

CANFIELD CITY COUNCIL

March 1, 2023-5:30 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** Authorizing an Agreement Between the City of Canfield and 485 W. Main Street, LLC to Grant a Tax Abatement for 10 Years at 100%.

**Description:** 485 W. Main Street, LLC submitted an application to the CRA Board (Community Reinvestment Area Board) for a 10-year, 100% property tax abatement for new construction. Because it is for more than 50%, we had to get the local school board's approval. On February 8, 2023 the Canfield School Board passed a Resolution approving the property tax abatement. Tonight, the city is entering into an agreement with 485 W. Main Street which will be submitted to the county auditor.

**Action Needed:** Passage of Ordinance

**Attachment(s):** Agreement with 485 W. Main LLC and Resolution from Canfield Local School Board.

- B. An **Ordinance** Amending Ordinance 2022-56 Adopting Salary and Benefits for all Full and Part time Non-Bargaining Unit Employees and Declaring an Emergency.

**Description:** See Chief.

**Action Needed:** Passage of Ordinance.

12. Council Comments.

13. Adjournment

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

ORDINANCE

AN ORDINANCE AUTHORIZING AN  
AGREEMENT BETWEEN THE CITY OF CANFIELD AND  
485 W. MAIN STREET LLC TO GRANT A PROPERTY TAX ABATEMENT  
FOR 10 YEARS AT 100%.

WHEREAS, Canfield has encouraged the development of real property and the acquisition of personal property located in the area designated as a Community Reinvestment Area; and

WHEREAS, the property owner has constructed new buildings and additions to existing buildings for use as storage facilities, hereinafter referred to as the “Project”, with the boundaries of the aforementioned Community Reinvestment Area, provided that the appropriate development incentives are available to support the economic viability of said PROJECT.

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

Section 1: The Council of the City of Canfield wishes to grant the abatement for the “PROJECT” located at 485 W. Main Street LLC in accordance with the terms of the agreement attached hereto.

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 \_\_\_\_\_ 2022.

\_\_\_\_\_  
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

## COMMUNITY REINVESTMENT AREA AGREEMENT

This agreement made and entered into by and between the City of Canfield, Ohio, municipal corporation with its main offices located at 104 Lisbon St., Canfield, Ohio 44406 (hereinafter referred to as ("Canfield")) and 485 W. Main Street LLC, an Ohio limited liability company with offices located at 485 W. Main St., Canfield, Ohio 44406 (hereinafter referred to "Property Owner"), WITNESSETH;

**WHEREAS**, Canfield has encouraged the development of real property and the acquisition of personal property located in the area designated as a Community Reinvestment Area; and

**WHEREAS**, Property Owner is constructing new buildings and additions to existing buildings for use as storage facilities, hereinafter referred to as the "PROJECT", within the boundaries of the aforementioned Community Reinvestment Area, provided that the appropriate development incentives are available to support the economic viability of said PROJECT; and

**WHEREAS**, the Council of Canfield, Ohio by (Ordinance) No. 2020-55 adopted by City Council, designated the area as a "Community Reinvestment Area" pursuant Chapter 3735 of the Ohio Revised Code; and

**WHEREAS**, the Director of Development of the State of Ohio determined that the aforementioned area designated in said (Ordinance) No. 2020-55 contained the characteristics set forth in Section 3735.66 of the Ohio Revised Code and confirmed said area as a Community Reinvestment Area under said Chapter 3735; and

**WHEREAS**, Canfield having the appropriate authority for the stated type of project is desirous of providing Property Owner with incentives available for the development of the PROJECT in said Community Reinvestment Area under Chapter 3735 of the Ohio Revised Code; and

**WHEREAS**, Property Owner has submitted a proposed agreement application (herein attached as Exhibit A) to Canfield said application (hereinafter referred to as "APPLICATION"); and

**WHEREAS**, Property Owner has or will remitted the required state application fee of \$750.00 made payable to the Ohio Department of Development with the application to be forwarded to said department with a copy of the final agreement; and

**WHEREAS**, the City of Canfield Community Reinvestment Area Board of Canfield has investigated the application of Property Owner and has recommended the same to the Council of Canfield on the basis that Property Owner is qualified by financial responsibility and business experience to create and preserve employment opportunities in said Community Reinvestment Area

and improve the economic climate of Canfield; and

**WHEREAS**, the project site as proposed by Property Owner is located in the Canfield Local School and the Mahoning County Career and Technical Center and the Board of Education of the school district has been notified in accordance with Section 5709.83 and been given a copy of the APPLICATION; and

**WHEREAS**, pursuant to Section 3735.67(A) and in conformance with the format required under Section 3735.671(B) of the Ohio Revised Code, the parties hereto desire to set forth their agreement with respect to matters hereinafter contained;

**NOW, THEREFORE**, in consideration of the mutual covenants hereinafter contained and the benefit to be derived by the parties from the execution hereof, the parties herein agree as follows:

1. Property Owner shall construct storage facilities at 485 W. Main St., Canfield, Ohio.

The PROJECT will involve a total investment by Property Owner of \$575,000.00 dollars, plus or minus 10%, at the Project site.

The PROJECT has commenced and will be completed by January 1, 2022.

2. Property Owner will use its best efforts to retain 4 existing full-time equivalent jobs at the location.

Property Owner currently has 4 full-time permanent employees and 0 part-time permanent employees at the Project site. In total, Property Owner has 4 full-time permanent employees and 0 part-time permanent employees in the State of Ohio.

3. Property Owner shall provide to Council any information reasonably required by the Council to evaluate the property owner's compliance with the agreement, including returns filed pursuant to section 5711.02 of the Ohio Revised Code if requested by Council.

4. Pursuant to the terms herein; Canfield hereby grants Property Owner a tax exemption for real property improvements made to the PROJECT site pursuant to Section 3735.67 of the Ohio Revised Code and shall be in the following amounts: \$100% for 10 years. The exemption commences the first year for which the real property would first be taxable were that property not exempted from taxation. No exemption shall commence after 2023 nor extend beyond 2033. Property Owner must file the appropriate tax forms with the Mahoning County Auditor to effect and maintain the exemptions covered in the agreement.

5. Property Owner shall pay an annual fee equal to the greater of one percent of the dollar value of incentives offered under the agreement or five hundred dollars (\$500.00) whichever is less: provided, however, that if the value of the incentives exceeds two hundred thousand dollars (\$200,000.00), the fee shall not exceed two hundred dollars \$200.00.

The fee shall be made payable to Canfield once per year for each year the agreement is effective. This fee shall be deposited in a special fund created for such purpose and shall be used exclusively for the purpose of complying with section 3735.671(D) of the revised code and by the tax incentive review council created under section 5709.85 of the revised code exclusively for the purposes of performing the duties prescribed under that section.

6. Property Owner shall pay such real and tangible personal property taxes not exempted under this agreement and are charged against such property and shall file all tax reports and returns as required by law. Property Owner fails to pay such taxes or file such returns and reports, all incentives granted under this agreement are rescinded beginning with the year for which such taxes are charged or such reports or returns are required to be filed and thereafter.
7. Canfield shall perform such acts as are reasonably necessary or appropriate to effect, claim, reserve, and maintain exemptions from taxation granted under this agreement including, without limitation, joining in the execution of all documentation and providing any necessary certificates required in connection with such exemptions.
8. If for any reason the Community Reinvestment Area designation expires, the Director of the Ohio Department of Development revokes certification of the zone, or Canfield revokes the designation of the zone, entitlements granted under this agreement shall continue for the number of years specified under this agreement, unless Property Owner materially fails to fulfill its obligations under this agreement and Canfield terminates or modifies the exemptions from taxation granted under this agreement.
9. If Property Owner materially fails to fulfill its obligations under this agreement, or if Canfield determines that the certification as to delinquent taxes required by this agreement is fraudulent, Canfield may terminate or modify the exemptions from taxation granted under this agreement.
10. Property Owner hereby certifies that at the time this agreement is executed, Property Owner does not owe any delinquent real or tangible personal property taxes to any taxing authority of the State of Ohio, and does not owe delinquent taxes for which Property Owner is liable under Chapter 5733, 5735, 5739, 5741, 5743, 5747, or 5753 of the Revised Code, or, if such delinquent taxes are owed, Property Owner currently is paying the delinquent taxes pursuant to an undertaking enforceable by the State of Ohio or an agent or instrumentality thereof, has filed a petition in bankruptcy under 11 U.S.C.A. 101, et seq., or such a petition has been filed against Property Owner. For the purposes of the certification, delinquent taxes are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the Revised Code governing payment of those taxes.
11. Property Owner affirmatively covenants that it does not owe: (1) any delinquent taxes to the State of Ohio or a political subdivision of the State; (2) any moneys to the State or a state agency for the administration or enforcement of any environmental laws of the State; and (3) any other moneys to the State, a state agency or a political subdivision of the State that are

past due, whether the amounts owed are being contested in a court of law or not.

12. Property Owner and Canfield acknowledge that this agreement must be approved by formal action of the legislative authority of Canfield as a condition for the agreement to take effect. This agreement takes effect upon such approval.
13. By executing this agreement, Property Owner is committing to following non-discriminating hiring practices acknowledging that no individual may be denied employment solely on the basis of race, religion, sex, disability, color, national origin, or ancestry.
14. Exemptions from taxation granted under this agreement shall be revoked if it is determined that Property Owner, any successor property owner, or any related member (as those terms are defined in Section 3735.671 of the Ohio Revised Code) has violated the prohibition against entering into this agreement under Division (E) of Section 3735.671 or Section 5709.62 or 5709.63 of the Ohio Revised Code prior to the time prescribed by that division or either of those sections.
15. Property Owner affirmatively covenants that it has made no false statements to the State or the City of Canfield in the process of obtaining approval of the Community Reinvestment Area incentives. If any representative of Property Owner has knowingly made a false statement to the State or local political subdivision to obtain the Community Reinvestment Area incentives, Property Owner shall be required to immediately return all benefits received under the Community Reinvestment Area Agreement pursuant ORC Section 9.66(C)(2) and shall be ineligible for any future economic development assistance from the State, any state agency or a political subdivision pursuant to ORC Section 9.66(C)(1). Any person who provides a false statement to secure economic development assistance may be guilty of falsification, a misdemeanor of the first degree, pursuant to ORC Section 2921.13(D)(1), which is punishable by a fine of not more than \$1,000 and/or a term of imprisonment of not more than six months.
16. This agreement is not transferable or assignable without the express, written approval of Canfield.

**CANFIELD**

By: \_\_\_\_\_  
Title

**485 W. MAIN STREET LLC**

By \_\_\_\_\_  
Title

Approved as to form:

\_\_\_\_\_  
(Legal counsel for municipal corporation or county)



BOARD OF EDUCATION  
CANFIELD LOCAL SCHOOL DISTRICT  
MAHONING COUNTY, OHIO

The Board of Education (the "Board") of the Canfield Local School District, Mahoning County, Ohio (the "School District"), met on February 8, 2023, at 6:00 p.m., with the following members present:

<u>Mrs. Traci DeCapua, Pres.</u>	Present
<u>Mr. Nader Atway</u>	Present
<u>Mr. Robert Smallwood</u>	Present
<u>Mr. Dave Wilkeson</u>	Present

Mr. Knoll introduced the following Resolution and Mr. Atway moved its passage:

RESOLUTION # 112-2023 APPROVING A COMMUNITY  
REINVESTMENT AREA EXEMPTION FOR CERTAIN REAL  
PROPERTY IMPROVEMENTS TO BENEFIT 485 W. MAIN ST.,  
LLC

(Ohio Revised Code §§ 3735.671, 5709.83)

WHEREAS, 485 W. Main St., LLC (the "Owner") intends to construct new buildings and additions to existing buildings for use as storage facilities located on real property in Canfield, Ohio and having the address of 485 and 489 W. Main Street (the "Project"), which is within the boundaries of the School District; and

WHEREAS, the Project will result in substantial economic improvement within the School District and within the City of Canfield, Ohio (the "City") if it proceeds; and

WHEREAS, the proposed Project will be located within an area designated as a Community Reinvestment Area pursuant to Ohio Revised Code ("O.R.C.") § 3735.66; and

WHEREAS, pursuant to O.R.C. §§ 3735.671(A)(1) and 5709.83, the Board has been notified that the Owner has filed an application for a Community Reinvestment Area agreement and a Community Reinvestment Area exemption seeking a ten (10) year, 100% exemption (the "Tax Exemption") of the assessed improvement valuation of the Real Property (the "Improvement"); and

WHEREAS, the City intends to consider granting the Tax Exemption requested by the Owner for the Improvement; and

WHEREAS, O.R.C. § 3735.671 permits the City to grant Community Reinvestment Area exemptions exceeding fifty percent (50%) of the assessed rehabilitation improvement valuation of the Real Property if approved by the affected school district; and

Resolution Approving Community Reinvestment  
February 8, 2023  
Page 2 of 3

WHEREAS, O.R.C. §§ 3735.671(A)(1) and 5709.83 require that the City give notice of the proposed Community Reinvestment Area agreement and the proposed Community Reinvestment Area exemption to each school district affected by the proposed exemption not less than 45 business days and 14 days, respectively, prior to approving the exemption, unless the board of education has adopted a resolution waiving its right to receive the notice or authorizes a shorter notice period; and

WHEREAS, the School District has received a copy of the application and the proposed Community Reinvestment Area Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF EDUCATION OF THE CANFIELD LOCAL SCHOOL DISTRICT, MAHONING COUNTY, OHIO:

Section 1. The Board approves a ten (10) year exemption of 100% of the assessed rehabilitation improvement valuation of the Improvement. This Resolution shall be deemed the approval provided by O.R.C. § 3735.671(A)(1).

Section 2. The School District hereby waives compliance with the notice requirements under O.R.C. §§ 3735.671, 5709.83 or 5715.27, but solely with respect to the Project.

Section 3. The Treasurer is directed to certify a copy of this Resolution to the City.

Section 4. It is hereby found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in an open meeting of this Board, and all deliberations of this Board and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Ohio Revised Code Section 121.22.

[Balance of the Page Intentionally Left Blank]

Mr. Wilkeson seconded the motion and, after discussion, a roll call vote was taken and the results were:

Voting Aye: Mr. Atway, Mr. Smallwood, Mr. Wilkeson, Mrs. DeCapua

Voting Nay: .

The Resolution passed.

Passed: February 8, 2023

BOARD OF EDUCATION  
CANFIELD LOCAL SCHOOL DISTRICT  
MAHONING COUNTY, OHIO

Attest:

Patricia L. Prince  
Patricia L. Prince, Treasurer

By:

Traci K. DeCapua  
Traci K. DeCapua, Board President

CERTIFICATE

The undersigned Treasurer of the Canfield Local School District, Mahoning County, Ohio certifies that the foregoing is a true copy of a Resolution duly passed by a majority of the Board of Education of the Canfield Local School District on February 8, 2023.

Patricia L. Prince  
Patricia L. Prince, Treasurer  
Canfield Local School District  
Mahoning County, Ohio

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

ORDINANCE

AN ORDINANCE AMENDING ORDINANCE 2022-56  
ADOPTING SALARY AND BENEFITS FOR ALL FULL  
AND PART TIME NON-BARGAINING UNIT EMPLOYEES AND  
DECLARING AN EMERGENCY.

WHEREAS, the City of Canfield has established salary and benefits for Full and Part time employees; and

WHEREAS, the Council of the City of Canfield desires to modify the salary and benefits for Full and Part time City employees, and

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

**Section 1:** Employees not covered under a collective bargaining agreement may receive an annual wage adjustment effective with the first pay period beginning January 1<sup>st</sup>. This annual wage adjustment is contingent upon appropriated funds approved by City Council. The annual wage adjustment percentage will be comparable to the Consumer Price Index (CPI) increase for the twelve (12) month period from December to December and must be approved by Council.

**Section 2:** Each employee shall receive an annual evaluation. Subject to limitations set forth in a collective bargaining agreement, employees will be eligible to receive a merit payment or a merit increase, based upon a percentage of annual salary and contingent upon appropriated funds approved by City Council. The amount of the merit payment or merit increase shall be based upon performance up to the maximum amount of the position at any time during the year. Persons eligible to receive an additional merit payment or increase of up to 3% of their annual salary shall not exceed the compensation limitations set forth in Section 3.

**Section 3:** The following compensation limitations shall be in effect for employees from January 1, 2021 through December 31, 2023 or until such time as a successor Ordinance is approved:

**A. Full Time Employees**

**(1) Administrative Employees**

Position	Annual Salary		
	2021	2022	2023
City Manager	Set by Council	Set by Council	Set by Council
Police Chief	107,260	111,550	118,912
Finance Director	87,294	90,786	96,306
Public Works Superintendent	87,294	90,786	96,306
Information Technology Mgr.	77,438	80,536	83,757

Zoning Inspector	59,016	61,376	63,831
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**(2) Non-Administrative Employees**

Position	Hourly Rate of Pay		
	2021	2022	2023
Clerk of Council	26.43	27.48	29.15
Deputy Finance Director	34.32	35.69	37.12
Income Tax Administrator	26.86	27.94	29.06
Account Clerk	21.10	22.51	23.64
Utility Laborer	19.94	20.73	21.56
Administrative Clerk A		22.51	23.64
IT Network & Systems Admin.	24.72	25.75	26.78
IT Technician	22.32	23.25	24.18
Sr. Administrative Police Clerk/Clerk of Court	26.43	27.48	28.58
Administrative Police Clerk/Deputy Clerk of Court	21.76	23.07	24.45
Administrative Clerk B	16.97	17.65	22.51
PW Foreman (2)	32.24	33.53	34.87
PW Coordinator	32.24	33.53	34.87

The Annual salary rate of newly hired administrative employees and the hourly rate of all newly hired non-administrative employees shall be determined by the City Manager at the time of their appointment, but in no case shall exceed the rate listed above in Section 1, A, (1), & A, (2).

**B. Part Time Hourly Employees**

The rate of pay for Part Time Hourly employees shall be determined by the City Manager and may range from the State minimum wage to a maximum of \$20.00 per hour.

Part time Officers scheduled to work on the OVI Task Force, shall be compensated at the Overtime rate based on their current hourly rate. All Client paid details scheduled through the Canfield Police Department shall be paid at a rate of \$30 per hour, excluding the Canfield Fair.

**Section 2:** Effective January 1, 2021, all the positions, identified in Section 1, A, are not eligible to receive overtime compensation, with the exception of required attendance at City Council meetings, positions identified in Section 1, A, (1) may elect for the required attendance of all scheduled council meetings (a) the rate of one and one-half (1-1/2) times the Employee's regular hourly rate of pay, or (b) by electing "compensatory time off" which is computed at a rate of one and one-half times the overtime hours worked. Effective January 1, 2022, all the positions identified in Section 1, A, shall not receive compensation for their required attendance at City Council meetings. Instead these positions shall receive "compensatory time off" calculated at a rate of one (1) times the number of hours spent at City Council meetings. These same positions may accumulate up to a maximum of 100 hours of Compensatory Time calculated for each hour worked in excess of forty (40) hours per week. Accumulated Compensatory Time may be used as compensatory time off when approved by the City Manager. An accurate record of compensatory time earned and time taken shall be maintained by the Deputy Finance Director. The City shall be under no obligation to pay said employees for unused accumulated Compensatory Time upon termination or expiration of employment.

Employees, employed in positions identified in Section 1,A, (2 )that have overtime hours worked, shall have the option of being paid for the overtime hours worked at (a) the rate of one and one-half (1-1/2) times the Employee's regular hourly rate of pay, or (b) by electing "compensatory time off" which is computed at a rate of one and one-half times the overtime hours worked. This election must be approved by the City Manager or designee and "compensatory time off" hours can be accumulated but only up to a maximum of 100 hours.

**Section 3:** The probationary period of all original and promotional appointments of employees, including provisional appointments, shall be twelve (12) months. No originally or provisionally appointed probationary employee will be eligible for sick leave, vacation or personal leave during the initial ninety (90) days of employment.

**Section 4:** The City Manager, with City Council approval, may grant additional compensation beyond the limitations set forth, to employees identified in Section 1, A, (1) and Section 1, A, (2).

The Police Chief shall receive holiday compensation, fitness bonus, uniform maintenance and purchase of uniform on the same basis as is provided to members of the Police Department Collective bargaining Unit pursuant to the current Collective bargaining Agreement, effective from the date of appointment as Police Chief. The Police Chief shall also earn overtime at the rate of one and one-half (1-1/2) times the Employee's regular hourly rate of pay on activities that are reimbursed by outside sources.

**Section 5:** All full time non-administrative employees shall work forty (40) hours per week. The work hours of each Administrative employee shall be scheduled by the City Manager and insofar as possible, shall be five (5) consecutive days of 8 hours each or other scheduled hours as set forth from time to time by the City Manager. The pay of any scheduled full time employee that works less than forty (40) hours per week, excluding absences identified in Sections 7, 8, 9, 10, 11, 12, 13, 14, 15 and Compensatory Time off, will be reduced by the number of hours not worked times(x) that employees' hourly rate of pay or, for Administrative employees, his/hers annual salary divided by 2080 hours.

**Section 6:** A, Part Time Hourly employees are not eligible to receive any of the benefits identified in Sections 7, 9, 10, 11, 12, 13, 14, 15, 16, and 18 .

B, Seasonal Part Time Hourly employees are not eligible to receive any of the benefits identified in Sections 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 18.

**Section 7:** Employees shall be entitled to take vacation after completion of initial ninety (90) days of employment. Time off for vacations must be approved by the City Manager or his/her designee. Employees shall accumulate vacation days at the following rates, if the employee is in full pay status for at least (20) days during such month:

Years of Service – After	Accumulative Rate (days)	Accumulative Rate (hours)	Equivalent Total Days per year
1 month through 3 years	5/6 of a day per month	6.66 hours per month	10 days
4 years through 5 years	1 day per month	8.00 hours per month	12 days
6 years though 10 years	1-1/4 days per month	10.00 hours per month	15 days
11 years through 15 years	1-1/2 days per month	12.00 hours per month	18 days
16 years through 20 years	1-3/4 days per month	14.00 hours per month	21 days
21 years through 25 years	2 days per month	16.00 hours per month	24 days
26 years and more	2-1/2 days per month	20.00 hours per month	30 days

Each employee shall take at least five (5) days of vacation per year and may accumulate the unused portion of entitled vacation days up to a maximum of 25 vacation days (200 hours). Vacation days cannot be taken in anticipation of entitlement.

Each non-probationary Employee shall have the option to cash out up to forty (40) hours of accumulated vacation time once per year so long as the employee maintains at least forty (40) hours of vacation time in their vacation leave bank. Employees exercising this cash out must request the cash out by November 1st. The vacation cash out shall not count as taking the minimum required vacation days as outlined above. An employee desiring to resign from employment should give a minimum of two weeks’ notice of resignation to the City Manager or his/her designee. The employee, after the submission of his/her notice of resignation, will then be eligible to receive payment for his/her accumulated vacation pay for up to a maximum of 25 working days.

An employee that qualifies for “Family Leave” to care for a spouse, son, daughter or parent with a “serious health condition” may request in writing a one-year advance on vacation time. Said request may be approved by the Manager after reviewing medical certifications. Said advance shall be granted only once per “serious health condition”. Said vacation advance shall not entitle the employee to payment upon employee’s termination of service, whether voluntary or involuntary. (For the purposes of this Ordinance, the terms “family leave” and “serious health condition” shall be defined as provided in the Family and Medical Leave Act of 1993.)

**Section 8:** Employees may use sick leave upon approval of the City Manager or his/her designee and may use sick leave segments of one (1) 8 hour day, unless prior approval is granted.

- A. Sick leave shall be defined as an absence with pay necessitated by: (1) illness or injury to the employee or his/her “immediate family” as defined in subsection C below; (2) exposure by the employee to a contagious disease communicable to other employees; or (3) serious illness, injury, childbirth by the employee or the employee’s spouse; or (4) medical,

dental and optical examinations or treatment which prevents the employee from performing his/her assigned duties.

- B. All full time employees shall earn sick leave at the rate of five (5) hours per pay or ten (10) hours per month or one and one-quarter (1-1/4) days per month and may accumulate such sick leave to a maximum of 2000 hours or two hundred fifty (250) work days; provided, however, that an employee shall not earn sick leave for any month unless he is in full pay status for at least twenty (20) work days during such monthly period.
- C. When the use of sick leave is due to illness or injury in the immediate family, "immediate family" shall be defined to only include the employee's spouse, children or parents.
- D. Upon the death of an Employee who has at least five (5) years of continuous full-time service, or upon the retirement of a full-time employee who has at least ten (10) years of continuous service with the City of Canfield, such employee shall be entitled to receive a cash payment equal to their hourly rate of pay at the time of retirement multiplied by one fourth (1/4) the total number of accumulated but unused sick hours earned by the employee, as certified by the Deputy Finance Director, providing that such resulting number of hours to be paid shall not exceed five hundred (500) hours.
- E. The accumulated sick leave hours of an employee who transfers from one department to another will not be impacted because of his/her transfer.
- F. The City Manager may require an employee to furnish a satisfactory medical excuse, in writing, for absences of three (3) days or greater, that indicates that the absence was the result of one or more of the incidents described in Section 8, A.. Any abuse of sick leave shall be just and sufficient cause for discipline as may be determined by the City Manager or his designee.
- G. An employee that qualifies for "Family Leave" to care for a spouse, son, daughter or parent with a "serious health condition" may request in writing a one-year advance on sick leave. Said request may be approved by the Manager after reviewing medical certifications. Said advance shall be granted only once per "serious health condition". Said sick leave advance shall not entitle the employee to payment upon employee's termination of service, whether voluntary or involuntary. (For the purposes of this Ordinance, the terms "family leave" and "serious health condition" shall be defined as provided in the Family and Medical Leave Act of 1993.)

**Section 9:** A sick day bonus of six (6) hours of pay per quarter (defined in table below) will be paid on May 30<sup>th</sup> for the first half and November 30<sup>th</sup> for the second half of each year to those full time employees who have taken no sick days in the respective quarter. Each quarter will be evaluated independently for use of sick time. For example, if an employee uses sick leave in the first quarter and no sick leave in the second quarter, they will receive a bonus of six (6) hours of pay on May 30<sup>th</sup>. Payment will be made by separate check.



Quarter	Begin Date	End Date
1	November 16	February 15
2	February 16	May 15
3	May 16	August 15
4	August 16	November 15

**Section 10:** Each full time City employee shall be granted two (2) Personal Days per calendar year with the following stipulations:

- A. Each employee identified in Section 1, A, (1), and 1, A, (2), must have their Personal Day approved in advance by the City Manager or his/her designee.
- B. Personal Days must be taken (or lost) by May 30<sup>th</sup> of the succeeding year.

**Section 11:** A full time employee shall be granted time off with pay (not to be deducted from the employee’s sick leave) for the purposes of attending the funeral of a member of the employee's immediate family. Immediate family shall be defined to only include the employee's mother, father, spouse, former spouse, child, brother, sister, father-in-law, mother-in-law, grandparents and grandchildren. The employee may request up to a maximum of four (4) work days for each death in the immediate family.

An employee shall be granted time off with pay (not to be deducted from the employee’s sick leave) one (1) day to attend the funeral of an employee’s aunt, uncle, niece, nephew, or other relative living in your household under your care.

**Section 12:** An employee of the City of Canfield who may be injured in the course of duty in the employment of the City shall, upon filing with the Industrial Commission Workers' Compensation Division, a claim for such injury, receive from the City of Canfield injury leave with pay at their regular salary or hourly rate based on forty (40) hours per week.

Any compensation received in lieu of wages under Workers' Compensation Act or other insurance, the premiums of which were paid by the City, shall be reimbursed to the City or deducted from the employee's pay.

The maximum limit for injury leave with pay shall be ninety (90) days.

In case of an injury to an employee, the City manager or his designee shall cause a report of injury to be made to an appropriate physician within two (2) days. This physician shall be asked to submit a report to the City Manager, within ten (10) days after receiving the City Manager's report, stating what the employees’ disability is, if any, and what action has been or will be taken to correct the cause of any disability and the estimated time the employee will be absent from work, if any. The injured employee shall not return to duty until a written certified statement from his physician authorizing the return to work is received by the City Manager.

**Section 13:** The terms and conditions under which a full time City Employee can request a leave of absence without pay will be governed by Section 8.05 of the Civil Service Commission of the Municipality of Canfield, Ohio's Rules and Regulations adopted

November 14, 1973 and subsequently amended. For the first three (3) months, any employee granted a leave of absence without pay by the City Manager with the approval of City Council, shall continue to receive all benefits they are entitled to by their employment contract or this Ordinance. In the event that the Civil Service Commission grants a leave of absence to an employee for more than three (3) months, the Council of the City of Canfield will determine on a case-by-case basis if said employee will continue to receive their benefits after the third month of the leave of absence.

**Section 14:** An Employee who has been employed by the City of Canfield for at least twelve (12) months and has worked 1250 hours during the previous twelve-month period is an "eligible Employee" for family leave.

Family leave is twelve (12) weeks (60 working days), is unpaid and shall be granted to an "eligible employee":

- A. Because of the birth of a son or daughter of the Employee and in order to care for such son or daughter.
- B. Because of the placement of a son or daughter with the Employee for adoption or foster care.
- C. Because of a serious health condition of the Employee that makes the Employee unable to perform the functions of the job.
- D. Because of the need to care for the employee's spouse, son, daughter or parent with a "serious health condition".

An eligible Employee shall be granted, when requested, a total of twelve (12) weeks of family leave within the first twelve (12) months after a baby's birth or placement or for the need to care for the employee's spouse, son, daughter or parent with a "serious health condition".

Said leave may be taken by either parent.

During family leave, the eligible Employee shall first use all accumulated vacation, compensatory time and sick leave. However, the Employee may request to reserve some portion of vacation, compensatory time and sick leave, not exceeding 5 days. Then the Employee shall take the balance of family leave as unpaid leave.

Leave for the birth or placement of a child must be taken in one block of time, unless approved by the Employer.

Leave for the "serious health condition" of the employee's spouse, son, daughter or parent may be intermittent.

An Employee is required to request leave in writing thirty (30) days prior to commencement, if possible.

The Employer may request medical certification regarding the "serious health condition" and the probable duration of care.

If both parents are employed by the same Employer, the total amount of leave provided shall not exceed twelve (12) weeks (60 working days).

During the unpaid leave, all health care and life insurance benefits will be paid by the Employer.

If an Employee elects not to return to work after the expiration of the family leave, the Employer may recover from the Employee the cost of medical premiums paid during the unpaid portion of the leave.

**Section 15:** Holidays: The following twelve (12) Holidays shall be observed by all full time employees covered by this Ordinance: 1. New Year's Day, 2. Martin Luther King Day, 3. President's Day, 4. Good Friday, 5. Memorial Day, 6. Independence Day, 7. Labor Day, 8. Veteran’s Day, 9. Thanksgiving Day, 10. Day after Thanksgiving Day, 11. Day before Christmas, 12. Christmas Day. When the holiday falls on a Saturday, Friday will be observed as the holiday day. If the holiday falls on a Sunday, Monday will be observed as the holiday day. Only the individuals who are required to work to maintain the minimum service that is necessary shall be scheduled to work the holiday. This schedule shall be determined by the City Manager or his/her designee. Employees identified in Section 1, A, (2) shall be compensated at a rate of time and one half for actual work on a holiday.

**Section 16:** Insurance: The City of Canfield shall provide and pay a portion of the costs of a group hospitalization, surgical insurance, and major medical plan for all full time employees during their employment with the City except as otherwise excluded in this Ordinance. The employees shall contribute the following amounts toward payment of the premiums as follows:

	<u>2021</u>	<u>2022</u>	<u>2023</u>	
Single	12%	12%	12%	% per pay of the annual premium divided by 24
Employee/Child	12%	12%	12%	% per pay of the annual premium divided by 24
Employee/Spouse	12%	12%	12%	% per pay of the annual premium divided by 24
Family	12%	12%	12%	% per pay of the annual premium divided by 24

The City may elect to provide optional Vision and Dental plans and coverage. All employees desiring the aforementioned insurance shall make proper application with the Deputy Finance Director of the City of Canfield.

The City will also pay the full premium for all full time employees for a convertible term life insurance policy in the face value of Thirty-five Thousand Dollars (\$35,000).

**Section 17:** Professional Liability: The City of Canfield will provide professional liability coverage for employees whose job may require such coverage as determined by the City Manager.

**Section 18:** Jury Duty: Any full time employee who is called for jury duty, at either a Federal, County or Municipal Court, shall be paid his/her regular salary or his/her regular hourly rate for this lost time.

**Section 19:** Compensation for all work performed by City employees is scheduled to be paid semi-monthly on the 15th and 30th of each month, with the exception of February where the second pay shall be made on the last day of the month. If the 15<sup>th</sup> or

30<sup>th</sup> falls on a Saturday, Sunday or holiday, the employee will be paid on the last scheduled workday preceding the 15<sup>th</sup> or 30<sup>th</sup> or holiday.

**Section 20:** Mileage reimbursements for use of personal vehicle on City business shall be at the current published rate established by IRS. All expenses conforming to the City Travel Policy will be reimbursed, in a reasonable period of time, when requested and authorized by Purchase Order.

**Section 21: Sick/Vacation Leave Cash Buyout Plan.** When an employee chooses to retire, he/she will be afforded the opportunity to avail themselves of a pre-retirement Sick/Vacation Leave Buyout Plan as follows;

- A. In addition to the severance pay allowable by this Ordinance, employees who have a minimum of 23 years' service credit with OPERS may request an early payout of their accumulated sick leave and/or vacation leave hours.
- B. This **Sick/Vacation Leave Cash Buyout Plan** shall allow for the early payout of accumulated sick and/or vacation leave and shall be limited to a maximum of two hundred forty (240) hours of sick leave each year prior to retirement or a maximum of two hundred (200) hours of vacation leave each year prior to retirement, or any combination of both up to a maximum combined total of two hundred and forty (240) hours each year prior to retirement. These early payouts will be paid to a retiring employee during a maximum of three (3) years prior to the employees' retirement date. The payment value of these sick/vacation leave hours shall be calculated using the hourly rate in existence at the time the employee gives notice of retirement. Each payment shall be subject to normal payroll deductions. Enrolling in the **sick/vacation leave cash buyout plan** will not interfere with the employees' eligibility to earn a sick leave bonus.
- C. In order to participate in the **Sick/Vacation Leave Cash Buyout Plan** the employee must give written notice to the employer of his/her intention to retire in 3 years or less from the date of the written notice. Within 90 days, following the date of the employee notice, a letter of understanding, that identifies the date of retirement and the payout option listed below, that fits with the retirement date, must be signed by both the employee and the employer.

If the retirement date is:

**Option 1:**

Three years from the date of the signed letter of agreement, then the accumulated sick and vacation entitlement shall be paid out in equal installments, on scheduled pay dates, over three (3) years and paid at the current value of the entitled hours in existence at the date of the agreement.

**Option 2:**

Two years from the date of the signed letter of agreement, then the accumulated sick and vacation entitlement shall be paid out in

equal installments, on scheduled pay dates, over two (2) years and paid at the current value of the entitled hours in existence at the date of the agreement.

**Option 3:**

One year from the date of the signed letter of agreement, then the accumulated sick and vacation entitlement shall be paid out in equal installments in one year, on scheduled pay dates and paid at the current value of the entitled hours in existence at the date of the agreement.

All payments of **Sick/Vacation Leave Cash Buyout Plan** benefits will be made on regularly scheduled payroll payment dates.

- D. When the letter of understanding agreement has been signed, - the total buyout hours identified in that agreement will be deducted from the accumulated sick and/or vacation leave hours in effect immediately before the signing of the agreement and only the remaining balance of accumulated sick and/or vacation leave hours shall be available for normal use by the retiring employee during his/hers remaining years of employment before retirement.
- E. If the employee, subsequent to the signing of the letter of understanding agreement, experiences a documented long term or extenuating catastrophic illness, then, but only after a complete review of the circumstances by the Employer together with the approval of the Canfield City Council;
  - the letter of understanding agreement between the employee and the employer shall be suspended and
  - the hours of sick and/or vacation leave, identified in the letter of understanding agreement, shall be added back to the employees current accumulated sick and/or vacation hours and the hours paid to the employee, under the **Sick/Vacation Leave Cash Buyout Plan**, shall be deducted from that same current balance of accumulated sick and/or vacation hours.
- F. A retiring employee may only apply for the benefits under the **Sick/Vacation Leave Cash Buyout Plan** once during his/her employment with the City of Canfield unless his/her participation in the plan was suspended as indicated in Sec. 21 E.

**Section 22:** Emergency Ordinance. That this Ordinance is hereby declared to be an emergency to retroactively apply changes in the Ordinance to January 1, 2022.

**Section 23:** 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., 2023.

\_\_\_\_\_  
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

MINUTES  
CANFIELD CITY COUNCIL  
**PUBLIC HEARING**  
FEBRUARY 15, 2023 -5:20 P.M.

The Public Hearing was called to order by Mr. Morvay, President of Council. Council members present: Mr. Morvay, Mr. Nacarato and Mr. Neff.

Absent: Mr. Dragish, and Mr. Tieche.

This is a public hearing regarding:

**An Ordinance Amending Canfield Codified Ordinance  
Section 1169.03 Accessory Buildings.**

This public hearing was advertised in the Vindicator on January 19, 2023. Planning & Zoning Recommended this Ordinance to Council on two different occasions.

MR. MORVAY: Can you give us a briefing as to why we're having this public hearing.

CHIEF COLUCCI: There are property owners in the R-1 District that have large lots. However, they are only allowed to have accessory buildings that are 35% of their first floor living area in the R-1 District. This Ordinance allows a property owner that has a lot in excess of 4 acres to have a larger accessory building that is up to 45% of the rear yard area and must not be larger than 2,000 square feet.

MR. NACARATO: My only question, accessory buildings, that would include sheds and garages?

ZONING INSPECTOR: Sheds and garages.

MR. MORVAY: Residents anything? Hearing none. Bruce, anything?

MR. NEFF: No, we talked about this extensively in Planning & Zoning.

MR. MORVAY: And you guys did recommend it?

MR. NEFF: Correct.

MR. MORVAY: I'll adjourn the public hearing.

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PRESIDENT OF COUNCIL

ATTEST:

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CLERK OF COUNCIL



## MINUTES

### CANFIELD CITY COUNCIL **REGULAR MEETING** FEBRUARY 15, 2023-5:30 P.M.

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

Note: Mr. Dragish entered the meeting at 5:34 P.M.

Absent: Mr. Tieche.

MR. MORVAY: Mayor Dragish is going to be a few minutes late. We'll ask him about Proclamations and Presentations when he gets here.

Under **MINUTES**, the Minutes from the February 1, 2023 Regular Meeting were approved as presented.

#### Under **READING OF COMMUNICATIONS**:

MR. NEFF: I have none.

MR. NACARATO: I have none.

MR. MORVAY: I got a communication from Judy Zuba. She was asking about the decorations for the Lighting of the Green, the Christmas decorations. In speaking with Anthony, a minute ago, we're going to have her get in touch with the committee at Rotary to try to coordinate whatever ideas she has with what Rotary is doing. She is also asking about the clock on the Green. It's not working. That could be a good Rotary project. I'm going to advise her to get some pricing and we can see if we can get it in the budget. If not, it would be a great Rotary project. How does that sound?

CHIEF OF POLICE: It sounds fine.

MR. MORVAY: That's how I'll respond to her. J.T., I have to commend you sir. Beautiful articles about our community. One was Dominic Nacarato and how he built these signs for us, sign holders.

MR. NACARATO: Sign boards.

MR. MORVAY: Sign boards. Beautiful write-up, thank you for displaying our community and thank you son for his service to the community. What a great project. Also, J.T., you did an

article on the American Legion, Mr. Kubitza. You named a couple of folks here in town that received awards. One was firefighter/Paramedic Herb Vogel (spelled phonetically) and Firefighter/EMT Kiera Kessner (spelled phonetically) in regards to the car that went into the pond and was under water. Mr. Vogel and Kiera Kessner were the ones who rescued that young lady. Also, I'd like to bring light to Detective/Sgt. Joshua Wells from the police department was nominated by Canfield Assistant Chief, Scott Weamer. Wells was nominated for his efforts solving vehicle thefts as well as thefts from vehicles. We thank him for his service. Again, J.T., thank you for your fine write-up about the city. Chief, I'll give this one to you. I had a young lady reach out to me, she needs about 3 or 4 thousand square feet of retail. Mike, if you hear of anything, let me know. It's a small retail store. She's looking for probably 3 or 4 thousand square foot. Other than that, I have no other communications. Chief.

CHIEF COLUCCI: Today, Baker Tilly is commencing the advertisement for the City Manager position. I will be giving them the application or resumes that we already received and we'll merge them all together. They will also be creating a timeline for us. The posting will be for 30 days. Then they will begin with questioning candidates and so on, so forth.

Overbrook Storm Water Project, we've secured all the needed easements with the exception of two. I commend Steve Preston for getting face to face involved with this, to make sure we get it done. We were meeting some resistance. He's confident that these other two are real close. It's just a matter of getting in touch with them.

The Sawmill Creek FEMA Grant, as I advised a few weeks ago, we did get an extension. That is the project where FEMA is giving us 1 million dollars and we need to come up with the 1.4 million. We have an extension until November of 2023. Again, we need to come up with 1.4 million. MS and I are exploring two different options. Option one is a loan, a lower interest rate loan of 2.1% and it's due to be submitted by August 2023. The other one is about 3.9%, far less red tape, we can submit it sooner and we could get moving sooner. There is a chance we could get another extension through FEMA, if that needs to be. I'll keep you up to date on that process. I don't see 1.4 million dollars surfacing anytime soon. The reality is, a loan or not do the project. There is already a lot of money that we'd be responsible for, if we didn't do the project. That should be it.

MR. MORVAY: Just for the record, Mayor Dragish is here. I digress. Mayor, do you have any Proclamations or Presentations?

MR. DRAGISH: I do not.

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

MR. NEFF: We had our Planning & Zoning Meeting and actually this is what we're acting on. Mike, are you going to cover that in your report?

ZONING INSPECTOR: Yes.

MR. NEFF: I'll defer to Mike.

MR. DRAGISH: I have the Mayor's Monthly Statement to Council for last month. Total payouts to the city was \$696.03.

MR. MORVAY: Mr. Nacarato.

MR. NACARATO: Design Review met last Tuesday. I'll refer to the email of the times of everything we went through but just rest assured, we had two things come in front of us. Farmer's pulled out of Design Review last month and they're going to appear next month, I believe. We're moving forward.

MR. MORVAY: I sit on the Fire District Board and the big interest has been the disaster down in East Palestine. The first day, we sent down a pumper tanker and 3 of our firefighters. The following Monday and Tuesday, when they were going to get that breach, we had, I think, 3 or 4 firefighters down there helping out. They successfully removed this relief valve or blew the relief valve. They were able to burn-out all this fluid that was in these cars. This is all under the Ohio Chief's Emergency Response Plan, where we give mutual aid. I want to commend our guys for getting down there and helping out. It could have been a much bigger disaster than it was. I think they handled it quite well. The Chief's only comment is the Ohio EPA is down there and they're constantly measuring the air and water, to make sure that it's clear. There has been no abnormality right now. They continue to monitor the air and the water. That's all I had. Mrs. Clayton our Finance Director.

FINANCE DIRECTOR: By the end of this month, I have to file the Canfield Community JEDD, Millennial Moments JEDD and the Canfield Community Improvement Corp financials with the Ohio State Auditor's Office. I also have to do a report for the DEA Fund for any forfeiture money that we received and spent during 2022. Chuck and I are going to start working on the budget shortly.

MR. MORVAY: Thank you. Our Zoning Inspector, Mike Cook.

ZONING INSPECTOR: For the month of February, we issued 5 permits for a total valuation of \$296,700.00. At our Planning & Zoning Meeting we set a public hearing for BP. They are changing over to Shell. They want a sign increase. A 14" wall sign increase. I think Mr. Tieche sent an email to all of council. The LOGO sits 14 inches higher than the canopy. That is what the adjustment is for. The old one set even with it. That's where we are with that. Also, that will be on the Design Review Agenda next month. We have an April meeting in Design to go over Design Review Standards. John Orsini will be back for that meeting. We set that for April. We'll go over our Design Review Standards what we did and get that back to MS and get something set in stone. That's all I have.

MR. MORVAY: Great. Our City Clerk, Pat Bernat.

CLERK: The Charter Review Commission set their first meeting date; which will be March 20<sup>th</sup> at 5:30pm on the 2<sup>nd</sup> floor.

MR. MORVAY: Thank you. This is a really busy set tonight for you Chief. City Manager, Chief of Police and Public Works Superintendent. You got a lot to report.

CHIEF OF POLICE: The only thing I can do is plow snow, that's it. I'll do my best.

MR. DRAGISH: You handle it well.

CHIEF OF POLICE: John is not able to make it tonight. I did offer to give his report. There will be a brush pick-up schedule that we're going to post on our social media outlets. It's going to begin on April 3<sup>rd</sup>. We'll itemize all the zones. There are 4 zones in the city. We'll itemize those, the dates it starts, the dates it ends. Also, public works is currently performing backflow surveys. It's required by the EPA that every commercial, residential device in our city be surveyed once every 5 years. So, they're starting that process. Water meter replacements, public works has less than 70 meters remaining to complete, meter upgrades south of 224. Crews will begin replacing meters in the north east section. Progress is being made there. Public Works crews were out Friday evening, February 10<sup>th</sup>, repairing a water main break at the end of Moreland in front of CH Campbell. There was a hole in the pipe. Again, it had to with the age and the proper bedding of the pipe. I know that they could have fixed it earlier in the day but we wanted to make sure that we kept school in session. We did what we had to do to stop it and then they replaced it was school was out. We didn't have to get involved with school being dismissed, we worked together with the school district. Crews are also performing maintenance on sanitary sewer lines, this includes but not limited to, inspecting, flushing, jetting and cleaning debris. To date, 15,649 linear feet have been completed. City staff is currently working with MS Consultants on the Indian Lake waterline replacement project. Again, I believe I put that in the memo. We'll be moving forward with that. We also anticipate the cost of that line will be covered through the water fund.

FINANCE DIRECTOR: Waterline Improvement Fund.

CHIEF OF POLICE: The Waterline Improvement Fund. We won't have to seek a loan or anything like that. That's what it's there for. Since they've patched the line on Indian Lake, we haven't had any breaks since. I shouldn't have said it.

Under POLICE: January 15<sup>th</sup>, Hometown Produce reported a breaking and entering theft. A theft of over \$1,000. Surveillance footage from the business revealed that a female suspect; which was a former employee, broke into the store. Detective Bennett completed an investigation and filed charges. The suspect, Kelly Wolf (spelled phonetically) was arrested yesterday afternoon, arraigned in court and she's now in jail, being held on those charges.

February 4<sup>th</sup>, this is an interesting one, a resident of Oak Tree Drive reported their home was burglarized. She provided us with video surveillance from her house, showing a vehicle pull up, a male get out to the vehicle, he was on his phone, when he went into her house. They left 3 times and came back. He was in the house multiple times. Since the vehicle license plate was not visible on the home surveillance, we went to FLOCK and we were able to identify the car immediately. We identified the vehicle, we identified the people that were in the house. We've since filed burglary charges on the suspects. Their story was bizarre, he said he was on the phone with his girlfriend and she was telling him to go there because she bought the house for him, as a surprise. I have a feeling FLOCK is going to keep helping us out. Also, today, we had a stolen vehicle come in and FLOCK alerted our road unit, they found the car at the Hilltop Plaza and they got the car. It was reported stolen out of Youngstown. It's very beneficial, so far for us.

My report, as Chris discussed, we're working on budget. The budget hearing and presentation will be immediately following our council meeting on March 1<sup>st</sup>. My best guess, 6:30ish, give or take. I don't know what our agenda is going to look like. I also had the opportunity to attend the Parks and Rec Board Meeting. What a group. I was really impressed with that group. They care a lot about the parks. They're on top of everything. I introduced to them, some items that we'll be introducing to the budget, for Greasel Park, the Pickleball Courts and they approved that. We also talked at length about the pump track project; which we'll be discussing at the budget hearing next week. Lex Calder from Parks and Rec will also be attending to present. He's been "chomping at the bit" to get in here and present. He's very passionate about the project. I applaud his efforts. So, the next meeting, March 1<sup>st</sup> will be the budget presentation. Under NEW BUSINESS, ITEM B: Once council votes to approve this, the EPA will release the funding and we'll have the money ready at hand to be able to move forward with the tank restoration project. That's all I have.

MR. MORVAY: Council questions for these reports? Hearing none. Residents, any questions?

KATHY CAIN: My name is Kathy Cain, I live at 405 Bradford. You were talking about them jetting the sewer lines out. Where does that stuff end up at? They're jetting it from this end of the street to down there, what happens to it?

CHIEF OF POLICE: A lot of the debris they suck out.

KATHY CAIN: I heard you say something about them jetting the line.

CHIEF OF POLICE: Yeah, when they did our lot, they were pulling out chunks of concrete, debris, trash.

KATHY CAIN: A neighbor of mine just had sewage in their basement. Their line from the house to the street was not plugged but it was the city line that was plugged. It was caddy-corner across the street from me.

CHIEF OF POLICE: Cruz?

KATHY CAIN: Yes.

CHIEF OF POLICE: Yes, I'm taking care of that. So, that brings up an interesting topic. I don't know from a resident's perspective and you're a resident, it's been a topic of discussion between John Rapp and I and I don't know what your council opinion is but there are some people that are not aware that if there is a sewage backup that it's possibly the city's responsibility and the city line and the city crew would get out there to jet the line. In this situation, it was a Sunday night, late at night, he never heard of calling the street department to jet the line. That it could be the city's responsibility. So, he immediately called Roto-Rooter. He had to do, what he had to do to protect his home. It was the city line that was clogged and needed jetted. Roto-Rooter did it. There is some debate on whether we are responsible for that fee or not. The question is, was the community aware that that is the case. I think maybe we need to post something moving forward. Create a line of demarcation, if we pay for this moving forward, that (inaudible) is available. I don't know how many people are aware that the city could be responsible.

KATHY CAIN: So, in his case, it was late at night. Who would he call?

CHIEF OF POLICE: Police dispatch.

KATHY CAIN: They'll send somebody out.

CHIEF OF POLICE: Yes. I think it's important because you didn't know. We'll put that out there that if that happens. The best we can do is advertise it the best that we can and that's social media and website.

KATHY CAIN: Okay, thank you.

MR. DRAGISH: I have one question. This is regarding the budget. I had gotten a call again recently as a reminder, I spoke with a couple women a long time ago and they wanted to help with the decorating of the Green at Christmas time. There was a group that got together. She did give me a packet of things that they would want to do and there was a small budget involved with that. I believe that it would be involved in the Parks and Rec. Should I just give that to you?

CHIEF OF POLICE: You know, I found out, you learn something new everyday and I had been given a request by the Pickleball group and it's why I went to Parks and Rec to present it. If you forward it to me and Chris, I'll reach out to Blaise. I believe he's the President.

CLERK: Chairman

MR. DRAGISH: I just didn't want to let it sit.

CHIEF OF POLICE: I can't imagine it's a huge number.

MR. DRAGISH: It's not.

CHIEF OF POLICE: Twenty thousand dollars in Christmas decorations (Laughter)

MR. DRAGISH: No, not at all.

CHIEF OF POLICE: Get it to me. Chris and I will figure out the right process. For anyone that wants to do a project, if we don't budget, that is the unfortunate side. You have to wait until budget time again, unless it's an emergency. Good thing you remembered.

MR. DRAGISH: She called and reminded me.

MR. MORVAY: Residents, anything? Hearing none.

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

MR. MORVAY: Kathy, I know you already spoke.

KATHY CAIN: I have another item.

KATHRY CAIN: In 2019, when we had the big flood and Bradford got flooded and Briarcliff got flooded there was talk about Braford getting a new sewer line. I'm wondering, is that still in the works? Is it not in the works? I heard grant money was being sought after to replace that sewer line because its horrendous. Do we just hope and pray when we get a heavy rain that my basement doesn't flood?

CHIEF OF POLICE: There are at least 4 projects in the works right now that we're waiting on.

FINANCE DIRECTOR: That's in the Sawmill Project.

CHIEF OF POLICE: I spoke earlier. It was originally a 1-million-dollar project. There was a town meeting.

FINANCE DIRECTOR: Nobody wanted the detention ponds on their property, so we had to have MS Consultants reengineer it for underground retention area. That's going to add another million and a half dollars to the project, so we are trying to figure out the funding for that.

MR. MORVAY: That's what Chief was saying, he has until November that they've given us until then.

CHIEF OF POLICE: I believe there are 4 project ongoing. Securing the Overbrook easement is part of it. So, unfortunately it doesn't operate (inaudible) so we have hurdles to overcome. The sooner the better. You got our word that we'll press as hard as we can to make sure we get it done as soon as possible.

KATHY CAIN: But every time we get a heavy rain, you start worrying about sewage coming up in my basement.

CHIEF OF POLICE: If we get one of those rains that we got that year, that's going to be a challenge for any system. But we have made improvements that have worked so far. The last big rains we had, we were good.

KATHY CAIN: That's the far end of Bradford. I'm more up towards the swim club. I know all the houses in my area. My neighbor's backyard is a lake. His shed is literally sitting in an island.

CHIEF OF POLICE: We discuss it weekly.

KATHRY CAIN: I was just curious at to where it stands. With spring coming again and the rains. Although, we've had rain all winter, instead of snow. I want to add, I seen the gazebo lit up at night and it looks beautiful. It's a nice job. That's it. Thank you.

MR. MICCHIA: Good evening, Frank Micchia, 220 Glenview. I can't help but comment on this water retention issue. The retention pond in the Bradford area is dead. The residents there put the kibosh on it. So, now we're talking about an underground storm water. One of the proposals is putting it underneath the soccer field behind the high school. Please, please, do not do that. Let me tell you why. A few years ago, we had an underground storage system put in to capture water from Callahan; Callahan still gets flooded. The issue is not water retention. The issue, in my opinion, let's make it easy for the water to get out of the city. Remove the restrictions that keep the water in the city. Those restrictions are about 11 underpasses within the city. There are some key one's that if they were enlarged, we would solve a lot of flooding problems. Number one is the Glenview underpass. That water backs up there and backs up the whole system all the way up to Bradford and every place else. That's the key item we should concentrate on. Spend the money opening up that underpass. In doing that, Verdant may also need to be expanded. Those two clear out a lot of water from the city. Thank you for your time.

MR. MORVAY: Anybody else? Bruce.

MR. NEFF: I heard that the school said they did not want to have underground water, retention underneath the soccer field. Chuck, do you know anything about it?

CHIEF OF POLICE: That's news to me. When Wade was still here, I believe they signed an agreement to allow us to do it. The project is only on hold because of the funding. The school



has never reached out to me and said that. If they do, I talked to Joe today, I can reach back out to him and ask.

FINANCE DIRECTOR: I believe there were just some restrictions on when it could be dug up.

MR. DRAGISH: Correct.

MR. NEFF: Who is responsible for restoring it.

FINANCE DIRECTOR: Part of our project would be to restore it as well.

MR. NEFF: Thank you.

MR. MORVAY: Anybody else? Hearing none.

Under **OLD BUSINESS**,

ITEM A: An Ordinance Amending Canfield Codified Ordinance Section 1169.03 Accessory Buildings.

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

MR. NEFF: Second.

ROLL CALL ON MOTION:

4 Votes-Yes

0 Votes-No

Motion passes.

MR. NEFF: Mr. Chairman, I have an Ordinance Amending Canfield Codified Ordinance Section 1169.03 Accessory Buildings. I move for passage.

MR. NACARATO: Second.

MR. MORVAY: We did have a public hearing on this. Chief, I don't know if you could expand on it anymore. Basically, we're allowing larger lots in R-1 to increase the size of their accessory buildings. Council questions or concerns? Hearing none. Residents, questions or concerns? Hearing none.

ROLL CALL ON ORDINANCE:

4 Votes-Yes

0 Votes-No

Ordinance passes

Ordinance 2023-04.

ITEM B: An Ordinance Adopting an Internet Auction Policy for 2023 for Disposal of Unneeded, Obsolete or Unfit Personal Property.

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

MR. DRAGISH: Second.

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

MR. DRAGISH: Mr. President, I have an Ordinance Adopting an Internet Auction Policy for 2023 for Disposal of Unneeded, Obsolete or Unfit Personal Property. I move for passage.

MR. NACARATO: Second.

MR. MORVAY: Chief this is just something we do annually to authorize the disposal of obsolete or unfit.

CHIEF OF POLCIE: Yes, per the Ohio Revised Code. It's an annual Ordinance that we have to adopt.

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

ROLL CALL ON ORDINANCE:	4 Votes-Yes
	0 Votes-No
	Ordinance passes
	Ordinance 2023-05.

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

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

MR. NACARATO: Second.

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

MR. NACARATO: Mr. President, I have an Ordinance Declaring Surplus Property and Authorizing its Disposal. I move for passage.

MR. DRAGISH: Second.

MR. MORVAY: Chief, it looks like we're getting rid of a 2008 International Dump Salt Truck with Plow and Spreader. Will we sell this or trade it in?

CHIEF OF POLICE: We believe that John will be trading this in.

MR. MORVAY: By law we have to declare it surplus to either sell it or trade it in. I assume that it's reached it's peak and it needs to be replaced.

CHIEF OF POLICE: Very much so.

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

ROLL CALL ON ORDINANCE:	4 Votes-Yes
	0 Votes-No
	Ordinance passes
	Ordinance 2023-06.

ITEM D: A Resolution Requesting Advances on the Collection of Real Estate Taxes.

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

MR. NEFF: Second.

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

MR. NEFF: Mr. President, I have a Resolution Requesting Advances on the Collection of Real Estate Taxes. I move for passage.

MR. NACARATO: Second.

MR. MORVAY: Christine, can you tell us why we do this?

FINANCE DIRECTOR: So, we can get part of our money weekly, instead of them waiting to do the final distribution sometime in April. They'll starting sending it February 24<sup>th</sup>, it will be the first advance.

MR. MORVAY: The state requires a Resolution.

FINANCE DIRECTOR: The state requires a Resolution to get it.

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

ROLL CALL ON RESOLUTION:	4 Votes-Yes
	0 Votes-No
	Resolution passes.
	Resolution 2023-01.

Under NEW BUSINESS:

ITEM A: A Resolution Appointing \_\_\_\_\_ to the Mahoning Valley Sanitary District (MVSD) Advisory Council.

MR. MORVAY: This first Resolution, we need to fill this blank in. I'm going to make a suggestion, I talked to Mr. Tieche today and since he has a lot of experience with the MVSD, I would like to nominate him for this position. I would need a second.

MR. DRAGISH: Second.

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

MR. MORVAY: As per the provisions of Section 4.05 of the Charter of the City of Canfield, I move that Council dispense with the requirement of two readings of the proposed Resolution and authorize adoption of the same upon its first reading.

MR. NACARATO: Second.

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

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

MR. DRAGISH: Second.

ROLL CALL ON MOTION:

4 Votes-Yes

0 Votes-No

Motion passes.

MR. MORVAY: I apologize, Chief has to get to his son's wrestling match, so I promised him I would get him out of here. I'm rushing a little bit. I apologize.

MR. DRAGISH: Mr. President, I have a Resolution Appointing Charles Tieche to the Mahoning Valley Sanitary District (MVSD) Advisory Council. I move for passage.

MR. NACARATO: Second.

MR. MORVAY: Chief, is there any explanation on this? This Advisory Council, they need a representative and that is Mr. Tieche.

MR. NEFF: Can I go on record that I responded to Patty and asked to be put on this. I appreciate all your support John.

MR. MORVAY: I just thought that Chuck....

MR. NEFF: You're right, he has a lot of experience. He's very busy as well.

MR. MORVAY: So, noted. Residents questions? Hearing none. Council, any other comments? Hearing none.

ROLL CALL ON RESOLUTION:

4 Votes-Yes

0 Votes-No

Resolution passes

Resolution 2023-02.

ITEM B: A Resolution Authorizing the City Manager to apply for, accept, and enter into a water pollution control loan fund (NPCLF) or water supply revolving loan account (WSRLA) agreement on behalf of the City of Canfield for planning design and/or construction of wastewater or water facilities; and designating a dedicated repayment source for the loan.

MR. MORVAY: As per the provisions of Section 4.05 of the Charter of the City of Canfield, I move that Council dispense with the requirement of two readings of the proposed Resolution and authorize adoption of the same upon its first reading.

MR. DRAGISH: Second.

ROLL CALL ON MOTION:

4 Votes-Yes

0 Votes-No

Motion passes.

MR. MORVAY: As per the provisions of Section 4.05 of the Charter of the City of Canfield, I move that Council dispense with the requirement of two readings of the proposed Resolution and authorize adoption of the same upon its first reading.

MR. NACARATO: Second.

ROLL CALL ON MOTION:

4 Votes-Yes

0 Votes-No

Motion passes.

MR. NACARATO: Mr. President, I have a Resolution Authorizing the City Manager to apply for, accept, and enter into a water pollution control loan fund (WPCLF) or water supply revolving loan account (WSRLA) agreement on behalf of the City of Canfield for planning, design, and/or construction of wastewater or water facilities and designating a dedicated repayment source for the loan. I move for passage.

MR. DRAGISH: Second.

MR. MORVAY: Chief, this is for the city water tanks.

CHIEF OF POLICE: We are in a fortunate situation where John Rapp, our Public Works Superintendent, he came from Columbiana, where he built their water system from the ground up. He's got a lot of familiarity with all the in's and out's and the people that are involved with this. It was quite a bit of work, overwhelming when I first saw this. How are we going to pull this off? But we got it done. John did a phenomenal job and everybody along the way, Christine, Mark and all of our communication. So, again, as I spoke earlier, once this gets approved we will have the funds available. We will move into Tank 1, this summer.

MR. MORVAY: This will be ongoing, correct?

CHIEF OF POLICE: Correct. The majority of the work is going to be done in 3 years. Years, 4-10, it will be annual maintenance, rehabilitation to prevent us from getting into this position again.

MR. NEFF: For our residents' information, can we get a dollar value?

CHIEF OF POLICE: Was it 2.7?

FINANCE DIRECTOR: 2.3.

CHIEF OF POLICE: 2.3-2.4 million dollars.

MR. NEFF: Thank you.

MR. MORVAY: Council any other questions? Hearing none. Residents, questions? Hearing none.

ROLL CALL ON RESOLUTION:

4 Votes-Yes

0 Votes-No

Resolution passes.

Resolution 2023-03.

Under **COUNCIL COMMENTS:**

MR. NEFF: I feel that, we really should look into Mr. Micchia's solution. It's not a solution but it certainly would improve water flow. Let's get John to take a closer look at that. It doesn't seem like it would be in the millions. It might be \$100,000 for the transits underneath to improve the egress of water out of the city.

CHIEF OF POLICE: Okay.

MR. MORVAY: We've had several studies done with MS Consultants.

FINANCE DIRECTOR: MS has said that this is what we need to do.

MR. MORVAY: The thing is, when we get heavy rain, we need somewhere to collect the water and then let it out slowly. If we do that, those aren't an issue. They told us that. You may be right, Frank but we have to go on the expertise that we've been ... I know you're an engineer but you don't work for MS Consultants. They've been ....

CHIEF OF POLICE: I will definitely convey that to Steve Preston.

MR. MORVAY: If there is any validity to it, we'll address it. My understanding is, consolidating it and then letting it out slowly.

MR. MICCHIA: My fees are reasonable.

CHIEF OF POLICE: There seems to be an overwhelming desire not to have underground storage for water at the high school. I'll explore that.

MR. NEFF: We have a couple of instances, it's already stored at the Library and the new Ford expansion.

CHIEF OF POLICE: Angenetta's, that plaza. That whole front parking lot has underground retention.

MR. MORVAY: Didn't McDonald's? McDonald's put it in as well.

CHIEF OF POLICE: Yes.

ZONING INSPECTOR: The Fire Station on Herbert Road.

MR. MORVAY: Okay, Mayor Dragish.

MR. DRAGISH: I know a couple of the people on the Overbrook Project, I had a couple residents from Southview tell me they got their letter and they really didn't know what to do. They just stopped over, which was fine because I know them. I said, all you have to do is sign it and send it back. I know a lot of them were leaving and going to Florida.

CHIEF OF POLICE: A lot of people have donated the easement basically. Other people have accepted payment for the easement. If they donated it, it doesn't cost us anymore. I think more have donated the land. I get it. Like, what the heck am I reading. Other than that, everything has been running smooth. The gas company came and completed my yard to put a meter outside. Supposedly, they're coming back in the spring to fix the issues. Everything has been running smooth. That's all I got. One more thing, it was a pleasure for me to be invited and asked to attend, Anthony's sons Eagle Scout Ceremony and represent the City of Canfield and not only that but represent, like I told him in the speech that I gave that night, a wonderful family and beautiful people that represent his son, who can do such good work for the community. I just want to say, thank you for including me in the ceremony. I thought it was wonderful to be a part of it.

MR. NACARATO: I want to thank you. You did a wonderful job, you and Patty, coming up with the Proclamation, it was really a fantastic, high-point for Domenic. We really appreciate it. Thank you, very much. Other than that, I just want to commend Chuck and the SRO's. Today, is SRO Appreciation Day at the school. I wanted to commend your SRO's and you Chuck and the whole police department for the wonderful job that you guys do.

CHIEF OF POLICE: The officers in our schools, I don't think they realize the impact that they have on representing the city, representing the police department, representing council, all the students in the buildings, the role models that they are. I'll pass that along.

MR. DRAGISH: I will say one more thing, when they did close down Moreland to fix the water break at CH Campbell, my daughter goes there, I got a text saying, don't use this particular way of pick-up, use the other way of pick-up. Anyway, long story short, everything ended up working out fine because it was done and completed before the parents actually had to pick-up. I want to commend, the City for doing that in a timely manner. If anybody knows, or had



kids that went to CH Campbell, the pick-up and drop-off is kind of a cluster. They made it go as smooth as possible. I want to commend them.

CHIEF OF POLICE: It is a cluster.

MR. MORVAY: I have one comment. I want to read this letter into the record. This is from Representative Al Cutrona. State Representative, 58<sup>th</sup>, Ohio House District. He writes:

Dear Canfield City Council Members:

With the start of the 135<sup>th</sup> General Assembly, the Ohio House of Representatives is tasked with approving the transportation and operating budgets for fiscal year 2024-2025. I am reaching out today to inform you that the Chair of the Health Provider Services Committee and a member of the Finance Committee and Finance Sub-Committee on Transportation, my office is equipped to assist the Valley with funding, public works projects, or anything necessary to improve the economic welfare of the Mahoning Valley. I look forward to setting up a meeting, either over the phone or in person to discuss the operating budget with you.

Please do not hesitate to reach out to my office at anytime with questions or concerns.

MR. MORVAY: I think we ought to take him up on that and see what help we can get.

MR. DRAGISH: I did respond to him. I got the same letter. I did respond. I told him we can move forward and have a conversation. It's in the process.

MR. MORVAY: With that, we are adjourned. Thank you for attending.

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PRESIDENT OF COUNCIL

ATTEST:

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CLERK OF COUNCIL