

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON APRIL 25, 2011 WITH PRESIDENT OF COUNCIL JOEL DAY PRESIDING. MR. DAY OFFERED A PRAYER, AND ALL IN ATTENDANCE RECITED THE PLEDGE OF ALLEGIANCE.

COUNCIL MEMBERS IN ATTENDANCE:

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

PRESIDENT OF COUNCIL, JOEL DAY ANNOUNCED THE TREASURER MR. DAVE JOHNSON, IS EXCUSED FROM TONIGHT'S COUNCIL MEETING

MS. COX MOVED THAT WE ADD RESOLUTION 14-2011 IN REGARD TO THE AFSCME CONTRACT TO THE AGENDA AND MR. LAUTENSCHLEGER MOVED THAT WE ADD RESOLUTION 16-2011 TO THE AGENDA THIS EVENING. MR MAURER SECONDED THE MOTION TO ADD RESOLUTION 14-2011 AND 16-2011 TO THE AGENDA TONIGHT.
ROLL CALL, 7 YEAS, MOTION PASSED.

MS. COX MADE A MOTION TO ACCEPT TONIGHT'S AGENDA. MS. WALKER SECONDED THE MOTION. ROLL CALL, 7 YEAS, MOTION PASSED.

MS.ESPENSCHIED MADE A MOTION TO APPROVE THE MINUTES OF THE PREVIOUS SESSION HELD APRIL 11, 2011 AND MS. COX SECONDED THE MOTION.
ROLL CALL, 7 YEAS, MOTION PASSED.

CORRESPONDENCE CLERK, PATRICIA MCKAY

1. Finance Committee Meeting Minutes from April 11, 2011
2. Public Works & Economic Development Committee Meeting Minutes from April 11, 2011

ADMINISTRATIVE REPORTS:

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

The Mayor addressed Council on the following:

The Mayor Taylor reported:

- The Tentative Agreement for wages for 2011 and 2012 with AFSCME Local 1958 for the Service Union and the Clerical Union both have ratified the agreement and encouraged Council to suspend the rules and pass the legislation this evening.
- For the third year in a row, he has secured a grant through the Ohio Public Works Commission. The grant amount is for \$177,600 and is 80% of the cost of the upgrade of the Lauren Lift Station. This should complete the major upgrades for the very east end of the City which previously included the upgrade of the Harts and Reiser Avenue Lift Stations, the installation of the two mile long sanitary force main line directly to from the Wastewater Plant to the Knisley Industrial Park.
The upgrade of the Lauren Lift Station will allow us to handle a larger capacity including the construction of the new Attention Center.
The major reduction of flow to and down the East High Avenue sanitary line from this large area will allow us to more easily handle additional growth in the Knisely Industrial Park area and the future growth from the Kent State area and the Tech Park.
- The ARC grant application for the traffic study for the University Drive/East High Avenue area has been approved. This study is being done in partnership with Kent State and Buckeye Career Center, who have each contributed 25% of the project cost. The City's portion was in applying for the grant and processing the grant. No dollars from the City will have to be spent to complete this study.

- The City received official word from the US Census Bureau, that the 2010 Census population is 17,288 the 2000 Census population was 17, 056.
- The Mayor announced that he is in support of approving the assignment of the Airport Restaurant Lease from Oh Holly Corporation to Calvin and Barbara Schwartz. The Mayor feels that “ the Schwartz’s will be able to operate the restaurant in a way that will provide a stable revenue source to the City and maintain the restaurant as an attractive dining alternative for area residents.”

Mayor Taylor requested that Resolution 7-2011 be held for its 4th reading.

Question:

Mr. Zucal; “Do we have any information on the Tech Park”; there were some prospective folks in the other day.

Mayor: “Not for the Tech Park they were in and looking at several different areas which Tech Park could be one of them but I think they are also interested in downtown property.”

SERVICE DIRECTOR.....MR. JIM ZUCAL

The Service Director reported the following:

The Mayor and the Service Director attended an Open House at ODOT to review upcoming projects of importance to the City. The Service Director attended the trail alignment meeting with the Ohio & Erie Canalway Coalition for the proposed trail thru New Philadelphia.

Amy Gilland and Mr. Zucal have revised and distributed the income survey for the next year proposed Community Development Block Grant Project this goes out to constituents of a select pre qualified area in the 300 block of Ray Avenue NW.

Fred Neff and the Service Director are finalizing the paving list for this year. When it is completed it will be forward to everyone to review.

SAFETY DIRECTOR.....MR. GREG POPHAM.....NO REPORT

AUDITORMS. BETH GUNDY.....NO REPORT

TREASURERMR. DAVE JOHNSON..... NO REPORT

EXCUSED ABSENCE

LAW DIRECTOR.....MR. MICHAEL JOHNSON

The Law Director reported that he sent out a letter Thursday of the notice of demolition for a property on East High Avenue that is in disrepair, this past week Law Director received notice from the Service Director to go forward. This week the letter to tear down the property at 408 Front Street SW will go out; this will be a 30 day notice giving the property owner the opportunity to remedy it or tear it down; if not we will follow thru and proceed to tear it down. There is a garage that is located at 838 Bank Lane SE. that we are looking at and we will be sending the same letter.

The Law Director announced that those three tear downs will be going forward and hopefully by the middle of summer they will be completed.

Questions:

Mr. Rob Maurer: “If we tear it down will the property owner sell the land.”

Law Director: “Any properties we tear down we assess the cost of the tear down to the tax duplicate that goes to the owner. They cannot sell without paying the taxes and the cost of the tear down.”

Mr. Rob Maurer: “What if it is a stalemate?”

Law Director: “If the building is a hazard to the community that needs to be torn down this is done very slowly and cautiously, we do not take away anyone’s right to own or protect their property, it has been done in the past and we will continue to do it where necessary.”

Mr. Rob Maurer: “So could we eventually do some kind of legal work to take the land.”

Law Director: “The foreclosure could be filed by the county for the taxes that were owed. Because you can’t pay your taxes without paying the assessment that are on the taxes, so if the taxes get far enough behind the county goes forward to foreclose on the property. I’m not sure with an assessment we could do that; own it mow it keep it clean, while we tempt to resell it if council wants to do that.”

Mr. John Zucal: “If we do tear down those premises, who is taking care of the place and who is responsible for taking care of that area?”

Law Director: “Other places in the City where there is an up growth of foliage, when it reaches

12 inches, the City will go in and mow it and that charge goes right to the Real Estate Taxes.”

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR MICHAEL TAYLOR

The Mayor announced that 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, May 10, 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 announced that the Park Board will meet Wednesday April 27th at 7:00 PM at the Tuscora Park Office.

HEALTH BOARD.....MS. SANDY COX

Ms. Cox reported the next scheduled meeting of the Health Board is Wednesday, May 18, 2011 at 12:00 noon at the Health Department.

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEE.MS. SANDY COX

Mr. Cox reported that the Finance Committee met at 6:54 PM in Council Chambers with 2 items to discuss:

- Item 1. Resolution 14-2011 which we added to the agenda to accept the AFSCME contract which is 2.5% per 2011 and 2012. The committee is requesting the rules be suspended and for it to be passed.
- Item 2. Finance Committee asked the Law Director to prepare the legislation for the Vacall Excavator and for it not to exceed \$260,000.

Finance Committee requested Ordinance 1-2011 be passed in regard to amending and adjusting appropriations.

Assignment by Council President Joel Day: Assignment resolution from Mr. Lindberg County Budget Commissioner accepting the formula for local government distribution.

SALARY COMMITTEEMR. JIM LOCKER

Mr. Locker reported that the Salary Committee met at 6:30 PM tonight in Council Chambers. The issue that was to be discussed was the Non-Bargaining Employees and the Ad Hoc Committee.

1st Issue: the Ad Hoc Committee

John Zucal made a motion to have the Law Director draw up an ordinance or a resolution for the ad hoc committee; to be legal it is required by Council Rule of Procedure.

2nd Issue: 3 % raise for all Non-Bargaining Employees retroactive back to January 1, 2011.

The Law Director will draw up an ordinance so it can be put on the agenda for the first Council meeting in May 2011.

Mr. Locker then thanked Beth Gundy for having the 3% chart available for Council.

Meeting adjourned at 6:37 PM

SAFETY, HEALTH, AND SERVICE COMMITTEE MR. ROB MAURER

Mr. Maurer reminded everyone that there will be a meeting at 6:45 PM tomorrow evening in Council Chambers in regard to the Tuscarawas Central Catholic Ditch Project.

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

Mr. Darrin Lautenschleger reported that the Public Works & Economic Development Committee met this evening immediately following the Salary committee meeting and had one item on the agenda and that was draft Resolution 16-2011 which deals with the assignment of the lease for the airport restaurant from OH Holly Corporation to Hootie Bear, Ltd.

Following up from the previous meeting, Mr. Darrin Lautenschleger reported there are a few items the administration is checking on:

The final consultation of sales figures so the final rent payment from the Oh Holly Corporation, up until the time they closed the operation, can be satisfied as well as figures for the utilities.

The attorney for Hootie Bear, Ltd., who was present, indicated they will make payment on back utilities actually as soon as tomorrow.

The administration was able to determine the leaking pipe damage to the dry wall area. The leaking pipe has been repaired, the dry wall damage will be taken care of by the City, this is the City's responsibility as the owner of the building.

The principals of Hootie Bear, Ltd., Mr. & Mrs. Schwartz, were present they told the committee they cannot access the building and that they are eager to resume remodeling work inside the restaurant contingent on the City's consent to the lease assignment. Hootie Bear Ltd plans to open in one to two months, and that planned hours of operation are 4:00 PM to 11:00 PM, Tuesday through Saturday, with lunch service and weekend breakfast service to be considered later.

Mr. Lautenschleger reported that the Service Director stated that Mr. Zucal has talked with the Hootie Bear Folks on several occasions, has visited the restaurant frequently in the past weeks and is encouraged by the cooperation exhibited by them.

On a motion by Mr. Maurer, seconded by Ms. Cox, the committee voted unanimously to add Resolution 16-2011 to the agenda for this evening's regular meeting of Council, that the rules be suspended and that the resolution be passed on first reading

Mr. Lautenschleger reminded all Council that "we have the resolution before us and if it is approved, work can continue so the opening date can be reached."

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

CONTACT & SPECIAL COMMITTEEMR. JOHN ZUCAL

Mr. Zucal announced that there will be a meeting of the Special/ Contact Committee April 26, 2011 following the meeting of the Safety Health and Service Committee meeting.

Two items of interest:

A resolution to approve and adopt the Tuscarawas County Tax Incentive Review Council's Recommendations to the Enterprise Zone Annual Report for fiscal year 2011

A resolution to authorize the New Philadelphia Police Department to hold the annual Police Auction

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

VISITOR'S COMMENTS

William Bevan, 2012 Delaware Drive SE Lot 12, New Philadelphia, Ohio 44663

Concern was the alerts for a tornado: Mr. Bevan wanted to know where the sirens were located on the east end of the City as he was not able to hear the sirens for the tornado alert when there recently was a tornado warning in the area and requested that council address the issue.

The Safety Director replied that they were located at Shelmar and Timken and stated that they were okay when the annual tornado test was held a couple of weeks ago. Mr. Popham said that the City had no idea that the sirens were not working as they were recently serviced but he will look into this.

Diane Lautenschleger, 250 Lewis Avenue NW, New Philadelphia, OH 44663

New Philadelphia Business and Community Association, 126 East High Avenue, New Philadelphia, Ohio 44663

Diane Lautenschleger, Administrative Director, of New Philadelphia Business and Community Association

Ms. Lautenschleger distributed a written report with three attachments

A copy of the photograph of the 2nd Annual Shamrock Run which was published in the Times Reporter.

A copy of the press release regarding this grant award which was published in the Bargain Hunter.

The Merchants and Artists Walk flyer

She reported to council the following accomplishments of the New Philadelphia Business and Community Association and the upcoming plans for 2011.

- The Gateway Banner was completed February 16, 2011 when the banners were hung on the South Broadway Bridge. The new banners give this area of town a welcoming appearance and their sale made this a successful fund raiser for NPBCA.
- The 2nd Annual Shamrock Run 5 K was held March 19. The run was organized by Rob Maurer, The 5K is a profitable fund raising project for NPBCA. Ms. Lautenschleger thanked Mr. Maurer for his help, Tuscarawas Central Catholic High School and the Tuscarawas County Sheriff Explorers for their partnerships for this project. Participants' registering for this year's run increased 25% from last year.

- The grant distribution committee of Stark Community Foundation awarded a charitable grant of \$9,000.00 to NPBCA for the project "Growing and Strengthening New Philadelphia." These monies will be earmarked for administrative costs.
- The automotive department of Buckeye Career Center repainted the 8 bistro table sets which are used on the south-east quadrant of town square. These tables and chairs will be returned to the downtown within the next several weeks by the employees of the City of New Philadelphia.
- Saturday, May 14, 9:00 AM the annual mulching and planting of the beds and planters located throughout the town square will take place. New Philadelphia Rotary and Kiwanis Clubs fiscally contribute to this project.
- The first Merchants and Artists walk of the season will take place Saturday, May 14 from 6:00-9:00 PM the theme is "Celebrate Spring in Downtown New Philadelphia Come Feather Your Nest with Art!" Seventeen locations throughout the Central Business District will host artists, musicians, performers or activities and refreshments.

Monthly meeting is held the first Thursday of each month at 8:00 AM at the Tuscarawas County Convention and Visitors Bureau located at 124 East High Avenue. Ms. Lautenschleger announced that the New Philadelphia Business and Community Association is now on face book.

Ms. Lautenschleger thanked everyone for their time and support.

President Joel Day told Ms. Lautenschleger to keep up the good work.

READING OF ORDINANCES AND RESOLUTIONS:

ORDINANCE:

1-2011 An ordinance amending and adjusting the permanent appropriations ordinance for the year 2011 and declaring an emergency. (1st Reading)

Motion to suspend the rules made by Ms. Cox, seconded by Mr. Locker
Roll call, 7 yeas, rules suspended.

Motion to vote on passage made by Ms. Cox, seconded by Ms. Walker
Roll call, 7 yeas, 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. (3rd Reading)

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

Ms. Robis thanked Council for all their support during the time she was Health Commissioner.

Ms. Cox, Health Department Representative, thanked Ms. Robis for her years of service and dedication and stated that Ms. Robis was appreciated and is missed. (Ms. Cox has been a Health Department Representative for the past 18 years.)

Roll call, 7 yeas, resolution passed.

President of Council Joel Day requested that Ms. Robis come forward. He then presented Mrs. Robis with a recognition plaque from the New Philadelphia Administration and Council to thank her for her years of service and dedication as Health Commissioner for the City of New Philadelphia.

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. (3rd Reading)

Motion to vote on passage made by Ms. Cox, seconded by Mr. Locker
Roll call, 7 yeas, resolution passed.

President of Council Joel Day announced that Ms. Patacca will also be receiving recognition plaque.

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. (3rd Reading)

12-2011 A resolution by the Council of the City of New Philadelphia, Ohio to modify Resolution No. 1-2011 to allow the cost for the refurbishment of the Fire Engine to be paid from fund 715 and declaring an emergency. (1stReading)

14-2011 A resolution by the Council of the City of New Philadelphia, Ohio to accept the agreement with both AFSCME Unions for a wage increase of 2.5% for the year 2011 retroactive to January 1, 2011 and a 2.5% wage increase beginning January 1, 2012 and declaring an emergency. (1stReading)

Motion to suspend the rules made by Ms. Cox, seconded by Mr. Zucal
Roll call, 7 yeas, rules suspended.

Motion to vote on passage made by Ms. Cox, seconded by Ms. Espenschied
Roll call, 7 yeas, resolution passed.

16-2011 A resolution by the Council of the City of New Philadelphia, Tuscarawas County, Ohio, authorizing the Director of Public Service to consent to an assignment of the lease between Oh Holly Corporation and the City of New Philadelphia, Ohio, authorized by Ordinance 45-2002 and entered into May 15, 2002 and Addendum authorized by Resolution 32-2010 and entered into on June 14, 2010 to Hootie Bear, Ltd, and declaring an emergency. (1stReading)

Motion to suspend the rules made by Mr. Lautenschleger, seconded by Ms. Cox
Roll call, 7 yeas, rules suspended.

Motion to vote on passage made by Mr. Lautenschleger, seconded by Mr. Locker
Roll call, 7 yeas, resolution passed.

UNFINISHED OR OLD BUSINESS:None

NEW BUSINESS

Mr. Zucal announced that the New Philadelphia Schools' Second Annual Make a Difference Day will be held this Saturday, April 30, from 8:30 to 11:00 AM. Approximately 60 volunteers will be on hand at the Schoenbrunn School Site for the big clean up day and 16 volunteers are scheduled for the clean up for the downtown area. Volunteers are from the New Philadelphia Schools.

MOTION TO ADJOURN MADE BY MS COX, MEETING ADJOURNED AT 8:04PM

CLERK OF COUNCIL_____

APPROVED _____

PRESIDENT OF COUNCIL_____