

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION AT JIM'S PLACE, 228 WEST HIGH AVENUE, NEW PHILADELPHIA ON NOVEMBER 27, 2006 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. ROBERT CONNER
MS. SANDY COX
MR. JIMMY EICHEL
MR. GEORGE HOUSTON
MR. DARRIN LAUTENSCHLEGER
MR. JIM LOCKER
MR. ROB MAURER

THE MINUTES OF NOVEMBER 13, 2006 WERE APPROVED AS WRITTEN AND RECEIVED.

CORRESPONDENCE CLERK DIANE ROUDEBUSH

1. A letter dated November 22, 2006 from the Ohio Department of Commerce Division of Liquor Control notifying Council that a hearing will be held on December 19, 2006 at 1:00 P.M. in Council Chambers concerning the transfer of a liquor permit to Army & Navy Union Garrison 1978, 126 Front St., New Philadelphia, OH 44663.
2. Special/Contact Committee meeting minutes of November 16, 2006.
3. A letter dated November 8, 2006 from the Ohio Department of Commerce Division of Liquor Control notifying Council that all permits to sell alcoholic beverages in the City will expire February 1, 2007.
4. The October 2006 Summary of Reports for the New Philadelphia Fire Department – EMS.
5. A notice from the Ohio Division of Liquor Control requesting a transfer of a D5 permit to TGC Enterprises LLC, dba JNG Grill, 114 Front Ave. SW, New Philadelphia, OH 44663 transferred from TR-Walt, Inc., dba JNG Grill, same address, and asking that objections be made no later than December 18, 2006.
6. A letter dated November 24, 2006 from Joe Mizer, 408 West High Ave., New Philadelphia, encouraging Council to proceed with the rezoning of property on West High Ave. to allow for the a proposed Walgreen's Pharmacy.

Mr. Johnson thanked the First United Methodist Church and Pastor Steve Bailey for allowing Council to meet at Jim's Place to accommodate an anticipated larger crowd.

ADMINISTRATIVE REPORTS:

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

Submitted a written report of the activities of his office from November 14 through November 27, 2006. Reported meeting November 15 with the Tuscarawas County Sheriff's Office to discuss the radio/pager system. Reported that on November 18, he attended the downtown merchants' Christmas Open House. Reported meeting 21 concerning Issue 1 to discuss upcoming projects, and announced that the Reiser Ave. extension is #1 on the list. Reported attending a meeting on November 22 to discuss the future of the Quakerdome, which is put on hold due to the failure of the school tax levy.

SERVICE DIRECTOR.....MR. GARY ESPENSCHIED ABSENT NO REPORT

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

AUDITOR. MS. BETH GUNDY NO REPORT

TREASURER MR. MIKE TAYLOR NO REPORT

LAW DIRECTOR MR. MIKE JOHNSON

Reminded Council that Ordinance 39-2006 can not be voted on before the 8:00 P.M. Public Hearing. Distributed an attachment that goes with Resolution 35-2006.

MAIN STREET REPRESENTATIVE MS. JESSICA KOPELWITZ

Reminded everyone of the Christmas Parade and Downtown Lighting Ceremony to be held Friday December 1 at 6:30 P.M.

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR BRODZINSKI

Will meet December 13, 2006 at 1:00 P.M. in Council Chambers.

BOARD OF ZONING APPEALS.....MR. GARY ESPENSCHIED NO REPORT

AIRPORT COMMISSION.....MR. JIM LOCKER NO REPORT

PARK BOARD.....MR. DARRIN LAUTENSCHLEGER

Reported meeting November 15. The Board will be purchasing new screened windows for the concession stand due to health regulations. The Park will be celebrating the 100th anniversary of Tuscora Park in 2007 with special events held throughout the year

HEALTH BOARD.....MS. SANDY COX

Will meet December 13, 2006 in the Health Department at 12:00 PM.

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEE. MS. SANDY COX

Will meet December 7, 2006 at 6:30 P.M. to discuss Ordinance 42-2006, a contract with Kimble Mixer; Ordinance 45-2006, amending the permanent appropriations for 2006; and Ordinance 46-2006, the temporary appropriations for 2007.

SALARY COMMITTEE MR. JIM LOCKER NO REPORT

SAFETY, HEALTH, AND SERVICE COMMITTEE . . . MR. ROB MAURER NO REPORT

PUBLIC WORKS & ECONOMIC DEVELOPMENT COMMITTEE. . . MR. DARRIN LAUTENSCHLEGER

Reported meeting tonight to discuss Ordinance 40-2006, to authorize collection of the monthly fee for garbage pickup. Some concerns were addressed, and another meeting will be scheduled for December.

ZONING & ANNEXATION COMMITTEE. MR. GEORGE HOUSTON

Scheduled a meeting for December 4 at 6:00 P.M. to discuss Resolution 35-2006. Mr. Johnson assigned Resolution 35-2006.

CONTACT & SPECIAL COMMITTEE MR. ROBERT CONNER

Reported meeting November 16 to discuss liquor permit transfers for Lane Drug Co, dba Rite Aid, 566 Wabash Ave. to 705 West High Avenue and a transfer from Hunter’s Southside, 701 South Broadway to Bell Stores, same address. Both transfers were approved, and will be given to the Council Clerk to be forwarded to the Ohio Division of Liquor Control. Mr. Johnson assigned the liquor transfer request for TGC Enterprises, dba JNG Grill, 114 Front St. SW.

PARKS & CEMETERY COMMITTEE MR. JIMMY EICHEL NO REPORT

VISITOR’S COMMENTS:

Ella Slough, 616 Sandpiper SE, New Philadelphia, asked how much money has been spent to date on the High-Tech Park and are they being spent from separate accounts. Mayor Brodzinski said separate accounts have been set up, i.e. county funds, state funds, city funds, and the city will spend a total of \$1.2 million. Auditor Beth Gundy said she does not have the figures with her that shows how much has been spent to date. Ms. Slough also asked who the road belongs to that leads to the Park. Mayor Brodzinski said currently the road belongs to the County, but eventually it will be a City street.

Robert Gibson, 516 2nd St. N.E., owner pf a property at 440 West High Ave., New Philadelphia, said the proposed Walgreen’s Store would be a great asset to the City, and asked everyone’s participation in getting the store in this area.

READING OF ORDINANCES AND RESOLUTIONS:

ORDINANCES:

- 40-2006 An ordinance by the Council of the City of New Philadelphia, Ohio to enact Section 971.06 of the Codified Ordinances in the City of New Philadelphia, Ohio to allow for and authorize collection of the monthly fee for garbage and trash picking up by the City of New Philadelphia for all residential premises and for those non-residential premises that elect to receive this service within the City of New Philadelphia, Ohio and declaring an emergency. (2nd Reading)
- 42-2006 An ordinance by the Council of the City of New Philadelphia to authorize the Mayor of the City to enter into a contract with Kimble Acquisition Company, dba Kimble Mixer Company, to offer a three-year tax credit for income taxes as the result of new jobs created within the City for the calendar year 2008, 2009, and 2010, and declaring an emergency. (2nd Reading)
- 44-2006 An ordinance by the Council of the City of New Philadelphia, Ohio to authorize the Service Director to sell by public auction the parcel of land located at Bowers Avenue NW and Kelly Street NW containing 0.6152 acres as demonstrated in the attached map and survey, and declaring an emergency. (1st Reading)

Mr. Johnson assigned this to the Zoning & Annexation Committee.

45-2006 An ordinance amending and adjusting the permanent appropriations ordinance for the year 2006 and declaring an emergency. (1st Reading)

Mr. Johnson assigned this to the Finance Committee.

46-2006 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, 2007, and declaring an emergency. (1st Reading)

Mr. Johnson assigned this to the Finance Committee.

RESOLUTIONS:

30-2006 A resolution authorizing the Mayor of the City of New Philadelphia, Ohio, to participate in the Ohio Public Works Commission State Capital Improvement and/or Local Transportation Improvement Program(s) and to execute contracts as required, and declaring an emergency. (3rd Reading)

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

31-2006 A resolution by the Council of the City of New Philadelphia, Ohio to commend Jimmy L. Martin for his years of service through the New Philadelphia Street Department (3rd Reading)

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

32-2006 A resolution by the Council of the City of New Philadelphia, Ohio to commend Thomas Massarelli, Sr. for his years of service through the New Philadelphia Sewer Department. (3rd Reading)

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

33-2006 A resolution by the Council of the City of New Philadelphia, Ohio to commend Dean Sprankle for his years of service through the New Philadelphia Wastewater Department. (3rd Reading)

Motion to vote on passage made by Mr. Lautenschleger, seconded by Mr. Maurer. Roll call, 7 yeas, resolution passed.

34-2006 A resolution by the Council of the City of New Philadelphia, Ohio to commend William Ditto for his years of service through the New Philadelphia Street Department. (3rd Reading)

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

35-2006 A resolution by the Council of the City of New Philadelphia, Ohio to enter into an agreement with the Goshen Township Trustees to permit division of real estate taxes pursuant to Ohio Revised Code Section 709.19 for the annexation of an adjacent 112+/- acre tract of land located in Goshen Township and authorizing annexation of this tract, and declaring an emergency. (1st Reading)

36-2006 A resolution by the Council of the City of New Philadelphia, Ohio, to designate depository institutions for the period January 1, 2007 through December 31, 2011 and to set the maximum amount allowable for such deposits, and declaring an emergency. (1st Reading)

Mr. Johnson assigned this to the Finance Committee.

COUNCIL ADJOURNED FROM REGULAR MEETING INTO PUBLIC HEARING AT 8:00 P.M. TO DISCUSS ORDINANCE 39-2006.

Ordinance 39-2006 An ordinance by the Council of the City of New Philadelphia, Ohio to change zoning for property from Fourth Street SW, West side to Fourth Drive SW, East side and West High Avenue, Southside to Allen Lane SW, North side excepting the property located at the Southwest corner of Fourth Street SW and Allen Lane SW intersection, such zoning change to include: 402 West High Avenue, 408 West High Avenue, 416 West High Avenue, 422 West High Avenue, 407 Allen Lane SW, 417 Allen Lane SW, 423 Allen Lane SW, from Office zone to Business zone and declaring an emergency.

Mike Lewis, Development Specialist for Visconsi Companies, for the proposed Walgreen's, requested the change Of zoning for the seven (7) mention properties. Additional representatives of Visconsi and Walgreen's spoke in support of the change of zoning, and said they are willing to work with the City to make Walgreen's a great asset to the City.

Other members of the audience speaking in favor of a proposed Walgreen's were:

Samantha Hammonds, 110 Clair Dr. NW
Nelson Postel, 709 Tuscarawas Ave.
Danielle Patton, 701 Oak St. NW
Pat Maculaitis, 1811 East High Avenue
Randy Sayre, 165 West High Avenue

Daisy, 110 Clair Dr.
Susan Kopp, 402 West High Ave.
Jeff Deeds, Dir. of Development for Visconsi Co.
Susan Andrukat, 402 West High Avenue

Members of the audience speaking against a proposed Walgreen's were:

Members of the Heritage Home Assoc. gave a video presentation showing the difficulty for semi-trucks to enter the proposed Walgreen's.

Cindy Lombardo, 8938 Canal Rd. NE
Pleshette Haney, 130 4th St. SW
Tom Strickling, 319 Fair Ave. NE
Patty Strickling, 319 Fair Ave. NE
Randy Feemster, 552 Fair Ave. NW
Leslie Wilson, 121 4th St. SW
George Kaswinkel, 2124 Kevin Ct. NE
Ella Slough, 616 Sandpiper SE

Ernestine Kehl, 1166 South Broadway
Liz Hipp, 459 East High Avenue
Dave Hipp, 459 East High Avenue
Jessica Kopelwitz, 924 3rd St. NW
Anthony Tuschner, 202 2nd St. SW
Peter, 331 Commercial S.E.
Jan Johns, 350 2nd Dr. NW
Marty Briehm, 1025 Ray Ave. NW

THE PUBLIC HEARING WAS ADJOURNED AT 9:50 P.M. AND COUNCIL WENT BACK INTO REGULAR SESSION AT 9:51 P.M.

Ordinance 39-2006 An ordinance by the City of New Philadelphia, Ohio to change zoning for property from Fourth Street SW, West side to Fourth Drive SW, East side and West High Avenue, Southside to Allen Lane SW, North side excepting the property located at the Southwest corner of Fourth Street SW and Allen Lane SW intersection, such zoning change to include: 402 West High Avenue, 408 West High Avenue, 416 West High Avenue, 422 West High Avenue, 407 Allen Lane SW, 417 Allen Lane SW, 423 Allen Drive SW, from Office zone to Business zone and declaring an emergency, (3rd Reading)

Motion to vote on passage made by Mr. Houston, seconded by Mr. Locker.

Councilman Darrin Lautenschleger said he is concerned about spot zoning, and asked that the City plan better in the future, and he is opposed to this ordinance.

Councilman George Houston said he is for the proposed Walgreen's because the city should work to bring new businesses in, and he favors Ordinance 39-2006.

Councilman Robert Conner said more planning is necessary for the city, and he will vote against Ordinance 39-2006.

Councilman Rob Maurer said he favors the ordinance because not many people have voiced their opposition to him. He said many in his ward are in favor of it.

Councilwoman Sandy Cox said she is against spot zoning and she believes that the majority of the residents aren't in favor of it, and she will vote against Ordinance 39-2006.

Councilman Jimmy Eichel said the City needs to work together to prevent future problems such as this, but he supports this ordinance.

Roll call for passage 4 yeas 3 nays (Cox, Conner, & Lautenschleger), ordinance passed.

OLD BUSINESS: NONE.

NEW BUSINESS: NONE

MOTION TO ADJOURN MADE BY MR. HOUSTON. MEETING ADJOURNED AT 10:17 P.M.

CLERK OF COUNCIL _____

APPROVED December 11, 2006

PRESIDENT OF COUNCIL _____