

CITY OF CANAL FULTON

March 15, 2005

REGULAR COUNCIL MEETING

Mayor John Grogan called the March 15, 2005 City Council meeting to order at 7:30 PM at Chapel Hill Community.

PLEDGE OF ALLEGIANCE

CALLING OF THE ROLL

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

OTHERS PRESENT

Mayor John Grogan, Marge Loretto, City Manager; Mike Rodino, Finance Director; Interim Chief Charles Kassinger, Police Department; Bill Dorman, City Engineer; Fred Fleming, Parks & Recreation Board; Chris Pugh, The Independent; Joan Porter, The Repository; Mike Bagley, Bernadette Kraynick, Theresa Roush, Martha Lane, Ellen VanPelt, Terri Winter, Tri-County Trail Association; Donna & Travis Hermann and Chell Rossi, Residents.

CORRECTING & ADOPTING THE RECORD OF PROCEEDINGS

Mrs. Zahirsky made a motion to accept the March 1, 2005 City Council meeting minutes; seconded by Mr. Colaianni. **Corrections:** Page 4, Citizens Comments, 1st bullet: Delete verbiage after the words "their meeting there" and add a period; Page 2, First Paragraph: Replace "Diane Downing" with "Nellie Cihon." **ROLL CALL: Yes – 4 (Abstained – 2: Mrs. Downing and Mrs. Cihon)**

CITIZENS' COMMENTS ON AGENDA MATTERS – None

REPORTS OF ADMINISTRATIVE OFFICERS

Senior Citizens – No Report

Community Service Coordinator – No Report

Fire Chief – No Report

Police Chief - Chief Kassinger referenced local B & E's; they have arrested a suspect for 4 out the 16 B & E's. Chief Kassinger also met with Emergatch regarding new software; Emergatch is preparing a bid.

Engineer

Milan Street Project: Waterline is completed and tested. Sewer installation is complete; still have to test it. Pavement and restoration will be completed in the spring, along with the Northwest H.S. Waterline project.

Discovery Park Phase II: Utilities and roadway are complete, with the exception of the pump station. The 4-inch force main has been tested and approved.

Pine Manor Senior Housing: Still waiting for EPA approval.

Canal Place: EPA approval has been received. The developer will be preparing a construction agreement; construction may begin in about three weeks.

Lake Vista Estates (Smail's Pond): Waiting for a number of storm water issues to be resolved.

Hydraulic Modeling Report: Completed and submitted to the City.

Finance Director

Mr. Szanto made a motion that Council acknowledges receipt of the copies of the February month-end reports sent by Mr. Rodino; seconded by Mrs. Zahirsky. **ROLL CALL: Yes – ALL**

Mayor – No Report

City Manager

The FOP Union has dropped the grievance for the request by John Barabasch to be given an additional week of vacation before he reached his ten-year service.

Canal Fulton Main Street has been nominated to be considered by the U.S. Department of the Interior for the best website, newsletter or publication category.

Bob Gessner (Massillon Cable TV) has a bucket truck on order. If all goes as expected, the

CITY OF CANAL FULTON

March 15, 2005

City will be able to purchase their used truck before summer is over.

Mrs. Loretto contacted the PUCO to see how the City could go about attaining more exchanges without having to pay toll fees for same. The City has been requested to have attorney representation and needs 100 signatures from telephone customers in the City.

Crown Victoria for the Police Department: Interim Chief Kassinger attained a \$19,372 price via the State bid process (without light bars, cages, etc.). The Mayor requested he get estimates on different vehicles. Mr. Mouse asked for the mileage of the police vehicles.

Parks

Discovery Park Grant: Waiting to see if they have been awarded grant.

Stark Parks Leasing the Visitor's Center: Mr. Fleming's opinion is it will be an agreement between the Park Board and Stark Parks (not a lease); they will include the Heritage Society's schedule. He is proposing to have a contract similar to the YMCA Summer Recreation contract. Mr. Kincaid said to protect the city, have someone "run it by our liability insurance and make sure that anybody that's in there with our permission is covered."

Canal Fulton Dog Park: Needs gravel and stone at the entrance. Mr. Szanto said that Marvin Hardgrove, Township Trustee, reminded him (kindly) that the dog park is in the Township; from here on, they would appreciate the City working with their Zoning Department.

Law Director

Mr. Kincaid stated an ordinance will be created regarding pay scale for part-time personnel for the next Council meeting. Mrs. Zahirsky said that she'd distributed the Personnel minutes, but the minutes have yet to be approved. Mrs. Loretto said that she was told to tell everybody (part-timers/exempt people) they were not going to pass any raises until after the police contract was settled. She said she just left everything go until after Council had gotten to the point where they were ready to address same. Mrs. Zahirsky stated the Personnel Committee addressed everything except the daytime fire personnel. A 3% raise for part-time was agreed on; they didn't do exempt personnel. Mrs. Zahirsky suggested the Finance Committee meet well before the next Council meeting. Mr. Colaianni stated the Finance Committee met and discussed the part-time wages; they were awaiting the Personnel Committee to get the Ordinance finalized. (It is up to Council to finalize percentages.) He also said that the Finance Committee was OK with the part-time police wage that was discussed. Mayor Grogan asked Chief Kassinger to start advertising for part-time police. It was agreed that up to four part-time police could be hired.

FIRST READINGS

Resolution 07-05: A Resolution Requesting the Ohio General Assembly to Continue Its History of Partnership with Ohio's Local Governments and Retain Funding for the Local Government Funds at the Permanent Law Formula. Mr. Colaianni made a motion to suspend the rules on Resolution 07-05; seconded by Mrs. Zahirsky. **ROLL CALL: Yes – ALL** Mrs. Zahirsky made a motion to pass Resolution 07-05 under suspension; seconded by Mrs. Cihon. **ROLL CALL: Yes – ALL**

SECOND READINGS

Resolution 06-05: A Resolution Amending the Contract with the Northwest Local School District Pertaining to the Extension of a Waterline to the Northwest Schools.

THIRD READINGS

Resolution 03-05: A Resolution Authorizing the City Manager to Advertise Bids for Construction of Tennis Courts in Muhlhauser Park, to Award Contracts for the Accepted Bids, Issue Required Purchase Order, and Declaring an Emergency. Mr. Colaianni made a motion to pass Resolution 03-05; seconded by Mrs. Cihon. **ROLL CALL: Yes - ALL**

Ordinance 06-05: An Ordinance Vacating Duke Place between High Street and Walnut Street. Mrs. Zahirsky made a motion to pass Ordinance 06-05; seconded by Mr. Colaianni. **ROLL CALL: Yes – 5 No – 1 (Mr. Mouse)**

PURCHASE ORDERS & BILLS

P.O. 4296 in the amount of \$6,740 made out to North American Salt Company for Salt. Mrs. Cihon made a motion to accept P.O. 4296 in the amount of \$6,740 made out to North American Salt Company; seconded by Mr. Colaianni. **ROLL CALL: Yes - ALL**

P.O. 4299 in the amount of \$13,150 made out to YMCA of Central Stark County for Agreement with the YMCA to Coordinate and Implement the Summer Youth Program for 2005. Mrs. Zahirsky made a motion to accept P.O. 4299 in the amount of \$13,150 made out

CITY OF CANAL FULTON

March 15, 2005

to YMCA of Central Stark County; seconded by Mrs. Cihon. **ROLL CALL: Yes - ALL**

BILLS: \$107,713.85 Mrs. Zahirsky made a motion that Council has received the bills in the amount of \$107,713.85; seconded by Mrs. Cihon. **ROLL CALL: Yes - ALL**

NEW BUSINESS – None, except further discussion regarding a new police vehicle.

OLD BUSINESS

Mr. Mouse asked if Kim Manley on Cherry Street could be reimbursed for her sidewalk. Mr. Kincaid said that was not a City project, and “We didn’t do anything wrong that we can accept the moral claim for . . . You cannot expend public money for private purposes.” Mr. Mouse still felt Ms. Manley would appreciate that kind of consideration from the City.

Mrs. Zahirsky said Council never passed the Council Rules. Mrs. Loretto said the second rules were passed by ordinance; Linda Polonye signed them. The rules have been edited and need approval. Mr. Mouse suggested that Council reviews same at their next meeting.

OTHER BUSINESS - None

CITIZENS COMMENTS (Open Discussion, Five-Minute Rule)

Mike Bagley, President, Stark County Chapter of Ohio Horseman’s Council: Mr. Bagley said he and about 30 horse people attended the last Parks & Recreation Board meeting. They are going to write Stark Parks addressing the matter. He said Mr. Fleming said he was bound by Ordinance 505.14 (RIDING HORSES IN THE CITY). Mr. Bagley stated Stark Parks has jurisdiction over the towpath; they did pass a resolution to keep horses off the towpath in this area and are to use the Olde Muskingham Trail, next to the railroad. The issues revolve around horse manure and safety issues for other users. Mr. Fleming said the Park Board gave the horsemen a horse trailer parking alternative to park between Cherry and Market. Bernadette Kraynick said she had a draft letter to Stark Parks asking they be allowed to go back to the towpath. She asked for further definition of Ordinance 505.14; Mr. Kincaid said they could possibly change the ordinance. Ms. Kraynick said what they would like is to continue to park their horse trailers as in the past and not be in violation of the ordinance.

Donna & Travis Hermann, 2001 Byrd Drive: The Hermanns spoke with Mrs. Loretto about a noise ordinance with a B-2 commercial property. Mrs. Loretto had faxed this information to Mr. Kincaid. Mr. Kincaid said there was a city-wide noise ordinance. Their issues are with the noise semi-trailers produce while parking close to their and others’ homes while waiting for Canal Fulton Provisions to open. It was stated very early on Sundays the semi-truck drivers park and sleep, letting the refrigerator units run. Mrs. Downing noted there is a truck stop seven miles away. The trucks are also parking on the road, sometimes across the street at Giant Eagle, which is prohibited. Mr. Kincaid said this appears to violate Canal Fulton’s disorderly conduct ordinance (509.03). Mayor Grogan instructed Chief Kassinger to advise the Police to start issuing warnings to the truck drivers to move their vehicles, or they will be sited. Mrs. Loretto will talk to the George Mizarek, owner of Canal Fulton Provisions.

REPORT OF COUNCIL PRESIDENT – No Report

REPORT OF STANDING COMMITTEES - Mrs. Zahirsky stated the Personnel Committee met, and they will get copies of that meeting to all.

EXECUTIVE SESSION

Mrs. Cihon made a motion to go into Executive Session for personnel/hiring of the new Police Chief and no action will be taken, requesting Council, City Manager and the Mayor’s presence; seconded by Mr. Colaianni. **ROLL CALL: Yes – ALL** Mr. Szanto made a motion that in Executive Session, Council discusses land acquisition; no action will be taken, requesting Council, City Manager and the Mayor’s presence; seconded by Mr. Colaianni. **ROLL CALL: Yes – ALL**

REGULAR SESSION RECONVENES

Mr. Colaianni made a motion to reconvene the regular portion of the meeting; seconded by Mr. Mouse. **ROLL CALL: Yes - ALL**

ADJOURNMENT

Mrs. Zahirsky made a motion to adjourn. Mayor Grogan adjourned the March 15, 2005 City Council meeting.

Patricia A. Troccoli, Clerk of Council

Mayor John Grogan