

CITY OF CANAL FULTON

February 4, 2009

COUNCIL MEETING

Mayor John Grogan called the February 4, 2009 City Council meeting to order at 7:00 PM in Council Chambers at City Hall.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: 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; Dave Frisone, Police Chief; Ray Green, Fire Chief; Daniel P. Mayberry, Service Director; Scott Svab, Finance Director; William Dorman, City Engineer; Rochelle Rossi and Janet Deans, Residents; Joan Porter, Repository and Amy Knapp, Independent.

CORRECTING/ADOPTING THE RECORD OF PROCEEDINGS

Mrs. Zahirsky moved to approve the record of proceedings for January 20, 2009, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

REPORTS OF STANDING COMMITTEES

Mrs. Zahirsky stated they had a Public Service Committee meeting on January 27, 2009 at 6:30 PM and discussed the need for an ordinance that would require the Finance Director to transfer \$60,000 annually from the income tax to the water debt fund for the Northwest Schools water line expansion. This has been submitted to the Law Director to prepare legislation. Law Director Fellmeth stated he has prepared the legislation for the next meeting and it does have a clause in it that the ordinance shall lapse after repayment and the entire debt is retired.

Mrs. Zahirsky stated they also discussed the water rate increase, which is based annually on the consumer price index. She stated that Mr. Cozy had stated the sewer fund was doing well and it was the recommendation from the administration that they should look at instead of increasing the sewer rate at the cost of living index, as allowed by ordinance, that they forego that increase, but continue with the water rate increase because that fund is that is having the most problems. She stated they looked at the auditors report and there was an \$87,000 shortfall between what they were bringing in and what they were spending. They were looking as one of the reasons, along with the transfer from the income tax into the fund, they still need a rate increase.

The CPI is 5.8%.

Mr. Cozy stated they discussed cutting the sewer rate increase in half or forego the increase. Mr. Cozy stated he has been discussing this with the finance director. He is waiting for him to give him some numbers because they have some capital improvement projects that will need done at the waste water treatment plant.

The mayor asked how much the increase would be on 3,000 consumer usage of water. It was stated an additional \$1.

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Mr. Cozy stated the sewer hasn't been increased yet and that they need some action by Council for them not to increase it because there is an ordinance in effect that states sewer rates are increased yearly based upon the consumer price index.

Mr. Fellmeth will draft an ordinance to reflect this change for this year. Attorney Fellmeth stated he has an ordinance prepared to transfer the funds from the income tax fund to the water debt fund for next meeting. He stated there is a sunset clause so once it equalizes out, it will lapse and they won't need to pass new legislation to stop the transfer.

Mrs. Zahirsky stated Mr. Moellendick was named the chairman for the Public Service Committee.

CITIZENS' COMMENTS – AGENDA MATTERS - None

REPORTS OF ADMINISTRATIVE OFFICERS

SENIOR CITIZENS (Nellie Cihon)

Swiss Steak Dinner: A swiss steak dinner will be served on February 21, 2009 serving from 4:00 – 6:30 PM. Reservations may be made by calling the Center.

There were 220 dinner served at the January dinner.

Center Closed: Mrs. Cihon reported the Center would be closed on February 16, 2009 in observance of President's Day.

March 15: Mrs. Cihon reported there will be a bus trip to Meadows Gambling. Call the center for details.

Terms of Commissioners: Mrs. Cihon stated some of the commissioners terms have expired and is asking the Mayor to re-appoint. All are interested in serving another term.

Mayor Grogan presented the following names for consideration for re-appointment to Council and asked that they are be considered under one vote: Bea Weaver, Robert Eicher, Scott Svab, Carol Lyons, Betty Stephen and Sherry Ringler.

Mrs. Zahirsky stated based upon the Mayor's recommendation, she would moved to re-appoint Bea Weaver, Robert Eicher, Scott Svab, Carol Lyons, Betty Stephen and Sherry Ringler, seconded by Mr. Deans. **ROLL: Mrs. Cihon, Abstain; Yes, Mr. Deans, Mrs. Downing, Mr. Losch, Mr. Moellendick and Mrs. Zahirsky.**

COMMUNITY SERVICE COORDINATOR - None

FIRE CHIEF (Ray Green, Fire Chief)

Grants: Chief Green stated the department has received a grant in the amount of \$2,400 to reimburse for the fire inspector training that was attended by two personnel.

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He stated they will be re-applying for the FEMA grant for the truck. He stated the grant writer they used allows for one free grant when one is denied so they will be utilizing their services to write the grant.

The department will also be applying to the state for a grant for equipment.

POLICE DEPARTMENT (David Frisone, Police Chief)

Annual Report: Chief Frisone stated he has submitted the annual report and reviewed it. He stated the stats were down in 2007 due to having several officers off on medical leave and not having the extra manpower to do investigations.

The report included the departments fleet status, grant applications/awards, community outreach programs, Safety Center Training Room utilization and training/conferences/seminars that were attended by the department's employees.

Stats: Mayor Grogan asked about the stats and how they dropped considerably in 2007. Chief Frisone stated this was during the city imposed hiring freeze and he has two officers due to medical conditions and one on FMLA for the birth of a child. He feels this had a big impact on the amount of self initiated calls.

Mayor Grogan stated the number reflect the Massillon Law Directors traffic citations. He stated in 2006 there were 387, 2007 it was 307 and 2008 there were 412. He stated this also shows the lack of productivity. He stated when we have a significant dip in 2007, he stated there are also a lot of cases that aren't being investigated and the Chief and he has sat down and looked at establishing a Lieutenant position to help assist with investigatory activity. Mayor Grogan stated he would like the Safety Committee to meet to discuss this issue.

Mrs. Zahirsky stated she would like to request a Safety Committee meeting on March 3 at 6:30 PM for the purpose of discussing a lieutenant position in the police department, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

It was noted that all committees need to meet the first quarter of the year to fulfill the obligation outlined in the Council Rules.

Mrs. Zahirsky moved to hold a Personnel/Rules Committee meeting on March 17, 2009 at 6:30 PM to fulfill the requirements of the Council Rules, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

Mr. Moellendick moved to hold a Economic Development Committee meeting on February 17, 2009 at 6:30 PM to fulfill the requirements of the Council Rules, seconded by Mrs. Zahirsky. **ROLL: Yes, ALL.**

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

SNOW: Mr. Mayberry reported that there have been 27 snow events this winter. There was 28.6" of snow for the month of January and year-to-date there has been 45".

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Council members extended a thank you to the street department for the wonderful job they have done.

High Street Sanitary Sewer Project: Mr. Dorman stated the High Street Sanitary Sewer Project has been advertised. The bid opening will be held on February 27, 2009.

Stimulus Project Funding: Mr. Dorman stated he has been assisting administration for projects for consideration for the possible stimulus project funding.

Safe Route to Schools Grant: Mr. Dorman, Mr. Mayberry and Mr. Cozy attended a preliminary meeting at Ohio Department of Transportation to discuss the safe route to schools plan.

Streets: Mr. Cozy stated Mr. Mayberry should also be commended on how he has been managing the streets departments.

FINANCE DIRECTOR (Scott Svab)

Water Rate Increase: Mr. Svab stated the water operating fund spent 7% more last year. He stated they increased the water rates for the January billing based on the consumer price index, 5.8%, which will be an additional \$1.00 for every 3,000 gallons of water used.

Sewer Rates: Mr. Svab stated he had a meeting with the City Manager and Service Director regarding the sewer. They

Current Month-to-Date/Year-to-Date Expense Report: Mr. Svab reviewed the report with Council members.

E.M.S Runs: Mr. Svab stated the fire department received \$8,000 in the month of January for EMS runs.

Purchase Orders: Mr. Svab stated there are purchase orders attached.

Ordinance 5-09: Mr. Svab stated the appropriations ordinance has a second reading this evening and is requesting that Council consider suspending the rules and passing this ordinance this evening so they can begin operating on the permanent budget.

Expense Report: Mrs. Zahirsky made a motion that they are in receipt of the expense report for January, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

CITY MANAGER (Mark Cozy)

OECA: Mr. Cozy stated a grant in the amount of \$14,800 was awarded to the Heritage Society and the City of Canal Fulton.

2-Hour Parking: Mr. Cozy reported that the two hour parking signs have been removed on North Canal Street, north of Market Street for a trial period.

Community Plan: Mr. Cozy stated the committee for the Community Plan will have a meeting at City Hall on Monday, February 9 at 7:00 PM.

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Aerial Map: Mr. Cozy stated the Stark County Regional Planning has donated an updated aerial map of the city and it has been framed and is on the wall in Council Chambers.

Economic Stimulus Package: Mr. Cozy stated one of the project for the stimulus package would be the Marshallville Sanitary Sewer Project.

Safe Routes to Schools: Mr. Cozy stated a consultant has been assigned to the City and they will be working closely with CTI. This project will encourage kids to walk/ride bikes to school. The goal is to have the plan done by the end of summer. It is a 100% grant.

REPORT OF MAYOR (John Grogan)

Commissioners: The Mayor stated he has some appointments to make on board and commissions.

Planning Commission: Mayor Grogan stated he is recommending to Council to re-appoint Clayton Hopper to the Planning Commission.

Mrs. Cihon moved to re-appoint Clayton Hopper to the Planning Commission as recommended by the Mayor, seconded by Mr. Deans. **ROLL: YES, All.**

Historic Preservation Commission: Mayor Grogan stated he is recommending to Council to re-appoint Clayton Hopper and Dennis Downing to the Commission and to do as one vote.

Mrs. Zahirsky moved to re-appoint Clayton Hopper and Dennis Downing to the Commission as recommended by the Mayor, seconded by Mrs. Cihon. **ROLL: Yes, Mr. Moellendick, Mrs. Zahirsky, Mrs. Cihon, Mr. Losch and Mr. Deans. Abstain, Mrs. Downing.**

Park Board: Mayor Grogan stated he is recommending to Council to re-appoint Fred Fleming and Mary Ann Hupp to the Park Board.

Mrs. Cihon moved to re-appoint Fred Fleming and Mary Ann Hupp to the Park Board as recommended by the Mayor, seconded by Mr. Deans. **ROLL: Yes, ALL.**

Tax Incentive Review Council: Mayor Grogan stated he would like to re-appoint members to the Tax Incentive Review Council, Rochelle Rossi, Jim Deans and Linda Zahirsky.

Mrs. Cihon moved to re-appoint Rochelle Rossi to the Tax Incentive Review Council, seconded by Mrs. Zahirsky. **ROLL: Yes, ALL.**

Mr. Deans moved to re-appoint Jim Deans to the Tax Incentive Review Council, seconded by Mrs. Cihon. **ROLL: Yes, Mr. Moellendick, Mrs. Zahirsky, Mrs. Cihon, Mr. Losch and Mrs. Downing. Abstain, Mr. Deans.**

Mrs. Zahirsky moved to re-appoint Linda Zahirsky to the Tax Incentive Review Council, seconded by Mrs. Cihon. **ROLL: Yes, Mr. Moellendick, Mrs. Cihon, Mr. Losch, Mrs. Downing and Mr. Deans. Abstain, Mrs. Zahirsky.**

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Mayor Grogan asked to be excused from the meeting. Mrs. Cihon took over the remaining portion of the meeting.

PARKS & RECREATION BOARD (Fred Fleming) – Not Present

LAW DIRECTOR (Scott Fellmeth)

Prosecutor's Contract: Law Director Fellmeth stated the prosecutor's office is requesting a \$3,000 increase in the contract price. He doesn't recommend that we agree to this increase. He will meet with the prosecutor's office and discuss this with them further.

THIRD READINGS None

SECOND READINGS

Ordinance 1-09 Tabled: An Ordinance Amending Ordinance No. 61-97 Regulating the Use of Time Cards and Time Sheets by City Employees.

Mrs. Zahirsky moved to bring Ordinance 1-09 back to the table, seconded by Mrs. Cihon. ROLL: Yes, ALL.

It was asked if there wasn't a motion would the Ordinance die. The Law Director indicated yes. No motion was made for passage of Ordinance 1-09. Ordinance is killed. (*See Old/New Business*)

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.

STANDS AS SECOND READING

Resolution 4-09: A Resolution by the Council of the City of Canal Fulton to Enter into a Contract with the Ohio Public Works Commission for the High Street Sanitary Sewer Project.

STANDS AS SECOND READING

Resolution 5-09: A Resolution by the Council of the City of Canal Fulton to Support the Name of the Proposed New Federal Building in Canton, Ohio After Ralph S. Regula.

STANDS AS SECOND READING

Ordinance 5-09: An Ordinance to Make Permanent Appropriations for the Current Expenses and Other Expenditures of the City of Canal Fulton, County of Stark, Ohio, During the Fiscal Year Ending December 31, 2009, and Declaring an Emergency.

Mr. Svab stated this needed passed to begin operating under the permanent appropriations.

Mr. Moellendick moved to suspend the rules on Ordinance 5-09, seconded by Mrs. Cihon. ROLL: Yes, ALL.

Mrs. Cihon moved for passage of Ordinance 5-09 under suspension, seconded by Mr. Deans. ROLL: Yes, ALL.

Resolution 6-09: A Resolution by the Council of the City of Canal Fulton to Abate the Sidewalk for Discovery Park Phase I.

STANDS AS SECOND READING

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Resolution 7-09: A Resolution by the Council of the City of Canal Fulton to Enter into an Agreement with Schalmo Properties, Inc. and First Merit Bank NA to Accept a Letter of Credit in Lieu of Performance Bonds.
STANDS AS SECOND READING

FIRST READINGS

Ordinance 7-09: An Ordinance Amending Ordinance No. 61-97 Regulating the Use of Time Cards and Time Sheets by City Employees.
Stands as First Reading

PURCHASE ORDERS & BILLS

P.O. 5497 to Dollar Bank Leasing Corp. in the Amount of \$26,796.00 for Semi-Annual Squad Payment. Mrs. Zahirsky moved to approve P.O. 5497, seconded by Mr. Moellendick. ROLL: Yes, ALL.

P.O. 5501 to MetLife Insurance Company in the Amount of \$5,506.35 for Dental Premiums for Three Months. Mrs. Zahirsky moved to approve P.O. 5501, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

P.O. 5503 to Dominion East Ohio in the Amount of \$9,347.51 for Temporary Purchase Order for Natural Gas. Mrs. Zahirsky moved to approve P.O. 5501, seconded by Mr. Losch. ROLL: Yes, ALL.

P.O. 5506 to LOGIC in the Amount of \$7,880.00 for Temporary Appropriations for Dispatch Services for 2009, 2 Month Encumbered. Mrs. Zahirsky moved to approve P.O. 5506, seconded by Mr. Moellendick. ROLL: Yes, ALL.

P.O. 5507 to CMI in the Amount of \$6,274.76 for 2009 Annual Software Fees for Payroll, Utility Billing and Finance. Mrs. Zahirsky moved to approve P.O. 5507, seconded by Mr. Losch. ROLL: Yes, ALL.

P.O. 5510 to Speedway SuperAmerica in the Amount of \$5,500.00 for Fuel for All Departments. Mr. Deans moved to approve P.O. 5510, seconded by Mr. Losch. ROLL: Yes, ALL.

P.O. 5511 to Ohio Edison Company in the Amount of \$60,250.00 for Electric Service for All Departments. Mrs. Zahirsky moved to approve P.O. 5511, seconded by Mr. Losch. ROLL: Yes, ALL.

P.O. 5520 to Vision Service Plan in the Amount of \$48,00.00 for Vision Insurance Premiums. Mr. Losch moved to approve P.O. 5520, seconded by Mrs. Downing. ROLL: Yes, ALL.

P.O. 5522 to Cargill, Inc. in the Amount of \$6,000.00 for Road Salt, 150 Tons @ \$40/Ton. Mr. Deans moved to approve P.O. 5522, seconded by Mr. Moellendick. ROLL: Yes, ALL.

P.O. 5527 to City of Massillon in the Amount of \$6,000.00 for Prosecutors Contract. Mr. Losch moved to approve P.O. 5527, seconded by Mrs. Zahirsky. ROLL: Yes, ALL.

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P.O. 5529 to Squire, Sanders & Dempsey, LLP in the Amount of \$3,550.00 FOR Bond Counsel for Parks Note Rollover. Mr. Moellendick moved to approve P.O. 5529, seconded by Mr. Losch. ROLL: Yes, ALL.

BILLS: \$137,633.26 Mr. Losch moved to approve the bills in the amount of \$137,633.26, seconded by Mr. Deans. **ROLL: Yes, ALL.**

Ordinance 1-09: Law Director Fellmeth asked for a point of order. He indicated that Ordinance 1-09 would need to be brought back to the table and killed in order to have it removed from the table. No motion would not kill the ordinance as he had indicated earlier.

Mrs. Zahirsky moved for passage of Ordinance 1-09, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

OLD/NEW/OTHER BUSINESS

Meeting with Lawrence Township Trustee: Mrs. Zahirsky reported that Mr. Cozy and herself met with Mr. Harbaugh regarding his question he had asked at the Joint Safety Committee meeting about dissolving Milan Township.

They discussed forming a CEDA and putting the inside millage from City residents into separate Lawrence Township Fund and having a five member committee to determine what infrastructure projects the funds would be used for. There would be two members from the Township and three members from the City. All costs incurred by Lawrence Township for work performed in the City including labor, equipment and materials would be paid or reimbursed out of this fund.

There would be a provision that Lawrence Township and the City would begin/continue to bill City and Township residents in order to provide funds for 24 hour staffing for fire/EMS services beginning in 2010. Mr. Harbaugh had concerns if he was not elected, that there was a possibility of not renewing the joint agreement for staffing. There was discussion of a provision to collaborate for a joint full-time fire chief.

Also, Mr. Harbaugh had indicated the problems they have with ATV's riding through residents yards and would like to have an area where they can ride. It was discussed was the City agreeing to work with Lawrence Township and Stark County to develop an ATV park on City owned property off of Warwick Road.

Mrs. Zahirsky stated they would like to have a decision by March because of paving. They will discuss this issue further at the Economic Development Committee meeting on February 17.

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LETTER FROM RESIDENT: Ms. Marthey read the following letter:

I wanted to comment on the excellent job the street department did cleaning the streets in the city.

I went to Belden Village Mall Thursday morning and Akron Avenue and Fulton Road were in terrible shape. I went to Akron on Thursday evening and Rt. 93 and streets in Akron were a mess. I stopped in the drug store Thursday afternoon and 2 salesmen were saying the roads here were the best they had seen. One of them came from Akron and the other from North Canton, they were impressed with out little town.

Kudos to our guys in the street department.

Donald Hare.

Analysis of Ohio's Road Salt Market: Mr. Moellendick stated he passed out to members a report from Ohio Department of Transportation-Analysis of Ohio's Road Salt Market and the 2008-2009 Price Increase and gave an overview of the report. The report is also viewable on ODOT's website.

REPORT OF PRESIDENT PRO TEMPORE (Nellie Cihon) - None

REPORT OF SPECIAL COMMITTEES - None

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

ADJOURNMENT

Mrs. Cihon adjourned the February 4, 2009 meeting. The next regular scheduled meeting is February 17, 2009 at 7:00 PM.

Tammy Marthey, Clerk of Council

Mayor John Grogan