

CITY OF CANAL FULTON

December 19, 2007

COUNCIL MEETING

Mayor John Grogan called the December 19, 2007 City Council meeting to order at 7:10 PM in Council Chambers at City Hall.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: Mayor John Grogan, James Deans, Victor Colaianni, Linda Zahirsky, and Anthony Crookston.

Absent: Diane Downing

Mrs. Zahirsky reported that Mrs. Downing was absent due to attending grandson's birthday party.

Others Present Roy Batista, Interim Law Director; Mark Cozy, City Manager; Tammy Marthey, Clerk of Council; David Frisone, Police Chief; Scott Svab, Finance Director; Matt Moellendick and Danny Losch, Council Elect; Dale Kincaid, Former Law Director; Sean Conti, Domino's; Sherry Ringler, NWSCC; Mike Mouse, Resident; Mike Mahaney, Lawrence Township Resident; Michael Freeze, Independent; Laura Meade, Observer Reporter; and Joan Porter, Repository.

CORRECTING/ADOPTING THE RECORD OF PROCEEDINGS

Mrs. Zahirsky moved to approve the December 1, 2007 Special Council meeting minutes, seconded by Mrs. Cihon. **ROLL: Yes**, Mrs. Zahirsky, Mrs. Cihon and Mr. Deans. **Abstain**, Mr. Crookston and Mr. Colaianni.

Mrs. Zahirsky moved to approve the December 4, 2007 Council meeting minutes, seconded by Mr. Colaianni. **ROLL: Yes**, Mr. Crookston, Mrs. Zahirsky, Mr. Colaianni and Mr. Deans. **Abstain**, Mrs. Cihon.

REPORTS OF STANDING COMMITTEES

Mrs. Zahirsky reported that the Personnel Committee met on December 13, 2007. There was discussion on salaries, wages and performance appraisals. There was no action taken

Mrs. Zahirsky stated she would like to have an executive session at the end of the meeting to discuss with council the discussions that occurred at the Personnel Committee meeting. Mayor Grogan stated he would also like included in the discussion ongoing contracts with the Fraternal Order of Police.

CITIZENS' COMMENTS – AGENDA MATTERS

Danny Losch: Mr. Losch stated he would like to honor Mrs. Zahirsky and Mr. Colaianni for their service and hard work while they served on Council.

CITY OF CANAL FULTON

December 19, 2007

The following letter was received and read by the Clerk:

Dear John:

First of all. Congratulations on the election. I have to admit I was a little nervous but I felt you would make it. I'm writing this because I feel people neglect to compliment people for a job well done. I wanted to tell you what a good job Mark Petersen and his crew did on the leaf pickup. I had lots of leaves and I didn't have to worry about putting them in bags or the leaves being picked up. They did a great job. This service means so much to the citizens. My friends and I all agree. Also, I never worry about the snow. If I can get out of my driveway I have no problem going anywhere in Canal Fulton. I can't say that about outside of town. I see what a mess some other cities are in after a snowfall. I hear the trucks going by very early in the morning and know we'll have no problems. These are the things we appreciate. Please convey my thanks to mark and the street department. I hope you and your family have a very nice Christmas. Sincerely, Leila Joy Rohr

PROCLAMATIONS

Mayor Grogan stated this Council decided award for the first time a couple of businesses awards, one in the township and one in the city, for outstanding service to the community. It is their hopes to continue this on a yearly basis.

Sean Conti, Domino's: Mayor Grogan stated during his past four years and he is sure beyond that, of all of the businesses in the area, Mr. Conti has stepped up in situations when disaster and other situations that have occurred. He did this without anyone asking and has also been the business in the community that has always wanted to part of the community and doing things for the community. Therefore, it was Council's recommendation to award him as the 2007 Business Owner of the Year.

Mr. Conti was presented with a proclamation and plaque.

Mayor Grogan stated we have had a lot of great leaders in this City and another one is present that they would like to recognize.

Sherry Ringler, NWSCC: Mayor Grogan stated Mrs. Ringler has worked tirelessly with the Senior Center and with the community and has left an impact and a mark on so many people and would like to thank her for everything she has done and wish her well in her retirement. Mrs. Ringler is retiring after 20 years of service and was presented with a proclamation.

Mayor Grogan stated there are two outgoing Council persons that he would like to recognize.

Victor Colaianni: Mayor Grogan stated Mr. Colaianni came on board the same time as he did. He stated it was a real interesting time four years ago and is sure the preceding council's have had some interesting times but they have had a heck of a ride. He thinks they have done some good things and have done so because of his passion and the dedication that he brought to everything he does with the City.

Mr. Colaianni was presented with a proclamation.

CITY OF CANAL FULTON

December 19, 2007

Linda Zahirsky: Mayor Grogan stated Mrs. Zahirsky has been a bit closer to his heart as a councilwoman. He stated he has had the opportunity to cut his teeth under a lot of people in his life, in various aspects of his life personally and professionally, and he feels she has given him something that will mark him for the rest of his life and very few have an impact on others that they can say that that was something they can reflect back on. He stated they have had some very interesting situations but every one of them has also been dealt with professional, and in a logical manner. Mayor Grogan thanked Mrs. Zahirsky from the bottom of his heart for everything that he has shown him, whether in words or deeds.

Mayor Grogan presented Mrs. Zahirsky with a proclamation.

Mayor Grogan stated when we see all of the awards and the great people that are part of this community, it reflects back on other members of the community. He has a CD that he wanted to share. It was made by Kristen Stacy, a student who lives in the City. It is her view of the community through her eyes. The title is: "The Influences that Built Canal Fulton". He stated they will get an appreciation for the leadership of any community can trickle down to its children and when you see their passion in it, then you know that you are going in the right direction.

There were technical difficulties with the CD and was unable to view it at this time.

REPORTS OF ADMINISTRATIVE OFFICERS

SENIOR CITIZENS (Nellie Cihon)

Swiss Steak Dinner: The next dinner will be held on January 26, 2007. They are in need of volunteers and pies.

Commissioners: Wilma Moore has resigned. The Center will need a replacement. Mrs. Ringler had indicated to Mrs. Cihon that she would be willing to serve.

COMMUNITY SERVICE – Written

FIRE CHIEF (Ray Green, Fire Chief) – Written.

POLICE DEPARTMENT (David Frisone, Chief)

Chief Frisone stated the FBI course was very good.

The arson that occurred on Cathedral is still under investigation.

There were 223 calls for service for the month of November.

ENGINEER/STREETS/PUBLIC UTILITIES (William Dorman/ Dan Mayberry) – Not Present

FINANCE DIRECTOR (Scott Svab): Mr. Svab stated he has included the purchase orders and the bills in a separate packet. He has included Ordinance 31-07, which is an ordinance for transfer of funds for the end of the year housekeeping and is requesting that it be passed under emergency.

CITY OF CANAL FULTON

December 19, 2007

Mr. Svab stated he had a suggestion from Ms. Lawson for a drive up drop box and provided sheet with several to choose from. He stated he spoke with Mr. Mayberry about it and feels it is a good idea.

Mr. Svab stated he will have the temporary budget that they can pass at the first meeting in January.

Mrs. Zahirsky made a motion that they received the financials for the month of November, seconded by Mr. Colaianni. **ROLL: Yes, ALL.**

CITY MANAGER (Mark Cozy)

Nichter Property: Mr. Cozy stated the Nichter property is going to be listed for sale with Hatfield Realty. The plan is if they get a favorable price for the property they will use the proceeds will be used toward soccer fields at the Puffenberger property. He stated being a Charter City, the property can be listed for sale.

Pine Manor Estates – Phase 5: Mr. Cozy stated CTI has submitted a letter stating the final inspection has been completed and all of the punch list items generated during that inspection have been addressed and the improvements have satisfactorily completed the two year maintenance period. They are recommending the public improvements for final acceptance by the City of Canal Fulton for ownership and maintenance.

Mrs. Zahirsky moved to accept Pine Manor Estates – Phase 5 as requested, seconded by Mr. Deans. **ROLL: Yes, ALL.**

REPORT OF MAYOR (John Grogan)

Mayor Grogan stated there are two vacancies on the Senior Citizen's Commissioners Board. He is recommending to Council that they accept his nomination of Sherry Ringler and Nellie Cihon.

Mrs. Zahirsky stated based upon the Mayor's recommendation, she would like to make a motion to appoint Sherry Ringler and Nellie Cihon as Commissioner's to the Senior Citizens Board, seconded by Mr. Deans. **ROLL: Yes, Mr. Crookston, Mrs. Zahirsky, Mr. Colaianni, Mr. Deans. Abstain, Mrs. Cihon.**

PARKS & RECREATION BOARD (Fred Fleming) – Not Present

LAW DIRECTOR (Roy Batista, Interim)

Interim Law Director Batista stated he had conversations with Mr. Cozy regarding Resolution 26-07 and he sees no objections.

THIRD READINGS

Resolution 26-07: A Resolution Authorizing the Mayor to Formally Petition the Stark County Board of Commissioners for the Change of Township Lines, By Forming a New Township Co-Existent with the Territory of the City of Canal Fulton. Mr. Colaianni moved for passage of Resolution 26-07, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

Mrs. Zahirsky stated in all of her twelve years on Council there have been two issues that she feels have been the hardest for her to decide, the first

CITY OF CANAL FULTON

December 19, 2007

being the casino and now this issue. She thinks the impact is very important and feels it separates us more in a time when she wishes they could be going together, but she understands why they need to go this direction. She is very torn with this issue. She sees a time where they need to heal, but she doesn't feel the healing will ever take place. She stated she is looking at the future for what direction they need to go.

Mayor Grogan stated he has approached this piece of legislation as like other cities, it is the inevitable course in which the next step is taken. He doesn't feel it is a complete separation and feels there are going to be a lot of things they can still work on with our community neighbors. He doesn't feel this is a stumbling block. He sees this as one of the many things that it is going to take to nudge this City in a direction that needs to begin to take care of itself and to move in the direction that it needs to be moving. He feels this is a course of doing business and its time has come and he hopes Council has had an opportunity to look at it and understands the gravity of it and appreciates they are about to embark on a very bold and very courageous step.

Mr. Colaianni stated he feels the Mayor has gone overboard since he has held office to try to bridge the gap. He feels this legislation is before them with the Mayor's name on it because he has tried to cooperate, as well as his predecessors and for some reason it has been a one way streets. He feels it is time to declare our independence because they are unique in that they are the only city within the county that currently votes for township trustees. He stated the trustees represent people of this city as well as their constituents and doesn't feel they have represented them well. He doesn't feel they represented them well financially or trying to do thing cooperatively with the City that could have benefited the community as a whole to include Lawrence Township, Clinton, and the surrounding area.

Mr. Deans stated the amount of years they have put in to it and the amount of meetings with nothing really being accomplished. He stated he made up his mind on this issue yesterday.

SECOND READINGS

Ordinance 30-07: An Ordinance Establishing a Mayor's Court within the City of Canal Fulton. **Stands as Second.**

FIRST READINGS

Ordinance 31-07: An Ordinance Amending Ordinance 03-07, and Providing for the Transfer of Funds Within Various Accounts for the Purpose of Paying Various City Obligations, and Declaring an Emergency. Mrs. Zahirsky moved to suspend the rules on Ordinance 28-07, seconded by Mr. Crookston. **ROLL: Yes, ALL.** Mrs. Zahirsky moved for passage of Ordinance 28-07 under suspension, seconded by Mr. Colaianni. **ROLL: Yes, ALL.**

PURCHASE ORDERS & BILLS

P.O. 5073 to Ohio Police & Fire Pension Fund for the Third Quarter Pension Payment in the amount of \$21,158.03. Mr. Colaianni moved to approve P.O. 5073, seconded by Mr. Deans. **ROLL: Yes, ALL.**

P.O. 5074 to Squire, Sanders & Dempsey LLP for the Bond Counsel on Parks Note in the Amount of \$3,550.00. Mrs. Zahirsky moved to approve P.O. 5074, seconded by Mr. Crookston. **ROLL: Yes, ALL.**

CITY OF CANAL FULTON

December 19, 2007

P.O. 5075 to Huntington National Bank for Series 2006-1 and Series 2006-2 Interest and Principal on Fire Station Bond in the amount of \$83,387.50. Mrs. Cihon moved to approve P.O. 5075, seconded by Mrs. Zahirsky. **ROLL: Yes, ALL.**

BILLS: \$74,851.85

Mrs. Cihon moved to approve the bills in the amount of \$74,851.85, seconded by Mr. Colaianni. **ROLL: Yes, ALL.**

OLD/NEW/OTHER BUSINESS

Mr. Colaianni thanked all present as well as the Mayor's service to the community. He stated when they moved here almost ten years ago; it was due to the location and the school district. He stated serving on Council, he has seen a lot of dedication, some which a lot of the people in the community don't see.

Mr. Colaianni congratulated Chief Frisone on his graduation from the FBI Academy.

Mr. Colaianni stated he feels they have addressed a lot of financial challenges, such as going to the voters twice for an income tax increase and he thinks there approval shows they believe in the vision of this City.

REPORT OF PRESIDENT PRO TEMPORE (Linda Zahirsky)

Mrs. Zahirsky stated at the last meeting she listed all the projects she has seen accomplished during her tenure and now would like to address items still needing work.

- Economic Development- We have lost most of the businesses we had 12 years ago, we are thankful to still have Avalon.
- Comprehensive plan for Lawrence Township and Canal Fulton, including a complete review of our zoning.
- Sidewalks/bike path along Locust Street- needed especially for our citizens at Echoing Ridge, but also in Schalmo's allotment
- Personnel manual
- Joint hiring of a fire chief and purchased with Lawrence Township on major equipment such as quint truck
- Joint police department with Lawrence Township
- Preparation for key employee retirements
- Continued grant application work for purchases
- Absolute adherence to new public records laws, and open public meetings
- Continuance improvement of our safety for the employees

REPORT OF SPECIAL COMMITTEES - None

CITIZENS COMMENTS-Open Discussion (Five-Minute Rule)

Mr. Mouse: Mr. Mouse wished all a Merry Christmas.

EXECUTIVE SESSION

Mrs. Zahirsky moved to adjourn to executive session at 8:02 PM from the regular meeting for the purpose of the promotion or demotion of a public

CITY OF CANAL FULTON

December 19, 2007

employee or official; compensation of a public employee or official; and preparing for, conducting or reviewing negotiations or bargaining sessions with public employees, to include Mayor, Council, Mr. Cozy, councilmen elect, Police Chief, and the Finance Director present, seconded by Mr. Colaianni. **ROLL: Yes, ALL.**

Mr. Colaianni moved to return to public session at 8:56 PM, seconded by Mr. Deans. **ROLL: Yes, ALL.**

Mrs.Zahirsky stated they were in executive session to discuss personnel wages and contract negotiations and there will be no action taken as a result of the session.

ADJOURNMENT

Mayor Grogan adjourned the December 19, 2007 meeting. The next regular scheduled meeting is January 2, 2008 at 7:00 p.m.

Tammy Marthey, Clerk of Council

John Grogan, Mayor