

**CITY OF CANAL FULTON  
CITY COUNCIL MEETING MINUTES  
February 4, 2014**

**CALL TO ORDER**

The meeting was called to order by Mayor Richard Harbaugh at 7:00pm.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

Mayor/Council Members Present: Richard Harbaugh, Linda Zahirsky, Scott Svab, Danny Losch, Sean Craney, Sue Mayberry and Nellie Cihon.

Others Present: City Manager Mark Cozy, Council Clerk Teresa Dolan, Service Director Dan Mayberry, Finance Director William Rouse, Police Chief Doug Swartz, Fire Chief Ray Durkee.

Others Present: Chell Rossi, Earl Minks, Joan Porter

**REPORTS OF STANDING COMMITTEES**

Linda Zahirsky reported on the Personnel/Rules Committee that met prior to the Council Meeting. Linda Zahirsky was appointed chair of the committee. The committee asked for legislation to be presented to Council at the next Council meeting for two percent increases for salaries of non-bargaining full-time employees. The legislation would also include changes to longevity pay from \$100.00 to \$150.00 per year. Also the legislation should read retroactive to January 1, 2014.

Mrs. Zahirsky presented the committee with the Ohio Municipal League Survey in regards to comparing salaries in other municipalities. Also presented were the Barret Study salaries, with cost of living added, to compare the City's salaries too. The committee will continue to discuss salaries at the next Personnel/Rules Committee meeting.

Mrs. Zahirsky presented Council Rules with proposed changes to be discussed at the next meeting.

A motion was made to have a Personnel/Rules Committee meeting on February 11, 2014 at 6:00pm to discuss Salaries, Council Rules and any other business necessary by Linda Zahirsky, second by Scott Svab. All Council Members voted yes. Motion approved.

Scott Svab reported on the Finance Committee that met on January 28, 2014. Scott Svab was appointed Chair of the committee. Mr. Svab reported that Committee discussed the allocation of water and sewer funds. The committee requested legislation prepared based on the percentage recommended by the Finance Director for the allocation of Water and Sewer funds. Also discussed were salaries of non-bargaining employees which was moved forward to the Personnel/Rules committee.

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

None

**CORRECTING & ADOPTING THE RECORD OF PROCEEDINGS**

January 21, 2014 - Draft

A motion was made to approve the January 21, 2014 Council Meeting minutes by Nellie Cihon, second by Scott Svab. All Council Members voted yes. Motion approved.

**REPORTS OF ADMINISTRATIVE OFFICERS**

Senior Citizens – No Report

Community Service – No Report

Fire Chief – Fire Chief Ray Durkee reported that the department had been ice training at Chapel Hill. The department was awarded a BWC grant for the purchase of powered cots.

Sean Craney asked if the trainings were ever open to the public. Chief Durkee said that they would have training at times and invite public officials to participate.

Scott Svab asked if the Explorers or the Fire Department could look into getting addresses on telephone poles or sell addresses at cost. Chief Durkee said the Township promotes that and they are available from them.

Police Chief – Patrolman Ed Harbaugh was in attendance. No Report.

Engineer/Streets/Public Utilities – Engineer Bill Dorman reported on Cherry/Locust Intersection in reference to a meeting for preliminary design was being held on February 5, 2014.

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Mr. Dorman said they were helping Administration with Municipal Road Fund Applications for some paving work on Canal Street.

Locust/Portage paving project has one area where the contractor has to come back and correct a catch basin east of Beverly.

Wooster Street Storm Sewer work is wrapped up and Dan Mayberry has had a chance to review it. There is a minor change and should be completed next week. Advertisement will be going out for bid.

At & T has been working with the Administration and getting the necessary street opening permits for construction of boxes to provide U-Verse service to the City, as well as fiber optic upgrades.

Danny Losch thanked Mr. Dorman for CTI's work on engineering, along with Dan Mayberry, for the City.

Dan Mayberry included a written report in the Council Packet. Mr. Mayberry reported that there was a question about P.O. 9074 at the last Council Meeting and was addressed in the report.

Mr. Mayberry asked for a voice motion to authorize the City Manager to let the project for the Wooster Street Storm Sewer out to bid when the documents are completed.

A motion was made to authorize the City Manager to advertise for bid the Wooster Street Storm Sewer Improvements by Linda Zahirsky, second by Nellie Cihon. All Council Members voted yes. Motion approved.

Purchase Order #9133 to Ohio Drilling was added due to an emergency at the Water Treatment Plant well field, Well #7. The bearing went out in the 25 horsepower motor. Ohio Drilling had to come in and pull that motor and at that time we found that the discharge check valve on the pump had stuck in the open position.

There was a Snow Ban placed in effect at midnight tonight due to the anticipated weather and snow accumulations.

Finance Director - No Report. The January Financials will be ready for the next meeting.

City Manager – A report was included in the Council Packet.

City Manager Mark Cozy reported that he had contact with Sean Vandeburg, representing property owners on Locust. In regards to the Locust Sanitary Sewer/Water Project, Mr. Vandeburg stated that some owners are out of town and assured him that various properties are on board. Mr. Cozy stated that he would solicit petitions. At this point, Mr. Cozy recommended passing Resolution 1-14.

Mr. Cozy stated that he did mention the Police Study in his report. We do need to appoint a steering committee to begin working on the study with a consultant. Linda Zahirsky recommended that they wait for Safety Committee to meet to discuss the steering committee for the study.

Mr. Cozy stated that the next logical step for a YMCA in Canal Fulton was to officially adopt a site. The response from the Survey states that the Puffenberger site would be the best. Mrs. Zahirsky stated she had no objection of that, but wants to assure that the land stays a part of the City's land. Mrs. Mayberry asked how that would work if that property is deemed for that with us owning the land and then building on it. Mr. Cozy stated we would lease it to them. Mrs. Mayberry asked if there was anything we were binding with. Mr. Cozy said the agreement had not been put together yet. Mrs. Mayberry asked commonly what would we have at risk. Mr. Cozy stated that if the building was abandoned that there was value there. The building could be sold. Mrs. Zahirsky said we could limit what could be used there in a lease. Mr. Fellmeth said it was premature to speculate at this time until there was an opportunity to talk. It is an option to use the property, but we would come to terms with an agreement that Council would support.

Mrs. Mayberry asked about the park plan that was done. Mr. Cozy stated that the current park plan was done in 2006 by Floyd Brown and that he had a proposal for a new plan with both phases of the YMCA included.

Mr. Losch said if we chose to have the YMCA on that property, that it would not consume the whole property. Mr. Cozy stated that the YMCA would be the focal point on the property, that we could design the Park around the YMCA and make it a fully functioning facility that is planned. We have an opportunity to have what others do not have on the 40 acre park. This is an economic generator with the quality of life issue when people look to relocate businesses or homes. Mr. Cozy encouraged Council to verify that this is the site that we are going to build the YMCA in Canal Fulton. The YMCA is going to invest millions of dollars on a parcel of grand in Canal Fulton.

Mr. Svab recommended a public hearing on the subject.

A motion was made to hold a Public Hearing to discuss the YMCA on February 11, 2014 at 7:00pm by Scott Svab, second by Nellie Cihon. All Council Members voted yes. Motion approved.

Mr. Cozy asked for an executive session to discuss the Teamsters Contract and an Economic Development Issue.

Report of Mayor

Mayor Harbaugh asked for the following appointment to be made.

HPC Apt – Sue Mayberry

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Planning Commission Apt – Linda Zahirksy

Park Board Apts – Myron Yoder and Earl Minks

A motion was made to waive rule 17 in regards to the ten day notice for Mayoral appointments in the Canal Fulton Council Rules by Linda Zahirsky, second by Scott Svab. All Council Members voted yes. Motion approved.

A motion was made to appoint Myron Yoder to the Park Board by Linda Zahirsky, second by Scott Svab. All Council Members voted yes. Motion approved.

A motion was made to waive rule 17 in regards to the ten day notice for Mayoral appointments in the Canal Fulton Council Rules by Linda Zahirsky, second by Nellie Cihon. All Council Members voted yes. Motion approved.

A motion was made to appoint Earl Minks to the Park Board by Scott Svab, second by Nellie Cihon. All Council Members voted yes. Motion approved.

Mayor Harbaugh also thanked the City for all the support that he had received in the passing of his wife.

Parks & Recreation Board – No Report

Law Director - No Report. Law Director Scott Fellmeth recommended that we abolish Rule 17 from the Council rules. It hinders the Mayor's ability to make City appointments. Mr. Fellmeth also recommended the deletion of Rule 21 as well.

**THIRD READINGS**

**Ordinance 1-14:** An Ordinance by the Council of the City of Canal Fulton, Ohio for Final Acceptance of Canal Place

A motion was made to approve Ordinance 1-14 by Linda Zahirsky, second by Nellie Cihon. All Council Members voted yes. Motion approved.

**SECOND READINGS**

**Resolution 1:14:** A Resolution by the Council of the City of Canal Fulton, Ohio to Enter into an Agreement with CTI Engineers, Inc. to Provide Professional Engineering Services for the Locust Street Sanitary Sewer and Waterline Extension and Declaring an Emergency.

A motion was made to suspend the rules by Linda Zahirsky, second by Nellie Cihon.

Mrs. Zahirsky asked about Mr. Vandeburg and how many is he going to be providing. Mr. Cozy stated that he thought that Schalmo alone represents a majority of the area. With Schalmo we may have enough to move forward, but Mr. Cozy stated he would not go forward without having a majority of the others. Some are out of town and they need sewer. Mrs. Mayberry said with going forward without that is not premature on our part at this time. Mr. Cozy said he did not think so. Mr. Fellmeth said you needed sixty percent of the frontage. Mr. Losch said he was glad to hear that the majority was important to look at. It is important for economic development. Will there be any cost incurred from CTI prior to the petition? Mr. Cozy said there would be up front costs with CTI, but then the property owners would be assessed through a bond. Mr. Losch asked if any the work, if this falls apart, we are still liable for whatever work has started. Mr. Cozy stated that could happen. Mr. Cozy stated when he talked to Dave Koontz; he thought that they had a majority of the area with Schalmo alone. Mr. Cozy said he still wanted to get the other property owners on board for the project. Mr. Dorman said they would wait to get started until they received a Notice to proceed from Mr. Cozy. Mr. Cozy stated if Council wanted to wait until the next meeting, he would do that. It would not make a difference.

Mrs. Mayberry asked if all of these property owners knew what they would be paying. Mr. Fellmeth stated, no, they would not know until the survey was completed. Mr. Fellmeth said it was a three step process. The Engineer has to be authorized to do the site work, then they come back and do the engineering, then they get an idea of what the assessments are. Then, we set up a public meeting to determine what the potential assessments are and after that is done, they can determine what the final cost is. The process can't go any further until they petition. Mr. Cozy said that we have not been able to contact all of the property owners.

Linda Zahirsky and Nellie Cihon both withdrew their motion to suspend the rules.

**FIRST READINGS**

**Ordinance 2-14:** An Ordinance Amending Ordinance 31-13, and Providing for Changes to Previously Authorized but Not Yet Executed Transfers

**Ordinance 3-14:** An Ordinance for the Distribution of Water Revenues, and Declaring and Emergency

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

A motion was made to approve Ordinance 3-14 under suspension of the rules by Linda Zahirsky, second by Scott Svab. All Council Members voted yes. Motion approved.

**Ordinance 4-14:** An Ordinance Providing for the Distribution of Sewer Revenues, and Declaring and Emergency

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

A motion was made to approve Ordinance 4-14 under suspension of the rules by Linda Zahirsky, second by Nellie Cihon. All Council Members voted yes. Motion approved.

**Resolution 2-14:** A Resolution by the Council of the City of Canal Fulton, Ohio, to enter into an Agreement with the Stark County Public Defender Commission and the Ohio Public Defender Commission to Provide Municipal Ordinance Representation for Indigent Defendants and Declaring and Emergency

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

A motion was made to approve Resolution 2-14 under suspension of the rules by Linda Zahirsky, second Nellie Cihon. All Council Members voted yes. Motion approved.

**P.O.s**

P.O. 9113: To Stark County Soil and Water Conservation District in the amount of \$3,500.00 for the OEPA NPDES Permit, Provide Services Required Through MCM #4 and MCM #5 of the Storm Water Permit.

A motion was made to approve P.O. 9113 by Scott Svab, second Sue Mayberry. All Council Members voted yes. Motion approved.

Mr. Mayberry explained what the Purchase Order was for in regards to the NPDES permit

P.O. 9133: to Ohio Drilling Co. Inc. in the amount of \$7,800.00 for Pull Repair/Replace Motor on #7 Water Well as Needed

A motion was made to approve P.O. 9133 by Nellie Cihon, second Sue Mayberry. All Council Members voted yes. Motion approved.

**BILLS** - None

**OLD/NEW/OTHER BUSINESS**

Linda Zahirsky asked Scott Svab about the grant that he had given Council and what he had used it for. Mr. Svab said he had applied for the grant and wanted to get a voice motion approving it. Mr. Svab stated he kept it under the \$3,000.00 purchase amount with a fifty/fifty match. Mr. Svab said in the fall to have at a convenient location some roll offs and have a community clean up. The major activity would be held around the Earth Day week, which is usually around the end of April. We would distribute bags, with a sponsor hopefully, to the K-4 schools with the idea that they would go around their own neighborhood to pick up trash and take to the roll off. Ohio EPA gets their money from tipping fees and their mission is to try and control the grant. The grant is to educate the public about trash and recycling. We could give away a t-shirt and have the Explorers participate. Mr. Svab said we would be into it for roughly \$2,8- \$2,900.00.

A motion was made to approve the expenditure of \$2,900.00 of we get the grant for community clean up from the Ohio EPA, second by Nellie Cihon. All Council Members voted yes. Motion approved.

**REPORT OF PRESIDENT PRO TEMPORE**

Scott Svab stated that he would be attending the Park Board on Wednesday, February 12, 2014 at 7:00pm. Mr. Svab wants to meet with them to discuss a trails grant. He wants to get the Park Board's view point. To do the grant successfully, if we chose to do a walking trail to connect to Ohio Erie Canal trail from Puffenberger Park and beyond, Mr. Schalmo came to the City to donate property adjacent to the Schalmo wetland. Council at that time refused it because we did not even have the Puffenberger property at that point. Mr. Schalmo sent Mr. Svab a map which they discussed. It is a non-buildable tract, so it is a win for him to dispose of it. If the City accepted it he wanted it named after his son. Mr. Svab said he would like to get the momentum out there to the community. There are grants available for projects like this. The first

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step would to make awareness, and accept the piece of property. Then we could move forward with it, whether it is now or in the future.

Mr. Cozy said he had a proposal from Environmental Design Group to add to their proposal the trail connectors to the North. Mr. Cozy stated he did not think there would be much more cost to do that. Mr. Cozy said he could ask to connect Schalmo's property north of the towpath to the South. Mr. Losch said that would make sense to work on further grants. Mr. Cozy said it could be done when the Park Plan is done. Mrs. Zahirsky said that is an area she has heard a lot of people say wish there were bike trails or some way to get to that allotment over to the towpath. Mrs. Cihon said she thought residents filled some parts in and planted grass. Mrs. Mayberry asked how much work was going to be on the City to prepare the land down at Puffenberger park for any of this. Mrs. Mayberry asked if we were going to be expending any money with the YMCA if it eventually goes there. Mr. Cozy said that is negotiable. Mrs. Mayberry said we had the intersection coming up too, and some big projects in front of us.

**REPORT OF SPECIAL COMMITTEES**

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

Earl Minks – 627 S. Canal Street

Mr. Minks thanked Council and the Mayor for the appointment to the Park Board. He also wanted to let Council know that Terry Cyphert was at home in Hospice care.

A motion was made to adjourn to Executive Session at 8:10pm from the regular meeting for purpose of consideration of preparing for, conducting or reviewing negotiations or bargaining sessions with public employees, and to consider confidential information related to an applicant for economic development assistance by Linda Zahirsky, second by Nellie Cihon. Danny Losch voted no. All other Council members voted yes. Motion approved.

A motion was made to return to public session at 8:30pm by Linda Zahirsky, second by Nellie Cihon. All Council Members voted yes. Motion approved.

**ADJOURNMENT**

The meeting was adjourned at 8:32pm.