



## AGENDA

### CANFIELD CITY COUNCIL

February 3, 2021 -5:30 P.M.

### FRANCIS J. McLAUGHLIN MUNICIPAL BUILDING

1. Call to Order.
2. Pledge of Allegiance.
3. Roll Call: Quorum is Present - Meeting is in Session.
4. Proclamations & Presentations.
5. Approval of Minutes.
6. Reading of Communications.
7. Reports of Committees, Boards, Mayor's Report, City Manager, Finance Director, Chief of Police, Zoning Inspector and Public Works Superintendent.
8. Public questions from residents (or representative) related to the above referenced reports. Questions may be limited to three (3) minutes.
9. Recognition of Persons Desiring to Appear Before Council.

10. OLD BUSINESS

Note: After each item is placed on the table for action, public comments from residents (or representative) as to that business item are received. May be limited to three (3) minutes per person and thirty (30) minutes total.

11. NEW BUSINESS

Note: After each item is placed on the table for action, public comments from residents (or representative) as to that business item are received. May be limited to three (3) minutes per person and thirty (30) minutes total.

- A. An **Ordinance** Amending Canfield Codified Ordinance §1127.03 (d) (3) To Provide For A Depiction Of Certain Adjustment Requests.

**Description:**

The Planning and Zoning Commission has discussed amending section 1127.03 (d) to allow for more content to be included in an application for an adjustment. More specifically when the adjustment includes construction of a structure, to require a depiction or schematic of the finished product in order for the Commission to better understand what is being proposed as part of the adjustment request.

At their January 14, 2021 meeting the Planning and Zoning Commission voted unanimously to recommend approval of amending section 1127.02(d)(3).

This Ordinance would amend section 1127.03(d)(3) as delineated below:

**Current:** *Plat layout drawn to scale, showing the actual shape and dimension of the lot or parcel and all lots and parcels within 200 feet thereof which shall be attached to each application;*

**Amended:** *Plat layout drawn to scale, showing the actual shape and dimension of the lot or parcel and the proposed construction location, if any. If the requested adjustment includes*

*the construction of a structure, the applicant shall submit a depiction or schematic of the proposed construction showing the finished appearance and vertical height dimensions of each side of the structure to be constructed.*

All other sections of 1127.03 remain unchanged.

**Action Needed:**

First reading of Ordinance amending Canfield Codified Ordinance 1127.03(d)(3) to provide for a depiction of certain adjustment requests and set a public hearing for the same. Staff is recommending the public hearing be held on Wednesday, March 3, 2021 at 5:20 PM.

**Attachment(s):**

Ordinance amending Canfield Codified Ordinance 1127.03(d)(3) to provide for a depiction of certain adjustment requests.

Recommendation letter from Planning & Zoning Commission

Public Comments

- B. An **Ordinance** Authorizing the City Manager to Enter Into A Contract with Howells and Baird, Inc. For Engineering Services Related to the Neff Drive Waterline Replacement Project.

**Description:**

Staff has engaged the services of Howells and Baird, Inc. for engineering services related to waterline replacements in the City of Canfield. In 2019 Howells and Baird, Inc. provided services related to the Bradford Drive waterline replacement project, as well as the auxiliary bypass connection for the City of Youngstown at the intersection of State Route 46 and Herbert Rd. The construction and inspection of these projects will take place this year.

Howells and Baird will be providing engineering services on a similar waterline replacement project for Neff Drive. This project will replace approximately 2,925 lineal feet of 6" water main line on Neff Drive from North Broad Street to North Hillside Drive.

This ordinance authorizes the City Manger to enter into a contract with Howells and Baird, Inc. for engineering services related to the Neff Drive waterline replacement project. The estimated fees for this project are not to exceed \$46,750.00.

**Action Needed:**

Approval of ordinance authorizing the City Manager to enter into a contract with Howells and Baird, Inc. for engineering services related to the Neff Drive waterline replacement project.

**Attachment(s):**

Ordinance authorizing the City Manager to enter into a contract with Howells and Baird, Inc. for engineering services related to the Neff Drive waterline replacement project.

Howells and Baird, Inc. Proposal (Neff Drive)

Public Comments.

- C. An **Ordinance** Amending Section 513.03 of the Canfield Codified Ordinances.

**Description:**

Staff has worked with Law Director Mark Fortunato in order to appropriately modify section 513.03 of the Canfield Codified Ordinances to align with the State of Ohio legislation regarding conviction of misdemeanor marijuana possession and the requirement of reporting this level offense as to constitute a "criminal record" of the individual charged.

This ordinance amends section 513.03(e) of the Canfield Codified Ordinances to read as follows:

**513.03 (e)** *Conviction pursuant to subsection (c) (2) above does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any inquiries contained in any application for employment, license, or other right or privilege, or made in connection with the person's appearance as a witness.*

**Action Needed:**

Approval of Ordinance amending section 513.03(e) of the Canfield Codified Ordinances.

**Attachment(s):**

Ordinance amending section 513.03(e) of the Canfield Codified Ordinances.

Public Comments.

D. An **Ordinance** Declaring Surplus Property and Authorizing Its Disposal.

**Description:**

When it is determined that certain vehicles or equipment are no longer useful to, or needed by the City, Council must declare the item(s) as surplus and authorize the disposal of the items.

The ordinance being considered declares the following items surplus and authorizes their disposal by means of trade-in or sale.

- 1) 2014 Dodge Durango (K9 Unit)
- 2) 2015 Dodge Charger (Patrol Unit)

**Action Needed:**

Approval of Ordinance declaring surplus property and authorizing its disposal.

**Attachment(s):**

Ordinance declaring surplus property and authorizing the City Manager to dispose of the property through trade-in or sale.

Public Comments

E. A **Resolution** Requesting Advances On The Collection Of Real Estate Taxes.

**Description:**

The Mahoning County Auditor provides real estate tax collection disbursements to the City of Canfield as the funds are received. Ohio Revised code allows for public entities to formally request for those disbursements to be done in advance of collections.

This resolution acts as the formal request to the Mahoning County Auditor for the advance of collections on real estate taxes to the City of Canfield

**Action Needed:**

Approval of resolution requesting advances on the collection of real estate taxes from the Mahoning County Auditor.

**Attachment(s):**

Resolution requesting Advances on the Collection of Real Estate Taxes

Public Comments

12. Council Comments.

13. Adjournment

Introduced by: \_\_\_\_\_

First Reading: \_\_\_\_\_

ORDINANCE

AMENDING CANFIELD CODIFIED ORDINANCE §1127.03 (D)(3)  
TO PROVIDE FOR A DEPICTION OF CERTAIN ADJUSTMENT REQUESTS

WHEREAS, the Council of the City of Canfield upon recommendation by the Planning and Zoning Commission desires to amend ordinance section 1127.03 to require depictions of structures to be constructed pursuant to a request for an adjustment.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CANFIELD, OHIO:

Section 1: That Canfield Codified Ordinance Section 1127.03(d)(3) shall be amended to read:

(3) Plat layout drawn to scale, showing the actual shape and dimension of the lot or parcel and the proposed construction location, if any. If the requested adjustment includes the construction of a structure, the applicant shall submit a depiction or schematic of the proposed construction showing the finished appearance and vertical height dimensions of each side of the structure to be constructed.

Section 2: That this Ordinance and all deliberations relating to the passage of this Ordinance were held in open meetings of this Council, all pursuant to Section 121.22 of the Ohio Revised Code and Section 3.11 of the Ohio Revised Code.

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D., 2021.

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST:

\_\_\_\_\_  
CLERK OF COUNCIL

CERTIFICATION OF PUBLICATION

I, the undersigned Clerk of Council of the City of Canfield, Ohio, hereby certify that the foregoing Ordinance was posted in a prominent place at the Municipal Building, Canfield, Ohio for seven continuous days, to-wit: \_\_\_\_\_

\_\_\_\_\_  
CLERK OF COUNCIL

APPROVED AS TO FORM:

\_\_\_\_\_  
MUNICIPAL ATTORNEY



## City of Canfield

104 LISBON STREET  
CANFIELD, OHIO 44406-1416

Phone: 330-533-1101  
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**DATE: JANUARY 14, 2021**

**TO: MEMBERS OF COUNCIL**

**FROM: MIKE COOK, SECRETARY  
PLANNING AND ZONING COMMISSION**

**SUBJECT: A RECOMMENDATION TO COUNCIL TO AMMEND CANFIELD  
CODIFIED ORDINANCE SECTION 1127.03 (D)(3) TO PROVIDE FOR A  
DEPICTION OF CERTAIN ADJUSTMENT REQUEST**

At the regular meeting of the Planning and Zoning Commission on January 14, 2021, the following motion was made:

Mr. Decapua made a motion to recommend Council remove Canfield Codified Ordinance Section 1127.03 (d)(3).

The motion was seconded by Mr. Neff.

This motion passed 5 - 0

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Introduced By: \_\_\_\_\_  
First Reading: \_\_\_\_\_

ORDINANCE

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH HOWELLS AND BAIRD, INC FOR ENGINEERING SERVICES RELATED TO THE NEFF DRIVE WATERLINE REPLACEMENT PROJECT.

WHEREAS, the Council of the City of Canfield desires to proceed with the replacement of the Neff Drive water main distribution line; and

WHEREAS, Council desires to authorize a Professional Services Contract with Howells and Baird, Inc. for engineering services related to the Neff Drive waterline replacement project.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CANFIELD, OHIO:

Section 1: The City Manager is hereby authorized to enter into a contract with Howells and Baird, Inc. for engineering services related to the Neff Drive waterline replacement project.

Section 2: Cost of said professional services shall not exceed \$ 46,750.00 (see attached proposal)

Section 3: That this Ordinance and all deliberations relating to the passage of this Ordinance were held in open meetings of this Council, all pursuant to Section 121.22 of the Ohio Revised Code and Section 3.11 of the Charter of the Municipality of Canfield.

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D., 2021.

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST:

\_\_\_\_\_  
CLERK OF COUNCIL

Certification of Publication

I, the undersigned Clerk of Council of the City of Canfield, hereby certify that the foregoing Ordinance was posted in a prominent place at the Municipal Building, Canfield, Ohio for seven continuous days, to-wit:

\_\_\_\_\_  
\_\_\_\_\_.

\_\_\_\_\_  
CLERK OF COUNCIL

APPROVED AS TO FORM:

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MUNICIPAL ATTORNEY



# Howells and Baird, Inc.

CIVIL ENGINEERS AND SURVEYORS  
1156 East State Street | Salem, Ohio 44460

PHONE: 330-332-4834

FAX: 330-332-4058

EMAIL: [howbaird@neo.rr.com](mailto:howbaird@neo.rr.com)

WEB: [www.howellsandbaird.com](http://www.howellsandbaird.com)

JACK H. HOWELLS, P.E., P.S.  
Business Development

JON D. VOLLNOGLE, P.E., P.S.  
President

DONALD L. BAIRD, P.E., P.S.  
Vice President 1934-1995

8 June 2020

Mr. Wade Calhoun, City Manager  
City of Canfield  
104 Lisbon St.  
Canfield, OH 44406

RE: Engineering Service Proposal  
Neff Drive Waterline Replacement  
Between North Broad Street and North Hillside Road

Dear Mr. Calhoun

Herewith is a proposal from Howells and Baird, Inc. to provide the necessary: Topographic Surveying, Engineering Plan Preparation and Construction Phase Engineering for a 6" waterline replacement project along Neff Drive, approximately 2,925 lineal feet.

### **Scope of Work:**

Howells and Baird, Inc. will provide the necessary: topographic surveying, engineering plan preparation, specifications, and labor to establish a water line replacement in the project area, including:

- Topographic Surveying and mapping
- Plan/Profile Drawing
- Technical Specifications and Bid Documents
- Bid Phase Services
- Construction Observation and Contract Administration

Please Note: We believe this replacement project will be exempt from the Ohio EPA plan approval, as per OAC-3745-91-02 (D).

### **Fee Estimate:**

Our fees for the above "Scope of Work will be as follows:

#### Task 1:

Surveying, mapping and plan preparation for entire project length will be a lump sum of **\$31,000.00**.

#### Task 2:

Bid phase services, construction observation and contract administration for replacement of cast iron section of existing waterline, approximately 2925 LF, will be a lump sum of **\$15,750.00**.

**Exclusions** - The following items are not included in this proposal:

- Environmental studies.
- Water pressure or flow studies
- Construction Staking
- Fees payable to any governmental regulatory agency for plan reviews or permits

Please contact me with any questions.

Sincerely,



Jon D. Vollnogle, P.E., P.S.

**President**

JDV:bpb

Introduced by: \_\_\_\_\_  
First Reading: \_\_\_\_\_

**AN ORDINANCE AMENDING  
SECTION 513.03 OF THE  
CANFIELD CODIFIED ORDINANCES**

**WHEREAS**, the State of Ohio has enacted legislation to provide that a conviction of misdemeanor marijuana possession does not constitute a criminal record and need not be reported by the arrested or convicted individual in response to inquiries contained in any application for employment, license or any other inquiries about a right or privilege, and

**WHEREAS**, the City of Canfield desires to modify its ordinances in accordance with those changes made by the Ohio legislature as contained in Section 2925.11(D) of the Ohio Revised Code, and

**NOW THEREFORE, BE IT ORDAINED**, by the Council of the City of Canfield;

**Section 1.** That Canfield Codified Ordinance Section 513.03(e) shall be amended to read as follows:

**513.03 (e)** Conviction pursuant to subsection (c) (2) above does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any inquiries contained in any application for employment, license, or other right or privilege, or made in connection with the person's appearance as a witness.

**Section 2.** That this Ordinance and all deliberations relating to the passage of this Ordinance were held in open meetings of this Council, all pursuant to Section 121.22 of the Ohio Revised Code and Section 3.11 of the Charter of the Municipality of Canfield

PASSED IN COUNCIL THIS \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST:

\_\_\_\_\_  
CLERK OF COUNCIL

Certification of Publication

I, the undersigned Clerk of Council of the City of Canfield, Ohio, hereby certify that the foregoing Ordinance was posted in a prominent place at the Municipal Building, Canfield, Ohio for seven continuous days, to wit: \_\_\_\_\_

\_\_\_\_\_

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CLERK OF COUNCIL

APPROVED TO FORM:

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MUNICIPAL ATTORNEY

Introduced by: \_\_\_\_\_  
First Reading: \_\_\_\_\_

**ORDINANCE**

AN ORDINANCE DECLARING SURPLUS PROPERTY  
AND AUTHORIZING ITS DISPOSAL

**WHEREAS**, the City Manager has recommended that certain vehicles are no longer needed by the City; and

**WHEREAS**, Council desires to declare the following vehicles surplus and dispose of them.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CANFIELD, OHIO:**

**Section 1:** The following vehicles and accessories are hereby declared surplus:

<b>2014 Dodge Durango Vin # 1C4SDJFT2EC509856</b>
<b>2015 Dodge Charger Vin # 2C3CDXKTXFH841687</b>

**Section 2:** The City Manager is hereby authorized to dispose of the listed vehicles trade-in or sale, in accordance with the applicable City of Canfield Ordinances.

**Section 3:** That this Ordinance and all deliberations relating to the passage of this Ordinance were held in open meetings of this Council, all pursuant to Section 121.22 of the Ohio Revised Code and Section 3.11 of the Ohio Revised Code.

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 2021.

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST:

\_\_\_\_\_  
CLERK OF COUNCIL

**CERTIFICATION OF PUBLICATION**

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\_\_\_\_\_.

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CLERK OF COUNCIL

APPROVED AS TO FORM:

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MUNICIPAL ATTORNEY

Introduced By: \_\_\_\_\_  
First Reading: \_\_\_\_\_

RESOLUTION

A RESOLUTION REQUESTING ADVANCES ON  
THE COLLECTION OF REAL ESTATE TAXES.

WHEREAS, Ohio Revised Code Section 321.34 provides for advances on real estate tax collection from the County Auditor; and

WHEREAS, Council desires to formally request said advances pursuant to Code.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CANFIELD, OHIO:

Section 1: The City of Canfield hereby requests advances on the collection of 1<sup>st</sup> and 2<sup>nd</sup> half tax year 2020 Real Estate Taxes.

Section 2: That this Resolution and all deliberations relating to the passage of this Resolution were held in open meetings of this Council, all pursuant to Section 121.22 of the Ohio Revised Code and Section 3.11 of the Charter of the Municipality of Canfield.

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D., 2021.

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST:

\_\_\_\_\_  
CLERK OF COUNCIL

Certification of Publication

I, the undersigned Clerk of Council of the City of Canfield, Ohio, hereby certify that the foregoing Resolution was posted in a prominent place at the Municipal Building, Canfield, Ohio for seven continuous days, to-wit: \_\_\_\_\_

\_\_\_\_\_  
CLERK OF COUNCIL

APPROVED AS TO FORM:

\_\_\_\_\_  
MUNICIPAL ATTORNEY

MINUTES  
CANFIELD CITY COUNCIL  
**REGULAR MEETING**  
JANUARY 20, 2021-5:30 P.M.

The meeting was called to order by John Morvay, President of Council, followed by the Pledge of Allegiance. The Clerk called the roll to which a quorum responded as follows: Mr. Duffett, Mr. Morvay, Mr. Nacarato, Mr. Neff and Mr. Tieche.

Staff present: Christine Stack-Clayton, Finance Director; Charles Colucci, Chief of Police; John Rapp, Public Works Superintendent and Mike Cook, Zoning Inspector.

Under **Proclamations & Presentations**, there were none.

Under **Approval of Minutes**: Mr. Neff has a correction to the Minutes. On page 25 of the 1-6-2021 Minutes Mr. Neff stated that the word that appears as (inaudible) should be complicit. The Minutes of the Regular Meeting on 1-6-2021 were approved as corrected.

Under **Reading of Communications**:

MR. TIECHE: I have nothing this evening.

MR. NEFF: I would like to bring up discussion but I don't know if it's the right point. It is for a LED sign to be on display during the COVID pandemic. Is this an appropriate time? Does council agree to discuss this now?

MR. MORVAY: I don't see why not.

MR. NEFF: I'm part of the communications task force. I offered to loan, we have the message boards up on the Green, I've been testing them. That's what everyone saw up here a couple of weeks ago. I thought they could just go up and sit real easily but we need a shelf built or we need the sign display up there to have a shelf for these things to be installed. After the carpenter that did the work here at City Hall looked at it, said the sign board's posts are in pretty bad shape. I just thought that I would relate that. We can probably put them in the empty sign position on Lisbon Street. It wouldn't get the impact that 224 would but it would be my recommendation. Also, when we came up and did a little bit of demonstration and training with the I.T. Department and the Police Department, I asked Dom if there could be some way to take a straw poll so citizens could have a way to feedback to the city to say whether they like the idea of a message board. I know we talked about this in the past. It might be a way for us to take the temperature and without making a commitment to it; especially the financial commitment and to do a test. I thought (inaudible) other council members if we can discuss this and give our opinions, it might cost \$100-\$150 for the carpenter to mount these things. Is that something we can tell the city that we'd be in favor of?

ATTY. FORTUNATO: Ordinarily, council would accept a donation like that. This one if you want to accept it knowing that there would be some expenditure, that's all.

MR. NEFF: Right. There would be the commitment of the I.T. Department, under the Police Chief, that the guys would have to be in charge of the messages. The city could put up their own messages or the committee could recommend would we could put up. We're thinking statistics. Where people can get tested, and so forth. It might be a couple of hours every other week, Chuck.

CHIEF COLUCCI: Yes. As long as the City Manager is good with it, I offered my time and Dom and Steve as well.

MR. TIECHE: I have a question. Is this sign going to replace the signs that go up there for community events?

MR. NEFF: The answer is, yes.

MR. TIECHE: Okay, I'm not in favor of it. If you can figure out a way to build a shelf below that sign, then that's something else. I just don't support using that sign and doing away with the other community event sign. We may not have anything going on here in the next month or so but I don't like the idea of replacing that community event sign.

MR. NEFF: The other option Chuck would be one of the advantages of having, I'm not trying to push this but you could have the Pancake Dinner be submitted to the police department and they could put that message on the sign and it could be part of the message going up. In fact, it would be adding more non-profits and local messaging that would happen.

MR. TIECHE: If in fact, City Council decides they want to replace those signs with changeable message signs then that's the way the authorization is, so be it. I will vote against that to. I'm not a fan of changeable message signs being that close to the proximity of the street.

MR. NEFF: That's a good point. There are plenty of citizens that wouldn't want LED on the Green. It would give us a chance to take that temperature or take that straw poll without making an investment or going through the planning and so forth to see if it would be something that would benefit the community.

MR. TIECHE: Is it feasible for them to build a shelf below the existing signs that are there and place that sign there temporarily?

MR. NEFF: Anything could be done. In fact, I would think that Mike Cooks comment might be that our regulations ask for any LED Signs to be on a monument, not free-standing, not those posts like they are. I've been told many times that we don't have to follow our own ordinances but I don't think that's a good public perception to have that we're going to put something up that....

MR. TIECHE: I think on the Village Green, in particular, we would be wise to follow our own regulations. Is the Design Committee apprised to this?

MR. NEFF: I went to Design Review during their session. I turned it on and talked about it.

MR. TIECHE: Okay, very good.

MR. NEFF: Planning & Zoning, Design and the Council saw it.

MR. TIECHE: If the other members of Council want to do, is fine with me. I expressed my opinion.

MR. NEFF: It doesn't matter one way or the other for me. I did tell the committee that I would try to get this done and it's been over a month.

MR. NACARATO: My understanding and correct me if I'm wrong, this is just temporary at this point, anyways.

MR. NEFF: Right.

MR. NACARATO: I don't know how much altering to the current sign we want to do for something that is temporary. I don't know if it would be better for us to put a shelf system below at the bottom rather than alerting the top half. It is only temporary and we want to go back the other way, how much are we going to have involved taking it back to the way, is my question.

MR. NEFF: I think the way that the carpenter expressed it; the shelf would just be removed. There wouldn't be any detriment to the existing sign. The trouble is it doesn't sound like the sign is in good shape. That's something that is going to have to be in our budget eventually.

MR. MORVAY: I always thought a digital sign in the city would be good, not particularly on the Green, maybe up where you're coming in off of 224 by 11. I thought it would be a great project for a service club, like Rotary. Have their Rotary designation on it, the Rotary Wheel. It would be a service project for the community. Welcome people coming into Canfield as well as announcements. That's what my thoughts were. Where would we get the money to do what we want to do? If it's temporary and we're going to put it at the Green, I agree with Chuck, leave that sign that's there, there and just put this up temporarily. Then we have to come up with funds to fund this thing.

MR. NACARATO: Not to belabor this but the Rotary Club of Austintown sponsored a LED Sign for Austintown and if you've been on Mahoning Avenue, they've taken that down since because of the maintenance issues involved in that.

MR. NEFF: Do we have an entrance sign? Where is that entrance sign, on the east side of town?

MR. TIECHE: There is not one there.

MR. CALHOUN: That's the only entrance to town that doesn't have the Welcome to Canfield sign.

MR. TIECHE: On the east side of the fence is route 11, right of way. That's one of the reasons why it's not up there. Otherwise, you would have to put it on Arby's property.

MR. MORVAY: I question what, the stats and testing, really other than that, what would we advertise on there. Would it be that significant that we would need on an LED Sign?

ATTY. FORTUNATO: From what I understood from Mr. Neff's comments was this would be temporary COVID based, COVID related news.

MR. MORVAY: Yes.

MR. NEFF: We have one yes, one no from Chuck.

MR. TIECHE: I'd be in favor of some sort of temporary at that location. If we agree to build a shelf across there and trying it out.

MR. MORVAY: I don't think I'd have an objection to that. Again, if we go to a service club, like Rotary, if it's only a couple hundred bucks, it would be a good project and we don't have to take it out of the city coffers.

MR. TIECHE: Why don't you ask Rotary, John?

MR. MORVAY: I can do that.

ATTY. FORTUNATO: A Motion is in order for somebody to make to accept the donation of the LED Sign during the COVID Pandemic to be installed, subject to private funding, to be installed on a platform on a shelf where the existing community sign is. That would be your Motion if somebody would like to make that.

MR. NACARATO: I'll make that Motion.

MR. MORVAY: Alongside of that sign, not replacing that sign. That's what we agreed.

MR. NACARATO: I make that Motion.

MR. DUFFETT: Second.

ROLL CALL ON MOTION:

5 Votes-Yes

0 Votes-No

Motion passes.

MR. CALHOUN: Is Rotary doing that or is that an initiative coming from the city?

MR. NACARATO: We'll find the funding is what I understood.

MR. MORVAY: The Rotary would have the funding.

MR. NACARATO: We'll go to Rotary to see if they're willing to give us the funding.

MR. MORVAY: I guess what Wade is asking is should he coordinate it. Who's doing the coordination of this?

ATTY. FORTUNATO: City Manager, I would think.

MR. NACARATO: We would just have to make sure that he got the funding before he started it.

MR. NEFF: When is your next Rotary Meeting?

MR. NACARATO: I can bring it up Friday, this Friday's meeting. We don't have a board meeting but I'll bring it up at the meeting and then I'll have the President put it out to the board and hopefully have a response by Monday.

MR. NEFF: That's great. What did we get for COVID monies?

MR. CALHOUN: In total, \$370,000.

MR. NEFF: Right. I think it's ironic that we can't find \$100.00-\$150.00 for ....

MR. MORVAY: I think it's probably going to be more than that. You can't get anything built for \$150.00.

MR. CALHOUN: I don't think the price or cost is an issue for us. From my standpoint, I just needed direction on what we're doing. Are we moving forward with pursuing a temporary LED Sign installation on the Green, if that's the case we'll pursue that?

MR. MORVAY: That was what the Motion was.

MR. CALHOUN: Okay.

MR. MORVAY: Mr. Neff, anything else?

MR. NEFF: That's it.

MR. MORVAY: Mr. Duffett.

MR. DUFFETT: I received communication from the Canfield COVID Defense Force. I'll cover more on that during my report. I received some emails on that, about the awareness and also the recognition program. Chief a lot of people saw that in the paper, good job. There were a lot of nice comments about that. Positive reinforcement, identifying people doing the right thing. That was the feedback from that. I'll have more to say during reports.

MR. NACARATO: The only communication I had was somebody mentioned to me how nice it was that we kept the trees up a little later this year to try to bring some joy to what was rather a dismal year. So, want to thank John and the Public Works Department for all their hard work when it came to the Lighting of the Green and all the help with the trees and taking them down in such a timely fashion. Thank you, John and then your guys as well.

MR. MORVAY: I have no communications.

MR. CALHOUN: I have none.

Under Reports of Committees, Boards, Mayor's Report, City Manager, Finance Director, Chief of Police, Zoning Inspector, and Public Works Superintendent.

MR. TIECHE: I have none.

MR. NEFF: We had our first Planning & Zoning Meeting with our new members. Maybe I'll let Mike take care of that. Will you handle that in your report? It was a good meeting.

MR. DUFFETT: I had a Zoom Meeting with Governor DeWine and Lieutenant Govern Husted. A lot of conversation about the vaccination program, how they're going to distribute it and where it's going to be distributed. The key take away from that was scarcity. The Governor said that we have a scarcity of vaccinations. They're informed one week prior how much they're going to get for this week. Then they have a staff that puts it together and says how many each county would get. I'll find out Friday from the county how that's going to work. He says the one difficult thing he has to do is decide where it goes and how many. He did go into some specifics; which I thought was interesting. Moderna and Pfizer are the two main manufacturers; Johnson & Johnson will be coming onboard probably in March. He thinks that we're going to go from a situation of not having enough vaccinations, not having enough, not having enough, as we go down to the 80's, 70's, 60's, the groups are going to get larger because there are more people. Then we're going to get to a point where we're going to have enough vaccinations and then we're going to have to convince people to get those to bring us the safety that we need. Case in point, nursing homes; we have the second most number of nursing homes per capita, in the nation, other than one state. They are done with nursing homes. Only 40% of the staff wanted or received a vaccination, where 80% of the residents got

it. He feels that, that's too bad. He kept emphasizing to us to keep stressing the "Big 3", we call it the "Big 3-C's" for Canfield. We all know what they are: Care for one another, put your mask on, check your distance, 6 feet, and clean your hands frequently. He wants that continued report to everybody and PSA's. Then he says the next round of PSA's that we should be considering is PSA's that deal with people in the community that are well-known that got vaccinated. There is nothing stronger that they've seen throughout the state than testimonials. We got some good testimonials that we've posted all over for people for preventative measures. Now, we're going to get to some of those with the vaccinations, we're working on that. I asked about the police and their status. I don't know if you've been brief on that. You know why; which has been controversial.

CHIEF OF POLICE: Very.

MR. DUFFETT: He brought that up right away. He gave the example of a 35 year old healthy police officer, if he gets one, the scarcity of getting the 80 year old. It's all about, what he said; it wasn't the importance of what they do and the front line that the police are in. Probably where EMS got it, if you're an EMS person, they are on that higher priority but not the normal firefighter.

CHIEF COLUCCI: Our school resource officers, if they choose, are going to get them through the schools.

MR. DUFFETT: That's interesting that you say that because he had 3 objectives, 3 goals for the state. The first one was nursing homes and they're done. The second was kids back in school, feedback from everybody across the state, that's great, and SRO's fall into that. 96% of the 612 schools in Ohio are signed up to go through the vaccination program and they're going to have a vaccination program for the schools. Then the third is to protect our most vulnerable. The number on goal is saving lives that's why they went to the highest priority. This was interesting too, the process to recover, this is what the Lieutenant Governor had to say, he said herd immunity, this is one question, why not go for herd immunity? Experts are telling him 2 to 3 years if we did nothing and let this thing run its course and people get it and it would take about 2 to 3 years for our population to develop herd immunity. Basically what the vaccination is doing is it will get us to herd immunity. They define herd immunity as 70% to 85% of the people have the vaccination. That was an interesting stat to me. The one word he left us with was scarcity. If anybody gets questions on the vaccination program and those types of things, these are some of the facts. I get a lot of call about where people can get the vaccination in Canfield. That is coming from the Mahoning County Health Department and I got a Zoom with them tomorrow night. I should know how they're going to do it. I'll be passing that along and we can put it on all our different social media platforms. That's it.

MR. MORVAY: Thank you, Mayor. Mr. Nacarato?

MR. NACARATO: I have nothing.

MR. MORVAY: Just a report on the Fire District. The Trustee's met the other day and we now have a new board member for the Fire District. Joe Paloski will be replacing Marie Cartwright as a representative from the Trustees. The COVID transports have picked up, just in the last week. We've noticed a huge increase, 25%-35% increase in transports for COVID. It's still rampant.

PUBLIC WORKS SUPERINTENDENT: We repaired a water break on Edwards just recently. We've also been working on some water shut-off repairs, and sinkhole repairs. We are continuing with the salting and plowing whatever needs doing for the sidewalks on city properties. We have an issue on the north-end with lighting within the last few days. We had a contractor out today and we have couple of different options that we're going to have to talk about to fix that. Unfortunately, it's not just repair a wire type thing, its contactors, breakers and even feed wires coming from the pole. Bear with us; it's going to take a little bit of time.

MR. TIECHE: Is that the streetlights?

PUBLIC WORKS SUPERINTENDENT: Yes. We're nearing the end of the Christmas tree pick-up. Anybody that still has a Christmas tree; they need to get them out by the end of month to be able to take those out to the pick-up spot for the recycle. That's all I have.

FINANCE DIRECTOR: The November and December check registers were posted to the website this morning. Year-end closing is moving along and hopefully we'll be done soon. Ending cash balances by fund need to be reported by the end of the month to the Mahoning County Auditor. We're also working on W-2 for employees and 1099 for the vendors that are due by the end of the month.

ZONING INSPECTOR: For the month of January we issued 4 permits so far for the total valuation of \$438,880.00. The bulk of that coming from the car wash at Fairway Ford. I got a call from the Housing Director from Youngstown; I guess one of our former residents on Hickory Hollow has taken up residents on 166 Earl Street. I can show you pictures of that house, it looks really bad compared to Hickory Hollow. He has left the city and is now in Youngstown. It's their problem now. We have two new members to the Planning & Zoning Commission, Steve Kristan and Jack Palermo. We did pass a sign for the Library. It's a 6 month temporary sign. I think it's Libs. Today I received a call from Ed Reese who has property along North Broad, along with John McCarthy, the realtor. They are working together on that property and they're asking about the CRA. They were asking if we got anywhere. I told them it was formed and there are no tax abatements for single family homes in the city. They asked if the council could do anything with the school that is objecting to that because we are losing families going to South Range, Columbiana. They are not paying income tax there. They are getting tax abatements. We have roughly 60 houses in his area. Charlie Masters has probably 14 houses in Stonebridge; which he is coming in probably next month to planning to start developing. We have 15 with Mr. Cocca and 20 more over in Saybrook. We're losing 140 houses right now; people are balking at because they are getting tax abatements elsewhere.

MR. MORVAY: Thank you, Mr. Cook. I'll move onto Chief Coluccl.

CHIEF OF POLICE: As the Mayor alluded to earlier last week we got out and we recognized a few local businesses. Kim's Confections and Giant Eagle, we recognized them for what they have done. The steps they've taken. Giant Eagle was Friday, mid-day and school was in session, so there weren't many children there, and then this little girl walked in with her grandfather wearing a mask, so we got to recognize her. She got a Rocky Dog, stuffed animal and a voucher for a tour of the police department. From the committee Frank Micchia was there, Josh Wells, and Ashley from the Vindicator. She loved the idea, something positive. We'll be doing more recognition tomorrow at Fairway Ford. We'll keep it up as we progress. Fairway has a really cool system. We get a lot of our vehicles serviced there. They've taken a lot of steps, as I like to refer to their little world that they have running over there. It's getting bigger and bigger. He's taken a lot of steps to make sure that his employees and his customers are safe. That's appreciated from our committee. We'll keep passing those videos along as we move forward. Also, I'd like to compliment city council in whole. I got some follow-up on the discussion we had last week from people receiving information about their homes being purchased. I talked to Chris Roman, who is a local realtor and long-time Canfield person, he confirmed and he agreed completely and he suggested that his office is doing similar sales tactics. The Vindicator is doing an article on it; they thought it was newsworthy. We have had a few other people call. What it comes down to (a little peek into the story) is we haven't had any scams yet. But as with anything, somebody can turn anything into a scam. The advice that we've given them is to; I've opened my door and Chris Roman has opened his door, less as a sales perspective but more from a, let's help our community, to make sure somebody is not trying to undercut them. That's one of the main things that we identify that can turn into a scam is somebody offering something when the market is really doing well. Every realtor we've talked to has confirmed as soon as houses go up, they're sold. They are selling more today than a year ago. It turned into a story, enough for the Vindicator to do a story. We've offered our community the opportunity to call us. The big question is who is going to vet this, and determine if it is a scam or not. We'll help out as much as we can. I always fall back to our Mission Statement: Help Solve Community Problems. It's not a crime yet. But if we can help somebody understand what's happening a little bit clearer, then we're good with that. Thank you to Council for bringing that to our attention. I also had a few, one specific email and phone call concerned about what we did to prepare for today and all the days surrounding today, Inauguration Day. Quite simply put, without getting into all the details, we have great relations with, Federal, State and Local Agencies. Our relationship with the Federal Agents has always been great. I'm kind of in the circle because I'm on the board of the Mahoning Valley Law Enforcement Executive Association. Typically all that information comes to me and I kick it out to the group. We're constantly being updated by the FBI and other Federal Agencies, if there are any risks for our area. There weren't but we prepared as if there were some legitimate questions and concerns, people nervous about what would happen today and we prepared as if. We worked with the City Manager on this and kept people aware of what's going on, good communication with the street department if we needed to shut things down right away and good communication with the fire department. We felt safe and good about today. It was on our radar and we did think about it. It wasn't something that was not considered. Any type of similar situations, events over the summer with the rioting, we always consider that something can happen. Also, Patty

has done a really good job helping Wade and I with the Police Civil Service Exam. The applications started yesterday and it will run until March 3<sup>rd</sup>. The test will be given on March 10<sup>th</sup>, we will have openings. When I tested for Canfield, Canfield was the place to try to test and get a job; there were 113 people that took the test with me. Boardman had 350 people. We're lucky to get 20 now and Boardman is lucky to get 40. Better paying job, people less attracted to the field contributes to that. We're going to do a lot of networking and try to get some good applicants and do our normal screening process. That's out there and it will be on social media and our website. That's all I have.

MR. MORVAY: Our Clerk Patty Bernat.

CLERK: We will also be giving the Public Works Laborer test on June 23<sup>rd</sup>. The CRA Housing Council had a member resign. This person is appointed by the CRA Housing Council and they have a meeting scheduled tomorrow at 5:30 to appoint a new member. The Joint Work Session with the Council, CRA Housing Council and the School Board Representatives is scheduled for February 24<sup>th</sup> at 5:30 P.M. That's all I have.

MR. CALHOUN: Just as Patty mentioned, the Public Works Laborer, Civil Service Exam to refresh the list that actually expired this past spring, so in case there is an opening we have a fresh list. As long as Council doesn't object to it, as I mentioned in my memo last week, Law Director, Fortunato in going back through some of the Governor's Orders and found that public meetings are actually exempt from the social public gatherings order. So, with all the appropriate protocols we have in place, our intent is to start allowing the public to attend city council meetings, beginning with the first meeting in February. We've got the ability to live stream meetings, so if somebody still wants to watch the meeting from the comfort of their home and not attend in person, they can go to the city website and live stream it. However, we will do away with the GoToMeeting App. If somebody wants to come and make public comments or ask a question to council, they will have to physically attend. So, if you've seen the set up before we did virtual meetings we will space the chairs out, we've got the dividers, everybody is masked up. I think that it will get us slowly back to somewhat normalcy in holding public meetings. Being a public body it kills, for me and anybody that serves public it kills you to have sort of closed meetings where you don't have that public aspect and you're able to look in their eyes. As long as there is no objection from Council we're going to proceed in that fashion.

ATTY. FORTUNATO: Can I just add one thing to that?

MR. CALHOUN: Yes, sir.

ATTY. FORTUNATO: Briefly, we can keep doing what we're doing through July of 2021, as well. It's fine to keep doing what we're doing. If you want to get back to normalcy, the last executive order exempted 121.22 meetings from the order.

MR. MORVAY: I would be in favor of it. But if we have an issue that we know there is going to be a lot of people, that maybe we change the location, so that it's spread out. Maybe the school auditorium. I have no objection to it.

MR. NEFF: I have no objection.

MR. TIECHE: I'm fine.

MR. DUFFETT: My only thing would be if we are going to meet here, I don't think this is large enough. I would be against holding it here and opening it up to the public.

MR. NEFF: Is there a way that we would be able to see who is participating? Live stream you really don't get a feedback.

MR. CALHOUN: Well, we do from the GoToMeeting side. Right now we have 7 people attending the meeting virtually. There have been meetings that we've had 1 or 2 people. It's just like our normal city council meetings. Sometimes we have 15-20 people sitting in chairs or sometimes we have 2. I think to Council President Morvay's point, if we anticipate a large attendance or if we know there is a hot-button issue on the agenda we can always look for an alternative venue. I don't know the maximum capacity is in this room. We've got 10 of us.

CLERK: 94.

MR. CALHOUN: 94, so we can space out. We can go by that 10% guideline, which businesses go by. If we get more people in here where we can't appropriately social distance, then I would have no problem kicking everybody out and go virtual.

ATTY. FORTUNATO: You can always do that. Again, we can keep doing what we're doing or convert back and forth all the way through July. The Governor has extended that opportunity. I think you'll have a lot of trouble moving technology from here. We have a lot of technology now. To pick that up and move it is going to be somewhat difficult. If you know a big meeting is coming maybe we can do that meeting virtually.

MR. CALHOUN: We can play it by ear. We can start having them in person and see what response is.

CHIEF OF POLICE: If you and council decide we have one extra person out until 7:00 P.M. If you limit the number they can help, so you and council aren't distracted by that.

MR. CALHOUN: The last thing we want to do is, it's a public meeting and if we're opening it up we don't want to then say, now you 4 people that came 20 minutes after 6, can't come into this public meeting. That's the delicate balance of we want to hold a public meeting, we want participation, it's just at what level.

MR. NEFF: The meeting on the 24<sup>th</sup>, the CRA Meeting, that's a public meeting, correct?

COLLECTIVELY: Yes.

MR. NEFF: That will be at the school board or here?

MR. CALHOUN: That is City Council here. School Board has requested to attend virtually. We indicated to the CRA Housing Council that they can attend virtually.

MR. NEFF: Thank you.

MR. CALHOUN: So, proceed with that slow reopening and see how it goes. Then we'll play it by ear from there?

MR. MORVAY: Yes.

MR. CALHOUN: Council should have received the summary report on the list of items that the fire board has included in the agreement that they passed back in December, on the ongoing maintenance issues at Fire Station #1. That list was originally presented to the city on October 26<sup>th</sup>, prior to our sit-down meeting with them to discuss the amendments to the agreement. Subsequently, there were no other communications between October and December 14<sup>th</sup>, when the Fire Board passed the agreement, and the list of maintenance issues as an attachment. What council received was the list that they went through and highlighted the items that the fire district would fix at their expense and the remaining items would be the city's to fix at our expense. Myself and the Public Works Superintendent, John Rapp conducted a walk through inspection on each one of those items, last Thursday and Friday to better understand what the issues and concerns were, how long they've been problems and potentially start evaluating what the appropriate fixes are. If we can make the repairs or if it would require an outside vendor. I think I sent that memo to Council yesterday, I know it's short term to really turn around and ask for any specific direction but what my intent is to do is John and I will go through the list and see how many items we can knock off the list, that are not highlighted, so the fire district fixing the highlighted items, then we'll go through and knock off the number of items that can be immediately addressed, then we'll dwindle that down to here are the issues list. Then we can come back to Council and have that decision of, do we just go ahead and fix them, with appropriated budget dollars? Do we approach the fire board to somehow split the cost of those expenses? As we stand right now, we don't know what that is. That's our intent, to try and go through and dwindle the list down and then approach the fire board for those communications and conversations to have. Once we get to that point, among that list is Exhibit C in the agreement that the fire district passed, as well as some other language in the agreement that we never tentatively agreed to from the city standpoint. We will most likely be composing a new amended agreement for the fire district to consider. Council has seen the agreement that was passed by the fire district but we've had no conversations in terms of placing it on the agenda, as we work through those issues list as well

as me, Atty. Fortunato, working with legal counsel for the fire district in determining what the appropriate amended agreement that is ultimately passed by both governing bodies.

I would like to thank City Council for the 2020 evaluation. I express my utmost gratitude for the performance increase that was granted as a result of the recognition of the excellence performance rating. My performance is a direct result of each and every employee of this organization and the work they perform on a daily basis. I embody the "Servant Leadership" management philosophy and I am only as good as every employee in this organization, which is why a focus has been placed on performance throughout the organization.

I am reassured to have a City Council that understands the importance of the performance evaluation process, placing a priority on employee performance and also embodying the Servant Leadership philosophy.

As an organization the City of Canfield must perform at the highest level in order to provide for the most effective and efficient services to our citizens. The highest level of performance can never be achieved in this organization if there does not exist a complete and total understanding of the City Charter that was adopted by the citizens of Canfield on November 5, 1968.

Therefore, I would like to suggest a Work Session between City Council, the City Attorney, the City Manager, the Chief of Police, and Clerk of Council, Patty Bernat for the purpose of an open and honest discussion of all the provisions of Articles I-VI of the City of Canfield Charter. So, that we're all on the same page as we move forward.

If Council agrees that a work session is desired Patty will coordinate the date and time of the work session.

COLLECTIVELY: We'd be in favor.

MR. CALHOUN: Patty will start sending out communications and pinning down dates. That's all I have.

MR. MORVAY: Atty. Fortunato.

ATTY. FORTUNATO: I'll reserve my comments for Executive Session.

MR. TIECHE: What time do you have to leave?

ATTY. FORTUNATO: I was hoping to leave at 6:30 but I'm not going to make that.

MR. TIECHE: If we were to move to Executive Session now would that help?

ATTY. FORTUNATO: That would be fine. It would be better for me.

MR. MORVAY: Before we do that Mr. Tieche let me take questions from residents that would have a comment on the reports.

Under **Public Comments on the Board Reports:**

FRANK MICCHIA: Frank Micchia, 220 Glenview. In regards to what the Mayor said, I signed up the COVID Vaccine at the Mahoning County Board of Health. I am scheduled, so apparently the system is working, as far as I'm concerned. Second, in regard to the city manager's new salary a dollar amount was not included at the last meeting. Can someone tell me what the new salary level is?

MR. MORVAY: It started at \$110, 334 and then add 3% to that. Whatever that works out to be, \$113,541.00, I believe Frank.

MR. MICCHIA: Okay.

MR. MORVAY: Anybody else? Hearing none. We'll hold off on Recognition of Persons Desiring to Appear Before Council.

MR. DUFFETT: Mr. President, I have a Motion to go into Executive Session for the purposes of discussing pending litigation and the purchase of property, pursuant to Ohio Revised Code Section 121.22 G(2) and Section 121.22 G (3). I move for passage.

MR. NACARATO: Second.

ROLL CALL ON MOTION:

5 Votes-Yes

0 Votes-No

Motion passes.

MR. MORVAY: We'll go into a quick Executive Session and then we'll be back and we'll finish the agenda. Time: 6:21 P.M.

Council reconvened from Executive Session at 6:40 P.M.

Under **Recognition of Persons Desiring to Appear Before Council:**

FRANK MICCHIA: Hi, I'm Frank Micchia, 220 Glenview. I have a letter to City Council that I would like to read into the minutes.

At Canfield City Council meeting on January 6, 2021 council approved an Ordinance adopting a 3-year salary benefits for administrative salaried and hourly employees.

Hidden in the fine print of the January 6<sup>th</sup> Ordinance, “Effective January 1, 2021, all the positions, identified in Section 1, A (salaried personnel) are not eligible to receive overtime compensation, with the exception of required attendance at City Council meetings. This was passed unanimously by City Council.

It is time to look at the real world. Salaried employees do not receive overtime. They are paid to do a job. If it takes a little extra time, do it. Salaried jobs are not 40 hours per week and go home. These employees are generously compensated and should not be paid extra or overtime to do part of their job. Attending and reporting at Council Meetings is part of the job.

The local communities of: Austintown, Boardman, Canfield Township, Columbiana, Poland Village, Poland Township and Salem, DO NOT pay extra compensation to salaried staff, trustee or councilpersons to attend their meetings.

Why does Canfield City Council insist on paying extra pay at time and a half for salaried people to do part of their job? Council has the fiscal responsibility to use the tax payer’s money in a responsible judicious manner. This is an abuse of tax payer’s money by Council. Council should immediately amend this Ordinance to eliminate any overtime/extra pay or compensatory time for salaried employees attending City Council meetings. I am looking for a courageous councilperson to propose to amend this Ordinance in new business today. Thank you for your time. I’m Frank Micchia.

MR. MORVAY: Thank you, Frank. Anybody else? Hearing none, we’ll move on.

MR. NEFF: Mr. President, I thought in that discussion from Mr. Micchia, am I correct, did we say that our city employees that attend council meetings usually take their time in compensatory time?

MR. CALHOUN: Correct. Per the City Charter it is required that those reports happen at city council. Historically, every single one of these individuals has taken comp. time in lieu of paid overtime hours at time and a half.

MR. NEFF: Right. I’d like to make sure that, which gets into the Minutes. I’d like to correct Mr. Micchia. I don’t think it was a unanimous vote. I think you started off your letter saying it was a unanimous vote. Those are my two comments.

MR. CALHOUN: That was not something new that was added to the Ordinance. That had been in place in previous salary ordinances.

Under **OLD BUSINESS**, there is none.

Under **NEW BUSINESS**:

ITEM A: A Motion to Waive A Portion of Utility Charges at 170 Glenview Drive.

MR. MORVAY: As per the provisions of Section 4.05 of the Charter of the City of Canfield, I move that Council dispense with the requirement of a full reading of the proposed Motion and authorize reading by title only.

MR. NACARATO: Second.

ROLL CALL ON MOTION:	5 Votes-Yes
	0 Votes-No
	Motion passes.

MR. TIECHE: Mr. President, I have a Motion to Waive A Portion of Utility Charges at 170 Glenview Drive. I move for passage.

MR. NEFF: Second.

MR. MORVAY: Wade can you brief us?

MR. CALHOUN: As Council knows, from time to time we have certain circumstances through no control of the homeowner that results in an abnormal consumption on their utility bill. In this case, the resident at 170 Glenview Drive was out of town for a period of time and had a member of the family watching the house. When the member of the family checked in on the house, I believe 3 days, a leak was found in the valve that controls the water lines to the toilet. Immediately took corrective steps, actions, to shut off the water, informed the city about the leak and potentially how much water had been used. Of course that was going on 3 months ago, because of quarterly billing. We didn't actually read that until most recently. So, it didn't see the effects of that bill until the most recent billing cycle. In total there was approximately 10,800 gallons that were ran through the water that did not enter the sanitary sewer system. Based on the individual circumstances and like every other case, contingent upon receiving a credit from Mahoning County Sanitary Engineer on that water. Before you, you have the letter from the Power of Attorney for the homeowner as well as the adjustment calculations for the bill; adjusting the sanitary sewer charges only by 10,759 thousand gallons. The price per thousand gallons is what we pay Mahoning County Sanitary Engineers. It's not what we charged in terms of what the homeowner is paying. It's what we receive from Mahoning County Sanitary Engineers Office. That price per gallon is 6.33 per thousand gallons. The total adjustment that you have for consideration is \$68.08 off of the utility bill for 170 Glenview.

MR. MORVAY: It's contingent on us receiving that credit?

MR. CALHOUN: Correct. The guidance that we received time and time again from Mahoning County Sanitary Engineers Office is as long as the water doesn't enter the sanitary sewer system, they will issue a credit. They've left it to us to use our best judgement and document

the circumstances and whether or not that actually was the case. By all indications, in this particular circumstance that is the case, we have documented proof, there are pictures. The homeowner immediately took corrective action, informed us. We did read the meter. We were onsite with our Public Works Crew. It's an adjustment that we believe is warranted. We will receive a credit from Mahoning County.

MR. MORVAY: Council questions? I'll open it up for discussion from residents.

CONNIE KELLY: Hello, my name is Connie Kelly and I am the daughter of the resident. I truly appreciate you taking this into consideration. It was a terrible unfortunate incident. I was glad that I found it as soon as I did, I glad it didn't get worse. Once again, we thank you as a family that you will take this into consideration.

MR. MORVAY: You're welcome. I'll open it up for any other discussion.

MARY HOFFMAN: I'm also the daughter of Harry Pancher at 170 Glenview Drive. I too appreciate you considering this. I'm far away in Georgia and I can't be there to help. Anything you guys can do, I really appreciate it.

MR. MORVAY: Thank you. Any other comments? Hearing none, Patty.

ROLL CALL ON MOTION:	5 Votes-Yes
	0 Votes-No
	Motion passes
	Motion 2021-02.

ITEM B: A Motion to Waive A Portion of Utility Charges at 304 Lisbon Street (John Christopher).

MR. MORVAY: As per the provisions of Section 4.05 of the Charter of the City of Canfield, I move that Council dispense with the requirement of a full reading of the proposed Motion and authorize reading by title only.

MR. NACARATO: Second.

ROLL CALL ON MOTION:	5 Votes-Yes
	0 Votes-No
	Motion passes.

MR NEFF: Mr. President, I have a Motion to Waive A Portion of Utility Charges at 304 Lisbon Street. I move for passage.

MR. NACARATO: Second.

MR. MORVAY: Wade, this is your time to brief us.

MR. CALHOUN: It's the same sort of Motion adjusting utility charges for a utility user in the City of Canfield. The circumstances are significantly different. In February of 2020 the previous owner incurred a large water bill that constituted 490,220 gallons of consumption. You have the letter from the legal representation of the former homeowner outlining the circumstances of the case; which essentially the abnormal consumption is discussed with the city, it did not constitute an adjustment. As previously discussed with the homeowner, all indications were the property was vacant for some time, and there was some remodeling. Potentially a raccoon entered the premises and turned an upstairs faucet on, and that faucet ran for a period of upwards of 2 to 3 months. Which would constitute the abnormal consumption. In this case, the sanitary engineers would not issue a credit due to that water consumption being used and going into the sanitary sewer system and treated at the county's facilities. I had numerous conversations with Mr. Christopher over a period of February 2020 until most recently his legal counsel in November, essentially requesting what payment could make this go away. My answer to Mr. Christopher is the balance on the account is \$7,957.87. What you have before you is a letter from Mr. Christopher's legal counsel requesting a settlement payment for full and complete settlement of that outstanding balance and accepting a payment of \$4,500.00 in lieu of the total outstanding balance on the account.

MR. MORVAY: Thank you, Wade. Council questions?

MR. TIECHE: From my calculations, when I look at this, the city would be out of pocket the water charges of \$4,382.53, the sewer charges which are \$3,514.88. The sewer surcharge we're technically not paying anybody for that and storm water charges we're not paying anybody for that and the fixed capital charges of \$9.00, we're not paying anybody for that. So, we're out of pocket \$7,797.41. If we accept a \$4,500.00 payment to settle that. The difference is \$3,297.41; which if we approve this means every resident of the city is paying a portion of that \$3,297.41 and I'm not in favor of doing that.

MR. MORVAY: Thank you, Mr. Tieche. Questions or concerns?

MR. NEFF: Is this property right on the corner, the brick house?

MR. CALHOUN: It's the property on the corner of Lisbon and Newton. I believe the front door faces Newton; with a Lisbon Street address.

MR. NEFF: And is the owner the business behind this property?

MR. CALHOUN: The previous owner; yes has other utility accounts in the city. Like we do with a number of outstanding balances on accounts that get left on accounts, we either send them to collections, if we're unsuccessful in sending them final bills and receiving payment. Or if they have other utility accounts in the city, that balance gets transferred. That's what happened in this case, the balance was left, and the property transferred ownership. From what I've been

told, that balance was not disclosed through the closing process. So, it didn't get caught in the settlement from old owner to new owner. It sat on our utility account when that property transitioned to the new owner, which then we may look for other avenues, send to collections or transfer to another account that the owner has within the city. Further conversations were had on what can we do to adjust this bill down.

MR. NEFF: The new owner has never really done any improvements on the property?

MR. CALHOUN: I don't know.

MR. NEFF: You haven't been in there, Mike?

MR. CALHOUN: I, John Rapp and Tony Snovak our other Public Works Employee, were trouble shooting back in March with Mr. Christopher at the property. It wasn't remodeled. We didn't see indication that the water leaked anywhere. As Mr. Christopher indicated a faucet was left on by either an animal or person and it ran, by our calculations for 90 days or longer.

MR. NEFF: I thought we had a resident in here a couple of years ago and she was complaining that the house was being used to house temporary workers.

MR. TIECHE: You know what; this house was being used for temporary housing for the workers.

FINANCE DIRECTOR: But at this time it was vacant.

MR. NEFF: Okay. Was it caught up? Was the past due bill paid? We don't know that. I agree with Chuck. I don't see how we can pass this along to the rest of the residence. It would be setting precedence.

MR. MORVAY: I'll open it up to the residents, if you have a concern or questions.

FRANK MICCHIA: Frank Micchia, 220 Glenview. I have a hard time believing the raccoon story, tuning on water. That's sounds like a long shot to me. Doesn't the city have some means to have these big bills brought to their attention while they're being built up? Somehow I would think that should raise a lot of (inaudible). I don't know how it's done but it seems like we should (inaudible). I agree with Mr. Tieche, I don't want to pay for this guy's water bill. Thank you.

MR. MORVAY: I think when we get to billing monthly it's going to resolve a lot of these long-term 90 day issues.

MR. TIECHE: I think also, when we get the new meter reading system in, you may be able to set an alert on there. So, if you get a high bill for a month, or a day-to-day basis, that will trigger somebody to go out and take a look at it. That's an advantage of the new system as well.

MR. MORVAY: Okay, I'll open it up to anybody else outside that would like to comment on this Motion. Hearing none, Patty.

ROLL CALL ON MOTION:	0 Votes-Yes
	5 Votes-No
	Motion fails.

ITEM C: A Motion to Waive A Portion of Utility Charges at 7419 Herbert Rd.

MR. MORVAY: As per the provisions of Section 4.05 of the Charter of the City of Canfield, I move that Council dispense with the requirement of a full reading of the proposed Motion and authorize reading by title only.

MR. TIECHE: Second.

ROLL CALL ON MOTION:	5 Votes-Yes
	0 Votes-No
	Motion passes.

MR. DUFFETT: Mr. President, I have a Motion to Waive a Portion of Utility Charges at 7419 Herbert Rd. I move for passage.

MR. NACARATO: Second.

MR. MORVAY: Wade.

MR. CALHOUN: Similar Motion, different properties, different circumstances. 7419 Herbert Road is the park owned by Canfield Township, which receives their water from the City of Canfield. In the transition of the newly elected fiscal officer for Canfield Township the utility bill make it in front of the Board of Trustees for approval of opinion prior to the city running late fees. In normal circumstances we have a process in requesting late fee exemption. There are 5 criteria, in the city ordinance that any user in the City of Canfield must meet in order for me to grant that waiver. So, in this case they did not qualify for the exemption per our ordinance. Being a public entity, the quandary comes because the fiscal officer cannot pay the late fees because the Attorney General or State Auditor has ruled that paying late fees from a public entity is not the appropriate use of public funds. So, they can't pay the late fees without having an audit finding when they do their fiscal audit for 2020. Out of the fiscal officer's control and sort of out of our control, in the delineated ordinance on what constitutes my ability to either grant or not grant that penalty exemption, we're left with a penalty outstanding on Canfield Township Park water bill of \$55.42. In your packet you should have received a letter from Mahoning County Prosecutors Office, Paul Gains, his office acts as legal counsel to, I think

every township in Mahoning County. Assistant Prosecutor, Mr. Don Duda has provided a letter outlining the necessary good-will, community character of the request for the adjustment. Understanding the circumstances that we both find ourselves in, in a normal world it wouldn't be that hard to say, yes, both being a public entity, we'll waive them. Our Ordinance has criteria that you specifically say you have to meet in order to get the penalty waived and they didn't meet it. They are subject to having that late fee, balance outstanding. They're stuck in a position where they cannot ever pay it. Attorney Fortunato left but we talked about this, we may make some adjustments to Chapter 925; which is our utility charges, in relation to utility charges on public entities. Because any public entity that incurs late fees, for whatever reason cannot then pay those late fees, without having an audit finding. I know in the past the city has from time to time incurred late fees, we make a phone call, the late fees get waived. The typical process happens like that in this case because our ordinance specifically says how late fees can be waived, that now becomes the authority of council to override the ordinances that are currently in place. This Motion would waive the \$55.42 in late fees from Canfield Township.

MR. TIECHE: Mr. President, in this case, all we're talking about is the late fee. It is not as though they did not pay for the water or the sewer charge. We're just waiving the late penalty. I would support doing that. However, I also have a little concern and that is what happens if you got some sort of a public official that just decides they're not going to pay it? They sort of drag it on. Where does that leave them? I guess it's their discretion. But I'm in favor of waiving the penalty.

MR. MORVAY: Hopefully it would never come to that. Council questions? Hearing none. I'll open it up to residents. Hearing none. Patty, roll call.

ROLL CALL ON MOTION:

5 Votes-Yes  
0 Votes-No  
Motion passes.  
Motion 2021-03

**Under Council Comments:**

MR. TIECHE: I have none this evening.

MR. NEFF: I have none.

MR. DUFFETT: I would encourage everyone to sign up for a vaccination. You'll eventually get an appointment.

MR. NACARATO: I have none.

MR. MORVAY: I just have one comment. We got a new President today. I'm stealing this from somebody today that speaking but there is always a party this time of year that is ecstatic and

one that is disappointed. However, if our democracy is to thrive we need to accept this change, the transfer of power, and do our part to support our leaders. That was my only comment. With that this meeting is adjourned.

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PRESIDENT OF COUNCIL

ATTEST:

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CLERK OF COUNCIL