

RECORD OF PROCEEDINGS

Minutes of

Meeting

Held 8.20

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CITY OF CANAL FULTON CITY COUNCIL MEETING MINUTES August 20, 2013

CALL TO ORDER

Mayor 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, Nellie Cihon, Paul Bagocius and Linda Zahirsky

Others Present: Police Officer Ed Harbaugh, Fire Chief Ray Durkee, City Manager Mark Cozy, Law Director Scott Fellmeth, Finance Director William Rouse, Service Director Dan Mayberry, Engineer Bill Dorman and Council Clerk Teresa Dolan.

Others Present: James Deans, Chell Rossi, Gregory Mayberry, Earl Minks, Joan Porter, Victor Colaianni

REPORTS OF STANDING COMMITTEES

Sue Mayberry reported that a Public Service Committee meeting took place prior to the Council Meeting. Items discussed included administration of sewer tap-in fees. There was a unanimous opinion to have legislation prepared and that strictly property owners will be responsible for tap-in fees. More information is needed to go forward with the process and the Committee will continue to discuss.

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

None.

CORRECTING & ADOPTING THE RECORD OF PROCEEDINGS

August 6, 2013

A motion was made to accept the August 6, 2013 meeting minutes by Nellie Cihon, second by Sue Mayberry. Paul Bagocius abstained, all other Council Members voted yes. Motion approved.

REPORTS OF ADMINISTRATIVE OFFICERS

Senior Citizens: No official report. Paul Bagocius noted that the Northwest Football team held a car wash which raised \$350 for the Senior Center. Mr. Bagocius wanted to thank the football team as well as the Coach for their efforts.

The Chicken Dinner also profited \$350. Mr. Bagocius stated that the Center is financially solvent.

Linda Zahirsky asked Mr. Bagocius if the Center had a business plan as of yet and Mr. Bagocius stated that no they didn't as of yet.

Community Service Coordinator: Included a monthly report in the Council Packet.

Sue Mayberry wanted to thank John Murphy for the great job that he and his summer workers did. Mrs. Mayberry stated that flowers looked nice and the light posts were painted.

Paul Bagocius stated that it was a mistake on his part not agreeing to fund the program and that he agreed that the job was well done and well worth the money put into it.

Fire Chief: Chief Ray Durkee stated the Explorers just attended a Burn Camp. Squad B had been out of service and now is fixed.

Chief Durkee asked for a voice motion to apply for a BWC Grant to purchase Powered Cots at a cost of \$29,000. The grant would pay for all but approximately \$7,000.

RECORD OF PROCEEDINGS

Held

20

~~CITY OF CANAL FULTON~~ CITY COUNCIL MEETING MINUTES

August 20, 2013

A voice motion was made to apply for the BWC Grant to purchase Powered Cots by Linda Zahirsky, second by Nellie Cihon. All Council Members voted yes. Motion approved.

A motion was made for the Safety Committee to meet on October 1, 2013 at 6:00pm to discuss the Living Together Arrangement by Paul Bagocius, second by Linda Zahirsky. All Council Members voted yes. Motion approved.

Mayor Harbaugh asked how the training center was coming along. Chief Durkee said it was coming along well and they hoped to have an open house very soon.

Police Chief: Included a monthly report in the Council Packet. Officer Ed Harbaugh was in attendance. Officer Harbaugh said that the Police Department was looking at purchasing a new copier. Linda Zahirsky asked if there was money budgeted for it. Officer Harbaugh said he would have the Chief talk to the Finance Director. The department wanted to make Council aware that their current copier is costing a lot for maintenance due to its age and it was time to move forward and look at a new one.

Engineer/Streets/Public Utilities: Engineer Bill Dorman reported that the Locust/Portage project will be starting Monday, August 26th. The first stage will be the milling of the street. There will be a meeting to discuss the grindings.

The Wooster Street Storm Sewer we have been talking about a couple of years. It was mentioned at the last meeting that we could go a different route that would not be on private property. The survey for that has been performed, so the next phase would be the engineering.

The Waste Water Treatment Plant Screening Project which we received a no interest loan from OPWC is scheduled to advertise the first time on August 24, with bids coming in mid-September.

Mr. Cozy asked about the OPWC grant for the Locust/Cherry intersection project. He asked if we wanted to make an application for it this year. Mr. Dorman said we could. At one time it was talked about waiting until the Engineer was on board to have some preliminary design information. We may be able to submit what we have. Mr. Cozy asked if we would be off schedule if we did not apply. Mr. Dorman said yes. Mr. Cozy said the grant is due in the middle of September, and that required legislation from Council.

There was a voice motion to apply for an OPWC grant for a local match for the Cherry/Locust Intersection Project by Scott Svab, second by Nellie Cihon. All Council Members voted yes. Motion approved.

Scott Svab asked if the Smail's Pond could be looked at for a grant. Mr. Dorman said yes we could and he could put the application together. The cost estimate would have to be updated.

A voice motion was made to research and apply for the OPWC grant for the Smail's Pond project, second by Linda Zahirsky.

Mrs. Zahirsky asked if that would affect the first priority. Mr. Cozy said he would designate priority on the two applications.

All Council Members voted yes. Motion approved.

Service Director Dan Mayberry reported that the Wooster Street Storm Sewer additional survey work has been done with a purchase order reflecting that.

Mr. Mayberry said that CTI will be meeting with Mark Cozy and him to discuss particulars on Clinton through Summit County connecting to Canal Fulton sewers.

Linda Zahirsky asked Mr. Mayberry about the current Chip and Seal program. She asked Mr. Mayberry at the point he realized we had an absolute fiasco with the gravel, at that point, why didn't they stop the project, stop buying from the supplier, and go with better gravel. Mr. Mayberry said the bulk of the chip and seal took place on August 5th and 6th and to a lesser degree on August 1st. He said he didn't really start receiving complaints until after the 5th and 6th. The personnel did not notice through the gravel box and handling the material, they did not notice anything remarkably different than from other past chip and seals. It is obvious that it is dirtier, but the material is somewhat damp. They did visit the supplier's

Held

20

CITY OF CANAL FULTON
CITY COUNCIL MEETING MINUTES

August 20, 2013

yard prior to using the gravel, due to it being the first year using the vendor. They were several dollars cheaper. Mrs. Zahirsky said she hoped we never used them again. Mr. Mayberry said the township had used them much earlier as their supplier. Later on towards the end of their program they have not received a lot of complaints, but there was nothing extraordinary to them that was alarming. Mrs. Zahirsky asked if he saw it. Mr. Mayberry said absolutely. Mr. Mayberry said there was a lot that could be done in the future. One item would be to purchase the gravel well in advance to stockpile. Mrs. Zahirsky asked why we couldn't use limestone. Mr. Mayberry said it would have been about \$15,000 additional for limestone. We purchased our limestone for \$5,000.

We spent roughly \$55,000 on chip and seal and a lot of that was for the asphalt compound. The other thing that we learned that Lytle Construction's gravel box can be changed to suit on the fly. The one we used this year was a manual one. The gravel box we used this year covers an eight to ten foot width. Lytle covers up to twenty feet.

Danny Losch asked if we were documenting cost with doing projects together with the township. Mr. Mayberry said yes we did.

Paul Bagocius asked said he would like to echo what Linda said. He wanted to know what we were going to do to ensure that this never happens again. Mr. Mayberry said that chip and seal was becoming more popular in Ohio with asphalt prices rising like they are. We could stockpile our gravel early and get it analyzed to meet the minimum specifications of the state.

Mark Cozy stated that he felt we could afford \$15,000 in the budget and thought are citizens were worth the extra money. Mrs. Zahirsky agreed.

Finance Director: Finance Director William Rouse said he did not have any financial reports to share; he will have reports next meeting. Financial Audit is winding down and in reviewing the results the audit looks very favorable.

The tax budget is filed with the county about two weeks ago, well ahead of the deadline.

The official budget process is intended to begin with department heads within the next two weeks. The target is to present to finance committee the preliminary budget within a month or so.

Sue Mayberry asked about the health insurance and notification of rates. Mr. Rouse said that there had been meetings with several brokers and we are moving in that direction. Based on what we are hearing initially, because of the affordable care act, he thought it was safe to say that we should expect some hike in our rates.

City Manager: Included a monthly report in the Council Packet. Mark Cozy stated that he would like to promote Gary Hosking in the Street Department to Skilled Laborer affective this pay period.

Mrs. Mayberry asked about the sidewalk grant for Locust. Mr. Cozy said that there is a three year cycle for the grant and he is hoping for the grant this year. July of 2015 will be the next time the grant can be applied for.

Mrs. Mayberry asked about the July 16th meeting when Mayor Harbaugh had discussed the issue regarding the canal being down water wise. It was stated that Mr. Cozy and the Mayor were going to speak to the Commissioners regarding the reason for the no trespassing signs near the feeder. Mr. Cozy said that correspondence has been passed to Stark Parks and they are trying to come up with a solution. Stark Parks' maintenance person has left and the new one not hired. It is anticipated once the new person is on line we are hoping to work something out to gain access.

Report of Mayor: Mayor Harbaugh reported that the Civil Service Chair had turned in his resignation. Mayor Harbaugh asked Council to let him know if there were any recommendations.

Parks & Recreation Board: No Report.

Law Director: No Report.

Held

20

CITY OF CANAL FULTON
CITY COUNCIL MEETING MINUTES

August 20, 2013

THIRD READINGS

Resolution 18-13: a Resolution by the Council of the City of Canal Fulton Ohio to Enter into a License Agreement with the City of Canton, Ohio, the Stark County Sheriff and the Board of the Stark County Commissioners

A motion was made to pass Resolution 18-13 by Linda Zahirsky, second by Danny Losch.

Paul Bagocius asked what the total cost of this was. Scott Svab said it \$335.00 monthly. Paul Bagocius asked if it would be paid for year after year after year. Ed Harbaugh said we were a test site and were paying no cost. The system is requiring more maintenance so now we need to pay for it. All departments in the County can be on the same system

All Council Members voted yes. Motion approved.

SECOND READINGS

FIRST READINGS

Resolution 20-13: A Resolution by the Council of the City of Canal Fulton, Ohio to enter into a subsidy agreement with the State of Ohio, Department of Natural Resources, Division of Wildlife.

A motion was made to suspend the rules by Linda Zahirsky, second by Nellie Cihon.

Paul Bagocius asked if there was a time issue that we needed to suspend the rules. Mr. Svab said it was already awarded we just need to accept it. Paul Bagocius asked Mr. Fellmeth if it was legal to suspend the rules. Mr. Fellmeth said if Council wishes to do so. Mr. Fellmeth said we could have three readings, but he saw Mr. Svab' point to suspend it to expedite the process. Mr. Bagocius said that Mr. Fellmeth usually liked to have a valid reason for suspension. Mr. Fellmeth said that was correct. Mrs. Cihon asked why keep it on the table if we already had it. Paul Bagocius voted no. All other Council Members voted yes. Motion approved.

A motion was made to pass Resolution 20-13 by Linda Zahirsky, second by Scott Svab. All Council Members voted yes. Motion approved.

P.O.s

P.O. 7933: to Huntington National Bank in the amount of \$10,906.25 for debt service payment.

A motion was made to approve P.O. 7933 by Sue Mayberry, second by Nellie Cihon. All Council Members voted yes. Motion approved

P.O. 7941: to CTI Engineers, Inc. in the amount of \$14,400.00 to provide professional engineering serviced during bidding, contract review and construction phase of WWTP Influent Screening.

A motion was made to approve P.O. 7941 by Nellie Cihon, second by Scott Svab. All Council Members voted yes. Motion approved.

P.O. 7947: to Lytle Construction in the amount of \$4,288.85 for CRS-2 Tar for Chip and Seal

A motion was made to approve P.O. 7947 by Scott Svab, second by Sue Mayberry. All Council Members voted yes. Motion approved.

P.O. 7950: to First Merit Bank in the amount of \$10,290.97 for First Merit Lease Payment for 2012 International Chassis Cab

Held

20

~~CITY OF CANAL FULTON~~
CITY COUNCIL MEETING MINUTES

August 20, 2013

A motion was made to approve P.O. 7950 by Nellie Cihon, second by Sue Mayberry. All Council Members voted yes. Motion approved.

BILLS - None.

OLD/NEW/OTHER BUSINESS

A motion was made by Paul Bagocius to authorize the Clerk of Council to formulate a one page part of the City Newsletter for the purpose of having candidates listed and perhaps answering one question so that the public will better understand where Council candidates are coming from, second by Sue Mayberry.

Paul Bagocius said the newsletter goes out to all residents who are on the water and sewer bill. One of the purposes of the newsletter is to educate the community. Mr. Bagocius said he can see one page of the newsletter, where candidates for City Council are listed by name, address, education, past experience or job experience and then answering one question that would say something to affect to why you are running for City Council. You could limit it to 100 words or less. That information would go to all the residents and would be another piece of information that the residents could use in making the decision on their voting choices. Since it would be no additional cost it would go out as a part of the newsletter itself. Not just for this election but any election for an elected official.

Linda Zahirsky said stated that her comment was that the newsletter has never been used for political purposes; at least they have tried to make sure it has not been used for political purposes. We have two regular newspapers that serve the community that does that function. If people respond to the questionnaires they get from the Repository or Massillon Independent. Mrs. Zahirsky said she was a candidate and was not going to vote for it. She said she would be asking the City spend tax dollars to get her voice out there. Mrs. Zahirsky said it was a total conflict of interest.

Nellie Cihon said she agreed with Linda. Mrs. Cihon said she felt that it was using the newsletter as free publicity, when the taxpayers are paying for it. Mrs. Cihon said she did not feel that was right.

Mr. Bagocius said he did not see it as a political issue. All the candidates would be represented. Mr. Bagocius said he sees it as an educational piece, rather a political piece.

Mrs. Cihon said they were having a meet the candidate night in October at Chapel Hill on October 16th. Mr. Bagocius said based on his experience on candidate night, other than family that shows up or familiar faces that you always see, not too many new faces are there. Mr. Bagocius said as far as the newspapers, they do not put that in the paper sometimes; they put it on line now. Their readership is way down. That is not really the viable conduit it used to be. Again, he does not see it as political; he sees it as education and information to the citizens. It gives none of Council any more advantage then it would give a non-council person, because they would be part of the process.

Mrs. Mayberry stated that she understood where Mr. Bagocius was coming from. There are six people that are running, so the City is giving information on four out of the six. Mr. Bagocius said that six would be represented. All six candidates would have a short profile. Mrs. Mayberry said she did not have a problem if all six were in.

Scott Svab said he thought Mr. Bagocius had good intentions, but he was going to vote no on this, because he sees it as who is going to edit it. If someone says something inflammatory or off the cuff, who is going to be the sensor and the final say in editing.

Danny Losch said he witnessed some issues in candidates trying to campaign in their time there and it was really no different than someone trying to campaign at City Council meetings. It is City property, so he could not support it.

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held

20

CITY OF CANAL FULTON CITY COUNCIL MEETING MINUTES August 20, 2013

Vote is as follows: Danny Losch – No, Linda Zahirsky – No, Scott Svab – No, Sue Mayberry – Yes, Nellie Cihon – No, Paul Bagocius – Yes. Motion fails.

Mr. Bagocius said he wanted to make a statement and say that he was pleased that Council defeated the ordinance for raising salaries.

Scott Svab said he was interested in doing a Hunter Education Course that is certified by ODNR. He wanted to ask Council if he needed to ask to use the Canalway Center. It will be a one day event, possibly November 2nd with a class size of 15-20. There would be no cost. ODNR sponsors all of the class.

A motion was made to ask the Park Board to waive the rental fee to the Canalway Center for a Hunter Safety Course on November 2nd, 2013, second by Nellie Cihon. All Council Members voted yes. Motion approved.

REPORT OF PRESIDENT PRO TEMPORE

A motion was made to hold a Personnel Committee meeting to discuss wages for the upcoming year and the Clerk's wages on September 17, at 6:00pm by Linda Zahirsky, second by Scott Svab. All Council Members voted yes. Motion approved.

REPORT OF SPECIAL COMMITTEES: No Report

CITIZENS COMMENTS – Open Discussion (Five Minute Rule)

James Deans announced that the Friends of the Library will have their Meet the Candidate Night on October 16th. This will be advertised all over town.

Victor Colaanni – 720 Redwood Drive – He said he may have some appliances for the Senior Center. He was told to speak to the Senior Center Director.

Mr. Colaanni then spoke on the Chip and Seal program. He said he was not a fan. He asked how streets were picked and felt that some streets did not need done. Mr. Colaanni stated that limestone was not that much more. Mr. Colaanni stated that a house was not pursued due to the chip and seal. He was also concerned about health issues with the dust.

Bill Gasser – 1470 Reed Street – Mr. Gasser said that at least all the same material was used on the streets, that they did not put good gravel down some places and bad gravel in others.

Earl Minks – 607 S. Canal – Mr. Minks stated that he would like to see more benches down by the post office on Canal Street.

Sue Mayberry said she wanted to add to Old and Other Business that the Edgar Allen Poe Event held in the downtown area was very successful. There were about 160 people there and it was a nice use of the facility.

ADJOURNMENT: The meeting was adjourned at 8:40pm.