

RECORD OF PROCEEDINGS

Minutes of

Meeting

EMVTON LEGAL BLANK INC. FORM NO. 107481

Held January 2

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CITY OF CANAL FULTON CITY COUNCIL MEETING MINUTES January 2, 2013

CALL TO ORDER

Mayor Richard Harbaugh called the January 2, 2013 City Council Meeting to order at 7:00pm in Council Chambers, City Hall, Canal Fulton, Ohio.

PLEDGE OF ALLEGIANCE

ROLL CALL

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

Council Member Paul Bagocius was absent.

A motion was made by Linda Zahirsky to excuse Paul Bagocius from the meeting, all present members voted in favor.

Others Present: City Manager Mark Cozy, Fire Chief Ray Durkee, Police Officer Ed Harbaugh, Finance Director James Goffe, Law Director Scott Fellmeth and Council Clerk Teresa Dolan. Service Director Dan Mayberry was absent due to illness.

Others Present: Terry Cypfert, Earl Minks, James Deans, Kevin Speight, Nick Speight, and Joan Porter.

ELECTION OF PRESIDENT PRO TEMPORE

A motion was made by Danny Losch to nominate Linda Zahirsky as President Pro Tempore, Second by Nellie Cihon.

Roll Call was as follows: Nellie Cihon – Yes; Sue Mayberry – No; Paul Bagocius – Absent; Scott Svab – Yes; Danny Losch – Yes; Linda Zahirsky – Abstain.

Motion fails.

A motion was made by Sue Mayberry to nominate Paul Bagocius as President Pro Tempore

Sue Mayberry said that the previous motion had failed. Scott Svab stated that he voted yes. Teresa Dolan said Scott Svab voted yes and that the vote was three to one. Mark Cozy said on Council rules and Sue Mayberry stated that Council rules states four. Scott Fellmeth said that was for legislation and resolutions. Sue Mayberry said if you look in the council rules it was four stated in rule three. Election in this procedure shall continue until one nominee receives four votes. Mark Cozy asked if that included the Mayor. Sue Mayberry stated that she would like to nominate Paul Bagocius even though he was not present. Danny Losch stated that he may have to maintain the position until this was cleared. Scott Fellmeth said to go ahead and proceed. Mr. Fellmeth said there was a nomination on the floor for Paul Bagocius as President Pro Tempore, and asked if there was a second. Sue Mayberry said of course not. The Mayor said there was no second and asked what was to be done now. A motion was made by Linda Zahirsky to nominate Danny Losch as President Pro Tempore, second by Scott Svab.

Roll Call was as follows: Nellie Cihon – Yes; Sue Mayberry – No; Paul Bagocius – Absent; Scott Svab – Yes; Danny Losch – Abstain; Linda Zahirsky – Yes.

Mr. Fellmeth stated that you did not have to abstain in this particular instance. Linda Zahirsky asked if you did not have to abstain and Mr. Fellmeth said no. Sue Mayberry stated that now the rule changes. Mr. Fellmeth stated that he did not know why we were going through this circus. Mrs. Mayberry asked why no one wants Mr. Bagocius as Council President. Mrs. Mayberry stated that she nominated him and council members stated nothing. Mr. Losch said he was absent. Mrs. Mayberry said that did not matter. She stated that he was going to abstain anyhow, like we have for the past how many years in this process. Mrs. Mayberry stated she read her rules before she came to the meeting tonight. She said she wanted to nominate Mr. Bagocius and that is who she

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wanted to nominated and she had that right to do that. Mr. Losch said absolutely. Mrs. Mayberry said this is not a circus and she had that right. Mr. Fellmeth said the motion failed for lack of a second, and asked if we had another nomination.

Mr. Fellmeth said we should start from the beginning. Mrs. Mayberry asked why. Mr. Fellmeth said in the interest of expediting the meeting. Mrs. Mayberry again said why that we were following protocol, according to the Council Rules, she had never nominated Mr. Bagocius for Council President and she nominated him this year. Mrs. Zahirsky said she did not get a second. Mrs. Mayberry said that was fine, but don't say we were going to start over because you didn't get what you wanted. Mr. Fellmeth said he believed there was a nomination on the floor right now to nominate Danny Losch as President Pro Tempore. Mr. Losch said he believed that they needed to go back to Mrs. Zahirsky because it was the same situation. Mr. Losch said that if Mr. Bagocius was present the vote may turn out to be a three to two, and asked what would carry. Mrs. Mayberry said four. Mr. Losch said it was a three to one decision at this point here. Teresa Dolan stated that it did say in the rules that all elected members of Council shall cast a vote. Danny Losch said very good. Mrs. Mayberry said then it could not be done tonight. Mrs. Zahirsky said yes it can because it said the election shall take place on the first Council meeting. Mr. Fellmeth said if it would come down to the matter, a candidate could vote for himself, the President does it. Sue Mayberry stated that all she wanted to say was that this was Mr. Bagocius' fourth year, what was the problem with him being President? Was it a special position? Mr. Losch said well after four years you are still a junior. Mrs. Mayberry said she thought that he had done a great job. Mrs. Cihon said she wished to withdraw her second for Linda Zahirsky.

Mr. Fellmeth said let's start this all over again and each member of Council was allowed to vote.

A motion was made by Danny Losch to nominate Linda Zahirsky as Council President Pro Tempore, second by Scott Svab.

Roll Call was as follows: Nellie Cihon – Yes; Sue Mayberry – No; Paul Bagocius – Absent; Scott Svab – Yes; Danny Losch – Yes; Linda Zahirsky – Yes. Motion approved.

ELECTION OF VICE PRESIDENT

A motion was made by Sue Mayberry to nominate Paul Bagocius as Vice President. Motion failed for lack of a second.

A motion was made by Danny Losch to nominate Nellie Cihon as Vice President, Second by Linda Zahirsky.

Roll Call was as follows: Linda Zahirsky – Yes; Danny Losch – Yes; Sue Mayberry – No; Nellie Cihon – Yes; Paul Bagocius – Absent; Scott Svab – Yes. Motion approved.

A motion was made by Danny Losch to excuse Paul Bagocius for his absence due to being out of town, second by Linda Zahirsky.

Roll Call was as follows: Linda Zahirsky – Yes; Danny Losch – Yes; Sue Mayberry – Yes; Nellie Cihon – Yes; Paul Bagocius – Absent; Scott Svab Yes. Motion approved.

ELECTION OF COMMITTEE ON COMMITTEES MEMBERS (2)

A motion was made by Danny Losch to nominate Sue Mayberry to chair the Committee on Committees; Linda Zahirsky nominated Scott Svab to be the second member. Nellie Cihon made the second. The second was for both members. Motion approved.

Roll Call was as follows for Sue Mayberry: Scott Svab – Yes; Nellie Cihon – Yes; Danny Losch – Yes; Linda Zahirsky – Yes; Paul Bagocius – Absent; Sue Mayberry – Abstain.

Roll Call was as follows for Scott Svab: Scott Svab – Yes; Nellie Cihon – Yes; Danny Losch – Yes; Linda Zahirsky – Yes; Sue Mayberry – Yes; Paul Bagocius – Absent. Motion approved.

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ADOPT COUNCIL RULES

A motion was made by Sue Mayberry to adopt the Council Rules, second by Nellie Cihon. Roll Call was as follows: Nellie Cihon – Yes; Sue Mayberry – Yes; Paul Bagocius – Absent; Linda Zahirsky- Yes; Danny Losch – Yes; Scott Svab – Yes. Motion approved.

REPORTS OF STANDING COMMITTEES

No reports.

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

None.

CORRECTING & ADOPTING THE RECORD OF PROCEEDINGS

December 18, 2012

A motion was made by Nellie Cihon to approve the December 18, 2012 minutes, second by Linda Zahirsky.

Scott Fellmeth stated that he had one correction in the Law Director's Report about the Lawrence Township garage on Locust Street. The question that Mr. Bagocius asked was if the property could continue its present use if purchased by a municipality. Mr. Fellmeth said his answer was yes to that question. If a municipality would purchase the property it would be grandfathered in and it would continue its use.

Danny Losch said that under the President Pro Temp he stated that actually the Paint the Town Project brought in the product sold under the plan was \$30,000 –not profit.

Roll Call was as follows: Nellie Cihon – Yes; Sue Mayberry – Yes; Linda Zahirsky – Yes; Danny Losch – Yes; Paul Bagocius – Absent; Scott Svab – Yes. Motion approved.

REPORTS OF ADMINISTRATIVE OFFICERS

Senior Citizens – No Report.

Community Service Coordinator – No Report

Fire Chief

Fire Chief Ray Durkee stated that he would have a written report the next meeting. Chief Durkee stated that Engine 5 was out for repairs. The switch to the Red Center did occur on December 31st at 6:00am. There were a few minor hiccups but nothing critical. The Fire Department has also implemented the new Firehouse Cloud along with Lawrence Township to better track responses. Mr. Losch asked if there was anything in place to measure the effectiveness of the transfer to the Red Center. Chief Durkee said it was better to have the department at the Red Center because the Police Department also utilized the Red Center. Chief Durkee likened it to a two headed monster and that one head was better.

Police Chief

Officer Ed Harbaugh stated that there was no report. Mr. Losch asked how Officer Harbaugh felt about the Red Center benefits. Officer Harbaugh said his opinion in the beginning was that the City should have never left there. It is better to have both departments with one location than split.

Engineer/Streets/Public Utilities

No Report.

Finance Director

November Financial Report was included in the Council Packet.

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A motion was made by Linda Zahirsky to accept the November Financial Report, second by Nellie Cihon.

Roll Call was as follows: Danny Losch – Yes; Linda Zahirsky – Yes; Scott Svab – Yes; Sue Mayberry – Yes; Nellie Cihon – Yes; Paul Bagocius – Absent – Motion passed.

Volunteer Firefighters Dependent Fund appoint members (2)

It was stated that the two members for the Volunteer Firefighters Dependent Fund would take place at the Committee on Committees.

Mr. Goffe stated that the purchase order 7573 was a then and now purchase order. The purchase order was for emergency repairs to the roof of the grit screen building at the waste water plant. The repairs are emergency temporary repairs. Mr. Goffe stated that Dan Mayberry was working with CTI to come up with some estimates to permanently correct the situation. The project to improve the building was already on the schedule for 2013.

The Worker's Comp bill is being decreased this year for both regular workers and call back workers to the Fire Department.

Insurance information was passed out to Council Members that employees received with their last pay for medical insurance. Mr. Goffe explained insurance details and stated that going from a HMO to a PPO would provide employees more choice and options. Mr. Goffe stated that the Administration felt that it was protecting both the employees and the City with this plan.

Mrs. Mayberry wanted to know who the contact was at Whitaker Myers. Mr. Goffe stated Chris Vandersyzen. It is actual the Ohio Plan Consortium who we had previously for liability insurance. Whitaker Myers is one of the local brokers for the plan. Medical Mutual is utilized in the plan. Additional quotes were received from Summa, Anthem and Distefano recommended that we go with the Ohio Plan. Mrs. Mayberry asked how we were able to get such a good rate from them and not from the current broker. Mr. Goffe said the difference was the one that we had the plan with looked at our actual medical history. This plan utilized a universal employee questionnaire for the state. The questionnaires went to three brokers; Distefano, Whitaker Myers, and Ohio Insurance Agency. Ohio Insurance Agency did not respond back to us timely. Three new full time hires were included in the questionnaires, being that they are young, that does affect the underwriting. Mrs. Mayberry wanted to know if anyone was close to the rates at all. Mr. Goffe said that Summa care when adjusted to take affect the Chamber of Commerce discount was close but they were still higher. Mrs. Mayberry said that our plan could totally go off the roof in another year. Mr. Goffe stated that since we were less than 50 employees on our health care, we had to be individually underwritten. Which either means questionnaires with employee medical histories or our current insurer can look at our actual claims.

Mr. Losch asked how this was affecting our Labor Contracts. Mr. Goffe stated in terms of our Labor Contracts that we informed as many of our employees as we could. It was a very expedited process, unfortunately only one member of the FOP was able to attend the meeting that we had. Input was taken from employees; it was still the ultimate decision of the Administration on how to proceed. Mr. Goffe said if there were any issues that arise from that that we would handle them as needed. Mr. Losch wanted to know how it affected our contracts as they stand now. Mr. Cozy said the same decision would have been made even if we had a month. It would have been nice to get the word out sooner and the insurance cards are not ready yet, which is an issue. They should be ready in a week. As far as the labor contracts, there is an addendum to the labor contract and there is going to have to make some changes. It is either that or put a bill in the tax payer's hands for another \$50,000. Mr. Cozy stated that he talked to the labor consultant and the City is prepared and he felt that there were ways to work through some of the issues so

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that we can help with some ways and he would sit down with the employees to see exactly what the issues were so that they could be addressed.

Mrs. Zahirsky asked Mr. Goffe about Workers Comp and group ratings. Mr. Svab and Mark Cozy stated that yes, we were in group rating.

Mr. Svab stated that he felt that there needed to be draft legislation to form an insurance committee. He thought that representatives from each union the City Manager, Finance Director and someone from Council should be part of the decision making process on the insurance renewals. Mr. Svab felt that we did not get the quotes and due diligence to the employee was not in play. The insurance committee will be added to the Committee on Committees meeting.

A motion was made by Scott Svab to form an Insurance Committee, second by Danny Losch.

Roll call was as follows: Scott Svab – Yes; Nellie Cihon – Yes; Danny Losch – Yes; Sue Mayberry – Yes; Paul Bagocius – Absent; Linda Zahirsky – Yes. Motion approved.

City Manager

Mark Cozy submitted a written report during the Council Meeting. Mr. Cozy stated that he and the Mayor met with Bob Knau from Stark County Regional Planning and Commissioner Pete Ferguson about the grant the County received to do the study on the Countywide building department. They met with Massillon before they met with the City. Massillon stated that they had no intention in consolidating with anyone else because they did not want to lose their local control. Dr. Ferguson and Mr. Knau are in favor of our decision to work with Massillon.

Mr. Cozy also spoke on the Locust/Cherry Intersection project. ODOT will be soliciting for the design engineer on the project. Mr. Cozy thought it would be a good idea to form a selection committee that would include the City Engineer, Mr. Mayberry, Mr. Cozy and Council Members interested.

Mr. Cozy also spoke on the geographical seismic survey. He did not get a guarantee from Precision Geophysical, but they do have a ten million dollar insurance policy and they will add us to their list of insured if that is what we want to cover damage any damage if we let them do the survey in Canal Fulton.

Report of Mayor

No Report

Parks & Recreation Board

No Report

Law Director

No Report

THIRD READINGS

Ordinance 40-12: An Ordinance amending the Codified Ordinances of the General Offenses Code of the City of Canal Fulton, Ohio to amend Chapter 509.09 deleting excessive noise from vehicles and creating noise-making and noise-amplifying devices and repealing any ordinances in conflict therewith.

A motion was made by Sue Mayberry to pass Ordinance 40-12, second by Danny Losch. All Council members present voted yes. Motion approved

Ordinance 41-12: An Ordinance amending the Codified Ordinances of the Zoning Code of the City of Canal Fulton, Ohio to amend Chapter 1181.02(d) and 1181.02(e) Permitted Signs and repealing any ordinances in conflict therewith.

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A motion was made by Danny Losch to approve Ordinance 41-12, second by Scott Svab. All Council members present voted yes. Motion approved.

SECOND READINGS

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

FIRST 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.

Danny Losch brought survey maps that he would like Council to view.

P.O.s

P.O. 7573: to Alan Keith Construction in the amount of \$3,200.00 for emergency temporary repair Grit Removal Building Roof Trusses. This is a then and now certificate.

A motion was made by Nellie Cihon to approve P.O. 7573, second by Scott Svab. All Council members present voted yes. Motion approved.

P.O. 7574: to Cargill, Inc. in the amount \$20,000.00 for Road Salt.

A motion was made by Sue Mayberry to approve P.O. 7574, second by Scott Svab. All Council members present voted yes. Motion approved.

P.O. 7575: to LOGIC Red Center in the amount of \$53,077.92 for Police Dispatching.

A motion was made by Linda Zahirsky to approve P.O. 7575, second by Scott Svab. All Council members present voted yes. Motion approved.

P.O. 7576: to PPI Graphics in the amount of \$14,192.64 for Utility Bill Printing & Postage.

A motion was made by Nellie Cihon to approve P.O. 7576, second by Danny Losch. All Council members present voted yes. Motion approved.

Mr. Losch did ask comment about the pricing for the billing. Mr. Goffe stated that the bulk of the price was for postage.

P.O. 7582: to CMI in the amount of \$7,232.00 for 2013 Software Maintenance Agreement.

A motion was made by Sue Mayberry to approve P.O. 7582, second by Nellie Cihon. All Council members present voted yes. Motion approved.

P.O. 7583: to OPERS in the amount of \$133,500.00 for the City's Pension Share.

A motion was made by Nellie Cihon to approve P.O. 7583, second by Scott Svab. All Council members present voted yes. Motion approved.

P.O. 7584: to Ohio Police & Fire Pension Fund in the amount of \$90,000.00 for the City's Pension Share.

A motion was made by Scott Svab to approve P.O. 7584, second by Nellie Cihon. All Council members present voted yes. Motion approved.

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P.O. 7585: to the Internal Revenue Service in the amount of \$39,525.00 for the City's Medicare and FICA Share.

A motion was made by Linda Zahirsky to approve P.O. 7585, second by Scott Svab. All Council members present voted yes. Motion approved.

P.O. 7587: to Vision Service Plan in the amount of \$9,942.00 for Vision Insurance Premiums.

A motion was made by Nellie Cihon to approve P.O. 7587, second by Scott Svab. All Council members present voted yes. Motion approved.

P.O. 7588: to MetLife in the amount of \$13,690.00 for the City's Dental Insurance Premiums Share.

A motion was made by Linda Zahirsky to approve P.O. 7588, second by Danny Losch. All Council members present voted yes. Motion approved.

P.O. 7589: to Ohio Edison Company in the amount of \$212,000.00 for Electricity.

A motion was made by Nellie Cihon to approve P.O. 7589, second by Scott Svab. All Council members present voted yes. Motion approved.

Danny Losch did ask for a breakdown on departments in the City.

P.O. 7590: to DOMINION East Ohio in the amount of \$19,000 for Natural Gas.

A motion was made by Linda Zahirsky to approve P.O. 7590, second by Scott Svab. All Council members present voted yes. Motion approved.

P.O. 7591: to John Hatfield in the amount of \$3,600.00 for the Lease of Hatfield Parking Lot.

A motion was made by Linda Zahirsky to approve P.O. 7591, second by Danny Losch. All Council members present voted yes. Motion approved.

Mr. Losch asked if there was full participation from the businesses that utilize the parking lot. Mr. Goffe said yes and said that invoices will be going out for 2013.

P.O. 7592: to Multivendor in the amount of \$42,750.00 for Fuel.

A motion was made by Nellie Cihon to approve P.O. 7592, second by Scott Svab. All Council members present voted yes. Motion approved.

Mr. Goffe stated that fuel is at a lower rate with the schools, but there are times when gas cards are utilized to top off trucks and generators and when employees are out of town at seminars and meetings. This was the reason for the multivendor purchase order.

P.O. 7595: to Access Point in the amount of \$16,200.00 for Special Purpose Phone Lines, including All Faxes, Most Lift Station Monitoring Alarms, and Fire Dispatch.

A motion was made by Nellie Cihon to approve P.O. 7595, second by Linda Zahirsky. All Council members present voted yes. Motion approved.

P.O. 7596: to Star2Star Communications in the amount of \$12,412.00 for VOIP Phone Service.

A motion was made by Linda Zahirsky to approve P.O. 7596, second by Nellie Cihon. All Council members present voted yes. Motion approved.

P.O. 7597: to Verizon Wireless in the amount of \$10,677.00 for Cell Phones.

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A motion was made by Nellie Cihon to approve P.O. 7597, second by Scott Svab. All Council members present voted yes. Motion approved.

P.O. 7598: to Medical Mutual in the amount of \$201,027.00 for the City's Medical Insurance Premiums Share.

A motion was made by Linda Zahirsky to approve P.O. 7598, second by Nellie Cihon. Roll Call was as follows: Scott Svab – No; Nellie Cihon – Yes; Danny Losch – Yes; Sue Mayberry – Yes, Linda Zahirsky – Yes; Paul Bagocius - Absent. Motion approved.

P.O. 7600: to Multivendor in the amount of \$40,000 for Income Tax Refunds.

A motion was made by Nellie Cihon to approve P.O. 7600, second by Scott Svab. All Council members present voted yes. Motion approved.

OLD/NEW/OTHER BUSINESS

A motion was made by Linda Zahirsky to have a Committee on Committees meeting January 15, 2012 at 6:00pm, second by Scott Svab. All Council Members present voted yes. Motion approved.

A motion was made by Sue Mayberry to have a Public Service Committee meeting January 15, 2012 at 6:30pm, second by Scott Svab. All Council Members present voted yes. Motion approved.

REPORT OF PRESIDENT PRO TEMPORE

No report.

REPORT OF SPECIAL COMMITTEES

No reports.

CITIZENS COMMENTS – Open Discussion (Five Minute Rule)

Earl Minks, 627 South Canal Street, asked if CEI was paying towards the Hatfield Parking Lease. Mr. Cozy said that Hatfield was the landlord to the building. Mr. Losch said it would be good for us to let them know about the program. Mr. Cozy said he would look into it.

James Deans, 426 Heritage, said that he would like to see more reports as far as committees that meet, including the Senior Citizens, Parks, etc. Kids Giving to Kids program were a great success. There were over 300 gifts donated that went to over sixteen families. Mr. Deans gave thanks to all those that were involved. Mrs. Mayberry asked who was in charge of the program and Mr. Deans stated that the Police Chief was. Mr. Deans stated that gifts were already been given for next year. Terry Cyphert, 749 Colonial, said he did not know anything about the program and he would like to be a part next year.

ADJOURNMENT

The meeting was adjourned at 8:12pm.