

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON MARCH 14, 2011 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 MOVED THAT WE ADD RESOLUTION 9-2011 ( TO ADOPT THE FACT FINDER REPORT FOR THE FOP) AND RESOLUTION 10-2011(TO REJECT THE FACT FINDER REPORT FOR THE FOP) TO THE AGENDA THIS EVENING. MS. ESPENSCHIED SECONDED THE MOTION.  
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.

MS. COX MADE A MOTION TO APPROVE THE MINUTES OF THE PREVIOUS SESSION HELD FEBRUARY 28, 2011. MR. LAUTENSCHLEGER SECONDED THE MOTION.  
ROLL CALL, 7 YEAS, MOTION PASSED.

CORRESPONDENCE . . . . . CLERK, PATRICIA MCKAY

1. A card from Beth Gundy and the Family of Bill Johnson thanking New Philadelphia City Council, President, Joel Day and Clerk for the plant, thoughts, payers and kindness during their difficult time.
2. Finance Committee Meeting Minutes Monday, February 28, 2011.
3. Public Works & Economic Development Committee Meeting Minutes from Monday, February 28, 2011.
4. Auditor’s Financial Statement for the Month of February 2011
5. Auditor’s Monthly Statement of 2011 Revenue for the General Fund for the Month of February
6. New Philadelphia Police/Monthly Activity Report for February 2011

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 prior to the legislative portion of the agenda to discuss negotiations.

Mayor Taylor reported the following:

- The Mayor reported that our agreement with Time Warner expires in May of 2012 and if we would want to discontinue our relationship we would have to give a one year notice May of this year. The Mayor has requested that the Law Director review the agreement and make a recommendation as to what, if any, options the City may have. The Mayor announced that if the City does nothing, the agreement will automatically renew for an additional 5 year period.
- The Mayor reported that the 2010 Census numbers show the City’s new population at 17,288 which is an increase from the 2000 number of 17,056. The Mayor reported that the county’s population increased to 92,582.
- The Mayor announced that within the next 10 days Constellation New Energy will be mailing the citizens the solicitation letter for the optional sign-up in our new Gas Aggregation Program. The rate that will be offered and fixed for a 12 month period will be \$5.89 per mcf. Citizens may sign up for this rate at any time in the 12 month fixed cycle and will be eligible for that rate for whatever time is left in the 12 month cycle. All sign ups are handled

directly with Constellation New Energy. The City will have an 800 number on file to give to citizens who call in with questions. At the end of the first 12 month cycle, the City will look at locking into a new 12 month fixed rate.

- The Mayor reminded everyone that the New Philadelphia Business and Community Association will be holding their second annual Shamrock Run this Saturday the 19<sup>th</sup>. The race starts at Central Catholic and takes a route over into the Oak Shadows Allotment. The Mayor thanked Central Catholic for allowing the race to be staged from their location.

Ms. Cox wanted to know if the increase (232) in population for the City of New Philadelphia would have an affect on redistricting. The Law Director will respond to this question.

Ms. Cox moved to go into an Executive Session this evening immediately following the visitor's comments in regard to negotiations. 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 Street Department continues to patch pot holes, the Street Sweeper is out sweeping every day, the Traffic Department is replacing street signs and the Tree Crew is removing dead and dangerous trees from the lawn strips.
- Miller Cable is progressing well with the Traffic Signal Project, they are on schedule. (The plan is to be finalized with all the project this summer)
- We responded to several constituents' concerns in regard to flooding during the last week.

The Service Director hoped everyone enjoyed the City's news letter that was in their pay check and complimented Vickie Daniels for helping to put this together.

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

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

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

**LAW DIRECTOR.....MR. MICHAEL JOHNSON**

The Law Director reported on the following:

The Airport Restaurant, which has been operated by Oh Holly, is in the process of being transferred from Holly Nelson to the new group that will be taking ownership. The Law Director believes they are taking the name of Oh Holly but he doesn't yet know whether we need to ratify the changeover. The Law Director announced that if they are staying as Oh Holly there is no change in the lease and it is not a transfer lease so it won't be necessary for us to approve it; however, there may be a change into a new corporation once they get things going.

The Law Director reported that there is a small amount of rent that is owed to the City which will be taken care of within the next week along with some other outstanding accounts that need to be done.

The new owners had some questions on some of our equipment. That issue may be addressed when there is more information for you. The new group is asking that they are in the last renewal of that lease they have 4 years to go and if they are going to put money into that City equipment at that location they are asking for another 1 additional 5 year lease renewal so they will have time to recoup on their investment into the building. The name of the group is called Hootie Bear, Ltd.

Hootie Bear, Ltd is a loaded liability company owned by Calvin Schwartz. Mr. & Mrs. Schwartz are the ones that will be going into the restaurant. We all need to know that the transfer has been completed according to the email he received.

The Law Director will keep council updated of any changes or what else we may want to do or need to do to work with the new occupant of the restaurant.

**BOARD/COMMISSION REPORTS:**

**PLANNING COMMISSION.....MAYOR MICHAEL TAYLOR**

The Mayor reported that the next scheduled Planning Commission meeting will be Tuesday, April 12, 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, April 12 2011, at 5:00 PM in Council Chambers pending an agenda.

**AIRPORT COMMISSION.....MR. JIM LOCKER**

Mr. Locker announced that the Airport Commission will meet tomorrow night at 6:00 PM at the Airport Meeting Room

**PARK BOARD.....MR. DARRIN LAUTENSCHLEGER.....NO REPORT**

HEALTH BOARD.....MS. SANDY COX

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

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEE. ....MS. SANDY COX

Ms. Cox reported that the Finance Committee met Monday, February 28 at 8:21 PM immediately following the regular council meeting in council chambers to discuss three items

- Item 1: Ordinance 2-2011- An ordinance directing the Service Director to advertise, accept bids and to enter into contract for the various supplies and materials for 2011 The committee recommend the ordinance be placed on the agenda for the March 14, 2011 Council Meeting and held for three readings.
- Item 2: Ordinance 3-2011- An ordinance authorizing the Service Director to advertise for bids and enter into a contract with the lowest and best bidder for sanitary landfill services for a term beginning May 15, 2011 and ending May 15, 2014 The committee recommend the ordinance be placed on the agenda for the March 14, 2011 Council Meeting and held for three readings
- Item 3: Ordinance 4-2011 to cap the current income tax revenue received into the Master Capital Fund at \$450,000.00 for fiscal year 2011; with the amount above \$450, 000.00 to be deposited to the General Fund. The committee recommend the ordinance be placed on the agenda for the March 14, 2011 Council Meeting and passed on the second reading. The Auditor requested Ordinance 4-2011 be passed with the budget on March 28, 2011.

Adjourned at 8:28PM

Ms. Cox reported that the Finance Committee met tonight, Monday, March 14, 2011 at 7:02 PM immediately following the Salary Committee meeting in council chambers to discuss one item.

- a. Resolution 9-2011 a resolution to adopt the Fact Finding Report of Thomas R. Skulina, Fact Finder for the City of New Philadelphia, Ohio and the Fraternal Order of Police Lodge No 4
  - b. Resolution 10-2011 a resolution to reject the Fact Finding Report of Thomas R. Skulina, Fact Finder for the City of New Philadelphia, Ohio and the Fraternal Order of Police Lodge No 4
- The Committee moved to add both resolutions to the agenda this evening and for council to take action on the resolutions.

Council has to act within 7 days of March 8<sup>th</sup>, so whatever action is taken this evening will prevail.

Adjourned ant 7:04PM

SALARY COMMITTEE . . . . .MR. JIM LOCKER

Mr. Locker reported that the Salary Committee met 7:00 PM in Council Chambers March 14, 2011

All committee members were present

Issue to discuss:

- Resolution 5-2011 commendation for Joan F. Robis for her years of service as Health Commissioner for the City of New Philadelphia
- Resolution 6-2011 commendation for Pamela Patacca for her 14 years of service as Park Board member for the for the City of New Philadelphia
- Resolution 7-2011 commendation for Larry Burton for his 14 years of service as Park Board member for the City of New Philadelphia

The committee recommend that Resolution 5-2011, Resolution 6-2011 and Resolution 7-2011 be placed on the agenda for the March 28, 2011 Council Meeting.

Mr. Locker thanked the Law Director for the preparation of the resolutions.

Meeting adjourned at 7:02

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

PUBLIC WORKS & ECONOMIC DEVELOPMENT COMMITTEE. . MR. DARRIN LAUTENSCHLEGER...NO REPORT  
President, Joel Day Assigned to the committee: To Review the Airport Restaurant Agreement

ZONING & ANNEXATION COMMITTEE .....MS. COLLEEN ESPENSCHIED.....NO REPORT  
President, Joel Day gave to the committee an assignment: A resolution to authorize the City's Administration to apply for participation in the Fiscal Year 2011 Community Development Block Grant (CDBG) Funding Program.

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

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 addressed council and wanted to know when Council would vote on the budget.

The President Joel Day stated March 28, 2011 and that will be the third reading.

Ms. Cox added that there is money in the budget; it depends on what the Law Director finds out about resolving the issue and what the Mayor and the Service Director determine.

The Mayor stated that it will be out of Council's hands once the budget is approved, but there is money there.

The President Joel Day reminded Mr. Bevan that Sandy Cox, Finance Committee Chair, indicated that there is money in that line item

Mr. Bevan thanked council.

Stacie Kiser, 290 Kent Circle NE, New Philadelphia, Ohio 44663

Ms. Kiser is following up on a situation that she previously addressed council on that has not been resolved.

(She brought pictures last year)

She addressed council members and administration officials in regard to the flooding that takes place in her neighborhood. She stated that when it rains hard the water coming down off the hill from the allotment goes into the creek, runs into the culvert, over flows onto the road and goes between the houses. That water between the houses is usually about 12 inches deep. She feels the culvert needs to be bigger. The flooding has already happened twice this year. Her neighbor put a dike up so he does not get flooded. Ms. Kiser stated that she heard there had been money created for this and because it did not get signed on time the money did not get granted. She wanted to know what is happening with resolving the situation.

Service Director answered:

As far as money, being appropriated, he was not aware of that.

The situation is being studied by a professional Engineer; who met out there with Mr. Zucal several times last week.

The property owner to the North that was the developer who also owned a lot of the property; the Service Director put them in contact with the Tuscarawas County Soil and Water Conservation District.

They met out there with the Service Director to do a Comprehensive Land Use Plan to put that property into what is Cover Crop to absorb water; they were more than willing to work with the owners and with Tuscarawas County Soil and Water Conservation District. The culvert is being studied; currently we have spent money on Engineering and are waiting for the final results, it definitely on our radar.

President Joel Day replied that "Mr. Zucal has indicated that we are trying to take some steps to alleviate the problem; unfortunately, it takes time."

Stacie Kiser thanked council.

Bill Dine, 616 Crider Avenue Rear NE, New Philadelphia, Ohio 44663 – Phone 330-365-9139

Mr. Dine's concern was the gravel lane from Beitler NE that goes to his property located at 616 Crider Avenue Rear NE. Mr. Dine stated that his property was annexed ten or twelve years ago and the lane that goes to his house keeps getting tore up by the rain. He reported that he has put close to \$3,000 in a mix and gravel to try to correct the problem but because of the natural springs, the water runs off the hill on to the lane causing one side of the lane to act as a culvert. A couple of years ago Mr. Dine spoke with Mr. Fred Neff who stated that he could not find the property in question on the city map.

The Mayor stated by looking at your property tax statement we can verify whether or not you are in the City by the Parcel number but reminded Mr. Dine that we do not go on to private property to remedy anything.

The Service Director stated that he was not aware of the problem but he would get with Fred Neff and stop out and take a look at the area in question.

Bill Dine thanked council.

COUNCIL ADJOURNED FROM REGULAR SESSION INTO EXECUTIVE SESSION AT 7:56 PM  
AS REQUESTED BY MAYOR, MICHAEL TAYLOR TO DISCUSS NEGOTIATIONS.  
COUNCIL RECONVENED INTO REGULAR SESSION AT 8:24 PM.

READING OF ORDINANCES AND RESOLUTIONS:

ORDINANCE:

- 2-2011 An Ordinance by the Council of the City of New Philadelphia directing the Service Director to advertise for bids and to enter into contracts with the lowest and best bidder for the City’s requirements of various materials and supplies for 2011, and declaring an emergency. (1<sup>st</sup>Reading)
- 3-2011 An ordinance by the Council of the City of New Philadelphia authorizing the Service Director to advertise for bids and enter into a contract with the lowest and best bidder for Sanitary Landfill Services for a term beginning May 15, 2011 and ending May 15, 2014, and declaring an emergency. (1<sup>st</sup>Reading)
- 4-2011 An ordinance by the Council of the City of New Philadelphia, Ohio to cap the current income tax revenue received into the Master Capital Fund at \$450,000.00 for the Fiscal Year 2011 with any amount above \$450,000.00 to be deposited into the General Fund, and declaring an emergency. (1<sup>st</sup>Reading)
- 5-2011 An ordinance to make 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. (2<sup>nd</sup> Reading)

RESOLUTIONS:

- 2-2011 A resolution by the Council of the City of New Philadelphia, Ohio to thank the City of Dover Fire Department for coverage for fire protection provided by the City of Dover through the use of its ladder truck during the time period the City of New Philadelphia fire truck was out of service being refurbished such offer of equipment in spirit of cooperation should be commended, and declaring and emergency. (2<sup>nd</sup>Reading)
- 9-2011 A resolution by the Council of the City of New Philadelphia, Ohio to adopt the Fact Finding Report of Thomas R. Skulina, Fact Finder for the City of New Philadelphia and Fraternal Order of Police Lodge no. 4, and declaring an emergency. (1<sup>st</sup>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 Ms. Cox, seconded by Mr. Maurer  
Roll call, 7 yeas, resolution passed.
- 10-2011 A resolution by the Council of the City of New Philadelphia, Ohio to reject the Fact Finding Report of Thomas R. Skulina, Fact Finder for the City of New Philadelphia and Fraternal Order of Police Lodge no. 4, and declaring an emergency. (1<sup>st</sup>Reading)  
  
Motion to table made by Ms. Espenschied and seconded by Ms. Cox  
Roll call, 7 yeas, resolution tabled

UNFINISHED OR OLD BUSINESS: .....None

NEW BUSINESS

Council Member, Mr. John Zucal extended an invitation to Council, Administration and Guests to the Quakers for Excellence Meeting hosted by the New Philadelphia City Schools, Superintendent Robert Alsept, April 5, 2011 at the Administration Building at 7:00 PM.

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

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

APPROVED \_\_\_\_\_

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