

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON SEPTEMBER 9, 2002 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. SAM HITCHCOCK  
MR. GEORGE HOUSTON  
MR. JIM LOCKER  
MR. ROB MAURER

THE MINUTES OF AUGUST 26, 2002 AND SEPTEMBER 3, 2002 WERE APPROVED AS WRITTEN AND RECEIVED.

CORRESPONDENCE . . . . . CLERK DIANE ROUDEBUSH

1. New Philadelphia Fire Department Monthly Report for August, 2002.
2. The Auditor's Monthly Statement of Revenue for the General Fund for August, 2002.
3. The Auditor's Financial Statement for August, 2002.
4. A notice from the Ohio Division of Liquor Control requesting a transfer of a C1 and C2 permit to Macs Convenience Stores LLC, dba Dairy Mart #5433, 317 Tuscarawas Ave., New Philadelphia, transferred from Lawson Milk Co. dba Dairy Mart #5328, same address, and asking that objections be made no later than 10/7/02.
5. New Philadelphia City Board of Health meeting minutes of August 14, 2002.
6. New Philadelphia Park Board meeting minutes of August 14, 2002.
7. Finance Committee meeting minutes of August 26, 2002.
8. Mayor's Monthly Statement to Council for August, 2002.
9. Planning Commission meeting minutes of August 14, 2002.
10. A notice from the Ohio Division of Liquor Control requesting a D5A and D6 permit to Schoenbrunn Inn by Christopher LTD, dba Schoenbrunn Inn by Christopher, 1186 West High Ave., New Philadelphia, and asking that objections be made no later than 10/4/02.
11. Safety, Health, and Service Committee meeting minutes of September 3, 2002.
12. Board of Control meeting minutes of August 30, 2002.
13. New Philadelphia Airport Commission meeting minutes of August 13, 2002.

MR. JOHNSON REVIEWED COUNCIL'S TOP TEN LIST OF PROJECTS THEY WOULD LIKE TO ACCOMPLISH IN 2002, AND HAPPILY ANNOUNCED THAT THE MAJORITY OF THEM ARE EITHER COMPLETE OR ARE IN PROGRESS.

ADMINISTRATIVE REPORTS:

MAYOR’S REPORT . . . . . MAYOR RON BRODZINSKI

Submitted a written report of the activities of his office from August 27 through September 9, 2002. Reported that only one bid was received for the south side paving, and it was more than 10% over the engineer’s estimate, so the bid was rejected. Reported that on September 3, Service Director Gary Espenschied, Asst. Service Director Jim Zucal, and he visited the area of the old railroad bed that runs from New Philadelphia to Roswell. A possible hiking/bike path is being proposed there. Announced that there will be a Memorial Service Wednesday, September 11 at 8:30 p.m. on the courthouse steps for those who lost their lives in the terrorist attacks on September 11, 2001 Requested an executive session to discuss personnel.

SERVICE DIRECTOR . . . . . MR. GARY ESPENSCHIED

Reported that his office is now taking applications for new water service, in addition to sewer tap-in fees. Relinquished the floor to Building Inspector Bill Richesson, who reported that he is trying to resolve a problem with a property at 1229 2<sup>nd</sup> St. N.W.

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

AUDITOR . . . . . MS. BETH GUNDY

Requested that her transfers be approved, and requested emergency passage tonight of Ordinance 72-2002. Ms. Cox made a motion to approve the transfers, seconded by Mr. Houston. Roll call, 7 yeas, motion passed.

TREASURER . . . . . MS. TERRI DEARDORFF

Reported that she recently attended a continuing education seminar in Athens, as required by the State of Ohio.

LAW DIRECTOR . . . . . MR. MIKE JOHNSON

Scheduled a Public Hearing on Ordinance 73-2002 for October 28, 2002 at 8:00 P.M. Ordinance 63-2002 will have a Public Hearing on September 23, 2002 at 8:00 P.M. Mr. Johnson suggested that Ordinances 70-2002 and 71-2002 be changed from \$37,204.17 to \$39,521.30., which is the amount owed to the State of Ohio for fees and taxes owed for the liquor license at the airport restaurant. If these fees are not paid, the liquor license will not be renewed. Mr. Johnson said a substantial payment could be made now, with monthly payments to be made until the balance is paid off. He stressed that it is the city’s obligation to pay these fees, since they hold the lease for the building. He has been in conversation with State Representative Kerry Metzger who has been assisting in getting this problem resolved. Mr. Johnson said, with Dr. Metzger’s support, he will attend the Public Hearing in Columbus on Wednesday and attempt to get this amount lowered. Mr. Houston asked what he should tell residents who ask why the city is paying for a liquor license for a business. Mr. Johnson said it is because the city owns the building, and it is in the lease agreement that the city is to pay the tax. He reminded everyone that the city will receive 6% of their adjusted sales tax gross monthly.

Mr. Hitchcock made a motion to go into Executive Session to discuss personnel immediately following reading of ordinances. Motion was seconded by Mr. Day. Roll call, 7 yeas, motion passed.

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION . . . . . MAYOR BRODZINSKI

Reported that there was no meeting in September due to lack of business.

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

Met September 3. Three requests were approved, 1 rejected, and 2 tabled.

AIRPORT COMMISSION . . . . . MR. JIM LOCKER

Reported meeting August 13. Reported that the Perfect Landing opened September 6, 2002.

PARK BOARD . . . . . MR. ART CICCONE . . . . . NO REPORT

HEALTH BOARD. . . . . MS. SANDRA COX

Will meet September 11, 2002 at noon in the Mayor's Conference Room.

STANDING COMMITTEE REPORTS:

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

SALARY COMMITTEE . . . . . MR. JIM LOCKER

Reported meeting tonight to discuss Ordinance 65-2002, increasing the wage for the meter man. The Committee recommends that the issue go before Council for approval.

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

Reported meeting September 3 to review a contract for housing of prisoners in the county jail and the city's ordinance concerning tattoos. The Committee recommends that the contract for housing inmates be approved. Information dealing with tattooing and body piercing was distributed to committee members, and they will individually review it before another meeting is scheduled.

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

ZONING & ANNEXATION COMMITTEE . . . . . MR. GEORGE HOUSTON . . . . . NO REPORT

CONTACT COMMITTEE. . . . . MR. ART CICCONE

Will meet Tuesday, September 10 to review liquor license transfers.

SPECIAL COMMITTEE . . . . . MR. ROB MAURER . . . . . NO REPORT

VISITOR'S COMMENTS:

Steve Anderson, 1018 Glen Dr. N.E., New Philadelphia, Attorney for the OH Holly Corp., urged council to pay the taxes and fees owed to the State of Ohio so that the liquor license for the Airport Restaurant can be approved. He reminded council that the lease agreement between the city and OH Holly specifies that the taxes and fees will be paid by the lessor. He stressed the urgency in getting the license fees paid before September 11, 2002, the date of the public hearing in Columbus, or the license will not be granted.

ORDINANCES AND RESOLUTIONS:

ORDINANCES:

- 60-2002 An ordinance to authorize the City of New Philadelphia to enter into a contract with the Tuscarawas County Commissioners and the Tuscarawas County Sheriff's Office for the housing of inmates in the Tuscarawas County Jail and payment of housing costs to the Tuscarawas County Commissioners and declaring it an emergency. (3rd Reading)
- Motion to vote on passage made by Mr. Locker, seconded by Mr. Hitchcock. Roll call, 7 yeas, ordinance passed.
- 62-2002 An ordinance amending Sections 3 and 4 of Ordinance No. 3283 providing for an increase of one-half percent (1/2%) in the existing income tax levied by the City of New Philadelphia, effective January 1, 2003 and continuing until revoked, to provide funds for safety forces operations, maintenance, new equipment, extension and enlargement of safety forces services and facilities and capital improvements, and declaring an emergency. (3rd Reading)
- 63-2002 An ordinance by the Council of the City of New Philadelphia to change the zoning from Business to Industrial zone for a tract owned by Timothy O. Bober and Jamie Hicks adjacent to James Street NW containing .9868 acres and being tax parcel number 43-00191 and being more fully described in the attached map. (3rd Reading)
- Public Hearing to be held September 23, 2002 at 8:00 P.M.
- 64-2002 An ordinance by the City Council of New Philadelphia, Ohio to set up new boundaries for ward districts within the City of New Philadelphia based upon the last census. (2nd Reading)
- 65-2002 An ordinance by the Council of the City of New Philadelphia, Ohio to increase the rate of pay for the part-time meter man for the City of New Philadelphia from \$8.00 per hour to \$8.50 per hour effective September 19, 2002 and declaring an emergency. (2nd Reading)
- 66-2002 An ordinance to accept the application by David and Nanette Avon for the annexation of certain territory in Goshen Township, Tuscarawas County, Ohio and to establish Residential zoning of the same. (2<sup>nd</sup> Reading)
- 68-2002 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 the purchase of a replacement dehumidifier to be used at the Water Filtration Plant, and declaring an emergency. (1<sup>st</sup> Reading)
- Mr. Johnson assigned this to the Finance Committee for review.
- 69-2002 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 renovation of the former New Philadelphia Elks Building to be used for city offices, and declaring an emergency. (1<sup>st</sup> Reading)
- 70-2002 An ordinance by the Council of the City of New Philadelphia authorizing the Auditor of the City of New Philadelphia to enter into an agreement to compromise and pay the sales tax liens of Liquor Permit 2371055 which is to be transferred to the tenant of the New Philadelphia Airport Restaurant as required by the restaurant lease, and declaring an emergency. (2<sup>nd</sup> Reading)

Motion to amend the ordinance made by Mr. Locker, seconded by Mr. Hitchcock. Mr. Day said he would like to see this ordinance changed to reflect that the city offer \$25,000 and make monthly payments on the balance. Mr. Johnson said he suggests that the amount should not exceed \$39,521, but he will attempt to settle at \$25,000. Mr. Day said he would like to see this paid from money the city will receive from AEP, and he will not vote for this money to come from the General Fund. Roll call, 6 yeas 1 nay (Houston), ordinance amended.

Motion to suspend the rules made by Mr. Hitchcock, seconded by Mr. Locker. Roll call, 6 yeas 1 nay (Houston), rules suspended.

Motion to vote on passage made by Mr. Locker, seconded by Mr. Hitchcock. Roll call, 6 yeas 1 nay (Houston), ordinance passed.

71-2002 An ordinance amending and adjusting the permanent appropriations ordinance for the year 2002 and declaring an emergency. (1<sup>st</sup> Reading)

Motion to amend made by Ms. Cox, seconded by Mr. Hitchcock. Roll call, 6 yeas 1 nay (Houston), ordinance amended.

Motion to suspend the rules made by Ms. Cox, seconded by Mr. Maurer. Roll call, 6 yeas 1 nay (Houston), rules suspended.

Motion to vote on passage made by Ms. Cox, seconded by Mr. Hitchcock. Roll call, 6 yeas 1 nay (Houston), ordinance passed.

72-2002 An ordinance amending and adjusting the permanent appropriations ordinance for the year 2002 and declaring an emergency. (1<sup>st</sup> Reading)

Motion to suspend the rules made by Ms. Cox, seconded by Mr. Locker. Roll call, 6 yeas 1 nay (Houston), rules suspended.

Motion to vote on passage made by Ms. Cox, seconded by Mr. Locker. Ms. Cox reminded everyone that this is money received from grants, and is being appropriated. Roll call, 7 yeas, ordinance passed.

73-2002 An ordinance by the Council of the City of New Philadelphia, Ohio to change zoning for property located at 115 Howe Avenue, SW, New Philadelphia, Ohio from Residential to Business district, and declaring an emergency. (1<sup>st</sup> Reading)

Public Hearing to be held October 28, 2002 at 8:00 p.m. Mr. Johnson assigned this to the Zoning & Annexation Committee for review.

RESOLUTIONS: NONE

AT 8:42 P.M. COUNCIL ADJOURNED FROM REGULAR SESSION INTO EXECUTIVE SESSION TO DISCUSS PERSONNEL. COUNCIL RECONVENED INTO REGULAR SESSION AT 9:16 P.M.

OLD OR UNFINISHED BUSINESS: NONE

NEW BUSINESS: NONE

MOTION TO ADJOURN MADE BY MR. HOUSTON. MOTION PASSED. MEETING ADJOURNED AT 9:17 P.M.

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

APPROVED September 23, 2002

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