

CITY OF CANAL FULTON

October 4, 2005

REGULAR COUNCIL MEETING

In lieu of Mayor Grogan's prearranged absence, Council President Mike Mouse called the October 4, 2005 City Council meeting to order at 7:00 PM in Council Chambers at City Hall.

PLEDGE OF ALLEGIANCE

CALLING OF THE ROLL

Present: Mike Mouse, Diane Downing, Linda Zahirsky, Victor Colaianni, Nellie Cihon and Bob Szanto; **Absent:** Mayor Grogan

OTHERS PRESENT

Dale Kincaid, Law Director; Patti Troccoli, Council Clerk; Chief David Frisone, Police Department; Chief Ray Green, Fire Department; Bill Dorman, City Engineer; Dan Mayberry, Interim City Manager; Scott Svab, Interim Finance Director; Clayton Hopper, HPC & Planning Commission; Chell Rossi, HPC; Marvin Hardgrove, Lawrence Township Trustee; Chris Pugh, The Independent; Jeff Craven; Jeff Bowman, James Deans, Fred Fleming, and Tony Crookston, Residents

DISCUSSION: MEMORANDUM REGARDING JOINT HEALTH & WELLNESS FACILITY

There was a lengthy discussion regarding the language of the Memorandum of Agreement for the Development, Use, and Operation of a Joint Health & Wellness Facility that was attached to the agenda. Mr. Kincaid will be talking with the Township's Attorney Allen Krash regarding same and researching the issue further. He said once the city passes a resolution and the Township passes a resolution that forms the district. Mr. Szanto said setting up of the Board is divided by the two municipal entities and can exist in limbo until such time as it's funded to "go ahead and do something," and, at that point you go to the voters in both municipalities. He said there is value in that in the future, somebody will say that now is the time to fund it, and at that point the Board will already be in existence, and he was under the impression that the Township Trustees have a great deal of interest in the facility and will want to move ahead. Mr. Colaianni spoke on the location, water, and EPA issues. Mr. Kincaid stated in the interest of full disclosure, his wife works for "one of these therapy places close by" and if he sees a conflict, he will not speak. Mrs. Zahirsky requested further information about the property ownership and wanted to ensure there is included a dissolution agreement. Mr. Fleming said all they're asking is for a motion to continue with the effort (based on the memorandum). Mr. Szanto made a motion that Council would adopt this (Memorandum) as a working document for the purpose of further exploration of creating a Board to operate the Joint Health & Wellness Facility; seconded by Mr. Colaianni. **ROLL CALL: Yes - ALL**

CORRECTING & ADOPTING THE RECORD OF PROCEEDINGS

Mrs. Zahirsky made a motion to approve the September 20, 2005 Council meeting minutes; seconded by Mrs. Downing. **ROLL CALL: Yes – 5 Abstained – 1 (Mrs. Cihon)**

Mrs. Zahirsky made a motion to approve the September 26, 2005 Special Council meeting minutes; seconded by Mr. Colaianni. **ROLL CALL: Yes – 5 Abstained – 1 (Mrs. Cihon)**

CITIZENS' COMMENTS ON AGENDA MATTERS - None

REPORTS OF ADMINISTRATIVE OFFICERS

SENIOR CITIZENS (Nellie Cihon)

October 10 Making apple dumplings; call Senior Center to order same (330.854.6307)

October 17 Making homemade applesauce to serve with the Swiss steak dinners.

October 20 Fall Trip to Richland County; includes Apple Hill Orchards (Buffet lunch at Garden Terrace Room), trip to Ohio State Reformatory and The Squirrel's Den; Cost \$60

October 29 Swiss Steak Dinner, 4:00-6:00 PM, \$8 Adults/\$4 Children; need volunteers in the morning to fry meat, set up tables, etc.

November 2 Trip to Mountaineer Casino; transportation \$30; receive \$5 coin voucher/\$5 food voucher; call Senior Center for reservations (330.854.6307)

November 5 Annual Christmas Bazaar; 9:00 AM – 4:00 PM; \$20 to rent 8' table/two chairs; bake sale, homemade lunch, and hand-made crafts included

November 9 Flu Shots; 9:00 AM – 12:00 PM Shots free w/Medicare Park B; Cost \$10

COMMUNITY SERVICE – Helping out at the Senior Center; placing a few workers.

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FIRE CHIEF (Chief Ray Green)

Dave Ferrebee attended an Emergency Vehicle Maintenance course in Reynoldsburg at the State Fire Academy, passing the course; now group-certified as Emergency Vehicle Technician. He's capable of repairing electrical systems, pumps, Fire Department vehicles.

Chief Green requested Council pass a resolution to adopt the National Incident Management System (NIMS). Mr. Kincaid asked for information/correspondence regarding same. Chief Green was asked to provide Mrs. Zahirsky the Web site address.

A free CPR class (lay person CPR/obstructed airway) will be offered Nov. 12, 2005, 9:00 AM at Trinity United Church; 20 open spots available. Call Fire Station to reserve a spot.

POLICE CHIEF (Chief David Frisone)

Chief Frisone distributed a memo from Massillon Jail regarding prisoners being arrested that require medical treatment. At the time they're booked in, a Jail Administrator from Massillon Police Department asks both our officer and the prisoner if the prisoner requires medical treatment; if the prisoner says yes, irregardless of the seriousness, the jail will not allow them to be put in the jail until cleared by a physician. Common practice is they take the prisoner to Massillon Community Hospital for treatment then they return to the jail to complete the booking. Up until now, there was a waiver the individual would sign saying they were responsible for their own medical bills. A House Bill (attached to the memo) states there is the possibility the hospital is now going to start charging the municipality that brings the prisoner there for the medical attention. Chief Frisone called the jail; the person he talked to is trying to put everyone at ease in surrounding municipalities. They've actually gone back to Massillon Hospital to ask for clarification of the waiver currently used; if it is acceptable and if we can continue using the policy of having the individual billed as opposed to the booking agency. Over the weekend, the Police had an incident where a prisoner claimed to have medical problems. They took him to the hospital; the prisoner was tested and signed the waiver. Chief Frisone will advise if the city gets the bill and will monitor same for repercussions of that policy.

September 22, Chief Frisone, Chief Green and Mr. Colaianni attended a meeting at the RED Center concerning next year's cost for the city's departments, as well as all the communities that participate in RED Center dispatching. The Police Department's increase is about \$4,300 over last year's cost; significantly less than other communities. They have not been presented with a contract yet to sign. While they are waiting, they are looking at potential alternatives; Chief Frisone will keep Council apprised.

Car 3 is temporarily not being used due to a malfunctioning light; it was shipped to Minnesota for repairs. It still has 80% of its warranty; expecting no more than two weeks to be returned.

Chief Frisone reserved a seat for Officer Muntean to attend the Crisis Intervention Training (Stark County Crisis Intervention Center-training for people with mental health problems they may encounter on the job). The five-day, 40-hour course is free, except for the officer's time. On return, the officer will conduct "Train the Trainer" sessions.

Mr. Mouse asked if they'd taken any steps in light of gas prices currently being experienced. Chief Frisone said yes, but he would prefer to have the officer out on the road.

ENGINEER (Bill Dorman)

Milan St. Water/Sewer Project: Construction complete; waiting on contractor to finish records drawings. Sanitary sewer/water services are now provided to the Corporation Limit on Milan Street. It's can support any development which may occur in that area.

Discovery Park Phase 2: Utilities/roadway complete with exception of the pump station; installation the 4" force main possibly starting next week.

Pine Manor Senior Housing: Nothing new to report; waiting for EPA review of construction plans.

Canal Place (new development on Locust St.): Going in; sanitary sewer/storm water done; contractors paving this week.

Lakeview Estates/Lake Vista: Nothing new to report; still waiting EPA approval; storm water issues, hearings, Corp of Engineer "things going on there."

Northwest High School Waterline: Complete; schools have been using the water.

Discovery Park Phase 4: Improvement plans have been reviewed and approved; construction should begin this month on sanitary sewer.

Canal Park Visitors Center: Construction substantially complete.

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River Road Culvert: Culvert pipe and structure in; approximately 80% complete; should be complete this month.

Muhlhauser Tennis Park: Paving, pedestals, conduit and wiring for light poles complete; color-coat striping lights and fence should be completed this month. The asphalt has to set for a certain time period before the color coat can be applied, which has to be applied when the temperature is warm enough; they're between curing asphalt and cold temps; hoping for warm enough weather to complete the coating of the surface before cold weather.

Mr. Mouse asked Mr. Dorman to check the Fire Department's driveway on Milan Street.

FINANCE DIRECTOR (Interim Finance Director Scott Svab)

Mr. Svab spoke with Mr. Kincaid regarding the "purchase of the property" (?) and talked to Bond Counsel also, and said there were concerns about how the city would hold title; whether they would have an easement or whatever. Mr. Mouse said they would discuss that later.

BILLS: Mrs. Downing questioned the two Quill Corporation bills, saying there was a \$1,152.38 payment on the 19th and another on the 23rd for \$1,167 and questioned the closeness of the four days. Mr. Svab said Patti Troccoli "found a real good deal on some printer cartridges . . . that all of us use for Finance and Utility." He said there's probably almost \$800 in printer cartridges on one of those bills, "and then there's some supplies from the Police Station that ordered a lot from Quill." Mr. Svab said the way the billing is, they send it out and it's not due until the end of the month. Mrs. Zahirsky questioned items on the second page and was told they were "all tax refunds from Karen." Mr. Mouse questioned if the Car Quest parts were put out to bid. Mr. Svab said the parts were on consignment, and the city doesn't pay for them until they use them; they also use other places (Napa, Auto Zone, etc.). When asked, Mr. Szanto was assured by Mr. Svab that the bills were being applied to the right departments. Mrs. Zahirsky made a motion that Council has received the bills for September 2005 in the amount of \$139,122.12; seconded by Mrs. Cihon. **ROLL CALL: Yes – ALL**

Mr. Santo asked if it had been a while since they had seen the Month-End Closing, as they used to get them Emailed to them individually. Mr. Svab said, "OK, I'll start doing that." Mrs. Zahirsky said she thought the Auditor required that.

MAYOR JOHN GROGAN – No Report

PARKS (Fred Fleming)

Dog Park: The dog park's patio and new gates are in; now a parking lot is the issue. Mrs. Zahirsky said there would be more donations for the dog park. Mr. Mouse suggested soliciting help in the newsletter to save taxpayer money. Mr. Fleming stated they are setting up a dog park advisory committee who will conduct a lot of money-making projects.

Tennis Courts: There are posts and nets in Dan Mayberry's office. Mr. Fleming said if we run out of warm weather, the city can't coat the tennis courts until spring. They've picked colors.

LAW DIRECTOR (Attorney Dale Kincaid)

FIRST READINGS

Resolution 16-05: A Resolution Declaring the Official Intent and Reasonable Expectation of the City of Canal Fulton on Behalf of the State of Ohio (The Borrower) to Reimburse Its Expenses for the CS02H Milan Street Water Line with the Proceeds of Tax Exempt Debt of the State of Ohio. Mrs. Zahirsky made a motion to suspend the rules for Resolution 16-05; seconded by Mrs. Cihon. **ROLL CALL: Yes – ALL** Mrs. Zahirsky made a motion that Council passes Res. 16-05 under suspension; seconded by Mr. Colaianni. **ROLL CALL: Yes - ALL**

SECOND READINGS – None

THIRD READINGS – None

Mr. Kincaid asked to be excused from the meeting.

CITY MANAGER (Interim City Manager Dan Mayberry)

TEAMSTERS LOCAL 24: The City received a letter from Teamsters Local 24, who would like to reopen labor negotiations; the contract due date is December 31, 2005. Mr. Mayberry asked if he should contact Attorney Robert Tscholl and Dave Richards (Local 24) to proceed on negotiations. Mr. Mouse suggested Council have a meeting for same. Mr. Szanto suggest the City Manager and/or the Mayor, Mr. Tscholl and a Council representative meet with the Teamsters for preliminary discussions to see if they have any points they want to pursue. Mr. Mouse said he would volunteer and asked that the meeting be set up after November 1. Mr. Szanto also volunteered.

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ANNEX REQUEST: The city received a request from Jeff Craven to annex 44.5 acres into the city. The property is located east of Stonewood Street (aka: Duncan Property). Present zoning in Lawrence Township in that area is Rural Residential, Single-Family, One Acre Minimum Tract. Mr. Craven had brought in a preliminary plat (present), that Mr. Mayberry said was based on the zoning closest to him (Riverwood/Stonewood area), which is the city's R-1A, Single-Family, Minimum Medium Density Urban Residential District. Mr. Mayberry stated the minimum lot size is 12,000-square feet for an R-1 area, but he's asking for R-1A (something the Planning Commission will address). Mr. Szanto said he would like to go forward discussing same, but he didn't know if there could be preconditions on the annexation, but he wanted on record that he wouldn't be in favor of R-1A; Mrs. Zahirsky said she would not either. Mr. Colaianni brought up safety concerns with the access road onto Rt. 93. Mr. Craven said they would like to annex the property in; they wanted to develop the land (perhaps condos) and need utilities. Mrs. Zahirsky addressed water issues and asked who would be responsible for the extra pumps that would have to put in place. Mr. Mayberry stated, "The developer would build it and turn it over to the city." Mr. Mouse said he felt it would decrease the quality of life for the residents in his allotment because of additional traffic. He said he knew the new Police Chief just moved here, and he thought what the chief found attractive about our community was because it has a "quaintness to it," and he would be troubled if it would adversely affect what they had. Mr. Hopper said he would be in the regular and newly adopted R-1 zoning; not the R-1A. No action was taken.

Mr. Craven said they would like to have Milhaven reopened all the way down through and their engineer said the easements are all in place. He said there was an issue between the Township and the County whether that road exists or not. Mrs. Zahirsky said it's been a problem for River Road residents. Mr. Hardgrove said the County says there is no record of a road there. Mr. Craven said if a house was built on that road, and the zoning certificate and building permit was issued at Milhaven, so it has to be a Milhaven Ave. Mr. Hardgrove stated it got named Milhaven because the sign was found somewhere and "my dad told them to stick it on that road." Mr. Craven asked if it was never a road, why are the easements in place? Mr. Hopper stated, "Well, you'd have easements because they might have anticipated something in the future, but that doesn't mean it existed."

PROPERTY CONTRACT: Mr. Mayberry said he spoke with Tom Bartlebaugh today and expected to have a contract tomorrow afternoon (Puffenberger property).

PURCHASE ORDERS & BILLS: No Purchase Orders; Bills Above

NEW BUSINESS

Budget Meetings:

Mr. Colaianni made a motion to schedule a budget meeting on Tuesday, October 11, 2005 at 6:30 PM to review the Administration and Police Department's 2006 budget; seconded by Mr. Mouse. **ROLL CALL: Yes – ALL**

Mrs. Downing made a motion to schedule a budget meeting on Tuesday, October 25, 2005 at 6:30 PM to review the Police Department's 2006 budget; seconded by Mrs. Cihon. **ROLL CALL: Yes – ALL**

Mrs. Cihon made a motion to schedule a budget meeting on Tuesday, November 1, 2005 at 6:30 PM to review the Fire Department's 2006 budget; seconded by Mr. Colaianni. **ROLL CALL: Yes – ALL**

WORKSHOP AT CANALWAY CENTER: Mr. Fleming said there is a scheduled workshop Wednesday, October 5, 2005 at 9:00 AM at the new Canal Fulton Canalway Center, which is about an interpretive plan regarding historical information the Ohio and Erie Canalway Association has developed. Stark Parks and representatives from Canal Fulton will be attending; all were invited.

OLD BUSINESS - None

OTHER BUSINESS - None

CITIZENS COMMENTS (Open Discussion, Five-Minute Rule)

Jeff Bowman, 1540 Reid St: Mr. Bowman said the Street Department paved Chris Circle; that part of the allotment has nice concrete curbs. He said about two years ago he had his driveway concreted and asked the city to look at it, and the city told him the curbs are his responsibility and that Mr. Schalmo had put them in. He also requested his driveway be "leveled up." He said when his driveway was poured he had to taper it at the end. However, about three weeks ago, the Street Department paved over the curb; now the water funnels into his lawn. He asked the Street Department to come and remove their asphalt off of his curbs," but was told that involved a large cost and Council's OK. Mr. Mayberry will address this issue.

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Marvin Hardgrove, Lawrence Township Trustee: Inquired about the status of the Health and Wellness Facility and if the city had discussed purchasing the Township Hall. Mr. Mouse told him, "We didn't discuss the Township Hall. We did proceed with the Wellness Center." Mr. Hardgrove said they were debating putting the Township Hall up for auction, but wanted an answer from the city first. Mr. Mouse said he appreciated the consideration and will get back to him regarding same.

REPORT OF COUNCIL PRESIDENT

Mr. Mouse will conduct a presentation at the next Council meeting regarding the Regional Planning Seminar held in Cleveland; thanked Council for letting him attend.

REPORT OF STANDING COMMITTEES – None

EXECUTIVE SESSION

Mr. Mouse made a motion to go into Executive Session regarding land acquisition, and asked that Mr. Hopper and Mr. Mayberry be available, and that Council be present; seconded by Mr. Colaianni. Mr. Mouse stated no legislative action was expected. **ROLL CALL: Yes – ALL**

REGULAR SESSION RECONVENES

Mrs. Cihon made a motion Council goes back into regular session and whatever they discussed in Executive Session, they took no action on; seconded by Mrs. Zahirsky. **ROLL CALL: Yes - ALL**

ADJOURNMENT

Mrs. Cihon made a motion to adjourn. Council President Mike Mouse adjourned the October 4, 2005 Special City Council meeting.

Patricia A. Troccoli, Clerk of Council

Mike Mouse, Council President