

**CITY OF CANAL FULTON
CITY COUNCIL MEETING MINUTES
February 18, 2014**

CALL TO ORDER

The meeting was called to order by Mayor Richard Harbaugh at 7:00pm.

PLEDGE OF ALLEGIANCE

ROLL CALL

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

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

Others Present: Chell Rossi, Earl Minks, Jim Deans, Joan Porter

REPORTS OF STANDING COMMITTEES

Danny Losch reported on the Safety Committee that met prior to the Council Meeting. Danny Losch was elected Chair. Discussion included a Steering Committee for the Joint Police Study. Rochelle Rossi will be participating as a committee member. The committee will consist of 12 members. The study will take approximately a year and a half.

Linda Zahirsky reported on the Personnel/Rules Committee that met on February 11, 2014. Discussion included Council Rules, which the committee did not get to discuss, and the committee went into executive session to discuss non-bargaining salaries for certain positions.

A motion was made to hold a Personnel/Rules Committee meeting on February 25, 2014 at 6:00 PM to discuss Council Rules, salaries and any other business deemed necessary under the Personnel/Rules Committee by Linda Zahirsky, second by Nellie Cihon. All Council Members voted yes. Motion approved.

Scott Svab reported on the Public Hearing in regards to the YMCA held on February 11, 2014. The meeting was well attended. There were questions in regards to the entrance, acreage, amenities and possible trail linkage to Ohio Erie Canal.

Linda Zahirsky stated that Sue Mayberry asked about the money that we received from Lindsey Concrete. The purpose was to make sure that the area close to them would be a parking lot, so that they could use it. Mr. Cozy said the money was a deed restriction. Basically if we did not use it for a park, not economic development that we would not get that parcel of land across the street.

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

CORRECTING & ADOPTING THE RECORD OF PROCEEDINGS

February 4, 2014

A motion was made to approve the February 4 Meeting Minutes by Nellie Cihon, second by Scott Svab.

On Page 3 under second readings, Mrs. Mayberry asked that a sentence that she stated "Mrs. Mayberry said we're going forward without that is not premature on our part at this time." To make it a question mark rather than a period.

All Council Members voted yes. Motion approved.

REPORTS OF ADMINISTRATIVE OFFICERS

Senior Citizens – No Report

Community Service – Written Report included in the packet.

Fire Chief – Written Report included in the packet. Fire Chief Ray Durkee congratulated Patrolman John Barabasch on his recent award of Stark County Community Officer of the Year. The Explorers participated in the Jackson Fire Expo. They were able to earn some money for their program. The feedback we get about our program is great and they are held at a pretty high extreme.

March 2 through March 8 is Spring Severe Weather Awareness Week. Tornado sirens will be sounding on March 5, 2014 at 9:50am.

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Police Chief – Written Report included in the packet. Police Chief Doug Swartz thanked all that attended and supported John Barabasch in his award of Stark County Community Officer of the Year at the Crime Prevention Breakfast. It was great publicity for Canal Fulton Police Department.

Brimfield Police Department showcased Canal Fulton Police Department on their Facebook page. In doing had within nine hours we had 1,500 people join our Facebook page. Brimfield has one of the best followings. We put out a lot of press on our page and now we have a global following.

Josh Barabasch and Rob Stetka went to the library and held a self-defense class for the library and their staff. This is the second year for the class. One of the librarians last year actually used what she learned in the class in an incident. Our officers our doing great things. The Chief said he is proud of everybody for what they do and they appreciate the good press that they get. The annual report will be done for the next council meeting.

Chief Swartz said he will have a part time officer, Chad Hinds, to swear in at the next council meeting.

Engineer/Streets/Public Utilities – Service Director Dan Mayberry included a Written Report in the packet.

Mr. Mayberry reported that today at the Waste Water Treatment Plant the roof at the grit building collapsed. Council might recall that about a year ago we had problems and had the roof trusses secured. Recently Council was asked to approve a purchase order for \$3,000.00 to have the gussets on the webbing reinforced with wolmanized lumber. That will not be necessary any longer due to the collapse. There were no employees in the building at the time of the collapse. The purchase order to PEM Properties will be used for clean up if Council approves to pay for dumpsters and remove debris from the building. That will be started tomorrow with our force. They situation will be assessed and we can see how much additional labor we may need and go from there. The building will be evaluated and they will decide that. The power has been shut off and is safe for our workers. Everything is down, so we do not have to worry about any additional collapse. Mr. Mayberry said it was unfortunate and he would work with CTI to reevaluate and see what they can do to salvage the pole building frame that is there and incorporate it in to a smaller structure and hopefully go more open air at the site. Having that grit tank inside a building is not going to improve or cause any type of odor problems at the waste water plant that it does not already. That building burned down about fourteen years ago and it collapsing now is just a hostile environment with the moisture and the sulfide gas inside the building. There is no sense in us butting our heads against the wall. We have to come up with another solution.

Mr. Svab asked if the insurance was going to cover this. Mr. Mayberry said we were down that avenue, and the insurance felt that the structure was deficient in its design and application, considering all the moisture it was exposed to year round. Mr. Svab asked if CTI engineered the restructure of the reinforcement of the gussets. Mr. Mayberry said no, that was done by carpenters. Mr. Svab said he meant what was planned on fixing. Mr. Mayberry said no, that was contemplated amongst contractors as to how we should go about trying to save the building as it was. Mr. Svab asked why they didn't come in and do this when the purchase order was done. Mr. Mayberry said scheduling, that is all he could say. Mr. Svab asked how much he was thinking it was going to cost to fix the building. Mr. Mayberry said he had no idea yet. Mr. Svab said \$30-40,000, and Mr. Mayberry said he didn't want guess as to what it would be.

Finance Director – January Financials were included in the packet. Finance Director William Rouse stated that the two branches of the Auditor of State's Office that we use are now in full force. The local government services division that helps to compile the annual financial statements started last week. They have indicated that progress is going very well. They will finish around the end of March. The financial auditors will be in town on Thursday to start the audit. The first phase they will be here for about four weeks.

Mr. Rouse stated that the annual worker's compensation invoice was paid last week and we had a slight rate reduction. The final bill was about \$32,000, budgeted was \$41,000.

In the January financials income taxes are up about one percent. The ending unencumbered fund balances may look odd. Big ticket items are designed to cover our expenses for a twelve month period, but there has only been one month of revenue coming in at this point. As the year progresses they will normalize.

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

City Manager – The City Manager included a report in the packet.

City Manager Mark Cozy reported that as of today he still did not have the signatures for the Locust Street Water/Sewer Project. He did have our Engineer give us a spreadsheet, and with the signatures in hand, including Mr. Vandenberg and Mr. Gessaman, we have a majority. All we need are those two signatures and we can move on the project. The legislation is a third reading tonight, if Council does not feel confident the legislation can be tabled.

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Mentioned in the report was the Ohio Erie Canalway Association grant opportunity that we have. Mr. Cozy received a proposal from Environmental Design Group to identify an off road trail from the Puffenberger property down to the Towpath Trail. The price for the study is \$8,900.00. Mr. Cozy said he loved the idea but didn't know if it was worth the money.

Mr. Cozy said he also received a proposal. Jim Guest from the Heritage Society has been doing some research on providing some sort of structure over the St. Helena Canal Boat. It has been a constant issue for the City in putting money towards keeping a fresh coat of paint on the boat. The weather is terrible on the boat, along with vandalism. Mr. Guest has talked to different engineering firms and it looks like it would cost around eight to nine thousand dollars to do an engineering plan, mainly because the boat sits in the flood plain. There is permitting issues. If we apply and get the grant it would pay for half. What we are up against with the grant is the deadline was two months ago. We submitted an application to replace the bridge at the dry dock. The metal hardware is corroded. Bob Fonte informed Mr. Cozy that they are going to repair or replace the bridge as an in-house project. Mr. Cozy would like a motion from Council tonight to apply for the OECA grant.

Mrs. Mayberry asked how much is it going to take for the protection of the boat. Mr. Cozy said the estimate that he had from Mr. Guest is for about \$30,000. That would include a roof, concrete pad underneath, and a protecting fence around. Some kind of structure to keep birds from flying in the structure to build nests also. Mr. Cozy said it would be an involved process, because whatever structure gets built, it needs to go through the HPC, Planning Commission and Council. Whatever design is done has to go through committees before we could get a finalized plan. We also have to see about the floodway. Mr. Losch asked who owned the boat. Mr. Cozy replied that the City does. Mrs. Cihon asked where we would put the boat if we had to move it. Mr. Mayberry said that we would have to choose a site and maybe move it closer to the park road entrance.

Mrs. Mayberry said she thought if they had questions, then approving a grant right now is premature. Mr. Cozy said that the grant for the study would include the engineering design where the questions would have to be addressed. That is the purpose of this. The whole site would be researched.

Mr. Craney asked if this would give the public access to the boat again. Mr. Cozy said that is the idea. Rochelle Rossi said the Heritage Society had plans to put a museum in the boat. It that would be done the boat would need turned around. Mrs. Rossi said there were drawings made. Mr. Mayberry stated that access to the boat should be under a controlled condition.

Mr. Losch said he would like to see the boat relocated instead of a structure to cover it with the money.

A motion was made to allow the City Manager to apply for the OECA Grant by Linda Zahirsky, second by Sean Craney. Danny Losch voted no. All other Council Members voted yes. Motion approved.

Mr. Cozy said that today he received by fax a signed tentative agreement from the Teamsters. Mr. Cozy asked for a motion to draft legislation with emergency clause attached to approve the Union Contract with the Teamsters.

A motion was made to have the City Manager draft the contract for the Teamsters with the terms and conditions that they signed and agreed by Linda Zahirsky, second by Nellie Cihon. All Council Members voted yes. Motion Approved.

Mr. Cozy reported on the Park Board Meeting. The Park Board passed two motions. One motion was made to support the YMCA on the Puffenberger Property which they called Canal Fulton City Park. The Park Board did pass a motion within the last several years to call that property Canal Fulton City Park. Mr. Cozy asked if Council was in a position to pass a motion to approve the YMCA at the Canal Fulton City Park.

Scott Svab said he would like to have another public hearing on it. Mr. Craney said he felt that it had been discussed enough. Mr. Cozy asked where else would it be located. Mr. Svab said if they said yes, money would be asked for an engineering study. That was the next point. Mr. Cozy said absolutely. Mrs. Zahirsky asked if it was a conflict for Board Members from the YMCA to vote on that issue here. Mr. Fellmeth said it would be better off to abstain. Mr. Craney said at the last public meeting everyone was in favor. Mr. Craney said he would like to see the motion put in there to push it forward; he would like to use the YMCA before he dies. Mr. Cozy said he was not going to ask for a voice motion to approve any kind of proposal for the engineering plan, what he wants is an endorsement.

Mrs. Mayberry asked how many acres is the property. Sean Craney said it was twenty six. Mr. Cozy said five acres donated. Mrs. Mayberry asked how much was buildable and how much was swamp. Mr. Cozy said the five acres. Mrs. Mayberry said the frontage that involves Lindsey Concrete is six to seven acres. Is Lindsey aware of what we want to do there? Mr. Cozy said yes, he wants that park. Mrs. Mayberry asked if he knew about the YMCA. Mr. Cozy said he has never talked to him specifically about that. Mrs. Mayberry asked if Lindsey considered the YMCA a feasible addition there, or will he not be happy with the YMCA. Mr. Cozy said deed restriction is that he does not want houses there because of his operation. He did not want people complaining about his operation. Mrs.

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Mayberry said so that issue would not cause a problem with Mr. Lindsey. Mrs. Mayberry asked how much the YMCA would take up. Mr. Craney said about five acres. Mr. Losch asked if that was for building and parking. Mr. Svab asked if we knew that for a fact and if that was in the study. Mrs. Zahirsky said she thought so. Mr. Cozy said that was standard. Mrs. Mayberry said that would leave us a balance of about fourteen acres to use for driveways and park and other amenities we would like to use in a park. Mr. Craney said the wetland can be used for trails. Mr. Losch said he wanted to remind folks that we had plans in hand, that we paid a lot of money for, for a park prior to the YMCA plan. Mr. Losch said if we were going to pay any more money towards study we would definitely want to use those plans as part of it. MR. Losch said he thought that was the most favorable place for the YMCA.

Mrs. Mayberry said they had also talked about any liability with how they were going to offer the land. Mrs. Zahirsky said they had not talked about that. Mr. Craney said we are not to that point. Mrs. Mayberry said if we commit the land, we are committing to something. Mr. Craney said this wasn't committing the land this was just saying we were in favor of using the land. It is not completely committing the land at all. It is saying that we like it too. Mr. Svab said we do like it, but he would like to hear what the resident's viewpoint before he commits.

Mayor Harbaugh asked if the YMCA would have the choice as to where it would sit on the land. Mr. Cozy said no, that should be the City's decision. That is why we want to do the study and have it be our study, and we decide where the YMCA goes. Mr. Cozy explained that there would be several different variations with the YMCA location on the property. This is a huge decision, but a huge opportunity in front of us. Mr. Cozy stated that the engineering firm would have public meetings and the YMCA board will be there. Mrs. Zahirsky stated that we are the ultimate ones to decide.

Mrs. Mayberry asked if we were paying for the revisit to the past study or is the YMCA going to participate to some of the study to add the YMCA to what we already had set up in 2006 and paid \$13,000 for. Mr. Svab said why can't we look into another vendor other than EDG? Mr. Cozy said we can. Mr. Cozy stated that the original proposal to revise the study was \$7,200.00. Mr. Cozy said he asked then to revise the proposal because they also wanted to do some trail connections to the property across the street with Longview and the adjacent neighborhoods, now the price has gone up to \$8,900.00. Mr. Losch said so you are going to go \$8,900.00 on a proposed program for twenty some acres, but you are going to go ahead and spend \$9,000.00 for a cover on a boat?

A motion was made to move forward with approving the YMCA to be put on the Canal Fulton City Park land by Danny Losch, second by Linda Zahirsky. Sean Craney abstained from the vote. All other Council Members voted yes. Motion approved.

Report of Mayor

Mayor Harbaugh asked for appointments to be made to several committees and boards.

A motion was made to waive Rule 17 by Sean Craney, second by Scott Svab. All Council Members voted yes. Motion approved.

Income Tax Board of Review Appt – Bob Schaeffer

A motion was made to appoint Bob Schaeffer to the Income Tax Board of Review by Scott Svab, second by Sue Mayberry. All Council Members voted yes. Motion Approved.

Civil Service Appt – Ron Fallert

A motion was made to appoint Ron Fallert to the Civil Service Commission by Scott Svab, second by Nellie Cihon. All Council Members voted yes. Motion approved.

Planning Commission Appts – Don Schwendiman & John Workman

A motion as made to appoint Don Schwendiman to the Planning Commission by Nellie Cihon, second by Scott Svab. All Council Members voted yes. Motion approved.

A motion was made to appoint John Workman to the Planning Commission by Nellie Cihon, second by Sue Mayberry. All Council Members voted yes. Motion approved.

Historical Planning Commission Appts – Hal Hardie and John Workman

A motion was made to appoint Hal Hardie to the Historical Planning Commission by Danny Losch, second by Linda Zahirsky. All Council Members voted yes. Motion approved.

A motion was made to appoint John Workman to the Historical Planning Commission by Sue Mayberry, second by Nellie Cihon. All Council Members voted yes. Motion approved.

Parks & Recreation Board - No Report

Law Director – Law Director Scott Fellmeth recommended that Resolution 2-14 be tabled. Mr. Fellmeth also reported on the barricade to the plaza that Bob Lockhart owns. CBN enterprises did not come forward with their half that they were going to contribute for legal services. Council was originally \$1,500.00 to investigate. CBN waited for the City to commit to it. Legally Mr. Fellmeth recommended

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that we do not go forward with the expenditure. It is Mr. Fellmeth's opinion that we do not have a prescriptive easement on that property and he would suggest not going forward with it.

A motion was made to withdrawal the ordinance to spend \$1,500 on the investigation of the prescriptive easement by Linda Zahirsky, second by Nellie Cihon. All Council Members voted yes. Motion approved.

THIRD READINGS

Resolution 1-14: A Resolution by the Council of the City of Canal Fulton, Ohio to Enter into an Agreement with CTI Engineers, Inc. to Provide Professional Engineering Services for the Locust Street Sanitary Sewer and Waterline Extension and Declaring an Emergency.

A motion was made to table Resolution 1:14 by Danny Losch, second by Scott Svab. All Council members voted yes. Motion approved.

SECOND READINGS

Ordinance 2-14: An Ordinance Amending Ordinance 31-13, and Providing for Changes to Previously Authorized but Not Yet Executed Transfers

FIRST READINGS

Resolution 3-14: A Resolution By the Council of the City of Canal Fulton, Ohio to enter into a Memorandum of Understanding for the Technical Assistance Between the City for Canal Fulton and the Stark County, Ohio Soil and Water Conservation District.

Ordinance 5-14: An Ordinance Amending Ordinance 9-13, Rates of Pay for Full-time Non-bargaining Employees, and Repealing Any Ordinances in Conflict Therewith.

Resolution 4-14: A Resolution by the Council of the City of Canal Fulton Ohio to enter into a Contract with the City of Massillon, Ohio Law Department Providing for Prosecution of Criminal and Traffic Offenders in the Massillon Municipal Court and Performance of Other Related Traffic and Criminal Legal Services for Canal Fulton, Ohio and Declaring an Emergency

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

A motion was made to pass Resolution 4-14 under suspension of the rules by Sue Mayberry, second by Danny Losch. All Council Members voted yes. Motion approved.

Ordinance 6-14: An Ordinance Amending Ordinance 31-13, and Providing for Supplemental Appropriations for the Current Expenses and Other Expenditures of the City of Canal Fulton, County of Stark, Ohio, for the Fiscal Year Ending December 31, 2014.

Scott Svab commended Fire Chief Ray Durkee on applying for the BWC grant.

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

A motion was made to pass Ordinance 6-14 under suspension of the rules by Scott Svab, second by Danny Losch. All Council Members voted yes. Motion approved.

P.O.s

P.O. 9164: to Stryker Medical Co. in the amount of \$31,604.32 for Powered Lift Cots \$7,901.08 Local Match and 23,703.24 Ohio BWC Grant City's Match to Ohio Bureau of Worker's

A motion was made to approve P.O. 9164 by Danny Losch, second by Scott Svab. All Council Members voted yes. Motion approved.

P.O. 9151: to Cargill, Inc. in the amount of \$20,000.00 for Road Salt

A motion was made to approve P.O. 9151 by Nellie Cihon, second by Scott Svab. All Council Members voted yes. Motion approved

P.O. 9153: to Huntington National Bank in the Amount of \$45,906.25 for Northwest Schools Waterline

A motion was made to approve P.O. 9153 by Sean Craney, second by Scott Svab. All Council Members voted yes. Motion approved

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BILLS - \$325,637.91

A motion was made to approve the January Bills by Scott Svab, second by Nellie Cihon.

Mrs. Mayberry asked about the Stark County Regional Planning Government Law Seminar. She was at the seminar and paid for her own ticket for \$25.00. Scott Svab said she should be reimbursed. Mrs. Mayberry said she did not want to be. She wanted to say that there was \$75.00 here and she only saw one City employee there. Is there a reason two employees did not go. Mr. Cozy stated that Don Schwendiman and John Workman from the Planning Commission were going to go.

All Council Members voted yes. Motion approved.

OLD/NEW/OTHER BUSINESS

Chief Doug Swartz stated that our former employee John Heddy had passed away.

Chief Swartz stated that Brian Thomas was contacted about the steering committee for the Joint Police District Study. Chief Swartz stated that he was a former police officer.

A motion was made to nominate Brian Thomas to the steering committee for the Joint Police District Study by Sean Craney, second by Nellie Cihon. All Council Members voted yes. Motion approved.

A motion was made to have a Public Service Committee meeting to meet the requirement of 1st Quarter meeting to elect a chair and all other business deemed necessary on March 18, 2014 at 6:30pm by Sue Mayberry, second by Scott Svab. All Council Members voted yes. Motion approved.

A motion was made to hold an Economic Development Committee meeting to elect a chair and all other business deemed necessary on March 18, 2014 at 6:45pm by Danny Losch, second by Sean Craney. All Council Members voted yes. Motion approved.

REPORT OF PRESIDENT PRO TEMPORE

Scott Svab reported that yesterday was the Great Back Yard Bird Count and he spotted a Bald Eagle in Canal Fulton. Next year he would like to get the library involved. Cornell University holds it and it is a research project worldwide. Mr. Deans said there was a Junior Friends of the Library group also that could get involved. Mr. Svab said there is a grant that he will look into for binoculars. Public awareness of the birds would be great and there are a lot of species on the towpath trail.

Mr. Svab said he is pro YMCA. He wants to see this done right. He wants public opinion good or bad. The survey was just a snapshot in time. He said he felt everyone was in a rush mode. Having another meeting might be stalling out the project, but for him it was not. He wants to hear more from residents. He was impressed at the number of people at the public hearing. With time constraints on everyone's plate, he wants to meet with them and he welcomes anyone who wants to come this Saturday, February 22, at 11:00am. He wants to also talk about the wetland area that Mr. Schalmo has dedicated to us. We need to get the momentum built and start looking at a trail fund.

Mrs. Zahirsky said she is concerned with groups like 24-7 and Curves and what we are doing is using City money to put them out of business. She does not agree with that. Mr. Svab said whether you call it the Y or the Canal Fulton Recreation Center or any other hybrid thing, there is always going to be a conflict and concerns. Mr. Svab said they need to look at all the options on the table. The Y has the name, but they are in the business to make money. He does not want to have a mini YMCA that people look at and are disappointed. He feels we should do it right or don't even do it. He would rather it stay a bog or a wetland than do it foolishly or on the cheap. Past Council decided to spend the money and get the property for our future. Now the future is but it is not necessarily sign on the dotted line by March 1st or it goes away. Let's make it happen and do it right.

Mrs. Mayberry asked if Saturday would bring people in here. Mr. Svab said if it doesn't, it doesn't. We will be here and give them one more opportunity to voice their complaints and concerns. Mrs. Mayberry said she thought maybe another. He said he thought maybe people couldn't make it on a weekday. This Saturday they will know there is another opportunity to talk about it. Mrs. Mayberry stated we could put it on the water bill for a public meeting for the YMCA.

Mr. Cozy said we could get it on the water bill on the 1st week of March.

A motion was made to have a public hearing to discuss the location of the YMCA on Saturday, February 22, 2014 at 11:00am by Scott Svab, second by Danny Losch. All Council Members voted yes. Motion approved.

REPORT OF SPECIAL COMMITTEES - None

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CITIZENS COMMENTS – Open Discussion (Five Minute Rule)

Jim Deans – 426 Heritage. Mr. Deans asked about ribbon cutting and whether it was a Chamber of Commerce event or a City event. It was discussed and some have been done by the City and some have been done by the Chamber. Mr. Deans said he would get back with the Chamber and let them know.

ADJOURNMENT

The meeting was adjourned at 8:33pm