

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON SEPTEMBER 28, 2009 AT 7:30 P.M. 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: MR. ROBERT CONNER
MS. SANDY COX
MS. COLLEEN ESPENSCHIED
MR. DARRIN LAUTENSCHLEGER
MR. JIM LOCKER
MR. ROB MAURER
MS. WINNIE WALKER

MS. COX MADE A MOTION TO ADD RESOLUTIONS 28-2009 AND 29-2009 TO TONIGHT’S AGENDA. MR. LAUTENSCHLEGER SECONDED THE MOTION. ROLL CALL, 7 YEAS, MOTION PASSED. MS. COX MADE A MOTION TO ACCEPT TONIGHT’S AGENDA. MR. CONNER SECONDED THE MOTION. ROLL CALL, 7 YEAS, MOTION PASSED.

MS. ESPENSCHIED MADE A MOTION TO APPROVE THE MINUTES OF THE SEPTEMBER 14, 2009 COUNCIL MEETING. MR. CONNER SECONDED THE MOTION. ROLL CALL, 7 YEAS, MOTION PASSED.

CORRESPONDENCE CLERK DIANE ROUDEBUSH

1. Cemetery Department Report for August 2009.
2. Finance Committee meeting minutes of September 17, 2009.
3. A notice from the Ohio Division of Liquor Control requesting a D5I permit to El San Jose Mexican Restaurant Inc., 1240 W. High Ave., New Philadelphia, OH 44663, and asking that objections be made no later than 10/26/09.
4. A notice from the Ohio Division of Liquor Control requesting a transfer of A D1, D2, and D3 permit to B A Entertainment LLC, dba Bud and Tooties, 601 West High Ave.& Patio, New Philadelphia, OH 44663, from 601 Entertainment LLC, same address, and asking that objections be made no later than 10/26/09.

ADMINISTRATIVE REPORTS:

MAYOR’S REPORT.....MAYOR MIKE TAYLOR

Congratulated and thanked Steve and Becky Mastin for their investment in building a new Wendy’s Restaurant on their existing site on Fourth St. NW. Reported that paving for 2009 is complete, and the city still has lots of small patching projects yet to do. Reported that Electronic Data Payment Systems is now officially located on Front St. SW, and he welcomed them to New Philadelphia.

SERVICE DIRECTOR MR. JIM ZUCAL

Reported that the JKMC Pillar Replacement Project is finished. Reported that bids were opened for the Reiser Ave. sanitary force main project. Reported that he and Mayor Taylor met with ODOT to discuss the traffic signalization.

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

AUDITORMS. BETH GUNDY

Requested acceptance of her August reports.

TREASURER MR. DAVE JOHNSON NO REPORT

Ms. Cox made a motion to accept the Auditor’s August reports. Mr. Conner seconded the motion. Roll call, 7 yeas, motion passed.

LAW DIRECTOR MR. MIKE JOHNSON

Explained Resolutions 28-2009 and 29-2009. Mr. Conner asked if the rejection automatically goes to fact finding. Mr. Johnson said he was informed by the union representative that there will be no further negotiations, and the issue will go to fact finding.

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR MIKE TAYLOR

Reported that there was no meeting in September, and the next meeting is tentatively scheduled for October 13, 2009 at 1:00 P.m.

BOARD OF ZONING APPEALS MR. JIM ZUCAL

Will meet October 13, 2009 at 5:00 P.M. in Council Chambers.

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

PARK BOARD.....MR. DARRIN LAUTENSCHLEGER

Reported meeting September 23, 2009 at 7:00 P.M. at the park office. Rod Miller reported that park receipts for 2009 were down about \$2,000 from 2008. A 2009 report from RTY is forthcoming. Funding is being sought to purchase a scoreboard at the little league field on Wabash Ave. The next meeting will be held November 4.

HEALTH BOARD.....MS. SANDY COX

Will meet October 21, 2009 at noon in the Health Department.

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEE. MS. SANDY COX

Reported meeting September 17, 2009 to update everyone on new information in regards to the ladder truck in the Fire Department. The Committee requested that the Law Director prepare an ordinance for the next meeting to proceed with the purchase of a refurbished truck. Also discussed was a request from the Auditor to transfer funds from the Downtown Improvement Bonds Fund to the Cable Franchise Fees Fund, which was approved by Committee. The Committee met tonight to discuss Resolutions 28-2009 and 29-2009. The Committee recommends that these resolutions be added to tonight’s agenda for Council’s consideration. Also discussed was an ordinance to increase appropriations, and a resolution to repair the ladder truck in the Fire Department. The Committee recommends emergency passage tonight.

SALARY COMMITTEE MR. JIM LOCKER

Reported meeting tonight to discuss the FBO at the Airport. The Law Director will prepare the necessary legislation for the next council meeting.

SAFETY, HEALTH, AND SERVICE COMMITTEE . . . MR. ROB MAURER

Scheduled a meeting for October 12 at 6:15 P.M. to discuss the weapons ordinance, noise ordinance, and the Springbrook sump hole. Mr. Day assigned the use of land on Reiser Ave.

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

Mr. Day assigned the Airport’s Master Plan.

ZONING & ANNEXATION COMMITTEE MS. COLLEEN ESPENSCHIED NO REPORT

CONTACT & SPECIAL COMMITTEE MR. ROBERT CONNER NO REPORT

Mr. Day assigned the two liquor license requests mentioned in correspondence.

PARKS & CEMETERY COMMITTEE MS. WINNIE WALKER NO REPORT

VISITOR’S COMMENTS: NONE.

READING OF ORDINANCES AND RESOLUTIONS:

ORDINANCES:

29-2009 An ordinance amending and adjusting the permanent appropriations ordinance for the year 2009 and declaring an emergency. (1st Reading)

RESOLUTIONS:

22-2009 A resolution accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor, 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.

23-2009 A resolution by the Council of the City of New Philadelphia, Ohio to authorize the New Philadelphia Water Department to use the services for Smart Bill and pay the same in excess of \$25,000.00 per year, and declaring an emergency. (3rd Reading)

Motion to vote on passage made by Ms. Cox, seconded by Ms. Espenschied. Mr. Conner said he would like to see a cap put on the cost of these services. Ms. Cox said that the contract stipulates that no more than 10% can be charged over the current charge. Roll call, 6 yeas, 1 nay (Conner), resolution passed.

24-2009 A resolution by the Council of the City of New Philadelphia, Ohio to approve the transfer of \$40,000.00 from the Sanitation Fund (#219) to be transferred \$20,000.00 to the Water Operating Fund (#711) and \$20,000.00 to the Sewer Operating Fund (#713) for the 2009 fiscal year. (3rd Reading)

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

26-2009 A resolution by the Council of the City of New Philadelphia, Ohio to commend Richard L. Stutzman for his years of service and dedication to the City of New Philadelphia for 30 years with the Water Distribution Plant. (2nd Reading)

27-2009 A resolution by the Council of the City of New Philadelphia, Ohio to commend Roy E. Turney for his years of service and dedication to the City of New Philadelphia for 30 years with the Sanitation Department. (2nd Reading)

28-2009 A resolution by the Council of the City of New Philadelphia, Ohio to adopt an agreement between the City of New Philadelphia, Ohio and International Association of Fire Fighters Local 1501 to the effective January 1, 2010 through December 31, 2012, and declaring an emergency. (1st Reading)

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, 1 yeas 6 nays (Cox, Conner, Maurer, Walker, Lautenschleger, Espenschied), resolution failed.

29-2009 A resolution by the Council of the City of New Philadelphia, Ohio to reject an agreement between the City of New Philadelphia, Ohio and International Association of Fire Fighters Local 1501 to be effective January 1, 2010 through December 31, 2012, and declaring an emergency. (1st Reading)

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

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

30-2009 A resolution by the Council of the City of New Philadelphia, Ohio to transfer funds from the Downtown Improvement Bonds Fund (336) to the Cable Franchise Fees Fund (260), and declaring an emergency. (1st Reading)

31-2009 A resolution by the Council of the City of New Philadelphia, Ohio to upgrade, repair, and re-chassis the 1987 Grumman Aerial Cat Tower 11 fire truck at a cost not to exceed \$600,000.00, 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: NONE

MOTION TO ADJOURN MADE BY MS. COX. MEETING ADJOURNED AT 7:56 P.M.

CLERK OF COUNCIL _____

APPROVED September 28, 2009

PRESIDENT OF COUNCIL _____