

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON July 12, 2010 WITH PRESIDENT OF COUNCIL JOEL DAY PRESIDING. MR. DAY OFFERED A PRAYER, AND ALL IN ATTENDANCE RECITED THE PLEDGE OF ALLEGIANCE.

President Joel Day announced the Mayor, Michael Taylor is excused from tonight’s council meeting.

COUNCIL MEMBERS IN ATTENDANCE:

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

COUNCIL MEMBER MR. ROB MAURER EXCUSED ABSENCE

MS. COX MADE A MOTION TO ADD RESOLUTION 36-2010, RESOLUTION 37-2010 AND ORDINANCE 14-2010 TO TONIGHT’S AGENDA. MR. LAUTENSCHLEGER SECONDED THE MOTION. ROLL CALL, 6 YEAS, MOTION PASSED.

MS. COX MADE A MOTION TO ACCEPT TONIGHT’S AGENDA AS AMENDED MR. ZUCAL SECONDED THE MOTION. ROLL CALL, 6 YEAS, MOTION PASSED.

MS. WALKER MADE A MOTION TO APPROVE MINUTES OF THE PREVIOUS SESSION HELD JUNE 28, 2010. MS. COX SECONDED THE MOTION. ROLL CALL, 6 YEAS, MOTION PASSED.

CORRESPONDENCE CLERK, PATRICIA MCKAY

1. Corrected Minutes from the Contact and Special Committee Meeting for February 8, 2010
2. Corrected Minutes from the Contact and Special Committee Meeting for March 22, 2010
3. Corrected Minutes from the Contact and Special Committee Meeting for April 26, 2010
4. Airport commission Meeting Minutes from June 8, 2010
5. Finance Committee Meeting Minutes from June 28,2010
6. Auditor’s Financial Statement for the Month of June 2010
7. Auditor’s Monthly Statement of 2010 Revenue for the General Fund for June 2010
8. Public Works & Economic Development Committee Meeting Minutes from June 28, 2010
9. Minutes of the Ad Hoc Committee Meeting from Monday June 28,2010
10. Mayor’s Monthly Statement to Council for the month of June 2010
11. New Philadelphia Police Monthly Activity Report for the Month of June 2010

ADMINISTRATIVE REPORTS:

MAYOR’S REPORT/REQUEST.....MAYOR MICHAEL TAYLOR.....NO REPORT
EXCUSED ABSENCE

SERVICE Director.....MR. JIM ZUCAL

The service director reported the following:

- Paving should begin on West High Avenue from the railroad tracks westward to the corporation limits the last week of July, 2010, as ODOT has planned. This will be a night time job, from approximately 10:00 PM to 7:00AM.
- Bids for the roof repair for the airport restaurant are due July 23, 2010. The Service Director encourages all realtors, insurance companies, bank institutions and title companies to consult the service director's office regarding property for sale that is in a flood hazard area.

SAFETY DIRECTOR.....MR. GREG POPHAM

Mr. Popham reported that Randy Williamson, David Cimperman, Jr. and Shawn Nelson were promoted to Sergeant for the City of New Philadelphia Police Department.

AUDITORMS. BETH GUNDY.....NO REPORT

TREASURERMR. DAVE JOHNSON.....NO REPORT

LAW DIRECTORMR. MICHAEL JOHNSON

- Mr. Johnson gave to the Council President an assignment for Ms. Espenschied's Committee for annexation a Rosenberry Trust Annexation request that is coupled with the Railroad tracks request the railroad track or railroad that belongs to the City of New Philadelphia. Mr. Johnson said this will be presented to the trustees probably in two weeks. He would like it to move along as quickly as possible. He reported that the paper work is being prepared at this time.
- The Law Director reported that he spoke with the attorney that represents Shel-Mar Estates (owner Calvin Schwartz) last week. When the request came to us earlier this year to look at the vacancies and whether there would be any adjustments; that was referred to our water superintendent to wait for the water study to be completed. The water study has now been completed. The Law Director contacted the Service Director who is setting up a meeting the first of next week with Water Superintendent Mr. Ricklic, the Service Director, Mr. Zucal and the Law Director to see what direction to go, whether it should come before council or go to a committee. Mr. Johnson hopes it will be forthcoming within the next 10 days.

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR MICHAEL TAYLOR.....NO REPORT
EXCUSED ABSENCE

BOARD OF ZONING APPEALSMR. JIM ZUCAL

The Planning Commission for July was cancelled as there were no items on the agenda. The next Planning Commission is tentatively set for Tuesday, August 10, 2010, at 1:00 PM in Council Chambers pending an agenda.

The Board of Zoning Appeals will meet Tuesday, July 13, 2010, at 5:00 PM in Council Chambers as there are several items on the agenda.

AIRPORT COMMISSION.....MR. JIM LOCKER

Airport Commission will meet Tuesday, July 13, 2010, at 6:00 PM at the Airport Meeting Room.

PARK BOARD.....MR. DARRIN LAUTENSCHLEGERNO REPORT

HEALTH BOARD.....MS. SANDY COX

The Health Board will meet Wednesday, July 21, 2010 at 12:00 noon in the Health Department.

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEEMS. SANDY COX

Ms. Cox reported that the Finance Committee met this evening at 7:15 PM with 3 items which were added to tonight’s agenda: Resolution 36-2010 and Resolution 37-2010 and Ordinance 14-2010. The committee is asking that that they are passed tonight.

- 1st Item Resolution 36-2010 to fix the storm sewer collapse near Bank Lane We are getting money from the OPWC and we have a commitment of \$14,000.00 will be from the city the total repairs should be around \$70,000.00
 - 2nd Item Resolution 37-2010 It’s in regard to a memorandum of understanding with the City of Dover to acquire, receive and disperse the funds for the FEMA/ Homeland security firefighters grant, and to pay New Philadelphia’s share of grant.
 - 3rd item Ordinance 14-2010 This appropriates the funds for the F.I.R.E. grant in the amount of \$15,000 which is the city’s share.
- Adjourned the meeting at 7:24PM

SALARY COMMITTEEMR. JIM LOCKERNO REPORT

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

PUBLIC WORKS & ECONOMIC DEVELOPMENT COMMITTEE. MR. DARRIN LAUTENSCHLEGER

No formal report but reminded Council Ordinance 12-2010 is on the agenda for tonight for the first reading and committee has recommended that the rules be suspended and that it be approved this evening.

President of Council assigned to Public Works & Economic Development Committee Salt Bin #2.

ZONING & ANNEXATION COMMITTEEMS. COLLEEN ESPENSCHIED.NO REPORT

As Requested by the Law Director, for the President of Council, assigned the Rosenberry Trust Annexation request to the Zoning & Annexation Committee.

CONTACT & SPECIAL COMMITTEEMR. JOHN ZUCAL

Contact & Special Committee did not have an official report but reminded council that Ordinance 15-2010 is on the agenda for tonight for the first reading and committee has recommended that the rules be suspended and for passage this evening.

PARKS & CEMETERY COMMITTEEMS. WINNIE WALKER.NO REPORT

VISITOR’S COMMENTS:

1. Robert Conner, 122 North Avenue NW, New Philadelphia, Ohio 44663
Mr. Conner received his water bill and was charged for a 38 day cycle.
He wanted to know why he was the only one in the neighborhood that was charged for 38 day cycle while everyone else in the neighborhood was charged for a 31 day cycle.
Council President Joel Day asked Mr. Zucal if he could answer Mr. Conner’s questions and the Service Director said he would look into it and get Mr. Conner an answer tomorrow.
2. Calvin Schwartz, Shel-Mar Estates, 100 Ali Lane SE, New Philadelphia, Ohio 44663
Mr. Schwartz was following up on a request he had for Council from several months ago. Mr. Schwartz came to us earlier to look at the vacancies and whether there would be any adjustments which he has not gotten any answers. (Getting billed for empty lots)

Mr. Zucal said he has met with the Law Director and Water Superintendant several times on this request and that they were waiting for the water rate study to be completed. The water rate study has now been completed.

There will be a meeting the first of next week with Water Superintendent Mr. Ricklic, the Law Director, Mr. Johnson and Service Director, Mr. Zucal to work on getting Mr. Schwartz an answer.

3. Ed Daberko, 714 11th Street NW, New Philadelphia, Ohio 44663
Mr. Daberko has problems with flooding and has asked if improved storm sewer lines, to help the flooding, would be a part of a proposed widening of West High Avenue. Mr. Zucal said that ODOT will be doing the widening and he will talk to them about this.
4. Ron Dotts, Jr., 131 4th Street NW, New Philadelphia, Ohio 44663
Mr. Dotts attended the Council Session tonight because he was following up with council in regard to a putting a noise ordinance in place. Council President Joel Day said that Mr. Maurer is on vacation and expects that he will have a meeting on this in the near future.

READING OF ORDINANCES AND RESOLUTIONS:

ORDINANCE:

- 12-2010 An Ordinance by the council of the City of New Philadelphia, Ohio directing the Service Director to advertise for bids, receive bids and enter into a contract with the lowest and best bidder for street, storm water, sidewalk, curb, gutter and infrastructure improvements to Third Street NE from Minnich Avenue North to Donahey Avenue through the Ohio Public works Committee Grant, and declaring an emergency. (1st Reading)
- Motion to suspend the rules made by Mr. Lautenschleger, seconded by Ms. Espenschied
Roll call, 6 yeas, rules suspended.
- Motion to vote on passage made by Mr. Lautenschleger, seconded by Ms. Cox
Roll call, 6 yeas, ordinance passed
- 13-2010 An ordinance amending and adjusting the permanent appropriations ordinance for the year 2010 and declaring an emergency (1st Reading)
- Motion to suspend the rules made by Ms. Cox, seconded by Ms. Walker
Roll call, 6 yeas, rules suspended.
- Motion to vote on passage made by Ms. Cox, seconded by Ms. Walker
Roll call, 6 yeas, ordinance passed
- 14-2010 An ordinance amending and adjusting the permanent appropriations ordinance for the year 2010 and declaring and emergency (1st Reading)
- Motion to suspend the rules made by Ms. Cox, seconded by Ms. Espenschied
Roll call, 6 yeas, rules suspended.
- Motion to vote on passage made by Ms. Cox, seconded by Ms. Espenschied
Roll call, 6 yeas, ordinance passed
- 15-2010 An ordinance by the council of the City of New Philadelphia, Ohio to approve, adopt and enact the current replacement pages to the codified ordinances, and declaring an emergency. (1st Reading)
- Motion to suspend the rules made by Mr. Zucal, seconded by Mr. Lautenschleger
Roll call, 6 yeas, rules suspended.
- Motion to vote on passage made by Mr. Zucal, seconded by Mr. Lautenschleger
Roll call, 6 yeas, ordinance passed

RESOLUTIONS:

- 23-2010 A resolution by the council of the City of New Philadelphia, Ohio to commend Robert R. Everhart, Jr. for his years of service with the Cemetery Department for the City of New Philadelphia. (3rd Reading)
- Motion to vote on passage made by Ms. Cox, seconded by Ms. Walker
Roll call, 6 yeas, resolution passed
- Amended
26-2010 A resolution by the council of the City of New Philadelphia, Ohio to enact a pay increase for all full time non-bargaining unit employees, elected officials, and all permanent part-time non-bargaining unit employees, excluding council members of city council to be the amount of 2% increase effective January 1, 2010, and declaring an emergency. (2nd Reading)
- President Joel Day asked if there was any action to be taken on Amended Resolution 26-2010.
- Ms. Cox said, she would like to make a motion to amend the Amended Resolution 26-2010, "if council is truly concerned about being fiscally responsible and being a good steward of the taxpayers money during this economic recession," she moved to amend Amended Resolution 26-2010 to exclude all elected officials along with the Council Clerk and Council President and also to return the pay increase to the amount of 1%."
- Ms. Walker seconded the motion. Roll call, 2 yeas, 4 nays Ms. Espenschied, Mr. Lautenschleger, Mr. Locker and Mr. Zucal Motion was defeated 4 to 2
- 28-2010 A resolution by the council of the City of New Philadelphia, Ohio setting the procedure for disposition of the body of indigent or unclaimed persons who are residents of the City of New Philadelphia, Ohio pursuant to Ohio Revised Code Section 9.15 and declaring an emergency. (3rd Reading)
- Motion to vote on passage made by Ms. Walker, seconded by Ms. Cox
Roll call, 6 yeas, resolution passed
- 30-2010 A resolution by the council of the City of New Philadelphia establishing the issuance, use and control of credit cards/purchasing cards by city officials and employees including authority to adopt rules and procedures reasonably related thereto, and declaring an emergency. (2nd Reading)
- 33-2010 A resolution declaring the necessity to request and advance of \$850,000.00 from the County Auditor on the July, 2010 real estate tax settlement, and declaring an emergency. (1st Reading)
- Motion to suspend the rules made by Ms. Cox, seconded by Mr. Locker
Roll call, 6 yeas, rules suspended.
- Motion to vote on passage made by Ms. Cox, seconded by Mr. Locker
Roll call, 6 yeas, resolution passed
- 35-2010 A resolution by the council of the City of New Philadelphia, Ohio, to participate in the proposed widening of State Route 39, West High Avenue from the R.J. Corman Railroad Tracks to 7th Street NW in New Philadelphia, Ohio and declaring an emergency (2nd Reading)
- 36-2010 A resolution by the council of the City of New Philadelphia, Ohio to permit the mayor of the City of New Philadelphia, Ohio to apply for and enter into an agreement with the Ohio Public Works Commission for emergency funding to fix a storm sewer collapse near Bank Lane SE, New Philadelphia, Ohio under the railroad tracks and further to designate the mayor as the appropriate signer for the financial assistance agreement to repair the storm sewer collapse on Bank Lane SE, New Philadelphia, Ohio and further for the service director to advertise for bids accept bids award the contract and enter in the contract for the completion of the repair for this project, and declaring an emergency. (1st Reading)
- Motion to suspend the rules made by Ms. Cox, seconded by Mr. Locker
Roll call, 6 yeas, rules suspended.

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

37-2010

A resolution by the council of the City of New Philadelphia, Ohio to authorize the mayor to enter into a memorandum of understanding with the City of Dover to act as the host agency to acquire and receive and disperse the funds for the 2009 FEMA/HOMELAND Security Regional Assistance to firefighters grant (Fire Grant), pay New Philadelphia share of grant and declaring an emergency. (1st Reading)

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

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

UNFINISHED OR OLD BUSINESS:NONE

NEW BUSINESS:

Mr. Lautenschleger reported the City of New Philadelphia has surrendered the trophy that goes to the winner of the annual City verse the County Softball Game held during First Town Days.

Unfortunately the County won 29-21.

MOTION TO ADJOURN MADE BY MS. COX, MEETING ADJOURNED AT 8:06 PM

CLERK OF COUNCIL_____

APPROVED _____

PRESIDENT OF COUNCIL_____