

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON JUNE 14, 2010 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:

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 APPROVE TONIGHT'S AGENDA.
MS. WALKER SECONDED THE MOTION. ROLL CALL, 7 YEAS, MOTION PASSED.

MS. COX MADE A MOTION TO APPROVE MINUTES OF THE PREVIOUS SESSION HELD MAY 24, 2010.
MS. WALKER SECONDED THE MOTION. ROLL CALL, 7 YEAS, MOTION PASSED.

CORRESPONDENCE CLERK, PATRICIA MCKAY

1. The City of New Philadelphia Treasurer's Summary of Transactions for the General Checking Account for the Month of March 2010 and for the Month of April 2010
2. The City of New Philadelphia Treasurer's Statement of Transactions of all City Funds for the Month of March 2010 and for the Month of April 2010
3. The Treasurer's Reconciliation for the City of New Philadelphia for the period ending March 2010 and for the period ending April 2010
4. City of New Philadelphia Cemetery Department Report for the Month of May 2010
5. The Mayor's Monthly Statement to Council for the Month of May 2010
6. Public Works & Economic Development Committee Meeting Minutes for May 19, 2010
7. Tuscora Park Board Meeting Minutes for May 19, 2010
8. Parks & Cemetery Committee Meeting Minutes for May 24, 2010
9. Auditor's Monthly Statement of Revenue for the General Fund for May 2010
10. Auditor's Financial Statement for the Month of May 2010
11. Airport Commission Minutes for May 11, 2010
12. New Philadelphia Police Monthly Activity Report for the Month of May 2010

ADMINISTRATIVE REPORTS:

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

The Mayor presented the June 2010 issue of Go, (an In-flight Magazine of Air Tran which is provided for airplane passengers, usually located in the pouch on the back of the seat in front of you.)

The Mayor's wife saw the ad promoting our park in Go, gave the magazine to the mayor so he could see the ad.

The ad was located in the Go guides section that is based out of the major airports things to do.

It was listed as:

Day-Tripping Tuscora Park, 37 miles south of Akron-Canton at 161 Tuscora Ave NW, New Philadelphia, Ohio.

The Mayor said he thought it was kind of cool and interesting that the magazine was promoting our Tuscora Park in their magazine so he wanted to share this information with council.

Mayor Taylor reported: Moving forward with emergency repairs to a storm water pipe problem that goes under the railroad and into the river off of Bank Lane and 4th St. Ext SE this problem was a result of the heavy rains that occurred the week of June 1st we have made some temporary repairs to allow the railroad to keep operating and have been in contact with them and they are cooperating with our efforts. Civil Design is in the process of estimating and designing the project as an emergency and we will be making application to the Ohio Public Works Commission for some emergency grant funding we hope for a speedy response by the OPWC but regardless of their response, the issue will need repaired as soon as possible. We will be in the process of getting quotes for this project quickly. The estimate will be in the area of \$70,000. The Mayor will keep Council updated on the project.

List of Major Projects the Administration, Service Director’s office and Appropriate Department Heads are working on this year:

Normal General Paving
West High Paving with ODOT
CDBG Project on Ray Avenue NW
Airport Restaurant Roof
Third Street NE Storm Sewer/Street Repair

Signal Project Construction
Upgrading 46 Catch Basins on West High
Repairing Wall at Front & 6th SW
Storm Sewer at RR and Bank Lane SE
Installing a Concrete Stairway at Park

Other Items in Process or of Interest:

- Developing a 5 year Water and Sewer Projects Plan
- Moving the Central Business District Comprehensive Plan idea forward
- Moving forward the West High Widening Project with ODOT
- Moving forward the Airport Master Plan Option 4 to determine FAA’s level of interest in that project or not
- Gathering information and looking at ideas for University Drive traffic issues to conduct a feasibility study for the area
- Gathering information on a couple of options for a new cemetery location

The Mayor announced if there should be any questions on any of these issues please contact the Mayor or the Service Director.

Mr. John Zucal asked Mayor Taylor if the city had any infrastructure analysis because obviously that was a major issue for the Rail Road and Bank Lane collapse.

“Have we done or identified infrastructures that are in need of repair, most of that is probably, a WPA project.”

The Mayor answered, “this will come under the Storm Water Management Plan.

Once we have a person on board and in place to take that over, I would think one of their projects would be to survey the city, inventory the city and try to prioritize for future development what needs addressed and what needs to be looked at, as there are issues throughout the city that need attention.”

SERVICE DIRECTOR MR. JIM ZUCAL

The Service Director thanked the employees in Wastewater Street and the Water Departments for their efforts in assisting the constituents and eliminating flooding issues throughout the city during the heavy rains June 1st thru June 6th and also for their hard work providing clean up and service to all the problems the constituents reported. Mr. Zucal feels the city has made a sincere effort to answer every ones concerns.

Please notice the Cemetery Superintendent Department Report for the month of May 2010 that was placed in every ones mailbox.

SAFETY DIRECTOR.....MR. GREG POPHAM

FYI)

The Safety Director announced the city had some tenants at the fire station last week, because of the high water; Smith Ambulance was moved out of their temporary quarters and housed at the fire station for a week.

Item 1)

The Sergeant’s Test is completed. It is being graded and will go to the Civil Service Commission. Seniority points will be added on and the Civil Service Commission will report the results back to us.

Item 2)

The Police Chief has submitted several different noise ordinances, which are currently on the Safety Director’s desk. Mr. Popham will be going over them and will give them to the Mr. Rob Maurer’s committee so they can move forward on the noise ordinance.

AUDITORMS. BETH GUNDY

Requested approval of the Auditor’s report for April 2010 reports

TREASURERMR. DAVE JOHNSON

Requested council accepts the Treasurer’s reports for March and April 2010.

Mr. Locker made a motion to accept the Auditor’s and the Treasurer’s reports. Ms. Cox seconded the motion. Roll Call, 7 Yeas, Motion Passed.

LAW DIRECTORMR. MICHAEL JOHNSON

The Law Director requested an executive session to discuss ongoing litigation before Legislative Agenda because it may result an addition to the Legislative Agenda.

Mr. Lautenschleger made a motion to have executive session to discuss ongoing litigation before the Legislative Agenda and Mr. Zucal seconded the motion. Roll Call, 7 Yeas, Motion Passed.

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR MICHAEL TAYLOR

There was no Planning Commission meeting in the month of June, as there was no agenda
The next tentative meeting for the Planning Commission is Tuesday, July 13, 2010 at 1:00 PM in Council Chambers pending an agenda.

BOARD OF ZONING APPEALSMR. JIM ZUCAL

The Board of Zoning Appeals will meet Tuesday, July 13, 2010, at 5:00 PM in Council Chambers pending an agenda.

AIRPORT COMMISSION.....MR. JIM LOCKERNO REPORT

PARK BOARD.....MR. DARRIN LAUTENSCHLEGER

Park Board will meet Thursday, June 17, 2010 at 6:00 PM at the South Side Tuscora Park Parking Lot. (Changed the normal day, time and location of meeting)

HEALTH BOARD.....MS. SANDY COX

The Health Board will meet Wednesday, June 16, 2010 at 12:00 noon in the Health Department.

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEEMS. SANDY COX

The Finance Committee met June 14, 2010 at 7:00 PM; With Several Items on the Agenda:

- 1st Item Resolution 29-2010 (Police Auction on July 28, 2010)
Add Resolution 29-2010 to the agenda for the next council meeting. And ask for it to be passed.
- 2nd item Resolution 31-2010 (authorize and direct the service director to advertise for bids, receive bids and award a contract for constructing a roof and catwalk around the channels at the wastewater plant)
Add Resolution 31-2010 to the agenda for the next council meeting. And ask for it to be passed
- 3rd item The Mayor will be attending the Annual Mayor’s Conference of the Ohio Municipal League in Columbus. The IRS allows \$101.00 for one night and conference rate for the 2 nights is \$250.00 the mayor request was for \$48.00 above the IRS recommendation.
Executive Assistant attending the 2010 International Association Administrative Professionals Annual Meeting in Perrysburg. The IRS allows \$81.00 per night and the 2 nights cost is \$236.90. The total request for the two nights is \$74.90 above the IRS recommendation the committee agreed to approve this request.
- 4th item Resolution 30-2010 (establish the issuance, use and control for Credit Card/Purchasing Card by city officials and employees including authority to adopt rules and procedures reasonably related)
Add Resolution 30-2010 to the agenda for the next council meeting. And be held for 3 readings.
- 5th item there was a discussion in regards to the Memorial Board (in memory of Mr. Houston) and the type of name plates for the retiring administration and council members
- 6th item the auditor informed the committee in the near future there will be a resolution in regard to the advance of real estate tax settlement from the county auditor and an ordinance showing the Street Signal Renovating Grant in Master Capital

Meeting was adjourned at 7:21 PM

SALARY COMMITTEEMR. JIM LOCKER

Salary Committee will meet tonight immediately following the council meeting.

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

Safety, Health, And Service Committee Chair announced he will schedule a meeting for next Monday June 21, 2010 at 6:00 PM to discuss the West High Avenue Street Widening Project.

PUBLIC WORKS & ECONOMIC DEVELOPMENT COMMITTEE. MR. DARRIN LAUTENSCHLEGER

The Public Works & Economic Development Committee Chair did not have a formal report but Mr. Lautenschleger wanted to encourage council to turn their attention to Ordinance 10-2010 it is up for the 3rd reading which the committee has recommended passage. Mr. Lautenschleger stated passage of Ordinance 10-2010 is important so several deadlines can be met that directly affect property owners of our city and their ability to obtain flood insurance.

ZONING & ANNEXATION COMMITTEEMS. COLLEEN ESPENSCHIEDNO REPORT

CONTACT & SPECIAL COMMITTEEMR. JOHN ZUCAL NO REPORT

PARKS & CEMETERY COMMITTEEMS. WINNIE WALKER

Last council meeting the request of the Safety Director, President Joel Day assigned to the Parks & Cemetery Committee the request for the Parks & Cemetery Committee to review Chapter 973 park regulations. Ms. Walker reported the committee’s assignment was already completed with the passage of Ordinance 12- 2009 so no action is needed.

VISITOR'S COMMENTS:

Residents complaints the overflow from city garbage trucks

Thomas Moore
238 1st Drive SW
New Philadelphia Ohio 44663

Tim Roberts
230 1st Drive SW
New Philadelphia Ohio 44663

Mr. Moore addressed council in regard to his concern of leaking garbage trucks Mr. Moore referred to the material from garbage trucks as "liquid garbage all over the streets." He said he was told a year ago that the city would take care of it but noted that it still is occurring and "it smells for two or three days after they pick the garbage up" Mr. Moore presented pictures to council of the problem. (Pictures were taken 2 or 3 weeks ago) The concerned area was 1stDrive SW to St Clair SW.

The Service Director, Mr. Zucal said the city was made aware of the issues with the garbage trucks.

- We have worked with our drivers, Fred Neff, General Services Superintendent and the crew on the truck.
- Minimized the amount of water being put in the hopper.
- Garbage cans put out by some residents and a local club contained rain water, they have been asked to drill holes in the in the bottom of their cans.
- Changed the route so we are working with them to minimize the amount of material in the hopper
- Our trucks are up to acceptable standards
- He and other city officials will continue working with the crew to do a better job

The Council President Joel Day asked the Service Director to update council of the progress in resolving the problem of the leaking garbage truck.

Mr. Roberts's concern was also the leaking garbage truck not just in his neighborhood but the whole city. He said the truck was leaking white paint all over the city. Mr. Robert's concern is to keep the city clean.

Mr. Roberts commended the Mayor for sending a truck to Sugarcreek to help clean up after the tornado, "it showed that our city likes to help surrounding communities."

Comment to Mr. Roberts from Ms. Espenschied.

Ms. Espenschied said she is concerned, "paint is not allowed to go to the land fill."

The Council President Joel Day asked the Service Director to follow up on this problem and report back to council.

Resident's complaints High Water from last weeks rain storms

Stacie Kiser
290 Kent Circle NE
New Philadelphia Ohio 44663

Kathy Pietro
1138 Clearview Drive SE
New Philadelphia Ohio 44663

Rental Property/ Kathy Pietro
291 Kent Circle NE
New Philadelphia Ohio 44663

Stacey Kiser's complaint to council was the flooding that occurred in her neighborhood.

Stacey Kiser of 290 Kent Circle NE presented a series of photographs that showed flooding in her neighborhood on June 6, 2010 photos were passed among council members and administration officials

- The second time in 6 years that the flooding has occurred
- Because of new residential developments in the area, the culvert is no longer large enough to carry all of the water runoff.
- People who are renting a house next to her, are seriously considering not buying it because of the water issues.

"Where is our property value going?"

- Water remained in Ms. Kiser's backyard for about three hours, her house had some water in the basement but not as much as in her neighbor's basements.
- All of her neighbors who have ranch style houses, had flooded basements and they had to remove all of carpeting and furniture.

- Water on nearby Ann Circle was up to the handles on cars parked on the street.
- The water gets so high and too much for the culverts to handle the water goes right over the top.

Ms. Kiser asked the City of New Philadelphia Council,
 “Would you like to have all that water in your backyard?”
 “Something has to be done,” she said.

Service Director Jim Zucal was in the area on the day of the flooding and is quite aware of the problems.

- Kiser’s area is one that we have on our radar,
- One of the areas to be looked at hydro logically to study the water runoff and to keep in mind future development area.

Mayor Michael Taylor told council there are several other areas in the city that also had problems from the heavy rainfall of June 6.

- It’s a problem of how the city was built,
- The issue is the capacity of what was installed when the allotments were built they were full.
- It would be up to council to decide if they wanted to go throughout the city replacing storm water systems with a larger system in anticipation of a storm like we had.

The Mayor said, “That’s an option a very expensive option and something that council can decide if it wants to fund”.

Council President Joel Day said:

- There is no quick fix to the problem
- If there is something temporarily we can do, we will try our best.
- Leave a copy of photos with the service director this might help
 The study of how the water is getting into the allotment.

Kathy Pietro addressed council members and administration officials in regard to the flooding of the area as she has a rental property located at 291 Kent Circle NE. which she purchased about 4 years ago. The previous owners had told Ms. Pietro when she purchased the house, that when the area was developed in the back they had the same thing happen so they installed a sump pump. The water was really bad this time, carpet and padding had to be replaced and the water just poured in the basement. There is a lot of ground to be developed in this area.

Resident complaint Noise Ordinance

Ron Dotts, Jr.
 131 4th Street NW
 New Philadelphia Ohio 44663

Mr. Dotts attended the council session as he was following up with council in regard to a noise ordinance. The Police Chief has submitted several different noise ordinances, which are currently on the Safety Director’s desk. Mr. Popham will be going over them and will give them to the Mr. Rob Maurer’s committee so they can move forward on the noise ordinance and the problem can be resolved. At the request of Council President the clerk will notify Mr. Dotts of the committee’s meeting for the noise ordinance. so he will have the opportunity to attend and give input to the committee. (Mr. Popham said he will also give Mr. Dotts a call.)

COUNCIL ADJOURNED FROM REGULAR SESSION INTO EXECUTIVE SESSION AT 8:07 PM AS REQUESTED BY THE LAW DIRECTOR TO DISCUSS LITIGATION. COUNCIL RECONVENED INTO REGULAR SESSION AT 8:17 PM.

MS. COX MADE A MOTION TO ADD RESOLUTION 32-2010 TO TONIGHT’S AGENDA. MR. LOCKER SECONDED THE MOTION. ROLL CALL, 7 YEAS, MOTION PASSED

READING OF ORDINANCES AND RESOLUTIONS:

ORDINANCES:

- 10-2010 An ordinance by the council of the City of New Philadelphia, to authorize the enactment of flood damage reduction and to repeal Ordinance No 6-87, and declaring an emergency.
(3rd Reading)
Motion to vote on passage made by Mr. Lautenschleger, seconded by Ms. Cox
Roll call, 7 yeas, ordinance passed.

RESOLUTIONS:

- 19-2010 A resolution by the council of the City of New Philadelphia, Ohio authorizing the Mayor to enter into an agreement for the administration services for the FY 2010 Chip Grant which are funded by the grant and which agreement is entered into with Tuscarawas Metropolitan Housing Authority, and declaring an emergency. (3rd Reading)
Motion to vote on passage made by Mr. Locker, seconded by Ms. Cox
Roll call, 7 yeas, resolution passed.
- 20-2010 A resolution by the council of the City of New Philadelphia, Tuscarawas County, Ohio, authorizing and directing the Mayor of the said City of New Philadelphia to act as the signature designee and to file an application for financial assistance under Title 1 of The Housing and Community Development act of 1974 (PL 93-383) to The Ohio Department of Development, Division of Community Development Office of Local Government Services, and declaring an emergency.
(3rd Reading)
Motion to vote on passage made by Ms. Cox, seconded by Mr. Locker
Roll call, 7 yeas, resolution passed.
- 23-2010 A resolution by the council of the City of New Philadelphia, Ohio to commend Robert R. Everhart, Jr. for his years of service with the Cemetery Department for the City of New Philadelphia. (1st Reading)
- 24-2010 A resolution by the council of the City of New Philadelphia, Ohio to create a written job description for the position Clerk New Philadelphia City Council, and declaring an emergency (3rd Reading)
Motion to vote on passage made by Mr. Zucal, seconded by Mr. Maurer
Roll call, 7 yeas, resolution passed.
- 25-2010 A resolution by the council of the City of New Philadelphia, Ohio to commend Cynthia Alesiano for her years of service as dispatcher for the New Philadelphia Police Department, and declaring an emergency.
(2nd Reading)
- 27-2010 A resolution by the council of the City of New Philadelphia to adopt the Solid Waste Management Plan for the Stark-Tuscarawas-Wayne Joint Solid Waste Management District, and declaring an emergency.
(2nd Reading)
- 28-2010 A resolution by the council of the City of New Philadelphia, Ohio setting the procedure for disposition of the body of indigent or unclaimed persons who are residents of the City of New Philadelphia, Ohio pursuant to Ohio Revised Code Section 9.15 and declaring an emergency. (1st Reading)
- 32-2010 A resolution by the council of the City of New Philadelphia, Ohio, to authorize the mayor to settle the lawsuit with Oh Holly Inc and to allow the Oh Holly Lease to be amended pursuant to the attached amended agreement, and declaring an emergency. (1st Reading)

Motion to suspend the rules made by Mr. Lautenschleger, seconded by Ms. Cox.
Roll call, 7 yeas, rules suspended.

Motion to vote on passage made by Mr. Lautenschleger, seconded by Mr. Zucal
Roll call, 7 yeas, resolution passed

Mr. Lautenschleger said, "I hope the lease holder and this agreement understands that city council has taken this very seriously and understands the matter for small business and the challenges they face and is grateful to council and the City of New Philadelphia as we are to continue the operation there."

UNFINISHED OR OLD BUSINESS:NONE

NEW BUSINESS:NONE

MOTION TO ADJOURN MADE BY MS. COX, MEETING ADJOURNED AT 8:30 PM

CLERK OF COUNCIL _____

APPROVED _____

PRESIDENT OF COUNCIL _____