

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON OCTOBER 25, 2010 AT 7:30 PM WITH PRESIDENT OF COUNCIL PRO TEM SANDY COX PRESIDING. MS. COX OFFERED A PRAYER, AND ALL IN ATTENDANCE RECITED THE PLEDGE OF ALLEGIANCE.

PRESIDENT OF COUNCIL PRO TEM SANDY COX ANNOUNCED THE MAYOR, MICHAEL TAYLOR THE PRESIDENT OF COUNCIL, JOEL DAY AND SERVICE DIRECTOR, JIM ZUCAL ARE 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

MR. LAUTENSCHLEGER MADE A MOTION TO ADD ORDINANCE 23-2010 TO TONIGHT'S AGENDA. MS. ESPENSCHIED SECONDED THE MOTION. ROLL CALL, 7 YEAS, MOTION PASSED.

SAFETY DIRECTOR, GREG POPHAM REQUESTED AN EXECUTIVE SESSION THIS EVENING AT THE CONCLUSION OF THE LEGISLATIVE AGENDA TO DISCUSS FOP NEGOTIATIONS.

MR. ZUCAL MOVED TO GO INTO AN EXECUTIVE SESSION THIS EVENING AT THE CONCLUSION OF THE LEGISLATIVE AGENDA TO DISCUSS FOP NEGOTIATIONS. THE MOTION WAS SECONDED BY MS. ESPENSCHIED ROLL CALL, 7 YEAS, MOTION PASSED.

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

THE MINUTES OF OCTOBER 11, 2010 WERE APPROVED AS WRITTEN

CORRESPONDENCE CLERK, PATRICIA MCKAY

1. Tuscora Park Board Meeting Minutes from September 29,2010
2. City of New Philadelphia Superintendent of General Services Fred Neff Report for Projected Recycle Costs Changes.
3. Finance Committee Meeting Minutes from Monday, October 11, 2010.
4. Warther's Christmas Tree Festival Preview Party, November 12, 2010 6:00 PM to 9:00 PM, Tree auction at 7:30 PM ticket price is \$50.00 per person, reservation deadline is November 5, 2010 ;
(Make reservations by calling Jennifer Ross at 330-308- 8685 or Kari Kinsey 330-602-7007)

ADMINISTRATIVE REPORTS:

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

The Mayor was excused from tonight's meeting but provided a written report which was read by the Law Director, Mike Johnson. In that report The Mayor stated "the formal adoption of the Airport Master Plan update by city council was determined to be unnecessary. This Airport Master Plan update was submitted in 2007 to the FAA under the prior administration. The FAA has accepted the document as the official document of record for the City of New Philadelphia's Airport."

The Mayor stated:

This Master Plan update provides growth projections for our airport as well as deficiencies that currently exist. It discusses potential ways that may be considered to deal with the projected growth figures, if city council chooses to move forward with any of these options in the future. To implement change, many things must be done. The only way the city could financially attempt any of the suggestions would be with the FAA's approval and funding on a 95% federal and 5% local basis. In addition any project that is proposed must obtain environmental approval.

The approval process would require the completion of environmental impact studies that the FAA determines is applicable for a specific project. If the FAA determines from the environmental studies that the impact of a project would be too negative from some perspective, then they would have the opportunity to decline to fund the project and the chances of the project moving ahead would be remote.

The mayor reported: "The role of the Airport Commission is to make recommendations to city council."

All major projects must go through city council for approval to agree to partner with the FAA to fund a project.

The Airport Consultant's job is to advise the Airport Commission, assist in grant requests and oversee projects that are approved. In addition the consultant makes recommendations to the Airport Commission and provides assistance in regards to FAA rules and regulation compliance.

Only City Council has the final authority to approve any change of significance which then would need forwarded on to the FAA for consideration. In the end, the FAA has the final say from a compliance regulation and federal funding level.

When the Mayor requested the Master Plan Update be assigned to a council committee for a possible formal adoption by council, he was not aware that it was not required. However that request accomplished much more. It raised the community awareness of the Master Plan Update to a much higher level. Having been on record with the FAA for almost three years at the time of the first public works committee meeting, many residents and neighbors of the airport were still unfamiliar with it and were surprised at some of the information in it.

The Master Plan Update offers an evaluation of alternative ideas for our airport with a look to a projected future. It talks about many possible alternatives that could be considered, from doing nothing to drastic growth. Many alternatives studied are not realistic but at least they were included. It also addresses that the Runway Safety Areas should be enhanced and brought up to more suitable safety levels.

The Mayor appreciated the committee's work and thanked the public for their passion and willingness to express their views. Voting for Resolution 47-2010 gives the members of council the opportunity to publicly show their support for an extremely valuable asset of the city. In addition, it demonstrates some appreciation for the Airport Commission and their work. At this time, the FAA has not dictated any particular changes to be made and the city has not requested any beyond our ramp maintenance project that we have been working on in 2009 and this year. We have one more section to complete for our 2011 project. The Mayor reported that he is fine with maintaining what we have as it is other than for normal maintenance repairs or upgrades.

The Runway Safety Areas must be addressed in the next several years. An Environmental impact study of the safety areas will need done to see what impact changes would make to the area. During this study funded primarily by the FAA, all aspects of changes including impacts to Schoenbrunn Village, Delaware Drive, the cemeteries and the neighboring homes will be considered. Public Meetings will be a part of this process and all will have their opportunity to voice their views. The conclusion of the study will determine what if anything the FAA will want done at our airport.

The current capital improvement plan for the airport shows the city finishing the third and final phase of the ramp rehab project in 2011. In 2012 the airport commission has plans to focus on obstruction issues which are trees that are too high or hanging over areas that must be kept clear under FAA guidelines. Following that, the preliminary plans are to have an Environmental Study begun 2013 and most likely not finished until 2014 to evaluate the runway safety area issues.

If the results of the study were to move that project forward, it would follow in years beyond 2014 the capital improvement plan is updated annually and can be revised and changed annually. The consultant indicated that items on this plan beyond a three year period are more a FAA funding plan. (or wish list) However since the plan is updated and resubmitted to the FAA annually, items in the next couple years come more sharply into focus.

Resolution 47-2010 was requested by the Mayor through the Public Works Committee. The only reason for this request was to give council as a whole an opportunity to be on record that they support the efforts of our volunteers on the Airport Commission which includes three city council members. Publicly acknowledge the value of our airport to all citizens of New Philadelphia and Tuscarawas County.

The Mayor's request is for council to approve Resolution 47-2010.

SERVICE Director.....MR. JIM ZUCAL

The Service Director was excused from tonight's meeting.

The Assistant Service Director, Ms. Amy Gilland read the following Jim Zucal Service Director Report.

- The roof repairs have been completed at the airport restaurant and the project met the satisfaction of this department and the engineer who designed it. The Eleventh Street and Maple Avenue Storm Sewer Project is finished and we feel that this will solve flooding issues in that area.
- Pre-construction meeting was held for the Bank Lane Storm Sewer Project under the railroad tracks. Lanzer Excavating is scheduled to begin on November 8th. This is an emergency repair funded through the Ohio Public Works Commission.

- Pre-construction meeting was held for the repairs to the salt bin at the water plant. The contractor is Gor-Con Construction and the project is scheduled to begin November 8th.
- The Third Street NE infrastructure improvement project is progressing well and when completed will be a major upgrade to that area.
- The hoop barn installation and catwalk repairs are scheduled to begin next week at the wastewater plant.
- Newton Asphalt is in town finishing up the remainder of the paving for this year
- The street department has installed salt beds and snow plows on numerous trucks, getting ready for the upcoming winter season.

Mr. Locker had two questions for the Service Director/ Assistant Service Director

First question: If there should be any asphalt funds left, Mr. Locker requested the Service Director look at 2nd Street SE from Front Street to St. Clair to be considered for Asphalt Paving.

Second question: He did not see money received from recycling on the Projected Recycle Cost Charges. He wanted to know where it was reported.

SAFETY DIRECTOR.....MR. GREG POPHAM

Mr. Popham reported: with the promotion of Randy Williamson, the K-9 officer in the Police Department to rank of sergeant; Randy was moved to day shift and the K-9 Ruger was retired and traded- in. The new K-9 officer is Thad Polka, who started Monday going through 4 to 6 weeks of school. Thad will return with Striker, a two year old German Shepherd. Striker is the New Philadelphia Police Department's newest K-9 officer.

AUDITORMS. BETH GUNDY.....NO REPORT

TREASURERMR. DAVE JOHNSON.....NO REPORT

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

Mr. Johnson reported that the Rhodes verses City of New Philadelphia Public Records Case was accepted by the Supreme Court of Ohio for review. He will let us know when it will be put on the Supreme Court of Ohio's Agenda.

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR MICHAEL TAYLOR

The next Planning Commission will meet Tuesday, November 9, 2010, at 1:00 PM in Council Chambers pending an agenda.

BOARD OF ZONING APPEALSMR. JIM ZUCAL

REPORTED BY MS. AMY GILLAND

The Board of Zoning Appeals will meet Tuesday, November 9, 2010, 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 regular scheduled Park Board meeting for November 3rd, 2010 at 7:30 PM Tuscora Park Office has been rescheduled for November 10th at 7:00 PM at Tuscora Park Office.

HEALTH BOARD.....MS. SANDY COX

The Health Board will meet Wednesday, November 17, 2010 at 12:00 noon in the Health Department.

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEEMS. SANDY COX

Ms. Cox reported that the Finance committee met Monday, October 25, 2010 at 7:00 PM in Council Chambers with 2 items on the agenda. Resolution 49-2010 to authorize the placement of revenue from Goshen Township for fire coverage into the General Fund until the Fire Department’s Tower 11 is paid in full and Ordinance 23-2010 amending and adjusting the permanent appropriations. The Finance committee is recommending passage of Ordinance 23-2010 tonight.

SALARY COMMITTEEMR. JIM LOCKERNO REPORT

SAFETY, HEALTH, AND SERVICE COMMITTEE MR. ROB MAURER.NO REPORT

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

Mr. Lautenschleger announced that all members should have received from him a memo in regard to Resolution 47-2010 which is up for third reading tonight.

ZONING & ANNEXATION COMMITTEEMS. COLLEEN ESPENSCHIED.NO REPORT

CONTACT & SPECIAL COMMITTEEMR. JOHN ZUCAL.NO REPORT

President of Council Pro Tem Sandy Cox assigned the Contact & Special Committee Proposed Resolution 52-2010 (which amends the City’s enterprise zone)

PARKS & CEMETERY COMMITTEEMS. WINNIE WALKER.NO REPORT

VISITOR’S COMMENTS:

NONE

READING OF ORDINANCES AND RESOLUTIONS:

ORDINANCE:

23-2010 An ordinance amending and adjusting the permanent appropriations ordinance for the year 2010 and declaring an emergency. (1stReading)

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

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

RESOLUTIONS:

47-2010 A resolution by the Council of the City of New Philadelphia, Ohio concerning the intent to cooperate and work with the Airport Commission for the wellbeing of Harry Clever Field, and declaring an emergency. (3rdReading)

Motion to vote on passage made by Mr. Lautenschleger, seconded by Mr. Maurer

President of Council Pro Tem Sandy Cox asked the audience if there was any discussion on the motion for passage for Resolution 47-2010.

The following concerned citizens responded.

Sue Sattler
1416 East High Avenue
New Philadelphia, Ohio 44663

Michael Bolinsky
1406 Delaware Dr. SE
New Philadelphia, Ohio 44663

Fred Crothers
1428 East High Avenue
New Philadelphia, Ohio 44663

The above three concerned citizens responded by requesting that council vote no on the passage of Resolution 47-2010. The three concerned citizens felt this resolution was unnecessary.

Fred Crothers was upset because he was recently notified that the market value of his home had dropped considerably. He felt that possibly the drop in the market value was because of the public discussions of the Airport Master Plan. Mr. Crothers has lived at 1428 East High Avenue for the past 21 years and feels that this is truly the most beautiful area in the City of New Philadelphia. And feels in the best interest of all the residents in this area, council should vote no for passage of Resolution 47-2010.

President of Council Pro Tem Sandy Cox asked Council if there was any discussion on the motion for passage for Resolution 47-2010.

Council member Rob Maurer, addressed a few of the comments that were made by the concerned citizens
In regard to home values: Home values have dropped nation wide. He stated that he doubted that the Airport Master Plan had any effect on the value of his home. He recommended that Mr. Crother speak to Mr.Lindberg, Tuscarawas County Auditor, in regard the market value of his home going down. Mr. Maurer told the concerned citizens to read the resolution for what it says; do not read anything else into it. Future decisions will be made by council, not just us tonight. The letter clearly states we will be able to vote on it again in 2013 and 2014 and at that time we will have environmental studies. Voting for this resolution, at this time, only means that we support our airport.

Council member John Zucal addressed council with a prepared statement.
Mr. Zucal felt that this is an emotional issue and then gave his personal position on Resolution 47-2010. Mr. Zucal reported that after having the opportunity to meet with Mayor Taylor and to review the document which is known as Resolution 47-2010 as well as the legal position, clarification submitted by our law Director, Michael Johnson, it is clear the intended purpose of the resolution is to acknowledge and to thank the members of the airport commission for their time and effort. (Mr. Zucal is a member of the airport commission)
Mr. Zucal did not think Resolution 47-2010 should be passed. As there are many individuals, and groups that work tirelessly on behalf of the city. He did not feel that thanks and appreciation should be expressed through legislation. He felt that when appropriate, letters of gratitude should be sent.

Council member Darrin Lautenschleger reported:
That one thing that was accomplished through the whole process is the concerned citizens being here. We were informed of things that needed to be changed by FAA because we do not meet the compliance standards. We have been told we have a plan in place. A plan of possibilities. Regardless how we vote on Resolution 47-2010 tonight none of this is going to happen tonight and regardless of what happens with this vote the process through 2 meetings, well attended, an outstanding amount of information was presented for the administration and the airport commission to deal with in the upcoming years.

Council member, Ms. Cox, voiced her opinion by reading the following in regard to Resolution 47-2010

“Legislation that is presented before this Council should always be straight forward and the interpretation perfectly clear in its meaning.

The Language in Resolution 47-2010 is confusing ,foggy, fuzzy or should I just say can lead readers to believe Council is doing something other than just commending the Airport Commission for its hard work and efforts in the operation of Harry Clever Field.

If this is not true, why would our Law Director have to provide a legal review as to his understanding of resolution 47-2010?

In my opinion if a piece of legislation has to have a legal review to explain its meaning to this Council or to any reader (whoever that may be), then by all means that legislation should be voted down.”

Roll call, 2 yeas 5 nays (Ms. Cox, Ms. Espenschied, Mr. Locker, Ms. Walker, and Mr. Zucal)
Resolution failed.

48-2010

A Resolution by the council of the city of New Philadelphia, Ohio to enter into a two year agreement with Buckeye Energy Brokers, Inc. to set a gas supplier price for New Philadelphia, Ohio service for a period of one year, and declaring an emergency. (1stReading)

Motion to suspend the rules made by Mr. Zucal, seconded by Mr. Locker.

Roll call, 7 yeas, rules suspended.

Motion to vote on passage made by Mr. Zucal, seconded by Mr. Locker

President of Council Pro Tem Sandy Cox asked Council if there was any discussion on the motion for passage for Resolution 48-2010.

Council member, Ms. Cox, Stated that she had several questions in regard to the Natural Gas Aggregation Program for the City of New Philadelphia Buckeye Energy Brokers, Inc.

1. What is the process to opt- out of program; what is the shortest time a resident has to stay in program? Mr. Bellish said no one would be locked in for any length of time.
Ms. Gilland answered there is no minimal time. Once you opt- in you can opt-out at any given time
Mr. Zucal said no set time
That depends on what the provider the citizen is moving out of once you tell Buckeye Energy Brokers, Inc. you want to opt- in that takes effect immediately. The billing cycle is up to the action of the provider you are opting out of.
2. Next question, at last meeting the agreement was for 3 years, is it 2 or 3 years?
Mr. Zucal answered, Original said 3 this was wrong based on the agreement provided with Mr. Bellish that was an error the proposal he had when he presented to full council .was a 2 year agreement plan.
3. What is the rate?
Mr. Zucal reported that Mr. Bellish said it is now around 5.69. It just depends on how quickly we move on this. It is entirely up to the citizen as to whether or not they want to opt- in. No one is a member and no one is required to be a member. The only way you become a member is by your choice. Just make sure when you opt-out of your current broker you know what you are getting into. It is not the responsibility of the City of New Philadelphia but you as a citizen and a consumer.
4. Are we out of our contract with Direct Energy?
No! Law Director suggested we opt out now. The company was informed months ago telling them that there are errors in current contract so we should not be held accountable to it.
Mayor has talked with PUCO and a Rep form East Ohio Gas as to the process of opting out. I don't know if he has completed this or not.

Ms. Cox said too many questions that have not been answered; how can we have a contract with someone and join a contract with somebody else.

Law Director answered that the contract with this company is to participate in the Gas Aggregation Program that allows it open to the citizens.

By passing this resolution the city has not yet opt-in. The city will have to go through the same process to opt –in when they opt –in (changing from the existing provider into this one.)
The Law Director said he did not want to comment on Direct Energy as we might be going into litigation. It is not appropriate for me to make comments at this time.

Mr. Lautenschleger

Direct Energy is the supplier for city owned facilities for natural gas used in city owned facilities only is that correct?

Yes

Ms Espenschied it is just being offered to the citizens right now?

Any resident.

Mr. /Zucal made a suggestion to the citizens saying they should check if they opt- in to a program that they are able to get out of that program if they chose to go into Natural Gas Aggregation program without any penalty.

(Most programs today let you move out of existing program into a Natural Gas Aggregation Program)

Just make sure you check as you move from one program to another.

Roll call, 5 yeas 2 nays (Ms. Cox and Ms. Walker)

Resolution passed.

COUNCIL ADJOURNED FROM REGULAR SESSION AND INTO EXECUTIVE SESSION AT 8:20 PM
AS REQUESTED BY SAFETY DIRECTOR, GREG POPHAM TO DISCUSS FOP NEGOTIATIONS
COUNCIL RECONVENED INTO REGULAR SESSION AT 8:24 PM

UNFINISHED OR OLD BUSINESS:NONE

NEW BUSINESS:

Treasurer Dave Johnson reminded everyone to support the New Philadelphia Quaker football team Friday night against the Dover Tornados.

MOTION TO ADJOURN MADE BY MR. LOCKER, MEETING ADJOURNED AT 8:25PM

CLERK OF COUNCIL _____

APPROVED _____

PRESIDENT OF COUNCIL _____