

## AGENDA

### CANFIELD CITY COUNCIL

September 1, 2021 -5:30 P.M.

#### FRANCIS J. McLAUGHLIN MUNICIPAL BUILDING

1. Call to Order.
2. Pledge of Allegiance.
3. Roll Call: Quorum is Present - Meeting is in Session.
4. Proclamations & Presentations.
5. Approval of Minutes.
6. Reading of Communications.
7. Reports of Committees, Boards, Mayor's Report, City Manager, Finance Director, Chief of Police, Zoning Inspector and Public Works Superintendent.
8. Public questions from residents (or representative) related to the above referenced reports. Questions may be limited to three (3) minutes.
9. Recognition of Persons Desiring to Appear Before Council.
10. OLD BUSINESS  
Note: After each item is placed on the table for action, public comments from residents (or representative) as to that business item are received. May be limited to three (3) minutes per person and thirty (30) minutes total.
11. NEW BUSINESS  
Note: After each item is placed on the table for action, public comments from residents (or representative) as to that business item are received. May be limited to three (3) minutes per person and thirty (30) minutes total.

- A. An **Ordinance** Providing That A Charter Amendment Shall Be Submitted To The Electors Of The City Of Canfield For Adoption or Rejection At The Regular Municipal Election To Be Held On November 2, 2021, Pursuant To Section 11.03 Of The Charter Of The City Of Canfield and Article 18, Section 9 Of The Constitution of Ohio. (Section 3.01)

#### ***Description:***

At the June 2<sup>nd</sup> City Council meeting, Mr. Mark Brooks from Nashville, TN representing the Utility Workers Union of America (UWUA) appeared before Council to inform us that they (UWUA) will be circulating petitions over the summer to place a proposed Charter amendment on the November ballot to change Councilmember terms from the current four (4) year term, to two (2) year terms.

Subsequently, Law Director Mark Fortunato received a letter from Mr. Mark Brooks of the UWUA requesting advisement on any perceived technical or legal issues with the two (2) proposed Charter amendments being initiated by the UWUA.

During the week of August 9<sup>th</sup> through August 16<sup>th</sup> Mr. Chris Hughes from Columbus, Ohio circulated petitions throughout certain areas of the City of Canfield.

On August 18, 2021 Mr. Mark Brooks of the UWUA delivered three (3) initiative petitions containing a cover letter signed by City resident Matt Warren and signature pages from the qualified elector of the City of Canfield to Council Clerk Patty Bernat. The petitions were then held for ten (10) days to allow for public inspection, and on Monday, August

30<sup>th</sup> the original petitions were submitted to the Mahoning County Board of Elections for validation of the required number of signatures for the proposed Charter Amendments.

Mahoning County Board of Elections has validated that a sufficient number of signatures have been obtained to place the following proposed Charter Amendment for the City of Canfield on the November 2, 2021 General Election ballot:

“The second paragraph of Section 3.01 of the Charter of the City of Canfield shall be amended to read as follows:

*“In the general election of November 2023, all councilmembers will be elected to a term of two (2) years. Subsequently, all councilmembers shall be elected to serve two (2) year terms. Councilmembers may serve a maximum of no more than four (4) consecutive terms including pervious completed terms. A councilmember will be eligible for election to any office after an intervening term. The mayor shall be elected in the manner provided by Section 3.05 of this Charter.”*

Pursuant to City of Canfield Charter Section 11.02 and Article 18 Section 9 of the Ohio Constitution, submission of the proposed amendments to the electors shall be governed by the requires of section 8, which reads as follows:

*“The ordinance providing for the submission of such question shall require that it be submitted to the electors at the next regular municipal election if one shall occur not less than sixty nor more than one hundred and twenty days after its passage; otherwise it shall provide for the submission of the question at a special election to be called and held within the time aforesaid.”*

This Ordinance provides for the preceding cited Charter Amendment be submitted to the electors of the City of Canfield for either rejection or adoption at the next regular Municipal Election to be held on November 2, 2021.

**Action Needed:**

**Attachment(s):**

Ordinance providing for changer amendment to be submitted to the electors (Section 3.01)

June 2, 2021 City Council Meeting Minute excerpt

June 24, 2021 Mark Brooks letter to Law Director Mark Fortunato

August 18, 2021 Submission Letter (Matt Warren)

Petitions for Submission of Proposed Amendments to Charter

Public Comments.

- B. An **Ordinance** Providing That A Charter Amendment Shall Be Submitted To The Electors Of The City of Canfield For Adoption or Rejection At The Regular Municipal Election To Be Held On November 2, 2021, Pursuant To Section 11.03 Of The Charter Of The City of Canfield And Article 18, Section 9 Of The Constitution Of Ohio. (Section 11.09)

**Description:**

At the June 2<sup>nd</sup> City Council meeting, Mr. Mark Brooks from Nashville, TN representing the Utility Workers Union of America (UWUA) appeared before Council to inform us that they (UWUA) will be circulating petitions over the summer to place a proposed Charter amendment on the November ballot to change Councilmember terms from the current four (4) year term, to two (2) year terms.

Subsequently, Law Director Mark Fortunato received a letter from Mr. Mark Brooks of the UWUA requesting advisement on any perceived technical or legal issues with the two (2) proposed Charter amendments being initiated by the UWUA.

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Mahoning County Board of Elections has validated that a sufficient number of signatures have been obtained to place the following proposed Charter Amendment for the City of Canfield on the November 2, 2021 General Election ballot:

The Charter of the City of Canfield shall be amended by adding the following new Section 11.09 to Article XI of the Charter:

**“SECTION 11.09 RESTRICTION ON USE OF MUNICIPALITY RESOURCES FOR IMPROPER PURPOSES**

*“No managerial employee of the Municipality may use or authorize the use of any funds or resources of the Municipality, including any staff time compensated by the Municipality, for the purpose of supporting or opposing the nomination or election of any candidate for elected office, any levy, initiative, referendum or Charter amendment, or any petition to place before the electors any initiative, referendum, recall, or Charter amendment.”*

*“Any action by a managerial employee to restrain, coerce, intimidate, or direct any employee of the Municipality to further any of the foregoing shall be considered a violation of this section.”*

*“Any managerial employee violating the provisions of this section shall forfeit their position with the Municipality and shall be ineligible for any employment by the Municipality for a period of five years. The procedure for removal of a managerial employee charged with violating this section shall be the same procedure as in the case of removal of the Manager by City Council, as provide in Section 5.07 of this Charter; except that any vacancy creating in any position by removal of a managerial employee pursuant to this section shall be filled in the same manner as is otherwise provided by this Charter or City ordinance for filling vacancies in that position.”*

*“For the purposes of this section a ‘managerial employee’; shall include the City Manager, Assistant or Deputy Managers, the Directors of Safety, Service, and Finance, the Police Chief, the Public Works Superintendent, the Municipal Attorney, and any other employee with similar managerial or supervisory responsibilities; provided that no employee whose position is included in the classifieds service of the Municipality shall be considered a managerial employee.”*

*“Nothing in this section authorizes any use of funds or resources of the Municipality which is otherwise prohibited or restricted by law.”*

Pursuant to City of Canfield Charter Section 11.02 and Article 18 Section 9 of the Ohio Constitution, submission of the proposed amendments to the electors shall be governed by the requires of section 8, which reads as follows:

*“The ordinance providing for the submission of such question shall require that it be submitted to the electors at the next regular municipal election if one shall occur not less than sixty nor more than one hundred and twenty days after its passage; otherwise it shall provide for the submission of the question at a special election to be called and held within the time aforesaid.”*

This Ordinance provides for the preceding cited Charter Amendment be submitted to the electors of the City of Canfield for either rejection or adoption at the next regular Municipal Election to be held on November 2, 2021.

**Action Needed:**

**Attachment(s):**

Ordinance providing for charter amendment to be submitted to the electors (Section 11.09)

See "Item A" Attachments

Public Comments.

- C. An **Ordinance** Providing That A Charter Amendment Shall Be Submitted To The Electors Of The City of Canfield For Adoption or Rejection At The Regular Municipal Election To Be Held On November 2, 2021, Pursuant To Section 11.03 Of The Charter Of The City of Canfield And Article 18, Section 9 Of The Constitution of Ohio. (Section 5.08)

**Description:**

At the June 2<sup>nd</sup> City Council meeting, Mr. Mark Brooks from Nashville, TN representing the Utility Workers Union of America (UWUA) appeared before Council to inform us that they (UWUA) will be circulating petitions over the summer to place a proposed Charter amendment on the November ballot to change Councilmember terms from the current four (4) year term, to two (2) year terms.

Subsequently, Law Director Mark Fortunato received a letter from Mr. Mark Brooks of the UWUA requesting advisement on any perceived technical or legal issues with the two (2) proposed Charter amendments being initiated by the UWUA.

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Mahoning County Board of Elections has validated that a sufficient number of signatures have been obtained to place the following proposed Charter Amendment for the City of Canfield on the November 2, 2021 General Election ballot:

**"SECTION 5.08 REMOVAL OF CITY MANAGER BY ELECTORS**

*"The electors shall have the power to remove from office any City Manager who has served as Manager for at least six (6) months. The procedure for removal of the Manager by the electors shall be the same procedure as in the case of removal from office by recall election of any elected officer of the Municipality, as provided in Section 8.05 of this Charter."*

*"Any City manager removed from office by the electors pursuant to this section shall be ineligible for any employment by the Municipality for a period of four years, except that said removal shall not bars such person from becoming a candidate for elected office of the Municipality at any subsequent election."*

Pursuant to City of Canfield Charter Section 11.02 and Article 18 Section 9 of the Ohio Constitution, submission of the proposed amendments to the electors shall be governed by the requires of section 8, which reads as follows:

*"The ordinance providing for the submission of such question shall require that it be submitted to the electors at the next regular municipal election if one shall occur not less than sixty nor more than one hundred and twenty days after its passage; otherwise it shall provide for the submission of the question at a special election to be called and held within the time aforesaid."*

This Ordinance provides for the preceding cited Charter Amendment be submitted to the electors of the City of Canfield for either rejection or adoption at the next regular Municipal Election to be held on November 2, 2021.

***Action Needed:***

***Attachment(s):***

Ordinance providing for changer amendment to be submitted to the electors (Section 5.08)

See "Item A" Attachments

Public Comments.

- D. An **Ordinance** Creating A Millennial Moments Joint Economic Development District Agency Fund.

***Description:***

As part of the funds that will be received by the City of Canfield from the Millennial Moments Joint Economic Development District (Millennial Moments JEDD), and on the guidance issued by the Auditor of the state of Ohio, the funds received must be accounted for separate and independent from general City of Canfield funds.

In order to appropriately account for and track the disbursement of these funds and the related expenditure of these funds, the City of Canfield is required to create a separate fund.

This Ordinance creates the Millennial Moments Joint Economic Development District Agency Fund for the City of Canfield.

***Action Needed:***

Approval of ordinance creating a Millennial Moments Joint Economic Development District Agency Fund.

***Attachment(s):***

Ordinance creating a Millennial Moments Joint Economic Development District Agency Fund.

Public Comments

- E. An **Ordinance** Authorizing Change Order Number 2 for S.E.T. Inc. (Millennial Moments Waterline Extension)

***Description:***

As a result of the changes that were made for Change Order Number 1 for S.E.T. Inc. (Millennial Moments Waterline Extension) additional materials and work needed to be performed. Most notably the boring pits for the waterline install under Palmyra Rd. had to be relocated and additional materials were needed.

This Ordinance authorizes the modification described above as Change Order No. 2 for S.E.T., Inc. for the Millennial Moments Waterline Extension project. The amount of this change order is \$6,087.65. The final total cost of this project with the two change orders was \$120,645.60.

***Action Needed:***

Approval of Ordinance authorizing change order number 2 for S.E.T. Inc. (Millennial Moments Waterline Extension).

***Attachment(s):***

Ordinance authorizing change order number 2 for S.E.T. Inc. (Millennial Moments Waterline Extension).

Change Order Request Form #2

Public Comments.

12. Council Comments.

13. Adjournment

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

## **ORDINANCE**

AN ORDINANCE PROVIDING THAT A CHARTER AMENDMENT SHALL BE SUBMITTED TO THE ELECTORS OF THE CITY OF CANFIELD FOR ADOPTION OR REJECTION AT THE REGULAR MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 2, 2021, PURSUANT TO SECTION 11.03 OF THE CHARTER OF THE CITY OF CANFIELD AND ARTICLE 18, SECTION 9 OF THE CONSTITUTION OF OHIO.  
**(SECTION 3.01)**

WHEREAS, electors of the municipality have submitted petitions for the amendment of the Charter of the City of Canfield, and

WHEREAS, such petitions were submitted in accordance with the requirements of Section 9.03 of the Charter and Article 18, Section 9 of the Constitution of Ohio, and

WHEREAS, the Council of the City of Canfield must submit the Charter amendment to the electors for adoption or rejection at the regular Ohio municipal election to be held on November, 2, 2021 in the City of Canfield.

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

Section 1: That a Charter amendment shall be submitted to the electors of the City of Canfield for adoption or rejection at the regular Municipal Election to be held on November, 2, 2021, pursuant to Section 11.03 of the Charter of the City of Canfield and Article 18, Section 9 of the Constitution of the State of Ohio, amending Section 3.01 of the Charter to read as follows:

The second paragraph of Section 3.01 of the Charter of the City of Canfield shall be amended to read as follows:

“In the general election of November 2023, all councilmembers will be elected to a term of two (2) years. Subsequently, all councilmembers shall be elected to serve two (2) year terms. Councilmembers may serve a maximum of no more than four (4) consecutive terms including previous completed terms. A councilmember will be eligible for election to any office after an intervening term. The Mayor shall be elected in the manner provided by Section 3.05 of this Charter.

Section 2: That the provisions of Section 3.01 above shall be effective January 1, 2022, provided said provisions are adopted by the electors at the regular Municipal Election to be held on November 2, 2021, in the City of Canfield, Ohio.

Section 3: The Clerk of Council is hereby directed to certify the foregoing proposed amendment to the Board of Elections of Mahoning County, Ohio for submission to the electors of the City of Canfield as provided by law.

Section 4: That the Board of Elections of Mahoning County, Ohio shall certify to the Council of the City of Canfield the results of the vote upon said amendment, and if said amendment is approved by the majority of the electors voting thereon, it shall become a part of the Charter of the Municipality of Canfield as hereinbefore set forth, in accordance with the provision for taking effect set forth in Section 2.

Section 5: Upon certification to the Council by the Board of Elections of Mahoning County, Ohio, that the amendment proposed in this Ordinance shall have been approved by a majority of the electors voting thereon, it shall be the duty of the Clerk of Council to certify a

copy of said amendment to the Secretary of the State of Ohio, as required by the Constitution of the State of Ohio.

Section 6: That the Clerk of Council is hereby directed to publish the passage of the proposed amendment pursuant to Article XVIII, Section 9, of the Constitution of the State of Ohio and Section 731.21.1 of the Ohio Revised Code.

Section 7: That this Ordinance and all deliberations relating to the passage of this Ordinance were held in open meetings 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.

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

ATTEST:

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



UTILITY WORKERS UNION OF AMERICA

JAMES SLEVIN  
PRESIDENT

PATRICK M. DILLON  
EXECUTIVE VICE PRESIDENT

MICHAEL COLEMAN  
SECRETARY-TREASURER

JOHN DUFFY  
VICE PRESIDENT

Affiliated with A.F.L.-C.I.O.



MARK BROOKS  
SPECIAL COUNSEL  
TO THE PRESIDENT  
521 CENTRAL AVENUE  
NASHVILLE, TN 37211  
615-259-1186  
markbrooks@uwua.net



**Via U.S. Mail & Email**

June 24, 2021

Mark Fortunato  
Attorney at Law  
3296 Stones Throw Avenue  
Poland, OH 44514

Re: City of Canfield – proposed charter amendments

Dear Mr. Fortunato:

I am writing on behalf of the UWUA to bring to your attention two charter amendments that we expect to circulate to voters in the City of Canfield. My expectation is that these would be filed with City Council in early August, leaving sufficient time for Council to validate the signatures before the August 18 Council meeting and then to certify the proposed amendments to the county Board of Elections in time for placement on the ballot for the November 2 general election.

I am aware that, under Ohio law, the City Council has virtually no discretion in reviewing the substance of proposed charter amendments before submitting them to the voters, since Council's power extends only to "matters of form or 'administrative determinations' concerning the number of valid signatures." *State ex rel. Polcyn v. Burkhardt*, 292 N.E.2d 883 (Ohio 1973); *see also* 1982 Ohio Op. Atty Gen. 57.

However, I am also aware that the city was required to initiate litigation after the voters adopted charter amendments in 2012, in order to clarify perceived conflicts between the text of the revisions and state law. We would like to avoid the possibility of any such issues arising in the future, which would clearly be in the best interests of everyone concerned.

I would therefore be grateful if you could advise me if you or other city representatives perceive any technical or legal issues with these two proposed amendments. If I do not hear anything to the contrary, we will assume that the city has no substantive objections to these proposals.

Thank you for your kind attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Mark Brooks".

Mark Brooks

## Petition for Submission of Proposed Amendment to Charter

Constitution of Ohio, Art. XVIII, Section 9 and 14; R.C. 731.28 - .41, 3503.06

To be signed by ten percent of the electors, based upon the total vote cast at the last preceding general municipal election.

(NOTE – The below notice must be printed in red.)

**NOTICE – Whoever knowingly signs this petition more than once, signs a name other than his own, or signs when not a legal voter is liable to prosecution.**

To the Council, the legislative authority of the City of Canfield of  
(City or Village)  
Mahoning, Ohio.

We, the undersigned, qualified electors of the City of Canfield of  
(City or Village)  
Mahoning, Ohio respectfully petition the legislative authority to forthwith provide by Ordinance, for the submission to the electors of said city or village, the following proposed amendment to the Charter of said city or village to-wit:

Article III, Section 3.01 of the Charter of the City of Canfield shall be amended to reduce the term of office for City Council members from four-year terms to two-year terms. The first two paragraphs of amended Section 3.01 shall provide as follows:

### "SECTION 3.01 NUMBER AND TERM

"The legislative powers of the Municipality except as otherwise provided by this Charter and the Constitution of the State of Ohio, shall be vested in a council of five (5) members consisting of the Mayor and four (4) persons elected from the Municipality at large.

"In the general election of November 2023, all council members will be elected to a term of two (2) years up to a maximum of four (4) consecutive terms including previous completed terms. Subsequently, all council members shall be elected to serve two (2) year terms. A council member will be eligible for election to any office after an intervening term. The mayor shall be elected in a manner provided by Section 3.05 of this Charter."

2023  
2025  
2027

## Petition for Submission of Proposed Amendment to Charter

*Constitution of Ohio, Art. XVIII, Section 9 and 14; R.C. 731.28 - .41, 3503.06*

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(NOTE – The below notice must be printed in red.)

**NOTICE – Whoever knowingly signs this petition more than once, signs a name other than his own, or signs when not a legal voter is liable to prosecution.**

To the Council, the legislative authority of the City of Canfield of  
(City or Village)

Mahoning, Ohio.

We, the undersigned, qualified electors of the City of Canfield of  
(City or Village)

Mahoning, Ohio respectfully petition the legislative authority to forthwith provide by

Ordinance, for the submission to the electors of said city or village, the following proposed amendment to the Charter of said city or village to-wit:

The Charter of the City of Canfield shall be amended by adding the following new Section 5.08 to Article V of the Charter:

### “SECTION 5.08 REMOVAL OF CITY MANAGER BY ELECTORS

“The electors shall have the power to remove from office any City Manager who has served as Manager for at least six (6) months. The procedure for removal of the Manager by the electors shall be the same procedure as in the case of removal from office by recall election of any elected officer of the Municipality, as provided in Section 8.05 of this Charter.”

Matthew Warren  
122 Neff Drive  
Canfield, OH 44406

August 18, 2021

John Morvay  
President of Council  
City of Canfield  
104 Lisbon Street  
Canfield, Ohio 44406

Dear Council President Morvay:

I am hereby filing with City Council three initiative petitions signed by the requisite number of qualified electors of the City of Canfield proposing amendments to the Charter of the City of Canfield, Ohio:

- (1) an amendment to the second paragraph of Section 3.01 of the Charter to change councilmember terms from four years to two years, comprised of 10 part-petitions containing 223 signatures;
- (2) a new Section 5.08 to Article V of the Charter titled "REMOVAL OF CITY MANAGER BY ELECTORS," comprised of 10 part-petitions containing 227 signatures; and
- (3) a new Section 11.09 to Article XI of the Charter titled "SECTION 11.09 RESTRICTION ON USE OF MUNICIPALITY RESOURCES FOR IMPROPER PURPOSES," comprised of 10 part-petitions containing 233 signatures.

In accordance with Sections 8 and 9 of Article XVIII of the Ohio Constitution, City Council must pass an ordinance providing for the submission of a municipal charter amendment proposed by initiative petition at the next regular municipal election if one is occurring within 60 to 120 days from the date of the ordinance's passage. Sixty days before the 2021 general election is September 3, 2021. Thus, there is more than sufficient time for the Canfield City Council to vote to submit these proposed amendments to the voters of Canfield at the November 2, 2021, general election.

Respectfully submitted,



Matthew Warren

MR. TIECHE: Okay. I've been on the other side of that where they're painted and it's difficult to get off.

MR. NEFF: Is the pipe that is out by the bowling alley, is that sanitary?

MR. CALHOUN: Yes. Rudzik talked to the lot owner there and they've staged their pipe there. That's the pipe that's going to go from Hunter's Woods to the Mill Creek MetroParks.

MR. NEFF: It's actually going to go in the street. Interesting. What's larger than, it's 24 inches?

MR. CALHOUN: 18".

MR. NEFF: 18 inches, boy it looks larger than that. Thank you.

MR. MORVAY: I will open it up to residents/citizens who have a question regarding these reports.

#### Under **Public Questions** Regarding Reports.

MR. MARK BROOKS: I do. Thank you, Council President Morvay. Not necessarily on the reports. My name is Mark Brooks and I'm with the Utility Workers Union of America. As Council knows, we're very proud to represent the hourly employees of the City of Canfield.

MR. MORVAY: Mark, just for the record, your address please.

MR. MARK BROOKS: Yes, 521 Central Avenue Nashville, TN.

MR. MORVAY: Thank you.

MR. MARK BROOKS: I want to take this opportunity to let the Council and the voting public in Canfield know that we'll be circulating petitions this summer to place a proposed Charter Amendment on the November ballot, to return the terms of council members from 4 years back to 2 years; as it used to be. A few years ago, a prominent Canfield citizen spent an awful lot of shoe leather to put this issue on the ballot to establish 2-year terms for the City Council members. The voters agreed with him that 2-year terms are an appropriate length of term. They passed that Charter Amendment by 58% of the vote. Council members at that time, Council Member Nacarato excluded, didn't like result, the will of the voters on that question. Therefore, a few years later decided to vote in favor of putting a proposal to voters, to return from 2-year terms back to 4-year terms. That vote barely squeaked by in 2018 with like a 44 vote. A slim margin. So, we think the voters had the better of it originally. The 2-year terms are really the better policy for local grassroots government, at the municipal level. This actually provides more accountability of council members to the voters who elect you to represent them. One thing that struck me, I was reading the council minutes from 2018 when this was discussed and several council members made an argument in favor of 4-year terms; which strikes me as completely wrong headed. That is the argument that two years just isn't enough time to get anything done



at City Council. With all due respect, we believe that this completely misses the point. Which is, if the voters believe members of council are doing a good job, then in 2 years they will vote to re-elect you. If they don't think that you're doing a good job, then they should have the right to choose completely different council, if that's what they want to do. We think that actually represents the best of democracy. We think that's the fairest way to do this. In closing, I just want to encourage the council members to revisit your thoughts on this question and to join with us in reforming the Charter, to go back to two-year term limits, for the 4 city council members, not the Mayor. More to the point, we hope that voters in Canfield will support us in this effort as well. We encourage voters to contact us if they're interested in supporting our efforts or to learn more, visit our website at Canfieldreform.com. It's [www.canfieldreform.com](http://www.canfieldreform.com). There is more information there. There is more information on how you can contact us, so that we can reach out to the public and start circulating petitions this summer. I appreciate your time. Thank you so much.

MR. MORVAY: Mark, I know you said two-year terms but what length of the two-year terms? How many two-year terms can you run for?

MR. MARK BROOKS: Currently, we're not thinking about changing the 4-year terms, the 4 terms, term limits. Personally, I think that's long. But for now, I think that the important thing is really, how often do the voters get a chance to pass judgement on how the council is doing. If you're doing a great job, you get elected to 4-year terms, fantastic. 4-terms, I'm sorry, 4 terms, that would be a total of 8; which to me is a long time. Currently the way you have it, 4-year terms at 4 terms, you're 16 years. As everybody here knows, this is not a career, you're basically volunteering public service. Sixteen years is a long time to stay in office. Our proposal will possibly bring you back to a total of 8. Two-year terms, four terms in office.

ATTY. FORTUNATO: What's the motivation of a union organization in Nashville to do this in Canfield?

MR. MARK BROOKS: Well, we are actually a nationwide organization.

ATTY. FORTUNATO: But headquarter in Nashville?

MR. MARK BROOKS: No, that's where I live.

ATTY. FORTUNATO: I looked on the website and I thought your offices were in Nashville.

MR. MARK BROOKS: That's where I live.

ATTY. FORTUNATO: What's the motivation?

MR. MARK BROOKS: We're a nationwide organization. We're an organization that is proud of the fact that we represent workers, we stand up for the community as well. If you read our constitution you'll find, for example, part of our mission is to stand up for utility customers, which

in this case, of course is your citizens. The city runs the (inaudible). Our motivation is good governing. We're a bit new to Canfield, to answer your question. We've been representing your hourly employees here for a couple of years. To be honest with you, whenever we represent workers in a community, we engage in the community. We believe that's our role as good citizens.

MR. TIECHE: So, you don't believe in 4-year terms, have staggered 4-year terms, so you have some members of council staying on, while other members come onboard, and then have term limits based on that 4-year term.

MR. MARK BROOKS: I'm so glad you asked this question Council Member Tieche. We are totally opposed to staggered terms.

MR. TIECHE: You're totally opposed to staggered terms?

MR. MARK BROOKS: Yes, sir.

MR. TIECHE: It's okay for everybody to leave at one time?

MR. MARK BROOKS: If the voters choose to do so, yes. The voters should have the right to decide. It's not really the council's right to decide, it's the voters to decide what they want their city government. We believe that if the voters choose to replace the entire council, that's democracy. That's actually how it should be. The voters should decide. A lot of our conservative friends always make the argument that government should be like business. Actually, I kind of agree with that. You will not find a Fortune 500 Company, you'd be hard-pressed to find any Fortune 500 Company in this country that still has staggered terms. Corporate America for the past 20 years has rejected staggered terms and they've agreed with investors that actually if the investors (the voters) want to replace the entire board of directors (City Council) in any given year, they should have the right to do so. I would encourage you to follow that model and not to even think about proposing staggered terms. If you do, of course, we'll oppose it. If we pass 2-year terms, then of course it's a moot point, you can't stagger 2-year terms. I hope that answered your question.

MR. TIECHE: It answered my question. I don't agree with it but it answered my question.

MR. NEFF: Mark, have you ever served as an elected official?

MR. MARK BROOKS: I have not. I have served as a local union official.

MR. NEFF: But not an elected.

MR. MARK BROOKS: Well, I was elected by my peers. I ran for election every year.

MR. MORVAY: I would love to sit down and debate with you about these term limits.

MR. TIECHE: it seems to me enter into the whole political process into elections when we're having them every 2 years, it becomes more of a political decision as to who gets elected, rather than those individuals that can necessarily follow up and do the job and that kind of thing. You're going to disagree with that but that's my opinion.

MR. MARK BROOKS: I respect your point of view, sir. I would argue that it's the will of the voters. The voters in a democracy are supposed to be able to pass judgement on their elected leaders, periodically, on a regular basis. In our view, at the local level, we're talking about city government here, a municipality, your proper time to do that is every two years. There will be some continuity, the Mayor is 4-year terms.

MR. MORVAY: Other than opening somebody's road or allowing bees in someone's backyard, this is usually what it looks like here. There is not a whole lot of interest. I bet if you went to 50% of our constituents, they wouldn't even know how this government runs. So, the people here, I know these guys, they are quality guys sitting beside me. They're giving their time for \$100.00 a meeting or \$200.00 a meeting, whatever it is. They're dedicated. They understand this city and how it runs and care about the city. Be careful. Just be careful.

MR. MARK BROOKS: If I were a voter, I'd probably vote to re-elect you all. The point is, I'd like to have a right to do that every two years. I think the voters should have that option. By the way, the last time you discussed this in 2018, there were quite a few people in the room who attended. So, there are people in this community who do care about this issue. There are 58% of the voters who voted our way in 2012.

MR. MORVAY: Why did you sign Frank's petition?

MR. NACARATO: Why did I sign Frank's petition? Because I was new to the community and didn't know better.

MR. MORVAY: There you go.

ATTY. FORTUNATO: I would argue with you that many of the voters thought that it was a city proposed amendment and they signed it. I think, had they realized it wasn't, they would not have signed it. I think they thought on election day, that those charter amendments being proposed were being proposed by council and they voted for them.

MR. MARK BROOKS: I would argue that we should leave this to the voters. I quibble with you about the language that was presented on the ballot in 2018. A lot of voters probably thought they were establishing new terms limits for example. The way that it was worded it sounded like, oh great, term limits, we should go with 4 term limits. In fact, what you're doing is going from 3 term limits to 4. So, I think it was misleading too. I don't really want to argue the details of that. I think it's best that we let the voters decide. I do appreciate your time.



MR. TIECHE: Are you familiar with the council/manager form of government?

MR. MARK BROOKS: I am.

MR. TIECHE: Thank you.

MR. CALHOUN: I have one quick question. You mentioned the nationwide reach of the UWUA and the engagement in the local communities that you represent. How many of these types of initiatives are you trying to change charters in local communities that you are currently engaged in?

MR. MARK BROOKS: We just engaged with the people in Highland County, in Ohio to elect a board of directors to that water company. It's a private non-profit corporation, organized like a co-op. So, the customers are the voters in that case. As good utility workers we believe that the customers should have their voices heard. We worked with a group of customers there and in fact elected a completely new majority on the board of directors because we thought it would better service the customers. We've engaged on the public level in Rialto California for example, the City of Los Angeles, City of New York, many places. Small towns, big cities.

MR. CALHOUN: So, in all those instances you were trying to change Charter forms of Government or change .....

MR. MARK BROOKS: Not in all those instances.

MR. CALHOUN: That was the question. You're mentioning cities that you represent workers in.

MR. MARK BROOKS: Well, we engage politically. Whatever the issue may be.

MR. CALHOUN: My question was how many of these types of engagements are you actively in right now? Specific to the State of Ohio?

MR. MARK BROOKS: Highland County, water. What we did there is we amended the bylaws to basically reduce the term of office for the directors and also to require the corporation to give..... huh?

MR. CALHOUN: It's a private water district. Highland County.

MR. MARK BROOKS: It's a co-op

MR. CALHOUN: Okay.

MR. BROOKS: A private non-profit co-op; which is not unlike a municipality.

MR. CALHOUN: So, specific to municipalities, how many in the State of Ohio are you currently engaged in?

MR. MARK BROOKS: None. We're not active at any given moment, everywhere. But I assure you, if you look into our history, we have a rock-solid commitment to engage with the communities where we represent workers.

MR. NEFF: How are you engaged to come to Canfield?

MR. MARK BROOKS: Well, we represent your employees, for one.

MR. TIECHE: Which employees?

MR. MARK BROOKS: The hourly employees. All the hourly employees.

MR. CALHOUN: Public Works Department.

MR. MARK BROOKS: In the bargaining unit. Public Works Department. We're going to be engaging with your voters. Recruiting voters that agree with us. Hit the streets. Circulate petitions. Encouraging people to vote in favor of our (if it gets to the ballot) proposals. That's how we engage. That's how we did in Rialto, California; Highland Water, that's what we do.

MR. MORVAY: Thank you.

Under **OLD BUSINESS:**

ITEM A: An Ordinance Amending Canfield Codified Ordinance Sections 1123.01 (31), (32), (33), (34) and (35).

MR. MORVAY: As per the provision 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 Amending Canfield Codified Ordinance Section 1123.01 (31), (32), (33), (34), and (35). I move for passage.

MR. NACARATO: Second.

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

## **ORDINANCE**

AN ORDINANCE PROVIDING THAT A CHARTER AMENDMENT SHALL BE SUBMITTED TO THE ELECTORS OF THE CITY OF CANFIELD FOR ADOPTION OR REJECTION AT THE REGULAR MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 2, 2021, PURSUANT TO SECTION 11.03 OF THE CHARTER OF THE CITY OF CANFIELD AND ARTICLE 18, SECTION 9 OF THE CONSTITUTION OF OHIO.  
**(SECTION 11.09)**

WHEREAS, electors of the municipality have submitted petitions for the amendment of the Charter of the City of Canfield, and

WHEREAS, such petitions were submitted in accordance with the requirements of Section 9.03 of the Charter and Article 18, Section 9 of the Constitution of Ohio, and

WHEREAS, the Council of the City of Canfield must submit the Charter amendment to the electors for adoption or rejection at the regular Ohio municipal election to be held on November, 2, 2021 in the City of Canfield.

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

Section 1: That a Charter amendment shall be submitted to the electors of the City of Canfield for adoption or rejection at the regular Municipal Election to be held on November 2, 2021, pursuant to Section 11.03 of the Charter of the City of Canfield and Article 18, Section 9 of the Constitution of the State of Ohio, creating new Section 11.09 of the Charter to read as follows:

“Section 11.09 Restrictions on use of Municipality Resources for Improper Purposes

“No managerial employee of the Municipality may use or authorize the use of any funds or resources of the Municipality, including any staff time compensated by the Municipality, for the purpose of supporting or opposing the nomination or election of any candidate for elected office, any levy, initiative, referendum, or Charter amendment, or any petition to place before the electors any initiative, referendum, recall, or Charter Amendment.

“Any action by a managerial employee to restrain, coerce, intimidate, or direct any employee of the Municipality to further any of the foregoing shall be considered a violation of this section.

“Any managerial employee violating the provisions of this section shall forfeit their position with the Municipality and shall be ineligible for any employment by the Municipality for a period of five years. The procedure for removal of a managerial employee charged with violating this section shall be the same procedure as in the case of removal of the Manager by the City Council, as provided in Section 5.07 of this Charter; except that any vacancy created in any position by removal of a managerial employee pursuant to this section shall be filled in the same manner as is otherwise provided by this Charter or City Ordinance for filling vacancies in that position.

“For purposes of this section, a ‘managerial employee’ shall include the City Manager, Assistant or Deputy Managers, the Directors of Safety, Service, and Finance, the Police Chief, the Public Works Superintendent, the Municipal Attorney, and any other employee with similar managerial or supervisory responsibilities; provided that no employee whose position is included in the classified service of the Municipality shall be considered a managerial employee.

“Nothing in this section authorizes any use of funds or resources of the Municipality which is otherwise prohibited or restricted by law.”

Section 2: That the provisions of Section 11.09 above shall be effective January 1, 2022, provided said provisions are adopted by the electors at the regular Municipal Election to be held on November 2, 2021, in the City of Canfield, Ohio.

Section 3: The Clerk of Council is hereby directed to certify the foregoing proposed amendment to the Board of Elections of Mahoning County, Ohio for submission to the electors of the City of Canfield as provided by law.

Section 4: That the Board of Elections of Mahoning County, Ohio shall certify to the Council of the City of Canfield the results of the vote upon said amendment, and if said amendment is approved by the majority of the electors voting thereon, it shall become a part of the Charter of the Municipality of Canfield as hereinbefore set forth, in accordance with the provision for taking effect set forth in Section 2.

Section 5: Upon certification to the Council by the Board of Elections of Mahoning County, Ohio, that the amendment proposed in this Ordinance shall have been approved by a majority of the electors voting thereon, it shall be the duty of the Clerk of Council to certify a copy of said amendment to the Secretary of the State of Ohio, as required by the Constitution of the State of Ohio.

Section 6: That the Clerk of Council is hereby directed to publish the passage of the proposed amendment pursuant to Article XVIII, Section 9, of the Constitution of the State of Ohio and Section 731.21.1 of the Ohio Revised Code.

Section 7: That this Ordinance and all deliberations relating to the passage of this Ordinance were held in open meetings 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

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

## **ORDINANCE**

AN ORDINANCE PROVIDING THAT A CHARTER AMENDMENT SHALL BE SUBMITTED TO THE ELECTORS OF THE CITY OF CANFIELD FOR ADOPTION OR REJECTION AT THE REGULAR MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 2, 2021, PURSUANT TO SECTION 11.03 OF THE CHARTER OF THE CITY OF CANFIELD AND ARTICLE 18, SECTION 9 OF THE CONSTITUTION OF OHIO.  
**(SECTION 5.08)**

WHEREAS, electors of the municipality have submitted petitions for the amendment of the Charter of the City of Canfield, and

WHEREAS, such petitions were submitted in accordance with the requirements of Section 9.03 of the Charter and Article 18, Section 9 of the Constitution of Ohio, and

WHEREAS, the Council of the City of Canfield must submit the Charter amendment to the electors for adoption or rejection at the regular Ohio municipal election to be held on November, 2, 2021 in the City of Canfield.

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

Section 1: That a Charter amendment shall be submitted to the electors of the City of Canfield for adoption or rejection at the regular Municipal Election to be held on November, 2, 2021, pursuant to Section 11.03 of the Charter of the City of Canfield and Article 18, Section 9 of the Constitution of the State of Ohio, creating new section 5.08 titled to read as follows:

“Section 5.08 Removal of City Manager by Electors

“The electors shall have the power to remove from office any City Manager who has served as Manager for at least six (6) months. The procedure for removal of the Manager by the electors shall be the same procedure as in the case of removal from office by recall election of any elected officer of the Municipality, as provided in Section 8.05 of this Charter.

“Any City Manager removed from office by the electors pursuant to this section shall be ineligible for any employment by the Municipality for a period of four years, except that said removal shall not bar such person from becoming a candidate for elected office of the Municipality at any subsequent election.”

Section 2: That the provisions of Section 5.08 above shall be effective January 1, 2022, provided said provisions are adopted by the electors at the regular Municipal Election to be held on November 2, 2021, in the City of Canfield, Ohio.

Section 3: The Clerk of Council is hereby directed to certify the foregoing proposed amendment to the Board of Elections of Mahoning County, Ohio for submission to the electors of the City of Canfield as provided by law.

Section 4: That the Board of Elections of Mahoning County, Ohio shall certify to the Council of the City of Canfield the results of the vote upon said amendment, and if said amendment is approved by the majority of the electors voting thereon, it shall become a part of the Charter of the Municipality of Canfield as hereinbefore set forth, in accordance with the provision for taking effect set forth in Section 2.

Section 5: Upon certification to the Council by the Board of Elections of Mahoning County, Ohio, that the amendment proposed in this Ordinance shall have been approved by a

majority of the electors voting thereon, it shall be the duty of the Clerk of Council to certify a copy of said amendment to the Secretary of the State of Ohio, as required by the Constitution of the State of Ohio.

Section 6: That the Clerk of Council is hereby directed to publish the passage of the proposed amendment pursuant to Article XVIII, Section 9, of the Constitution of the State of Ohio and Section 731.21.1 of the Ohio Revised Code.

Section 7: That this Ordinance and all deliberations relating to the passage of this Ordinance were held in open meetings 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

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

ORDINANCE

AN ORDINANCE CREATING A MILLENNIAL MOMENTS  
JOINT ECONOMIC DEVELOPMENT DISTRICT  
AGENCY FUND

WHEREAS, the Auditor of State has recommended that the City of Canfield create the Millennial Moments Joint Economic Development District Agency Fund for tracking revenue and disbursements from the Millennial Moments Joint Economic Development District; and

WHEREAS, the City of Canfield desires to comply with this recommendation.

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

Section 1: The “Millennial Moments JEDD Agency Fund” is hereby created to account for financial activities of the Millennial Moments Joint Economic Development District.

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

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

ORDINANCE

**AN ORDINANCE AUTHORIZING CHANGE ORDER  
NUMBER 2 FOR S.E.T. INC.  
(MILLENNIAL MOMENTS WATERLINE EXTENSION)**

WHEREAS, the Council of the City of Canfield authorized the City Manager to enter into a contract S.E.T. Inc. (Ordinance # 2021-11) on March 3, 2021 in an amount not to exceed One Hundred Thousand, Six-Hundred Seventy-Two and 60/100 (\$100,672.60)

WHEREAS, Council desires to authorize Change Order 2.

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

Section 1: Change Order 2 is hereby authorized in an amount of (\$6,087.65) pursuant to the Change Order request attached.

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



## CHANGER ORDER FORM

Change Order No.: 2

Date: 08/26/2021

Project: Millennial Moments Waterline Extension

Owner: City of Canfield, Ohio

Contractor (Name and Address): S.E.T., inc., 235 East Water Street  
Lowellville, OH 44436

THE CONTRACT IS CHANGED AS FOLLOWS: (Contractor to add description and complete below.)  
Contract modification for revisions after Change Order #1 associated with northeast bore pit location  
conflicts due to revised field location of gas line by gas company and existing 12" City waterline  
extending further toward the intersection of U.S. 224 and N. Palmyra Road than previously marked  
(Contractor performed exploratory excavations to locate). Work included shifting the northeast bore pit  
south toward the U.S. 224 shoulder, revising the receiving pit location south into U.S. 224 pavement,  
addition of 12" hot tap (tapping sleeve, valve, and fittings), extension of steel casing and additional  
spacers, and removal from Contract of previously approved existing 8" waterline connection for  
customers along N. Palmyra Road (not completed per Change Order #1).

The original Contract Sum was \$ 100,672.60

The net change by previously authorized Change Orders \$ 13,885.35

The Contract Sum prior to this Change Order was \$ 114,557.95

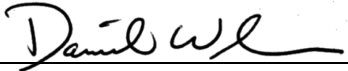
The Contract Sum will be increased by this Change Order in the amount of \$ 6,087.65

The new Contract Sum including this Change Order will be \$ 120,645.60

The Contract Time will be increased by 0 days.

The date of Substantial Completion as of the date of this Change Order therefore is 08/23/2021.

**NOT VALID UNTIL SIGNED BY THE ENGINEER, CONTRACTOR AND OWNER.**

WallacePancher Group	S.E.T., inc.	City of Canfield
ENGINEER	CONTRACTOR (Firm name)	OWNER (Firm name)
		
BY (Signature)	BY (Signature)	BY (Signature)
Daniel P. Wallace, P.E.		Wade Calhoun
(Typed/Printed Name)	(Typed/Printed Name)	(Typed/Printed Name)
8/26/2021		
DATE	DATE	DATE

## MINUTES

### CANFIELD CITY COUNCIL **REGULAR MEETING** AUGUST 18, 2021-5:30 P.M.

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

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

#### Under **PROCLAMATION AND PRESENTATIONS:**

MR. MORVAY: We have several proclamations and presentations this evening. Starting with the County Commissioner's, Wade would you like to introduce them?

MR. CALHOUN: Council members, awhile back we got word that the county commissioners were gracious enough to grant us \$50,000 grant for our police department renovation. Chuck can talk about how tremendously that helped us out. I think we had legislation accepting that awhile back. We have Commissioner Ditzler, Commissioner Righetti and Commissioner Traficanti here. I'll give the floor over to you.

COMMISSIONER DITZLER: We can't forget Audrey. This is our administrator and our (inaudible) director.

COMMISSIONER RIGHETTI: She was here when we worked with Chief.

COMMISSIONER. DITZLER: She doesn't like us to acknowledge her but she's the one behind the scenes.

COMMISSIONER TRAFICANTI: We're proud to be here in the City of Canfield, the Mahoning County Commissioners, with the Council and the Mayor. We're here to proudly present to the City of Canfield a grant in the amount of \$50,000 to upgrade the police station where the PSAP are located, making the lobby larger, more handicap accessible. I know there are a lot of people involved in this, besides us, that are doing the hard work. We're very proud that we're able to do this. The County Commissioner's have been very conservative over the last 4 or 5 years with our funding and the CDBG money has been cut, immensely, so local communities, it's been harder to get funds. So, all 3 of us, myself, Carol and Dave, said let's make it work and we did. This was a great project. We want to thank the Chief, the Mayor and City Council for making this happen for your community. It is about safety. It is money being spent very, very well, here in your community. We're proud to do that.

COMMISSIONER RIGHETTI: I just want to echo what Anthony said and I would like to thank our Administrator Audrey Tillis because she was so kind to come, as Anthony and Dave said, you go look and see what we need to do. So, Audrey is of course afraid that we might give the house away, so she did come with us and we looked at the project and it makes things handicap accessible for the residents to have different entrances to get into, not only the call center but to the police station. We do need that. You do have an excellent call center. I know Dominic Rozzo is one of the guys on the call center as well as Chief and all of the group. You have a very good PSAP here, you should be proud of Canfield.

COMMISSIONER DITZLER: I'll just follow-up, I echo the sentiments of my colleagues. It's so difficult for local communities, whether it's a village, city or township to try and find funding to do things that are necessary and needed but they're not pertinent to the operations. So, when you take and apply for funding whether it be through CDBG or grants, there are so many rules and regulations that prohibit you from doing the things that you really need to do. It's one of those things that you push off until next year, sort of like painting the ceiling in your house. It needs done but I can do it next year. The thing that we wanted to do as a board is to set aside funding to be able to give to local communities to do the things that they really want to have done, that are necessary. They can't find funds for. Our board set aside \$400,000 at the beginning of the year and we've been able to fund 8 projects in Mahoning County, whether it be Springfield, Canfield Township, Canfield City, Boardman, Poland, Austintown, Campbell, Struthers, so, we've been able to fill some voids and gaps in areas where it was necessary for the community. Something we want to make sure we're able to do, like Anthony said, we're pretty stringent on our finances. We keep a tight rein on the budget. We had a carryover to be able to do that. It's nice to be able to work with the Canfield City Council, the Mayor, Mayor Duffett not running again for office. So, it's always great working for Canfield and besides my sister and brother-in-law live right down the street and if I don't help Canfield they beat me up. (Laughter)

CHIEF COLUCCI: I want to thank the Commissioners, so much and Audrey. We had our dispatch renovation in the works for about 2 years and we had our original quote and bids. Everything went out before COVID. After COVID when it came time to put the shovel in the ground, everything went up, as we're all experiencing personally and professionally. Our costs went through out budget. One of the most important things to us is to make sure that we have an accessible police department. It's open 24 hours a day, people come in and out all the time. We were not ADA Compliant prior to, we are now, thanks to the generous grant. The fiduciary responsibility, they're efficient in that. I asked for \$86,000, we got \$50,000, so they're watching. We respect and appreciate that. You were able to spread it out to other places. I know speaking for Council, we're all fortunate that we got \$50,000. We now have a handicapped accessible entryway to the police department, a new doorway, a new lobby and for that we appreciate it. It's our communities police department and we wouldn't be able to do this without your help. I was scratching my head and Christine will thank you as well because I was begging her for additional funds that weren't there. Thank you. One last quick thing, this group of Commissioners has been different, it's been so much easier to work with

them because they reach out to us, they want to know what we're experiencing. It's not their responsibility at the county level, they do care about the communities. We've had multiple meetings with each of these commissioners and for them to come to our meeting, that means a lot to us, they care. I appreciate what they've done.

COMMISSIONERS: Collectively, thank you. (applause).

MR. MORVAY: This next gentleman we're going to call up, the Mayor has a Proclamation for him, this fellow right here, Nick Plant. I preface this by telling you that his preschool teacher was Mrs. Morvay. It all started there. Congratulations.

MR. DUFFETT: We have a real star here. I'm proud to present this.

*Whereas:* Nick Plant is an outstanding student-athlete at Canfield High School. Having completed just his junior year at CHS, this aspiring physician has a 4.1 GPA in the classroom and has already earned 6-Varsity Letters in Track and Cross Country; and

*Whereas:* Nick Plant has been a State qualifier (twice) in Cross Country and has set school records in Track in both the 800-meter run and the 4x800 meter relay. He also broke a 47-year old County Meet record in the 800-meter run; and

*Whereas:* Nick Plant won the 2021 State Championship in the Ohio High School Athletic Association (OHSAA) Division-One 800-meter run; and

*Whereas:* Nick Plant, fresh off of capturing the OHSAA 800-meter State Championship, was invited to compete against the nation's best in the prestigious Brooks PR Invitational in Seattle, Washington; and

*Whereas:* Nick Plant continued his dominance, winning the 800-meter run, and set another milestone, with a personal record 1:49.39 that ranks him the top junior nationally, the 18<sup>th</sup>-fastest time EVER for a junior, and the 3<sup>rd</sup>-fastest time EVER in the State of Ohio; and

*Whereas:* This Cardinal Phenom was one of just two underclassmen in the national event where five out of the top-ten 800-meter runners competed.

*Now, Therefore I,* Richard A. Duffett, Mayor of the City of Canfield, State of Ohio, do hereby proclaim Wednesday, August 18, 2021 as

## **“NICK PLANT DAY”**

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

---

**Richard A. Duffett, Mayor**

MR. MORVAY: Wade, I'll turn it over to you.

MR. CALHOUN: We also have tonight Artist, Ron Moore, Jr. He has a presentation that he wants to make to our Canfield Police Department. Not just the officers but the dispatchers and anybody that is in the public safety realm of the police department to show his appreciation and gratitude for not only what the law enforcement and public safety does Nationwide but here locally at the Canfield Police Department. Mr. Ron Moore, Jr.

RON MOORE, JR: Hi, my name is Ron Moore, Jr, I'm an artist and I'm from Austintown originally from Alliance. I've been an artist my whole life. I got diagnosed with Parkinson's Disease in 2004 and I had to change all of my techniques and now I'm still changing my techniques to accommodate the progression of the disease. Besides that, I'm just too stubborn to let Parkinson's get me down. My thought is, I could either allow the diagnosis that my doctors gave me to control me or I can use it. We have jokes for people with Parkinson's, I tremor, I'm going to take Parkinson's and shake the crap out of it. I put my stuff on Facebook and all over the place. I've got artwork in foreign countries and all over the United States, I always post, Parkinson's does not win today. Every time I post a piece of artwork it's another throat punch to Parkinson's. I want to recognize the Police Department today. When they leave their house in the morning or when they go out for their shift, there is never a promise that they're going to come back home. These officers face stuff that we can only imagine. They risk their lives every day. Even when they're not on the clock, they're working. They do a lot of community stuff. I notice that they do a lot of stuff with the kids. If you don't take care of the kids, the future of your city is not too promising. I met Chief last year at the Back the Blue Rally, at the Canfield Green. I've committed myself, every year until God calls me home. Every year, I'm going to dedicate one piece of artwork for a local police department. I did Austintown a couple of years ago and I took a sabbatical, I got lazy. I appreciate what the Chief does and the fire department. A lot of my artwork we've reproduced into prints. A lot of people can't afford originals but they'll buy prints. I contacted Chief and he hooked me up with Josh, who isn't here today. I wanted to get some inspiration. First, I said, "How about a ride-a-long?" He, said, "We don't really do that for people who want to do artwork." I said, "I can help you, if you get someone who doesn't want to cooperate, I can shake some sense into them." He didn't have the humor. When I go with the wife to the Dairy Queen, she gives me a bad look before I go in because she knows I'm going to do something stupid. I go in and ask for a job application. I say, I want a job making milkshakes. They say, we don't have a job just for making milkshakes. I say, you don't understand, I don't want a job waiting on customers because they irritate me. I don't want a job cooking food because it's greasy and I'll get pimples. I want a job making milkshakes. If a customer comes in and your electric goes out, and they want a milkshake, you say, sorry I can't serve you. If you have somebody with Parkinson's, you put all the stuff in the cup and I can shake the daylight out of it. We ordered prints for every single member of the department. My philosophy is, it doesn't matter if you're sweeping the floor or cleaning the toilets, you are part of the police department. The officers need a clean place to work. The dispatchers, if the dispatchers don't do their job, the officers don't know where to go. It's all part of the team. If I could just explain this a little bit. I went to the department a couple of months ago because I wanted to get some inspiration. I met with Josh, I met with Chief and the

assistant chief, I forget his name. I got some inspiration from different things that happen in the department, talking to them. This is St. Michael, it's an award that a lot of officers get. I'm thinking, here is the sword and the serpent down here meaning, evil, crime. They are fighting crime all the time. There is an officer over there that is saluting, saluting all those who have fallen. Here you have the American Eagle. Our Constitution, part of their oath is defending the Constitution. I wanted to put a badge in there, but my vision wasn't good enough to get the detail of the badge, so this was starting out to be a badge, I didn't like it so, it became a patch. If you notice, there is lightning here. I have Parkinson's but I also have deep brain stimulation; which I have wires in my brain. I can turn it on and off. I turned the stimulator off, to make the tremors really bad, and that's how I did the lightning. If I do the lightning with steady hands it looks engineered. I turned the stimulator off and wife always gets freaked out. So, a lot of people get diagnosed with stuff, they think my life it over. It's just the way you read that chapter. I can't get to the next chapter, if I don't first get through this one. I'm too stubborn to give up. I want to present this. We had it framed in gold. Gold signifying gold quality care that the Canfield Police Department provides its citizens and visitors. I know myself, the only interaction I have when an officer, I hit a deer on 46. I didn't know what to do. I thought, I better call the police. I hit something and I'm not sure what the rules are but I better call just in case I'm violating one. I could not have had a nicer policeman. I've gotten that same testimony from several other people. My wife works up here at Dr. Zinni's Office, just the interactions. I see then in the Fair, interacting with people and these officers aren't fake. They really care about the community they serve. This is my gift. I think we all need to give back. Like I was telling, that guy, the City Manager, you're not supposed to give cops cash because it looks like you're bribing them. I don't want to buy them donuts because I would eat half of them before I give them to them. Here are the prints. They're for every single member of the police department, from the Chief down to the person who sweeps the floor. My goal, I was telling this gentleman here, my goal is when I leave that the police department feels loved, appreciated, and respected for everything you folks do. It's easy, at the end of the day, to feel if everything you're doing is worth it. When you hang this up in the department, look up at it, and you'll know what you do does matter. That's why I'm giving each one of them a print, so they can take one home with them. When they get up in the morning, if nothing else, there is one guy who believes in them and I appreciate everything the officers do. (applause).

CHIEF COLUCCI: Thank you, Ron. You said it all. I appreciate it.

MR. MORVAY: We'll move on. The next piece of business on the agenda is the approval of minutes.

Under **MINUTES**, the Minutes of the Regular Meeting on July 7, 2021 were approved as presented.

Under **READING OF COMMUNICATIONS**:

MR. TIECHE: I have none.

MR. NEFF: I have none.

MR. DUFFETT: I have none.

MR. NACARATO: I have none.

MR. MORVAY: I do have some communications. We have a celebrity amongst us, Mr. Frank Micchia. Congratulations. This was in Saturday's paper, August 14<sup>th</sup>. One of our citizens, Frank Micchia, a nice article about a war vet and how he has a garden in the backyard and his hobbies. So, Frank, congratulations, it seems like you've reached a pinnacle there.

MR. MICCHIA: Thank you. The charge is \$1.00. (Laughter)

MR. MORVAY: The Chief isn't in the room. Wade, I don't know if you talked to him about this or not but on the news the East Liverpool Police Department was in a chase. The car that they were pursuing went down a dead-end road, they followed the car down, the pursuant turned the car around and rammed the vehicles. Had they not had Tahoe's, there might have been some serious damage to them physically. Both officers had minor injuries. The first thing I thought about is, we're transitioning our fleet to Tahoe's. We never even thought about that aspect of it but there is a safety issue in that as well. Not only do they carry more equipment and more usable but also the safety factor.

The paving looks like it's going well. I seen the roads are all tore up and that's good. Wade, do you have anything under communications?

MR. CALHOUN: Coming up on August 29<sup>th</sup>, Studio Oxygen, a local business here in town is doing another Yoga on the Green. They held one, I believe in June. They are hosting another one here on the Village Green on August 29<sup>th</sup>.

One of the recent events we had for the local family Melina Michelle Edenfield, Choose Joy Foundation Event, that happened on the Village Green on August the 7<sup>th</sup>. It was a huge success. The turnout was amazing. I got a personal email from Michelle Edenfield who is Melina's mother. She indicated that they raised over \$19,000 for the foundation. She was overly appreciative of us, the involvement that the city had in getting the event to the Village Green. As we know it started by Melina's friends, her group of friends started the Choose Joy Event last year in the front yard, with a lemonade stand, balloons, rainbows, all of Melina's favorite things. A year later we had probably at least 1,000 people on the Village Green. She wanted to convey her thanks and upmost appreciation for everything we've done for her, her family, the Canfield Community has been amazing as well as the fundraising that she was able to accomplish with that event.

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. TIECHE: I believe member of council received the Minutes of the last Parks Board Meeting. I was not there. I think you all seen those.

MR. NEFF: I'm going to defer to our Zoning Inspector when he gives his report to cover our meeting.

MR. DUFFETT: I have the Mayor's Monthly Report to Council. Gross collections, \$1,519.04. Payout to the State Treasurer \$102.00. Net collections to the City \$1,417.04.

MR. NACARATO: Design Review, I believe everyone has received a copy of the Minutes from the meeting. The big part of that was we had a meeting with the zoning board to go through some things with MS Consultants and some of the new changes we want to Design Review. Read through those minutes and you'll get the gist of everything.

MR. MORVAY: The Fire District continues to move on. Last month, we had 196 calls. EMS Transports were 94 of those 196 calls. We have had a spike in COVID recently, maybe 3 or 4 cases in the last couple of weeks. That is maybe rearing its ugly head again. We interviewed a couple full-time firefighters today. The Fire District is doing very well.

PUBLIC WORKS SUPERINTENDENT: Good evening. Since our last meeting we've had 4 water breaks. One on Sleepy Hollow, Glenview, Shadydale and one on Fairview. We are doing some maintenance on some lines in quadrant 2; which is over by Fairview, Hood, Fairground, in preparations for the Fair. We are making sure those sanitary lines are good and clean, so we won't have any issues with the amount of usage that is coming from the Fairgrounds. We've had numerous storm drain repairs. We will begin our hydrant flushing at the beginning of September, for the whole month. This will be our 3<sup>rd</sup> year in a row that we've done this. We touch on all hydrants in town, everything is done that month. We just completed our Lead and Copper Sampling for the year that is mandated by the EPA. That's all I have for tonight.

FINANCE DIRECTOR: I completed the application for the ARPA Funds through the State, Ohio Business Budget Management. We received the first payment. It's been deposited into a money market account that is getting interest until we decide what we're doing with it. The second payment will be paid next August. We received \$375,846.00

ZONING INSPECTOR: For the month of July we issued 53 permits for a total valuation of \$636,561.00. Canfield Nutrition is moving into the Farmer's Bank drive-thru down in the Plaza. They are going to have a drive-thru service. Hometown Produce just purchased 470 W. Main from Steve Bennett. They were shopping in the township, I heard for property and they're looking at putting an addition on. All-Spec Heating has bought the next to that at 471 W. Main. They'll be adding a garage in the future and running a business out of that facility. Also, 10 Manor Hill was up for auction last week. The auction didn't go as planned. But I heard someone



is moving in there with a DNA Testing Lab. That's the plans for that building. At our Planning Meeting last month, we approved a replat for Star Manufacturing; which is on your agenda tonight, they're building a new building there. Charlie Masters will be in tonight for his final plat 10. Steve Cocca will be coming in next month for a PUD on North Broad.

CHIEF COLUCCI: Thanks for your time for the presenters earlier. We're all humbled by the check and the painting and thrilled about Mr. Plant, the runner. That's awesome. He's a junior, he'll be a senior next week. However, that works. We've been busy this summer. I want to thank Canfield Community and surrounding communities, anybody that participated, we had a very successful toy drive on the Green on July 27<sup>th</sup>. We collected toys and all of the toys were donated to Akron Children's Hospital. If a child is in the hospital and gets surgery, it's something to bring their spirits up. We filled their room up again. We had our utility trailer and one of our interview rooms full of toys. Thank you. It's always great to be able to do that. We're going to keep that going as long as we can. We're one of their bigger fundraisers through the year and it's for a great cause. Also, on behalf of Mahoning County, specifically the Mahoning County Prosecutor's Office, they came up with a new program, it's called a Special Needs Registry. It's for anybody with Alzheimer's, Autism, Schizophrenia, and dementia and any other mental or developmental disorder. You can apply online, at the Mahoning County Prosecutor's Office, what happens is, what Commissioner Righetti was talking about we've been working together on having a county-wide CAD System, so every community within our county is connected through our CAD System. As people register for this program, it will automatically be uploaded to our CAD server, so if we get sent to a call, whether it be medical or police and the person is a patient of any of the topics I spoke of, it will alert the fire department or the police department what they can be dealing with. It's a great idea. It's a great program. I love Mahoning County utilizing that countywide CAD System immediately. Any indicator we can get, any flag we can get for any type of call is huge. We've always utilized it but it's local, now it's countywide. It's a really good program.

MR. TIECHE: Is that address associated? Is that name associated?

CHIEF OF POLICE: Both.

MR. TIECHE: Okay.

CHIEF OF POLICE: Somebody could be in Boardman at a restaurant and live here. Both. Good point. Again, anybody could apply online at Mahoning County Prosecutor's Office. It's a great program. We're looking forward to helping out.

Traffic, I'm not sure what you guys talked about when I was out in the hallway but real quick, the W. Main traffic project, we're working together with the schools and the Fair to handle any concerns as it relates to that project. Our SRO's are working with the schools and I've been working with the Fair. I'll let Wade follow-up. Dispatch update, all the carpet it down, the furniture is in, you guys are more than welcome to check it out whenever you get a chance. We're not functioning yet. Motorola has to put the radios in. It really looks fantastic. The

parking lot is all handicapped accessible right now. It's fitting that they just finished that up and the Commissioner's are here. That is certainly where their money went towards. That was the tail-end of the project. What we lost due to increased prices. I'll keep you updated to when we're fully functional and open. Everything right now is according to plan and the radio system is going in. A lot of interested communities in what we got going on over there. As you heard, it's fully endorsed by the county. I'd like to welcome aboard our new part-time dispatcher Tim Yoder. He was here setting up the easel with Mr. Moore earlier. Tim came from Columbiana Police and Fire. He is a part time dispatcher, he was a full-time dispatcher there. He has some vision, he sees big things happening here and he decided to leave and come here. He's been working out great. He's from Columbiana, if he ends up being full-time, maybe he'll move to our community. We're really excited about it. Tim Yoder is his name. He's been in there and he has full-time experience dispatching. It's really hard to find qualified dispatchers. He's doing a fantastic job. Our new police officer Josh Zmuda, Anthony Urbana, Rebecca Castillo, the Mayor swore them in, in June. The two guys, one was from Cleveland and one was from Columbus, they are fitting in perfect. So far, everything seems to be going really well. They are adapting to the new culture. Our community has its own culture. They're embracing it. I look forward to having these guys on the road by themselves. Thank you.

MR. MORVAY: Chief, when you were out in the hall I was telling them about that episode, I think it was in East Liverpool, where the pursuant turned and rammed into the vehicle. They happened to be Tahoe's and the Chief was saying that had they not been those big vehicles, the injuries may have been much worse. That was an aspect that we didn't even think about when we transitioned our fleet.

CHIEF OF POLICE: Yes, a bigger vehicle. In fact two of our new vehicles are getting equipped as we speak. We're very happy with them. We pay \$38,000 for these vehicles and cars are \$34,000 and the safety alone. We haven't had an accident but now that I said that. (laughter). Thank you.

CLERK: I was presented with Petitions today for Charter Amendments. The next step will be to submit them to the Board of Elections for certification.

MR. CALHOUN: As you mentioned, Council President, Morvay, our annual resurfacing project began Monday. They milled Hilltop, Moreland, Briarcliff, those are the 3 heavily traveled school streets. Part of their contract is those 3 streets must be milled and paved prior to the start of school; which is next Wednesday, August 25<sup>th</sup>. They're on schedule to do that. The rain sort of, we thought would delay it but they've been able to get in and mill and immediately come back and pave. So, that should be wrapped up early next week, if not the week after. But those three streets will definitely get taken care of before school starts.

S.E.T., Inc. just wrapped up the Millennial Moments Waterline Extension Project. That took the waterline from the western most point of a fire hydrant at the corner of South Palmyra and 224 and extended, I'm sorry, the north side and extended it to the south side for the Millennial Moments Development. Now they have full access to city water and city sewer. We anticipate

development start happening, probably early next year. They got a lot of supplies delivered and they're going to try to start moving dirt and get whatever they can installed before the weather breaks this year.

Rudzik Excavating which is doing the Red Gate Sanitary Sewer Project on West Main Street that has forced the closure of West Main from the bike trail to 446. As Chief Colucci mentioned, we met with them this week, they've adjusted the schedule for during the Canfield Fair. They were actually going to work Saturday through Wednesday prior to the Fair and then shut down construction from short day Wednesday, so all the way Thursday through the following Monday, they'll be no construction. They'll reopen the road. Obviously, there will still be the safety precautions and measures in place because it is an active construction site, with open ditches and holes that will be backfilled. That way it doesn't impact the City and the Police and all the agencies involved in the fair. We're getting ready to submit our OPWC (Ohio Public Works Commission) project applications for funding next year, project years 2022. We're going forward with annual resurfacing projects, like we typically do. We have all our projects in the pipeline, so we're only going forward with resurfacing for next year. There are two other projects in the hopper. House Bill 168 from the state level has opened up multi-millions of dollars' worth of infrastructure projects, that we're working with County Engineer Pat Ginetti on submitting two projects; which are the Red Gate Sanitary Sewer Phase 2 and 3. Then our northwest sanitary sewer rehab project to address some of the infiltration issues that we've experienced. Then, part of a storm water project that we submitted to, it's called B.R. I.C.K. and I don't know what the acronym stands for, to address some flooding issues over on Overbrook with some undersized piping. It didn't get selected for the B.R.I.C.K. Program, but there is the Hazard Mitigation Grant Program funds, that have now become available. The EPA reached out to us to see if we were still willing to submit the B.R.I.C.K. Project to the HMGP Funds; which we intend to do. HMGP is the similar grant funds that we receive for the Bradford-Briarcliff-Sawmill Creek improvement project. That was a 1.2 million dollar fully funded project with grants. This one, we're looking at the same sort of funding mix. We have a local match that we're trying to offset through either grants or low interest loans with WPCI. That's a lot of acronyms and in summary, it's summer, so we have construction, construction, construction. Everything we're doing is either improving or expanding utility services in the City of Canfield. That's all I have.

MR. MORVAY: Our City Counsel.

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

#### **Under Public Questions Regarding Reports:**

KATHRYN YOUNG: Not necessarily a question. Kathryn Young, 570 Barbcliff. It's about events that happened on the Green. I felt that the Yoga was a huge success. Not only does it have adults that came, that filled the Green but they also have a whole section where young children can come. My neighbor behind me is actually active in it, so I don't know if there is a way to get it out through Facebook or something about August 29<sup>th</sup>, but that's great. I also attended the

Choose Joy Event. I just want to make a comment about the 3 policemen that were there, they brought out the toys for the kids and apparently before COVID we had purchased, I was hopeful that maybe as time goes on and school starts, more of that appears on the Green, with your guys, they did a great job.

CHIEF OF POLICE: Thank you.

MR. TIECHE: I would just like to compliment Chief Colucci on his handling of the whole issue on West Main Street when we had the downed lines and keeping Members of Council apprised of what went on.

CHIEF OF POLICE: That was a team effort. I appreciate it. It truly looked like a tornado touch down when we were out there.

MR. MORVAY: And nobody got hurt. That was amazing.

CHIEF OF POLICE: No. What did the guy tell us, there was an independent contractor, that had nothing to do with the job, trimming trees and all 7 telephone poles are falling and live lines were coming down, it just missed him. I didn't know that. I just found that out Tuesday. It could have been really bad.

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

MARK BROOKS: Council President, Morvay, Mayor Duffett and Members of Council, thank you so much for giving me time. My name is Mark Brooks. I am with the Utility Workers Union of America. My address is 521 Central Avenue in Nashville, Tennessee. Although, we are really proud to represent your employees, hourly employees, in the Public Works Department of the City. As Clerk of Council mentioned earlier, we filed, earlier today sufficient petitions to place 3 Charter Amendment on the November ballot, earlier today. Two of these I've communicated to Council and to your city attorney before. One of these would simply provide that the position of the City Manager should be subject to removal by Canfield voters. Exactly the same way that the Charter already provides for the Mayor and for City Council. We think the City Manager is the most important position in the local government, the citizens ought to have the right, if they should ever choose to do so, to follow the same procedure to make a change in the City Manager. Any city manager by the way, not this particular city manager but any city manager. Another amendment that we proposed that I explained to Council before is to go back to what the voters established several years ago in 2012; which is 2-year terms for City Council Members. I won't dwell on these tonight at all. We have a website that's up, everybody here can visit it, it's called [Canfieldreform.com](http://Canfieldreform.com). It has the rationale of the proposed Charter Amendments there. As a professional courtesy to City Council I would like to spend just a minute on this third proposal. I had endeavored, as a professional courtesy to the Council, to keep you informed about our intentions and our desire to engage with this community in support to reforms to the Charter. I brought the other two to you earlier and let you know. Our thanks for that has been that your city manager called a mandatory meeting of our

members in the Public Works Department a few weeks ago and threatened to terminate all of them, for the simple reason that they supported my Union, our organization. Our organization has been supporting the idea that the citizens of the city should be able to vote on Charter Amendments. We do not take that lightly, as City Council is seeing from my reactions, legal reactions. We think it's outrageous that a single nickel of city money, well, we think it's outrageous that any manager should ever try to intimidate a city worker for exercising their democratic rights. One thing that is doubly outrageous is that the city is using staff time or has used staff time, I don't mean council, but city administration has used staff time, taxpayer's money, to try to influence what should happen on a ballot measure. Whether petitions should be circulated, whether people should vote yes or no on a petition or charter amendment. We think that is frankly outrageous. Just to be clear, if the idea was, the Utility Workers Union of America is going to backdown because of intimidation, by your city manager or any other (inaudible) of your city, the response has been the idea for this third Charter Amendment; which we submitted today with sufficient signatures to go to the ballot, which make absolutely clear that it is improper for the city to spend any resources, including staff time, to try to influence, either yes or no, for or against, any kind of ballot measure, including the Charter Amendments. We think this is a matter for the voters to decide. It's not for City Manager's at the taxpayer's dime to try to influence the final result. I must tell you that when we were circulating the petitions amongst your citizens, your voters, in the past couple of weeks, and we described this to them, they said, we assumed that was already illegal. That's outrageous. As you know, we agree with that sentiment. In the meantime, we think it's completely inappropriate for anybody in the city, any managerial employee to spend any money to try to influence something that is best left to the voters. So, we would encourage, by the way, I don't want to dwell on this but among other things, our local union that covers this area, passed this Resolution and directed me to present it to you. I'll hand it to members of the audience, council and staff. We'll post it on the website as well. Read that and take it into consideration. I hope you'll also keep an open mind on our charter proposing. We'd love to see you support them as well, not officially but unofficially as citizens. We hope all the citizens in the City of Canfield will vote for our proposals. You can read about them on our website, [Canfieldreform.com](http://Canfieldreform.com). I thank you for your time.

MR. MORVAY: Thank you, Mr. Brooks. Mr. Mclain.

COREY MCLAIN: Good evening everyone, I'm Corey Mclain. 369 E. Main Street. I'm the guy who's burned down. It's the last time I'll speak of this. My purpose today in coming here to speak about this is, there has been many stories on social media about what happened and maybe the fire departments opinion on what happened as far as timelines and then there is mine, the person it effected and went through the fire. So, if you can give me a little bit of extended time to tell the story on what happened that night, I'd appreciate it. I woke up to smoke in the house, you have a picture of the house there. I got out of the house, there was an officer going to work or coming from work on Main Street. I ran out there and told him it's on fire and he had already radioed to the fire department. I stood out there on the sidewalk with two female officers, Katie (who is no longer with the department) and another female officer from the Sheriff's Department, I don't know her name, a blonde hair lady. I was there for a long

time, in my shorts. I was there for a long time; I don't cuss often but I said to Katie, because I know her personally, I said where the heck are they. I'm standing there, I see an ambulance go down the street to a call, and then I start cussing, where the heck are they. Katie tells me to calm down, Corey calm down. I'm like, how can I calm down, my house is burning right in front of us. We're actually watching the house burn. Finally, I don't know why but I ran to my closest neighbor which is Bill and Joy, they're 90 years old. I eat lunch with them from time to time. I rang the doorbell, they let me in. I called my sister for some reason, I tell her what happened, then I go to the window and I see my house still burning. I don't think there were flames at the time but there was smoke coming out. Then I saw flames, so I went out of the house, went back to the sidewalk where Katie and the other officer were standing and still no first responders. Eventually, the first responders did get there. Chief Hutchison was the first person there. I did see him in the darkness going down my driveway towards the barn, to the back of the house towards Giant Eagle, then to the front of the house, a circle around the house. Then the fire trucks showed up. Then I seen the flames coming out of the windows and I just went in the other room, I wanted to be by myself because of all the hard work. This house was a piece of crap when I moved here; which we all know, it was very dilapidated. I go back into the kitchen again to see what was going on and I see flames coming out of the back of the house (inaudible). I've been divorced for 2 to 3 years at this point, my stepdaughter used to sleep upstairs, I knew on the sidewalk with Katie and the officer, that if I had a daughter up there, I would not have been able to get to her. I probably could have got a ladder out of the barn and went up the side of the house but if her door would have been open that night, she would have died in the bed of smoke inhalation. Once in your lungs, your lungs would not be able to expel the toxins and you will die. If anyone has a question, please ask me.

MR. MICCHIA: Do you have smoke detectors in your house?

ATTY. FORTUNATO: I'm saying we have a lot of business to cover. This is 3 minutes Corey and I know you asked for an extension, of time but make it as short as possible. I'm not telling you to sit down. I'm just saying you have to be respectful. We have a big agenda tonight and a lot of ground to cover in Executive Session after that.

MR. CALHOUN: Historically, we don't entertain questions from audience members.

MR. MORVAY: Corey and I, in our discussion early today, Corey just wanted to bring a point to council that it was the perfect storm that evening. We had an ambulance go out at Station 1 here, so the truck that responded to Corey's house came from Messerly Rd. It came up 46 and then down 224, for whatever reason. On our timesheets that was just shy of 8 minutes. Our normal time is about 5 minutes. Corey's point is, what has the Fire District done from maybe prevent that from happening again. That wasn't a bad response time. Chief Hutchison was there in a couple minutes of the dispatch and they reported that the house was engulfed. Whether we could have saved it or not, another two minutes, that's another story. I want Captain Tieche to comment on what we're doing at the Fire District, how far we've come since that episode.

CAPTAIN TIECHE: Since I started in 1994 and in 2001 when I was promoted to full time, we have evolved significantly. Even since last year we changed our response plan. We've added 6 more full time employees. We're in the process of interviewing 4 more full time employees. We did what used to be called cross staffing at all 3 of our fire stations; which means we had firefighter and paramedics at all of our fire stations, depending on what type of incident came in, we dispatched and went into the appropriate vehicle, whether it was an ambulance or fire truck. Last year we changed that policy and continued to better that response plan. Currently what we are doing is, our Captains have been moved to station 1, they are on a fire truck 24 hrs. a day 7 days a week, with another full-time firefighter. So, station 1, the station right here, has a staffed ambulance and a staffed fire truck. The other two fire stations, the one on Herbert Rd and the one on Messerly are still currently cross staffing. There are firefighter, paramedics there, depending on what the incident is, they still take the fire truck and take the ambulance. Our goal, the Fire District's goal, the trustees, the administrators, our goal within the next year, is to have all 3 fire stations staffed with 3 fire apparatus and 3 ambulances. Obviously, you heard Mr. Morvay allude to earlier, we ran 196 calls last month. When I was promoted to full time in 2001, 196 calls took us 3 months to accomplish or respond to. So, our community is growing, we have done everything in our power as a Fire District to ensure that we are providing the best service to our community. Our number one goal is protection of life, property and the environment and we take that very seriously. Every one of our firefighters and paramedics come to work knowing that they have to put it all on the line, to provide that service to the community. Like I said, we have made some changes in the last year, we're not done. We're going to continue to make those changes because we think that it's very important to protect the community of Canfield, the City and the Township. Again, Mr. Morvay alluded to today, we just interviewed 4 more people today. We're working to add to our full-time staff. All of our people are highly capable, highly trained, and highly educated. As our ambulance and medical calls have become more busy, we have to adjust, and that's what we've done with staffing and fire truck, all the time. There is always a fire truck staffed at our number 1 fire station. That is where a Captain is and another firefighter. That wasn't the case a year ago. That is the case now. Like I said, to reiterate, our goal is within a year to have all 3 fire stations staffed with a fire truck and an ambulance. Four people at each fire station, 24 hours a day, 7 days a week, 365 days a year. That's basically a quick overview of how we're operating. Like I said, we've come a long way. When I first started there were 2 of us on duty. There are 9 of us now. We've come a long way. We've come a long way as our community has grown. We've kept up with the change, we've kept up with the growth and our increase in responsibility and I'm very proud of what we've done. Mr. Morvay asked me to be here to make sure that everyone is aware of how we are operating and how we are deploying our resources and that's currently how we are doing it.

MR. MORVAY: Thank you, Captain. Anybody else like to appear? Mr. Micchia

MR. MICCHIA: Good evening, Frank Micchia, 220 Glenview. I believe there was a study going on by MS Consultants study ours storm water drainage system. Is there an update? Can you perhaps address where we stand on that?

MR. CALHOUN: I don't know specifically what study your referencing.

MR. MICCHIA: The storm water to document the storm water system.

MR. CALHOUN: Comprehensive around the city? We have specific study areas for different parts of town. There isn't a citywide comprehensive study.

MR. MICCHIA: I believe it's the east side of town. MS Consultants is doing a study on.

MR. CALHOUN: I'm not aware of one.

MR. MICCHIA: Perhaps I'm wrong. I could have sworn I heard that brought up at City Council that MS has got a contract to study that portion of the city.

MR. CALHOUN: You can follow up with an email. I can get you more information if you have more details on what you're asking.

MR. MICCHIA: Okay. Thank you.

MR. MORVAY: Anyone else like to appear before Council?

KATHRYN YOUNG: Kathryn Young, 570 Barbcliff. At the last meeting you talked about the COVID money going towards the Smart Water Meters. Since then, it could be rumor, but was there a grant already for the Smart Meters? If so, why are we using COVID money for that? Also, since we have the test program and we're probably towards the end of that, is there going to be an opt out program for the citizens?

MR. CALHOUN: We have not received a grant. The test program is currently in operation. I have no answer to the last one.

KATHRYN YOUNG: Okay, thank you.

MR. TIECHE: I have a question. If we're going to go to automated meters, why would we opt out? It makes no sense to me to have two different kinds of meters in the City. It doesn't make any sense to me. I'm sorry, Kathryn. If we're going to change meters, let's change meters, be uniform. My opinion only.

MR. MORVAY: Anybody else? If not, we're going to move on.

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

Under **NEW BUSINESS**:



ITEM A: An Ordinance Authorizing Change Order Number 1 for S.E.T., Inc. (Millennial Moments Waterline Extension).

MR. MORVAY: As per the provision 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:	5 Votes-Yes
	0 Votes-No
	Motion passes.

MR. MORVAY: As per the provision 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 Authorizing Change Order Number 1 for S.E.T. Inc. (Millennial Moments Waterline Extension) I move for passage.

MR. NACARATO: Second.

MR. MORVAY: Wade, can you brief us real quick?

MR. CALHOUN: During the pre-construction meeting for the Millennial Moments Waterline Extension we knew there was a slight medication that was going to be needed based on what the original construction drawings showed as where the waterline placement was going to be to where the current gas line existed. Once we had the OUPS locate marked and the contractor verify the location, it required a little bit of adjustments to that plan. An additional modification of the existing 8" line connecting to the 12" line required a little bit more of a (John can probably allude to it better than I can) we had to replace the one 8" pipe with a 12" pipe and still have to have the connections to go on the 8" pipe that runs the waterline to Palmyra So, again, those were all unanticipated when we originally bid the project and per the construction drawings, so some slight deviations to the original plan. This Ordinance authorizes the change order, as a result of those adjustments. The total is \$13,885.35.

MR. MORVAY: Thank you, Wade. Council questions? Hearing none, residents' questions. Hearing none, Patty.

ROLL CALL ON ORDINANCE:

5 Votes-Yes  
0 Votes-No  
Ordinance passes  
Ordinance 2021-39.

ITEM B: An Ordinance Declaring Surplus Property and Authorizing its Disposal.

MR. MORVAY: As per the provision 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 provision 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. DUFFETT: Second.

ROLL CALL ON MOTION:

5 Votes-Yes  
0 Votes-No  
Motion passes.

MR. NEFF: Mr. Chairman, I have an Ordinance Declaring Surplus Property and Authorizing its Disposal. We move for passage.

MR. NACARATO: Second.

MR. MORVAY: Wade, were going to get rid of these vehicles.

MR. CALHOUN: Correct. From time to time, any vehicles or equipment that the city owns are deemed no longer useful, Council must take action declaring them surplus and then authorizing their disposal. In this particular Ordinance we're declaring surplus and authorizing disposal of 2 police cruisers, two 2017 Dodge Chargers by means of either a trade- in or a sale. As Chief Colucci mentioned the two new upgraded units, the Tahoe's we received last month, will replace these two fleet vehicles.

MR. MORVAY: Council questions? Hearing none. Residents questions? Hearing none. Can we have the vote.

ROLL CALL ON ORDINANCE:

5 Votes-Yes

0 Votes-No

Ordinance passes.

Ordinance 2021-40.

ITEM C: An Ordinance To Approve and Adopt the Current Replacement Pages to the Codified Ordinances.

MR. MORVAY: As per the provision 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 provision 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:

5 Votes-Yes

0 Votes-No

Motion passes.

MR. DUFFETT: Mr. President, I have an Ordinance to Approve and Adopt the Current Replacement Pages to the Codified Ordinances. I move for passage.

MR. NEFF: Second.

MR. MORVAY: Wade, what are we going to do with these books?

MR. CALHOUN: Annually as we pass Ordinances and different types of legislation, we make changes to our code of ordinances we have both the printed version and the online searchable version of our codified ordinances. This Ordinance will approve all of the changes, as a result of those Ordinances and adopt replacement pages into both the printed and electronic versions from the last time we did this until this point in 2021.

MR. MORVAY: Council questions?

ATTY. FORTUNATO: I have one thing to add. It also encompasses any changes that the Ohio Legislature has made in terms of traffic offenses, etc. They're all captured in those replacement pages.

MR. CALHOUN: Correct. The Walter Drane Company, the one that administers all that, they capture any significant changes from the state level.

MR. MORVAY: Patty, does this mean I have to bring this book back in?

CLERK: No.

MR. MORVAY: Residents, any questions about this Ordinance?

MR. MICCHIA: Frank Micchia, 220 Glenview. What is a low- speed micromobility Device?

ATTY. FORTUNATO: That's a state law change, Frank. I don't know that. Chief isn't here so, that's a question to ask the Chief. A low speed micromobility device, I don't know what that is.

MR. CALHOUN: Segway?

MR. MICCHIA: Powered motor scooter.

FINANCE DIRECTOR: Hoverboards.

ATTY. FORTUNATO: Something to get you around town easier, Frank.

MR. MICCHIA: I need one of those.

MR. MORVAY: Anybody else? Hearing none, Patty.

ROLL CALL ON ORDINANCE:

5 Votes-Yes

0 Votes-No

Ordinance passes

Ordinance 2021-41.

ITEM D: An Ordinance Amending the Cemetery Rules and Regulations of the City of Canfield.

MR. MORVAY: As per the provision 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 provision 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 Amending the Cemetery Rules and Regulations of the City of Canfield. I move for passage.

MR. TIECHE: Second.

MR. MORVAY: Wade, what are we doing at the cemetery.

MR. CALHOUN: In order for us to prepare for the installation of the columbarium at our East Main Cemetery we update our Cemetery Rules & Regulations in order to define what Columbaria's are, how people purchase them, and what the treatment of those would be. So, Atty. Fortunato as well as Anthony Snovak with our Public Works Department and John Rapp with our Public Works Department worked on getting the appropriate updates to our Cemetery Rules & Regulations. This Ordinance updates the Cemetery Rules & Regulations as it relates to the Columbaria. There was some other kind of contradictory language in our current regulations that dealt with inurnments, that we needed to update to allow for the columbaria to allow for the only option for cremains to be installed in our cemetery. Then we addressed an old outdated regulation on foundations, who poured it, who is responsible for it. So, this Ordinance amends specifically the columbarium requirements and then small changes to the foundations.

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

MR. NEFF: I have a concern. I will vote for this but I still want to go on record that I'd rather have seen the mausoleum be adapted, even though it would cost more money but we got to move forward, so.

MR. MORVAY: Residents? Mr. Micchia.

MR. MICCHIA: Frank Micchia, 220 Glenview. Is there a plan to install columbarium's in the cemetery?

COLLECTIVELY: Yes.

MR. MICCHIA: Who is footing the bill for that?

MR. CALHOUN: The City of Canfield.

MR. MICCHIA: Do we know what the price is going to be?

MR. CALHOUN: The Columbarium is \$43,685, I believe. Plus, the pad, total project from the 2021 budget was \$48,000, I believe. We have an agenda item that is coming up to adjust for some of the price increases from the original budget.

MR. MICCHIA: How many will it accommodate?

MR. CALHOUN: It's a 96 niche, single and double, so 48 on each side. Each side has either single or double.

MR. MICCHIA: They're going to be sold for?

MR. CALHOUN: We have yet to determine that. We have to work on pricing.

MR. MICCHIA: We have to cover expenses.

MR. CALHOUN: That would be the idea.

MR. MICCHIA: Item #2, I went through this document and let me recommend that somebody read through it. There are a lot of misspelled words. Particularly, internment is spelled wrong several times. Maybe spell check.

MR. TIECHE: There are two words in here, internment and inurnment.

FINANCE DIRECTOR: They are two different words.

ATTY. FORTUNATO: Two different things. There is internment and inurnment.

MR. MICCHIA: Maybe I am wrong.

MR. TIECHE: If you bury the remains of a cremation, it's called an inurnment.

ATTY. FORTUNATO: Not a typo but thank you.

MR. MICCHIA: Did you say it's not a typo?

ATTY. FORTUNATO: Inurnment is different than internment.

MR. MICCHIA: Okay. I'm not interested in either.

MR. MORVAY: Any other questions, comments, concerns?

ROLL CALL ON ORDINANCE:	5 Votes-Yes
	0 Votes-No
	Ordinance passes
	Ordinance 2021-42.

ITEM E: An Ordinance Amending Ordinance 2021-37, Annual Appropriation Ordinance to Make Appropriations 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 provision 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 provision 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:	5 Votes-Yes
	0 Votes-No
	Motion passes.

MR. TIECHE: Mr. President, I have an Ordinance Amending Ordinance 2021-37, Annual Appropriation Ordinance To Make Appropriations 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, what are we doing with these monies here, please?

MR. CALHOUN: From time to time, from the original adopted fiscal year budget, we make amendments for appropriations in order to take on additional costs that were unanticipated. In this particular case, we're looking at the majority of this transfer, the majority of these budget adjustments are centered around the columbarium. The General Fund is being adjusted by \$25,150.00, with approximately \$16,000 of that related to the columbarium. The rest of it is an uptick in travel/training expenses, as it related to the hiring of some of our new officers. During the background investigation, we had to make multiple trips to both Cleveland and Columbus, so unanticipated travel expenses for that. Then some of the increased training that we started to get to back into the police department. The Parks Fund is being increased by \$1,825.00, that was an oversight. That was for the installation of the Pickleball nets that were originally part of the budget. The vendor didn't give us the labor cost in the original quote. So, we only budgeted the straight equipment cost for the Pickleball nets. Then again, the cemeteries operating fund is an increase of \$14,500.00. But as I mentioned, part of the General Fund increase is transferred, which is the next agenda item, taking that \$16,000 and putting it into the Cemetery Fund.

MR. MORVAY: Great. Thank you. Council questions? Hearing none. Residents, questions? Hearing none, Patty.

ROLL CALL ON ORDINANCE:

5 Votes-Yes

0 Votes-No

Ordinance passes

Ordinance 2021-43.

ITEM F: An Ordinance Providing Transfers to Various Funds.

MR. MORVAY: As per the provision 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 provision 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. NEFF: Mr. President, I have an Ordinance Providing Transfers to Various Funds. We move for passage.

MR. DUFFETT: Second.

MR. MORVAY: Wade, where are we moving these monies to?

MR. CALHOUN: So, as I explained in the previous one, the budget adjustments that were made now result in the requirement to transfer those monies from the general fund and into the other appropriate funds. In this case, \$16,325.00 from the General Fund to the Parks Fund, in the amount of the \$1,825.00 and the Cemetery Fund in the amount of \$14,500.00.

MR. MORVAY: Thank you. Council questions? Hearing none. Residents, questions? Hearing none. Roll Call.

ROLL CALL ON ORDINANCE:

5 Votes-Yes

0 Votes-No

Ordinance passes.

Ordinance 2021-44.

ITEM G: An Ordinance Approving the Replat of Canfield City Lots 1904 & 2969 on Herbert Rd. by Star Extruded Shapes, Inc.

MR. MORVAY: As per the provision 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 provision 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 Approving the Replat of Canfield City Lots 1904 & 2969 on Herbert Rd. by Star Extruded Shapes, Inc. I move for passage.

MR. TIECHE: Second.

MR. MORVAY: Wade, why are we approving this replat?

MR. CALHOUN: Star Extruded Shapes a manufacturing extrusion facility on Herbert Road is planning a substantial expansion of their manufacturing facility. They will be building a building to the south of where their current building is. They own that lot, plus the lot behind them. So, in order to accommodate that building to be on the current lot, they had to adjust their boundaries about 140 feet to the south. Essentially that is what this replat does. It takes the 140 feet on the north side of lot 2969 and essentially replats it to lot 1904. The Planning & Zoning Commission, I believe it's in the packet, have provided a recommendation for approving this replat at their August 12, 2021 meeting. As well, in the packet you should have the engineering certification of the replat and the Mylar showing the exact dimensions.

MR. MORVAY: Council questions? Hearing none. Residents questions? Hearing none.

MR. TIECHE: By shrinking the back lot, that lot still has frontage road coming back?

ZONING INSPECTOR: Yes.

MR. MORVAY: Any other questions? Patty.

ROLL CALL ON ORDINANCE:

5 Votes-Yes

0 Votes-No

Ordinance passes.

Ordinance 2021-45.

ITEM H: A Motion to Accept the Donation of a Flag Pole to be placed at the East Main Street Cemetery by Brian Patton.

MR. MORVAY: As per the provision 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:

5 Votes-Yes

0 Votes-No

Motion passes.

MR MORVAY: Anthony, you're up.

MR. NACARATO: Ironically, yes. Mr. President, I have a Motion accepting a donation of a Flag Pole to be placed in the East Main Street Cemetery by Brian Patton. I move for passage.

MR. TIECHE: Second.

ATTY. FORTUNATO: I can explain. Staff was approached by a resident, Brian Patton it's his desire to donate and fund the erection of a 40 ft. flag pole at the East Main Cemetery. On July 6<sup>th</sup>, Parks Board approved the installation and erection of the 40-foot flag pole. This Motion will accept the donation of the pole and the flag to the city from Mr. Brian Patton.

MR. MORVAY: Mr. Cook, anything to add?

MR. TIECHE: A question. Mr. Rapp, did you meet with Brian to check out what locations that's going to be at? There were two locations that were talked about.

PUBLIC WORKS SUPERINTENDENT: I did not. To my knowledge, Tony did not either.

MR. TIECHE: Parks Board approved the location and at the Parks Board he was talking about one of two locations and just for my own information.

PUBLIC WORKS SUPERINTENDENT: I'd be happy to meet with him.

MR. TIECHE: Did you hear anything about the location?

KATHRY YOUNG: Kathryn Young, 570 Barbcliff. When you look at the Cemetery, directly in the back there is a huge tree, so that's where it's going to be. So, it will be stunning when you look over the cemetery, it will be a big flag, towards the back, but it's right in the center.

MR. TIECHE: Okay. I guess I missed the last Parks Board Meeting.

MR. MORVAY: Does that donation also include lighting?

KATHRYN YOUNG: Yes.

MR. TIECHE: And he said he was going to maintain the flag.

MR. NEFF: Will it be seen from the road?

KATHRYN YOUNG: Yes.

MR. TIECHE: It will be visible from the road.

MR. NEFF: What's the height of the flag pole on the Green?

MR. DUFFETT: 60 feet.

MR. MORVAY: Residents questions?

KATHRYN YOUNG: Kathryn Young, 570 Barbcliff. Having been at that meeting, I just want to personally thank Mr. Patton for that generous donation. It's going to look beautiful.

MR. MORVAY: Thank you. Any other comments? Patty.

ROLL CALL ON MOTION:

5 Votes-Yes

0 Votes-No

Motion passes.

Motion 2021-12.

ITEM I: A Motion Authorizing the City Manager to Enter Into A Subdivider's Agreement without Bond for Final Plat 10 in Stonebridge.

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

MR. TIECHE: Second

ROLL CALL ON MOTION:

5 Votes-Yes

0 Votes-No

Motion passes.

MR. TIECHE: Mr. President, I have a Motion authorizing the City Manager to enter into a Subdivider's Agreement without Bond with Stonebridge Land Corporation (Stonebridge, Final Plat 10) I move for passage.

MR. NEFF: Second.

MR. MORVAY: Atty. Fortunato.

ATTY. FORTUNATO: Briefly, this should be approved. Everything complies with our Subdivision Regulations and our Ordinances. This is also the way that Stonebridge has been developed in

terms of the prior phases. Proceeding without Bond means that a Bond is not provided to the city. Mr. Masters has to install all of the subdivision improvements before he could sell lots. Once the Subdivision improvements are completed, they are accepted by the city and then he can sell lots. That is the way, correct me if I'm wrong Charlie, but all of Stonebridge has been developed in accordance with this procedure.

ATTY. FORTUNATO: Once he posted bond, other times he did not.

MR. MORVAY: But once the plats are established that's when the bond is placed, correct?

ATTY. FORTUNATO: That's a maintenance bond that is placed after that. That is to make sure that the improvement are not acceptable, but if they were to fail within the first two years we'd have a bond.

ZONING INSPECTOR: You have a maintenance bond and a sidewalk bond.

MR. TIECHE: Our Subdivision Regulations state that you can develop with bond or without bond. If you place bond, you can sell lots during that time period. Without bond, you can't sell lots until all of the improvements are in.

ATTY. FORTUNATO: Correct. Then accept the improvements and then he can replat and sell lots.

MR. MORVAY: Resident questions? Mr. Micchia.

MR. MICCHIA: Frank Micchia, 220 Glenview. How many lots are involved in this plat?

ZONING INSPECTOR: 14.

MR. MICCHIA: Thank you.

MR. MORVAY: Any other comments, questions or concerns? Hearing none, Patty.

ROLL CALL ON MOTION:

5 Votes-Yes

0 Votes-No

Motion passes

Motion 2021-13.

MR. MORVAY: At this time, Mayor could you get us into Executive Session. When we come out we will not be taking any action. If you want to stick around, that's fine. If not, that's fine too.

MR. DUFFETT: I have a Motion to go into Executive Session pursuant to Ohio Revised Code Section 121.22 (g)(8)(a) (b) to discuss negotiations with another political subdivision regarding request for economic development assistance, specifically public infrastructure improvements

and the extension of utility services and for purposes of discussing pending litigation. This Motion must be approved unanimously by a roll call vote.

MR NACARATO: Second.

ROLL CALL ON MOTION:

5 Votes-Yes

0 Votes-No

Motion passes.

ATTY. FORTUNATO: Then we have another Motion and I can state that Motion. The Executive Session is necessary to protect the interest of economic development applicant for the possible investment or expenditure of public funds to be made in connection with an economic development project.

MR. TIECHE: So, moved.

MR. NACARATO: Second.

ROLL CALL ON MOTION:

5 Votes-Yes

0 Votes-No

Motion passes.

Council convened into Executive Session at 7:10 P.M.

Council reconvened from Executive Session at 8:14 PM

Mr. Neff made a Motion to adjourn.

Mr. Tieche seconded the Motion

The Council Meeting was adjourned at 8:15 P.M.

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PRESIDENT OF COUNCIL

ATTEST:

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CLERK OF COUNCIL

**Petition for Submission of Proposed Amendment to Charter**

Constitution of Ohio, Art. XVIII, Section 9 and 14; R.C. 731.28 - .41, 3503.06

To be signed by ten percent of the electors, based upon the total vote cast at the last preceding general municipal election.

(NOTE – The below notice must be printed in red.)

**NOTICE – Whoever knowingly signs this petition more than once, signs a name other than his own, or signs when not a legal voter is liable to prosecution.**

To the Council, the legislative authority of the City of Canfield of  
(City or Village)

Mahoning, Ohio.

We, the undersigned, qualified electors of the City of Canfield of  
(City or Village)

Mahoning, Ohio respectfully petition the legislative authority to forthwith provide by

Ordinance, for the submission to the electors of said city or village, the following proposed amendment to the Charter of said city or village to-wit:

The second paragraph of Section 3.01 of the Charter of the City of Canfield shall be amended to read as follows:

“In the general election of November 2023, all councilmembers will be elected to a term of two (2) years. Subsequently, all councilmembers shall be elected to serve two (2) year terms. Councilmembers may serve a maximum of no more than four (4) consecutive terms including previous completed terms. A councilmember will be eligible for election to any office after an intervening term. The mayor shall be elected in the manner provided by Section 3.05 of this Charter.”

COPY

## Petition for Submission of Proposed Amendment to Charter

*Constitution of Ohio, Art. XVIII, Section 9 and 14; R.C. 731.28 - .41, 3503.06*

To be signed by ten percent of the electors, based upon the total vote cast at the last preceding general municipal election.

(NOTE – The below notice must be printed in red.)

**NOTICE – Whoever knowingly signs this petition more than once, signs a name other than his own, or signs when not a legal voter is liable to prosecution.**

To the Council, the legislative authority of the Canfield \_\_\_\_\_ of  
(City or Village)

Mahoning \_\_\_\_\_, Ohio.

We, the undersigned, qualified electors of the Canfield \_\_\_\_\_ of  
(City or Village)

Mahoning \_\_\_\_\_, Ohio respectfully petition the legislative authority to forthwith provide by

Ordinance, for the submission to the electors of said city or village, the following proposed amendment to the Charter of said city or village to-wit:

The Charter of the City of Canfield shall be amended by adding the following new Section 11.09 to Article XI of the Charter:

### "SECTION 11.09 RESTRICTION ON USE OF MUNICIPALITY RESOURCES FOR IMPROPER PURPOSES

"No managerial employee of the Municipality may use or authorize the use of any funds or resources of the Municipality, including any staff time compensated by the Municipality, for the purpose of supporting or opposing the nomination or election of any candidate for elected office, any levy, initiative, referendum, or Charter amendment, or any petition to place before the electors any initiative, referendum, recall, or Charter amendment.

"Any action by a managerial employee to restrain, coerce, intimidate, or direct any employee of the Municipality to further any of the foregoing shall be considered a violation of this section.

"Any managerial employee violating the provisions of this section shall forfeit their position with the Municipality and shall be ineligible for any employment by the Municipality for a period of five years. The procedure for removal of a managerial employee charged with violating this section shall be the same procedure as in the case of removal of the Manager by the City Council, as provided in Section 5.07 of this Charter; except that any vacancy created in any position by removal of a managerial employee pursuant to this section shall be filled in the same manner as is otherwise provided by this Charter or City ordinance for filling vacancies in that position.

"For purposes of this section, a 'managerial employee' shall include the City Manager, Assistant or Deputy Managers, the Directors of Safety, Service, and Finance, the Police Chief, the Public Works Superintendent, the Municipal Attorney, and any other employee with similar managerial or supervisory responsibilities; provided that no employee whose position is included in the classified service of the Municipality shall be considered a managerial employee.

"Nothing in this section authorizes any use of funds or resources of the Municipality which is otherwise prohibited or restricted by law."

COPY



**Petition for Submission of Proposed Amendment to Charter**

Constitution of Ohio, Art. XVIII, Section 9 and 14; R.C. 731.28 - .41, 3503.06

To be signed by ten percent of the electors, based upon the total vote cast at the last preceding general municipal election.

(NOTE - The below notice must be printed in red.)

**NOTICE - Whoever knowingly signs this petition more than once, signs a name other than his own, or signs when not a legal voter is liable to prosecution.**

To the Council, the legislative authority of the City of Canfield of  
(City or Village)  
Mahoning, Ohio.

We, the undersigned, qualified electors of the City of Canfield of  
(City or Village)  
Mahoning, Ohio respectfully petition the legislative authority to forthwith provide by Ordinance, for the submission to the electors of said city or village, the following proposed amendment to the Charter of said city or village to-wit:

The Charter of the City of Canfield shall be amended by adding the following new Section 5.08 to Article V of the Charter:

**"SECTION 5.08 REMOVAL OF CITY MANAGER BY ELECTORS**

"The electors shall have the power to remove from office any City Manager who has served as Manager for at least six (6) months. The procedure for removal of the Manager by the electors shall be the same procedure as in the case of removal from office by recall election of any elected officer of the Municipality, as provided in Section 8.05 of this Charter.

"Any City Manager removed from office by the electors pursuant to this section shall be ineligible for any employment by the Municipality for a period of four years, except that said removal shall not bar such person from becoming a candidate for elected office of the Municipality at any subsequent election."

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