

CITY OF CANAL FULTON

January 3, 2006

COUNCIL MEETING

Mayor Grogan called the January 3, 2006 City Council meeting to order at 7:30 PM in Council Chambers at City Hall.

PLEDGE OF ALLEGIANCE

CALLING OF THE ROLL

Present: Mayor Grogan, Tony Crookston, Diane Downing, Victor Colaianni, Nellie Cihon, Linda Zahirsky, and James Deans – Mayor Grogan welcomed the two new Council members: Tony Crookston & James Deans.

OTHERS PRESENT

Patti Troccoli, Clerk of Council; Chief David Frisone, Police Department; Dan Mayberry, Director Public & Utility Services; Scott Svab, Interim Finance Director; Chris Pugh, The Independent; Joan Porter, The Repository; Mike Mouse, Brett Stephan, Bob Eberhart, Hugh Utterback, residents

CORRECTING/ADOPTING THE RECORD OF PROCEEDINGS

Mrs. Cihon made a motion that Council accepts the December 13, 2005 City Council meeting minutes; seconded by Mr. Deans. **ROLL CALL: Yes – 4 Abstained – 2 (Mr. Deans & Mr. Crookston)**

Mrs. Zahirsky made a motion that Council accepts the December 20, 2005 City Council meeting minutes; seconded by Mrs. Cihon. **ROLL CALL: Yes – 4 Abstained – 2 (Mr. Deans & Mr. Crookston)**

ELECTION OF PRESIDENT PRO TEMPORE & VICE PRESIDENT

Mrs. Downing made a motion to elect Linda Zahirsky as Council's President Pro Tempore; seconded by Mrs. Cihon. **ROLL CALL: Yes – 4 No – 2 (Mr. Colaianni and Mr. Crookston)**

Mrs. Downing made a motion to elect Victor Colaianni as Council's Vice President; seconded by Mr. Crookston. **ROLL CALL: Yes – 5 Abstained – 1 (Mr. Colaianni)**

ADOPTION OF PROPOSED COUNCIL RULES

Mr. Colaianni made a motion to adopt the proposed Council Rules for 2006 as they have been presented in Council's packet; seconded by Mr. Crookston. **Discussion:** There was a short discussion regarding changing the meeting time to 7:00 PM (Rule 8). Mrs. Zahirsky stated most of the changes were made to reflect the changes in the Charter, and Council had not changed the prior rules to match the Charter. **ROLL CALL: Yes - ALL**

Mr. Kincaid noted Council needs to form a Committee on Committees for 2006. Mrs. Zahirsky asked that that committee meet just prior to the next Council meeting at 6:00 PM. This meeting will be conducted to discuss the 2006 membership of the committees listed in Council Rules. Mrs. Downing and Mrs. Cihon agreed to serve on the Committee on Committees. Mrs. Zahirsky asked if anyone would like to serve on a particular committee to let her know. Mrs. Zahirsky made a motion that the Committee on Committees meets at 6:00 PM on January 17, 2006, the Committee encompassing Mrs. Zahirsky, Mrs. Cihon and Mrs. Downy as members; seconded by Mrs. Cihon. **ROLL CALL: Yes - ALL**

CITIZENS' COMMENTS – (Agenda Matters) – None

REPORTS OF ADMINISTRATIVE OFFICERS

SENIOR CITIZENS (Nellie Cihon)

Jan. 28 Swiss Steak Dinner, 4:00 to 6:00 PM, "All You Can Eat"

Mrs. Cihon thanked Dan Mayberry for his prompt action regarding the lighting problems.

COMMUNITY SERVICE – No Report

FIRE CHIEF (Chief Ray Green) – No Report (Chief Green is at a fire tonight.)

POLICE CHIEF (Chief David Frisone)

Chief Frisone reported on the successful search warrant, which resulted in a felony charge, and passed around a confiscated item. He said the operation involved 32½ hours of overtime, along with the Chief's time and was "heavy-resource intensive." He said Council could be proud of the officers who came quickly together, dropping their personal plans right at the

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approach of the New Year holiday to accommodate the operation. The Chief said Mayor Grogan gave guidance to the action and was on hand to survey the scene. Mayor Grogan said this was due to Officer Swartz's quick reaction to a strong odor, and the Police "started with basically nothing and turned this into what appeared to be a very major 'grow' operation that had been going on for quite some time."

Chief Frisone said the Police Department had a productive month. He added the D.U.I. Task Force resulted in five D.U.I. arrests for the month of December.

ENGINEER (Bill Dorman) – No Report

FINANCE DIRECTOR (Interim Finance Director Scott Svab)

The Estimated Carryover for Fund will be completed Friday and submitted to the County; at that time, "should give total amount from all sources will be filed." Mr. Svab is also in the process of closing out old purchase orders.

Dan Mayberry and Mr. Svab are reviewing an Ohio Dept. of Natural Resources' Cleaner Ohio Fund Grant. CTI did a lot of "legwork" in previous years (Beverly Street to Senior Citizens' Corridor), and due to same there is a cost analysis to install a "cement trail." A Community Service worker measured from Beverly Street to the Senior Center, "then cut through the park, reached Erie Street (by Lindsay Concrete), then cut over." They decided the best route would be to then go behind Shawn Kenney's old law office and "hook up the trail there" and start the trail from Dairy Mart (James Street) and run it to the Senior Center; by using that area, it would draw in a larger population percentage to use that trail. The City of Lancaster was awarded \$420,000 for the same type of project. Unfortunately, the city only has until February 1 to apply for the grant. Mr. Svab talked to one of the administrators in Columbus who told him to get the application submitted with as much done as possible, and even if it's not totally complete, the City can add to it later. If the deadline is missed, "that's it." Mr. Kincaid will work with them to put something together by Feb. 1st. Mr. Svab said the funding was "around 11." Mr. Svab was told since there's been so many projects like this funded in the past that this type of opportunity "where we're connecting parks to the Erie Trail is something that they favor." They can connect Discovery Park, which has an existing sidewalk then on the opposite side of Beverly Street run the bike trail up through to Dairy Mart. Then it would cut into the park and cut the park along the woods' line. Mr. Mouse noted the new park has access to the canal. Mr. Svab said the total trail would be less than three miles. The percentage is 75/25; the city pays 25%, which can be paid in increments (Stage 1, 2 and 3). Mr. Mayberry said it would be at least a 6-foot walkway. Mayor Grogan thanked Mr. Mayberry for resurrecting the project and "taking it on again." Mr. Kincaid needed no legislation to apply for a grant.

EXECUTIVE SESSION

Mayor Grogan asked for Council's indulgence to convene into Executive Session requested a motion for same to discuss the City Manager position.

Mr. Deans made a motion that Council go into Executive Session to discuss the City Manager position to include members of Council, the Law Director, and the Mayor and to be able to call in (at a time of their choosing) Mr. Eberhart; seconded by Mr. Crookston. **ROLL CALL: Yes – ALL**

REGULAR SESSION RECONVENED

At 9:35 PM, Mrs. Zahirsky made a motion to reconvene the regular session, stating that in Executive Session they discussed an appointment and interviewed a gentleman for the City Manager position; seconded by Mr. Colaianni. **ROLL CALL: Yes – ALL**

MAYOR JOHN GROGAN – No Report

CITY MANAGER – No Report

PARKS (Fred Fleming) – No Report

LAW DIRECTOR (Attorney Dale Kincaid)

Mr. Kincaid said the City of Massillon, who does our prosecuting on a year that begins February 1, would like an increase from \$20,000 to \$22,000 per year, as the city's cases are up 20% to 25% (394 cases in 2004 to 454 as of December 8, 2005). Mr. Kincaid stated he would like one of their people assigned to the city, and he will talk to them about same informally.

Mr. Kincaid said the deed for the five acres given to the city by Mrs. Puffenburger is signed and has been received. Mrs. Puffenburger requested it be named "The Puffenburger (her parents' name)" (parents name will be forthcoming). Mr. Kincaid recommended the city attain full title insurance from America Land Title insurance.

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FIRST READINGS

Resolution 01-06: A Resolution Authorizing the City Manager to Enter into a Contract with the City of Massillon Law Department for Legal Services of the Prosecutor's Office, and Declaring an Emergency. **Discussion:** Mayor suggested they handle this ordinance after Mr. Kincaid speaks with the City of Massillon (see above).

SECOND READINGS - None

THIRD READINGS – None

PURCHASE ORDERS & BILLS

P.O. 4493 made out to Squire, Sanders & Dempsey LLP in the amount of \$3,750 for legal work on bond issue. Mrs. Zahirsky made a motion that Council accepts P.O. 4493 in the amount of \$3,750 to Squire, Sanders & Dempsey; seconded by Mr. Colaianni. **ROLL CALL: Yes - ALL**

P.O. 4497 made out to Grainger in the amount of \$4,700 for building heaters. Mrs. Cihon made a motion Council accepts P.O. 4497 to Granger in the amount of \$4,700; seconded by Mr. Deans. **ROLL CALL: Yes - ALL**

BILLS: \$135,454.93 Mrs. Zahirsky made a motion that Council has received the bills in the amount of \$135,454.93; seconded by Mr. Colaianni. **Discussion:** It was noted that \$25,600 was paid to Schalmo Properties, Inc. for the Redwing Lift Station that was approved in June 2005 (total cost is \$75,000); currently under construction. Mrs. Downing questioned why Mike Rodino was paid \$99.60; Mr. Svab asked him to come in to assist him (3 hours on a Saturday @ \$24) - also phone bill reimbursement. Mrs. Downing questioned the Quill bills being paid so closely together and was told the city is getting ready for tax time. **ROLL CALL: Yes - ALL**

NEW BUSINESS

Mrs. Zahirsky had passed out seminar information and encouraged Council/Mayor to attend 1) Financial Management for Local Officials, and 2) Utility Manager for Elected Officials.

OLD BUSINESS - None

OTHER BUSINESS - None

CITIZENS COMMENTS (Open Discussion, Five-Minute Rule)

Hugh Utterback, 663, River Road: Discussed a property he owns on North Canal Street that he is rehabilitating at a large cost. He said the gentleman at the end of Canal Street where the road turns maintains an unsightly property; that he hangs dead deer right by the road and there is a lot of trash in the yard. He is trying to sell his property, as he bought it as an investment, and the lady next door is also trying to sell her property. Mr. Utterback has spoken with the Mayor and Zoning Inspector and was told there is no ordinance as to hanging deer on your property by a rope on a tree; he wasn't sure if there were any ordinance on keeping the condition of your property in any particular order. He requested the city pass an ordinance to correct this kind of condition, as it's a financial burden on his neighbors and himself and is a "very disgusting sight for anyone who has any pride in their city." He thinks it was the fourth deer that the man is bleeding out by hanging it upside down in the front yard. Mr. Svab said he thought Mr. Belford sent out letters to the man about trash. Mr. Utterback said he had a buyer for his property, but the man saw the dead hanging deer and decided not to buy the property; he thinks the same thing happened to a neighbor also. Mr. Kincaid asked Mr. Utterback to call Johnson Belford (Zoning Inspector) who will call him and they would go through the Code together and see what they could find, as frequently there is in the Nuisance chapters something they use for these types of issues. Mrs. Zahirsky said about 14 years ago Council tried to "come with an ordinance that was so restrictive on what a homeowner had to do to their home that people on Council nearly got run out of town," and it was not very well received by the community. The Mayor will ask the Zoning Inspector to keep him apprised on this issue.

Mike Mouse, 406 Riverview: Mr. Mouse will provide Council with information on the workshop on training for new Council people – bringing it to the Clerk of Council to copy for all.

REPORT OF COUNCIL PRESIDENT– No Report

REPORT OF STANDING COMMITTEES – No Report

ADJOURNMENT - Mrs. Cihon made a motion to adjourn. Mayor Grogan adjourned the January 3, 2006 City Council meeting.

Patricia A. Troccoli, Clerk of Council

Mayor John Grogan