

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON JANUARY 22, 2001 AT 7:30 P.M. WITH PRESIDENT OF COUNCIL DAVE JOHNSON PRESIDING. MR. JOHNSON OFFERED A PRAYER, AND ALL IN ATTENDANCE RECITED THE PLEDGE OF ALLEGIANCE.

COUNCIL MEMBERS IN ATTENDANCE: MR. ART CICCONETTI  
MS. SANDRA COX  
MR. JOEL DAY  
MR. GEORGE HOUSTON  
MR. JIM LOCKER  
MR. TOM LOCKER  
MS. WINNIE WALKER

THE MINUTES OF JANUARY 8, 2001 WERE APPROVED AS WRITTEN AND RECEIVED.

CORRESPONDENCE . . . . . CLERK DIANE ROUDEBUSH

1. Public Works Committee meeting minutes of December 11, 2000.
2. Public Works Committee meeting minutes of January 8, 2000.
3. Salary Committee meeting minutes of January 8, 2001.
4. Annexation & Zoning Committee meeting minutes of January 16, 2001.
5. New Philadelphia Fire Department Monthly Report for August, 2000; September, 2000; October, 2000; November, 2000; December, 2000; and the Annual Summary Report for 2000.

ADMINISTRATIVE REPORTS:

MAYOR'S REPORT . . . . . MAYOR RON BRODZINSKI

Submitted a written report of the activities of his office from January 9 through January 22, 2001. Reported that two new police patrol and one dispatcher were recently sworn in.

SERVICE DIRECTOR . . . . .MR. GARY ESPENSCHIED

Reported that Assistant Service Director Jim Zucal recently met with Clum Forestry Consultants to evaluate the timber at the south side parkland.

SAFETY DIRECTOR . . . . .MR. GREG POPHAM . . . . .NO REPORT

AUDITOR . . . . .MS. BETH GUNDY . . . . .NO REPORT

TREASURER . . . . .MR. ROBERT GERBER

Requested that Council consider passage of Ordinance 59-2000, allowing him to employ a part time as needed person to help with his duties. He said the hiring would not cost the city anything, it would come from a line item already appropriated in his budget. He pointed out that the City has not had one person complete a four-year term as Treasurer in several years, and by adding an additional part-time person, it would help the position of Treasurer.

LAW DIRECTOR . . . . .MR. MIKE JOHNSON

Reported that he attended the Zoning & Annexation Committee meeting last week to discuss the closing of an alley between Orchard & Hardesty Ave. After reviewing the maps, it was discovered that the city does not own the alley; therefore, the petition to vacate is null and void. Mr. Johnson will send a letter to all area residents notifying them of this finding. Reminded everyone that Ordinances 68-2000, 69-2000, and 70-2000 cannot be passed until a Public Hearing is held February 12, 2001.

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION . . . . .MAYOR BRODZINSKI

Will meet Wednesday, February 14, 2001 at 1:00 p.m. at Tuscora Park.

BOARD OF ZONING APPEALS . . . . .MR. GARY ESPENSCHIED

Will meet February 6, 2001 at 5:30 P.M. in Council Chambers.

AIRPORT COMMISSION. . . . .MR. JIM LOCKER

Reported meeting January 9, 2001. All rents owed the City by the Airport Restaurant are current, and business has increased since the holidays. Officers for 2001 were carried over from 2000.

PARK BOARD . . . . .MR. ART CICCONE

Reported meeting January 17. Assistant Service Director Jim Zucal was in attendance to explain the removal of trees at the south side parkland. Fees and past pool records were discussed, with no action taken.

HEALTH BOARD. . . . .MS. SANDRA COX . . . . .NO REPORT.

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEE. . . . .MS. SANDRA COX . . . . .NO REPORT

SALARY COMMITTEE . . . . .MR. JIM LOCKER . . . . .NO REPORT

SAFETY, HEALTH, AND SERVICE COMMITTEE. . . . .MS. WINNIE WALKER

Reported that she has furnished information to the Law Director concerning raising the fines for illegally parking in handicapped parking spaces. An ordinance will be prepared for future consideration.

PUBLIC WORKS COMMITTEE. . . . .MR. JOEL DAY . . . . .NO REPORT

ZONING & ANNEXATION COMMITTEE. . . . .MR. GEORGE HOUSTON

Reported meeting January 16 to review a request by Mr. Martinelli for an alley vacation between Orchard & Hardesty Ave. As explained tonight by the Law Director, this request is no longer necessary. Also reviewed was a housing plat submitted by McInturf Realty for 16 homes on the southside near Mistee Dawn Development. The request was approved by Committee. Also reviewed was a preliminary ordinance for regulations and rules to govern businesses that sell adult videos, etc. The Committee voted to add more language to the ordinance, and the Law Director will prepare it for Monday, January 22, when the Committee will meet again at 6:30 p.m. Mr. Houston reported that the Committee met again tonight to review Ordinance 1-2001, rules and regulation for adult entertainment businesses. After extensive review, the Committee voted to recommend its passage. Mr. Houston asked that the Clerk read a letter from Mr. Patel, owner of the Holiday Inn on Bluebell Drive, asking why the Board

of Zoning Appeals granted a sign variance for the video store without presenting graphics, when he as owner of the motel had to present a graphic depicting the nature of the business. Law Director Mike Johnson is reviewing the request for a sign variance and will make a comment at the next regular council meeting.

CONTACT COMMITTEE. . . . .MR. ART CICONETTI . . . . . NO REPORT

Mr. Cicconetti said he continues to work on ward changes with Mr. Brad Swinderman.

SPECIAL COMMITTEE. . . . .MR. TOM LOCKER . . . . .NO REPORT

VISITOR’S COMMENTS:

Terry Kidd, 114 8<sup>th</sup> St. N.E., New Philadelphia, encouraged Council to pass Ordinance 1-2001.

Dr. Steffen Cameron, 1133 Glen Dr., N.E., New Philadelphia, also requested that Council pass Ordinance 1-2001, and thanked Council for their work on the ordinance

Nancy Kidd, 114 8<sup>th</sup> St. N.E., New Philadelphia, said she is concerned about the process of the Board of Zoning Appeals, since the sign was granted after the Service Director denied the request. Law Director Mike Johnson explained that the Board of Zoning Appeals hears all cases denied by the Service Director, but in this case, the company did not disclose in writing what was to be put on the sign. It was represented to the Board that the sign would say “New Phila Videos”; therefore, the Board had no reason to deny the request. He said he is still reviewing the situation before making any final statement. Ms. Kidd asked why a sketch of the sign was not requested by the Board. Mayor Brodzinski said a sketch would be requested from now on.

Wayne Wheeler, 1282 Independence Circle, New Philadelphia, said the Board of Zoning Appeals needs direction from Council on situations such as these, and asked why the Board is exempt from any type of legal action.

Mindy Hanzel, 332 Ray Ave. N.W., New Philadelphia, asked if there were minutes taken at the meeting of the Board of Zoning Appeals. Mr. Espenschied said there are minutes taken.

Mike Williams, 145 Susan Strauss Dr.,S.W., asked Council to pass this ordinance tonight.

ORDINANCES AND RESOLUTIONS:

ORDINANCES:

59-2000 An ordinance to authorize the Treasurer to hire an assistant to the Treasurer and setting pay and hourly rate, and declaring an emergency. (4th Reading)

Motion to vote on passage made by Mr. Cicconetti, seconded by Ms. Cox. Mr. Cicconetti reminded Council that passage of this ordinance will not cost the city additional money, and he urged its passage. Roll call, 3 yeas 4 nays (Houston, J. Locker, Day, and T. Locker), ordinance failed.

68-2000 An ordinance by the Council of the City of New Philadelphia to change the zoning from Commercial to Industrial zone for a one acre tract of real estate located on Bowers Avenue NW adjacent to Marsh Industries property by Tim Bober and Jamie Hicks. (3rd Reading)

Public Hearing Scheduled for February 12, 2001 at 8:00 p.m.

69-2000 An ordinance by the Council of the City of New Philadelphia to change the zoning from Industrial to Residential zone for 1.3 acre tract of real estate located in the 1000<sup>th</sup> block of Kaderly Street near the old Zimmer Patient Care Building. (3r<sup>d</sup> Reading)

Public Hearing scheduled for February 12, 2001 at 8:00 p.m.

70-2000 An ordinance by the Council of the City of New Philadelphia to change the zoning from Industrial to Business Zone for 2 acres of real estate located at the corner of Union Avenue and Martin Street in New Philadelphia, Ohio. (3rd Reading)

Public Hearing scheduled for February 12, 2001 at 8:00 p.m.

1-2001 An ordinance by the City of New Philadelphia, Ohio establishing regulations for adult entertainment businesses as Chapter 784 of the New Philadelphia Codified Ordinances and declaring an emergency. (1<sup>st</sup> Reading)

Motion to suspend the rules made by Mr. Jim Locker, seconded by Mr. Houston. Roll call, 7 yeas, rules suspended.

Motion to vote on passage made by Mr. Houston, seconded by Mr. Jim Locker. Roll call, 7 yeas, ordinance passed.

2-2001 An ordinance by the City of New Philadelphia for primary legislation for traffic signalization throughout the City of New Philadelphia, and declaring an emergency. (1<sup>st</sup> Reading)

#### RESOLUTIONS:

40-2000 A resolution by the Council of the City of New Philadelphia, Ohio to increase the reimbursement for City employees using their own motor vehicles on City business from twenty-six cents for mile to thirty cents per mile, and declaring an emergency. (3rd Reading)

Motion to vote on passage made by Mr. Jim Locker, seconded by Ms. Walker. Roll call, 7 yeas, resolution passed.

1-2001 A resolution declaring the necessity to request an advance of \$250,000.00 from the County Auditor on the February, 2001 Estate Tax Settlement, and declaring an emergency. (2nd Reading)

2-2001 A resolution declaring the necessity to request an advance of \$750,000.00 from the County Auditor on the February, 2001 Real Estate Tax Settlement, and declaring an emergency. (2nd Reading)

3-2001 A resolution by the Council of the City of New Philadelphia Ohio to commend Dennis Vitt for his years of service in the City of New Philadelphia Police Department. (2nd Reading)

OLD OR UNFINISHED BUSINESS: NONE

#### NEW BUSINESS:

Council President Dave Johnson suggested Council hold a roundtable meeting to discuss the use of the Elks Building. Council will select a March meeting date for that purpose.

MOTION TO ADJOURN MADE BY MR. HOUSTON. MOTION PASSED. MEETING ADJOURNED AT 8:20 P.M.

CLERK OF COUNCIL \_\_\_\_\_

APPROVED FEBRUARY 12, 2001

PRESIDENT OF COUNCIL \_\_\_\_\_