

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON JUNE 28, 2004 AT 7:30 P.M. WITH PRESIDENT OF COUNCIL PRO TEM GEORGE HOUSTON PRESIDING. MR. HOUSTON OFFERED A PRAYER, AND ALL IN ATTENDANCE RECITED THE PLEDGE OF ALLEGIANCE.

COUNCIL MEMBERS IN ATTENDANCE: MS. SANDRA COX
MR. BILL ELLWOOD
MR. SAM HITCHCOCK
MR. GEORGE HOUSTON
MR. DARRIN LAUTENSCHLEGER
MR. JIM LOCKER
MR. ROB MAURER

THE MINUTES OF JUNE 14, 2004 WERE APPROVED AS WRITTEN AND RECEIVED.

CORRESPONDENCE CLERK DIANE ROUDEBUSH

1. Finance Committee meeting minutes of June 14, 2004.
2. Finance Committee meeting minutes of June 21, 2004.
3. A notice from the Ohio Division of Liquor Control requesting a C1 and C2 permit to Sours Oil Co. LLC, DBA Skips BP, 162 South Broadway, New Philadelphia, OH, and asking that any objections be made no later than July 19, 2004.

ADMINISTRATIVE REPORTS:

MAYOR'S REPORT MAYOR RON BRODZINSKI

Submitted a written report of the activities of his office from June 15 through June 28, 2004. Reported that on June 18 he attended the groundbreaking for the new Senior Center near Heritage Square. Reported that GOBA arrived last week, and was a great success. Reported that the Soap Box Derby was held this past weekend, and in a two-man race with Dover Mayor Rick Homrighausen, Mayor Brodzinski was the victor. Reported that the First Town Days Festival will run from July 2-5, with the annual parade being held on July 2 and the softball game between the City Slickers and The Tuscarawas County Terminators will be held July 3 at 9:00 a.m. Mayor Brodzinski urged residents who experienced any flooding during the heavy rains from June 25-28 to notify the EMA for possible federal funding. Mayor Brodzinski thanked all city employees for their help with the residents during that time.

SERVICE DIRECTORMR. GARY ESPENSCHIED

Reported that he attended a conference on June 16 with representatives of the U.S. Department of Commerce, Economic Development concerning requirements for projects granted in 2004, of which the Hi-Tech Park is the city's project.

SAFETY DIRECTORMR. GREG POPHAM

Reported that Theresa Everett has been hired for the position of parking control officer. Relinquished the floor to Police Chief Jeff Urban, who informed Council that in regards to Ordinance 31-2004, an additional K-9 unit in the police department, an anonymous benefactor has offered to pick up overtime costs in connection with the K-9 unit. He reminded everyone that all costs associated with the dog are being donated, and he urged Council to pass this ordinance. Ms. Rachel Silverstone, representing the Humane Society, urged Council to pass this ordinance. She said the Humane Society will gladly help with any costs associated with the dog.

AUDITOR MS. BETH GUNDY

Requested passage tonight of Ordinance 34-2004, after it is amended to increase the appropriations for Municipal Complex Projects Fund. Ms. Cox made a motion to amend Ordinance 34-2004. Mr. Locker seconded the motion. Roll call, 7 yeas, amendment passed.

TREASURER MR. MIKE TAYLOR ABSENT NO REPORT

LAW DIRECTOR MR. MIKE JOHNSON ABSENT NO REPORT

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION MAYOR BRODZINSKI

Will meet July 14, 2004 at 1:00 P.M. in Council Chambers.

BOARD OF ZONING APPEALS MR. GARY ESPENSCHIED

Will meet July 6, 2004 at 5:00 P.M. in Council Chambers.

AIRPORT COMMISSION MR. JIM LOCKER

Will meet July 13, 2004 at 6:00 P.M. at the Airport.

PARK BOARD MR. DARRIN LAUTENSCHLEGER

Reported that the Board is in summer recess until September.

HEALTH BOARD. MS. SANDRA COX

Will meet July 14, 2004 in the Health Department at noon.

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEE. MS. SANDRA COX

Informed Council that, on June 22, the Sharon Moravian Church donated a Bible for the Bicentennial Time Capsule. Reported meeting June 14 to discuss Ordinance 34-2004, amending the appropriations, and Resolution 22-2004, to transfer funds for the sidewalk improvement program. Both pieces of legislation were approved. Other items discussed, with no action taken, were: update on cell towers, paving, revenues, crossing guards, fire department call outs, and input on a possible ½% income tax. Ms. Cox also reported meeting on June 21 to discuss Ordinance 31-2004, a request for an additional K-9 unit in the Police Department, and payment to the Mayor for health insurance cost. The Committee voted not to support Ordinance 31-2004 because of concerns for additional strains on the budget. Concerning the additional payment to the Mayor for health insurance costs, the Committee voted to approve it after changes are made, including the change from a resolution to an ordinance.

SALARY COMMITTEE MR. JIM LOCKER NO REPORT

Mr. Houston assigned a request to review salaries for several members of the administration to both the Salary Committee and the Finance Committee.

SAFETY, HEALTH, AND SERVICE COMMITTEE MR. SAM HITCHCOCK

Urged Council to approve Ordinance 31-2004, an additional K-9 unit in the police department.

PUBLIC WORKS & ECONOMIC DEVELOPMENT COMMITTEE. MR. ROB MAURER

Thanked everyone for their well wishes, cards, and the Hollywood Video gift card that city employees gave to him during his recent back surgery. He said everything went well. Mr. Maurer apologized to his constituents for his inability to help them during the recent flooding, since it happened during his recent recuperation. On behalf of Mayor Brodzinski, he requested passage tonight of Resolution 21-2004.

AT 8:00 P.M. COUNCIL ADJOURNED FROM REGULAR SESSION INTO PUBLIC HEARING TO DISCUSS ORDINANCE 29-2004.

Ordinance 29-2004 An ordinance by the Council of the City of New Philadelphia, Ohio to change zoning for a 0.319 acre tract located at 812 Kaderly Street, New Philadelphia, Ohio from Residential to Business, and declaring an emergency.

Luke Marino, who is requesting this rezoning, presented a petition from area residents stating that they do not oppose this rezoning

AT 8:04 P.M. COUNCIL ADJOURNED FROM PUBLIC HEARING AND RECONVENED INTO REGULAR SESSION.

ZONING & ANNEXATION COMMITTEE. MR. GEORGE HOUSTON

Reported that his committee has reviewed Ordinance 29-2004, but they made no recommendation.

PARKS & CEMETERY COMMITTEE MR. DARRIN LAUTENSCHLEGER NO REPORT

CONTACT & SPECIAL COMMITTEE MR. BILL ELLWOOD

Reported meeting tonight to discuss a request for a liquor permit to Hot Shots at 143 West High Avenue. The Committee is requesting a Public Hearing with the Liquor Control Commission, since the businesses in that area oppose another liquor establishment. The Committee will also request a Public Hearing for Skips BP at 162 South Broadway. They are requesting a C1 and C2 permit.

VISITOR’S COMMENTS:

Mr. Houston asked that anyone wishing to speak keep in mind that council and administration are here to serve the people, and they ask that people give full respect and patience. Mr. Houston introduced General Services Superintendent Fred Neff, Service Director Gary Espenschied, Assistant Service Director Jim Zucal, Water Superintendent Kelly Ricklic, and Wastewater Superintendent Jim Dinger who were in attendance to address any questions or concerns about the recent flooding problems.

Kyle Courtwright, 2173 Denise Dr., New Philadelphia, asked if an assignment to committee could be made to discuss the water runoff in Honey Valley. Mr. Houston assigned it to the Public Works Committee. Mr. Maurer scheduled a meeting for Tuesday, July 6 at 6:00 P.M. to address this problem.

Paul Mishler, 1006 3rd St. N.W., New Philadelphia, asked if the Beaver Dam Creek could be dredged, since the last time it was dredged was in 1969. He thinks some of the flooding could have been alleviated if it had been dredged. He said he heard that Gradall volunteered the use of their equipment for training purposes. Mr. Houston said some of the homes that experienced flooding were in the city’s flood plain. Assistant Service Director Jim Zucal said the Army Corps of Engineers is the direct authority for the

Beaver Dam Creek. Mr. Mishler asked that Army Corps. Be contacted to see what can be done. Mayor Brodzinski said the city would contact them. He added that this is was an extremely unusual situation, since so much rain fell in such a short time. He said the creek could not handle this volume of water.

Dante Silvestri, 225 7th St. N.E., New Philadelphia, encouraged council and the administration to come to that area to see what the residents experienced. He agreed with Mr. Mishler that the creek needs to be dredged. Mr. Espenschied said that he has been there, and he has spoken to someone that will fly to that area to get an aerial view.

Raymond Butts, 1221 Ray Ave. N.E., New Philadelphia, said he would also like to see the creek dredged.

Tom Raiff, 219 7th St. N.E., New Philadelphia, asked Mr. Zucal if the Lagoon is in a flood plain, because it appeared that the gate was opened. Mr. Zucal said the information provided to Mr. Raiff concerning the Lagoon was inaccurate, and he asked General Services Superintendent Fred Neff to explain. Mr. Neff said that no one opened the gate, and he explained how the overflow system works. He asked that anyone to see how it operates to contact him and he will gladly show them. Mr. Zucal said he would gladly show the tax maps provided by the County Auditor to show ownership of the Beaver Dam Creek. Mr. Zucal added that the Lagoon is not in the flood plain, because it is based on elevation and the Lagoon and the Tuscarawas River is not in the flood plain. Mr. Raiff asked that the city do something to help the residents in that area.

Jim Kollar, 564 Crider Ave., N.E., New Philadelphia, said he has lived near the Creek since 1972 and the bank used to be cleaned out. He said houses were built on Beitler Ave. and storm sewers were put in on one side of the road, but not on the other. He asked if the Mayor had ever come and looked at that area. Mayor Brodzinski said he had, and it appeared the water was going into the drains, but it wasn't as heavy of a rainfall as we recently experienced. He said Mr. Espenschied promised a drain there, but nothing was ever done. He said it is time the city clean out the limbs and logs from the Creek.

Dick Rausch, 715 Oak St., New Philadelphia, said he sympathizes with the residents in that area, because he experienced the same problems in that past. He said, though, that only a 36" pipe delivers the water from the lagoon to the creek. He said he knows the city has looked at the problem in the past, including when he was Service Director, but problems cannot be blamed on the Lagoon. He said it was simply too much water in a short period of time.

Sue Fox, 218 8th Dr. N.E., New Philadelphia, presented pictures of the flooding that she has experienced. She said she is aware that she lives in a flood plain, but was very offended by a newspaper article by Mr. Zucal. She said she found the article to be arrogant and unsympathetic, and she resented it. She said she was born and raised in that area, and there was never a problem until now. She said it looked like a wave of water came gushing towards her house, and she only had a short period of time to get things out of the way. She thanked the fire fighters for their help, but said she and her neighbors experienced major problems. She asked that this problem be taken very serious. Mr. Houston defended Mr. Zucal, and said the article he wrote was based on facts.

Edward Connor, 461 3rd St. N.E., New Philadelphia, said the water he received was not flood water, but it came up through his sewer. Wastewater Superintendent Jim Dinger said the sanitary sewer was probably surged in that area, and everything backed up.

Linda Hobart, 1622 Kent Circle, New Philadelphia, said there are no storm sewers on Hicks Avenue, and they have asked the city for years to do something there. She said she contacts Goshen Township and

they blame the city, and in turn the city says it is the Township's problem. She said current and past administration has been contacted to alleviate the water problems, and nothing has ever been done.

Rob Brown, 268 Kent Circle, New Philadelphia, said he thinks the problems are in connection with the Rutledge Farms, and he is concerned about future development there. He asked that the city do all they can to minimize the problems when they occur.

John Anderson, 2167 Denise Dr., New Philadelphia, said the city is allowing new development without addressing water runoff. He said his streets are falling apart, and no one cares.

Ms. Courtwright, 2173 Denise Dr., New Philadelphia, asked who is responsible for the development of Honey Valley, the City or Demattio. She said they are getting the run around, and no one seems to take responsibility. Service Director Gary Espenschied said the city is responsible for drainage. She said the maps show storm drains that are not there.

Mayor Brodzinski said water runoff is the \$1 priority of the Planning Commission, and it is taken very seriously before any new development is approved.

Ralph Shanower, 1049 South Broadway, New Philadelphia, said there is a lack of storm sewers in his area on the Southside. He said he is flooded every time it rains, not just in heavy rainfalls.

Bruce Rich, 143 13th St. N.E., New Philadelphia, said he is in the flood plain and has experienced flooding before, but he is also concerned about new developments. He encouraged the dredging of the creek, and asked that the diameters of the storm sewers be increased.

Stacy Heiser, 290 Kent Circle, New Philadelphia said they had flooding, but it had nothing to do with the Beaver Dam Creek, if came from the Rutledge Farms.

Jeff Fahner, 1605 Rolland Ave. N.E., New Philadelphia, said the city's flooding problem needs to be dealt with before new construction is allowed to take place. He said new annexation should be stopped until current problems with water runoff are handled.

Carol Anderson, 2167 Denise Dr., New Philadelphia, asked why the developer is allowed to proceed when flooding happens. She asked who is responsible, the developer or the city, for water problems and the deterioration of their streets. Service Director Gary Espenschied said if the allotment is more than a year old, the city is responsible. New development, under 1 year, is the responsibility of the developer. Mr. Espenschied said, since he has been with the city, inspectors look at the developments when they are being done. He cannot speak for what was done prior to his being in that capacity. He said the streets should not be falling apart, and the developer should be responsible for what they do.

Mayor Brodzinski said it has been a difficult time for everyone, and he has informed the Water Department to give average water bills for this time period, and not charge for the extra water that was used for cleanup. He said all city departments aided the residents as much as they could. He encouraged everyone to contact the EMA for possible federal funding.

Councilman Jim Locker said he sympathizes for everyone who experienced flooding, because he has had flooding in the past. He said he knows the city will work with everyone.

READING OF ORDINANCES AND RESOLUTIONS:

ORDINANCES:

- 14-2004 An ordinance by the Council of the City of New Philadelphia to authorize the re-conveyance of a 4.259 acre tract which is part of the Ohio and Erie Canal lands within the City of New Philadelphia, and declaring an emergency. (4th Reading)
- Motion to vote on passage made by Ms. Cox, seconded by Mr. Hitchcock. Roll call, 0 yeas 7 nays, ordinance failed.
- 29-2004 An ordinance by the Council of the City of New Philadelphia, Ohio to change zoning for a 0.319 acre tract located at 812 Kaderly Street, New Philadelphia, Ohio from Residential to Business, and declaring an emergency. (3rd Reading)
- Motion to vote on passage made by Mr. Ellwood, seconded by Mr. Locker. Roll call, 7 yeas, ordinance passed.
- 30-2004 An ordinance by the Council of the City of New Philadelphia to vacate the remaining three-foot strip (.014 acre) of a vacated alley located off of Commercial Avenue SE in New Philadelphia and to rescind a utility easement held by the City of New Philadelphia, and declaring an emergency. (3rd Reading)
- Motion to vote on passage made by Ms. Cox, seconded by Mr. Locker. Roll call, 7 yeas, ordinance passed.
- 31-2004 An ordinance by the Council of the City of New Philadelphia, Ohio to amend the K-9 unit ordinance to allow a second dog and handler, and declaring an emergency. (3rd Reading)
- Motion to vote on passage made by Mr. Hitchcock, seconded by Mr. Lautenschleger. Roll call, 3 yeas 4 nays (Cox, Ellwood, Houston, and Locker), ordinance failed.
- 34-2004 An ordinance amending and adjusting the permanent appropriations ordinance for the year 2004 and declaring an emergency. (2nd Reading)
- Motion to suspend the rules made by Ms. Cox, seconded by Mr. Locker. Roll call, 7 yeas, rules suspended.
- Motion to vote on passage made by Mr. Locker, seconded by Ms. Cox. Roll call, 7 yeas, ordinance passed.
- 36-2004 An ordinance by the Council of the City of New Philadelphia to enact replacement Chapter 767 – Tattooing/Body Piercing to the Codified Ordinances of the City of New Philadelphia and to repeal existing Section 767.01 of the Codified Ordinances of the City of New Philadelphia, Ohio, and declaring an emergency. (2nd Reading)
- 37-2004 An ordinance to authorize additional payment to the Mayor for health insurance cost, and declaring an emergency. (1st Reading)

38-2004 An ordinance authorizing a request to the Ohio Board of Building Standards to certify the City of New Philadelphia to exercise enforcement authority in accordance with the Ohio Basic Building Code with the condition that the Tuscarawas County Building Department perform all inspections, and authorizing an agreement for such enforcement between the City of New Philadelphia and Tuscarawas County, Ohio. (1st Reading)

Mr. Houston assigned this ordinance to the Public Works Committee.

39-2004 An ordinance amending Sections 3 and 4 of Ordinance No. 3283 providing for an increase of one-half percent (1/2%) in the existing income tax levied by the City of New Philadelphia, effective January 1, 2005 and continuing until revoked, to provide funds for general municipal operations, maintenance, new equipment, extension and enlargement of municipal services and facilities and capital improvements, and declaring an emergency. (1st Reading)

Mr. Houston assigned this ordinance to the Finance Committee.

RESOLUTIONS:

21-2004 A resolution by the Council of the City of New Philadelphia, Tuscarawas County, Ohio, authorizing and directing the Mayor of the said City of New Philadelphia to act as the signature designee and to file an application for financial assistance under Title 1 of the Housing and Community Development Act of 1974 (PL93-383) to the Ohio Department of Development, Division of Community Development, Office of Local Government Services, and declaring an emergency. (1st Reading)

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

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

22-2004 A resolution by the Council of the City of New Philadelphia, Ohio to authorize and direct the Auditor of the City of New Philadelphia to transfer \$25,000.00 from the General Fund #101 to the Sidewalk Improvement Fund #285, and declaring an emergency. (2nd 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. Ellwood. Roll call, 7 yeas, resolution passed.

23-2004 A resolution declaring the necessity of an election on the question of approving the passage of an ordinance amending Ordinance No. 3283, as amended, providing for an increase of one-half percent (1/2%) in the existing income tax levied by the City of New Philadelphia, effective January 1, 2005 and continuing until revoked to provide funds for general municipal operations, maintenance, new equipment, extension and enlargement of municipal services and facilities and capital improvements, and declaring an emergency. (1st Reading)

Mr. Houston assigned this resolution to the Finance Committee.

OLD OR UNFINISHED BUSINESS: NONE

NEW BUSINESS:

Mr. Maurer added Ordinance 38-2004 to the agenda for his July 6 meeting at 6:00 P.M.

MOTION TO ADJOURN MADE BY MS. COX. MEETING ADJOURNED AT 9:20 P.M.

CLERK OF COUNCIL _____

APPROVED June 28, 2004

PRESIDENT OF COUNCIL _____