS & BILLS

P.O. 7420 to Met Life Insurance for City Share of Dental Insurance Premiums in the amount of \$5,900.

Motion to pass by Scott Svab, Second by Nellie Cihon, All Council Members in favor, motion passed.

P.O. 7423 to Huntington National Bank for Northwest Schools Waterline Bond Interest Payment in the amount of \$11,506.25.

Motion to pass by Nellie Cihon, Second by Scott Svab, All Council Members in favor, motion passed.

P.O. 7425 to Terry's Truck and Trailer for a 9' Super Steel Snowplow and Controller for n Street Department pickup in the amount of \$4,332.40

Motion to pass by Nellie Cihon, Second by Sue Mayberry, All Council Members in favor, motion passed.

P.O. 7433 to Hometown Insurance Group, Inc. for the City Share of Health Insurance Premiums/Cobra Premiums in the amount of \$58,200.00

Motion to pass by Nellie Cihon, Second by Linda Zahirsky, All Council Members in favor, motion passed.

BILLS: None

OLD/NEW/OTHER BUSINESS

REPORT OF PRESIDENT PRO TEMPORE

No report.

Danny Losch asked if Mr. Cozy had a chance to review the Township's decision on their CEDA. Mr. Cozy stated that they meet that night. Mr. Losch said he would wait until the next meeting, although his patience is being stretched.

REPORT OF SPECIAL COMMITTEES – No Reports

CITIZENS COMMENTS – Open Discussion (Five Minute Rule)

ADJOURNMENT

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Motion to adjourn by Nellie Cihon, second by Linda Zahirsky. The meeting was adjourned at 8:38pm.

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