

CITY OF CANAL FULTON

May 18, 2004

REGULAR COUNCIL MEETING

Mayor John Grogan called the May 18, 2004 City Council meeting to order at 7:00 PM in Council Chambers at City Hall.

PLEDGE OF ALLEGIANCE

CALLING OF THE ROLL

Present: Linda Zahirsky, Diane Downing, Victor Colaianni, Nellie Cihon, Robert Szanto, and Mayor John Grogan (Michael Mouse arrived later.)

OTHERS PRESENT

Marge Loretto, City Manager; Officer Ed Harbaugh, Police Department; Fred Fleming and Rebecca Shimer, Park & Recreation Board; Dennis Mayberry, Street Department; Donna Lemmon, Chamber of Commerce; Garnet Thomas, Zoning Board of Appeals; Joan Porter, The Repository; Rochelle Rossi, Ken Roberts, Tom Messenger, Bret Stephan (all residents); James A. Risk, National Account Executive, Brenda Fargo, Government Aggregation Manager, FirstEnergy Solutions; Joseph A. Komara, Energy Broker, Buckeye Energy Brokers, Inc.

ADOPTING OF MINUTES

Mr. Szanto made a motion to approve the May 4, 2004 City Council meeting minutes. Mrs. Cihon seconded the motion. **ROLL CALL: Yes – 4 (Mr. Mouse had not yet arrived; Mrs. Downing abstained due to absence.)**

Mr. Szanto made a motion to approve the May 8, 2004 Special City Council meeting minutes. Mrs. Cihon seconded the motion.

Discussion: Mr. Szanto stated that due to the fact we neglected to notify Mrs. Downing of the Special City Council meeting on May 8, we would ask Mrs. Downing if she would agree to waive the notice of that meeting, so that meeting can be considered a valid and true meeting. Mrs. Downing said, "Absolutely waived. It's no problem." **ROLL CALL: Yes – 4 (Mr. Mouse had not yet arrived; Mrs. Downing abstained due to absence.)**

SPECIAL RECOGNITION (Guests)

Mr. Joseph A. Komara, Energy Broker for Buckeye Energy Brokers, Inc., and Mr. James A. Risk, National Account Executive for FirstEnergy Solutions (representing the E-Group) each did a presentation regarding their company's natural gas aggregation program, answering questions regarding same.

CITIZENS' COMMENTS ON AGENDA MATTERS (reversed with Special Recognition due to the guests' timetable)

Dog Park/P.O. #3947 - Discussion: Mrs. Garnet Thomas stated, "My comments are going to be on that particular purchase order that is combined for a total of \$9,000 and some dollars; does not specify what that \$9,000 is for." She went on to ask about what the \$7,130 is for and why it is not specified in the purchase order. Mr. Fred Fleming stated that he did not notice that until this afternoon (when the bid came in) that they did not specify that the chain link was for the Dog Park. (Council had a copy of the purchase order that clearly showed the Dog Park application.)

Mrs. Thomas said that the next step is to address the issue of the Dog Park. She stated, "On the special meeting on the 4th of April, comments were made that the citizens did not feel (the ones that were present) that this was our time in history to put that money there. I have not changed my position. We don't have the funding to maintain the park." She asked Mr. Dennis Mayberry if we have personnel to maintain a park like that, and he stated, "I don't believe so at this time; no." Mrs. Garnet went on to say, "So, what we don't have is the personnel; we are limited on funding; I have yet to speak to a citizen who wants this Dog Park, even those that own dogs prefer to have small parks within walking distance of their home where they can go and put some time in. It isn't that they are opposed to animals or dogs or cats or anything else, but they simply feel that to put a Dog Park in is not appropriate for a number of reasons. I have difficulty; on the 4th, there was what we'll call a 'survey' handed out. The survey had a name, a phone number, e-mail address on it – not an address of who was signing it. The survey question was this: Would you like to have a Dog Park in Canal Fulton? This survey was placed into establishments that service animals. It took a considerable amount of time from a considerable amount of people who were concerned to run this down to volunteer their time. They ran off with the phone numbers. We found that 25% of that 161 (I think it was 25%) were tax-paying citizens of Canal Fulton. The rest of those people came from as far north as Stow, as far south as Dover, over towards Marshallville and over towards Canton. What it amounts to is that we who have limited funding, in my opinion,

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are not in a position to provide recreational services for that particular item, anyhow, to our neighboring communities; not when there were times we are charging fees for our own people to use our park systems.”

Mrs. Thomas said, “For Discovery Park, at times, I will go up and sit and see who and what is using Discovery Park. That park is used by the people from Echoing Ridge. They spend time; some fish there. It is difficult because they don’t have hard surface to roll chairs on. Many have attendants with them. I also observed that the senior people go up there; it is a walking distance park. In my conversations with people that have gone there, again . . . to a person, walking their dogs; they walk their dogs there. They would sooner see that park developed in their immediate neighborhood than a Dog Park that they probably can’t get to anyhow because many of them don’t drive I think our priorities need to be re-evaluated. I know that there are certain people who want this and want it very much, but there are also (on the other side) many people who want more from the community than what it’s currently providing them in recreational and accessible facilities.” Mrs. Thomas went on to say, “The fence that is going down the side – there is a pond there – there is very definitely a safety factor involved. If you are familiar with wheel chairs, the things amaze me at the power they have. You push the button, the lever the wrong way, they’re going a number of feet where you don’t want to go. So there is a factor involved there of somebody possibly going off of the sidewalk and going down into the water. I appreciate that we have allocated funding to eliminate a very definite safety factor up there. The problem I have with that is that we need to also include or expand . . . to have an area where when two wheelchairs come together, one of them can get off of that sidewalk; otherwise, they are going to have to go now over onto the grass . . . those chairs weigh a tremendous amount . . . so what you need to do, in my opinion, any time you develop a facility for handicapped people, you need to be conferring with people who deal with that level of need You need a split in the fence and some type of path – solid asphalt, concrete, whatever you choose, so that one can get off safely; one can go on by.”

Mr. Mouse asked was the fence being proposed with Discovery and is the dog fence and Discovery Park the same thing. Mrs. Garnet answered, “I believe that this should never have come through like this. It is very deceptive in its presentation. The \$1,950 is the fencing for Discovery Park.”

Mr. Mouse told everyone that Fred Etheridge was supposed to have talked with the ownership of Echoing Ridge because right now we only own part of that pond. He said the indication from the people when we talked to them at a Council meeting out there was that they would be amenable to developing the whole pond, which would include a much bigger area. And, if the whole pond was developed and you put a walkway, fenced in, handicapped accessible, and very usable by Echoing Ridge . . . right now he hasn’t seen any plans. Mrs. Garnet stated there was a Master Plan (copy viewed). Mr. Mouse stated that this doesn’t create access to the pond itself; they need a walkway around the perimeter of the whole park, then they need walkway access to the pond itself, and until you can do it right, why do it? Mrs. Garnet said, “Because between the time (as slow as things move) that that money becomes available to us, we have continued to have a situation where someone could drown or be seriously injured on that sidewalk that is only inches away (maybe a few feet) from a very deep incline that would throw someone into the water. I would like to see that money come from the Dog Park and go out to our handicapped citizens at Echoing Ridge to develop that with some hard-surface paths out there with some pads to put tables on . . . and I am hoping that someone will have enough connections with some companies that they will donate some things here. I’ve been told the money is not available. That doesn’t take away from the fact that we have got a major safety factor that has existed for a long time that those wheelchairs going within inches, basically, of that drop-off there.”

Fred Fleming agreed with Mr. Mouse, stating it was the worst plans he ever saw. He said they had Curtis and Associates come in; it was their design. To complete the whole project was \$80,000. They need the fence; there is no question about the danger. That pond is 24-inches from the sidewalk. With wheelchairs, you can’t have that. He wants to get Curtis and Associates and have them do a better job on that design. Mr. Dennis Mayberry said that he would go ahead with the fence along that section, if it were up to him. He thought it relatively inexpensive for a barrier for now (\$1,950). Mr. Fleming stated he spent \$200 extra to get the heavier board for that one area. It’s 170 feet from the lot line all the way past the pond. Mr. Fleming said the \$7,130 is for the Dog Park that is going behind the Police Station. Mr. Colaianni asked when they got the bid. It was dated May 11, 2004.

Mrs. Zahirsky asked Mr. Fleming to explain when it came to the grant process, the reason that the Park Board does not want to expend a lot of funds; what we are dealing with as far as the grant application, the people we have helping with it, etc. Mr. Fleming (referencing the plan) said, “If we went ahead with that plan the way it is, it’s \$80,000. If I spend \$20,000 and I do part of that project, I then have to go back and redo the project and deduct the \$20,000 worth of work that

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has been done. And now, for the \$60,000 project, I have to come up with another \$15,000 for the

matching funds. You cannot use matching funds that have been spent, so that's why we've done what we can do, and that's put the picnic tables in . . . put the fence in (it's a danger), and then plan what's inside the park." Mrs. Zahirsky asked, "Now you also have people who are going to assist you in writing the grant that we didn't have before?" Mr. Fleming said that there were other people he can contact. Mr. Colaianni stated that the "Catch 22" is that Mr. Fleming talked about a year or two of roughly \$34,000 only being available, and we are not guaranteed to get it. Mr. Fleming answered, "That was before I went in and looked at how much money that was there. They only gave \$34,000 up but they have a lot more, so we're going back in . . . we have to have that cemented by February 2005, and that means we can go into construction in 2005, if we get that grant." Mrs. Thomas said, "I'm going to again suggest strongly that we do not pass this purchase order as it is currently written because we have two distinctly different issues here. We have one that is strongly supported by the public, as far as Discovery Park. We have one that is questionably supported; the Dog Park appears to be a rider on a publicly accepted expenditure." Mr. Colaianni stated that it was a "wording issue – there is nothing on here that says "Off-Leash Park." Mr. Fleming again said it was an oversight on the vendor's part, and he didn't catch it. Mrs. Zahirsky stated, "The money wasn't actually set aside for Discovery Park until we got the grant . . . we've set funds aside, but we were hoping not to spend them until we had the grant."

Mr. Fleming said, "On the Dog Park . . . actually, after going in and looking at what we've got, where we are going and what we are trying to accomplish, the Dog Park fits in, and I call it an "Off-Leash Park" because it's not for the dogs. This is indirectly for the kids, and it's for the dog owners. First of all, it is reasonable to expect that the City of Canal Fulton will continue to increase in size in population. With that population, we are actually going to end up with more dogs because you've got more people and they all like dogs; they all have dogs. There is nowhere in this community that you can put a dog off-leash. There is an ordinance, Chapter 505 entitled *Animals and Fowl*, and in 505.01 B, it states that dog owners shall not permit it to run at large upon any public place, upon the premises of another. That's in your dog law. The next thing is that no person being the owner . . . shall allow or permit such dog to defecate on any school ground, City park or other public property or upon any private property other than that of the owner or person in charge of control of such dog without the permission of the owner of the property (that's 505.08 B); now, we all know we can't stop a dog if he's got to go, but, I guess what the point is, you don't take the dog down there to go. The one time he's down there and he goes, there is a 505.08 C, which states that if your dog does go, if you clean it up and dispose of it in a manner that is keeping with our environmental concerns"

Mr. Colaianni spoke about ordinances issues; there are things that need to be changed prior to building a dog park. He stated that his position on this at the beginning was that he was against it, but he has slightly changed his mind. The concept is a good one. One of the things the AKC (American Kennel Club) suggested is meet with the proposed park's neighbors before talking to City Hall. Mr. Colaianni had a letter from every resident on Brookview; they are down-wind from the proposed Dog Park and are not in favor of the park being built. The AKC also addressed creation of a budget. There is a lady who worked in the San Francisco Bay area where they have eight or nine Dog Parks. She suggests decomposed granite, rather than grass, commenting that grass is incompatible with dog urine, a grass surface in a Dog Park would be OK if the park is as large as an 18-hole golf course, according to her comments. Mr. Colaianni stated that he walked back to the proposed Dog Park area on Thursday, about 12 hours after a rain, and he sunk into the mud. Mr. Colaianni stated there are health concerns; Dr. Ritchey talked about CPV (Canine Parvovirus), which is: if you have a lot of dogs using the area and people don't clean it up, it could potentially kill a dog. Mr. Fleming said he gets calls from people all the time saying, "We don't need a Dog Park; I take my dog down to the park every week." Mr. Colaianni said that was an enforcement issue (relating to the city's leash law). Mrs. Cihon stated she had seen people walk their dogs at the Senior Center. They don't clean up after them, and there is a sign there asking people to clean up after their dogs. Mr. Fleming stated that the Dog Park provides the wherewithal to clean it up and a place to put it. Mr. Colaianni asked what it would cost; Mr. Fleming said it would probably take another part-time person. Mrs. Zahirsky stated that she and Mr. Dennis Mayberry have spoken about needing an extra person now, with all of the mowing that is going on because they are using one person from the Street Department one day a week to assist with the mowing, so already the Street Department is handling the mowing where you need one extra person for May and June when you have the grass growing the most. So, if you were to hire a part-time person for \$6 per hour, multiply that by 40 weeks time two or three months in the summer . . . now, already he's subsidizing the park that amount out of the Street Department budget. Mrs. Zahirsky stated that they've been telling Council all along they need the extra person in the Parks Department, and the bags aren't going to cost that much money.

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Mr. Szanto commented that he was absolutely in favor of having a Dog Park in the City. He said we provide recreational facilities; we provide a lot of things for people who don't live in the City and for people who use only certain things. He said he doesn't use the City Park very much or a lot of facilities in town, and yet he pays for them even though somebody else uses them and he doesn't. He said he doesn't play tennis or softball, but it's for "the some body else" in the

community. He said he does have a problem with putting it behind the Police Department; he didn't like the location, the fact they will have to build a road, and they are going to have to deal with parking. Mr. Szanto suggested putting the Dog Park in front of the Waste Water Treatment Plant because they have fence around there. You'd put three sides of a fence instead of four, you'd have parking, a drive, lighting, and we already mow the area.

Mrs. Thomas said, "I think Bob has made a very, very reasonable compromise and I compliment however it goes It's not going to offend anybody out there at the treatment plant, it's an accessible location for most people."

REPORTS OF ADMINISTRATIVE OFFICERS

Senior Citizens

May 21, 2004: Bloodmobile at the Northwest Stark Senior Center (1:00 – 7:00 PM)

June 12, 2004: Swiss steak dinner at the Northwest Stark Senior Center (\$10 adults/\$4 Under Age 10/Free Under Age 4)

June 24, 2004: The Diabetes Foundation is coming to the Northwest Stark Senior Center and going to give everyone that needs one a free glucose monitor. All you have to do is call for an appointment.

June 30, 2004: Sponsored trip to "Mama Mia" and have lunch at Windham, Cleveland

July 14, 2004: Sponsored trip to Greek Town for \$30 (\$20 back)

July 23, 2004: Bloodmobile at the Northwest Stark Senior Center (1:00 – 7:00 PM)

August 26, 2004: Sponsored trip to Seneca/Niagara Casino for \$33 (\$23 back)

If you want any reservations, call the Center.

Community Service Coordinator

No report.

Fire Chief

No report.

Police Chief

No report.

Engineer

No report from the Engineer, but Mr. Kincaid stated that regarding the sidewalk in front of the Rite-Aid, we are going to assess to the property owner and the plans expects a cost estimate of \$5,626 (There was a drawing at the meeting for people to view). They will be doing a resolution at the next meeting to proceed. Mr. Szanto asked Council to consider at that next meeting (if Mr. Kincaid concurs) that we would pass that resolution under suspension, as "it's been all summer." Mr. Kincaid stated there are several steps in this assessment process yet, and they will be a month or two even getting to the bidding, so he encouraged same.

Finance Director

No report.

Mayor

The Township Trustees have asked to move forward on the Fire/EMS issues and have requested they meet on May 27 at 7:00 PM in Council Chambers (and those on the Safety Committee). Clerk of Council will advertise this meeting. Topics to discuss at this meeting will be billing, weekend coverage, communications, etc. This will be a public meeting. Mr. Colaianni made a motion that we set a meeting with Lawrence Township, along with our City's Safety

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Committee, on May 27 at 7:00 PM for the purpose of discussing fire and EMS coverage. Mrs. Cihon seconded the motion. **ROLL CALL: All - Yes**

City Manager

Mrs. Loretto asked Council to authorize putting legislation on Council agenda to authorize gas aggregation to be placed on the November ballot. Council usually has three readings, and we

need to file with the Board of Elections 75 days in advance of November 2, 2004. The other part is if we go with the two-tiered. Mayor Grogan asked if this was going to commit us if we go this way, just in case Council decides later on that this is something that they might want to sit back on. Mrs. Loretto stated that they started the electric aggregation in January. She stated that there were a lot of calls from people complaining that we did not do gas; she told them that the City wanted to try electric aggregation first. She does think the public will want gas aggregation, and if they vote it down, the point will be moot. Mr. Mouse stated that after being on electric aggregation, the people should be able to tell by their bills if it's saving any money. He said that a lot of times the promise is much greater than the performance and he would be interested in getting feedback from the residents as to what their situation and/or savings has been. He said, "You have a broker coming in – a middle person coming in – and saying now no more gas is being produced by these people. What you have is somebody coming in, offering to be a middle man. They are going to charge you an administrative fee, and now what you have to do, you have to figure out, after I add on the administrative fee, then I have to see whether it's cost-effective because that administrative fee has to be paid by, oh, the tax payers! It's not free. Somebody has to pay that." Mrs. Loretto said it will probably be \$0.03, but it has still proven for everybody who has aggregation to be to everyone's advantage. Mrs. Zahirsky said that all we are doing is putting it to the voters and letting them decide if they want it, and they can opt out. Mrs. Loretto said they will have an informed choice; there will be meetings before the final vote; all those types of things will happen, so they can have some input. They will be sent letters giving them detailed information about gas aggregation.

Parks

Mr. Fleming referenced the Summer Recreation Program stating the City is in partnership with the YMCA, partnering with Lawrence Township and Clinton. Registration is now open at City Hall during the daytime hours. June 16 (6:00-7:30 PM) will be the next evening registration. Look for more information in the newsletters.

Regarding ball fields, they put 24-27 tons of infield dirt/sand. The ball coaches will spread this out (that's their fee – we provide the dirt/sand; they provide the rest).

Tennis Courts – They are waiting for a response from FEMA to give permission to move the courts to Muhlhauser Park. They are hoping to get 75% of the \$68,000; we will have to pay several thousand for this. Mr. Szanto stated that when that land was donated by the Kilbride/Muhlhauser family, it was donated as a passive park only. Mr. Fleming stated that a tennis court is a passive sport. Mrs. Zahirsky asked that when we are talking about the compromise about putting the Dog Park over to the Waste Water Treatment Plant, if we were to pass this ordinance the way it is, can we have Southway give us another estimate, if we were to say "up to \$7,000." Mr. Fleming said we can take that same measurement and drop it over there, and there will not be any difference – maybe less.

Law Director

Mr. Kincaid requested a short Executive Session after the meeting to discuss the acquisition of property.

THIRD READINGS

Ordinance 12-04: An Ordinance Prohibiting the Abandonment of Motor Vehicles, Providing for Impoundment and Disposition of Same, and Setting a Penalty Therefor.

Mr. Szanto made a motion that we pass Ordinance 12-04. The motion was seconded by Mrs. Cihon.

Discussion: This is the content that the Police wanted us to put the content of the State Statute in our ordinance book, so Mr. Kincaid changed the language where appropriate. Mr. Colaianni stated under 303.0814, you have "disposition of abandoned junk motor vehicles" and under Item B, it says, "three years old or older." Mr. Kincaid summarized an abandoned vehicle as follows: This deals with two classes of vehicles - 1) abandoned motor vehicles and abandoned junk motor vehicles; and, 2) the junk motor vehicle that is three years old or older, left on private property without permission or on a public street for 48 hours or longer, extensively damaged, such damage including (but not limited to) any the following: missing wheels, tires, motor, or transmission – apparently inoperable and having a fair market value

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of \$1,500 or less.

ROLL CALL: Yes - All

SECOND READINGS

No second readings.

FIRST READINGS

Ordinance 13-04: An Ordinance Setting Water Tap-In Fees for Meters Over Two Inches.

Ordinance 14-04: An Ordinance Amending Canal Fulton Ordinance Section 903.04 Making It Explicit that the Removal of Trees Includes the Grinding or Removal of the Stump.

PURCHASE ORDERS & BILLS

Purchase Orders

P.O. #3947 in the amount of \$9,080 made out to Southway Fence Co., for materials and labor to install 1,098 feet of 5-foot high residential galvanized chain link fence and gates material and labor to install 170 feet of 3-rail white vinyl fence at Discovery Park.

Mrs. Zahirsky made a motion to pass P.O. 3947, with the caveat that the Park Board would then look at the cost of moving it over to the Waste Water Treatment Plant. Mr. Szanto seconded the motion.

Discussion: Mr. Colaianni stated he was just not convinced the whole planning process (looking at pages reflecting public input/alternate funding options). He said everything he looked at had alternate funding options. He said the concept is a good concept, but he is partial to people with disabilities, and thinks Discovery Park needs to be a higher priority. If there is no grant money, and we are not guaranteed grant money for two or three years (to finish Discovery Park), it's just taking a shot and seeing if we get it. He further stated that this is something, and he know we did re-appropriations with the police computers, if there is a way we can at least get this started and get it done properly . . . and he said he doesn't think it will take \$80,000 to finish Discovery Park. There is also the issue of water and what additional expense that would produce. Mrs. Zahirsky stated that she did not believe we could even begin to afford to have an alternate base out there, and "that would put this park so beyond the cost of Discovery Park that we would never get anywhere. If you look at what Massillon did, they have a perfect Dog Park; it is a grass field. It can be maintained, and they have a much larger population of dogs using it than what we are going to have. There is nothing wrong with at least trying it with grass." Mr. Szanto added that if you put this in there the opposite direction in use, and you eliminate a 250-foot side of that, rather than the 160-foot side, you are cutting at least 30% off of the linear foot price. Mrs. Downing asked about where does that difference in monies – where would that go? Mr. Szanto stated that it stays in General Fund. Mrs. Zahirsky stated they are still going to need funds; there has to be a sign; they'll need the equipment. Mr. Fleming had drawn up an ordinance that has to go through Mr. Kincaid to finalize and everything on that ordinance goes on a big sign telling people exactly what they are and are not allowed to do, and they accept responsibility and liability when they use the Dog Park.

Mr. Colaianni was glad they were thinking about another location; he's talked to a lot of people. He said that if you put a percentage on it, 95% to 96% of the people are not in favor of the Dog Park right now; they'd rather see Discovery Park or something else. Mrs. Zahirsky stated that we have a financial responsibility here not to spend money if we can get grant money. Mr. Colaianni said it was also his responsibility when someone says, "Hey, I'm not in favor of a Dog Park," to come back and enter those concerns with Council. Mrs. Zahirsky stated we have a lot more people – that Mr. Colaianni admitted 25% out of 160 people live in this community and have expressed a desire to have a Dog Park; that's a lot more than have expressed the desire not to have a Dog Park. Mr. Mouse said that Discovery Park should be the priority. Mrs. Zahirsky pointed out they were already talking about doing tennis courts – that \$1,700 is going to be our share; there are fewer people that are going to use the tennis courts than are going to use the Dog Park. She again pointed out that the City spent \$12,000 on lighting plus some \$2,000 down in the other park. Mr. Szanto also pointed out that the City spends \$6,000 or \$7,000 every year for (how many children?) for the Summer Recreation Program. Mr. Mouse stated, "We want Government to do everything for us." Then Mr. Fleming stated, "Government! That's your money! What we go for - for grants is your money! We are just trying to get a piece of that back!" Mr. Colaianni stated he respected the comment about Community Park, but he also looks at 30,000 or 40,000 people that come through there in the summer that spend money in this town. It's a more economic viable place to fix up. Mrs. Cihon added that she knows a lot of people who take their dogs down to City Park and don't clean up after them, not even during Olde Canal Days. Mrs. Zahirsky said she thought they have a compromise – taking the Dog Park out to the Waste Water Treatment Plant. Mr. Szanto said he was going to vote for the purchase order, with

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the understanding that it is not going to go behind the Police Department, and that the first place that we should look at putting the Dog Park would be at the Waste Water Treatment Plant; he thought there were just too many problems putting it behind the Police Department (i.e., too much maintenance, the road, etc.).

ROLL CALL: Yes – 4 (Mrs. Downey w/the stipulation like Mr. Szanto stated) No – 2 (Mr. Colaianni and Mr. Mouse)

Bills

Mrs. Cihon made a motion to accept the bills in the amount of \$145,121.91. Mrs. Zahirsky seconded the motion. **ROLL CALL: Yes - ALL**

NEW BUSINESS

None.

OLD BUSINESS

Mr. Mouse asked about if the letter was written to the Mr. Mathews at Stark County Board of Elections regarding electronic voting. Mrs. Loretto said not yet because of the June 2004 newsletter being written / edited by Clerk of Council, but it will be written within the next few days.

Mr. Mouse asked about if the letter regarding CEDA information had been written to Senator Schuring's office. Mrs. Loretto responded the letter had been sent two days after the last meeting, but there has been no CEDA information received yet. Clerk of Council will call Mr. Mouse when it arrives.

Mr. Mouse said he thought it was clear at the last meeting that there was a death in his family, and he saw on the Safety Minutes that he was listed as "absent" with no explanation. Mr. Colaianni stated that at the time of the Safety Meeting (prior to City Council's meeting), they did not know of the death in Mr. Mouse's family. The Safety Meeting minutes will be amended, as Mr. Colaianni has not signed them yet.

OTHER BUSINESS

Mr. Colaianni commented about Bernie Clements, Publisher of *Our Town*, passing away on Friday. The funeral was today, well in excess of 3,000 attended. He was very well known in North Canton and Jackson Township communities. Mr. Clements did have contingency in place for *Our Town* to continue.

CITIZENS COMMENTS

Downtown Signage: Mr. Ken Roberts, 239 N. Canal St., wanted a follow-up on the downtown signage. Mrs. Zahirsky asked who would be responsible for maintaining that sign, keeping it up-to-date and making sure it continues to stay painted and in good shape. Mr. Colaianni said Main Street would upon correspondence from the Board of Directors; they have agreed to act as fiscal agent. As far as the maintenance, there were some questions he is sure Tom Bauer can share with Council, with regard to if it's a sign company. If it's Main Street that maintains it or "whoever," there were some questions about that which has not been decided. Mrs. Loretto stated there was some discussion about if it was going to be an off-premise sign that there would have to be a contract entered into because we would not be maintaining it, so it would be a sign company. They did not want Main Street people running up and down, on ladders, trying to take that up and down. Mr. Szanto said the top of the sign is going to be 18-feet off the ground. He is going to try to go to Planning Commission or write them a memo to plead the case for finding a way to make this signage work downtown. Mrs. Loretto stated Mr. Roberts wanted five locations; four of them were feasible. She doesn't like the Community Park sign because she thought with the Center coming in, there is already signage there. Mr. Kincaid stated, "Unless you want to put the locations in the ordinance which allows this, somebody is going to have to be designated to make the decision as to how many and where they are." Mr. Szanto stated that he didn't believe Council can, on its own, make a change in that ordinance and believed it has to come from Planning. He further stated that the downtown has a different need, especially in a building like Mr. Roberts', where you have a number of tenants that aren't on one floor. Mr. Szanto said that whether we limit it geographically to the downtown area, historic district, or something like that, there needs to be some kind of accommodations for this, but what we don't want to see is a proliferation of all types of signage all around town. Mr. Kincaid said that given the urgency that we would like to impart to this project, if we approach these signs as being on public property (on right-of-way), that could be established by ordinance without amending the Zoning Code. He thought they could approach that as our control of the streets, rather than as a Zoning Code,

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which is going to save two or three months in a mechanism of establishing it. But, we need to have some person be delegated – have the job delegated to them - to decide where the signage would be. Mr. Colaianni stated that was the question because when Planning Commission and HPC were initially approached about this, they deferred Mr. Roberts to Council because it was going to be on public property. Mr. Kincaid responded that he realized he was the one who said it should go through Planning Commission. But it is on public property, and it's the same as putting

a “No Right Turn” sign up, as far as he was concerned. It's not a use of property; it's the City's property, so he thought they could avoid the Zoning problem. However, he still thinks Planning was the logical body to decide where the signs would go. Mayor Grogan stated, “So, what you're saying is that we can use this body to approve the signs and use Planning for the placement of signs.” Mr. Kincaid said, “We can establish an ordinance that will say that these signs shall be thus in such, etc., and they shall go and be designated by the Planning Commission.”

Mr. Mouse was curious about at some time is there maybe going to be more people there than the sign can hold. Mr. Colaianni said this was already addressed. Mrs. Loretto stated that the next person would be first in line for the first available spot; large percentages of these businesses turn over. So, if somebody put in a request, the first one that opens up wouldn't necessarily go to the new owner that bought the place, it would go to that next person on the list. Mr. Mouse said you would want to spell that out.

Mrs. Zahirsky stated the City obtains funds from people who put up “For Sale” signs, real estate signs, etc., and asked if the City if going to obtain funds on this. Mr. Kincaid said that was the idea of designating this organization, Main Street, as the fiscal agent so we do not have to get into that – receiving funds and accounting for it. The signs are going to belong to them; we are just giving permission to use public property. Mr. Colaianni added, “It's not open to businesses outside the Historic District. It's just within the designated Historic District.” We can make conditions on the placement of the signs, regulating same. Mr. Roberts asked, “What would be the criteria that Planning would use to determine the location?” He was told Planning is going to make that decision, with input from Council and Dennis Mayberry. Mr. Roberts stated, “The reason I asked, we started this a year ago, and I hope it doesn't take another year. I would think that Planning would defer to Dennis (Mayberry) as part of the Safety.” Mr. Kincaid said if he has the criteria, they could have an ordinance next meeting.

REPORT OF COUNCIL PRESIDENT

No report.

REPORT OF STANDING COMMITTEES

No report.

Mrs. Zahirsky made a motion that Council goes into an Executive Session; the purpose of the Executive Session is to discuss the acquisition of property (information only). At that meeting, the Law Director, the Mayor – no legislative action discussed. Mrs. Cihon seconded the motion.

ROLL CALL: Yes – All

Mr. Colaianni made a motion to reconvene the regular council meeting. Mr. Mouse seconded the motion. **ROLL CALL: Yes - ALL**

Mrs. Loretto has a formal complaint about Ken Roberts wire sign holder, which is illegal. Outside of his place, he has a wire-kind-of hanger, and he hangs something on it every day and then he takes it in. Everybody downtown is allowed a sandwich-board type of sign, which they take it in every night. Mr. Roberts doesn't take his metal hangar in, and somebody walking their dog ran into it, and somebody from the V.F.W. ran into it the other day too.

Mrs. Zahirsky made a motion to adjourn; meeting was adjourned.

Patricia A. Schauwecker, Clerk of Council

John Grogan, Mayor