

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 4<sup>th</sup>.

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. (1<sup>st</sup> 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. (1<sup>st</sup> 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. (1<sup>st</sup> 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. (1<sup>st</sup> 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 \_\_\_\_\_