

CITY OF CANAL FULTON

December 19, 2006

COUNCIL MEETING

Mayor Grogan called the December 19, 2006 City Council meeting to order at 7:00 PM in Council Chambers at City Hall.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: John Grogan, Mayor, Victor Colaianni, Diane Downing, James Deans, Tony Crookston, Nellie Cihon, Linda Zahirsky.

Others Present: Dale Kincaid, Law Director; Mark Cozy, City Manager; William Dorman, City Engineer; Tammy Marthey, Clerk of Council, Scott Svab, Finance Director; David Frisone, Police Chief; Ray Green, Fire Chief; Tom Reynolds, Intern; Donald Baker, Canoe Livery Owner; Dennis Downing, DiscoverCanalFulton.com; Kathy McConnell, Canalway Center; John Gross, Fire Department; Mike Crable, Fire Department; Chell Rossi, Mike Vranich, Paul Bagocius, Fred Etheridge, Bob Stopar, Mike Mouse and Don Schwendiman, Residents; Joan Porter, Repository; and Chris Pugh, Independent.

EXECUTIVE SESSION

Mayor Grogan stated there has been a request to have an executive session. Mrs. Zahirsky moved to adjourn to Executive Session at 7:01 PM from the regular session for the consideration of the purchase of real, personal, tangible or intangible property and a conference with the law director or other retained counsel concerning pending or imminent court action with the City Manager, Attorney Eric Williams, Law Director Dale Kincaid, Mayor and Council present, seconded by Mrs. Cihon. There is no anticipated action to be taken at the present. ROLL: Yes, ALL.

Mrs. Zahirsky moved to return to public session at 7:18 PM, after the discussion of imminent court action and the purchase of real, personal property, with no action to be taken, seconded by Mr. Colaianni. ROLL: Yes, ALL.

CORRECTING/ADOPTING THE RECORD OF PROCEEDINGS

Mrs. Zahirsky moved for passage of the December 5, 2006 meeting minutes, seconded by Mrs. Cihon. ROLL: Yes, Mr. Colaianni, Mrs. Downing, Mr. Deans and Mrs. Zahirsky. Abstain: Mrs. Cihon and Mr. Crookston.

REPORTS OF STANDING COMMITTEES - None

CITIZENS' COMMENTS – AGENDA MATTERS

Paul Bagocius, 451 E. Cherry Street: Mr. Bagocius expressed his feelings on Ordinance 40-06 relating to the increase in water rates. He understands the need for an increase but has concerns because there isn't a master plan in place. He stated he spoke with Mr. Svab and the conversation was in generality, things such as upcoming maintenance, salaries issues and so forth, as opposed to a five year plan. He commented on the use of the consumer price index for the future increases. If it had been put in place in 2000 to current, there would have been a 13% increase. He stated over a 7 year period there hasn't been any

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increase in water rates and now we are only asking for a 5% increase and doesn't feel it computes. Mrs. Zahirsky stated they didn't want to hit the residents with a 25% increase that was originally recommended. Mrs. Zahirsky stated the prior Finance Director kept saying they needed a 25% increase immediately and this Council didn't feel it was fair to hit the residents with this increase. This discussion was two years ago. The Ordinance calls for the rates starting in the year 2008 be increased yearly based upon the consumer price index. He would like the ordinance to read to do this increase based upon the CPI for three years and then reassess the needs, as well as to tie the CPI increase into a master plan so people know where the money is being spent. Mr. Colaianni stated the challenge they have is an increase in population, which is stress on the infrastructure, and other municipalities have come to the city wanting us to sell them water and how do we justify that we don't want to sell them water when it could be a revenue stream or having things in place that allows us the opportunity to do this. He stated tying the rates to a CPI allows us to potentially have the opportunity. He stated this Ordinance, if passed, is not set in stone. They can be amended in the future. He said his favoring of the CPI is because past Council members decided for one reason or another to not increase rates but there has been sometimes 35-65% increase of materials, labor and infrastructure improvements.

He stated if the Ordinance needed to be reviewed in a year, it could be reviewed. Mr. Bagocius felt they wouldn't be reviewed unless there is a sunset limit. Mr. Colaianni stated any Ordinance can be reviewed. Mr. Bagocius stated he understands the practicality of it, but felt it wouldn't be reviewed. Mr. Colaianni stated that was Mr. Bagocius' opinion but he would disagree with it because there is currently a lot of things that haven't been reviewed in the past twenty years. Mr. Bagocius asked if the sewer CPI was reviewed. Mr. Colaianni and Mrs. Zahirsky stated yes. She stated every year the department heads come to them for capital projects. She stated there is a five year capital plan. She is unsure how up to date it is, she hasn't looked at it this year, but there is a capital plan. She stated part of it is for pipes that are extremely in need of replacement but they never have the funds to do it. They are trying to set up the funds to be able to do it. They are trying to be able to set up to make sure they have adequate wells in the water field. Mr. Bagocius stated he is not disputing any of this, he is not saying to do without. He is suggesting to project for five years in advance. He stated if they are going to pass a CPI to have a limit on it so that it is automatically reviewed over a certain period of time as opposed to just passing it.

Mrs. Zahirsky asked Mr. Svab to let everyone know what was spent for water in 2002 and what we are spending now. Mr. Svab stated for 2002 it was \$381,607 and 2005 actual was \$462,442. Mr. Svab stated this is going to be short-term operating cost that the 5% is going to address.

Mike Mouse, 406 Riverview Street: Mr. Mouse referred to Ordinance 40-06, and referred back to a question he had asked Mr. Mayberry before, "if taking water to the school would cause the City to need capacity increases sooner than normal and how would it affect rates?" He stated Mr. Mayberry had indicated no to both situations. Mr. Mouse stated last year there was an issue about the water and they were told how cheap the water was in Canal Fulton. He stated there were four cities rates cited. He surveyed 8 cities and Canal Fulton's water rates are in the top 3. He stated having an COLA on a utility. He feels if they need to think about this very closely because if there was COLA on your gas bill, electric, he feels most of the residents in this state would go bananas because they would not tolerate an automatic pass through of any rate without it going for a hearing.

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He read an article from the Akron Beacon Journal regarding Ravenna's water rates and PUCO having a public hearing to have customers a chance to comment on the water rate increase. He stated Council needs to be cautious and make sure the rate increase is justified. He stated he hasn't sat and looked at the numbers. He wanted to table this ordinance and come back to revisit it, particularly with COLA.

Fred Etheridge, 726 Tell Drive: He wanted to give his opposition to Ordinance 39-06, which would allow the use of intoxicating beverages in the parks. He doesn't feel we want the dubious distinction of being the only government with public parks that allow alcoholic beverages to be served. He doesn't feel a caring community would allow alcoholic beverages to be served in the presence of children. He would like this ordinance to be denied.

Mike Vranich, 489 Trelake: He is also opposed to Ordinance 39-06. He feels our parks are for families and it should be kept that way.

REPORTS OF ADMINISTRATIVE OFFICERS

SENIOR CITIZENS (Nellie Cihon) – Mrs. Cihon reported that the Senior Center is closed for the holiday season and will reopen January 2, 2007.

COMMUNITY SERVICE (Phil Kaster) – Not Present

FIRE CHIEF (Chief Ray Green) Chief Green reported that they did not receive the new ambulance yet as he had reported at last meeting. There are some mechanical problems and the dealership is resolving these problems. It is a problem with Ford Motor.

Mr. James Coughlin, Jr. and Erin Cappo recently became state certified paramedics. They completed the paramedic program at Summa Hospital.

The Chief reported that there was a meeting with the RED Center regarding the double billing for runs. There was a past practice of issuing two runs numbers because both departments are dispatched on calls between the hours of 6:00 PM to midnight. Effective the first of the year, they will only issue one run number and both agencies would utilize the same number.

Chief Green stated they received a donation from Mrs. Downing for the purchase of heart monitor. Thank you, Mrs. Downing.

POLICE CHIEF (Chief David Frisone) Chief Frisone reported on December 12th they were awarded a D.A.R.E. grant from the State of Ohio in the amount \$1,319 for the school year 2006-07.

ENGINEER (Bill Dorman)

Canal Place: A second final inspection was performed and there are some punchlist items remaining including some that are being disputed by the owner (Goodwill drive apron).

Fulton Landings: Site plan has been approved by Planning Commission. Detailed improvement plans have been reviewed and approved. Construction is expected to begin in late winter or early spring.

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Discovery Park, Phase 5: Improvement plans have been approved. Agreement has been prepared and awaiting signing. Phase 1 sanitary sewer and waterline installation is complete.

Denshire Storm Sewers: Work is complete on the originally identified areas with the exception of the work on Meadowview and restoration (sidewalks and seeding) which is in progress. Other areas have been identified as a result of the current work and the City is in the process of televising other areas of storm sewer to determine if there are other portions that have failed or been damaged by the installation of the gas lines within the development.

CTI and the City are investigating how to prevent this from happening in the future. It now appears that the major cause of the storm sewer failure was not the original developer/contractor, instead the two subcontractors who installed gaslines for Dominion.

FINANCE DIRECTOR (Scott Svab) Mr. Svab stated there is a supplemental budget transfers which needs included with the 2006 fund transfer-Ordinance 43-06. This was due to the fire department bonds issues.

Mr. Svab indicated there is a 7.5% decrease in the healthcare premiums. He is also working with John Reynolds, our broker for healthcare, and there is a chance that there will be a change in the prescription plan that is available, which wouldn't effect the Teamster's or FOP contracts. If we enter into it there would be a reduction to the city potentially of \$12,000, but there would be more administrative costs due to the co-pay structure would be higher than current. The employees using the plan would need to be reimbursed and this could be possibly handled by our existing part-time person in income tax department. The maximum we could save would be \$12,000, but even it were to go to the extreme, he feels we would still be able to save \$6,000.

Mr. Svab addressed the comments from Mr. Bagocius about his concerns about the increase in water rates based on the CPI. He understands where he is coming from where he feels a CPI rate increase would encourage the city to overspend. Mr. Svab stated council has always tried to hold the line on costs. They have not looked at an increase since 1999. Mr. Svab stated in response to Mr. Mouse wanting to look at other communities water rates, that one needs to understand that this is our enterprise system, our water and sewer system, and the city has to run it as efficiently as it can be. They need to look at what it cost our consumers to make a safe and efficient system. These are the costs that need to be bore out. No one is taking away or spending frivolously on the system. The taxpayer may complain about a 5% increase, but would complain a lot more if the water is not available, unhealthy or other factors. We have aging infrastructure and this needs to be addressed.

Mrs. Zahirsy made a motion that council received the November financials via email, seconded by Mr. Colaianni. **ROLL: Yes, ALL.**

CITY MANAGER (Mark Cozy): Mr. Cozy stated a plan needs implemented on the infrastructure for the water/sewer operations and to be able to have monies available when the lifespan of the infrastructure has been met. Currently we are in an emergency situation and don't have funds to replace anything. He stated they would like to do the initial 5% increase. They are going to have a spreadsheet prepared for public scrutiny to show all of the infrastructure and show what replacement would cost. Mr. Svab has already prepared some of this.

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Mr. Cozy reported that the building department has indicated an elevator needs installed in the proposed fire station to meet ADA requirements. The city is challenging this and it is being taken to the state board for review. This issue needs resolved before the project can be bid.

Mr. Cozy stated there was an article in the Independent about a letter that was sent to Lawrence Township Trustees. He indicated this issue was one that he discussed with Mr. Hardgrove. It was something Shawn Kenney had proposed to the Trustees in 2003, reciprocity. There was an issue the township did not want their citizens billed or charged because they pay a levy, whereas on the city side, this is how we fund our department by transport fees. In 2003, Mr. Kenney asked the township if they would, in instances when they transported our citizens, bill our residents and the insurance money going to the City and in turn, the city would transport township residents at no charge. At that time, the township felt they couldn't do that and the issue was not resolved. He stated the letter he sent two weeks ago was in an attempt to solve the past issue and asked if they couldn't bill us, then allow us to bill the township. Mr. Cozy feels someone needs to be paid for the service provided and that we cannot continue to offer free service to the township. The township is going to seek an opinion from the prosecutor's office.

Mayor Grogan commented that Lawrence Township residents passed a fire levy with full knowledge that they are receiving Canal Fulton one week and Lawrence Township one week. When we provide the service, the township doesn't want to reimburse for the service even though they are getting paid.

MAYOR (John Grogan) - None

PARKS & RECREATION BOARD (Fred Fleming)- Not Present

LAW DIRECTOR (Dale Kincaid) Law Director Kincaid reported that in the council packet there is a memo regarding the contract with the City of Massillon for prosecutorial services which ends on January 31st. He would like to see this approved at the first meeting in January, as the only other alternative would be for the city to hire their own prosecutor.

THIRD READINGS

Ordinance 37-06: An Ordinance Enacting Section 143.02 of the Administrative Code of the City of Canal Fulton Regarding Charges for Ambulance Services.

Mr. Cihon moved to amend Ordinance 40-06, seconded by Mrs. Zahirsky.

ROLL: Yes, ALL. Mr. Colaianni moved to make the following amendments to Ordinance 40-06: Basic Life Support from \$300 to \$450, Advanced Life Support from \$450 to \$650, Advanced Life Support 2 from \$450 to \$675, Specialty Care Transport from N/A to \$700, Mileage from \$6 to \$8, add Extra Attendant \$125. DELETE: Non-emergency transportation for one (1) patient shall be \$250 for transportation to a facility within eight (8) miles of the City limits. For transportation to facilities exceeding eight (8) miles, there will be an additional charge of \$6 per mile (one way) beginning with the ninth mile. ADD: Fire Service Fees shall be as follows: HAZ MAT Clean Up \$750 minimum charge, HAS MAT Clean up Per Man Hour \$35/hour. False Alarm Fees: Owners of alarm systems (commercial or residential) shall pay a fee for false alarms as follows: Second false alarm in one calendar month \$50; Third or more false alarm in one calendar month \$75. Above fees apply to all calls that are responded to by the City of Canal Fulton Fire and EMS Department. LEAVE IN: Residents of Lawrence Township shall not be billed. DELETE: Billing shall be

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directly to the Township for Township residents, seconded by Mrs. Cihon.
ROLL: Yes, ALL.

Mr. Crookston moved for passage of Ordinance 37-06 as amended, seconded by Mr. Colaianni. **ROLL: Yes, ALL.**

Ordinance 39-06: An Ordinance to Amend Section 961.08(a) Which Now Prohibits Using Intoxicating Beverages in the Parks.

Mr. Crookston moved for passage of Ordinance 39-06, seconded by Mr. Colaianni.

Mrs. Zahirsky and Mrs. Cihon expressed their opposition to passage of this Ordinance.

Mr. Crookston moved to amend the ordinance to include in Section 1, second paragraph: Provided, however, that an organization intending to benefit the city as a whole, seconded by Mrs. Downing. **ROLL: Yes, Mr. Colaianni, Mr. Deans, Mrs. Downing, and Mr. Crookston. No, Mrs. Cihon and Mrs. Zahirsky.**

Ordinance 40-06: An Ordinance Increasing the Water Distribution Rates.

Mrs. Cihon moved for passage of Ordinance 40-06, seconded by Mrs. Zahirsky.
ROLL: Yes, ALL.

Mr. Colaianni wants Mr. Cozy to review the water/sewer rates on an annual basis. Mr. Cozy stated the Public Services Committee does.

Resolution 41-06: A Resolution Donating 3.269 Acres of the Nichter Park Property to the Canal Fulton Cemetery Association. Mr. Colaianni moved for passage of Resolution 41-06, seconded by Mr. Deans. **ROLL: Yes, ALL.**

SECOND READINGS

Ordinance 41-06: An Ordinance Amending Ordinance 05-06 passed March 21, 2006 by Providing for an Additional Week of Vacation for the Chief of Police in Lieu of the One Percent Increase in Salary Which was to Take Place on September 1, 2006, and Declaring an Emergency.

Mrs. Zahirsky moved to suspend the rules of Ordinance 41-06, seconded by Mrs. Cihon. **ROLL: Yes, ALL.** Mrs. Zahirsky moved for passage of Ordinance 41-06 under suspension, seconded by Mr. Colaianni. **ROLL: Yes, ALL.**

Ordinance 42-06: An Ordinance Establishing the Position of Canalway Programs Director and Establishing an Annual Wage.

Stands as Second Reading

Ordinance 43-06: An Ordinance Amending Ordinance 34-05, and Providing for the Transfer of Funds Within Various Accounts for the Purpose of Paying Various City Obligations, and Declaring an Emergency.

Mrs. Zahirsky moved to suspend the rules of Ordinance 43-06, seconded by Mrs. Cihon. **ROLL: Yes, ALL.** Mrs. Cihon moved for passage of Ordinance 43-06 under suspension, seconded by Mr. Crookston. **ROLL: Yes, ALL.**

Ordinance 44-06: An Ordinance Increasing the Number of Operator A Under Street Department from One to Two.

Stands as Second Reading

Ordinance 45-06: An Ordinance to Make Temporary Appropriations for the Current Expenses and Other Expenditures of the City of Canal Fulton, County of

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Stark, Ohio, During the Period January 1, 2007 Through March 31, 2007, and Declaring an Emergency.

Mr. Colaianni moved to suspend the rules of Ordinance 45-06, seconded by Mrs. Zahirsky. **ROLL: Yes, ALL.** Mrs. Zahirsky moved for passage of Ordinance 45-06 under suspension, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

FIRST READINGS

Resolution 42-06: A Resolution Authorizing the Third Amendment to and Assignment of Ohio Enterprise Zone Agreement, and Declaring an Emergency.

Mrs. Zahirsky moved to suspend the rules of Resolution 42-06, seconded by Mrs. Cihon. **ROLL: Yes, Mr. Colaianni, Mrs. Downing, Mr. Crookston, Mrs. Cihon and Mrs. Zahirsky. Abstain: Mr. Deans.** Mrs. Zahirsky moved for passage of Resolution 42-06 under suspension, seconded by Mrs. Cihon. **ROLL: Mr. Colaianni, Mrs. Downing, Mr. Crookston, Mrs. Cihon and Mrs. Zahirsky. Abstain: Mr. Deans.**

Resolution 39-06: A Resolution Approving the Khelp Annexation.

Stands as First Reading

Resolution 40-06: A Resolution Approving the Craven-Duncan Annexation.

Stands as First Reading

PURCHASE ORDERS & BILLS

BILLS: \$36,304.26 Mrs. Cihon moved to approve the bills in the amount of \$36,304.26, seconded by Mr. Deans. **ROLL: Yes, ALL.**

Mrs. Downing asked about the bills for Accurate Office and Quill. Mr. Svab stated they were for calendars, planners, a time clock for the Canalway Center and end of year supplies. It has been a mixture of all departments.

Mr. Colaianni moved to approve **P.O. 4769** to Cargill, Inc. in the amount of \$5,164.50 for 150 tons of road salt, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

Mrs. Cihon moved to approve **P.O. 4776** to Huntington National Bank in the amount of \$115,502.41 for the principal and interest for the fire station construction, seconded by Mr. Crookston. **ROLL: Yes, ALL.**

Mr. Colaianni moved to approve **P.O. 4777** to Squire, Sanders & Dempsey, LLP in the amount of \$3,550.00 for bond counsel for park notes, seconded by Mr. Deans. **ROLL: Yes, ALL.**

Mrs. Cihon moved to approve **P.O. 4782** to Ohio Public Works Commission in the amount of \$8,291.22 for the Milan Street water line payment, seconded by Mr. Colaianni. **ROLL: Yes, ALL.**

OLD/NEW/OTHER BUSINESS

Mr. Colaianni stated the issue of the school levies versus increases, and he would be happy to share with anyone a proposal from State Senator Kirk Schuring and Senator Fingerhut that they have submitted to the state legislature to fix the school funding problem. He stated Senator Schuring is getting bucked in the state legislature and if he continues to get bucked, he is going to go out and get signatures to put this on the ballot.

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REPORT OF PRESIDENT PRO TEMPORE (Linda Zahirsky) Mrs. Zahirsky stated she hopes everyone has a very safe Christmas and New Year.

REPORT OF SPECIAL COMMITTEES - None

CITIZENS COMMENTS-Open Discussion (Five-Minute Rule)

Mike Mouse, 451 Riverview: Mr. Mouse commented on the purchase of gasoline for the City. He commented on the bill to Starfire and wonders why they are not buying from the Bellstores. He stated in regards to the state school funding, he wrote to Senator Schuring, "to wit that Mr. Schuring addressing school funding without addressing Charter school issue is like sticking in a bucket with a large hole in and trying to stop it, it won't work". You have to address the Charter school issue and address school funding at the same time. He encouraged him to get the issue on the ballot.

Mr. Mouse expressed that he had asked Mr. Cozy two weeks ago, and is disappointed, about the lights in the wreaths downtown not being taken care of. He said he can understand since there has been a huge snow storm, over five feet, that the Street Department has been digging out from underneath and they didn't have time to notice the lights out. He asked Mr. Cozy who was doing the employee evaluations. Mr. Cozy said they are all doing them. Mr. Cozy stated there is an underground wire problem with the one wreath on the corner and stated there are some bulbs out and he had discussions today with the staff. He agrees with Mr. Mouse and they should have them all working by Christmas. He stated the one by the Canal Livery is twisted and seven or eight bulbs out.

ADJOURNMENT

Mayor Grogan adjourned the December 19, 2006 City Council meeting.

Tammy Marthey, Clerk of Council

John Grogan, Mayor