

## CITY OF CANAL FULTON

June 17, 2008

### **COUNCIL MEETING**

Mayor Grogan called the June 17, 2008 City Council meeting to order at 7:00 PM in Council Chambers at City Hall.

### **PLEDGE OF ALLEGIANCE**

#### **ROLL CALL**

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

Absent: Anthony Crookston and Diane Downing

Mrs. Cihon moved to excuse Mr. Crookston due to family and work matters, seconded by Mr. Deans. **ROLL: Yes, ALL.**

Mr. Losch moved to excuse Mrs. Downing due to being on vacation, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

Others Present Scott Fellmeth, Law Director; Mark Cozy, City Manager; Tammy Marthey, Clerk of Council; Daniel Mayberry, Director of Services; Scott Svab, Finance Director; David Frisone, Police Chief; Mike Crable, Assistant Chief; Ray Martinez, Ohio Edison; Robert Wagner, Sr., Fire Department; Janet Deans, Michael Mouse, John Hatfield and Linda Keillor, Residents; Michael Freeze, Independent; Laura Meade, Observer Reporter; and Joan Porter, Repository.

### **CORRECTING/ADOPTING THE RECORD OF PROCEEDINGS**

Mrs. Cihon moved to approve the June 3, 2008 meeting minutes, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

### **REPORTS OF STANDING COMMITTEES** - None

### **CITIZENS' COMMENTS – AGENDA MATTERS** -

Michael Mouse, Resident: Mr. Mouse commented on Resolution 10-08 relating to an agreement with Stark County Regional Planning to create a community plan. He stated that most comprehensive plans end up on a shelf and that he has not heard Council advocate for a comprehensive plan.

John Hatfield, Resident: Mr. Hatfield stated he thought a comprehensive plan had been done in the 1990's.

Mr. Mayberry stated that information had been collected to begin a comprehensive plan and that administration had changed.

### **REPORTS OF ADMINISTRATIVE OFFICERS**

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

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

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Garage Sale: The Center participated in the Community Garage sale and they had a good turnout.

Commissioner: Mrs. Cihon recommended Mr. Bob Eicher as a Commissioner for the Center.

Mr. Losch moved to appoint Mr. Bob Eicher as a Commissioner for the Center, seconded by Mr. Deans. **ROLL: Yes, Mr. Deans, Mr. Losch, Mr. Moellendick. Abstain, Mrs. Cihon. Motion does not carry.**

Mayor Grogan stated they will put on the agenda for next meeting.

**COMMUNITY SERVICE COORDINATOR (John Murphy)** – Mr. Murphy provided a written report. He reported showed 36 hours of community service work for the month of May.

**FIRE CHIEF (Mike Crable, Assistant Chief):** Assistant Chief Crable reported that the month end report was included in the packet. He also would like to present to Council for consideration for employment, Mr. Robert Wagner, Sr. Mr. Wagner previously worked for the fire department and left to pursue paramedic training. He has successfully completed that training. He is employed full-time with New Franklin.

Mayor Grogan stated based on the information provided, he would present to Council for recommendation of hiring Mr. Robert Wagner, Sr.

Mrs. Cihon moved to hire Mr. Robert Wagner, Sr. to the Fire Department, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

**POLICE DEPARTMENT (David Frisone, Chief):** Chief Frisone stated the monthly report is attached. He stated they had a busy month, 397 calls and that a lot of them were officer initiated.

Chief Frisone stated they have had a lot of reporters at the station this past week. The defendant that shot Officer Harbaugh is up for a parole hearing this week. He stated letters of support have been sent to the parole board for Mr. Harbaugh.

**ENGINEER/STREETS/PUBLIC UTILITIES (Daniel Mayberry)** – Mr. Mayberry stated he would like to publicly thank the fire department for the flushing of the fire hydrants. Captain Durkee coordinated this effort with Mr. Mayberry and the Fire Department. Thank you.

**FINANCE DIRECTOR (Scott Svab)**

Mr. Svab stated he is requesting a voice motion to enter into contract with Varney, Fink and Associates for the GAAP Conversion for Year Ending 2007 in the amount of \$15,732.00.

Mrs. Cihon moved to approve the Varney, Fink & Associates contract, seconded by Mr. Deans. **ROLL: Yes, ALL.**

Mr. Svab stated he emailed the financials to council members for the month-to-date, year-to-date and would like a voice motion that they have received them.

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Mrs. Cihon moved that they are in receipt of the month-to-date, year-to-date financial statement, seconded by Mr. Losch. **ROLL: Yes, ALL.**

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

Legislation: Mr. Cozy requested that Council table Resolution 12-08 and Resolution 13-08, and P.O. 5393 and P.O. 5294 (*See Legislation Readings and Purchase Order Section for description*). Mr. Cozy stated he has had discussion with Mr. Mayberry and would like to get price quotes from other vendors. CTI would ultimately oversee the project as the City's Engineer.

Mrs. Cihon moved to table Resolution 12-08, Resolution 13-08, P.O. 5293 and Purchase Order 5294, seconded by Mr. Deans. **ROLL: Yes, ALL.**

Canal Dredging: Mr. Cozy stated he has contacted Ralph Regula's office regarding obtaining monies to dredge the canal. He stated he is working hard to secure the funds to do the maintenance to the canal. If awarded any funds, it would not be until 2009. Mr. Cozy asked Council for a motion for approval to move forward with securing these funds. Mrs. Cihon moved for approval, seconded by Mr. Deans. **ROLL: Yes, ALL.**

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

**REPORT OF MAYOR (John Grogan):** Mayor Grogan stated there was a time capsule placed at Muhlhauser Park in 1983 which was opened June 6, 2008. He stated included in items that were placed in the time capsule, there was a letter from Mayor Eugene Fellmeth. He requested that Law Director Scott Fellmeth read the letter his father wrote.

Sunday, June 5, 1983

My Dear Friends and Fellow Citizens:

This day, Sunday, June 5, 1983, has been set aside to mark a point in progress for the people of the Village of Canal Fulton. We are all gathered to share a moment of history as we dedicate Muhlhauser Park this afternoon.

It is appropriate that we pay tribute to the Muhlhauser Family for their past, present and future contributions to the community they've known and loved. And, it is appropriate too that we take note of this moment to pledge our dedication to the continued orderly growth of Canal Fulton.

A park such as this one is more than a playground. It serves to remind us of our faith that future generations here can work to build upon the foundations of growth that people like the Muhlhauser's envisioned many years ago.

My own family and many of your families as well, saw Canal Fulton as a good place to raise children, own homes and enjoy the benefits that small town living can provide. I grew up in Canal Fulton, and looking back to my boyhood, I can recall many changes, none of which have been more dramatic than those which have taken place during the past quarter century.

As Mayor of the Village of Canal Fulton, I'm honored to have the opportunity to make a small contribution to this event, and I'm privileged to leave behind these few words of encouragement.

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Twenty-five years from now this time capsule will be reopened, and those gathered will have exciting news to share about how much their community has changed. This is the time to plan for those changes and prepare for them. Twenty-five years from now, new plans for growth will be needed, as citizens of the Village in the year 2008 look to their future.

A quarter century is not a long time. My own service to the people of Canal Fulton and Stark County spans slightly more than that. If I may, I would like to take this opportunity to stretch out my hand, on behalf of all the community today, to reach those hands and touch those hearts of tomorrow's Canal Fulton residents. May God bless your endeavors, as He has blessed ours. May you make your mark on the history of this community as we've made ours. And, May the spirit of those gathered here to celebrate today continue to enlighten and refresh your spirits, in your time.

Good luck, and may God bless you.  
Eugene M. Fellmeth, Mayor

Mayor Grogan then read into the record:

My Dear Friends and Fellow Citizens:

Twenty five years ago, Mayor Eugene Fellmeth wrote this letter to dedicate Muhlhauser Park and pay tribute to the Muhlhauser family for their work and generous contribution to the City. Today we are just as excited about Canal Fulton's future as Mayor Fellmeth was in 1983. Many things have stayed the same and many things have changed since 1983.

Some of the things that have changed can be visibly seen in the City. The City has:

Expanded the water treatment plant in 2000; built a new police station in 2001; a Canalway Center in 2005, fire station in 2007; and added over 30 acres of adjacent park land.

Residential growth has been fueled by developments such as Denshire and will continue with our newest development at Fulton Landings. We continually welcome new business and property owners into the City and share with them a sense of excitement and future prosperity.

These are just a few examples of the many improvements and changes the City has completed. Our community is expanding and we welcome change but we also hold dear to us the core values that have made this a great City to live and raise our children.

Just as Mayor Fellmeth looked to the future in 1983, I am proud to be part of the planning to prepare the City for the next 25 years.

One of my goals is to develop the new park property and partner with a health and fitness center for the community. We will continue to expand our water and sewer service to attract new economic growth. Our youth is an important part of our City's future and we will continually work toward the goals of improving the quality of life for our residents now and for future generations.

With that in mind, I am introducing a Summer Works Program for our youth. This pilot program is designed to give our youth an introduction to the work force, develop work skills, and foster an appreciation for our city government and community. The pay off for the Youth Works Program will be immediate, as well as in the future. Twenty-five years from now when today's youth become leaders in both the public and private sector, they will look back and realize the importance of being part of a community.

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Thank you,  
Mayor John Grogan

Mayor Grant stated that on June 20<sup>th</sup> from 12:00 – 3:00 PM, Matt Patrick from WKDD is hosting a lunch event at the Bier House. A buffet lunch will be provided by the Winking Lizard. Rush Limbaugh will be on during the three hour event. Mr. Patrick will host a local conservative political talk show.

Mayor Grogan stated the City has recently updated the look of the website.

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

**LAW DIRECTOR (Scott Fellmeth)**

Law Director Fellmeth stated he has an item he would like to discuss in executive session.

### **THIRD 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. Mrs. Cihon moved to approve Resolution 9-08, seconded by Mr. Deans. **ROLL: Yes, ALL.**

Mayor Grogan asked Chief Frisone for input on the Resolution. Chief Frisone stated he was in favor of this.

Assistant Chief Crable stated he was in favor of it, but had some reservations about having it at one location.

**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. Mr. Moellendick moved to approve Resolution 10-08, seconded by Mr. Losch. **ROLL: Yes, ALL.**

### **SECOND READINGS**

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

**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 SECOND READING**

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### **FIRST READINGS**

**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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**Resolution 13-08:** 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 Marshallville Street Sanitary Sewer Extension and Declaring an Emergency. Mrs. Cihon moved to table Resolution 13-08 as recommended by the City Manager, seconded by Mr. Deans. **ROLL: Yes, ALL. TABLED**

**Ordinance 20-08:** An Ordinance Amending the Business Regulation Code of the Codified Ordinances of Canal Fulton, Ohio Amending Chapter 725.06(b) Regulating Peddlers and Solicitors. **STANDS AS FIRST READING**

**Ordinance 21-08:** An Ordinance Amending the Zoning Code of the Canal Fulton Codified Zoning Ordinances, in Order to Create a Light Industrial zone (L-1) Within the City, Adding Chapter 1174, Entitled "Light Industrial Zone (L-1)" and Amending and Correcting Ordinance 18-03, passed July 1, 2003. **STANDS AS FIRST READING**

**Ordinance 22-08:** An Ordinance Amending Ordinance 5-08, and Providing for the Transfer of Funds Within Various Accounts for the Purpose of Paying Various City Obligations, and Declaring an Emergency. Mrs. Cihon moved to suspend the rules on Ordinance 22-08, seconded by Mr. Deans. **ROLL: Yes, ALL.** Mrs. Cihon moved for passage under suspension, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

**PURCHASE ORDERS & BILLS**

**P.O. 5290** to Ohio Police & Fire Pension Fund for 2008 Quarterly Payment in the Amount of \$23,771.75. Mrs. Cihon moved to approve P.O. 5290, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

**P.O. 5291** to Ohio Public Works Commission for Improvement Bonds in the Amount of \$54,278.77. Mrs. Cihon moved to approve P.O. 5291, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

**P.O. 5292** to Varney, Fink and Associates for GAAP Conversion for Year Ending 2007, Preparing Financial Statements in the Amount of \$15,732.00. Mrs. Cihon moved to approve P.O. 5292, seconded by Mr. Deans. **ROLL: Yes, ALL.**

**P.O. 5293** to CTI Environmental for Engineering Services for Marshallville Road Sanitary Sewer Extension in the Amount of \$51,000.00. **TABLED**

**P.O. 5294** to CTI Environmental, Inc. for Engineering for Erie Avenue Improvements in the Amount of \$87,000.00 **TABLED**

**P.O. 5301** to D & R Supply for Asphalt for Street Paving @ \$46.00/ton (478.2 tons) in the Amount of \$22,000.00. Mrs. Cihon moved to approve P.O. 5301, seconded by Mr. Losch. **ROLL: Yes, ALL.**

**P.O. 5302** to Dollar Bank Leasing Corp. for Semi Annual Squad Payment #3 in the Amount of \$13,398.00. Mrs. Cihon moved to approve P.O. 5302, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

**BILLS: \$48,176.97** Mrs. Cihon moved to approve the bills in the amount of \$48,176.97, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

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**OLD/NEW/OTHER BUSINESS**

Canal Fulton Historical & Art Festival Special Event Permit Application:  
This event is to be held August 15 and 16. The Police Chief stated they did not have any problems with the event last year. Mr. Deans moved for approval of the application as presented, seconded by Mr. Losch. **ROLL: Yes, ALL.**

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

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

John Hatfield: Mr. Hatfield read the following letter:

Your Honor, Council President, Council & City Officials:

This is a follow up on requested presentation and meeting for Canal Fulton Heritage Society and St. Helena II Restoration Committee.

Reference: City Council Meeting of 5/6/08

Response from Mayor and City Council Members by phone, verbal, email, letter, and fax. None.

Respectfully, John D. Hatfield, President of CF Heritage Society and St. Helena II Restoration Committee.

Mike Mouse: Mr. Mouse inquired about the project for Marshallville Street and what development was included on the property. Mr. Cozy stated it included one office complex and six homes were discussed, but he doesn't have an exact number.

Mayor Grogan stated Mr. Ray Martinez, Ohio Edison, is present tonight, and how much we appreciate all his hard work he provides to the City.

**REPORT OF SPECIAL COMMITTEES** - None

**EXECUTIVE SESSION**

Mr. Moellendick moved to adjourn to executive session at 8:10 PM for the purpose of employment of a public employee or official; dismissal of a public employee or official; discipline of a public employee or official; the promotion or demotion 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 Mayor, Council, Finance Director, Service Director, Law Director and City Manager and Mr. Esposito present, seconded by Mr. Losch. **ROLL: Yes, ALL.**

**RETURN TO PUBLIC SESSION**

Mr. Losch moved to return to public session at 8:47 PM, seconded by Mr. Deans. **ROLL: Yes, ALL.**

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

**ADJOURNMENT**

Mayor Grogan adjourned the June 17, 2008 meeting. The next regular scheduled meeting is July 1, 2008 at 7:00 PM.

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Tammy Marthey, Clerk of Council      John Grogan, Mayor