

# CITY OF CANAL FULTON

August 14, 2007

## **SPECIAL COUNCIL MEETING**

Mayor John Grogan called the August 14, 2007 Special City Council meeting to order at 7:00 PM in Council Chambers at City Hall.

## **PLEDGE OF ALLEGIANCE**

### **ROLL CALL**

Present: Mayor John Grogan, Diane Downing, James Deans, Victor Colaianni, Linda Zahirsky and Nellie Cihon.

Absent: Anthony Crookston

Mrs. Zahirsky moved to excuse Mr. Crookston due to his work schedule, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

Others Present: Tammy Marthey, Clerk of Council; David Frisone, Police Chief; Scott Svab, Finance Director; Don Pettit, Fred Fleming and Danny Losch, Residents.

## **FIRST READINGS**

**Resolution 18-07:** A Resolution Reducing the Number of Persons On Call for the Joint Staffing Agreement Now Undertaken by the City of Canal Fulton and Lawrence Township, and Declaring an Emergency.

Mrs. Zahirsky stated under section 1, it includes "6:00 PM through midnight staffing shall be reduced to two (2) such qualified employees except under unusual circumstances."

Mrs. Zahirsky stated until we are temporarily in better shape than we are now, Council needs to look at doing this.

Mrs. Cihon moved to suspend the rules, seconded by Mrs. Zahirsky. **ROLL: Yes, ALL.**

Mrs. Zahirsky moved for passage under suspension, seconded by Mr. Deans. **ROLL: No, Mrs. Downing, Mr. Deans, and Mr. Colaianni. Yes, Mrs. Zahirsky and Mrs. Cihon.**

Mr. Colaianni stated he has two concerns. His first concern, and the chief or his officers would need to monitor this, is if there is a bad motor vehicle accident, or fire, etc. when they tone out to backfill the station, there could be 1-4 or more people show up, which doesn't put them any further ahead or behind than they are now. He stated his second concern is that lately he has heard a lot of sirens after six o'clock and are they setting themselves or the fire department up to a possible circumstance that they had about a month ago.

Mrs. Zahirsky stated they only need to have two personnel on the squad to run. By law, they have to have two EMT's, they do not have to have paramedics and if they have two people they can run.

Mr. Colaianni stated the explanation they were given when they were given a demonstration on the heart machine is they can't run that machine with only

## CITY OF CANAL FULTON

August 14, 2007

two people on the squad because one person has to drive. He stated he is very apprehensive with only having two people.

Mayor Grogan stated Mr. Cozy is working on something that is going to bear fruit for us financially which is going to carry us through this year and hopefully handle the situation at the fire station, which we would be in good shape and give the voters an opportunity to make the decision in November. He stated, obviously, if they choose to go the other direction and vote it down, then they should address this and maybe look at reducing it, but they are not at that point yet where they have to do so and if they don't have to, he would feel uncomfortable with one EMT in the back trying to sustain life between the City and the closest hospital.

Mr. Colaianni asked about the worker's compensation reimbursement that is due the City because of the fire/EMS situation, where is that going?

Mr. Svab stated it would go into the fire fund.

Mrs. Zahirsky said we can't count of that even coming.

Mr. Colaianni asked the projected amount due. Mr. Svab stated they have done another audit, because they didn't like the initial amount of \$50,000. He would hope that we get \$25,000 at the bear minimum. There are only so many things they can throw out. The biggest issue was they have rigid guidelines where they say, "Were they staffing that particular time". There is certain criteria they look at. Mr. Svab stated he is working with them in negotiating this. He has not heard from them in two weeks.

Mrs. Zahirsky stated those funds can't be spent until we have the money. She stated she waited at work almost three years to get funds back from the Bureau of Worker's Comp. She stated the bureau admitted they owed the money but drug their feet in issuing the check.

Mrs. Zahirsky stated we can't say we are going to spend the money this year, because we don't have it.

Mr. Colaianni stated he didn't say we were going to spend the money this year.

Mrs. Zahirsky stated if we don't have a decision from the bureau yet, it is still going to take a while to get the money. In some of the cases she has handled, she has gotten the monies in two to three months, very rarely. When it has been a substantial sum, the bureau can sit on it forever.

Mr. Svab stated the supervisor has the case and from there it is sent to the committee.

Mayor Grogan stated the Fire Chief is not having standby at the station currently.

Mayor Grogan asked, financially just for this body, are they able to carry through the end of the year, just as they are now, excluding the fact of the situation that he and Mr. Cozy has going that would generate quite a substantial amount.

Mr. Svab stated they have to be careful and help reduce the standby and they also have to not spend on other areas. Mr. Svab stated the fire department recently had a truck break down that cost \$3,100 and they could have another one break down with the aging fleet.

## CITY OF CANAL FULTON

August 14, 2007

Mr. Colaianni asked when they set aside the \$175,000 for the salaries in the 221.5110 fund, and the breakdown was given when they did the budget earlier this year and late last year, with staffing three people in the station, was the \$175,000 based off those estimates less taking out the overnight on call?

Mr. Svab stated it was the Chief's estimate.

Mr. Colaianni asked why are at 68% at this point already?

Mr. Svab stated they should be at 59%, which is \$17,500. He stated this is due to increase in standby.

Mr. Svab stated the fire department fund for the most part is in pretty good shape, they just can't spend at the last minute, because if he goes over in salaries and wages, we will need the extra money from the other line items, such as the fire equipment where they haven't spent, to cover the overage. He stated as long as the fund balance doesn't go into a negative, they won't have to use any of the general fund to re-appropriate any, or if they do start collecting more EMS money from the billing in a couple of months, they could collect another \$6-8,000.

Mrs. Downing inquired about how much we would collect from Lawrence Township for EMS fees. It was stated billing would be going forward and not retroactive.

Mr. Deans stated he spoke with Mr. Hardgrove and he indicated that Mr. Krash had recommended they not follow the prosecutor's option because of some issues with the Ohio Revised Code.

Mr. Colaianni stated he spoke with Mr. Hardgrove about what they did with the EMS billing at their last meeting. All they did was send something back to the prosecutor.

Mayor Grogan stated with our current situation and the projected monies we should be getting shortly, he feels we will be fine until the end of they year. However, the vote in November is going to be crucial and the citizens need to be made aware of.

Mrs. Zahirsky stated her concern is if they don't make the cut now, the citizens aren't going to be aware how dire the situation is. She stated if they are not willing to make changes after they said they needed to, then they are telling the people that they weren't really telling them the truth. When she looks at the carryover balance in the 2007 County budget of \$30,000, that is like having \$5 in your checkbook at the end of your pay. This isn't a lot of money if something goes wrong as we have seen with the fire trucks. You can budget \$2,000 but if it costs \$10,000 you have no other choice. She stated the only choice would be to let the equipment sit if this happens or lay off people and she doesn't want to see the City get to this position in December having to say to our staff that they are going to have to do lay offs because there isn't funds for payroll.

Mayor Grogan stated he didn't feel that we would have to wait that long, that November will be tell-tale of this situation. He stressed before they looked at this, they didn't know that they were going to have some revenue coming in. He stated it wasn't until he and Mr. Cozy sat down and looked at some situations and looked at something that was missed for some time and could generate us some significant amount that will not only carry the City through this year, it will help finish off the cost of the fire department and will stay solvent until the vote in November. He stated, though, if it is voted down, it is it,

## CITY OF CANAL FULTON

August 14, 2007

we don't have anything else after that, but the City will have a substantial amount that is coming back to the City.

Mrs. Zahirsky stated then they will be faced with the same situation no if the residents vote no.

Mr. Colaianni stated he is not going to put a price on a human life. He stated he has had instances in the past year in both Lawrence Township and the City have showed up. He has not been concerned with the response times and both times were after 6:00 PM.

Mayor Grogan stated no one at the table is going to question that and that everyone is wanting the best for all but the question is if we can get through this year and into next year without going back to the credit card, which is something we don't want to do and he doesn't feel we are going to have to do this with the current situation pending. Mayor Grogan stated if he had been asked that a month ago, he would have had to agree with Mrs. Zahirsky because we are at crunch time now, but he feels we have some breathing room for a short period of time.

Mr. Colaianni stated to note a housekeeping change in the Resolution in section I, from personal to personnel. The Mayor stated the record could reflect this correction.

Mrs. Zahirsky stated her other concern is that they are saying to Lawrence Township that it is just not important because we are going to continue to fund it one way or another and she is saying it is important. They need to move on these issues as well. They don't understand how serious our situation is. She stated if one more vehicle goes down, she hopes the Mayor is right.

Mayor Grogan stated it isn't going to feed the City for a long time, but it is going to get us through the rest of this year and if it doesn't work out, he will make the recommendation that this be brought back and ask Council to act on it as quick as possible, but feels they should give it it's due course.

Mayor Grogan stated as part of a purchasing agreement on property purchased, there was a tentative agreement with the ownership to contribute monies to create a natural buffer zone.

Mrs. Zahirsky stated the monies should go back into the park fund. Mayor Grogan stated it is going to be worded for not only that park but for all buildings on that property so that it can be used for the safety forces there, so that if they need to redirect it they can direct it toward that.

Mrs. Zahirsky asked if this was going to help our general fund. The Mayor stated if changes need made to the contract, they can. Mrs. Zahirsky stated she didn't feel it should go for the general fund. The Mayor stated right now it is worded for that land and the buildings on that property so they can utilize it for the remainder of the fire station and the remainder of the runs, personnel and anything else they need to use to include the park.

**Resolution 19-07:** A Resolution Requesting the Stark County Prosecutor's Office to Collect Defaulted Tax Abatement from Form Tech in the City of Canal Fulton.

CITY OF CANAL FULTON

August 14, 2007

Mr. Colaianni moved to suspend the rules, seconded by Mr. Deans. **ROLL: Yes, ALL.**

Mrs. Zahirsky moved for passage under suspension, seconded by Mr. Colaianni. **ROLL: Yes, ALL.**

**CITIZENS' COMMENTS – AGENDA MATTERS** - None

**OLD/NEW/OTHER BUSINESS**

Mr. Dennis Downing, Canal Fulton Heritage Society/ Historical & Art Festival: Mr. Downing gave an overview of the events that will take place at the festival which is scheduled for August 18 and 19. He has received his F-4 liquor permit from the state for the wine tasting event and is requesting council approval. He stated there are twelve art vendors, displays of historians and lecturers. WHBC is going to be doing live broadcasts.

Chief Frisone stated he doesn't foresee any problems.

Mr. Downing stated they already have the date planned for next year. They have a few historians that would like to be involved next year. There are some art galleries that are interested in participating next year. He feels it will grow 30% next year and the attendance will double.

The Heritage Society now has a credit card machine, which is placed in the Canalway Center.

Mr. Colaianni moved to approve the Heritage Society to serve wine at the August 18<sup>th</sup> event from 11:00 AM – 6:00 PM, based upon information provided and was also approved by the Park Board, seconded by Mr. Deans. **ROLL: Yes, Mr. Deans and Mr. Colaianni. No, Mrs. Zahirsky and Mrs. Cihon. Abstain, Mrs. Downing. Mayor Grogan vote Yes to break the tie.**

**PUBLIC HEARING – 8:00 PM**

**2008 Budget:** Mr. Svab presented the 2008 budget to be submitted to Stark County Auditor's office. He had received an extension to file. Mr. Svab stated some of the key items on the budget are the small carryover for 2006 and 2007. Obviously, this will need to be addressed by increased revenue or decreased spending.

Mrs. Zahirsky asked if these numbers were just estimated based upon this year's appropriations and they are not bound by this when it comes to the work they do in November and December?

Mr. Svab stated no, this is merely the Stark County's Commissioners made when they meet with the Budget Commission made when they meet the County Budget Commission, they want to have proof that we do need the property taxes, the 1 mill police, fire and other governmental funds. They want to show that in the budget and how it is used as far as the need for it.

Mr. Colaianni asked if they need to review fees? Mr. Svab stated zoning fees and miscellaneous fees need reviewed. Mrs. Downing asked if Mr. Svab could meet with Mr. Hopper to review the fees? Mr. Svab stated yes.

Mrs. Zahirsky moved to allow Mr. Svab to submit the 2008 budget as presented, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

**CITY OF CANAL FULTON**

**August 14, 2007**

**OLD/NEW/OTHER BUSINESS**

Mrs. Zahirsky moved that they received the July financials, seconded by Mr. Colaianni. **ROLL: Yes, ALL.**

Mr. Colaianni stated for the record that last Friday, August 10, 2007 was the last day to turn in the surveys. There were 114 turn in. They will get turned over to two college guys that volunteered. Hopefully they will have the results in two-three weeks.

Mrs. Zahirsky asked about the farmers market.

Mr. Dean stated it is proceeding. They are contacting participants and scheduling them for the spring of next year. He stated it is probably going to be held on a Wednesday or Thursday from 3:00 PM to 7:00 PM. It is at this point going to be held in St. Helena Park.

Mrs. Cihon asked if there is going to be a town meeting on August 30 and October 23? Mr. Colaianni stated possibly, it has not been finalized yet.

**CITIZENS COMMENTS-Open Discussion (Five-Minute Rule)** - None

**ADJOURNMENT**

Mayor Grogan moved to adjourn the August 14, 2007 Special Council meeting.

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Tammy Marthey, Clerk of Council

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John Grogan, Mayor