

# CITY OF CANAL FULTON

February 5, 2008

## COUNCIL MEETING

Mayor John Grogan called the February 5, 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, Matthew Moellendick, Nellie Cihon, Danny Losch and Diane Downing.

Absent: Anthony Crookston and Jim Deans

Mr. Losch moved to excuse Jim Deans due to medical reasons, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

Mrs. Cihon moved to excuse Anthony Crookston due to being out of state, seconded by Mr. Losch. **ROLL: Yes, ALL.**

Others Present Roy Batista, Interim Law Director; Mark Cozy, City Manager; Tammy Marthey, Clerk of Council; David Frisone, Police Chief; Ray Green, Fire Chief; Scott Svab, Finance Director; Daniel P. Mayberry, Service Director; Scott Fellmeth, Victor Colaianni, Michael Mouse, Resident; Ken and Margarita Roberts, Business Owner; Michael Freeze, Independent; Laura Meade, Observer Reporter; and Joan Porter, Repository.

## CORRECTING/ADOPTING THE RECORD OF PROCEEDINGS

Mrs. Cihon moved to approve the January 15, 2008 meeting minutes, seconded by Mrs. Downing. **ROLL: Yes, ALL.**

## REPORTS OF STANDING COMMITTEES

Mr. Moellendick stated the public service committee recently met. At the meeting they discussed:

1. Mr. Moellendick reported he was selected to be the chairman for the committee.
2. Items discussed was the sanitary sewer assessments and assessment of the property owners.  
The committee recommends Council draft and adopt legislation similar to the County's Sanitary Engineer in regards to assessments. The City Manager and the Service Director are to provide estimated costs to determine the assessment.
3. North Canal Street angle parking was discussed.  
They committee recommends Council to accept the City Engineer's recommendation for the back in angle parking and conversion to one way. He stated due to the cost of the improvement they felt it is worth a test run to add additional parking. He stated other cities have used the back in arrangement and it has worked well for safety.

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Mr. Moellendick stated he would like to offer a challenge for the Council and Public Service Committee to look deeper into a city wide pavement management system. He stated in order to deliver on their promises that they had with the increased income tax, and to take advantage of the future dollars that will be gained from the Milan Township formation, a system needs developed to efficiently track pavement maintenance, condition, life cycle and allow accurate budgeting and future maintenance and replacement costs.

Mr. Losch stated he has some concerns about the back in angle parking. The poles are close to the curb.

It was expressed that Mr. Dorman took this into consideration.

**CITIZENS' COMMENTS – AGENDA MATTERS** - None

### **REPORTS OF ADMINISTRATIVE OFFICERS**

#### ***SENIOR CITIZENS (Nellie Cihon)***

**Swiss Steak Dinner:** The next dinner will be held on March 8, 2008. Call the Center for reservations.

**High School Senior Project:** Mrs. Cihon stated the Northwest High School Seniors will be doing inside and outside window cleaning for senior citizens. Request forms may be obtained at the senior center.

**Guest Speaker:** The center will have a guest speaker on "Fighting Relief After Suffering Shingles" on February 26, 2008.

**Day Trip:** The Center is sponsoring a trip to Mountaineer Casino on February 27, 2008. Call the Center for reservations.

***FIRE CHIEF (Ray Green, Fire Chief)*** – Chief Green stated most issues at the department relating to the construction have been corrected. The contractors have been making repairs.

Chief Green reported that the County 911 did a survey/report. The recommendation from the report was for the county to have one centralized dispatch system. He supports this and the Fire Chief Association also supports this proposed change. When someone calls 911 currently, the call goes into the Stark County Sheriff office and then it is dispatched to the RED Center. With the proposed change, when dialing 911 is goes to one location and fire/EMS or police are directly dispatched. With the current dispatching system, there is potential that call could be dropped or sent to the wrong agency.

Chief Green reported at his last Fire Chief's meeting, there was discussion on regionalization within the departments, such as joint fire districts. He stated in the Columbus area and other parts of the state they are looking at county wide fire and emergency services. The Stark County Fire Chief's have a committee that will be researching this. He stated one of the biggest things is the reduction and duplication of equipment, which are big dollar resources. He stated everyone hears about the ladder trucks, which can cost up to \$1M and not everyone on the block needs a ladder truck. This is the idea behind it, to have joint sharing on big items as this.

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Chief Green stated there isn't anything in the Ohio Revised Code (ORC) currently that addressed countywide fire departments. He thinks there may be some push from the state fire chiefs or some other organizations to get this included in the ORC.

Mayor Grogan asked about the centralized dispatch center, where would it be located. Chief Green stated this has not been decided.

Chief Green stated he had requested at the past Council meeting to purchase self-contained breathing apparatus. He stated monies were appropriated last year to replace this equipment. They held off on this purchase due to where the final costs for constructions were going to be. He stated they included in the budget this year to replace 12 units and rit bag, which is an air cylinder with an umbilical hose. If a firefighter goes done, a rescue team can go in and plug the hose into that firefighter breathing apparatus and give him a fresh supply of air. They currently do not have this capability. The new tanks are smaller and lighter.

The twelve units, the rit bag and a spare cylinder for each unit cost \$48,000 and the filling station would cost \$20,000. Mr. Svab stated this is included in the budget.

Mr. Svab asked if they thought the township would share in the cost of the filling station. Mr. Gross stated the township's equipment isn't compatible.

Mr. Losch stated there is a \$5,000 difference. Mr. Svab stated they could reduce that from supplies/materials, that there is an extra \$5,000 in that line item. The Chief stated that would be okay.

Chief Green stated there is a purchase order on the Mayor's desk. Mr. Svab stated he wanted to pass the budget this evening and then address this at the next meeting.

Mayor Grogan stated once they are done reviewing the budget, then they will sign off on it and move it through to expedite it. Mr. Gross stated the price went up February 1, 2008 and he is unsure that they will keep our previous price for an additional two weeks. Mr. Cozy recommended that they move quickly on this matter.

Mayor Grogan stated they will review this again after they look at the budget.

**POLICE DEPARTMENT (David Frisone, Chief)** Chief Frisone distributed his year end report. He stated there was an activity decline for 2007 as a result of personnel shortages due to illness, injuries and training. He stated combined with budget restrictions and a temporary hiring freeze, there were concerns over officer fatigue and overtime costs steadily increased. Despite the challenges, the officers achieved 280 arrests (37%) more than in 2006.

Chief Frisone reported he attended the Crime Prevention Award Breakfast.

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Chief Frisone stated there was an article in the Repository relating to Shawn Richardson. He was arrested in Canton. He is a registered sex offender. In the article it states he moved to the area in 2006. At that time, he moved to Canal Fulton. He did the correct procedures in notifying people. The grade school was still open. He moved in on Heritage, which they measured and was within the radius. The police department visited him to let him know that they would be monitoring him. The Ohio Adult Parole Officer who was supervising him told the police department that they needed to be extra careful with him because he had a very good chance of being a repeat offender. It didn't take but a couple months and they caught him in the library on the computer trying to chat with children and approaching juvenile females who were at the library and was passing notes to them. The evidence was gathered and turned over to his parole officer. He was arrested and served the remainder of his sentence. He then moved to Canton and has been arrested again.

During the year 2007, the department assisted 7 other people in leaving Canal Fulton, most due to them having felony offenses. They were causing enough nuisance that they were able to work with the landlords to have them terminate their leases. Most of the landlords have clauses in their leases for such purposes.

Chief Frisone stated he would like to nominate Melissa Kosco as Officer of the Year. He will present at a future meeting.

Mayor Grogan asked the Chief to reference the solicitation incident we had this past week.

Interim Law Director Batista stated he contacted the Ohio Municipal League for updated information relating to canvassing. He has not received the information yet.

Mayor Grogan stated this is a huge problem for him. Mayor Grogan stated his concern is that some solicitors will use door to door knocking for some to case out homes for robberies or to commit other crimes; and he is not going to allow this to happen in this community. Mayor Grogan stated he may instruct the Chief to stop all solicitation, with the exception of the school children selling projects and Girl and Boy Scouts.

The Mayor would like to get a cost of No Solicitation signs for residents to pick up at City Hall. The Clerk will get a price on the printing/laminating costs. Law Director Batista recommended we have a registration list of residents that pick up a sign to have them registered.

**ENGINEER/STREETS/PUBLIC UTILITIES (William Dorman/ Dan Mayberry)** – Mr. Mayberry reported that the Water Department received the results from the annual Ohio EPA. The Department did not have any citations. All aspects of the operation were found to be in compliance with the environmental regulations.

Mr. Mayberry reported that the roads are starting to show winter wear. Patching operations have been completed on arterial streets only due to the availability of material. Mr. Petersen and Mr. Mayberry will begin to put together the 2008 pavement maintenance program over the next couple of weeks. They will be working with the Finance Director and City

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Manager for which areas and what type of funds are going to be required for 2008.

**FINANCE DIRECTOR (Scott Svab):** Mr. Svab stated bills are included in the packet. He stated there is a supplement to the packet which includes Ordinance 5-08, the 2008 Permanent Annual Appropriation Measure. He would like to see this Ordinance passed under emergency so they can move forward with the budget. He stated most of this work was done last year with Mr. Colaianni and Mrs. Zahirsky. He stated most of the finalization that he had to do was for the wages and other reflections with the Teamsters and FOP tentative agreements. They had to wait for these to be finalized and the ending balance in the General Fund.

Mr. Svab responded to Mr. Moellendick's earlier inquiry about the street program. He stated because they had anticipated more revenue with the passage of the income tax and the increase from the motor vehicle license plate increase, included in the 2008 budget, is street improvements for South Canal and Cherry Street.

Mr. Svab stated he has two purchase orders.

### **CITY MANAGER (Mark Cozy):**

Canal Dredging: Mr. Cozy stated he met with representatives from Stark Parks and Stark County Engineer's office regarding potential dredging of portions of the canal. He stated currently the canal boat is hitting the bottom in several parts of the canal. Stark Parks went out with the survey that we received a grant to conduct with a row boat and depth finding equipment and concluded that at least one third of the canal is at the depth of 2-1/2' or less, which is too large of a project for the City to do quickly with the County Engineer's this year. The City has received notification that we are going to get a grant to do the engineering to restore the feeder system and the canal, which is needed. Mr. Cozy stated he has been in contact with Mr. Hatfield and other Heritage Society members to have them physically mark areas where the boat could be dragging bottom. The boat did have a leak from some of this problem. Repairs have been made to the boat. They will keep monitoring the conditions of the canal.

School Annexation: The petition for annexation was filed with the Commissioner's today.

Warwick Annexation: The petition will be filed with the Commissioner's on Wednesday.

Signage on Rt. 21: Mr. Cozy reported he received a letter from ODOT and they will be placing signage on Rt. 21 by the Rt. 93 exit directing people to the historic downtown and to the Canalway. They will be the standard brown signs with the white lettering.

Milan Township: Mr. Cozy stated he has a revised copy of the Milan Township map. He is still working on the map. The Commissioner's were to be reviewing it today.

Comprehensive Plan: Mr. Cozy stated he has been in communication with Robert Nau, Stark County Regional Planning Commission. He

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requested an amended proposal for a comprehensive plan for Canal Fulton in case the trustees decide to not participate with the City. He has a quote in the amount of \$17,612.42, which was in conjunction with Lawrence Township. He stated they might want to consider putting in this year's budget and moving forward with it. He should have an amended proposal by next meeting.

Mr. Cozy stated he will be placing an ad for a Community Service Coordinator.

### ***REPORT OF MAYOR (John Grogan)***

Mayor Grogan stated he would like to recommend to Council to appoint Scott Fellmeth as the City Law Director.

Mrs. Cihon moved to appoint Scott Fellmeth as recommended by Mayor Grogan, seconded by Mr. Losch. **ROLL: Yes, ALL.**

### **RE-APPOINTMENT TO BOARDS:**

Planning Commission: Mayor Grogan recommended to reappoint John Workman and Don Schwendiman to the Planning Commission. Mrs. Cihon moved to appoint Mr. Workman and Mr. Schwendiman, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

Historic Preservation Commission: Mayor Grogan recommended to reappoint John Workman and Dennis Browne to the Historic Preservation Commission. Mrs. Cihon moved to appoint Mr. Workman and Mr. Browne, seconded by Mr. Losch. **ROLL: Yes, ALL.**

Park Board: Mayor Grogan recommended to reappoint Edward Fousek to the Park Board. Mrs. Cihon moved to reappoint Mr. Fousek, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

Civil Service: Mayor Grogan recommended to reappoint Robert Alderman to the Civil Service and to appoint Victor Colaianni. Mrs. Cihon moved to reappoint Mr. Alderman and appoint Mr. Colaianni, seconded by Mr. Losch. **ROLL: Yes, ALL.**

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

***LAW DIRECTOR (Roy Batista, Interim)*** Law Director Batista stated he has the bonding for Fulton Landing Allotment. He stated per the Engineer's recommendation, he has a product that Huntington Bank offers. It is a step up letter of credit. It starts at \$53,000 for the period of the performance bond and then it goes up to \$80,000 for the maintenance bond for two years. It is a letter of credit. He stated he has used the letter of credit at other municipalities. He finds it to be very efficient. Our ordinances provide that the actual financial agreement be approved by council. He recommends that Council approve the \$53,000/\$80,000 step up plan letter of credit.

Mayor Grogan stated based upon Attorney Batista's recommendations, if we have a member of Council that would like to enter a motion.

Mrs. Cihon moved to approve the \$53,000/\$80,000 step up plan letter of credit, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

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Attorney Batista stated they are ready to move forward with this, the developer is ready to start selling lots. He stated he does not have the letter of credit yet. He instructed Huntington Bank to send it to Mr. Cozy when it is ready. He stated to make sure that the plat is not recorded until the letter of credit is in hand. He stated the plat needs to be circulated and one of the important things that it needs, is to be signed by Parkview Federal which has the first lien.

**THIRD READINGS** - None

**SECOND READINGS**

**Ordinance 2-08:** An Ordinance Amending Section 181 of the Codified Ordinances, and Creating a Section, Specifically Section 181.28, "Reserved for Future Use" to Be Entitled "Collections Outsourced and Fees Assessed" and Declaring an Emergency.

**Stands as Second Reading**

**FIRST READINGS**

**Ordinance 3-08:** An Ordinance Employing Roy Batista as Interim Law Director for an Indefinite Period, Commencing January 1, 2008 and Declaring the Same to be an Emergency.

Mr. Batista stated the Finance Director will need this for payment for him for January and part of February for him.

Mr. Batista stated he has his letter of termination.

Mrs. Cihon moved to suspend the rules on Ordinance 3-08, seconded by Mrs. Downing. **ROLL: Yes, ALL.**

Mrs. Cihon moved to pass Ordinance 3-08 under suspension, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

**Ordinance 5-08:** An Ordinance to Make Permanent Appropriations for the Current Expenses and Other Expenditures of the City of Canal Fulton, County of Stark, Ohio During the Fiscal Year Ending December 31, 2008, and Declaring an Emergency.

Mayor Grogan asked if they were going to be reviewing the budget in executive session. Mr. Svab stated this is everything the finance committee talked about, other than the union contracts. Mayor Grogan stated the union contracts are attached to this and it was his concern. He stated Council needs to make a decision on the contracts, as they are tentative based upon Council's recommendation, so before they can fiscally move on this, they need to go into executive session to discuss the contracts and then they will vote on Ordinance 5-08.

Mayor Grogan also asked that the fire department personnel stay until after the executive session so that they can revisit the air packs purchase order.

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**PURCHASE ORDERS & BILLS**

**P.O. 5142** to Cargill Deicing Technology for 150 tons street salt at \$36.33 per ton in the amount of \$5,449.50. Mrs. Cihon moved to approve P.O. 5142, seconded by Mr. Losch. **ROLL: Yes, ALL.**

**P.O. 5143** to Lockhart Concrete Company for Locust Street Waterline Project in the amount of \$43,592.14. Mrs. Cihon moved to approve P.O. 5143, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

**BILLS: \$181,827.75** Mrs. Cihon moved to approve the bills, seconded by Mr. Losch. **ROLL: Yes, ALL.**

**OLD/NEW/OTHER BUSINESS** - None

**REPORT OF PRESIDENT PRO TEMPORE (Anthony Crookston)** - Not Present.

**REPORT OF SPECIAL COMMITTEES** - None

Mayor Grogan introduced Larry Dordea, who is running for Stark County Sheriff. He is the former Chief of Alliance. He has a very distinguished career throughout the police force. He is probably one of the best candidates so far.

Mr. Dordea stated he has been a police officer the last thirty years in Alliance. He stated Alliance is nothing like its reputation, crime has been reduced dramatically. He stated he had been the police chief for the past 9-1/2 years. He stated twice a month during those years, he watched Alliance City Government and its Council action. He commended all present for a great meeting. He stated it is nice to see how much work can get done in a short order and the kind of reports that are being generated by the civil servants. He stated as a FBI graduate, to keep sending our officers for training, it will pay the city back in big dividends.

He stated he opted to retire because he feels there is more that needs to be done in Stark County for law enforcement. He is a strong law and order guy. He stated Stark County needs to be a strong target. He stated safety is a huge issue and he wants all to know there is a law and order person and not a politician that is running for sheriff.

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

**Mike Mouse:** Mr. Mouse thanked Mr. Moellendick for his project that he wants to undertake. He requested a copy of any report that Mr. Moellendick generates.

Mr. Mouse requested a report of how much money they received in grant for the OVI program and how many convictions they have done as a result of the stops. Chief Frisone stated this year they received \$10,912 in overtime reimbursement. Mayor Grogan gave Mr. Mouse a copy of the annual report for the Police Department.

**Victor Colaianni:** Mr. Colaianni thanked Mr. Cozy for continuing with the plan that the last couple of Councils have laid foundation for.

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**EXECUTIVE SESSION**

Mrs. Cihon moved to adjourn to executive session at 8:28 PM from the regular meeting for the purpose of appointment of a public employee or official; employment of a public employee or official; promotion or demotion of a public employee or official; compensation of a public employee or official; purchase of real, personal, tangible or intangible property; the sale of property by competitive bid to prevent the disclosure of information that would provide competitive advantage; preparing for, conducting or reviewing negotiations or bargaining sessions with public employees, to include Mayor/Council, Law Director, City Manager, Finance Director, Fire Chief and the Police Chief and Service Director for a portion of the session, with projected legislative action to be taken, seconded by Mrs. Downing. **ROLL: Yes, ALL.**

A motion was made by Mr. Losch to return to public session at 9:51 PM, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

Mayor Grogan stated there is a recommendation from Mr. Mayberry and Mr. Cozy to appoint Mark Petersen as Street Superintendent.

Mr. Losch moved to appoint Mark Petersen as Street Superintendent, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

Mayor Grogan stated the faternal order of police contract was discussed and the ratification of the contract as stipulated by the articles presented, Articles 15, 24, 28, 34, 36, 32, 37 and two new articles. He wanted to know if we had a motion to decline or accept.

Mrs. Cihon moved to accept the contract as presented to Council, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

Mayor Grogan stated they also reviewed the contract with the Teamsters. It is a three year contract effective January 1, 2008 through December 31, 2011.

Mrs. Cihon moved to approve the Teamsters agreement effective January 1, 2008 through December 31, 2011, seconded by Mrs. Downing. **ROLL: Yes, ALL.**

**Ordinance 4-08:**

Mayor Grogan stated there is a part-time pay ordinance that came through a committee and it is recommended to approve the numbers provided for part-time employees. Mayor Grogan asked if we had a motion to accept or decline Ordinance 4-08.

Mrs. Cihon moved to approve 4-08, seconded by Mrs. Downing.

Chief Green stated the pay for the day program has to be agreed upon by the Trustees as well before they can be implemented. Chief Green stated it could be approved contingent upon the approval of the Trustees.

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Mayor Grogan stated, based upon the recommendation of the Law Director, they will insert the language "subject to approval of the Lawrence Township Trustees". The motion will be contingent upon that language.

**ROLL: Yes, ALL.**

Mayor Grogan stated the next order is Ordinance 6-08, salary recommendations for full-time employees. It was the recommendation for of the committee to accept the figures provided.

Mrs. Cihon moved to accept Ordinance 6-08, seconded by Mrs. Downing. The following changes need made: Section 1, pay should be \$33,964.25; Section 8, change from year to month; and Section 6, it should be \$55,965.40. **ROLL: Yes, ALL.**

Mayor Grogan stated the request for the purchase of ten tanks and one compressor, with estimated value of the \$48,000 and the compressor is \$20,000

Mrs. Cihon moved to accept the purchase of ten tanks and one compressor, seconded by Mrs. Downing. **ROLL: Yes, ALL.**

Mr. Svab stated he will assign number 5144 and once the description information is given, he will present at the next meeting. He can proceed right away though. It will be a then and now purchase order.

Mrs. Cihon moved to approve the 2008 Permanent Budget, seconded by Mrs. Downing. **ROLL: Yes, ALL.**

**ADJOURNMENT**

Mayor Grogan adjourned the February 5 2008 meeting. The next regular scheduled meeting is February 19, 2008 at 7:00 p.m.

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Tammy Marthey, Clerk of Council      John Grogan, Mayor