

CITY OF CANAL FULTON

January 6, 2009

COUNCIL MEETING

Mayor John Grogan called the January 6, 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; Tammy Marthey, Clerk of Council; Ed Harbaugh, Police Officer; Ray Green, Fire Chief; Daniel P. Mayberry, Service Director; Scott Svab, Finance Director; Ken Roberts, Business Owner; Joan Porter, Repository and Amy Knapp, Independent.

CORRECTING/ADOPTING THE RECORD OF PROCEEDINGS

Mrs. Cihon moved to approve the record of proceedings for October 28, 2008, seconded by Mr. Deans. **ROLL: Yes, Mr. Moellendick, Mrs. Cihon, Mr. Losch, Mr. Deans and Mrs. Downing. Abstain: Mrs. Zahirsky.**

Mrs. Zahirsky moved to approve the record of proceedings for December 2, 2008, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

ELECTION OF PRESIDENT PRO TEMPORE

Mrs. Zahirsky nominated Mrs. Cihon as President Pro Tempore, seconded by Mrs. Downing. **ROLL: Yes, Mr. Moellendick, Mrs. Zahirsky, Mr. Losch, Mr. Deans and Mrs. Downing. Abstain, Mrs. Cihon.**

ELECTION OF COMMITTEE ON COMMITTEES MEMBERS

Mrs. Downing, Mrs. Zahirsky volunteered to be on the Committee on Committees, as well as the President Pro Tempore, Nellie Cihon.

Mrs. Zahirsky moved to have a Committee on Committees meeting on January 13, 2009 at 6:00 PM, seconded by Mrs. Downing. **ROLL: Yes, ALL.**

REPORTS OF STANDING COMMITTEES - None

CITIZENS' COMMENTS – AGENDA MATTERS - None

REPORTS OF ADMINISTRATIVE OFFICERS

SENIOR CITIZENS (Nellie Cihon)

Swiss Steak Dinner: A swiss steak dinner will be served on January 24, 2009, serving from 4:00 – 6:30 PM. Reservations may be made by calling the center.

COMMUNITY SERVICE COORDINATOR - No Report.

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FIRE CHIEF (Ray Green, Chief)

Year End Report: Chief Green stated the fire department responded to 789 calls for service. He is proud to report that there weren't any major fire loss, meaning no loss over \$5,000.

Grant: Chief Green reported he received notification that the fire marshall's office is going to continue the training grant for 2009. The department will be submitting four applications for reimbursement for those attending the level II firefighter training and for the fire inspector course he attended.

Switch to Cencom: Chief Green reported there weren't any major difficulties with the switch over to Cencom. There were a few minor problems, but are being resolved.

POLICE DEPARTMENT (Edward Harbaugh, Officer)

Month End Report: Officer Harbaugh reported there were 277 calls for service for the month of December.

Year End Report: Officer Harbaugh reported the department responded to 4,370 calls for service for 2008.

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

FINANCE DIRECTOR (Scott Svab)

BWC Reimbursement: Mr. Svab stated the City received a check in the amount of \$919.50 from the Bureau of Worker's Compensation. A representative from the City attends safety council meetings monthly. As a result of this, we received these monies.

Grant: The City received grant monies for the DARE program. Officer Kosco has been teaching DARE at the schools for ten years.

Interest Rates Spreadsheet: Mr. Svab put together a spreadsheet depicting the interest rates over the past four years. In 2005, the city received \$82,324.02 in interest compared to \$45,003.09 for 2008. Rates in January 2008 were 4.41%, compared to 1% in December.

Ambulance – Payoff: Mr. Svab asked for discussion regarding paying off the ambulance early due to lower interest rates. If paid off now, they would be able to save approximately \$5,000.

Mr. Svab stated one of the things Chief Green wanted on his capital budget this year was the purchase of a 12-lead cardiac monitor, which is about \$32,000. Mr. Svab stated this is one of the things the Finance Committee agreed that this be one of the funding items they did. He stated if they don't fund the request of the truck this year, they would be able to pay off the squad and still have enough money to purchase the 12-lead monitor. It is his recommendation to Council to pay off the squad and would like to open up to council to discuss this matter. The due date for the payment is January 8, 2009.

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Mr. Deans stated if we are only making .5% interest and if the City can save \$5,000, he would be in agreement with paying off the squad.

Mr. Svab stated they received \$40,000 from workers compensation which went into the fire department fund, so the fire fund is relatively healthy and stated there will be less of a transfer from the income tax this year. The fund is ending with a \$100,000 balance and this is why he would like to pay off the squad.

Mrs. Cihon stated she agrees with Mr. Svab.

Mr. Cozy asked if they paid off the squad, would they still be able to afford the 24 hour staffing.

Mr. Svab stated he would like to wait until the final appropriation budget. He is requesting a finance meeting possibly next Tuesday and if they could include that in with the Committee on Committee meetings. He stated at that time he will have final appropriations done and the last pieces of the puzzle for the capital items where everyone wants to either a part chip and seal or 24 hours staffing and other things going to be put together.

Mr. Cozy asked if Council is deciding if they pay off the squad, there are other projects that won't get done this year to save \$5,000?

Mr. Svab stated most of the interest from the general fund is coming from water and sewer funds.

Mrs. Zahirsky asked if the money is going back into the water and sewer. Mr. Svab stated no. He is saying that we are never down to the bare minimum where we can't do something. He stated \$50,000 is not going to be a point where it is going to hurt any of the capital projects.

Mr. Cozy stated he just wanted to make sure that we are paying off a squad and then hearing in March that we can't afford to do 24 hour staffing, or that projects are hanging out there that we wanted to get done.

Mrs. Zahirsky stated she still wants to remind people that commitments were made that \$60,000 of the income tax money that came from the school system would go back into the water to pay the line. The City is paying that debt every year. She stated before they replace any kind of fees in the water department, they are not going to put that debt on the tax payers because it ends up being a double taxation. They voted to increase the income tax rate and we told them we weren't going to increase the rates to the water. They were told the money from the income tax from the school and pay off the debt. She stated if we don't keep our commitment, we are double taxing because we are not using the \$60,000 legitimately. She stated she has talked to past Council members and they are willing to come and talk and tell the current members the decisions that were made at that time. She stated at the time an ordinance was not done because the school system was not a part of Canal Fulton. There was no sense doing an ordinance requiring that the finance director transfer \$60,000 from the income tax into the water to cover that debt. She stated now that they are part of the system, they have a legacy that they have to continue on and future generations for the next six years, aren't going to remember that they made that commitment.

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She stated some of the current members don't know that they made that commitment.

She stated they sat through a lot of meetings and it was said that when the schools became part of the City, they would take the first \$60,000, minus tap in fees for anyone in that area, would go toward the debt of the water line before they started increasing water rates. She stated if she remembered correctly, last year they kept saying how bad the water fund was compared to the sewer fund. She doesn't see how they can continue to rob from that fund, by not putting the \$60,000 back into it.

Mr. Svab stated if Council decides to take the \$60,000 from the income tax fund and put it back into the water debt, it will severely limit the amount of capital items. He stated we are already \$60,000 down on the interest.

Mrs. Zahirsky stated the water fund is down now because they aren't getting the 2.5 times the water rate.

Mr. Svab stated this will need to be decided at the finance committee meeting. He stated there will be options provided to Council that they will need to vote on to finalize the budget. He stated if there is going to be \$60,000 transferred from income tax to water debt there is going to be something else that is not going to be approved.

Mrs. Zahirsky stated she can have previous Council members come in and to encourage him that they made this commitment.

Mayor Grogan stated the question posed is whether or not this Council wants to pay off the ambulance.

Mrs. Zahirsky stated if they have the choice to do it later on in the year, she would suggest they wait until after they review the final appropriations.

Mayor Grogan asked if there was any big hurry.

Mrs. Zahirsky suggested they pay the payment due on the 8th.

Mr. Svab stated one is due January 8th and the next one is due in June.

Mr. Svab stated they did receive another check from Lawrence Township for ambulance runs for \$1,091. He stated the year was finished a record high with \$61,921 being collected for ambulance runs. He stated he projected \$60,000.

Mrs. Downing asked if it would make a difference in getting the 12-lead monitor if they paid off the ambulance. Mr. Svab stated it wouldn't make a difference.

Mr. Moellendick stated it would be wise to discuss more at the finance meeting.

Mayor Grogan asked for a vote for all of those in favor of the ambulance to state so by saying I. **There were no I votes.**

Mayor Grogan asked for a vote for all of those in favor of holding off until they have a better figure of the finances, state by saying I. **All said I.** Majority rules, they will hold off on paying off the ambulance.

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Mr. Svab stated he has a depository agreement from Huntington Bank. He would like a voice motion from Council to approve. He stated the City Manager will be able to sign. He stated the City has accounts with First Merit and Huntington. He stated the agreement with Huntington commences on March 1 and goes through 2011. He stated it is in compliance with what the auditors requested, an agreement with Huntington outlining when monies are deposited they have to make sure it is fully 100% collateralized for municipal funds.

Mrs. Zahirsky moved that they accept the agreement for depository for public funds with Huntington Bank, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

Mrs. Zahirsky moved that they received the year-to-date expenses, dated January 6, 2009, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

Mr. Svab stated he has a purchase order that wasn't attached to the packet.

Mayor Grogan stated for the record purchase order number 5489 has been added.

CITY MANAGER (Mark Cozy)

Healthcare Renewal: Mr. Cozy reported a renewal has been negotiated for the healthcare. The City received a 5% decrease in premiums for the year 2009. He would like a voice motion to enter into the renewal agreement with our provider, The Health Plan.

Mrs. Cihon moved to enter into the renewal for healthcare for the employees, seconded by Mr. Deans. **ROLL: Yes, ALL.**

Engineering Contract Renewal: Mr. Cozy stated there is an agreement to provide engineering services from CTI Engineers, Inc. included in the packet and would request a voice motion to renew the agreement. Mr. Deans moved to renew the agreement with CTI Engineers, Inc. seconded by many. **ROLL: Yes, ALL.**

Executive Session: Mr. Cozy stated he has a couple items for executive session.

REPORT OF MAYOR (John Grogan)

Mayor Grogan reported there was a recent article in the newspaper about a local Mayor's group and that he did not get the letter. He is now in receipt of it and will be attending the meeting on January 13th and will give a report on the meeting at our next council meeting on January 20th.

PARKS & RECREATION BOARD (Fred Fleming) – Not Present

LAW DIRECTOR (Scott Fellmeth)

Law Director Fellmeth reported he will be out of town January 12 – 15 but will be in contact with his office on a regular basis.

THIRD READINGS - None

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SECOND READINGS

Ordinance 38-08: An Ordinance Amending Chapter 155.02(b)(6)(A) of the Zoning code of the City of Canal Fulton and Repealing Any Ordinance in Conflict Therewith. **STANDS AS SECOND READING**

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

FIRST READINGS

TABLED: Ordinance 40-08: An Ordinance Amending Ordinance No. 61-97 Regulating the use of Time Cards and Time Sheets by City Employees.

Ordinance 1-09 will replace this ordinance. There was some change in the language of the ordinance.

Mrs. Zahirsky moved to bring Ordinance 40-08 back to the table, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

Mrs. Cihon moved to kill Ordinance 40-08, seconded by Mrs. Zahirsky. **ROLL: Yes, ALL.**

Ordinance 1-09: An Ordinance Amending Ordinance No. 61-97 Regulating the Use of Time Cards and Time Sheets by City Employees. **STANDS AS FIRST READING**

Resolution 1-09: A Resolution to Establish and Adopt Rules and Regulations for the Council of the City of Canal Fulton and Repealing All Prior Rules and Regulations Inconsistent Herewith.

Mayor Grogan stated his name is misspelled at on the last page and to eliminate Lawrence Township Hall from one of the posting locations as it is no longer in the Corporation limits.

Law Director Fellmeth stated in Rule 4: Council Vacancy – How Filled: If the Council fails to fill a vacancy with 30 days; this should read 45 days, as it is stated in the Charter.

Resolution 2-09: A Resolution Entering Into A Contract With the Stark County Public Defender's Office and Declaring an Emergency.

Mr. Moellendick moved to suspend the rules on Resolution 2-09, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

Mr. Deans moved for passage of Resolution 2-09 under suspension, seconded by Mrs. Zahirsky. **ROLL: Yes, ALL.**

Resolution 3-09: A Resolution Entering Into A Contract with the Auditor of State for the GAAP Conversion for 2008 and Declaring an Emergency.

Mr. Moellendick moved to suspend the rules of Resolution 3-09, seconded by Mr. Deans. **ROLL: Yes, ALL.**

Mrs. Cihon moved for passage of Resolution 3-09 under suspension, seconded by Mrs. Zahirsky. **ROLL: Yes, ALL.**

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PURCHASE ORDERS & BILLS

P.O. 5489 in the amount of \$8,190.00 to Cargill, Inc. for 200 tons of road salt at \$40.95 per ton.

Mrs. Cihon moved to accept P.O. 5489, seconded by Mr. Losch. **ROLL: Yes, ALL.**

Bills: \$104,199.83 Mrs. Cihon moved that they are in receipt of the bills in the amount of \$104,199.83, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

OLD/NEW/OTHER BUSINESS - None

REPORT OF PRESIDENT PRO TEMPORE (Nellie Cihon) - None

REPORT OF SPECIAL COMMITTEES - None

CITIZENS COMMENTS-Open Discussion (Five-Minute Rule)

Ken Roberts: Mr. Roberts stated they hosted a Community Coming Together event on December 20. There were 180 people present. He would like to thank Nellie Cihon, Danny Losch, Dan and Sue Mayberry, and Jim and Janet Deans and everyone that volunteered for this event. He stated Mr. Losch assisted three Saturdays in refurbishing bicycles.

EXECUTIVE SESSION

A motion was made by Mrs. Cihon to adjourn to executive session at 7:45 PM from the regular meeting for the purpose of consideration of appointment of a public employee or official and compensation of a public employee or official, with all elected officials, City Manager, Finance Director and Fire Chief present, with possible legislative action being taken, seconded by Mrs. Zahirsky. **ROLL: Yes, ALL.**

A motion was made by Mr. Losch to return to public session at 8:46 PM, seconded by Mr. Deans. **ROLL: Yes, ALL.**

As a result of executive session, the following legislation action was taken.

Ordinance 2-09: An Ordinance Establishing New Rates of Pay and Salaries for Employees of Canal Fulton, Effective January 1, 2009 Repealing Any Ordinances in Conflict Therewith, and Declaring an Emergency.

Mr. Deans moved to suspend the rules on Ordinance 2-09, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

Mrs. Cihon moved for passage of Ordinance 2-09 under suspension, seconded by Mr. Losch. **ROLL: Yes, Mr. Moellendick, Mrs. Cihon, Mr. Losch, Mr. Deans, and Mrs. Downing. No, Mrs. Zahirsky.**

Ordinance 4-09: An Ordinance Establishing Rates of Pay for Various Part-Time Positions Within the City of Canal Fulton Effective January 1, 2009, and Repealing Any Ordinances in Conflict Therewith, and Declaring an Emergency.

Mrs. Cihon moved to suspend the rules on Ordinance 4-09, seconded by Mr. Losch. **ROLL: Yes, ALL.**

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Mrs. Cihon moved for passage of Ordinance 4-09 under suspension, seconded by Mr. Losch. **ROLL: Yes, ALL.**

Mayor Grogan stated he was also going to appoint a temporary representative to sit in for him on the Planning Commission Board, due to his work obligations. He stated Mr. Cozy or Mr. Losch will attend in his absence.

ADJOURNMENT

Mayor Grogan adjourned the January 6, 2009 meeting. The next regular scheduled meeting is January 20, 2009 at 7:00 PM.

Tammy Marthey, Clerk of Council

John Grogan, Mayor