

CITY OF CANAL FULTON

November 1, 2005

REGULAR COUNCIL MEETING

Mayor Grogan called the November 1, 2005 City Council meeting to order at 7:30 PM in Council Chambers at City Hall.

PLEDGE OF ALLEGIANCE

CALLING OF THE ROLL

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

OTHERS PRESENT

Dale Kincaid, Law Director; Patti Troccoli, Clerk of Council; Chief David Frisone, Police Department; Chief Ray Green, Dave Ferree, Erin Cappel, and Jon Zaleski, Fire Department; Dan Mayberry, Interim City Manager; Scott Svab, Interim Finance Director; Chris Pugh, The Independent; Joan Porter, The Repository; James Deans and Tony Crookston, residents

CORRECTING & ADOPTING THE RECORD OF PROCEEDINGS

Mrs. Cihon made a motion to approve the October 18, 2005 Council meeting minutes; seconded by Mrs. Zahirsky. **ROLL CALL: Yes - ALL**

CITIZENS' COMMENTS ON AGENDA MATTERS - None

REPORTS OF ADMINISTRATIVE OFFICERS

SENIOR CITIZENS (Nellie Cihon)

November 9 Flu Shots; 9:00 AM–12:00 PM Free w/Medicare Part B; cost increased to \$18

December 10 "Christmas Spectacular" trip to Akron Civic Center; cost \$85, includes lunch at Greystone Hall; call Senior Ctr. for reservations (330.854.6307)

COMMUNITY SERVICE – No Report

FIRE CHIEF (Chief Ray Green)

Chief Green asked about reimbursement of equipment/manpower costs the Fire Dept. incurred when they sent same to the train derailment in Perry Township (30 man hours, plus 30 hours engine time). Chief Green said FEMA has an equipment usage wage scale for the city's Type One Engine (\$57/hour). Chief Green will submit figures for reimbursement. Mr. Mouse requested Chief Green supply Council the submitted costs.

Mayor Grogan thanked Chief Green for getting them started on the Fire Budget (meeting held prior to tonight's Council meeting), saying he did a good job.

Mayor Grogan added comments how the Fire/Police chiefs had vehicles "out in mass" on Halloween night. He related community comments that included verbiage like "they saw an emergency vehicle every time they turned around."

POLICE CHIEF (Chief David Frisone)

The Police Dept. completed the first D.U.I. Task Force weekend with other Stark County departments (Friday-Monday). Chief Frisone is coordinating information; including overtime figures for Payroll reimbursement; he will provide Mr. Kincaid with the Task Force Agreement.

Regarding Mr. Glass' issues about excessive ATV noise, the Police spoke with the landowner who was not aware of the neighborhood noise complaints. The landowner agreed to revoke permission to drive ATVs on his property. Chief Frisone advised Mr. Glass of same.

November 26, 2005 (11 AM) is a Holiday Parade sponsored by Canal Fulton – Main Street, which requires additional manpower to block the streets. Chief ensured they will be in place.

ENGINEER (Bill Dorman) – No Report

FINANCE DIRECTOR (Interim Finance Director Scott Svab)

Puffenburger Property Purchase: Mr. Svab discussed the Puffenburger land purchase, saying he talked to the Squires & Sanders (bond counsel) regarding the issue of whether it would be a problem of what the city might do in the future with the property. He said one of the rules they look at is called a 10% Private Use, which might happen given the scenario Mr. Svab related to them. He asked Council about issuing notes short-term for a year; they said it was a great idea because it gives the city the option of deciding (with more flexibility) the exact amount of the bonds that the city would go out for eventually. Mr. Svab said it might be ready

CITY OF CANAL FULTON

November 1, 2005

as early as next week; they'll go on short-term notes for \$700,000. He said the city then has the ability to adjust what "we're finally going to do when we go out for bond."

CDBG: Mr. Svab suggested the 2006 CDBG be used for Senior Center expansion, saying one thing that would increase getting funded (point-system based) would be Council contributing 10% of a "bare bones essential of about \$78,000." Mr. Mayberry received points attending a CDBG class; CTI is also reviewing it to see how they can help. Deadline is 11/04/05. Mr. Mouse said he'd previously asked Mrs. Loretto what the city has in writing that defines both parties' legal obligations. Mrs. Cihon said it was like "a Gentlemen's Agreement or a handshake." Mr. Mayberry said the Center was built in part with CDBG funding. Mr. Kincaid said they should check the paperwork/grant application. Mr. Szanto made a motion that Council, for the purpose of the CDBG grant (whose deadline is this Friday), pledges 10% of that grant to the amount of \$8,000; seconded by Mrs. Zahirsky. **Discussion:** Mr. Mouse will vote "No" because he'd asked a long ago for just what he's asking for now and has no reasonable explanation as to why it wasn't done then. **ROLL CALL: Yes-5 No-1 (Mr. Mouse)**

MAYOR JOHN GROGAN

Mr. Mouse, Mr. Mayberry and the Mayor had "a productive meeting with Chuck Haas" (who attended the meeting on behalf of Mrs. Puffenburger). A press release will be forthcoming.

The Mayor distributed a letter from Dan Losch requesting he be permitted to fill the vacancy on the Board of Zoning Appeals. No action was taken.

Mayor Grogan asked that whoever had not had their photos taken to do so.

CITY MANAGER (Interim City Manager Dan Mayberry)

River Road Culvert Project: Mr. Mayberry said he received Change Order #1 from Ken's Excavating increased the contract amount \$6,245. The original contract price was \$85,538; final is \$91,783. Mrs. Zahirsky made a motion that Council approves Change Order #1 in the amount of \$6,245 to Ken's Excavating; seconded by Mrs. Cihon. **ROLL CALL: Yes - ALL**

Direct Energy Agreement: Mr. Mouse said the agreement, as it currently stands, is going to work against city residents, since it's in effect from Nov.'05 to Oct.'06. Mr. Colaianni called Mr. Bellish (DirectEnergy); told the city can renegotiate May '06 for the remainder of the year.

PARKS (Fred Fleming) – No Report

LAW DIRECTOR (Attorney Dale Kincaid) – No Report

FIRST READINGS

Resolution 17-05: A Resolution Authorizing the Purchase of Approximately 23.99 Acres of Vacant Land Known as the Puffenburger Property.

Ordinance 27-05: An Ordinance Establishing the Position of City Vehicle Maintenance Mechanic and Declaring an Emergency. Mr. Mouse made a motion to suspend the rules on Ordinance 27-05; seconded by Mr. Colaianni. **ROLL CALL: Yes - ALL** Mr. Colaianni made a motion to pass Ordinance 27-05; seconded by Mrs. Cihon. **Discussion:** It was noted that the maintenance mechanic's pay would be applied to different departments via his time sheet. Mr. Mouse requested Mr. Ferrebee provide Council with the information he provides the department heads. Mr. Svab will provide Mr. Ferrebee with an Excel spreadsheet to track his work, parts, etc. **ROLL CALL: Yes - ALL**

Ordinance 28-05: An Ordinance Providing for Private Streets in Planned Unit Residential Developments, and Declaring an Emergency. (Public Hearing scheduled 12/6/05)

SECOND READINGS

Ordinance 23-05: An Ordinance Adopting the Stark County Storm Water Management Regulations, and Declaring an Emergency. (Public Hearing scheduled 11/15/05)

Ordinance 24-05: An Ordinance Changing the Standard for the Granting of a Variance Which Relates to Area. (Public Hearing scheduled 11/15/05)

Ordinance 25-05: An Ordinance Clarifying that Conditional Permitted Uses in Zones B-1 and B-2 Apply Only to Rented Apartments Above Businesses. (Public Hearing scheduled 11/15/05)

Ordinance 26-05: An Ordinance Enacting Section 111.04 of the Ordinances of the City of Canal Fulton Relating to the Pay of Members of the Council and the Mayor.

THIRD READINGS – None

CITY OF CANAL FULTON

November 1, 2005

PURCHASE ORDERS & BILLS: (No Purchase Orders were presented.)

Mrs. Zahirsky made a motion that Council has received the check register in the amount of \$245,397.03; seconded by Mrs. Cihon. **Discussion:** Mrs. Downing queried the Quill payment; Mr. Svab said it included a missed August bill he was late paying plus current bills. The Mayor inquired about \$677.90 paid to Palos Sports and was informed it was for Canal Fulton Dog Park supplies. Mr. Mouse questioned \$180 paid to Debbie Kerr. Mr. Svab said she was paid to assist him 9 hours, as "the city is underway with the 2004 audit." **ROLL CALL: Yes – ALL**

NEW BUSINESS - None

OLD BUSINESS

Mr. Colaianni made a motion that Council schedules a Work Session for the remainder of the Fire Department budget at 6:00 PM, November 29, 2005 (Tuesday); seconded by Mrs. Zahirsky. **ROLL CALL: Yes – ALL**

Referencing Ordinance 28-05, Chief Green asked about the size of the private streets, as there is a concern about Fire vehicle/equipment access; he was advised of the information is on Page 1, under Item 2. The Mayor asked Chief Green to review the issues with Mr. Dorman, and Mr. Mouse suggested Mr. Mayberry contact Mr. Dorman regarding Council's issues on same.

Mr. Mouse spoke about the Cleveland Planning Conference he attended, saying it was about regional collaboration, and one of the things municipalities have done jointly is healthcare, which reduced their costs. There was discussion regarding assessment of city compliance.

Mr. Mouse said the Christmas wreaths for the downtown Historic District have been ordered, and the brackets will be sent before the wreaths. Mayor Grogan offered his assistance hanging the wreaths. Storage issues were addressed (the wreaths should not be stacked). Mr. Szanto said he could design permanent containers out of heavy corrugated plastic.

Mr. Mayberry brought up compensation for his position as temporary city manager, saying, "I'd appreciate it if it were dealt with." Executive Session was suggested to address the issue.

OTHER BUSINESS

Mrs. Cihon was informed "at the other end of Longview" seedling trees are growing in the street/curbs; there are garbage bags and high weeds there also. Mr. Mayberry will look into it.

Regarding the Nichter property, Mrs. Cihon said the Cemetery Board would like to make the area behind the "Soccer One Goal" into a memorial park and they are looking for additional land. Mayor Grogan asked Mrs. Cihon to coordinate a meeting with them.

CITIZENS COMMENTS (*Open Discussion, Five-Minute Rule*) - None

REPORT OF COUNCIL PRESIDENT – No Report

REPORT OF STANDING COMMITTEES – No Report

EXECUTIVE SESSION

Mr. Szanto made a motion that Council adjourn the regular portion of the meeting to go into Executive Session to discuss personnel compensation; members of Council and Mayor's attendance was requested, and legislative action may be taken as a result of the Executive Session; seconded by Mr. Colaianni. **ROLL CALL: Yes – ALL**

REGULAR SESSION RECONVENED

Mrs. Cihon made a motion to reconvene the regular session at 9:07 PM, saying during Executive Session no action was taken, and personnel compensation was discussed; seconded by Mr. Colaianni. **ROLL CALL: Yes – ALL**

Mr. Szanto made a motion that they offer Dan Mayberry an additional \$400 per month for the duties he assumed as acting City Manager (temporary position); \$400 per month be retroactive to August 1, the date that he assumed those duties; seconded by Mr. Colaianni. **ROLL CALL: Yes - ALL**

ADJOURNMENT

Mrs. Cihon made a motion to adjourn. Mayor John Grogan adjourned the November 1, 2005 City Council meeting.

Patricia A. Troccoli, Clerk of Council

Mayor John Grogan