

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON MAY 23, 2011 WITH PRESIDENT OF COUNCIL, JOEL DAY, PRESIDING. MR. DAY OFFERED A PRAYER, GIVING THANKS FOR THE LIVES OF AL DUNN AND RON GUNDY AND ASKING THAT HIS COMFORTING SPIRIT BE WITH THEIR FAMILIES AND ALL THE FAMILIES IN OUR COMMUNITY WHERE THERE IS THE MOURNING OF THE PASSING OF A LOVED ONE. ALL IN ATTENDANCE RECITED THE PLEDGE OF ALLEGIANCE.

PRESIDENT OF COUNCIL, JOEL DAY ANNOUNCED AUDITOR, MS. BETH GUNDY, IS 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
MR. JOHN ZUCAL

MS. COX MOVED THAT WE ADD RESOLUTION 21-2011 TO THE AGENDA AND MS. WALKER SECONDED THE MOTION TO ADD RESOLUTION 21-2011 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. COX MADE A MOTION TO APPROVE THE MINUTES OF THE PREVIOUS SESSION HELD MAY 9, 2011 AND MR. LOCKER SECONDED THE MOTION. ROLL CALL, 7 YEAS, MOTION PASSED.

CORRESPONDENCE CLERK, PATRICIA MCKAY

1. A Notice to Council from the Ohio Division of Liquor Control to N P Motel Systems Inc. dba Holiday Inn Express, 145 Bluebell Drive SW, New Philadelphia, Ohio 44663 a new D5A permit and asking objection be made no later than 6/ 6/ 2011.
2. Safety, Health, and Service Committee Minutes from April 26, 2011
3. Finance Committee Meeting Minutes from May 9, 2011

ADMINISTRATIVE REPORTS:

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

The Mayor addressed Council on the following:

Mayor Taylor reported:

- The Mayor attended the grand opening for Karam's Martial Arts on Saturday, May 14th, 2011. The Karam family, has a 30 + year business, has purchased the former Player's Choice location on Front Avenue SW and renovated the building for their Martial Arts Classes. The Mayor wished them good luck in their new location.
- The Mayor, President of the New Philadelphia Board of Health, announced the following staff changes: Vickie Ionno appointed as the new Health Commissioner will be replacing Keith Eames who is retiring in mid June. Vickie comes to the City from the Tuscarawas County Health Department where she was the Director of Nursing. Dr. Nic Varatti, Medical Director of our Health Board will assume the position of Volunteer Interim Commissioner until Ms. Ionno starts. Lee Finley, current Sanitarian in the Health Department, will assume the duties of Director of Environmental Health. Lee formerly worked in Environmental Health at the Tuscarawas County Health Department.

Kelly Ricklic, Water Superintendent, has resigned to accept a position with New Philadelphia City Schools. We are seeking a replacement for the Water Superintendent and when someone is chosen for that position Council will be updated. In the interim, the Service Director and the Water Department staffs will oversee operations in the water system.

- Last week, the Mayor toured a new manufacturer that is locating in New Philadelphia. Performance Additives, has purchased the building at 906 Cookson Avenue SE and are doing major renovation and construction at their new location using all local contractors. They are in the process of installing a new production line to make an oil based product that is then used in a second manufacturing process. This is their first U.S. location. The Mayor thanked Dave Moreland for exposing them to our area. In addition to the his report, the Mayor passed out a copy of an e-mail he received signed by five Mayors and a Township Trustee from Northern Ohio to Senator Jason Wilson. Attached was a spread sheet analyzing the affects of the repeal of the estate tax to all the villages and government entities in Senator Wilson's district that received Estate Tax. Page 4 indicates the use 2006, 7, 8 and 9 numbers with New Philadelphia averaging about \$335,000 a year. Starting in 2013, based upon the legislation, we would be losing that amount of revenue from the State. The Mayor felt the report was well done.

SERVICE DIRECTOR.....MR. JAMES ZUCAL

The Service Director reported the following:

- The Waste/Water Superintendent and the Service Director have been compiling a list of potential Storm Sewer Projects for this year.
- The Street Department continues to patch pot holes, sweep streets and remove dead and dangerous trees form the lawn strips.
- Amy Gilland has sent out several dozen high grass letters. Some of the lawns were mowed by a contractor A lien was put on the taxes of the property owners at the Tuscarawas County Court House so we will get refunded for this service eventually.
- According to the Housing Code, a structure at 860 Miller was boarded up and secured

Mr. Zucal requested that council take notice of the data sheet that he presented to everyone in regarding the price of materials. The material list for this year was reviewed and the data represents the changes that have taken place since 2007.

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

AUDITORMS. BETH GUNDY.....NO REPORT

EXCUSED ABSENCE

TREASURERMR. DAVE JOHNSON

The Treasurer reported that he has been working with Sarah McIntosh in regard to double earned credit. At the time when we signed up for a depository most banks were not paying interest. Because of Huntington's earned credit the fees that were charged were almost completely eliminated. For example: service fees were \$18,002 and the credit reduced the amount to \$6,049. The Treasurer talked and negotiated with Huntington Bank and they increased the earned credit from .0025 to .0050, which should cancel out almost all the service fee charges.

LAW DIRECTOR.....MR. MICHAEL JOHNSON

The Law Director reported the following:

Beth Gundy provided the Energy Lease which is being referred to committee tonight. (An oil/gas lease proposal with Avalanche Energy LLC)

The Law Director announced that we did receive a decision from the arbitrator on the Alesiano Grievance that was filed. The decision came out that a 30 day suspension was appropriate but when we suspended for 30 days we suspended for 30 working days since we left out the word working, we owe for 2 or 3 weekends which is much less than what was requested. The importance of the decision is it allows the City to enforce sick leave issues and abusive sick leave if it should ever happen. The Law Director announced that this matter has now been put to rest.

Resolution 21-2011- To straighten out the Auditor and Treasurer Reports from clerical mistakes that have happened in the past. Example of what has occurred to allow false numbers to be created:

The Law Director said he paid his Income Tax early in April.

He received a call from the Income Tax Department that they received the envelope but not the Tax Return or his check for taxes owed.

- Next day he stopped payment on the check and re-submitted his Income Tax Return along with a check for taxes owed.
- Saturday the Law Director received a refund for the second check that he issued for his taxes owed.
- Today he was notified that his 1st check (payment had been stopped) bounced.

For the record, the Law Director did pay his taxes, he did file his Tax Return and he will return the refund check. The Law Director announced that “this is some of the things that have happened over the years in various departments to allow false numbers to be created and passing a resolution to remove the problem is an excellent thing to do.”

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR MICHAEL TAYLOR

The Mayor announced that the next Planning Commission meeting will be Tuesday, June 14, 2011, at 1:00 PM in Council Chambers pending an agenda.

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

Mr. Zucal announced the next Board of Zoning Appeals will meet Tuesday, June 14, 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 Meeting scheduled for last Wednesday to be held at the South Side Community Park was rained out and a rescheduled date has not been announced yet.

HEALTH BOARD..... MS. SANDY COX

Ms. Cox reported the next scheduled meeting of the Health Board is scheduled Wednesday, June 15, 2011 at 12:00 noon at the Health Department.

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEEMS. SANDY COX

Mr. Cox reported that the Finance Committee met tonight at 7:05 PM in Council Chambers with one item to discuss:
Resolution 21-2011- To make adjustments for posting differences on the Treasurer and Auditor Reports due to posting errors.

Ms. Cox reported that the Treasurer informed the committee a lot of the problems were miscommunications, NSF checks and posting errors.

The services of Moore & Neidenthal, Inc. assisted in locating and correcting problems in the balances with the Treasurer and Auditor cash balances

The Treasurer Report under adjustments to balance item checks and difference should be modified to zero, reversed interest per pay-in Star and Chase should be reduced to zero and the January 2011 adjustments should be modified to reduce \$6, 288.25 which appeared to be posting adjustments.

Ms. Cox reported that the Auditor Report under 889 Income Tax Collection Fund has had a \$755 cash balance due to a posting error which was not identified during the reconciliation for 2010 and 2011.

Fund 889 should be adjusted to bring the balance to zero.

The committee moved to place the resolution on the agenda and recommended passage this evening.

Meeting adjourned at 7:10 PM.

SALARY COMMITTEEMR. JIM LOCKER

Mr. Locker reported that the Salary Committee will have a meeting at 7:15 PM on June 13, 2011 In Council Chambers.

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

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

Mr. Lautenschleger reported that the Public Works & Economic Development Committee met tonight at 7:00 PM in Council Chambers with one item to discuss: Proposed Ordinance 8-2011 (Phase 3 of the Airport Ramp Runway Rehabilitation Project)
Mr. Lautenschleger reported that the Service Director Jim Zucal informed the committee that the Phase 3 Improvement Project is the annual upgrade work that has been identified and supported by the FAA. The work involves replacement of asphalt with an improved mixture as identified by the FAA and is the third in a series of three major rehabilitation projects for the runway

of the airport. The City's cost of the estimated \$430,000 project is 5 percent of the overall cost or \$21,500. The FAA will pay for the remainder of the cost through a federal grant to the City. The Committee agreed to add the Resolution 8-2011 to the June 13, 2011 Agenda, to have the rules suspended and the resolution be passed on the first reading.

Assignment by Council President Joel Day: President Joel Day requested that Mr. Lautenschleger take the Robinson S.E. Pump Station OPWC Project into his Committee.

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

CONTACT & SPECIAL COMMITTEE MR. JOHN ZUCAL

Mr. Zucal reported that the Contact & Special Committee met May 18, 2011 at 7:00 PM in Council Chambers with 2 items to discuss:

1. The notice for a transfer of a liquor permit from the Ohio Division of Liquor Control for Hootie Bear, Ltd. dba Maggoos & Patio, 1816 East High Avenue, New Philadelphia, Ohio 44663 for transfer of D-1, D-2 and D-3 permit from Oh Holly Corporation dba Perfect Landing & Patio 1816 East High Avenue, New Philadelphia, Ohio 44663 and asking objections be made no later than June 6, 2011.
2. The notice for a new liquor permit from the Ohio Division of Liquor Control for N P Motel Systems Inc. dba Holiday Inn Express, 145 Bluebell Drive SW, New Philadelphia, Ohio 44663 a new D5A permit and asking objection be made no later than June 6, 2011

Mr. Zucal reported that the committee did not have any objections to the permits and did not request a hearing for either notices and for this to be put before full Council and voted on so the clerk could sign and return the form to the Ohio Division of Liquor Control postmarked no later than June 6, 2011.

Mr. Zucal made a motion not to request a hearing for transfer of D-1, D-2 and D-3 permit from Oh Holly Corporation dba Perfect Landing & Patio 1816 East High Avenue, New Philadelphia, Ohio 44663 Hootie Bear, Ltd. dba Maggoos & Patio 1816 East High Avenue, New Philadelphia, Ohio 44663 and for the form to be marked to designate we do not request a hearing, the form signed by clerk, and then forwarded to the Ohio Division of Liquor Control postmarked no later than June 6, 2011.

Mr. Lautenschleger seconded the motion. Roll Call, 7 Yeas, Motion Passed

Mr. Zucal made a motion not to request a hearing for a new D5A permit for N P Motel Systems Inc. dba Holiday Inn Express, 145 Bluebell Drive SW, New Philadelphia, Ohio 44663 and for the form to be marked to designate we do not request a hearing, the form signed by clerk, and then forwarded to the Ohio Division of Liquor Control postmarked no later than June 6, 2011.

Ms. Cox seconded the motion. Roll Call, 7 Yeas, Motion Passed

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

Assignment by Council President Joel Day An oil/gas lease proposal with Avalanche Energy LLC
President Joel Day requested that Ms. Walker take this assignment into her committee.

VISITOR'S COMMENTS

NONE

READING OF ORDINANCES AND RESOLUTIONS:

ORDINANCE:

7-2011 An ordinance by the Council of the City of New Philadelphia, Ohio to categorize and list the department heads, assistant department heads and other non union employees and declaring an emergency.
(2nd Reading)

RESOLUTIONS:

- 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. (3rd Reading)

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

- 19-2011 A resolution by the Council of the City of New Philadelphia, Ohio to increase wages for certain non-bargaining employees retroactive to January 1, 2011 and declaring an emergency. (2nd Reading)

- 20-2011 A resolution by the Council of the City of New Philadelphia, Ohio to accept the alternate formula for distribution of local government and local government revenue assistance funds as proposed by the Tuscarawas County Budget Commission and as prescribed by Section 5747.53 of the Ohio Revised Code, and declaring an emergency. (1st Reading)

- 21-2011 A resolution by the Council of the City of New Philadelphia, Ohio to make adjustments for posting differences on the Treasurer and Auditor Reports due to posting errors, and declaring an emergency. (1st Reading)

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

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

UNFINISHED OR OLD BUSINESS:None

NEW BUSINESS:

Mr. Zucal proposed “that in some point and time, we as Council convene an opportunity to come together and discuss the recruitment, retention, our responsibility, our role in leaving capital here in the City, so we can best maximize the productivity of the City through employment of the best possible people in those positions and just thought down the road that we might want to consider as council.”

MOTION TO ADJOURN MADE BY MS. COX, MEETING ADJOURNED AT 7:56 PM

CLERK OF COUNCIL _____

APPROVED _____

PRESIDENT OF COUNCIL _____