

CITY OF CANAL FULTON

July 5, 2005

REGULAR COUNCIL MEETING

Mayor John Grogan called the July 5, 2005 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, Mike Mouse, Diane Downing, Victor Colaianni, Nellie Cihon, and Bob Szanto **Absent:** Linda Zahirsky - Mr. Szanto made a motion to excuse Mrs. Zahirsky as she is out of town on business; seconded by Mrs. Cihon. **ROLL CALL: Yes - ALL**

OTHERS PRESENT

Marge Loretto, City Manager; Dale Kincaid, Law Director; Patti Troccoli, Clerk of Council; Scott Svab, Interim Finance Director/Community Service Coordinator; Interim Police Chief Chuck Kassinger; Chief Ray Green, Assistant Chief Mark Stewart, Fire Department; Bill Dorman, City Engineer (CTI); Fred Fleming, Parks & Recreation Board; Chell Rossi, HPC; Joan Porter, The Repository; Jim Rosenblatt (Cleveland); Travis & Donna Hermann, Residents

CORRECTING & ADOPTING THE RECORD OF PROCEEDINGS

Mrs. Cihon made a motion to approve the June 21, 2005 Council meeting minutes; seconded by Mr. Colaianni. **ROLL CALL: Yes - ALL**

CITIZENS' COMMENTS ON AGENDA MATTERS - None

REPORTS OF ADMINISTRATIVE OFFICERS

SENIOR CITIZENS (Councilwoman Nellie Cihon)

Aug. 3: 4:30 PM Euchre Tournament; \$10 ea. (10 games w/light dinner)

Aug. 20: 5 to 7 PM Spaghetti Dinner; \$5 adults, \$4 children

FIRE CHIEF (Chief Ray Green)

The LOGIC Board advised our dispatch rate is going to increase \$4,200 over a 3-year period because the RED Center is being operated on almost a zero carryover. They are increasing rates of all fire departments involved (one set fee for dispatching a fire call). Currently, the city pays a \$23 flat fee for a fire call. As opposed to Fire, the fee rate for Police is based on population. Currently, the Police Chiefs are working out a per call fee. (Our 2005 call ratio will be close to 800.)

The Fire Station culvert work is done. Mayor Grogan suggested driveway reflectors.

Re: Res. 11-05, a lengthy discussion ensued about fire station locations, access in/out, equipment, railroad track problems, millage, etc. Mr. Kincaid said the station location does not have to be specified tonight in Res. 11-05, but Res. 11-05 has to be passed tonight. He suggested deleting the words "adding to, remodeling" on the third line plus the title, substituting the word "building." Mr. Svab stated the millage is firm when it goes on the ballot (depends on the bond issues' length of years and interest rate).

The Fire Department responded Sunday to a mutual aid house fire with New Franklin. Rodney Wahl "went down," was admitted to Barberton Citizens Hospital, but he has since been released.

COMMUNITY SERVICE COORDINATOR (Scott Svab)

Mr. Fleming received free plants from the greenhouse at Giant Eagle. They are installing two additional planters at the Canal Fulton Dog Park, planting with the free plants. They helped Streets mow and will be working Canal Week. The last two juveniles Judge Stucki referred to Mayor Grogan will be working trash detail.

POLICE CHIEF (Interim Chief Charles Kassinger)

Last week Chief McNeely (Bath) brought one of his sergeants to train the officers on taser use (free training). They are in the process of attaining policy approval to use them.

ENGINEER (Bill Dorman)

Milan St. Project: Working on final punch list items with contractor.

Discovery Park Phase 2: Pump station and control building almost complete.

Pine Manor Senior Housing: No change.

CITY OF CANAL FULTON

July 5, 2005

Canal Place Center Sewer: Smith Construction is doing the work, along with the new strip mall and business subdivision. New construction will include sidewalks.

Century Sewer: Installed; contractors currently working on storm sewers. Pavement and waterline installation will be performed in the coming months.

Lakewood Estates: No news.

Lake Vista (Smail's Pond): Still tied up in storm water red tape.

Northwest High School Waterline: Still waiting for close-out documents; project is complete.

Discovery Park Phase 4: Construction will begin July or early August.

Canal Park Visitors Center: Nice Akron Beacon Journal article today; coming along nicely.

River Rd. Culvert: Currently out for bid (bids due July 15, 2005).

Redwing Senior Housing: Approved by EPA; 29 units; will be a cul-de-sac.

FINANCE DIRECTOR (Interim Finance Director Scott Svab)

The Mayor declared the start of the Public Hearing to Certify County Budget at 9:45 PM. Mr. Svab advised one adjustment in the Capital Projects Funds. Mayor Grogan adjourned the Public Hearing. Mr. Szanto made a motion to approve the revised County Auditor's form for the Tax Budget to include the changes Mr. Svab related to Council, so Council can submit this as a timely document; seconded by Mrs. Cihon. **ROLL CALL: Yes - ALL**

MAYOR (Mayor John Grogan)

Scheduling conflicts occurred with the final three Police Chief applicants; appointments will be scheduled to finalize the interviewing process with them. They will now be concentrating on the City Manager applications. The Mayor asked Mr. Mouse/others assist in reviewing/expediting the matter.

Mayor Grogan spoke several times with New Franklin's Mayor, who has expressed interest in infrastructure issues and the possibility of running water to them, looking at approximately five miles of waterline from our corporate borders into their area. New Franklin's Mayor will try to set up a meeting this month with Canal Fulton and Summit County; Mayor Grogan will e-mail Council the meeting date/time, which will basically be an exploratory discussion about the feasibility of such a project.

CITY MANAGER (V. Margaret Loretto)

Ordinance 20-05: American Traditions Baskets' Tax Abatement of 50% First Reading tonight: Application is considered a new request; we are required to send the Northwest Local School System a 14-day advance notice of any action by Council. The Second Reading on July 12, 2005 will meet the 14-day requirement and can be passed under emergency then.

Attached to Council packets is a copy of the formal complaint submitted by Lou DiStefano Insurance regarding the Farmer's Market on Locust.

2005 Resurfacing Program attached to Council packets: Mr. Colaianni questioned the need for some of the streets to actually be chip and sealed this year. Mrs. Loretto will have Dennis Mayberry call Mr. Colaianni to discuss the issue. Mr. Mouse asked her to ask Dennis Mayberry what the resurfacing criteria/rationales are that he uses to decide street resurfacing. Mr. Dorman was asked to provide the current cost of asphaltting lane miles.

Bill Dorman answered technical questions regarding the Redwing Lift Station P.O.

Mrs. Loretto reminded all about the July 7-10, 2005 Olde Canal Days Festival.

PARKS (Mr. Fleming)

They have a booth for Canal Days in front of the motorcycle shop. The plants they received were a good deal. Mrs. Loretto suggested he send a thank you letter; Mr. Fleming asked that she send the letter (to Vic Espisito at Giant Eagle).

LAW DIRECTOR (Attorney Dale Kincaid)

Mr. Kincaid distributed a letter from Atty. Batista regarding his fee estimate regarding negotiating fees with Lawrence Township. He also brought up the 1992 Ford Crown Victoria the city needs to dispose of if worth less than \$1,000. Mr. Szanto made a motion that the 1992 former Police

CITY OF CANAL FULTON

July 5, 2005

cruiser/former city car be given to the Fire Department to be used in their training for extractions and such; seconded by Mrs. Downing. **ROLL CALL: Yes - ALL**

FIRST READINGS

Resolution 10-05: A Resolution Amending Resolution 03-05 Authorizing the City Manager to Advertise Bids for Construction of Tennis Courts in Muhlhauser Park, to Award Contracts for the Accepted Bids, Issue Required Purchase Order, and Declaring an Emergency. (Requested by City Manager/Finance Director)

Ordinance 20-05: An Ordinance Authorizing the City Manager to Enter into an Agreement with American Traditions Basket Company for the Purpose of Tax Abatement in the Enterprise Zone, and Declaring an Emergency. (Requested by City Manager)

Resolution 11-05: A Resolution Declaring the Necessity of Submitting to the Electors of the City the Question of the Issuance of Bonds in the Aggregate Principal Amount of \$1,500,000 for the Purpose of Constructing, Furnishing, Equipping and Otherwise Improving a City Fire Station and Improving its Site, and Declaring an Emergency. Mr. Colaianni made a motion to suspend the rules on Resolution 11-05: seconded by Mrs. Downing. **ROLL CALL: Yes – ALL** Mr. Colaianni made a motion to pass Resolution 11-05 under suspension; seconded by Mrs. Cihon. **ROLL CALL: Yes - ALL**

SECOND READINGS

Ordinance 17-05: An Ordinance Accepting the Annexation of the Rumble Property. (Requested by City Manager)

Ordinance 18-05: An Ordinance Accepting Streets and Public Utilities in Beverly Hills Phase No. 3. (Requested by City Engineer) Mr. Kincaid is in possession of a letter that indicates the two-year maintenance period has passed satisfactorily.

Ordinance 19-05: An Ordinance Amending Chapter 1114 of the Planning and Zoning Code of the City of Canal Fulton by Increasing the Open Space Fee from \$200.00 per Dwelling Unit to \$400.00 per Dwelling Unit. (Requested by Planning Commission)

THIRD READINGS - None

PURCHASE ORDERS & BILLS

P.O. 4394 in the amount of \$40,000 made out to miscellaneous vendors for materials for 2005 resurfacing per February 25, 2005 road materials bid opening. Mr. Szanto made a motion to approve P.O. 4394 in the amount of \$40,000; seconded by Mrs. Cihon. **ROLL CALL: Yes-ALL**

P.O. 4395 in the amount of \$18,500 made out to miscellaneous vendors for parking lots at the Northwest Senior Center and West Side Fire Station Driveway. Mrs. Cihon made a motion to approve P.O. 4395 in the amount of \$18,500; seconded by Mr. Colaianni. **Discussion:** Mr. Mouse requested a copy of the agreement with the Senior Center; Mrs. Loretto stated there is not written agreement and that she and Sherri Reiter (former Council Clerk) got together and did a tape of everything that they did, but the tape has disappeared. Mr. Mouse suggested they write out a formal document. **ROLL CALL: Yes - ALL**

P.O. 4396 in the amount of \$75,770.75 made out to Schalmo Properties, Inc. for Redwing Lift Station improvements (increase capacity; larger sanitary pump station). Mrs. Cihon made a motion to approve P.O. 4394 in the amount of \$75,770.75 made out to Schalmo Properties; seconded by Mr. Szanto. **Discussion:** Mr. Dorman stated reasons: It's been a constant maintenance problem; they are not only increasing the size of the wet well, so that it is safer for the men to maintain, as the pump's very narrow now; an old grinder pump is being used that uses more energy; it's an inefficient design. **ROLL CALL: Yes – 4 No – 1 (Mr. Mouse)**

BILLS: \$213,843.18 Mr. Szanto made a motion that Council has accepted the bills in the amount of \$213,843.18; seconded by Mr. Colaianni. **ROLL CALL: Yes - ALL**

NEW BUSINESS

Mr. Mouse brought up the issue that he feels Council needs to render an opinion on the situation of a husband and a wife currently working for the city, as he feels there is a conflict of interest. The Mayor suggested this issue be discussed in Executive Session.

OLD BUSINESS

Christmas Decorations: Council had previously asked that Administration see if they could find some money; they found (up to) \$10,000 in the Contingency Fund in General Fund. Mrs. Rossi said HPC chose the circular decoration exhibited in Council. Mr. Kincaid said they need a permit from Historic Preservation. Mr. Mouse asked if the merchants might assist with the price. Ms. Rossi stated it might be a Main Street – Canal Fulton issue. Mr. Colaianni will talk to

CITY OF CANAL FULTON

July 5, 2005

them; Ms. Rossi will talk to Dennis Downing about it too. Mrs. Loretto will speak the manufacturer about a discount. Mr. Szanto stated he was not comfortable with spending any money on decorations, for the reason that Council has Ordinance 15-05 tabled (an ordinance that increases the tax credit where the city stands to lose over \$170,000 per year in revenues and that accumulates and it will accumulate into the negative), and he won't vote for any kind of outside expenditures until it's resolved.

OTHER BUSINESS - None

CITIZENS COMMENTS (Open Discussion, Five-Minute Rule)

Travis & Donna Hermann, 2001 Byrd: Mrs. Travis said she was not at the last Council meeting and inquired about if Ordinance 12-05 (An Ordinance Enacting Chapter 743 Prohibiting Operation of Motor Vehicles in Certain Circumstances) was actually a second reading; or, if it was tabled before the second reading, and why it was tabled. Mr. Colaianni explained, "Actually, it was a matter of public record why it was tabled because there was supposed to be an attempt to resolve the issue with the noise prior to bringing it back to the table and deciding. That was a matter of public record, and I believe Mr. Hermann was here when we did that, and there was an explanation given."

The Hermann's complained there were still trucks parked, running, and making noise all hours of the night, and they had video proving same. Mrs. Hermann stated Mr. Mizarek was "actually still running his own vehicles back there, twice a night, twice a week now."

Mrs. Cihon, "May I make a comment? I happened to see that truck there. So I drove down and parked my car right beside your house, and I got out of my car and I couldn't even hear it and it was running."

Mr. Colaianni, "There was an occasion about three weeks ago where I sitting in the middle of the street, and there was an older truck, and it was very loud. So, it's going to depend on the vehicle."

Mr. Mouse made the suggestion that the Mayor again speaks with Mr. Mizarek privately to see if he'll move on this issue.

REPORT OF COUNCIL PRESIDENT – No Report

REPORT OF STANDING COMMITTEES

Mr. Colaianni stated there was a brief Economic Development Committee meeting prior to Council regarding the pending CEDA agreement with Lawrence Township. He will summarize/distribute same to Council after prepared.

EXECUTIVE SESSION

Mr. Mouse made a motion to have an Executive Session to discuss personnel performance and sell of property, with no legislation action expected; he requested Mayor Grogan, Mrs. Loretto, Mr. Kincaid, and Council be present; seconded by Mr. Colaianni. **ROLL CALL: Yes – ALL**

REGULAR SESSION RECONVENED

Mrs. Cihon made a motion to reconvene Regular Session at 10:50 PM; no legislative action was taken; seconded by Mr. Mouse. **ROLL CALL: Yes - ALL**

ADJOURNMENT

Mrs. Cihon made a motion to adjourn. Mayor Grogan adjourned the July 5, 2005 City Council meeting.

Patricia A. Troccoli, Clerk of Council

Mayor John Grogan