

CITY OF CANAL FULTON

August 7, 2007

**COUNCIL MEETING**

Mayor John Grogan called the August 7, 2007 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: 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; William Dorman, Engineer; Scott Svab, Finance Director; Al Mayfield, Lawrence Township; Chell Rossi, Paul Bagocius, Jon Gill, Matthew Moellendick, and Mike Mouse, Residents; Joan Porter, Repository; and Laura Meade, Signal.

**CORRECTING/ADOPTING THE RECORD OF PROCEEDINGS**

Mrs. Zahirsky moved to approve the July 17, 2007 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)***

Greektown Bus Trip: There will be a bus trip on August 15. The cost is \$30 and they will receive \$20 back in coin. There are a few seats left. Reservations are being taken at the Center.

Card Party: There is a card party scheduled for August 22.

Bloodmobile: The Red Cross will be at the Center on August 29.

Swiss Steak Dinner: The Center will have a dinner on September 15 from 4:00 – 6:00 PM. Reservations are required.

***COMMUNITY SERVICE (Phil Kaster)*** – Written report submitted.

***FIRE CHIEF (Chief Ray Green)*** – Chief Green distributed his activity report. There were 46 incidents for the month of July. He stated the year to date for July 2006 was 342 and the year to date for 2007 is 395. The Chief stated this is an 11% increase over last year.

Mayor Grogan stated he had a meeting with the Fire Chief, Police Chief, Mr. Mayberry, Mr. Cozy, Mr. Svab and Mr. Petersen. At that meeting he requested

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the Fire Chief to submit these figures to Council so they could understand why he is where he is at in his percentages through the year on spending with the 11% increase and the additional runs. They have worked some things out to try to get themselves under the wire before the end of the year so they can hopefully make up the amount. The pace the city is setting with the calls, it appears that the fire department is going to go over. They may increase up to 14 or 15% before the end of the year. They are aware of the overage.

Mayor Grogan stated patients are asking to go to other places. They are not going to have standby at the station, which should reduce some of the cost. The calls are still coming in, they can't avoid those.

Mr. Cozy stated what really hurts is that the City is a user based department and unfortunately the runs into the township, they are not being billed, there aren't any fees being charged.

Mr. Colaianni asked if the Trustees dealt with the issue at their last meeting?

Chief Green stated the Trustees sent their resolution to the prosecutor and once it comes back, it is his understanding that they were going to vote on it.

Mrs. Zahirsky stated they are still in a position where they are over.

Mayor Grogan stated they also discussed the use of private ambulance service for low level service to enable our department to remain in the City. The department will make that determination once they arrive at the call.

Mr. Colaianni stated if they would have handled the situation with the Township a lot sooner they would not be in the situation that they are in now financially. He doesn't understand why they haven't acted yet.

**POLICE CHIEF (Chief Dave Frisone)** – Chief Frisone distributed his July activity report. They had 377 calls for the month. They are investigating a robbery that occurred at the Heritage Square Pharmacy.

The Department received their forfeiture assets from a drug trafficking/marijuana cultivating case from December 2005. The total amount of the seizure was \$8,317 and the City received \$5,693 of that. It has been electronically transferred to the Law Enforcement Trust Fund from the Stark County Prosecutor's Office. The Chief stated the department's OVI/DUI task force reimbursement for the month of May was sent in the amount of \$2,976.00.

### **ENGINEER/STREETS/PUBLIC UTILITIES (Bill Dorman)**

Fulton Landings: They are currently installing the water line taps. The Planning Commission is going to consider some possible changes for the development. The developer is considering changing from multi-story to a single family to meet the market demands.

Warwick Estates: This project has been still for a while. There has been some activity but still unsure what the developer is going to do. It appears that the housing market is still alive and this one may be starting up again.

Mr. Dorman requested the release of the sidewalk bond for Colonial Hills No. 10, which has been completed in the amount of \$3,084.00. This will not affect the separate subdivision performance bond covering the roadway and other utilities which remain in effect.

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Mrs. Zahirsky moved to release the sidewalk bond in the amount of \$3,084.00 for Colonial Hills #10, seconded by Mr. Deans. **ROLL: Yes, ALL.**

Mr. Mayberry reported the chip and seal program for the year 2007 has been completed. They experienced a problem on Locust Street. There was severe bleeding of the tar due to the contractor putting down too much tar. The project would not have been as dusty had this problem not occurred. Our Street Department worked with Lytle Construction in bringing the problem under control. They will now move on to the street sweeping and painting the lines.

Mr. Mayberry reported they had a severe water line leak on Locust Street in the area of Giant Eagle. Approximately two years ago they experienced a severe leak in the area of Towpath. It appears the cause is severe corrosion. It is going to require replacement of that section from Towpath to at least Giant Eagle. The footage won't be known until they excavate and see the extent of the damage. It is estimated the project could cost \$65,000 to \$120,000. He will give a report once he has more information.

Mrs. Zahirsky stated to pass her appreciation on to the Street Department for the new signs at Locust and Cherry Street. They look nice.

**FINANCE DIRECTOR (Scott Svab)** Mr. Svab stated the income tax collections for July were up \$165,529. He stated the actual individual collections compared to last year at this time are up \$33,000. The net profits from corporations are also up \$10,000. Mrs. Hiltband would like to thank the Law Director for his assistance in collection of delinquent accounts. This had made a difference this year.

Mr. Svab stated he met with Varney & Fink and the 2005 audit is complete. There were no findings. They do recommend having a new cell phone and credit card policy.

Mr. Svab stated he filed an extension for the County Budget. It has to be filed no later than August 20, 2007 and adopt it. He is requesting a short meeting to adopt this.

He stated Varney & Fink will be assisting this year in the GAP conversion.

Mrs. Zahirsky moved to have a Special Council meeting on August 14, 2007 at 7:00 PM for the purpose of adopting the budget to be submitted to the County and any other business matters, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

**CITY MANAGER (Mark Cozy)** Mr. Cozy stated Lytle Construction had submitted a bill for the chip and seal but have decided to not bill the City because of the problems incurred. The contractor stated they should not chip and seal Locust Street again, it should be paved. Currently, chip and seal is all the City's budget can sustain.

Mr. Cozy stated Fulton Landings developer is looking to re-evaluate his plan. He would like to build more single story homes with more square footage. The issue they would be up against though is it would make the homes closer together. At some point, they will need the fire chief to review it in the future.

Mr. Cozy stated he had the Law Director put together an amendment to the 1997 Contract for Joint Staffing. This has been sent to the Lawrence Township Trustees. It models what other communities are doing. This agreement is what

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was previously initiated with the Trustees and was also previously initiated by Shawn Kenney in 2003.

Mr. Colaianni stated it was his understanding that the Trustees would need to pass a resolution and the City will be able to just sign the amended contract. Mr. Cozy stated this was correct.

Mrs. Zahirsky commented regarding the issue of the homes being placed closer together and stated there is a development outside of Barberton that had lots very close together and she noticed in Phase II of the development the lots are a lot larger. She stated they previously did away with the zoning as it was on Stonewood and Riverview. They didn't want homes that close together and would hope that they would not have homes that close together, even in a PUD for single family. She stated that zoning was abolished and feels they should continue to maintain a distance between homes and don't put them too close together.

Mr. Cozy stated that would be reviewed by the Planning Commission and they will be talking to the department heads as well on that point. There is another partner who would like to build larger homes because he feels they would be more marketable. He may need to eliminate some homes to maintain the space.

**REPORT OF MAYOR (John Grogan) – No Report**

**PARKS & RECREATION BOARD (Fred Fleming) – Not Present**

**LAW DIRECTOR (Dale Kincaid) - No Report**

**THIRD READINGS**

**Tabled 1/16/07:** Resolution 39-06: Resolution Approving the Khelp Annexation.

**Ordinance 11-07:** An Ordinance Authorizing the Community Park Annexation from Lawrence Township to the City of Canal Fulton.

Mrs. Zahirsky moved for passage of Ordinance 11-07, seconded by Mr. Colaianni. **ROLL: Yes, ALL.**

**SECOND READINGS** - None

**FIRST READINGS**

**Resolution 17-07:** A Resolution Reducing the Hours of the Joint Staffing Agreement Now Undertaken by the City of Canal Fulton and Lawrence Township from 6:00 AM – Midnight to 6:00 AM – 6:00 PM, and Declaring an Emergency.

Mrs. Cihon moved to suspend the rules on Resolution 17-07, seconded by Mrs. Zahirsky. **ROLL: Yes, ALL.**

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

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Mr. Colaianni stated he understands the financial issues, but given the report given to them by Chief Green, he is not in favor of reducing the six hours.

Mrs. Zahirsky stated she hopes the people that voted no can come up with the money to cover it.

Mr. Colaianni stated he will not compromise the safety of the community due to a dollar sign and he thinks they are risking doing that.

Mrs. Zahirsky stated you can't spend more than we have in our budget.

Mr. Colaianni stated he knows that but didn't feel we have really pressured the Township and they have cost us upwards of \$50,000 because we have not resolved this billing issue. He thinks it is irresponsible of them for doing that and feels it needs to be handled and if it is not handled is there a way they can recoup it legally, they need to.

Mrs. Downing asked about the monies the city is getting back from worker's compensation if it could go toward the shortage.

Mr. Svab stated all of the monies would go into the fire fund.

Mrs. Zahirsky reminded what they did to fund that, was they spent a carryover balance and it is a carryover balance that they won't have for next year. When it is time to do budgeting, they are not going to have the extra money falling from the sky from worker's compensation either. At some point and time, this Council is going to have to belly up to the bar and decide who they are going to lay off in order to be able to keep the budget that we have for the fire department, or else we don't bother to chip and seal or salt the streets. They can do away with the street department because we won't have the funds.

Mr. Svab stated if it came down to that, come November or December, he has a responsibility where he will not issue any money to the fire department. The fund can not go into a negative balance. If Council doesn't re-appropriate the money from the general fund into the fire department, those bills whether it be payroll or anything else won't get paid.

Mrs. Zahirsky stated she doesn't want to be the bearer of bad news either, but she doesn't want to see our citizens hurt, but they have a responsibility. They can't spend more than they take in and it is especially going to be tough next year when they have used up the carryover and the money from worker's compensation is not there, because they will spend it this year.

Mr. Svab stated he will have a comprehensive report next Tuesday for the fire department overruns and they can look at different scenarios to what they can do to make cuts now instead of waiting until they are really in hot water in November.

### **PURCHASE ORDERS & BILLS**

**P.O. 4957** to H.L. Parker Electric Inc. for Pay Application #4, Fire Station Electrical Contractor in the amount of \$46, 788.12. Mr. Colaianni moved to approve P.O. 4957, seconded by Mr. Deans. **ROLL: Yes, ALL.**

**P.O. 4958** to Western Branch Diesel for Fuel Pump Repair and Engine Turn Up for Engine #3 in the amount of \$3,100.93. Mrs. Zahirsky moved to approve P.O. 4958, seconded by Mr. Colaianni. **ROLL: Yes, ALL.**

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**P.O. 4954** to Comp Management Co., Third Party Administrator, One Year Contract Fees in the amount of \$6,000.00. Mrs. Zahirsky moved to approve P.O. 4954, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

**P.O. 4960** to CTI Environmental, Inc. for Reimbursement Fees for Engineering for Various Vendors in the amount of \$16,653.29. Mrs. Cihon moved to approve P.O. 4960, seconded by Mr. Deans. **ROLL: Yes, ALL.**

**BILLS: \$87,899.01**

Mrs. Cihon moved to approve the bills in the amount of \$87,899.01, seconded by Mrs. Zahirsky. **ROLL: Yes, ALL.**

**OLD/NEW/OTHER BUSINESS** - None

**REPORT OF PRESIDENT PRO TEMPORE (Linda Zahirsky)**

Mrs. Zahirsky asked Mr. Kincaid about an article that was in the last edition of Cities and Villages regarding public records request and the changes that will need to be followed. She asked for his assistance in addressing the new issues. Mr. Cozy stated that Mr. Svab and Ms. Marthey will be attending a public records seminar this Thursday.

**REPORT OF SPECIAL COMMITTEES** - None

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

Al Mayfield, 8327 Manchester Avenue: Mr. Mayfield stated his daughter lives on Walnut Street and while visiting there he has noticed how fast the traffic travels that road. He stated it is one of the longest roads in the City without a stop sign and was requesting Council to look into the matter. The Mayor advised the police chief to look in the matter.

Jon Gill, 350 Cherry Street W: Mr. Gill stated he has a pine tree on his property that has previously done damage to his house. The tree is in the public right-of-way. He was advised previously that it was his responsibility to take the tree down. The tree is also surrounded by power lines. He is requesting some assistance from the City in this matter. The Mayor advised that Mr. Cozy would contact Ohio Edison to schedule for a representative to meet with Mr. Gill.

Mike Mouse, 406 Riverview Street: Mr. Mouse thanked Mrs. Zahirsky for her earlier comments about the spacing of the home in new developments.

**ADJOURNMENT**

Mayor John Grogan adjourned the August 7, 2007 City Council meeting. The next regular scheduled meeting is August 21, 2007 at 7:00 p.m.

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Tammy Marthey, Clerk of Council

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John Grogan, Mayor