

CITY OF CANAL FULTON

April 3, 2007

COUNCIL MEETING

Mayor John Grogan called the April 3, 2007 City Council meeting to order at 7:00 PM in Council Chambers at City Hall.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: John Grogan, Tony Crookston, Nellie Cihon, Linda Zahirsky, Victor Colaianni, Jim Deans and Diane Downing.

Others Present: Dale Kincaid, Law Director; Mark Cozy, City Manager; Tammy Marthey, Clerk of Council; Scott Svab, Finance Director; David Frisone, Police Chief; Ray Green, Fire Chief; Mike Crable, Assistant Fire Chief; William Dorman, Engineer; Amy Knapp, Independent; Joan Porter, Repository; Laura Jean Meade, The Canal Fulton Signal; Chell Rossi, Kathy Gill and Dennis Downing; Residents.

CORRECTING & ADOPTING THE RECORD OF PROCEEDINGS

Mrs. Cihon moved to approve the March 24, 2007 Special Council meeting minutes, seconded by Mrs. Zahirsky. ROLL: Yes, Mrs. Zahirsky, Mr. Colaianni, Mrs. Downing, and Mr. Deans. Abstain: Mrs. Cihon and Mr. Crookston.

PRESENTATION OF AWARD: Mr. Mike Crable, Officer with the Fire Department, stated the department has established a Citizen of the Year award that will be presented annually.

Mr. Cable, gave a presentation on the new Lifepack (heart monitor) that the department was able to purchase with the monies that was donated by Diane Downing. They are now able to do the same test that is done at the hospital on-site and send the report via cell phone to the hospital while at the scene or enroute and allows the physician to make a decision before arrival if the patient needs to go directly to the cath lab.

Mr. Crable and Chief Green presented the Citizen of the Year award to Mrs. Diane Downing for her contribution to the department.

Mayor Grogan stated Mrs. Downing's gift will not only touch many members of our community, but will increase the level of care that our professionals provide and thanked her on her award.

REPORTS OF STANDING COMMITTEES - None

CITIZENS' COMMENTS – AGENDA MATTERS - None

REPORTS OF ADMINISTRATIVE OFFICERS

SENIOR CITIZENS (Nellie Cihon) –

Seneca Alleghany in New York: The Center will be taking a bus trip May 1, 2007 for a gambling trip. The cost is \$30 and you get \$20 back in coin, \$5 food voucher. The bus will depart at 7:00 AM and return around 9:00 PM.

Swiss Steak Dinner: The dinner on April 14, 2007 is sold out.

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COMMUNITY SERVICE (Phil Kaster) – Written

Mrs. Zahirsky would like passed on to the Community Service Director that the small gazebo is in need of painting and the sign poles are in need of scraping and stained. The path needs patched. They also need doggie bags placed out there for those that don't bring a bag.

FIRE CHIEF (Chief Ray Green) - Chief Green stated he received some information from the State Fire Marshall's office regarding a program for low interest loans to small departments for various projects, such as construction of buildings. He stated he had the Finance Director fill out his portion of the application. He stated if awarded this loan it would cover a fair amount of the overages that are occurring with the department. He stated it would be awarded in June. There is \$250,000 available.

Mr. Zahirsky stated that loans still have to be paid back. Chief Green stated the loan is a zero interest loan. Mr. Svab stated they prefer the applications to be up to ten years. They could pay the money back out of the fire capital improvement fund if they needed to borrow the money. They still may be able to come under budget or close to the budget and not have to rely on borrowing money. Mr. Svab stated he would definitely apply for the loan because it can also be used for equipment and it is zero interest.

Chief Green stated he received an email from the Department of Homeland Security. They have opened their application period for the firefighter's assistant grant. He stated for this grant cycle they are going to be looking at replacing the ladder truck. If awarded the grant in fiscal year 2008, the City would need to contribute 5% - \$35,000. The ladder truck is \$650,000. It is fully equipped. He would need a resolution or motion that the city would contribute the 5% if awarded the grant.

Chief Green stated he has two probationary appointments.

Mr. Shawn Yeran who is a firefighter-paramedic and works full-time with the City of Mansfield. He has a degree in fire protection.

Mr. Joshua Mott who is certified as a Level I firefighter and an EMT Intermediate, which is a step between a basic EMT and a paramedic. He has four years experience in fire service. He was previously on the Perrysville Fire Department in Knox County. He is currently pursuing a degree in nursing.

Mayor Grogan stated based upon the recommendations of the Fire Chief he would submit Shawn Yeran, firefighter-paramedic and Joshua Mott, Level I firefighter and EMT, contingent upon physical and drug screening. Mrs. Zahirsky moved to appoint Shawn and Joshua Mott to the Canal Fulton Fire Department as probationary appointments subject to the drug and physical testing, seconded by Mr. Deans. **ROLL: Yes, ALL.**

Mayor Grogan stated the Chief is recommending promoting Mike Crable to Assistant Chief and Ray Durkee to Captain. He stated there would then be two Assistant Chiefs and two Captains. The two lieutenant positions would remain vacant.

Mayor Grogan stated based upon the recommendation of the Chief to restructure and add another Assistant Chief and depleting two lieutenants and moving one Lieutenant into a Captain position, he would like a motion from Council to approve the Chief's request. Mr. Crookston moved to approve the request, seconded by Mr. Colaianni. **ROLL: Yes, ALL.**

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POLICE CHIEF (David Frisone): Chief Frisone stated that he distributed the activity report for the month of March. There were 303 calls. He stated they worked with the Ohio Department of Public Safety Liquor Control Agency this past week. Two of the officers participated in a tobacco sting. They inspected six premises that sell both alcohol and tobacco, five were in compliance and one was issued a summons. They sold to an underage, uncover informant they were using. This program is offered by the State to all municipalities and they approached the City and asked to work their officers. The overtime is reimbursable by the State.

ENGINEER (Bill Dorman) –

Lakewood Estates/Lake Vista (Smail's Pond Area) -- Received EPA approval. Wetlands mitigation is near completion. Construction is expected to begin possibly next spring per the developer's engineer.

Discovery Park Phase 4 -- Construction of the sanitary sewer, water lines, and storms sewers are complete. All of the curbs and paving have been installed except for the surface course.

Fulton Landings -- Site plan has been approved by Planning Commission. Detailed improvement plans have been reviewed and approved. Grading and preliminary work has begun and construction of public utilities and private streets is expected to begin this month and continue through June.

Discovery Park Phase 5 -- Phase 1 sanitary sewer and waterline installation is complete.

Elm Ridge Industrial Park Phase 10 -- Improvement plan review is complete.

Countryview Condominium Community -- Site Plan has been submitted and is being reviewed at the next Planning Commission meeting.

2006 Census Map - Updated the 2006 Census Map last month to show the Fulton Landings area annexation.

House Numbering Workshop - Attended a training session last week to learn about the County Auditor's new GIS based house numbering system which will be available online in about 6 months. The County has conducted centerline surveys of the whole County and input existing house numbers in the process. This will provide a great tool for EMS, 911, Post office and other data bases, as well as assist the City and County in working out address anomalies.

FINANCE DIRECTOR (Scott Svab) - Mr. Svab stated he has a request to have all employees mandated to have their payroll checks direct deposited into the bank of their choice. He stated this is coming to light due to 1). a call he received from First Merit that effective April 1, 2007, payroll checks will no longer be cashed at their institution if you do not have an account with them. He stated their reason was due to increased fraud and if it is that convenient to cash a check there, then it should be convenient for you to open an account; and 2) there has been fire personnel in the past that have lost their payroll check and waited a month or so for replacement. Mr. Svab would like to see this mandate effective the last pay of May.

Mayor Grogan asked for a motion from Council that it becomes mandatory that all employees have direct deposit in place prior to the last pay period of May. Mr. Crookston moved to make it mandatory that all City employees have direct

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deposit in place prior to the last pay period of May, seconded by Mr. Colaianni.
ROLL: Yes, ALL.

Mr. Svab reported that for the month of March they collected on the balance of the two CD's for the Fire Department, \$5,567.16. Based on the interest rates staying strong and the construction finalizing in November, he estimated they might be able to accrue almost \$20,000 more which would make them \$77,000 short of construction bids. He stated right now the bids are at \$1.5M and they are holding at \$1.4M. They are looking for a shortfall of almost \$80,000. There is a lot of different ways in how they might get the construction bids down to where they need to.

Mrs. Zahirsky made a motion of receipt of the January financial report, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

Mrs. Zahirsky stated she would like to receive the prior month's financial reports by the second meeting of the next month.

CITY MANAGER (Mark Cozy): Mr. Cozy stated he has read in the newspaper that the fire department is over budget. He stated when he came on board, he stated he was looking at a \$1.5M fire station and right now they are at \$1.538M. He stated they came up with a number internally below the \$1.5M because they wanted to pay the architect out of the money as well. He stated the building will be within our budget because they are going to manage the funds and the goal has been to get as much of a building as they can while staying within the budget. He stated right now the numbers are over, are self-imposed but the building will be within budget because they will decide that number when they get to that point. He stated he wanted to make sure they have a committee of people, department heads involvement, as well as Council to make sure that the building is within budget. He stated they have met with the general contractor and the architect. There are potential change order items that they cannot perform without taking anything away from the structure and still get within budget. He feels the preliminary numbers that they received from the contractor can probably be better. There is a preconstruction meeting Thursday, April 5, 2007 at 2:00 PM. They are now in the process of signing contracts. The contractor would like to have the groundbreaking ceremony next week.

Mr. Cozy stated brochures for the St. Helena III Canal Boat tours are going to be printed and he would like to get a motion. He stated he is going to partner with DiscoverCanalFulton.com because of the front page of their website they have a nice informational section about the canal boat and the city has a link to his website. The City doesn't have anything specific about the canal boat. He stated in exchange for putting his website on the flier, the owner of DiscoverCanalFulton.com has agreed to pay for half the price of printing the brochures. He stated if we work in partnership with them, they will promote us and we will promote them and they promote the canal boat together. He wanted to let council know so if the question would come up why there is a private website on the brochure. He stated he is informing them and if anyone sees a problem with this. Mr. Kincaid stated depending on which way the money flows, it shouldn't go through the cities books.

He stated articles are needed for the newsletter. The deadline for the newsletter is April 6. Mr. Cozy stated it was delayed because they wanted to inform people about the ballot issue. Mr. Cozy also stated the survey for the farmer's market would be included in the newsletter.

MAYOR (John Grogan) – Mayor Grogan reported that Judge Carr dismissed the case with the Indian Tribe.

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The Mayor stated the reason why we are where we are currently because before they go to print on anything he would like to be able to fine tune the last piece of resolution that he thinks is critical to the passage of Issue 15. He stated this Council was wise enough to place one mill rollback on the ballot initiative, however, after discussing it with the tax administrator, finance director, and the city manager, they feel that an additional one mill rollback would help even the cost out for those people that are going to be hit by the .04% increase. He believes this is very important and if they don't get this promise out to the people, he believes Issue 15 will die. He stated one mill is just not enough, but the two mills will not impact us at all, in fact they will still be ahead of the game by the figures he received from Mr. Svab and the tax administrator. He passed out legislation for the repeal of the one mill property levy for police. He stated the ballot language would not be changed, what they would be doing is to enter into an agreement with the Mayor and the citizens that if this passes, that they will enact the Resolution and they will promise an additional one mill rollback. It won't just be one mill it will be two mill rollback that the people would be getting back. He asked that Council discuss this tonight and he hopes that they can move this piece of legislation forward so they can begin to talk about this ballot initiative. It is critical for this community; they have to have this passed through. It is going to increase services, not only to the police and fire, but it is going to help the road department, as well as help them out financially and alleviate the burden of the property owners. It is a very good piece of legislation and he hopes this Council will consider entering this agreement with him so they can rollback two mills as opposed to one.

Mrs. Zahirsky expressed her concern is that any rollback is still going to impact the City and to say to the residents of Canal Fulton that it won't impact us, is to say that we shouldn't have been collecting it to begin with. Mrs. Zahirsky stated we are giving something up; they are giving up about \$75,000 per mill. She stated she is opposed to saying to the residents that it isn't going to impact them. It is going to impact them; they are going to have to be even tighter with how they spend the funds. She stated it will impact this body.

Mr. Colaianni stated he feels they need to take into consideration that they as a Council have to give themselves the benefit of the doubt that when budget time does come, that the additional money if it passes is going to be there. They have some departments' heads that have made significant sacrifices this year and doesn't feel that they are going to come back and ask for it all back this fall. He feels that they are going to be able to be more fiscally responsible and have some money in a managed reserve fund. He stated it is a moving target and they don't know what the numbers are going to be, but past Council's have not taken the bold step to address this issue and this Council did.

Mrs. Zahirsky stated there has been other Council's that took the bold step to raise the income tax to 1% and to put it on the ballot to go even higher than that. She asked if this Council has been addressing for the last four years that Mr. Colaianni has been on Council, have they been addressing set aside funds to buy a new fire truck. She stated they have not been. She stated they also have a park that they haven't paid on, that it is still on the credit card.

Mr. Colaianni stated they needed to take responsibility that they voted to purchase the property.

Mrs. Zahirsky stated she still feels it is the best thing that they could do.

Mayor Grogan stated he presented the resolution and he would like it read into the record. He feels it is a good piece of legislation that balances the scale on

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the citizens. He stated he feels that it is only right that one more mill is given back.

Mr. Cozy stated when he first hired on he sat down with the Mayor and they both knew they wanted to transfer how the city is funded from the property to income because income is more fair. It is based on what people are earning and their earnings can fluctuate and property taxes are constant. He stated they wanted to transfer the fund from the property to the income. He stated another issue, is that they sat down with the departments to what is needed.

Mr. Cozy stated they arrived at what they needed first and then they took a conservative approach income tax would be needed and that is how they arrived at the .4%. He stated they saw right away that they could drop off the one mill of property tax and still fulfill their promise. He stated after sitting down with Mrs. Hiltbrand, Income Tax Administrator, who works these numbers ever day. He said her numbers showed that they could fulfill their promise to the citizens even if they take off the second mill. He stated Mrs. Zahirsky was correct that the budget would be tight, which is fine, this is what they want. They don't want to pass an income tax and have a surplus of money at the end of the year. He stated he likes tight budgets, it makes them work and do their jobs and makes them accountable and work hard, but they will also fulfill their promise. He feels confident that they can do this.

Mr. Crookston stated as a voter he feels this shows that the government is being responsible. He has been in favor of this from the beginning. He applauds the Mayor for bringing this out.

PARKS & RECREATION BOARD (Fred Fleming) – Not Present

LAW DIRECTOR (Dale Kincaid): - Mr. Kincaid stated he is working with the Income Tax Department in collection of tax accounts. Mr. Svab stated Mrs. Hiltbrand had indicated with Mr. Kincaid's efforts there was an additional collection of \$13,000 for the month of March.

THIRD READINGS

Resolution 09-07: A Resolution Renewing for the Year 2007 A contract with the Stark County Public Defender's office for the Services of the Public Defender for Jailable Offenses. Mr. Colaianni moved for passage of Resolution 09-07, seconded by Mr. Deans. **ROLL: Yes, ALL.**

SECOND READINGS – None

FIRST READINGS

Resolution 10-07: A Resolution Committing the Council of the City of Canal Fulton to the Repeal of the One Mill Property Levy for Police. Mr. Colaianni moved to suspend the rules on Resolution 10-07, seconded by Mrs. Cihon. **ROLL: Yes, ALL. Mr. Crookston moved for passage of Resolution 10-07, seconded by Mr. Colaianni. ROLL: Yes, Mr. Crookston, Mrs. Cihon, Mr. Colaianni, Mr. Deans, Mrs. Downing. No, Mrs. Zahirsky.**

Mayor Grogan thanked Council for taking the bold step.

PURCHASE ORDERS & BILLS - No Purchase Orders

BILLS: \$117,944.62 Mrs. Cihon moved receipt of the bills in the amount of \$117,944.62, seconded by Mrs. Zahirsky. **ROLL: Yes, ALL.**

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OLD/NEW/OTHER BUSINESS – None

REPORT OF PRESIDENT PRO TEMPORE (Linda Zahirsky) – Mrs. Zahirsky stated she will be requesting executive session.

REPORT OF SPECIAL COMMITTEES - None

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

EXECUTIVE SESSION

Mrs. Zahirsky moved to adjourn from regular session at 8:10 p.m. to executive session for the purpose of appointment of a public employee or official; compensation of a public employee or official; and the sale of property by competitive bid to prevent the disclosure of information that would provide competitive advantage, and in the session the Mayor, Council, City Manager, Public Service Director, Finance Director and the Law Director are to be present, with no anticipated legislative action, seconded by Mr. Colaianni. **ROLL: Yes, ALL.**

Mrs. Zahirsky moved to return from executive session to regular session, seconded by Mr. Colaianni. **ROLL: Yes, ALL.**

Mrs. Zahirsky stated the Mayor had to leave the meeting before the executive session began, so he was not present. As a result of the executive session, there were no decisions made.

ADJOURNMENT

The April 3, 2007 City Council meeting was adjourned.

Tammy Marthey, Clerk of Council

John Grogan, Mayor