

# RECORD OF PROCEEDINGS

Minutes of

Meeting

DAVITON LEGAL BLANK, INC., FORM NO. 1018B

Held

12.3

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## CITY OF CANAL FULTON CITY COUNCIL MEETING MINUTES

December 3, 2013

### CALL TO ORDER

Mayor Richard 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, and Linda Zahirsky

Danny Losch and Paul Bagocius were absent.

A motion was made by Linda Zahirsky to excuse them. Scott Svab asked for a separate vote for both.

A motion was made by Linda Zahirsky to excuse Danny Losch, second by Nellie Cihon. All Council Members present voted yes. Motion approved.

A motion was made by Linda Zahirsky to excuse Paul Bagocius, second by Sue Mayberry. Vote is as follows: Sue Mayberry – yes; Linda Zahirsky – yes; Nellie Cihon – no; Scott Svab – no. Motion failed.

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

Others Present: Chell Rossi, Earl Minks, Bob and Barb Schaeffer, Joan Porter, Bud Graham, Linda Keillor and James Deans

### REPORTS OF STANDING COMMITTEES

Sue Mayberry stated that the Public Service Committee met prior to the meeting. The meeting was held to discuss the Clinton Sewer. Capacity Issues were discussed. The committee made the decision to ask for a purchase order for a flow study to find out what the lift station capacities are.

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

None

### Proclamation – Beautification Program for Bud Graham

Mayor Harbaugh presented Bud Graham with a proclamation recognizing him as the first recipient of the Community Beautification Award.

Scott Svab commended that he thought the sign should not be rotated and that each recipient should get their own sign. Mr. Svab said that Mr. Graham was instrumental in helping to promote the Canal Boat Operations.

A motion was made to grant each recipient their own sign when given a Community Beautification Award by Scott Svab, second by Linda Zahirsky. All present Council Members voted yes. Motion approved.

### CORRECTING & ADOPTING THE RECORD OF PROCEEDINGS

November 19, 2013

A motion was made to accept the November 19, 2013 minutes by Nellie Cihon, second by Scott Svab. All Council Members present voted yes. Motion approved.

### REPORTS OF ADMINISTRATIVE OFFICERS

Senior Citizens – No Report

Community Service Coordinator – No Report

Fire Chief – Fire Chief Durkee reported that he would like a voice motion to apply for an AFG grant. The grant if awarded would help pay for a new fire truck and to replace monitors. The estimated City share would be approximately \$40,000.

A motion a made to apply for the AFG grant by Linda Zahirsky, second by Nellie Cihon. All Council Members present voted yes. Motion approved.

Police Chief – Police Chief Swartz reported that our K9, Bishop, had been used to assist Jackson. He also commended Officers Josh Barabasch and Jesse Claar on a recent juvenile arrest they made for a stolen vehicle.

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Engineer/Streets/Public Utilities – Engineer Bill Dorman stated that work is being done on the plans for Cherry/Locust with a lock down meeting to establish the status of the project.

A preconstruction meeting was scheduled for the WWTP Screening project.

Sue Mayberry asked about the no left turn signs on Locust Street. Mr. Dorman stated that he was waiting for a justification on the signs and would let Council know when he received a response.

Mayor Harbaugh asked about the sign in front of the Senior Center in regards to the Locust Street Project and when it could come down. Mr. Dorman stated that the sign could come down and we would make arrangements to get it removed.

Service Director Dan Mayberry stated that he and Mark Petersen met with the company owner of Rupp Construction and discussed the purchase of materials for chip and seal. They have come to an agreement on a way to prepare the materials to avoid problems that we had this year.

Finance Director – Finance Director William Rouse stated that the changeover in Health Insurance was complete. He commended Distefano for the leg work and stated that he felt strongly about the team of Administration and Finance working toward the change. The process went very smoothly. The October Financials were included in the packet.

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

City Manager – City Manager Mark Cozy distributed a written report. Mr. Cozy stated that he requested legislation for the December 19 meeting in regards to the contract for EDDS for the LGIF Police Study. Mr. Cozy also stated that he had given a copy and planned to have legislation at the next meeting for the FOP contract.

Mr. Cozy stated that he meant with Curt Conrad of RTA about the Scenic/Excursion Trains in Canal Fulton. Mr. Cozy stated that he would like to have a business model and feasibility study showing profitability. He is also looking into grants that are available to conduct such a study. Mr. Cozy stated he wanted to have input from the Tuscarawas County Commissioners before approaching the Stark Development Board or Stark County Commissioners.

Mr. Cozy also bought up Utility Billing and Water and Sewer. Something that was not brought up was the sewer only accounts. With water and sewer we are able to shut off water. With sewer only we cannot. There is nothing to compel people to pay their sewer bills. Sewer bills are not volumetric they are a fixed cost. Mr. Cozy stated recommended to stick with the points that were agreed on and at the next meeting move ahead with how the billing would go.

Mrs. Zahirsky said that Mr. Fellmeth had said all customers needed to be treated equally. So the question was brought up that we charge regular home owners the deposit versus renters. Mrs. Zahirsky said she understood we could attach land in the tax duplicates for owners but not for renters. By treating customers equally we should charge deposits for renters and not homeowners. Mr. Fellmeth said that it was problematic that the argument could be made. We solved the problem once and that was not the direction Council wanted to go in. Mr. Fellmeth said Mr. Cozy made a very good point that if Council does not wish to do this that, at least to consider the possibility of levying the sewer charges on the sewer bill being that it is a fixed price. This can be discussed in the rental contract or charged back to the tenant by the landlord. This way you are not dealing with fluctuating issues. Mr. Fellmeth stated that companies run a credit report on you and if it is bad you have to put up a deposit. He said he did not have a problem with that at all in putting deposits on tenants. This will be discussed more at the next meeting.

Mrs. Mayberry stated she wanted clarity that CMI could add on the \$25.00 a month. Mr. Cozy said it is possible but the Utility Clerk would like to do it manually for accountability.

Mr. Cozy stated that he went to a SCOG meeting and joint dispatching was discussed. We are using LOGIC here already and there is a possibility that we could invite Canton City to join us.

Report of Mayor – Mayor Harbaugh asked Council what they had decided on about the Veteran's Memorial that Sam Wilson had presented. Mr. Wilson would like Council's approval. Mrs. Zahirsky stated that a decision had not been made. Mr. Mayberry has talked with Mr. Wilson in regards to location and size. Scott Svab said he would like a full price on the project. Mr. Svab has discussed grants and donations with Mr. Wilson. The City will continue to work with Mr. Wilson to get a plan and approval.

Parks & Recreation Board – No Report

Law Director – No Report. Scott Svab asked about swearing in an elected official. In the past the Mayor has sworn in new Council Members. Mr. Svab asked when and where. Mr. Fellmeth said it has to be done after their term commences. They cannot be sworn in prior to the day their term commences.

### THIRD READINGS

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

A motion was made to approve Resolution 24-13 by Linda Zahirsky, second by Scott Svab.

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Mrs. Mayberry asked about the legislation that was going to be passed. Mrs. Mayberry wanted to know if the contracts that were included in legislation were reviewed and approved them to form. Mrs. Mayberry stated that we were supposed to do that for contracts. Mr. Fellmeth stated yes. Mrs. Mayberry said shouldn't there be something on there that has his name and signature that has approved them to form on the actual document. Mr. Fellmeth said yes that he reviews the contracts and incorporates them in the legislation that has his name on it. Mrs. Mayberry stated that per our charter they are supposed to be approved to form by the Law Director. Mrs. Cihon said that they are. Mrs. Mayberry stated that she thought so that someone knows for sure. Mr. Fellmeth stated that all contracts are sent to him and every one are reviewed. Mrs. Mayberry said she guessed she likes to see things in writing.

All Council Members present voted yes. Motion approved.

Mrs. Mayberry asked that the following be included in the minutes: Mrs. Mayberry asked Mr. Fellmeth about the legislation that was going to be passed. Mrs. Mayberry wanted to know if he reviewed the contracts that were included in the legislation and approved them to form. Mrs. Mayberry stated that we were supposed to do that for contracts. Mr. Fellmeth stated yes. Mrs. Mayberry said shouldn't there be something on there that has his name and signature that has approved them to form on the actual document. Mr. Fellmeth said he reviews the contracts and then incorporates them by referencing the legislation that has his name on it. Mrs. Mayberry stated per our Charter, they are supposed to be approved to form by the law director.

Mrs. Cihon said they are and asked if Mrs. Mayberry wanted to see it in black and white. Mrs. Mayberry responded, in writing on the contract, so that someone knows for sure.

Mr. Fellmeth stated that all the contracts from CTI are submitted to him. He said he reviews every one of them and reads them all.

Mrs. Mayberry said, I guess I just like to see things in writing.

Mr. Fellmeth directed council to Resolution 24-13. Mrs. Zahirsky pointed out the initials at the bottom - SEF/bp. Mr. Fellmeth continued by saying at the bottom left hand corner you see SEF/bp which means he drafted it and it was prepared by his secretary. He said that means he reviewed the legislation and also any attachment and approved it.

**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

A motion was made to approve Resolution 25-13 by Linda Zahirsky, second by Nellie Cihon. All Council Members present voted yes. Motion approved.

#### SECOND READINGS

**Resolution 26-13:** A Resolution by the Council of the City of Canal Fulton, Ohio to enter into an Agreement with the Stark County Regional Planning Commission for the Purpose of Updating the City's Zoning Ordinance.

**Ordinance 30-13:** An Ordinance by the Council of the City of Canal Fulton, Ohio for Final Acceptance of Discovery Park Phase 4.

**Ordinance 31-13:** An Ordinance to Authorize 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, 2014.

**Resolution 27-13:** A Resolution Establishing the Budget for the City of Canal Fulton, County of Stark, Ohio for the Fiscal Year Ending December 31, 2014.

#### FIRST READINGS

**Ordinance 32-13:** 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 Linda Zahirsky. All Council Members present voted yes. Motion approved.

A motion was made to approve Ordinance 32-13 under suspension of the rules by Linda Zahirsky, second by Nellie Cihon. All present Council Members voted yes. Motion approved.

P.O.s

P.O. 8064: for CTI Engineers, Inc. in the amount of \$4,000.00 for Engineering Services for Cherry/Locust

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A motion was made to approve P.O. 8064 by Scott Svab, second by Linda Zahirsky. All Council Members present voted yes. Motion approved.

**P.O. 8065:** to CTI Engineers, Inc. in the amount of \$7,000.00 for Wooster Storm Street Sewer

A motion was made to approve P.O. 8065 by Nellie Cihon, second by Scott Svab. All Council Members present voted yes. Motion approved

**BILLS** -October \$342,065.00

A motion was made to approve the October bills by Linda Zahirsky, second by Nellie Cihon. All Council Members present voted yes. Motion approved.

**OLD/NEW/OTHER BUSINESS**

Mrs. Mayberry asked if the Clerk was going to represent Council during the year 2014. Mrs. Dolan said yes if that is what was asked of her. Mrs. Dolan stated that it would need declared in a resolution. She did attend the training and had a certificate. It is in previous minutes. Mrs. Dolan stated that she could do that but she felt that Council Members need to also attend training. Mrs. Dolan stated she is working on getting the Records and Archive Commission members together to get the retention plan set up.

Mrs. Mayberry then asked about an article that she sent out to Council in regards to thirty hour per week equivalent to fulltime and Obamacare. She wanted to know if we were good on that. Mr. Cozy stated that we are covered on that. Mr. Cozy stated that he appreciated getting the article.

**REPORT OF PRESIDENT PRO TEMPORE**

Mrs. Zahirsky stated she was reading the minutes and was reminded of comments made to the Clerk on sections of minutes that are done verbatim. Mrs. Zahirsky pointed out that sometimes the Clerk cannot make them sound profound, although they wished she could. Sometimes we come across as though we don't know what we are talking about and probably don't. Mrs. Zahirsky stated that she knew Teresa did the best she could to get the minutes to actually say what was said as closely as possible and she does not believe that we should expect her to read our minds, when sometimes there is not a whole lot up there to read.

Mrs. Zahirsky stated that she appreciated the job that Teresa does. Mrs. Zahirsky stated that Teresa is not a mind reader and she does the best that she can with what comes out of their mouths.

Mrs. Zahirsky stated that Congressman Renacci was here last week and several of us had to opportunity to talk with him and his concerns on Obamacare. This does give us a contact with someone for Canal Fulton residents with federal issues. Mrs. Zahirsky stated the Congressman can also assist in writing grants.

A motion was made to have a swearing in of Council Members for 2014 on January 2, 2013 at 5:00pm, second by Nellie Cihon. All Council Members present voted yes.

**REPORT OF SPECIAL COMMITTEES**

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

Chell Rossi, 415 High, Ms. Rossi announced that the Police Department is having the Kids Giving to Kids program this year and that they have added a tree with certain items and ages on tags.

Jim Deans – Mr. Deans mentioned Christmas on the Canal was December 7, 2013.

Bud Graham – Mr. Graham stated that there is a program with Summit Pain that is less than the program with Sherwin Williams.

Earl Minks – 627 S. Canal. Mr. Minks stated that he was glad to see the horse shelter up. He also wanted to know about the tornado sirens. Mr. Cozy stated that we are still waiting to see if we would be awarded a grant.

**ADJOURNMENT**

The meeting was adjourned at 8:30pm.