

# CITY OF CANAL FULTON

November 7, 2007

## **COUNCIL MEETING**

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

**PLEDGE OF ALLEGIANCE** The pledge of allegiance was led by the Tiger Cubs, Pack 303, Den 6.

## **ROLL CALL**

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

**Others Present** Roy Batista, Interim Law Director; Mark Cozy, City Manager; Daniel Mayberry, Service Director; Tammy Marthey, Clerk of Council; Elaine Weitzel, Police Department Administrative Assistant; Ray Green, Fire Chief; Scott Svab, Finance Director; William Dorman, City Engineer; Joan Porter, Repository; Laura Meade, Signal; John Hatfield, Resident; Ken Roberts, Business Owner; Joshua Blankenship, Drew Goddard, Corey Kohler, Andrew Moellendick, Addison Moye, Liam Roach, Matthew Sigrist, Jimmy Watson, Cub Scouts; Ross Blankenship, Tiffany Goddard, Kelly Kohler, Michelle Moellendick, Matthew Moellendick, Ryan Moellendick, Missy Moye, Shane Roach, Sean Sigrist and Laurie Watson, Parents/Family Cub Scouts.

## **CORRECTING/ADOPTING THE RECORD OF PROCEEDINGS**

Mrs. Cihon moved to approve the October 16, 2007 meeting minutes, seconded by Mr. Colaianni. **ROLL: Yes, ALL.**

Mr. Cihon moved to approve the October 29, 2007 Special meeting minutes, seconded by Mrs. Zahirsky. **ROLL: Mr. Deans, Mr. Colaianni, Mrs. Zahirsky, Mrs. Cihon, and Mr. Crookston-YES. Mrs. Downing, Abstain.**

Mrs. Downing waived her right to notice for the October 29, 2007 meeting.

**REPORTS OF STANDING COMMITTEES**- None

**CITIZENS' COMMENTS – AGENDA MATTERS** - None

## **REPORTS OF ADMINISTRATIVE OFFICERS**

***SENIOR CITIZENS (Nellie Cihon)***

***COMMUNITY SERVICE*** – Written report submitted. Mayor Grogan stated there was 128 community service hours for the month of October.

***FIRE CHIEF (Ray Green, Fire Chief)*** - None

***POLICE DEPARTMENT (Elaine Weitzel)*** Mrs. Weitzel stated on behalf of Chief Frisone she would like to present to Council for consideration, Mr. Robert Buhecker, for a part-time police officer position. He has lived in Canal Fulton for 13 years. He is employed full-time with the RED Center and part-time for the New Franklin Police Department. He previously served 10 years as a volunteer fireman for Canal Fulton. He comes highly recommended by Mr. Crookston, Chief Green and William Dorman.

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Mrs. Zahirsky moved to appoint Mr. Robert Buhecker as part-time police officer, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

### ***ENGINEER/STREETS/PUBLIC UTILITIES (William Dorman/ Dan Mayberry)***

Mr. Dorman reported that Discovery Park, Phase II is in the final inspection stages. Fulton Landing will possibly have a final plat for review at next Thursday's Planning Commission meeting. There has been a lot split at Heritage Square.

Mr. Mayberry stated there is a purchase order attached for a new Ventrex tractor for the street department.

Mr. Mayberry reported on the water main break that occurred on Locust Street by Giant Eagle several months ago. He has had several vendors give estimates on the project. W.G. Lockhart had the lowest estimate in the amount of \$82,800. Mr. Mayberry stated he would like to add a 12% contingency to that amount. He stated the water main continues to leak from the extreme corrosion of the pipe and it is beyond repair.

Mr. Mayberry contacted Mr. Jeff Crites from Davey Tree regarding the tree at 350 W. Cherry Street. Mr. Crites indicated that the tree is rather large and would reach the house to the east of it should it uproot. It is his professional opinion as a certified arborist that the tree is perfectly healthy. It is just like any other large tree of that height, in that it does produce a major concern of uprooting in a high wind or tornado. He indicated short of a major storm combined with saturated soil, the tree is not diseased and could stand for many, many years.

***FINANCE DIRECTOR (Scott Svab):*** Mr. Svab was not present but did submit a packet with purchase orders and the bills.

***CITY MANAGER (Mark Cozy)*** - Mr. Cozy stated that he has prepared a letter to the County Commissioners and will need a voice motion requesting the Commissioners to terminate our Enterprise Zone Agreement with FormTech. Mrs. Zahirsky made a voice motion to request the Stark County Board of Commissioners terminate the City's Enterprise Zone Agreement with FormTech Industries LLC., seconded by Mr. Colaianni. **ROLL: Yes, ALL.**

Mr. Cozy reported that the City submitted a letter to the Trustees of the City's interest in the purchase of Olde Towne Hall, 158 E. Cherry Street. He stated the Township didn't receive any bids for the building.

Mr. Cozy stated there is an issue about parking on Canal Street. He states this is an issue that has come up over the years. There has been discussion of making portions of Canal Street one way to make angle parking that would increase the parking. There was a schematic drawing that was prepared approximately two and a half years ago and was passed around for Council to view. Mr. Roberts, owner of Warehouse on the Canal, has brought the issue forward again.

Mrs. Zahirsky stated she would like to have a public meeting on the issue. She would like to request to have someone at the intersection of Market and Erie between the hours of 3:00 PM – 5:00 PM and count the number of vehicles that turn off Erie and go on Market toward the VFW. She believes the traffic is much heavier than they realize.

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Mr. Cozy stated the traffic would be diverted down Walnut.

Mr. Crookston inquired about the number of current parking spaces. Mr. Dorman stated in reviewing the schematic drawing it appears that you would get two to one angle opposed to the current. Mr. Roberts stated there are currently 19 parking spaces and the plan would increase parking to 41.

Mayor Grogan asked what additional construction or enhancements would have to occur to the road to implement the plan?

Mr. Dorman stated it doesn't meet desirable standards. He stated it could work, but it could be better. They haven't looked at it in much detail. He stated the drawings were not prepared by CTI.

Mr. Roberts stated this plan was made three years ago when Mrs. Loretto was City Manager and a retired engineer did the drawing. He stated they laid out one side of the street as angle parking because parallel parking is difficult for everyone. He stated if they had another 15", which the City owns on both sides, then they would be able to install angle parking on both sides of the street. He stated he has been watching the streets pretty closely and there are not that many cars that use the street. He stated he has spoken with Mr. Lambes to see if the school board had any issues regarding the one-way area, and he indicated that the corner is too dangerous and his drivers were instructed to not use it. He had no objection and indicated if the angle parking was installed they may use the street again in the future.

Mr. Roberts stated he spoke with each business owner on the street, as well as Mr. Hatfield, letting them know what he was proposing. He stated he sent a letter to Mr. Cozy and included many in it. He stated under the Planning and Zoning Codes under Historic District, Code 1175 talks about the Historic District recognizing the importance of parking. He feels the angle parking would be a very resourceful on behalf of the City with very little funds being spent to implement it.

Mr. Dorman stated there are two designs, one with 45 degree angle parking and one with 60 degree angle parking. This was originally studied back in 2004 when SUV's were king of the road and at that time there was concern of parking spot size because vehicles kept getting bigger and bigger. Today, they seem to be smaller. The thru-way width is 15'10" with 45 degree angle parking. The thru-way width is 14'11" with 60 degree angle parking. The preferred width is 16 and the minimum is 15.

Mrs. Zahirsky stated the spaces are going to be small and there is going to be a problem with site backing out and there is not really a lot of room on that road.

Mr. Cozy stated he feels they need to have CTI analyze the plan and provide a recommendation. He stated he agrees with Mrs. Zahirsky that the spaces need to be wide. It needs to be looked at again.

Mayor Grogan stated there is obviously a need for angle parking with the district and they will continue to look at this to resolve the issue.

Mr. Cozy stated they are premature to say that they are going to do anything except to look at the plan and see if they can make it plausible and present it to Council.

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Mr. Hatfield stated everyone needs notified and they need a public hearing. He stated he has parking. He stated there is a regulation that you are to provide your own parking. He stated they need to work in any way that they can for the development of the downtown, which includes this area. They need to have a good overall plan and know what they are doing before they jump into too many things that are detrimental. He stated he hasn't seen the plan and no one has discussed anything with him. He stated he is one of the biggest property owners on that corner. He stated if it starts at Market Street, they are going to cut his property value in half. He stated this would divide the downtown because you can't get back into downtown and if it includes his building, he can't get from his parking deck to the front of the building without going around the block.

Mayor Grogan asked how this would decrease the value of the property.

Mr. Hatfield stated for a commercial or a business, people won't go into areas they can't get out of or areas they have to drive around the block. He stated his parking lot right now is a cut through and feels the two alley ways will be the same. He is for parking, but doesn't want to create other problems. Mr. Hatfield stated there aren't any freebies in prime property downtown that someone has to pay a little. He stated if someone wants to rent or lease any of his parking, he spends thousands every year to keep parking there. Mr. Hatfield stated he doesn't want to cut off the rest of the town, making people go around two or three blocks to get back to the area. He stated that area is very busy.

Mr. Roberts stated he has been involved with downtown real estate development for 25 years. The way the downtown is laid out with Market Street and Cherry Street, running through perpendicular, the landscape of a downtown, so you no longer look at the front of the building, you now look at the side of the building. He stated this is not a request of one private business, economic development by its very nature is very confrontational because you take a defined area and you put together multiple property owners, multiple business agendas, multiple personalities and you ask them to work together. Within this process, it is impossible to have anybody agree. At this point, a common ground is developed for all involved. Parking and signage is essential for all businesses. He stated this economic development is on behalf of the City today and the future of it.

Mrs. Zahirsky moved to have a public hearing on the issue of one way street on Market January 2, 2008 from 6:30-7:00 PM, seconded by Mr. Deans. **ROLL: Yes, ALL.**

Mrs. Zahirsky moved to change the January 1, 2008 meeting to January 2, 2008, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

**REPORT OF MAYOR (John Grogan)** Mayor Grogan stated there is a vacancy on the Park Board for the Northwest School representative. He would like to present to Council for consideration Barbara Allman. Mr. Colaianni moved to appoint Barbara Allman to the Park Board as the Northwest School representative, seconded by Mr. Deans. **ROLL: Yes, ALL.**

**PARKS & RECREATION BOARD (Fred Fleming)** – Not present

**LAW DIRECTOR (Roy Batista)** Law Director Batista stated he has received the contract from the Stark County Public Defender's Office for

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Legal Services for 2008. He will have legislation for the meeting to be held on Saturday, November 10, 2007.

Mrs. Zahirsky moved to change the Finance Committee meeting to a Special Council Meeting to include reading the Ordinances on a Public Defender, the waterline and the second reading on Ordinance 21-07, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

**THIRD READINGS** - None

**SECOND READINGS** - None

**FIRST READINGS**

**Ordinance 21-07:** An Ordinance Establishing a Mayor's Court Within the City of Canal Fulton.  
Stands as a First Reading

**Ordinance 22-07:** An Ordinance Providing for the Issuance and Sale of Not-To-Exceed \$750,000 of Notes, In Anticipation of the Issuance of Bonds, to Pay Costs of Acquiring Certain Real Estate and Interests Therein to Expand the City's Municipal Complex, and Declaring an Emergency.

Mrs. Zahirsky moved to suspend the rules on Ordinance 22-07, seconded by Mr. Colaianni. **ROLL: Yes, ALL.**

Mrs. Zahirsky moved for passage of Ordinance 22-07 under suspension, seconded by Mr. Deans. **ROLL: Yes, ALL.**

**PURCHASE ORDERS & BILLS**

**P.O. 5028** to The Walter H. Drane Company in the amount of \$3,365.22 for Codified Ordinance Services. Mrs. Cihon moved to approve P.O. 5028, seconded by Mrs. Zahirsky. **ROLL: Yes, ALL.**

**P.O. 5036** to Doerschuk Plumbing/Htg. Inc. in the amount of \$24,277.00 for Pay Application #6 for the Fire Station. Mr. Colaianni moved to approve P.O. 5036, seconded by Mrs. Downing. **ROLL: Yes, ALL.**

**P.O. 5035** to Crown Heating and Cooling in the amount of \$24,800 for Pay Application #2 for Fire Station Project heating and Cooling Contractor. Mrs. Cihon moved to approve P.O. 5035, seconded by Mrs. Zahirsky. **ROLL: Yes, ALL.**

**P.O. 5039** to Baker Vehicle Systems, Inc. in the amount of \$13,332.50 for Ventrac Tractor-Model 4200 VXD. Mr. Deans moved to approve P.O. 5039, seconded by Mrs. Cihon. **ROLL: Yes, Mrs. Downing, Mr. Deans, Mr. Colaianni, Mrs. Cihon, and Mr. Crookston. No, Mrs. Zahirsky.**

Mrs. Zahirsky asked what funds this would be out of. It will be out of water, sewer and open space fees. She stated she doesn't agree with it being taken out of the open space.

**BILLS: \$100,245.13**

Mrs. Cihon moved receipt of bills in the amount of \$100,245.13, seconded by Mr. Colaianni. **ROLL: Yes, ALL.**

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Mrs. Downing asked if they could get the purchase orders and bills to Council before the day of the meeting.

**OLD/NEW/OTHER BUSINESS**

Mr. Deans stated he would like to congratulate the Northwest sport teams.

**REPORT OF PRESIDENT PRO TEMPORE (Linda Zahirsky)**

**REPORT OF SPECIAL COMMITTEES** - None

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

Mr. John Hatfield: Mr. Hatfield stated he has worked in the town for many years. He stated there has been a plan for parking and that he has tried to get parking on Walnut Street. He stated he is not against one way parking if it works out, but not in front of his building. He stated he has previously worked on a committee for economic development and helped with the CRA and Enterprise Zone. He stated he helped organize two open houses for the downtown this past year and they were very successful. He stated he is all for economic development and is asking for help and will accept Mr. Roberts or anyone's help. He is here to try to get a job done. They need a plan and to know what they are doing. He would like to help Mr. Roberts or anybody downtown; he is 100% for it. He doesn't want to create problems and he knows the area as good as, or better than most people.

Mr. Colaianni stated the goal for downtown is during the non-open house times, they want more people there. He feels that some of the people aren't willing to pay for the parking. He asked if it was a problem now. He asked how they should solve the problems with the business owners taking up the spaces in front of their business. Mr. Hatfield stated there isn't any free parking, and he isn't saying to put up meters. He stated if they all joined together, and if they want to lease, he has some options available.

Mr. Ken Roberts: Mr. Roberts asked Council if they could evaluate Walnut Street as well. He stated he would like to thank Mr. Cozy and Mr. Mayberry for following up with this issue. He stated they have shown him a plan that includes Walnut Street.

**ADJOURNMENT**

Mayor Grogan adjourned the November 7, 2007 meeting. The next regular scheduled meeting is November 20, 2007 at 7:00 p.m.

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Tammy Marthey, Clerk of Council

John Grogan, Mayor