

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANKING, INC., FORM NO. 1011R

Held

January 15

2013

CITY OF CANAL FULTON CITY COUNCIL MEETING MINUTES

January 15, 2013

CALL TO ORDER

Mayor Richard Harbaugh called the January 15, 2013 City Council Meeting to order at 7:06pm in Council Chambers, City Hall, Canal Fulton, Ohio.

PLEDGE OF ALLEGIANCE

ROLL CALL

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

Council Member Danny Losch was absent.

A motion was made by Linda Zahirsky to excuse Danny Losch from the meeting, second by Nellie Cihon, all present members voted in favor.

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

Others Present: Rochelle Rossi, Debby Messener, and Joan Porter.

REPORT ON COMMITTEE ON COMMITTEES

Scott Svab reported that the Committee on Committees meeting took place at 6:15pm, January 15, 2013. All Committees and their members shall stay the same as the 2012 committees.

REPORTS OF STANDING COMMITTEES

Sue Mayberry reported on the Public Service Committee meeting that took place at 6:30pm, January 15, 2013. The meeting was held to discuss the Canal Lands II Annexation. Council would like a cost benefit analysis on the piece of legislation up for a second reading this meeting. Sue Mayberry was also elected chairman of the Public Service Committee. Paul Bagocius stated that the City Manager voiced opposition to the ordinance.

A motion was made by Sue Mayberry to have a cost benefit analysis be prepared and if the report is completed be presented at the next Council Meeting, February 5, 2013 in order to set a Public Service Committee meeting to go over the analysis, second by Paul Bagocius. All present Council Members voted yes, motion approved.

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

Fire Department – Oath of Office

A motion was made by Linda Zahirsky to nominate Jeremy King and Zachary Runion as Part Time Fire Fighters/Paramedics, second by Scott Svab. All Council Members present voted yes. Motion approved.

A motion was made by Linda Zahirsky to nominate Thomas Brady, Rachel Kassinger and Brett Winslow as Part Time Fire Fighters, second by Nellie Cihon. All Council Members present voted yes. Motion approved.

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Mayor Harbaugh gave the Oath of Office to the following. Jeremy King was not present and would be attending a meeting in the future to be sworn in.

Debby Messener – Bountiful Gifts, Salt Box, OLWEUS- Bullying Program
Debby Messener – discussed the Bountiful Gifts, Salt Box and OLWEUS. OLWEUS is the school program that deals with bullying. Ms. Messener is a community parent that sat through two day training. She wanted to make the City aware that the program is available. They will be present at Community Day on January 27th at the Northwest High School. Sisters of Charity donated the money for the program.

The Salt Box Ministries serves two meals a month. Ms. Messener said that meals are served the second and last Sunday of every month. There are residents that receive food from the Community Cupboard also. She wanted to include everyone, it is a community meal. Meals can be shared by family members. She wanted to get the message out that the meal is open to the community.

Bountiful Gifts works in conjunction with any charitable organizations to get information out to people who need it. They meet every second Saturday morning at 7:30am at Grace Ann's restaurant.

Paul Bagocius asked if maybe our water bill might be used to share information on the programs. Ms. Messener was told to talk to the City Manager about the resources that are available.

CORRECTING & ADOPTING THE RECORD OF PROCEEDINGS

January 2, 2012

A motion was made by Linda Zahirsky to accept the January 2, 2012 minutes, second by Nellie Cihon. Paul Bagocius abstained from the vote. All other present Council Members voted yes.

REPORTS OF ADMINISTRATIVE OFFICERS

Senior Citizens

Community Luncheon will be held January 22nd, the cost is \$5.00.

Community Service Coordinator

Monthly Report and the 2012 Year End Report was included in the Council Packet

Fire Chief

Monthly Report was included in the Council Packet. Chief Ray Durkee thanked Mayor and Council for appointing the fire fighters. Engine 5 is now back in service. There was a meeting with Lawrence Township in regards to living together and he would let the Council Presidents speak on that later in the meeting.

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Police Chief

Chief Doug Swartz commended two officers in an incident involving a young girl and a stalker. Officers located the suspect who was under the influence of bath salts. Chief Swartz said he was very thankful that the suspect was apprehended. Joshua Barabash and Nick Antonides both did an excellent job.

A dumped car was retrieved in Canal Fulton from a bank robbery in Coventry Bank. The investigation is still underway and the Chief said we did not know as of yet.

Engineer/Streets/Public Utilities

Bill Dorman reported that he was assisting the administration on the Locust/Cherry street intersection and they are ready to proceed to the next step of selecting an engineer. The City Manager will report on this. Mr. Dorman is assisting Dan Mayberry on some issues at the Waste Water Treatment Plant with the screen building. Mr. Dorman is also working with a homeowner and replating three lots into two to reconfigure his property in on Forge Street.

Scott Fellmeth asked about the 2013-2014 contract and wanted to know if there were any increases in any rates. Mr. Dorman stated the rates did not increase. The retainer was increased by \$30.00 there has not been an increase in six years.

Service Director

Monthly Report was included in the Council Packet. Dan Mayberry reported on survey work on the Wooster Street right of way for the planned Wooster Street storm sewer improvements. He expects to hear from CTI on what new options they have since the bio retention ponds in cooperation with property owners adjacent to the project area were unsuccessful shortly.

Mr. Mayberry also stated that they were looking into relieving the storm water problems on the west side of the City.

Mayor Harbaugh stated that he has had quite a few people make comments to him about the two catch basins at Locust Street coming down Route 93. The Mayor said he had experienced going over the basins and it is tough on your vehicle and annoying. The problem is in both lanes Mr. Mayberry stated they would look into getting them raised.

Paul Bagogcius asked if the grit building repairs were covered by insurance. Mr. Mayberry stated that he was speaking with the claims adjuster with our insurance. Mr. Mayberry will keep Council informed.

Finance Director

December Financial Report was included in the packet. Mr. Goffe said he was pleased with the reports and the increases. Mr. Goffe answered questions on the report. James Goffe asked for a motion to accept.

Mr. Svab said he would like to go into executive session to discuss Police Personnel.

Mr. Svab said he would like to schedule a Finance Committee Meeting, February 5, 2013 at 6:00pm, second by Paul Bagogcius. The meeting would be to discuss to go over in detail and discuss expenditures to increase appropriations, and go over the sewer increase. All present Council Members voted yes. Motion approved.

A motion was made by Linda Zahirsky to accept the December Financial Report, second by Nellie Cihon. All present Council Members voted yes. Motion passed.

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Mr. Goffe announced that the Payroll Clerk had submitted her two week notice to take a full time job elsewhere. We will need to look into scheduling a meeting for payroll opportunities. We will still need to look into a part time person. Mr. Cozy asked if Council would accept Administration to hire a part time person since the next meeting was three weeks away. Mr. Goffe and Mr. Cozy would make the determination to hire the part time person.

A motion was made by Linda Zahirsky to hire a part time person in the Finance Department, second by Nellie Cihon. All present Council Members voted yes. Motion approved.

Volunteer Firefighters Dependent Fund appoint members (2) – The Committee on Committees selected Scott Svab and Nellie Cihon to the board.

City Manager

Written Report was included in the packet. Mark Cozy passed out a spreadsheets prepared by James Goffe that was presented to the bargaining units on health insurance. The spreadsheets were a comparison of benefits and out of pocket expenses for the Teamsters and the FOP. Mr. Cozy pointed out that the insurance was now a PPO instead of an HMO which gave employees a wider range of choices.

Mr. Cozy said that the grievance from the parties was due to last minute changes. Mr. Cozy said Mr. Goffe should be commended for his efforts. Late in the game our broker came to us with huge increases. There was a delay in the broker getting numbers to us forcing us to scramble. Mr. Goffe did some research for the City to save money. It was last minute and Mr. Cozy is upset that some employees were inconvenienced. In the long run it is a better plan for the employees because it gives them more choices. If Council would like to be involved in the grievance process, they are welcome. Paul Bagocius and Scott Svab said that they were both interested in sitting on the committee.

Mr. Svab commended Mr. Goffe for doing his due diligence. Mr. Svab did have a problem with not delaying the decision until February 1st, and some of the problems would have been avoided with the Teamsters and FOP. Mr. Svab said the decision was done at the last minute and mistakes were made. Mr. Cozy stated the decision to pull the trigger was his, not Mr. Goffe's. Mr. Goffe said he concurred with the decision in saving the City as much as they could throughout the process. Mr. Svab said he felt like Mr. Cozy had fell down on this one.

Mr. Cozy said the Locust/Cherry intersection project advertising should be ready to go forward. In order to do that a committee should be formed to go over request for proposals.

Mrs. Mayberry asked Mr. Dorman about the plans and the way that they looked like where the grey house sits, it shows that the widened area goes right up to the front door of the house. How far back along the other homes including the Oberlin House, does that cut into the other homes? Mr. Dorman said right now the preliminary shows that the right-of-way line is at the stoop of the grey house. The plans are preliminary and they will be adjusted during the design phase with several opportunities with the design consultant and ODOT for changes. The specific question can't be answered until those plans are complete.

Paul Bagocius asked about the Seismic Survey. He wanted to know when it was going to start and why was it being done. Mr. Cozy said no date was scheduled. The vibrating equipment would figure out what kind of oil and gas

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reserves are in the City along Route 93. Mr. Bagocius said he felt that the City should not allow it due to the historic homes along the route. Mr. Svab said there was not a benefit to residents from the survey.

A motion was made by Paul Bagocius not to allow Prism Geophysical to do their Seismic Survey within the City limits, second by Scott Svab. All present Council Members voted yes. Motion approved.

Mr. Bagocius wanted to know what the status of the sidewalks along Locust Street. Mr. Cozy said the constituents are split. We may have a slight majority on sidewalks. Paul Bagocius would like to continue the process through the Public Service Committee.

Report of Mayor

Mayor Harbaugh asked Mark Cozy if he had any more information on the Sanitary Sewer on Locust St. Mr. Cozy said no at this time he did not. He is hopeful he will be getting something from Mr. Vandenburg soon.

Parks & Recreation Board – No Report.

Law Director

Law Director Scott Fellmeth reported on the civil rights complaint that was filed by Gayle Danzy. No formal ruling has been given yet, but the commission sees no probably cause and the claim is likely to be dismissed.

Mr. Fellmeth also spoke on the formation of the Canal Fulton Building Department. Presently the three pieces of legislation that are on the agenda need passed under suspension so that the applications can be completed to certify Canal Fulton as both a commercial and residential building department through the Ohio Board of Building Standards. The Ohio Board of Building Standards will meet on March 22, 2013 to discuss this matter. The target date for formulation of the Canal Fulton Building Department will be April 1, 2013. There also needs to be communication set up to announce to the general public about the switch.

Canal Fulton is known as a sub-department of the Stark County Building Department. The Stark County Building Department runs things. If we elect to form our own building department we would have complete control of formulation for both residential and commercial building. That would give us total autonomy to set up contracts with whomever we would chose to do so. This will set us up completely for the future. Paul Bagocius asked if this would be a paper department, and Mr. Fellmeth said no. We will have a building department and we will contract out for enforcement of the building rules and standards because we do not have a department to do that now. If we decide to do that in the future we could do so.

THIRD READINGS

Ordinance 44-12: An Ordinance by the Council of the City of Canal Fulton, Ohio accepting Public Improvements for Discovery Park Phase 2.

A motion was made by Linda Zahirsky to pass Ordinance 44-12, second by Scott Svab.

Paul Bagocius asked about holding bond money for the sidewalks. Scott Fellmeth said yes we still had it.

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All present Council Members voted yes. Motion approved.

SECOND READINGS

Ordinance 1-13: An Ordinance by the Council of the City of Canal Fulton, Ohio authorizing the Canal Lands II Annexation of 66 acres, more or less, from Lawrence Township, Stark County, Ohio to the City of Canal Fulton.

FIRST READINGS

Resolution 1-13: A resolution by the Council of the City of Canal Fulton to enter into an agreement with CTI Engineers, Inc. to provide professional engineering services for the years 2013 and 2014 for the City of Canal Fulton Engineer.

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

A motion was made by Linda Zahirsky to pass Resolution 1-13 under suspension, second by Nellie Cihon. All present Council Members votes yes. Motion approved.

Resolution 2-13: A resolution by the Council of the City of Canal Fulton 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 an emergency.

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

A motion was made by Linda Zahirsky to pass Resolution 2-13 under suspension, second by Scott Svab. All present Council Members votes yes. Motion approved.

Resolution 3-13: A resolution by the Council of the City of Canal Fulton to enter into a contract with the City of Massillon, Ohio for transportation of prisoners to and from the Stark County Jail for appearances required in the Massillon Municipal Court and declaring an emergency.

Resolution 4-13: A resolution authorizing the City Manager to enter into a contract between the City of Canal Fulton and the City of Massillon Law Department for Providing Prosecution of criminal and traffic offenders in the Massillon Municipal Court and performance of the other related Traffic and Criminal Legal service for Canal Fulton and declaring the same to be an emergency.

A motion was made to suspend the rules by Scott Svab, second by Nellie Cihon. All present Council voted yes. Motion approved.

A motion was made by Scott Svab to pass Resolution 4-13 under suspension, second by Nellie Cihon. All present Council Members votes yes. Motion approved.

Ordinance 2-13: An Ordinance to establish the Canal Fulton Building Department.

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

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A motion was made by Linda Zahirsky to pass Ordinance 2-13 under suspension, second by Scott Svab. All present Council Members votes yes. Motion approved.

Ordinance 3-13: An Ordinance requesting certification to enforce the Residential Building Code of Ohio for one, two, and three-family dwellings within the City of Canal Fulton, Ohio.

A motion was made to suspend the rules by Scott Svab, second by Nellie Cihon. All present Council voted yes. Motion approved.

A motion was made by Scott Svab to pass Ordinance 3-13 under suspension, second by Nellie Cihon. All present Council Members votes yes. Motion approved.

Ordinance 4-13: An Ordinance requesting certification to enforce the Ohio State Building Codes within the City of Canal Fulton, Ohio.

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

A motion was made by Linda Zahirsky to pass Ordinance 4-13 under suspension, second by Nellie Cihon. All present Council Members votes yes. Motion approved.

P.O.s

P.O.7608: to Bureau of Workers Compensation in the amount of \$31,099.76 for 2012 Workers Compensation Premiums.

A motion was made by Nellie Cihon to approve P.O. 7608, second by Scott Svab. All present Council Members voted yes. Motion approved.

P.O.7624: to Emergency Medical Products Inc. in the amount of \$5,000.00 for EMS Medical Supplies

A motion was made by Nellie Cihon to approve P.O. 7624, second by Linda Zahirsky. All present Council Members voted yes. Motion approved.

P.O.7630: to Karen Hiltbrand in the amount of \$4,680.00 to Clean City Hall.

A motion was made by Linda Zahirsky to approve P.O. 7630, second by Scott Svab. All present Council Members voted yes. Motion approved.

P.O.7631: to A T & T in the amount of \$8,250.00 for Water Tower Monitoring Circuits.

A motion was made by Nellie Cihon to approve P.O. 7631, second by Sue Mayberry. All present Council Members voted yes. Motion approved.

P.O.7635: to CTI Engineers, Inc. in the amount of \$25,000.00 for General Engineering Services.

A motion as made by Scott Svab to approve P.O. 7635, second by Nellie Cihon. All present Council Members voted yes. Motion approved.

December Bill Listing: \$336,562.62

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A motion was made by Nellie Cihon to accept the December Bill Listing, second by Scott Svab. Paul Bagocius abstained, all other present Council Members voted yes. Motion approved.

Mr. Bagocius stated that it would be helpful to put a comment on each expenditure was for.

OLD/NEW/OTHER BUSINESS

Scott Fellmeth asked for a voice motion to have the effective date of the formation of the Canal Fulton Building Department to be April 1, 2013.

A motion was made by Scott Svab to have the formation of the Canal Fulton Building Department effective date be April 1, 2013, second by Sue Mayberry. All present Council Members voted yes. Motion approved.

Scott Svab thanked Scott Fellmeth for the work he had done on the building department.

Scott Svab asked for an Executive Session in order to discuss Preparing for, conducting or reviewing negotiations or bargaining sessions with public employees. Mr. Svab said he wanted to talk about Police Department personnel and Obama care rules that would affect our part time employees. Mr. Svab wanted a quick consensus of Council on the matter.

REPORT OF PRESIDENT PRO TEMPORE

Linda Zahirsky reported on the living together arrangement with Lawrence Township. A meeting with the Township Trustees was held on January 14, 2013. The Fire Chief of Lawrence Township is for going forward with the living together arrangement. Most of the people at the meeting were in agreement with the concept. The conclusions that the committee had come up with were discussed. Les Kamp was concerned with Lawrence Township having to pay for half of the utilities at our location at the same time they were going to keep their station up and running. They wanted to know if we would consider dropping that requirement. They had no problems paying for supplies such as toiletries. Mrs. Zahirsky took the agreement and added a few things including using their fire station for offices. Also storing extra equipment and doing some training at the Lawrence Township office. Mrs. Zahirsky would like to propose to go forward with the plan. Both entities would be responsible with their own vehicles for this time. They want to look at a revenue neutral agreement because they can't afford any additional cost at this time.

Mrs. Zahirsky stated that they were looking to start the arrangement April 1, 2013. Mr. Fellmeth stated that there would need to be a resolution to go forward. Mrs. Zahirsky asked him to prepare a resolution so that it could go through three readings. Paul Bagocius did ask about major purchases. Mrs. Zahirsky stated that they were hoping by jointly using the equipment they may be able to get a year or two out of our equipment as is without purchasing additional equipment.

Paul Bagocius asked where Lawrence Township was on this matter and if they were going to present it at one of their meetings. Mrs. Zahirsky said yes. All three trustees were at the meeting. Mr. Bagocius asked if resistance was sensed or if the majority were in favor. Mrs. Zahirsky said she thought the majority was in favor, but one may be hesitant if we go forward with annexation.

REPORT OF SPECIAL COMMITTEES – No Reports

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CITIZENS COMMENTS – Open Discussion (Five Minute Rule)

Mr. Dorman thanked Council for renewing the contract again. Mr. Dorman said he was in his 20th year with the City.

At 9:05pm a motion was made by Linda Zahirsky to adjourn to Executive Session to discuss Police Personnel, second by Nellie Cihon. All present Council Members voted in favor. Motion approved.

At 9:15pm a motion was made to return to public session by Sue Mayberry, second by Scott Svab. All present Council Members voted yes. Motion approved.

Mr. Svab stated his concerns about police presence at the school in the morning and afternoon to direct traffic. He stated that he felt we have responsibility to schools not only because it is out children but because it is our biggest tax paying payroll. When we annexed we pulled out and took the SRO officer out of the schools. He feels that we are doing our schools a disservice by not putting some one in that position. If we could fund one, Mr. Svab is all for it, but in the meantime he feels that there should be an officer directing traffic. If there is not officer there it is apparent that there is a problem.

Chief Swartz stated that his perception was that there was an officer there most of the time. Chief Swartz said he valued Scott's judgment. Chief Swartz said he also looks at the dangers of traffic control. Mr. Svab stated that there was not a problem when the schools paid the Police Department to direct traffic after a football game, but no one is there in the morning. Mr. Svab feels that this is a double standard. Chief Swartz stated there is a lot that goes into this. He stated that it is a priority that the officers were at the school; it is just not the top priority. It needs to be done, but there are other things that happen such as calls for service. Chief Swartz said they are working some bugs out with the traffic control at the schools. The shift starts at 7:00am and then there is roll call. He thought that the officers were there 99% of the time. Our officers have done a lot for the schools. Mr. Cozy asked what time the officers needed to be there and Mr. Svab stated 7:15am to 7:30am.

Mr. Svab said he did not want to bring the school violence issue up, but he thought the presence of an officer might be one less thought that a student would pull something. Chief Swartz agreed. Mr. Svab said he was at the point that he wanted to spend money to fix the problem. This is a problem that Mr. Svab perceives, but it might not be a problem that the other Council Members see. It is a majority vote. Mrs. Mayberry stated that there are several counties in Northwest Schools. Mrs. Zahirsky also stated that there is a private school also. Mrs. Mayberry wanted to know if we had any possible working relationship with someone else that would volunteer. Mr. Cozy stated that Mr. Svab made the point that it is in the City and we are taking income tax from the employees. That money coming in we could spare a few dollars out of that to pay for it.

Scott Svab said the bottom line is that they are not getting there. Scott Svab said that maybe we should get a security firm. Chief Swartz said you have to be a commissioned Police Officer to direct traffic, so a security service would not work. Mr. Svab said well we have part time officers. Mr. Cozy said the opinion of the school is that no child will be turned away from a bus. The school's opinion is to let the kids ride the bus instead of having their parents driving them there would not be a problem. Mr. Svab asked with the resources that the Police Department has, that someone could not be there at 7:15am every day. Chief Swartz stated that he could look at forcing someone to change their shift. Chief Swartz said if Council said to change someone's shift he would. Mr. Svab asked if it was important to Council to have someone down there at 7:15am. He asked

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for a voice motion on it. Mr. Fellmeth said to take this to Safety Committee. Mr. Svab said this had been discussed ad nauseam with the Chief, and we still are in the same place.

A motion was made by Scott Svab to direct the Police Chief to have an officer at the School every day at 7:15am to direct traffic, no second. Motion failed.

Mrs. Zahirsky though that the matter should go to Safety Committee.

A motion was made by Linda Zahirsky to have a Safety Committee Meeting on February 19, 2013 at 6:00pm, second by Nellie Cihon. All present Council Members vote yes. Motion approved.

Mr. Bagocius asked that the Safety Committee members take one day and visit the school in the morning so that they can get a flavor as to what Mr. Svab is speaking about.

ADJOURNMENT

The meeting was adjourned at 9:45pm.