

CITY OF CANAL FULTON

April 1, 2008

COUNCIL MEETING

Mayor John Grogan called the April 1, 2008 City Council meeting to order at 7:00 PM in Council Chambers at City Hall.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: Mayor John Grogan, Diane Downing, Matthew Moellendick, Nellie Cihon, Danny Losch.

Absent: Jim Deans and Anthony Crookston.

Others Present Scott Fellmeth, Law Director; Mark Cozy, City Manager; Tammy Marthey, Clerk of Council; David Frisone, Police Chief; Ray Durkee, Lieutenant-Fire Department; Daniel P. Mayberry, Service Director; Ray Nida and Rachel Bowen, Residents; Skip Blowers, Keith Blowers, Paul Addressi, Business Owners; Dean and Debbie Koncz, Frank Duncan, Timothy Koncz, Nessa Collins, and Peter D. Oldham, Police Department; Laura Meade, Observer Reporter; Michael Freeze, Independent and Joan Porter, Repository.

CORRECTING/ADOPTING THE RECORD OF PROCEEDINGS

Mrs. Cihon moved to approve the March 19, 2008, as amended, seconded by Mr. Moellendick. **ROLL: Yes, Mr. Moellendick, Mrs. Cihon and Mr. Losch. Abstain, Mrs. Downing.**

Motion does not carry for lack of quorum. Minutes to be placed on next meeting agenda.

REPORTS OF STANDING COMMITTEES - None

CITIZENS' COMMENTS – AGENDA MATTERS - None

REPORTS OF ADMINISTRATIVE OFFICERS

SENIOR CITIZENS (Nellie Cihon)

Swiss Steak Dinner: The next dinner will be April 5, 2008, serving from 4-6:30 PM. Reservations may be made by calling the Center.

Coping With Pain of Shingles: There will be speaker as well as a luncheon on April 22 to discuss this topic at 12:00 noon.

Safety for Seniors: Chief Frisone, Prosecutor's Office, Sheriff Department and list of other agencies will be presenting this topic at noon on April 23rd at 11:30 AM. All are welcome to attend. Lunch will be served.

COMMUNITY SERVICE COORDINATOR

FIRE CHIEF (Ray Green, Chief) – No Report.

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POLICE DEPARTMENT (David Frisone, Chief): Chief Frisone made a request for Council to confirm three candidates for the position of part-time police officer. They are: Timothy Koncz, Nessa Collins, and Drake Oldham.

Mayor Grogan stated information had been forwarded to Council per his request, he would make the commendation that they confirm the following three individual's for part-time police officers for the City of Canal Fulton.

1. Drake Oldham: Mr. Oldham is a twelve year veteran of the Cuyahoga Falls Police Department where he served as a patrol officer and training officer. He currently serves as a Training Coordinator/Instructor for the Ohio Peace Officer Training Commission in Richfield and lives in Stow.
2. Nessa Collins: Miss Collins is a graduate of the Stark State College Police Academy and currently serves as a Deputy Sheriff for the Mahoning County Sheriff's Office. She is also a Firefighter/EMT with the Osnaburg Township Fire Department and lives in East Canton.
3. Timothy Koncz: Mr. Koncz is a graduate of Stark State College Police Academy and Northwest High School. Mr. Koncz currently works full-time in the shipping department for Ohio Wholesale Inc. in Seville and lives in Canal Fulton.

Mrs. Cihon moved to appoint the individual's to the police department based upon the Mayor's recommendation, seconded by Mr. Losch.
ROLL: Yes, ALL.

Mayor Grogan administered the Oath of Office to the three candidates and welcomed them aboard.

ENGINEER/STREETS/PUBLIC UTILITIES (William Dorman/Dan Mayberry): No Report

FINANCE DIRECTOR (Scott Svab)

Ordinance 17-08: Mr. Svab stated he had an additional ordinance for a first reading. He stated the change is the mileage reimbursement. It is currently \$8.00 and he is requesting it to be raised to \$12.00. He stated he has spoken with Chief Green and he is in agreement with this. Ohio Billing had recommended going to the maximum amount. Medicare only pays 80% of the projected costs and their highest allowable in the area is \$8.32 and we will be meeting that gap. He stated at the current rate we are only collecting \$6.40. He stated the 2007 fuel expenses were \$6,341 and 2006 they were \$5,479. From the March runs, they have collected \$3,186 and the year to date for 2008 is \$12,469. They are track presently of reaching the goal of \$60,000. They still need to see what they are going to collect from the Township.

He would ask Council for a first reading on this ordinance.

Purchase Orders & Bills: Mr. Svab stated they are included in the packet.

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CITY MANAGER (Mark Cozy)

SCOG GeoComm Study: Mr. Cozy stated he has a packet from Stark Council of Government (SCOG) which did a study of the regional dispatch and 911. He has a summary of the study. They are asking all the political subdivisions to do a resolution of support. He is giving Council information to review and is also distributing a resolution that was passed by the County Commissioners. He stated the Police and Fire Chief and Mayor are currently reviewing the study itself. He stated the summary is a nutshell of the survey. Mr. Cozy stated once all is reviewed, he will be coming back to Council with a recommendation.

Mayor Grogan stated once they have had an opportunity to read through it, they will make a recommendation.

Comprehensive Plan: Mr. Cozy stated yesterday was the deadline for the Lawrence Township Trustees to respond to a letter that was sent to them requesting their participation in the Comprehensive Plan. The City did not receive a written response back from them.

Mr. Nau, Stark County Regional Planning (SCRIP), can prepare a contract for the City to enter into an agreement with them to do a comprehensive plan in the amount of \$15,500. Mr. Cozy would like a motion of support for him to have the contract drafted for review for the next meeting. Mr. Cozy stated they had sent out a request from individuals to serve on the steering committee and they may need to revisit that and it could possibly be expanded or allow the SCRIP facilitate that process. He thought there were individuals in the township that would be interested in working with the City.

Mayor Grogan stated he would have liked to have something returned from the Trustees as to whether or not they wanted to participate in this since it is going to impact them even if we go ahead with it. It doesn't make sense for them not to try to have some type of joint effort with the City. He doesn't know if Council wants to, or if they are prepared to do this study. He hasn't looked at that portion of the budget to see if we are going to be able to sustain the entire cost for the study. It would be nice to be able to share this cost, and in return share the growth of the community as a whole. He stated he is aware one of the Trustees stated they wanted to be left alone, but he feels this is one person. He doesn't believe that he speaks for all three and he would like something from the other two stating unanimously they don't want to do anything on this venue. Their silence can be deafening, but he would like to have something from them stating they don't want to proceed forward.

Mrs. Cihon stated she has mixed feeling about it but would like to go ahead with the plan; Mr. Moellendick stated he would like to move forward; Mr. Losch stated to move forward that many offers have been extended; Mrs. Downing stated to definitely move forward.

Mayor Grogan stated based on the positions of Council to get the draft to review.

City Vehicle

Mr. Cozy stated Mayor Grogan asked for him to get information on a vehicle for the City. He stated the best deal he could get was for a 2008

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Ford Escape, State contract price \$17,105.00 The cost would be shared three ways, 1/3 water, 1/3 sewer and 1/3 general fund. He stated they could move forward with this purchase but it was not a budgeted item so they would have to do an appropriation next meeting. He wanted to make sure that Council is in support of the Mayor's request.

Mayor Grogan stated employees are driving their personal vehicles and it is to the point that is going to alleviate the additional wear and tear on employees' vehicles and the cost in mileage reimbursement to the City.

He feels it is a good idea that they purchase a vehicle. Mayor Grogan stated by voice vote, he asked if Council had any problems with the purchase of a vehicle: Mr. Moellendick, no; Mrs. Cihon, no; Mr. Losch, no; Mrs. Downing, no.

Elmridge Property: Mr. Cozy stated a paper products company has recently moved into one of the buildings on Elmridge. They are relocating from Jackson Township.

Canalway Center Seasonal Help: Mr. Cozy stated Sheila Charlson would like to return as seasonal help to assist at the Canalway Center and he would like a voice motion from Council. This would be her second year and the Center and would like to bring her back at the established rate of \$9.08 per hour for second employment.

Mr. Moellendick made a motion to accept the recommendation of Mr. Cozy to re-hire Mrs. Charlson for seasonal help at the Canalway Center, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

Mr. Cozy stated there is an ad in the paper for additional seasonal help. He will be bringing other candidates to Council.

Mr. Cozy stated the Zoning Department is now open Monday through Thursday from 8:00 AM – 4:30 PM. He is now back to 32 hours per week. He had previously been reduced to 20 hours per work during the winter months but things have picked up.

Mr. Cozy stated he would like to have an executive session at the end of the meeting.

REPORT OF MAYOR (John Grogan) Mayor Grogan asked who the Vice President Pro Tempore was. He stated they would need to elect one this evening to be able to complete the executive session form.

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

LAW DIRECTOR (Scott Fellmeth) - No Report.

THIRD READINGS - None

SECOND READINGS - None

FIRST READINGS

Ordinance 10-08: An Ordinance Amending the Planning and Zoning Code Chapter 1187, Concerning Swimming Pools and Repealing Any Ordinances in Conflict Therewith.

Stands As First Reading

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Ordinance 11-08: An Ordinance Amending the Zoning Code by Zoning 32.767 Acres Recently Annexed to the City of Canal Fulton (CF Farms)
Stands As First Reading

Ordinance 12-08: An Ordinance Amending the Zoning code By Zoning 11.762 Acres Recently Annexed to the City of Canal Fulton (Canal Lands)
Stands As First Reading

Ordinance 13-08: An Ordinance Amending the Zoning Code By Zoning .866 Acres Recently Annexed to the City of Canal Fulton. (Hare)
Stands As First Reading

Ordinance 14-08: An Ordinance Amending the Zoning Code by Zoning 2.084 Acres Recently Annexed to the City of Canal Fulton. (Khelp)
Stands As First Reading

Ordinance 15-08: An Ordinance Amending the Zoning Code By Zoning 2.66 Acres Recently Annexed to the City of Canal Fulton. (Lockhart)
Stands As First Reading

Ordinance 16-08: An Ordinance Amending the Zoning Code by Zoning 3.855 Acres Recently Annexed to the City of Canal Fulton. (Repland)
Stands As First Reading

PURCHASE ORDERS & BILLS

P.O. 5213 to Reilly Sweeping Inc. for Street Sweeping All City Streets-Low Bid Price in the Amount of \$3,245.00
Mrs. Cihon moved to approve P.O. 5213, seconded by Mr. Moellendick.
ROLL: Yes, ALL.

P.O. 5228 to Hysong Paving for Billing and Retainage Discover Park Project in the Amount of \$7,497.28.
Mrs. Cihon moved to approve P.O. 5228, seconded by Mr. Moellendick.
ROLL: Yes, ALL.

Mr. Mayberry stated he retained some of the money to ensure that the trees and other landscaping survived the winter.

P.O. 5229 to Ohio Vietnam Veterans Memorial for Bench Memorial for Vietnam Veterans Memorial Park in Clinton in the Amount of \$3,500.00
Mr. Moellendick moved to approve P.O. 5229, seconded by Mrs. Cihon.
ROLL: Yes, ALL.

P.O. 5230 to Treasurer of State Revenue Management for 2008 Ford Explorer 4x4-Police Capital Item Budget 2008 in the Amount of \$18,277.97.
Mrs. Cihon moved to approve 5230, seconded by Mr. Moellendick.
ROLL: Yes, ALL.

P.O. 5233 to Stark County Soil & Water Conservation District for 2008 Conservation Appropriation Required for Ohio EPSA for Operators of Municipal Storm Sewer Systems (MS4) in the Amount of \$3,500.
Mrs. Cihon moved to approve P.O. 5233, seconded by Mr. Losch. **ROLL: Yes, ALL.**

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P.O. 5235 to H.L. Parker Electric Inc. for Final Retainage and Pay Application #7-New Fire Station Project in the Amount of \$19,519.01. Mrs. Cihon moved to approve P.O. 5235, seconded by Mrs. Downing. **ROLL: Yes, ALL.**

P.O. 5236 to Fire Foe Corporation for Pay Application #2 in the Amount of \$3,360.00. Mrs. Cihon moved to approve P.O. 5236, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

BILLS: \$207,711.36 Mrs. Cihon moved to approve the bills in the amount of \$207,711.36, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

OLD/NEW/OTHER BUSINESS

Mayor Grogan stated Council needs to elect a Vice President Pro Tempore. Mrs. Downing moved to nominate Mrs. Cihon, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

Ms. Marthey asked that Council committees that have not met this year need to schedule a meeting to fulfill the Council rules requirement. Mayor Grogan asked Mrs. Cihon to meet with Mr. Crookston to get dates established for those committees that have not met yet.

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

REPORT OF SPECIAL COMMITTEES - None

CITIZENS COMMENTS-Open Discussion (Five-Minute Rule)

Sewer Back Up Issue

Ray Nida, 331 W. Market Street: Mr. Nida stated on March 4, 2008 he woke up to a cold house. Upon looking, he found his basement submerged in about 3 feet of sewage. He has had to have over \$900 worth of repairs to his furnace and has also lost personal belongings, as well as the clean up that needs done. He is asking for assistance from the City.

Rachel Bowen, 416 Milan Street: Mrs. Bowen stated on March 4, 2008, she woke up to hear her furnace gurgling. She had 16" of sewage water in her basement. Her daughter's bedroom is in the basement. She stated they lost approximately \$5,000 in personal property and an additional cost of \$1,600 to replace the drywall, insulation and everything that was in her room because of all the mold that is now growing.

Raymund Durkee, 407 W. Market Street: Mr. Durkee read a letter into the record regarding the sewage back up in his home on March 4, 2008. (Attached).

Mayor Grogan stated this is a situation that has gone unresolved for too long. He does believe there has been calls and contact with the insurance company. The insurance company has denied the claims. Mr. Mayberry has had crews performing secondary review of the blockage. The City's

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Law Director was contacted and everyone had been made aware of the situation. Mayor Grogan stated no one is trying to shirk responsibility and all are considerate of the fact that no one should have to deal with sewage in their homes.

Mr. Mayberry stated there are some things they can do to prevent this from happening again by installing a check valve or backwater valve in their sewer laterals. This would eliminate this from reoccurring. The sanitary sewers in the area of Market Street are routinely cleaned. They had experienced a backup in the area years ago, and whenever that occurs in the City, they will put that section of the sewer on a preventative maintenance list. He stated with it being an older neighborhood with larger trees, tree roots are generally the problem, not only in City sewer mains, but in resident's sewer pipes. It just so happened they were in the area several weeks earlier. A neighbor had a sewer back up and the City checked the sewer mains and found them to be fine and then went to the home owner and checked his sewer lateral with a camera, which is something the City doesn't normally do for residents. They found tree roots so the resident had the sewer cable cleaned. The preventative maintenance was done in November and would have been scheduled again the latter part of April.

Mr. Mayberry stated the City has had sewer back ups in the past and they have worked with the homeowners as best as they could. He stated he is the Service Director and only has so much authority and latitude of his decision making ability and he has to rely on the rest of the administrative staff.

Mayor Grogan stated they are trying to get a clearer picture as to all of this and get it for the record because it is a mess on a lot of different levels.

Mayor Grogan stated Mr. Svab spoke with the insurance carrier and asked if they gave a reason why they opted not to handle this claim.

Mr. Svab stated Mr. Mayberry initially contacted the insurance company weeks ago and they reviewed the claims, to what extent he did not know. Mr. Svab stated he called the insurance company today after lunch and they were to fax over an official report, but we did not receive it yet. He stated the insurance company had spoken with Mr. Mayberry why they had refused it. Mr. Svab stated in the past, he believes the flexibility of the other carrier was merely telling them to pay the claim and that is why our rates were so high because certain incidents would happen and they would use our discretion on whether we wanted to pay out the claim or not. The new company was asked to review the claim and the situation involved and they saw information that was provided and they said no they would not; it is not to say we can't go back to them and instruct them to pay the claim, but then we are eventually going to pay higher fees.

Mr. Cozy stated he called his own insurance agent and he said he was covered. He said if he had a sewer back up in his basement and filed a claim, it would be covered up to \$5,000. Mr. Cozy said his agent informed him it isn't very expensive. He said his agent indicated most people probably have the coverage.

Mayor Grogan asked the individual's that were present if they had gotten with their insurance and asked them about their situation and what was their response?

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Mr. Nida, Mrs. Bowen and Mr. Durkee stated they did not have the coverage. Mrs. Bowen stated her insurance company, State Farm, indicated to her that only about 5% of the people have such coverage.

Law Director Fellmeth stated he carries supplemental insurance for back up and it is very inexpensive. He stated the Mayor, Council and Administration are very sorry for what happened. He stated the problem we are in right now is our liability insurance carrier is denying payment of the claims unless we can show negligence on behalf of the City, which they have been unable to do. He suggests that they re-submit the claims and go from there and make allegations of bad faith if they refuse to cover the claims. He stated the City is not self-insured and we cannot negotiate a settlement of a claim which falls within our own insurance perimeter and this is where we are stuck right now until we make a determination. Unless they can show negligence on behalf of the City, he doesn't know what will happen with the claims. He recommended to have the claims resubmitted and ask them to expedite the process.

Mayor Grogan stated on behalf of the Law Director's recommendation, he would like the claims to be resubmitted to the insurance company. The City has the information from the residents and photos. Mayor Grogan stated he understands the inconvenience for those involved and the clean up and the City is not trying to shirk any responsibilities and it is something they are going to have to deal with.

Mrs. Cihon stated when the department was called out the weather was very bad and the department did an excellent job under the circumstances.

No Parking Sign Issue

Paul Addressi, 761 Elmridge Avenue: Mr. Addressi thanked the City for the quick action regarding placing the no parking signs. He said he thought at the beginning of the last meeting, that he specifically stated it was not personal against Skipco's or anyone that worked there. He does not know them. He strongly emphasized that it had to do with the people that attend the auctions, especially those from out of town. He thought he had made that clear at the last meeting and still feels that way. He stated the article in the Independent was unfair and inaccurate. He feels the Independent should retract the story because he has had a lot of phone calls over the article.

He stated he has been patient and has tried to work with the situation. He put chains up across his driveway, simply to keep people out of their parking lot. He stated they did not initially do this, but it got so out of hand they had to do it. He stated knowing there is an auto auction across the street, they have accepted the fact that they are always going to have to chain the lot. Mr. Addressi stressed that this is not a personal issue; it has to do with those that attend the auctions. His initial concerns were about the safety issues with the fire hydrants being blocked, and then it started hitting the bottom line and costing him money, then he felt it was enough.

Skip & Keith Blowers, 700 Elmridge Avenue: Mr. Blowers stated three years ago he sat in Council Chambers with the Village Administrator and the Zoning Inspector and told them he had a problem on Locust with the

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auction with traffic on Saturday mornings. He stated he presented a proposal to build a \$1M facility on Elmridge. He stated at that time, the Mayor, Mrs. Loretto and Mr. Belford were all supportive of building the new facility. He said they had indicated to him that he could park on the street. He stated Mr. Addressi's complaint is the first one. Mr. Blowers stated they have had issues there on Saturday morning with Snyder's drive being blocked but they send a truck down and tow the cars. He stated there have been instances of the basketball facility having tournaments at the same time as the auctions. He stated they really don't have an unmanageable problem and feels this is the most frustrating part of the situation. He stated had Mr. Addressi come to them and asked them to move the cars blocking his drive, he would have immediately moved the car(s).

Mr. Blowers stated when they have a problem why can't the problem be worked out. Why would they take an administrative action without contacting all involved? He stated they have never had a chance to manage the problem.

Mr. Blowers stated once a quarter they have the US Marshall sale which generates more traffic. He stated the public doesn't have any consideration, just like those attending the Canal Days Festival who park up in people's yards. He does feel they can manage their way through this without doing the harm to Skipco's in parking by posting the whole side of the street because they use it for two hours on Saturdays.

Mr. Blowers stated they would like the opportunity to sit down with the Police Chief and make sure there is personnel out in the lot on Saturdays. He stated had they known there was a problem they would have had someone outside directing traffic. He stated the Chief can provide them with more officers and/or set up a plan. He said what has been done is not acceptable. He stated this is hurting them because of one particular issue in 2-1/2 years of being open. He would like Council's consideration of pulling the signs down and letting all involved in sitting down and manage their way through the problem.

Mayor Grogan stated that Mr. Blowers had stated that he was here as well as Mrs. Loretto and Mr. Belford. He stated when he had sought to increase his capacity it was with the caveat of utilizing the street as well. Mayor Grogan stated he doesn't ever remember the City saying he could use the City streets for parking when he had all the facility there. He stated if this is something he missed or something that was in an agreement, he would be more than willing to honor it, but he doesn't recall ever having a discussion where they said he could utilize City streets for the business.

Mr. Blowers stated the Mayor wasn't in the meeting and he had met with the Administrator and Zoning Inspector.

Mayor Grogan stated about three years ago the fire chief had sent a letter to Mrs. Loretto referencing the parking issue.

Lt. Durkee stated he had a copy of the letter that was sent to Mrs. Loretto, requesting the east side of Elmridge Avenue to be designated as a no parking zone to prevent vehicles from blocking the fire department's access to the hydrants. It was dated April 13, 2005.

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Mayor Grogan stated to let the record reflect that Lt. Durkee is also the City's Fire Inspector and he is sitting in for Chief Green.

Lt. Durkee stated he was not sure of the Chief's decision regarding the letter, but he could give some of his thoughts why. He stated to have access to the hydrants and access to driveways and buildings. He stated there were signs posted at the beginning of the street and it is his feelings when the street was extended, the signs were not posted on the remaining part of the street.

Mayor Grogan asked if he knew if anyone from the fire department made contact with Mr. Blowers or his organization referencing the issues on the street. Lt. Durkee did not know.

Mayor Grogan asked Chief Frisone to give Council a brief description of what his department has experienced.

Chief Frisone stated Mr. Blowers is correct in the aspect that this problem only occurs on Saturday morning. It is exacerbated during the larger auctions. Chief Frisone stated the previous auction was a relatively light auction. He stated there was a vehicle that blocked a fire hydrant that they towed, which is not uncommon. He stated there were other citations that were written for other violations. He stated he did notice that the vehicles that were on the street, could have easily have fit into the parking lot. The off-street parking was not be utilized. It was wet that day and it was probably because of the mud. He stated there are five mailboxes, three fire hydrants and 4-5 five driveways that are along the approximate 1,000 feet of Elmridge. He stated this doesn't have anything to do with either business; it is the people that come to the auctions that are inconsiderate.

Chief Frisone stated he met with Mr. Blowers shortly after he joined the City. There was an incidence with Skipco's customers parking in the Athletic Club parking lot. Mr. Blowers stated at that time he would be more than willing to correct the problems when they occur. He stated after this incident occurred recently, he ran some stats. In 2007 during the twelve month period, they issued 13 parking citations on Elmridge and/or Furnace. In 2008, they have issued 27 parking citations. He stated these are for violations of parking in the intersection, parking in front of fire hydrants, and blocking drives. He stated this is being done by an on-duty officer, who gets called by a business owner because there is an issue. He stated whether they post signs or not, the Police Department is going to do the same thing. It is the volume from time-to-time that causes them the greatest concern.

Chief Frisone stated when this issue was brought to his attention about a month ago by the City Manager and was asked what the best solution to the problem. He stated from his point of view in enforcing the law, the easiest solution is to have the whole side of the street posted as no parking. He stated to just post signs by the fire hydrants is not the point. He stated it may not be the best thing to do to make everyone on the street happy.

Chief Frisone stated if this problem continues, they would need to put more personnel on the street to try to continue the enforcement, especially on the larger auctions. He stated this is something that can be worked out. We can not have an on-duty officer directing traffic into the parking

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lot, this is not our business. Chief Frisone stated they are not at liberty to go into a private parking lot and advise people that they can't park there.

Mr. Blowers stated he will not sit there and say they have done a great job at having someone directing. He stated it is a situation where they really didn't know they had a problem. He stated in two and a half years, this is the first time they have been in front of Council.

Mayor Grogan stated a possible solution would be to bag the signs on the days they have the US Marshall sales and for them to provide more staff directing traffic. Mayor Grogan stated he is trying to come up with an agreed solution and that his business is a very important, viable business in the community. He stated Mr. Addressi is as well and every other business. He stated that all businesses need to be viewed with the same eye, which is what can we do to help them achieve their ends. He stated we should not cut one off in order to help another advance. He stated regarding him being offered use of the roadway, he feels this needs to be discussed.

Mr. Blowers stated when he has the US Marshall sale there are a lot of people that attend and then we are towing their cars away and people are complaining and what they are trying to do is come up with an amicable solution to the problem. He stated it is possible if they are willing to bag the signs on those days and be a little bit more considerate for those two hours.

Mrs. Cihon asked if he could staff with orange vests to direct traffic into the lot.

Mr. Moellendick stated he didn't feel losing 1,000 feet of parking on one side of the road, he isn't really being hurt if he has 300 spaces in the lot.

Mr. Blowers stated it will hurt them.

Chief Frisone stated Mr. Blowers is busy inside and cannot be outside and this is not a police issue when someone pulls into the lot and decides to park right in the middle of the apron, which then creates a domino effect. He feels if they are put into the parking lot properly, they will not have this problem, except when they have the quarterly US Marshall sale. He said they will have to get together on a plan because they will keep the fire hydrants open, they are not going to let people park in the intersection and they are not going to let people block driveways.

Mayor Grogan stated it is a police issue when the people are parking on properties and leaving divot marks, parking in front of fire hydrants and disrupting business. Mayor Grogan stated he has seen the cars out there and the point is validated. We have fire hydrants, property and reports where visitors are just parking their vehicles anywhere they want and damaging property. This isn't something that is reflected on Skipco's but it is something that is tasks police officers to fill out reports and is a constant paper chase with this situation. He feels we have some working solution that we can work toward.

Mrs. Downing asked when cars are parked there if it affects the ability for fire trucks access.

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Lt. Durkee stated he would have to check into this. He stated he envisions if they have a full house and the athletic center has a full house and parking on both sides of the road, yes it could impede traffic flow. He would suggest that the two hours that Mr. Blowers is talking about quarterly is the very instance why we are talking about posting the signs as no parking. However, if they could ensure access to buildings and fire hydrants, he doesn't know that he would have any reservations against that.

Mr. Losch stated if it is manageable during those hours and as long as we don't compromise the safety of this community, it could be workable. We would need the commitment that these fire hydrants are open, EMS and fire can get through and the streets are open for business. They are looking at a lot of people during that time and anything can happen.

Lt. Durkee stated as far as a safety standpoint, there are probably more people on Elmridge when there is a major auction than there are at any other time.

Mr. Blowers stated the street is not tight. He stated with cars on both sides of the street, you can get a fire truck and an ambulance going both directions on the street, it is a very wide thoroughfare. This isn't the issue at all. He stated all the buildings sit 75-100 feet back, so it isn't a problem getting to the buildings. He stated he objects to them posting no parking on the east side of the street, that it is not necessary.

Mr. Cozy stated our ordinances states 10 feet from fire hydrants. He stated this works in a residential area. He stated ordinances need amended for industrial zone because he doesn't feel we could service the area with cars parked on both sides of the road and leaving only a 10 foot gap from a fire hydrant and cars parked right up to a driveway. He doesn't feel it is going to work unless we manage it somehow.

Mr. Blowers stated we don't need a ladder truck on Elmridge because there aren't any two stories on that street.

Mayor Grogan stated they need aerial suppression is what they need on any type of building no matter if it is a one, two or three story building. He stated this has been a concern the fire department has brought to them several times.

Mr. Cozy stated a ladder truck also saves buildings.

Mr. Addressi stated people park on the street before the parking lot is full. He stated there has been times when they can't get a flat bed through the area.

Mrs. Addressi stated when the cars are parked along the street their mailbox is also being blocked. Therefore, they do not get their mail on Saturdays and they get checks daily and they need that mail.

Chief Frisone stated he doesn't determine where they signs go, he just enforces the law. He stated our ordinance doesn't specify about the mailboxes being blocked. This needs to be reviewed. The parking portion of the traffic code needs reviewed, as well as the amount of the fines.

CITY OF CANAL FULTON

April 1, 2008

It was agreed to have a meeting with Mr. Blowers, Mr. Mayberry and Mr. Cozy on April 8 or April 9 to work through a solution to not hinder any of the businesses in this area.

EXECUTIVE SESSION

Mrs. Cihon moved to adjourn to Executive Session at 8:35 PM from the regular meeting for the purpose of the consideration of the appointment of a public employee or official; employment of a public employee or official; compensation of a public employee or official; purchase of real, personal, tangible or intangible property; and a conference with the law director or other retained counsel concerning pending or imminent court action and requested in the session is Mayor, Council, City Manager, Service Director, Finance Director, Law Director, and the Clerk of Council, and with no anticipated legislative action to be taken, seconded by Mr. Moellendick. **ROLL: YES, ALL.**

Mr. Losch moved to return to public session at 9:14 PM, seconded by Mrs. Downing. **ROLL: Yes, ALL.**

As a result of the executive session, Mayor Grogan asked Council for a voice motion to hire Mr. John Murphy for the Community Service Coordinator position, contingent upon a satisfactory drug/alcohol screening. Upon voice call from the Mayor, Mr. Moellendick, yes; Mrs. Cihon, yes; Mr. Losch, yes; and Mrs. Downing, yes.

ADJOURNMENT

Mayor Grogan adjourned the April 1, 2008 meeting. The next regular scheduled meeting is April 15, 2008 at 7:00 PM.

Tammy Marthey, Clerk of Council

John Grogan, Mayor