

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON MAY 9, 2005 AT 7:30 P.M. WITH PRESIDENT OF COUNCIL DAVE JOHNSON PRESIDING. MR. JOHNSON OFFERED A PRAYER, AND ALL IN ATTENDANCE RECITED THE PLEDGE OF ALLEGIANCE.

COUNCIL MEMBERS IN ATTENDANCE: MS. SANDRA COX
MR. BILL ELLWOOD
MR. SAM HITCHCOCK
MR. GEORGE HOUSTON
MR. DARRIN LAUTENSCHLEGER
MR. JIM LOCKER
MR. ROB MAURER

MS. COX MADE A MOTION TO TAKE AMENDED ORDINANCE 3-2005 OFF THE TABLE AND ADDED TO TONIGHT'S AGENDA. MR. HOUSTON SECONDED THE MOTION. ROLL CALL, 7 YEAS, MOTION PASSED.

THE MINUTES OF APRIL 25, 2005 WERE APPROVED AS WRITTEN AND RECEIVED.

CORRESPONDENCE CLERK DIANE ROUDEBUSH

1. Auditor's Monthly Statement of revenue for the General Fund for April 2005.
2. Auditor's Financial Statement for April 2005.
3. Board of Zoning Appeals meeting minutes of April 5, 2005.
4. Board of Zoning Appeals meeting minutes of February 1, 2005.
5. New Philadelphia Police Monthly Activity Report for April 2005.
6. Mayor's Monthly Statement to Council for April 2005.
7. A notice from the Ohio Division of Liquor Control requesting a transfer of a C1 and C2 permit to DeMonte Development Group, Inc. dba Davey's Drive Thru, 1103 East High Avenue, New Philadelphia LLC, transferred from DeMonte Development Group, Ltd., same address, and asking that objections be made no later than May 26, 2005.
8. A letter dated May 2, 2005 from Adelphia Cable notifying Council that Adelphia has been sold to Time Warner, Inc. and Comcast, with the sale being completed in approximately nine to twelve months.
9. Treasurer's Reconciliation for April 2005.
10. Treasurer's Statement of Transactions of all City funds for April 2005.
11. Treasurer's Summary of Transactions for the General Checking Account for April 2005.
12. Airport Commission meeting minutes of April 12, 2005.
13. Public Works Committee meeting minutes of May 2, 2005.

MR. JOHNSON THANKED THE RESIDENTS AND ALL THOSE WHO WORKED SO HARD FOR THE PASSAGE OF THE ½% INCOME TAX. HE SAID IT IS GOOD TO SEE SO MANY PEOPLE WORK TOGETHER FOR THE BETTERMENT OF THE CITY.

ADMINISTRATIVE REPORTS:

MAYOR'S REPORT MAYOR RON BRODZINSKI

Submitted a written report of the activities of his office from April 25 through May 9, 2005. Reported that he attended the Chamber meeting on April 26 to discuss the Hi Tech Park, and announced that engineering plans and water drainage is on the agenda for this Wednesday's Planning Commission meeting. Mayor Brodzinski also thanked the residents for approving a very much needed income tax increase, and congratulated everyone who worked so diligently for its passage. Reported meeting May 4 with Huntington Bank concerning this year's fireworks, which they will sponsor on July 2. Reported meeting May 5 with Main Street to discuss plans to improve signage throughout the city. Reported that he visited the new soccer field site to check the parking lot. Fields will be put in at a later date. Congratulated recipients of scholarships that were honored at the Quaker Recognition Banquet. Requested passage tonight of Resolutions 13-2005 and 14-2005. Requested an Executive Session tonight to discuss litigation. Ms. Cox asked for explanation of Resolution 14-2005. Law Director Mike Johnson explained that it is for the split of real estate taxes for the former ODOT building on West High Avenue. Mr. Houston made a motion for an Executive Session to discuss litigation. Ms. Cox seconded the motion. Roll call, 7 yeas, motion passed.

SERVICE DIRECTORMR. GARY ESPENSCHIED

Reported that the Route 416 paving project has begun. Requested that the residents call for extra trash pickup for unusually heavy trash cans.

SAFETY DIRECTORMR. GREG POPHAM

Thanked the residents for approving the income tax issue, and thanked everyone for their hard work and time spent. Announced that Police Officer Dave Finley will be retiring in mid-May, and the Civil Service examination will be given July 12.

AUDITOR. MS. BETH GUNDY

Requested approval tonight of her April reports, and requested passage of Ordinance 14-2005. Explained that the ½% income tax increase will go into effect July 1, and money will mostly be received from employers' withholding. Most of the employers pay quarterly, so it may be October before any taxes are received into the city treasury.

TREASURER MR. MIKE TAYLOR

Requested approval of his April reports. Reported that on April 28 he attended his continuing education that is required by the State. Ms. Cox made a motion to accept the Auditor's and Treasurer's Reports. Mr. Houston seconded the motion. Roll call, 7 yeas, motion passed.

LAW DIRECTORMR. MIKE JOHNSON

Also thanked everyone for the passage of the ½% income tax, and reported that since it has been voter approved, Council must now pass Amended Ordinance 3-2005.

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION MAYOR BRODZINSKI

Will meet May 11, 2005 at 1:00 P.M. in Council Chambers.

BOARD OF ZONING APPEALS MR. GARY ESPENSCHIED

Will meet June 7, 2005 at 5:00 P.M. in Council Chambers.

AIRPORT COMMISSIONMR. JIM LOCKER

Reported meeting April 12. Reported that all rents and fees due the city have been paid. Reported that there will be an EAA pancake breakfast May 29 at 7:30 a.m.

PARK BOARD MR. DARRIN LAUTENSCHLEGER NO REPORT

HEALTH BOARD.MS. SANDRA COX

Will meet May 18, 2005 in the Health Department at noon.

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEE. MS. SANDRA COX

Reported meeting tonight to discuss Resolution 11-2005, Resolution 12-2005, Amended Ordinance 3-2005, and Ordinance 14-2005. All items were approved, and their passage recommended. Mr. Johnson assigned the issue of police cruisers, Main Street, and the Sidewalk Replacement Program.

SALARY COMMITTEE MR. JIM LOCKER NO REPORT

Mr. Johnson assigned a request for pay increases for all non-bargaining employees.

SAFETY, HEALTH, AND SERVICE COMMITTEE MR. SAM HITCHCOCK

Reported meeting tonight to discuss the annual Police Auction, to be held May 27. Mr. Hitchcock gave a brief history of the auction, and the Committee recommended that it be approved.

PUBLIC WORKS & ECONOMIC DEVELOPMENT COMMITTEE. . . MR. ROB MAURER

Reported meeting May 3 to discuss the solid waste district management plan. The Committee recommended that the plan be approved. Also discussed was logging within the city. Residents of Crider Avenue are concerned about the removal of several trees. The Committee said there is no law against logging, so no action will be taken.

ZONING & ANNEXATION COMMITTEE. MR. GEORGE HOUSTON

Reported meeting tonight to discuss Ordinance 12-2005 and Resolution 11-2005, tax abatement for Stone Container Corp. Mr. Houston asked the Clerk to read a letter of clarification from Stone Container. The Committee recommends passage on third reading.

CONTACT & SPECIAL COMMITTEE MR. BILL ELLWOOD

Reported meeting tonight to discuss the Dominion East Ohio's letter stating they will discontinue to supply gas to its customer. The Committee agreed not to get involved, and to let customers make their individual decisions concerning their gas supplier. The Committee also discussed liquor permit changes for Davey's Drive Thru and Texas Roadhouse. No objections were made for either establishment. Mr. Johnson assigned the sale of Adelphia.

PARKS & CEMETERY COMMITTEE MR. DARRIN LAUTENSCHLEGER NO REPORT

VISITOR'S COMMENTS: NONE

READING OF ORDINANCES AND RESOLUTIONS:

ORDINANCES:

Amended 3-2005 An ordinance amending Sections 1,3,5,7 and 16 of Ordinance No. 51-2003 providing for an increase of one-half percent (1/2%) in the existing income tax levied by the City of New Philadelphia, effective July 1, 2005 and continuing until revoked, for the purpose of providing funds for the provision of municipal fire and police services. (4th Reading)

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

12-2005 An ordinance to authorize the City of New Philadelphia, Ohio, to enter into an addendum to Ohio Enterprise Zone Agreement with Stone Container Corporation, an Ohio Corporation to modify the Ohio Enterprise Zone Agreement authorized by Ordinance 2-2004 and dated January 28, 2004, and declaring an emergency. (2nd Reading)

13-2005 An ordinance by the Council of the City of New Philadelphia to authorize the New Philadelphia Police Department to hold their annual police auction on May 27, 2005 at 5:00 P.M., and declaring an emergency. (2nd Reading)

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

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

14-2005 An ordinance amending and adjusting the permanent appropriations ordinance for the year 2005 and declaring an emergency. (1st Reading)

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

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

RESOLUTIONS:

8-2005 A resolution by the Council of the City of New Philadelphia, Ohio to permit the closing of East High Avenue from Public Square to Second Street NE during the Art On The Square Program sponsored by Main Street which shall occur June 10, 11 and 12, 2005, and declaring an emergency. (3rd Reading)

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

11-2005 A resolution by the Council of the City of New Philadelphia, Ohio to approve recommendations that have been made by the Tuscarawas County Tax Incentive Review Council, and declaring an emergency. (2nd Reading)

12-2005 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 (PL93-383) to the Ohio Department of Development, Division of Community Development, Office of Local Government Services, and declaring an emergency. (2nd Reading)

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

Motion to vote on passage made by Mr. Houston, seconded by Mr. Ellwood. Mr. Houston said he is usually against emergency passages, but anytime the city can get free money from the state, we need to move quickly. Roll call, 7 yeas, resolution passed.

13-2005 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)

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

Motion to vote on passage made by Mr. Maurer, seconded by Ms. Cox. Mr. Houston asked Mayor Brodzinski to give an overview of the plan. Mr. Houston thanked the Mayor for all he has done to get money due the city. Roll call, 7 yeas, resolution passed.

14-2005 A resolution by the Council of the City of New Philadelphia, Ohio to enter into an agreement with the Goshen Township Trustees to permit division of real estate taxes based on the standard compensation pursuant to Ohio Revised Code Section 709.19 for the Ohio Department of Transportation annexation, and declaring an emergency. (1st Reading)

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

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

OLD BUSINESS: NONE

NEW BUSINESS: NONE

AT 8:18 P.M. COUNCIL ADJOURNED FROM REGULAR SESSION INTO EXECUTIVE SESSION TO DISCUSS LITIGATION. COUNCIL RECONVENED INTO REGULAR SESSION AT 8:38 P.M.

MOTION TO ADJOURN MADE BY MR. HOUSTON. MEETING ADJOURNED AT 8:38 P.M.

CLERK OF COUNCIL _____

APPROVED May 23, 2005

PRESIDENT OF COUNCIL _____