

AGENDA

CANFIELD CITY COUNCIL

NOVEMBER 1, 2017 -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. Approval of Minutes.
5. Reading of Communications.
6. Reports of Committees, Boards, City Manager, Finance Director, Chief of Police, Zoning Inspector and Public Works Foreman.
7. Public questions from residents (or representative) related to the above referenced reports. Questions may be limited to three (3) minutes.
8. Recognition of Persons Desiring to Appear Before Council.

9. 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** Amending Section 947 of the Canfield Codified Ordinances Municipal Cemeteries.

Public Comments

B. An **Ordinance** Amending The Rules and Regulations for City of Canfield Cemeteries.

Public Comments.

10. 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** Prohibiting Parking on a Portion of Fair Street and Fair Park Drive.

Public Comments

B. An **Ordinance** Amending Ordinance 2017-23 Adopting Salary and Benefits For All Full and Part Time Non-Bargaining Unit Employees Declaring an Emergency.

Public Comments

C. An **Ordinance** To Authorize the City Manager to Join A Coalition of Municipalities Retaining Special Counsel for Purposes of Initiating litigation to Challenge the Constitutionality on Behalf of the City of Canfield, of Amendments to Chapter 718 of the Ohio Revised Code Relating to Municipal Income Tax, and Declaring an Emergency.

OVER→

Public Comments

D. A **Resolution** Adopting an Amended Section 125 Cafeteria Plan (Health Care Plan)

Public Comments

E. A **MOTION** Authorizing the City Manager to Enter Into a Memorandum of Understanding (MOU) for use by the City of Canfield, Ohio, of the Communications System Infrastructure Owned and Operated by the Austintown-Boardman-Mahoning County Joint Communications District.

Public Comments

F. A **MOTION** To Waive Zoning Fees For The Cardinal Joint Fire District.

Public Comments

11. Council Comments.

12. Adjournment.

RECORD OF ORDINANCES

Ordinance No. _____

Passed _____, _____

Introduced By: _____

First Reading: _____

ORDINANCE

An Ordinance Amending Section 947 of the Canfield
Codified Ordinances Municipal Cemeteries

WHEREAS, Chapter 947 of the Canfield Codified Ordinance establishes fees for the sale of grave sites, grave site service fees and grave opening fees; and

WHEREAS, Council deems it desirable to modify cemetery fees.

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

Section 1. That codified Ordinance Section 947.02 is hereby amended to provide fees as follows:

	<u>GRAVE SITE</u>	<u>SERVICE SURCHARGE</u>	<u>TOTAL</u>
Resident	\$500.00	\$300.00	\$800.00
Nonresident	\$500.00	\$600.00	\$1,100.00

Section 2: That Codified Ordinance Section 947.03 is hereby amended to provide fees as follows:

GRAVE OPENING

	<u>Monday-Friday</u>	<u>Saturday and lesser holidays</u>
Adult	\$650.00	\$800.00
Child	\$350.00	\$400.00
Cremation	\$350.00	\$400.00
Disinterment (urn)	\$700.00	Monday – Friday Normal work hours
Disinterment	\$1300.00	Monday –Friday Normal work hours

Funerals arriving at the cemetery after 2:00 P.M., Saturday & lesser holiday's burial fees apply.

Section 3: The Council of the City of Canfield wishes to establish a fee for the pouring of a foundation. The Foundation Fee shall be \$60.00 per square foot at opening time, and Codified Ordinance Section 947.02 shall be amended accordingly.

Section 4: 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., 2017.

PRESIDENT OF COUNCIL

RECORD OF ORDINANCES

Ordinance No. _____

Passed _____, _____

Introduced By: _____

First Reading: _____

ORDINANCE

AN ORDINANCE AMENDING THE RULES AND REGULATIONS FOR CITY OF CANFIELD CEMETERIES.

WHEREAS, Council is empowered to adopt rules and regulations relating to City land and facilities; and

WHEREAS, the Parks, Recreation & Cemetery Board has previously recommended rules and changes which Council has adopted; and

WHEREAS, The Parks, Recreation & Cemetery Board has made a recommendation to modify the "Rules and Regulations of Canfield Cemeteries" and Council desires to adopt the new recommendations.

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

Section 1: The Rules and Regulations for Canfield Cemeteries are hereby modified as follows:

"RULES AND REGULATIONS CANFIELD CEMETERIES

Section 1. Purchase of Lots:

Item 1. Cemetery lots may be purchased at the Cemetery Office in the Central Facilities Building (Broad Street). Each lot contains four (4) graves sites.

Item 2. Single graves will be sold where available.

Item 3. Persons purchasing a lot and not having paid in full will not be permitted to erect monuments, headstones, or other memorials thereon.

Item 4. Any family shall be limited to purchasing eight (8) grave sites. For purposes of these Rules and Regulations, "family" shall mean a group of individuals related by blood or marriage and who reside in the same residence.

Section 2. Interments:

Item 1. Permits for burials are issued by the Mahoning County Board of Health and are required for interment.

Item 2. Payment for opening and closing of grave must be made at time of interment.

Item 3. When instructions regarding the location of an interment space in a lot cannot be obtained, or are indefinite, or for any reason, the graves cannot be opened where specified, the sexton may, at his discretion open it in such location in the plot, as he deems best and proper and the City shall not be responsible or liable for damages for any error so made.

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Ordinance No. _____

Passed _____, _____

Item 4. Funerals are not permitted on Sunday and the following holidays: New Year's Day, President's Day, Good Friday, Easter, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Day After Thanksgiving, Christmas Eve and Christmas Day except where necessary to comply with Ohio State Law.

Item 5. Vaults must be made of concrete or metal.

Item 6. Single grave occupancy in all sections of the cemetery, except for cremations.

Item 7. Hours of interment: Between 8:00 - 2:00 p.m. After 2:00 p.m. charges made in accordance with Saturday burial fees as reflected in Canfield Codified Ordinance Chapter 947 as amended from time to time.

Section 3. Disinterments:

Item 1. All laws of Ohio regarding disinterment shall be complied with. Applications for disinterment should be made by next of kin of the deceased and consent of the owner of the lot involved must be obtained.

Item 2. Payment for disinterment shall be made in advance.

Item 3. The Sexton will use utmost care in making removals, but will not assume any liability for any damage incurred in so doing.

Item 4. Charges for disinterment shall be based on time and materials.

Section 4. Monuments and Markers:

Item 1. Monuments and markers shall be set on concrete foundations. Said foundations shall be installed by Canfield Cemetery personnel only.

Item 2. The monument base shall not exceed the dimension of the foundation.

Item 3. All monuments must be kept in line with others in said section.

Item 4. The owner/family is responsible for maintaining and repairing monuments or markers.

Item 5. Maximum size for a single grave marker to be no more than 45" long and 24" wide. Flush or 2" rise only.

Item 6. Workmen erecting monuments or headstones shall assume all liability to damage to lawns, trees, shrubbery and other fixtures.

Item 7. All memorials shall meet with the approval of the superintendent before erecting, it is permissible to have lettering on both or either side provided both sides of the stone are finished or polished.

Item 8. Monuments must be cut to fit the foundation or monument companies will be responsible for the expense required to pour a new foundation.

Item 9. No memorial shall be allowed to be left at the cemetery unless the foundation is completed.

Item 10. Only one marker per grave will be permitted and must be placed at the head of the grave.

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Ordinance No. _____

Passed _____, _____

Item 11. Foundations will be poured in spring and fall of each year.

Item 12. Only flat or grass type markers will be permitted to be used unless approved by Sexton in prescribed area.

Section 5. Care of Lots:

Item 1. All lots shall be given the same care except those lots that are endowed and are so designated to receive additional care.

Item 2. The Canfield Cemetery assumes the duty of cutting the lawns and keeping them free of leaves and other trash. Sunken graves will be filled and leveled, resodded, or reseeded.

Item 3. Graves shall be kept level with surrounding turf and flowers or shrubs shall not be planted thereon, in flat marker section.

Item 4. No more than one vase of flowers is permitted on each grave; these shall be placed in line with the headstone. All other will be removed by Sexton two weeks after Memorial Day.

Item 5. May 15 to October 1st One vase, artificial or live.
December 1 to March 1st Wreath or artificial vase permitted.

Item 6. Fences, curbs, gravel edging, or other types of enclosures are not permitted on lots.

Item 7. Canfield Cemetery shall not be liable for lost, misplaced, or broken vases, nor for damage caused by thieves, vandals, or any other cause beyond control.

Section 6. Grounds:

Item 1. Automobiles shall not be driven through the grounds at a greater speed than ten miles per hour and must be parked on the right hand side of the drive. Care should be taken not to park on narrow drives thus blocking traffic passing.

Item 2. Persons shall not be permitted to have refreshments within the cemetery, nor to sit or lounge on graves and monuments.

Item 3. Persons or vehicles are not permitted in the cemetery after dark.

Item 4. Children shall not be permitted to use the cemetery as a playground.

Item 5. Dogs and horses are prohibited in the cemetery.

Item 6. The Sexton shall have charge of the grounds and control of all persons in the cemetery, including the conduct of all traffic, employees, and shall have the power to enforce the rules and regulations and exclude from the cemetery any person violating same.

Section 7. Cemetery Price List: Shall be pursuant to Canfield Codified Ordinance Chapter 947 as amended from time to time."

Section 2: All Rules and Regulations previously adopted are hereby repealed.

RECORD OF ORDINANCES

Ordinance No. _____

Passed _____, _____

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., 2017.

PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL

Certification of Publication

I, the undersigned Clerk of Council of the City of Canfield, 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

RECORD OF ORDINANCES

Ordinance No. _____

Passed _____, _____

Introduced By: _____

First Reading: _____

ORDINANCE

AN ORDINANCE PROHIBITING PARKING ON A PORTION OF FAIR STREET AND FAIR PARK DRIVE

WHEREAS, the City of Canfield has determined that parking along the Southside of Fair Street and the Southside of Fair Park Drive creates a traffic hazard; and

WHEREAS, Council desires to amend the parking ordinance of the City of Canfield to prohibit parking on a portion of Fair Street and Fair Park Drive.

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

Section 1: That Canfield Codified Ordinance Section 351.13(a)(1) be amended to add new section (t) to read as follows: “(t) On the South side of Fair Street from South Broad Street (SR46) west to Oak Street

Section 2: : That Canfield Codified Ordinance Section 351.13(a)(1) be amended to add new section (u) to read as follows: “(u) On the South side of Fair Park Drive from Oak Street West to the parking lot.

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., 2017.

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

RECORD OF ORDINANCES

Ordinance No. _____

Passed _____, _____

Introduced by: _____

First Reading: _____

ORDINANCE

AN ORDINANCE AMENDING ORDINANCE 2017-23
ADOPTING SALARY AND BENEFITS FOR ALL FULL
AND PART TIME NON-BARGAINING UNIT EMPLOYEES
DECLARING AN EMERGENCY

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

WHEREAS, upon consultation with the City Manager, Law Director and Finance Director, the Council of the City of Canfield has determined that it is in the best interests of the citizens of the City of Canfield to provide for the provision, administration and implementation of certain human resource services including but not limited to hiring, creation of job descriptions, and training; and

WHEREAS, Council has also determined that an immediate need exists for the provision of such human resource services; and

WHEREAS, the City Manager, upon counsel with the members of City Council desires to appoint Charles Colucci to provide such human resource services; and

WHEREAS, Council concurs with the appointment of Charles Colucci, who by virtue of his training, experience and education is uniquely qualified to provide such services and Council also concurs that the provision of such services by Charles Colucci will not be a detriment to the operation of the Canfield City Police Department;

WHEREAS, the Council of the City of Canfield desires to modify the previously salary and benefits Ordinance accordingly as provided herein;

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

Section 1: The following compensation shall be in effect for employees from January 1, 2016 through December 31, 2017 or until such time as a successor Ordinance is approved:

A. Full Time Employees

(1) Administrative Employees

Position	Annual Salary	
	2016	2017
City Manager	78,119	79,095
Police Chief	78,119	79,095
Police Chief/Human Resource Director		103,095
Director of Finance	78,119	79,095
Zoning Inspector	50,000	50,000
Information Technology Manager	64,478	65,284

(2) Non-Administrative Employees

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Position	Hourly Rate of Pay	
	2016	2017
Clerk of Council	23.64	23.94
Deputy Finance Director	24.54	24.85
Account Clerk	21.70	21.97
Police Department Clerk (2)	21.20	21.47
Income Tax Administrator	24.03	24.33
Public Works Laborer (6)	25.12	25.43
Public Works Coordinator (1)	26.53	26.86
PW Equipment Operator (1)	26.53	26.86
Public Works Foreman	30.99	31.38
Utility Laborer	17.84	18.06
Receptionist/Secretary	12.92	13.08
IT Network and Systems Administrator	23.64	23.94

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

B. Part Time Hourly Employees

The rate of pay for Part Time Hourly employees shall be determined by the City Manager and may range from the State minimum wage to a maximum of \$16.50 per hour

Part time Officers scheduled to work on the OVI Task Force, shall be compensated at the Overtime rate based on their current hourly rate.

All Client paid details scheduled through the Canfield Police Department shall be paid at a rate of \$25 per hour, excluding the Canfield Fair.

Section 2: Effective January 1, 2016, all the positions, identified in Section 1, A, (1) may elect for the required attendance of all scheduled council meetings (a) the rate of one and one-half (1-1/2) times the Employee’s regular hourly rate of pay, or (b) by electing “compensatory time off” which is computed at a rate of one and one-half times the overtime hours worked . These same positions may accumulate up to a maximum of 100 hours of Compensatory Time for each hour worked in excess of forty (40) hours per week. The positions designated in Section 1, A, (1) shall not be paid for Compensatory Time unless authorized by City Council. Accumulated Compensatory Time may be used as compensatory time off when approved by the City Manager. An accurate record of compensatory time earned and time taken shall be maintained by the Deputy Finance Director. The City shall be under no obligation to pay said employees for unused accumulated Compensatory Time upon termination or expiration of employment.

Employees, employed in positions identified in Section 1,A, (2)that have overtime hours worked, shall have the option of being paid for the overtime hours worked at (a) the rate of one and one-half (1-1/2) times the Employee’s regular hourly rate of pay, or (b) by electing “compensatory time off” which is computed at a rate of one and one-half times the

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overtime hours worked. This election must be approved by the City Manager or designee and "compensatory time off" hours can be accumulated but only up to a maximum of 100 hours.

Section 3: The probationary period of all original and promotional appointments of employees, including provisional appointments, shall be six (6) months. No originally or provisionally appointed probationary employee will be eligible for sick leave, vacation or personal leave during the initial ninety (90) days of employment.

Section 4: The City Manager, with City Council approval, may grant additional compensation, based on individual performance, to employees identified in Section 1, A, (1) and Section 1, A, (2).

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

Section 5: All full time non-administrative employees shall work forty (40) hours per week. The work hours of each Administrative employee shall be scheduled by the City Manager and insofar as possible, shall be five (5) consecutive days of 8 hours each or four (4) consecutive days of 10 hours each or other scheduled hours as set forth from time to time by the City Manager. The pay of any scheduled full time employee that works less than forty (40) hours per week, excluding absences identified in Sections 7, 8, 9, 10, 11, 12, 13, 14, 15 and Compensatory Time off, will be reduced by the number of hours not worked times(x) that employees' hourly rate of pay or, for Administrative employees, his/hers annual salary divided by 2080 hours.

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

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

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

Years of Service – After	Accumulative Rate
1 month through 3 years	5/6 of a day per month
4 years through 5 years	1 day per month
6 years though 10 years	1-1/4 days per month
11 years through 15 years	1-1/2 days per month
16 years through 20 years	1-3/4 days per month
21 years through 25 years	2 days per month
26 years and more	2-1/2 days per month

Each employee shall take at least five (5) days of vacation per year and may accumulate the unused portion of entitled vacation days up to a maximum of 25 vacation days. Vacation days cannot be taken in anticipation of entitlement. Employees are encouraged to provide the City Manager or his/her designee, a schedule of his/her planned vacation time for

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each calendar year by February 1. This schedule and any changes to scheduled vacation are subject to the approval of the City Manager or his/her designee.

An employee desiring to resign from employment should give a minimum of two weeks notice of resignation to the City Manager or his/her designee. The employee, after the submission of his/her notice of resignation, will then be eligible to receive payment for his/her accumulated vacation pay for up to a maximum of 25 working days.

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

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

- A. Sick leave shall be defined as an absence with pay necessitated by: (1) illness or injury to the employee or his/her "immediate family" as defined in subsection C below; (2) exposure by the employee to a contagious disease communicable to other employees; or (3) serious illness, injury, childbirth by the employee or the employee's spouse; or (4) medical, dental and optical examinations or treatment which prevents the employee from performing his/her assigned duties.
- B. All full time employees shall earn sick leave at the rate of five (5) hours per pay or ten (10) hours per month or one and one-quarter (1-1/4) days per month and may accumulate such sick leave to a maximum of 2000 hours or two hundred fifty (250) work days; provided, however, that an employee shall not earn sick leave for any month unless he is in full pay status for at least twenty (20) work days during such monthly period.
- C. The definition of "immediate family" is; "Only the employee's spouse, children or parents".
- D. Upon the death of an Employee who has at least five (5) years of continuous full-time service, or upon the retirement of a full-time employee who has at least ten (10) years of continuous service with the City of Canfield, such employee shall be entitled to receive a cash payment equal to their hourly rate of pay at the time of retirement multiplied by one fourth (1/4) the total number of accumulated but unused sick hours earned by the employee, as certified by the Deputy Finance Director, providing that such resulting number of hours to be paid shall not exceed five hundred (500) hours.
- E. The accumulated sick leave hours of an employee who transfers from one department to another will not be impacted because of his/her transfer.
- F. The City Manager may require an employee to furnish a satisfactory medical excuse, in writing, for absences of three (3) days or greater, that indicates that the absence was the result of one or more of the incidents described in Section 8, A..

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Passed _____, _____

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

Section 9: A Sick Day Bonus of one (1) day's pay will be paid on the last pay date in May of each year to those Full-time Employees who have taken no sick days for the previous period beginning November 16th and ending May 15th. A Sick Day Bonus of one (1) day's pay will be paid on the last pay date in November of each year to those full-time Employees who have taken no sick days for the previous period beginning May 16th and ending November 15th. Payment will be made by separate check. Employees must have at least 6 continuous months of service to be eligible to receive this benefit.

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

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

Section 11: A full time employee shall be granted time off with pay for the purposes of attending the funeral of a member of the employee's family as defined as employee's mother, father, spouse, child, brother, sister, father-in-law, mother-in-law, grandparents and grandchildren. The employee may request a maximum of four (4) work days for each death in his family.

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

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

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

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

Section 13: The terms and conditions under which a full time City Employee can request a leave of absence without pay will be governed by Section 8.05 of the Civil Service

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Passed _____, _____

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

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

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

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

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

Said leave may be taken by either parent.

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

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

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

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

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

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

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

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

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

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

2016 and 2017
12% per pay of the annual premium divided by 24

The City may elect to provide optional Vision and Dental plans and coverage.

All employees desiring the aforementioned insurance shall make proper application with the Deputy Finance Director of the City of Canfield. The City will also pay the full premium for all full time employees for a convertible term life insurance policy in the face value of Thirty-five Thousand Dollars (\$35,000).

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

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

Section 19: Compensation for all work performed by City employees is scheduled to be paid semi-monthly on the 15th and 30th of each month, with the exception of February where the second pay shall be made on the last day of the month. If the 15th or 30th falls on a Saturday, Sunday or holiday, the employee will be paid on the last scheduled workday preceding the 15th or 30th or holiday.

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

Ordinance No. _____

Passed _____

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

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

If the retirement date is:

Option 1:

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

Option 2:

Two years from the date of the signed letter of agreement, then the accumulated sick and vacation entitlement shall be paid out in equal installments, on scheduled pay dates, over two (2) years and paid at the current value of the entitled hours in existence at the date of the agreement.

Ordinance No. _____

Passed _____, _____

Option 3:

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

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

D. When the letter of understanding agreement has been signed, - the total buyout hours identified in that agreement will be deducted from the accumulated sick and/or vacation leave hours in effect immediately before the signing of the agreement and only the remaining balance of accumulated sick and/or vacation leave hours shall be available for normal use by the retiring employee during his/hers remaining years of employment before retirement.

E. If the employee, subsequent to the signing of the letter of understanding agreement, experiences a documented long term or extenuating catastrophic illness; then, but only after a complete review of the circumstances by the Employer together with the approval of the Canfield City Council;

- the letter of understanding agreement between the employee and the employer shall be suspended and

- the hours of sick and/or vacation leave, identified in the letter of understanding agreement, shall be added back to the employees current accumulated sick and/or vacation hours and the hours paid to the employee, under the **Sick/Vacation Leave Cash Buyout Plan**, shall be deducted from that same current balance of accumulated sick and/or vacation hours.

F. A retiring employee may only apply for the benefits under the **Sick/Vacation Leave Cash Buyout Plan** once during his/her employment with the City of Canfield unless his/her participation in the plan was suspended as indicated in Sec. 21 E.

Section 22: Emergency Ordinance. That this Ordinance is hereby declared to be an emergency necessary for the health, safety and welfare of the citizens of the City, to enable the provision of human resource services described herein immediately.

Section 23: This Ordinance and all deliberations relating to the passage of this Ordinance were held in open meetings of this Council, all pursuant to Section 121.22 of the Ohio Revised Code and Section 3.11 of the Charter of the Municipality of Canfield.

RECORD OF ORDINANCES

Ordinance No. _____

Passed _____, _____

PASSED IN COUNCIL THIS ____ DAY OF _____ A.D., 2017.

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

RECORD OF ORDINANCES

Ordinance No. _____

Passed _____, _____

Introduced By: _____

First Reading: _____

ORDINANCE

AN ORDINANCE TO AUTHORIZE THE CITY MANAGER TO JOIN A COALITION OF MUNICIPALITIES RETAINING SPECIAL COUNSEL FOR PURPOSES OF INITIATING LITIGATION TO CHALLENGE THE CONSTITUTIONALITY ON BEHALF OF THE CITY OF CANFIELD, OF AMENDMENTS TO CHAPTER 718 OF THE OHIO REVISED CODE RELATING TO MUNICIPAL INCOME TAX, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Canfield recognizes, as a home rule power of local self-government, that municipal income tax administration and collection is vital to the health, safety and welfare of the municipality; and

WHEREAS, the City of Canfield relies on the revenue from effective municipal income tax administration and collection to provide the services that maintain the health, safety and welfare of the municipality; and

WHEREAS, the Ohio General Assembly has attempted to assert control over the administration and collection of municipal income taxes by claiming that a municipality has no authority to impose an income tax unless it adopts a code in strict compliance with R.C. Chapter 718; and

WHEREAS, the established law of Ohio is clear that any such preemption of municipal income tax codes by the State of Ohio violates the Ohio Constitution and home rule provisions that allow a municipal corporation the right to administer and enforce its own municipal income tax; and

WHEREAS, more specifically, the State of Ohio has enacted HB 5 in 2014 comprehensively rewriting the entire municipal income tax law and HB 49 in 2017 authorizing centralized collection by the State of Ohio of municipalities' net profits taxes; and

WHEREAS, the City of Canfield desires to assert its home rule authority to control the administration and collection of the municipal income tax, in order to provide for the health, safety and welfare of the municipality; and

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

Section 1: The City Manager is authorized to join a coalition of municipalities on behalf of the City of Canfield being formed for the purpose of initiating litigation to challenge the constitutionality of amendments to Chapter 718 of the Ohio Revised Code contained in H.B. 5 and H.B. 49, and retain the law firm of Frost Brown Todd LLC as special counsel for the coalition of municipalities.

Section 2: This Ordinance shall be an emergency measure necessary for the preservation of the health, welfare and safety of the residents of the City of Canfield, Ohio, such emergency arising from the need for immediate judicial proceedings given that the effective date of Am. Sub. HB 49 is January 1, 2018; WHEREFORE, this Ordinance shall be in full force and effect upon its passage.

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.

RECORD OF RESOLUTIONS

Resolution No. _____ Passed _____, _____

Introduced By: _____
First Reading: _____

RESOLUTION ADOPTING
AN AMENDED
SECTION 125 CAFETERIA PLAN
(HEALTH CARE PLAN)

WHEREAS, Council deems it advisable and in the best interests of the City and its employees to adopt an Amended Section 125 Cafeteria Plan effective January 1, 2018.

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

Section 1: That the form of Amended Section 125 Cafeteria Plan effective January 1, 2018, presented to this meeting is hereby approved and adopted and that the proper officers of the Employer are hereby authorized and directed to execute and deliver to the Administrator of the Plan one or more counterparts of the Plan.

Section 2: That the Administrator shall be instructed to take such actions that are deemed necessary and proper in order to implement the amended Plan, and to set up adequate accounting and administrative procedures to provide benefits under the Plan.

Section 3: That the proper officers of the Employer shall act as soon as possible to notify the employees of the Employer of the adoption of the amended Plan by delivering to each employee a copy of the summary description of the Plan in the form of the Summary Plan Description presented to this meeting, which form is hereby approved.

Section 4: That this Resolution and all deliberations relating to the passage of this Resolution were held in open meeting 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, 2017.

PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL

Certification of Publication

I, the undersigned Clerk 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 AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING (MOU) FOR USE BY THE CITY OF CANFIELD, OHIO, OF THE COMMUNICATIONS SYSTEM INFRASTRUCTURE OWNED AND OPERATED BY THE AUSTINTOWN-BOARDMAN-MAHONING COUNTY JOINT COMMUNICATIONS DISTRICT.

WHEREAS, The District has constructed a new 800 MHz communications system; and

WHEREAS, both parties to the MOU wish to allow the City to utilize the District's 800 MHz System; and

WHEREAS, this MOU supersedes any MOU or letter of authorization previously issued.

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

Section 1: That the Council of the City of Canfield hereby authorizes the City Manager to enter into the Memorandum of Understanding (MOU) in the form and manner attached hereto.

Section 2: 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, 2017.

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

ATTEST:

MUNICIPAL ATTORNEY

Introduced By: _____

Motion No. _____

MOTION

A MOTION TO WAIVE ZONING
FEES FOR THE CARDINAL JOINT FIRE DISTRICT

WHEREAS, the Cardinal Joint Fire District has asked City Council to waive applicable zoning fees for the sign at the new fire station on Herbert Rd.; and

WHEREAS, City Council has the exclusive authority to waive applicable zoning charges.

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

Section 1: That the Cardinal Joint Fire District will NOT be charged the following fee:

Sign Permit Fee	\$70.00
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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 _____, 2017.

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

