

**CITY OF CANAL FULTON  
CITY COUNCIL MEETING MINUTES  
July 16, 2013**

**CALL TO ORDER**

**REPORTS OF STANDING COMMITTEES**

Danny Losch reported that the Economic Development Committee met prior to this meeting. Items discussed included an Arts and Entertainment District Designation. A presentation was made by Ken Roberts who owns the Warehouse on the Canal. Pros and Cons of the district were discussed. Mr. Losch said he would like to see discussions continue on the matter, and wondered if more businesses in the area had anything to add.

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

No Comments

**CORRECTING & ADOPTING THE RECORD OF PROCEEDINGS**

July 2, 2013

A motion was made by to accept the July 2, 2013 meeting minutes by Linda Zahirsky, second by Sue Mayberry. Paul Bagocius and Nellie Cihon abstained from the vote. All other Council Members voted yes. Motion approved.

**REPORTS OF ADMINISTRATIVE OFFICERS**

Senior Citizens – Paul Bagocius asked what the status on the Parking Lot was. Mayor Harbaugh reported that the excess dirt was being moved out and the next step was to cut the dirt and install grindings that will be used from City resurfacing projects. Mr. Bagocius stated that the Commissioners of the Senior Center appreciate the efforts.

Mark Cozy asked Mr. Bagocius if he was aware that the refrigerator at the center had stopped working. Mr. Bagocius state that he had no idea. Mr. Bagocius stated that he would contact Mr. Lockhart to see what the status on the refrigerator was.

Community Service Coordinator – No Report.

Fire Chief – Chief Ray Durkee stated that the report that was given out was a new layout. Chief Durkee stated that he is still working with the data to give the most informative reports. The reports showed response by area. Chie Durkee also commended the Explorers on the great job they did handling trash receptacles during Olde Canal Days.

Police Chief – A monthly report was included in the packet. Chief Doug Swartz stated that Olde Canal Days went smooth and there were no arrests. Warrants have been issued for the recent meth lab that was busted in the City. Chief Swartz also reported that Bishop the K9 is doing well and he had an outstanding performance during the BARK demonstration at Olde Canal Days.

Engineer/Streets/Public Utilities – Engineer Bill Dorman reported that on the Locust Portage Rehabilitation Resurfacing project. The contractor has agreed to extend the project about 8/10 of a mile toward town for the original prices that were bid. This brings the total project still less than anticipated. The next step would be to request a notice to proceed. Mr. Doorman had a draft change order to review and if acceptable could be moved upon. Mr. Cozy asked for a voice motion from Council to draft a notice to proceed and send to OPWC.

A motion was made to draft a notice to proceed for the Locust Portage Rehabilitation Resurfacing Project by Paul Bagocius, second by Danny Losch. All Council Members voted yes. Motion approved.

Mr. Dorman reported on the Cherry Locust Street Intersection. The selection committee has reviewed the engineer fee and construction cost estimate and prepared a report. The next step was to schedule a meeting to go over that in detail and then to decide how to proceed with that project.

A motion was made for the Cherry Locust Street Intersection selection committee to meet on Tuesday, July 23, 2013 at 2:30pm by Danny Losch, second by Sue Mayberry. All Council Members voted yes. Motion approved.

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Mr. Dorman reported on the Wooster Street Storm Water project was taken back to the drawing board and an alternate solution was brought forth to keep pipes and catch basins within public right away due to difficulty getting easements. That has been submitted to the Ohio Public Works Commission. Mr. Dorman said that finally the project will be moving forward and we would not be jeopardized to lose the loan we were given and the schedule can be modified to meet that.

Mr. Dorman reported on the Waste Water Treatment Plant screening project. Once they receive the permit to install back from the Ohio EPA, we can advertise for bids.

Service Director Dan Mayberry reported that the service departments are very busy. They have been dealing with heavy rain and flooding. The structural repairs are done with the waste water treatment plant repairs. At the present time the white trim on City Hall is being painted. Also Mr. Mayberry is working with CTI for some developing flow calculations to determine what capacity may be available to Summit County through Stark County's offering of their excess capacity at the waste water treatment plant.

Finance Director – Finance Director William Rouse that the Finance Department is continuing to work through the transition with him and the new employees. He feels that the transition is going well. Mr. Rouse stated that he is working on the tax budget and end of month reports for June.

City Manager – City Manager Mark Cozy reported that there was a written report included in the packet. Locust Street property owners will be receiving certified mail in regards to pending informational meeting for the water/sewer project. CTI will step us through the process. We will need 70 percent participation and legislation to access.

Mr. Bagocius asked about the sidewalk grant. Mr. Cozy stated that the fund is on a two year cycle that began last year. One of the projects came in over budget in the City of Canton using the funds. Small projects can usually get thrown in the hopper. Next year we will apply for the funds again.

Mr. Bagocius asked about the LGIF grant. Mr. Cozy said there has been no response as of yet to emails. Mr. Cozy stated he would make some phone calls.

Mr. Bagocius asked about the pending Tornado Sirens status was with Lawrence Township. Mr. Cozy stated they were meeting this Thursday with FEMA to go through the grant process. We need to provide some demographic numbers to get the split. Mr. Cozy will report at the next Council Meeting.

Mr. Bagocius asked about the YMCA grant study and if Lawrence Township had indicated if they were going to contribute to the study. Mr. Cozy stated not as of yet. Mr. Cozy stated he would contact them this week.

Report of Mayor – Mayor Harbaugh stated that the Canal is going down. He stated that he was at the feeder on Erie Street. He stated that there is a cable with a keep out sign that was put there by the residents. He was under the impression that the County owned that and the path. He said he thought Mr. Cozy and he could talk with the Commissioners and see if they could get permission to use the path to check on the feeder. Me. Cozy stated that he has sent an email to Mr. Fonte about the matter and he anticipated a response. As far as he is hearing from the residents, they don't want anyone there but Stark Parks.

The Mayor stated he may be in Canada for the next meeting.

Parks & Recreation Board – No Report.

Law Director – No Report. Law Director Scott Fellmeth stated that he wanted to give his opinion on the Senior Center and the possibility of having a Texas Hold-em event. Mr. Fellmeth stated that he is not in favor and he did not feel it was a good idea. Being a charitable 501c3, you can conduct a game of chance at a festival for four consecutive days twice a year or five consecutive days once a year. The Center would be in violation of gambling laws.

**THIRD READINGS**

**Resolution 14-13: TABLED** A Resolution by the Council of the City of Canal Fulton, Ohio to Authorize the City Manager to Engage Bond Counsel for the Locust and Portage Streets Resurfacing Project.

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A motion was made to bring Resolution 14-13 off of the table by Linda Zahirsky, second by Scott Svab. All Council Members voted yes. Motion approved.

A motion was made to pass Resolution 14-13 by Linda Zahirsky, second by Nellie Cihon. All Council Members voted yes. Motion approved.

**Resolution 15-13: TABLED** A Resolution by the Council of the City of Canal Fulton, Ohio to Authorize the City Manager to Engage Bond Counsel for the Cherry and Locust Streets Intersection Project.

A motion was made to bring Resolution 15-13 off of the table by Linda Zahirsky, second by Scott Svab. All Council Members voted yes. Motion approved.

A motion was made to pass Resolution 15-13 by Linda Zahirsky, second by Nellie Cihon. All Council Members voted yes. Motion approved.

**SECOND READINGS**

**Resolution 17-13:** A Resolution by the Council of the City of Canal Fulton, Ohio to Authorize the City Manager to engage Bond Counsel for the Locust Street Sewer Extension Project.

**FIRST READINGS**

**Resolution 18-13:** a Resolution by the Council of the City of Canal Fulton Ohio to Enter into a License Agreement with the City of Canton, Ohio, the Stark County Sheriff and the Board of the Stark County Commissioners

**P.O.s**

**P.O. 7906:** to City of Massillon in the amount of \$3,300.00 for upgrade to Massillon Building Department Software to Include Canal Fulton

A motion was made to approve P.O. 7906 by Danny Losch, second by Scott Svab. All Council Members voted yes. Motion approved.

**BILLS** - No bills.

**OLD/NEW/OTHER BUSINESS**

Scott Svab said he would like to add an Ordinance to the Agenda.

A three minute break was taken so that copies could be made of the Ordinance.

First Reading Ordinance 22:13:

**Ordinance 22-13:** An Ordinance by the Council of the City of Canal Fulton, Ohio to adjust the salary of Council effective January 1, 2014 in order to comply with the minimum earnable salary to earn full-time credit as mandated by Ohio Public Employee Retirement System as set forth in Ohio Senate Bill 343.

Mr. Bagocius asked the Law Director if the law allowed City Council Members that are not up for re-election to vote for a salary increase for them. Mr. Fellmeth said they can vote for it but they cannot get it while they are in term. They would not be eligible for it until the following term.

Scott Svab stated that the final report was submitted for the ODNR grant. The final number for the event was 45 boys and 42 girls. Our total grant was \$2,850.00. The grant has been submitted for next year and we will try and increase for 100 participants.

Sue Mayberry stated that Mr. Roberts was here earlier talking about the downtown district. He has been working hard to improve the community not only for his own benefit, but the victims of the fire here in town where he opened up his store to help those in need. Looking at prior minutes in 2009

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Mr. Roberts approached Council regarding a project with Northwest Students and a music based fundraiser. The monies that they made were used for charity. He has been active in many things. He is a vital force in this community and she was sure he would continue to be such.

**REPORT OF PRESIDENT PRO TEMPORE**

Linda Zahirsky asked for more trash containers downtown for the non-existent traffic down by Osers.

**REPORT OF SPECIAL COMMITTEES** – No reports.

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

Earl Minks – 627 South Canal

Mr. Mink voiced concern that the horses are not being cleaned up after on the towpath. Dan Mayberry stated that he would look into the matter and talk to the boat crew.

Dawn Durkee – 400 Market St. W

Mrs. Durkee voiced her concern on a dog complaint. She asked if there was any legislation for vicious dogs. The complaint was in regards to a neighbor's dog attacking another dog, and this had not been the first time it had happened. Chief Doug Swartz said he was aware of the complaint and the incident when it happened. Chief Swartz did say that if the Dog Warden's instructions were followed then no action would be taken. Chief Swartz said he would follow up on the complaint and see that the instruction was being followed. He also stated that leash laws would apply to this animal.

James Deans – 426 Heritage

Mr. Deans stated that Olde Canal Days was a success even with the flooding. He thanked Council and the City Departments for their help.

A motion was made to go into executive session to discuss the purchase of real, personal, tangible or intangible property at 8:27pm by Linda Zahirsky, second by Scott Svab. All Council Members voted yes. Motion approved.

A motion was made to return to public session at 8:41pm by Linda Zahirsky, second by Nellie Cihon. All Council Members voted yes. Motion approved.

**ADJOURNMENT**

The meeting was adjourned at 8:43pm.