

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON FEBRUARY 28, 2011 WITH PRESIDENT OF COUNCIL JOEL DAY PRESIDING. MR. DAY OFFERED A PRAYER, AND ALL IN ATTENDANCE RECITED THE PLEDGE OF ALLEGIANCE.

PRESIDENT OF COUNCIL, JOEL DAY ANNOUNCED COUNCIL MEMBER MR. ROB MAURER IS EXCUSED FROM TONIGHT'S COUNCIL MEETING.

PRESIDENT OF COUNCIL, JOEL DAY ALSO ANNOUNCED THERE IS A PUBLIC HEARING SCHEDULED FOR 7:55 PM THIS EVENING IN REGARD TO RESOLUTION 52-2010. IF AFTER VISITORS COMMENTS WE ARE NOT AT 7:55 PM, WE WILL RECESS UNTIL 7:55 PM.

COUNCIL MEMBERS IN ATTENDANCE:

MS. SANDY COX
MS. COLLEEN ESPENSCHIED
MR. DARRIN LAUTENSCHLEGER
MR. JIM LOCKER
MS. WINNIE WALKER
MR. JOHN ZUCAL

MR. LAUTENSCHLEGER MOVED THAT WE ADD RESOLUTION 4-2011 TO THE AGENDA THIS EVENING. MS. COX SECONDED THE MOTION. ROLL CALL, 6 YEAS , MOTION PASSED.

MR. ZUCAL MOVED TO BRING TABLED RESOLUTION 58-2010 OFF THE TABLE AND TO ADD RESOLUTION 58-2010 ON TONIGHT'S LEGISLATIVE AGENDA. MR. LOCKER SECONDED THE MOTION. ROLL CALL, 6 YEAS, MOTION PASSED.

MS. COX MADE A MOTION TO ACCEPT TONIGHT'S AGENDA. MR. LAUTENSCHLEGER SECONDED THE MOTION. ROLL CALL, 6 YEAS, MOTION PASSED.

MS. ESPENSCHIED MADE A MOTION TO APPROVE THE MINUTES OF THE PREVIOUS SESSION HELD FEBRUARY 14, 2011. MS. COX SECONDED THE MOTION. ROLL CALL, 6 YEAS, MOTION PASSED.

CORRESPONDENCE CLERK, PATRICIA MCKAY

1. Zoning and Annexation Meeting Minutes for March 16, 2010 and for April 26, 2010
2. New Philadelphia Business and Community Association 2nd Annual Shamrock Run 5K Saturday, March 19
Registration 8:00 AM, Race begins 9:00 AM at Tuscarawas Central Catholic High School, 777 3rd Street
NE,
New Philadelphia. Pre- registration is \$15.00. For more information, contact Rob Maurer at 330-340-0658.
3. Letter received January 28, 2011 from AEP Ohio, 850 Tech Center Drive, Gahanna, Ohio 43230 in regard to
rates
4. Letter dated January 24, 2011 from Dominion Resources Services Inc., 1201 East 55th Street, Cleveland,
Ohio 44103, in regard to the AMR Cost Recovery Charge
5. Building Permits for the month of February 2011
6. Copy of letter dated February 18, 2011 to Shel Mar Estates LLC, 100 Ali Circle SE, New Philadelphia,
Ohio 44663 from the Service Director James Zucal in regard to billing of water and sewer rates

7. Tuscora Park Board Meeting Minutes from January 26, 2011
8. Safety Health and Service Meeting Minutes from February 14, 2011
9. Public Works & Economic Development Committee Meeting Minutes from February 14, 2011
10. Board of Control Meeting Minutes from February 22, 2011
11. Finance Committee Meeting Minutes Wednesday February 23, 2011 (2011 Appropriations Budget Hearing.)
12. Mayor's Monthly Statement to Council for February 2011

ADMINISTRATIVE REPORTS:

MAYOR'S REPORT/REQUEST.....MAYOR MICHAEL TAYLOR

The Mayor addressed Council on the following:

The Mayor Taylor requested an Executive Session this evening at the conclusion of Legislation to discuss negotiations and personnel issues.

Mayor Taylor reported the following:

- The city has received its final Composting Makes Sense Grant money in the amount of \$12,880. This represents about half of what the city was receiving on a yearly basis from leave pick up. "The Joint solid Waste District no longer offers this composting program and will be another source of revenue lost from the waste district." The city does absorb the cost of getting rid of leaves and currently a local farmer is willing to take them for a reasonable cost.
- The Mayor thanked all of his department heads for putting their proposed 2011 budgets together and announced that finances will be tight this year and everyone will need to monitor their budgets very closely.
- Mayor Taylor reported that the Ohio Environmental Protection Agency has accepted the results of our study of adding CO2 to our water system to reduce potential scaling. The Mayor announced that we are in the process of finalizing issues with OEPA and that when the OEPA officially approves our adopting this addition as a permanent part of our water treatment process is received he will provide a copy of that official approval.
- The Mayor encouraged Council to pass Resolution 58-2010 tonight so that we can move forward with our agreement with Buckeye Energy to institute an opt-in gas aggregation program for our City.

Council Member, John Zucal asked the Mayor what the status of the former ODOT building on West High that is partially demolished.

The Mayor answered that we have no part in it. It is owned by the Port Authority and it is being demolished at no charge to the Port Authority. The Mayor said he does not know what window of time frame there is, if any, as to when it will be completely demolished.

SERVICE DIRECTOR.....MR. JIM ZUCAL

The Service Director reported the following:

- The Assistant Service Director, Amy Gilland has provided a list of Building Permits for the month of February 2011. A copy of the report was placed in everyone's mail box.
- The Service Director complimented the Street Department for their performance on the plowing and salting of the streets during the last several snow and ice events. Mr. Zucal reminded all that the Water Department also helps, they do the downtown area. Kelly Ricklic and Fred Neff work very hard at that and he complimented all those individuals and stated that it is truly a coordinated event.
- Fred Neff has provided a report on the cost of snow control.
The report began with a total of 24 overtime call outs for salting or plowing of our city streets this season. The first call out began on December 1, 2010, total overtime used this season has been 558 hours, salt used 1300 tons currently and there is 750 tons of salt in stock.
The total cost for overtime is \$13,392, total cost for salt is \$87,542, and total cost for snow control this winter season is \$100,934.

There is a strict policy on overtime used for General Services. The Superintendent enforces the snow plow policy. There is policy for minor and major events and all overtime is reported daily to the Service Director. Mr. Zucal will provide a final report when the season is over, but he assured all that we are below last year on overtime but probably have used more salt this season.

SAFETY DIRECTOR.....MR. GREG POPHAM

Mr. Popham reported that on February 16, 2011 we opened four bids for the Refurbishment Project of Engine 17 in the Fire Department. February 22, 2011 the Board of Control met and awarded the contract to KME Fire Apparatus for a price of \$171,450. FYI the high bid was \$196,911.

AUDITORMS. BETH GUNDY.....NO REPORT

TREASURERMR. DAVE JOHNSON.....NO REPORT

LAW DIRECTOR..... MR. MICHAEL JOHNSON

The Law Director reported on the following;

There will be a Public Meeting at 7:55 PM this evening on the Enterprise Zone which is being done to encompass the whole city.

The Law Director reported the Supreme Court of Ohio has set the Rhodes verses City of New Philadelphia case for oral argument at the Court House in Cambridge, Ohio on April 20, 2011. The Law Director stated that he will be providing more information soon that will include a web address where you can actually listen to that oral argument..

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR MICHAEL TAYLOR

The Mayor reported that the next scheduled Planning Commission meeting will be Tuesday, March 8, 2011, at 1:00 PM in Council Chambers pending an agenda. The Mayor announced at this time there is nothing

BOARD OF ZONING APPEALSMR. JIM ZUCAL

Mr. Zucal announced the Board of Zoning Appeals will meet Tuesday, March 8, 2011, at 5:00 PM in Council Chambers pending an agenda.

AIRPORT COMMISSION..... MR. JIM LOCKER.....NO REPORT

PARK BOARD.....MR. DARRIN LAUTENSCHLEGER

Mr. Lautenschleger reported that the Park Board’s meeting for February 23, 2011 was cancelled and that he was waiting for a date for rescheduling in March.

HEALTH BOARD.....MS. SANDY COX

Ms. Cox reported that the Health Board will meet Wednesday, March 16, 2011 at 12:00 noon at the Health Department.

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEE.MS. SANDY COX

Ms. Cox reported that the Finance Committee met on Wednesday, February 23, 2011 in the council chambers at the Knisely Building. The Budget Hearings started at 8:30 AM and were completed by 11:20 AM. Ms. Cox thanked everyone who participated in the budget hearings Darrin Lautenschleger, the Mayor, Auditor and all the department heads. The Mayor requested all department heads to be conservative with their line items which streamlined the budget process. In attendance were Committee members Darrin Lautenschleger and Chair Sandy Cox and guests.

Item 1 Discussion of the Budget:

Minor changes in the budget:

The sidewalk replacement program was reduced to \$15,000,
Additional monies were added to razing of Unsafe Buildings
Master Capital’s Revenues are being capped at \$450,000 and the remaining revenues will be deposited into the General Fund.

Items being considered in 2011 budget:

- Park - used Dump Truck
- Sanitation - Garbage Truck
- Police - Used detective’s car - new flooring at the police station
- Under Engineering - Study for University Drive
- Water department - used truck and Vacall Excavator
- Fire department - refurbishment of Engine 17 and maybe a new ambulance
- Completion of the Street Signal Project
- Upgrade of the Lauren Lift Station
- Paving and crack sealing projects.

Budget in 2010

General fund estimated at \$6, 200,000 total estimated at \$22,700,000

Budget in 2011

General fund estimated at \$6,053,000 total budget estimated at \$25,600,000

(Difference in total budget for 2011 estimations are refurbishing Engine 17 \$220,000, Ambulance \$200,000, Street Signal

Project \$1,700, 000 and Vacall Excavator \$250,000)

Item 2: The Finance Committee requested the Law Director to prepare an ordinance for the Service Director to advertise for bids and enter into contracts with the lowest and best bidder for the City’s requirements of various materials and supplies for 2011.

Item 3: The Finance Committee requested the Law Director to prepare an ordinance for the Service Director to advertise for bids and to enter into contract with the lowest and best bidder for the City’s sanitation landfill services as our three year contract will expire in May. Mr. Lautenschleger adjourned the meeting at 11:20 AM

Ms Cox reminded all of the Finance Committee meeting immediately following the Council meeting this evening in regard to:

- Ordinance 2-2011 Various materials and supplies
- Ordinance 3-2011 Sanitary landfill services to advertise for bids
- Ordinance 4-2011 Capping revenues received into the Master Capital Fund at \$450,000.

Committee Members Darrin Lautenschleger thanked everyone who was involved with the budget, the Mayor, the Administration, and all the Department Heads. He reported that he felt they did an outstanding job and appreciated all the cooperation in the adding of the additional line item funding for razing of buildings both of the projected ones(the one that was already in there and his hope for the project the second located in Ward 3.) Mr. Lautenschleger encouraged the Law Director to speed that up so we can get that moving as fast as we can. so hopefully we can take care of those this year

SALARY COMMITTEEMR. JIM LOCKER

Mr. Locker announced that the Salary Committee will meet March 14, 2011 at 7:00 PM in the Council Chambers.

SAFETY, HEALTH, AND SERVICE COMMITTEE MR. ROB MAURER.....NO REPORT

Excused Absence

PUBLIC WORKS & ECONOMIC DEVELOPMENT COMMITTEE. . MR. DARRIN LAUTENSCHLEGER

Mr. Lautenschleger reported that the Public Works & Economic Development Committee met this evening in Council Chambers with one item on the agenda. That item was Proposed Resolution 4-2011 which deals with addressing the subsurface problems that were found at the airport taxiway ramp. The Service Director and the Assistant Service Director were able to work with the FAA. An additional grant became available and as you can see Resolution 4-2011 details that it provides for payment of 95% of cost of that replacement work and 5% that the city will pay which will not exceed \$5,000. The Mayor indicated this is additional grant money and will not come out of the routine grant that is provided to the city for the maintenance of the airport facilities on an annual basis. On the motion of Ms. Cox and seconded by Ms Walker the committee has recommended that Resolution 4-2011 be added tonight's agenda and the rules be suspended and passed this evening so we can meet some strict deadlines that have been put in place in order to obtain the funding. Mr. Lautenschleger reminded everyone that they have received an updated Resolution 3-2011 the date and committee name was corrected and that was also received by committee and they have recommended suspending the rules and passing Resolution 3-2011 on first reading this evening.

ZONING & ANNEXATION COMMITTEEMS. COLLEEN ESPENSCHIED.....NO REPORT

CONTACT & SPECIAL COMMITTEEMR. JOHN ZUCAL.....NO REPORT

PARKS & CEMETERY COMMITTEEMS. WINNIE WALKER.....NO REPORT

VISITOR'S COMMENTS

William Bevan, 2012 Delaware Drive SE Lot 12, New Philadelphia, Ohio 44663
Mr. Bevan owns property at 412 Front Avenue SW. New Philadelphia, Ohio 44663
Mr. Bevan's concern was in regard to property located at 408 Front Avenue SW, New Philadelphia, Ohio 44663
Mr. Bevan addressed the Safety Director on the remaining piece of chimney at the property located at 408 Front Avenue SW, New Philadelphia, Ohio 44663. Mr. Bevan wanted to know if the City could take it down.
The Safety Director forwarded that question on to the Law Director.

The Law Director answered no that we cannot remove the remaining part of the chimney from the property that is located at 408 Front Avenue SW, New Philadelphia, Ohio 44663. When the Committee recommends that the property in question be torn down the City will go thru the legal due process to have the building torn down. The Finance Committee has recommended the passing of a budget that would include money for the purpose of removing that property. The City has already spent money out of the legal department to determine the ownership of the property so we can move forward on it.

We intend to move forward as quickly as we can but that does not give the City the right to go on private property and remedy the chimney issue.

Mr. Bevan then wanted to know who would be responsible if that piece of the chimney would fall on someone and they would be hurt. The Law Director said if that should happen; the responsibility would be determined by a Court of Law.

Mr. Bevan thanked Council for their time.

COUNCIL RECESSED FROM REGULAR SESSION INTO AN OPEN PUBLIC HEARING AT 7:55 PM, AS PREVIOUSLY REQUESTED BY THE LAW DIRECTOR, FOR RESOLUTION 52-2010 THE ENTERPRISE ZONE.

THE CLERK READ THE PREAMBLE OF RESOLUTION 52-2010

A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO AMEND THE NEW PHILADELPHIA ENTERPRISE ZONE, AND DECLARING AN EMERGENCY. (4TH READING)

VISITORS COMMENTS.....NONE

COUNCIL COMMENTS.....NONE

THE PUBLIC HEARING CLOSED AT 7:56 PM

COUNCIL RESUMED THE LEGISLATIVE MEETING AT 7:56 PM

READING OF ORDINANCES AND RESOLUTIONS:

ORDINANCE:

5-2011 An ordinance to make appropriations for current expenses and other expenditures of the City of New Philadelphia, State of Ohio, during the fiscal year ending December 31, 2011 and declaring an emergency. (1st Reading)

RESOLUTIONS:

52-2010 A resolution by the Council of the City of New Philadelphia, Ohio to amend the New Philadelphia enterprise zone, and declaring an emergency. (4th Reading)

Motion to vote on passage made by Ms. Cox, seconded by Mr. Zucal
Roll call, 6 yeas, resolution passed

58-2011 A resolution by the Council for the city of New Philadelphia, Ohio to enter into an agreement with Constellation New Energy-Gas Division, LLC (CNEG) as recommended by Buckeye Energy Brokers Inc. to provide to eligible consumers within the City of New Philadelphia Natural Gas Service, and declaring an emergency. (3rd Reading)

Motion to vote on passage made by Mr. Zucal, seconded by Mr. Locker

Council Member Ms. Cox asked the Law Director if he had reviewed and made changes to the enrollment letter that will be distributed to our residents.

The Law Director stated that he looked at it but has not received the final enrollment letter that would be something that would happen after the resolution has been passed. The Law Director stated that they still have to meet all the City's requirements for the language. If council approves the program it is up to the Administration to properly implement that to make sure everything is worded correctly. Ms. Cox stated that she would have liked to see the enrollment letter because it is going out to the public.

Ms. Cox then stated the following: from day one, this assignment has been mired with problems.

- a. This Council only interviewed one broker
- b. The City has had two companies recommended. The first was removed at the City's request and now we are considering a company with questionable operating methods.
- c. The City and Council most definitely will be endorsing one company over another. Is this really in the best interest of the City?
- d. Plus Council would be accepting this agreement without having reviewed the enrollment letter that is being distributed to our residents.

Ms. Cox stated that she has always based her voting on the following rules;

Does she object to her decision being published openly, has she considered all who would be affected by her decision and given them the proper priority, does it feel right in her gut and is her concisions clear.

She stated that if she wouldn't recommend this program to her family, there is no way she feels that her decision would be right if she voted yes.

Council Member Ms. Espenschied asked "Isn't it up to the citizens to make up their minds as to whether or not they want to participate in the program."

Council Member Mr. Zucal, Committee Chair, announced that it is an opportunity for the City. It is an op-in program.

Mr. Zucal reported that Constellation New Energy-Gas Division, LLC is a Fortune Minimum 500 Company doing business across the United States. Mr. Zucal stated that he stands behind this to recommend this program to the citizens of the City of New Philadelphia given the fact that they do their due diligence and study what is best for them as citizens.

Roll call, 4 yeas, 2 nays (Ms. Cox and Ms. Walker), resolution passed

2-2011 A resolution by the Council of the City of New Philadelphia, Ohio to thank the City of Dover Fire Department for coverage for fire protection provided by the City of Dover through the use of its ladder truck during the time period the City of New Philadelphia fire truck was out of service being refurbished such offer of equipment in spirit of cooperation should be commended, and declaring and emergency. (1st Reading)

3-2011 A resolution by the Council of the City of New Philadelphia, Ohio to authorize and direct the Service Director to advertise for bids, receive bids and award for the 2011 project year the CDBG contract, and declaring an emergency. (1st Reading)

Motion to suspend the rules made by Mr. Lautenschleger, seconded by Ms. Cox.
Roll call, 6 yeas, rules suspended.

Motion to vote on passage made by Mr. Lautenschleger, seconded by Ms. Cox.

Roll call, 6 yeas, resolution passed

4-2011 A resolution by the Council of the City of New Philadelphia, Ohio to authorize and direct the Service Director to participate in a FAA Grant to pay for unexpected subsurface problems at the airport taxiway ramp during the ramp rehabilitation project of 2010, and declaring an emergency. (1st Reading)

Motion to suspend the rules made by Mr. Lautenschleger, seconded by Mr. Locker
Roll call, 6 yeas, rules suspended.

Motion to vote on passage made by Mr. Lautenschleger, seconded by Mr. Locker
Roll call, 6 yeas, resolution passed

Ms. Cox moved to go into an Executive Session this evening at the conclusion of the Legislative Agenda to discuss negotiations and personnel issues. The motion was seconded by Mr. Lautenschleger.
Roll Call, 6 yeas, motion passed.

COUNCIL ADJOURNED FROM REGULAR SESSION INTO EXECUTIVE SESSION AT 8:08 PM
AS REQUESTED BY MAYOR, MICHAEL TAYLOR TO DISCUSS WAGE NEGOTIATIONS.
COUNCIL RECONVENED INTO REGULAR SESSION AT 8:20 PM.

UNFINISHED OR OLD BUSINESS:

Ms. Cox reminded all of the Finance Committee meeting immediately following the Council.

NEW BUSINESS

Mr. Zucal shared some information on the T-County Patriot History Rally, Economic Stimulus Report, at the New Town Mall. It was a good thing for the City of New Philadelphia. There were 2,000 children that attended the event. Mr. Zucal announced that he hosted a History Jeopardy and reported that some of the stores at the mall reported an increase in sales.

President of Council Joel Day announced that Mr. Locker just celebrated his 80th birthday over the week end and wished him a Happy Belated Birthday.

MOTION TO ADJOURN MADE BY MS COX, MEETING ADJOURNED AT 8:21 PM

CLERK OF COUNCIL_____

APPROVED _____

PRESIDENT OF COUNCIL_____