

# CITY OF CANAL FULTON

August 6, 2002

## **REGULAR COUNCIL MEETING:**

Mayor Shawn Kenney of the City of Canal Fulton, called the August 6, 2002 Council Meeting to order at 7:30 p.m. in City Hall Council Chambers.

## **PLEDGE OF ALLEGIANCE**

**COUNCIL MEMBERS:** Present – Nellie Cihon, Bill Dane, Diane Downing, Linda Zahirsky, Mike Mouse, and Robert Szanto.

**OTHERS IN ATTENDANCE:** Marge Loretto, City Manager; Debbie Kerr, Finance Director; Dale Kincaid, Law Director; Bob Hill, Fire Chief; Mike McNeely, Police Chief; Joan Porter, Repository; Donna Nickel, Independent; Fred Etheridge, Park Board Member; Bret Stephan, James Lerch, Rochelle Rossi, Lori Simpson, Tara Smith, John Hatfield, Garnet Thomas, Victor Colaianni, Jacqui Mullane, all residents.

## **CORRECTING / ADOPTING THE MINUTES**

Mrs. Zahirsky made a motion to approve the minutes of the meeting of July 16, 2002. The motion was seconded by Mrs. Cihon.

Mr. Mouse stated that, under Citizens Comments, Mr. Etheridge was asked if the green space fees were changed and he had replied “no”. Mr. Mouse said that needed to be reflected in the minutes.

Roll: Yes – 5. Mr. Szanto abstained.

## **SPECIAL RECOGNITIONS**

Mayor Kenney stated there is a Special Recognition which he will read during the Park Board report.

## **CITIZENS COMMENTS ON AGENDA MATTERS:**

Mayor Kenney said at this time he was going to allow Lori Simpson to speak. She is a resident at Echoing Ridge apartments. She had written a letter to the Mayor requesting some information. She wanted to know who is going to clean the sidewalks in the winter in front of the pond on Beverly sidewalk in front of B & K Plaza. Mayor Kenney replied that the City had an ordinance that says the property owners are responsible for clean up of the sidewalks in front of their premises.

She also wanted to know how long it would take to get sidewalks all the way to Dollar General. The Mayor said they were working on that issue. A discussion followed.

Ms. Simpson also asked when the City would be starting on the park. The Mayor said the City has plans for the park. A discussion followed. She also asked how often City Council could have their meetings at Echoing Ridge. The Mayor said at least once a year.

Ms. Simpson also asked if the lights on Beverly could be changed to “no turn on red”. She stated there is a problem with safety there. A discussion followed. The Mayor said Council would look into the matter. Mr. Mouse said to consider having a light that when people are crossing the light is flashing and it would be “no turn on red”. Mr. Mouse felt they did not need “no turn on red” for the entire day. A short discussion followed.

She then asked when the sidewalks would be fixed in front of Citco and extending it. The Mayor said he would check it out and also talk to Citco.

Ms. Simpson asked if the drives could be lowered on Locust in front of businesses. Further discussion followed.

## **REPORTS OF ADMINISTRATIVE OFFICERS:**

Senior Citizens. No Report.

Community Service Coordinator. No Report.

Fire Chief.

Chief Hill stated that someone called him a while back and asked if the Fire Department had a thermo-imaging camera. He asked if the Township had one and Chief Hill said no. The man then asked if Chief Hill could use another one and the Chief said “sure”. He said that this was a donation of slightly over \$15,000. Chief Hill asked Council to note Purchase Order #1781. That is where the money is coming from. He asked that Council vote that in. He said he would be ordering another new camera with a truck mounting system. He stated he sent a thank you letter to the people who donated the camera.

Chief Hill said he heard that Council felt favorably about moving the Fire Station to the Westside. He said the cost of the move would be minimal. A written price estimate for installing a trailer on the Westside was passed around. A discussion followed.

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Mrs. Loretto then said that the City had two bids for a new ambulance, one was from Life Star and one from Life Line. She said there was about a \$5,000 difference between the two. The bid specs were gone over and the bid that had come in lowest did not meet the bid specs.

### Police Chief.

Chief McNeely said in reference to the concern about speeding on certain streets, he has found that one of the good programs used in other cities is to paint on the roadway a "Slow Down" sign. The Chief also showed on the flip chart a six-month crime comparison to last year. He asked Council to observe the first six months of 2002 and the first six months of 2001 on the chart. He pointed out that crime was down in all categories, most significantly, in theft. He stated there has been no violent crime in the City.

He went on to state that the city has had the same number of traffic accidents for the first six months. He said DUI's are down. Domestic violence is up from 19 to 32. There have been 87 burglar alarm calls and calls for service have increased by 147% for the first six months.

### Engineer/Streets/Public Utilities.

Mr. Bill Dorman, City Engineer, said they performed final inspection on five sub-division areas. These include Villas at Autumn Meadows, Highlands at Autumn Meadows, Discovery Park, Phase I, Colonial Hills No.13, and Denshire – Phase 4.

He stated that the Locust/Millfield intersection is bidding out. He said at the next Planning Commission meeting they have a new development called Canal Place which will be going in the former Garlock property. He stated it would be commercial property.

### Director of Finance.

Mrs. Kerr distributed the end of the month reports for July, 2002. She said they were still looking into new accounting and payroll software. They are looking at two systems.

Mr. Mouse asked what the payment to Hercules Fence was used for. Mrs. Kerr said it was the fence at the Waste Water Treatment Plant.

Mr. Szanto made a motion that Council acknowledge receipt of the end of month reports for July, 2002. Mrs. Cihon seconded the motion. Yes – ALL.

### Report of Mayor.

Mayor Kenney stated he has received a letter of resignation from Dan Hurd as Chairman of the Park Board. He read the letter: "I am resigning from the Canal Fulton Park Board effective August 1, 2002. As a member of the Board since 1994 and Chairman since 1995, I've very much enjoyed the opportunity to serve the Canal Fulton community. It has been a pleasure to work with city officials and the citizens of Canal Fulton furthering recreational opportunities in the City. Unfortunately, the demands of my job as a social work administrator have increased over the last six months, leaving me little time for the important work of the Park Board. I am employed by a very progressive social service agency that is taking a lot of my time, and I don't want to take away from the Park Board's work. I would like to thank you all for your support of the Park Board. You've helped to bring new life into the group that was really struggling. For many years the parks simply were not a priority. Thanks to the leadership, the City has taken some positive steps in dealing with present plans and plans for the future. Please forward my thanks to Bob Szanto, Linda Zahirsky, and Dan Mayberry, as well as all the staff at City Hall for their ongoing support over the years. It was appreciated. Thank you again for giving me the opportunity to serve the City. Dan Hurd"

The Mayor then read the following Proclamation: Dan Hurd served on the Canal Fulton Recreation Board for over 10 years. Dan stayed on the Recreation Board despite having little or no funds for the parks. Dan has been committed to the Canal Fulton youth and has honorably served without pay for countless hours. I, now hereby proclaim great appreciation and thanks to Dan Hurd for his years of service on behalf of all residents.

The Mayor went on to say that the Park Board consists of 5 members, 3 of which are appointed by the Mayor, 2 of which are chosen by the school board. Dan Hurd was a school board selection. He said he has notified the school board to ask for their cooperation in replacing Mr. Hurd.

The Mayor said the City also has a vacancy on the Zoning Board of Appeals. The President of the Board of Appeals, Garnet Thomas, is present. She has requested that the Mayor appoint Mr. Fred Etheridge to serve in the vacated seat on the Zoning Board of Appeals. Mr. Etheridge has consented to serve. The Mayor said Mr. Etheridge is a good choice since he has been in the construction field for many years.

Mrs. Zahirsky made a motion to appoint Fred Etheridge to the Zoning Board of Appeals. The motion was seconded by Mrs. Cihon. Roll: Yes – 5. Mr. Mouse abstained.

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## City Manager's Report.

Mrs. Loretto pointed out that the new outside message board is now on the front of City Hall. She said the final payment is ready for Beaver Excavating. She went on to say that the bids will be open for the Locust/Millfield project on August 29, 2002. She stated that Saturday was the final inspection for the sludge press at the Waste Water Treatment Plant.

## Parks.

Mr. Etheridge stated that the Summer Rec Program is over. He said approximately 21 children attended each session. He said he hopes we can do better than that next year. He said they want to improve the ball fields this year. He stated the next Park Board meeting will be on the 27<sup>th</sup> of August. He said there were some funds left in the allocated funds to work on the park. He said at that meeting they will discuss increasing the open space fees and working on next year's program.

## Council President Report.

Mr. Bob Szanto read to Council a statement addressing the issue of his Canal Fulton income tax. His statement is available at City Hall.

## Law Director.

Mr. Kincaid said that Ordinances 32, 33, and 35 that will have First Readings this evening. They will amend the zoning code , so we will need to hold a public hearing.

He said the other issue he would like to address is Purchase Order #1750, which is on the agenda. He said he realized the alley has been called "Buggy Alley". He said they would state a claim of twenty-one years of continual public use. He said the procedure will be to have it surveyed and to contact the adjoining property owners and ask them to sign a dedication plat. Any of those who do not sign, we will have to file a case in Common Pleas Court and establish that the alley has been so used.

## **THIRD READINGS:**

None.

## **SECOND READINGS:**

**Ordinance 26-02:** An Ordinance Vacating King Place from Walnut St., NW to the Ohio Erie Canal.

Mr. Kincaid stated that this vacation plat needs some work.

**Ordinance 30-02:** An Ordinance Accepting Streets and Public Utilities in the Brookview Acres, No. 3, Allotment.

## **FIRST READINGS:**

**Ordinance 31-02:** An Ordinance Setting Forth Employee Wage Fund Allocations for Various City Employees.

A discussion followed.

**Ordinance 32-02:** An Ordinance Amending the Zoning Code by Designating as R-1 Property Recently Annexed.

**Ordinance 33-02:** An Ordinance Amending the Zoning Code Section 1181.01 (b ) (5) to Permit Signs Up to Sixty Square Feet in B-2 Zones.

**Ordinance 34-02:** An Ordinance Amending Section 903.11 of the Codified Ordinances Relating to the Assessment of Costs to the Property Owner when the City Must Remove Trees, Grass, Weeds Etc.

Mr. Kincaid said the Mrs. Loretto had a good idea regarding an amendment in the last section where it states "in the event of such certification an administration charge of \$50 shall be added". Mr. Kincaid suggested that the amendment read: "In the event of such trimming or removal an administrative charge shall be added."

Mr. Szanto made a motion that Council amend Ordinance 34-02 in two places; the first, being the second whereas and deleting the text: "said costs are certified to the County Auditor", and replacing it with "such trimming or removal as necessary". In the last line of Section 903.11, under assessment of costs by municipality, should be amended deleting the word "certification" and in its place inserting "trimming or removal".

Mr. Szanto made a motion to amend Ordinance 34-02 as above. The motion was seconded by Mrs. Zahirsky. Roll: Yes – ALL.

**Ordinance 35-02:** An Ordinance Amending the Zoning Code by Designating as I-1 Property Recently Annexed.

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**Ordinance 36-02:** An Ordinance to Make Appropriations from the Unappropriated Balances in Various Funds and Declaring an Emergency.

Mr. Szanto made a motion to suspend the rules on Ordinance 36-02. The motion was seconded by Mr. Mouse. Roll: Yes – ALL.

Mr. Szanto made a motion to pass Ordinance 36-02 under suspension. The motion was seconded by Mr. Dane. Roll: Yes – ALL.

**Resolution 17-02:** A Resolution Approving the Annexation of Locust/Portage in Lawrence Township.

The Mayor asked Mr. Kincaid if there was any reason why this Resolution shouldn't be passed by Emergency. He said it's been approved by the Commissioners. He stated that even after Council passes it, there are many things that will need to be done.

Mr. Szanto made a motion to suspend the rules on Resolution 17-02. The motion was seconded by Mrs. Cihon. Roll: Yes – 4. Mr. Mouse and Mrs. Downing abstained.

Mrs. Szanto made a motion to pass Resolution 17-02 under suspension. The motion was seconded by Mrs. Cihon.

Mr. Mouse asked Mrs. Loretto what it will cost to provide services out there. Mrs. Loretto said that she could not give him exact figures, but she could not foresee much expense.

Roll: Yes – 4. Mrs. Downing and Mr. Mouse abstained.

### **PURCHASE ORDERS & BILLS:**

P.O. #11745 to CTI Environmental, Inc., in the amount of \$11,300.00 for Services for Environmental Clearance for Community Park Enhancements – Phase I.

Mr. Dane made a motion to approve P.O. #1745 in the amount of \$11,300.00 to CTI Environmental, Inc. Mrs. Cihon seconded the motion.

Mr. Szanto asked what services are involved with this P.O. Mr. Dorman stated that for O.D.O.T purposes for funding we needed to show that it was an extension of the area where all previous uses of the land had to be examined to ensure that there were no environmental problems that would prohibit the construction of the project.

Roll: Yes – ALL.

P.O. # 1750 to Hinton Surveying Co. in the amount of \$4,600.00 for survey of "buggy alley" and annexation plat.

Mrs. Cihon made a motion to approve P.O. #1750 in the amount of \$4,600.00 to Hinton Surveying for survey of "buggy alley" annexation plat. The motion was seconded by Mr. Mouse. Roll: Yes – ALL.

P.O. #1781 to Finley Fire Equipment, in the amount of \$12,325.00 for Bullard Thermal Imaging Camera and truck mounted charging unit.

Mr. Dane made a motion to approve P.O. #1781 in the amount of \$12,325.00 to Finley Fire Equipment for the purchase of Bullard Thermal Imaging Camera and truck mounted charging unit. The motion was seconded by Mrs. Downing. Roll: Yes – ALL.

P.O. #1782 to Finely Fire Equipment, in the amount of \$8,380.00 for four Scott 2.2 Airpaks and five extra masks. (this is a budgeted item).

Mrs. Zahirsky made a motion to approve P.O. #1782 in the amount of \$8,380.00 to Finely Fire Equipment for 4 Scott 2.2 Airpaks and 5 masks. The motion was seconded by Mrs. Cihon. Roll: Yes – ALL.

Bills: Total \$177,554.13

Mr. Szanto made a motion to approve the bills totaling \$177,554.13. The motion was seconded by Mrs. Cihon. Roll: Yes – ALL.

### **NEW BUSINESS:**

Mrs. Loretto stated that Council had been provided with copies of the Civil Service Rules with corrections made by Sherry Reiter. Mrs. Loretto said it would be back on the agenda for the August 20<sup>th</sup> meeting.

Mrs. Zahirsky had a question regarding the statement that employees can not be involved in political activities at all. Mrs. Loretto stated that is what the Civil Service Commission requested. If that is something you would question, we can take it back to the Commission. Mr. Kincaid stated that there is a free speech issue involved. A discussion followed.

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## OTHER BUSINESS:

Mr. Dane wished to inform Council that he would be absent at the August 20<sup>th</sup> meeting. He will be on vacation.

## CITIZENS COMMENTS (Open discussion, Five minute rule)

Mr. Downing asked how the F.O.P. negotiations were going and how the City was going to come up with the funds.

Mrs. Loretto stated that nothing has changed since Council rejected the request. She said the City is scheduled to go to conciliation, at which point , the City will have no option. Whatever the conciliator says, Council must accept.

Mr. Hatfield stated that the annexation issue was rushed through. He said no one has figured out what it is going to cost. He stated it did not go through the proper committees. He said if the City is going to do something as important as this and if it is going to be passed under emergency, it should be put on the agenda as an emergency.

Mr. Fred Etheridge state that in view of the West Nile situation he would like to know what the City is doing. Mrs. Loretto answered that the City is following the recommendations by the Board of Health.

Mr. Etheridge then stated that in view of the horrible crimes against children that the young parents in town should be made aware of some of the things that can be done. He hoped an article would be published in the next City newsletter.

Mrs. Jackie Mullane then addressed Council concerning her web site called "the Canal Traveler". She stated the web site was used for community purposes. She further discussed what is, and will be, on the web site in relation to Canal Fulton.

The Mayor stated that the administration should come up with some guidelines as to whom we allow to have links to our City web site.

Linda Zahirsky offered to be the liaison to work with Mrs. Mullane.

Mrs. Garnet Thomas said she listened to the proposal of the Fire Department concerning the move to the Westside. She said this issue should go to a vote of the people. She said this affects every family, individual, man woman and child. She said our citizens have a right to make the choice.

She said it was time to put a levy on the ballot. It is time to ask the people what they want. She said if the City moves the Fire Department to the Westside it would make no sense because all the City's growth is on the other side. She said she would like to remind Council that they have an obligation to put this to the people and let them choose.

She went on to say that Chief McNeely is the finest police chief she had ever been privileged to know. She said even though crime is down, our police officers still go into dangerous situations. She stated they deserve to be well paid and well trained. She said if the people want this, they will have to pay for it. She asked the Council to get a levy on the ballot as soon as possible.

## REPORT OF COUNCIL PRESIDENT

Mr. Szanto said that Mrs. Downing requested a meeting to discuss the breakdown of funding for some of these departments and positions. He thought it could be combined with the Safety meeting next Tuesday, August 13<sup>th</sup>. He said it would be a "Council of the Whole Work Session" and would be at 7:00 p.m. He said he would do a brief agenda.

The Mayor said that the Law director reminded him that a special meeting needed to be set for the zoning ordinances.

Mrs. Zahirsky made a motion that we set September 17, 2002, at 8:00 p.m., as the Public Hearing on Ordinances 32-02, 33-02 and 35-02. The motion was seconded by Mrs. Cihon.

Roll: Yes – ALL.

## REPORT OF STANDING COMMITTEES

## REPORT OF SPECIAL COMMITTEES

The meeting was adjourned.

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Sharon Reiter, Clerk of Council

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Shawn Kenney, Mayor