

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON FEBRUARY 26, 2007 AT 7:30 P.M. WITH PRESIDENT OF COUNCIL DAVE JOHNSON PRESIDING. MR. JOHNSON OFFERED A PRAYER, AND ALL IN ATTENDANCE RECITED THE PLEDGE OF ALLEGIANCE.

COUNCIL MEMBERS IN ATTENDANCE: MR. ROBERT CONNER
MS. SANDY COX
MR. JIMMY EICHEL
MR. GEORGE HOUSTON
MR. DARRIN LAUTENSCHLEGER
MR. JIM LOCKER

MR. ROB MAURER WAS ABSENT.

THE MINUTES OF FEBRUARY 12, 2007 WERE APPROVED AS WRITTEN AND RECEIVED.

CORRESPONDENCE CLERK DIANE ROUDEBUSH

1. Planning Commission meeting minutes of February 14, 2007.
2. A notice from the Ohio Division of Liquor Control requesting a D5A permit to Radne, Inc., dba Holiday Inn, 131 Bluebell Dr. SW, New Philadelphia, Ohio 44663, and asking that objections be made no later than March 26,, 2007.
3. Safety, Health, and Service Committee meeting minutes of February 12, 2007.
4. Safety, Health, and Service Committee meeting minutes of February 22, 2007.
5. Special/Contact Committee meeting minutes of February 13, 2007

ADMINISTRATIVE REPORTS:

MAYOR'S REPORT.....MAYOR RON BRODZINSKI

Submitted a written report of the activities of his office from February 12 through February 26, 2007. Reported that on February 14 he attended the Planning Commission meeting , and the preliminary plans were approved for Kimble Mixer. Reported meeting February 20 with Goshen Township Trustees concerning the annual fee for fire protection. Requested emergency tonight of Resolution 8-2007 and Ordinance 4-2007.

SERVICE DIRECTOR.....MR. GARY ESPENSCHIED

Reported that a centrifuge no longer needed in the Wastewater Treatment Plant was sold for \$15,000. A price of \$6,600 had previously been offered. Requested passage of Ordinance 5-2007, bids for materials needed by his departments.

SAFETY DIRECTOR.....MR. GREG POPHAM ABSENT

Mayor Brodzinski informed Council that he and the fire department union have signed their contracts.

AUDITOR. MS. BETH GUNDY NO REPORT

TREASURER MR. MIKE TAYLOR

Informed Council that he will not be in attendance at the March 12 council meeting.

LAW DIRECTOR MR. MIKE JOHNSON

Reported that he is awaiting paperwork for the ASCAP contract. Thanked Council for their input concerning the airport condominium hangars, and will have a written contract for the Committee's review.

MAIN STREET REPRESENTATIVE NO REPORT

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR BRODZINSKI

Will meet March 14, 2007 at 1:00 P.M. in Council Chambers.

BOARD OF ZONING APPEALS.....MR. GARY ESPENSCHIED

Will meet March 13, 2007 at 5:00 P.M. in Council Chambers.

AIRPORT COMMISSION.....MR. JIM LOCKER

Reported meeting January 9. A special meeting on the future of the airport was held January 17.

PARK BOARD.....MR. DARRIN LAUTENSCHLEGER

Reported that there was no quorum at the February 21 meeting, however a presentation was made by John Houser of the Ohio & Erie Canal Coalition. Pictures of Tuscora Park are being sought for the 100th anniversary, and anyone wishing to serve on the committee is encouraged to attend. The next meeting of the Park Board is scheduled for March 21.

HEALTH BOARD.....MS. SANDY COX

Will meet March 14, 2007 in the Health Department at 12:00 PM. Reported that the issue of permanent makeup was put on hold until information is received from the FDA.

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEE. MS. SANDY COX

Reported that the 2007 Budget Hearings will be held February 28 and March 1, 2007.

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. . . . MR. GEORGE HOUSTON NO REPORT

CONTACT & SPECIAL COMMITTEE MR. ROBERT CONNER NO REPORT

Mr. Johnson assigned the liquor license request for Radne, Inc. at the Holiday Inn.

PARKS & CEMETERY COMMITTEE MR. JIMMY EICHEL NO REPORT

VISITOR'S COMMENTS: NONE

READING OF ORDINANCES AND RESOLUTIONS:

ORDINANCES:

2-2007 An ordinance 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, and declaring an emergency. (1st Reading)

3-2007 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 in 2007, and declaring an emergency. (2nd Reading)

4-2007 An ordinance by the Council of the City of New Philadelphia authorizing and directing the Service Director to advertise for bids, receive bids and to enter into a contract with the lowest and best bidder for a Front Avenue guardrail construction project, and declaring an emergency. (1st Reading)

Motion to suspend the rules made by Mr. Eichel, seconded by Mr. Houston. Roll call, 6 yeas, rules suspended.

Motion to vote on passage made by Mr. Houston, seconded by Ms. Cox. Ms. Cox asked what is being done in that area. Mr. Espenschied explained. Roll call, 6 yeas, ordinance passed.

5-2007 An ordinance by the Council of the City of New Philadelphia authorizing and directing the Service Director to advertise for bids, receive bids, and to enter into a contract with the lowest and best bidder for materials necessary for use by the New Philadelphia Service Department, Water Department and Sewer Department, and declaring an emergency. (1st Reading)

Motion to suspend the rules made by Mr. Houston, seconded by Mr. Locker. Roll call, 6 yeas, rules suspended.

Motion to vote on passage made by Mr. Locker, seconded by Mr. Lautenschleger. Ms. Cox asked why specific materials were not named and why line items were not included in the ordinance. She said she has no idea what materials are being purchased and where they are being paid from. She recommends not passing this until the budget is passed. Roll call for passage, 2 yeas, 4 nays, (Conner, Cox, Eichel, & Lautenschleger) ordinance failed.

6-2007 An ordinance authorizing the Council of the City of new Philadelphia, Ohio, to authorize the Mayor of the City of New Philadelphia, Ohio to enter into a purchase agreement with Mary Egli to purchase 8.9 acres plus or minus of land in Goshen Township, Tuscarawas County, Ohio for the amount of two hundred thousand dollars (\$200,000.00) with the City to do all title and legal work, and declaring an emergency. (1st Reading)

Mr. Johnson assigned this to the Finance Committee.

RESOLUTIONS:

- 1-2007 A resolution by the Council of the City of New Philadelphia, Ohio to adopt a policy regarding the use of electronic or mechanical signatures and to prohibit the use of a rubber stamp on any negotiable instrument including checks or contracts by any official or authorized employee of any Board, 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.
- 6-2007 A resolution by the Council of the City of New Philadelphia to authorize additional payment to the Mayor for health insurance cost, and declaring an emergency. (1st Reading)
- Mr. Johnson assigned this to the Salary Committee.
- 7-2007 A resolution by the Council of the City of New Philadelphia, Ohio to authorize the Service Director to advertise for an enter into an agreement to hire professional consultants for consulting services with the New Philadelphia Municipal Airport to include FAA grant procedures, other government agency grants, and projects at the New Philadelphia Municipal Airport, such agreement being up to 5 years in duration, and declaring an emergency. (1st Reading)
- Mr. Johnson assigned this to the Salary Committee.
- 8-2007 A resolution by the Council of the City of New Philadelphia, Ohio in support of an application by the Tuscarawas County Port Authority to the Clean Ohio Council for a Clean Ohio Revitalization Fund Grant for the remediation and redevelopment of the former ODOT District 11 facility, West High Ave., New Philadelphia, Ohio, and declaring an emergency. (1st Reading)
- Motion to suspend the rules made by Mr. Lautenschleger, seconded by Ms. Cox. Mr. Eichel asked what responsibility the City has with this Resolution. Law Director Mike Johnson said there is no responsibility for the City. He said the resolution is merely to show Council's support; they are not committed to pay for anything. Mr. Houston said he would like to see that spelled out in the resolution. Roll call for suspension of rules, 4 yeas 2 nays (Conner & Houston), suspension of rules failed.

UNFINISHED OR OLD BUSINESS:

Ms. Cox asked the status of Police Patrolman Shawn Nelson, since he was injured. Mayor Brodzinski said he was injured at home.

NEW BUSINESS:

Mr. Conner made a motion that no issue can be presented to Council for action until first being considered by a Committee. In the event that legislation requires immediate action, this rule may be waived. Mr. Houston seconded the motion. President of Council Dave Johnson reminded everyone that they are changing the rules of Council. Mr. Lautenschleger asked what will be done differently than how legislation is passed now. Mr. Conner said most times Council does not hear about issues until the Friday before a meeting when the legislation is in Council's packets, and he feels that is not enough time to review them. He said this is unfair to Council and the citizens to have legislation introduced before Council has time to review them. Mr. Conner said issues of concern should be presented to the Council President, and then it is to be assigned to Committee. If the issue is approved by Committee, then legislation is prepared and introduced. Roll call for passage, 4 yeas, 2 nays (Locker & Lautenschleger), motion passed. Law Director Mike Johnson said if this is a policy of Council, then it is okay; but an ordinance is needed to change the state statutes which rules how legislation can be passed. Mr. Johnson said he will review the City's Codified Ordinance to determine whether or not this action can be taken. Mr. Eichel said

there have too many instances in which Council has been forced to make quick decisions, and they have not had the proper time to review and make a decision. Law Director Mike Johnson said the current procedure of being assigned to Committee after the legislation is presented seems to be working. Mr. Lautenschleger said he feels this issue should be put in Committee. Mr. Johnson will give an opinion before the next Council meeting.

MOTION TO ADJOURN MADE BY MR. HOUSTON. MEETING ADJOURNED AT 8:29 P.M.

CLERK OF COUNCIL _____

APPROVED March 12, 2007

PRESIDENT OF COUNCIL _____