

CITY OF CANAL FULTON

August 5, 2008

COUNCIL MEETING

Mayor John Grogan called the August 5, 2008 City Council meeting to order at 7:00 PM in Council Chambers at City Hall.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: Mr. Deans, Mrs. Downing, Mr. Losch, Mrs. Cihon, and Mr. Moellendick.

Absent: Anthony Crookston

Mrs. Cihon moved to excuse Anthony Crookston, seconded by Mr. Deans.

ROLL: Yes, ALL.

Others Present Scott Fellmeth, Law Director; Mark Cozy, City Manager; Tammy Marthey, Clerk of Council; Daniel Mayberry, Director of Services; Dave Frisone, Police Chief; Glenn Boyd, Captain, Fire Department; Janet Deans, Rochelle Rossi, Linda Keillor, John Hatfield, and Cindy Eberhardt, Residents; Eric Pellini, Legal Counsel; and Joan Porter, Repository.

EXECUTIVE SESSION

Mayor Grogan stated the need for an executive session and requested it to be held at the beginning of the meeting due to having legal counsel present.

Mrs. Cihon moved to adjourn to Executive Session at 7:01 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 a conference with the law director or other retained counsel concerning pending or imminent court action, seconded by Mr. Deans. **ROLL: Yes, ALL.**

Mr. Losch moved to return to public session at 7:20 PM, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

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

CORRECTING/ADOPTING THE RECORD OF PROCEEDINGS

Mrs. Cihon moved to approve the July 15, 2008 record of proceedings, seconded by Mr. Deans. **ROLL: Yes, ALL.**

REPORTS OF STANDING COMMITTEES - None

CITIZENS' COMMENTS – AGENDA MATTERS - None

REPORTS OF ADMINISTRATIVE OFFICERS

SENIOR CITIZENS (Nellie Cihon)

Card Party: Mrs. Cihon stated there will be a card party at the Center on August 26. There is a \$5 fee.

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Swiss Steak Dinner: There is a dinner scheduled for September 13 and October 25. Reservations are required and may be done by calling the Center.

Greektown Trip: The Center will be hosting a bus trip to Greektown on September 16. The trip cost \$40 with \$20 back in coin. Call the Center for reservations.

Thrift Shop: Mrs. Cihon reported the Center has converted the craft area into a thrift shop. It is open Monday through Thursday from 9:00 AM – 3:00 PM and Friday from 9:00 AM – 1:30 PM. Donations of items are accepted at the Center.

COMMUNITY SERVICE (John Murphy) Mr. Murphy submitted a written report.

FIRE CHIEF (Glenn Boyd, Captain):

Hydrant Flushing/Inspections: The hydrant flushing and inspections have been completed.

Hero's for Hunger Program: The department is participating in the Hero's for Hunger Program with Meals on Wheels for the month of August.

Safety Fair: The department will be participating in a Northwest Safety Fair on Saturday, August 9 from 11:00 AM to 4:00 PM at the Trinity Church. There are approximately 15 different departments that will be participating.

Grants: Captain Boyd reported they haven't received word on the grants yet.

Completion of Level II Fire Training: Captain Boyd reported that Jordan Boyd, Ed Collette, Chad Weitzel, and Josh Mott have completed the Level II fire training.

Accreditation: The fire department received accreditation for as a continuing education site for Ohio. Continuing education training classes can now be hosted at the department.

Safety Committee: Captain Boyd requested a meeting with the Safety Committee.

Mrs. Cihon moved to schedule a Safety Committee meeting for August 19, 2008 at 6:00 PM, seconded by Mr. Deans. **ROLL: Yes, ALL.**

POLICE DEPARTMENT (Dave Frisone, Police Chief.):

Monthly Report: Chief Frisone stated he distributed his monthly report. He stated the report also includes the Canal Days festivities. He stated this would be the explanation on some of the increases in parking problems and citations. He stated they had seven missing persons, which is unusual. This was primarily juveniles from Canal Days.

Mr. Losch stated he wanted to comment on the parking citations downtown. He stated this is something that needs to continue to be

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enforced. He stated one concern he heard was the parking behind the buildings. He wanted to know if it was City property and if it is, what can we do about it. It is like a swamp and some of the local merchants complaining no place to park once they unload at the street.

Mr. Mayberry stated it is private properties and/or canal lands. Mr. Mayberry stated the City can't go in there and improve the parking.

ENGINEER/STREETS/PUBLIC UTILITIES (Daniel Mayberry):

Chip & Seal: Mr. Mayberry stated there is a purchase order in the amount of \$25,000 for the 2008 chip and seal program. This, coupled with approximately \$23,000 for blade work, will sum up the costs for the chip and seal program for 2008.

Wastewater Treatment Plant Tank Painting: Mr. Mayberry stated there will be another purchase order to complete the project. They are very pleased with the contractor and his work is progressing nicely.

PUBLIC HEARING 7:30 PM – 2009 BUDGET

Mr. Svab stated this is a yearly requirement by Stark County. He stated the format is different this year. He stated on page 2 it shows the general fund maximum rate authorizing the 2.5 mil and the bond issue that is 1.5 for the fire station. He stated what is different with this, in years past, the fire department and police station had continued bonds for 1999 for 1 mil. This has been dropped. When Council passes this and it is submitted to the Commissioner's, this is their official notice that we will no longer be collecting the 1 mil for those departments. The residents of Canal Fulton will see a 2 mil drop in their tax bill next year.

He stated the actual cash balances for 2006 and 2007. He stated what differs from this from previous years, they are actually asking for cash balances as of July. He stated at the last minute we had to figure where we were at the end of July. They want to know how much is in the general fund and the other funds and to see that when they certify the millage, it is telling the County that we need the millage of the property tax, which is part of the budget.

He stated they say if there is a 25% or greater encumbrance, they want an explanation included for such a large carry-over. They feel that 25%, which isn't unlawful to carry over, but they want to know why. He stated his estimate for 2009 is about \$90,000, which is 12% of the general fund. He stated depending on how the income tax collections finish at the end of the year, they will be talking to Council to see if they can make an increase payment on the parks and when the debt rolls over in the last part of November to try to make a larger principal payment so when they roll over the note again, they will be cutting down on carrying the debt.

Mayor stated the resolution he is referring to is 17-08 and Mr. Svab is recommending that this be passed under emergency this evening. Mr. Svab stated that is correct.

Mayor Grogan asked for any public comment referencing the budget information that was provided.

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There were no comments and this concludes the portion of the public hearing and now return to regular session.

FINANCE DIRECTOR (Scott Svab)

Purchase Order: Mr. Svab stated he has included an additional purchase order.

Mr. Svab stated he will have legislation for next meeting regarding appropriation of funds.

CITY MANAGER (Mark Cozy)

9-1-1 Planning Committee: Mr. Cozy reported that the Stark County Commissioner's have established a 9-1-1 Planning Committee. The Committee is comprised of five individuals, with one being the Mayor of the second most populated municipality or a Trustee from the most populated Township, whichever has the larger population. Massillon Mayor Francis Cicchinelli Jr. is being recommended to fill the "at-large" Mayor's position. They are requesting a voice motion from Council.

Mrs. Cihon moved to recommend Mayor Francis Cicchinelli Jr. to fill the "at-large" Mayor's position on the 9-1-1 Planning Committee, seconded by Mr. Deans. **ROLL: Yes, ALL.**

Massillon Cable TV Franchise: Mr. Cozy handed out the letter from Massillon Cable TV regarding the franchise fee. There is a Resolution on the agenda regarding a 1% fee.

REPORT OF MAYOR (John Grogan)

Youth Works Program: Mayor Grogan showed those present the shirts that were made for the youth's participating in the Youth Works Program. He stated the students are doing a wonderful job for the City and would like to look into the second phase of the program and ask City Council later this year to review a scholarship program and establish criteria for scholarships to be awarded to the participating students.

Letter from Resident: Mayor Grogan read the following letter into the record:

June 26, 2008

City of Canal Fulton,

I just wanted to say thank you to Canal Fulton EMT's. On June 6th, my hip dislocated and we called for an ambulance to take me to the hospital. They showed up right away and got me there very quickly.

Jason and Nathan took very good care of me in the back. I didn't get the driver's name, but he did a great job driving me to St. Thomas Hospital.

I am fortunate, all is fine and I owe a big thanks to the three guys that took such good care of me.

Thanks again.
Lynn Szilagyi

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Mayor Grogan commended the department and asked Captain Boyd to let him know who the driver was so a copy of the letter could also be placed in his personnel file.

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

LAW DIRECTOR (Scott Fellmeth)

Township Hall Purchase: Attorney Fellmeth stated he has sent a letter to the Law Director of Lawrence Township Trustees indicating that we are ready, willing and able to close on the purchase of the old Township Hall. He stated he received a letter back indicating that they intend to sign the deed at their next meeting on August 11, 2008. He stated, however, it was prefereced with a prelude provided we give them the balance of the purchase price prior to them signing the deed. Attorney Fellmeth stated he sent a letter back telling them a real estate transactions are not handled that way, they are escrowed. He stated in his letter he also indicated he is the escrow officer for this transaction and he doesn't care when they sign the deed or where, and when the signed deed is delivered to the City, it will then be recorded and lien checks will be completed and then the remaining balance will be delivered.

THIRD READINGS

Ordinance 23-08: An Ordinance Adding Chapter 1178 Entitled S-1 Suburban Office District to the Planning and Zoning Code of the Codified Ordinances of Canal Fulton, Ohio.

Mr. Moellendick moved to approve Ordinance 23-08, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

SECOND READINGS - None

FIRST READINGS

Resolution 15-08: A Resolution to Urge the National Credit Union Administration, the Federal Reserve Board and the Office of Thrift Supervision to Adopt the Reforms Proposed for the Federal Trade Commission Act, Truth in Savings Act, and Truth in Lending Act to Protect Consumers from Unfair and Abusive Practices by the Credit Card Industry and Declaring an Emergency.

Mr. Deans moved to suspend the rules on Resolution 15-08, seconded by Mrs. Downing. **ROLL: Yes, ALL.** Mrs. Cihon moved for passage of Resolution 15-08 under suspension, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

Resolution 16-08: A Resolution by the Council of the City of Canal Fulton to Continue the Franchise Fee on MCTV Basic Cable Revenue.

STANDS AS FIRST READING

Resolution 17-08: A Resolution Accepting the 2009 Budget to be Submitted to the County Budget Commission, and Declaring an Emergency.

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Mrs. Cihon moved to suspend the rules on Resolution 17-08, seconded by Mr. Deans. **ROLL: Yes, ALL.**

Mrs. Cihon moved for passage of Resolution 17-08 under suspension, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

PURCHASE ORDERS & BILLS

P.O. 5331 to City of Massillon for Half Year Prosecutors Contract in the Amount of \$12,000. Mrs. Cihon moved to approve P.O. 5331, seconded by Mr. Losch. **ROLL: Yes, ALL.**

P.O. 5331 to GTS Maintenance & Sandblast to Brush Blast Large Tank w/Handrails and Small Holding Tank, Prime Both Tanks, and Apply Exterior Paint to Octagon Interior at the Wastewater Treatment Plant in the Amount of \$14,800.00. Mrs. Cihon moved to approve P.O. 5331, seconded by Mr. Deans. **ROLL: Yes, ALL.**

P.O. 5340 to Lytle Construction Company for 2008 Chip and Seal Streets Program in the Amount of \$25,000.00. Mrs. Cihon moved to approve P.O. 5340, seconded by Mr. Losch. **ROLL: Yes, ALL.**

BILLS: \$138,267.93 Mrs. Cihon moved to approve the bills in the amount of \$138,267.93, seconded by Mr. Losch. **ROLL: Yes, ALL.**

OLD/NEW/OTHER BUSINESS -

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

REPORT OF SPECIAL COMMITTEES - None

CITIZENS COMMENTS-Open Discussion (Five-Minute Rule)

Hal Hardie: Mr. Hardie commended Mr. John Murphy and the Youth Works Program for the excellent job they did cleaning up the downtown after Olde Canal Days.

Mr. Hardie stated the police recently ticketed individuals that were parked too long downtown. He commended them for it, but asked that they be consistent and do it on a regular basis. He also asked about the area behind the downtown businesses. Mayor Grogan stated that when Mr. Hardie had stepped out of the meeting, there was a discussion about that area and it is not owned by the City and the City cannot make repairs to it.

John Hatfield:

ADJOURNMENT

Mayor Grogan adjourned the August 5, 2008 meeting. The next regular scheduled meeting is August 19, 2008 at 7:00 PM.

Tammy Marthey, Clerk of Council John Grogan, Mayor