

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON MAY 24, 2004 AT 7:30 P.M. WITH PRESIDENT OF COUNCIL PRO TEM GEORGE HOUSTON PRESIDING. MR. HOUSTON 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. DARRIN LAUTENSCHLEGER  
MR. JIM LOCKER  
MR. ROB MAURER

THE MINUTES OF MAY 10, 2004 WERE APPROVED AS WRITTEN AND RECEIVED.

CORRESPONDENCE . . . . . CLERK DIANE ROUDEBUSH

1. The April 2004 Summary of Reports for the New Philadelphia Fire Department.
2. Planning Commission meeting minutes of May 12, 2004.
3. Board of Control meeting minutes of May 7, 2004.
4. Zoning & Annexation Committee meeting minutes of May 17, 2004.

ADMINISTRATIVE REPORTS:

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

Submitted a written report of the activities of his office from May 13 through May 24, 2004. Reported that on May 17 he attended the Leadership Tuscarawas graduation, and he congratulated his Administrative Assistant Mary Jo Fragasse for completing the Leadership course this past year. Reported that on May 18, he attended the Senior Day Luncheon at Buckeye Career Center, and he commended the program. Reported that he attended the Police award dinner at Tuscora Park, and several officers were recognized.

SERVICE DIRECTOR . . . . .MR. GARY ESPENSCHIED

Reported that numerous building permits have been issued. Requested emergency passage tonight of Ordinance 28-2004, accepting the D.J.W. Development Phase I plat, proposed by Jan McInturf of McInturf Realty. Reported that the million gallon clearwell project at the Water Plant began today, and will take approximately 3 months to complete. Mr. Espenschied thanked Law Director Mike Johnson for his help in securing easements from the Gradall Co. so that this project can be done. Mr. Houston asked the location of the D.J.W. Development. Mr. Espenschied said it is on the south side off Goshen Ave. It has been through the Planning Commission, and Mr. McInturf, ho was in attendance, urges passage. Mr. Houston said the issue has not been through the Zoning & Annexation Committee.

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

AUDITOR . . . . . MS. BETH GUNDY

Requested passage tonight of Resolution 20-2004.

TREASURER . . . . . MR. MIKE TAYLOR . . . . . NO REPORT

LAW DIRECTOR . . . . . MR. MIKE JOHNSON

Reported that a check for \$166,545.59 has been received from the estate of Marian Reis to be used for cemetery funds exclusively. Reminded Council of the Public Hearing on June 14 for Ordinance 16-2004, and set a Public Hearing on June 28 at 8:00 P.M. on Ordinance 29-2004.

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION . . . . . MAYOR BRODZINSKI

Will meet June 16, 2004 at 1:00 P.M. in Council Chambers.

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

Will meet June 1, 2004 at 5:00 P.M. in Council Chambers.

AIRPORT COMMISSION . . . . . MR. JIM LOCKER

Reported that the meeting scheduled for May 18 was cancelled due to lack of quorum. Mr. Locker said he has received complaints and a petition concerning the street condition of Rankin Court, and asked if it is to be repaved this year. Mr. Espenschied said quotes are being taken for underdrains, and then it will be paved next year.

PARK BOARD . . . . . MR. DARRIN LAUTENSCHLEGER

Will meet May 26, 2004 at 7:30 P.M. in the Park Office.

HEALTH BOARD. . . . . MS. SANDRA COX

Will meet June 9, 2004 in the Health Department at noon.

STANDING COMMITTEE REPORTS:

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

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

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

Will meet June 14, 2004 at 6:30 P.M. to discuss the city's tattoo/body piercing ordinance.

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

Informed Council that he is undergoing disc fusion surgery in his back and will miss both June council meetings, but hopes to be back in July.

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

Reported meeting May 17 to discuss Ordinance 20-2004, to vacate an alley near the VFW. The Committee recommends passage of this ordinance. Also discussed was a request by Ms. Stine of 119 Minnich Ave. N.W. to review the ordinance which deals with home occupied businesses. The Committee will review information

presented by Ms. Stine. The Committee discussed the construction of a road for a possible new development near 16<sup>th</sup> St. N.W., and a request for change of zoning on Kaderly Street N.W.

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

Scheduled a meeting for 6:15 P.M. to discuss Resolution 16-2004, to terminate the Marsh Industries agreement.

SPECIAL COMMITTEE . . . . . MR. DARRIN LAUTENSCHLEGER

Reported meeting tonight to review the Cemetery Department budget. Since Law Director Mike Johnson reported the receipt of the check from the Reiss estate, no additional funding is needed at this time; however, Auditor Beth Gundy suggested that future funding from the city's annual income tax collections be reviewed. Also discussed was the city's banner program. Representatives of Main Street were in attendance and are proposing that they work with local sign and banner companies so that the banner program can be kept local. Main Street will obtain information and bring it back to the Committee the end of August 2004.

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

Reported that Peggy's Boutique has relocated from East High Ave. to Second St. N.W. in the former Goshen Dairy Building. Reported that an Open House will be held on June 4 for the new location of the Convention & Business Bureau and Main Street offices on East High Avenue. Thanked Mayor Brodzinski and Service Director Espenschied for accompanying her to Dayton, where the city received a state-wide award for the preservation and restoration of the John Knisely Municipal Centre. Mayor Brodzinski read the caption on the award and displayed it for all to be seen. Ms. Wyrie also reported that plans are proceeding for Art On The Square June 11-13.

VISITOR'S COMMENTS:

Jan McInturf, McInturf Realty, asked why his final plat could not be approved tonight. Mr. Houston said the Zoning & Annexation Committee routinely reviews plats for final approval.

Ella Slough, 616 Sandpiper, S.E., New Philadelphia, said mowing needs to be done around the property at the former K-Mart and the former Rappaports Junk Yard. She asked when the paving will begin and is 10<sup>th</sup> St. on the list. She asked the status of the deodorizer at the Wastewater Treatment Plant, how could she have Planning Commission meeting minutes sent to the Library, and is there a fence around the pond of water behind the former K-Mart. Mayor Brodzinski said the summer employees in the General Services Department are beginning and will be doing the mowing, but they do not mow on private property. The deodorizer at the WWTP has been much better, but the project is not yet complete. Ms. Slough was informed that his office can provide minutes of the Planning Commission. Service Director Gary Espenschied said paving will begin the middle of June, and he thinks 10<sup>th</sup> St. is on the list. Mayor Brodzinski said there is a retention pond behind K-Mart, and he believes there is a fence there.

Norma Fantin, 426 Fair Ave, N.E., asked if Fair Ave. is on the paving list. Mr. Espenschied said he is not sure and asked Ms. Fantin to call his office. She also asked about the sidewalk replacement program. Mr. Espenschied explained how to apply.

READING OF ORDINANCES AND RESOLUTIONS:

ORDINANCES:

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. (4th Reading)

Public Hearing to be held June 14, 2004 at 8:00 P.M.

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. (4th Reading)

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

20-2004 An ordinance by the Council of the City of New Philadelphia to vacate an unnamed alley extending north from Park Avenue NW to the south side of private residence and located between lots owned by the New Philadelphia VFW, and declaring an emergency. (3rd Reading)

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

24-2004 An ordinance by the Council of the City of New Philadelphia, Ohio to amend Codified Ordinance Section 121.01 Rule 13 to modify the standing committees named by Council, and declaring an emergency. (3rd Reading)

Motion to amend made by Mr. Lautenschleger, seconded by Mr. Hitchcock. Roll call, 7 yeas, ordinance amended.

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

25-2004 An ordinance by the Council of the City of New Philadelphia, Ohio to amend Codified Ordinance Section 339.01(b), and declaring an emergency. (3rd Reading)

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

27-2004 An ordinance by the Council of the City of New Philadelphia, Tuscarawas County, Ohio authorizing and directing the Mayor to enter into an agreement with Municipal Services Corporation to provide administration and implementation services for the FY2004 Community Housing Improvement Program (CHIP), appropriation funds for said agreement, and declaring an emergency. (1<sup>st</sup> Reading)

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

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

28-2004 An ordinance by the Council of the City of New Philadelphia accepting the D.J.W. Development Phase 1 Plat, and declaring an emergency. (1<sup>st</sup> Reading)

Mr. Houston assigned this ordinance to his Zoning & Annexation Committee.

- 29-2004 An ordinance by the Council of the City of New Philadelphia, Ohio to change zoning for a 0.319 acre tract located at 812 Kaderly Street, New Philadelphia, Ohio from Residential to Business, and declaring an emergency. (1<sup>st</sup> Reading)
- Public Hearing to be held June 28, 2004 at 8:00 P.M.
- 30-2004 An ordinance by the Council of the City of New Philadelphia to vacate the remaining three-foot strip (.014 acre) of a vacated alley located off of Commercial Avenue SE in New Philadelphia and to rescind a utility easement held by the City of New Philadelphia, and declaring an emergency. (1<sup>st</sup> Reading)
- 31-2004 An ordinance by the Council of the City of New Philadelphia, Ohio to amend the K-9 unit ordinance to allow a second dog and handler, and declaring an emergency. (1<sup>st</sup> Reading)

#### RESOLUTIONS:

- 14-2004 A resolution by the Council of the City of New Philadelphia, Ohio to commend Captain Rick McCoy for his years of service through the New Philadelphia Police Department, and declaring an emergency. (3rd Reading)
- Motion to vote on passage made by Mr. Hitchcock, seconded by Mr. Locker. Roll call, 7 years, resolution passed.
- 16-2004 A resolution by the Council of the City of New Philadelphia, Ohio to approve recommendations to terminate Marsh Industries, Agreement #214-00-01, and declaring an emergency. (2<sup>nd</sup> Reading)
- 19-2004 A resolution by the Council of the City of New Philadelphia, Tuscarawas County, Ohio to authorize the New Philadelphia Police Department to donate a Dictaphone communication recording system device to Community Mental Health Services, and declaring an emergency. (1<sup>st</sup> Reading)
- Motion to suspend the rules made by Mr. Hitchcock, seconded by Ms. Cox. 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.
- 20-2004 A resolution declaring the necessity to request an advance of \$850,000.00 from the County Auditor on the July 2004 Real Estate Tax Settlement, and declaring an emergency. (1<sup>st</sup> Reading)
- Motion to suspend the rules made by Ms. Cox, seconded by Mr. Lautenschleger. 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.

21-2004 A resolution to authorize additional payment to the Mayor for health insurance cost, and declaring an emergency. (1<sup>st</sup> Reading)

OLD OR UNFINISHED BUSINESS:

Mr. Ellwood asked the status of the property on Fair Ave. N.E. since some complaints have been received. Mayor Brodzinski said the General Services and Health Departments and the Fire and Police Departments have all been there. Information has been turned over to the County Prosecutor for possible charges. Mayor Brodzinski said Council needs to review the current housing code to see what changes can be made.

NEW BUSINESS: NONE

MOTION TO ADJOURN MADE BY MS COX. MEETING ADJOURNED AT 8:30 P.M.

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

APPROVED June 14, 2004

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