

CITY OF CANAL FULTON

April 21, 2009

COUNCIL MEETING

Mayor Grogan called the April 21, 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, and James Deans.

Absent: Diane Downing and Danny Losch.

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

Others Present Scott Fellmeth, Law Director; Mark Cozy, City Manager; Dave Frisone, Police Chief; Ray Green, Fire Chief; Daniel Mayberry, Service Director; Scott Fellmeth, Law Director; Scott Svab, Finance Director; Ken Roberts, Victor Colaianni and Chell Rossi, Residents; Joan Porter, Repository and Amy Knapp, Independent;

CORRECTING/ADOPTING THE RECORD OF PROCEEDINGS

Mrs. Cihon moved to approve the April 7, 2009 meeting minutes, seconded by Mrs. Zahirsky. **ROLL: Yes, ALL.**

REPORTS OF STANDING COMMITTEES

Personnel and Rules Committee

Compensatory Time: Mrs. Zahirsky stated the Personnel & Rules Committee met before this Council meeting. They would like for the Law Director to amend Ordinance 30-03 (section 141.07(g) of the codified ordinances) to provide compensatory time to include the Street Superintendent to this ordinance. It currently states the Director of Public Utilities and Superintendent of Utilities. She stated a recommendation was made by Mr. Cozy that we include the Street Superintendent. The reason being is so much of his overtime can't be controlled by his decision on what he is going to do during the week; it is controlled by weather conditions. The committee is making a recommendation that Mr. Cozy have Mr. Fellmeth do an ordinance to amend to include the street superintendent.

Fire Department Bonuses: The committee is working on the bonus situation with the Chief. He is requesting that they look at the different pays. He gave them a chart of other community wages.

Mrs. Zahirsky stated they discussed the problems of what most communities are having now with giving raises of any kind. She stated she is still willing to look at a bonus situation that is tied to a reduction in costs. Chief Green supplied information about the idea of going with five captains instead of an assistant chief and lieutenants and so forth. He would be decreasing two of his officers, from seven to five. The Mayor and the Chief will discuss this issue before the next Personnel and Rules Committee meeting.

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Mrs. Zahirsky moved to have a Personnel and Rules Committee meeting on May 19 at 6:15 PM, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

Mayor Grogan asked for executive session for personnel appointments with Council, City Manager, Police Chief and Clerk present.

Mayor Grogan stated he is going to break with Chief Green after the Administrative Officer's section and asked that the President Pro tem proceed with the meeting. He will be back in attendance of the meeting.

CITIZENS' COMMENTS – AGENDA MATTERS

REPORTS OF ADMINISTRATIVE OFFICERS

SENIOR CITIZENS (Nellie Cihon)

Card Party: The center will be hosting a card party on April 22.

Seminar: There will be a seminar "You Don't Want to Have Another Stroke" on April 28 at 11:00 AM. A light lunch will be served.

Salad Luncheon and Silent Auction: The center will be hosting a salad luncheon and silent auction on April 29th

Swiss Steak Dinner: The next Swiss steak dinner will be held on May 16 from 4:00 PM – 6:30 PM. Call the center for reservations.

Trip: The center is sponsoring a trip to Cape Cod October 4-10. The cost is \$529 per person. There are sixteen remaining seats available.

Commissioners: Mrs. Cihon reported two commissioners have resigned. If anyone is interested, they should contact the center.

Mayor Grogan asked if we should advertise in the paper to see if there is some interest from someone from the community.

Mrs. Zahirsky stated there was a new bill that was signed for seniors and college students who want to do community service. This is a result of the stimulus package.

COMMUNITY SERVICE COORDINATOR

Monthly Report: Included in the packet.

FIRE CHIEF (Ray Green, Fire Chief)

Monthly Report: Included in packet.

VFW Awards: Chief Green stated two of the fire department personnel were selected for awards by the VFW. They are: Jeff Hagen, his work for coordinating the Northwest Safety Fair and Debbie Green for what she does in the schools, preschools and the community in taking the fire safety message to the children.

POLICE DEPARTMENT (Dave Frisone, Police Chief)

Monthly Report: Included in packet

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ENGINEER/STREETS/PUBLIC UTILITIES (Dan Mayberry):

Canal Clean Up: Clean up of the canal is complete from Community Park to Lock IV for the season other than an occasional tree that may come down. Due to a weather event, the silt and debris has been put at a temporary location. It will be moved to the Canal Fulton cemetery for fill when weather permits. The City and Stark Parks partnered for this project and is confident the boat will be able to operate safely this summer.

Mr. Deans stated the contractor from Shreve that provided the work gave a good price and did really good work.

The goal is to test float the boat this week and have it at dock before May 10.

FINANCE DIRECTOR (Scott Svab)

Auditor Contract: Mrs. Zahirsky moved to approve the Auditor contract dated March 18, 2009, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

March 2009 Financial Statements: Mrs. Cihon made a motion that they are in receipt of the March 2009 Financial Statements, seconded by Mrs. Zahirsky. **ROLL: Yes, ALL.**

Mrs. Zahirsky moved that they are in receipt of the bills in the amount of \$52,073.28, seconded by Mr. Deans. **ROLL: Yes, ALL.**

Mr. Svab reported that the EMS revenues are up \$6,000 compared to the first quarter of 2008.

The utility revenues are down even with the 5.9% increase in water. When reviewed, the trend is that the total consumption is down, the homestead exemptions and a lower delinquent balance. Another item is the loss of outside revenues. When the City took over the schools through the annexation in June, the water rate became inside water rates, therefore we no longer collected the 2-1/2 times the rate. This contributed to almost \$8,000 for that quarter. Even though we did gain some income tax revenue, the trade off was we have less water revenues as far as the operating costs and then we also absorbed the cost of the water line \$60,000 bond debt. Mr. Svab stated Council is going to have to keep an eye on water and sewer rates.

CITY MANAGER (Mark Cozy)

Brochure: Mr. Cozy distributed a copy of a City brochure he has been getting updated. It is similar to the one in the hall that is framed. He is requesting for Council to review and comment.

Buckeye Energy Brokers: The City locked in at \$7.36 per mcf. The rate could fluctuate lower or higher and felt it was best to lock in now that it was at the best interest of our citizens.

Three years ago, the rate was around \$14.

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Canal Clean Up: Mr. Cozy stated Mr. Dave Roberts found out about the project from reading the paper. He came in 30% lower than all quotes. Commend Dan Mayberry and the city workers for their diligence on this project. Mr. Cozy stated they are going to make this an annual project.

Ordinance 15-09: This ordinance is to create the Canal Boat positions. The boat repairs have been made. The goal is to have the boat in operations on May 9, 2009.

Street Sweeping: The streets will be cleaned April 27 and 28.

Cell Phone Policy: Mr. Cozy asked if anyone had any changes to the cell phone policy. There were none from Council members. Mrs. Zahirsky moved to approve the cell phone policy as submitted, seconded by Mrs. Cihon. **ROLL: Yes, ALL**

Canal Boat: Due to procedural error, a motion was not made at the last meeting. Therefore a motion will need to be made to enter into the partnership with the Heritage Society.

Mrs. Cihon moved to enter into the partnership with the Heritage Society for the operations of the Canal Boat, seconded by Mr. Deans. **ROLL: Yes, ALL.**

REPORT OF MAYOR (John Grogan)

VFW: Mayor Grogan stated at the banquet, the Canal Fulton VFW donated \$500 to Park Board. Their generosity is greatly appreciated.

D.A.R.E. Graduation: The D.A.R.E. Graduation will be on May 7.

Liquor Permit – El Rodeo Mexican Restaurant: Mayor Grogan asked Chief Frisone if he had any complaints or problems with this permit. He stated no.

Mr. Deans made a motion to waive the hearing for the transfer of the liquor permit, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

Ohio Veterans Memorial Event: There will be a meeting on Wednesday, April 22 at 11:00 AM at City Hall regarding the Ohio Veterans Memorial Wall, "Run to Wall" event. Mayor Grogan stated we need to roll out the carpet for all veterans and every person that comes to this City for this event. The eyes of the state are upon us. We need to do everything we can to make this event go smoothly.

PARKS & RECREATION BOARD (Fred Fleming)

Mrs. Zahirsky asked about the dog park. Mr. Svab stated he was there on Sunday and the park is ready to open. Mr. Mayberry stated they will check tomorrow and will open the park on Saturday. Mrs. Zahirsky stated if it opens on Saturday she is scheduling a pizza party on her.

LAW DIRECTOR (Scott Fellmeth)

Attorney Fellmeth stated there has been an issue about abandoned chassis in someone's yard. He feels our current ordinances need amended.

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Attorney Fellmeth stated the Planning Commission is recommending that the fire inspection be deleted as one of the things needed to obtain a certificate of occupancy.

Out of Town: Attorney Fellmeth stated he will be out of town for next meeting. He will be out of town beginning May 14 for about ten days. If anyone needs legislation, please get it to him.

Mayor Grogan turned over the meeting to the Council President to meet with the Chief and will return when we get to the portion of the Citizens Comments.

THIRD READINGS

Ordinance 10-09: An Ordinance Amending the Zoning Code by Re-Zoning the Former Canal Fulton Elementary School.

Mrs. Zahirsky moved for approval, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

SECOND READINGS

Ordinance 12-09: A Resolution by the Council of the City of Canal Fulton to Sell Unneeded Personal Property.

STANDS AS SECOND READING

Resolution 11-09: A Resolution by the Council of the City of Canal Fulton to Sell Unneeded Personal Property by Internet Auction.

STANDS AS SECOND READING

Ordinance 13-09: An Ordinance Amending the Department of Police Services of the Codified Ordinances of Canal Fulton, Ohio to Create the Position of Police Lieutenant and Adding Chapter 129.04 Entitled Police Lieutenant

STANDS AS SECOND READING

FIRST READINGS

Ordinance 14-09: An Ordinance Amending Ordinance 5-09 and Providing for the Transfer of Funds Within Various Accounts for the Purpose of Paying Various City Obligations, and Declaring an Emergency.

Mrs. Zahirsky moved to suspend the rules on ordinance 14-09, seconded Mr. Deans. **ROLL: Yes, ALL.**

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

Resolution 13-09: A Resolution Proclaiming Support for Issue Thirteen on May 5, 2009. (Under Suspension of the Rules)

Mr. Moellendick moved to suspend the rules on Resolution 13-09, seconded by Mrs. Zahirsky. **ROLL: Yes, ALL**

Mrs. Zahirsky moved for passage under suspension, seconded by Mr. Deans. **ROLL: Yes, ALL.**

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Mrs. Zahirsky stated she wished the board of education would have personally come to her and asked this question, but they did not. She would have told them she felt they should ask for a lower bond. She stated she doesn't believe this high of a request is good for the community. She stated though if we don't support the schools, the value of real estate goes down. On the other hand, for those people really having financial problems, this puts a greater burden on them. This is the wrong time and the wrong amount.

Mr. Deans agreed with Mrs. Zahirsky. He stated he is not happy with the mailings saying you should vote beforehand. He stated a lot of people will be faced with a burden if this passes.

Mrs. Zahirsky stated if they vote yes on this legislation, they are not saying to go vote blindly on this.

Mr. Moellendick stated he personally supports the schools. He has two children in the district and wants them to get the best education. He stated he agrees this will be a burden to taxpayers, but that the education of the students is paramount and that he can go without a few luxuries to support a fair and good education. He said we need to support one of our largest employers and if the district has to make more cuts it will cut into the city's revenue. He stated one of the four main points in economic development is a good school. He asked how we attract business and growth in the community when the community won't support the school. He felt that council should stand up and support the kids, our schools and our largest employer.

Ordinance 15-09: An Ordinance Establishing Rates of Pay for the Canal Boat Operations, and Declaring an Emergency.

Mr. Deans moved for suspension of the rules on Ordinance 15-09, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

Mrs. Zahirsky moved for passage of Ordinance 15-09 under suspension, seconded by Mr. Deans. **ROLL: Yes, ALL.**

Mr. Cozy stated he took the casual labor; the student works positions and put them in line with those positions. He stated the Canalway Program Assistants pay for year two is \$9.35. This is what the captain will start out at. He stated the Canal Boat Captains have supervisory duties and they basically run the boat, which is a high degree of responsibility. The boat coordinator salary is what a year three Canalway Program Assistant would make. The coordinator oversees the entire operation. He stated the Assistants positions are so high that he had to balance these rates. He stated he would like to come back to Council when they redo the budget to review these salaries and bring them all in line. He stated he had to do the wages this year to make it fair.

Mr. Cozy stated the meetings they have had with the Heritage Society and his conversations with the person who ran the St. Helena II, and it was indicated the monies were made with specialty cruises. He stated our salary costs might be higher than last year but our income will be much higher than last year.

Mrs. Zahirsky was going to ask how these wages compared to last year. Mr. Cozy stated they are higher than what the Heritage Society paid. He stated their top person was making \$8.00 an hour. He stated a Heritage

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Society member was acting in that position most of the year, so the \$8.00 an hour was for a boat captain. These wages are not significantly higher than the boat captain last year. He stated the wages are higher, but the City pays more.

Mrs. Zahirsky stated we have not had a position of boat captain, so how can we say the City paid a higher boat captain wage before.

Mr. Cozy said what he is saying is that the City pays more for basic people. Mr. Cozy stated if he can't find the right person, they might not fill the boat coordinator position. He stated they would only have the two captains and absorb the coordinator with the people they already have. He stated he is currently talking with Stark Parks about some of these positions. They might be willing to supply people.

Mr. Cozy stated he has a spreadsheet on what people are making in the City. He stated some of the position rates need reigned in.

PURCHASE ORDERS & BILLS

No Purchase Orders

Bills: \$52,073.28 See under Finance Director Report

OLD/NEW/OTHER BUSINESS - None

REPORT OF PRESIDENT PRO TEMPORE (Nellie Cihon) - None

REPORT OF SPECIAL COMMITTEES - None

Mayor Grogan has rejoined the meeting.

CITIZENS COMMENTS-Open Discussion (Five-Minute Rule)

Victor Colaianni-1708 Bruce Street: Mr. Colaianni wanted to know how the Chief was going to delegate work if he wasn't going to have an assistant chief. Chief Green stated a captain could be named acting chief, if needed.

Mr. Colaianni stated Mrs. Zahirsky question was valid but didn't feel it is the school boards job to ask her opinion because when they came to the City three years ago, we turned them down to do a resolution. So they asked our opinion and we stonewalled them. He stated on the millage, less millage failed by a worse margin before. He doesn't agree it is the right millage either, but hours of discussion went on about whether or not to annex the schools and one of the things that were prepared was the revenue stream. He stated you lessen; your economic viability and you lessen your tax base. He stated it is not an easy thing, but it is our job to become educated on the issue. He stated they have had their chance to go to public meetings and have had their chance to get answers and to speak with the superintendent and they have phone numbers. He doesn't feel it is their job to ask their opinion.

Mrs. Zahirsky stated she said this is because she has been receiving emails and so forth asking her opinion on supporting this levy and at this point is when she asked why they didn't ask her what her thought was on the levy before she was asked to support it.

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Mayor Grogan stated he would have to agree because he has received some very aggressive emails from people who are close to this and is very inappropriate. He stated he has asked board members questions and they would either not give answers or give specifics. He stated it is not about not doing anything for the children of this community. He stated everyone loves their kids. In every school district they love their kids. They would love to give them everything they could. They need to look at where this budget is going to come from and how it is going to be sent. The past and present school board has not left a very strong legacy of possibly making the right decisions down the road.

Mr. Colaianni stated there are five seats available this fall. He encourages everyone to ask the candidates questions.

EXECUTIVE SESSION

Mrs. Zahirsky made a motion to adjourn to executive session from the regular meeting for the purpose of the consideration of appointment of a public employee or official; promotion or demotion of a public employee or official; and compensation of a public employee or official with Council, City Manager, Police Chief and Clerk present, seconded by Mrs. Cihon.
ROLL: Yes, ALL.

Mrs. Zahirsky made a motion to return to public session at 8:35 PM, seconded by many. **ROLL: Yes, ALL.**

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

ADJOURNMENT

Mayor Grogan adjourned the April 21, 2009 meeting. The next regular scheduled meeting is May 6, 2009 at 7:00 PM.

Tammy Marthey, Clerk of Council

John Grogan, Mayor