

# CITY OF CANAL FULTON

November 28, 2007

## **SPECIAL COUNCIL MEETING**

Mayor John Grogan called the November 28, 2007 Special City Council meeting to order at 7:00 PM in Council Chambers at City Hall.

## **PLEDGE OF ALLEGIANCE**

### **ROLL CALL**

Present: Diane Downing, James Deans, Victor Colaianni, Anthony Crookston and Nellie Cihon.

Lawrence Township Trustees: Richard Hardgrove, Richard Harbaugh and Mike Stevens.

Others Present: Roy Batista, Interim Law Director; Daniel Mayberry, Service Director; Matthew Moellendick and Danny Losch, Councilmen Elect; Paul Bagocius, Resident; Laura Meade, Signal, Michael Freeze, Independent and Joan Porter, Repository.

## **OLD/NEW/OTHER BUSINESS**

### **JEDD**

Mr. Cozy distributed and reviewed a spreadsheet with JEDD numbers with the Passage of Issue 52. He stated it is a combination of months of discussion that they have had with Council members.

Mr. Cozy recommended to Council to do a 70%-30% split on the available money with the revision that the Township uses their portion to work with the City to expand to a 24-hour staffing at the fire station, as well as have the school continue to pay the outside water rate until the bond is paid in full.

Mr. Harbaugh asked what the City is going to do to justify the 70%. He also asked if the City is going to take on some of the responsibility that the Township is currently doing. The Township currently plows and salts Erie Street and the driveways to the schools

Mr. Cozy stated this is an effort on the part of the City to share dollars with the Township. Mr. Cozy stated they would be willing to negotiate and they could possibly do an agreement similar to what they do with Fire/EMS.

Mr. Harbaugh stated in the past they had indicated they wanted 40%.

Mr. Hardgrove stated this is the first time he has seen any percentages after the deductions of the costs that City has. He stated he thought the school agreed to pay for the waterline.

Mrs. Zahirsky stated the school agreed to pay for the waterline until the City annexed them and then once they were annexed, they would no longer have to pay it. She stated this is why it has been a bone of contention for the City to be able to give anyone 20-40% off the total amount because the residents would be harmed by this. They would incur the cost of the \$60,000 per year. She stated the split has to be after

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the expenses. She liked the idea of them allocating their portion to the fire/EMS services.

Mr. Cozy stated the number relating to the fire station is based upon joint staffing and the \$29,484 includes raises.

Mr. Hardgrove asked why it isn't a 50/50 split after the expenses and why the City feels they are entitled to more.

Mrs. Zahirsky stated it is due to the City provides water to the schools and police protection.

Mr. Colaianni stated for them doing an agreement with the City, they would be getting \$22,000. He stated the City is incurring \$60,000 worth of water. He stated if the waterline breaks, it is the City that repairs the line. Mr. Colaianni stated the water issue began back in 2001 when the schools wanted to build the new schools and they didn't have enough water pressure for their sprinkler system with their wells.

Mr. Colaianni stated the City is incurring more debt and eventually more expense than the Township.

Mr. Cozy stated we incurred more debt than that to get the waterline to the schools. He stated we increased our capacity in order to expand our water system. The capacity could have been for more capacity of economic development in the City. It was used for capacity to the schools and the only thing we currently receive from them is the payment for the water.

Mr. Hardgrove stated it all comes down to the split the City is offering. Mr. Hardgrove stated to set aside the threat of annexation. He stated the City is saying either we are going to take it all or you are going to get nothing. He stated they want to see the whole area progress. All the trustees have been in office for a long time and this says a lot for them. The Township is not in debt. He feels the City looks at them as second class citizens and doesn't understand it. He stated he doesn't understand the split. He feels it should be an even split after the expenses.

Mr. Colaianni and Mrs. Zahirsky asked what basis he is using to come up with the even split.

Mr. Hardgrove stated they provide 100% of the police protection and the road work.

Mr. Crookston stated then if they annexed it they would save a lot of money because the City would take that burden away.

Mr. Hardgrove stated he is not throwing the annexation out there. He stated he is throwing out costs now. He is just saying what services they provide.

There was discussion about the differences between the City and the Township.

Mr. Colaianni stated they have had 13 meetings with the Trustees since he took office and they are no further along than they were then and he doesn't feel this is the City's fault.

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Mr. Hardgrove stated there have been five meetings this year. He stated the Mayor missed two of them and the City has only had one other meeting that the City had a quorum. The Trustees attended all of the meetings and he is saying the Trustees are dragging their feet. He wanted to know how Mr. Colaianni could come up with that. He stated he has seen articles in the paper in regards to that and that he even left a meeting early. Mr. Hardgrove stated these things haven't been there when they go to talk about it.

Mr. Colaianni stated if they wanted to talk about responsible government, they started talking about the JEDD in 2002 and they are five years later and they are no further ahead. He stated the billing agreement took a year and a half to get completed and it wasn't the City. He stated the bottom line is they are here to talk about a JEDD. He stated from the City's side to be responsible and he feels a majority of this Council agrees three years from now they can't be talking anymore, they need to take action. He stated he felt if a benchmark isn't set, then it is off the table. He stated three entities benefit from the JEDD, the Township, the City and the schools. He stated they have an opportunity to save the schools some money and gain revenue on both sides.

Mayor Grogan stated they needed to move forward and to find a way to work around this. He stated they are not asking for a decision they are just making a proposal.

Mr. Hardgrove asked if they had anything to work on.

Mayor Grogan stated there is always something to work on, such as communication, there is always something to talk about.

Mr. Hardgrove stated what he hears is that it is either this or else.

Mr. Deans stated he didn't feel he was seeing the picture with the either or. He stated we incur more cost and we are willing to give the township plowing, medical and that it makes up the difference.

Mr. Colaianni stated Mr. Levongood indicated the school resource officer is only paid 30% by the Township.

Mr. Crookston asked when the officers are working the sporting events, doesn't the school pay for this.

Mr. Hardgrove stated yes.

Mr. Stevens stated how he understands it, right now on the board is a \$14,800 gain for the Township at the 80-20 split and \$22,200 at the 70-30 split.

Mr. Colaianni stated the \$13,000 would go toward the bond if the school agreed to continue to pay the outside rate for water until the waterline was paid off.

Mr. Stevens asked if they could have a clause added that in 2025 when the waterline is paid off, those monies would be split between the Township and the City. It was stated something could be worked out.

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Mrs. Zahirsky stated if one would look across the State of Ohio, the usual split is no more than 70-30 and wanted to know why they felt they deserve so much more than the Townships in Ohio.

Mr. Hardgrove asked why the City think they should have more.

Mr. Colaianni stated it goes back to how each entity is funded. He stated when they have an increase, the Township goes for replacement levies and the Cities go for income tax levies and this is why it is more.

Mr. Cozy noted how the school could save money if they were annexed into the City, they would save \$73,000 from the waterline debt. They would be able to deduct a 1/2 or 1 mill off their levy.

Mrs. Zahirsky stated when Shawn Kenney was Mayor he did the math and she thought there was only 13% of the teachers at the school are a Lawrence Township resident. She stated at that point and time, this is why he made the split 13%-87%.

Mr. Hardgrove stated his general quote is, the people from Lawrence Township that work at the school, their income tax would come to Lawrence Township, Canal Fulton residents would go to Canal Fulton and on the remainder, the expenses should be deducted and that amount be negotiable.

Mr. Hardgrove stated he would give their residents a five year moratorium on the income tax.

Several people stated they couldn't do that.

Mrs. Downing stated she pays taxes where she works plus the 50% here. She sees as a resident that this helps our City and you tolerate it. She stated she can't imagine someone not paying taxes and asked if that is what Mr. Hardgrove is alluding to?

Mr. Hardgrove stated all their taxes come from levies and then when you have people paying income tax, then you have problems with those people voting against levies and now their levies become defeated.

Mr. Harbaugh asked about 40%.

Mr. Colaianni asked if they were open to 24-hour staffing.

Mr. Harbaugh stated they haven't spoken to their clerk about the costs yet.

Mr. Mouse stated he keeps hearing the schools mentioned and he feels they are missing a point because the schools are the taxpayers. He stated Canal Fulton just passed an issue. He stated the taxpayers are going to have to pay for this. This is going to make school negotiations contentious and put more pressure on school negotiations. He stated he has never heard of a school district being used as a JEDD and that it isn't a private entity, it is a school district.

Mayor Grogan stated the school has agreed to annex, the agreement is there, they didn't say anything about a JEDD. The school indicated once we got there, they would annex into the City.

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Mayor Grogan stated we are here with the Trustees to try to work in mutual cooperation with this issue. He personally doesn't feel they should do a JEDD, he does not agree with it. He thinks we should just annex and move on. He stated people want to come into the City, we haven't asked for annexation; they have come to the City to get water. The Mayor stated we don't petition or knock on doors, they come to the City. He stated a Township was designed so when a municipality grows within it, it goes and begins to annex the properties. Townships aren't designed to be indefinite entities. They never were, that is the history of what a township is, land held in trust. He stated the people wanted to come into the City. He stated they went to the Trustees on that issue to see if they wanted to enter into a JEDD issue on that and it got stalled for two years.

Mr. Hargrove stated the City couldn't come up with how much water they could support. He stated it wasn't a JEDD it was a CEDA.

Mayor Grogan stated the school board is in agreement with an annexation.

Mr. Hardgrove stated he has talked to some of the staff that is Lawrence Township residents and they are against the income tax.

Mayor Grogan he didn't think anyone thought they would have this ironed out tonight. He stated this is a starting point of more meetings to which they can look at option and their reasons behind it and move forward. He feel progressively if they can just continue to move forward with one thought, one opinion, one believe, they can eventually come together on something, but if not, Council is going to have to make a decision. He hopes it doesn't go to a tie vote, because he won't vote for the JEDD. He doesn't think it is a good idea to do with the schools. He stated JEDD's and CEDA's are good for large complexes with multiples businesses and infrastructure in place, but with a single entity like the schools, he doesn't feel it is viable for the City. He stated our safety services are already involved in the schools and our street department does a fantastic job and would be able to handle this. He stated we are gearing up towards this.

Mr. Mouse asked Mayor Grogan if he was aware that the teachers are under a wage freeze currently.

Mayor Grogan stated yes. He said it is a hard time for a lot of school districts where levies are passing.

Mr. Cozy asked the median income of a teacher currently and the median income of the citizen of the City and Lawrence Township.

Mayor Grogan stated the teachers are averaging at \$65,000 and the median income is \$42,000. He stated the majority of the teachers are topped out. He stated the bottom end is a little over the \$36,000 mark. He stated their administrative structure is in the high \$80's and \$90's.

Mayor Grogan stated he has comparative numbers from around the county. He has a complete file folder of every school in the county and they are in the top level of pay. The Mayor stated these are issues that they have to resolve and it is not an issue for this Council.

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Mr. Mouse stated didn't the schools just purchase a \$1M piece of property and took it right off the tax rolls.

Mayor Grogan stated they asked for \$1.3M to buy a \$1.1M piece of land that the City could have used to generate another business within the community. He stated this harms us because it is tied up, instead of using it for a dealership, now it is a bus garage. He stated who is going to pay for the light, the infrastructure to get the buses in and out of there, the police to get them in and out of there during high traffic volume days.

Mr. Mouse asked if they talked to the City about it.

Mayor Grogan stated no.

Mr. Stevens stated then they will need to bring the schools if they agree to do a JEDD.

Mr. Stevens asked the Mayor if he was in favor of a JEDD. Mayor Grogan stated no.

Mr. Cozy stated Mr. Stevens has a legitimate concern about schools and the JEDD. He stated the O.R.C. pertains to zoning and that we may have to rezone the school land to commercial zoning to do a JEDD because you can't have a JEDD in Stark County in a residentially zoned area.

Mayor Grogan stated they will hold off on any further discussion of the JEDD until the Trustees have had time to look at the numbers and to talk.

### **Increase of Pay for Paramedics/Em's**

There was discussion among the members about a 3% increase for the day program paramedics/EMT's.

Mr. Stevens stated he thought when their Clerk-Treasurer did the budget she included the 3%.

Mr. Hardgrove stated he wasn't sure the 3% was inclusive of the day time staffing because it is a whole separate contract.

Mr. Colaianni stated Chief Green indicated that he had spoken with the Trustees about that particular contract, the day program being a 3% increase. They have been working on the same wage for three years.

Mr. Hardgrove and Mr. Stevens stated they don't recall the Chief mentioning this to them. Mr. Stevens stated he recalls the conversation with their Clerk-Treasurer about 3% raises. Mr. Stevens stated they haven't talked to the Chief about this.

Mr. Hardgrove stated he doesn't have a problem with the 3% but the Chief hasn't mentioned it to them. He indicated they have a meeting on Monday.

Mr. Colaianni stated it was included in the Chief's budget request.

### **Joint Purchase of a Fire Truck**

Mrs. Zahirsky stated the Chief presented to them as part of his appropriations, an idea the current the fire trucks and ambulances are

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going to last and when do we need to start setting aside funds for replacement? She stated the next one he would like to see purchased is in 2010. He would like them to consider a pumper which has a short ladder. Mrs. Zahirsky stated they can't afford it. She stated the Chief indicated he was going to approach the Trustees about it. They need a new truck in 2009. He wanted them to consider buying a pumper truck. She stated they would like to plant the seed of thought for between the municipalities to do a joint purchase.

Mr. Colaianni stated there are interlocal agreements where two entities purchase equipment and share it.

Mrs. Zahirsky stated they know at this time they simply cannot buy the ladder truck.

Mr. Hardgrove stated he doesn't have a problem with duplicating equipment. He stated they have talked about this countywide. He said as far as buying a piece together, he felt they would run into some problems. He stated they deal with North Lawrence and whenever they have done anything, North Lawrence wants to be a part of it.

Mr. Colaianni stated they have a four year contract with them for their board to negotiate. Mr. Colaianni stated it is for their board to negotiate into an interlocal agreement if it is entered into and they really have no say so in it because they are paying them out of fire money, which is the same thing, they would be paying for an equipment purchase.

Mayor Grogan asked the Trustees if they felt North Lawrence would be in agreement to do a three way agreement on a vehicle.

It was indicated no.

Mr. Hardgrove stated Jackson has the equipment.

Mrs. Zahirsky stated it isn't for a couple years but she wanted to bring it to everyone's attention now.

Mr. Stevens stated it is certainly something to look at.

Mr. Colaianni stated they are willing to have an agreement to share purchases to save both municipalities money. It is a savings to everyone.

Mrs. Zahirsky stated they don't need a joint district to purchase equipment.

Mr. Hardgrove stated they may have a problem on their end if they do something like this.

Mayor Grogan stated he can see in the future them utilizing the purchasing power of two communities to offset costs for equipment/gear or items that are going to continually wear down because he feels they can purchase cheaper if they get more.

Mr. Colaianni stated if they pull resources he feels it gives them more bargaining power for getting grants.

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Mrs. Zahirsky reminded all of Council about the meeting on Saturday, December 1, 2007 at 8:00 AM.

Mayor Grogan moved to adjourn the November 28, 2007 Special Council meeting.

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Tammy Marthey, Clerk of Council

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John Grogan, Mayor