

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON FEBRUARY 14, 2011, WITH PRESIDENT OF COUNCIL, JOEL DAY, PRESIDING. MR. DAY OFFERED A PRAYER AND TONIGHT PRAYED FOR SPECIAL BLESSINGS UPON THE FAMILY OF AUDITOR, BETH GUNDY, AS THEY MORN THE LOSS OF HER FATHER. AND THEN ALL IN ATTENDANCE RECITED THE PLEDGE OF ALLEGIANCE.

PRESIDENT OF COUNCIL, JOEL DAY ANNOUNCED THE AUDITOR, BETH GUNDY, IS EXCUSED FROM TONIGHT'S COUNCIL MEETING.

COUNCIL MEMBERS IN ATTENDANCE:

MS. SANDY COX  
MS. COLLEEN ESPENSCHIED  
MR. DARRIN LAUTENSCHLEGER  
MR. JIM LOCKER  
MR. ROB MAURER  
MS. WINNIE WALKER  
MR. JOHN ZUCAL

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

MS. ESPENSCHIED MADE A MOTION TO APPROVE THE MINUTES OF THE PREVIOUS SESSION HELD JANUARY 24, 2011. MS. COX SECONDED THE MOTION.  
ROLL CALL, 7 YEAS, MOTION PASSED.

CORRESPONDENCE . . . . . CLERK, PATRICIA MCKAY

1. Thank you card from Joan Robis to Council Members thanking council for the recognition of her retirement as Health Commissioner as well as her sincere appreciation of council's help and support over the past thirty years enabling the Health Department to provide programs that were unique for the City.
2. A letter from the Service Director, James Zucal to Joel Day, President of City Council, in regard to Airport Ramp Rehabilitation Project 2011 request for additional FAA grant funds. Mr. Zucal's request was to forward the following information to the proper city council committee tonight so as "to authorize the Service Director to apply for and accept additional FAA grant fund s to cover unexpected subsurface problems that occurred during the 2010 ramp rehabilitation project. These funds are additional FAA monies that would be allocated to cover the unforeseen expenses. The City's portion is 5 % and will not exceed \$5,000.00. Note this is not part of the 2011 project, which will be phase 3 and will take place this summer."
3. Mayor's Monthly Statement to Council for the Month of January 2011.
4. Auditor's Financial Statement for the Month of January 2011.
5. Auditor's Monthly Statement of 2011 Revenue for the General Fund for the Month of January 2011.
6. Cemetery Department Reports for the Month of December 2010 and for the Month of January 2011
7. Fire Department January 2011 Month End Summary.
8. Police/Monthly Activity Report for the Month of January 2011.
9. Revised Salary Committee Meeting Minutes from May 18,2010
10. Minutes for the Salary Committee Meetings for January 25, 2010 -June 14, 2010 -November 22, 2010- December 13, 2010.
11. Zoning and Annexation Meeting for November 22, 2010

- 12. City of New Philadelphia 2010 Mayor’s State of the City Report
- 13. List of Accomplishments and Major Projects Administered by the Service Director’s Office for 2010

ADMINISTRATIVE REPORTS:

MAYOR’S REPORT/REQUEST.....MAYOR MICHAEL TAYLOR

The Mayor addressed Council on the following:

The Mayor Taylor requested an Executive Session this evening after Legislation to discuss negotiations, personnel and litigation issues.

Mayor Taylor reported the following:

- ODOT has requested we begin the preliminary environmental assessments for the West High Widening Project. The steps are an environmental assessment to include a Phase I study and any Phase II if needed. The estimated costs for the preliminary steps were included in the original estimate of what the city’s portion of the cost of the project would be. The West High Widening Project estimate is a total of \$60,000 but could be less depending how much work will actually have to be done in a Phase I or Phase II evaluation. The costs will be paid for out of the 2011 Master Capital Budget.
- Mayor Taylor announced that he attended the recent Volunteer Recognition Dinner where the volunteers at Schoenbrunn Village were recognized. The Mayor stated, “Volunteers are very important and thanked all volunteers who serve in our city in whatever way their time and talent permit.”
- The Mayor reported that Joann Fabrics will be relocating to the New Philadelphia New Town Mall later this year. The Mayor welcomed them to our city.

Council Member, John Zucal thanked the Mayor for the “City of New Philadelphia 2010 Mayor’s State of the City Report” and announced his appreciation for all the information.

Ms. Cox moved to go into an Executive Session this evening at the conclusion of the Legislative Agenda to discuss negotiations, personnel and litigation issues. The motion was seconded by Mr. Zucal.  
Roll Call, 7 yeas, motion passed.

SERVICE DIRECTOR.....MR. JIM ZUCAL

The Service Director reported the following:

- The Cemetery Superintendent’s Report for the month of January 2011 was placed in everyone’s mail box.
- “List of Accomplishments and Major Projects Administered by the Service Director’s Office for 2010” which includes an infrastructure tabulation sheet that will elaborate on all the projects for this year, a Superintendent’s Report for each Department, and also a number of before and after photos.

Treasurer, Mr. Dave Johnson, wanted to know if there were any ordinances on the books about burned out properties. He said a number of people have been asking about the property located on Seventh & High Street. Mr. Zucal replied that there is some language in there to elaborate on how it can be rebuilt. I don’t know if there is anything on the actual demolition. Treasurer, Mr. Dave Johnson suggested we could clean up around the property. Mr. Zucal said that he will look into it.

Council Member, John Zucal thanked the Service Director for the “List of Accomplishments and Major Projects Administered by the Service Director’s Office for 2010” and announced his appreciation for the detailed report and the before and after photos.

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

AUDITOR.....MS. BETH GUNDY.....NO REPORT

EXCUSED ABSENCE

TREASURER . . . . .MR. DAVE JOHNSON.....NO REPORT

LAW DIRECTOR.....MR. MICHAEL JOHNSON

The Law Director reported on the following;

The property that Mr. William Bevan has inquired about in the past, 408 Front Avenue SW, New Philadelphia. At the Law Director’s request, he had a Bankruptcy Lawyer look into the property that Mr. William Bevan has inquired about, 408 Front Avenue SW, New Philadelphia.

Even though there was Real Estate with mortgage on it, the bankruptcy ended up being classified as a no asset bankruptcy. The Property is still in the property owner’s name, the bank has not taken it over.

It has accumulated a large amount of back taxes and accumulated charges from the city for mowing and clean -up. The charges were certified to the real estate taxes so they eventually get paid.

The Law Director forwarded all information to the County Prosecutor’s office and asks that they look at it and maybe foreclose on it and have it sold for back taxes. He does not know that the county will do that; generally, they have not been doing it because of the cost involved for the county so he referred it back to the Service Director for a committee to look at it for what action if any the city wants to take against it.

The Law Director has had several calls concerning the new billing out from the Water Sewer Service. Ordinance 32-2010 clearly stated bills mailed in the month of February 2011 shall reflect the rate increase. The Law Director reported that The Water Department has complied with Ordinance 32-2010.

Mr. Johnson reported The Supreme Court case of the Rhodes verses City of New Philadelphia all the briefs are in we are just waiting for assignments for oral argument. There have been numerous briefs filed. Not just by the city and by Mr. Rhodes but by various amicus curiae “friends of the court” from both side. We are now waiting for a trial hearing date. When Mr. Johnson is notified of that date he will pass that information on to Council.

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR MICHAEL TAYLOR

The Mayor announced that there was not any Planning Commission Meeting in the month of February. The next scheduled Planning Commission meeting will be Tuesday, March 8, 2011, at 1:00 PM in Council Chambers pending an agenda.

BOARD OF ZONING APPEALS . . . . .MR. JIM ZUCAL

Mr. Zucal announced the Board of Zoning Appeals will meet Tuesday, March 8, 2011, at 5:00 PM in Council Chambers pending an agenda.

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

PARK BOARD.....MR. DARRIN LAUTENSCHLEGER

Mr. Lautenschleger reported that the Park Board is met Wednesday, January 26 at 7:00 PM at the Tuscora Park Office. Minutes from that meeting will be forwarded soon.

HEALTH BOARD.....MS. SANDY COX

Ms. Cox reported that the Health Board will meet Wednesday, February 16, 2011 at 12:00 noon at the Health Department.

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEE. . . . .MS. SANDY COX

Ms. Cox announced that the Budget Hearings are scheduled for Wednesday, February 23, 2011 starting at 8:30 AM and continue until they are finished.

SALARY COMMITTEE . . . . .MR. JIM LOCKER.....NO REPORT

President Joel Day assigned to the Salary Committee a resolution to commend Joan F. Robis for her years of services as the Health Commissioner for the City of New Philadelphia and recommendation for a resolutions of commendation for Ms Pamela Pataca and Mr. Larry Burton for their years of service on the New Philadelphia Park Board.

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

Mr. Maurer reported that the Safety, Health, and Service Committee met tonight briefly on a resolution commending the Dover Fire Department for letting us use of their Ladder Truck while New Philadelphia’s was being refurbished. The committee decided to have the resolution placed on the agenda for the next meeting and voted on by council after three readings.

PUBLIC WORKS & ECONOMIC DEVELOPMENT COMMITTEE. . MR. DARRIN LAUTENSCHLEGER

Mr. Lautenschleger reported that the Public Works & Economic Development Committee met at 7:00 PM this evening in Council Chambers with one item on the agenda. That item was to discuss the administration’s request to move forward on the Community Block Development Grant Project for this year.

That project is to be on the North side of the Street of Ray Avenue NW from Second Drive NW to Third Street NW. The project will involve the installation of storm sewers, water line improvements, sidewalks, drive aprons, curbing and paving. The grant project total cost is listed as \$126,800. The city’s share of that project is \$45,800.

The Mayor informed the committee this project will complete the final portion indentified for this type of work on Ray Avenue. The administration is looking for similar projects in upcoming years. These are awarded based on income guide lines in the respective neighborhoods.

Then on a motion by Mr. Maurer and seconded by Ms. Cox, the committee voted unanimously to have legislation prepared for the Service Director to advertise for bid, receive bids and award for the 2011 project year the CDBG contract. The legislation needs to be passed on the first reading at the next meeting, February 28<sup>th</sup>. 2011.

In addition as part of this grant project program, a series of public hearing must be held the first public hearing will be held February 28, at 7:00 PM in Council Chambers.

President assigned the following request from the Service Director to the Public Works & Economic Development Committee to authorize the Service Director to apply for and accept additional FAA grant fund s to cover unexpected subsurface problems that occurred during the 2010 ramp rehabilitation project. These funds are additional FAA monies that would be allocated to cover the unforeseen expenses. The City’s portion is 5 % and will not exceed \$5,000.00.

ZONING & ANNEXATION COMMITTEE .....MS. COLLEEN ESPENSCHIED.....NO REPORT

CONTACT & SPECIAL COMMITTEE .....MR. JOHN ZUCAL

Mr. Zucal announced that there was not a formal report for this evening; however, he wanted to update the Members of Council, Guests and Administration on the fact that Mr. Tom Bellish of Buckeye Energy Brokers and Constellation New Energy-Gas continue to keep us apprised of the gas rates. Mr. Zucal reported that “right now the rates are beginning to drop considerably, as of today; the MCF rate was \$5.88.”

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

VISITOR’S COMMENTS

William Bevan, 2012 Delaware Drive SE Lot 12, New Philadelphia, Ohio 44663

Mr. Bevan owns property at 412 Front Avenue SW. New Philadelphia, Ohio 44663

Mr. Bevan’s concern was in regard to property located at 408 Front Avenue SW, New Philadelphia, Ohio 44663

Mr. Bevan, who is on a fixed income, reported that he is in a bind he can’t afford to keep paying utilities and taxes on two properties.

Mr. Bevan would like to sell his 412 Front Avenue SW, New Philadelphia, Ohio 44663 property but it is located next to the 408 Front Avenue SW, New Philadelphia, Ohio 44663 property and so no one wants to but his property. (There is only three feet between the houses) Mr. Bevan’s taxes on the 412 property are \$300 every six months and he is billed \$39 a month from the City of New Philadelphia for services even though he doesn’t use water, sewer or trash pickup at that location. The 408 Front Avenue SW, New Philadelphia, Ohio 44663 property has not had any taxes

paid for over eight years. Mr. Bevan reported that it is no longer under the bank. and that It is now under PMC, a Mortgage Company out of Dayton Ohio and said he has the address and phone number of PMC if needed. The Law Director said he has that information.

Mr. Bevan believes the 408 Front Avenue SW, New Philadelphia, Ohio 44663 property is a hazard to his property. He reported that last week the chimney at the 408 property came down on the ramp he had built for his late wife, on the property at 412 Front Avenue SW. New Philadelphia, Ohio 44663. Mr. Bevan said that he would appreciate some help so he could enjoy the rest of his days.

Mr. Bevan would like some relief.

President Joel Day said as the Law Director stated that we are doing our best.

Mr. Bevan then stated that the Law Director had said previously that the 408 Front Avenue SW, New Philadelphia, Ohio property might not be torn down for a year or so.

President Joel Day then said “we have to comply with the law but we will do are best.”

READING OF ORDINANCES AND RESOLUTIONS:

ORDINANCE: .....NONE

RESOLUTIONS:

52-2010           A resolution by the Council of the City of New Philadelphia, Ohio to amend the New Philadelphia enterprise zone, and declaring an emergency.  
(3<sup>rd</sup> Reading)

President Joel Day said the Resolution 52-2010 will be held for four readings and the Law Director reminded all of the public meeting for Resolution 52-2010 at the next meeting at 7:55 PM.

COUNCIL ADJOURNED FROM REGULAR SESSION INTO EXECUTIVE SESSION AT 7:54. PM  
AS REQUESTED BY MAYOR, MICHAEL TAYLOR TO DISCUSS WAGE NEGOTIATIONS. . COUNCIL  
RECONVENED INTO REGULAR SESSION AT 8:10 PM

UNFINISHED OR OLD BUSINESS: .....NONE

NEW BUSINESS

Ms. Sandy Cox informed Council of the phone calls she received from some elderly people in regard to a letter they received from Homeserve of Ohio, an Akron Firm offering financial coverage for repairs to water service lines.

Ms Cox contacted the Service Director and he said the letter is not affiliated or endorsed by the city.

Ms Cox said she was able to get a copy of the letter from the individual who called her that was really concerned about it.

The residents believed the city was requiring them to obtain the coverage offered by Homeserve at a cost of \$4.99 per month; the residents thought they were in violation of the city laws. The city had nothing to do with this letter. The Mayor said he would assume the media would like to speak with Ms. Cox after the meeting to clarify that.

Mr. Zucal said he could explain a little further. “We turn the water off at the curb what this is about, people are in a situation where they have a service line break it is their responsibility and they are not prepared for that expense. This company has been out there and there are others but by no means is the city affiliated. The resident has a problem with the service line the water is going to be turned off at the curb and then the resident has to get a private contractor.” What Homeserve offers is just a protection like insurance.

The Mayor announced that there was an excellent article in the Sunday Times Reporter on the Traffic Signal Improvement Project by Joe Mizer with Service Director, Jim Zucal

The Mayor said it is a good article and suggested council read.

MOTION TO ADJOURN MADE BY MS COX, MEETING ADJOURNED AT 8:15 PM

CLERK OF COUNCIL \_\_\_\_\_

APPROVED \_\_\_\_\_

PRESIDENT OF COUNCIL \_\_\_\_\_