

CITY OF CANAL FULTON

April 20, 2004

REGULAR COUNCIL MEETING

Mayor John Grogan called the April 20, 2004 City Council meeting to order at 7:30 PM at Stinson Activity Center.

PLEDGE OF ALLEGIANCE

CALLING OF THE ROLL

Present: Victor Colaianni, Nellie Cihon, Diane Downing, Linda Zahirsky, Mike Mouse, Robert Szanto, and Mayor John Grogan.

Roll: Yes - ALL

OTHERS PRESENT

Marge Loretto, City Manager; Chief Mike McNeely, Police Department; Chief Bob Hill, Fire Department; Michael Rodino, Finance Director; Joan Porter, The Repository; Rochelle Rossi, Ken Roberts, David Burgner, all residents; and the Northwest basketball and wrestling teams.

ADOPTING OF MINUTES

Mrs. Cihon made a motion to accept the April 6, 2004 City Council minutes of the meeting. Mr. Colaianni seconded the motion.

Discussion: Mrs. Zahirsky noted there should be a correction on Page 10, the motion to adjourn the meeting should read "Mrs. Cihon made the motion to adjourn." Mr. Colaianni noted there should be a correction on Page 1 to show Mayor Grogan opened the meeting rather than Mrs. Zahirsky.

Roll: Yes – 5 No – 1 (Mrs. Downing abstained due to her absence.)

SPECIAL RECOGNITIONS

Mayor Grogan read the Northwest High School Boys Basketball and Wrestling Teams Proclamations and gave one to each member of each team and their coaches, after reading the proclamations. Proclamations were read as follows:

The Northwest High School Basketball Team, consisting of Head Coach, Jim Lower; Coaches, Mike Lower, Jim Kunkle, Paul Kunkle, and Brian Ziegler; and the players; T.J. Evans, Vince Baiera, Matt Lewis, Jared Haslar, Vinnie Sette, Ryan Wallace, Craig Moore, Ken Sims, and Chuck Samsa, along with the Team Managers, Ryan Ostronisky and Mike Joyner, has achieved excellence in athletics during the 2003-2004 season and has made the community of Canal Fulton, Ohio proud, not only of the Northwest High School Basketball Team, but of the Northwest School System; and

WHEREAS, the Northwest High School Basketball Team reached the OHSAA State Championship for the first time since 1938, is ranked second in the State of Ohio, earned Northwest's first district title in forty-three years, and its first regional championship to go with a third NBC crown; and

WHEREAS, their motto: "Believe to Achieve" has led them to this outstanding season during which they have shown true examples of leadership for the students who will follow them – not only in Canal Fulton – but all of Stark County and the State of Ohio;

NOW, THEREFORE, be it proclaimed that the above named members of the Northwest High School Basketball Team be recognized as honored residents of the City of Canal Fulton, Ohio, for their sportsmanship and leadership excellence. May they be a beacon to all who follow them.

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The Northwest High School Wrestling Team, consisting of Head Coach, Daniel Staats and Assistant Coaches, Dave Tolarchyk and Dave Burgner; and team members Cody Butzer, Aaron Griffin and Doug White won the Northeastern Buckeye Conference and the Sectional Tournament; and

WHEREAS, Cody Butzer finished his season as an Ohio State champion; and the team, individually and as a whole, has achieved excellence in athletics during this season and has made the

CITY OF CANAL FULTON

April 20, 2004

community of Canal Fulton, Ohio proud, not only of the Northwest High School Wrestling Team, but of the Northwest School System; and

WHEREAS, they are true examples of leadership and sportsmanship for the students who will follow them – not only in Canal Fulton – but all of Stark County and the State of Ohio;

NOW, THEREFORE, be it proclaimed that the above named members of the Northwest High School Wrestling Team be recognized as honored residents of the City of Canal Fulton, Ohio, for their achievements. May they be a beacon to all who follow them.

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Coach Lower (basketball) thanked the Council for recognizing them, saying it was a thrill for all of the community, and he was glad the City of Canal Fulton and the City Council was a part of it. He stated the team enjoyed the recognition. He said it has been great, and he thought it really uplifted the whole area. Mayor Grogan said that it has done more for the community than Council can express, and that student athletes are a fine example of our community; and, obviously, the coaching reflects the coaches' characters as well. Mayor Grogan stated that it is a privilege for himself and the members of Council to give the teams the proclamations and thanked them again for a season that we certainly enjoyed.

Coach Staats (wrestling) stated that he just wanted to say thanks to the City of Canal Fulton and City Council for taking the time to recognize the wrestling team and its accomplishments, and they were just happy to be a part of it.

The Mayor, City Manager and City Council congratulated each team member and the coaches on a job well done, as they accepted their proclamations.

CITIZENS' COMMENTS ON AGENDA MATTERS

No comments.

REPORTS OF ADMINISTRATIVE OFFICERS

Senior Citizens

Mrs. Cihon stated they are having a Swiss steak dinner Saturday night. The new price now is \$10. There are still openings for the May 10, 11 and 12, 2004 Michigan trip. They also want to thank the City for filling in that hole. Regarding the mulch, Mrs. Cihon stated that it has tulips growing out of it now – it's been here that long! Mrs. Loretto stated that the City does not want to remove it because they do not know who left it there.

Community Service Coordinator

No Report.

Fire Chief

Chief Hill commented on enjoying a good evening with the Mayor and City Manager at the VFW Awards Banquet, where Ray Green and Denise Allen were honored. The Mayor asked him if he had started purchasing the EMS coats. Chief Hill stated they had already arrived, and he was in the process of sizing everyone for a coat - finishing this week. He said he will probably have a couple of people to hire at the next Council meeting, and that he would give Council prior notice of same.

Police Chief

Chief McNeely said Doug Swartz will be recognized by the Stark County Mothers Against Drunk Driving (MADD) at a county-wide meeting in Alliance. He will let Council know more about that after they give him the specifics. The Chief then thanked Mrs. Loretto for being responsible for getting the crushed asphalt up to the baseball complex, saying it's the nicest that driveway has been for a long time.

Mr. Szanto stated Canal Fulton enjoys a reputation of being one of the hardest on drunk drivers in the County, saying Chief McNeely has given stats on that before (i.e., per capita arrests and convictions). Chief McNeely stated he believed the City had 70 last year, and the officers do a good job.

Engineer

No report.

CITY OF CANAL FULTON

April 20, 2004

Finance Director

Mr. Rodino circulated the March 2004 monthly financial reports.

Mr. Szanto made a motion to acknowledge receipt of the March 2004 monthly financial report. Mrs. Zahirsky seconded the motion.

Roll call: Yes - ALL

Mayor

Mayor Grogan said the T.A.P. Committee has met twice. The next meeting is May 7, 2004, at 8:30 AM in City Hall. They have just begun to structure how the committee is being set up; there are minutes available if any member of Council wish to look at those.

City Manager

Mrs. Loretto stated that one thing that was not in her reports last week: she did contact the project foreman from R.J. Corman (there was some concern about Cherry Street, bridge repair). She also spoke with the Ohio Rail Development Commission; and, hopefully within the next few months, he will come to Canal Fulton and have a meeting to check our signal warning device. She stated our signal warning device is in good condition, but he said he has to come up and check right before they start the projects and that is the reason for the delay, or at least getting a timeframe of when it will be started.

Mrs. Loretto said the other thing is in her Manager's Report, she noted that she did talk to North Canton and hope that the City could go in with North Canton and Plain Township for gas aggregation. She also talked to Energy Consultants' representative that they are going to use. Mrs. Loretto would like to have them come in and talk with Council. She stated that is the third-party person, mainly because (and she can also bring in another one) this is more complex than electric aggregations, so everybody uses a third-party person on this negotiating. She talked to Marvin Hardgrove, and he said he would bring it up at their next trustee's meeting, as to whether they wanted to consider gas aggregation, although he said that the City going with the Township would not tremendously increase the numbers because they have a lot of all-electric homes up in the Township. Mrs. Loretto thinks the Council would be better off if they could go into these negotiations with Plain and North Canton. She thinks Council should have a representative from Buckeye Energy give them a talk, so Council can be more informed. The other one in this area is FirstEnergy. They no longer do gas aggregation, but they do act as the third-party person. Mrs. Loretto stated FirstEnergy can come and talk to Council. Mrs. Loretto thinks North Canton and Plain has committed to Buckeye Energy, so if Council would go with that group, we would probably be in Buckeye Energy.

Mr. Mouse stated he thought Saturday or Monday, there was an article in the paper about aggregation, and how it has not fulfilled the alleged promise. He asked if we have gotten any feedback from the residents about what their electric bills are. Mrs. Loretto responded that one gentleman that talked to her because his April bill was larger than what he thought it should be. She stated that she tried to explain to him that her understanding, when she spoke with FirstEnergy, that April's weather conditions this year were much worse than they were last year, and it is almost across the board. She gave him the name of the person to talk to, and she told him if he has any problem or he is not comfortable to get back to her. Mr. Mouse said Mrs. Loretto might want to tell people it is based on usage, so all they have to do is divide kilowatt hours with what they have used because this winter was a lot colder than last winter. The Mayor asked Mr. Mouse what publication wrote the article, and Mr. Mouse stated he thought it was Saturday's *Akron Beacon Journal*.

Parks

No Report.

Law Director

Mr. Kincaid is still on vacation, so Mayor Grogan read the Third Readings, etc.

THIRD READINGS

Resolution 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.

Mr. Szanto made a motion to pass Resolution 4-04. Mr. Colaianni seconded the motion.

CITY OF CANAL FULTON

April 20, 2004

Discussion: Mr. Mouse questioned the scope of the computer hydraulic model, and Mrs. Loretto and Mr. Szanto answered the questions to the best of their ability.

Roll Call: Yes – ALL

SECOND READINGS

Resolution 7-04: A Resolution Designating the Ohio and Erie Canal Corridor Coalition to Act as Fiscal Agent, and Stark Parks to be the Project Manager, for the Survey of the Canal From the Feeder System to Lock Four and Repairs to the McLaughlin Dry Dock, and Declaring an Emergency.

Mrs. Loretto stated that Council could pass it at the next Council meeting under emergency on May 4, 2004, and that would make it ready for our meeting two days after the Tuesday night meeting, so they have enough time to take action before the October deadline.

Ordinance 11-04: An Ordinance Amending Ordinance Number 4-03 Enacted on February 4, 2003, and Declaring an Emergency. Ordinance 11-04 is about correcting fees charged for sewer tap-ins and the district served by Plum Run Creek Sewer.

Mrs. Zahirsky made a motion to suspend the rules on Ordinance 11-04. Mrs. Cihon seconded the motion.

Roll Call: Yes – 5 No – 1 (Mr. Mouse)

Mrs. Zahirsky made a motion to pass Ordinance 11-04 under suspension. Mrs. Cihon seconded the motion.

Discussion: Mr. Mouse said he would vote against this is because this project was originally costed out at \$186,000 or something in that vicinity, and then the City had a security bond against the contractor and for what, he did not know, stating he had never been really given a valid explanation – a clear explanation – why they did not go against the contractor. Mr. Mouse went on stating that so, now the people coming in now are going to have to pay a surcharge because this project went from \$186,000 up to \$800,000 plus, so he would vote no.

Roll Call: Yes – 5 No – 1 (Mr. Mouse)

FIRST READINGS

No first readings.

PURCHASE ORDERS & BILLS

P.O. #3903 in the amount of \$6,085.00 to the National Waterworks Inc. for Mounting Brackets.

Mrs. Cihon made a motion to accept P.O. #3903 in the amount of \$6,085.00 to the Nation Waterworks Inc. for mounting brackets. Mr. Colaianni seconded the motion.

Roll Call: Yes – ALL

P.O. #3904 in the amount of \$5,700.00 to the RJ Corman Railroad Group for construction of Milan Street Sanitary Sewer Project.

Mr. Colaianni made a motion to accept P.O. #3904 in the amount of \$5,700.00 to the RJ Corman Railroad Group for construction of Milan Street Sanitary Sewer Project. Mrs. Cihon seconded the motion.

Roll Call: Yes - ALL

P.O. #3906 in the amount of \$110,000.00 to Ohio & Erie Canal Corridor Coalition for Canal survey and perform dry dock repairs.

Mrs. Cihon made a motion to accept P.O. #3906 in the amount of \$110,000.00 to Ohio & Erie Canal Corridor Coalition for Canal survey and perform dry dock repairs. Mr. Colaianni seconded the motion.

Discussion: Mr. Mouse had questions regarding the scope of the work regarding P.O. #3906, and how far the grant money is going to be spent in Lawrence Township since they have not been asked to spend money on the project. Mr. Szanto and Mrs. Loretto again responded that the money will be used to study the problems, not only in Canal Fulton, but the feeder system in Lawrence Township that supplies the water. It was stated that if those problems are not corrected, Canal Fulton's problems will not be corrected.

CITY OF CANAL FULTON

April 20, 2004

Roll Call: ALL - Yes

P.O. #3913 in the amount of \$12,500.00 to Canal Fulton Electrical to furnish and install 6 poles for new parking lot lighting.

Mrs. Cihon made a motion to accept P.O. #3913 in the amount of \$12,500.00 to Canal Fulton Electrical. Mr. Colaianni seconded the motion.

Roll Call: Yes – 5 No – 1 (Mr. Mouse)

P.O. #3914 in the amount of \$3,800.00 to Canal Fulton Electrical to replace three existing overhead services in City Park with two underground services.

Mrs. Cihon made the motion to accept P.O. 3914 in the amount of \$3,800.00 to Canal Fulton Electrical. Mrs. Zahirsky seconded the motion.

Roll Call: Yes – 5 No – 1 (Mr. Mouse)

P.O. #3916 in the amount of \$8,927.28 to Dell Marketing L.P. to replace existing computer hardware.

Mr. Colaianni made a motion to accept P.O. #3916 in the amount of \$8,927.28 to Dell Marketing LP to replace existing computer hardware. Mrs. Zahirsky seconded the motion

Roll Call: Yes – ALL

P.O. #3917 in the amount of \$3,780.00 to Robert E. Patris for setup and configuration of file server and network, setup and configuration of PCs, installation and training.

Mrs. Zahirsky made a motion to accept P.O. #3917 in the amount of \$3,780.00 to Robert E. Patris for setup and configuration of file server and network, setup and configuration of PCs, installation and training. Mr. Colaianni seconded the motion.

Discussion: Mr. Mouse asked if the Council is saying the total project is going to come in under \$13,000. Mrs. Loretto said the printers are not included because they are trying to find a lower price, and she had distributed a printout showing the reduction of the cost. There will be three printers – one was a photographic type; one was very small; one was a laser printer. Mrs. Loretto also stated there was another purchase order issued that did not need approval to get the five licenses (i.e., one for the main server and four PCs).

Roll Call: Yes - ALL

Bills

Mrs. Cihon made a motion to accept the bills in the amount of \$133,741.49. Mrs. Zahirsky seconded the motion.

Roll Call: Yes - ALL

NEW BUSINESS

None.

OLD BUSINESS

None.

OTHER BUSINESS

Mr. Colaianni stated he received a letter from Chief McNeely with something from the City Manager attached. This is actually addressed to the Safety Committee, which he will distribute to them regarding the Judge Elum (Massillon Municipal Court) ruling in 2001 that their city parking ordinance was flawed, and it had no provision for appeals. The City of Massillon has rectified the issue by enacting legislation that addresses this issue (he attached an ordinance of theirs). Mrs. Loretto also faxed a copy regarding that fact that the Mayor had agreed to serve as the Parking Violations Hearing Officer. Chief McNeely wants the Public Safety Committee to review amending our City ordinance to include the Parking Appeals Process for the City of Canal Fulton. He will get copies of same to the Safety Committee (he picked this up Thursday). Mayor Grogan asked if Mr. Kincaid is going to review this. Mrs. Loretto said she sent Mr. Kincaid a fax regarding same and asking what does the Council need to do. She does not know if he has a copy of that sample ordinance, acknowledging he always appreciates one. Mr. Colaianni suggested that a Safety Committee meeting be set at 6:30 PM on May 4, 2004, right before the next City Council meeting.

Mr. Colaianni made a motion to set a Safety Committee meeting for 6:30 PM on May 4, 2004, prior to the next meeting. Mrs. Cihon seconded the motion.

Mr. Mouse requested copies prior to the meeting.

CITY OF CANAL FULTON

April 20, 2004

Roll Call: Yes – ALL

Mrs. Loretto handed out bid specifications for construction of water pipes to the Northwest school system, and we will have an ordinance at the next meeting. She is hoping that the Council passes it under emergency. They would like to have it in ASAP because the School would like it to be completed in August. Mr. Colaianni asked Mrs. Loretto if Council is alright with the trustees on the sewer to the Strausser Street Station. Mrs. Loretto said we notified the EPA that the Council agreed to it; the Trustees needed it because they could not start construction until the EPA received notification from the City.

CITIZENS COMMENTS

None.

REPORT OF COUNCIL PRESIDENT

Mrs. Zahirsky reminded the Public Service Committee of their meeting at 6:30 PM next week.

REPORT OF STANDING COMMITTEES

None.

Mrs. Zahirsky made a motion to adjourn.

The meeting was adjourned.

Patricia A. Schauwecker, Clerk of Council

John Grogan, Mayor