

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS AT THE JOHN KNISELY MUNICIPAL CENTRE ON NOVEMBER 24, 2003 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

MS. COX MADE A MOTION TO ADD ORDINANCE 50-2003 TO TONIGHT'S AGENDA. MR. HOUSTON SECONDED THE MOTION. ROLL CALL, 7 YEAS, MOTION PASSED.

THE MINUTES OF NOVEMBER 10, 2003 WERE APPROVED AS WRITTEN AND RECEIVED.

CORRESPONDENCE CLERK DIANE ROUDEBUSH

1. The Treasurer's Reconciliation for the period ending October 2003.
2. The Treasurer's Statement of Transactions for New Philadelphia City Funds for October 2003.
3. The Treasurer's Summary of Transactions for the General Checking Account for October 2003.
4. Minutes of the Annexation & Zoning Committee meeting of November 17, 2003.
5. Planning Commission meeting minutes of November 12, 2003.
6. October 2003 Summary of Reports for the New Philadelphia Fire Department.
7. Safety, Health, and Service Committee meeting minutes of November 10, 2003.
8. Salary Committee meeting minutes of November 17, 2003.
9. New Philadelphia Police Monthly Activity Report for October 2003.
10. A letter dated November 5, 2003 from the Ohio Department of Commerce Division of Liquor Control, notifying Council that all permits to sell alcoholic beverages will expire February 1, 2004.
11. A notice from the Ohio Division of Liquor Control requesting a C1 and C2 permit to Sours Oil Co. LLC, dba Skips BP, 1297 W. High Ave., New Philadelphia, Ohio 44663, and asking that objections be made no later than December 5, 2003.
12. A notice from the Ohio Division of Liquor Control requesting a C2 permit to Ikon, Inc. dba Shell Food Mart 131, Excl. Subway Rest. & Storage Rm., 243 North Broadway, New Philadelphia, Ohio 44663, and asking that objections be made no later than December 22, 2003.
13. Finance Committee meeting minutes of November 17, 2003.
14. The Auditor's Monthly Statement of Revenue for the General Fund for October 2003.
15. The Auditor's Financial Statement for October 2003.

ADMINISTRATIVE REPORTS:

MAYOR’S REPORT MAYOR RON BRODZINSKI

Submitted a written report of the activities of his office from November 11 through November 24, 2003. Reported that he participated in a rib-eating contest at the new Damon’s and won. Informed Council that the newly erected “Welcome to our City” sign over the House of Stones building will be lit on New Year’s Eve. Open House will be held at the Wastewater Treatment Plant on November 29 from 10:00-12:00 noon. Reported that he attended the Tuscarawas County Labor/Management Banquet in Canton, and the City received an award as “Organization of the Year”. Reported that on November 21, the downtown Christmas Lighting Ceremony was held and the United Christmas Parade on November 22.

SERVICE DIRECTORMR. GARY ESPENSCHIED

Presented the plaque that the city received from the labor/management banquet. Reported that he attended a meeting in Columbus on November 17 to establish guidelines for state grants for small cities. Relinquished the floor to Building Inspector Bill Richesson, who reported that the house behind Toland Herzig Funeral Home has been torn down. He reported working on problems at 314 Gibbs, 934 South Broadway, and 139 Front St. He continues to check on building permits. Mr. Johnson personally thanked Mr. Espenschied for all the work he has done to get the new building and Council Chambers prepared.

SAFETY DIRECTORMR. GREG POPHAM NO REPORT

AUDITOR MS. BETH GUNDY

Requested passage tonight of Ordinances 52-2003 and 53-2003. Also requested approval of her monthly reports.

TREASURER MR. MIKE TAYLOR

Reported that the City’s transition from Bank One to Huntington for depository has been smooth. He requested that his October reports be approved tonight, along with those of the Auditor.

LAW DIRECTORMR. MIKE JOHNSON

Reminded Council that a Public Hearing is scheduled tonight at 8:00 P.M. on Ordinance 50-2003. He explained that the ordinance has already been passed, but a Public Hearing is necessary for the rezoning. Informed Council that a lawsuit filed against the city for an incident at Tuscora Park has been dismissed.

MAIN STREET REPRESENTATIVE MS. PAULINE WYRIE

Mr. Johnson congratulated Ms. Wyrrie for the wonderful Lighting Ceremony on November 21. Ms. Wyrrie thanked employees of the General Services Department for their help in getting the holiday decorations put up. She reported that the Lighting Ceremony and the Holiday Open Houses were a great success. She invited all to attend the Main Street at Midnight Service on New Year’s Eve when the “Welcome to our City” sign will be lit. She congratulated Mr. Espenschied for the award the city received from labor/management council.

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION MAYOR BRODZINSKI

Reported that currently there is no business to come before the Commission, but if something comes up the next meeting will be December 10, 2003 at 1:00 p.m. in Council Chambers

BOARD OF ZONING APPEALS MR. GARY ESPENSCHIED

Will meet December 2, 2003 at 5:00 p.m. in Council Chambers.

AIRPORT COMMISSION MR. JIM LOCKER NO REPORT

PARK BOARD MR. ART CICCONE

Reported that the December meeting has been cancelled.

HEALTH BOARD. MS. SANDRA COX

Will meet December 10, 2003 at noon in the Mayor’s Conference Room in the John Knisely Municipal Centre.

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEE. MS. SANDRA COX

Reported meeting November 17 to discuss the income tax ordinance. The Committee would like more time to review the proposed changes, and another meeting will be scheduled soon. Also discussed was updating the traffic code with the Walter Drane Company. The Law Director recommended that the city proceed with using Walter Drane. The Committee voted to have the traffic code updated. Ms. Cox reported that the Committee met today at noon to review Resolution 40-2003, to authorize Walter Drane Co to complete recodification of the traffic code. Ordinance 52-2003, amending 2003 appropriations, was also discussed and approved. Ordinance 53-2003, temporary appropriations, was reviewed and approved.

SALARY COMMITTEE MR. JIM LOCKER NO REPORT

Reported meeting November 17 to discuss the issue of extending council terms from 2 to 4 year terms, staggering the council-at-large and ward council positions. The Committee voted to have a resolution prepared, and Resolution 33-2003 is before council for consideration tonight. Mr. Johnson assigned a request by Mayor Brodzinski that certain administration and council members’ salaries be reviewed and increased.

SAFETY, HEALTH, AND SERVICE COMMITTEE MR. SAM HITCHCOCK

Reported meeting tonight prior to regular session to discuss the creation of a position for a fire inspector in the fire department. Fire Chief Jamie Snyder, who was in attendance, pointed out that he and Fire Captain Dan Fait are the only certified fire inspectors in the city, and Mr. Fait is retiring effective December 5, 2003. Mr. Snyder said he would be assuming those duties in addition to his regular duties, and he is concerned that he will not be able to give the necessary time to the position. Since the report is quite lengthy, Mr. Hitchcock asked that Committee members take the time to read it before making any decisions.

AT 8:00 P.M. COUNCIL ADJOURNED INTO PUBLIC HEARING TO DISCUSS ORDINANCE 50-2003. LAW DIRECTOR MIKE JOHNSON EXPLAINED THAT THE PURPOSE OF THIS ORDINANCE IS TO REZONE THE LAND FOR THE HI-TECH PARK, IN ORDER FOR FEDERAL FUNDING TO PROCEED. ELLA SLOUGH, 616 SANDPIPER, S.E., NEW PHILADELPHIA, ASKED THAT THE PUBLIC BE INFORMED AS

TO WHAT IS GOING ON AT THE HI-TECH PARK. THE PUBLIC HEARING WAS ADJOURNED AT 8:03 P.M.

PUBLIC WORKS COMMITTEE.MR. JOEL DAY NO REPORT

ZONING & ANNEXATION COMMITTEEMR.GEORGE HOUSTON

Reported meeting November 17 to discuss the enterprise zone. Upon recommendation by the Law Director, The Committee agreed to approve this after SST annexes into the city. Also discussed was the condominium ordinance. Law Director Mike Johnson will review laws and advise the Committee at a later date. The final plat of Mister Dawn Estates was reviewed, and passage recommended.

CONTACT COMMITTEE.MR. ART CICCONE NO REPORT

Mr. Johnson assigned a letter concerning bi-centennial items to the Contact Committee.

SPECIAL COMMITTEE MR. ROB MAURER NO REPORT

Mr. Johnson asked Mr. Maurer to have resolutions prepared for those who participated in the relocation to the John Knisely Municipal Centre, including contractors, sub-contractors, and the administration.

Mr. Johnson asked for a motion to approve the Auditor’s and Treasurer’s October reports. Mr. Houston made a motion, seconded by Mr. Hitchcock, to approve the reports. Roll call, 7 yeas, motion passed.

Mr. Johnson assigned the liquor permit requests to Contact Committee Chairman Art Cicconetti.

VISITOR’S COMMENTS:

Ella Slough, 616 Sandpiper, S.E., New Philadelphia, asked if the south side park land is to be used for cemetery purposes. She asked if the city could apply for grants for a fire inspector. Ms. Slough said she has the history of the “Welcome to our City” sign and of a big carnival held downtown in 1916. She said there was also a bowling alley in Tuscora Park in 1911-1912. Mayor Brodzinski said a decision will be made in 2004 concerning cemetery land, and the Fire Chief is constantly seeking grants for the Fire Department. Mayor Brodzinski congratulated Ms. Slough for being the unofficial historian of the city.

ORDINANCES AND RESOLUTIONS:

ORDINANCES:

50-2003 An ordinance by the Council of the City of New Philadelphia, Ohio, to rezone certain land owned by Community Improvement Corporation of Tuscarawas County, Ohio and being known as Tuscarawas Regional Technology Park, from Residential to Industrial, and declaring an emergency. (2nd Reading)

Motion to suspend the rules made by Mr. Houston, seconded by Mr. Hitchcock. A concerned resident asked if her taxes would be raised on adjoining properties with this annexation. Law Director Mike Johnson said they would not be affected by this rezoning. Roll call, 7 yeas, rules suspended.

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

51-2003 An ordinance enacting tax and repealing Ordinance 3283 and amendments thereto, and declaring an emergency. (1st Reading)

- 52-2003 An ordinance amending and adjusting the permanent appropriations for the year 2003 and declaring an emergency. (1st Reading)
- Motion to suspend the rules made by Ms. Cox, seconded by Mr. Cicconetti. 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.
- 53-2003 An ordinance to make temporary appropriations for current expenses and other expenditures of the City of New Philadelphia, State of Ohio, during the fiscal year ending December 31, 2004, and declaring an emergency. (1st Reading)
- Motion to suspend the rules made by Mr. Cicconetti, seconded by Ms. Cox. 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.

RESOLUTIONS:

- 33-2003 A resolution by the Council of the City of New Philadelphia, Ohio to require the Board of Elections to submit to the city electors the question of whether terms of office of the members of the legislative authority should be changed from two years to four years and to establish staggered four year terms of office among members of the legislative authority by fixing certain terms of office at two years for one term of office and then at four years thereafter. (1st Reading)
- Motion to suspend the rules made by Mr. Locker, seconded by Mr. Day. Roll call, 7 yeas, rules suspended.
- Motion to vote on passage made by Mr. Locker, seconded by Mr. Cicconetti. Roll call, 7 yeas, resolution passed.
- 34-2003 A resolution by the Council of the City of New Philadelphia accepting the plat for Mistier Dawn 6th Addition, and declaring an emergency. (1st Reading)
- Motion to suspend the rules made by Mr. Houston, seconded by Mr. Locker. Roll call, 7 yeas, rules suspended.
- Motion to vote on passage made by Mr. Houston, seconded by Ms. Cox. Roll call, 7 yeas, resolution passed.
- 35-2003 A resolution by the Council of the City of New Philadelphia, Ohio to commend Dan Fait for his years of service through the New Philadelphia Fire Department, and declaring an emergency. (1st Reading)
- 36-2003 A resolution by the Council of the City of New Philadelphia, Ohio to commend Art Cicconetti for his years of service to the City of New Philadelphia, Ohio. (1st Reading)
- 37-2003 A resolution by the Council of the City of new Philadelphia, Ohio to commend Joel Day for his years of service to the City of New Philadelphia, Ohio. (1st Reading)
- 38-2003 A resolution by the Council of the City of New Philadelphia, Ohio to commend David Zeller for his service to the City of New Philadelphia, Ohio. (1st Reading)

39-2003 A resolution by the Council of the City of New Philadelphia, Ohio to oppose Ohio House Bill 278 which would give the Department of Natural Resources exclusive authority to regulate oil and gas drilling, and declaring an emergency. (1st Reading)

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

Motion to vote on passage made by Ms. Cox, seconded by Mr. Houston. Law Director Mike Johnson said if this legislation would pass in the Ohio House, well drilling could happen anywhere within the city. Mr. Houston pointed out that several years ago, a former council member proposed a gas well to be drilled in Tuscora Park, so this legislation is necessary to see that never happens. Roll call, 7 yeas, resolution passed.

40-2003 A resolution by the Council of the City of New Philadelphia, Ohio to authorize W.H. Drane Company to complete recodification of the new criminal traffic code for the City of New Philadelphia, Ohio for a sum not to exceed \$4,100.00 to be paid from the General Fund, 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 Mr. Hitchcock, seconded by Ms. Cox. Roll call, 7 yeas, resolution passed.

OLD OR UNFINISHED BUSINESS: NONE

NEW BUSINESS:

Mr. Johnson asked that Council, including newly elected members, meet as a whole following the December 8 meeting to discuss procedures for 2004 and the Top Ten List. Mr. Johnson scheduled the Swearing in Ceremony for December 22 at 7:00 P.M.

MOTION TO ADJOURN MADE BY MR. HOUSTON. MOTION PASSED. MEETING ADJOURNED AT 8:34 P.M.

CLERK OF COUNCIL _____

APPROVED December 8, 2003

PRESIDENT OF COUNCIL _____