

CITY OF CANAL FULTON

January 6, 2004

REGULAR COUNCIL MEETING:

Mayor John Grogan called the January 6, 2004 Council Meeting to order at 7:30 p.m. in Council Chambers at City Hall.

PLEDGE OF ALLEGIANCE:

CALLING OF THE ROLL: Present: Victor Colaianni, Nellie Cihon, Linda Zahirsky, Mike Mouse, Robert Szanto, Diane Downing, and Mayor John Grogan.

OTHERS PRESENT: Marge Loretto, City Manager; Dale Kincaid, Law Director; Chief Mike McNeely, Police Department; William Dorman, City Engineer; Michael Rodino, Finance Director; Director; Joan Porter, The Repository; Julie Schaeffer, The Independent; Garnet Thomas, Rochelle Rossi, Ken Roberts, Tom Messenger, Glenn Boyd, Jim Mitchell, Steve Mitchell, Dennis Downing, Bret Stephan, John Hatfield, all residents.

ELECTION OF COUNCIL PRESIDENT PRO TEMPORE, VICE PRESIDENT PRO TEMPORE, APPROVAL OF COUNCIL RULES, APPOINTMENT OF THE COMMITTEE ON COMMITTEES:

Mrs. Zahirsky made a motion to elect Robert Szanto as Council President. Mrs. Cihon seconded the motion. Roll: (by Mayor): Mrs. Downing – No. Mr. Mouse asked if there was going to be discussion on this matter. He said he feels it is ill advised Mr. Szanto in light of the situation he has been involved in regarding payment of City property tax. He said it does not speak well for Council if they elect him.

The Mayor then called the Roll again: Mrs. Downing – No. Mr. Mouse – No. Mr. Colaianni – No. The Mayor stated they have two Yes's and three No's. It was pointed out that the roll had not been completed and that the Clerk of Council takes the Roll.

Roll: Yes – 3. No – 3.

The Mayor said he would like to address Rule 2 in the Council Rules where it states that the President Pro Tempore shall not be elected for more than two consecutive calendar years. He said at this point, that Rule should have been waived.

Mr. Szanto said if the Mayor is looking at the Council Rules he sent the Mayor, they were changed. Mr. Colaianni said he had Council Rules, as Revised 3-02. The Mayor said those were the ones he had.

Mr. Kincaid then interjected that the adoption of Council Rules should come first. Mr. Mouse said for the Mayor's clarification, that rule was in effect prior to 2002. He said in 2002 the majority of Council voted for that rule change.

Mr. Kincaid referred to Section 3.05 in the Charter that states at the first meeting each year the Council shall adopt by majority vote of its members its own rules.

Mr. Mouse asked Mr. Kincaid if he could make a motion to add to the Council Rules at this time. He said he would like to make a motion that if a Council member or elected official is not at a meeting that there is no pay given for that meeting.

Mayor Grogan said he would like to get past the first hurdle, the motion on the floor, which has been defeated. He asked if there were any other nominations for Council President. (NOTE: Power in the building went off at this point, tape not working.) Victor Colaianni in nomination for Council President. There was no second.

The Mayor asked if anyone had the correct revision of the Council Rules. The Clerk said she thought she had the latest one, which was revised March, 2002. Several Council members said there had been changes since then. It was stated that several of the Council Rules did not conform to the City Charter.

The Mayor said since they did not have anything in writing, he asked for a motion to adopt the Rules as they stand, unless someone can provide him with a copy of the revisions.

Mr. Mouse said they could still adopt the Rules the Mayor had in hand with the provision that if there is any conflict with the Charter that it be complied with.

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Mr. Kincaid said that the Mayor has a vote on the motion made to appoint Mr. Szanto as Council President, which ended in a tie. The Mayor said he, therefore, would vote No on that motion.

It was discussed that several Council people had one set of Council Rules and several had a different set.

Mr. Mouse made a motion to adopt the Council Rules that the Mayor has before him. Mr. Colaiani seconded the motion.

Discussion: Mrs. Zahirsky stated that those Rules do not conform with the Charter. Mr. Mouse said he could only recall two areas that were changed. He said one was that the Council President would be allowed to succeed himself and that legislation did not have to originate from a committee. Mr. Szanto said they also changed the order of the agenda.

Roll: Yes – 3. No – 3.

The Mayor broke the tie by voting Yes to adopt the current Council Rules, which state “Revised March, 2002”.

Mr. Szanto then nominated Mrs. Zahirsky as President Pro Tempore of Council. Mrs. Cihon seconded the motion. Roll: Yes – 5. Mr. Mouse voted No.

Mrs. Zahirsky then addressed the Committee on Committees. She asked for two Council members to be elected to that Committee and meet with her next Tuesday, January 13, 2004. Mrs. Zahirsky made a motion that Mrs. Downing be appointed as one of the members of the Committee on Committees. Mr. Szanto seconded the motion. Roll: Yes – ALL.

Mr. Mouse then made a motion that Mr. Colaiani be appointed as a member on the Committee. There was no second.

Mrs. Zahirsky made a motion to appoint Mrs. Cihon to the Committee on Committees. Mr. Szanto seconded the motion. Roll: Yes – ALL.

Mr. Szanto pointed out that Council needs to elect a Vice President Pro Tempore of Council. Mrs. Downing made a motion to nominate Mrs. Cihon as Vice President Pro Tempore. Mrs. Zahirsky seconded the motion. Roll: Yes – ALL.

The Mayor asked Mrs. Zahirsky if she wished to go into executive session. Mrs. Zahirsky said she would like to wait until the end of the regular portion of the meeting.

ADOPTING OF MINUTES.

Mrs. Cihon made a motion to accept the minutes of the meeting of December 16, 2003. Mrs. Zahirsky seconded the motion. Roll: Yes – 4. Mrs. Downing abstained due to absence and Mr. Colaiani abstained because he was not yet on the Council at that meeting.

CITIZENS' COMMENTS ON AGENDA MATTERS.

Mr. John Hatfield stated that there should be a chairman of the Rules Committee and he feels what has taken place this evening is unacceptable. He said the way it was done this evening there is a conflict of interest on the first things that happened. He said the Rules say Council elects the Council President first.

REPORTS OF ADMINISTRATIVE OFFICERS.

Senior Citizens. No Report.

Community Service Coordinator. No Report.

Fire Chief. Glen Boyd gave the report for Chief Hill. He said the Fire Department ran 653 calls in 2003, which was up 10% over 2002. He said there were 150 inspections in 2003. He said they are also sending one man to fire inspection school. The Mayor asked how many paramedics the Fire Department currently has. Mr. Boyd said approximately eight. The Mayor asked if they were volunteers. Mr. Boyd answered yes.

Police Chief.

Chief McNeely said they are participating in a national initiative to promote the responsible storage of firearms. He passed around gun locks for council to examine. He said an organization called Project Child Safe received a grant for \$50,000,000.00 from the U.S.

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Department of Justice and they are distributing 50,000 free gun locks across the country for law enforcement. He said anyone who would like a free gun lock, they are at the Police Department.

Engineer.

Mr. Dorman said that District 19 Public Works Committee will be meeting soon and he heard today that the City will receive a 0% loan for the Milan Street water line.

(NOTE: The power went out for approximately 35 minutes.)

The Mayor said he would deliver his State of the City address at the next Council meeting.

City Manager's Report.

Mrs. Loretto said that Chief McNeely has requested that Council pass an ordinance to enter into a Mutual Aid Agreement between the City and the Stark County Park District in order to get additional police protection. She also stated that Council has a copy of Mr. Kincaid's legal opinion regarding the validity of charging both a special assessment and a tap-in fee for utilities on the same parcel of land.

Mrs. Loretto also said that the Cherrywood sanitary sewer line is completed and the Centennial Street lighting project is ready to go. She also said she attended a meeting with the Ohio & Erie Canal Corridor Coalition regarding Canal bank stabilization. As a result of that meeting she, Dan Mayberry, Ron Gray, Ed McCabe, and Ed Schuman were supposed to tour the Nimisila feeder for inspection on January 5th, but they were unable to do so because of flooding.

Mrs. Zahirsky said she will be attending the next Park Board meeting to go over their budget with them.

Mrs. Zahirsky made a motion to adjourn to Executive Session. Mr. Szanto seconded the motion.

Executive Session

A motion was made and seconded to go into Executive Session to discuss personnel matters
Roll: Yes – ALL.

No legislative action would be taken this evening because of the Executive Session.

A motion was made and seconded to return to the regular portion of the meeting. Yes – ALL.

Purchase Orders and Bills.

Mr. Rodino said there were no purchase orders. He referred to the copies of the bills that Council had in their packets for the second half of December totaling \$214,507.78.

Mrs. Cihon made a motion to acknowledge receipt of these bills. Mr. Szanto seconded the motion. Roll: (Voice Vote) Yes – ALL..

Mrs. Zahirsky requested a meeting at 7:00 P.M. prior to the regular 7:30 P.M. Council meeting on January 20th. She said she had requested that Dale Kincaid prepare a brief overview of the legal requirements concerning Council, the Charter, etc. She asked if everyone agreed to signal by saying "Aye". Yes – ALL.

Mrs. Zahirsky then made a motion that Council meets at 7:00 P.M. on January 20, 2004. Mrs. Cihon seconded the motion.

Mrs. Zahirsky said what she would like to see Council do is to look at the different departments; i.e., how the departments are funded, etc. She said, for example, that Mr. Mouse said he did not know that there was a five year plan. She said the new Council people also probably have not seen the five year plan. She said this will bring everyone up to speed.

Mr. Mouse said he would like to make a point of clarification. He said he did not say that he did not know about a five year plan. What he said was that he had never participated in formulating that five year plan.

Mr. Mouse said he would like to make another suggestion that information that Council has on the table be available to the members of the audience.

Roll on Mrs. Zahirsky's Motion for the 7:00 P.M. meeting on January 20th. Roll: Yes – ALL.

Old Business.

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None.

Other Business.

None.

Citizens' Comments.

Mr. Tom Messenger said he understood that the City wants to take down the cluster boxes. Mrs. Loretto said just in the three blocks in the downtown Historical District. He said he would like the City to go further and remove the newspaper boxes. Mr. Kincaid said they had already looked into that and it would be unconstitutional to remove them.

Mr. Messenger also said he has complained for the last two years about the lights around the Canal Boat Lounge. Mr. Messenger also said he liked the new room set up. The Mayor stated that people had made comments about Council members facing each other and he implemented this new set up so that Council would be facing the citizens. He said he hopes the City can get something built so it is more formal and there is more room.

Mr. Hatfield commented on the Canal bank stabilization. He said he felt property owners in Canal Fulton should have input concerning what is going on. It was pointed out that the City does not own the Canal banks.

Report of Council President.

No Report.

Report of Standing Committees.

No Report.

The Mayor thanked everyone for being patient. He said this is a work in progress and they will do their best to get better and better.

The meeting was adjourned.

Sharon Reiter, Clerk of Council

John Grogan, Mayor