

**CITY OF CANAL FULTON
CITY COUNCIL MINUTES
December 4, 2012**

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

ROLL CALL

Mayor Richard Harbaugh, Council Members Paul Bagocius, Nellie Cihon, Danny Losch, Sue Mayberry, Scott Svab and Linda Zahirsky

Others Present: City Manager Mark Cozy, Fire Chief Ray Durkee, Police Officer Ed Harbaugh, Finance Director James Goffe, Service Director Dan Mayberry, Bill Dorman and Council Clerk Teresa Dolan. Law Director Scott Fellmeth was absent due to a Seminar he was attending.

Also Present: Rochelle Rossi, Tim Gesseman, Tom Cybert and Joan Porter

REPORTS OF STANDING COMMITTEES – No Reports

CITIZENS' COMMENTS – AGENDA MATTERS (Five Minutes per Individual – No Yield) – None

January 1, 2013 Meeting - Change Date

Scott Svab made a motion to change the date of the January 1, 2013 Council Meeting to January 2, 2013, second by Nellie Cihon. All Council Members voted yes. Motion approved.

CORRECTING & ADOPTING THE RECORD OF PROCEEDINGS

November 20, 2012

A motion as made by Nellie Cihon to approve the November 20, 2012 meeting minutes, second by Scott Svab.

Sue Mayberry asked that the following be changed in regards to the discussion on Ordinance 28-12: Mrs. Mayberry stated that she does not like raising rates, but we can't live in the past. She is not happy about the money that was spent on Marshallville and has not heard of anything that's going on up there that is in the works. She does not want to short change finances that we are going to need to protect the infrastructure. She said in the past, we didn't build up our reserves in the water and sewer fund as we should have, however, amending this legislation to realize revenue of \$250K instead of \$500K may not be sufficient.

All Council Members voted yes, motion approved.

REPORTS OF ADMINISTRATIVE OFFICERS

Senior Citizens – No Report

Community Service Coordinator – No Report

Fire Chief – Chief Ray Durkee said that he has contacted all Council member and the City Manager to discuss changing our dispatch to the red center, 4th personnel staffing and living together with Lawrence Township. Chief Durkee said he thought it was necessary to request a Safety Committee Meeting to address the issues. Linda Zahirsky felt that Council of the whole should be there to discuss this and that legislation may be needed

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for that evening. Chief Durkee stated that the people that he had already spoken with were positive. Paul Bagocius stated that the concerns that some of these issues had to be resolved by the end of the year, for example the dispatch contract. Linda Zahirsky stated that legislation should be ready for the meeting to do a reading that night. Changes could be made in amendment.

A motion was made by Linda Zahirsky for a Safety Committee Meeting to be held December 18, 2012 and 6:00pm, second by Sue Mayberry. All Council Members voted yes, motion approved.

Police Chief - Officer Ed Harbaugh was in attendance for Chief Swartz and had no report.

Engineer/Streets/Public Utilities – Bill Dorman reported on the Cherry/Locust design and scope of services on the intersection and stated that the City would be selecting a design sometime after the first of the year. ODOT has prepared a draft scope. The Wooster Street Storm Sewer plan was discussed and possibly an alternate plan with the property owners.

Paul Bagocius asked about the Cherry/Locust project and wondered if there was going to be any community or Council input. Mr. Dorman answered yes there will be a time for input at a public meeting. Mark Cozy stated there would be a chance to ask all engineers at the request for proposal phase any questions before the contract is awarded. When the budget is approved then the process can start.

Sue Mayberry said back in June in the City Manager's report regarding this project it said that any engineering cost that we incur could be reimbursed within a two year period. Mark Cozy stated that it was construction engineering. Mr. Cozy said we could apply for a grant for the engineering that was taking place now, but it is unlikely after some discussions with folks at the county level that we would get that money back. Since that report, that is something that is unlikely, but any construction engineering during the project, that engineering we could get back. Mrs. Mayberry asked about the out-of-pocket expense that was stated in the report for \$1.8 million would be projected to be around \$52,000 if things go as planned. Mr. Cozy stated that the budget that James prepared is where we are at right now. James Goffe said that there had been several revisions to the estimated cost. Scott Svab asked what the new number was for engineering and James Goffe stated for the design portion was \$315,000 item labeled as design that was on as a second reading tonight. Mrs. Zahirsky asked if there was any way we could have any of the trucking industry help us to look at if the intersection would be adequate for their needs to be able to turn. Mr. Dorman said yes, preliminary plans could be available for them to review.

Paul Bagocius asked if the grey house on the corner was going to go, why we were not using more of that property for the turn. Mr. Dorman said that they would contact Avalon and Lindsey Concrete for their thoughts. Mr. Bagocius then asked about the Wooster Street project. Mr. Bagocius stated that one reason they went with a no interest loan because we wanted to do the project quickly there was not enough time for the grant to be approved. Now that the project is on hold or other alternatives are being looked at, is there any chance of asking for the grant? Mark Cozy said the reason we did not apply for the grant was the scoring. We would not have gotten enough points to get the grant. We applied for the loan and we did get that. James said that the money for the loan we would not see until we applied for reimbursement. Mr. Bagocius asked if there was any chance we could apply for the grant or if that was a dead issue. Mr. Cozy said we could cancel this thing and reapply next September. Scott Svab asked if this was a big run off basin that was proposed and now there residents against it. Mark Cozy said the problem was the residents were generating the water don't want any work done on their property. It is the residents downstream that were suffering the consequences and we were hoping to get by the people up stream and as it has turned out, some have talked to attorneys, and some have talked to developers and they have decided they don't want any part of it. So we have to adjust our outlook on the project. Mr. Dorman spoke to what the project looked like and that they were looking into other ways to drain the water. Paul Bagocius stated that he was sensing the project was on auto pilot right now. James Goffe said the funding was far from auto pilot. Dan Mayberry stated that he had to speak to one of the

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home owners after some drawings were done. Mr. Bagocius asked when we were looking at the project. Mark Cozy stated that the plans would be in spring and hopefully the summer the project would be started. Mr. Svab asked what the cost was. Mr. Goffe stated that there was a purchase order for the preliminary study for \$15,000 and that around \$5,700 was spend on surveying and various things.

Dan Mayberry stated that he had submitted his written report. Danny Losch asked about the fleet status report. Mr. Losch said that he assumed it wasn't the entire report. Mr. Mayberry stated that it was the current things that were being done. Mr. Losch said it was good information, but it was not what he was entirely looking for. Mr. Losch stated that he would like more information so that Council can have an idea on what shape our fleet is in. Mr. Mayberry stated that he understood and that they are looking into something to rank the fleet that would work well for the cruisers. Mr. Mayberry is working on coming up with something that would kind of match the 172 point check done by dealers and that would take some time. Our rolling fleet consists of about 37 pieces and we also have generators and mowing equipment. Mr. Mayberry said they would continue to work on the list and development of something for trucks. Mr. Losch said that it would be greatly appreciated and he does not want to put any undue work on the department. He asked if there was any preventative maintenance program in place. Mr. Mayberry stated just the routine and the department heads used their discretion to do work orders. Mr. Losch asked if each department had their records as far as mileage and maintenance. Officer Harbaugh said he was not sure if the department did. Mr. Mayberry said he has copy and assumed that the other copy was torn off and maintained by the department. Mr. Cozy asked if Council wanted the vehicle logs in the agenda pack once a month, or would they rather get them in email form. Mr. Losch just wants to know if there is a preventative maintenance program in place and what the condition of our fleet is. Mayor Harbaugh stated that we could have the mechanic give a recommendation on the shape of the vehicle. Mr. Losch said he thought something on an annual basis would be fine.

Officer Harbaugh asked Mr. Mayberry to take a look at the water problem on Cherry Street. When we get a good rain the drain plugs up right in front of Huntington Bank. Mr. Mayberry stated he would get it looked in to.

Finance Director James Goffe stated that the October financials and reports were included in the packet.

A motion was made by Sue Mayberry to accept the October financial report, second by Scott Svab.

Scott Svab asked about the estimated revenue on the report and James Goffe explained why the revenue was written in the report. Mr. Goffe also explained transfers on his report. Scott Svab also asked about why the Canal Boat personnel amount was up so much. Mr. Goffe explained that Christmas on the Canal was covered but he did not recall why the other. He thought that they may have underestimated the Canal Boat and overestimated Parks for the appropriations change in October. Mr. Svab said it looked like we lost about \$7,000 this year. Mr. Goffe said that last year we had several expenses that were not taken out of the Canal Boat fund, such as advertising that we are now taking out of Canal Boat funds. Last year they were paid for by the General Fund. Mr. Svab said that right now we are looking at about a \$9,000 loss on the St. Helena Boat. Mr. Goffe said that would not surprise him. Mr. Goffe said there was an unusual expense of around \$2,000 to replace harnesses for the horses this year, which in not a normal expense. Next year we will be replacing one of the horses, and five year's down the line replacing the other one. We are taking steps for next year in raising the ride prices. The Canalway Center Director and Mr. Goffe are also looking into ways to reduce expenses for theme cruises. Mr. Svab said that this is a program that you have to have a good manager that is going to monitor personnel to make sure that the hours are productive and also scheduling events to contain costs. Mr. Svab said he does not want to see this spiral out where we are subsidizing the boat for \$20,000. Mr. Goffe said that the director was already looking into steps to reduce costs. There will be a reduced number of crew for each individual boat run and different ranks to cut costs. This cut will result in roughly \$7,000 in savings. Mr. Goffe said he felt that revenue was down this year. Mr. Cozy stated that in July when the heat wave hit, those revenues went down. Mr. Cozy stated

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that there are fixed costs to run the boat. Mr. Goffe stated that the reality is that an endeavor such as this does not guarantee revenue. Mr. Goffe said Council will have to keep in the backs of their minds of what priority the boat is. Mr. Svab said it is a priority, but not to the point where he wants to lose a lot of money. Mr. Cozy said to keep in mind that the program that was run last year was already preset last January, so the new person has not had any chance to make any changes. Mr. Bagocius wanted to compliment the Administration as well as Keri Lantz in looking at cost savings instead of just assuming we are going to lose money. Mr. Bagocius asked about boarding the horses and what was happening over the winter months. Mr. Cozy stated that there are only two horses at this time. The horse that the Heritage Society had put a deposit on fell ill and passed away. The horse was guaranteed so we will be getting another one. At this time we only are boarding two. Pegasus Farms is interested in looking at Prince for their farm to work with children.

All Council members voted yes on the Financial Report, motion approved.

Mr. Goffe then reported on Health Insurance. At this time there is a quote for renewal for the current plan with a 23.5% increase. He is looking into several other quotes so we can compare.

The estimated revenues on in the general fund will be fine. It has been an impressive year compared to last year.

City Manager – Mark Cozy included his written report. In addition to that Mr. Cozy reported that he attended the Stark Council of Governments meeting. He wanted to reiterate the position of Chief Durkee. The Stark County Commissioners are looking to update their computer assisted dispatch system. They are taking requests for proposals right now. The 911 calls come into the county and then get sent to the dispatch with the current system. With the new system the calls will go directly to our dispatcher. The issue with Centcom is that they are not participating in this. If we go to the Red Center the calls will go directly there and be one less chance for a call to be dropped.

Mr. Cozy stated that he and Johnson Belford were approached by two different businesses on Locust Street that want water and sewer. They are willing to pay their portion of the project. He wanted to entertain a motion from Council to develop a petition, and if he can get 51% of the properties on Locust Street to sign the petition to go ahead and have the remainder of that project engineered. There will be a second petition after to get them on board with the project. The businesses would then cover the costs for the construction of the water and sewer. Our cost would be the engineering. Paul Bagocius asked what kind of cost it would be. Mr. Cozy said he did not know. He would have to get a quote from the engineer. Part has been engineered and this would be to go all the way to the corporate line on the south side. If by the next meeting the engineer could give him an estimate of the cost of engineering then we could look at doing a voice motion at that point. Tim Gesseman, one of the property owners was in attendance and stated that he came because Council was going to look at this at this meeting. He stated that many years ago that he was enticed to annex into the City because the City was strongly considering running the sewer and water out. He is the last lot going east in the City. Since then he has seen sewer lines outside the City into the township and other properties. He feels that other people in the City are being forgotten and hopes Council would look into the City people first before going outside. Mr. Svab asked if he would have a problem paying an assessment fee. Mr. Gesseman said no, but he would need to know what the cost was going to be. Mr. Gesseman said he knew of one business that would come in if the water and sewer was in place. Mr. Svab said he would like to see that project move forward. Mr. Cozy stated that he would get an estimate from CTI first before the voice motion. Mr. Cozy said he would also draft a petition to see the interest of the property owners and would bring that to the next meeting.

Report of Mayor – Mayor Harbaugh reported that he wanted to inform Council that he reappointed Mary Kocsis, Bob Schaeffer and Shawn Lockhart to the Senior Citizens Commission. He also stated that the Fire Department had approached him and Mr. Cozy on the west side fire station. They would like to make a training facility there.

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Chief Durkee stated that they would like to build a simulating building inside one of the bays at the fire station. It would be used for training. This facility could be used over and over again. Jason Castile started looking at this project a year ago. It was anticipated that this could be done with no cost to the City. An architect from Klingensmith has donated his time to develop plans. Mrs. Mayberry asked what was stored in that building. Chief Durkee said yes, and they would like to take the one bay that faces Manchester Road and incorporate the office spaces. The rolling stock could be in the center bays. Mr. Cozy stated that the bay behind City hall could be used. The contents would need to be moved around, but hopefully we could make do with the space. Chief Durkee said he had a vision for a regional training facility that would benefit other departments. Mr. Mayberry asked if he could get a footprint drawn of what he would like to see up there. Chief Durkee said he would get those to them. Mr. Svab wanted the estimated cost and there was not estimate at that time. M. Losch said he was glad to see that it would be used for the original purpose it was for. Mr. Mayberry stated that it would put the City in a bind for storage. Mayor Harbaugh asked if Council was on board with the training facility. Mrs. Zahirsky said there would be cost to move things to build another facility. Mr. Cozy said that he felt that they would work it out. Things can be put in the bay that could be moved quickly.

Parks & Recreation Board – No Report

Law Director - Absent

THIRD READINGS

Ordinance 28-12: An ordinance amending the codified ordinances of the utilities code of the City of Canal Fulton, Ohio to amend Chapter 933 Sewer Charge System and repealing any ordinances in conflict therewith.

Mr. Bagocius made a motion to propose an amendment to Ordinance 28-12. The amendment would read that under sections (a) 1. The minimum charge would be \$15.33. 2. The minimum charge would be \$16.53 3. The minimum charge would be \$18.03 4. The minimum charge would be \$19.03. That basically is \$1.50 increase for 1, \$1.20 increase for 2, \$1.50 increase for 3 and a \$1.00 increase for 4. Second by Sue Mayberry.

Mr. Bagocius stated that he did some research with James Goffe. When you add the water and the sewer charges that are proposed, we will be adding in five years over \$233.00 to everyone's annual utility bill. That is approximately \$20.00 a month that is ongoing. Mr. Bagocius stated that he thought Council should do anything and everything to mitigate that without jeopardizing the system. If this amendment passes and the ordinance passes as well, a couple concerns that certain Council members had was the capital reserve fund would be too low. Based on the figures the sewer mapping would save approximately \$40,000 over the course of five years. If we decrease the amount that comes out of the sewer for City Hall salaries from 29% to 25%, that would add another \$65,000 approximately to the sewer fund, which would in affect bring that figure up to \$350,000 over the five years. Therefore over the next several years building that fund up to \$500,000 instead of trying to build it up to \$500,000 over five years, spread it over and eight to ten year period to bring that fund up.

Danny Losch asked if there was any legality in amending an ordinance at the eleventh hour or the third reading. Scott Svab stated that was fine. It has been done. Mr. Cozy said since it was brought up last meeting it would already be public record. Mr. Losch did not see a problem and saw the direction Mr. Bagocius was going into. Mr. Losch thought it was a good direction. Mr. Losch stated in his case he did not think it was going to make a difference. Mrs. Zahirsky said again, if you were talking about taking \$65,000 out of the general fund, what was going to be given up? What police officer are we going to give up, what street person are we going to give up? Mr. Goffe stated that at the moment that there was some cost savings in budget items that were deleted. He did ask Council to take caution though. Mrs. Mayberry asked what Mr. Cozy's opinion on the legislation as it sits right now. Mr. Cozy stated that he would be more inclined to lean with Paul Bagocius on minimizing the increase and take a longer time to build up the reserve. Mr. Bagocius stated that there were things added to the current budget, like the summer works

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program, police vehicles that could be spread out. The money isn't a case of hiring a police officer or laying someone off. It is a matter of looking at the budget and fine tuning it similar to what Mr. Goffe had said. Mr. Goffe said his concern was individually and any one given year that you get that police cruiser that is a decision that you make in that individual year. Because you are not going to now over that long course of time, you assume that you are going to do it. Mr. Goffe said that his point was that there were a lot of things coming up with uncertainty, and being conservative about the general fund monies, he would like to have the larger cushion. Mrs. Mayberry asked if there was any other opinions from Council. Mrs. Cihon asked Dan Mayberry what he thought of the legislation as it was written. Mr. Mayberry stated that he recommended it as is along with the Finance Director. Mrs. Mayberry said she voted against the amendment at the last council meeting. She felt that there could be another way of not putting so much of a burden on the tax payers. Mrs. Mayberry asked if the amendment was put in place, could it be modified down the road. Mr. Cozy stated yes.

Roll call on the amendment was as follows: Nellie Cihon – No, Sue Mayberry – Yes, Paul Bagocius – Yes, Scott Svab – No, Danny Losch – Yes, Linda Zahirsky – No. Mayor Harbaugh breaks the tie with Yes. Vote to amend Ordinance 28-12 approved.

A motion was made by Sue Mayberry to approve Ordinance 28-12 as amended, Second by Paul Bagocius. Roll call on the motion was as follows: Nellie Cihon – No, Sue Mayberry – Yes, Paul Bagocius – Yes, Scott Svab - No, Danny Losch – No, Linda Zahirsky – Yes. Mayor Harbaugh breaks the tie with Yes. Motion approved.

Ordinance 29-12: An ordinance amending Ordinance 2-11, Rates of Pay for Full-time Non-Bargaining Employees, effective January 1, 2013 and repealing any ordinances in conflict therewith.

Paul Bagocius asked to make an amendment. Change the sewer portion under the City Manager, the Mayor, the Council, the Clerk and the Law Director from 29% to 25% and increase the general fund from 42% to 46% for those positions.

A motion was made to accept the amendment to Ordinance 29-12 by Paul Bagocius, Second by Sue Mayberry.

Mr. Cozy asked what the hit would be to the general fund if it was \$65,000. Mr. Bagocius said yes, over five years. Roll call on the motion was as follows: Nellie Cihon – No, Sue Mayberry – Yes, Paul Bagocius – Yes, Scott Svab – No, Danny Losch – No, Linda Zahirsky – No. Motion fails.

A motion was made by Scott Svab to amend Ordinance 29-12 to include a \$250.00 payment to the Road Superintendent as addition to his salary. For parity reasons this follows what was passed in the union agreement for stipends on obtaining a CDL. Second was made by Danny Losch. Roll call on this motion was as follows: Nellie Cihon – Yes, Sue Mayberry – Yes, Paul Bagocius – Yes, Scott Svab – Yes, Danny Losch – Yes, Linda Zahirsky – No. Motion approved.

A motion was made by Danny Losch to suspend the rules on Ordinance 29-12, Second by Scott Svab. All Council Members voted yes, motion approve.

A motion was made by Linda Zahirsky to pass Ordinance 29-12 as amended under suspension of the rules, Second by Scott Svab. Sue Mayberry abstained, all other Council Member voted yes, Motion approved.

Ordinance 30-12: An ordinance amending Ordinance 6-12, Rates of Pay for Non-safety Forces Part-time Employees, effective January 1, 2013, and repealing any ordinances in conflict therewith.

A motion was made by Danny Losch to suspend the rules on Ordinance 30-12, second by Scott Svab. All Council Members voted yes. Motion approved.

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A motion was made by Danny Losch to approve Ordinance 30-12 under suspension of the rules, second by Nellie Cihon. All Council Members voted yes. Motion approved.

Ordinance 31-12: An ordinance amending Ordinance 3-11, Rates of Pay for Safety Forces Part-time employees, effective January 1, 2013 and repealing any ordinances in conflict therewith.

A motion was made by Danny Losch to suspend the rules on Ordinance 31-12, second by Scott Svab. All Council Members voted yes. Motion approved.

A motion was made by Danny Losch to approve Ordinance 31-12 under suspension of the rules, second by Nellie Cihon. All Council Members voted yes. Motion approved.

Ordinance 32-12: An ordinance amending Ordinance 4-12, Rates of Pay for Canal Boat Employees, effective January 1, 2013, and repealing any ordinances in conflict therewith.

A motion was made by Linda Zahirsky to pass Ordinance 32-12, Second by Scott Svab. All Council Members voted yes. Motion approved.

Ordinance 33-12: An ordinance by the Council of the City of Canal Fulton, Ohio to grant Teresa Dolan foreign service credit to determine vacation time under Administrative Code Chapter 141.18(b)

A motion was made by Scott Svab to pass Ordinance 33-12, Second by Nellie Cihon.

Sue Mayberry stated that although she was supporting this legislation as well as Ordinance 34-12 that Council committee chairs are not authorized to seal deals with employees or any entity, especially when the full Council is unaware of what has been done. Offering jobs and benefits by any member of this Council over the phone is totally inappropriate, the task belongs to Administration after full Council has approved the terms of the hire. She is supporting the legislation, because it has been done in the past. She did believe as far as the Codified Ordinances that Mr. Goffe has already worked his full year so that he could take his vacation. She believed that new hires had to wait a year before they could take vacation. Mr. Goffe said that stated there was a year to receive vacation when you apply any prior service he would have to read it and consult with the law director. All Council Members voted yes. Motion approved.

Ordinance 34-12: An ordinance by the Council of the City of Canal Fulton, Ohio to grant James Goffe foreign service credit to determine vacation time under Administrative Code Chapter 141.18(b)

A motion was made by Nellie Cihon to pass Ordinance 34-12, Second by Scott Svab. All Council Members voted yes. Motion approved.

SECOND READINGS

Ordinance 39-12: An Ordinance to Authorize Appropriations for the Current Expenses and Other Expenditures of the City of Canal Fulton, County of Stark, for the Fiscal Year Ending December 31, 2013.

Resolution 30-12: A Resolution Establishing the Budget for the City of Canal Fulton, County of Stark, Ohio, for the Fiscal Year Ending December 31, 2013.

FIRST READINGS

Ordinance 40-12: An Ordinance amending the Codified Ordinances of the General Offenses Code of the City of Canal Fulton, Ohio to amend Chapter 509.09 deleting excessive noise from vehicles and creating noise-making and noise-amplifying devices and repealing any ordinances in conflict therewith.

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Paul Bagocius asked about the ordinance and was wondering about parties with loud voices. Mr. Harbaugh stated that loud voices would fall under disorderly conduct. This actual ordinance was established to answer to complaints to members of the community. Everything prior to this fell under disorderly conduct. There was nothing in the ordinance that pointed out loud stereos and certain noise making devices. This ordinance will tighten things up in that area.

Ordinance 41-12: An Ordinance amending the Codified Ordinances of the Zoning Code of the City of Canal Fulton, Ohio to amend Chapter 1181.02(d) and 1181.02(e) Permitted Signs and repealing any ordinances in conflict therewith.

Ordinance 42-12: An Ordinance Amending Ordinance 37-11, and Providing for Supplemental Appropriations for the Current Expenses and Other Expenditures of the City of Canal Fulton, County of Stark, Ohio, for the Fiscal Year Ending December 31, 2012.

A motion was made by Linda Zahirsky to suspend the rules on Ordinance 42-12, second by Nellie Cihon. All Council Members voted yes. Motion approved.

A motion was made by Linda Zahirsky to approve Ordinance 42-12 under suspension of the rules, second by Nellie Cihon. All Council Members voted yes. Motion approved.

Ordinance 43-12: An Ordinance Amending Ordinance 37-11, and Providing for Reduced Appropriations for the Current Expenses and Other Expenditures of the City of Canal Fulton, County of Stark, Ohio, for the Fiscal Year Ending December 31, 2012, in Order to Remain in Compliance with Ohio Revised Code Section 5705.36(A)(5).

A motion was made by Scott Svab to suspend the rules on Ordinance 43-12, second by Nellie Cihon. All Council Members voted yes. Motion approved.

A motion was made by Linda Zahirsky to approve Ordinance 43-12 under suspension of the rules, second by Nellie Cihon. All Council Members voted yes. Motion approved.

P.O.s

P.O.7535: to Hometown Insurance Group, Inc. in the amount of \$15,350.00 for the City share of health insurance premiums

A motion was made by Sue Mayberry to approve Purchase Order 7535, second by Scott Svab. All Council Members voted yes. Motion approved.

P.O.7539: to OH Police & Fire Pension Fund in the amount of \$17,123.81 for the employer pension share for 3rd quarter of 2012

A motion was made by Nellie Cihon to approve Purchase Order 7539, second by Scott Svab. All Council Members voted yes. Motion approved.

P.O.7541: to O.P.E.R.S. in the amount of \$24,895.00 for the City share of pension contributions for November and December

A motion was made by Linda Zahirsky to approve Purchase Order 7541, second by Scott Svab. All Council Members voted yes. Motion approved.

P.O.7542: to Internal Revenue Service in the amount of \$4,735.00 for the City share of Medicare taxes and City share of Social Security

A motion was made by Danny Losch to approve Purchase Order 7542, second by Nellie Cihon. All Council Members voted yes. Motion approved.

P.O.7547: to Ohio Treasurer of State, Ohio Public Works Commission in the amount of \$56,218.05 for OPWC loan payments.

A motion was made by Linda Zahirsky to approve Purchase Order 7547, second by Scott Svab. All Council Members voted yes. Motion approved.

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P.O.7548: to Miner's Inc. in the amount of \$3,400.00 for repair sewer lateral and connection of 627 & 635 S. Canal Street to separate WYE Connections.

A motion was made by Nellie Cihon to approve Purchase Order 7548, second by Linda Zahirsky.

Linda Zahirsky asked why we were paying for these repairs. Dan Mayberry stated that years ago, Mayor Harbaugh said it was about 1950, that there was a vacant lot net to 635 S Canal Street. When it was constructed the two were connected by sewer lateral. You should not have two homes sharing the same lateral. The City agreed with the homeowners that the City would pay for the corrective action under the pavement under the street and that the homeowners would take care of separating the sewer laterals outside the paved areas. Dan Mayberry said that the City felt that it was the right thing to do. Linda Zahirsky asked who would have paid for it years ago, not the home owner and why were we paying for it now. Dan Mayberry said the homeowners both assumed they were connected to their own sewer lateral. Because we did not monitor our system close enough and let that happen years ago, he felt that we should accept some responsibility. Each homeowner will pay \$1,100.00, and the City will pay \$1,200.00. The City will also be responsible for the road surface. The amount will be placed on the homeowner's sewer bills and paid over five years or less. Mayor Harbaugh pointed out there were no small back hoes, so it was dug by hand and done in the easiest way. Mr. Svab asked if it was not approved what would the homeowner do. Mr. Mayberry said perhaps it was something to be discussed in executive session. Mr. Cozy said that there were several mediation sessions with the homeowners, the Mayor, Mr. Mayberry and himself to get the situation resolved.

All Council Members voted yes. Motion approved.

BILLS: October Bills - \$299,678.99

A motion was made by Danny Losch to approve the October Bills, second by Linda Zahirsky.

Scott Svab asked about the savings on the phone system and why there was not a savings in money. Mr. Goffe explained that it was due to the transition of the old to the new.

All Council Members voted yes. Motion approved.

OLD/NEW/OTHER BUSINESS

A motion was made by Sue Mayberry to prior to each Council meeting if an executive session is deemed necessary to take place, Council is apprised of saying the purpose of it and that it appears on the agenda and be received on the Friday prior to the meeting. Second by Paul Bagocius.

Scott Svab stated that he saw Mrs. Mayberry's intention, but because Friday he would think some things would come up. Something could come up on Tuesday for the meeting. Sue Mayberry said then an email would work.

Roll Call on the motion was as follows: Nellie Cihon – No, Sue Mayberry – Yes, Paul Bagocius – Yes, Scott Svab – No, Danny Losch – No, Linda Zahirsky – No. Motion fails.

Paul Bagocius asked about the sewer rate that there were three No votes and he would like an explanation of why the votes were made. Scott Svab said he would like to see some kind of plan to reduce costs before we increase our rates. Scott said he has not seen anything from administration where we working towards that. Nellie Cihon stated that all of the work that went into it and she was going on with the advice of Dan Mayberry. Down the line, the stuff will be breaking and it is not going to last forever. If we don't have the money there, where will the money be? Mrs. Cihon said we were worried about a police car or fire truck, nobody asked about what happens if the stuff

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down at the Waste Water Treatment Plant breaks. She stated Dan Mayberry was concerned about that because he did bring that up. Danny Losch stated that he supported Mr. Bagocius' thought of reducing, but he had to go along with Scott Svab. Mr. Losch said he thought there were a lot of things that the Administration could do before going to the people. Such as, creating ways of reducing costs, what is the analysis on our system, the conditions? What is the condition on our sewer lines? Mr. Losch said he has not seen any of that. Mr. Losch said he would like to see a little bit more of that before we start going to people. Mr. Losch stated he thought there was other ways we could make adjustments in personnel that we may have to consider before we start going to the people.

Mr. Bagocius said he was glad to hear that reason. Even if the rate passed, he thought that Danny Losch's recommendation should be seen through and goes full force with it and perhaps cancel the fourth or fifth year. Mr. Bagocius said at the next public service meeting to ask administration to give recommendations on cost cutting. Mrs. Mayberry asked why they had to do the work. Mrs. Mayberry said she felt that Council should not do administrative work and she felt that is getting dumped in the Committee's lap. Mr. Bagocius said maybe they did need a committee meeting to determine who would answer the question. If we could cut costs and change the sewer increase he would be the first one to vote on it. Danny Losch said that the Administration could start looking into that and have something for the next meeting.

REPORT OF PRESIDENT PRO TEMPORE

REPORT OF SPECIAL COMMITTEES

CITIZENS COMMENTS – Open Discussion (Five Minute Rule)

ADJOURNMENT – The meeting was adjourned at 9:13pm.