

CANFIELD CITY COUNCIL

February 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** Adopting an Internet Auction Policy for 2023 for the Disposal of Unneeded, Obsolete or Unfit Personal Property.

Description:

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

This Ordinance adopts an internet auction policy for the City of Canfield for Fiscal Year 2023 for the disposal of unneeded, obsolete, or unfit personal property.

Action Needed:

Approval of ordinance adopting an internet auction policy for 2023 for the disposal of unneeded, obsolete or unfit personal property

Attachment(s):

Ordinance adopting an internet auction policy for 2023 for the disposal of unneeded, obsolete or unfit personal property.

Public Comments

B. An **Ordinance** Declaring Surplus Property and Authorizing its Disposal.

Description:

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

The ordinance being considered declares the following vehicle as surplus and authorizes their disposal by means of auction:

*2008 Dump/Salt Truck with Plow and Salt Spreader
Vin#1HTWDAAR68J648534*

Action Needed:

Approval of Ordinance declaring surplus property and authorizing its disposal

Attachment(s):

Ordinance declaring surplus property and authorizing its disposal.

C. A **Resolution** Requesting Advances on the Collection of Real Estate Taxes.

Description:

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

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

Action Needed:

Approval of Resolution

Attachment(s):

Resolution Requesting Advances on the Collection of Real Estate Taxes.

D. A **Motion** Reappointing Mark Fortunato as Municipal Attorney

Description:

Attorney Mark Fortunato has been the municipal attorney for over twenty-years for the City of Canfield. His legal expertise and knowledge are unparalleled, and the level of service we receive is exceptional. Section 6.02 of the Charter of the City of Canfield dictates Council's authority to appoint a Municipal Attorney for the City of Canfield. Attorney Fortunato has historically been appointed under a three (3) year contract.

This motion reappoints Mark Fortunato as Municipal Attorney for the City of Canfield for a period of three (3) years beginning January 1, 2023.

Action Needed:

Approval of Motion reappointing Mark Fortunato as Municipal Attorney for the City of Canfield.

Attachment(s):

Motion Reappointing Mark Fortunato as Municipal Attorney.

Public Comments.

E. A **Motion** Appointing Members of the Charter Review Commission for 2023.

Description:

Section 7.11 of the City Charter requires that every 5 years Council appoint 5 members to the Charter Review Commission. The Commission shall review the Charter of the Municipality and shall recommend, within six months after the appointments any recommendations, alterations, revisions, if any, to council. Council may submit all, any, or none of such proposed alterations, recommendations or revisions to the electors.

Action Needed:

Consideration of the Motion to appoint members to the Charter Review Commission.

Attachment(s):

Motion appointing members.

12. Council Comments.

13. Adjournment

Introduced by: _____
First Reading: _____

**AN ORDINANCE ADOPTING AN
INTERNET AUCTION POLICY FOR 2023
FOR THE DISPOSAL OF UNNEEDED, OBSOLETE
OR UNFIT PERSONAL PROPERTY**

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

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

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

**City of Canfield
Internet Auction Policy**

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

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

PASSED IN COUNCIL THIS _____ day of _____, 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 TO FORM:

MUNICIPAL ATTORNEY

Introduced by: _____
First Reading: _____

ORDINANCE

AN ORDINANCE DECLARING SURPLUS PROPERTY
AND AUTHORIZING ITS DISPOSAL

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

WHEREAS, Council desires to declare the following vehicle surplus and dispose of it.

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

Section 1: The following vehicle and accessories are hereby declared surplus:

<p>2008 Dump/Salt Truck with Plow and Salt Spreader Vin#1HTWDAAR68J648534</p>
--

Section 2: The City Manager is hereby authorized to dispose of the listed vehicle in accordance with the applicable City of Canfield Ordinances.

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

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

Introduced By: _____
First Reading: _____

RESOLUTION

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

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

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

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

Section 1: The City of Canfield hereby requests advances on the collection of 1st and 2nd half tax year 2022 Real Estate Taxes.

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

PASSED IN COUNCIL THIS _____ DAY OF _____ A.D., 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 Resolution was posted in a prominent place at the Municipal Building, Canfield, Ohio for seven continuous days, to-wit: _____

CLERK OF COUNCIL

APPROVED AS TO FORM:

MUNICIPAL ATTORNEY

Introduced By: _____

Motion No. _____

MOTION

**A Motion Re-Appointing Mark Fortunato
As Municipal Attorney**

WHEREAS, Section 6.02 of the Charter of the City of Canfield provides for appointing a Municipal Attorney; and

WHEREAS, Council desires to re-appoint Mark Fortunato to the position.

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

Section 1: Attorney Mark Fortunato is hereby re-appointed Municipal Attorney effective as provided in the Contract attached hereto.

Section 2: The residency requirement is waived pursuant to Section 6.02 of the City Charter.

Section 3: The Contract pertaining to this appointment is attached hereto and made a part hereof.

Section 4: That this Motion and all deliberations relating to the passage of this Motion were held in open meetings of this Council, all pursuant to Section 121.22 of the Ohio Revised Code and Section 3.11 of the Charter of the Municipality of Canfield.

PASSED IN COUNCIL THIS _____ DAY OF _____ 2023.

CLERK OF COUNCIL

Certification of Publication

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

CLERK OF COUNCIL

APPROVED AS TO FORM:

MUNICIPAL ATTORNEY

CONTRACT FOR LEGAL REPRESENTATION

This Contract for Legal Representation entered into this 1st day of January, 2023, by and between **The City of Canfield**, an Ohio municipal corporation, and **Mark R. Fortunato**.

WHEREAS, The City of Canfield desires to enter into a Contract for Legal Representation with Mark R. Fortunato in accordance with Section 133.01-133.04 of the Codified Ordinances of the Municipality of Canfield, for a period of three (3) years beginning January 1, 2023.

NOW, THEREFORE, for the consideration hereinafter recited and other mutual promises, the parties agree as follows:

1. Mark R. Fortunato shall provide any and all legal services required by the City of Canfield, its City Council or City Manager, and its constituent agencies including, but not limited to:
 - A. Attendance and advising City Council at all regular and special meetings.
 - B. Attendance and advising the City Manager and City Staff at Manager's Meetings when required.
 - C. Attendance and advising the Planning and Zoning Commission; Design Committee; Civil Service Commission; and Parks, Recreation & Cemetery Board, if requested by the specific committee.
 - D. Attendance at Mayor's Court hearings as scheduled.
 - E. Reviewing, preparing or approving as to form legislation to Council Meetings.
 - F. Representing the City of Canfield at any and all Common Pleas or Appellate Court proceedings in the State and/or Federal Court systems.
 - G. Representing the City of Canfield as part of the negotiating team involving any labor contracts, disputes and discussions.
 - H. Representing the City of Canfield at Mahoning County Commissioner's meetings or hearings.
2. As compensation for ordinary services to be rendered, pursuant to this Agreement, the City of Canfield shall pay Mark R. Fortunato the annual sum Sixty Thousand Ninety-Nine and 60/100 Dollars (\$60,099.60) for 2023, Sixty-One Thousand Three Hundred One and 59/100 Dollars (\$61,301.59) for 2024, and Sixty-Two Thousand Five-Hundred Twenty-Seven and 62/100 Dollars (\$62,527.62) for 2025 to be paid in accordance with the payroll policies of the City. Payments shall be subject to all local, state and federal withholdings in accordance with the payroll practices of the City.

3. In addition, the City of Canfield shall reimburse Mark R. Fortunato for all out-of-pocket expenses incurred in connection with the services rendered herein. These shall include, but not be limited to, filing fees, witness fees, travel, expert fees, expenses of depositions, investigative expenses and other incidental expenses.

4. Furthermore, all legal matters which can reasonably be defined as extraordinary, unusual and non-recurring (i.e., appearances in and before federal courts, Ohio Supreme Court of the United States Supreme Court, work on City/Township merger issues and turnpike construction issues) and which may require an extensive amount of additional professional time over and above that which is normally required of the position of Municipal Attorney shall be excluded from the fixed fee formula and shall be billed at the rate of One Hundred Fifty Dollars (\$150.00) per hour, together with reimbursement of any and all cash advancements. The City Manager shall determine what, if any, legal services are of an extraordinary, unusual and non-recurring nature.

5. Either party shall have the option to terminate this Agreement at any time for any or no reason, by giving ninety (90) days advance written notice to the other party.

6. This Agreement constitutes the entire agreement between the parties and any prior understandings or representations of any kind shall not be binding on either party except to the extent incorporated in this Agreement.

7. Any modification of this Agreement or additional obligations assumed by either party in connection with this Agreement shall be binding only if in writing, signed by each party or authorized representative of each party.

IN WITNESS WHEREOF, each party to this Agreement has caused it to be executed on the date indicated above.

THE CITY OF CANFIELD,

MARK R. FORTUNATO

By: _____
Charles Colucci, Acting City Manager

Introduced By: _____

Motion No. _____

MOTION

A MOTION APPOINTING MEMBERS OF THE
CHARTER REVIEW COMMISSION FOR 2023

WHEREAS, each Member of Council has selected an elector of the Municipality as members of a Charter Review Committee, pursuant to Section 7.09 of the Charter of the Municipality of Canfield; and

WHEREAS, Council, in accordance with said Charter provision, desires to confirm said appointments.

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

Section 1: The following appointees are hereby confirmed as members of the 2023 Charter Review Commission:

Sharon Wenowitz	(Mayor Dragish)
Tom Danko	(Anthony Nacarato)
Dennis Wingard	(Bruce Neff)
Jerry Bryan	(John Morvay)
Lee Frey	(Chuck Tieche)

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

PASSED IN COUNCIL THIS _____ DAY OF _____ A.D., 2023.

CLERK OF COUNCIL

Certification of Publication

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

CLERK OF COUNCIL

APPROVED AS TO FORM:

MUNICIPAL ATTORNEY

MINUTES
CANFIELD CITY COUNCIL
REGULAR MEETING
JANUARY 18, 2023-5:30 PM

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. Morvay, Mr. Nacarato, and Mr. Neff.

Absent: Mr. Tieche. *Note: Mr. Dragish entered the meeting at 5:38pm.

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

Under **PRESENTATIONS AND PROCLAMATIONS**, there were none.

Under **MINUTES**, the Minutes of the Regular/Reorganizational Meeting on January 4, 2023 were approved as presented.

Under **READING OF COMMUNICATIONS**:

MR. NEFF: I've had a couple of phone calls. I mentioned that someone that submitted an application for city manager was wondering what was going on because he hadn't heard anything. The Chief and I are going to look into that. That's all for now.

MR. NACARATO: I did have one communication. It actually is not city related, but they thought it was. I was a question about when the gazebo was going to be ready. Just to give everybody a heads-up. The gazebo should be completed before Valentine's Day. I spoke with the builder today and he's going to be 99% done, by that point. The only 1% left, come spring they will caulk any nail holes and do a final paint on it. It's coming along.

MR. MORVAY: It looks nice. It looks really nice.

MR. NACARATO: It's getting there.

MR. MORVAY: Under communications, I have a couple. At the last meeting we talked about our new sign holders. I paid more attention to them and Anthony is right. They're bare. We need Welcome to Canfield or a Cardinal in there, or something. I think we should have that.

CHIEF OF POLICE: When we get into my communications, I'll discuss it.

MR. MORVAY: Great. The only other thing I had is, I've had a couple phone calls about the school. What are the schools doing? Are they asking for another levy? The school has been having meetings all along. I can't believe that people aren't getting those communications. Yes,

they're ongoing. Joe has been having informational meetings. Please go onto their website, find out when they are. Get informed. Maybe answer some questions you have about the schools. Personally, I think we need to do something with our schools. It transcends into property values. The stronger our schools are, the better our schools look, the better facilities we have, it adds value to our homes. I encourage everybody, if you're for it, against it, be informed when you go in and vote, aye and nay for the levy. That's all the communications that I have. Now Chief.

CHIEF OF POLICE: John Rapp and I have been working on signs to secure in the square billboards, when no event is posted. We got mock-ups of exactly what council mentioned last week. It's going to explain when council meetings are held and the other one is a Cardinal. That's what we talked about at the last meeting. We're looking at 8 signs, 4 and 4. To tell us, the first and third Wednesdays of each month and then the Cardinal.

MR. MORVAY: Chief, the Cardinal, can we have Welcome on there? The Cardinal and then just Welcome.

CHIEF OF POLICE: Yes, whatever you want.

MR. MORVAY: I think that would be nice. Welcome to Canfield.

CHIEF OF POLICE: What do you guys think?

MR. NACARATO: That works for me.

MR. NEFF: You can probably do a mock-up. Are we going to see proofs from....? Did you mention who was going to do the artwork?

CHIEF OF POLICE: I did not.

MR. NEFF: How about the company that does our website? They have graphics. There is a new sign company in Canfield.

CHIEF OF POLICE: John.

PUBLIC WORKS SUPERINTENDENT: I'm sorry.

CHIEF OF POLICE: That's okay. It's happening tonight.

FINANCE DIRECTOR: I wanted to know what it was costing.

CHIEF OF POLICE: We utilized who we typically utilize for signs, they don't operate in Canfield?

PUBLIC WORKS SUPERINTENDENT: No, they do not. They're in Unity Township. All the Public Works, they do all the street signs, that's what they specialize in. Anytime we need signs, they have them. Municipal Signs and Sales.

CHIEF OF POLICE: Thank Municipal Signs and Sales for their time. We appreciate their offer but we will try to utilize somebody that is in Canfield willing to do it.

CLERK: Let the record show that Mr. Dragish is present. Time: 5:38.

MR. MORVAY: Chief, can we have them bid on it?

CHIEF OF POLICE: Our bid threshold is \$50,000.

MR. MORVAY: I'd rather see it done locally.

MR. NEFF: I'm sure the Mayor will know some graphic people too. I'll get you the name of the people that went into the old Grange building. They make them right there. They have a big printer that would print it right up. If we need something quickly, they can probably do it for us.

CLERK: MCCTC might be able to do it.

MR. NEFF: I know the Professor our there. She is great. I can talk to her too.

CHIEF OF POLICE: Let me know, please. Moving on, this week Ashley Christopher started, our new Income Tax Director. Everything is going well. I'll let Chris fill you in more on that. That's it for communications.

MR. MORVAY: I'm going to digress, Mayor Dragish, do you have any communications?

MR. DRAGISH: No, I do not.

MR. MORVAY: Any Proclamations or Presentations?

MR. DRAGISH: Not today.

MR. MORVAY: We'll move on.

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

MR. NEFF: We had a meeting but I'm going to let Mike review it. Is that alright with you, Mike?

ZONING INSPECTOR: Yes.

MR. DRAGISH: I have none.

MR. NACARATO: Design Review hasn't met since our last meeting.

MR. MORVAY: On the Fire District, really no report. Things are going pretty well. We did have that fire on Tippecanoe. It seemed like it started in the attic. Our crews got there and contained it to the attic. There is quite a bit of damage but we were able to contain most of the damage. There were no injuries. That's a good thing. That's all I have on the Fire District.

PUBLIC WORKS SUPERINTENDENT: Good evening. A lot of water stuff tonight. Crews replaced a water valve over on Chapel today. It went very well. It only took them a couple of hours. We were looking for about an 8 hours shutdown and it only took about 3, so we're very happy about that. We replaced the fire hydrant in front of the cemetery. You probably can tell that it's down really low. The extension for the hydrant is on back order, so as soon as that gets in. They're telling us a few weeks out. It is usable. It's on. It's just sits a little lower. It looks a little odd. Kirila is working at 46 and Herbert doing the 12-inch line upgrade. The bore was complete, the pipe is in, both connections are in, they're doing the pressure testing today. The pressure test was successful. Now, we just have to collect some bacteria samples and put it in service. Excellent job with Kirila, great contractor. The first time I ever worked with him was down on Bradford and he did an excellent job there. Hopefully, they keep coming around and they bid on our work and keep them here. Crews have been doing some catch basin repairs. We've been working on budget requests. We fixed the water break, last Friday morning on South Broad Street. It took most of the night to do that. Crews have been doing routine sewer cleaning maintenance, jetting some sewers, cleaning debris, just some routine maintenance. We're taking advantage of this nice weather right now. Hopefully, it sticks with us a little bit longer. We got a response back from the EPA regarding the tanks, every 3 years, we have a sanitary survey that they do. There were a couple of things that they wanted us to submit; which we did and we were good. Two of the violations that we have are the tanks. The Fairground tank and the Hilltop tank for the rehab projects; which we're working on right now for the funding for that. They're giving us tentative dates of September 30th for completing the Fairground Blvd. Tank Rehab Project and a date of 9-30-2024 for the completion of Hilltop. It is imperative that we get the funding. It is imperative that we get these rehabbed. I know it's a lot of money but right now we have two violations that we need to take care of. They understand that we're working towards that and they're working with us.

MR. MORVAY: Is there any penalty or anything?

PUBLIC WORKS SUPERINTENDENT: No, it just a violation. There can be a penalty if you're not doing anything about it. They see us working towards a solution. They're very receptive of that. We want to try to stay as close to those timelines that they've given us.

MR. MORVAY: Very good. Our Finance Director, Christine Clayton.

FINANCE DIRECTOR: As Chuck said, Ashley Christopher started as our Income Tax Administrator yesterday. She started her training and doing very well. Kristin Dahlberg will then be transitioning into the Deputy Finance position, once Ashley is trained. Currently, the income tax E-File is offline for maintenance by our software company. We anticipate the site to be back up no later than January 30, so we can start accepting returns for 2022. The December Check Register will be posted to the city website sometime this week. Year-end closing should be completed shortly. Ending cash balances need to be reported by the end of the month to the Mahoning County Auditor.

MR. MORVAY: Chief and Christine, when are we going to start having budget meetings?

CHIEF OF POLICE: February.

MR. MORVAY: And you'll keep us apprised of that?

CHIEF OF POLICE: Absolutely.

MR. MORVAY: Thank you, Mrs. Clayton. Our Zoning Inspector, Mr. Cook.

ZONING INSPECTOR: For the month of January, we issued 1 permit for a valuation of \$2,000. I have another one ready to go for a new home on Lake Wobegon Court by Steve DeLucia. They will also be building a spec home out there. Villa Theresa, he's talking about putting 2 homes up there for spec homes also. Lake Wobegon Court just transferred another lot, somebody is looking for a builder out there. 200 Moreland, the house fire we had, I talked to the gentleman about a plot plan for that one. So, it will be like 5 houses and we only built 5 all of last year. Millennial Moments, they are putting a commercial building up, so we'll issue water and sewer permits for that. Last week at Planning we reorganized and Steve Decapua is our Chairperson again this year. We got the Farmer's replat on the agenda tonight for passage. We update the accessory building ordinance last week. We have a solar energy systems that we're working on, we pulled that and Mark is still doing some work on that. Farmer's will be in next month to Design Review for a fence and a sign. They are submitting final drawings for the building this week, to be approved.

MR. MORVAY: Out at Millennial Moments Mike, you said a commercial building?

ZONING INSPECTOR: Yes.

MR. MORVAY: Is that like retail?

ZONING INSPECTOR: It's going to be doctor's or some kind of medical facility.

ATTY. FORTUNATO: It was part of the plan.

MR. MORVAY: Yes. When you said commercial, I was thinking, whoa. Our City Clerk, Pat Bernat.

CLERK: I have some numbers for you, in 2022 Council passed 62 Ordinances of which 12 were passed as an emergency. Council passed 11 Resolution of which 6 were passed as an emergency. In 2022, Council passed 23 Motions.

MR. MORVAY: Thank you. Our acting City Manager and Chief of Police. Mr. Chuck Colucci.

CHIEF OF POLICE: Thank you. After 30 years of service to the City of Canfield, Sgt. Jim Conrad will be retiring from Canfield Police Department, as a Sgt. His last day of service will be this Friday, January 20, 2023. Jim trained me. Jim trained me in the police academy. He's a great person with a great family. We wish him the best in the future. Thirty years of service protecting this community and building relationships and representing us in the light that we always expected. He did an awesome job and we wish him the best. If you see him, thank him. He's done a good job.

Switching gears to the Flock Camera Systems, something I picked up on this weekend, there was a 20/20 Special and a few articles. I just want to read a real quick passage.

Investigators often work long hours to solve cases but advances in today's technology have helped to speed up the process. The recent Idaho College murders (that many of you are familiar with) utilized several of the tools afforded to them, one being license plate readers to assist in the apprehension of the suspect in the case. Law enforcement officers used the suspects license plate to run queries in a number of states, eventually discovering the 28-year-old was driving in Albrightsville, Pennsylvania on December 16th. In this day and age, there is no perfect crime. That's how they were able to apprehend this person. I'm sure most of you are aware of that, or heard it, or read it.

As previously discussed, I know the Vindicator is going to be doing an article on our Flock Cameras, the most notable success story, locally was the ability to locate a homicide suspect from the Lowellville murders. I previously mentioned this, they caught the suspect in Cleveland, using the Flock Camera Network. Our detective put in the plate that this person was driving with and they were able to apprehend him in Cleveland. That is the power of that tool. Information was immediately shared with law enforcement and they were able to apprehend the suspect. I'm looking forward to this new tool that we'll be utilizing. The Vindicator article should also talk about how we purchased them. There were donations and forfeited drug monies. None of our General Fund money or the police departments capital money will be used towards that.

As far as the City Manager Report goes, I gave you a lot in your memo and I'm going to defer my report to Mark. It feels more appropriate coming from him.

ATTY. FORTUNATO: I'm going to need an Executive Session at the end of tonight's meeting for two purposes. I can state the Motion when that time comes. I'm working on a lot of things but really the only item I want to report on is, the Mahoning County Common Pleas Court issued their opinion on the Alex Geordan case vs the City and Chief Colucci. I'll read you a couple of the provisions from that entry. The Court adopted the decision of the Magistrate as it pertains to the findings that Defendant City of Canfield is immune from liability pursuant to R.C. 2744.02 (A)(1) and that no exception to immunity contained in that statute is applicable. Therefore, Defendant City of Canfield's motion for summary judgment is granted and Plaintiff's complaint as to the City of Canfield is dismissed with prejudice.

As it relates to Chief Colucci, the Court reviewed the pleadings of the parties, the brief's that were filed and the relevant case law and concluded that Chief Colucci did not act willfully, wantonly, maliciously, recklessly or in bad faith. There is a very rigorous standard to find liability, especially with law enforcement officers carrying out their statutory duties, relative to law enforcement. Based upon the pleadings, the evidence presented, and the arguments made, the court reverses the decision of the Magistrate and finds that there are no genuine issues of material fact and that Defendant Colucci is entitled to judgment as a matter of law. Thus, Chief Colucci maintains his general grant of immunity under R. C. 2744.03 (A) (6).

Therefore, Defendant Colucci's motion for summary judgment is granted and Plaintiff's complaint as to Charles Colucci is dismissed with prejudice. So, the court dismissed with prejudice both claims of Mr. Geordan, those being against the city and against Chief Colucci.

MR. MORVAY: I want to personally thank, Chief Colucci. What he did took a lot of guts. He put himself on the line that day, when he made the decision to do what he did. He did the right thing. It's right there. Our Law Director just read it to us. I want to thank you because not everybody would do that. I appreciate that. Thank you.

CHIEF OF POLICE: I appreciate the thank you. I made some enemies along the way. But there were several attempts to handle it differently. I want to make it very clear. There were several attempts. I'll leave it at that.

ATTY. FORTUNATO: I agree. We're not going to relitigate that.

MR. MORVAY: Thank you. Council questions for the reports that we just heard? Hearing none. Residents?

Under **QUESTIONS** on Reports from Residents:

KATHRYN YOUNG: Kathryn Young, 570 Barbcliff. Just a couple of questions. The gazebo was brought up at the last meeting about having a fee. I think it's a poor idea to have a fee to use the public gazebo, as well as it's part of property that's owned by the state. For history, I think it's been used by the community and I don't think there should be a fee. As far as the signs go,

are they creating metal one's ¼ "metal one's, the new ones. That's off the table, so it's irrelevant. Council is going provide suggests as to who.....

KATHRYN YOUNG: Because they were blowing away before because they were plastic.

CHIEF COLUCCI: That was our plan, right?

PUBLIC WORKS SUPERINTENDENT: It was our plan to go with metal.

KATHRYN YOUNG: So, when an ordinary member of the community wants to have a pancake dinner or something like that, is there going to be a way that they can have some kind of a sign without having to go out and have it professionally made?

MR. NACARATO: There is nothing in our ordinance that requires it to be professionally made.

KATHRYN YOUNG: Is there a way to make it without it having to be metal? Maybe buy a bunch of metal ones and have them paint it on there.

FINANCE DIRECTOR: They will have to do it themselves.

KATHRYN YOUNG: Okay. Have we had any problems with organizations coming and wanting to put up signs and their old signs don't fit?

CHIEF OF POLICE: We haven't experienced it yet.

KATHRYN YOUNG: Lighting, I noticed that the lighting is top down instead of from the ground up, so you can see it. Has that been addressed? There are LED lights but they're coming down and it's hard to see some signs. Not the recent sign that was up because it had whatever blasting right in the center, it was very easy to see. The way older organizations have made it, it's harder to read, unless the light is at a different angle.

MR. NACARATO: That is something that was donated to Dominic Nacarato's Eagle Scout Project by Santon Electric. I can talk to them about that but I don't know if that will change.

KATHRYN YOUNG: I know there is electric going to it. Is there any plug-in outlet, like a Christmas...?

MR. NACARATO: There is an outlet on the backside of it. The lights that are on there are hard-wired.

KATHRYN YOUNG: Okay.

MR. NEFF: We could look into, if there is enough thickness for the Canfield Cardinal Sign or the mentioning of the Council Meeting Sign, to be permanent. Then when someone wants to put one in, the other one slides in overtop of it, so that when that event is over it pulls out.

MR. NACARATO: The problem I can see with that, Bruce is the sign underneath is going to get damaged. The signs that we used and I don't want to belabor this but the signs that we used for Lighting of the Green, the first signs did fall out, it was too thin of a material. The printer replaced those signs with a thicker, heavy-duty material. Those signs stayed in, until we took them down quickly because we changed the date. Those signs held up. I can get you that printers name. They're not Canfield local but the owner is Canfield. When they did the new signs, they used a thicker material and it held up, much better.

KATHRYN YOUNG: As I recall, wasn't there any kind of change to the sign by the City of Canfield. We talked about it. Something where it could be screwed down from the front to the back, so it wouldn't blow away. No, we didn't do that, okay.

MR. NACARATO: The backing material on that would not allow you to keep screwing and unscrewing the sign. It will just ruin it. The signs were made with the same measurements. The places for the sign to go in are exactly the same measurements that they were of the old sign. It's just a redesign. The reason why we opted to put it solid rather than, slide through like the double sided, the way the old one's were is because, those blew out. This holds it better, so that the wind doesn't blow right through it.

KATHRYN YOUNG: Was there a price, Chief for those 8 signs that you're considering? Have you priced any of those and what's the range, if somebody wanted to go out and have a sign made?

CHIEF OF POLICE: John, you have a quote?

PUBLIC WORKS SUPERINTENDENT: I do, but those were metal signs. They weren't the same ones that were talking about.

KATHRYN YOUNG: What would the price of a metal sign be?

PUBLIC WORKS SUPERINTENDENT: About \$280.00.

MR. NACARATO: The ones that I bought for Lighting of the Green were about \$125.00 a piece, I believe.

KATHRYN YOUNG: Those are the heavy plastic?

MR. NACARATO: Yes.

KATHRYN YOUNG: Thanks.

MR. MORVAY: Anybody else? Frank? Hearing none, we'll move on.

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

MR. MICCHIA: Good evening, Frank Micchia, 220 Glenview. I have a couple of items, I was going through the November Check Register and I saw an entry with a person's name and a \$6,300.00 charge for unemployment.

FINANCE DIRECTOR: Yes.

MR. MICCHIA: What is it?

FINANCE DIRECTOR: Unemployment for somebody that doesn't work here anymore.

MR. MICCHIA: There is a charge for that?

FINANCE DIRECTOR: Yes. That's how governments pay. We don't pay like other companies do. We pay the actual amount for the person is no longer here.

MR. MICCHIA: So, we don't pay a fee, except when they use it?

FINANCE DIRECTOR: Correct.

MR. MICCHIA: Item 2, there was an unknown organization that is distributing phone books by throwing them on the driveway. There is an ordinance against delivering materials to the driveway, they must be delivered to the door. I wonder if the Chief can check into who is doing this and see if we can prevent that in the future.

MR. DRAGISH: I got delivered to the doorway but then it went right to the trash. (Laughter) Mine was on my porch.

MR. MICCHIA: On my street they were put on the driveway. Okay, I wish I would have been them, I would have done something about it.

MR. MORVAY: Anybody else? Kathryn? Hearing none, we'll move forward.

Under **OLD BUSINESS**, we have no old business.

Under **NEW BUSINESS:**

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

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

MR. NACARATO: Second.

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

MR. NEFF: Mr. President, I have an Ordinance Amending Canfield Codified Ordinance Section 1169.03 Accessory Buildings. This constitutes 1st reading.

MR. MORVAY: Pat, we're going to have a public hearing on...

CLERK: We will have a public hearing on February 15th at 5:20pm.

ITEM B: An Ordinance Approving the Replat of Canfield City Lot 2852 to include lots 300, 196, 198 and 197 at 20 South Broad Street by Farmer's National Bank.

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

MR. DRAGISH: Second

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

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

MR. NEFF: Second.

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

MR. DRAGISH: I have an ordinance approving the replat of Canfield City Lot 2852 to include lots 300, 196, 198, and 197 at 20 South Broad Street by Farmer's National Bank.

MR. NACARATO: Second.

MR. MORVAY: Chief, why are we combining these lots?

CHIEF OF POLICE: Farmer's Bank has submitted a replat of lot 2852 to include lots 300, 196, 198, and 197 at 20 South Broad Street. Farmer's Bank currently spans over 5 different lots. They are cleaning up the lots and combining them into one lot in preparations for upcoming construction. Planning & Zoning recommended the replat at their January 12, 2023 meeting.

MR. MORVAY: Council, questions or concerns? Hearing none. Residents, questions?

KATHRYN YOUNG: Kathryn Young, 570 Barbcliff Drive. These 5 lots, that whole section is going to be bank. Is this under a plan, I'm assuming where there is going to be 3 layers sometime down the road with businesses, offices, living?

MR. MORVAY: No, it's offices. There are plans up there.

ZONING INSPECTOR: They're adding onto the one building. They are taking the two small buildings down on the corner and adding on to the other building all the way to the corner.

KATHRYN YOUNG: So, the ordinance that was prior was for 45% of that total.

ATTY. FORTUNATO: That's for accessory structures.

KATHRYN YOUNG: Isn't that the same area?

ZONING INSPECTOR: No, they're adding onto the building, doing an addition.

KATHRYN YOUNG: Okay, thank you.

MR. MORVAY: Frank, anything? Hearing none, Patty.

ROLL CALL ON ORDINANCE:

4 Votes-Yes

0 Votes-No

Ordinance passes

Ordinance 2023-01.

ITEM C: An Ordinance Authorizing the City Manager to Enter Into an Agreement with Baker Tilly U.S. LLP.

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

MR. DRAGISH: Second

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

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

MR. NEFF: Second.

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

MR. NACARATO: Mr. President, I have an Ordinance Authorizing the City Manager to Enter into an Agreement with Baker Tilly U.S. LLP. I move for passage.

MR. DRAGISH: Second.

MR. MORVAY: Chief, can you tell us why we're entering into an agreement with Baker Tilly?

CHIEF OF POLICE: City Council feels that it's the best interest to enter into an agreement with Baker Tilly to conduct a search for a city manager.

MR. MORVAY: Council questions?

MR. NEFF: I just want to point out that we are going to put the applications that we've already received and register them with Baker Tilly. So, everybody that has applied will be part of the new group as well.

MR. MICCHIA: Frank Micchia, 220 Glenview. I'm assuming the applications that we did receive, encouraged us to keep looking a little further and hire somebody to do it.

MR. MORVAY: Correct.

MR. MICCHIA: What is the fee that Baker Tilly is charging for the search?

CHIEF OF POLICE: \$26,000.

MR. MICCHIA: It's a flat fee, one time, whatever it takes.

CHIEF OF POLICE: Yes.

MR. MORVAY: Kathryn? Hearing none.

ROLL CALL ON ORDINANCE:	4 Votes-Yes
	0 Votes-No
	Ordinance passes
	Ordinance 2023-02.

ITEM D: An Ordinance Amending Chapter 927 of the Codified Ordinances of Canfield, Ohio (Regarding Water Rates for 2023).

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

MR. NACARATO: Second

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

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

MR. DRAGISH: Second.

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

MR. NEFF: Mr. President, I have an Ordinance Amending Chapter 927 of the Codified Ordinances of Canfield, Ohio (Regarding Water Rates for 2023). I move for passage.

MR. NACARATO: Second.

MR. MORVAY: Chief, are you going to explain to us why we are passing this Ordinance for water rates?

CHIEF OF POLICE: Yes, absolutely. After speaking with everybody on city council, we've decided to move forward with a 15% increase. Once RCAP has completed our asset management, they've agreed to do a study on our water rates. We expect that to be around sometime in June. We can possibly revisit this, if it needs to be higher. We've been encouraged by RCAP to increase it higher than 15%. There was talk about increasing it to 20%

with a flat fee. After speaking to council and staff, we feel that for now, 15% will keep us safe until June; at which point that study will be done. I think it's also important to note that our last water rate increase was May 2020. Rates from Youngstown increased 7.75% in 2021 & 2022 with a 7.5% increase in 2023. Currently, our water rates are cheaper than Canfield Township's water rates, with the increase. With the 15% increase, our rates will still be less than Canfield Township's fees that Canfield either pays to Aqua Ohio or Youngstown Water. Currently, Canfield City is below those two rates. It is imperative that we raise the rate increase.

MR. MORVAY: Council questions or concerns?

MR. MORVAY: Christine, you and I talked and we thought it should be actually higher than 15 but we kind of settled at 15.

FINANCE DIRECTOR: We are going to have the rate study done 6 or 9 months from now and we'll re-visit after they do that rate study. I wanted to be a little conservative right now and just do the 15%.

MR. MORVAY: Okay. Residents.

MR. MICCHIA: Good evening, Frank Micchia, 220 Glenview. The water billing being changed from like 1.112 cents per gallon to 1.279 cents per gallon. This 1.112 has been in effect since 2020, as the Chief mentioned. Although, there have been increases from Youngstown, the city ate those increases. For the information for a lot of people, this per gallon charge has been determined by taking the cost from Youngstown and adding 70% to it. This is needed to maintain Canfield's water system. On my water bill, I did a little analysis, water makes up 50% of the bill, 35% is sewer, the other 15% is the additional charges. The total, new rate, per gallon to citizens using less than 100,000 is 2.63 cents per gallon, that's water/sewer and everything. This increase will cost me about \$200.00 per year. Somehow, I told my wife, we have to justify that by showering together. It didn't go very far. (Laughter). It's not going to happen. I've made a nice spreadsheet that any citizen can calculate to verify their water bill. If anybody wants a copy of the Excel spreadsheet, I'd be happy to provide it.

MR. MORVAY: That 2.6, that was with the increase.

MR. MICCHIA: With the increase. Water/sewer, total.

MR. MORVAY: It was like 2.2 before.

MR. MICCHIA: Something like that. Thank you. Don't mention that to my wife.

MR. MORVAY: I'm going to suggest that to Karen, it's a way to save money.

MR. MORVAY: Kathryn would you like to comment? Hearing none, Patty.

ROLL CALL ON ORDINANCE:

4 Votes-Yes
0 Votes-No
Ordinance passes.
Ordinance 2023-03

MR. MORVAY: At this time, our counselor will help us with a Motion.

ATTY. FORTUNATO: I'd like a Motion that somebody would make to adjourn into Executive Session pursuant to Ohio Revised Code Section 121.22 (g) (3) to discuss matters of pending or imminent litigation and Ohio Revised Code Section 121.22 (g) (2) to consider purchase or sale of property for public purposes.

MR. NACARATO: I'll make that Motion.

MR. DRAGISH: Second.

ROLL CALL ON MOTION:

4 Votes-Yes
0 Votes-No
Motion passes.

Council convened into Executive Session at 6:15 pm.

Council reconvened from Executive Session at 7:10 PM

Mr. Nacarato made a Motion to adjourn.

Mr. Dragish seconded the Motion.

PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL

