

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10-114

Held 5-1

2013

CITY OF CANAL FULTON CITY COUNCIL AMENDED MEETING AGENDA

May 1, 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 - Sue Mayberry, Scott Svab, Danny Losch, Paul Bagocius, Linda Zahirsky and Nellie Cihon.

Others Present: Fire Chief Ray Durkee, Police Chief Doug Swartz, Law Director Scott Fellmeth, Service Director Dan Mayberry, Finance Director James Goffe and Council Clerk

Others Present: David Legg, Gary Legg, Al Burroughs, Stephen Kaelin, Tracy Stevens, Joan Porter and Chell Rossi.

Summer Evening Drive No Parking Signs (added to the Agenda by Mayor Harbaugh)

Residents from Summer Evening spoke on the no parking signs that were posted on the street recently. Al Burroughs, 2280 Summer Evening, thought one side of the street is fine for the signs to be on, but not both. Scott Svab asked which side Mr. Burroughs would propose the signs be on. Paul Bagocius stated that he was in agreement for the signs to be just on one side.

Dan Mayberry stated that the roads were done soft shoulder, open ditch. As Canal Fulton grew our engineering became stricter, we started constructing curbs and sidewalks. This is just an evolution of the size of road width in subdivision standards for the City. It has probably not been but ten years ago the standards have been changed. Residential parking was not an issue then.

Gary Legg, 2045 Summer Evening, said that he felt that he was losing part of his privilege to park on the street. He said that residents were now parking a few streets away.

Bill Dorman stated that the reason the street width was adjusted was that they were getting concerned with developers in Canal Fulton that the cost of the infrastructure and wider streets was costing more for the lots. They wanted to be competitive on a county-wide basis. A standard was put in place similar to Stark County's regulations as far as street width.

Sue Mayberry asked why the signs were put up. Mark Cozy stated for safety reasons and concerns reported by department heads. The street superintendent was concerned with future accidents. There have not been any as of yet. He is concerned with the hill.

Dan Mayberry asked for the signs to remain along the S-curve of the intersection. He likened it to Longview Ave. If they allow parking on the S-curve on Longview, which is permitted, most people will not do that. That would be hazardous. Generally speaking when residents recognize there is a hazard they don't park there.

A motion was made to remove the no parking signs from non-fire hydrant side by Paul Bagocius, Second by Scott Svab.

Linda Zahirsky asked if we had an ordinance in place to not park close to the street intersections. Chief Swartz said yes. Sue Mayberry asked if there was a hill. Nellie Cihon said yes, but at this time there were no houses on it. Dan

Held _____

20

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

May 1, 2013

Mayberry said there will eventually be houses built. Mark Cozy stated that there was a petition in 2007 for no parking signs for both sides of the road and it was decided at that point to put it on one side. Doing that seemed to work.

All Council Members voted yes. Motion approved.

Dominion East Ohio – Stephen Kaelin

Representatives from Dominion East Ohio were here to speak about the structure going up in the historic district. Stephen Kaelin stated that they were installing a new meter regulating station in the historical district. The replacement drawing was sent to the City to get a permit. They received a permit and began to install the station. He believed there was an issue because they were going to put an enclosure over the top of the structure.

Mr. Kaelin had photos of what the structure was going to look like. The raised building was not approved by the Historical Society. Through talking with the City Manager and Service Director, it was found that a dumpster was going to have a white fence installed around it that will behind the structure. Mr. Kaelin said what Dominion would like to propose was to install the gray building, but to put a white fence around it to match the fence around the dumpster. Linda Zahirsky stated there was a lot of concern about the current buildings that Dominion has in Canal Fulton that are pretty decrepit shape. There was some concern about another building going up and letting it go. Mr. Kaelin said he had addressed it and the buildings are moved to the top of the paint list. Danny Losch said that this should have been addressed through HPC. Mr. Kaelin said it was included on the plans. Mr. Kaelin said it was the first time that this had been an issue. The regulators are now being built above ground for safety reasons.

Tracy Stevens, External Affairs Manager, apologized for the problems. She said that the Council Clerk has her information and if there are any problems or concerns to reach her.

A motion was made to continue the proceed with the regulator and then go through the Planning Commission to approve the fence rendition to go around the structure at the next meeting on May 16, 2013, second by Linda Zahirsky. All Council Members voted yes. Motion approved.

REPORTS OF STANDING COMMITTEES

Scott Svab reported that the Finance Committee Meeting held before this meeting included discussion on Water and Sewer rates, pipes going to the facility and the force feed. Also discussed was the school resource officer. Minutes were given to the last meeting, and he will have a written report for this meeting at the next Council meeting.

Sue Mayberry reported on the Public Service Committee met last evening to discuss ordinance 11-13 regarding permitted signs, specifically off-premise signage. Pros and cons were discussed. There will be a third reading and a public hearing on May 21, 2013.

Linda Zahirsky reported that the Personnel Committee met last evening and discussed a minimum wage in the fire department for the new fireman. The committee authorized an ordinance be presented with the current minimum wage. Also discussed was the Finance Director position. The committee went into executive session and selected four candidates to interview. Also discussed

Held

20

**CITY OF CANAL FULTON
CITY COUNCIL AMENDED MEETING AGENDA
May 1, 2013**

was a possible part time finance director and staffing. On May 11, a Personnel Committee meeting will be held.

A motion to hold a Personnel Committee meeting on May 11, 2013 at 9:00am by Linda Zahirsky, for the purpose of interviewing candidates for the Finance Director, second by Nellie Cihon. All Council Members voted yes. Motion approved.

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

None

CORRECTING & ADOPTING THE RECORD OF PROCEEDINGS

April 2, 2013

A motion was made to approve the April 2, 2013 meeting minutes by Nellie Cihon, second by Scott Svab. Nellie Cihon – yes, Sue Mayberry – yes, Paul Bagocius – abstain, Linda Zahirsky – yes, Danny Losch – abstain, Scott Svab – yes. Motion approved

April 16, 2013

A motion as made to approve the April 16, 2013 minutes by Linda Zahirsky, second by Sue Mayberry.

Sue Mayberry asked that on page 3 in the second paragraph if it could read Canal Street rather than just Canal. All Council Members voted yes.

Motion approved.

REPORTS OF ADMINISTRATIVE OFFICERS

Senior Citizens – No Report

Community Service Coordinator – No Report

Fire Chief – The Fire Chief reported that the Living Together arrangement with Lawrence Township is going well. There are a few minor bumps but with good communication those are working out fine. Saturday May 4th is the Rotary Mother of All Races event and New Franklin will have a live fire burn so staffing will be to capacity. The current EMT class is finishing up.

Mayor Harbaugh asked about putting Lawrence Township lettering on the Fire Department building. Chief Durkee said he is looking into it. Mark Cozy said that we do have a quote from Adam Signs for the lettering. The quote would be approximately \$1,500 if they can use existing letters. If all new letters are needed it will be about \$1,800. Scott Fellmeth said we should wait while we are on a trial basis. Danny Losch stated he thought we should hold off also. Dan Mayberry asked about a free standing sign. Mark Cozy said that there was an issue because there is a sign on Strausser stating that Lawrence Township does not have a fire department and it is stirring up residents. If we show on our building what's happening it's an accurate reflection on where tax dollars are going. Mr. Cozy thought the township should participate with the cost. If the Township will agree to pay half, then maybe we should move forward with it. Mrs. Mayberry said our intentions are positive. Doug Swartz said that if you are going to do something permanent, if the marriage works, would the sign not have to be changed again? Mr. Losch said this may want to go to a committee at this point.

Held _____

20

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

May 1, 2013

Linda Zahirsky said she noticed that Akron received a grant from the federal government for over a million. Chief Durkee said one grant is the AFG grant which we have applied for and been refused. The other is the Safer grant for staffing and the trend has been that they are bringing fire fighters back to positions. Akron has a lot of positions that they have lost over the years. So they are replenishing those with the grants. Chief Durkee said we would keep pursuing the grants.

Police Chief – Police Chief Swartz reported that our payroll clerk, Kathy Lewis-Snyder has proposed a benefit for Bishop with her acting troop. It will be May 29th at the Elmridge Party Center. There will be live entertainment provided by the Stardust Dinner Theatre. They will be doing the Honeymooners and I Love Lucy episodes.

The Marshal service wants to create a task force in Stark County. We could put a guy on that at least once a month and then they could be considered on the task force and we could reap the benefits.

The Chief thanked the Fire Department for using the bay and employees for the pill drop off. There were 75 pounds of medication dropped off on April 27th, 2013. We now have a pill drop off box in our police department now that citizens can utilize any time.

Mr. Cozy will report on the SRO. Chief Swartz asked if there needed to be another committee meeting. There is a grant available that Chief Swartz is working on for fiscal year 13. We need to get the grant in by May 22.

Mrs. Zahirsky said there was a lot of discussion last night that we do need to discuss farther. Since it was not on the agenda we did not come to any conclusions. A safety committee and personnel committee should come together and discuss what we are going to be doing with the SRO.

A motion was made that a Safety/Personnel Committee Meeting for May 21 to discuss the SRO, at 6:00pm by Paul Bagocius, second by Linda Zahirsky. All Council Members voted yes. Motion approved.

Engineer/Streets/Public Utilities – Engineer Bill Dorman said he was working on the site plan review for the Glass Shop owned by Bud Graham. Cherry/Locust letters of interest have been ranked and listed. Portage/Locust bids are due May 31st. Mr. Dorman stated that a meeting should be set up to review the plans.

A motion was made to review plans on May 15th, 2013 at 2:00pm by Linda Zahirsky, second by Sue Mayberry. All Council Members voted yes. Motion approved.

Mr. Dorman also reported working on the Waste Water Treatment Plant screen design for a summer bid, and the Wooster Street Storm Sewer design. Summit County Department of Environmental Services sent an inquiry to pump waste water from the Clinton area to Canal Fulton. This is something that has been talked about for years, but it is back on the forefront.

Service Director Dan Mayberry reported that there has been a lot of flood plain administration work going on as well as the sewer department has completed the biannual preventive maintenance of the sanitary sewer system. The tennis courts at Mulhauser Park are complete.

Mr. Bagocius asked about the roof for the Senior Center. Mr. Mayberry said he received quotes from four contractors in 2012 and he wants to give them an apples to apples comparison for pricing. That was difficult to do with the short lead time we had. There is a low bidder that was used for the grant. There may be some things that we want to do that refine the project a little bit. It may cost the City a little more money but we would get a better roof. The project should be

Held _____

20

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

May 1, 2013

done around August. Mr. Bagocius said the grant money has to be spent by August 1st. Mr. Mayberry said he did not see a problem with meeting that.

Finance Director – March Financials were included in the packet.

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

Finance Director James Goffe also stated that there was an appropriations ordinance on the agenda and he would appreciate if it were passed under suspension.

City Manager – A Written Report was included in the packet. City Manager Mark Cozy stated that he was going to pass out a proposal from Four Square in regards to building a new YMCA. He has received no work back from Stark County YMCA or SUMA on participating in the project. With the proposal you will know exactly what they are looking at doing in the community.

Report of Mayor – Mayor Harbaugh reported that the trees down at the Senior Center are down. Stumps will still need removed. Dirt can then be moved. Recently he had driven past and there were at least a dozen cars parked in the field. The sooner the parking lot gets done the better.

Parks & Recreation Board – No Report.

Law Director – No Report. Scott Fellmeth recommended that Ordinance 11-13 and 12-13 to be taken off the table in order to proceed.

THIRD READINGS - None

SECOND READINGS

A motion was made to take Ordinance 11-13 off the table by Linda Zahirsky, second by Nellie Cihon. All Council Members voted yes. Motion approved.

Ordinance 11-13: An Ordinance Amending the Codified Ordinances of the Zoning Code of the City of Canal Fulton Ohio to Amend Chapter 1181.02(e) and Create Chapter 1181.02(f) Permitted Signs and Repealing any Ordinances Therewith.

A motion was made to take Ordinance 12-13 off the table by Danny Losch, second by Nellie Cihon. All Council Members voted yes. Motion approved.

Ordinance 12-13: An Ordinance Amending the Codified Ordinances of the Zoning Code of the City of Canal Fulton Ohio to Amend Chapter 1187.22 Fences, Walls and Hedges and repealing any Ordinances in Conflict Therewith.

FIRST READINGS

Ordinance 13-13: 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 Sue Mayberry, second by Scott Svab. All Council Members voted yes. Motion approved.

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

Heid _____

20

**CITY OF CANAL FULTON
CITY COUNCIL AMENDED MEETING AGENDA
May 1, 2013**

P.O.s

P.O. 7790: to Preferred Temporary Services in the amount of \$15,366.40 for part-time street worker.

A motion was made to approve P.O. 7790 by Danny Losch, second by Linda Zahirsky. All Council Members voted yes. Motion approved.

P.O. 7791: to Preferred Temporary Services in the amount of \$15,366.40 for part-time groundskeeper.

A motion was made to approve P.O. 7791 by Sue Mayberry, second by Linda Zahirsky. All Council Members voted yes. Motion approved.

P.O. 7795: to Control Associates, Inc. in the amount of \$3,831.00 for an Ultrasonic Flow Monitor Effluent Meter.

A motion was made to approve P.O. 7795 by Linda Zahirsky, second by Scott Svab. All Council Members voted yes. Motion approved.

BILLS - March \$450,532.58

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

OLD/NEW/OTHER BUSINESS

A motion was made to take Ordinance 1-13 off of the table, second by Sue Mayberry.

Paul Bagocius said his motion was based on the recommendation by the City Manager back on April 2, 2013. Danny Losch asked for what reason. Mr. Bagocius said it was based on the City Manager's recommendation on April 2nd. Mr. Losch asked if they could recall what that recommendation was. Scott Fellmeth said Mark Cozy recommended that the annexation issue should be killed. Mr. Losch asked Mark Cozy to elaborate on this. Mr. Cozy said he felt at the time that the nature of the renewed cooperation with the Township this annexation hanging over us, it flies in the face of the cooperation of the City and the Township. Mark Cozy said ultimately it was up to Council to make that determination. Mayor Harbaugh said he would add that there was some infrastructure down there that is in very bad shape and he is not a concrete expert, but he would have to say that we would be looking at a half a million dollars to replace that when it totally collapses. Mayor Harbaugh said that Mr. Mayberry had pictures. Dan Mayberry said he was unable to find them. They are within numerous projects and if he had more time he may have been able to find them. Mr. Mayberry said we do have the photographs, but he did not have them with him. Mayor Harbaugh asked Mr. Mayberry to enlighten Council a little more than what he did. Mr. Mayberry said that there was a major drainage structure that comes out of the Fulton East subdivision and it originates in the industrial park and concluded into the Tuscarawas River. That drainage structure flows underneath the dry canal bed. When the canal was constructed originally all drainage structures had to go underneath the canal. There was an overflow channel that was built above grade that allowed the flood plain to drain over to the Tuscarawas River. That particular structure is above grade and poured concrete. Part of it is red brick paved. That is badly deteriorated. To replace that at some point in the future that it would be extremely expensive. Mr. Mayberry said his rough estimate would be \$300,000 to \$500,000 dollars. Mrs. Zahirsky asked who owned the land where the red brick structure exists. Mr. Mayberry said it was in canal lands, and he supposed it was a public drainage

Held _____

20

CITY OF CANAL FULTON
CITY COUNCIL AMENDED MEETING AGENDA
May 1, 2013

structure. He said he said he was not sure if the responsibility would fall on the City of the County. He did not talk to the County engineer. Mr. Losch said it would be a good idea to know that before we move ahead. We just can't assume that we are going to be accountable for it yet. Mr. Mayberry said culverts we are responsible for, bridges the County is responsible. Mark Cozy stated that if the drainage is not from the City the only property damage that would occur there would be the County Road or the Towpath, so you would have Stark Parks and the County Engineer rushing in to make repairs. As far as the City's concerned we have nothing there that would receive property damage.

Mrs. Mayberry stated that was above and beyond. Mrs. Mayberry stated that this was the first she had heard of that. Mayor Harbaugh said he had not been down from Butterbridge to the Jackson line so he did not know if there were any structures similar to that down through there or not. Mr. Bagocius said he would agree with the City Manager, that this was a sword hanging over our relationship. It serves no useful purpose because originally when we were going to do it there was a state bill pending, which has been defeated. If ever needed we could bring it up in the future, but it serves no useful purpose other than to have a thorn in the side of the township.

Roll was as follows: Linda Zahirsky - abstain, Paul Bagocius - yes, Sue Mayberry - yes, Danny Losch - no, Scott Svab - no, Nellie Cihon - no. Motion fails.

Paul Bagocius asked Linda Zahirsky if there was a reason for her abstention. Linda Zahirsky said yes, but she could not discuss it.

Mr. Fellmeth said we still have the ordinance but it is in limbo. It was taken off the table at the second reading.

Ordinance 1-13: TABLED 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.

REPORT OF PRESIDENT PRO TEMPORE - No Report.

REPORT OF SPECIAL COMMITTEES - No Report.

CITIZENS COMMENTS - Open Discussion (Five Minute Rule)

Robert "Skip" Blowers, 7689 Pine Ridge NW, North Canton, OH 44720.

Mr. Blowers owns Skipco Auction. He wanted to address Council on the sign on Elmridge that they had been trying to get. The sign would be at the Elmridge/Portage site. The businesses would like to have a sign because they are hidden back there. There are a number of businesses back there that serve a lot of people. The Skipco site is hard to locate. The sign that is on Locust now is owned by a different company. They are proposing a sign at the end of Elmridge that they could put the names of the businesses on. They have talked about this, Don Schalmo has been involved, on how to purchase and maintain the sign. He has submitted to Zoning in regards to the sign. They were hoping to put up an electronic sign so they can change it from time to time to promote events on Elm Ridge. They need Council to approve it.

Mr. Bagocius said that this type of thing was discussed in a committee meeting. They don't have a problem with a direction sign. The concern is a sign that advertises off premises. He would not vote for an advertising sign but he would definitely vote for a directional sign. Mr. Bagocius said the other issue that was raised was for us to change an ordinance that in essence would benefit a person because of the rental space on that sign. So, we would be changing an

Held

20

CITY OF CANAL FULTON
CITY COUNCIL AMENDED MEETING AGENDA
May 1, 2013

ordinance to allow somebody to financially benefit. That issue would have to be resolved as well. Mr. Blowers said that would be a negotiations deal. The reason that came up was Johnson Belford wanted to know who was going to maintain the sign, pay for sign, and maintain the sign. Mr. Blowers said the cost would be split up. Mr. Blowers said he did not think this sign up to create money from any stretch of the matter. As far as advertising for the business you could take that twist to it, but what they were trying to do was have an informational sign.

Scott Svab asked if Ordinance 11-13 being previewed, is it incorrect on how you want this, because section eleven would prohibit any flashing elements. Mark Cozy said that this ordinance will preserve text, just no graphics. Mr. Svab asked if this ordinance to be allowable the same as Distefeno's sign. Mr. Cozy answered no. Mr. Blowers said he was looking at one more like the Police Department. Mark Cozy said yes the ordinance would allow that. Mr. Svab said he did not have a problem with that.

Mrs. Mayberry said that this is an off premise sign and she didn't think that it was centered on anybody making money. The bottom line was, this was off premise and there is nobody in the area that allows off premise signs. In our new EMC signage ordinance that we just passed, now is in conflict because that ordinance said no off premise advertising is allowed. Mrs. Mayberry asked Mark Cozy if Regional Planning would approve. Mr. Cozy stated that they only recommend. The City or Township would approve. If we took the language to them they would approve. Mrs. Mayberry stated that we would be the first to allow this. Mr. Svab said that would be good. Mr. Svab said that if the dead end street with a lot of businesses wanted to spend \$40-50,000 to attract business he was all for that. Mrs. Mayberry said that we were opening a Pandora's box. Mayor Harbaugh said he was looking at 100 acres expansion back there. Mrs. Cihon said she had no problem with the sign. Mr. Fellmeth said that there was a public hearing on the matter at the next Council meeting. Mr. Blowers said that he appreciated Council listening.

ADJOURNMENT – The meeting was adjourned at 9:52pm.