

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON JANUARY 12, 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
MR. DARRIN LAUTENSCHLEGER
MR. JIM LOCKER
MR. ROB MAURER
MS. COLLEEN ESPENSCHIED
MS. WINNIE WALKER

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

MS. COX MADE A MOTION TO APPROVE THE MINUTES OF THE DECEMBER 22, 2008 COUNCIL MEETING. MS. ESPENSCHIED SECONDED THE MOTION. ROLL CALL, 7 YEAS, MOTION PASSED.

CORRESPONDENCE CLERK DIANE ROUDEBUSH

1. Finance Committee meeting minutes of December 22, 2008.
2. Public Works & Economic Development Committee meeting of December 22, 2008.
3. Mayor’s Monthly Statement to Council for December 2008.
4. The New Philadelphia Police Monthly Activity Report for December 2008.
5. The Auditor’s Monthly Statement of Revenue for the General Fund for December 2008.
6. The Auditor’s Financial Statement for the month of December 2008.
7. A letter from Mary Taylor, CPA Ohio Auditor of State, inviting Council to attend a mandatory Certified Public Records Training on January 13, 2009 at Dutch Valley Restaurant in Sugarcreek, Ohio.

ADMINISTRATIVE REPORTS:

MAYOR’S REPORT.....MAYOR MIKE TAYLOR

Reported that he distributed his State of the City Report for 2008. Reported that he has received notification that the United States Postal Service will be removing some low volume mail collection boxes in the City. Reported that he has reappointed Ed Breehl, Craig Barnett, and Harry Matter to the Board of Zoning Appeals, and Jay Stein to the Park Board, along with the appointment of William Bichsel to the Park Board. Announced that Cemetery Superintendent Doug Demattio has announced his retirement, effective in March. Reported that he and Service Director Jim Zucal met last week with representatives from ODOT to review the signal project and the ODOT urban paving programs. Reported that ODOT’s number one project is West High Avenue from the RR tracks west to the corporation limit. Reported that he received a complimentary thank you letter from the Mayor of Uhrichsville concerning our city’s police department during a recent incident in their city.

SERVICE DIRECTOR MR. JIM ZUCAL

Reported that the new approach ramps at Tuscora Park are finished. Commended the Street Department for their efforts in keeping the city's streets free of snow & ice. Applications have been sent in to the ODNR for the City to be designated as a Tree City USA for 2009.

SAFETY DIRECTOR.....MR. GREG POPHAM

Reported that three new police cruisers have arrived, and one has been damaged by a drunk driver.

AUDITOR.MS. BETH GUNDY

Requested approval of the review of salaries of non-bargaining employees. Reported that two of three of the city's bonded debt were paid off, and the one remaining debt service was cut in half. Ms. Cox made a motion to approve the salary review. Ms. Espenschied seconded the motion. Roll call, 7 years, motion passed.

TREASURER MR. DAVE JOHNSON ABSENT NO REPORT

LAW DIRECTOR MR. MIKE JOHNSON

Reported that there have no been changes in the litigation for an open records request

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR MIKE TAYLOR

Reported that the January meeting was cancelled because there were no submissions. The next regularly scheduled meeting is February 10, 2009 at 1:00 P.M.

BOARD OF ZONING APPEALS MR. JIM ZUCAL

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

AIRPORT COMMISSION.....MR. JIM LOCKER

Will meet Tuesday, January 13, 2009 at 6:00 P.M. at the airport.

PARK BOARD.....MR. DARRIN LAUTENSCHLEGER

Will meet Wednesday, January 14, 2009 at 7:30 P.M. in the park office.

HEALTH BOARD.....MS. SANDY COX

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

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEE. MS. SANDY COX

Reported meeting tonight to discuss a tax rebate for withholding payroll taxes for Electronic Data Payment Systems, which was approved by Committee. Also discussed was a review of the non-bargaining wages. The Committee moved to recommend to Council that the 2009 wages be confirmed. Discussed were requests by the Police Chief to increase the room rate for a detective to attend schooling and to proceed with the purchase of three new police cruisers.

SALARY COMMITTEE MR. JIM LOCKER NO REPORT

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

Reported meeting tonight to discuss the agreement with Goshen Township for fire protection services. The Committee requested that this be given 4th reading so that an addition can be made to the contract. Informed Council that, concerning the sump hole on Springbrook Dr., a letter has been sent to Mrs. Storrie’s attorney, and The Committee is awaiting a response.

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

ZONING & ANNEXATION COMMITTEE MS. COLLEEN ESPENSCHIED

Reported that the Committee will meet January 14 concerning the request for rezoning on Wabash Avenue, and January 21 to discuss rezoning at Front St. and East High Avenue.

CONTACT & SPECIAL COMMITTEE MR. ROBERT CONNER NO REPORT

PARKS & CEMETERY COMMITTEE MS. WINNIE WALKER

Will meet January 26, 2009 at 7:00 P.M. to discuss a resolution to commend Mike Noretto and a review of Chapter 153, Shade Tree Commission. Mr. Day assigned the possible acquisition of cemetery land.

VISITOR’S COMMENTS: NONE

READING OF ORDINANCES AND RESOLUTIONS:

ORDINANCES: NONE

RESOLUTIONS:

37-2008 A resolution by the Council of the City of New Philadelphia, Ohio to authorize the mayor to enter into an agreement with the Goshen Township Trustees for fire protection services from the City of New Philadelphia within Goshen Township, Ohio for the calendar years 2009, 2010, and 2011, and declaring an emergency. (3rd Reading)

UNFINISHED OR OLD BUSINESS: NONE

NEW BUSINESS: NONE

MOTION TO ADJOURN MADE BY MS. COX. MEETING ADJOURNED AT 7:52 P.M.

CLERK OF COUNCIL _____

APPROVED January 26, 2009

PRESIDENT OF COUNCIL _____

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON JANUARY 26, 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
MR. DARRIN LAUTENSCHLEGER
MR. JIM LOCKER
MR. ROB MAURER
MS. COLLEEN ESPENSCHIED
MS. WINNIE WALKER

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

MS. COX MADE A MOTION TO APPROVE THE MINUTES OF THE JANUARY 12, 2009 COUNCIL MEETING. MS. WALKER SECONDED THE MOTION. ROLL CALL, 7 YEAS, MOTION PASSED.

CORRESPONDENCE CLERK DIANE ROUDEBUSH

1. Zoning & Annexation Committee meeting minutes of January 14, 2009.
2. Zoning & Annexation Committee meeting minutes of January 21, 2009.
3. The Treasurer's Statement of Transaction of all city funds for December 2008.
4. The Treasurer's Summary of Transactions for the General Checking Account for December 2008.
5. The Treasurer's Reconciliation for December 2008.
6. Planning Commission meeting minutes of October 14, 2008.
7. Tuscora Park Board meeting minutes of November 19, 2008.
8. Finance Committee meeting minutes of January 12, 2009.
9. Safety, Health, and Service Committee meeting minutes of January 12, 2009.

ADMINISTRATIVE REPORTS:

MAYOR'S REPORT.....MAYOR MIKE TAYLOR

Reported that he and several elected officials attended a required training on records and open meetings on January 13. Reported that he has been working on the budget, and hopes to have it to the Auditor so that the Finance Committee can schedule their budget hearings in early February. Reported that he has met with representatives from Aultcare, and announced that there will be a 7-1/2% increase in premiums, quite an improvement from the 17% increase in 2008. Reported that he recently spoke to the local labor/management groups, and hopes to re-establish those groups.

SERVICE DIRECTOR MR. JIM ZUCAL

Distributed copies of the 2008 activities report for his office.

SAFETY DIRECTOR.....MR. GREG POPHAM

Reported that the testing process is underway in the Police Department to replace an officer who resigned to take the position of Cemetery Superintendent

AUDITOR. MS. BETH GUNDY

Requested approval of her December 2008 reports.

TREASURER MR. DAVE JOHNSON

Requested approval of his December 2008 reports. Reported that he is working with a company to take credit/debit cards for payment. Ms. Espenschied made a motion to accept the Treasurer's and Auditor's Reports, seconded by Mr. Conner. Roll call, 7 yeas, motion passed.

LAW DIRECTOR MR. MIKE JOHNSON

Reported that the Rhodes Vs. City of New Philadelphia case will go to trial February 5. Updated Council on the status of lawsuits pending, and new ones filed this month.

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR MIKE TAYLOR

Will meet February 10, 2009 at 1:00 P.M.

BOARD OF ZONING APPEALS MR. JIM ZUCAL

Will meet February 10, 2009 at 5:00 P.M. in Council Chambers.

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

PARK BOARD.....MR. DARRIN LAUTENSCHLEGER

Reported that the meeting scheduled for Wednesday, January 14, 2009 was changed to January 29.

HEALTH BOARD.....MS. SANDY COX

Will meet February 18, 2009 at noon in the Health Department.

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEE. MS. SANDY COX

Informed Council that the 2009 Budget Hearings will be held Friday, February 13, 2009 beginning at 8:00 A.M.

SALARY COMMITTEE MR. JIM LOCKER NO REPORT

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

Reported meeting tonight to discuss the agreement with Goshen Township for fire protection services. The Committee is requesting passage tonight.

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

ZONING & ANNEXATION COMMITTEE MS. COLLEEN ESPENSCHIED

Reported that the Committee met January 14 concerning the request for rezoning on Wabash Avenue, and January 21 to discuss rezoning at Front St. and East High Avenue. Both requests failed in Committee.

CONTACT & SPECIAL COMMITTEE MR. ROBERT CONNER NO REPORT

PARKS & CEMETERY COMMITTEE MS. WINNIE WALKER

Reported meeting tonight to discuss a resolution to commend Mike Noretto of the Park Board and to review Chapter 153, Shade Tree Commission. The Committee requested that the Law Director prepare a resolution to commend Mr. Noretto for council’s consideration. Proposed changes to Chapter 153 will be made, and an ordinance will be prepared for council’s consideration.

VISITOR’S COMMENTS:

Darla Carlisle, 1951 Goshen Hill Rd., New Philadelphia, President of Main Street New Philadelphia, distributed a report of the 2008 accomplishments of Main Street.

READING OF ORDINANCES AND RESOLUTIONS:

ORDINANCES:

1-2009 An ordinance by the Council of the City of New Philadelphia authorizing and directing the Safety Director to advertise for bids, receive bids and to enter into a contract with the lowest and best bidder for the purchase of three (3) motor vehicles properly equipped for use in the Police Department, and declaring an emergency. (1st Reading)

RESOLUTIONS:

37-2008 A resolution by the Council of the City of New Philadelphia, Ohio to authorize the mayor to enter into an agreement with the Goshen Township Trustees for fire protection services from the City of New Philadelphia within Goshen Township, Ohio for the calendar years 2009, 2010, and 2011, and declaring an emergency. (4th Reading)

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

UNFINISHED OR OLD BUSINESS:

Mr. Conner asked the Law Director the status of Ordinance 27-08, updating of the Codified Ordinance replacement pages. Mr. Johnson said he has been working on the ordinance, and will have it ready soon.

NEW BUSINESS: NONE

MOTION TO ADJOURN MADE BY MS. COX. MEETING ADJOURNED AT 7:55 P.M.

CLERK OF COUNCIL _____

APPROVED February 9, 2009

PRESIDENT OF COUNCIL _____

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON FEBRUARY 9, 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
MR. DARRIN LAUTENSCHLEGER
MR. JIM LOCKER
MR. ROB MAURER
MS. COLLEEN ESPENSCHIED
MS. WINNIE WALKER

MS. COX REQUESTED THAT ORDINANCE 4-2009 BE ADDED TO TONIGHT'S AGENDA. MS. ESPENSCHIED MADE A MOTION TO ACCEPT THE AGENDA. MS. COX SECONDED THE MOTION. ROLL CALL, 7 YEAS, MOTION PASSED.

MS. COX MADE A MOTION TO APPROVE THE MINUTES OF THE JANUARY 26, 2009 COUNCIL MEETING. MS. WALKER SECONDED THE MOTION. ROLL CALL, 7 YEAS, MOTION PASSED.

CORRESPONDENCE CLERK DIANE ROUDEBUSH

1. The Auditor's Monthly Statement of Revenue for the General Fund for January 2009.
2. The Auditor's Financial Statement for January 2009.
3. Mayor's Monthly Statement to Council for January 2009.
4. Parks & Cemetery Committee meeting minutes of January 26, 2009.
5. A notice from the Ohio Division of Liquor Control requesting a D5H permit to Tuscarawas County University Branch District, dba Performing Arts Center, 330 University Dr. NE, New Philadelphia, and asking that objections be made no later than March 2, 2009.
6. A notice from the Ohio Division of Liquor Control requesting a transfer of a D1, D2, D3, and D6 permit to N & D Restaurants, Inc., dba Red Lobster #564, 255 Graef Rd. SE, New Philadelphia, and asking that objections be made no later than March 2, 2009.

ADMINISTRATIVE REPORTS:

MAYOR'S REPORT.....MAYOR MIKE TAYLOR

Reported that he and Service Director Jim Zucal met with ODOT and traffic engineers to discuss the signal project. Reported that the former Main Street is making good progress in terms of membership growth and projects and events. Reported that the Planning Commission meets Tuesday at 1:00 P.M. to discuss a request for zoning change on the northeast corner of Fourth and West High Avenue. Reported that the process has begun for this year's CDBG project in the 200 block of Ray Ave. NW. Informed Council that the Tuscarawas County Chamber of Commerce Business 2 Business Expo is being held Tuesday February 10 from 8:00 A.m. to 2:00 P.M. at the Newpointe Community Church, and encouraged everyone to stop in and visit.

SERVICE DIRECTOR MR. JIM ZUCAL

Distributed 2008 activity reports from the water, wastewater and cemetery departments. Reported that there was a bid opening on January 30 for the FAA sponsored ramp rehabilitation at the airport. Mr. Zucal relinquished the floor to Mr. Tom Farbizo, Chairman of the Airport Commission, who gave a report of the activities of the airport for 2008.

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

AUDITOR.MS. BETH GUNDY NO REPORT

TREASURER MR. DAVE JOHNSON NO REPORT

LAW DIRECTOR MR. MIKE JOHNSON

Reported that he filed and answer and counterclaim today in response to the lawsuit filed against the City by the OH Holly Corp. operating the Airport Restaurant. Reported that the Rhodes vs. City of New Philadelphia went to jury trial February 5, and the jury ruled in favor of the City. Updated Council on the status of lawsuits pending.

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR MIKE TAYLOR

Will meet February 10, 2009 at 1:00 P.M.

BOARD OF ZONING APPEALS MR. JIM ZUCAL

Will meet February 10, 2009 at 5:00 P.M. in Council Chambers.

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

PARK BOARD.....MR. DARRIN LAUTENSCHLEGER

Reported that the Park Board met January 29. It was reported that revenue for 2008 was up about \$2,000.00 from 2007, not including revenue from the rides which are run by RTY. Also discussed was the possibility of adding an additional pavilion on park property due to a great demand for the current pavilion. First Town Days Festival will be held July 2 through 5 with firework on the 4th.

HEALTH BOARD.....MS. SANDY COX

Will meet February 18, 2009 at noon in the Health Department.

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEE. MS. SANDY COX

Reminded Council that the 2009 Budget Hearings will be held Friday, February 13, 2009 beginning at 8:00 A.M.

SALARY COMMITTEE MR. JIM LOCKER NO REPORT

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

PUBLIC WORKS & ECONOMIC DEVELOPMENT COMMITTEE. MR. DARRIN LAUTENSCHLEGER

Scheduled a meeting for Wednesday, February 18 at 6:00 P.M. to discuss water, wastewater, and sanitation rates proposals.

ZONING & ANNEXATION COMMITTEE MS. COLLEEN ESPENSCHIED

Reported that the Committee met tonight concerning the request to dedicate Reiser Avenue. The Committee is requesting to review the warranty deed before any decision is made.

CONTACT & SPECIAL COMMITTEE MR. ROBERT CONNER NO REPORT

PARKS & CEMETERY COMMITTEE MS. WINNIE WALKER

Informed Council that she scheduled a meeting for March 9 at 6:45 P.M. to discuss Codified Ordinance Chapters 149 and 973.

VISITOR’S COMMENTS:

Attorney Bob Preston, representing Wes Simpson, of Simpson Heating & Cooling, requested that Council re-examine Codified Ordinance Chapter 947 concerning the installation of a geothermal unit. Mr. Day assigned the issue to the Safety, Health, and Service Committee.

READING OF ORDINANCES AND RESOLUTIONS:

ORDINANCES:

- 1-2009 An ordinance by the Council of the City of New Philadelphia authorizing and directing the Safety Director to advertise for bids, receive bids and to enter into a contract with the lowest and best bidder for the purchase of three (3) motor vehicles properly equipped for use in the Police Department, and declaring an emergency. (2nd Reading)
- 2-2009 An ordinance by the Council of the City of New Philadelphia, Ohio to repeal Chapter 153 of the Codified Ordinances and replace the same with a new Chapter 153, and declaring an emergency. (1st Reading)
- 3-2009 An ordinance by the Council of the City of New Philadelphia to authorize the Mayor of the City to enter into a contract with Electronic Date Payment Systems to offer a five-year tax credit for city income taxes as the result of new jobs created within the City for the calendar years 2009, 2010, 2011, 2012, and 2013, and declaring an emergency. (1st Reading)
- 4-2009 An ordinance by the Council of the City of New Philadelphia and dedicating to accept the land deeded to the City of New Philadelphia by the Knisely Family Trust and dedicating said property as a public street Reiser Avenue in New Philadelphia, Ohio, and declaring an emergency. (1st Reading)

RESOLUTIONS:

- 1-2009 A resolution by the Council of the City of New Philadelphia, Ohio to commend Michael Noretto for his years of service and dedication to the City of New Philadelphia during his 18 years serving on the New Philadelphia Park Board. (1st Reading)

UNFINISHED OR OLD BUSINESS: NONE

NEW BUSINESS:

Mr. Conner asked, concerning the lawsuit filed by the Johnson Family Trust, where will the city legal advice. Mr. Johnson said that it will be sent to the city's insurance company and they will assign counsel to defend.

MOTION TO ADJOURN MADE BY MS. COX. MEETING ADJOURNED AT 7:57 P.M.

CLERK OF COUNCIL _____

APPROVED February 23, 2009

PRESIDENT OF COUNCIL _____

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON FEBRUARY 23, 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. ESPENSSCHIED
MR. DARRIN LAUTENSCHLEGER
MR. JIM LOCKER
MS. WINNIE WALKER

MR. ROB MAURER WAS ABSENT.

MS. COX MADE A MOTION TO ACCEPT TONIGHT'S AGENDA. MS.ESPENSSCHIED SECONDED THE MOTION. ROLL CALL, 6 YEAS, MOTION PASSED.

MS. COX MADE A MOTION TO APPROVE THE MINUTES OF THE FEBRUARY 9, 2009 COUNCIL MEETING. MR. CONNER SECONDED THE MOTION. ROLL CALL, 6 YEAS, MOTION PASSED.

CORRESPONDENCE CLERK DIANE ROUDEBUSH

1. Finance Committee meeting minutes of February 13, 2009.
2. New Philadelphia Police Monthly Activity Report for January 2009.
3. Tuscora Park Board meeting minutes of January 29, 2009.
4. The Treasurer's Summary of Transactions for the General Checking Account for January 2009.
5. The Treasurer's Statement of Transactions of all city funds for January 2009.
6. The Treasurer's Reconciliation for January 2009.
7. Planning Commission meeting minutes of February 10, 2009.

ADMINISTRATIVE REPORTS:

MAYOR'S REPORT.....MAYOR MIKE TAYLOR

Commended the Tuscarawas Chamber of Commerce for their successful Business 2 Business event held recently. Commended all city departments for their excellent work in their budget preparations, and the Finance Committee for putting the budget together. Reported that he held the second voluntary employee meeting on February 12 to discuss updates on health insurance and projects done in 2008 and being reviewed for 2009. Reported meeting recently with Greg Fuhrer from the Labor Management Council. Mayor Taylor announced that he will be reactivating the city's steering committee to deal with labor/management issues. Reported that Main Street New Philadelphia has withdrawn from the main Street umbrella, and is now called the New Philadelphia Business and Community Association.

SERVICE DIRECTOR MR. JIM ZUCAL

Distributed the General Services Department Report for 2008. Reported that the snowplow and salting policy review team continue to review their practices.

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

AUDITOR. MS. BETH GUNDY

Requested approval of her January reports, and reported that the pre-audit meeting will be held March 5 at 9:00 A.M.

TREASURER MR. DAVE JOHNSON

Request approval of his January reports. Mr. Locker made a motion to approve the Auditor’s and Treasurer’s January reports. Ms. Cox seconded the motion. Roll call, 6 yeas, motion passed.

LAW DIRECTOR MR. MIKE JOHNSON

Requested that Mr. Day assign the review of the city’s Enterprise Zone, to include any new businesses that may want to locate at the Hi-Tech Park.

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR MIKE TAYLOR

Will meet March 10, 2009 at 1:00 P.M. in Council Chambers.

BOARD OF ZONING APPEALS MR. JIM ZUCAL

Will meet March 10, 2009 at 5:00 P.M. in Council Chambers.

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

PARK BOARD.....MR. DARRIN LAUTENSCHLEGER

Will meet February 25, 2009 at 7:00 P.M. in the park office.

HEALTH BOARD.....MS. SANDY COX

Will meet March 18, 2009 at noon in the Health Department.

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEE. MS. SANDY COX

Reported that the 2009 Budget Hearings were held February 13, and she thanked all who participated in the hearings, including department heads, administration, and council members. Some changes were made, and Ordinance 9-2009 is before council tonight for 1st reading. Also discussed were requests to authorize payment for monthly utility bills, authorize payment for gasoline for 2009, to advertise for bids for various materials, and the purchase of salt used at the water plant. Ordinances were prepared, and are before council tonight for 1st reading. Reported that a change was made to the agreement with Ordinance 3-2009. The Auditor requested an increase in the temporary appropriations for the cemetery department, Ordinance 10-2009 is before council tonight, and the Committee recommends emergency passage tonight.

SALARY COMMITTEE MR. JIM LOCKER NO REPORT

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

PUBLIC WORKS & ECONOMIC DEVELOPMENT COMMITTEE. MR. DARRIN LAUTENSCHLEGER

Reported meeting February 18 and again tonight to discuss water, wastewater, and sanitation rates proposals. The Committee is awaiting results of the Performance Audit before making a recommendation. April 2009 is the tentative date for implementing new water rates.

ZONING & ANNEXATION COMMITTEE MS. COLLEEN ESPENSCHIED NO REPORT

Mr. Day assigned a request for change of zoning on 4th St. NW. and West High Avenue.

CONTACT & SPECIAL COMMITTEE MR. ROBERT CONNER

Reported meeting tonight to discuss 2 liquor license requests. Mr. Conner made a motion to approve these requests. Mrs. Walker seconded the motion. Roll call, 6 yeas, motion passed. Mr. Day assigned the review of the Enterprise Zone.

PARKS & CEMETERY COMMITTEE MS. WINNIE WALKER NO REPORT

VISITOR’S COMMENTS:

Darla Carlisle of the New Philadelphia Business & Community Association, formerly Main Street New Philadelphia, said they are no longer affiliated with Main Street Ohio, but will continue to operate under the same policies and goals. She reported that the banner program will begin soon, and they are looking to return the car show to the downtown, tentatively set for September 12.

READING OF ORDINANCES AND RESOLUTIONS:

ORDINANCES:

- 1-2009 An ordinance by the Council of the City of New Philadelphia authorizing and directing the Safety Director to advertise for bids, receive bids and to enter into a contract with the lowest and best bidder for the purchase of three (3) motor vehicles properly equipped for use in the Police Department, and declaring an emergency. (3rd Reading)

 Motion to vote on passage made by Mr. Locker, seconded by Ms. Cox. Roll call, 6 yeas, ordinance passed.
- 2-2009 An ordinance by the Council of the City of New Philadelphia, Ohio to repeal Chapter 153 of the Codified Ordinances and replace the same with a new Chapter 153, and declaring an emergency. (2nd Reading)
- 3-2009 An ordinance by the Council of the City of New Philadelphia to authorize the Mayor of the City to enter into a contract with Electronic Data Payment Systems to offer a five-year tax credit for city income taxes as the result of new jobs created within the City for the calendar years 2009, 2010, 2011, 2012, and 2013, and declaring an emergency. (2nd Reading)
- 4-2009 An ordinance by the Council of the City of New Philadelphia and dedicating to accept the land deeded to the City of New Philadelphia by the Knisely Family Trust and dedicating said property as a public street Reiser Avenue in New Philadelphia, Ohio, and declaring an emergency. (2nd Reading)

- 5-2009 An ordinance by the Council of the City of New Philadelphia to authorize payment to the various utility providers for the City of New Philadelphia, Ohio for the monthly utility bills in 2009 for the City of New Philadelphia, Ohio which billings are in excess of \$25,000 per year, and declaring an emergency. (1st Reading)
- 6-2009 An ordinance by the Council of the City of New Philadelphia, Ohio to authorize payment for gasoline purchased throughout the year 2009, and declaring an emergency. (1st Reading)
- 7-2009 An ordinance by the Council of the City of New Philadelphia to authorize payment for the purchase of salt used at the New Philadelphia Water Plant, and declaring an emergency. (1st Reading)
- 8-2009 An ordinance by the Council of the City of New Philadelphia directing the Service Director to advertise for bids and to enter into contracts with the lowest and best bidder for the City's requirements of various materials and supplies for 2009, and declaring an emergency. (1st Reading)
- 9-2009 An ordinance to make appropriations for current expenses and other expenditures of the City of New Philadelphia, State of Ohio, during the fiscal year ending December 31, 2009 and declaring an emergency. (1st Reading)
- 10-2009 An ordinance amending and adjusting the temporary appropriations ordinance for the year 2009 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 Ms. Walker. Roll call, 6 yeas, ordinance passed.

RESOLUTIONS:

- 1-2009 A resolution by the Council of the City of New Philadelphia, Ohio to commend Michael Noretto for his years of service and dedication to the City of New Philadelphia during his 18 years serving on the New Philadelphia Park Board. (2nd Reading)

UNFINISHED OR OLD BUSINESS: NONE

NEW BUSINESS:

Mayor Taylor presented a video which highlights the city's business and education facilities. The object of the video is for businesses wishing to locate here.

MOTION TO ADJOURN MADE BY MS. COX. MEETING ADJOURNED AT 8:15 P.M.

CLERK OF COUNCIL _____

APPROVED March 9, 2009

PRESIDENT OF COUNCIL _____

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON MARCH 9, 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. ESPENSSCHIED
MR. DARRIN LAUTENSCHLEGER
MR. JIM LOCKER
MS. WINNIE WALKER
MR. ROB MAURER

MS. COX MADE A MOTION TO ADD RESOLUTION 2-2009 TO TONIGHT'S AGENDA. MR. LAUTENSCHLEGER SECONDED THE MOTION. ROLL CALL, 7 YEAS, MOTION PASSED.

MS. COX MADE A MOTION TO APPROVE THE MINUTES OF THE FEBRUARY 23, 2009 COUNCIL MEETING. MS. WALKER SECONDED THE MOTION. ROLL CALL, 7 YEAS, MOTION PASSED.

CORRESPONDENCE CLERK DIANE ROUDEBUSH

1. Public Works & Economic Development Committee meeting minutes of February 18, 2009.
2. The Auditor's Monthly Statement of Revenue for the General Fund for February 2009.
3. The Auditor's Financial Statement for February 2009.
4. Special/Contact Committee meeting minutes of February 23, 2009.
5. New Philadelphia Police Monthly Activity Report for February 2009.
6. Airport Commission meeting minutes of February 10, 2009.
7. Planning Commission meeting minutes of February 10, 2009.
8. A notice from the Ohio Division of Liquor Control requesting a C1 and C2 permit to Frank W. Pietros II, dba Wine & Cheese Deli, 420 Tuscarawas Ave. NW, New Philadelphia, OH 44663, and asking that objections be made no later than 3/30/09.

ADMINISTRATIVE REPORTS:

MAYOR'S REPORT.....MAYOR MIKE TAYLOR

Reported that the Labor/Management Steering Committee met last week for the first time since 2007, and will continue to meet monthly. Reported that the City has been reimbursed 75% of expenses incurred from the September 2008 wind storm. A check for \$91,865.00 was received from FEMA. Reported that he attended the open house of the new Mercy Medical Facility on West High Avenue. Reported that, in April, representatives will be going to Columbus to meet with the new director of ODOT to express the city's desire to make available for development the vacant ODOT site on West High Avenue. Reported that the city of Dennison is interested in purchasing the city's 1989 street sweeper. A resolution of approval is needed, and the Mayor asked that Mr. Day assign it to committee. Reported that he was presented an American Flag by Daniel Adams, a city resident who works for a private company on a U.S. Military base in Iraq. The flag was on a mission with the 3rd Division on

January 22, 2009. The flag will be flown in front of the Municipal Building. Mr. Lautenschleger asked if the city plans to apply for any federal government stimulus funds. Mayor Taylor said several applications have been submitted for consideration. Mayor Taylor relinquished the floor to General Services Superintendent Fred Neff, who informed Council of the city's move of recycling materials from J & J Refuse to Gayles Recycling in Dover for cost saving purposes.

SERVICE DIRECTOR MR. JIM ZUCAL

Reported that the Building Review Team has met several times concerning a dilapidated garage on 5th St. SW, and the garage will be torn down by a local contractor. Reported that Water Superintendent Kelly Ricklic has met recently with a company that deals with water distribution to detect leaks, and they hope to check the 100 miles of the city's water lines. Commended the Street Department for their patching of potholes, and the Sewer Department has been working on catch basins and making a list of needed repairs.

SAFETY DIRECTOR.....MR. GREG POPHAM

Informed Council that he invited Fire Chief Jim Parrish tonight to address any concerns regarding the monthly Fire Department Report, and will invite Police Chief Jeff Urban to the March 23 meeting for the same purpose.

AUDITOR.MS. BETH GUNDY ABSENT NO REPORT

TREASURER MR. DAVE JOHNSON NO REPORT

LAW DIRECTOR MR. MIKE JOHNSON

Requested that Mr. Day assign to Committee a review of Time Warner Cable information.

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR MIKE TAYLOR

Reported that the March 10 has been cancelled due to no submissions. The next scheduled meeting will be April 14, 2009 at 1:00 P.M. in Council Chambers.

BOARD OF ZONING APPEALS MR. JIM ZUCAL

Will meet March 10, 2009 at 5:00 P.M. in Council Chambers. One variance has been requested.

AIRPORT COMMISSION.....MR. JIM LOCKER

Reported that the Commission met February 10. Minutes were provided to each council member.

PARK BOARD.....MR. DARRIN LAUTENSCHLEGER

Reported meeting February 25. Minutes will be provided soon.

HEALTH BOARD.....MS. SANDY COX

Will meet March 18, 2009 at noon in the Health Department.

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEE. MS. SANDY COX

Reported meeting tonight to discuss the transfer of funds to supplement cash for current operations at the cemetery, transfer money to the Sidewalk Improvement Fund, request an advance from the County Auditor on the July 2009 real estate tax settlement, a transfer of interest revenue from the Cemetery Endowment Fund to Cemetery Operation Fund, the sale of a used 1989 street sweeper to the City of Dennison, and to advertise for bids for the pillar replacement project at the Municipal Building. All issues were approved by Committee and legislation will be prepared and before Council for consideration at the next council meeting, with the exception of the request for the advance of the real estate tax settlement from the County Auditor, which the Committee recommended emergency passage tonight. Mr. Day assigned the Time Warner Cable request.

SALARY COMMITTEE MR. JIM LOCKER NO REPORT

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

Will meet March 23 at 6:15 P.M. to discuss the sump hole on Springbrook and GEO thermal.

PUBLIC WORKS & ECONOMIC DEVELOPMENT COMMITTEE. MR. DARRIN LAUTENSCHLEGER

Reported that the committee will meet soon to discuss the results of the Performance Audit.

ZONING & ANNEXATION COMMITTEE MS. COLLEEN ESPENSCHIED NO REPORT

Will meet March 18 at 6:30 P.M. to discuss the rezoning request on 4th St. NW and West High Avenue.

CONTACT & SPECIAL COMMITTEE MR. ROBERT CONNER

Mr. Day assigned the liquor license request on Tuscarawas Avenue.

PARKS & CEMETERY COMMITTEE MS. WINNIE WALKER

Reported meeting tonight to discuss a resolution to commend Doug Demattio, who recently retired as Cemetery Superintendent. Also discussed was legislation dealing with the Park Board and Park Regulations. Legislation will be prepared and before Council for the March 23 meeting.

VISITOR’S COMMENTS:

Randy Feemster, 552 Fair Ave. NW, New Philadelphia, requested that Council consider a resolution of commitment from Council that any funds received from the economic stimulus package be used for American made products and purposes. Mr. Day assigned this to the Salary Committee.

READING OF ORDINANCES AND RESOLUTIONS:

ORDINANCES:

- 2-2009 An ordinance by the Council of the City of New Philadelphia, Ohio to repeal Chapter 153 of the Codified Ordinances and replace the same with a new Chapter 153, and declaring an emergency. (3rd Reading)

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

- 3-2009 An ordinance by the Council of the City of New Philadelphia to authorize the Mayor of the City to enter into a contract with Electronic Data Payment Systems to offer a five-year tax credit for city income taxes as the result of new jobs created within the City for the calendar years 2009, 2010, 2011, 2012, and 2013, and declaring an emergency. (3rd Reading)
- Motion to vote on passage made by Mr. Locker, seconded by Ms. Espenschied. Roll call, 7 yeas, ordinance passed.
- 4-2009 An ordinance by the Council of the City of New Philadelphia and dedicating to accept the land deeded to the City of New Philadelphia by the Knisely Family Trust and dedicating said property as a public street Reiser Avenue in New Philadelphia, Ohio, and declaring an emergency. (3rd Reading)
- Motion to vote on passage made by Ms. Cox, seconded by Ms. Walker. Roll call, 7 yeas, ordinance passed.
- 5-2009 An ordinance by the Council of the City of New Philadelphia to authorize payment to the various utility providers for the City of New Philadelphia, Ohio for the monthly utility bills in 2009 for the City of New Philadelphia, Ohio which billings are in excess of \$25,000 per year, and declaring an emergency. (2nd Reading)
- 6-2009 An ordinance by the Council of the City of New Philadelphia, Ohio to authorize payment for gasoline purchased throughout the year 2009, and declaring an emergency. (2nd Reading)
- 7-2009 An ordinance by the Council of the City of New Philadelphia to authorize payment for the purchase of salt used at the New Philadelphia Water Plant, and declaring an emergency. (2nd Reading)
- 8-2009 An ordinance by the Council of the City of New Philadelphia directing the Service Director to advertise for bids and to enter into contracts with the lowest and best bidder for the City's requirements of various materials and supplies for 2009, and declaring an emergency. (2nd Reading)
- 9-2009 An ordinance to make appropriations for current expenses and other expenditures of the City of New Philadelphia, State of Ohio, during the fiscal year ending December 31, 2009 and declaring an emergency. (2nd Reading)

RESOLUTIONS:

- 1-2009 A resolution by the Council of the City of New Philadelphia, Ohio to commend Michael Noretto for his years of service and dedication to the City of New Philadelphia during his 18 years serving on the New Philadelphia Park Board. (3rd Reading)
- Motion to vote on passage made by Mr. Lautenschleger, seconded by Ms. Walker. Roll call, 7 yeas, resolution passed.
- 2-2009 A resolution declaring the necessity to request an advance of \$850,000.00 from the County Auditor on the July 2009 Real Estate Tax Settlement, and declaring an emergency. (1st Reading)
- Motion to suspend the rules made by Ms. Cox, seconded by Mr. Lautenschleger. Roll call, 7 yeas, rules suspended.
- Motion to vote on passage made by Ms. Cox, seconded by Ms. Espenschied. Roll call, 7 yeas, resolution passed.

UNFINISHED OR OLD BUSINESS: NONE

NEW BUSINESS: NONE

MOTION TO ADJOURN MADE BY MS. COX. MEETING ADJOURNED AT 8:19 P.M.

CLERK OF COUNCIL _____

APPROVED March 23, 2009

PRESIDENT OF COUNCIL _____

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON MARCH 23, 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. ESPENSCHIED
MR. DARRIN LAUTENSCHLEGER
MR. JIM LOCKER
MS. WINNIE WALKER
MR. ROB MAURER

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 MARCH 9, 2009 COUNCIL MEETING. MS. COX SECONDED THE MOTION. ROLL CALL, 7 YEAS, MOTION PASSED.

CORRESPONDENCE CLERK DIANE ROUDEBUSH

1. An invitation to an Open House at Farm Credit Services, 313 Canal Ave. SE, Ste. D, New Philadelphia on Tuesday, March 24, 2009 from 11:00 A.M. – 3:00 P.M.
2. The 2008 Annual Report for the New Philadelphia City Health District.
3. The 2009 Financial Report Information for the New Philadelphia City Health District.
4. Zoning & Annexation Committee meeting minutes of March 18, 2009.
5. The Treasurer's Statement of Transactions of all city funds for February 2009.
6. The Treasurer's Reconciliation for February 2009.
7. The Treasurer's Summary of Transactions for the General Checking Account for February 2009.
8. Salary Committee meeting minutes of March 16, 2009.
9. Safety, Health, and Service Committee meeting minutes of February 18, 2009.
10. Tuscora Park Board meeting minutes of February 25, 2009.
11. Finance Committee meeting minutes of March 9, 2009.
12. Parks & Cemetery Committee meeting of March 9, 2009.

ADMINISTRATIVE REPORTS:

MAYOR'S REPORT.....MAYOR MIKE TAYLOR

Reported that he has had preliminary discussions with Mike Noretto of Rea & Associates for assistance in financial planning and forecasting, with further discussions after the performance audit is officially finished. Reported that

he and Service Director Jim Zucal have contacted several property owners concerning cemetery space. Reported that he recently attended the annual Tax Incentive Review Committee meeting at the Courthouse Annex. Reported that the second meeting of the Labor Management Steering Committee was held. Reported that the city received \$881.00 as additional reimbursement from FEMA from the September windstorm. Requested emergency passage tonight of Resolution 6-2009.

SERVICE DIRECTOR MR. JIM ZUCAL

Reported that the Housing Review Team continues to meet monthly on properties throughout the city. Reported that he has been working on a paving list for 2009, and requested that council inform him of any streets in their ward that needs paved by next week. Reported that the Street Department continues to repair potholes and running the street sweeper. Mr. Conner asked how fast the street sweeper sewer is set to go. He said he saw it in operation and it seemed to be going quite slow. Mr. Zucal said it is being operated at the recommended speed. Mr. Conner commented that the sewer blockage at 2nd St. and North Ave. NW was handled very well and he commended the workers who handled the problem.

SAFETY DIRECTOR.....MR. GREG POPHAM

Informed Council that, for the second time in as many years, the Fire Department Report has been nominated for the Star of Life Award. Reported that the monthly Police Department Activity Report was revised, and asked that questions concerning the report be asked of either him or the Police Chief.

AUDITOR. MS. BETH GUNDY ABSENT NO REPORT

TREASURER MR. DAVE JOHNSON

Requested approval tonight of his and Auditor Beth Gundy's February reports. Mr. Locker made a motion to accept the Auditor's and Treasurer's reports. Mr. Lautenschleger seconded the motion. Roll call, 7 yeas, motion passed.

LAW DIRECTOR MR. MIKE JOHNSON NO REPORT

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR MIKE TAYLOR

Will meet April 14, 2009 at 1:00 P.M. in Council Chambers.

BOARD OF ZONING APPEALS MR. JIM ZUCAL

Will meet April 14, 2009 at 5:00 P.M. in Council Chambers.

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

PARK BOARD.....MR. DARRIN LAUTENSCHLEGER

Reported meeting March 18, 2009. Minutes will be provided soon.

HEALTH BOARD.....MS. SANDY COX

Reported on the 2009 financial report of the City Health District.

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEE. MS. SANDY COX

Reminded everyone that the Committee will meet immediately following regular session the Time Warner Cable services and the 2009 CDBG. The Committee is requesting emergency passage tonight of Resolution 6-2009.

SALARY COMMITTEE MR. JIM LOCKER

Reported meeting March 16 to discuss a request by Randy Feemster for possible legislation to encourage the purchase of materials, goods, and services within the USA. From monies issued by the economic stimulus package. The Committee tabled the issue.

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

Reported meeting tonight to discuss the sump hole on Springbrook and GEO thermal. The Committee voted against permitting GEO thermal units to be installed. Concerning the sump hole, Ms. Storrie is offering the property to the city for \$95,000.00. The Committee will take this under advisement.

PUBLIC WORKS & ECONOMIC DEVELOPMENT COMMITTEE. MR. DARRIN LAUTENSCHLEGER

Reported that the committee will meet soon to discuss the results of the Performance Audit.

ZONING & ANNEXATION COMMITTEE MS. COLLEEN ESPENSCHIED

Reported meeting March 18 to discuss the rezoning request on 4th St. NW and West High Avenue. The Committee is recommending that legislation be prepared and brought before full council without a committee recommendation.

CONTACT & SPECIAL COMMITTEE MR. ROBERT CONNER

Reported meeting tonight to discuss the liquor license request on Tuscarawas Avenue. The Committee had no objections to the request. Mr. Conner made a motion to approve the request. Ms. Cox seconded the motion. Roll call, 7 yeas, motion passed. Mr. Day assigned an Enterprise Zone Agreement request.

PARKS & CEMETERY COMMITTEE MS. WINNIE WALKER NO REPORT

VISITOR’S COMMENTS: NONE

READING OF ORDINANCES AND RESOLUTIONS:

ORDINANCES:

- 5-2009 An ordinance by the Council of the City of New Philadelphia to authorize payment to the various utility providers for the City of New Philadelphia, Ohio for the monthly utility bills in 2009 for the City of New Philadelphia, Ohio which billings are in excess of \$25,000 per year, and declaring an emergency. (3rd Reading)

Motion to vote on passage made by Mr. Locker, seconded by Ms. Cox. Roll call, 7 yeas, ordinance passed.
- 6-2009 An ordinance by the Council of the City of New Philadelphia, Ohio to authorize payment for gasoline purchased throughout the year 2009, and declaring an emergency. (3rd Reading)

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

- 7-2009 An ordinance by the Council of the City of New Philadelphia to authorize payment for the purchase of salt used at the New Philadelphia Water Plant, and declaring an emergency. (3rd Reading)
- Motion to vote on passage made by Ms. Cox, seconded by Mr. Locker. Roll call, 7 yeas, ordinance passed.
- 8-2009 An ordinance by the Council of the City of New Philadelphia directing the Service Director to advertise for bids and to enter into contracts with the lowest and best bidder for the City's requirements of various materials and supplies for 2009, and declaring an emergency. (3rd Reading)
- Motion to vote on passage made by Ms. Cox, seconded by Ms. Espenschied. Roll call, 7 yeas, ordinance passed.
- 9-2009 An ordinance to make appropriations for current expenses and other expenditures of the City of New Philadelphia, State of Ohio, during the fiscal year ending December 31, 2009 and declaring an emergency. (3rd Reading)
- Motion to vote on passage made by Mr. Locker, seconded by Ms. Cox. Roll call, 7 yeas, ordinance passed.
- 11-2009 An ordinance by the Council of the City of New Philadelphia, Ohio to authorize and direct the Service Director to advertise for bids, receive bids, and to enter into a contract with the lowest and best bidder for the JKMC pillar replacement project, and declaring an emergency. (1st Reading)
- 12-2009 An ordinance by the Council of the City of New Philadelphia to repeal Section 973.01 – Park Regulations and to enact new Section 973.01 – Park Regulations, and declaring an emergency. (1st Reading)
- 13-2009 An ordinance by the Council of the City of New Philadelphia to repeal Codified Ordinance Section 149.02 and to enact new Section 149.02 of the Codified Ordinances of the City of New Philadelphia, Ohio, and declaring an emergency. (1st Reading)

RESOLUTIONS:

- 3-2009 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. (1st Reading)
- 4-2009 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. (1st Reading)
- 5-2009 A resolution by the Council of the City of New Philadelphia, Ohio to approve the transfer of interest revenue in an amount up to \$20,000.00 from the Cemetery Endowment Fund (#812) to the Cemetery Operating Fund (#209) for the 2009 fiscal year. (1st Reading)
- 6-2009 A resolution by the Council of the City of New Philadelphia, Ohio to sell a used 1989 street sweeper to the Village of Dennison for the sum of ten thousand dollars (\$10,000.00) and declaring an emergency. (1st Reading)

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

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

8-2009 A resolution by the Council of the City of New Philadelphia, Ohio to commend Douglas J. Demattio for his years of service and dedication to the City of New Philadelphia during his 35 years serving the City of New Philadelphia including 17 years serving as Cemetery Superintendent. (1st Reading)

UNFINISHED OR OLD BUSINESS: NONE

NEW BUSINESS: NONE

MOTION TO ADJOURN MADE BY MS. COX. MEETING ADJOURNED AT 8:03 P.M.

CLERK OF COUNCIL _____

APPROVED April 13, 2009

PRESIDENT OF COUNCIL _____

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON APRIL 13, 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. ESPENSCHIED
MR. DARRIN LAUTENSCHLEGER
MS. WINNIE WALKER
MR. ROB MAURER

MR. LOCKER WAS ABSENT DUE TO ILLNESS.

MS. ESPENSCHIED MADE A MOTION TO ADD ORDINANCE 16-2009 TO TONIGHT'S AGENDA. MR. LAUTENSCHLEGER SECONDED THE MOTION. MR. CONNER SAID THE ORDINANCE WAS NOT RECEIVED 72 HOURS PRIOR TO COUNCIL MEETING. ROLL CALL, 3 YEAS 4 NAYS (CONNER, COX, WALKER, AND DAY), MOTION FAILED.

MS. COX MADE A MOTION TO APPROVE THE MINUTES OF THE MARCH 23, 2009 COUNCIL MEETING. MR. CONNER SECONDED THE MOTION. ROLL CALL, 6 YEAS, MOTION PASSED.

CORRESPONDENCE CLERK DIANE ROUDEBUSH

1. Safety, Health, and Service Committee meeting minutes of March 23, 2009.
2. All Fire incidents by incident number for February 2009.
3. February 2009 and March 2009 Month End Summary Report for the Fire Department.
4. The New Philadelphia Police Monthly Activity Report for March 2009.
5. Special/Contact Committee meeting minutes of March 23, 2009.
6. The Auditor's Monthly Statement of Revenue for the General Fund for March 2009.
7. The Auditor's Financial Statement for March 2009.
8. Mayor's Monthly Statement to Council for March 2009.
9. Public Works & Economic Development Committee meeting minutes of March 31, 2009.
10. Finance Committee meeting minutes of March 23, 2009.
11. The New Philadelphia Municipal Court 2008 Annual Report.

ADMINISTRATIVE REPORTS:

MAYOR'S REPORT.....MAYOR MIKE TAYLOR

Reported that a third check, for \$8,257, has been received from FEMA for the September 2008 storm damage. The total reimbursement is nearly \$100,000.00, with another small check to come. Commended the Tuscarawas County Chamber of Commerce for their quick response to the bankruptcy of the company responsible for honoring Certifichcks that the Chamber sold. The Chamber is honoring on all outstanding checks that were sold. Reported that the meeting with the new director of ODOT in Columbus regarding the former ODOT site on West High has been rescheduled for April 29. Reported meeting on April 2 to discuss the Reiser Avenue force main project. Grant monies have been received, and it is hoped that the project can be completed this year. Reported that an educational meeting on interest based bargaining was held last week with the city's four unions. Reported that there have been many issues relating to the Central Business District, so he is announcing that he will be forming a Mayor's Advisory Committee to address these issues. Since the Central Business District is in Mr. Lautenschleger's Ward, he has agreed to serve on this Committee. Mayor Taylor addressed some of the recommendations that came out of the Performance Audit, and explained steps taken by the Administration to address some of those concerns. Mr. Conner requested a copy of the recent audit of city property for insurance purposes. Mayor Taylor will provide a copy.

SERVICE DIRECTOR MR. JIM ZUCAL

Reported that he and Assistant Service Director Amy Gilland met recently with Michael Baker Co., the city's aviation engineering firm and Superior Paving concerning the ramp rehabilitation project at the airport, which is to begin Mid-May. Reported that the Street Department continues to patch potholes and use the street sweeper. Reminded the public that all new construction and demolitions require a building permit, and garage sale permits can be obtained by Citizens Service Representative Vicki Daniels at the Information Desk.

SAFETY DIRECTOR.....MR. GREG POPHAM

Reported that a Civil Service Examination will be given on April 29, 2009 at Tuscora Park for police patrolman. Mr. Conner asked the condition of the recently wrecked police cruiser. Mr. Popham said he has been away, but will get that information.

AUDITOR.MS. BETH GUNDY NO REPORT

TREASURER MR. DAVE JOHNSON

Reported that he is working with the Water Department to provide estimates to implement the billing technology systems, and on the utilization of credit/debit cards within the City.

LAW DIRECTOR MR. MIKE JOHNSON

Reported that he reviewed a request by the West Virginia Corvette Club to hold a skilled driving competition at the airport. He requested that this be assigned to a Committee.

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR MIKE TAYLOR

Reported that the April meeting was cancelled because there were no submissions. The next meeting will be May 12, 2009 at 1:00 P.M. in Council Chambers.

BOARD OF ZONING APPEALS MR. JIM ZUCAL

Will meet April 14, 2009 at 5:00 P.M. in Council Chambers.

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

Will meet April 14, 2009 at 6:00 P.M. at the airport.

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

HEALTH BOARD.....MS. SANDY COX

Will meet April 15, 2009 at noon in the Health Department.

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEE. MS. SANDY COX

Reported meeting March 23 to discuss a video service provider fee to be paid by any provider offering video service in the city. An ordinance will be prepared and before council at the next council meeting, and emergency passage requested. Also discussed was an ordinance to advertise and award bids for the 2009 CDBG. The Law Director was asked to prepare legislation, and the Committee recommends emergency passage at the April 13 meeting. Mr. Day assigned the Reiser Ave. sanitary sewer bids.

SALARY COMMITTEE MR. JIM LOCKER ABSENT NO REPORT

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

Mr. Day assigned a resolution for new signage on SR250, and the W. Va. Corvette Club’s request for a driving skills competition at the Airport.

PUBLIC WORKS & ECONOMIC DEVELOPMENT COMMITTEE. MR. DARRIN LAUTENSCHLEGER

Reported meeting March 31 and April 9 to discuss water, wastewater, and sanitation rates. Ordinances have been prepared and will be on the agenda at the next Council meeting.

ZONING & ANNEXATION COMMITTEE MS. COLLEEN ESPENSCHIED NO REPORT

CONTACT & SPECIAL COMMITTEE MR. ROBERT CONNER

Will meet April 29 to discuss the solicitor’s ordinance and information concerning Enterprise Zones.

PARKS & CEMETERY COMMITTEE MS. WINNIE WALKER NO REPORT

VISITOR’S COMMENTS: NONE

READING OF ORDINANCES AND RESOLUTIONS:

ORDINANCES:

11-2009 An ordinance by the Council of the City of New Philadelphia, Ohio to authorize and direct the Service Director to advertise for bids, receive bids, and to enter into a contract with the lowest and best bidder for the JKMC pillar replacement project, and declaring an emergency. (2nd Reading)

- 12-2009 An ordinance by the Council of the City of New Philadelphia to repeal Section 973.01 – Park Regulations and to enact new Section 973.01 – Park Regulations, and declaring an emergency. (2nd Reading)
- 13-2009 An ordinance by the Council of the City of New Philadelphia to repeal Codified Ordinance Section 149.02 and to enact new Section 149.02 of the Codified Ordinances of the City of New Philadelphia, Ohio, and declaring an emergency. (2nd Reading)
- 14-2009 An ordinance establishing a video service provider fee to be paid by any video provider offering video service in the City, authorizing the Mayor to give notice to the video service provider of the video service provider fee, and declaring an emergency. (1st Reading)
- Motion to suspend the rules made by Ms. Cox, seconded by Mr. Conner. Roll call, 6 years, rules suspended.
- Motion to vote on passage made by Ms. Cox, seconded by Ms. Walker. Roll call, 6 years, ordinance passed.
- 15-2009 An ordinance by the Council of the City of New Philadelphia, Ohio to authorize and direct the Service Director to advertise for bids, receive bids and to enter into a contract with the lowest and best bidder and award the 2009 CDBG project, and declaring an emergency. (1st Reading)
- Motion to suspend the rules made by Ms. Cox, seconded by Mr. Conner. Roll call, 6 years, rules suspended.
- Motion to vote on passage made by Ms. Cox, seconded by Ms. Walker. Roll call, 6 years, ordinance passed.

RESOLUTIONS:

- 3-2009 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. (2nd Reading)
- 4-2009 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. (2nd Reading)
- 5-2009 A resolution by the Council of the City of New Philadelphia, Ohio to approve the transfer of interest revenue in an amount up to \$20,000.00 from the Cemetery Endowment Fund (#812) to the Cemetery Operating Fund (#209) for the 2009 fiscal year. (2nd Reading)
- 8-2009 A resolution by the Council of the City of New Philadelphia, Ohio to commend Douglas J. Demattio for his years of service an dedication to the City of New Philadelphia during his 35 years serving the City of New Philadelphia including 17 years serving as Cemetery Superintendent. (2nd Reading)

UNFINISHED OR OLD BUSINESS: NONE

NEW BUSINESS:

Dan Rice of the Ohio & Erie Canal Coalition updated Council on the project to develop the towpath trail through Tuscarawas County.

MOTION TO ADJOURN MADE BY MS. COX. MEETING ADJOURNED AT 8:14 P.M.

CLERK OF COUNCIL _____

APPROVED April 27, 2009

PRESIDENT OF COUNCIL _____

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON APRIL 27, 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 WAS ABSENT.

MS. COX MADE A MOTION TO ADD ORDINANCE 18-2009 TO TONIGHT'S AGENDA. MR. CONNER SECONDED THE MOTION. ROLL CALL, 6 YEAS, MOTION PASSED.

MR. CONNER MADE A MOTION TO APPROVE THE MINUTES OF THE APRIL 13, 2009 COUNCIL MEETING. MS. COX SECONDED THE MOTION. ROLL CALL, 6 YEAS, MOTION PASSED.

CORRESPONDENCE CLERK DIANE ROUDEBUSH

1. The Treasurer's Statement of all City funds for March 2009.
2. The Treasurer's Summary of Transactions for the General Checking Account for March 2009.
3. The Treasurer's Reconciliation for March 2009.
4. All Fire incidents by incident number for March 2009.
5. The March 2009 Month End Summary Report for the Fire Department.
6. Tuscora Park Board meeting minutes of March 9, 2009.

ADMINISTRATIVE REPORTS:

MAYOR'S REPORT.....MAYOR MIKE TAYLOR

Reported that he recently attended the Open House at the Tuscarawas County Chamber of Commerce to reveal their remodeling project. Reported that Habitat for Humanity recently broke ground for a new home on Third St. NW. Reported that he attended a reception honoring Janie Jones, long time director of our local Hospice who is retiring. Reported that two new poles have been placed on the Square for banners to feature upcoming events. Updated Council on the progress of repairing water leaks throughout the City.

SERVICE DIRECTOR MR. JIM ZUCAL

Reported that he is reviewing potential projects to alleviate storm water flooding. Reported that he is in the process of compiling this year's paving list. Reported that the City has received the Tree City USA Award for the 22nd year.

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

AUDITOR.MS. BETH GUNDY

Requested approval of her March reports.

TREASURER MR. DAVE JOHNSON

Requested approval of his March reports. Mr. Locker made a motion to approve the Treasurer’s and Auditor’s March reports. Roll call, 6 yeas, motion passed.

LAW DIRECTOR MR. MIKE JOHNSON

Scheduled a Public Hearing for May 28, 2009 at 8:00 P.M. for Ordinance 16-2009. Explained the Simpson Heating & Cooling lawsuit against the City.

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR MIKE TAYLOR

Will meet May 12, 2009 at 1:00 P.M. in Council Chambers if there is any business to come before the Commission.

BOARD OF ZONING APPEALS MR. JIM ZUCAL

Will meet May 12, 2009 at 5:00 P.M. in Council Chambers.

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

PARK BOARD.....MR. DARRIN LAUTENSCHLEGER

Reported meeting April 22 at the Park. Minutes are forthcoming.

HEALTH BOARD.....MS. SANDY COX

Will meet May 27, 2009 at noon in the Health Department.

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEE. MS. SANDY COX

Reported meeting tonight to discuss the Reiser Ave. sanitary sewer bids. The Committee voted to number this ordinance, Ordinance No. 18-2009, and it was added to the agenda for emergency passage tonight. Auditor Beth Gundy informed the Committee that there are several items that need to be reviewed in the near future. Requested passage tonight of Resolutions 3-2009, 4-2009, and 5-2009.

SALARY COMMITTEE MR. JIM LOCKER NO REPORT

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

PUBLIC WORKS & ECONOMIC DEVELOPMENT COMMITTEE. MR. DARRIN LAUTENSCHLEGER

Reported meeting tonight to discuss water, wastewater, and sanitation rates. Ordinance 17-2009 and Resolution 9-2009 are before Council for 1st reading tonight.

ZONING & ANNEXATION COMMITTEE MS. COLLEEN ESPENSCHIED NO REPORT

CONTACT & SPECIAL COMMITTEE MR. ROBERT CONNER

Will meet April 29 to discuss the solicitor's ordinance and information concerning Enterprise Zones.

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

In the absence of Ms. Walker, Ms. Cox requested passage tonight of Ordinances 12-2009 and 13-2009, and Resolution 8-2009.

VISITOR'S COMMENTS:

Darla Carlisle, President of the New Philadelphia Business & Community Association, reported that flowers for the downtown pots have been donated by the Rotary and Kiwanis Clubs. Reported that an office manager has been hired on a part-time basis. Reported that the Association has a received a \$9,000.00 grant.

READING OF ORDINANCES AND RESOLUTIONS:

ORDINANCES:

- 11-2009 An ordinance by the Council of the City of New Philadelphia, Ohio to authorize and direct the Service Director to advertise for bids, receive bids, and to enter into a contract with the lowest and best bidder for the JKMC pillar replacement project, and declaring an emergency. (3rd Reading)
- Motion to vote on passage made by Mr. Locker, seconded by Ms. Cox. Roll call, 5 yeas 1 nay (Maurer), ordinance passed.
- 12-2009 An ordinance by the Council of the City of New Philadelphia to repeal Section 973.01 – Park Regulations and to enact new Section 973.01 – Park Regulations, and declaring an emergency. (3rd Reading)
- Motion to vote on passage made by Mr. Lautenschleger, seconded by Mr. Locker. Roll call, 6 yeas, ordinance passed.
- 13-2009 An ordinance by the Council of the City of New Philadelphia to repeal Codified Ordinance Section 149.02 and to enact new Section 149.02 of the Codified Ordinances of the City of New Philadelphia, Ohio, and declaring an emergency. (3rd Reading)
- Motion to vote on passage made by Ms. Cox, seconded by Ms. Espenschied. Roll call, 6 yeas, ordinance passed.
- 16-2009 An ordinance by the Council of the City of New Philadelphia, Ohio to change zoning at Fourth Street NW and West High Avenue from Office or Residential to Business as presented by the Fourth and West High Property Owner's Group for the properties as shown in the attached map, and declaring an emergency. (1st Reading)
- Public Hearing to be held May 28, 2009 at 8:00 P.M.
- 17-2009 An ordinance by the Council of the City of New Philadelphia, Ohio to amend 971.06 Trash Collection Rates for the Codified Ordinances of the City of New Philadelphia, Ohio, and declaring an emergency. (1st Reading)
- 18-2009 An ordinance by the Council of the City of New Philadelphia, Ohio to authorize the bidding and contract with the lowest and best bidder for the Reiser Avenue Sanitary Sewer Force Main 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 Ms. Cox, seconded by Ms. Espenschied. Roll call, 6 yeas, ordinance passed.

RESOLUTIONS:

3-2009 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. (3rd Reading)

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

4-2009 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. (3rd Reading)

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

5-2009 A resolution by the Council of the City of New Philadelphia, Ohio to approve the transfer of interest revenue in an amount up to \$20,000.00 from the Cemetery Endowment Fund (#812) to the Cemetery Operating Fund (#209) for the 2009 fiscal year. (3rd Reading)

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

8-2009 A resolution by the Council of the City of New Philadelphia, Ohio to commend Douglas J. Demattio for his years of service and dedication to the City of New Philadelphia during his 35 years serving the City of New Philadelphia including 17 years serving as Cemetery Superintendent. (3rd Reading)

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

9-2009 A resolution by the Council of the City of New Philadelphia, Ohio to adopt the increase in water and sanitary sewer rates as suggested by the New Philadelphia Service Director and implementation of the rates and declaring an emergency. (1st Reading)

UNFINISHED OR OLD BUSINESS:

Mr. Conner expressed his concerns regarding the water, wastewater, and sanitation rate structure.

NEW BUSINESS: NONE

MOTION TO ADJOURN MADE BY MS. COX. MEETING ADJOURNED AT 7:58 P.M.

CLERK OF COUNCIL _____

APPROVED May 11, 2009

PRESIDENT OF COUNCIL _____

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON MAY 11, 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.

MR. DAY REMINDED EVERYONE THAT THE NEXT COUNCIL MEETING WILL BE THURSDAY, MAY 28, 2009 AT 7:30 P.M. DUE TO THE MEMORIAL DAY HOLIDAY.

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 ADDED ORDINANCE 21-2009, AND MR. CONNER WITHDREW ORDINANCE 11-2009 FROM TONIGHT'S AGENDA. MS. COX MADE A MOTION TO ACCEPT TONIGHT'S AGENDA. MR. MAURER SECONDED THE MOTION. ROLL CALL, 7 YEAS, MOTION PASSED.

MS. COX MADE A MOTION TO APPROVE THE MINUTES OF THE APRIL 27, 2009 COUNCIL MEETING. MS. ESPENSCHIED SECONDED THE MOTION. ROLL CALL, 7 YEAS, MOTION PASSED.

CORRESPONDENCE CLERK DIANE ROUDEBUSH

1. The Auditor's Monthly Statement of Revenue for the General Fund for April 2009.
2. The Auditor's Financial Statement for April 2009.
3. Mayor's Monthly Statement to Council for March 2009.
4. Finance Committee meeting minutes of April 27, 2009.
5. Airport Commission meeting minutes of April 14, 2009.
6. Special/Contact Committee meeting minutes of April 29, 2009.
7. New Philadelphia Police Monthly Activity Report for April 2009.

ADMINISTRATIVE REPORTS:

MAYOR'S REPORT.....MAYOR MIKE TAYLOR

Reported that he met on April 29 with County Commissioners, the Director of the Port Authority, and the Chamber Executive Director in Columbus with ODOT concerning the West High Avenue property. Reported that Arbor Day was celebrated last week by the planting of a tree at South Elementary School. Reported that the Water Department is continuing to work on the list of identified leaks within the City. Reported that training for interest based bargaining has been scheduled for next month, with all four unions agreeing to the training.

SERVICE DIRECTOR MR. JIM ZUCAL

Reported that work will be done to replace the concrete under the Mill Ave. railroad overpass. Reported that the Housing Review Team reviewed 7 sites within the City. Bids for materials will be opened this week. Reported that an employee newsletter will be prepared and included in the employee paychecks.

SAFETY DIRECTOR.....MR. GREG POPHAM

Reported that the Civil Service Exam was administered on April 29 for a police patrolman. 32 candidates took the written test. Part II of the test will be given May 19.

AUDITOR.MS. BETH GUNDY NO REPORT

TREASURER MR. DAVE JOHNSON ABSENT NO REPORT

LAW DIRECTOR MR. MIKE JOHNSON

Reported that the legal notice for the Public Hearing to be held on May 28 on Ordinance 16-2009 was not advertised within the required 30 day time frame, so he rescheduled it for June 22, 2009 at 8:00 P.M. Reported that he has filed a motion to dismiss the Simpson Heating & Cooling lawsuit.

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR MIKE TAYLOR

Reported that there will be no May meeting, and the next meeting will be June 9, 2009 at 1:00 P.M. if there is business to come before the Commission.

BOARD OF ZONING APPEALS MR. JIM ZUCAL

Will meet May 12, 2009 at 5:00 P.M. in Council Chambers with one variance to be heard.

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

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

HEALTH BOARD.....MS. SANDY COX

Will meet May 27, 2009 at noon in the Health Department.

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEE. MS. SANDY COX

Reported meeting tonight to discuss Ordinance 21-2009, amending and adjusting the appropriations. The Committee recommends emergency passage on 2nd reading at the May 28 meeting. Mr. Day assigned the sale of a truck being used in the Water Department.

SALARY COMMITTEE MR. JIM LOCKER

Reported meeting tonight to discuss housing prisoners at the county jail. An ordinance will be prepared and before Council at the next meeting.

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

Informed Council that the Corvette Rally at the airport will not take place, as advised by the FAA. Mr. Day assigned complaints of loud noise from car stereos.

PUBLIC WORKS & ECONOMIC DEVELOPMENT COMMITTEE. MR. DARRIN LAUTENSCHLEGER

Reminded Council that the Committee will meet Tuesday May 12 at 4:30 P.M. in the Airport Conference Room to discuss land acquisition.

ZONING & ANNEXATION COMMITTEE MS. COLLEEN ESPENSCHIED NO REPORT

CONTACT & SPECIAL COMMITTEE MR. ROBERT CONNER

Scheduled a meeting for May 18 at 6:00 P.M. to discuss the solicitor’s ordinance.

PARKS & CEMETERY COMMITTEE MS. WINNIE WALKER NO REPORT

VISITOR’S COMMENTS:

Mr. Tom Strickling, 319 Fair Ave. N.W., New Philadelphia, commented that the new sidewalk on Fair Ave. was not properly done on one side of the street. He said some of the cement is crumbling after the winter weather.

READING OF ORDINANCES AND RESOLUTIONS:

ORDINANCES:

16-2009 An ordinance by the Council of the City of New Philadelphia, Ohio to change zoning at Fourth Street NW and West High Avenue from Office or Residential to Business as presented by the Fourth and West High Property Owner’s Group for the properties as shown in the attached map, and declaring an emergency. (2nd Reading)

Public Hearing to be held June 22 2009 at 8:00 P.M.

17-2009 An ordinance by the Council of the City of New Philadelphia, Ohio to amend 971.06 Trash Collection Rates for the Codified Ordinances of the City of New Philadelphia, Ohio, and declaring an emergency. (2nd Reading)

Mr. Lautenschleger made a motion to amend to change the effective collection dates from May 1, 2009 to June 1, 2009. Ms. Cox seconded the motion. Roll call, 7 yeas, motion passed.

21-2009 An ordinance amending and adjusting the permanent appropriations ordinance for the year 2009 and declaring an emergency. (1st Reading)

RESOLUTIONS:

7-2009 A resolution by the Council of the City of New Philadelphia, Ohio to approve and adopt the Tuscarawas County Tax Incentive Review Council’s recommendations to the Enterprise Zone Annual Report for fiscal year 2009, and declaring an emergency. (1st Reading)

9-2009 A resolution by the Council of the City of New Philadelphia, Ohio to adopt the increase in water and sanitary sewer rates as suggested by the New Philadelphia Service Director and implementation of the rates and declaring an emergency. (2nd Reading)

Mr. Lautenschleger made a motion to amend to change the effective collection dates from May 1, 2009 to June 1, 2009. Ms. Cox seconded the motion. Roll call, 7 yeas, motion passed.

10-2009 A resolution by the Council of the City of New Philadelphia, Ohio to terminate the Enterprise Zone Agreement with Miller Studio Inc. and to submit the same to the State of Ohio Department of Development, and declaring an emergency. (1st Reading)

UNFINISHED OR OLD BUSINESS:

Mr. Conner asked how the recent finding of water leaks will affect the proposed water rates. Service Director Jim Zucal said he is not prepared to answer this question, but he will talk to Water Superintendent Kelly Ricklic. Mr. Conner said he is interested to know the impact of the proposed rates as compared to the amount of water being lost in these leaks.

NEW BUSINESS: NONE

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

CLERK OF COUNCIL_____

APPROVED May 28, 2009

PRESIDENT OF COUNCIL_____

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON MAY 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 ACCEPT TONIGHT'S AGENDA. MS. ESPENSCHIED SECONDED THE MOTION. ROLL CALL, 7 YEAS, MOTION PASSED.

MS. COX MADE A MOTION TO APPROVE THE MINUTES OF THE MAY 11, 2009 COUNCIL MEETING. MS. WALKER SECONDED THE MOTION. ROLL CALL, 7 YEAS, MOTION PASSED.

CORRESPONDENCE CLERK DIANE ROUDEBUSH

1. Salary Committee meeting minutes of May 11, 2009.
2. The April 2009 Month End Summary of the New Philadelphia Fire Department.
3. Special/Contact Committee meeting minutes of May 18, 2009.
4. The Treasurer's Statement of Transactions for all City Funds for April 2009.
5. The Treasurer's Summary of Transactions for the General Checking Account for April 2009.
6. The Treasurer's Reconciliations for April 2009.
7. 2008 Accomplishments of the New Philadelphia City Health District.

ADMINISTRATIVE REPORTS:

MAYOR'S REPORT.....MAYOR MIKE TAYLOR

Reported that the final total of reimbursement from FEMA for the September 2008 wind damage is \$104,753. Reported that the Water Department continues to work on water leaks. Reported that he sent a letter to Time Warner Cable voicing his objections to a reduction in programming without a cost reduction to the customers. Reported that he recently attended the Police Department's Annual Awards Dinner and Ceremony where several officers were recognized. Reported, also, that he was able to attend the Fire Department's Star of Life Awards Dinner in Columbus, where, for the 2nd consecutive year, our Fire Department was recognized as one of the 10 Star of Life Award winners. Reported that the Quaker Digital Academy recently held their grand opening in their new facilities in New Towne Mall. Reported that the Records Commission met recently and approved submission of some RC2s and RC3s to the Ohio Historical Society and Ohio Auditor of State. Requested passage tonight of Amended Ordinance 17-2009 and Amended Resolution 9-2009, and Resolution 7-2009.

SERVICE DIRECTOR MR. JIM ZUCAL

Reported that bids for materials for the year were opened on May 14. Reported that the street resurfacing on Mill Ave. is complete. Reported that bids will be opened June 18 for the JKMC pillar replacement.

SAFETY DIRECTOR.....MR. GREG POPHAM

Reported that part II of the police test was given May 19. Reported that the Fire Department received the Star of Life Award in Columbus on May 20. Fire Chief Jim Parrish told the events that led to the receipt of the award.

AUDITOR.MS. BETH GUNDY ABSENT NO REPORT

TREASURER MR. DAVE JOHNSON

Requested that his and Auditor Beth Gundy’s April reports be approved. Commended the Fire Department for the fine job they did in a recent fire in a family owned building downtown. Ms. Cox made a motion to approve the reports. Mr. Conner seconded the motion. Roll call, 7 yeas, motion passed.

LAW DIRECTOR MR. MIKE JOHNSON

Requested an Executive Session to discuss ongoing and pending litigation. Mr. Lautenschleger made a motion to go into Executive Session. Ms. Cox seconded the motion. Roll call, 7 yeas, motion passed.

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR MIKE TAYLOR

Will meet June 9, 2009 at 1:00 P.M. in Council Chambers.

BOARD OF ZONING APPEALS MR. JIM ZUCAL

Will meet June 9, 2009 at 5:00 P.M. in Council Chambers.

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

PARK BOARD.....MR. DARRIN LAUTENSCHLEGER

Will meet June 3 at 7:00 P.M. in the park office.

HEALTH BOARD.....MS. SANDY COX

Will meet June 17, 2009 at noon in the Health Department.

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEE. MS. SANDY COX

Requested passage tonight of Ordinance 21-2009. Reported meeting tonight to discuss the possible sale of a truck in the water department. An ordinance will be prepared to allow the sale. Ms. Cox also updated Council on the dedication wall that is to be installed in Council Chambers to honor all members of council and administration who have served in the JKMC.

SALARY COMMITTEE MR. JIM LOCKER NO REPORT

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

PUBLIC WORKS & ECONOMIC DEVELOPMENT COMMITTEE. MR. DARRIN LAUTENSCHLEGER

Reported meeting May 12 at the Airport to discuss land acquisition. Members of the family proposing the sale will submit a letter of the proposed terms of sale and submit it to the Committee and Administration for further review.

ZONING & ANNEXATION COMMITTEE MS. COLLEEN ESPENSCHIED NO REPORT

CONTACT & SPECIAL COMMITTEE MR. ROBERT CONNER

Reported meeting May 18 to discuss the extension of the City’s enterprise zone to include recently annexed properties. The Committee will propose an ordinance when an updated map is provided. Also discussed was the proposed peddler’s ordinance. An ordinance has been prepared and is before Council for consideration tonight. Scheduled a meeting for June 8 at 7:15 P.M. to discuss the Enterprise Zone.

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

VISITOR’S COMMENTS:

Fred Neff, Superintendent of General Services, 1023 12th St. NW, New Philadelphia, represented members of the sanitation department in support of Ordinance 17-2009.

READING OF ORDINANCES AND RESOLUTIONS:

ORDINANCES:

16-2009 An ordinance by the Council of the City of New Philadelphia, Ohio to change zoning at Fourth Street NW and West High Avenue from Office or Residential to Business as presented by the Fourth and West High Property Owner’s Group for the properties as shown in the attached map, and declaring an emergency. (3rd Reading)

Public Hearing to be held June 22 2009 at 8:00 P.M.

Amended 17-2009 An ordinance by the Council of the City of New Philadelphia, Ohio to amend 971.06 Trash Collection Rates for the Codified Ordinances of the City of New Philadelphia, Ohio, and declaring an emergency. (3rd Reading)

Motion to vote on passage made by Mr. Lautenschleger, seconded by Ms. Cox. Mr. Locker said he supports the city’s sanitation department, but in talking to members of the public, said he cannot support passage of this ordinance. Mr. Lautenschleger said his Committee worked hard on this ordinance, and resents the fact that Mr. Locker did not attend the many meetings to discuss the need for additional funding. He reminded everyone that New Philadelphia voters chose to have the sanitation fees removed from their property taxes so that funding would be fair to everyone, not just property owners. Ms. Espenschied said if the city went to private trash collectors, the citizens would be paying more. Mr. Maurer reminded everyone that with the fees removed from property taxes, people are probably paying less. Ms. Cox reminded everyone that the City must make up \$445,000 that was lost when it was removed from the property taxes. Roll call, 5 yeas 2 nays (Conner & Locker), motion passed.

20-2009 An ordinance by the Council of the City of New Philadelphia, Ohio to repeal Chapter 753 of the Codified Ordinances and replace the same with a new Chapter 753, and declaring an emergency. (1st Reading)

21-2009 An ordinance amending and adjusting the permanent appropriations ordinance for the year 2009 and declaring an emergency. (2nd 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 Ms. Cox, seconded by Mr. Conner. Roll call, 7 yeas, ordinance passed.

RESOLUTIONS:

7-2009 A resolution by the Council of the City of New Philadelphia, Ohio to approve and adopt the Tuscarawas County Tax Incentive Review Council's recommendations to the Enterprise Zone Annual Report for fiscal year 2009, and declaring an emergency. (2nd Reading)

Motion to suspend the rules made by Mr. Maurer, seconded by Mr. Lautenschleger. Mr. Conner said suspension of rules was discussed by his Committee, but didn't feel that it was necessary because the legislation was approved late. Mayor Taylor said the County called today, and he told them it would probably pass tonight. Roll call, 3 yeas 4 nays (Locker, Cox, Conner & Walker), suspension of rules failed.

Amended 9-2009 A resolution by the Council of the City of New Philadelphia, Ohio to adopt the increase in water and sanitary sewer rates as suggested by the New Philadelphia Service Director and implementation of the rates and declaring an emergency. (3rd Reading)

Motion to vote on passage made by Mr. Lautenschleger, seconded by Mr. Locker. Mr. Conner said he knows something needs to be done to increase revenue in the water department, but he feels that the proposed increase is inequitable. He said the city is subsidizing water usage for some industries, and he urges the city to review this more. Mr. Lautenschleger said a lot of time was put into this ordinance, and the recommendations provided in the Performance Audit were clear. Mr. Lautenschleger said that Mayor Taylor has been asked, with the help of outside aid, to review the current rate structure and provide figures by the end of 2009. Roll call, 6 yeas 1 nay (Conner), ordinance passed.

10-2009 A resolution by the Council of the City of New Philadelphia, Ohio to terminate the Enterprise Zone Agreement with Miller Studio Inc. and to submit the same to the State of Ohio Department of Development, and declaring an emergency. (2nd Reading)

Motion to suspend the rules made by Mr. Locker. The motion died for a lack of a 2nd.

13-2009 A resolution to authorize the City of New Philadelphia to enter into a contract with the Tuscarawas County Commissioners and the Tuscarawas County Sheriff's office for the housing of inmates in the Tuscarawas County Jail and payment of housing costs to the Tuscarawas County Commissioners and declaring an emergency. (1st Reading)

COUNCIL ADJOURNED AT 6:40 P.M. FROM REGULAR SESSION INTO EXECUTIVE SESSION TO DISCUSS ONGOING LITIGATION AND PENDING LITIGATION. COUNCIL RECONVENED INTO REGULAR SESSION AT 6:57 P.M.

UNFINISHED OR OLD BUSINESS: NONE

NEW BUSINESS: NONE

MOTION TO ADJOURN MADE BY MS. COX. MEETING ADJOURNED AT 6:59 P.M.

CLERK OF COUNCIL_____

APPROVED June 8, 2009

PRESIDENT OF COUNCIL_____

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON JUNE 8, 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. JIM LOCKER
MR. ROB MAURER
MS. WINNIE WALKER

COUNCILMAN DARRIN LAUTENSCHLEGER WAS ABSENT.

MR. MAURER MADE A MOTION TO ADD ORDINANCE 22-2009 AND RESOLUTION 14-2009 TO TONIGHT'S AGENDA. MS. COX SECONDED THE MOTION. ROLL CALL, 6 YEAS, MOTION PASSED.

MR. CONNER MADE A MOTION TO APPROVE THE MINUTES OF THE MAY 28, 2009 COUNCIL MEETING. MS. COX SECONDED THE MOTION. ROLL CALL, 6 YEAS, MOTION PASSED.

CORRESPONDENCE CLERK DIANE ROUDEBUSH

1. The Auditor's Monthly Statement of Revenue for the General Fund for May 2009.
2. The Auditor's Financial Statement for May 2009.
3. The New Philadelphia Police Monthly Activity Report for May 2009.
4. Mayor's Monthly Statement to Council for May 2009.
5. Public Works & Economic Development Committee meeting minutes of May 12, 2009.
6. Finance Committee meeting minutes of May 28, 2009.

ADMINISTRATIVE REPORTS:

MAYOR'S REPORT.....MAYOR MIKE TAYLOR ABSENT NO REPORT

SERVICE DIRECTOR MR. JIM ZUCAL

Reported that this year's CDBG bid opening was held and costs were significantly lower than expected. The project is to include the 200 block of Ray Ave. NW. Reported that the Housing Review Team met Thursday June 4 to review 8 sites. Reported that the Sidewalk Improvement Project is in full swing.

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

AUDITOR.MS. BETH GUNDY NO REPORT

TREASURER MR. DAVE JOHNSON

Distributed a report showing interest received on certain city accounts in comparison from 2008 to 2009 for January-April. Mr. Johnson said the same accounts that received interest in 2008 are receiving no interest for the

same time period. This amounts to \$93,869.00 less than 2008. He encouraged council to find new ways to bring revenue into the city, mostly by new businesses. He referred to the change of zoning on West High Avenue as a positive approach to bringing in new revenue.

LAW DIRECTOR MR. MIKE JOHNSON

Reported that he continues to work on the Simpson Heating & Cooling and OH Holly Corp. lawsuits. Explained the vote for Ordinance 16-2009, change of zoning on West High Avenue. The Committee recommends that the ordinance be amended to remove the emergency language.

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR MIKE TAYLOR ABSENT NO REPORT

BOARD OF ZONING APPEALS MR. JIM ZUCAL

Will meet June 9, 2009 at 5:00 P.M. in Council Chambers with 2 items on the agenda.

AIRPORT COMMISSION.....MR. JIM LOCKER

Will meet June 9, at 6:00 P.M. at the Airport.

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

HEALTH BOARD.....MS. SANDY COX

Will meet June 17, 2009 at noon in the Health Department.

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEE. MS. SANDY COX

Scheduled a meeting for Monday, June 22 immediately following the CDBG Public Hearing at 7:00 P.M. to discuss the CDBG application and a request from Police Chief Jeff Urban concerning a conference.

SALARY COMMITTEE MR. JIM LOCKER NO REPORT

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

Reported meeting tonight to discuss Resolution 14-2009, to upgrade signs on SR250. The Committee recommends passage tonight. Also discussed was Ordinance 22-2009, regulating geothermal heating/cooling units. The Committee recommends emergency passage tonight.

PUBLIC WORKS & ECONOMIC DEVELOPMENT COMMITTEE. MR. DARRIN LAUTENSCHLEGER

ZONING & ANNEXATION COMMITTEE MS. COLLEEN ESPENSCHIED NO REPORT

CONTACT & SPECIAL COMMITTEE MR. ROBERT CONNER

Reported meeting tonight to discuss the Enterprise Zone, Resolution 11-2009. The Committee recommends that the map be attached and placed on the agenda for the next regular meeting.

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

VISITOR'S COMMENTS: NONE

READING OF ORDINANCES AND RESOLUTIONS:

ORDINANCES:

- 16-2009 An ordinance by the Council of the City of New Philadelphia, Ohio to change zoning at Fourth Street NW and West High Avenue from Office or Residential to Business as presented by the Fourth and West High Property Owner's Group for the properties as shown in the attached map, and declaring an emergency. (4th Reading)
- Ms. Espenschied made a motion to amend by removing the emergency language. Ms. Cox seconded the motion. Roll call, 6 yeas, ordinance amended.
- Public Hearing to be held June 22 2009 at 8:00 P.M.
- 20-2009 An ordinance by the Council of the City of New Philadelphia, Ohio to repeal Chapter 753 of the Codified Ordinances and replace the same with a new Chapter 753, and declaring an emergency. (2nd Reading)
- 22-2009 An ordinance by the Council of the City of New Philadelphia, Ohio to enact Section 947.06 of the Codified Ordinances of the City of New Philadelphia, Ohio regulating geothermal heating/cooling units in the City of New Philadelphia, Ohio, and declaring an emergency. (1st Reading)
- Motion to suspend the rules made by Mr. Maurer, seconded by Ms. Espenschied. Roll call, 6 yeas, rules suspended.
- Motion to vote on passage made by Mr. Maurer, seconded by Mr. Locker. Roll call, 6 yeas, ordinance passed.

RESOLUTIONS:

- 7-2009 A resolution by the Council of the City of New Philadelphia, Ohio to approve and adopt the Tuscarawas County Tax Incentive Review Council's recommendations to the Enterprise Zone Annual Report for fiscal year 2009, and declaring an emergency. (3rd Reading)
- Motion to vote on passage made by Mr. Conner, seconded by Mr. Locker. Roll call, 6 yeas, resolution passed.
- 10-2009 A resolution by the Council of the City of New Philadelphia, Ohio to terminate the Enterprise Zone Agreement with Miller Studio Inc. and to submit the same to the State of Ohio Department of Development, and declaring an emergency. (3rd Reading)
- Motion to vote on passage made by Ms. Cox, seconded by Ms. Walker. Roll call, 6 yeas, resolution passed.
- 13-2009 A resolution to authorize the City of New Philadelphia to enter into a contract with the Tuscarawas County Commissioners and the Tuscarawas County Sheriff's office for the housing of inmates in the Tuscarawas County Jail and payment of housing costs to the Tuscarawas County Commissioners and declaring an emergency. (2nd Reading)

- 14-2009 A resolution by the Council of the City of New Philadelphia, Ohio to accept the project and guidelines for signage to be completed by ODOT, and declaring an emergency.
- Motion to suspend the rules made by Mr. Maurer, seconded by Ms. Espenschied. Roll call, 6 yeas, rules suspended.
- Motion to vote on passage made by Ms. Cox, seconded by Mr. Conner. Roll call, 6 yeas, resolution passed.
- 15-2009 A Resolution by the Council of the City of New Philadelphia, Ohio to authorize the Service Director to list for sale a utility box truck not currently in use by the Water Department, and declaring an emergency. (1st Reading)

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 June 22, 2009

PRESIDENT OF COUNCIL _____

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON JUNE 22, 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 ORDINANCE 23-2009 AND RESOLUTION 12-2009 TO TONIGHT'S AGENDA. MR. LAUTENSCHLEGER SECONDED THE MOTION. ROLL CALL, 7 YEAS, MOTION PASSED.

MS. COX MADE A MOTION TO APPROVE THE MINUTES OF THE JUNE 8, 2009 COUNCIL MEETING. MS. WALKER SECONDED THE MOTION. ROLL CALL, 7 YEAS, MOTION PASSED.

CORRESPONDENCE CLERK DIANE ROUDEBUSH

1. Safety, Health, and Service Committee meeting minutes of June 15, 2009.
2. The May 2009 month end summary of the New Philadelphia Fire Department.

ADMINISTRATIVE REPORTS:

MAYOR'S REPORT.....MAYOR MIKE TAYLOR

Reported that the Mayor's Advisory Committee for the Central Business District has held two meetings. Reported that the administration and all four city unions completed an interest based bargaining training. Congratulated Howden Buffalo on their recent open house. Reported that the Policy Committee of the Joint Solid Waste District is in the process of writing their operating plan for the next five years. Reminded everyone that the First Town Days Festival will be held July 2-5.

SERVICE DIRECTOR MR. JIM ZUCAL

Reported that only minor damage occurred during the recent storms. Reported that bids for the JKMC pillar replacement were opened, and came in under the engineer's estimate. Reported that potholes are being patched, and a paving list is being completed for July/August.

SAFETY DIRECTOR.....MR. GREG POPHAM

Reported that the Fire Department has received their new ambulance.

AUDITOR. MS. BETH GUNDY

Requested approval of her May reports.

TREASURER MR. DAVE JOHNSON NO REPORT

Ms. Cox made a motion to approve the Auditor's May reports. Mr. Conner seconded the motion. Roll call, 7 yeas, motion passed.

LAW DIRECTOR MR. MIKE JOHNSON ABSENT NO REPORT

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR MIKE TAYLOR

Will meet July 14, 2009 at 1:00 P.M. in Council Chambers.

BOARD OF ZONING APPEALS MR. JIM ZUCAL

Will meet July 14, 2009 at 5:00 P.M. in Council Chambers.

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

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

HEALTH BOARD.....MS. SANDY COX

Will meet July 15, 2009 at noon in the Health Department.

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEE. MS. SANDY COX

Reported meeting tonight to discuss the CDBG application and a request from Police Chief Jeff Urban. The Committee approved the request for additional funds for the police chaplain to attend a conference. The Committee also approved an increase in funding for the Mayor to attend a conference. Resolution 12-2009, application for CDBG was discussed, and the Committee recommends emergency passage tonight. Ordinance 23-2009, amending the appropriations, was discussed and added to tonight's agenda.

SALARY COMMITTEE MR. JIM LOCKER NO REPORT

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

PUBLIC WORKS & ECONOMIC DEVELOPMENT COMMITTEE. MR. DARRIN LAUTENSCHLEGER

Reported meeting tonight to discuss airport land acquisition. Several questions were raised by the Committee, so the Committee requested that the mayor will compile information concerning these questions and report back to the Committee.

ZONING & ANNEXATION COMMITTEE MS. COLLEEN ESPENSCHIED NO REPORT

CONTACT & SPECIAL COMMITTEE MR. ROBERT CONNER NO REPORT

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

VISITOR'S COMMENTS:

Mr. Tom Strickling, 319 Fair Ave. NW, New Philadelphia, asked about the pillar replacement at the JCMC. Service Director Jim Zucal explained the work to be done.

COUNCIL RECESSED AT 7:46 P.M. AND RECONVENED AT 8:00 P.M. INTO A PUBLIC HEARING TO DISCUSS ORDINANCE 16-2009.

Ordinance 16-2009 An ordinance by the Council of the City of New Philadelphia, Ohio to change zoning At Fourth Street NW and West High Avenue from Office or Residential to Business as Presented by the Fourth and West High Property Owner's Group for the properties as Shown in the attached map, and declaring an emergency.

Those speaking in favor the rezoning were: Don Kennedy, 1165 Hilltop Dr.
Scott Carmany, 119 4th St. NW
David Dunn, 862 Fair Ave. NW

Those speaking against the rezoning were: Tom Strickling, 319 Fair Ave. NW
Patti Strickling, 319 Fair Ave. NW
David Hipp, 459 East High Ave.

COUNCIL ADJOURNED FROM PUBLIC HEARING INTO REGULAR SESSION AT 8:15 P.M.

READING OF ORDINANCES AND RESOLUTIONS:

ORDINANCES:

Amended 16-2009 An ordinance by the Council of the City of New Philadelphia, Ohio to change zoning at Fourth Street NW and West High Avenue from Office or Residential to Business as presented by the Fourth and West High Property Owner's Group for the properties as shown in the attached map, and declaring an emergency. (5th Reading)

Motion to vote on passage made by Ms. Cox, seconded by Mr. Conner. Mr. Lautenschleger said he has been contacted by residents in his ward, and has received petitions against the rezoning, and said he still opposes spot zoning, so he will be voting against passage. Mayor Taylor said he supported this rezoning in the Planning Commission, and continues to support it. Roll call, 0 yeas, 7 nays, ordinance failed.

20-2009 An ordinance by the Council of the City of New Philadelphia, Ohio to repeal Chapter 753 of the Codified Ordinances and replace the same with a new Chapter 753, and declaring an emergency. (3rd Reading)

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

23-2009 An ordinance amending and adjusting the permanent appropriations for the year 2009, and declaring an emergency. (1st Reading)

RESOLUTIONS:

11-2009 A resolution by the Council of the City of New Philadelphia, Ohio to amend the New Philadelphia Enterprise Zone, and declaring an emergency. (1st Reading)

12-2009 A resolution by the Council of the City of New Philadelphia, Tuscarawas County, Ohio, authorizing and directing the Mayor of the said City of New Philadelphia to act as the signature designee and to file an application for financial assistance under Title I of the Housing and Community Development Act of 1974 (PL 93-383) to the Ohio Department of Development, Division of Community Development, Office of Local Government Services, and declaring an emergency. (1st 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 Ms. Cox, seconded by Ms. Walker. Roll call, 7 yeas, resolution passed.

13-2009 A resolution to authorize the City of New Philadelphia to enter into a contract with the Tuscarawas County Commissioners and the Tuscarawas County Sheriff's office for the housing of inmates in the Tuscarawas County Jail and payment of housing costs to the Tuscarawas County Commissioners and declaring an emergency. (3rd Reading)

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

15-2009 A resolution by the Council of the City of New Philadelphia, Ohio to authorize the Service Director to list for sale a utility box truck not currently in use by the Water Department, and declaring an emergency. (2nd Reading)

UNFINISHED OR OLD BUSINESS: NONE

NEW BUSINESS:

Mr. Day asked that Service Director Jim Zucal review and update the zoning code definitions.

MOTION TO ADJOURN MADE BY MS. COX. MEETING ADJOURNED AT 8:25 P.M.

CLERK OF COUNCIL_____

APPROVED July 13, 2009

PRESIDENT OF COUNCIL_____

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON JULY 13, 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 APPROVE TONIGHT'S AGENDA. MR. CONNER SECONDED THE MOTION. ROLL CALL, 7 YEAS, MOTION PASSED.

MR. CONNER MADE A MOTION TO APPROVE THE MINUTES OF THE JUNE 22, 2009 COUNCIL MEETING. MS. ESPENSCHIED SECONDED THE MOTION. ROLL CALL, 7 YEAS, MOTION PASSED.

CORRESPONDENCE CLERK PRO TEM MARY JO FRAGASSE

1. The Treasurer's Report for June 2009.
2. The Treasurer's Report for May 2009.
3. Public Works & Economic Development Committee meeting minutes of June 22, 2009.
4. Finance Committee meeting minutes of June 22, 2009.
5. Airport Commission meeting minutes of June 9, 2009.
6. A copy of a letter dated June 24, 2009 from Mayor Taylor to Auditor Gundy asking that she review the financial issues for the first 6 months of the year and the balance of the year.
7. The Auditor's Monthly Statement for June 2009.
8. Mayor's Monthly Statement to Council for June 2009.
9. New Philadelphia Police Monthly Activity Report for June 2009.

ADMINISTRATIVE REPORTS:

MAYOR'S REPORT.....MAYOR MIKE TAYLOR

Reported that the Joint Solid Waste District will hold their annual Household Hazardous Waste Collection for Tuscarawas County at Buckeye Career Center on August 20-22. Reported that the Labor Management Steering Committee continues to meet on a monthly basis. Announced that he has appointed Kelly Watson to the Planning Commission to replace Denny Watson, Kelly's brother. Reported that the 32nd First Town Days Festival was very successful. Reported that dialogue is moving forward with ODOT on the West High Avenue property in hopes of finding a tenant/tenants. Reported that he will be holding budget reviews with all departments that report to the Service Director or Safety Director.

SERVICE DIRECTOR MR. JIM ZUCAL ABSENT

In a written report provided by Mr. Zucal in his absence, he reported that the airport ramp rehabilitation project is underway and should be finished in two weeks. Reported that he met with a representative of the Tuscarawas County Soil and Water Conservation District at the south side park to evaluate the topography and soil types of the land acquired for a cemetery. Reported that the Ray Avenue NW CDBG and the JKMC pillar replacement project should begin by the first of August. Thanked all city service employees who worked during the First Town Days Festival.

SAFETY DIRECTOR.....MR. GREG POPHAM

Reported that one of the newly purchased police cruisers has been delivered, with two more coming.

AUDITOR. MS. BETH GUNDY

Requested approval of her June reports. Distributed copies of a report from the County Auditor’s office showing the expected reduction in local revenue money.

TREASURER MR. DAVE JOHNSON

Requested approval of his May and June reports. Ms. Cox made a motion to approve the Auditor’s June reports and the Treasurer’s May and June reports. Mr. Locker seconded the motion. Roll call, 7 yeas, motion passed.

LAW DIRECTOR MR. MIKE JOHNSON

Updated Council on the status of several lawsuits. Reported that mediation with O Holly should begin in October. It has been brought to the attention of Mr. Johnson that the name on the deed for the restaurant at the airport should be changed from Perkins Pancake House to the Perfect Landing.

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR MIKE TAYLOR

Reported that there was no meeting in July, and the next meeting is scheduled for August 11 at 1:00 P.M. in Council Chambers, pending an agenda.

BOARD OF ZONING APPEALS MR. JIM ZUCAL

Will meet July 14, 2009 at 5:00 P.M. in Council Chambers.

AIRPORT COMMISSION.....MR. JIM LOCKER

Will meet July 14, 2009 at 6:00 P.M. at the airport meeting room.

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

HEALTH BOARD.....MS. SANDY COX

Will meet July 15, 2009 at noon in the Health Department.

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEE. MS. SANDY COX

Reported meeting tonight to discuss a request from Auditor Beth Gundy to request an advance from the County Auditor for the July 2009 real estate taxes. The Committee approved the request, and a resolution will be prepared for the next regular meeting. Also discussed were unnumbered resolutions to transfer funds to supplement cash in the Cemetery Department, to transfer funds in the Sewer Department, and an ordinance to amend and adjust the appropriations. All issues were approved, and legislation will be prepared. Fire Chief Jim Parrish was in attendance to discuss a request to either refurbish the 1987 aerial truck or purchase a new truck. The Committee took this under advisement, and another meeting will be held in the future.

SALARY COMMITTEE MR. JIM LOCKER NO REPORT

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

Mr. Maurer made a motion to go into Executive Session to discuss land acquisition. Mr. Locker seconded the motion. Roll call, 7 yeas, motion passed.

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

ZONING & ANNEXATION COMMITTEE MS. COLLEEN ESPENSCHIED NO REPORT

CONTACT & SPECIAL COMMITTEE MR. ROBERT CONNER NO REPORT

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

VISITOR'S COMMENTS: NONE

READING OF ORDINANCES AND RESOLUTIONS:

ORDINANCES:

23-2009 An ordinance amending and adjusting the permanent appropriations for the year 2009, and declaring an emergency. (2nd Reading)

RESOLUTIONS:

11-2009 A resolution by the Council of the City of New Philadelphia, Ohio to amend the New Philadelphia Enterprise Zone, and declaring an emergency. (2nd Reading)

15-2009 A resolution by the Council of the City of New Philadelphia, Ohio to authorize the Service Director to list for sale a utility box truck not currently in use by the Water Department, and declaring an emergency. (3rd Reading)

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

AT COUNCIL 7:55 P.M.ADJOURNED FROM REGULAR SESSION INTO EXECUTIVE SESSION TO DISCUSS LAND ACQUISITION. COUNCIL RECONVENED INTO REGULAR SESSION AT 8:10 P.M.

UNFINISHED OR OLD BUSINESS:

Mr. Popham requested that the annual police auction be assigned to Committee. Mr. Day assigned it to the Finance Committee.

NEW BUSINESS:

Mr. Conner questioned the May/June water rate billing as some residents are being billed for excess of 30 days and therefore are being bumped up to the higher rate. He said the bills are inconsistent, and he asked that residents be reimbursed for their overpayment. Mayor Taylor will give this to Service Director Jim Zucal when he returns from vacation.

MOTION TO ADJOURN MADE BY MS. COX. MEETING ADJOURNED AT 8:17 P.M.

CLERK OF COUNCIL _____

APPROVED July 27, 2009

PRESIDENT OF COUNCIL _____

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON JULY 27, 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 RESOLUTION 16-2009 TO TONIGHT'S AGENDA. MR. CONNER SECONDED THE MOTION. ROLL CALL, 7 YEAS, MOTION PASSED. MS. COX MADE A MOTION TO ACCEPT TONIGHT'S AGENDA. MR. LOCKER SECONDED THE MOTION. ROLL CALL, 7 YEAS, MOTION PASSED.

MS. WALKER MADE A MOTION TO APPROVE THE MINUTES OF THE JULY 13, 2009 COUNCIL MEETING. MS. COX SECONDED THE MOTION. ROLL CALL, 7 YEAS, MOTION PASSED.

CORRESPONDENCE CLERK DIANE ROUDEBUSH

1. The June 2009 Month End Summary of the New Philadelphia Fire Department.
2. Finance Committee meeting minutes of July 13, 2009.
3. A notice from the Ohio Division of Liquor Control requesting a D5I and D6 permit to New Philadelphia 601 Inc., dba Tlaquepaque Mexican Restaurant, 601 Wabash Ave., NW, New Philadelphia, and asking that objections be made no later than August 20, 2009.

ADMINISTRATIVE REPORTS:

MAYOR'S REPORT.....MAYOR MIKE TAYLOR

Requested that Mr. Day set a caucus meeting to hear Auditor Beth Gundy's evaluation and interpretation of the financial position of the city. Congratulated Chrysalis Counseling Center on their new location on West High Avenue. Reported that he and Assistant Service Director Amy Gilland recently attended a grant workshop put on by ODOT. Reported that he is working to formulate a recommendation to choose a company to conduct a utility rate and billing study, establish a uniform format to assist in recommending utility rates charges, and to develop a five year capital plan for these departments. He will forward his recommendation to the Public Works Committee. Reported that OMEGA has formed a Broadband Committee to follow and understand funding that may be available for the OMEGA ten county region, and announced that he has appointed Gary Little, Executive Director of the CIC to be the City's representative.

SERVICE DIRECTOR MR. JIM ZUCAL

Reported that the ramp rehabilitation project at the airport is progressing well, the JKMC pillar replacement project will begin August 3, and the 2009 CDBG project is underway. Submitted a written report provided by Cemetery Superintendent Keith Limbacher for the first half of 2009. Reported that the paving project will begin sometime in August. Informed everyone that there are still funds available for sidewalk replacement.

SAFETY DIRECTOR.....MR. GREG POPHAM

Reported that David Morris has been hired as a patrolman in the Police Department.

AUDITOR. MS. BETH GUNDY NO REPORT

TREASURER MR. DAVE JOHNSON NO REPORT

LAW DIRECTOR MR. MIKE JOHNSON

Informed Council that Judge O’Farrell has ruled against the city in the geothermal suit filed by Simpson Heating and Cooling. Reported that O Holly Corporation has been ordered to deposit the monthly rent from the Perfect Landing to the Clerk of Courts beginning August 1, while the lawsuit continues. Reported that he continues to work on the Codified Ordinance update for Mr. Conner.

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR MIKE TAYLOR

Reported that there was no meeting in July, and the next meeting is scheduled for August 11 at 1:00 P.M. in Council Chambers, pending an agenda.

BOARD OF ZONING APPEALS MR. JIM ZUCAL

Will meet August 11, 2009 at 5:00 P.M. in Council Chambers.

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

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

HEALTH BOARD.....MS. SANDY COX

Will meet August 19, 2009 at noon in the Health Department.

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEE. MS. SANDY COX

Reported meeting tonight to discuss the annual police auction on August 19. Resolution 16-2009 is before Council tonight, and emergency passage requested. The Committee also briefly discussed services for Smart Bill. The Committee will review this again in the future when Water Superintendent Kelly Ricklic can be in attendance. Mr. Day assigned funding for this year’s paving program.

SALARY COMMITTEE MR. JIM LOCKER NO REPORT

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

Mr. Day assigned the Police Chief’s request to review Codified Ordinance Chapter 549.12 (c).

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

ZONING & ANNEXATION COMMITTEE MS. COLLEEN ESPENSCHIED NO REPORT

Mr. Day assigned a request by Gary Lawver for plat approval on Kelly St. NW.

CONTACT & SPECIAL COMMITTEE MR. ROBERT CONNER NO REPORT

Mr. Day assigned the liquor license request on Wabash Ave. NW.

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

VISITOR'S COMMENTS: NONE

READING OF ORDINANCES AND RESOLUTIONS:

ORDINANCES:

23-2009 An ordinance amending and adjusting the permanent appropriations for the year 2009, and declaring an emergency. (3rd Reading)

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

25-2009 An ordinance amending and adjusting the permanent appropriations for the year 2009, and declaring an emergency. (1st 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 Ms. Cox, seconded by Mr. Locker. Roll call, 7 yeas, ordinance passed.

RESOLUTIONS:

11-2009 A resolution by the Council of the City of New Philadelphia, Ohio to amend the New Philadelphia Enterprise Zone, and declaring an emergency. (3rd Reading)

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

16-2009 A resolution by the Council of the City of New Philadelphia to authorize the New Philadelphia Police Department to hold the annual police auction on August 19, 2009 at 5:00 P.M., 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 Mr. Conner. Roll call, 7 yeas, resolution passed.

17-2009 A resolution declaring the necessity to request an advance of \$850,000.00 from the County Auditor on the July, 2009 real estate tax settlement, and declaring an emergency. (1st Reading)

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

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

18-2009 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. (1st Reading)

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

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

19-2009 A resolution by the Council of the City of New Philadelphia, Ohio to transfer funds from the Sewer Improvement Fund (319) to the Sewer Operating Fund (#713) to supplement cash needed to fund current operations, 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. Cox, seconded by Mr. Locker. Roll call, 7 yeas, resolution passed.

UNFINISHED OR OLD BUSINESS: NONE

NEW BUSINESS:

Mr. Day scheduled a Caucus session of council for August 10, 2009 at 6:00 P.M. to hear a report from Auditor Beth Gundy on the financial condition of the city.

MOTION TO ADJOURN MADE BY MS. COX. MEETING ADJOURNED AT 7:59 P.M.

CLERK OF COUNCIL _____

APPROVED August 10, 2009

PRESIDENT OF COUNCIL _____

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NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON AUGUST 10, 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.

MR. DAY WELCOMED GABE DUVAL OF BOY SCOUT TROUP #181 WHO WAS IN ATTENDANCE TO WORK TOWARDS HIS CITIZENSHIP & COMMUNITY BADGE.

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. ESPENSCHIED MADE A MOTION TO APPROVE THE MINUTES OF THE JULY 27, 2009 COUNCIL MEETING. MS. COX SECONDED THE MOTION. ROLL CALL, 7 YEAS, MOTION PASSED.

CORRESPONDENCE CLERK DIANE ROUDEBUSH

1. The New Philadelphia Police Monthly Activity Report for July 2009.
2. Airport Commission meeting minutes for July 14, 2009.
3. The Auditor's Monthly Statement of Revenue for the General Fund for July 2009.
4. The Auditor's Financial Statement for July 2009.
5. The July 2009 Month End Summary of the New Philadelphia Fire Department.
6. Finance Committee meeting minutes of July 27, 2009.
7. Mayor's Monthly Statement to Council for July 2009.

ADMINISTRATIVE REPORTS:

MAYOR'S REPORT.....MAYOR MIKE TAYLOR

Reported that he attended a luncheon last week sponsored by the Chamber of Commerce regarding Red Flag legislation, which deals with identity theft and businesses responsibility to have a policy to address it. Reported that the Director of the Ohio Department of Health visited our City Health Department last week to familiarize him with statewide departments. Reported that effective August 1, state fees to dump trash at the landfill were increased by \$1.25 per ton. Requested that Mr. Day assign to the Finance Committee his request for additional funding for paving.

SERVICE DIRECTOR MR. JIM ZUCAL

Reported that he prepared reports and gave them to Mr. Day concerning zoning definitions and one prepared by the soil & water conservancy district concerning cemetery land near the southside park. Reported that the JKMC pillar replacement has begun. Distributed a report of the July building permits. Mr. Conner questioned a request by Mr. Don Kennedy for an appeal on a decision made by Mr. Zucal for a zoning issue. The appeal is to come before the

Zoning Board of Appeals on Tuesday August 11. Mr. Zucal explained why the request was denied. Mr. Conner said the Zoning Board of Appeals should be informed not to approve the request because it would be a breach of city ordinances.

SAFETY DIRECTOR.....MR. GREG POPHAM

Reported that all three of the newly purchased police cruisers have arrived.

AUDITOR.MS. BETH GUNDY

Reported that she transferred \$20,000 from the sewer improvement fund to the sewer fund.

TREASURER MR. DAVE JOHNSON NO REPORT

LAW DIRECTOR MR. MIKE JOHNSON

Reported that the city was named in a personal injury lawsuit filed in March and another suit filed by a former fireman injured while in the city's employment.

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR MIKE TAYLOR

Reported that there was no meeting in August, and the next meeting is scheduled for September 8 at 1:00 P.M. in Council Chambers, pending an agenda.

BOARD OF ZONING APPEALS MR. JIM ZUCAL

Will meet August 11, 2009 at 5:00 P.M. in Council Chambers.

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

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

HEALTH BOARD.....MS. SANDY COX

Will meet August 19, 2009 at noon in the Health Department.

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEE. MS. SANDY COX NO REPORT

Mr. Day assigned Mayor Taylor's request for additional funding for paving.

SALARY COMMITTEE MR. JIM LOCKER NO REPORT

Mr. Day assigned commendations for (2) retiring employees.

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

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

ZONING & ANNEXATION COMMITTEE MS. COLLEEN ESPENSCHIED

Reported meeting tonight to discuss a request by Gary Lawver for plat approval on Kelly St. NW. The Committee approved the request, and legislation will be prepared and before Council at the next meeting.

CONTACT & SPECIAL COMMITTEE MR. ROBERT CONNER NO REPORT

Reported meeting tonight to discuss a liquor license request on Wabash Ave. NW. Mr. Conner made a motion that this request be approved and forwarded to the Ohio Division of Liquor Control. Mr. Maurer seconded the motion. Roll call, 6 yeas 1 nay (Espenschied), motion passed.

PARKS & CEMETERY COMMITTEE MS. WINNIE WALKER NO REPORT

VISITOR'S COMMENTS:

David Dunn, 862 Fair Ave. N.E., New Philadelphia, Ohio, asked about abandoned gas stations and whether the underground storage tanks have been removed. He asked if there is a city ordinance against this. Also, he said the streetlights on North Broadway in front of the Courthouse are faded and rusty and need to be painted. Law Director Mike Johnson said that the storage tanks are under the jurisdiction of BUSTER, through the Ohio State Fire Marshall's office. Safety Director Greg Popham said tests were taken at the former Clark station on Front and South Broadway, and there was not much fuel in the tanks. He said BUSTER is aware of the situation, and he will contact them. Mayor Taylor, said in response to the streetlights, painting is quite costly. He said they are waiting to see if there will be some cosmetic updating in the downtown area.

READING OF ORDINANCES AND RESOLUTIONS:

ORDINANCES: NONE

RESOLUTIONS: NONE

UNFINISHED OR OLD BUSINESS: NONE

NEW BUSINESS: NONE

MOTION TO ADJOURN MADE BY MS. COX. MEETING ADJOURNED AT 7:55 P.M.

CLERK OF COUNCIL_____

APPROVED August 24, 2009

PRESIDENT OF COUNCIL_____

NEW PHILADELPHIA CITY COUNCIL MET IN SPECIAL SESSION IN COUNCIL CHAMBERS ON AUGUST 19, 2009 AT 5:30 P.M. WITH PRESIDENT OF COUNCIL JOEL DAY PRESIDING.

COUNCIL MEMBERS IN ATTENDANCE: MR. ROBERT CONNER
MS. SANDY COX
MS. COLLEEN ESPENSCHIED
MR. DARRIN LAUTENSCHLEGER
MR. JIM LOCKER
MS. WINNIE WALKER

MR. MAURER WAS ABSENT DUE TO A PRIOR COMMITMENT.

MR. DAY EXPLAINED THAT THE PURPOSE OF THIS MEETING IS TO SEEK A REMEDY TO THE BOARD OF ZONING APPEALS RULING THAT GRANTED A USAGE VARIANCE AT 113 FOURTH STREET N.W. TO DONALD KENNEDY JR.

MR. DAY OPENED THE FLOOR TO ANY VISITORS WISHING TO SPEAK.

Mr. Edward Breehl, 1173 4th St. S.E., New Philadelphia, Chairman of the Zoning Board of Appeals, read a letter to council members explaining that the Zoning Board of Appeals granted the variance based on their interpretation of the ordinance. He suggested that Council rewrite the ordinance for clarity purposes to remove any ambiguous wording to eliminate similar future discrepancies.

Rick Hinig, 217 North Broadway, New Philadelphia, Attorney for Don Kennedy, said the city has no standing in the appeals process should this go to court.

Terry Everett, 1042 Glen Drive, New Philadelphia, said he is in favor of the Zoning Board of Appeals' decision, and he is pro-business.

Frank Pietro, 228 West 8th St., Dover, Attorney and owner of several New Philadelphia businesses, said that New Philadelphia should be pro-business. He said New Philadelphia should not stand in the way of new businesses.

Patrick Maculaitis, 1811 East High Avenue New Philadelphia, owner of the adjacent property, said this business meets the provisions of the ordinance, and he is in favor of the Zoning Board of Appeals' decision.

Mr. Conner made a motion to direct the Law Director to object to the Zoning Board of Appeals' decision to grant a usage variance to Don Kennedy, Jr., 113 4th Street N.W. New Philadelphia, Ohio. Mr. Locker seconded the motion. Ms. Cox made a motion to go into Executive Session to discuss litigation. Mr. Conner and Mr. Locker withdrew their motions. Mr. Lautenschleger seconded the motion for Executive Session. Roll call, 6 yeas, motion passed.

COUNCIL ADJOURNED FROM REGULAR SESSION INTO EXECUTIVE SESSION AT 5:44 P.M. TO DISCUSS LITIGATION. COUNCIL RECONVENED INTO REGULAR SESSION AT 6:26 P.M.

Mr. Conner made a motion to direct the Law Director to object to the Zoning Board of Appeals' decision to grant a usage variance to Don Kennedy, Jr., 113 4th Street N.W. New Philadelphia, Ohio. There being no second to the motion, the motion died.

Mr. Day assured everyone in attendance that City Council is committed to have the zoning code updated and rewritten, so that new businesses can be welcomed into the City. He said this issue will be assigned to the Zoning & Annexation Committee, and he seeks the assistance of the Planning Commission so that future discrepancies will be addressed.

MOTION TO ADJOURN MADE BY MS. COX. MOTION PASSED. MEETING ADJOURNED AT 6:29 P.M.

CLERK OF COUNCIL _____

APPROVED August 24, 2009

PRESIDENT OF COUNCIL _____

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON AUGUST 24, 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 ACCEPT TONIGHT'S AGENDA. MS. WALKER SECONDED THE MOTION. ROLL CALL, 7 YEAS, MOTION PASSED.

MS. COX MADE A MOTION TO APPROVE THE MINUTES OF THE AUGUST 10, 2009 COUNCIL MEETING. MR. LOCKER SECONDED THE MOTION. ROLL CALL, 7 YEAS, MOTION PASSED.

MR. LAUTENSCHLEGER MADE A MOTION TO APPROVE THE MINUTES OF THE SPECIAL COUNCIL MEETING OF AUGUST 19, 2009. MS. COX SECONDED THE MOTION. ROLL CALL, 7 YEAS, MOTION PASSED.

CORRESPONDENCE CLERK DIANE ROUDEBUSH

1. The revised 2009 final paving list.
2. Board of Zoning Appeals meeting minutes of August 11, 2009.
3. Special/Contact Committee meeting minutes of August 10, 2009.
4. Finance Committee meeting minutes of August 19, 2009.

ADMINISTRATIVE REPORTS:

MAYOR'S REPORT.....MAYOR MIKE TAYLOR ABSENT

Mayor Taylor was absent due to the death of his mother. Service Director Jim Zucal distributed a copy of the Mayor's activities since the last meeting of council.

SERVICE DIRECTOR MR. JIM ZUCAL

Reported that this year's paving will begin this week. Reported that the Housing Review Team continues to monitor dilapidated structures within the city. Reported that the pillars and steps replacement at the JKMC is progressing well. Mr. Conner questioned the condition of a property on East High Avenue and how long before anything can be done. Mr. Zucal said the team meets regularly and monitors them, but it takes some time before anything is done.

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

AUDITOR. MS. BETH GUNDY ABSENT NO REPORT

TREASURER MR. DAVE JOHNSON

Requested approval of his and Auditor Beth Gundy’s July reports. Ms. Cox made a motion to approve the reports. Mr. Locker seconded the motion. Roll call, 7 yeas, motion passed.

LAW DIRECTOR MR. MIKE JOHNSON NO REPORT

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR MIKE TAYLOR ABSENT NO REPORT

BOARD OF ZONING APPEALS MR. JIM ZUCAL

Will meet September 8, 2009 at 5:00 P.M. in Council Chambers.

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

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

HEALTH BOARD.....MS. SANDY COX

Will meet September 16, 2009 at noon in the Health Department.

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEE. MS. SANDY COX

Reported meeting August 19 to discuss the following issues: (1) payment for paving projects, which was approved by Committee; (2) legislation to use the services for Smart Bill, which was approved by Committee; (3) increase in appropriations, approved by Committee; (4) a request by the Fire Chief to review option concerning a new, used, or refurbish the current fire truck. The Chief will provide a quote to the Committee to fix the current fire truck, and the Committee will revisit the issue in 2010; (5) a resolution to accept the amounts & rates as determined by the Budget Commission, which was approved; and (6) a transfer of monies from the Sanitation Fund to the Water Operating Fund and Sewer Operating Fund, which was approved by Committee.

SALARY COMMITTEE MR. JIM LOCKER NO REPORT

Reported meeting tonight to discuss commendations for (2) retiring employees. The Committee approved the commendations, and the Law Director will prepare legislation for the next regular council meeting.

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

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

ZONING & ANNEXATION COMMITTEE MS. COLLEEN ESPENSCHIED NO REPORT

CONTACT & SPECIAL COMMITTEE MR. ROBERT CONNER NO REPORT

PARKS & CEMETERY COMMITTEE MS. WINNIE WALKER NO REPORT

VISITOR’S COMMENTS:

Terry Henry, representative of the EAA, showed a picture of the new educational facility being built at the airport. He was joined by three other members of the EAA. Mr. Henry announced that a pancake breakfast will be held September 6 at the airport.

READING OF ORDINANCES AND RESOLUTIONS:

ORDINANCES:

- 26-2009 An ordinance by the Council of the City of New Philadelphia, Ohio to authorize payment for the ongoing paving projects approved for the year 2009 and for which money has been budgeted in the appropriations, and declaring an emergency. (1st Reading)
- 27-2009 An ordinance amending and adjusting the permanent appropriations ordinance for the year 2009 and declaring an emergency. (1st Reading)
- Motion to suspend the rules made by Ms. Cox, seconded by Mr. Locker. Roll call, 7 yeas, rules suspended.
- Motion to vote on passage made by Ms. Cox, seconded by Mr. Locker. Roll call, 7 yeas, ordinance passed.

RESOLUTIONS:

- 21-2009 A resolution by the Council of the City of New Philadelphia, Ohio to accept the final plat for the Gary Drive addition of Kelly Street NW in the City of New Philadelphia, Tuscarawas County, Ohio and declaring an emergency. (1st Reading)
- Motion to suspend the rules made by Ms. Espenschied, seconded by Mr. Locker. Roll call, 7 yeas, resolution passed.
- Motion to vote on passage made by Ms. Espenschied, seconded by Ms. Cox. Roll call, 7 yeas, resolution passed.
- 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. (1st Reading)
- 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. (1st Reading)
- 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. (1st Reading)

UNFINISHED OR OLD BUSINESS:

Mr. Conner raised concerns about Resolution 23-2009, services for Smart Bill used by the Water Department. He said the contract has never been acted on and he is concerned that the ordinance will exceed \$25,000. Law Director Mike Johnson said passage of Resolution 23-2009 will allow for the action on the contract. Ms. Cox said a cost of more than \$25,000 is not expected unless the cost of postage increases. Mr. Johnson will render an opinion at the next meeting.

NEW BUSINESS: NONE

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

CLERK OF COUNCIL _____

APPROVED September 14, 2009

PRESIDENT OF COUNCIL _____

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON SEPTEMBER 14, 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
MS. WINNIE WALKER

COUNCILMAN ROB MAURER WAS ABSENT.

MS. COX MADE A MOTION TO ACCEPT TONIGHT'S AGENDA. MR. CONNER SECONDED THE MOTION. ROLL CALL, 6 YEAS, MOTION PASSED.

MS. WALKER MADE A MOTION TO APPROVE THE MINUTES OF THE AUGUST 24, 2009 COUNCIL MEETING. MR. LOCKER SECONDED THE MOTION. ROLL CALL, 6 YEAS, MOTION PASSED.

CORRESPONDENCE CLERK DIANE ROUDEBUSH

1. The Auditor's Monthly Statement of Revenue for the General Fund for August 2009.
2. The Auditor's Financial Statement for August 2009.
3. New Philadelphia Police Monthly Activity Report for August 2009.
4. Mayor's Monthly Statement to Council for August 2009.
5. Salary Committee meeting minutes of August 24, 2009.

ADMINISTRATIVE REPORTS:

MAYOR'S REPORT.....MAYOR MIKE TAYLOR

Requested an Executive Session to discuss the firefighter's bargaining contract. Reported that he will be applying for a storm sewer project on Third St. NE. The Law Director will prepare the necessary legislation. Reported that W.E. Quicksall & Assoc. will be assisting the city in developing a 5 year capital improvement plan for water and sewer rate analysis. Reported that the Fixed Base Operator at the airport has exercised his option to renew his lease and management agreement. Reported that he recently attended the grand reopening of the newly remodeled Wal Mart Store. Ms. Cox made a motion to go into Executive Session to discuss contract negotiations. Ms. Espenschied seconded the motion. Mr. Conner questioned the need for an Executive Session, saying that the contents of the contract should be public. Law Director Mike Johnson said that a confidentiality agreement exists, and the contract should only be discussed in a closed session. Roll call, 5 yeas 1 nay (Conner), motion passed.

SERVICE DIRECTOR MR. JIM ZUCAL

Reported that the JKMC Pillar Replacement Project is nearly finished. Reported that this year's paving will be completed by the end of the week. Reported that the recycling truck is broken down, but recyclables are being picked up by the regular trash truck. Ms. Cox asked the status of the building permit issue with the Port Authority.

Mr. Zucal said he is meeting with the Law Director this week to discuss the matter. Ms. Cox asked the Law Director if he could provide details of opting out of the agreement.

SAFETY DIRECTOR.....MR. GREG POPHAM

Responding to a prior request that he review the issue of underground storage tanks at gas stations within the city that are closed, Mr. Popham reported that BUSTER is in enforcement mode, and they are reviewing them.

AUDITOR.MS. BETH GUNDY NO REPORT

TREASURER MR. DAVE JOHNSON NO REPORT

LAW DIRECTOR MR. MIKE JOHNSON

Reported that the gas stations that are closed are in compliance. Reported that he is working to determine if a permit through the Port Authority concerning the JKMC pillar replacement is needed, and it is his opinion that it is not. Reported that the appeal of a decision concerning geo-thermal with Simpson Heating & Cooling has been cancelled.

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

Will meet September 23, 2009 at 7:00 P.M. at the park office.

HEALTH BOARD.....MS. SANDY COX

Will meet September 16, 2009 at noon in the Health Department.

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEE. MS. SANDY COX

Requested emergency passage tonight of Ordinance 26-2009.

SALARY COMMITTEE MR. JIM LOCKER NO REPORT

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

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

ZONING & ANNEXATION COMMITTEE MS. COLLEEN ESPENSCHIED NO REPORT

CONTACT & SPECIAL COMMITTEE MR. ROBERT CONNER NO REPORT

PARKS & CEMETERY COMMITTEE MS. WINNIE WALKER NO REPORT

Mr. Day assigned a soil study of cemetery land on the south side.

VISITOR’S COMMENTS:

Steve Anderson, Attorney representing Calvin Schwartz, owners of Shel-Mar Estates, asked that Council look at Codified Ordinance 937.03(b), water and sewer rates, as house trailers are not individually metered, but owners are charged based on the number of lots whether they are occupied or empty. He also asked if hydrant flushing gets charged to Shel-Mar. Mr. Zucal will look into this.

David Dunn, 862 Fair Ave. NE, New Philadelphia, asked when 4th St. will be on the paving list. Mayor Taylor said it is on the ODOT agenda for 2011.

Eric Reip, 1103 Baltzley Valley Rd. New Philadelphia, said there is a program at KSU tomorrow concerning natural burial for anyone interested since the city is low on cemetery space.

COUNCIL ADJOURNED FROM REGULAR SESSION INTO EXECUTIVE SESSION AT 7:55 P.M. TO DISCUSS CONTRACT NEGOTIATIONS. COUNCIL RECONVENED INTO REGULAR SESSION AT 10:21 P.M.

READING OF ORDINANCES AND RESOLUTIONS:

ORDINANCES:

26-2009 An ordinance by the Council of the City of New Philadelphia, Ohio to authorize payment for the ongoing paving projects approved for the year 2009 and for which money has been budgeted in the appropriations, and declaring an emergency. (2nd 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, ordinance passed.

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. (2nd Reading)

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. (2nd Reading)

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. (2nd Reading)

- 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. (1st 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. (1st Reading)

UNFINISHED OR OLD BUSINESS: NONE

NEW BUSINESS:

Mr. Day assigned the FBO's option to renew his lease to the Salary Committee

MOTION TO ADJOURN MADE BY MS. COX. MEETING ADJOURNED AT 10:30 P.M.

CLERK OF COUNCIL_____

APPROVED September 28, 2009

PRESIDENT OF COUNCIL_____

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 _____

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

COUNCIL MEMBER WINNIE WALKER WAS ABSENT.

MS. COX MADE A MOTION TO ACCEPT TONIGHT'S AGENDA. MR. CONNER SECONDED THE MOTION. ROLL CALL, 6 YEAS, MOTION PASSED.

MS. COX MADE A MOTION TO APPROVE THE MINUTES OF THE SEPTEMBER 28, 2009 COUNCIL MEETING. MS. ESPENSCHIED SECONDED THE MOTION. ROLL CALL, 6 YEAS, MOTION PASSED.

CORRESPONDENCE CLERK DIANE ROUDEBUSH

1. Mayor's Monthly Statement to Council for September 2009.
2. Airport Commission meeting minutes of September 8, 2009.
3. The Auditor's Monthly Statement of Revenue for the General Fund for September 2009.
4. The Auditor's Financial Statement for September 2009.
5. Finance Committee meeting minutes of September 28, 2009
6. Cemetery Department Report for September 2009.
7. Salary Committee meeting minutes of September 28, 2009.

ADMINISTRATIVE REPORTS:

MAYOR'S REPORT.....MAYOR MIKE TAYLOR

Requested an Executive Session to discuss negotiations with the FOP. Requested that a proposed fire only protection agreement with York Township be assigned to a committee. Reported that General Services Superintendent Fred Neff has made grant requests to the Solid Waste District for a new recycling truck and an electric gate and monitoring system for the General Services garage. Reported that he has entered into an agreement through Pipes Insurance with NWGS Insurance Co. to be the city's third part administrator for Cobra eligible employees. Reported that one of the city's salt bins at the water plant has begun to collapse, and the city has applied for emergency funding to the OPWC for a grant to help pay for repairs.

SERVICE DIRECTOR MR. JIM ZUCAL

Reported that 34 building permits were issued in September. Reported that the Street Department continues to patch potholes. Reported that the Housing Review Team met in September and 6 letters were sent to owners of dilapidated structures. Reported that this year's CDBG project in the 200 block of Ray Ave. NW is complete.

SAFETY DIRECTOR.....MR. GREG POPHAM

Reported that the Police Chief applied and was granted funds for a bullet-proof vest. Reported that Police Patrolman David Morris has completed his required training. Reported that a load test was conducted on the Fire Department's ladder truck last week, and it passed. Reported that an Open House at the Fire Station was very successful. Reported that all city kindergarten students were given a free smoke detector, compliments of Lowe's.

AUDITOR.MS. BETH GUNDY

Reported that the City is now with a new workers' compensation group, which is the Ohio Municipal League. Reported that the state auditors are finished and a complete report will be available soon.

TREASURER MR. DAVE JOHNSON NO REPORT

LAW DIRECTOR MR. MIKE JOHNSON

Reported that he worked with Mayor Taylor and Pipes Insurance concerning the Cobra eligible employees. Reported that he met with Auditor Beth Gundy concerning the workers' compensation program. Informed Council that he spoke recently with Calvin Schwartz, and Mr. Schwartz asked if a decision has been made regarding his charges for water/sewer at Shel-Mar. Mr. Johnson informed him that he would remind the Service Director to review the request. Mr. Johnson explained his position concerning requests for Executive Sessions. At the Mayor's request, Mr. Lautenschleger made a motion to go into Executive Session to discuss FOP negotiations. Ms. Cox seconded the motion. Roll call, 6 yeas, motion passed.

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR MIKE TAYLOR

Reported that there was no meeting in October, and the next meeting is tentatively scheduled for November 10, 2009 at 1:00 P.M. in Council Chambers.

BOARD OF ZONING APPEALS MR. JIM ZUCAL

Reported that there was no meeting in October, and the next meeting is tentatively scheduled for November 10, 2009 at 5:00 P.M. in Council Chambers.

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

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

HEALTH BOARD.....MS. SANDY COX

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

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEE. MS. SANDY COX

Scheduled a meeting for October 26, 2009 at 7:00 P.M. to discuss the FY 2010 OPWC grant. Mr. Day assigned the York Township fire protection only agreement.

SALARY COMMITTEE MR. JIM LOCKER NO REPORT

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

Reported meeting tonight to discuss the weapons ordinance, noise ordinance, and the Springbrook Ave. sump hole. The Committee proposed changes to both the current weapons ordinance and the noise ordinance, and the Law Director will prepare legislation for council’s consideration. Concerning the Springbrook Ave. sump hole, property owner Dorothy Storrie offered a strip of land adjacent to the sump hole to the city for a cost of \$42,000.00. The City had an appraisal done of the property, and it was valued at \$9,800.00. The Committee voted to refuse Ms. Storrie’s offer, and the church adjacent to the sump gave their permission to the city to allow access to the area.

PUBLIC WORKS & ECONOMIC DEVELOPMENT COMMITTEE. MR. DARRIN LAUTENSCHLEGER

Reported that he will schedule a meeting soon to discuss the Airport Master Plan.

ZONING & ANNEXATION COMMITTEE MS. COLLEEN ESPENSCHIED NO REPORT

CONTACT & SPECIAL COMMITTEE MR. ROBERT CONNER

Reported meeting tonight to discuss liquor license requests for El San Jose Restaurant and Bud & Tootie’s. Mr. Conner made a motion that the licenses be approved. Mr. Maurer seconded the motion. Roll call, 6 yeas, motion passed.

PARKS & CEMETERY COMMITTEE MS. WINNIE WALKER . . ABSENT . . . 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. (2nd Reading)

RESOLUTIONS:

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. (3rd Reading)

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

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. (3rd Reading)

Motion to vote on passage made by Ms. Cox, seconded by Ms. Espenschied. Roll call, 6 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. (2nd Reading)

32-2009 A resolution by the Council of the City of New Philadelphia, Ohio to accept Professional Aviation Municipal Management Group Inc. five-year renewal for the fixed-base operator lease and the management agreement for the New Philadelphia City Airport, and declaring an emergency. (1st Reading)

COUNCIL ADJOURNED FROM REGULAR SESSION INTO EXECUTIVE SESSION AT 7:57 P.M. TO DISCUSS NEGOTIATIONS WITH THE FOP. COUNCIL RECONVENED INTO REGULAR SESSION AT 9:20 P.M.

UNFINISHED OR OLD BUSINESS: NONE

NEW BUSINESS: NONE

MOTION TO ADJOURN MADE BY MS. COX. MEETING ADJOURNED AT 9:21 P.M.

CLERK OF COUNCIL _____

APPROVED October 26, 2009

PRESIDENT OF COUNCIL _____

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON OCTOBER 26, 2009 AT 7:30 P.M. WITH PRESIDENT OF COUNCIL PRO TEM SANDY COX PRESIDING. MS. COX 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

MR. LAUTENSCHLEGER MADE A MOTION TO ADD RESOLUTION 33-2009 TO TONIGHT'S AGENDA. MR. CONNER SECONDED THE MOTION. ROLL CALL, 7 YEAS, MOTION PASSED.

MR. CONNER MADE A MOTION TO APPROVE TONIGHT'S AGENDA. MR. LAUTENSCHLEGER SECONDED THE MOTION. ROLL CALL, 7 YEAS, MOTION PASSED.

THE MINUTES OF OCTOBER 12, 2009 WERE APPROVED AS WRITTEN.

CORRESPONDENCE CLERK DIANE ROUDEBUSH

1. Special/Contact Committee meeting minutes of October 12, 2009.
2. Safety, Health and Service Committee meeting minutes of October 12, 2009.
4. The Treasurer's statement of transactions of all city funds for August and September 2009.
5. The Treasurer's Summary of Transactions for the General Checking Account for August and September 2009
6. The Treasurer's Reconciliation for August and September 2009.
7. September 2009 Month End Summary of the New Philadelphia Fire Department.
8. New Philadelphia Police Monthly Activity Report for September 2009.

ADMINISTRATIVE REPORTS:

MAYOR'S REPORT.....MAYOR MIKE TAYLOR ABSENT

Provided a written report of the activities of his office from October 13 through October 26, 2009. At the request of Mayor Taylor, Ms. Cox assigned the renewal agreement for the easement to the east end of Evergreen Burial Park to Mr. Lautenschleger.

SERVICE DIRECTOR MR. JIM ZUCAL

Reported that he will not have a review of water/sewer rates until Quicksall & Assoc. have completed a rate analysis. Reported that Street Department continues to patch potholes and crack sealing. Reported that salt has been ordered for the winter months, and leaf pickup will begin soon. Mr. Conner asked what is being done to

resolve the issue of outstanding water bills. Mr. Zucal said that he will be meeting soon with the Law Director to determine how to proceed. Mr. Zucal has been meeting with Water Superintendent Kelly Ricklic to obtain quotes for the cost of placing meters in areas that have previously not been metered.

SAFETY DIRECTOR.....MR. GREG POPHAM

Reported that the Fire Chief applied and was granted funds for batteries for smoke detectors to be distributed.

AUDITOR.MS. BETH GUNDY

Requested that her September 2009 reports be accepted.

TREASURER MR. DAVE JOHNSON

Requested that his August and September reports be accepted. Mr. Locker made a motion to approve the reports. Mr. Conner seconded the motion. Roll call, 7 yeas, motion passed.

LAW DIRECTOR MR. MIKE JOHNSON

Informed Council that he meets with the Water Superintendent every two months to review delinquent water/sewer bills and attach the past due amounts to the property tax bill.

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR MIKE TAYLOR

The next meeting is tentatively scheduled for November 10, 2009 at 1:00 P.M. in Council Chambers.

BOARD OF ZONING APPEALS MR. JIM ZUCAL

The next meeting is tentatively scheduled for November 10, 2009 at 5:00 P.M. in Council Chambers.

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

PARK BOARD.....MR. DARRIN LAUTENSCHLEGER

The next meeting will be Wednesday, November 4, 2009 at 7:30 p.m. in the park office.

HEALTH BOARD.....MS. SANDY COX

Will meet November 18, 2009 at noon in the Health Department.

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEE. MS. SANDY COX

Reported meeting to discuss the FY 2010 OPWC grant, and the 2010 temporary appropriations. Resolution 33-2009, for the OPWC grant, is before council for emergency passage tonight. The Law Director will prepare an ordinance for the temporary appropriations for the next meeting. The Committee will meet November 12 immediately following the Parks & Cemetery Committee meeting at 6:00 P.M.

SALARY COMMITTEE MR. 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 COMMITTEE MS. COLLEEN ESPENSCHIED NO REPORT

CONTACT & SPECIAL COMMITTEE MR. ROBERT CONNER

Reported meeting tonight to discuss the Public Defender's contract for 2010. No changes were proposed, and the Law Director will provide legislation at the next meeting.

PARKS & CEMETERY COMMITTEE MS. WINNIE WALKER

Will meet November 12, 2009 at 6:00 P.M.

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. (3rd Reading)

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

RESOLUTIONS:

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. (3rd Reading)

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

32-2009 A resolution by the Council of the City of New Philadelphia, Ohio to accept Professional Aviation Municipal Management Group Inc. five-year renewal for the fixed-base operator lease and the management agreement for the New Philadelphia City Airport, and declaring an emergency. (2nd Reading)

33-2009 A resolution authorizing the Mayor of the City of New Philadelphia, Ohio, to participate in the Ohio Public Works Commission State Capital Improvement and/or local transportation improvement program(s) and to execute contracts as required, and declaring an emergency. (1st Reading)

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

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

UNFINISHED OR OLD BUSINESS: NONE

NEW BUSINESS:

Treasurer Dave Johnson wished the best of luck t the New Philadelphia Quaker football team tonight against the Dover Tornados.

MOTION TO ADJOURN MADE BY MS. ESPENSCHIED. MEETING ADJOURNED AT 7:50 P.M.

CLERK OF COUNCIL_____

APPROVED November 9, 2009

PRESIDENT OF COUNCIL_____

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON NOVEMBER 9, 2009 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 35-2009, 36-2009, AND 37-2009 TO TONIGHT'S AGENDA. MR. CONNER SECONDED THE MOTION. ROLL CALL, 7 YEAS, MOTION PASSED.

MR. CONNER MADE A MOTION TO APPROVE THE MINUTES OF THE OCTOBER 26, 2009 MEETING. MS. COX SECONDED THE MOTION. ROLL CALL, 7 YEAS, MOTION PASSED.

CORRESPONDENCE CLERK DIANE ROUDEBUSH

1. Special/Contact Committee meeting minutes of October 26, 2009.
2. Finance Committee meeting minutes of October 26, 2009.
4. Mayor's Monthly Statement to Council for October 2009
5. A letter dated October 26, 2009 from Piedmont Gas Company, 139 Stonecreek Rd. N.W. New Philadelphia, Ohio notifying Council that they intend to file an application with the PUCO for an increase in rates and charges for natural gas service customers throughout its service are.
6. Records Commission meeting minutes of October 26, 2009.
7. Tuscora Park Board meeting minutes of September 23, 2009.
8. Auditor's Monthly Statement of Revenue for the General Fund for October 2009.
9. Auditor's Financial Statement for October 2009.
10. Airport Commission meeting minutes of October 13, 2009.
11. A notice from the Ohio Division of Liquor Control requesting a C2 permit to Creekside Gardens & Gift Inc., 400 Mill Ave. Unit 229, New Philadelphia, OH 44663, and asking that objections be made no later than 12/07/09.

ADMINISTRATIVE REPORTS:

MAYOR'S REPORT.....MAYOR MIKE TAYLOR

Announced that he is implementing the emergency snow removal policy that the city has had in place for several years but has never been in effect. Reported that he is currently meeting with the AFSCME unions for contract

negotiations. Reported that the firefighter's union and the city have agreed on a fact finder with the bargaining contract. Announced that he is forming a committee of non-bargaining and union representatives' employees to look at interested insurance companies that want to offer health insurance coverage to the city.

SERVICE DIRECTOR MR. JIM ZUCAL

Reported that the drudging of the sump hole on Springbrook SW has begun. Reported that leaf pickup began today. Reported that the Street Department continues to repair potholes, and the Wastewater Department is repairing catch basins.

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

AUDITOR.MS. BETH GUNDY NO REPORT

TREASURER MR. DAVE JOHNSON NO REPORT

LAW DIRECTOR MR. MIKE JOHNSON

Informed Council that there is no change in the bonding issue resolution at the High-Tech Park.

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR MIKE TAYLOR

Reported that there was no meeting in November, and the next meeting is tentatively scheduled for December 8, 2009 at 1:00 P.M. in Council Chambers.

BOARD OF ZONING APPEALS MR. JIM ZUCAL

Will meet November 10, 2009 at 5:00 P.M. in Council Chambers. One variance has been requested.

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

PARK BOARD.....MR. DARRIN LAUTENSCHLEGER

Reported meeting November 4. Discussed was: A resolution of support of the rules and procedures concerning scheduling events at the south side park. Holes around the south side park were recently filled in. A grant request for a scoreboard at the ball field on Wabash Ave. was turned down, and the Park Board is looking at other options for grants. Reported that RTY is preparing their budget report for 2009. Announced that the annual Christmas in the Park will be held December 21, and Story Book Lane will be set up for display the first week of December. There will be no meeting in December.

HEALTH BOARD.....MS. SANDY COX

Will meet November 18, 2009 at noon in the Health Department.

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEE. MS. SANDY COX

Reported meeting to discuss Resolution 37-2009, emergency funding for the water plant salt bin collapse repair project. The Committee recommends passage tonight as an emergency. Also discussed was Resolution 35-2009 and 36-2009, resolutions to adopt or reject the agreement between the FOP and the City of New Philadelphia. The Committee made no recommendation.

SALARY COMMITTEE MR. 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 COMMITTEE MS. COLLEEN ESPENSCHIED NO REPORT

CONTACT & SPECIAL COMMITTEE MR. ROBERT CONNER

Mr. Day assigned the liquor permit request to Creekside Gardens and Gift, Inc. at New Towne Mall.

PARKS & CEMETERY COMMITTEE MS. WINNIE WALKER

Will meet November 12, 2009 at 6:00 P.M.

VISITOR'S COMMENTS: NONE.

READING OF ORDINANCES AND RESOLUTIONS:

ORDINANCES:

30-2009 An ordinance to make to make temporary appropriations for current expenses and other expenditures of the City of New Philadelphia, State of Ohio, during the fiscal year ending December 31, 2010, and declaring an emergency. (1st Reading)

31-2009 An ordinance to enact new section 549.12 of the New Philadelphia Codified Ordinances concerning possession control, or conveyance of deadly weapons or dangerous ordinance into or within all city owned buildings and repealing existing section 549.12 of the New Philadelphia Codified Ordinances, and declaring an emergency. (1st Reading)

RESOLUTIONS:

32-2009 A resolution by the Council of the City of New Philadelphia, Ohio to accept Professional Aviation Municipal Management Group Inc. five-year renewal for the fixed-base operator lease and the management agreement for the New Philadelphia City Airport, and declaring an emergency. (3rd Reading)

Motion to vote on passage made by Mr. Locker, seconded by Mr. Maurer. Roll call, 6 yeas 1 abstention (Cox), resolution passed.

34-2009 A resolution authorizing the Mayor of the City of New Philadelphia, Ohio to enter into an agreement with the Joint County Public Defender's office for the provision of legal representation for indigents charged with violations of New Philadelphia City ordinances in the municipal court where such offenses carry a possible loss of liberty, establishing compensation and terms thereof for the calendar year 2010, and declaring an emergency. (1st Reading)

35-2009 A resolution by the Council of the City of New Philadelphia, Ohio to adopt an agreement between the City of New Philadelphia, Ohio and Fraternal Order of Police Lodge 4 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. Maurer. Roll call, 3 yeas 4 nays (Conner, Cox, Locker, & Walker) suspension of rules failed.

36-2009 A resolution by the Council of the City of New Philadelphia, Ohio to reject an agreement between the City of New Philadelphia, Ohio and Fraternal Order of Police Lodge 4 to be effective January 1, 2020 through December 31, 2012, and declaring an emergency. (1st Reading)

Motion to suspend the rules made by Mr. Lautenschleger, seconded by Mr. Maurer. Roll call, 3 yeas 4 nays (Conner, Cox, Locker, & Walker), suspension of rules failed.

37-2009 A resolution authorizing the Mayor of the City of New Philadelphia, Ohio, to participate in the Ohio Public Works Commission for emergency funding for the water plant salt bin collapse repair project, and to bid and accept the project not to exceed \$68,750.00, 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 7:51 P.M.

CLERK OF COUNCIL _____

APPROVED November 23, 2009

PRESIDENT OF COUNCIL _____

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON NOVEMBER 23, 2009 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 ACCEPT TONIGHT'S AGENDA. MR. CONNER SECONDED THE MOTION. ROLL CALL, 7 YEAS, MOTION PASSED.

MS. COX MADE A MOTION TO APPROVE THE MINUTES OF THE NOVEMBER 9, 2009 MEETING. MS. WALKER SECONDED THE MOTION. ROLL CALL, 7 YEAS, MOTION PASSED.

CORRESPONDENCE CLERK DIANE ROUDEBUSH

1. The Treasurer's Statement of Transactions of all city funds for October 2009.
2. The Treasurer's Summary of Transactions for the General Checking Account for October 2009.
4. The Treasurer's Reconciliation for October 2009
5. Finance Committee meeting minutes of November 9, 2009.
6. Finance Committee meeting minutes of November 12, 2009.
7. Ambulance Committee meeting minutes of November 10, 2009.
8. Parks & Cemetery Committee meeting minutes of November 11, 2009.
9. October 2009 Month End Summary of the New Philadelphia Fire Department.
10. A notice from the Ohio Division of Liquor Control requesting a transfer of C1 and C2 permit to Greg A. Anderson, dba Coney Island Deli & Carry Out, 418 Tuscarawas Ave. NW, New Philadelphia, transferred from Frank W. Pietro II, dba Wine & Cheese Deli, same address, and asking that all objections be made no later than 12/10/09.

ADMINISTRATIVE REPORTS:

MAYOR'S REPORT.....MAYOR MIKE TAYLOR

Extended his condolences to the family of George Keffer, the city's parking control officer who recently passed away. Requested suspension of the rules and passage tonight of Resolution 35-2009, to adopt the tentative agreement with the FOP. Thanked Pastor Alan Crawford and the congregation of the Emmanuel Church on South Broadway for cooperating with the city to provide access for the Springbrook pond project. Reported that he received the paperwork from OPWC for the salt bin repair, and the Law Director has it for review. Congratulated

New Philadelphia Schools for sponsoring their Principal for a Day event, as he was honored to be Central Elementary School Principal. Reported that he attended a ribbon cutting and open house last week at Electronic Date Payment Systems on Front St. SW. Reported meeting today with Pipes Insurance to begin the process of seeking potential insurance companies for city employees.

SERVICE DIRECTOR MR. JIM ZUCAL

Reported that the drudging of the sump hole on Springbrook SW is complete. Reported that a storm sewer project on Larkin & 3rd St. SW is complete. Reported that leaf pickup began November 9 and is progressing.

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

AUDITOR.MS. BETH GUNDY

Requested approval of her October reports.

TREASURER MR. DAVE JOHNSON

Requested approval of his October reports. Mr. Locker made a motion to approve the Auditor's and Treasurer's October reports. Mr. Conner seconded the motion. Roll call, 7 yeas, motion passed.

LAW DIRECTOR MR. MIKE JOHNSON

Explained Resolutions 35-2009, to adopt, and 36-2009, to reject the tentative agreement with the FOP. Mr. Johnson recommended passage of Resolution 35-2009, to adopt the agreement.

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR MIKE TAYLOR

The next meeting is tentatively scheduled for December 8, 2009 at 1:00 P.M. in Council Chambers.

BOARD OF ZONING APPEALS MR. JIM ZUCAL

Will meet December 8, 2009 at 5:00 P.M. in Council Chambers.

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

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

HEALTH BOARD.....MS. SANDY COX

Will meet December 16, 2009 at noon in the Health Department.

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEE. MS. SANDY COX

Reported meeting November 12 to discuss a request from the Auditor to increase appropriations for water operating, unnumbered resolution to authorize the Mayor to submit an application for the FY2010 CHIP grant, travel expenses and a request for the city to consider entering into a fire protection only agreement with York Township. Ordinance 33-2009, to increase appropriations for water operating expenses is before Council for consideration tonight. Resolution 38-2009, for the CHIP grant is also before Council for consideration tonight.

The Law Director is presently updating the ordinance for travel expenses to be reviewed by Committee at a later date. The Fire Chief is gathering information concerning fire protection only agreement for York Township, and no decisions were made at this time.

SALARY COMMITTEE MR. 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 COMMITTEE MS. COLLEEN ESPENSCHIED NO REPORT

CONTACT & SPECIAL COMMITTEE MR. ROBERT CONNER

Mr. Conner made a motion to approve a request for a C2 liquor permit to Creekside Gardens and Gift, Inc. at New Towne Mall. Mr. Maurer seconded the motion. Roll call, 7 yeas, motion passed. Mr. Day assigned the liquor permit transfer request at 418 Tuscarawas Ave. NW.

PARKS & CEMETERY COMMITTEE MS. WINNIE WALKER

Reported meeting November 12 to discuss a soil study for proposed cemetery land on Perry Drive at the south side park. The Committee will review all information and meet again in the future.

VISITOR’S COMMENTS: NONE.

READING OF ORDINANCES AND RESOLUTIONS:

ORDINANCES:

30-2009 An ordinance to make to make temporary appropriations for current expenses and other expenditures of the City of New Philadelphia, State of Ohio, during the fiscal year ending December 31, 2010, and declaring an emergency. (2nd Reading)

31-2009 An ordinance to enact new section 549.12 of the New Philadelphia Codified Ordinances concerning possession control, or conveyance of deadly weapons or dangerous ordinance into or within all city owned buildings and repealing existing section 549.12 of the New Philadelphia Codified Ordinances, and declaring an emergency. (2nd Reading)

32-2009 An ordinance by the Council of the City of New Philadelphia, Ohio to establish ambulance rates for the year 2010, and declaring an emergency. (1st Reading)

33-2009 An ordinance amending and adjusting the permanent appropriations ordinance for the year 2009 and declaring an emergency. (1st Reading)

Motion to suspend the rules made by Mr. Locker, seconded by Ms. Cox. 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:

34-2009 A resolution authorizing the Mayor of the City of New Philadelphia, Ohio to enter into an agreement with the Joint County Public Defender’s office for the provision of legal representation for indigents charged with violations of New Philadelphia City ordinances in the municipal court where such offenses carry a possible loss of liberty, establishing compensation and terms thereof for the calendar year 2010, and declaring an emergency. (2nd Reading)

35-2009 A resolution by the Council of the City of New Philadelphia, Ohio to adopt an agreement between the City of New Philadelphia, Ohio and Fraternal Order of Police Lodge 4 to be effective January 1, 2010 through December 31, 2012, and declaring an emergency. (2nd 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 Ms. Cox. Ms. Espenschied questioned the auditor in regard to whether or not the city can afford this package. Ms. Gundy said the 1% wage increase is affordable, but any future increase is unknown. Mr. Conner asked how many people will receive the 1% increase across the board. He said all involved will receive more than 1%, and he doesn’t think it is fair to give these raises when the unemployment rate in the state is high. Mayor Taylor pointed out the positions that will receive the 1%. Questions were raised by Ms. Cox and Mr. Lautenschleger as to the cost of the total package. Roll call, 4 yeas 3 nays (Cox, Conner, & Walker), resolution failed.

36-2009 A resolution by the Council of the City of New Philadelphia, Ohio to reject an agreement between the City of New Philadelphia, Ohio and Fraternal Order of Police Lodge 4 to be effective January 1, 2020 through December 31, 2012, and declaring an emergency. (2nd Reading)

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

Motion to vote on passage made by Ms. Cox, seconded by Mr. Locker. Roll call, 4 yeas, 3 nays (Espenschied, Lautenschleger, & Maurer) resolution failed.

38-2009 A resolution by the Council of the City of New Philadelphia authorizing the Mayor to submit an application for a FY 2010 Community Housing Improvement Program (CHIP) grant and to enter into an agreement with the successful proposer to prepare such application and to administer and implement the CHIP should the city receive the grant, and declaring an emergency. (1st Reading)

UNFINISHED OR OLD BUSINESS: NONE

NEW BUSINESS: NONE

MOTION TO ADJOURN MADE BY MS. COX, MEETING ADJOURNED AT 8:16 P.M.

CLERK OF COUNCIL_____

APPROVED December 14, 2009

PRESIDENT OF COUNCIL_____

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON DECEMBER 14, 2009 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. ROB MAURER
MS. WINNIE WALKER

COUNCILMAN JIM LOCKER WAS ABSENT.

ON THE RECOMMENDATION OF MS. COX, MR. LAUTENSCHLEGER MADE A MOTION TO ADD RESOLUTIONS 39-2009 AND 40-2009 TO TONIGHT'S AGENDA. MR. CONNER SECONDED THE MOTION. ROLL CALL, 6 YEAS, MOTION PASSED.

MS. WALKER NOTED A CORRECTION TO BE MADE TO THE MINUTES OF THE NOVEMBER 23, 2009 MEETING. MS. ESPENSCHIED MADE A MOTION TO APPROVE THE MINUTES. MS. COX SECONDED THE MOTION. ROLL CALL, 6 YEAS, MOTION PASSED.

CORRESPONDENCE CLERK DIANE ROUDEBUSH

1. A notice from the Ohio Department of Commerce, Division of Liquor Control notifying Council that all permits to sell alcoholic beverages in the city will expire on February 1, 2009 and every permit holder must file a renewal application.
2. The New Philadelphia Police Monthly Activity Report for November 2009.
4. The Auditor's Monthly Statement of Revenue for November 2009
5. The Auditor's Financial Statement for November 2009.
6. The November 2009 Month End Summary for the New Philadelphia Fire Department.

ADMINISTRATIVE REPORTS:

MAYOR'S REPORT.....MAYOR MIKE TAYLOR

Offered his condolences to the family of Max Miller, who made many contributions to the city and the youth of the city. Reported that the Labor/Management Committee has agreed to recognize employees who have suggested ideas to boost productivity, reduce expenses, or improve service quality to the citizens, by displaying the employees' names on a plaque that will be displayed in the lower level lobby. Thanked Rick Recco and Sue Kimble and the Christmas Parade Committee for their efforts in the December 4 parade. Thanked Prestige Creative Marketing for their updating the website for Tuscora Park. Reported that the snow plow/salting policy is being finalized.

SERVICE DIRECTOR MR. JIM ZUCAL

Reported that the leaf pickup is progressing. Reported that a pre-construction meeting will be held Wednesday December 16 concerning the Reiser Ave. sanitary sewer force main project. Provided to each council member a copy of the building permits & licenses for November and the Cemetery Department report for November.

SAFETY DIRECTOR.....MR. GREG POPHAM

Reported that interviewing for the parking control officer will be held next week.

AUDITOR.MS. BETH GUNDY

Notified Council that the 2009 State Audit has begun.

TREASURER MR. DAVE JOHNSON ABSENT NO REPORT

LAW DIRECTOR MR. MIKE JOHNSON

Requested that the following issues be assigned to committee: indigent burial policy, accepting the final plat for DJW Phase 3, and easements to the Ohio Historical Society and Reiser Ave. Explained that in 2010 there will be 27 pay dates, and it will affect salaried employees by decreasing their regular 2-week paycheck.

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR MIKE TAYLOR

Will meet January 12, 2010 at 1:00 P.M. in Council Chambers.

BOARD OF ZONING APPEALS MR. JIM ZUCAL

Will meet January 12, 2010 at 5:00 P.M. in Council Chambers.

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

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

HEALTH BOARD.....MS. SANDY COX

Will meet December 16, 2009 at noon in the Health Department.

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEE. MS. SANDY COX

Reported meeting tonight to discuss a decrease in the appropriations. An ordinance will be presented at the next meeting for emergency passage. Also discussed were Resolutions 39-2009 and 40-2009, to adopt or reject the firefighter's contract. The resolutions were added to tonight's agenda for consideration.

SALARY COMMITTEE MR. JIM LOCKER ABSENT NO REPORT

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

Mr. Day assigned action on grants for composting and recycling.

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

Mr. Day assigned two easements.

ZONING & ANNEXATION COMMITTEE MS. COLLEEN ESPENSCHIED NO REPORT

Mr. Day assigned the final plat for DJW Phase 3 addition.

CONTACT & SPECIAL COMMITTEE MR. ROBERT CONNER NO REPORT

PARKS & CEMETERY COMMITTEE MS. WINNIE WALKER

Will meet December 28 to discuss cemetery land. Mr. Day assigned the issue of indigent burials.

VISITOR'S COMMENTS: NONE.

READING OF ORDINANCES AND RESOLUTIONS:

ORDINANCES:

30-2009 An ordinance to make to make temporary appropriations for current expenses and other expenditures of the City of New Philadelphia, State of Ohio, during the fiscal year ending December 31, 2010, and declaring an emergency. (3rd Reading)

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

31-2009 An ordinance to enact new section 549.12 of the New Philadelphia Codified Ordinances concerning possession control, or conveyance of deadly weapons or dangerous ordinance into or within all city owned buildings and repealing existing section 549.12 of the New Philadelphia Codified Ordinances, and declaring an emergency. (3rd Reading)

Motion to vote on passage made by Mr. Maurer, seconded by Mr. Conner. Roll call, 6 yeas, ordinance passed.

32-2009 An ordinance by the Council of the City of New Philadelphia, Ohio to establish ambulance rates for the year 2010, and declaring an emergency. (2nd Reading)

RESOLUTIONS:

34-2009 A resolution authorizing the Mayor of the City of New Philadelphia, Ohio to enter into an agreement with the Joint County Public Defender's office for the provision of legal representation for indigents charged with violations of New Philadelphia City ordinances in the municipal court where such offenses carry a possible loss of liberty, establishing compensation and terms thereof for the calendar year 2010, and declaring an emergency. (3rd Reading)

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

35-2009 A resolution by the Council of the City of New Philadelphia, Ohio to adopt an agreement between the City of New Philadelphia, Ohio and Fraternal Order of Police Lodge 4 to be effective January 1, 2010 through December 31, 2012, and declaring an emergency. (3rd Reading)

Ms. Cox made a motion to table this resolution. Mr. Conner seconded the motion. Roll call, 6 years, motion passed.

36-2009 A resolution by the Council of the City of New Philadelphia, Ohio to reject an agreement between the City of New Philadelphia, Ohio and Fraternal Order of Police Lodge 4 to be effective January 1, 2020 through December 31, 2012, and declaring an emergency. (3rd Reading)

Ms. Espenschied made a motion to table this resolution. Ms. Cox seconded the motion. Roll call, 6 years, motion passed.

38-2009 A resolution by the Council of the City of New Philadelphia authorizing the Mayor to submit an application for a FY 2010 Community Housing Improvement Program (CHIP) grant and to enter into an agreement with the successful proposer to prepare such application and to administer and implement the CHIP should the city receive the grant, and declaring an emergency. (2nd Reading)

39-2009 A resolution by the Council of the City of New Philadelphia, Ohio to approve the fact finder report dated December 8, 2009 concerning the International Association of Firefighters Local 1501, New Philadelphia, Ohio, and declaring an emergency. (1st Reading)

Motion to suspend the rules made by Mr. Lautenschleger, seconded by Ms. Cox. Roll call, 6 years, rules suspended.

Motion to vote on passage made by Mr. Lautenschleger, seconded by Mr. Maurer. Mayor Taylor encouraged Council to pass this resolution. Roll call, 5 nays (Conner, Cox, Lautenschleger, Espenschied, & Walker) 1 yea, resolution failed.

40-2009 A resolution by the Council of the City of New Philadelphia, Ohio to reject the fact finder report dated December 8, 2009 concerning the International Association of Firefighters Local 1501, New Philadelphia, Ohio, and declaring an emergency. (1st Reading)

Motion to suspend the rules made by Mr. Lautenschleger, seconded by Mr. Conner. Roll call, 5 years 1 nay (Maurer), suspension of rules failed.

UNFINISHED OR OLD BUSINESS: NONE

NEW BUSINESS:

Mr. Day announced that Council Clerk Diane Roudebush is retiring at the end of December, and a replacement will need to be appointed. Council decided that any interested persons should express their desire and drop off a resume at the Mayor's office.

MOTION TO ADJOURN MADE BY MS. COX, MEETING ADJOURNED AT 8:00 P.M.

CLERK OF COUNCIL _____

APPROVED December 28, 2009

PRESIDENT OF COUNCIL _____

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON DECEMBER 28, 2009 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

COUNCILMAN ROBERT CONNER WAS ABSENT.

MR. LAUTENSCHLEGER MADE A MOTION TO ADD ORDINANCE 34-2009 AND ORDINANCE 35-2009 TO TONIGHT'S AGENDA. MS. COX SECONDED THE MOTION. ROLL CALL, 6 YEAS, MOTION PASSED.

MS. COX MADE A MOTION TO APPROVE THE MINUTES OF THE NOVEMBER 23, 2009 MEETING. MS. COX SECONDED THE MOTION. ROLL CALL, 6 YEAS, MOTION PASSED.

CORRESPONDENCE CLERK DIANE ROUDEBUSH

1. Finance Committee meeting minutes of December 14, 2009.

ADMINISTRATIVE REPORTS:

MAYOR'S REPORT.....MAYOR MIKE TAYLOR ABSENT NO REPORT

SERVICE DIRECTOR MR. JIM ZUCAL

Reported that a pre-construction meeting was held Wednesday December 16 concerning the Reiser Ave. sanitary sewer force main project, which is to begin in 3-4 weeks. Reported that bids were opened for the repairs to the salt bin at the Water Plant.

SAFETY DIRECTOR.....MR. GREG POPHAM

Requested an Executive Session to discuss personnel. Ms. Cox made a motion to go into Executive Session immediately following the legislative agenda. Mr. Locker seconded the motion. Roll call, 6 yeas, motion passed.

AUDITOR. MS. BETH GUNDY ABSENT

TREASURER MR. DAVE JOHNSON

Informed Council that he had a corrupt file on his computer and was unable to finish his December report, but, in the absence of Auditor Gundy, requested that her report be approved. Ms. Cox made a motion to accept the Auditor's December report. Mr. Maurer seconded the motion. Roll call, 6 yeas, motion passed.

LAW DIRECTOR MR. MIKE JOHNSON NO REPORT

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR MIKE TAYLOR

Will meet January 12, 2010 at 1:00 P.M. in Council Chambers.

BOARD OF ZONING APPEALS MR. JIM ZUCAL

Will meet January 12, 2010 at 5:00 P.M. in Council Chambers.

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

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

HEALTH BOARD.....MS. SANDY COX

Will meet January 20, 2010 at noon in the Health Department.

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEE. MS. SANDY COX NO REPORT

Thanked outgoing Clerk of Council Diane Roudebush for her dedication during her 26 years of service.

SALARY COMMITTEE MR. JIM LOCKER NO REPORT

Wished a Happy Retirement to the Clerk.

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

Thanked the Clerk for her support and service.

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

Also thanked the Clerk for her service to the City. Reported meeting tonight to discuss two easements within the City. Ordinances 34-2009 and 35-3009 were added to the agenda for emergency passage tonight.

ZONING & ANNEXATION COMMITTEE MS. COLLEEN ESPENSCHIED NO REPORT

Thanked the Clerk for her support and service. Reported meeting tonight to discuss the final plat for DJW Phase 3 addition. The Committee recommends that it be added to the agenda for the January 11, 2010 meeting.

CONTACT & SPECIAL COMMITTEE MR. ROBERT CONNER ABSENT NO REPORT

PARKS & CEMETERY COMMITTEE MS. WINNIE WALKER

Reported meeting tonight to discuss cemetery land on the south side. The Committee made a recommendation that the land be turned over to the Park Department, because it is unfit for cemetery use. Thanked the Clerk for her support and help over the last several years.

VISITOR'S COMMENTS: NONE.

READING OF ORDINANCES AND RESOLUTIONS:

ORDINANCES:

- 32-2009 An ordinance by the Council of the City of New Philadelphia, Ohio to establish ambulance rates for the year 2010, and declaring an emergency. (3rd Reading)
- Motion to vote on passage made by Mr. Maurer, seconded by Mr. Locker. Roll call, 6 yeas, ordinance passed.
- 34-2009 An ordinance by the Council of the City of New Philadelphia, Ohio to authorize the Mayor of the City of New Philadelphia, Ohio to enter into an easement agreement with the State of Ohio, Ohio Historical Society, to permit an easement for the installation, construction, reconstruction, use operation, maintenance, repair, replacement, removal, servicing, and improvement of a certain roadway providing access to the City's cemetery upon the easement area, and declaring an emergency. (1st Reading)
- Motion to suspend the rules made by Mr. Lautenschleger, seconded by Ms. Cox. Roll call, 6 yeas, rules suspended.
- Motion to vote on passage made by Mr. Lautenschleger, seconded by Mr. Locker. Roll call, 6 yeas, ordinance passed.
- 35-2009 An ordinance by the Council of the City of New Philadelphia, Ohio to authorize the Mayor of the City of New Philadelphia, Ohio, Ohio Historical Society, to permit an easement for the construction, installation, reconstruction, use, operation, maintenance, repair, replacement, removal, servicing, and improvement of a certain sanitary sewer force-main upon the easement area, and declaring an emergency. (1st Reading)
- Motion to suspend the rules made by Mr. Lautenschleger, seconded by Ms. Cox. 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.
- 37-2009 An ordinance amending and adjusting the permanent appropriations ordinance for the year 2009 and declaring an emergency. (1st Reading)
- Motion to suspend the rules made by Ms. Cox, seconded by Mr. Lautenschleger. Roll call, 6 yeas, rules suspended.
- Motion to vote on passage made by Ms. Cox, seconded by Mr. Lautenschleger. Roll call, 6 yeas, ordinance passed.

RESOLUTIONS:

- 38-2009 A resolution by the Council of the City of New Philadelphia authorizing the Mayor to submit an application for a FY 2010 Community Housing Improvement Program (CHIP) grant and to enter into an agreement with the successful proposer to prepare such application and to administer and implement the CHIP should the city receive the grant, and declaring an emergency. (3rd Reading)
- Motion to vote on passage made by Mr. Locker, seconded by Ms. Cox. Roll call, 6 yeas, resolution passed.

40-2009 A resolution by the Council of the City of New Philadelphia, Ohio to reject the fact finder report dated December 8, 2009 concerning the International Association of Firefighters Local 1501, New Philadelphia, Ohio, and declaring an emergency. (2nd Reading)

AT 7:50 COUNCIL ADJOURNED FROM REGULAR SESSION INTO EXECUTIVE SESSION TO DISCUSS PERSONNEL. COUNCIL RECONVENED INTO REGULAR SESSION AT 7:55 P.M.

UNFINISHED OR OLD BUSINESS: NONE

Treasurer Dave Johnson and Law Director Mike Johnson each expressed their wishes to the Council Clerk for a Happy Retirement.

NEW BUSINESS:

Council President Joel Day expressed Thank You to Clerk of Council Diane Roudebush and wished her well in her retirement. Mr. Day acknowledged the presence of former Council Presidents Kerry Metzger, Elizabeth Stephenson, and Mark Henke, who was in attendance representing his father Dennis Henke.

MOTION TO ADJOURN MADE BY MS. COX, MEETING ADJOURNED AT 7:57 P.M.

CLERK OF COUNCIL _____

APPROVED January 11, 2010

PRESIDENT OF COUNCIL _____