

CITY OF CANAL FULTON

July 20, 2004

REGULAR COUNCIL MEETING

Mayor John Grogan called the July 20, 2004 City Council meeting to order at 7:30 PM in Council Chambers at City Hall. Mayor Grogan then asked for a moment of silence for Sgt. Michael Barkey.

PLEDGE OF ALLEGIANCE

CALLING OF THE ROLL

Present: Linda Zahirsky, Nellie Cihon, Michael Mouse, Diane Downing, Victor Colaianni, and Mayor John Grogan (Robert Szanto was absent due to work.)

Mrs. Zahirsky made a motion to excuse Mr. Szanto from tonight's meeting due to work; seconded by Mrs. Cihon. **ROLL CALL: Yes – ALL**

OTHERS PRESENT

Marge Loretto, City Manager; Michael Rodino, Finance Director; Dale Kincaid, Law Director; Bill Dorman, City Engineer; Dennis Mayberry, Street Department; Terry Driscoll, Working Options, Inc; Joan Porter, The Repository; Matt Rink, The Independent; Bret Stephen, Rochelle Rossi, Ken Roberts, Garnet Thomas, Sis Rohr (residents).

CORRECTING & ADOPTING THE RECORD OF PROCEEDINGS

Mrs. Zahirsky made a motion to approve the July 6, 2004 City Council meeting minutes; seconded by Mr. Colaianni. **ROLL CALL: 4 – Yes 1 – Abstained (Mrs. Cihon due to being out of town)**

TRANSITIONAL WORK GRANT PRESENTATION

Terry Driscoll from Working Options, Inc. conducted a presentation that included a question/answer period on Transitional Work Grants that assists Ohio's injured workers to return and remain on their jobs. They evaluate employees' job duties and via modification in procedures or equipment, they try to resolve employees' exposure for re-injury with their physical therapist and associate ergonomist.

CITIZENS' COMMENTS ON AGENDA MATTERS - None.

REPORTS OF ADMINISTRATIVE OFFICERS

Senior Citizens

- The Center Director, Sherry Ringler, was taken to the hospital; they don't know what's wrong.
- August 25 Card Party
- August 26 Seneca Casino Trip
- September 18 Swiss Steak Dinner (looking for workers)
- October 12, 13 Overnight to Laurel Highlands
- The Senior Center's back porch looks terrible, and they would like the Community Service personnel to look at that.
- The strawberry patch needs cleaned up and new strawberry plants.

Community Service Coordinator

The July 20, 2004 Canal Fulton Community Service Report was received by Council.

Fire Chief – No report. Mr. Mouse shared with the audience, "We requested that the fire chief give us some information. He sent a squad up to Pennsylvania to have a transmission repaired, and I asked him why, and he said the local businesses were not able to do that, and he said (sent a letter), 'Regarding your request during the July 6, 2004 City Council meeting about Squad 8's repair requests: Squad 8 was in Fulton Ford and Waikem Ford's shops. Neither of these Ford dealerships could fix Squad 8. Therefore, my ambulance salesman from Pfund Ambulance told me they knew of a dealership that could fix it, and gave me a backup squad to use until Squad 8 was repaired.' Evidently, he checked on two dealerships before he sent it to Pennsylvania."

Police Chief

Chief McNeely stated the Olde Canal Days Festival went well regarding public safety. Mayor Grogan said, "On behalf of Council, please extend to your personnel that they did a fantastic job (referencing the Barkey family and their funeral) the way they coordinated it; and, all together, they did an excellent job . . . top notch!" Chief McNeely sent a letter to Sheriff Alexander thanking him for his involvement.

Engineer - Mr. Dorman reported the following:

CITY OF CANAL FULTON

July 20, 2004

- Discovery Park Phase II: Construction work is expected to begin around the first week of August. Subdivision and pump stations reviews are complete for that project. Mr. Mouse asked how Discovery Park got its name. Mr. Dorman stated that developers submit names, and sometimes they are themes. Discovery Park was a theme, and the streets are named after explorers.
- Redwing Senior Housing: Subdivision and pump stations reviews are complete; construction is tentatively to begin on two units during the first or second week of August.
- Canal Place (a subdivision that kind of swings around Pizza Hut and Goodwill): Planning Commission's contingent approval of final plat planning commission. Still more work to do on the improvement plans, but there is a proposed strip shopping center there (five units).
- Lakewood and Lake Vista Estates: No change. They believe the developer is still waiting for Ohio EPA approval of the storm water/pollution prevention plan.
- Northwest High School Waterline Project: Currently under construction; as of today, approximately 2,700 feet of 12" waterline has been installed (approximately 30% complete). Some of the most difficult aspects are complete, including a 350' directional bore under the Lake Lucerne spillway into the Canal. Completion date is August 20.
- Milan Street Waterline and Sewer: Bids were received 1½ weeks ago. Wenger Excavating is the apparent low bidder for same.
- Visitors' Center: Combined ODOT and SCATS meeting today; Dan Mayberry represented the City, and Dave Kuntz (CTI) represented the engineering aspect. ODOT has agreed to waive the prequalification requirements for contractors, so now it's going to be open to more bidders. SCATS agreed to raise their funding by another \$25,000. They have to revise the specs, and Mr. Mayberry is working with CTI and the architect to see if there can be any cost savings, but they are not allowed to change the scope of the project without SCATS' approval; hoping to be able to re-bid again in early August.

Finance Director

Mr. Rodino presented the June 2004 Monthly Reports.

Mrs. Zahirsky made a motion that Council received the June 2004 Monthly Reports; seconded by Mr. Colaianni. **ROLL CALL: Yes – ALL**

Mayor – No Report

City Manager

As an annual maintenance procedure, fire hydrants throughout the City will be flushed the week of July 26, 2004.

Ten businesses in the historic district have submitted their request to have their names placed on the directional signs. Mrs. Loretto has met with the sign company, and we are in the process of starting the construction of the two sign locations at the Cherry and Canal intersection.

The Civil Service Test for the Water/Sewer Department has been set for August 28, 2004 at 10:00 AM and is to be held at the Northwest Senior Center.

Bids were opened for the Walnut Street Reconstruction. The low bidder was Vasco Asphalt Company in the amount of \$56,587.81. Bids were also opened for the Milan Waterline and Sanitary Sewer line. The low bidder was Wenger Excavating, Inc. in the amount of \$638,837.80.

Mrs. Loretto passed out information for the Ohio Billing Contracts (EMS & Fire Billing). The first page is the contract she was requested to sign. The second page was Ordinance 41-02 (An Ordinance establishing a charge for the use of ambulance or emergency medical services and repealing Ordinance 18-00, as amended.) Mrs. Loretto stated she feels it is in conflict with the ordinance; she was concerned about problems with Social Security, but Mr. Kincaid informed her that the City can contract with another political subdivision, but the City cannot change the request on an individual basis, so that's not an issue. The contract states, "Do not bill residents of Lawrence Township," and "Do not write off any balances with exception of residents balance (after insurance pays) – send all others for review." Mrs. Loretto said, "It doesn't coincide with what ordinance says, so I think that if this is the way we want to proceed; originally, we were billing everybody and then Lawrence Township said that they would not bill, and so they're not doing the same as what we're doing. So now, they've evidently backed off from billing anybody in Lawrence Township. You have to think about this and see what to do because otherwise, I can't sign this contract, because it would be in direct violation with the ordinance." Mayor Grogan asked if the City had this situation in the past. Mrs. Loretto answered, "My understanding when we originally implemented the contract, they requested what they call 'soft billing.' We started billing everybody that lived outside the City limits, and then with this ordinance, we started billing everybody. At that

CITY OF CANAL FULTON

July 20, 2004

time, the Township had agreed that they would bill if they transported anybody in the City, but then they backed off of it. I was never at those meetings, so I'm not sure exactly how it happened. Now it says we do not bill residents of Lawrence Township." Mr. Kincaid stated, "I'm the one that suggested Marge come here with this. The ordinance doesn't make an exception – doesn't make an exception for anybody – but we can, as a matter of policy, agree not to bill Lawrence Township. But I thought before she signed this contract, she ought to have a motion by Council." Mr. Colaianni stated that they were told at the joint meeting that the City is not billing Lawrence Township. Mr. Kincaid stated this is not a change of policy. Mrs. Loretto stated, "This would mean we would bill anybody from any township, and we will bill our residents, but we wouldn't bill anybody that lives in Lawrence Township." Mr. Mouse stated the reason they don't bill is because they have their levy; they felt their taxpayers (their residents) passed the levy for the Fire Department, which included ambulance service; in the previous administration, in a lot of places they look at the ambulance as a revenue producer for cities. Mrs. Loretto stated that it doesn't produce revenue in excess of expenses, but it produces some revenue to offset some of the expense.

Mayor Grogan asked if Medicaid or Medicare has anything in place that states that we have to bill; Mr. Kincaid said no and that a year or so ago, when this issue came up the first time, the Healthcare Administration's Public Affairs person told him that they understand that you can make economic and political decisions in cooperation with other subdivisions, but you cannot agree to only bill people with insurance or people with government assistance. It's not a problem here, and he thinks that people are hearing and assuming we can make this political and economic decision with our surrounding townships. Mayor Grogan asked if the Township has a written agreement that they are not to bill or is it a verbal agreement. Mrs. Loretto said they said originally that they were going to bill, and then their attorney backed off, and they went with what their attorney said. Mr. Colaianni said the other question that came up (Joint Meeting in May) was if the Township would bill or if the billing would go through (according to the Ohio Revised Code as it reads for Townships), they would have to waive each billing at their trustee meeting, so it just creates a bureaucratic mess for them. Mr. Mouse said, "We were not to aggressively pursue people who were not – let's say – flush with a lot of money, so if somebody wasn't in the best of financial circumstances, but then you get into who makes that determination and what constitutes proof." Mr. Kincaid said, "That begins to approach the prohibitive territory. The contract with Ohio Billing says it has to be decided on a case-by-case basis, which is apparently OK."

Mrs. Zahirsky made a motion to approve the contract for Ohio Billing, EMS & Fire Billing Solutions; seconded by Mr. Colaianni. **ROLL CALL: Yes – 4 No – 1 (Mr. Mouse)**

Stop signs came down on Longview and Greenwood, and Mrs. Loretto stated she was sure all of Council will hear about it. Our position was not that the City was spearheading this, and not that the City even wanted to do it, but with Judge Kettler saying it had to come down – it had to come down. Everyone Mrs. Loretto has spoken with understands our position. The Mayor received quite a few phone calls also, and he said that all understood it was a judicial order that created the situation. Mr. Kincaid said the City should ask Massillon's Law Department, who does our traffic laws, about whether the City can put speed bumps or anything else to slow traffic in the area. Mr. Dennis Mayberry stated that speed bumps would cause accidents. Chief McNeely stated the City has given out quite a few speeding citations in that area. In 1½ hours, he can find six or seven offenders. Mrs. Loretto stated the public was requesting more police patrol in that area. Mayor Grogan said we should monitor the area to see if there are more vehicles speeding through there now than what was normal in the past, if only for the sake of the area children. Chief McNeely said they cited someone going 52 MPH in a 25 MPH zone, and the magistrate is dismissing the citations on a regular basis. Mr. Colaianni agreed, saying he saw that on TV. Chief McNeely said the magistrate's reasoning was they didn't stop the offenders within a reasonable distance; they couldn't stop the offender because he was going so fast and made it to Jackson Township before he was stopped.

Parks - No report; however, Mrs. Zahirsky stated the Off-Leash Dog Park was open. There are bags available for dog excreta also.

Law Director

SECOND READINGS

Ordinance 18-04: An Ordinance Authorizing All Actions Necessary to Effect a Governmental Natural Gas Aggregation Program with Opt-Out Provisions Pursuant to Section 4929.26, Ohio Revised Code, Directing the Stark County Board of Elections to Submit a Ballot Question to the Electors and Authorizing the Execution of an Agreement with Buckeye Energy Brokers, Inc. for Such Purposes and Declaring an Emergency.

Mrs. Zahirsky made a motion to suspend the rules on Ordinance 18-04; seconded by Mrs. Cihon.

Discussion: Mr. Mouse stated he was going to vote "No," due to his research on aggregation. He hasn't seen any evidence that it's been beneficial.

CITY OF CANAL FULTON

July 20, 2004

ROLL CALL: Yes – 4 No – 1 (Mr. Mouse)

Mr. Colaianni made a motion to adopt Ordinance 18-04 under suspension; seconded by Mrs. Cihon. **ROLL CALL: Yes – 4 No – 1 (Mr. Mouse)**

FIRST READINGS

Resolution 12-04: A Resolution Entering into a Contract with Wenger Excavating, Inc. for the Milan Street Waterline and Sanitary Sewer Improvements, Approving the Purchase Order, and Declaring an Emergency.

Mrs. Cihon made a motion to suspend the rules on Resolution 12-04; seconded by Mrs. Zahirsky. **ROLL CALL: Yes - ALL**

Mrs. Zahirsky made a motion to adopt Resolution 12-04 under suspension; seconded by Mrs. Cihon. **ROLL CALL: Yes - ALL**

Resolution 13-04: A Resolution Entering into a Contract with VASCO Asphalt Co. for the Walnut Street Reconstruction, Approving the Purchase Order, and Declaring an Emergency.

Mrs. Cihon made a motion to suspend the rules on Resolution 13-04; seconded by Mr. Colaianni. **ROLL CALL: Yes - ALL**

Mrs. Zahirsky made a motion to adopt Resolution 13-04 under suspension; seconded by Mrs. Cihon. **ROLL CALL: Yes - ALL**

Ordinance 22-04: An Ordinance to Make Appropriations from the Unappropriated Balance in Various Funds and Declaring an Emergency.

Mrs. Cihon made a motion to suspend the rules on Ordinance 22-04; seconded by Mrs. Zahirsky. **ROLL CALL: Yes - ALL**

Mrs. Zahirsky made a motion to adopt Ordinance 22-04 under suspension; seconded by Mrs. Cihon. **ROLL CALL: Yes - ALL**

Ordinance 23-04: An Ordinance Establishing a New Rate of Pay and Title for the Police Department Clerk/Typist by Amending Section 5 of Ordinance 8-04.

Mr. Colaianni made a motion to amend Ordinance 23-04 under Section 1 to reflect Ordinance 8-04, rather than 27-03; seconded by Mrs. Cihon. **ROLL CALL: Yes – ALL**

Mr. Colaianni made a motion to suspend the rules on Ordinance 23-04; seconded by Mrs. Cihon.

Discussion: Mrs. Downing has a problem with somebody evaluating themselves; she didn't know of any job that the person can do that. Mr. Colaianni stated the problem was that the majority of Council recommended the Barrett Study; Mr. Mouse said, "Be careful!" Mrs. Zahirsky said although it seems kind of strange, that is the way they do it at B & W and BWX Technologies. They start out with the person who is in the job doing the evaluation of what they do because there really isn't anyone who knows what they're doing as much as the person who's in the job. The employer still has to analyze what they're saying they do. Mrs. Downing said she would love to evaluate herself; that would be great. Mrs. Zahirsky said just evaluating myself doesn't necessarily mean that I'm going to get an increase in the level that I'm at and that's where you need the outside company looking over what they're doing (i.e., what are the jobs in comparison with the level of training it takes to do that). Mr. Mouse (clarifying his point) stated this time it's put into a different category and gives Ms. Geier an additional raise.

ROLL CALL: Yes – 3 No – 1 (Mr. Mouse) Abstain – 1 (Mrs. Downing)

Per Mr. Kincaid: Rules are not suspended, as it takes 4 votes – motion fails.

PURCHASE ORDERS & BILLS

P.O. 3913 in the amount of \$12,500 made out to Canal Fulton Electrical Supply for additional work related to installation of underground primary electric and telephone lines for Community Park Phase I – this increased the original purchase order from \$12,500 to \$16,500 (in the amount of \$4,000).

Mrs. Cihon made a motion to accept P.O. 3913 in the amount of \$16,500 made out to Canal Fulton Electrical Supply; seconded by Mrs. Downing. **ROLL CALL: Yes - ALL**

P.O. 4006 in the amount of \$30,900 made out to Rupp Construction for gravel and Lytle for asphalt.

Mrs. Zahirsky made a motion to accept P.O. 4006 in the amount of \$30,900 made out to Rupp Construction; seconded by Mrs. Cihon. **ROLL CALL: Yes - ALL**

BILLS: \$269,378.38

CITY OF CANAL FULTON

July 20, 2004

Mrs. Cihon made a motion that Council accept the bills in the amount of \$269,378.38; seconded by Mr. Colaianni. **ROLL CALL: Yes - ALL**

NEW BUSINESS - None

OLD BUSINESS - None

OTHER BUSINESS - None

CITIZENS COMMENTS (Open Discussion, five-minute rule)

Ken Roberts, 239 N. Canal St. – Mr. Roberts expressed appreciation to Mrs. Loretto and the Chamber of Commerce, and all the volunteers for Olde Canal Days, and Mrs. Cihon for a wonderful parade.

REPORT OF COUNCIL PRESIDENT

Mrs. Zahirsky stated she appreciated the Summit County Sheriff for sending the police unit and the cars for the Barkey funeral, thinking it was impressive they were here. She thought it sad that Stark County didn't send anyone. Mayor Grogan stated one of the residents who works for Summit County that was in the area pulled that together, and it worked in conjunction with Officer Kessinger from the Department and they did an excellent job.

REPORT OF STANDING COMMITTEES – No Report.

Mrs. Zahirsky made a motion to go into Executive Session to discuss preparation for labor negotiations and to have in attendance the Mayor, Law Director and City Manager; seconded by Mr. Colaianni. **ROLL CALL: Yes – ALL**

(Back in regular Council meeting at 9:14 PM)

Mrs. Zahirsky made a motion to go back into Regular Session; seconded by Mr. Colaianni. Mrs. Zahirsky stated that during the Executive Session no decision was made regarding outside counsel. **ROLL CALL: Yes – ALL**

Mrs. Zahirsky made a motion that Council holds a Special Council meeting on July 27, 2004 at 7:00 PM, and it will be depending on whether they can have any outside counsel here to interview for that meeting; seconded by Mrs. Cihon. **ROLL CALL: Yes – ALL**

Mr. Mouse asked that Mrs. Loretto has the contracts put in the mailbox.

Mayor Grogan excused himself for all contract negotiations for the City for the Police Department citing conflicts with the Ohio Labor Council that he is a member of in Summit County, and he will not be attending the July 27, 2004 meeting. Any inquiries made to Mayor Grogan regarding same will be forwarded to Council.

It was decided to cancel the regular August 3, 2004 Council meeting, allowable under the City Charter. Mr. Colaianni made a motion to suspend the August 3, 2004 Council meeting; seconded by Mrs. Cihon. **ROLL CALL: Yes – ALL (Note: Mrs. Cihon will not be able to attend the August 17, 2004 meeting.)**

Mrs. Zahirsky made a motion to adjourn; meeting was adjourned.

Patricia A. Schauwecker, Clerk of Council

John Grogan, Mayor