

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON JULY 26, 2010 WITH PRESIDENT OF COUNCIL JOEL DAY PRESIDING. MR. DAY OFFERED A PRAYER, AND ALL IN ATTENDANCE RECITED THE PLEDGE OF ALLEGIANCE.

PRESIDENT JOEL DAY ANNOUNCED THE SAFETY DIRECTOR, GREG POPHAM 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 ADD, ORDINANCE 16-2010 TO TONIGHT'S AGENDA. MR. LAUTENSCHLEGER SECONDED THE MOTION. ROLL CALL, 7 YEAS, MOTION PASSED.

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

MS. COX MADE A MOTION TO APPROVE MINUTES OF THE PREVIOUS SESSION HELD JULY 12, 2010. MS. WALKER SECONDED THE MOTION. ROLL CALL, 7 YEAS, MOTION PASSED.

CORRESPONDENCE CLERK, PATRICIA MCKAY

1. Finance Committee Meeting Minutes from July 12, 2010.
2. Treasurer's Statement of Transactions for all City of New Philadelphia City Funds for the Month of May 2010.
3. Treasurer's Summary of Transactions for the City of New Philadelphia General Checking Account for the Month of May 2010.
4. Treasurer's Reconciliation for the City of New Philadelphia for the period ending May 2010.

ADMINISTRATIVE REPORTS:

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

Mayor Taylor requested that council pass Resolution 35-2010. (The widening of West High Avenue between Five Points and the railroad tracks.)

ODOT has offered a grant of \$1.8 million for this project. The city's portion for the project is \$525,000, which the city can budget and set aside between 2011 and 2013; with the option they are requesting, to move the project ahead to 2014, if necessary.

The Mayor publicly thanked the First Town Days Committee for a successful parade and festival and also thanked all city departments that were involved in hosting the festival.

The Mayor announced he will be working with the Park Department to have steps and a walkway installed at Tuscora Park from North Broadway and Donahey down to the stadium parking lot. The Mayor reported that this is one of many projects that RTY has provided money for over the years. The Mayor thanked RTY for their investment in our park.

The Mayor reported that he has completed midyear budget reviews with all departments reporting to the Service Director and also the Safety Forces and that all departments have been advised to continue to watch all spending for the remainder of the year.

Mayor Taylor reminded everyone of the downtown sidewalk sales and events that will be held this Friday and Saturday and encouraged all to attend.

The Mayor announced that Frontier purchased all the phone land lines in New Philadelphia and will take over July 1, 2010. Frontier will be working out of the former Verizon locations. Cell phones or wireless service issues will still be handled by Verizon.

SERVICE Director.....MR. JIM ZUCAL

The service director reported the following:

- July 15th Scott Tritt from the Tuscarawas County Safety Council gave a presentation to the employees at the City Garage on chain saw safety and using proper safety equipment when working on the tree crew.
- The Kent Cove Subdivision on University Drive is underway and progressing well
- The Tuscarawas County Board of MRDD is constructing a new building next to the Starlight School and utilities are currently being installed.
- Paving by ODOT on West High Avenue will begin Thursday night, July 29th from the railroad tracks westward to the corporation limit. Crews will be working from 10:00 PM to 8:00 AM.

Mr. John Zucal requested the Service Director clarify publicly how Mr. Conner’s water billing issue from last council meeting was addressed.

The Service Director reported that he met with Mr. Conner on July 13, 2010 and explained to him the reason of the billing cycle of 38 days. Mr. Conner had a noisy water meter which was replaced per his request. When it was replaced the service employee contacted the water billing and reported the meter readings then the new water meter was put in service. This process resulted in a seven day change in his billing cycle. Mr. Zucal distributed a letter, in regard to this issue, in all council members’ mail box.

Sandy Cox asked the Service Director if he would provide a paving list.

Mr. Zucal announced that he had the paving list and would be distributing it in the near future.

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

Excused Absence

AUDITORMS. BETH GUNDY

Requested council to accept the Auditor’s reports for May 2010.

The auditor announced that she reported to council some comparisons at June 30th over the last 5 years. A comparison report was also distributed last year around this time. The auditor reported that a lot of things look the same like Income Tax Revenue but the Water, Sewer and Sanitation was a little different, because their rates have been increased.

TREASURERMR. DAVE JOHNSON

The Treasurer requested that his reports from May 2010 be accepted tonight

Mr. Lautenschleger made a motion to accept both the Auditor’s and the Treasurer’s report for May 2010.

Ms. Espenschied seconded the motion. Roll Call, 7 Yeas, Motion Passed.

LAW DIRECTORMR. MICHAEL JOHNSON.....NO REPORT

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR MICHAEL TAYLOR

The next Planning Commission will meet Tuesday, August 10, 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, August 10, 2010, at 5:00 PM in Council Chambers pending an agenda.

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

PARK BOARD.....MR. DARRIN LAUTENSCHLEGERNO REPORT

HEALTH BOARD.....MS. SANDY COX

Ms. Cox handed out to council the 2009 Accomplishments of the New Philadelphia City Health District This was a detailed report giving programs and services offered by the Health Department which are accessible to the residents of the city. .

Listed in the report, were the following Health Department Programs: Home Health, Child Health Services Communicable Disease Control, Community Health Programs, Vital Statistics (records from 1908 through present) and Environmental Health.

The Health Board will meet Wednesday, August 18, 2010 at 12:00 noon in the Health Department.

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEE.MS. SANDY COX

Ms. Cox reported that committee is asking that Ordinance 16-2010 be passed tonight.

SALARY COMMITTEEMR. JIM LOCKERNO REPORT

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

Safety, Health, and Service Committee will meet Monday August, 9th 2010 at 6:30 PM to discuss the Noise Ordinance providing the Police Chief Jeff Urban is available.

PUBLIC WORKS & ECONOMIC DEVELOPMENT COMMITTEE. MR. DARRIN LAUTENSCHLEGER

Public Works & Economic Development Committee met tonight at 7:00PM to discuss Salt Bin No. 2 at the Water Department in council chambers with all members present with one item on the agenda.

Mr. Lautenschleger reported that the Service Director informed the committee that the Salt Bin No. 2 is in need of repairs and refurbishing. Mr. Zucal told the committee that this would be a good time to address this since the bin is empty. The estimated cost for the work is \$31,000. This item was included in the 2010 budget.

On a motion by Mr. Maurer, seconded by Ms. Cox the committee voted 3-0 to request that the law director prepare the appropriate legislation and that it be placed on the agenda for the first reading at the August 9, 2010 meeting of City Council to advertise for bids and enter into a contract for the repairs at a cost not to exceed \$31,000 and the rules be suspended and legislation passed on first reading.

The Administration has been requested to provide the line item from the city’s budget from which the funds will be spent.

President of Council assigned to Public Works & Economic Development Committee Calvin Schwartz’s request that Council review Codified Ordinance Chapter 937.03.

ZONING & ANNEXATION COMMITTEEMS. COLLEEN ESPENSCHIED.....NO REPORT

CONTACT & SPECIAL COMMITTEEMR. JOHN ZUCAL

Contact & Special Committee did not have an official report but reminded council that they will Meet August 9, 2010 immediately following the 6:30 PM Safety, Health, and Service Committee Meeting to discuss the Natural Gas Marketing program and the Thomas Bellish Presentation.

Mr. Zucal announced that Thomas Bellish from Buckeye Energy is involved with Natural Gas Aggregation Program.

PARKS & CEMETERY COMMITTEEMS. WINNIE WALKER.....NO REPORT

VISITOR'S COMMENTS:

Diane Lautenschleger, 250 Lewis Avenue NW, New Philadelphia, OH 44663
New Philadelphia Business and Community Association, 126 East High Avenue, New Philadelphia, Ohio 44663
Diane Lautenschleger, Administrative Director, of New Philadelphia Business and Community Association

Diane Latenschleger, on behalf of Darla Carlisle, President of New Philadelphia Business and Community Association, distributed a report updating council with the activities, the accomplishments of NPBCA and what events are on the agenda in the near future. Ms. Lautenschleger announced that the NPBCA continues to move forward with the appreciated assistance from the Mayor, Service Director, Fire Department, and the Services of the City Employees.

Ms. Lautenschleger had an unveiling of the new NPBCA banner for council. The Gateway Banner is a fund raising program for NPBCA; the Banners are purchased by business to promote their business. This year's banner will feature Schoenbrunn Village and the purchaser's logo. Purchased banners will hang on South Broadway for one year and replace the previous banners.

Mr. John Zucal wanted to know the rate of the Banner Ms. Lautenschleger displayed. She said, "\$300 for Members option of first year membership \$425. and non members \$325." Anyone interested in purchasing one or becoming a member should contact Ms Lautenschleger at 330-602-1419 or npbca@newphiladelphia.org

Below are names and addresses of residents who had concerns and addressed council tonight in regard to Resolution 35-2010 A resolution by the council of the City of New Philadelphia, Ohio, to participate in the proposed widening of State Route 39, West High Avenue from the R.J. Corman Railroad Tracks to 7th Street NW in New Philadelphia, Ohio.

Lori Miller, 1020 West High Avenue, New Philadelphia, Ohio 44663
Jan Walter, 1036 West High Avenue New Philadelphia, Ohio 44663
Sandy Contini, 712 West High Avenue, New Philadelphia, Ohio 44663
Earl Ott, 1044 West High Avenue, New Philadelphia, Ohio 44663
Eric Gribble, 1006 West High Avenue, New Philadelphia, Ohio 44663

The above residents attended the July 26th session and voiced their concerns on the proposed widening of West High Avenue and not being invited to a meeting on this issue. The residents were upset because they were not made aware of the 2013 project until Council member Ms. Cox delivered letters to the area on Saturday informing the residents of the proposed project and the Monday night council meeting.

Council member Mr. Maurer reported that he advertised in all the local Media and requested feedback from residents from the area in question on the issue.

Mr. Zucal announced to all that the project is in the planning stage and that there will be public hearings, meetings and notices and anything that is done will be advertised by the media.

Some residents asked some engineering type questions; because there has not been anything drafted and this is just a preliminary resolution, council was not able to give answers to those questions. These questions will be addressed when the city commits to the project and there is more information.

The Law Director said, "Nothing will happen by ODOT until the project has been approved, plans drawn up and after a series of public hearings. Right now ODOT is asking if council is willing to participate in this program. There is not an official plan at this time. Resolution 35-2010 is a piece of legislation action that council is being asked if there is a willingness to participate."

The Mayor announced that ODOT will not do any public hearings until the City of New Philadelphia has committed.

The concerned residents are requesting to be personally notified of all future public meetings or hearings on this issue.

The service Director announced that they would be notified by a letter or flyer.

Council Member Sandy Cox asked if Resolution 35-2010 is passed tonight will there be further legislature generated to see if we are going to go any further with this project.

This is only preliminary legislation

The Law Director announced "Council could withdraw from the project at any time before it reaches its final stages. We may choose not to participate. We can generate new legislation to stop the participation in this project. This is not a concrete resolution."

Robert Conner, 122 North Avenue NW, New Philadelphia, Ohio 44663

Mr. Conner's Complaint of a 38 day water billing cycle, due to a meter change at his request, could possibly be resolved by SSI making some adjustments to their billing process.

The Service Director addressed Mr. Conner's request by informing him that he is satisfied with the current billing system and feels that it works well, there are very few complaints, and there is not a plan to change the billing process.

READING OF ORDINANCES AND RESOLUTIONS:

ORDINANCE:

16-2010 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 the 2010 Ramp rehabilitation project at Harry clever field and declaring an emergency. (1st Reading)

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

Motion to vote on passage made by Mr. Locker, seconded by Ms. Cox
Roll call, 7 yeas, ordinance passed

RESOLUTIONS:

Amended
26-2010

A resolution by the council of the City of New Philadelphia, Ohio to enact a pay increase for all full time non-bargaining unit employees, elected officials, and all permanent part-time non-bargaining unit employees, excluding council members of city council to be the amount of 2% increase effective January 1, 2010, and declaring an emergency. (3rd Reading)

Motion to vote on passage made by Mr. Locker, seconded by Mr. Lautenschleger
Roll call, 4 yeas, 3 nays (Ms. Cox, Ms. Espenschied and Ms.Walker) resolution passed 4 to 3

30-2010

A resolution by the council of the City of New Philadelphia establishing the issuance, use and control of credit cards/purchasing cards by city officials and employees including authority to adopt rules and procedures reasonably related thereto, and declaring an emergency. (3rd Reading)

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

35-2010

A resolution by the council of the City of New Philadelphia, Ohio, to participate in the proposed widening of State Route 39, West High Avenue from the R.J. Corman Railroad Tracks to 7th Street NW in New Philadelphia, Ohio and declaring an emergency (3rd Reading)

Motion to vote on passage made by Mr. Maurer, seconded by Ms. Espenschied
Roll call, 7 yeas, resolution passed

UNFINISHED OR OLD BUSINESS:NONE

NEW BUSINESS:

Treasurer, Mr. Johnson assured Ms. Contini, who was a visitor for tonight's council session, that she is a very important citizen and is to be commended for her courage to come forward to express her concerns. He said that he wished more people would be like her.

Ms. Winnie Walker, Council Member and advocate for The Americans with Disabilities Act reminded all that 20 years ago July 26, 1990, It was signed into law by President George H.W. Bush. President Bush spoke out following the signing of the American Disability Act. He pledged his administration's support to the process of implementation but Washington cannot do the job alone "Together, we must remove the physical barriers we have created and the social barriers that we have accepted. For ours will never be a truly prosperous nation until all within it prosper.'

Ms. Walker also read the Proclamation signed and supported by:

Tuscarawas County Commissioners: John Zion, Stephen Smith, and William Winters

Whereas, Americans have set a standard for the entire world enacting into law the Americans with Disability Act. the most comprehensive civil rights legislation in the world for people with disabilities; the ADA provides anti -discrimination protection for our nation's 49 million Americans with disabilities, and

Whereas, it is critical that Tuscarawas County proclaim its intension to implement fully the ADA, and

Whereas, we cannot afford, either morally or financially, to lose the contributions that people with disabilities bring, not only to the work place but also to the main stream community life.

President Joel Day thanked Ms. Walker

MOTION TO ADJOURN MADE BY MS. COX, MEETING ADJOURNED AT 8:26 PM

CLERK OF COUNCIL_____

APPROVED _____

PRESIDENT OF COUNCIL_____