

CITY OF CANAL FULTON

April 19, 2005

REGULAR COUNCIL MEETING

Mayor John Grogan called the April 19, 2005 City Council meeting to order at 7:30 PM in Council Chambers at City Hall.

PLEDGE OF ALLEGIANCE

CALLING OF THE ROLL

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

OTHERS PRESENT

Mayor John Grogan; Patti Troccoli, Clerk of Council; Marge Loretto, City Manager; Mike Rodino, Finance Director; Interim Chief Charles Kassinger, Officer Douglas Swartz, Officer Dennis Muntean, Officer Dawn M. Kensinger, and Officer John R. Ardman, Police Department; Chief Ray Green, Fire Department; Fred Fleming and Ed Fousek, Parks & Recreation Board; Tom Bauer, Canal Fulton – Main Street; Joan Porter, The Repository; Mike Bagley and Bernadette Kraynick, Tri-County Trail Association; George Mizarek, Canal Fulton Provision, Ken Roberts, Warehouse on the Canal; David F. Vales, Massillon Resident; Thomas Bauer, Donna & Travis Hermann, James Deans, and Chell Rossi, Residents

CORRECTING & ADOPTING THE RECORD OF PROCEEDINGS

Mrs. Zahirsky made a motion to approve the April 5, 2005 City Council meeting minutes; seconded by Mr. Colaianni. **Discussion:** Mr. Szanto stated, "Just a comment, an observation, the uh, the part where we discussed, uh, the Utilities Clerk, we refer to replacement. Um, it seems a bit lengthy, and it's - it's out of, shall I say out of context; not out of context, but it's a little. I'm curious why that was taken verbatim when, um, other things aren't. Then, again, that's not a question - just an observation." Mayor Grogan asked if he was talking about the Finance Director section. Mr. Szanto answered, "Yes. I would say, is there a lot? There's a lot of, there's a lot of space indicated to something that I'm surprised to see that much space dedicated to, and I'll just leave it go at that."

ROLL CALL: Yes – 5 Abstained – 1 (Mrs. Cihon)

CITIZENS' COMMENTS ON AGENDA MATTERS – None

SPECIAL RECOGNITION (ADDED TO AGENDA DURING MEETING)

Tom Bauer (Canal Fulton–Main Street) distributed packets regarding their 2004 accomplishments, including obtaining their 501-C3. They won and presented to Council an award for the best publication of all Ohio communities for their web page and business - recruitment packet for potential businesses coming into the community, as well as their Heritage Tourism brochure. Mr. Bauer stated they appreciated the City's original seed money and requested its continued support. He also requested that they to be permitted to work on signage issues with Council and the HPC. The Mayor and Council thanked him for all their efforts.

REPORTS OF ADMINISTRATIVE OFFICERS

Senior Citizens

Mrs. Cihon reported at the last Swiss Steak Dinner they served 179 people.

April 27 Card Party - \$5 Ticket price includes lunch - Call the Center for information

May 3 Center Closed - Election Day

May 16 – 18 Trip to Sault St. Marie – (3-day/2-night) that includes Kewadin and Bay Mills Casinos, stop at Cabelas Outfitters – Cost \$220: Casino will give back \$70 in casino bonuses. Call the Center for information

June 18 Trip to Cleveland State Theatre to see "Hair Spray" - \$110, includes dinner at the Hard Rock Café and orchestra seating ticket and gratuities

Community Service Coordinator – No Report

Fire Chief

Chief Green had two resignation letters (Firefighters Metzger and Matchett). Also the rescue boat has been ordered.

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Police Chief

Interim Chief Kassinger stated members of the Police Department have recertified their CPR and AED via the Fire Department.

Interim Chief Kassinger referred the hiring of two part-time Police Officers to the Mayor to be sworn in. The Mayor stated there were 73 applicants. He submitted to Council they consider hiring Dawn M. Kensinger for the position of part-time Police Officer for the City of Canal Fulton. She is OPOTA certified and her background checks have been completed. Mr. Colaianni made a motion to accept the Mayor's appointment of Dawn M. Kensinger to the part-time position in the Canal Fulton Police Department subject to passing her field training and physical/drug tests; seconded by Mrs. Cihon. **ROLL CALL: Yes – ALL**

Mayor Grogan submitted to Council that they consider John R. Ardman under the same conditions as Ms. Kensinger, adding that Mr. Ardman grew up in Canal Fulton and attended Northwest High School. He is also OPOTA certified and his background checks have been completed. Mrs. Cihon made a motion to accept John R. Ardman under the same conditions as Ms. Kensinger's; seconded by Mr. Colaianni. **ROLL CALL: Yes – ALL**

Mayor Grogan gave the Oath of Office and swore in the new part-time Police Officers Dawn M. Kensinger and John R. Ardman. Officers Kensinger and Ardman were congratulated by all.

Engineer – No Report

Finance Director

Mr. Rodino stated he E-mailed and distributed the appropriate hard copies of the March 2005 monthly reports. Mr. Szanto made a motion that Council acknowledges receipt of the March 2005 month-end reports as distributed by the Director of Finance; seconded by Mrs. Cihon. **ROLL CALL: Yes – ALL**

Mr. Rodino requested a Personnel Committee meeting; he has completed his MBA Program and referenced the Barrett Study. Mr. Mouse made a motion that the Personnel Committee meet on May 4, 2005 at 7:15 PM; seconded by Mr. Colaianni. **ROLL CALL: Yes – ALL**

Mr. Colaianni made a motion that Council change the regular City Council meeting from Tuesday, May 3, 2005 at 7:30 PM to Wednesday, May 4, 2005 at 7:30 PM due to Election Day and City Hall being a polling place; seconded by Mr. Mouse. **ROLL CALL: Yes - ALL**

Mayor

Mayor Grogan referenced a recommendation from Mr. Fred Fleming (Parks & Recreation Board) to appoint Mr. Edward Foucek to the Board. Based on the recommendation and the letter from Mr. Foucek, Mayor Grogan recommended Mr. Foucek's appointment (filling an unexpired term). Mr. Colaianni made a motion that Council approves the appointment of Ed Foucek as an appointment to the Parks & Recreation Board; seconded by Mrs. Zahirsky. **Discussion:** Mr. Foucek stated he has lived in Canal Fulton for two years, is an automotive technician with two children. He stated he looks forward to working with everybody and helping with the parks. The Mayor and Council thanked and welcomed Mr. Foucek. **ROLL CALL: Yes - ALL**

City Manager

Mrs. Loretto spoke about the emergency problem with a culvert on River Road that is due to water erosion causing the road to cave in.

Community Park is moving along well and finally taking shape.

Laying the brick at the Walnut/Market Streets intersection should be complete soon, and the blacktop should be in place. This will keep the sand base from eroding away.

Wayne Decorations contacted Mrs. Loretto about Christmas Decorations. They told her if the City purchases decorations in April or May, there would be a 30% discount. If interested, they will bring their van so Council can view what they have to offer before the next meeting.

Mrs. Loretto spoke about an E-mail from Sue Cave (OML) with a sample of a potential ordinance regarding local government not being able to be taken away by the House or Senate.

Mrs. Loretto received a name of a person from Akron University that is willing to do a time study who will be visiting her Monday to get a feel for it and give an estimate for the job. She asked Council if they were still interested in doing time studies for everyone at City Hall or just employees who are not covered by the union. Mr. Colaianni stated, "If you're going to do it for a bargaining unit, you have to have their approval." Mrs. Loretto said she wasn't sure if that

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was true, as they do have some management rights unless they're given away; she'll check with the attorney. Mr. Mouse said he thinks they should talk to the representative from Akron University and find out their process and hear what they've got to say.

Parks

Mr. Fleming commented on the fact there would be lights at the tennis courts to alleviate vandalism. Mrs. Cihon asked if they were going to put another road in or use the same driveway as they use for the Senior Center. She was told the same driveway would be used. Mr. Fleming said they would not be making reservations for the courts yet. Mr. Mouse suggested a tournament or some type of competition to expose the park/new tennis courts to the community. Mr. Fleming said the contract Heritage Society has with Stark Parks regarding the Visitors Center was signed on May 3, 2004; it expires April 30, 2005. He said prior to the contract with the Visitors Center, Stark Parks had a contract with the Heritage Society to put the representative in it. The rep was in it last year, but they pulled him out and put him in Sippo Lake's Visitors Center. They have not returned him. Mr. Fleming said in the paper it sounds as if they are not going to return the representative until the City signs the lease, as it was up in October. Mr. Fleming said that was inaccurate; it's not up until the end of this month. Mr. Kincaid has the new contract on his desk to read; he requested Council review same. John Hatfield should review it also. The Mayor asked Mr. Fleming if it would be a good idea to revisit/review green space fees. Mr. Fleming suggested they review same at Council's next meeting.

Law Director

FIRST READINGS

Ordinance 12-05: An Ordinance Enacting Chapter 743 Prohibiting Operation of Motor Vehicles in Certain Circumstances.

SECOND READINGS

Ordinance 08-05: An Ordinance Adopting a Backflow Prevention. (Requested by Council)

Resolution 08-05: A Resolution to Adopt the Solid Waste Management Plan for the Stark-Tuscarawas-Wayne Joint Solid Waste Management District. (Requested by Utilities Superintendent)

Ordinance 09-05: An Ordinance Amending Ordinances 7-02, 14-02, 14-03, 28-03, and 2-04 Establishing Rates of Pay for Various Part-time Positions within the City of Canal Fulton, and Declaring an Emergency. (Requested by City Manager) Mrs. Zahirsky made a motion to amend the Street Department worker's pay to \$11 per hour and the temporary full-time Utility Clerk to \$9.79 (stating that will go back to the other amount when she is no longer a full-time temporary); seconded by Mr. Szanto. **ROLL CALL: Yes – ALL** Mr. Szanto make a motion to suspend the rules on Ordinance 09-05; seconded by Mr. Colaianni. **Discussion:** Mr. Mouse asked if these pay rates represented 3% raises, and Mrs. Loretto said everybody was 3% other than what Council changed today, and that includes the City Manager position. **ROLL CALL: Yes – ALL** Mrs. Zahirsky made a motion to pass Ordinance 09-05 under suspension as amended; seconded by Mrs. Cihon. **ROLL CALL: Yes - ALL**

THIRD READINGS - None

PURCHASE ORDERS & BILLS – (No Purchase Orders)

BILLS: \$163,161.28 Mrs. Cihon made a motion that Council accepts the bills in the amount of \$163,161.28; seconded by Mr. Colaianni. **ROLL CALL: Yes - ALL**

NEW BUSINESS

Mrs. Cihon stated Council needs to draw up an agreement for a Joint Park Commission between the City of Canal Fulton and Lawrence Township and the City has to hire an attorney. Mrs. Cihon made a motion to hire Roy Batista to meet with the Township Attorney Allen Krash to get this started; seconded by Mr. Colaianni. Mr. Kincaid said that he got a call from the Park Board requesting that he meet with Allen Krash Thursday; and it was Tuesday, which didn't give Attorney Batista time to "bone up." There was a lengthy discussion regarding same. Mr. Szanto was uncomfortable about setting a price with Attorney Batista. Mr. Mouse said getting a quote for same would be a good idea to see what the fee includes. Mr. Kincaid said the City doesn't give any approval until the purchase order is written, so they can hire Attorney Batista pending his quote. Mr. Szanto said he has been in several meetings regarding the Joint Park District, and "The value in what we're doing here is that if we can come up with a document – you know, a vehicle – that allows the Township and the City to work together towards joint recreational areas or joint recreational activities even though we may not be able to implement it at its fullest now. We will have set into motion and prepared a document that will let another Council, you know, several years down the road – this thing can grow. So, that's why I'm so

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interested in getting this thing off the ground because we're doing – we're actually doing the groundwork for the community for the future. We may not see the fruits of this for five years." Mr. James Deans said it also allows the City some leeway in talking to financial partnering. Mr. Mouse added that whatever the City pays Mr. Batista should not exceed what the Township is going to pay Mr. Krash. **ROLL CALL: Yes - ALL**

OLD BUSINESS

Council Rules: Mrs. Zahirsky said Council has the corrected copy; however, there is still a blank on Page 3 for Council meeting time, as there was a previous request to change Council meeting time to 7:00 PM. Mr. Szanto made a motion to change Rule 8 to leave Council's regular meeting time at 7:30 PM; seconded by Mrs. Cihon. **ROLL CALL: Yes – ALL**

Mrs. Zahirsky made a motion to adopt the Council Rules as presented that were revised March 2005; seconded by Mr. Colaianni. **Discussion:** Mr. Colaianni stated what he would like to see considered next year is consideration under Committees, Rule 7 - to readjusting some of the responsibility (i.e., Personnel Rules) with ordinances - pay ordinances setting salaries to possibly adjust that to Finance to streamline the budgeting process. Mr. Kincaid stated he wasn't sure the City should have a rule on open meeting law and for next year to leave it out, as people might look at that rule and be misled. **ROLL CALL: Yes - ALL**

OTHER BUSINESS

CITIZENS COMMENTS (Open Discussion, Five-Minute Rule)

Tom Bauer, Canal Fulton – Main Street: Mr. Bauer questioned Council's position on the sign issue, as proposed. Mr. Colaianni said there were revisions submitted last year, and he knew there were going to be studies done. Mr. Kincaid said he worked on a draft for the Planning Commission, but he doesn't know what happened to it. Mr. Colaianni recommended that Mr. Bauer attend the HPC/Planning Commission meeting this coming Thursday.

Donna & Travis Hermann, 2001 Byrd Drive: Mr. and Mrs. Hermann again addressed the noise problems they have been having with delivery trucks at Canal Fulton Provision. Mr. George Mizarek, President and CEO of Canal Fulton Provision, responded saying they had a meeting at Don Schalm's home regarding the problem. Mr. Mizarek had suggested they put a bunker up above the one they currently have, along with trees, to make the sound go "up instead of in." Mr. Mizarek said that of course it was a matter of time to accomplish same. The Mayor prefaced the situation saying that apparently Mr. Mizarek, once he found out about the situation, made phone calls to all of his distributors asking them not to park in the back, but there are some that are independent. Mr. Mizarek stated they have several truck companies they can contact. However, the majority of their deliveries come in through the independent truckers, and there is no way they can possibly know who is bringing in what or when. Mr. Mizarek said while working late Sunday there was a truck parked there, and he asked the trucker to please go down to the Truck Stop. He said two additional trucks came in after that, then the first trucker came back and an argument developed. Mr. Mizarek said he didn't want to be rude or sarcastic, but 18 years ago he warned the developer of this because of the industrial/commercial strip that is there, and now they have a problem. He said he doesn't think he has a problem, as he has an industrial piece of property and has been there 38 years. He also stated when people come into a community and buy a home that he thought they should check the area. Mr. Colaianni asked if when Mr. Mizarek places an order he can issue specific instructions that would state "Do not park in the lot overnight, or don't park in the lot between midnight and such and such in the morning" on the order form or bill of lading. Mr. Mizarek said he had followed up on doing this already with companies they buy from, and he was told the companies do not know until they pull in the lot who is picking up what. Mr. Mizarek said he feels there will also be a problem with the other Canal Fulton companies in the near future. Mr. Mizarek stated he was "willing to work with these people," but he added, "I also can't jeopardize myself." Mr. Mouse asked him to call his delivery people and then respond to the City Manager about same.

Mrs. Hermann said they had noise issues when they lived in Lake Cable (Jackson Township), and that's why they moved to Canal Fulton. She said when they moved here, they made sure "that strip plaza over there was not industrial," and stated there was nothing on the map that showed Canal Fulton Provision was industrial. Mr. Hermann added that it was never disclosed to them that "there would be trucks parking in our backyard." Mr. Mizarek asked the City Manager if the Zoning was checked. Mrs. Loretto said, "We went back to Township 'cause that's where you were zoned, and you were zoned Industrial in the Township. And then we checked the City ordinances after you were annexed to the City to see if there was an ordinance by Council changing the zoning, and there was no ordinance by Council changing the zoning."

The Hermanns then complained about the Police not doing what they asked them to do (i.e., make the truckers move their trucks). The Mayor addressed their comments saying that obviously the Police officers are there to uphold whatever ordinances the City has in place, and they cannot do anything to force the truckers to move. He said they can make strong recommendations, but they have nothing that says "you must move because we're telling you to move." The Mayor said it was

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fortunate that Mr. Mizarek was in attendance to address the issues, and that the City wants to get this resolved, but there are some complex issues that need to be addressed. The Mayor offered to stay after the meeting to see what they can do. Mr. Mizarek reiterated he would try to work with the companies to see what they could do about the issue.

Bernadette Kraynick, Canton, Ohio: Ms. Kraynick said at the last Council meeting, she asked if Ordinance 505.14 (adopted 12/20/66) could be reviewed and explained to her about if and where the horses are allowed on the sidewalks, in the park, or not in the park at all. She also asked if there was any consideration to changing the ordinance allowing horse trailers to be parked within the park. She was told this issue has to be handled by the Parks & Recreation Board and then, if the Board approves same, it will return to Council as a recommendation. Mrs. Zahirsky said if the Parks & Recreation Board does not make a recommendation to Council, the ordinance will probably not be changed.

REPORT OF COUNCIL PRESIDENT – No Report

REPORT OF STANDING COMMITTEES – No Report

EXECUTIVE SESSION

The Mayor requested a motion to go into Executive Session to discuss personnel/finance issues and requested Council, the Mayor, the City Manager, and the Law Director to be in attendance, and requested Officer Muntean and Interim Chief Kassinger “be on standby out in the hallway” for any questions if Council has any; Mr. Colaianni so moved; seconded by Mr. Szanto. **ROLL CALL: Yes – ALL**

REGULAR SESSION RECONVENES

Mr. Colaianni made a motion to reconvene the regular portion of the meeting; seconded by Mrs. Zahirsky. **ROLL CALL: Yes – ALL** Mrs. Zahirsky stated for the record that no action was taken during Executive Session.

Mr. Colaianni made a motion that Council recommend the Mutual Letter of Consent to amend the current FOP contract and that Council asks Attorney Bob Tscholl, who negotiated the FOP contract with our City, to draft a Mutual Letter of Consent to coexist with the current contract to amend Article 34 to give credit up to/equal five years for a Patrol Officer within the Canal Fulton Police Department for wages only; seconded by Mr. Mouse. **ROLL CALL: Yes - ALL**

ADJOURNMENT

Mrs. Cihon made a motion to adjourn. Mayor Grogan adjourned the April 19, 2005 City Council meeting.

Patricia A. Troccoli, Clerk of Council

Mayor John Grogan