

AGENDA

CANFIELD CITY COUNCIL

June 2, 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 Canfield Codified Ordinance Sections 1123.01 (31), (32), (33), (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), (33), (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:

Approval of ordinance amending Canfield Codified Ordinances Sections 1123.01 (31), (32) (33), (34) and (35)

Attachment(s):

Ordinance amending Canfield Codified Ordinances Sections 1123.01 (31), (32) (33), (34) and (35).

Recommendation Letter from Planning and Zoning

Public Comments

- B. 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:

Approval of ordinance amending Canfield Codified Ordinances 1141.14 General Commercial District B-2 Adding retail sales as a permitted use.

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

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** Authorizing Contract Modification Number 1 & 2 with MS Consultants, Inc. for the Red Gate Sanitary Sewer Extension Project.

Description:

Staff has been working with City Engineer Steve Preston and the team at ms consultants inc. on the expansion of the City of Canfield’s sanitary sewer system in order to service the property known as Red Gate Farms. The original agreement (February 2020) was for \$349,980.00, this agreement included design services for both phase one and phase two of the design for the Red Gate Farms sanitary sewer extension.

The proposed modifications are needed to allow for additional work required for utility location services (Modification #1), and the reduction of the design services needed for Phase 2 expansion, as well as to add the additional construction and post construction services required for Phase 1 of the project (Modification #2). In total the proposed modifications reduce the agreement by a total of \$77,480 as outlined below:

Task Name	Original Agreement	Modification #1	Proposed Modification #2	Modified Budget
Task 1: Final Design	\$336,075.00	\$9,950.00	(\$178,725.00)	\$167,300.00
Task 2: Bidding Services	\$13,905.00	-	(\$4,205.00)	\$9,700.00
Task 3: Construction and Post-Construction	-	-	\$95,500.00	\$95,500.00
Modified Contract Amount	\$349,980.00	\$9,950.00	(\$87,430.00)	\$272,500.00

This ordinance authorizes contract modifications #1 & #2 with ms consultants, inc. for the Red Gate Sanitary Sewer Extension Project.

Action Needed:

Approval of ordinance authorizing contract modification number 1 & 2 with ms consultants, inc. for the Red Gate Sanitary Sewer Extension Project.

Attachment(s):

Ordinance authorizing contract modification number 1 & 2 with ms consultants, inc. for the Red Gate Sanitary Sewer Extension Project.

Modification #1 & #2 Agreement with ms consultants, inc.

Public Comments

- B. **Resolutions** of the Council of the City of Canfield Seeking Certification from the Auditor as to the Amount of Revenue Generated by 3.9 Mills.

Description:

In anticipation of the renewal of the Police Department Levy to be placed on the ballot in November of 2021, a number of steps must be taken per Ohio Revised Code (ORC). The process requires first a resolution seeking certification from the Mahoning County Auditor for the amount of revenue generated by the 3.9 Mills tax, once the County Auditor certifies the amount of revenue generated, the City will then pass a motion accepting the certification of the tax revenues from the Mahoning County Auditor and then must pass the appropriate resolution declaring it necessary to renew the tax levy.

This resolution seeks certification from the Mahoning County Auditor as to the amount of revenue that will be generated as a result of the renewal of the 3.9 Mills Police Levy in order to continue to provide sufficient police services for the citizens of the City of Canfield.

Action Needed:

Approval of resolution of the Council of the City of Canfield seeking certification from the Auditor as to the amount of revenue generated by the renewal of the 3.9 Mills Police Levy.

Attachment(s):

Resolution of the Council of the City of Canfield seeking certification from the Auditor as to the amount of revenue generated by the renewal of the 3.9 Mills Police Levy.

Public Comments

- C. A **Motion** Changing Dates of the Council Meetings for the Months of July and August, Pursuant to Section 3.09 of the Charter of the City of Canfield.

Description:

Pursuant to section 3.09 of the Charter of the City of Canfield, "...regular meetings must be held twice each calendar month, except during the months of July and August, the Council may dispense with one of its regular meetings."

This motion sets the date and time of the authorized one (1) meeting for the months of July and August.

Action Needed:

Passage of motion changing the dates of the council meetings for July and August

Attachment(s):

Motion changing dates of the Council meetings for the months of July and August, pursuant to section 3.09 of the Charter.

Public Comments

12. Council Comments.

13. Adjournment

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:_____

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CLERK OF COUNCIL

APPROVED TO FORM:

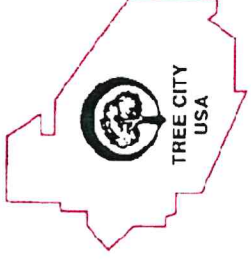
MUNICIPAL ATTORNEY



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 1123.01 (31)(32)(33)(34)(35)
DEFINING DWELLING.

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

Mr. Decapua made a motion to recommend Council ammend Canfield Codified Ordinance Section 1123.01 (31)(32)(33)(34)(35).

The motion was seconded by Mr. Neff.

This motion passed 5 - 0

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:

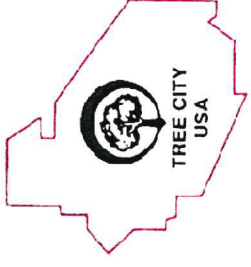
MUNICIPAL ATTORNEY



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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: _____
First Reading: _____

ORDINANCE

AN ORDINANCE AUTHORIZING CONTRACT MODIFICATION NUMBER 1 & 2 WITH MS CONSULTANTS,
INC. FOR THE RED GATE SANITARY SEWER EXTENSION PROJECT

WHEREAS, the Council of the City of Canfield authorized the City Manager to enter into a contract with MS Consultants, Inc. on February 19, 2020 for design and bidding services; and

WHEREAS, the City Manager and City Engineer recommends a Contract Modification Number 1 & 2, pursuant to section 1 and 4 of the contract.

WHEREAS, Council desires to authorize Contract Modifications Number 1 & 2 for the City of Canfield Red Gate Sanitary Sewer Extension Project.

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

Section 1: Contract Modification Number 1 is hereby authorized in an amount of \$9,950.00 pursuant to the description and scope of work attached.

Section 2: Contract Modification Number 2 is hereby authorized in an amount of \$87, 430.00 as a credit pursuant to the descriptions and scope of work attached.

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

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

PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL

Certification of Publication

I, the undersigned Clerk of Council of the City of Canfield, 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

MODIFICATION NO. 1
To
ENGINEERING AGREEMENT

FOR INCORPORATING THE PROFESSIONAL ENGINEERING SERVICES
FOR
CITY OF CANFIELD: REDGATE SANITARY SEWER EXTENSION PROJECT

1. **DATE:** January 19, 2021
2. **OWNER:** City of Canfield
3. **ORIGINAL AGREEMENT:** February 19, 2020
4. **CONSULTANT:** ms consultants, inc.
5. **MODIFICATIONS UNDER CONTRACT CLAUSES**

Section 1 - Services of Engineer
Section 4.03 - Compensation

6. **REASON FOR MODIFICATION**

This modification is for subsurface utility engineering (SUE) work to be performed by SAM, Inc. for identification of underground utility locations along West Main Street from the Mill Creek Metroparks Bike Path to the entrance to Hunters Woods. This work became necessary due to the lack of available accurate utility information when comparing topographic survey information with existing utility records.

7. **MODIFICATION IN AGREEMENT**

SECTION 1 - SERVICES OF ENGINEER
SECTION 1ADD:

The ENGINEER shall provide *additional site exploration for identification and location of underground utilities through a subconsultant* not originally anticipated in accordance with Section 1 of the agreement dated *February 19, 2020* as detailed in Exhibit 'A'. The subconsultant scope of work is attached to this modification.

SECTION 4 - PAYMENTS TO ENGINEER
SECTION 4.03 ADD:

In addition to the original agreement for services listed herein subsurface utility engineering to be performed by SAM, Inc. an additional *lump sum fee of \$9,950.00*.

All other parts of the Engineering Agreement are unchanged and remain in force.

IN WITNESS WHEREOF, the parties hereunto have caused this Modification No. 1 to be executed, as of the date and year first above written, by affixing the signature of the duly authorized officer of **ms consultants, inc.** and by the *City of Canfield*.

City of Canfield

By: _____



ms consultants, inc.

By: _____



Title: Sr. Project Manager

Date: January 19, 2021



SAM, LLC

12480 DeBartolo Dr, North Jackson, OH 44451

Ofc 330.794.4455

info@sam.biz www.sam.biz

Delivery Method: Via Email: SPreston@msconsultants.com

January 17, 2021

Steve Preston
Ms consultants
333 East Federal St.
Youngstown, OH 44503

RE: Subsurface Utility Engineering Services
City of Canfield: Redgate Sanitary Sewer Ext. Project, Hubbard, OH
Project Number: 1020059205 Supplement 1

Dear Steven:

Surveying And Mapping, LLC (SAM) is pleased to provide this **SUPPLEMENTAL** proposal for professional Subsurface Utility Engineering (SUE) Quality Level B & C services to ms consultants for the Redgate Saniatry Sewer Ext. Phase One project in Canfield, OH. This proposal has been prepared based on our email conversations dated 1/15/21.

After you have reviewed the attached proposed Scope of Services and associated fees, please do not hesitate to call if you have any questions or comments. Again, thank you for the opportunity to be of service. We are looking forward to working with you on this important project.

Sincerely,

A handwritten signature in blue ink, appearing to read "Rhett Sloan". The signature is fluid and cursive, with the first name "Rhett" being more prominent and the last name "Sloan" following in a similar style.

Survey & Mapping, LLC.

Rhett Sloan
Senior Project Manager
(c) 234-417-9988

Attachments:

- Proposal
- A. Site Map



1.0 Project Description

SAM proposes to provide subsurface utility engineering (SUE) services in an attempt to identify the utilities (hereafter referred to as underground utilities) within the outlined area shown on **Attachment A** which is a continuation of the previous area of interest. This investigation will include typical underground utilities as well as an investigation of sanitary and storm systems. This investigation is to aid the development of the design.

The work will be conducted in accordance with the Construction Institute (CI)/American Society of Civil Engineers (ASCE) Standard 38-02, *Standard Guideline for the Collection and Depiction of Existing Subsurface Utility Data*. This document is the standard upon which SUE is conducted, defining the service as:

A branch of engineering practice that involves managing certain risks associated with: utility mapping at appropriate quality levels, utility coordination, utility relocation design and coordination, utility condition assessment, communication of utility data to certain parties, utility relocation cost estimates, implementation of utility accommodation policies, and utility design.

2.0 Scope of Services

The proposed scope of services includes:

2.1 Records Research - Quality Level D

Conducting utility records research to assist in identifying utility owners that may have facilities on or be affected by the project. Applicable utility owner records will be collected. Designating staff will review records for indications of additional available records, duplicate information, and a need for clarifications by utility owners.

2.2 Incorporate above ground features - Quality Level C

Identifying surface features on the topographic plan and ground surface that are surface appurtenances of existing subsurface utilities. If records and features do not agree, further record review and field reconnaissance will be undertaken to resolve discrepancies. Work will incorporate Quality Level D findings. This scope will include gravity run systems within the AOI.

2.3 Designating and Marking - Quality Level B

SAM staff will utilize the suite of geophysical equipment in each vehicle to attempt to designate the utilities identified in the Project Description within the area(s) of interest. Quality Level B services for this project include:

- Obtaining permits from city, county or other municipalities to allow SAM, LLC staff to work in streets, roads, or right-of-ways.
- Utilizing normal traffic control, including standard placement of traffic cones, freestanding warning signage and vehicle-mounted traffic directional sign.
- Designating and marking underground utilities within the project limits using an appropriate suite of surface geophysical methods. Typical equipment utilized includes:
 - Radiodetection - RD8100 and Metrotech Vivax VM 810 & vLocML Cable and Pipe Locator



- Acoustic - ULTRA-TRAC® Acoustic Pipe Locator
- GPR - Single and/or Dual Frequency
- Magnetic locators
- Rodders, Sondes (transmitters) and Receivers for non-conductive utility detection
- Marking the utilities at maximum 50 foot intervals and at changes in direction.
- Attempting to locate water lines, force mains, and other non tonable utilities using ground penetrating radar. If successful, these utilities will be marked as Quality Level B. If unsuccessful, these utilities will be marked Quality Level D. If appropriate, Test Holes may be recommended to establish the precise location for design.
- Marking each utility run with the appropriate surveying code and number for each mark. This will be noted on the field sketch for use by the surveyor and our quality control staff.
- SAM will survey markings that indicate the presence of a utility. Horizontal data will be held to the accuracies and precision dictated by the project's survey control.
- Plotting survey data on base plans provided by client using either AutoCAD or MicroStation platforms.
- Providing a deliverable including engineering drawing(s) shown in plan view using the approved color codes for found utilities in accordance with CI/ASCE Standard 38-02 complete with engineering seal and signature.

3.0 Cost Proposal

SAM, LLC proposes to complete the above described scope of services for the Lump Sum Cost of **\$9,950.00**. If additional services are provided, the work will be billed in accordance with supplemental agreement. This cost estimate is based on our current understanding described in the project description, the scope of services, and the assumptions listed below. In the event these items change in the course of this project, the SAM project manager will be in touch concerning changes to the project cost and schedule.

4.0 Assumptions

Proposal

- This proposal is valid for a period of 90 days.

Required by Client

- Access
 - Client will provide complete access to the project site between the hours of 7:00 a.m. and 5:30 p.m. This is inclusive of sidewalks in front of businesses and private residences and curbside parking on either side of the road.
- Notification and Coordination
 - Client will notify local property owners of the work activities and schedule.
 - Client will facilitate coordination with the site owners to the extent required.
- Records



- To the extent available, client will provide copies of available records for existing facilities and improvements prior to commencement of work.
- To the extent available, client will provide CAD file of all survey information including previously found utilities, topographic features and survey control prior to the commencement of work.
- Work Permits, Entry, and Training
 - Project specific training will not be required.
 - Confined space entry is not required.
- Safety
 - Client will facilitate safe access for vehicles, equipment, and personnel.

Traffic Control

- Traffic control requiring lane closures, traffic detouring, flag persons, police, etc., is considered special traffic control and is not included in this scope of services. If special traffic control is required, SAM, LLC can provide this service utilizing a specialty subcontractor.

Weather:

- SAM will notify the client of snow cover or other issues that may impede or delay the investigation.

Quality Level B Services

- General Scope of Work:
 - Unless requested, utilities designated will not include: a) gravity laterals b) non-accessible empty conduits or empty utilities, c) vault or manhole limits/ dimensions, d) irrigation, fountain or sprinkler systems, e) underground storage tanks and associated piping/ wiring., f) traffic loop detectors, g) utility tunnels, h) traffic control/signalization related power and communications, i) illumination wiring, j) railroad signalization, k) grounding grids, l) grease traps and associated piping, m) septic tanks and distribution boxes, drain fields or abandoned wells.
 - Utility depths are not obtained as part of Quality Level B reporting.
 - The survey of utility data designated by SAM will be completed by SAM, LLC and the horizontal data will be held to the accuracies and precision dictated by the project's survey control.
- Limits of Technology:
 - The scope of services is limited to the extent of the technology utilized. Non-metallic piping, inactive electric and/or communication lines may or may not be found. SAM will not be responsible for omission of utility information that is not obtainable via electromagnetic, sonic, or acoustical designating services.
 - The accuracy of subsurface data can be influenced by factors beyond our control such as conductivity of materials and their surroundings, soil moisture content, proximity of other underground utilities or structures, depth of utility, etc. Therefore, physical verification (through vacuum excavation or otherwise) is the only subsurface utility data that is collected to applicable engineering and/or surveying standards.



- Other surface geophysical methods, such as terrain conductivity and point to source transmitters can be used, as appropriate. These techniques, although typically involving extra expense, can further refine the utility model. Generally, these extra refinements are not cost effective, and SAM, LLC will not apply these techniques without authorization of the client. However, SAM, LLC can recommend appropriate techniques on a case-by-case basis.
- Work Product/ Deliverables:
 - Record information utilized to create digital line work is placed in accordance with professional judgement as a best fit alignment. In doing this the owner should be aware of the inaccuracies that may accompany these decisions.
 - Paint markings placed on the ground by SAM are to be used for design purposes only and not for construction. The use of this information does not relieve any contractor or the Client from the duty to comply with applicable utility damage prevention laws and regulations, including, but not limited to, providing notification to utility owners or One-Call centers before excavation.

5.0 Schedule of Services

Based on a written agreement and notice to proceed, we will mobilize within 10 days and complete the Quality Level B & C work in a safe and efficient manner working 7:00 a.m. to 5:30 p.m. Monday - Friday pending no weather delays or conditions beyond our control. SAM, LLC will submit the deliverable drawings and CAD file within 14 days upon the final collection of field data. Weather will be paramount to the success of a geophysical investigation and changing weather conditions may elongate the schedule of services. The project manager for SAM will keep the client apprised of the progress and any delays that occur.

ATTACHMENT A SITE MAP



**MODIFICATION NO. 2
To
ENGINEERING AGREEMENT**

**FOR INCORPORATING THE PROFESSIONAL ENGINEERING SERVICES
FOR
CITY OF CANFIELD: REDGATE SANITARY SEWER EXTENSION PROJECT**

1. **DATE:** May 5, 2021
2. **OWNER:** City of Canfield
3. **ORIGINAL AGREEMENT:** February 19, 2020
4. **CONSULTANT:** ms consultants, inc.
5. **MODIFICATIONS UNDER CONTRACT CLAUSES**

Section 1 - Services of Engineer
Section 4.03 - Compensation

6. **REASON FOR MODIFICATION**

The original Agreement included design, permitting and bidding services for a single project to provide new sewer along South Palmyra Road from Leffingwell Road to US 224, and US 224 from South Palmyra Road to the Mill Creek Bike Trail. During design, the project was split into two phases:

- Phase One: Hunters Woods to Mill Creek Bike Trail
- Phase Two: South Palmyra Road from the Intersection of US 224/South Palmyra to Leffingwell Road.

Phase One has been designed and permitted and is ready for construction. Phase Two will be designed at a later date once more information is known about future land use at Redgate Farm, as that will have an impact on the sewer design. The design phase of the project is funded through a design loan obtained through the Ohio EPA Water Pollution Control Loan Fund (WPCLF). For the design loan to be rolled into the construction loan, the design loan has to be completed per the Ohio EPA. As a result, it is necessary to revise the agreement to remove future Phase Two work (Phase Two work to be performed under new agreement at a later date).

1. This modification revises the following under Task #1- Final Design Services:
 - a. Exhibit A Section 1(B)- Geotechnical Services:
 - i. Engineer will credit the Owner for non-performed geotechnical services associated with Phase Two.
 - b. Exhibit A Section 1(C)- Final Design:

- i. Engineer will credit the Owner for non-performed work by the Engineer related to the design of Phase Two of the project. This includes the following:
 - 1. Design of approximately 7,930 linear feet of combination gravity sewer/force main.
 - 2. Pump station design.
 - 3. Subsurface utility engineering (SUE) work related to an existing hazardous liquid pipeline crossing 620 feet north of the South Palmyra/Leffingwell intersection.
 - c. Exhibit A Section 1(D)- Permitting
 - i. Engineer will credit the Owner for work related to environmental permitting of Phase Two (not including Ohio EPA Permit-to-Install).
- 2. This modification revises the following under Task #2- Bidding Services:
 - a. Exhibit A Section 2(A)- Bidding Assistance:
 - i. Engineer will credit the Owner for non-performed bidding assistance associated with Phase Two.
- 3. This modification adds Task #3- Construction Administration, Resident Project Engineer and Post-Construction Services (Phase One):
 - a. The Engineer shall provide additional services for the construction administration and inspection services for the installation of an 18" sanitary sewer along West Main Street (US 224) from Hunters Woods to the Mill Creek Bike Trail. The total length of the project is approximately 2,800 linear feet in accordance with Exhibit B attached.
 - b. The Engineer shall provide Post-Construction services to include contract closeout paperwork and coordination, and preparation of record drawings.

7. **MODIFICATION IN AGREEMENT**

SECTION 1 - SERVICES OF ENGINEER
SECTION 1 ADD:

- 1. The ENGINEER shall credit the Owner for non-performed Task #1- Final Design work related to Phase Two of the project as described in Section 6 of this modification and not originally anticipated in accordance with Section 1 of the agreement dated *February 19, 2020* as detailed in Exhibit 'A'.
- 2. The ENGINEER shall credit the Owner for non-performed Task #2- Bidding Services work related to Phase Two of the project as described in Section 6 of this modification and not originally anticipated in accordance with Section 1 of the agreement dated *February 19, 2020* as detailed in Exhibit 'A'.
- 3. The Engineer shall provide additional services for construction administration and inspection during the construction phase of the project, and post-construction

services including contract closeout and record drawings, in accordance with Section 1 of the agreement dated *February 19, 2020* as detailed in Exhibit 'A'.

SECTION 4 - PAYMENTS TO ENGINEER

SECTION 4.03 ADD:

1. For the Engineering Services during the Task #1- Final Design Phase as described in Section 4.03(3) of the February 19, 2020 Agreement, the revised budget amount shall be **One Hundred Sixty-Seven Thousand Three Hundred Dollars and No Cents (\$167,300.00)**. This results in a credit of \$178,725.00.
2. For the Engineering Services during the Task #2- Bidding Phase as described in Section 4.03(3) of the February 19, 2020 Agreement, the revised budget amount shall be **Nine Thousand Seven Hundred Dollars and No Cents (\$9,700.00)**. This results in a credit of \$4,205.00
3. For the Engineering Services during the proposed Task #3- Construction and Post-Construction Phases a not-to exceed fee of **Ninety-Five Thousand Five Hundred Dollars and No Cents (\$95,500.00)**. Labor costs for office personnel shall be billed at the actual direct salary expense times a multiplier of 3.27. Labor costs for field personnel shall be billed at the actual direct salary expense times a multiplier of 2.76.

Task Name	Original Agreement	Modification #1	Proposed Modification #2	Modified Budget
Task 1: Final Design	\$336,075.00	\$9,950.00	(\$178,725.00)	\$167,300.00
Task 2: Bidding Services	\$13,905.00	-	(\$4,205.00)	\$9,700.00
Task 3: Construction and Post-Construction	-	-	\$95,500.00	\$95,500.00
Modified Contract Amount	\$349,980.00	\$9,950.00	(\$87,430.00)	\$272,500.00

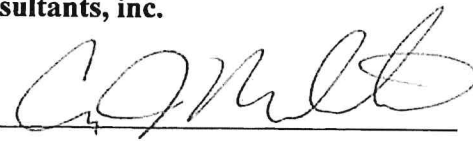
All other parts of the Engineering Agreement are unchanged and remain in force.

IN WITNESS WHEREOF, the parties hereunto have caused this Modification No. 2 to be executed, as of the date and year first above written, by affixing the signature of the duly authorized officer of **ms consultants, inc.** and by the *City of Canfield*.

City of Canfield

By: _____

ms consultants, inc.

By: _____

Title: Sr. Project Manager

Date: May 5, 2021

SCOPE OF SERVICES

City of Canfield Redgate Sanitary Sewer Extension Project, Phase One Construction Administration and Inspection Services

May 5, 2021

Project Understanding

ms consultants, inc. (Engineer) understands that the City of Canfield (Owner) intends to enter into an agreement for construction administration and inspection services for Phase One of the Redgate Sanitary Sewer Project. The project is approximately 2,800 linear feet in length along West Main Street from Hunters Woods to the Mill Creek Bike Trail.

1. Construction Administration and Inspection

A. General Administration of Construction Contract

Engineer shall consult and advise the Owner. All of the Owner's instructions to Contractor(s) will be issued through Engineer who will have authority to act on behalf of the Owner to the extent provided in said Standard General Conditions except as otherwise provided in writing.

B. Visits to Site and Observation of Construction

1. Engineer shall provide a project representative (PR) totaling no more than 440 hours of full-time inspection for one inspector for the scheduled duration of the project to observe as an experienced and qualified design professional the progress and quality of the various aspects of the Contractor(s) work. The work will be based on the Contractor's schedule. Based on information obtained during such visits and on such observations, Engineer shall endeavor to determine in general if such work is proceeding in accordance with the Contract Documents and Engineer shall keep the Owner informed of the progress of the work.

2. The purpose of Engineer's visits to the site will be to enable Engineer to better carry out the duties and responsibilities assigned to and undertaken by Engineer during the Construction Phase, and, in addition, by exercise of Engineer efforts to provide for the Owner a greater degree of confidence that the completed work of the Contractor(s) will conform generally to the Contract Documents and that the integrity of the design concept as reflected in the Contract Documents has been implemented and preserved by Contractor(s). On the other hand, Engineer shall not, during such visits or as a result of such observations of Contractor(s) work in progress, supervise, direct or have control over Contractor(s) work. Also Engineer shall not have authority over or responsibility for the means, methods, techniques, sequences or procedures of construction selected by

Contractor(s), for safety precautions and programs incident to the work of Contractor(s)', or for any failure of Contractor(s) to comply with laws, rules, regulations, ordinances, codes or orders applicable to Contractor(s) furnishing and performing their work. Accordingly, Engineer can neither guarantee the performance of the construction contracts by Contractor(s) nor assume responsibility for Contractor(s) failure to furnish and perform their work in accordance with the Contract Documents.

C. Defective Work

During such visits and on the basis of such observations, Engineer may advise the Owner to disapprove or reject Contractor(s) work while it is in progress if Engineer believes that such work will not produce a completed project that conforms generally to the Contract Documents or that it will prejudice the integrity of the design concept of the project as reflected in the Contract Documents.

D. Interpretations and Clarifications

Engineer shall issue necessary interpretations and clarifications of the Contract Documents and in connection therewith prepare work directive changes and change orders as required.

E. Shop Drawings

Engineer shall review and approve (or take other appropriate action in respect of) Shop Drawings, samples and other data which Contractor(s) are required to submit, but only for conformance with the design concept of the project and compliance with the information given in the Contract Documents. Such reviews and approvals or other action shall not extend to means, methods, techniques, sequences or procedures of construction or to safety precautions and programs incident thereto. A maximum of ten (10) Shop Drawings will be reviewed.

F. Substitutes

Engineer shall evaluate and determine the acceptability of substitute materials and equipment proposed by Contractor(s).

G. Inspections and Tests

Engineer shall as the Owner's representative, require special inspection or testing of the work, and shall receive and review all certifications of inspection, testings and approvals required by laws, rules, regulations, ordinances, codes, or orders of the Contract Documents (but only to determine generally that their content complies with the requirements of, and the results certified indicate compliance with, the Contract Documents.

H. Disputes between the Owner and Contractor

Engineer shall act as initial interpreter of the requirements of the Contract Documents and judge of the acceptability of the work thereunder and make decisions on all claims of the Owner and Contractor(s) relating to the acceptability of the work or the interpretation of the requirements of the Contract Documents pertaining to the execution

and progress of work. Engineer shall not be liable for the results of any such interpretations or decisions rendered in good faith.

I. Application of Payment

Based on Engineer's onsite observations as an experienced and qualified design professional, and on review of applications for payments and the accompanying data and schedules:

1. Engineer shall determine the amount owing to Contractor(s) is such amount. Such recommendations of payment will constitute a representation to the Owner, based on such observations and review, that the work has progressed to the point indicated, and that, to the best of Engineer's knowledge, information and belief, the quality of such work is generally in accordance with the Contract Documents (subject to an evaluation of such work as a functioning whole prior to or upon Substantial Completion, to the results of any subsequent tests called for in the Contract Documents and to any other qualifications stated in the recommendations).

- By recommending any payment, Engineer will not hereby be deemed to have represented that exhaustive, continuous or detailed reviews or examinations have been made by Engineer to check the quality or quantity of Contractor(s) work as it is furnished and performed beyond the responsibilities specifically assigned to Engineer in this Agreement and the Contract Documents. Engineer's review of Contractor(s) work for the purposes of recommending payments will not impose on Engineer responsibility to supervise, direct or control such work for the means, methods, techniques, sequences, or procedures of construction or safety precautions or programs incident thereto or Contractor(s) compliance with laws, rules, regulations, ordinances, codes or orders applicable to their furnishing and performing the work. It will also not impose responsibility on Engineer to make any examinations to ascertain how or for what purposes any Contractor has used the moneys paid on account of the Contract Price, or to determine that title to any of the work, materials, or equipment has passed to the City free and clear of any lien, claims, security interests or encumbrances, or that there may not be other matters at issue between the Owner and the Contractor that might affect the amount that should be paid.

J. Contractor(s) Completion Documents

Engineer shall receive and review schedules, guarantees, bonds and certificates of inspection, tests and approvals which are to be assembled by Contractor(s) in accordance with the Contract Documents (but such review will only be to determine that their content complies with the requirements of, and in the case of certificates of inspection, test and approvals the results certified indicate compliance with, the Contract Documents); and shall transmit them to the Owner with written comments.

K. Inspections

Engineer shall not be responsible for the acts or omissions of any Contractor(s), or of any subcontractor or supplier, or any of the Contractor(s) or subcontractors' or supplier's agents or employees or any other persons (except Engineer's own employees and agents) at the site or otherwise furnishing or performing any of the Contractor(s) work; however, nothing shall be construed to release Engineer from liability for failure to properly perform duties and responsibilities assumed by Engineer in the Contract Documents.

L. As-Builts

Engineer shall create post-construction as-builts in AutoCAD Civil 3D format based upon field markups provided by the Contractor. Engineer assumes that the as-builts will be created using survey files obtained by the Contractor as per the plan specifications. One full-size hard copy (22"x34") and one electronic copy in PDF format will be provided to the Owner.

Introduced by: _____

First Reading: _____

**RESOLUTIONS OF THE COUNCIL
OF THE CITY OF CANFIELD
SEEKING CERTIFICATION FROM THE AUDITOR
AS TO THE AMOUNT OF REVENUE GENERATED
BY 3.9 MILLS**

WHEREAS, the Council of the City of Canfield has determined that it is necessary to renew a levy a three and nine tenths-mill (3.9) tax outside the ten-mill limitation in order to continue to provide sufficient police protection to the citizens of the City; and

WHEREAS, the passage of these resolutions is required in accordance with Ohio Revised Code §5705.03(B)(1);

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Canfield finds it necessary to renew a levy of an additional three and nine tenths-mill (3.9) tax outside the ten-mill limitation in order to continue to provide sufficient police services for the citizens of the City; and

BE IT RESOLVED FURTHER, that the City of Canfield, pursuant to Ohio Revised Code §5705.03(B)(1), hereby requests that the Mahoning County Auditor certify to the City the total current tax valuation of the City ("subdivision"), along with the dollar amount of revenue that would be generated by the renewal of the three and nine tenths-mill (3.9) levy; and

BE IT RESOLVED FURTHER, that the purpose of the levy will be to provide sufficient police protection for the citizens of the City commencing in tax year 2022, first collected in 2023; and

BE IT RESOLVED FURTHER, that the submission of the question of the tax by the City of Canfield is authorized by Ohio Revised Code Sections 5705.19 and 5705.07;

AND BE IT RESOLVED FURTHER, that these Resolutions and all deliberations relating to the passage of these Resolutions were held in open meeting of this Council, pursuant to Section 121.22 of the Ohio Revised Code and Section 3.11 of the Charter of the Municipality of Canfield.

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

PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL

Certification of Publication

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

.

CLERK OF COUNCIL

APPROVED AS TO FORM:

MUNICIPAL ATTORNEY

Introduced by: _____

Motion No. _____

MOTION

A MOTION CHANGING DATES OF THE COUNCIL
MEETINGS FOR THE MONTHS OF JULY AND AUGUST,
PURSUANT TO SECTION 3.09 OF THE CHARTER
OF THE CITY OF CANFIELD

WHEREAS, Council is authorized to have one (1) meeting per month during July and August, pursuant to Section 3.09 of the Charter of the City of Canfield; and

WHEREAS, Council deems it desirable to operate under this curtailed schedule for these months.

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

Section 1. The meeting for July shall be held on July 7, 2021. The Caucus shall begin at 5:30 P.M. with the meeting to convene at the conclusion of the Caucus.

Section 2. The meeting for August shall be held on August 18, 2021 The Caucus shall begin at 5:30 P.M. with the meeting to convene at the conclusion of the Caucus.

Section 3: That this Motion and all deliberations relating to the passage of this Motion 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.

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

MINUTES
CANFIELD CITY COUNCIL
REGULAR MEETING
MAY 19, 2021- 5:30 P.M.

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

Absent: Mr. Tieche.

Staff Present: Christine Stack-Clayton, Finance Director; Charles Colucci, Chief of Police; and Mike Cook, Zoning Inspector.

Absent: John Rapp, Public Works Superintendent.

Under **PROCLAMATION & PRESENTATIONS:**

MR. DUFFETT: If I can have Eagle Scout Joshua Farley come forward.

Whereas, Joshua Charles Farley has earned the distinction of Boy Scouts of America's highest honor, the Eagle Scout Award; and

Whereas, a member of Cub Scout Pack #9025 for 4 years, Boy Scout Troop # 25 since 2015, Joshua has held positions of Patrol Leader, Assistant Senior Patrol Leader, and Senior Patrol Leader; and

Whereas, Joshua has earned 28 merit badges in Astronomy, Archery, Art, Basketry, Bird Study, Camping, Canoeing, Citizenship in the Community, Citizenship in the Nation, Citizenship in the World, Communications, Cooking, Emergency Preparedness, Environmental Science, Family Life, Fingerprinting, First Aid, Indian Lore, Kayaking, Personal Fitness, Personal Management, Plant Sciences, Public Health, Radio, Rifle Shooting, Rowing, Soil and Water Conservation and Swimming; and

Whereas, Joshua participated in special scout activities such as Ad Altare Dei Catholic Religious Emblem, Camp Seven Ranges Duty to God Award (4 years), and Camp Seven Ranges fifth year Pipestone Award; and

Whereas, for his service project, Joshua created a preschool classroom at the Canfield United Methodist Church called the "Rainbow" room. He built and finished a large cabinet with chalkboard paint and decorated the entire classroom; and

Whereas, Joshua is a member of St. Michael's Roman Catholic Church where he is an Altar Server; and

Whereas, Joshua is a junior at Canfield High School. Joshua is a member of the Canfield Pride Marching Band, the Canfield High School's Symphonic Band, the Canfield's Jazz Band, the Speech & Debate team, and is a Junior Class Officer (communications director). He attended the YSU English Festival twice, and

is involved with student journalism. Joshua served on the Student Council in Middle School and participated in the Power of the Pen Program.

Now, Therefore I, Richard A. Duffett, Mayor of the City of Canfield, State of Ohio, do hereby proclaim Wednesday, May 19, 2021 as

“EAGLE SCOUT DAY”

And salute, honor, and congratulate **JOSHUA CHARLES FARLEY** for this monumental achievement.

HEREUNTO SET MY HAND AND IN WITNESS THEREOF, I CAUSE THE SEAL OF THE CITY OF CANFIELD TO BE AFFIXED.

Richard A. Duffett, Mayor

Applause

MR. DUFFETT: You did a lot to get that.

ATTY. FORTUNATO: That’s a tough act to follow.

MR. MORVAY: I think I’m an underachiever. (Laughter)

MR. NACARATO: Joshua, congratulations. As a parent of an Eagle Scout and a current scout that will be an Eagle by this fall, I commend you. It’s a brave task to take on, and do and it’s an honor that you should keep with you very proudly.

JOSHUA FARLEY: Thank you.

MR. MORVAY: Okay, we’ll move on.

Under **MINUTES**, the Minutes of the Regular Meeting on May 5, 2021 were approved as presented.

Under READING OF COMMUNICATIONS:

MR. NEFF: I have none at this time.

MR. DUFFETT: I have none.

MR. NACARTO: I have none.

MR. MORVAY: The only communication I have, maybe Wade you can help me out on this, I got another phone call from Mrs. Rehlinger and she’s of the opinion and more than of the opinion,

that she had a camera that was run down her spouts and they end at the sidewalk. Whether they were ever hooked up to the sewer system or not, I don't know.

MR. CALHOUN: I know they drain directly out to the sidewalk.

MR. MORVAY: To the road?

MR. CALHOUN: It's not tied in deep enough to get to the storm sewer.

MR. MORVAY: She's having a real problem with water; especially that rain that we had a couple weeks ago. Both the north and the south end of her property. I went over and looked at it and it's actually a lake there. I don't know. I wish I could help her in some way but I just don't know how we can do that.

MR. CALHOUN: It's her lot drainage, yard to yard drainage from probably the Oak Tree development, that drains to the low spot. She is more than welcome to do whatever she can on her property to try to get the water to the street into the storm water system in any capacity. But it's not something the city does, is do private storm water work on private lots.

MR. MORVAY: I understand. A couple times I've been over there when it's really rained and that detention pond that's there on the north side of her property doesn't do anything; there is no water in it. I don't know whether it was designed that way but it doesn't seem like that the retention pond is supposed to be catching water and it's not. I don't know but....

MR. NEFF: What street is that on?

MR. MORVAY: She lives on 46, right across the street from me, almost.

MR. CALHOUN: Is that the city's retention pond that was installed?

ZONING INSPECTOR: That's Oak Tree's.

MR. MORVAY: That was the Oak Tree.

ATTY. FORTUNATO: We can look at that.

MR. MORVAY: I've gone over there when it's really rained. She said there is no water in it. I've walked over and sure enough there is no water in it and it's running both north and south on her property. That's the only thing I had for communications. Mrs. Woomer called me with some concerns but I think we kind of solved those, right? There is a terrible amount of rumors out there, the rumor mill. When people come to me and they say, oh by the way, how about this, I always ask them, where did you get your hair cut Saturday. The barber sometimes knows more information sometimes than we do. It's terrible. One of Pat's neighbors is constantly bringing these rumors to the forefront and causing people concern. But I told Pat and she has,

call me, I'll tell you the truth. That's all I have under communication. Wade, do you have anything for us?

MR. CALHOUN: The brush pick-up for all quadrants has been completed. Hackett Tree Service did the final sweep earlier this week. Again, our Public Works Department, anybody that was missed, they are more than happy to come and pick it up, just call city hall for missed brush pick up. Our guys went through the city on Tuesday and today trying to scout those piles that may have been missed. We had a list that Hackett picked up on Monday. As far as we're concerned, the brush pick-up is done. Again, we'll give the next week and a half to two weeks, just in case people missed their pick-up to give us a call and we'll get it for them.

The Civil Service Commission is giving a Civil Service Exam for Public Works Laborer Operator on June 23rd, the end of next month we'll be giving that Civil Service Exam. We have an expired list of Civil Service candidates from the last time we gave the test. I think they expire every 2 years. This one we let lapse for at least a year, so we figured if and when we do have an opening we should have an active list to hire from. The test will be given on June 23rd.

Residents along the Saw Mill Creek Project that we're doing for the storm water; which runs from Mill Creek Park Bike Trail where Canfield School is all the way to Glenview, MS Consultants will have surveyors out there starting, I believe, next week. Residents should be receiving letters informing them that there will be survey crews in the area, mostly in people's backyards, side yards, following that creek. That's all I have under communications.

MR. MORVAY: Thank you, Wade.

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

MR. NEFF: We had a Planning & Zoning Meeting last week. It was a good meeting. We approved MCCTC new 30 x 30 building, it's going to be a work electrical lab. It's sort of unique, it was adding a building to a lot; which usually we don't like to approve but it's a special circumstance. It is a campus out there. It wasn't controversial. I'm sure Mike may expand on this but we also approved an extension on a porch of 9 feet at 150 High Street. We asked Council to approve daycare facility a change in the R/O designation as a permitted use. That's about it.

MR. MORVAY: Thank you, Mr. Neff. Mayor.

MR. DUFFETT: Mr. Chairman, I have the Mayor's Monthly Report for the month of April. Gross Collections \$4,962.07, total payouts \$426.00, net collection \$4,536.07.

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

MR. NACARATO: Design Review has not met since our last meeting.

MR. MORVAY: The Fire District continues to run and COVID is way down. Hutch said, we had one transport this whole month. That's good news. It seems like it's finally getting under bay. That's all I have to report for the Fire District. I'll move over to Mr. Colucci our Chief of Police.

CHIEF OF POLICE: Thank you. Two things tonight to report. First, I'd like to thank the Canfield Heritage Foundation specifically Bruce Neff. The Heritage Foundation, this past Saturday held a day to honor Peace Officer Memorial Day and all of our first responders. That was held at Loghurst Farm on 224, in the township. I know we had officers there. I unfortunately was unable to attend. I was bummed about that. Can you give us some feedback?

MR. NEFF: We had not only several police and cruisers out there but we had a couple of fire trucks and paramedics with ambulances. So, they only had one call that they had to leave for. It was nice and they really enjoyed getting a tour. Anybody, it's open to come out there, if you can't it Saturday or Sunday, we're open on the first and the third weekend and if you can't make it, just call and we'll give you a private tour. Thanks for participating, we enjoyed it.

CHIEF OF POLICE: Absolutely. I planned on being there but the rain on Mother's Day changed my plans that day to this past Saturday. Thank you and the group for doing that. I know that our people appreciate it, all of our first responders.

One of the gentlemen I work together with on our various county committees and organizations is Dennis O'Hare, he's the Mahoning County Emergency Management Director. Mahoning County recently adopted a new service and it's called Smart 911 System. I don't know if anybody has heard of it. It's been in place for about a month. We are going to post, assuming I get the blessing, we're going to post a link to this system on our website or Facebook, wherever we can. Basically, you don't need an app. You don't have to download an app. You can subscribe via text. If you're in bed sleeping and there is a tornado warning or severe weather alert, it will alert you automatically. In the evening, you're watching T.V., you get the tornado warning on T.V. you see it. If you're in bed sleeping you don't get it. This link we'll put on all our social media platforms. Anybody could subscribe to it. It's a service offered to everyone in Mahoning County. We'll put it out there on our social media platforms to make sure that both city and township residents have access to it. It's not just for storms. It's for anything significant that happens that you would need alerted to. I don't know if anyone has been awakened in the middle of the night by an Amber Alert, I would imagine it's going to be something similar to that. I applaud Mahoning County EMA for getting that done and we'll pass it along to our residents. We'll post that tomorrow.

MR. MORVAY: I'll move to our Finance Director Mrs. Christine Clayton.

FINANCE DIRECTOR: I'm going to upload the check registers to the website for March and April tomorrow. I've started working on letters that will go out to local banks requesting depository agreements for the next 5 years; which will be July 1, 2021 through June 30, 2026. Last

Monday, the Department of the Treasury released the interim final rule (that's exactly what they're calling it) the American Rescue Funding. Next month we'll have an Ordinance to create a new fund to deposit this money into.

MR. MORVAY: Do we know what that amount is Christine?

FINANCE DIRECTOR: I have not seen any updated spreadsheets. The very first one that they put out a couple months ago, 1.4 million, is that right Wade.

MR. CALHOUN: 1.4

FINANCE DIRECTOR: We get half this year and half 12 months later.

MR. MORVAY: Our Zoning Inspector, Mr. Michael Cook.

ZONING INSPECTOR: For the month of May, we issued 27 permits for a total valuation of \$275,050.00. The house at 201 South Broad just sold to Brian Brenner there will be a finance institution going in there. He's going to start doing a makeover, so there will be a big change on that corner. MCCTC will be sending me drawings for a new addition to their training center, a classroom, they'll be adding onto that in the back. I should be receiving them next week.

MR. MORVAY: I'm going to move to our City Manager, Wade Calhoun. Wade if there is anything that Mr. Rapp had for us, could you go over that as well?

MR. CALHOUN: John was excused this evening, he is attending his daughters, district track meet tonight. We wish her luck. John is there to support his daughter. He did provide his report. As I mentioned the brush pickup, crews were doing asphalt repairs on Camelot Court for the storm drainage project that was done there, installing new storm drains. Crews were doing water valve exercising, part of the Ohio EPA Requirements for Asset Management is to exercise all of the water valves in the city every 5 years, 3 to 5 years, one of the two. So far, they've exercised 8300 valves and 100 water main valves. I believe crews were actually moving onto the next quadrant, so we're potentially going to be ahead of whatever the EPA schedule is. Crews also camera sanitary sewer lines, we're trying to identify as part of a joint project that we're doing for Mahoning County is identifying areas where there might be significant infiltration of storm water into our sanitary sewer. We have our mobile crawler camera system out and cruiser out camera, videoing and then we go back and document any significant findings we have to provide them that information. Then just general ground and right-of-way maintenance, so mowing city parks and right of ways.

For my report, something to start thinking about for our meeting dates, typically we have one meeting in July and August, what we're looking at potentially doing is July 7th; which is the normal regular scheduled first Wednesday and August the 18th. Check those dates, if there is any conflict, let us know. If we don't hear, we'll probably have an agenda item on the next Council Meeting to set those dates. We're trying to have that first meeting in July due to the

OPWC, our resurfacing project every year, you can't spend or start your project, we can't receive OPWC Funds until July 1st. We can't technically start the project until July 1st. Every municipality that receives the OPWC Funds are essentially on the same resurfacing schedule where July 1st is the start date. So, the sooner we can get our bid awarded and legislation passed we can get in touch with the contractor to then schedule the project, so that we're not pushing into August, September, October for our resurfacing.

Just a quick update on the slew of projects we have going on. John Rapp and I will have a call next week with Jon Vollnogle with Howells & Baird regarding our Bradford Drive and Neff Drive waterline replacements. We're applying to WSRLA Loan Funds for that. We have to call to get those applications finalized and submitted. They're wrapping up with the design/engineering on all of those lines. Rudzik is set to begin the sanitary sewer, which is the phase 1 that takes the 12-inch line from Hunter's Woods to the Millcreek MetroParks interceptor and upgrades it to an 18-inch line. They're essentially going to be working in the street, installing the new line. Most likely, that work is going to take place at night not to impact traffic as much as we can because it will be shutting down one lane of traffic. That should start mid to late summer. S.E.T. is set to begin the water line extension to the Millennial Moments JEDD Property which is not much, it's about 100 linear feet of waterline that takes the fire hydrant on the northeast corner of 224 & Palmyra and takes it to the southeast corner of Millennial Moments JEDD Property. They anticipate starting that late June, early July. Then our resurfacing project, we're trying to start that as soon as we can after July 1st. We've got three streets we're doing this year that impact the schools. I think Hilltop, Moreland, and South Briarcliff. We want to get that resurfacing started as quickly as we can in the summer so that we don't impact the back to school traffic that inevitably comes every late August. We have our AMI Pilot Training scheduled for the week of June 14th. Crews have installed all but approximately 10 of the smart meters for our pilot program. We're going to do the software integration and get some training on how that actually happen, the first week of June. So, we're excited to start that pilot program and pulling those automated meter readings. Miller Pipeline for Columbia Gas that did the gas line replacements down 224, if you recall, our City Engineer, Steve Preston was able to negotiate that instead of jack and boring underneath the road, it would have been too cost prohibitive for them to do that, so in exchange for them not leaving those zipper patches across each intersection, they're going to resurface the entire intersection of 224 and 46. That is going to take place this week on Thursday and Friday evening. We wanted to accommodate the traffic congestion that any sort of daytime resurfacing work in that major intersection would have done. They're going to be completing that work this Thursday and Friday evening between the hours of 8:00 P.M. and 7:00 A.M. The police and fire department are well aware of it. Both John Rapp and Assistant Chief Weamer sent out emails to anybody impacted, just informing them. Officers will be out there monitoring. They'll have lane controls, traffic mitigation. Hopefully it will go quietly smooth where nobody will call us on Friday morning and say what's going on in the intersection. With the recent developments of the CDC Guidelines and the anticipated lifting of all the Governor's health orders we started internally talking about trying to do the events on the Village Green this year. I talked to Chief Hutchison and Chief Colucci about doing our Safety Day; which again I think is one of those great community events that we get the police, fire, sheriff and any other community groups out to sort of have that community

safety day. Our police department does an annual Christmas in July toy drive. We're going to try to put that together and get that done. I'd like to try to do, what we did, two summers ago; which is the food truck, music night where we had a cover band come and play, and a food truck. Then our fall festival sometime in September. As Patty, I think will share, I may steal her thunder, we do have our normal scheduled Monday night Concerts on the Green, that will be on schedule as normal. That's all I have.

CLERK: I posted the line-up for the Concerts on the Green to the city's website. There are 9 concerts this year. The first concert will be June 14th and the last concert is August 16th. There will be no concert on July 5th. The Canfield United Methodist Church is still debating on whether to have their Summer Suppers. In the pamphlet we provided a phone number to call ahead to see if they're going to have them.

ATTY. FORTUNATO: We will need an Executive Session for 2 purposed tonight. I advised Patty and Mr. Morvay that the second reason for the Executive Session required an additional vote. We'll walk you through that at that time. You have the daycare ordinance on your agenda tonight. There are 2 or 3 more Ordinances, I believe, Mike that are coming through the system that you're going to see relative to changes in the zoning code. We're working on a complete rewrite of the cemetery rules and regulations. John asked me to look at some stuff that had been recommended, that we actually prepared a couple of years ago that was never implemented, for whatever reason. We also have to do some columbarium regulations. It's probably a good time to re-write those rules and freshen those up. Then, Patty, Christine and I talked to the Mahoning County Board of Elections on Tuesday, the Police Levy Renewal process has to begin at the next council meeting. It will be a request for certification of funds from the County Auditor. We think at this point we're going to request that. We're not sure on a renewal, if that's necessary or not. It's important that we move that process along. It has to be submitted to the Board of Elections in August, August 4th. So, what everybody has to keep in mind, it's a police levy, but it frees up the General Fund, unencumbers the General Fund from the Police Department costs; which is a great thing for the city and allows the citizens to continue to receive that high-level of police service that they've always received. I think it's a bit of a misnomer to say it's a police levy, all of the money is utilized by the police department but it unencumbers the general fund from such costs. You'll see that on our next agenda. That's it for me.

MR. MORVAY: Thank you, Mr. Fortunato. These reports that you've just heard, now is the time or comment or question.

Under Public Questions from Residents:

MR. MICCHIA: Good evening, Frank Micchia, 220 Glenview. A question regarding street paving this year. Is there a list of the streets that are potentially going to be paved?

MR. CALHOUN: Yes. I think we had that on the website. If not, we can get it on there.

MR. MICCHIA: You can't enumerate it right now?

MR. CALHOUN: I know Moreland, Hilltop, S. Briarcliff, Holly St., maybe Southview. Four out of the five.

MR. MICCHIA: You usually do 10 streets, something like that.

MR. CALHOUN: Five to seven every year.

MR. MICCHIA: Okay, thank you.

MR. MORVAY: Anybody else?

MADONNA BARWICK: Madonna Barwick, 312 Verdant Lane. You mentioned about the concerts; but are we having the parade? If we are, are we going to have it on Saturday, the 3rd? Because ultimately, in the past, we've never had it on Sunday. This year the July 4th parade would be on a Sunday. I was just wondering as a 4-H Advisor, what we were going to do?

MR. CALHOUN: The 4th of July Committee is having the fireworks show at the Canfield Fairgrounds on Saturday evening, but the 4th of July parade will be on Monday the 5th.

MADONNA BARWICK: Thank you.

MR. CALHOUN: You're welcome.

MR. COREY MCLAIN: Corey McLain, 369 E. Main Street. I'm the guy that had the fire. The white house with the red barn. It's been standing since August 7th, nine months. If you could be a little bit more diligent with me, I'd appreciate it. I know my insurance company Allstate, sent you \$28,000 in case the homeowner skips town. I'm going through a legal battle with Allstate. They insured the house for \$270,000 and then they came out and evaluate the loss was \$370,000. So, I have to go back to my local agent to get the \$100,000. The house has to still stand for them to evaluate. My Attorney sent them a letter of intent. We're just waiting for them to get back to us on that. I don't have a timeline of when it will be down. I do plan on taking it down on my own. I'll be paying for that. But I just don't have a timeline yet.

ATTY. FORTUNATO: Statutorily, we're required to move forward once we receive the funds. You probably already got a letter from the city indicating that.

MR. COREY MCLAIN: I have not.

ATTY. FORTUNATO: That went out awhile ago.

MR. COREY MCLAIN: I have not received a letter.

ATTY. FORTUNATO: Probably about 2 weeks ago that went out. In any event, I'm going to need something from your Attorney explaining the process, explaining where you're at. Our next step is to move forward utilizing those insurance funds, if we have to, to abate the nuisance. Abate an unsafe situation. So, feel free to give.....

MR. MCLAIN: You can reach out to him. It's Corey Grimm in Boardman. G-R-I-M-M. He's right next to the Men's Wearhouse.

ATTY. FORTUNATO: Okay. Look for another letter. We can resend that first letter, if you didn't get it.

MR. MCLAIN: I can just pick it up at your office. Give me a call.

MR. MORVAY: Corey, I just want to comment, that house, we go by it every day, you're doing a fantastic job, I see you out there grooming the grass. It looks impeccable. Everything else, except for the house. I appreciate you keeping the property up.

MR. MCLAIN: It's hard to do. It's extremely hard to do. As you know, we've had open meetings with the Fire District, Hutchison about the fire and how the ball got dropped by the city. I'm trying my best to keep the property nice.

MR. CALHOUN: I'm sorry, but the city didn't drop the ball, in any capacity. I just want that on record.

MR. MORVAY: The Fire District. I think you were referring to the Fire District.

MR. MCLAIN: Yes, I was. The Fire District. So, it's hard to keep it up. Going by it, mowing it, its hurtful verses abandoning it and letting it be a nuisance, like the property across from Giant Eagle. I'll continue to do the best that I can.

MR. MORVAY: It looks nice. Thank you.

MR. MCLAIN: Thank you.

Under Recognition of Person Desiring To Appear Before Council:

MR. BRAD COOK: Good evening, Gentlemen. My name is Brad Cook, 293 Bradford. I don't think we're any relation, nice to meet you. I come here today, hoping to ask a question about what I hope is a rumor. I'd like to talk about the plan to cement a path to C.H. Campbell and the high school. Because as you could imagine, where my house is, the path right now goes along my sidewalk. So, it goes through my backyard. So, I want to know what the plan is. I'm a little frustrated that if there is a plan and nobody has spoken to me or my neighbors because nobody knows about it, other than the old lady down the street who has a lot of time on her hands. If that is the plan, why don't we just finish the sidewalks on Briarcliff and on Bradford, if

you want kids to be able to walk down the street to C.H. Campbell. How is it being funded? What's the estimated cost? I question the priority, if we're trying to get kids to C.H. Campbell, when C.H. Campbell has a whole heck of a lot of work that needs done. I think funds would be better used to fix C.H. Obviously, as a father of two young kids, I have a major concern about foot traffic coming through my backyard and the safety of my children. As the Police Chief said, there has been a couple of times that the cops have been called for stuff going on in those woods.

MR. MORVAY: Where is this at Brad?

MR. BRAD COOK: So, there is a dirt path that goes from Briarcliff through the woods, through my yard, across Bradford to C.H. It's been there for 40-50 years. I have no problem with that because it's not utilized a lot. What I've heard again, from the neighbor down the road, that has a whole lot of time to gossip, is that we're looking at turning it into a cement path and taking part of my property and my neighbor's property to add that cement path. My wife called Mr. Cook (no relation) said that there would be surveyors coming out to my property.

MR. CALHOUN: There is no plan. We authorized a study by M.S. Consultants for Cardinal Connector, is what we're calling it. To study the feasibility of the bike spur that comes in through Canfield High School and then either through directional signage, directing to that path, that connects then from Briarcliff to Bradford but also connects the high school to the Village Green. At this point, I don't know what that entails, if that's an approved path, if that's just leaving the path, as is, or if there is some sort of easement purchase that would need to be done in order to make that happen. We're at the very infant stages of a \$15,000 study to determine if that, part of that feasibility is going to be talking to and notifying homeowners on the availability of a 2 ½ to 5 foot right of way dedication to do something with that path. If a homeowner says no, that goes nowhere. Right now, that's where we're at. The rumor of there is a study being conducted but there are no substantial plans on a concrete pad, there is no estimated cost. It's a \$15,000 study that we got \$9,000 of Alternative Transportation Planning Grant from Eastgate to study. It's to look at how we connect. It's part of the overall Comprehensive Plan of the city, is really utilizing Mill Creek MetroParks Bike Trail to connect and bring people in and around the City of Canfield; which obviously encompasses our schools, our parks, and the different amenities.

MR. BRAD COOK: I can tell you right now, the path is basically my driveway. There is not a whole heck of a lot of room there. I don't know where you would intend to put a sidewalk.

MR. CALHOUN: I can't speak to what any sort of intent or plan would be. We've authorized a study to see how we make that plan happen. That plan may happen, that doesn't include that trail that connects South Briarcliff to Bradford. The study will also look at getting Canfield High School bike and pedestrian traffic down Brookpark, connected to the Village Green. It was one component of that study. Again, connecting the bike trail to the Canfield High School that's already right there, to the elementary school that's close by. We thought it made sense. It's a 40-year path, that has been there, it's the unofficial Cardinal Connector.

MR. BRAD COOK: It's on Google Maps.

MR. CALHOUN: It's actually on the map, correct.

MR. BRAD COOK: But again, it's foot traffic. It's not a lot of people. If we open it up, we're basically putting a sign saying, walk through my backyard.

MR. CALHOUN: Again, that's completely up to the homeowners. So, it doesn't happen if one homeowner says we're not going to allow

MR. BRAD COOK: Well, I can tell you, two of us are going to say, no.

MR. CALHOUN: That's completely fine.

MR. BRAD COOK: That's all I got. Thank you, guys.

MR. CALHOUN: One other point of clarification, the school is responsible for their facilities. So, any money that the city spends we cannot improve the school facilities.

MR. BRAD COOK: I know. It was just a point.

MR. MORVAY: Thank you. Mr. Micchia.

MR. FRANK MICCHIA: Good evening, Frank Micchia, 220 Glenview. Sometime ago, the American Legion erected a great flagpole on the Village Green. It is really a positive addition to the Green, a beautiful sight to behold. Especially coming down 46, you can see that flagpole with the light on it, all the way up to the turnpike. Now that the trees have leafed out, if you're coming down 46, you can't see it. I'm asking the city if we can take a look at some way to get that more visible to the people coming down 46, particularly in the summer time when there is a lot of leaves out on the trees? I don't have a solution but

MR. CALHOUN: We can cut down the trees.

MR. MICCHIA: That's one.

MR. CALHOUN: That's the only one.

MR. MICCHIA: Well, then, can the city cut the tree down?

MR. CALHOUN: Nope.

MR. MORVAY: Thank you, Frank.

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

Under **NEW BUSINESS**:

ITEM A: An Ordinance Authorizing the City Manager to Enter into An Agreement with the Board of Mahoning County Commissioners for Public Safety Dispatch Center Lobby Construction/Expansion.

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. DUFFETT: Second

ROLL CALL ON MOTION:	4 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:	4 Votes-Yes
	0 Votes-No
	Motion passes.

MR. NEFF: Mr. President, I have an Ordinance Authorizing the City Manager to Enter Into An Agreement with the Board of Mahoning County Commissioners for Public Safety Dispatch Center Lobby Construction/Expansion. I move for passage.

MR. NACARATO: Second.

MR. MORVAY: Wade can you brief us on this Ordinance, please?

MR. CALHOUN: Back in March, our City Engineer, Steve Preston made us aware of the availability of funds from Mahoning County Commissioners, for what they were calling, shovel ready projects, for communities that typically don't receive assistance for the various programs that Mahoning County administers throughout the county. So, that was right in the midst of us about to start the dispatch center remodel. Chief Colucci spoke with Commissioner Carol Rimedio-Righetti, to sort of feel out what sort of parameters are, so we can request those funds and what the process was. Essentially, it just required an email request. It should be in your

package. Chief Colucci wrote a very well-written email request, requesting a little bit more than the funds that were awarded however, we're happy to get the \$50,000 that they did award us to assist in fully completing the dispatch center remodel. This Ordinance codifies and authorized me to enter into the agreement with the Mahoning County Board of Commissioners for that \$50,000 grant.

MR. MORVAY: Great. Thank you, Wade. Council any questions? Hearing none, are there any questions from residents? Hearing none, Patty.

ROLL CALL ON ORDINANCE:

4 Votes-Yes
0 Votes-No
Ordinance passes.
Ordinance 2021-25.

MR. NEFF: I'd like to thank the Police Chief, Steve Preston and the staff, Wade for getting this grant.

ITEM B: An Ordinance Amending Section 1141.11 Residential Office and Section 1123.01 Definitions adding "Daycare Facilities" to the Canfield Zoning Ordinance.

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. NEFF: Second.

ROLL CALL ON MOTION:

4 Votes-Yes
0 Votes-No
Motion passes.

MR. DUFFETT: Mr. President, I have an Ordinance Amending Section 1141.11 Residential Office and Section 1123.01 Definitions adding "Daycare Facilities" to the Canfield Zoning Ordinance. This constitutes first reading.

MR. MORVAY: Thank you. That public hearing will be June 16, 2021 at 5:20 P.M.

MR. MORVAY: At this time, we're going to move into Executive Session when we come back out we will not be taking any action. If you want to stick around, that's fine. If not, we're just going to come back, reconvene and then adjourn. Mr. Nacarato, could you get me into Executive Session, please?

MR. NACARTO: Mr. President, I have a Motion to go into Executive Session pursuant to ORC 121.22 (g) (2) to consider the purchase of property for public purposes and pursuant to ORC

121.22 (g) (8) to consider confidential information related to specific business plans and strategies for an applicant for economic assistance. I move for passage.

MR. NEFF: Second.

ROLL CALL ON MOTION:	4 Votes-Yes
	0 Votes-No
	Motion passes.

ATTY. FORTUNATO: So, a Motion for Executive Session under that particular section (g) provides that there be a roll call vote by unanimous consent that the Executive Session is necessary to protect the interest of an applicant for the possible investment or expenditure of public funds to be made in connection with an economic development project. Can we have a roll call vote on that.

ROLL CALL ON MOTION:	4 Votes-Yes
	0 Votes-No
	Motion passes.

Council went into Executive Session at 6:17 P.M.

Council reconvened from Executive Session at 6:46 P.M.

Mr. Nacarato made a Motion to adjourn

Mr. Duffett seconded the Motion

ROLL CALL ON MOTION:	4 Votes-Yes
	0 Votes-No
	Motion passes.

PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL