

CANFIELD CITY COUNCIL

REGULAR MEETING

October 16, 2024-5:30 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 Change Order Number 1 (Final) for Shelly and Sands, Inc. and Declaring Said Ordinance an Emergency. (East Main Street Improvement Project)

Description: Shelly and Sands was awarded the bid for the East Main Street Improvement Project on 6-5-2024. As a result of reduced quantities needed for some items, there is a need for a change order to the original contract with Shelly and Sands.

This Ordinance authorizes change order number 1 and final by decreasing the original contract amount by \$8,157.35.

This Ordinance is being passed as an emergency in order to meet the invoice due date obligations.

Action Needed: Passage of this Ordinance

Attachment(s): Change Order

Public Comments

B. A **Motion** Changing the Date of the First Regularly Scheduled Council Meeting in January 2025

Description: The first regularly scheduled Council meeting in January 2025 falls on New Year’s Day, Wednesday (January 1, 2025) We are moving the meeting to Thursday (January 2, 2025) at the same time, 5:30pm.

Action Needed: Approval of Motion.

Attachment(s): None

Public Comments

12. Council Comments.

13. Adjournment

Introduced By: _____
First Reading: _____

ORDINANCE

**AN ORDINANCE AUTHORIZING CHANGE
ORDER NUMBER 1 (FINAL) FOR SHELLY AND SANDS, INC.AND DECLARING
SAID ORDINANCE AN EMERGENCY.**

(EAST MAIN STREET IMPROVEMENT PROJECT)

WHEREAS, the Council of the City of Canfield authorized the City Manager to enter into a contract with Shelly and Sands, Inc. (Ordinance # 2024-16) on June 5, 2024 in an amount not to exceed One-Hundred Ten-Thousand Four-Hundred Sixty-Nine and 66/100 (\$110,469.66) based on a public bid; and

WHEREAS, the Engineer recommends a Change Order pursuant to Section II of the Contract; and

WHEREAS, Council desires to authorize Change Order 1 (Final).

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

Section 1: Change Order 1(final) hereby authorizes a deduct to the original contract amount, in an amount of (\$8,157.35) pursuant to the quantity adjustment.

Section 2: This Ordinance is hereby declared to be an emergency measure necessary for the preservation of public peace, health, and safety of the inhabitants of the City of Canfield, Ohio. Said emergency exists by reason of the fact that it is necessary to meet invoice due date obligations.

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

PASSED IN COUNCIL THIS _____ DAY OF _____ A.D., 2024.

PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL

Certification of Publication

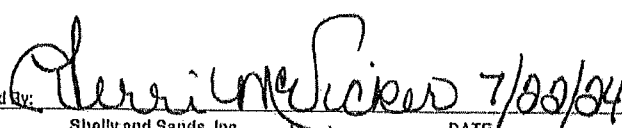
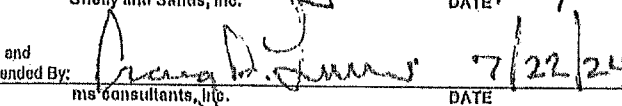
I, the undersigned Clerk of Council of the City of Canfield, Ohio, hereby certify that the foregoing Ordinance was posted in a prominent place at the Municipal Building, Canfield, Ohio for seven continuous days, to-wit:

_____.

CLERK OF COUNCIL

APPROVED AS TO FORM:

MUNICIPAL ATTORNEY

CITY OF CANFIELD EAST MAIN STREET IMPROVEMENT PROJECT						
CHANGE ORDER NO.		ONE (1)		DATE: July 19, 2024		
Contr. SHELLY AND SANDS, INC. Address: 1460 N. BAILEY ROAD NORTH JACKSON, OHIO 44461						
ITEM NO.	BASE CONTRACT	ORIG. QTY.	REVISED QTY.	OVER/ (UNDER)	UNIT COST	TOTAL COST
1	PAVEMENT PLANING, ASPHALT CONCRETE, EB LANE 2.75" APP	3,360 SY	3,379	29.00	\$7.00	\$203.00
2	SEALING OF EXISTING PATCHES	1,325 LF	768.00	(569.00)	\$1.20	(\$682.80)
3	TACK COAT	670 GAL	325.00	(345.00)	\$3.05	(\$1,052.25)
4	ASPHALT CONCRETE SURFACE COURSE, TYPE 1 (448) PG 64-22	100 CY	94	(6.54)	\$345.00	(\$1,911.30)
5	ASPHALT CONCRETE INTERMEDIATE COURSE, TYPE 2 (448) PG 64-22	185 SY	146.92	(38.08)	\$175.00	(\$6,664.00)
6	ISLAND MARKING	300 SF	25.00	(275.00)	\$2.00	(550.00)
Extra Work:						
	Labor and Material for Shelly and Sands to adjust a manhole to grade	1 LS	1.00	0.00	\$2,500.00	2,500.00
JUSTIFICATION: FINAL QUANTITY ADJUSTMENT.						
TOTAL AMOUNT						(\$9,167.35)
THIS CHANGE ORDER SHALL CONSTITUTE A FINAL SETTLEMENT OF ALL MATTERS RELATING TO THE CHANGE IN THE WORK THAT IS THE SUBJECT OF THE CHANGE ORDER, INCLUDING BUT NOT LIMITED TO, ALL DIRECT, INDIRECT AND CUMULATIVE COSTS ASSOCIATED WITH THE CHANGE AND ANY AND ALL ADJUSTMENTS TO THE CONTRACT PRICE AND THE CONTRACT TIME.						
Submitted by:  7/22/24 Shelly and Sands, Inc. DATE		ORIGINAL CONTRACT AMOUNT		\$110,469.00		
		PREVIOUS CHANGE AMOUNT				
		THIS CHANGE		(\$9,167.35)		
		REVISED CONTRACT AMOUNT		\$102,312.31		
Prepared and Recommended By:  7/22/24 mc consultants, llc. DATE		APPROVED BY: _____ DATE: _____ City of Canfield _____ City of Canfield _____				

Introduced by: _____

Motion No. _____

MOTION

A MOTION CHANGING THE DATE OF THE FIRST REGULARLY SCHEDULED COUNCIL MEETING IN JANUARY 2025

WHEREAS, the first regularly scheduled Council Meeting for January, 2025 would be on New Year's Day; and

WHEREAS, Council desires to establish a different date for the first meeting in January.

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

Section 1: The first meeting in January, 2025 shall be held on January 2, 2025.

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.

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** OCTOBER 2, 2024-5:30 P.M.

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

Absent: Mr. Dragish.

Staff present: Christine Stack-Clayton, Finance Director, John Rapp, Public Works Superintendent and Jodi Flinn, Zoning Inspector.

Absent: Charles Colucci, Chief of Police.

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

Under **MINUTES**, the Minutes of the Regular Meeting on September 17, 2024 were approved as presented.

Under **READING OF COMMUNICATIONS**:

MRS. OLIVER: Are there any communications from Council? Hearing none.

MRS. OLIVER: I have one. When the power outage happened, it took out our clock on the Green. I'm happy to inform you that Mr. Oliver will be on the Green first thing to tomorrow morning to restore our clock to working order. I just wanted to let you know that's what happened to the clock. Believe me, he notices the moment something is not working on that clock. That's all I have.

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

MR. TIECHE: The Parks Board had a meeting this morning. We do not have minutes yet. I have no report until we get our minutes; which I'm sure will be by the next meeting.

MR. NEFF: Planning & Zoning meets next week.

MR. GRAHAM: Design Review, there was nothing on the agenda for October. Our next meeting is November 5th.

MRS. OLIVER: Does anybody have anything for the Mayor's Report? Hearing none. For the Fire Board, for September there was a total of 267 calls, including the Canfield Fair, fire loss of \$7,500 on a rear porch on St. Andrews, there were 104 transports, we gave one mutual aid and we received 0. That's what I have for the Fire Board. Let's move on to Mr. Rapp, our Public Works Superintendent.

PUBLIC WORKS SUPERINTENDENT: Good evening, thank you. We completed our lead and copper sampling as mandated by the Ohio EPA for drinking water. We had a total of 80 samples this year from January 1st until now. We just completed the 40 from this half since June. We'd like to thank all the residents that participated in this. It's not easy to get people to take the first draw in the morning and put it on their door step. It's very important how that process works. We would just like to thank everybody in the city that participates in that.

Leaf season will begin the week of October 14th.

A water break was repaired last Thursday on Sawmill. The crews were out most of the night on that one. They took out and replaced approximately a 15-foot piece of transite water line.

Sanitary repairs are happening right now on Sleepy Hollow. Yarian Construction is out there currently. They'll be out there, they were there today, tomorrow and Monday, finishing up on Sleepy Hollow and then they will be moving to the intersection of Skyline and N. Hillside. There is a collapsed plate sanitary line in that intersection outside the manhole. We routinely do so much jetting on our sanitary lines, crews were not able to get through that this year, so they camered it and found out that is collapsed. So, Yarian will be fixing that. Hopefully, maybe Tuesday they'll be up there. I will let all the bus routes, fire department and emergency services that need to know that information.

Fire hydrant flushing, we have about 1 to 2 more weeks on that. We have 400-500 fire hydrants that we do regular maintenance flushing. It usually takes us about a month every year. The month of September. We've gotten a few calls, not many, but please if you get some sediment on the inside of the pipe or discolored water, that's all normal and it's perfectly safe. It just has to work its way out of the system. When we flush these hydrants, it disturbs the inside of the pipe. That's all I have.

MRS. OLIVER: Thank you. Our Finance Director, Mrs. Clayton.

FINANCE DIRECTOR: On the agenda tonight, there is a new fund being created for the OVI Task Force. That is a grant and we're required to have that in its own fund, so that the money is segregated from everything else. That grant year runs from October 1st to September 30th. There is also a budget adjustment that is adding money for the grant fund, so that they can start doing check points this month and some additional work on the Overbrook Storm Project. I also sent out 23 letters yesterday for uncashed checks, asking people if they'd like a replacement check, if they've lost it and let me know and we'll get them out a replacement

check. In the next month or so, if we've not heard from them, I'll be moving it to unclaimed funds on the city's accounts.

MRS. OLIVER: Thank you. Our Zoning Inspector, Mrs. Flinn. I was not going to miss you.

ZONING INSPECTOR: For the month of September, there were 13 garage sale permits and 16 zoning permits, totally \$6,683, one of those was a new build. That was a total valuation of \$735,000 for the month of September. So, YTD permits issued are 146 with a total valuation of \$6,886,000. That's all that I have.

MRS. OLIVER: Thank you. Let's move on to Mrs. Bernat.

CLERK: On your agenda tonight, you have the current replacement pages of the codified ordinances. This is something that we do every year. All of the Ordinances and Resolutions that you pass or amend throughout the year get combined into this update. The company that does the update is Walter Drane/American Legal Publishing. Also, on the agenda tonight is Trick or Treat. I checked with Boardman and Austintown and they are also setting their hours for October 31st from 5:30-7:30pm. Canfield Township is not setting their hours until the 8th of October. We are suggesting we go with Boardman and Austintown have already set. Also, the Odd Fellows are putting on Trunk or Treat on October 26th and Back the Blue is October 19th. That's all I have.

MRS. OLIVER: Thank you. Mr. D'Apolito our City Manager, are you also going to do the Police Chief's Report?

MR. D'APOLITO: I will.

MRS. OLIVER: After your report, you're excused. You have city business to attend to in Columbus.

MR. D'APOLITO: Thank you, with your permission. As for the Police, in September there were 294 radar zones, 610 residence checks, 277 meaningful contact with the community, 160 vehicles were stopped during the month, of the 160, 132 warnings were issued and 28 citations were issued. There were 18 accidents that were reported. Personal property reports 54. Also, important, as far as hurricane relief, the Canfield Police Lodge 212 along with Canfield Professional Firefighters Local 4507, are working together with the Canfield Community and are now accepting donations for Hurricane Helene relief, bottled water, baby wipes, diapers, paper towels, etc. Those donations can be dropped off at the Canfield Police Department, we're going to put them in the Sally Port or any of the 3 fire district locations. That is today through October 11th. We're trying to fill up a semi-trailer. The arrival would be for Woodfin, NC. We've already had contact with the police department there. They will be accepting those donations. Anybody from the community that wants to contribute can do so at any of the fire stations or at the police department.

MRS. OLIVER: I think that's wonderful.

MR. D'APOLITO: As for my report, Family Fun Night was a complete success. We had a great crowd, great turnout. I also want to thank the members of council that participated and volunteered their time. I just think that's a great thing, that you folks are willing to do that. I wanted to mention the water break on September 26th on Sawmill Run. Our crews were sent out about 1:30am, the same 4 gentlemen were still working 12 hours later at 1:30 in the afternoon. I spent as much time out there with them as I could. I just think they need to be recognized for the job that they do. What Public Works does, the 10 workers that we have are the backbone of the city. It's just incredible. Kudos to them. On Saturday, the 28th, the city hosted the Pink Out Pickleball Tournament. It was another huge success. Everyone knows that we had two of the courts painted pink. It raised a lot of money for Salem Community Hospital for Breast Cancer Awareness Program. I talked to numerous people that participated and they just said it was a fantastic day. Last week, I was up at the water tower, we have that big improvement going on, it's incredible what they're doing to the water tower. The infrastructure there was really in bad condition and they are just doing a great job up there as well. Going forward, October 5th is our Fall Festival. There will be food trucks, live music, pumpkin painting for the children. That will be this Saturday from 3:00pm to 7:00pm.

MRS. OLIVER: Thank you. It should be known, I stopped over at the Pink Out Pickleball Tournament too and Mr. Rubin, our Canfield Village Middle School Principal he was playing hard against those young people. It should be recognized that Hadley Moser who is a soft more and Nick Folsom who is a senior, those two young people put that event together and they worked really hard on it and the community came together. I just want to give them a shout-out. They are two amazing young individuals right here in our city and I'm very proud of them for what they did.

MR. D'APOLITO: Mr. Rubin, I just saw him earlier, came runner-up, he brought in a ringer from Pittsburgh. Even with a ringer he couldn't win but he was runner-up.

MRS. OLIVER: He was fighting hard. Our City Attorney, Mr. Fortunato.

ATTY. FORTUNATO: I have no report. I generally don't like to give a report on pending legal matters.

MRS. OLIVER: Thank you.

Under **QUESTIONS** on Reports:

MR. NEFF: Christine, the checks, were those tax refund checks?

FINANCE DIRECTOR: Some of them. Most of them are Rotary Park security deposits. One of the tax refunds was over \$1,600 that someone didn't cash.

MRS. OLIVER: Residents, do you have any questions on the reports that you just heard? Hearing none. Mr. D'Apollito.

MR. D'APOLITO: I'm just going to wait for the public comment. Thank you.

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

MR. BRAD KINKADE: My name is Brad Kinkade I live at 185 Willow Bend Drive. (inaudible) been there for 26 years. I appreciate to opportunity to speak to you today. I've been a Canfield resident all my life. I grew up on Sleepy Hollow Drive. I live in Canfield and I've lived in this house for about 26 years. I come here today, as a result of something that has occurred back on July 11th. On July 11th, brown liquid was reported off a path, the NW path adjacent to MSC. I believe the fire department responded, HAZMAT was there. I saw them there. The EPA responded. At that time, the EPA issued what they called, notice of violation to MSC. I spoke to the EPA at length, the emergency contact, his name is Curt Kollar (Spelled phonetically). MSC reported to Curt and the EPA that the leak was result of a maintenance issue. As reported, the next step would be to dig it out and get rid of it. They have not finished the remedial investigation, as of right now, so they cannot determine if it is a maintenance issue or something that is ongoing in their system. The material was tested, has been tested, it is considered hazardous material. It has a PH higher than 12.5. It contains heavy metals. It is caustic, it contains sodium hydroxide, arsenic and cyanide. Mr. (inaudible) I spoke with him and this material is an imminent threat. I asked him, if I go to Council, can I use those words, I don't want to get you in trouble. He said, absolutely. August Mack is currently handling this for MSC, the contact is Brandon Lewis. He no longer believes that excavation alone will take care of the problem. This admittance to the problem, you can infer but you can't say for certain this isn't a maintenance issue, if excavation is going to handle it. But again, we don't know that, no one will know that until the investigation is complete. This information lends itself it's something else, ongoing there. Understand too, the news reported on the 29th that the spill was contained and is finished. That is not the case. It still continues to leak, it has been controlled, not eliminated. It is still going into the ditch. As of today, the EPA has required samples from the ditch, the wetlands, and they are recommending Sawmill Creek all the way to Cardinal Drive because of the potential that it can become contaminated as well. We all know what goes on Cardinal Drive and Sawmill Creek, Canfield High School. Up until this Friday, this was the response at the path. Everyone says they're doing a hell of a job, they are the last 5 days, probably (inaudible) in the last 5 days. But the response up until that point was a 3' high snow fence about 10' on one side to contain the parts where they dug. They put 3 earthen dams in, basically just piles of dirt with a fence in front of the dirt, that's how they protected the situation and put a piece of plywood down by the Preserve and the wetlands, as their dam. Once the Ohio EPA visited the site again on Thursday, you'll now see concrete bunkers and (inaudible) in place. You'll now see pumping trucks in the wetlands pumping out the physical wetlands in the preserve. They were running all day Saturday. You will see 12 to 18 units, strictly designated to pull ground water out of the ground 24 hours a day. This has all been within the last 5 days. You will also see an 8' high snow fence that goes the entire length of the path, so no access can be made at the ditch. This is what has occurred in the last 5 days. I

guess, my point is, this is my opinion and my input, you can make inferences, we're all intelligent people, they did absolutely the bare minimum that they could to check the boxes because they had an opportunity; which was no rain. As soon as we got rain, their earthen dams collapsed, plywood to much surprise, failed, wetlands became contaminated and you still have an issue with it going into Sawmill Creek. This problem is huge and it's systemic. In light of everything that has happened, the community and other communities, we need to get involved. When I say get involved, I understand it's not city property but it's going to be running on city land very, very soon. No offense to any of you, I'm not antibusiness, I have one myself, we can't be talking to the guy that is running the clean-up crew only. It's like talking to the fox in the hen house. He's not going to give you everything you need to know. Everything that I gave you up until that point is on public record. I really think we need to take action. We collectively need to get involved and find out what's going on, stay on top of it and see what their plans are. We can't let this go. I would say, imminent threat, cyanide, arsenic, sodium hydrochloride, caustic materials. It's not something you want pumping in and it hasn't been stopped. It's still coming. That's all.

MRS. OLIVER: I would like to thank you for coming this evening and I'd also think it's very important for you to know that we, as a city, were not made aware of this until 12:33 this afternoon when I received the email, that I shared with the city manager and the city attorney. We weren't even aware of this. I would like you to know that. We are aware of it now.

MR. BRAD KINKADE: I can't imagine how you responded to it. How can you not be aware? How can you not follow up.

MR. D'APOLITO: We were aware of initial incident. We were told it was contained. Then it was turned over to the EPA and the Fire Department. We were never contacted again. I learned of it from Mr. Kinkade.

MRS. OLIVER: We as a council were not aware until today.

MR. KINKADE: I appreciate and understand. I appreciate speaking with you but when I called you it was to discuss the severity of the problem not to introduced the problem. I was very surprised when you didn't know about it. I was more discouraged when you told me the Chief of the Fire Department has had updates but hasn't let you guys know. That is egregious. I understand what you're saying but just because you weren't aware of it until 12:30 does not make you responsible. You are still to blame. You should know. Whatever happened between the Chief and the Council or what is not happening, needs to be rectified. This isn't a small affair. I live right behind it. Like I said, it's heading to all the schools. You have to understand that. We wouldn't even build a school where there is a gas line, now we got cyanide pumping to them. I appreciate what you're saying but I can't let you off.

MR. D'APOLITO: Mr. Kinkade, I don't know what role the city would play once the EPA is involved. They take total control of the situation.

MR. KINKADE: They do not take total control of the situation. They make recommendations absolutely. That is what they have said to me, time and time again. Let me see if I got the proper terminology here, under orders. Right now, even when they do the remedial investigation the EPA would not be conducting the investigation, the EPA will be watching the investigation. The Team that is hired to fix up the spill will be conducting it. What we can do, because the EPA is a huge organization, they are probably outmanned and outgunned, we as the city need to get in these people's ears. And know that we're watching and they don't get a pass. They don't just get to check the bear minimum boxes. Which is exactly what they've done up until this point. Now we're paying the price because of the rain.

MR. TIECHE: City Attorney, do we have the ability to shut down that whole operation?

ATTY FORTUNATO: I talked with the Fire District Counsel today and based on the fact that the Ohio Revised Code Section 3737.44 there is no risk of fire or explosion based on materials. So, there is no authority under that statute to shut the business down.

MR. TIECHE: What happens with regard to a health hazard?

ATTY. FORTUNATO: We're just becoming aware of this. I became aware of this yesterday. We're starting to conduct research and figure out what the city's role can be. I did speak to the district counsel in terms of what they were willing to do in terms of shutting the business down, they don't have the authority to do that because there is no basis to do that under the statute. We'll find out.

MR. TIECHE: Should we be getting the Mahoning County Board of Health involved to let them know that we're having this discharge into the storm water? It just seems to me, bring this to our attention, if you could do something about it, reach over and grab the guy by the neck and let's do something about it.

MR. NEFF: I would like to find out whether there has ever been another incident at Material Science?

MR. KINKADE: I believe many years ago, I'm not positive it was Material Science, it might have been Canfield Steel at the time, they had an evacuation of the school because the cyanide was leaking. It was many years ago. My kids were in school at the time.

MR. NEFF: I remembered that. That's why I asked. I asked the Chief if this had happened before and he couldn't recall.

MR. KINKADE: I don't think it was a leak to the ground water but it was a leak from the tanks.

MRS. OLIVER: I will express my dismay at the next fire board meeting about this.

MR. KINKADE: It's much appreciated.

MRS. OLIVER: I always do.

MR. KINKADE: You don't get it if you don't ask. I agree with you; the squeaky wheel gets the grease. So, get as many people involved as you can.

MRS. OLIVER: Thank you.

MR. KINKADE: Thank you. I appreciate your time.

MR. D'APOLITO: I just want council to know that upon his phone call, Mr. Rapp and I went out there immediately to look at it because we had no idea it was going on. Once I spoke to Mr. Kinkade, we did go out.

MRS. OLIVER: Thank you. Anybody else desiring to speak before council? Hearing none.

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

Under **NEW BUSINESS**:

ITEM A: An Ordinance Adopting A New Section 1173.01 of the Codified Ordinances of the City of Canfield (Solar Energy Systems)

MRS. OLIVER: 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. GRAHAM: An Ordinance Adopting a New Section 1173.01 of the Codified Ordinances of the City of Canfield (Solar Energy Systems). This constitutes first reading.

CLERK: The public hearing will be November 6th at 5:30pm.

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

MRS. OLIVER: As per the provisions of Section 4.05 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. GRAHAM: Second.

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

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

MR. TIECHE: Second.

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

MR. TIECHE: Madam President, I have an Ordinance to Approve and Adopt the Current Replacement Pages to the Codified Ordinances of the City of Canfield. I move for adoption.

MR. NEFF: Second.

CLERK: I believe I explained this in my report.

ROLL CALL ON ORDINANCE:	4 Votes-Yes
	0 Votes-No
	Ordinance passes.
	Ordinance 2024-26.

ITEM C: An Ordinance Creating the Federal OVI Task Force Grant Fund FY2025.

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

MR. TIECHE: Second.

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

MRS. OLIVER: 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. NEFF: Madam President, I have an Ordinance Creating the Federal OVI Task Force Grant Fund FY2025. We move for passage.

MRS. OLIVER: This was already explained to us.

ROLL CALL ON ORDINANCE:	4 Votes-Yes
	0 Votes-No
	Ordinance passes.
	Ordinance 2024-27.

ITEM D: An Ordinance Amending Ordinance 2024-21, Annual Appropriation Ordinance to Make Appropriations for Current Expenses and Other Expenditures of the City of Canfield, State of Ohio, During the Fiscal Year Ending December 31, 2024.

MRS. OLIVER: As per the provisions of Section 4.05 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. GRAHAM: Second.

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

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

MR. TIECHE: Second.

ROLL CALL ON MOTION:

4 Votes-Yes

0 Votes-No

Motion passes.

MR. GRAHAM: Madam President, I have an Ordinance Amending Ordinance 2024-21, Annual Appropriation Ordinance to Make Appropriations for Current Expenses and Other Expenditures of the City of Canfield, State of Ohio, During the Fiscal Year Ending December 31, 2024. I move for passage.

MRS. OLIVER: This is what Mrs. Clayton was referring to earlier?

FINANCE DIRECTOR: Correct. I'm adjusting some accounts for a total of \$395,150, \$250,000 for the OVI Grant and some of those expenses are offset by \$320,000 of grant money that will be coming in or other revenues that we'll be getting. We're getting additional money in the DEA Federal Forfeiture Fund, Two Hundred and Fifty Thousand for the OVI Task Force Fund, and Fifty-Five Thousand for the Overbrook Storm Water, to offset some of those expenses. So, it's only a net increase of \$75,150.00.

MRS. OLIVER: Any questions from Council? Hearing none. Any questions from the public?

MR. KINKADE: When you guys all say second and then they ask you, could you say no?

MR. TIECHE: Sure.

MRS. OLIVER: Absolutely. I said no a couple council meetings ago. Yes, you can say, no.

CLERK: We need a second on that.

MR. TIECHE: Second.

ROLL CALL ON ORDINANCE:

4 Votes-Yes

0 Votes-No

Ordinance passes

Ordinance 2024-28.

ITEM E: An Ordinance Authorizing Change Order Number 2 for Yarian Brothers Construction, Inc and to Declare Said Ordinance an Emergency. (Overbrook Storm Sewer Improvement Project).

MRS. OLIVER: As per the provisions of Section 4.05 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. GRAHAM: Second.

ROLL CALL ON MOTION:

4 Votes-Yes

0 Votes-No

Motion passes.

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

MR. TIECHE: Second.

ROLL CALL ON MOTION:

4 Votes-Yes

0 Votes-No

Motion passes.

MR. TIECHE: Madam President, I have an Ordinance Authorizing Change Order Number 2 for Yarian Brothers Construction, Inc and to Declare Said Ordinance an Emergency. (Overbrook Storm Sewer Improvement Project). I move for passage.

MRS. OLIVER: Mr. Rapp, was this what you were talking about earlier? Would you like to elaborate?

PUBLIC WORKS SUPERINTENDENT: This is the Overbrook Project that we had completed a month or so ago. We had some problems with the pipe and they needed to place some anchors into it. So, now they have to go back and drop it down a little bit and anchor it to make sure the pipe doesn't float because of the size of the pipe, there is not enough cover to keep that pipe below grade. I hope that explains it to the best of my ability.

MRS. OLIVER: It makes sense, like sinking it down in there.

PUBLIC WORKS SUPERINTENDENT: Getting it down in there and putting some straps around it. They are like giant drill bits that they stick down into the earth to keep that pipe from floating. Just because they don't have the amount of dirt to hold that pipe down with the rain.

MRS. OLIVER: Thank you. Any questions? Hearing none. Any public comments? Hearing none.

MR. GRAHAM: Second.

ROLL CALL ON ORDINANCE:

4 Votes-Yes

0 Votes-No

Ordinance passes

Ordinance 2024-29.

ITEM F: A Motion setting the date and time for Trick-or-Treat in the City of Canfield for 2024.

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

MR. NEFF: Second.

ROLL CALL ON MOTION:

3 Votes-Yes
1 Vote-No (Mr. Tieche)
Motion passes.

MR. TIECHE: Just to show him that you can vote no.

MRS. OLIVER: When I said no, it had to do with money.

ITEM F: Madam President, I have a Motion setting the date and time for Trick-or-Treat in the City of Canfield for 2024. I move for passage.

MR. TIECHE: Second.

ROLL CALL ON MOTION:

4 Votes-Yes
0 Votes-No
Motion passes
Motion 2024-07.

Under **COUNCIL COMMENTS:**

MR. TIECHE: I'm a little bit upset with the fact that we don't get notice of something as severe as a leak and we got to figure out what the problem is and get it resolved. Bigger than that, let's get this thing fixed-get it done.

MR. GRAHAM: I'd like to publicly thank Mr. Kinkade for taking the time to do the research for this most troubling issue.

MRS. OLIVER: I agree. I thank you also. I can promise you, anyone on this council and in this room knows that I am the first to speak up when I am dismayed by anything at the fire board. I will be addressing this at the next fire board meeting and ask why we were not made aware of it. We thank you very much for coming here and taking the time to do that. We will do everything in our power to make sure that this issue is resolved and resolved as soon as possible.

MR. TIECHE: Mr. Kinkade, do you have some notes that you might be able to provide us a copy of?

MR. KINKADE: I can send PDF file.

MRS. OLIVER: Any other comments from Council this evening? Hearing none. Any comments from the public? Hearing none. Would somebody like to make a motion to adjourned?

MR. NEFF: So, moved.

MR. GRAHAM: Second.

MRS. OLIVER: This meeting is adjourned.

PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL