

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 2<sup>nd</sup> 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 12<sup>th</sup> 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. (1<sup>st</sup> Reading)

21-2009 An ordinance amending and adjusting the permanent appropriations ordinance for the year 2009 and declaring an emergency. (2<sup>nd</sup> 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 2<sup>nd</sup>.

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\_\_\_\_\_