

CITY OF CANAL FULTON

June 3, 2003

REGULAR COUNCIL MEETING:

Mayor Shawn Kenney called the June 3, 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, Linda Zahirsky, Robert Szanto, Mike Mouse, Mayor Shawn Kenney. Mrs. Downing and Mr. Dane were absent.

Mr. Szanto made a motion to excuse Mrs. Downing and Mr. Dane. Mrs. Cihon seconded the motion. Roll: Yes – ALL.

OTHERS PRESENT: Marge Loretto, City Manager; Debbie Kerr, Finance Director; Dale Kincaid, Law Director; Joan Porter, The Repository; Julie Scheurer, The Independent; Bob Hill, Fire Chief; Bill Dorman, City Engineer; Officer Harbaugh; John Hatfield, Dennis Downing, Victor Colaianni, Rochelle Rossi, all residents.

ADOPTING/CORRECTING OF MINUTES:

The Mayor asked for approval of the minutes May 20, 2003 regular Council meeting. Mr. Szanto made a motion to approve the minutes of May 20, 2003. Mrs. Zahirsky seconded the motion. Roll: Yes – ALL.

SPECIAL RECOGNITIONS:

Mrs. Rebecca Shimer gave a presentation on Main Street Canal Fulton.

CITIZENS COMMENTS ON AGENDA MATTERS:

Mr. Colaianni asked if the salaries listed on Ordinances 27 and 28-03 are what the projected raises are going to be. Mr. Kincaid said that is what they are asking for.

REPORTS OF ADMINISTRATIVE OFFICERS:

Senior Citizens. Mrs. Cihon said there will be a Swiss steak dinner Saturday night from 4:00 – 6:00 P.M. and that the Northwest Senior Center will be painted on the outside.

Community Service Coordinator. Written report.

Fire Chief.

Chief Hill thanked Community Service for the mulching and flowers that were planted at the fire station.

He stated the fire department participated in three Memorial Day parades and they were very successful as well as emotional.

He also announced that the Jackson Township Safety Center will be dedicated on Sunday at 1:00 P.M. He will be attending and he will have three or four of Canal Fulton Firefighters taking care of one of their stations during the ceremonies.

Police Chief. No Report.

Engineer/Streets/Public Utilities.

Mr. Dorman said the Locust/Milfield project is almost 100% completed. He said the Milan St water and sewer line design is underway. Construction projects currently ongoing are the Villas at Autumn Meadow, Phase 14 and Highlands at Autumn Meadow, Phase 6.

Mr. Szanto asked Mr. Dorman how many units are out at Autumn Meadows now. Mr. Dorman said he was not sure, but will find out.

The Mayor stated that they met with the Northwest School Board this morning. He said it is the City's pledge to them to get water to the schools. He said they discussed various possibilities for financing. He said before they can do that, they need the Engineer to draw up plans and specs for the water line with an estimated cost. He said they have a proposed ordinance to hire CTI Environmental to do the engineering and create the plans for the water line.

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He said this is a project that has been put on hold for two years and the City's negotiations with the Lawrence Township Trustees fell through. The Trustees turned the City down for a JEDD or other cooperative economic development agreement plans. The Mayor said they need to push forward. He said it is one of the most important things that this Council will every do because it will effect our children well into the future.

He said he is asking Council to suspend the rules on this resolution to retain CTI to get started on the engineering plans for water to the schools.

The Mayor said there are two different options to get water to the schools. He said the City is requesting that the Northwest School Board pass a resolution authorizing the Mayor to act as their agent if there is any future annexation out that way. He said they could put this out to either notes or bonds and get the financing. He said the school would then pay a capital surcharge on their monthly water bills at a rate where the bonds and notes would be amortized over a period of ten years.

The Mayor said that if the City did annex them and derive the benefit of the school teachers salaries, the City would no longer require the School Board to pay off the notes, but would use the additional income tax to pay off the obligation.

He said the School Board is very enthusiastic about the project.

Mr. Szanto said if they are talking about a \$5,000 surcharge, when would that money start. Mrs. Loretto said once the line was in and the school would start using it.

A short discussion followed.

The Mayor said he wanted to make it clear that there would not be any increase in fees to our local residents.

Mr. Szanto asked if in addition to the \$60,000.00 annual payment by the school toward the capital improvement bonds, would the City be charging the school the 250% for their consumption. Mrs. Loretto said yes. The Mayor said no, it will be the same rate as is standard.

Director of Finance.

Mrs. Kerr passed out the May end-of-month reports. Mrs. Cihon made a motion to acknowledge receipt of the May end-of-month reports. Mrs. Zahirsky seconded the motion. Roll: Yes – ALL.

Report of Mayor

The Mayor read a "sense of humor" letter from Garnett Thomas.

City Manager's Report.

Mrs. Loretto stated that the State's tax abatement application fee has gone up to \$750.00. She also pointed out that she had given Council the electric aggregation plan.

She said Echoing Ridge also has permission to use Discovery Park during the Community Yard and Garage Sale.

She also stated that the City map is going to press and should be here within the next several weeks.

Mr. Mouse asked Mrs. Loretto if she looked into the situation regarding Scott Svab and the issue of use of community service workers passing out campaign materials. Mr. Mouse said he received a statement from the particular individual that he was volunteering to do this.

Mrs. Loretto stated that she had talked to Fred Fleming of the Park Board and that they had agreed to do this on their own personal time. Mrs. Loretto advised Mr. Fleming that, in the future, we should know in advance and approve such actions.

Mr. Mouse asked Officer Harbaugh what the community service worker tell him. Officer Harbaugh stated that the man said he was performing community service. Mrs. Loretto stated that the administration has a letter stating that he was doing this on a volunteer basis.

Officer Harbaugh stated that one of his conditions to be driving was that he was doing community service work. He said the man had to be doing community service, or he was in violation of the law.

The Mayor stated to Mr. Mouse that Mr. Mouse sees conspiracy in almost everything.

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The Mayor stated he has also heard that Mr. Mouse is accusing him of concocting this release letter after the fact. The Mayor said he wishes Mr. Mouse would spend one-tenth of the time he uses to investigate things and question people on positive things, instead of this kind of garbage. The Mayor said he knows Mr. Mouse wants to be the next Mr. Woodward and Mr. Downing wants to be the new Mr. Bernstein.

The Mayor said he did ask Mr. Svab for an explanation because he had been told that the community service worker was passing out fliers and also doing a survey on behalf of the Park Board. Mr. Svab indicated to the Mayor that the man was doing both functions – he was acting as a volunteer and he was at the same time acting as a community service volunteer. The Mayor said for the number of hours the man was in Mr. Downing's neighborhood he received 50% credit towards his community service. The Mayor said he told Mr. Svab that this was not a good thing to do in the future.

Mr. Mouse stated that the Mayor's comments were unprofessional. The Mayor said so was Mr. Mouse's wasting of everyone's time. The Mayor said Council is tired of it. Mr. Mouse said if the Mayor is tired of it – resign. The Mayor asked that they move on.

Mr. Mouse said he wasn't finished yet. The Mayor said he was, that they were going on with the Council meeting, that it was not a Mike Mouse agenda.

The Mayor requested that Council move on to the Park Board report.

Mr. Mouse asked Officer Harbaugh what happened to the complaint. The Mayor requested Officer Harbaugh not to respond. The Mayor said Council is not into Mike Mouse being a lawyer and cross-examining people.

Mr. Mouse said he was not done. The Mayor requested the President of Council to call a five-minute recess in order for Mr. Mouse to get focused.

Mr. Szanto said he felt it was time to take a five-minute recess.

The Mayor called the meeting back to order five minutes later.

Parks.

No. Report.

Law Director. No Report.

Mr. Kincaid did request an executive session after the regular meeting to discuss pending litigation. Mrs. Zahirsky also requested an executive session regarding salaries.

READING OF ORDINANCES:

THIRD READINGS: .

Ordinance 20-03: An Ordinance Amending Chapter 143 (c) of the Codified Ordinances, Chapter Entitled "Fees".

Mr. Szanto made a motion to pass Ordinance 20-03. Mrs. Zahirsky seconded the motion. Mrs. Zahirsky said she had some concerns about charging and if the City would lose its sovereign immunity. Mr. Kincaid said if the city charges for something, it loses something called recreational immunity.

Further discussion followed.

Mr. Szanto commented that the City has a Park Board that is charged with operating the parks. He said Council asked the Park Board to come to them with proposed legislation to help them manage the parks and this is an example of that. He said the Park Board is looking at ways to generate funds of their own.

Further discussion followed.

Roll: Yes – ALL.

SECOND READINGS:

Ordinance 23-03: An Ordinance Accepting Public Utilities in the Villas at Autumn Meadows, Phase 2.

FIRST READINGS:

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Ordinance 17-03: An Ordinance Establishing Chapter 1114 of the Planning and Zoning Code Requiring the Mandatory Dedication of Land or Fees in Lieu thereof in Order that the City of Canal Fulton may meet the Open Space and Recreational Needs of its Citizenry.

Ordinance 18-03: An Ordinance Amending the Zoning Code of the Canal Fulton Codified Zoning Ordinances, in order to Create a Light Industrial Zone (L-1) within the City, adding Chapter 1174, entitled "Light Industrial Zone (L-1)".

Ordinance 24-03: An Ordinance Amending Section 1133.03 (a) relating to the Two Year Maintenance Period for Private Construction of Streets in New Sub-Divisions.

Mr. Szanto asked Mr. Dorman to explain the reasoning behind this ordinance. Mr. Dorman said that with the two year maintenance period the City requires the work to be done and to release the total performance bond at that time. Mr. Dorman said many times, if a street is finished, there could still be many more homes to be built and there is much wear and tear on the street. Many times, if the surface course is down, it may have to be torn up again and then patched. He said if the maintenance period was longer it would give the surface core a chance to escape this punishment and give a better product in the end.

Ordinance 25-03: An Ordinance Reducing from Twelve Inches to Eight Inches the Height of Noxious or Poisonous Weeds or Vines which will trigger a Notice of Removal to the Owner, Occupant or Person in Charge of a Lot or Parcel of Land.

Mrs. Loretto asked if this could be amended and passed under emergency this evening.

A brief discussion followed.

Mr. Szanto made a motion to suspend the rules on Ordinance 25-03. Mrs. Cihon seconded the motion. Roll: Yes – ALL.

Mr. Szanto made a motion to pass Ordinance 25-03 under suspension. Mrs. Cihon seconded the motion. Roll: Yes – ALL.

Ordinance 26-03: An Ordinance Authorizing the Adoption of an Electric Power Aggregation Plan of Operation and Governance for the City of Canal Fulton, and Declaring an Emergency.

Ordinance 27—03: An Ordinance Establishing New Rates of Pay and Salaries for Employees of Canal Fulton, effective May 1, 2003, Repealing any Ordinances in Conflict Therewith, and Declaring an Emergency.

Ordinance 28-03: An Ordinance Amending Ordinances 7-02, 14-02, and 14-03 establishing Rates of Pay for Various Part-Time Positions within the City of Canal Fulton, and Declaring an Emergency.

Resolution 11-03: A Resolution Authorizing the City Manager to enter into an Agreement with the Stark County Commissioners Accepting and Implementing a Community Development Block Grant Project for Centennial Village Lighting, and Declaring an Emergency.

Mr. Szanto made a motion to suspend the rules on Resolution 11-03. Mrs. Zahirsky seconded the motion.

Mr. Mouse stated that these two resolutions totaled \$90,000.00. He said it was never discussed. Mrs. Loretto said it had been discussed and Council had given her permission to apply for the grants.

A short discussion followed.

Roll: Yes – ALL.

Mr. Szanto made a motion to pass Resolution 11-03 under suspension. Mrs. Zahirsky seconded the motion. Roll: Yes – ALL.

Resolution 12-03: A Resolution Authorizing the City Manager to enter into an Agreement with the Stark County Commissioners Accepting and Implementing a Community Development Block Grant Project for East Cherry Street Sidewalk Improvements, and Declaring an Emergency.

Mrs. Zahirsky made a motion to suspend the rules on Resolution 12-03. Mrs. Cihon seconded the motion. Roll: Yes – ALL.

Mrs. Zahirsky made a motion to pass Resolution 12-03 under suspension. Mr. Mouse seconded the motion. Roll: Yes – ALL.

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Resolution 13-03: A Resolution entering into a Contract with CTI Environmental for Engineering services for the Northwest School water line, and Declaring an Emergency.

Mr. Szanto made a motion to suspend the rules on Resolution 13-03. Mrs. Cihon seconded the motion.

Mr. Mouse said he had concerns. First, he said he is just seeing it right now. Mr. Mouse said this is not about water. He said if it were about water, there had been a proposal by the Lawrence Township Trustees that would have gotten water to the schools. He said this is about money. He said it's about getting the tax revenue. Mr. Mouse said that Mr. Lambes said he was led to believe that water would not be an issue. Mr. Mouse asked who led Mr. Lambes to believe that water would not be an issue.

The Mayor said that, unfortunately, because of the Trustees' decision no one will benefit whatsoever. The Mayor said the City does need to find money to help pay for basic police and fire services. The Mayor said he has yet to hear anything from Mr. Mouse how the City can raise revenues. He said when someone does try to do something positive to get money into the City's coffers, Mr. Mouse berates it. The Mayor said he is offended by that.

Mr. Mouse stated he had submitted a proposal to the School Board, which would have cut property taxes in half. Mrs. Cihon said: "Oh, yes, we know - Dublin, Ohio." Mr. Mouse said now you know. Mr. Mouse said the School Board threw it out for no good reason.

Mrs. Cihon told Mr. Mouse she was going to give him a jar of water from the school and make him drink it and see how he likes it.

The Mayor stated that Mr. Szanto has a response for Mr. Mouse who failed to listen. The Mayor said Mr. Lambes told Mr. Mouse that their experts said in the long run it would not be beneficial.

Mr. Szanto stated that Mr. Mouse has castigated Mr. Lambes time and time again. Mr. Szanto said a couple of weeks ago he spoke to Mr. Lambes about getting the same deal Dublin got. Mr. Szanto said he has the answer from A.G. Edwards & Son in a letter dated May 23, 2003 to Mr. Lambes.

Mr. Szanto read the letter, which compared the Dublin Schools with Northwest Schools. The letter stated that there are no two school districts in Ohio that have more different financing sensitivities than Dublin and Northwest. The letter went on to explain the differences.

The letter was then submitted for the record to the Clerk of City Council.

Roll: Yes – 3. Mr. Mouse voted No.

PURCHASE ORDERS AND BILLS:

No purchase orders.

Bills totaling \$155,104.12

Mr. Szanto made a motion to acknowledge receipt of copies of the bills. Mrs. Cihon seconded the motion. Roll: Yes – ALL.

NEW BUSINESS:

Mrs. Cihon asked if any members of Council wanted to ride in the Grand Parade during Olde Canal Days. She said to let her know.

OLD BUSINESS:

OTHER BUSINESS:

CITIZENS COMMENTS:

Mr. Downing said that it is unfortunate that Mr. Szanto comes up with a document this evening that should have been presented a long time ago. Mr. Szanto said Mr. Mouse has brought to the table this disagreement about financing water to the schools 37 times. . . Mr. Downing did not let Mr. Szanto finish. Mr. Downing walked out of the room.

Mr. Szanto said that at an earlier meeting or meetings that Mr. Mouse was asked what he knew about how the financing would work and that Mr. Mouse said he did not know how it works. Mr. Szanto said that Mr. Mouse stated at the time that Mr. Szanto should find out. Mr. Szanto said he did.

Mr. Hatfield stated that it was said that nobody could get water unless they annexed. Mr. Hatfield said he didn't see how it could possibly work unless you are the first person in line to be annexed. He said other options should be considered.

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REPORT OF COUNCIL PRESIDENT:

No Report.

REPORT OF STANDING COMMITTEES:

None.

Mr. Szanto made a motion to adjourn into an executive session for the purpose of discussing pending litigation and personnel salary issues. Mrs. Zahirsky seconded the motion. Roll: Yes – ALL.

No legislative action would result from this executive session.

Mrs. Zahirsky made a motion to return to the regular Council meeting. Mr. Szanto seconded the motion.

The meeting was adjourned.

Sharon Reiter, Clerk of Council

Shawn Kenney, Mayor