

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON OCTOBER 14, 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 SEPTEMBER 23, 2002 WERE APPROVED AS WRITTEN AND RECEIVED.

CORRESPONDENCE CLERK PRO TEM MARY JO FRAGASSE

1. A notice from the Ohio Division of Liquor Control requesting a transfer of a D1, D2, and D3 permit to OH Holly Corp, dba Perfect landing, 1816 East High Ave., New Philadelphia, OH 44663, transferred from Dutch Country Kitchen LLC, dba New Phila Airport Restaurant, same address, and asking that objections be made no later than 11/12/02.
2. Zoning & Annexation Committee meeting minutes of September 26, 2002.
3. Zoning & Annexation Committee meeting minutes of October 8, 2002.
4. Finance Committee meeting minutes of September 23, 2002.
5. Salary Committee meeting minutes of October 1, 2002.
6. Mayor's Monthly Statement to Council for September, 2002.
7. New Philadelphia Police Monthly Activity Report for September, 2002.
8. New Philadelphia Fire Department Report for September, 2002.
9. Planning Commission meeting minutes of October 9, 2002.
10. New Philadelphia City Board of Health meeting minutes of September 11, 2002.

ADMINISTRATIVE REPORTS:

MAYOR'S REPORT MAYOR RON BRODZINSKI

Submitted a written report of the activities of his office from September 24 through October 14, 2002. Reported that the State will celebrate its Bi-Centennial in 2003 and the City in 2004, and a committee is being formed for the city's celebration. Reported that negotiations are beginning for all the city's labor contracts. Congratulated the Fire Department for their recent open house. Stressed the importance and requested emergency passage of Ordinance 81-2002. Announced that Trick-or-Treat night has been set for Thursday, October 31 from 6:00-8:00 p.m.

SERVICE DIRECTORMR. GARY ESPENSCHIED

Reported that bids will be taken soon for the South Broadway reconstruction project, with construction beginning next spring. Reported that bids were awarded for work at the wastewater treatment plant. Reported that he will be reviewing water and sewer rates, as required by law. Relinquished the floor to Building Inspector Bill Richesson, who reported that he has been on vacation and has nothing new to report. Law Director Mike Johnson reported that the Harmon property on East High Avenue has been released from bankruptcy, and the thirty-day notice for repairs to the Bernard property has elapsed, and action will be taken soon to demolish the property unless it has been sold and repairs are to be made.

SAFETY DIRECTORMR. GREG POPHAM

Introduced Abbe, the new canine in the police department. Reported that the civil service examination was given September 24, and results have been provided to the Civil Service Commission for certification.

AUDITORMS. BETH GUNDY

Requested emergency passage tonight of Ordinance 83-2002 and Resolution 31-2002.

TREASURERMS. TERRI DEARDORFF ABSENT NO REPORT

LAW DIRECTORMR. MIKE JOHNSON

Reported that he attended the Board of Zoning Appeals, in which billboards was discussed. Sample ordinances will be prepared and presented to Mr. Houston for a future Zoning & Annexation Committee meeting. Scheduled a Public Hearing on Ordinance 79-2002 for October 28, 2002 at 8:00 p.m., and set a Public Hearing on Ordinance 85-2002 for November 25,2002. Informed Council that he will send a letter to the treasurer asking her to attend the October 28, 2002 meeting. Reported that he is conversing with representatives of Lauren Mfg. who are requesting larger hangar space at the airport.

BOARD/COMMISSION REPORTS:

PLANNING COMMISSIONMAYOR BRODZINSKI

Will meet November 13, 2002 at 1:00 p.m. in the Police Department Conference Room.

BOARD OF ZONING APPEALSMR. GARY ESPENSCHIED

Reported meeting October 1, 2002. Three appeals were heard, 2 tabled and 1 granted.

AIRPORT COMMISSIONMR. JIM LOCKER

Reported meeting October 8, 2002. Mayor Brodzinski congratulated Holly Nelson for the increase of business at the Perfect Landing.

PARK BOARDMR. ART CICONETTI

Will meet October 22, 2002 at 7:30 p.m. in the Park office.

HEALTH BOARD.MS. SANDRA COX NO REPORT

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEE MS. SANDRA COX

Reported meeting tonight to discuss Ordinance 77-2002, to direct money received for Electric Company estimated income tax payments to be paid into the General Fund. The Committee voted to approve this resolution and designate that the money be used for the liquor license at the airport. Also discussed and approved was Ordinance 83-2002, amending the appropriations. Resolution 31-2002, certifying amounts and rates determined by the Budget Commission, was discussed, and its emergency passage recommended. Resolution 30-2002, intent to participate in infrastructure construction for a High Tech Park off University Dr. was also approved.

SALARY COMMITTEE MR. JIM LOCKER

Reported meeting October 1 to discuss Ordinance 76-2002, terminating the automatic 3% for non-bargaining employees. The Committee recommended that the ordinance go before full council for consideration.

SAFETY, HEALTH, AND SERVICE COMMITTEE MR. SAM HITCHCOCK NO REPORT

PUBLIC WORKS COMMITTEE MR. JOEL DAY NO REPORT

ZONING & ANNEXATION COMMITTEE MR. GEORGE HOUSTON NO REPORT

Reported meeting September 26 to discuss several issues. A request by David Avon for annexation was held until more information is received. Ordinance 73-2002, change of zoning at 115 Howe St. was discussed and approved. The issue of billboards was discussed, and it was decided that the matter will be taken to the Law Director and Service Director. A request by the owner of the South Broadway Nursing Home to include nursing homes in the central business district was reviewed. The current ordinance will need to be amended to include nursing homes, so the law director will prepare necessary legislation. The Committee met again October 8 to again discuss billboards. The Committee will meet again with the Law Director and the Chairman of the Zoning Board of Appeals. A change of zoning at Ernie's Bicycle Shop was discussed, and the Committee is requesting a description of the property before the ordinance is considered. The David Avon property was again discussed, and a report will be available soon to show how much water the creek will carry.

CONTACT COMMITTEE MR. ART CICONETTI

Reported meeting September 25, and a Board of Directors was appointed for the Bi-Centennial Committee. Another meeting was set for October 23, 2002. Reported that he will not request a hearing on the liquor license transfer for the Oh Holly Corp.

SPECIAL COMMITTEE MR. ROB MAURER NO REPORT

Council President Dave Johnson suggested that Cie Grant be acknowledged as an honorary goodwill ambassador for his participation as a member of the Ohio State Buckeyes Football team and as a resident of New Philadelphia.

VISITOR'S COMMENTS:

John Barnes of Barnes Advertising, 1580 Fairview Rd., Zanesville, Ohio, asked that council consider a code for off-premise signs and billboards. He asked that legislation be introduced that would be fair for all businesses and the community.

Ella Slough, 616 Sandpiper, SE, New Philadelphia, asked what size the sign on East High Ave. is to be. She asked if a plaque of recognition for Jeanette Jenkins could be placed at the airport, if the Airport Restaurant is open on Sunday, and what insurance rate the city has. Mayor Brodzinski said a plaque could be made, and asked Ms. Slough to research information she would like to see on the plaque. Mayor Brodzinski said the city has a classification 3

for insurance, and that is good for a city this size. He said the Perfect Landing is open on Sunday, but closed on Monday. Mr. Barnes of Barnes Advertising said the sign on East High Ave. is to be 12' tall and 25' wide.

ORDINANCES AND RESOLUTIONS:

ORDINANCES:

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. (4th Reading)

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. (3rd Reading)

Public Hearing to be held October 28, 2002 at 8:00 p.m.

76-2002 An ordinance by the Council of the City of New Philadelphia, Ohio to terminate the automatic 3% pay raise per year to non-bargaining unit employees of the City of New Philadelphia, Ohio, and declaring an emergency. (2nd Reading)

77-2002 An ordinance by the Council of the City of New Philadelphia, Ohio to direct money received for electric company estimated income tax payments to be paid into the general fund with a cap of \$40,000.00 and thereafter to be distributed pursuant to the existing income tax distribution ordinances, and declaring an emergency. (2nd Reading)

79-2002 An ordinance by the Council of the City of New Philadelphia, Ohio to enact Section 1165.02(h), Social Services: General and Special Hospitals, Health Centers, Institutions for the aged; family homes; health care facilities to include nursing homes, medical services organizations and similar organizations as permitted businesses within the central business district, and declaring an emergency. (1st Reading)

Public Hearing to be held October 28, 2002 at 8:05 P.M.

80-2002 An ordinance by the Council of the City of New Philadelphia, Ohio to enact Codified Ordinance 1165.04(j) to require off street parking for health care facilities as defined within this zoning code, and declaring an emergency. (1st Reading)

81-2002 An ordinance approving the updated draft revised solid waste management plan of the Stark-Tuscarawas-Wayne Joint Solid Waste Management District, and declaring an emergency. (1st Reading)

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

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

82-2002 An ordinance by the Council of the City of New Philadelphia, Ohio to amend Ordinance 6-2002 in order to grant discretion to the Safety Director to set the rate for the part-time position of meter man within New Philadelphia, Ohio between \$8.00 per hour and \$10.00 per hour, and declaring an emergency. (1st Reading)

Mr. Johnson assigned this ordinance to the Salary Committee.

- 83-2002 An ordinance amending and adjusting the permanent appropriations ordinance for the year 2002, and declaring an emergency. (1st Reading)
- Motion to suspend the rules made by Ms. Cox, seconded by Mr. Hitchcock. Roll call, 7 yeas, rules suspended.
- Motion to vote on passage made by Ms. Cox, seconded by Mr. Cicconetti. Roll call, 7 yeas, ordinance passed.
- 84-2002 An ordinance by the Council of the City of New Philadelphia accepting the amended Creekside Development #2 Plat, and declaring an emergency. (1st Reading)
- Law Director Mike Johnson explained that this ordinance has already been accepted, but an error was made in surveying, and the proposed road was in the wrong location. The Court of Common Pleas ordered the property lines corrected, thus the amendment. Mr. Houston made a motion to suspend the rules, seconded by Mr. Cicconetti. Roll call, 7 yeas, rules suspended.
- Motion to vote on passage made by Ms. Cox, seconded by Mr. Maurer. Roll call, 7 yeas, ordinance passed.
- 85-2002 An ordinance by the Council of the City of New Philadelphia, Ohio to change zoning for real estate located at 315 Wabash Avenue NW, New Philadelphia, Ohio known as Ernie's Bicycle Shop from Residential to Business District, and declaring an emergency. (1st Reading)
- Public Hearing scheduled for November 25, 2002 at 8:00 p.m.

RESOLUTIONS:

- 29-2002 A resolution by the Council of the City of New Philadelphia, Ohio to commend Greg Miller for his service to the New Philadelphia park by his 25-year membership and leadership on the New Philadelphia Park Board and Tuscora Park, and declaring an emergency. (2nd Reading)
- 30-2002 A resolution by the Council of City of New Philadelphia, Ohio to express the intent of city council to participate in infrastructure construction for a high-tech park off of University Drive NE, New Philadelphia, Ohio by committing up to 20% of the infrastructure construction costs not to exceed \$1,000,000.00 and declaring an emergency. (2nd Reading)
- Motion to suspend the rules made by Mr. Cicconetti, seconded by Mr. Houston. Roll call, 7 yeas, rules suspended.
- Motion to vote on passage made by Ms. Cox, seconded by Mr. Day. Roll call, 7 yeas, resolution passed.
- 31-2002 A resolution accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor and declaring an emergency. (1st 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. Hitchcock. Roll call, 7 yeas, resolution passed.

OLD OR UNFINISHED BUSINESS: NONE

NEW BUSINESS: NONE

MOTION TO ADJOURN MADE BY MR. HOUSTON. MOTION PASSED. MEETING ADJOURNED AT 8:40 P.M.

CLERK OF COUNCIL _____

APPROVED October 28, 2002

PRESIDENT OF COUNCIL _____