

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON JANUARY 8, 2001 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. GEORGE HOUSTON  
MR. JIM LOCKER  
MR. TOM LOCKER  
MS. WINNIE WALKER

THE MINUTES OF DECEMBER 28, 2000 WERE APPROVED AS WRITTEN AND RECEIVED.

CORRESPONDENCE..... CLERK DIANE ROUDEBUSH

1. New Philadelphia City Board of Health meeting minutes of December 13, 2000.
2. New Philadelphia Airport Commission meeting minutes of December 12, 2000.
3. A letter dated December 29, 2000 from Adelphia Communications notifying Council of new programming services and new rate structure, effective about February 6, 2001.

ADMINISTRATIVE REPORTS:

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

Submitted a written report of the activities of his office from December 28, 2000 through January 8, 2001. Reported that he has been working on the 2001 budget, and hopes to have it to the Finance Committee later this week. Reported that he has received numerous telephone calls concerning the opening of an adult bookstore on West High Ave., and asked that Council consider rules and regulations pertaining to this. Requested an Executive Session tonight to discuss land acquisition. President Johnson said he received several telephone calls in regards to the police department's towing away of cars that had not been moved for 48 hours, as specified in the Codified Ordinances. Mr. Johnson asked why the vehicle owner was not notified that the vehicle was to be towed. Safety Director Greg Popham said he would check with the department to see if this was done. Mayor Brodzinski said if there is a problem with the ordinance, it should be reviewed and changed. The police was following the law by towing away the vehicles. Mr. Day made a motion, seconded by Ms. Cox, that Council go into Executive Session tonight to discuss land acquisition. Roll call, 7 yeas, motion passed.

SERVICE DIRECTOR .....MR. GARY ESPENSCHIED

Reported that the 1-1/2 million gallon water reservoir is completed and back in use. Reported that the Street Department has applied 275 tons of salt and used 129 hours of overtime during recent snowstorms, and commended them for keeping the city's streets clear and passable.

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

Mr. Houston asked how a resident goes about getting a handicap parking designation in front of their residence. Mr. Popham said the resident needs to get in contact with him, and he will review it.

AUDITOR . . . . . MS. BETH GUNDY

Informed Council that Resolutions 1-2001 and 2-2001 need not be passed until third reading.

TREASURER . . . . . MR. ROBERT GERBER . . . . . ABSENT . . . . . NO REPORT

LAW DIRECTOR . . . . . MR. MIKE JOHNSON

Scheduled Public Hearings on Ordinances 68-2000, 69-2000, and 70-2000 for February 12, 2001 at 8:00 p.m.

QUICKSALL & ASSOC. . . . . MR. ROY CRAWFORD

Reported that the application for the Ohio EPA loan for the next phase of the Wastewater Treatment Plant will be submitted this week, with the design phase ready for construction on or around August, 2001. Mr. Crawford also reported that the design phase has begun on Phase III of the CDBG for Front St. improvements.

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION . . . . . MAYOR BRODZINSKI

Will meet Wednesday, January 10, 2001 at 1:00 p.m. at Tuscora Park.

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

No meeting was scheduled for January, but the Board will meet February 6, 2001 at 5:30 p.m. in Council Chambers.

AIRPORT COMMISSION. . . . . MR. JIM LOCKER

Will meet Tuesday, January 9, 2001 at 6:00 p.m. in the Airport Meeting Room.

PARK BOARD . . . . . MR. ART CICONETTI

Will meet Wednesday, January 10, 2001 at 7:30 p.m. in the Park Office.

HEALTH BOARD. . . . . MS. SANDRA COX

Will meet Wednesday, January 10, 2001 at noon in the Health Department.

STANDING COMMITTEE REPORTS:

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

SAFETY, HEALTH, AND SERVICE COMMITTEE. . . . . MS. WINNIE WALKER. . . . . NO REPORT

PUBLIC WORKS COMMITTEE. . . . . MR. JOEL DAY

Reported meeting tonight to discuss the plan for the wastewater treatment plant expansion, as explained by Mr. Crawford of Quicksall & Assoc. Also discussed was a review of Ordinances 66-2000 and 67-2000. The Committee recommends passage of both ordinances tonight as an emergency. Reported that it is the opinion of the Service Director that the city's water and sewer assessments are too high, and need to be restructured.

ZONING & ANNEXATION COMMITTEE. . . . .MR.GEORGE HOUSTON

Requested emergency passage tonight of Ordinance 71-2000.

CONTACT COMMITTEE. . . . .MR. ART CICCONETTI . . . . . NO REPORT

Council President Dave Johnson assigned the issue of regulations for adult video and bookstores.

SPECIAL COMMITTEE. . . . .MR. TOM LOCKER . . . . . NO REPORT

VISITOR’S COMMENTS:

Paul Cline, 714 Tuscarawas Ave.N.W., New Philadelphia, complained that his mother’s car was in the process of being towed away from in front of her residence. She was not notified that it was going to be towed away, and she had not moved the car because of the bad weather. He asked that Council look at the law, and make some changes.

Jeff Anderson, 762 Baker, Ave. N.W., New Philadelphia, had a car towed away in front of his residence, and he was not notified that it was to be removed. He also asked that the current law be reviewed, and possibly changed, and asked that the owner be notified prior to its removal.

Melinda Hanzel, 332 Ray Ave. N.W., New Philadelphia, said she is concerned about the newly opened adult bookstore and asked what can legally be done to oppose it. Law Director Mike Johnson said she could picket, if done on public property. Mr. Johnson informed everyone in attendance that there is no law in Ohio that prohibits The operation of any kind of video or bookstore. He said any ordinance passed that would be directed to this type of business would be unconstitutional. He said the police department would monitor it to make sure the conduct there is legal and proper, and to make sure no minors enter. Ms. Hanzel asked if the owners had applied for licenses. Mr. Johnson said they did get a license for video and retail sales, and the city had no legal right to stop the permit. They applied for a larger than ordinary sign, and the request was rejected by the Service Director. The appeal went to the Board of Zoning Appeals, where it was approved. Ms. Hanzel asked if signed petitions would help the cause, and Mr. Johnson said legally it wouldn’t help. Council President reminded Ms. Hanzel that this issue was assigned to Committee, and they will be reviewing current regulations.

David Fell, 444 Ellen Ave., New Philadelphia, said he got physically sick when he saw the huge sign about the adult video store on the interstate as he came into New Philadelphia. He asked Council to stop these kinds of stores from becoming popular and attracting similar businesses.

Paul Hanzel, 332 Ray Ave. N.W., New Philadelphia, asked if there are any laws prohibiting presenting signed petitions to the business owners. Law Director Mike Johnson said that would be legal.

Wayne Wheeler, 1282 Independence Circle, New Philadelphia, reminded everyone that the legal age for sale of alcohol is 21, and that law is broken at times, and he doesn’t trust this business to monitor the age of patrons.

Mr. Stafford, 170 York Dr. S.E., New Philadelphia, asked if the owner of the adult book store local or someone out of the area. Law Director Mike Johnson said the owner of the building is Dover Capital Enterprises, and the owner of the business is unknown.

Dode Overton, 8408 Atwood Lake Rd.,along with several youth from the New Life Church of Christ, said this business is not acceptable to this community. He said his church is available to assist Council in any way to see that these kinds of businesses know that the community objects to their existence.

ORDINANCES AND RESOLUTIONS:

ORDINANCES:

- 59-2000 An ordinance to authorize the Treasurer to hire an assistant to the Treasurer and setting pay and hourly rate, and declaring an emergency. (3rd Reading)
- 60-2000 An ordinance authorizing the City of New Philadelphia Auditor to deposit cable tv franchise fee revenue directly into certain accounts for the calendar year 2001, and declaring an emergency. (3rd Reading)
- Motion to vote on passage made by Ms. Cox, seconded by Ms. Walker. Roll call, 6 yeas 2 nays (Day & J. Locker), ordinance passed.
- 61-2000 An ordinance to establish Fund #341, the Elks Building Note Fund to receive revenue and to pay down the debt for the purchase of the Elks Building, and declaring an emergency. (3<sup>rd</sup> Reading)
- Motion to vote on passage made by Mr. Houston, seconded by Ms. Cox. Roll call, 6 yeas 1 nay (Day), ordinance passed.
- 63-2000 An ordinance amending and adjusting the temporary appropriations ordinance for the year 2001, and declaring an emergency. (3rd Reading)
- Motion to vote on passage made by Mr. Jim Locker, seconded by Ms. Cox. Roll call, 6 yeas 1 nay (Day), ordinance passed.
- 66-2000 An ordinance by the Council of the City of New Philadelphia authorizing waiver of the sewer and water tap-in fees by the Service Director of the City of New Philadelphia, Ohio for Dennis and Margaret J. Hicks for one tap-in for the property described in Volume 662, Page 6 of the Tuscarawas County Deed Records in exchange for an easement 25 foot wide to the City of New Philadelphia from Dennis and Margaret J. Hicks for utility purposes, and declaring an emergency. (2nd Reading)
- Motion to suspend the rules made by Mr. Jim Locker, seconded by Mr. Houston. Roll call, 7 yeas, rules suspended.
- Motion to vote on passage made by Mr. Jim Locker, seconded by Ms. Cox. Roll call, 7 yeas, ordinance passed.
- 67-2000 An ordinance by the Council of the City of New Philadelphia authorizing waiver of the sewer and water tap-in fees by the Service Director of the City of New Philadelphia, Ohio for John and Melissa Stocker for one tap-in for the property described in Volume 729, Page 212 of the Tuscarawas County Deed Records in exchange for an easement 25 foot wide to the City of New Philadelphia from John and Melissa Stocker for utility purposes, and declaring an emergency. (2nd Reading)
- Motion to suspend the rules made by Ms. Cox, seconded by Mr. Jim Locker. Roll call, 7 yeas, rules suspended.
- Motion to vote on passage made by Ms. Cox, seconded by Mr. Day. Roll call, 7 yeas, ordinance passed.

- 68-2000 An ordinance by the Council of the City of New Philadelphia to change the zoning from Commercial to Industrial zone for a one acre tract of real estate located on Bowers Avenue NW adjacent to Marsh Industries property by Tim Bober and Jamie Hicks. (2<sup>nd</sup> Reading)
- Public Hearing Scheduled for February 12, 2001 at 8:00 p.m.
- 69-2000 An ordinance by the Council of the City of New Philadelphia to change the zoning from Industrial to Residential zone for 1.3 acre tract of real estate located in the 1000<sup>th</sup> block of Kaderly Street near the old Zimmer Patient Care Building. (2<sup>nd</sup> Reading)
- Public Hearing scheduled for February 12, 2001 at 8:00 p.m.
- 70-2000 An ordinance by the Council of the City of New Philadelphia to change the zoning from Industrial to Business Zone for 2 acres of real estate located at the corner of Union Avenue and Martin Street in New Philadelphia, Ohio. (2<sup>nd</sup> Reading)
- Public Hearing scheduled for February 12, 2001 at 8:00 p.m.
- 71-2000 An ordinance by the Council of the City of New Philadelphia accepting the Creekside Development #2 Plat, and declaring an emergency. (2<sup>nd</sup> Reading)
- Motion to suspend the rules made by Mr. Houston, seconded by Mr. Tom Locker. Roll call, 7 yeas, rules suspended.
- Motion to vote on passage made by Ms. Cox, seconded by Mr. Houston. Roll call, 7 yeas, ordinance passed.

#### RESOLUTIONS:

- 36-2000 A resolution by the Council of the City of New Philadelphia, Ohio to commend Joel Borga for his years of service in the City of New Philadelphia Fire Department. (3<sup>rd</sup> Reading)
- Motion to vote on passage made by Mr. Cicconetti, seconded by Ms. Cox. Roll call, 7 yeas, resolution passed.
- 40-2000 A resolution by the Council of the City of New Philadelphia, Ohio to increase the reimbursement for City employees using their own motor vehicles on City business from twenty-six cents for mile to thirty cents per mile, and declaring an emergency. (2<sup>nd</sup> Reading)
- 1-2001 A resolution declaring the necessity to request an advance of \$250,000.00 from the County Auditor on the February, 2001 Estate Tax Settlement, and declaring an emergency. (1<sup>st</sup> Reading)
- 2-2001 A resolution declaring the necessity to request an advance of \$750,000.00 from the County Auditor on the February, 2001 Real Estate Tax Settlement, and declaring an emergency. (1<sup>st</sup> Reading)
- 3-2001 A resolution by the Council of the City of New Philadelphia Ohio to commend Dennis Vitt for his years of service in the City of New Philadelphia Police Department. (1<sup>st</sup> Reading)

AT 8:25 P.M. COUNCIL ADJOURNED FROM REGULAR SESSION INTO EXECUTIVE SESSION TO DISCUSS LAND ACQUISITION. COUNCIL RECONVENED INTO REGULAR SESSION AT 9:10 P.M.

OLD OR UNFINISHED BUSINESS: NONE

NEW BUSINESS:

Mr. Day said he came upon an article on the internet saying that AT&T and Cox Communications are lobbying to avoid cable franchise fees, so he suggested that this matter be followed in the future months.

MOTION TO ADJOURN MADE BY MR. HOUSTON. MOTION PASSED. MEETING ADJOURNED AT 9:13 P.M.

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

APPROVED JANUARY 22, 2001

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