

CITY OF CANAL FULTON

July 21, 2009

COUNCIL MEETING

Mayor Grogan called the July 21, 2009 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, and Matthew Moellendick.

Absent: Linda Zahirsky

Mrs. Cihon moved to excuse Mrs. Zahirsky due to work, second by Mr. Deans. **ROLL: Yes, ALL.**

Others Present: Scott Fellmeth, Law Director; Mark Cozy, City Manager; Tammy Marthey, Clerk of Council; Scott Svab, Finance Director; Dave Frisone, Police Chief; Ray Green, Fire Chief; Daniel Mayberry, Service Director; William Dorman, City Engineer; Eric Williams, Pelini and Associates, Rochelle Rossi, Ken Roberts, Kathy Gill, Michael Mouse, David Cornelius, Donnie Poling and Victor Colaianni, Residents; Amy L. Knapp, Independent; Joan Porter, Repository.

CORRECTING/ADOPTING THE RECORD OF PROCEEDINGS

Mrs. Cihon moved to approve the July 7, 2009, seconded by Mr. Moellendick. **ROLL: Yes, ALL**

Mrs. Cihon moved to approve the July 14, 2009, seconded by Mr. Losch. **ROLL: Yes, ALL.**

EXECUTIVE SESSION

Be it resolved by the Canal Fulton City Council that a motion was made by Mrs. Cihon to adjourn to executive session at 7:10 PM from the regular meeting on the above mentioned date for the purpose of the consideration of a conference with the law director or other retained counsel concerning pending or imminent court action with all elected officials, city manager, police chief, fire chief, finance director, clerk of council, law director and service director present, seconded by Mr. Losch. **ROLL: Yes, ALL.** Motion was made by Mr. Moellendick to return to public session at 7:28 PM, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

There was no action taken as a result of the executive session.

PUBLIC HEARING

The meeting adjourned to the public hearing relating to Ordinance 24-09, An Ordinance Amending the Codified Ordinances of the Zoning Code of the City of Canal Fulton, Ohio to Amend Chapter 1146 Certificate of Occupancy and Amend Section 1146.04 Fire Inspection. There being no one present or discussion of such Ordinance, the regular meeting continues on with the agenda.

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REPORTS OF STANDING COMMITTEES

Public Service Committee: Mr. Moellendick reported that the Public Service Committee met on July 14 to discuss possible sewer rate increases to cover debt and sewer line extensions as well as arising operating costs. They will need to have a few more discussions relating to this matter.

Economic Development Committee: Mr. Deans reported that the Economic Development Committee met on July 14 regarding the "Paint the Town" project. The Historic Preservation Commission has approved the paint colors for the historic district and citizens outside the district can choose what colors they wish. This program is currently for exterior work only. Persons interested can sign up at City Hall, the Chamber of Commerce or the Library to receive the discount card for Sherwin Williams.

Mr. Deans reported the flowers in the canal project is still in the works.

Mr. Losch would like a voice motion to approve this program.

Mr. Losch moved to approve the Paint the Town Program which allows residents and business owners to participate in the program, seconded by Mr. Deans. **ROLL: Yes, ALL.**

Safety Committee Meeting: The committee met before the meeting regarding primitive hunting on Warwick. They would like it to remain as primitive weapons only. Firearms would not be permitted, which would include muzzle loaders. They want to restrict it to a certain zoning, RR. They want more time to research it.

Tornado Sirens: Mr. Deans reported the committee discussed the purchase of tornado sirens and would like to move forward with getting it on the ballot to put millage on the ballot.

Mr. Cozy stated the TAP Committee and the Township has been working on this and have reviewed at length. They would like to be able to get on the ballot in November. It would be a ten year property levy, a .13 mil, which would generate \$335,360.00 over the ten year period. This is for ten sirens. Three would be in the City. This would be a joint venture with the City. There would be a ten year contract for maintenance.

Mr. Deans moved to have a safety committee meeting on July 28 at 7:00 PM to discuss the tornado sirens and the ballot language, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

CITIZENS' COMMENTS – AGENDA MATTERS - None

REPORTS OF ADMINISTRATIVE OFFICERS

SENIOR CITIZENS (Nellie Cihon) -

Italian Pasta Buffet: The Center will be having an Italian Pasta Buffet on July 25, 2009. It is \$6 per person. Call the Center for reservations.

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Card Party: The Center will be having a card party on August 12 from 11:00 AM – 3:00 PM. The cost is \$5. Lunch is sponsored by Canal Grill.

Swiss Steak Dinner: The Center will be having a swiss steak dinner on August 22. Call the Center for reservations.

COMMUNITY SERVICE (John Murphy, Coordinator) - Not Present

FIRE CHIEF (Ray Green, Fire Chief)

Ohio Fire Chief Conference- ISO Class: The Chief reported he recently attended the Fire Chief Conference. As part of this conference he attended a seminar on ISO Training. There are proposed drafts on the way fire departments are rated. They are not going to be as restricted on equipment requirements. They are going to start counting mutual aid personnel coming in toward the total amount of people responding to a fire. They are raising the minimum number of respondents to a minimum of six. He stated the County mutual aide people will bring it up to 15 or 16, which will help when they get re-rated. They look at the fire department's 50% of the rating schedule, the rest falls in communications and water supply. He stated currently the community is at a six. He stated he anticipates once they get re-rated by ISO they should be able to be a 4 rating. He stated this means insurance premiums could lower for owners of commercial businesses. He stated a lot of times homeowners insurance doesn't see it, but commercial customers might see a reduction. The department is hoping to get re-rated next year.

Administrative Code Changes – Health and Safety of Firefighters: Chief stated the big change in the law is a change for traffic cones and safety vests when operating at the scene of an accident. The department had previously purchased the equipment so they are compliant.

Consolidation and Regionalization: A lot of departments throughout the state are reviewing this. He supports this idea and feels this community needs to be served by one fire department.

Canal Days: It was uneventful during the event.

After the event, they had a search on the canal for a couple in a canoe.

There was a barn fire after the festival on Marshallville Street.

Mayor Grogan commended the department and all departments that participated in this fire. There were structures within feet of the barn.

POLICE DEPARTMENT (Dave Frisone, Police Chief)

Canal Days: Chief Frisone stated they had 35 parking complaints, 26 were given citations, and 8 were towed.

There was some property damage which he feels had to do with the parking. Some visitors parked in people's driveways.

There were three fights that resulted in arrests. There were 3 missing children and one adult. All were found.

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There were three accidents and one shoplifter from one of the vendors.

The Chief commended the fire department for their efforts during Canal Days.

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

Lakewood Estates Phase I: This project is crawling toward beginning. It may be starting soon.

Locust Street Sanitary Sewer: Mr. Dorman stated they received news that the Locust Street Sanitary Sewer project did not make first round for stimulus funds. PTI application had not been met. This project was not initially on the list. There was a technicality on the deadline date. This project wasn't listed on the April list and then it was on the June list and is now off the July list. This project will be reviewed again.

Discovery Park, Phase II: Mr. Mayberry reported there are punch list items that are being worked on. Once completed, he will be asking for acceptance from the City.

Concrete Work: The street department has been replacing curbing and ADA sidewalks at the curbs they have replaced throughout the City.

Towpath Trail: Mr. Mayberry stated the street department worked on low areas in the canal. The canal boat was having problems in a couple areas.

Nimisila Feeder: The street department removed a beaver dam that was causing waterflow problems to the canal.

FINANCE DIRECTOR (Scott Svab)

June Financial Statement: Mr. Svab stated he distributed the June Financial Statement. He would request a voice motion for receipt of such.

Income Tax Collections: Mr. Svab stated the income tax collections were 62% of the revenue. He stated Mrs. Hiltbrand feels they will be down in the third and fourth quarters.

Water/Sewer Collections: Mr. Svab reported the utility department collections are 48-50% of expected revenues.

EMS Collections: Mr. Svab reported the EMS collections are down and this is due to lower call volume.

Fire/EMS Salaries: The line item for salaries is down to 38.1% which is significant. The department has been going good at monitoring their costs.

Mr. Losch asked about the canal boat revenues and stated it looked like they were making money. Mr. Svab stated we are losing money. He stated at the end of June would have lost \$700 if they closed the books. PERS has not been taken out yet.

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Mrs. Cihon moved that they are receipt of the 2009 financial statement, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

Mayor Grogan asked the Chief Frisone about the riffles listed on the bills. He indicated this is for shipping. There is no cost for the riffles.

CITY MANAGER (Mark Cozy)

Brochures: Mr. Cozy reported he had previously talked about the economic development for new businesses in town. The TAP committee has been working on putting a folder together. The cost would be \$1,200 for design work for the brochures. He would like a voice motion if all are in favor of moving forward with this project.

Mrs. Downing moved to approve the \$1,200 for the design of the brochures, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

Mr. Cozy stated he will work with the Economic Development Committee to develop the brochure.

Resolution 18-09: This is for an agreement for the Stark Council of Governments (SCOG). The current rate is 7.5% and has done funding for crime labs, a cooperative law enforcement venture known as Metro, fire and safety related education for students, overseeing the formation of the 911 dispatch program.

Due to inflating costs they are asking for the 7.5% to be raised to 9%.

Mr. Cozy stated SGOG costs about 120,000 a year. The 1.5% increase would be about \$1,800.

Chief Green stated the 911 governance board stated they don't expect any relief in dispatching costs until 2011.

Mr. Dorman asked if he could add something to the report.

2009 Paving: Mr. Dorman stated bids were opened on July 17, 2009 for the 2009 Paving. He stated four bids were received Northstar was the apparent low bidder. There bid was 1% below the engineer's estimate. The bid tabulation was submitted to City Manager today.

REPORT OF MAYOR (John Grogan) - No Report

PARKS & RECREATION BOARD (Fred Fleming) – Not Present

LAW DIRECTOR (Scott Fellmeth) - No Report.

THIRD READINGS

Resolution 15-09: A Resolution by the Council of the City of Canal Fulton, Ohio to Create a Fund to chase a Fire Truck and A Bonus Pool to Provide Compensation to Fire Personnel.

Mr. Moellendick stated he would move to table this Resolution at the request of the Fire Chief and Finance Director, seconded by Mrs. Cihon. **ROLL: Yes, ALL**

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Ordinance 22-09: An Ordinance of the City of Canal Fulton, Ohio Establishing Minimum Rates of Pay for the Fire Personnel Who Respond to Calls to the Fire Station.

Mr. Moellendick moved for passage of Ordinance 22-09, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

Ordinance 23-09: An Ordinance Amending the Codified Ordinances of the Streets, Utilities and Public Services Code of the City of Canal Fulton, Ohio In Order to Amend Chapter 961 Regarding Park Rules and Regulations and Repealing Any Ordinances in Conflict Therewith.

Mrs. Cihon moved for passage of Ordinance 23-09, seconded by Mr. Deans. **Roll Yes, ALL**

Ordinance 24-09: An Ordinance Amending the Codified Ordinances of the Zoning Code of the City of Canal Fulton, Ohio to Amend Chapter 1146 Certificate of Occupancy and Amend Section 1146.04 Fire Inspection.

Mrs. Cihon moved for passage of Ordinance 24-09, seconded by Mr. Deans. **ROLL: Yes, ALL.**

SECOND READINGS - None

FIRST READINGS

Resolution 17-09: A Resolution by the Council of the City of Canal Fulton, Ohio Authorizing the Director of Finance to Enter into a Water Pollution Control Loan Fund Agreement for Improvement of Wastewater Facilities on Behalf of the City of Canal Fulton and Declaring an Emergency.

Mrs. Cihon moved for suspension of the rules, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

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

Mr. Cozy stated this is for the application process of applying for the loan for the Marshallville Sanitary Project.

Resolution 18-09: A Resolution by the Council of the City of Canal Fulton, Ohio Approving and Adopting an Alternative Method for Apportioning the Stark County Undivided Local Government Fund for 2010-2019; Authorizing the City Manager to Execute Said Agreement; and Declaring an Emergency.

Mrs. Cihon moved for suspension of the rules, seconded by Mr. Deans. **ROLL: Yes, ALL.**

Mrs. Cihon moved for passage under suspension, seconded by Mr. Deans. **ROLL: Yes, ALL.**

Mayor Grogan asked the reason for the emergency. Mr. Cozy stated SCOG is requesting for this to be done as soon as possible. They want it passed by August.

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PURCHASE ORDERS & BILLS

P.O. 5721 to Stark County Treasurer for Muskingum Watershed Conservancy Assessments and Real Estate Taxes in the Amount of \$6,615.32.

Mrs. Cihon moved to approve P.O. 5721, seconded by Mr. Moellendick.
ROLL: Yes, ALL.

P.O. 5725 to George Waikem Ford, Inc. for 2010 Ford Crown Victoria Police Vehicle in the Amount of \$20,863.68.

Mrs. Cihon moved to approve P.O. 5725, seconded by Mr. Deans.
ROLL: Yes, ALL.

Mrs. Downing asked why they are purchasing a Crown Victoria. Chief Frison stated some officers are taller and bigger and this vehicle accommodates this. He stated Waikem's beat the state bid price. There wasn't a significant difference between the Crown Victoria and the Impala.

Bills: \$93,589.70

Mr. Moellendick moved to accept the bills, seconded by Mrs. Cihon.
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) -

Victor Colaianni: Mr. Colaianni wanted to know why they would be purchasing ten tornado radios. He feels it is a lot of excessive.

Mr. Cozy stated this is what the company recommended. This is for 36 square miles.

Michael Mouse: Mr. Mouse asked about Resolution 15-09 and how much it is going to cost the City?

Mr. Svab stated the original legislation was capped at \$20,000 on the bonuses.

ADJOURNMENT

Mayor Grogan adjourned the July 21, 2009 meeting. The next regular scheduled meeting is August 7, 2009 at 7:00 PM.

Tammy Marthey, Clerk of Council

John Grogan, Mayor