

## CITY OF CANAL FULTON

October 7, 2008

### COUNCIL MEETING

Mayor John Grogan called the October 7, 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, Jim Deans and Diane Downing.

Absent: Anthony Crookston.

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

Others Present Scott Fellmeth, Law Director; Tammy Marthey, Clerk of Council; Daniel Mayberry, Director of Services; Scott Svab, Finance Director; Dave Frisone, Police Chief; Ray Green, Fire Chief; Ray Giroux, Northwest School Levy Committee; Michael Mouse and Bob Stopar Residents; and Joan Porter, Repository.

### CORRECTING/ADOPTING THE RECORD OF PROCEEDINGS

Mrs. Cihon moved to approve the September 2 2008 record of proceedings, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

Mrs. Cihon moved to approve the September 16, 2008 record of proceedings, seconded by Mr. Deans. **ROLL: Yes, ALL.**

Mr. Losch stated to let the record reflect that he was present at the meeting and Mrs. Downing was absent.

Mrs. Cihon stated under Community Service, it should read September instead of August under hours worked.

*(Clerk's note: This is in the Community Service Report for the October 7 meeting and not in the minutes)*

### REPORTS OF STANDING COMMITTEES - None

### CITIZENS' COMMENTS – AGENDA MATTERS - None

### REPORTS OF ADMINISTRATIVE OFFICERS

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

Swiss Steak Dinner: There is a dinner scheduled for October 25. This will be the last swiss steak dinner this year. Reservations are required and may be done by calling the Center.

Apple Dumplings: The Center will be selling baked, unbaked, and sugar-free apple dumplings. They will be baking on October 8 and pick up will be on October 9.

Thrift Shop: The shop is doing well. They are accepting donations.

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**COMMUNITY SERVICE (John Murphy)** - Written report submitted.

### ***POLICE DEPARTMENT (Dave Frisone, Police Chief):***

CEDAP Grant: Chief Frisone stated the department was awarded stabilized night vision goggles, which will be used for search and rescue and surveillance.

Logic Board: Chief Frisone stated he been to several LOGIC Board meetings while they are working on their budget. He received a notice that there will be a Logic Board meeting October 15 at 7:00 PM at Jackson Administration Building and all fire chiefs and elected officials are invited to attend. The representatives from the RED Center will also be in attendance. Anyone wishing to attend is to let the Chief know and he will provide transportation. The Board attached proposed costs for 2009-2010. The plan due to the current economic situation to only do a 2 year contract opposed to three year contracts as done in the past.

### ***ENGINEER/STREETS/PUBLIC UTILITIES (Daniel Mayberry)***

Dominion Community Service Project: Mr. Mayberry distributed an activity report of the projects that were completed by Dominion East Ohio Gas Managers Retreat Program on September 11 and September 25.

In many instances Dominion provided all the heavy equipment including dump trucks, back hoes, equipment carriers and fuel necessary to complete the work. Dominion supplied all labor, materials and equipment for the repairs to the small gazebo at Muhlhauser Park.

Some of the projects completed were: the painting of St. Helena II; install barn stone retaining around the Heritage Society Museum and drive entrance to St Helena Heritage Park; level brick pavers in downtown area; paint boy scout building and storage building in park; landscape and planted around Canalway Center and replaced split rail fence at St. Helena III Boat Dock.

The Canal Fulton Street and Utility workers played an important role in this project as well. They assisted in getting the supplies and materials ready for this project. A job well done by all!

Interpretive Panels: The panels have been completed and installed at the Canal Way Center. This project was in part funded through a grant provided by the Ohio & Erie Canal Association in the amount of \$3,917.00.

Wastewater Treatment Plant: The Treatment plant was recently inspected by Ohio EPA for compliance of the National Pollution Discharge Elimination System Permit (NPDES). The treatment plant received a satisfactory rating as a result of this inspection.

### ***FINANCE DIRECTOR (Scott Svab)***

Ordinances 23-08: Mr. Svab stated he has two Ordinances under first readings. He stated on Ordinance 23-08, it is accepting amounts and rates determined by the budget commission. He stated it is merely what the County does after we submit to the County our budget and determine

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how much our millage is. He stated the fire and police levy, maximum rate authorized to be levied-the 1 mill will be coming off. This certifies to the County that we are accepting the proposed millage. The inside millage stays the same and the bond issue for the fire station is also on there. He stated they are asking for it by the end of the month and would like to get it passed. It can be passed at the next meeting since it was not put on as an emergency.

Ordinance 28-08: Mr. Svab stated he would like to have this passed tonight. He stated they budgeted \$100,000 plus \$35,000 interest on a note which is due in November. He stated the way the credit crisis is currently, he stated he talked to Squire, Sanderson and Dempsey and they felt it was a good idea to get Council approval not to exceed this. He stated more than likely they will have the \$100,000 plus the interest so they won't go to \$605,000 that would be the maximum. He stated by going ahead and approving this note at this time, he can watch the market and lock in. He stated they are only allowed to go out thirty days from the maturity date of the existing note. He stated at that time he will watch the market closely and they may lock in a price. He stated a few weeks ago a city in Portage County had a note roll over, \$8M, and when they went out for the bond there wasn't any takers for it. He stated they did it the next week and were able to sell their bond on the market. The market is pretty volatile and he wants to make sure nothing happens and they are able to roll over the note. He anticipates a \$500,000. He will get with Council and the City Manager and possible pay down, if the notes are favorable on the interest rate, they may just go with \$500,000 or less. He stated the income tax collection seems to be a little higher than usual. He would like to pay down the note.

Mr. Svab stated Council is in receipt of the September financial report and the fiscal officer certificate and would like a voice motion on both.

There are any purchase orders this week. The check list is attached.

Mr. Svab stated when Mr. Mayberry gave his report on the Dominion project that he short sided himself on how much activity he did. Mr. Mayberry was the point person that made sure all locations had what they needed to carry out the projects.

Mayor Grogan stated he likes to underestimate his role in a lot of things. Mayor Grogan thanked Mr. Mayberry.

### ***FIRE CHIEF (Ray Green): (Chief was on a call and arrived late)***

Fire Prevention Week/Month: Chief Green stated that Mr. Cozy, Mr. Deans, Ms. Marthey and he attended the Stark County Fire Prevention Award Ceremony at the Civic Center. The guest speaker was the State Fire Marshall. He spoke about the theme of this year's program, Prevent Home Fires. There have been 135 civilian fatalities and 4 firefighters have been killed in the line of duty in 2008. The goal is to reduce the numbers drastically throughout educational programs. His other message was that All Firefighter's Go Home, meaning that at the end of their shift, that they all return home to their families. Chief Green stated they practice safety and preach this at every training session.

Chief Green stated the Cities members, as well as Lawrence Township members, have been in the schools this week. They have done Sts.

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Philip & James, Northwest Elementary entertaining the kindergarten classes. He stated there are a lot of kindergarten children. He stated there are 500 students that attend Northwest Elementary. They are focusing their efforts on K-2 grades.

The department is partnering with Dominion's Pizza this week. Dominion's nationwide has partnered with the National Fire Protection Association to have firefighters throughout the country in local communities deliver pizzas. The cities firefighters will deliver the pizzas and will go into the homes and check their smoke detectors. If they are in working order, they will receive a free pizza. If not, they will make arrangements to make sure they get one. It will be held on Thursday, October 9 from 6:00-8:00 PM.

Monthly Incidents: Chief Green stated they had 78 incidents last month. He stated this was the first month in approximately four years; this was the first that they didn't have any fires in the city.

Fire Inspector School: Chief Green stated Lt. Gross and he completed fire inspector school. They now have two more certified fire safety inspectors to the department.

Grant: Chief Green stated the department received a grant from CEDAP in the amount of \$16,500 for rescue tools. They will purchase a Jaws of Life. He stated it is a 100% grant. He stated this grant was written by Assistant Chief Crable.

Resignation: Chief Green stated Tom Coughlin has resigned from the department due to his work obligations and has had to move out of the area. He was a basic EMT.

### **CITY MANAGER (Mark Cozy)**

Christmas Holiday: Mr. Cozy stated there the Christmas Holiday for the workers in on December 24 and December 25, which is a Wednesday and Thursday. He would like to request switching the day from Wednesday to Friday. A voice motion was taken by Council and all agreed. The Christmas Holiday days off with be Thursday, December 25 and Friday, December 26.

Bureau of Worker's Compensation: Mr. Cozy stated that the City will be given a check from the Bureau of Worker's Compensation for our meeting our obligation of attending the Safety Council meetings monthly. He asked if a member of Council would like to attend the Safety Council meeting on Thursday to receive the check. Mr. Deans stated he would attend.

Mr. Cozy stated he would like to commend Mr. Mayberry. He stated the citizen that came forward to let the City know about this program was Dan's father, Greg Mayberry. He stated Greg Mayberry then passed the information along to Ms. McConnell. He stated Mr. Dan Mayberry shouldered this project. Mr. Cozy stated this project probably saved the City \$50,000 or more. He thanked Mr. Murphy, Ms. McConnell, Mr. Petersen, Mr. Boak and all their staff for their efforts during this project.

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Mr. Cozy stated he has been getting comments from citizens this past summer about the performance of the street department. He stated he had a former councilman, Mr. Hatfield, stop him and stated all his years in the City he has never seen so much work getting done by one department, the Street Department. All members should be commended: Dave Ferree, Gary Hosking, John Heddy and Mark Petersen. Mr. Hatfield has stated he felt Mr. Petersen has done a lot with the department and has really put forth the effort to get work done in the city.

Resignation: Mr. Cozy stated Ms. McConnell, Canalway Programs Director, has resigned effective October 10, 2008. She has accepted a position with the City of Stow. She joined the City two years and a half years ago and she added a new dimension to Canal Fulton and the services we provide. She will be missed.

Comprehensive Plan: Mr. Cozy stated the Lawrence Township Trustees are still discussing the comprehensive plan and have a meeting scheduled for October 8 to discuss their participation with the city. He stated it isn't like we aren't doing anything; we are graciously waiting to see what the township wants to do and giving them the opportunity to come on board with us. He feels the city would have a better plan if they participate with us.

Commendation: Mr. Cozy stated he received a commendation from a citizen, Stan Hill, for Nancy Lawson, Utility Billing Clerk.

### ***REPORT OF MAYOR (John Grogan)***

Change of Meeting Date: Mayor Grogan stated the Council meeting scheduled for November 4 will need to be changed due to the Election. Mrs. Cihon moved to change the meeting to Wednesday, November 5, seconded by Mr. Deans. **ROLL: Yes, ALL.**

Business of the Year: Mayor Grogan stated he would like nominations submitted from Council and Department Heads at the next meeting for the Business of the Year Award so they can have something for the last meeting of the year.

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

***LAW DIRECTOR (Scott Fellmeth)*** - No Report

**THIRD READINGS** - None

**SECOND READINGS** - None

### **FIRST READINGS**

**Resolution 23-08-** A Resolution Accepting the Amounts and Rates as Determined by the Budget Commission and Authorizing the Necessary Tax Levies and Certifying Them to the County Auditor. **STANDS AS FIRST**

**Ordinance 28-08:** An Ordinance Providing for the Issuance and Sale of Not-To-Exceed \$605,000 of Notes in Anticipation of the Issuance of Bonds

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to Pay Costs of Acquiring Certain Real Estate and Interests Therein to Expand the City's Municipal Complex, and Declaring an Emergency.

Mrs. Cihon moved to suspend the rules of Ordinance 28-08, seconded by Mr. Moellendick. **ROLL: Yes, ALL.** Mrs. Cihon moved for passage of Ordinance 28-08 under suspension, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

### **PURCHASE ORDERS & BILLS**

No Purchase Orders.

**Bills: \$164,728.57** Mrs. Cihon moved to approve the bills in the amount of \$164,728.57 seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

Mrs. Cihon moved that they are in receipt of the August financials, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

Mrs. Cihon moved that they are in receipt of the fiscal officer certification, seconded by Mr. Deans. **ROLL: Yes, ALL.**

### **OLD/NEW/OTHER BUSINESS**

Finance Committee Meeting: Mr. Deans stated he would like to have a finance committee meeting before the next council meeting.

Mr. Deans moved to have a Finance Committee meeting on October 20, 2008 at 7:00 PM, seconded by Mr. Losch. **ROLL: Yes, ALL.**

Senior Citizen's Commission Board: Mrs. Cihon stated she would like to recommend Carol Lyons to the Senior Citizen's Board to replace Carol Jones. Mayor Grogan asked for a motion based upon Mrs. Cihon's recommendation. Mr. Deans moved to appoint Carol Lyons to the Senior Citizen's Commission to fulfill the term of Carol Jones, seconded by Mrs. Downing. **ROLL: Yes, Mr. Moellendick, Mr. Losch, Mrs. Downing and Mr. Deans. Abstain, Mrs. Cihon.**

**REPORT OF PRESIDENT PRO TEMPORE (Anthony Crookston)** - Not Present. Vice President Cihon did not have a report.

**REPORT OF SPECIAL COMMITTEES** - None

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

Michael Mouse: Mr. Mouse asked about Ordinance 28-08 and asked about a portion of the title, "expand the City's Municipal Complex". Mr. Svab stated this language was used in purchasing the park land and also saying it was part of the fire station. Mr. Svab stated this is a rollover for the Puffenberger property.

Ray Giroux: Mr. Giroux addressed Council regarding the Northwest School Levy. He stated his family moved here eight years ago and part of that decision was based on the how good the school system was. He stated since they have been here they have seen the problems the system has had trying to get the levy passed. He asked the members what vision they have with no viable school system if the levy fails and what is going

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to be done to point the community in the right direction so there is a decent school system for the children.

He asked if there was any way of getting support by a unified statement or using the newsletter to help education the community.

Mayor Grogan stated we can not use the newsletter for any political activities. Mayor Grogan stated there is a lot of staff that have children in the system or have had children graduate from Northwest. He stated it isn't for lack of the kids, but people are digging in the bottom of their purses and wallets for their last few pennies and it has become a very stressful time for a lot of people. He stated he didn't feel that people don't to support the levy. He stated the City residents have always voted for the levy, that it is the outlining communities have struggled with the issue. The district encompasses a portion of the Clinton area, New Franklin, Wayne County, Lawrence Township and the City. Mayor Grogan stated if you took a look at the board of elections and the electorates for those districts, you would see that they historically fail that levy. He stated it is a complex issue and it is a very passionate one. He doesn't envy anyone who is trying to get it passed. He stated it is a very complex and emotional issue. He stated from a point of view of putting advertisements in our local paper or overtly coming out with support for that type of issue, he couldn't condone having something in the newsletter because they would have everyone who ever runs for office wanting the same thing.

Mrs. Cihon reminded all that there is a town hall meeting on October 16, 2008 at 7:00 at the Northwest Stark Senior Center and Mr. Stetler will be present.

Law Director Fellmeth stated he is a 1973 graduate of Northwest High School and a life long resident. He stated what Mayor Grogan stated is absolutely correct. The municipality of Canal Fulton and Lawrence Township have traditionally supported levies. He stated where the problem has always resided is in Summit County and Wayne County. He stated at no time have those particular areas ever supported the levy. He stated it has to carry here two to one for it to pass.

Mr. Mouse stated we are funding two schools systems right now, charter schools and public schools and pretending it is only one school system. He stated then there is tax abatement. He stated if we took all the money the state has given in tax abatement and in another pile the monies that the state has said that the schools are short, which pile would be larger. He stated a lot of people say they care about the kids but behind the scenes they are working their magic.

Mr. Losch stated he wanted to commend Mr. Giroux for his courage and commitment. He stated if we have more people speaking out about the levy and make people more aware, he feels they can make a difference.

Mayor Grogan stated Mr. Cozy and he spoke with Mr. Stetler about this. He stated it would be refreshing if they could speak with some of the administrators, the teachers and the leaders and get the inside. He said what they get all too often is the children coming home with flyers in their backpacks saying if they get ten signatures they get a jump rope or if they can get five adults to agree to something they will get a sucker. He stated he can appreciate the concern and the stresses that they are under but

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people want to speak with someone. When elected officials run for office they knock on doors and stand in front of the very people that they are asking for the votes from. He stated sometimes this isn't always welcoming doors that they are in front of, but nevertheless they are there listening to the concerns and questions and answer the best they can. He stated he hasn't received any of that himself from anyone from the school system. He stated the only time anyone has ever reached out to talk was Mr. Stetler.

Mr. Cozy stated the town meeting is a result of the meeting they had with Mr. Stetler and when he spoke at the T.A.P. Committee meeting. He stated the meeting is informal and will allow people to ask questions.

**EXECUTIVE SESSION:** Be it hereby resolved by the Canal Fulton City Council that a motion was made by Mrs. Cihon to adjourn to executive session at 7:57 PM from the regular meeting on the above mentioned date as authorized under Ohio Revised Code 121.22(G) for the purpose of the consideration of employment of a public employee or official; promotion or demotion of a public employee or official; 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, with the Mayor, Council, Law Director, City Manager, Service Director and Finance Director present, seconded by Mr. Deans. There is expected legislation as a result of the session. **ROLL: Yes, ALL.**

A motion was made by Mr. Losch to return to public session at 8:31 PM, seconded by many. **ROLL: Yes, ALL.**

As a result of the executive session, Mayor Grogan stated there was one piece of legislation. He stated it is the recommendation of the finance committee to council to accept Ordinance 29-08 and asked for a motion to adopt same. Mrs. Cihon moved to adopt Ordinance 29-08, seconded by Mr. Moellendick.

Mr. Svab asked for an effective date. Mayor Grogan stated the last time they discussed it, he believed it was retroactive to the appointment of the position, which was the last meeting. Mr. Svab stated it needed to go back to the end of the ninety days, that is when the stipend ended. Ms. Marthey stated she believed it was September 16. Mr. Svab stated it was one day after the last payroll. It was determined it was September 15. Mayor Grogan stated to let the record reflect September 15 is the date for the retroactive of Ordinance 29-08. **ROLL: Yes, ALL.**

### **ADJOURNMENT**

Mayor Grogan adjourned the October 7, 2008 meeting. The next regular scheduled meeting is October 21, 2008 at 7:00 PM.

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Tammy Marthey, Clerk of Council

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John Grogan, Mayor