

CITY OF CANAL FULTON

June 5, 2007

COUNCIL MEETING

Mayor John Grogan called the June 5, 2007 City Council meeting to order at 7:00 PM in Council Chambers at City Hall.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: John Grogan, Linda Zahirsky, Nellie Cihon, Victor Colaianni, Jim Deans, Tony Crookston and Diane Downing.

Others Present: Dale Kincaid, Law Director; Mark Cozy, City Manager; Tammy Marthey, Clerk of Council; David Frisone, Police Chief; Ray Green, Fire Chief; Daniel Mayberry, Public Service Director; Laura Jean Meade, The Canal Fulton Signal; Chell Rossi, Paul Bagocius and Mike Mouse, Residents; Frank Sasz, Ohio Vietnam Veterans' Memorial Park.

CORRECTING & ADOPTING THE RECORD OF PROCEEDINGS

Mrs. Zahirsky moved to approve the May 15, 2007 Council meeting minutes, seconded by Mrs. Cihon. ROLL: Yes, Mrs. Downing, Mr. Deans, Mr. Colaianni, and Mrs. Zahirsky. Abstain, Mrs. Cihon.

Mr. Crookston stated to let the record reflect that he was present at the May 15, 2007 meeting.

PRESENTATION: Mr. Frank Sasz, Ohio Vietnam Veterans' Memorial Park Committee member, invited the City of Canal Fulton to be part of the team that will make The Ohio Vietnam Memorial Park a reality. The park will be located in Clinton within the Clinton Cemetery. The black granite wall will be the main focus and it will list the 3,095 Ohio natives that gave their lives during the Vietnam War. Bricks with names of servicemen from all wars and branches of service will pave the way to the center of the park. There will be three flags poles in the center. The target date for completion is September 2008.

REPORTS OF STANDING COMMITTEES: Mr. Colaianni reported on the Finance Committee meeting that was held prior to the Council meeting. He stated they discussed: 1) potential ballot issue in November and was consensus of the committee to recommend to Council that they proceed with a .4 increase as was done in May but adding on the additional tax levy coming off, so they can have the 2 mill levy in the ballot language. He stated the deadline to file at the Board of Elections is August 23. 2) potential cost savings if they combine into a joint district for Lawrence Township/Canal Fulton for fire/EMS. 3) discussed billing challenges they have had with the Township. A resolution has not been passed by the Trustees to date. It was a consensus that if no legislation is passed at the Township's meeting on June 18, Council should consider at our June 19 meeting legislation so that we may begin billing their residents directly.

The Mayor asked if Council wished to entertain a motion to have the language placed on the November ballot for the .4 increase with the 2 mill rollback?

Mrs. Zahirsky stated they would hold off at this point.

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CITIZENS' COMMENTS – AGENDA MATTERS : None

REPORTS OF ADMINISTRATIVE OFFICERS

SENIOR CITIZENS (Nellie Cihon): Swiss Steak Dinner: The next dinner will be held June 16 from 4:00-6:30 PM. Reservations are required.

Mrs. Cihon reported that they have a commissioner retiring and they would like to nominate Scott Svab for the vacant seat.

Mr. Deans moved to appoint Mr. Svab as commissioner, seconded by Mrs. Zahirsky. ROLL: Yes, Mr. Crookston, Mrs. Zahirsky, Mr. Colaianni, Mr. Deans and Mrs. Downing. Abstain, Mrs. Cihon.

Law Director Kincaid Mr. Svab would have to abstain on any financial matters.

COMMUNITY SERVICE (Phil Kaster): Written.

FIRE CHIEF (Ray Green): Chief Green distributed his monthly report. He stated there were 53 calls for the month of May. He stated the department used to transport mainly to Massillon Community Hospital. He stated more often they are transporting to Aultman, Mercy and the Akron Hospitals.

POLICE CHIEF (David Frisone): Chief Frisone distributed his May activity report. There were 404 calls for service, which is up significantly from April. This is contributed to the nicer weather, increase in traffic and the DUI Task Force. He stated they logged 72 hours overtime that are reimbursable from the State of Ohio for the DUI Task Force. He stated they netted 7 DUI arrests and 9 adult seatbelt violations.

ENGINEER: Mr. Mayberry stated Discovery Park is complete. The park was seeded on June 4, 2007.

Mr. Mayberry stated they have contracted Meister Roofing to put a seal coat on the flat roof at the Northwest Stark Senior Citizen Center. He will arrange this with the Center to avoid any conflicts with functions at the Center.

FINANCE DIRECTOR (Scott Svab): Mr. Svab stated he has contacted the Bureau of Workers' Compensation regarding the rates we have been paying, specifically relating to the Fire Department. It is felt that they have been charging us the wrong rates and they will be doing an audit of our payroll records. He anticipates that we will be getting a large refund.

Mr. Svab stated another cost savings that is being reviewed is hauling our own sludge to Barberton. He stated even with us only having the ability to haul 6 tons at a time, it would still be a substantial savings.

Mr. Svab stated the Alive Festival has contracted with us to dump their sludge. This year we will be charging them a flat fee per truck load.

CITY MANAGER (Mark Cozy): Mr. Cozy stated the Stark County Regional Planning Commission holds its meetings on the first Tuesday of each month, which conflicts with our meetings. He asked for a voice motion to nominate Johnson Belford to represent the City at these meetings. All members agreed. The Law Director recommended that an alternate be chosen. Mayor Grogan asked Mr. Cozy to make contact with Mr. John Workman and Mr. Don Schwendiman and see which one would be interested in serving as the alternate.

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Mr. Cozy reported that he has a draft resolution that Mr. Eric Williams has done for the Township for the fire/EMS billing. Mr. Cozy stated we could go back one year on the billing. He stated this resolution states that we would send the bill to the Township and not to the residents. He stated the Township would be able to bill our residents. He stated the Chief commented that we may have a difficult time getting an accurate run report for 2004 and 2005. The Law Director suggests that they go with a rolling three year period. Mr. Cozy stated he would work with Chief Green and Law Director Kincaid on any amendments and then forward it to the Trustees.

Mr. Cozy stated an issue that has presented itself to them is the sick leave benefits. It seems that they have not been applying accurately what is written in the codified ordinances. He stated for the past four years, they have been applying to the FMLA standards for the sick leave. He stated most notably is when people are off taking sick time, they have allowed individuals to use sick time for personal illness and/or the illness of an immediate family member. He stated FMLA is pertinent to that, but our own codified say specifically only a personal illness qualifies us to take sick leave. He stated he discussed this with Mr. Mayberry. He stated there was an opinion done in the early 90's and this ordinance was drafted in 1985. Mr. Cozy instructed Mrs. Mayberry to be consistent currently until this is brought before Council. He stated the Personnel Committee should review this matter.

Mrs. Zahirsky moved to have a Personnel Committee meeting June 8, 2007 at 2:30 PM, seconded by Mrs. Cihon. ROLL: Yes, ALL.

Mrs. Zahirsky moved to have Public Service Committee meeting June 8, 2007 at 3:00 PM, seconded by Mrs. Cihon. ROLL: Yes, ALL.

Mr. Cozy reported that the Clean Ohio Fund Grant for the property acquisition closed two weeks ago.

Mr. Cozy stated the Craven-Duncan annexation was certified to the county auditor and recorded.

Mr. Cozy stated he has an Ordinance on the agenda tonight for the Canal Lands that is owned by the City.

MAYOR (John Grogan): Mayor Grogan reported they received a fax from Form-Tech.

Mr. Cozy stated he is trying to certify to the auditor's office how much money is owed in back taxes. He stated the current number from the auditor's office is \$61,296.04. He thinks this is for comprehensive taxes there were abated, including the amount that was owed to the schools. He stated he has been in contact with Dan Levongood, Northwest School Treasurer, to make sure they have received all their reimbursement checks. He is tracking those currently. A resolution will need to be put together to authorize the County Commissioners to exercise the agreement to go after Form-Tech for monies owed. Mr. Cozy feels he will have the number from the school by the end of this week.

Mr. Colaianni asked if a resolution needed to be passed since the agreement states if they break the agreement they owe the money.

Mr. Cozy stated he spoke with the County Prosecutor's office and they would like the City to initiate it.

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PARKS & RECREATION BOARD: Mrs. Zahirsky stated the dog park is open.

LAW DIRECTOR (Dale Kincaid): Mr. Kincaid asked if Council wanted an Ordinance for next meeting relating to the income tax levy increase to be able to have three readings. It would not go into effect until after 30 days after the last reading. He was instructed to have it for the next meeting.

THIRD READINGS - None

SECOND READINGS - None

FIRST READINGS

Ordinance 07-07: An Ordinance Authorizing the Canal Lands Annexation from Lawrence Township to the City of Canal Fulton, and Declaring an Emergency.

Mr. Colaianni moved to suspend the rules on Ordinance 07-07, seconded by Mr. Crookston. **ROLL: Yes, ALL.** Mrs. Cihon moved for passage of Ordinance 07-07 under suspension, seconded by Mrs. Zahirsky. **ROLL: Yes, ALL.**

Resolution 12-07: A Resolution Approving the Lockhart Development Annexation.

Stands as First Reading

PURCHASE ORDERS & BILLS

P.O. 4901 to Ohio Drilling Company in the Amount of \$13,384.00 to Clean Well #4 and Repair Pump. Mrs. Cihon moved to approve P.O. 4901, seconded by Mrs. Zahirsky. **ROLL: Yes, ALL.**

P.O. 4894 to CTI Environmental in the Amount of \$20,000.00 for Engineering Fees. Mr. Deans moved to approve P.O. 4894, seconded by Mr. Colaianni. **ROLL: Yes, ALL.**

P.O. 4895 to The Bank of New York in the Amount of \$17,445.00 for Interest on Water Treatment Plant, Water Plant Extension Bond and Downtown Improvement Bond. Mr. Colaianni moved to approve P.O. 4895, seconded by Mr. Deans. **ROLL: Yes, ALL.**

Mrs. Downing asked how close this is to being paid off. Mr. Svab stated the improvement loan has two more years and the Water Treatment is quite a distance out.

Mrs. Zahirsky stated it is a twenty year loan.

P.O. 4896 to Huntington National Bank in the Amount of \$33,387.50 for Interest on Fire Station Bond Series, 2006-1 and 2006-2. Mrs. Cihon moved to approve P.O. 4896, seconded by Mrs. Zahirsky. **ROLL: Yes, ALL.**

P.O. 4900 to Miscellaneous Vendors in the Amount of \$3,917.00 for Matching Funds for Parks Grant, Ohio & Erie Canal Association-Canalway Center Multi-Media Projector and Design Panels. Mrs. Zahirsky moved to approve P.O. 4900, seconded by Mr. Deans. **ROLL: Yes, ALL.**

BILLS: \$108,714.44 Mr. Crookston moved to approve the bills in the amount of **\$108,714.44**, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

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OLD/NEW/OTHER BUSINESS

Mrs. Zahirsky stated one of the reasons you don't want to necessarily pay off the Water Treatment Plant with funds right away is that you want the users of that plant over the life of the plant to be paying for it. You as a user right now don't necessarily want to eat the whole of it, so that is the reason it is a twenty year loan.

Mr. Mayberry reported that it is a twenty year, no interest loan.

REPORT OF PRESIDENT PRO TEMPORE (Linda Zahirsky)

Mrs. Zahirsky stated they would like to have an executive session. Mrs. Zahirsky moved to go into executive session, with Council, City Manager, Law Director and the Finance Director present, for the purpose of the promotion or demotion of a public employee or official, the sale of property by competitive bid to prevent the disclosure of information that would provide competitive advantage, seconded by Mrs. Cihon. **ROLL: Yes, ALL.** Council adjourned to Executive session at 8:25 p.m. from the regular session.

REPORT OF SPECIAL COMMITTEES - None

CITIZENS COMMENTS-Open Discussion (Five-Minute Rule) –

Mike Mouse, 406 Riverview Street: Mr. Mouse stated during the Finance Committee meeting he did not hear any discussion about what if the income tax proposal didn't pass.

Mr. Colaianni stated this was discussed prior to Mr. Mouse' arrival. He stated they discussed if it didn't pass they would potentially rescind the tax credit as well as further cuts in services.

EXECUTIVE SESSION

Mrs. Downing moved to return to public session at 8:45 p.m., seconded by Mr. Deans. **ROLL: Yes, ALL.**

As a result of the session, Mrs. Zahirsky moved to bring Ordinance 44-06 back to the table, seconded by Mr. Colaianni. **ROLL: Yes, ALL.**

Ordinance 44-06: An Ordinance Increasing the Number of Operator A Under Street Department from One to Two. Mrs. Zahirsky moved for passage of Ordinance 44-06, seconded by Mr. Colaianni. **ROLL: No, ALL.**

ADJOURNMENT

Mayor Grogan adjourned the June 5, 2007 City Council Meeting. The next regular meeting is scheduled for June 19, 2007.

Tammy Marthey, Clerk of Council

John Grogan, Mayor