

CITY OF CANAL FULTON

September 4, 2007

**COUNCIL MEETING**

Mayor John Grogan called the September 4, 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, Diane Downing, James Deans, and Victor Colaianni, Linda Zahirsky and Nellie Cihon.

Absent: Anthony Crookston.

Mrs. Zahirsky moved to excuse Mr. Crookston due to his work schedule, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

Others Present: Dale Kincaid, Law Director; Mark Cozy, City Manager; Tammy Marthey, Clerk of Council; David Frisone, Police Chief; Glen Boyd, Fire Department Captain; Daniel Mayberry, Public Service Director; Scott Svab, Finance Director; Chell Rossi and Jon Gill, Residents; Joan Porter, Repository; and Laura Meade, Signal.

**CORRECTING/ADOPTING THE RECORD OF PROCEEDINGS**

Mrs. Zahirsky moved to approve the August 7, 2007 meeting minutes, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

Mrs. Zahirsky moved to approve the August 14, 2007 meeting minutes, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

Mrs. Downing had originally abstained due to she thought she was not present at the meeting. She withdrew her abstain vote and voted yes.

**REPORTS OF STANDING COMMITTEES** - None

**CITIZENS' COMMENTS – AGENDA MATTERS** - None

**REPORTS OF ADMINISTRATIVE OFFICERS**

***SENIOR CITIZENS (Nellie Cihon)***

Swiss Steak Dinner: The next dinner will be held September 15, 2007 from 4:00 – 6:30 PM. Reservations are required.

Pro Football Hall of Fame Trip: The Center will be taking a trip to the Football Hall of Fame on September 26, 2007. It is free for senior citizens. Health screening booths will be set up. Beverages and snacks will be served.

***COMMUNITY SERVICE (Phil Kaster)*** - Mayor Grogan reported that a report was submitted. There were 126 community service hours for the month of August.

Mayor Grogan reported that Mr. Kaster is having some medical issues and for everyone to keep him in their prayers.

***FIRE CHIEF (Captain Boyd)*** – None

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**POLICE CHIEF (Chief Dave Frisone)** – Chief Frisone reported he attended a meeting that was chaired by Judge Elum concerning the new plan for all departments in Stark County to do their bookings at the Stark County Jail. It has been agreed that the western departments will start booking at the jail on September 17 and will run through the end of the year. Judge Elum has agreed to pay for the initial transport period through the remainder of the year. There will be less paperwork for our department. The sheriff's department has streamlined the process. Chief Frisone stated he feels the new process is safer because if they run into a problem with a prisoner, he/she will not need to be taken out of the vehicle as is currently done to process the necessary paperwork at the station. The prisoner will be kept in the back of the car and transported directly to the sheriff's office. At the sheriff's office, everything is handwritten and their staff types it. He stated it is a little longer drive and will have added fuel expense. The average bookings over the past three years is 80. The projected cost if they stayed at Massillon, the booking fees were increasing to \$150 per prisoner, costing approximately \$12,000 for the year. The new proposed is \$5,400 a year. The fee that was charged for housing/feeding the prisoners was absorbed by the sheriff's office and this is where the savings is coming from.

Chief Frisone stated the OVI reimbursements are \$7,200 through June.

Chief Frisone stated he has done a follow up regarding the resident that was at last meeting, Jeff Rugani. Mr. Rugani had reported cars traveling faster than the posted speed limit. The Chief reported he devised a plan on paper of the strategies they were going to do for extra radar enforcement in that area. He stated the days they ran radar, which was a total of 10 different times. The highest speed clocked was 39 mph. The average speed was 32 mph. They wrote some written warnings and gave some verbal warnings. Most of the stops were from residents who lived in that area. He will continue to monitor this area and will do a follow up with Mr. Rugani.

Chief Frisone is requesting the Mayor and Council to confirm the appointment of Daniel Tickerhoof as a part-time officer. He is a 33 year old resident of the City. He previously lived in Youngstown and was a Youngstown police officer. Prior to that he was an officer in Courtland, Ohio. He relocated to Canal Fulton and has family in the Lawrence Township area. He is full-time counselor at Indian River Juvenile Correction Center. The Chief stated he has been interviewed and his paperwork is complete. They are currently working on his background check. There isn't any indications of any problems. He has a current medical physical, physical agility test and psychological test from Youngstown and he will be scheduled for a urinalysis test once he is sworn in.

Mayor Grogan stated the department is bare bone minimum. They have an injured officer and are trying to keep from incurring any overtime. Mr. Tickerhoof was one of many applicants.

The direction the Mayor and Chief would like to go toward is seasoned officers that are living in the area that can bring something to the area instead of trying to hire out of the academy and go through the break in process. The Mayor stated once they are satisfied with his background and drug testing, based upon confirmation, he would like get him sworn in. Mr. Tickerhoof was unable to attend this evening due to his work schedule.

Mrs. Zahirsky stated based upon the Chief and Mayor's recommendation, she would like to request that Council approve Daniel Tickerhoof as a part-time

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police officer subject to the drug test and the background check, seconded by Mr. Colaianni. **ROLL: Yes, ALL.**

**ENGINEER/STREETS/PUBLIC UTILITIES (Dan Mayberry)** Mr. Mayberry stated he is requesting Council approval to vacate a stub of a street in Canal Fulton located off of Denshire, on Layden Avenue. It is approximately 50'x130'. It is between two residents homes. He stated when Denshire I and II were platted in the early 1970's, this section of Layden was platted. Mr. Lockhart brought his improvement plans to Planning Commission in 1997, it was platted that Layden Avenue would connect to Shireden. The Planning Commission at that time decided they did not want another road that ran parallel with Cherry Street in the subdivision. They feared that it would become a crossover so they dictated to Lockhart that he would open Layden between the two streets. There wasn't a lot of discussion at that point, nor any decision on what to do with the grass street. The Planning Commission required Mr. Lockhart as a condition of his approval of Phase IV, V and VI of the Denshire Subdivision, that he pour a curb across that section of Layden Avenue, which he was working toward completing this week. The City has a piece of property that was dedicated as a public right-of way that will not be open. It has been a maintenance item for the Street Department. The resident in the area began to mow it because our grounds maintenance department did not get there quickly enough. He suggested to the citizen that this is going to be the City's maintenance responsibilities as a dedicated public right-of-way for eternity. He stated it is his recommendation that we vacate the alley to the residents. He has letters from one of the abutting property owners stating they would like to see the property vacated to the two owners on Denshire. He suggested the City take a look at other grass alleys, and have the present administrative staff and determine that the grass alleys be vacated and discharge our responsibilities over the alleys as soon as possible.

Mr. Kincaid stated the City will need to get a plat and once that is prepared legislation will need to be done to approve the vacation of the alley.

Mr. Colaianni stated based upon the recommendation of the Law Director and the Service Director, he moved to prepare a plat for the section of Layden Avenue, 50'x130', seconded by Mr. Deans. **ROLL: Yes, ALL.**

**FINANCE DIRECTOR (Scott Svab)** - Mr. Svab stated the August collections for EMS was \$5,800. He stated we are still short for the year. The total amount that was collected year to date is \$31,644. It should be approximately \$36,660. They projected \$55,000 for the year. It is hopes that collections will be up to meet the \$55,000 projection. If not met, they will need to take it out of the fire department fund because it is part of their revenue that was counted on for their operating this year.

**CITY MANAGER (Mark Cozy)** - Mr. Cozy stated he has an agreement from Jackson Township Trustees to accept a used fire pole for the new fire department for \$1.00. He would like a voice motion for authorization to sign the agreement. Mr. Cozy stated Jackson asked for legislation for the approval.

Mrs. Zahirsky moved for acceptance of the offer for the fire pole in the amount of \$1.00, seconded by Mr. Deans. **ROLL: Yes, ALL.**

Mr. Cozy stated Stark Parks is applying for a grant through the Ohio & Erie Canal Association for engineering for major work in the canalway area to include restoration of the feeder system to the canal, dredging and also make repair at Lock IV. They would like to get the lock operational again. A majority of the grant is for engineering and there is also a request to restore Lock IV and

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also to restore the lane area to give them access to make repairs when there are washouts. Mr. Cozy stated he will be submitting a letter of support entering into a partnership with Stark Parks for the grant.

Mr. Cozy stated he will be requesting an executive session for two items.

**REPORT OF MAYOR (John Grogan) – No Report**

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

Mayor Grogan stated the dedication for Discovery Park is September 22, 2007 at 1:00 PM.

**LAW DIRECTOR (Dale Kincaid) - No Report**

**THIRD READINGS**

**Tabled 1/16/07:** Resolution 39-06: Resolution Approving the Khelp Annexation.

**SECOND READINGS** - None

**FIRST READINGS –**

**Ordinance 13-07:** An Ordinance Clarifying the Definition of Arcade Game and Providing for Permitted Locations Within the City of Said Games. **STANDS AS FIRST READING**

**Ordinance 14-07:** An Ordinance Enacting Section 1181.02(cc) Electronic Message Center (EMC). **STANDS AS FIRST READING**

**Ordinance 15-07:** An Ordinance Amending the Zoning Code by Zoning 44.448 Acres Recently Annexed to the City of Canal Fulton. **STANDS AS FIRST READING**

**Ordinance 16-07:** An Ordinance Amending the Zoning Code by Zoning 3.85 Acres Recently Annexed to the City of Canal Fulton. **STANDS AS FIRST READING**

**Ordinance 17-07:** An Ordinance Amending the Zoning Code by Zoning 2.66 Acres Recently Annexed to the City of Canal Fulton. **STANDS AS FIRST READING**

**PURCHASE ORDERS & BILLS**

**P.O. 4944** to Police Equipment Specialist for 2007 Impala Police Car Accessories in the amount of \$3,755.45. Mrs. Cihon moved to approve P.O. 4944, seconded by Mr. Colaianni. **ROLL: Yes, ALL.**

**P.O. 4955** to Varney, Fink & Associates for Audit Fees in the amount of \$7,613.00. Mrs. Zahirsky moved to approve P.O. 4955, seconded by Mr. Colaianni. **ROLL: Yes, ALL.**

**P.O. 4961** to Doerschuk Plumbing & Heating Inc. for Fire Station Contract Pay Application #3 in the amount of \$9,963.96. Mrs. Cihon moved to approve 4961, seconded by Mr. Deans. **ROLL: Yes, ALL.**

**P.O. 4966** to J.D. Striping & Service Inc. for Painting Center Lines and Edge Lines of City Streets in the amount of \$4,519.75. Mrs. Cihon moved to approve P.O.4966, Mr. Colaianni. **ROLL: Yes, ALL.**

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**P.O. 4967** to CTI Environmental Inc. for Reimbursed Engineering Fees for Various Vendors in the amount of \$13,332.63. Mrs. Cihon moved to approve P.O. 4967, seconded by Mr. Colaianni. **ROLL: Yes, ALL.**

**BILLS: \$59,069.26** Mrs. Cihon moved to approve the bills in the amount of \$59,069.26, seconded by Mr. Colaianni. **ROLL: Yes, ALL.**

**OLD/NEW/OTHER BUSINESS** - Mr. Colaianni stated he attended a Trustee meeting. He stated he questioned them about the billing issues. He had concerns because on record Mr. Hardgrove stated they could not find the letter from the prosecutor. He stated after he gave them a copy of the letter from January from the prosecutor, they did say that they were going to contact Ross Rhodes from the prosecutor's office, who authored the letter.

Mr. Colaianni stated he did give the trustees the number of runs for July and part of 2006 that the City ran into the township and asked them at what point and time they were going to complete legislation on their side to move forward with this. He stated Mr. Cozy was contacted by Mr. Rhodes. Mr. Colaianni stated the bottom line was the prosecutor's office was not happy that the township had not acted yet. They are to be meeting with the township this week.

**REPORT OF PRESIDENT PRO TEMPORE (Linda Zahirsky)** – Mrs. Zahirsky stated she had the opportunity to speak with Scott Oeslager at the Stark County Fair regarding the Mayors Court and the proposed ordinance in Columbus. She stated the reason she spoke him was because she feels the Mayor's in the communities should be able to appoint an attorney to represent and not the court that sits over the jurisdiction that wishes to have a mayor's court.

**REPORT OF SPECIAL COMMITTEES** - None

**CITIZENS COMMENTS-Open Discussion (Five-Minute Rule)**

Jon Gill, 350 W. Cherry Street: Mr. Gill was present at a meeting in August regarding a tree in his yard and is requesting a follow up to what has been done.

Mr. Mayberry stated that he spoke with a tree expert from Ohio Edison and it was determined that the lines surrounding the tree are secondary lines and it is not Ohio Edison's policy to cut down trees surrounded by secondary lines. Mr. Cozy had stated that he contacted Mr. Martinez and left a message regarding the tree. He was on vacation the following week and left Mr. Mayberry as the contact person. Mr. Martinez referred the call to the tree expert.

It was determined that the City would get bids to have the tree taken down. Mr. Svab also indicated in the past if they had a person referred to the City for community service that had a tree service business they have been used for instances like this. Therefore, if we get someone referred to us from the courts in the near future, possibly we could use them.

**EXECUTIVE SESSION**

Mr. Zahirsky moved to adjourn to Executive Session at 8:00 PM from regular session for the purpose of the consideration of: compensation of a public employee or official; the sale of property by competitive bid to prevent the disclosure of information that would provide competitive advantage; and a conference with the law director or other retained counsel concerning pending or imminent court action, seconded by Mr. Colaianni. **ROLL: Yes, ALL.**

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Mr. Colaianni moved to return to public session at 8:37 PM, seconded by Mr. Deans. **ROLL: Yes, ALL.**

The Mayor asked if there was any legislative issues as a result of the executive session.

Mrs. Zahirsky stated they would be having a first reading on a piece of legislation.

**Resolution 20-07:** A Resolution Agreeing to Certain Deed Restrictions on the Puffenberger Property in Return for a Donation from Lindsay Concrete of \$200,000.

**Stands as First Reading**

**ADJOURNMENT**

Mayor John Grogan adjourned the September 4, 2007 meeting. The next regular scheduled meeting is September 18, 2007 at 7:00 p.m.

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Tammy Marthey, Clerk of Council

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John Grogan, Mayor