

# RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10146

Held 2-19

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## CITY OF CANAL FULTON CITY COUNCIL MEETING MINUTES February 19, 2013

### CALL TO ORDER

Mayor Richard Harbaugh called the February 19, 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, Paul Bagocius, Sue Mayberry, Scott Svab and Linda Zahirsky and Danny Losch.

Others Present: 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.

Mayor Harbaugh announced that City Manager Mark Cozy was absent to attend a family function and that Mark had talked to him prior to the meeting.

Others Present: Rochelle Rossi, and Joan Porter, Jim Deans, Earl Mincks, Terry Cyphert, Bob Richmond, Shawn Lockhart, Michael Wykoff, David Cole, Ryan Osborne.

### REPORTS OF STANDING COMMITTEES

Paul Bagocius reported on the Safety Committee meeting that was prior to this meeting. The meeting was an excellent conversation about the Living Together Arrangement and proposed amendment to our current contract. Based on the positive conversation at this point both entities will be in support of the arrangement. There may be some minor tweaking to the amendment language. The tentative Living Together Arrangement date would be approximately April 1<sup>st</sup>, 2013.

### SWEARING IN LIEUTENANTS – FIRE DEPARTMENT

Chief Durkee presented the following three to be promoted to Lieutenants. Chief Durkee stated that Michael Wykoff was involved in the STEMI Cup award, which they brought to the meeting. Ryan Osborne was also involved in the Stemi Cup, he captures a lot of the “bad calls” and he has always done a great job with those. David Cole is our fire inspector and he has done a great job supervising that. These are three great candidates to promote.

A motion was made by Linda Zahirsky to appoint Michael Wykoff, David Cole and Ryan Osborne as Lieutenants with the Canal Fulton Fire Department, second by Nellie Cihon. All Council Members voted yes. Motion approved.

Mayor Harbaugh swore them in as lieutenants.

### Bob Richmond – Canal Fulton Library

Bob Richmond was present at the meeting to report on the levy for the Canal Fulton Library and ask for Council's support by resolution. It will be a one mill levy on the ballot

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

None

### CORRECTING & ADOPTING THE RECORD OF PROCEEDINGS

February 5, 2013

A motion was made to approve the February 5, 2013 minutes by Linda Zahirsky, second by Danny Losch.

Scott Fellmeth asked that a correction be made to the Law Director's report concerning the Civil Rights Violation filed by Gayle Danzy. The appeal time

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stated in the minutes is not correct. The date of the mailing was January 31<sup>st</sup>, 2013. She can file an application for reconsideration within ten days of the date of mailing with the Ohio Civil Rights Commission. She would then have an additional appeal with the US Equal Employment Opportunity Commission within fifteen days of the date of mailing and 30 day Petition for Judicial Review. If she would wish to file a Civil Suit she would have two years.

Sue Mayberry asked to add Mrs. Mary Jo Mincks noted to be present at the meeting.

All Council Members voted yes. Motion approved.

**REPORTS OF ADMINISTRATIVE OFFICERS**

**Senior Citizens**

The Chairman of the Senior Citizens Commission, Shaun Lockhart was present. He thanked Council for their support for the past two years. Mr. Lockhart stated that he was here tonight to ask a request for assistance with finances with utilities. Mr. Lockhart said some things that they are looking into include Bingo on Wednesday nights. They would like if they take the endeavor on with Bingo for about a year until they get up and running to consider taking over the gas and electric. It is roughly \$600.00 a month.

Mr. Bagocius stated that SP & J has stopped their Wednesday night Bingo. They saw this as an opportunity to put the Center on a fiscally sound basis. The decision has not been made, the meeting will be held for a decision March 13, 2013 with the Commission. Mr. Bagocius said that July 1<sup>st</sup> is the target date. By the time the requirements and licenses are met that should be a good date. They are starting by having an organizational meeting February 20, 2013. Mr. Bagocius said that the advertising was a big point that they needed to make to keep those that may not be affiliated with Canal Fulton would get the news. Mrs. Cihon asked about the number of people that could attend. The Center will hold about 115.

Mr. Bagocius said the thought process on this had been started before Christmas of 2012.

Mayor Harbaugh asked if the parking would be adequate. Mr. Bagocius said he will look into that. Dan Mayberry will look into it.

**Community Service Coordinator**

A written report was included in the packet.

**Fire Chief**

A monthly report was included in the packet.

Chief Durkee thanked Council for the appointments of the Lieutenants. He said that the reports that were included were merged reports with Lawrence Township. There are reports queried just by Canal Fulton included. These reports are utilizing Firehouse software utilizing the same database.

**Police Chief**

A monthly report was included in the packet. Chief Swartz requested a motion from Council to approve to appoint LOGIC Board members with the Red Center. The voting members would be Doug Swartz, John Barabasch, Ray Durkee and Ray Green.

A motion was made by Paul Bagocius to appoint Doug Swartz, John Barabasch, Ray Durkee and Ray Green as voting members to the LOGIC Board, second by Sue Mayberry. All Council Members voted yes. Motion approved.

Chief Swartz updated Council on some burglaries and commended his department for working to close the cases.

The canine, there has been a lot of interest in the community about the canine and wants to help. The City of Massillon Police Department donated a bullet

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proof vest for the dog. That is a \$5,000.00 savings. The support is huge. Bishop is performing well in his training already and excelling in his tracking. The Purchase Order in the packet for Dell Computer is to replace departmental computers that are very old. They are not capable to accommodate Emergetech.

Patrolman Ryan McDowell agreed to a Neighborhood Watch after a burglary. The department, because of more staffing, is going to start picking this up because it is a great community tool.

Engineer/Streets/Public Utilities

Dan Mayberry stated that he had received the level two energy audit from RCAP. RCAP did not charge a cost because of the delay in the report. They believe we can save about twenty percent of our energy costs. Mr. Mayberry is happy with the format of the report and the way they individualized their recommendations as far as cost, and cost savings.

Mr. Bagocius asked what Mr. Mayberry saw happening with the report. Mr. Mayberry said he would digest the report thoroughly and he has sat with RCAP for about two hours already. Mr. Mayberry said eventually he will sit with the Finance Director to go over budgetary items and then implement it. Mr. Bagocius asked what kind of feedback he will have for Council. Mr. Mayberry stated that he will keep them updated.

Finance Director

James Goffe said he was asked what the cost of the Locust/Portage resurfacing would be. He said that he assumed everyone had received their email about that. Mr. Goffe asked for any questions.

Paul Bagocius said a comment about Mr. Goffe's email saying that the final cost can't be determined pending on how much of Portage is going to be covered. His question is once it is past the City limits, are we assuming any fiscal responsibility for that. Mr. Goffe said no, but what he meant by that was originally some of the goals is try to get from Millfield as far as Lutz. It looks now like it will be Akron Ave. and Lutz. Depending upon where the bid comes, if the bid is low enough and the grant money from OPWC is enough, he assumes that they would go farther out into the township. That would transfer some of that local share to the County. There are a few variables still at play for the complete cost.

Rochelle Rossi has presented \$75.00 from the Junior Friends of the Library to Bishop, the police canine.

The January reports are not final, they are still in progress. The auditors have contacted the City to begin to do some work.

City Manager

The City Manager was excused by Mayor Harbaugh due to his daughter having a very important game. Mayor Harbaugh told Mark to take the time because our youngsters grow up faster than you think. Mayor Harbaugh told Mr. Cozy to enjoy while he could.

Mr. Bagocius drew attention to the geophysical seismic survey in Mr. Cozy's report. Before Council approves anything with them that he believes they should have a representative come to Council and tell what exactly what they are going to do and the purpose, and who will benefit.

Danny Losch mentioned about the possibility of a JEDD with Lawrence Township and the Marshalville Sewer project. This is a positive note and extends the earlier conversation with the Township Trustees on the living together arrangement for the fire departments.

Report of Mayor

No Report.

Parks & Recreation Board

No Report.

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**Law Director**

The Law Director Scott Fellmeth stated that he had no report, however he would like to make the suggestion to Council to pass under suspension Resolution 5-13, Ordinance 5-13, Resolution 8-13 and Ordinance 6-13; all four which have to do with establishing the Canal Fulton City Building Code. We could technically have a third reading of these which would be the first week of March. However, he recommended that they be passed under suspension of the rules tonight so that there is adequate time to get the legislation prepared. If we waited until March that would only give a two week window with the Ohio Department of Building Affairs, and he would like to prepare early so that if a question comes up there is adequate time to respond. We are aiming for April 1<sup>st</sup> to get everything passed.

**THIRD READINGS**

**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.

A motion was made by Linda Zahirsky to pass Resolution 3-13, second by Nellie Cihon. All Council Members voted yes. Motion approved.

**SECOND READINGS**

**Resolution 5-13:** A resolution by the Council of the City of Canal Fulton, Ohio to enter into an agreement with the City of Massillon, Ohio for enforcement of the Ohio State Building Codes within the City.

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

A motion was made to pass Resolution 5-13 under suspension of the rules by Linda Zahirsky, second by Nellie Cihon. All Council Members voted yes, motion approved.

**Resolution 7-13:** A Resolution by the Council of the City of Canal Fulton, Ohio to enter into the Fifth Amendment to the 1997 Contract for Joint Staffing and Fire Services with Lawrence Township, Stark County, Ohio.

Paul Bagocius question Mrs. Zahirsky about the possibility of amending the amendment and possibly striking any reference to a joint district, especially in number eleven. Mr. Bagocius asked Scott Fellmeth if we could amend it at our next Council meeting to strike language in the proposed amendment. Mr. Fellmeth stated that yes it could be amended.

**Ordinance 5-13:** An Ordinance authorizing a request to the Ohio Board of Building Standards to Certify the City of Canal Fulton, Ohio for enforcement of the Residential Code of Ohio to exercise enforcement authority and accept and approve plans and specifications, and make inspections.

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

A motion was made to pass Ordinance 5-13 under suspension of the rules by Linda Zahirsky, second by Nellie Cihon. All Council Members voted yes, motion approved.

**Resolution 8-13:** A Resolution by the Council of the City of Canal Fulton, Ohio to enter into an agreement with the City of Massillon, Ohio for enforcement of the Residential Code of Ohio within the City.

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

A motion was made to pass Resolution 8-13 under suspension of the rules by Danny Losch, second by Linda Zahirsky. All Council Members voted yes, motion approved.

**Ordinance 6-13:** An Ordinance authorizing a request to the Ohio Board of Building Standards to certify the City of Canal Fulton, Ohio for Enforcement of the Ohio State Building Codes to exercise enforcement Authority and accept and approve plans, and specifications and make inspections.

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

A motion was made to pass Ordinance 6-13 under suspension of the rules by Linda Zahirsky, second by Sue Mayberry. All Council Members voted yes, motion approved.

Linda Zahirsky thanked Law Director Scott Fellmeth for all of the work that he had done to get the Building Department established and it was nice to know that others might be using this as a model.

**FIRST READINGS**

**Ordinance 9-13:** 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 Linda Zahirsky, second by Nellie Cihon. All Council Members voted yes. Motion approved.

A motion was made to pass Ordinance 9-13 under suspension of the rules by Linda Zahirsky, second by Nellie Cihon. All Council Members voted yes, motion approved

**Resolution 9-13:** A Resolution by the Council of the City of Canal Fulton to enter into a Mutual Agreement for the Technical Assistance Between the City of Canal Fulton and the Stark County, Ohio Soil and Water Conservation District and Declaring an Emergency.

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

A motion was made to pass Resolution 9-13 under suspension of the rules by Linda Zahirsky, second by Nellie Cihon. All Council Members voted yes, motion approved.

**Resolution 10-13:** A 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 Locust Street/ Portage Street Pavement Rehabilitation Bidding and Construction.

**P.O.s**

**P.O. 7680:** to Ohio Drilling Co, Inc. in the amount of \$13,000.00 to Clean WWTP Well and Replace Pump

A motion was made by Nellie Cihon to approve P.O. 7680, second by Linda Zahirsky. All Council Members voted yes. Motion approved.

**P.O. 7692:** to Cargill Inc. in the amount of \$10,000.00 for Road Salt

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A motion was made by Sue Mayberry to approve P.O. 7692, second by Linda Zahirsky. All Council Members voted yes. Motion approved.

Paul Bagocius along with City Council and members of the audience commended the City of Canal Fulton Streets department for their excellent job in keeping the streets clear and safe.

P.O. 7694: to Auditor of State in the amount of \$10,000.00 for GAAP Conversion for FY 2012

A motion was made by Linda Zahirsky to approve P.O. 7694, second by Nellie Cihon. All Council Members voted yes. Motion approved.

P.O. 7697: to Dell, Inc. in the amount of \$3,275.00 for Police Department Computers.

A motion was made by Nellie Cihon to approve P.O. 7697, second by Scott Svab. All Council Members voted yes. Motion approved.

**OLD/NEW/OTHER BUSINESS**

Discussion was brought by Danny Losch on what Council's thoughts were on the Library Levy. Paul Bagocius said he would make a motion to have the Law Director draw up a resolution in support. Linda Zahirsky said we really didn't need a motion to just draw up the resolution. It will be Issue #17.

Danny Losch also wanted to schedule a Finance Committee for the purpose of discussing the senior center.

Linda Zahirsky made a motion to set a Finance Committee Meeting on March 19<sup>th</sup>, 2013 at 6:30pm, second by Sue Mayberry. All Council Members voted yes. Motion approved.

Scott Svab asked James Goffe about PayCorp. James Goffe said they will be meeting with a rep on February 20, 2013.

**REPORT OF PRESIDENT PRO TEMPORE**

No further report.

**REPORT OF SPECIAL COMMITTEES**

None

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

Jim Deans wanted to announce that on February 20, 2013 at the Community Center there was a meeting on the library issue. There will be a meet and greet on February 27, 2013 with Bishop, the police dog, at the Library from 5:00pm-7:00pm.

**ADJOURNMENT**

The meeting was adjourned at 8:20pm.