

CITY OF CANAL FULTON

May 10, 2006

COUNCIL MEETING

Mayor Grogan called the May 10, 2006 Special City Council meeting to order at 6:00 PM at Northwest Stark Senior Center.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: Mayor Grogan, Tony Crookston, Victor Colaianni, Linda Zahirsky, Nellie Cihon, Diane Downing and James Deans.

Others Present: Mark Cozy, City Manager; Patti Troccoli, Clerk of Council; Dale Kincaid, City Law Director; Chief David Frisone, Police Department; Chief Ray Green and Deborah Green, Fire Department; Scott Svab, Finance Director; John Hatfield, Historical Society; Sandra Murphy, CF Public Library; Mike Stevens, Richard Harbaugh, Marvin Hardgrove, Lawrence Township Trustees; Terry Casey, Eastern Shawnee Representative; Steve DiPietro, Owner Republic Steel; Raymond Williams, U.S. Technology; Peter Yacobucci, Walsh College; Fellicia Smith, The Repository; Matthew Rink, The Independent; Daniel Hockensmith, 89.7 WKSU Canton; Chell Rossi, HPC; Dennis Downing, DiscoverCanalFulton.com; Linda Keillor, Keillor's A Teddy Bear Shoppe; Mary Beth Bailey, Clerk of Council, Massillon; Sam & Mary McPrath, Ed Bailey, Jerry & Carol Turner, Thomas Messenger, Renee Tye, Nancy LeBeau, George & Ann Hapstar, Marlene Lazarus, Butch & Rita Gearhart, Jerry Palmer, Pat & Vanna King, David Smith, Dan Hurd, Phyllis Mahaney, Joan Moyes, Marjie Berens, Garnet Thomas, Bob Stupal, Joanne Stopar, Ron & Denise Harrouff, Chet & Stephanie Prock, Michelle Studer, Janet Harbaugh, Allan & Milana Sherwoo, Dorothy Demharter, Irene Weigand, Helen Fainham, Roger Van Sickle, Steven Henderson, Craig & Peggy Schwendeman, Terri Pope, Linda Ross, Michael Ross, Marlene Becker, Lesa Evans, Carol Smith, Stephen Smith, Jerry Wennerstrom, Beth Royse, Joanne Collins, Paul Bagocius, Eric Bartlam, Sean Craney, David Schnelzer, Richard Spencer, Mike Mouse, Bob Szanto, and Trudy Leach-Shockley, Area Residents.

EXECUTIVE SESSION

Mr. Deans made a motion that Council goes into Executive Session to discuss the IGA and business; Mr. Colaianni amended the motion saying, "Just to amend Mr. Deans' motion – for a conference with our retained attorney concerning disputes involving the public bodies and Canal Fulton; Mr. Deans concurred; seconded by Mr. Crookston. **ROLL CALL: Yes – 5 No – 1 (Mrs. Zahirsky)**

REGULAR SESSION RECONVENED

Mrs. Zahirsky made a motion to reconvene the Regular Session; saying that in Executive Session, they met with our attorneys regarding disputes involving Canal Fulton that are subject to pending or immediate court action; seconded by Mrs. Cihon. **ROLL CALL: Yes – ALL**

Mayor Grogan noted for the record, "We had formal objections entered by Fellicia Smith, The Repository, and Matt Rink of the Independent." He asked them if they wanted to enter any further comments for the record referencing their objection. Fellicia Smith stated, "Once again, we don't believe that your meeting, uh, falls under Ohio Sunshine Laws, Open Meetings and Records, and we don't believe that, uh, your, City Charter also allows for this _____" (too much noise for transcriptionist to hear). Mr. Colaianni asked Ms. Smith what statute she was citing, but he received no response from her.

THIRD READINGS

Resolution 13-06: A Resolution Quitclaiming a 0.006 Acre Parcel Now a Part of Locust Street to David Hofacre AKA David L. Hofacre. (Requested by Schalmo Properties via City Manager) Mr. Colaianni made a motion to pass Resolution 13-06; seconded by Mrs. Downing. **ROLL CALL: Yes - ALL**

SECOND READINGS

Resolution 16-06: A Resolution Appointing Daniel Mayberry to Chair the Committee on Drinking Water Source Protection for the City of Canal Fulton. (Requested by City Manager)

Resolution 17-06: A Resolution Entering into a Contract with the Floyd Browne Group to Provide a Puffenberger Property Park Master Plan for \$10,350.00 Plus \$3,000.00 for Options, and Declaring an Emergency. (Requested by City Manager)

Resolution 18-06: (Before reading Resolution 18-06, the Clerk of Council noted there was a mistake on the agenda regarding Resolution 18-06, asking everyone to please delete the words "and Declaring an Emergency" – as it was amended at the last meeting to delete those words.) A Resolution Entering into a Memorandum of Understanding with the Eastern Shawnee Tribe of Oklahoma, and Declaring an Emergency. (Requested by Mayor)

(There were no First Readings.)

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DISCUSSION: MEMORANDUM OF UNDERSTANDING & INTERGOVERNMENTAL AGREEMENT WITH THE EASTERN SHAWNEE TRIBE OF OKLAHOMA

Mrs. Zahirsky said our attorney said that in the preamble, they will need to change that the city is an Ohio Municipal Corporation organized as a Charter Municipality, which is part of Page 1. Also, on Page 7, Issue 8, they need to change to carry into effect this MOU the parties "intend" to enter into an Inter-government Agreement, which would be changing the word "agreed" to "intend."

CITIZENS COMMENTS Open Discussion (Five-Minute Rule)

Marana Sherwood, 714 Tamwood Dr: Mrs. Sherwood talked about an emergency incident on April 30 at 5:00 AM, where her husband could not breathe. She called 9-1-1 and a female said that they were in route. She illuminated the home, spelled out her street address to the dispatcher, who she said insisted that Mrs. Sherwood open her front door and that the squad was on her front porch. Nobody was there. Mrs. Sherwood said the dispatcher hung up on her. She ran down the drive, she noticed a dark pickup truck who turned out to be Canal Fulton Firefighter Chester Law, who guided the squad to her home. She said the hospital emergency staff highly commended professionalism and competency of our rescue squad, but her problem was with the RED Center dispatcher. She pledged her support to the Police and Fire Departments and stated that the city should run and control its own business and not use an outside dispatch center. Mayor Grogan said the city did support the Fire Department and a new Fire Department will be built. As part of that, the design the city is looking at has a radio room; however, there are still some logistical hurdles the city needs to overcome, but "one of those things is to have some sort of a centralized dispatch center here in the community for our forces."

Eastern Shawnee Family Destination Resort: A large number of residents from Canal Fulton and Lawrence Township spoke about their concerns regarding the Eastern Shawnee Family Destination Resort (both pro and con). Mayor Grogan requested that Council first hear from Canal Fulton residents then residents from Lawrence Township, as these are the two communities that the issue directly impacts.

Mr. Pullins, Attorney representing Canal Fulton, said his recommendation was that Council act on the Memorandum of Understanding (MOU) one way or another by May 16th to be a part of the Federal court case that's going on with the Shawnee Tribe. He said at that point there will be additional time, not only to negotiate this issue but to study this in more detail. He stated that you can't do an economic development study in a week or two or a feasibility study without enough time. Mr. Pullins said, "If Council and the City want to stay in the game and continue to have these discussions, they need to move forward with the Memorandum of Understanding." He said the MOU obligates the city to negotiate in good faith with the Eastern Shawnee Tribe of Oklahoma, and the details of what needs to be negotiated will be in the Intergovernmental Agreement (IGA). At this point, they have a draft IGA that was presented to Massillon, and Mr. Pullins had an IGA with some suggested changes that he passed onto opposing counsel from one of the Council members and we are waiting for the Tribe's D.C. counsel to approve final draft language of an IGA. He said if the city decides to negotiate further and passes the MOU, he was relatively certain there will be enough time for economic studies, visits, and additional data. Mr. Pullins recommended that the MOU not be subject to Referendum, but an IGA be subject to Referendum, as he thought it important that the voters get a chance "to vote on the right thing." Mrs. Zahirsky explained why Council just doesn't go out and automatically put items on the ballot. She said the Law Director has informed Council a number of times that if there is an issue in front of Council that they can vote on, they have to vote on it (yes or no). Then the citizens have (if it's not done by emergency) the right of Referendum; you can take petitions around asking to be able to vote on it. She said, "Our Law Director has always told us, we can't just toss it off to you to make a decision; although boy, would I like to!" **Note:** There will be more public meetings that will address this legislation. A copy of the May 10, 2006 Council Meeting tape that includes all citizens' comments, which is a Public Record, will be available at cost via the Clerk of Council's office. The MOU is currently available at City Hall via the Clerk of Council. Also, any questions about the issue can be directed to the Clerk of Council, who will forward the questions to Attorney Pullins. Mr. Pullins will answer the questions and direct same to the Clerk of Council, who will then put the questions and answers in a PDF-formatted document on the City's Web site (www.cityofcanalfulton.org under "Mayor and Council").

NEXT COUNCIL MEETING

Mayor Grogan asked that Mrs. Cihon find out if Council could hold their next meeting (May 16, 2006) at the Northwest Senior Center. Mrs. Cihon said it was not available, so the May 16th meeting will be held at Canal Fulton City Hall at 7:00 PM.

ADJOURNMENT – Mr. Deans made a motion to adjourn. Mayor Grogan adjourned the May 10, 2006 Special City Council meeting.

Patricia A. Troccoli, Clerk of Council

Mayor John Grogan