

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

**July 2, 2019**

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **REPORTS OF STANDING COMMITTEES**
5. **CITIZENS' COMMENTS – AGENDA  
MATTERS (Five Minutes per Individual – No  
Yield)**
6. **CORRECTING & ADOPTING THE RECORD  
OF PROCEEDINGS**  
  
6-18-2019 Safety Committee Meeting Minutes  
6-18-2019 Council Meeting Minutes
7. **REPORTS OF ADMINISTRATIVE OFFICERS**
  - o Senior Citizens
  - o Community Service
  - o Fire Chief
  - o Police Chief
  - o Engineer
  - o Streets
  - o Public Utilities
  - o Planning/Zoning
  - o Finance Director
  - o City Manager
  - o Mayor
  - o Parks & Recreation Board
  - o Law Director
8. **THIRD READINGS**
9. **SECOND READINGS**
10. **FIRST READINGS**
11. **P.O.s**
12. **BILLS**
13. **OLD/NEW/OTHER BUSINESS**
14. **REPORT OF PRESIDENT PRO TEMPORE**
15. **REPORT OF SPECIAL COMMITTEES**
16. **CITIZENS COMMENTS – Open Discussion  
(Five Minute Rule)**
17. **ADJOURNMENT**

**Safety Committee Meeting  
June 18, 2019 at 6:30 PM  
Meeting Minutes**

In Attendance: Committee members – Bonnie Donaldson, Chair; Dan Bucher Jr., Eric Whittington, and Danny Losch.

Also in attendance: Mayor Joe Schultz, Finance Director Bill Rouse, City Manager Mark Cozy, Council Members Sue Mayberry and Scott Svab, Chief Douglas Swartz, Officer John Barabasch, Steve Peroz, Chell Rossi, and Carla Rante

**Towing Operations of Police Department**

*Mrs. Donaldson calls the meeting to order at 6:30pm.*

Mrs. Donaldson says Chief Swartz wanted to have Safety Committee to meet to discuss the restructure of the Police Department Towing Operation. So, at this time I'm turning the meeting over to you.

Chief Swartz says so like Don was telling me just every year this comes up, towing, for on reason or another just is an issue. We've always talked about re-vamping the way we do it, we've actually put some things, some steps in order to do it and had some things lined up and they fall through. This is just the first step to do those properly. It has to go through a committee, if we take some certain directions it has to go through Resolutions, you know support of Council and whatnot. This is the first step is to provide you the information and to see what kind of direction Council would like to move with this. So, I handed out a packet full of some information, I can't guarantee these are in order, my 8 and 10-year-old helped me about an hour ago and there were a few altercations during that. But the one thing at the very beginning, I don't want this to look, to appear as just a money grab, but I think you have to look at the financial part of it so that you're not heading into a product that's going to be losing money and for that reason I wanted to look at that. On the second page I listed some goals, just to streamline the process for somebody picking up a vehicle, and what I mean by that is currently you have to go to the tow company and then go to the Police Department, go back to the tow company and it's just an inefficient way of doing it. To keeping management operation, impound lot time to a minimum for whomever is operating it, if we were to go that route. Ensuring fair fees and rates are applied to all vehicle owners. As it stands now, we tow a vehicle and that's the last we see of it, we don't ever know what happens with the bills, it's just gone and I would like to change that. Safeguarding all the property ordered impounded by the PD. Keeping better records, management systems, all vehicles ordered impounded by the PD. So, with that one, when we were trying to put this all together, we're like well how many cars to do we tow a year? And trying to get information from the tow company and they estimate 10, 11, 12, I called dispatch and said what are your logs, and they said well we have like 15-16. Well John went through every report last year and found that we towed 95, so that's the only way for us to keep track of our towing is to mainly go through there. So, during this revamping I have an idea to kind of help with that and also reducing liability and citizen complaints from vehicle owners.

So, on the next page like I said we don't want to do anything that's going to jeopardize our funds or make it harder on us. Just as I was looking at this some other Chief was looking at this in the State of Ohio and he sent out a text-all that said hey if anybody has any information on impound lots can you send it to me and these are all the people that sent stuff and I asked could you please just send it to me. For example, Niles PD, their revenue is \$98,000.00 but they tow 630 cars a year. So, it kind of just averages out to about how many cars they towed and what was their revenue. With Niles PD they make \$156.00 per car. New Bremen is a very small Police Department and they gave very vague information but taking what they've given it was \$59.00 per car. Portsmouth \$143.00. Cincinnati, million-dollar revenues, \$139.00 per car. Bellefontaine was a deficit because they have to rent their facility from somebody. Ironton PD, they didn't provide that. So just based on the people that responded, averaging that is out is \$125.00 per car that they bring in. So, I feel comfortable saying that just with our situation this wouldn't be a losing position and we're not going to have to pull from the general fund to support this project.

Mrs. Donaldson says and we have a facility we're going to put it? Chief Swartz says right. The way we're doing this before it was really hard for us to figure out where we were going to do that but once the Street Department opened up operation over there it just kind of makes it, like Louisville PD wanted to do their own, they looked at it but it was too much money because they would have to develop the land, the buildings and they just didn't have a facility so they scrapped the whole idea. We have the building, we have the lot, we have the security cameras already there, we already have the lighting, the only thing that we would need is fencing to start it up. So, and then, Steve is here too, Steve is an integral part of this process too, we have somebody that, just everything is just kind of in our favor in that area, you can read to through that if you want. If you go to this is the document, the tow list, that support the 95 cars.

The next page is where we started back 2 years ago, we were trying to figure out what we were going to do and this is what Dale, the owner of Pro Towing scratched down on a piece of paper and said this is what we can do, this is what would be fair and wrote this out. So this would be not having a tow lot, this would be what the companies would pay the Police Department because we do a lot for the tow companies, we search BMV titles, we send certified letters, stuff like that to get their titles when cars are left there and whatnot and Police Departments as you'll see later, charge administrative fees just for those duties. Not to say this is what I want to do but this is what he said he would be in favor of supporting, like this was his idea to go forward. Mrs. Mayberry says this is what he gave for what we're going to go forward with. Chief

Swartz says no, this was 10 years ago. Mrs. Mayberry says oh this was 10 years ago. Chief Swartz says yeah this was something he wrote 10 years ago and it just never kind of advanced to the point, and mostly because of the facility down there. Mrs. Mayberry says so this is what you've been using. Chief Swartz says we don't have a contract currently, we don't have anything in place and that's where we need to just to get to. Mrs. Mayberry says so where are the cars going. Chief Swartz says Pro Towing, so we arrest somebody and like I said earlier, the car leaves and we just never see it again. The only time we see it or are involved with it is when somebody comes to the Police Department and wants their license plates and everything off of it so the Judge will give them a piece of paper and they'll bring it to us, we'll give them their license plates and then they have to go back down to Pro Towing and get their vehicle. Mrs. Donaldson says and where is Pro Towing? Chief Swartz says Erie and Butterbridge. When we first started the contract with them, they were out by Subway and then they moved outside of the City, some contracts say you have to be in the City, but they are close enough. I feel like they are in our community down in that area so that's fine with me. Mayor Schultz says prior to this it was Skipco who handled out towing force.

Mr. Losch says so you were talking about the old maintenance garage for this? Chief Swartz says right. Mayor Schultz says no, we're talking about the new maintenance garage. Chief Swartz says oh, before, prior. Mr. Losch says your talking about putting it at the new maintenance garage. Mayor Schultz says right. Mr. Losch says in the back there. Mayor Schultz says right. Mr. Losch says ok so I just want it kind of look at this from a bird eye view, if you do 95 cars a year you're looking at about \$8750.00, that's probably what it's going to cost you to put the fence up, so the first year the potential is to pay for a fence then correct? Chief Swartz says right. Mr. Losch says now who is going do the towing. Chief Swartz says Dale, he is going to tow to the lot and then he'll charge \$100.00 per car towed there and then they are out of it. Mr. Losch says ok so are you going to plan on putting any kind of the daily charges. Chief Swartz says yes, that's common, Mr. Losch says I know it's common but what is that number. Chief Swartz says well that's what we are going to get to here in a minute. Mr. Losch says ok, I didn't mean to jump the gun, I just want to get the whole big picture.

Chief Swartz says so I looked around to see who's doing what in our area and all the big cities have their own tow lot. The Village of Hartville, the Mayor and I went over to their facility and looked at their operations and they are very happy with their process, it would be very similar to what we are doing. The main advantage of Hartville is, several times we'll have an opportunity to forfeit a vehicle, so if a vehicle is forfeited to the Police Department instead of it collecting storage fees at the impound lot and then you having to make up that difference you can have that vehicle on your own lot and not have to worry about those fees. Now the debate on whether the tow company would forgive those fees or not but, in the past, we have been fortunate enough to have that kind of relationship. Anyway, it would be easier to have our own impound lot for that reason. With theirs you can see what their fees are on the list on this one that's a half page, they have impound fees. Mr. Svab says this is a hypothetical if a guy say has a \$2,000.00 car and he is in there for 90 days, couldn't get it out and it exceeded his storage fees, what are you using now, exceeding the value of the vehicle. If he forfeits this vehicle and says I don't want it and they take it over, does he still go after him for the balance. Chief Swartz says no, he comes to us and he takes title of the car but he's got to go through us to file. Mr. Svab says settle up on. Chief Swartz says yeah and all that. Mr. Svab says I wonder if he could go after the guy for the balance of it, you know what I mean, storage or \$30 a day and it exceeds 90 and he says just take the vehicle and then he goes you still owe me another \$400.00 on the storage. Chief Swartz says well typically what it usually is, is it's a junker car, so like worth \$300.00 and then they say hey your bill is \$500.00, the guy leaves it and then he goes and scraps it, but you're usually not going to get any money out of that person. Chief Swartz says John do you have anything to add?

Officer Barabasch says I have a couple things to add if that's ok. Just a little bit of history about this whole this, what the Mayor had said a long time ago, towing was split actually 3 ways, it was split between Dale at Pro Tow, Skipco, and then I think Ryan Nicholson had a tow company and they were on a rotation and that is very common when there's multiple companies like within a municipality instead of just giving it to one person they go on a rotation. That's how it was for years and years and years. We had some issues, one of the things that came up we like put it for a forfeiture of a vehicle so that's money that comes back to the City for whatever the crime, initial crime may be and it was like a car that was worth \$4,000.00, it's like ok we get \$4,000.00. But in that process, through the court process it takes several months so then when it was like ok yeah you guys got the vehicle throughout the crime it's forfeited to you, you know cool go get it. We go down to pick it up and its like ok you have \$4250.00 in storage fees that you have to pay us first, and it was like what the heck. Things kind of, you know we were like we've got to come up with a better system than this. This was about 11 years ago, so Skipco was like honestly, we're too busy doing our own thing, we have trucks out doing other things doing other things all day long, you know we can't commit to having tow trucks in the City all the time. So, they wanted to just get out of the Police towing business as it was, so that's where it came to Pro Tow would be the sole towing company for us. So, at that time, Dale was like hey we can work out an arrangement here, these fees here have gone up quite a bit, you know over the past 10-11 years, We should do this, that way we can work out a deal since I'm the sole guy I give back to the City so you guys get a piece, I get a piece, its basically free money coming in to them. They do a great job, Dale does a great job, his guy Jimmy that runs the tow truck, awesome guy, he really busts his butt. But this stuff never came about, like here's a good idea, yeah that sounds like a good idea but it never happened, we weren't getting anything back. So, then we've deemed it "the file", "the file" every single year for 11 years has wound up on my desk like somebody starts bringing up the idea and then I come into work and there's this towing file, hey we need to look into this, what are we going to do with this, ok cool, start looking into it, make phone calls, talk to everybody, yeah this sounds like a good idea, alright cool. Next year file is back, 11 years, 11 years now so when hit my desk this year I just asked the Chief, hey can we just once and for all put this thing to bed, like find out whether we're just going to forever keep on doing it the way we're doing, do our own thing, or go back to the initial contact that Dale drew up and just make that come to life now. But either way can we just follow through with it once and for all to just get it done, instead of just beating a dead horse every single year,

over and over again. So, I appreciate you Chief for actually bringing it this far and taking it, whichever way it goes is good with me as long as I don't have to see "the file" next year.

Mrs. Mayberry says is "the file" and the work involved with it what was like the curse of "the file"? Officer Barabasch says well it was just the original file. Mrs. Mayberry says what is it going to cost time-wise in administrative, who does what, who takes the car in, who processes the money, who does all the pieces parts so it works for you guys. Chief Swartz says the accounting is a nightmare, so I found, if you want to advance to the first page that says Swift. There is an app that I found that is exclusively a towing app and \$500.00 as initial cost and this is if we went our own direction and had our own impound. When people get their cars towed, we give them information to pay the impound fee online through this app and so this app, the Officers will go out on scene and do the tow sheet on this app, and take pictures and catalog everything. This is the tracking process I was talking about, no longer is there a tow sheet jammed with 5,000 reports, it's all online and as you go through it shows you the different dashboards that it has. So, like I was saying earlier we have to generate a letter and send out certified letters to the owner when its been sitting there for so long, this app will generate that letter for you. All we have to do is point it out and mail it and then on the next page it gives a property owner/manager dashboard. This just kind of shows you what is available for tracking all this so you can see it on one application down to what parking spot its in. Mrs. Mayberry says who would do this. Chief Swartz says that's what Steve is here for. Steve is our zoning guy; he'll be in his office at the Water Department. He would be running most of this. Mrs. Mayberry says now what if he's not there? Chief Swartz says it would be just like a tow yard, there would be a phone that says hey call this number if you want your car back. Mrs. Mayberry says so the car would get towed to our lot and then if someone's there, Steve's there, then he could start the processing of it. Chief Swartz says so what Steve would do is he would get in the app and see that they paid. Mrs. Mayberry says who would take the money. Chief Swartz says they would pay online. Mrs. Mayberry says oh, so everything would be done online, what if they can't pay online? Chief Swartz says we would just take a check or something or work with them. Mayor Schultz says I believe they pay cash Sue. Mrs. Mayberry say and who do they give the cash to? Mayor Schultz says right now its Pro Towing that handles everything. Mrs. Mayberry says oh so Pro Towing would get the money? Mayor Schultz says that's what has been in the past, or currently. Mr. Losch says and if the car gets towed in late at night and stuff like that Pro Towing would have the access keys to get in the yard and drop it off so Steve doesn't have to be there. Chief Swartz says right. Mr. Losch says just during regular hours if someone wants to get their car during the day, he will be available for that. Chief Swartz says right. Mr. Losch says and either they pay it online or they stop down before 5 o'clock and pay it there. Chief Swartz says the only part is that he doesn't work on Fridays so we would have to increase his hours on Friday, give him 6 more hours to be available for that so we can have it listed that Monday through Friday between these hours you can get your car. Mrs. Mayberry says that's another piece to the puzzle. Mayor Schultz says the year after your initial cost, depending, we've gotten estimates on the fencing but and it depends on how big of an area you want enclosed in the fence, but the year after the initial cost then hopefully the revenue would offset any increase cost. The biggest thing is we're providing greater service to our residents by having Steve work on Friday because now when someone needs a permit for a shed or a fence or swimming pool, he's there if a contractor needs to come in for questions about zoning issues or things like that, right now Steve's only available 4 days a week, which would be providing better service to the City.

Mrs. Donaldson says I have a question, we're hearing all the good things, is there anything bad you can tell us. Chief Swartz says headaches, more headaches. Mrs. Donaldson says I know we have them now, I'm saying is this going to alleviate all of that, is there really anything bad? Chief Swartz says I believe in my opinion I just think it will be more efficient and I know why bigger departments that get more cars do this, is because everything you know tow yards everywhere, not knowing where vehicles are, and people complaining. Mrs. Donaldson says you're right, they don't know where to go, you're right. Chief Swartz says it solidifies everything, it's more work on us but it solidifies everything and makes it more efficient. Mrs. Donaldson say well its money making, hopefully. Chief Swartz says if there is a positive revenue at the end that it could go on our capital projects you know when we are trying get a new cruiser or a new computer or something like that. Mrs. Donaldson says even if we break even it's still better for our residents so that a plus right there.

Mrs. Mayberry says now will the hours of Steve on that Friday be earmarked to a different fund. Mayor Schultz says that more of an accounting question for Bill. Mrs. Mayberry says right but I mean if him doing that job gives a revenue to the Police Department. Mrs. Donaldson says yeah but he's not going to be doing that, maybe he won't do anything on Friday except for... Mayor Schultz says zoning. Mrs. Donaldson says yeah zoning things. Mrs. Mayberry says well yeah but that would be on a time sheet, I'm not sure how they would have that. Do you ever have irate people come to, you know, what if somebody gets a little hostile about stuff. Chief Swartz says we do that now, I mean with Skipco and I don't really know about the Township because Dale's in the Township, I mean that is a common. Really Skipco is more of a repo so they take the car when they don't want, their car gone, this is more hey you just got arrested for DUS or driving under suspension so its more of a, they know. Mrs. Donaldson says it a criminal offense. Chief Swartz says its not like they're looking out their house and seeing it go down the road. It's less frequent on the police side of things. Mayor Schultz says Canal Days would be a big time of the year when Dale has been very busy with people parking illegally and getting their vehicles towed. The other thing we want to point out is we wouldn't be taking wrecked vehicles, you know if a vehicle is in an accident Dale tows it to his lot because we are going to have damaged, all the cars we would have out there would be cars that should be running. Mr. Losch says well don't have that be a deal breaker, for 95 cars a year we don't have to have a full-time guy on Friday, its not absolutely necessary, but I understand the perk to have him there on Fridays but for 95 cars, they can get their cars Monday through Thursday and that's it. Chief Swartz says I think we have to abide by Ohio Revised Code. Officer Barabasch says that Ohio Revised Coed sets standards from when... Mr. Losch says it has to be available Monday through Friday, ok. Mrs. Donaldson says ok, that settles that one. Mayor Schultz says Hartville, like when we went over and looked at theirs, it was, it's a Village and they basically have the same set up we do where you have a

maintenance garage and then they just put up a fence on I think 2 sides is there. Chief Swartz says I think there was 7 or 8 cars in there. Mayor Schultz says they had 10 cars. Mr. Losch says what was the quote on the fencing, how big is the area? Mayor Schultz says that's what we don't know because we were looking at different sizes and different scenarios until we went to look at Hartville, and saw actually how small theirs was because the other thing we were looking at is fencing an area for our equipment that is not fitting inside the maintenance building right now, where our trailers, we have a big 16-foot trailer that we haul the mowers around on and right now that's just sitting outside a lot of times. So, we would be looking at getting estimates to have it big enough to include that equipment that right now is just sitting out in the open over there. Mrs. Mayberry says it doesn't fit in the building, it's a big building. Mayor Schultz says it is Sue. Mr. Cozy says its big trailer to move it around, if the trailer sit outside it doesn't hurt it so you're better off having an enclosed yard/lot. When I worked at Jackson years ago, that's kind of how they handled things, they would, there was wrecked vehicles, impounded vehicles in the yard along with equipment back in the yard. I'm not sure how they do things now but that's how it was done back in the 80's. Chief Swartz says so that is the conclusion of it, so where we go from here is basically, I feel that it will make things more efficient for us, in tracking purposes and the app and just professionalize things. My thought is to go forward with this project but part of this will have to be a Resolution from Council to approve it, we'll have to adopt some language and stuff like that. Mayor Schultz says I think we have Hartville's language in there. Chief Swartz says yes, we have Hartville's in there. Mr. Losch says so has the Law Director had a chance to review any language on it yet? Mayor Schultz says no, like I said we're just we want to introduce it to you and let you digest it and come back with questions. Steve did a lot of work; John has been dealing with this for years and Doug has really put in his effort contacting other departments. Mr. Losch says so that file is going to turn into an app John. Officer Barabasch says it can only follow me for a year and a half and it will be some else's. Mrs. Donaldson asks if there are any other questions.

*Mrs. Donaldson adjourns the meeting at 6:58pm*

**Meeting minutes prepared by: Carla Rante**

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**Meeting minutes approved by: Bonnie Donaldson, Chair**

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**CITY OF CANAL FULTON  
CITY COUNCIL MEETING MINUTES  
June 18, 2019**

**CALL TO ORDER**

*Mayor Joe Shultz called the meeting to order at 7:00pm.*

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

Council Members present were Mayor Joe Schultz, Dan Bucher, Jr., Bonnie Donaldson, Sue Mayberry, Danny Losch, Eric Whittington and Scott Svab.

City Staff present were Law Director Scott Fellmeth, City Manager Mark Cozy, Finance Director William Rouse, Police Chief Douglas Swartz, and Asst. Fire Chief Ray Greene.

Others in attendance were Carla Rante, Chell Rossi, Wendy Kertesz, Joan Porter, Lance Priest, Victor Colaianni, Molly Gearhart, Jerreme Gearhart, Joshua Lorenz, and Greg Peterson

**SWEAR-INS – POLICE**

Lance Priest

Mayor Schultz says we are going to call Lance Priest up here. Lance would you please come forward. Chief would you tell us a little bit about him before.

Chief Swartz says he is homegrown and he's growing pretty good, he is pretty tall. We have always done better with homegrown officers and we have been trying to steal him for a few years. Everywhere you go people have such great things to say about this guy. So much so that I don't think I've ever had this many corners of people saying such great things, he has an Accounting Degree, so I'm just kind of worried about my job to be honest with you. We are so proud to have the chemical make-up that we have on our Police Department and he just really fits right in with this group and maybe brings it up a notch in professionalism, so we are happy to have him here.

*Mayor Swartz swears in Lance Priest.*

**A motion was made to approve the Police Department swear-in by Dan Bucher, Jr.**

**Second by Danny Losch.**

**All Council Members vote yes. Motion approved.**

**REPORTS OF STANDING COMMITTEES**

Mrs. Donaldson says we had a Safety Meeting, Chief Swartz passed out a handout and said that towing has always been an issue and we are thinking if it is a possibility of us having our own tow yard and there's an app online that would handle everything. We're going to go from here, he said he would need a Resolution for Council but we just, this is the beginning stages of it.

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

Victor Colaianni / 720 Redwood Ave.

Mr. Colaianni says he is on the Northwest Local Schools Board of Education and regarding Ordinance 15-19 for the re-zoning of the land. Just to let you know our Board has spoke about the project that Wendy is proposing with Monarch, our entire Board is in support of this, I know she has had some challenges getting ahold of some teachers but we are helping her out with that. Hopefully you are still in line with approving it because not only for the schools I think it's a great economic boost for the community as well. We appreciate your support. Mayor Schultz thanks Mr. Colaianni.

**CITY OF CANAL FULTON  
CITY COUNCIL MEETING MINUTES  
June 18, 2019**

**CORRECTING & ADOPTING THE RECORD OF PROCEEDINGS**

5-21-2019 Personnel Meeting Minutes

**A motion was made to approve the 5-21-2019 Personnel Meeting Minutes by Sue Mayberry.**

**Second by Scott Svab.**

Mrs. Mayberry says I just wanted to say I was pleasantly surprised when she did those for me because I normally do them and I was like wow. So, I want to thank her for that, I'm not going to expect it but I am happy she did it, so that's all I have to say. Mayor Schultz says it's great for us to be able to get them approved at the next meeting. Mrs. Donaldson says it makes it easier. Mrs. Mayberry says I was out of town.

**All Council Members vote yes. Motion approved.**

6-4-2019 Council Meeting Minutes

**A motion was made to approve the 6-4-2019 Council Meeting Minutes by Dan Bucher Jr.**

**Second by Bonnie Donaldson.**

Mrs. Mayberry says I want to make another comment about the minutes and the way they've been done, pretty much verbatim by this young lady since she's been doing them so if read them and see that that that, that's because I said that that that. There's a lot more than that, but seriously she will type what you say so be careful what you say. Mrs. Donaldson says well that's good. Mrs. Mayberry says other than that very good.

**Eric Whittington abstains. All other Council Members vote yes. Motion approved.**

**REPORTS OF ADMINISTRATIVE OFFICERS**

Senior Citizens – No Report

Community Service – Mayor Schultz says I see that the Summer Work Program and Murphy is busy with his 3 students and I think we have all 3 girls now working either at the Museum during the week or the Canalway Center so things are going really well there.

Fire Chief – Fire Chief Ray Durkee is not in attendance at tonight meeting and has sent Assistant Chief Greene in his place. Assistant Chief Ray Greene says just to give everyone a briefing on the flooding situation. Today we had East Ohio Gas come in to shut off all gas to all the businesses in the 100 block of South Canal. The concern was a lot those businesses had flooding in the basement where their furnaces were and other gas fired appliances; if they separated, we could have open gas lines running into the buildings causing explosions. They came out today and killed the gas to those buildings, I don't know if Edison secured the power to the ones we discussed earlier, I had no feedback from them. But they said at one point in time they were going to kill all the power to that block temporarily and then bypass the meters of the buildings that were mostly affected. Whether that happened or not I don't know, I didn't have a contact with them and I didn't have a chance to speak with the business owners. The Barrel Room had a pump running, so I think as fast as they are pumping out it's coming back in the way the water's rising. I spoke with Stark County Emergency Management Agency today to see if we could get some updated forecast on when the river was going to crest and what time. Some time tonight between 8:00pm and midnight tonight, it's estimated to be at 15 feet with 14 feet being flood stage. If we get the additional 1-2 inches of rain that they're expecting tomorrow what they anticipate is that the river might crest at 16 feet 8 inches which last time it did that was 1969 and the water was up to Cherry Street. I don't know if Cherry Street Bridge will get covered tonight. Here's a diagram from National Weather Service Hydrology Department I will show you, that is their most updated forecast of where it's going to crest at the Massillon floodgate. The only other one we have that we can compare to is Barberton, because it's wider up there it's going to be less so we will get the runoff from everything up North in addition to what we get here. We did one rescue today, took a lady out of her house for medical reasons that we had to use the boat to get her out and worked with the Township as far as access to the residents on Milhaven/River Road. Been in conversation with the

**CITY OF CANAL FULTON**  
**CITY COUNCIL MEETING MINUTES**  
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Clinton Fire Department about responding to incidents North of the City on High Street. Anybody have any questions?

Mr. Losch says you guys have any conversations with folks that control any floodgates downstream. Chief Greene says the Corp of Engineers? Mr. Losch says yes. Chief Greene says no, we have not, we leave that up to the Emergency Management Agency. Mayor Schultz says based upon the period of time it's taken for residents over at Berlin Lake to get some resolution about working with the Army Corp of Engineers in Pittsburgh, it's unlikely that we would get any kind of cooperation south of us. Mayor Schultz asks if there are any other questions for Chief.

Mr. Cozy says I think Chief should be commended. Actually, Mike Hatfield kind of took the bull by the horns for all the businesses in his block, was in all the buildings and gave us an initial report. He immediately called the Fire Department, they arrived, got on their gear, got in the water and started shutting off their gas. Chief should be commended for their response; we are very fortunate to have the people we have here. Mayor Schultz says do we know like on Milhaven, I went to the Lawrence Township meeting yesterday and they said the water level in the center of the street was at 9 inches yesterday, and they still felt, do you know where it is today. Chief Greene says I think it was a little higher than that, Chief Stewart was out there earlier today and they took Arcadia and they were able to get around it going through some people's property, so any incident out there we will be able to get to them, and if they have to be transported we would probably use a helicopter. But that's our plan. Mayor Schultz says Assistant Chief Greene.

Police Chief – Chief Doug Swartz is in attendance. Chief Swartz says everybody is pretty much aware of what we had going on this weekend and I didn't feel the need to re-cap it here, everybody read the press release. I wanted to commend the Officers that we had, just with Josh on the scene of something like that you just know that you're going to get through it and he's going to work his way through and do things right and like Mark said this week, we have so many good people here at the Police Department, just the talent that we have. This man basically got shot in the foot and refused to leave until the end of the situation, that speaks volumes about the people that we have. Other than that, it was a very tragic ending and that's really all I have to say about it.

Moving on, Chief Brown pointed me towards a grant for the MDT's. Our MDT's are from Columbus PD's scraps. Mrs. Mayberry asks what are MDT's? Chief Swartz says they are the computers in the cars, mobile data terminals, so they are 10,11, 12 years old and they have issues with the newer software that the County you know, is trying to get into it but going forward we want to when we get a cruiser we want to put a new MDT in just to try to kind of keep updated, we were able to get a grant for 2 MDT's that we got awarded so the next 2 cruisers that we have that won't be a \$4-5,000.00 fee for us.

Thank you for swearing Lance Priest in, everybody is doing good and we will have our retirement in August so we will have to process through that. But things are going really good.

The Mayor wanted us to recap an incident on Longview. Officer Barabasch says it was brought to my attention that there were some people that were complaining about a household/neighbor that was setting up like a dirt bike track and running ATV's and stuff in their front yard. So, when it hit my desk, I was just kind of asking so what did they say when you talked to them, well nobody has gone to talk to them that I understand but it was kind of stirring up a little bit of a frenzy downtown. I called and spoke to Mark on this. So, I just went out there, there wasn't a whole lot in the way of criminal laws they were doing anything wrong, aside from certain zoning issues. So, I took it upon myself to stop over there and have a talk with the lady. She was super, super nice, very receptive to everything I was saying, and I told her I wasn't coming here as the Police telling her you can't do or have to do anything I'm just coming here as somebody from the community saying there's an issue that's getting stirred up and if you can nip it before, that would be great and she's like wow if one of my neighbors had a problem I wish somebody would have just come over and said something. But it's a different day and time and people don't do that anymore. People are afraid to do that or they get really offended by people doing that. She was really cool about stuff, they also had like a lot of just kind of junk outside the front of their house, the neighborhood is really well-kept and so we kind of brought that up too like you know this is also going to get you jammed up, you should really do something about this, knock off the riding this and that. She had a few other questions about how she can take the ATV's from where she is allowed to ride that is not actually her yard, so I



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answered all those questions for her and as far as I understand we haven't had any further complaints so I think that just been nipped. Chief Swartz says and one more thing, Rogue is here, Rogue is our puppy dog that's going to replace Bishop. Bishop is getting old, he's got another good year left, so we'll be training a new puppy dog to take his place. Mr. Cozy asks which officer is going to take the dog. Chief Swartz says Danny Shetler. Mr. Cozy says ok. Mrs. Mayberry says when Bishop retires where will he go. Chief Swartz says he will stay with Josh. Mayor Schultz asks if he gets pension from the Police Department. Chief Swartz says no because he is pooping on the floor and everything. You poop on the floor at the Police Department you don't get anything. Mayor Schultz asks if there are any questions for Chief Swartz.

Engineer – City Engineer Keith Dylewski is in attendance. Mr. Dylewski says one thing I want to bring up tonight is getting the stuff finalized for the chip and seal project. We are looking to get that advertised towards the end of next week. I have a few things to finalize with Gary, we're close to doing that. Mayor Schultz says are there any other questions for Mr. Dylewski?

Mr. Whittington says when are we going over the types of water towers? You said there was 2 different types, is that something we have to decide on anytime soon? Mr. Dylewski says we did have a meeting with CTI, the design engineer and you know like I said there is 2 options and I'm not sure if there is any other further discussion. Mr. Cozy says I think at the meeting it was discussed to re-hash the pedestal type tank would be easier to maintain, even though it costs a little more money it would be cheaper in the long run to maintain. The advantage we discussed of the other multi-column type is you can put more antennas on them for telecommunications and whatnot but I got feedback from Mr. Dorman that you can put antennas on these pedestal types too, there's like a super-magnet that sticks to the side of them so I guess what it comes down to is what type of tower do people want and when it comes to antennas we can figure that out. There is a maintenance cost when it comes to antennas so we'll do some cost analysis to make sure we're making money and that money gets put towards the Water Department. The service we would garner with the enhanced telecommunications would probably benefit our citizens and also our safety forces and dispatch would benefit there so like Mrs. Mayberry said last meeting lets decide on the water tower and we'll figure the rest out later so I guess it's back in Councils lap as far as what type of tower. Mrs. Mayberry says to add onto the water tower issue I just want to at the last meeting it seems to me that in the study and as discussed here the initial spot for the tower would be on a piece of land that is currently owned by Dan Buck correct, he owns it? Mr. Cozy says correct. Mrs. Mayberry says they are doing soil boring tests. Now, in my logic in order to know, the first thing I want to know is ok Mr. Buck, he apparently is ok with it being on his land but it should be our land, one way or the other it should belong to the City. Right. Mr. Cozy and Mrs. Donaldson both say right. Mrs. Mayberry says now shouldn't we really know that's official before we start doing soil boring tests on land that might not be our land for that tower. Mr. Cozy says well it's the chicken and the egg, why would we negotiate on land that won't work for the tower, so I make sure the land will work with the tower first before we start negotiating on what to do. So that's the spot that the Engineer picked, the Engineer picked that spot. Mrs. Mayberry says right. Mr. Cozy says now were talking to Dan Buck, Dan Buck is ok with the use of the land, we haven't really come to a decision on whether to purchase or have a permanent easement there, we aren't quite sure. Mrs. Mayberry says how much and do you need for that sized tower, like how much land is required to put a tower like that there, for maneuverability, with trusses and that when maintenance is needed and things like that. Mr. Cozy says I saw the diagram, I don't know if it's an acre. Mayor Schultz says part of the land is the driveway back to it, so when we tell you, you know 1.5 acres, a lot of that might be the access drive back to it, but like Mark said CTI has given us a plan of where it's going to go. I don't know do we want to make a decision about the type of tower tonight, and that way we'll have closure there or do you want more time to analyze. I drove back from Florida and I took pictures of every water tower that I went by and it was probably 50/50 almost with the older style with the 4 legs versus the pedosphere. Mrs. Mayberry says in the ones that are the solid, the solid tower, the bottom portion of it sometimes is used as a storage facility, and other things inside. Mayor Schultz says I saw one nice one like that, and it's really nice it comes down to cost obviously you know the more you build out the more expensive it's going to be. Mr. Cozy says do we want to have a work session just to sit down to and look at different designs. Mr. Whittington says yeah because I think this is going to be a draw to the town too if people see it, if we choose the right style and make

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sure it gets painted correctly; that's going to bring people into this town. You know when I travel that's one of the things we do is when we're going and I see a water tower I think wow look at the design on that, maybe we'll pull over here. But if I'm going by some empty field and I hear banjos playing I'm going to keep driving to the next town to get my gas. Something like this could be very beneficial for the businesses in the City. Sorry I had to put it that way but you know but you know. Mayor Schultz says what committee would this fall under? Economic Development? Mr. Bucher says either that or Public Service. Mayor Schultz says Public Service? Mrs. Mayberry says why don't we do it under a work session. Mr. Whittington says yeah why don't we all do it. Mayor Schultz says just make it a work session? Is 6:30, half an hour long enough for a study. Mr. Whittington says I think that's good, everybody got the emails, I even read that one. Mayor Schultz says so if I set that would that be ok with everybody, next Council Meeting date? Can I get a motion?

**A motion to have a Work Session on July 2, 2019 at 6:30pm to discuss the proposed water tower by Scott Svab.**

**Second by Dan Bucher Jr.**

**All members vote yes. Motion Approved.**

Streets – Mayor Schultz says ok, on to Streets Department. Mrs. Donaldson says I was really hoping he would be here. Mr. Whittington says he did something really good last night for one of our citizens. Mayor Schultz says he was up at midnight, he and Brian came in at midnight trying to address the flooding issues and then this morning they went up to Akron to purchase more street signs and so from that stand point they are working really hard trying to keep people safe. Mrs. Donaldson says yes, I'm sure they are. Mr. Whittington says there is a family whose house filled up with water so quickly and they actually called at 11-11:30pm so I called Gary hoping he would still be awake and he was. He got ahold of Brian, Knickerbocker is it, and they got sump pumps and went over there to help this family out. This was well after midnight so I thought that was very cool. Mrs. Donaldson says it is, that's very good. Mayor Schultz says problem is pumping it now your just, it's coming back in. Mr. Whittington says well you gotta try. Mrs. Donaldson said well I sent a message to him, I found a hole about this big around in the parking lot at the Senior Center where the road is collapsing and the parking is collapsing and there is nothing underneath it so I just sent him a message to tell him, he said he would take a look at it. Mayor Schultz says yeah, he is aware of that. Mrs. Donaldson says I know he is, I just wanted to see what he found out. Mayor Schultz says and also while I was on vacation last week, I got a call Saturday morning at 6:30am from Cliff telling me they had problems with the race and getting power to the... Mr. Whittington says the frame had blown up the fuse box. Mayor Schultz says yeah, I didn't even know what day of the week it was, first thing I do is call Gary and so I didn't realize it was Saturday morning and I'm calling Gary at 6:30 in the morning and so, but he responded to it and does a great job. Mr. Whittington says yeah, they were quick.

Public Utilities – Mayor Schultz says Geoff Marchand and Nick are at backflow prevention classes this week so the burden has kind of fallen on Pat to try to keep things running here, he did tell me that all the lift stations are performing pretty well, the one at Dan Buck Chevrolet is the biggest concern, with it trying to keep up with that lower area. They are pumping it out but some of the residents are getting water in their basements but they have to stand it, you know this is a terrible time for us.

Planning/Zoning – Mr. Cozy says there's a meeting this week at 6:30pm. Mrs. Mayberry says I think it's HPC only. Mr. Cozy says right now I think that's how it is. Mrs. Mayberry says it's not Planning and it's just HPC this time.

Finance Director – Finance Director Bill Rouse is in attendance. Mr. Rouse says I included the May Financial Statements in the packet, the income tax collections are essentially even with where they were at last year through May. Hoping that June will pick up a little bit with some of the employers and the 3 payrolls in May, we should see the collections from that in June so hopefully it picks up a little bit there. Otherwise the rest of the financials are pretty typical for where we're at in this part of the year, no major items there.

The only other thing I have to report is this was the first year of our new SRO agreement with the School District and we received our first reimbursement check under this program, it was \$131,000.00 from the School District for the 2 officers. Just wanted to commend Doug and the Mayor for working with the schools to get that agreement formalized and working with Mr. Levengood for the reimbursement

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was the easiest thing we've done and it's just nice to have that documented and a nice partnership with the School District. That all I have; I will be glad to answer any questions.

**Motion made to approve the May Financials by Danny Losch.**

**Second by Scott Svab.**

**All members vote yes. Motion Approved.**

City Manager – City Manager Mark Cozy is in attendance. Mr. Cozy says we are in the process of scheduling a second Civil Service Test for a police officer to replace the one that is retiring. The Chairman of the Civil Service Commission is on vacation so we, they need to schedule to meeting so we are probably doing it this week.

I did find out this past week that the Dragonfly Tea Room they are moving to where the GlassWorks is and they actually might be looking to add a bed and breakfast to the second floor so it would be nice to see that when it happens.

Also, just a reminder the Park Master Plan Public Meeting is Wednesday, June 19<sup>th</sup> which is tomorrow at 6:30pm at the Canal Grille.

Also, after months of negotiation the YMCA will officially be a sewer customer of the City of Canal Fulton, the only line available was the County line and we've been negotiating with the County to extend the City line from their line and have them be our customer that way we get the revenue from the water and sewer. It's official, I got the letter today. That's all I have. Mayor Schultz asks if there are any questions for Mr. Cozy.

Mrs. Mayberry says she just wanted to bring up the email we received from the gentleman from the one company, the one business that bid on the project do you know that email Mark? Mr. Cozy says I have a bunch of them. Mrs. Mayberry says the one that he was the second lowest bidder. Mr. Fellmeth says Fechko. Mrs. Mayberry says one thing I wanted to bring up, I was doing some research based on what he said and there is on the ORC there is a 2019 Ohio Compliance Supplement that I found a document that states that "competitive bidding procedures required that the contract be entered into in writing with the lowest and best bidder". But lowest and best bidder it states "there is no guidelines in either the statute in case law as to what constitutes best, factors that may be appropriate to consider are brand name reliability, serviceability, proximity of service provider and past experience with bidder." So, I believe his statement that we are in violation or whatever he used really might not be accurate. Mr. Cozy says well we agree. Mrs. Mayberry says based on this, I just wanted to bring that up. Mr. Cozy says thank you. Mrs. Donaldson says I never got that email. Mr. Bucher says that answered my question because I wasn't sure what the Court would say about what is the best bidder, lowest as well, but lowest and best is a high threshold to meet if there's no Court clarification. Mrs. Mayberry says well that's the most current statement from the Ohio Compliance Supplement so I just wanted to bring that up that I don't think he made it accurate. Mr. Cozy that's on the hands of the Law Director at this point in time. Mrs. Mayberry says well I just wanted to say that it's there, it took a while to find it.

Mr. Whittington says he has a question, going back to the YMCA and the speed limit in front of it, how do we go about getting that changed. People are flying down that road and they are flying over the hill and they are not abiding and we're going to have a park with kids and people walking, the speed limit needs to be changed. Mr. Losch says is 40 there right? Mr. Whittington says yeah. Mr. Bucher says it goes to 35 at the top of the hill but they go about 70 past my house. Mr. Cozy says within city limits it's 35 and then once you get into the residential district of town it's 25. Mr. Whittington says I think it needs to be 25 from the YMCA all they way down so they get a head start and they're not flying past. Chief Swartz says there is a lot of hidden drives on South Canal going up the hill. Mr. Cozy says all I need is a voice motion from City Council. Mr. Whittington says I think it would be a lot safer and it would slow down traffic coming into the neighborhood but also keeping it slower in front of The Y where there's going to be more children and more people now. Mayor Schultz says all you need is a voice motion Mark? Mr. Cozy says I think that's all I need, in our codifies I have the authority to set speed limit's but I normally don't unless I have a petition from the folks living there or something from the Safety Force or City Council. Chief Swartz says we had a little girl hit there on a bicycle a few years ago too. Mr. Whittington says there was another boy that was hit there too I think recently as well.

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Josh Lorenz / 951 South Canal

My boy, when he was 5 was hit by a car right out in front of the house. I live right there right before it drops down so every day, I watch these guys go up and down and they're hauling butt. They don't slow down til they come over the hill and they realize oh I better slow down. With The Y coming in and the increased foot traffic in there I would have loved to see the speed limit changed years ago but if it happens now that's awesome.

Mayor Schultz says my question is, is this one of those roads, and maybe Chief you can answer where it's where we have jurisdiction over one half of the road and the Township has jurisdiction over the other. Chief Swartz says no. Mr. Cozy says well at Lindsay Concrete we own across the street so it will be 25 coming in at The Y, going out of town it hits 40 as soon as you hit Lindsay's property where the billboards are. Mayor Schultz says is this something we can work on with the Township as well to maybe possibly extend it down to Millfield Avenue. Mr. Cozy says we can but they have to petition the State of Ohio, but being we lower ours that may make it easier for them to lower theirs.

*Rogue, Canal Fulton's newest K9 makes an appearance at the meeting. Mayor Schultz asks Officer Danny Shetler when do you start training. Officer Shetler says already started, the day I got him I started doing stuff with him.*

Mr. Cozy says ok, back to our motion.

**A motion is made to change the speed limit to 25mph from The Y all the way to City limits on South Canal by Eric Whittington.**

**Second by Scott Svab.**

Mrs. Donaldson says is it just going to be on the one side then? Mayor Schultz says no, both sides. Mr. Cozy says both sides to the City limits, as far as we can go. Mrs. Donaldson says what is it there now. Mr. Whittington says 35 and then 25. Mayor Schultz says what I am hoping to do with the next round of grant money or if we have the funds available this time, what I want the ODNR Grant for is to get the signs like, we found very effective Chief, with the speed limit on there. Mrs. Donaldson asks if those are really, really accurate. Mayor Schultz says really, really accurate. Mr. Whittington says they were running down the street and it was tagging them as they were running. Mrs. Donaldson says in my truck I was doing 35 and it said I was doing 32. Mayor Schultz says we will also follow up with the township also to see what interest they have.

**All members vote yes.**

Mayor – Mayor Schultz says Carla is going to give us an update on the Polar Express, she has been handling that for us and doing a great job so Carla take it over. Miss Rante says the update is we have the first car filled; I've spoken with everybody on the list except for one person she is supposed to be calling me back tomorrow to confirm her tickets. I've either received payments from everyone or promises of bringing a check into me sometime this week. There are some people on the waiting list, we need about, I guess depending on the lady I speak with tomorrow, we have probably about 35-40 more tickets that need to be purchased so we will still take reservations for those in hopes of getting that second car. Erin, the Parks Director, will be contacting the Cuyahoga Valley Railroad in August and that's when we will give them the down payments for the cars and they will give us the exact dates. Mrs. Donaldson asks how many it takes for a car. Miss Rante says it takes 80 for a car. Mr. Cozy says what are the dates they are looking at right now? Miss Rante says the dates we are looking at right now are December 5th, 11th, or 12th. Mayor Schultz says so they will give us one of those dates so we had to give them 3 choices, so like I said Carla is doing a great job with this. Our goal with this was, we were hoping to have social media here to reach out to people, so maybe Joan can give us front page coverage on The Repository. But getting the word out that we do want to still continue, we still have time to take reservations. Carla is going to be on the MCTV show tomorrow to explain it to people so we will continue to get the word out, so she will do a great job with that and we'd love to hit that target of having at least 2 cars filled before the August deadline. Mrs. Donaldson says I have a question, is it mostly kids that just go on this do you think. Mayor Schultz says I've ever been on it, Mr. Rouse has been on it. Mrs. Donaldson says I did but it was all adults on the car I was in. Mayor Schultz says it's a lot of kids, I think. Mr. Rouse says it's a lot of parents

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with kids or grandparents. Mrs. Donaldson says that's what I thought. Chief Swartz says you'll see the dads looking at the football scores the whole time and all the kids going crazy all over the place. It's a really good thing, it is. Mayor Schultz says you've been on it Chief? Chief Swartz says like 2 or 3 times.

Mayor Schultz says he received a card from Julie Barkey and Hal Barkey on the banners downtown and just wanted to re-iterate to Council their appreciation for the purchase of those banners and how much she has corresponded with other families who lost loved ones, I think they are called Purple Heart Families? Gold Star families. In those communities they don't feel like they are remembered, their loved ones are remembered that way, it was greatly appreciated.

Mrs. Mayberry says Mayor have we heard anything back regarding the bridge re-naming. Mayor Schultz says I did have a conversation with Andrew from Mr. Roemer's office and the way I understand it, they have amended legislation that has passed through the State and it's waiting on the Governor's signature to re-name the bridge over Route 21 as the Michael Stangelo Bridge. Mr. Mayberry says over 21 instead of? Mayor Schultz says instead of our bridge, yes. Mrs. Mayberry says really? Is there something that you can go on the ORC and find that Bill or anything? Mr. Colaianni says you can go on the General Assembly Website and set the search parameters for his name. Mrs. Mayberry says ok. Mayor Schultz says like I said that phone call was gosh Sue... Mrs. Mayberry says oh I don't care when, so that situation is resolved? Mayor Schultz says at this point. Mayor Schultz says I did have correspondence from Janet Shaffer I think it was that told me about a resident of Canal Fulton that was killed in 1950 so we're going to follow up with that information to honor all of our fallen soldiers that gave their life and services to our Country.

Parks & Recreation Board – Mayor Schultz says I would say most of the parks are closed. Mrs. Donaldson says and if they aren't, they should be. Mr. Cozy says the Canal Boat is not running today.

Mayor Shultz says also Mark and I did attend the Transportation Grant meeting this afternoon, meeting with EDG, Michelle Johnson, to talk about the connectivity for the sidewalk trail, trying to come up with a name for it, they gave us some preliminary prices and we'll continue to meet and prepare that to bring it in front of Council at some point. Don't forget that meeting tomorrow night.

Law Director – Law Director Scott Fellmeth is in attendance at the meeting. Mr. Fellmeth says he has no report.

**THIRD READINGS**

**Ordinance 14-19:** 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

**A motion was made to approve Ordinance 14-19 by Scott Svab.**

**Second by Danny Losch.**

Mr. Whittington says yeah, I'm not in favor of giving us a raise but who would this affect for retirement purposes, anybody, I mean how is this going to affect. Mr. Svab says as it stands now, you'll just get partial credit, so it's not going to affect. Mr. Whittington says is it going to greatly affect anybody sitting behind this desk. Mr. Cozy says it doesn't affect anybody right now. Mrs. Donaldson says it's not until January. Mr. Cozy says it affects all people who win elections from here on out. Mr. Whittington says so this can be changed at any time. Mr. Losch says right, it doesn't affect any City members right now, you have to be re-elected. Mr. Fellmeth says you can't change the pay while in term. Mayor Schultz says as far as answering your question regarding retirement, does that. Mr. Whittington says well I don't think we need to pay ourselves more money for what we do but at the same time if it's going to really affect somebody's retirement that was my question, doesn't this affect PERS or you don't get, I want to know how greatly that would affect somebody's retirement that that we're voting on, that's sitting up here. Mrs. Mayberry says at one time being in PERS, you could get vested within 10 years and now it's like 25 or more. Mr. Losch says it's 20 now and they keep bumping it up. Mrs. Mayberry says for those, for people that become a Council Member, elected official they don't have to get into PERS, a lot of people don't realize that because if you've had a 25 year stint with a company and you've been paying into social security you might as well just continue with your social security because your PERS is never really going amount to anything, but that legislation will in fact

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give a person that is serving as a Council Member who is in PERS the full credit instead of partial credit. Mrs. Donaldson maybe they've had something before that, before they were on Council, in PERS. Mrs. Mayberry says right they might have been STRS or something like that. Mr. Whittington that's what I wanted to know if it was really going to greatly affect anybody up here. Mrs. Mayberry says at this time no. Mayor Schultz says I don't think so. Mrs. Donaldson says but it could in the future. Mayor Schultz says and what it does I think the best thing that it does it just stops us from having to keep re-visiting every year where we have something in place now we know what the pay is going to be and it's based on what the State of Ohio the minimum pay is. Mrs. Donaldson says are we going to continue with that, that's something that we talked about. Mayor Schultz says yes. Mr. Whittington says on a yearly basis. Mrs. Donaldson says doing it on a regular basis without having to vote on it each time. Mayor Schultz says right, exactly. Mrs. Donaldson says yeah, so we won't have to do it again. Mayor Schultz says but you can bring it up anytime you want Eric. Mayor Schultz says any other discussion.

Mrs. Donaldson says I do have something I wanted to say, I just have to find where I wrote it down. I thought we should talk about the pay increases for the Mayoral position, I am sure that there are specific duties that a Mayor is supposed to do, but not necessarily to be compensated if he does more. Not every Mayor will do as much, and isn't it once it's in place it is going to be there regardless of what is done or not done. And this is no offense to you. Mayor Schultz says well when you said he I guess you were talking about me so. Mrs. Donaldson says no, no. Because the change, it's a 51.5% increase is what they've decided for the Mayor and that's really outrageous. I'm sorry but I really feel that it is. There are certain duties that the Mayor is supposed to do and if the Mayor chooses to do more that's up to them. You know what I'm saying, they have to have it spelled out first or you could have somebody come in and be Mayor that does nothing and they are still going to get that higher rate. Mr. Bucher says that's why we have elections, so if we have a Mayor that comes in and does nothing, we can tell them to go away. Mrs. Donaldson says yeah, but for how long, I'm just saying, I just think it's a big increase. I think a raise is fine, not quite that much is my thought. Mr. Rouse says I understand your point, 50% that is the max, it is \$5,000.00 is what we're talking about out of our budget. When we compared, when we looked at the salaries compared to the other communities in the area our Mayor position is not paid very well. Mrs. Donaldson says is that compared to what the duties are also, did you check that at the same time. Mr. Rouse says part of it was, is the duties have expanded, when we used to have a Service Director who we didn't replace when he retired and you know Mark picked up a lot of those duties but then the Mayor position has also picked up those duties, some of those duties as well since then. Mrs. Donaldson says is it going to be a permanent part of their duties then, I mean that's what I'm asking. Mayor Schultz says that's a good question because, and this is something we need to continue to look at because the way our Charter is actually structured the Mayor does have that responsibility, where the Police Department and the Fire Department report to the Mayor and we've been under, for whatever reason, we've been led to believe like Mark is responsible for everything as City Manager but the reality is the Finance Director doesn't report to the City Manager, the Finance Director reports to Mayor and Council you know. One of the things I think we need to look at is, is the salary for those 3 positions, the City Manager, the Fire Chief, and the Finance Director. The way it's structured most of the employees report or they're responsible to one of those 3 people. The people who report to Bill, who I think Doug is responsible for and the people who Mark is responsible for, you know and that's why I say in the past we just with the changes when Dan retired and we didn't replace him we kind of just threw it on Mark but that's not the way our Charter is set up if you look at the flow chart it's the Mayor is responsible for being involved and responsible for the Police Department. Mrs. Donaldson says as long as it's what he is supposed to be doing yeah, ok. Mr. Cozy says all the past Mayors were delegated those responsibilities to make so I would just report to the Mayor and then under with the Police, Fire, and Finance so actually Joe is the first Mayor that's actually performed those duties. It's in the Charter to do that so he's actually doing what the Charter says. So actually, maybe in the past, maybe the salary was kept low in the past because the Mayor wasn't doing the duties of the Charter. Mrs. Donaldson says we all know we've had Mayors in the past who were not good. Mr. Cozy says I think the salary is now fair, that's exactly what happening, the past Mayors were delegating to me. The Mayor stood up and decided to take on those duties, he read the Charter and said this is

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my job and he started doing it so he should be commended for that but he also should be compensated too. Mrs. Donaldson says as long as it's part of his job, yeah. Mr. Rouse says my other point that we discussed at the committee is you know we want the salaries to be set at a level that is certainly not exorbitant but you want them to be at a level that encourages people to run for Office, in particular the qualified individuals so that you know your helping to ensure the success of the organization but doing that and I just, when we looked at the salaries compared to the other communities even in this area and elsewhere we're just very low for our elected officials in particular. Those salaries were set 4-5 years ago and I just in that time I've just see the explosion of social media and political bashing and everything else and I just feel like if you're going to get quality people you have to have at least some salary that is at least competitive or gives attention to benefits. Even at the revised level we're still lower than a lot of places. Mr. Losch says they have to be able to afford thick skin. Mr. Rouse says the only other point that I would make is the Ordinance was written so that we don't have to debate this going forward but if for some reason 2 years from now you want it changed for future elections it's Councils power, you can change it if you want to. Mayor Schultz asks if there is any other discussion.

**Scott Svab, Bonnie Donaldson, Danny Losch, and Dan Bucher Jr. vote yes. Sue Mayberry and Eric Whittington vote no. Motion approved.**

**Ordinance 15-19:** An Ordinance by the Council of the City of Canal Fulton, Ohio Amending the Zoning Code by Re-Zoning PPN 27-03295

**A motion was made to approve Ordinance 15-19 by Sue Mayberry.**

**Second by Eric Whittington.**

Mr. Fellmeth says does anybody want to discuss the Public Hearing we're supposed to have tonight to change the zoning.

Mayor Schultz says we have a hearing on Ordinance 15-19 for re-zoning property PPN 27-03295, hearing is open, does anybody want to make a comment? No comments, we will move on to close the hearing and we will go back to regular meeting and have a role call.

**All Council Members vote yes. Motion approved.**

Mrs. Mayberry says can we ask her (Wendy Kertesz) where she's at right now with this? Ms. Kertesz so that vote it what determined it moving forward. The investor that I have needed to confirm that City Council would vote in favor of the re-zoning in order for it to move forward. The property should be signed on Friday, I signed on a house this morning, I will be in Canal Fulton by July 1st. Mrs. Donaldson says where about? Ms. Kertesz says not quite ready to disclose that, but it will all fall like dominos so I will now schedule the groundbreaking for probably the middle of July. My birthday is actually July 13th so that's my goal. Mrs. Mayberry says do you need a copy of the signed resolution to take with you. Ms. Kertesz says I do, I will only because it's not publicized because the Voice of Canal Fulton, or the... So, the investors were planning on watching it tonight to hear the voting but since he isn't here so yes, I would like that before I leave.

Mr. Cozy says I was actually out there talking to businesses about the flood and they were asking me about the re-zoning. Businesses downtown are all waiting for this, they all want it to happen. Here the flood waters are coming up and they're asking me, you're going to re-zone the property aren't you or what steps have to take now for the investment to take place. I said the zoning hearing is tonight, that's the next step. Mr. Whittington says because this is bringing in a couple more businesses to town so it's doing a very good thing.

Ms. Kertesz says just so you know I actually have run the numbers based upon my perform the bed tax that Monarch will generate for the City is about \$150,000.00 a year. So, I would like at some point have that discussion as far as I would love to see that money go into the historic downtown, to really renovate downtown and make it a, give the building owners some dollars to fix up and give it a facelift. That's free money to the City of Canal Fulton so I would love to see it go to use to bring the City up to the next level, so that the next conversation. Mr. Cozy says just by way of conversation when I was in Plain Township it was the hotel taxes that funded the Park Department, that was their budget, this is good stuff.

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**SECOND READINGS**

**FIRST READINGS**

**P.O.s**

**BILLS**

May Bills \$663,562.46

Mr. Rouse says the May bills are in your packets totaling \$663,562.46, they are a little bit higher because we had 3 payrolls this month.

**A motion was made to the May Bills by Danny Losch.**

**Second by Dan Bucher Jr.**

**All Council Members vote yes. Motion approved.**

**OLD/NEW/OTHER BUSINESS**

Mrs. Mayberry says I meant to ask the Chief a question. Based on the recent events do our officers have any kind of cameras on them. Chief Swartz says our new cruisers that we buy are going to have them, it's interfaced with the dashboard camera and they have it on them as their mic so as we get new cruisers it will slowly implement the program. Mrs. Mayberry says and another question, all of our Officers are mandated to wear vests, bulletproof vests correct? Chief Swartz says we get 50%, or 75% grant money for that. Mrs. Mayberry says if they have them, they have to have them and wear them correct? Chief Swartz says correct. Mrs. Mayberry says at all times when they are on duty. Chief Swartz says correct, even when we go to Country Fest and it's 100 degrees out there. Mrs. Mayberry says ok, I just thought I would ask the question. That's all I have Mayor.

Mr. Whittington says we need to change the beginning for the approving the Council Meeting Minutes for 6-4, I wasn't here for that meeting. Mayor Schultz says so we need to have you abstain. Mayor Schultz says Scott how do we handle that. Mr. Fellmeth says Sue would have found it anyways. Mr. Whittington says I thought I would save her a couple of minutes. Mayor Schultz says ok so that was 5-0 rather than 6-0.

**REPORT OF PRESIDENT PRO TEMPORE**

Mr. Bucher says just wanted to give a reminder about the alumni game coming up on Saturday, June 29th. It's going to be a pretty big event, they've got some pretty good sponsorship, it's going to be televised and on the radio I believe. I was hoping that Mr. Mashburn would be here to give a little more detail but I promised him I would bring it up tonight so hopefully everybody can attend the proceeds are going to go to the schools so it's going to be a very worthwhile cause. Ms. Kertesz says has everyone heard of the change of opponents? They are no longer playing Springfield. Team RWB with quarterback Eric Whittington is the opponent for the alumni team. Mr. Whittington says so as of yesterday Springfield backed out and I got a whole veteran team to take them on, I don't why, I took a big stupid pill yesterday. Mr. Cozy says so you said you practiced? Mr. Whittington says I haven't played in 35 years; I spent more time on the ice than the football field. They're going to provide the equipment for us. It's going to be a veteran team versus Northwest.

Mrs. Mayberry says I promised a neighbor that I would bring up a lot of lawns, a lot of lawns by the curb have been burnt by weed killer. Is that something new they are doing because one of my neighbors was not happy that her lawn had weed killer put on it because she will not put weed killer on her lawn. She will not put it on, she wondered why that was done on the property and I didn't know what to say to her. Mayor Schultz says I think it was by accident, I would say because, I mean it should have been by accident, in the past all they do is spray between the curb and the street where the grass grows up so I don't know what happened there but I've talked to them about it. Mrs. Mayberry says alright I just told her I would say something. Mayor Schultz says thank you, any other business there?



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**REPORT OF SPECIAL COMMITTEES**

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

Molly Gearhart / 13892 Cherton St.

Mrs. Gerhart says we own the property that's right up next to Buck Chevrolet where the water tower proposed to be going. I actually I have this, I'm just going to read this since I have your attention. So, I understand in the June 4th Council Meeting there were maps and packets passed around with all of the details that were not included in the Minutes but we did get an opportunity to review a map, the proposed location sites that showed the water main and easement details of 2 different options courtesy of the company actually doing the soil sampling. He was up there assessing the situation. That proposal that we saw has the water tower located what looks like within 50 feet of our property line and should an easement that came into our property along the entire west side that's adjacent to Buck's property. Furthermore, we were previously told by engineers that were at the site, recently within the past few weeks, they were there with Dan Buck, that the current plan is to run the water line approximately 10 feet off the property line underground. So, we have obviously concerns with subsequent restrictions that this is going to impose on us for the future. We have 2 current structures approximately 20- feet off the property line that is located within that area that is listed as future easement so we would like to understand what that would mean to us with the existing properties. With either option of what we were shown it's pretty much creates 1000 feet total of permanent easement and obviously deed restrictions on 2 sides of our property. Additionally, I'm reading the minutes from June 4th, which I now know are very accurate, that we have concerns with the security measures that were listed as part of what is on the existing water tower. It indicated that there was the opportunity for cameras, lights that and I quote "light up like a Christmas tree with movement", where this water tower is being proposed it's not right on 21 it's actually very close to our property and it's right up against the back corner of our property where we have our children swing set, fire pit, our chicken coop, it's our backyard. This is being proposed for our backyard, we're not comfortable with this invasion of privacy that that will cause. It's going to create issues for us as we are home in our yard, we also have concerns with ongoing access obviously easement people need to get back there, you're talking about storage, you're talking about antennas. People right on our property line. We have been dealing with strangers in our yard since all of your studies have started, we come home routinely to cars parked in our lawn down by the road, strange men walking across our yard; I have 3 kids, we have a dog. We have to be careful with the dog. There has been absolutely no consideration to us during any of this. I think that it has been forgotten that with all of this property that was sold, a home also sold and a family moved in there. So, we're just, we're trying to make the best of the situation, the property was advertised and sold as R-1. Residential, there was never anything in the Keiko ad or anything said that led us to even think that a commercial property would be going next door to us. We've accepted that, you know, from the day we closed we knew it was happening so we've come to terms with that but we are quite honestly pleading with all of you to consider us to where this tower is being placed. There is plenty of opportunity with these developers that want the tower with locations right along 21 that gets it off of our property line, visible like your saying, be great for the community and doesn't impede on us. It doesn't cause easements, it allows us to keep, there's a tree line all already along the barrier between Buck's property and us that we were originally told by Buck that it would stay. There is no way it will stay if this happens, and additionally we're going to lose all the trees on our side because you can't drop pipe down in the ground and disrupt mature tree root structures and us not feel the effect of this with how close it going in. So, in closing I actually invite all of you, Joan, if you want to come as well, to visit our home and to see this. You can look at maps all day long but you're never really going to understand the impact and what this is doing to us, our family. You know, we're not saying don't put the water tower in, we understand the necessity for it, we are pleading with you to make us a consideration because I don't think we have been in the 2 years we've lived there. We've put up with a lot and we've made a lot of considerations and have turned the other way and let things happen it's what the town wants and it's what you all voted on. So, the property isn't built, or purchased yet, you don't own the land yet. Please, please take the time to really look at what's going to be best for the community and everyone involved. Because when I look at the map that was provided there's better options and it doesn't involve us giving up more than we've already given up. We will leave our contact information with whomever.

Jereme Gearhart is also at the meeting with his wife. Mr. Gearhart says you're coming right through the back of our property, through the front of our property, down the side of

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our property aren't your only options. You put it on Canal Fulton property with the investor that needs it for development (Mr. Gearhart has a map he is referring to). This one and this one, Lockhart and Dan Buck, you could come across the street, it's on the right side going out of town, it's completely level with the road. On the left side its 6-foot berm all the way up through what Keith Blowers is now trying to sell right here because of this. It would be easier to go up a field that's undeveloped, there a piece of property on 21 right here on the corner that is undevelopable, where most water towers are, like Marshallville right up the street where the cell phone tower is on the corner, not it someone's back yard. Right in the very, very, 50 foot from your Canal Fulton one you just annexed, clear in the back corner of Lawrence Township. Please if either of these sights could be used. You can't tell me the Engineer picked that site, that site was picked by Dan Buck, 100 foot to the left is no better than 100 foot to the right or 400 foot to the left. Just 34 foot of elevation change from your proposed site to the 21 on the corner. You're talking about putting 150 – 180-foot tower, you're gonna get all the water pressure you need, you get it you know 1.4,3 pounds of water pressure per foot, you're gonna get everything you need and we won't have easements on our property. I mean you're talking about 1000-foot easement that we will never be able to build on our property, and it was sol represented as residential, R-1, Lawrence Township. I went to, I spoke to Frank before we bought the property, nope nothing will ever happen up there, it's Lawrence Township, the only way something can happen is if they annex property and it was all done beforehand. Mr. Cozy well one thing ill say is we met with Keiko before the auction and we explained to them what was going to happen there and they looked at us like we had 3 heads, and I said nope it's going to go commercial; it's going to go sub-division. I have it right here. Mr. Gearhart says I know that, I bought it as R-1. Mayor Schultz says that what we looked at when we discussed it with them. Mr. Gearhart says how do you afford one guy, Dan Buck, the ability to know he is going to be granted and get whatever he wants up there and ,y property, at \$15,000.00 an acre, when commercial property has been for sale on the other side of town before that, where Bell Stores sold, bought and built, \$155,000.00 an acre so he had the opportunity to have a piece of property given to him, a golden piece of property that he knew if he bought it he could do whatever he wanted up there and it was never disclosed, There was nothing about a water tower, there was nothing about commercial, there was nothing about City, there was 4-5 lots in the City, that's it.

Mr. Cozy says make no mistake about it I have public records going back to 2002, we negotiated with Kilbride's to put a water tower up on that hill. That's been in the City plans when we did our Community Master Plan back in 2009, water tower, development of Route 21, that was in that Community Plan we did, city-wide plan. We made no mistake about where we were going but I understand your situation so I agree we need to look at something. Mr. Gearhart says please come up, because you don't understand. Mr. Cozy says the reason why that was picked was because the elevation of that site is 1190, if you look at the topographical map it's right here that was passed out, 1190 at swope, that's the highest point. That's why that site was picked. It's just purely engineering, that's the highest point, that's where you out your water tower otherwise you have to out the tower higher. So, it's basically, of course if this alternate site here is 1175 so if you move it over a little bit. Mrs. Donaldson say that's not that much difference. Mr. Cozy says there's wiggle room there, I think. Mrs. Mayberry says does Mr. Buck own that other site. Mr. Gearhart says he owns a whole 15-acre parcel there. Mrs. Mayberry says yours is right, there right? Mr. Gearhart says yes, and to the left is Dan Buck, the triangle on 21. Mrs. Mayberry says could you show me, I'm sorry. Mr. Gearhart says if there's not another way around it I could see but to put this right through our property, I mean, we don't have gas up here we have propane. He has gas down here, now if we were to get gas brought up what would the utility company do. They would come straight up the easement that's already there right to our road, to our property, coming and make an easement right up to my house for gas line. They wouldn't come across 5 properties, all my neighbors would put deed restrictions. There's already an easement, already every road has an easement for utilities so it's there, why put it on our side of the road, we've got, you know the house, there 10,000 flowers in front yard. You're going to tear all of our trees, and I don't know if any of the neighbors know I just know because there's a guy standing in my backyard every couple of day. I can't shoot my gun up there anymore. I got a dog I can't let out, I got 3 kids that, it's a mess, this is a mess. It should be here or here (referring to map). There should be, you don't put a water tower right at the border of your property, it just doesn't make sense. Mayor Schutz says we will look at it and I think all of us are committed to going out there and looking at it personally. Mrs. Donaldson asks if there is any special time that is better to come out or does it matter. Mr. Gearhart says we were going to have an organic farm there and so I'm there all the time. Mrs. Mayberry says this proposed water tower, proposed means that can change correct. Mr. Gearhart says

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correct. They wanted to come through the property with eh tanks to do bore testing and I told them no. They can go through the agricultural field. Mrs. Mayberry says we thank you for coming in. Mayor Schultz says that's why we have public meetings. Mrs. Mayberry says when you're looking at maps from bird's eye view, you can't see. Mr. Gearhart says when you see how close it is. Mayor Schultz says if you look right over your heads that's a map of the service area. Mr. Gearhart says it's literally 40 feet from my swing set.

Mayor Schultz says on a positive note we did eliminate trucks from your road and lowered the speed limit.

Mr. Gearhart says we are 160 feet off the road and we bought 6 acres because we wanted to be left alone and originally it was going to be that way. Mayor Schultz says how about shooting your gun. Mr. Gearhart says that's where I shoot because that's the highest spot there that I can shoot into and the water tower is right behind it, I'm never going to be able to shoot a gun there. What, I'm not going to be able to shoot a gun on my property at 6 acres. Mr. Cozy says you can't be within 300 feet of adjoining structures to shoot, that State Law. Mr. Gearhart says why am I being imposed upon more and more, this is, to put a business there was wrong, period. To invest in, our biggest investment in our lives for our kids' sake, to have that not disclosed when it was public knowledge is illegal, I would think. Mr. Cozy says we did our due diligence, so you have to talk to Keiko because we met with them and told them what was going to happen, they didn't believe us and you are the ones that are suffering because of that, it's a shame. Mayor Schultz says we will get back to you, can you leave your contact information with Carla.

**ADJOURNMENT**

*Mayor Schultz adjourned the meeting at 8:20pm*

**Meeting minutes prepared by: Carla Rante**

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**Meeting minutes approved by: Mayor Joe Schultz**

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