

CITY OF CANAL FULTON

December 1, 2009

COUNCIL MEETING

Mayor John Grogan called the December 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, Nellie Cihon, Linda Zahirsky and Matthew Moellendick.

Absent: Danny Losch.

Mrs. Cihon moved to excuse Mr. Losch due to work conflicts, seconded by Mr. Deans. **ROLL: Yes, ALL.**

Others Present: Mark Cozy, City Manager; Scott Fellmeth, Law Director; Tammy Marthey, Clerk of Council; Scott Svab, Finance Director; Doug Swartz, Lieutenant; Ray Green, Chief; Sue Mayberry and Paul Bagocius, Council Elect; Chell Rossi, Resident; Amy Knapp, Independent; and Joan Porter, Repository.

CORRECTING/ADOPTING THE RECORD OF PROCEEDINGS

Mrs. Zahirsky moved to approve the November 17, 2009 record of proceedings, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

Mr. Svab stated he would like to make a correction to the minutes. Page 3, Under Finance Director Report, 2010 Budget: It should have read the December and not January.

REPORTS OF STANDING COMMITTEES

Finance Committee: The committee met to go over the proposed budget and worked on finalizing the 2010 budget. He is requesting it to be a first reading tonight and for passage at the next meeting.

Personnel Committee: The committee discussed the differential pay for the acting officers for the fire department and the committee recommended to not approve.

The department also requested receiving time and a half for holiday pay for six holidays. The committee recommended approving this but is contingent upon Lawrence Township passing it as well.

The committee recommended a 3% pay increase for the day program, contingent upon Lawrence Township passing it.

The City will need to change the call back rate based on education level and this change will need to be made in the ordinance.

The committee recommended one raise for the part-time tax and finance assistant. The pay is brought up equal to the payroll clerk.

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It was discussed that some of the other positions would have a wage freeze. They will review again in April when they get the estimated taxes for 2010.

CITIZENS' COMMENTS – AGENDA MATTERS - None

REPORTS OF ADMINISTRATIVE OFFICERS

SENIOR CITIZENS (Nellie Cihon) –

Swiss Steak Dinner: There will be a swiss steak dinner on December 5 and serving from 4:00 PM – 6:30 PM. They have 190 reservations to date.

COMMUNITY SERVICE (John Murphy, Coordinator) - None

FIRE CHIEF (Ray Green, Fire Chief)

Joint Safety Committee Meeting: Chief Green stated they discussed at the joint safety committee meeting forming a committee to review a joint fire district. They would like to have the committee include a trustee, council members, fire department personnel and a couple residents from each entity. North Lawrence Fire Department would be included in this as well.

Staffing Fire Department: Mayor Grogan stated he heard about the township not wanting to put one of their personnel in our station and wanted to know if there is some code he is unaware of. He has asked the Chief if he could research this. Chief Green stated he had previously asked for an opinion from the prosecutor's office and they couldn't locate any code that referenced this.

Mayor Grogan stated when they built the fire department its intentions were to be a community station and not just the City.

Paramedic: Chief Green reported that Rory Richards recently completed his paramedic training.

2010 Budget: The department has proposed staffing of two people in the station at the regular rate of pay and two personnel to be on call to serve as back up at the \$2.50 rate per hour and then if called in will receive the regular rate of pay.

Chief Green reported that the City and Lawrence Township has met with their fire personnel and there wasn't any opposition.

Fire Chief Meeting: The Canal Fulton Fire Department is hosting the December Fire Chief meeting on December 9, 2009 at 6:30 PM. They will be discussing the 911 system.

Joint Safety Committee Meeting: Mrs. Zahirsky moved to have a joint safety committee meeting on January 14, 2010 at 7:00 PM to discuss joint fire district, staffing, and any other issues necessary, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

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POLICE DEPARTMENT (Doug Swartz, Lieutenant) – No Report

ENGINEER/STREETS/PUBLIC UTILITIES (Dan Mayberry)

High Street Sanitary Sewer: The project is wrapping up. They are doing the final punch list items.

Lakewood Estates: Work continues. All utilities are in except the under drain under the cul-de-sac.

Marshallville Sanitary Sewer: The City received word of an approval from the Ohio EPA for the notice of intent.

HPC/Planning Commission: There will not be a meeting in December.

FINANCE DIRECTOR (Scott Svab)

2010 Budget: Mr. Svab stated the 2010 budget is on agenda for first reading. Changes were made from the budget request in capital items. The police department received a grant and it was a lesser amount. They also will have to pay for the vehicle up front and then get reimbursed.

The fire chief had originally requested a Tahoe vehicle. The finance committee decided to see if the chief could find a vehicle in the \$16,000 range and he could buy in 2010. The vehicle will be a command vehicle and would like it to be a larger SUV.

Mr. Svab stated he made a separate line item for the community service coordinator. That positions wages in the past have been taken out of the lands/buildings line item. This will now allow them to see the costs of this position.

Mayor Grogan stated the costs are offset by the work we get done from the community service workers at no cost.

CITY MANAGER (Mark Cozy)

Building Doctor Clinic: Mr. Cozy stated he previously reported that the Building Doctor Clinic would not happen in 2010 because of the overwhelming response the Ohio Historical Society received. Another city dropped out of the program. The Society contacted the City and now the clinic will be in the spring/summer 2010.

Ohio & Erie Canal Association: The downtown conceptual plan grant was approved from the Ohio & Erie Canal Association contingent upon them receiving their federal funding.

Christmas on the Canal: The holiday event is to be held on Saturday, December 5. There will be a parade and then the lighting of the tree. Mrs. Cihon will be presiding over.

The downtown merchants have put a lot of work into this event.

Canal: Stark County Park District will be lowering the canal water level next week. They will be clearing trees and debris over the winter months.

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REPORT OF MAYOR

Mayor Grogan stated some of the terms of the members serving on boards and commissions are expiring December 31, 2009. He would recommend the following appointments:

HPC/Planning Commission, Four Year Term: Matthew Moellendick

Mrs. Zahirsky moved to appoint Mr. Moellendick to the HPC/Planning Commission, seconded by Mrs. Cihon. **ROLL: Yes, Mrs. Zahirsky, Mrs. Cihon, Mr. Deans and Mrs. Downing. Abstain: Mr. Moellendick.**

Park Board, Five Year Term: Donnie Poling

Mrs. Zahirsky moved to appoint Mr. Poling to the Park Board, seconded by Mr. Deans. **ROLL: Yes, ALL.**

Civil Service, Three Year Term: John Bailey and Robert Alderman

Mrs. Cihon moved to appoint Mr. Bailey to the Civil Service, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

Mrs. Cihon moved to appoint Mr. Alderman to the Civil Service, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

Tax Incentive Review, Three Year Term: James Deans

Mrs. Cihon moved to appoint Mr. Deans, seconded by Mrs. Downing. **ROLL: Yes, Mr. Moellendick, Mrs. Zahirsky, Mrs. Cihon and Mrs. Downing. Abstain: Mr. Deans.**

Safety Service Center: Mayor Grogan stated thee has been given considerable thought to the safety center. When past mayors have passed away, dedications have been made. He would like council consider naming the Safety Service Center after a lifelong resident who was a past mayor, a veteran of WWII, and a judge to just name a few. He would like this person to see his many years of service to become some type of memorial. He would like the safety service center to be renamed Judge Eugene Fellmeth Safety Center.

Mrs. Cihon moved to change the name of the safety building to Judge Eugene Fellmeth Safety Center, seconded by Mr. Deans. **ROLL: Yes, ALL.**

Mayor Grogan asked Law Director Fellmeth to prepare legislation for this matter.

Law Director Fellmeth thanked council.

PARKS & RECREATION BOARD (Fred Fleming) - Not Present

LAW DIRECTOR (Scott Fellmeth)

Law Director Fellmeth stated the contract for Resolution 30-09 has been completed and he gave it to the City Manager if anyone would like to review. Copies are available.

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THIRD READINGS

Resolution 29-09: A Resolution by the Council of the City of Canal Fulton, Ohio to Adopt the Ohio Ethics Commission Restrictions on Nepotism.

Mrs. Zahirsky moved for passage of Resolution 29-09, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

SECOND READINGS

Resolution 30-09: A Resolution By the Council of the City of Canal Fulton, Ohio Authorizing the City Manager to Enter Into a Contract to Rent the Hatfield Parking Lot.

STANDS AS SECOND READING

Ordinance 36-09: An Ordinance By the Council of the City of Canal Fulton, Ohio for Illicit Discharge and Illegal Connection Control to Its Municipal Separate Storm Sewer System (MS4).

STANDS AS SECOND READING

Ordinance 37-09: An Ordinance By the Council of the City of Canal Fulton, Ohio to Implement a Storm Water Management Program.

STANDS AS SECOND READING

Ordinance 38-09: An Ordinance Amending the Codified Ordinances of the General Offenses Code of the City of Canal Fulton, Ohio in Order to Amend Chapter 505.11 Regarding Hunting Regulations and Repealing Any Ordinances in Conflict Therewith.

STANDS AS SECOND READING

Ordinance 39-09: An Ordinance By the Council of the City of Canal Fulton, Ohio to Partially Accept Streets and Public Utilities for Discovery Park Phase 2.

STANDS AS SECOND READING

FIRST READINGS

Resolution 31-09: A Resolution By the council of the city of Canal Fulton, Ohio to Enter Into A Supplemental Sewer Service Agreement with Stark County, Ohio.

STANDS AS FIRST READING

Resolution 32-09: A Resolution By the Council of the City of Canal Fulton To Enter Into An Agreement With the Stark County Public Defender Commission and the Ohio Public Defender Commission to Provide Municipal Ordinance Representation for Indigent Defendants and Declaring an Emergency.

Mrs. Cihon moved to suspend the rules on Resolution 32-09, seconded by Mr. Deans. **ROLL: Yes, ALL.**

Mr. Moellendick moved for passage of Resolution 32-09 under suspension, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

Law Director Fellmeth stated the contract is due for renewal on January 1, 2010. There is no cost increase.

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Ordinance 41-09: An Ordinance Amending Ordinance 4-09, Rate of Pay for Income Tax Clerical, and Repealing Any Ordinances in Conflict Therewith, and Declaring an Emergency.

STANDS AS FIRST READING

Mr. Svab stated he would like passed at next meeting due to the raise being effective January 1, 2010.

Ordinance 42-09: An Ordinance Amending Ordinance 6-09, Section of Rates of Pay for Fire Captains and Eliminating Fire Lieutenant Position and Repealing Any Ordinances in Conflict Therewith, and Declaring an Emergency.

Mr. Svab stated he would like passed at next meeting due to rates being retro-active to January 1, 2009.

Ordinance 44-09: An Ordinance Establishing Rates of Pay for Various Part-Time Positions Within the City of Canal Fulton Effective January 1, 2010, and Adding Holiday Pay for Day Crew Shift, and Repealing Any Ordinances In Conflict Therewith, and Declaring an Emergency.

STANDS AS FIRST READING

Mr. Svab stated he would like passed at next meeting due to raises and holiday pay being effective January 1, 2010.

Ordinance 45-09: An Ordinance To Make 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, 2010, and Declaring an Emergency.

STANDS AS FIRST READING

Mr. Svab would like passed at next meeting to submit to the County.

Ordinance 43-09: An Ordinance Providing An Additional \$500.00 Per Month For The Police Lieutenant And Declaring An Emergency.

Mrs. Cihon moved to suspend the rules on Ordinance 43-09, seconded by Mr. Deans. **ROLL: Yes, ALL.**

Mrs. Zahirsky moved for passage of Ordinance 43-09 under suspension, seconded by Mr. Deans. **ROLL: Yes, ALL.**

Mr. Svab stated he would like passed at the Lieutenant has been serving in this capacity since October and will have retro-active pay.

PURCHASE ORDERS & BILLS

No purchase orders

Bills: \$355,303.84 Mrs. Cihon moved to approve the bills in the amount of \$355,303.84, seconded by Mrs. Zahirsky. **ROLL: Yes, ALL.**

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OLD/NEW/OTHER BUSINESS

Business of the Year and Citizen of the Year: Mayor Grogan asked that members of Council submit to him nominations for Business and Citizen of the Year.

REPORT OF PRESIDENT PRO TEMPORE (Mrs. Cihon) - No Report

REPORT OF SPECIAL COMMITTEES - None

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

ADJOURNMENT

Mayor Grogan adjourned the December 1, 2009 meeting. The next regular scheduled meeting is December 15, 2009.

Tammy Marthey, Clerk of Council

John Grogan, Mayor