

## **COUNCIL MEETING**

Mayor Grogan called the August 1, 2006 City Council meeting to order at 7:00 PM in Council Chambers at City Hall.

## **PLEDGE OF ALLEGIANCE**

### **ROLL CALL**

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

**Others in Attendance:** Paul Bagocius, Fred Etheridge, Michael Mouse, Rochelle Rossi, Residents; Mark Cozy, City Manager, Scott Svab, Finance Director, Chief David Frisone, Police Chief, Dennis Mayberry, Street Superintendent, Joan Porter, The Repository, Dale Kincaid, Law Director.

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

Mrs. Cihon made a motion that Council accepts the July 18, 2006 City Council meeting minutes; seconded by Mr. Colaianni. Mrs. Zahirsky stated under **OLD/NEW/OTHER BUSINESS**, it should read "prudent" instead of prude. **ROLL CALL: YES:** Mr. Crookston, Mr. Colaianni, Mr. Deans, and Mrs. Downing. **ABSTAIN:** Mrs. Zahirsky.

### **REPORTS OF STANDING COMMITTEES** - None

### **CITIZENS' COMMENTS – AGENDA MATTERS**

**Michael Mouse:** He wanted to address a concern regarding an annexation where the City is considering what services they may provide. He has been talking with individuals in his neighborhood. He would like Council to deliberate very slowly and very cautiously about this annexation. It is felt that there would be a decrease in the areas standard of living. He has been collecting signatures to present to the County Commissioners and to Council, if necessary. He stated he would be happy to sit in a meeting or individually with anyone to discuss this issue and explain what his concerns are and what the residents in his area are. He stated this is the Duncan property now purchased by a gentleman from Cuyahoga Falls, Mr. Craven.

Mr. Cozy stated this property is zoned for development and is in Lawrence Township. The only way for the citizens to control what is going to happen to that property, is for it to be in the City. Currently they would only be approving annexation they would not be approving any type of development for the property. The development would be approved through the planning process, which is not even occurring.

Mr. Mouse stated in November that Mr. Craven appeared before Council and presented a site plan, representing 47 acres. Mr. Mouse stated saying a developer just wants to annex is sort of ingenuous. He stated he knows what is going to happen, Council knows what is going to happen. The residents on the west side know what is going to happen. He stated he is present to state what the facts are. Mayor Grogan stated Mr. Hopper and Mr. Workman both stressed concerns relating to the access and safety issues to the property. Mr. Mouse stated everyone at the table knows that they have a right to accept annexation or not. Mrs. Zahirsky stated the plans that Mr. Craven previously submitted were going to mirror the development that Mr. Mouse currently lives in and this is not allowed anymore. Mr. Craven is aware that he cannot put that many homes on that piece of property. Mrs. Zahirsky stated if Mr. Mouse is informing people that he is going to follow that site plan, then he is not being honest with them, because he cannot follow the site plan. Mr. Mouse stated he is informing them that this guy is going to put in as many homes as he can, remembering what Mr. Craven had previously asked about putting in as many homes as on Riverview and Stonewood. Mr. Mouse stated Mr. Craven clearly stated that to Council and Council said "no".

### **REPORTS OF ADMINISTRATIVE OFFICERS**

**SENIOR CITIZENS (Nellie Cihon)** - None

**COMMUNITY SERVICE (Phil Kaster)** – Written Report Provided. Mayor Grogan read from the report that for the month of July there were 248 hours.

**FIRE CHIEF (Chief Ray Green)** Chief Green stated they replaced helmets and boots and would like to donate about 15-20 of the old to Stark State and to give the helmets and boots to individuals who have retired. Mayor Grogan asked Chief Green to present to Council an exact figure of what and where they are going to donate the items. Chief Green stated in the past when items were replaced, individuals could buy their old for \$10. They are looking for a way to get rid of the old items.

**POLICE CHIEF (Chief David Frisone)** - Chief Frisone stated Resolution 31-06 is for a grant for Office Kosco to continue teaching D.A.R.E. classes. Mayor Grogan read information provided relating to the grant and its purpose. The grant provided matching funds to help defray the costs of the officer's salary up to fifty percent. Office Kosco currently spends approximately 123 hours in the school teaching D.A.R.E. If awarded, they would receive \$1,319.18, equal to 61.5 hours of that time. There is an August 11 deadline.

Chief Frisone stated Officer Kosco completed a one day course in Richfield relating to internet safety operations for children, "I Safe". She is certified to teach this and will be implemented in her D.A.R.E. classes this fall. Officers Swartz, Ardman, Kensinger, and the Chief participated in advanced shot gun training sponsored by Lawrence Township Police Department. The Chief just attended a Supervising Environmental Investigation Course in Columbus. This was sponsored and funded by the Ohio E.P.A. He took the recent theft case with him and showed it to the former Franklin County Prosecutor, who was one of the instructors, and he was pretty shocked that this case was not pursued criminally.

Mayor Grogan stated the "I Safe" is a program where officers go into schools and teach children the hazards of internet use, ie. screen names, how predators out there are locking in on certain things like where someone might use northweethoney2005. This tells the predator that they are dealing with a female who is going to Northwest and graduates in 2005. This allows them to target in on this. Predators are able to convince children to get off buses and meet them at certain areas. This training helps the kids address their screen names, how to deal with the chat rooms, and people that may try to target them in open discussion forums. Mayor Grogan stated a program needs to be in place for Canal Fulton. Chief Frisone stated his department is currently working on this issue. Mayor Grogan stated he also wants to work on a card that the officers can keep in the car. They can take the card and put the time that they check on a home and place it in the mailbox or on the door. It is a program letting residents know that there was an officer in that vicinity and what time. Mayor Grogan stated he could provide policies if the Chief needs them.

The Chief stated he was in South Carolina at a child abuse training seminar sponsored by the Federal Government. It was an excellent opportunity. It was attended by Police Chiefs all over the country. It is now his responsibility since he attended, to take the lead in Stark County to develop an Amber Alert type plan to be implemented anywhere in the county if there is a child abducted.

**ENGINEER (Bill Dorman)** – No present

**FINANCE DIRECTOR (Scott Svab)** Mr. Svab stated Council was given a separate packet which included four purchase orders and a list of bills. He stated along with the Varney Fink & Associates purchase order, there is an engagement letter, explaining their obligations for their three year agreement. He stated he would need an ordinance allowing the City Manager to enter into agreement for the 2005 audit. Mr. Svab stated he talked with Mr. Cozy and the Mayor regarding Ordinance 33-06, part-time clerical employee. The pay rate is currently \$7.41 and would like to discuss increasing her pay to at least \$9.00 per hour, the same rate as the seasonal employees in the Street Department. Mrs. Zahirsky made a motion that the Personnel Committee meet on Monday, August 7 at 7:00 p.m. in the lower level of City Hall, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

**CITY MANAGER (Mark Cozy)**

**Newsletter:** Mr. Cozy stated D & M Printing will assemble and print the newsletter. They have agreed to keep the price at the same cost as previously. All articles are due by Monday, August 14<sup>th</sup>.

**Comprehensive Plan:** They received requests for qualifications from nine firms. The plan will encompass the City and Township. He has not yet contacted the Township. The next step will be to go through all the qualifications and perhaps get the list down to four or five firms and bring them in to begin the interview process. Mayor Grogan asked Mr. Cozy to let the township know of the requests received and see who they have that is committed. Mr. Deans and Mr. Crookston stated they would be interested in helping review the qualifications. Mr. Cozy would like to have as many Council members and people from the community that are interested to be involved. Any interested parties can review the qualifications at City Hall.

**Curbs and Sidewalks:** Mr. Dennis Mayberry did an assessment of the curb and sidewalks on High Street, north of Market. The report from Mr. Mayberry indicates that all the curbs are in poor condition and about half the sidewalks is in poor condition. It was discussed about the Sidewalk Committee meeting.

**MAYOR (Mayor John Grogan) - None**

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

**LAW DIRECTOR (Attorney Dale Kincaid)** Mr. Kincaid stated regarding Resolution 28-06, 29-06, 30-06, and 32-06, the deadline to file at the County Commissioners office is Friday or Monday. The rules will need to be suspended. Mr. Cozy stated that Resolution 32-06 is the Duncan-Craven Property. Mr. Colaianni stated if township land comes in, you have to have buffer zone on any non-contiguous land if the use is different. This property is surrounded by City property and they are doing this as a safety valve because of any concerns that may be raised from the township or anyone else. Mr. Mouse stated it is contiguous on the north side and not the south side. Mr. Cozy stated the Kelp property is surrounded by the state.

**THIRD READINGS**

**Resolution 26-06:** A Resolution Entering into a Contract with Clemens, Nelson Associates, Inc. for Management Consultants Services. Mrs. Zahirsky moved to pass Resolution 26-06, seconded by Mr. Colaianni. **ROLL: Yes, ALL.**

**SECOND READINGS**

**Ordinance 28-06:** An Ordinance Adjusting the Time of Regular Meeting of Council and Repealing the Provision Wherein Council's Salaries Reduced for Failure to Attend

**Resolution 31-06:** A Resolution Authorizing the Police Chief to Apply for a Grant and Enter into an Agreement for D.A.R.E. Program, and Declare an Emergency. Mr. Colaianni moved to suspend the rules on Resolution 31-06, seconded by Mrs. Cihon. **ROLL: Yes, ALL.** Mr. Crookston moved to pass Resolution 31-06, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

**EXECUTIVE SESSION**

Mr. Colaianni moved to adjourn to executive session at 7:55 p.m. for the purpose to consider the appointment of a public employee, with members of Council, Mayor, and the City Manager present; seconded by Mr. Crookston. **ROLL: Yes, ALL.**

**REGULAR SESSION RECONVENED**

At 10:07 PM, Mrs. Zahirsky made a motion to reconvene the regular session, seconded by Mr. Deans. **ROLL: Yes, ALL.**

Mrs. Zahirsky moved to hire Tammy Luther as Clerk of Council, seconded by Mr. Crookston. Mrs. Zahirsky stated both candidates were very good candidates. She doesn't want anyone to think they slided any one candidate. They took time to look over almost one hundred resumes. The two that they chose to interview were very fine candidates. **ROLL: YES:** Mrs. Zahirsky, Mr. Deans, Mr. Colaianni, Mr. Crookston and Mrs. Cihon. **NO:** Mrs. Downing.

Mrs. Zahirsky moved to offer \$13.50 per hour with no overtime in this position and that she be granted vacation time based on the years that she had prior service with the City, seconded by Mrs. Cihon. **ROLL: YES:** Mrs. Zahirsky, Mr. Deans, Mr. Colaianni, Mr. Crookston and Mrs. Cihon. **NO:** Mrs. Downing.

### **FIRST READINGS**

**Resolution 28-06:** A Resolution Indicating What Services the City of Canal Fulton, Ohio will Provide the Kelp Property Immediately Upon Annexation, and Declaring an Emergency. Mr. Crookston moved to suspend the rules on Resolution 28-06, seconded by Mr. Colaianni. **ROLL: Yes, ALL.** Mrs. Cihon moved to approve Resolution 28-06 under suspension, seconded by Mr. Deans. **ROLL: Yes, ALL.**

**Resolution 29-06:** A Resolution Setting Forth a Buffer in the City's Zoning Ordinance for Annexed Property Adjacent to Non-City Property that Presently has Township Zoning, and Declaring an Emergency. Mrs. Zahirsky moved to suspend the rules on Resolution 29-06, seconded by Mrs. Cihon. **ROLL: Yes, ALL.** Mr. Crookston moved to approve Resolution 29-06 under suspension, seconded by Mr. Colaianni. **ROLL: Yes, ALL.**

**Resolution 30-06:** A Resolution Indicating What Services the City of Canal Fulton, Ohio will Provide to the Craven-Duncan Property Immediately Upon Annexation, and Declaring an Emergency. Mrs. Cihon moved to suspend the rules on Resolution 30-06, seconded Mr. Crookston. **ROLL: YES:** Mrs. Zahirsky, Mr. Deans, Mr. Colaianni, Mr. Crookston and Mrs. Cihon. **NO:** Mrs. Downing. Mrs. Cihon moved to approved Resolution 30-06, seconded by Mrs. Zahirsky. **ROLL: YES:** Mrs. Zahirsky, Mr. Deans, Mr. Crookston and Mrs. Cihon. **NO:** Mr. Colaianni and Mrs. Downing.

Mr. Colaianni asked if Mr. Craven has submitted any type of plans. Mr. Cozy stated he is not aware of any plans this year. Mrs. Downing stated he verbally submitted some things to Planning Commission and it involved a lot of houses. Mr. Kincaid stated the Planning Commission asked if they would entertain jurisdiction over it since it wasn't in the City and he said no. Mr. Cozy stated he told Mr. Craven there were no guarantees if he annexed. Mrs. Downing stated at a Planning Commission meeting, Mr. Hopper and Mr. Workman made it very clear to Mr. Craven with the mine and the run off and the lack of frontage, that they were not very keen on the idea and didn't feel that he could do a whole lot with it, if it were in the City.

Mr. Mouse asked that the names that he has gathered so far be entered now as part of this record and with the understanding that there will be more forthcoming if the vote is positive for this to continue. Mayor Grogan stated to let the record reflect that they will submit as part of the record for this particular piece of legislation, signatures that Mr. Mouse has presented to this body on behalf of the residents of Stonewood and Riverview.

It was addressed about the concerns of Council relating to safety with the access of this property and that the property sits too high for the water tower to effectively give them water pressure. Some of the higher elevations are going to have problems with water pressure. Mr. Mouse asked for the Mayor to sit down with the Trustees to see that both Council and Trustees work out something that this be developed where there is least damaging to everybody. Mr. Cozy stated the owner petitioned the County Commissioners to annex this property. The City would only be agreeing to provide services if the County Commissioners approve the annexation. The City is not obligated to accept the annexation if the Commissioner's approve it. There is a forty-five day

waiting period before the Commissioner's review the proposal, then if accepted, there is a sixty day wait period before the City can accept it, and then another thirty days until it is official. Mr. Kincaid stated the land comes into the City with Township zoning. Mr. Mouse stated Lawrence Township made a motion at their meeting to protest the annexation.

**Resolution 32-06:** A Resolution Setting Forth a Buffer in the City's Zoning Ordinance for Annexed Property Adjacent to Non-City Property that Presently has Township Zoning and Declare an Emergency. Mr. Crookston moved to suspend the rules on Resolution 32-06, seconded by Mrs. Zahirsky. **ROLL: Yes, ALL.** Mrs. Cihon moved to approve Resolution 32-06 under suspension, seconded by Mr. Crookston. **ROLL: Yes, ALL.**

#### **PURCHASE ORDERS & BILLS**

**P.O. 4706** Mrs. Cihon moved to approve P.O. 4706 in the amount of \$14,950 to Varney, Fink and Associates for the 2006 audit fees, seconded Mr. Deans. **ROLL: Yes, ALL.**

**P.O. 4707** Mrs. Zahirsky moved to approve P.O. 4707 in the amount of \$10,000 to Rupp Construction, Inc. for road paving materials, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

**P.O. 4708** Mrs. Cihon moved to approve P.O. 4708 in the amount of \$25,000 to D & R Supply, Inc. for road paving materials, seconded by Mr. Crookston. **ROLL: Yes, ALL.**

**P.O. 4709** Mrs. Cihon moved to approve P.O. 4709 in the amount of \$12,500 to Thomas Klingensmith for fire station architect, seconded by Mr. Deans. **ROLL: Yes, ALL.** Mr. Svab stated this bill will pay them up through July 15<sup>th</sup>.

**BILLS \$142,300.94** Mrs. Cihon made a motion the Council has received the bills in the amount of \$142,300.94; seconded by Mr. Colaianni: **ROLL: Yes, ALL.** Mr. Colaianni asked what the payment to Whitmer Association was for. Mr. Svab stated it is for fire equipment. Mrs. Downing asked what was purchased at Accurate Office. Mr. Svab stated it was for new office furniture for the water/sewer department.

**OLD/NEW/OTHER BUSINESS** - None

**REPORT OF PRESIDENT PRO TEMPORE (Linda Zahirsky)** Mrs. Zahirsky reported that it is good to be home.

**REPORT OF SPECIAL COMMITTEES** - None

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

**Cindy Bagocius, 451 Cherry Street:** Mrs. Bagocius asked about the Resolutions relating to annexation. It was her feelings that the comprehensive plan for the City be done first and then the areas that are in question to be annexed would then be figured into the comprehensive plan. She is encouraged that nine firms have shown an interest in Canal Fulton and that Lawrence Township will be included in deciding the final group that will work on the plan.

Mr. Colaianni stated if a property owner or developer that owns property comes to the City, he feels that one of the things they want to consider is, it in the best interest of the City to annex or not and there may be times where a comprehensive plan may take several years and they may not be able to wait that long.

Mrs. Bagocius asked if the motto is still being worked on and will it be in the newsletter. She also wanted to know if citizens can submit articles to the newsletter? Mayor Grogan stated it is for the City, to get its news out. They have never used the newsletter for a forum. Mrs. Zahirsky stated she could submit an article to the City Manager to review. Mr. Cozy stated they are looking into something like this to be included on the website, a

community page. Mayor Grogan stated you would need to log in to the page in order to voice concerns within limitations.

Mrs. Bagocius asked what it meant when a resolution is passed with its rules being suspended. Mrs. Zahirsky explained that it meant that it is a requirement that there are three readings.

**Paul Bagocius, 451 East Cherry Street:** He wanted to recognize Officer Swartz. During the demonstration outside, Officer Swartz approached him. He stated he did it with such professionalism and respect that he afforded the citizens of Canal Fulton. He felt if there were ever an in-service on public relations, he would highly recommend that Officer Swartz be part of the presentation. His mannerisms, professionalism and his courtesy and respect are outstanding.

He stated he believes in the packet is a letter that he sent to the Mayor and Mr. Cozy requesting to be placed on the agenda concerning the letter that the Mayor wrote the day after Council acted. He is requesting that Council at least a fifteen minute discussion concerning that letter. He stated there are many, many implications to the letter, for not only the future of Canal Fulton, but also the authority and the respect of Council itself. He feels it could be interpreted as him syruping Council's decision on one day, immediately following with the letter. It is an understanding that there were Council members not informed of the letter. He would like to be on the agenda for the August 15<sup>th</sup> for fifteen minutes. He stated that

**Michael Mouse:** Mr. Mouse stated on behalf of all the retirees that are not present tonight, Council recently passed a \$5 increase in license plates fees and the rationale previously was they were concerned with what the County might do. He wanted to quote a paragraph from the County Engineer's Gazette, July 2006 and if Council so dispose they might rescind based on this comment. This is Michael Rufus, County Engineer: "It has become apparent to me that we will not be seeing an increase in our budget through a license fee increase anytime soon." Mr. Mouse stated based on that information, feel free for someone to please rescind the \$5.00 fee.

Mrs. Zahirsky stated they spent the money this evening when they spent the \$25,000 and the \$10,000. Those funds are funding the street repairs. Mr. Svab stated there was \$5.00 more the County could enact if they wished.

Motion to adjourn was rescinded.

### **EXECUTIVE SESSION**

Mrs. Zahirsky moved to go into executive session at 10:45 for the purpose of a conference with the Law Director or other retained Council regarding pending or imminent court action, and compensation of a public employee or official or employment of a public official or employee, with outside retaining Counsel, Council, Mayor, Chief Frisone, Dale Kincaid and Mark Cozy, with possible legislative action, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

### **REGULAR SESSION RECONVENED**

Mr. Deans made a motion to reconvene the regular session, seconded by Mr. Colaianni. **ROLL: Yes, ALL.** Mrs. Zahirsky moved that Mr. Cozy can take two days vacation this week, seconded by Mrs. Cihon. **ROLL: Yes, ALL.**

### **ADJOURNMENT**

Mayor Grogan adjourned the August 1, 2006 City Council Meeting.

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Mayor John Grogan