

# CITY OF CANAL FULTON

March 6, 2007

## COUNCIL MEETING

Mayor John Grogan called the March 6, 2007 City Council meeting to order at 7:00 PM in Council Chambers at City Hall.

## PLEDGE OF ALLEGIANCE

## ROLL CALL

Present: Diane Downing, James Deans, Victor Colaianni, Linda Zahirsky and Tony Crookston.

Others Present: Dale Kincaid, Law Director; Mark Cozy, City Manager; Tammy Marthey, Clerk of Council; Scott Svab, Finance Director; David Frisone, Police Chief; Ray Green, Fire Chief; Amy Knapp, Independent; Joan Porter, Repository; Laura Jean Meade, The Canal Fulton Signal; Chell Rossi, Paul Bagocius, Joni Stopar, Bob Stopar and Annie Collins, Residents.

## CORRECTING/ADOPTING THE RECORD OF PROCEEDINGS

Mrs. Zahirsky moved to approve the February 20, 2007 Council minutes, seconded by Mr. Colaianni. ROLL: Yes, Mr. Crookston, Mrs. Zahirsky, Mr. Colaianni, Mr. Deans, and Mrs. Downing. Abstain: Mrs. Cihon.

Mrs. Cihon moved to approve the February 27, 2007 Special Council minutes, seconded by Mr. Colaianni. ROLL: Yes, Mrs. Zahirsky, Mr. Colaianni, Mrs. Cihon, Mr. Deans. Abstain: Mr. Crookston and Mrs. Downing.

## REPORTS OF STANDING COMMITTEES

Mr. Deans moved to schedule an Economic Development meeting on March 20, 2007 at 6:00 PM for the purpose of inviting some businesses to locate in Canal Fulton and for the requirement of the Rules of Council, seconded by Tony Crookston. ROLL: Yes, ALL.

Mrs. Zahirsky moved to schedule a Personnel Committee meeting on March 24, 2007 at 9:00 AM for the purpose of the requirement of the Rules of Council for a meeting to be held annually in the first quarter, seconded by Mrs. Cihon. ROLL: Yes, ALL.

## CITIZENS' COMMENTS – AGENDA MATTERS - None

## REPORTS OF ADMINISTRATIVE OFFICERS

**SENIOR CITIZENS (Nellie Cihon)** – Swiss Steak Dinner: There was a dinner held this past Saturday and there were 202 reservations. The next dinner is scheduled for April 14, 2007.

Presque Isle Trip: The Center is sponsoring a trip to Presque Isle to the new casino on March 13. The trip is sold out and has a waiting list.

Mayor Grogan stated he would like to address the seniors on April 14 regarding the ballot issue. Mrs. Cihon advised him to contact Mrs. Ringler, Sr. Center Director.

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**COMMUNITY SERVICE (Phil Kaster)** – Written Report Submitted. The Mayor reported that the report indicated there was 44 man hours worked for the month of February.

**FIRE CHIEF (Chief Ray Green)** Chief Green reported they had 60 runs for the month of January and 32 for February. They sustained fire loss in the month of February, a garage fire on Cherry Street.

He stated there are some issues with the Fire Chief's Association which is being discussed with the County Commissioners regarding the emergency management office. It is currently run by three persons, who are currently doing a good job but the association would like to see it expanded as a group to include representatives from the fire service, health department, county engineer's office, law enforcement in the event of a major emergency all key players would be brought together to work as one. This was discussed at one of the Stark County Township Association meetings and it has been discussed within individual councils. One commissioner is in favor, one not sure of stand, and one feels "if it is not broke, don't fix it". The Fire Chief's Association is not asking to take over by any means; they only want to be structured as defined in the Ohio Revised Code.

The County Chief's Association has put together an IMAT team (Incident Management Assist Team). This is due to homeland security and the NIMS training. If there was a large incident they would request mutual aide for different resources. This team would come in and fill management positions to assist the incident commander.

Chief Green has been invited to attend a Meeting of the Water-Technical Action Committee Water Rescue March 13 at the Ohio Fire Academy. The state surveyed communities with potential for flooding and the City was one of the communities surveyed. They are asking the local fire chief from those communities to attend the meeting and to come up with a plan to set the guidelines for state credentialing for swift water rescue.

**POLICE CHIEF (David Frisone):** Chief Frisone stated they had a total of 245 calls for service for the month of February. He stated last fall he applied for a grant through the Governor's Highway Safety office, which is an initiative for traffic safety through the Ohio Department of Public Safety. They were awarded a laser radar unit this past week. He stated the equipment is worth about \$2,700. This will enable the officers to do better radar enforcement in specific areas. The grant was a result of the department's participation in the DUI taskforce and some of the arrests that they made. He stated Mr. Svab and Mrs. Mayberry assisted them in managing the overtime with documentation that needed turned in. There were no errors in the documentation which was a factor in the department receiving the radar. Another factor was the seatbelt surveys that they have been conducting throughout the year. He stated Mr. Kaster and his community service workers have helped with the surveys. A media campaign was also conducted. They had a lot of cooperation from the Independent on putting articles in the paper related to training that Officer Kosco was doing in the schools with seatbelt safety. The department also put up signs and banners around town.

**ENGINEER (Bill Dorman)** – Not Present

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**FINANCE DIRECTOR (Scott Svab):** Mr. Svab stated he read in Akron Beacon Journal where the Finance Director in Cuyahoga Falls was addressing Council and trying to put fees on for the water department for the non-owners. They want to start billing the owners of the properties instead of the renters. He stated our Public Service Committee had this discussion previously and they addressed it by having a new utility customer who is a non-owner pay a \$50 deposit, which would be refunded after one year of timely payments. The City is choosing to not strap the homeowner.

**CITY MANAGER (Mark Cozy):** Mr. Cozy stated bids were opened for the new fire station. There were 28 bidders. The bids are being tabulated by the architect. They have some apparent low bidders. The project was bid having one general contractor for the entire bid as well as splitting off all facets of the job. The separate bids came out lower. They are around \$1.5M total project. He stated there are some alternates in the project that can be taken off if needed.

Mr. Cozy received official word from Ohio Public Works Commission (OPWC) that that City has received a grant for 70 acres north of town. They are trying to secure the floodplain area. He stated their concern is protecting the whole watershed. There was a property along Warwick that was purchased by a developer. He stated he began negotiations with him immediately because he did not want to see development in the floodplain because of the water coming in town. He stated OPWC received our application with approval from the local committee and they approved it within one week. Mr. Mel Gravely, Program Representative-Columbus, lives in Stark County went to bat for us and the City should thank him some point in the future.

Mr. Cozy stated the report from the Canalway Center Director, as indicated on the agenda, would be done next meeting.

**MAYOR (John Grogan):** Mayor Grogan stated there is a vacancy on the Tax Incentive Review Council (CRA) and that Mr. Deans has indicated he would be willing to serve another term. Mrs. Zahirsky moved to approve the Mayor's recommendation to appoint Mr. James Deans as a representative on the Tax Incentive Review Council, seconded by Mr. Colaianni. **ROLL: Yes, ALL.**

Mayor Grogan stated there is a Tax Incentive Review Council meeting on March 7, 2007 at 1:45 PM and that Mr. Cozy would be attending in his place.

**PARKS & RECREATION BOARD (Fred Fleming) – Not Present**

**LAW DIRECTOR (Dale Kincaid):** Mr. Kincaid asked Mr. Svab if they asked the landlord to guarantee. Mr. Svab stated no. Mr. Kincaid felt that was a mistake because the landlord has much better control over what kind of tenants he has and how they get a security deposit. Mr. Svab stated they felt the \$50 deposit would be fair to all.

Mr. Cozy stated he felt we had some type of agreement with the property owner. Mr. Kincaid stated he hoped they continued the three-party agreement. Mr. Svab stated Ms. Lawson has been aggressive in collections. Mr. Cozy stated if they are not paying the water bill, they aren't paying the rent either. He stated when a shut off notice is sent to the renter, the landlord should also be notified.

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**THIRD READINGS**

Ordinance 01-07: An Ordinance Amending Chapter 143.01(C), The Codified Ordinances, Entitled "FEES".

Mr. Crookston moved for passage of Ordinance 01-07, seconded by Mr. Colaianni. **ROLL: Yes, ALL.**

Mr. Colaianni asked how they could exclude the playground with the park rentals. Mr. Cozy stated because it is open to the public and the fee is for exclusive use to the shelters. Law Director Kincaid stated the majority of injuries occur on the playground and if we charge for the playground they lose there immunity.

**SECOND READINGS** - None

**FIRST READINGS**

Resolution 09-07: A Resolution Renewing for the Year 2007, A Contract with the Stark County Public Defender's Office for the Services of the Public Defender for Jailable Offenses.

**Stands as a Second Reading**

**PURCHASE ORDERS & BILLS**

P.O. 4784: Mrs. Cihon moved to approve P.O. 4784 to Tristate Pumps in the amount of \$6,153.75 for a submersible sewage pump and non-clog pump/kit, seconded by Mr. Deans. **ROLL: Yes, ALL.**

P.O. 4803: Mrs. Zahirsky moved to approve P.O. 4803 to Huntington National Bank in the amount of \$39,393.75 for utility improvement bonds, seconded by many. **ROLL: Yes, ALL.**

**BILLS: \$105,014.64** Mrs. Cihon moved to approve the bills in the amount of \$105,014.64, seconded by Mr. Colaianni. **ROLL: Yes, ALL.**

**OLD/NEW/OTHER BUSINESS**

Mr. Deans stated they have a survey for the Canal Fulton Farmers' Market that was done by University of Akron. He want Mr. Bagocius to give an overview of it to council.

Mr. Bagocius stated there is an adhoc committee for the farmers' market idea. He stated the intent is for the committee to not run the market. They want to do all the homework and then turn it over to a civic group or to someone who would like to take it on as a fundraiser. The graduate class in marketing at the University of Akron has agreed to study this project and to make recommendations on how to market the market itself, as well as how to get farmers involved in the market. With that in mind, they wanted to do a survey to get some initial feedback. He would like to include the survey in the Canal Fulton City newsletter so that residents may respond to the survey. It is a civic service as opposed to a private enterprise.

Mr. Deans stated this is in the same line as the survey they did with T.A.P. on the health/wellness center.

Mrs. Zahirsky recommended to add a drop off location at the City Hall, the Utility Billing/Income Tax deposit box.

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There were no objections from Council on having the survey placed in the newsletter.

**REPORT OF PRESIDENT PRO TEMPORE (Linda Zahirsky)** – Mrs. Zahirsky commented on the closing of the dog park for the remainder of the winter. They need to reseed the area. She would recommend if the small dog area is usable to rotate days on that area between large and small dogs.

It was determined to close the dog park until mid April or first of May. They will be reseeding the areas.

**REPORT OF SPECIAL COMMITTEES** - None

**CITIZENS COMMENTS-Open Discussion (Five-Minute Rule)**

Paul Bagocius, 451 E. Cherry Street: Mr. Bagocius thank Chief Frisone and Mr. Cozy for the initiative in participating in grants. He stated he agrees with the Mayor on the two mill levy reduction. He would also like to see the CPI for water rates included. He agrees with Mr. Kincaid on the three-party agreement. He stated possibly to increase the deposit and this would possibly alleviate the city from doing bookkeeping. He stated they would hate to hear about having to hire or extend hours to do the bookkeeping for the renter's deposits.

Mr. Bagocius stated there are two businesses that are applying to open with redemption machines. He stated Tallmadge had four businesses and they adopted an ordinance and within twenty days two of the businesses closed. He stated he found out from company representatives that the machines can be reprogrammed within thirty seconds to be illegal by State of Ohio Law. He stated this is very discouraging and he would hope council would be proactive on this and get an ordinance somewhat similar to Tallmadge's and move quickly on it to protect the citizens of this community and the reputation. He stated Mr. Cozy had shared with him that there would be some discussion on it and he is asking that council be very proactive on this issue.

**EXECUTIVE SESSION**

Mrs. Zahirsky made a motion to adjourn to executive session at 7:50 PM from the regular meeting for the purpose of the consideration of employment of a public employee or official, compensation of a public employee or official and the purchase of real, personal, tangible or intangible property, with the Mayor, Council, Law Director, City Manager and Finance Director present, seconded by Mr. Colaianni. **ROLL: Yes, ALL.**

Mrs. Zahirsky made a motion to return to public session at 8:46 PM, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

Mr. Colaianni moved to bring Ordinance 42-06 back to the table, seconded by Mrs. Downing. **ROLL: Yes, Mr. Crookston, Mrs. Zahirsky, Mr. Colaianni, Mr. Deans and Mrs. Downing. No, Mrs. Cihon.**

Ordinance 42-06: An Ordinance Establishing the Position of a Canalway Programs Director and Establishing an Annual Wage.

Mr. Crookston moved to approve Ordinance 42-06, seconded by Mrs. Downing. **ROLL: Yes, Mr. Crookston, Mr. Colaianni, Mr. Deans, Mrs. Downing. No, Mrs. Cihon and Mrs. Zahirsky.**

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Mrs. Zahirsky stated there has been a lot of discussion on the issue of this position. She stated she is probably going to vote no. It isn't because she believes Ms. McConnell isn't a wonderful employee, a dedicated employee but she has a concern that this position is not one that they should be funding at this point and time, not at least until they know how the issue will go in May, whether they have the funds to do it. She said if she was going to vote yes it would be to make it official that they paid for that position for auditing purposes.

**ADJOURNMENT**

Mayor Grogan adjourned the March 6, 2007 City Council meeting. The next regular scheduled meeting is March 20, 2007 at 7:00 p.m.

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Tammy Marthey, Clerk of Council

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John Grogan, Mayor