

## CITY OF CANAL FULTON

October 21, 2008

### COUNCIL MEETING

Mayor John Grogan called the October 21, 2008 City Council meeting to order at 7:00 PM in Council Chambers at City Hall.

### PLEDGE OF ALLEGIANCE

### ROLL CALL

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

Absent: Anthony Crookston

Mrs. Cihon moved to excuse Mr. Crookston due to work, seconded by Mr. Moellendick. **ROLL: Yes, Mr. Deans, Mr. Losch, Mrs. Cihon, Mr. Moellendick. No, Mrs. Downing.**

Others Present Scott Fellmeth, Law Director; Mark Cozy, City Manager; Tammy Marthey, Clerk of Council; Daniel Mayberry, Director of Services; Scott Svab, Finance Director; Ed Harbaugh, Police Officer; Ray Green, Fire Chief; James Parker, Faith Murray, Elaine Parker, Paul Bagocius, Victor Colaianni and Michael Mouse, Residents; and Joan Porter, Repository.

### CORRECTING/ADOPTING THE RECORD OF PROCEEDINGS

Mrs. Cihon moved to approve the October 7, 2008 record of proceedings, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

### 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 7:05 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 compensation of a public employee or official employment of a public employee or official and with the Mayor, Council, Law Director, City Manager and Finance Director, Service Director and Clerk of Council present, seconded by Mr. Deans.

Mr. Cozy stated there is potential legislation as a result of the session.

Mr. Losch moved to return to regular session at 7:30 PM, seconded by Mrs. Downing. **ROLL: Yes, ALL.**

There was no legislative action taken as a result of the session.

*Mayor Grogan stated Mr. Losch has to leave early to attend a seminar and would like to change the order of the agenda.*

**THIRD READINGS** - None

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### **SECOND READINGS**

*This was placed on agenda under First Reading, but was a First Reading October 7, 2008).*

**Ordinance 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.

Mr. Deans moved to table Ordinance 23-08, seconded by Mrs. Downing.  
**ROLL: Yes, ALL.**

### **FIRST READINGS**

**Resolution 24-08:** 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. (Under Suspension of the Rules)

Mrs. Cihon moved to adopt Ordinance Resolution 24-08, seconded by Mrs. Downing. **ROLL: Yes, ALL.**

*Clerk's Note: A motion was not made to pass under suspension.*

**Ordinance 30-08:** An Ordinance Establishing the Position of City Manager Assistant/Clerk of Council and Declaring an Emergency.

Mrs. Cihon moved to suspend the rules on Ordinance 30-08, seconded by Mr. Deans. **ROLL: Yes, ALL.** Mr. Moellendick moved for passage under suspension, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

**Ordinance 31-08:** An Ordinance Amending the Zoning code of the Canal Fulton Codified Zoning Ordinances in Order to Create Regulations Regarding Wind Energy Systems Within the City and Adding Chapter 11 Entitled Freestanding Wind Energy Conversion Systems.

**Stands As First Reading**

### **REPORTS OF STANDING COMMITTEES**

Mr. Deans reported that the Finance Committee met on October 20, 2008 to discuss the 2009 budget. There will be future meetings. He stated they will hold another meeting after the election.

**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.

**Christmas Bazaar:** They will be having the bazaar, including a bake sale and lunch. Tables are available for rent and may call the Center. They are \$20.

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Flu Shots: Flu shots will be administered November 5, 2008 from 9:00 AM – 12:00 PM.

**COMMUNITY SERVICE (John Murphy)** - No report submitted.

***FIRE CHIEF (Ray Green):***

Monthly Report: Chief Green stated the monthly reported was included in the packet for September. They had 71 incidents. He stated he did a year-to-date breakdown of the last four years of calls. They are as follows: 2008 – 637 calls; 2007 – 525 calls; 2006 – 486; and 2005 – 573 called. He stated the call volume significantly from last year to this year. He stated most of them are EMS calls. The fire calls are down.

Dispatching Services: Chief Green made a recommendation to switch dispatching services from the Regional Emergency Dispatch Center (RED Center) to Nimishillen Township Central Communications. The Chief stated the RED Center charges \$40 for each call and Nimishillen charges \$34. The dispatchers at Nimishillen are all firefighters or EMT's. He stated they would not require any additional equipment to be purchased.

Chief Green stated they would be able to track cell phone calls. They have more efficient equipment.

Chief Green stated because of the joint fire and emergency services agreement between the city and Lawrence Township, the Township Trustees would also have to switch their dispatching service.

Chief Green stated the Mayor would if Council approves the move, the Mayor would need to issue a letter of intent.

Mrs. Downing states she feels we need to change to have more efficient service and for the cost savings.

Mr. Svab stated he attended a meeting with the RED Center. He stated the Center is working on the renewal contracts and they only want to do two year contracts. He stated our contract is going to be 12% less because of previous years and an error in toning out both Lawrence Township and the City. He stated Lawrence Township is going to have a 28% reduction. He stated this translates to \$3,200 and \$7,300 for the Township. He stated he sent a letter to the RED Center Board stating because of this error he wanted a refund for both government entities.

Mr. Svab stated the Center will put this issue on their agenda for the first meeting of November. Mr. Svab stated the Center determines the fees they charge to the entities by taking the total cost to run the operation, and divide it on a projected call volume. He stated if we discontinue with the RED Center, the other entities fees will be increased. He stated Jackson Township charges would increase by approximately \$26,000. He stated the shared cost between Lawrence Township and Canal Fulton is \$43,000. He stated if they leave, the \$43,000 is going to have to be absorbed through the other participants under the fire. He stated they dispatch police by population. He stated it is a joint venture. He stated if Lawrence Township decides not to leave, then the City will not be able to change.

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Mayor Grogan asked if the Chief has spoken to Chief Stewart, Lawrence Township. Chief Green stated yes and he is in favor of the move. He stated if the move is made, the City, Lawrence Township and North Lawrence would all be serviced through Nimishillen.

Mr. Svab stated he would like to hold off on a decision until we see if the RED Center is going to refund our money.

Mayor Grogan stated we have two issues, one is we need to get the refunded and to see if Lawrence Township Fire Department is going to move as well.

Chief Green stated the power upgrade for the countywide system has been denied four times by the FCC.

Mayor Grogan stated Mr. Losch needs to leave at this time and they have a vacancy at the Canalway Center and the position needs filled. He stated a lot of the projects she had upcoming they don't want to let slip. He wants to make a recommendation to Council that they appoint for a temporary basis Mrs. Maryann Higgins as a part-time employee with a starting salary of \$11.00 to cover for the winter months and the projects that have been started.

Mr. Deans moved to hire on a part-time basis, Mary Ann Higgins at \$11.00 per hour, seconded by Mr. Losch. **ROLL: Yes, ALL.**

Mr. Cozy asked if there was an effective date. Mayor Grogan stated no. Mr. Cozy stated it would be October 26. Law Director Fellmeth stated the Ordinance has been prepared but hasn't been submitted to Council yet because the salary had not been determined and said it was something they could do at next meeting.

Mr. Cozy stated they wanted the effective date to be October 26.

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

Monthly Report: Officer Harbaugh stated the monthly report was included in the packet. He stated there were a total of 424 calls for service for the month of September.

### ***ENGINEER/STREETS/PUBLIC UTILITIES (William Dorman/Daniel Mayberry): - No Report***

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

Purchase Order: Mr. Svab stated he has added a packet of purchase orders.

Mr. Svab stated one of the purchase orders is for the complete audit for the State of Ohio. They have been on-site for over two weeks.

Auction: Mr. Svab stated he attended the auction on Saturday that was previously discussed on the parcel 7.32 acres, that adjoins the City's park property and a future well field development site. The City purchased the land. He stated it went for \$5,000 an acre. It is tillable land and is currently being rented by Stockard and will continue to lease to him.

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Mr. Svab stated it was a good price for the city.

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

High Street Sanitary Sewer: Mr. Cozy stated we have made application for two public works commission grants. He stated we received the preliminary scoring. The High Street Sewer Project scored very high and it is likely we will receive that grant.

High Street/Erie Avenue Culvert: This project did not receive a high score. He stated if the score carries through, it is unlikely we will receive this grant this year. He stated we can re-apply next year and look at the grant more closely to get a higher score.

Ohio & Erie Canal Dredging: Mr. Cozy stated the Ohio & Erie Canal Dredging stated they have a request in to the Ohio & Erie Canal Association to be submitted next week for emergency funding. He stated the City was asked to make a joint application with Stark Parks. He stated the Stark County Foundation is also showing an interest in the project. He stated approval would need to be obtained from the Army Corp. of Engineers to do the dredging and also through the EPA to dispose of the dredging materials. He stated some of the permits take time to receive.

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

Mayor Grogan reported that he received a nomination from Mr. Deans for Business of the Year. He will continue to accept nominations through next meeting.

Mayor Grogan stated he has a report from the Secretary of State referencing all Ohio issues that will be on the ballot.

HPC Appointment: Mayor Grogan stated Dennis Browne, who served on the board as the business owner representative, resigned from the Historic Preservation Commission due to relocating and would like to recommend Rochelle Rossi to serve out his term. He stated Mr. Bagocius is the homeowner representative on the board and asked him if he would represent the business owners on the board. Mr. Bagocius stated he would. The term of the office would remain the same.

Mayor stated with Council's recommendation he would like to appoint Rochelle Rossi to the HPC as the homeowner representative. She has been a board member in the past and has volunteered on many committees.

Mrs. Cihon moved to appoint Rochelle Rossi to HPC, seconded by Mr. Deans. **ROLL: Yes, ALL.**

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

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

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**PURCHASE ORDERS & BILLS**

**P.O. 5409** to Kiko Auctioneers Inc. for the purchase of 7.327 acres on Warwick in the amount of \$36,600.00. Mrs. Cihon moved to approve, seconded by Mr. Deans. ROLL: Yes, ALL.

**P.O. 5412** to Auditor of State for 2007 complete audit in the amount of \$27,400.00. Mr. Moellendick moved to approve, seconded by Mrs. Cihon. ROLL: Yes, ALL.

**P.O. 5413** to Pellini and Associates LLC for Weaver case, Northwest Annexation and other legals regarding same in the amount of \$3,036.02. Mrs. Cihon moved to approve, seconded by Mr. Deans. **ROLL: Yes, ALL.**

**P.O. 5393** to Varney, Fink and Associates for 2007 Financial statements compilations and 2007 GAAP conversion final payment in the amount of \$10,074.00. Mrs. Cihon moved to approve, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

**Bills: \$76,161.21** Mrs. Cihon moved to approve the bills in the amount of \$76,161.21, seconded by Mr. Deans. **ROLL: Yes, ALL.**

**OLD/NEW/OTHER BUSINESS** - None

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

**REPORT OF SPECIAL COMMITTEES**

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

**James Parker:** Mr. Parker is present to address Council regarding one of his neighbors conducting a band out of their garage off of Locust Street. He stated the music is being played for long periods of time seven days a week. He stated he has called the police department. He is asking if there is a noise ordinance in town and what can be done to stop this. He stated it is not only the noise, he stated he cannot even enjoy his backyard. He stated the garage is approximately 50 feet from his house. He stated they move from the garage to inside the house when the weather gets cold and the house is about 25 feet from his living room. This has been ongoing since January. He stated he has spoken with the parent. He stated this house is a magnet for all the teenagers. They hang out in the garage and the back alley. They are leaving refuge all over the ground. There have been reports from the other neighbors of illicit activity taking place.

Mayor Grogan asked Officer Harbaugh to make a request with the RED Center to obtain how many times they have been dispatched to that resident. Mayor Grogan stated something needs done immediately. Officer Harbaugh advised those in attendance to call when they are playing. He will go the home at the conclusion of the meeting.

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**ADJOURNMENT**

Mayor Grogan adjourned the October 21, 2008 meeting. The next regular scheduled meeting is November 5, 2008 at 7:00 PM.

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Tammy Marthey, Clerk of Council

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John Grogan, Mayor