

CITY OF CANAL FULTON

June 3, 2008

COUNCIL MEETING

Anthony Crookston, Council President, called the June 3, 2008 City Council meeting to order at 7:10 PM in Council Chambers at City Hall.

PLEDGE OF ALLEGIANCE

ROLL CALL

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

Absent: Mayor John Grogan

Mr. Losch moved to excuse Mayor Grogan, seconded by Mrs. Cihon.

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; Glenn Boyd, Captain; Chell Rossi, Resident; Ken Roberts, Warehouse on the Canal; Laura Meade, Observer Reporter; and Joan Porter, Repository.

CORRECTING/ADOPTING THE RECORD OF PROCEEDINGS

Mrs. Cihon moved to approve the May 20, 2008 meeting minutes, seconded by Mr. Moellendick. **ROLL: Yes, Mrs. Downing, Mrs. Cihon, Mr. Losch, and Mr. Moellendick. Abstain, Mr. Deans and Mr. Crookston.**

REPORTS OF STANDING COMMITTEES - Mrs. Cihon reported that the Personnel Committee met prior to the Council meeting and members voted to have all departments keep track of all their tasks and how long it takes them daily to do each. This will be done for a year. They are not doing this as a means of head chopping, they are just doing this to see how long it takes to do individual jobs and keep accurate records.

CITIZENS' COMMENTS – AGENDA MATTERS - None

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.

Mrs. Cihon reported that the new hot water tank was installed and she would like to thank Mr. Mayberry.

COMMUNITY SERVICE COORDINATOR (*John Murphy*) – No Report.

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FIRE CHIEF (Glenn Boyd, Captain) – No Report

Mrs. Cihon asked Captain Boyd is they needed to keep the watercraft boat hooked to the truck in the bay at all times.

He said he no.

Mrs. Cihon asked if everything was out of the west side fire department. She said if they took the truck and the boat out of one of the bays, couldn't they put one of the engines from the west side station there.

Captain Boyd stated they also have a lot of training equipment at that station, as well as the truck. He stated some respond from that station and due to the rail traffic.

POLICE DEPARTMENT (David Frisone, Chief):

Grant: Chief Frisone stated he received a grant from the State of Ohio in the amount of \$2,500 which was for a radar unit for a cruiser. It is a dash mounted unit.

Resolution 11-08: Chief Frisone asked if the rules could be suspended on Resolution 11-08 so that it can be in effect on the day it is passed. The Resolution needs to be submitted with the DARE grant application, which is due soon.

DARE Graduation: Chief Frisone reported that the DARE graduation for Sts. Philip & James will be held on June 5, 2008 at 10:30 AM and invited all from Council/Administration to attend.

ENGINEER/STREETS/PUBLIC UTILITIES (William Dorman) – Mr. Dorman reported there hasn't been any inspections for approximately six months. It has been slow in the development area. He is assisting Administration with the OPWC grant for the Erie Avenue culvert and widening project.

FINANCE DIRECTOR (Scott Svab) - Mr. Svab reported that he has included in the packet one purchase order and the bills.

He indicated he will be setting up meetings within the next month with department heads to review the 2009 budget. It has to be certified by the County by July 20, but it has been extended to August. At this time, they will certify the property millage and the 1 mil fire and police levy will roll off at that time and taxpayers will see the savings next year.

CITY MANAGER (Mark Cozy)

Legislation: Mr. Cozy stated he has additional legislation that he will pass out regarding the Erie Avenue Project design for the OPWC grant. He stated the grant application is due a month earlier than projected. The ordinance does not include the emergency clause and would like to have it amended at next meeting to include this clause. He stated this grant is to raise the roadbed at Erie where it floods, as well as a turning lane to the schools and possible a bike path/sidewalk in front of the schools.

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Swimming Pool Ordinance: Mr. Cozy stated a month ago he brought up some issues regarding the swimming pool ordinance. There was a misunderstanding with the language in the ordinance. The language was amended to as it was passed and discussed with Planning Commission. The word "permanent" was previously omitted.

Sanitary Sewer Line: Mr. Cozy stated there is a business going in on Marshallville Road and was getting ready to get the septic permit to build the business and homes. Mr. Cozy stated he informed the county that sewer is available. He met with the owner of the development and he decided he would like the sewer and he wants to be up and running by the end of this year or early next year. We would need to design and bid the project this year. If Council is in agreement with this he can have the Law Director prepare legislation for next meeting. It is going to cost \$51,000 to design the sewer and another \$664,000 to build. These funds would come from the sewer department. Mr. Cozy stated he had discussions with finance and it is a project they can do.

There is a possibility for them to discuss a potential JEDD on this. He stated if they can work out a fair agreement with them, they will. He feels it would be beneficial for all. He stated he sent an email to Todd Bosley, County Commissioner to discuss some of these issues with him. He said a JEDD should be an opportunity to decrease taxes and not to increase them. He stated all JEDD's in Stark County have increased taxes.

All members were in agreement to proceed with this matter.

Exploration Gateway – Canalway Center Interactive Exhibit Hall: Stark Parks will be having dedication ceremony on June 21, 2008 and a table can be reserved. Mr. Cozy stated he is reserving a table.

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

REPORT OF MAYOR (John Grogan) - Not present.

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

Mrs. Cihon stated there was a time capsule placed at Muhlhauser Park on June 6, 1983 and it is scheduled to be opened June 6, 2008. Mr. Crookston asked Mr. Cozy to inform the Park Board about this. Mr. Mayberry stated he was aware of this.

LAW DIRECTOR (Scott Fellmeth)

Solicitation: Law Director Fellmeth stated he has had an opportunity to review several other municipalities' ordinances relating to soliciting. He has come to the conclusion after careful research that our current statute is unconstitutional as applied to the time limits for allowing the solicitors to be within the City. This is based upon a Supreme Court decision that states a 9-5 timeframe does not allow solicitors to reach the majority of the working people. There wasn't any opinion given with it. He believes the rest of the statute is sound. He stated as a result, he feels that the hours should be 10:00 AM – 7:00 PM or sunset, whichever comes first. He would like for Council to review this matter.

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Fulton Landings: Law Director Fellmeth stated he has received the Declaration, Covenants Conditions and Easements for the Fulton Landings development. He stated these were initially submitted to the previous Law Director. The developer has submitted a revised copy. There were some minor changes. One change that may need to be reviewed is the original declaration included a sprinkler system in the common areas and the revised copy now reads that it is optional. He gave a copy to the Captain for the Fire Department to review.

Township Hall: Law Director Fellmeth stated he has received two letters from the Township's legal counsel. He has read them and objects entirely to what is in these particular communications. He has, therefore, sent Mr. Krash a letter stating 1) Canal Fulton is ready and willing to pursue this transaction and go through with it; 2) The City has agreed and is willing to underwrite the proposed transaction; 3) we are willing to insure it through one of the largest title companies in the United States, and; 4) the City has agreed to hold the Trustees harmless from any liability derived from either the sale or the title. He stated he would just like to know where there is a title problem with this because he does not see it.

As a result, he feels we are spinning our wheels and not going anywhere. Accordingly, he is recommending that Council of this City pursue the building by eminent domain.

Mr. Cozy stated that all of Council should have a copy of a letter that was sent to the Trustees on Monday, June 2 about the roof collapsing on the building and it is a violation of property maintenance codes. They are going to be required to repair it.

THIRD READINGS - None

SECOND 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 Second 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 Second Reading**

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

FIRST READINGS

Ordinance 19-08: An Ordinance Amending the Zoning Code to Create a new Zoning District to be Known As S-1 Suburban Office District. **Stands As First Reading**

Resolution 12-08: A Resolution by the Council of the City of Canal Fulton to Enter into an Agreement with CTI Engineers, Inc. to Provide Professional Engineering Services for the Improvement of Erie Avenue North. **TABLED**

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PURCHASE ORDERS & BILLS

P.O. 5279 to Hydrochem Industrial Services to Clean Out Digester #2 for Repairs at Wastewater Treatment Plan in the Amount of \$3,357.38. Mrs. Cihon moved to approve P.O. 5279, seconded by Mr. Deans. **ROLL: Yes, ALL.**

BILLS: \$157,045.09 Mrs. Cihon moved to approve the bills in the amount of \$157,045.09, seconded by Mr. Losch. **ROLL: Yes, ALL.**

OLD/NEW/OTHER BUSINESS

Liquor Permit – Warehouse on the Canal: Chief Frisone stated he has reviewed and doesn't have any complaints.

Mr. Moellendick moved to not request a hearing on the advisability of issuing the permit, seconded by Mr. Losch. **ROLL: YES, ALL.**

Motion for 2008 Mission Statement for Health Department: Mrs. Cihon moved to accept the Mission Statement as presented, seconded by Mrs. Downing. **ROLL: Yes, ALL.**

REPORT OF PRESIDENT PRO TEMPORE (Anthony Crookston) - None

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

REPORT OF SPECIAL COMMITTEES - None

EXECUTIVE SESSION

Mrs. Cihon moved to adjourn to executive session at 7:48 PM for the purpose of discipline of a public employee or official; the purchase of real, personal, tangible or intangible property; and a conference with the law director or other retained counsel concerning pending or imminent court action, with Council, Finance Director, Service Director, Law Director and City Manager present, seconded by Mrs. Downing. **ROLL: Yes, ALL.**

RETURN TO PUBLIC SESSION

Mr. Losch moved to return to public session at 8:46 PM, seconded by Mrs. Downing. **ROLL: Yes, ALL.**

Mr. Crookston stated as a result of executive session there wasn't any legislation action taken.

ADJOURNMENT

Mr. Crookston adjourned the June 3, 2008 meeting. The next regular scheduled meeting is June 17, 2008 at 7:00 PM.

Tammy Marthey, Clerk of Council Anthony Crookston, Council President