

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON SEPTEMBER 12, 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

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

MS. COX MADE A MOTION TO APPROVE THE MINUTES OF THE PREVIOUS SESSION HELD AUGUST 22, 2011 AND MR. LOCKER SECONDED THE MOTION. ROLL CALL, 7 YEAS, MOTION PASSED.

CORRESPONDENCE CLERK, PATRICIA MCKAY

1. Mayor's Report/Requests to Council September 12, 2011
2. New Philadelphia Fire Department August 2011 Month End Summary
3. Housing Committee Meeting Minutes from August 10, 2011
4. New Philadelphia Police Monthly/ Activity Report for the Month of August 2011
5. Auditor's Financial Statement for the Month of August 2011
6. Auditor's Monthly Statement of 2011 Revenue for the General Fund for the Month of August 2011
7. Mayor's Monthly Statement to Council for the Month of August 2011

ADMINISTRATIVE REPORTS:

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

Mayor Taylor reported the following:

The Mayor reported the city in partnership with Go Shred held a successful shred event at Tuscora Park on August 27th, 2011.

- a) handled over 17,000 lbs of paper
- b) an event that may be held on an annual basis
- c) In addition, at the event, we added over 30 new sign-ups for our curbside recycling.

The Mayor announced the retirement notice from Mike Scolati, Assistant Wastewater Superintendent, effective October 31, 2011. Mike served the City for over 30 years.

The Mayor congratulated Nasco-Op and Tusco Display for their recent New Philadelphia ribbon cuttings. Nasco-Op opened their new location in the Knisely Industrial Park and Tusco Display is opening an assembly facility in our City.

The Mayor congratulated the Tuscarawas County Chamber of Commerce for a successful Business to Business Expo held recently at the Performing Arts Center. Over 70 businesses participated in this event.

The Mayor reported he attended a Jobs Ohio Seminar in Independence to have the New Jobs Ohio entity explained and how it would function in relation to the Ohio Department of Development.

The Mayor announced he is having a preliminary meeting with the Goshen Township Trustees regarding our Fire Protection Agreement for Goshen Township which expires at year end.

The Mayor thanked WTUZ for hosting the Patriot Day Event yesterday at the Performing Arts Center in honor of September 11, 2001 and all those who lost their lives that day.

The Mayor requested an Executive Session this evening after the legislative portion of the agenda to discuss personnel.

Mr. Lautenschleger moved to go into an Executive Session this evening at the conclusion of the Legislative Agenda to discuss personnel. The motion was seconded by Mr. Zucal.

Roll Call, 7 years, motion passed.

SERVICE DIRECTOR.....MR. JAMES ZUCAL

The Service Director reported the following:

Calvin Schwartz from the airport restaurant, Maggoo's, hopes to be open October 1, 2011. Mr. Schwartz is moving forward and is now in the process of hiring.

The Community Development Block Grant Project for this year which is on Ray Avenue NW and 2nd Street NW in conjunction with the New Philadelphia School is complete.

The City General Paving Project for this year is completed.

Mr. Zucal reported on the paving this year

The Mayor and the Service Director talked about the issue with the concrete streets, applying asphalt over the top.

Mr. Zucal reported that he worked with Mr. Tom Letizia, Technical Sales Manager from Meredith Brothers, Inc. and there is a new product called glas-pave underlayment, a synthetic fiber that actually goes on top of the tar. They lay down a base coat; put the tar in place, the synthetic material and then a final coat of asphalt. The life of the pavement doubles.

It has been used on the following locations.

1. Hilltop NW
2. Glen Drive NE (the very top of the hill)
3. Buckeye Street NE (very back by the cul-de-sac)

We will evaluate it in a year from now. Mr. Zucal spoke with Jeff Gessner at Newton Asphalt Paving, Inc who is our contractor. They have used the product. Mr. Zucal feels that we have taken a pro-active approach and predicts we will have a lot of good results.

Mr. Zucal passed around samples and pictures for Council to view.

Mr. Zucal reported the Fire Department and the Service Department are using the generators that were purchased when Kelly Ricklic was Water Superintendent

The Fire Chief has written a letter to Mr. Zucal saying they now have the generator wired into the fire station and are using it. The Generator has been completely revamped.

The Waste Water Department is using their generator. It has been used for several power outages on the lift station.

Mr. Zucal stated for the money we spent there was a lot of good return.

Pictures were also passed around for council to view.

AUDITORMS. BETH GUNDY.....NO REPORT

SAFETY DIRECTOR.....MR. GREG POPHAM

Mr. Popham reported:

August 31, 2011 Civil Service Test

There were three police sergeants that took this promotional Captains test and results have been submitted to the Civil Service Commission for certification.

Later that evening, administered an entrance examine for the Police Department.

36 Candidates took the test

Part II of the testing will be held the September 20, 2011 at Tuscora Park

Those results will be submitted to the Civil Service Commission

On behalf of the City schools:

Council Member John Zucal thanked the Fire and Police Department for the opening of the new school year.

Mr. Zucal reported the Fire Department was out in full force to help with the procedure for evacuation for the schools.

The Police Department monitored and assisted a lock down procedure to secure the building in case of a possible threat.

Mr. Popham said he would pass the expression of gratitude on to the Fire Department and the Police Department.

TREASURERMR. DAVE JOHNSON.....NO REPORT

LAW DIRECTORMR. MICHAEL JOHNSON

The Law Director reported the following:

1. The Law Director received paperwork on a new Lawsuit the City is named periodically in lawsuits that are filed in foreclosure cases due to our CHIP participation and CHIP program in New Philadelphia. The Law director reported; “someone who has a CHIP Grant that has not been paid off yet, if they end up in foreclosure we end up in those Lawsuits. We probably have ten of those a year. We handle them, work through them, do what we can do to help people keep their houses and try to be responsive to the local system so everything is done correctly.”
2. Lawsuit out of the past—In 2009 there was a court case filed; New Philadelphia was named a part of it. It was the 84 Video Newsstand Inc. Against Others, claiming “The Ohio Laws for Sexually Oriented Businesses Were Unconstitutional.”

Early 2010, the case was thrown out of Court by the Federal District Judge. We were done with it. The lawsuit did get appealed to the Federal Court of Appeals.

The Law Director reported he received notice from the Federal Court of Appeals that on September 07, 2011 ruled again, in favor of the Ohio law, found the law to be constitutional with the Federal District Court and handled correctly. The Law Director announced “It is either done or goes to the United States Supreme Court.”

Since it is a Federal Court case, it could go to the United States Supreme Court.

We are one of sixty five defendants; at best the law director will monitor it.

Ohio laws are constitutional and have been upheld by the Federal District Court of Appeals Sixth Circuit Cincinnati.

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR MICHAEL TAYLO R

The Mayor announced the Planning Commission Meeting to be held Tuesday, September 13, 2011, at 1:00 PM in Council Chambers was cancelled. The next Planning Commission Meeting will be held October 11, 2011, at 1:00 PM pending and agenda.

BOARD OF ZONING APPEALS.....MR. JAMES ZUCAL

Mr. Zucal announced that, the Board of Zoning Appeals Meeting will be held Tuesday, September 13, 2011, at 5:00 PM in Council Chambers. There are two 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

Mr. Lautenschleger reported that the Park Board met Wednesday August 24, 2011 at Tuscora Park Office with two items to discuss.

1. The park staff is looking into placement of removable speed bumps for the area around the Al Maloney Drive, primary along the main drive when you come in the park past the tennis courts, to help with speed control those would be removable, during certain times, especially the First Town Festival, and can be pulled up and taken out.
2. Activity at Southside Community Park continues to increase
 In early August, a seven school soccer scrimmage was held and with cooperation from Goshen Township Trustees and Police and Fire Department it went very well. All parties were happy with the traffic control among other things.
 Seventh and eighth grade football teams from New Philadelphia Schools are now practicing at Southside Community Park on their routine basis.

The next meeting will be held October 12, at 7:00 PM at Tuscora Park Office.

HEALTH BOARD.....MS. SANDY COX

Ms. Cox announced that the Health Board will meet Wednesday, September 21, 2011 at 12:00 noon in the Health Department.

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEE.MS. SANDY COX

Ms. Cox reported that the Finance Committee met this evening at 7:15 PM with several items to discuss.

- 1) Resolution 26-2011 accepting the amounts and rates as determined by the Budget Commission authorizing the necessary tax levies and certifying them to the County Auditor.
This is standard procedure; we will have it on the September 26, Agenda and ask for passage to meet the County Auditor's October 1, 2011 deadline.
- 2) Transfers
Transfers of up to \$105,000 from General to Cemetery Operating
Transfer of \$30,000 from General to Street Maintenance
Transfer \$15,000 from General to Sidewalk Program
The Committee moved the Auditor forward information to the Law Director to have resolution prepared, put on the agenda and read for three readings.
- 3) Resolution 29-2006 is a fixed assets policy for depreciation that is currently calculated at ½ year the city has owned the asset and requested be calculated on a monthly basis. The committee moved to add to the agenda and read for 3 readings.
Meeting adjourned at 7:20 PM.

SALARY COMMITTEEMR. JIM LOCKER.....NO REPORT

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

PUBLIC WORKS & ECONOMIC DEVELOPMENT COMMITTEE. . MR. DARRIN LAUTENSCHLEGER. NO REPORT

ZONING & ANNEXATION COMMITTEEMS. COLLEEN ESPENSCHIED
Reminded all of Ordinance 12-2011 which is on the agenda and needs to be passed tonight.

CONTACT & SPECIAL COMMITTEE MR. JOHN ZUCAL.....NO REPORT

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

VISITOR'S COMMENTS :
NONE

READING OF ORDINANCES AND RESOLUTIONS:

ORDINANCE:

11-2011 An ordinance by the Council of the City of New Philadelphia, Ohio to approve, adopt and enact the current 2011 replacement pages to the codified ordinances, and declaring an emergency. (3rd Reading)

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

12-2011 An ordinance by the Council of the City of New Philadelphia, Ohio to authorize the City of New Philadelphia to cancel the Ohio Enterprise Zone Agreement with Graphic Packaging International Inc. FKA Stone Container Corporation an Ohio Corporation for the reason that Graphic Packaging Internaional Inc. FKA Stone Container Corporation no longer desires to participate in the enterprise zone program, and declaring an emergency. (1st Reading)

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

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

RESOLUTIONS:

AMENDED

24-2011

A Resolution by the Council of the City of New Philadelphia, Ohio to commend Keith L. Eames for his years of service and dedication to the City of New Philadelphia during his 6 years serving the City of New Philadelphia including 5 years as Director of Environmental Health. (3rd Reading)

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

Mr. Eames and family members were in the audience, President of Council Joel Day requested Mr. Eames and his family to come forward so he could present Mr. Eames with a recognition plaque from the New Philadelphia Council to thank Mr. Eames for his years of service and dedication to the City of New Philadelphia during his 6 years serving the City of New Philadelphia including 5 years as Director of Environmental Health.

Mr. Eames thanked everyone and stated how much he enjoyed working for the City of New Philadelphia.

AMENDED

25-2011

A Resolution by the Council of the City of New Philadelphia, Ohio to commend Kelly M. Ricklic for his years of service and dedication to the City of New Philadelphia during his 24 years serving the City of New Philadelphia including 12 years as Water Superintendent. (3rd Reading)

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

Mr. & Mrs. Kelly Ricklic were in the audience, President of Council Joel Day requested Mr. Ricklic and his wife to come forward so he could present Mr. Ricklic with a recognition plaque from the New Philadelphia Council to thank Mr. Ricklic for his years of service and dedication to the City of New Philadelphia during his 24 years serving the City of New Philadelphia including 12 years as Water Superintendent.

Mr. Ricklic thanked Council, the Mayor, the Service Director and the Citizens of New Philadelphia for their patience and support.

COUNCIL ADJOURNED FROM REGULAR SESSION INTO EXECUTIVE SESSION AT 7:55 PM
AS REQUESTED BY MAYOR MICHAEL TAYLOR TO DISCUSS PERSONNEL.
COUNCIL RECONVENED INTO REGULAR SESSION AT 9:18 PM.

UNFINISHED OR OLD BUSINESS:

NONE

NEW BUSINESS:

President of Council Joel Day assigned to Mr. Zucal 's Committee, Contact & Special ,the Fire Chief's request to look for alternatives to repairing existing Fire Station.

MOTION TO ADJOURN MADE BY MS COX, MEETING ADJOURNED AT 9:20 PM

CLERK OF COUNCIL _____

APPROVED _____

PRESIDENT OF COUNCIL _____