

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON SEPTEMBER 27, 2010 WITH PRESIDENT OF COUNCIL JOEL DAY PRESIDING. MR. DAY OFFERED A PRAYER AND ASKED FOR A SPECIAL BLESSING FOR THE ZUCAL AND THE VITT FAMILY AS THEY MORN THE LOSS OF THEIR LOVED ONES. 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

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

MR. LAUTENSCHLEGER MADE A MOTION TO APPROVE THE MINUTES OF THE PREVIOUS REGULAR SESSION HELD SEPTEMBER 13, 2010 AND THE MINUTES OF THE SPECIAL COUNCIL MEETING HELD SEPTEMBER 13, 2010 IMMEDIATLEY FOLLOWING THE REGULAR SESSION OF COUNCIL . MS. ESPENSCHIED SECONDED THE MOTION. ROLL CALL, 7 YEAS, MOTION PASSED.

CORRESPONDENCE . . . . . CLERK, PATRICIA MCKAY

1. Auditor's Monthly Statement of 2010 Revenue for the General Fund from the Month of August 2010  
(Accidently skipped the reading of the above report on September 13, 2010)
2. Tuscora Park Board Meeting Minutes from June 22, 2010
3. New Philadelphia Fire Department Month End Summary for August 2010
4. Ad Hoc Committee Meeting Minutes from August 30,2010
5. Finance Committee Meeting Minutes form September 13,2010

ADMINISTRATIVE REPORTS:

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

The Mayor announced the hand rails have now been installed on the new steps at Tuscora Park. The Mayor thanked RTY for funding it and commended the contractors, Gor-Con and Watson Brothers and Diversified Engineering for their work.

The Mayor reported that CIC and Kent State has received additional grant money to fund the construction of the incubator building at the Regional Tech Park. The Mayor said that the additional funding will allow the construction of an approximate 25,000 square foot facility that will provide the impetus for future growth of new businesses in our area.

The Mayor reported that the conversion of four sanitation routes on Fridays to three routes is progressing smoothly. The Mayor commended the Sanitation workers and Fred Neff for their efforts in making this happen. The Mayor anticipates that an order for bins and a truck will be placed through the Solid Waste District in the near future. The Mayor announced that when it is time to convert to the weekly recycling, we will use the marketing funds provided by the grant from the waste district to provide the details to our citizens through the media on how the new sign-up can be done

The Mayor requested an executive session this evening after the legislative portion of our meeting to discuss pending labor negotiations with AFSCME and FOP.

Mr. Zucal moved to go into an executive session this evening after the legislative portion of our meeting to discuss pending labor negotiations with AFSCME and FOP. The motion was seconded by Ms. Cox.  
Roll call, 7 yeas, motion passed.

SERVICE DIRECTOR . . . . . MR. JIM ZUCAL

The service director reported the following:

- Lanzer’s Excavating completed a Storm Sewer Project on 11<sup>th</sup> Street and Maple Avenue NW. Mr. Zucal said that he feels confident that this will solve the flooding issues in this area.
- Newton Paving Asphalt, Inc. will be back in the next few weeks to finish the City’s general paving
- Fred Neff and the Street Department employees met with a representatives of ODOT for a local training program to work more effectively in snow plowing.  
Mr. Zucal said that they are starting early as they feel this will make the workers more efficient, more productive, use less fuel and save wear and tear on our vehicles
- The Service Director and the Water Superintendent met with a representative from W.E.Quicksall Associates to review the Water, Sewer and Sanitation rates. Mr. Zucal announced that they will have recommendation in the near future.

SAFETY DIRECTOR.....MR. GREG POPHAM

Mr. Popham announced that all departments in the city should be commended for their working together when we had the surprise storm come through. “When something like that initially happens, you could have a 100 people working in that first hour and that wouldn’t be enough people to take care of everything that is going on in such a brief amount of time.” Mr. Popham commented that everyone worked well together especially that evening when the power went out and the next couple days when departments from other cities came in to help with the clean-up. Mr. Popham announced that he thought it was a tremendous job by everyone.

AUDITOR . . . . .MS. BETH GUNDY.....NO REPORT

TREASURER . . . . .MR. DAVE JOHNSON

Mr. Johnson said he would like to echo Mr. Popham’s comments.  
Mr. Johnson said that he was out after it happened and to see all the department heads lending a helping hand and neighbors helping neighbors straighten up their property. Some people even brought chain saws. He said it was wonderful to see. Mr. Johnson was amazed to see the cooperation that was demonstrated by everyone.

LAW DIRECTOR . . . . .MR. MICHAEL JOHNSON

The Law Director announced he has married a daughter to a Captain in the Marine Corp., who live in Arizona and became a grandfather of twin boys born at Aultman Hospital 2 weeks ago.

1<sup>st</sup> Item

In regard to 30 Seconds in the Times Reporter Citizen comments on political signs 9/27/10.  
We do have an ordinance on our books that says that we should not be put up signs more than 30 days before the election. However approximately 10 years ago City Council , the Mayor at that time and the Police Chief said that law was no longer enforceable The Supreme Court of Ohio September 6, 2000 ruled political signs are free speech and as such you cannot limit it to just 30 days before the election or any time limit. We have not enforced that ordinance for 10 years that is why we did not have any enforcement activity last week.

2<sup>nd</sup> Item

The individual, who hit the fire hydrant on the East End, took out the Market Square Sign. We were reluctant to make any payment. We instituted a law suit we recovered \$8,215, the cost of the fire hydrant and the prorated value on the sign

3<sup>rd</sup> Item

The Law director announced that we have before us tonight resolution 43-2010. He stated that with your packet you received Amended Resolution 43-2010. The reason for the amendment is that the acreage has been slightly changed to correspond with the acreage that was created by the Engineer Harry Matter, that did

this for us and one of the names of the owner of the property has been changed. So if we are going to pass resolution 43-2010 we will have to amend it first. This is a corrected amendment so it will be the right acreage and coming from the right property owners.

Ms. Cox questioned the zoning of the property.

The resolution zoned Rosenberry's Industrial, our's Railroad tracks.  
The railroad bed is up to whatever we chose to do with it later on.  
Rosenberry could not annex into the city without this railroad bed annexation.  
The Rosenberry tract is not adjacent to the city, touching to the city, and therefore could not be annexed without bringing in the railroad bed out to the Rosenberry property to create the adjoining piece of land.

Mr. Maurer asked the law director if the walking bill boards that are seen around town were considered free speech.  
The Law Director answered yes, that would be free speech.

President Joel Day announced that he presumed Ms. Espenschied would be making the motion to Amend Resolution 43-2010 and asked the Law Director how would she word that motion.  
The law director replied:  
To conform to the printed one we already have; to correct the owner and correct the acreage.

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR MICHAEL TAYLOR

The next Planning Commission will meet Tuesday, October 12, 2010, at 1:00 PM in Council Chambers pending an agenda.

BOARD OF ZONING APPEALS . . . . .MR. JIM ZUCAL

The Board of Zoning Appeals will meet October 12, 2010at 5:00 PM in Council Chambers.

AIRPORT COMMISSION..... MR. JIM LOCKER.....NO REPORT

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

Mr. Lautenschleger announced that the Park Board will meet Wednesday, September 29, 2010 at 7:30 PM at the Park Office at Tuscora Park.

HEALTH BOARD.....MS. SANDY COX

The Health Board will meet Wednesday, October 20 2010 at 12:00 noon in the Health Department.

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEE. . . . .MS. SANDY COX.....NO REPORT

Reminded everyone that Ordinance 20-2010 which is the water truck needs to be passed tonight and also to be passed tonight Resolution 46-2010 which is having the Moratorium from 2011 through 2014.

SALARY COMMITTEE . . . . . MR. JIM LOCKER .....NO REPORT

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

Mr. Maurer announced that he plans to have a meeting October 11 in regard to the noise ordinance and possibly glass breakage providing the Safety Director and the Police Chief are available.

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

Mr. Lautenschleger reported The Public Works & Economic Development Committee met Monday, September 20, 2010 at 6:30 PM at the new EAA building constructed at the city airport. All committee members were present and around a 100 members of the public were in attendance.

The key piece of the evening was a little bit of background on the discussion of the adoption of a request by the Mayor of an Airport Master Plan. The Mayor updated all and informed the Committee that the existing Airport Master Plan update in 2007 was submitted to the Federal Aviation Administration of the Federal Government in 2007 and accepted. It is on file and in place. This is a plan of potential possibilities or potential proposals based on various scenarios.

Nothing has been decided although the Airport Commission that put that together does have a preferred option.

As a result, the Mayor did request that the Committee consider an alternate piece of legislation instead.

That was a request of Public Works Committee to consider requesting “ resolution of acknowledgement, support, and cooperation with the Airport Commission for the continued operations of the Harry Clever Field as a valuable tool and asset for not only the City of New Philadelphia but Tuscarawas County, Ohio as well.”

As a result there were 90 minutes worth of public participation with a number of folks and comments from a number of public officials. This was the second major meeting about the airport and its past and its potential future.

As a result a vote was taken by the committee and it was approved on a 2 to 1 vote a recommendation to full council, to prepare that legislature, and give it 3 readings. Before approval that piece of legislation on the agenda tonight 47-2010 there are a couple things that need to be corrected in that resolution. The preamble second line remove the Master Plan and; the removal of the first full paragraph under the preamble (the first whereas.)

Mr. Lautenschleger announced that what we are doing is conforming to what the committee approved that evening and removing any reference to an Airport Master Plan. That was not the request of the Mayor and is not what the Committee eventually adopted. Mr. Lautenschleger reported that the committee adopted the resolution and asked for a resolution for support for the airport and the Airport Commission to continue its work in overseeing the airport and to involve the public for input. (some of the members of the public that were in attendance of that meeting are also here tonight.)

Mr. Lautenschleger reported that he assured them that they would be involved in any process or procedure going forward. And that’s what this piece of legislation would do. Mr. Lautenschleger announced that the clerk will update the agenda to remove Airport Master Plan. and begin that with the intent to cooperate and work with the Airport Commission for the wellbeing of Harry Clever Field.

“There is no intent with this piece of legislature before City Council to adopt or approve the Airport Master Plan or any portion of it. It basically is endorsing the continuation of the operation of the airport and the cooperation with the Airport Commission for the wellbeing of Harry Clever Field.”

ZONING & ANNEXATION COMMITTEE .....MS. COLLEEN ESPENSCHIED.....NO REPORT

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

Mr. Zucal announced that he plans to schedule a meeting in the near future to finalize are assessment of The Natural Gas Aggregation Program for the City of New Philadelphia. He said that we need to move on in a timely fashion so if full Council does agree that this is the direction we wish to go we can make this available to the citizens before winter.

PARKS & CEMETERY COMMITTEE .....MS. WINNIE WALKER.....NO REPORT

VISITOR’S COMMENTS:

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

Diane greeted everyone thanked them and then passed out a report with an attachment. (A Fantastic, Fall Merchants and Artists Walk Pumpkins and Pizzazz in Downtown Flyer.)

The New Philadelphia Business Community Association reported as follows.

- Ms Lautenschleger attended a one day Disney Institute Approach to Business Excellence Seminar. Noteworthy lesson of the day simply and plainly states  
“Always make sure everyone knows your story”.
- NPBCA membership grew by 33% compared to the 2009 roster
- The Times Report published Reader’s choice: awards in 28 categories 12 NPBCA members were honored with top awards Ms Lautenschleger congratulated these members for this recognition.
- August 30, Ms Lautenschleger reported she submitted a grant application to Haman Family Foundation in the amount of \$2,500 for technology revamp Should this grant be awarded it will be used to purchase a computer, printer and web domain name and miscellaneous supplies
- August 21, Merchants and Artists Walk, The Mid Summer Event was given praise by all participating and guests attending.
- Ms Lautenschleger requested all to mark their calendar for Saturday evening October 16, 2010 Pumpkins and Pizzazz in Downtown New Philadelphia as a Fantastic, Fall Merchants and Artists Walk from 6:00 PM - 9:00 PM. Jazz Duo on the Gazebo Quadrant, stop by the SW quadrant with your children for a pumpkin decorating activity and visit the 13 locations hosting local artisans.
- The NPBCA presented Classic Glass Corvette Club Cruise - In Car Show, September 11, 2010. The tentative date for the 2011 show is September 10, 2011. . NPBCA thanked Mr. Mark Henke, the City Street Department and the New Philadelphia Police Department for their assistance. Eight members volunteered their time to sell 50/50 tickets. The winners of the 50/50 donated their proceeds back to NPBCA.
- The Christmas lighting ceremony is scheduled for November 20, 2010 at 6:00 PM on the Gazebo Quadrant. Following the ceremony, NPBCA will serve refreshments to the attendees in the Tuscarawas County Convention and Visitor Bureau Building.
- In preparation of the lighting ceremony, members will volunteer their time to check light bulbs and repair decorations. This serves to perpetuate the spirit of good will through the community during the Christmas season.  
Ms Lautenschleger announced NPBCA looks forward to partnering with New Philadelphia City Schools students on this project as they learn the importance of community volunteerism and’ “pay it forward” concept.

Mr. John Zucal, city council member, thanked Ms Lautenschleger for the gifts she gives to the city with her time and talent and all her energy she brings to this position. And also thanked her for all she does to promote and support our community.

Michael A. Bolinsky  
1406 Delaware Drive SE  
New Philadelphia Ohio 44663

Mr. Bolinsky, read an open statement to the New Philadelphia City Council as a concerned citizen in regard to the passing of the legislation for the airport.

The Statement was his thoughts and feelings after attending the Meeting of the Public Works Committee on September 20, 2010 on the Airport Master Plan.

- He stated the chairman of the Public Works Committee wishes this council to adopt legislation that will ultimately affect the lives of countless people and many properties surrounding the airport,
- He stated the whole airport process would have gone better with a little honesty and openness
- He stated every meeting concerning the airport has told a different story. Leaving the people attending even more confused and with no more answers than they had before they had gone.
- He stated that passing this legislation will adopt all eight options not just 4.
- He stated their were repeated questions in those committee meetings from citizen, about how much will this cost and where is the money coming from that have not been answered, the same is true about taking property by eminent domain.

Mr. Bloinsky left a copy of the open statement with the clerk.

Sue Sattler  
1416 E. High Avenue  
New Philadelphia, Ohio 44663

Ms. Sattler requested Mr. Lautenschleger read the entire Resolution 47-2010.  
President Joel Day replied the clerk would have to do that but a council member would have to make that request.  
Mr. Lautinschleger said he would give Ms. Sattler a copy of Resolution 47-2010.

Mr. Robert Bedard  
8606 Logan Drive  
Bolivar, Ohio

Bob Bedard, Manager  
NASCO-OP  
152 North Broadway  
New Philadelphia, Ohio 44663

Mr. Robert Bedard wanted to know if resolution 46-2010 passed what would be the effective date of the moratorium  
The Mayor answered it is worded upon passage.

Terry Henry  
762 3rd Street NE  
New Philadelphia OH 44663

Mr. Henry, officer of the Experimental Aircraft Assn.'s Hangar and Educational Center at the City Airport, informed all of the following information from the Ohio State Airport System Plan update. "The Executive Summary reported the state total aviation related economical activity has increased nearly 38 % since the last state wide economic impact study was prepared in 1995."

### READING OF ORDINANCES AND RESOLUTIONS:

#### ORDINANCES:

18-2010 An ordinance by the Council of the City of New Philadelphia authorizing and directing the Service Director to advertise for bids receive bids and to enter into a contract with and engineer or equally qualified professional to implement and administer A Backflow Prevention Program for the Water Department as required by the Ohio Environmental Protection Agency (EPA) and declaring an emergency. (2<sup>nd</sup> Reading)

20-2010 An ordinance by the Council of the City of New Philadelphia, Ohio to authorize the purchase of a 2011 Ford F-350 truck from Humphries Auto City on the State Purchasing Pricing System, and declaring an emergency. (1<sup>st</sup> Reading)

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

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

#### RESOLUTIONS:

38-2010 A Resolution by the Council of the City of New Philadelphia, Ohio to approve the transfer of interest revenue in an amount up to \$10,000.00 from The Cemetery Endowment Fund (#812) to the Cemetery Operating Fund (#209) for the 2010 fiscal year, and declaring an emergency. (3<sup>rd</sup> Reading)

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

39-2010 A Resolution by the Council of the City of New Philadelphia, Ohio to authorize and direct the Auditor of the City of New Philadelphia, to transfer up to \$25,000.00 from the General Fund (#101) to the Sidewalk Improvement Fund (#285) and declaring an emergency. (3<sup>rd</sup> Reading)

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

40-2010 A Resolution by the Council of the City of New Philadelphia, Ohio to transfer funds from the General Fund (#101) to the Cemetery Operating Fund (#209) to supplement cash needed to fund current operations, and declaring an emergency. (3<sup>rd</sup> Reading)

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

43-2010 A Resolution by the Council of the City of New Philadelphia, Ohio to enter into an agreement with the Goshen Township Trustees to permit real estate taxes pursuant to Ohio Revised Code Section 709.19 C for the annexation of 4.64 acre tract adjacent to land owned by the City of New Philadelphia consisting of 2.462 acres being annexed inside the City of New Philadelphia and for the 4.64 acres real estate taxes to remain with the township for a period of 12 years in declining percentages as set forth in the attached annexation agreement and authorizing the annexation of the Rosenberry 4.64 acre tract and the New Philadelphia Tract 2.462 acres, and declaring an emergency. (3<sup>rd</sup> Reading)

Motion to Amend Resolution 43-2010 to correct the owner and the acreage made by Ms. Espenschied, seconded by Mr. Zucal.  
Roll call, 7 yeas, resolution amended.

Motion to vote on passage made by Ms. Espenschied, seconded by Mr. Zucal  
Roll call, 7 yeas, Amended Resolution 43-2010 passed.

44-2010 A resolution authorizing the Mayor of the City of New Philadelphia, Ohio to participate in the FY 2011 Ohio Public Works Commission State Capital Improvement and or local Transportation Improvement Program (s) and to execute contracts as required, and declaring an emergency, (1<sup>st</sup> Reading)

46-2010 A resolution by the Council of the City of New Philadelphia, Ohio to put a moratorium on the collection of water and sewer assessments as defined in Ordinance 17-2006 and Ordinance 32-2007 effective with the date of passage of this resolution through December 31,2014, and declaring an emergency. . (1<sup>st</sup> Reading)

Motion to suspend the rules made by Ms. Cox, seconded by Ms. Espenschied.  
(The Mayor requested passage)  
Roll call, 7 yeas, rules suspended.

Motion to vote on passage made by Ms. Cox, seconded by Ms. Espenschied  
(The Mayor requested passage)  
Roll call, 7 yeas, resolution passed

47-2010 A resolution by the Council of the City of New Philadelphia, Ohio concerning the intent to cooperate and work with the Airport Commission for the wellbeing of Harry Clever Field, and declaring an emergency. (1<sup>st</sup> Reading)

COUNCIL ADJOURNED FROM REGULAR SESSION INTO EXECUTIVE SESSION AT 8:15 PM  
AS REQUESTED BY THE MAYOR TO DISCUSS PENDING LABOR NEGOTIATIONS WITH AFSCME  
AND FOP. COUNCIL RECONVENED INTO REGULAR SESSION AT 8:39PM.

UNFINISHED OR OLD BUSINESS: .....NONE

NEW BUSINESS:

Council Member, John Zucal addressed Council and the Administration:

“On behalf of the family of Joanne Zucal I would like to extend my gratitude to the Administration, Members of Council for their Prayers, cards, kind words and support during our loss. Your acts of compassion have brought peace and consolation to all the members of our family.”

“Thank you very much.”

President Joel Day assigned to Ms. Colleen Espenschied , Zoning and Annexation Committee  
The acceptance of final plat of the Kent Cove Estates Phase I.

MOTION TO ADJOURN MADE BY MS. COX, MEETING ADJOURNED AT 8:40 PM