

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON APRIL 12, 2004 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: MS. SANDRA COX  
MR. BILL ELLWOOD  
MR. SAM HITCHCOCK  
MR. GEORGE HOUSTON  
MR. MR. DARRIN LAUTENSCHLEGER  
MR. JIM LOCKER  
MR. ROB MAURER

THE MINUTES OF MARCH 22, 2004 WERE APPROVED AS WRITTEN AND RECEIVED.

CORRESPONDENCE . . . . . CLERK DIANE ROUDEBUSH

1. Board of Control meeting minutes of April 2, 2004.
2. Airport Commission meeting minutes of March 9, 2004.
3. The February 2004 Summary of Reports for the New Philadelphia Fire Department.
4. Special Committee meeting minutes of March 22, 2004.
5. New Philadelphia Fire Department Fire Chief's Report on the State of the Fire Department.
6. New Philadelphia Municipal Court 2003 Annual Report.
7. The Treasurer's Reconciliation for March 2004.
8. The Treasurer's Statement of Transactions for all city funds for March 2004.
9. The Treasurer's Summary of Transactions for the General Checking Account for March 2004.
10. Planning Commission meeting minutes of March 10, 2004.
11. The New Philadelphia Police Monthly Activity Report for March 2004.
12. Zoning & Annexation Committee meeting minutes of March 28, 2004.
13. Mayor's Monthly Statement to Council for March 2004.
14. The Auditor's Monthly Statement of revenue for the General Fund for March 2004.
15. The Auditor's Financial Statement for march 2004.

ADMINISTRATIVE REPORTS:

MAYOR'S REPORT . . . . . MAYOR RON BRODZINSKI . . . . . ABSENT . . . . . NO REPORT

Submitted a written report of the activities of his office from March 23 through April 12, 2004.

SERVICE DIRECTOR . . . . .MR. GARY ESPENSCHIED

Reported that bids were opened and awarded for various materials for the year 2004.

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

Mr. Johnson said he has received some complaints about the difficulty in determining the traffic lanes on the South Broadway Bridge, and he asked if reflective tape or paint could be used to help alleviate the problem. Mr. Popham will check into this.

AUDITOR . . . . .MS. BETH GUNDY

Requested approval tonight of her monthly reports and requested that Resolutions 12-2004 and 13-2004 be assigned to Committee for review. Informed Council that the Fire Department received a \$100 donation from the family of a drowning victim to be used for diving equipment.

TREASURER . . . . .MR. MIKE TAYLOR

Requested that his March reports also be approved, along with the Auditor's. Informed Council that direct deposit of payroll for employees began April 2, and everything went well. 108 employees participated in the program. Ms. Cox made a motion to accept the Treasurer's and Auditor's March reports. Mr. Ellwood seconded the motion. Roll call, 7 yeas, motion passed.

LAW DIRECTOR . . . . .MR. MIKE JOHNSON

Suggested that Ordinance 16-2004 be sent back to the Zoning & Annexation Committee, and that Mr. Houston also look at Ordinance 17-2004 and Ordinance 18-2004. Recommended emergency passage tonight of Ordinance 19-2004, vacating an unnamed alley at the VFW at 5<sup>th</sup> St. N.W.

MAIN STREET REPRESENTATIVE . . . . .MS. PAULINE WYRIE

Reported that a Volunteer Recognition Dinner will be held April 22, and Council will be invited to attend. Reported that a fundraiser, Longaberger Basket Bingo, will be held May 2 at the R & S Party Center. Reported that spring banners and the planters on the square are in place. Reported that plans for Art On The Square are proceeding, and the TGIF concert series will begin soon.

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION . . . . .MAYOR BRODZINSKI . . . . . ABSENT

Mr. Espenschied reported there the April meeting has been cancelled because there was no business to come before the Commission.

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

Reported meeting April 6. One variance was presented and granted.

AIRPORT COMMISSION . . . . .MR. JIM LOCKER

Reported meeting March 9. President of Council Dave Johnson announced the appointment of Sam Hitchcock to the Commission to fill Joel Day's vacancy.

PARK BOARD . . . . . MR. DARRIN LAUTENSCHLEGER

Reported meeting March 31. Informed Council that traveling youth ball teams will be playing on Sundays at the Waterworks. Reported that improvements have been made to the skate park, all funded by private donations. The concealed weapons law was discussed. The next meeting will be April 21, 2004 at 7:30 p.m. at the Park office.

HEALTH BOARD. . . . . MS. SANDRA COX

Will meet April 14, 2004 in the Health Department at noon.

STANDING COMMITTEE REPORTS:

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

Mr. Johnson assigned Resolution 13-2004.

SALARY COMMITTEE . . . . . MR. JIM LOCKER

Will meet Thursday April 15, 2004 at 6:00 p.m. to discuss the sick leave policy. Mr. Johnson assigned Ordinance 15-2004.

SAFETY, HEALTH, AND SERVICE COMMITTEE . . . . . MR. SAM HITCHCOCK

Reported meeting tonight to discuss overloaded trucks, the annual Ambulance Committee review, and review of the fire inspector position. It was reported that no ambulance fee increases are needed at this time. Safety Director Greg Popham reminded everyone of the need for a Fire Inspector, but the funding is not available in the budget at this time. The Committee will look at this again later in the year. Police Chief Jeff Urban said an ordinance is needed to address overloaded trucks within the city, and suggests that fines be increased. The concealed weapons law was addressed, and two ordinances are being prepared by the Law Director for council’s consideration. Storage/impounded fees were discussed, and it was agreed that charges are necessary. Mr. Johnson assigned a request by the Safety Director for an additional canine officer.

PUBLIC WORKS COMMITTEE. . . . . MR. ROB MAURER . . . . . NO REPORT

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

Reported meeting March 29 to discuss the request to rezone West High Avenue from the Five Points Intersection to the railroad tracks. More information was needed, so the issue was tabled. Also discussed was the re-conveyance of canal land on the south side, Ordinance 14-2004. The Gasser annexation, Ordinance 9-2004, was addressed and approved. The alley vacation at the VFW on 5<sup>th</sup> St. N.W. was addressed and Ordinance 19-2004 was prepared and is before Council tonight for consideration. Laws governing modular homes was addressed, and no changes will be made at this time. The Oak Shadows Phase II Plat was discussed and approved. Will meet April 15 immediately following the Salary Committee to continue discussion on the rezoning request on West High Avenue. Mr. Johnson assigned Ordinances 16-2004, 17-2004, and 18-2004. Mr. Johnson commended Mr. Houston for considering the West High rezoning before approving it because these things should be reviewed extensively before being approved.

CONTACT COMMITTEE. . . . . MR. BILL ELLWOOD . . . . . NO REPORT

SPECIAL COMMITTEE . . . . . MR. DARRIN LAUTENSCHLEGER . . . . . NO REPORT

Mr. Johnson assigned a request by Mayor Brodzinski for sponsorships of flags in the downtown area.

VISITOR'S COMMENTS:

Pauline Wyrle, 337 Donahey Dr. New Philadelphia, commended Mr. Hitchcock's Committee for making changes and bringing money into the city for overweight trucks. She asked how trucks are weighed to know if they are overweight. Mr. Lautenschleger said that a police officer is trained in looking at the trucks to determine if they might be in violation.

READING OF ORDINANCES AND RESOLUTIONS:

ORDINANCES:

9-2004 An ordinance by the Council of the City of New Philadelphia, Ohio to accept the application by Allen L. and Jane E. Gasser for the annexation of certain territory in Goshen Township, Tuscarawas County, Ohio, and to establish Residential zoning of the same, and declaring an emergency. (2nd Reading)

11-2004 An ordinance by the Council of the City of New Philadelphia, accepting the Oak Shadows Phase II Plat, and declaring an emergency. (2nd Reading)

12-2004 An ordinance by the Council of the City of New Philadelphia authorizing the Mayor to submit an application for a FY 2004 Chip Grant and to enter into an agreement with the successful proposer to prepare such application and to administer and implement the CHIP should the city receive the grant, and declaring an emergency. (1<sup>st</sup> Reading)

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

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

13-2004 An ordinance by the Council of the City of New Philadelphia to authorize the New Philadelphia Police Department to hold their annual police auction on May 28, 2004 at 5:00 p.m., and declaring an emergency. (1<sup>st</sup> Reading)

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

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

14-2004 An ordinance by the Council of the City of New Philadelphia to authorize the re-conveyance of a 4.259 acre tract which is part of the Ohio and Erie Canal lands within the City of New Philadelphia, and declaring an emergency. (1<sup>st</sup> Reading)

15-2004 An ordinance by the Council of the City of New Philadelphia to enact replacement Section 1335.08 to the Codified Ordinances of the City of New Philadelphia and to repeal existing Section 1335.08 of the Codified Ordinances of the City of New Philadelphia, Ohio, and declaring an emergency. (1<sup>st</sup> Reading)

- 16-2004 An ordinance by the Council of the City of New Philadelphia, Ohio to rezone lots abutting on West High Avenue in the City of New Philadelphia, Ohio from the railroad track crossing on the west in an easterly direction to the intersection of West High Avenue, Seventh Street SW, and Tuscarawas Avenue from Residential zoning to Business Type B zoning, and declaring an emergency. (1<sup>st</sup> Reading)
- 17-2004 An ordinance by the Council of the City of New Philadelphia to enact Section 1167.12 of the Codified Ordinances of the City of New Philadelphia to define certain business district property as Business Type B Zone, and declaring an emergency. (1<sup>st</sup> Reading)
- 18-2004 An ordinance by the Council of the City of New Philadelphia to enact Section 1161.031 of the Codified Ordinances of the City of New Philadelphia requiring minimum frontage on a residential lot, and declaring an emergency. (1<sup>st</sup> Reading)
- 19-2004 An ordinance by the Council of the City of New Philadelphia to vacate an unnamed alley parallel to Park Avenue NW, New Philadelphia, Ohio and perpendicular to Fifth Street NW, New Philadelphia, Ohio and declaring an emergency. (1<sup>st</sup> Reading)
- Motion to suspend the rules made by Ms. Cox, seconded by Mr. Houston. Roll call, 7 years, rules suspended.
- Motion to vote on passage made by Mr. Houston, seconded by Ms. Cox. Roll call, 7 years, ordinance passed.

#### RESOLUTIONS:

- 7-2004 A resolution by the Council of the City of New Philadelphia, Ohio to permit the closing of East High Avenue from Public Square to First Drive NE, SE during the Art On The Square Program sponsored by Main Street which shall occur June 11, 12, and 13, 2004, and declaring an emergency. (3rd Reading)
- Motion to vote on passage made by Mr. Lautenschleger, seconded by Mr. Hitchcock. Roll call, 7 years, resolution passed.
- 8-2004 A resolution by the Council of the City of New Philadelphia, Ohio to authorize the Service Director to charge a per day storage fee of \$12.00 per day for any impounded vehicles stored at the New Philadelphia City Garage which vehicles have been towed and impounded pursuant to any law enforcement order, and declaring an emergency. (2nd Reading)
- Motion to suspend the rules made by Mr. Hitchcock, seconded by Mr. Houston. Roll call, 7 years, rules suspended.
- Motion to vote on passage made by Mr. Hitchcock, seconded by Ms. Cox. Roll call, 7 years, resolution passed.
- 9-2004 A resolution by the Council of the City of New Philadelphia, Ohio to adopt the New Philadelphia Health Department policy delegating authority to quarantine and isolate pursuant to Ohio House Bill No. 6 that has been passed into law, and declaring an emergency. (2nd Reading)

Motion to suspend the rules made by Mr. Houston, seconded by Ms. Cox. Roll call, 7 years, rules suspended.

Motion to vote on passage made by Ms. Cox, seconded by Mr. Lautenschleger. Roll call, 7 years, resolution passed.

10-2004 A resolution by the Council of the City of New Philadelphia, Ohio to enter into a mutual consent agreement with the Goshen Township to permit division of real estate taxes based on the standard compensation pursuant to Ohio Revised Code Section 709.19 for the Barnett and Ryans annexation, and declaring an emergency. (1<sup>st</sup> Reading)

Motion to suspend the rules made by Mr. Houston, seconded by Ms. Cox. Roll call, 7 years, rules suspended.

Motion to vote on passage made by Mr. Houston, seconded by Ms. Cox. Roll call, 7 years, resolution passed.

11-2004 A resolution by the Council of the City of New Philadelphia, Ohio to enter into a lease agreement for installation of Yagi antenna with the City of Dover, and declaring an emergency. (1<sup>st</sup> Reading)

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

Motion to vote on passage made by Ms. Cox, seconded by Mr. Houston. Roll call, 7 years, resolution passed.

12-2004 A resolution by the Council of the City of New Philadelphia, Ohio to transfer funds from the General Fund (101) to the Cemetery Operating Fund (209) to supplement cash needed to fund current operations, and declaring an emergency. (1<sup>st</sup> Reading)

Motion to suspend the rules made by Mr. Ellwood, seconded by Mr. Houston. Roll call, 7 years, rules suspended.

Motion to vote on passage made by Mr. Ellwood, seconded by Ms. Cox. Roll call, 7 years, resolution passed.

13-2004 A resolution by the Council of the City of New Philadelphia, Ohio to authorize the New Philadelphia City Auditor to issue blanket fiscal officer certificates, and declaring an emergency. (1<sup>st</sup> Reading)

Motion to suspend the rules made by Mr. Ellwood, seconded by Ms. Cox. Roll call, 7 years, rules suspended.

Motion to vote on passage made by Mr. Houston, seconded by Mr. Locker. Roll call, 7 years, resolution passed.

OLD OR UNFINISHED BUSINESS: NONE

NEW BUSINESS:

Council President Dave Johnson recognized *Times Reporter* Correspondent Ben Duerr who is attending his last council meeting before taking a similar position with *The Canton Repository*.

MOTION TO ADJOURN MADE BY MS. COX. MEETING ADJOURNED AT 8:39 P.M.

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

APPROVED April 26, 2004

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