

CITY OF CANAL FULTON

September 1, 2009

COUNCIL MEETING

Mayor Grogan called the September 1, 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, Linda Zahirsky and Matthew Moellendick.

Absent: None

Others Present: Scott Fellmeth, Law Director; Mark Cozy, City Manager; Tammy Marthey, Clerk of Council; Scott Svab, Finance Director; Doug Swartz, Police Lieutenant; Daniel Mayberry, Service Director; Scott Fellmeth, Law Director; Garrett Beck, Will , James Anderson and Nicholas Snaveley, Fire Department; Mary Ann King, Elsie M. Schroeder, Ken Roberts, Chell Rossi, Sue Mayberry, Raymund Durkee, Glenn Boyd, Eric Buwala, Residents; Joan Porter, Repository.

PRESENTATION FROM NOISE 2009

Garrett Beck and Will presented an overview of an upcoming event.

Mr. Beck gave an overview of a fundraiser that a group of youths are putting together called Reach, youths reaching out to those who need a helping hand in our community. They will be hosting Noise 2009 on September 29, 2009 from 4:00 PM to 11:30 PM. It will be bands from around the area. Monies raised will be used to assist single parent families.

Lt. Swartz was asked about noise level times. It was stated 11:00 PM.

It was stated the main stage at Serenity Garden and would like another stage in the road. The road stage would target the older individuals.

They plan about 500 people to attend throughout the day.

Council feels it is a good idea.

Mr. Garrett asked about additional policing that evening. Mayor Grogan stated he would see if there could be extra police that evening.

Lt. Swartz asked Mr. Roberts if he had a liquor permit.

Mr. Roberts stated yes and that would be in the downstairs area only. Mr. Roberts stated he would be monitoring this matter.

Mr. Roberts stated there is no ordinance on record regarding outside noise.

CORRECTING/ADOPTING THE RECORD OF PROCEEDINGS

Mrs. Zahirsky moved to approve the August 4, 2009 record of proceedings, seconded by Mrs. Cihon. ROLL: Yes, ALL.

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Mr. Deans moved to approve the August 18, 2009 record of proceedings, seconded by Mrs. Zahirsky. **ROLL: Yes, Mr. Losch, Mrs. Zahirsky and Mr. Deans. Abstain, Mrs. Downing, Mrs. Cihon and Mr. Moellendick.**

Mrs. Zahirsky moved to approve the August 19, 2009 record of proceedings, seconded by Mr. Deans. **ROLL: Yes, ALL.**

REPORTS OF STANDING COMMITTEES

Economic Development Committee: Mr. Deans moved to have an Economic Development Committee meeting on September 15, 2009 at 6:00 PM to discuss the economic development brochure, seconded by Mr. Moellendick. **ROLL: Yes, ALL**

Personnel Committee: Mrs. Zahirsky moved to have a Personnel Committee meeting on September 15, 2009 at 6:00 PM for the purpose of discussing the fire department bonuses and the 9/80 pay period, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

CITIZENS' COMMENTS – AGENDA MATTERS - None

REPORTS OF ADMINISTRATIVE OFFICERS

SENIOR CITIZENS (Nellie Cihon) -

Swiss Steak Dinner: The Center will have a swiss steak dinner on October 17, 2009, serving from 4:00 PM to 6:30 PM. Reservations are required.

Rivers Gambling Trip: The Center will be going to River's Gambling on October 27, 2009 in Pittsburgh. The cost is \$30 with \$10 back in coin and \$5 food voucher.

COMMUNITY SERVICE (*John Murphy, Coordinator*) - Not Present

FIRE CHIEF (Ray Green, Fire Chief) –

Citizen of the Year Award: Chief Green stated the Firefighter's Association would like to present the Citizen of the Year Award for 2008 to Elsie Schroeder. Mrs. Schroeder made a donation to the department which was used to buy fire resistant clothing for the firefighter's. The association honors citizens who contribute to the community by helping provide greater safety to either the firefighters or the residents.

Probationary Appointments: Chief Green stated the department recently took applications. They had 15 applicants. He stated out of the fifteen, at this time he is requesting four for hire. They are:

James Anderson: Mr. Anderson is works part-time for Lawrence Township and Jackson Township. He is a level two firefighter, paramedic, and a veteran of the Marine Corps.

Mr. Anderson will be subject to a physical and drug screening.

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Nicholas Snavley: Mr. Snavley is a level two firefighter and a paramedic. He currently works for AMR as a paramedic.

Mr. Snavley will be subject to a physical and drug screening.

Ryan Osborne: Mr. Osborne is a level two firefighter and a basic EMT. He is currently in paramedic school. He was unable to attend the meeting due to his attendance at school. The City will not incur any costs related to his paramedic training. Mr. Osborne works part-time for Lawrence Township.

Mr. Osborne recently had a physical and drug screening at the Township and Chief Stewart will be forwarding a copy of those documents.

Jeremy King: Mr. King is a level two firefighter and a basic EMT. He is currently in paramedic school. He was unable to attend the meeting due to his attendance at school. The City will not incur any costs related to his paramedic training.

Mr. King recently had a physical and drug screening at the Township and Chief Stewart will be forwarding a copy of those documents.

Mayor Grogan stated based upon the recommendation of Chief Green and pending the results of the physical and drug screening for Mr. Anderson and Mr. Snavley, he would recommend probationary appointments for all four candidates.

Mrs. Zahirsky stated based upon Mayor Grogan's recommendation, she would move for the probationary appointments of Mr. Anderson and Mr. Snavley to the department pending results of physicals and drug test, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

Mrs. Zahirsky stated based upon Mayor Grogan's recommendation, she would move for the probationary appointments of Mr. Osborne and Mr. King to the department, with receipt of physical and drug screening from Lawrence Township, seconded by Mrs. Downing. **ROLL: Yes, ALL.**

POLICE DEPARTMENT (Lt. Douglas Swartz) – No Report

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

Stark-Tuscarawas-Wayne Solid Waste District: Mr. Mayberry reported he attended a meeting today at the Stark-Tuscarawas-Wayne Solid Waste District regarding the yard waste collection site. There have been some changes in the funding and they are requesting those participating in the program to make a commitment to stay with the consortium. They will be providing a resolution that they would like for us to pass with our commitment.

The City collected 439 tons of yard debris in 2008.

Mrs. Zahirsky expresses concerns about the debris that some are dumping at the site and about the placement of security cameras.

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Mr. Mayberry stated he heard this complaint from many of the participants in the meeting that he attended. He wasn't sure if the District is able to put in security cameras.

High Street Sewer and Waterline: Mr. Mayberry stated the project will begin on September 15 and be substantially completed by October 15. One lane of traffic will remain open during construction and both lanes will be open each night.

Lakewood Estates: Construction has begun. The storm sewers has been installed.

FINANCE DIRECTOR (Scott Svab)

Purchase Orders and Bills: Mr. Svab reported he has three purchase orders in the packet and two sets of bills for approval.

Financial Statement: Mr. Svab reported he would like a voice motion for the July Financial Statement that is included in the packet.

Resolution 24-09: This Resolution is due to a request from the State Auditor's to satisfy their requirement. request from state auditor to satisfy

Mrs. Cihon moved that they are in receipt of the July Financial Statement, seconded by Mrs. Zahirsky. **ROLL: Yes, ALL.**

CITY MANAGER (Mark Cozy)

Lakewood Estates Subdivision: Mr. Cozy stated there is a Construction and Performance Agreement in the packet for Lakewood Estates Subdivision and he is requesting a voice motion.

Mrs. Downing moved to accept the Construction and Performance Agreement, seconded by Mrs. Cihon **ROLL: Yes, ALL.**

Resolution 25-09: Mr. Cozy stated Resolution 25-09 is included in the packet. This Resolution has the same language as Resolution 19-09, but includes an emergency clause.

Ohio and Erie Canal Coalition 2009: Mr. Cozy stated he and his wife participated in the Ohio and Erie Canal Coalition events which was a week long. He stated he heard positive comments about Canal Fulton and how some areas want to use Canal Fulton trailhead as their model.

Stark County and Summit County Sanitary Sewer: Summit County would like Canal Fulton to provide sewer to the Village of Clinton. They are looking at 500 units. There will be ongoing discussions between the entities on this matter.

Mayor Grogan stated there was talk in the past about Luna Lake. Mr. Mayberry stated they are part of this project.

Downtown Revitalization: Mr. Cozy stated there is new ownership of several of the buildings downtown. The new owner will be doing renovations on the buildings.

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Mr. Cozy stated there are two new physicians in town on Etheridge Boulevard. The Flying Mouse has expanded and has a drive up window.

OECA Grant: Mr. Cozy stated there is an OECA grant that is due on Friday.

Locust and Cherry Street: There will be turn lanes will be added.

Mr. Cozy requested an executive session at the end.

REPORT OF MAYOR (John Grogan)

Council Change Date: Mayor Grogan stated the Council meeting scheduled for November 3 will need to be changed due to the election. Mrs. Cihon moved to change meeting from November 3 to November 4, seconded by Mrs. Zahirsky. **ROLL: Yes, ALL.**

Stark County Mayors Association: Mayor Grogan stated he participates in the Stark County Mayor's Association. Mayor Healy is the president of the organization, Mayor Cicchinelli is the vice-president and he is the Treasurer. They will be meeting on September 22 with the Summit County Mayors Association so that they can join voices.

Ohio Ethic Commission Seminar: Mayor Grogan stated the Ohio Ethics Commission will be hosting a "Can I Do That?" seminar for government employees and elected officeholders on September 9, 2009. There is no charge for the seminar. It will be held from 9:00 AM – 11:00 AM at the Edward "Peel" Coleman Center located at 1400 Sherrick Road, Canton.

PARKS & RECREATION BOARD (Fred Fleming) - Not Present

LAW DIRECTOR (Scott Fellmeth) -

Red Flag Policy: Attorney Fellmeth stated the City will need to adopt a Red Flag Policy by November 1, 2009 to have policy. He will have appropriate legislation in place by that time. A Committee will need to be set up. He will present a rough draft for Council to review in the next few weeks.

THIRD READINGS

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

SECOND READINGS

Resolution 19-09: A Resolution by the Council for the City of Canal Fulton, Ohio to Enter Into A Contract with the Ohio Public Works Commission for the High Street/Erie Avenue Plum Creek Culvert Replacement.

Attorney Fellmeth recommended tabling this resolution and then bringing it back to the table.

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Mrs. Downing moved to table Resolution 19-09, seconded by Mrs. Zahirsky. **ROLL: Yes, ALL.**

Mr. Deans moved to bring Resolution 19-09 back to the table, seconded by Mr. Deans. **ROLL: Yes, ALL.**

FIRST READINGS

Resolution 24-09: A Resolution By the Council of the City of Canal Fulton Allowing the Finance Department to Prepare and Use Blanket Certificates for a Sum Not Exceeding Five Thousand Dollars (\$5,000) and Declaring an Emergency.

Mrs. Cihon moved to suspend the rules on Resolution 24-09, seconded by Mrs. Zahirsky. **ROLL: Yes, ALL.**

Mrs. Zahirsky moved for passage under suspension on Resolution 24-09, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

Ordinance 30-09: An Ordinance by the Council of the City of Canal Fulton, Ohio to Amend the Administrative Assistant and Declaring an Emergency.

Mr. Moellendick moved to suspend the rules on Ordinance 30-09, seconded by Mrs. Zahirsky. **ROLL: Yes, ALL.**

Mrs. Cihon moved for passage under suspension of Ordinance 30-09, seconded by Mr. Deans. **ROLL: Yes, ALL.**

Resolution 25-09: A Resolution by the Council of the City of Canal Fulton, Ohio to Enter Into A Contract with the Ohio Public Works Commission for the High Street/Erie Avenue Plum Creek Culvert Replacement and Declaring an Emergency.

Mrs. Cihon moved to suspend the rules on Resolution 25-09, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

Mrs. Zahirsky moved for passage under suspension of Resolution 25-09, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

PURCHASE ORDERS & BILLS

P.O. 5750 to Clark Concrete Construction for Replacement of Concrete Sections on Riverview in the Amount of \$4,500.00.

Mrs. Cihon moved to approve P.O. 5750, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

Mrs. Zahirsky would like to see these items advertised showing the residents how monies are being used from the income tax funds.

P.O. 5755 to CTI Environmental for Engineering Services for the Roadway Rehabilitation Improvement of Locust Street in the Amount of \$24,750.00

Mrs. Zahirsky moved to approve P.O. 5755, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

Mrs. Cihon asked if the manhole covers will be lifted. It was stated yes.

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P.O. 5744 to Canal Fulton Electrical Supply to Replace Electrical Box at Wastewater Treatment Plant Grit Building in the Amount of \$12,000.00.

Mrs. Cihon moved to approve P.O. 5744, seconded by Mr. Losch. **ROLL: Yes, ALL.**

Bills: \$84,965.71 Mrs. Cihon moved to approve the bills in the amount of \$84,965.71, seconded by Mr. Deans. **ROLL: Yes, ALL.**

\$41,911.50 Mr. Moellendick moved to approve the bills in the amount of \$41,911.50, seconded by Mrs. Downing. **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) -

Eric Buwala: Mr. Buwala asked Mr. Cozy if Summit County approached the City or did we approach them.

Mr. Cozy stated Summit County approached the City.

Mr. Mayberry explained how the agreement for the treatment plans works with the share with Stark County Sewer District.

EXECUTIVE SESSION

Mrs. Cihon moved to adjourn to executive session at 8:11 PM from the regular meeting for All elected officials, City Manager, Law Director, Finance Director present with no expected legislation, seconded by Mr. Deans. **ROLL: Yes, ALL.**

Mr. Losch moved to return to regular session, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

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

ADJOURNMENT

Tammy Marthey, Clerk of Council

John Grogan, Mayor