

CITY OF CANAL FULTON

November 1, 2004

REGULAR COUNCIL MEETING

Mayor John Grogan called the November 1, 2004 City Council meeting to order at 7:00 PM in Council Chambers at City Hall.

PLEDGE OF ALLEGIANCE

CALLING OF THE ROLL

Present: Victor Colaianni, Linda Zahirsky, Nellie Cihon, Mike Mouse, Diane Downing, and Bob Szanto

OTHERS PRESENT

Mayor John Grogan, Marge Loretto, City Manager; Dale Kincaid, Law Director; Mike Rodino, Finance Director; Brenda Fargo, FirstEnergy, Joan Porter, The Repository; Chris Pugh, The Independent; Rebecca Shimer, Rochelle Rossi, Bret Stephan, Scott Tillman (residents)

CORRECTING & ADOPTING THE RECORD OF PROCEEDINGS

Mrs. Cihon made a motion to accept the October 19, 2004, 7:00 PM Special City Council meeting minutes; seconded by Mrs. Zahirsky. **ROLL CALL: Yes – 5 Abstained – 1 (Mr. Colaianni)**

Mrs. Zahirsky made a motion to accept the October 19, 2004 City Council meeting minutes; seconded by Mrs. Cihon.

Discussion: Mr. Colaianni asked, "Under Page 2 of 2 of those minutes, down under Executive Session, a motion was made to convene into Executive Session involving (contract) negotiations, and coming out of it, there are things added . . . personnel contract, personnel performance. I didn't know if there was an error in going in or an error coming out of the session. I'm asking because I don't know; I was not here. But, it looks (when I read it) it looks like you went in to talk about contract negotiations and it comes out like more was talked about." Mrs. Downing, "It was." Mayor Grogan stated, "Mr. Szanto made the motion. Was there any additional information outside this personnel performance that was discussed?" Mr. Szanto, "I don't think so . . . Victor, where's?" Mr. Colaianni replied, "Executive Session – the page right before the Stark County Auditor page – states that outside counsels were asked to be in the session and quote 'and it's going to be involving negotiations and I don't expect any action to be taken. And then when it says Regular Session Reconvened, it states, 'we discussed matters of personnel contract, personnel performance.'" Mr. Szanto said, "Yeah. Don't know . . . if, the only thing I can tell you is that we discussed only the items which you really intended, and I think everybody knew what we were going to discuss in that meeting . . . Mrs. Zahirsky actually made the motion to call the Executive Session, and since I made the motion to reconvene, um, I don't know if we got a problem with that or not, but there were basically two items I think that we, uh, wanted to discuss, and I think we discussed those in that meeting." Mrs. Downing stated that only one thing was stated when they went into the session and that was negotiations. Mr. Szanto responded, "I understand. I understand. I have no idea. I didn't hear the tape; I know that we were going to discuss a couple of items; I don't have an explanation." Mayor Grogan said, "OK, so is it safe to say that through the course of the Executive Session, other issues were those where you felt that you should at least let it, for the record know, that those topics came up then?" Mr. Szanto, "Yeah, but I can assure you that only items that applied to Executive Sessions were discussed."

ROLL CALL: Yes – 5 Abstained – 1 (Mr. Colaianni)

CITIZENS' COMMENTS ON AGENDA MATTERS

Brenda Fargo from FirstEnergy gave a small question-and-answer-type presentation regarding electric aggregation and explaining Resolution 15-04 (see resolution below). Mayor Grogan thanked her and asked to reserve the right to ask any questions as they come up.

REPORTS OF ADMINISTRATIVE OFFICERS

Senior Citizens – No Report

Community Service Coordinator – Report attached.

Fire Chief

Chief Hill spoke with the architect about the Fire Station last week; when they come up with something concrete, he will present same to Council.

Fire Prevention presentations were presented to all the Northwest schools (sixth-graders and below), including Sts. Philips & James. Mr. Mouse commended Chief Hill on the presentations to the schools and mentioned he saw a PBS program about three different fire extinguishers and how

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people need to use the appropriate extinguisher for the appropriate type of fire. Mr. Mouse said that high school students would benefit from learning about what extinguisher to use when.

Chief Hill recommended to the Mayor and Council that they hire Brian Weber as a probationary firefighter. Mr. Weber was previously employed with the City as a fireman, and they have a current drug test for him from Massillon. Mayor Grogan recommended same to Council. Mr. Colaianni made a motion to hire Brian Weber as a probationary firefighter, pending the results of a physical and drug test; seconded by Mrs. Zahirsky. **ROLL CALL: Yes – ALL**

Chief Hill recommended to the Mayor and Council that they hire Mark Weber, as a probationary firefighter. Mark is Brian Weber's brother, and the City will have to send him to school. Mayor Grogan recommended same to Council. Mrs. Zahirsky made a motion that Council approves Mark Weber as provisional firefighter, subject to the drug and physical testing; seconded by Mrs. Cihon. **ROLL CALL: Yes - ALL**

Chief Hill recommended to the Mayor and Council that they hire Scott Lowell. He stated Mr. Lowell comes from New York State, where he was on two different fire departments there, and he brings a lot of experience with him. They are in the process of trying to transfer Mr. Lowell's New York fire and EMT certifications – getting them recognized by Ohio. Mayor Grogan recommended same to Council. Mr. Mouse made a motion that Council accepts Scott Lowell, pending physical and drug tests; seconded by Mr. Colaianni. **ROLL CALL: Yes – ALL**

Chief Hill stated that while Council was in their Budget Meeting, there was a squad call in the Township. There were three Canal Fulton women that handled that call.

Chief Hill introduced Erin Cappo. The Mayor and Council welcomed her.

Police Chief

Chief McNeely reported that Trick or Treat went fine the night before. There was one assault; they are charging five juveniles for same. Mayor Grogan stated a lot of people made comments about seeing the Police cruisers in the neighborhoods up to five times, and they did a "heck of a job."

Engineer - No Report

Finance Director

Mr. Rodino passed out the September 2004 Monthly Reports. Mrs. Zahirsky made a motion that Council receives the September 2004 End-of-Month Financial Report; seconded by Mrs. Cihon. **ROLL CALL: Yes – ALL**

Mr. Rodino asked if it would be OK with Council that he sends Council the monthly reports via E-mail in Excel. He will advise them during Council meetings that he has sent same via E-mail. Mrs. Zahirsky needs a hard copy, as she doesn't have Excel at home.

Mr. Rodino spoke about Check 21 that went into effect October 28, 2004. Check 21 means there will be a quicker turnaround time when checks are presented for payment.

Mayor

Mr. Workman (Planning Commission) had made a motion during their last meeting to ask Council to create a Certificate of Occupancy Permit for a nominal fee to cover the expenses of the inspectors. It had been in ordinance form prior to this meeting, but there were problems with fees being too high. The Law Director stated amendments to the Zoning Code has to come from the Planning Commission. Mrs. Downing will E-mail Mr. Hopper to put it into ordinance form. Mr. Kincaid said they need to insert fee structure to cover the necessary cost; it requires a 30-day notice of a hearing.

The Township is building a new administration building and selling Township Hall. It will be coming up for public auction at the beginning of the year, unless they sell it to a government entity. Ms. Rossi stated she knows the City will need more office and storage space, and it would be nice to look at the Hall and evaluate it prior to the auction. The building was built in 1845 and is on the National Register for Historic Places. Mrs. Zahirsky stated that they should consider this when Council is working on appropriations for lands and buildings. Mrs. Rossi stated there are grants to assist with the purchase and restoration of the building. Mayor Grogan said the intent is to try to not only preserve one of the historical structures in our community, but also utilize it in a modern capacity for office space, etc.

City Manager

1. **Needs Council to pass a motion to authorize the City to submit an application for CLG Grant to update the Zoning Code for the Historic Preservation District:** This was

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recommended and unanimously approved by vote by Canal Fulton's Historic Preservation Commission on October 21, 2004.

Mrs. Loretto stated, "I was going to request a motion, but I was under the impression that we missed the timeframe for that, according to my discussion with Patti (Clerk of Council), but Victor, you seem to think that that's not so?" Mr. Colaianni replied, "I'd rather not discuss it in open session, so if we do have an Executive Session, I would like to discuss it." Mrs. Loretto asked, "How would that be in Executive Session? I'm willing to do it in Open Session." Mr. Colaianni responded that the information Mrs. Loretto had given as to when the City found out about the grant "doesn't jive" with what he was told by Judy Krasniewski of the Ohio Historic Preservation office. He stated that when they were informed of the grant and the timeframe, "I was told there was a September 7, 2004 dated letter and E-mail that went out to our contact person here about this grant and then, subsequently, a reminder on the 27th of the deadline of October 25th, so that doesn't line up with last Thursday being informed about this." Mrs. Loretto stated, "Well, no . . . we had to have the Historic Preservation recommend it, and we had to have an ordinance by Council." Mr. Colaianni asked Mrs. Loretto who was informed on September 7th. Mrs. Loretto said, "I don't recall who was informed on September 7th. I don't know. The first time I'm aware of it was when Rebecca stuck it on . . . laid it on my desk."

2. **Received notice from the Ohio Public Retirement System informing the City that there is going to be a contribution rate increase for both the employees and the City in a phased-in term.**
3. **Walnut Street Reconstruction:** Our contractor, VASCO Asphalt incurred a 1½-week delay due to gas main relocation performed by Dominion East Ohio Gas.
4. **Northwest High School Waterline:** Wenger Excavating will be completing punch list items beginning October 28, 2004.
5. **Milan Street Waterline and Sanitary Sewer Improvements:** Wenger Excavating will begin construction of the Milan Street Water and Sewer main improvements on Thursday, October 28, 2004.
6. **Visitors Center:** Community Park Phase I Plumbing and HVAC contracts are out for bid again. Bids will be opened on November 12, 2004 for these two components of the Visitors Center.

Parks – No Report

Law Director

Regarding E-mailing the monthly financial reports, Mr. Rodino told him that the State Examiner's Office says there's nothing in the State Code about that, but says the Finance Director shall provide full and complete information concerning the financial affairs and status of the Village, as requested by the Village Manager, Mayor, and Council and provide full and complete information and assistance concerning the finances and records. He saw no restrictions.

Mrs. Zahirsky made a motion that Council allows E-mail in substituting of the monthly financials, unless requested by particular councilmen otherwise that the reports be sent by E-mail; seconded by Mrs. Downing. **ROLL CALL: Yes - ALL**

THIRD READINGS

Ordinance 28-04: An Ordinance Repealing Chapter 749 of the Canal Fulton Ordinances.

Mrs. Zahirsky made a motion to pass Ordinance 28-04; seconded by Mrs. Cihon. **ROLL CALL: Yes - ALL**

Ordinance 29-04: An Ordinance Revising Current Law Governing Garbage and Refuse Collection in the City of Canal Fulton.

Mrs. Zahirsky made a motion to amend 741.04 (b) to include the language "except that commercial establishments, which may be picked up no earlier than 5:30 AM"; seconded by Mrs. Cihon. **ROLL CALL: Yes - ALL**

Mr. Colaianni made a motion to pass Ordinance 29-04 as amended; seconded by Mrs. Downing. **ROLL CALL: Yes - ALL**

Ordinance 30-04: An Ordinance Repealing Chapter 769 and Enacting Chapter 787 Entitled Sexually Oriented Businesses.

Mr. Colaianni made a motion to Pass Ordinance 30-04; seconded by Mrs. Cihon. **ROLL CALL: Yes - ALL**

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SECOND READINGS - None

FIRST READINGS

Resolution 15-04: A Resolution Authorizing the City Manager to Amend the City's Current Agreement with First Energy Solutions Corp. Providing Aggregated Electrical Service by Extending the Term Thereof Through 2008 and Making Other Changes as Described in an Extension Proposal Dated September 30, 2004.

Resolution 16-04: Resolution Accepting the Amounts and Rates as Determined by the Budget Commission and Authorizing the Necessary Tax Levies and Certifying Them to the County Auditor.

Mr. Colaianni made a motion to suspend the rules on Resolution 16-04; seconded by Mrs. Zahirsky.

Discussion: Mr. Colaianni asked the Finance Director when you look at Schedule B, Page 1 - if you look down at Fire and Police Fund - is there a reason why those continue to be included there because the levy time has been exceeded; you've got November 3, 1998, or does it go through January 1, not to exceed five years? Mr. Colaianni stated that if this needs to be moved to Budget Hearing, when Council looks at budgets, are they including this amount in the budgeting? He would like clarification if it is expired and, if so, then that \$70,504 has to be taken out of the budget. Mrs. Loretto explained we still will receive revenue for an additional year because the year 2004 is assessed and paid in 2005 (they're always a year in arrears). If they want to continue a levy for the Fire and Police Fund, they will have to put it on the ballot in 2005, and ask it to start back to January 1, 2005. **ROLL CALL: Yes - ALL**

Mrs. Zahirsky made a motion to adopt Resolution 16-04 under suspension; seconded by Mrs. Cihon. **ROLL CALL: Yes - ALL**

Resolution 17-04: A Resolution Authorizing the City Manager to Enter into a Five-Year Extension on the Ohio Edison Efficiency Safety Incentive Program Which Governs the Cost of Electricity to City Street Lights Which Currently Expires on December 31, 2004, and Declaring an Emergency.

Discussion: Mrs. Loretto said it should be a four-year contract instead of a five-year contract.

Mr. Szanto made a motion to amend Resolution 17-04; the amendment would occur in the fourth whereas clause changing language from a proposed five-year extension to correctly read a proposed four-year extension; seconded by Mrs. Zahirsky. **ROLL CALL: Yes - ALL**

PURCHASE ORDERS & BILLS

P.O. 4105 in the amount of \$3,611.52 made out to Ohio EPA, Office of Fiscal Administration for FY2005 Annual License Fee to Operate a Public Water System in the State of Ohio per Ohio Revised Code Section 6109.21.

Mrs. Zahirsky made a motion to approve P.O. 4105 in the amount of \$3,611.52 made out to Ohio EPA, Office of Fiscal Administration for our water license; seconded by Mrs. Cihon.

ROLL CALL: Yes - ALL

P.O. 4110 in the amount of \$4,623.36 made out to The Walter H. Drane Company for Services for the 2004 Revision of the Codified Ordinances.

Mrs. Cihon made a motion to approve P.O. 4110 in the amount of \$4,623.36 made out to The Walter H. Drane Company; seconded by Mr. Colaianni. **ROLL CALL: Yes - ALL**

P.O. 4112 in the amount of \$4,522.50 made out to TR Snyder Construction Inc., for Construction of sidewalks on Locust Street at Rite Aid and Avalon. The cost is to be reimbursed to the City by the property owner.

Mr. Szanto made a motion to approve P.O. 4112 in the amount of \$4,552.50 made out to TR Snyder Construction Inc.; seconded by Mrs. Cihon. **ROLL CALL: Yes - ALL**

P.O. 4115 in the amount of \$4,445.78 made out to CTI Environmental, Inc., for Increase due to additional engineering time per attached letter.

Mrs. Zahirsky made a motion to approve P.O. 4115 in the amount of \$4,445.78 made out to CTI Environmental, Inc.; seconded by Mrs. Cihon. **ROLL CALL: Yes - ALL**

P.O. 4119 in the amount of \$11,420 made out to Wenger Excavating, Inc. for labor, materials and equipment to remove and dispose of roughly 720 L.F. of rail sections and roughly 240 L.F. of concrete wall sections at the Waste Water Treatment Plant. (This was a FY04 budgeted item.)

Mrs. Zahirsky made a motion to approve P.O. 4119 in the amount of \$11,420 made out to Wenger Excavating, Inc.; seconded by Mr. Colaianni. **ROLL CALL: Yes - ALL**

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P.O 4120 in the amount of \$21,000 made out to Bill Floreani Concrete Construction Co., for pouring of 7,200 square feet of concrete 6" thick for a pad for stockpiling of sludge for further drying. (This was a FY04 budgeted item.)

Mrs. Cihon made a motion to approve P.O. 4120 in the amount of \$21,000 made out to Bill Floreani Concrete Construction Co.; seconded by Mrs. Zahirsky. **ROLL CALL: Yes - ALL**

BILLS: \$77,731.53

Mrs. Cihon made a motion that Council has received the bills in the amount of \$77,731.53; seconded by Mrs. Zahirsky. **ROLL CALL: Yes - ALL**

NEW BUSINESS

Mr. Mouse made a motion that Council reinstates the tax credit to a full tax credit, effective January 2005.

Discussion: Mr. Mouse stated this won't affect him. He is retiring, but he thinks that the state of the economy is affecting a lot of people adversely and there needs to be some consideration for working families. The Mayor asked if it should be reviewed by the Finance Committee and then brought to Council as a recommendation. Mr. Szanto said he thinks he doesn't need a second, and that if Mr. Mouse chooses that he can sponsor legislation. The Law Director agreed and said he would prepare an ordinance for anybody at any time, unless Council supercedes that by committing it to the Finance Committee; Mrs. Zahirsky prefers it goes to the Finance Committee. Mr. Szanto stated, "I understand Councilman Mouse's concerns. Here we are in November, and I don't know . . . I'd sure as Heck like to see what that does to our budget. People would sure like some relief from taxes. I would like relief from taxes, but I haven't heard anybody coming in here saying what they want to give up for a tax credit – what they want to give up in part of the budget. I've got to respect your opinion; I just don't know if it's going to get anywhere. I look around this table, and I just . . . I don't know that you're going to get four votes." Mr. Mouse, "That's a fair question, but I don't think we ever asked the voters what they want and what they are willing to pay for." Mr. Colaianni stated, "One thing they do, though, and one of our powers like Charter is they elect us to sit here. Just like we did earlier, we decide what the budget is within the parameters of what's collected. I don't like paying 50% when I'm taking 2% out somewhere else; however, when I look at a balance sheet, I also have to look at incoming revenue versus outgoing revenue, which is what we're in the process of doing now. If there's a way we can make up that lost revenue, I would support your motion. But, in calendar year '05, I don't see us making up that revenue." Mayor Grogan referred the issue to the Finance Committee for review. (There was no second on the motion.)

Mr. Mouse made a motion to have the Finance Committee to meet on November 9, 2004 at 7:00 PM; seconded by Mr. Szanto. **ROLL CALL: Yes - ALL**

OLD BUSINESS

Mrs. Loretto reported back from MECCA regarding Thanksgiving and Christmas. She stated the churches get together, assigning specific items that will come from each church. They need assistance distributing food. Mayor Grogan volunteered to deliver baskets, along with several Councilpersons. Mrs. Loretto was asked to advise the date and the time.

While Mrs. Loretto was on vacation, the Chamber considered running a Christmas event. They voted not to participate due to limited resources and the small amount of time to get ready.

Final Inspection Approval of Infrastructure of Hilltop Apartments (Waterline only; Schalmo's Senior Apartments): Mrs. Downing stated/read, "From Dave Kohlmeier, and it's on Friday the 15th – the final inspection of the above-referenced subdivision was performed by this office and the City Assistant Utilities Superintendent. All of the construction requirements for the waterline have been met and the improvements have satisfactorily completed the two-year maintenance period. This project with the waterline . . . there was no right-of-way dedicated and we're recommending that these waterline improvements for final acceptance by the City of Canal Fulton for ownership and maintenance." The address: It runs off of Beverly and it's directly across from the street from Fulton Hardware; it's the second driveway on the right off of Beverly (confirmed by the City Engineer, Bill Dorman).

Mr. Szanto made a motion that Council accepts the infrastructure, improvements, and installation of the waterlines as described by the memo read by Mrs. Downing; seconded by Mrs. Downing. **ROLL CALL: Yes – ALL**

Set Next Meeting for Appropriations

It was suggested to reset the time for the Finance Committee meeting to 6:00 PM and then do the Budget Meeting at 6:30 PM.

Mr. Szanto made a motion that Council reschedule the Finance Committee meeting to 6:00 PM on Tuesday, November 9, 2004 (expected to last until 6:30 PM), and then at 6:30 PM Council will have

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a Special Council meeting . The purpose of the Special Council meeting will be to discuss the appropriations budget for Fiscal Year 2005 and any other business Council so desires to take care of that evening; seconded by Mrs. Cihon. **ROLL CALL: Yes - ALL**

Mr. Kincaid read Ordinance 31-04.

FIRST READING:

Ordinance 31-04: An Ordinance Approving the Editing and Inclusion of Certain Ordinances as Parts of the Various Component Codes of the Codified Ordinances of Canal Fulton, Ohio, and Declaring an Emergency.

OTHER BUSINESS

CITIZENS COMMENTS (Open Discussion, Five-Minute Rule)

Mr. Scott Tillman, 316 N. Locust Street – Mr. Tillman stated on October 23, 2004 at 1:56 AM, there was an incident involving his very ill wife. He had to call 9-1-1 four times and had to wait 32 minutes for anyone to get to his house. Jackson Township ended up answering the call, and they arrived at 2:28 AM. He later found out was that Canal Fulton and Lawrence Township were both responsible for failing to respond to the emergency situation. He was told there were radio problems and/or problems with Lawrence Township and Canal Fulton personnel not picking up their pages or the tones. He said, "Every one of us and our loved ones are in danger due to the inadequate system in place. Someone will die if the system is not repaired. If that would have been a heart attack, 32 minutes is not going to cut it. Please take what I have to say very seriously." He went on to say, "I do not wish on anyone this type of helplessness that I felt standing in the street waiting for 32 minutes. . . . As a taxpayer and a voter, this is not acceptable - will not be tolerated. What I am seeking out is simply this. I want the same emergency coverage on the weekend that is given throughout the week. I think the citizens in this community deserve that." Mayor Grogan asked him about his wife, and was told she went back to work Thursday, and he thanked Mr. Tillman for addressing Council. Mayor Grogan stated, "In that issue, I'll bear the full responsibility. It's been one of my passions from Day One . . . to try to enhance the safety forces. I was made aware of this situation. Please extend to your wife my deepest condolences. This is not an issue that I take lightly either Unfortunately, we have a lot of things to consider when doing that. We have other departments that we have to dialogue with and have them fall into the same, but we are pushing for that coverage." Mrs. Loretto stated, "Reception we are definitely considering in next year's budget and you (Mayor Grogan) been working, like you know, to get the weekends." Mayor Grogan said, "That's an issue that the Chief and I have been really going over and over and over for fear of these situations occurring more frequently; we're trying to expedite as much as possible." Mr. Mouse stated, "I agree; it's unacceptable." Mr. Colaianni asked Mr. Tillman that (if he was willing) when Council does move forward with discussions on enhancing the service, he would like Mr. Tillman to bring this situation up to the joint body for future consideration; Mr. Tillman agreed to attend that meeting. The Mayor stated, "I certainly, deeper than you know, understand that and have addressed that point on many occasions. It is of paramount importance - the safety of our community. You have an ally when it comes to that, and I thank you for coming here. I think this lends a little bit more urgency in an issue where we need to continue to focus our attention." Mr. Tillman asked how he can be reassured that this will be fixed, and Mr. Colaianni stated, "We have had meetings, and they were public; and, if you want, myself, Councilwoman Zahirsky, and Councilman Szanto - we can elaborate at length with you. We have had meetings with the Township and with North Lawrence to discuss joint fire issues, which would enhance coverage. We've had two meetings that I've been involved in; the Mayor's had a third one. One of the things we hoped to accomplish primarily is what you're talking about, decrease to the minimal amount possible response times. The other thing which you have had first-hand experience with is getting every entity to mutually agree that weekend coverage is necessary. I would like to see us move to an issue where we do have 24/7 coverage. That costs money, but the initial phase that we have been talking about is enhancing jointly with the Township and the City, who we have mutual aid agreements, meaning if we can't respond, Lawrence should and vice versa. We already have that in place, but we have issues, and we've got to work through those, and one of the things to do that is - and the Mayor spoke about it as well - is to create some sort of joint fire district where we can enhance coverage, decrease response times, and just make it a safer community for everybody." Mayor Grogan said, "I'm looking at responsibility. Who was responsible for answering their pages? Is there a call cycle, as you suggest? Are there on-call firemen? How is that structured out? I think that it has been kind of regulated to 'Well, you take Friday, Saturday, Sunday; I'll take Monday, Tuesday, Wednesday.' And, certainly first and foremost, I'm going to find out where the breakdown was. After finding out where the breakdown was, correcting it. I believe, for your peace of mind and your wife, keeping you involved in the process, so you know where I stand, so you know that it's being addressed, and that you know that if there is an issue where personnel maybe lapsed, that that will be address and to the harshest extent, if necessary, because it is an issue that is of importance to people. I think that's first and foremost. Secondly, as the Councilman has suggested, this is an ongoing issue where . . . and I won't let up on it. I flat-out refuse, and I'll continue to talk with Township Trustees, and I'll talk to everybody that I can

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referencing this because it is important. The more people we have in this community, the more they are at risk. And until we tighten up our EMS system, these situations will occur, and I can't in good conscience allow it to continue. You have my reassurance that I'm on your side, and I'm sure Council is as well, and we will address it. But first and foremost, I will address the incident as it pertained to you and your family and keep you abreast of what's going on and what actually happened, so that you know – instead of getting two different stories." Mr. Mouse said there are a lot of questions that need to be answered and quickly, and he asked Mr. Tillman to come back to the next Council meeting with Chief Hill present. Mr. Szanto apologized also and thanked Mr. Tillman for making Council about what happened and said, "You asked, how can we make sure that it won't happen again. Sir, I'm telling you to your face, we can't guarantee that." He went on saying, "The only promise that I can make you is that we will work with the Mayor as a Council to see what we can do to help prevent that from happening again."

REPORT OF STANDING COMMITTEES – No Report

REPORT OF COUNCIL PRESIDENT

Mrs. Zahirsky stated that Council needs to have an Executive Session to go over contract negotiations. Mayor Grogan stated we need another issue addressed at that meeting - personnel. He stated Council will not need Mr. Kincaid or Mrs. Loretto – just the elected officials, and he requested that the Clerk of Council (Patti Schauwecker) be present as well.

Mr. Colaianni made a motion that Council has an Executive Session; portion of it dedicated to Police contract negotiations. Present would need to be Council members and the City Manager and, subsequently, another portion of the Executive Session be devoted to personnel performance matters. At that point, it would just need to be City Council and the Mayor; seconded by Mr. Szanto. **ROLL CALL: Yes - ALL**

EXECUTIVE SESSION

REGULAR SESSION RECONVENED

At 11:00 PM, Mr. Colaianni made a motion to reconvene the regular session. While Council was in Executive Session, Council did discuss contract negotiation and personnel performance; seconded by Mrs. Cihon. **ROLL CALL: Yes – ALL**

Mrs. Zahirsky made a motion that Council has a Special Council meeting on December 4, 2004 at 9:00 AM, and Council will probably go immediately into Executive Session. However, they will keep that meeting open for any other Council business that may need to be performed; seconded by Mrs. Cihon. **ROLL CALL: Yes – ALL**

Mr. Szanto asked the Mayor, after he spoke with Mr. Tillman to relay to Council what he finds in a form of a memo or something like that; the Mayor agreed. Mr. Mouse asked Mayor Grogan to call Dave Stahl (Lawrence Township Chief) and give him the date and to respond. Mayor Grogan said he wanted to be meticulous about the situation, and he said it starts with the RED Center. He needs to know if the calls went out in accordance with when they were received, whether or not the pagers received those, at which point the next call was initiated, so he'll take it in sequence as to the event. Then he can find out where the breakdown was and he will take it to the next step. Mr. Szanto stated he would like to see the chronology for his own information.

ADJOURNMENT

Mrs. Downing made a motion to adjourn; Mayor Grogan adjourned the November 1, 2004 City Council meeting.

Patricia A. Schauwecker, Clerk of Council

Mayor John Grogan