

CITY OF CANAL FULTON

August 15, 2006

COUNCIL MEETING

Mayor Grogan called the August 15, 2006 City Council meeting to order at 7:00 PM in Council Chambers at City Hall.

PLEDGE OF ALLEGIANCE

ROLL CALL:

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

Others Present: Dale Kincaid, Law Director, Mark Cozy, City Manager, David Frisone, Police Chief, Ray Green, Fire Chief, Bill Dorman, City Engineer, Bill Davis, Tom Reynolds, Chell Rossi, Marjie Berens, Eric Nelsen, Karen Nelson, David Derry, Paul Bagocius, Joni Stopar, Bob Stopar, Joan Porter, Repository, Chris Pugh, Independent, Mike Mouse, Fred E. Etheridge, Spring Adamo, Tony Adamo and Catherine Dean.

CORRECTING/ADOPTING THE RECORD OF PROCEEDINGS

Mrs. Cihon made a motion that Council accepts the August 1, 2006 City Council meeting minutes; seconded by Mrs. Zahirsky. Mrs. Downing stated she would like the minutes to reflect that Mr. Mouse had said he was giving a copy of the 24 signatures from his neighborhood to the Mayor and more would be forthcoming. **ROLL CALL: Yes, ALL.**

Mrs. Cihon made a motion that the Personnel Committee accepts the August 7, 2006 Personnel Committee meeting minutes; seconded by Mrs. Zahirsky. Mrs. Cihon and Mrs. Zahirsky were present for the meeting. Mrs. Downing was not present. Members in attendance are in agreement to accept the minutes. The record will reflect that a copy of the minutes was submitted.

REPORTS OF STANDING COMMITTEES

Personnel Committee: Mrs. Zahirsky stated they reviewed the pay for the clerical worker. She is currently not on the Barrett Study Scale. The clerk is below level one of the scale. Mrs. Zahirsky stated when they get to Ordinance 29-06, the rationale for the pay raise, from \$7.41 is because she should at least be on the scale. They did not agree with the recommendation that she be paid what the groundskeepers make, but believe that she should at least be on the payroll scale.

Another recommendations they would like to make, is the City assist employees who wish to continue their education to enhance the job performance they are currently doing. They would pay up to \$2,500 a year for tuition reimbursement. The reimbursement should be 100% for an A, 90% for a B and 80% for a C and nothing lower than that. This reimbursement would be for all full-time employees.

CITIZENS' COMMENTS – AGENDA MATTERS

Michael Mouse, 406 Riverview: Mr. Mouse stated regarding Ordinance 28:06, relieving Council of any penalty if failure to attend a meeting, there are rumors that there have been people who have served four years on Council and never missed a meeting. He stated that Council doubled their pay last year, which he voted no on, and thinks that \$40 is a small price to pay if one misses a meeting.

He stated his second comment is about the assistant that has been hired in the Income Tax Department. He wanted to know how they went about determining whether there was actually work that required an assistant and how many hours were determined for the assistant? Mrs. Zahirsky stated they looked at the overtime they were paying the Income Tax Administrator. She was getting more overtime than any one in City Hall and it was felt that a lot of money could be saved by hiring an assistant versus paying overtime. Mr. Mouse stated that last year that they never really truly ascertained whether those overtime hours were valid or not. No one signed off on checking the hours. Mrs. Zahirsky stated the City Manager is here and if he had any questions at all about whether her overtime hours are valid, she is sure he would have brought that to the Personnel Committee's attention. It was not brought to their attention, so she presumes he is doing his duty and there is not problem that she is fluffing her hours.

Mayor Grogan stated in reference to Ordinance 28:06, that this Ordinance provides for a penalty for those that do not show. Mr. Mouse stated his recommendation was that it not be reduced.

Bill Davis, Basswood St: He stated he doesn't feel that Council should be paid if they don't show up for a meeting. He also doesn't feel that the City should have tuition reimbursement. He stated he paid his own way. He stated the minute the City pays to educate an employee, they will take another job. Mrs. Zahirsky stated the City has been paying for EMS school for years. She stated there is a clause that if they do not stay with the City for an additional two years, they have to pay the money back.

Paul Bagocius, Cherry Street: He stated during the City Manager's report to Council and to the community, if he could share his involvement in the survey that is going on for the casino and a

CITY OF CANAL FULTON

August 15, 2006

timeframe in which he first heard this survey. Mayor Grogan stated this section was for agenda matters only. Mr. Bagocius asked for a definition of an emergency as far as Council sees it relating to Ordinances and Resolutions being declared an emergency. Mr. Colaianni stated is has to do with when the Ordinance goes into effect and state law requires them to word it this way. Mr. Colaianni stated it is up to who proposes the legislation if they want to declare it an emergency. They don't have to pass it under emergency. Without the emergency clause, the legislation does not go into effect for 30 days after passage. The Law Director stated there is a reason in every ordinance that has an emergency clause stating what the emergency is. Mr. Bagocius asked about the legislation regarding the tuition reimbursement for college. Dale Kincaid stated this was due to college starting in a few days. He also asked about the pay raises. Mr. Colaianni stated because pay raises are retroactive to a past date and they don't want any delay of paying employees. Mrs. Zahirsky said to not confuse suspension of the rules with emergency passage. They are two separate items. She stated suspensions of the rules means that they don't have the three readings that their rules say that they would normally have. She stated she has requested for suspension of the rules on Ordinance 29:06 and immediate passage so they may take care of the problems they have with the young lady not even being on the bottom of the payroll scale. She stated Personnel Committee had a special meeting to address this issue and they would like to suspend the rules instead of making it retroactive.

REPORTS OF ADMINISTRATIVE OFFICERS

SENIOR CITIZENS (Nellie Cihon) –

September 23: Swiss steak dinner. Cost is \$8.00 for adults and \$4.00 for children. Dinner will be served from 4:00 p.m. to 6:30 p.m. Reservations are a must.

October 9: The Center will be making apple dumplings. They are \$1.50 each and can be picked up on October 11th. When ordering, you can specify if you would like them sugar-free.

October 3: Gambling trip to Wheeling. The cost is \$33. Each person will receive \$5 back in coin and a \$5 food voucher. The bus leaves at 7:30 a.m. and return at 9:00 p.m.

COMMUNITY SERVICE (Phil Kaster) – No report.

FIRE CHIEF (Chief Ray Green) – Chief Green stated he has the July monthly report. No losses due to fire in the month of July. Mutual aide summary is also attached to the report. Mayor Grogan stated he has a name of a person who can reprogram the radios so the Fire Department and Police Department can have the southern channels of Summit County accessible on their 800 systems so they can get mutual aide.

POLICE CHIEF (Chief David Frisone) Chief Frisone submitted the statistics for July calls. He stated there were 405 dispatched calls for service. Draft proposals for the Safe for Seniors and Community Preventative Patrol Programs have been submitted to Council for their comments and ideas. He stated there are some milestones and timelines for the programs that are in their favor to be able to take their time to put them together, but feels they will move faster than what is shown.

Some of their administrative operations have been streamlined. It is nothing that they are already not doing right now, but they are compressing some of the hours that these things are being done, so he may direct more of it to the administrative assistant and less to the patrol officers so they don't have to spend as much time doing administrative tasks at the station after 4:00 p.m. This will allow more visibility on the streets. This information will be in the newsletter. Elaine Weitzel is attending a four day seminar on installing child car restraints. This is a service that will now be provided to residents.

ENGINEER (Bill Dorman)

Discovery Park-Phase 2: Some punch list items still remain, such as grading and seeding.

Pine Manor-Sr. Housing: Pump station force main construction is substantially complete. Start on the draw test was performed on July 26.

Canal Place: City utilities and pavement have been installed. Partial building demolition has occurred. There is still some additional demolition that needs performed.

Lakewood Estates-Lake Vista: Construction is expected to begin in October.

Discovery Park-Phase 4: Construction of the sanitary truck sewer is complete. Cut and fill grading activities are currently being performed. Construction of subdivision utilities and roadway are expected to continue through the fall and winter. Paving will be completed in the spring.

Fulton Landings: Detailed improvement plans have been submitted and are currently being reviewed.

Warwick Estates – No new report.

CITY OF CANAL FULTON

August 15, 2006

Villas at Autumn Meadows-Phase 20: Construction of public utilities is complete. Still working on storm and roadway.

Denshire-Phase 4 & 5: Today they witnessed internal closed circuit television inspection of selected storm sewers that was conducted by the City. A letter was issued to Lockhart requiring immediate replacement in three locations on Denshire, Meadowview and Thurston as a result of sink holes and settlements that are occurring.

Mr. Cozy stated they are sending out a letter to Lockhart's bonding company. Law Director Kincaid stated Mr. Mayberry is following this problem closely.

FINANCE DIRECTOR (Finance Director Scott Svab) – Mr. Svab stated the 2007 budget hearings will be starting soon. Fire and Police have already submitted preliminary figures. Mr. Lukinac and Mr. Mayberry should have something in by Friday.

CITY MANAGER (Mark A. Cozy)

Puffenberger Property: He met with Dennis Murphy. He saw a rendition of the park, a rough sketch, based on input from the Park Board. It has soccer fields, picnic areas, walking path, bicycle access. There is an emergency access from the police department to Erie Avenue. Next community meeting will be August 22, 2006 at 7:00 p.m. at City Hall.

Comprehensive Plan: They are still trying to set up a meeting with the Township Trustees. One of the trustees has been out of town. They would like the City to hold off with the selection process until September when all three trustees can participate. Mr. Cozy notified Stark County Regional Planning Commission and is going to assist in the selection process.

Community Map: They have been working on the community map and guide for several months. The map will be enlarged in accordance with Mayor and Council's recommendations. The next map will include a section of pictures and articles devoted to the school system.

MAYOR JOHN GROGAN: Mayor Grogan stated he received a letter from Mr. Myers referencing an Alzheimer's Poker Run on September 2. A copy will be put up in City Hall.

Proclamation: Mayor Grogan read a proclamation that will be sent to Jonathan H. Demyan, Troup 915 in Canal Fulton who has completed the requirements for and having been found worthy by the scouts leaders and committee has achieved the rank of Eagle Scout on May 21, 2006. Jonathan will be honored for his achievements of service to the residents and fellow scouts in our community at a court of honor ceremony in late September 2006. Mayor Grogan stated this is a real achievement and he is to be honored for his hard work.

PARKS & RECREATION BOARD (Fred Fleming) – Not Present

LAW DIRECTOR (Attorney Dale Kincaid) – Law Director Kincaid stated there will need to be an amendment to ordinance 31:06.

THIRD READINGS

Ordinance 28:06: An Ordinance Adjusting the Time of Regular Meeting of Council and Repealing the Provision Wherein Council's Salary is Reduced for Failure to Attend.

Mr. Colaianni stated he would like Ordinance 28:06, under Section 2, Section 111.02, Codified Ordinances shall be repealed, to read as follows: "Notwithstanding the council's provision of the annual salary ordinance, the sum of \$40 shall be deducted from a council members salary on a monthly basis for its regular council meeting that a member of council fails to attend without just cause. Just cause shall be defined as illness or sickness that would prevent the council member from performing his/her regular employment or death of an immediate family member or an immediate family members spouse", seconded by Mrs. Downing. Mrs. Zahirsky moved to approve the amendments of Ordinance 28-06, seconded by Mrs. Cihon. **ROLL: Yes-Mrs. Cihon, Mr. Crookston, Mr. Colaianni, Mr. Deans, Mrs. Downing. No-Mrs. Zahirsky.**

Mr. Crookston moved to approve Ordinance 28:06 as amended, seconded by Mr. Colaianni. **ROLL: Yes, ALL.**

Mr. Colaianni stated the current Codified Ordinance does not specify regular council meetings and does not specify an immediate family member of a spouse. He stated he didn't feel some of the public realized, there is a lot of work behind the scenes and it does not all happen between the 7:00 pm and at the conclusion of the meeting, on the first and third Tuesday of the month.

Mrs. Zahirsky stated in the past a member has just been excused for attendance because of other obligations that are unavoidable. They have meetings that come up all the time, especially in September through December when they do budgeting processing. They can have five to six extra meetings, in addition to regular meetings. They have many active committees that meet. When pay was set for City Council, the only meetings attended then were two council meetings a month. There were no special meetings. When committees were formed, Council did not give themselves a raise then. She stated what is seen on the first and third Tuesday is a small portion of what is involved in a council person's life.

CITY OF CANAL FULTON

August 15, 2006

SECOND READINGS

None

FIRST READINGS

Ordinance 29:06- An Ordinance Establishing new Rates of Pay and Salaries for Employees of Canal Fulton Effective August 16, 2006, Repealing Any Ordinances in Conflict Therewith, and Declaring an Emergency. Mrs. Cihon moved to suspend the rules on Ordinance 29:06, seconded by Mr. Colaianni. **ROLL: Yes, All.** Mrs. Zahirsky stated the Clerk of Council will be starting on August 16, 2006 and that is why the rules are being suspended so that she can be paid immediately. Mrs. Downing asked if you agreed with one section and not the other if you have to vote no since it is in one ordinance. Mayor Grogan stated they were only voting on the suspension of the rules presently. Mr. Colaianni moved to pass Ordinance 29:06 under suspension, seconded by Mr. Crookston. **ROLL: Yes, Mrs. Cihon, Mrs. Zahirsky, Mr. Colaianni, Mr. Deans, Mr. Crookston. No-Mrs. Downing.** Mrs. Downing stated she agrees with section 2 with the Manager, but she does not agree with the pay rate for the Clerk of Council and she will have to vote no for it because the two are incorporated into one.

Ordinance 30:06-An Ordinance Adopting the Residential Building Code of Ohio.

Ordinance 31:06-An Ordinance Providing For Tuition Reimbursement for Departments Heads, and Declaring an Emergency. Mrs. Cihon moved to suspend the rules on Ordinance 31-06, seconded by Mr. Crookston. **ROLL: Yes, ALL** Chief Frisone asked if this would include on-line or vocational training? The department head and City Manager will need to approve the request. The Personnel Committee had recommended the Ordinance be changed to reflect Full-Time Employees, instead of Department Heads. Mr. Colaianni moved to amend Ordinance 31:06 as recommended by the Personnel Committee, seconded by Mr. Crookston. **ROLL: Yes, ALL.** Mrs. Zahirsky moved to pass Ordinance 31:06 as amended under suspension, seconded by Mrs. Cihon. **ROLL: Yes, ALL.** Mrs. Zahirsky stated they did a survey on approximately seven cities. Six of the seven offered tuition reimbursement. This is a perk on keeping employees.

Ordinance 32:06-An Ordinance Permitting Non-Bargaining Employees to Elect to Receive Reimbursement for One Week Vacation in Lieu of Taking the Vacation, and Declaring an Emergency. The Law Director stated the reason this Ordinance included the emergency clause was due to an employee that is about to retire. Mr. Crookston moved to suspend the rules on Ordinance 32:06, seconded by Mr. Deans. **ROLL: Yes, ALL.** Mrs. Cihon moved to pass Ordinance 32:06 under suspension, seconded by Mr. Colaianni. Mrs. Zahirsky stated this is something a number of cities do for their employees. **ROLL: Yes, ALL.**

Ordinance 33:06-An Ordinance Amending Ordinance 10-06 Increasing Compensation for the Part-Time Income Tax Clerk.

PURCHASE ORDERS & BILLS

P.O. 4714 Mrs. Zahirsky moved to approve P.O. 4714 in the amount of \$12,500 to Thomas Klingensmith for the fire station architect services, seconded by Mr. Deans. **ROLL: Yes, ALL.**

P.O. 4712 Mrs. Cihon moved to approve P.O. 4712 in the amount of \$16,000 to Lytle Construction Company, seconded by Mr. Crookston. **ROLL: Yes, ALL.** Mrs. Zahirsky commented that this is some more of the \$5.00 increase in license fee money going toward paving materials.

P.O. 4713 Mrs. Zahirsky moved to approve P.O. 4713 in the amount of \$13,350 to Floyd Brown Group, seconded by Mr. Deans. **ROLL: Yes, ALL.**

BILLS: \$59,445.67 Mrs. Cihon made a motion to reflect that Council has received the bills in the amount of \$59,445.67, seconded by Mrs. Zahirsky. **ROLL: Yes, ALL.** Mr. Crookston asked about a bill to Starfire. Mr. Svab stated it was for gasoline for the Street and Water/Sewer vehicles.

OLD/NEW/OTHER BUSINESS

Mr. Colaianni moved to schedule a meeting for the Finance Committee to meet on August 29, 2006 at 7:00 p.m. in Council Chambers at City Hall to discuss the 2007 budget, seconded by Mr. Crookston. **ROLL: Yes, ALL.**

REPORT OF PRESIDENT PRO TEMPORE (Linda Zahirsky) – Mrs. Zahirsky reported the Steve Singleton passed away. He was the first Village Manager. She would like to have the City send flowers.

REPORT OF SPECIAL COMMITTEES - None

CITIZENS COMMENTS Open Discussion (Five-Minute Rule)

CITY OF CANAL FULTON

August 15, 2006

Paul Bagocius, 451 East Cherry Street: Mr. Bagocius wanted to address the letter the Mayor wrote the day after Council voted the memorandum of understanding. He has reviewed all literature he could find regarding the City Charter. He read the powers of the mayor and council as stated in the Charter and read parts of the letter written by the Mayor. He stated it appeared to him that the Mayor in essence said "City Council voted one way, yet as Mayor I have the authority to begin negotiations with you if I want to, without Councils approval. He stated if he were a council member, he would be appalled by that. He stated it was his understanding that Council was not even informed of the letter until perhaps two months later and they did not even get a copy of the letter until two months later that they could read. He feels the Mayor usurped his authority and if power is not reigned in, power will corrupt. Mr. Bagocius asked the Law Director under what authority does the Mayor have in essence counteract a Council decision unilaterally. Mr. Bagocius was asked what the vote from Council was and he indicated 3-2 in favor of the Resolution, and it did not pass. Mrs. Zahirsky stated it would only take one person that voted no to bring it back to the table. Mrs. Zahirsky stated she was very close to bringing it back to the table and the people at this table know had they agreed that they take out the emergency clause out and allowed the citizens to vote if there was a referendum petition, she would have voted for the measure and there would have been four votes. Mrs. Zahirsky stated that she as a person who voted no, can bring it up to this Council and ask that they reconsider it, anytime. Mr. Bagocius stated he understands what she is saying, but does this negate the Mayor's actions? He asked if Mrs. Zahirsky was aware the letter was sent. She stated no. He again asked the Law Director under what authority does the Mayor, whether it is this Mayor, the future of past Mayor, to commit City resources to negotiate when Council failed to approve it through a vote. The Law Director stated he did not get a copy of the letter but he takes it as a prediction of majority of council. You cannot take the action described by him. The Law Director stated it sounded like a prediction of what would happen. Mr. Colaianni stated a committee of resources, and whether he agrees or disagrees with the letter is in material, but the definition of a representative, no one knows what that is. So whether he is committing resources or not committing resources, that is a wide open interpretation. Mayor Grogan stated they were over their five minutes and for a point of order, the Mayor asked if the letter stated a letter of MOU. Mr. Bagocius stated no. The Mayor asked if it said "Letter of Intent". Mr. Bagocius stated yes. Mayor asked if it addressed any council members. Mr. Bagocius stated no. Mayor Grogan asked if it said any courtesy copies to any council members at the bottom. Mr. Bagocius stated no. The Mayor stated the letter is nothing more than a letter of intent that he sent to Chief Enyart family from his and directed him to read the last line, from my family to yours. He stated whether there is a commitment of resources is subject to debate and this is a letter of intent.

Karen Nelson, 6301 Chiltern: She stated she received a telephone call on August 11. She stated the lady on the line stated she was from Discovery Research Services and wanted to do a survey. She stated usually she does not participate in surveys, but for some reason she decided to listen. She stated she took the survey and after hanging up she looked up Discovery Research Services and couldn't find any mention of them online, but under Discovery Research Group in Salt Lake City, Utah, she found quite a bit. The site said they do telephone surveys and they have 450 CATI. They have satellite facilities in Idaho and are where the lady said she was calling from. Her first question was, what is your biggest concern in this area. Karen stated the casino. She asked the usual demographic information; ie, age, education, number of years of residency, but there were a few very different questions. Example: How often do you go to church, political affiliation, which newspaper do you read, do you vote for school levies and how often in the past month has she played bingo, or bought a lottery ticket. She wanted to know if it was important to her if elected officials and ministers support a position on not wanting a casino. She commented further that the survey included a section that said the police say there is no increase in crime due to a casino. She wanted then and now, which police, where, and how long ago. She said the local schools would be beneficiaries and at some point she then wanted to know if her view of a casino was more favorable as a result of the information she had provided her. Besides a casino, she mentioned a restaurant, hotel, waterpark and possibly a trolley linking to the downtown historical area. She said that financial negotiations were underway with local officials and that Pennsylvania is not going to get 12 or 14 and if we don't act soon, they will lose all these jobs. Ms. Nelson stated she discussed the contents of this survey with marketing professors at the University of Akron, Dr. Deborah Owens and Dr. Douglas Hosken, who gave her permission to use their names in saying that this kind of survey is not ethical and violates the American Marketing Associations code of ethics. It is not true marketing research but rather contains a sales pitch and tries to influence a person towards the casino. She asked if this was a true marketing survey. She stated she understands that a representative from the Eastern Shawnee did in fact notify the city of the survey and a representative of the city may have provided some questions. Whether or not they were used is not known. She feels it appears the City was validating the survey by participating and is now itself involved in unethical business practice. They stated she would applaud a true measurement of public opinion, but this is just another indication to her, that her concerns about a casino are totally justified.

Catherine Dean: She stated she received a call from Discovery Research on August 12, 2006. The caller stated she was calling regarding things happening in Canal Fulton. Catherine stated she was on the do not call list and chatted with the caller, who then asked Catherine if she was going to yell at her. The caller had stated people had been yelling at her. Catherine found question six interesting. "Let's present the proposal agreement and we give you both sides. One side was it would be a resort, casino, hotel, shopping, 2,000 jobs and \$5 million a year." The other side is, "It is morally wrong, there will be crime and drugs in N.E. Ohio." Questions 8-21 were all to be rated 1-5

CITY OF CANAL FULTON

August 15, 2006

from slightly agreed to strongly agreed. Mr. Colaianni asked if any time during this survey did they ask if there were any policy decisions being made by this municipality. Ms. Dean stated they said that there was a revenue sharing agreement with the Eastern Shawnees. Mr. Colaianni asked, "To be clear on something, they told you there was a revenue sharing agreement?" Ms. Dean said she wrote down, "A revenue sharing agreement with the Eastern Shawnee." They talked about Rt. 21, that there was a revenue sharing agreement and the Eastern Shawnee Tribe on 1-5. Question #11 asked if she felt the area ministers should be participating or not participating in policy like this.

The Law Director asked if anyone else was asked the same questions. A male stated some of the questions Ms. Dean was asked, he was not asked, so the survey must not be completely all the same questions. The gentleman stated he listened to the whole survey. Ms. Dean stated question #15 said there would be a \$250 million decrease to lessen their tax burden.

Mayor Grogan stated there is a huge source of concern; first off, there is no revenue sharing agreement. Secondly, the fact that they are asking about religious organization is disconcerting. Mayor Grogan asked Law Director Kincaid to send a letter from his office to Discovery Research requesting a full and complete questionnaire(s) that was utilized in these phone calls; and he wanted a statement prepared on behalf of the City if they decide to issue the findings, they can counter it stating there is a possibility of impropriator or some such of a random sampling issue that may have been tainted, the fact that they are asking questions of the religious organizations in the community, political affiliations. The Law Director stated to get the survey before any judgment is made. The Mayor stated he is upset that they are already citing that certain agreements have already been made, when they haven't been.

Mr. Cozy stated he can understand why people are upset. The tribe did contact the City and let us know that they were going to conduct some market research. They asked if we had any questions and we did not really want to participate. It was their game. Mr. Cozy's only concern was that it appeared that a lot of people didn't understand all of the issues and that is the only statement he made. This is shocking because we do not have any negotiations.

Tony & Spring Adamo, 400 Thurston: Mrs. Adamo stated she knows council is aware of the ongoing problems with sinkholes in the front and the side of their home. They wanted to express their gratitude toward Mrs. Downing for putting her concern in this issue. They have seen more action over the past week than they have seen over the past four to five years. Mrs. Downing advised them that Mr. Cozy is taking immediate action in this matter and they would like to put their trust back into the hands of the city. They asked that the City keep them frequently advised through the entire process and are hopeful that this situation can be resolved quickly and thanks Council for their time. The Law Director stated he will copy them on the letter to the bonding company.

Bill Davis: He stated he has been to more casinos than any body else in this world. He stated he has never been approached by prostitutes and where people get that, he does not know. He feels that security in casinos is better than any police department. They solve crimes and they prosecute. He asked if the City has laws or ordinances for tenants to protect them from ruthless landlords. The Law Director stated the City does not but there is a State law. He stated that leash law needs to be enforced. He explained numerous problems he has been having with his neighbors regarding dog and people hitting golf balls at his truck and one has even hit him in the head. He stated he would like to receive calls back from public officials. His landlord has told him if he calls the police any more, he is going to be evicted. He stated regarding casinos, count the cars in the parking lots, a majority of the cars of from Ohio and those people are voting against gambling.

Michael Mouse, 406 Riverview: Mr. Mouse submitted notarized signatures to the Mayor. He would like to leave it open because their will probably be more signatures from people that are coming back from vacation. The Mayor stated to let the record reflect they have received additional signatures, approximately three more pages, previously issued by Mr. Mouse at the last meeting. Mr. Mouse stated there were 111 total signatures.

Mr. Mouse stated he wanted to make a suggestion that the City buy gasoline at bulk rate with one of the local suppliers to see if they can get bulk.

Mr. Mouse stated he is pleased they are going forward with the comprehensive plan. He stated he is passionate about it, but he has concerns about the annexation. He asked Mr. Cozy when and how he learned about the Trustees wanting to use Pelini & Associates for their annexation attorneys. Mr. Cozy stated he was not aware of it until he saw something in the newspaper. Mr. Mouse stated he didn't believe it was in the newspaper. Other councilpersons voiced they saw it in the paper. Mr. Cozy stated he was very upset because he had been negotiating with them for three months prior, since the first day he started at the City. Mr. Mouse asked when he read it in the paper, an approximate date. Mr. Cozy stated he knew it was in the paper. Mr. Mouse stated, "and then you turned around and Hart & Associates". Mr. Cozy stated he called his attorney, Eric Williams and asked what are they doing, weren't we in discussions at the beginning of the year. Mr. Cozy stated "let's get the whole story out and clean the picture if you want to start incriminating me". Mr. Colaianni clarified that Mr. Cozy didn't hire them, Council did. Mr. Cozy stated the first day he was hired he talked to Eric Williams right away, because he was the attorney I worked with in Plain Township. The reason why they stopped talking was because one of the trustees was up for his previous job in Plain and Mr. Cozy viewed that as a conflict of interest if they hired Eric Williams for

CITY OF CANAL FULTON

August 15, 2006

the City and Mike Stevens works for Plain and Eric works for them. If Eric works for us and Mike being a trustee in Lawrence, it would have been a muddled mess. He had to wait to see whether Mike got the job. When he was turned down for the position that is when serious talks began between Mr. Cozy and Eric as to what they could do. This pre-dated anything that Lawrence Township had. The reason Pelini was called by them, was because Pelini does represent Tuscarawas Township and it came from Celeste DeHoff, that Pelini going to represent them for annexations. Mr. Cozy stated he had been using them for years. Mr. Mouse stated he had concerns if you are trying to do a comprehensive plan with another public entity and the other government entity is concerned about annexations, Mrs. Bagocius last week, a very pertinent question, and that was "Why don't we just let the annexation sit, unless mutually agreed upon and do the comprehensive plan". He stated right now we are getting some hard feelings developed between the two entities and it looks like we are getting into one "upsmanship" and that is going to sabotage any comprehensive plan. Mrs. Zahirsky stated they are going forward with the comprehensive plan, with or without the township. Mr. Mouse stated he understands that but his contention has always been if you do it with the township, you are going to have a much better comprehensive plan. The Mayor stated they have invited the township on numerous occasions and there is another invitation that they just backed out on. Mayor Grogan stated they contacted them this morning and they cancelled again. The Mayor stated this is probably the fourth or fifth time they have cancelled. The Mayor stated they will continue to call and set up more meetings and extend the invitation, but at the end of the day they can't force them to the trough. Mr. Mouse stated people are pointing fingers back to each other and this is not going to work if they are negotiating. He feels that trust is being lost quickly.

Mr. Mouse stated he read the Mayor's letter to the tribe. He said up to that time, others and himself were lead to believe that the Mayor was neutral at that point. He wanted to know reasons made him come out in favor of it and send a letter to the Shawnees. Mayor Grogan stated he is not in favor of any casino issue because there is no casino issue. A memorandum of understanding was sent in order to engage and dialogue in conversation. The Mayor stated right now we do not know enough to make an informed decision and there was a group trying to impose their will to continue to keep people uninformed. They let them think it was casinos. Casinos are illegal, they don't exist in the State of Ohio, but they went out and perpetuated the myth that there are casinos. The City needed official documents to continue discuss it with the Shawnees. At that vote, there was 3 yes, 2 no and one wasn't present because of work requirements. The Mayor said his vote would have been to move forward and continue discussing this issue. Without going forward and learning more about it, you will never know what you are going to stumble across until you get them at the table and talk to them. Mr. Mouse commented he thinks it is the Indians contention that they want to bypass the state now and negotiate directly with the cities and we do not have anybody versed international law representing us and we need somebody versed in that. The Mayor stated that was exactly what the intent of the memorandum of understanding was, to figure out how to do that. Up to this point, we don't know enough about them, but they are a private entity and they are purchasing land, so either we need to get on this bandwagon to see what they are doing and stay as close to this as we can or they are just going to ahead and do it with or without. Mr. Colaianni asked if his letter stated a position for or against the issue. Mayor Grogan stated "No", just to continue to negotiate with them and discuss it with them.

Mrs. Zahirsky stated she wanted to say something to Mr. Mouse's comments at last meeting, that the citizens of Stonewood and Riverview were concerned about a decrease in a standard of living in their area. Mrs. Zahirsky stated she wants them to remember that her house and her neighbor's house was there before their homes were built and for her to impose their homes being built because she was concerned about her standard of living being decreased didn't make a difference because the developer had the right to do it. Mr. Mouse stated the people are comfortable with it happening in Lawrence Township. Mr. Colaianni stated to let the record reflect that there has been no annexation agreed upon.

Joni Stopar, 1861 Locust Street: She stated she had a snapping turtle in her backyard and she called the water department, who then contacted the Street Department. She thanked everyone for the quick response.

Mrs. Stopar stated about Mr. Cozy being aware of the questionnaire. She asked if he asked to submit any questions on the survey or any input whatsoever. He stated he didn't feel it was right because it was there market research and he had a concern that people in the community did not understand all of the issues and it is a very controversy topic and he wanted to make sure they were sensitive to people when they called them. She asked if he let Council know this was happening. Mr. Cozy stated the Mayor knew. Mr. Cozy stated he found out July 26th. Mrs. Stopar stated she always hears that the Council and the City doesn't have enough information. She stated a lot of citizens have a lot of information, maybe not directly the Shawnees are saying, but they have a lot of information about casinos and the effects. She stated it seems like at every council meeting, they hear the city is no longer involved and they don't know enough to make decisions and she can't believe they wouldn't know more than what they are saying. She can't believe they aren't pursuing it more because it is a topic that would forever change the town and they will not be able to turn back if it is the wrong decision. Mayor Grogan asked Mrs. Stopar if she felt this issue should go to the voters. Mayor Grogan asked her what her answer was. Mrs. Stopar stated as long as the voters get educated. She stated as long as they get truly educated. Mayor Grogan stated is it her contentions

CITY OF CANAL FULTON

August 15, 2006

if they educate themselves, and then educate the community and then allow the community to vote? Mrs. Stopar stated yes, but both sides.

The Mayor stated the only way this community is going to be able to address this issue is if they get a chance to vote on it. He expressed that Council should not have to address that hot of a topic. It should be done by the community. He stated he knows some people don't want this to happen, and he sees their side, but why take it away from the community.

There was continued discussion about communication about this issue and bringing everyone back together.

Law Director Kincaid stated the problem stated they can't award the referendum to the people. They can start it on their own.

Eric Nelson, 6301 Chiltern: He stated he didn't understand this issue and why they are wasting their time on it, until the Federal Government makes their decision on it in the State of Ohio.

David Derry, 523 River Road: He is pastor of True Life Community Church. They are planning a children's carnival October 31 in conjunction with trick or treat. They are proposing to have it at the playground on the corner of Locust and Cherry Street. He will be going to the Park Board if the City acquires the land before October.

He stated cars on his street go much faster than the posted speed limit and wanted to know if something could be done about it. The Chief will run radar on the street.

Mrs. Zahirsky addressed the comment from one of the guests regarding why is Council wasting the City's time on this issue of the casino. She stated they have listened to people during citizen comments to give their thoughts and if that is wasting time, but people want to talk about the issue and they are continuing to let them talk even though there is nothing in front of them.

ADJOURNMENT

Mayor Grogan adjourned the August 15, 2006 City Council meeting.

Tammy Luther, Clerk of Council

Mayor John Grogan