

CITY OF CANAL FULTON

December 21, 2004

REGULAR COUNCIL MEETING

Mayor John Grogan called the December 21, 2004 City Council meeting to order at 7:30 PM in Council Chambers at City Hall.

PLEDGE OF ALLEGIANCE

CALLING OF THE ROLL

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

OTHERS PRESENT

Mayor John Grogan, Marge Loretto, City Manager; Dale Kincaid, Law Director; Mike Rodino, Finance Director; Chief Robert (Bob) Hill, Fire Dept; Ed Harbaugh, Police Dept; John Reynolds, Di Stefano Insurance Agency; Chris Pugh, The Independent; Joan Porter, The Repository; Attorney Nic Codrea; Rochelle Rossi, Bret Stephan, and Robert (Terry) Kroeger (residents)

CORRECTING & ADOPTING THE RECORD OF PROCEEDINGS

Mrs. Zahirsky made a motion to accept the November 9, 2004 Special City Council meeting minutes; seconded by Mr. Colaianni. **ROLL CALL: Yes – 5 Abstained – 1 (Mr. Mouse)**

Mrs. Cihon made a motion to accept the November 16, 2004 City Council meeting minutes; seconded by Mr. Colaianni. **ROLL CALL: Yes – 4 Abstained – 2 (Mr. Mouse and Mr. Szanto)**

Mrs. Zahirsky made a motion to accept the December 4, 2004 Special City Council meeting minutes; seconded by Mrs. Cihon. **ROLL CALL: Yes – 5 Abstained – 1 (Mr. Mouse)**

CITIZENS' COMMENTS ON AGENDA MATTERS - None

REPORTS OF ADMINISTRATIVE OFFICERS

Senior Citizens (Mrs. Cihon Reporting)

January 26	Gambling Trip to Greentown	Leaving 7:00 AM	Cost \$33 (\$23 Back)
January 29	Swiss Steak Dinner	Price: \$8	

Community Service Coordinator (Report 12-21-04 Attached)

Fire Chief

Chief Bob Hill met with the architect (who had 2 or 3 nice scenarios/drawings for new fire station); all is preliminary. There are plans to meet with the Safety Committee regarding same.

This is Chief Hill's last Council attendance, as he is retiring effective December 31, 2005. He was thanked for his hard work by the Mayor and Council.

Police Chief

Chief Mike McNeely submitted in writing to the Mayor a recommendation to hire Dennis J. Muntean as a Police Officer. He is available to begin his employment with Canal Fulton December 22, 2004, pending his physical examination. The Mayor recommended Dennis Muntean to Council. There was a discussion regarding Officer Muntean returning to Massillon Police Dept.

Mr. Colaianni made a motion to accept the Mayor's recommendation to hire Dennis J. Muntean to fill the vacant patrol officer position in Canal Fulton Police Department; seconded by Mrs. Downing. **ROLL CALL: Yes – ALL**

Chief McNeely's resignation was read by Mayor Grogan (It is effective December 30, 2004 @ 4:00 PM). Mayor Grogan appointed Charles Kassinger as acting Police Chief, until an effective search can be conducted in January. There was a discussion about Officer Kassinger's pay structure being enhanced while he was "acting" Police Chief, but the subject was referred to Executive Session. Mr. Colaianni asked what it would do to Officer Kassinger's bargaining unit status as the current FOP representative for the Police Department. Nic Codrea answered, "It doesn't alter his bargaining unit status. He's just temporarily filling in, and I doubt if the individual would have the authority to exercise independent judgment in regard to hiring, firing and the quantity of labor to be employed. So, he's just filling the lesser duties of the Chief. He's basically a 'straw boss.'" "

Engineer – No Report

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Finance Director

Mr. Rodino stated the November monthly reports were emailed to everybody and hard-copies were given to everyone that requested same. Mr. Szanto made a motion to acknowledge the email copy of the November monthly report was received; seconded by Mrs. Zahirsky. **ROLL CALL: Yes – ALL.**

Mayor

Mayor Grogan read off vacancies that are refilled by the following Boards/Commissions: Clayton Hopper – Planning Commission – Commencing 2005/Ending 2008; Mary Ann Higgins – Parks & Recreation Board – Commencing 2005/Ending 2009; Clayton Hopper – Historic Preservation Commission – Commencing 2005/Ending 2008; Rochelle Rossi – Historic Preservation Commission – Commencing 2005/Ending 2008; Scott Fellmeth – Civil Service Commission – Commencing 2005/Ending 2007; Rochelle Rossi – Tax Incentive Review Council – Commencing 2005/Ending 2007; Victor Colaianni – Tax Incentive Review Council – Commencing 2005/Ending 2007. Mrs. Cihon made a motion to accept the refilled vacancies of the following Boards/Commissions: Clayton Hopper – Planning Commission – Commencing 2005/Ending 2008; Mary Ann Higgins – Parks & Recreation Board – Commencing 2005/Ending 2009; Clayton Hopper – Historic Preservation Commission – Commencing 2005/Ending 2008; Rochelle Rossi – Historic Preservation Commission – Commencing 2005/Ending 2008; Scott Fellmeth – Civil Service Commission – Commencing 2005/Ending 2007; Rochelle Rossi – Tax Incentive Review Council – Commencing 2005/Ending 2007; Victor Colaianni – Tax Incentive Review Council – Commencing 2005/Ending 2007; seconded by Mrs. Downing. **ROLL CALL: Yes - ALL**

Mayor Grogan stated that Patti Schauwecker (Clerk of Council) submitted the City of Canal Fulton to the www.GovEngine.com Web site.

City Manager

Buckeye Energy held two hearings for gas aggregation that are required by law (one December 3, 2004 at 1:30 PM/the other December 7, 2004 at 6:30 PM). Joe Komara attended both hearings to answer questions from the public. The Council needs to pass necessary legislation under emergency, so that Buckeye Energy can complete the PUCO Certification filing by the end of the year.

The City received a notice from the Ohio Department of Commerce - Division of Liquor Control regarding Canal Grille Inc., as to whether the City intends to request a hearing or a resolution that would address the reason for objecting to the issuance of said liquor license. Chief McNeely stated that he has no reason for objecting to any of the existing establishments who currently are issued licenses in the City. Mr. Szanto made a motion to notify the Ohio Department of Commerce - Division of Liquor Control that the City of Canal Fulton does not want to have any hearings in Columbus regarding any of the liquor licenses within the city; seconded by Mrs. Zahirsky. **ROLL CALL: Yes - ALL**

Bill Dorman emailed Mrs. Loretto and Mr. Dan Mayberry about the two grants that were requested for High/Walnut/Norton Storm Sewer Project and Poplar/Steiner Waterline Projects. The City is unhappy about not making the final funding list. The City does not intend proceeding with the waterline project at this time because they do not feel that they can take on the additional debt. They will try to see if they can resubmit these projects again with the hope of getting a few additional points for each project.

Ron Smith has been hired as the newest person in the Utility Department. On the Civil Service Test, Mr. Smith was number one on both the written and verbal tests. The verbal test was scored by three outside individuals who are in management and hiring for other surrounding utility departments.

Quotes for City Engineer: CTI came in at the middle of the bids (one higher/one lower). Mrs. Loretto had a resolution authorizing the City Manager to enter into a contract with CTI Environmental, Inc., as City Engineer.

Heritage Square Shopping Center and the surrounding area are being purchased and will be developed. Thirty-plus acres are in the city and 2.6 acres are located outside the City. They want to annex and develop it all inside the City, as opposed to having to go through two different political subdivisions. They plan to rehab the shopping center, and they want a new grocery store to go in there if at all possible.

The City has been assigned a fact finder named Mr. Watson. They are waiting to hear from Mr. Watson as to when he will be available for scheduling a hearing date. The City has been

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granted a six week extension to enable the City to proceed with the insurance problem.

Parks – No Report

Law Director

FIRST READINGS:

Resolution 18-04: A Resolution Authorizing the City Manager to Enter into a Contract with CTI Environmental, Inc. as City Engineer, and Declaring an Emergency. Mrs. Cihon made a motion to suspend the rules on Resolution 18-04; seconded by Mrs. Zahirsky. **ROLL CALL: Yes – ALL** Mrs. Zahirsky made a motion to pass Resolution 18-04 under suspension; seconded by Mr. Colaianni. **ROLL CALL: Yes - ALL**

Ordinance 33-04: An Ordinance to Make Appropriations for the Current Expenses and Other Expenditures of the City of Canal Fulton, County of Stark, Ohio, During the Fiscal Year Ending December 31, 2005, and Declaring an Emergency. Mrs. Cihon made a motion to suspend the rules on Ordinance 33-04; seconded by Mrs. Zahirsky. *Discussion:* Mr. Mouse asked Mr. Rodino how much it was; Mr. Rodino stated it was \$7,429,423.46 (to cover 2005 expenses): **ROLL CALL: Yes – 5 No – 1 (Mr. Mouse)** Mrs. Cihon made a motion to pass Ordinance 33-04 under suspension; seconded by Mrs. Zahirsky. **ROLL CALL: Yes – 5 No – 1 (Mr. Mouse)**

Ordinance 34-04: An Ordinance Authorizing the Finance Director to Advance from General Fund 101 to Special Assessment Debt Fund 471 and to Make Other Advancements from the 2004 Appropriated Funds, and Declaring an Emergency. Mrs. Cihon made a motion to suspend the rules on Ordinance 34-04; seconded by Mrs. Zahirsky. **ROLL CALL: Yes – 5 No – 1 (Mr. Mouse)** Mrs. Zahirsky made a motion to pass Ordinance 34-04 under suspension; seconded by Mrs. Cihon. *Discussion:* Mr. Rodino explained the ordinance, saying that the Special Assessment Debt Fund is going to end up in a deficit balance at the end of the year, and the Ohio Revised Code does not allow a deficit balance. This ordinance is advancing funds from the General Fund from the Special Assessment Debt Fund, which will be repaid back at the beginning of 2005. Mr. Mouse asked Mr. Rodino when he knew the City was short (\$3,756.76), and was told at the beginning of this month because that is when the debt came due, and he found out via the monthly reports. **ROLL CALL: Yes – 5 No – 1 (Mr. Mouse)**

SECOND READINGS

Resolution 21-04: A Resolution Adopting the City of Canal Fulton Natural Gas Aggregation Program Plan of Operation and Governance Pursuant to Section 4929.26, Ohio Revised Code, and Declaring an Emergency. Mrs. Cihon made a motion to suspend the rules on Resolution 21-04; seconded by Mr. Colaianni. **ROLL CALL: Yes – ALL** Mr. Colaianni made a motion to pass Resolution 21-04 under suspension; seconded by Mrs. Cihon. **ROLL CALL: Yes - ALL**

THIRD READINGS - None

Mr. Kincaid spoke about the City of Massillon (had a letter from them). Massillon does Canal Fulton's prosecuting with a yearly contract, which expires at the end of January 2005. Massillon is asking for a \$1,500 raise. Mr. Kincaid recommends this and will prepare a resolution to address same. Mr. Mouse asked

PURCHASE ORDERS & BILLS

P.O. 4136 in the amount of \$13,950 made out to Southeastern Equipment Co. for trade-in of 1977 backhoe for the purchase of a newer backhoe for the sewer plant. Mrs. Cihon made a motion to approve P.O. 4136 in the amount of \$13,950 made out to Southeastern Equipment Co.; seconded by Mr. Szanto. **ROLL CALL: YES - ALL**

P.O. 4139 in the amount of \$3,662.43 made out to TR Snyder Construction Inc. for the City's share of the cost for the East Cherry Street sidewalk improvements. Mr. Colaianni made a motion to approve P.O. 4139 in the amount of \$3,662.43 made out to TR Snyder Construction Inc.; seconded by Mrs. Cihon. **ROLL CALL: Yes - ALL**

P.O. 4144 in the amount of \$4,260.50 made out to The Craun-Liebing Company for rotating assembly and wear plate and two casing O-rings for T-10A3-B pump for Lift Station E. Mr. Colaianni made a motion to approve P.O. 4144 in the amount of \$4,260.50 made out to The Craun-Liebing Company; seconded by Mrs. Zahirsky. **ROLL CALL: Yes - ALL**

P.O. 4145 in the amount of \$7,191 made out to McDonald Equipment Company for TS-853-600SER Automatic Transfer Switch FC24-10-2011UA Battery Charger Generator Modifications & Wiring. Mrs. Zahirsky made a motion to approve P.O. 4145 in the amount of \$7,191 made out to McDonald Equipment Company; seconded by Mrs. Cihon. *Discussion:* Mr. Mouse requested a break-down of this bill. **ROLL CALL: Yes – 5 Abstained – 1 (Mr.**

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Mouse)

P.O. 4146 in the amount of \$7,300 made out to Canal Fulton Electrical Supply for conduit & materials to connect transfer Switch – Labor & Miscellaneous Materials not to exceed \$4,300. Mrs. Zahirsky made a motion to approve P.O. 4146 in the amount of \$7,300 made out to Canal Fulton Electrical Supply; seconded by Mrs. Cihon. **ROLL CALL: Yes - ALL**

BILLS: November: \$201,865.58 - Mr. Szanto made a motion that Council has received the bills for November in the amount of \$201,865.58; seconded by Mrs. Zahirsky. **ROLL CALL: Yes - ALL**

BILLS: December: \$403,263.77 - Mrs. Cihon made a motion that Council has received the bills for December in the amount of \$403,263.77; seconded by Mrs. Zahirsky. *Discussion:* Mr. Mouse asked why December bills almost doubled; Mr. Rodino stated the City paid Wenger Excavating for their work on the Milan Street waterline and sanitary sewer in the amount of \$235,463.82. **ROLL CALL: Yes - ALL**

NEW BUSINESS

Mrs. Loretto stated she would proceed to have legislation drawn up for the tax abatement request for Maca Mold. She also asked if Council wants her to proceed with the annexation of the 2.6 acres. Mr. Szanto asked about the tax abatement and he would like to see from Mr. Rodino a schedule (spreadsheet) showing what they will be abated for the term of the abatement (the amount to be abated) what the City would anticipate in receiving (what we're getting for what we're giving, since we are giving away the schools' money), and what we would expect to give to the schools. Mr. Mouse stated for the audience, "When a Council abates a piece of property, \$0.70 of that tax dollar is supposed to go to the schools. So, when you abate that \$0.70 that the school's supposed to get, you're basically telling them that they don't need it. And, since I'm a school administrator, I'm reluctant to have people tell me that . . . what I need and when I don't need it. Since, if you watch the newspapers you'll see all the schools that are asking for a levy. So, I think in this particular situation, we're only talking about five or seven employees. Now, to my way of thinking . . . if a person is coming in with only five to seven employees, and he is asking for abatement, he must be in hard shape if he can't afford to come in without that break, and then the break is placed on the back of the school. I think cities really need to look at abatement where they abate their own money – not the school's money, but I've said that before." Mrs. Loretto stated over the long-term Mr. Addressi is anticipating up to 20 employees. Mr. Colaianni said you don't have to give 100% abatement; you can do any percentage you negotiate and agree to. Mrs. Loretto said he was asking for 75%; Mr. Lambes (Northwest Schools) said that he would be happy if the City can get him to agree to give them a \$500 scholarship for the 10-year period. Stark County's review board has turned down abatements, and they are very critical of things (per Mr. Szanto and the Mayor).

Mr. Mouse asked about the annexation proposal: how much green space is involved. It has to go before the Planning Commission first. They are proposing condos, but that area will have to get it rezoned, as it is zoned "business" currently. Mr. Mouse requested a detailed copy of the proposal; Mrs. Loretto will provide Mr. Mouse the proposal information when it's available for him to come in and view in the Zoning Department office.

OLD BUSINESS (Today is the Mayor's Birthday)

Mr. Mouse recommended to Council that they rescind the stipulation they had for the Clerk of Council, and that she should be taken off probation and given full status; seconded by Mr. Colaianni. *Discussion:* Mr. Colaianni stated that he didn't feel Council had adequate backing to continue the probation. **ROLL CALL: Yes – ALL**

Mr. Mouse asked Council if they could assist Ms. Kim Manley and issue a refund for her sidewalk. He was told this was impossible since it came through a Stark County grant. Mr. Kincaid that the City was not the contracting party, and there is nothing Council can do about same.

OTHER BUSINESS

CITIZENS COMMENTS (Open Discussion, Five-Minute Rule)

Mr. Robert Kroeger made a comment about a Point of Order but was assured by the Law Director that all was in order.

REPORT OF COUNCIL PRESIDENT - None

REPORT OF STANDING COMMITTEES - None

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EXECUTIVE SESSION (2 Parts)

Mr. Colaianni made a motion that Council goes into Executive Session; purpose of discussion would be personnel performance, requesting Council, City Manager, and the Mayor to attend; seconded by Mr. Szanto. **ROLL CALL: Yes – ALL**

Mrs. Zahirsky made a motion that Council goes into Executive Session; purpose of discussion will be contract negotiations, requesting Council, City Manager, Attorney Nic Codrea, and John Reynolds (Di Stefano Insurance Agency) to attend; seconded by Mrs. Cihon. **ROLL CALL: Yes – ALL**

REGULAR SESSION RECONVENED

Mrs. Cihon made a motion to reconvene the regular session; seconded by Mr. Colaianni. While Council was in Executive Session, they did not make any decisions and no action was taken. They also began to mention the joint fire district, but they stopped, as it is not an issue that can be discussed in Executive Session. **ROLL CALL: Yes – ALL**

Mrs. Cihon stated that what Council says in Executive Session needs to stay in Executive Session.

ADJOURNMENT

Mrs. Zahirsky adjourned the December 21, 2004 City Council meeting.

Patricia A. Schauwecker, Clerk of Council

Mayor John Grogan