

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON APRIL 11, 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. JOHN ZUCAL AND THE AUDITOR, MS. BETH GUNDY ARE EXCUSED FROM TONIGHT'S COUNCIL MEETING

COUNCIL MEMBERS IN ATTENDANCE:

- MS. SANDY COX
- MS. COLLEEN ESPENSCHIED
- MR. DARRIN LAUTENSCHLEGER
- MR. JIM LOCKER
- MR. ROB MAURER
- MS. WINNIE WALKER

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

MR. LAUTENSCHLEGER MADE A MOTION TO APPROVE THE MINUTES OF THE PREVIOUS SESSION HELD MARCH 28, 2011 AND THE MINUTES OF THE SPECIAL COUNCIL MEETING HELD APRIL 7, 2011. MS. ESPENSCHIED SECONDED THE MOTION. ROLL CALL, 6 YEAS, MOTION PASSED.

CORRESPONDENCE CLERK, PATRICIA MCKAY

1. February 2011 New Philadelphia Fire Department Month End Summary
2. Mayor's Monthly Statement for the Month of March 2011
3. Auditor's Financial Statement for the Month of March 2011
4. Auditor's Monthly Statement of 2011 Revenue for the General Fund for the Month of March 2011
5. Police/Monthly Activity Report for the Month of March 2011
6. Tuscora Park 2010 Year End Park Total Report
7. Municipal Court 2010 Annual Report prepared and Submitted by Judge Mary Wade Space.

ADMINISTRATIVE REPORTS:

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

The Mayor requested an Executive Session after Legislation to discuss negotiations.

The Mayor addressed Council on the following:

The Mayor reported that a group of young people and adults gathered Saturday to clean up the litter and trash near the skate park. The Mayor thanked all who supported and participated in that clean up.

The Mayor reported that the City's new recycling truck has arrived, the final set-up is being completed and it should be in operation before the end of the month. The Mayor reported that our new weekly curbside residential recycling program is nearing 500 new signups and the Mayor encouraged anyone who is not in the program to call the City garage for details and to receive a bin.

The Mayor announced that the Auditor, Service Director, Police Chief and Mayor will be attending a seminar, by Clemens-Nelson, our Human Resource advisor, Thursday to hear a presentation on S.B. 5 and how it will affect our City pending the final disposition of it being implemented.

The Mayor announced that the Quakers for Excellence and Bob Alsept's 5 year planning process is well under way and that the Mayor and Councilman John Zucal are happy to have the opportunity to participate in it. The Mayor stated that "there should be future media coverage to announce the results by the end of the summer."

Ms. Cox moved to go into an Executive Session this evening immediately following Legislation to discuss negotiations. The motion was seconded by Mr. Locker.
Roll Call, 6 yeas, motion passed.

SERVICE DIRECTOR.....MR. JIM ZUCAL

The Service Director reported the following:

We have accepted bids for the Fuel Farm Repairs at the garage. This is a Concrete Construction Project. It is a written requirement of EPA and was budgeted for this year.

We also accepted bids for the Backflow Prevention Program for the Water Department.

We are currently contracting with Lanzer Excavating to do repairs at the Tuscora Entrance that would include a storm catch basin and concrete repairs.

The trees on Wabash are removed to the right way and Mr. Zucal complimented the Street Department Employees who performed that work.

Questions:

Ms. Walker said that she noticed there are 500 signups for participating for recycling and wanted to know if this would help with tipping fees for the landfill.

Mr. Zucal replied yes, "we do pay a monthly fee but it certainly should decrease our tonnage."

Mr. Zucal announced that after tonight, "we will be bidding out the landfill fees for the new upcoming three year contract and hopefully we can show the progress that our tonnage is down and we might get a better price."

Ms. Cox: asked "Who accepted our bids for the Backflow Prevention Program?"

Mr. Zucal answered that was W. E. Quicksall's, the Contracting Engineers. "It was a request for qualifications and we had five submittals."

SAFETY DIRECTOR.....MR. GREG POPHAM

Mr. Greg Popham reported that a letter was sent to Council President, Joel Day, from the Police Chief that announced that Officer Jen Horner will be over seeing the City Auction. The Law Director is drawing up the required paperwork for June 6th 2011 at 5:00 PM at the City Garage.

**AUDITORMS. BETH GUNDYNO REPORT
EXCUSED ABSENCE**

TREASURERMR. DAVE JOHNSON..... NO REPORT

LAW DIRECTOR.....MR. MICHAEL JOHNSON

The Law Director reminded everyone that a week from Thursday the Rhodes Case is being argued by the Ohio Supreme Court in Cambridge Ohio and anyone who wants to listen to this; there is an online address. Previously, the Law Director had provided that address to everyone but anyone who needs that again please contact his office.

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR MICHAEL TAYLOR

The Mayor announced that Planning Commission will not be meeting in the month of April and that the next scheduled Planning Commission meeting will be Tuesday, May 10, 2011, at 1:00 PM in Council Chambers pending an agenda.

Board of Zoning Appeals.....Mr. Jim Zucal

Mr. Zucal announced the Board of Zoning Appeals will meet Tuesday, April 12 2011, at 5:00 PM in Council Chambers There are several variance requests.

AIRPORT COMMISSION..... MR. JIM LOCKER

Mr. Locker announced that the Airport Commission will meet tomorrow night at 6:00 PM in the Airport Meeting Room

PARK BOARD.....MR. DARRIN LAUTENSCHLEGER..... NO REPORT

HEALTH BOARD.....MS. SANDY COX

Ms. Cox reported that the Health Board will meet Wednesday, April 13, 2011 at 12:00 noon at the Health Department the date of the meeting was changed (originally it was scheduled for April 20, 2011.)

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEE.MS. SANDY COX

Mr. Cox reported that the Finance Committee met at 7:15 PM in Council Chambers with 2 items to discuss:

- Item 1. To reduce the Sewer Improvement fund by \$58,000.00, it was over appropriated
- Item 2. To Change the account number as to where the cost for the refurbishment of the Fire Engine is going to be taken from to fund 715.

The Meeting adjourned at 7:18 PM.

SALARY COMMITTEEMR. JIM LOCKER

Mr. Locker announced that the Salary Committee will meet April 25, at 6:30 PM in Council Chambers.

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

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

Mr. Darrin Lautenschleger reported that the Public Works & Economic Development Committee met at 6:30 PM in Council Chambers with one items to discuss;

The proposed Assignment of Lease for the Airport Restaurant from Oh Holly Corp. to Hootie Bear, LLC.

The principals of the Hootie Bear LLC and Oh Holly Corp. have reached an agreement and Hootie Bear LLC is requesting that the City approve the transfer of the existing lease.

Mr. Lautenschleger reported the following:

- o That in the preliminary work that the Administration and the Law Director have done, the committee recommends that the council approve the lease assignment.
- o The Administration has recommended that pending some final reviews, making sure that all the rent, utilities and any other terms are current and satisfied; Council will need a 2/3 vote of a full council to approve the assignment.
- o The City will be responsible for costs for work on the Fire Suppression Systems and some freezers that are no longer functioning. Mr. Schwartz offered to pay for the freezers in exchange for rent relief in the same dollar amount.
- o The Law Director prepared a number of items that were distributed to the committee members including copies of the current lease and an addendum that was approved by council last year.
- o Mr. Steve Anderson, the legal counsel for Hootie Bear LLC, was present along with Calvin Schwartz.
- o Mr. Anderson briefed the committee and explained how Mr. Schwartz always wanted to open a restaurant and this became an opportunity for him. In addition to a payment of back rent to the City, Mr. Schwartz paid approximately \$23,000.00 in back taxes and related costs to the State of Ohio to maintain the liquor license for the restaurant at the airport. The liquor license was scheduled to be terminated on March 25, 2011.
- o The name of the restaurant will be Magoo’s Pizza, Pasta and More and they hope to open sometime in May. Details of operations, theme interior have not been established.
- o A background check conducted by the local Police Department under the direction of the Law Director returned no issues for the principals of Hootie Bear LLC which consist of, Calvin and Barbara Schwartz.
- o The committee does have a copy of draft resolution consenting to the assignment of lease to Hootie Bear, LLC, from Oh Holly Corp.

Mr. Lautenschleger requested that any follow-up questions be directed to him to obtain responses from the proper person and for a report to all committee members.

The committee agreed to hold its next meeting April 25, 2011 immediately following the Salary Committee Meeting scheduled at 6:30 PM.

Meeting adjourned at 655 PM.

ZONING & ANNEXATION COMMITTEEMS. COLLEEN ESPENSCHIED

Ms. Colleen Espenschied reminded all and announced that she was going to ask the rules be suspended for Resolution 11-2011.

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

Assignment by Council President Joel Day: The Annual City Auction.

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

VISITOR'S COMMENTSNONE

READING OF ORDINANCES AND RESOLUTIONS:

ORDINANCE:

- 2-2011 An Ordinance by the Council of the City of New Philadelphia directing the Service Director to advertise for bids and to enter into contracts with the lowest and best bidder for the City's requirements of various materials and supplies for 2011, and declaring an emergency. (3rdReading)
Motion to vote on passage made by Ms. Cox, seconded by Ms. Walker
Roll call, 6 yeas, ordinance passed
- 3-2011 An ordinance by the Council of the City of New Philadelphia authorizing the Service Director to advertise for bids and enter into a contract with the lowest and best bidder for Sanitary Landfill Services for a term beginning May 15, 2011 and ending May 15, 2014, and declaring an emergency. (3rdReading)
Ms. Espenschied requested to be excused from Voting because she works for one of the landfills that would be putting a bid for this.

Motion to vote on Ms. Espenschied being excused from voting was made by Ms. Cox, seconded by Ms. Walker. Roll call, 5 yeas, motioned passed

Motion to vote on passage made by Ms. Cox, seconded by Ms. Walker
Roll call, 5 yeas, and ordinance passed.

RESOLUTIONS:

- 5-2011 A resolution by the Council of the City of New Philadelphia, Ohio to commend Joan F. Robis for her 30 years of service as Health Commissioner for the City of New Philadelphia, and declaring an emergency. (2ndReading)
- 6-2011 A resolution by the Council of the City of New Philadelphia, Ohio to commend Pamela Patacca for her 14 years of service as Park Board Member for the City of New Philadelphia, and declaring an emergency. (2ndReading)
- 7-2011 A resolution by the Council of the City of New Philadelphia, Ohio to commend Larry Burton for his 14 years of service as Park Board Member for the City of New Philadelphia, and declaring an emergency. (2ndReading)
- 11-2011 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 (PL 93-383) to the Ohio Department of Development, Division of Community Development, office of Local Government Services, and declaring an emergency.

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

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

COUNCIL ADJOURNED FROM REGULAR SESSION INTO EXECUTIVE SESSION AT 7:52 PM
AS REQUESTED BY MAYOR, MICHAEL TAYLOR TO DISCUSS NEGOTIATIONS.
COUNCIL RECONVENED INTO REGULAR SESSION AT 8:09 PM.

UNFINISHED OR OLD BUSINESS:None

NEW BUSINESS

Assignments by Council President Joel Day to Ms. Cox/ Finance Committee
To advertise for bid s for a new Sanitation Truck.

MOTION TO ADJOURN MADE BY MS COX, MEETING ADJOURNED AT 8:10PM

CLERK OF COUNCIL _____

APPROVED _____

PRESIDENT OF COUNCIL _____