

CITY OF CANAL FULTON

March 1, 2004

REGULAR COUNCIL MEETING:

Council President Linda Zahirsky called the March 1, 2004 City Council meeting to order at 7:30 P.M. in Council Chambers at City Hall.

PLEDGE OF ALLEGIANCE:

CALLING OF THE ROLL: Present: Victor Colaianni, Nellie Cihon, Linda Zahirsky, Mike Mouse, Robert Szanto, Diane Downing. Mayor John Grogan was absent due to a work conflict.

OTHERS PRESENT: Dale Kincaid, Law Director; Chief Mike McNeely, Police Department; Chief Bob Hill, Fire Department; Assistant Fire Chief Mark Stewart; Michael Rodino, Finance Director; Director; Sis Rohr Jeff Geier, John Hatfield, Bret Stephan, Garnet Thomas, Maria Dudley, all residents Mrs. Loretto was absent due to inability to get to the meeting because a tree had blocked her only access to the street.

ADOPTING OF MINUTES.

Mrs. Cihon made a motion to accept the minutes of the meeting of February 17, 2004. Mr. Colaianni seconded the motion. Roll: Yes – ALL.

SPECIAL RECOGNITIONS:

No Special Recognitions.

CITIZENS' COMMENTS ON AGENDA MATTERS.

Mr. Hatfield stated that there are a few residents who are attempting to get the Canal improved and the backs of the buildings improved, especially between Cherry and Market. He said the Fire Marshall has inspected behind those buildings and have discovered a live gas line behind there with a leak. He said you can smell the gas. He said the line is exposed and is on top of the ground. He asked Chief Hill if he new anything about this or if anything has been done about it.

Chief Hill said Dan Mayberry has been on the phone constantly for the last six months trying to get East Ohio Gas to address this problem. He said the Fire Inspector has been down there. He said the Fire Inspector and Dan Mayberry are working hard to try to get this fixed. The Chief stated if Mr. Hatfield could do better with East Ohio Gas than they have then he should do it.

Mr. Hatfield said if East Ohio Gas isn't going to do anything, the City has a Law Director who should look into this. Mr. Kincaid said he would speak to Mr. Mayberry and get to the bottom of it.

Mr. Kincaid said the city should be call the Public Utilities Commission or the Consumer's Council in Columbus and complain.

Mr. Mouse asked Mrs. Zahirsky to find out why there is a group of new people here this evening. It was stated that at least none of them are carrying a rope. Mrs. Cihon said that, no, that was left hanging in the fire department.

REPORTS OF ADMINISTRATIVE OFFICERS.

Senior Citizens.

Mrs. Cihon said Wednesday, April 21 there will be a Hawaiian Luau and a tour of Gail's Garden Center. The Luau will be at the Pineridge Country Club with a tropical buffet, live entertainment and door prizes. She said May 10-12 there will be the Mackinac Island, Frankenmuth, and two casino visits.

Community Service Coordinator.

No Report.

Fire Chief.

Chief Hill said there was a little apartment fire the other morning – basic room and contents. He said he and Mark were both out there in discussion with the manager. There had just been new smoke detectors in and everyone got of safely. He said Mark was trying to use portable to call the

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Red Center and found another dead spot where the low band radios won't work. He said that prompted him to call and see where his new license is for his ultra high band radio which Council approved last fall. He said they told him it would be another 106 days before he gets it.

Police Chief.

Chief McNeely said he reported at the last Council meeting that the Ohio Department of Public Safety would be giving the City a video camera for the cruiser. He said he received a letter last week telling him that they would not be doing that after all because the City had obtained one in 2002.

He also said that a High Street resident saw two subjects stealing his trailers from his lawn. He said the individuals were arrested. He said they were not Canal Fulton residents and are now in jail.

Engineer.

No Report

Finance Director Report.

No Report.

Report of the Mayor.

No Report.

City Manager's Report.

Mrs. Loretto's written report was in Council packets.

Mrs. Zahirsky noted from Mrs. Loretto's report that Mr. Hatfield was looking into being able to hook into the new water line going out to the schools. Mr. Kincaid said, although he did not have the contract in front of him, he thought that tap in fees would go to the schools. Mr. Hatfield said he has heard it both ways.

Mr. Kincaid said he really did not know what Mr. Hatfield's question is. He said the normal procedure is that as soon as the City has a water line, people can tap into it.

Mr. Szanto added that there is an ordinance on the books that prohibits the City to sell water indiscriminately. Mr. Hatfield said that the ordinance states that if they annex, the Mayor acts as their agent.

Parks.

No Report. However, Mrs. Zahirsky did say that the Park Board was near completing the Summer Recreation Program. She said that Mr. Fleming was going to set up a public meeting on the 25th of March for those interested in the dog park. Mrs. Cihon said she thought it was going to be on the 24th at the Senior Center.

Law Director.

No Report.

THIRD READINGS:

Mr. Kincaid said that Ordinance 2-04 was tabled at the last meeting. He said a motion needs to be made to take it from the table.

Mr. Colaianni made a motion to bring Ordinance 2-04 back to the table. Mrs. Cihon seconded the motion. Roll: Yes – ALL.

Mr. Colaianni then made a motion to amend Ordinance 2-04. Mrs. Cihon seconded the motion.

Mr. Mouse asked Mrs. Zahirsky to explain to the audience what they are doing. Mrs. Zahirsky said that Council is changing the pay increase from 3.5 to 2.75 and they will be doing it on both pay ordinances.

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Reading of Ordinance 2-04.

Ordinance 2-04: An Ordinance Amending Ordinances 7-02, 14-02, 14-03, and 28-03 establishing Rates of Pay for Various Part-Time Positions within the City of Canal Fulton and Declaring an Emergency.

Mrs. Cihon made a motion to pass Ordinance 2-04 as amended. Mrs. Downing seconded the motion.

Mr. Mouse said he will vote no on this. He feels they should get a pay increase no more than the cost of living. He then quoted an article referring to credit card debts for seniors over 65. He then referred to all time high foreclosures. He said there were more people working in the public sector than in the private sector.

Roll: Yes – 5. Mr. Mouse voted No.

Ordinance 4-04: An Ordinance Vacating Rutger Place and Rice Place from Locust Street to Dakota Street and Dakota Street from the Boundary between Outlot 39 and Lot 470 to the North Corner of Lot 461.

Mr. Kincaid pointed out that the last sentence in Section 2 had been changed and he is not sure whether Council formally adopted an amendment. He said he would ask that someone formally amend by including that sentence which reads: "The vacation plat shall also include the legend that the City of Canal Fulton reserves the right to place utilities within the vacated alleys."

Mr. Mouse explained to the audience that what there is a project being proposed by a man named Smails and Mr. Mouse described the property. He said they are proposing to do away with an alley.

Mr. Szanto made a motion to amend Ordinance 4-04 to include the last sentence in Section 2. Mr. Mouse seconded the motion.

Roll: Yes – ALL.

Mr. Colaianni made a motion to pass Ordinance 4-04 as amended. Mrs. Cihon seconded the motion.

Roll: Yes – ALL.

Ordinance 5-04: An Ordinance Naming an Extension of Tuscarawas Street in the City of Canal Fulton.

Mrs. Cihon made a motion to pass Ordinance 5-04. Mrs. Downing seconded the motion.

Roll: Yes – ALL.

SECOND READINGS:

No Second Readings.

FIRST READINGS:

Ordinance 7-04: An Ordinance Amending the Administrative Code Relating to Temporary Signs to Provide that No Fee Shall be Charged to Nonprofit Organizations within the City of Canal Fulton and the Northwest School District Area for Temporary Signs, and Declaring an Emergency.

Mr. Szanto said there is a thirty-day time limit on temporary signs and he wanted to make sure that part of the ordinance was not changing.

Mrs. Downing made a motion to suspend the rules on Ordinance 7-04. Mrs. Cihon seconded the motion. Roll: Yes – ALL.

Mr. Szanto made a motion to pass Ordinance 7-04 under suspension. Mrs. Cihon seconded the motion. Roll: Yes – ALL.

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Ordinance 8-04: An Ordinance Establishing New Rates of Pay and Salaries for Employees of Canal Fulton, effective January 1, 2004, Repealing any Ordinances in Conflict Therewith, and Declaring an Emergency.

Mr. Szanto made a motion to suspend the rules on Ordinance 8-04. Mrs. Cihon seconded the motion.

Mr. Mouse said he will vote no for the same reasons he had discussed earlier.

Roll: Yes – 5. Mr. Mouse vote No.

Mr. Szanto then made a motion to pass Ordinance 8-04 under suspension. Mrs. Cihon seconded the motion.

Mr. Colaianni said under Section 5, Police Department Clerk/Typist, he said with the new rate of 2.75%, Council is not giving her a raise and he would still like to see her base rate amended to \$11.00 per hour.

Mrs. Downing stated that at the Personnel meeting it was discussed that there would have to be another meeting on that because Chief McNeely did not tell the Committee what, including her longevity, how much she was actually getting per hour. Mrs. Zahirsky said she had also sent a couple of forms that she requested be filled out. Mrs. Zahirsky said, since they wanted her job description changed, it would have to go before the Civil Service Commission.

Mr. Szanto said that if, in fact, her base rate at \$10.63 per hour is not a 2.75% increase as everyone else is receiving and that it is an error, he would support legislation to correct it. But he does not want to hold up this legislation for the rest of the employees.

Roll: Yes – 4. Mr. Colaianni and Mr. Mouse voted No.

Ordinance 9-04: An Ordinance Amending the Zoning Map for Changing 0.5783 acres in Lot 1073 from one B-1 to Zone B-2.

Mr. Mouse asked for a statement from Mr. Schalmo regarding why he wants this zoning change.

Ordinance 4-04: A Resolution entering into a Contract with CTI Environmental, Inc. for Engineering Services for Preparation of a Computer Hydraulic Model of the City's Water Distribution System.

PURCHASE ORDERS & BILLS:

P.O. #3835 in the amount of \$48,595.00 to Whitaker-Myers Insurance for insurance policy renewal.

Mrs. Cihon made a motion to pass P.O. #3835 for \$48,595.00 to Whitaker-Myers Insurance. Mrs. Downing seconded the motion.

Mr. Rodino explained that this insurance covers all City buildings, equipment, contents, and vehicles.

Roll: Yes – ALL.

P.O. #3838 in the amount of \$11,757.42 to Springfield Ford for 2004 Ford work truck. This was a budgeted item.

Mr. Szanto made a motion to pass P.O. #3838 in the amount of \$11,757.42 for the purchase of the Ford work truck. Mrs. Cihon seconded the motion.

Mr. Colaianni asked why this truck was not purchased locally. Mr. Mayberry said it was purchased under State bid.

Roll: Yes – ALL.

Bills: \$117,715.27. Mr. Szanto made a motion to acknowledge receipt of the list of bills in the amount of \$117,715.27. Mrs. Cihon seconded the motion. Roll: Yes – ALL.

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Purchase Orders and Bills:

No Purchase Orders.

The bills were distributed by Mr. Rodino.

Mr. Szanto made a motion to acknowledge receipt of the bills. Mrs. Cihon seconded the motion.
Roll: Yes – ALL.

NEW BUSINESS:

None.

OLD BUSINESS:

None.

OTHER BUSINESS:

None.

CITIZENS COMMENTS:

Tammy Shiplet said she is the president of the Women's Softball League that plays at Community Park. She said they had made their request to the Park Board to use the fields as they have done in the past. She said their request was approved, but that they would be assessed \$35.00 a night for use of the fields. She said there was no explanation. She said they have put a lot of work into the fields to keep them playable. She asked what the \$35.00 was going to give them.

Mr. Colaiani asked if they had been charged in the past. She answered no. She also asked who else that fee would be charged to. Mrs. Zahirsky said she believed there was an ordinance passed last year that was recommended by the Park Board to set those fees.

Mr. Mouse said that Fred Fleming had come to Council and proposed increases in the fees.

Mr. Kincaid then referred to the Codified Ordinances. He said there was an ordinance passed last June, which raised all fees. He said it covers Mulhauser Park, use of all ball fields, use of both soccer fields, the pavilion, both gazebos, tennis courts, basketball court when there are advanced reservations.

Mr. Mouse said he doesn't think the Park Board was aware of the Softball team's contribution to the upkeep of the fields.

A comment was made that the basketball courts and tennis courts are in hideous condition. Another citizen said she was concerned that this is supposed to be a community park.

Ms. Shiplet stated that if they are going to get charged \$35.00 a night to play, then they probably will go somewhere else to play where they don't have to pay. She pointed out that these games also bring many people to Canal Fulton and brings money into the community.

Mr. Mouse suggested that they go to the next Park Board meeting and present this information to them and see if they will amend it. Mr. Kincaid pointed out that it does not have to come before Council. He quoted the Code: "Any waiver of fees must be approved by the Park Board". He said that if the Park Board decides to waive the fee, it does not need new legislation.

Another resident, who stated that she is the president of the Northwest Junior Baseball League. She said at the end of April they use those fields for T-ball practices. She said they have 55 teams playing on eleven fields there and they have 600 practices they try to get in during a four week period. She said soccer will pull out of the community if they are charged.

Mrs. Zahirsky recommended that they tell the Park Board that they feel it is unfair as a whole and perhaps they would bring it back to Council in the form of an amended ordinance.

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Mr. Hatfield stated that as far as the maintenance and equipment in the fields have almost all been volunteered. He said the only thing the City paid for is one field. He said the City put the soccer fields in years ago.

Chief McNeely said that in respect to the pay ordinance that Mrs. Downing said that certain information had not been provided regarding the Police Department Clerk/Typist. He said, with her longevity, her pay is \$10.64 per hour. He also said in regard to Mr. Mouse's comment about more people working in the public sector, that Mr. Mouse also works in the public sector as a Cleveland School administrator. He said there had been articles in the Plain Dealer, which stated that the average school teacher's salary in the Cleveland School District is \$46,000.00 per year and yet it is listed as the second worst performing District in the State of Ohio.

Mr. Mouse asked Chief McNeely if he was taking a shot. Chief McNeely said he was speaking as a citizen and taxpayer and that Mr. Mouse had stated that a 2.75% pay raise was outrageous and he was only pointing out salaries and performances in another public sector – the Cleveland School District.

Mr. Mouse stated that the standard of living in this country is going to drop and has already dropped. He said we must live within our means.

Mr. Colaianni stated that Council went from 3.5% to 2.75%. Mrs. Cihon asked Mr. Mouse if, just because he did not get a raise in the last five years, is he holding that against everyone else.

Mr. Mouse said since Chief McNeely brought it up, the reason why he is concerned about the police secretary is because he has gone in there on occasions and has seen her watching television and soap operas. The Chief's secretary's work load allows for her to watch television and soap operas.

An audience member asked Mr. Mouse if, just because there is a television on in an office and soap operas on. . . (verbatim) "do you listen to a radio in your car?" Mr. Mouse said he can't listen to a radio at work. The audience member said (verbatim) "Do you go home and turn the TV on and then sit down and do paper work, is it possible?" "Why can't someone be allowed to do that at work?"

The audience member said his wife has been here for six years. . . Mr. Mouse interrupted by asking the gentlemen if it was his wife who is the clerk/typist in reference. The previously unidentified audience member then identified himself as Mr. Geier.

Mr. Szanto made a point of order and Mrs. Zahirsky stated that this was getting way out of line. Mr. Geier then said (verbatim): "What I'm looking at and what I have gone through round and round with this and have his wife come home and talk about Council members disliking the police department and always put her down. No one here knows what she does. If anyone of you would go down and sit with her and see what she does, you would understand why she is underpaid."

(Verbatim Transcript)

"My name is Mark Stewart and I am the assistant fire chief. I just had a question about where we stand on the office next door here. If anyone can shed some light on me is that a project that is still undergoing, is that project done, what are we doing over there at the fire department.

Mrs. Zahirsky said as far as she knows it is still ongoing.

Mr. Stewart said "we saw a letter to the Council explaining. . . ah . . . right now I am representing the Firefighters' Association. The Canal Fulton Firefighters' Association is a nonprofit organization. Everything we do we raise money for ourselves, our time, our money. Over the past several years when we were in that building nobody wanted to do anything to that building. Nobody had money for it, nobody had time for it.

Mr. Szanto began to say something and Mr. Stewart said "wait a minute, let me finish, this is my time." He continued: Over a period of three months we stripped that place out. We came and asked for money. Nobody had money. So we took our own time and we took our own money we put in walls, we put in carpet, we redid the floors, we ripped out all the cabinets, we redid all the kitchen. The Women's Auxiliary bought a stove, they bought a refrigerator, they bought a microwave. We got a nice beautiful desk in there. Unfortunately, that building, we outgrew it and

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we moved to the Westside. We asked to go up there and you granted us that. Over a period of many many months we were granted permission to go up there. Within the last two months here

it only takes two days and two part time employees to get cramped and all of a sudden we can turn everything upside down. 'We don't have to ask anybody, we don't have to make any inquiries to the Chief, we don't have to make any inquiry to the Association as to what the offices are being used for.' Everything just comes on a memo and says 'move your stuff, you're out'. That is why I am here for the Association tonight. Because everything in that building on the inside of that office was paid for by money that was raised by individuals that are employees of this City – everything in there – all the way down to the wall sockets – was purchased by us. The City put in the air conditioner and furnace so that the pipes wouldn't freeze. We appreciate that. But when we sent the letter and got an absolute smack in the head 'no', we are not going to pay for anything in that building, we owe you no reciprocation for any of that. There are about 32 people on the other side of town that really don't appreciate that. That's why I'm bringing it to your attention. For two part time employees were willing to upset 32 part time employees – the ones who get out of bed at 3:00 in the morning to do everything for the public that comes to us, including getting ducks out of the sewer. We do all kinds of stuff that other people don't want to do. We don't have a problem with people taking over the office. What we would like, number one, is communications between this office and the Fire Chief instead of a memo just being handed down to move out. If they would have asked the question, they would have known that the Women's Auxiliary uses that all the time. We got a memo that says that they're taking over a vacated building. That building is far from vacated. It is not used for the same purpose it was used for before, but it is not vacated. Right now, all the Women's Auxiliary money making fundraiser stuff is sitting out in the middle of the bay, which anybody that is a City worker or a community service worker, has access to all that stuff. Right now. Because the doors are opened up – we know that because somebody didn't do any communications again before two or three weeks ago. All the Christmas stuff is all stacked in there around all of our equipment. Nobody asked us to put it in there. At 3 in the morning when we have a fire and all that stuff has to get moved – guess what – it's not gonna get moved. It's going to get ruined. We've asked for it to be moved since then – nobody pays any attention. So I'm bringing it the Council. We've tried to go through the proper communications. I've gone from the bottom now I'm at the top. I guess the ball's in your court now."

Mr. Mouse: "While I may agree with much of what you say, it is not in our court. Your concern is being addressed to the wrong body. Your concern should be addressed to the Mayor and the City Manager.

Mr. Stewart: My concern has been addressed there. And when the Mayor told the City Manager to stop doing what she was doing – dry wall got delivered. The Mayor came down, Victor Colaianni came down and told the administrator to stop what she was doing – the dry wall got put up. We asked for them not to put a doorway in that wall – there's a doorway in the wall. We asked them to give us two more feet of space because we were going to use that for medical supply storage before any of this ever happened. We had that cleared through our Fire Chief. Now the Fire Chief gets a memo to get out. We no longer have our storage space.

Mr. Colaianni: So there was no direct communication to the Fire Chief? Mr. Stewart: There was a memo that was laid in his box that said. . . Mrs. Zahirsky: Mr. Colaianni, I will address that when we go into executive session, which I am going to request when we get done.

Mr. Stewart: My five minutes is up. Thank you kindly.

REPORT OF COUNCIL PRESIDENT:

Mrs. Zahirsky asked for an executive session when we are finished with reports of standing committees. She said she would ask for a motion at that time.

REPORT OF STANDING COMMITTEES:

Mrs. Zahirsky said they had a committee meeting on Personnel and did receive the information from Mike McNeely and discussed the secretary's position. They did not make a decision at that meeting because they requested more information from her. It does appear that she is looking for a change in her Civil Service position, it will have to go to the Civil Service Commission to be ruled upon.

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She said two other committees met – Finance and Safety. She said at the Finance Committee the income tax as it stands now. It does include games of chance. It was mentioned by the City Tax Administrator that they may want to do an amendment to waive the first \$2,000 of games of

chance so that people winning the lottery at a place like Minit Mart will not be paying taxes on a \$50 lottery ticket. They are looking at that further.

Mr. Colaianni said at the Safety Committee meeting they discussed the status of the Police Department computers. He said they have received information from Bob Patris concerning this and that he and Bob Szanto will be meeting with Mr. Patris this Wednesday.

Mrs. Zahirsky said she had also talked to the gentleman at her place of employment who said he would be willing to work with them as a consultant.

Mrs. Zahirsky said she would now like to go into executive session and she would like members of Council and the Law Director present. It is on the issue of personnel and performance and complaints against personnel.

Mr. Szanto made a motion that Council adjourn the regular portion of the meeting and convene an Executive Session for the purpose of discussing personnel performance and complaints. There will most likely be no legislative action taken as a result of the Executive Session.

Mrs. Cihon seconded the motion. Roll: Yes – ALL.

The Meeting was Adjourned Into Executive Session

Mr. Szanto made a motion to reconvene the regular portion of the meeting. Mr. Colaianni seconded the meeting. Mr. Szanto stated that in the Executive Session personnel performance and complaints were discussed and no legislative action will be taken.

Roll: Yes – ALL.

Mrs. Cihon made a motion to set a special meeting for March 20, 2004 at 9:00 A.M. The Council, Mayor and Law Director have been asked to be present. Mr. Szanto seconded the motion.

Roll: Yes – ALL.

The meeting was adjourned.

Sharon Reiter, Clerk of Council

John Grogan, Mayor