

CITY OF CANAL FULTON

October 17, 2006

COUNCIL MEETING

Mayor Grogan called the October 17, 2006 City Council meeting to order at 7:00 PM in Council Chambers at City Hall.

PLEDGE OF ALLEGIANCE

ROLL CALL

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

Others Present: Mark Cozy, City Manager; Ray Green, Fire Chief; Dennis Montean, Police Department; Dale Kincaid, Law Director; Scott Svab, Finance Director; Cindy Eberhardt, Chell Rossi, Joanne Collins, Paul Selogy, Joni Stopar, Bob Stopar, Melody Lee, Fred E. Etheridge, Paul Bagocius, Fred Fleming, Mike Mouse, City Residents; Catherine Dean, Nicholette Rogers, Jack Rogers, and Phyllis Mahaney, Lawrence Township Residents; Joan Porter, Repository.

CORRECTING/ADOPTING THE RECORD OF PROCEEDINGS

Mr. Zahirsky moved to approve the September 19, 2006 minutes, seconded by Mr. Cihon. **ROLL: Yes, ALL.**

REPORTS OF STANDING COMMITTEES - None

CITIZENS' COMMENTS – AGENDA MATTERS – None

REPORTS OF ADMINISTRATIVE OFFICERS

SENIOR CITIZENS (Nellie Cihon) – None

COMMUNITY SERVICE (Phil Kaster) – *Written*

FIRE CHIEF (Chief Ray Green) Chief Green gave an overview of the department's monthly report. He reported that the past week they completed fire prevention at Sts. Phillip & James and Northwest Elementary. They hosted a fire training class, they burned down an old farmhouse. Canal Fulton, Lawrence Township, North Lawrence, Jackson, New Franklin and Fairlawn Departments participated.

Mayor Grogan asked the Chief about the billing from the RED Center. He would like the Chief to meet with the Finance Director to review billing and clarify some concerns.

POLICE CHIEF Officer Dennis Montean gave an overview of the department's monthly report. He also reported that Chief Frisone is out of state for army reserves. They had 319 calls for service the past month. On October 12th they had a joint Canal Fulton/Lawrence Township Police Department tactical training at a farmhouse. There were people hiding inside and officers went in. The department is reviewing security and crisis response with St. Phillips & James School. The department received a thank you from Florence Stitz. She received her first ever citation in her 63 years of driving and wanted to thank Officer Kassinger for his kindness and professionalism.

Officer Montean reported that the department will be patrolling more during the Halloween hours.

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ENGINEER (Bill Dorman)

Discovery Park-Phase 2: Pump station is currently operational. There are some punch list items (seeding, grading, etc.) that still need to be addressed.

Pine Manor Senior Housing: The pump station and force main construction are substantially complete and a startup and drawdown test were performed on July 26th. Old Redwing lift station has been abandoned. Final punch list items need to be addressed.

Canal Place: All city owned utilities and pavement have been installed. Curbs and pavement are complete. The surface course was placed this month. Final punch list was generated and items are being completed.

Lakewood Estates/Lake Vista: Received EPA approval. Wetlands mitigation is near completion. Construction is expected to begin in December or possibly next spring per the developer's engineer.

Discovery Park-Phase 4: Construction of the sanitary sewer, water lines, and storms sewers are complete. All of the curbs have been poured. Paving is expected to be performed/completed in October and early November.

Muhlhauser Park Tennis Courts: Contractor visited the site and performed repairs. Performed final inspection and granted final approval.

Water and Sewer Master Planning. Draft report was submitted to the City and is being reviewed by City personnel. Still waiting on comments from City.

Fulton Landings: Site plan has been approved by Planning Commission. Detailed improvement plans were submitted and have been through their initial review. We are awaiting a resubmittal from the engineer addressing our comments.

Warwick Estates: Property annexation into the City is currently in progress. We have heard that there is a new owner of the property (Don Shultz).

Villas at Autumn Meadow-Phase 20: Construction of public utilities (water and sewer) is complete. Still working on storm and roadway (Private).

Discovery Park-Phase 5: Improvement plans have been approved. Agreement has been prepared and awaiting signing. Construction should begin this year.

Elm Ridge Industrial Park-Phase 10: Improvement plan review is complete. Construction will probably begin next year.

Villas at Autumn Meadow-Phase 16: Final acceptance is in process. Passed final inspection and as-built drawings have been received.

High Street Waterline Improvements: Received Ohio EPA approval for both the waterline and the sanitary sewer portions of the project. Bidding can now take place when authorized. The estimated cost of this project is \$123,000.

FINANCE DIRECTOR (Scott Svab) Mr. Svab reported that Resolution 38-06 was not on the agenda and he would like to have Council pass it under an emergency measure. It needs to be submitted to the County Auditor by November 1.

CITY MANAGER (Mark Cozy) Mr. Cozy reported that 1,806 surveys concerning the casino were sent out and 48% responded. Of those that were received, 55%

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were against, 44% were for. It was felt this was a solid number from our citizens. He thanked the residents for responding. He would like to make a recommendation to Mayor and Council to consider telling the Tribe through a statement or motion that this survey was conducted and the majority response is against a casino in or near their community and that we are going to honor that response.

Mr. Cozy stated the past week, the Mayor and Council met with Lawrence Township Trustees to discuss CEDA, joint recreation board and comprehensive planning. He felt a lot of truth was born from the conversation in the fact that they sat down together and talked. He stated that TAP Committee has recommended that they look at forming a joint recreation board, made up of representatives of the township and city. He distributed a Memorandum of Agreement for the Development, Use, and Operation of a Joint Health & Wellness Facility. A work session with the Township has been scheduled for January 11 at 7:00 p.m. at Canal Fulton City Hall, Council Chambers.

Mr. Cozy stated the Holiday Parade and Open House is scheduled for November 25 and 26th. The parade will be on Saturday at 10:00 a.m., with Christmas tree lighting at 6:00 pm. Santa Claus will be visiting all of the businesses and will be at the Canalway Center for photos.

Mr. Cozy distributed copies of a park master plan concept and gave an overview of the plan.

MAYOR (John Grogan) Mayor Grogan stated November 7th is an election day. The meeting will need to be changed. Mrs. Zahirsky made a motion to have the next meeting on November 6, 2006 at 7:00 PM, seconded by Mrs. Downing.

ROLL: Yes, ALL.

Mayor Grogan stated he did not have anything prepared and didn't like to have anything prepared because when you do it loses the genuine feeling of speaking from the heart. He stated over the past several months the City has been embroiled in a lot of negative things that sicken him and he takes full responsibility for allowing it to go down that road. It should have never gone that way to begin with. They have had neighbors fighting against neighbors, husbands fighting against wives, council members bickering against one another, e-mails flying back and forth as if it were a common practice. He does not condone it, like it, and doesn't think it is appropriate that they air themselves in such a manner. He stated at the very beginning of this process it should never have been handled the way he handled it. He stated it appeared that he was taking the side of a group that he never intended to take the side of. He said he was trying to stay neutral on an issue, but he slide down to the other side and he should have never allowed himself to go that route.

Mayor Grogan stated a survey was sent out and the citizens of the community spoke and would ask council to honor the findings of that survey. He would ask our legal representative help to draft a letter that a statement be sent on behalf of the City to the Eastern Shawnee Tribe outlining what our city has been through, what we did with the survey and the response so that the tribe is fully aware that it is time for the city to move in a different direction. He stated there are families and friends that are shared and throughout the emails, Mr. Bagocius was embroiled in some that quite frankly he should not have been. Shortly after the demonstration, the chairman of his board had requested he be removed. The Mayor advised him to hold off and to allow cooler heads to prevail. This situation took a life of its own and it should not have. Mayor Grogan said that he will not make the recommendation because he did not do anything to warrant that. As far as the demonstrations, he felt that all became too impassioned, to embroiled and they should have never allowed themselves to become that way. He thinks

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they should live up to their obligations and learn from the mistakes they have made and move forward. Therefore, he is asking Council to reassess and allow them to draft the letter, with full knowledge of the words written in it to Council and the community, so they know what is being said on behalf and send it to the tribe to send a message that he believes need to be sent so they can continue to move forward.

Mr. Deans stated Mayor Grogan is not alone in sharing the blame. He stated he also got caught up in it and to not say "he" alone.

PARKS & RECREATION B OARD (Fred Fleming) Mr. Fleming stated Discovery Park, with weather permitting, should be done November 3, 2006. He stated they will have the dedication in the spring. Mayor Grogan stated he would like Mr. Schalmo to be formally invited.

LAW DIRECTOR (Dale Kincaid) Mr. Kincaid asked that Resolution 37-06, Resolution 38-06 and Ordinance 35-06 be passed under suspension.

THIRD READINGS

Resolution 33-06: A Resolution Approving the Repland Annexation. Mr. Colaianne moved to approve Resolution 33-06, seconded by Mr. Deans. **ROLL: Yes, ALL.**

SECOND READINGS

Resolution 34-06: An Ordinance Prohibiting the Use of Engine Brakes Within the City of Canal Fulton. Stands as second reading.

FIRST READINGS

Resolution 38-06: A Resolution Accepting the Amounts and Rates as Determined by the Budget Commission and authorizing the Necessary Tax Levies and Certifying them to the County Auditor. Mrs. Cihon moved to suspend the rules of Resolution 38-06, seconded Mrs. Zahirsky. Mr. Crookston moved for passage of Resolution 38-06, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

Resolution 37-06: A Resolution Setting Forth a buffer in the City Zoning Ordinance for Annexed Property Adjacent to Non-City Property that presently has Township Zoning, and Declaring an Emergency. Mrs. Cihon moved to suspend the rules of Resolution 37-06, seconded by Mr. Colaianne. Mrs. Zahirsky moved for passage under suspension of Resolution 37-06, seconded by Cihon. **ROLL: Yes, ALL.**

Ordinance 35-06: An Ordinance Indicating What Services the City of Canal Fulton, Ohio Will Provide to the Hare Property, Upon Annexation, and Declaring an Emergency. Mrs. Cihon moved to suspend the rules of Ordinance 35-06, seconded by Mr. Colaianne. Mrs. Zahirsky moved for passage of Ordinance 35-06 under suspension, seconded by Mr. Deans. **ROLL: Yes, ALL.**

PURCHASE ORDERS & BILLS

Mrs. Zahirsky moved to approved **P.O. 4742** in the amount of \$11,000 to the City of Massillon for Half year Prosecutor Contract, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

Mrs. Cihon moved to approved **P.O. 4749** in the amount of \$3,477.27 to Walter Drane Company for Codified Ordinances, seconded by Mr. Deans. **ROLL: Yes, ALL.**

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Mr. Crookston moved to approved **P.O. 4750** in the amount of \$15,000 to Thomas Klingensmith for architect fees for the Fire Station, seconded by Mr. Colaianni. **ROLL: Yes, ALL.**

Mr. Cihon moved to approve **P.O. 4737** in the amount of \$13,150 to YMCA of Central Stark County for the Summer Recreation Program, seconded by Mr. Colaianni. **ROLL: Yes, ALL.**

BILLS: \$84,770.40. Mrs. Cihon moved to approve the bills in the amount of \$84,770.40, seconded by Mr. Deans. **ROLL: Yes, ALL.**

OLD/NEW/OTHER BUSINESS

Mr. Colaianni moved to have a Finance Committee meeting on November 6, 2006 at 6:00 PM, seconded by Mr. Deans. **ROLL: Yes, ALL.**

Mrs. Zahirsky would like to schedule a work session to discuss the issues that were discussed at the meeting with Lawrence Township Trustees, CEDA, Joint Recreation Board, and Comprehensive Plan. Mrs. Zahirsky moved to have a Work Session on December 2, 2006 at 9:00 AM for the purpose of discussion the issues that the township would like clarification from Council on and any other business, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

REPORT OF PRESIDENT PRO TEMPORE (Linda Zahirsky) Mrs. Zahirsky moved that administration write a letter on behalf of Council to the Eastern Shawnee Tribe that the wishes of our community indicate that they are not interested in a casino at this time, seconded by Mr. Colaianni. **ROLL: Yes, ALL.**

Mrs. Shockley asked why the survey that was sent out didn't say anything about sovereignty and that was big factor. Mr. Colaianni stated this issue is not for this body or the township to discuss, that is a federal issue.

Mrs. Zahirsky stated at the Canal Fulton Public Library on October 21, 2006 from 10:00 – 12:00 there will be sessions for people interested in preparing a living will or a power of attorney . It is free of charge.

Mrs. Zahirsky stated that Mrs. Garnet Thomas, who has served the city for many years in different offices, has been ill and for everyone to remember her and send a card to let her know they are thinking of her. Mr. Etheridge stated she wanted to come to the meeting this evening. He offered to pick her up but she

was too ill to come. She wanted to thank the EMS for their tremendous response that they made in getting her to the hospital and the professional care and service she received.

REPORT OF SPECIAL COMMITTEES - None

CITIZENS COMMENTS-Open Discussion (Five-Minute Rule)

Paul Bagocius, 451 E. Cherry Street: Mr. Bagocius expressed his gratitude for the kind words from the Mayor and plans to continue the hand shake he started a few days ago. He apologized for the use of the bull horn and the intention was only to be heard and not to interrupt a public meeting. He would like to offer his services to the city and would like to help with the comprehensive plan. He has associated himself with some wonderful people and they are as committed to the comprehensive plan as any other issue involved with the city. They would truly like to work with that endeavor. He commends the Mayor for his earlier comments. He expressed concern that he would like to make sure that the letter

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is written that so that Mr. Casey is made clear of their intentions, with no loopholes.

Michael Mouse, 406 Riverview: He stated he welcomed the Mayor's words. He stated he would like to echo Mr. Bagocius' words about the comprehensive plan and that he advocated that for a long time. Mr. Mouse added a correction for the minutes of September 19, 2006, page 6, second paragraph, second line, let the record reflect 90% and not 9%.

Sandy Collins, Pauli Street: She commended those that serve on council. She never realized how much work is put into being the mayor or council person. She would like to get involved and would like to serve on a committee.

Eric Nelson, 6301 Chiltern: Mr. Nelson stated he wanted to address concerns about annexation and doesn't want to see it happen.

Herb Huff, Massillon Resident: He felt the Mayor's words were sweet. He got involved in this issue because he was involved when they were talking with Massillon. He stated it was a painful process but some positive came out of it. He has a network of individuals that he met. He stated Canal Fulton is a great community.

Marjorie Berens, Orrville Street: She stated she also attended the meetings that were held in Massillon and has met many wonderful people. She is gratified about the letter that is going to be sent to the tribe. She wanted to know what kind of plan of action the city will have in place if Issue 3 passes. Mr. Colaianni stated they are sending a letter saying the community has spoken and they are done.

Fred Etheridge: He stated it takes a lot of courage for council and mayor to sit and do what they have done. His faith in Council, Mayor and Administration has been restored. He stated last election there were four seats open and those that ran were unopposed and encouraged those that are interested to run for a seat.

Cathy Deans: She is pleased that Discovery Park will soon be open.

Trudy Leach-Shockley, Stoneacre: She agrees that this issue needs put behind. She wants to have a good feeling about what is being done, but she will wait to give praise until she sees proof in the pudding. She sincerely hopes that the letter being sent is very specific to closing the door. She wants to be involved. She feels that a lot of people present will be back and want to be involved and they will be watching. She stated the amount of people present this evening is a small drop in the bucket as to the kind of contacts that the concerned citizens have made, both in Lawrence Township and City, and if problems like this arise again, what they saw on May 22nd, is going to be just a drop in the bucket and to know that people are watching. The Mayor stated he didn't feel that veiled threats need to be issued.

Mr. Bagocius stated there is going to be a public meeting at the North Lawrence Fire Department on October 19th at 7:00 PM to discuss Issue 3.

EXECUTIVE SESSION

Mrs. Zahirsky made a motion to adjourn into executive session at 8:45 for the purpose of the consideration of appointment of a public employee or official, employment of a public employee or official, promotion or demotion of a public employee or official, compensation of a public employee or official, the purchase of real, personal, tangible or intangible property, a conference with the law director or other retained counselor concerning pending or imminent court action,

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preparing for, conducting or reviewing negotiations or bargaining sessions with public employees, with the Law Director, retained counsel, City Manager, Mayor, Finance Director and Mr. Fleming present seconded by Mr. Deans. **ROLL: Yes, ALL.**

REGULAR SESSION RECONVENED

At 10:00 PM, Mr. Colaianni made a motion to reconvene the regular session, seconded by Mr. Deans. **ROLL CALL: Yes, ALL.** Mayor Grogan stated to let the record reflect there was no action taken as a result of the executive session.

ADJOURNMENT

Mayor Grogan adjourned the October 17, 2006 City Council meeting.

Tammy Marthey, Clerk of Council

John Grogan, Mayor