

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 19749

Held 11.6

20 13

CITY OF CANAL FULTON CITY COUNCIL MEETING AGENDA

November 6, 2013

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

ROLL CALL

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

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

Others Present: Cheil Rossi, Sean Crane, Earl Minks, James Deans, Barb Schaeffer, Bob Schaeffer, Sam Wilson, Jeanie Wilson, Michael Neilligan, Steve Rabatin, Matthew Burgasser, David Cole, John Workman, Joan Porter

REPORTS OF STANDING COMMITTEES

Danny Losch reported on the Economic Development Committee Meeting held prior to the Council Meeting. Ideas and thoughts were discussed in regards to a feasibility study for a hotel in the City by Cobblestone Hotels. The decision was to not pay for feasibility study at this time.

Also discussed at the meeting was a price structure for Canal Boat rides for the upcoming season.

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

Firefighter Swear – Ins

A motion was made to swear in part time firefighters Steven Rabatin, Michael Neilligan and Matthew Burgasser by Linda Zahirsky, second by Sue Mayberry. All Council Members voted yes. Motion approved. Mayor Harbaugh then swore the above in.

Sam Wilson – Mulhauser Park Memorial

Mr. Sam Wilson spoke to Council in regards to a Veteran's Memorial in Mulhauser Park. Mr. Wilson has presented the idea to the City Park Board in September. The Park Board gave 100% approval of the project. Mr. Wilson said that the memorial would be for any Veteran that had served. Mr. Wilson gave a presentation of the ideas he had at this time for the memorial. A committee would be needed for the project. Council asked that Mr. Wilson meet with the Service Director and Administrator as to where the memorial would be in the park. Mr. Wilson said he would like to dedicate the memorial by Flag Day. Council was in favor of the project and thanked Mr. Wilson for his presentation and dedication to the memorial.

A motion was made to approve in principal and in concept the Veteran's Memorial with final approval contingent on plans coming in front of Council by Paul Bagocius, second Nellie Cihon. All Council Members voted yes. Motion approved

John Workman – Regional Planning Contract

John Workman from the Planning Commission spoke to Council in regards to The City's Zoning Code. The Zoning Code was written in 1972 and at this point is antiquated. Mr. Workman stated that Regional Planning would work with the City to rewrite the Code at an approximate cost of \$4,200.00. The Code did not need to be reinvented, but gone through and corrections to bring the Code up to date would be made.

Sue Mayberry asked how Regional Planning was going to develop this for us. Mr. Workman said Regional Planning has a person who had retired and done this for her whole career. She does the work on the side through Regional Planning. The contract price would not exceed \$4,200. She will go through our Zoning Code page by page with the input of Planning.

Held

20

**CITY OF CANAL FULTON
CITY COUNCIL MEETING AGENDA**

November 6, 2013

Law Director Scott Fellmeth said it is a great idea and needs to be done. There would need to be three readings and a public hearing on the Zoning Code.

Linda Zahirsky asked what funds would be used to appropriate. Finance Director William Rouse stated that there were some funds in Professional Services that could be used for that. Mr. Fellmeth stated that it would not come in until next year with the readings and public hearing. The payment would not need to be made until the code is done. Mrs. Zahirsky said this would be for next year's appropriations.

A motion was made to have the Law Director draft legislation to enter into an agreement with Stark County Regional Planning for the purpose of updating the City's Zoning Code by Paul Bagocius, second by Scott Svab. All Council Members voted yes. Motion approved.

CORRECTING & ADOPTING THE RECORD OF PROCEEDINGS

October 15, 2013

A motion was made to approve the October 15, 2013 meeting minutes by Linda Zahirsky, second by Nellie Cihon. All Council Members voted yes. Motion approved.

REPORTS OF ADMINISTRATIVE OFFICERS

Senior Citizens

Paul Bagocius reported that a grant to Dominion for new windows and doors at the Senior Center had been submitted. The grants are awarded on a rolling basis.

Community Service Coordinator

No Report

Fire Chief

Fire Chief Ray Durkee thanked Council for the Swearing in of the firefighters. Chief Durkee said that the department has been working on finalizing grants to be submitted. The Chief said that the new training center has been being used and working very well.

Police Chief

Police Chief Doug Swartz stated that the department with the assistance of Scott Svab, submitted a grant for a JAG grant for \$12,000 for tablets, so that the department could come up to the 21st century in law enforcement and make the policing more efficient.

Officer's Kassinger and Harbaugh have saved the department approximately \$6,000 by converting the expedition to a K9 vehicle, and lights and sirens on the undercover vehicle. He also commended the officers that were on the road while these two were working on the project.

Jim Deans asked when the gift wrapping would take place for the Christmas program. Chief Swartz said he would get back to him on the Kids Helping Kids program and the dates.

Chief Swartz asked Engineer Bill Dorman about the No left turn signs on Locust Street. He wanted to know the legality of them. Bill Dorman did say he would check on the status and get back to the Chief. The signs were in the original plans due to the congested area for safety reasons.

Engineer/Streets/Public Utilities

Engineer Dorman reported on the Locust Cherry project. Owners have been notified of the possible work.

Service Director Dan Mayberry included a written report for the packet. Mr. Mayberry state that there was a repair needed to the Leaf Blower. November 27th will be the last day for leaf pick up.

Finance Director

Finance Director William Rouse stated that the department is working on the 2014 budget. Mr. Rouse asked Council to consider having a finance committee meeting to discuss the operating portion of the budget.

A motion was made to have a Finance Committee meeting on November 16, 2013 at 9:00am by Linda Zahirsky, second by Scott Svab. All Council members voted yes. Motion approved

Mr. Bagocius said he would like to have an invitation for Mr. Craney so that he would have a feel for the process.

Mr. Rouse reported on the Health Insurance. The team of administration and finance has been working with brokers on health insurance rates. Distefano Insurance has given the City a proposal to

Held

20

CITY OF CANAL FULTON CITY COUNCIL MEETING AGENDA

November 6, 2013

work with the Health Plan at a four percent decrease in City premiums. Mr. Cozy said we could talk about the health insurance in open session. We just can't talk about the tentative agreement with the FOP, that would have to go to executive session. Mr. Cozy stated that the health insurance would be an early renewal. By breaking out of the large consortium and going to a small group and renewing early on December 1st will give the City the best rates. The process need to be completed by the 15th of November. We are faced with a two week window and needs to move quickly. We would be going back with the same plan we had last year with slightly higher deductibles. Because we had a good year in experience we will have a four percent decrease in premium. Mr. Rouse feels if we continue to accept the risk of reimbursing deductibles, it gets our premiums down and by doing so we have saved money this year.

Mr. Rouse said that it does agree with Mr. Cozy and if we move now, we will have substantial savings for one year. Eventually the changes in the health care law are delayed one year. It is unknown and we will continue to talk to the brokers on what is happening next year. There is nothing that states that next year we cannot join the consortium again. A bad claim could call for rejection from rejoining.

Mrs. Mayberry asked if we had any comparisons. Mr. Rouse stated that if we stay in the plan that we have currently there would be an eighteen percent increase in premiums. If we change and go back to the Health Plan, we have a four percent reduction. Mr. Rouse said in his opinion he thought the City should move on it. He also thought that some of the money should be set aside for next year.

Danny Losch asked if there was any change to the coverage. Mr. Rouse said the only difference was a slightly higher deductible which would be reimbursed to the employee.

A motion was made to accept the proposal from Distefano Insurance on the Health Insurance for 2014 by Linda Zahirsky, second by Scott Svab. All Council Members voted yes, motion approved.

A motion was made to accept the September Financials by Linda Zahirsky, second by Scott Svab. All Council Members voted yes. Motion approved.

City Manager

A Written Report was included in the packet. City Manager Mark Cozy reported that he met with Management Partners in regards to the Police Study. He asked for a date from Council when they were available for dates for interviews with the Consultants. It was agreed that tentatively would be Wednesday, November 13th at 10:30am.

Petitions for the Locust Portage Project are ready to go. Engineers are recommending we upsize our pipe for future growth. Normally we would charge the eight inch pipe rate rather than the twelve inch pipe. The cost to upsize would be \$114,000 to the project spread over twenty years. Mr. Cozy asked for a voice motion for approval. Mr. Dorman said that it was in the Water Sewer master plan to extend the line to twelve inch.

A motion was made to petition the business owners on Locust/Portage to extend the sewer at their expense with the City paying for the upsizing of the pipe for the project for future growth by Scott Svab, second by Linda Zahirsky. All Council Members voted yes. Motion approved.

Mr. Bagocius asked about the joint purchasing of major equipment with the Fire Department Living Together Arrangement. Mr. Cozy stated that he made inquiries with the State Attorney and State Auditor Office about Joint Fire District. The major pitfall is that our firefighters are working for two separate departments we are splitting the labor off, so no one is working full time. As soon as we start employing on a full time basis, they can petition to become unionized. Then we would be stuck with full time benefits, and double our costs. Things are working great with living together. There is a huge cost savings if we could jointly purchase and own fire trucks. The state is telling us we can jointly purchase this equipment only one agency could own it. So we would need an agreement of who would own the truck. This could be an issue if the City pays for half and the Township owns it, would the taxpayers go through that? The benefit of a joint fire district is that the district could own the equipment.

Paul Bagocius said that grants could be written for the district instead of individually. Mr. Cozy said to add to that, he thought if the City and Township could jointly purchase than they could jointly apply.

Report of Mayor

Mayor Harbaugh stated that he would like to re-appoint Helen Weygant and marge Vorelli to the Senior Citizens Commission.

Parks & Recreation Board

No Report

Law Director

Held

20

**CITY OF CANAL FULTON
CITY COUNCIL MEETING AGENDA**

November 6, 2013

Law Director Scott Fellmeth state that he would not be in attendance at the November 19th meeting. He will be at an insurance seminar.

Scott Svab asked about his opinion on campaigning on City property issue he had asked about. He asked what his opinion on it was being that almost two years to the date we had an incident where campaigning on City property happened. Mr. Svab said again in his vision it happened again. Someone did campaign on City property with big magnetic signs. Does that fall into jurisdiction where that is illegal or not? Mr. Fellmeth said he did not find it in violation in the parking lot during a recreational event. He also said he did not want to get involved in Council in fighting under any circumstance. It was not his job.

THIRD READINGS

Ordinance 23-13: An Ordinance by the Council of the city of Canal Fulton, Ohio granting a Salary increase for Clerk of Council Teresa Dolan

A motion was made to approve Ordinance 23:13 by Scott Svab, second by Nellie Cihon.

Paul Bagocius stated that originally was opposed this. He was changing his opinion because it was only retroactive to the anniversary of the Clerk's hire date. On reflecting upon it, he thought it was appropriate that the Clerk did not get the raise for the entire year because of the newness of the contract. After the first anniversary he felt it was appropriate.

Sue Mayberry stated that she wanted to state that regarding this legislation that she had brought up discrepancies in salaries that we pay certain employees here at a prior meeting. As a result to her comment, Council did agree that this needs to be reviewed. Council has acknowledged more than one piece of legislation regarding service time and vacation time. That all falls under the Ohio Revised Code granted to people with prior public service and also sick time. There is a situation that still bothers her back in mid-October 2010 when we began looking at the possibility of a full time Civil Engineer and two months later Council was advised that we had no choice but to reduce the Utilities Superintendent to part-time or raise water rates. We did not raise the rates and reduced him to 24 hours a week. Five months later the Utilities Superintendent was reinstated again to full time because a utility operator had resigned. The water fund was still hurting at that time. From the very beginning Councilman Bagocius and I were against raising rates until a plan was developed by administration and on December 20, 2011 legislation for a five year plan for water rates passed unanimously. So, how in one month after the increase goes in affect, a full time utilities operator is then hired. The water fund had not bounced back in one month; Mr. Lukinac lost income which could affect his retirement. He did not get his accrued sick time. To her, this is not fair. Because our water rates did not bounce back in one month and we hire another full time employee. Mrs. Mayberry asked if anyone had visited his office and seen his wall and calendars and everything he has to do. Bottom line, our policies need major work and we need to follow them for everyone. Whatever the reason this happened to Mr. Lukinac we will probably never know, but she will never approve anything like this again.

All Council Members voted yes. Motion approved.

Ordinance 24-13: An Ordinance Amending Part Nine, Title Three-Utilities of the Codified Ordinances of Canal Fulton, Ohio to Create Chapter 934. Billing and Repealing any Ordinance in Conflict Therewith.

A motion was made to approve Ordinance 24-13 by Nellie Cihon. Linda Zahirsky said she felt there would not be a second. The Landlords that were in attendance at the Public Service meeting had a problem with the billing. Law Director Scott Fellmeth stated that Council was making a huge mistake and there would be problems with assessments. It would be a nightmare for utility billing. Mr. Bagocius stated that Mr. Rouse was going to check with the Utility Clerk. Mr. Cozy said he checked. What they talked about was increasing the security deposit. The clerk said she could do that in the past for people who should not pay their bill. It adds more work to her, but she felt that it was worth the extra effort on her part.

There was not a second.

Motion Falls.

SECOND READINGS

**CITY OF CANAL FULTON
CITY COUNCIL MEETING AGENDA**

November 6, 2013

FIRST READINGS

Ordinance 28-13: An Ordinance by the Council of the City of Canal Fulton, Ohio to Grant Renae Griffith Service Credit to Determine Vacation under Administrative Code Chapter 141.18(b)

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

A motion was made to approve Ordinance 28-13 under suspension by Linda Zahirsky, second by Scott Svab. All Council Members voted yes. Motion approved.

Resolution 24-13: A Resolution to enter into an Agreement with CTI Engineers, Inc. to Provide Professional Engineering Services for the Cherry/Locust Intersection Design Administration

Mr. Bagocius asked if we were hiring an engineer to supervise another engineer company. Mr. Cozy stated yes and it is standard practice.

Resolution 25-13: A Resolution by the Council of the City of Canal Fulton to enter into and Amended Agreement with CTI Engineers, Inc. to Provide Professional Engineering services for the Wooster Street Water Management Improvements.

Mr. Mayberry stated that this was amended that there was some eliminations of retention basins. This gave us the opportunity to use the no interest loan to improve the storm sewer system down below where we will improve the overall storm sewer system and reduce the localized flooding to locks and homes.

Ordinance 29-13: 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 29-13 under suspension by Linda Zahirsky, second by Nellie Cihon.

All Council Members voted yes. Motion approved.

P.O.s

P.O. 8038: to Environmental Design Group in the amount of \$144,987.00 for the Engineering Services for Locust/Cherry Project Planning Phase

A motion was made to approve P.O. 8038 by Linda Zahirsky, second by Sue Mayberry. All Council Members voted yes. Motion approved.

P.O. 8039: to Cargill, Inc. in the amount of \$10,000.00 for Road Salt for the Remainder of 2013

A motion was made to approve P.O. 8039 by Nellie Cihon, second by Scott Svab. All Council Members voted yes. Motion approved.

P.O. 8040: to Ohio Police & Fire Pension Fund in the amount of \$20,000.00 for Police Pension Costs for the Remainder of Year and to Account for 27th Pay

A motion was made to approve P.O. 8040 by Scott Svab, second by Nellie Cihon. All Council Members voted yes. Motion approved.

P.O. 8041: to OPERS in the amount of \$26,470 for Pension Costs for the Remainder of 2013 and to account for 27th Pay

A motion was made to approve P.O. 8041 by Nellie Cihon, second by Scott Svab. All Council Members voted yes. Motion approved.

P.O. 8042: to IRS in the amount of \$9,025.00 for Medicare and Social Security Payments for the rest of 2013 and to Account for the 27th Pay

Held

20

**CITY OF CANAL FULTON
CITY COUNCIL MEETING AGENDA**

November 6, 2013

A motion was made to approve P.O. 8042 by Scott Svab, second by Nellie Cihon. All Council Members voted yes. Motion approved.

P.O. 8043: to Metlife in the amount of \$3,878.00 for Dental Benefits for the rest of 2013

A motion was made to approve P.O. 8043 by Linda Zahirsky, second by Nellie Cihon. All Council Members voted yes. Motion approved.

P.O. 8044: to Ohio Plan Health Care in the amount of \$36,073 for Healthcare Premiums for Remainder of 2013

A motion was made to amend P.O. 8044 to read Multi-Vendor by Scott Svab, second by Linda Zahirsky. All Council Members voted yes. Motion approved.

A motion was made to approve P.O. 8044 as amended by Linda Zahirsky, second by Scott Svab. All Council Members voted yes. Motion approved.

BILLS \$320,182.14

A motion was made to approve the September Bills for \$320,182.14 by Nellie Cihon, second by Danny Losch.

Paul Bagocius asked about a check for the amount of \$190.00 for a frame and who authorized it. Mr. Rouse stated that Officer Barabash approached him about a month before and had indicated that the Chief would be receiving an award. Officer Barabash had the award framed and asked if it was possible to be reimbursed. Mr. Rouse said after giving it some thought he thought it was a unique honor and it validated a lot of the police program and awards that the City has sponsored and promoted. He decided he thought it was worthwhile to procure the frame. He spoke with Mr. Cozy and he agreed.

Mr. Bagocius said he got the distinct impression that the ceremony and presentation was on behalf of the police officers. Whereas when we are paying for it, or the citizens are paying for it, it appears that using City money for that is similar to using City money for a Christmas party. He would rather have people pitch in. To Mr. Bagocius that is a real indication that we appreciate you. He again said he wanted for Council to consider each pitching in \$30.00, which is one percent of their salaries to truly honor those who come for the party.

Mr. Svab stated he felt that it was a miniscule amount for the amount of work that our Chief and Police Department had done. It was a special occasion; we may not see another one in our term. He does not feel that our residents would feel that they were cheated out of recognition.

All Council Members voted yes. Motion approved.

OLD/NEW/OTHER BUSINESS

Scott Svab wanted to take the opportunity for all of those that ran for Council. He wanted to welcome Sean Craney. He also thanked Earl Minks for running.

Mr. Svab said he copied Council and he feels that Mr. Bagocius wanted to air. Mr. Svab said Mr. Bagocius said he had a serious issue in his filer that he circulated where he said he eliminated the CPI. Mr. Svab said he gave Mr. Bagocius the opportunity to respond to him and he hadn't. Mr. Svab said he did not necessarily want to file an election complaint because he would like to be able to work something out for the satisfaction of both of them. He knew that the election was over but wanted to know if there was any response. Mr. Svab said he thought he misinformed a voting public by saying in paragraph two "I succeeded in substantially lowering the recommendations and eliminated the automatic yearly increases based on the consumer price index, check the record." Mr. Svab asked Mr. Bagocius if he had any response to that.

Mr. Bagocius stated he was going to take the advice of the Law Director and say he is not going to lower himself into this petty stuff. Mr. Svab stated he was right; he could do that in Columbus. Mr. Bagocius said he would see him down there. Mr. Svab said absolutely.

REPORT OF PRESIDENT PRO TEMPORE

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK (INC., FORM NO. 1014H)

Held

20

CITY OF CANAL FULTON CITY COUNCIL MEETING AGENDA

November 6, 2013

Mrs. Zahirsky said she continues to vote every year to have Trick or Treat on Sunday afternoon. If you watch what goes on at Riverview and Stonewood with all the cars of people delivering their kids to go begging in the neighborhood. They are darting back and forth between the parked cars. She asked if it was possible to close the streets to through traffic for a period of time so that there were not any accidents.

Mrs. Mayberry wanted to know if we were going to pay a police officer to watch. Chief Swartz said there was an officer assigned to each neighborhood so that we could be there and the scenario happens in every allotment.

Chief Swartz said it was a compliment that people felt safe to come to our neighborhood. That is the repercussion. There is a mass of people and safety issues.

Scott Svab said it was great that even with the weather there were still 400 kids that came out. He said that is what kids will remember. He thought it was part of the fun.

REPORT OF SPECIAL COMMITTEES

None

CITIZENS COMMENTS – Open Discussion (Five Minute Rule)

Rochelle Rossi – 415 High Street. Reminded everybody that the Veteran's Day Program on Sunday November 10, 2013 at 10:00am.

A motion was made to go into Executive Session by Linda Zahirsky at 9:10pm for the purpose of consideration of preparing for, conducting, or reviewing negotiations or bargaining sessions with public employees, second by Sue Mayberry. All Council Members voted yes. Motion approved.

A motion was made to return to public session by Linda Zahirsky at 9:25pm, second by Scott Svab. All Council Members voted yes. Motion approved.

ADJOURNMENT

The meeting was adjourned at 9:27pm