

Dover City Council Minutes of April 20, 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, Cappell...Seven (7) present.

Acceptance of April 6, 2009 regular council meeting minutes as presented. Motion by Parolini. Seconded by Gunnoe. Discussion. The motion carried.

Acceptance of April 13, 2009 special council meeting minutes as presented. Motion by Bair. Seconded by Maurer. Discussion. The motion carried.

COMMITTEE REPORTS:

Service Bair – Requested that the recommendation for committee 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 be passed from Service to Finance. Service meeting scheduled for April 27, 2009 at 6:30 pm in the Service Director's office. Bair welcomed back Councilman Cappell.

Parks & Recreation Gunnoe – No formal report. Gunnoe welcomed back Councilman Cappell.

Safety Moss – One recommendation for ordinance from the safety meeting tonight: that an emergency ordinance authorizing the Fire Chief to participate in the 2009 F.I.R.E. Assistance to Firefighters Grant Program, both as a host agency for a regional grant for communications with a total grant budget not to exceed #650,000.00 with Dover's match requirement obligation not to exceed \$15,000.00 (10% of Dover's share) from Master Capital Fund Line item 330.745.5745. And to further apply for a grant to install an automatic fire suppression system for the Fire Station at a cost not to exceed \$2,500.00 (5% of Dover's share) source of funds Small Capital Expenditures line item 101.917.57810. Moss welcomed back Councilman Cappell.

Planning and Zoning Mueller – One committee recommendation for ordinance: that an ordinance be prepared de-annexing the property owned by Nate Levengood located at 1637 Horns Lane in Dover. Mueller welcomed back Councilman Cappell.

Human Resources Maurer – No Formal Report. Maurer welcomed back Councilman Cappell.

Finance Cappell – Two recommendations for ordinances: 1- An ordinance providing for the issuance and sale of \$7,500,000 notes, in anticipation of the issuance of bonds, for the purpose of paying costs of improving the Municipal Electric System by (1) constructing, installing and equipping a 69KV transmission line from the North intertie to the Municipal Electric Plant and fiber optic and other cable for the utilities' communication system, (2) acquiring, constructing installing and equipping certain electric generating units in cooperation with other municipal corporations, (3) constructing and extending transmission lines and fiber optic and other cable to State Route 39, and (4) constructing, installing and equipping pollution control facilities, all together with all necessary appurtenances thereto, and declaring an emergency, 2- that an emergency ordinance be prepared adopting a Dover identity theft policy. Cappell thanked everyone for their cards and visits.

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Utilities Parolini – No formal report. Parolini welcomed back Councilman Cappell.

ADMINISTRATION REPORTS:

Mayor Homrighausen – The Mayor read letters received from Time Warner Cable regarding channel line-up changes. Four requests for assignments: (1) Clyde McLaughlin owns property at 428 Broad Street and 424 Broad Street which is separated by an unopened alley. McLaughlin is requesting that this alley be vacated. The Dover Planning Commission recommends the alley vacation, (2) the Planning Commission recommends that under 1141.03 business and industrial District permitted and conditional uses that a conditional uses requiring board approval under B-2 highway or general business – the addition of “transport and trucking terminals” and under M-2 general industrial “retail services”, (3) the Planning Commission recommends for council to work with the administration regarding storm sewer specifications and the proposed use of plastic pipe, (4) from Sheriff Walt Wilson requesting the administration to complete the contract for housing inmates at the county jail from July 1, 2009 through June 30, 2010. The Mayor also stated that the Marino family that is donating the former Dover Brewery building to the City of Dover would like to move forward with the transfer of this property prior to the transfer date, as set by a previous ordinance. The Mayor asked council to consider this request and the Law Director to determine if this action would be appropriate. The Mayor asked for council to enter into executive session immediately following legislation for the purpose of discussing land acquisition. The Mayor welcomed back Councilman Cappell.

Auditor Fox – The fiscal officer’s certificate was presented to council prior to the first reading of Ordinance 28-09. Fox presented council with the fund cash position for the City of Dover for the first quarter of 2009. Fox welcomed back Councilman Cappell.

Law Director O’Meara – O’Meara asked for rules suspension and passage of Ordinance 26-09 which is a follow up to Resolution 08-09. O’Meara explained that Ordinance 27-09, regarding identity theft, is mandated by federal law and appoints Scott Daniels as compliance officer.

Service Director Douglas – Douglas welcomed back Councilman Cappell and reported that his office has been evaluating the use of concrete pipe vs. plastic pipe. Concrete pipe withstands traffic but is expensive to purchase and install. This has led to a proposed policy change allowing plastic pipe to be used on a case by case basis in which City Engineer Dummermuth will evaluate.

Safety Director Vorhees – Not present.

City Engineer Dummermuth – No formal report.

NOTICES & COMMUNICATIONS:

Monthly Reports – None

Notices – None.

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PREABLES:

Emergency Resolution 04-09, Ordinance 17-09, Ordinance 19-09, Emergency Ordinance 21-09, Emergency Ordinance 23-09, Emergency Ordinance 24-09, Emergency Ordinance 26-09, Emergency Ordinance 27-09, Ordinance 28-09

AUDIENCE:

None.

RECOMMENDATIONS:

Recommendation by Sandy Moss of the Safety Committee that an emergency ordinance authorizing the Fire Chief to participate in the 2009 F.I.R.E. Assistance to Firefighters Grant Program, both as a host agency for a regional grant for communications with a total grant budget not to exceed #650,000.00 with Dover's match requirement obligation not to exceed \$15,000.00 (10% of Dover's share) from Master Capital Fund Line item 330.745.5745. And to further apply for a grant to install an automatic fire suppression system for the Fire Station at a cost not to exceed \$2,500.00 (5% of Dover's share) source of funds Small Capital Expenditures line item 101.917.57810. Moss motioned to accept. Seconded by Gunnoe. Discussion. Motion carried. Accepted.

Recommendation from Bob Mueller Chairman of the Planning & Zoning Committee that an ordinance be prepared de-annexing the property owned by Nate Levengood located at 1637 Horns Lane in Dover. Mueller motioned to accept. Seconded by Bair. Discussion. Motion carried. Accepted.

Recommendation from Marc Cappell Chairman of the Finance Committee that an ordinance be prepared providing for the issuance and sale of \$7,500,000 notes, in anticipation of the issuance of bonds, for the purpose of paying costs of improving the Municipal Electric System by (1) constructing, installing and equipping a 69KV transmission line from the North intertie to the Municipal Electric Plant and fiber optic and other cable for the utilities' communication system, (2) acquiring, constructing installing and equipping certain electric generating units in cooperation with other municipal corporations, (3) constructing and extending transmission lines and fiber optic and other cable to State Route 39, and (4) constructing, installing and equipping pollution control facilities, all together with all necessary appurtenances thereto, and declaring an emergency. Cappell motioned to accept. Seconded by Parolini. Discussion. Motion carried. Accepted.

Recommendation from Marc Cappell Chairman of the Finance Committee that an emergency ordinance be prepared adopting a Dover identity theft policy. Cappell motioned to accept. Seconded by Maurer. Discussion. Motion carried. Accepted.

ASSIGNMENTS:

Request for an assignment from the Mayor that an ordinance be prepared for Clyde McLaughlin who owns property at 428 Broad Street and 424 Broad Street which is separated by an unopened alley. McLaughlin is requesting that this alley be vacated. The Dover Planning Commission recommends the alley vacation to PLANNING AND ZONING.

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Request for an assignment from the Mayor that an ordinance be prepared from the Planning Commission which recommends that under 1141.03 business and industrial District permitted and conditional uses that a conditional uses requiring board approval under B-2 highway or general business – the addition of “transport and trucking terminals” and under M-2 general industrial “retail services” to PLANNING AND ZONING.

Request for an assignment from the Mayor that an ordinance be prepared from the Planning Commission which recommends for council to work with the administration regarding storm sewer specifications and the proposed use of plastic pipe to SERVICE.

Request for an assignment from the Mayor that an ordinance be prepared based on Sheriff Walt Wilson’s request that the administration complete the contract for housing inmates at the county jail from July 1, 2009 through June 30, 2010. to FINANCE.

Request that the recommendation for committee 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 be passed from SERVICE to FINANCE.

UNFINISHED BUSINESS:

Mueller scheduled a Planning & Zoning meeting for April 27th, following the Service meeting.

Moss scheduled a safety meeting for April 27th at 5:30 pm.

Douglas offered his office for all committee meetings.

Maurer motioned to enter into executive session. Gunnoe seconded. Discussion. Roll call. 7 yeas. Motion carried. Executive Session.

The Mayor asked for rules suspension and passage of ordinance 23-09 to begin working towards federal dollars.

LEGISLATION:

Emergency Resolution 04-09 up for Third 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 pass. Seconded by Mueller. Discussion. Roll call. 7 yeas. Motion carried. Passed.

Ordinance no. 17-09 up for Fourth 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.

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Ordinance 19-09 up for Third 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 pass. Seconded by Gunnoe. Discussion. Roll call. 7 yeas. Motion carried. Passed.

Emergency ordinance 21-09 up for Third 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 pass. Seconded by Gunnoe. Discussion. Roll call. 7 yeas. Motion carried. Passed.

Emergency Ordinance 23-09 up for Second 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 suspend rules. Seconded by Gunnoe. Discussion. Roll call. 7 yeas. Motion carried. Suspended. Bair motioned to pass. Seconded by Parolini. Discussion. Roll call. 7 yeas. Motion carried. Passed.

Emergency Ordinance 24-09 up for Second 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 suspend rules. Seconded by Parolini. Discussion. Roll call 7 yeas. Motion carried. Suspended. Bair motioned to pass. Seconded by Gunnoe. Discussion. Roll call. 7 yeas. Passed.

Emergency Ordinance 26-09 up for First Reading. An Emergency Ordinance appropriating property of American Premier Underwriters Inc., as described on Appendix A, in the amount of one thousand nine hundred dollars (\$1,900.00) and Bay Mills Holdings, Inc., Permanent Parcel Number 15-00585-000, as described on Appendix B, in the amount of fifteen thousand seven hundred dollars (\$15,700.00) and a temporary easement for construction purposes from Bay Mills Holdings, Inc., as described in Appendix C, in the amount of one hundred dollars (\$100.00). Said properties are located near or along Tuscarawas Avenue and are needed to facilitate the construction of a new bridge over the Tuscarawas River and related roadway improvements and authorizing the quick take procedure allowed by law and authorizing the Law Director to file the appropriation case in the Tuscarawas County Court of Common Pleas. Motion by Mueller to suspend rules. Seconded by Bair. Discussion. Roll call. 7 yeas. Motion carried. Suspended. Motion by Mueller to pass. Seconded by Bair. Discussion. Roll call. 7 yeas. Motion carried. Passed.

Emergency Ordinance 27-09 up for First Reading. An Emergency Ordinance adopting a Dover identity theft policy. Motion by Cappell to hold. Seconded by Maurer. Discussion. Motion carried. Held.

Ordinance 28-09 up for First Reading. An ordinance providing for the issuance and sale of \$7,500,000 notes, in anticipation of the issuance of bonds, for the purpose of paying costs of improving the Municipal Electric System by (1) constructing, installing and equipping a 69KV transmission line from the north

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intertie to the Municipal Electric Plant and fiber optic and other cable for the utilities' communication system, (2) acquiring, constructing installing and equipping certain electric generating units in cooperation with other municipal corporations, (3) constructing and extending transmission lines and fiber optic and other cable to State Route 39, and (4) constructing, installing and equipping pollution control facilities, all together with all necessary appurtenances thereto, and declaring an emergency. Cappell motioned to hold. Seconded by Parolini. Discussion. Motion carried. Held.

Council adjourned for executive session at 8:40 pm.

CLERK OF COUNCIL

Julie Leggett

PRESIDENT OF COUNCIL

Timothy Tarulli