

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON MARCH 25, 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. ROB MAURER

COUNCILMAN JIM LOCKER WAS ABSENT.

THE MINUTES OF MARCH 11, 2002 WERE APPROVED AS WRITTEN AND RECEIVED.

CORRESPONDENCE CLERK DIANE ROUDEBUSH

1. January 2002 Summary of Reports for the New Philadelphia Fire Department.
2. Safety, Health, and Service Committee meeting minutes of March 11, 2002.
3. Finance Committee meeting minutes of March 12 and 13, 2002.
4. Annexation and Zoning Committee meeting minutes of March 18, 2002.
5. Planning Commission meeting minutes of March 13, 2002.

ADMINISTRATIVE REPORTS:

MAYOR'S REPORT MAYOR RON BRODZINSKI

Submitted a written report of the activities of the Mayor's office from March 12 through March 25, 2002. Reported that on March 12, he held a conference call regarding the Ohio Water Pollution Control Fund. The funds are to be released in early April, with construction beginning in mid-April. Reported that on March 15 he attended the Solid Waste Policy Board Meeting. Reported that he attended the opening of the first house built by Habitat for Humanity, and New Philadelphia will break ground in April for the first of three houses to be built. Reported that he is working to have the liquor permit transfer approved for a new tenant at the Airport Restaurant. Reported that representatives of the Downtown Ohio and Main Street New Philadelphia toured the former Elk's building to determine the historical value and the value of the addition to the city. Requested passage tonight of Ordinance 30-2002, the 2002 Budget.

SERVICE DIRECTORMR. GARY ESPENSCHIED

Reported that he recently attended a County Regional Planning Meeting to discuss the proposed Avon annexation. The item is before the County Commissioners before approval before coming to Council. Requested passage tonight of Ordinance 25-2002. Yielded the floor to Building Inspector Bill Richesson, who distributed a report of the unsafe buildings in the city. He also reported that he has been working on a Fair Housing Program.

SAFETY DIRECTORMR. GREG POPHAM ABSENT NO REPORT

AUDITOR MS. BETH GUNDY

Requested emergency passage tonight of Ordinance 30-2002, the 2002 Budget and Resolution 14-2002. Requested that council approve the transfers made in her office. Ms. Cox made a motion to approve the transfers, seconded by Mr. Day. Roll call, 6 yeas, motion passed.

TREASURER MS. TERRI DEARDORFF ABSENT NO REPORT

LAW DIRECTOR MR. MIKE JOHNSON

Requested emergency passage tonight of Ordinance 24-2002, purchase of the hangar at the airport. Reported that he has been in contact with Councilman Sam Hitchcock concerning sidewalks in developments where the plat is accepted and the lots may or may not be sold. He said the city ordinance requires sidewalks be installed before the plat is approved by council. Mr. Johnson suggested that a new ordinance be passed to modify the requirements. Reminded everyone of the Public Hearing on April 8, 2002 at 8:00 p.m. on Ordinance 19-2002. In regards to zoning, Mr. Johnson explained single family, two-family, and multi-family dwellings in residential areas, and said he will be preparing an ordinance, which would make necessary changes.

MAIN STREET REPRESENTATIVE MS. PAULINE WYRIE

Introduced Pauline Eaton, Director of Downtown Revitalization for Downtown Ohio, Inc. Updated Council on changes in businesses in the downtown area. Reported that approximately 100 people were recognized for their volunteer work with Main Street. Informed Council that Ms. Eaton is in the city to present a work planning session for the Board of Directors and Main Street members, and invited anyone else who is interested to attend. Upcoming events include Art on the Square and a new lunchtime entertainment series.

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION MAYOR BRODZINSKI

Will meet April 10, 2002 at 1:00 p.m. at Tuscora Park.

BOARD OF ZONING APPEALS MR. GARY ESPENSCHIED

Will meet April 2, 2002 at 5:00 p.m. in Council Chambers

AIRPORT COMMISSION MR. JIM LOCKER ABSENT NO REPORT

PARK BOARD MR. ART CICCONE

Will meet Wednesday, March 25, 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 March 12 and 13 to discuss the 2002 Budget. Reported meeting tonight to discuss an increase in OMEGA dues; Ordinance 21-2002, a subgrant in the police department for computer equipment; Ordinance 24-2002, the purchase of a hangar at the airport; Resolution 14-2002, to establish a fund for the Municipal Complex Project Fund; the Auditor's transfers for February, 2002; a request by Main Street New Philadelphia for \$10,000; and the 2002 Budget, Ordinance 30-2002. All items were approved by the Committee.

SALARY COMMITTEE MR. JIM LOCKER ABSENT . . . NO REPORT

Mr. Johnson assigned a request to increase the salary of the meter-man position from \$8.00 per hour to \$10.00.

SAFETY, HEALTH, AND SERVICE COMMITTEE MR. SAM HITCHCOCK

Reported meeting tonight to discuss sidewalks at Honey Valley Estates. The Committee voted to have the Law Director prepare an ordinance requiring that sidewalks be put in existing developments within a stated period of time. Mr. Johnson assigned the issue of a traffic light at Donahey and Wabash Ave. He said he continues to receive calls against a light in that area.

PUBLIC WORKS COMMITTEE. MR. JOEL DAY

Will meet immediately following tonight’s regular session and Elk’s building plans meeting to continue discussion on the Adelpia franchise agreement. Reported that the Committee approved Ordinance 22-2002 and Ordinance 25-2002, and an ordinance will be coming to council, which would allow for direct billing for water/sewer bills.

ZONING & ANNEXATION COMMITTEEMR.GEORGE HOUSTON

Reported meeting March 18 to discuss the proposed Avon annexation and Gasser annexations. Both issues were left on the table. Also discussed was Ordinance 19-2002, change of zoning on Fair Ave. N.W. from North Broadway to 5th Dr. from residential to office. The Committee agreed to amend the ordinance to change it to 2nd St. to 5th Dr. N.W. A request from Don Kennedy to change zoning at 429 Wabash Ave. from residential to office was also approved. The Committee will be asking for future legislation, which would remove multi-family dwellings from residential, office, or other zones of the city.

CONTACT COMMITTEE. MR. ART CICONETTI NO REPORT

SPECIAL COMMITTEE MR. ROB MAURER NO REPORT

Informed Council that Architectural Resources Corp. will be in town on April 3 to tour the fire station and the Elk’s building and will give council an opinion on uses of the building.

VISITOR’S COMMENTS:

Michael Fragasse, 317 Fair Ave. N.W., New Philadelphia, said he was raised on this street, and did not hesitate when property became available to move back to this area because of the neighborhood. He said if there was no office space available in the downtown area, he might agree with rezoning to allow for additional offices on his street, but he said he doesn’t think that is the case. He urged Council to consider all this before making any decision on rezoning.

Pat Ervin, 427 Hilan Ave. S.W. New Philadelphia, said a “no parking” sign was recently placed on his lot, and he asked that measurements be taken because he thinks it is in the wrong location. Law Director Mike Johnson said the signs were placed according to Ohio Traffic Manual Handbook, not city ordinance, and it was placed where the manual said it should be.

Dan Boffo, 416 Fair Ave. New Philadelphia, said he is against the rezoning, and asked Council to think this through before making any decision.

Maria Losurdo Fragasse, 317 Fair Ave. N.W. New Philadelphia, asked if there is a report from downtown businesses that additional office space is needed, or are realtors requesting office space on Fair Ave., or has the Bar Association requested additional office space on Fair Ave., or have there been complaints from business people that they cannot find office space in the downtown area. She asked if this change has been brought before the Traffic Advisory Committee to see if traffic will flow appropriately.

Teresa Prince, 650 Fair Ave. N.W. New Philadelphia, said she is the person requesting the zoning change. She said she owns a heritage home and understands how these people feel about their homes, but said she feels the business owners will respect the beauty of the house and they will not let it get run down. She said she has plans for parking, so that should not be a problem.

Tom Strickling, 319 Fair Ave. N.W., New Philadelphia, said he appreciates the suggestion that multi-family dwellings would not be allowed in the area, and said he does appreciate the work Ms. Prince did on that house, but does not want a neighborhood of offices. He asked what would prevent tearing down a house to put in a parking lot, which the neighbors don't want either. He said there are three historic areas of the city that should be preserved, East High Avenue, North Broadway, and Fair Ave.

Randy Brinkman, 344 Fair Ave. N.W. New Philadelphia, said he also would like to see multi-family dwelling eliminated from the area. He said he doesn't think we need offices on Fair Ave. He said he has been in Ms. Prince's house and thinks she did a very good job on fixing it up. He said he likes the neighborhood the way it is now, and urged Council to really look at the whole picture.

Gene Tinlin, 218 3rd Dr. N.W. New Philadelphia, said parking there is already a problem, and where's everyone going to park. He said it is difficult to pull out into traffic from the side streets because you can't see oncoming traffic. He said that street does not need to be rezoned to allow for one property owner.

Tim West, 333 Fair Ave. N.W. New Philadelphia, said his biggest concern is that he put in a lot of time and money to fix up his house, and he is concerned that other homes will want to put in businesses and he could be living between two businesses. He, too, is concerned about parking

Jerry Stoughton, 320 Fair Ave. N.W. New Philadelphia, said that residents living there chose to live there because it is residential, and not a business zone. He agreed with the parking problem, saying he can't even park in front of his house during school hours. He said he is proud of his home, and has put in a lot of time and money to restore it, and does not want a business there.

Elizabeth Hipp, 439 East High Ave. N.W. New Philadelphia, speaking on behalf of the members of the Tuscarawas County Heritage Homes Assoc., said the organization supports the residents of Fair Ave. and would like to keep businesses away from that area.

Patricia Strickling, 319 Fair Ave. N.W. New Philadelphia, read letters from residents of 532 Fair Ave. N.W. and 310 Fair Ave. who expressed their opposition to the rezoning on Fair Ave., and suggested that a variance be granted so Ms. Prince can proceed with her plans.

Kathy Tolan, 150 3rd St. N.W. New Philadelphia expressed her family's objections to the rezoning and said she supports all those that spoke tonight on the issue.

Carl Mackey, 332 Fair Ave. N.W. New Philadelphia, said Fair Ave. is a wonderful neighborhood and he would like to see it remain that way.

Roxanne Ervin, 427 Hilan Ave., New Philadelphia, asked that someone re-measure the distance where the "no parking" sign is in front of her house because she feels in has been placed in the wrong location.

Ms. Cox said she has spoken to many people in attendance tonight, and she informed everyone that she will vote against this re-zoning request. Mr. Day thanked everyone for attending, and said since he represents this ward, he will be voting against the re-zoning.

ORDINANCES AND RESOLUTIONS:

ORDINANCES:

- 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. (3rd Reading)
- Motion to vote on passage made by Mr. Cicconetti, seconded by Ms. Cox. Roll call, 6 yeas, ordinance passed.
- 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. (3rd Reading)
- Motion to amend made by Mr. Houston, seconded by Mr. Day. Ms. Cox asked who would be responsible for notifying property owners of the meetings. Law Director said the ordinance states that it is the obligation of those requesting the change, either the Mayor's office, Service Director's office, or secretary of the Planning Commission. Roll call, 6 yeas, ordinance amended.
- Motion to vote on passage made by Mr. Houston, seconded by Ms. Cox. Roll call, 6 yeas, ordinance passed.
- Amended 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 Second Drive NW 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.
- Motion to amend made by Mr. Houston, seconded by Mr. Hitchcock. Mr. Houston said for an amendment because the first two blocks of Fair Ave. is already in the Central Business District, so they only need to rezone from Second Dr. to Fifth Dr. Mr. Day told the residents that he is voting for this amendment, but he will be voting against the issue after the Public Hearing on April 8, 2002. Ms. Cox said she would vote against it, also.
- 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. (2nd Reading)
- 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. (2nd Reading)
- 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. (2nd Reading)
- 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. (2nd Reading)

Motion to suspend the rules made by Ms. Cox, seconded by Mr. Maurer. Roll call, 6 yeas, rules suspended.

Motion to vote on passage made by Ms. Cox, seconded by Mr. Hitchcock. Roll call, 6 yeas, ordinance passed.

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. (2nd Reading)

Motion to suspend the rules made by Ms. Cox, seconded by Mr. Cicconetti. Roll call, 6 yeas, rules suspended.

Motion to vote on passage made by Ms. Cox, seconded by Mr. Day. Roll call, 6 yeas, ordinance passed.

26-2002 An ordinance to increase permit fees under New Philadelphia Codified Ordinance 1309.01 by enacting a new permit fee schedule and repealing existing Section 1309.01, and declaring an emergency. (1st Reading)

27-2002 An ordinance by the Council of the City of New Philadelphia accepting the Creekside Development #3 Plat, and declaring an emergency. (1st Reading)

28-2002 An ordinance by the Council of the City of New Philadelphia to authorize the Mayor to enter into a purchase agreement with Jack and Carol Phillips to purchase 18.151 acres which adjoins the New Philadelphia City park ground for the sum of \$96,000.00 and declaring an emergency. (1st Reading)

Motion to suspend the rules made by Mr. Houston, seconded by Ms. Cox. Roll call, 6 yeas, rules suspended.

Motion to vote on passage made by Ms. Cox, seconded by Mr. Hitchcock. Roll call, 6 yeas, ordinance passed.

29-2002 An ordinance by the Council of the City of New Philadelphia to authorize the law Director to proceed with the annexation of certain territory owned by the City of New Philadelphia and contiguous to the City of New Philadelphia located on the south side of New Philadelphia immediately west of Donald Drive SW and adjacent to Mistie Dawn Estates Fifth Addition and Larkin First Addition, and declaring an emergency. (1st Reading)

30-2002 An ordinance to make appropriations for current expenses and other expenditures of the City of New Philadelphia, State of Ohio, during the fiscal year ending December 31, 2002, and declaring an emergency. (1st Reading)

Motion to suspend the rules made by Ms. Cox, seconded by Mr. Maurer. Roll call, 6 yeas, rules suspended.

Motion to vote on passage made by Ms. Cox, seconded by Mr. Maurer. Roll call, 6 yeas, ordinance passed.

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. (3rd Reading)

Motion to vote on passage made by Ms. Cox, seconded by Mr. Hitchcock. Roll call, 6 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. (2nd Reading)

Motion to suspend the rules made by Ms. Cox, seconded by Mr. Cicconetti. Roll call, 6 yeas, rules suspended.

Motion to vote on passage made by Ms. Cox, seconded by Mr. Cicconetti. Roll call, 6 yeas, resolution passed.

15-2002 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 Mark G. and Brenda I. Luikart as required by Chapter 709.031 of the Ohio Revised Code, and declaring an emergency. (1st Reading)

Motion to suspend the rules made by Mr. Houston, seconded by Mr. Cicconetti. Roll call, 6 yeas, rules suspended.

Motion to vote on passage made by Ms. Cox, seconded by Mr. Cicconetti. Roll call, 6 yeas, resolution passed.

OLD OR UNFINISHED BUSINESS: NONE

NEW BUSINESS: NONE

MOTION TO ADJOURN MADE BY MR. HOUSTON. MOTION PASSED. MEETING ADJOURNED AT 9:16 P.M.

CLERK OF COUNCIL _____

APPROVED April 8, 2002

PRESIDENT OF COUNCIL _____