

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON DECEMBER 27, 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

PRESIDENT OF COUNCIL, JOEL DAY ANNOUNCED THE TREASURER, DAVE JOHNSON AND COUNCIL MEMBER, MR. JOHN ZUCAL ARE EXCUSED FROM TONIGHT'S COUNCIL MEETING.

MS. COX MADE A MOTION TO ACCEPT TONIGHT'S AGENDA.  
MR. LOCKER SECONDED THE MOTION. ROLL CALL, 6 YEAS, MOTION PASSED.

MS. ESPENSCHIED MADE A MOTION TO APPROVE THE MINUTES OF THE PREVIOUS SESSION HELD DECEMBER 13, 2010. MS. COX SECONDED THE MOTION.  
ROLL CALL, 6 YEAS, MOTION PASSED.

CORRESPONDENCE . . . . . CLERK, PATRICIA MCKAY

1. Parks & Cemetery Committee Meeting Minutes from December 13, 2010.
2. Ambulance Committee Meeting Minutes from December 13, 2010.
3. Public Works & Economic Development Committee Meeting Minutes from December 13, 2010.
4. Summary of Building Permits & Licenses through the month of November 2010.

ADMINISTRATIVE REPORTS:

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

The Mayor addressed Council on the following:

The Mayor reported that we have had a good response to our promotion for weekly residential recycling. Today was the first day of distributing the bins and that will continue all week.

The Mayor congratulated and thanked McInturff Realty for another great Christmas in the Park. The Mayor announced that the city is pleased to be able to assist with this successful holiday event.

The Mayor reported that the department heads are working on their 2011 budgets. With wages yet to be determined for the FOP, AFSCME and non-bargaining, some adjustments may have to be made. The Mayor's goal will be to have all preliminary budgets done so that the Finance Committee can have budget hearings in early February and that the 2011 budget can have three readings and be passed at the last council meeting in March.

The Mayor announced that many businesses have reported at the CIC meetings that their business is brisk, and that 2010 was improved over 2009 and that some businesses have even hired additional workers. With the positive things that so many people are working on and the new developments in our city the Mayor encouraged all to promote our city and the good things that are happening.

The Mayor wished all a Great and Prosperous 2011.

SERVICE Director.....MR. JIM ZUCAL

The Service Director reported the following:

- The land lease of farm ground owned by the city has been advertised and bids will be accepted thru January 13, 2011.
- After the first of the year, the Service Director will be providing statistical information on city data, infrastructure improvements and all the completed projects for 2010.
- The list of building permits and improvements thru the month end of November was placed in everyone's box today.

SAFETY DIRECTOR.....MR. GREG POPHAM

The Fire Department received their refurbished truck on Sunday. They had training with it and they had it out several different days. They sent it off to Richfield area to get equipment mounted. Wednesday it goes to have the final radios installed and when it comes back from that installation it will then be placed in service. The Chief is extremely pleased with the workmanship of KME people. The truck came in \$5,000 under the bid which was for 2010. The Fire Chief would like to invite everyone, before the next council meeting, to stop over at the Fire Station. The Fire Truck will be set up and there will be a brief demonstration.

Question: Ms. Cox wanted to know what kind of equipment are they looking at or installing in Richfield.  
Mr. Popham replied: The saws, the ladders, all of the tools have to be installed and secured so in case of a crash they don't come loose. This was completed earlier in the week.

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

The Auditor wished everyone a Happy New Year.

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

EXCUSED ABSENCE

LAW DIRECTOR . . . . .MR. MICHAEL JOHNSON

The Law Director announced that at the last council meeting, he reported on the property located at 408 Front Street SW, New Philadelphia, Ohio 44663 that Mr. Bevan may be here for tonight.  
The Law Director reported that he sent a letter to the Bankruptcy Trustee, former owner, asking how the Bankruptcy Trustee's dispose of the property. Having not received any reply, he then sent a second request by Certified Mail last week. He stated that he will continue to pursue who the owner of that property is for when the city wants to take action against the property we will know who to notify and how to go forward.

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR MICHAEL TAYLOR

The next scheduled Planning Commission meeting will be Tuesday, January 11, 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, January 11, 2011, at 5:00 PM in Council Chambers, providing there are any variance requests.

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

PARK BOARD.....MR. DARRIN LAUTENSCHLEGER

The next meeting of the Park Board is scheduled for January 26 at 7:00 PM at the Tuscora Park Office.

HEALTH BOARD.....MS. SANDY COX

Ms. Cox reported that the Health Board will meet Wednesday, January 19, 2011 at 12:00 noon.

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEE.....MS. SANDY COX.....NO REPORT

I would like to schedule a meeting in regard to the refurbishing or replacing of Engine 17.

SALARY COMMITTEE . . . . .MR. JIM LOCKER

Mr. Locker requested that Resolution 56-2010 and Resolution 60-2010 needs to and passed as an emergency for tonight.

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

Mr. Maurer reported that the Safety Director has requested that the Safety Health and Service Committee schedule a formal meeting to review a truck. Mr. Maurer announced that he would like to have that meeting January 10, at 600 PM to 6:30 PM. Unless Mr. Zucal does not need his full hour for the Contact & Special Committee Meeting. The Mayor said Mr. Zucal is moving his meeting to the 24 for Gas Aggregation. He will have to notify the clerk of his change. Mr. Maurer announced that if Mr. Zucal moves his meeting to the 24<sup>th</sup> he would like to have the Safety, Health, and Service Committee his at 7:00 PM on the January 10, 2011.

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

Mr. Lautenschleger reported that the Public Works & Economic Development Committee met this evening at 7:00 PM in Council Chambers. Mr. Lautenschleger reported that his committee picked up on the conversation about utility rates for 2011. Mr. Lautenschleger announced as a reminder that the sanitation rates and water rates were recommended by the Service Director to be kept at their current level for 2010 thru 2011 while the rates for wastewater or sewage were recommended to be increased to \$13.40 per month for minimum users and for all other user categories a 4% increase for 2011 Mr. Lautenschleger reported that the committee received from the Law Director draft Ordinances 31-2010 and 32-2010 which provides the structure to set aside a percentage of dollars of each of those water and wastewater categories for improvements and maintenance needs in those services. The committee on a 3-0 vote, recommended that the ordinances be put on the agenda for January 10,2011, the rules be suspended and the ordinances be passed on the first reading. The committee adjourned at 7:06 PM.

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

CONTACT & SPECIAL COMMITTEE .....MR. JOHN ZUCAL.....NO REPORT

EXCUSED ABSENCE

PARKS & CEMETERY COMMITTEE .....MS. WINNIE WALKER

No formal report but requested that the rules be suspended on Ordinance 27-2010 and for it to be passed tonight.

VISITOR'S COMMENTS

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

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

Mr. Bevan's was following up on his concern: the property located at 408 Front Street SW, New Philadelphia, Ohio 44663 Mr. Bevan stated that it was his understanding that when someone filed bankruptcy the property went to the bank.

The Law director said he was not an expert on Bankruptcy Law; his understanding is the Judge of the Bankruptcy Court appoints a trustee to collect all the assets and use the assets to pay the debts that are outstanding with the rest of the debt being discharged. He has not been able to locate any record as to what that bankruptcy trustee did with this property. Whether the

trustee transferred it to the bank or what happened to it is a unique situation, it is in limbo. The Law Director stated that his next step is to hire a Bankruptcy Specialist to follow thru with this, if the Law director cannot get answers from the bankruptcy trustee.

Mr. Bevan said it is 7 years and the old paperwork is gone.

The Law Director said he wrote the trustee a letter and his understanding is that the lawyer is still a trustee in Stark County and that letter did not come back approximately 3 weeks ago.

He waited 10 days or so to see if he would get an answer. Second request was sent by certified mail and the next step is for him is to contact the Bankruptcy Judge to see what happened to it or to get a lawyer to do that.

Mr. Bevan thanked the Law Director.

William Tufford, 122 4<sup>th</sup> Drive NW, New Philadelphia, Ohio 44663

Concerned Citizen William Tufford addressed Council on the noise ordinance that was recently passed.

He felt it could be improved. One of the changes he requested was to change the time from 11:00 PM to 12:00 PM.

He thanked Council for their time.

### READING OF ORDINANCES AND RESOLUTIONS:

#### ORDINANCE:

27-2010 An ordinance by the Council of the City of New Philadelphia, Ohio to authorize the Mayor to enter into a lease agreement with the State of Ohio Schoenbrunn Village Ohio Historical Society near the Schoenbrunn Village and the New Philadelphia Airport, and declaring an emergency. (1<sup>st</sup>Reading)

Motion to suspend the rules made by Ms. Walker, seconded by Ms. Cox.  
Roll call, 6 yeas, rules suspended.

Motion to vote on passage made by Ms. Cox, seconded by Ms. Walker  
Roll call, 6 yeas ordinance passed

29-2010 An ordinance to make temporary appropriations for current expenses and other expenditures of the City of New Philadelphia, State of Ohio, during the fiscal year ending December 31,2011 and declaring an emergency. (3<sup>rd</sup> Reading)

Motion to vote on passage made by Ms. Cox, seconded by Ms. Walker  
Roll call, 6 yeas ordinance passed

#### RESOLUTIONS:

53-2010 A resolution by the Council of the City of New Philadelphia, Ohio to authorize a retiring police officer to purchase his or her service weapon under certain conditions, and declaring an emergency (3<sup>rd</sup>Reading)

Motion to vote on passage made by Ms. Cox, seconded by Ms. Espenschied  
Roll call, 6 yeas resolution passed

54-2010 A resolution by the Council of the City of New Philadelphia, Ohio to approve the transfer of \$40,000.00 from the Sanitation Fund (#219 ) to be transferred \$20,000.00 to the Water Operating Fund (#711) and \$20,000.00 to the Sewer Operating Fund (#713 ) for the 2010 fiscal year. (3<sup>rd</sup>Reading)

Motion to vote on passage made by Ms. Cox, seconded by Ms. Walker  
Roll call, 6 yeas resolution passed

55-2010 A resolution by the Council of the City of New Philadelphia, Ohio to authorize and direct the Auditor of the City of New Philadelphia to transfer \$45,000.00 from the General Fund (#101) to the CDBG Fund (#287) for the City's share of the A-F-10-2CU-1 grant for street, side walk and flood and drainage improvements at North side Ray Avenue NW from 2<sup>nd</sup> Drive to 2<sup>nd</sup> Street NW and declaring an emergency. (3<sup>rd</sup>Reading)

Motion to vote on passage made by Ms. Cox, seconded by Mr. Lautenschleger  
Roll call, 6 yeas resolution passed

56-2010 A resolution to authorize the City of New Philadelphia to enter into a contract with the Tuscarawas County Commissioners and the Tuscarawas County Sheriff's office for the Housing of inmates in the Tuscarawas County Jail and payment of housing costs to the Tuscarawas County Commissioners, and declaring it an emergency (2<sup>nd</sup>Reading)

Motion to suspend the rules made by Mr. Locker, seconded by Ms. Cox.  
Roll call, 6 yeas, rules suspended.

Motion to vote on passage made by Mr. Locker, seconded by Mr.Lautenschleger  
Roll call, 6 yeas resolution passed

57-2010 A resolution by the Council of the City of New Philadelphia, Ohio to authorizing the Mayor to enter into a non-drilling oil and gas lease with Sound Energy Company Inc. for the lands including Beaver Avenue near the Kendall Bick Property and declaring an emergency. (3<sup>rd</sup>Reading)

Motion to vote on passage made by Ms. Walker, seconded by Ms. Espenschied  
Roll call, 6 yeas resolution passed

60-2010 A resolution by the Council of the City of New Philadelphia, Ohio to approve appointments by the Mayor to the Airport Commission for the term of three year, and declaring an emergency. (1<sup>st</sup>Reading)

Motion to suspend the rules made by Mr. Locker, seconded by Ms. Cox.  
Roll call, 6 yeas, rules suspended.

Motion to vote on passage made by Mr. Locker, seconded by Ms. Walker  
Roll call, 6 yeas resolution passed

UNFINISHED OR OLD BUSINESS: .....NONE

NEW BUSINESS:

President Joel Day wished everyone a Happy New Year and commended Council for their hard work and dedication and said that he is looking forward to the New Year with Council.

Ms. Walker thanked Mr. Zucal for the clean sidewalks.

MOTION TO ADJOURN MADE BY MS COX, MEETING ADJOURNED AT 7:58 PM

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

APPROVED \_\_\_\_\_

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