

## CITY OF CANAL FULTON

April 15, 2003

### **REGULAR COUNCIL MEETING:**

Mayor Shawn Kenney called the April 15, 2003 Council Meeting to order at 7:30 p.m. in City Hall Council Chambers.

### **PLEDGE OF ALLEGIANCE:**

**CALLING OF THE ROLL:** Present: Nellie Cihon, Diane Downing, Bill Dane, Linda Zahirsky, Robert Szanto, Mike Mouse, Mayor Shawn Kenney.

**OTHERS PRESENT:** Marge Loretto, City Manager; Debbie Kerr, Finance Director; Dale Kincaid, Law Director; Mike McNeely, Police Chief; Robert Hill, Fire Chief; Fred Fleming, Park Board; Joan Porter, The Repository; Julie Scheurer, The Independent; Judge David Stucki, John Ferraro, Stark County Prosecutor; Donna Lemmon, Chamber of Commerce, Scot Svab, Community Service Coordinator; Victor Colaianni, Bret Stephan, Dennis Downing, Rochelle Rossi, Ray Coffman, Angela Rabatin, all residents.

### **ADOPTING/CORRECTING OF MINUTES:**

The Mayor asked for approval of the minutes April 1, 2003 regular Council meeting. Mrs. Cihon made a motion to approve the minutes of March 18, 2003. Mrs. Zahirsky seconded the motion. Roll: Yes – ALL.

### **SPECIAL RECOGNITIONS:**

Mayor Kenney then introduced Stark County Prosecutor, John Ferraro and Stark County Judge, David Stucki. He said they are here this evening to speak on behalf of the Stark County Sales Tax. Judge Stucki basically talked about the problems the County is having because of a shortage of funds. He said Stark County is the only county in Ohio that does not have a sales tax. That situation has directly effected the operations of the courts, the Sheriff's Department, and has a trickle down effect on all of Stark County. He talked about the fact that many people who have been convicted of crimes do not serve jail time because there are not enough beds due to cut backs. He said they have had to prioritize and they have also had to layoff a number of people. He said if the sales tax passes, Stark County will still have the lowest sales tax in the State of Ohio.

Prosecutor Ferraro reiterated what Judge Stucki had said. He also stated that his department had to let a number of good attorneys go because of cutbacks, as well as other support staff. He said the work has become a huge burden on those remaining who must take on extra work loads.

Mayor Kenney asked Police Chief McNeely to comment. Chief McNeely said the County's budget problems indeed trickle down to Canal Fulton. He said most of the people that Canal Fulton arrests are non-violent offenders and will not be sent to jail because of the lack of jail space. He said that the Metro Drug Unit is now down to one agent. He said this means that they have less capability for criminal intelligence, etc. The Chief said he echoes Judge Stucki's and Mr. Ferraro's sentiments to support the County Sales Tax.

Fire Chief Hill stated that the Stark County Sheriff is probably pulling his hair out not being able to run his department the way he wants to. Chief Hill also stated that he supports the Stark County Sales Tax.

Mr. Mouse asked what would happen if the economy did not recover. He said this issue should be discussed. He said the State also wants to increase the State sales tax. He said governments need to sit down and reassessing priorities.

Mrs. Zahirsky made a motion that the Canal Fulton City Council supports Issue 7, Stark County Sales Tax on the May 6<sup>th</sup> ballot. Mrs. Cihon seconded the motion.

Mrs. Zahirsky told Mr. Mouse that he did hear both Judge Stucki and Prosecutor Ferraro state that they have prioritized and have made cut backs.

Roll: (Voice Vote) Yes, 5. Mr. Mouse abstained.

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

### **REPORTS OF ADMINISTRATIVE OFFICERS:**

Senior Citizens. No Report.

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### Community Service Coordinator.

Mr. Svab stated that the trees are in and will be distributed to the elementary school children this week. He said they planted 400 European White Birch trees at the Waste Water Plant.

### Fire Chief.

Chief Hill said the HIPPA training class was video taped for those people who were unable to attend. He said they had training in the houses behind the library.

He said he attended a RED Center meeting last week. Chief Hill said they told him they have a problem with Canal Fulton. He said Canal Fulton has only one emergency number for both police and fire. He said these calls sometimes get mixed up and go to police instead of fire or fire instead of police. He suggested that the City gets another line.

The Mayor said he should discuss it with Mrs. Loretto.

### Police Chief.

Chief McNeely stated they had a theft of a credit card from a home. They identified a suspect and obtained a warrant. The suspect was arrested.

He also said longtime resident, Ann Fletcher, was found dead in her home this morning.

### Engineer/Streets/Public Utilities.

Mr. Dorman said there is a small water and sewer extension on Norton and Dakota being constructed. He said other new construction is on Highlands at Autumn Meadows, Phase 6. They are beginning the installation of storm water and sewer lines.

He said the Locust/Millfield construction has resumed and will be completed within the next two weeks.

### Director of Finance.

Mrs. Kerr said she would like to recognize Karen Hiltbrand during this very busy income tax season.

She said the dump truck issue is back. Do they want to lease or purchase. She said she had also given Council the three year spread sheet they had asked for.

Mrs. Zahirsky stated that none of the figures for 2004 and 2005 include capital projects. A discussion on the merits of the outright purchase and leasing followed.

Mr. Mouse stated that every year from 2003, 2004 and 2005, the expenses are exceeding the revenue and the only way we meet this is by using savings.

Mr. Szanto made a motion to approve the recommendation of the Finance Director to pay cash for the dump truck. Mrs. Cihon seconded the motion.

Mr. Mouse said he wants to ask Dennis Mayberry if they can get by for another year with the truck.

Roll: Yes – ALL.

### Report of Mayor

The Mayor said he attended a ribbon cutting ceremony for Avalon Foods new administrative offices. He said many people don't realize that we have a company like Avalon in the City of Canal Fulton. They employ over 100 people and are one of the leading companies in Northeast Ohio for food distribution to places such as nursing homes, schools, prisons, etc.

### City Manager's Report.

Mrs. Loretto said they have been working on drafting ordinances for open space fees and user fees. They will go to Mr. Kincaid for review. She said they are also working on a draft for creation of a Light Industrial Zone.

She said she would like to remind everyone about the Building Doctor Clinic on May 1<sup>st</sup>. She said registrations are going well, but they were hoping for more City officials to sign up, especially people on HPC.

She said the application has been submitted for Well #8 to go to Well site #5, which will be abandoned.

She said she also received a proposal concerning water and sewer lines on Milan. She said the quote was \$24,167.00 and an estimate of \$15,300.00 for surveying and sub-surface investigation.

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Mr. Mouse asked about the open space fees sheet prepared by the Park Board. He stated that they had Green listed with no provisions, but Mr. Mouse investigated and Green has an ordinance that says 25% of land being developed is set aside for green space.

A short discussion followed.

### Parks.

Mr. Fred Fleming stated that there is now another opening on the Park Board. He said since he is Vice-Chairman, he will probably be sitting as Chairman for the rest of the year. He stated Mr. Fred Etheridge resigned his position from the Park Board.

He said each Council member has material outlining the Summer Recreation Program. He reviewed the program with them. He said the Park Board feels someone will need to be hired to coordinate the program. He said they still need to go to Lawrence Township if it is to be open to all Northwest children. He said they will ask the Township for \$266.00 per child.

Mrs. Zahirsky asked what staff/child ratio are they planning on. Mr. Fleming said 1/15 is what they have. Mr. Svab stated for the day trips it would be 1/6, and they are encouraging parents to attend the day trips.

Mr. Kincaid stated that the City would have to do the hiring of the coordinator, not the Park Board.

Mrs. Cihon made a motion to approve the Park Board's Summer Recreation Program. Mr. Dane seconded the motion. Roll: Yes – ALL.

The Mayor stated he has not yet accepted Mr. Etheridge's resignation from the Park Board. He stated that other people have come forward to ask to be appointed to that Board. The Mayor state he would like to talk Mr. Etheridge into withdrawing his resignation.

### Law Director.

Mr. Kincaid stated that Ordinance 19-03 is a proposal from the Planning Commission to establish an Occupancy Permit. He said, however, that he looked at the Planning Commission minutes and they reflect that the Planning Commission referred the matter to the Economic Development Committee. He stated that since it is a zoning issue it should come complete from the Planning Commission. He said that could be amended now, or refer it back to the Planning Commission.

Mr. Szanto asked about the legality of the fees that are in the Ordinance. He wanted to be sure it was all legal.

It was stated that the fees were recommended by Johnson Belford and approved. Mr. Kincaid said it could have its first reading this evening.

Mr. Mouse asked Mr. Kincaid to give him a background on a certificate of occupancy. Mr. Kincaid said it is an attempt to prevent zoning illegalities. A short discussion followed.

### **READING OF ORDINANCES**

#### **THIRD READINGS:**

#### **SECOND READINGS:**

#### **FIRST READINGS:**

**Ordinance 19-03:** An Ordinance Amending the Codified Ordinances of the Zoning code of the City of Canal Fulton to add Chapter 1150, regarding Certificate of Occupancy, Declaring that a Certificate of Occupancy shall be Required to be Obtained from the Office of the Zoning Inspector of the City of Canal Fulton before Occupancy of any Permitted or Conditionally Permitted use in All Business and Industrial Districts within the City.

**Resolution 6-03:** A Resolution Authorizing the City Manager to enter into an Agreement with FirstEnergy Solutions Corp., to Provide Aggregated Electrical Service.

**Resolution 7-03** A Resolution Authorizing the City Manager to Enter into the Northeast Ohio Public Energy Council (NOPEC) and the Execution and Delivery of the Agreement Establishing NOPEC and Approving the Bylaws of NOPEC and the Plan of Operation and Governance for the NOPEC Electricity Aggregation Program, All for the Purpose of Jointly Establishing and Implementing an Electricity Aggregation Program.

Mr. Mouse stated to Mrs. Loretto that he had asked her for the proposals in writing. Mr. Kincaid said he just brought them back this evening. She said she would make copies and make sure he received a set.

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### **PURCHASE ORDERS AND BILLS:**

P.O. #3295 in the amount of \$6,600.00 to Concrete Construction Co. for one more sludge-dewatering filter.

Mr. Dane made a motion to approve P.O. #3295 in the amount of \$6,600.00 to Concrete Construction. Mrs. Downing seconded the motion. Roll: Yes – ALL.

Bills: \$120,150.26

Mr. Dane made a motion to acknowledge receipt of the list of bills totaling \$120,150.26. Mrs. Zahirsky seconded the motion. Roll: Yes – ALL.

### **NEW BUSINESS:**

The Mayor stated that the next regular Council meeting is supposed to be held on Tuesday, May 6, 2003, which is Election Day. The Mayor asked Council if they wished to change the meeting to Monday, May 5, 2003 or Wednesday, May 7, 2003.

Mrs. Cihon made a motion to have the next regular Council meeting on Monday, May 5 2003. Mr. Mouse seconded the motion. Roll: Yes – ALL.

Mr. Mouse then made a motion to use the 2001 City Budget for all departments in order to protect the General Fund and not to use any cash carryover. Mrs. Downing seconded the motion.

It was stated that Council has already passed this year's budget. Mr. Mouse said they could amend it.

Mrs. Zahirsky asked Mr. Mouse why he did not bring this up in December and January when they were working on it.

The Mayor asked the Law Director if a motion to prepare a resolution to amend the budget needs to be in ordinance or resolution form. Mr. Kincaid said yes and that it has to go through the County and public hearings.

Mrs. Loretto told Mr. Mouse said it would be impossible because payroll would not make it.

Mr. Mouse said if a person has gangrene in his big toe and they ignore it, realistic does not enter into it. It will only get worse.

Mrs. Loretto said the situation will not get worse. She said they have made considerable progress. She said the problem is that Mr. Mouse does not even recognize when the administration is doing a good job.

Roll: Mrs. Cihon: "NO!"; Mr. Dane: "Absolutely No." Mrs. Downing: "Yes". Mrs. Zahirsky: "Absolutely No." Mr. Szanto: "No". Mr. Mouse: "Yes". 4 – Yes. 2 – No. Motion is Defeated.

### **OLD BUSINESS:**

Mr. Szanto said he has had conversations with Mrs. Loretto about the fact that Council has still not addressed the issue of pay raises for exempt employees. Mr. Szanto said the City was forced to give raises based on union contracts. He said he would like to give the exempt employees an answer, but he would like to wait until after May 6<sup>th</sup>.

Mrs. Zahirsky suggested that the Personnel Committee meets on May 7, 2003. Mr. Szanto said either Personnel or Finance or both, or even a special Council meeting.

Mr. Mouse said they gave Mrs. Loretto a 20% pay increase. Mr. Szanto stated they did not. He stated that the increase was a negotiated sum when the City hired her.

Mrs. Zahirsky made a motion to have a special Council meeting on May 7, 2003. Mrs. Cihon seconded the motion. Mr. Mouse said Thursday the 8<sup>th</sup> is better for him.

Mrs. Zahirsky withdrew her motion and made a motion to have a special Council meeting on May 8, 2003, at 7:00 P.M. Mrs. Cihon seconded the motion.

Roll: Yes – ALL.

### **OTHER BUSINESS:**

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### **CITIZENS COMMENTS:**

Dennis Downing stated that Main Street Canal Fulton had their first cruise-in this past weekend and it was considered a success. He said there will be a national convention of "Main Streets" in Cincinnati. He said Victor Colaianni and Rebecca Shimer will attend.

He said the residents have seen an increase of City income tax go to 1%. He said now the City is going to have three income tax increases on the ballot.

He said on the cover letter of the City Charter it said no new taxes, no pay raises for officials or employees and that the Charter would save the residents hundreds of thousands of dollars. He asked, what happened?

The Mayor stated the Charter had no new tax increase in it, no raises for employees or City officials were in it, and the Charter was voted on and passed by the residents. He said they are two years past the Charter now. He said they are a growing City and have the same problems other cities have.

Victor Colaianni said he would like to encourage Council to focus on economic development.

Mr. Szanto stated that Canal Fulton does not have a paid full time economic development person, as do other cities like Massillon. He asked who is going to devote the time, for free, to economic development for Canal Fulton.

Mrs. Cihon said she wanted to thank Bret Stephan for the beautiful job he did on painting the Senior Center.

### **REPORT OF COUNCIL PRESIDENT:**

No Report.

### **REPORT OF STANDING COMMITTEES**

The regular meeting was adjourned.

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Sharon Reiter, Clerk of Council

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Shawn Kenney, Mayor