

# CITY OF CANAL FULTON

June 17, 2003

## **REGULAR COUNCIL MEETING:**

Mayor Shawn Kenney called the June 17, 2003 Council Meeting to order at 7:30 p.m. in City Hall Council Chambers.

## **PLEDGE OF ALLEGIANCE:**

**CALLING OF THE ROLL:** Present: Nellie Cihon, Bill Dane, Diane Downing, Linda Zahirsky, Robert Szanto, Mike Mouse, Mayor Shawn Kenney.

**OTHERS PRESENT:** Marge Loretto, City Manager; Debbie Kerr, Finance Director; Dale Kincaid, Law Director; Joan Porter, The Repository; Julie Scheurer, The Independent; Bob Hill, Fire Chief; Mike McNeeley, Chief of Police; Sue Reid, First Energy; Danielle Shamp, Brian Knickerbocker, Vince, DeMerio, all Northwest School students; Dennis Downing, Rochelle Rossi, Cal Arthur, Victor Colaianni, all residents.

## **ADOPTING/CORRECTING OF MINUTES:**

The Mayor asked for approval of the minutes of the June 3, 2003 regular Council meeting. Mrs. Zahirsky made a motion to approve the minutes of June 3, 2003. Mrs. Cihon seconded the motion.

Discussion: Mr. Mouse said that on page 5 it states that "Mr. Lambes told Mr. Mouse that experts had said in the long run it would not be beneficial" (referring to his proposal to the School Board). Mr. Mouse said that is incorrect.

Mr. Mouse said the next paragraph was not correct. Mr. Mouse said that when Mr. Szanto was reading the letter from A.G. Edwards that Mr. Mouse made a comment that the letter was comparing schools and Mr. Mouse's issue was whether the tax credit could be used, not whether the schools were comparable.

Mr. Mouse also said that Mr. Szanto's should apologize for the comment he made to Mr. Downing at the last meeting, which were not reflected in the minutes. Mr. Szanto refused to apologize.

Roll: Yes – 3. Mr. Dane and Mrs. Downing abstained.

## **SPECIAL RECOGNITIONS:**

## **CITIZENS COMMENTS ON AGENDA MATTERS:**

## **REPORTS OF ADMINISTRATIVE OFFICERS:**

### Senior Citizens.

The Mayor said it was brought to his attention that someone complained to the Senior Citizens about not having a representative at Council meetings. He said he spoke with Mrs. Ringler of the Northwest Senior Center who advised him that they would send a representative when there was Senior Center business or issues to be discussed.

Community Service Coordinator. No report.

### Fire Chief.

Chief Hill said the assistant chief and the fire safety director go to Camp Christopher for a session with children who are recovering from cancer.

Chief Hill also said he received a letter from Aultman Health Foundation commending the Canal Fulton Fire Department for the fine job they did in transporting a trauma patient to Aultman Hospital. He read: "On behalf of Aultman Trauma Center, we thank you for your excellent care of this patient. Please share this information with your staff involved in the initial treatment and care of this patient."

Chief Hill said he wanted to recommend to the Mayor that Joe Laterza be promoted to the vacant lieutenant's position. The Mayor so recommended.

Mr. Szanto made a motion to approve the Mayor's recommendation of promoting Joe Laterza to the vacant lieutenant's position. Mrs. Cihon seconded the motion. Roll: Yes – ALL.

### Police Chief.

Chief McNeeley asked Council or the Safety Committee to review the City's ordinance on the storage of junk vehicles and motor vehicles. He said he would recommend that they re-visit

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Section 6, which says if the vehicle has current tags it prohibits the vehicle from being a junk vehicle. He showed several photos that showed vehicles that may make Council want to review this ordinance.

The Mayor requested that Council goes into executive session to discuss contract issues concerning the police labor negotiations.

Mrs. Zahirsky said she would also like to have an executive session concerning the salary issues that have not been finished.

Engineer/Streets/Public Utilities. No Report.

Director of Finance.

Mrs. Kerr passed out the May bank reconciliation. Mrs. Cihon made a motion to acknowledge receipt of the May bank reconciliation. Mrs. Zahirsky seconded the motion. Roll: Yes – ALL.

Mrs. Kerr said that Council needs to set a Public Hearing for the 2004 tax budget for Stark County. She said July 15 should be the day.

Mr. Szanto made a motion that Council holds a Public Hearing on July 15 at 8:00 P.M. for the purpose of reviewing and approving the tax budget. Mr. Dane seconded the motion. Roll: Yes – ALL.

Report of Mayor

The Mayor said that Mr. Mitchell passed away. He and his wife are the people who donated the Oberlin House to the Heritage Society. The Mayor said he was also a founding father of the Heritage Society.

City Manager's Report.

Mrs. Loretto said she has received two quotes on repair of the gazebos at Muhlhauser Park. She also said they were turned down on the grant for Discovery Park. She said they can reapply next year.

She said the City received \$40,000.00 from the Municipal Road Fund. She said they have requested that they wait until next year to receive the funds.

Parks.

Mrs. Reiter spoke on behalf of the Park Board and announced that the Summer Recreation Program was going well. As of this date, there are 46 children registered.

Mrs. Loretto then informed Council that a coordinator for the program has been hired, pending drug testing. Her name is Leslie Evans and comes with wonderful credentials.

Law Director.

Mr. Kincaid stated that he would also like to have an executive session to discuss pending litigation.

He also mentioned that there are Municipal Law Seminars coming up. He said there is one on July 16, 2003 regarding development. He feels someone should go. He said the one that will be useful for him is on July 17<sup>th</sup>.

### **READING OF ORDINANCES:**

#### **THIRD READINGS:**

**Ordinance 23-03:** An Ordinance Accepting Public Utilities in the Villas at Autumn Meadow, Phase 2.

Mr. Szanto made a motion to pass Ordinance 23-03. Mr. Dane seconded the motion. Roll: Yes – ALL.

#### **SECOND READINGS:**

**Ordinance 17-03:** An Ordinance Establishing Chapter 1114 of the Planning and Zoning Code Requiring the Mandatory Dedication of Land or Fees in Lieu Thereof in Order that the City of Canal Fulton May Meet the Open space and Recreational Needs of its Citizenry.

**Ordinance 18-03:** An Ordinance Amending the Zoning Code of the Canal Fulton Codified Zoning Ordinances, in Order to Create a Light Industrial Zone (L-1) within the City, adding Chapter 1174 entitled "Light Industrial Zone" (L-1).

**Ordinance 24-03:** An Ordinance Amending Section 1133.03 (a) Relating to the Two Year Maintenance Period for Private Construction of Streets in New Sub-Divisions.

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**Ordinance 27-03:** An Ordinance Establishing New Rates of Pay and Salaries for Employees of Canal Fulton, Effective May 1, 2003, Repealing Any Ordinances in Conflict Therewith, and Declaring an Emergency.

**Ordinance 28-03:** An Ordinance Amending Ordinance 7-02, 14-02, and 14-03 Establishing Rates of Pay for Various Part-Time Positions within the City of Canal Fulton, and Declaring an Emergency.

**Resolution 13-03:** A Resolution Entering into a Contract with CTI Environmental, Inc. for Engineering Services for the Northwest School Water Line, and Declaring an Emergency.

Mr. Szanto asked for suspension of the rules on Resolution 13-03. The motion was seconded by Mrs. Cihon.

Discussion: Mrs. Downing asked if anything more has been done with the Township. The Mayor said no, it's dead. Mrs. Downing asked if the school was going to be paying a portion of this. The Mayor said yes. He said the City would go after bonds and/or promissory notes to fund the cost of the water line, estimated to be approximately \$675,000.00. He said the City has requested that the School Board pass a resolution indicating that they would agree to annexation, if the City would decide to annex. He said the school is also willing to sign a contract where they would pay a surcharge on a monthly basis to cover the bonds.

Mr. Mouse said he still feels that in 2004 and 2005 the City will be short money. The Mayor said he had just stated that the money for the water project is going to be out to bonds and will not cost the City any money. It will be borrowed money, which will be paid back to the City by the Northwest School District.

Roll: Yes – 5. Mr. Mouse voted No.

Mr. Szanto made a motion to pass Resolution 13-03 under suspension. Mrs. Cihon seconded the motion. Roll: Yes – 5. Mr. Mouse voted No.

Mrs. Cihon pointed out to Mr. Mouse that there were two bottles of water in front of him that she collected from Northwest Middle School and Stinson Elementary. She said she would like to see Mr. Mouse drink the water. Mr. Mouse refused. She asked if he was afraid to drink it. She stated that's what our children and teachers have to drink.

### **SECOND READING:**

#### **Public Hearing**

Sue Reid with First Energy spoke to the group, explaining the aggregation program.

**Ordinance 26-03:** An Ordinance Authorizing the Adoption of an Electric Power Aggregation Plan of Operation and Governance for the City of Canal Fulton, and Declaring an Emergency.

#### **End of Public Hearing**

### **PURCHASE ORDERS AND BILLS:**

Purchase Order #3414 in the amount of \$8,000.00 to Municipal Income Tax Solutions for upgrade of income tax software. This is a pre-approved budget item.

Mrs. Zahirsky made a motion to approve P.O. #3414 in the amount of \$8,000.00 to Municipal Income Tax Solutions. Mrs. Cihon seconded the motion. Roll: Yes – ALL.

Bills totaling \$147,121.06

Mr. Zahirsky made a motion to acknowledge receipt of copies of the bills. Mrs. Cihon seconded the motion. Roll: Yes – ALL.

### **NEW BUSINESS:**

#### **OLD BUSINESS:**

Mr. Szanto stated that Mr. Mouse made comments at the last couple meetings that the property for Discovery Park was not donated by Schalmo. Mr. Szanto read the following from the minutes of the City Council meeting held on July 20, 1999, under "Public Forum": "Mike Mouse stated that Schalmo Properties will donate 2.6 acres of land to the Village for a park." Mr. Szanto then presented a copy of the Quit Claim Deed donating the land. Mr. Szanto presented these documents to the City Clerk.

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Mr. Mouse said originally there had been no land there to be donated. He said the Planning Commission requested a change to create land that could be donated. Mr. Mouse said the Planning Commission created the green space. Mr. Schalmo did not.

### **OTHER BUSINESS:**

### **CITIZENS COMMENTS:**

Mr. Colaianni asked if the salaries listed in Ordinances 27-03 and 28-03 are final numbers.

Council answered no, they were not.

Mr. Colaianni asked what the time line was for the water to the schools. The Mayor said construction would begin in the spring of next year.

Christina Schnall asked about the Downing lawsuit. She asked if that person would win, who gets the money. The Mayor said it would go to the individual.

### **REPORT OF COUNCIL PRESIDENT:**

Mr. Szanto made a motion that Council goes into executive session to discuss pending litigation, personnel contract negotiations, and personnel salaries. There will be Council action on the contract negotiations discussed in the executive session. Mr. Dane seconded the motion. Roll: Yes – ALL.

### **REPORT OF STANDING COMMITTEES:**

None.

The regular meeting was adjourned to executive session.

The regular meeting was reconvened.

A motion was made and seconded to accept the agreement proposed by the Mayor and the F.O.P., to wit; the hiring of a police officer by January 1, 2004, with half payment of the officer's deductible on health insurance and the F.O.P. would drop the Unfair Labor Practice allegations. In return Council agrees to dismiss its appeal now pending in Stark County Common Pleas Court.

Roll: Yes – 3. Mr. Szanto and Mr. Mouse voted No.

A motion was made and seconded to return to executive session to discuss employee salaries.

The regular meeting was adjourned.

Mayor Kenney reconvened the regular meeting following the executive session and it was announced that no action would be taken regarding the issues discussed during the second executive session.

The regular City Council meeting was adjourned.

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Sharon Reiter, Clerk of Council

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Shawn Kenney, Mayor