

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON MARCH 11, 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 FEBRUARY 25 AND FEBRUARY 26, 2002 WERE APPROVED AS WRITTEN AND RECEIVED.

CORRESPONDENCE CLERK DIANE ROUDEBUSH

1. A petition for annexation filed by Mark & Brenda Luikart to annex Mark's Place on the southside.
2. New Philadelphia Airport Commission meeting minutes of February 12, 2002.
3. Safety, Health, and Service Committee meeting minutes of February 25, 2002.
4. Salary Committee meeting minutes of February 25, 2002.
5. New Philadelphia Police Monthly Activity Report for February, 2002.
6. Finance Committee meeting minutes of March 4, 2002.
7. Annexation and Zoning Committee meeting minutes of March 4, 2002.
8. New Philadelphia Board of Health meeting minutes of February 13, 2002.

COUNCIL PRESIDENT DAVE JOHNSON INFORMED COUNCIL THAT HE HAS COMPILED THE TOP TEN LIST OF PROJECTS THAT COUNCIL HAS REQUESTED FOR 2002, AND HE WILL REVIEW THEM IN A BRIEF MEETING FOLLOWING TONIGHT'S REGULAR MEETING.

ADMINISTRATIVE REPORTS:

MAYOR'S REPORT MAYOR RON BRODZINSKI

Submitted a written report of the activities of the Mayor's office from February 26 through March 11, 2002. Reported that he held a conference call regarding the National Lands' Trust, in which the city will receive a 1/10% reduction of our total loan package along with a \$50,000 grant for the Park. Reported that the WWTP plans go before the Water Pollution Control Fund on March 28 and funds should be available by April 6, 2002, with construction beginning by May 1.

SERVICE DIRECTORMR. GARY ESPENSCHIED

Reported that a Public Meeting was held tonight for the South Broadway paving, and a second meeting is scheduled for March 25, 2002 at 7:00 p.m. Reported that the traffic light project is proceeding nicely due to the mild weather. Mr. Espenschied informed everyone that the first traffic light to be installed would be at East High Avenue and University Drive.

SAFETY DIRECTORMR. GREG POPHAM

Introduced the new police dog “Bosco” and his handler Randy Williamson. Reported that Police Chief Tom Stagers retired, and the Chief’s test is scheduled for April 1, 2002. Reported that a new firefighter has been sworn as a replacement in the department. Mr. Popham requested passage tonight of Ordinance 20-2002.

AUDITOR MS. BETH GUNDY

Informed Council that Resolution 14-2002 can be held for a 2nd reading.

TREASURER MS. TERRI DEARDORFF NO REPORT

LAW DIRECTORMR. MIKE JOHNSON

Reported that the lawsuit in Federal Court by Cimperman against the City of New Philadelphia has been dismissed. Reported that Judge Thomakos has ruled a decision, based on the December 18, 2000 trial, in favor of the City vs. Haines Aviation concerning hangars at the airport. Reported that a trial is scheduled for tomorrow between Belknap against Superior Paving and the City of New Philadelphia. Recommended that Resolutions 11-2002, 12-2002, and 13-2002 be passed tonight as an emergency.

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION MAYOR BRODZINSKI

Will meet March 13, 2002 at 1:00 p.m. at Tuscora Park.

BOARD OF ZONING APPEALS MR. GARY ESPENSCHIED

Reported meeting March 5, 2002, and 1 variance was granted.

AIRPORT COMMISSIONMR. JIM LOCKER

Reported meeting February 12, 2002. Reported that there is a good candidate to take over the operation of the Airport, but there are some legal issues that need to be resolved with the previous owner.

PARK BOARD MR. ART CICONETTI NO REPORT

HEALTH BOARD.MS. SANDRA COX

Will meet Wednesday, March 13, 2002 at noon in the Mayor’s Conference Room.

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEE. MS. SANDRA COX

Recommended amend and passage tonight of Ordinance 15-2002. Mr. Johnson assigned a request from Main Street for the commitment to the Downtown Revitalization Community Block Grant, and a new pumper for the fire department. Mr. Johnson assigned a possible land purchase to the Finance Committee for review.

SALARY COMMITTEE MR. JIM LOCKER NO REPORT

SAFETY, HEALTH, AND SERVICE COMMITTEE MR. SAM HITCHCOCK

Reported meeting tonight to discuss Ordinance 9-2002, fire protection services with Goshen Township and Resolution 11-2002, the CHIP grant. Both issues were approved by Committee and passage recommended.

PUBLIC WORKS COMMITTEE. MR. JOEL DAY NO REPORT

Scheduled a meeting for Monday, March 18 to discuss Ordinances 22-2002 and 23-2003.

ZONING & ANNEXATION COMMITTEE MR. GEORGE HOUSTON

Reported meeting March 4 to discuss Ordinance 8-2002, proposed annexation of Fisher/Stocker, and the proposed annexation by Gasser. The Gasser annexation was tabled to a later date. Also discussed was a request for change of zoning from Fair Ave. N.W. to 5th St. N.W. from residential to office. Ordinance 17-2002, which would require that all residents in the area of a zoning change be notified of any meetings in which a re-zoning would be discussed. The Committee recommends passage of Resolutions 12-2002 and 13-2002. Mr. Johnson assigned a request for change of zoning on Wabash Ave. and the proposed annexation by Mark and Brenda Luikart.

CONTACT COMMITTEE. MR. ART CICCONETTI NO REPORT

SPECIAL COMMITTEE MR. ROB MAURER NO REPORT

Mr. Maurer informed Council that he has been searching for an architect to tour the former Elks building, as was assigned to his Committee. He said they would use the firm Architectural Resources Corp., who will be in the area within the next couple of weeks to tour the fire station. Mr. Johnson reminded Council that a lot of money has already been spent on studies, and said the local architecture's plans were not considered. He urged council to do their homework, and consider if another consultant is needed.

VISITOR'S COMMENTS:

Maria Losurdo Fragasse, 317 Fair Ave. N.W., New Philadelphia, urged Council to give a lot of thought before voting to rezone Fair Ave. N.W. fro North Broadway to Fifth St. N.W. She said there is excessive traffic already because of New Philadelphia High School students. She said residents in that area take pride in their historically preserved homes, and rezoning would take away from their value.

Tom Strickling, 319 Fair Ave. N.W., New Philadelphia, said he is also against the rezoning of the entire 5 blocks, and asked council to think it through before voting for it.

Ella Slough, 616 Sandpiper, S.E., New Philadelphia, said she agreed with the residents of Fair Ave., and said that is one of the nicest streets in that area. She asked if a report is ever requested of the Housing Inspector. She said she would like to know how long someone has to respond to a housing complaint. She asked how long the junk vehicles would remain at the former West High Ave. junkyard. Housing Inspector Bill Richesson explained that a letter is sent to the property owner notifying them of the complaint. The owner has 30-90 days to take care of the problem. If nothing is done, the issue is taken to the Housing Board of Appeals. Mayor Brodzinski said the junkyard is for sale, and the city cannot officially tell them to remove everything.

ORDINANCES AND RESOLUTIONS:

ORDINANCES:

- 8-2002 An ordinance to accept the application by Jerry L. Fisher, Julie Fisher and John E. Stocker for the annexation of certain territory in Goshen Township, Tuscarawas County, Ohio, and to establish Residential zoning of the same. (3rd Reading)

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

9-2002 Ms. Cox made a motion to amend this ordinance by changing the amount for fire protection services from \$43,000 to \$44,000 for the calendar year 2003. Roll call, 7 yeas, ordinance amended.

An ordinance by the Council of the City of New Philadelphia to authorize the Mayor to enter into a contract with Goshen Township to provide fire protection services for the calendar year 2002 in the amount of \$39,000.00 and fire protection services for the calendar year 2003 in the amount of \$44,000.00 and declaring an emergency. (3rd Reading)

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

16-2002 An ordinance to repeal Ordinance 159.05 Reimbursement for Travel Expenses, and to enact new Codified Ordinance Section 159.05 of the codified ordinances for the City of New Philadelphia, Ohio, and declaring an emergency. (2nd Reading)

17-2002 An ordinance to enact Section 1151.05 of the codified ordinances of the City of New Philadelphia, Ohio to provide notice to adjacent property owners of any Planning Commission, Zoning Board of Appeals and/or Council Committee meeting wherein any change of zoning is contemplated, and declaring an emergency. (2nd Reading)

19-2002 An ordinance by the Council of the City of New Philadelphia, Ohio to change zoning for Fair Avenue NW, New Philadelphia, Ohio from North Broadway to Fifth Drive NW to an Office zone, and declaring an emergency. (2nd Reading)

Public Hearing to be held April 8, 2002 at 8:00 P.M.

20-2002 An ordinance by the Council of the City of New Philadelphia authorizing and directing the Safety Director to advertise for bids, receive bids and to enter into a contract with the lowest and best bidder for a rescue-fire pumper truck to be used by the New Philadelphia City Fire Department, 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. Hitchcock. Roll call, 7 yeas, ordinance passed.

21-2002 An ordinance by the Council of the City of New Philadelphia authorizing the Mayor of the City of New Philadelphia to submit all required documentation to entitle the City of New Philadelphia to receive an approved LLEBG subgrant in the amount of \$23,347.00 and to allocate the city's share of \$2,594.00 to be applied toward the purchase of new computer related equipment to be used by the New Philadelphia Police Department, and declaring an emergency. (1st Reading)

Mr. Johnson assigned this ordinance to the Finance Committee for review.

22-2002 An ordinance by the Council of the City of New Philadelphia, Ohio to enact Chapter 946 of the Codified Ordinances for fire sprinkler systems and fire hydrants, and declaring an emergency.

23-2002 An ordinance by the Council of the City of New Philadelphia, Ohio to amend Chapter 947 – Water Wells of the Codified Ordinances by deleting the existing Chapter and enacting a new Chapter 947 – Water Wells, and declaring an emergency. (1st Reading)

Mr. Johnson assigned this ordinance to the Safety, Health, and Service Committee for review.

24-2002 An ordinance by the Council of the City of New Philadelphia to authorize the Mayor to complete the purchase from Ron Prince a certain hangar located at the New Philadelphia Airport owned by Mr. Prince doing business as Fly Twin and/or Ebey Aircraft Interior for the amount of \$25,000.00, and declaring an emergency. (1st Reading)

Mr. Johnson assigned this ordinance to the Finance Committee for review.

25-2002 An ordinance by the Council of the City of New Philadelphia, Ohio authorizing the Service Director to advertise for bids and to accept or reject any an all bids concerning CDBG Grant to be used for storm sewers from First Drive SE between Front and East High, Sixth Drive SE from East High Avenue, Third Drive NW from West High Avenue through Ashwood Lane, and Third Street NW from West High Avenue to Fair Avenue, and declaring an emergency. (1st Reading)

Mr. Johnson assigned this ordinance to the Public Works Committee for review.

RESOLUTIONS:

8-2002 A resolution by the Council of the City of New Philadelphia, Ohio to welcome Smith Dairy to the City of New Philadelphia. (2nd Reading)

11-2002 A resolution by the Council of the City of New Philadelphia, Tuscarawas County, Ohio authorizing and directing the Mayor to submit an application for an FY 2002 Community Housing Improvement Program (CHIP) and to sign any and all documents related to such application, and declaring an emergency. (1st Reading)

Motion to suspend the rules made by Mr. Hitchcock, seconded by Ms. Cox. 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.

12-2002 A resolution by the Council of the City of New Philadelphia, Ohio to notify the Tuscarawas County Commissioners of utility services that the City of New Philadelphia can make available to the annexation presently offered by Allen L. Gasser and Jane E. Gasser as required by Chapter 709.031 of the Ohio Revised Code and to clarify zoning and enterprise designation, 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 Mr. Day. Roll call, 7 yeas, resolution passed.

13-2002 A resolution by the Council of the City of New Philadelphia, Ohio to notify the Tuscarawas County Commissioners of utility services that the City of New Philadelphia can make available to the annexation presently offered by David and Nanette Avon as required by Chapter 709.031 of the Ohio Revised Code, and to clarify zoning and enterprise designation, and declaring an emergency. (1st Reading)

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

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

14-2002 A resolution by the Council of the City of New Philadelphia, Ohio to establish Fund #440 Municipal Complex Project Fund, and declaring an emergency. (1st Reading)

OLD OR UNFINISHED BUSINESS: NONE

NEW BUSINESS:

Reminded everyone of the meeting immediately following regular session to discuss goals for the future. Mr. Houston scheduled a meeting of the Zoning & Annexation Committee for Monday, March 18, 2002 at 6:00 p.m. to discuss several annexations and change of zoning requests.

MOTION TO ADJOURN MADE BY MR. HOUSTON. MOTION PASSED. MEETING ADJOURNED AT 8:35 P.M.

CLERK OF COUNCIL _____

APPROVED March 25, 2002

PRESIDENT OF COUNCIL _____