

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON AUGUST 23, 2010 WITH PRESIDENT OF COUNCIL JOEL DAY PRESIDING. MR. DAY OFFERED A PRAYER, AND ALL IN ATTENDANCE RECITED THE PLEDGE OF ALLEGIANCE.

PRESIDENT JOEL DAY ANNOUNCED THE LAW DIRECTOR, MICHAEL JOHNSON AND TREASURER, DAVE JOHNSON IS 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

MS. COX MADE A MOTION TO ADD RESOLUTION 42-2010, TO TONIGHT'S AGENDA. MS. ESPENSCHIED SECONDED THE MOTION. ROLL CALL, 7 YEAS, MOTION PASSED.

MS. COX MADE A MOTION TO APPROVE MINUTES OF THE PREVIOUS SESSION HELD AUGUST 9, 2010. MS. WALKER SECONDED THE MOTION. ROLL CALL, 7 YEAS, MOTION PASSED.

CORRESPONDENCE CLERK, PATRICIA MCKAY

1. New Philadelphia Police Monthly Activity Report for the Month of July 2010.
2. Finance Committee Meeting Minutes from August 9, 2010.
3. New Philadelphia Board of Control Meeting Minutes for August 10, 2010.
4. Notice to Council from Ohio Division of Liquor Control to Armitts Trax LLC DBA Kent Cafe, 330 University Drive, New Philadelphia, Ohio for a new D5I Permit. Asking objections be made no later than 09/20/2010.
5. New Philadelphia Board of Control Meeting Minutes for August 17, 2010.
6. Ohio Municipal League 59th Annual Conference to be held September 29th thru October 1, 2010 at the Renaissance Columbus Ohio.

ADMINISTRATIVE REPORTS:

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

The Mayor announced that the city has been awarded a two year Chip Grant in the amount of \$500,000. "This grant program administered through municipal services will provide home owners with assistance in home repair or tenants with rental assistance."

The Mayor announced that the airport has received approval of funding through the FAA for the Ramp Rehab Project. Half will be done this year and he anticipates the other half will be applied for in 2011. This project is approximately \$280,000 and will be 95% funded through the grant.

The Mayor reported that the Administration has been talking with the Joint Solid Waste District about converting our recycling to a weekly program using bins vs. plastic bags. "There seems to be several positive advantages to the city to do this, the administration thinks the possibility of making this change can be done without any major negative impact to city operations or costs. The waste district will be able to cover the start-up costs for this change including providing bins."

The Mayor announced that the city has three locations where city dollars have been invested in installing water sewer or street infrastructure they are the Tech Park, Reiser Avenue on the west side of CR. 25 A and CR. 21 south of the Eagle Truck Stop. To encourage investment in these areas, the Mayor is proposing a Moratorium, though Legislation for the years 2011 -2014 (for the assessments addressed in ordinance 32-2007 that refers to codified ordinance 935.05) for commercial /industrial type structures. "Revenue will come to the city through increased property taxes, income taxes and the sale of utility services which will help recoup city funds that were used to install water sewer or street infrastructure."

The Mayor reported that there is a business that wishes to build in Knisely Industrial Park, but is concerned about an assessment of \$10,000 they would owe the city under the current ordinance. The Mayor does not want to lose the potential new building project and the growth that would be planned at this location over the next several years. The Mayor asks that his request (a Moratorium, though Legislation for the years 2011 -2014 for commercial /industrial type structures) be assigned to a Council Committee and that a decision be made as soon as possible. "This business will wait to see the results before committing to construction."

Mr. John Zucal asked, "With the change in the Solid Waste District Recycling Program with the bins, there will be no need for the residents to sort or separate?"

The Mayor replied, "This is correct this is one of the advantages, everything goes in the bin."

SERVICE Director.....MR. JIM ZUCAL

The service director reported the following:

- The Front Avenue Retaining Wall Project is finished. It has been restored to its original condition.
- The Ray Avenue Community Development Block Grant Project is complete. The Service Director will have the final walk through with the Engineer tomorrow.
- The steps at the park are near completion, we are just waiting for the hand rail. Mr. Zucal encourages everyone to look at the steps from North Broadway to the parking lot at the stadium.
- The West High Paving Project that was done by a contractor for ODOT is complete. The contractor will be back to do some high visibility striping.
- Bid on the airport Ramp Rehabilitation Project were received last week there were 2 bids. Superior Paving from Canton, Ohio was the low bidder.
- The salt bin repairs at the water plant bid opening is September 2, 2010
- Paving schedule for the city will begin on the east end of the city, next week.

SAFETY DIRECTOR.....MR. GREG POPHAM

The Safety Director reported on the Police Auction that was held the end o July 2010. The total proceeds from that event were \$4,431.

AUDITORMS. BETH GUNDY

The auditor placed a manila envelope in everyone's mail box along with an invitation to the Post Audit Meeting, Thursday, August 26, 2010 at 10:00 AM in Council Chambers.

The information for the post audit is supposed to remain confidential until the audit is released.

TREASURERMR. DAVE JOHNSON.....NO REPORT

Excused Absence

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

Excused Absence

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR MICHAEL TAYLOR

The next Planning Commission will meet Tuesday, September 14, 2010, at 1:00 PM in Council Chambers pending an agenda.

BOARD OF ZONING APPEALSMR. JIM ZUCAL

The Board of Zoning Appeals will meet Tuesday, September 14, 2010 at 5:00 PM in Council Chambers.

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

PARK BOARD.....MR. DARRIN LAUTENSCHLEGERNO REPORT

Mr. Lautenschleger anticipated meetings to pick up again in September, 2010.

HEALTH BOARD..... MS. SANDY COX

The Health Board will meet Wednesday, September 15, 2010 at 12:00 noon in the Health Department.

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEE.MS. SANDY COX

The Finance Committee met this evening at 7:00 PM in the Council Chambers at the Knisely Centre. To discuss the following:

- Item 1 Ordinance 18-2010 an ordinance to advertise for and Engineer or qualified professional needed to implement the Backflow Prevention Program. (The Backflow Prevention Program is a requirement of the EPA.) It will be put on the agenda for our next meeting and to pass on the third reading..
- Item 2 Resolution 42-2010 will be added to the agenda tonight. Committee has recommended passage at first reading this evening. (The creation of a new Court Fund Criminal Diversion Program Fund #252.)

Meeting was adjourned at 7:07PM

President of Council assigned to Finance Committee the County Budget Commission Resolution and the Mayor’s request for a Moratorium though Legislation for the years 2011 -2014 on Assessments.

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 reported the Public Works & Economic Development Committee will be establishing a meeting date soon to discuss the recommendation from the Administration for the Airport Master Plan and then considering whether to recommend to full Council any course of action. Mr. Lautenschleger reported the Public Works & Economic Development Committee will announce this to the public and to the property owners in the near by area as well.

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

CONTACT & SPECIAL COMMITTEEMR. JOHN ZUCAL

Mr. Zucal reported that the Contact & Special Committee met tonight at 7:15 PM

- 1st Item A new liquor permit from the Ohio Division of Liquor Control to HARVS Petroleum LLC, 162 South Broadway, New Philadelphia, Ohio 44663 for a new C- 1 permit; asking objections be made no later than 9/07/2010.

Mr. Zucal reported that the committee did not have any objections to the permit and did not request a hearing. Mr. Zucal asked that the conclusion of his presentation he asks for a full vote before council to approve that this evening.

2nd Item

The Natural Gas Aggregation Program for the City of New Philadelphia Program Administered by Mr. Thomas Bellish President of Buckeye Energy Brokers, Inc. Highlighting the “opt- in” program and what his company could do for the residents of New Philadelphia. Mr. Zucal recommended that this company be evaluated further. The Contact & Special Committee needs more time, more details, and to pursue other options before making a recommendation to full council. Meeting was adjourned at 7:24 PM

Mr. Zucal made a motion for the clerk to sign the request, for a new C-1 permit for HARVS Petroleum LLC, 162 South Broadway, New Philadelphia, Ohio 44663, indicate there are not any objections to the permit, we do not request a hearing and return to the Ohio Division of Liquor Control, no later than 9/07/2010.

Mr. Locker seconded the motion. Roll Call, 7 Yeas, Motion Passed.

PARKS & CEMETERY COMMITTEEMS. WINNIE WALKER.....NO REPORT

VISITOR’S COMMENTS:

Ms. Wendy Zucal, 432 North Broadway, New Philadelphia, Ohio 44663

Ms. Wendy Zucal representing the Schoenbrunn Village, submitted a report and voiced those Concerns with the Potential Airport Runway Expansion

A map created by Jim Marsh, a retired surveyor from ODOT was submitted in regard to How the Tree Line Would Be Affected was given to clerk for an exhibit to keep for a couple of weeks for anyone who would like to see it..

Mr. Lautenschleger announced, “These concerns will be taken up in The Public Works & Economic Development Committee Meeting on the Airport Master Plan.” Mr. Lautenschleger encouraged the city administration to meet with the Schoenbrunn folks to address their concerns and to remind them that the Master Planning Process there’s many facets to it.

No decisions have been made. At the present time; “the committee is simply reviewing whether The Master Plan should be recommended to City Council for consideration by full council to be placed on file. Not to enact any portions of it.”

Mr. Lautenschleger reminded all, “If the plan were enacted today it would be a period of several years before anything would ever happen.”

“The first step, Mr. Lautenschleger announced, would be an environmental survey and review this probably would determine a number of things out of that. Also the city would be contingent on the funding that would be available.”

READING OF ORDINANCES AND RESOLUTIONS:

RESOLUTIONS:

38-2010 A Resolution by the Council of the City of New Philadelphia, Ohio to approve the transfer of interest revenue in an amount up to \$10,000.00 from The Cemetery Endowment Fund (#812) to the Cemetery Operating Fund (#209) for the 2010 fiscal year, and declaring an emergency. (1st Reading)

39-2010 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 up to \$25,000.00 from the General Fund #101 to the Sidewalk Improvement Fund #285, and declaring an emergency. (1st Reading)

40-2010 A Resolution by the Council of the City of New Philadelphia, Ohio to transfer funds from the General Fund (101) to the Cemetery Operating Fund (209) to supplement cash needed to fund current operations, and declaring an emergency. (1st Reading)

42-2010 A Resolution by the Council of the City of New Philadelphia, Ohio to authorize the creation of a new Court Fund, Criminal Diversion Program Fund #252, and declaring an emergency. (1st Reading)

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

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

43-2010 A Resolution by the Council of the City of New Philadelphia, Ohio to enter into an agreement with the Goshen Township Trustees to permit real estate taxes pursuant to Ohio Revised Code Section 709 .19 C for the annexation of 4.64 acre tract adjacent to land owned by the City of New Philadelphia consisting of 2.462 acres being annexed inside the city of New Philadelphia and for the 4.64 acres real estate taxes to remain with the township for a period of 12 years in declining percentages as set forth in the attached annexation agreement and authorizing the annexation of the Rosenberry 4.64 acre tract and the New Philadelphia Tract 2.462 acres, and declaring an emergency. (1st Reading)

UNFINISHED OR OLD BUSINESS:NONE

NEW BUSINESS:

Concern traffic when the City has a power outage and there are not any working traffic lights.

Ms. Espenschied’s concern is the traffic when the city has a power outage and there aren’t any traffic lights. When the city had their power outage, her concern was the intersection on West High Avenue and Bluebell Drive. She said, “People do not understand once the traffic lights go out the intersection becomes a 4 way stop. My concern is a possibility of a major wreck.” She said, “It is great we have a generator but we need a policeman or somebody to direct traffic. Ms. Espenschied wanted to know if a procedure could be put in place that could be followed if the city has a power outage again.” Ms. Espenschied said, “It was just as bad on Miller Avenue there was a sign and people still did not know that it was a 4 way stop when the traffic light is not working.”
The Service Director said that he has spoke to the Mayor about this. “There is the technology out there instead of running out there with a generator which takes time to get it there and then to get it set up; technology is available for battery powered backup. West High Avenue and Bluebell Drive maybe one of the worst if not the worst intersection in the city. We could start to look at maybe budgeting to do battery powered backups in those intersections.”
The Safety Director said “When the lights aren’t working the intersection becomes a 4 way stop. Usually when something like that happens there are a number of other things going on at the same time. If you’re lucky you might have four policemen working, if there were no other calls coming in, the police could go to that intersection until a generator can be put in place. A generator which takes time to get it there and then to get it set up; technology is available
If a policeman was called out to direct traffic it would take the same amount of time to get a generator there and set up.”
Mr. Popham understands the concern, and said “the Service Director’s avenue to look into this concern is better.”

Concern Flood Insurance: Councilman Zucal wanted input from Council.

Councilman John Zucal received a phone call from a concerned resident in Ward 2 in the 500 block of Fair Avenue NE. The woman was concerned about her home now being located in a flood plain, which it wasn’t before, and her increase in insurance costs. Other council members received similar calls on this concern.

Since the maps were redrawn some homes with mortgages are now in a flood area, and because of that, the lenders are notifying the borrower that they are in flood zones and have to purchase flood insurance. Mr. Maurer said “the lenders are only following Federal Guidelines.” He said, “Flood plain designated areas are based on National Flood Zone maps” and urged people to pursue their own insurance coverage. It is up to the individual to shop for the best rate.”
The Service Director said, “Established flood plain area is based on vertical datum per flood plain elevations if you are within the Flood plain area you are required to have the insurance.”

A Work Session or A Special Council Meeting:

President Joel Day will speak with the Law Director to establish whether A Work Session or a Special Council Meeting should be held and if a Special Council Meeting is to be scheduled President Joel Day requested the Mayor call the meeting:

Monday, September 13, 2010

Immediately following the regular meeting of Council

In Council Chambers

To discuss wage negotiations with the F.O.P. and A.F.S.C.M.E. Unions

MOTION TO ADJOURN MADE BY MS. COX, MEETING ADJOURNED AT 8:07 PM

CLERK OF COUNCIL_____

APPROVED _____

PRESIDENT OF COUNCIL_____