

AGENDA

CANFIELD CITY COUNCIL

REGULAR MEETING

November 6, 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.

- A. An **Ordinance** Adopting A New Section 1173.01 of the Codified Ordinances of the City of Canfield (Solar Energy Systems)

Description: We had first reading of this Ordinance on October 2, 2024. This Ordinance was recommended by Planning & Zoning on September 12th and October 10th. We had a public hearing on this Ordinance this evening at 5:30pm. This Ordinance spells out the requirements for solar energy systems in in all zoning districts.

Action Needed: Passage of this Ordinance.

Attachment(s): Recommendations from Planning & Zoning.

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 and Directing the City of Canfield to Enter Into An Agreement With Buckeye Energy Brokers, Inc for Aggregation Consulting Services and Any Other Required Services Related to Electric Utility Deregulation, Ratifying Any Such Services Heretofore Performed and Declaring an Emergency.

Description: This Ordinance allows Buckeye Energy Brokers to issue a request for proposals to suppliers.

Attachment(s): Electric Aggregation Program Proposal

- B. An **Ordinance** Authorizing the City Manager to Enter Into An Agreement with Grahamboys, LLC for the Construction of a carport for the City of Canfield, Police Department and Declaring an Emergency

Description: See Chief

Action Needed:

Attachment(s):

- C. A **Resolution** Authorizing the City Manger to Submit Applications, and to Execute Contracts and Act as Chief Executive Officer for the Ohio Public Works Commission, Round 39 OPWC Funded Project; Namely the Colonial, Court, & Dartmouth Improvement Project. And to Designate the Finance Director as Chief Fiscal Officer for all Grant Documents for the Project and to Designate MS Consultants, Inc as the Project Manager, and Declaring an Emergency.

Description: The City’s OPWC grant request was funded for the Colonial, Court & Dartmouth Improvement Project. The City will be receiving \$149,966 in grant funding.

Action Needed: Passage of this Resolution

Attachment(s):

12. Council Comments.

13. Adjournment

Introduced by: _____
First Reading: _____

**AN ORDINANCE ADOPTING A NEW SECTION 1173.01 OF THE
CODIFIED ORDINANCES OF THE CITY OF CANFIELD
(SOLAR ENERGY SYSTEMS)**

WHEREAS, the Zoning Inspector and the Planning and Zoning commission of the City have recommended adopting new section 1173.01; and

WHEREAS, the Council of the City of Canfield believes it to be in the best interest of the residents of the City and that the general welfare of the City will be improved by the adoption of such ordinance.

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

Section 1.

1173.01 Solar Energy Systems Solar energy systems are a permitted accessory use in all zoning districts, subject to the requirements as set forth below. No person shall construct, erect or extend a solar energy system in any zoning district without compliance with provisions of this Section 1703.

A. **Height and Location** – All solar energy systems must meet the following height and location requirements:

1. No ground mounted or freestanding solar energy systems or parts thereof shall be located in front or side yards.
2. Building or roof-mounted solar energy systems shall not extend 5 feet above the highest roof point and no components of any solar energy system shall not exceed the maximum allowed height in any zoning district.
3. Ground or pole-mounted solar energy systems shall only be permitted in rear yards. Ground mounted systems shall exceed 5 feet in height, and pole mounted systems shall not exceed 10 feet in height when oriented at maximum tilt.
4. All components of solar energy systems must be placed in compliance with setback requests in the applicable zoning district.

B. **Roof or Building-mounted Solar Energy Systems** – The collector surface(s), mounting devices, and other components for roof-mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built.

C. **Visibility** – Solar energy systems in all districts shall be designed and placed to minimize visual impacts from the public right-of-way(s).

D. **Glare**– All solar energy system components shall be constructed and installed in locations which minimize glare to adjacent or nearby properties.

E. **Size and Lot Coverage** – The total surface areas of all solar energy system components shall not exceed twenty five percent (25%) of the total rear yard area. Ground-mounted systems shall meet all existing lot restrictions in the applicable zoning districts.

F. **Plan Approval/Permit Required** – Prior to installation, a site plan illustrating the proposed system, all components, manufacturer information, installation, price and location including power lines, and evidencing compliance with all requirements herein for review must be submitted to the Zoning Inspector. A permit shall be issued upon the Zoning Inspector’s satisfaction that the proposed solar energy system complies with all the requirements herein. The Permit Fee shall be as determined by City Council from time to time.

G. **Compliance with Building Code and other Regulations** – All solar energy systems shall be constructed, installed and maintained in compliance with all applicable state, county and federal laws and regulations.

H. **Removal and Decommissioning.** The owner, or successors in interest, shall remove all components of solar energy systems if the system ceases to perform its originally intended function for more than twelve (12) consecutive months or if the system has reached the end of its useful life or have been abandoned. The owner shall physically remove the installation no more than ninety (90) days after (i) the date of discontinued operations or (ii) notice by the City. The site shall be restored to as natural a condition as possible within three (3) months of the removal.

I. **Bond Requirement.** All owners of solar energy systems shall be required to post and maintain a bond in favor of the City in an amount to be determined by the Zoning Inspector based on the estimated costs of removing the subject solar system.

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 _____, 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 TO FORM:

MUNICIPAL ATTORNEY



City of Canfield

104 LISBON STREET
CANFIELD, OHIO 44406-1416

Phone: 330-533-1101
Admin. Fax: 330-533-4415
Finance Fax: 330-533-2668
www.ci.canfield.oh.us



DATE: October 10, 2024

TO: MEMBERS OF COUNCIL

FROM: JODI FLINN, SECRETARY
 PLANNING AND ZONING COMMISSION

SUBJECT: A RECOMMENDATION TO COUNCIL FOR A NEW ORDINANCE
 SECTION 1173.01 FOR SOLAR ENERGY SYSTEMS.

At the regular meeting of the Planning and Zoning Commission on October 10, 2024, the following motion was made:

Mr. Decapua made a motion to recommend to Council a new Canfield Codified Ordinance Section 1173.01 for Solar Energy Systems.

The motion was seconded by Mr. Neff.

This motion passed 4 - 0



City of Canfield

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CANFIELD, OHIO 44406-1416

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Admin. Fax: 330-533-4415
Finance Fax: 330-533-2668
www.ci.canfield.oh.us



DATE: SEPTEMBER 12, 2024

TO: MEMBERS OF COUNCIL

FROM: JODI FLINN, SECRETARY
PLANNING AND ZONING COMMISSION

SUBJECT: A RECOMMENDATION TO COUNCIL FOR A NEW ORDINANCE
SECTION 1173.01 FOR SOLAR ENERGY SYSTEMS.

At the regular meeting of the Planning and Zoning Commission on September 12, 2024, the following motion was made:

Mr. Decapua made a motion to recommend to Council a new Canfield Codified Ordinance Section 1173.01 for Solar Energy Systems.

The motion was seconded by Mr. Palermo.

This motion passed 4 - 0

Introduced by: _____
First Reading: _____

A ORDINANCE AUTHORIZING AND DIRECTING THE CITY OF CANFIELD TO ENTER INTO AN AGREEMENT WITH BUCKEYE ENERGY BROKERS, INC. FOR AGGREGATION CONSULTING SERVICES AND ANY OTHER REQUIRED SERVICES RELATED TO ELECTRIC UTILITY DEREGULATION, RATIFYING ANY SUCH SERVICES HERETOFORE PERFORMED AND DECLARING AN EMERGENCY.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Canfield, County of Mahoning and State of Ohio:

Section 1. That the City Manger is hereby authorized and directed to enter into an agreement with Buckeye Energy Brokers, Inc. for aggregation consulting services and any other required services related to electric utility deregulation and ratifying any such services heretofore performed.

Section 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council 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 Section 121.22 of the Ohio Revised Code and Section 3.11 of the Charter of the Municipality of Canfield.

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety, thereof, for the reason that it is immediately necessary to contract consulting services for advice in a rapidly changing technical area, and provided it receives the necessary affirmative votes as required by the passage and be in force at the earliest period allowed by law.

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



**AGREEMENT FOR OPT-OUT
ELECTRIC AGGREGATION SERVICES**

This Agreement ("Agreement") is made and entered into as of the last date written below, ("Commencement Date"), by and between **Buckeye Energy Brokers** (hereafter referred to as "Broker") and City of Canfield, (hereafter referred to as "Client").

WHEREAS, Client is interested in reducing its overall energy costs by opt-out aggregation and aggregating its government owned electric accounts; and

WHEREAS, Broker is certified by the Public Utilities Commission of Ohio and offers energy brokerage and electric aggregation services ("Services") that may reduce the cost per energy unit consumed; and

WHEREAS, Client hereby agrees to utilize Broker as an exclusive agent and grants exclusive rights to perform such Services, as described in and subject to the terms and conditions of this Agreement.

NOW, THEREFORE, in consideration of the foregoing and of the mutual covenants herein contained, the parties hereto agree as follows:

1.0 Particulars of Service.

- 1.1 Broker shall provide energy related Services, including but not limited to the following:
 - 1.1.1 Design Opt-Out Notification Forms and provide marketing support
 - 1.1.2 Attend two public hearings, upon request
 - 1.1.3 Load data collection and verification
 - 1.1.4 Energy savings estimates
 - 1.1.5 Energy buying and regulatory consultation
 - 1.1.6 Write customized Request for Proposals (RFP)
 - 1.1.7 All contact with potential energy suppliers
 - 1.1.8 Release all necessary client information to switch energy suppliers
 - 1.1.9 Pre-qualify any energy suppliers wishing to bid on the RFP
 - 1.1.10 Contract negotiation and closing with selected supplier
 - 1.1.11 File required PUCO reports and monitor energy cost savings with quarterly reports.

- 1.2 Broker will provide these Services in the following area(s) and/or account number(s):
____ City of Canfield and City owned accounts _____.

2.0 Compensation.

- 2.1 An administrative fee of \$_.0005___/kWh consumed in the Client's Area payable by the selected supplier on at least a quarterly basis for the length of the Service Agreement. Client agrees that this fee be written in the Request For Proposal for electric generation service. Only suppliers agreeing to the administrative fee would be eligible to bid.

3.0 Independent Agent.

- 3.1. Broker shall, at all times, during the performance of the Services be an independent agent. The parties shall not have the authority to bind, represent or commit the other as a result of this Agreement.
- 3.2. Nothing in this Agreement shall be deemed or construed to create a joint venture, partnership, or employee-employer relationship between the parties for any purpose and Broker agrees to indemnify and hold harmless Client from and against any and all liability, costs, damages, expenses, fees, fines or penalties in connection with Broker employee or Broker contractor or agent claims of benefits, withholding obligations, payroll taxes, workers' compensation and occupational illness.

4.0 Term.

- 4.1. This Agreement shall be effective upon execution by both parties for power flow starting May 2025, and shall remain in effect for ___4___ years or until the end of the Master Service Agreement with the selected supplier which ever comes later.
- 4.2. Unless either party has requested to terminate this agreement at least six months prior to expiration, it shall renew for subsequent one year terms and a request for proposal will be sent to potential suppliers.
- 4.3. Client assumes all obligations to arrange for its electric generation service upon termination of this Agreement.

5.0 Limitation of Liability.

- 5.1. Neither Party shall be liable to the other for incidental, consequential, punitive, exemplary or indirect damages, lost profits or other business interruption damages, in tort, contract or otherwise.

6.0 Force Majeure. Neither party shall be liable for any delays or failures in performance due to circumstances beyond their respective controls.

7.0 Confidentiality. Except for matters of public record, information already within the other party's possession prior to entering into this Agreement, and except to the extent required (through deposition, interrogatory, request for production, subpoena, civil investigative

demand or similar process) by a court order, Client agrees to keep confidential all information, including pricing and any data collected hereunder, unless expressly agreed to in writing by Client and Broker. In the event that Client becomes required, in the manner specified above, to disclose any confidential information, Client shall provide prompt written notice to Broker so that Broker may timely seek a protective order or other appropriate remedy. In the event that such protective order or other remedy is not obtained, Client agrees (i) to furnish only that portion of the confidential information that is required to be furnished and (ii) to exercise reasonable commercial efforts to obtain assurance that confidential treatment will be accorded such confidential treatment.

8.0 Compliance with Laws, Permits, and License Requirements.

Broker shall, at its sole cost and expense, comply with all federal, state, and local laws applicable to its work and shall procure all applicable licenses and permits necessary for the fulfillment of its obligations under this Agreement.

9.0 Assignment. Client and Broker shall not assign or transfer, in whole or in part, this Agreement or any rights or obligations hereunder without the prior written consent of the other party, such consent not to be unreasonably withheld. All of the covenants, conditions and obligations of this Agreement shall extend to and be binding upon the permitted heirs, personal representatives, successors and assigns, respectively, of the parties hereto.

10.0 Merger of Agreement. This Agreement is an integrated agreement and contains the entire agreement regarding matters herein between the parties. No representations, warranties or promises have been made or relied upon by any party hereto other than as set forth herein. This Agreement supersedes and controls any and all prior communications between the parties or their representatives relative to matters contained herein. Any changes, modifications, or additions to this Agreement shall be made by mutual consent in writing in the form of a supplemental Agreement signed by both parties and attached hereto.

11.0 Notices. All notices hereunder shall be in writing and shall be delivered by certified mail, return receipt requested, or by overnight carrier to the following addresses:

As to Broker:

Buckeye Energy Brokers, Inc.
66 East Mill Street
Akron, Ohio 44308

As to Client:

City of Canfield
City Manager
104 Lisbon Street
Canfield, OH 44406

12.0 Governing Law. This Agreement shall be governed by, subject to the jurisdiction of and construed in accordance with, the laws and courts of the State of Ohio.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed and represent that the persons whose signatures appear below are duly authorized to execute the same.

CLIENT

By: _____

Print: _____

Its: _____

On: _____

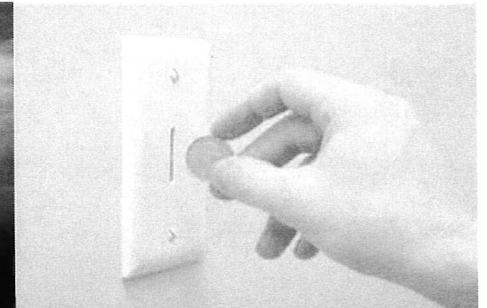
Buckeye Energy Brokers, Inc.
BROKER

By: _____

Print: _____

Its: _____

On: _____



City of Canfield Electric Aggregation Program Proposal



**Program Administered By:
Thomas M. Bellish, President
(866) 302-2237**



Buckeye Energy Brokers, Inc.



Grant Programs

Since 2010, Buckeye Energy Brokers has included a grant program for the City of Canfield. The following was from FirstEnergy Solutions now known as Energy Harbor:

- ✓ 2010-2018: \$100,000 one time
- ✓ 2019: \$3,200
- ✓ 2020: \$3,200
- ✓ 2021: \$3,200
- ✓ 2022 thru 2025: Is \$6/customer/year but can be selected by the City

The following was from Direct Energy: 5/26/10 \$1,728 (\$3/customer) and 3/31/13 \$3/customer.

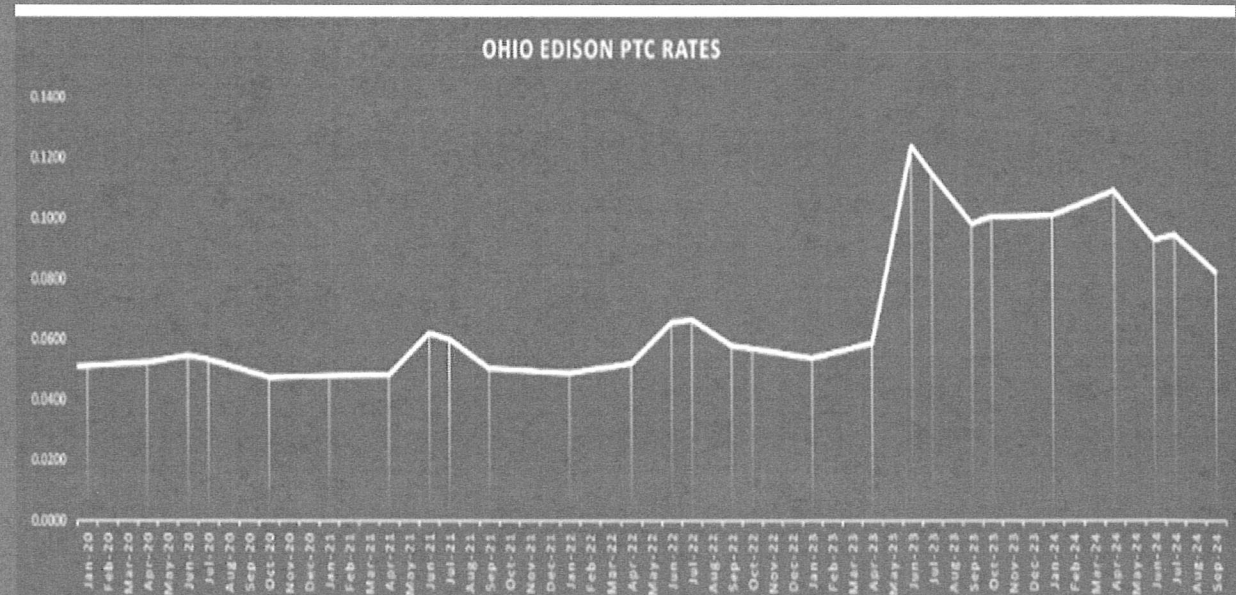
Electric Market



- ✓ Current Aggregation Program ends with May 2025 meter read at 4.97 cents/kWh
- ✓ Ohio Edison Price To Compare is set by Auctions – Expected to be about 8.2 cents/kWh until May 2025 bill
- ✓ Electric auctions are typically higher than market rates
- ✓ Residents already enrolled will be automatically included unless they opt-out



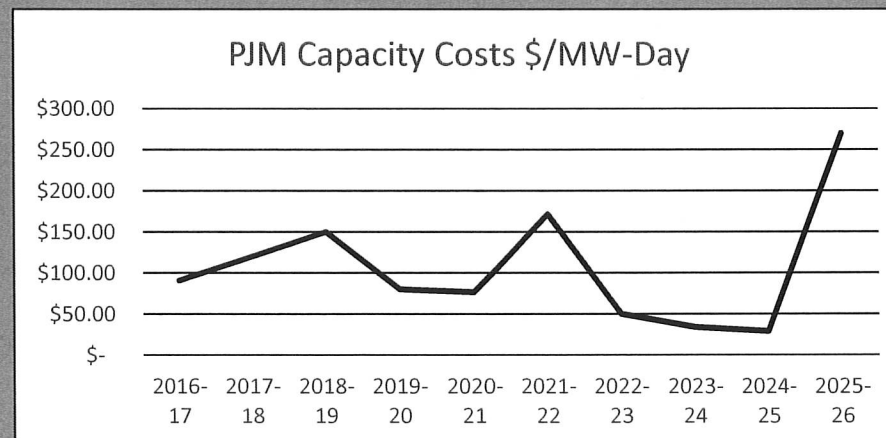
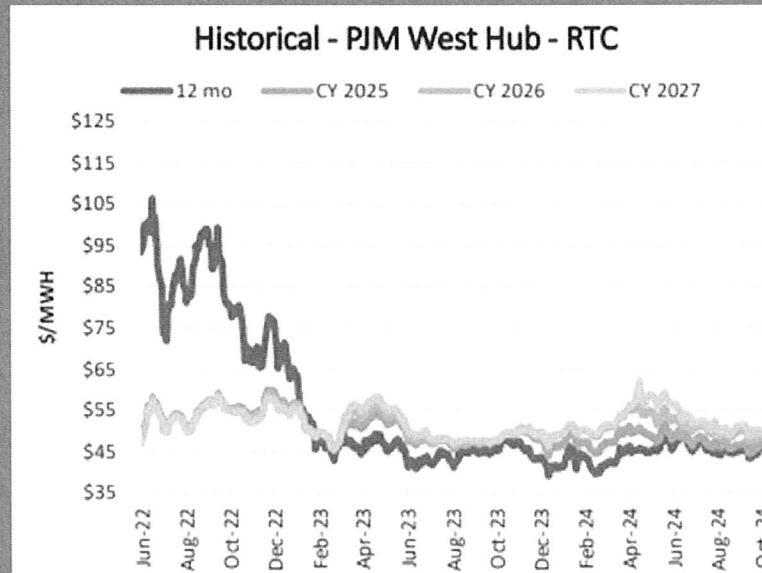
Ohio Edison's Rates



✓ Ohio Edison Price To Compare (PTC) is set by Auctions and expected to be about 10 cents/kWh for June-August 2025 power flow and 8.8 cents/kWh after that until May 2026



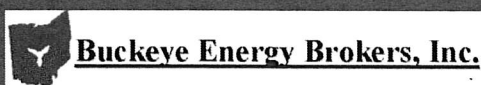
Generation and Capacity Rates





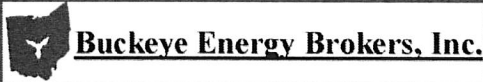
Program Schedule

Date	Action
November 2024	Pass ordinance to execute Buckeye Agreement and Issue RFP to Suppliers (2 weeks to reply)
December 2024-February 2025	Pass ordinance to sign supplier agreement, set pricing, post on city website and issue press release
March 2025	Suppliers sends 21-day opt-out notices
April 2025	Local utility sends confirmation letter with 7 day opt-out period
May 2025	First flow month for new term



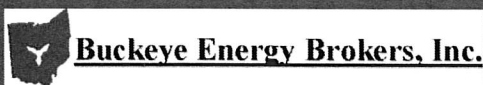
Buckeye Energy Brokers

- ✓ Advises over 50 municipal aggregation buying programs and 150,000 customers
- ✓ PUCO certified and 36 years of experience in the Ohio Utility Industry
- ✓ 1st PUCO certified electric broker to implement a program
- ✓ 1st PUCO certified natural gas broker to implement a program
- ✓ Consistently Brokering the lowest electric and natural gas aggregation program prices in Ohio as tracked by the PUCO

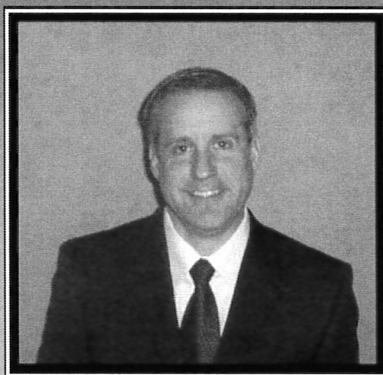


Customer Service

- ✓ We manage and administer the program— from drafting the Ordinances and soliciting bids, to facilitating the enrollment process and customer questions.
- ✓ Perform Bill Audits to look for overcharges, sales tax, etc.
- ✓ Toll-free number (866) 302-2237 for residents to call
- ✓ Have peace of mind knowing no complaints have been filed with the PUCO against Buckeye Energy Brokers, Inc.
- ✓ Energy Harbor Electric Enrollment (866) 636-3749



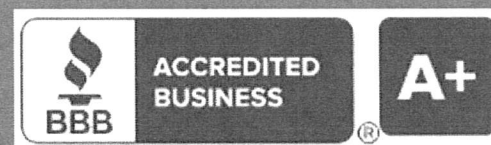
Partnering With An Industry Leader



Ohio's 1st Certified
Aggregator/Broker

Electricity, 2000
Natural Gas, 2002

- ✓ Tom has over 36 years experience at a local utility, third party supplier, and variety of customers providing a 360 degree view of the energy business
- ✓ The Better Business Bureau has awarded Buckeye Energy Brokers an A+ Rating.



Our clients include: Struthers Campbell Washington CH Greenfield
Wilmington Trumbull County Summit County Girard Ravenna
Fremont Streetsboro Hubbard Mount Vernon Akron Cortland
Marietta Tallmadge New Philadelphia Fayette County Canfield Sandusky
Navarre Niles Mansfield Ontario Hudson Fairlawn Canal Fulton

Introduced By: _____
First Reading: _____

ORDINANCE

**AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER
INTO AN AGREEMENT WITH GRAHAMBOYS, LLC.
FOR THE CONSTRUCTION OF A CARPORT FOR THE CITY OF CANFIELD
POLICE DEPARTMENT AND DECLARING AN EMERGENCY**

WHEREAS, the City of Canfield has determined that the addition of a carport is needed for the Police Department vehicles; and

WHEREAS, bids were received for this Project; and

WHEREAS, Council desires to proceed with this Project and award a contract.

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

Section 1: The City Manager is hereby authorized to enter into a contract with Grahamboys, LLC. In the form attached hereto for the construction of a carport at the City of Canfield, Police Department pursuant to the bid proposal, subject to legal counsel review and approval.

Section 2: The cost of said service shall not exceed \$190,000.

Section 3: This Ordinance is hereby declared 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 due to construction requirements prior to the onset of winter weather.

Section 4: 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

Introduced by: _____

First Reading: _____

CITY OF CANFIELD
RESOLUTION

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT APPLICATIONS, AND TO EXECUTE CONTRACTS AND ACT AS CHIEF EXECUTIVE OFFICER FOR THE OHIO PUBLIC WORKS COMMISSION, ROUND 39 OPWC FUNDED PROJECT; NAMELY THE COLONIAL, COURT, & DARTMOUTH IMPROVEMENT PROJECT, AND TO DESIGNATE THE FINANCE DIRECTOR AS CHIEF FISCAL OFFICER FOR ALL GRANT DOCUMENTS FOR THE PROJECT AND TO DESIGNATE MS CONSULTANTS, INC. AS THE PROJECT MANAGER, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Canfield hereby requests a grant in the amount of \$149,966.00 from the Ohio Public Works Commission for the Colonial, Court, & Dartmouth Improvement Project.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Canfield, Mahoning County, Ohio:

Section 1: That the City Manager is hereby authorized and directed to make application, enter into an agreement and execute appropriate documents and contracts with the Ohio Public Works Commission for the Colonial, Court, & Dartmouth Improvement Project.

Section 2: That the Finance Director is hereby designated as Chief Fiscal Officer relative to all grant documents pertaining to the Colonial, Court, & Dartmouth Improvement Project.

Section 3: That ms consultants, inc. is hereby designated as Project Manager for the Colonial, Court, & Dartmouth Improvement Project.

Section 4: 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.

Section 5: That this Resolution is hereby declared to be an emergency necessary for the preservation of the public peace, health, safety, and welfare of the citizens of the City of Canfield. Said emergency exists by reason of the fact that it is necessary to submit a passed copy of this Resolution with the final Ohio Public Works Commission Funding Application that is due at the Eastgate Regional Council of Governments on December 20, 2024 in order to secure appropriate funding for the Colonial, Court, & Dartmouth Improvement Project.

PASSED IN COUNCIL THIS _____ DAY OF _____, 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 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

MINUTES
CANFIELD CITY COUNCIL
REGULAR MEETING
OCTOBER 16, 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. Dragish, Mr. Graham, Mr. Neff, Mrs. Oliver and Mr. Tieche.

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

Absent: Jodi Flinn, Zoning Inspector

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

Under **APPROVAL OF MINUTES**: The Minutes of the Regular Meeting on October 2, 2024 were approved as presented.

Under **READING OF COMMUNICATIONS**:

MRS. OLIVER: Does anybody have any communications? Hearing none.

MRS. OLIVER: The only thing that I would like to share is hopefully you'll bring your family out to the Green for the Back the Blue Ohio. It's for the kids, we have some bounce houses, concessions, vendors, and entertainment, the Youngstown House Band. So, we hope to see all of you come out and join in the festivities for a very good cause. That is the only communication that I have to share.

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

MR. TIECHE: I think each member of council should have received a copy of our last Parks Board Meeting. I'll just call to your attention that one of the things that came up at the Parks Board Meeting is the presentation by the Rotary Club to put sprinkling system around the Gazebo. They are getting proposals together. I don't know if the City Manager has had any more information on that.

MR. D'APOLITO: I don't. I information that I received is what we had at the Parks Board Meeting. It's going to be on the ceiling of the gazebo, as I understand to water the pots.

MR. TIECHE: I think that's what the discussion was. I didn't see any further proposal.

MRS. OLIVER: Thank you. Mr. Neff.

MR. NEFF: We had a Planning & Zoning Meeting. The meeting draft was sent out by our City Clerk, thank you. That will be on next meetings agenda.

CLERK: It was just a recommendation for solar energy.

MR. NEFF: Right, solar energy ordinance.

MR. TIECHE: I think everybody got a copy of the solar energy ordinance at the last meeting.

MRS. OLIVER: Mayor Dragish.

MR. DRAGISH: I have my Mayor's Monthly Statement to Council. For the fines and other monies collected and received, the net collections to the city is \$992.01.

MRS. OLIVER: Thank you. Mr. Graham.

MR. GRAHAM: I have none.

MRS. OLIVER: For the Fire Board, we have a meeting next Monday at 5:30pm at Herbert Road. Hopefully, it will be well attended next week. Let's move on to our Public Works Superintendent, Mr. Rapp.

PUBLIC WORKS SUPERINTENDENT: Good evening. The Hilltop elevated tank, the outside has been finished, painted and they did the stenciling. They continue to work on the inside but it should be done within the next 30-45 days. I'll keep you up to date on that.

Leaf season began. We went out and swept the town on Monday. We picked up 14 loads of leaves. Just a reminder- no grass. There have been multiple piles out there that we've left door hangers with people mowing their grass and just dumping the bags out there. We knock on the door, left a door hanger but it's going to stay.

We just finished up our lead service line inventory. It took us a few months to complete this but that's every water service line in town had to be inventoried. We were able to accomplish this -two birds, one stone with the water meter change outs. So, every time we did a water meter changeout, we did a survey inside the home for the material of the service line coming through the wall. I think we got it down to about 800 meters left to change out in the town. There are about 60 residents right now that we're going to have to send letters to, that are unaccounted for. So, the service line is unknown by today, we have to send out letters letting the resident know to report that to us or let us in so we can do the survey. Anything after 1988 is considered no lead. But any home, business, building before 1988 has to be accounted for. We have about 60 of those letters that are going to have to go out this month.

I wanted to thank Chief Hutchison, he let us use his facility the Public Works and our instructor for a backflow certificate class. Basically, what that does, it allows our guys to go in and test backflow preventers in our city owned facilities and also perform survey's throughout the city; which the EPA requires. So, we had 4 of our Public Works guys get certified last week, it's a 5-day course. You have to take a refresher course every two years. He is also letting us use his facility for Tuesday and Wednesday of this week for recertifications. It's not only our guys, we're bringing people in from other communities also, they have a class size of about 10 people. It goes on the website. We're always looking for a place to have it, so I wanted to thank him for allowing us to use his facility. It's a great teaching area/classroom for us to have it at. That's pretty much it. Thank you.

MRS. OLIVER: Two questions, it makes sense that you can't put your grass clipping out. Does the leaf pick-up include the little twigs? I noticed that I've seen that before.

PUBLIC WORKS SUPERINTENDENT: There are a couple of piles out. We pick up sticks and limbs in the spring.

MRS. OLIVER: Okay, so just the leaves. Regarding the meters, the waterlines, are those maintained and owned by the city if something happens or is that on the homeowner?

PUBLIC WORKS SUPERINTENDENT: So, you have a circle in front of your house, it's called a curb box, from that box to the shut off in your home, it's customer owned. From the curb box to the main is city owned.

MRS. OLIVER: So, we don't have any underground water lines for the homeowner that we're responsible for?

PUBLIC WORKS SUPERINTENDENT: Yes, from the curb box to the home.

MRS. OLIVER: I'm asking that for a very good reason, I'd like our community to be aware of this, to make sure that they have underground service lines coverage on their homeowners policy. I say that because we actually had that happen to us a week ago with our 220 line for our electrical service. Fortunately, we had the coverage. I had put it together myself. But a lot of people don't realize that those lines on their property under the ground, you don't know what's going to happen and they don't realize they're responsible for it. So, I wanted to let our community know to make sure that they have that important coverage because it can be very, very costly.

MR. TIECHE: Might I ask him a question. The survey's that you received back, do we have any lead lines in the domestic portion?

PUBLIC WORKS SUPERINTENDENT: We have no lead lines. Patty did some digging for us that really helped us out. The Public Works Commission, I can't remember the exact date but 40's-

50's, there was no lead allowed in the City of Canfield. Everything had to be copper. That really saved us a lot of work, finding that for the Public Works Commission.

CLERK: Mr. Tieche helped me find it. (Laughter)

PUBLIC WORKS SUPERINTENDENT: Thank you, very much.

DAVID D'APOLITO: Is that why you asked?

MR. TIECHE: No. I didn't think that any of our previous reports had shown any lead lines in the distribution system.

PUBLIC WORKS SUPERINTENDENT: Zero lead. We've been in a couple of thousand residents homes and we've identified the service line coming in and we've only found copper and plastic.

MR. TIECHE: The previous community that I worked for is going through a rather extensive modification inside residents homes because of the lead.

PUBLIC WORKS SUPERINTENDENT: It could create a giant headache and a lot of money.

MR. TIECHE: Okay.

PUBLIC WORKS SUPERINTENDENT: We're so grateful.

MR. NEFF: John, on the recertification process, are city employees going to inspect because I know you need to. I don't know whether it's yearly or every two years.

PUBLIC WORKS SUPERINTENDENT: Every backflow preventer that we have right now is commercial is to be inspected every 5 years.

MR. NEFF: Oh, every 5 years.

PUBLIC WORKS SUPERINTENDENT: Yes, so we try to divide that number up and we do a 5th of that, every 5 years. That's the survey. But if you have certain backflow devices like reduced pressure or (inaudible) I'd double check, it has to be tested annually. Our survey, just to come in and resurvey is every 5 years. That allows us to see if there is a potential for anything else in the system, whether we have to upgrade that device or you just remain the same.

MR. NEFF: But the city doesn't do the testing. You have to have that done by an independent.

PUBLIC WORKS SUPERINTENDENT: We're not allowed to do residential testing. It takes away work from the plumbers. The only thing we're allowed to test is city-owned devices, parks, shops, city bldg..

MR. NEFF: Have you heard any scuttlebutt on whether this backflow prevention system will be required in residential?

PUBLIC WORKS SUPERINTENDENT: It will be.

MR. NEFF: For only homes that have pools or for everyone?

PUBLIC WORKS SUPERINTENDENT: That's where they will start, any irrigation, swimming pools, boiler system, anything that has to do with water in your home being used for anything other than drinking. It's coming.

MR. TIECHE: Aren't they requiring that for swimming pools now? The backflow or double checks required to be tested by somebody that is certified.

PUBLIC WORKS SUPERINTENDENT: It technically is right now. We have to show progress and right now we started with commercial. Once we're done with commercial and we have all of them accounted for, we will move into our survey data that shows where the irrigation system is at, where the swimming pool is at. That will be our next venture.

MR. TIECHE: Thank you.

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

FINANCE DIRECTOR: The August and September check registers will be posted on the website tomorrow. Along with our new software that we got for the utility billing, there are some new options that customers can do. One of the biggest ones is they can opt-out of receiving their bills by mail and can get them emailed to them only. They can call the office and have Jizelle set that up on their account. They will get emails telling them when the bill has been produced. They'll get a reminder just before it's due. There are some other reminders that they can set up themselves on their account. The other big thing that we now have is, they can setup autopay. If they create an account through our website, they can set up their account to be autopay.

MRS. OLIVER: Thank you. How close are we to monthly billing?

FINANCE DIRECTOR: We're getting there. We have to get more meters in.

MRS. OLIVER: I ask because I know the last bills that went out were quite large.

FINANCE DIRECTOR: We're getting a lot closer with them getting more and more meters in. Manually reading them, there is just no way possible to do it. We're getting there. Maybe in the next year.

MRS. OLIVER: I was just going to ask you if you anticipated it in 2025.

FINANCE DIRECTOR: Yes. That would be nice. We would like it.

MR. TIECHE: How many water accounts do we have currently?

FINANCE DIRECTOR: About 3,300.

MRS. OLIVER: I'm not forgetting Mrs. Flinn. Is anyone doing the zoning report?

MR. D'APOLITO: I will on behalf of Mrs. Flinn. Mrs. Flinn wanted me to talk about the Planning & Zoning Meeting on October 10th, in reference to you, the committee approved the recommendation to council for a new ordinance, section 1173.01 for solar energy systems. The next Planning & Zoning meeting will be held on November 14th at 5:30PM. Year to date, 148 zoning permits, totaling \$46,161 in permit fees have been issued. Total valuation construction \$6,896,465.00.

MRS. OLIVER: Thank you. Our City Clerk, Mrs. Bernat.

CLERK: No report this evening.

MRS. OLIVER: Thank you. Our Police Chief, Chief Colucci.

CHIEF OF POLICE: Thank you. We wrapped-up the Hurricane Helene donation for all the people who live in North Carolina, we wrapped that up on Monday. We filled the last semi-truck on Monday. In total we sent down 3 semi-trailers with donated goods. In total, we collected \$44,000 in monetary donations. No money was sent to North Carolina. What we did with the money is we purchased goods throughout the community; several places donated. Anything from water, non-perishable foods, to chain saws, generators. Sgt. Josh Wells kept in really good contact with Sgt. Greer (spelled phonetically) from Woodfin Police Department. He kept the line of communication with the police department down in North Carolina. We estimated overall with the money and goods that people donated, over \$60,000. The number isn't exactly because of the donations. Towards the end of the week, we found out that one of the needs was clothing because of the clothes that were lost and people living in tents. We bought quite a few hoodies, sweat pants, towels, stuff like that. The 3rd and final truck left on Monday and not only did the truck go but Sgt. Josh Wells went down with the truck. We were able to get enough money to rent a skid steer with a (inaudible) and he's down there with a friend of his and he's helping out. Not only is he down there helping out but he's down there to inspect to make sure that all of our goods end up in Woodfin; which they did. The police department had a warehouse set up and everything is in the warehouse. Not only has he been cleaning property, cutting trees, he's been helping deliver goods to people in homes, churches and places where they're staying. Josh's operation down there was two-fold, to make sure that everything was accountable for and to help out. With that, on behalf of the Fire Department, Police Department and our community, we want to thank everybody for the donations. Everybody put the word out. Everybody was overly generous. It was a long week. It was way more consuming than I expected but we got it done. Everybody helped. I kept called John

Rapp, do this, do that. It was fun. We had a good time. We appreciate all the awesome donations from businesses and the community. We had people from Western Pennsylvania bringing over goods, and from Austintown, Trumbull County, Columbiana County. We got dog food and stuff like that. Thank you for endorsing it and letting us do it.

Halloween, Thursday, October 31st from 5:30-7:30pm. The Police Department will be out in every area, on bikes and cruisers, handing out treats and making sure everyone is safe.

MRS. OLIVER: Thank you. It was amazing. I have to say, thank you to you also. The one thing that you're not revealing because I was there a few times assisting with that, you were out shopping. You went shopping for hoodies and things like that. You really helped a lot. I know you won't give a shout-out for yourself so, I'm going to make sure that I do. You worked tirelessly doing that also. Our community was amazing. Everything was absolutely incredible. From what I understand, I'm asking you if this is the case, we also sent an officer to make sure that our goods arrived because there have been some issues where people are trying to hijack the semi's that are going to these relief efforts, I was told by someone who was working donations.

CHIEF OF POLICE: The only thing that I heard reports on was possibly mission people who were trying to take it over, they were doing goods deeds by making sure that people get them. I read something that because they were doing that, some people left that were helping. Our products made it. I have heard that and it's unfortunate.

MRS. OLIVER: Thank you for putting that together with the fire department and thank the community for being so very generous. Our City Manager, Mr. D'Apolito.

MR. D'APOLITO: Thank you, Mrs. Oliver. Just to build on what the two of you were just discussing, the generosity that I saw was incredible. The effort that individuals came here and worked tirelessly here was incredible. I loved it on the last day when there was a lot of work to be done, the Mahoning County Technical School came over with their students and loaded the truck. The students were incredible. We'd probably still be out there loading if it wasn't for them. I wanted to recognize them. I think the football team participated as well. In other news, the one thing I wanted to talk about was there may be some board openings coming up on Planning & Zoning, Parks and Rec and the Fire Board. If any individuals would like to apply, we have it available on our website. We have an application on the website for anybody that might be interested in serving in any of those capacities. I also wanted to note that this coming Saturday, to build on what you said earlier, Back the Blue is having their event on the Village Green. On the 26th, there will be a Trunk-or-Treat by the Odd Fellows on the Village Green from 1 to 4. Finally, the city is advertising for 3 positions. We are advertising for the position of Zoning Inspector, I.T. Technician, as well as a part-time utility clerk. Those are all listed on our website. Anyone interested in welcome to apply for those job opportunities.

MRS. OLIVER: Thank you. The application for the fire board and all that is already on the website? I have people who indicated that they're interested in it.

MR. D'APOLITO: Yes. Fire Board, Park and Rec, Planning & Zoning. Including current members that might return.

MRS. OLIVER: Attorney Fortunato.

ATTY. FORTUNATO: Just a brief report. I talked to Chief Legal Counsel for the Ohio EPA today regarding the Material Science matter. He is very, very satisfied by both the efforts of the company and it's contractors to remediate and do whatever is necessary, he expressed that twice. He called to ask questions about neighboring properties, who owned it. But I the opportunity to say that they're very pleased with the EPA work that is going on up there.

MRS. OLIVER: Thank you.

Under **QUESTIONS** on Reports.

MR. MORVAY: John Morvay, 7 Willow Way. Christine, the billing for credit cards, will we still be charged a surcharge for using a credit card?

FINANCE DIRECTOR: Absolutely.

MR. MORVAY: Why is that?

FINANCE DIRECTOR: Because I don't want all the other customers to pay for you using a credit card. If you choose to use the credit card, then you have to pay the fee.

MRS. OLIVER: Is that the same for a debit card, it's coming out of your bank account?

FINANCE DIRECTOR: It will be. I don't know if it is right now, but there is a \$1.95 charge for that. That does not go to us. We don't get any part of that. I never see it. When they charge it, it goes to two separate things and Chase Bank keeps that fee.

MR. MORVAY: Could we draft out of our checking account to pay those bills?

FINANCE DIRECTOR: You can set up on your bank account to send us a check.

MR. MORVAY: That would avoid that?

FINANCE DIRECTOR: Correct.

MR. MORVAY: Water rates. You don't have to answer this because you probably don't know but how are we on water rates as far as increases and the balance that we have in that fund?

FINANCE DIRECTOR: We need to have a discussion and we have not done that yet. We have a rate study from RCAP and John, the CM and I need to have that discussion.

MR. MORVAY: I figured that. Oh, the times for Halloween.

MRS. OLIVER: 5:30pm to 7:30pm

MR. MORVAY: Does that coordinate with the township?

MRS. OLIVER: Theirs wasn't officially released when we set ours but it is the same as theirs and other communities are following suit.

MR. MORVAY: God forbid it's not coordinated.

MRS. OLIVER: Thank you.

MR. MORVAY: That's all I have. I'm going to stay right here.

MRS. OLIVER: Thank you. Any other questions? Hearing none.

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

MR. MORVAY: John Morvay, 7 Willow Way. Just in general, I'm going to play Frank Micchia. Red Gate any update on it. Have we come up with a plan. You don't have to tell me a plan but if there is some movement.

MR. D'APOLITO: There is a plan. The plan has not been implemented. There are ongoing conversations with various entities. At this point in time, there is really no new news.

MR. MORVAY: I know we fought long and hard to get things moving there. It would be nice to see some sort of plan to start getting revenue from Red Gate. If anybody has ever had a Rotary pancake, it's the most delicious thing that you'll ever have. That is going to be Sunday from 9:00am-1:00pm. It's only \$10.00 for all you can eat.

MRS. OLIVER: Emilio is cooking pancakes.

MR. DRAGISH: I am too. I'm flipping some pancakes.

MR. MORVAY: You won't go away hungry. You will be satisfied. It's at the high school. I hope to see you all there. We have tickets at the door. We can presale tickets. If you want 100 tickets, let me know.

MRS. OLIVER: I have tickets.

MR. MORVAY: I was going to ask about the general state of the union, so to speak, of the City. The new City Manager, how are things going? What does our morale look like? Is there any problems or issues that you foresee?

MR. D'APOLITO: Well, first of all, we probably should mention that tomorrow night is, Good Evening Canfield, where the Mayor will be giving a state of the city address. We worked on that PowerPoint. I don't want to steal any of his thunder but I will say, overall things are going very, very, well. Morale is high. All the bills are paid. All the lights are still on. We have a great police department. We have a great Public Works Department. Our finances are great, they are under a very watchful eye, who gets many commendations from the Auditor's Department. We have a couple job openings right now. It's a great place to work. I think everything is going very well.

MR. MORVAY: Good.

MRS. OLIVER: We have a great counselor and we have to say, Mrs. Bernat the place would fall apart without you. You keep everything going.

CLERK: Thank you.

MR. MORVAY: I kind of figured that. I just thought it would be important for residents to know that. I was on this council for 12 years, we got great leadership, great staff, and it's a great place to live. We have a school issue coming up and I would encourage everyone to ask their friends and neighbors to vote for this levy. We do need a new school. It would be an asset. It is just going to protect your property values. Thank you for the time.

MRS. OLIVER: Thank you, Mr. Morvay. We do have an opening coming up in the future, so you should consider that. Anybody else desiring to speak before council? Hearing none.

Under **OLD BUSINESS**, we have none.

Under **NEW BUSINESS**:

ITEM 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).

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 two readings of the proposed Ordinance and authorize adoption of the same upon its first reading.

MR. DRAGISH: Second.

ROLL CALL ON MOTION:

5 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:

5 Votes-Yes
0 Votes-No
Motion passes.

MR. TIECHE: Madam President, I have an Ordinance Authorizing Change Order Number 1 (Final) for Shelly and Sands, Inc and Declaring Said Ordinance an Emergency. (East Main Street Improvement Project). I move for passage.

MR. NEFF: Second.

MRS. OLIVER: Any questions or comments? Hearing none.

ROLL CALL ON ORDINANCE:

5 Votes-Yes
0 Votes-No
Ordinance passes
Ordinance 2024-30

MR. TIECHE: Might I make a comment about that ordinance. The Ordinance is a deduction in the amount of our contract of \$8,157.00, just to point that out.

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

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. DRAGISH: Second.

ROLL CALL ON MOTION:

5 Votes-Yes
0 Votes-No
Motion passes.

MR. GRAHAM: Madam President, I have a Motion Changing the Date of the First Regularly Scheduled Council Meeting in January 2025. I move for passage.

MR. DRAGISH: Second.

ROLL CALL ON MOTION:

5 Votes-Yes

0 Votes-No

Motion passes.

Motion 2024-08

MR. TIECHE: Again, change in this motion is changing it from what would normally be January 1st a Wednesday to January 2nd a Thursday.

Under **COUNCIL COMMENTS:**

MR. DRAGISH: I just wanted to throw out there, that not only all the support of our people here in the city but I also have knowledge of actual citizens that live in our community that are a part of first responders that have not only to North Carolina but also to Florida to the victims to help there also. According to what John was saying, not really spoiling anything for tomorrow but I give kudos to not only our people here in the city and how it is run but our community, we are a group of very good and I believe very helpful people. It's not just our city employees; which obviously we always want that but it's our neighbors, it's our friends, it's everybody within our community. They are also helping on a bigger level. I just wanted to give a shout out to those people. They know who they are.

MRS. OLIVER: Can we have a motion to adjourn.

MR. NEFF: Solicitor did we come up with, I'd like to go into Executive Session and did you prepare anything?

ATTY. FORTUNATO: I have a motion, it's regarding the sale of municipal property, is that what it is about?

MR. NEFF: Yes.

ATTY. FORTUNATO: If somebody would like to make a motion pursuant to Ohio Revised Code Section 121.22 (g)(2) to adjourn into executive session to consider the sale of municipal property

MR. NEFF: So, moved.

MR. DRAGISH: Second.

ROLL CALL ON MOTION:

5 Votes-Yes

0 Votes-No

Motion passes.

CLERK: The time is 6:08pm

MRS. OLIVER: We will not be taking action when we return. Everyone is free to go.

Council convened into Executive Session at 6:08pm

Council reconvened from Executive Session at 6:45PM

Mr. Tieche made a motion to adjourn.

Mr. Neff seconded the motion.

The meeting was adjourned at 6:46pm.

PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL