

CITY OF CANAL FULTON

May 4, 2005

REGULAR COUNCIL MEETING

Mike Mouse, President of City Council, called the May 4, 2005 City Council meeting to order at 7:30 PM in Council Chambers at City Hall.

PLEDGE OF ALLEGIANCE

CALLING OF THE ROLL

Present: Mike Mouse, Diane Downing, Victor Colaianni, Nellie Cihon, and Bob Szanto

Mr. Szanto made a motion to excuse Mrs. Zahirsky as she is in Idaho Falls and to excuse Mayor Grogan due to work commitments; seconded by Mr. Colaianni. **ROLL CALL: Yes - ALL**

OTHERS PRESENT

Patti Troccoli, Clerk of Council; Marge Loretto, City Manager; Mike Rodino, Finance Director; Interim Chief Charles Kassinger, Police Department; Chief Ray Green and Glenn Boyd, Fire Department; Bill Dorman, City Engineer; Joan Porter, The Repository; Ken Roberts, Warehouse on the Canal; Raymond Cox, Akron University; Ray Martinez, Ohio Edison Co; Sandra Burke, Travis Hermann, James Deans, and Chell Rossi, Residents

CORRECTING & ADOPTING THE RECORD OF PROCEEDINGS

Mrs. Cihon made a motion to approve the April 19, 2005 City Council meeting minutes; seconded by Mrs. Downing. **ROLL CALL: Yes - ALL**

CITIZENS' COMMENTS ON AGENDA MATTERS – None

DR. RAYMOND COX, AKRON UNIVERSITY

Dr. Cox made a presentation on how he would conduct time studies for City employees with a question and answer session after. He stated the people who belong in the labor union would not be included in the study. The time frame for completion is the end of June; estimated cost is \$2,000

REPORTS OF ADMINISTRATIVE OFFICERS

Senior Citizens

- May 16 – 18 Trip to Kewadin, Michigan has been cancelled.
- Sept. 10 Alzheimer's Memory Walk at Jackson Park. Starts at 9:00 AM, breakfast served 8:00 AM. A donation for "Forget Me Not" for \$1 was requested; they also have candy bars they are selling for \$1 at the Senior Center.

Community Service Coordinator – No Report

Fire Chief

Chief Green stated the boat is in; they have to buy extra propellers. There will be training with the boat Saturday at 9:00 AM.

The Chief noted that North Lawrence Fire Department is going to go with Nimishillen Township for their dispatch center. The Chief stated currently in order for Canal Fulton's center to notify them, a dispatcher has to make a phone call to Nimishillen Township. He has approached Chief Heck (Jackson Township) of a possibility of entering into an Automatic Aid Agreement. Chief Green said it would be much easier on the dispatcher just to push a button to alert Jackson Township to respond, other than having to make a phone call; it's all on the same console. He is going to propose to Chief Heck, regarding our automatic aid, that we'll be getting the ladder truck, which will be coming out of the Safety Center, Central Station, which is 6.3 miles away. Lawrence Township is aware of this.

Chief Green requested a meeting with Council referencing the Fire Station and the architectural plans for same. Mr. Mouse will talk with the Safety Committee and get back to Chief Green.

Police Chief

Interim Chief Kassinger stated the new car is in and the equipment for it has been ordered.

Engineer - Bill Dorman reported on the following:

Milan Street Project: Pavement/restoration is nearly completed by Wenger Excavating; final punch list is going to be generated next week.

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Discovery Park Phase 2 and Pine Manor Senior Housing, Lakewood Estates/Lake Vista: Nothing new to report.

Canal Place: Has received EPA approval for water and sewer. There was a preconstruction meeting last week. The contractors are currently installing erosion-control measures.

Northwest High School Waterline: Project restoration is complete. Punch list should be completed this month. Water service is currently available from the new main.

Discovery Park Phase 4: The initial plan review has been completed.

River Road Culvert: Working with Mrs. Loretto, Mr. Dan Mayberry about a solution. They had a contractor looking at relining the culvert, which would be less costly. They completed hydraulic calculations; it appears the culvert is larger than necessary.

Walnut Street: Paved and open.

Finance Director

Mr. Rodino stated he would like to reschedule the Personnel Committee meeting. Mr. Szanto made a motion for the Personnel Committee to meet May 17, 2005 at 7:15 PM to discuss payroll issues; seconded by Mrs. Downing. **ROLL CALL: Yes - ALL**

Mayor – No Report

City Manager

Mrs. Loretto reported Tim Helline wants to annex 30 acres to the City, and Mrs. Loretto wanted to know if she should move ahead on this issue. This area is across the street from the Rumble property and would connect to 263 acres they own (and would like to annex at a later time); 20 of the 30 acres are in the flood zone. They will donate those 20 acres to the County (Stark Parks). The 30 acres would make the 263 acres contiguous to the City. The City may want to consider this area for a CEDA. They intend to build single-family duplexes on the 10 acres. Mrs. Loretto said Mr. Helline has spoken with the Township, so they know what he is planning – also speaking to them about the possibility of a CEDA with Canal Fulton. Mr. Szanto stated if this gives Mr. Helline and the Township what they want (not losing anymore land) and increases their tax base, a CEDA will allow Canal Fulton to bring more money into the General Fund through the sale of water. Mr. Szanto continued stating it was well worth consideration; and, if it doesn't work, Canal Fulton can annex the property. He made a recommendation to move ahead with this issue and have a meeting regarding same; Mr. Colaianni and Mrs. Downing concurred with this. Mr. Mouse asked that Mrs. Loretto call Mr. Helline to meet with Council to talk more in-depth about his plans.

American Traditions requested being considered for tax abatement. They are dropping the gift line and expanding their basket manufacturing line, retaining their current employees.

The State Liquor Board wants to know if Council wants to have a meeting regarding Canal Grill's liquor permit. Mr. Szanto made a motion that the City advises the State Liquor Board that they do not request a meeting at this point; seconded by Mrs. Downing. **ROLL CALL: Yes - ALL**

Mrs. Loretto said Canal Fulton did not get the Certified Local Government (CLG) grant for \$9,000 to redo the Zoning Codes in the Historic District, although they did say the City could resubmit by June 30, 2005. Mr. Colaianni asked if this was the second round and was told "Yes." He asked if we would have had a "better shot if we would have got in the first round" as there was more money available. Mrs. Loretto responded, "I don't know." She stated one letter she received said the City didn't get it; an E-mail received two days later said they still have \$9,000 to distribute. She was told that they rarely get enough people submitting requests to equal the money they have, even though they don't give away very much.

Mrs. Loretto was told that the Puffenberger property has already been resold to a developer.

Sandra Burke has a lot that is partially in the City and partially in the Township. They want to remove the trailer on the property, replacing it with a modular home. They want to annex the part of the property that is not in the City. Mr. Colaianni asked if she was aware of the tap-in fee (yes). Mr. Mouse requested copies of the plans to review same prior to responding to the request.

Parks – No Report

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Law Director

FIRST READINGS

Ordinance 13-05: An Ordinance Amending Chapter 1175 Relating to Signs in the Historic District.

SECOND READINGS

Ordinance 12-05: An Ordinance Enacting Chapter 743 Prohibiting Operation of Motor Vehicles in Certain Circumstances. **Discussion:** Mr. Mouse asked Council if they wanted to table this ordinance, as there are issues where Council has to make sure it doesn't affect anyone adversely. Mr. Colaiani said the Mayor met Monday, May 2, 2005, with Terry O'Connor (Avalon Foods) and George Mizarek (Canal Fulton Provision) (Clerk of Council adds Lou DiStefano) and resolutions to some issues were committed to at that point in time with regard to the noise issues. There were concerns from Avalon Foods that the distance that was placed in the ordinance would eventually affect their business. There is concern that eventually the vacant property adjacent to Avalon Foods would become a residential district (Planning issue). Mr. O'Connor's concern was that if that happens and this ordinance is on the books, he will be "kind of at a standstill." Mr. Colaiani said there was some resolution and commitment on the truck issues with Mr. Mizarek regarding having the delivery trucks being moved, and said Mr. Mizarek has contacted some surrounding businesses where trucks can be parked. Mr. Mouse suggested that Mr. Hermann talk to the Mayor, as they are still working on a solution that he and the other residents would be comfortable with, also stating, "We're in a situation where this is what happens sometimes when you don't plan for these things because businesses were there first, and then homes are being built around the business." Mr. Colaiani stated the discussions with the Mayor and the concerned business owners were very direct and frank, and if you look at other businesses involved, the concern that comes from them is that if eventually houses are built "back up there," the Planning Commission will need to consider some type of buffer zone. Mr. Szanto made a motion that Council table Ordinance 12-05 until such time as this Council feels that they've got something that will be workable and maybe have some better language in it than this one does (Mr. Mouse added, "And not adversely affect any primary business that we have in town"); seconded by Mrs. Cihon. **ROLL CALL: Yes - ALL; ORDINANCE 12-05 IS TABLED.**

THIRD READINGS

Ordinance 08-05: An Ordinance Adopting a Backflow Prevention. (Requested by Council) Mr. Szanto made a motion that Council passes Ordinance 08-05; seconded by Mr. Colaiani. **ROLL CALL: Yes - ALL**

Resolution 08-05: A Resolution to Adopt the Solid Waste Management Plan for the Stark-Tuscarawas-Wayne Joint Solid Waste Management District. (Requested by Utilities Superintendent) Mr. Colaiani made a motion that Council passes Resolution 08-05; seconded by Mr. Szanto. **Discussion:** There was a lengthy discussion about Stark County being "the waste receptacle of Ohio." Mr. Mouse said he thought Stark County has more waste coming into it than any other Ohio counties. He suggested Council not pass this motion and that Council send a letter of protest to the Tri County Joint Solid Waste District indicating their displeasure with the continued mandate to accept garbage from all over the country. Mr. Szanto stated it is all done under the guise of Interstate Commerce. **ROLL CALL: Yes - 0 No - ALL; RESOLUTION 08-05 FAILS**

PURCHASE ORDERS & BILLS

P.O. 4345 in the amount of \$11,974.75 made out to Mitchell Communications, Inc. for Materials/Installation New Radio Tower. Mrs. Cihon made a motion to accept P.O. 4345 in the amount of \$11,974.75 made out to Mitchell Communications, Inc; seconded by Mrs. Downing. **ROLL CALL: Yes - ALL**

P.O. 4354 in the amount \$4,165 made out to Bender Construction to Rebuild Catch Basin at First Merit; Mrs. Cihon made a motion to accept P.O. 4354 in the amount of \$4,165; seconded by Mr. Colaiani. **ROLL CALL: Yes - ALL**

BILLS: \$177,936.79 Mr. Colaiani made a motion that Council receives the bills in the amount of \$177,936.79; seconded by Mrs. Downing. **ROLL CALL: Yes - ALL**

NEW BUSINESS - None

OLD BUSINESS - None

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OTHER BUSINESS

Regarding Ordinance 13-05, Mr. Colaianni stated he reviewed amending Chapter 1175, and there are concerns he has regarding the draft he had initially given HPC. He said there are a number of businesses downtown that have or could potentially have multiple vendors in them, and he felt it limits their opportunity for signage and also limits (Item 3) where it says a second sign may be permitted only when the back of the building faces the canal or the building has frontage on two streets. Mr. Colaianni said not all the buildings have frontage on two streets. He noted Stiles Art Studio has three sides that have opportunity for signs, as well as Mr. Roberts' business, and he feels the ordinance limits them their opportunity to advertise and be proactive in conducting business.

Mr. Mouse noted there is going to be a Grand Opening for the Canal Fulton Dog Park on Sunday, June 12, 2005 from 1:00 PM to 3:00 PM.

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

REPORT OF COUNCIL PRESIDENT – No Report

REPORT OF STANDING COMMITTEES – No Report

EXECUTIVE SESSION - None

ADJOURNMENT

Mrs. Cihon made a motion to adjourn. Council President Mouse adjourned the May 4, 2005 City Council meeting.

Patricia A. Troccoli, Clerk of Council

Council President Michael Mouse