

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON NOVEMBER 8, 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 THANKED PRO-TEM OF COUNCIL, MS. SANDY COX FOR PRESIDING OVER THE PREVIOUS COUNCIL MEETING IN HIS ABSENCE.

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.
MR. LOCKER SECONDED THE MOTION. ROLL CALL, 7 YEAS, MOTION PASSED.

MS. ESPENSCHIED MADE A MOTION TO APPROVE MINUTES OF THE PREVIOUS SESSION HELD OCTOBER 25, 2010. MR. ZUCAL SECONDED THE MOTION. ROLL CALL, 7 YEAS, MOTION PASSED.

CORRESPONDENCE CLERK, PATRICIA MCKAY

1. Safety, Health and Service meeting minutes for October 25th and November 4th, 2010.
2. Notice to Council in regard to permit renewal objections from the Ohio Division of Liquor Control to notify council that all permits to sell alcoholic beverages in our political subdivision will expire on February 1, 2011. In order to maintain permit privileges; every permit holder must file a renewal application; objections must be postmarked no later than January 3, 2011.
3. Fire Department report; all fire incidents ordered by incident number for October 2010.
4. New Philadelphia Police Monthly Activity Report for the Month of October 2010.
5. Notice to Council from the Ohio Division of Liquor Control to RR Investments Now LLC DBA JNG Grill
114 Front Avenue SW, New Philadelphia, Ohio 44663 for a transfer of D-5 permit from TGC Enterprises LLC DBA JNG Grill, 114 Front Avenue SW, New Philadelphia, Ohio 44663. Asking objections be made no later than November 26, 2010.
6. Notice to Council from the Ohio Division of Liquor Control to Bistro 131 Management LLC
131 Bluebell Drive, New Philadelphia, Ohio 44663 for a new D-5 permit. Asking objections be made no later than November 29, 2010.
7. Auditor’s Monthly Statement of 2010 Revenue for the General Fund from the Month of October 2010.
8. Auditor’s Financial Statement for the Month of October 2010.
9. September 2010 Month end Summary New Philadelphia Fire Department report.
10. Mayor’s Monthly Statement to Council for the Month of October 2010.
11. Finance Committee Meeting Minutes from October 25, 2010.
12. Minutes of the AD Hoc Committee Meeting from September 27, 2010.

- 13. Airport Commission Minutes from October 19, 2010.
- 14. City of New Philadelphia Cemetery Department Report for the Month of October 2010.

ADMINISTRATIVE REPORTS:

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

Mayor Taylor announced that congratulations are in order for Harry Eadon and the Port Authority for taking ownership of the old ODOT site on West High Avenue. The Mayor reported that he attended a recent ceremony there for the official passing of the ownership by ODOT and that he is looking forward to the Port Authority moving forward with the rehabilitation of this location to provide a new level development site for the city.

Mayor Taylor reported that the bins for the weekly recycling have been ordered by the waste district and when we receive the bins:

- We will distribute them on the same day we pick up recyclables now.
- The following week, the pickup will convert to the same day as trash pickup.
- When we distribute the bins, we will insert a paper detailing the weekly pickup and reviewing items that can be recycled.
- Citizens who do not recycle now can call the city garage to sign up for the weekly schedule.

The Mayor estimates that it will be the first part of December until we can start weekly recycling. It will be announced in the Times Reporter and possibly through other sources.

The Mayor reported that we are nearing the start of the repair near the railroad down over Bank Lane SE, this is the storm sewer. The Mayor stated that “it has been a slow process to get to a starting point. Dealing with the railroad and the regulations they follow adds time and issues to deal with in a project; it is hoped that it will be started and finished in the next 30-60 days.”

The Mayor requested a short executive Session following the legislation tonight to discuss wage negotiations.

Ms. Cox moved to go into an Executive Session this evening at the conclusion of the Legislative Agenda to discuss wage negotiations. The motion was seconded by Ms. Walker

Roll Call, 7 yeas, motion passed.

SERVICE Director.....MR. JIM ZUCAL

The Service Director reported the following:

- The Street Department began leave pick-up on the Southside of the City. They will continue the leave pickup at various sections of the city until the end of the year.

Following ongoing projects:

- The Third Street NE improvements
- The Salt Bin #2 replacement at the water plant
- Wastewater hoop barn and catwalk

Mr. Zucal passed around pictures of the before and after of the airport restaurant (Perfect Landing) roof. The Service Director thanked Brian Stull & Chris Bower of the Diversified Engineering who supervised the project as far as the engineering components and the structural analysis. The Service Director also thanked M E B Systems, Inc., of Sugar creek; they were the contractor and the low bidder for the project and he felt they did an excellent job.

SAFETY DIRECTOR.....MR. GREG POPHAM

Mr. Popham thanked the Dover Eagles who donated \$1,000 to the K-9 fund and the New Philadelphia Police Auxiliary who donated \$500 to the K-9 Fund.

Mr. Popham requested a meeting with the Service Director in regard to the Third Street NE Project;

to discuss (Minnich Avenue north to Donahey) the possibility of making one side of the roadway no parking due to the narrowness of the road and due to the high volume of traffic in that area during school time and sporting events.

AUDITORMS. BETH GUNDY.....NO REPORT

President Joel Day announced the Auditor, Beth Gundy, Is excused from tonight’s Council Meeting.

TREASURERMR. DAVE JOHNSON.....NO REPORT

LAW DIRECTORMR. MICHAEL JOHNSON.....NO REPORT

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR MICHAEL TAYLOR

Mayor Taylor reported that there was no agenda for the November 9th meeting therefore the meeting was cancelled. The next Planning Commission meeting will meet Tuesday, December 14, 2010, at 1:00 PM in Council Chambers pending an agenda.

BOARD OF ZONING APPEALSMR. JIM ZUCAL

Mr. Zucal announced that The Board of Zoning Appeals will meet Tuesday, November 9, 2010, at 5:00 PM in Council Chambers

AIRPORT COMMISSION..... MR. JIM LOCKER

Mr. Locker announced that Airport Commission will meet Tuesday, November 9, 2010 at 6:00 PM at the Airport meeting room.

PARK BOARD.....MR. DARRIN LAUTENSCHLEGER

Mr. Lautenschleger reported that the Park Board meeting will be held Wednesday, November 10th at 7:00 PM at Tuscora Park Office. Mr. Lautenschleger reminded everyone of the football play offs taking place at the stadium this Friday and Saturday and that Wabash Avenue will probably be closed.

HEALTH BOARD.....MS. SANDY COX

Ms. Cox reported that the Health Board will meet Wednesday, November 17, 2010 at 12:00 noon in the Health Department.

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEE.MS. SANDY COX

Ms. Cox reported that the Finance committee met Monday, November 8, 2010 at 6:50 PM in Council Chambers to discuss proposed Resolution 53-2010 to authorize retiring Police Officers to purchase their service weapons. There will be a resolution on the floor at the next council meeting and the committee is asking that Resolution 53-2010 be held for 3 readings. The meeting was adjourned at 6:52 PM.

Ms. Cox announced that the Finance committee will have a meeting November 15, 2010, immediately following the 6:00 PM meeting of the Park & Cemetery meeting to discuss the 2011 temporary appropriations.

SALARY COMMITTEEMR. JIM LOCKERNO REPORT

President of Council assigned to the Salary Committee the 2011 prisoners contract.

SAFETY, HEALTH, AND SERVICE COMMITTEE MR. ROB MAURER

Mr. Maurer reported that the Safety, Health, and Service Committee met 7:05 PM tonight in Council Chambers to discuss the skilled game Ordinance 19-2010. Basically, it establishes a permit process. (Name age etc), the fees associated with the skilled gaming; application fee, permit fee and each game that is within the business has a fee associated with it; an appeal process, an age process and penalties for not following our ordinance.

The committee is recommending passage of Ordinance 19-2010 tonight.

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

President of Council assigned to the Public Works & Economic Development Committee the proposed water, sewer and sanitation rates for 2011

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

President of Council assigned to the Zoning & Annexation Committee the lease of city owned farm land at the airport and off of Skinner Lane near the wastewater plant.

CONTACT & SPECIAL COMMITTEEMR. JOHN ZUCAL

Mr. Zucal reported that the Contact & Special Committee met tonight at 7:00 PM in Council Chambers the discussion focused around the contractual language that is being implied with Direct Energy through our Broker Buckeye Energy. Mr. Zucal reported that the Law Director continues to examine that language to make sure it is accurate and in the best interest of the city. Mr. Bellish, from Buckeye Energy, the Mayor, the Law Director and Mr. John Zucal will meet to discuss that language, and try to firm some of those terms up so we can move forward with the Natural Gas Aggregation Program. The meeting adjourned at 7: 07 PM

President of Council assigned to Contact & Special Committee the Liquor permit requests for JNG Grill and the Bistro 131

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

Ms. Walker announced that there is a meeting of the Parks & Cemetery Committee scheduled for Monday November 15, 2010 at 6:00PM.

VISITOR'S COMMENTS:

William Bevan, 2012 Delaware Drive SE Lot 12, New Philadelphia, Ohio 44663
Mr. Bevan owns property at 412 Front Street SW. New Philadelphia, Ohio 44663

Mr. Bevan addressed Council about his concern in regard to property located at 408 Front Street SW, New Philadelphia, Ohio 44663 which is right beside his property. He passed around pictures of the property and wanted to know if it could be torn down. He felt the property should have been torn down a long time ago and stated that "the property is an eyesore and a health hazard." The county Treasurer, the Health Department, the Service Director and the Fire Department have looked at the property in question. The man who owned the property filed bankruptcy a number of years ago. No taxes have been paid since 2003. Mr. Bevan came to council in hopes of getting some action on this by City Council or somebody.

President of Council, Joel Day said "as a legislation body we cannot do anything about that property." It is an administrative problem and he should contact the Service Director's office. It is an administration function.

Mr. Bevan stated that he has been trying to get this taken care of for a long time.

The Service Director, Mr. Zucal is aware of the property and has looked at it and stated that it is on the list but unfortunately it is a rather lengthy list. We are trying to prioritize; and are working currently with a budget of demolition is one structure per year. Mr. Zucal said he would be glad to look at it again.

Mr. Zucal requested that Mr. Bevan contact his office the week after next so he could take another look at the property in question. Mr. Zucal said that he will have the housing review team look at this they have a meeting once a month and they will contact him.

Mr. Bevan thanked every one and gave his phone number which is 330-365-1037 so he could be reached.

Ms. Cox asked what the legal question is there when a property owner person goes into Bankruptcy.

Law director stated:

“When the two owners went bankrupt they abandoned the property in Bankruptcy Court to the bank. The bank has done nothing to take any responsibility for it.

The property was abandoned to the bank the bank has done nothing. It belongs to the bank they did not go thru foreclosure; there was never a deed done they gave it to the bank.

The Bankruptcy Lawyer said that was all they were required to do in Bankruptcy.

The water bills and the Real Estate Taxes are still being sent to the former owners. The law director has discussed this with the County Prosecutor who handles the Real Estate Taxes who is unable to do anything with it.”

READING OF ORDINANCES AND RESOLUTIONS:

ORDINANCE:

19-2010 An ordinance by the Council of the City of New Philadelphia to regulate skill game businesses, adult oriented arcades, internet sweepstakes cafes, and sweepstakes businesses in the City of New Philadelphia, and declaring an emergency. (1stReading)

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

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

25-2010 An ordinance by the Council of the City of New Philadelphia, Ohio to enact chapter 531, Noise Control, Codified Ordinances, and declaring an emergency. (1stReading)

RESOLUTIONS:

49-2010 A resolution by the Council of the City of New Philadelphia, Ohio to authorize the placement of revenue from Goshen township for fire coverage into the general fund until the \$361,750.00 for the Fire Department’s Tower 11 Refurbishment is paid in full, and declaring an emergency. (1stReading)

COUNCIL ADJOURNED FROM REGULAR SESSION INTO EXECUTIVE SESSION AT 7:59 PM AS REQUESTED BY MAYOR, MICHAEL TAYLOR TO DISCUSS WAGE NEGOTIATIONS. COUNCIL RECONVENED INTO REGULAR SESSION AT 8:25PM

UNFINISHED OR OLD BUSINESS:NONE

NEW BUSINESS:NONE

MOTION TO ADJOURN MADE BY MS COX, MEETING ADJOURNED AT 8:26PM

CLERK OF COUNCIL _____

APPROVED _____

PRESIDENT OF COUNCIL _____