

CITY OF CANAL FULTON

July 3, 2007

COUNCIL MEETING

Mayor John Grogan called the July 3, 2007 City Council meeting to order at 7:00 PM in Council Chambers at City Hall.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: 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; Dale Kincaid, Law Director; David Frisone, Police Chief; Mark Stewart, Assistant Fire Chief; Daniel Mayberry, Public Service Director; Scott Svab, Finance Director; Chell Rossi, and Joni Stopar, Residents; Dennis Downing, Canal Fulton Heritage Society; David Ayers, Canal Fulton Fire Department.

CORRECTING & ADOPTING THE RECORD OF PROCEEDINGS

Mrs. Zahirsky moved to approve the June 19, 2007 Council meeting minutes, seconded by Mrs. Cihon. ROLL: Yes, ALL.

REPORTS OF STANDING COMMITTEES None

CITIZENS' COMMENTS – AGENDA MATTERS None

REPORTS OF ADMINISTRATIVE OFFICERS:

SENIOR CITIZENS (Nellie Cihon): Mrs. Cihon reported there is a bus trip to Greektown August 15 and a trip to Middlefield, an Amish farm, on September 15.

COMMUNITY SERVICE (Phil Kaster): Mayor reported there was a written report submitted. There were 166 man hours worked for the month of June.

FIRE CHIEF ((Assistant Chief Mark Stewart): Assistant Chief Mark Stewart stated he would like permission to hire David Ayers to the department. Mayor Grogan stated based upon the recommendation of Chief Stewart and through Chief Green, he would recommend that Mr. Ayers be placed on the Canal Fulton Fire Department pending a satisfactory physical and drug screening to include the background check. Mr. Colaianni made a motion to approve Mr. Ayers as a probationary fire fighter pending the outcome of drug testing and physical, seconded by Mr. Deans. ROLL: **Yes, ALL.**

POLICE CHIEF (David Frisone): Chief Frisone stated he would provide his monthly report at the next meeting. He thanked the Fire Department, City Administration, Street and Utility Departments for all the help they received this past Friday for the call they had on Milan Street.

Mayor Grogan thanks all who helped. He stated it is nice to know when there is a tragedy that you are going to get an outpouring of concern and support. Our condolences to the families involved and hope that tragedy never reoccurs.

CITY OF CANAL FULTON

July 3, 2007

ENGINEER (William Dorman): No present. Mr. Mayberry reported the Street Department has started the chip and seal on Locust Street. The blade mix and shoulder work has been completed. They will proceed with the chip and seal after Olde Canal Days. Mark Petersen did research on a new method of chip and seal, which will reduce the dust and the amount of loose gravel.

FINANCE DIRECTOR (Scott Svab): Mr. Svab stated he distributed to Council the current year to date expense report ending June. Mr. Svab stated the Fire Department's salary line item on the report does not include the June month end payroll, which actually was paid the first of July. It does not include approximately \$6,000.

Mr. Svab stated he received final determination from the Ohio Department of Taxation which was submitted last year for tax exemption for the Puffenberger property. The taxes paid will be refunded.

Mr. Svab stated he is still looking at phone vendors and will keep Council updated.

Mr. Svab stated he has spoken to the Workers' Compensation Bureau auditor and we are expecting a substantial refund.

Mr. Svab stated the intern that has been working with the Finance Department, will be done this next week. Mr. Svab stated the person working part-time in Income Tax has requested to reduce her hours 4 hours a week. Mr. Svab would like to ask Council if they would allow him to hire the intern to replace the vacant 4 hours and request an additional 4 hours. He would utilize him to do special projects and help him with different projects he is working on. He would be paid the same rate.

Mrs. Zahirsky made a motion that they received the current monthly expense report, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

Mrs. Zahirsky asked about the salary issue in the Fire Department and if the Chief is looking into the issue and how to control the cost. Mr. Svab stated at the previous meeting, he had indicated that he was going to reduce staffing from 3 to 2. Assistant Chief Mark Stewart reported that was done for a short period of time and after the last structure fire and the incident with the missing child, it was felt it was completely unsafe for them to drop manning at this time, so the Chief elected to go back to 3, effective July 1.

Mr. Colaianni asked if anyone knew if any action was taken at the meeting last evening at Lawrence Township regarding the EMS billing. It was stated by Mr. Cozy that no action was taken and he spoke with Chief Green who attended the meeting. He said the Trustees had indicated they were still waiting on Mr. Krash to review a resolution that was given to them a month ago and again by Mr. Kincaid 10 days ago.

Mrs. Zahirsky moved to authorize Mr. Svab to hire Mr. Don Courtney as a temporary part-time employee at \$8.08 an hour for 8 hours per week, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

CITY MANAGER (Mark Cozy): Mr. Cozy stated there will be a memorial service for Gabrielle Harker at 7:30 PM on Thursday, July 5, 2007 at Union Cemetery. The City is going to allow parking at the park but not on the soccer fields.

CITY OF CANAL FULTON

July 3, 2007

He stated the City has received another boom truck several months ago from Massillon Cable. The City has invested \$3,500 in the first truck we received from them. The Village of Madison is in need of a boom truck. It was determined to sell the truck to recoup what expenses we have incurred.

Mr. Cozy distributed a monthly report from the Canalway Center Director. He stated the audiovisual equipment has been installed. The Heritage Society video of the canal boat is now being viewed by visitors. Mr. Cozy stated they recently had a chocolate cruise on the boat.

Mr. Cozy distributed a County hazard rating report for intersections. He stated Cherry and Locust Street was included in the report.

MAYOR (John Grogan): Mayor Grogan reported there is a vacant seat on the Zoning Board of Appeals and would like to recommend to Council to accept his recommendation to place Ms. Rochelle Rossi on the Committee. Mrs. Zahirsky moved to accept the Mayor's request to appoint Rochelle Rossi as a member of the Zoning Board of Appeals, seconded by many. **ROLL: Yes, ALL.**

PARKS & RECREATION BOARD (Fred Fleming): Not Present.

LAW DIRECTOR (Dale Kincaid): No Report.

THIRD READINGS

Resolution 12-07: A Resolution Approving the Lockhart Development Annexation. Mr. Colaianni moved to approve Resolution 12-07, seconded by Mrs. Zahirsky. **ROLL: Yes, ALL.**

SECOND READINGS

Resolution 13-07: A Resolution Declaring the Necessity of the City of Canal Fulton to Amend City Code Section 181.03 by Amending Subsection (j) Levying a Surcharge of Four-Tenths of One Percent (0.4%) on Taxable Income as Defined in that Section for Deposit to the General Fund for 24-Hour Fire & EMS Staffing; One Additional Full Time Police Officer and Two part-Time Police Officers; The Asphalt Paving Program for City Streets; the Establishment of a Replacement Schedule for Fire & EMS Trucks, Police Cruisers, and Snow Plow & Road maintenance Trucks; Establish a Managed Reserve Fund; Elimination of the 1 Mill Levy for Police Purposes; and Other Purposes to Be Effective January 1, 2008; and Instructing the Stark County Board of Elections to Conduct an Election on Said Proposal on November 6, 2007.

STANDS AS SECOND READING

Ordinance 08-07: An Ordinance Amending City Administrative Code Section 141.18 Adding Subsection (a) (3) Defining Sick Leave, and Declaring an Emergency.

Mr. Colaianni moved to suspend the rules on Ordinance 08-07, seconded by Mr. Deans. **ROLL: Yes, ALL.**

Mrs. Zahirsky moved for passage of Ordinance 08-07 under suspension of the rules, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

Ordinance 09-07: An Ordinance Amending Section 143.02 of the Administrative Code of the City of Canal Fulton Regarding Charges for Ambulance Services.

STANDS AS SECOND READING

CITY OF CANAL FULTON

July 3, 2007

FIRST READINGS

Ordinance 10-07: An Ordinance Amending Ordinance 16-04, the City Pay and Salary. Mrs. Zahirsky moved to amend Ordinance 10-07 to include the emergency clause, "this Ordinance is hereby determined to be an emergency measure, the immediate passage of which is necessary for the preservation of the public peace, health, safety, and welfare of the City of Canal Fulton, such emergency arising in order to conform our ordinances to our present practice, wherefore, this ordinance shall take effect and be in full force immediately upon its passage, seconded by Mr. Colaianni. **ROLL: Yes, ALL.**

Mrs. Zahirsky moved for passage of Ordinance 10-07 under suspension of rules, seconded by Mr. Colaianni. **ROLL: Yes, ALL.**

Ordinance 11-07: An ordinance Authorizing the Community Park Annexation from Lawrence Township to the City of Canal Fulton.
Stands as First Reading

Ordinance 12-07: An Ordinance Indicating What Services the City of Canal Fulton, Ohio, Will Provide to the Canal Fulton Farms Property, Upon Annexation, and Declaring an Emergency.

Mrs. Zahirsky moved to suspend the rules on Ordinance 12-07, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

Mr. Colaianni moved for passage of Ordinance 12-07 under suspension, seconded by Mrs. Zahirsky. **ROLL: Yes, ALL.**

Resolution 14-07: A Resolution Setting Forth a Buffer in the City Zoning Ordinance for Annexed Property Adjacent to Non-City Property that Presently has Township Zoning, and Declaring an Emergency.

Mrs. Cihon moved to suspend the rules on Resolution 14-07, seconded by Mr. Colaianni. **ROLL: Yes, ALL.**

Mrs. Zahirsky moved for passage of Resolution 14-07, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

PURCHASE ORDERS & BILLS

P.O. 4922 to Lytle Construction Co. for slag and oil for chip and seal program in the amount of \$13,831.90.

Mr. Colaianni moved to approve P.O. 4922, seconded by Mrs. Zahirsky. **ROLL: Yes, ALL.**

P.O. 4929 to City of Massillon for prosecutor's contract, semi-annual payment in the amount of \$12,000.

Mrs. Zahirsky moved for approval of P.O. 4929, seconded by Mr. Deans. **ROLL: Yes, ALL.**

P.O. 4926 to Ohio Police & Fire Pension Fund for 1st Quarter payment-police fund in the amount of \$22,875.12.

Mrs. Zahirsky moved for approval of P.O. 4926, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

P.O. 4925 Hysong Paving for Discovery Park in the amount of \$16,629.00.

CITY OF CANAL FULTON

July 3, 2007

Mr. Deans moved for approval of P.O. 4925, seconded by Mr. Colaianni. **ROLL: Yes, ALL.**

BILLS: \$162,960.19

Mrs. Cihon moved for approval of the bills in the amount of \$162,960.19, seconded by Mrs. Zahirsky. **ROLL: Yes, ALL.**

OLD/NEW/OTHER BUSINESS

Liquor Control Permit Review – Casa Perez: Mayor Grogan asked if anyone had any questions or comments or if anyone felt the need for a hearing regarding the liquor license for Casa Perez. Chief Frisone stated he didn't have any problems or concerns. No members saw a need for a hearing.

Heritage Society-Art & Historical Festival Liquor Approval: Mr. Kincaid asked Mr. Downing if they had named the City on the liability insurance. He stated yes. After much discussion, it was determined to have this on the agenda again after the F-4 permit is issued from the State.

REPORT OF PRESIDENT PRO TEMPORE (Linda Zahirsky)

Mrs. Zahirsky stated she would like to request an executive session at the end of the meeting regarding employment of a public employee or official; compensation of a public employee or official; the sale of property by competitive bid to prevent the disclosure of information that would provide competitive advantage.

She stated she read that there is a resident who is going to be 100 years old July 10 and she would like to invite her to come to our next council meeting and honor and thank them. There is also another resident who turned 100 earlier this year, as well as a lady who assists with the Swiss Steak dinners who is 107.

REPORT OF SPECIAL COMMITTEES - Mr. Colaianni moved to have a Finance Committee meeting on July 17, 2007 at 6:00 PM for the purpose of discussing the fire/EMS finances and any other business as necessary, seconded by Mrs. Zahirsky. **ROLL: Yes, ALL.**

CITIZENS COMMENTS-Open Discussion (Five-Minute Rule)

Mr. Jim Deans stated the Olde Canal Days festival is proceeding well.

Mayor Grogan thanked the committee for the fantastic job they are doing.

EXECUTIVE SESSION:

Mrs. Zahirsky moved to adjourn to executive session at 8:13 PM regarding employment of a public employee or official; compensation of a public employee or official; the sale of property by competitive bid to prevent the disclosure of information that would provide competitive advantage, to include all Council members, City Manager, Chief of Police, Finance Director and Law Director, seconded by Mr. Colaianni. **ROLL: Yes, ALL.**

Mrs. Zahirsky moved return to public session after discussing employment and compensation of a public official and the possible sale of a property by competitive bid to prevent the disclosure of information that would provide competitive advantage, seconded by Mr. Colaianni. **ROLL: Yes, ALL.**

At the executive session, no decisions were made and no votes were taken.

CITY OF CANAL FULTON

July 3, 2007

ADJOURNMENT

Mrs. Zahirsky moved to adjourn the July 3, 2007 meeting.

Tammy Marthey, Clerk of Council

John Grogan, Mayor