

AGENDA

CANFIELD CITY COUNCIL

APRIL 21, 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.

A. An Ordinance Amending Water Department Standard Specifications.

Description:

City staff in working with the City Engineer noted that an additional amendment was needed to the new Water Department Standard Specifications that were established in August 2019. Specifically, Chapter Eleven, Section One, Appendix E of the Canfield Codified Ordinances needs the following item added.

When new development occurs, all far side parcels shall have their service line installed from the waterline to the far side curb stop by the property owner/developer. For the purposes of the City specifications, the far side refers to parcels located on the side of the street opposite of the main waterline installation

This Ordinance amends the current water department standard specifications to incorporate the change noted above. Due to this ordinance being in Chapter 11 (Planning & Zoning Code) this item must go to the Planning and Zoning Commission for consideration and recommendation, prior to City Council taking final action.

At the April 8, 2021 Planning and Zoning meeting the Commission voted unanimously to recommend approval of amending Appendix E.

This Ordinance amends the Appendix E of Chapter 11 of the Canfield Zoning Code to incorporate the above-mentioned language, all other content within appendix E remain unchanged.

Action Needed:

Approval of Ordinance amending Water Department Standard specifications.

Attachment(s):
Ordinance amending Water Department Standard specifications.

Recommendation Letter from Planning and Zoning Commission

Public Comments

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** Adopting an Internet Auction Policy for 2021 for the disposal of unneeded, obsolete or unfit personal property.

Description:
Ohio Revised Code (ORC) section 721.15(D) authorizes municipalities to dispose of obsolete unneeded or unfit for use property through internet auctions, furthermore ORC 721.15 (D) requires the establishment of a policy annually for the administration of the internet auctions.

This Ordinance adopts an internet auction policy for the City of Canfield for Fiscal Year 2020 for the disposal of unneeded, obsolete, or unfit personal property.

Action Needed:
Approval of ordinance adopting an internet auction policy for 2021 for the disposal of unneeded, obsolete or unfit personal property

Attachment(s):
Ordinance adopting an internet auction policy for 2021 for the disposal of unneeded, obsolete or unfit personal property.

Public Comments
- B. An **Ordinance** Approving the Replat of Canfield City Lot 2645 by Thomas Porter.

Description:
Mr. Thomas Porter is currently in the process of developing property on Manor Hill Drive for a commercially zoned B-3 use. Currently the property he is developing on is two (2) separate lots and Mr. Porter is requesting a replat of the two lots currently known as Lot #1485 and #1486 into one new Lot # 2645

At the April 8, 2021 meeting of the Planning and Zoning Commission they unanimously voted to recommend approval of the replat of Lots 2645.

This ordinance would approve the replat of Canfield City Lot 2645 for by Mr. Thomas Porter.

Action Needed:
Approval of ordinance approving the replat of Canfield City Lot 2645 by Thomas Porter.

Attachment(s):
Ordinance approving the replat of Canfield City Lot 2645 by Thomas Porter.

Recommendation Letter from Planning and Zoning Commission

Replat Documents (Lot 2645)

Public Comments.
- C. An **Ordinance** Amending Canfield Codified Ordinance Sections 1123.01(31), (32), (34), and (35).

Description:

Staff has been working with Law Director Fortunato on amending the appropriate language to more clearly define “dwelling” within our Codified Ordinances. The proposed amendment changes the definition of “dwelling” by adding language “designed and used exclusively for residence”

This ordinance amends the definition throughout the Zoning Code that include the term “dwelling”, specifically section 1123.01 (31), (32), (34), and (35).

At the April 8, 2021 meeting of the Planning and Zoning Commission they unanimously voted to recommend approval of amendments to more clearly define “dwelling” in the Canfield Codified Ordinances.

Action Needed:

First reading of Ordinance amending Canfield Codified Ordinances Sections 1123.01 (31), (32), (34) and (35) and setting a public hearing. Staff is recommending a public hearing be set for June 2, 2021 at 5:10pm.

Attachment(s):

Ordinance amending Canfield Codified Ordinance Sections 1123.01 (31), (32), (34) and (35).

Recommendation Letter from Planning and Zoning

Public Comments.

- D. An **Ordinance** Amending Section 1141.14 General Commercial District B-2 Adding Retail Sales As A Permitted Use.

Description:

Staff has fielded a number of inquiries about vacant property that is currently zoned B-2 about potential development of retail sales however after a review of the current zoning ordinances and associated allowable uses for the B-2 General Commercial District, staff noted that currently the B-2 Zoning does not permit retail sales within B-2 Zoning Districts.

This Ordinance would amend section 1141.14 General Commercial District B-2 to add “retail sales” as a permitted use.

At the April 8, 2021 meeting of the Planning and Zoning Commission they unanimously voted to recommend approval of adding “retails sales” as a permitted use in General Commercial B-2 Districts.

Action Needed:

First reading of Ordinance amending Canfield Codified Ordinances 1141.14 General Commercial District B-2 Adding retail sales as a permitted use and setting a public hearing. Staff is recommending a public hearing be set for June 2, 2021 at 5:20pm.

Attachment(s):

Ordinance amending section 1141.14 General Commercial District B-2 adding retail sales as a permitted use.

Recommendation Letter from Planning and Zoning

Public Comments.

- E. A **Motion** to Reject the Fact Finder’s Decision in S.E.R.B. Case No. 2020-MED-09-1062.

Description:

The City of Canfield Public Works Laborer/Operators filed a petition for collective bargaining representation on December 27, 2018 to include all full and part-time positions of Public Works Laborer/Operator, and Public Works Foreman. The City of Canfield contested the

proposed bargaining unit to exclude the Public Works Foreman position in January 2019. A State Employee Relations Board (SERB) hearing was held on May 8, 2019 to determine the inclusion or exclusion of the Public Works Foreman position in the proposed bargaining unit. On the recommendation of the Administrative Law Judge's opinion filed on June 21, 2019, SERB certified the proposed bargaining unit (CBU) to exclude the Public Works Foreman position.

A vote of the proposed CBU was conducted on September 11, 2019 and by a vote of 7-0 the employees ratified their intent to form a CBU with the Utility Workers Union of America (UWUA AFL-CIO) and their intent to negotiate a Collective Bargaining Agreement (CBA).

The City of Canfield and the UWUA began negotiations in February 2020 and continued negotiations through August 2020. The parties were able to tentatively agree to a number of articles within the CBA, however there still existed approximately six outstanding articles that were left unresolved. The parties agreed to proceed to mediation; the mediation sessions took place during the month of November and December and the parties successfully mediated three of the six outstanding articles.

In January 2021, the UWUA filed for a fact-finding hearing on the remaining outstanding items from the mediation sessions. On March 16, 2021 a fact-finding hearing was held between the parties. The fact-finding report was issued on April 15, 2021 with the following recommendations on the outstanding issues:

- Unresolved Issue Recommendations (Joseph W. Gardner)
- 1) Working Hours – Recommends City of Canfield Proposal
 - 2) Compensation – Recommends UWUA Proposal
 - 3) Working Conditions – Recommends UWUA Proposal

This motion rejects the Fact Finder's Recommendations regarding SERB Case No. 2020-MED-09-1062 in the matter of City of Canfield and the UWUA AFL-CIO.

Action Needed:

Approval of motion rejecting the Fact Finder's Recommendations, due to the financial burden and operational constraints the proposed articles would have on the City of Canfield.

Attachment(s):

Fact Finder Report w/ attachments

City of Canfield Position Statement (Fact Finding Hearing 3/16/21)

UWUA AFL-CIO Position Statement (Fact Finding Hearing 3/16/21)

Public Comments.

F. A **Motion** to Accept the Fact Finder's Decision in S.E.R.B. Case No. 2020-MED-09-1062.

Description:

The City of Canfield Public Works Laborer/Operators filed a petition for collective bargaining representation on December 27, 2018 to include all full and part-time positions of Public Works Laborer/Operator, and Public Works Foreman. The City of Canfield contested the proposed bargaining unit (CBU) to exclude the Public Works Foreman position in January 2019.

A State Employee Relations Board (SERB) hearing was held on May 8, 2019 to determine the inclusion or exclusion of the Public Works Foreman position in the proposed bargaining unit. On the recommendation of the Administrative Law Judge's opinion filed on June 21, 2019, SERB certified the proposed CBU to exclude the Public Works Foreman position.

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- Unresolved Issue Recommendations (Joseph W. Gardner)
- 1) Working Hours – Recommends City of Canfield Proposal
 - 2) Compensation – Recommends UWUA Proposal
 - 3) Working Conditions – Recommends UWUA Proposal

This motion accepts the Fact Finder’s Recommendations regarding SERB Case No. 2020-MED-09-1062 in the matter of City of Canfield and the UWUA AFL-CIO.

Action Needed:
Consideration of Motion to approve Fact Finder’s Recommendations
(Contingent upon Action taken on Agenda Item E)

Attachment(s):
None – Same as Agenda Item E

Public Comments.

- 12. Council Comments.
- 13. Adjournment

Introduced by: _____
First Reading: _____

**AN ORDINANCE AMENDING
WATER DEPARTMENT STANDARD SPECIFICATIONS**

WHEREAS, Appendix F, to Part Eleven, Title One of the Subdivision and Land Development Regulations of the Codified Ordinances of the City contain Water Department Standard Specifications, and

WHEREAS, the City Engineer has recommended amending such specifications.

NOW THEREFORE, BE IT ORDAINED, BY THE COUNCIL OF THE CITY OF CANFIELD, COUNTY OF MAHONING, AND STATE OF OHIO;

Section 1. That the Water Department Standard Specifications attached hereto are hereby adopted to replace that same section of Part Eleven, Title One, Appendix F of the Subdivision and Land Development Regulations of the City.

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:_____

CLERK OF COUNCIL

APPROVED TO FORM:

MUNICIPAL ATTORNEY

CITY OF CANFIELD, OHIO
WATER DEPARTMENT SPECIFICATIONS

1. These specifications set forth the standards required by the City of Canfield Water Department for improvements, repairs, and extensions of its water distribution and ancillary facilities. These specifications are supplemental to ODOT Construction and Materials Specifications (ODOT CMS) (Latest Edition). Where these specifications are silent, ODOT CMS shall govern. If there is a conflict between the City specifications and ODOT CMS, the City specifications shall govern.
2. Where standards are identified within these specifications, those standards shall mean the latest edition of those standards. AWWA Standards shall mean those standards as set forth by the American Water Works Association.
3. Deviation from these specifications will not be permitted without the express, written authorization from the City of Canfield Water Department.
4. All waterlines shall be ductile iron pipe manufactured in conformance with AWWA C150 and AWWA C151. The City of Canfield Water Department reserves the right, in its sole discretion, to approve the use of AWWA C900 PVC pipe.
5. PVC water mains require a tracer wire on top of the PVC pipe with the tracer wire connected to all valves, fittings and fire hydrants.
6. All waterlines shall be installed with 6" wide marking tape laid on top of the waterline within the trench at a depth no more than 24" deep or as recommended by the manufacturer.
7. Ductile iron pipe shall be Thickness Class 52. C900 PVC, if approved, shall be DR 18.
8. Ductile iron pipe shall be cement-mortar lined in accordance with AWWA C104.
9. Pipe joints shall be push-on joints, and shall be jointed by the use of a rubber ring gasket inserted in the bell end.
10. Ductile iron pipe shall be polyethylene encased in conformance with AWWA C105
11. All waterline fittings shall be ductile iron in conformance with AWWA C153.
12. Plugs, caps, tees, hydrants, elbows, and bends shall be provided with thrust blocking in conformance with ODOT Item 638. Fittings shall also have mechanical restraining devices installed such as EBAA Megalug systems or equal.
13. Installation practices shall be in conformance with AWWA C600.

14. All waterlines shall be installed to maintain a minimum depth to the top of pipe of four (4) feet. All waterline and appurtenances shall be installed with a trench depth to allow for a minimum of six (6) inches of sand (ODOT 703.06) below the bottom of pipe. Sand bedding shall continue to a minimum of twelve (12) inches above the top of pipe. Trench width shall be pipe outside diameter plus two (2) feet.
15. Backfill on top of sand bedding within five (5) feet of pavement edges shall require compacted Type 1 structural backfill (ODOT 703.11) using ODOT 304. Slag shall not be permitted. Suitable approved compacted excavated material will be permitted in grass areas above the sand bedding.
16. All mainline and fire hydrant watch valves four (4) inches through twelve (12) inches shall be resilient seated gate valves in conformance with AWWA C515.
17. Mainline valves greater than twelve (12) inches shall be rubber seated gate valves in conformance with AWWA C515, unless otherwise approved by the City of Canfield Water Department.
18. All valve interiors shall be provided with an epoxy coating conforming to NSF/ANSI 61.
19. All valves shall open to the left/close to the right and shall be provided with a two (2) inch square operating nut with arrow cast to indicate direction of operation.
20. Fire hydrants shall comply with AWWA C502 and shall be American Darling B-62-B, Mueller Super Centurion A-424, or Clow Medallion model unless otherwise approved by the City of Canfield Water Department. Threads shall be as required by the Cardinal Joint Fire District. Fire hydrants shall be 5 1/4" barrel, stainless steel upper and lower stem and bronze bottom plate, oil filled lubrication type, and color shall be safety yellow.
21. Corporation stops shall be Mueller Products Part Number H-15000 or approved equal. Upon payment of necessary fees and issuance of permit, taps will be performed by the City water department or by City approved tapping contractors.
22. Curb stops shall be one-quarter (1/4) turn with check and solid tee head. Curb stops shall be Mueller Oriseal, A.Y. McDonald, or approved equal, meeting AWWA C800.
23. Service lines between the corporation stop and curb stop shall be Type K copper. Service lines after the curb stop shall also be type K copper to the water meter.
24. When new development occurs, all far side parcels shall have their service line installed from the waterline to the far side curb stop by the property owner/developer. For the purposes of the City specifications, the far side refers to parcels located on the side of the street opposite of the main waterline installation.
25. Curb boxes shall be Buffalo Pattern 95E

26. Disinfection of waterlines shall conform to AWWA C651 and as approved or required by the City of Canfield Water Department.
27. Water lines shall be located out of roadway pavements, to the greatest extent possible. Preferred location of all waterlines shall be a minimum of ten (10) feet inside the right-of-way line of all streets. The City reserves the right to require jack and bore casing to eliminate open-cut crossings of City streets. Waterlines shall be located a minimum of ten (10) feet from all sanitary and storm sewer lines and shall cross at an elevation of no less than eighteen (18) inches vertically from said sewer, with preference to be above the sewer. The City reserves the sole right to permit deviation from these requirements, on a case-by-case basis.
28. Fire hydrants shall be located in the middle of residential lots and shall be generally spaced from 350 to 600 feet, depending on the area being served.
29. Mainline valves should be located at no more than 500 foot intervals in commercial districts and at no more than one block or 800 foot intervals in residential areas.
30. Waterlines shall be installed so as to eliminate dead ends whenever practical. Approval of dead ends is at the sole discretion of the City. Blow-off settings, as a means of flushing, shall not be acceptable. Flushing shall only be accomplished by means of a fire hydrant.
31. Pressure testing shall be required to withstand two (2) times the operating pressure and shall conform to AWWA C600.
32. The City of Canfield Water Department shall be notified a minimum of 48 hours in advance at 330-533-3315 prior to beginning any construction affecting the City of Canfield water distribution system.
33. The City of Canfield reserves the right to alter or add to these requirements in the best interests of the City of Canfield water distribution system.

Introduced by: _____
First Reading: _____

**AN ORDINANCE ADOPTING AN
INTERNET AUCTION POLICY FOR 2021
FOR THE DISPOSAL OF UNNEEDED, OBSOLETE
OR UNFIT PERSONAL PROPERTY**

WHEREAS, the City of Canfield desires to adopt its policy pursuant to which it may dispose of unfit, unneeded or obsolete personal property by internet auctions, and

**NOW THEREFORE BE IT ORDAINED THAT BY THE COUNCIL OF THE CITY OF
CANFIELD, COUNTY OF MAHONING, AND STATE OF OHIO:**

Section 1: That the City Manager may dispose of unneeded, obsolete or unfit personal property in accordance with the following policy:

**City of Canfield
Internet Auction Policy**

1. No action taken by the City to sell unneeded, obsolete or unfit personal property of the City shall supersede authority granted them by the Ohio Revised Code.
2. Auction time frames for each sale shall be ten (10) days including Saturdays, Sundays and legal holidays and all required notices and postings will be provided.
3. All items available for sale will be posted on the City's website at www.canfield.gov. The City website will also contain a direct link to auction site.
4. All items will be sold "as is" and the City shall make no warranty as to condition of any item.
5. The City reserves the right to withdraw any item from any auction at any point prior to the award of bid.
6. The City reserves the right to establish a minimum price per auction item.
7. Auction items may be available for public inspection if practical and if arrangements are made in advance.
8. Bids will only be accepted through EBay.com, or other entity as provided in the applicable legislation to dispose.
9. Successful bidders will be notified by the City. Payment will be by certified bank check, or through internet auction payment service Paypal.com, or direct debit or credit card charge.

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:_____

CLERK OF COUNCIL

APPROVED TO FORM:

MUNICIPAL ATTORNEY

Introduced by: _____
First Reading: _____

ORDINANCE

An Ordinance Approving the Replat of
Canfield City Lot 2645 on Manor Hill Drive by Thomas Porter.

WHEREAS, the Planning & Zoning Commission at the Regular Meeting on April 8,
2021 approved the replat of Canfield City Lot 2645 by Thomas Porter.

WHEREAS, the Planning and Zoning Commission recommends to Council the approval
of the replat of Canfield City lot 2645 on Manor Hill Drive.

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

Section 1: The Council of the City of Canfield approves the replat of Canfield City lot
2645 by Thomas Porter on Manor Hill Drive.

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 _____ 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
Admin. Fax: 330-533-4415
Finance Fax: 330-533-2668
www.ci.canfield.oh.us



REPLAT APPLICATION

DATE FILED 3/23/21 DATE APPROVED _____

NAME OF PROPERTY OWNER Thomas Porter

OWNERS ADDRESS 8035 CAMDEN WAY CANFIELD, OHIO 44406

OWNERS TELEPHONE NUMBER 330 406 6172

NAME OF APPLICANT Same

APPLICANT'S ADDRESS _____

APPLICANT'S TELEPHONE NUMBER _____

ADDRESS OF LOTS Manor Hill

LOT NUMBERS 2695

SCALE DRAWING OF PLAT PLAN SUBMITTED Yes

ZONING DISTRICT B-3

SPECIFIC REASON FOR REPLAT

ORIGINALLY, THE OWNER (PREVIOUS) THOUGHT OVER THE YEARS IT WAS 2-LOTS. WHEN FINALLY AGREEING TO PURCHASE, HE & I REALIZED IT IS ONLY 1-LOT. THE AMOUNT OF \$ WAS QUESTIONABLE SO HE (PREVIOUS OWNER) & I AGREED TO PURCHASE AND I KNEW POSSIBLE I COULD SELL ONE SIDE OF LOT BECAUSE WE ONLY NEEDED 1/2 ACREAGE. NOT TO MENTION I REALLY DIDN'T WANT TO BUY THE WHOLE LOT.

I CHOOSE TO BUILD ON THE MOST CHALLENGING PARCEL IF APPROVED BECAUSE I DIDN'T WANT A VACANT LOT (SELLING) TO SIT FOR YEARS AGAIN SIMILAR TO WHAT HAS HAPPENED OVER TIME ON THE ORIGINAL LOT. I'M TRYING TO HELP MY LAND WITH EPII DANCE BUT ALSO WATCHING THE MONEY INVOLVED, THE LANDS TO 3- 33- 2021 CONTINUE DANCE IN CHANCE (OH) WAS LONG TERM.

DATE

APPLICANT'S SIGNATURE

BOOK #
1317

For Office Use Only

APPLICATION FEES \$ 50.00
(NON REFUNDABLE)

*PLANNING APPROVAL 4/8/21

*COUNCIL APPROVAL _____

*Requires approval of MS Consultants, Planning and Council.
*Call for more information, could take 4-6 weeks.



MEMORANDUM

TO: Mr. Mike Cook, Zoning Inspector

FROM: Byron Harnishfeger, P.S.
Steve Preston, P.E.

DATE: March 30, 2021

RE: Replat of City Lot 2645

We have reviewed the above referenced replat relative to closures and have found it to be acceptable in that regard. Furthermore, it is our opinion that the said replat is a minor subdivision as defined within the Codified Ordinances of the City of Canfield, Ohio, Section 1107.08.

If you have any questions, please do not hesitate to contact me.



Byron W. Harnishfeger
3/30/21

Mapcheck 1: CCL 2645

Closure Summary

Precision, 1 part in: 408738.529'

Error distance: 0.002'

Error direction: N50° 16' 11.53"E

Area: 34437.38 Sq. Ft.

Square area: 34437.382

0.7906 ACRES

Perimeter:

769.640'

Point of Beginning

Easting: 2452493.5208'

Northing: 499323.4627'

Side 1: Line

Direction: S01° 23' 38.00"E

Angle: [-001.3939 (d)]

Deflection angle: [178.6061 (d)]

Distance: 109.060'

Easting: 2452496.1738'

Northing: 499214.4350'

Side 2: Curve

Curve direction: Clockwise

Radius: [29.996']

Arc length: 25.230'

Delta angle: 048.1858 (d)

Tangent: 13.420'

Chord direction: S22° 41' 57.00"W

Chord angle: [-155.9069 (d)]

Deflection angle: [024.0931 (d)]

Chord distance: 24.490'

Easting: 2452486.7233'

Northing: 499191.8419'

Side 3: Curve

Curve direction: Counter-clockwise

Radius: [59.998']

Arc length: 93.820'

Delta angle: 089.5961 (d)

Tangent: 59.580'

Chord direction: S01° 59' 38.00"W

Chord angle: [135.2018 (d)]

Deflection angle: [-044.7982 (d)]

Chord distance: 84.550'

Easting: 2452483.7815'

Northing: 499107.3431'

Side 4: Line

Direction: S47° 11' 45.00"W

Angle: [-090.0000 (d)]

Deflection angle: [090.0000 (d)]

Distance: 20.630'

Easting: 2452468.6457'

Northing: 499093.3251'

Side 5: Line

Direction: S88° 39' 09.00"W

Angle: [-138.5433 (d)]

Deflection angle: [041.4567 (d)]

Distance: 129.780'

Easting: 2452338.9016'

Northing: 499090.2732'

Side 6: Line

Direction: N01° 24' 01.00"W

Angle: [-090.0528 (d)]

Deflection angle: [089.9472 (d)]

Distance: 230.840'

Easting: 2452333.2605'

Northing: 499321.0443'

Side 7: Line

Direction: N89° 08' 06.00"E

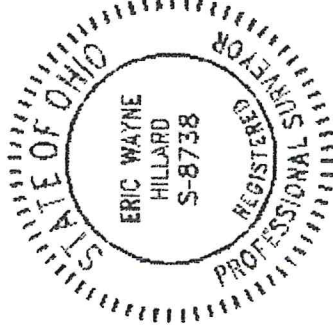
Angle: [-089.4647 (d)]

Deflection angle: [090.5353 (d)]

Distance: 160.280'

Easting: 2452493.5223'

Northing: 499323.4639'



Eric Wayne Hillard

Mapcheck 2: NEW CCL

Closure Summary

Precision, 1 part in: 141037.202'

Error distance: 0.005'

Error direction: N16° 33' 00.03"W

Area: 35590.44 Sq. Ft.

Square area: 35590.438

0.8170 ACRES

Perimeter: 758.160'

Point of Beginning

Easting: 2452483.7798'

Northing: 499107.3410'

Side 1: Curve

Curve direction: Counter-clockwise

Radius: [59.995']

Arc length: 50.890'

Delta angle: 048.5919 (d)

Tangent: 27.090'

Chord direction: S67° 06' 00.00"E

Chord angle: [-067.1000 (d)]

Deflection angle: [112.9000 (d)]

Chord distance: 49.370'

Easting: 2452529.2588'

Northing: 499088.1300'

Side 2: Line

Direction: S01° 23' 38.00"E

Angle: [-089.9979 (d)]

Deflection angle: [090.0021 (d)]

Distance: 180.840'

Easting: 2452533.6578'

Northing: 498907.3435'

Side 3: Line

Direction: S89° 09' 33.00"W

Angle: [-089.4469 (d)]

Deflection angle: [090.5531 (d)]

Distance: 190.240'

Easting: 2452343.4383'

Northing: 498904.5518'

Side 4: Line

Direction: N01° 24' 01.00"W

Angle: [-090.5594 (d)]

Deflection angle: [089.4406 (d)]

Distance: 185.780'

Easting: 2452338.8984'

Northing: 499090.2763'

Side 5: Line

Direction: N88° 39' 09.00"E

Angle: [-089.9472 (d)]

Deflection angle: [090.0528 (d)]

Distance: 129.780'

Easting: 2452468.6425'

Northing: 499093.3282'

Side 6: Line

Direction: N47° 11' 45.00"E

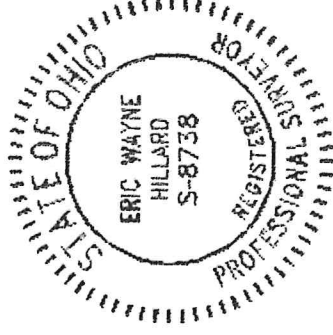
Angle: [138.5433 (d)]

Deflection angle: [-041.4567 (d)]

Distance: 20.630'

Easting: 2452483.7783'

Northing: 499107.3462'



Eric Wayne Hillard

This Conveyance has Complied with Section 315.202

Fee \$

Permissive Tax

Exhibit

By

Deputy

RALEIGH T. MEACHAM

MAHONING COUNTY AUDITOR

Exhibit

Date

10-23-2020

Deputy

RALEIGH T. MEACHAM

MAHONING COUNTY AUDITOR

202000030083

Filed for Record in
MAHONING COUNTY, OHIO
NORALYNN PALERMO, RECORDER
12/23/2020 01:43 PM

DEED 34.00

OR Book 6419 Page 1622

OR 6419 PG 1622

CS-20-7303

GENERAL WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that:

BARTHOLOMEW BUILDERS, INC.
an Ohio corporation

the Grantor, for Ten Dollars (\$10.00) and other valuable consideration paid, grants with general warranty covenants, to:

CTCT INVESTMENT LLC
an Ohio limited liability company

the Grantee, whose tax mailing address will be: 8035 Camden Way, Canfield, OH 44406, the following described property:

Situated in the City of Canfield, County of Mahoning and State of Ohio:

And known and being Lot No. 2645 according to the latest enumeration of Lots in said City, as recorded in Volume 92 of Plats, Page 52, Mahoning County Records.

Prior Instrument Reference: Official Records Volume 6150, Page 676, Mahoning County Records.

GRANTOR does hereby covenant and warrant unto said GRANTEE, the Grantee's assigns and successors, that at the time of the delivery of this deed the Grantor was lawfully seized in fee simple of the granted premises that the premises are free




TX:4034887

from all encumbrances, SAVE AND EXCEPT easements, restrictions and conditions of record, zoning ordinances, real estate taxes and assessments, if any, prorated to date of filing this deed and that the Grantor has good right to sell and convey the same to the Grantee, the Grantee's assigns or successors, and that the Grantor does warrant and does hereby agree to defend the same to the Grantee and the Grantee's assigns or successors, forever, against the lawful claims and demands of all persons.

Executed this 16th day of December, 2020.

Bartholomew Builders, Inc.


By: Wayne A. Bartholomew
Its: Vice President

STATE OF OHIO)
COUNTY OF Mahoning) SS.

This is an acknowledgement clause; no oath or affirmation was administered to the signer. The foregoing instrument was acknowledged before me this 16th day of December, 2020 by Wayne A. Bartholomew, Vice President of Bartholomew Builders, Inc., an Ohio corporation, the Grantor, and that the same was his free act and deed, both individually and as such authorized officer of said corporation.

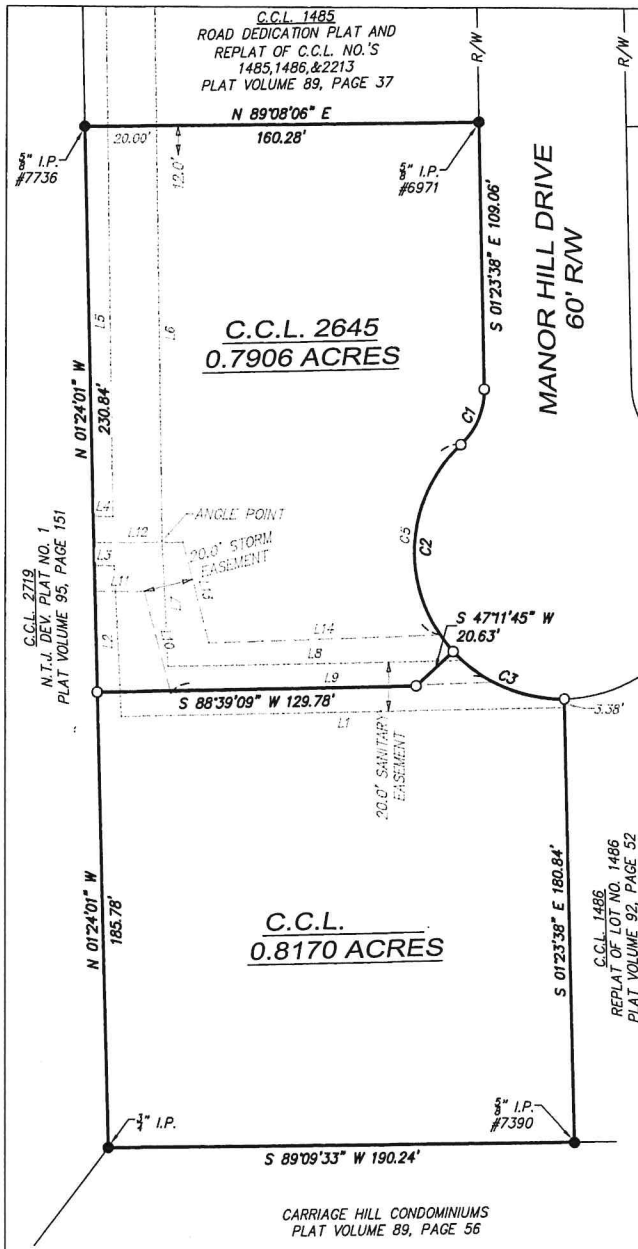
IN TESTIMONY WHEREOF, I have hereunto set my name and official seal at Canfield, Ohio.


Notary Public
My Commission Expires

This instrument was prepared by:
Nicholas A. Bourne, Attorney-at-Law
3620 Stutz Drive, Suite A, Canfield, OH 44406.



GRIG W STEBELTON
Notary Public, State of Ohio
Commission Expires March 8, 2024



LINE	DIRECTION	LENGTH
L1	S 89°39'09" W	180.74'
L2	N 02°42'53" W	61.51'
L3	N 89°06'02" W	8.11'
L4	S 89°06'02" E	7.98'
L5	N 00°35'14" W	159.26'
L6	S 00°35'14" E	169.40'
L7	S 02°42'53" E	51.21'
L8	N 88°39'09" E	119.70'
L9	S 87°50'27" W	131.20'
L10	N 142°3'09" W	42.84'
L11	S 89°40'14" W	20.26'
L12	N 89°40'14" E	36.25'
L13	S 142°3'09" E	42.32'
L14	N 87°50'27" E	94.21'

NORTH BASED ON THE OHIO STATE
PLANE COORDINATE SYSTEM, NORTH
ZONE, GROUND COORDINATES.

OWNER: CTCT INVESTMENT LLC
ADDRESS: V/L MANOR HILL DRIVE
CANFIELD, OHIO 44406
PARCEL: 28-028-0-028.03-0
DEED: O.R. 6419, PAGE 1622

SYMBOL LEGEND

- - IRON PIN FOUND (AS NOTED)
- - 30" LONG 5" IRON PIN SET W/D
CAP ECH-8738

SCALE: 1"=50'
0' 25' 50'



REPLAT OF C.C.L. 2645

REPLAT OF LOT NO. 1486-PLAT VOLUME 92, PAGE 52
REPLAT OF LOT 1486 OF THE ROAD DEDICATION PLAT AND REPLAT OF
C.C.L.'S-PLAT VOLUME 89, PAGE 263
ROAD DEDICATION PLAT AND REPLAT OF C.C.L.'S-PLAT VOLUME 89, PAGE 37
DEDICATION PLAT AND REPLAT OF LOT 1485 & 1486-PLAT VOLUME 82, PAGE 147
FORMER G.L. 44-2ND DIVISION-CANFIELD TOWNSHIP
CITY OF CANFIELD, COUNTY OF MAHONING, OHIO

I DO CERTIFY THAT I HAVE SURVEYED THE AREA AND PREPARED THE PLAT SHOWN HEREON, THAT SAID PLAT IS CORRECT AND THAT
ALL CORNER MONUMENTS AS SHOWN ARE IN PLACE.

Eric W. Hillard 1/8/2021
ERIC WAYNE HILLARD PS No. 8738

WE (I) CTCT INVESTMENTS, LLC OWNER(S) OF THE LAND INDICATED ON THIS PLAT DO HEREBY MANIFEST OUR APPROVAL OF THE
SUBDIVISION AND DEDICATE THE STREETS AND LAND FOR OPEN SPACES AS SHOWN HEREON TO THE PUBLIC FOREVER. WE (I) FURTHER
CERTIFY THAT THE PLAT IS A SUBDIVISION OF PART OF THE LANDS CONVEYED BY BARTHOLOMEW BUILDERS INC TO CTCT INVESTMENTS,
LLC BY DEED DATED DECEMBER 23, 2020 AND RECORDED IN VOLUME 6419 PAGE 1622 OF THE MAHONING COUNTY RECORD OF DEEDS
AND THAT ALL MONUMENTS AS REQUIRED BY SUBDIVISION REGULATIONS WILL BE PLACED.

AS WITNESS OUR(MY) HAND(S) THIS _____ DAY OF _____, 20____.

WITNESSES: _____ OWNERS: _____

STATE OF OHIO)
MAHONING COUNTY) SS BEFORE ME, A NOTARY PUBLIC IN AND FOR THE SAID COUNTY, PERSONALLY APPEARED THE ABOVE
SIGNED PERSON(S) WHO ACKNOWLEDGE THAT THEY ARE (HE OR SHE IS) THE OWNER(S) OF THE LAND
SHOWN ON THE ACCOMPANYING SUBDIVISION AS SHOWN ABOVE, AND THAT THE SIGNING OF THE
ABOVE CERTIFICATE IS THEIR OWN FREE ACT AND DEED.

AS WITNESS HEREOF AND HAVE HEREUNTO SET MY HANDS AND AFFIXED MY OFFICIAL SEAL THIS _____ DAY OF _____, 20____.

NOTARY PUBLIC

APPROVED BY THE CITY OF CANFIELD ENGINEER THIS _____ DAY OF _____, 20____.

CITY ENGINEER

APPROVED BY THE CITY OF CANFIELD PLANNING COMMISSION THIS 8 DAY OF April, 2021.

CHAIRMAN: [Signature] SECRETARY: [Signature]

APPROVED BY THE CITY OF CANFIELD COUNCIL THIS _____ DAY OF _____, 20____.

CHAIRMAN: _____ SECRETARY: _____

ENTERED FOR TRANSFER THIS _____ DAY OF _____, 20____.

MAHONING COUNTY AUDITOR

RECEIVED FOR RECORD ON THE _____ DAY OF _____, 20____, AT _____ O'CLOCK.

RECORDED IN VOLUME _____ PAGE _____ OF THE MAHONING COUNTY RECORD OF PLATS,

ON THE _____ DAY OF _____, 20____.

MAHONING COUNTY RECORDER

CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD BEARING	CHORD
C1	25.23'	30.00'	48°11'09"	13.42'	S 22°41'57" W	24.49'
C2	93.82'	60.00'	89°35'46"	59.58'	S 1°59'38" W	84.55'
C3	50.89'	60.00'	48°35'31"	27.09'	S 67°06'00" E	49.37'
C4	129.35'	60.00'	123°31'26"	111.72'	N 26°50'32" E	105.72'
C5	85.05'	60.00'	81°13'09"	51.44'	S 61°05'57" W	78.11'

7630 BRIXTON CREST
CANFIELD, OH 44406
(330)261-0311
ERIC@ECHLANDSURVEYING.COM

Introduced by: _____
First Reading: _____

**AN ORDINANCE AMENDING
CANFIELD CODIFIED ORDINANCE
SECTIONS 1123.01 (31), (32) (33), (34), AND (35)**

WHEREAS, the Zoning Inspector and Law Director have recommended certain amendments to Canfield Codified Ordinance Sections 1123.01 (31), (32), (33), (34), and (35), and

WHEREAS, the council of the City of Canfield has determined that it is in the best interests of the citizens of the City to so amend Canfield Codified Ordinance sections 1123.01 (31), (32), (33), (34) and (35),

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

Section 1. That Canfield Codified Ordinance section 1123.01 (31) is hereby amended to read as follows:

1123.01 (31) “Dwelling” means any building, or portion thereof, designed and used exclusively as the residence of one or more persons, but not including a tent, cabin, travel trailer, tree house or a room in a hotel or motel.

Section 2. That Canfield Codified Ordinance section 1123.01 (32) is hereby amended to read as follows:

1123.01 (32) “Dwelling, single-family” means a building designed for and used exclusively for residential purpose by one family or housekeeping unit.

Section 3. That Canfield Codified Ordinance section 1123.01 (33) is hereby amended to read as follows:

1123.01 (33) “Dwelling, two-family, Semi-detached” means a building designed for and used exclusively for residential purposes by two families or housekeeping units for residential purposes, having one party wall in common with the adjacent dwelling unit.

Section 4. That Canfield Codified Ordinance section 1123.01 (34) is hereby amended to read as follows:

1123.01 (34) “Dwelling, three to four-family” means a building designed and used exclusively by three to four families for residential purposes.

Section 5. That Canfield Codified Ordinance section 1123.01 (35) is hereby amended to read as follows:

1123.01 (35) “Dwelling, multiple-family” means a building, or portion thereof, designed for and used exclusively by three or more families or housekeeping units living independent of one another for residential purposes.

Section 6. 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:_____

.

CLERK OF COUNCIL

APPROVED TO FORM:

MUNICIPAL ATTORNEY

Introduced by: _____

First Reading: _____

AN ORDINANCE AMENDING SECTION 1141.14 GENERAL COMMERCIAL
DISTRICT B-2 ADDING RETAIL SALES AS A PERMITTED USE

WHEREAS, Section 1141.14 of the Zoning Ordinance does not address “retail sales” as a permitted use in the General Commercial District, B-2; and

WHEREAS, the Canfield Planning & Zoning Commission is recommending allowing retail sales as a permitted use in the General Commercial District B-2; and

WHEREAS, the Council of the City of Canfield desires that this use be permitted in the General Commercial District (B-2).

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

Section 1: Section 1141.14 of the Canfield Code is amended to permit retail sales as a permitted use in the General Commercial District (B-2).

Section 2: 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, 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:

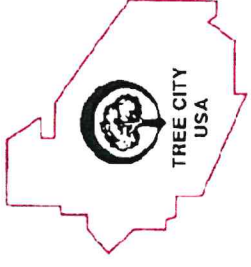
MUNICIPAL ATTORNEY



City of Canfield

104 LISBON STREET
CANFIELD, OHIO 44406-1416

Phone: 330-533-1101
Admin. Fax: 330-533-4415
Finance Fax: 330-533-2668
www.ci.canfield.oh.us



DATE: APRIL 8, 2021

TO: MEMBERS OF COUNCIL

FROM: MIKE COOK, SECRETARY
PLANNING AND ZONING COMMISSION

SUBJECT: A RECOMMENDATION TO COUNCIL TO AMMEND CANFIELD
CODIFIED ORDINANCE SECTION 1141.14 B-2 GENERAL
COMMERCIAL DISTRICT ADDING RETAIL SALES AS A PERMITTED
USE.

At the regular meeting of the Planning and Zoning Commission on April 8, 2021, the following motion was made:

Mr. Zarlenga made a motion to recommend Council ammend Canfield Codified Ordinance Section 1141.14 General Commercial District adding retail sales as a permitted use.

The motion was seconded by Mr. Palermo.

This motion passed 5 - 0

Introduced by: _____

Motion No. _____

MOTION

A MOTION TO REJECT THE FACT FINDER'S DECISION IN S.E.R.B.
CASE NO. 2020-MED-09-1062

WHEREAS, the City received the Fact finder's recommendation regarding S.E.R.B. Case No. 2020-MED-09-1062; on April 15, 2021; and

WHEREAS, Council desires to reject the recommendation of said Fact Finder.

NOW, THEREFORE, IT IS HEREBY MOVED BY THE COUNCIL OF THE CITY OF CANFIELD, OHIO:

Section 1: The decision of the Fact Finder in S.E.R.B. Case No. 2020-MED-09-1062 is hereby rejected.

PASSED IN COUNCIL THIS _____ DAY OF _____ A.D. 2021

CLERK OF COUNCIL

Certification of Publication

I, the undersigned Clerk of Council of the City of Canfield, Ohio, hereby certify that the foregoing Motion 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

Introduced by: _____

Motion No. _____

MOTION

A MOTION TO ACCEPT THE FACT FINDER'S DECISION IN S.E.R.B.
CASE NO. 2020-MED-09-1062

WHEREAS, the City received the Fact finder's recommendation regarding S.E.R.B. Case No. 2020-MED-09-1062; on April 15, 2021; and

WHEREAS, Council desires to accept the recommendation of said Fact Finder.

NOW, THEREFORE, IT IS HEREBY MOVED BY THE COUNCIL OF THE CITY OF CANFIELD, OHIO:

Section 1: The decision of the Fact Finder in S.E.R.B. Case No. 2020-MED-09-1062 is hereby accepted.

PASSED IN COUNCIL THIS _____ DAY OF _____ A.D., 2021

CLERK OF COUNCIL

Certification of Publication

I, the undersigned Clerk of Council of the City of Canfield, Ohio, hereby certify that the foregoing Motion 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

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5 **AGREEMENT BETWEEN THE**

6
7 **CITY OF CANFIELD**

8
9 **AND**

10
11 **UTILITY WORKERS OF AMERICA,**
12 **AFL-CIO**
13

14
15 **Effective Date of Execution through _____**
16 **SERB Case #2020-MED-09-1062**
17

18
19
20 **CITY PROPOSALS FOR FACT FINDING HEARING**
21
22

ARTICLE 16
HOURS OF WORK/OVERTIME

Section 16.1. Normal Hours of Work. This Article is intended to define, subject to change, the normal hours of work per day or per week in effect at the time of execution of this Agreement. Nothing contained herein shall be construed as preventing the Employer from restructuring the normal work day or work week for the purpose of promoting efficiency or improving services; from establishing the work schedules of employees; or establishing part-time positions. This Article is intended to be used as the basis for computing overtime and shall not be construed as a guarantee of work per day or per week.

Notwithstanding the provisions of this Article, in the event an employee is called out or is scheduled to work at a time that abuts their normal starting time and works their scheduled work hours, the employee may, with the approval of the Employer, go home. Alternatively, the Employer may require the employee to remain on the job or the Employer may send the employee home depending on the workload requirements, weather conditions, and/or safety reasons based on adequate sleep and rest period concerns.

Section 16.2. Work Week. The work week for permanent full-time employees shall constitute forty (40) hours per week to be performed 12:00am Sunday to 11:59pm Saturday. The work week shall generally consist of five (5) consecutive scheduled work days. A work day shall generally be eight (8) hours in a twenty-four-hour period. When modifying the regular work schedule the Employer will provide at least seven (7) calendar day's notice in advance.

Section 16.3. Lunch Period Each Employee shall be permitted a one-half (1/2) hour unpaid lunch period during a regularly scheduled shift. Lunch periods shall not be taken adjacent to the beginning or ending of an employee's shift.

Section 16.4. Rest Period Each employee shall be permitted a fifteen (15) minute rest period during a regularly scheduled work day, to be taken either in the morning or afternoon. Rest periods shall not be taken adjacent to the beginning of a shift start time, lunch period, or end of a shift end time. Employee shall take rest period on site where task is being performed.

Section 16.5. Overtime Rate. All employees shall be paid at the rate of one and one-half (1 1/2) times their regular hourly rate of pay for all hours actually worked which exceed the regular scheduled hours for that day or forty (40) hours in one (1) work week. All hours spent on vacation and personal days shall be counted as hours worked toward computing overtime.

Section 16.6 Call Out All off duty employees called into work shall be eligible for overtime compensation for any hours worked in excess the regular scheduled hours for that work day hours or for any hours worked in excess of forty (40) hours in one week. Carry over work directly following a regularly scheduled shift is not considered a call out. Call outs are categorized as follows:

- 1) **Call Out:** call out which are not adjacent to an employees' regularly scheduled shift will be compensated at one and one-half times their regular hourly rate of pay for hours worked, but in no case less than four hours

1 regular rate of pay.
2

3 **2) Call Out Adjacent to the Start of Regularly Scheduled Shift:** call outs
4 that are adjacent to the start of an employees' regularly scheduled shift will be
5 compensated at a one and one-half times their regular hourly rate for hours
6 worked prior to the start of their regularly scheduled shift.
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ARTICLE ##
COMPENSATION

Section #.1. Progression Steps The following shall be the progression rate for the position of Laborer/Operator

New Hire (% of appropriate classification)	72% of appropriate classification
Completion of 12 months of service	75% of appropriate classification
Completion of 24 months of service	80% of appropriate classification
Completion of 36 months of service*	85% of appropriate classification
Completion of 48 months of service	90% of appropriate classification
Completion of 60 months of service	100% of appropriate classification

*New Hire with a Class I Water Distribution or Class I Wastewater Collection License will start at 85% progression step and progress to the 90% rate after 12 months from date of hire, and to the 100% rate after 24 months from date of hire. This progression schedule shall also apply to a newly hired employee that obtains Class I Water Distribution or Class I Wastewater Collection License prior to the completion of their 36 months of service anniversary.

Section #.2 Compensation. Compensation will be determined by the wage scale below:

Classification	1/1/2021	1/1/2022	1/1/2023
Laborer	\$ 26.46	\$ 26.46	\$ 26.86
Laborer w/Class I Water Distribution*	\$ 27.21	\$ 27.75	\$ 28.17
Laborer/ w/Class I Wastewater Collection*	\$ 27.21	\$ 27.75	\$ 28.17
Laborer w/ Class I Water & Class I Wastewater **	\$ 28.21	\$ 28.77	\$ 29.20

*Class I Water Distribution License or Class I Wastewater Collection License = \$.75/hr. increase in pay over base rate for the Laborer classification.

**Class I Water Distribution License and Class I Wastewater Collection License = \$1.75/hr. increase in pay over base rate for the Laborer classification

Section #.3 Premium Pay Employees who receive the following license/certification will receive additional compensation as indicated below:

1. Backflow Certification \$0.50/hr.

Implementation MOU Language

Employees James Fox and James Kagarise shall be elevated to 85% of the appropriate classification effective January 1, 2021 and shall progress through the remaining steps on their appropriate anniversary from their date of hire.

Upon the execution of this agreement all Bargaining Unit employees shall receive a one-time signing bonus of \$500.00.

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ARTICLE 31
TERM OF AGREEMENT

10 **Section 31.1. Term of Agreement, Notice to Negotiate.** This collective bargaining agreement
11 shall be effective on the date of execution and shall continue through xxxx,xx,xxxx unless either
12 party gives written notice to the other party no earlier than one hundred and twenty (120) days
13 prior to the expiration date nor later than sixty (60) days prior to the expiration date of the desire
14 to terminate, modify, or negotiate a successor collective bargaining agreement.
15

16 **Section 31.2. Waiver.** The parties acknowledge that during the negotiations which resulted in
17 this Agreement, each had the unlimited right to make demands and proposals on any subject matter
18 not removed by law from the area of collective bargaining, and that the exercise of that right and
19 opportunity are set forth in this Agreement. Therefore, the Employer and the Union, for the life
20 of this Agreement, each voluntarily and unequivocally waives the right, and each agrees that the
21 other shall not be obligated to bargain collectively or individually with respect to any subject or
22 matter not specifically referred to or covered in the Agreement, even though such subjects or
23 matters may not have been within knowledge of either or both parties at the time they negotiated
24 or signed this Agreement. The provisions of this Agreement constitute the entire agreement
25 between the Employer and the Union. All prior agreements, either oral or written, are hereby
26 cancelled.
27
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UNION PROPOSED "WORKING CONDITIONS"

**THE CITY'S POSITION REGARDING THE UNION'S PROPOSAL LIMITING THE
WORK A SUPERVISOR CAN DO IS TO REJECT INCLUSION OF SAID PROPOSAL
IN THE AGREEMENT**

OHIO STATE EMPLOYMENT RELATIONS BOARD
April 15, 2021

UTILITY WORKERS UNION OF)	SERB CASE NO.: 2020 MED-09-1062
AMERICAN LOCAL 425 AND PUBLIC)	
WORKS EMPLOYEE UNION)	FACT FINDER: Joseph W. Gardner
Union)	
)	
and)	
)	Fact Finding Report
)	
THE CITY OF CANFIELD)	
Employer)	
)	
)	

APPEARANCES

For the UNION:
Richard A. Cossell, Region 3
National Representative
Utility Workers Union of America

For the EMPLOYER:
Jonathan J. Downes, Esq.

Introduction

This fact finding hearing took place on March 16, 2021 in the City of Canfield, Ohio. The parties timely submitted their position statements, and both parties presented evidence and arguments at the fact finding hearing.

The City of Canfield, also referred to as the City, Employer, Management and/or Public Works Department, is a municipality located in the center of Mahoning County, Ohio, with a population of approximately 7500 citizens. See, City's Position Statement, City Exhibit 4, page 4 of 24.

The Public Works Department is responsible for the operation and maintaining the City water distributions systems, the sanitary and storm sewer collections systems, as well as all maintenance and repair of all bridges, culverts, roads, drains, ditches, public rights of ways,

public land as well as other public improvements. It is responsible for the maintenance of about 40 miles of City streets. Id.

The Union, also referred as the Utility Workers Union of America, Local 425 or the Public Works Department Employees, consist of six bargaining unit members. They perform all public works duties including, but not limited to, operating and maintaining the water and sewer systems, maintaining public grounds and facilities, ice and snow removal, leaf pickup services, and maintenance and repair of public lands including bridges and roads. See, Union Summary of Position, i.e., Union's "Position Statement".

The City and the Union are now in the process of formalizing and ratifying their first collective bargaining agreement. Generally speaking, Collective Bargaining Agreements (CBA) are complicated labor contracts that define the economic relationship between the employer and the employees. The parties have reached a *tentative* agreement on most of the articles. See, City Exhibit 3.

Issues

The below "issues" are the unresolved issues presented by each party and in the order each party presented its issues in the position statements.

Union Issues:

1. Working Hours
2. Wages
3. Working Conditions (Management Performing Bargaining Unit Work)

City Issues:

1. Compensation
2. Hours of Work/Overtime
3. Working Conditions

Fact Finding Issues

This fact finder combined the following three (3) issues of the parties as follows, and shall address the following three (3) issues in this following order:

1. Working Hours (Union) and Hours of Work/Overtime (City),
2. Compensation(City) and Wages (Union),
3. Working Conditions(City) and Working Conditions (Management Performing Bargaining Unit Work)(Union)

The parties presented these above issues to this fact finder by each party's position statement and by evidence and arguments at the fact finding hearing.

All of the following factors, as set forth in Ohio Administrative Code § 4117-9-05(K)(1)-(6) and as set forth in the Ohio Revised Code, ORC 4117.14(G)(7)(a)-(f), have been reviewed and considered:

- (a) Past Bargaining Agreements, if any, between the parties;
- (b) Comparison of Issues submitted to final offer settlement relative to the employees in the bargaining unit involved with those issues related to other public and private employees doing comparable work, giving consideration to factors peculiar to the area and classification involved;
- (c) The interests and welfare of the public, the ability of the public employer to finance and administer the issues proposed, and the effect of the adjustments on the normal standards of public service;
- (d) The lawful authority of the public employer;
- (e) The stipulations of the parties;
- (f) Such other factors, not confined to those listed in this section, which are normally or traditionally taken into consideration in the determination of the issues submitted to final offer settlement through voluntary collective bargaining, mediation, fact-finding, or other impasse resolution procedures in the public service or in private employment.

DISCUSSION/FINDINGS OF FACT AND RECOMMENDATIONS

Issue No. 1

“Working Hours”(Union) and “Hours of Work/Overtime”(City).

Discussion/Findings of Fact

The bargaining unit employees, according to the Union, have always worked from 7am to 3:30pm, Monday through Friday. The Union states that this “schedule has been in place as far as anyone remembers.” Union Position Statement, p.5, 1st paragraph.

The Union states that there is no acceptable rationale for a rotating schedule on a monthly basis. The Union states that Union employees “need this language (set working hours) in order to maintain the consistency and predictability that they have always enjoyed”. Union Position Statement, Page 6, first paragraph.

The City states that the Union's proposal would remove some fundamental management rights for hours of work and overtime. The City states that it has always been a basic management right to set hours. The City states that it opposes the rigidity of the Union proposed set hours for work, by the Union. The City also states “This deprives management the flexibility needed to adjust to work assignments and work requirements.” City Position Statement, p.20.

Because employees have worked certain hours for years does not necessarily mean that those hours are the best for the citizens of Canfield. It is Management that directs the workforce. Being flexible is the most efficient way to serve the citizens of Canfield.

Recommendation

This fact finder recommends the language that the City proposed in its possession statement regarding ***Hours of Work/Overtime***. The City’s proposal, the proposal accepted by this fact finder, is the italicized language of ***Sections 16.1 through 16.6*** on pages 18-19 of the

City's Position Statement . See, **Hours of Work/Overtime**, City's Position Statement, pp. 18-19;
Sections 16.1 through 16.6.

Issue No. 2

“Compensation(City) and Wages(Union)”

Discussion/Finding of Facts

This bargaining unit has been working without a pay increase for 2020 and 2021. It has been approximately two years since the bargaining unit has received a wage increase. Since this is the first collective bargaining agreement for this bargaining unit, it has taken more time than expected to reach an agreement and more time than expected to commence the fact finding procedure. However, the fact that the bargaining unit members have not received a raise for about two years cannot be ignored.

The citizens of Canfield pay the taxes necessary to receive excellent service. The citizens of Canfield expect excellent service. The bargaining unit members, in return, provide excellent services to the citizens. The Union's proposal for compensation/wages is the best proposal and is recommended by this fact finder. The language proposed by the Union, on page 6 of Union's Position Statement, is the language recommended by this fact finder.

Included in the Union's proposal for wages is the following clause:

All existing employees shall be grandfathered at their current wage rates and continue to receive all increases. No existing employee shall be required to get additional licensing/certifications, even if the new hires are subject to such requirements. Union Position Statement, p.7.

This above paragraph is incompatible with the excellence expected by the citizens of Canfield. This fact finder does not recommend this above paragraph to be a part of the CBA. If licenses or requirements are required to perform certain services to keep one's position, it is fair that those licenses or certifications are obtained by the bargaining unit members.

Recommendation

This fact finder recommends for wages the language under “**b. Wages** on page 6 of the **UNION SUMMARY OF POSITION**, aka Union’s Position Statement. The first paragraph on page 7 is not recommended by this fact finder to be part of the collective bargaining agreement

Issue No. 3

“Working Conditions(City) and Working Conditions (Management Performing Bargaining Unit Work)(Union)

Discussion/Finding of Facts

The City’s job is to direct the workforce.

The Union’s job is to perform the work.

The description of those duties are:

- Operation and maintenance of the City of Canfield infrastructure, water and sewer utility systems, and public grounds and facilities including two (2) cemeteries.
The department is also responsible for all ice/snow control on all City streets, leaf pickup services, and the right of way maintenance within the City of Canfield which serves approximately 7,500 citizens.
- The statutory duties of the Public Works Department include operating and maintaining the City water distribution systems, and the sanitary and storm sewer collection systems, as well as all maintenance and repair of all bridges, culverts, roads, drains, ditches, public right of ways, and public land as well as other public improvements.
- As part of these duties, the Canfield Public Works Department is responsible for the safety of the public which includes the maintenance of approximately 40

miles City streets and infrastructure composing of water, sanitary sewer and storm sewer lines. City Position Statement, P. 4 of 24.

There is plenty of work available to keep the union workers busy: The managing of these union workers takes as much if not more time. Except for emergencies, Union employees should do union work and Management employees should direct the workforce.

Management employees should not perform union work.

Recommendation

This fact finder recommends the proposed italicised language on page 10 of the Union Summary of Position (Position Statement) under “ **c. Working Conditions(Management Performing Bargaining Unit Work)**”, as part of the CBA.

Respectfully submitted,

/s/ Joseph W. Gardner
JOSEPH W. GARDNER, Fact-Finder
PO BOX 488
Cortland, OH 44410
Phone: (330) 533-1118
Fax: (330) 743-6323
Email: Jwg1118@gmail.com

CERTIFICATION

A copy of the foregoing Conciliation Report was sent via email, this 15th day of April, 2021 to:

Employer's representative:
Jonathan Downes, Esq.
Zashin & Rich Co., L.P.A.
jjd@zrlaw.com

SERB REPRESENTATIVE:
Tjohnson@serb.state.oh.us

Union Representative:
Richard A. Cossell
UWUA Sr. National Representative
rcossell@uwua.net

/s/ Joseph W. Gardner
JOSEPH W. GARDNER, Fact-Finder
PO Box 488
Cortland, OH 44410
Phone: (330) 533-1118
Email: Jwg1118@gmail.com

City of Canfield – UWUA Case No 2020-MED-09-1062
Fact Finding Brief of the City of Canfield – March 16, 2021

~~“Global View,” the referenced bargaining unit employees have historically received compensation, wage increases, and fringe benefits that outpace key economic factors for the geographic region. This is evidenced by the average tenure of the bargaining unit employees being 7.5 years of service, even with the consideration of the two bargaining unit employees who have served less than 3 years with the City of Canfield.~~

ARTICLE 16
HOURS OF WORK/OVERTIME

The City’s proposal for Hours of Work/Overtime is as follows:

Section 16.1. Normal Hours of Work. *This Article is intended to define, subject to change, the normal hours of work per day or per week in effect at the time of execution of this Agreement. Nothing contained herein shall be construed as preventing the Employer from restructuring the normal work day or work week for the purpose of promoting efficiency or improving services; from establishing the work schedules of employees; or establishing part-time positions. This Article is intended to be used as the basis for computing overtime and shall not be construed as a guarantee of work per day or per week.*

Notwithstanding the provisions of this Article, in the event an employee is called out or is scheduled to work at a time that abuts their normal starting time and works their scheduled work hours, the employee may, with the approval of the Employer, go home. Alternatively, the Employer may require the employee to remain on the job or the Employer may send the employee home depending on the workload requirements, weather conditions, and/or safety reasons based on adequate sleep and rest period concerns.

Section 16.2. Work Week *The work week for permanent full-time employees shall constitute forty (40) hours per week to be performed 12:00am Sunday to 11:59pm Saturday. The work week shall generally consist of five (5) consecutive scheduled work days. A work day shall generally be*

City of Canfield – UWUA Case No 2020-MED-09-1062
Fact Finding Brief of the City of Canfield – March 16, 2021

eight (8) hours in a twenty-four-hour period. When modifying the regular work schedule the Employer will provide at least seven (7) calendar day's notice in advance.

Section 16.3 Lunch Period *Each Employee shall be permitted a one-half (1/2) hour unpaid lunch period during a regularly scheduled shift. Lunch periods shall not be taken adjacent to the beginning or ending of an employee's shift.*

Section 16.4 Rest Period *Each employee shall be permitted a fifteen (15) minute rest period during a regularly scheduled work day, to be taken either in the morning or afternoon. Rest periods shall not be taken adjacent to the beginning of a shift start time, lunch period, or end of a shift end time. Employee shall take rest period on site where task is being performed.*

Section 16.5. Overtime Rate. *All employees shall be paid at the rate of one and one-half (1 1/2) times their regular hourly rate of pay for all hours actually worked which exceed the regular scheduled hours for that day or forty (40) hours in one (1) work week. All hours spent on vacation and personal days shall be counted as hours worked toward computing overtime.*

Section 16.6 Call Out. *All off duty employees called into work shall be eligible for overtime compensation for any hours worked in excess the regular scheduled hours for that work day hours or for any hours worked in excess of forty (40) hours in one week. Carry over work directly following a regularly scheduled shift is not considered a call out. Call outs are categorized as follows:*

1) Call Out: *call out which are not adjacent to an employees' regularly scheduled shift will be compensated at one and one-half times their regular hourly rate of pay for hours worked, but in no case less than four hours regular rate of pay.*

2) Call Out Adjacent to the Start of Regularly Scheduled Shift: *call outs that are adjacent to the start of an employees' regularly scheduled shift will be compensated at a one and one-half times their regular hourly rate for hours worked prior to the start of their regularly scheduled shift.*

The City's continued changes to the employees' schedules combined with the little regard it has shown for the employees' established work schedules necessitates this language. The Union has not filed an unfair labor practice charge to date simply because it has been trying to work with the City during the pandemic. However, it has become clear that there is no COVID-19 related rationale for continued changes in schedule, nor is there any acceptable rationale for a rotational schedule on a monthly basis. The bargaining unit employees need this language in order to maintain the consistency and predictability that they have always enjoyed. The City has never had any problem operating the Public Works Department while maintaining the schedule that the Union has proposed. The City acting as though committing to a schedule in a CBA undermines its core managerial prerogative is simply that: an act. Once again, the Union is simply seeking to have the schedule and terms under which the bargaining unit employees have always worked incorporated in the CBA.

b. Wages

The Union has proposed the following:

Progression Steps: New hires shall start at 80% of the maximum rate for the position. They shall progress in the following manner:

Completion of one year of service: 85% of full rate

Completion of two years of service: 90% of full rate

Completion of three years of service: 95% of full rate

Completion of four years of service: 100% of full rate

Rates of Pay:

Unlicensed Public Works Laborer:

The rate of pay for the position of Public Works Laborer is set at \$26.99 as of 1/1/2020.

The rate of pay for the position of Public Works Laborer is set at \$27.80 as of 1/1/2021.

The rate of pay for the position of Public Works Laborer is set at \$28.63 as of 1/1/2022.

The rate of pay for the position of Public Works Laborer is set at \$29.49 as of 1/1/2023.

Licensed Public Works Laborer:

The rate of pay for the position of Public Works Laborer is set at \$28.51 as of 1/1/2020.

The rate of pay for the position of Public Works Laborer is set at \$29.37 as of 1/1/2021.

The rate of pay for the position of Public Works Laborer is set at \$30.25 as of 1/1/2022.

The rate of pay for the position of Public Works Laborer is set at \$31.15 as of 1/1/2023.

All existing employees shall be grandfathered at their current wage rates and continue to receive all increases. No existing employee shall be required to get additional licensing/certifications, even if new hires are subject to such requirements.

The Union's position is based on a 3% increase for each employee each year of the CBA. Three percent is a standard wage increase, and is just above the statewide average annual wage increase for cities in Ohio of 2.47% over the term of an agreement executed in 2020.³ The Union's wage proposal for 2020 for unlicensed Public Works Laborer reflects the Ordinance provision of a \$26.99 hourly rate, as is outlined in the 2017 and 2019 Ordinances (Union Exhibits 1 and 2). The bargaining unit employees have been quite patient in working without a raise for 2020 and 2021. It has been over two years since the bargaining unit has received a wage increase, which speaks to the reasonableness of a 3% wage increase for each year of the CBA.

It is also appropriate for licensed positions to maintain higher than average increases since those positions are more skilled labor. The City seems to have increased its focus on licensing and certifications after the Union was certified, which also compels stronger wage increases to act as a true incentive and motivation for bargaining unit members to choose to get what licenses and certifications they can manage.

The City's position is as follows:

Section 1. Progression Steps. The following shall be the progression rate for the position of Laborer

<i>New Hire (% of appropriate classification)</i>	<i>72% of appropriate classification</i>
<i>Completion of 12 months of service</i>	<i>75% of appropriate classification</i>
<i>Completion of 24 months of service</i>	<i>80% of appropriate classification</i>
<i>Completion of 36 months of service*</i>	<i>85% of appropriate classification</i>
<i>Completion of 48 months of service</i>	<i>90% of appropriate classification</i>
<i>Completion of 60 months of service</i>	<i>100% of appropriate classification</i>

**New Hire with a Class 1 Water Distribution or Class 1 Wastewater Collection License will start at 85% progression step and progress to 90% rate after 12 months from date of hire, and to the 100% rate after 24 months from date of hire. This progression schedule shall also apply to a newly hired employee that obtains Class 1 Water Distribution or Class 1 Wastewater Collection License prior to the completion of their 26 months of service anniversary.*

Section 2. Compensation. Compensation will be determined by the wage scale below:

³ See State Employment Relations Board, 2020 Wage Settlement Report.

c. Working Conditions (Management Performing Bargaining Unit Work)⁴

The Union has proposed the following:

Section 3: The primary function of a supervisor or foreman is supervision and no supervisor or foreman shall act in other than a supervisory capacity except in emergencies. A supervisor or foreman is not to divert from his supervisory function to perform work which will eliminate a man or interfere with supervision. The only bargaining unit functions that such supervisor or foreman may engage in are (1) operating or driving motor vehicular equipment for the purpose of transporting men to and from work locations, and (2) utilizing the backhoe to perform work.

The Union's proposal is based on several interests. First, the Union has a serious interest in protecting bargaining unit work and avoiding erosion of the bargaining unit. That interest, however, is not the only concern that motivates the Union's proposal. The City pays much more money to supervisors/foremen than it does for bargaining unit people because those people are supposed to manage and supervise the bargaining unit employees. If the City were to assign bargaining unit work to management personnel, the management personnel would be performing bargaining unit work at an enhanced rate. It does not make fiscal sense to have higher paid management personnel perform bargaining unit work that can be done at the rates paid to bargaining unit employees. To do so would be a misallocation of resources that would cost the City (and the taxpayers) while simultaneously undermining the bargaining unit. Despite the City's position, it would seem to the Union that the City and the Union's interests should be aligned in support of this proposal.

The City has opposed the Union's proposal, but has not countered or offered any alternative. The City's position appears to be that the Management Rights Clause allows the City to assign bargaining unit work to supervisors, foremen or any other workers that the City chooses to utilize. While the parties have agreed to the Management Rights language, the management rights language is limited by express language found elsewhere in the CBA. This is one such instance. The City was never under any illusion that the Union was content with the City's position that they can assign bargaining unit work to whoever they choose, the Union has had variations on this proposal on the table since the start of negotiations.

The proposal outlined above contains the Union's modifications from mediation. Specifically, the Union is willing to specify that a supervisor or foreman may drive people to and from job sites and operate the backhoe. It is the Union's understanding that those two functions are the only two functions that would be in any way beneficial to have a supervisor or foreman perform. The Union feels very strongly that this modification is a true compromise that should allow the City to use supervisors and foreman as they need while also protecting bargaining unit work.

⁴ The parties have already agreed to Sections 1, 2, 4 and 5 of this Article. Accordingly, the only issue at impasse in this Article is Section 3, management performing bargaining unit work.

**OHIO STATE EMPLOYMENT RELATIONS BOARD
FACT-FINDING BEFORE JOSEPH W. GARDNER, ESQ.**

In the Matter of:

UTILITY WORKERS UNION OF
AMERICA, LOCAL 425,

Union,

and

CITY OF CANFIELD,

Employer.

Case No. 2020-MED-09-1062
March 16, 2021

UNION PROPOSALS FOR FACT-FINDING

1. Working Hours

Section 1. The work week shall be Monday through Friday 7:00 AM to 3:30 PM with an unpaid 30-minute meal period.

Section 2. All hours spent on vacation, sick, personal or comp time shall be considered hours worked for the purpose of computing weekly overtime eligibility.

Section 3. Lunch Period. Each Employee shall be permitted one-half (1/2) hour unpaid lunch period during a regularly scheduled shift. Lunch periods shall not be taken adjacent to the beginning or ending of an employee's shift.¹

Section 4. Rest Period. Each employee shall be permitted a fifteen (15) minute rest period during a regularly scheduled work day, to be taken either in the morning or afternoon. Rest periods shall not be taken adjacent to the beginning of a shift start time, lunch period, or end of a shift end time. Employee shall take rest period on site where task is being performed.²

2. Wages:

Progression Steps: New hires shall start at 80% of the maximum rate for the position. They shall progress in the following manner:

¹ The parties have a Tentative Agreement on Section 3, Lunch Period. This language is identical to the language contained in the City's proposal.

² The parties have a Tentative Agreement on Section 4, Rest Period. This language is identical to the language contained in the City's proposal.

Completion of one year of service: 85% of full rate
Completion of two years of service: 90% of full rate
Completion of three years of service: 95% of full rate
Completion of four years of service: 100% of full rate

Rates of Pay:

Unlicensed Public Works Laborer:

The rate of pay for the position of Public Works Laborer is set at \$26.99 as of 1/1/2020.

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The rate of pay for the position of Public Works Laborer is set at \$31.15 as of 1/1/2023.

All existing employees shall be grandfathered at their current wage rates and continue to receive all increases. No existing employee shall be required to get additional licensing/certifications, even if new hires are subject to such requirements.

3. Working Conditions (Management Performing Bargaining Unit Work)³:

Section 3: The primary function of a supervisor or foreman is supervision and no supervisor or foreman shall act in other than a supervisory capacity except in emergencies. A supervisor or foreman is not to divert from his supervisory function to perform work which will eliminate a man or interfere with supervision. The only bargaining unit functions that such supervisor or foreman may engage in are (1) operating or driving motor vehicular equipment for the purpose of transporting men to and from work locations, and (2) utilizing the backhoe to perform work.

³ The parties have already agreed to Sections 1, 2, 4 and 5 of this Article. Accordingly, the only issue at impasse in this Article is Section 3, management performing bargaining unit work.

Mayor's Monthly Statement to Council

Fines and Other Moneys Collected or Received


Rev. Code Sec. 733.40

To the Council of the City of Canfield, Ohio:

The following is a full statement of all fines, forfeitures, and costs in ordinance cases and all fees collected by me, or which have in any manner come into my hands, or which are due me as Mayor or to a Marshall, Chief of Police or other officer of the municipality and any other fees and expenses which have been advanced out of the municipal treasury, and all money received by me as Mayor of the use of the municipality and paid over by me to the Treasury of the municipality as required by law, on the first Monday the 5th of April, 2021.

From Whom Received	For What Purposes Received	Amount
City of Canfield	Costs	\$ 1,202.00
	Fines	\$ 5,234.00
	Bond Forfeitures	\$ -
	Interest Earned	\$ 0.06
	State Expungement Fees	\$ 30.00
	Local Court Fees	\$ 365.00
	Other Penalties to City	\$ -
	Gross Collections	\$ 6,831.06
Paid to Whom		
Treasurer, State of Ohio	For What Purposes Paid	Amount
	General Revenue	\$ -
	Victims of Crime	\$ 135.00
	Seatbelt, Driver	\$ -
	Seatbelt, Passenger	\$ -
	Child Restraint	\$ -
	Expungement Fees	\$ 30.00
	Indigent Defense Support Fund	\$ 365.00
	Justice Program Service Fund	
	Drug Law Enforcement Fund	\$ 35.00
	Total to State Treasurer	\$ 565.00
Treasurer, Mahoning County	Indigent Driver Alcohol Treatment, HB 215, Effective 4/7/09	\$ 14.00
	Returned Item Fee for NSF	\$ -
	Total Payouts	\$ 579.00
	Net Collections to City	\$ 6,252.06

Respectfully, submitted this 5th day of April, 2021.


 Richard A. Duffett, Mayor

MINUTES

CANFIELD CITY COUNCIL

REGULAR MEETING

APRIL 7, 2021-5:30 P.M.

The meeting was called to order by Mr. 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; and Mike Cook, Zoning Inspector. Chief Colucci arrived later in the meeting.

Absent: John Rapp, Public Works Superintendent.

MR. NACARTO: Mr. President, I have a Motion to go into Executive Session pursuant to Ohio Revised Code Section 121.22 (g) (1) to consider complaints against a public official.

MR. TIECHE: Second.

ROLL CALL ON MOTION:

5 Votes-Yes

0 Votes-No.

Motion passes.

MR. MORVAY: We'll be inviting Counsel, Mayor, and Assistant. Chief. Weamer, and City Manager

Council convened into Executive Session at 5: 32 p.m.

Council reconvened from Executive Session at 6:28 p.m.

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

Under **MINUTES**, the Minutes of the Public Hearing on March 17, 2021 and the Minutes of the Regular Meeting on March 17, 2021 were approved as presented.

Under **Reading of Communications**:

MR. TIECHE: I have no written communications this evening.

MR. NEFF: I have no written communications. I may comment on some verbal requests later on.

MR. DUFFETT: I have none.

MR. NACARATO: I have none.

MR. MORVAY: A lot of clearing going on around the city, the Reese Development and the Cocca Development. There have been questions about what's happening there. A lot of people weren't aware that there are two developments going in. It should add to the value of the city and they're happening.

MR. CALHOUN: The spring brush pick up for limbs and associated debris begins the week of April 18th and runs through May 15th. The city is sort of divided into quadrants; we posted a map, schedule and streets on the city's website. Whatever the resident falls in, they're encouraged to put their brush out to the curb on Sunday evening of the week of the pick-up. The contractor goes through that quadrant during that week. So, chances are if it's not out and your street is picked up on Monday, you may not get picked up by the contractor. However, in the past, we've done a really good job from our Public Works standpoint. If anybody doesn't receive a pickup and does put limbs out, call the city and we'll make sure it gets picked up. That's all I have for communications.

MR. NEFF: Wade there was a comment or a request by a resident that it be staggered. Is that something you're looking into?

MR. CALHOUN: Correct. This year we already set that schedule. Quadrant 1 is the first week, quadrant 2, the second week, quadrant 3, the third week, and quadrant 4, the fourth week. We have a 5th week as a sweep of the city. We actually already looked at doing next week, changing that so that there is the staggering so quadrant 1 is always not the first week. We are also looking at doing that in-house next year as well. This is the last year of the contractor's contract; the vendor's contract. We are looking at potentially doing that in-house next year. We probably will structure it the same way but that gives us a little more flexibility in picking up the brush; much like we did with the leaf pick up this past fall.

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

MR. TIECHE: Members of Council, I believe received a copy of the Parks, Recreation & Cemetery Board Minutes. I'll call to your attention a couple of items. There is a comment in there about the Mausoleum and it says the north cemetery, that's supposed to be East Main Street Cemetery. At our next meeting we'll correct those minutes. In that regard, I'd like to compliment Wade and the Public Works Superintendent John Rapp, and the guys at the Public Works Department, if any of you have been past the mausoleum, they've done a great job on rehabbing windows, doors, even the window up high. They put cedar in there and painted it black. They were on the roof and shoveled dirt and stuff off of there. They really made big progress on the appearance of the mausoleum. The other thing that came up at our meeting was Mr. Rhoades being a representative from Ohio Edison and happens to serve on the board, he made a comment about the Metro Parks and First Energy may be willing to cooperate in some fashion with a connection to the bike trail through Fair Park. He said, he may even

contact you about that Wade, if he hasn't already. That was a couple positive things that came out of that meeting.

MR. MORVAY: Great. Thank you, Mr. Tieche. Mr. Neff.

MR. NEFF: The Planning & Zoning Meeting is tomorrow. We have a preliminary meeting at 6:15, I believe. Is that right?

ATTY. FORTUNATO: 6:10.

MR. NEFF: I'll report at the next Council Meeting.

MR. MORVAY: Mayor Duffett.

MR. DUFFETT: I have none.

MR. MORVAY: Mr. Nacarato.

MR. NACARATO: Design Review's Meeting has been moved to next week, next Tuesday. There are 11 items on the docket as of today, for that meeting. I will hopefully have a report for you at the next meeting. I will most likely be absent for this meeting.

MR. MORVAY: As far as the Fire District goes, we do have on the agenda this evening the dispatch agreement. Hopefully that gets passed and we move on. Last month we had a total of 176 calls, 104 of those were EMS, we transported 77 and we had 1 COVID transport. That's the activity of the Fire District. Normally I would call on Mr. Rapp, our Public Works Superintendent but he's not here, we've excused him this evening. Wade is going to give his report when I get to Mr. Calhoun. I'll move to Mrs. Christine Clayton our Finance Director.

FINANCE DIRECTOR: All of the major spreadsheets for 2020 have been completed and uploaded to Julian and Grube. They are a CPA Firm in Columbus that completes our GAAP Report for us. I have been contacted by the State Auditor's Office; they will be starting our audit next week sometime. We'll be doing most of it remotely, like we did last year.

ZONING INSPECTOR: For the month of March we issued 28 permits for a total valuation of \$293,361.00. We do have a planning meeting tomorrow. MS is planning a workbook for comments on the comprehensive plan that was returned and we'll go over that tomorrow after our meeting. It's last on the agenda tomorrow. Also on Tuesday they'll be coming in for Design Standards, they did the same thing for Design, which will be at 4:30 P.M. on Tuesday, if you would like to attend. Tomorrow we have a couple items on our agenda for planning. We're looking at maybe retail sales in the B-2 District. We're going to discuss a daycare in the R-O District. We are also looking at redefining a dwelling 1123.01 tomorrow. We'll have some recommendations for you probably next month.

MR. MORVAY: I'll move to our city clerk, Mrs. Patty Bernat.

CLERK: No report tonight.

MR. MORVAY: I'll move to the City Manager, Mr. Wade Calhoun. He'll give us the Public Works Report and his report.

MR. CALHOUN: First from the public works standpoint, the north end of North Broad Street, the street lamps were out for a period of time. We received calls from residents in late December, early January when they first went out. Part of the budget request this year was to (1) fix them but also upgrade those to LED lights. That project was completed and anybody who has driven on North Broad Street at night sees the difference between driving that stretch with the LED lights to some of the other stretches. But it was a pretty substantial fix. I think all totaled, just under \$10,000. It wasn't just a quick fix. Because of the extensive nature of the fix we went ahead and proposed that we do the LED upgrade to that section. The goal is to eventually upgrade all of the streetlights on North Broad and East and West Main and South Broad Street to those LED lights.

Public Works employees have started landscaping city properties. We are starting to get into spring weather where we can start doing more of those landscaping activities. There was one water leak that was repaired at East Main and Fairview. It was known about for approximately 3 weeks. Unfortunately with the gas company doing the gas line replacement, it wasn't a substantial break, it was a small leak. So, rather than put everybody and crews working in that area all at once, we waited until the gas company got further down enough so that we can repair the line. That was completed. As Council Member Tieche mentioned the beautification of the mausoleum is near completion. The structure itself, all of those aesthetic improvements were done, we're now focused on the landscaping around the front, and crews are working on that today.

We are preparing everything for the summer, getting the mowers and equipment ready to take care of the grounds. Crews were out today doing a lot of hot patching of potholes and water cuts that were made in the road during water repairs. That's it for the public works report.

MR. CALHOUN: My report is going to be light. The Volunteer Energy Program that was renewed by Council in January goes into effect on May 1st and runs through January 31st of 2024. Columbia Gas will still be the gas provider. Volunteer Energy is the supplier of that gas. The fixed rate, per the aggregate program is .4594 per Ccf. Customers that are currently in the aggregate program have to do nothing and they stay in the aggregate program. Residents should all receive letters in the mail from Volunteer Energy, probably this week; I believe they were going out. It's about the energy program, the rate, the term. But any resident is welcome to shop on their own for cheaper energy, if they can find it. The city's aggregate program, the guidelines are defaulted into the program have the opportunity to opt-out. The letter explains the parameters of that. That's all I have.

MR. MORVAY: Mr. Calhoun, Chief Colucci is not here tonight, do you have his report?

MR. CALHOUN: I don't. I believe he's supposed to come.

MR. MORVAY: We'll move on. I'll go to our counselor.

ATTY. FORTUNATO: I don't have a report tonight.

MR. MORVAY: Council any questions for these reports? Hearing none, I'll open it up to resident.

KATHRYN YOUNG: Kathryn Young, 570 Barbcliff. I noticed that the energy program has an opt-out. Has there been a consideration for an opt-out for the water smart meter program? That's not been addressed. We got a study going for the smart meters for the water. Will there be an opt-out for the city just like there is one.....

MR. MORVAY: I don't think we've gotten that far yet.

MR. CALHOUN: I can't provide any information at this time regarding our AMI Program.

KATHRYN YOUNG: Okay, thank you.

MR. MORVAY: Thank you, Kathryn. Anybody else who would like to ask a question about these reports? Hearing none, we'll move on.

Under Persons Desiring to Appear Before Council:

LANA SPEECE VANAUKER: My name is Lana Speece Vanauker. My uncle is Lew Speece. Thank you for naming the bridge after him.

MR. MORVAY: Your address?

LANA SPEECE VANAUKER: 4133 South Turner Road, Canfield, Ohio is one of my properties. I also own 7237 Fairground Blvd. property. I also own the corner of Turner and Palmyra, my mother and fathers estate of 70 acres. Do you mind if I take the mask off? I've had both vaccines, Pfizer.

MR. MORVAY: No.

LANA SPEECE VANAUKER: Thirty-nine years ago they named Canfield Tree City USA. Trees up the value of property by 20%. I'm going to speak about the property of Harold Laymen, beautiful, majestic forest. "A Nation that destroys its soil destroys itself. Forests are the lungs of our land, purifying the air and giving fresh strength to our people." Franklin D. Roosevelt. My grandpa, Edgar Kimmel made Greasel Park possible. He loved the trees. My father Bill Speece

built 150 homes in Canfield, remodeled the Courthouse, put the bell tower on top and I have a whole slew of historic information on it. They loved the City of Canfield. They helped make it a beautiful place. But my father loved the trees. When he built a home he made sure the trees were up and strategically built the home to keep the majestic trees. Thank you to my family. Lew Speece saw that War Vet Museum and said, I want that to be a War Vet Museum someday. This was way back in the 80's and he did. There was a forest in the City of Canfield. It was the Harold Laymen property on North Broad Street. The most glorious, wild, beautiful paradise one could ever see, hear or feel. Wild flowers, fox families, berries, butterflies (my friend wrote a book on birds and there is the demise of the butterflies) and the most magnificent land you'll ever see. The show of fire flies was thousands of them every June, July and August. We would actually congregate there to watch them and the majestic ponds. It was glorious. There is a drastic decline in fire flies through the human habitat destruction and exploitation. This glorious show of nature is over and the fire flies died. They do not relocate, they die. Money cannot buy this pristine beauty, solitude and peace. My daughter can tell you the peace that it's give in 2020. The pandemic has caused so much havoc and depression and sadness that the peace of the forest, the woods and trees brought us through it. Loss of the forest will result in noise. The trees are a noise buffer. Now the sound of the freeway will be so loud and so abrasive. My daughter and Mrs. Rehlinger can tell you. Trees regulate water and decrease flooding. They help to decrease energy costs, help erosion control and yield 3 to 5 times their cost in a benefit to a city. Fifty percent of our drinking water is filtered through the roots of the trees. Wild flowers, bird extinction, the largest loss of bird diversity are the cutting down of trees for new developments. It's quicker and cheaper to clear cut. The birds include the wood thrush, if you've ever heard one it's beautiful, the oven bird, the cerulean warbler and many others. My friend wrote that book in 2020 on birds and I talked to him about it. The wild flowers some of them are on the extinction list. Trees decrease pollution, protect the animals, increase property values, give oxygen, decrease global warming and offset greenhouse gases. Renters/homeowners stay longer in wooded areas. The quality of life for residents in cities with more land is healthier and happier. There is decreased asthma when you have more trees. The impact of wild diversity loss is immense. When we devastate, plants, animals, birds and soil, we destroy ourselves. Scientist state that our destructive relationship with our environment and habitat is and will cause more pandemics in the future. There is a huge profit at the expense of our glorious natural world. I'm immensely proud of my family heritage in Canfield, Edgar Kimmel, Greasel Park; I see you got some games going on there. They love the land, the trees and keeping the historical homes. This land has a historical Harold Layman home, approximately 90 to 100 years old. I sincerely grieve the loss of this wild, majestic, bio-diverse forest and historical home. The loss of our natural world is tragic. The beauty is gone. Thank you to Bill Speece my father, Edgar Kimmel my grandpa, Lew Speece my uncle for caring about this community and I'm sure you all do too. A true Tree City would respect trees, animals and our natural world giving serious consideration to destroying it. The loss of our natural world is tragic and in crisis. Martin Luther stated for the true nature of things we rightly consider every green tree is far more glorious than if it were made of silver or gold. Sir David Attenborough you see him on public T.V. he's 95 years old, "Ancient trees are precious; there is little else on earth that plays host to such a rich community of life within a single living organism." I speak

for the animals, the trees, the nature and our own breathing of the oxygen and the peace in this world. I am also speaking for all of my relatives. Thank you.

MR. MORVAY: Thank you, Lana. Heidi VanAucker.

HEIDI VANAUCKER: That's my mom. I live right next door to where they're going to develop what she's referring to.

ATTY. FORTUNATO: We need a name and address.

HEIDI VANAUCKER: Heidi VanAucker, 385 North Broad Street, Canfield, Ohio. We weren't informed of any of this going on. We don't know anything about what's going on. I woke up to my house shaking, limbs, trees being devastated next door to me. I had no idea that this was going to happen. I know you can't stop people from taking down trees on their own land. But at least they could have informed you of what's going on. I'm right next door. I've lived off and on in that house since I was 9 years old. I ran around in that land my whole life, pretty much. It's just not fair that we don't know anything about it. We hear rumors that there is a street that's going to happen from Sleepy Hollow but its rumors. We hear rumors that they're going to take down the house. The historic house that my neighbor live in his whole life. He died when he was 90 years old. Are we going to have a Design Review about this house being torn down? Do we have a traffic study to know what's going to happen? It's hard to pull out of my driveway. I have to wait and wait and wait. What's going to happen when there are 70 houses here and 30 houses here? I want to move out of this town. I bid on a house in Youngtown. I'd rather live in Youngstown than Canfield right now. I work in Columbiana. Beautiful parks in their city. Beautiful recreation in their city. I could move to Salem, a beautiful community center. Here, when I was a young mother raising two kids on my own, living in Canfield, I asked about the swim club, I have to be a part owner of the swim club just to belong; just to have somewhere for my kids to have recreation. We have 2 parks; we have Greasel Park and Fair Park. I came to the city when that property was for sale. They told me they were in financial burden because of Red Gate. What's happening with that? Where do I find answers to this stuff? Who cares about it? My great-grandfather graduated from the normal school in Canfield; which was in the Court House. They tore down his house. I went to the meeting on that and couldn't stop it. Why can't we have a city that has nature, trees, older houses, which are in good shape? That house is in good shape. Should we tear it down? I don't think so. Where do you end up as a city if you take away all the things that made it so nice, just to build new houses, \$500,000 houses, all for money, all for money, on little tiny lots. I just want to know more about this. I want studies done to see what's going to happen to the traffic. Consider that. The light pollution, the air pollution, the sound of the Turnpike wakes me up at night sitting where I sit. I can't even imagine living closer. Those \$500,000 houses are going to live right on the Turnpike. That's all I have to say.

MR. MORVAY: Thank you Heidi.

MR. MICCHIA: Good evening, Frank Micchia, 220 Glenview. A couple of meetings ago, there was an Ordinance that the city was going to borrow some \$500,000 to replace waterlines within the city. My question is, is any of this money going to be reflected in the water rates that people are paying? Does anybody know? I guess not. We have infrastructure money that we use to replace and rebuild.

MR. MICCHIA: Correct. But apparently we did not have enough money to fund these projects. So, there was an Ordinance passed, I think about a half a million dollars. So, the question is, is that going to be reflected in the water rates that people pay? If not, are we just going to pay that \$500,000 back the citizens participating in it?

MR. NEFF: I believe we discussed last Council Meeting Frank, most of it's paid for by the hook-up fees at new development. I think that's where the majority of the funding will pay for the expansion of our water system.

MR. MICCHIA: Okay, I'll just keep an eye on my water bill. Item number 2: Red Gate. No more money for Red Gate until it could be shown that there is a viable plan where this investment will be recouped by the citizens of Canfield. No more money down that rat hole. Thank you.

MR. MORVAY: Thank you Frank.

ELIZABETH REHLINGER: I'm Elizabeth Rehlinger and I live on North Broad Street for 60 years. A couple of points I want to make tonight. I've had a water issue in my basement since they've put the second new sidewalk in front of my house. I had all kind of people there just about a month ago and they said, everything is fine, it's running off in the sewer. I hired a person with a light that goes through the pipes and actually it did not connect the storm sewers to your runoff. I'm paying for the storm sewer. Now, this was a couple of years ago. With the light he said the water runs right in the middle of the sidewalk on the left-hand side of my driveway. I said, "What will happen?" He said, "You'll get the water back and the rest of it, sooner or later that street will have to be fixed again." It was fixed because of that reason. I'm also very upset with the new neighbor, Oak Tree, they all face the backyard, Right on 46, right to my property, is what they call a catch basin, that's supposed to run the backyard, their water into that basin. Well, I'll tell you, I've lived here for 60 years, my house is a century home, and we never had water in our basement. So now, I asked the people that came out, are you able to do something? They said, we don't see a problem. You can come any time in my basement and see the problem. Now the storm came through and the big tree, it cracked right at the top, about this high. When it came down to the root system, you can see where it's rotten because all of the runoff water comes from the neighborhood. I have no more peace because you walk out now and we haven't had rain, my backyard, my front yard, it's like walking on mush. That was my complaint today. Hopefully, I agree with my neighbors, we all totally shocked what they did to Harold's property. Thanks to Lana, the biggest tree; which is century's old, she came and asked everybody in the city, everybody that was connected, and hour and a half on the phone and nobody could give her an answer. Finally, Mr. Reese himself came out, which she called several times and he wouldn't answer us to show him to save that tree. It's almost

half into their property. But they were there ready to cut it down. I think, like she said, we're like in the dark. We don't know what's going on. One says, we're getting a lot of new community, we should be happy. The other one, I have all these new neighbors, and where can the water run to; tell me, into our yard. Especially when we were young, my husband and I, we bought the place because it was a runoff halfway to our property, we built the lake. When the developer came, he built 10 feet, the hollow that he put the house on and what happened, it ran right into our lake, so we have a half a lake left. My question to you people is, if this contractor comes in, the land the lake is privately owned but it goes right into her yard and also the runoff into Harold's property where there is a runoff a natural runoff. And that's why the lake was built. So, there is another situation. The other one is, I did ask Mr. Reese, what he's going to do, I still own 265 feet in the backyard, the side yard and the front yard. Nobody has come forward and said what is he going to do, tear all the trees down. He did plenty of them already. I haven't walked back to see what he did. Information is a good thing, so I can plan. The neighbors have runoff their water into my yard, John knows where I live. You can come with a little bit of rain and the both yards are filled with water. When you pass my house, you don't see the nice lineage we have on the ground, it's all coming out again. The city put those sidewalks in, although that's not our business. This was my private property, it did destroy it. I'm not a happy camper. We live in Canfield 60 years ago. We actually restored the house. It was built in 1836. We have proof on the roof underneath where it's carved in it. Anyways, that's all I have to say. God willing, you can help me out. Thank you.

MR. MORVAY: Thank you, Liz. Anybody else who would like to appear before Council this evening? I'm going to digress just a second and catch the Chief of Police, Chief Colucci, if you have a report for this evening.

CHIEF OF POLICE: Yes, I do. We recently gave the Civil Service Test for Police Officer, the fitness assessment on Saturday. We had 6 or 7. Six or seven that passed and 3 that will be merging, so we should have a list of about 10 people to choose from. We need to hire 2 new police officers since we're short. I'm excited about that. We have a thorough process, we always have. I always felt like we had a model hiring process in the area. We continue to improve that. Social considerations are always taken when we make our decision. We like to hire who we feel is the best match for the community. We've always told officers that haven't worked out here, or who do work out here, just because you may not be a Canfield Police Officer doesn't mean you can't police anywhere else and vice-versa. We take our time and again, we try to match our officers to our community. Similar to the Police K-9, the breeders actually know our community and what the climate is, the crimes are, and we get the best dog for our community. We take great pride in our hiring process. Once they're hired we have a formal ceremony, held by the Mayor. We look forward to that. We haven't had that opportunity in a while. We haven't hired anybody in a while. So, we look forward to that. That's it. I apologize for being late. I was held up in the lobby by somebody asking questions.

MR. MORVAY: Chief what educational standard do our officers have to have?

CHIEF OF POLICE: Bachelor Degree is required. We are one of three agencies in the state that require a bachelor's degree. A lot of candidates have their bachelor's degree out there, so the bar is not too high. We've talked about removing that standard in the past but again, in keeping pace with what our community expects and Civil Service and City Council, we've held that standard. We have excellent police officers. Everybody on this current list has their degree or are working towards their degree. We have zero part time officers right now but when we do have part time officers they must be working towards attaining their degree. It's nice if they have the police academy, it less money that we have to spend. But a bachelor's degree and it doesn't need to be specific to criminal justice, although that helps. But to me attaining a degree is a lot about commitment and dedication. It tells a story in and of itself.

MR. MORVAY: That's always impressed me. I wanted to bring that out for the community to hear that. It's always impressed me that our officers have to have those standards.

CHIEF COLUCCI: We also have tuition reimbursement for Master's Degree. We have at least 4 with their Master's Degree and two working towards it. Education is held high. Again, I believe that's reflective of our community

MR. MORVAY: That's great.

KATHRYN YOUNG: Kathryn Young, 570 Barbcliff. I noticed on the board there is a scoring system. There is a score and also there is military. Is there an advantage to somebody who is actually a Canfield resident to add to that total?

CHIEF OF POLICE: We have worked so hard to recruit Canfield residents. We don't get many Canfield applications. We had one on the list this time and she declined to take the fitness assessment. Civil Service rules dictate that. Civil Service is a board similar to Parks and Planning. They make those decisions. We try hard to get Canfield residents.

KATHRYN YOUNG: What percentage of the force does live in Canfield?

CHIEF OF POLICE: I would say half, just under. Canfield students, we take, we go through tremendous efforts to recruit within. We try to get our Canfield students to do ride-alongs. We even have them work in Dispatch while they go through school to become a police officer. It's disappointing, I wish there were more.

MR. MORVAY: Does anybody else have anything to ask the Chief?

ELIZABETH REHLINGER: Does the Columbia Gas Company have the right to move the meter from the front of the street to in front of my living room? That happened a couple of years ago. They took the original pipes out; they were there but the machines (inaudible) I don't have grass. I have called them, literally because I think I'm a gal, he made fun of me. I was very insulted. The young man said, oh, honey, go buy yourself a bush, you plant it and I'll give you the money for the bush. Now how do you like that? Nothing has been done. They can't read

the meter because it's behind the bushes in the front. Heidi's wasn't moved, nobody's was moved, just ours. I wasn't even home when they did that. That's another question; do they have the right to do something in my yard when I'm not there? Thank you.

CHIEF OF POLICE: There is a 2003 Canfield graduate that passed the written test and the fitness test. We haven't started interviewing yet.

MR. MORVAY: Great, thank you. Anything else for the Chief? Hearing none, we'll move on.

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

Under **NEW BUSINESS**:

ITEM A: An Ordinance Requesting Participation in Purchase Contracts of the State of for Sodium Chloride (Road Salt) and Declaring an Emergency.

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 two readings of the proposed Ordinance, and authorize adoption of the same upon its first reading.

MR. NACARATO: Second.

ROLL CALL ON MOTION:

5 Votes-Yes

0 Votes-No

Motion passes.

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 Ordinance and authorize reading by title only.

MR. TIECHE: Second.

ROLL CALL ON MOTION:

5 Votes-Yes

0 Votes-No

Motion passes.

MR. TIECHE: Mr. President, I have an Ordinance, requesting participation in purchase contracts of the state for sodium chloride (road salt) and declaring an emergency. I move for passage.

MR. NEFF: Second.

MR. MORVAY: Wade can you explain to us what this Ordinance entails?

MR. CALHOUN: As part of the City of Canfield's participation in the Ohio Department of Transportation or ODOT winter salt contract for year 2021-2022, they require the governing body to pass legislation for our desire to participate in that program. Once we get the authorization from the governing body to participate in the program we commit to buying a certain amount of road salt. We are held to at least purchasing 90% of our commitment. They use the information from all the entities that participate in the program to then bid state-wide contract for salt to get the best possible price. Once that contract is awarded then we receive the information on what price per ton of salt will be. This legislation moves to participate us in that program. The year of the contract runs from May through April 30th of the following year; which constitutes the emergency nature of this ordinance. When an ordinance is passed it takes 30 days to become effective. That 30 days is past the deadline of April 30th for us to submit our commitment to the State of Ohio in participating in this program.

MR. MORVAY: Thank you.

MR. TIECHE: Wade, how many tons of salt are we estimating that we need to purchase?

MR. CALHOUN: Currently we're estimating about 900 tons to purchase this year. Typically on average we use anywhere between 900-1,100. We're currently in discussions with MCCTC about potentially buying more salt and then essentially giving it to them at cost. Right now, they don't have the ability to store salt, so they have not participated in this program. They reached out a couple of weeks ago to see if there was some agreement we can come to. Essentially they are buying bags of salt right now. They have to salt their facilities. They're looking for that opportunity to get salt in bulk at essentially the price that is negotiated. Right now we're talking about 900, which may go up by a couple hundred. As Council remembers we approved a salt dome erection and purchase this year. That salt dome should be anywhere between 1,600 to 2,000 ton capacity. The philosophy or the strategy is with the salt contract, if we're able, like this year buy 900 with the 400 we have on hand it will get us through one salt season. Once that salt dome is erected, next year probably buy a lot more salt, potentially 1,500 tons and then be able to utilize whatever we're storing to get through 2 salt seasons without having to annually buy salt from the State of Ohio. So, not knowing what you're paying for salt when you're committing to buy the salt, hopefully if the price goes down, then we buy. The 2,000 tons filling that salt dome we know we're good for 2 years as long as we don't have huge major storms on what we average on an annual basis.

MR. TIECHE: Thank you.

MR. MORVAY: Residents/citizens any questions on this Ordinance? Hearing none, Patty.

ROLL CALL ON ORDINANCE:

5 Votes-Yes

0 Votes-No

Ordinance passes.

Ordinance 2021-16.

ITEM B: An Ordinance Authorizing The City Manager To Enter Into an Agreement for the Provision of Dispatch Services.

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 two readings of the proposed Ordinance, and authorize adoption of the same upon its first reading.

MR. NACARATO: Second.

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

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 Ordinance and authorize reading by title only.

MR. NACARATO: Second.

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

MR. NEFF: Mr. Chairman, I have an Ordinance Authorizing the City Manager to Enter Into An Agreement for the Provision of Dispatch Services. I move for passage.

MR. DUFFETT: Second.

MR. MORVAY: Wade, this has been a long time coming. Could you brief us on this?

MR. CALHOUN: I waited 3 years to provide this briefing. The City of Canfield and the Cardinal Joint Fire District have participated in negotiations over the last 3 years to amend the dispatching agreement. So, the Cardinal Joint Fire District is dispatched by our Canfield Dispatch Center. The current agreement has been in effective since 1999. The major changes that we made to the new agreement institute a term for the dispatching services. As you can see it was instituted in 1999 and there was no termination date, that was something that they wanted to at least be able to input, we wanted to be able to input to force us to look at the agreement on a more routine basis than just pass something and leave it as it is. Another substantial change was in the compensation schedule of how they're compensating the City of Canfield for services provided. It took 3 years; I think we got to where we needed to be. Both parties are happy. The City of Canfield and the Joint Fire District worked cooperatively on a number of issues. It's just everybody coming into agreement that's going to benefit everybody today and in the future. This agreement is a new agreement. It's not an amendment to the old agreement. It institutes the entire new agreement. As you'll see in the Ordinance the specific

term of 3 years, so 2021-, 2022 and 2023. There is the compensation for the Cardinal Joint Fire District to provide the City of Canfield for the services for those 3 years. The renewal period, again, if both parties agree that we want to renew it they notify us by November 1st of that last contract year of their intent to renew for another 3 year period. It gets us all on the same page. It gets us talking more routinely about dispatching services. If you recall at the last council meeting we passed a lease agreement. Again, something that had been discussed over the past 3 years for Fire Station Number 1, here. So, a lot of moving pieces. Old agreements from 199 and 1996 that required a lot of comprehensive review in order to make sure that we update it and get everything in line so that we don't wait another 20-25 years before we're looking at the agreement. This Ordinance authorizes me to sign that agreement. Council President Morvay, correct me if I'm wrong, at the last Cardinal Joint Fire District Meeting they passed this dispatch agreement as well as the lease agreement. We already previously passed the lease so; this is the final action on the dispatching services.

MR. MORVAY: They have agreed to both agreements, yes.

MR. CALHOUN: This is the final action from City Council authorizing us to enter into this agreement with the Cardinal Joint Fire District.

MR. MORVAY: This will take retro-effect January 1, 2021.

MR. CALHOUN: Correct.

MR. MORVAY: It has been a struggle. The District saw a need to update some policies and contracts that we had with the city but then didn't like the outcomes. It took a while to get where we're at and I'm so thankful and pleased. You can't even believe how this makes my day. I hope this passes. With that, Council any questions?

MR. NACARATO: I have one question. I don't know, there is a typo that I want to bring to your attention. It says it is good through 20213.

MR. CALHOUN: Is that in the Ordinance itself or just my description?

MR. NACARATO: It's under your description. I just wanted to make sure that...

MR. CALHOUN: That's my typo and not the Ordinance typo.

MR. MORVAY: I'll just make another comment. There was talk that the district was going to look elsewhere, go elsewhere; I don't think we can find any other service that matches the quality of service that we get with the City of Canfield. I just want to clear that rumor up. I don't believe the district, they might have tried to play that ploy but we had no intentions on going anywhere else. We wanted this agreement and it's finally happening. Thanks for the great service, Chief.

CHIEF COLUCCI: That's a tribute to our employees. They take great pride in that and they'll appreciate that comment.

MR. MORVAY: I'll open it up to residents/citizens that have a concern.

MR. TIECHE: I have a question. In the Ordinance itself it says the fire district may not control, direct, or supervise the employees of the City. But then in the description of the services, it indicates that, that is agreed to between the fire chief and the police chief. Do they often make changes in that description of services?

CHIEF OF POLICE: We work together on that when it happens. It's not often but it happens. As protocols change, things progress, things get better and move forward. Ultimately at the end of the day we work together. They come to us and the police department actually implements it after we have our discussion. We've always met their needs. We understand.

MR. MORVAY: That would be the ISO saying, you need 2 dispatchers instead of 1, that type of thing.

CHIEF COLUCCI: Correct.

MR. TIECHE: It might be EMD stuff.

MR. CALHOUN: I think that was some of the discussion was trying to memorialize those specific types of things that certain requirements of fire departments have state-wide with dispatching. How do you memorialize that in a document that may change 2 to 3 months from now depending on those service agreements? I think because we work cooperatively together the 2 chiefs can get together and figure out what the appropriate operational changes could potentially be in order to have the fire department meet whatever regulations they have to meet from the state.

MR. TIECHE: Correct me if I'm wrong, I think there are only 2 agencies within Mahoning County that offer EMD, Canfield being one.

CHIEF COLUCCI: We are the only one.

MR. TIECHE: We are the only one?

CHIEF COLUCCI: Yes. Austintown is looking at implementing. But we are the only one.

MR. TIECHE: Okay, very good.

FRANK MICCHIA: Frank Micchia, 220 Glenview. I presume there is some financial arrangement with this agreement whereby the district is contributing to the dispatch center?

MR. CALHOUN: The cost of dispatching services, not the dispatch center.

MR. MICCHIA: Okay. How much money will the city be getting from the Fire District?

MR. CALHOUN: Year 1- \$98,000 monthly. Year 2- \$101,675.00 monthly. I'm sorry divided up into monthly payments. That's not what they're paying monthly. Year 3-\$105,488 or \$8,790.65 monthly.

MR. MORVAY: Anybody else?

ELIZABETH REHLINGER: One last comment about our Tree City in Canfield.

MR. MORVAY: We can't do that right now Liz because this is an Ordinance I have to get passed and it has to pertain to the aspect. I'll give you a chance at the end. Hearing no other comments, roll call.

ROLL CALL ON ORDINANCE:

4 Votes-Yes
1 abstention (Mr. Morvay)
Ordinance passes.
Ordinance 2021-17.

ITEM C: An Ordinance Amending Ordinance 2021-13 Annual Appropriation Ordinance for Current Expenses and Other Expenditures of the City of Canfield, State of Ohio, during the fiscal year ending December 31, 2021.

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 two readings of the proposed Ordinance, and authorize adoption of the same upon its first reading.

MR. TIECHE: Second.

ROLL CALL ON MOTION:

5 Votes-Yes
0 Votes-No
Motion passes.

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 Ordinance and authorize reading by title only.

MR. NACARATO: Second.

ROLL CALL ON MOTION:

5 Votes-Yes

0 Votes-No

Motion passes.

MR. DUFFETT: Mr. President, I have an Ordinance Amending Ordinance 2021-13 Annual Appropriation Ordinance for Current Expenses and Other Expenditures of the City of Canfield, State of Ohio, during the fiscal year ending December 31, 2021. I move for passage.

MR. NACARATO: Second.

MR. MORVAY: Wade can you give us a little insight on this please?

MR. CALHOUN: From time to time the finance department has to make adjustments to the appropriation ordinance in order to adjust, make changes, or make additional appropriations in order to meet the financial needs of the city. Depending on circumstances those are either planned or unplanned. You try to capture those through the annual budget process. In this specific case we had money allocated for the dispatch center remodel. However, the bids came back, COVID construction cost increase, and it had a lot to do with the original estimate being lower than what it ultimately came out to be. The lowest bid was \$220,000; which is approximately \$120,000 more than what was originally put in the budget or the appropriation ordinance 2021-13. This Ordinance amends the appropriations for the 2 referenced funds in the amount of \$120,000. The General Fund, Police Department Capital Outlay the original budget was \$120,300.00. That's being amended and increased by \$50,000. The new annual appropriation for that fund is \$170,300.00. The police department operating levy fund, capital outlay, is also being increased by \$70,000. It will go from \$125,384 to \$195,384.00. Both of those original budget amounts were directly attributed to the dispatch center. So, we're just adding the additional funds needed to encompass those unanticipated increase in costs. Chief Colucci and the department were successful in securing an additional \$50,000 from Mahoning County. An allocation of funds that they had available for various projects. So, Chief Colucci reached out to Commissioner Righetti and managed to submit for a request for additional funds specific to this project. I think we asked for a little bit more than the \$50,000 that was allocated but we're grateful for any assistance that we can receive. So, the \$50,000 increase to the expenses or appropriations for this Ordinance will actually have a net zero impact on the budget because it will be offset by the \$50,000 in additional revenue that we will receive from Mahoning County.

MR. MORVAY: Council any questions? Hearing none, Ill open it up to residents. Hearing none, Patty.

ROLL CALL ON ORDINANCE:

5 Votes-Yes

0 Votes-No

Ordinance passes

Ordinance 2021-18.

ITEM D: An Ordinance Authorizing the City Manager to Enter Into An Agreement With Murphy Contracting Co for the Interior & Exterior Renovations for the Police Department Dispatch Center.

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 two readings of the proposed Ordinance, and authorize adoption of the same upon its first reading.

MR. TIECHE: Second.

ROLL CALL ON MOTION:

5 Votes-Yes

0 Votes-No

Motion passes.

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 Ordinance and authorize reading by title only.

MR. NACARATO: Second.

ROLL CALL ON MOTION:

5 Votes-Yes

0 Votes-No

Motion passes.

MR. NACARATO: Mr. President, I have an Ordinance Authorizing the City Manager to Enter Into An Agreement With Murphy Contracting Co. for the Interior & Exterior Renovations for the Police Department Dispatch Center. I move for passage.

MR. TIECHE: Second.

MR. MORVAY: Wade, I'm sure this has to do with the last Ordinance we passed.

MR. CALHOUN: Correct. So, we technically couldn't have awarded this contract without the appropriation action that was just taken; which is why it follows that action. The Dispatch Center Renovation expansion project was publically bid in February we had a bid opening on March 18th. As mentioned in the previous description the apparent low bidder for the proposed base bid, plus the 3 alternates that gets the dispatch center to where we need it to be for our current needs as well as our future service provisions that we can give to other entities was \$220,000. This Ordinance authorizes me as the City Manager to enter into to that agreement and award that contract to the Murphy Contracting Company, so that we can begin the interior and exterior renovations of the police department dispatch center.

MR. MORVAY: Thank you. Council questions? Hearing none, I'll open it up to residents. Hearing none, roll call.

ROLL CALL ON ORDINANCE:

5 Votes-Yes

0 Votes-No

Ordinance passes.

Ordinance 2021-19.

ITEM E: An Ordinance Authorizing the City Manager To Enter In Into A Contract with MS Consultants, Inc. for a Flood Mitigation Analysis Study in the Hilltop Boulevard Neighborhood.

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 two readings of the proposed Ordinance, and authorize adoption of the same upon its first reading.

MR. TIECHE: Second.

ROLL CALL ON MOTION:

5 Votes-Yes

0 Votes-No

Motion passes.

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 Ordinance 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 an Ordinance Authorizing the City Manager to Enter Into A Contract with MS Consultants, Inc. for a Flood Mitigation Analysis Study in the Hilltop Boulevard Neighborhood. I move for passage.

MR. NACARATO: Second.

MR. MORVAY: Wade, can you fill us in?

MR. CALHOUN: Over the course of the last few years storm water has been a big topic. We've provided studies and now kind of proposed end program solutions for areas in the city that have been prone to flooding as a result of some significant storms that we've experienced over the past few years. What this Ordinance does is authorizes the study of what is commonly referred to as the Hilltop Boulevard Study but the bounds of the study go basically from 224

north all the way to Hilltop Boulevard and then they stretch east to route 11. It's a large area that encompasses Talsman Drive, Callhan, Neff, Skyline, and Hillside. The cost of this study is \$90,309.00. As part of our RFQ process we did in 2019 for engineering services and per Ohio Revised Code we've made the decision to award that contract or select MS as the service provider for this study. Once this study is performed, much like we did for the Bradford/Briarcliff Study and the Hood/Fairview area as well as the Overbrook/Southview area it will provide us with the conceptual plan to mitigate any flooding that's occurring within this area. This is the next biggest, largest area that we experienced significant flooding during the May 28, 2019 storm. Again, we were successful in the Bradford/Briarcliff securing hazard mitigation funds from FEMA, 1.1 million dollar in grant funds to fully fund that project. After we increased our storm sewer fees in middle to late 2019, we have enough money now to sort of get way ahead of where we thought we might be in self-funding storm water improvements as well as still utilizing grants. As we program solutions for those areas I mentioned previously, this is the next target area that we want to find out what's going on and hopefully come up with a solution.

MR. MORVAY: Council questions?

MR. TIECHE: As outlined in the map showing this is the Hilltop Boulevard Neighborhood Project, I am hoping that they are not looking at taking the whole outlined area and try to run it into Sawmill Creek, the westerly and northerly storm water drain. Because there are two storm water drainage districts in that. Part of that area drains south under the plaza and then goes into Mill Creek and then some of it obviously goes west and into Meander. They're taking a look at all of the options.

MR. CALHOUN: Correct. So, this isn't the program plan or designing a solution. This is study of that area that will involve modeling the 10, 15, 20, 25, 50, 100 year rain event and figuring out what the outcome of those models are to effectively program that storm water management. Whether it's going to the different creeks that you mentioned.

MR. TIECHE: Okay.

MR. CALHOUN: This study will give them the information for that entire area to figure out where all the water actually goes and how our current system handles those significant rain events.

MR. TIECHE: Very good. Thank you.

MR. NEFF: Will this study involve some of the property that residents/citizens that are here now discussing about water situations?

MR. CALHOUN: This will not. That area is just north of that study.

MR. MORVAY: I'll open it up to residents. Frank.

FRANK MICCHIA: Frank Micchia, 220 Glenview. As Mr. Tieche said, two directions of water flows in this area, some goes to the Mill Creek water shed and some goes to the Meander water shed. In the past a lot of money has been spent to alleviate flooding on Callahan with questionable results. I think MS did design some huge pipes that alleviate the flooding on Callahan. I presume these people who are doing the study will take a look at these past remediation and include them in their study.

ELIZABETH REHLINGER: Another question on the water situation. We had flooding on the north side and the south side of my property we applied to FEMA and FEMA said, yes, they allotted us some money to get this water problem and anytime it rains you come on North Broad Street and see us. It has become such a nuisance it literally comes in my basement. FEMA promised me that they are going to take care of it 100% and the damage in the basement. I call the city because I didn't hear from them and I got a gentleman on the phone and he said, we didn't include you. I said, well FEMA allotted me some money for that. I never heard again for nothing. We tried to call FEMA back and they said that the City of Canfield has to handle it. Thank you.

KATHRYN YOUNG: Kathryn Young, 570 Barbcliff. It appears to me that we are reactive when it comes to some of the storm water situations and not proactive. When it comes to trees, Tree City, I'm actually part of the Parks Board and I've gone to the Tree City and I understand the importance of trees and I have over 100 trees on my property in Canfield. If I took all my trees down, the poor people behind me on Shadydale and Findlay, they would be swarmed with water. So, it would make sense that if an owner of a substantial amount of property was going to take down trees, that maybe the city should have some kind of policy that a certain percentage of trees taken down on a person's property should be looked at through one of these studies to see the effect on the neighbors. I know for a fact when it came to FEMA, I said we used to have between Shadydale, Briarcliff and Barbcliff there was a natural creek that ran between the streets. As people started building up their backyards and everything the water, there is no place for the storm water to go, except for the very lowest spot. I would think that as a city and a council that, that would be the planning of the city when it came to switching and changing because we're adding more housing. I'm assuming that on 46 there is going to be development now. So, they will cut down the trees, they're going to put in more housing, it's good for the city because you get more income but some of the people who have been here for 60, 90, generation after generation, it affects their property. It should be something that we look into as a whole plan.

MR. MORVAY: What this study is doing is telling us.....

KATHRYN YOUNG: I know but that's being reactive because Hilltop and all those things are built after some of the established homes. So, it's reactive instead of proactive where through the Planning and Boards that we use, it should be something that we know there is going to be a development on 46, it's obvious to everyone when you see all the trees going down, that there should be some kind of plan for that water runoff.

ATTY. FORTUNATO: There is.

MR. CALHOUN: There are storm water regulations within the subdivision ordinance.

ATTY. FORTUNATO: There are tons of that. Traffic management, all of that.

MR. CALHOUN: I got here in 2018 and I'm working as fast as I can.

KATHRYN YOUNG: Okay. But they're saying right now before the development has occurred. Before

MR. CALHOUN: If City Council wants to pass regulations regarding private property owners removing trees on their property, they're more than welcome to do that.

KATHRYN YOUNG: Or a percentage of trees.

MR. CALHOUN: We currently don't have a regulation that has that.

KATHRYN YOUNG: Yes. Like I said, it does make a huge difference when it comes to water. Even when we did the Red Gate, when trees are taken out, it's not even just the water, it's the wind and how things get affected by having some kind of a study, of course MS Consultants is now after the fact because there is all kinds of flooding that happens from Hilltop, it's been happening for 20 years, from Hilltop down to the other older homes. It should have been thought of before that development took place. But now it's hindsight. Now we know we have a new development coming in, we have runoff that happens and the consideration for other homes in the area around should be taken into effect before or at least the situation before the trees went down. Maybe in planning saying what percentage of trees are you taking down, where is water run now. It only makes sense.

MR. MORVAY: I understand your point but it has nothing to do with our Ordinance that we're about to pass. We're trying to stay focused.

KATHRYN YOUNG: I'm saying we use MS Consultants ...

MR. MORVAY: We are and we're doing a study to understand what we need to do.

KATHRYN YOUNG: Okay.

MR. MORVAY: Thank you, Kathryn. Anybody else?

MR. JOHN TURK: John Turk, 180 Dartmouth. Just to clarify, MS Consultants are going to go from Hilltop south but not north where the young lady said there was a problem with her

basement? With 2 new developments, if they come in, and they don't know what's going to happen with the new developments going in wouldn't it be wise to incorporate that new property as well.

MR. MORVAY: The developments that are going in, they have to go through certain standards in order to mitigate water.

ATTY. FORTUNATO: We have storm water specifications and requirements and new developments always have to comply with that.

MR. TURK: When it came to the dynamic of MS Consultants with the Hilltop project though. That's just north, it's just one street away.

ATTY. FORTUNATO: MS Consultants is our City Engineer they're well aware of our subdivision standards for new developments. They deal with them all the time. They'll take that into consideration, I'm sure.

MR. TURK: Okay.

MR. CALHOUN: We made significant upgrades to the storm water regulations that the City of Canfield has for new subdivisions. All of those considerations for new building have already been instituted, I believe the first major upgrade was 2019, 2020 and then just recently within the last couple of months we did significant upgrades within the Ordinance itself to mirror not only Mahoning County but the engineering Ten State standards on storm water control and regulations. This specific ordinance deals with the specific contract for the study area of the Hilltop Blvd area. In the modeling, they will most likely model out from that area to see what water is coming into that area. The subject property that we're discussing may be encompassed in the study but their modeling the study itself will focus on the delineated area of Hilltop south to 224 and then east to Talsman.

ELIZABETH REHLINGER: I have another question. I'm on North Broad Street; you never mentioned anything about the water that is already existing from the new people, they don't have a back sewer.

MR. CALHOUN: Correct. All of the downspout lines run to the street.

ELIZABETH REHLINGER: Run into my backyard. I'm sorry.

MR. CALHOUN: That's yard to yard drainage.

ELIZABETH REHLINGER: The rear of Oak Tree.

MR. CALHOUN: The rear of Oak Tree properties of yard surface water, so when it rains the water hits the back yard and it drains to other yards, whatever the topography of the land is.

ELIZABETH REHLINGER: They never made a ditch or anything.

MR. CALHOUN: Any rain that hits the structure or the roof and goes into the downspout gutter system is channeled into the storm water system.

ELIZABETH REHLINGER: To my backyard.

MR. CALHOUN: No, that is not correct

ELIZABETH REHLINGER: Well, that's what it is.

MR. CALHOUN: They go to the storm water system on the street that's tied to the City of Canfield's storm water system.

ELIZABETH REHLINGER: It never reaches the street. Come over and see me sometime and I'll show you what I'm talking about. The other question I have, you never answered the question, FEMA allow s you, we applied for it, some money to be rectifying the problem I have....

MR. CALHOUN: Any individual that corresponded with FEMA as a result of the catastrophic event that happened on May 28, 2019 is between the individual homeowner and FEMA. FEMA did not provide any assistance to the City of Canfield to then further assist residents of the City of Canfield.

ELIZABETH REHLINGER: Well, why is it the person I talked to, I don't know who he was, he said you were not allotted into Canfield but FEMA tells me they gave all the money to you.

MR. CALHOUN: That's incorrect. I don't know who you spoke with....

ELIZABETH REHLINGER: Nothing was appropriated for my property.

MR. CALHOUN: The City of Canfield did not receive any funds from FEMA to then re-appropriate to citizens.

ELIZABETH REHLINGER: That was not included. They privately went there. FEMA actually came to my house.

MR. CALHOUN: That is an issue between you and FEMA in determining what area FEMA deemed impacted by that catastrophic event on May 28th.

ELIZABETH REHLINGER: They said my property was included. When I called the city they said we didn't include you.

MR. CALHOUN: The city didn't do any sort of inclusion or study.

ELIZABETH REHLINGER: Why did they take the money that was allotted to me?

MR. CALHOUN: The City of Canfield did not receive any FEMA funds.

ELIZABETH REHLINGER: Well, they said they did.

KATHRYN YOUNG: Didn't you receive FEMA Funds for storm water runoff improvements?

MR. CALHOUN: The Hazard Grant Mitigation Grant that was received from the Ohio Emergency Management Agency is a FEMA Grant that's funneled through the State Agency. We received the 1.1 million dollars from FEMA to mitigate the specific area of Bradford/Briarcliff through the application. That was started in; the study was actually conducted in 2018 for that grant. The catastrophic event from May 28th, the project was already being programmed. We then applied for the FEMA funds to offset the 1.1 million to 1.3 million dollar cost. That specific FEMA fund was applied to by the City to improve our storm water system. Any individual that applied to as a result of the catastrophic event did not get funneled through the City of Canfield.

MR. MORVAY: We kind of got strayed off of this Ordinance that we're voting on. We'll catch back up to this but I got to address this Ordinance that we have on the Table right now. Any other concerns about this particular Ordinance, Hilltop Boulevard neighborhood study? Hearing none, Patty.

ROLL CALL ON ORDINANCE:	5 Votes-Yes
	0 Votes-No
	Ordinance passes.
	Ordinance 2021-20.

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. NEFF: Second.

ROLL CALL ON MOTION:	4 Votes-Yes
	1 Votes-No (Mr.Tieche)
	Motion passes.

MR. NEFF: Mr. Chairman, I have a Motion to establish an Ad Hoc Committee of the Council of the City of Canfield for Economic Development. I move for passage.

MR. DUFFETT: Second.

MR. MORVAY: I understand that Mr. Neff brought this to Council, so I'm going to let Mr. Neff elaborate on this.

MR. NEFF: I think that it would behoove the city; it would behoove council to establish an economic development action. One of the reasons why I ran for council was to create more vitality and business on the Green. I applaud the city for the great work that it's always done. But I think that if we would get more efforts to try and get a restaurant and some of the blank lots on the Green looked at for building and for occupancy, so the City Attorney, Mark helped develop this Motion. There have been several questions about it. I think we should open it up to the rest of Council to ask questions. Perhaps it might be appropriate to Table this is there is enough questions unanswered until next council meeting. Chuck, I know you have a lot of questions. Do you want to start?

MR. TIECHE: I did have a lot of questions. The Motion itself talks about developing an economic development program and appointing people to support this. I guess the first question that I have is what outbound efforts are we looking at doing? Is this committee only going to be recommending action back to City Council to take some action? Is this committee going to be designed to actually perform these functions and take action? If so, isn't there going to be a budget involved and who is the approving authority on expenditures and all those kinds of things? I would like to hear more about what the idea is behind this before I

ATTY. FORTUNATO: This was intended to be a recommending body. This would recommend to Council.

MR. TIECHE: So, we're going to develop an economic program and this committee is going to recommend the economic program. Then this committee is going to recommend establishing a website. This committee is going to recommend some way of establishing a semi-monthly magazine.

ATTY. FORTUNATO: They would recommend. It would be up to Council to take action on it.

MR. TIECHE: These are going to be recommendations to Council and then Council will make those decisions.

ATTY. FORTUNATO: That was my understanding.

MR. TIECHE: Okay. That's fine. If I'm clear on that, that these are recommendations and they are not taking any action without Council giving specific authorization for what we're doing, where we're going with it, what's the dollar amount and those kinds of things, those were my concerns. If we need some more time to talk about it, that's fine. I support Tabling but that's the reason I voted no.

MR. NEFF: I think we need outbound efforts to go after restaurants. I've already done that. I don't know if I'm stepping out of my bounds but I've gone to great restaurants in Poland and in Howland and asked the owners and everyone has said they'd love to have a restaurant on the Green in Canfield. That is specifically something that I'd like to do. I want to do it through the city and I don't think we have any efforts that are outbound like that.

MR. MORVAY: I'll comment. We're after something here, a committee to help economic development and I question putting a committee together and probably smart people on this committee but it's not their business. I sit up here for City Council, this is not my business. I have a full time business that I run. I don't have the expertise all the time. I question the committee to have the expertise to have these suggestions. Maybe we're spinning our wheels. I think we're taking the City Manager's job away from him because he's supposed to be doing the economic development. If he comes to us and says, hey we should hire a full time professional firm to help us develop the city, then maybe that's a better direction would be to go. That's my concerns with this committee. We can make recommendations but we may be spinning our wheels and not knowing what we're doing. I would probably give that responsibility to the city manager. If we want to expedite this development then let's hire a firm to help us do that.

MR. DUFFETT: My thoughts are, I think it's a good idea. I think it would blend in with the Mayor's Business Forum when we resume post COVID. I think it would be important to work with the city manager and another member of Council to use some relationships that we have to try to lure people to come to Canfield. We can sell Canfield. Canfield has a lot to offer everybody. For those of us who grew up here and remember the uptown, it was probably more vibrant when we were growing up then than it is now. We'll probably talk to locate businesses that we have a relationship with but I do agree with you John that it would be important to work with the City Manager and to get the business input from the business community. They know people too. I think it could bring some good contacts back to a recommendation to Council. We have the CRA in place now for businesses. That's a good thing. I think this could be assistance to us moving forward in economic development in coming back to Council with recommendations.

MR. NACARATO: I had some concerns which were some of it was addressed. I had concerns about what costs were going to be affiliated with what your plan is to do here. How do we plan to fund that? Are we going back into our coffers and having to adjust everything to fund this? I didn't know, and I question whether it's stepping over the City Manager's job and not allowing him to do what he's hired to do, what he's supposed to be doing; which is part of that. I was just kind of concerned because we have a CRA, are we not being redundant with a CRA and then to this point. I wasn't sure if we're looking at redundancy at this point to have 2 committees that are basically going to be doing the same thing. Lastly, I didn't know as far as our Charter goes, does it fit in with our Charter, is it cohesive with our form of government? I'm not sure of that. I came into this with several questions. I was not even sure where the answers were.

ATTY. FORTUNATO: If you wanted to Table it and get me questions, I'm happy to do some research and get back to you on that. I'm happy to do that work.

MR. TIECHE: Are there individuals out there that either we can contract with to do this kind of service? Do you consider establishing a position within the city as a community economic development director? A number of years ago you used to have the Mahoning Valley Economic Development Corporation that was active in a lot of business development in Mahoning County. They had separate staff and those kinds of things. I don't know exactly how they were funded but they've gone defunct. I had an opportunity to work with them when I was manager in Sebring and they did a lot of work for us in bringing folks together. Again, I don't know that there are any of those facilities out there any longer.

MR. NEFF: I think there are. Even MS Consultants has an economic development function that if we wanted to hire them. I think it's a good idea to get this started-first steps. I'll gladly withdraw this Motion to either present it at the next Council Meeting or after we have more time to talk amongst ourselves, one on one online.

ATTY. FORTUNATO: That's probably better than Tabling it. Tabling it means it has to be taken up at the next meeting. If you want to withdraw the Motion.

MR. NEFF: I will withdraw the Motion as well as the next Motion. That would be appointing people to this Ad Hoc Committee. Ad Hoc means it's a temporary committee. It's something we can get into and might find that either, this is great, we're doing a great job or we're over our heads, we should hire a professional.

MR. MORVAY: I have a Motion to withdraw this Motion and the last Motion, Item G. So, F and G would be withdrawn. I do need a second.

MR. TIECHE: Second.

ROLL CALL ON MOTION:

5 Votes-Yes

0 Votes-No

Motion passes.

Item G & F are withdrawn.

MR. MICCHIA: Are you entertaining questions with regard to this?

MR. MORVAY: We just table it.

MR. MICCHIA: My question is; are you entertaining comments in regard to it?

MR. MORVAY: When we vote on it next time. When we bring it back up. It's redundant to do it now. If you would want to talk to Mr. Neff and give some input to him prior to us discussing it among ourselves, that would be great.

Under **Council Comments:**

MR. TIECHE: I'm glad to see spring coming. It's a lot warmer out there. I've seen some flowers and all those kinds of things. I wish everybody a good evening.

MR. NEFF: I want to thank Lana and her daughter to address the tree situation; I think it's extremely important. One of the homeowners on Oak Tree had me out and we walked the woods and it is magnificent. It's something that the Council and City could think about, if we're going to allow development, we should have an Arborist come in and assess saving trees. Let the developers know that, hey we want development but we want development around these magnificent trees. I think it's excellent.

UNIDENTIFIED WOMAN: (inaudible)

MR. DUFFETT: I just want to thank everybody for coming and I just want to remind people from the COVID Task Force point of view, to get your vaccine. Even though you had a vaccine you still have to wait until it kicks in. The 4 C's of Canfield, Care for each other-everyone is masking up, clean your hands, check your distance, and get your vaccine. I got mine and the Canfield Pharmacy. One shot, no side effects.

MR. NACARATO: I have none.

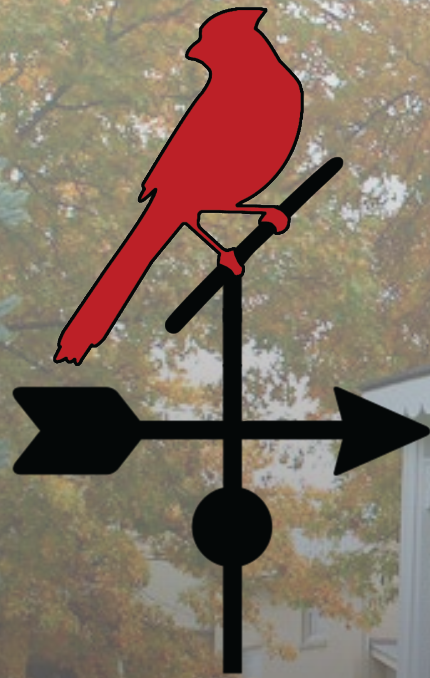
ELIZABETH REHLINGER: Before you leave, do you know why Canfield was voted to be Tree City of the United States? Lady Bird Johnson, President Johnson's wife, came to our city and made that Proclamation. St. Michael's has a plaque from her. We also have a flag from Reader's Digest, Sear and Roebuck about the beautiful trees in Canfield.

MR. MORVAY: My only comment this evening was I'm finally glad to see that the Fire District and the City has come to our agreements. I believe we're going to have a continuous strong relationship and it's only going to get better. With that we're going to adjourn this meeting tonight. Thank you.

PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL



CANFIELD

COMPREHENSIVE PLAN
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AGENDA

PLANNING & ZONING MEETING #2

APRIL 8, 2021

1. WORKBOOK RESPONSES REVIEW
2. ZONING DIAGNOSTIC REPORT REVIEW
3. NEXT STEPS



WORKBOOK RESPONSES REVIEW

ZONING CODE REVIEW TOPICS

» Historic District

» Urban Edge Neighborhood

» Multifamily Residential

» Parking

» Rezoning Areas

» Barriers to Success

HISTORIC DISTRICT

- Building height should allow for residential above office/retail
- Need clear design guidelines for construction and alterations within the Historic District
- Interest in limiting new office space on first floor, or reserving that space for retail and restaurants
- Concern over restrictions within the district
- Concern over how the district area is determined

URBAN EDGE NEIGHBORHOOD

- Mix of uses is appropriate for new annexations or JEDs (i.e. Redgate)
- Interest in requiring percent area of parkland
- Commercial recreation could also meet this demand for parkland (i.e. golf course, aquatic center, etc.)
- Concern if PUD districts are included in this district
- Support mix of uses and would like to see more restaurants, bars, micro-breweries, etc. in Canfield

MULTIFAMILY RESIDENTIAL

- Satisfied with existing multifamily model in Canfield (i.e. Hunters Woods)
- Interest in podium construction (parking on first floors, residential above)
- New development might regulate percent of parkland or programmable space
- Questions regarding duplexes vs. multifamily
 - » How many dwellings constitute multifamily?
 - » Can single family homes be subdivided into duplexes or triplexes? How is this regulated? Where should it be allowed?

PARKING

- Public Parking is available on-street along southern end of Village Green
- Currently no established public parking lots
- Additional parking in Village Green is available on private property and not enforced w/ towing
- Concern over how to regulate appropriate amount of parking for new businesses

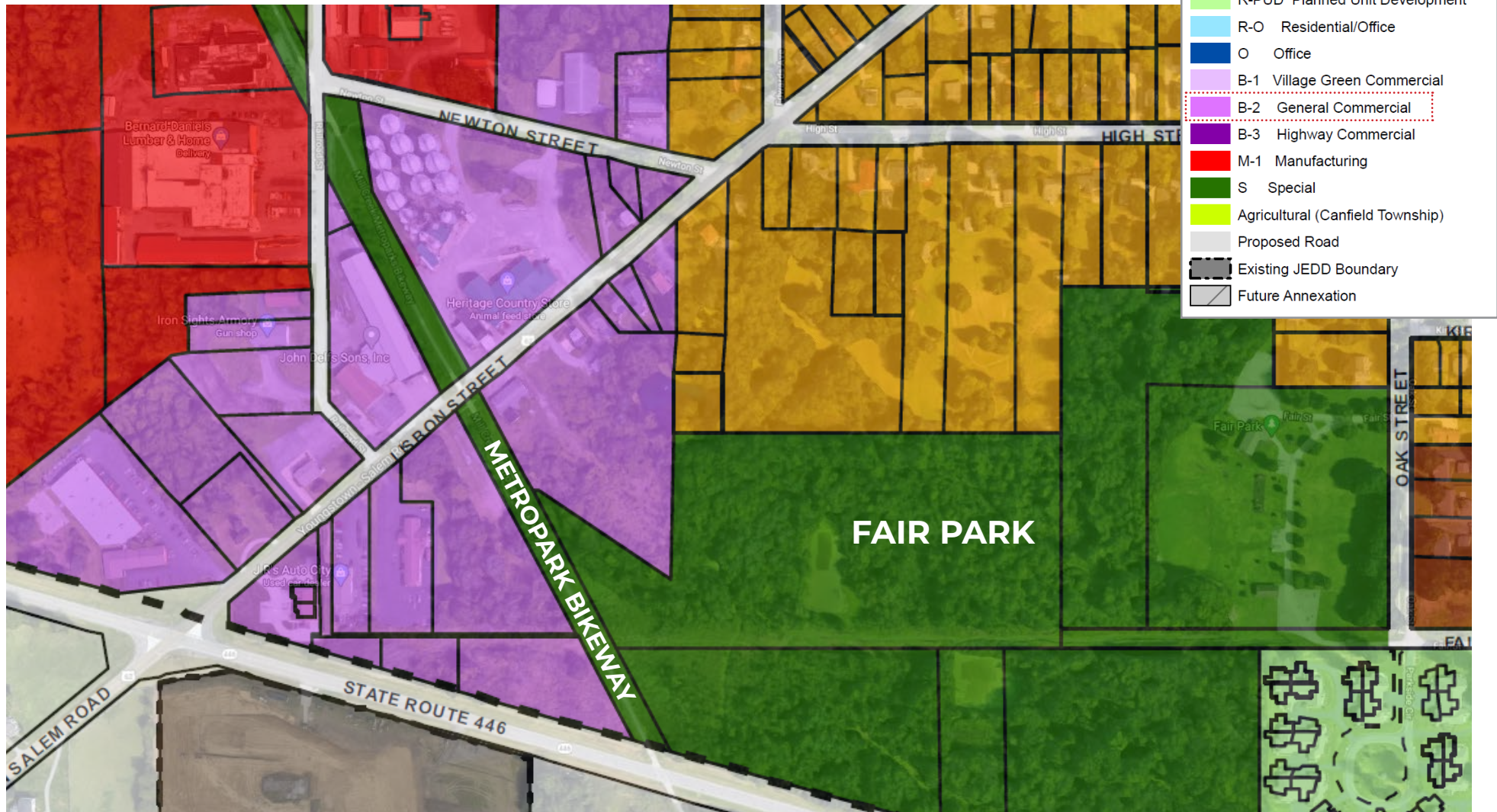
REZONING AREAS

- Extending Fair Park to Lisbon Street
 - » Provide access from a high traffic road
 - » Highlight MetroPark Bikeway
 - » Could act as a trail head
- Potential Rezone or Land Swap for Schools
 - » Important to improve/build new schools to retain families that cite schools as main reason for residing in Canfield
 - » Demographics do not support state funding for schools
 - » BOE and City of Canfield must work together for land swap

REZONING AREAS



REZONING AREAS



BARRIERS TO SUCCESS

- Funding
 - » Creative uses of CRA funds
 - » Other district-based incentives may help
- Community buy-in (i.e. is development a bad thing?)
- Traffic flow and Access are barriers to Sense of Place
- “Old Canfield” mentality is limiting change
- Historic District regulations are purely subjective and cannot be upheld in court



ZONING DIAGNOSTIC REPORT REVIEW

ZONING DIAGNOSTIC TOPICS

» Clarity & Consistency

» Map & Districts

» Public Space Standards

» Diversity of Housing

CLARITY & CONSISTENCY

- Graphics should be used to illustrate concepts
 - » Current code fails to use graphics effectively
 - » Graphics can be both illustrative and regulatory to aid in comprehension (i.e. explaining setbacks for corner lots)
- Ambiguous or conflicting regulations
 - » Confusing language can limit development or investment
 - » Inconsistencies should be reworded, expanded upon, or omitted
- Definitions are scattered or lacking
 - » Consolidate all definitions into one glossary section
 - » Ensure all uses are clearly defined

MAP & DISTRICTS


- Current Zoning Map does not align with recently approved Future Land Use Map from Comprehensive Plan
- Zoning District standards should be updated to more closely align with Comprehensive Plan recommendations
- Current code does not promote revitalization of the Village Green / Historic District
 - » Need clear criteria for design review
 - » Should allow broader mix of uses (i.e. adding parks and increasing residential density in immediate area)

PUBLIC SPACE STANDARDS

- Right of Way Enhancements
 - » Code is consistent but lacking
 - » Add standards to promote/require street trees, standardized landscaping, and front facades
- Walkability
 - » Increase passive recreation in addition to formal parkland
 - » Include standards to increase quality of streetscape (i.e. crosswalks, curb cuts, street trees, furniture, etc)
 - » Improve parking lots with sidewalks, screening, and streetscape amenities
 - » Allow for increased density

DIVERSITY OF HOUSING

- Current code does not support Comprehensive Plan goal of providing housing for new families and aging residents
- Lower regulations to allow for smaller units and smaller lots in all residential districts, especially within 1 mile of Village Green
- Allowing secondary structures or Accessory Dwelling Units within residential districts
- Permitting residential in more commercial districts
- Permitting senior living centers in more districts



Q&A

NEXT STEPS

- **FINALIZE ZONING CODE DIAGNOSTIC REPORT**
- **REVIEW WITH STAFF**