

CITY OF CANAL FULTON

August 17, 2004

REGULAR COUNCIL MEETING

Linda Zahirsky, Council President, called the August 17, 2004 City Council meeting to order at 7:30 PM in Council Chambers at City Hall. Mrs. Zahirsky advised Council that Mayor John Grogan will not be present due to a death in his family, and she offered Council's sympathy to the Mayor, his family, and his sister-in-law.

PLEDGE OF ALLEGIANCE

CALLING OF THE ROLL

Present: Linda Zahirsky, Michael Mouse, Diane Downing, Victor Colaianni, and Robert Szanto

Mrs. Downing made a motion to accept Mrs. Cihon's absence from tonight's meeting due to her being on vacation; seconded by Mr. Colaianni. **ROLL CALL: Yes – ALL**

OTHERS PRESENT

Marge Loretto, City Manager; Dale Kincaid, Law Director; Chief Robert Hill, Fire Department; Chief Mike McNeely, Police Department; Joan Porter, The Repository; Matt Rink, The Independent; Rebecca Shimer, Bret Stephen, Rochelle Rossi, Ken Roberts, Leila Joy Rohr, Garnet Thomas, Sis Rohr (residents).

CORRECTING & ADOPTING THE RECORD OF PROCEEDINGS

Mrs. Downing made a motion to approve the July 20, 2004 City Council meeting minutes; seconded by Mr. Colaianni. **ROLL CALL: Yes – 4 Abstained – 1 (Mr. Szanto)**

Mr. Szanto made a motion to approve the July 27, 2004 Special City Council meeting minutes; seconded by Mrs. Downing. **ROLL CALL: Yes - 5**

Mr. Colaianni made a motion to approve the August 10, 2004 Special City Council meeting minutes; seconded by Mrs. Downing. **ROLL CALL: Yes – 4 Abstained – 1 (Mr. Szanto)**

CITIZENS' COMMENTS ON AGENDA MATTERS - None

REPORTS OF ADMINISTRATIVE OFFICERS

Senior Citizens – No Report

Community Service Coordinator – No Report

Fire Chief

Chief Hill stated he has upgraded to a new radio system, and it is up and running. He now has old low-band portable radios that the City will put up for bid (approx. 12-15 radios, along with chargers) because they are worth more than \$1,000. Mr. Mouse said schools are on low-band and wanted to know the original cost of the radios; Chief Hill stated some were between \$400 and \$600 each. Chief Hill said he doesn't know the price of the old radios, as they are 15 to 20 years old; they are all in working condition. Mr. Mouse asked Mr. Hill to supply Council with the dates the low-band radios were purchased; Chief Hill said he could tell you the dates, but the older ones (four or five) "have been here forever," and he has no idea when they were purchased.

Mr. Szanto made a motion under Chief Hill's recommendation that the 12 to 15 low-band radios and associated chargers are no longer of any value or need to the City, and that Council allows Chief Hill to offer them to the highest bidder as a lot of radio equipment; seconded by Mrs. Downing. **ROLL CALL: Yes – ALL**

Chief Hill asked that the funds received from the sale of the low-band radios/charges be used to purchase additional rescue equipment, basically getting rid of equipment he can't use and take the money and put it in equipment they need. Mr. Szanto said it would have to be appropriated to him (supplemental). Mr. Kincaid stated Council would have to award the bid with a resolution, and that the bid should go into one newspaper for two weeks.

Police Chief

Damage to the Water Department: The Canal Fulton Police identified the suspects within three hours of the damage being reported to them; that information is being forwarded to Administration. The suspects were all age nine. The Chief stated they will go after the family civilly to cover the costs of the damages. One window was \$200, but that was one building; every building out there (with the exception of the Street Garage) was damaged. Mr. Kincaid asked for the report on the estimates.

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Shooting Sunday - 900 Block of Lever Road: The subject fired four rounds from a rifle, just missing children. They apprehended a young suspect (who was wanted on a bench warrant); the other suspect is still under investigation. The Police are following up on paperwork tracing the weapons.

Ethnic Intimidation: The City had an ethnic intimidation incident, where three 14-year-olds placed swastikas in the front yard of a Hindu Indian resident here in town.

Officer Barabasch Injured: Officer Barabasch, chasing a felon in Clay's Park wanted in Summit County on an outstanding warrant, fell and tore his knee's ACL and will be on light duty for a while.

Officer Resignation: Officer Jeff Brogan, one of Canal Fulton's midnight officers, is leaving next week, so the Police Department is now short-staffed.

Engineer – No Report

Finance Director – No Report

Mayor – No Report

City Manager

Northwest High School Waterline: Eight thousand feet of water main has been constructed to date, of the approximate 9,142-foot main line extension (just beyond the High School entrance drive). The contract completion date for this project is August 20, 2004.

BWC, Transitional Work Grants Program: Mark Basich, Innovative Work Solutions, met with department heads to discuss development of job analysis. Innovative Work Solutions will prepare for employees return to work after injury.

2004 Chip and Seal Program: The surfacing program is complete for the season at an approximate cost of \$50,000. Minimal dust complaints were received this year. For Council's information, the estimated cost for asphalt road resurfacing is \$20,848 per lane mile (1 mile x 14' width). The City maintains approximately 60 lane miles. The list of streets that were chipped and sealed this year are: Milan, Tamwood, Sandlewood, Longview, Greenwood, Reis Circle, Redwood Stub, Towpath, Locust (0.7 mile), Cherrywood, Skyview, Norton, Drake, Dayton, Cornell, Colby, Colony, and Centennial. Other townships and counties that chip and seal: Pittsfield Township, Springfield Township, Copley Township, Bath Township, Wadsworth Township, Guilford Township, Westfield Center, Wayne County Roads, and Coshocton County Roads. They are scheduled to pick up the stones this week. Mr. Colaianni stated there needs to be signs put up for loose gravel, so the City is not liable for damages that might occur. He said that when they first did highly traveled Locust, there were not any loose gravel signs, and there was gravel flying everywhere. Mr. Kincaid said there probably should be signs, and the City has a duty to keep the roads safe. Mrs. Loretto is going to check placement of loose gravel signs.

Parks

Rebecca Shimer stated the Canal Fulton Dog Park is open, signs are placed, and receptacles are in place, along with excreta bags. They are talking about having a grand opening at the dog park, along with a "Buy a brick" fundraiser, where you can put a family member or a pet's name on the brick. She stated another community raised several thousand dollars doing same. They want to get a combination people/dog water fountain, so water is available to both species. They have been receiving letters thanking the City for the dog park, and others want to donate money to plant trees. They discussed trees to be used at the Canal Fulton Dog Park, as there are tree donations (anonymous) being made. Dennis Mayberry is to research appropriate trees to plant.

Another couple from Dover donated \$100 for a park bench at Muhlhauser.

Summer Recreation Program was successful. They had a bit of trouble with the buses being late, but it improved. The number of participants, per Mrs. Loretto, was in the low 40s.

Mrs. Downing asked what the bidding situation was like for the Tourist's Center. Mrs. Loretto explained that the advertisement for bids will start at the end of the month. They have to do three weeks, and ODOT has given the City an exemption that they do not have to have pre-qualified construction workers, determined due to the project is more than 50% facility. Normally, you have to be pre-approved by ODOT; that's why they only got two bidders last time.

Law Director

Mr. Kincaid spoke about the open cistern someone complained about, which is actually an abandoned well. Mrs. Loretto will take care of having it filled as soon as possible.

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FIRST READINGS

Ordinance 24-04: An Ordinance Establishing a New Rate of Pay and Title for the Police Department Clerk/Typist by Amending Section 5 of Ordinance 8-04.

Ordinance 25-04: An Ordinance Providing that a Violation of Section 921.05 Entitled Connection to City Water Supply Shall Be Treated as a Fourth Degree Misdemeanor.

Mr. Kincaid stated, "Some people use portable water from our system for drinking and cooking and well water for everything else, and there's supposed to be a special valve that prevents cross-contamination." There is apparently only one person who will not cooperate, and they've written to that person. Mr. Kincaid proposed they make a violation of Section 921.05 - a misdemeanor of the fourth degree. Mr. Szanto asked if there is a chance somebody would be grandfathered with their two dual systems; Mr. Kincaid responded, "Grandfathering applies to things that are not threats to anyone's safety." Mr. Szanto stated that historically, if somebody has a well, the City has left them alone, but they would never permit them to drill another well. Once that well goes, they have to hook up to the water system. No new house owner will be able to have a well put in. If somebody's well fails, the EPA is not going to give them a permit to drill another one. Mr. Mouse said the real question you want to find out is that these people who have these systems, do they have back-flow prevention on their systems. Mrs. Loretto stated there is only one they know about, and houses have to have an annual inspection.

PURCHASE ORDERS & BILLS

No Purchase Orders

BILLS: \$212,698.43

Mr. Szanto made a motion that Council acknowledges receipt of a copy of the bills in the amount of \$269,378.38; seconded by Mr. Colaianni. **ROLL CALL: Yes - ALL**

NEW BUSINESS - None

OLD BUSINESS - None

OTHER BUSINESS

Mr. Colaianni stated he'd been contacted about all the portable signs on Locust (the wheeled ones). Mrs. Loretto stated that the Zoning Inspector had gone out last Monday to check on all of those. They are 30-day signs, but they can only have 30-day signs once every quarter. The one that has been up there a long time is the one that's on the school. The "little tripod ones" that they bring in at night are considered OK. If they are on a truck, the City can't do anything about it. Mr. Kincaid stated the signs are supposed to be announcing something new. Mrs. Loretto will have Mr. Johnson go out again to look at these signs to determine their legality.

CITIZENS COMMENTS (Open Discussion, Five-Minute Rule)

Chief McNeely – Referencing Ordinance 24-04: Chief McNeely asked Council to consider passing Ordinance 24-04 at the next meeting. He stated he thought everything Council has asked, as far as pay classification, etc., has been done. It's for a seven-year college-degreed employee that does an excellent job for the Chief. He said that in his 13 years in Canal Fulton, he's never seen a pay raise stretched out like this for any other employee. In fact, he's seen just the opposite. In the past year, people were given pay raises without having to go through the Barrett's study. Mr. Mouse stated they were talking about putting her in a different classification. Chief McNeely stated what they were talking about is about her being treated fairly and equally, just like the employees were without the study and without stretching it out over a year. Mr. Mouse questioned the employee working four 10-hour days and not taking any lunch and taking off Fridays. Chief McNeely said he's asked in the last two budget presentations to Council that they would replace the afternoon clerk they had work 4:00 PM to 8:00 PM. It's busy in the station between 4:00 PM and 8:00 PM also, so this position does cover some of those days. Council declined to fill that position when requested to do so; therefore, the Chief rescheduled her to work the four 10-hour days. Mr. Kincaid thought in the Fair Labor Standards Act that there has to be a break. Mrs. Loretto stated she takes a break, but not a lunch break.

Ken Roberts, 239 N. Canal St. – Mr. Roberts said, "I'd like to thank Victor for taking the lead and putting together some language to address (*paper rattling*) _____ the Historical District there. I understand this coming Thursday that they're going to have it up for discussion. With that in mind, you know, the HPC is going to take some time – so is the Planning Commission – and, as well as Council right here. And that might take several months. I would like to ask for a motion to allow us, uh, the right to install the signs on a temporary basis; and, it's two signs. One says 'Tea Garden.' The other one says 'Warehouse.' We've had them prepared to be installed; they've been sitting in a warehouse since May because the Planning and Zoning Ordinance does not address the size on that. I think that's where Victor is kind of focusing us, uh, towards that direction there."

Mr. Colaianni, "Well, just to clarify. I don't know, under current zoning, if you're allowed to install those."

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Mr. Kincaid, "No, I won't . . . you can't authorize somebody to break the law."

Mr. Roberts, "And, I'm – what I'm asking is, is it possible to get a . . . the right to install on a temporary basis?"

Mr. Kincaid, "No."

Mr. Mouse, "That's got to come through Planning anyway; doesn't it first?"

Mr. Colaianni, "Yeah."

Mr. Mouse asked Mr. Roberts, "Why ask that here? That's Thursday."

REPORT OF COUNCIL PRESIDENT – No Report

REPORT OF STANDING COMMITTEES – No Report

EXECUTIVE SESSION

Mr. Szanto made a motion that Council adjourn the regular portion of the meeting to go into Executive Session for the purpose of discussing preparation for labor negotiations and would expect that no legislative action be taken as a result of that this evening, and would ask that Council members, the Law Director, and the City Manager attend that Executive Session; seconded by Mr. Mouse. **ROLL CALL: Yes – ALL**

REGULAR SESSION RECONVENED

Mr. Szanto made a motion to reconvene the regular portion of the Council meeting of August 17; during Executive Session we discussed preparing for contract negotiations – no legislative decisions will be made as a result of that Executive Session; seconded by Mr. Colaianni. Mr. Mouse said if Council is going to have an Executive Session, let's e-mail and put the reason out there because he'd rather come prepared. Mrs. Zahirsky said they'd made that clear. Mr. Szanto stated he wasn't even here at the last meeting, and that he knew. **ROLL CALL: Yes – ALL**

Mrs. Zahirsky made a motion that Council holds a Special Council meeting on August 24, 2004 at 6:30 PM, to discuss labor negotiations; seconded by Mrs. Downing. **ROLL CALL: Yes – ALL**

ADJOURNMENT

Mr. Colaianni made a motion to adjourn; meeting was adjourned.

Patricia A. Schauwecker, Clerk of Council

Linda Zahirsky, Council President