

CITY OF CANAL FULTON

May 22, 2006

COUNCIL MEETING

Mayor Grogan called the May 22, 2006 Special 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 and James Deans. **Absent:** Victor Colaianni; Mr. Crookston made a motion to excuse Mr. Colaianni; seconded by Mrs. Cihon. **ROLL CALL: Yes - ALL**

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 A. Green, Fire Department; Scott Svab, Finance Director; Fellicia Smith, The Repository; Matthew Rink, The Independent; Daniel Hockensmith, 89.7 WKSU Canton; Chell Rossi, HPC; Dennis Downing, DiscoverCanalFulton.com; Thomas Messenger, Greg Hayes, Todd Slusser, Austin Slusser, Jack Taylor, Garnet Thomas, Irene Weigand, David and Sharon Schnelzer, Namiko Golden, Linda Singleton, Matthew Moellendick, Sean Craney, Robert Stopar, Minne Shane, Chris and Heather Kitas, Nancy Shuter, Fred and Linda Lustig Donald and Janet Lybarger, Mike Mouse, Canal Fulton Residents.

CANCELLATION OF 5/23/06 SAFETY COMMITTEE MEETING

Mrs. Zahirsky made a motion to cancel the Safety Committee Meeting scheduled for May 23, 2006; seconded by Mr. Deans. **ROLL CALL: Yes - ALL**

THIRD READING

Resolution 18-06: A Resolution Entering into a Memorandum of Understanding with the Eastern Shawnee Tribe of Oklahoma, and Declaring an Emergency.

Mrs. Zahirsky made a motion to remove Resolution 18-06 off of the table; seconded by Mr. Deans. **ROLL CALL: Yes - ALL**

Mr. Crookston made a motion to pass Resolution 18-06; seconded by Mr. Deans.

Discussion: Mrs. Zahirsky addressed all as to why she is going to vote. Someone complained to her about they haven't listened to the residents' opinions on this matter. She said this is the fifth meeting held on this resolution; and, of the five meetings, they've had public discussion on three of them. Mrs. Zahirsky said, "So to say that we haven't listened to what the residents have to say really is a slap in the face of this Council for the extra meetings that we've attended to be able to hear what the people have to say. In addition, almost all of us have received comments from people on the street. We've received emails, some of them two and three and four times from the same people. We've received phone calls. We've received letters. This Council has heard from the community, and although at these meetings, it's mostly 'No' against what's going on, I want you to know that there are a lot of people who have come up to us privately and talked to us about the issue and are not afraid to say they are interested in continuing the discussion. They are concerned about coming here because of the fear of groups such as you hear outside right now. They are afraid to express their opinions. But, we've listed to you and believe it or not, opposed to what's going on, it's your turn to listen to what we have to say tonight, and, unfortunately, it is a violation of law to do what's going on outside to interrupt a public meeting because I believe that we have the right to have our voice heard too." She asked that the uproar stop outside, so the audience could hear Council.

Mrs. Zahirsky said she has been a resident for 35 years and involved in government here for 15 of those years. She said she was pleased that so many people involved themselves with the issue and took an interest in what's going on and thanked them. She said it would be nice to have them at more meetings, as Council would like to hear from them. Mrs. Zahirsky said that many have asked why Council was even considering this to begin with, and they only have to come between the months of September and December and watch Council go through the long, arduous, and boring appropriation process, so people could understand what they go through in trying to make what few dollars they have stretch to be able to meet the city's expenses. She said, "When someone comes to you and says, 'We have economic development available to you,' we as a Council have to listen to what they have to say. We would be remiss in our duties if we didn't at least explore the opportunity. I mean, quite honestly, you should consider us absolutely remiss in our duties for it at least, not listening to what is presented to us. Now we all want what's best for this community. There isn't anybody sitting at this table, and I don't think there's anybody sitting out here, that doesn't want what's best for the community as a whole." She said she was concerned about the emergency clause in the ordinance and asked it to be removed; however, it was put back in the resolution. She was concerned about passing the resolution with an emergency clause, which prevents the community from being able to do a Referendum petition. She said the reality of it is that the people can't vote on the issue. The Law

CITY OF CANAL FULTON

May 22, 2006

Director has told them (Council) that they cannot give the people the right to vote on an issue until they have voted on the issue, and if Council votes "yes" on it, then the people have the right to do a Referendum petition and that is the only time the people are going to get the right to vote. If it is voted down tonight, she said, the people have no voice in it, and it's as simple as that. Mrs. Zahirsky stated, "And that's why, if we were to even consider passing it tonight, I would prefer not to pass it with an emergency clause because we take away your right of Referendum." She was concerned about the division the issue has caused. She said she could see the surprised look on some of the faces present when she said, "It really has been about 55% for and 45% against." She finished by saying, "It has divided the community – very much divided the community – and for that reason, I'm concerned about the passage of this ordinance."

Mrs. Downing spoke next agreeing with a lot of what Mrs. Zahirsky said. She said they have listened to everyone and have mostly been approached by caring people. Unfortunately, she said, there have been a few that have been "very harassing and threatening to us too." Mrs. Downing said a lot of people in both Canal Fulton and Lawrence Township have reacted and a lot of it is fear, prejudice, misinformation, etc. She pointed out one person in particular from Lawrence Township who she said, "definitely needs to work on her people skills. I think she was rude and very offensive and that really gave me a bad taste in the mouth with her. She is something else." Mrs. Downing stated she would be willing to sign a letter of interest but not a MOU, but she would like to have the Shawnee Tribe's land issues settled before they commit themselves to anything else.

Mrs. Cihon spoke next, saying she'd thought about nothing but this for a long time, and there were two ladies that came to her door last night who said there are other ways of raising revenue for the city other than a casino. She asked them what, and they couldn't come up with anything. She said last November there was an election, and only four ran for the four open seats. She said she discussed this with her family who advised her to do what is right for the city, and if she votes one way, she'd have a cross burning in her yard tonight when she goes home, and if she votes the other way, she'll be making a lot of people mad because, like Mrs. Zahirsky, she has also had 55% to 60% that are in favor. She said, "It's the other ones that you hear outside that have been negative, and I bet the majority of those people out there are from the Township." She said it takes a lot of money to run a city like Canal Fulton, and we have no heavy industry, and during this past year eight businesses have left our town. Mrs. Cihon said, "And that same lady that Diane was talking about, the blond; she said she's appalled when she goes down the street and sees some of our, uh, shop fronts look like. That's not our problem; that's the person's who owns the building." Mrs. Cihon said this agreement is just an agreement to talk; they can get out of it anytime. She said she hated the harassing calls and our residents getting threatening letters, "Because it shouldn't come to that."

Mr. Deans contributed his view point, saying that regardless of how they vote, they are not going to be able to please everyone. He said he's heard they can raise more money by raising taxes. He said he was sure everyone was in favor of that (more taxes)! He said be it a letter of intent or a MOU, either way, we are not committing – that we back out at any time (Outside noise too loud for the transcriptionist to hear the rest of what Mr. Deans said).

Mr. Crookston said that what the MOU allows them to do is to continue to fact find, and when he agreed to run for office, he wanted to do the best for the entire city. He didn't feel that it is in anyone's best interest to make decisions without the facts, and to say 'No' to something when they don't know anything about it is irresponsible. He said, the MOU basically allows them to continue moving forward and talking and fact finding. He said all at the table agreed that they want it to go to the voters, but there's nothing to take to the voters. We don't have facts, as it is now, he said.

Mrs. Zahirsky made additional comments: "If this doesn't pass tonight, one of the things that probably will be brought to the voters is an increase, at least particularly in the park levy. As many of you may know, we purchased parkland – used to be the Puffenberger property - that's about 40 acres of land, and right now we don't have the funds to develop it." She said it is prevalent in everything they do. The Fire Department will probably come to them asking for a new fire truck that will cost about \$300,000, and they will be wondering how to come up for the funds for that because every 10 years there is a need for a fire truck. There is the parkland in the center of the town Council wants to save and preserve for current and future generations. She said she is sure Council will have to come and ask for additional funds if this doesn't pass, and anything over 1% the voters have to vote on. She said two women said they would vote levies, but Mrs. Zahirsky said she has lived through two failed park levies, one failed fire levy and one failed street levy. She said that if the people even wondered why they considered this issue, that's some of the reasons they considered it. The funds in the city are very tight. She said, "So if we say 'No' today, we're hoping you say 'Yes' when we come in November and ask for funds for something as important as developing this park. In addition, we also want your comments on what are needed in the park." She said the city can't afford it without a vote of the people, so they will look to the voters and hope they support us.

CITY OF CANAL FULTON

May 22, 2006

Victor Colaianni was absent; Clerk of Council read his following message sent in a letter: "I am of the opinion that the Eastern Shawnee tribe and those representing them have not been "above board" with us. Although I do not feel that the tribe has done anything illegal, I have spoken with other municipalities the tribe is currently dealing with. The items shared with me from those municipalities are not consistent with what the tribe has shared with the City of Canal Fulton, most notably regarding the legal issues currently being considered in Federal Court. Voters also need to understand is that this Council does not take any decision it makes lightly, and I am proud to serve along side of them even though I do not always agree with some of them at times. I shall not go into what I think about Mr. Pullins' representation other than to say I would like to terminate his relationship with us immediately. Lastly, this entire issue has caused some chaos and divisiveness that, frankly, our City doesn't need. Although there may be supporters out there for the type of project being proposed, I am of the opinion they are in the minority and we as elected officials must heed to that. We also need to come to grips with the reality that moving forward with any relationship with the Eastern Shawnee tribe jeopardizes progress in other areas where we have made great strides in the past two years. I wish you well in your decision tonight.

Mayor Grogan stated the following: "For a little over four weeks, we've brought to everybody in this community immediately the opportunity to discuss, share, and be part of this process, something that other communities did not have the opportunity to do. What we failed to see was our community addressing it. What we saw was 90% of the Township. We heard them say things like, 'We don't want it,' and then in the same breath say, 'Well, why aren't they talking to us?' Mixed signals are what we have received. We've received a lot of strong backing from the members of this community, some for some against. It's disheartening to see that a majority of Township residents with an agenda is going to drive this issue. Because, folks, when it comes time to go back to the ballots for something – whether it's a school levy or something else – will it be those same people that select and vote? It's going to be the city, and it's going to be the decisions of the people in this community to have to move this community forward. And, right now, it's being driven by a few in the Township. A few that have not gotten the facts straight, a few that have heard and read things that weren't accurate; and that's a bit disconcerting. And, I guess at the end of the day, that responsibility falls on my shoulders. I have an obligation to inform, to tell people where we're at, and I thought up 'til yesterday we were doing that job. But the people in this community are still asking questions, and without being able to move past this simple document – a document agreeing to continue to communicate – that stops the fact finding. It stops the information. It stops everything, and it says that this city is no longer interested in one direction. That's what it says. I don't know how Council's going to vote. At the end of the day, they're going to render their decision, and we're going to move forward. There're other issues on this community. There're other things that we have to do as a community to include the Township, to include the schools. We must, as a government, embrace our community because it is the long haul by which we all will have to deal with. We shop in the same stores together. We get gas in the same place. Our children play ball with one another, and I will not walk around this community thinking that we have made a bad decision because we all live in this community, and the decisions we make affect us as equal as it does you.

I'm disheartened by the approach that some of these people have taken. They've called and talked to my children! They've addressed other children in other areas. They've left threatening cards with residents. They've used every psychological tactic they can think of, and they weren't even members of our community. What you hear outside is not our community; it's a few Township people that have negatively impact some of those that have been in these meeting, who have been given the opportunity to speak. I gave everybody more than five minutes. Some had 10. Some had 20. They all spoke. They all had their turn. We were in a fact finding; we wanted to know. We wanted to hear what they had to say, so we can ask the same questions. That's where we were at – nothing more, nothing less. We will always conduct ourselves with dignity, with class, and in the best interest of this community. We will do it in this issue, and we will do it with all other issues, regardless of the outcome. With that said, if there's no further discussion, Patti, call the roll."

ROLL CALL: Yes – (Mr. Crookston, Mr. Deans, Mrs. Cihon) No – (Mrs. Zahirsky, Mrs. Downing)

ADJOURNMENT – Mrs. Cihon made a motion to adjourn. Mayor Grogan adjourned the May 22, 2006 Special City Council meeting.

Patricia A. Troccoli, Clerk of Council

Mayor John Grogan