

# CITY OF CANAL FULTON

December 16, 2008

## **COUNCIL MEETING**

Mayor John Grogan called the December 16, 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, Matthew Moellendick, Linda Zahirsky, Nellie Cihon, Diane Downing, Danny Losch and James Deans.

Others Present Scott Fellmeth, Law Director; Mark Cozy, City Manager; David Frisone, Police Chief; Ray Green, Fire Chief; Daniel P. Mayberry, Service Director; Scott Svab, Finance Director; Ken Roberts, Business Owner, Rochelle Rossi, Resident; Joan Porter, Repository.

## **CORRECTING/ADOPTING THE RECORD OF PROCEEDINGS**

There were no records available.

## **REPORTS OF STANDING COMMITTEES**

Mrs. Zahirsky reported they held a Safety Committee meeting at the Township Hall. She stated both the Township and City Fire Chief did a good job of explaining the benefits of going to CENCOM as the agency they would like to use to dispatch calls versus the RED Center. She stated Chief Green was questioned quite a bit at length by the Trustees as to the problems that they had with RED Center. She stated there was a good example this evening where something was transmitted to the Fire Department but was for the Police Department. She feels that the Fire Department feels we should transfer to CENCOM due to better service at a cheaper cost versus staying with the RED Center. She stated the Trustees basically indicated they were not in favor of it due to they don't want to offend their neighbors, Jackson Township.

Mr. Deans stated he opened the paper and saw they signed a two year contract with the RED Center after they left. It was noted this was for the Police Department.

Mayor Grogan asked what the Safety Committees stand on the matter is.

Mrs. Zahirsky stated she would vote to move to CENCOM. Mayor Grogan asked how many Safety Committee members were present at the meeting. It was stated three. Mr. Losch stated CENCOM appears to have a better fit for the Fire Department. He stated, however, there wasn't anyone present defending the RED Center. He stated at this point he favors CENCOM for the Fire Department. Mr. Deans stated he stated the differences in the phone systems, the 400 and the 800 and if they could settle on one and get on the same channel. Chief Green stated this is years down the road. He stated until then, CENCOM seems to be the best.

Mayor Grogan stated it is his understanding that it is a unanimous decision with the Safety Committee that they switch dispatching services from RED Center to CENCOM for the Fire Department. Mayor Grogan

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stated to let the record reflect that the Safety Committee is in unanimous agreement with the recommendation to move to CENCOM.

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

**REPORTS OF ADMINISTRATIVE OFFICERS**

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

Christmas Dinner: Mrs. Cihon reported they are having a Christmas Dinner on December 17, 2008 at 1:00 PM.

Thrift Store: Mrs. Cihon stated the Thrift Store is doing well.

**COMMUNITY SERVICE COORDINATOR – Written**

***FIRE CHIEF (Ray Green, Chief)***

Auditor Meeting: Chief Green stated he met with the auditors, along with Mr. Svab, regarding some concerns and recommendations to clean up the ambulance billing procedures. They had some concerns about some runs not being submitted to Ohio Billing. The auditors surveyed 60 runs and pulled 7 that they had concerns over that they felt should have been submitted. He stated in looking at the six, three of them were no transports, another three were runs they had initiated care, but then transferred the care to Lawrence Township to transport the patient. Therefore, there would not have been a bill generated, the calls were just initiated on the City's run sheet. He stated there was one that was not submitted. In researching it, it was a township resident that was picked up at Community Healthcare. He stated they reviewed the recommendations and the department will be implementing a checks and balances system on the departments end. He stated Rachel Burkey, the Administrative Assistant, will be generating a spreadsheet each month of what runs have been submitted to Ohio Billing and what runs are submitted to Lawrence Township. This will be submitted to Council as part of the monthly report to verify that the runs have been sent to the appropriate agency.

Chief Green stated he would like to schedule another meeting with Lawrence Township Trustees regarding the 24-hour staffing. He would like to schedule one for the beginning of 2009.

It was determined that January 12 would be the best date to meet. Chief Stewart will let the trustees know of the date and someone will notify us if this is a good date.

***POLICE DEPARTMENT (David Frisone, Chief)***

Monthly Report: Chief Frisone stated he distributed his November monthly report. He stated they had 384 calls, arrests and citations for the month.

Transport Contract: Chief Frisone has a contract from Massillon for the proposed 2009 Prisoner Transport Contract. He stated in order for Massillon to continue to transport prisoners from our department for 2009, the amount due to Massillon is \$7,300.

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Chief Frisone stated he has copies if anyone would like to review, but he stated it is their prisoner transport contract which they have been doing for the past year since they have started booking at the Stark County Jail. He stated it is based on last year's number of prisoners. He stated the cost for 2009 is \$98.64 per prisoner. He stated when it is compared to what they were paying Massillon for booking fees, \$125 per prisoner and it was going to go up to \$135, they are saving money. He stated they don't have an option because they couldn't transport the prisoners themselves for anywhere near the cost. He recommends the approval of this contract.

All members present were in favor of the renewal of the contract. **ROLL: Yes, ALL.**

Grants: Chief Frisone stated thanks to Officer Kosco's efforts, the department received the D.A.R.E. grant. The city received a check for \$1,573.00 which offsets the costs of some of the hours that Officer Kosco puts in to the program.

Chief Frisone stated they also received the Third Grade Seatbelt Grant, which is a little over \$900. He stated this is a state governor's highway transportation and safety program where police departments can provide instruction to third graders about wearing seatbelts and being safe.

Safety Town: Mr. Deans stated asked about safety town for kids. Chief Frisone stated Northwest Local School District, in conjunction with other community organizations, involving the police and fire departments, have run safety town the past two years. He stated it is primarily for preschoolers. It is open to children that are home schooled as well.

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

Appointment to Skilled Operator (Mr. Ron Smith): Mr. Mayberry he would like a voice motion from Council for the approval of appointment of Ron Smith, Utility Department, to Skilled Operator. He has been with the city for approximately 5 years. In this time, he has undergone training and has become an operator, licensed by the State of Ohio to practice water treatment operations for the city and has taken over some of the operations in the cities water treatment plant. Mr. Smith has proven himself to be an asset to the Canal Fulton Utility Department. On the recommendation of his department head, George Lukinac, and with the City Manager's and his concurrence he would like Council to appoint Mr. Smith to the position of Skilled Operator in the Utility Department.

Mrs. Cihon moved to appoint Mr. Smith to Skilled Operator, seconded by Mrs. Zahirsky. **ROLL: Yes, ALL.**

Law Director Fellmeth asked for a point of order. He stated an effective date should be specified in the motion.

It was discussed that the effective date is December 7, 2008 and this is to be incorporated into the motion.

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### **FINANCE DIRECTOR (Scott Svab)**

Ordinance 39-08: Mr. Svab stated included in the packet is Ordinance 39-08 for temporary budget for 2009 and also supplemental budget for 2008.

Mr. Svab stated he had additional handouts he wanted to show Council. He stated on the detailed revenue transaction for interest collections were \$45,003. He stated last year we collected over \$85,0000, which is about a 50% drop in revenue. He stated early in January when rates were at 4.5%, they were collecting \$5,800 on a monthly average and on the last one, the rates fell down to .5% and the total was less than \$1,100. He stated going into next year, he has forecasted realizing the rates were going to drop. He stated taking the average it was his hopes they would get \$45,000. He stated the revenue is going to need to be reduced again as the rates continue to drop. He stated if the rates continue on this trend they will be lucky to collect \$15,000. He stated they are going to take an approximate \$44,000 loss in revenues from the interest alone.

Mr. Svab stated on the month-to-date fund report, he stated the unexpended balance; it shows they have \$2,347,237.00. He stated he reviewed the past three years. In 2007, they were at 2,562,000; so we are a little down. In 2006, they had \$3,6083,000 but that really an anomaly because in the capital fund there was \$1.6M, which is reflective of the bond that received a \$1.5M. He stated if the \$1.5M was subtracted off the bond issue, then it can be seen that we have been carrying the unexpended balance pretty close. He stated since 2005 they have been pretty much budgeting holding their own surplus in each individual fund and budgeting pretty tightly to just what we have been receiving. We have not been really cutting into the revenues, except on certain funds, such as the water operating fund where there were specific funds for water capital funds and specific projects, repairs or extensions.

November Financial Statement: Mr. Svab stated he would like to get a voice motion that they have received the November Financial Statement which include the expense report, revenue reports and the fund statements for November.

Mrs. Cihon moved receipt of the November Financial Statement, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

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

Donations – Chamber of Commerce: Mr. Cozy stated the Chamber of Commerce donated money to the Canal Fulton Police Department. They also donated \$200 to the Street Department for their help with Old Canal Days. They also donated \$200 toward the Mayor's Student Work Program for the assistance they provided during Old Canal Days. They were pleased with the City's assistance.

Demonstration for Tornado System – Lawrence Township: Mr. Cozy stated the Lawrence Township Trustees will be having a demonstration on a tornado siren system at Township Hall on Thursday, December 18 at 9:00 AM. As a recommendation from T.A.P., they are looking at establishing a potential early warning system throughout the township and city. They are also looking at ways to fund it. One recommendation is looking at one tenth of a mil to build and maintain an early warning system throughout the community. He hasn't heard any official word on this and

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isn't sure where Council is with this. He needs more information. He will be attending the demonstration.

Mrs. Zahirsky stated had it been considered by the Trustees if they billed their residents for EMS/fire they wouldn't have to increase taxes.

Wage Increases: Mr. Cozy stated he prepared a spreadsheet for all to review for 2009 wage increases. The sheet includes what it would cost the city if they went forward with raises for non-bargaining employees and also the rationale behind it.

He stated if they are worried about the general fund, if all non-bargaining unit employees, full and part-time, received a raise, it would be less than \$7,000 coming from the general fund. He stated he broke out the water and sewer because a lot of the salaries come from water and sewer. He stated that would be \$7,400. He stated 73% of full-time employees are already receiving in 2009. He stated two full-time positions were eliminated in 2008 and with the savings of eliminating those positions, and adding the raises, they are still going to save \$35,000 next year in the budget. He would strongly recommend they consider matching the bargaining unit raises with non-bargaining unit employees.

Mayor Grogan stated in years past where bargaining unit employees received raises and non-bargaining unit employees stayed the same. He doesn't see where this request is too far out of the ballpark. Especially with how lean it has been operating. He stated even with the Law Director's business primarily comes from the surrounding area, has lost some revenue because he has had to turn clients away because of his position here. He stated they need to consider the loss of revenue there. He stated the Finance Director has put in a lot of additional hours. He stated from his position, he doesn't see why they shouldn't grant the non-bargaining unit employees raises that have been presented. He stated there is an additional load that is attached to each person. He stated thankfully they have handled it and done a fantastic job.

Mr. Svab stated he would like to discuss in executive session. He stated they have different viewpoints and some issue that he would like to bring up in executive session.

Council stated they would like to address in executive session.

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

Park Board Appointment: Mayor Grogan stated with Mary Ann Higgins assuming new responsibilities, there is a vacancy. He stated the other two positions he will fill at a later date, he would like to put more thought and make a recommendation at possibly the first meeting in January.

He would like Council consideration that they appoint Jay Johnson to the Park & Recreation Board. He stated Mr. Johnson is a new addition to the City. His property is directly across from the school. His home is the newly annexed property. He has asked to be part of the City. He has requested to be part of the Park and Recreation.

Mrs. Zahirsky moved to appoint Mr. Jay Johnson to the Park Board, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

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Mayor Grogan stated there was consideration for Business Owner of the Year for 2008. He said there have been a couple of recommendations from Council. He stated he would like to recommend is Osier's, owned by George Conkle. He stated he doesn't know of any other business in the historical business that has connected so much with the community and its kids. He stated he has seen kids walk in there with nothing in their pockets and walk out with a large ice cream cone. He has been a staple of this community and has been a fixture for a long time. He stated he represents the City and the community very well and doesn't know of any other business currently that is more deserving. He would like to recommend to Council to name Oser's of the 2008 Business of the Year for the City of Canal Fulton.

All of Council was in agreement to name Oser's as the 2008 Business of the Year. **ROLL: Yes, ALL.**

Mayor Grogan stated they had an income tax increase and they offered to do several things with the monies if passed. He stated in conjunction with that, they said piggyback on the formation of Milan Township. He stated by forming this township, the State of Ohio will not allow the City of Canal Fulton to collect the .6 inside mileage. He stated they had talked about possibly holding off the formation of Milan Township and trying to work in conjunction with the Township Trustees for additional road services. He stated our own people have really stepped up to the plate with this and it has impressed him. He stated he didn't know if this was going forward of backwards, but he would like to seek some discussion with Council regarding if they are to continue with the Milan Township, the .6 mills would go back to the community. He feels this would be a wonderful Christmas present to give to them in 2009. He doesn't know of any other way in this economic climate to do the best they can with what they have. He stated with the township and the .6 mills and giving it back to the community is going to be a bit of a nice surprise from them on their property tax bill. He would like discussion on this thought process and whether or not they would be comfortable with.

Mrs. Zahirsky stated she thought Council voted to move forward with forming Milan Township last year. She stated it was at the last Council meeting of the year.

Mayor Grogan stated so what he is hearing is that they don't want to rescind the paper township and to move forward and to allow them to give the .6 mils to the community. All said yes.

Mr. Svab stated is would be \$21 on a \$100,000 home.

Fire Dispatch Service: Mayor Grogan stated they had a unanimous recommendation from the Safety Committee to move fire dispatching service from the RED Center to CENCOM.

Mrs. Zahirsky stated she does a lot of traveling. She stated if she were to have an accident, she would not be able to tell a dispatcher exactly where she is on the highway and to have a service that is able to located you with the cell phone tracking service is worth it.

Chief Frisone stated this is available county wide. He stated when you dial 9-1-1 it goes to the sheriffs office and when it is relayed they can tell an individual where you are at. He stated it doesn't matter which dispatch

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service you have. He stated when they go countywide, they will get the best service and that needs to be our long term goal.

He stated there will be a big cost savings with going to centralized dispatch service.

Mrs. Zahirsky stated a good point that both chief's had indicated was that the dispatchers will be able to give first aid instruction over the phone to the caller.

Chief Frisone stated he asked Bob Buehecker about this matter. He stated there is a liability with this and they have to be concerned with answering the next call that comes in because of their staffing. He stated if we wanted to pay a lot more, then they could have more dispatchers at the RED Center and it wouldn't be such a big issue, but unfortunately it is at this time.

Mayor Grogan stated to talk about the relationships with the other agencies and then moving back in to it later on. He asked what kind of an issue this would create for us leaving and then coming back later.

Chief Green stated if it funded by the county, it would not be an issue. He stated they would be dealing with the governs that the county commissioners have set up through SCOG to implement the county wide communication system.

Mayor Grogan asked if some of the representatives would be from the current board. Chief Green stated the directors with the dispatch centers are on it. He stated he isn't sure who the political representatives are on governs board. He stated the governs board is who is going to see the implementation of the county wide system.

Mayor Grogan stated he is not happy that they have been double billed by the RED Center and has taken such extreme measures to get some of that money back and a lot of the efforts that the finance director shouldered. He stated their final decision was to reimburse in 2009. Mayor Grogan asked if it is worth moving to the new and then to move back when the countrywide system is done. He stated they are going to be leaving the group and then coming back in. He stated he doesn't want to create any problems, especially when it is the department who will be handling any issues or confrontations that arise with dealing with people.

Chief Frisone stated one of the reasons they were given the two year contract is because, the LOGIC Board decided based on if something moves forward with the centralized dispatching and/or the 911 Sale Tax upgrade, they wanted to have the flexibility to be able to cancel contracts and do whatever is necessary and because of the current financial situation.

Chief Green stated three years ago they took a big price hike in dispatching fees. He stated this was done to put funds into the RED Center budget for training, specifically for the fire dispatchers because they didn't have EMD training and they had pushed for that. They wanted the dispatchers to have common knowledge of how the departments operate. Three years later and this has not happened.

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Chief Frisone stated there is now a new director and he wants to work closely with him and give him an opportunity to provide us service and to do a good job. He said not to say that the fire department isn't willing to do this, but it does factor into this that they have had a change of command.

Mayor Grogan stated he knows Lawrence Township has opted to stay with the RED Center and he knows the Chief has some recommendations. Chief Stewart stated they have not made a decision on the fire department yet. Mrs. Zahirsky stated at the meeting last night they indicated they plan on staying with the RED Center because they don't want to tick off Jackson Township.

Chief Green stated the funding is a step in the right direction but he feels even though they are going to start funding the 911 system potentially in August, he feels they are two years away from seeing the four centers because there are labor issues to deal with. There are a lot of employees that are going to need to be trained to do both fire and police.

Mr. Svab stated Perry Township is about half the dispatch fees, which was told to him by people at the RED Center.

Chief Green stated in talking to Chief Peterson all entities are the same rate, \$34 per call.

Mr. Svab asked if Perry Township has an agreement now that carries them into 2009 that is different than what we have. Chief Green responded he didn't know.

Chief Green stated in talking to Chief Petersen, who runs Nimishillen's CENCOM; everyone's rates are \$34 across the board per call.

Mr. Losch asked what kind of negative feedback they are going to get from making the move from the RED Center to CENCOM.

Mayor Grogan stated he suspects that credit from the RED Center for the double billing will not be reimbursed. They were going to add it onto 2009 fees. The credit was \$3,200.

Mrs. Downing asked if this is owed to the city, how they can not give it back.

Mr. Cozy asked which dispatching decision would benefit the citizens of the Canal Fulton.

Mr. Moellendick asked the Chief's about the lack of training for the dispatchers, is there any method of holding them responsible for the training.

Chief Green stated in the LOGIC Board meetings this has been addressed. A laptop was purchased for the fire dispatchers to review a CD that shows the equipment and terminology that is used. They can view this while not on the phones. He stated he has spoken to some of the newer dispatchers and not all have seen the program. He stated two of the dispatchers have been sent to APCO, which is the industry which sets the standards to emergency dispatching. Those two are then to train the other dispatchers.

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Mr. Moellendick stated there is an expectation when you call 911 that the person is going to help you until help arrives.

Law Director Fellmeth stated the Mayor is correct in potentially losing the money from the RED Center on the refund. He stated they had a contract where we agreed to pay x amount of dollars on the amount of calls we got. Mr. Svab monitored the calls the following year and saw they were down substantially. He contacted them and let them know they overcharged us. We had a contract. He got them to agree to take a reduction on the amount for the following year. He stated if we pull out of there we are going to lose that money.

There was discussion about leaving the RED Center and then later come back together when the county has the dispatching in service.

Mr. Cozy stated this is a business decision and we need to do what is best for our citizens.

Mayor asked if there is going to be issues between communication, cross-communication, mutual aide, or issues with Jackson Township and they decide they don't want to enter into a mutual aide with us any longer. He said these questions need answers. He said if the reason the township is not leaving because they don't want to upset the township trustees. He wanted to know if they have the power to cancel our mutual aide.

Mr. Cozy stated they aren't going to cancel our mutual aide but what the Lawrence Township Trustees brought up was that Jackson could possibly charge to use their ladder truck.

Mayor Grogan asked if we are going to incur that charge. It was stated yes.

Chief Frisone stated their dispatching fees will probably go up in the future if there are fewer entities at the RED Center.

Mayor Grogan asked if they are going to charge us that it would need to be factored in.

Mr. Cozy stated Jackson can't charge some and not others. It has to be consistent. Mr. Cozy stated they had studied this extensively in Plain and if they are going to charge for mutual, then everyone would need to be charged, you can't pick and choose based on whether you like them or not.

Mrs. Zahirsky stated we have backed them up before as well. This is what mutual aide is about.

Chief Green stated they currently have automatic aide agreements with Plain Township and the City, so if they start charging us if the ladder truck came here, they would have to charge Plain Township every time a squad goes there as Mr. Cozy had indicated.

Mr. Losch stated they don't know what is going to happen when the four entities get together. Are they going to split fire and police, we do not know that. He stated from what he is hearing is that the RED Center is a perfect fit for police and with the fire the CENCOM seems to be more of a fit. He stated we don't even know if CENCOM will be around at that time.

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Chief Green stated one of the things that has been proposed is if they can only have four centers, can they possibly reduce it to two to reduce the costs. The goal is to have one centralized center. It could eventually come to that so we could go from four to one. He stated each time we are going to move.

Mrs. Downing asked the Chief's opinion on what would be best for the city and the residents knowing what he knows.

Chief Green stated he feels the services offered by CENCOM would be the best for the City. He stated once he heard the sales tax was going to be increased and they were going to fund it, he stated he spoke to Mr. Bust, RED Center, Chief Peterson, CENCOM and Commissioner Basely and a lot of the questions he had still went unanswered. He doesn't see that they will have four centers in August.

Mayor Grogan stated the Safety Committee made a unanimous recommendation and the Chief has requested that we go to CENCOM. He is going to ask Council to make a motion as to whether or not they intent to enter into a contract with the RED Center or issue into a contract with CENCOM.

Mrs. Zahirsky moved to enter into contract with Nimishillen Township for our fire dispatching services for 2009 (CENCOM), seconded by Mrs. Downing. **ROLL: Yes, ALL.**

***PARKS & RECREATION BOARD (Fred Fleming)***

***LAW DIRECTOR (Scott Fellmeth)***

Law Director Fellmeth stated he has a follow up regarding the Ohio Civil Rights Commission regarding the Northwest Stark Senior Center. He stated there was a complaint filed by the TriCounty Independent Living Center alleging certain violations of ADA. He stated they visited last Tuesday and did an inspection with the Ohio Civil Rights Commission. There were certain minimal violations, mostly innocuous. A conciliation agreement was made, which was distributed to Council for review. He recommends that they enter into the agreement. They have until June 2009 to comply. He would like a voice motion to expedite it.

Mrs. Zahirsky moved to accept the Ohio Civil Rights Commission agreement, seconded by Mr. Losch. **ROLL: Yes, Mr. Deans, Mr. Losch, Mrs. Downing, Mrs. Zahirsky and Mr. Moellendick. Abstain, Mrs. Cihon.**

Mrs. Zahirsky stated she feels it is important to make all city buildings handicap accessible.

**THIRD READINGS** - None

**SECOND READINGS** - None

**FIRST READINGS**

**Ordinance 38-08:** An Ordinance Amending Chapter 1155.02(b)(6)(A) of the Zoning Code of the City of Canal Fulton and Repealing Any Ordinance in Conflict Therewith. **STANDS AS FIRST READING**

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**Ordinance 39-08:** An Ordinance to Make Temporary 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, 2009 and Declaring an Emergency.

Mayor Grogan asked the reason for the emergency. Mr. Svab stated so they can pay the bills and beginning of January 1.

Mrs. Cihon moved to suspend the rules on Ordinance 39-08, seconded by Mrs. Downing. **ROLL: Yes, ALL.**

Mr. Deans moved for passage of Ordinance 39-08 under suspension of the rules, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

Mrs. Zahirsky stated she feels we need to move the \$60,000 of income tax that they are receiving from the Northwest School Board over into the water fund before they ever consider raising water rates. This was promised to the people and believes this needs to be a part of the budget for the year 2009 and if they need to make it a law, she would ask that Law Director Fellmeth draw up a law that until the bond is paid off that they require that \$60,000 a year be put in the water fund to cover the debt that they encumbered the city for out of any income tax that comes from Northwest.

**Ordinance 40-08:** An Ordinance Amending Ordinance No. 61-07 Regulating the Use of Time Cards and Time Sheets by City Employees. Law Director Fellmeth regarding tabling Ordinance 40-08 at this time due to some of the language regarding salaried employees.

**TABLED**

**Ordinance 41-08:** An Ordinance Amending Ordinance 42-89 Regarding City User-Fees. **STANDS AS SECOND READING**

**Ordinance 42-08:** An Ordinance Amending Ordinance 5-08 and Providing for the Transfer of Funds Within Various Accounts for the Purpose of Paying Various City Obligations, and Declaring an Emergency.

Mr. Svab stated the emergency is due to the funds not ending in a negative at the end of the fiscal year of 2008.

Mrs. Cihon moved to suspend the rules on Ordinance 42-08, seconded by Mr. Deans. **ROLL: Yes, ALL.**

Mrs. Cihon moved for passage of Ordinance 42-08 under suspension of the rules, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

**PURCHASE ORDERS & BILLS**

**P.O. 5439** to Cargill, Inc. in the Amount of \$6,142.50 for 150 Tons Road Sale at \$40.95 per ton.

Mrs. Cihon moved to approve P.O. 5439, seconded by Mr. Losch. **ROLL: Yes, ALL.**

**P.O. 5445** to Ohio Police and Fire Pension Fund in the Amount of \$23,546.12 for Quarterly Payment Police Pension Fund.

Mr. Losch moved to approve P.O. 5445, seconded by Mr. Deans. **ROLL: Yes, ALL.**

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**P.O. 5449** to Treasurer, State of Ohio, Ohio EPA in the Amount of \$3,993.60 for the 2009 Public Water License Fees.

Mrs. Cihon moved to approve P.O. 5449, seconded by Mr. Moellendick.  
**ROLL: Yes, ALL.**

**P.O. 5452** to Gross Construction in the Amount of \$3,700.00 for Sidewalk, Catch Basin and Parking lot.

Mr. Losch moved to approve P.O. 5452, seconded by Mr. Deans. **ROLL: Yes, ALL.**

**P.O. 5453** to Communications Exhibits, Inc. in the Amount of \$4,706.76 for Four Graphic Boards for Canalway Center Mounted Pictures with Standoffs Installed.

Mayor Grogan stated to let the record reflect that the price is \$4,706.76 and not \$44,706.76 as indicated on the agenda.

Mrs. Cihon moved to approve P.O. 5453, seconded by Mr. Moellendick.  
**ROLL: Yes, ALL.**

Mr. Losch asked what these are? Mr. Mayberry stated they are interpretive panels. A portion of the panels were paid for by a grant from Ohio & Erie Canal Association. They are a story telling the history of the Canal Fulton and the impact of the canal.

A portion of this will be reimbursed. The grant is a reimbursable grant, approximately 50%.

**P.O. 5454** to Ohio Drilling Company, Inc. in the Amount of \$5,818.00 to Replace Well Pump and Superchlorinate Well at Waste Water Plant.

Mr. Moellendick moved to approve P.O. 5454, seconded by Mr. Losch.  
**ROLL: Yes, ALL.**

**P.O. 5464** to Ohio Public Works Commission in the Amount of \$54,278.77 for the Milan Street Waterline; Canal Street Waterline; Market Street Waterline; Water Treatment Plan Expansion; Denshire Sanitary Sewer Line; Solids Handling Improvements.

Mrs. Cihon moved to approve P.O. 5464, seconded by Mr. Deans. **ROLL: Yes, ALL.**

**Bills: \$361,920.88**

Mrs. Cihon moved that they are in receipt of bills in the amount of \$361,920.88, seconded by Mr. Deans. **ROLL: Yes, ALL.**

**OLD/NEW/OTHER BUSINESS**

Mr. Deans asked about the use of the time clock at the fire department. Mr. Svab stated this was in the ordinance that Law Director Fellmeth asked to be tabled. This would be included in this ordinance, but after review, he stated it did not exempt out salaried employees by the way it was written, so this is why he requested it to be tabled to put the correct language in it.

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Mr. Deans would like Council to consider passage of a resolution for Sherrod Brown for the new federal building that is being built in downtown Canton and to be named after Ralph Regula. Mr. Deans stated he would like a voice motion to proceed with this matter.

Mr. Deans made a motion to support the recommendation of Sherrod Brown and naming the new federal building that will be built in Canton, Ohio after Congressman Ralph Regula, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

**REPORT OF PRESIDENT PRO TEMPORE (Nellie Cihon)** - None

**REPORT OF SPECIAL COMMITTEES** - None

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

Ken Roberts, 239 N. Canal Street: Mr. Roberts stated the portion of North Canal Street that was converted to a one-way street with the back in parking seems to be working fine. He stated the problem now is people are ignoring the one way street. He stated the frequency is increasing. He has made the Chief of Police aware of this matter.

Mrs. Zahirsky stated when she was off council; this is one issue that she was bombarded with complaints about the parking situation. She stated people don't like the way it is designed and the one way street.

Mayor Grogan stated it was not a smooth transition, that there were a lot of people upset over this matter. He stated it is posted and if there is an accident the person that went the wrong way is at fault.

Chief Frisone stated they have written a few warnings. He stated the signage is confusing. The street superintendent has reviewed it with the Chief. He stated when they took the barricade down is when the problems began. He said it was an eyesore and couldn't stay there any longer than it did. He stated short of putting up a concrete wall, he is not sure what other options there are. Mr. Mayberry stated it couldn't be posted any better than it is.

### **EXECUTIVE SESSION**

Mrs. Cihon moved to adjourn to executive session from the regular meeting on this date for the purpose of the consideration of compensation of a public employee or official, with no expected legislation and all elected officials, Law Director and all department heads present, seconded by Mr. Deans. **ROLL: Yes, ALL.**

Mrs. Downing moved to return to public session at 9:38 PM, seconded by Mr. Deans. **ROLL: Yes, ALL.**

Mayor Grogan stated based upon the information discussed in executive session; he asked if Council was prepared to act on any of the recommendations.

Mayor Grogan stated for the record, they still need to deal with the 24 hour staffing and salaries for the fire and should within the next several meeting will have some recommendation.

CITY OF CANAL FULTON

December 16, 2008

Mayor Grogan stated the review for the Law Director as discussed in executive session is going to be reviewed. Mayor Grogan asked who would be reviewing the possible adjustment.

Mrs. Zahirsky stated she believes the total amount out of the general fund, \$7,000 and since the employees has taken a pay freeze that a 3% pay raise is not out of line. She stated she could defend this with any citizen in the community to ask them if they have gone two years without a raise.

Mayor Grogan stated he concurs with Mrs. Zahirsky and shares the same. He stated if anyone were to ask he would be very comfortable in defending and showing them where there tax dollars have been saved considerably because of the hard work with people here. He stated he does have an issue with the law director. He stated there is quite a bit of dollars the law director has lost assuming this position. He stated him being a part of this community a lot of people know who he is and he is sure there are a lot of people that would go to his door for assistance. However, he has had to turn them away due to conflicts. He still feels we need to address that particular line item.

Mrs. Zahirsky stated we could review that later after June or July when they know what the situation is. She doesn't want to go any higher than 3% for the law director at this point.

Mayor Grogan stated for the record, the document Mrs. Zahirsky is referring is non-bargaining salaries 2009, titling City Manager, Finance Director, Clerk of Council/City Manager Assistant, Service Director, Police Chief, Utility Superintendent, Street Superintendent, Law Director, Fire Chief, Assistant Chief, Captain, Lieutenant, Training Officer and Zoning Inspector, with the correction to Police Chief's salary.

Mrs. Zahirsky asked Mr. Fellmeth when he took the job, did he know he was going to have to turn away clients. Mr. Fellmeth stated he didn't know it would be to the extent that he has had to.

Mr. Cozy stated Mr. Fellmeth also made the comment that he thought the wage was very low and he would be re-evaluated at the end of the year during his interview.

Mr. Losch stated he would like to recommend an increase to at least \$20,000.

Mayor Grogan stated at this time, they are discussing the 3% increase. Mrs. Zahirsky made a motion to include all of the full-time employees that are on the non-bargaining sheet that they have, including the fire chief, assistant chief, zoning inspection, every one on the sheet to receive a 3% beginning January 1, 2009, seconded by Mrs. Downing. **ROLL: Yes, ALL.**

Mrs. Cihon moved to give Mrs. Hiltbrand a \$350 stipend, seconded by Mr. Losch. **ROLL: Yes, Mrs. Cihon, Mr. Losch, and Mrs. Deans. No, Mrs. Zahirsky, Mr. Moellendick and Mrs. Downing.**

There was a tie vote. The Mayor voted yes. **Motion carries.**

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Mayor Grogan stated the motion is, the additional \$350, she has received \$50 for each meeting she has already attended; therefore, \$150 will be deducted from the \$500, making it an additional \$350. She is a bargaining unit employment, so she did get time and a half.

Mr. Losch stated he would like to make a motion to give the Law Director an increase up to \$20,000.

Mayor Grogan stated he wanted a proper review from the Finance Director, as well as the Law Director and the impact on his practice.

Mr. Svab stated it would be better to have one ordinance for payroll at the beginning of the year that Council could vote on, without Mr. Fellmeth so they can have one payroll ordinance that Council can agree to and vote on in January. He stated if all has agreed to 3% the ordinance can be ready.

They can review Mr. Fellmeth's salary at the next meeting.

Mr. Losch stated Mr. Fellmeth had indicated he has lost approximately \$10,000 in business and felt this could be a consideration for an offer.

Mr. Losch stated his motion is to increase him up to \$20,000.

Mr. Losch rescinded his motion.

Mayor Grogan asked that the appropriate information be brought before Council for review and hopefully if they can, get it emailed or sent to the members so they can review prior to the meeting in case there are any questions or concerns.

**ADJOURNMENT**

Mayor Grogan adjourned the December 16, 2008 meeting. The next regular scheduled meeting is January 6, 2009 at 7:00 PM.

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Scott Svab, Acting Clerk of Council      John Grogan, Mayor

*Minutes were transcribed by Tammy Marthey, Clerk of Council.*