

CITY OF CANAL FULTON

May 1, 2007

COUNCIL MEETING

Mayor John Grogan called the May 1, 2007 City Council meeting to order at 7:00 PM in Council Chambers at City Hall.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: John Grogan, Linda Zahirsky, Victor Colaianni, Jim Deans and Diane Downing.

Absent: Tony Crookston and Nellie Cihon.

Mr. Colaianni moved to excuse Mr. Crookston and Mrs. Cihon from the meeting, seconded by Mr. Deans. ROLL: Yes, ALL.

Others Present: Dale Kincaid, Law Director; Mark Cozy, City Manager; Tammy Marthey, Clerk of Council; David Frisone, Police Chief; Mark Stewart, Assistant Fire Chief; Daniel Mayberry, Public Service Director; Laura Jean Meade, The Canal Fulton Signal; Chell Rossi, Paul Bagocius and Sara Bartko, Olde Canal Days.

CORRECTING & ADOPTING THE RECORD OF PROCEEDINGS

Mrs. Zahirsky moved to approve the April 17, 2007 Council meeting minutes, seconded by Mrs. Downing. ROLL: Yes, All.

REPORTS OF STANDING COMMITTEES - Mr. Colaianni moved to schedule a Finance Committee meeting on May 15, 2007 at 6:00 PM for the purpose of discussing the 2008 budget and scenarios based on the May 8 election results of Issue 15, seconded by Mr. Deans. ROLL: Yes, ALL.

CITIZENS' COMMENTS – AGENDA MATTERS -

Paul Bagocius, 451 E. Cherry Street: Mr. Bagocius stated he is referencing the memo from the Law Director regarding a request from the Planning Commission regarding to have a six month moratorium on accepting applications for any adult video or games of skill arcades. He stated locally Tallmadge has done this, as well as New Franklin. He stated these games of skills have come into Ohio like an epidemic and many communities have been caught off guard thinking they can't control it and you just have to accept it. He feels the six month moratorium would allow the Planning Commission and/or Council to look into the matter to provide whatever ordinances or zoning regulations that are needed to work on this issue. He suggested that the games not be allowed in until either the Ohio Supreme Court of Ohio or the State Legislature has deemed them legal and if and when they are deemed legal by one of those entities that the City already has zoning ordinances to control them.

REPORTS OF ADMINISTRATIVE OFFICERS

SENIOR CITIZENS (Nellie Cihon) – Not Present.

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COMMUNITY SERVICE (Phil Kaster) – Written

FIRE CHIEF (Assistant Mark Stewart) - Assistant Chief Mark Stewart stated he would like to request an executive session regarding personnel and wages.

POLICE CHIEF (David Frisone): Chief Frisone distributed his monthly report for April. He stated there was a total of 265 calls for service. They did have an attempted suicide and a death.

ENGINEER – Not Present.

FINANCE DIRECTOR (Scott Svab - Mr. Svab was not present. He did include in the packet a contract for Varney, Fink & Associates. Mr. Cozy stated it is a third party agreement that the State Auditor requires them to go with a private contractor to assist with the books. The partnership is between the City, the State and Varney Fink & Associates. The City used this company last year. The Mayor requested for the Law Director to review.

It was tabled until the next meeting due to Mr. Svab not being present and members having questions.

CITY MANAGER (Mark Cozy): Mr. Cozy stated he has been in contact with the County Prosecutor office regarding Form Tech. He stated Form Tech was open Friday. Mr. Deans stated they have moved out about three quarters of the equipment and production is done. They are dispersing the machinery to other locations. Mr. Cozy stated the Prosecutor's office recommended the City pass a resolution to ask the County to enforce the agreement. They recommended that this not be done until they were officially closed. The resolution must have the numbers, and the numbers would be worked through with the County Auditor, as well as the school. He stated he has been in contact with Dan Levongood from the school to see what payments have been made to them. He stated Form Tech had been making reimbursement payments to them. Mr. Levongood's records show that they may be behind but he is not positive on that issue. Mr. Cozy stated he would work on this with Mr. Svab. A resolution would need passed and then to proceed from there.

Mr. Colaianni stated he thought the agreement read that it was for the building and the equipment and if they are moving equipment, doesn't this void the agreement immediately? Mr. Cozy stated yes.

Mr. Cozy stated the joint meeting between the City and the Trustees that was scheduled for May 2, 2007 has been rescheduled for May 23 at 7:00 PM at Lawrence Township Hall. He stated he has sent a notice to Stark County Regional Planning to see if they are able to attend that date. He is awaiting word from them.

Mr. Cozy stated the newsletter has been mailed. The Canalway Center is now open six days a week.

MAYOR (John Grogan) – No Report

PARKS & RECREATION BOARD (Fred Fleming) Not Present

Mrs. Zahirsky did ask about when the dog park would be re-opening. Mr. Dan Mayberry stated the date has been delayed until May 21 due to the seeding did not take due to wet weather and the temperatures. The Street Department has arrogated and reseeded. He feels by May 21 they would have had one mowing

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of the park. He stated it was decided that it would be difficult trying to open one side and to manage the large dogs from the small dogs. Mrs. Zahirsky stated she is not happy with this because they have a lot of people that want to use the park and the small dog side, the grass is okay. She doesn't understand why they can't get it open. She is going to talk to Mr. Fleming.

LAW DIRECTOR (Dale Kincaid): - Mr. Kincaid stated he felt they should wait for Mr. Svab to be present for any member who may have questions regarding the contract with Varney, Fink & Associates.

Mayor Grogan stated to have it put on the next agenda.

THIRD READINGS - None

SECOND READINGS - None

FIRST READINGS - None

PURCHASE ORDERS & BILLS -

No Purchase Orders presented.

BILLS: \$67,655.67. Mrs. Zahirsky moved that they have received bills in the amount of \$67,655.67, seconded by Mr. Colaianni. **ROLL: Yes, ALL.**

OLD/NEW/OTHER BUSINESS -

Mrs. Zahirsky stated she received a call from Mary Hester who lives on Denshire. She was concerned about her sidewalk that was damaged where all the sink holes were. Mr. Mayberry stated that she would need to call Dominion East Ohio Gas.

REPORT OF PRESIDENT PRO TEMPORE (Linda Zahirsky) - No Report

REPORT OF SPECIAL COMMITTEES - None

CITIZENS COMMENTS-Open Discussion (Five-Minute Rule) -

Sara Willmott-Batko, Olde Canal Days Festival Committee: Mrs. Batko extended an invitation to all for their participation in the Olde Canal Days Festival. She would like to know who will be participating by June 15, 2007 so they can make accommodations for vehicles. Since the closure of the dealerships in town, they have to seek outside dealerships. She also asked for volunteers for the information booth. Anyone that is interested is to contact Donna Lemmon at the Canal Fulton Chamber office.

Paul Bagocius, 451 E. Cherry Street: Mr. Bagocius stated the University of Akron students will be presenting the results of the Farmer's Market at the Township Hall on May 9, 2007 at 7:30 PM. He extended an invitation to all.

Mr. Bagocius stated there was a memorandum under the Law Director's section of the agenda and was wondering the status of the games of skill and whether council is picking it up or turning it back to the Planning Commission or having the Law Director work on it more.

Mr. Colaianni stated the zoning ordinances have to come from Planning Commission. He stated if they wanted to start moving on that, he would encourage them to do so because any changes in zoning ordinances have to go

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through two readings and a public hearing. If they are concerned about the time, that is something the Planning Commission will need to address.

Mrs. Downing stated according to Mr. Belford, the Planning Commission didn't want to step on Council's toes so they wanted to present it to Council first.

Mr. Kincaid stated Planning Commission would need to adopt a proposal and send it to Council. It is advertised for a public hearing thirty days later. He stated it takes two to three months to get a zoning change enacted.

Mrs. Zahirsky asked if the Attorney General's office deemed that they are games of chance are illegal. Mr. Kincaid stated yes. Mr. Kincaid explained the court process that this issue would have to go through. He agrees that there are holes in our zoning ordinance. There isn't anything that regulates them in the industrial zoning. The conditional use zoning is vague. He stated he would be glad to schedule a mutual time to work on this together. He stated the license fees could be done with a conventional ordinance without going to Planning Commission. He stated they would need something to base the increase on, such as having a protocol with the police department that they are going to inspect so many times a year, how long that would take them and the wages of the officer. They would need to determine who would be designated to do the inspections.

There was further discussion on the regulations for the zoning regarding the games.

EXECUTIVE SESSION

Mrs. Zahirsky requested to adjourn to executive session at 7:29 PM from the regular meeting for the purpose of the consideration of promotion or demotion of a public employee or official; compensation of a public employee or official; seconded by Mr. Colaianni. **ROLL: Yes, ALL.**

Mr. Deans made a motion to return to public session at 7:38 PM, seconded by Mrs. Downing. **ROLL: Yes, ALL.**

As a result of the executive session, there were no decisions made.

ADJOURNMENT

Mayor Grogan adjourned the May 1, 2007 City Council Meeting. The next regular meeting is scheduled for May 15, 2007.

Tammy Marthey, Clerk of Council

John Grogan, Mayor