

DAYTON LEGAL BLANK, INC., FORM NO. 1074E

Held 5.7

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**CITY OF CANAL FULTON
CITY COUNCIL MEETING MINUTES
Wednesday, May 7, 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, Sean Craney, Danny Losch, Nellie Cihon and Sue Mayberry.

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, Brett Kline, Kathy Snyder and David Legg

REPORTS OF STANDING COMMITTEES

No Reports

Fire/EMS Presentation on Powered Cots

The Fire/EMS department was on a call so the presentation was unable to happen. Chief Ray Durkee invited Council to training sessions for the cots if they would like to see them work.

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

None

Brett Cline – Micro Distillery

Mr. Brett Kline presented an idea to Council in regards to a Micro Distillery in the downtown area. Mr. Kline said he wanted to know if Council would be in favor of what he is proposing. There are only six micro distilleries in the state. Mr. Kline said he was looking in the Historic District on Canal Street. He is just in the discovery phase at this point. His vision for the micro distillery would be like a boutique. There is not a lot of profit with the business and customers would need to be able to make a five to six week commitment.

CORRECTING & ADOPTING THE RECORD OF PROCEEDINGS

April 15, 2014

A motion was made to approve the April 15, 2014 minutes by Nellie Cihon, second by Sean Craney. All Council Members voted yes. Motion approved.

REPORTS OF ADMINISTRATIVE OFFICERS

Senior Citizens – Senior Center Director, Kathy Snyder reported on the Senior Center and the activities they are having in the month of May. Mrs. Snyder stated that she is working on plans to utilize the building more. Some events that are happening in May are Swiss Steak Dinner on the 24th, Community Lunch on the 27th, Card Party on the 28th and a Plant Sale on the 31st.

Mayor Held commended Mrs. Snyder on her report,

Community Service - No Report

Fire Chief – Fire Chief Ray Durkee stated that the department would be having water rescue training on May 30th and 31st. Chief Durkee also asked for a Safety Committee Meeting to review the one year anniversary of the Living Together arrangement with Lawrence Township.

A motion was made to have a Safety Committee Meeting on May 21st at 7:00pm to review the one year anniversary of the Living Together arrangement with Lawrence Township by Danny Losch, second by Nellie Cihon. All Council Members voted yes. Motion approved.

Police Chief – Police Chief Doug Swartz reported to Council that he would like to see the solicitation ordinance be changed and that he had talked with Mr. Cozy and was told that we cannot regulate through Zoning. Mr. Cozy said townships do it through Zoning. The easiest way for the City to do it would be through an ordinance. What most communities do is outlaw for profit solicitation in residential areas. Chief Swartz said to support and as a reminder, we can no longer do background checks on people that come and register to go door to door. Chief Swartz said he would be in favor of outside of the residential zone. New legislation would need to be adopted for it. Mr. Cozy said he would get legislation drafted. Mrs. Mayberry said she would be in favor of the legislation.

Held

20

CITY OF CANAL FULTON
CITY COUNCIL MEETING MINUTES
Wednesday, May 7, 2014

Chief Swartz commended Officer Sara Wilson on the great job in the recent meth lab arrests. He also commended Lawrence Township and Stark County for their assistance with the case.

The Girl Scouts came in to tour the department and see Bishop. The girls gave a \$70.00 donation for Bishop. Chief Swartz wanted to thank them for their kind donation.

Engineer/Streets/Public Utilities – Service Director Dan Mayberry included a written report in the packet. Mr. Mayberry said he wanted to mention that pressure washing of the St. Helena II began today. Miller Pro Painting will be back in a few days to get the St. Helena painted.

Linda Zahirsky asked about the grit building. Mrs. Zahirsky said she thought that CTI was working on a concrete building. She said she was surprised to see that he was recommending going back to the same building that fell apart before. Mr. Mayberry said he had been speaking with the City Manager and it was decided to take a look at what the building would cost. The concrete building was very expensive and this is not necessarily a recommendation but just looking at what the cost difference would be. Mr. Cozy said the issue was you could spend \$200,000 on a small building that would have a life expectancy of 50 years, or \$30,000 on a building that would have a life expectancy of 15 years. It may be better to build a building every fifteen years that spend all the money. Mrs. Zahirsky said if you are going to let it collapse on your employees is a downside. It is a lot more expensive if it falls on your employees. Mr. Cozy said it would need to be depreciated out. Mr. Cozy said that the contractors that Mr. Mayberry is looking at, that one is specialized in building those types of buildings. He said he wanted to give Council the option to decide on all aspects. Mr. Mayberry said that they did meet with Lindsey Concrete. The cost from them would be \$53,000.00. That is just for the building, not any site work. Dan Mayberry said once all the information is in, we could go to public service and talk about it all. Sean Craney said he would like to see the final estimates on everything. Mr. Mayberry said these are all just estimates and they do remain quite conservative at this point.

Scott Svab asked about the repair on Locust Street in Mr. Mayberry's report and wanted to know if it was for the repair directly across from the Senior Center. Mr. Mayberry said yes and this was for a full depth repair. Mr. Svab asked if that was in capital or was this an extra appropriation. Mr. Mayberry said it was not in the capital but it would come out of repairs and maintenance in the water fund.

Mr. Cozy said he did mention that Dan and Mark Peterson met with Mr. Lytle and went through samples of aggregate for our chip and seal program. They went through slag and limestone samples. Mr. Cozy said he felt that Dan and Mark were doing due diligence with the chip and seal program this year.

Mayor Harbaugh asked what the status was with Lytle. Mr. Mayberry said he did sell his equipment, but he is acting as a consultant. Because of our relationship with Lytle over the years, he came in as a favor to us and brought samples of stone. We had acquired a few samples that we wanted him to look at and give us his general opinion. That was done as a gesture of friendship between the City and Mr. Lytle. Scott Svab asked what the consensus was on the slag, if it cost twice as much as what we were using. Mr. Mayberry said it is much more expensive and much more difficult to find. Most slag that they are using came from approximately 45 years ago and they are crushing and using it today.

Finance Director – Finance Director William Rouse said he did not have a written report at this time. The last few weeks the office has been busy with income tax returns, the transition of losing Kathy Snyder and absorbing her duties.

Mr. Rouse said he will have April financial reports at the next meeting. The framework is being put together for the financial forecast. Mr. Rouse asked for a finance committee meeting to cover the general fund, police fund, fire fund and governmental funds and a second meeting to cover the utilities.

City Manager – City Manager Mark Cozy included a written report in the packet. Mr. Cozy reported on an agreement with Lawrence Township Trustees for the acquisition and operation of tornado sirens. The agreement is different than what was proposed to Council initially. When the committee proposed it, the option to have the sirens set off automatically using the weather satellites was discussed. That option has been taken out and they will be turned on manually by the red center or the fire department. Mr. Cozy said he wanted to bring that to Council's attention due to problems or scenarios from other cities where there is a delay. The downside with the automation is sometimes they may go off when they do not need to because of the computer module. Mr. Cozy wanted to bring this to Council's attention; he is waiting for a return call from the Township Law Director.

Danny Losch said his concern would be that we are opening to human error. He would concur with the City Manager that this is an issue.

Held

20

**CITY OF CANAL FULTON
CITY COUNCIL MEETING MINUTES
Wednesday, May 7, 2014**

Fire Chief Durkee said he agreed. The automation is the best thing to do. He said he was told that the weather service did not want the responsibility. If they have something automatic, that may be the way to go. Chell Rossi said the way that the committee set it up that if the weather service activates the siren, then the fire department and the red center would be secondary.

Mr. Cozy said he felt that they needed to work through some issues before a vote.

Mr. Cozy stated that he, Dan Mayberry and Bill Dorman met with Clinton, Stark and Summit County Sewer Departments. The agreement has been changed. Initially the agreement was to be between Summit and Stark Counties. All we were doing is being reimbursed for any increases we need to make to our system to get to our plant. After some preliminary study it was determined that Stark County Sewer System cannot handle the extra sewage coming from Summit. So, they are going to run it into our lift station on Leaver Road, which means that Summit County is directly to Canal Fulton. We will make the money out of the capacity, but we would then have to hold the bag. We need to revisit the agreement now. There is some obligation on our part to obligate, but we need to make sure it is worth our while. We would double our reporting due to reporting to Summit County and Stark County. There is a benefit when we gain customers in Clinton, we would not see it right away and he is not sure if the benefit matches the cost. Mr. Cozy said this may be our chance to tell Stark County that we would do the agreement with part of the agreement being the school becomes our customer and we will make that revenue. Otherwise the deal is off. This is the way he is thinking. Mr. Cozy said he would like to meet with Dan Mayberry, Scott Fellmeth and Bill Rouse to go over the agreement again and come back to Council with a more solid recommendation.

Mr. Cozy reported that he met with Ceres Enterprises in regards to a Hotel proposal. A potential hotel proposal between the Exchange Building and the Warehouse on the Canal is being looked at. They took a tour among the buildings, met over lunch, and by the time they were done with lunch Ceres Enterprises called their architect to get a drawing.

The potential to apply for a transportation alternatives grant to start rebuilding our brick streets. Bill Dorman met with our street department staff and came back with a three phase project that would cost roughly \$3,000,000 to replace the brick in our streets. There are quotes to do it in three phases. With the Locus/Cherry project coming on right now and the grant for the sidewalks; Mr. Cozy said he would like to wait on this one.

Mr. Cozy distributed prints of banners to go downtown for the Bicentennial Celebration. Council decided that they would like to see both banners downtown. The banners will be alternated on the light posts in the historical district.

Mayor – No Report

Parks & Recreation Board – No Report

Law Director – Law Director Scott Fellmeth reported that the Civil Suit filed by Michael Mouse has been dismissed at his request without prejudice.

THIRD READINGS

None

SECOND 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)

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.

Mrs. Mayberry noted that she would like the Clerk of Council numbers checked. If you add the two percent the number looks too low. Mr. Rouse will check the figures.

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.

FIRST READINGS

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20

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Wednesday, May 7, 2014**

Resolution 11-14: A Resolution by the Council of the City of Canal Fulton, Ohio to enter into an Intergovernmental Agreement with the Board of Trustees of Lawrence Township, Stark County, Ohio, for the Installation, Maintenance and Operation of Outdoor Warning Sirens.

P.O.s

P.O. 9252: to DJL Materials and Supply, in the amount of \$8,200.00 for Crack Sealer for Road Maintenance

A motion was made to approve P.O. 9252 by Scott Svab, second by Nellie Cihon. All Council Members voted yes. Motion approved.

P.O. 9271: to Huntington National Bank in the amount of \$120,200.00 for Fire Station Bond Payments

A motion was made to approve P.O. 9271 by Danny Losch, second by Linda Zahirsky. All Council Members voted yes. Motion approved.

P.O. 9272: to Northstar Asphalt in the amount of \$5,220.00 for Repair (full depth) Locust St. at 1000 Locust St. SE, water main break.

A motion was made to approve P.O. 9272 by Nellie Cihon, second by Sean Craney. All Council Members voted yes. Motion approved.

BILLS

None

OLD/NEW/OTHER BUSINESS

Sue Mayberry asked for approval of minutes from the Public Service Committee Meeting from December of 2013. The minutes could not be approved due to lack of a quorum at that time.

A motion was made by Scott Svab to have the December 3, 2013 Public Service Committee meeting minutes approved, second by Nellie Cihon. Sue Mayberry, Scott Svab and Nellie Cihon voted yes. Motion approved.

Police Chief Swartz reported that former Police Chief Bob Zicafoose passed away. The department assisted in the funeral procession and a cruiser was parked at the funeral home during the two nights to watch over all services.

REPORT OF SPECIAL COMMITTEES

No Reports

CITIZENS COMMENTS – Open Discussion (Five Minute Rule)

David Legg 2045 Summer Evening Drive.

Mr. Legg wanted to address Council about the parking issue on Summer Evening. Mr. Svab said they were going to bring the issue to the Safety Committee. There have been several complaints about Mr. Legg's truck being a safety hazard coming off of the hill. Not only from a safety stand point, but aesthetic stand point. Mr. Svab said he took a survey but was not going to share the results, due to residents not wanting to get into a contest. Mr. Svab said he was unbiased and asked for opinions of residents. He said overwhelmingly that most people would be happy to not see the vehicle parked there. Mr. Svab said Mr. Legg had a right to have the vehicle on the roadway, whether the width is the reason or not. We cannot just say that we are going to outlaw a wheelbase width. It is an issue and it is our job to address the issues in the community.

Mr. Legg said there were condo association rules that state he cannot park his truck due to the number of wheels. They can file a law suit if it is parked in the driveway. Mr. Legg said in his opinion is was a biased against him. Mr. Svab said because of the condo association there is not ample parking. They are forced to park on the road. Mr. Svab said we can't park both sides of the road because of safety issues. This is in exploratory phase as far as what we could do.

Mr. Legg explained some history and said that the rule was passed during the closing phase of his purchasing the condo against six wheel vehicles to his knowledge. It is public parking and he can park in the street. He said he has spent a long time there essentially with them trying to kick him

Held

20

**CITY OF CANAL FULTON
CITY COUNCIL MEETING MINUTES
Wednesday, May 7, 2014**

out. He said he is friendly with most of his neighbors except for one that is constantly harassing him.

Doug Swartz stated that the department heads did get together and deemed this as a safety hazard.

A motion was made to have a Safety Committee meeting on May 20th at 6:00pm to discuss parking on Summer Evening by Danny Losch, second by Scott Svab. All Council Members voted yes. Motion approved.

A motion was made to schedule a joint Finance and Economic Development meeting on May 20th at 6:30pm to discuss a three year plan for the general fund and options available to enter into proposals or agreements for parks by Scott Svab, second by Sean Craney. All Council Members voted yes. Motion approved.

REPORT OF PRESIDENT PRO TEMPORE

Scott Svab introduced Ben Fierman from Reisenger and Associates. Mr. Fierman said they were a consulting and design firm headquartered out of Chicago. He represents their Ohio office out of Hudson Ohio. He was at the meeting to discuss the possibility of a collaborative development in regards to the YMCA board meeting. He has worked with Tim Shtetzer of the YMCA for many years on several projects. The essence of what they do is to find communities that have all of the variables, interest and motivation to create a community center that brings health, wellness, recreation, senior services and higher education together on one campus.

Mr. Fierman stated that he had been watching Canal Fulton for a dozen years thinking this is a perfect location for one of these projects. Consideration of building a freestanding YMCA has been brought to the City. Mr. Fierman said they have looked at the property and the property represents an opportunity for such a campus in town. Once they understood the interest in the YMCA they wanted to see if the City would pursue owning the project and making it a City campus. In doing so, we have the variable to attract a healthcare provider, elevate the nature and depth of senior services, significant opportunity for higher education and lots of opportunities. They submitted a proposal to reflect their thoughts about how the City might consider developing this. After they submitted the proposal Mr. Svab asked if he would be willing to come to answer questions in regards to Council.

Mrs. Zahirsky asked about health care facility. We donated public land. She said he was talking about private business going in on public land. Mr. Fierman said his suggestion would be donate the land, make health care your tenant. Make them generate revenue to the City. Mr. Fierman said healthcare creates a magnet for people. When you open that opportunity to a health care provider they are likely to pay a premium for that. This kind of center brings people naturally. When you add a senior center, now the health care provider has access to the seniors that need health care. When you add a potential YMCA, the seniors have services in the recreational facility again raising the healthcare to the provider. This would maintain an opportunity for the City to maintain ownership on it and have a revenue source from the tenants. He said this is an unusual concept for municipalities, but an emerging one.

Mr. Losch said he found the concept very appealing and attractive. Calling it a campus with a YMCA was very attractive. He is very excited to talk about this at committee meetings to see exactly what is in store.

Mr. Rouse said in the examples how are the construction costs for the medical centers financed? Would the City be expected to bond it out in any way? Mr. Fierman said possibly. He said it boils down to the specific project, participants and their request for financial contribution. There is no boiler plate for funding solutions. In collaboration development phase, they pull together potential collaboration partners. Once they are at the table, they form a steering committee of them and the City to go through a programming phase for a schematic design. With the budget in mind, they ask what the funding variables are at their disposal and what is the smartest best solution for the City.

Mrs. Mayberry asked who would oversee the project. Mr Fierman said they recommend a steering committee with significant leadership from the City, a senior leadership person from each collaborating partner and Reisenger and Associates. They recommend letting them to drive the process, run the meetings so that everyone around the table is a contributing collaborative partner. The City would retain all rights for decision making.

Scott Svab thanked Ben Fierman for coming to the meeting.

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 1014-65

Held


20

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CITY COUNCIL MEETING MINUTES
Wednesday, May 7, 2014**

ADJOURNMENT

The meeting was adjourned at 8:50pm.

Minutes Prepared by:



Teresa M. Dolan, Clerk

Minutes Approved:



Mayor Richard Harbaugh