

CITY OF CANAL FULTON

February 19, 2008

COUNCIL MEETING

Mayor John Grogan called the February 19, 2007 City Council meeting to order at 7:00 PM in Council Chambers at City Hall.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: Mayor John Grogan, Anthony Crookston, Matthew Moellendick, Nellie Cihon, Danny Losch.

Absent: Diane Downing and Jim Deans

Mr. Crookston moved to excuse Jim Deans and Diane Downing due to personal illness, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

Mrs. Cihon moved to excuse Anthony Crookston due to being out of state, seconded by Mr. Losch. **ROLL: Yes, ALL.**

Others Present Scott Fellmeth, Law Director; Mark Cozy, City Manager; Tammy Marthey, Clerk of Council; David Frisone, Police Chief; Ray Green, Fire Chief; Scott Svab, Finance Director; Daniel P. Mayberry, Service Director; Victor Colaianni, Michael Mouse, and Paul Bagocius, Residents; Ken and Margarita Roberts, Business Owner; Chell Rossi, T.A.P.; Laura Meade, Observer Reporter; and Joan Porter, Repository.

CORRECTING/ADOPTING THE RECORD OF PROCEEDINGS

Mrs. Cihon moved to approve the February 15, 2008 meeting minutes, seconded by Mr. Losch **ROLL: Yes, Mr. Moellendick, Mr. Losch, and Mrs. Cihon. Abstain: Mr. Crookston.** Motion did not carry, not a quorum. Will reintroduce at next meeting.

REPORTS OF STANDING COMMITTEES

CITIZENS' COMMENTS – AGENDA MATTERS - None

REPORTS OF ADMINISTRATIVE OFFICERS

SENIOR CITIZENS (Nellie Cihon)

Swiss Steak Dinner: The next dinner will be March 8, 2008.

Day Trip: The Center is sponsoring a trip to Mountaineer Casino on February 27, 2008. Call the Center for reservations.

FIRE CHIEF (Ray Green, Fire Chief) – Chief Green submitted his monthly report. There were 44 incidents for the month of January.

Chief Green stated he has three persons he would like to have appointed. Mayor Grogan stated to meet with him so he could review and to present to him at the next meeting.

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POLICE DEPARTMENT (David Frisone, Chief) Chief Frisone stated in the packet is information regarding entering into a mutual aid agreement between the City and Perry Township.

Law Director Fellmeth stated he reviewed the agreement and did not see any problems with it.

Mrs. Cihon moved to approve the Mutual Aid Agreement between the City of Canal Fulton Police and Perry Township Police, seconded by Mr. Crookston. **ROLL: Yes, ALL.**

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

FINANCE DIRECTOR (Scott Svab): Mr. Svab reported that the City had a 12% decrease in the liability insurance from DiStefano Insurance. The City also had a savings in the healthcare prescription portion. The City opted to raise the co-payments last year on renewal. The City then reimburses the employees the increase difference. The total cost was \$2,284 for 2007. There was a large savings to the City even with this reimbursement.

CITY MANAGER (Mark Cozy):

Grant – OPWC for Raising of Roadbed on Erie Avenue: Mr. Cozy stated there is a strong feeling that if we get the engineering completed this year we will get the grant because it will increase our number of points we get. Mr. Cozy stated he will be discussing with the Engineer's office a provision to widen Erie in front of schools and coming into the City. He stated during the times the buses are running, if they need to get an emergency vehicle through it would be very problematic. He stated there is enough room on the school side to provide a right lane and perhaps a center turn lane.

Downtown Sidewalks: Mr. Cozy discussed an issue relating to removal of snow from sidewalks in the downtown area. He stated he previously brought up at a meeting the dilemma where there are certain places downtown where there isn't anywhere to put the snow. There is an ordinance in place that requires property owners to clear the snow from their sidewalks. Mr. Cozy wanted to know if Council had an opinion either way, about meeting with the merchants to tell them that they are responsible for snow removal. The City can do those types of things but feels we should assess them.

Mr. Cozy stated there are also issues around First Merit Bank for the residents at Echoing Ridge.

Mr. Losch stated he heard from some of the merchants regarding the snow/ice on the sidewalks.

There was continued discussion about the snow removal from the sidewalks. The Safety Committee will meet to discuss.

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REPORT OF MAYOR (John Grogan)

Appointment to Board: Mayor Grogan recommended Mr. Moellendick to the Stark County Regional Planning Commission Tax Incentive Review Board. Mrs. Cihon moved to appoint Mr. Moellendick to the RPC Tax Incentive Review Board, seconded by Mr. Losch. **ROLL: Yes, Mr. Losch, Mr. Crookston and Mrs. Cihon. Abstain: Mr. Moellendick;** Motion did not carry, not a quorum. Will reintroduce at next meeting.

Transfer of Liquor License: Mayor Grogan stated we have a new business owner who will be opening a grocery store at 919 E. Cherry Street who would like to transfer either a C or D permit into Canal Fulton. He would recommend Council make a voice motion regarding the matter.

Seeing no opposition, the Mayor would like to forward the following letter to the Division of Liquor Control:

Bruce Stevenson
Director of Licensing
Ohio Department of Commerce
Division of Liquor Control
6606 Tussing Road
Reynoldsburg, Ohio 43068-9005

RE: Trexing C or D Class Permit into Canal Fulton, Ohio

Dear Transfer Section:

The City of Canal Fulton does not oppose the transfer of either a C or D permit into Canal Fulton, Ohio for an economic development project for BROSIS PROPERTIES, LLC to be located at 919 East Cherry Street, Canal Fulton, Ohio 44614.

A copy of the minutes from the February 19, 2008 City Council meeting with a voice motion from City Council supporting this letter has been included.

Sincerely, John Grogan, Mayor

Mr. Colaianni asked if the transfer is going to have a Sunday option.

Mr. Cozy stated that would have to be on the ballot.

Mrs. Cihon made a motion that Council does not oppose the transfer of either a C or D permit into Canal Fulton, seconded by Mr. Crookston. **ROLL: Yes, ALL.**

PARKS & RECREATION BOARD (Fred Fleming) – Not Present.

LAW DIRECTOR (Scott Fellmeth) - Law Director Fellmeth stated regarding the Mutual Aid Agreement, there is a typo on the last page, last paragraph, change the City of Canton to the City of Canal Fulton, which could be struck out and typed in. He recommended the City Manager to send a copy to the City's liability insurance company.

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THIRD READINGS

Ordinance 2-08: An Ordinance Amending Section 181 of the Codified Ordinances, and Creating a Section, Specifically Section 181.28, "Reserved for Future Use" to Be Entitled "Collections Outsourced and Fees Assessed" and Declaring an Emergency. Mr. Crookston moved for passage of Ordinance 2-08, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

SECOND READINGS

Ordinance 4-08: An Ordinance Establishing Rates of Pay for Various Part-Time Positions Within the City of Canal Fulton Effective January 1, 2008, and Repealing Any Ordinances in Conflict Therewith, and Declaring an Emergency.

Mr. Crookston moved to suspend the rules on Ordinance 4-08, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

Mrs. Cihon moved for passage of Ordinance 4-08 under suspension, seconded by Mr. Crookston. **ROLL: Yes, ALL.**

Ordinance 6-08: An Ordinance Establishing New Rates of Pay and Salaries for Employees of Canal Fulton, Effective January 1, 2008 Repealing Any Ordinances in Conflict Therewith, and Declaring an Emergency.

Mr. Crookston moved to suspend the rules on Ordinance 6-08, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

Mrs. Cihon moved for passage of Ordinance 6-08 under suspension, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

FIRST READINGS

Resolution 2-08: A Resolution Setting Forth a Buffer in the City Zoning Ordinance for the Warwick Annexation Adjacent to Non-City Property that Presently Has Township Zoning and Declaring an Emergency.

Mayor Grogan asked Mr. Cozy why this needed passed under suspension? Mr. Cozy stated the Commissioners would be reviewing it and due to the timeframes that are established for annexations once they are filed.

Mrs. Cihon moved to suspend the rules on Resolution 2-08, seconded by Mr. Losch. **ROLL: Yes, ALL.**

Mrs. Cihon moved for passage of Resolution 2-08 under suspension, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

Resolution 3-08: A Resolution Indicating What Services the City of Canal Fulton, Ohio, Will Provide to the Warwick Property, Upon Annexation, and Declaring an Emergency.

Mrs. Cihon moved to suspend the rules on Resolution 3-08, seconded by Mr. Losch. **ROLL: Yes, ALL.**

Mrs. Cihon moved for passage of Resolution 3-08 under suspension, seconded by Mr. Crookston. **ROLL: Yes, ALL.**

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Resolution 4-08: A Resolution Setting Forth a Buffer in the City Zoning Ordinance for the Northwest Annexation Adjacent to Non-City Property that Presently Has Township Zoning and Declaring an Emergency. Mrs. Cihon moved to suspend the rules on Resolution 4-08, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

Mr. Crookston moved for passage of Resolution 4-08 under suspension, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

Resolution 5-08: A Resolution Indication What Services the City of Canal Fulton, Ohio, Will Provide to the Northwest Property, Upon Annexation and Declaring an Emergency.

Mrs. Cihon moved to suspend the rules on Resolution 5-08, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

Mr. Crookston moved for passage of Resolution 5-08 under suspension, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

Ordinance 7-08: An Ordinance Authorizing the Mayor to Enter Into An Agreement with Attorney Scott Fellmeth to Provide Law Director Services for the City of Canal Fulton Beginning February 9, 2008, and Declaring an Emergency.

Mrs. Cihon moved to suspend the rules on Ordinance 7-08, seconded by Mr. Crookston. **ROLL: Yes, ALL.**

Mr. Crookston moved for passage of Ordinance 7-08 under suspension, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

PURCHASE ORDERS & BILLS

P.O. 5129 to Victory White Metal Company for Locust Street Water Line Main Repair in the Amount of \$30,928.20. Mr. Crookston moved to approve P.O. 5129, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

P.O. 5144 to Warren Fire Equipment Inc. for Scott Health and Safety 10-Self Contained Breathing Apparatus and 10 pack Trackers, 20 Cylinders, 20 Face Masks in the Amount of \$48,700.00. Mrs. Cihon moved to approve P.O. 5144, seconded by Mr. Crookston. **ROLL: Yes, ALL.**

P.O. 5145 to Max Air Company for Air Compressor and Related Hardware for New Scott Air Packs in the Amount of \$21,499.37. Mrs. Cihon moved to approve P.O. 5145, seconded by Mr. Crookston. **Roll: Yes, ALL.**

P.O. 5148 to Public Employees Retirement System for 2008 Retirement Contributions in the Amount of \$128,378.25. Mr. Crookston moved to approve P.O. 5148, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

P.O. 5149 to Bureau of Worker's Compensation for Worker's Compensation in the Amount of \$62,064.11. Mr. Crookston moved to approve P.O. 5149, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

P.O. 5150 to Miscellaneous Vendors for Income Tax refunds in the Amount of \$30,000. Mr. Moellendick moved to approve P.O. 5150, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

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P.O. 5151 to Nextel Communications for Cell Phone Usage for All Departments – 2008 in the Amount of \$13,558.02. Mrs. Cihon moved to approve P.O. 5151, seconded by Mr. Crookston. **ROLL: Yes, ALL.**

P.O. 5152 to Triner Oil Company for All Departments Diesel Fuel in the Amount of \$14,000.00 Mr. Crookston moved to approve P.O. 5152, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

P.O. 5153 to Ohio Edison Company for Electric for All Departments in the Amount of \$206,300.00. Mrs. Cihon moved to approve P.O. 5153, seconded by Mr. Crookston. **ROLL: Yes, ALL.**

P.O. 5154 to Exelon Energy Company for natural Gas for All Departments – 2008 in the Amount of \$24,500. Mr. Crookston moved to approve P.O. 5154, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

P.O. 5155 to Dominion East Ohio for All Departments Natural Gas in the Amount of \$7,000.00 Mrs. Cihon moved to approve P.O. 5155, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

P.O. 5156 to U.S. Postmaster for Utility and Income Tax Postage in the Amount of \$12,000.00. Mr. Crookston moved to approve P.O. 5156, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

P.O. 5158 to Fulton Hardware, Inc. for All Departments Blanket Purchase Supplies in the Amount of \$7,500.00. Mrs. Cihon moved to approve P.O. 5158, seconded by Mr. Crookston. **ROLL: Yes, ALL.**

P.O. 5165 to Clemans-Nelson & Associates Inc. for Contract Attorney General Counsel in the Amount of \$8,000.00. Mr. Crookston moved to approve P.O. 5165, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

P.O. 5167 to FGM Media Inc. to Redesign City Website in the Amount of \$4,638.00. Mrs. Cihon moved to approve P.O. 5167, seconded by Mr. Crookston. **ROLL: Yes, ALL.**

P.O. 5168 to Vision Service Plan for Vision Insurance Premiums in the Amount of \$8,930.16. Mr. Crookston moved to approve P.O. 5168, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

P.O. 5169 to Jefferson Lincoln Insurance Company for Life Insurance Premiums in the Amount of \$2,082.60. Mrs. Cihon moved to approve P.O. 5169, seconded by Mr. Crookston. **ROLL: Yes, ALL.**

P.O. 5170 to MetLife Insurance Company for 2008 Dental Premiums in the Amount of \$16,667.04. Mr. Crookston moved to approve P.O. 5170, seconded by Mr. Losch. **ROLL: Yes, ALL.**

P.O. 5171 to Hometown Insurance Group, Inc. for 2008 Health Insurance Premiums – All Departments in the Amount of \$146,950.92. Mrs. Cihon moved to approve P.O. 5171, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

P.O. 5172 to LOGIC for 2008 Fire and Police Dispatch Services in the Amount of \$700.693.08. Mr. Crookston moved to approve P.O. 5172, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

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P.O. 5173 to Thomas Klingensmith for Final Payment – Architect Fees for the Fire Station in the Amount of \$5,500.00. Mr. Crookston moved to approve P.O. 5173, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

BILLS: \$82,730.01 Mrs. Cihon moved to approve the bills in the amount of \$82,730.01, seconded by Mr. Losch. **ROLL: Yes, ALL.**

OLD/NEW/OTHER BUSINESS

Mrs. Cihon moved to change the next Council meeting date to March 5, 2008 due to the Primary Election, seconded by Mr. Crookston. **ROLL: Yes, ALL.**

REPORT OF PRESIDENT PRO TEMPORE (Anthony Crookston)

REPORT OF SPECIAL COMMITTEES - Mr. Crookston made a motion to have a Safety Committee meeting on March 5, 2008 at 6:30 PM, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

CITIZENS COMMENTS-Open Discussion (Five-Minute Rule)

Mike Mouse: Mr. Mouse stated he sees in the packet there are resolutions indicating we will provide services to annexed property owners and would like a list of cost of the services that we are going to give to property owners back two years. Mr. Cozy will work on this estimate.

Victor Colaianni: Mr. Colaianni asked about Ordinance 6-08, under the Finance Director, it indicates full-tuition reimbursement. He wanted to know why it doesn't include all department heads and if there is a limit on the amount, because there is currently a limit on reimbursement. Mr. Svab indicated it was part of the pay package that was negotiated with the Personnel Committee. Mr. Cozy stated it has prior approval from the Mayor. Mr. Svab stated he has three classes left to finish his degree.

EXECUTIVE SESSION

Mr. Crookston moved to adjourn to Executive Session at 8:04 PM from the regular meeting for the purpose of the consideration of compensation of a public employee or official; the purchase of real, personal, tangible or intangible property; the sale of property by competitive bid to prevent the disclosure of information that would provide competitive advantage; preparing for, conducting or reviewing negotiations or bargaining sessions with public employees with the Mayor, Council, Clerk of Council, City Manager, Service Director, Law Director, Finance Director, Police Chief present, with possible legislative action, seconded by many. **ROLL: Yes, ALL.**

Mrs. Cihon moved to return to public session at 8:50 PM, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

There wasn't any legislative action taken as a result of executive session.

ADJOURNMENT

Mayor Grogan adjourned the February 19, 2008 meeting. The next regular scheduled meeting is March 5, 2008 at 7:00 PM.

Tammy Marthey, Clerk of Council John Grogan, Mayor