

CITY OF CANAL FULTON

November 15, 2005

REGULAR COUNCIL MEETING

Mayor Grogan called the November 15, 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 and Gary Fogle, Fire Department; Dan Mayberry, Interim City Manager/Director Public & Utility Services; Scott Svab, Interim Finance Director; Garnet Thomas and Danny Losch, Board of Zoning Appeals; Chell Rossi, HPC; Joan Porter, The Repository; Amber Kerstetter-Fogel and Tony Crookston, residents

CORRECTING & ADOPTING THE RECORD OF PROCEEDINGS

Mr. Szanto made a motion to approve the October 25, 2005 Council meeting minutes; seconded by Mrs. Zahirsky. **ROLL CALL: Yes - ALL**

Mrs. Cihon made a motion to approve the November 1, 2005 Council meeting minutes; seconded by Mr. Colaianni. **ROLL CALL: Yes - ALL**

CITIZENS' COMMENTS ON AGENDA MATTERS - None

REPORTS OF ADMINISTRATIVE OFFICERS

SENIOR CITIZENS (Nellie Cihon)

Fluorescent lights need fixed; Mr. Mayberry has looked at them and will handle the issue.

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

The Zoning and Fire Departments' doors were painted; leaves were taken care of in front of City Hall. City Hall landscape was re-mulched; 12 birch trees were planted at the dog park.

FIRE CHIEF (Chief Ray Green)

The Red Center contract was discussed. Charges will be \$34.48 per call in 2006; \$35.68 per call in 2007; \$36.93 per call in 2008. Chief Green is waiting on a determination from the LOGIC Board about when they bill us for a call regarding what municipalities get charged for runs. Chiefs Stull and Green's suggestion was the municipality originating the call should be charged for the run. If not, both departments will be getting charged for one run during the day when both departments are dispatched. Mrs. Zahirsky asked if Canal Fulton could increase the cost of our ambulance runs and was told we could to recoup the cost. Mr. Colaianni said the only challenge with doing that is Canal Fulton is on target for around 800 calls this year, and if it decreases next year, and the fee is "bumped" there is no justification for it. Mayor Grogan suggested and it was agreed to strike the verbiage "upon proof of financial hardship if said early termination is approved by LOGIC." Mr. Kincaid said other towns raised the same issue. Mr. Mouse asked that they not do anything, as they are looking at other areas' prices.

Automatic Aid Agreement with Jackson Township was discussed. Chief Green said what it would do for Canal Fulton is provide a ladder truck to be dispatched on structure fires. ISO ratings are a concern (insurance). Chief Green will be discussing w/Chief Heck which streets would be in the agreement. Mr. Colaianni made a motion that Council at the advice of the Law Director accepts the Automatic Response/Fire Protection Agreement with Jackson Township; seconded by Mrs. Downing. **ROLL CALL: Yes - ALL**

Chief Green said they invoiced and have been paid by the Wheeling/Lake Erie Railroad for \$5,796.18 for equipment replacement, supplies, and personnel man hours costs they incurred regarding the train derailment in Perry Township.

Mr. Mouse received a call from Vicky Moore who started "Angels on Tracks" regarding a malfunctioning railroad signal light. Mr. Mouse requested a letter be mailed to the R.J. Corman Railroad Company about the potential of a "nightmare just waiting to happen." Mr. Mayberry said he spoke with Darryl Priddy, who is in charge of maintenance for the company. He said, unfortunately, he did not receive the call at City Hall and that when their corporate office was

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contacted, it was via Sue Mayberry. He said dealing directly with the maintenance office, they would be "much more successful."

Chief Green said they were asked to participate in a study by the Medical Director, Dr. Maken, on the use of new apparatus used for people suffering from emphysema/congestive heart failure called a Constant Positive Airway Pressure (CPAP) machine. Most of the squads under Dr. Maken's direction out of Akron City Hospital – are participating. Mr. Mouse requested data.

Chief Green presented two potential probationary firefighters, Gary Fogel (present) and Daniel Podlegar (unable to be in attendance due to his work schedule). Mayor Grogan said that would bring Canal Fulton up to 18 paramedics, and he recommended the two men be hired, contingent on passing the physical/drug screens. Mr. Colaianni made a motion to accept by Mayor's recommendation Gary Fogel and Daniel Podlegar as probationary firefighters depending on passing the physical and drug screen; seconded by Mrs. Cihon. **ROLL CALL: Yes – All** (Firefighter Fogel was congratulated and welcomed by all.)

POLICE CHIEF (Chief David Frisone)

The Police Dept. completed its first month as part of the D.U.I. Task Force; Chief Frisone submitted the statistics today at the Perry Township meeting. They conducted the operations Oct. 28-31; 28 man hours were invested in the program with 55 traffic stops (20 resulted in traffic citations/34 warnings). Total man hours cost the city: \$854.60; the Chief filed for reimbursement from the State of Ohio today.

Officer Kosco completed a two-day seminar on crime prevention in schools; sponsored by the Ohio Association of Chiefs of Police. She returned with CDs for our officers to watch.

October statistics: 406 calls for service; 83 criminal offenses, 105 traffic offenses, which resulted in a citation or warning; 11 total arrests (including warrants). Mayor Grogan said when the monthly Mayor's meeting was initiated, one of the things discussed was presenting to Council more statistical facts as to calls for service for both PD and FD; they will provide Council the number of calls and nature of calls, so Council is more aware of what's going on.

ENGINEER (Bill Dorman)

Discovery Park Pump Station: Started up; operational.

Pine Manor Senior Housing: Construction of new force main is complete; wet well set last week; pump station is under construction.

Canal Place: City utilities and pavement are installed. Curbs/pavement completed with exception of the service force.

Lakewood Estates/Lake Vista (Smail's Pond): Still waiting on Ohio EPA review.

Discovery Park Phase 4: Construction began on sanitary trunk sewer to serve area last week; continuing through April 2006.

Canal Park Visitor Center: Construction substantially complete; waiting for ODOT final inspection.

River Road Culvert: Project complete.

Muhlhauser Park Tennis Courts: Construction complete.

Planning Commission: No projects currently requiring engineering review are on the agenda.

FINANCE DIRECTOR (Interim Finance Director Scott Svab)

A Key Bank handout was distributed showing comparable rates with municipalities regarding tax-exempt bonds. Mr. Svab will be looking at pricing tomorrow if Ordinance 30-05 passes.

PUBLIC HEARING 8:00: RE: ORDINANCE 23-05, 24-05 AND 25-05

Mayor Grogan opened the public hearing, asking if there were any comments. There were none. The Mayor adjourned the public hearing.

MAYOR JOHN GROGAN

Mayor Grogan recommended Daniel Losch to fill the vacancy on the Board of Zoning Appeals. Mr. Colaianni made a motion that Council accepts the Mayor's appointment of Dan Losch to the Board of Zoning Appeals; seconded by Mrs. Cihon. **ROLL CALL: Yes - ALL**

Mayor Grogan referenced the monthly department meetings, saying they've been productive. He said Nancy Lawson (Utility Dept.) found some discrepancies on the meter sizes, and

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corrected same, which resulted in increased revenue. The Mayor said information gained from the departments would be brought to Council, so they could have more of substantial review of what the city employees do on a monthly basis. For instance, the Fire Dept. is almost 100 calls ahead of last years'. The Mayor is going to invite community leaders/residents to these meetings via an open invitation in the next newsletter.

CITY MANAGER (Interim City Manager Dan Mayberry) – No Report

PARKS (Fred Fleming) – No Report

LAW DIRECTOR (Attorney Dale Kincaid)

Mr. Kincaid asked regarding Resolution 17-05 that the rules be suspended and the ordinance amended to add an emergency clause.

FIRST READINGS

Ordinance 29-05: 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 (Requested by Clerk of Council). Mr. Colaianni made a motion to suspend the rules on Ordinance 29-05; seconded by Mrs. Zahirsky. **ROLL CALL: Yes – ALL** Mrs. Cihon made a motion to pass Ordinance 29-05 under suspension; seconded by Mr. Colaianni. **ROLL CALL: Yes - ALL**

Ordinance 30-05: An Ordinance Providing for the Issuance and Sale of \$750,000 of Notes, in Anticipation of the Issuance of Bonds, to Pay Costs of Acquiring Certain Real Estate and Interests Therein to Expand the City's Municipal Complex, and Declaring an Emergency (Requested by Finance Director). Mr. Mouse made a motion to suspend the rules on Ordinance 30-05; seconded by Mr. Colaianni. **ROLL CALL: Yes – ALL** Mr. Mouse made a motion to pass Ordinance 30-05 under suspension; seconded by Mrs. Cihon. **ROLL CALL: Yes - ALL**

SECOND READINGS

Resolution 17-05: A Resolution Authorizing the Purchase of Approximately 23.99 Acres of Vacant Land Known as the Puffenburger Property (Requested by Council). Per the Law Director's recommendation, Mr. Colaianni made a motion that Council amends Resolution 17-05 to add "and Declaring an Emergency" to the initial clause on the resolution; seconded by Mrs. Zahirsky. **ROLL CALL: Yes – ALL** Mrs. Zahirsky made a motion to suspend the rules on Resolution 17-05 as amended; seconded by Mr. Colaianni. **ROLL CALL: Yes – ALL** Mrs. Cihon made a motion to pass Resolution 17-05 under suspension; seconded by Mr. Colaianni.

Discussion: Mrs. Zahirsky received a call from Jim Singleton who wanted it put in the record he was opposed to the amount the city was paying for the property, although he is not opposed to the purchase. She heard from Scott Fellmeth who said he thought it was the wisest move they've made in years, and he understood the cost the city was paying and why they had to pay the amount. Mr. Kincaid said the buyer gave him his word that the difference was interest or engineering fees. Mr. Mouse stated he felt they really didn't have a choice as for the city would never have another chance to purchase the land, would have preferred to buy it at a lower cost, but the infrastructure cost (had they not purchased the land) would have been two to three times greater than actual cost of the land (i.e., widening Locust St., problems with the lift station in the property, etc.). Mr. Szanto said formerly there was a lot of criticism about the purchase of the Youngblood farm (\$14,000/acre); they sat on it a long time, but in retrospect, "It was a good deal because eventually the school needed it, and when they needed it, they had it; and it couldn't have been purchased at any price today." Mayor Grogan said, "It's quite evident that this decision was well thought out, and this Council - this seated Council - has made a decision that is going to benefit the residents of this community for many, many years to come." **ROLL CALL: Yes - ALL**

Ordinance 28-05: An Ordinance Providing for Private Streets in Planned Unit Residential Developments, and Declaring an Emergency. (Requested by Planning Commission [Public Hearing scheduled 12/6/05]) **Discussion:** Mr. Colaianni wanted to know about after review and approval by the Planning Commission, that shouldn't the Fire Chief approve same. Mr. Kincaid said to amend the ordinance required a three-quarters vote of Council; if amended by five, it goes into effect as amended; if not, it would go back to the Planning Commission. The issue surrounds getting emergency equipment onto the private streets; currently Chief Green isn't being communicated with about same.

THIRD READINGS

Ordinance 23-05: An Ordinance Adopting the Stark County Storm Water Management Regulations, and Declaring an Emergency. (Requested by Planning Commission) Mrs. Zahirsky made a motion to pass Ordinance 23-05; seconded by Mr. Colaianni. **ROLL CALL: Yes - ALL**

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Ordinance 24-05: An Ordinance Changing the Standard for the Granting of a Variance which Relates to Area. (Requested by Planning Commission) Mrs. Cihon made a motion to pass Ordinance 24-05; seconded by Mrs. Zahirsky. **ROLL CALL: Yes - ALL**

Ordinance 25-05: An Ordinance Clarifying that Conditional Permitted Uses in Zones B-1 and B-2 Apply Only to Rented Apartments Above Businesses. (Requested by Planning Commission) Mrs. Zahirsky made a motion to pass Ordinance 24-05; seconded by Mrs. Cihon. **ROLL CALL: Yes - ALL**

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. Mr. Szanto made a motion to pass Ordinance 26-05; seconded by Mrs. Zahirsky.

Mr. Colaianni made a motion to amend Ordinance 26-05, Section 1, Subsection A from \$7,200 per year to \$4,900 per year for the Mayor; strike Section B and make the Council President's salary \$3,600 per year (based on Mr. Mouse's comments); and under Section 1, Subsection C amend \$3,600 to \$2,500 per year. **Discussion:** Mrs. Zahirsky said when she looks at how people have to give up their time, along with time with their family, and looking at surrounding communities and what they are paying Council members, "It's a lot of money." She said this ordinance "this brings us a little bit better light than where we've been for a long, long time, and I think that we're more likely to get viable candidates running for office if they're reasonably paid." Mrs. Cihon said it's been almost 20 years since there has been a raise. Mrs. Garnet Thomas (resident) said, "Our people are grossly underpaid here; they deserve more than this raise. They should have had it a long time ago." She added she didn't think the raise was unreasonable and said, "They are entitled to more." She said she was sure, "If you vote to give yourself this paltry raise that people are going to condemn you for it, but I would condemn you for not regarding yourself, your time, and your efforts worth more than what you're currently making." Mrs. Zahirsky said she was talking to a man who was on a condo association that makes more than council members. Mrs. Downing seconded the motion. **Further Discussion:** Mrs. Zahirsky said if Council goes with the amendment, Council members are still not qualified for PERS credit. Mr. Szanto said he was incorrect initially when he thought it was \$3,600 per year to get the years' credit; it's \$3,000 (\$250 per month is the current threshold). He added he spoke with a reporter who said the State legislature is looking into making the threshold \$450 per month; Mr. Kincaid agreed. Mr. Szanto said, "I think that anyone who works 10 or 12 years in doing what we do should be entitled to at least get some medical coverage at the end of that." Mr. Szanto said his problem with Mr. Colaianni's amendment is 1) it doesn't provide for Council members to reach that threshold; and 2) \$4,900 for the Mayor's position – it's only \$149 per month." Mr. Mouse said he was not working on Council to gain money, even though "we all do a lot of work." **ROLL CALL: Yes – 2 (Mr. Colaianni and Mrs. Downing) No – 4 (Mrs. Cihon, Mr. Mouse, Mr. Szanto and Mrs. Zahirsky)**

(Motion to pass Ordinance 26-05) ROLL CALL: Yes – 3 (Mrs. Cihon, Mr. Szanto, and Mrs. Zahirsky) No – 3 (Mr. Colaianni, Mrs. Downing, and Mr. Mouse); Mayor Grogan - Yes

PURCHASE ORDERS & BILLS:

P.O. 4477 the amount of \$3,640.25 to J.D. Striping & Services Inc. for Striping Roads. Mrs. Cihon made a motion to approve P.O. 4477 in the amount of \$3,640.25 made out to J.D. Striping & Services Inc.; seconded by Mrs. Zahirsky. **ROLL CALL: Yes - ALL**

P.O. 4478 in the amount of \$3,768.96 to Ohio EPA for Ohio EPA License Renewal. Mr. Colaianni made a motion to approve P.O. 4478 in the amount of \$3,768.96 made out to Ohio EPA.; seconded by Mrs. Zahirsky. **ROLL CALL: Yes - ALL**

P.O. 4479 in the amount of \$3,422.10 to The Walter H. Drane Co. for revised 2005 Codified Ordinances. Mrs. Cihon made a motion to approve P.O. 4479 in the amount of \$3,422.10 made out to The Walter H. Drane Co.; seconded by Mr. Colaianni. **ROLL CALL: Yes - ALL**

Mrs. Cihon made a motion that Council accepts the bills in the amount of \$116,209.55; seconded by Mr. Colaianni. When Mr. Colaianni questioned Check 3862, Mr. Svab told him the bill was paid ahead of time, and when the property was sold that was the amount the customer was refunded. Mrs. Zahirsky asked about the laptop purchase, and Mr. Svab told her the laptop was approved by Marge Loretto before she left. Mr. Svab added he was late paying Dell for the original computer because both he and Ms. Troccoli had tried many times to get their representative to return calls (without call backs) regarding the return the computer. The issue was resolved; removed from the Dunn & Bradstreet report. **ROLL CALL: Yes – ALL**

NEW BUSINESS

Mr. Mouse made a motion to authorize Bill Dorman to propose a plat to vacate three alleys adjacent to the Sts. Philips & James property as requested by the Street Superintendent; seconded by Mr. Colaianni. **ROLL CALL: Yes – 5 Abstained – 1 (Mr. Szanto)**

OLD BUSINESS

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Combining the November 29, 2005 meetings: Mr. Szanto made a motion to cancel the scheduled budget meeting originally scheduled November 29, 2005 and that Council re-titles that entire proceeding that evening as a Special Council meeting for the purpose of budgetary discussions and any other business Council deems necessary at 6:00 PM; seconded by Mrs. Cihon. **ROLL CALL: Yes - ALL**

OTHER BUSINESS

Mr. Colaiani congratulated Chief Green on the passing the Fire Levy.

CITIZENS COMMENTS (Open Discussion, Five-Minute Rule)

Mrs. Thomas asked (saying she was representing Canal Fulton's Senior Citizens) that a 4-wheel SUV be purchased for the Police Department, as they need to have a vehicle that can respond with the Fire Department when and if needed. Mrs. Thomas said the citizens have shown their support with the passage of both the Police and Fire levies, and stated she knew of a way to buy the Police an SUV. She said last year Mike McNeely left and the city went nine months "running short one officer, which should give the city \$60,000 to buy a new SUV," and, "That money should go back to the Police Department to get them where they need to be safely." She said the city was promised fulltime officers, we have two part-time officers, and the levy was passed to give the city equipment and additional officers on the street. She asked Bob Szanto, "Well, what is this; almost a year has gone by since the money started coming in. Am I right, Bob?" Mr. Szanto said yes. Mayor Grogan concurred with Mrs. Thomas, saying the safety forces should have some sort of vehicle that can respond in inclement weather. He added he would hope that the message gets out to the community to always feel free and comfortable coming to Council at all times, and anything they have to say will be heard. The Mayor said the position of fulltime officer was replaced via approval by Council to hire four part-time officers, and they felt that would "give more impact for the money."

Mr. Szanto said he wanted to explain the tenth of a percent income tax that was passed by the voters. He said after a lot of discussion "at this table," the late Mayor Shawn Kenney and Council at that time determined they would have \$110,000 additional revenue. He said they made it public again and again that this could not be absolute additional revenues; that at least half of it was going to have to go to the sizeable contract increase when the Police union was first organized. He said it's not like the city has been collecting \$100,000 a year in surplus." Mrs. Thomas stated, "That's the reason I said we'll take Mike McNeely's pay when he wasn't here, and we'll buy the new vehicle."

REPORT OF COUNCIL PRESIDENT

Mr. Mouse showed Council a wreath like all the ones that will be hung in the downtown Historic District. He said Mr. Szanto was designing a storage box for same, so the wreaths could have a 20-plus-year life span. Now, he said the city should be doing something for the "uptown merchants." The wreaths should be up within the week.

REPORT OF STANDING COMMITTEES – No Report

ADJOURNMENT

Mrs. Cihon made a motion to adjourn. Mayor John Grogan adjourned the November 15, 2005 City Council meeting.

Patricia A. Troccoli, Clerk of Council

Mayor John Grogan