

CITY OF CANAL FULTON

July 15, 2008

COUNCIL MEETING

Mayor John Grogan called the July 15, 2008 City Council meeting to order at 7:00 PM in Council Chambers at City Hall.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: Matthew Moellendick, Nellie Cihon, Danny Losch, James Deans and Diane Downing.

Absent: Anthony Crookston

Mrs. Cihon moved to excuse Anthony Crookston due to family matters, seconded by Mrs. Downing. **ROLL: Yes, ALL.**

Others Present Scott Fellmeth, Law Director; Mark Cozy, City Manager; Tammy Marthey, Clerk of Council; Daniel Mayberry, Director of Services; Elaine Weitzel, Administrative Assistant – Police Department; Ray Green, Fire Chief; Janet Deans, Michael Mouse, Rochelle Rossi, Residents; Laura Meade, Observer Reporter; and Joan Porter, Repository.

CORRECTING/ADOPTING THE RECORD OF PROCEEDINGS

Mrs. Cihon moved to approve the July 1, 2008 meeting minutes as amended, seconded by Mr. Deans. **ROLL: ALL.**

Mr. Moellendick stated the record needed to reflect that Mr. Anthony Crookston adjourned the July 1, 2008 meeting and not Mayor Grogan.

REPORTS OF STANDING COMMITTEES - None

CITIZENS' COMMENTS – AGENDA MATTERS - None

REPORTS OF ADMINISTRATIVE OFFICERS

SENIOR CITIZENS (Nellie Cihon)

Appointment of Commissioner: Mrs. Cihon recommended that Council appoint Mr. Robert Eicher as Commissioner for the Northwest Stark Senior Center.

Mayor Grogan stated Mr. Eicher comes highly recommended and would recommend Council appoint him as Commissioner.

Mrs. Downing moved to appoint Mr. Eicher as a Commissioner, seconded by Mr. Deans. **ROLL: Yes, Mr. Moellendick, Mr. Losch, Mrs. Downing, and Mr. Deans. Abstain, Mrs. Cihon.**

Spaghetti Dinner: Mrs. Cihon reported the Center will be having a spaghetti dinner on August 6 from 4:00 – 6:30 PM. Reservations are required.

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COMMUNITY SERVICE (John Murphy) Mr. Murphy submitted a written report. He had 148 hours of community service for the month of June.

Mr. Losch commented that Mr. Murphy and his workers did a great job on the clean up of Olde Canal Days.

FIRE CHIEF (Ray Green, Chief): Chief Green reported they had eight medical emergencies during Olde Canal Days and assisted looking for a couple missing juveniles.

He reported they haven't received word on the grants yet. They have not received a letter yet, so this means they have made it through the computer grading portion of the process. The grants now move to peer review.

Chief Green reported that Nate Kennedy received his Paramedic Certification from the State.

POLICE DEPARTMENT (Elaine Weitzel, Administrative Asst.): Mrs. Weitzel stated a written report was included in the packet. She reported the department had a busy month.

ENGINEER/STREETS/PUBLIC UTILITIES (Daniel Mayberry): No Report.

FINANCE DIRECTOR (Scott Svab) – Not Present

CITY MANAGER (Mark Cozy)

Comprehensive Plan: Mr. Cozy reported that Mr. Nau, Stark County Regional Planning, is amending the contract. We are awaiting the contract. They have approved it. It has been two weeks since they communicated with us. He will follow up with him.

Student Works Program: Mr. Cozy reported that Mr. Murphy is currently working with the students that were hired. Mr. Murphy has indicated they are great workers and are getting a lot done.

Project Work List-Dominion East Ohio Gas: Mr. Cozy reported each year Dominion East Ohio Gas chooses a community to do community service projects. He stated the City, along with the Ohio-Erie Coalition, have met with them and presented a list. If we are chosen, they will send approximately 60 volunteers with equipment and supplies. They have chosen September 11 and September 25 to do the work.

Marshallville Sanitary Sewer: Mr. Cozy recommended Resolution 13-08, which is currently tabled, to be brought back to the tabled and voted on this evening. He stated we had two other quotes from engineering firms and CTI's proposal was very competitive. The project needs to get moving.

Mr. Cozy reported the survey work is done. CTI is still moving on their end as our Engineer.

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Gas Aggregation: Mr. Cozy stated he has been working with Buckeye Energy regarding the gas aggregation. The rates are currently at \$14 per mcf. Buckeye recommends that we wait to lock in a rate and to continue to watch. The City's aggregation is currently \$9.63. Our goal for this year is \$10 per mcf. We will have to watch the weather report regarding the hurricanes. He stated several years ago we were affected by a hurricane that went through and all the prices went up.

Canal Boat Horse: Mr. Cozy reported that one of the canal boat horses, Sam, injured his leg over the weekend and one of our employees is pulling the boat with the ventrac tractor.

Mrs. Downing asked if any of the holes along the path have been filled in, because if they don't have any more stumbling, or they are going to have another lame horse. Mr. Cozy stated they have not. He stated it was Sam's right hoof and not sure how the horses are lined up on the path. Mr. Mayberry reported that Stark County has been notified and some of the areas of the towpath, the holes are along the very edge of the canal, not directly in the path. Stark County is a little perplexed as to what to do, but they are working on it.

REPORT OF MAYOR (John Grogan)

Olde Canal Days: Mayor Grogan reported he received many positive emails from the community, as well as those outside the community, thanking all him and Council for a wonderful festival. He stated he sent back a reply on behalf of all, telling them thank you but it wasn't the City, we were just in a supporting role, that it was a lot of very good people and a committee that pulled together. He stated he would like to thank some of those people, and if any are missed, he certainly apologizes. They are: Sara Batko, Donna Lemmon, Pat McGrew, Danny Losch, Jim and Janet Deans, Paul Moles, David Derry, Kathy McConnell, Paul Bagocius, and Dennis Downing. Their efforts and a lot of volunteers made this event a huge success. He reported the parade was put together very well. He stated the three days were a wonderful event.

Mayor Grogan stated the fireworks were nice and would like to ask Council at the appropriate time to budget monies to match whatever Olde Canal Days raises for the fireworks. He feel with our match it would be a better finale to the event. Other communities, such as Massillon and North Canton do this.

BellStores, Inc.: Mayor Grogan reported the BellStore is open. They have asked us to support them transferring a license. He prepared a letter on their behalf and would need a voice vote in support of it.

*Bruce Stevenson, Director of Licensing
Ohio Department of Commerce
Division of Liquor Control
6606 Tussing Road
Reynoldsburg, Ohio 43068-9005*

RE: *BellStores, Inc.
146 E. Cherry Street
Canal Fulton, Ohio 44614*

Trexing C-1, C-2 and D-6 Class Permit into Canal Fulton, Ohio

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Dear Transfer Section:

The City of Canal Fulton does not oppose the transfer of a C-1, C-2 and D-6 permit into Canal Fulton, Ohio for an economic Development project for BellStores, Inc. located at 146 East Cherry Street, Canal Fulton, Ohio 44614.

A copy of the minutes from the July 15, 2008 City Council meeting with a voice motion from City Council supporting this letter has been included.

Sincerely, John Grogan, Mayor

Mayor Grogan reported this includes the sale of beer and wine, the same as the BellStore on Locust Street.

Mayor Grogan asked for a voice motion to support the letter to be sent to Mr. Bruce Stevenson. Those members in support were as follows: Mr. Moellendick, Mrs. Cihon, Mr. Losch, Mrs. Downing and Mr. Deans.

Township Hall Purchase: Mayor Grogan stated he has the amended real estate agreement for the purchase of Township Hall. Mayor Grogan stated all of the Trustees have affixed their signature, with witness signatures. Mayor Grogan stated our Law Director has reviewed it and states it is appropriate and accurate and sees no problem with us executing the agreement, it is the same agreement he submitted June 17, 2008. Mayor Grogan stated it will be executed this evening and will be delivered to the Township in the morning.

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

LAW DIRECTOR (Scott Fellmeth) Mr. Fellmeth stated he circulated a flyer of his dog that has been missing since Olde Canal Days.

THIRD READINGS

Ordinance 20-08: An Ordinance Amending the Business Regulation Code of the Codified Ordinances of Canal Fulton, Ohio Amending Chapter 725.06(b) Regulating Peddlers and Solicitors.

Mrs. Cihon moved to approve Ordinance 20-08, seconded by Mr. Deans.
ROLL: Yes, ALL.

Ordinance 21-08: An Ordinance Amending the Zoning Code of the Canal Fulton Codified Zoning Ordinances, in Order to Create a Light Industrial Zone (L-1) Within the City, Adding Chapter 1174, Entitled "Light Industrial Zone (L-1)" and Amending and Correcting Ordinance 18-03, Passed July 1, 2003.

Mr. Moellendick moved to approve Ordinance 21-08, seconded by Mr. Losch. **ROLL: Yes, ALL.**

SECOND READINGS

Ordinance 23-08: An Ordinance Adding Chapter 1178 Entitled S-1 Suburban Office District to the Planning and Zoning Code of the Codified Ordinances of Canal Fulton, Ohio. **STANDS AS A SECOND READING.**

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FIRST READINGS

Resolution 13-08: A Resolution By the Council of the City of Canal Fulton to Enter Into An Agreement With CTI Engineers, Inc. to Provide Professional Engineering Services for the Marshallville Street Sanitary Sewer Extension and Declaring an Emergency. **TABLED**

Mrs. Cihon moved to bring Resolution 13-08 back to the table, seconded by Mr. Deans. **ROLL: Yes, ALL.**

Mr. Moellendick moved to suspend the rules of Resolution 13-08, seconded by Mrs. Downing. **ROLL: Yes, ALL.**

Mrs. Cihon moved for passage of Resolution 13-08 under suspension, seconded by Mr. Deans. **ROLL: Yes, ALL.**

PURCHASE ORDERS & BILLS

P.O. 5293 to CTI Environmental for Engineering Services for Marshallville Road Sanitary Sewer Extension in the Amount of \$51,000.

Mr. Losch moved to approve P.O. 5293, seconded by Mr. Deans. **ROLL: Yes, ALL.**

OLD/NEW/OTHER BUSINESS - None

REPORT OF PRESIDENT PRO TEMPORE (Anthony Crookston) - Not Present.

REPORT OF SPECIAL COMMITTEES - None

CITIZENS COMMENTS-Open Discussion (Five-Minute Rule)

Mike Mouse: Mr. Mouse asked Mr. Cozy if Resolution 13-08 commits us to the project. Mr. Cozy stated no, Council still has to go to bid with the project. This is just design work.

Mr. Mouse asked for the anticipated cost. Mr. Cozy stated approximately \$400,000. Mr. Mouse stated this is a huge project and wanted to know if Council has discussed this as a whole. He stated Fannie Mae and Freddie Mac are shaky right now and has concerns about the City doing this right now. He stated he could understand the project if we had a lot of businesses lined up and ready to go. He stated what he has heard is that we do not have those businesses lined up. We are just going to take the sewer there and pray that they are going to come.

Mr. Moellendick stated he disagrees. He stated he doesn't think we have the businesses lined up, but if we don't build the sewer we are not going to attract any businesses because of the land needs.

Mr. Mouse stated so we are saying this is our hope with the taxpayers backing this up. Mr. Cozy stated this is from the sewer fund. Mr. Mouse wanted to know if it has been discussed as a whole.

Mr. Deans stated they have talked amongst themselves, but not as a group.

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Mr. Cozy stated it has come up numerous times during meetings, during economic development meetings to extend sewers. He stated he brought this up to Council during his job interview about their need to take utilities out to Route 21, and the opportunity has now presented itself. He stated you can't run a business without being optimistic. They see this as an opportunity and there is also a small residential development sited to go in that area also.

Mr. Mouse stated this could also go south. Mr. Cozy stated they will get the project done and take sewer to a business. He stated whether they get business next year or five years because of the sewer, they would get them. Mr. Mouse stated he doesn't see where the taxpayers are going to benefit from this unless there is significant business lined up and they are saying we don't have it lined up. Mr. Cozy stated we have an 8,000 square foot facility going in, backed by Summa. Mr. Mouse stated he is disappointed there hasn't been more discussion and there hasn't been any public discussion with Council as a whole.

Law Director Fellmeth stated this issue has been brought up numerous times. Mr. Mouse stated not as Council as a whole. Law Director Fellmeth stated it was because it would be illegal to discuss it outside. Mr. Cozy stated he has kept Council apprised of the project and its importance. Mr. Mouse stated he is disappointed that Council as a whole has not sat down and discussed this and feels they should have.

Mayor Grogan stated, not only has this Council, but every other Council has talked about economic development and growth on Rt. 21 and that it is not a brand new topic. He stated they have all continually talked about this openly and a vehicle has presented itself for us to expand toward that end and if they don't eventually do something, they will go the way some of the other communities that have allowed other businesses to want to expand and grow and stay in the community, and say well we are not going to do it because we don't want to run infrastructure. He stated the monies they have set aside in the water and sewer fund is specifically designed for infrastructure, upgrade, advancement, and capital improvements. He stated Mr. Mouse says taxpayers, it is consumer money. If you use water and sewer, you pay the bill. It is not a tax, it is paid for use. He stated you are also paying for the upgrades of the infrastructure and the continual growth of the infrastructure. He stated you are not being taxed, you are using a product.

Mr. Mouse stated if Council has discussed this as a whole, he would like to see the minutes with the discussion in it and if they haven't discussed it as a whole, then he wants a written answer that they haven't discussed it as a whole.

ADJOURNMENT

Mayor Grogan adjourned the July 15, 2008 meeting. The next regular scheduled meeting is July 1, 2008 at 7:00 PM.

Tammy Marthey, Clerk of Council

John Grogan, Mayor