

**CITY OF CANAL FULTON
CITY COUNCIL MEETING MINUTES
May 21, 2013**

CALL TO ORDER

Mayor Richard Harbaugh called the meeting to order at 7:00pm.

PLEDGE OF ALLEGIANCE

ROLL CALL

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

Others Present: Assistant Fire Chief Ray Green, Police Chief Doug Swartz, City Manager Mark Cozy, Law Director Scott Fellmeth, Service Director Dan Mayberry, Finance Director James Goffe and Council Clerk Teresa Dolan.

Others Present: Chell Rossi, James Deans, Bob Schaeffer, Barb Schaeffer, Skip Blowers, and Joan Porter.

REPORTS OF STANDING COMMITTEES

Linda Zahirsky reported that the Personnel Committee met on May 11, 2013 and interviewed candidates for the Finance Director position. No decision had been made. An offer was made to a candidate with no agreement. Continued interviews are being scheduled.

Paul Bagocius reported on the Personnel/Safety Committee met before the Council Meeting and discussed the SRO. Issues discussed included a federal grant for the SRO, a two year commitment to fund the SRO from the school and proposal to have a Civil Service exam scheduled.

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

CORRECTING & ADOPTING THE RECORD OF PROCEEDINGS

May 1, 2013

A motion was made by Nellie Cihon to accept the May 1, 2013 Meeting Minutes, second by Scott Svab.

Mrs. Mayberry stated that on page two, paragraph three the second sentence states the raised building was not approved by the historic society. That should be Historical Planning Commission.

On Page seven, second paragraph Mrs. Mayberry stated that was above and beyond. Mrs. Mayberry stated that was not the rationale behind what was said. It should read Mrs. Mayberry stated that was above and beyond the rationale Mr. Cozy mentioned as to why he recommended not going forward with the Canal Lands II Annexation. That was what was stated.

All Council Members voted yes. Motion approved.

REPORTS OF ADMINISTRATIVE OFFICERS

Senior Citizens

Paul Bagocius commented that the prospect of Bingo had been dropped at this point due to a lack of people to volunteer, size of the building and the sizeable amount of money, around \$15-20,000 to start, in the bank. The Center is looking into Texas Hold-em and discussing that as a possible fundraiser.

Community Service Coordinator

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A written report was included in the packet.

Fire Chief

A written report was included in the packet. Assistant Chief Ray Green reported on possible training for a NIMS Coordinator. Grants are being looked at. The training being looked into could possibly also be used for the Streets Department also as part of their safety training.

Mayor Harbaugh asked how the living together arrangement was working. Assistant Chief Green said the arrangement was working great.

Police Chief

A written report was included in the packet. Chief Doug Swartz expanded on the living together arrangement with Lawrence Township stating that he thought it was a good mix. With three accidents occurring on the same afternoon, it was good to have the arrangement for help. Chief Swartz commended John Barabasch on the great job he is doing with the risk assessments for schools. Chief Swartz also said he would be bringing up the possibility of a Civil Service Exam under new business.

Engineer/Streets/Public Utilities

Service Director Dan Mayberry stated quotes for the roof at the Senior Center. The company chosen was Big Tom's Roofing. The plan is to start the roof in early June. Mr. Mayberry also stated that the Street Department has been crack sealing. 9,000 pounds of crack sealer have been used. The crack sealing helps to reduce on patching.

Paul Bagocius asked about the roofing company chosen for the Senior Center. Mr. Mayberry said that the company was local and references were being checked.

Finance Director

Finance Director James Goffe stated April Financials were not ready at this point. He is working on them and plans to have them at the next meeting. The Community is still supporting Bishop the K9. Five more letters were sent out to people who have donated funds. Income tax is up two percent. The audit is going smooth.

Mr. Goffe asked for a motion for legislation for bond counsel for the Cherry/Locust paving project.

A motion was made by Linda Zahirsky to have the Law Director prepare legislation to authorize the City Manager to hire bond counsel for the Cherry/Locust project and also the Locust/Portage Resurfacing project, second by Nellie Cihon. All Council Members voted yes. Motion approved.

City Manager

City Manager Mark Cozy presented a written report. He reported that Environmental Design Group was chosen to be the agency that we continue the negotiations with for the Locust/Cherry Intersection Project. The proposal from them is to be submitted by 4:00pm June 7, 2013.

The Tornado Sirens are still being worked on. Potential for the City and Lawrence Township is still being discussed. We are at a place where Council is needed to approve grant application to the Stark County Emergency Management Association. Five sirens would cover both communities with a total price of \$140,000. The price is lower than anticipated four or five years ago. With a fifty percent matching grant we are looking at about \$70,000 from both communities. If we split the cost between the City and the Township, it would be sixty/fifty with our population. The City share would be approximately \$28,000, the Township

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would be approximately \$42,000 after the reimbursement. Grant funding process is fall and spring of each year.

Mrs. Mayberry asked if the Township had agreed to go along with the City on this. Mr. Cozy stated that they had been the lead agency thus far. He has not seen a commitment from them yet. Mayor Harbaugh said he was talking with a trustee and the trustee stated that the township did not have the money to put into the sirens, but the township would consider giving the City the garage, if the City paid for the sirens. Mr. Cozy stated that he did not think the garage was worth that amount. Mrs. Zahirsky stated that we have discussed this at great length and she did not have any problems on our end. Nellie Cihon said she was committed. Mrs. Mayberry stated that she was committed for splitting it, but not taking the full hit.

A motion was made by Linda Zahirsky to authorize the City Manager to pursue the grant in conjunction with the Township to get the Tornado Sirens, second by Sue Mayberry. All Council Members voted yes. Motion approved.

Mr. Cozy also reported on the Clinton Sewer. The project would be handled by Summit County Environmental Services. Customers would be Stark County sewer customers. Our concern would be any out of pocket expenses that we might have with upgrading lift stations. Summit assured us that they will cover any additional costs that we incur. Mr. Cozy will keep Council informed about the plans.

Danny Losch asked if something like this occurs, isn't it true that eight percent profit that the City could make on selling utility services. Mr. Mayberry stated he had not heard that. Mr. Goffe said if it is true it might not even apply to us because it would be Stark County customers. Dan Mayberry said he would look into it.

7:30 Public Hearing- Ordinance 11-13 & 12-13

Robert "Skip" Blowers, 7689 Pine Ridge NW, North Canton, OH 44720

Mr. Blowers stated if there were any questions on what he had spoken on at the last meeting he would gladly answer.

There were no other comments or questions.

City Manager Continued

Paul Bagocius thanked Mr. Cozy for addressing the Ohio Edison tree trimming issue. He asked if the property owners were dissatisfied, they would come back and remove the tree at the property owner's request. Mr. Bagocius asked who was responsible for payment. Ohio Edison would pay the total cost.

Mrs. Mayberry asked if Council should approve Environmental Design Group or wait until the detailed scope of services is received. Mr. Fellmeth said based upon the recommendation, the committee suggested them to be the number one contender. When the proposal is submitted by them, Council can decide where they want to go from there, so there was not legislation needed at this point.

Report of Mayor

Mayor Harbaugh reported that he was hoping to get a Dozer donated for the Senior Center Parking lot issue. That is not going to happen, so we will have to rent one from Ohio Machinery. The Mayor estimated the project to take about forty hours.

Parks & Recreation Board

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No Report

Law Director

No Report.

Mr. Bagocius asked if the Civil Rights case was totally over. Mr. Fellmeth stated yes, that Mrs. Gayle Danzy had not filed an appeal so it is dead.

Mr. Bagocius then asked about the Mike Mouse lawsuit and the status. Mr. Fellmeth said the insurance company is handling it. They are in the discovery phase right now with possible depositions. He is not sure what the actual status is. Mr. Fellmeth said he would look into it if Council wishes.

THIRD READINGS

Ordinance 11-13: An Ordinance Amending the Codified Ordinances of the Zoning Code of the City of Canal Fulton Ohio to Amend Chapter 1181.02(e) and Create Chapter 1181.02(f) Permitted Signs and Repealing any Ordinances Therewith.

A motion was made to approve Ordinance 11-13 by Scott Svab, second by Nellie Cihon.

Mrs. Mayberry said she had several things. Mrs. Mayberry stated she wanted to be open minded about this for the City and the businessmen. She stated that we had not allowed off-premise signs in the City ever until now. Trying to keep an open mind she has driven around and tried to spot off-premise signs. She did spot one on Arlington Road in Green. When she called, it was not an off-premise sign. She spoke with Planning in Green and they do not allow off-premise signs. It was part of a subdivision twenty-five years ago. The Planning Director had told her that he considered it opening a can of worms. Which is what our Planning Commission chair had said it was opening a Pandora's Box at one time. She also spoke to Regional Planning about the points in the legislation and a lot of the points that are in this legislation, Regional Planning felt could be more specific. There needs to be definition on size, height and set back requirements to help differentiate against billboards. There is nothing in here other than saying the sign must conform to the zoning district regulations.

Also, on item three it reads the sign must be located at the intersection of their street and the nearest through street in the business district. Regulation three according to the Stark County Regional Planning, said it could pose a safety concern being located at the intersection, but if we decide to keep it in, we may want to establish a minimum set-back requirement at intersections of ten feet or more. That is not in here.

Also, they had commented to prohibit installation any right of ways with a minimum set-back distance of ten feet. This does not state that is should not be in the right-of-way. Mrs. Mayberry said she had not seen a design of the sign. It said the design would be approved by planning, but why are we approving legislation for something that we don't even know what the design or business plan is going to be. Mrs. Mayberry said she is not opposed to this being done, she does not want to be the first. She wants to make sure it is being done right. Being first isn't important, doing something well is important.

Mr. Fellmeth stated that the amendment of 1181.02(e) sections 5 and 7, specifically states that it has to come back to planning commission for

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approval. This legislation allows us to implement a plan, there is nothing in this legislation that does not give Council the final say on a location of construction of the signs.

Mr. Cozy stated that the sign has to comply with the current Zoning Code. Mrs. Mayberry asked what is the maximum size allowable. Mrs. Mayberry asked who will regulate who goes on the sign and who does not go on the sign. Scott Svab stated whoever wants to pay for it. Mr. Cozy stated that there is a few more steps before the sign could even go up.

Mrs. Mayberry asked about Item 12. Right now in our code real estate and auction signs are six square feet. This changes the auction signs to twelve square feet. Is there a reason we are increasing the size of the auction sign? Mr. Cozy stated it was proposed by Mr. Workman that is the standard size of auction signs. Mr. Cozy said he thought that what we were doing was bringing our Zoning Regulation in compliance to what everyone else was doing. This is the Planning Commission cleaning up the language.

Mr. Bagocius stated that his intent was to vote no. If it were for directional purposes he would vote yes, but if it is for advertising off-premises he would say no.

Mr. Fellmeth stated that he wanted to make clear that we were not approving a structure at this point at time. It would have to go back to Planning Commission. This is the starting point to get started. We do have safeguards in the legislation that nothing can be implemented until it is approved by the Planning Commission and by Council. He recommended that we go forward with the legislation. Scott Svab said he will vote yes. It will be pro-business and again everything has to go through Planning Commission. Mrs. Cihon said she does not like to see people come in and look for businesses and not know where to go. She tries to support all the businesses in town. Mayor Harbaugh said he drives down there and the amount of cars that are parked around all of the businesses and thinks about the income tax that we are taken in. He can see farther back in the future that there will be more business.

The vote was as follows Scott Svab – yes; Nellie Cihon – yes; Danny Losch – yes; Linda Zahirsky – no; Paul Bagocius – no; Sue Mayberry – no; Mayor Harbaugh breaks the tie – yes. Motion approved.

Ordinance 12-13: An Ordinance Amending the Codified Ordinances of the Zoning Code of the City of Canal Fulton Ohio to Amend Chapter 1187.22 Fences, Walls and Hedges and repealing any Ordinances in Conflict Therewith.

A motion was made to approve Ordinance 11-13 by Linda Zahirsky, second by Danny Losch. All Council members voted yes. Motion approved.

SECOND READINGS

FIRST READINGS

Ordinance 14-13: An Ordinance Amending Ordinance 31-12, Rates of Pay for Safety Forces, Part-time Employees, and Repealing any Ordinances in Conflict Therewith

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

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A motion was made to approve Ordinance 14-13 under suspension by Linda Zahirsky, second by Nellie Cihon. All Council Members voted yes. Motion approved.

Ordinance 15-13: An Ordinance Amending Ordinance 7-13, 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, 2013.

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 approve Ordinance 14-13 under suspension by Linda Zahirsky, second by Scott Svab. All Council Members voted yes. Motion approved.

P.O.s

P.O. 7814: to WW Schaub Electric Co. in the amount of \$7,160.00 to preplace a traffic light pole at Beverly.

A motion was made to approve P.O. 7814 by Nellie Cihon, second by Scott Svab. All Council Members voted yes. Motion approved.

P.O. 7813: to Huntington National Bank Corp. in the amount of \$26,375.00 for 1st half of 2013 interest payment for fire station bonds.

A motion was made to approve P.O. 7813 by Nellie Cihon, second by Scott Svab. All Council Members voted yes. Motion approved.

P.O. 7821: to R & M Home Improvement in the amount of \$6,200.00 for repairs to the St. Helena II.

A motion was made to approve P.O. 7821 by Nellie Cihon, second by Linda Zahirsky. All Council Members voted yes. Motion approved.

P.O. 7823: to Hensel's Paving Co. in the amount of \$3,250.00 for seal coat for City Hall Parking Lot, Fire Department Parking Lot, Mulhauser Park Walking Path and Discover Park Walking Path

A motion was made to approve P.O. 7823 by Scott Svab, second by Linda Zahirsky. All Council Members voted yes. Motion approved.

P.O. 7824: to Statewide Ford in the amount of \$28,046.00 for a 2013 Ford Expedition Police Cruiser

A motion was made to approve P.O. 7824 by Scott Svab, second by Nellie Cihon. All Council Members voted yes. Motion approved.

P.O. 7825: to Watchguard Video, Inc. in the amount of \$4,820.00 for in car video system for 2013 Police Cruiser

A motion was made to approve P.O. 7825 by Nellie Cihon, second by Scott Svab. All Council Members voted yes. Motion approved.

P.O. 7826: to D.R. Ebel in the amount of \$6,530.45 for equipment for 2013 Police Cruiser, including emergency lights and siren, gun racks, vehicle partitions, radar and console

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A motion was made to approve P.O. 7826 by Nellie Cihon, second by Linda Zahirsky. All Council Members voted yes. Motion approved.

P.O. 7834: to Lytle Construction, Inc. in the amount of \$3,600.00 for CRS-2 Tar for Dura Patcher

A motion was made to approve P.O. 7834 by Nellie Cihon, second by Scott Svab. All Council Members voted yes. Motion approved.

P.O. 7837: to Big Tom's Roofing in the amount of \$24,187.00 for Senior Center Roof Replacement.

A motion was made to approve P.O. 7837 by Nellie Cihon, second by Linda Zahirsky. All Council Members voted yes. Motion approved.

BILLS - April Bills totaling \$378,869.13

A motion was made to approve the April Bills by Scott Svab, second by Nellie Cihon. All Council Members voted yes. Motion approved.

OLD/NEW/OTHER BUSINESS

A motion was made to allow City Administration to approve a Civil Service Test for an Entry-Level Police Officer, second by Danny Losch. All Council Members voted yes. Motion approved.

Sue Mayberry asked Mark Cozy about a Records Retention Representative for Council. She asked if the entire body was going to have representation by Teresa Dolan or each individually need to go to training. Mr. Cozy stated that Mrs. Dolan could represent all but it is recommended that all attend training.

Mr. Cozy stated that a motion needed to be passed to authorize Teresa to be a representative.

A motion was made to make Teresa Dolan the Records Retention Representative for the City of Canal Fulton, second by Danny Losch.

Mrs. Zahirsky said she would like the legislation stating this also.

All Council Members voted yes. Motion approved.

Teresa Dolan noted that we received our first check from the Recycling Grant. There were 45 tons recycled and we received a check for approximately \$1,197.00 Mr. Bagocius stated that when we sign up new water customers we should give them the brochure for Republic trash aggregation.

REPORT OF PRESIDENT PRO TEMPORE

No Report.

REPORT OF SPECIAL COMMITTEES

No Report.

CITIZENS COMMENTS – Open Discussion (Five Minute Rule)

NOTE: 8:30 Executive Session – Appointment or Employment of Public Employee or Official

A motion was made to adjourn to Executive Session at 8:29pm by Linda Zahirsky, second by Sue Mayberry. All Council Members voted yes. Motion approved

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A motion was made to return to public session at 9:50pm by Linda Zahirsky, second by Scott Svab. All Council Members voted yes. Motion approved.

A motion was made to create the position of Assistant to the Finance Director at \$15.00 per hour and authorize the City Manager to advertise the position by Linda Zahirsky, second by Nellie Cihon. Danny Losch had to leave the meeting, all present Council Members voted yes. Motion approved.

A motion was made for the City Manager to offer the position of Finance Director with a salary of \$50,000 per year and prior governmental service for vacation credit to William Rouse, second by Sue Mayberry. Danny Losch was absent, Scott Svab – yes, Linda Zahirsky – yes; Paul Bagocius – abstain; Nellie Cihon – yes; Sue Mayberry – yes. Motion approved.

ADJOURNMENT