

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON JUNE 14, 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. DARRIN LAUTENSCHLEGER
MR. JIM LOCKER

COUNCILMAN ROB MAURER WAS ABSENT.

THE MINUTES OF MAY 24, 2004 WERE APPROVED AS WRITTEN AND RECEIVED.

CORRESPONDENCE CLERK DIANE ROUDEBUSH

1. Airport Commission meeting minutes of May 18, 2004.
2. Zoning & Annexation Committee meeting minutes of June 1, 2004.
3. Special Committee meeting minutes of May 24, 2004.
4. The New Philadelphia Police Monthly Activity Report for May 2004.
5. The Auditor's Monthly Statement of Revenue for the General Fund for May 2004.
6. The Auditor's Financial Statement for May 2004.
7. The Treasurer's Statement of Transactions of New Philadelphia funds for May 2004.
8. The Treasurer's Summary of Transactions for the General Checking Account for May 2004.
9. The Treasurer's Reconciliation for May 2004.

ADMINISTRATIVE REPORTS:

MAYOR'S REPORT MAYOR RON BRODZINSKI

Submitted a written report of the activities of his office from May 24 through June 14, 2004. Reported that the Police and Fire Departments are recommending that residents in the Northeast side of the City voluntarily evacuate their homes due to heavy rainfall that has caused severely flooding along the Beaverdam Creek. The Emergency Management Agency has set up temporary quarters at the Otterbein Methodist Church on Beaver Avenue to assist residents. Reported that a check was received from the EDA for the funding of the Hi-Tech Park. Reported meeting May 26 with Tony Danzo to discuss the CDBG for 2005, and May 27 with Harry Eadon of the Tuscarawas County Port Authority. Reported that he attended the ribbon cutting ceremony for the new Convention & Visitor's Bureau, where the new offices of Main Street New Philadelphia and Leadership Tuscarawas will be located. Reported that on June 11 he attended the services at the County Courthouse for former U.S. President Ronald Reagan, who recently passed away. Reported that the recent Art On The Square Festival was a great success.

SERVICE DIRECTORMR. GARY ESPENSCHIED

Reported that the City of Dover has offered their assistance to help New Philadelphia residents in their efforts to clean up from recent flooding. Reported meeting recently to discuss the condominium ordinance. Informed Council that his report is brief due to the numerous telephone calls he received today concerning flooding problems throughout the city.

SAFETY DIRECTORMR. GREG POPHAM ABSENT

Reported that the parking officer has resigned, and Mr. Popham has been hired for the position.

AUDITOR MS. BETH GUNDY

Requested approval tonight of her May reports.

TREASURER MR. MIKE TAYLOR

Requested approval tonight of his reports, and informed Council that he will not be in attendance at the June 28 council meeting because he will be out of state. Mr. Hitchcock made a motion to approve the Treasurer's and the Auditor's Reports. Mr. Houston seconded the motion. Roll call, 6 yeas, motion passed.

LAW DIRECTORMR. MIKE JOHNSON

Informed Council that he, too, will be out of state and not in attendance at the June 28 meeting. Explained Ordinances 32-2004 and 33-2004 and recommended their emergency passage tonight. Ordinance 35-2004 should be passed at the next regular council meeting. Requested that President of Council assign a request for a liquor license for Virgil Watkins in the 100 block of West High Avenue.

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION MAYOR BRODZINSKI

Will meet July 14, 2004 at 1:00 P.M. in Council Chambers.

BOARD OF ZONING APPEALS MR. GARY ESPENSCHIED

Will meet July 6, 2004 at 5:00 P.M. in Council Chambers.

AIRPORT COMMISSIONMR. JIM LOCKER

Reported that the meeting scheduled for May 18 was cancelled due to lack of quorum. Some items were discussed, with no action taken.

PARK BOARD MR. DARRIN LAUTENSCHLEGER

Reported meeting May 26 in the Park Office. Improvements around the park were approved, as were plans to work on the press box and scoreboard at Quaker Stadium. Fireworks will be held July 3. Reported that the Park Place Teen Center has been expanded. The Board will resume meetings in September. Mr. Hitchcock informed Council that internet capabilities are being improved.

HEALTH BOARD.MS. SANDRA COX

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

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEE. MS. SANDRA COX

Will meet immediately following tonight’s regular council meeting to discuss amending the appropriations, a request for an additional K-9 unit in the Police Department, and payment to the Mayor for health insurance cost.

SALARY COMMITTEE MR. JIM LOCKER NO REPORT

SAFETY, HEALTH, AND SERVICE COMMITTEE MR. SAM HITCHCOCK

Mr. Hitchcock invited everyone to attend the 27th Annual First Town Days Festival as the city celebrates its Bicentennial. Reported meeting tonight to discuss the city’s tattoo/body piercing ordinance. New Philadelphia Health Commissioner Joan Robis had requested that the city’s current law be updated to coincide with state code. The issue was approved by Committee.

PUBLIC WORKS COMMITTEE. MR. ROB MAURER NO REPORT

ZONING & ANNEXATION COMMITTEEMR.GEORGE HOUSTON

Reported meeting June 1 to discuss several matters: (1) DJW Development on the south side. The Committee voted to approve the plat. (2) Ordinance 29-2004, change of zoning at 812 Kaderly St. There will be a Public Hearing on the matter on June 28, 2004. (3) Ordinance 30-2004, alley vacation off Commercial Ave. The Committee recommends passage on 3rd reading. (4) Study and development of a condominium ordinance. Other cities’ ordinances are being reviewed before making a decision on final legislation. (5) A presentation from the Ohio Erie Canal Corridor representatives. The Committee approved taking Resolution 14-2004 off the table and voting against it.

AT 8:00 P.M. COUNCIL ADJOURNED FROM REGULAR SESSION INTO PUBLIC HEARING TO DISCUSS ORDINANCE 16-2004.

Ordinance 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 tracks 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.

Karen Morvitz, 128 9th St., N.W., New Philadelphia, asked if her real estate taxes would be effected by passage of this ordinance. Law Director Mike Johnson explained that her property is not rezoned, and her taxes are not affected.

AT 8:05 P.M. COUNCIL ADJOURNED FROM PUBLIC HEARING AND RECONVENED INTO REGULAR SESSION.

ZONING & ANNEXATION COMMITTEE (CONT’D.):

Mr. Houston relinquished the floor to Mr. Houser of the Ohio Erie Canal Corridor Coalition, who encouraged Council to defeat Ordinance 14-2004, so that this land can be kept and used for recreational purposes.

CONTACT & SPECIAL COMMITTEE.MR. BILL ELLWOOD

Reported meeting tonight to discuss Resolution 16-2004, to terminate the Marsh Industries agreement. The Committee voted to pass Resolution 16-2004. Mr. Johnson assigned the Law Director’s request for a liquor permit on West High Avenue.

PARKS & CEMETERY COMMITTEE MR. DARRIN LAUTENSCHLEGER NO REPORT

VISITOR’S COMMENTS: NONE

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. (5th Reading)

Motion to vote on passage made by Mr. Locker, seconded by Mr. Hitchcock. Roll call, 6 years, 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. (2nd Reading)

Motion to suspend the rules made by Mr. Houston, seconded by Ms. Cox. Roll call, 6 years, rules suspended.

Motion to vote on passage made by Mr. Houston, seconded by Ms. Cox. Roll call, 6 years, ordinance passed.

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. (2nd 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. (2nd 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. (2nd Reading)

Mr. Johnson assigned this ordinance to the Finance Committee.

32-2004 An ordinance to approve current replacement pages to the New Philadelphia Codified Ordinances, and declaring an emergency. (1st Reading)

Motion to suspend the rules made by Mr. Lautenschleger, seconded by Mr. Hitchcock. Roll call, 6 yeas, rules suspended.

Motion to vote on passage made by Ms. Cox, seconded by Mr. Lautenschleger. Roll call, 6 yeas, ordinance passed.

33-2004 An ordinance by the Council of the City of New Philadelphia authorizing and directing the Service Director to advertise for bids, receive bids and to enter into a contract with the lowest and best bidder for renovations to the New Philadelphia Municipal Building used by New Philadelphia Municipal Court, and declaring an emergency. (1st Reading)

Motion to suspend the rules made by Mr. Houston, seconded by Mr. Ellwood. Mr. Houston asked the Auditor if the Court Judge has the money in her funds to do this work. Ms. Gundy said she was concerned over one line item, but the Court will be conservative in its use, so the money is there. Roll call, 6 yeas, rules suspended.

Motion to vote on passage made by Mr. Houston, seconded by Mr. Ellwood. Roll call, 6 yeas, ordinance passed.

34-2004 An ordinance amending and adjusting the permanent appropriations ordinance for the year 2004 and declaring an emergency. (1st Reading)

35-2004 An ordinance to authorize the City of New Philadelphia to enter into a contract with the Tuscarawas County Commissioners and the Tuscarawas County Sheriffs Office for the housing of inmates in the Tuscarawas County Jail and payment of housing costs to the Tuscarawas County Commissioners and declaring an emergency. (1st Reading)

Motion to suspend the rules made by Ms. Cox, seconded by Mr. Locker. Roll call, 6 yeas, rules suspended.

Motion to vote on passage made by Mr. Locker, seconded by Mr. Ellwood. Roll call, 6 yeas, ordinance passed.

36-2004 An ordinance by the Council of the City of New Philadelphia to enact replacement Chapter 767 – Tattooing/Body Piercing to the Codified Ordinances of the City of New Philadelphia and to repeal existing Section 767.01 of the Codified Ordinances of the City of New Philadelphia, Ohio, and declaring an emergency. (1st Reading)

Motion to suspend the rules made by Mr. Hitchcock, seconded by Mr. Locker. President of Council Dave Johnson reminded Council that, by approving this legislation tonight, the public is not being given the opportunity to voice their opinion. Roll call, 6 yeas, rules suspended.

There being no motion for passage, this ordinance will be held for 2nd reading.

RESOLUTIONS:

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. (3rd Reading)

Motion to vote on passage made by Ms. Cox, seconded by Mr. Locker. Roll call, 6 yeas, resolution passed.

21-2004 A resolution to authorize additional payment to the Mayor for health insurance cost, and declaring an emergency. (2nd Reading)

22-2004 A resolution by the Council of the City of New Philadelphia, Ohio to authorize and direct the Auditor of the City of New Philadelphia to transfer \$25,000.00 from the General Fund #101 to the Sidewalk Improvement Fund #285, and declaring an emergency. (1st Reading)

OLD OR UNFINISHED BUSINESS:

Mr. Houston made a motion to take Ordinance 14-2004 off the table and put in on the agenda for consideration at the next regular meeting of council. Mr. Ellwood seconded the motion. Roll call, 6 yeas, motion passed.

Mr. Johnson assigned Resolution 21-2004 to the Finance Committee.

NEW BUSINESS:

Mr. Johnson asked that Mayor Brodzinski inform Council as to when an award from the Ohio Historical Society will be presented during the First Town Days Festival. Mr. Hitchcock said it is to be presented at Opening Ceremonies on July 2 at 7:30 P.M.

Mr. Johnson informed Council that he will not be in attendance at the June 28 meeting.

MOTION TO ADJOURN MADE BY MR. HOUSTON. MEETING ADJOURNED AT 8:29 P.M.

CLERK OF COUNCIL _____

APPROVED June 28, 2004

PRESIDENT OF COUNCIL _____