

CITY OF CANAL FULTON

September 17, 2002

REGULAR COUNCIL MEETING:

Mayor Shawn Kenney of the City of Canal Fulton, called the September 17, 2002 Council Meeting to order at 7:30 p.m. in City Hall Council Chambers.

PLEDGE OF ALLEGIANCE

COUNCIL MEMBERS: Present – Nellie Cihon, Bill Dane, Diane Downing, Linda Zahirsky, Mike Mouse, Robert Szanto, and Mayor Shawn Kenney.

OTHERS IN ATTENDANCE: Debbie Kerr, Finance Director; Dale Kincaid, Law Director; Bob Hill, Fire Chief; Bill Dorman, City Engineer; Joan Porter, Repository; Crystal Byrd, Beacon Journal; Mark Stewart, Fire Department; Glenn Boyd, Fire Department; Scott Svab, Community Service Coordinator; Joe Charlton, Park Board; Fred Etheridge, Park Board; Terry Kroeger, former Fire Chief; Bret Stephan, Rochelle Rossi, Dennis Downing, Victor Colaianni, all residents; and Glenn Keller.

CORRECTING / ADOPTING THE MINUTES

Mr. Dane made a motion to approve the minutes of the meeting of September 3, 2002. The motion was seconded by Mrs. Downing. Roll: Yes – ALL.

SPECIAL RECOGNITIONS

None.

CITIZENS COMMENTS ON AGENDA MATTERS:

REPORTS OF ADMINISTRATIVE OFFICERS:

Senior Citizens. No Report.

Community Service Coordinator.

Mr. Svab stated that they are working on a fundraiser. It's a fundraiser selling tulip bulbs to individuals and with the money raised they will plant 2,000 tulip bulbs in the park, around the town and at the North West Senior Center. He also said they worked on the men's bathroom in the park and will be doing painting at the Northwest Youth football field.

Mr. Kincaid asked if the fundraiser was a City project. He said if it is Council has to agree to set up a special account with Mrs. Kerr.

Mr. Szanto made a motion that Council approve setting up a special account #1011536 for the expenditures and receipts for this project. The motion was seconded by Mr. Dane.

Roll: Yes – ALL.

Police Chief's Report.

Chief McNeely was unable to attend so Officer Swartz attended in his place. Officer Swartz stated that last Friday the Police Department served a search warrant on a Dan Ave. house suspected of processing met amphetamine.

Fire Chief.

Chief Hill said he just had one item for Council. He said he had purchased the camera for much less than he had told Council at the last meeting. It will be about \$865.00.

Engineer/Streets/Public Utilities

Mr. Dorman stated that there has been some preliminary work done on the Locust/Millfield intersection. First Energy and East Ohio have been relocating some of the utility poles and gas lines. The pre-construction meeting has been scheduled for September 26.

The Planning Commission had only one new item on their agenda and that is the final plat for the Highlands at Autumn Meadows.

Director of Finance.

Mrs. Kerr passed out the bank reconciliation for August, 2002 and the August end-of-month reports.

Mr. Szanto made a motion that Council has received the bank reconciliation and end-of-month reports for August, 2002. Mrs. Cihon seconded the motion.

Roll: Yes – ALL.

Mrs. Kerr then passed out information regarding the costs of the 144 acre annexation. She stated that it ended up not being a cost, but an increase in revenue.

Mrs. Kerr also advised Council that the departments will be starting their appropriation budgets for 2003 within the next week or two.

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Mr. Szanto stated that Council will need the budget set in ordinance form by the middle of November. Mrs. Loretto stated that the first department meeting on the budget is scheduled for the 10th of October. Several dates for Council to meet were discussed.

Report of Mayor.

The Mayor stated that we have received notification by the Stark County Board of Elections that Issue 14 has been assigned to Canal Fulton's Aggregate Issue.

City Manager's Report.

Mrs. Loretto stated Mr. Dorman has already discussed Locust/Millfield, but the EPA requirements have one new requirement regarding quality of water. She said there will be more information in the future regarding meeting the requirements. Mrs. Loretto said she would like to have ability to enter into the consortium contract. She asked Mr. Dorman, who attended the meeting, to give a little more detail.

Mr. Dorman stated that the Clean Water Act originally just focused on wastewater treatment plants. Now this next level is storm water. When you have a concentration of population you get pollutants from oil and salt from the streets that get into the river and Canal. Communities are now required to have a permit to discharge their storm sewer into the waters. In an effort minimize the cost, sixteen communities in Stark County got together and hired Chris Barnes who works for the County. He is dedicated to this project through March 10th.

Parks.

Mr. Etheridge stated the Park Board received a report Brian Krzynowek summarizing the results of the Summer Recreation Program. Mr. Etheridge passed the report to Council. The Summer Rec Program turned out to be rather disappointing in the size of enrollment, but the program was received very well by the people who attended. Because of the uncertainty of the financial situation the Board got a late start on putting the program together. The program ended up being limited to four weeks and initially we did not put the word out to the schools because of the refusal of Lawrence Township to participate financially. He said the next meeting on October 10th, they will begin to discuss what they would like to do next year for a Summer Rec Program.

Mr. Mouse asked how much the program cost the City this year. Mr. Etheridge said \$6,800.00.

The Mayor said he sent a letter to the Northwest Board of Education Superintendent recommending that the Northwest Board appoint Scott Svab as their delegate to the Park Board. He said there had been an issue or question about residency. He said the State law was changed in 1999 regarding recreation board members and it specifically states that the Northwest Board delegate has residency in the school district. Mr. Svab does live in the Northwest School District.

Law Director.

Mr. Kincaid said he had nothing particular to report, but thanked the City for sending flowers to his brother's funeral.

THIRD READINGS:

Public Hearing 8:00 p.m.

Ordinance 32-02: An Ordinance Amending the Zoning Code by Designating as R-1 Property Recently Annexed.

Mr. Szanto made a motion to pass Ordinance 32-02. the motion was seconded by Mrs. Cihon. Roll: Yes – 5. Mr. Mouse abstained.

Ordinance 33-02: An Ordinance Amending the Zoning Code Section 1181.01 (b)(5) to Permit Signs Up to Sixty Square Feet in B-2 Zones.

Mr. Dane made a motion to approve Ordinance 33-02. The motion was seconded by Mrs. Cihon.

Mr. Szanto asked if this new size is for one side only or two sides if it's a pole sign. A discussion followed.

The motion was tabled.

Ordinance 35-02: An Ordinance Amending the Zoning Code by Designating as I-1 Property Recently Annexed.

Mrs. Zahirsky made a motion to approve Ordinance 35-02. The motion was seconded by Mr. Szanto.

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Roll: Yes, 5. Mr. Mouse Abstained.

SECOND READINGS:

None.

FIRST READINGS:

Ordinance 40-02: An Ordinance Approving the Editing and Inclusion of Certain Ordinances as Parts of the Various Component Codes of the Codified Ordinances of Canal Fulton, Ohio, and Declaring an Emergency.

Mr. Szanto made a motion to suspend the rules for Ordinance 40-02. The motion was seconded by Mrs. Cihon. Roll: Yes – ALL.

Mr. Szanto made a motion to pass Ordinance 40-02 under suspension. The motion was seconded by Mr. Dane. Roll: Yes – ALL.

Resolution 20-02: A Resolution Authorizing the City Manager to Apply through the Ohio Public Works Commission for a Grant for Improvement of the Waterline on Milan Street, and Declaring an Emergency.

Mr. Szanto made a motion to suspend the rules on Resolution 20-02. The motion was seconded by Mrs. Downing.

Mr. Mouse said he felt the City would not have the money for this. He said the City would be wise to wait until other things clear up. It was stated that this would not be General Fund money.

Roll: Yes – 5. Mr. Mouse – No.

Mrs. Zahirsky made a motion to pass Resolution 20-02 under suspension. The motion was seconded by Mrs. Cihon.

Mr. Mouse asked if there was a priority list on what infra-structure we need to replace and when it needs to be replaced. The Mayor said for the past 3 years he has asked Council to put infra-structure improvements out the Milan Street area because that is our second and only industrial zone. He said the lines out there are shot to begin with. He said the City will not attract any industry out there unless we have water. He then ask Chief Hill how far water had to be pumped when the Fire Department fought a fire out there.

Chief Hill said it had to come all the way from Market and Milan Streets. He said the City really needs that water line badly. A discussion followed.

Mr. Mouse asked Mr. Dorman what he thought. Mr. Dorman stated that they did not have the water pressure out there during the fire and there was \$6,000,000.00 damage. They had to lay the pipe on the ground for 1,100 feet. He said the City had an excellent chance to get a the grant because of that unfortunate fire.

Former Fire Chief Kroeger said when he was chief they had the insurance service office come in and he spent a week with them. He said they told him that was the worst area of town and probably cost the City a point on its insurance rates. Further discussion followed.

Roll: Yes – ALL.

Resolution 21-02: A Resolution Authorizing the City Manager to Enter into an Agreement with the Stark County Regional Planning Commission for the Purpose of Preparing National Pollutant Discharge Elimination System Permits for the Phase II Storm Water Program.

PURCHASE ORDERS & BILLS:

P.O. #1857, in the amount of \$425,821.55, to NorthStar Asphalt Co. for Locust/Millfield intersection improvement project per Resolution 19-02, approved by Council 9-30-02.

Mrs. Kerr said she was asked by Mr. Mouse at the last meeting where the funds were coming out of. She passed around a report with that information.

Mr. Dane made a motion to approve P.O. #1857 in the amount of \$425,821.56 to NorthStar Asphalt Co. The motion was seconded by Mrs. Cihon. Roll: Yes – ALL.

P.O.#1859, in the amount of \$3,448.00, to J.D. Striping & Service, Inc. for 2002 road striping program.

Mrs. Cihon made a motion to approve P.O. #1859, in the amount of \$3,448.00 to J.D. Striping & Service, Inc. The motion was seconded by Mr. Dane. Roll: Yes – ALL.

P.O. #1861, in the amount of \$5,000.00 to Robert Tscholl, for professional services for contract negotiations.

Mr. Szanto made a motion to approve P.O. #1861, in the amount of \$5,000.00 to Robert Tscholl. The motion was seconded by Mrs. Cihon. Roll: Yes – ALL.

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P.O.#1879 in the amount of \$3,847.64, to Walter H. Drane Co., for services for updating Codified Ordinances.

Mrs. Zahirsky made a motion to approve P.O.#1879 in the amount of \$3,847.64. The motion was seconded by Mrs. Cihon. Roll: Yes – ALL.

P.O.#1883 in the amount of \$5,321.25 to Plastic Lumber Co. for park benches and tables.

Mr. Mouse made a motion to approve P.O.#1883 in the amount of \$5,321.25 to Plastic Lumber Co. The motion was seconded by Mr. Dane. Roll: Yes – ALL.

Bills in the amount of \$152,539.72

Mrs. Cihon made a motion to approve the bills in the amount of \$152,539.72. The motion was seconded by Mr. Dane. Roll: Yes – ALL.

Mr. Kincaid at this time reported back on the sign question regarding Ordinance 33-02. He stated the Code does not state “one side” or “two sides”. He said when you have an ambiguity, you have to construe it in favor of the property owner. A discussion followed.

Mr. Hatfield said it is considered as one sign, whether two-sided or not.

Vote to approve Ordinance 33-02. Roll: Yes – ALL.

NEW BUSINESS:

OTHER BUSINESS:

A. Approval of Canal Fulton Civil Service Rules.

Mr. Kincaid stated that when he read the original draft, Mrs. Zahirsky had raised the question concerning prohibition on political activity by classified employees may not be valid. That is the case. The State Supreme Court ruled that it was unconstitutional. A discussion followed.

Mr. Kincaid stated that he wanted the portion to say that political activity was allowed, except for City politics.

Mrs. Loretto asked Mr. Kincaid to revise that section according to the law.

At this time, the matter was tabled.

B. Approval of Liquor License Renewal for Dairy Mart 5400

The Mayor asked Officer Swartz if he was aware of any violations of the Dairy Mart's liquor license. Officer Swartz said no.

Mr. Szanto made a motion to approve the renewal of the liquor license for Dairy Mart 5400. The motion was seconded by Mrs. Downing. Roll: Yes – ALL.

C. Approval of Minutes from Council Work Session of Tuesday, August 13, 2002.

Mrs. Zahirsky made a motion to approve the minutes of Council Work Session of August 13, 2002. The motion was seconded by Mrs. Cihon. Roll: Yes – 5. Mr. Dane abstained.

CITIZENS COMMENTS (Open discussion, Five minute rule)

Mr. Colaianni said he doesn't know where things stand with the negotiations. But he knows Lawrence Township is putting a police levy on the ballot in November. He would like to know where the City stands financially. He asked if people out on Locust Street had been asked about future plans that may generate income. The Mayor said people out on Locust have not been approached. He said the finalization of the annexation is not completed. Mr. Colaianni stated that if they anticipate a revenue shortfall, it still is not right to threaten people with layoffs.

Mrs. Loretto stated that the City is trying to hold off making final decisions until we know the final shortfall. She said we will know in October. She said they are looking at everything. They are looking at cutting back on capital improvements, layoffs, everything.

Mr. Hatfield asked what the plan was for use of the \$250,000.00 that was set aside for land purchase. The Mayor said it is not for a specific purpose.

Mr. Keller, a non-resident, stated that Officer Harbaugh has continued to harass him. He said that foul language had been used on a cell phone. He would like to know whether it was Officer Harbaugh's personal phone or a City cell phone. He continued telling his story. He stated that Officer Harbaugh asked Mr. Keller to come to Canal Fulton to converse with him. Mr. Mouse asked what day the Officer called him. Mr. Keller said September 1, 2001.

Former Fire Chief Terry Kroeger showed a video tape with a chair on fire and the time span it took for the fire to spread. He said he was there objecting to the move of the fire station to the Westside. He said there will be a total 3 minutes difference in response and in three minutes a lot can happen. He said there have been 500 calls to the fire department so far

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this year. Out of the 500, 400 of them were on the East side of town. He said it did not make sense to respond past the current station up to the Westside station, back through town again and go to the call on the East side. He said 28 of the firemen live on the East side of town, six on the West side. The rest live out of town. A discussion followed.

Mr. Kroeger ended by saying he wanted Council to reconsider and give this move a lot more thought.

The Mayor stated that when Council gave its approval to move out to the Westside, he did not think about the fact that the city's Zoning Code does not allow mobile homes in the City. Mark Stewart replied that it is not a mobile home, it is a portable office.

The Mayor said they may have to look at putting on a fire levy to see if people are for building a new fire station. The Mayor said the way our General Fund currently stands, it is not going to happen this year or next year or the next.

REPORT OF COUNCIL PRESIDENT

REPORT OF STANDING COMMITTEES

REPORT OF SPECIAL COMMITTEES

The meeting was adjourned.

Sharon Reiter, Clerk of Council

Shawn Kenney, Mayor