

CITY OF CANAL FULTON

August 20, 2002

REGULAR COUNCIL MEETING:

Mayor Shawn Kenney of the City of Canal Fulton, called the August 20, 2002 Council Meeting to order at 7:30 p.m. in City Hall Council Chambers.

PLEDGE OF ALLEGIANCE

COUNCIL MEMBERS: Present – Nellie Cihon, Diane Downing, Linda Zahirsky, Mike Mouse, Robert Szanto, and Mayor Shawn Kenney.

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; John Hagan, State Representative; Michael Carleton, Aid to Rep. Hagan; Bret Stephan, Rochelle Rossi, John Hatfield, Dave Weinreb, Dan Hare, Dennis Downing, Victor Colaianni, Scott McLaughlin.

CORRECTING / ADOPTING THE MINUTES

Mrs. Zahirsky made a motion to approve the minutes of the meeting of August 6, 2002. The motion was seconded by Mrs. Cihon. Roll: Yes – ALL.

SPECIAL RECOGNITIONS

Mayor Kenney introduced State Representative John Hagan. Mr. Hagan said he appreciated Council allowing him to speak this evening. He went on to briefly talk about his platform and issues.

CITIZENS COMMENTS ON AGENDA MATTERS:

Dennis Downing said he had a comment on the second reading of Ordinance 31-02. He said that last Tuesday, Council had a work session that he attended. He said they all were able to give some in put. He said, however, that it bothered him that nobody can verify or knows how these funding percentages were worked out. He said he had a memo from Finance Director, Debbie Kerr, stating she researched it back to 1994. He felt there was no rhyme or reason for these percentages.

He went on to say before Council passed this as an Ordinance, he hoped that this Council would take the time to research how these percentages where arrived at and justify them.

Mayor Kenney stated that most people do not understand the General Fund. He said the General Fund is primarily funded by the income tax. It pays for Police, roads, fire, etc. He stated it was important that we keep the General Fund healthy. It is also important that we shift to other funds that have a continuity of revenue as much as we can, such as sewer and water rates. These percentages have been taken from what we know that the State Auditor will approve for allocation of those positions to be paid for out of what we call the "income generating source funds" from sewer and water. He said it is there to protect the General Fund.

REPORTS OF ADMINISTRATIVE OFFICERS:

Senior Citizens. No Report.

Community Service Coordinator. Written report.

The Mayor stated that this program has done a significant amount of work around town. He said he happened to be in the Stark County Juvenile Court and the presiding judge had nothing but compliments for Scott Svab and the program.

Fire Chief.

Chief Hill said the new air packs are in and the new thermo imager came in

Police Chief.

Chief McNeely said that at the last Council meeting he updated everyone on the decrease in crime for the first six months of this year. He said he would now like to talk about some significant cases the officer's have worked on. He said that yesterday in court, they received a guilty plea from a resident of Fairborn, Ohio, who was responsible for two burglaries in Canal Fulton. He said we have also had a significant drug problem on Highland Street. He said one house has been closed and they got a guilty plea from one subject who has bringing cocaine into town. He said it was quite a significant seizure.

He said that two members of another house out there have been charged with the burglary and safe cracking at the Starfire. One has already pled guilty to the charges. He said the individuals who plead guilty to the charges will not go to trial.

He went on to say the Police arrested a resident of Green who is manufacturing drug documents on his computer and coming to the pharmacies in Canal Fulton and victimizing them. That subject is now in jail.

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The Chief said there have been two residential burglaries in the past few weeks. One out on Locust Street. He said they have a warrant out for that person. He also said, if Council will recall, there is a man from Wadsworth who was breaking into homes and stealing women's shoes. He said they will be picking him up.

He said on Wooster Street there is a female resident's house that has been broken into and they have been stealing her underwear. He said they have identified that subject and will be obtaining a warrant for him.

He went on to say the Township had a burglary where the homeowner shot the suspect in the head. Officer Crookston arrested that subject on foot on Waterside.

Mr. Szanto asked about "slow down" signs painted on the streets which have helped in some other cities. Mr. Szanto asked exactly what the signs say. The Chief said the sign says "slow down". He also said there are other good ideas that cities are using, such as, speed bumps, and planting trees closer to the roadway.

Mr. Szanto said he could get a large stencil made for next to nothing and the street department could paint it. He said it could even be a neighborhood project if it is deemed to be a safe project.

Engineer/Streets/Public Utilities.

No report.

Director of Finance.

Mrs. Kerr passed around the July bank reconciliation. She said that's all she had.

Mr. Szanto made a motion that Council acknowledges receipt of the July bank reconciliation. The motion was seconded by Mrs. Zahirsky. Roll: Yes – ALL.

Report of Mayor.

The Mayor said that about two weeks ago, at the request of the Ohio & Erie Canal Corridor Association, we were the host of a four-county leadership council. He said Tim McCormick, County Commissioner of Cuyahoga County was here with members of his staff; Mr. McCarthy, a Summit County executive and members of his staff were present. He said two of the three County Commissioners for Tuscarawas were also present. Also present were Jane Vignos, a Stark County Commissioner and Bob Fonte from Stark County Parks. The purpose of the meeting was to brainstorm ideas as to how the Canal Corridor can be completed. Dan Rice, Executive director of the Corridor Association said it was the first time he can remember top leaders from each county sitting in one place and discussing specific goals.

City Manager's Report.

Mrs. Loretto stated that there had been a pre-bid meeting today on the Locust/Millfield project. The opening for the bid award would be September 4th and hopefully awarded at that time. They would have 120 days for completion. She said the only set back we can see is the utilities. The utilities are suppose to be taken care of by East Ohio Gas and Ohio Edison this month.

Mr. Mouse asked if there was any reason why they couldn't start in spring instead of late fall. Mrs. Loretto said by that time the contract would probably not be any good and we would have to re-bid it.

Mr. Mouse asked if Mrs. Loretto could look into the bid being executed in the spring rather than fall. She said she could ask if they will hold the bids firm and if it would create any problems with the grant.

The Mayor then reminded Council that one year ago or more, they hired Marge Loretto as the City Manager. At that time the City got her at a good bargain and that we had agreed to increase her salary so she would get at least \$12,000 a year less than the job she left in North Canton. The Mayor said he would recommend to Council that we honor the promise because she certainly has done a good job for the City during the past year.

The Mayor asked the Law Director to draw up legislation to that effect.

Parks.

No Report.

Law Director.

Mr. Kincaid said that the County Commissioners have started a clearinghouse on contractors. They are experienced with them and he felt that the City should attempt to participate. He said he would like to throw out to Council whether they would want to approach the County

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Commissioners about access to that and also to contribute our own data to it. He said it is something he would like to see happen.

Mr. Mouse said it was an excellent suggestion. A short discussion followed.

THIRD READINGS:

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

Mr. Szanto made a motion to pass Ordinance 26-02. The motion was seconded by Mrs. Cihon. Roll: Yes – 4. Mr. Mouse abstained.

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

Mrs. Zahirsky made a motion to pass Ordinance 30-02. The motion was seconded by Mrs. Cihon. Roll: Yes – ALL.

SECOND READINGS:

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

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

Mr. Kincaid suggested that a public hearing be held on these Zoning Ordinances at the September 17, 2002 Council meeting and table the third readings until that date.

Mr. Szanto made a motion that Ordinances 32-02 be tabled until the public hearing on September 17th. The motion was seconded by Mrs. Cihon. Roll: Yes – ALL.

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.

Mr. Szanto made a motion to table Ordinance 33-02 until the September 17th public hearing. The motion was seconded by Mrs. Zahirsky. Roll: Yes – ALL.

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.

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

Mrs. Zahirsky made a motion to table Ordinance 35-02 until the September 17th public hearing. The motion was seconded by Mrs. Cihon. Roll: Yes – ALL.

FIRST READINGS:

Resolution 18-02: A Resolution Entering Into a Contract for the Purchase of an Ambulance.

Mr. Szanto made a motion to suspend the rules on Resolution 18-02. The motion was seconded by Mrs. Downing. Roll: Yes – ALL.

Mr. Szanto then made a motion to pass Resolution 18-02 under suspension. The motion was seconded by Mrs. Cihon. Roll: Yes – ALL.

PURCHASE ORDERS & BILLS:

There were no Purchase Orders.

Bills: Total \$71,915.19

Mr. Mouse asked what the DR Supply, \$5,682 was for. Mrs. Kerr said that is where the road department gets their asphalt. He also asked about Enterprise Group Planning, Inc. Mrs. Kerr said that was a claim on our health insurance.

Mr. Szanto made a motion to approve bills totaling \$71,915.19. The motion was seconded by Mrs. Cihon. Roll: Yes – ALL.

NEW BUSINESS:

OTHER BUSINESS:

CITIZENS COMMENTS (Open discussion, Five minute rule)

Mr. McLaughlin said his business has been hit by a bad series of burglaries. Three of the major ones were over \$100,000. The Stark County Prosecutor issued a warrant and received a guilty plea yesterday. He said he wanted to commend the Police Department. He

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said he knows Officers Harbaugh and Barabasch put hundreds of hours into that case and went above and beyond the call of duty.

Mr. Colaianni asked if Council was going to consider a levy for the Police Department. He said no offense to Mrs. Loretto, but her raise was on the table tonight, yet the police are going through union negotiations and probably some other city employees. He asked her where we stood financially. He asked if the City can absorb the increase that the Police will be receiving and other departments. He asked what the Council and Administration prepared to do to boost our revenues.

Mrs. Loretto said she has been discussing plans with Mayor Kenney and President of Council, Bob Szanto and whatever they come up with will be reported to the conciliator. A short discussion followed.

Mr. Colaianni then stated that he would like to know if the City of o.k. financially. Mrs. Loretto responded that at the present time, it was.

Mr. John Hatfield stated that several weeks ago he had requested a meeting with the utility committee. He said he attended that meeting and he presented a pre-paid JED agreement plan to get water to the school and for anyone else who wanted to sign on to get water out there. He said he also outlined the program for Council and talked to the Township and the schools. He said they all thought it was a good plan. He said he felt the City should get moving on this.

The Mayor said the administration has been working very hard with the schools and with the Trustees on this water issue and to allow our elected officials to do their jobs.

Mr. Dan Hare, owner of Toys Time Forgot, told Council he was moving his business to 137 E. Cherry St. He stated that on July 29th he had a meeting with Mrs. Loretto, Mr. Belford and Mr. Dennis Mayberry concerning parking and landscaping. He said Mr. Mayberry gave him advice concerning getting too close to the road. He said after he put the landscaping and edging in it was brought to his attention that he had encroached onto the easement of the City. He said he had attended the last HPC meeting and had gotten their approval for aesthetic and cosmetic reasons and was advised to bring it before Council for a variance. A discussion followed.

Mr. Mouse asked Mrs. Loretto how the City's interest would be adversely affected by this situation. Mrs. Loretto said if the snowplows aren't a problem, she did not see a real disadvantage. A discussion followed.

Mayor Kenney stated that naturally we all dislike it when someone builds something and then come to Council for approval. He felt that the only detriment it could be to the City is if someone drives a car into it and the city could get sued. He said he would recommend that Council allows Mr. Hare to have the encroachment onto the City's property if he names us as a party insured on his insurance.

Mr. Mouse made a motion to give allowance for Mr. Hare's property adjustment per the Mayor's request that he obtain insurance for the City as a party insured. The motion was seconded by Mr. Szanto. Roll: Yes – 4. Mrs. Cihon voted No.

REPORT OF COUNCIL PRESIDENT

Mr. Szanto stated that Council had a work session last Tuesday, September 13. The first part of the session consisted of discussions of various City funds and funding sources. The second part of the meeting was a discussion of moving the fire station to the Westside. He said both sides were presented regarding distribution of various funds paying for various City officials. The Fire Department gave testimony as to why there was a need to move the fire station to the Westside station. It was decided that individual Council members consider the request and that Council will then come to a consensus.

He said that he would prepared minutes and notes from that meeting to be presented at the next Council meeting.

REPORT OF STANDING COMMITTEES

REPORT OF SPECIAL COMMITTEES

The meeting was adjourned.

Sharon Reiter, Clerk of Council

Shawn Kenney, Mayor