

# RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 107-48

Held 6-4

20 13

## CITY OF CANAL FULTON CITY COUNCIL MINUTES

June 4, 2013

### CALL TO ORDER

Mayor Richard Harbaugh called the meeting to order at 7:00pm.

### PLEDGE OF ALLEGIANCE

### ROLL CALL

Mayor Richard Harbaugh, Council Members - Sue Mayberry, Scott Svab, Danny Losch, Paul Bagocius, Linda Zahirsky and Nellie Cihon.

Others Present: Fire Chief Ray Durkee, Police Chief Doug Swartz, City Manager Mark Cozy, Law Director Scott Fellmeth, Finance Director James Goffe and Council Clerk Teresa Dolan.

Others Present: Chell Rossi, James Deans, Bob Schaeffer, Barb Schaeffer, Skip Blowers, and Joan Porter, Brian Williams, Steven Pennington, Rich Bibigaus, Russ Vereshack, Mathew Sandman, Brandon Fleming, Cameron Martin, Russ and Lori Vereshack, Earl Minks, Deana Lockard, Carol Lyons, Sandra Hutchinson, Helen Dittmer, Helen Weygandt, Mary Kocsis, Jennifer Patton

### REPORTS OF STANDING COMMITTEES

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

Mayor Harbaugh presented a Proclamation to Helen Dittmer for being awarded the 2013 Medical Mutual Statewide Ohio Outstanding Senior Volunteer Honorable Mentions Winner.

### Swearing In Firefighter/EMTs

Chief Durkee recommended the following be sworn in as part-time firefighter/EMTs. A motion was made to hire the following as Fire Fighters/EMT's by Linda Zahirsky, second by Scott Svab.

Brian Williams  
Steven Pennington  
Rich Bibigaus  
Russ Vereshack  
Mathew Sandman  
Brandon Fleming  
Cameron Martin

All Council Members voted yes. Motion approved.

### CORRECTING & ADOPTING THE RECORD OF PROCEEDINGS May 21, 2013

A motion was made to accept the May 21, 2013 Council Meeting Minutes by Nellie Cihon, second by Scott Svab. All Council Members voted yes. Motion approved.

### REPORTS OF ADMINISTRATIVE OFFICERS

#### Senior Citizens

Paul Bagocius reported that the Silver Sneaker program begins on June 10, 2013. The Senior Center can be reached for information.

#### Community Service Coordinator

#### Fire Chief

Held \_\_\_\_\_

20

**CITY OF CANAL FULTON  
CITY COUNCIL MINUTES**

June 4, 2013

Fire Chief Ray Durkee thanked Council for the new hires this evening. Chief Durkee said the department was busy last night on four simultaneous calls.

Police Chief

Police Chief Doug Swartz reported that the department had been working on a domestic call. He commended Officer Kasinger and Officer Ruthrauf on their service during the call. Bishop is doing well and is working on his bite work with good response.

Engineer/Streets/Public Utilities

Engineer Bill Dorman reported that bids were opened for the Locust/Portage project. The bids came in below the estimate due to falling asphalt prices. He is working on the Cherry/Locust project and developing a scope with ODOT. Locust/Portage sewer project will be ready to discuss findings after meeting with residents.

Danny Losch asked about the blocking of the private drive at Heritage Square Plaza. Mr. Dorman said that he had learned of the closing through an email. Mr. Dorman turned the question over to the Law Director. Mr. Fellmeth stated that the drive had been used for 23 years as public access. It is a private drive. Scott Svab expressed concern because of the possible problem it would cause with safety service response.

Mr. Fellmeth recommended that the owners of Heritage Square Plaza contact their attorney. Their attorney could then talk to the Law Director about pursuing a possible collaboration. There will need to be some research on the matter to see if the City has ever been given permission to use the drive, and to see if the City had ever maintained the drive. If that would be the case, it is possible that a prescriptive easement could be sought. Mr. Fellmeth also recommended that this matter should possibly go to committee.

The Service Director included a written report in the packet. Mr. Mayberry was not in attendance due to illness.

Finance Director

A motion was made to accept the April Financials by Linda Zahirsky, second by Nellie Cihon. All Council Members voted yes, motion approved.

City Manager

Mark Cozy included a written report in the packet. Mr. Cozy reported on reviewing Environmental Designs Proposal for the Locust/Cherry Intersection Project which is due June 7. Mr. Cozy requested the selection committee for review.

A motion was made for the Selection Committee to meet on June 18, 2013 at 5:30 by Linda Zahirsky, second by Scott Svab. All Council Members voted yes. Motion approved.

Mr. Cozy stated that there was an apparent low bidder for the Locust Street Paving project. He said he would have information and documents for the next Council meeting and then approve the contract the first meeting in July.

Paul Bagocius asked the City Manager about the tornado sirens and approaching the township for their interest. Mr. Cozy said it was a question if they could pay us back. Mr. Cozy stated he did not pursue it because he did not know what Council was thinking yet on it. Mr. Cozy mentioned it to Trustee Les Kamph, who thought it was a good idea, but was not sure where the Trustees stood on the issue. Mr. Cozy said he wanted to approach Council first. Mr. Cozy said there were issues; one being should the City be the lead agency since the sirens would all be placed in Lawrence Township. Should we be bonding the project? We would have to draft some kind of agreement with the Trustees by that point. There was discussion about possibly making the sirens remote control accessible.

A motion was made to look into the cost of a remote control system to activate the Tornado Siren by Danny Losch, second by Paul Bagocius. All Council Members voted yes. Motion approved.

Held

20

## CITY OF CANAL FULTON CITY COUNCIL MINUTES

June 4, 2013

Mr. Cozy reported on the Health Department sending notices out to residents on High Street to connect to our sewer. We have been allowing homeowners to make payments to connect to the sewer through water bills. We have discussed the possibility of being able to access people also. This would be for landlords. We would need legislation to do so. We have discussed this, but have never introduced legislation. If there were no objections from Council the Law Director could prepare legislation to enable the City to assess property owners who want to connect to our sewer system.

Mr. Cozy reported on the Four Square study that Central Stark County YMCA has recommended as a next step towards bringing the YMCA to Canal Fulton. The cost is \$24,000. Central Stark County would contribute \$12,000; SUMA has also said they would contribute \$6,000. Bringing the local match to \$6,000. Lawrence Township has been approached but there are budgetary issues there. For \$6,000 we could have a \$24,000 study made for Canal Fulton for the YMCA.

A motion was made to approve a purchase order up to \$6,000.00 for the YMCA Four Square Study by Scott Svab, second by Nellie Cihon. All Council Members voted yes. Motion approved.

### Report of Mayor

Mayor Harbaugh reported that the dirt moving is going well at the Senior Center. The Mayor also asked about the status of the horse for the Canal Boat. Mr. Cozy said Prince is back in service, but he can only do so much. They are looking into purchasing another horse because Prince will more than likely not be able to perform the entire summer. The Heritage Society is going to a horse auction to look into purchasing there also.

### Parks & Recreation Board - No Report.

### Law Director

Mr. Fellmeth reported on the Mouse suit. Trial date is set for November 4, 2013. Final pretrial is set in October. All motions for summary judgment are due by the first of August. He said it was a strange case on the plaintiff's point of view. The plaintiff has not requested any discovery. This is unheard of. Council has requested discovery, but they have not.

### THIRD READINGS

**Ordinance 1-13: TABLED** An Ordinance by the Council of the City of Canal Fulton, Ohio authorizing the Canal Lands II Annexation of 66 acres, more or less, from Lawrence Township, Stark County, Ohio to the City of Canal Fulton.

A motion was made to bring Ordinance 1-13 off of the table, second by Paul Bagocius. Vote is as follows: Scott Svab – yes, Nellie Cihon – yes, Danny Losch – no, Linda Zahirsky – yes, Paul Bagocius – yes and Sue Mayberry – yes. Motion approved.

A motion was made to pass Ordinance 1-13 by Danny Losch, second by Scott Svab.

Paul Bagocius asked if this passes would we proceed with the annexation and it would take four votes? Mr. Fellmeth said that was correct.

Mayor Harbaugh stated that things were working fantastic with the township, the police departments, the fire departments are together, the street departments are working together. Going through an annexation could destroy it all.

Vote is as follows: Scott Svab – no, Danny Losch – no, Linda Zahirsky – abstain, Paul Bagocius (stated that he thought there was a lot of private discussions going on) – no, Sue Mayberry – no, Nellie Cihon – abstain. Motion fails.

Danny Losch said this could be brought back at any time. Scott Fellmeth said it was defeated at this time. Danny Losch said he wanted to make folks aware that it could

Held \_\_\_\_\_

20

**CITY OF CANAL FULTON  
CITY COUNCIL MINUTES**

June 4, 2013

be brought back. There was discussion about the annexation only being park and towpath. Mr. Losch said he just wanted that point to be clear. Mayor Harbaugh asked what good it was to the City then. Mr. Losch said it was a marketing tool for tourism.

**SECOND READINGS****FIRST READINGS**

**Resolution 14-13:** A Resolution by the Council of the City of Canal Fulton, Ohio to Authorize the City Manager to Engage Bond Counsel for the Locust and Portage Streets Resurfacing Project.

Mr. Bagocius asked why are we considering this. With our five year projected budget we have the money in hand. Mr. Goffe said this was due to the motion vote that Council had. Mr. Bagocius said he understood that part, but he was asking Council in general, not James in particular. Why if we have it already budgeted why would we not go ahead with that budget, tentative budget, five year budget, because if we take out a bond we take out a loan, we are going to spend what we would have used for this project in some other endeavor. Mr. Bagocius said he would rather spend what we have instead of taking out a loan for future generations kind of a thing. Mr. Svab said this is a twenty year capital project and he thought we should not pay cash for it. Mr. Svab said this is infrastructure it should be paid for in twenty years instead of today, throughout its useful life. Mrs. Zahirsky agreed to stretch it over the useful life. Mr. Bagocius said his concern was that the City always appears never to have enough money. He cannot see himself voting for this in the future, only because we do have the money and if we don't use it for this project, we are going to use it for some other, project that we don't need or we just are spending the money. Mr. Bagocius said there does not need to be discussion at this point. He said it would also be the same question for Resolution 15-13. Mr. Goffe said in addition to that, Bond Counsel will generate for us legislation that Council will still have to approve.

Mrs. Mayberry asked what the amount of the Bond would be. Mr. Goffe said that is written up by Bond Counsel, but it would be the City's local share for the project.

**Resolution 15-13:** A Resolution by the Council of the City of Canal Fulton, Ohio to Authorize the City Manager to Engage Bond Counsel for the Cherry and Locust Streets Intersection Project.

**Ordinance 16-13:** An Ordinance by the Council of the City of Canal Fulton, Ohio Employing William Rouse as Finance Director and Declaring and Emergency.

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

A motion was made to pass Ordinance 16-13 by Linda Zahirsky, second by Scott Svab. All Council Members voted yes. Motion approved.

**Ordinance 17-13:** An Ordinance by the Council of the City of Canal Fulton, Ohio to Grant William Rouse Foreign Service Credit to Determine Vacation Time Under Administrative Code Chapter 141.18 (b).

**Ordinance 18-13:** An Ordinance by the Council of the City of Canal Fulton, Ohio to Create the Position of Assistant to the Finance Director.

A motion was made to suspend the rules by Scott Svab, second by Nellie Cihon.

Paul Bagocius asked if there was an implicit understanding that the part-time payroll clerk position would be eliminated if this is passed. Mayor Harbaugh said he would like to keep her on. Scott Svab said he would also. Mayor Harbaugh said we could use her in the office to answer the phone if nothing else. There is also other work that she

Held \_\_\_\_\_

20

**CITY OF CANAL FULTON  
CITY COUNCIL MINUTES**

June 4, 2013

could do. Mr. Cozy said we could revisit it with another job description. All Council Members voted yes. Motion approved.

A motion was made to pass Ordinance 18-13 by Linda Zahirsky, second by Nellie Cihon.

Mrs. Mayberry said if we were going to entertain keeping another part-time person when we were hiring a full time person we have never had before, she was going to have to vote no on this one. Mr. Bagocius said for the same reason he was going to be voting no as well. Not that he did not approve of the full time position, he did not approve of adding to the payroll. This is the exact same reason he would vote against those resolutions, 14-13 and 15-13, if we have the money let's spend it as opposed to using it. Vote is as follows: Scott Svab – yes, Nellie Cihon – yes, Danny Losch – yes, Sue Mayberry – no, Linda Zahirsky – yes and Paul Bagocius – no. Motion approved.

**Ordinance 19-13:** An Ordinance Amending Ordinance 29-12, Rates of Pay for Full-time Non-Bargaining Employees, and Repealing any Ordinances in Conflict Therewith.

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 Ordinance 19-13 by Nellie Cihon, second by Scott Svab.

Paul Bagocius asked if the only change on this was section two. James Goffe said no, section two was changed to \$50,000, section three was added and the following sections were renumbered accordingly.

Vote is as follows: Nellie Cihon – yes, Scott Svab – yes, Danny Losch – yes, Sue Mayberry – no, Paul Bagocius – yes and Linda Zahirsky – yes. Motion approved.

**P.O.s**

**P.O. 7843:** to the Ohio Treasurer of State in the amount of \$56,218.05 for OPWC Water and Sewer Loan Payments

A motion was made to approve P.O. 7843 by Scott Svab, second by Nellie Cihon. All Council Members voted yes. Motion approved.

**P.O. 7842:** to CTI Engineers, Inc. in the amount of \$37,000.00 for Engineering and Project Administration for Locus/Portage Resurfacing Project

A motion was made to approve P.O. 7842 by Nellie Cihon, second by Linda Zahirsky. All Council Members voted yes. Motion approved.

**P.O. 7840:** to Clemans-Nelson & Associates, Inc. in the amount of \$5,000.00 for Labor Counsel and Legal Services.

A motion was made to approve P.O. 7840 by Nellie Cihon, second by Linda Zahirsky. All Council Members voted yes. Motion approved.

Scott Svab said he would like an executive session to discuss this purchase order.

**P.O. 7841:** to Multi-Vendor in the amount of \$10,000.00 for Asphalt for Road Patching

A motion was made to approve P.O. 7841 by Scott Svab, second by Nellie Cihon. All Council Members voted yes. Motion approved.

**BILLS** - None

**OLD/NEW/OTHER BUSINESS**

James Goffe said that he and the City Manager had advertised for the position of Assistant to the Finance Director as directed at the last Council meeting by motion

Held \_\_\_\_\_

20

**CITY OF CANAL FULTON  
CITY COUNCIL MINUTES**

June 4, 2013

vote. Interviews were conducted, and with consent of the Mayor, we would like to make the appointment to Renae Griffith. James Goffe said she would start on the 24<sup>th</sup>, but there was a Fair Labor Standards Act Seminar that she would be attending. Paul Bagocius asked if our new Finance Director was involved with the interviews. Mr. Goffe said no he was not. Mr. Goffe asked for a motion from Council to confirm the Mayor's appointment.

A motion was made to confirm the Mayor's appointment of Renae Griffith to the Assistant to Finance Director, second by Nellie Cihon. Vote is as follows: Linda Zahirsky – yes, Danny Losch – yes, Scott Svab – yes, Paul Bagocius – stated that he did not know Renae, had no opinions on Renae, he thought the process stunk, and any way you write it, it is the same. Mr. Bagocius said we were keeping a part time position and he has a real hard time with this financial do-what-you-want to with somebody else's money. Paul Bagocius – yes, Sue Mayberry – no, Mrs. Mayberry stated that the reason, in reviewing this person, after looking at the job description and the high HR functions that are going to be part of her (the job description said most human resource functions) kind of took her back. Sue Mayberry asked in a performance evaluation how will the finance director, not being HR, be able to do a performance evaluation on his new assistant when half of her job will be HR. She found that this was done kind of hurried. She voted no because she did not like the process either. Nellie Cihon – yes. Motion approved.

James Goffe requested that Council consider granting prior service as a part-time employee to Renae Griffith.

A motion was made to bring forward legislation to grant prior service to Renae Griffith by Scott Svab, second by Nellie Cihon. Vote is as follows: Nellie Cihon – yes, Sue Mayberry – no, Paul Bagocius – yes, Linda Zahirsky – yes, Danny Losch – yes and Scott Svab – yes. Motion approved.

The Police Chief, Doug Swartz, announced that the Cop's Hiring grant was submitted, so we should hear by October if we are awarded. Chief Swartz also said he would like to apply for the Memorial Justice Assistant Grant (JAG) for equipment. There is no match on the grant.

A motion was made to apply for the JAG Grant by Scott Svab, second by Nellie Cihon. All Council Members voted yes. Motion approved.

**REPORT OF PRESIDENT PRO TEMPORE**

No report.

**REPORT OF SPECIAL COMMITTEES**

No report.

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

Sandra Hutchinson, 643 Basswood, Chaplain of Chapel Hill Retire Community spoke about the closure at the Heritage Plaza road closing. She is concerned with safety issues as well as increased traffic on Locust. As the Chaplain she uses this road to get to emergencies.

A motion was made to go into executive session at 8:50pm. Preparing for, conducting or reviewing negotiations or bargaining sessions with public employees by Linda Zahirsky, second by Nellie Cihon. All Council Members voted yes. Motion approved.

A motion was made to return to public session at 9:01pm by Nellie Cihon, second by Danny Losch. All Council Members voted yes. Motion approved.

**ADJOURNMENT**

The meeting was adjourned at 9:02 pm.