

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON MARCH 12, 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

LAW DIRECTOR MIKE JOHNSON EXPLAINED THAT ORDINANCES 8-2001 AND 9-2001 WERE INADVERTENTLY OMITTED FROM TONIGHT'S AGENDA, AND REQUESTED THEY BE ADDED FOR 1<sup>ST</sup> READING. MR. CICCONETTI MADE A MOTION, SECONDED BY MR. HOUSTON, TO ADD THESE ORDINANCES TO THE AGENDA. ROLL CALL, 7 YEAS, MOTION PASSED.

THE MINUTES OF FEBRUARY 26, 2001 WERE APPROVED AS WRITTEN AND RECEIVED.

CORRESPONDENCE. . . . . CLERK DIANE ROUDEBUSH

1. Contact Committee meeting minutes of March 5, 2001.
2. Salary Committee meeting minutes of February 26, 2001.
3. Mayor's Monthly Statement to Council for February, 2001.
4. New Philadelphia Airport Commission meeting minutes of February 13, 2001.
5. Annexation & Zoning Committee meeting minutes of March 5, 2001.
6. New Philadelphia City Board of Health meeting minutes of February 14, 2001.

ADMINISTRATIVE REPORTS:

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

Submitted a written report of the activities of his office from February 27 through March 26, 2001. Reported meeting with the Mayor of Stone Creek to discuss water service to that area, and said he has been in contact with Senators Voinovich and DeWine to obtain funds for the extension. York Elementary School is experiencing serious water problems, and school personnel wish to have city water available to them. Reported that he met today in Columbus with the Tuscarawas County CIC and the Ohio Development Council to propose a high tech park on land currently owned by the county across from Kent State University. Requested an Executive Session to discuss land acquisition.

SERVICE DIRECTOR . . . . .MR. GARY ESPENSCHIED

Reported that the lumber is being removed at the southside park, and should be completed at the end of the week. Reported that the 1st hearing for the CDBG FY2001 Block Grant was held tonight, and the 2<sup>nd</sup> hearing will be held May 8, 2001 at 7:00 p.m.

SAFETY DIRECTOR . . . . .MR. GREG POPHAM

Reported meeting last week with Rod Wilson from ODOT to attempt to lower the speed limit on Commercial Ave. S.E. Several businesses in that area have complained about excessive speeders. Reported that Kevin Milligan of the Fire Department will be leaving tomorrow to take a position with the Highway State Patrol

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

TREASURER . . . . .MR. ROBERT GERBER . . . . . ABSENT . . . . . NO REPORT

LAW DIRECTOR . . . . .MR. MIKE JOHNSON

Requested that personnel also be added to the agenda for tonight's Executive Session. Explained that Ordinance 16-2001 replaces Ordinance 69-2000 because there was an error made in the area that was to be rezoned. A Public Hearing was scheduled for Ordinance 16-2001 for April 23, 2001 at 8:00 p.m. Informed Council that a preliminary injunction hearing is scheduled for Thursday, March 15 at 1:00 p.m. on the ordinance limiting where sexually oriented businesses can be within the city. Explained Ordinance 15-2001, and informed Council that there will be no cost to the city, and he recommends emergency passage tonight. Reported that he met with Park Superintendent Rod Miller to discuss the speed limit on Lake Street. 15 mph signs will be posted in that area in the next few days.

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION . . . . .MAYOR BRODZINSKI

Will meet Wednesday, March 14, 2001 at 1:00 p.m. in the park office.

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

Reported meeting March 6 to grant 2 variances. The next meeting will be April 3, 2001 at 5:30 p.m. in Council Chambers.

AIRPORT COMMISSION . . . . .MR. JIM LOCKER . . . . . NO REPORT

PARK BOARD . . . . .MR. ART CICCONE

Will meet Monday, March 19, 2001 at 7:00 p.m. in the park office.

HEALTH BOARD . . . . .MS. SANDRA COX

Will meet Wednesday, March 14, 2001 at noon in the Health Department.

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEE . . . . .MS. SANDRA COX

Reported that the budget hearings will be held Tuesday, March 13 at 7:30 p.m.; Wednesday, March 14 at 6:30 p.m.; and Thursday, March 15 at 6:30 p.m. if necessary.

SALARY COMMITTEE . . . . .MR. JIM LOCKER

Reported meeting tonight to discuss a request for ½% pay increase for two permanent part time employees in the Health Department. The Committee voted to amend the income tax ordinance, Ordinance 39-97, to include permanent part time employees in the 3% yearly raise, in lieu of 2-1/2%.

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

Reported meeting tonight to discuss streetlights at Honey Valley Estates. The Committee voted to pay for the installation of 7 lights, and not 19 lights as originally requested. The Law Director will prepare an ordinance for council's consideration.

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

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

Reported meeting March 5 to discuss the annexation of land owned by the County Commissioners on Route #21 on the west end of the city. The Committee recommends approval. Also discussed was Senate Bill #5, which deals with annexation of property. The Committee will contact state representatives and express their objection to the passage of this bill.

CONTACT COMMITTEE. . . . . MR. ART CICONETTI

Reported meeting March 5 to discuss Ordinance 3-2001, request by Main Street New Philadelphia for a \$10,000 Donation. The Committee voted, 2 to 1, to recommend passage. Also discussed was the Public Defender's contract for 2001, Ordinance 9-2001. The Committee voted to approve this request.

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

VISITOR'S COMMENTS:

Steve DiDonato, 141 12<sup>th</sup> St. N.E., New Philadelphia, asked if there are going to be lights installed at the Waterworks Ball fields. Mayor Brodzinski said the money has been appropriated, and he will contact Park Superintendent Rod Miller to get an update.

Archie Jackson, 444 Fair Ave. N.W., New Philadelphia, Vice President of the Tuscarawas County NAACP. expressed concerns that the city needs to hire more minorities, mainly blacks, because he doesn't think they are getting their fair share on job opportunities within the city. He said this has been ongoing with past administrations, and he would like to see something done. Mayor Brodzinski said there have been no openings in the street or water departments in the last year. Safety Director Greg Popham said the civil service test was given recently for the fire department, and there were no black applicants. Mr. Jackson said he feels the city can do better to reach out beyond the community to find qualified black people for any city position.

Bill Walker, 411 W. 7<sup>th</sup> St., Dover, President of the Tuscarawas County NAACP, said he thinks New Philadelphia could set an example to other communities that they are interested in seeking qualified minorities for city positions.

Ella Slough, 616 Sandpiper, S.E., New Philadelphia, asked what could be done about the odor at the wastewater treatment plant. She asked if the city records are kept in a fireproof area, and where are Records Commission meeting minutes kept. Ms. Slough requested that the city send a letter to Jeanette Jenkins, who has kept the history of the city airport. Mayor Brodzinski said the records are kept in the safe in the former Treasurer's office, but there have no meetings of the Records Commission since he has been in office. Service Director Gary Espenschied explained that the wastewater treatment plant is under expansion, and there have been some problems, but it is hoped that everything will taken care of when the expansion is complete.

ORDINANCES AND RESOLUTIONS:

ORDINANCES:

- 3-2001 An ordinance to authorize the City of New Philadelphia, Ohio, to enter into a contract with Main Street New Philadelphia, Inc. for economic development of the Downtown New Philadelphia for the calendar year 2001 and to pay to Main Street New Philadelphia, Inc. the sum of ten thousand dollars (\$10,000) and declaring an emergency. (3<sup>rd</sup> Reading)
- Motion to vote on passage made by Mr. Jim Locker, seconded by Mr. Cicconetti. Roll call, 5 yeas 2 nays (Walker & Cox), ordinance passed.
- 5-2001 An ordinance by the Council of the City of New Philadelphia, accepting the plat for Taylor Drive SW subdivision, and declaring an emergency. (3<sup>rd</sup> Reading)
- Motion to vote on passage made by Mr. Houston, seconded by Mr. Jim Locker. Ms. Slough, 616 Sandpiper, S.E., asked the location of this property. Mr. Espenschied said it is next to Mistee Dawn Estates and owned by McInturf Realty. Roll call, 7 yeas, ordinance passed.
- 6-2001 An ordinance by the Council of the City of New Philadelphia to amend New Philadelphia Codified ordinance Section 351.99 penalty as it relates to handicap parking, and declaring an emergency. (3<sup>rd</sup> Reading)
- Motion to vote on passage made by Ms. Walker, seconded by Ms. Cox. Roll call, 7 yeas, ordinance passed.
- 7-2001 An ordinance to accept the application by the Tuscarawas County Commissioner Job and Family Services Building for the annexation of certain territory in Dover Township, Tuscarawas County, Ohio, and to establish Office zoning of the same. (2<sup>nd</sup> Reading)
- 8-2001 An ordinance by the Council of the City of New Philadelphia to establish minimum standards for traffic light controllers to be installed and used within the City of New Philadelphia, Ohio. (1<sup>st</sup> Reading)
- Mr. Johnson assigned this ordinance to the Safety, Health, and Service Committee.
- 9-2001 An ordinance authorizing the Mayor of the City of New Philadelphia, Ohio, to enter into an agreement with the Joint County Public Defender's Office for the provision of legal representation for indigents charged with violations of New Philadelphia City ordinances in the Municipal Court where such offenses carry a possible loss of liberty, establishing compensation and terms thereof, and declaring an emergency. (1<sup>st</sup> Reading)
- 10-2001 An ordinance authorizing the Service Director of the City of New Philadelphia, Ohio, to advertise for bids and to enter into a contract for the remodeling of the former Elks Building adjacent to the New Philadelphia Municipal Building into appropriate courtroom and office space for the new Philadelphia Municipal Court at an amount not to exceed one million five hundred thousand dollars (\$1,500,000.00). (1<sup>st</sup> Reading)
- Motion to suspend the rules made by Mr. Houston. There being no motion for a second, the motion died.
- 11-2001 An ordinance authorizing the Service Director of the City of New Philadelphia, Ohio, to advertise for bids and to enter into a contract to demolish the New Philadelphia Elks Building, and to accept or reject any such bid for building demolition. (1<sup>st</sup> Reading)

- 12-2001 An ordinance by the Council of the City of New Philadelphia to increase the salary for Assistant Municipal Prosecutor at the New Philadelphia Municipal Court to the amount of twenty-seven thousand dollars (\$27,000.00) per year for the two (2) existing municipal prosecutor positions, plus benefits, and declaring an emergency. (1<sup>st</sup> Reading)
- 13-2001 An ordinance by the Council of the City of New Philadelphia to enact New Philadelphia Codified Ordinance 505.16 prohibitions concerning dangerous animals. (1<sup>st</sup> Reading)  
  
Mr. Johnson assigned this ordinance to the Special Committee for review.
- 14-2001 An ordinance amending the zoning ordinance by dispersing sexually oriented businesses and limiting them to a specified zoning district; prescribing definitions of sexually oriented businesses; providing for licensing and regulation of sexually oriented businesses and employees; providing for additional miscellaneous regulations for sexually oriented businesses as Chapter 784 of the New Philadelphia Codified Ordinance and repealing existing Chapter 784. (1<sup>st</sup> Reading)
- 15-2001 An ordinance to request the cleaning and painting of Bridge Nos. TUS-250-14-12L and TUS-250-14-12R over S.R. 416 (South Broadway). (1<sup>st</sup> Reading)  
  
Motion to suspend the rules made by Ms. Cox, seconded by Mr. Jim Locker. Roll call, 7 yeas, rules suspended.  
  
Motion to vote on passage made by Mr. Jim Locker, seconded by Ms. Cox. Roll call, 7 yeas, ordinance passed.
- 16-2001 An ordinance by the Council of the City of New Philadelphia to change the zoning from Industrial to Residential zone for a 1.21 acre tract of real estate located in the 800<sup>th</sup> block of Kaderly Street near the old Zimmer Patient Care Building. (1<sup>st</sup> Reading)

RESOLUTIONS: NONE

AT 8:30 P.M. COUNCIL ADJOURNED INTO EXECUTIVE SESSION TO DISCUSS LAND ACQUISITION. COUNCIL RECONVENED INTO REGULAR SESSION AT 8:53 P.M.

OLD OR UNFINISHED BUSINESS: NONE

NEW BUSINESS: NONE

MOTION TO ADJOURN MADE BY MR. HOUSTON. MOTION PASSED. MEETING ADJOURNED AT 8:54 P.M.

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

APPROVED MARCH 26, 2001

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