

CITY OF CANAL FULTON COUNCIL

June 20

06

Mayor Grogan called the June 20, 2006 City Council meeting to order at 7:00 PM in Council Chambers at City Hall.

PLEDGE OF ALLEGIANCE

ROLL CALL

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

Others Present:

CORRECTING/ADOPTING THE RECORD OF PROCEEDINGS

Mrs. Zahirsky made a motion that Council accepts the May 22, 2006 City Council meeting minutes; seconded by Mrs. Cihon. ROLL CALL: YES - Mr. Crookston, Mrs. Zahirsky, Mrs. Cihon, Mrs. Downing and Mr. Deans. ABSTAIN – Mr. Colaianni.

Mr. Crookston made a motion that Council accepts the June 6, 2006 City Council meeting minutes; seconded by Mr. Deans. ROLL CALL: YES – Mr. Crookston, Mrs. Zahirsky, Mrs. Cihon, Mrs. Downing and Mr. Deans. ABSTAIN – Mr. Colaianni.

REPORTS OF STANDING COMMITTEES

Mrs. Zahirsky stated that Mark Cozy and she went to a seminar in Cleveland. There is a piece of legislation that is coming before Congress regarding public utility right-of-ways. SBC and Sprint are claiming they don't need franchise agreements. They are placing large boxes in the public right-of-way. Some cities are enacting a right-of-way ordinance. Mark stated the City is such a small market and they are probably not going to hit the City right of way but he will investigate some sort of right-of-way ordinance.

Linda stated there were some ordinances that they looked at after the seminar regarding how municipalities keep their properties clean. Mark was going to look at how it was working.

CITIZENS' COMMENTS – AGENDA MATTERS – None

REPORTS OF ADMINISTRATIVE OFFICERS

SENIOR CITIZENS (Nellie Cihon)

The next Senior Citizen swiss steak dinner will be held in September.

Sherry Ringler has a concern regarding the concerts being held in Muhlhauser Park and the parking issue when the hall is rented. She would like to see a sign designating parking. The Mayor will talk with the Street Department regarding this matter.

Mrs. Cihon asked if the parking lot was going to be expanded. Mayor Grogan state the Puffenberger project will include two different parking areas. One will be by the Senior Center, which will give them additional parking closer to the building and the other by the other end of the park.

Trip to Greektown will be July 11. They have had to get a larger bus and have a waiting list.

The Mayor reported to let the record reflect that the reports for Community Service and Canal Way Center are not attached as indicated on the agenda.

COMMUNITY SERVICE – Not Present

FIRE CHIEF – Not Present

POLICE CHIEF (Chief David Frisone): The department conducted a DUI check point Friday and it was a success. They stopped and inspected 697 vehicles. Of those, 58 were diverted for various reasons. There were no DUI's. They checked 34 child safety seats with the support of the Stark County Health Department. Most had the seats installed correctly.

The City received a reimbursement from OPI Task Force in the amount of \$1,649 and this covers them through the month of June.

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This past Saturday night there were 6 thefts from motor vehicles. Stereos, cds, cell phones were stolen. On Sunday, Officer Kosco was able to obtain a witness statement and was interviewed the suspect and obtained a confession. She recovered almost all of the property from 4 of the 6 vehicles.

Officer Dennis Muntean completed some advanced training on crisis invention sponsored by the Stark County Mental Health Board.

Elaine Weitzel on June 26 is going to attend the Ohio Police Officer Training course on public records.

Chief Frisone was contacted by an Akron University student. She has selected Canal Fulton to do a community service project. He provided her with statistical information and will share her report when it is done.

Mr. Crookston stated he attended the DUI Task Force and commended the department for conducting themselves in a very professional manner.

ENGINEER (Bill Dorman)

Discovery Park-Phase 2: Pump station is currently operational. Some punch list items remain.

Pine Manor Sr. Housing: Pump station is under construction and nearing completion. The electrical needs completed and abandonment the existing pump station.

Canal Place: The developer has been notified to resume work. Additional pavement sections have been installed.

Lakewood Estates - Lake Vista: They have received Ohio EPA approval. Wetlands litigation is near completed. They expect construction to begin late summer.

Discovery Park – Phase 4: Construction of sanitary trunk sewer is complete. Construction of subdivision utility and roadway expected to continue into the summer.

Muhlhauser Park Tennis Courts: Construction is complete and dedication/ribbon cutting ceremony was held Saturday in honor of former Mayor Shawn Kenney.

Water/Sewer Master Plan: Draft report was submitted to the City earlier this month and is being reviewed by the City staff.

Fulton Landings: Site plan has been approved by the Planning Commission and awaiting submission of detailed improvement plans for review.

Warwick Estates: Met with developer’s engineer on March 9. They will be submitting a sketch plan to Planning Commission in the future. Annexation into the City is currently being discussed.

Villas of Autumn Meadows-Phase 20: Construction of sewer is complete. Storm sewer construction is scheduled for this week and water line next week.

Discovery Park-Phase 5: No change. Construction should begin shortly.

Elmridge Industrial Park-Phase 10: No change. Improvement plan review is complete.

FINANCE DIRECTOR (Scott Svab) – Not present.

Mrs. Zahirsky did ask that the monthly report for May be emailed to them.

CITY MANAGER (Mark A. Cozy)

Canal Way Feeder: Mr. Cozy stated they have had continual problems with the canal way feeder. There is a beaver dam that extends into Summit County. Most of the feeder is under the maintenance of Stark County Park District. Stark Parks takes longer to mobilize, therefore Mark authorizes the City’s staff to repair breaks in the feeder system. When there is a break, it will leak in Lake Lucern or further north to another creek. They have installed sandbags to the current break. Stark Parks is aware of the situation and will reimburse the City for materials if costs are incurred.

Puffenberger Park Property: Base mapping is done and they are ready to start meeting with personnel and need to know which members from Council are interested in serving on a committee for this project. Advertisement is going to be done for City involvement. Mr. Deans and Mrs. Zahirsky showed an interest

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in serving on the committee. Mr. Kincaid stated Mrs. Puffenberger wanted her parents name on the 5 acre parcel.

City Seal: Mr. Cozy asked if the City Seal was adopted or approved at any time? Letterhead is being updated and options on a city flag, and a seal for documents.

Mayor suggested involving the community in the new city slogan. Resources to use to get it to the public could be the website, newsletter, press release which could be distributed at Old Canal Days. He would like to have this new slogan chosen by the end of the year.

Mayor Grogan stated to omit the “A Friendly Community Since 1814” from the seal at this point until another one is chosen.

Request from Sts. Philip and James Church for Curb Replacement: Mark Cozy stated there is a need to first identify the area of curb and/or sideway that needs replaced, then hold a public hearing. Need to determine costs and if assessed to property owner or paid from City funds. Mr. Cozy will need clarification from Attorney Ginella on the issue. The bus lift goes over the curb. Mrs. Zahirsky expressed concerns regarding the City paying for this. This is something that was not appropriated and feels the property owner should pay for this.

Dennis Mayberry, Street Superintendent, stated they put a handicap ramp there a couple years ago at the intersection High and Water Street and there is a handicap ramp at the other end.

Law Director Kincaid stated one of the towns he worked in divided the town into quarters and had the sidewalks surveyed. It would be a lot cheaper if more people got together and did it at once to cut the cost down. There would be a substantial savings. Mayor Grogan stated we would then be looking at surveying the entire city and splitting it up accordingly.

Mayor Grogan advised Dennis Mayberry to go to the church and see what they want from the City and for him to give a report at next meeting.

MAYOR JOHN GROGAN: Mayor Grogan thanked the individuals that were able to attend the dedication to the tennis courts and those that were unable to because of previous obligation. The Park Board did a fantastic job with the dedication.

PARKS & RECREATION BOARD: No one present

LAW DIRECTOR (Attorney Dale Kincaid): No Report

THIRD READINGS

Ordinance 14-06: An Ordinance Disposing the Excess Personal Property. Mrs. Cihon made a motion to pass Ordinance 14-06, seconded by Mr. Colaianni. Mr. Colaianni asked if the funds go back to the specific department the vehicle came from. The Law Directed indicated yes. **ROLL CALL:** Yes, all.

SECOND READINGS: (None)

FIRST READINGS:

Resolution 24-06: A Resolution Entering into a Contract with Eric J. Williams and Pelini & Associates, LLC for Legal Services.

Resolution 16-06: An Ordinance Amending Section 1133.06 of the Supplemental Requirements of the Planning and Zoning Code Relating to the Payment by a Developer of Engineering Expenses.

Resolution 17-06: An Ordinance Enacting Section 1113.02(f) Setting Forth the Review of Each Preliminary Plat Plan by Various Department Heads.

Ordinance 18-06: An Ordinance Adding a Paragraph to Paragraph 5 on Page 60 of Section 1145.04 Pertaining to General Provisions for Conditional Zoning Certificate.

Ordinance 19-06: An Ordinance Adding Planned Unit Residential Developments as Conditionally Permitted Uses in Zone R-2 Chapter 1161 of the Zoning Code.

Ordinance 20-06: An Ordinance Adding Planned Unit Residential Developments as a Conditional Use in R-3 Zones.

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Ordinance 21-06. An Ordinance Amending Section 1165.01 to Provide that Density in R-4 Zones Shall be Limited to Eight Units per Acre.

Ordinance 22-06: An Ordinance Amending Section 1163.01 to Provide that Density in R-3 Zones Shall be Limited to 6 Units per Acre.

Ordinance 23-06: An Ordinance Deleting From the Planning and Zoning Code Section 1145.04, Paragraph 115, Subparagraph 6, on Page 60.

Ordinance 24-06: An Ordinance Deleting Section 1185.02(c) Relating to the Restoration of Non-confirming Uses Destroyed by Calamity.

Ordinance 25-06: An Ordinance Amending the Ordinance Providing for Private Streets in Planned Unit Residential Developments.

Ordinance 26-06: An Ordinance Changing the Zone of an 18.126 Acre Parcel now Zoned B-1 to R-1.

Ordinance 27-06: An Ordinance Amending Ordinance 10-06 by Establishing the Position of Mechanic. (As changed)

Mr. Deans made a motion amending Ordinance 27-06, An Ordinance Amending Ordinance 10-06 by Establishing the Position of Maintenance Director to An Ordinance Amending Ordinance 10-06 by Establishing the Position of Mechanic, seconded by Mr. Colaianni. ROLL: Yes, all.

The Law Director indicated that the hourly rate needs to be included in the Ordinance. Mayor Grogan asked that Ms. Troccoli see that the figure be put in the Ordinance for the next reading.

PURCHASE ORDERS & BILLS:

P.O. 4860: Mr. Colaianni made a motion to pass P.O. 4860 made out to Thomas Klingensmith in the amount of \$6,500 for Fire Station Architectural Services, seconded by Mrs. Downing. ROLL: Yes, ALL.

BILLS: \$139,186.94 Mrs. Cihon made a motion that Council has received the bills in the amount of \$139,186.94, seconded by Mr. Colaianni. ROLL CALL: Yes, all.

Mr. Crookston inquired who was still using pagers versus cell phones. He is not certain which department is still using pagers.

Mrs. Zahirsky asked what NewYorkCellPhone.com bill was. Mr. Cozy indicated it was for a new phone.

OLD/NEW/OTHER BUSINESS:

Mrs. Downing asked if there is a plan for the lines to be painted downtown for parking spaces. Mr. Dennis Mayberry indicated they are done every year and it is time to do it again this year.

Mayor Grogan asked Mr. Cozy to let Chief Green know if he is unable to attend the meeting to send a representative on the Fire Department's behalf and if unable to send someone he is required to provide a written report to Council several days in advance so Council will have a chance to review.

REPORT OF PRESIDENT PRO TEMPORE (Linda Zahirsky): Gave report on seminar she attended earlier in meeting.

REPORT OF SPECIAL COMMITTEES – No Report

CITIZENS COMMENTS: Open Discussion (Five-Minute Rule)

Michael Mouse: He wanted to make a suggestion regarding the water situation at the feeder. He suggested a meeting be set up with Mr. Rice to develop an action plan that could be developed where our crews would not be committed. It might come to a situation where our crews are needed in town and are unable to because they have to take care of the feeder. He feels they could come up with a solution with Mr. Rice and Bill Dorman.

Mr. Mouse wanted to know if anyone has ever tried to coordinate Old Canal Days with the Alive Festival. It could bring more business into town.

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Mr. Mouse stated regarding Ordinance 16-06 he feels we have experienced this before and CTI has had to carry some other developers longer than seems fair and reasonable. He suggested that Dale and Bill see if they can present something to Council. Mayor Grogan explained that this Ordinance is to correct this and if legal action would need to be taken against a developer the Law Director would be able to handle it.

Mayor Grogan read for the record a document passed out by Phyllis Mahaney, Lawrence Township: Stark County Rabies Vaccination Clinic, Saturday, June 24, 2006, 1-3 p.m., Stark Country Fairgrounds, under the grandstand. \$5.00 to Stark County Residents, \$10.00 non Stark County Residents. Cash only. All cats and dogs must be caged or leashed and at least 3 months old. Stark County dog license will be available for \$12.00. No late fees. Sponsored by the Stark County Rabies Advisory Board.

EXECUTIVE SESSION

Mrs. Zahirsky made a motion to go into Executive Session to discuss personnel matters, regarding investigation of charges and/or complaints against a public employee, official licensed, or regulated individual. Mr. Cozy stated he would like to have the Mayor, Council, City Manager and Law Director present. Mr. Cozy stated he would also like to discuss Ohio Revised Code Section 121.22 (g), discuss the mechanic further tonight, as well as imminent court matter. He would like the Mayor, Council, City Manager, Police Chief and Law Director present for this as well, second by Mr. Colaianni. ROLL CALL: Yes: ALL.

REGULAR SESSION RECONVENED

At 9:04 PM, Mr. Colaianni made a motion to reconvene the regular session; seconded by Mr. Deans. ROLL CALL: Yes, all.

Mrs. Zahirsky made a motion for the Personnel Committee to meet on Thursday, June 22, 2006 at 5:00 p.m. at City Hall in Council Chambers, seconded by Mrs. Cihon. ROLL CALL: Yes, all.

Mayor Grogan stated let the record show that the only action taken in Executive Session was to schedule a Personnel Committee meeting.

ADJOURNMENT: Mrs. Cihon made a motion to adjourn. Mayor Grogan adjourned the June 20, 2006 City Council meeting.

Mayor John Grogan