

# CITY OF CANAL FULTON

February 21, 2006

## COUNCIL MEETING

Mayor Grogan called the February 21, 2006 City Council meeting to order at 7:00 PM in Council Chambers at City Hall.

## PLEDGE OF ALLEGIANCE

## ROLL CALL

**Present:** Mayor Grogan, Tony Crookston, Victor Colaianni, Linda Zahirsky, Diane Downing, Nellie Cihon and James Deans

**Others Present:** Mark Cozy, City Manager; Patti Troccoli, Clerk of Council; Chief David Frisone and Officer & Mrs. Doug Swartz, Police Department; Chief Ray Green, Jon Zalewski, Jason Castile, James Coughlin, Sr., and Erin Cappo, Fire Department; Dennis Mayberry, Street Dept; Scott Svab, Interim Finance Director; Phil Kaster, Community Service Coordinator; Clayton Hopper, John Workman, Planning Commission; Don Schwendiman, Canal Fulton Cemetery Board and Planning Commission; Gina Bannevich, Canton Stark County CVB; Dennis Downing, DiscoverCanalFulton.com; Erin Pustay, The Independent; Joan Porter, The Repository; Jim Rosenblatt, Great Lakes Land, LLC; Bryan Ashman, Canton Resident; Mark Roman, Dick & Judy Johnson, Susan Cleland, Barb Clements, Bob Szanto, Fred Etheridge, Brett Stephan, and Hal, Julie and John Barkey, Residents

## CORRECTING/ADOPTING THE RECORD OF PROCEEDINGS

Mrs. Zahirsky made a motion that Council accepts the February 7, 2006 City Council meeting minutes; seconded by Mr. Colaianni. **ROLL CALL: Yes – 4 Abstained Due to Absence – 2 (Mrs. Cihon and Mrs. Downing)**

## SPECIAL RECOGNITIONS

**Proclamation – Michael C. Barkey:** Mayor Grogan read a Proclamation (follows) for Sgt. Michael C. Barkey making him an honorary volunteer member of the city's Fire Department and presented same to Mr. and Mrs. Hal Barkey and their son John. Fire Chief Ray Green explained to the family that the firehouse bell is an important part of history as the fire departments' communication tool and how, when a fellow firefighter dies, the bell is rung in a 5-5-5 pattern; Firefighter Coughlin rang the bell 20 times. Chief Green then presented the family with a Fire Department patch that had the number 33 on it, which was the number Michael wore while playing for the Northwest High School's football team.

\* \* \* \* \*

**PROCLAMATION:** Sgt. Michael Christopher Barkey has set a fine example for his constituents in Canal Fulton, Ohio and elsewhere. *Whereas*, Sgt. Barkey was a proud member of the Ohio National Guard's 1484<sup>th</sup> Transportation Company (the Red Dawgs) based out of Akron, Ohio. Sgt. Barkey was activated for duty in Iraq and while serving there he made the ultimate sacrifice for his country on July 7, 2004. *Whereas*, Sgt. Barkey was a Year 2000 graduate of Northwest High School, where he played football as #33 for the Northwest Indians. He received an associate's degree from the University of Akron in Fire Protection Technology and was attending Akron University pursuing his bachelor's degree at the time of his military activation. Sgt. Barkey was also a registered EMT, and his goal was to pursue a career in fire protection serving his community. **NOW, THEREFORE**, be it proclaimed that Sgt. Michael Christopher Barkey is hereby made an Honorary Member of the Canal Fulton Fire Department. I, John Grogan, Mayor of the City of Canal Fulton, Ohio, do hereby proclaim and extend to the family of Sgt. Michael Christopher Barkey appreciation for his service to the community and his country.

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## **Canal Fulton Police Department 2005 Officer of the Year Award – Officer Douglas**

**Swartz:** Chief Frisone presented Officer Swartz with the 2005 Officer of the Year Award, and noted Officer Swartz was also nominated and selected as runner-up for Stark County Law Enforcement Officer of the Year. Officer Swartz stated, "I didn't know the Barkey family would be honored when I came here tonight. He gave his life. This (award) is just one year."

**GINA BENNAVICH – CANTON STARK CONVENTION VISITOR'S BUREAU:** Ms. Bennavich discussed ways to better market the area's events and conducted a question and answer session afterwards with Dennis Downing from DiscoverCanalFulton.com.

# CITY OF CANAL FULTON

February 21, 2006

**REPORTS OF STANDING COMMITTEES** – None

**CITIZENS' COMMENTS – AGENDA MATTERS** - None

**REPORTS OF ADMINISTRATIVE OFFICERS**

***SENIOR CITIZENS*** (Nellie Cihon)

March 11 - Swiss Steak Dinner, Serving 4:00 – 6:00 PM; Reservations required.

***COMMUNITY SERVICE*** (Phil Kaster)

Mayor Grogan introduced Phil Kaster as the new Community Service Coordinator. Mr. Kaster stated Community Service workers built Christmas Wreaths crates, picked up trash from Longview to Heritage, Burger King to Carter Lumber, Carter Lumber to Goodwill, at Community Park, and on Cherry/Cheriton to Rt. 21. They also raked/picked up leaves and branches, cleaned up Pioneer Cemetery, set up and served the Swiss steak dinner, and Scott Svab had workers filing at City Hall and removing playground equipment donated by Northwest Schools.

***FIRE CHIEF*** (Chief Ray Green)

Chief Green, Mark Cozy, Dan Mayberry, Councilman Crookston and Chief Frisone met with architectural firms last week regarding the new fire station design, narrowing it down to two. They will re-interview both firms Feb. 24<sup>th</sup>.

***POLICE CHIEF*** (Chief David Frisone)

Chief Frisone stated the city has received additional overtime expenses reimbursement (December's - \$2,000) for participating in the DUI Task Force.

Chief Frisone received the Massillon Jail Contract and will give to Mr. Kincaid for review. The booking fee will increase to \$150 in 2007. Massillon City Jail is possibly closing their facility to outside departments by January 2008. Judge Elum solicited everyone to come to terms that Western Stark County needs to look at a regional holding facility in lieu of Massillon City Jail.

The Police Dept.'s Annual Report was distributed and discussed; noting activity levels for 2005 increased nearly 30% due to increased calls for service and officer self-initiated activities. Of special note is assistance to other agencies; EXA: Lawrence Township Police Dept. was assisted 240 times. Mayor Grogan said he tasked both chiefs with additional work by asking them to compile these figures with the intent that Council could see their production levels. He said their training alone is a testament to what they do to keep themselves current.

Mayor Grogan questioned the 9-1-1 system crashes Western Stark County experienced. Chief Frisone stated it was a switch error on the part of AT&T controls. A discussion ensued about how the public would be advised when this occurs. Chief Frisone will inquire about the plan to notify the public, but he did say the 2-2-1-1 emergency number to the Police Department and 1-2 to the Fire Department are still functioning when 9-1-1 crashes. (Our Nextel phones still operate.) Chief Frisone said Massillon cable should be advised to alert the public. Mr. Kincaid suggested getting in touch with the Ohio Consumers Council in Columbus about same. Chief Green said the Stark County Sheriff's Office can break into cable. Mr. Crookston asked if we'd have to isolate that type of broadcast and why an emergency alert couldn't go out to all subscribers in the Massillon area followed by an announcement that would say the Canal Fulton area is affected by (subject); then people living outside the area who have family in the area could call in. Mayor Grogan said we need to establish some type of protocol where we put that in place because he felt uncomfortable waiting for the telephone companies; he does not want an outside agency determining what the appropriate emergency level is for this community. Mayor Grogan asked the chief to call Massillon Cable strongly advising them that they put some sort of a crawler in place that we can notify them to activate because twice within a month "is very uncomfortable." Mr. Cozy said we needed to know when the phones go down and when they go back on. Mayor Grogan stated we should file a complaint, set up the protocols for emergency systems and have Massillon notified that we'll determine when that emergency goes out – how they're going to do it (what's appropriate).

Mr. Colaianni noted Lawrence Township agreed to pay for half of the D.A.R.E. costs this year.

**8:00 PUBLIC HEARING: ORDINANCE 32-05**

Mayor Grogan opened the Public Hearing at 8:00 PM. Mr. Hopper, Planning Commission Chair, explained Ordinance 32-05, PUDs and Conditional Uses in an R-1 Zone; the Rumble Property was annexed under Lawrence Township's R-1; the Ordinance is to annex it into the city as R-1. He explained that if Ordinance 32-05 passes this evening, then it will have to go 30 days before it becomes in effect. Then the developer would be submitting his request for R-1 development or a PUD at Planning's April 20 meeting. Mayor Grogan adjourned the Public Hearing.

# CITY OF CANAL FULTON

February 21, 2006

**ENGINEER (Bill Dorman)** – No Report

**FINANCE DIRECTOR (Interim Finance Director Scott Svab)**

Mr. Svab brought up the PERS Retirement Issue regarding Mr. Dennis Mayberry, asking for Council to approve purchasing exempt service credit for his retirement for the period of 5/1/71 to 6/21/72. Mr. Colaianni made a motion to accept the recommendation of the Personnel Committee to purchase the retirement credits as submitted by the Finance Director for Dennis Mayberry; seconded by Mr. Deans. **ROLL CALL: Yes - ALL**

**PARKS (Fred Fleming)** – No Report

**MAYOR JOHN GROGAN**

**Boards & Commissions Appointments:** Mayor Grogan recommended that Phil Kaster be confirmed as the Community Service Coordinator. Mrs. Zahirsky made a motion that they appoint Phil Kaster as the Community Service Coordinator; seconded by Mrs. Cihon. **ROLL CALL: Yes – ALL**

Mayor Grogan stated that the Civil Service Commission's Ed Awahjee moved out of the community and recommended Robert Alderman (535 High Street, Canal Fulton) as his replacement for Mr. Awahjee's term of service as Civil Service Commissioner for the City of Canal Fulton. Mrs. Cihon made a motion that they accept Robert Alderman as Civil Service Commissioner; seconded by Mr. Deans. **ROLL CALL: Yes - ALL**

**Ordinance 28-05 Change:** Mayor Grogan stated Planning Commission had voiced a concern about some language in Ordinance 28-05 where it states "the residential developments after review and approval by the Planning Commission and review and approval of the Fire Chief or his designee." Planning wanted to delete the words "and approval" in the Fire Chief's section and leave it "subject to review of the Fire Chief." The Mayor said Planning believes what they have in place where they give the information to the Fire Chief, Police Chief, Street Dept., etc., for their recommendation, and feedback is sufficient. Mr. Kincaid said it would have to go back to the Planning Commission to be amended. However, Mr. Kincaid said Council can change an ordinance with a majority vote. He added the developer has 45 days – the city has to act within 45 days under our charter – so bouncing it back and forth from Planning and Council – the developer is "going to wind up with approval by default." Mr. Colaianni suggested that if Planning sees something coming up on Council's agenda that perhaps one of the Commission members could attend the meeting. Mr. Kincaid said another thing they have to watch is Conditional Zoning Permits – they never come to Council – so he suggested when Planning gets an application for same to send a copy to Council.

**CITY MANAGER (Mark A. Cozy)**

**Area Developers Meetings:** Mr. Cozy met with area developers and businesses with the goal of creating partnerships. At the area developer meetings, they were looking at the extending of our utilities within and outside the city limits, doing same with little or no cost to the citizens; the goal being to increase revenue to put back into our infrastructure. He said we have a lot of water/sewer capacity, and there will be a water/sewer study to see where we can go with our system to bring the revenue back into the system to make any needed upgrades/repairs and to extend its life without burdening our citizens.

**Area Business Meetings:** Mr. Cozy met with T.A.P., HPC, and Canal Fulton – Main Street, and is speaking at this week's Chamber luncheon basically asking questions and getting a feel for their issues. Mr. Cozy stated problems/issues he is identifying is a general lack of cohesion amongst the business community and different groups. They all seem to have the same goal, and he'd like to get a strong line of communication going with all. He said the groups are looking to the city for leadership and support. Parking/traffic patterns are big issues.

**City Map:** Mr. Cozy negotiated 2,000 additional copies (total 7,000) with no added commitment from the city and a larger map that includes all of Lawrence Township. He met with Township people to see if they would participate with the city to distribute one map to all of our citizens. They appeared very open to that but want pages on the map in exchange for same. Mr. Cozy said we need 8,000 copies; cost is \$400 per thousand. He will speak with the Township about their willingness to pay some of the costs and send it out jointly, as they solicit the same businesses. He found out when the Township distributes their newsletter, it goes to every citizen in our city. When our newsletter is distributed, it's only sent to water/sewer customers, and there are a lot of citizens that pay taxes and vote that don't get water/sewer, and we should look at getting our newsletter out to everyone – as does Lawrence Township. Ms. Troccoli will check into the cost of distributing it to all citizens.

**Master Plan:** The opportunity to create a Master Plan in partnership with Lawrence Township was discussed. Mr. Cozy said it would be great if the city and the Township was "on the same

# CITY OF CANAL FULTON

February 21, 2006

page” to look at areas to develop and protect and provide efficient services. However, when asked the question at last week’s meeting with them, the Trustees seemed unwilling to spend the \$20,000 for a joint Master Plan.

**Programming Coordinator (CF Canalway Center):** Grand Opening of the CF Canalway Center is April 29; Center opening April 1. It was initially suggested to have two part-time people staff the Center. After reviewing job descriptions and Center operations, Mr. Cozy recommended hiring three people (one to oversee operations – all part-time - primary position making more money). The Park Board said their budget could sustain three people. People are being interviewed; tentative program scheduled was reviewed for the opening.

**Township Hall:** Mr. Cozy met with the Township Trustees to discuss the Township Hall. Mr. Cozy had an idea of using the Hall as a vehicle to promote the Township/preserving its history, but he noted no receptiveness to the idea. There was a discussion about selling the building to the city; an appraisal has been done (High 70s/low 80s). Mr. Deans stated Marvin Hardgrove made an offer to him to buy the building a few months back (mid 50s). Mayor Grogan suggested a letter on behalf of Council stating the city’s desire to preserve the Hall for historical reasons, gaining a commitment from them either way. Mr. Hopper asked, “Don’t you have to make an agreement with the Trustees to begin with even if they are looking at selling that building because part of the city’s building connects to it; there’s a right-of-way situation.” Mr. Cozy said the city is in a 99-year lease for that, and we’re only half-way through it. So the lease is intact even if the property transfers and we still have rights to our portion. There was a question as to if the appraisal took into account this 99-year lease.

**Direct Energy/Buckeye Energy Brokers:** Mr. Cozy discussed with Direct Energy our “very high natural gas rates” – Direct Energy gave the city options of getting out of the high rate we’re paying. He referred to his distributed handout that showed where we were and where we are currently with rates and “it’s just terrible.” There is an option to change now, but it won’t take effect until May which is the June billing. We can lock in a November rate anytime between now and November, and we can lock in a portion of our predicted consumption. If we want to make the change now, they have to know in two weeks to initiate the change. (Note: Individuals can opt out at any time without a fee.) Mr. Cozy suggested a meeting with Council members to discuss same. Mr. Cozy discussed donations of Programmable Thermostats for distribution to senior citizens and those who are in need under a community energy program. Mrs. Zahirsky said there is a Public Service Committee who is over utilities, wanting them to meet on water/sewer issues and suggested they discuss these issues also.

## **LAW DIRECTOR (Attorney Dale Kincaid)**

Mr. Kincaid asked about salary ordinances. Mrs. Zahirsky said the Personnel Committee needs to set a date to finish work on same. Mrs. Zahirsky made a motion that the Personnel Committee meet on Tuesday, February 28, 2006 at 6:00 PM; seconded by Mrs. Cihon. **ROLL CALL: Yes – ALL**

Mrs. Zahirsky made a motion that the Public Service Committee meet on Friday, March 3, 2006 at 12:30 PM; seconded by Mr. Colaianni. **ROLL CALL: Yes – ALL**

Mr. Kincaid stated the city should have been paying the cost of the Stark County Public Defender for a charge made on city ordinance(s) that could carry jail time. Nobody knows what the number is (should be small); they can’t track it at City Hall.

## **THIRD READINGS**

**Ordinance 32-05:** An Ordinance Amending the Recently Annexed 14.135 Acre Parcel Known as the Rumble Property as R-1 Single Family Low Density. (Requested by Planning Commission) Mr. Colaianni made a motion to pass Ordinance 32-05; seconded by Mrs. Downing. **ROLL CALL: Yes – ALL**

## **SECOND READINGS** - None

## **FIRST READINGS**

**Resolution 10-06:** A Resolution to Endorse the Canalway Signage Plan (Requested by Mayor Grogan)

## **PURCHASE ORDERS & BILLS**

**P.O. 4528** made out to Nextel Communications in the amount of \$19,050 for cell phones. Mrs. Cihon made a motion to pass P.O. 4528 to Nextel Communications in the amount of \$19,050; seconded by Mr. Crookston. **ROLL CALL: Yes - ALL**

**P.O. 4558** made out to Vision Service Plan in the amount of \$10,000 for Vision Insurance Program. Mrs. Cihon made a motion to pass P.O. 4558 to Vision Service Plan in the amount of \$10,000; seconded by Mr. Deans. **ROLL CALL: Yes - ALL**

# CITY OF CANAL FULTON

February 21, 2006

**P.O. 4564** made out to Assurant Employee Benefits in the amount of \$18,000 for Dental Insurance. Mrs. Zahirsky made a motion to pass P.O. 4564 to Assurant Employee Benefits in the amount of \$18,000; seconded by Mrs. Cihon. **ROLL CALL: Yes - ALL**

**P.O. 4566** made out to Hometown Insurance Group, Inc. in the amount of \$160,000 for Health Insurance Premiums. Mr. Crookston made a motion to pass P.O. 4566 to Hometown Insurance Group, Inc. in the amount of \$160,000; seconded by Mrs. Cihon. **ROLL CALL: Yes - ALL**

**P.O. 4573** made out to Cargill, Inc. in the amount of \$3,720 for 100 Tons Road Salt. Mrs. Zahirsky made a motion to pass P.O. 4573 to Cargill, Inc. in the amount of \$3,720; seconded by Mrs. Cihon. **ROLL CALL: Yes - ALL**

**P.O. 4574** made out to Fleetcor Technologies in the amount of \$11,500 for Super Blanket for Fuel. Mr. Deans made a motion to pass P.O. 4574 to Fleetcor in the amount of \$11,500; seconded by Mr. Colaianni. **ROLL CALL: Yes - ALL**

**BILLS:** \$51,833.93 Mrs. Zahirsky made a motion that Council has received the bills in the amount of \$51,833.93; seconded by Mrs. Cihon. **ROLL CALL: Yes - ALL**

## **OLD/NEW/OTHER BUSINESS**

***Canal Fulton Cemetery Board – Nichter Property:*** Mr. Don Schwendiman representing the Canal Fulton Cemetery Board asked for a Council update regarding a part of the Nichter Property that the Canal Fulton Cemetery Board would like to either purchase or accept as a gift from the city. The lot would have to be separated out as a different lot, surveyed, and with a lot split done in Canton. Mr. Kincaid stated there should be a call made to the EPA as to whether the area would be classified as wetlands. Mr. Schwendiman stated if the city was receptive to selling the cemetery the land to let them worry about the EPA. Mr. Schwendiman is going to have the property “flagged off” so Council can walk it. Mr. Colaianni made a motion that Council agrees to donate the property once surveyed that the Cemetery Board has expressed interest in at the back end of the Nichter Property pending review of the survey and possible EPA restrictions; Mrs. Zahirsky asked to amend the motion to say that Council is agreement with the concept of donating the property – that is the marshy area (as they don’t know where the lines are); Mr. Colaianni amended the motion as Mrs. Zahirsky stated for the record; seconded by Mrs. Downing. **ROLL CALL: Yes - ALL**

## **REPORT OF PRESIDENT PRO TEMPORE (Linda Zahirsky)**

Mrs. Zahirsky stated there would be several items for the Public Service Committee meeting; increasing tap-in fees for both water and sewer to cover the cost of development of our systems. She stated they do have a survey for all the different municipalities for Ohio that shows what their fees are, and she invited people to attend. Aggregation issues will also be discussed.

## **REPORT OF SPECIAL COMMITTEES** - None

## **CITIZENS COMMENTS** *Open Discussion (Five-Minute Rule)* - None

**ADJOURNMENT** – Mrs. Cihon made a motion to adjourn. Mayor Grogan adjourned the February 21, 2006 City Council meeting.

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Patricia A. Troccoli, Clerk of Council

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Mayor John Grogan