

**SALARY COMMITTEE  
MEETING MINUTES  
MONDAY, June 19, 2017**

*The Salary Committee met June 19, 2017 PM in the Council Chambers at the Knisely Centre. The purpose of the meeting was to review Chapter 531 of the Codified Ordinances of New Philadelphia, Oh.*

*In attendance were Salary Committeepersons:*

*Mr. Darrin Lautenschleger  
Mr. Dean Holland  
Alternate: Aimee May  
Committee Chairperson Mr. John Zucal.*

*Guests were:*

*Service Director Ron McAbier,  
Safety Director Greg Popham  
Council Clerk Julie Courtright,  
Police Chief Mike Goodwin*

***Salary Committee Chairperson, John Zucal called the meeting to order at 6:30 PM.***

*Mr. Zucal thanked everyone for coming to the meeting noted the reason for the meeting is a Glen Drive resident who has had a concern over the volume of noise generated by a neighbor. She has contacted both Mr. Zucal and Mayor Day. She expressed in her email to me that at first the neighbors played music outside, the music was very loud and she went over and spoke to the neighbors and kindly asked them if they could turn down the music. It seemed like at first the neighbors pacified her, another day goes by and the music is still loud. She went over, this time they weren't quite as receptive to her visit, they basically told her that it was their home, it was their space, it was during the hours where they could play the music loudly if they so choose. The Mayor and I talked about it because both of us have been contacted, and we decided that we should at least at this time listen to what others have to say about this, whether we as a Committee elect to go anywhere with it or to do nothing. If we reference the Codified Ordinances from the 2016 replacement 531.02 Section F 1 and 2 talks about loud speakers and public address systems. If you go down a little bit further under Subsection H referencing numbers 1, 2, and 3 specifically. It says between the hours of 11pm and 7am on weekdays, and before 7am and after 11pm on Sundays the noise ordinance applies.*

***Mr. Zucal confirmed with Police Chief Goodwin that there really is no noise ordinance that reflects the playing of radios. Chief Goodwin confirmed that was correct.***

*Mr. Zucal said the question that has been raised by the lady who contacted him is what can I do about my neighbor playing loud music. Mr. Zucal said there isn't a whole lot that can be done aside from maybe working to get along. The police have done their part and have been to the residence on Glen Drive to try to mediate the situation.*

***Mr. Zucal referenced some comparable pieces of legislation to look at.***

*The City of Mansfield says on private property between the hours of 9pm and 8am of the following day in a predominantly residential area there shouldn't be any type of loud noise when the sound is audible 50 feet from the property line of which the source of the sound is generated. The City of Medina has a noise ordinance in effect from 11pm until 8am.*

***Chief Goodwin made the following statement:***

*The original complaint occurred on May 17, 2017, which was a Wednesday, at 4:19 in the afternoon. The house that had the music playing was on the downhill side. The complainants said the lay of the land funnels the noise up to a window on a lower level. Where are you going to draw the line as to what is too loud? Is a conversation on your patio going to get too loud? Until the department goes around with a decibel reader, which I don't think is a good idea, then we've got to enforce it.*

**Mr. Zucal made the following statement:**

*Under the definition 531.01 noise means any sound that annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans of which unreasonable interferes with the peace and serenity of residents. I know that noise annoys her, it disturbs her, it tends to cause some psychological or physiological effects. There is an individual in the home who needs rest and can't get it because it interferes with the serenity of that neighborhood.*

**Safety Director Popham made the following statement:**

*She also would have the right to make an appointment with the City Prosecutor, sit down with that Prosecutor, who will have to defend this case if and when it would go to court. She would explain to him why this is disturbing her, and they could draw the charge up.*

**Councilman Lautenschleger had the following comment:**

*I was here when the Ordinance was updated in 2010 and I think that was Mr. Popham and Chief Urban That kind of brokered that deal with Bud n Tooties.*

**Mr. Zucal made the following statement:**

*I think we all realize it's more of an annoyance if it's somebody we don't get along with. If friends of ours are playing loud music we don't really mind it too much.*

**Mr. Holland made the following statement:**

*All of the 4 Cities that I worked for had a DB requirement that is applicable 24 hours a day. You can make as much noise at high noon as you can at midnight. The ordinance itself is laid out to try to reduce the extent of that during what would be considered normal sleeping hours. The only way you can successfully prosecute is if you have a measuring device.*

**Mr. Zucal made the following statement:**

*Would this be the route we prefer to go as a Committee to say we're not prepared to act on this and change anything legislatively. Here's the recommendation, make an appointment with a Prosecutor and see if he is willing to take that on.*

**Action:** *The Committee will not move forward with changes in Legislation in regards to Codified Ordinance 531.02 which exists on the record, but we will make a suggestion to the offended resident that she may pursue her rights by contacting the City Prosecutor and sitting down and trying to provide some evidence as to whether or not this could be handled as a City matter.*

*Mr. Lautenschleger made a motion for the Meeting to adjourn.*

*The Meeting of the Salary Committee adjourned at 7:00 pm.*