

CITY OF CANAL FULTON

August 23, 2005

SPECIAL COUNCIL MEETING

Mayor John Grogan called the August 23, 2005 Special City Council meeting to order at 7:00 PM at the Lawrence Township Administration Building. The purpose of the meeting is to discuss a Cooperative Economic Development Agreement (CEDA) and whatever Canal Fulton City Council deems necessary.

PLEDGE OF ALLEGIANCE

CALLING OF THE ROLL (All Introduced Themselves)

CANAL FULTON: Mayor John Grogan; Councilpersons Victor Colaianni, Mike Mouse, Diane Downing, Robert Szanto, Linda Zahirsky Nellie Cihon, Director of Public & Utility Services Dan Mayberry; Interim Finance Director Scott Svab; Chief Ray Green, Canal Fulton Fire Department; Attorney Roy Batista

LAWRENCE TOWNSHIP: Trustees Richard D. Harbaugh, Marvin Hardgrove and Michael Stevens; Frank Melito and Jack McGrew, Zoning Dept.; Attorney Allan Krash

OTHERS PRESENT

Joan Porter, Canton Repository; Andrew Hirsch, The Independent

CEDA DISCUSSION (CANAL FULTON/LAWRENCE TOWNSHIP)

Minutes of the June 12, 2005 Special Session with Lawrence Township Trustees were distributed.

Mr. Colaianni referred to mutually agreed upon items (follows) from the last meeting, saying Canal Fulton would like to move forward with a potential CEDA agreement with the proposed property on Warwick.

Zoning: It can be noted that both municipalities have to agree on zoning as part of the text.

Safety Forces: Safety forces would remain in Lawrence Township, but the Mutual Aid Agreement and the current Day Program would still apply.

Annexation: Any land included in this CEDA would not be included for annexation; specified in the agreement.

30-Acre Tract (Mr. Helline petitioned to be annexed) (20 acres in flood plain/10 acres can be developed): It was stated if Canal Fulton doesn't need to annex it, they won't.

Duration: Needs to be mutually agreed on.

Revenue Sharing: Without an annexation, property tax would remain with the Township; any water revenues collected by Canal Fulton could be diverted as Canal Fulton sees fit.

Income Tax: It was left on the table that should not be an option with regard to the CEDA.

Plans for Next Meeting: Have attorneys for both municipalities move on potentially drawing up some sort of draft agreement. Keeping in mind that when a draft agreement is made and that's reviewed, once it is decided on what the final version of the draft is going to be, there has to be a Public Hearing, which is a 30-day notice. From there, municipalities would have to decide on whether to do the CEDA agreement or not.

Mr. Mouse said Council, as a body, has never sat down and discussed a CEDA or the ramifications of same; nor, as a body, gave their approval for any ramifications or discussed any direction. Mrs. Zahirsky agreed, saying they have not met with the city's attorney. Mr. Mouse said the discussion was tentative and exploratory, he wants numbers, cost benefits, etc.

Mr. Harbaugh stated it was his understanding after a lengthy discussion on the CEDA with Mr. Helline that the 30 acres was in question; Mr. Helline had reservations if they would even purchase that; they just had an option on it.

Mr. Colaianni spoke about a Council meeting three years ago, where Bob Slicker (who represents the Farm Bureau) said that the city and Township need to talk about a lot of the farms that surround the town because the exact thing that's happening now would happen; people are passing away, being unable to farm; their children don't want the farms. Whether or not they want to recognize it as two municipalities is what the group is facing now. There is an auction coming up this week and other farms where people are making decisions on what to do with them. He felt that if they don't move forward with the tools that State has given them, then they don't control their destiny. He said Mr. Mouse has long talked about a Master Plan, and (in his opinion) these agreements are part of the Master Plan. Colaianni said, "If we don't work together in addressing these issues then somebody is going to take advantage of it, whether it's a developer, whether it's business, whether it's somebody who comes in and buys 300 acres of land and all of a sudden wants to throw 400 houses on it." A potential agreement allows control some of that. He said Mr. Harbaugh shared with him the number of houses going up and not

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that you want to stifle growth, but at what point in time do we say - as two municipalities working together - how are we going to address this. Mr. Colaianni said it is coming west; Mr. Helline is the first. He said his personal opinion is that there will be a record set on what land goes for in Lawrence Township when they have the auction, and if we don't get the ball rolling in some way - with a CEDA or some sort of an agreement - "we're going to be too far behind the 8-ball."

Mr. Mouse said that what they're doing today is "let's do the CEDA and then do the Master Plan; I think prudence would say we do a Master Plan first." He said they need to figure out if those things are feasible and viable for both entities.

Mr. Colaianni's said he thinks the CEDAs are a part of a Master Plan.

Mr. Batista stated he has experience with one CEDA; when you analyze that CEDA, it was just the first step in creating a dialogue between the township and the city. He thought the intention of the legislature was to attempt to get some sort of a reasonable program for annexation.

Mr. Szanto said one of the issues of the Master Plan is supposing we had instituted a Master Plan two years ago, which means probably three or four years ago we would have done the research and the Master Plan would have been completed two years ago. "I can say without reservation that the land we're talking about right now and the land that's going up for sale would not have been involved in that Master Plan because I don't think we knew about that. I don't think you can predict what's going to happen." He asked, "Can you really sit and say, 'OK, we're going to stop everything right now; we're not going to talk about anything until we get a Master Plan under our belt if you don't know . . . you know, there are certain market pressures that are going to dictate what land is going to become available. There was a Master Plan 20/25 years ago with Stark Regional Planning, but do you know where their Master Plan was? It was out on 21; 21 and 93, now nothing's happened out there." He continued, "That's where the Stark County's Master Plan said everything was going to happen" He told Mr. Mouse, "Sometimes you just have to drive by the seat of your pants, to some extent, based on what's given to you, what's being forced at you."

Mr. Mouse said what he envisioned with a Master Plan is they sit down with a group of people, perhaps guided by people who have previously done it, and ask questions like how are we going to grow, what direction are we going to grow, where do we want to focus our spending, etc. It doesn't matter whether this land came up or not; land is going to come up at some point, so you know it's something you're going to have to deal with. You do it in generalities, but you do it in a way you're not disappointed with the outcome. He said, "I love my community. I think I have a passion for where I live. I've tried to serve that community." He said they could end up losing the "quaintness they cherish about the community." He said Mr. Helline is a land speculator, and most of the time speculators and developers come in and they expect us (as government entities) to help them make a profit; but he doesn't think that's their main responsibility to the people who elected them; the main responsibility is to "maintain and keep our community prosperous, healthy and something we can be proud of."

Mayor Grogan agreed with Mr. Mouse, and said one of the things he thought about when Mr. Helline first approached them was having Lawrence Township in on this process was important. He said it's property that is in Lawrence Township that this developer wanted to bring into the city, and one of the things he looked at in the beginning was they have to come together because the developer "wants something from the both of us, and it would benefit the both of us - the Township and the city - to at least be at the table together to begin the dialogue, the discussion and things like that. I felt that it was inappropriate for us to just go ahead and rush to an annexation." He said it's a single owner, so if Canal Fulton did annex, there wouldn't be any complications; but, "we still have two communities that, I felt, were vested in this and having both sides at the table . . . at some point we can come to a mutual understanding or agree to disagree. But, I think that at least starting this process benefits both communities, as opposed to the alternative, which was he wanted to come in just for the utilities. Developers are going to find that attractive."

Mr. Colaianni reference Mr. Mouse's comments on having the responsibility to keep our community prosperous, said that totally contradicts (in his mind) Mr. Mouse's thought process; we both as municipalities have a duty to be prosperous and to look out for our respective municipality. He asked what disadvantage would coming to a CEDA be and taking the two things Mr. Mouse cited that they are supposed to be doing and move forward with it. Mr. Colaianni said it's a tool; it's something we've been given, and it's something that gives the city and the Township the option to do certain things that 10 years ago couldn't be done. He said, "If you're going to sit here and make the point you're making about moving slow and all this other stuff, we're not going to prosper, and they're not going to prosper. And we're not going to look out for the best interest because what an agreement like this does (and it would nice to get back on track with it because you sat through two meetings already and didn't voice any of this) is we've got some options here to control our destiny. Where, like the Mayor said, we're dialoging and we're going to come to an agreement on how that's done. I'm not one to just to give away water to people for the sake of giving away water to people. Our ordinances tell us in order to do that, most times we have to annex."

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Mrs. Zahirsky stated, "I guess I don't understand, though, what's the advantage to the city if the only thing we're getting out of this is two-and-a-half times our water rate, which we would get whether we had a CEDA or not. I mean, if I'm looking at some kind of a damage to the people that I represent, I would rather see these people paying income tax like our other taxpayers. I just don't . . . and share that with the Township, you know, in some kind of proportion because I know you gave us what occurred in Springfield." She spoke about the percentage of income tax sharing with Springfield Township and Springfield; it was advantageous to the Township (they got something), but there was income tax to the city.

Mr. Krash said what initiated back in January was strictly limited to the operation of a park; on land currently owned by the Township. He said all their discussions – the meetings January 6, February 3, and March 3 – were all related to that subject. He said nowhere did the question about developers ever come in until the meeting on June 12; everything they have obtained from Clark County and Springfield, as to the procedure they followed so they could have joint operation of the recreational facilities, related strictly to that. Mr. Krash's instructions from his Trustees were basically on this. Now, everything that has come in since the discussion of June 12 and tonight relates to a much broader subject than anything that was perceived by his Board of Trustees. He said when he talked to Dale Kincaid, his understanding at that time, prior to Mr. Batista being retained, was strictly that it was going to be on recreational and parks – period. Mr. Krash continued, saying, "So what's being thrown out tonight; what was discussed on June 12th was entirely new. I just want to make sure that I think the Township was a little bit astonished that this matter came up the way it did on June 12th because it opens up old battle grounds. It opens up old scars, and (um) if that's . . . you know, the Trustees are more than willing to discuss it with you, but that it was not the original intent why they met with Council and your representatives in the three prior meetings."

Mr. Szanto said these are two separate issues; he thinks the reference Linda made to Springfield Township is separate from the joint recreational agreement they had. It pertains to a CEDA document between another community that happened to both be named Springfield.

Mr. Stevens asked Mr. Batista if Plain Township and North Canton were currently in a CEDA arrangement and was told, "On a limited basis." Mr. Stevens asked about their timeframe and if they were putting a Master Plan together now. Mr. Batista said they did a CEDA that specifically involves one allotment/one developer. He said what the Township gained was a three-year moratorium on annexations after this property was annexed into the city, and when you do a CEDA agreement, the flip side is one of the things you can do is 'the annexation goes uncontested.' You go through a totally different procedure on annexation, and he thought that was what the developer wanted out of it; but, obviously that's what the city wanted. The Township wanted the moratorium on annexation. Mr. Stevens said in Plain Township, the CEDA has been in place for two years. A Master Plan is being developed. The CEDA is a piece of the Master Plan. Mr. Colaianni said the City of Tallmadge did a JED with Brimfield Township, and then their Master Plan came two years later.

Mr. Batista said their feeling on the income tax situation is if you have a development, such as Mr. Helline is talking about, and (EXA:) you have 500 houses that could be potentially 1,000 votes. So you now have 1,000 people paying income tax, and we're trying to pass a levy to run the Fire Department, those people are not going to vote for another levy if they're paying income tax.

Mr. Mouse said they don't have any numbers on the table about the CEDA or about the cost benefits that are being discussed, and until you see numbers, you don't know what's there. He said it was a matter of opinion and opinions are pure conjecture. Regarding annexation, he said he doesn't "want our Township colleagues to feel that we're trying to . . . do a deal with the developer under the threat of annexation. I don't want to be a part of that, and, and you mentioned that concern about annexation" - that Plain and North Canton did that. He said, "I really, really don't want to be a part of something like that. That we're going to do things with developers and land speculators, and the Township is going to bend or feel compelled to bend under the threat of annexation."

Mayor Grogan asked, "Without the Township being committal to anything, are the dialogues we're engaging in something that you're comfortable with, as opposed to just us accepting a one-owner annexation into the city. I just felt that bringing you guys to the table, at least we get your input; get your vision on things; get your view."

Mr. Hardgrove said probably as far back as two years ago, they talked about the CEDA. In fact, he said, had they started a couple of years ago, saying the Helline property that's in question may not have got rezoned. He said they had their zoning hearings because they wanted to rezone it. They turned it down because it was "Industrial," and he said that might not be the best spot right now for 'Industrial.' However, it's the only thing they had and wanted to keep it 'Industrial.'" Mr. Hardgrove said it went to court. The court said they had to rezone, so it got rezoned. He stated, "Had we had talk started two years ago, the clerks would have taken that into consideration that we're already doing this and may not have rezoned it."

Mr. Colaianni stated he's been to Regional Planning meetings where they are specifically

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incorrectly stating that there's no probability of utilities being run out to Warwick. He said they've done it on four occasions and made recommendations to deny zoning changes. The first meeting in May was pretty clear that annexation was a big issue with the Township; income tax or not, he's heard Mrs. Zahirsky at several Budget Hearings before he was elected in since, talk about revenue issues and "we don't have money to do this or that, which is correct. I think both municipalities are in a pinch right now. If you give yourself a flexibility with revenue to do things because, in my mind, an income tax (my personal opinion) is a moving target. Let's say they put up 200 houses out there the first wave. Out of those 200 houses, 65 might be bought by retirees. We don't gain the benefit of an income tax, but they gotta' turn a water spigot on."

Mrs. Zahirsky, "\$200,000 – I don't think there'd be too many retirees buying."

Many answered, "You'd be surprised."

Mr. Colaianni said, "You might not see the benefit on an Income tax 'til three, four, five years down the road. I'm going to address what Marvin said, you know, 'cause this is something as well that the city has to look out with. You're going into land that's not ours, and you're telling somebody, 'You have to pay an income tax.' They're not going to agree to that. I think all three of them are of the agreement that if we continue to move forward on this, income tax is not going to be something we're going to put in this. I think that was pretty clear last meeting and, unfortunately, some people were not at that meeting – for various reasons, all valid. But that was discussed last meeting." He went on to say, "Thirty years down the road, I don't want some of what's going on in Jackson Township right now, where you're stacking houses in there. You're causing flooding and infrastructure problems, and you're causing issues that could have been avoided had they addressed the issues that we're trying to address right now. Mr. Harbaugh told me in a conversation I had with him a couple of days ago he grew up here and was able to play on Locust Street for 30/40 minutes at a time before a car rolled by. Now, those days are gone, and I think we're all in agreement with that. But, moving forward, and we'll go to the land speculation thing that Mr. Mouse brought up. Mr. Helline owns the land, but he's going to sell it to other people. Now what those other people do with the land is what we have to discuss and come to an agreement on; whether they're going to be able to put 500 houses, 200 houses, 100 houses, how big the lots are going to be, how much water we're going to run to them if we're going to run water at all, and what's going to be the ramifications of running that water. Mr. Szanto said it several times, and I've heard him say it. 'You know, we should have been in the water business a long time ago.' He said it a couple of years ago at a joint meeting to Mr. Hardgrove. We've got it. It's a commodity that people want; and, and if you think that this Warwick area is, is the first people that are going to come to us, it's just going to keep coming. And, and we're not going to give it away to take away from our city residents 'cause those are the primary people that we have to be concerned with. But, we've got a commodity, and people are going to build in this area, and they're going to need that commodity. Now, either we can all benefit from it, or they can go to Ohio Water in Massillon and somebody else can benefit from it."

Mr. Szanto said that if they step back and look at the situation in its context in time today, what we have is somebody who owns (after buying Miller's farm) about 305 acres who came to the city. The land was not contiguous, so he had a provision with an additional 30 acres that would have made it contiguous, which would have made an easy one-owner annexation to the city. Mr. Szanto said that the Mayor understanding – along with most of them understanding – the implications and desire to be good neighbors with the Township, possibly at the expense of dollars and cents to our own residents, said, 'Before we do this, before we can make . . . exercise this option to do this, let's talk to the Trustees and see if we can both, if we can come to some agreement on this piece of land that will suit both entities.' In such a compromise, it's inevitable to assume that neither side is going to score big; both sides are going to give up something to make this happen. In our case, it may be income tax revenues. In the Township's case, he thought they'd be giving up – if they pass it up - if they don't have our water, they are at the mercy of waiting until there is water and sewer. But either one or both entities can sit at this table and eventually say, 'We're not going to do a CEDA; we can't come to terms.' Mr. Szanto said, "The next issue is does, does the city want to annex beyond that? This is not a threat; I'm giving you scenarios. The city can say, 'OK, we'll annex; we'll provide the utilities, and we'll charge an income tax,' and that becomes a done deal. Or the city can look at this piece of property and say, 'It's not to our advantage to annex that at this time.' The developer simply sits on it until some set of circumstances come together that makes it feasible for him to develop that land. Now, he can, he can make large lots; he can make mini farms out of it, uh, five acres and put in septic and wells, which he can get by with; or, but to put the density in that makes it more feasible/more marketable at this point, he needs city utilities. That's a foregone conclusion." He said that's why we're here; we're talking about this. There are no numbers on the table, obviously, we don't know. He said, "We're not walking away tonight with a vote; with an agreement. We're going sit here for several months probably and hash this thing out to see where we can get, and it boils down to there's 300 acres of land out here. Do we want to be involved with the development of it? Do we, as a city, want to provide the utilities, the water and sewer? And, if we do, what do we get in exchange?" Mr. Szanto said it was an open discussion at this point to see how Lawrence Township and Canal Fulton can get together and both make something out of this. The other option is to tell the developer it's not the time; he'll have to sit

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on his land. But if this opportunity has availed itself at this point, why not as two governmental entities; can't we enter into some kind of agreement where we both do benefit?

Mr. Mouse said there used to be issues between the city and Township where they didn't really get along, but you "gotta" get past that point and maybe we do want to do something. Maybe we do, but we also need to clearly understand that our futures are linked together. And, if we do something that adversely hurts one party, eventually it'll affect the other party negatively."

Mayor Grogan agreed, but said, "I don't think we're even at any of those stages. What I think he's saying . . . we're at the meeting point; we're kinda' at the . . . head of the needle here. We're just coming together to see if this is something that as the group of elected officials, there's something we want to settle in on. At the end of day, we may decide no, it's just not available or something you want to enter into. Then we can go along and then, as a body, look at the annexation and see if it's something that's going to be suitable for the city. But, before we make that, I think it's just being a good neighbor to sit down and say, 'Look, this is what's been presented to us. It impacts you. There's no way around it; it's going to impact you one way or another. So, to not bring it to the table would be irresponsible of us, at least to say would everybody be in agreement to at least see if this is something that we want to venture into. And, if not, and that's fine and it's, you know, the end of the day and we can get on with things. And at least we've made a concerted effort to be neighbors and try to figure out what's best for both – for the area – and I think that's where we're at."

Mr. Hardgrove stated, "I'm strictly in favor of trying to work out some CEDA. Dick and I, we sat down a while back, and we looked at what's going on; and we figure there's five or six farms right now ready to fall into this same category as what's already happened with this auction next week. Some of it's contiguous with the town, of the city, and there're others that's not. As far as annexation, you couldn't annex them the way they lay. But, they're there ready to fall like dominoes, and it's going to happen within the next few years, I'm sure. I think we've gotta' work out something and, and with those lands that are not up against the city can fall under these CEDA agreements just as well as not, and I think it's something we gotta' do. I think 15 years ago, when I first became a Trustee, one of the first things that we said at a joint meeting, I said, "Why don't you guys get in the water business or get out, and I still feel that way. I think water is the one main thing that makes the whole area grow. If you don't have that, it's going to sit here. And, you guys got the water. If you don't have it, I mean, if you don't want to do it, Massillon's down here - just – it takes some work, but it's right out here at Tuslaw School. And that's not very far down the road. Uh, and that's not meant to be a threat; but, it's there. And the water's the one thing that's going to make everything develop, and if we can work out with a CEDA with your water situation, hey! We can make this area as we want it, not as it just falls helter skelter. That's my feeling."

Mrs. Zahirsky asked the Trustees, "As I have heard - the proposed CEDA - where there's no income tax, there's strictly a property tax, and you're providing services and we're providing water, what advantage - what advantage is the - what is the Township giving up by going into this CEDA? When I look at a win/win situation, it means everyone has to give a little and everyone gets something. But in this situation/scenario, what is the Township giving up?"

They asked what the city is giving up.

Mrs. Zahirsky answered, "The city is giving up the opportunity annex and obtain income tax."

Mayor Grogan answered, "I mean it's a whole venture for us. When they presented it to us, it was 'Here, we would like to come in, and they had the contiguous property to go in.' " He went on, "And I see what Linda is saying, but that's a good thing. At least now we're dialoguing what we can do. What's the give-and-take; and that's the important thing."

Mrs. Zahirsky said, "I'm at a loss to understand what we're gaining out of this."

Mr. Colaianni, "Well, you're gaining the opportunity to do something you can't do if you don't do a CEDA or annex, which is something you questioned me on three years ago because you didn't think you could take utility revenue and divert it wherever you wanted to. That's something that we're getting out of it."

Mr. Szanto, "You can't except in the CEDA; correct?"

Somebody, "Correct, in the CEDA, you're entitled to do that."

Mr. Colaianni, "What the Township is, is doing is they're allowing us the opportunity to take that revenue and to divert it wherever we see fit as needed. And, obviously, a portion of that would go back to the Water Fund. See, the other thing which to expand on what Mr. Hardgrove said is, you know, I've talked to those guys in Springfield. I've talked to Brimfield Township. I talked to Tallmadge. A lot of their CEDAs and their JEDs, 'cause that's, you know, a little different with a JED than a CEDA, but a lot of their agreements were done before anything was even developed because of the fact they wanted to control what the area looked like. Tallmadge and Brimfield Township right now are sitting on 900 acres that looks like these farms out here. But, it's right next to Route 76, and they know eventually something's going to come in there. Whether it's houses, whether it's business, whatever it is, it's, it's sitting out there. It's vacant,

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and they said, 'Hey! We need to sit down - and this was a 10-year process of arguments over annexation before they figured out, you know what? We need to work together on this, and they basically said, 'OK, there's all this land,' like you said Marvin, 'that's going to fall like dominoes; how are we going to address it?' That's what this does. Whether we can get an income tax out of it by annexation or otherwise, personally, uh, I saw what happened with the last annexation, and I think we need to be better neighbors than that. And, you were involved in that."

Mr. Szanto, "That was a set of circumstances. And, I disagree with Linda in this regard that if, if we're - I don't need to, uh - before I believe in the CEDA, before I give a nod YES to the CEDA, I don't have to see the Township lose something. And I think I'm still representing the interests of my constituency. Because, I'll tell you - I'll tell you now, there are going to be tracts of land that are going to come up in the future that will be annexed by the city because they'll be legitimate, contiguous, one-owner, 100% annexations, and I think we need to be able to hold our heads high at that point and say, 'Look, this parcel of land works best if we annex. We've done CEDAs where we've, you know, where we've been able to shake hands and do things together.' And, I think this is maybe - I hate to use the word 'appeasement' because it's not what I'm saying. But, what I'm saying, it's, it's what Victor says. It's being good neighbors. This could go either way. Uh, there are some where, where I could see where I would just say, 'No,' I don't think that it's in the best interest of the city to negotiate a CEDA. This is pretty much a straightforward annexation, and when we do that, it'll be a lot easier (I think) to say, 'OK, we're going to do this because we've done some of these other things.' "

Mr. Mouse suggested that the Township and the city do a Master Plan jointly and let that guide the direction of their growth.

Mr. Szanto said he thought most of them were in favor of that, but he was not in favor of tabling the CEDA progress until the Master Plan is in place.

Mr. Mouse wanted numbers and costs.

Mr. Colaianni said he would forward to everybody what Mr. Dorman's estimate for the cost would be. It is 1.6 million dollars for the water and sewer for Warwick (on Dorman's letterhead).

Mr. Szanto said, "And, we're not going to pay for it."

The Mayor asked Mr. Batista if he thought we "placed the cart before the horse with this idea." He further commented, "I'd like to think that we're on at least a course."

Mr. Batista said, "I kinda' think perhaps this meeting is in order, just for the simple reason that I think you gotta' test the water with the Township to see if they're even interested in doing a CEDA. That I think I kinda' agree with Mr. Mouse, though, is that after you get the determination that a CEDA is a possibility, you should crunch the cost effectiveness. Two-and-a-half times inside/outside rate, 25 years at North Canton; we did it. Quite frankly, it kept our water rates down for our inside people. However, keep in mind of course, the climates changed. Back in those days, we had the Hoover Industrial Park Plant and, uh, that was a Hell of a water consumer. We now, up in the North Canton Industrial Park, have Cintas. Now, you want to talk about using water! They launder a lot of uniforms a day. They're outside. And, what's happened is North Canton has been selling water to its citizens for less than what it costs to make it for the simple reason that the two-and-a-half outside rate carries it. Now the question I have, however, is with this being a residential development, just how cost-effective is it? I'd kinda' like to see your Finance Director maybe crunch a few numbers and see if it makes sense. Because I'll tell you one thing, I lobbied hard at the time they were extending water into the North Canton Industrial Park, for the simple reason we had a water plant that was at about 80% capacity. All of a sudden, we picked up some customers in the North Canton Industrial Park; we were at capacity. City of North Canton is right now spending about 24 million dollars to expand their plant."

Mrs. Zahirsky, "And, that's what I don't want to get to because I don't want our residents to have to build another water plant."

Mr. Szanto, "We are currently at about 54% of maximum."

Mr. Batista, "And, I think that's another reason why, if you're going to extend water outside the municipality, you ought to be talking to the Township because the Township zoning is critical to how much - if you determine to go outside the city - what your demand is going to be on your water plant. And that was where North Canton, I think, made a terrible mistake, and that was they let Lake Township determine zoning in the Industrial Park, which determined the demand on the - the water lines were there - demand on the water plant. And, all of a sudden, we don't have a plant that's got capacity."

Mr. Szanto, "That's one of the issues that I've talked to the Marvin and the Mayor about. We need to, in this CEDA, establish a number - an SFE - that this development - that this CEDA is allowed to consume "X" number gallons of water, and that's it. We will allocate a certain portion for that specific reason. We need to know what it's going to do, and I think the best way to do it is with SFEs. Basically 7,500, 7,200, 7,500 gallons per month per household, we can establish the draw down on our Water Treatment Plant, and say that this is allocated to you and you can't

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– you cannot use more water than that. So, we're, we're – it's already talked about as being part of the language of this CEDA."

Mr. Batista, "And, I think you might be in a position where you would actually have to go to the Township and ask them to create a new zoning classification because their existing classification just might put too much demand on your water plant."

Mr. Szanto, "We looked at it, and I think it's legal. We could determine this to be a Water District, and thereby outlining this as saying that it is permitted to consume a certain capacity of our existing water treatment in number of gallons and not percentages. That, forever, for the term of this CEDA they're allowed to have – and we looked at it again – 200 households, it's 7,500 gallons per month; 7,500 gallons is about our average usage in Canal Fulton. And I'm making up the number 200 because we don't know. But, when this thing is planned, and this goes, this goes to satisfying (I think) part of what Mike is asking for is that, yeah, we do need to have further dialogue with the developer 'cause he's bouncing numbers around. And, he needs to know that, that the city is comfortable with putting in "X" number of gallons a month, a certain capacity, and he'd better not come in with, with plans of developing of a larger development. I mean, these things, these are things we've already talked about; we've already discussed. Thank you for reminding me, but that's crucial to our plans, so that we can plan further development when I say development for the use of the water that we have."

Mr. Krash asked if this land development now has priority over the recreational possibility of a CEDA.

Mr. Szanto said it was two separate issues, and he doesn't want them to be tied. (EXA: We'll do this, if they do this.) "They should run on their own tracks, and be decided on each with their own merits."

Mr. Colaianni said he thought they could run parallel.

Mr. Szanto, "That's what I'm saying. They can continue both at the same time, but one should not be hinged on the other."

Mr. Krash, "They really represent different aspects of governmental activity, and they really are not related and they probably shouldn't be related."

Mayor Grogan, "No, we agree. And, there's no reason to do so. I would think the recreational facility is something that is, uh, a great piece of work that both communities are working on and continuing. This is something completely separate; and, I think Mr. Batista has kind of helped, kind of framed what we're doing here. We're in the right stage of the process, and if I hear the Trustees right, this is something that they're willing to discuss further. So, I guess my next question you is, are they're willing to discuss this further? We're certainly not going to hammer out an agreement tonight; that's not going to happen. So, for the sake of brevity, if they're willing to enter into more discussions with that, what would our next step be? Would it be to get the figures together then get the Council body together and present those figures and to see where we stand?"

Mrs. Zahirsky, "I'd like to talk to Mr. Batista with us."

Mr. Batista, "I think before Council pulls the trigger, you do have to have a handle on exactly where the dollars are coming from and where they're going."

Mayor Grogan, "So, that would be something that we would want to do next. Now that we know that everybody's kind of agreed to at least continue talking about it, we can go back at this point and get with the developer and get some rough estimates, if not more accurate, as to what they're looking at, and then pull some figures together for Council to sit down and review and discuss with you. And then that would give us a better idea as to how we can approach the Trustees and how we can maybe begin to frame this into a better picture than what we have now. It appears kind of scattered – like a shotgun effect – and I'd like to narrow this down a little bit, if we can."

Mr. Colaianni, "One thing I think, both municipalities on their own, as well as in the next meeting together, need to figure out is something that Mr. Batista just brought up. How do we want to zone this? You know, Bob talked about SFEs. To me, 300 homes seems to be a lot of demand on water. It seems to be, you know, I know a part of that 300 acres is flood plain. It's not buildable, so that scales down your acreage - what they're able to build on - to probably somewhere around 230." He continued, "You know, you're talking 300 homes. In my personal opinion, I think that's the maximum that should be allowed out there. You know, I'm going to, you know, I don't want to put any numbers _____ in anybody's head. But I think both municipalities, because you guys have different zoning than we do; our rule, Residential zoning is more restrictive than yours is. Our lot sizes are actually bigger in our low residential code than yours are with city utilities. I think that's something that we need to do before you even ask a developer what they want to do because they're going to come in You don't want someone coming in to turn a buck, just to turn a buck. Obviously, somebody is going to pay handsomely for that land, and they already have, and it's going to happen this weekend as well. But, I think both of us, in addition to crunching numbers, talking about – you know – with

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attorneys and seeing what we want to see out of this is, I think we both need to figure out how we want to see this thing zoned.”

Mr. Szanto, “Can I give you a couple of numbers? 300 households; 300 SFEs; 250 gallons per day, and this is what Dan Mayberry tells us. We use 7,500 per month per household. That comes to 75,000 gallons a day. We are capable of producing 1.2 million gallons of water a day. At absolute high summertime drought condition usage, we are at about 680,000 gallons a day now. That’s, you know, July/August, watering lawns and everything; 75,000 gallons a day. I’m not trying to sell anybody, but that’s certainly is – it’s a drop in the bucket of the water production available out of our water treatment facilities. And, I’ll go on record of saying that. If the land is uphill from where we are and it needs a reservoir; you know, a tower to maintain telemetry with the water/the infrastructure, all that’s got to be paid for by the developer. City, absolutely, city, city – I mean it’s residential. Um, you could, you could work a payback with them, but yes, they have to pay for the infrastructure just the same as we did for the school.

Mr. Mouse asked if they could get a consensus about a Master Plan.

Mr. Colaianni, “I support your idea, but on the heels of that, it’s kinda’ like what Mr. Crash and what the Mayor and what other people have said with the recreational district. These things all have to run parallel to each other because you have a situation now. And Marvin’s right because I know one right now that’s probably going to have an auction sign up in the next few months. They’re going to start rolling like dominoes. And it’s, if you’re at least not keeping the track or the train rolling down the track on these other two things, as well as doing a Master Plan, in my opinion, a CEDA and even (I’ll go on record saying it), even JEDs if it stays Industrial; those are part of the Master Plan. So, we’re already kinda’ in that direction now; but I support it.”

Mr. Mouse again asked if there was an agreement for the Master Plan.

Mr. Colaianni, “I don’t think that’s why we’re talking about a CEDA. My contention is a CEDA – we could say 1,200 acres if we wanted to. And, like Marvin, we could address every farm around here right now with a CEDA.”

Mr. Szanto said he would like to proceed with looking at a Master Plan, but the decision can’t be made without an ordinance, without knowing what it involves. He said unless somebody goes to him with concrete evidence why the city and Township shouldn’t look at land usage in the future; he was in favor of it. He said he didn’t think there was something that could be put on the table that was a legal vote today, and asked if he was looking at a consensus.

Mayor Grogan, “Well, I think that the fact that we all got here together; that we’ve begun this process speaks volumes. And, I don’t want to lose the momentum of that to something that I believe is going to be just a very good relationship. So, if we could, maybe we could just say the Township’s willing to continue to talk – and I don’t want to speak on your behalf, so please correct me if I’m wrong – and that we would continue to look at the impact, our infrastructure, and then once we get some more solid numbers, we can get back together and maybe dialogue a bit more and find out where the gaps are and begin to close it up. If we’re all in agreement with that then maybe we can conclude and then maybe we can at least say that we’ve made the next step.”

Mr. Mouse, “John, can I add one thing? And I apologize, Marvin. I think that we should be actively pursuing/discussing the joint recreational district and with the same vigor that we’re employing towards a potential CEDA. I think it’s only fair to our colleagues to do that.”

Mr. Hardgrove, “I’d like to thank the Mayor and Council people for your comments tonight and coming together. It’s, it’s refreshing. And I hate to mention it this way, but under the last Mayor we had problems. Things just - anything that happened was like it was, it was a direct insult against the Township. I mean, you felt that continually. No matter what happened, it’s like we find out about it after it’s happened. And, it was like, uh, we’re going to take everything away from you and under the Ohio Revised Code, you can to a certain extent. The Annexation Reform Bill did change a lot of that; and, it in some ways it makes annexations easier. In other ways, it makes it more difficult. But, anyway, I’d like to thank you people for . . . seem like there’s been a change of attitude, and I’m very glad of that. We do have to work together.”

Mr. Mouse, “Thank you for your compliment, Mike. We appreciate it.”

Mayor Grogan, “Well, thank you, in that I think it’s mutual. I really do. I think it’s just a mutual situation, or we wouldn’t be here. We wouldn’t be away from our families, and we wouldn’t do this. We all have a vested interest, and I think we all want to do what’s best for both sides. And, without stalling it out, maybe we can just settle on the fact that we’ve made some headway here. We’ve made some very good points, and I think some great issues were brought up. We could let it settle for a while. Let the dust settle and then come back to this with some more input, and let this process (over-talking; can’t hear). And, Mr. Mouse is right. We need to at our pace, at something that we’re comfortable with, not at the developer’s, and that should be something that we should all agree on that this is something that we should take some lead on. Yes, they’re there for profit, but we’re here for the long haul. So are our families. So, with that being said, if

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everybody's in agreement and, um, we can maybe get onto a couple of other issues and get everybody out of here."

A Trustee said he had the feeling there's been some hang-up with the Council over the recreation center, and asked if that was right. He said it seems like it is "bogged down." Mr. Hardgrove said they tried to get a consensual agreement between the City Council and the Township just to agree upon something. He wanted to know if Council is behind it or is the Township pushing it and the Council doesn't want to see it happen. Mr. Colaianni said he was for it, and the Mayor said he would hope it would continue as, "It's just a great idea for the community. The fact that we're at this point and talking about it; it just seems like there are more ideas coming from it." Mr. Hardgrove said the T.A.P. is working on it, doing a lot of research, so they can move forward to some extent. The Mayor said regarding the appearance of it stalling out, they know T.A.P. is still doing quite a bit of work and a lot of legwork on it; and, as a body, they are waiting to see how everything was pulled together. Mayor Grogan said, "Certainly, from my point of view, I would hope that we could continue this, and this is something that I'm excited about." Mr. Hardgrove said, "Well, that's fine; I had a feeling it was the other way." Mayor Grogan replied, "Well, no, and if that's the case then I apologize. Maybe I should have made better contact with you on it; I guess waiting for the T.A.P. to draw all of their resources and get their studies and everything else together." Mr. Hardgrove said, "I'm like Mike. I'd like to see this happen before I die." Mr. Mouse said Council has not discussed it as a body, so they have not formulated an opinion, but conceptually he likes the idea. He would like to see the numbers. Mr. Szanto said there's another side to this, which is the issue of legally crafting an agreement that creates a Joint Recreational Board because there's a distinct difference between a Joint Recreational Board and a District. He said if they can create the Board, the Board can just be there and it can wait until the infrastructure (building, whatever) can come along and catch up with it. He agreed and said they need to get this Board - the legal documents - together so the rest of it can occur at a later date.

Mr. Harbaugh said at the last meeting, he thought Mr. Helline left the meeting with the impression that this would all be done by the first of the year. Mr. Szanto said, "He said he would be very happy if this thing was put to bed by Christmas." Mr. Harbaugh said he was getting the feeling Council is not that excited about getting this resolved by the first of the year. Mr. Szanto said if it could be, there would be no problem with that, but he didn't see them pushing it through. He said he had no deadline on it; the only deadline he had on it was that it be done properly and not that it's done within a certain timeframe. Mr. Colaianni said he thought the consensus after the last two meetings was this one does not have to be that complicated. However, numbers still have to be crunched and there still has to be talks about zoning and different things of that nature. There are four issues: whatever type of growth/capacity on our water system, what they're going to do with annexation or not, what they're going to do with the utility revenue, and how they're going to proceed as far as length of time. He said he would like to see consistent progress on a monthly basis, as well as with the joint recreation district. Mr. Colaianni said their next meeting would be a good time to set a timeframe because they haven't discussed that and, unfortunately, there are auctions coming up and people buying up land. Whether they have control on that or not is up to us.

All of the Trustees said they agreed with a Master Plan being created.

Mayor Grogan stated, "Look what we've accomplished tonight. Now, not only are we going to move forward the CEDA, but now we've got consensus on . . . there's quite a bit of positive things going on, so maybe we should stop right here while we're ahead."

Mr. Krash, "Mayor, whatever the Council decides to do about a Master Plan, that is if you determine that that is an essential part of your program and you wish the Township to participate, we have to know because Master Plans are drawn up by outside advisors - just what cost would be and what proportion of the cost." He went on, "The Township Trustees would be obligated, I think, to their residents to include the entire Township. Now, anyone who has to do a Master Plan covering all the elements of Lawrence Township, which extends both rural and commercial and industrial areas, uh, may have a very excessive-type of figure. So before you get too far down the road with, with the idea of a Master Plan, clue my board in as to what the potential cost will be. Because it isn't just dealing with a restricted area of Canal Fulton; it's 36 square miles, which has all different kinds of development."

Mayor Grogan, "You're correct. It would probably be in our best interest to draw from community resources to sit as part of this process, as well. And that's something to be looked at because you'd want some input from your community, some community leaders to be part of this process."

Mr. Mouse, "The Master Plan that I envision isn't drawn up for us; it's drawn up by us." He continued, "You could have it done both ways. You could have someone do it for you, or you can do it from concerned citizens, uh, diverse group of concerned citizens within both communities."

Mr. Colaianni asked if Mr. Krash could come up with a cost structure for this, and he agreed to do so.

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ISSUE REGARDING ZONING CHANGE

Mr. Mouse brought up the issue of a zoning change and wondered if they could act upon it in emergency legislation tonight. Mr. Colaianni said Mr. Kincaid said, "No." Mr. Batista agreed with Mr. Kincaid. Mr. Szanto, "It is a Council meeting. We have an agenda. It's not on the agenda." Mr. Krash, "It is stated in the law very clearly for, for a Council, unless, when you hold this type of meeting, you cannot discuss issues which have not been advertised as part of the meeting. You have to reserve those kinds of questions for a Regular Council meeting. You can do almost anything in a Regular Council meeting. You can vote anything up or down; doesn't even have to be on the agenda. But, when you call these Special meetings, I don't care whether they're with Stark County Commissioners or Lawrence Township, you're limited to what you called the meeting for; and if it didn't include Zoning, forget it."

CITIZENS' COMMENTS ON AGENDA MATTERS - None

FIRST READING (CANAL FULTON)

Resolution 14-05: A Resolution Entering Into a Contract with Northstar Asphalt, Inc. for the Muhlhauser Park Tennis Courts, Approving the Purchase Order, and Declaring an Emergency. Mr. Colaianni made a motion to suspend the rules on Resolution 14-05; seconded by Mrs. Cihon. **ROLL CALL: Yes – ALL** Mr. Colaianni made a motion to pass Resolution 14-05; seconded by Mrs. Cihon. **Discussion:** Point of order was made by Mr. Colaianni, saying Council did receive a cost breakdown at the last meeting, and it did add up to the \$109,410 that is in the resolution. Mrs. Zahirsky said she was voting no, as it was now a matter on how much the price has increased "substantially beyond the \$40,000 that we had originally thought that this was going to cost." She added, "And you look at how many people are going to use tennis courts. I mean, I know I have taken a raft of crap about the dog park – a lot of dog doody – but last week (Sunday night), I think there were 15 cars and 20 dogs at this park. And, so, for the \$7,000 that we spend on the dog bark, we're getting a lot of bang for our buck. When you look at a \$109,000, there's, you know, how many people at a time using that. There's going to be four people at the most. I just think it's an excessive amount of money." Mayor Grogan stated, "I will say the opposite flip on this coin, and I certainly respect Mrs. Zahirsky's view on this. Mine would be, we've got quite a few students in the schools, and they're looking at wanting to put a tennis program together, and these schools – Northwest, Tuslaw – would be using this, as well as the seniors. I don't see this as a venture that would go to waste. I think it'll be used a lot more than what we perceived it to be. I mean, it's right there by the Senior Center. I would love nothing more to see a lot of the seniors out there utilizing that court. You know, Nellie would be one of them." Mrs. Cihon, "Yeah, I've got my racket all ready." Mayor Grogan went on, "We're talking about quite a few kids in the area that just don't have a place to go, just don't have a place to do things. And, if they can go to the tennis court, maybe on a Thursday night or something like that, now they've got one more thing that keeps them occupied. We have to look at things from a recreational point of view for, if nothing else, our children and the seniors in our community." Mrs. Cihon, "Well, look at how many kids go down or adults that play basketball in the grade school court." Mayor Grogan said that they have leagues and teams constantly, and it's the one court that they use. Mrs. Cihon, "And they're the older guys." Mr. Colaianni added he would venture saying the cost over a period of years is probably going to be less of a burden than the dog park would be, as the upkeep is not quite the same issue. Mrs. Zahirsky stated, "Let me tell you, when we had to repave that tennis court downtown, it was \$10,000 every time we repaved it." She was told that was because it was in the flood plain. Mr. Mouse said the school district should share on future cost if they were going to share in the use, and Mayor Grogan agreed and said they might want to discuss it with them in the future, especially if their students benefit from the courts. Mr. Hardgrove stated, "Our program for the Rec. Center includes tennis courts, if you've ever seen our layout. Whether that, money-wise, ends up; but we do have that penciled in as far as part of the program. We have already talked to Northwest School. We've talked to Tuslaw School in regards to their swimming program because we want to have a swimming pool, and it would fall right in line, but the building has to get built, of course." Mayor Grogan stated, "And we do have a certain amount of monies that have been allocated for the purpose of the tennis courts." Mrs. Zahirsky added, "And we do have a grant, and I realize if we vote no, we're giving up the Federal funds that we worked so hard to get." **ROLL CALL: Yes – 5 No – 1 (Mrs. Zahirsky)**

NEW BUSINESS

Township: Mayor Grogan thanked the Township for letting Council hold their meeting and "to be here with you in your beautiful building, to be part of the beginning phases of what appears to be two discussions – CEDA and a Master Plan."

Massillon Cable's Donation of a Boom Truck: Mayor Grogan thanked Massillon Cable for the boom truck.

VFW Post 9795 for Flag: Mayor Grogan thanked VFW Post 9795 for donating the flag that will fly at the new visitors' center. He stated the official name for the new center is "Canal Fulton Canalway Center." Mrs. Zahirsky asked, "We're not going to name it after the people who

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donated the funds, the Starkweathers? The Starkweathers donated the funds for it!" There was no answering comment.

Pager Problems: Chief Green said there was an incident where they had an emergency and the pagers didn't activate when the tones went out over the radio system; took 18 minutes to get an ambulance. He wants to change the system from low-band to high-band. There are problems because they are trying to broadcast transmissions through two systems. It has to come through the phone line; it goes to the low-band base and it goes to the UHF base then it's broadcasted over both frequencies. Another problem they have is their tone because it was based off of low-band technology. With the frequency the tone is currently generated, it is real low, which was fine for the low-band paging system, but is not conducive to the currently used UHF frequency. He would like new pagers, tone conversion and installation of new antennae, which would eliminate the problem. The antenna has been budgeted. The pagers are a new addition. Chief Green wasn't included in the original budget figures or the radio system construction. This will improve response times; however, there will always be geographic dead spots. Mrs. Downing commended Chief Green for getting the costs down as much as he could with trade-ins, etc. Mr. Mouse said it was unfortunate that the city doesn't have more employees like Chief Green. Mr. Svab stated the purchase order number will be, if approved, 4427; and would be in the amount of \$15,000.

Council asked Mr. Batista is they could approve this tonight. Mr. Colaianni said when we advertise the meeting, we advertise "any other business Council deems necessary." Mr. Batista said what they used to do on a lot of occasions to get around this kind of problem is take a vote of Council authorizing the purchase. If they agree, then they pass a Ratification Ordinance at the next meeting and get it done. Mr. Colaianni made a motion to approve Purchase Order 4427 in the amount of \$15,000 for Mitchell Communication; seconded by Mrs. Cihon. **ROLL CALL: Yes - ALL**

OLD BUSINESS

Dr. Richard Cox, Akron University – Time Study: Mr. Mouse asked Mr. Svab if the city issued a check to Dr. Cox and was told, "Yes." Mr. Szanto said Council voted to pay for the time study and there was a contract. Both Mrs. Cihon and Mr. Mouse said they felt the city "got ripped."

OTHER BUSINESS

ADJOURNMENT

Mrs. Cihon made a motion to adjourn. Mayor Grogan adjourned the August 23, 2005 Special City Council meeting.

Patricia A. Troccoli, Clerk of Council

Mayor John Grogan