

CITY OF CANAL FULTON

June 19, 2007

COUNCIL MEETING

President Pro Tempore Linda Zahirsky called the June 19, 2007 City Council meeting to order at 7:00 PM in Council Chambers at City Hall.

PLEDGE OF ALLEGIANCE

ROLL CALL

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

Mayor Grogan was absent due to his work schedule.

Others Present: Dale Kincaid, Law Director; Mark Cozy, City Manager; Tammy Marthey, Clerk of Council; Dale Kincaid, Law Director; David Frisone, Police Chief; Ray Green, Fire Chief; William Dorman, City Engineer; Scott Svab, Finance Director; Joan Porter, The Repository; Laura Jean Meade, The Canal Fulton Signal; Chell Rossi, Paul Bagocius and Mike Mouse, Kathy Gill, and Bob Stopar, Residents; Todd Bosley, Stark County Commissioner.

CORRECTING & ADOPTING THE RECORD OF PROCEEDINGS

Mrs. Cihon moved to approve the June 5, 2007 Council meeting minutes, seconded by Mr. Colaianni. ROLL: Yes, ALL.

REPORTS OF STANDING COMMITTEES: Mrs. Zahirsky stated the Personnel Committee and Public Service Committee recently met.

The Personnel Committee discussed the leave policy for the City and there is an ordinance regarding this matter on the agenda.

The Public Service Committee also met and requested the Finance Director to review the sewer funds to see what condition it is in for the next year.

Mr. Colaianni stated it was reported in the local media on the billing situation with Lawrence Township about drafting an agreement, and wanted to know if anyone knew how long that it going to take.

Chief Green reported that Attorney Krash would like a copy of the ordinance listing the fees of what they charge and have Law Director Kincaid send that to him with a letter asking him to draft the Resolution.

Mr. Colaianni stated his concern is the time this has been taking and he would like to move forward in the next month or two.

It was stated Attorney Eric Williams had prepared a Resolution for this matter. Chief Green stated Attorney Krash's stance on that is that Attorney Kincaid is the City's Law Director and that is who the communication should come from. Mr. Cozy stated the Trustees authorized Attorney Williams at the Joint meeting to do this and Attorney Williams is a Plain Township Law Director and is aware of Township law.

Mrs. Zahirsky requested Law Director Kincaid send a letter with the request as soon as possible. Mr. Colaianni stated the City needs to set a deadline because we are continuing to subsidize the Township and Mrs. Zahirsky's comment about us potentially cutting staffing because of this is true. We have to set a deadline

CITY OF CANAL FULTON

June 19, 2007

and if they don't have it done by that deadline, then we start sending bills to residents, insurance companies. Mr. Colaianni stated the prosecutor's opinion was dated January 10, 2007.

PRESENTATION: Mr. Todd Bosley, Stark County Commissioner: Mr. Bosley stated he ran for Stark County Commission because he wanted to make a difference. He stated he wanted to update the City of what the Commissioners are doing and to introduce himself. He wanted to put a new face in the Commissioner's Office, one that was open and out front and the ability to see them and what they were doing and most importantly, be available to the constituents. He stated his main campaign focus was on the 911 issue in Stark County. This is something that remains an issue, but they are currently working to make it better. A group has been formed to focus on the Emergency Management Advisory Department and how it functions.

He stated the license plate fee increase is a move that the Commissioner's felt was absolutely necessary. There are many road and bridge projects that couldn't be done unless the increase happened. He stated about 25% is needed for matching funds. There are about 400 bridges in Stark County and about 40% of them are in some need of repair and 15% need desperate repair. The \$10 increase in the license plate fee will generate about \$3.1M. There aren't any federal monies for road paving. They paved 11 miles of road last year and they have 413 miles of road throughout the county. He is pushing for a County ditch team, a team of four individual's from the Engineer's office that is a full-time ditch cleaning team. It would facilitate a lot more projects getting done in a quicker amount of time.

He stated the Sanitary Engineer's office is under the control of the Commissioner's Office. He is currently trying to get this department merged into the County Engineer's office, which would do a lot for this County because coordination between the two would be more effective.

Mr. Bosley stated he would like to comment on the economic development within the county and the waste problems the county suffered from. He stated there have been many companies that have expressed an interest into coming to Stark County to create fuel and other alternative energy products with the waste. They are meeting with those companies and trying to get a plan together with the Solid Waste District that would allow many of those companies to set up here. They believe that about 80% of the waste that comes into the County could be reclaimed so that it wouldn't have to go into the landfills. They believe some of the problem landfill debris could also be reclaimed and turned into alternative energy.

Mr. Bosley stated many communities have had to deal with flooding issues.

Mr. Bosley stated he would like to touch on the issue of the Job and Family Service issue. He stated there is a large amount of controversy with what has been going on there. He has taken many complaints regarding a variety of different problems. He stated today they decided they are going to have it looked into by an independent third party and get to the bottom and try to straighten it out so the families that need help are able to get it the best way possible. He said as far as their employees, if these problems do exist as they appear to, that they are taken care of quickly.

Mrs. Zahirsky stated she works for Babcock and Wilcox and they have the alternative energy in West Palm Beach, Florida and she agrees that there is so much that can be done to generate energy from waste and the facilities that can be built is awesome.

CITY OF CANAL FULTON

June 19, 2007

Mr. Colaianni asked if there is a benchmark goal in progressing 911 and getting it implemented. Mr. Bosley stated they have established the board that is capable of running dispatching in Stark County, something they didn't previously have.

Law Director Kincaid stated he felt there is a problem with the training the dispatchers receive and there is one issue after another. He stated the people need to get the training that is needed.

Mrs. Zahirsky stated she appreciated Mr. Bosley's candor on the license plate fees. They understand the need. It is not a popular decision, but the city is also responsible for the roads.

Mr. Deans stated people get a bargain on license plate fees compared to other states.

CITIZENS' COMMENTS – AGENDA MATTERS

Mike Mouse, 406 River Road: Mr. Mouse spoke regarding Resolution 13-07 and encouraged Council to request that the Income Tax Department do some statistical research and tell them whether or not residents of Canal Fulton income is going up, down, or stagnant. Mr. Mouse read from several articles regarding income today and loss of companies.

Mrs. Zahirsky stated she wanted to comment about Charleston, SC losing nine firefighters last evening and the recent loss of a police officer in Garfield Heights and Indiana. She stated it is a constant reminder for those who have to consider how they are going to provide security for our community. They are putting people lives on the line all the time when they are doing the job to protect and serve our citizens. She is very grateful and thankful for the entire Police and Fire Departments.

REPORTS OF ADMINISTRATIVE OFFICERS

SENIOR CITIZENS (Nellie Cihon): No report.

COMMUNITY SERVICE (Phil Kaster): None submitted. Mrs. Zahirsky did request for the community service workers to weed the area at the dog park where the memorial bricks have been placed.

FIRE CHIEF (Ray Green): Chief Green requested the Law Director to send the EMS billing resolution to Attorney Krash, Lawrence Township.

POLICE CHIEF (David Frisone): Chief Frisone stated he is a member of the Emergency Medical Advisory Committee that Commissioner Bosley spoke about earlier in the meeting. He will keep Council posted.

ENGINEER (William Dorman): Fulton Landings: Construction continues on sanitary sewer. They are putting all the utilities in place before they record the final plat.

Mr. Dorman presented to the City an award he accepted for the City from the Ohio NESOWEA for the Canal Fulton Waste Water Treatment Plant. They have received the Ohio NESOWEA Outstanding Facility Award in recognition of exemplary record of compliance in the past year in the Northeast Section of the Ohio Water Association. The department has demonstrated through continual excellence in plant performance their dedication to protection of our water resources. Mr. Dorman congratulated the city for receiving this award. He stated EPA does data research and for the past two years, Canal Fulton's Waste

CITY OF CANAL FULTON

June 19, 2007

Water Treatment Plant has performed better than others. Mrs. Zahirsky said congratulations to the staff. Mr. Cozy stated George Lukinac, Doug Gerry and the other staff run a top notch department and take pride in what they do. Mr. Dan Mayberry has overseen the department for many years.

Mr. Cozy stated the current capacity of the facility is 750,000 gallons per day and it is only operating currently at half capacity. We can double the capacity of the plant. If there are any future development opportunities we do have the sewer capacity to handle it.

FINANCE DIRECTOR (Scott Svab) Mr. Svab stated he has an extra purchase order for the meeting.

Mr. Svab addressed Mr. Mouse's earlier statement about income tax. He stated the Income Tax Administrator had reported to him that the City's individual accounts have increased and he will provide an exact percentage for him.

Mr. Svab stated he has been reviewing the City's telephone account. He has met with TCI, a telephone vendor, and there is a possibility of saving approximately \$600-800 a month. They also discussed the system for the new fire station, as well as the Police Department's need for voicemail system. A proposal is going to be submitted. He stated they might not only be able to save, but to be able to update the system to include caller i.d.

Mrs. Zahirsky thanked Mr. Svab for looking into these cost savings programs.

Mr. Svab stated the Bureau of Workers' Compensation will be doing the audit regarding the fire department withholding portion.

Mrs. Cihon made a motion that they received the financial report for May 2007, seconded by Mr. Colaianni. **ROLL: YES, ALL.**

CITY MANAGER (Mark Cozy): Mr. Cozy stated the City is asking for volunteers to serve on the Comprehensive Plan Steering Committee. A letter of interest may be sent to City Hall. The member will need to commit to at least one year.

The Ohio & Erie Canal Association grant that the Canalway Center applied for has been awarded for audiovisual equipment and interpretive panels. He stated special thanks should go to the Park Board. When the grant was delayed, they took the money from their budget to purchase the equipment and they should be reimbursed.

The fire department construction is going as scheduled. It is hopeful it will be completed in the fall.

Mr. Cozy recommended that the emergency clause be omitted from Resolution 13-07, relating to the income tax increase.

Mr. Cozy stated the City is currently analyzing the job situation in town. He stated it looks like even with the loss of jobs from Form Tech, there are some other key companies that are expanding right now and the City may have a net gain of jobs as opposed to last year. He will have those figures in August.

Mr. Cozy stated this ballot issue is for the people and so the City can expand services. They are trying not to force anything. There are residents who have concerns with 24-hour service for EMS, chip and seal of the streets, and not enough police officers. These are measures the City needs to take to ensure these services. Mr. Cozy stated he is a big proponent of the streets and if you

CITY OF CANAL FULTON

June 19, 2007

are looking to bring jobs to Canal Fulton and if the streets are in disrepair, are businesses going to bring those jobs here or go somewhere else. Infrastructure is critical.

Mr. Cozy commended Mr. Colaianni for the survey he did to put in the newsletter.

MAYOR (John Grogan): Not present.

PARKS & RECREATION BOARD: Mrs. Zahirsky stated the dog park is open.

LAW DIRECTOR (Dale Kincaid): Mr. Kincaid reported that he will be on vacation the June 25-29, 2007.

Mr. Kincaid stated there is a records commission meeting on Thursday, June 21, 2007.

Mr. Kincaid stated he wasn't sure what he heard about sampling income tax returns, but you cannot do that with anybody outside.

Mr. Kincaid stated he has made the first contact with the bonding company for the general contractor for the fire station that withdrew its bid telling them that it happened. This gives them the chance to investigate why their insured withdrew its bid, which was an arithmetic mistake. According to law, if it is a mistake that we could have seen by looking at their bid, then they can withdraw the bid.

THIRD READINGS - None

SECOND READINGS

Resolution 12-07: A Resolution Approving the Lockhart Development Annexation.

Stands as Second Reading

FIRST READINGS

Resolution 13-07: A Resolution Declaring the Necessity of the City of Canal Fulton to Amend City Code Section 181.03 by Amending Subsection (j) Levying a Surcharge of Four-Tenths of One Percent (0.4%) on Taxable Income as Defined in that Section for Deposit to the General Fund for 24-Hour Fire & EMS Staffing; One Additional Full Time Police Officer and Two part-Time Police Officers; The Asphalt Paving Program for City Streets; the Establishment of a Replacement Schedule for Fire & EMS Trucks, Police Cruisers, and Snow Plow & Road maintenance Trucks; Establish a Managed Reserve Fund; Elimination of the 1 Mill Levy for Police Purposes; and Other Purposes to Be Effective January 1, 2008; and Instructing the Stark County Board of Elections to Conduct an Election on Said Proposal on November 6, 2007; and Declaring an Emergency.

Stands as First Reading

Mr. Colaianni moved to amend Resolution 13-07 to delete, and Declaring an Emergency, seconded by Mr. Deans. **ROLL: Yes, ALL.**

Ordinance 08-07: An Ordinance Amending City Administrative Code Section 141.18 Adding Subsection (a) (3) Defining Sick Leave, "and Declaring an Emergency. "

Stands as First Reading

Ordinance 09-07: An Ordinance Amending Section 143.02 of the Administrative Code of the City of Canal Fulton Regarding Charges for Ambulance Services.

CITY OF CANAL FULTON

June 19, 2007

PURCHASE ORDERS & BILLS

P.O. 4882 to Doerschuk Plumbing/Heating Inc. in the amount of \$7,330.00 for Fire Station Plumbing and Heating Contractor for Fire Station Pay Application #1.

Mr. Colaianni moved for approval for P.O. 4882, seconded by Mr. Crookston.
ROLL: YES, ALL.

P.O. 4918 to Doerschuk Plumbing/Heating Inc. in the amount of \$18,091.56 for Pay Application #2, Fire Station Contractor.

Mrs. Cihon moved for approval of P.O. 4918, seconded by Mr. Crookston.
ROLL: YES, ALL.

P.O. 4917 to Dollar Bank Leasing Corp. in the amount of \$13,398.00 for Semi Annual Squad Payment.

Mr. Crookston moved for approval of P.O. 4917, seconded by Mr. Colaianni.
ROLL: YES, ALL.

P.O. 4892 to Thomas Klingensmith in the amount of \$7,250.00 for Fire Station Architect Fees.

Mrs. Cihon moved for approval of P.O. 4892, seconded by Mr. Deans. **ROLL: YES, ALL.**

Mrs. Zahirsky asked if this was the last payment. Mr. Svab stated it is close to where the final price is. Mr. Svab asked when they initially selected Klingensmith, was he going to roll the first \$7,000 into this. Chief Green and Chief Frisone stated yes.

Mr. Cozy stated the work he initially did at the station on Milan is separate from the work he is doing at the Locust Street station. As soon as he started applying work to the Locust Street station is when they began paying him because he was initially coming out to do an expansion of the existing station on Milan and we can't expect him to roll that into his architectural fees to design the other station.

Mr. Svab stated Mr. Cozy is saying opposite from his understandings. Mr. Crookston stated he disagrees with what Mr. Cozy is saying. Mr. Svab stated the architect made this deal. Mr. Cozy stated if that was the case, then that is how it should be. Mr. Colaianni stated he agreed with Mr. Crookston. Chief Frisone stated it was when they were interviewing all the architects, one of Klingensmith's incentives for us to choose him was if he picked him, they would roll the \$7,000 into the cost of the architectural plans for the Locust Street site. Mr. Svab asked if council does want to make sure that this is part of his original billing. All stated yes. Mr. Svab stated then any further invoices that exceed the base purchase price; he is not going to pay.

P.O. 4903 to H.L. Parker Electric Inc. in the amount of \$7,974.00 for Electrical Contractor for Fire Station Pay Application #1.

Mr. Colaianni moved for approval of P.O. 4903, seconded by Mrs. Cihon. **ROLL: YES, ALL.**

P.O. 4914 to Humana Dental in the amount of \$7,861.62 for 6 month dental premiums.

Mrs. Cihon moved for approval of P.O. 4914, seconded by Mr. Crookston.
ROLL: YES, ALL.

P.O. 4915 to CTI Environmental Inc. in the amount of \$3900.00 for Steiner Street Sanitary Sewer Engineering Survey.

CITY OF CANAL FULTON

June 19, 2007

Mr. Deans moved for approval of P.O. 4915, seconded by Mr. Colaianni. **ROLL: YES, ALL.**

P.O. 4904 to Bureau of Worker's Compensation State Insurance Fund in the amount of \$60,651.92 for 2006 Workers Comp Payment 50% Premium.

Mr. Colaianni moved for approval of P.O. 4904, seconded by Mr. Deans. **ROLL: YES, ALL.**

P.O. 4916 to Ohio Public Works Commission in the amount of \$54,278.77 for Denshire Sanitary Sewer Expense, Solids Handling Improvements, Water Plant & Well Expansion, Milan Street Water Line, Market Street Water Line and Canal Street Water Line.

Mrs. Cihon moved for approval of P.O. 4916, seconded by Mr. Colaianni. **ROLL: YES, ALL.**

P.O. 4919 to D & R Supply, Inc. in the amount of \$14,688.00 for 300 plus tons asphalt for paving streets.

Mr. Deans moved to approval of P.O. 4919, seconded by Mrs. Cihon. **ROLL: YES, ALL.**

BILLS: \$103,278.07

Mrs. Cihon moved for approval of the bills in the amount of \$103,278.07, seconded by Mr. Colaianni. **ROLL: YES, ALL.**

OLD/NEW/OTHER BUSINESS

Mr. Colaianni stated in the newsletter there will be a survey. He stated it is going to ask basic questions of how long you have lived in Canal Fulton, rate services and amenities. He stated there is going to be a section that asks if you are willing to pay for more services and amenities, specifically fire, EMS, police, snow, ice removal, paving, parks and recreation, etc. He feels it is going to be a good barometer for them and the next Council on how they budget the money. He doesn't subscribe to the fact that the economy is in the dumps as some elude it to be. He stated he has talked to residents since the last election and there were some misunderstandings and this time around he feels they are going to be able to do a better job. He stated this community deserves to tell them in the survey, and subsequently in November, what they are willing to pay for. He stated after the last election and the narrow failure, he talked to residents. Many of them were under the impression that fire was fire that it didn't say anything about EMS, and they misunderstood that. He stated some indicated they thought some of the money was going to go to the schools. He stated the last time they distributed information needed to be better. He feels this time will be more effective. He stated our roads cause a safety issue coming in and out of town. He stated we have substandard streets in this community. He stated he has heard many complaints about the chip and seal program. The residents will let us know what they want to pay for and if the levy isn't passed in November, and then Council will need to take appropriate action, which was reviewed at last meeting.

Mr. Colaianni stated there was a letter provided to Council showing their payroll taxes for 2006. He was informed by Mr. Cozy that Avalon Foods has no problem with this increase. Mr. Cozy stated as long as it was returned in services.

Mrs. Zahirsky stated she was recently in downtown Cleveland and fell in a small hole in the crosswalk on one of their streets. She stated it only takes a small

CITY OF CANAL FULTON

June 19, 2007

hole for someone to get hurt and this is why it is important that we keep our streets in repair. She states she has heard complaints on Dan Street where there is a manhole that is close to causing damage to cars. These are the types of problems they are dealing with on Council and trying to keep repaired in the City and it takes money to do it.

Mr. Deans stated since the election results, he would like to have meetings with the public to inform them what they will be voting on.

Mr. Cozy commented that in regards to the economy, when you have the pendulum swinging back and forth and you are acting on the downturn and the economic upswing, if you look at the history of our nation, you couldn't imagine the depression and the severity, yet we bounced back. We have to have the mental state that we need to be opportunist and even during the economic downswing and be willing to invest in ourselves so that when the pendulum swings the other way, we can capitalize on the opportunity, because the opportunity is fleeting and if we aren't in a position to take advantage of the economic opportunities, if a good company comes through, and we are sitting on our hands and not doing anything, then the opportunity would be lost. This is his mindset and feels it is most people present and they need to apply and invest in ourselves so we can take care of the opportunities when they come, because they will come.

Mr. Deans stated he had asked Commissioner Bosley to put the extension of Butterbridge to Portage on a faster track.

REPORT OF PRESIDENT PRO TEMPORE (Linda Zahirsky) - None

REPORT OF SPECIAL COMMITTEES - None

CITIZENS COMMENTS-Open Discussion (Five-Minute Rule)

Mr. Bagocius, 451 E. Cherry: Mr. Bagocius stated he was in favor of the survey that is going to be included in the newsletter and would like to know how the results are going to be used, who is going to use them, and what happens if the results come back not as hoped for and wanted to know if this would change opinions when voting on the income tax increase issue.

Mr. Colaianni stated he feels it is going to be a barometer of what people are willing to pay for. He stated, traditionally around the State and this area, what people support is safety forces. He stated people complain about chip and seal, but are they willing to pay. If they are not, then this would be a budgeting decision Council has to make. He thinks the results will tell them. He feels the survey will come back fairly quickly because a lot of times people want to tell them what they think but they don't show up for the meetings. He feels the survey will give people an opportunity anonymously to tell us what they want to pay for. He feels the survey will also show the demographics of this community are and how long people have lived here. He feels there is a misnomer that there is a good portion of this community that has been here fifteen years or longer. He stated there is a good portion that have, but there is also the other end of the pendulum where there is ten years or less and they moved here for a reason and those households have never been asked if they like their streets, parks, do you want to pay for 24-hour EMS, are you satisfied with your police safety forces.

Mr. Colaianni stated he has spoken to two student's majoring in political science and they are willing to come in and tally the results. The individual's are nonpartisan who have nothing to gain except credit for school.

CITY OF CANAL FULTON

June 19, 2007

Mr. Bagocius asked if it is Council's intent to use the results to gauge their decision-making based on some of the key points where there is some overwhelming of the populous or is it general information.

Mrs. Zahirsky stated it is general information. She stated there was not an overwhelming majority of people that told them no at the last election. This is not going to cost the city money to put this on the ballot.

Mike Mouse, 406 Riverview Street: Mr. Mouse asked if it was said what the savings would be for a person with a \$100,000 home with the elimination of the 2 mills. Mr. Svab stated \$70. Mr. Mouse commented to Mr. Svab that when he put together a statistical research regarding the income situation, to let him know and he would be willing to pick it up. Mr. Mouse submitted a letter of interest for the Comprehensive Steering Committee.

Mr. Cozy stated he would like to clarify a statement. He stated our economy has grown. He stated we can go back and not raise taxes and provide the same services they were providing when they were a Village. He stated the reason the cost of doing business has raised is because of the demands placed on us from our community. People are expecting more services. People are expecting more than what we provided in the past.

ADJOURNMENT

Mrs. Zahirsky adjourned the June 19, 2007 City Council Meeting. The next regular meeting is scheduled for July 3, 2007.

Tammy Marthey, Clerk of Council

Linda Zahirsky, President Pro Tempore