

**CITY OF CANAL FULTON  
CITY COUNCIL MINUTES  
September 18, 2012**

**CALL TO ORDER**

Mayor Richard Harbaugh called the September 18<sup>th</sup>, 2012 City of Canal Fulton City Council Meeting 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, Scott Fellmeth – Law Director, Fire Chief Ray Durkee, Patrolman John Barabash, Teresa Dolan – Council Clerk, James Goffe – Finance Director and Dan Mayberry – Service Director

Also present were: Joan Porter, Chelli Rossi, G. Mayberry, Nick Antonides, Ryan McDowell, Earl Minx , Guy Marentette

Terry Thompson from Republic Services to answer any question we had in regards to the City's new trash aggregation.

**CORRECTING & ADOPTING THE RECORD OF PROCEEDINGS**

August 7, 2012 (DRAFT) - The August 7<sup>th</sup> meeting minutes were not adopted as Council felt that more review needed to be done as well as corrections.

September 4, 2012 (DRAFT) – Linda Zahirsky made a motion to approve the September 4, 2012 minutes. Second by Nellie Cihon. All Council members voted in favor, motion approved.

**SWEARING IN OF PART-TIME POLICE OFFICERS**

Nick Antonides and Ryan McDowell were sworn in by Mayor Harbaugh as Part-time police officers. Linda Zahirsky made a motion to approve the hiring of Nick Antonides and Ryan McDowell. Second by Sue Mayberry. All Council Members voted in favor, motion approved. Their families were in attendance.

**REPORTS OF STANDING COMMITTEES**

Scott Svab reported on the Finance Committee. Discussed some transfers that the finance director recommended and looked at funds at where they would be at the end of the year. Scott Svab made a motion to schedule a meeting for Wednesday, October 10<sup>th</sup>, 2012 at 6:30pm. Second by Linda Zahirsky. All Council Members voted in favor, motion approved.

Danny Losch reported that a Civil Service work session was held before the Council meeting. The Law Director was asked about changes to the Civil Service Commission rules. Scott Fellmeth recommended that the rules be passed as is and then amend them later. Mark Cozy stated that the language could be used this time for the test and no educational credit would be given. The educational credit would be adopted after three readings. Scott Svab stated that the educational training should be added as suggested by the committee. Then discussion of council stated that the amendment needed to be made now. Mr. Fellmeth said there was not a draft yet with the amendment and he felt it should be amended at the next meeting. Sue Mayberry asked if it could be amended now and Mr. Fellmeth said yes. Council agreed that it should be passed at the current meeting and the language would follow on the next day from Clemans Nelson. Mr. Fellmeth was not comfortable to put anything together and wanted to talk to Clemans Nelson. Mr. Bagocius asked about the requirements and asked if the list would be good for a year. Mr. Fellmeth said that the results would not be retroactive. Discussion was made in regards to

**CITY OF CANAL FULTON  
CITY COUNCIL MINUTES  
September 18, 2012**

adding college or degree credit in consulting with the Civil Service Commission and scoring one with a college degree or military credit. Mr. Cozy stated that the college credit should be from a degree that coincided with the job of a police officer. Mr. Cozy stated that if Council wanted the educational credit given for this test that administration could make it happen. Mr. Cozy and Mr. Fellmeth stated that if these rules did not pass, our old rules are not legal at this time. Mrs. Mayberry stated that the rationale to why the changes were made was cleared up within five minutes for her. Mr. Cozy stated that the rules that Council received were approved by the Civil Service Commission. Mr. Svab stated that Section 5.9 needed to be amended and include that the educational credit needs to coincide with the position.

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

**REPORTS OF ADMINISTRATIVE OFFICERS**

Senior Citizens – No one present.

Community Service Coordinator

Written Report - Report was included in Council Packet.

Fire Chief

August Report – Report was included in Council Packet and there were no questions from Council.

Police Chief – Patrolman John Barabash was in attendance due to the Chief Swartz being on vacation.

August Report – Report was included in Council Packet and there were no questions from Council. Part-time officer Aaron Woods will be taking a position with the Stark County Sheriff's Department. A voice motion was requested to approve a prior service credit for a part-time Officer Nick Antonides. A motion was made by Scott Svab to honor past service credit from Massillon in the amount of one year. Second by Danny Losch. All Council Members voted in favor, motion approved.

A date was requested for a Safety Committee Meeting in reference to nuisance complaints in reference to noise. Paul Bagocius made a motion to set the Safety Committee Meeting Date on October 16<sup>th</sup>, 2012 at 6:00pm and move the Economic Development Committee meeting to 6:30pm. Second by Linda Zahirsky. All Council Members voted in favor, motion approved.

Monthly Report was also included and Officer Barabash reported that it was self-explanatory. He also wanted to thank the SWAT Co-op for their Technical Training that would have cost \$1,000 to attend and \$750 in ammunition. Officer Barabash attended and it was at no cost to the City. They also are helping with the physical fitness part of the civil service test on a volunteer basis.

Scott Svab thanked the Police force for being at the school for traffic enforcement. Sue Mayberry asked about security checks and what they were. Officer Barabash stated that including security checks at the schools that are routine. Some security checks are residents who have asked for a check while they are out of town. The security checks are logged in and reported with monthly reports.

Engineer/Streets/Public Utilities

Bill Dorman reported on the completion of Portage/Locust paving rehab design. Completed was also the preliminary design report for the screenings at the Waste Water Treatment plant. Both of these were part of the OPWC applications that were submitted last Friday. Working also on the five year capital improvements report to submit to OPWC for potential projects.

Dan Mayberry reported on the Water Department was in the process of completing the third quarter meter readings. That requires around 80 hours to complete that task. RCAP toured the Wastewater Treatment Plant and Waste Water Lift Stations for an energy audit. It should not be too long until RCAP returns with results. Mr.

**CITY OF CANAL FULTON  
CITY COUNCIL MINUTES  
September 18, 2012**

Mayberry also said that the street and utility crews went up to the canal and removed another beaver dam, so that the canal boat could run its weekend runs.

In reference to the question Mr. Bagocius asked at the last meeting, the uncollected funds for tenant occupied properties for water and sewer accounts was \$2,424.15 and collections will continue to be pursued. These accounts have been delinquent for at least ninety days. The Mayor asked if the delinquent people ignore the charge. Mr. Mayberry said that Nancy Lawson is to be commended for the job that she does staying on top of the water accounts and trying to catch people before they flee, but that does not always happen with rental properties.

Finance Director

James Goffe did not have a financial report, largely because he was attending the Government's Finance Officer Association Conference. He learned that there were some things about part-time employees and healthcare that he will have to look into that.

Mr. Goffe thanked Bill Dorman and Dan Mayberry and the service department for getting the information that is helpful for the sewer rate proposal for the Finance Committee meeting on October 2, 2012.

City Manager

Mark Cozy stated that his written report was included in the Council packet and asked if there were any questions. Paul Bagocius asked where we stood on the Massillon Building Department. Mr. Cozy state the way it was left, Council was concerned about the rates and charges. Mr. Cozy said he called the Building Inspector, Bill Kraft, and expressed his concern. Mr. Cozy said he asked for some kind of guarantee that our rates would be the same as Massillon's. Mr. Kraft met with Mayor Cathy Catazaro-Perry and she articulated to Mr. Kraft that that is Massillon's intention.

Mr. Cozy said he felt that we needed to draft a memorandum of understanding, before we start the tedious process of getting legislation on the agreement Mark Cozy and Zoning Director Johnson Belford were going to work on the memorandum and it should be ready for the next meeting. Mr. Bagocius wanted to know if there was a consensus if there were a memorandum of understanding drafted that we would go with the Massillon Building Department or wait until the study is done on the consolidations of building departments. Mrs. Mayberry wanted to know what the purpose of the memorandum is for. Mr. Cozy responded that it would be a general agreement on the rates charged and how Massillon would conduct business as our building department. Danny Losch stated that he thought the memorandum was a good thing. We would know what we were getting into, and if the study fails we could drop it. Mr. Cozy did state that he thought it was odd that Stark Regional Planning received a grant to do the study and they are not a building department. Scott Svab asked if Massillon was going to abandon their building department if the study favors that. Mr. Cozy said not at this point. Massillon's concern is with the consolidation, it would improve their services Massillon is proactive in their services. They are compliance driven as to where Stark County is penalty driven. Scott Svab said he was in favor of moving forward with the Memorandum of Understanding. Nellie Cihon also stated she was in favor. Mr. Cozy asked for a motion. Nellie Cihon made a motion to draft a Memorandum of Understanding with the City of Massillon. Second by Scott Svab. Mr. Cozy Mr. Cozy stated that there would be a cost of software and Massillon agreed to break that into two payments, and he would include that into the Memorandum. Mrs. Mayberry wanted to know how Massillon's fees compared to Stark County's. Mr. Cozy said they are comparable. Some are less and some are more. Mr. Cozy stated that he would send the documents to Council for review. Mr. Svab wanted to know what Johnson Belford's take was on this. Mr. Cozy stated that Mr. Belford was in agreement with the Memorandum. Mayor Harbaugh also agrees with the Memorandum. All Council Members voted in favor, motion approved.

Mr. Bagocius also asked about the sharing of costs of a Police Officer for traffic with the schools. Mr. Cozy stated that the school is saying there was not money in

**CITY OF CANAL FULTON  
CITY COUNCIL MINUTES  
September 18, 2012**

the budget to pay for that. There is not a Resource Officer at the school at this time. The Resource Officer was taken out of the school due to a grievance. Officer Barabash was asked how the scheduling went for the school. The Police are scheduled there in the morning and afternoon unless there are calls. It is considered a priority there for trash, but if only one officer is on the road and there is a call the school becomes secondary. Mr. Cozy stated that if Council wants a specific person there, it would need to be budgeted. It could cost five to six thousand a year just for traffic. A Resource Officer would be significantly higher than that. Linda Zahirsky stated that if that kind of money was spend they should reduce the amount taken from the general fund to the water to cover the water lining out to the school by that amount. We are covering the school's cost on the water. That money paid on the water could be reduced and that money could pay for the officer by the money going to Police rather than Water. Mr. Bagocius would still like more negotiations with the school.

Report of Mayor – No report.

Parks & Recreation Board - No report.

Law Director – No report.

**THIRD 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.

Linda Zahirsky made a motion to approve Resolution 26-12. Second by Danny Losch. Mrs. Zahirsky stated that Mrs. Mayberry had some discussion on this when it was first brought up at the August 7<sup>th</sup> meeting. Mrs. Mayberry stated that information was passed out on the matter. Mrs. Zahirsky stated that it was unfortunate that the school did not get the billing to him within the year that he took the class, which set him over the limit that is set for college tuition. It was not Council's intent for him to be throttled by that. They had full intent for him to be covered. Scott Svab asked that Council vote like it was any other employee other than him. Nellie Cihon, Danny Losch and Linda Zahirsky voted yes. Paul Bagocius and Sue Mayberry voted No. Scott Svab abstained from the vote. Motion failed.

**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. Motion made by Scott Svab to amend to add 5.9G (an additional three percent (3%) of passing grade for an Associate's Degree will be added; or an additional six percent (6%) of passing grade for a Bachelor's Degree; or an additional ten percent (10%) of passing grade for a Master's Degree will be added to the test score. The applicant will receive bonus points for one (1) degree. The applicant must produce and provide proof of an accredited academic institution attendance, by official transcript only, and verification of the degree from the accredited academic institution listing the degree, forwarded directly to the City Clerk from the academic institution. The degree must be related to the position the applicant is applying for as determined by the Civil Service Commission.) to current Civil Service rules. Second by Nellie Cihon. All Council Members voted yes, motion approved. Motion made to pass Ordinance 20-12 as amended made by Linda Zahirsky. Second made by Sue Mayberry. All Council Members voted in favor, motion approved.

**SECOND 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

**FIRST READINGS** – No First Readings.

**CITY OF CANAL FULTON  
CITY COUNCIL MINUTES  
September 18, 2012**

**PURCHASE ORDERS & BILLS**

**P.O.7442** To the Treasurer of the State of Ohio for the 2013 Water System License Fee in the amount of \$3,968.64. Motion to approve by Sue Mayberry. Second by Linda Zahirsky. All Council Members voted in favor, motion approved.

**P.O.7453** To Enertech Electric, Inc. for the Soft Start Pump Controller and Labor and Supplies for Installation at the Water Plant in the amount of \$21,544.1. Motion to approve by Nellie Cihon. Second by Sue Mayberry. All Council Members voted in favor, motion approved.

**P.O.7461** To Graphic Enterprises for the replacement of the City Hall Copier in the amount of \$7,397.00. Motion to approve by Linda Zahirsky. Second by Sue Mayberry. Discussion: Scott Svab asked if this was a budgeted item. James Goffe answered that it was not, but due to the breakdowns of the current copier, it was thought by the administration that we needed to do it now, rather than wait until next year. This money is coming out of the contingency capital fund. Scott Svab wanted to know if the prior one was leased. Mr. Goffe stated it was and the original value was \$5,000. With the total lease payments the total was right around \$8,000. The previous one was a five year lease with the last lease payment being made December 2011. Mr. Svab asked if the line item in the budget included the copier. Mr. Goffe said that the line item included the prepayment for the server and a desktop for the Clerk. Mr. Svab asked if the \$7,500 was floating for contingency. Mr. Goffe said the contingency for the Administration capital for the total for the year was \$15,000. Mr. Svab said he had a problem with that because we had gutted the Mayor's School program this year due to lack of funding. That cost would have been no more than \$8,000, now we buy a copier. Mr. Bagocius asked the Administration what was the process on this particular copier as far as determining it as well as the cost. Mr. Cozy stated that the Clerk and James were in charge. We demoed two units and talked to four different companies. James Goffe said there were two quotes from two different companies for the copier proposed. Nellie Cihon asked if we could lease it. Yes, we could have but there would be interest. Paul Bagocius asked if there was someone who gave us a quote to repair the current copier. Mr. Goffe stated no and that the copier was six years old. Mr. Cozy stated that it is being repaired every two weeks. Dan Mayberry said that the repairs on this machine had been constant. Mechanically it is simply worn out. Mr. Bagocius asked about the maintenance contract. It was stated that the maintenance contract usually last five to seven years. Sue Mayberry stated that she knew how the copier was not able to be used for things and it is a vital piece of equipment. Mr. Goffe asked how many times Council Members were asked how many times they had to make copies in a hurry and it not be in working order to do so. Teresa Dolan stated that the copier proposed included a fax component that would save money due to less printing. Nellie Cihon, Sue Mayberry, Danny Losch and Linda Zahirsky voted yes. Scott Svab and Paul Bagocius voted no. Motion approved.

**P.O.7463** To Cargill, Inc. for the purchase of Road Salt in the amount of \$10,000.00. Motion to approve by Danny Losch. Second by Scott Svab. All Council Member voted yes, motion approved.

**P.O.7466** To PPI Graphics for printing of Utility Bills for October, November and December of 2012 in the amount of \$3,906.06. Motion to approve made by Sue Mayberry. Second by Linda Zahirsky. James Goffe said that current utility bills were the postcards. We are in a position where we will have to order more cards. PPI Graphics proposed to print and mail, so that when they are sorted the City can get a lower rate to mail. The Federal Trade Commission has passed the red flag rules where utility bills can be used as identification it is subject to be used for identity theft. The printing will eliminate this. The bottom third of the page is perforated and the rest of the bill can be used for information from the City to the residents. James would like to do this on a three month trial basis. Sue Mayberry said it would surprise

**CITY OF CANAL FULTON  
CITY COUNCIL MINUTES  
September 18, 2012**

a lot of people that get a letter instead of a card. Nellie Cihon, Sue Mayberry, Paul Bagocius, Danny Losch and Linda Zahirsky voted yes. Scott Svab voted no. Motion approved.

**P.O.7472** To CTI Engineers for Engineering Services in the amount of \$15,000.00. James Goffe stated that this purchase order is for the Locust/Portage project and general engineering costs. It could be reimbursed through the OPWC grant. Motion was made to approve by Danny Losch, Second by Nellie Cihon. All Council Members voted yes, motion approved.

**BILLS:** None

**OLD/NEW/OTHER BUSINESS** - Nellie Cihon asked that the youth program be looked into again and added into our budget for next year.

**REPORT OF PRESIDENT PRO TEMPORE** – Danny Losch asked for an explanation from Paul Bagocius and Sue Mayberry on their vote on Ordinance 21-12. Paul Bagocius stated that the issue of Council voting to give the benefit of another Council member. Another was that the person that administered the reimbursement to give that person a free pass on the procedures for reimbursement. College bills are done prior to you stepping foot to you stepping into the class and as far as grades are concerned the initiative could have been taken to get the grades in advance in December after the last class. Sue Mayberry stated that she received the information that Scott passed out. Within that information he didn't have a piece of legislation, Ordinance 6-99, that was in place already with tuition reimbursement. Personnel Committee meeting minutes of August 7th, a week before legislation was passed increasing reimbursement that was she believed \$750 a year to \$2,500 a year - there was no rationale explaining why the increase. She said she was sure since 1999 to 2006 classes increased in what they cost to take them. The information that he passed out, everything was dated in 2007. The grades that were given were dated 2007. The forms approving the reimbursement were dated 2007, and when you are in finance and you are submitting and cashing checks in 2007 and you have two that take you way over the threshold, the auditors found that to be improper, which it was. "I'm sorry that the billing or whatever you want to call it - I find that it was something that could be avoided and if you need more information I can provide it." Mr. Losch thanked both for their comments.

**REPORT OF SPECIAL COMMITTEES** – None

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

Guy Marentette was at the meeting representing Mike Kaplan who is running for Ohio House.

Earl Minx – 207 South Canal Street

Wanted to express his concern on recent reductions in property taxes and how that might affect the budget for the next six years.

Terry Thompson – Representative from Republic Trash was present for any questions on the new Trash Aggregation for the City of Canal Fulton. He also stated that trash would be picked up in the City now on Wednesday and that would start October 3<sup>rd</sup>, 2012

**ADJOURNMENT** – The meeting was adjourned at 8:45pm