

CITY OF CANAL FULTON

June 2, 2009

COUNCIL MEETING

Council President Nellie Cihon called the June 2, 2009 City Council meeting to order at 7:00 PM in Council Chambers at City Hall.

PLEDGE OF ALLEGIANCE

ROLL CALL

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

Mr. Losch moved to excuse the Mayor due to a family emergency, seconded by Mr. Deans. **ROLL: Yes, ALL.**

Others Present Scott Fellmeth, Law Director; Mark Cozy, City Manager; Dave Frisone, Police Chief; Ray Green, Fire Chief; Daniel Mayberry, Service Director; Scott Svab, Finance Director; Rochelle Rossi, William Dorman, City Engineer; Joan Porter, Repository; Kathy Gill, Rochelle Rossi and Victor Colaianni, Residents.

CORRECTING/ADOPTING THE RECORD OF PROCEEDINGS - None

REPORTS OF STANDING COMMITTEES

Economic Development Committee: The Committee met and discussed the promotion of the boat cruises by getting more information to the neighboring communities, such as Navarre, Massillon, Doylestown, and Barberton. They will be sending the flyer that was produced by the Canalway Director.

The Committee discussed the billboard along Rt. 21. They had several of the business owners present and they felt it is a good idea.

Mr. Losch explained the paint the town concept through Sherwin Williams and feels a lot of the owners are seriously considering this project. They would like to get the information out to the residents and the shop owners. He stated the products are top quality and the prices are good. He stated they can use it as the base for the murals project. There is a good discount. He stated they have spoken to a painter for the murals. An idea was presented about decorating the canal banks with water lily's from the foot bridge to the warehouse.

Mrs. Zahirsky stated the paint prices are available for homeowners as well as businesses.

Mr. Losch stated the project is designed for local downtown beautification program but it is not limited to just the downtown area, even though it focuses on the downtown.

CITIZENS' COMMENTS – AGENDA MATTERS - None

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REPORTS OF ADMINISTRATIVE OFFICERS

SENIOR CITIZENS (Nellie Cihon)

Garage Sale: The Center will participate in the Community Garage Sales on June 13.

Wheeling Casino Trip: The Center will host a trip to the Wheeling Casino on June 23. The cost is \$30, \$10 in coin and \$5 in food.

Italian Pasta Dinner: The Center will be serving a dinner on July 25. There will be a choice of three or four pastas plus side dishes. Adults are \$6 and \$3 for children ages 4-10. Reservations can be made by calling the Center.

COMMUNITY SERVICE COORDINATOR (*John Murphy*)- None

FIRE CHIEF (Ray Green) – No Report

POLICE DEPARTMENT (Dave Frisone, Police Chief)

Grants: Chief Frisone distributed a list of eight grants that the department has made application for in 2009 in the total amount of \$446,000.00. He stated some of them require matching funds. He said they could discuss this if they were awarded the grants to determine if the City was to accept the grant and pay the matching share. The match for all grants totals \$83,000. He stated some of this could be offset by not having to make some of the capital purchases. The awards will be between July 31 and September 30.

ENGINEER/STREETS/PUBLIC UTILITIES (Dan Mayberry/William Dorman):

Paving Replacement: Mr. Dorman stated he has been assisting administration with preparation of bid packets for paving replacement.

Lakewood Estates: Mr. Dorman stated this project is still moving slowly ahead.

Planning Commission: They did not have a meeting for the month of May due to no business matters to be discussed. As of this date, there is nothing for the agenda for the month of June.

High Street Sanitary Sewer Project: The project will begin soon. There was a minor realignment. It is expected to begin within the next week or so.

Marshallville Sanitary Sewer: They are awaiting final approval from the Ohio EPA, Department of Environmental Finance. He stated no community has received the go ahead on any of the stimulus projects. They are still being finalized in Columbus.

Mr. Losch asked how much time they estimated for completion of the High Street Sanitary Sewer Project? Mr. Dorman stated a month. Erie Avenue will be down to one lane during some of the project.

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FINANCE DIRECTOR (Scott Svab)

Stimulus Monies Seminar: Mr. Svab stated regarding what Mr. Dorman had said about the stimulus monies, the Auditor of State had a seminar last week regarding those that received monies. They wanted all to be aware of special guidelines on reporting this funding. They want to make it more transparent for the public to see it as the funds are received, we will have ten days to post the actual revenues received as they come in onto the website and also have to keep track of other reporting that is included in receiving these funds. He stated along with the money is a few strings attached.

Financial Statements: He state the Local Government section of the Auditor of State has finished the compellation of financial statements and was released last week. This has been posted on the website.

Mr. Svab stated he wanted to thank Ms. Marthey for posting these on the website and also thank Mrs. Hiltbrand for putting the agenda together at last minutes notice. He stated as you are aware the minutes aren't on there. They are completed, but due to her absence and last minute thing, Mrs. Hiltbrand was able to put this together which he is grateful for.

Mr. Svab stated in the packet there are some purchase orders and the bills.

Mr. Svab stated the auditor's report ending 2008 has some highlights on there and at the next Council meeting he will go over some of the key elements on there regarding the financial debt that has been lowered. He stated we are in good financial shape and he will point out. He has hard copies available for the public as well as Council.

Questions:

Mr. Losch asked about purchase order 5681 for miscellaneous vendors.

Mr. Mayberry stated on the handout, it give a full description.

Mr. Svab stated it was assigned to miscellaneous vendors because at the time they were uncertain to who it was going to be awarded to. The plant is down and the work needs to be completed at fast as possible.

CITY MANAGER (Mark Cozy)

Community Plan Committee: The Committee will be meeting on June 8 at 7:00 PM at City Hall and the topic will be goals and objectives for the community and the parks, as well as recreation and education.

Mr. Cozy stated he has a draft of the mission statement composed by the committee. It will be published once it is finalized. "To ensure a quality of life that preserves our unique canal heritage, personal and environmental character while promoting business and intergenerational growth and a secure sense of community".

Special Event Cruises: Mr. Cozy has color copies of the schedule of special event cruises.

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Billboard: Mr. Cozy stated the Mayor has directed them to investigate putting up a billboard on Rt. 21. There is a site available. Mr. Downing is playing a significant role in putting it together. The Mayor's position was if the businesses would collaborate to pay for half of the billboard, the City would match it with the other half. The Economic Development Committee did distribute a rendition of how the billboard would read. The total price is \$1,800 for three months. A portion of this is layout. If this billboard goes up next year, the cost would be \$400 a month for three months if they put it up for the summer season next year.

Mr. Cozy stated he would like to get a voice motion from Council before moving ahead with and to get Council's feeling on this before they contract this. He stated we are operating the canal boat as a business and we need to market it and spend some money on advertising. He stated getting a billboard on Rt. 21 will attract people to the City, not only for the boat but for the businesses. He stated some of the businesses contributing are on the east side of town. He stated they are trying to put a marketing package for all of the businesses. He stated there are 16 businesses on board to contribute money.

Mrs. Zahirsky asked which fund will be used for this.

Mr. Svab stated he would recommend Mayor/Administration contingency fund, which had \$10,000 and they have already spent \$3,000.

Mr. Cozy stated he would like a motion of not to exceed our share of \$900.

Mrs. Zahirsky moved as the City to cover half of the cost of the billboard, not to exceed \$900, seconded by Mr. Deans. **ROLL: Yes, Mrs. Zahirsky, Mrs. Cihon, Mr. Moellendick, Mr. Losch and Mr. Deans. Abstain, Mrs. Downing.**

Brookview Homeowner's Association Donation: The Association wanted to donate some land to the City. There had been some concerns from Council previously about the property itself making sure there weren't any problems with the property.

Mr. Dorman stated the property has been reviewed since 1998. Mr. Dorman showed the property on a map to those present, the west border of Brookview Acres #3. Mr. Mayberry and he visited the site today and then looked at the files. It was studied in the late '90 by Flickinger Wetland Services Group. Approximately 1/3 of it is wetlands and it primarily serves a receiving area of storm water. Three or four different areas of the whole allotment dump storm water into this area. It is protected wet lands, which is delineated. There are drainage easements there for the subdivisions. It is a valuable part of the infrastructure of that subdivision with which that piece of land serves.

Mr. Cozy stated the unique issue with the City is that we have a conceptual plan to develop Puffenberger Property as a park and the consultant had a linkage from the street to the bike path to the park. It will be part of the overall bike plan to bring people to the towpath. They will be able to use that neighborhood to go through the Puffenberger Property to High Street and then to the downtown.

Mr. Mayberry stated it will require a little bit of mowing. He stated the beauty of it is that it gives the City access for Colonial Hills to come down Brookview to that piece of land which will attach to the police station

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property (Puffenberger Property) and will also give the Landings at Lock IV, the small township subdivision direct access to those municipal parks. It will also give Fulton East access by crossing over Millfield and down St. Helena Drive. It will be great access and can bring bicyclists into those City parks and from the parks to the downtown area.

Mr. Deans stated later the people in wheelchairs will be able to use this to get downtown.

Mr. Moellendick asked if they were donating it or wanting to sell the land.

Mr. Cozy stated donated.

Mr. Moellendick asked if at one time it was meant to be green space or storm water runoff location at the time of the subdivision development.

Mr. Dorman stated when it was platted it was open space.

Mr. Mayberry stated he would like to address Mr. Moellendick's question how it was platted. Mr. Dorman did state previously that it was wetlands but it probably didn't meet the open space requirements, they still paid the open space fees. The land wasn't given in lieu of fees. Because of the configuration of the land, it offered isolation between the residential area and Lindsay Concrete and the old Army National Guard area.

Mayor's Student Works Program: Administration will begin interviews this week for the Student Works Program. They did receive 25 applications for the program. They will only be hiring approximately 10 students.

Ohio & Erie Canal Association: A letter of inquiry was sent to the Ohio & Erie Canal Association for the train station district. They had asked for additional information. The grant was submitted last year. A package was put together and submitted back to them last week. The timeframe for them to respond is thirty days. He stated we are back on track to receive that grant.

REPORT OF MAYOR (John Grogan) - Not present

PARKS & RECREATION BOARD (Fred Fleming) – Mrs. Cihon stated a new sign was placed at Muhlhauser Park.

LAW DIRECTOR (Scott Fellmeth) - No Report

THIRD READINGS

Ordinance 16-09: An Ordinance Amending City of Canal Fulton, Ohio Administrative Code Section 141.08(g) to Provide Compensatory Time Off For Certain Employees.

Mrs. Zahirsky moved for approval of Ordinance 16-09, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

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Ordinance 17-09: An Ordinance Amending the Codified Ordinance of the Zoning Code of the City of Canal Fulton, Ohio to Amend Chapter 1150 and Repeal Section 4, 1150.04 Fire Inspection.

To be read later in the meeting. Public hearing is scheduled for this Ordinance at 8:00 PM.

SECOND READINGS - None

FIRST READINGS

Ordinance 20-09: An Ordinance Amending the Traffic Code of the Codified Ordinances of the City of Canal Fulton, Ohio in Order to Create Regulations Regarding Storage of Junk and Junk Vehicles Within the City and Adding Chapter 306 Entitled Storage of Junk and Junk Vehicles and Repealing Any Ordinances in Conflict Therewith.

STANDS AS A FIRST READING

Ordinance 21-09: An Ordinance Amending the Traffic Code of the Codified Ordinances of the City of Canal Fulton, Ohio in Order to Create Regulations Regarding Storage of Unlicensed Motor Vehicles Within the City and Adding Chapter 307 Entitled Storage of Unlicensed Motor Vehicles Prohibited.

STANDS AS A FIRST READING

PURCHASE ORDERS & BILLS

P.O. 5677 to Ohio Police and Fire Pension Fund, Quarterly Pension Payment in the Amount of \$26,687.32.

Mrs. Zahirsky moved for approval of P.O. 5677, seconded by Mr. Deans.
ROLL: Yes, ALL.

P.O. 5679 to Ohio Public Works Commission for Denshire Sewer, Solids Handling Improvements, Water Plant and Well Expansion, Milan Street Water Line, Market Street Water Line, and Canal Street Water Line Payments in the Amount of \$108,557.54.

Mrs. Zahirsky moved for approval of P.O. 5679, seconded by Mr. Losch.
ROLL: Yes, ALL.

P.O. 5680 to Dynamerican Septic and Drain for Vacuum Truck Service, Clean West Clarifier in the Amount of \$6,025.00.

Mr. Moellendick moved to approve P.O. 5680, seconded by Mr. Losch.
ROLL: Yes, ALL.

P.O. 5681 to Miscellaneous Vendors for Materials and Labor to Replace Existing Drop Pipe Diffuser Assembly, Schedule 40, 2.5" Pipe, Paint & Rustproof All Materials, Replace All Fittings and Couplers in the Amount of \$16,200.00.

Mr. Moellendick moved for approval of P.O. 5681, seconded by Mr. Losch.
ROLL: Yes, ALL.

Mr. Mayberry stated the equipment is about 28 years old. They have seen their useful life by several years. The project started with the repair of one, two inch galvanized pipe that extended down to the tank. This resulted in having to empty the 750,000 gallons of wastewater inside the

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tank. This is when they discovered the other issues. It was decided at this time that the best course of action would be to replace everything. Mr. Mayberry stated the City will be reimbursed 40% from the County at the end of the year with the joint user cost system billing. Mr. Mayberry stated the same maintenance effort that needs to take place on tank #2. Mr. Mayberry stated they only had \$25,000 budgeted in this line item and may need to come back with an ordinance appropriating money from the unappropriated balance to be able to do tank #2 this year. He stated it is not going to get any better and it is in the same condition as tank #1.

Mr. Svab stated through the sewer/wastewater crew, they saved an estimated \$2-3,000 on labor costs on the preparation of the tank.

Bills: \$134,639.90 Mr. Losch moved to approve the bills, seconded by Mr. Deans. **ROLL: Yes, ALL.**

OLD/NEW/OTHER BUSINESS -

Chief Frisone stated as a result of Mr. Swartz being promoted to Lieutenant, the payroll ordinance is going to need to be amended to include his new rate of pay and to be retroactive back to the date he was appointed June 3, 2009. It will need to be passed under emergency.

Mr. Mayberry stated the fire department and the utility departments have been flushing hydrants since May 28 throughout the community. The utility department appreciates the help of the fire department.

Chief Green stated one of the requirements for the ISO rating is how often the fire hydrants are inspected. This counts as the fire departments inspections.

REPORT OF PRESIDENT PRO TEMPORE (Nellie Cihon) - None

REPORT OF SPECIAL COMMITTEES - None

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

Mrs. Zahirsky moved to recess until 8:00 PM at which time they will reconvene to hold the public hearing, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

All Council members reconvened the meeting at 8:00 PM.

PUBLIC HEARING

Ordinance 17-09: An Ordinance Amending the Codified Ordinance of the Zoning Code of the City of Canal Fulton, Ohio to Amend Chapter 1150 and Repeal Section 4, 1150.04 Fire Inspection.

Mr. Colaianni asked what the benefit of repealing Section 4 is. He stated on paper it doesn't make sense. He stated he is looking at the recent weeks and what has happened in Massillon. He stated some people skated by with some issues on fire inspections and occupancy permits and now they have destroyed buildings.

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Mr. Cozy stated the issue in Canal Fulton is they are one of the only communities that require an occupancy permit for change of ownership. He stated this was put in place so they could keep track of businesses coming and leaving town. He stated what has happened is they have a fire inspection provision built in as well so they have an extra fire inspection and the way the code is changed at the state level is now a building permit. He stated if the property owner doesn't do much alterations and the building permit, the fire inspector can come in and call the building department and have a building permit issued for an issue that could be handled in the City. He stated he knows the Planning Commission did this in response to complaints they received from businesses over the issue.

Mr. Colaianni asked if a certificate of occupancy require a building permit because he stated Mr. Colaianni is talking about two different things.

Chief Green stated if there is a change of use in the building.

Mr. Cozy stated the issue with them is the change of ownership and that was the issue with the code. He stated if there is a change of use, there is a certificate of occupancy permit. He stated they also have a requirement of a certificate of occupancy permit for change of ownership not necessarily change of use.

Mr. Colaianni asked if they repealed and they have a change of use, i.e., a storage building and a change of use changes it into a paint shop, then what.

Mr. Cozy stated then it would require a fire inspection.

Chief Green stated it would also require a permit from the building department in approving the change of use.

Mr. Colaianni asked if repealing this gets them out of doing this.

Chief Green stated no. He stated it is 105.1 of the Ohio Building Code. Any amendments, changes of use to a structure require a building permit from the local building official, which is the Stark County Building Department.

Mr. Losch stated this appears to be redundant.

Mrs. Downing stated it is her understanding that they are trying to clean up some of the ordinances.

Mr. Colaianni stated part of what the Community Plan committee is working on is that part of the code is 40 years old.

Mrs. Zahirsky stated when they passed this Ordinance was originally because there wasn't a fire inspection being done.

Mr. Cozy stated the original reason the ordinance was passed because they wanted to keep track of businesses coming in and out of town.

Mrs. Zahirsky stated she didn't think that is why it was presented to Council.

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Mr. Cozy stated it was and that he got the history from the Planning Commission. He stated they went through the fire inspection provision for a nice idea as an addition. He stated what the Planning Commission wants to do is to present a policy that whenever there is a change of ownership; the fire inspector is called but the problem if there is an issue being worked through with the building department. He stated they did not want the fire inspection to be the hold up for them getting their occupancy permit and conducting business in the City.

Chief Green stated they should have their occupancy permit before they even come in and do their inspection, which would be the proper procedure. He stated unless it is approved by the building department for the building to be occupied, they really can't go in a conduct a fire inspection to enforce the fire code because the building shouldn't be occupied to begin with.

Mr. Moellendick stated the problem he has with the ordinance they are repealing a section of, it doesn't say a change of ownership, it says a change of occupancy. He stated he strongly disagrees with removing the section. He stated in his work as an engineer he is by law required to protect public safety, even though he isn't doing the work as an engineer here, he feels he is still obligated to do that. He stated the building, fire and national electric codes; all these codes exist because of past experiences and to protect public safety. He stated whether they think it is an ownership of occupancy issue, he doesn't think repealing this section and then coming back and finding out that they made a mistake is the right thing to do.

Chief Green stated they are still going to inspect the building.

Mr. Moellendick stated is if what they are telling him is it is a change in use, they are going to inspect the building.

Mr. Cozy stated a change in use is a state code, it has to be inspected.

Mrs. Downing stated Mr. Hopper reviewed this with her. She stated in the beginning she didn't understand and approve of it either, but the way he explained it made her understand the need for the change.

Mr. Moellendick stated if it has to be explained in great depth, that it is wrong. He stated it needs to be clear that they have to have this inspection, otherwise, every building, especially the historic district with the old timbers, we are asking for a disaster.

Mr. Cozy stated then we are asking for abandoned buildings. He stated in a lot of cases the historic buildings are exempted or could be exempted. He stated he was talking to Mr. Graham who renovated the building across from the old feed mill. He stated he went around and around with the Stark County Building Department trying to save a historic building. He ended up spending \$200,000 in renovations to the building to save it.

Mr. Cozy asked if they wanted to save the buildings downtown or do they just want to level them, because to bring the buildings up to code is sometimes impossible. He stated what brought this to a head was there was an auto detailing business that was inside a building. He stated there were issues with the building department and the fire inspector. He

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stated the business ended up leaving. He stated they then had a mechanic occupy the building. Canal Fulton Enterprise, the owner and a certified electrician, ran some conduit into the building and put some outlets in the wall. The fire inspector showed up and asked for a building permit. The owner told him he was a certified electrician and they could see what he did. He was told that he still needed a building permit. Mr. Cozy stated to obtain the building permit they would need certified electrical drawings, which was going to cost \$3,000 plus fees for the Stark County Building Department just to run conduit on a wall.

Mr. Cozy stated this didn't make sense. He stated these were the kinds of concerns that were being brought to the Planning Commission and this is why they made the change.

Mr. Colaianni stated his recommendation would be to not pass this as is. He suggested having it amended. He stated Mr. Moellendick was correct in that taking one section out creates greater error.

Chief Green stated what creates the biggest problem is when they change the use of the building. He stated the old elementary school is a prime example. It is classified as educational under the Ohio Building Code. He stated now that the new owner is there and starts storing items, it makes it a storage building.

Mr. Cozy stated it is an obvious one.

Chief Green stated once she opens it up to flea markets and auctions, it now becomes mercantile and falls under a whole new classification. He stated if she wants to do that, she needs to bring the building up to code. It could be an alarm system or sprinklers. He stated the old Exchange Building wants to put a church in the second floor. He stated this takes it from an office to an assembly. Is there sufficient exits in the building, what is the occupancy going to be. He stated the fire department can't decide this. It needs to come from the building department. He stated the only thing they can enforce is what the building department has approved through the fire code. He stated before they can do that, they have to present the fire department the certificate of occupancy allowing the change of use of the building. He stated if they find a building that doesn't have the certificate of occupancy authorizing the change of use, they are required by law to report it to the Stark County Building Department and that is what they have been doing. He stated they send a letter to the building department asking them to follow up and reply to the department.

Mr. Cozy stated if it is a change of use because there has to be provisions for a change of use. He stated these are things they can work through with the fire inspector and building department. They aren't making any alterations to the building.

Mrs. Zahirsky stated from what she understands is the reason a former fire chief asked them to pass it was because the inspections weren't being done.

Mrs. Cihon stated that is what she heard as well.

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Chief Green stated his recommendation to the Mayor was when a business comes into town their first point of contact is the City Manager or Zoning Inspector. If they are brought into this on the front part of this, to meet with the new business owner and to ask them some questions such as what type of business and what do they plan on doing to the building, they would be able to let them know what procedures need to be followed, i.e. them going to the building department and secure a certificate of occupancy prior to the fire department doing any inspections authorizing the building to be occupied.

Mr. Moellendick stated besides repealing it, he thinks it is a bad idea. He feels this is where the holes are. He thinks Mr. Belford has been doing a good job for a number of years but he is a part-time employee. He said he is hearing that business owners go to Mr. Cozy and to Mr. Belford. He stated there are gaps and holes in the process of getting permits, where to go, and what information to find. He feels it needs to be one person to handle this and for people to get one set of instructions. He stated if they plan on changing it, then there would be instructions that they go somewhere else to get the information.

Mr. Colaianni stated the whole code needs revised rather than just piece milling it.

Mr. Moellendick doesn't feel they should be repealing this section until the whole code gets reviewed.

Chief Green stated the fire department doesn't want to look like the bad guy all the time. He stated if they run into an issue that affects human safety. He stated they had a building that had locked emergency exits. The owner did not have an occupancy permit. He stated there were hundreds of children playing sports in this building and the building never should have been occupied because it didn't have an occupancy permit.

Mrs. Zahirsky stated if they repealed this, is it ever going to get caught.

Chief Green stated when they do their annual inspections they would catch it.

Mrs. Zahirsky stated she doesn't feel this is good enough.

Chief Green stated his only concern of repealing this is that he doesn't have a problem with it being taken out as long as there are provisions for the fire department to be brought in during the initial phases to discuss with the owner or the occupant to see what the plans are.

Mr. Cozy stated he agrees with the Chief. He just doesn't want the City to be the heavy.

Mrs. Zahirsky stated policies aren't enforceable.

Mr. Moellendick asked Mr. Cozy who is the heavy then. He stated every good inspector (electrical, fire, building, etc.) is always viewed as a jerk. He is enforcing the code and the laws. He stated until something goes wrong and then someone looks back, hindsight is always twenty-twenty. That same person then becomes a hero because he caught a problem

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and fixed and nothing happened. He stated if there isn't an inspection and the City isn't the heavy.

Mr. Cozy stated he isn't saying there aren't inspections. He is saying the fire inspections be required before you get the occupancy permit. He stated in order for a fire inspection to take place there needs to be building plans or something from the building department.

Chief Green stated all they need is a certificate of occupancy telling them they are allowed to be there and that the use of the building was approved. This is all they need.

Mr. Cozy stated if any alterations are made, they need a permit. The building department's laws are black and white. If you make any alterations all of a sudden you need a permit. He stated what the Stark County Building does is, well it is a gray area so we are not require you to get a building permit because it is not that significant, but when our own code says you need a building permit, now the building has to make a requirement of the owner/tenant that they normally wouldn't in another community. He stated maybe the Chief can sit down with the Planning Commission to make this language make more sense. He stated a change needs to occur. He stated as he had said, the guy that ran the conduit on his wall and the building department wasn't going to require him to get a permit but because we called them in, they required him to get a permit.

Mr. Moellendick stated he has heard the Chief say is that he doesn't have a problem with repealing this but wanted to make sure they talk to the department in the beginning. He stated by repealing it, this language is not in the ordinance. He stated what he wants is not in writing and it will slip. Mr. Moellendick wants to see this ordinance re-written.

Chief Green asked while they were doing this, he would also like to request a change in the residential code, requiring sprinklers in all new construction.

Mrs. Downing stated she was hesitant about this. She sees the point and wants to send it back to the Planning Commission. She wasn't real comfortable with it and had to have it explained to her several times. She stated if everyone is doing their job should relish the fire department coming in.

Mr. Cozy stated they basically say they are running all the businesses out of town.

Mr. Moellendick stated if they are running the businesses out of town then they are making the town safer.

Ordinance 17-09: An Ordinance Amending the Codified Ordinance of the Zoning Code of the City of Canal Fulton, Ohio to Amend Chapter 1150 and Repeal Section 4, 1150.04 Fire Inspection.

Mrs. Downing moved for passage of Ordinance 17-09, seconded by Mrs. Zahirsky. **ROLL: No, ALL.**
Ordinance fails.

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ADJOURNMENT

Nellie Cihon adjourned the June 2, 2009 meeting at 8:20 PM. The next regular scheduled meeting is June 16, 2009 at 7:00 PM.

Scott Svab, Interim Clerk of Council

Nellie Cihon, Council President

**Minutes transcribed by Tammy Marthey, Clerk of Council*