

CITY OF CANAL FULTON

November 6, 2006

COUNCIL MEETING

Mayor Grogan called the November 6, 2006 City Council meeting to order at 7:00 PM in Council Chambers at City Hall.

PLEDGE OF ALLEGIANCE

ROLL CALL

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

Others Present: Mark Cozy, City Manager; Tammy Marthey, Clerk of Council; David Frisone, Chief of Police; Dale Kincaid, Law Director; Scott Svab, Finance Director; Tom Reynolds, Intern; Garnet Thomas, Chell Rossi, Annie Collins, Joni Stopar, Bob Stopar, Fred E. Etheridge, Paul Bagocius, Fred Fleming, Mike Mouse, City Residents; Trudy Leach-Shockley and Phyllis Mahaney, Lawrence Township Residents; Marjie Berens, Perry Township; and Joan Porter, Repository.

The Mayor requested Garnet Thomas to speak at this portion of the meeting.

CITIZENS COMMENTS-Open Discussion (Five-Minute Rule)

Garnet Thomas, 1472 Locust Street: She made a suggestion for the City motto to be: "A Caring Community". She stated she has been asked why she supported the Mayor during his campaigning and she stated he promised to upgrade the fire and police services and he has followed through with that promise and hopes he continues to do so. She feels that it has possibly relieved anxiety and saved lives and made people more secure in their homes. She stated the community will only be strong only as long as the safety forces are strong. She would like Council to consider when they are allocating funds to keep this in mind. She stated she recently had to use the EMS and response time was excellent. She said the paramedics are excellent. She said the increase and the performance out of that department is beyond anything she can begin to say.

Mrs. Thomas stated a levy was passed that promised two full-time police officers. She stated a year ago she was told there would be four part-time police officers and the department does not have four part-time officers. She stated they don't have what was passed by the citizens that they wanted, and was showed in their vote. She stated to remember this when they are doing the budget, that this is what the people voted them to do for them. She stated officers do not work eight hours a day, or so many days a week. The officers have roots in this community, some are second and third generation, which means they know the people and they give extra service, they are here to stay. She stated Canal Fulton is not a training site for police officers. She stated this is not the place to make cuts.

CORRECTING/ADOPTING THE RECORD OF PROCEEDINGS

Mr. Zahirsky moved to approve the September 19, 2006 minutes, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

CITY OF CANAL FULTON

November 6, 2006

Correction to October 17, 2006 meeting minutes, **Mrs.** Cihon seconded motion to approve meeting minutes.

REPORTS OF STANDING COMMITTEES - Mr. Colaianni reported that the Finance Committee met this evening to discuss the 2007 budget. As a result, Mr. Colaianni made a motion to have a special council meeting on November 18, 2006 at 9:00 a.m. to discuss the 2007 budget and any other matters necessary, seconded by Mr. Deans. **ROLL: Yes, ALL.**

CITIZENS' COMMENTS – AGENDA MATTERS – None

REPORTS OF ADMINISTRATIVE OFFICERS

SENIOR CITIZENS (Nellie Cihon) – None

COMMUNITY SERVICE (Phil Kaster) – The Mayor stated to let the record reflect that there were 165 man hours of community service for the month of October.

FIRE CHIEF (Chief Ray Green) The Mayor reported that the Chief was absent due to his attendance at a training course.

POLICE CHIEF (David Frisone) – The Chief reviewed his monthly statistics. He stated there were 352 calls for the month of October. There were no incidents on Halloween. They worked the past weekend heavily, utilizing the DUI grant and made five DUI arrests.

ENGINEER (Bill Dorman) – Not present

FINANCE DIRECTOR (Scott Svab) Mr. Svab stated he would possibly like to implement a user's deposit fee for new water/sewer accounts, and suggested the fee to be \$40-\$50. This would help with people that move out and leave a balance. He stated a lot of municipalities currently charge a deposit.

Mr. Svab stated the health and liability insurance is due for renewal. They have a couple vendors submitting price quotes. He stated he met with AT&T regarding our contract. He said our current phone bills range from \$1,800-\$1,900 a month. They can possibly help the city reduce this bill by \$600 per month by reducing our lines by going to a PRI card. It is fiber optics that comes in and then transfers over to the copper lines in-house.

The RED Center fire line that was previously discussed has been disconnected and the city is awaiting reimbursement in the amount of \$5,200.

Mrs. Zahirsky made a motion for the Public Services Committee meet on Wednesday, November 8, 2006 at 8:00 a.m. to discuss the issue of deposits and any other matters, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

CITY MANAGER (Mark Cozy) – Mr. Cozy reported that the Villas at Autumn Meadows, Phase 16 was recommended for final acceptance. He would like to release Schalmo Builder's from the maintenance bond. Mr. Colaianni moved to release the maintenance bond, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

CITY OF CANAL FULTON

November 6, 2006

Mr. Cozy asked for Council to close city offices on December 22 and 25 for the Christmas holidays. The City observes Christmas Eve and Christmas days as holiday for employees and Christmas Eve's falls on a Sunday. Mrs. Zahirsky made a recommendation to close city offices on December 22 and 25, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

Mr. Cozy stated, along with Mrs. Mayberry, he has an employee evaluation for Council to review. He felt it would cover all employees. He stated this is a first draft for Council to review. He felt the evaluations should be completed bi-annually to enable department heads to communicate with staff. He would like to have input from Council by next meeting and to implement the evaluation in December.

The Mayor stated if an evaluation has a lot of marks indicating the employee does not meet, or marks indicating employee exceeds, he wants an explanation as to why.

Mrs. Zahirsky stated to remember if an employee is on family medical leave, this absence can not count against attendance.

The Mayor read the following letter into the record addressed to the Eastern Shawnee Tribe, P.O. Box 350, Wyandotte, OK 74370:

To Whom It May Concern:

As the Eastern Shawnee Tribe is fully aware, the recent interests of the Tribe in establishing a gaming facility in the vicinity of the City of Canal Fulton has been the subject of much discussion and debate within our community.

At this time, it is the desire of the City Council, Mayor and Administration of the City of Canal Fulton to let the Eastern Shawnee Tribe know that the City of Canal Fulton believes its citizens and constituency have spoken on this issue. Through the course of much public debate and discourse, including a city funded survey to solicit the opinions of the city's residents, it has become clear to the City of Canal Fulton's Council, Mayor and Administration that our citizens are against such a gaming facility, and it is the intent of this Council, Mayor and Administration to be responsive to and adhere to the wishes of our community in this regard.

It is the purpose of this correspondence to inform the Eastern Shawnee Tribe that the City of Canal Fulton does not support the Tribe's efforts to establish a gaming facility within or near the City of Canal Fulton's boundaries. The City of Canal Fulton intends to go in a different direction at this, and that direction does not include support of a gaming facility as proposed by the Eastern Shawnee Tribe.

It is the City of Canal Fulton's position that the Eastern Shawnee Tribe's placings of any property in trust near the city's borders will create a negative economic impact on our community, and impede the City of Canal Fulton's plans for economic growth. Based upon these issues and the input from the City of Canal Fulton citizens, the city of Canal Fulton will not enter into any negotiations or agreements with the Eastern Shawnee Tribe that would introduce gambling, gaming or any type of casino into this community. In addition, the City of Canal Fulton will not agree to extend city services such as water and/or sewer to any type of gambling, gaming or casino facility established by the Eastern Shawnee

CITY OF CANAL FULTON

November 6, 2006

Tribe. It is this administration's policy to not extend such services outside the City of Canal Fulton's boundaries, and any facility as referenced above would be outside of the boundaries of the City of Canal Fulton.

Your time and attention to this matter is greatly appreciated. Best regards.

Very truly yours,

The following changes will need to be made to the letter: 1. Address letter to Chief Charles Enyart. 2. Define the City in the first paragraph and not keep saying the City of Canal Fulton repeatedly throughout. 3. The second paragraph would begin; It is the desire of this City Council. 4. The third paragraph would say the City of Canal Fulton intends to go in a different direction and that direction. 5. The letter will be carbon copied to the Attorney General's office with the city seal. It will also be mailed certified with return receipt.

Mr. Cozy reported that the bid packets for the new fire department are completed. Plans have been submitted to the Zoning Department, Stark County Building, Planning Commission and the City Engineer for review. Once review is complete it will be advertised for bid.

MAYOR (John Grogan) – Mayor Grogan stated he had a proclamation for Caretenders from Akron. November is National Home Care Month.

PARKS & RECREATION BOARD (Fred Fleming) Mr. Fleming reported that due to weather, Discovery Park is not complete. He stated the stakes have been laid out. He expects to see equipment soon.

Mr. Fleming stated there is a function being planned next year and they would like to have a wine tasting event at the Canalway Center. The park board will be making a recommendation to Council regarding this matter at the next meeting.

LAW DIRECTOR (Dale Kincaid) Mr. Kincaid stated he has a letter from the attorneys representing Northwest Local School District regarding the real estate purchase agreement. They would like to continue to utilize the soccer field for school purposes. The Law Director suggested omitting the fee of \$1.00 per year.

THIRD READINGS

Resolution 34-06: An Ordinance Prohibiting the Use of Engine Brakes Within the City of Canal Fulton. Mr. Colaianni moved for passage of Resolution 34-06, seconded by Mr. Deans. **ROLL:** Yes-Mrs. Downing, Mr. Deans, Mr. Colaianni, Mr. Crookston. No-Mrs. Zahirsky and Mrs. Cihon.

SECOND READINGS - None

FIRST READINGS

Ordinance 36-06: An Ordinance Amending the Planning and Zoning Code Section 1114.03 Entitled Fees for the Purpose of Expanding Open Spaces. Will Stand as First Reading.

Ordinance 37-06: An Ordinance Enacting Section 143.02 of the Administrative Code of the City of Canal Fulton Regarding Charges for Ambulance Services. Will Stand as First Reading.

CITY OF CANAL FULTON

November 6, 2006

There was discussion regarding the fees. The Ordinance will need to be amended to reflect a change in some of the fees.

PURCHASE ORDERS & BILLS

No purchase orders.

BILLS: \$101,626.99 Mrs. Cihon moved to approve the bills in the amount of \$101,626.99, seconded by Mrs. Zahirsky. **ROLL: Yes, ALL.**

OLD/NEW/OTHER BUSINESS - None

REPORT OF PRESIDENT PRO TEMPORE (Linda Zahirsky) - None

REPORT OF SPECIAL COMMITTEES - None

CITIZENS COMMENTS-Open Discussion (Five-Minute Rule)

Paul Bagocius, 451 E. Cherry Street: Mr. Bagocius thanks Council and Administration for a well worded letter to the Eastern Shawnee Tribe.

Michael Mouse, Riverview Street: Mr. Mouse stated he felt compelled to correct something Mrs. Thomas had stated. He stated when the police levy was put on the ballot; there was no promise of man power as a result of the levy.

Mr. Mouse asked how Mr. Cozy was going to institute the procedure for the employee evaluations. Mr. Cozy stated each department head would be responsible for evaluating their staff. Mr. Mouse stated he would strongly discourage that process, because we would lack in continuity and if there were a situation where Mr. Cozy would be called in as a result, then it is not his evaluation, but it is the department head evaluation, but Mr. Cozy would still remain responsible. Mr. Mouse felt the evaluation is an administrative job and that department heads do not do evaluations.

Fred Etheridge, 726 Tell Drive: Mr. Etheridge asked about the fees for EMS transport for those without insurance. It was stated that the City does soft billing.

Trudy Leach-Shockley, Lawrence Township: Ms. Leach-Shockley asked if the City was aware of who bought the elementary school and what the use plans were. It was stated that a permit has not been applied for through the Planning Commission, and that they too have only heard rumors about the usage. Mrs. Downing stated they were on the agenda for the Planning Commission's last meeting, but withdrew at the last moment. Mr. Kincaid stated the process is that one has to make application to the State, serve the City Clerk with notice of that application and receive a comment from Council before the permit is granted. He stated that his interpretation of the code is that until that permit is granted, our zoning and planning commissions do not have any jurisdiction.

EXECUTIVE SESSION

Mrs. Zahirsky made a motion to adjourn to Executive Session at 8:27 p.m. from regular meeting for the purpose of the consideration of employment of a public employee or official and/or compensation of a public employee or official, with Mayor, Council, City Manager, Finance Director, Mr. Fred Fleming, Park Board

CITY OF CANAL FULTON

November 6, 2006

Chair, and the Law Director present, seconded by Mr. Colaianni. **ROLL: Yes, ALL.**

Mr. Deans made a motion to return to public session at 9:30 p.m., seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

ADJOURNMENT

Mayor John Grogan adjourned the November 6, 2006 City Council meeting.

Tammy Marthey, Clerk of Council

John Grogan, Mayor