

# CITY OF CANAL FULTON

January 20, 2009

## COUNCIL MEETING

Nellie Cihon, President ProTempore called the January 20, 2009 City Council meeting to order at 7:00 PM in Council Chambers at City Hall.

## PLEDGE OF ALLEGIANCE

### ROLL CALL

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

Absent: Mayor John Grogan. (See motion at end of meeting)

Others Present Scott Fellmeth, Law Director; Mark Cozy, City Manager; Tammy Marthey, Clerk of Council; Dave Frisone, Police Chief; Glen Boyd, Captain; Daniel P. Mayberry, Service Director; Scott Svab, Finance Director; Ann Conkle, Oser's Dairy and Deli; Ken Schalmo, Schalmo Builders; Joan Porter, Repository and Amy Knapp, Independent.

## CORRECTING/ADOPTING THE RECORD OF PROCEEDINGS

Mrs. Zahirsky moved to approve the record of proceedings for December 16, 2008, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

Mrs. Zahirsky moved to approve the record of proceedings for January 6, 2009, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

## SPECIAL RECOGNITIONS

A proclamation and plaque was presented to Ann Conkle for George Conkle, Oser's Dairy and Deli for 2008 Business of the Year. Mr. Conkle was recognized for being a positive and supportive employer to many City residents; countless donations to school and community organizations; and has demonstrated outstanding leadership and has been a role model for all local businesses and residents.

## ELECTION OF VICE PRESIDENT

Mr. Losch nominated Mr. Deans as Vice President, seconded by Mrs. Zahirsky. **ROLL: Yes, Mr. Moellendick, Mrs. Zahirsky, Mr. Losch, Mrs. Cihon and Mrs. Downing. Abstain, Mr. Deans.**

## REPORTS OF STANDING COMMITTEES

Mrs. Zahirsky moved to have a Public Service Committee meeting on January 27, 2009 at 6:30 PM for the purpose of discussing a proposed ordinance to transfer \$60,000 from the general fund to the water fund, seconded by Mrs. Downing. **ROLL: Yes, ALL**

Mrs. Zahirsky reported that the Safety Committee met in a joint meeting with the Lawrence Township Trustees to discuss the 24-hour staffing. She indicated at that meeting, there was discussion on some issues the fire departments were experiencing from the switch in dispatching from the RED Center to Cencom. Mrs. Zahirsky stated the Trustees made it very

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clear that they do not have the funds to add coverage from 12:00 midnight to 6:00 AM. Mr. Hardgrove had mentioned about soft billing residents but no commitment was made. The trustees discussed the coverage they provide to the northern and southern parts of the township. They can't provide more coverage to one area and not the other. It was the impression that they felt the City was going to totally fund the staffing for these hours.

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

**REPORTS OF ADMINISTRATIVE OFFICERS**

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

Swiss Steak Dinner: A swiss steak dinner will be served on January 24, 2009, serving from 4:00 – 6:30 PM. Reservations may be made by calling the center.

**COMMUNITY SERVICE COORDINATOR** - Written

***FIRE CHIEF (Glenn Boyd, Captain)***

Year End Report: Captain Boyd stating the Chief is compiling the year end report.

Fire: Captain Boyd stated there was a fire on Saturday on Poplar Street. They have four departments respond. There was one City fireman injured due to slipping on ice. Due to the extreme cold weather, there was a lot of ice they had to deal with.

***POLICE DEPARTMENT (Edward Harbaugh, Officer)***

Weather Alert Radio: Chief Frisone had received a weather alert radio and presented it to City Hall administration.

Robbery: Chief Frisone stated there was an attempted robbery at Heritage Square Pharmacy which led to a pursuit. Officer Steve Ruthrauff is to be commended for the excellent job in did in capturing the defendant. He was assisted by an officer from Lawrence Township.

***ENGINEER/STREETS/PUBLIC UTILITIES (William Dorman/ Dan Mayberry):***

Street Salt: Mr. Mayberry reported that he spoke with Mr. Petersen regarding the amount of salt that has been used to date. There have been three times as many snow storms this year than last year.

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

Ordinance 5-09: Mr. Svab stated the finance committee met prior to the council meeting. He stated in light of some issues, he would ask that Ordinance 5-09 be read as a first reading and not passed as an emergency.

Bills and Purchase Orders: Mr. Svab reported he doesn't have any bills or purchase orders for this meeting.

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Financial Statement: Mr. Svab stated he has given council the financial statement.

Mrs. Zahirsky moved receipt of the 2008 Financial Report, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

Renewal of Liability Insurance: Mr. Svab stated he has received the renewal for the liability insurance.

**CITY MANAGER (Mark Cozy)**

CTI Engineering Contract/High Street Sanitary Sewer: Mr. Cozy stated he would like council to consider a voice motion to enter into contract with CTI Engineering for the High Street Sanitary Sewer project.

Mrs. Zahirsky moved to enter into contract with CTI Engineering for the contract for the High Street Sanitary Sewer Project, seconded by Mr. Deans. **ROLL: Yes, ALL.**

Audit Meeting: Mr. Cozy reported that Mr. Svab and he met with the State Auditors for the final report. He stated he would like to acknowledge Mr. Svab for his diligence in working through the audit and that he has already implemented some safeguards in his own department.

Ordinance 1-09: Mr. Cozy reported he recently had a staff meeting and discussed Ordinance 1-09. It is his recommendation to amend ordinance 1-09 to include that salaried employees who earn compensatory time shall also be required to clock in.

Snow Ban Policy: Mr. Cozy reported that he has created a policy regarding the procedures to implement a snow ban.

Old Elementary School: Mr. Cozy stated the old elementary school has a sold sign on it. He has heard that it is going to be a used furniture store.

Executive Session: Mr. Cozy stated he has a couple items for executive session.

**REPORT OF MAYOR (John Grogan) - Not Present**

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

**LAW DIRECTOR (Scott Fellmeth)**

Mr. Fellmeth stated he will be out of town January 26-28, 2009.

**THIRD READINGS**

**Ordinance 38-08**: An Ordinance Amending Chapter 155.02(b)(6)(A) of the Zoning code of the City of Canal Fulton and Repealing Any Ordinance in Conflict Therewith.

Mrs. Zahirsky moved for passage of Ordinance 38-08, seconded by Mrs. Downing. **ROLL: Yes, ALL.**

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**Ordinance 41-08:** An Ordinance Amending Ordinance 42-89 Regarding City User Fees.

Mrs. Zahirsky moved for passage of Ordinance 41-08, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

**SECOND READINGS**

**Ordinance 1-09:** An Ordinance Amending Ordinance No. 61-97 Regulating the Use of Time Cards and Time Sheets by City Employees.

Law Director Fellmeth recommended tabling this Ordinance due to some language that needs changed.

Mrs. Zahirsky moved to table Ordinance 1-09, seconded by Mr. Losch. **ROLL: Yes, ALL.**

**Resolution 1-09:** A Resolution to Establish and Adopt Rules and Regulations for the Council of the City of Canal Fulton and Repealing All Prior Rules and Regulations Inconsistent Herewith.

Mrs. Zahirsky stated that the charter reads that the rules of council are to be adopted at the first meeting of the year and is therefore requesting that this resolution be passed under suspension of the rules.

Mrs. Zahirsky moved to suspend the rules on Resolution 1-09, seconded by Mr. Deans. **ROLL: Yes, ALL.**

Mrs. Zahirsky moved for passage under suspension of the rules, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

**FIRST READINGS**

**Resolution 4-09:** A Resolution by the Council of the City of Canal Fulton to Enter into a Contract with the Ohio Public Works Commission for the High Street Sanitary Sewer Project.

**STANDS AS A FIRST READING**

**Resolution 5-09:** A Resolution by the Council of the City of Canal Fulton to Support the Name of the Proposed New Federal Building in Canton, Ohio After Ralph S. Regula.

**STANDS AS A FIRST READING**

**Ordinance 5-09:** An Ordinance to Make Permanent Appropriations for the Current Expenses and Other Expenditures of the City of Canal Fulton, County of Stark, Ohio, During the Fiscal Year Ending December 31, 2009, and Declaring an Emergency.

**STANDS AS A FIRST READING** (See Finance Director report)

**Resolution 6-09:** A Resolution by the Council of the City of Canal Fulton to Abate the Sidewalk for Discovery Park Phase I.

**STANDS AS A FIRST READING**

**Resolution 7-09:** A Resolution by the Council of the City of Canal Fulton to Enter into an Agreement with Schalmo Properties, Inc. and First Merit Bank NA to Accept a Letter of Credit in Lieu of Performance Bonds.

**STANDS AS A FIRST READING**

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**PURCHASE ORDERS & BILLS** - None

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

**REPORT OF PRESIDENT PRO TEMPORE (Nellie Cihon)** Mrs. Cihon reported there is going to be an Elected Officials Academy at Kent State University. There are two parts and each is held on Thursdays for five weeks. Anyone interested should let the Clerk know they want to attend.

**REPORT OF SPECIAL COMMITTEES** - None

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

**EXECUTIVE SESSION**

A motion was made by Mrs. Zahirsky to adjourn to executive session at 7:35 PM from the regular meeting for the purpose of consideration of promotion or demotion of a public employee or official and compensation of a public employee or official, with all elected officials, City Manager, Finance Director, Police Chief and Fire Representative and Law Director present, with possible legislative action being taken, seconded by Mr. Losch. **ROLL: Yes, ALL.**

Mrs. Zahirsky moved to return to public session at 8:46 PM and at the executive session they discussed the compensation of public officials, seconded by Mr. Deans. **ROLL: Yes, ALL.**

As a result of executive session, they have the following Ordinance to consider:

**Ordinance 6-09:** An Ordinance Establishing Rates of Pay for Various Part-Time Positions Within the City of Canal Fulton Effective January 1, 2009, and Repealing Any Ordinances in Conflict Therewith, and Declaring an Emergency.

Mrs. Zahirsky moved to suspend the rules, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

Mrs. Zahirsky moved for passage under suspension, seconded by Mr. Moellendick. **ROLL: Yes, Mr. Moellendick, Mrs. Zahirsky, Mrs. Cihon, Mr. Losch, and Mr. Deans. No, Mrs. Downing.**

Law Director Fellmeth called a point of order. He stated there wasn't a motion to excuse the Mayor.

Mr. Losch moved to excuse Mayor Grogan due to family matters, seconded by Mr. Deans. **ROLL: Yes, ALL.**

**ADJOURNMENT**

Mrs. Cihon adjourned the January 20, 2009 meeting. The next regular scheduled meeting is February 4, 2009 at 7:00 PM.

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Tammy Marthey, Clerk of Council

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Nellie Cihon, President ProTempore