

CITY OF CANAL FULTON

December 2, 2008

COUNCIL MEETING

Mayor John Grogan called the December 2, 2008 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, Danny Losch, Nellie Cihon, Linda Zahirsky and Mr. Moellendick.

Absent: None

Others Present Scott Fellmeth, Law Director; Mark Cozy, City Manager; Karen Hiltbrand, Acting Clerk of Council; Scott Fellmeth, Law Director; Dan Mayberry, Service Director; Scott Svab, Finance Director; Dave Frisone, Police Chief and Ray Green, Fire Chief.

CORRECTING/ADOPTING THE RECORD OF PROCEEDINGS

Mrs. Cihon moved to approve the November 18, 2008 record of proceedings, seconded by Mr. Deans. **ROLL: Yes, Mrs. Downing, Mr. Deans, Mrs. Cihon and Mr. Moellendick. Abstain: Mrs. Zahirsky.**

REPORTS OF STANDING COMMITTEES

Mr. Moellendick reported that the Public Service Committee met on November 25, 2008. They discussed requiring connection to the Milan Street Sewer. Mr. Cozy will provide more information in his report.

Mrs. Zahirsky reported that the Personnel Committee met on November 25, 2008. She stated Mr. Svab gave them some of the budget shortfalls and revenue and also what is expected to be in decline next year, which include EMS ambulance fees, water and sewer, open space fees, the interest on bank accounts, zoning sign permits and pavilion receipts.

She stated they also discussed at the joint meeting with the Township Trustees the issue of EMS fees and billing of township residents and getting monies. Also discussed the possibility of having two people sleep at the fire station to give coverage. She stated Mr. Mike Crable reported to them some of the pros and cons of going with Cencom dispatch and gave a comparison sheet between the services that Cencom has versus the RED Center.

She stated Mr. Cozy and Mr. Svab discussed the concern about transferring the \$60,000 from the general fund to the water loan for the water line to the School. She stated at the present time, they don't believe it was anticipated that they were going to do that but they will need to look at this matter further since it was a commitment they made before they raised rates on City residents that they transfer the money from the \$60,000 if they did in fact annexed the school system.

CITIZEN'S COMMENTS – AGENDA MATTERS - None

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REPORT OF ADMINISTRATIVE OFFICERS –

SENIOR CITIZENS (Nellie Cihon) - No Report

COMMUNITY SERVICE (John Murphy) - No Report Submitted.

FIRE CHIEF (Ray Green, Fire Chief)

Monthly Report: Chief Green reported that there were 55 total incidents for the month of November. He reported as of November 30, 2008, there have been 721 incidents.

CenCom Dispatching Contract: Chief Green reported he has the contract for CenCom Dispatching, as well as a contract for the RED Center. He stated he has made it known that he would like the City to move the fire and EMS dispatching to CenCom based upon the cost savings and the services that they can provide versus what the RED Center can currently provide.

Chief Green stated he would like to request an Executive Session regarding personnel issues.

Mr. Svab and Mr. Cozy stated they would like an Executive Session as well to discuss compensation.

Mr. Svab asked about the transfer of the lines and Chief Green responded.

POLICE DEPARTMENT (Dave Frisone, Police Chief):

Grant: Chief Frisone stated they received a second MPH radar unit from the Ohio Safe Communities. We are involved in this before of our DUI Taskforce. This will allow his department to replace two aging units in existing cars.

Training: Chief Frisone stated because of the hospitality of the Fire Department, they had a lot of us of the training room and was able to host a taskforce meeting.

Officer Swartz led a laser and radar class for three departments.

The department hosted the November DUI Taskforce meeting.

He stated they will host the December Stark County Police Chief's Association meeting and luncheon.

Monthly Report: Chief Frisone stated he will have his monthly report at the next meeting.

RED Center Contract: Chief Frisone stated he would like to renew the RED Center Contract for police dispatching.

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ENGINEER/STREETS/PUBLIC UTILITIES (William Dorman/Dan Mayberry)

Maintenance Bonds: Mr. Dorman reported that his office has been working on maintenance bond issues on some of the outstanding subdivisions. He stated the City has a two year maintenance agreement and some of them are nearing the end or need some improvements.

Grant Applications: Mr. Dorman reported his office has assisted administration in two grant applications. They applied through the Community Development Block Grant and the Ohio Public Works Commission for the Erie Widening Project.

Leaf Pickup: Mr. Mayberry reported the annual leaf pickup is now complete. Residents who have leaves can bag them and take them to yard waste container located at the Street Garage on Water Street.

FINANCE DIRECTOR (Scott Svab)

Property Tax: Mr. Svab stated there was a report in the paper that we were delinquent on property tax on Summer Evening Drive. He stated the county auditor did a public-right-of way in the allotment for St. Bernard Street and other cul-de-sacs were parceled out and given parcel numbers which consisted of 3.91 acres and sent us a tax bill. It was thought this was resolved and then before it was published we were assured that this would be taken care of. The matter was not. He received an email from a resident informing him of the matter. Mr. Svab stated he notified the auditor and they admitted they dropped the ball. The auditor went to the mapping office to remove it and then it is to go to the treasurer to remove it. The matter has now been resolved.

Health Insurance: Mr. Svab stated DiStefano Insurance has been our broker for a while. They have provided our renewal and we received a 5% reduction in premiums. Mr. Svab stated at the next meeting he will have an ordinance for the renewal of the health insurance contract.

Temporary Budget: Mr. Svab stated he will have a temporary budget submitted to Council to reflect 2009 budget. He stated they can look at the carry-over to see how they are going to be able to fund the fire department as far as wages and also look at 24-hour staffing.

Mr. Svab stated there aren't any purchase orders for this meeting, just the attached bills.

CITY MANAGER (Mark Cozy)

Public Service Committee Meeting: Mr. Cozy stated there are seven people on Milan Street that are not connected to our sewer system. He stated he distributed to Council copies of ordinances and Ohio Revised Code sections addressing these issues. He stated everyone who has access to sewer must connect. He stated the recommendation was to notify the residents that they have to connect to the sewer system. It was determined to only charge a tap fee and not charge frontage. The only other cost they would have is their cost to connect. They will need a legal opinion on the process and the content of the letter before it goes out.

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Newsletter: The newsletter is going to the printers today. The residents should receive in a couple of weeks.

Holiday Open House: The downtown holiday open house will be held this weekend. On December 6th there will be a parade beginning at 6:00 PM. All units in the parade will be lit. Some of the roads along Canal Street will be closed. The parade will begin at Lindsay's Concrete.

He stated they need a public official to assist with the countdown at the tree lighting ceremony. The Mayor has a work conflict and is unable to attend. Mrs. Cihon will attend. If she would like to ride in the parade, there will be a vehicle available.

High Street Culvert: Mr. Cozy stated he reported at previous meetings that the City was not going to receive the grant for the High Street Culvert replacement project.

He stated he received word from the County Engineers office that it may be funds available and released in March and we are still in the running for that grant. He stated there is still a possibility for this project.

Joint Meeting with Trustees – Safety Committee: Mr. Cozy stated he copied the ordinances and the agreement that is in place for the fire and EMS. He stated there is a concern is what if we staff our station and Lawrence Township does not and how the runs would be handled. He stated we currently have an agreement that says we are not going to charge Lawrence Township residents. The agreement would need to be changed.

Chief Green stated under the agreement, when they respond under the perimeters of the agreement, they consider it automatic aide. He stated outside of the agreement, it is considered mutual aide. He stated this could be the difference between billing and not billing a township resident. He stated if it is a mutual aide run, it is no different than if they go to Jackson and transport a Jackson resident, we are going to bill them. He stated outside of this agreement, anything outside of this agreement, he stated in his opinion it would be a mutual aide run between the hours of midnight and 6:00 AM.

Mr. Cozy stated he has the third amendment to an agreement that they entered into in 1997. He stated in that agreement he believes it pertains to the hours of 6:00 AM – midnight. He stated anything outside of 6:00 AM to midnight, can they then bill. He stated he will give the agreements to Law Director Fellmeth to review.

REPORT OF MAYOR (John Grogan)

Logic Agreement: Mayor Grogan stated he would like to make a recommendation that they ratify the agreement between the Canal Fulton Police Department and the RED Center based upon the Chief's recommendation as he doesn't see a need to move from there or to make any changes. Mayor Grogan stated there is an increase in 2009 because of our population, it will go \$9.26 per person; and in 2010 a maximum sum of \$9.71.

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Mrs. Zahirsky asked if it referenced any language to the Stark County Sheriff Department. Chief Frisone stated it is in the contract, that if the County goes with a consolidated dispatch center, then these contracts will become void.

Mrs. Zahirsky moved to approve the contract with the RED Center for the Police Department for 2009 and 2010, seconded by Mr. Deans. **ROLL: Yes, ALL.**

Mayor Grogan stated as far as the agreement with the Fire Department, at this point he doesn't wish to make a recommendation to Council. He would ask to hold off until the last meeting of the year. He believes another meeting is scheduled for December 15, 2008 and would like to see the outcome of that meeting.

Mrs. Zahirsky stated for the record they have a December 15, 2008 meeting at 6:00 PM at the Township Hall with the Township Trustees to review the differences between Cencom and the RED Center.

Chief Green stated if they are going to switch, they have items that will need to be provided to Nimishillen Township and they are coming close to being able to have it in effect in January. Some of the procedures have already been provided to them to enter into their computer is we make the switch and there is some radio equipment under the agreement that they would purchase. He stated he knows the Trustees have some concerns about switching. He strongly feels this is the best thing for our citizens.

Mayor Grogan stated if our department decides to go with Cencom, he feels our department will be able to get everything in place at the last minute. He stated we have been operating this way for many years and we need to make this a good one. He stated we need to keep in mind that we are dealing with two communities, not just ours, but with Lawrence Township and this is as important. He stated his concerns are dually noted and they appreciate it.

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

LAW DIRECTOR (Scott Fellmeth)

ADA: Law Director Fellmeth stated regarding a determination has been made City Hall was not a place for public accommodation and was therefore exempt from the rules and regulation for Ohio's Civil Rights Commission regarding the complaint filed by the TriCounty Living Independent. He stated he regrets to inform the City that the Ohio Attorney General has reviewed the Northwest Stark Senior Citizens complex and deemed it to be a place of public accommodation and is therefore subject to the rules of the Ohio Civil Rights Commission regarding certain modification to make the place handicap accessible even though it already is. He stated to this end, the Ohio Civil Rights Commission wants to conduct an inspection of the premises. He stated he has been in and submitted three dates to them, Tuesday at 9:30 AM or Wednesday at 2:30 PM. He stated the good news is that any possible improvements that need to be done, costs could be offset by the Board of Elections because the Center is being used as a polling place and they are coordinating all these efforts with the various polling locations in the County which are not in compliance.

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SECOND READINGS - None

FIRST READINGS

Ordinance 36-08: An Ordinance Amending Ordinance 10-96 and Repealing Any Ordinances in Conflict Therewith and Declaring an Emergency.

Mr. Moellendick moved to suspend the rules on Ordinance 36-08, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

Mrs. Cihon moved for passage of Ordinance 36-08 under suspension of the rules, seconded by Mr. Deans. **ROLL: YES, All.**

Ordinance 37-08: An Ordinance Amending Ordinance 6-08 Which Established New Rates of Pay and Salaries for Employees Effective January 1, 2008 and Declaring an Emergency.

Mrs. Cihon moved to suspend the rules on Ordinance 37-08, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

Mr. Deans moved for passage of Ordinance 37-08 under suspension of the rules, seconded by Mr. Losch. **ROLL: Yes, ALL.**

PURCHASE ORDERS & BILLS

No purchase orders.

Mayor Grogan stated they have received bills in the amount \$147,785.20

Bills: \$147,785.20

Mrs. Cihon moved that they are in receipt of bills in the amount of \$147,785.20, Mr. Moellendick. **ROLL: Yes, ALL.**

OLD/NEW/OTHER BUSINESS None

REPORT OF PRESIDENT PRO TEMPORE - None

REPORT OF SPECIAL COMMITTEES - None

CITIZENS COMMENTS-Open Discussion (Five-Minute Rule) - None

Mayor Grogan stated they have 10 minutes until 8:00 PM, when the Public Hearing is scheduled. They are going to take a 10 minutes recess.

The Mayor and Council returned to Regular Session. He stated they took a recess after the Citizens Comments section. He stated before they move forward on the Third Readings, he stated Mrs. Cihon has an issue to report.

Mrs. Cihon reported the census is going to be taken in 2010. She reported on December 4, 10 and 18 from 9:00 AM – 12 PM a recruiter will

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be at the Senior Center recruiting for jobs. She stated there are five or six jobs.

PUBLIC HEARING – 8:00 PM

Mayor Grogan stated they will now have a public hearing regarding Ordinance 32-08, Ordinance 33-08 and Ordinance 34-08. He stated they will be read into the record and then they will proceed to the hearing.

Mrs. Hiltbrand read the ordinances into the record. Mayor Grogan stated they will now review each one and open for public discussion.

THIRD READINGS

Ordinance 32-08: An Ordinance Amending the Zoning Code by Zoning 32.767 Acres Recently Annexed to the City of Canal Fulton (CF Farms)

There weren't comments referencing Ordinance 32-08 from the public.

Mrs. Cihon moved for passage of Ordinance 32-08, seconded by Mrs. Zahirsky. **ROLL: Yes, ALL.**

Ordinance 33-08: An Ordinance Amending the Zoning Code by Zoning 105.853 Acres Recently Annexed to the City of Canal Fulton (CF Farms)

There weren't any comments referencing Ordinance 33-08 from the public.

Mrs. Downing moved for passage of Ordinance 33-08, seconded by Mr. Deans. **ROLL: Yes, ALL.**

Ordinance 34-08: An Ordinance Amending the Zoning Code by Zoning 142.848 Acres Recently Annexed to the City of Canal Fulton (Northwest)

Mr. Deans moved for passage of Ordinance 34-08, seconded by Mrs. Zahirsky. **ROLL: Yes, ALL.**

A guest asked how the annexation was decided because she didn't recall getting any notification of the annexation. Mr. Mayberry reported a petition would have been circulated to the parties interested in annexing. He is not sure if she was one of the property owners. She said they were not notified.

Mayor Grogan stated there was only one property owner across from the school that agreed to the annexation that made us contiguous to the schools. He stated that was the only property owner that was part of the annexation.

It was stated there was notification in the paper of the annexation.

Mayor Grogan stated that individual's need to state their name and address for the record.

(Name inaudible- 8555 Erie Avenue: She stated this is the first that she heard about the annexation. She asked what was annexed.

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Mayor Grogan stated the school and one property owner on the south side of the road.

Bob Forester, 8529 Erie Avenue: He stated he didn't understand the letter he received as far as annexation. It was stated they received a letter regarding the public hearing.

Mayor Grogan showed those present the area that was annexed for clarification purposes.

Law Director Fellmeth stated State law would govern the particular aspect regarding notification. He stated once a petition has been filed, a notification in a newspaper of general circulation is published.

Mayor Grogan stated we don't go out seeking annexation, we never have. He stated if any property owner has any one knocking on their door, please let him know who it was. All present responded no one has knocked on their door. Anyone wishing to annex approaches the City, we do not ask, solicit and do not knock on doors.

Mr. Forester asked if the goal was to get the schools into the City.

Mayor Grogan stated they lost a lot in the revenues when the grade school left and administration and there were conversations with the schools regarding annexation. He stated an agreement was in place some years back regarding when the waterline was put in for the schools. Once they became a part of City of Canal Fulton, they would then no longer have to pay us back \$60,000 a year toward the water line.

Mr. Forester stated he was curious as to why they didn't make it a JED. He said the clarifications now make sense to him. Mayor Grogan stated they had talked to the trustees on numerous occasions on a lot of different JEDS, but the school needed water. He stated in the previous agreement, once we became contiguous to them, they would have to annex into the City. He stated luckily for the City, when they moving toward that area, there is a lot of wetlands that were purchased by grant, the home owner approached the City and asked if we would be willing to annex them in, which put us directly in line with the schools.

The public hearing regarding this ordinance has now concluded.

EXECUTIVE SESSION

Be it hereby resolved by the City of Canal Fulton City Council that a motion was made by Mrs. Cihon to adjourn to executive session at 8:22 PM from the regular meeting for the purpose of the consideration of compensation of a public employee or official, with all elected officials, Finance Director, Fire Chief, Law Director Fellmeth and Police Chief seconded by Mr. Deans. **ROLL: Yes, ALL.**

Law Director Fellmeth stated referencing the joint contract they were previously talking about, he stated they can get out of the contract by giving Lawrence Township ninety (90) days notice that you want to bill the residents directly as opposed to billing the trustees. Second point was made by Chief Green, the calls made between 6:00 PM and 6:00 AM; the contract is only for 6:00 AM – 6:00 PM. He stated we could still bill

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residents directly for any calls received under mutual between 6:00 PM and 6:00 AM. Chief Green stated there was a stipulation that they change the hours from 6:00 AM to midnight. He asked if this was one of the amendments in the agreement.

Mr. Moellendick moved to return to public session at 8:37 PM, seconded by Mr. Deans. **ROLL: Yes, ALL.**

There was no action taken as a result of the Executive Session.

Mayor Grogan stated it was brought to his attention that the appointment to the Steering Committee Board needed done. He made a recommendation to Council that Bill Stetler, Northwest Superintendent be appointed.

Mrs. Cihon moved to appoint Mr. Stetler to the Steering Committee Board (Community Plan), seconded by Mrs. Downing. **ROLL: Yes, ALL.**

Mayor Grogan stated the second person is Ron Fallert. He will be replacing Mrs. Zahirsky's position on the committee. He is a private business owner and operates a business in Cleveland. He lives in the area and will provide a lot to the table. It is his recommendation to Council to appoint Mr. Fallert.

Mrs. Zahirsky moved to appoint Ron Fallert to the Committee, seconded by Mr. Deans. **ROLL: Yes, ALL.**

Mayor Grogan stated he has a third individual who will be an observer on the board, C.J. Pepe, Northwest High School student, who has been recommended by the superintendent. He is not making a recommendation to have him appointed because his role is a learning experience.

Mayor Grogan asked before the next Council meeting to email him any recommendations anyone may have regarding Business Owner of the Year and carbon copy all members of Council.

ADJOURNMENT

Mayor Grogan adjourned the December 2, 2008. The next regular scheduled meeting is December 16, 2008 at 7:00 PM.

Karen Hiltbrand, Acting Clerk of Council

John Grogan, Mayor

Minutes prepared by Tammy Marthey, Clerk of Council