

CITY OF CANAL FULTON

May 21, 2002

REGULAR COUNCIL MEETING:

Mayor Shawn Kenney called the May 21, 2002 Council Meeting to order at 7:30 p.m. in City Council Chambers. Sharon Reiter recorded and transcribed the Minutes.

PLEDGE OF ALLEGIANCE

COUNCIL MEMBERS: Present – Mayor Shawn Kenney, Bill Dane, Diane Downing, Bob Szanto, and Mike Mouse.

OTHERS IN ATTENDANCE: Marge Loretto, City Manager; Dale Kincaid, Law Director; Donna Nickel, Independent; Debbie Kerr, Finance Director; Police Chief, Mike McNealy; Fire Chief, Bob Hill; Victor Colaianni, Rochelle Rossi, Fred Etheridge, Lew DeStefano, George Mazurik, Herb Farnsworth, Bret Stephan, Michelle Shafer, all residents; Elizabeth Scaife, future resident.

Mayor Kenney called for a motion to excuse the absence of Council Members Linda Zahirsky and Nellie Cihon. Mrs. Downing made a motion to excuse. The motion was seconded by Mr. Dane. Roll: Yes – ALL.

CORRECTING / ADOPTING THE RECORD OF PROCEEDINGS

Mr. Szanto made a motion to approve the May 8, 2002 Council Meeting Minutes. Mr. Dane seconded the motion. Mr. Szanto stated that the “Genshaft” project should read “Denshire” project. The correction will be made. Roll: Yes - ALL.

SPECIAL RECOGNITIONS

None.

CITIZENS COMMENTS ON AGENDA MATTERS

Mayor Kenney commented that the Locust/Millfield project is a matter on the agenda and that there were residents present who wanted to discuss it.

George Mazurik stated that he owns the property on Locust Street called Canal Fulton Plaza and operates Canal Fulton Provisions and has been a land owner at that spot for thirty-three (33) years. He then stated that a few months ago there was a meeting at City Hall with Dan Mayberry, the city engineer, Herb Farnsworth, Lew DeStefano, and himself. The discussion was about widening Locust Street through their area. He said he understood a grant has been given to the City for the expansion.

He continued by saying that after they looked at the plans he made a suggestion to cut over to the West, in front of Canal Fulton Plaza, Farnsworth Plaza and DeStefano’s insurance office, taking that and expanding the road towards them. That would give a third lane up the middle. Then take Millfield and bring it straight out. He stated that they said it was a good idea, but they never thought about it, but the grant is in place and goes forward as originally planned.

He said he did not understand why this new plan isn’t negotiable.

Mayor Kenney stated that Council relies upon the advice of its engineers and they, in turn, rely upon construction specifications laid down by the State of Ohio, who gave the City this grant. A discussion followed.

Councilman Mouse stated that he felt the three business owners should have been brought into the process early on. Further discussion followed.

REPORT OF ADMINISTRATIVE OFFICERS:

Senior Citizens - No comments.

Community Service Coordinator

City Manager Marge Loretto stated that the new Community Service Coordinator, Scott Svab, was present this evening so everyone could meet him. Mr. Svab thanked Mrs. Loretto for giving him the opportunity to work with the City of Canal Fulton.

He submitted a written report on the program and things that had been done over the three weeks he has held the position. He stated that he is currently enrolled at the University of Akron and will finish with a degree in Political Science this summer. He also said that he had interned with the City under Dan Mayberry and Marge Loretto. He is also currently a self-employed truck driver. He said he would like to continue his education by going for a master’s degree in Public Administration.

Fire Chief.

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No Report.

Police Chief.

No Report.

Streets/ Engineer /Public Utilities

City Engineer, Bill Dorman, commented that due to the severe storms that went through the area on Sunday, lift stations D, E and F were out for 4-5 hours. He said that the Canal/Cherry St. intersection project has begun and they will be working to finish the project by the Canal Days deadline. Beverly Hills sidewalk project has begun and the sludge de-watering project at the waste water treatment plant will be started within the next two weeks.

Director of Finance

No report.

Report of Mayor

No Report.

City Manager (Written Report)

Mrs. Loretto stated that they are scheduled to start the seeding on the old waste water treatment demolition site toward the end of the month. She said that there was a meeting on the Genshaft project and that it will end up being \$1,510.60 additional – which is much less than was originally discussed.

Mrs. Loretto then discussed securing of the buildings. She said that one of the easier ones was the electronic fence at the waste water treatment plant, but we need an additional \$2,085.00 for contingency. There are two different estimates in her written report which show the one chosen is the most reasonable. A brief discussion followed.

Mrs. Loretto was then asked if there was a final cost on the Denshire project. She said yes, it was \$497,275.27. A brief discussion followed. Mr. Mouse asked who requested that the fence be put around the water treatment plant. Mrs. Loretto responded that it was agreed that it was a sound defense mechanism that we attempt to secure our facilities. She stated that the City is working with a company who is giving us the best rate.

Parks.

Mr. Etheridge stated that he was meeting the next day with Ed Flynn who is the development person for Echoing Ridge. He said they would be discussing the possibility of grants for the park at Discovery Park. Mr. Etheridge then asked Mrs. Menefee how the responses were coming in for the park program. She said that several park survey forms have been returned but, as yet, nothing for the summer rec program.

Mr. Mouse asked if we were able to renew the grant that Garnett got the City last year. Mrs. Loretto stated that she went down and testified for that and was told that we would know in the next two – three weeks. A brief discussion followed.

Mr. Szanto then read part of a letter from the administrator of the Echoing Ridge facility thanking the City for holding its meeting there last month and for taking into consideration the residents with disabilities while planning the Discovery Park project. He said the letter continued by stating that giving these residents the opportunity to voice their opinions and dreams gives us all a sense of pride and a feeling that they are a part of the community.

It was also stated that Mr. Swanson said he was amenable to working with us in tying the whole lake into the Park.

Law Director

No Report.

THIRD READINGS:

None.

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SECOND READINGS:

None.

FIRST READINGS:

Ordinance 20-02: An Ordinance providing for the transfer of funds within the Health Insurance Fund for the purpose of paying medical claims, and Declaring an Emergency. A motion was made to Suspend the Rules on Ordinance 20-02 was made by Mrs. Cihon and seconded by Mr. Dane. Roll: Yes, ALL.

A discussion with Finance Director, Debbie Kerr, followed.

A motion was made by Mrs. Zahirsky and seconded by Mr. Dane to pass Ordinance 20-02 under suspension. Roll: Yes, ALL.

Ordinance 21-02: An Ordinance to make Appropriations from the Unappropriated Balances in Various Funds and Declaring an Emergency. A motion was made to Suspend the Rules on Ordinance 21-02 by Mrs. Zahirsky and was seconded by Mrs. Cihon. A short discussion followed. Roll: Yes, ALL.

A motion was made by Mrs. Cihon and seconded by Mr. Dane to pass Ordinance 21-02 under suspension. Roll: Yes, ALL.

PURCHASE ORDERS AND BILLS

Finance Director, Debbie Kerr, said approval is needed for a P.O. to Hercules Fence for the electric gate and operator in the amount of \$7,085.00. Mrs. Zahirsky made a motion to approve P.O. to Hercules Fence in the amount of \$7,085.00. Motion was seconded by Mrs. Cihon. Roll: Yes, ALL.

A list of bills was presented in the amount of \$589,783.31. A motion was made by Mrs. Zahirsky to approve the bills in the amount of \$589,783.31. The motion was seconded by Mrs. Cihon. A discussion followed.

Roll: Yes, 5. 1 Abstention.

OTHER BUSINESS – There will be an executive session of Council after the meeting.

CITIZENS COMMENTS

Mr. Fred Etheridge directed a question to Mr. Kincaid. He said at the last meeting held the annexation matters were on the agenda and Resolutions were voted upon. Mr. Mouse voted on those resolutions and did Mr. Kincaid consider this a breach of ethics and should he have abstained from voting on those matters. Mr. Kincaid stated that his opinion was that he should have abstained himself. Mr. Kincaid stated that Mr. Mouse was aware of his opinion. Mr. Etheridge asked Mr. Mouse why he chose to disregard the Law Director's advice his voting. Mr. Mouse claimed he didn't have that information from Mr. Kincaid. Mr. Etheridge asked if there was any recourse for Council in this matter. It was stated that there was no enforcement authority for Council, unless a complaint was made with the Ethics Commission.

Mr. Kincaid stated that anybody with knowledge of a commission of a crime should report it to the prosecutor and then it would be at the prosecutor's discretion as to how to proceed.

Mr. Mouse stated that he would find out from the Ethics Commission if Mr. Kincaid's opinion is valid. Mr. Etheridge added that he felt censure was in order by Council concerning this matter.

Mr. James Lerch then spoke and directed his questions to Mr. Mouse. He said Mr. Mouse was recently convicted of making a false statement in campaign literature. Mr. Lerch said he was sick of this. He went on to say that he knows of nothing constructive Mr. Mouse has done as a Councilman or when he starting "hanging around" City Hall. Mr. Lerch said Mr. Mouse has cost the city over \$4,000, only to find out that the voters did not care for your idea concerning the recall.

Mr. Szanto interrupted at this point to state that a level of decorum needed to be maintained and that some of the comments Mr. Lerch has made are on a personal level and do not belong at the table.

Mr. Lerch responded by saying it wasn't personal, but was the opinion of many people in Canal Fulton. He then asked Mr. Mouse to resign his post as Councilman. Mr. Mouse refused.. Mr. Lerch then asked for a reason and Mr. Mouse said he did not have to explain. Mr. Lerch commented that he thought Mr. Mouse was doing "a hell of a rotten job".

Mr. Lerch then informed the Council that his grandfather's house sat on this very

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property were City Hall now sits. He said his grandfather was an honest hard-working councilman for this Village and he would not have allowed Mr. Mouse to sit at his table. He said to Mr. Mouse: "Please do us a favor and resign." Mr. Mouse said we do not live in a dictatorship and that Mr. Lerch's time was up. Mr. Lerch stated that Mr. Mouse was the one who tried to dictate to the people that our Mayor was not capable.

Mr. Grogan stated that Mr. Lerch said everything that needed to be said and very appropriately and it is not yet over.

Mr. Colaianni then addressed Council regarding a lack of volunteers in the fire department expressed by the Mayor in the recent newsletter. He asked if there was any criteria in place for what they are looking for in fire department volunteers. Mrs. Loretto said that applications come in and are presented to the fire department who observes them and makes recommendations. The Fire Chief then makes recommendations. He then asked when people were in training if there was a deadline for the training to be completed. He said he felt there could be a legal liability involved with trainees. Mrs. Loretto answered by saying no one is on duty unless they are qualified.

Mr. Colaianni then talked about water through the schools. He asked what steps Council is willing to take to work with Lawrence Township on this water issue with the schools, even though they are not in favor of annexation. Mrs. Loretto said they are aware of all of the problems and are working on the goal of taking care of them.

Michelle Shaffer then addressed Council. She said she had a question on how the City does its background checks on employees. Mrs. Loretto said the Police do a local background check and then they have a physical and drug test. Ms. Shaffer then asked if it was O.K. if an employee had a criminal background to work for the City. Mrs. Loretto said no, the City does not hire felons; however, if Ms. Shaffer was talking about a parking or speeding ticket that would be different.

Sarah Nottingham then addressed Council. She asked about the new Council Clerk and what the process was in hiring her. Mrs. Loretto explained that the City advertised in the local newspapers to apply for the position of clerk. We hired someone and were happy with her, but she was recently offered a new higher paying position with the Civil Service Commission. So, instead of re-advertising, she said she went back to her other finalist to offer the position.

Council Rule 15: Mrs. Zahirsky addressed Council Rule 15. She stated that the rule states that non-members for the purpose of addressing Council on any questions then pending, or any matter on which Council action is desired, in such cases the person shall recognize, address the chair, and state name and address and the subject matter as it pertains to government business. The remarks must be confined to the merits of the subject at issue. Except for express permission of Council Speaker, it shall be limited to 5 minutes.

Sarah Nottingham raised her hand and asked to be noticed. She stated that she had been coming to public meetings for a long time and disagrees with what was just stated. She stated that Council was in public office and, if its members cannot take criticism, then get out. She applauded Mr. Lerch and said that if Council doesn't want public opinion that don't have a public comments portion at your meetings.

Mrs. Zahirsky stated that those were the rules and she had the opportunity to criticize them at other public forums, but this is their Council meeting for the purpose of Council business. Further discussion followed.

Mr. Lerch then asked, if not here, where do the citizens vent their anger. In other words, how do any of us know if what Mr. Mouse is saying is true. Mr. Szanto stated he has no way of knowing and said he did not vote for Mr. Mouse.

REPORT OF COUNCIL PRESIDENT

No Report.

REPORTS OF STANDING COMMITTEES

It was announced that there will be a Public Services Committee meeting scheduled for 6:30 p.m., June 4, 2002.

The regular meeting was adjourned to Executive Session. Motion was made by Mr. Dane and seconded by Mrs. Cihon to adjourn to Executive Session. Roll: Yes, ALL.

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Sue Menefee, Acting Clerk of Council

Shawn F. Kenney, Mayor