

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON DECEMBER 13, 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
MR. JOHN ZUCAL

PRESIDENT OF COUNCIL, JOEL DAY ANNOUNCED THE AUDITOR, BETH GUNDY, THE SAFETY DIRECTOR, GREG POPHAM, AND COUNCIL MEMBER , MS. WALKER 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. COX MADE A MOTION TO APPROVE THE MINUTES OF THE PREVIOUS SESSION HELD NOVEMBER 22, 2010. MR. LAUTENSCHLEGER SECONDED THE MOTION.
ROLL CALL, 6 YEAS, MOTION PASSED.

CORRESPONDENCE CLERK, PATRICIA MCKAY

1. An invitation to actively participate in the Tuscarawas County Hazard Mitigation Planning Process. The first planning meeting will be held Thursday, December 16, 2010 at the Tuscarawas County Homeland Security and Emergency Management Agency, located at 2295 Reiser Avenue SE, New Philadelphia, from 7:00PM to 8:30PM to kick-off the Tuscarawas County Hazard Mitigation Planning update process. If you plan on attending the meeting please notify the Tuscarawas County Homeland Security and Emergency Management Agency at 330-308-6670. If you cannot attend but wish to participate in the planning process, please notify them.
2. Report from Service Director, Jim Zucal in regard to the Utility Rates.
3. City of New Philadelphia Cemetery Department Report for the Month of November 2010.
4. Parks & Cemetery Committee Meeting Minutes from November 15, 2010.
5. Minutes of the Contact and Special Committee Meeting from November 22, 2010.
6. Public Works & Economic Development Committee Meeting Minutes from November 22, 2010.
7. Month End Tax Revenue by Year as of November 2010.
8. The Auditor's Monthly Statement of Revenue for November 2010.
9. The Auditor's Financial Statement for November 2010
10. The Mayor's Monthly Statement to Council for the Month of November 2010.
11. New Philadelphia Police/Monthly activity Report for the Month of November 2010.

ADMINISTRATIVE REPORTS:

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

The Mayor addressed Council on the following:

The week of December 27, is the last week to use the pink bags for recycling. A bin, (which the Mayor had available so Council could see and examine) and instructions will be left at the participant's home that week, when the pink bags for recycling are picked up. Residents, who under the existing format would have put their recyclables out on Monday January 3rd will be asked to put them out on the prior Friday, December 31st. A flyer to this one recycle route will be delivered, so there is no confusion for those participants. Starting January 3rd there will be a pickup of recyclables every day; this will be on the same day as the trash pickup. The bins need to be at the curb by 7:30AM. There will be future announcements about this in the water bills and also some advertising in the newspaper that will be paid for by a grant from the Joint Solid Waste District.

The Mayor thanked Rick Recco, Sue Kimble and all the volunteers who organized this year's Christmas Parade and he also thanked the groups who participated in the parade.

The Mayor reported that the O.P.W.C. (Ohio Public Works Commission) Grant application for the Lauren Lift Station upgrade is moving along through the approval process.

The Mayor requested an Executive Session after tonight's legislation to update council on wage negotiations with the unions.

The Mayor wished all a Merry Christmas and a Happy New Year.

The Treasurer, Mr. Johnson, announced that Rick Recco and Sue Kimble would like to retire from being in charge of the organization of the parades.

The Mayor replied that "Rick Recco and Sue Kimble submitted a letter a month ago in regard to giving up that position. The word is out for a replacement and we are waiting for some responses."

Mr. Lautenschleger moved to go into an Executive Session this evening at the conclusion of the Legislative Agenda to discuss wage negotiations. The motion was seconded by Mr. Zucal.

Roll Call, 6 yeas, motion passed.

SERVICE Director.....MR. JIM ZUCAL

The Service Director reported the following:

- o The Wastewater project with the hoop barn and catwalk is complete. The contractor is finished.
- o The Third Street NE project has an update:
 - The paving is complete; curb and gutter have been installed, along with the catch basin and some of the sidewalk. This project will be finished when weather allows.
- o The Bank Lane Rail Road Storm Sewer Project underneath the Railroad Tracks off of Bank Lane, which was part of the storm damage from June 5th, that project, is complete and that is a major upgrade.
- o Repairs and upgrade of the Larkin Avenue and 3rd Street SW Storm Sewers are complete

Mr. Zucal complimented Fred Neff, Superintendent of General Services and the Street Department, that during the recent bad weather events, they have done a fine job.

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

EXCUSED ABSENCE

AUDITORMS. BETH GUNDY.....NO REPORT

EXCUSED ABSENCE

TREASURERMR. DAVE JOHNSON.....NO REPORT

LAW DIRECTORMR. MICHAEL JOHNSON

The Law Director reported that he has not received a reply from the Bankruptcy Trustee from Canton, Ohio concerning the property located at 408 Front Street SW, New Philadelphia, Ohio 44663 that Mr. Bevan has addressed Council on. As soon as Mr. Johnson receives this information, as to who owns the property in question, he will come back to council on the

ownership and a plan of action, if any, that we want to take. The Law Director reported that the Service Director, Mr. Zucal and the committee have reviewed the property and they see no immediate health or fire hazard.

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR MICHAEL TAYLOR

Mayor Taylor reported that the Planning Commission was cancelled for the month of December due to no agenda. 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 APPEALSMR. JIM ZUCAL

Mr. Zucal announced the Board of Zoning Appeals will meet Tuesday, December 14, 2010, at 5:00 PM in Council Chambers. There is a request for three variances.

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

PARK BOARD.....MR. DARRIN LAUTENSCHLEGER

There will be no meeting in December. The next meeting 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, December 15 2010 at 12:00 noon.

STANDING COMMITTEE REPORTS:

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

SALARY COMMITTEEMR. JIM LOCKER

Mr. Locker reported that the Salary Committee met tonight at 7:10PM members present were Ms. Cox, John Zucal and Mr. Locker. Winnie Walker was sick. The issue that was discussed tonight was the Mayor appointments for the Airport Commission, Dee Grossman and Ted Gentsch for a term of 3 years. Resolution 60-2010 has been prepared and needs to be put on the agenda and passed as an emergency for the December 27th meeting. The 3 year term will start January 1, 2011. 3 yes votes. Mr. Locker feels they will do a good job and that they are dedicated to the commission.

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

Mr. Maurer reported that the Ambulance Committee is required to meet at least once a year. The Ambulance Committee met this evening to discuss rates. The Ambulance Service Rates will stay the same for 2011 and so will the Ambulance Billing which is done thru Smiths. Everything will be the same for 2011 as it was in 2010.

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 with all members present. There was one item to discuss and that was Utility Rates for 2011. Before the meeting, the committee received from the Law Director 2 draft pieces of legislation to establish the amounts of each of the water revenues and the wastewater revenues that would be put into capital improvement funds and a memo that was distributed by Mr. Zucal from the Service Director's office to explain some of the needs in the Wastewater Department as identified by Aaron Hixenbaugh, Wastewater Superintendent. The committee has agreed to meet again on December 27th at 7:00PM in council Chambers to review all the legislation and the original recommendation from the Service Director, which is called for by ordinance every year. Quick reminder for Utility Rates 2011, the Service Director has recommended to maintain 2010 rates in both Sanitation and Water Services and to increase the Wastewater Service by 50 cents per month for the minimum usage category and by 4 percent for all other user categories.

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

Ms. Espenschied reminded everyone of Resolution 59-2010 (lease of farmland) which is on the agenda for tonight requesting that the rules be suspended and for it to be passed tonight.

CONTACT & SPECIAL COMMITTEEMR. JOHN ZUCAL

Mr. Zucal reported that the Contact & Special Committee did not have a formal committee report. Mr. Zucal wanted to bring to the attention to members of council. Given that the time frame for the acquisition of the best available natural gas rates has come and passed and there is a need for accurate clarification in regard to the implementation of a Natural Aggregation Program, he asked that Council table Resolution 58-2010 and to move Resolution 58-2010 back into the Contact & Special Committee for further review and consideration.

PARKS & CEMETERY COMMITTEEMS. WINNIE WALKER

Ms. Walker had an excused absence.

Ms. Cox reported that the Parks & Cemetery Committee met tonight at 6:45 PM with one item to discuss; which was the Airport Runway at the east end. It is located on the State of Ohio's ground. We are entering into a lease for 15 years and we are asking that it be put on the agenda for the December 27th and passed as an emergency.

VISITOR'S COMMENTSNONE

READING OF ORDINANCES AND RESOLUTIONS:

ORDINANCE:

25-2010 An ordinance by the Council of the City of New Philadelphia, Ohio to enact chapter 531, Noise Control, Codified Ordinances, and declaring an emergency. (3rd Reading)

Motion to vote on passage made by Mr. Maurer, seconded by Ms. Espenschied
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. (2nd Reading)

RESOLUTIONS:

49-2010 A resolution by the Council of the City of New Philadelphia, Ohio to authorize the placement of revenue from Goshen township for fire coverage into the general fund until the \$361,750.00 for the Fire Department's Tower 11 Refurbishment is paid in full, and declaring an emergency. (3rd Reading)

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

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 (2nd Reading)

- 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. (2ndReading)
- 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 2nd Drive to 2nd Street NW and declaring an emergency. (2ndReading)
- 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 Sheriffs 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. (1stReading)
- 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. (2ndReading)
- 58-2010 A resolution by the Council of the City of New Philadelphia, Ohio to enter into an agreement with Constellation New Energy-Gas Division, LLC (CNEG) as recommended by Buckeye Energy Brokers, Inc. to provide to eligible consumers within the City of New Philadelphia Natural Gas Service and declaring an emergency. (2ndReading)

Motion to table the resolution and to move it back into the Contact & Special Committee by Mr. Zucal, seconded by Mr. Lautenschleger,

Council Member, Ms. Cox announced, "she had a dozen questions in regards to Constellation New Energy Gas Division, but all those questions are overshadowed by this company's background.

In researching this company, 2008 it was alleged that the Federal Energy Regulatory Commission announced that it had entered into a settlement whereby this retail gas marketer, a wholly owned subsidiary of the Constellation Energy Group, will pay a \$5.4 million civil penalty for violating the Commission's policies and procedures. And it will give up unjust profits of almost \$1.9 million. That is a total lost of \$7.3 million to this company. Also, it was alleged or reported in 2009 Constellation repaid a \$1 billion emergency loan, plus \$5 million in interest to MidAmerican, which provided the immediate cash infusion to avert a bankruptcy.

Council members are responsible to research assignments and make the best decision for our residents. Council is not here to rubber stamp or rush assignments through our committees, otherwise why are we here? Is this the company Council wishes to endorse for the City's Exclusive Natural Gas Supplier? Thank goodness for Bureaucratic Snafus."

Roll call, 6yeas, motion passed resolution has been tabled

- 59-2010 A resolution by the Council of the City of New Philadelphia, Ohio to authorize the Mayor to enter into a Farm Land Lease for a parcel 26.45 acres and a parcel 41.77 acres for farming purposes for a period not to exceed 3 years, and declaring an emergency. (1stReading)

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

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

COUNCIL ADJOURNED FROM REGULAR SESSION INTO EXECUTIVE SESSION AT 7:55PM
AS REQUESTED BY MAYOR, MICHAEL TAYLOR TO DISCUSS WAGE NEGOTIATIONS. COUNCIL
RECONVENED INTO REGULAR SESSION AT 8:02PM

UNFINISHED OR OLD BUSINESS:NONE

NEW BUSINESS:

Treasurer, Mr. Dave Johnson announced that on behalf of his family and himself, he wished everyone Merry Christmas
And announced he would not be at the December 27th meeting he would also like to wish all a Happy New Year.
All members joined in to wish everyone a Merry Christmas and a Happy New Year.

MOTION TO ADJOURN MADE BY MS COX, MEETING ADJOURNED AT 8:03PM

CLERK OF COUNCIL _____

APPROVED _____

PRESIDENT OF COUNCIL _____