

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_____