

CITY OF CANAL FULTON

May 20, 2008

COUNCIL MEETING

Mayor Grogan called the May 20, 2008 City Council meeting to order at 7:00 PM in Council Chambers at City Hall.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: Matthew Moellendick, Nellie Cihon, Danny Losch and Diane Downing.

Absent: Anthony Crookston and James Deans

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

Mrs. Cihon moved to excuse Mr. Deans due to medical reasons, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

Others Present Scott Fellmeth, Law Director; Mark Cozy, City Manager; Tammy Marthey, Clerk of Council; Scott Svab, Finance Director; David Frisone, Police Chief; Ray Green, Fire Chief; Victor Colaianni, Chell Rossi, and Michael Mouse, Residents; Laura Meade, Observer Reporter; and Joan Porter, Repository.

CORRECTING/ADOPTING THE RECORD OF PROCEEDINGS

Mrs. Cihon moved to approve the May 6, 2008 meeting minutes, seconded by Mr. Losch. **ROLL: Yes, ALL.**

REPORTS OF STANDING COMMITTEES - Mrs. Downing reported that the Personnel Committee met prior to the Council meeting. She stated that Mrs. Cihon was selected to be the chairperson for the committee.

CITIZENS' COMMENTS – AGENDA MATTERS - Mr. Colaianni referenced 6-08 and asked if the Lawrence Townships' filing a suit in court will slow down the process of the annexation?

Mr. Cozy responded that the judge did not issue a temporary restraining order; therefore, if the annexation is passed tonight there would not be any delays.

REPORTS OF ADMINISTRATIVE OFFICERS

SENIOR CITIZENS (Nellie Cihon)

Middlefield Bus Trip: The trip will be on June 9th. It will include a visit to a cheese factory and bakery. They will be having a wedding feast dinner.

Mountainair Trip: A trip is being scheduled for June 24th. The cost is \$29, which includes \$5 food voucher and \$5 in coin.

Garage Sale: The Center will be renting tables for \$10 for the Community Garage Sales.

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COMMUNITY SERVICE COORDINATOR (*John Murphy*) – Written. The Mayor reported there were 91.5 hours of community service work performed for the month of April.

FIRE CHIEF (Ray Green, Chief)

Open House: Chief Green reported they had a good turn out for the Open House held on May 17, 2008. They had a lot of positive comments from those in attendance.

He stated he would like to thank Mr. Murphy for his work to the landscaping at the fire station. Mr. Murphy completed a lot of this work without the assistance of a community service worker.

Grant: Chief Green stated they received notification today that a request for a grant for fitness equipment from the Health Foundation of Greater Massillon was denied.

Chief Green stated they are anticipating working on a “Safer” grant. It is for staffing of adequate fire and emergency response through homeland security. It serves for the hiring of full-time fire fighters or creating full-time fire fighter positions. It is comparable to the COPS grant. They pay 90% of the person’s salary and each year it declines 30% and at the end of the fifth year, the jurisdiction has to pick up the wages. They are not looking at the aspect of the grant, they are looking at the recruitment and retention of volunteer and part-time fire fighters. Through this grant, which would not cost the City anything, they could offer their members college tuition reimbursement, college tuition assistance, and health insurance.

CERTIFICATION: Mayor Grogan asked if the fire staff is up-to-date on the 100, 200, 700 and 800 NIMS certification. Chief Green stated yes.

Mayor Grogan asked if the police department is up-to-date. Chief Frisone stated the officers are but the supervisors are not. The Mayor stated whoever the designee is needs to get it completed.

Mayor Grogan asked Chief Green to schedule a class for new council members for the 700 class.

POLICE DEPARTMENT (David Frisone, Chief):

PRESENTATIONS: Chief Frisone stated they have completed three community presentations since last Council meeting.

COMPLAINTS: If any Council members or employees receive complaints from residents on nuisance issues, please direct them to call the non-emergency telephone number so the officers can respond while the incident is happening.

The Chief stated he had received a complaint from the City Manager from a resident who had called in complaining about kids at the tennis courts.

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MEMORIAL DAY PARADE: Mayor Grogan reported that Chief Frisone will be representing the City at the Memorial Day parade and that the chief is also a Lieutenant Colonel in the Army Reserve.

ENGINEER/STREETS/PUBLIC UTILITIES (Daniel Mayberry) – Mr. Mayberry reported that the Street Department has been working on repairing winter damage in the St. Helena Heritage Park parking lot.

FINANCE DIRECTOR (Scott Svab) -

Ohio Bureau of Worker's Compensation: The Bureau has issued the credit in the amount of \$35,532 for the error in the billing for the fire department. The Bureau has indicated there will be a credit on this year's premium, which is \$45,975. He said the monies came out of the fire fund and they will need to credit the fire fund this money. He stated this is a matter of bookkeeping. He stated they will be getting this credit and he would like to discuss with Chief Green the possibility of using \$26,000 of the funds to pay toward the squad payment to pay off the squad a little early.

Debt Report: Mr. Svab distributed a Debt Report and gave an overview of the report.

April Financial Statement: Mr. Svab stated he distributed the statement and would like a motion on receipt of such.

Purchase Orders: Mr. Svab stated he distributed two additional purchase orders for paving equipment and a blanket purchase order for the engineer.

Mayor Grogan stated everyone will need to have an opportunity to look at the figures he has provided since they have just received them today and stated at the next meeting they would be better prepared to ask more questions referencing some of the figures. He would appreciate, on his behalf, that these be given out ahead of time.

CITY MANAGER (Mark Cozy)

Canalway Center Report: Mr. Cozy distributed a copy of the monthly report.

Street Paving Quotes: Mr. Cozy stated they are currently getting street paving quotes. They are discovering that the cost of asphalt has steadily risen over the past three years because of the cost in petroleum. He stated the cost of asphalt through a contractor has almost doubled in the past three years. It is forcing the City to still look at maintaining a chip and seal program for the residential streets and focus the paving on the more highly traveled streets. They met with the County Engineer's Office and discussed paving and different types of chip and seal.

Mr. Cozy stated the City had set monies aside for the partnership of paving Cherry Street through town with the Ohio Department of Transportation. They have backed down on that plan. They will only be paving the north section of Cherry Street next year and looking at 2013 before they complete the remainder of it. The City will be meeting with them this year to see if they can get the portion in the City next year.

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Comprehensive Plan: Mr. Cozy stated he spoke with Mr. Stevens about the comprehensive plan and he did confirm that Lawrence Township has monies set aside to collaborate with the City or to forego it alone. He did not get a dollar amount from him. He stated the Township did not respond to the letter that was sent to them in March. All we have is two of the three Trustees statements in the paper that they will not collaborate with the City. He indicated to Mr. Stevens that once the Resolution was passed, Mayor Grogan would like a list of the people that have expressed an interest from the Township to serve on the steering committee and he may appoint some individuals from the Township also on our committee. Mr. Cozy stated we will work with the Township in whatever way they can agree to work with us. He stated even though the Trustees have not formally agreed, we are still going to work with the Township in any capacity they will work with us on a comprehensive plan.

Executive Session: Mr. Cozy stated he has some executive session items.

Mr. Losch asked Mr. Cozy about the status of the meeting that the Heritage Society president has requested at the last meeting. Mr. Cozy stated his request went to the Mayor, Council and the Law Director, so he didn't respond. Mayor Grogan stated he has not scheduled that meeting yet. He will get with Council to see what their schedules are and who wants to be part of that discussion. Mr. Cozy stated he also wanted the St. Helena II Restoration Committee to be present. The Mayor indicated that committee, unless they have reconvened, is no longer in existence.

Mr. Cozy stated he did speak with Mr. Hatfield today and he indicated there are some places in the canal where the boat may be scraping when there is a full load. He gave him some ideas on how to go about helping the City to identify those places.

REPORT OF MAYOR (John Grogan)

Comprehensive Plan: Mayor Grogan stated he will seek partnership with people in the Township. He knows some of the leadership is completely opposed to working with the City, however, he does know that Mr. Stevens wants to. He would welcome him aboard of the steering committee and any other members of the township who wish to help to move our community forward. We will be seeking requests from any members in the township and accepting anyone who wants to be part of that group.

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

LAW DIRECTOR (Scott Fellmeth)

Township Hall: Attorney Fellmeth stated he has presented a commitment for title insurance to the Township's attorney. He stated it has not been responded to. He stated he has also submitted his fourth revised contract, along with the guidelines that they had requested. He stated he is exasperated at this point in dealing with Attorney Krash. Attorney Fellmeth stated he is a very professional person, and pride's himself on that. He is not used to hostile ultimatums, not returning telephone calls, and then being hung up on in the middle of a conversation. He stated the

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discussions have been contentious at the best. He stated it is a combination of contentiousness, rudeness and paranoia. He suggested they sit down and talk and go over the contract piece by piece and discuss any differences they have and that is when he got hung up on. He stated he read an article on the Repository blog today that they want to re-negotiate the contract now on the purchase price. They are citing title problems and they are non-existent. Their objections are not valid. This is not a situation where they are attempting to negotiate in good faith.

Mayor Grogan stated this is one of Attorney Fellmeth's specialties. The contract has been reviewed many times. It is a very simple document. The City was just going to make the purchase of the building. Everyone that has tried to deal with this has ran into brick walls left and right because of paranoia.

THIRD READINGS

Resolution 6-08: A Resolution Approving the Northwest Annexation. Mrs. Cihon moved for approval of Resolution 6-08, seconded by Mr. Losch. **ROLL: Yes, ALL.**

Chief Green asked about the roadway and exactly where the annexation is. Mr. Cozy stated there is statute there that says all the frontage the City should be responsible for. He stated as far as maintenance goes, they are taking responsibility for that section.

Chief Green stated they needed to have it clarified because if there is an accident on the roadway.

Chief Green asked if any of the addresses of the effected properties would change? Mr. Cozy stated no. The annexation will be in effect in 30 days.

Resolution 7-08: A Resolution Approving the Warwick Annexation. Mrs. Cihon moved to approve Resolution 7-08, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

SECOND READINGS - None

FIRST READINGS

Resolution 9-08: A Resolution by the Council of the City of Canal Fulton to Support a Centralized Regional 911 Dispatch System for Stark County, Ohio. **Stands As First Reading**

Resolution 10-08: A Resolution by the Council of the City of Canal Fulton to Enter Into An Agreement With the Stark County Regional Planning Commission to Create a Community Plan. **Stands As First Reading**

Resolution 11-08: A Resolution Authorizing the Police Chief to Apply for a Grant and Enter into an Agreement for a DARE Program. **Stands As First Reading**

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PURCHASE ORDERS & BILLS

P.O. 5274 to The Bank of New York for Interest on Water Treatment Plant and Downtown Improvement Bonds in the Amount of \$14,342.50. Mrs. Cihon moved to approve P.O. 5274, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

P.O. 5275 to Huntington National Bank for Interest and Principal on Fire Station Bond in the Amount of \$114,650.00. Mr. Moellendick moved to approve P.O. 6275, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

P.O. 5278 to Ashland University for Tuition Payment Agreement Per Salary Ordinance 06-08, Finance Director Salary in the Amount of \$4,857.00. Mrs. Cihon moved to approve P.O. 5278, seconded by Mr. Losch. **ROLL: Yes, ALL.**

P.O. 5280 to Bender Construction for Street Department Paving Equipment in the Amount of \$15,000.00. Mr. Moellendick moved to approve P.O. 5280, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

P.O. 5281 to CTI Environmental, Inc. for Blanket P.O. for Engineering Services in the Amount of \$60,000.00. Mrs. Cihon moved to approve P.O. 5281, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

There was discussion on what type of engineering costs were included in this blanket purchase order.

BILLS: \$60,224.89 Mrs. Cihon moved to approve the bills in the amount of \$60,224.89, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

OLD/NEW/OTHER BUSINESS

Ms. Marthey read the 2008 Mission Statement for Canton Health Department Combination with Stark County Health Department.

Mr. Svab asked for a voice vote on receipt of the April financial report.

Mrs. Cihon made a motion that they received the April financial report, seconded by Mrs. Downing. **ROLL: Yes, ALL.**

Mayor Grogan asked in the future that the report be submitted prior to meetings for all to review.

REPORT OF PRESIDENT PRO TEMPORE (Anthony Crookston) - Not Present.

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

REPORT OF SPECIAL COMMITTEES - None

EXECUTIVE SESSION

Mrs. Cihon moved to adjourn to executive session at 8:00 for the purpose of the consideration of appointment of a public employee or official; compensation of a public employee or official; the purchase of

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real, personal, tangible or intangible property; a conference with the law director or other retained counsel concerning pending or imminent court action, with Mayor, Council, Law Director, City Manager, Service Director, Finance Director and Clerk of Council present, with no action expected, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

Mr. Moellendick stated he would also like to add discussion of personnel policies.

Mr. Cozy stated personnel policies is not part of executive session. He stated personnel policies isn't in itself an executive session item. He stated only if it deals with an individual, other than that, it needs to be discussed in public session.

Mr. Svab stated he wished to discuss implementation of a new policy.

Attorney Fellmeth stated this needed to be discussed in open meeting.

Mrs. Cihon moved to have a Personnel Committee meeting June 3, 2008 at 6:30 PM for the purpose of discussion personnel policies, seconded by Mr. Losch. **ROLL: Yes, ALL.**

Mrs. Cihon moved to have a Personnel Committee meeting, June 3, 2008 at 6:30 PM, seconded by Mr. Losch. **ROLL: Yes, ALL.**

Mayor Grogan stated there is no action pending.

Mr. Mayberry stated in light of the City forming their own township and the uncertainty of whether or not we will be working with Lawrence Township to perform the 2008 road maintenance, the street superintendent and Mr. Mayberry have been working with vendors getting cost estimates.

There was further discussion on the costs for street maintenance and funds in the street budget.

ADJOURNMENT

Mayor John Grogan adjourned the May 20, 2008 meeting. The next regular scheduled meeting is June 3, 2008 at 7:00 PM.

Tammy Marthey, Clerk of Council John Grogan, Mayor