

CITY OF CANAL FULTON

January 16, 2007

COUNCIL MEETING

President Pro Tempore Linda Zahirsky called the January 16, 2007 City Council meeting to order at 7:00 PM in Council Chambers at City Hall.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: Linda Zahirsky, Nellie Cihon, Victor Colaianni, James Deans and Diane Downing.

Absent: Mayor John Grogan and Anthony Crookston.

Others Present: Dale Kincaid, Law Director; Mark Cozy, City Manager; Tammy Marthey, Clerk of Council; David Frisone, Police Chief; Daniel Mayberry, Director of Public Services; Eric Westerholm, Chell Rossi, Paul Bagocius, Mike Mouse, Frances West and Raymond West, Residents; Mike Stevens, Lawrence Township Trustee; Matt Litten, Erin Cappo, Jon Zalewski, Fire Department; Joan Porter, Repository; and Chris Pugh, Independent.

CORRECTING/ADOPTING THE RECORD OF PROCEEDINGS

Mrs. Cihon moved to approve the January 2, 2007 meeting minutes, seconded by Mr. Colaianni. **ROLL: Yes, ALL.**

REPORTS OF STANDING COMMITTEES - None

CITIZENS' COMMENTS – AGENDA MATTERS

Paul Bagocius, 451 E. Cherry Street: Mr. Bagocius complimented Council for the Resolution on the agenda expressing their intent to enter into JED with Lawrence Township. He feels they are moving in the right direction and a step toward what those involved in the township and city want-joint efforts between the two entities. Mr. Bagocius asked where the comprehensive plan is and knows letters were sent requesting qualifications of consultants but haven't heard the outcome of that. He would like Mr. Cozy to address this when he gives his report later in the meeting.

Mike Mouse, 406 Riverview Street: Mr. Mouse wished to address council about the third reading on the Craven-Duncan annexation. He would like to ask the support of council and citizens on this issue. He asked Mr. Cozy to confirm a quote that was in the newspaper regarding the wellness center. "Cozy said the health and wellness center is the first business plan for this site. We want to be selective about what we bring and take baby steps. He said, adding that the economic deal would help derail future annexation attempts by the City. The only interest the City has in the annexation is economic development". Mr. Mouse asked if this was accurate. Mr. Cozy responded yes, sir. Mr. Mouse stated he would have hoped with that statement that they would have pulled the Duncan-Craven annexation. He doesn't feel this land falls under economic development. He asked Mr. Colaianni if he told any resident on Stonewood that the Duncan-Craven annexation was a done deal. Mr. Colaianni stated he did not and he spoke with the resident in question last evening and they were in error. He stated what he told them was that they had agreed to provide services if the land was annexed and they stood corrected on that. Mr. Mouse stated he

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previously gave council a list of 111 names from his neighborhood that opposed this annexation. He feels there is going to be a traffic problem if an allotment is put on that site. He asked the Chief what kind of traffic problems there would be if this development happens. Chief Frisone stated he visited the site with the street superintendent and doesn't feel there is a safety issue or sighting problem. He doesn't feel it is from a public safety standpoint. Mr. Mouse feels there would be a need for a traffic light at the top and bottom of the hill. Mr. Mouse expressed that he felt it was going to come to a situation where council is going to vote in favor of the proposal and support a developer who doesn't live in Canal Fulton but lives in Cuyahoga Falls or they are going to support the residents who live here, pay taxes here, and vote here. He stated he wouldn't want to be the council that votes for the proposal and then is up for election and goes to his allotment for support. He stated they will not get it and that he shouldn't have to be saying this. He stated he went to the Stark County Commissioners offices and because it was an expedited annexation they couldn't do anything. He stated council has the power to do something and vote it down.

Eric Westerholm, 437 Riverview Street: Mr. Westerholm stated he is concerned about the annexation as well. He stated he is concerned about it being a problem for safety. He felt people would be driving too fast. Mr. Colaianni asked Mr. Westerholm what his understanding of why type of development is going to happen if the land is annexed? He stated from what he understands there are going to be a bunch of houses. Mr. Colaianni stated that since the developer first came to the city they have since changed zoning to be more restrictive. The initial plan that was presented to Planning Commission would not be approved. He stated if the land is annexed, the next step would be for the developer to submit plans to the Planning Commission and they would have to approve the development, Council does not make this decision. Mrs. Zahirsky stated that a land owner in Ohio has the right to develop their land and wanted to know if he was suggesting that he keep his land baron? He stated he felt they needed a more in-depth study. He stated his biggest concern was the traffic. He is concerned about his grandchildren being hit by a vehicle.

Chief Frisone stated he doesn't know who is suggesting the traffic control methods because they haven't been talked about. He stated when he looked at the area, the concern was driveway access. The allotment would have a speed limit of 25 mph. There are already existing driveways along Rt. 93 as well as the existing allotment. Chief Frisone stated the only issue would be how traffic enters and exits the allotment. He stated when you stand on Rt. 93, the only issue there could be is that one is coming up and out of the allotment because of how the ground is laid. It does not have anything to do with pedestrian traffic because the expectation would be that they wouldn't be running across Rt. 93. Chief Frisone didn't want people to suggest that it is a safety issue from the police department's prospective.

Mrs. Zahirsky stated when Riverview/Stonewood Streets were developed there was increased traffic in front of her house. The city has since changed the zoning regulations and that kind of development will not happen again. She stated to remember that an owner has the right to use their land.

Mary Ann Higgins, Marshallville Street: Ms. Higgins expressed her concerns about the JED agreement and the building of the wellness center on Rt. 21 by Marshallville Road. She stated she would like them to think about what they are doing and feels they are displacing some people. She stated she drove through downtown and viewed all the vacant building. She felt they needed to look at other areas to place the wellness center.

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REPORTS OF ADMINISTRATIVE OFFICERS

SENIOR CITIZENS (Nellie Cihon) Swiss Steak Dinner: The next dinner is scheduled for January 20 from 4:00-6:30 PM. Reservations are required.

COMMUNITY SERVICE (Phil Kaster) – Not Present

FIRE CHIEF (Chief Ray Green) – No Report.

POLICE CHIEF – Chief Frisone distributed his annual report. He stated property crimes are one of the major problems. He included a layout of the assists to other agencies, a section on grants that were applied for throughout the year and a listing of training/conferences/seminars the officers attended this past year.

ENGINEER/STREETS/PUBLIC UTILITIES (William Dorman): Not Present

FINANCE DIRECTOR (Scott Svab): Not Present

CITY MANAGER (Mark Cozy): Mr. Cozy reported that Mr. Svab sought proposals from other companies for the city's liability insurance and as a result was able to get an 18% decrease with the current vendor, Whitaker-Myers, through the Ohio Plan. The price will be locked in for two years.

Mr. Colaianni made a motion to renew the liability insurance with Ohio Plan for two years, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

Mr. Cozy reported there is no flooding in the Canalway Center.

Mr. Cozy reported that John Ferrero's office gave an opinion on the request of Lawrence Township Trustees regarding the EMS billing. It states there are ways the Township and the City can do what was discussed with billing. They will wait to see what the Township wants to do.

Mr. Cozy addressed Mr. Bagocius' earlier question regarding the comprehensive plan. He stated he feels a comprehensive plan is critical. He stated the only thing they are doing tonight regarding Resolution 03-07, was to begin negotiating. He feels the comprehensive plan can run concurrent with the JED. He feels the city is supportive. He stated he has the request for qualifications but he has not looked at them because he wanted to do it in conjunction with the Township. He is looking for leadership on how to pursue this. Mr. Cozy suggested meeting with the Trustees again. Mr. Stevens, Lawrence Township Trustee, was present and asked to get back with the city on a date in February they could meet. (Any Wednesday was offered by council members present.)

Mr. Cozy stated regarding the Duncan-Craven annexation and economic development, when he joined the city, they identified Rt. 21 as an economic corridor and with the development it gets them one step closer. He stated the two issues on the property are annexation and the development. He thinks Council and the Planning Commission have heard loud and clear that they should be sure what goes on that property. Mr. Cozy stated with the property being annexed into the city, the residents have control and if it remains in the townships they don't.

MAYOR (John Grogan) – Not Present.

PARKS & RECREATION BOARD (Fred Fleming) – Not Present.

LAW DIRECTOR (Dale Kincaid) – No Report.

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THIRD READINGS

Resolution 39-06: A Resolution Approving the Khelp Annexation. Mr. Colaianni moved to table Resolution 39-06, seconded by Mr. Deans. **ROLL: Yes, ALL.**

Resolution 40-06: A Resolution Approving the Craven-Duncan Annexation. Mrs. Cihon moved for passage of Resolution 40-06, seconded by Mr. Deans. **ROLL: Yes, Mr. Colaianni, Mr. Deans, Mrs. Cihon and Mrs. Zahirsky. No, Mrs. Downing.**

Mr. Colaianni stated they are not rubber stamping anything that is going to happen with the property.

Mrs. Zahirsky stated she would like to see a park developed, but unfortunately you have to put your money where your mouth is, and you have to be willing to buy the land and make it into a park. The City recently purchased the Puffenberger land in order to prevent further development in the center of town, and it is going to be made into a park the way it has been envisioned that land to be. The City is to strapped to purchase the land for further park development. Council, as a body, can't prevent someone from developing their land, but they are right now because they don't have access to the property. She stated she would rather be the one to determine how it can be developed under the cities jurisdiction. The land owner wants to be in the city and use city utilities.

SECOND READINGS

Resolution 01-07: A Resolution Approving the Hare Annexation. **Will Stand as Second Reading.**

FIRST READINGS

Resolution 03-07: A Resolution Expressing the Intent of the City of Canal Fulton to Enter into a Joint Economic District with Lawrence Township, and Declaring an Emergency. Mr. Colaianni moved to suspend the rules on Resolution 03-07, seconded by Mrs. Cihon. **ROLL: Yes, ALL.** Mrs. Cihon moved for passage of Resolution 03-07, seconded by Mr. Colaianni. **ROLL: Yes, ALL.**

Mr. Colaianni thanked the Township for moving forward on the JED. He agrees a comprehensive plan is needed in conjunction with this.

Resolution 04-07: A Resolution Entering into an Agreement with the City of Massillon for Services from the Massillon Law Department for the Prosecution of City Cases. Mrs. Cihon moved to suspend the rules on Resolution 04-07, seconded by Mr. Deans. **ROLL: Yes, ALL.** Mrs. Cihon moved for passage of Resolution 04-07, seconded by Mr. Colaianni. **ROLL: Yes, ALL.**

Law Director Kincaid stated there is a clause in the Resolution that would allow for the contract to be cancelled by either party on a thirty day notice.

PURCHASE ORDERS & BILLS

None

BILLS: \$ None

OLD/NEW/OTHER BUSINESS – None

REPORT OF PRESIDENT PRO TEMPORE (Linda Zahirsky)

Mrs. Zahirsky reported that she attended the Mayor's Court seminar and will be looking at the feasibility of setting up a Mayor's Court for the City in January 2008.

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REPORT OF SPECIAL COMMITTEES – Mrs. Cihon made a motion to hold a Public Services meeting on January 26, 2007 at 9:00 AM to discuss with Mr. George Lukinac, Utility Superintendent, five year capital improvement plan, seconded by Mrs. Zahirsky. **ROLL: Yes, ALL.**

Mr. Colaianni moved to have a special council meeting on January 27, 2007 at 9:00 AM to discuss the 2007 budget review and any other business necessary, seconded by Mr. Deans. **ROLL: Yes, ALL.**

Mrs. Zahirsky requested a motion to change the February 6, 2007 Council meeting to February 5, 2007 due to the Special Election. Mr. Colaianni moved to change the meeting to February 6, seconded by Mr. Deans. **ROLL: Yes, ALL.**

CITIZENS COMMENTS-Open Discussion (Five-Minute Rule) - None

ADJOURNMENT

Mrs. Zahirsky moved to adjourn the January 16, 2007 Council meeting.

Tammy Marthey, Clerk of Council

Linda Zahirsky, President Pro Tempore