

CITY OF CANAL FULTON

October 18, 2005

REGULAR COUNCIL MEETING

Mayor Grogan called the October 18, 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 John Grogan, Mike Mouse, Diane Downing, Linda Zahirsky, Victor Colaianni, Nellie Cihon and Bob Szanto

OTHERS PRESENT

Dale Kincaid, Law Director; Patti Troccoli, Council Clerk; Chief David Frisone, Police Department; Chief Ray Green, Fire Department; Dan Mayberry, Interim City Manager; Scott Svab, Interim Finance Director; Chell Rossi, HPC; Chris Pugh, The Independent; Joan Porter, The Repository; Ray Martinez, Ohio Edison Co.; James Deans, George Glass, Kathy Gill and Tony Crookston, Residents

MAYOR REQUESTED AGENDA ARTICLE 4 BE DISREGARDED

CORRECTING & ADOPTING THE RECORD OF PROCEEDINGS

Mr. Szanto made a motion to approve the October 4, 2005 Council meeting minutes; seconded by Mrs. Cihon. **ROLL CALL: Yes - ALL**

CITIZENS' COMMENTS ON AGENDA MATTERS - None

REPORTS OF ADMINISTRATIVE OFFICERS

SENIOR CITIZENS (Nellie Cihon)

October 29 Swiss Steak Dinner; 4:00-6:00 PM, \$8 Adults/\$4 Children

November 5 Annual Christmas Bazaar; 9:00 AM – 4:00 PM

November 9 Flu Shots; 9:00 AM – 12:00 PM Shots free w/Medicare Park B; Cost \$10

COMMUNITY SERVICE (Scott Svab)

Community Service painted outside door and completed minor maintenance within City Hall.

FIRE CHIEF (Chief Ray Green)

Oct. 15, 2005 Open House: 150 visitors; fire prevention educational material distributed.

In conjunction with Lawrence Township Fire Department, they conducted fire prevention safety talks with Grades K-3 at Northwest/Canal Fulton Elementary schools (approx. 1,000 students).

Two resignation letters received: 1) Firefighter/EMT Julie Grossnickle (accepted position with Mercy Medical Center) and 2) Probationary Firefighter Mark Weber (relocated to Columbus)

POLICE CHIEF (Chief David Frisone)

Chief Frisone presented the RED Center contract. Mrs. Zahirsky suggested changing the contract termination verbiage "upon proof of financial hardship." Mr. Mouse made a motion that Council accepts the RED Center contract with the provision that a period appear after "December 31, 2008" and be sent to them for their approval, striking the remaining words in the paragraph; seconded by Mr. Colaianni. **ROLL CALL: Yes – ALL**

Officer Kosco is conducting Seatbelt Safety Programs next week at Canal Fulton Elementary and Sts. Philips & James. She will distribute D.A.R.E. information/Trick-or-Treat bags and will also speak to the children about Halloween-related safety issues.

Chief Frisone has been invited to be the guest speaker at both the Rotary dinner and Chamber of Commerce luncheon next week.

The Police Department (and Lawrence Country P.D.) applied for and was accepted as a member of the Stark County D.U.I. Task Force (funded by State of Ohio, Dept. Public Safety). The grant for FY2006 is for \$140,000, and funds overtime for officers to concentrate primarily on accident prevention and saturation of patrols to try to stop conduct that leads to traffic accidents. The Perry Township Chief administers the grant; Perry Township P.D. runs it in conjunction with all the police departments that are members of the Task Force within Stark County. There are five days in October/six in November for saturation patrols in which they will be participating (primarily DUI, OVI, drivers' safety). The city will be reimbursed for officers'

CITY OF CANAL FULTON

October 18, 2005

overtime. The Mayor stated, "This allows us to put a few more officers on the street at no cost to us. It's available; we secured it, and the Chief did a good job."

ENGINEER (Bill Dorman) – Mr. Mayberry Reporting

River Road Culvert: Completed.

1540 Chris St. Curb Issue (Mr. Bowman): Mr. Mayberry stated he visited the site. He and the Street Department's observation is that the matter is more serious "than it looks on the surface." Mr. Mayberry said the rolled curbs constructed in the area have actually sunken/fallen back, making them at a "much lower grade than they were when they were initially installed." He said Chris actually falls toward the rear of the cul de sac, rather than towards the catch basin by several inches. He said serious work needs done to completely repair it; water is going into the resident(s) yard. Mr. Mayberry will work with CTI regarding this issue.

FINANCE DIRECTOR (Interim Finance Director Scott Svab)

The State Auditor completed the 2004 GASB conversion, and she submitted the Management Discussion and Analysis Section, which Mr. Svab has to complete. He has completed four parts; two still need to be finished. Mrs. Zahirsky made a motion that Council has received the year-to-date financials; seconded by Mr. Colaianni. **ROLL CALL: Yes - All**

MAYOR JOHN GROGAN

The Mayor discussed briefly the structuring of the Vehicle Maintenance Program. Mr. Mayberry is assisting Mayor Grogan with some of the obstacles they are encountering, so they can present Council with a report prior to the next Council meeting for their consideration.

Mayor Grogan broached the possibility of giving employees something for Christmas, but Mrs. Zahirsky said because of negotiated contracts, "You can't give anything away." Mayor Grogan asked Ms. Troccoli to call Attorney Tscholl to clarify the issue.

CITY MANAGER (Interim City Manager Dan Mayberry)

Union Negotiations: Mr. Mayberry contacted Atty. Tscholl requesting he leave open a time around Nov.1 to discuss Union negotiations. Mayor Grogan suggested the City Manager, Mr. Tscholl and a Council representative get together to set up a date according to their schedules.

Muhlhauser Park Tennis Courts: The balance of work for the tennis courts revolve around fencing, court surfacing and seeding. The court surfacing depends on the weather.

PARKS (Fred Fleming) – No Report

LAW DIRECTOR (Attorney Dale Kincaid)

Mr. Kincaid requested a 20-minute meeting in Executive Session Oct. 25, 2005 regarding property acquisition. Mr. Szanto said the Oct. 25th Budget Meeting would have to be cancelled, replaced by a Special Council Meeting.

FIRST READINGS

Ordinance 23-05: An Ordinance Adopting the Stark County Storm Water Management Regulations, and Declaring an Emergency. **Discussion:** Mr. Kincaid said there is a Public Hearing two meetings from tonight about Ordinances 23-05, 24-05, and 25-05.

Ordinance 24-05: An Ordinance Changing the Standard for the Granting of a Variance Which Relates to Area.

Ordinance 25-05: An Ordinance Clarifying that Conditional Permitted Uses in Zones B-1 and B-2 Apply Only to Rented Apartments Above Businesses.

Ordinance 26-05: An Ordinance Enacting Section 111.04 of the Ordinances of the City of Canal Fulton Relating to the Pay of Members of the Council and the Mayor.

SECOND READINGS – None

THIRD READINGS – None

PURCHASE ORDERS & BILLS: It was noted that both the Purchase Orders and bills were distributed at the beginning of the meeting. Mr. Szanto made a motion that Council acknowledges receipt of the list of bills as presented by the Finance Director in the amount of \$126,527.38; seconded by Mrs. Cihon. **ROLL CALL: Yes – ALL**

Mrs. Downing requested Mr. Svab to ensure the purchase orders and bills get to Ms. Troccoli on Friday in time for Ms. Troccoli to insert same in the packets.

CITY OF CANAL FULTON

October 18, 2005

P.O. 4469 in the amount of \$86,800 made out to Greissing & Butterworth Survey for Park Canal Survey.

Council Clerk Note: Following discussion took place prior to discussing P.O. 4469.

Community Park Improvement Project: In Council packet a memo from Mr. Mayberry advised Council additional engineering services for Community Park Phase I were required, adding to the current contract. Services during construction are reimbursable from the Transportation Enhancement grant funding administered by ODOT. Mr. Szanto made a motion that the City Manager's request for additional funding for the Community Park project for work completed by CTI and Cawrse Associates in the amount of \$6,800 be approved, as per the documents submitted; seconded by Mr. Colaianni. **ROLL CALL: Yes - ALL**

Mrs. Zahirsky made a motion to approve P.O. 4469 in the amount of \$86,800 made out to Greissing & Butterworth Survey; seconded by Mr. Colaianni. **Discussion:** Mr. Svab stated this was passed last year, but the funds were never put into a separate account to pay it out. He said the city receives \$40,000 back from OECA and \$21,000 (possibly \$23,000 - "there's a percentage") back from Stark Parks, and the city will put in the remainder, "which should come to about \$25,000." It was passed with a resolution last year (properly budgeted and appropriated), per Mr. Svab, and "for whatever reason, the account - a fund wasn't set up with that money." He said it was lumped in account 391310. Mr. Svab added the survey won't get completed until May 2006; and Greissing & Butterworth "already invoiced us for about \$16,000. Stark Parks will give us their percentage back as we bill them." Mr. Svab is expecting a check soon. Mr. Szanto recalled the purpose of the Ohio & Erie Canal survey was to assess the integrity and do "an inventory" of the feeder system, so the city would know where the problems were in the feeder because they had breaks in it before; he said fortunately the city only has to pay a portion of it. Mr. Mayberry stated this is part of a funding request for an energy bill that will be passed that the city and Stark County will be requesting funding well in excess of \$500,000 for canal banks stabilization, and the survey was required to show the city and county's "good faith and seriousness regarding the restoration of the canal banks" and several other associated projects like Canal Improvements Phase 2, Kilbride, a pedestrian bridge in the area of the VFW, and there were other city-interested projects that will be addressed in the overall grant in the future. **ROLL CALL: Yes - ALL**

P.O. 4471 in the amount of \$14,768.75 made out to Huntington National Bank for Northwest Waterline Debt Interest. Mrs. Cihon made a motion to approve P.O. 4471 in the amount of \$14,768.75 made out to Huntington National Bank; seconded by Mr. Colaianni. **Discussion:** Mr. Svab said the city gets the proceeds from the school to pay off this debt. **ROLL CALL: Yes - ALL**

NEW BUSINESS

Villas at Autumn Meadow Ph. 14 - Final Acceptance: Mr. Kincaid referenced the letter from CTI in the packet regarding same, saying since there are no roads involved in this project a motion can be passed approving/accepting the utility lines to complete the phase. Mrs. Zahirsky made a motion that Council approve and accept the utilities at the Villas at Autumn Meadows, Phase 14; seconded by Mrs. Cihon. **ROLL CALL: Yes - ALL**

Oct. 25, 2005 Meeting Plans: Mr. Szanto made a motion Council cancels the scheduled Budget Meeting of October 25 and reschedule that meeting that evening as a Special Council Meeting starting at 6:30 PM; seconded by Mr. Colaianni. **Discussion:** Mr. Mouse stated there needs to be an Executive Session specified on the agenda. **ROLL CALL: Yes - ALL**

Liquor Transfer (from J.F.M.A.K.E.R.S. Café Inc. to McBenttes Inc., DBA Casa Perez: Mr. Colaianni made a motion that Council does not request a hearing regarding the liquor license transfer from J.F.M.A.K.E.R.S. to McBenttes Inc.; seconded by Mrs. Zahirsky. **Discussion:** Chief Frisone had no objections to the transfer. **ROLL CALL: Yes - ALL** Mayor Grogan, referencing J.F.M.A.K.E.R.S., said the owner has met with a type of illness that has forced him "to go this route," and the family is concentrating on Rob (owner) as much as possible to try to help him recover. The Mayor stated, "On behalf of Council and myself, we hope and wish that family the best and hope they get through this matter."

Senator Kirk Schuring: Mr. Szanto said he received a call from Senator Schuring saying he was going to try to attend tonight to talk about things pertinent to the city and/or state, but he regrets he was still in Columbus and couldn't make it back in time. He asked Mr. Szanto to mention the Forced Accounts - that there was some new legislation before the state. Mr. Szanto explained, the Forced Accounts are where the municipality can bypass the bidding process, and the city can use money to go out and repair major intersections without going to a contractor. The issue is the maximum amount the municipality can spend has been raised; adding there's an issue of immense paperwork involved with same. Mr. Szanto said Senator Schuring wanted to pass on to anyone interested that November 30, 2005 there will be a meeting with people from the (Columbus) Auditor's office at 11:00 AM at the IHOP by the Massillon Market Place (Routes 21 and 30). They requested R.S.V.P.s to Sen. Schuring's office so they could attain a count of attendees.

CITY OF CANAL FULTON

October 18, 2005

OLD BUSINESS

Puffenberger Property Purchase: Mr. Mouse stated he called Mrs. Cihon regarding the status, saying she “was quite passionate about the situation.” Mr. Mouse made the commitment to Mrs. Cihon that when the city finalizes the project, he would ensure she was present, so there would be all six members of Council present.

Christmas Wreaths for Downtown Historic District: Mr. Mouse said he received information from Ms. Troccoli and called the vendor regarding Christmas decorations. Mr. Svab said Council had originally looked at spending \$12,000. Mr. Szanto stated it wasn't budgeted as a line item. Mr. Mouse made a motion to expend up to \$12,000 for Christmas decorations for the downtown Historic District; seconded by Mrs. Downing. **Discussion:** Mr. Mayberry suggested someone speak with Mr. Dennis Mayberry because he knew he had attended a meeting to see what assistance the Street Department could lend to the merchants downtown regarding installing decorations. **ROLL CALL: Yes – ALL**

OTHER BUSINESS - None

CITIZENS COMMENTS (Open Discussion, Five-Minute Rule)

George Glass, 467 Poplar Street: Mr. Glass had a complaint regarding ATV's loud noise in the field around Smail's Pond close to his property. He said they start early in the morning. He spoke with three of the ATV owners; one had a regular muffler (still loud), but the other two's mufflers were inadequate and “rocks the house.” He said he doesn't want to take the enjoyment of the ATVs “away from the kids; they were real polite – they weren't sassy,” but the sound annoys his family and some of the other older neighbors as it is “worse than a race track and all weekend it's the same.” He requested an ordinance limiting the noise ATVs produce. He said he understood from the Police that there is no ordinance against ATVs, and said, “If your neighbor's barking dog is barking, that's a noise problem; they can do something about that.” Mayor Grogan said he agreed with Mr. Glass and that the city is getting to the point where they are going to have to address those concerns. The Mayor asked Chief Frisone if the officer that responded saw written approval to ride on the property. Mr. Glass stated one said he did, but now a lot of additional kids are coming over from the high school that he does not know if they too have permission. Chief Frisone said Officer Kassing spoke with one of the boy's father to voice the complaint to ensure the father actually knew they were riding and causing the noise complaint. The father told Officer Kassing that the boys had permission to operate ATVs on the property, but he agreed that the noise was probably too loud for the time they were riding. The father also agreed to limit when they would be riding. The Chief said Officer Kassing was trying first to get voluntary compliance from the people creating the noise. It is against the law if it is disturbing decibel limitations, and the Police can issue charges. Chief Frisone said the father was agreeable at the time. He asked Mr. Glass if they'd been riding since then and was informed they were back an hour later for the rest of the day. Mr. Glass stated the father would not give him the property owner's phone number, but he attained the number of the realtor representative and called him. Mr. Mouse suggested a letter to the property owner, but the Mayor suggested instead having Chief Frisone address the issue personally with the owner, perhaps issuing a letter to him; then if that doesn't work, it could revert back to the Council for action. Mayor Grogan said the property owner might not even be aware of the problem, and chances are he is not. The Mayor asked Mr. Glass to let the Police Department take over the situation from this point forward; that way Mr. Glass doesn't get involved with it and it doesn't become something that escalates with him. The Chief could then keep Mr. Glass updated on the situation. Mr. Kincaid said if the Police Chief's efforts do not work to let him know and he'll produce an ordinance.

Ray Martinez, Ohio Edison Co.: Mr. Martinez asked if there were any issues and concerns. He stated electricity rates were “staying flat” and have done so since 1990. There was a short discussion about fuel cell research technology.

REPORT OF COUNCIL PRESIDENT – No Report

REPORT OF STANDING COMMITTEES – No Report

ADJOURNMENT

Mrs. Cihon made a motion to adjourn. Mayor John Grogan adjourned the October 18, 2005 City Council meeting.

Patricia A. Troccoli, Clerk of Council

Mayor John Grogan