

Dover City Council Minutes of May 18, 2009

President Tim Tarulli called the meeting to order at 7:30 pm. All stood for the invocation that was given by Mayor Richard Homrighausen and all recited the Pledge of Allegiance.

Roll Call: Bair, Gunnoe, Moss, Maurer, Mueller, Cappell, Parolini...Seven (7) present.

Acceptance of May 4, 2009 regular council meeting minutes as presented. Motion by Maurer. Seconded by Parolini. Discussion. The motion carried. Accepted.

COMMITTEE REPORTS:

Service Bair – No formal report.

Parks & Recreation Gunnoe – No formal report.

Safety Moss – No formal report. Scheduled a safety meeting for May 21, 2009 at 5:30 in the Service Director's office. Moss questioned if the Internet Café was open. Vorhees stated that it was.

Planning and Zoning Mueller – Two recommendations for ordinances out of tonight's meeting: (1) that an ordinance be prepared amending 1141.03 businesses and industrial district conditional uses requiring board approval. (2) that an emergency ordinance be prepared to preserve, advance and maintain the distinctive architectural and historical character of the City of Dover, Ohio and promote the educational, cultural, economic and general welfare of the citizens of the City of Dover, Ohio by the preservation of the architectural and historical character, the enhancement of real property values, the development of the local economy and to establish a legal framework that will support the use of local, state and federal financial incentives for the preservation of historic sites and structures within the City of Dover.

Human Resources Maurer – No Formal Report. Commended the City of Dover for their quick reaction when the power was out recently.

Finance Cappell – No formal report.

Utilities Parolini – No formal report.

ADMINISTRATION REPORTS:

Mayor Homrighausen – Five requests for assignments: (1) to re-zone a portion of a 21.634 acre tract from R-2 to B-2. The property is located off of Route 39 in Dover and is owned by John Fondriest. The Planning Commission recommends the zoning change. (2) to vacate an alley that separated Elenor Maley's property located off of Emerson Avenue. The Planning Commission recommends the alley vacation. (3) to approve the Dollar General store construction. The Planning Commission recommends this approval. (4) that a preservation ordinance compiled by the Architectural Review Board be adopted. The Planning Commission recommends this adoption. (5) to establish a new language change to 1153.02 existing lot of record and 1153.04 front yards. The Planning Commission recommends these changes. The Mayor made a request for action on emergency resolution 13-09 in order to meet a deadline. The Mayor stated that bids were recently opened for the new coal supply and ash disposal contracts for the Dover Light Plant. Bids were forwarded to Orbital Technical Solutions, Inc. for review and recommendations. A

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letter was read from Zeigler Tire regarding discounted and free services to the unemployed. They Mayor will open the 28th annual Canal Days Festival this weekend for the 18th time.

Auditor Fox – No formal report.

Law Director O'Meara – Presented amended emergency resolution 12-09. Withdrew ordinances 34-09 and 35-09.

Service Director Douglas – Two requests for assignments: (1) to prepare an ordinance authorizing the Service Director to advertise for bids and enter into contract for the purchase of a new Road Grater for the General Services Department. In an amount not to exceed \$130,000.00. Line item #330.745.57580. (2) to prepare an ordinance authorizing additional funding for the Dover Avenue Waterline Project in an amount not to exceed \$13,000.00. Line item #550.661.57850. Original ordinance #16-08. Original amount of funding \$45,500.00.

Safety Director Vorhees – Received notification from the dealership that the first new police cruiser will arrive within 2 weeks.

City Engineer Dummermuth – No formal report.

NOTICES & COMMUNICATIONS:

Monthly Reports – None

Notices – None.

PREAMBLES:

Emergency Resolution 09-09, Resolution 10-09, Emergency Resolution 11-09, Amended Emergency Resolution 12-09, Emergency Resolution 13-09, Emergency Ordinance 27-09, Ordinance 28-09, Emergency Ordinance 29-09, Emergency Ordinance 30-09, Emergency Ordinance 31-09, Emergency Ordinance 32-09.

AUDIENCE:

Jody Nicklaus stated that Phase 2 of the new Dover Park playground will begin soon. They were able to talk with the landscaper and lower the total landscaping costs from \$24,000 to \$20,000. They are currently trying to find funding for the new landscaping. There will be an event July 18th at the park including a BBQ and softball tournament.

RECOMMENDATIONS:

Recommendation from Robert Mueller Chairman of the Planning and Zoning Committee that an ordinance be prepared amending 1141.03 businesses and industrial district conditional uses requiring board approval. Mueller motioned to accept. Seconded by Moss. Discussion. Motion carried. Accepted.

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Recommendation from Robert Mueller Chairman of the Planning and Zoning Committee that an emergency ordinance be prepared to preserve, advance and maintain the distinctive architectural and historical character of the City of Dover, Ohio and promote the educational, cultural, economic and general welfare of the citizens of the City of Dover, Ohio by the preservation of the architectural and historical character, the enhancement of real property values, the development of the local economy and to establish a legal framework that will support the use of local, state and federal financial incentives for the preservation of historic sites and structures within the City of Dover. Mueller motioned to accept. Seconded by Bair. Discussion. Motion carried. Accepted.

ASSIGNMENTS:

Request for an assignment from the Mayor to re-zone a portion of a 21.634 acre tract from R-2 to B-2. The property is located off of Route 39 in Dover and is owned by John Fondriest to PLANNING AND ZONING. The Planning Commission recommends the zoning change.

Request for an assignment from the Mayor to vacate an alley that separated Elenor Maley's property located off of Emerson Avenue to PLANNING AND ZONING. The Planning Commission recommends the alley vacation.

Request for an assignment from the Mayor to approve the Dollar General store construction to PLANNING AND ZONING. The Planning Commission recommends this approval.

Request for an assignment from the Mayor that a preservation ordinance compiled by the Architectural Review Board be adopted to PLANNING AND ZONING. The Planning Commission recommends this adoption.

Request for an assignment from the Mayor to establish a new language change to 1153.02 existing lot of record and 1153.04 front yards to PLANNING AND ZONING. The Planning Commission recommends these changes.

Request for an assignment from the Service Director to prepare an ordinance authorizing the Service Director to advertise for bids and enter into contract for the purchase of a new Road Grater for the General Services Department. In an amount not to exceed \$130,000.00. Line item #330.745.57580 to SERVICE.

Request for an assignment from the Service Director to prepare an ordinance authorizing additional funding for the Dover Avenue Waterline Project in an amount not to exceed \$13,000.00. Line item #550.661.57850 to FINANCE.

UNFINISHED BUSINESS:

Mueller scheduled a Planning and Zoning meeting on June 1st from 6:00 pm – 7:30 pm. The meeting is open to everyone.

Mueller stated that public hearings have been scheduled July 6th at 6:45 pm for ordinance 31-09 and at 7:00 pm for ordinance 32-09.

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Bair motioned to amend emergency resolution 12-09. Change consists of “In determining the lowest and best responsible bid, a local bidder may receive a credit equal to 3.5% of the lowest bid submitted by a non-local bidder. Said credit shall not exceed \$10,000.00”.

LEGISLATION:

Emergency resolution 09-09 up for Second Reading. An emergency resolution to continue to accept and approve the Tuscarawas County Tax Incentive Review Council’s March 11, 2009 recommendations regarding active enterprise zone agreements in the City of Dover. Motion by Mueller to suspend rules. Seconded by Bair. Discussion. Roll call. 7 yeas. Motion carried. Suspended. Mueller motioned to pass. Seconded by Bair. Discussion. Roll call. 7 yeas. Motion carried. Passed.

Resolution 10-09 up for the Second Reading. A resolution notifying the Tuscarawas County Commissioners of the City of Dover’s assent to the petition of Nathan B. Levengood to detach parcel numbers 15-06093.000 and 15-06094.000, 1637 Horns Ln. NW, Dover, Ohio from the City of Dover, Ohio. Motion by Mueller to hold. Seconded by Moss. Discussion. Motion carried. Held.

Emergency resolution 11-09 up for Second Reading. An emergency resolution authorizing the Dover Fire Department through the Dover Fire Chief to participate and act as the host agency for a regional project grant for communications proposed in the 2009 F.I.R.E. assistance to firefighters grant program with a total grant budget not to exceed a combined six hundred and fifty thousand dollars (\$650,000.00), with the City of Dover’s match requirement obligation not to exceed fifteen thousand dollars (\$15,000.00), from master capital fund line item 330.745.57450; and to further authorize the Fire Chief to apply for a grant to install an automatic fire suppression system for the fire station at a cost not to exceed fifty thousand dollars (\$50,000.00) with Dover’s share not to exceed two thousand five hundred dollars (\$2,500.00). The source of these funds is small capital expenditures, line item 101.917.57810. Motion by Moss to hold. Seconded by Gunnoe. Discussion. Motion carried. Held.

Amended emergency resolution 12-09 up for the Second Reading. An emergency resolution codifying the City of Dover administration’s long standing policy of: “Buy Local – Buy American”, consistent with the United States Constitution, the Constitution of the State of Ohio and consistent with the home rule provisions of Ohio law and the lowest and best bid requirements of Ohio law. Motion by Bair to suspend rules. Seconded by Parolini. Discussion. Roll call. 7 yeas. Motion carried. Suspended. Bair motioned to pass. Seconded by Parolini. Discussion. Roll call. 7 yeas. Motion carried. Passed.

Emergency resolution 13-09 up for First Reading. An emergency resolution enacted by the council of the City of Dover to authorize cooperation with the Ohio Department of Transportation for the demolition of the present Tuscarawas Avenue bridge over the Tuscarawas River and to authorize the construction of a new bridge, approaches and sidewalks at this location over the Tuscarawas River, known as project PID no. 77275 (2008) and as previously authorized and approved in ordinance number 73-07, passed on January 7, 2008. Motion by Mueller to suspend rules. Seconded by Maurer. Discussion. Roll call. 7 yeas. Motion passed. Suspended. Motion by Mueller to pass. Seconded by Moss. Discussion. Roll call. 7 yeas. Motion carried. Passed.

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Emergency Ordinance 27-09 up for Second Reading. An Emergency Ordinance adopting a Dover identity theft policy. Motion by Cappell to pass. Seconded by Maurer. Discussion. Roll call. 7 yeas. Motion carried. Passed.

Ordinance 28-09 up for Third 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 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 pass. Seconded by Maurer. Discussion. Roll call. 7 yeas. Motion carried. Passed.

Emergency ordinance 29-09 up for Second Reading. An emergency ordinance authorizing the Director of Public Service to advertise for bids and enter into a contract for the installation of approximately two hundred and forty six (246) linear feet of eight inch (8") sanitary sewer beginning at the intersection of Tuscarawas Avenue and Rose Court to the end of Rose Court. Said project, including engineering costs associated therewith, shall not exceed a cost of twenty two thousand dollars (\$22,000.00). Motion by Cappell to hold. Seconded by Maurer. Discussion. Motion carried. Held.

Emergency ordinance 30-09 up for First Reading. An emergency ordinance authorizing the Director of Public Safety to enter into a contract with the Tuscarawas County Board of County Commissioners for housing inmates in the Tuscarawas County Jail, pursuant to the contract that has been attached hereto as Appendix A. Moss motioned to hold. Seconded by Gunnoe. Discussion. Motion carried. Held.

Emergency ordinance 31-09 up for First Reading. An emergency ordinance to preserve, advance and maintain the distinctive architectural and historical character of the City of Dover, Ohio and promote the educational, cultural, economic and general welfare of the citizens of the City of Dover, Ohio by the preservation of the architectural and historical character, the enhancement of real property values, the development of the local economy and to establish a legal framework that will support the use of local, state and federal financial incentives for the preservation of historic sites and structures within the City of Dover. Mueller motioned to hold. Seconded by Bair. Discussion. Motion carried. Held.

Ordinance 32-09 up for First Reading. An ordinance vacating a portion of an unopened alley that bi-sects the two properties owned by Clyde Mc Laughlin at 424 Broad Street, Parcel Number 15-00618-000 and 428 Broad Street, Parcel Number 15-00553-000 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 Moss. Discussion. Motion carried. Held.

Ordinance 33-09 up for First Reading. An ordinance requiring any new passenger elevator installed in any building in the City of Dover subsequent to the effective date of this ordinance be built large enough to accommodate a typical ambulance cot set in the supine or flat position. Moss motioned to hold. Seconded by Mueller. Discussion. Motion carried. Held.

Mueller motioned to adjourn. Seconded by Gunnoe. Discussion. Motion carried. Adjourned to 8:30 pm.

CLERK OF COUNCIL
Julie Leggett

PRESIDENT OF COUNCIL
Timothy Tarulli