

NEW PHILADELPHIA CITY COUNCIL MET IN SPECIAL SESSION IN COUNCIL CHAMBERS ON AUGUST 19, 2009 AT 5:30 P.M. WITH PRESIDENT OF COUNCIL JOEL DAY PRESIDING.

COUNCIL MEMBERS IN ATTENDANCE: MR. ROBERT CONNER
MS. SANDY COX
MS. COLLEEN ESPENSCHIED
MR. DARRIN LAUTENSCHLEGER
MR. JIM LOCKER
MS. WINNIE WALKER

MR. MAURER WAS ABSENT DUE TO A PRIOR COMMITMENT.

MR. DAY EXPLAINED THAT THE PURPOSE OF THIS MEETING IS TO SEEK A REMEDY TO THE BOARD OF ZONING APPEALS RULING THAT GRANTED A USAGE VARIANCE AT 113 FOURTH STREET N.W. TO DONALD KENNEDY JR.

MR. DAY OPENED THE FLOOR TO ANY VISITORS WISHING TO SPEAK.

Mr. Edward Breehl, 1173 4th St. S.E., New Philadelphia, Chairman of the Zoning Board of Appeals, read a letter to council members explaining that the Zoning Board of Appeals granted the variance based on their interpretation of the ordinance. He suggested that Council rewrite the ordinance for clarity purposes to remove any ambiguous wording to eliminate similar future discrepancies.

Rick Hinig, 217 North Broadway, New Philadelphia, Attorney for Don Kennedy, said the city has no standing in the appeals process should this go to court.

Terry Everett, 1042 Glen Drive, New Philadelphia, said he is in favor of the Zoning Board of Appeals' decision, and he is pro-business.

Frank Pietro, 228 West 8th St., Dover, Attorney and owner of several New Philadelphia businesses, said that New Philadelphia should be pro-business. He said New Philadelphia should not stand in the way of new businesses.

Patrick Maculaitis, 1811 East High Avenue New Philadelphia, owner of the adjacent property, said this business meets the provisions of the ordinance, and he is in favor of the Zoning Board of Appeals' decision.

Mr. Conner made a motion to direct the Law Director to object to the Zoning Board of Appeals' decision to grant a usage variance to Don Kennedy, Jr., 113 4th Street N.W. New Philadelphia, Ohio. Mr. Locker seconded the motion. Ms. Cox made a motion to go into Executive Session to discuss litigation. Mr. Conner and Mr. Locker withdrew their motions. Mr. Lautenschleger seconded the motion for Executive Session. Roll call, 6 yeas, motion passed.

COUNCIL ADJOURNED FROM REGULAR SESSION INTO EXECUTIVE SESSION AT 5:44 P.M. TO DISCUSS LITIGATION. COUNCIL RECONVENED INTO REGULAR SESSION AT 6:26 P.M.

Mr. Conner made a motion to direct the Law Director to object to the Zoning Board of Appeals' decision to grant a usage variance to Don Kennedy, Jr., 113 4th Street N.W. New Philadelphia, Ohio. There being no second to the motion, the motion died.

Mr. Day assured everyone in attendance that City Council is committed to have the zoning code updated and rewritten, so that new businesses can be welcomed into the City. He said this issue will be assigned to the Zoning & Annexation Committee, and he seeks the assistance of the Planning Commission so that future discrepancies will be addressed.

MOTION TO ADJOURN MADE BY MS. COX. MOTION PASSED. MEETING ADJOURNED AT 6:29 P.M.

CLERK OF COUNCIL _____

APPROVED August 24, 2009

PRESIDENT OF COUNCIL _____