

Dover City Council Minutes of April 6, 2009

President Tim Tarulli called the meeting to order at 7:30 pm. All stood for the invocation that was given by Rev. Ken Yoder from Wooster Highway Church of God and all recited the Pledge of Allegiance.

Roll Call: Bair, Gunnoe, Maurer, Mueller, Parolini, Moss...Six (6) present.

Motion by Maurer to excuse Mark Cappell. Seconded by Mueller and the motion carried.

Acceptance of March 16, 2009 regular council meeting minutes as presented. Motion by Parolini. Seconded by Gunnoe. Discussion. The motion carried.

Acceptance of March 23, 2009 special council meeting minutes as presented. Motion by Maurer. Seconded by Mueller. Discussion. The motion carried.

COMMITTEE REPORTS:

Service Bair – No formal report. Service meeting scheduled for April 13, 2009 at 7:00 pm in the Service Director's office.

Parks & Recreation Gunnoe – No formal report.

Safety Moss – No formal report.

Planning and Zoning Mueller – One committee recommendation for resolution: that an emergency resolution be prepared declaring the necessity and intention to appropriate for street purposes certain easements and fee simple interests in and to various premises along Tuscarawas Avenue to facilitate the construction of a new bridge over the Tuscarawas River and related roadway improvements. Mueller called a Planning and Zoning meeting for April 20, 2009 at 7:00 pm.

Human Resources Maurer – Two recommendations for resolutions: (1) that an emergency resolution be prepared authorizing the City of Dover to pick up the entire ten percent (10%) mandatory contributions of the Dover Fire Chief, who is a participating member of the Ohio Police & Fire Pension Fund, (2) that an emergency resolution be prepared authorizing the City of Dover to pick up the entire ten percent (10%) mandatory contributions of the Dover Police Chief, who is a participating member of the Ohio Police & Fire Pension Fund. Maurer stated that he will be asking for rules suspension and passage this evening.

Finance Cappell – Per Maurer no formal report. Maurer stated that Cappell is planning on attending the meeting on the 20th.

Utilities Parolini – No formal report. Parolini scheduled a utilities meeting for April 13, 2009 at 6:15 pm.

ADMINISTRATION REPORTS:

Mayor Homrighausen – The Mayor acknowledged two letters received from Time Warner Cable regarding channel line up changes and the separation of Time Warner, Inc. and Time Warner Cable. The Mayor also passed out and spoke on an email received from a Dover resident regarding Time Warner Cable and the proposed offering of broadband services from the City of Dover. Mayor Homrighausen reported that he attended the Tuscarawas County Tax Incentive Review Council meeting on March 11,

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2009. One request for assignment: that an ordinance be prepared enacting legislation and acceptance of the recommendations set forth by the Tuscarawas County Tax Incentive Review Council's enterprise zone agreement review and recommendations. Passing this legislation will enable Dover to remain compliant with the state's enterprise zone agreements. The Mayor passed out a news release issued by the Ohio EPA announcing the final permit for the AMPGS solid waste facility. The Mayor also recognized Frank Brechbiehl who was in attendance and thanked him for his years of dedicated service to the City of Dover. Mayor Homrighausen requested executive session immediately following legislation for the purpose of discussing land acquisition.

Auditor Fox – No formal report. Fox scheduled a finance meeting for April 14, 2009 at 6:15 pm and will check with Cappell to see if he can attend.

Law Director O'Meara – O'Meara asked for rules suspension and passage of resolution 05-09, resolution 06-09, resolution 07-09 and ordinance 25-09.

Service Director Douglas – Three requests for assignments: (1) a request for a committee assignment from Nate Levensgood for the de-annexation of his property located at 1637 Horns Lane, (2) a request for committee assignment to review and consider the appropriation of funds for the proposed installation of a sanitary sewer beginning at the intersection of Tuscarawas Avenue and Rose Court and installing approximately 246 linear feet of 8" sanitary sewer east to the end of Rose Court. Not to exceed \$22,000.00 including engineering, (3) for a committee assignment to prepare an emergency ordinance authorizing the Service Director to advertise for bids and enter into a contract for the construction of two public restrooms in the north half of the existing City Park Maintenance Building. In an amount not to exceed \$61,500.00.

Safety Director Vorhees – Vorhees attended the Mother's Against Drunk Driving banquet on April 2, 2009 where officers were recognized for their dedication to getting impaired drivers off the road. Of the 82 DUI arrests in 2008, Dover officer Jason Peters, on the midnight shift, made 24 of those arrests. Vorhees presented Peters with an award during the banquet. Moss asked Vorhees about the Wooster Avenue / Front Street intersection where trucks have damaged the curb. Douglas stated he will look into repairing the curb and Vorhees stated he will look into moving the "stop here on red" sign and bar.

City Engineer Dummermuth – No formal report.

Fire Chief Russ Volkert – No Formal Report. Volkert stated he and the fire department were glad to accommodate the council meeting and welcomed everyone to the fire station.

NOTICES & COMMUNICATIONS:

Monthly Reports – None

Notices – None.

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PREABLES:

Resolution 02-09, Resolution 03-09, Emergency Resolution 04-09, Emergency Resolution 05-09, Emergency Resolution 06-09, Emergency Resolution 07-09, Ordinance 15-09, Ordinance 17-09, Ordinance 18-09, Ordinance 19-09, Emergency Ordinance 20-09, Emergency Ordinance 21-09, Ordinance 23-09, Ordinance 24-09, Emergency Ordinance 25-09

AUDIENCE:

Dan Rice of the Ohio & Erie Canalway Coalition made a presentation regarding the Tuscarawas County Trail and Greenspace Plan. During his presentation, Rice updated council on the progress of the Towpath Trail and stated the goal is to be able to bicycle from the Dover / New Philadelphia area to Cuyahoga County. Rice thanked council for their past support and asked for their continued support in the future.

Dennis Traver spoke to council on behalf of his client, Nate Levensgood, who recently purchased property on Horns Lane. Traver stated that his client lives in the Dover city limits but cannot get city water. His client would like to drill a well and de-annex from the city.

RECOMMENDATIONS:

Recommendation by Bob Mueller of the Planning and Zoning Committee that an emergency resolution be prepared declaring the necessity and intention to appropriate for street purposes certain easements and fee simple interests in and to various premises along Tuscarawas Avenue to facilitate the construction of a new bridge over the Tuscarawas River and related roadway improvements. Mueller motioned to accept. Seconded by Bair. Discussion. Motion carried. Accepted.

Recommendation from Don Maurer Chairman of the Human Resources Committee that an emergency resolution be prepared authorizing the City of Dover to pick up the entire ten percent (10%) mandatory contributions of the Dover Fire Chief, who is a participating member of the Ohio Police & Fire Pension Fund. Maurer motioned to accept. Seconded by Mueller. Discussion. Motion carried. Accepted.

Recommendation from Don Maurer Chairman of the Human Resources Committee that an emergency resolution be prepared authorizing the City of Dover to pick up the entire ten percent (10%) mandatory contributions of the Dover Police Chief, who is a participating member of the Ohio Police & Fire Pension Fund. Maurer motioned to accept. Seconded by Mueller. Discussion. Motion carried. Accepted.

ASSIGNMENTS:

Request for an assignment from the Mayor that an ordinance be prepared enacting legislation and acceptance of the recommendations set forth by the Tuscarawas County Tax Incentive Review Council's enterprise zone agreement review and recommendations to PLANNING AND ZONING.

Request for an assignment from the Service Director for a committee assignment from Nate Levensgood for the de-annexation of his property located at 1637 Horns Lane to PLANNING AND ZONING.

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Request for an assignment from the Service Director to review and consider the appropriation of funds for the proposed installation of a sanitary sewer beginning at the intersection of Tuscarawas Avenue and Rose Court and installing approximately 246 linear feet of 8" sanitary sewer east to the end of Rose Court. Not to exceed \$22,000.00 including engineering to SERVICE.

Request for an assignment from the Service Director to prepare an emergency ordinance authorizing the Service Director to advertise for bids and enter into a contract for the construction of two public restrooms in the north half of the existing City Park Maintenance Building. In an amount not to exceed \$61,500.00 to SERVICE.

UNFINISHED BUSINESS:

Maurer motioned to enter into executive session. Bair seconded. Discussion. Roll call. 6 yeas. Motion carried. Executive Session.

LEGISLATION:

Resolution 02-09 up for Fifth Reading. A resolution recognizing, commending, and thanking Megan Linard for her dedicated public service as Clerk of Council for the City of Dover. Maurer motioned to pass. Seconded by Mueller. Discussion. Roll call. 6 yeas. Motion carried. Passed.

Resolution 03-09 up for Third Reading. A resolution recognizing, commending, and thanking Frank "Whitey" Brechbiehl for his nineteen years of dedicated public service to the Dover Planning Commission. Maurer motioned to pass. Seconded by Mueller. Discussion. Roll call. 6 yeas. Motion carried. Passed.

Emergency Resolution 04-09 up for Second Reading. An Emergency Resolution pursuant to Dover codified ordinance section 155.01, granting Dover city employee Chad Stocker a one-time, six (6) month extension, of the requirements of residency applicable to Dover city employees. Maurer motioned to hold. Seconded by Mueller. Discussion. Motion carried. Held.

Emergency Resolution 5-09 up for First Reading. An Emergency Resolution authorizing the City of Dover to pick up the entire ten percent (10%) mandatory contributions of the Dover Fire Chief, who is a participating member of the Ohio Police & Fire Pension Fund. Maurer motioned to suspend rules. Seconded by Mueller. Discussion. Roll call. 6 yeas. Motion carried. Suspended. Maurer motioned to pass. Seconded by Mueller. Discussion. Roll call. 6 yeas. Motion carried. Passed.

Emergency Resolution 6-09 up for First Reading. An Emergency Resolution authorizing the City of Dover to pick up the entire ten percent (10%) mandatory contributions of the Dover Police Chief, who is a participating member of the Ohio Police & Fire Pension Fund. Maurer motioned to suspend rules. Seconded by Mueller. Discussion. Roll call. 6 yeas. Motion carried. Suspended. Maurer motioned to pass. Seconded by Mueller. Discussion. Roll call. 6 yeas. Motion carried. Passed.

Emergency Resolution 07-09 up for First Reading. An Emergency Resolution declaring the necessity and intention to appropriate for street purposes certain easements and fee simple interests in and to various premises along Tuscarawas Avenue to facilitate the construction of a new bridge over the Tuscarawas

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River and related roadway improvements. Mueller motioned to suspend rules. Seconded by Bair. Discussion. Roll call. 6 yeas. Motion carried. Suspended. Mueller motioned to pass. Seconded by Bair. Discussion. Roll call. 6 yeas. Motion carried. Passed.

Ordinance 15-09 up for the Third Reading. An ordinance to amend Dover codified ordinances to provide for comprehensive sign regulation in the City of Dover. Mueller motioned to pass. Seconded by Bair. Discussion. Roll call. 6 yeas. Motion carried. Passed.

Ordinance no. 17-09 up for Third Reading. An ordinance vacating a portion of a sixteen foot wide unnamed public alley in the Blatz and Dickinson's second addition to the City of Dover that bi-sects the property owned by Jeff Stockert and as more specifically described in the description attached as Appendix A and the plat attached as Exhibit B. Mueller motioned to hold. Seconded by Bair. Discussion. Motion carried. Held.

Ordinance 18-09 up for Third Reading. An ordinance amending the zoning classification of the property located at 1573 State Route 39 NW, parcel # 15-06059-000 and as fully described in the attached appendix A, from its current zoning classification as "R-2" to a classification of "B-2". Mueller motioned to pass. Seconded by Bair. Discussion. Roll call. 6 yeas. Motion carried. Passed.

Ordinance 19-09 up for Second Reading. An ordinance authorizing the Director of Public Safety to advertise for bids and enter into a contract for the purchase of a triple combination rescue pumper fire apparatus for the Fire Department at a cost not to exceed four hundred and sixty thousand dollars (\$460,000.00) with the source of the funds, the equipment and pumper fund, line item # 330.745.57630. Moss motioned to hold. Seconded by Gunnoe. Discussion. Motion carried. Held.

Emergency ordinance 20-09 up for Second Reading. An Emergency Ordinance authorizing the Service Director to advertise for bids and enter into a contract for the street and curb improvements to the north-east corner of the intersection of Front Street and Tuscarawas Avenue in an amount not to exceed forty five thousand dollars (\$45,000.00). Bair motioned to suspend rules. Seconded by Gunnoe. Discussion. Roll call. 6 yeas. Motion carried. Suspended. Bair motioned to pass. Seconded by Gunnoe. Discussion. Roll call. 6 yeas. Motion carried. Passed.

Emergency ordinance 21-09 up for Second Reading. An Emergency Ordinance replacing Ordinance 58-02, 51-08 and amending Dover codified ordinance section 961.01 to modify the fees for ambulance services; and further authorizing the Fire Chief to implement a collection policy for unpaid ambulance service accounts. Moss motioned to hold. Seconded by Gunnoe. Discussion. Motion carried. Held.

Emergency Ordinance 23-09 up for First Reading. An Emergency Ordinance authorizing the Mayor to enter into a contract with Uptown Engineering service for the build out of the fiber system for the City of Dover pursuant to the attached request for proposal including costs and plans to build out the Dover fiber system at a cost of fifty thousand dollars (\$50,000.00) plus reasonable travel expenses. Said engineering service shall include a second option that will allow for a delay of the installation of the video and voice components of the system. Bair motioned to hold. Seconded by Parolini. Discussion. Motion carried. Held.

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Emergency Ordinance 24-09 up for First Reading. An Emergency Ordinance authorizing the Service Director to advertise for bids and enter into a contract for the removal of silt and to increase the capacity of the Indian Meadows retention pond including engineering in an amount not to exceed forty five thousand dollars (\$45,000.00). Bair motioned to hold. Seconded by Parolini. Discussion. Motion carried. Held.

Emergency ordinance 25-09 up for First Reading. An Emergency Ordinance to modify the commitment made by the City of Dover, as the local public agency, to the State of Ohio in ordinance 13-07; to authorize continued participation in the TUS-IR 77-24.50 project, PID no. 19734; and to provide funding for a final resolution of the disputes with the RJ Corman Railroad Company to facilitate the commencement of this project. Maurer motioned to suspend rules. Seconded by Mueller. Discussion. Roll call. 6 yeas. Motion carried. Suspended. Maurer motioned to pass. Seconded by Mueller. Discussion. Roll call. 6 yeas. Motion carried. Passed.

Council adjourned for executive session at 8:47 pm.

Executive session began at 8:55 pm and adjourned at 9:40 pm.

CLERK OF COUNCIL
Julie Leggett

PRESIDENT OF COUNCIL
Timothy Tarulli