

CITY OF CANAL FULTON

March 21, 2006

COUNCIL MEETING

Mayor Grogan called the March 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, Diane Downing, Nellie Cihon and James Deans. Mr. Colaianni made a motion to excuse Linda Zahirsky's absence due to a work commitment; seconded by Mrs. Cihon. **ROLL CALL: Yes – ALL**

Others Present: Mark Cozy, City Manager; Patti Troccoli, Clerk of Council; Officer Ed Harbaugh, Police Department; Chief Ray Green, Fire Department; Kathy McConnell, CF Canalway Center; Dennis Mayberry, Street Dept; Scott Svab, Interim Finance Director; Don Schwendiman, CF Cemetery Association; Joan Porter, The Repository; Ray Martinez, DirectEnergy; Chell Rossi, HPC; Roberta Hawk, Hugh Utterback, Pat Ball, Rose Rhoads, and Fred Fleming, Residents

CORRECTING/ADOPTING THE RECORD OF PROCEEDINGS

Mrs. Cihon made a motion that Council approves the March 7, 2006 City Council meeting minutes; seconded by Mr. Colaianni. **ROLL CALL: Yes – ALL**

HUGH UTTERBACK, 663 RIVER ROAD

Mr. Utterback returned to again voice his concerns surrounding the Bender property located at 303 Water St., and to see if anything had been done about the issue. Mrs. Pat Ball also voiced her objections about the trash and dead deer hanging in the yard and passed out pictures of the property that showed trash in the yard and a dead deer hanging from a front-yard tree. Mr. Colaianni stated some of the Zoning laws need updated and noted possible safety hazards on the property. Chief Green said the biohazard issue should be handled by the Health Dept. Mr. Kincaid said the city has a littering ordinance (521.08), and he said one could be ticketed for same (minor misdemeanor) and ticketed daily. Mayor Grogan stated it was frustrating because they don't want to impede on someone's private property or the way they manage their lives, but the property is "an eyesore." Mr. Kincaid said the city can clean up the property and put a lien on the property if necessary. Mayor Grogan said to be fair and because he didn't want this issue to be one that appears that this body is "being heavy-handed" that he would instruct Chief Green and the Zoning Inspector to visit the Bender property. Chief Green is to inspect the Amerigas containers to ensure there are no safety/flammability problems. The Zoning Inspector is to issue a citation and instruct the resident that he is to have his property cleaned up, specifying a time limit do so. The Zoning Inspector will return to possibly cite again. If the property owner does nothing, the city will take the recommendation of the Law Director, clean up the property and assess the costs to him. Roberta Hawk said children going by the Bender property in buses scream. She'd like to see the Zoning laws brought up-to-date and be made as strict as possible.

REPORTS OF STANDING COMMITTEES

Mr. Colaianni remarked the Finance Committee met prior to last Council meeting, and some of the issues discussed were pertinent to ordinances being voted on later this evening.

Mr. Colaianni and Mayor Grogan attended the Tax Incentive Review Council meeting at the County building last week. That board reviews the abatements each year, and all three abatements (Hamilton Safe, Metal dyne and Avalon Foods) have been continued, as they are meeting their criteria as set forth by the Abatement Agreement. One thing in the Abatement Agreements is they consider new employee payroll. It was noted Avalon Foods new employee payroll has jumped from \$157,322 in 2004 to \$522,640 in 2005.

CITIZENS' COMMENTS – AGENDA MATTERS - None

REPORTS OF ADMINISTRATIVE OFFICERS

SENIOR CITIZENS (Nellie Cihon)

April 22 - Swiss Steak Dinner, Serving Family-Style 4:00 – 6:00 PM; Reservations required.

July 11 – Bus trip to Greek Town; Cost \$49 – get \$20 back; leaves 8:00 AM; return 9:00 PM; reservations required

COMMUNITY SERVICE (Phil Kaster) – No Report

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FIRE CHIEF (Chief Ray Green)

Chief Green distributed the January/February monthly reports. He noted two building fires, where due to the FD's quick response there was no loss of property. Another fire, however, had an \$110,000 loss, but a large part of the building was saved.

Firefighter Dave Kolega requested a one-year leave of absence while completing a probationary period for a position in Goose Creek, SC he has accepted.

Firefighter Wallace Fleming turned in a letter of resignation; he's been transferred to Texas. Mayor Grogan will review leave of absences with Chief Green.

POLICE CHIEF (Chief David Frisone)

Officer Harbaugh stated there was no report for the absent Chief Frisone. Mayor Grogan asked about the opinion survey he'd placed in the PD mailbox. He wants them to review the draft survey to see if it was something they could use to find out how to enhance city services; it's a tool they can look at that shows how better to serve, how to "find the holes in what the community sees or expects," what the needs of the community are that are unique to this area, etc. It's a survey where anytime there is police contact, they can send out the survey to those homes several days after the contact is made to see how they felt about the service, what could be recommended, etc.

ENGINEER (Bill Dorman) – No Report

FINANCE DIRECTOR (Interim Finance Director Scott Svab) - Mr. Svab requested Ordinance 06-06 be amended to increase it to \$23,000 to reflect additional expenses from Mitchell Communications for the radio tower.

CITY MANAGER (Mark A. Cozy)

Introduction of Kathy McConnell, Canalway Center Director: Mr. Cozy stated Ms. McConnell is coordinating events for the Canalway Center Grand Opening April 29th. He noted she has an extensive parks and recreation background, worked for Wooster and Massillon, and most recently for Stark Parks. Ms. McConnell thanked all for the position and said there was a lot of work to do before the grand opening. Mayor Grogan told her she is going to be the contact by which people can identify this community when they come into the historical area, and he thought they were lucky as he thinks she's going to do a fantastic job.

Hiring Two Programming Assistants (Brittany Grinstead and Julia Vitale): Mr. Cozy noted both are recent college graduates and very enthusiastic about making the Canalway Center a place people want to visit.

Puffenburger Property: Mr. Cozy had diagrams of the Puffenburger Property along with adjacent properties drawn up. He talked to Dennis Mersky of Floyd Brown Consultants, who are going to develop a proposal for the city regarding the cost of putting together a Master Plan for the property.

Lawrence Township Hall Acquisition: Mr. Deans and Mr. Cozy met with the Trustees and made an offer for the Township Hall, and requested Executive Session to review same.

Ordinance 04-06 and 05-06 Corrections: Mr. Cozy mentioned changes in job classifications.

Natural Gas Aggregation: Mr. Cozy made a recommendation to hold to the current price and wait until the prices come down in the summer to lock into a lower rate than what was offered. Mr. Colaianni stated he was concerned because when the Mayor and he were down at the County building, there were inconsistencies with our current broker that they were made aware of; he doesn't know what the contract says, but he said if we are able to examine possibilities for other brokers, he thinks the city needs to entertain same. Mayor Grogan said he too was disappointed with the information presented to them prior to them going to the County building and being informed of what was actually occurring. He said his comfort level with the city's current broker is very low, and he recommended Council begin a serious review of same. Mr. Colaianni asked Ms. Cihon if they were going to review it again at the March 31 Public Service meeting and was told "Yes." Mr. Cozy has been telling residents if they can opt out then do so.

MAYOR JOHN GROGAN

Worldview Forum "How High a Wall? God in Politics": Mayor Grogan attended this forum where Jay Sekulow and Michael Newdow spoke. Mr. Sekulow is a constitutional attorney who has argued several landmark cases before the U.S. Supreme Court clearing the way for public school students to form Bible clubs and religious organizations of their school campuses. Mr. Newdow is known to some as "the guy who wants to take 'under God' out of the Pledge of Allegiance and 'In God We Trust' off our money." Malone College will provide a video of the

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forum for anyone interested. It was noted Mr. Kincaid's daughter set up the forum.

Mayors on Wheels: Mayor Grogan will be attending same tomorrow with other local mayors as part of a "Meals on Wheels" program.

PARKS (Fred Fleming)

Community Park – Name Change: Mr. Fleming requested the name be changed to St. Helena Heritage Park for the following reasons: "Community Park is beginning a new era of importance to the Canal Fulton community and the surrounding area. In April, we are opening a Canalway Center that will greet visitors to our historical heritage and to the surrounding community. With this comes an added need to identify the park with that heritage. This will more clearly define the park with the Canalway Center, the Heritage Society, The St. Helena II & III and the community as a whole. With this name change, the Canal Fulton Parks & Recreation Board finds it only fitting to identify the park grounds with part of that heritage and to the heritage of the entire Canal Fulton area and beyond. More importantly, the Parks & Recreation Board would like to pay homage to that heritage. This park is the location of the St. Helena II & III, the Heritage Society's Museum, the Canalway Center, as well as a gateway to the Ohio & Erie Canalway Corridor. We hope this change will serve as a more marketable direction for the interpretation of that heritage." Mr. Colaianne made a motion to change the name of Canal Fulton Community Park to St. Helena Heritage Park, based on the Park Board's Chairman's recommendation; seconded Mrs. Downing. **ROLL CALL: Yes – ALL**

2006 YMCA Summer Recreation Program: Runs from July 17 to August 17, Monday through Friday, 10:00 AM to 2:00 PM, based out of Trinity United Church of Christ; participants must be going into 1st through the 8th grades. Evening sign-ups at City Hall from 6:30 to 7:30 PM on June 21 and July 6; Lawrence Township and Clinton are both participating this year. Late this afternoon, Mr. Fleming received bad news that FirstEnergy diverted their \$5,000 donation (which is a matching donation through the United Way) to somewhere else. Mr. Martinez knew nothing of this and said he would look into same.

Tennis Courts: Still waiting for the weather to break to pour sidewalk up to gates. June dedication will be held at the tennis courts, dedicating same to honor Mayor Shawn Kenney.

Muhlhauser Park: A boy scout wanting to earn a badge offered to build picnic tables to replace the ones in the large gazebo. They will be looking for a contractor to install a sidewalk to the front steps of the large gazebo. They are trying to attain musical entertainment for the gazebo: two tentative dates have been set up for June and July of 2007 with the Clinton Band.

CF Canalway Center: Three people have been hired. The April 29 Grand Opening plans are coming along, and all was invited to attend.

Discovery Park: Playground equipment has been selected. The wheelchair-accessible swing has been changed to one where they have to leave the wheelchair and actually get on the swing; cost approximately \$5,000. Cawrse & Associates have been given the contract to lay out the park. They are looking for alternative sources of donation to assist with costs.

Canal Fulton Dog Park: They have an estimate for the gravel needed to begin to build a 12-car parking lot off the south end of the dog park near the memorial patio; to be done in-house.

Puffenburger Property: TAP survey produced over 350 returns from 1000 mailed Feb. 14. Summary of results will be forthcoming from the consultant.

LAW DIRECTOR (Attorney Dale Kincaid)

Mr. Kincaid stated Ordinance 07-06 is the ghost of Ordinance 02-06; it was so vastly different that Mr. Kincaid asked that Ordinance 02-06 be called up and defeated.

ORDINANCE 02-06: An Ordinance Amending Section 183.02 of the Canal Fulton Codified Ordinances to Increase to \$10.00 per Motor Vehicle a License Fee Imposed by that Section (Requested by Finance Director). Mr. Colaianne made a motion to bring Ordinance 02-06 back to the table, per the Law Director's suggestion; seconded by Mr. Crookston. **ROLL CALL: Yes – ALL** Mr. Colaianne made a motion to pass Ordinance 02-06 then he rescinded the motion to pass Ordinance 02-06. Mr. Colaianne then made a motion to suspend the rules on Ordinance 02-06; seconded by Mr. Crookston. **ROLL CALL: Yes – ALL** Mr. Colaianne made a motion to pass Ordinance 02-06 under suspension; seconded by Mrs. Cihon. **ROLL CALL: Yes – 1 (Mrs. Cihon) No - 4**

THIRD READINGS

Resolution 10-06: A Resolution to Endorse the Canalway Signage Plan (Requested by Mayor Grogan) Mr. Colaianne made a motion to amend Resolution 10-06 to include the whereas clause that was highlighted in Council's packet which reads, "whereas the Canal Fulton Parks & Recreation Board has, at its March 9, 2006 meeting, voted to support this endorsement of the Ohio & Erie Canalway Signage Plan that will provide clear visitor directions and information,

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while establishing the identity of the Ohio & Erie Canalway, without diminishing partner identities; and"; seconded by Mr. Crookston. **ROLL CALL: Yes – ALL** Mr. Deans made a motion to pass Resolution 10-06; seconded by Mr. Crookston. **ROLL CALL: Yes - ALL**

SECOND READINGS

Ordinance 03-06: An Ordinance to Increase the Water and Sewer Tap-In Fees to Provide for the Water and Sewer Plants. (Requested by Public Service Subcommittee)

FIRST READINGS

Ordinance 04-06: An Ordinance Amending Ordinances 7-02, 14-02, 14-03, 28-03, and 2-04 and 9-05 Establishing Rates of Pay for Various Part-time Positions within the City of Canal Fulton, and Declaring an Emergency. (Requested by Finance Committee) Mr. Colaianni made a motion to suspend the rules on Ordinance 04-06; seconded by Mrs. Cihon. **ROLL CALL: Yes – ALL** Mr. Colaianni made a motion to amend Ordinance 04-06 as follows: Page 1, the third Whereas clause to change the effective date from June 1, 2005 to January 1, 2006; Page 2 under Street Department – part-time labor to include the verbiage "with CDL license"; Page 2 change the verbiage "Park Program Coordinator" to "Canalway Center Director"; Page 2 change the verbiage "Park Program Coordinator Assistants" to "Park Programming Assistants"; Page 2, Section 3 to change the effective dated from July 1 to January 1; seconded by Mr. Deans. **ROLL CALL: Yes – ALL** Mr. Colaianni made a motion to pass Ordinance 04-06 under suspension as amended; seconded by Mrs. Cihon. **ROLL CALL: Yes - ALL**

Ordinance 05-06: An Ordinance Establishing New Rates of Pay and Salaries for Employees of Canal Fulton, Effective January 1, 2006 Repealing any Ordinances in Conflict Therewith, and Declaring an Emergency. (Requested by Finance Committee) Mrs. Cihon made a motion to suspend the rules on Ordinance 05-06; seconded by Mr. Crookston. **ROLL CALL: Yes – ALL** Mr. Colaianni made a motion to amend Ordinance 05-06 as follows: Under Page 1, Section 123.04 the verbiage "Administrator Assistant/Payroll Clerk" be changed to "Assistant to City Manager/Payroll Clerk" (2 places in section); Under Page 1, Section 123.02 Clerk of Council, change the verbiage "at a straight hourly rate" to read "an hourly rate of one-and-a-half times the straight hourly rate"; Page 1, Section 5, the verbiage "Clerk/Typist" should read "Administrative Assistant"; seconded by Mr. Deans. **ROLL CALL: Yes – ALL** Mr. Deans made a motion to pass Ordinance 05-06 under suspension as amended; seconded by Mr. Crookston. **Discussion:** Mr. Colaianni noted there were significant changes on this ordinance, saying he thought it was a long time in coming to establish some parity. He said we're not "giving away the farm" but he thought the city employees should be compensated because "they do work hard for us everyday and I think this rectifies some of the parity in some of the positions." Mayor Grogan stated that when this issue came out Council worked on this and it is to their credit that they are able to close the inequities that existed and establish "what we feel to be an equitable pay rate" and thanked Mr. Cozy for his guidance. **ROLL CALL: Yes - ALL**

Ordinance 06-06: An Ordinance to Make Appropriations from the Unappropriated Balances in Various Funds and Declaring an Emergency (Requested by City Manager). Mr. Colaianni made a motion to suspend the rules on Ordinance 06-06; seconded by Mrs. Cihon. **ROLL CALL: Yes – ALL** Mr. Crookston made a motion to amend Ordinance 06-06 to increase the total amount to \$23,000 per the Interim Finance Director Scott Svab's recommendation, adding \$8,000 to the original \$15,000; seconded by Mrs. Downing. **ROLL CALL: Yes – ALL** Mrs. Cihon made a motion to pass Ordinance 06-06 as amended; seconded by Mr. Deans. **ROLL CALL: Yes - ALL**

Ordinance 07-06: An Ordinance Enacting a \$5.00 License Plate Fee under Ohio Revised Code 4504.171. (Requested by Finance Director)

PURCHASE ORDERS & BILLS

P.O. 4596 made out to Ohio Police & Fire Pension Fund in the amount of \$55,000 for Police Retirement Funds. Mrs. Cihon made a motion to pass P.O. 4596 to Ohio Police & Fire Pension Fund in the amount of \$55,000; seconded by Mr. Colaianni. **ROLL CALL: Yes - ALL**

BILLS: \$98,205.42 Mrs. Cihon made a motion that Council has received the bills in the amount of \$98,205.42; seconded by Mr. Crookston. **ROLL CALL: Yes - ALL**

OLD/NEW/OTHER BUSINESS

Canal Fulton Cemetery Association – Represented by Don Schwendiman: Mr. Schwendiman brought in documentation of a portion of the Nichter Property the Cemetery Association was hoping to attain from the city. He said the area is now flagged off so that Council members could visit the property to see the requested area. Mr. Kincaid said after everyone has had a chance to look at the property the land will have to be surveyed. Mr. Schwendiman asked if Council would help with the survey costs, and Mr. Colaianni said he'd ask a surveyor he attends church with to see if he is willing to volunteer time to the Cemetery

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Association to help them.

Matthew Schwendiman dba Matt's Barber Shop Violation Dated February 7, 2006 (ID No. 35028) Ohio Revised Code Section 4709.7.12 "No Pets in Shop": Mr. Crookston requested a letter from the Mayor and Council to be sent to the Ohio State Barber Board requesting that they review and possibly change the law to support dogs like Mr. Schwendiman's Franklin to be allowed in barber shops during working hours. It was stated that Matt's dog Franklin's interaction with children with learning disabilities, Autism and Down Syndrome are of obvious benefit, and that the dog is an asset to the barber shop and to the community; it was thought that with Franklin's training, immunizations, and insurance coverage provided by Stephan Insurance Agency/Nationwide Insurance that he is hardly a threat to anyone. Mayor Grogan commented that if we do it for one, we have to be able and prepared to do it for others, and they have to be equal in what we do. Ms. Troccoli will write the letter of support to be signed by all Council members and Mayor Grogan, after review of same by the Law Director.

Economic Development Committee: Mr. Colaianni made a motion that the Economic Development Committee meets Wednesday, March 29 at 6:30 PM in City Hall for the purpose of discussing the annexed property on Locust Street, as well as the initial stages of development of a Master Plan for the city; seconded by Mr. Deans. **Discussion:** Mr. Colaianni stated Mr. Cozy had provided him a list of the nine property owners on the 140-plus acres on the east side of Locust Street, noting most of that is zoned for business, and they will be forwarded a letter of invitation to attend that committee meeting so they can begin some dialogue on potential development of that property. **ROLL CALL: Yes – ALL**

Volunteer Firefighters Dependence Fund: Chief Green asked for two volunteers to serve on the fund which is managed by the State Fire Marshall's office where, should they incur a line-of-duty death, this committee would meet to decide if that firefighter's family receives the benefits they're entitled to. Mrs. Cihon and Mrs. Downing volunteered. Mr. Crookston made a motion to accept the participation of Mrs. Cihon and Mrs. Downing on the Volunteer Firefighters Dependence Fund; seconded by Mr. Colaianni. **ROLL CALL: Yes - ALL**

REPORT OF PRESIDENT PRO TEMPORE (Linda Zahirsky) – No Report

REPORT OF SPECIAL COMMITTEES – No Report

CITIZENS COMMENTS Open Discussion (Five-Minute Rule): Ms. Rose Rhoads was in attendance to support her neighbors and acquaintances, and adding to complaints regarding the Bender property. Mayor Grogan filled her in on the decisions made earlier about the issue.

EXECUTIVE SESSION

Mr. Colaianni moved to convene into Executive Session for the purpose of discussing land acquisition and personnel appointment and requested the City Manager, Finance Director, Law Director, and Mayor Grogan attendance, expecting legislative action; seconded by Mr. Deans. **ROLL CALL: Yes - ALL**

REGULAR SESSION RECONVENED

At 9:36 PM, Mr. Deans made a motion to reconvene the regular session; seconded by Mr. Crookston. **ROLL CALL: Yes – ALL**

Mr. Colaianni made a motion that they appoint Kathy McConnell as Canalway Center Director, along with hiring of two Programming Assistants Brittany Grinstead and Julia Vitale, per recommendation of the City Manager; seconded by Mr. Deans. **ROLL CALL: Yes – ALL**

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

Patricia A. Troccoli, Clerk of Council

Mayor John Grogan