

# RECORD OF PROCEEDINGS

Minutes of

Meeting

DWYD/LEGAL BLANK, INC., FORM NO. 1074E

Held 4-15

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## CITY OF CANAL FULTON CITY COUNCIL MEETING MINUTES April 15, 2014

### CALL TO ORDER

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

### PLEDGE OF ALLEGIANCE

### ROLL CALL

Mayor/Council Members Present: Richard Harbaugh, Linda Zahirsky, Scott Svab, Nellie Cihon and Sue Mayberry.

A motion was made to excuse Danny Losch and Sean Craney from the meeting by Scott Svab, second by Nellie Cihon. All present Council Members voted yes. Motion approved.

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

Others Present: Chell Rossi, Jim Deans, Joan Porter, Tiffany Craney, Barb Schaffer, Bob Schaffer,

### REPORTS OF STANDING COMMITTEES

Scott Svab reported that the Finance Committee met prior to the meeting. The committee discussed a potential war memorial that City resident Sam Wilson has proposed. Because Mr. Wilson was unable to attend the committee would like more input on the proposed memorial.

Also discussed was a three year plan that Finance Director William Rouse is working on and the possibility of an additional levy for safety forces.

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

None

### CORRECTING & ADOPTING THE RECORD OF PROCEEDINGS

April 1, 2014

A motion was made to accept the April 1, 2013 meeting minutes by Nellie Cihon, second by Linda Zahirsky.

Sue Mayberry asked for changes to be made to Page 3, 5<sup>th</sup> paragraph down, remove the words with the banners; 8<sup>th</sup> paragraph down correct the spelling of Helena; and the same paragraph add the words Helena II. On page 4, paragraph two, delete the sentence: Tires need to sit for a period of time before they are picked up.

All present Council Members voted yes. Motion approved.

### REPORTS OF ADMINISTRATIVE OFFICERS

#### Senior Citizens

Clerk Teresa Dolan welcomed new Director, Kathy Lewis-Snyder to the Center. Mrs. Dolan then read a report submitted by Mrs. Lewis-Snyder on events that are going on at the Center.

#### Community Service - Report

John Murphy submitted a written report for the Council packet.

#### Fire Chief – Report

Fire Chief Ray Durkee submitted a written report for the Council packet. Chief Durkee requested a Safety Committee meeting to discuss the one year anniversary of the living together arrangement. With Danny Losch not being in attendance, it was decided to wait until the next Council meeting to set a date for the Safety Committee meeting.

Chell Rossi presented Chief Durkee with a sign for the James Couglin Sr. Fire Training Center.

#### Police Chief – Report

Police Chief Doug Swartz submitted a written report for the Council packet. Chief Swartz discussed solicitor permits and not being able to do background checks through the Red Center. Chief Swartz recommended looking into changes for the solicitor's permits or eliminating them. It is important that we identify the people.

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Scott Svab asked if political and religious people could get a permit. Scott Fellmeth said the definition in the code does not include political or religious groups the way it is currently written. Mark Cozy stated that we can't legislate against private and non-profit. Right now the code is written that allows any others to get a permit. Mr. Cozy said at this time we are working on our Zoning Code and we could include limiting canvassing.

Mrs. Mayberry said she wanted to thank the Police and Fire Departments. One situation last week where a neighbor went to her house and she had fallen and was incoherent. The squad and police came quickly. Melissa Kosco was in attendance and did a great job. She also commended Melissa on a situation where she had to tell a resident about a death in her family.

Engineer/Streets/Public Utilities – Report

Engineer William Dorman reported that they are working on the Wooster Street Storm Sewer Project. The pre-construction meeting on that project will be within the next two weeks. Wenger Excavating is the contractor for that.

The Engineer is preparing a memorandum on alternatives for the Cherry Locust Project.

The Locust/Portage Waterline project preliminary work is going on at this time.

There is no Planning Commission or Historic Preservation meeting this week.

Lift station flow testing has started to determine capacity to receive the Clinton sewer project. Mr. Mayberry stated that he was on site today with the flow testing.

Mr. Dorman said they were working with Lindsey and they may be able to provide a screen building with would meet the need for the waste water treatment plant.

Mr. Dorman said he is working with Administration updating some estimates on the Locust Street sidewalk in anticipation of a Transportation Enhancement grant. The estimate was \$194,000.00. Mr. Cozy said the sidewalks are from Echoing Ridge to Sluggers and Putters on both sides of the road. Right of way acquisition is included in that. The deadline for the grant application is the May 20<sup>th</sup>. Mr. Cozy asked Council for a voice motion. This is federal money, an 80-20 grant, that is funded through SCATS. If we don't apply now, we would have to wait until 2020. On this grant the business owners would be paying our local match. Our only out of pocket would be the engineering. Mr. Dorman said the Engineer estimate would be ten percent of the project.

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

Service Director Dan Mayberry submitted a written report for the Council packet. Mr. Mayberry reported on the phosphorous removal system. Jeff Boak and Bob Earnsberger were commended for their efforts on the project. The utility and service departments are commended also on everything going smooth with the project. This project stretched our human resources, but we were able to get it done.

Scott Svab asked about the water line break across the street from the Senior Center to remove the barriers. Mr. Mayberry said that yard work, repair of the road will need done and that will be coordinated with the Beverly intersection along with a catch basin that needs completed. This is part of the Locust/Portage resurfacing. Mr. Mayberry would like to get Northstar Excavating to repair on the water main break because of the new pavement job. Pavement working weather will be needed along with weather for seeding and topsoil. As far as the water main break, Mr. Mayberry said he will be contacting CTI and talk to them about long range plans for an existing four inch line on that side and possibly abandoning that and connecting all of services over to the south side of locust street to a newer ten inch pipe that was installed in the early seventies. The four inch on Locust Street probably dates to the 1950s. The line break that we had there was a significant one at 550 gallons per minute. The break was reduced and then another break down the road happened. Mr. Svab asked if the road would need cut then for every house. Mr. Mayberry said that they would bore under the road.

Finance Director -March Financials

Finance Director William Rouse included the March Financials in the Council packet.

Mr. Rouse stated that Kathy Lewis-Snyder, who left for the Director's position at the Senior Center, was helpful in the transition of the Finance Department when Mr. Rouse came on board. He thanked the Mayor and Council for the infrastructure. Kathy was tremendously helpful to the department in the transition period. Mr. Rouse said that he and his assistant are up to speed. Trinkka Schultz has agreed take on more duties and helping to man the phones when needed. Mr. Rouse said he would like to go a couple of months without replacing the position and see how the workload falls on everybody.

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Income tax is about six percent higher than where we were at the end of March last year. Water and Sewer fee collections are also trending higher this year than last, this is due to the rate increase and usage. March was pretty uneventful as far as financial activities.

Council was sent an email requesting Council pass Resolution 10-14, Ordinance 11-14 and Ordinance 12-14 under suspension. This legislation is needed in order for us to move forward with the Locust/Portage water and sewer line extension projects from the financial and accounting side.

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

City Manager – Report

City Manager Mark Cozy submitted a written report in the Council packet.

Mr. Cozy said that the Transportation Enhancement Grant current round was 2016 to 2018.

Mr. Cozy reported on the concession stand in the park. He said at this time the roof could be temporarily repaired. He was under the assumption that the soccer league was going to build another building in the park for their equipment. They had asked if we would prepare the site for them. Mr. Cozy said he was not ready to commit to that at this point. He will get some dollar figures to take it down. He does not want to commit funds at this time for that.

Lawrence Township Trustees are going to move forward with the Tornado Siren Project. They are working on an agreement right now to give to the City for us to participate. They will want our commitment at some point. Chell Rossi said they are expecting bids by the May 21<sup>st</sup>, and they have a meeting to make a decision on the vendor.

We have had some issues on Summers Evening again. Mr. Svab has been out talking with residents. We have had issues in other parts of town with parking of commercial vehicles and trailers. Instead of piece meal posting signs with time restrictions, we might be better served to outlaw parking of commercial trucks outside of a business use, along with one ton trucks with trailers or consider trailers. We do have issues with campers bringing them in and out of storage. They will park in front of their house for a day or two and then they are gone. Those are things we could accommodate. This is something for Council to consider. Perhaps this could go to a public service committee. Linda Zahirsky said she thought safety committee was where it was discussed before, that is where she would like it to go and really look at what other communities do. Mrs. Mayberry asked if this was a homeowner's association. Mrs. Zahirsky said maybe we could come up with an agreement with them. Mr. Cozy stated that there is a reason for the parking rules, the driveways are very short. A one ton dually truck parked in a driveway will not allow the neighbor to see to get out and blocks the sidewalks.

Mr. Mayberry stated that what we have in our Zoning and what allows it, is a condo association on one side of the street and single family homes on the opposite. On Redwing drive we had parking issues with duplexes on one side and single family on the other side. The mixture of that use divided by the center line of the street seems to be at the root of some of the problems. Mr. Mayberry said we needed to look at our Zoning Code generally and talk about that. This is an observation of his.

Scott Svab said he is for moving towards a one ton vehicle restriction. He said this is a hazard situation. This limits the homeowners who are affected on one side of the street enjoying their property. If you are running a business out of your house, that is illegal. While talking to residents, other issues include speeding and rolling through stop signs.

Sue Mayberry said when she was at her class in Canton, she had openly talked about collaboration and talked about where we are at with our Living Together arrangement with the biggest issue being the purchase of large equipment. Combining grants between two entities that are not in a fire district seemed to be an issue that was a roadblock. Everyone that was speaking seemed to think that there were avenues that we could apply to mutually purchase equipment. She received an email from a lady from the Ohio Development Services Agency and she is the local government incentive section supervisor. She indicated to Mrs. Mayberry that for local government innovative fund programs you would not need to be an official district. They require only that you have an MOU in place and that each entity that is participating has a resolution of support from the governing body. This may be an avenue that we can use.

Mr. Cozy stated that the issue is we can jointly purchase, but not jointly own. Mr. Cozy said he had a decision from the State Auditor's office and that is the sticking point. He said this is the grant we used for our Police Study. The issue is, who holds the title? There is no provision right now for joint owners of a total. You can have a usage agreement. Mr. Cozy said he spoke to Frank LaRose when he came by for his office hours, and Senator LaRose said there may be

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something that they could look into at the state level. Mr. Rouse stated that one person has to own it for insurance and liability purposes.

Mayor

Mayor Harbaugh said he was informed today that the material was used up in the horse shelter. It should be opened up.

Parks & Recreation Board

No Report

Law Director

No Report

Mrs. Mayberry asked Mr. Fellemth about Resolution 8-14 in regards to voting. Mrs. Mayberry wanted to know if she should abstain from the vote being a member. Mr. Fellmeth said she did not have to abstain as she is a member and not a trustee.

THIRD READINGS

**Ordinance 8-14:** An Ordinance Amending Ordinance 30-12, Rates Of Pay For Non-Safety Service Part-Time Employees.

A motion was made to approve Ordinance 8-14 by Linda Zahirsky, second by Scott Svab. All present Council Members voted yes. Motion approved.

**Ordinance 9-14:** An Ordinance Amending Ordinance 32-12, Rates Of Pay For Canal Boat Employees.

A motion was made to approve Ordinance 9-14 by Nellie Cihon, second by Scott Svab. All present Council Members voted yes. Motion approved.

**Resolution 8-14:** a Resolution by the Council of the City of Canal Fulton, Ohio to Enter into an Agreement with the Canal Fulton Heritage Society for Canal Boat Operations

A motion was made to approve Resolution 8-14 by Linda Zahirsky, second by Nellie Cihon. All present Council Members voted yes. Motion approved.

SECOND READINGS

No Second Readings.

FIRST READINGS

**Ordinance 10-14:** An Ordinance by the Council of the City of Canal Fulton, Ohio Amending the Zoning Code by Re-Zoning 207 East Market Street (PPN#95-00334)

**Resolution 10-14:** A Resolution Establishing the Special Assessments Capital Projects Fund (Fund 321) to be used in Accounting for the Locust Street Water and Sewer Line Extensions

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

A motion was made to approve Resolution 10-14 under suspension of the rules by Linda Zahirsky, second by Scott Svab. All present Council Members voted yes. Motion approved.

**Ordinance 11-14:** An Ordinance Amending Ordinance 31-13, and Providing for Changes to Previously Authorized Transfers and Advances.

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

A motion was made to approve Resolution 11-14 under suspension of the rules by Linda Zahirsky, second by Nellie Cihon. All present Council Members voted yes. Motion approved.

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**Ordinance 12-14:** An Ordinance Amending Ordinance 31-13, and Providing for Changes Previously Authorized Transfers and Advances.

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

A motion was made to approve Resolution 12-14 under suspension of the rules by Linda Zahirsky, second by Scott Svab. All present Council Members voted yes. Motion approved.

**Ordinance 13-14:** An Ordinance Amending Ordinance 5-14, Rates of Pay for Full-Time Non-Bargaining Employees, and Repealing and Ordinances in Conflict Therewith.

**Ordinance 14-14:** An Ordinance Amending Section 111.04 of the Codified Ordinances of the City of Canal Fulton Relating to the Pay of Members of the Council and Mayor, and Repealing any Ordinances in Conflict Therewith.

**P.O.s**

P.O. 9228: to Ohio Muni Joint Self Insurance Pool in the amount of \$42,000.00 for Property Casualty and Liability Insurance.

A motion was made to approve P.O. 9228 by Scott Svab, second by Sue Mayberry. All present Council Members voted yes. Motion approved.

P.O. 9217: to Wenger Excavating in the amount of \$124,000 for Wooster Street Storm Sewer Improvements Project

A motion was made to approve P.O. 9217 by Nellie Cihon, second by Linda Zahirsky. All present Council Members voted yes. Motion approved.

P.O. 9231: to CTI Engineers, Inc. in the amount of \$58,100.00 for Engineering for Locust Water and Sewer Line Extensions.

A motion was made to approve P.O. 9231 by Scott Svab, second by Nellie Cihon. All present Council Members voted yes. Motion approved.

P.O. 9213: to Miner's Inc., in the amount of \$5,610.00 for estimate for Water Treatment Plant to remove three old diffuser Pipes in #1 aeration tank and replace with new galvanized pipe and fittings.

A motion was made to approve P.O. 9213 by Sue Mayberry, second by Scott Svab. All present Council Members voted yes. Motion approved.

P.O. 9047: to Stark County Health Department in the amount of \$25,000.00 for 2014 Health Department Fees

A motion was made to approve P.O. 9047 by Nellie Cihon, second by Scott Svab. All present Council Members voted yes. Motion approved.

P.O. 9246: to Stark County Auditor in the amount of \$9,000.00 for 2014 Property Tax Collection Fees

A motion was made to approve P.O. 9246 by Nellie Cihon, second by Scott Svab. All present Council Members voted yes. Motion approved.

**BILLS – March Bills \$316,491.36**

A motion was made to approve the March Bills by Scott Svab, second by Linda Zahirsky. All present Council Members voted yes. Motion approved.

**OLD/NEW/OTHER BUSINESS**

Chief Swartz said he was not sure where we were with the widening project for Cherry and Locust. There are still problems with semis. A semi coming from Avalon wanting to make a turn north to Akron on Rt. 93 swung out to avoid the pole and went over into the AT & T property and blocked traffic for over an hour. The pole is still being chewed away at. The Chief said he still thinks the

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widening is a good idea. The truck actually had to be towed backwards due to sinking into the ground to the front bumper.

**REPORT OF PRESIDENT PRO TEMPORE**

Scott Svab reminded everyone that the Easter Egg Hunt would be on April 19<sup>th</sup> at 10:00am and then after that was the Fishing Clinic. Forty people signed up very quickly. Mr. Svab thanked the Water Department for putting that on the Water Bill and Mrs. Dolan for posting on facebook.

Trying to get the issue resolved at Summer Evening, Mr. Svab would like to give this to the Safety Committee and see what they can come up with.

**REPORT OF SPECIAL COMMITTEES**

No Report.

A motion was made to reschedule the next Council meeting From May 6, 2014 to May 7, 2014 at 7:00pm due to Election Day by Linda Zahirsky, second by Nellie Cihon. All present Council Members voted yes. Motion approved.

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

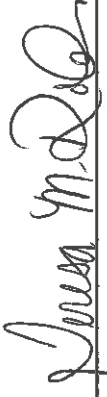
Chell Rossi reported that there will be a work session April 16, 2014 at the Canalway Center to prepare seedlings for the giveaway for Earth Day.

Jim Deans – Friends of the Library had a program last Saturday on the technology in the Civil War. Thursday, April 24<sup>th</sup>, Senator Frank LaRose will be at the Chamber of Commerce Luncheon held at the Rotary Building. The cost is \$15.00

**ADJOURNMENT**

The meeting was adjourned at 8:03pm.

Minutes Prepared by:



Teresa M. Dolan, Clerk

Minutes Approved:



Mayor Richard Harbaugh