

**CITY OF CANAL FULTON
CITY COUNCIL MEETING MINUTES
October 2, 2012**

CALL TO ORDER

Mayor Richard Harbaugh called the October 2, 2012 City of Canal Fulton Council Meeting to order at 7:03pm.

PLEDGE OF ALLEGIANCE

ROLL CALL

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

Others Present: City Manager Mark Cozy, Law Director Scott Fellmeth, Fire Captain Boyd, Police Chief Doug Swartz, Finance Director James Goffe, Service Director Dan Mayberry, Bill Dorman and Council Clerk Teresa Dolan

Also Present: James Deans, Bob Schaeffer, Barb Schaeffer, Chelli Rossi, Joan Porter and Earl Minks

REPORTS OF STANDING COMMITTEES

Sue Mayberry reported that the Public Service Committee met this evening and discussed and had Bill Dorman and Mr. Kuntz from CTI and Mr. White from Echoing Ridge to discuss the possibility of sidewalks from Beverly up towards Giant Eagle. The Engineers are going to get information for Council on the best routes and costs. The committee also asked that the City Manager contact some businesses in the area regarding the project, to get a feel on them possibly joining with us the sidewalk endeavor. The committee also briefly discussed Sewer rate information with the Finance Director. The committee will review the information and meet again to discuss choices per the information that the Finance Director gave the committee.

Mark Cozy said it was also mentioned to ask the Law Director to do some research on information regarding the law on sidewalks, mandating construction in front of businesses and whether or not the City can compel businesses to build sidewalks in front of their establishments, especially the areas where sidewalks already exist.

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

No comments

REPORTS OF ADMINISTRATIVE OFFICERS

Senior Citizens

Paul Bagocius thanked Teresa Dolan for contacting the Senior Center and bringing information from the Senior Center to Council. Mr. Bagocius also asked Teresa also check on the FYI information that the Commissioners of the Senior Center creates.

Community Service Coordinator – No Report.

Fire Chief

Captain Boyd was in attendance for Chief Ray Durkee. The Captain stated that there was a drug take back program on Saturday, September 29th, 2012 in conjunction with the Police Department. The program collected 53 pounds of medication to be destroyed.

Police Chief

Chief Doug Swartz also commented on the great job the Fire Department did on the drug take back program. Chief Swartz reported that there was also a Civil Service Test on the same day and that there were ten people that took the test. Nick Atonides, a recent new hire, made a great OVI arrest over the last weekend. This proves the caliber of officers that were laid off from Massillon, what they can do right away.

The Police chief also thanked Chelli Ross for the Kids Helping Kids program for Christmas. The Friends of the Library will be stepping in to help promote the program. Jim Deans also said the Chamber might be helping with that program also.

Mark Cozy updated on the Civil Service test and said that according to the State guidelines that if we had ten or fewer individuals that pass the test, we can consider them all. Also the agility test is scheduled for the 13th and the City of Canton Swat Unit has offered to assist us with that testing. Jackson High School is also loaning an

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apparatus to help measure a person's physical height on their vertical leap test. There is a collaborative effort with departments.

Chief Swartz thanked Law Director Scott Fellmeth for looking over the Police Policy and Procedures. Mark Cozy brought up that maybe Council would want to approve them. Linda Zahirsky asked that descriptions be sent to the personnel committee for them to look over.

Engineer/Streets/Public Utilities

Bill Dorman reported that he met yesterday with a property owner on the Wooster Street storm sewer and he believes progress has been made and the project is moving forward. There is an ODOT project review meeting in November for the Cherry/Locust intersection project. The phosphorous removal project was talked about and he believed it was to be done in-house. James Goffe said the construction money is in place for next year's budget.

Paul Bagocius asked when meeting with the property owner concerning the project if that was part of Mr. Dorman's retainer fee, charged to the city or how does the billing work. Mr. Dorman stated that if it is stated if it is in the scope of services, it is part of the fee, if it is not, we assist Administration on an hourly basis. Mr. Dorman stated that Dave Koontz was working on that so it was not in the fee. Mark Cozy stated that they were done in an hour. Mr. Bagocius then asked if the sidewalk was part of his retainer. Mr. Dorman stated that a couple hours were used this afternoon on that project and his time is included in the fee. The City has to pay for Mr. Koontz.

Service Director Dan Mayberry was absent due to illness.

Finance Director

James Goffe reported on the August financial report. Linda Zahirsky made a motion to accept the Financial Report. Second by Nellie Cihon. Scott Svab asked about some of the bills that were included in the report. James Goffe answered Mr. Svab's questions.

All Council Members voted yes, motion approved.

Mr. Goffe also mentioned the article in the Repository regarding local government assistance fund money for the year. The cuts in funding were not as bad as last year. A motion was made by Paul Bagocius to make the October 16, 2012 Council Meeting a work session. Sue Mayberry seconded. Linda Zahirsky asked if legislation, or readings could take place, and the answer was no, not in a work session. Mr. Bagocius and Mrs. Mayberry both withdrew their motion and second. Linda Zahirsky said that at the next meeting the agenda would change the agenda at the beginning of the meeting to reflect the absence of Reports of Administrative Offices.

City Manager

Mark Cozy reported that he had contacted Mike Stevens from Lawrence Township to ask the status of the CEDA and they have scheduled a meeting Thursday, October 4th, 2012 to review and discuss the CEDA. He was not sure if they would vote.

Mr. Cozy in lieu of a report submitted a Memorandum of Understanding (MOU) with the City of Massillon for Building Department use. Mr. Cozy asked for a voice motion to sign the memorandum. Massillon's permit fees are \$50.00 and Stark County's are \$100.00 Stark County also charges a fee to file an application. Massillon charges a fee to do inspections. Massillon's plans are based on total construction where Stark County's are based on square footage. Sue Mayberry asked if Stark County charged the \$4,000.00 for software like Massillon. Mr. Cozy stated that Stark County is not computerized. Massillon will add us to their software program. Mrs. Mayberry asked if our Zoning Inspector was on board with Massillon. Mark Cozy stated that he was. Mr. Cozy also met with Bob Knopf from the Stark County Regional Planning Commission and they applied for the grant for the shared services agreement to study between the building departments. Mr. Knopf explained that it is not really a study for consolidation of building departments; it is more of a shared services agreement. Mr. Knopf liked the idea of us looking into Massillon. The agreement with Stark County would need to be terminated. To petition the State to change is about a six month process. The State has to approve to prove that we are in conformance with the Ohio Revised Code.

Danny Losch made a movement to move forward with the MOU with Massillon. Nellie Cihon seconded. Linda Zahirsky would like the Law Director to review it. Scott Fellmeth also agreed that he would like to review it before a vote. Nellie Cihon, and Danny Losch voted yes, Sue Mayberry, Paul Bagocius and Scott Svab and Linda Zahirsky voted no. Motion failed.

Mr. Cozy also said that the Mayor was requesting an executive session at the end of the meeting to discuss an opening in personnel.

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Paul Bagocius asked if the Law Director reviewed the copy of the CEDA that was included in the packet. Scott Fellmeth said yes he did and there are two sections that he is going to insist be deleted. Mr. Fellmeth has talked to the Township's attorney about it.

Report of Mayor – No Report

Parks & Recreation Board – No Report

Law Director

Scott Fellmeth said he reviewed the potential CEDA agreement and his suggestion was to eliminate Article Three in its entirety. Article Eight (b) should also be deleted. In addition he suggested that Council go into committee to discuss the tax allocation notes. Danny Losch said there was an ordinance in place in regards to Article Three. Mr. Cozy said he was not sure if that passed or not. Mr. Bagocius asked what the status of Lawrence Township was on voting on this. Mr. Cozy stated that the vote was intended to be on Monday, but they want to discuss it more in the upcoming Thursday meeting. Mr. Bagocius felt that Lawrence Township should not vote on the CEDA until we made any changes. No voting should go on until there is an official agreement. Mr. Cozy said we needed to review the draft. Mark Cozy said that he and the Law Director disagreed on the changes. Mayor Harbaugh said he would like a meeting to review it word for word. Mrs. Mayberry said that she was under the assumption that this CEDA is pertaining to the Marshalville Street. Mark Cozy said that was correct. Mrs. Mayberry said that the property owners had a list of things they wanted promised before we even considered something like this. Where do they stand on that face in regards to the agreement? Mark Cozy asked if that was in regards to the annexation or the CEDA. Mr. Cozy stated that this agreement does not affect the home owners on Marshalville. What this agreement does is allows the City to draft an annexation area that only takes the right of way and not their home, unless they want to. It only allows us to annex up the road and the businesses. This agreement is between us and the township trustees.

Linda Zahirsky also stated that she needed a Personnel Committee meeting scheduled to discuss raises, crediting time for municipalities, and job descriptions. Linda Zahirsky made a motion to schedule a Personnel Committee meeting on October 23rd, 2012 at 6:00pm. Second by Paul Bagocius. All Council Members voted yes, motion approved.

Linda Zahirsky made a motion for all of Council to meet to discuss the CEDA agreement on October 23rd, 2012 at 6:45. Second by Nellie Cihon. All Council Members voted yes, motion approved.

Linda Zahirsky made a motion to cancel the Finance Committee meeting on October 10th. Second by Sue Mayberry. All Council Members voted yes, motion approved.

Paul Bagocius asked about the pending Civil Rights division complaint and asked if there was any update. Scott Fellmeth reported that Morrow and Meyer, our attorney for this matter, have filed a position statement with the Civil Rights Commission. The Commission will review it and then they will get back to us.

THIRD 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

A motion to approve Ordinance 21-12 was made to approve by Linda Zahirsky. Second by Scott Svab. Sue Mayberry asked within the body of legislation if it should read Clerk of Council/City Manager Assistant. Scott Fellmeth said he it didn't really matter, because the Clerk of Council is the one who does the overtime. All Council Members voted yes, motion approved.

SECOND READINGS

FIRST READINGS

Ordinance 22-12: 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, and declaring an emergency.

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A motion was made to suspend the Rules by Scott Svab. Second by Nellie Cihon. All Council Members voted yes, motion approved. A motion was made to pass Ordinance 22-12 by Linda Zahirsky. Second by Sue Mayberry. Danny Losch asked about the category of costs. Some of them had increases and some are decreases for new appropriations. James Goffe explained the differences. All Council Members voted yes, motion approved.

BILLS:

August 2012 - \$393,887.05

A motion to pass the August Bills was made by Nellie Cihon. Second by Scott Svab. All Council Members voted yes, motion approved.

OLD/NEW/OTHER BUSINESS

Linda Zahirsky made a suggestion to have a meeting open to the public at the Senior Center to discuss the levy that is on the upcoming ballot. It would give people the opportunity to understand what the levy is for and what the City plans to do financially with it.

A motion was made to hold a public meeting in regards to Issue 18 at the Senior Center on October 17th, 2012 at 7:00pm by Linda Zahirsky. Second by Nellie Cihon. All Council Members voted yes, motion approved.

REPORT OF PRESIDENT PRO TEMPORE

Danny Losch said he would hold off on his report until the next meeting.

CEDA agreement with Lawrence Township

Annexation #2 Canal Lands

REPORT OF SPECIAL COMMITTEES

CITIZENS COMMENTS – Open Discussion (Five Minute Rule)

Nellie Cihon read an invitation from Pam Messener on the Bountiful Gifts program. There is an open house at the Northwest High School on November 11th, 2012 at 7:00pm

Mayor Harbaugh asked for an Executive Session at 8:17pm for the purpose of employment of a public employee or official. A motion was made by Linda Zahirsky to move to executive session for the purpose of employment of a public employee or official. Second by Sue Mayberry. All Council Members voted yes, motion approved.

A motion was made by Danny Losch to return to public session at 8:40pm. Second by Sue Mayberry. All Council Members in voted yes, motion approved.

Linda Zahirsky made a motion to authorize the City Manager to advertise for a Civil Service test for Streets. Second by Scott Svab. All Council Members voted yes, motion approved.

ADJOURNMENT

The meeting was adjourned at 8:42pm.