

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON OCTOBER 11, 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 THE TREASURER, DAVE JOHNSON IS EXCUSED FROM TONIGHT'S COUNCIL MEETING.

COUNCIL MEMBERS IN ATTENDANCE:

MS. SANDY COX  
MS. COLLEEN ESPENSCHIED  
MR. DARRIN LAUTENSCHLEGER  
MR. ROB MAURER  
MS. WINNIE WALKER  
MR. JOHN ZUCAL

COUNCIL MEMBER EXCUSED ABSENCE:

MR. JIM LOCKER

MS. COX MADE A MOTION TO ADD RESOLUTION 51-2010 TO TONIGHT'S AGENDA.  
MR. LAUTENSCHLEGER SECONDED THE MOTION. ROLL CALL, 6 YEAS, MOTION PASSED.

MS. ESPENSCHIED MADE A MOTION TO ADD ORDINANCE 21-2010 TO TONIGHT'S AGENDA.  
MS. COX SECONDED THE MOTION. ROLL CALL, 6 YEAS, MOTION PASSED

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

MS. COX MADE A MOTION TO APPROVE MINUTES OF THE PREVIOUS SESSION HELD SEPTEMBER 27, 2010. MS. WALKER SECONDED THE MOTION. ROLL CALL, 6 YEAS, MOTION PASSED.

CORRESPONDENCE . . . . . CLERK, PATRICIA MCKAY

1. Tuscarawas County Historical Society June 14, 2010 letter from Fred Miller (stating how it is imperative that the original site of Schoenbrunn be maintained for our children and future generations).
2. Auditor's Financial Statement for the month of September 2010.
3. Auditor's Monthly Statement of 2010 Revenue for the General Fund for September.
4. Mayor's Monthly Statement to Council for the Month of September 2010
5. New Philadelphia Police Monthly Activity Report for the Month of September 2010.
6. Airport Commission Meeting Minutes for September 14, 2010.
7. Safety Health and Service Meeting Minutes for June 21, 2010.
8. New Philadelphia Public Works & Economic Development Committee Meeting Minutes from September 20, 2010.
9. Pumpkins and Pizzazz in Downtown New Philadelphia A Fantastic, Fall Merchants & Artists Walk Saturday, October 16, 2010, 6:00 PM – 9:00 PM

ADMINISTRATIVE REPORTS:

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

Mayor Taylor requested an Executive Session this evening at the conclusion of the legislative agenda to discuss contract negotiations.

The Mayor announced on September 27<sup>th</sup>, a major shredding project of old outdated records for several departments at several locations in the city was completed. All the records that were shredded were first submitted to the Ohio Historical Society, as procedure dictates for compliance. This shred provided much needed new storage space.

The Mayor congratulated CIC for a successful open house at the Tech Park last Thursday. It was a great opportunity to see the Tech Park for those who had not and also an opportunity for anyone who might have interest in a site there. Mayor Taylor said that the "CIC is working hard to promote this park".

Mayor Taylor also congratulated the Fire and Police Departments for a great Open House last week. This has been ongoing for several years and the public looks forward to visiting the Fire and Police Departments on this night. The Mayor thanked all the area businesses that assisted with this evening by donations and by their employees' participation. The Mayor stated that "the evening would not be as successful without them."

The Mayor reminded all of the final downtown art walk for this year is this coming Saturday night from 6-9 PM. There will live entertainment and he encouraged all to come, walk the downtown, and visit the art displays and the businesses who are participating. The Mayor announced that the New Philadelphia Business and Community Association work hard to put these events together. He said the weather should be good and it will be a great fall evening.

The Mayor announced that Trick or Treat night in New Philadelphia will be October 30<sup>th</sup> from 6-8 PM. Citizens who want to participate need to have a porch light on to identify their participation. Residents need to be careful in their travels this evening during this time frame.

Mayor Taylor reported that two crosswalks will be moved in the downtown area to the other side of the alleys. These are at 1<sup>st</sup> Drive crossing East High and Allen Lane crossing South Broadway. This will increase pedestrian visibility for motorists and make the crosswalks safer. No parking spaces will be lost and the traffic department should have them done in the very near future.

Ms. Cox asked what departments had shredding.

The Mayor answered the "Water Department, Police Department, some of Municipal Court, and City Hall. The biggest amount of shredding cleared out a lot from the south side of the building".

Ms. Cox moved to go into an Executive Session this evening at the conclusion of the legislative agenda to discuss contract 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:

- M E B Systems, Inc., of Sugarcreek, Ohio, began the roof replacement on the Airport Restaurant roof this morning.
- Board of Control met September 28<sup>th</sup>, 2010 and awarded the bids for the Third Street North East OPWC project to Tucson, Inc. of New Philadelphia, Ohio and the Salt bin Replacement #2 at the Water Plant to Gor-Con Construction, Inc. of Dover, Ohio

Both projects will begin in the very near future.

Mr. Zucal introduced Mr. Dan Rice, President & CEO of Ohio & Erie Canalway Coalition. Office located 47 West Exchange Street, Akron, Ohio 44308

Mr. Rice displayed a map of the trail and requested all council members to gather around as he gave updated information on the development of the Ohio & Erie Canalway Towpath Trail. He stated because of the hard work of the Service Director, the Mayor and members of Council, Tuscarawas County Commissioners as well as friends in Dover we are at the point of a really important connection; this represents southern linkage of the 101 miles of the towpath trail. 82 miles of the trail are done. Of

the remaining 19 miles, about 15 of those miles are in Tuscarawas County and the remaining 4 miles are in the Cleveland area. Mr. Rice emphasized how important it is to have the southern connection completed. He announced because of the Service Director, the Mayor and members of Council, Tuscarawas County Commissioners we will be able to get this done. Tonight he said “we have here the final Conceptual Drawings where the route will go. This is the beginning of the process. We will have public meeting to get the publics input and also more information on the cost. We want to do this the most economically way, we did look at some other routes. It is fare to say they would be a lot more expensive. We don’t have a final number right now but by the end of the final study we should have some type of number in mind.”

Mr. Zucal, then walked the council step by step through the Conceptual Preliminary Plan starting at the Dover Corporation and ending at the canal lock 13. That portion of New Philadelphia is a little over 3 miles of the southern connection

Mr. Rice stated “with Mayor Taylor’s leadership and the Service Director, Jim Zucal , Dover’s Mayor Homrighausen , ODOT and the Tuscarawas County Commissioners the completion date is set for 2020.

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

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

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

EXCUSED ABSENCE

LAW DIRECTOR . . . . .MR. MICHAEL JOHNSON.....NO REPORT

EXCUSED ABSENCE

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR MICHAEL TAYLOR

The Mayor announced the meeting for the month of October has been cancelled there were no submissions. The next Planning Commission will meet Tuesday, November 9, 2010, at 1:00 PM in Council Chambers pending an agenda.

BOARD OF ZONING APPEALS . . . . .MR. JIM ZUCAL

The Board of Zoning Appeals will meet Tuesday, October 12, 2010, at 5:00 PM in Council Chambers.

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

EXCUSED ABSENCE

President Joel Day announced that the Airport Commission meeting has been rescheduled they will meet Tuesday, October 19, 2010, 6:00 PM at the Airport Meeting Room.

PARK BOARD.....MR. DARRIN LAUTENSCHLEGER

Mr. Lautenschleger reported that the Park Board met September 29<sup>th</sup>, 2010 in the Tuscora Park office. The Park Superintendent reported that a financial over view of not only park income but RTY income for operations at the park for 2010 should be available soon. The early indications are projections will be met or exceeded from 2009 in most categories. As the Mayor pointed out a couple of weeks ago ,the Park Board also wanted to point out that the steps and hand rail off of North Broadway at the park down to the stadium area is now available for use. This was paid for completely through RTY funds. There is some additional work to be done and that also will be paid for by RTY funds not city funds. The upcoming Park Board meeting; the Board is committed to reviewing the present layout of the South Side Community Park with additional fields coming in and parking concerns and the like; and looking at the potential layout of the potential development in upcoming years and beyond. The next meeting of the Board is November 3<sup>rd</sup>, 2010 at 7:30 PM Tuscora Park Office.

HEALTH BOARD.....MS. SANDY COX

The Health Board will meet Wednesday, October 20, 2010 at 12:00 noon in the Health Department.

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEE.....MS. SANDY COX

Ms. Cox reported that the Finance committee met Monday, October 11, 2010 at 6:01 PM in Council Chambers to discuss Resolution 51-2010 ( enter into a grant agreement with the Joint Solid Waste District for the purpose of a new recycling truck, bins and promotional funds for the new recycling weekly curbside program.) It is going to run through the Joint Solid Waste District so we are trying to authorize the resolution to accept the grant. This resolution enters into a grant agreement with the Joint Solid Waste District and authorizes the district to move forward with providing a new truck, bins and adverting money to promote the program. The committee is recommending passage of Resolution 51-2010 tonight. . Meeting was adjourned at 6:05 PM.

President of Council assigned to the Finance Committee proposed Resolution 49-2010. The Law Director’s request to authorize placement of revenue from Goshen Township for fire coverage in the general fund until the \$361,750 for the Fire Department’s Tower 11 refurbished is paid in full.

SALARY COMMITTEE . . . . .MR. JIM LOCKER .....NO REPORT

Excused Absence.

SAFETY, HEALTH, AND SERVICE COMMITTEE. . . MR. ROB MAURER

Mr. Maurer reported that the Safety, Health, and Service Committee met Monday October, 11, 2010, Immediately following the 6:15 PM Zoning and Annexation meeting to discuss the following issues:

1. A Proposed noise ordinance –committee investigated a couple different issues.
  - Creating a quiet time between 11:00 PM and 7:00 AM (currently there is just an agreement between businesses and the Chief and the Police Department.)  
We are looking to creating a minor misdemeanor if there are certain noises between 11:00 PM and 7:00 AM.
  - Audible noises coming from cars more than a certain number of feet away.  
We are going to have the Safety Director, Law Director and Police Chief get together to consolidate and to let the committee know what is best.
2. Proposal by Ms. Walker for broken window glass in the residential districts to be repaired within 30 days  
No action taken. Mr. Zucal is to contact Cleveland to see if they have an ordinance in regard to this issue.
3. Police Chief updated council on Internet Cafés; they are little shops you can go into and gamble so we are going to talk to the Law Director and see if we can’t get something on our books to contain that.

PUBLIC WORKS & ECONOMIC DEVELOPMENT COMMITTEE. . MR. DARRIN LAUTENSCHLEGER...NO REPORT

ZONING & ANNEXATION COMMITTEE .....MS. COLLEEN ESPENSCHIED

Ms. Espenschied reported that the Zoning & Annexation Committee met met Monday, October 11, 2010 at 6:15 PM in Council Chambers to discuss Ordinance 21-2010 (to accept the final plat of Kent Cove Estates Phase I). The committee talked to the Service Director who told the committee that “everything was approved as to what was needed through the city.” Mr. Lautenschleger made a motion to put Ordinance 21-2010 on the agenda and to pass tonight. Motion was seconded by Mr. Maurer. Motion passed. Adjourned at 6:22 PM

CONTACT & SPECIAL COMMITTEE .....MR. JOHN ZUCAL

Mr. John Zucal reported that the Contact & Special Committee met Monday, October 11, 2010 at 7:15PM in Council Chambers to review the Natural Aggregation Program with Buckeye Energy Brokers.

Discussion was held as to the pros and cons of moving forward with that program which would allow the citizens to possible get a better natural gas rate. However, the committee cannot predict that this will take place or not. The committee recommended that proposed resolution 48-2010 be added to October 25<sup>th</sup> agenda 2-1 vote, (Mr. Zucal and Mr. Maurer voting yes and Ms. Walker voting no) to suspend the rules and pass). Motion passed. to add the proposed resolution to the agenda October 25<sup>th</sup> suspend the rules and pass. Adjourned at 7:29 pm

PARKS & CEMETERY COMMITTEE .....MS. WINNIE WALKER.....NO REPORT

President of Council assigned Parks & Cemetery Committee: Sound Energy Company (Oil & Gas Lease of City Property off Beaver Avenue)

VISITOR'S COMMENTS:

Below are names and addresses of residents who had concerns and addressed council tonight in regard to

Ms. Cindy Lillibridge  
1859 East High Avenue  
New Philadelphia, Ohio 44663

Ms. Cindy Lillibridge addressed Council by reading her written concerns in regard to the passing of Resolution 47- 2010.

- Requested Council to consider all sides before making a decision for immediate passage, or passage at all (passage has the potential to harm citizens, especially if it leads to airport expansion.)
- Reported that properties adjacent to or in the immediate vicinity of HCF include residences, a school, a church and a nursing home all specifically named as incompatible land uses around GA airports by the FAA. According to the FAA the airport sponsor is responsible for ensuring that land uses around the airport are compatible with existing and future airport operations.
- Ms. Lillibridge stated :
  - “by pursuing the plan to expand the airport in its current location you intend to sacrifice the health and wellbeing of those residents along with their property values and virtually destroy their quality of life.”
  - when the airport sponsor is a city and/or county government, the government also is responsible for promoting the general welfare of its citizens which includes the health and safety of all residents
  - the medical helicopter has already had negative impacts. Injuries have been suffered due to fatigue from being repeatedly awakened. Daily breathing the toxic fumes that blow directly at us has resulted in repeated headaches, pains and etc. Yet repeated complaints and suggestions to relocate the helipad to the far side of the airport where there are no houses have fallen on deaf ears.
  - there is no guarantee of increased income from expansion
  - In reading the newly revised and adopted city resolution for New Philadelphia it would seem that those who own and operate are currently in violation regarding noise, dangerous or annoying gases, noxious or offensive odors physical harm to persons and property and adversely affecting the residential quality of the neighborhood and that is without expansion, which would only increase the level of violation.
  - that, she has and will submit a report with documentation and petitions to the FAA and other government officials. Some of the ills of residents of her neighborhood range from minor symptoms, to serious illness and premature death (decreased state of health). “
- Ms. Lillibridge questioned:
  - “if the airport is a county asset as was previously stated, why not relocate it?
  - does the will of the residents of our neighborhood have any bearing on your decisions and actions/?
  - do the unavoidable negative impacts on the lives of those residents (people to whom you are supposed to be responsible for) factor in your decision and actions?”

Please know that she stated that her “intent is not to anger but to inform.” She said, “we are fighting for our homes and our health”

Mr. James Brown  
124 12<sup>th</sup> Street NE  
New Philadelphia, Ohio 44663

Mr. James Brown, a home owner, addressed council on his concern of being notified by his bank that he is

now considered to be in a flood zone. His bank informed Mr. Brown he is required by Federal law to purchase Flood Insurance either through his bank or acquire the insurance on his own. The Service Director told Mr. Brown that the city has no involvement of the maps. FEMA determines the flood zone and this is out of the city's hands. It was recommended that Mr. Brown call the Service Director's office for more information on how to contact FEMA with his concerns Council member John Zucal recommended that he draft a letter to Congressman Space as soon as possible to let him know that he is upset and what has transpired and to contact Congressman Space's Dover office directly on this issue.

## READING OF ORDINANCES AND RESOLUTIONS:

### ORDINANCE:

18-2010 An ordinance by the Council of the City of New Philadelphia authorizing and directing the Service Director to advertise for bids receive bids and to enter into a contract with an engineer or equally qualified professional to implement and administer a Backflow Prevention Program for the Water Department as required by the Ohio Environmental Protection Agency (EPA) and declaring an emergency. (3<sup>rd</sup> Reading)

Motion to vote on passage made by Ms. Cox, seconded by Mr. Maurer

Roll call, 6 yeas, ordinance passed

21-2010 An ordinance by the Council of the City of New Philadelphia, Ohio to accept the final plat of the Kent Cove Estates Phase I off of University Drive NE by developer Fred Hershberger, and declaring an emergency. (1<sup>st</sup> Reading)

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 ordinance passed

### RESOLUTIONS:

44-2010 A resolution authorizing the Mayor of the City of New Philadelphia, Ohio to participate in the FY 2011 Ohio Public Works Commission State Capital Improvement and or local Transportation Improvement Program (s) and to execute contracts as required, and declaring an emergency, (2<sup>nd</sup> Reading)

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

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

47-2010 A resolution by the Council of the City of New Philadelphia, Ohio concerning the intent to cooperate and work with the Airport Commission for the wellbeing of Harry Clever Field, and declaring an emergency. (2<sup>nd</sup> Reading)

51-2010 A resolution by the Council of the City of New Philadelphia, Ohio to authorize entering into a grant agreement with the Joint Solid Waste District in order to accept the grant not to exceed \$163,241.00 for the purpose of a new recycling truck, bins and promotional funds for the new weekly curbside recycling program, and declaring an emergency. (1<sup>st</sup> Reading)

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

Motion to vote on passage made by Ms. Cox, seconded by Ms. Walker

Roll call, 6 yeas resolution passed

COUNCIL ADJOURNED FROM REGULAR SESSION INTO EXECUTIVE SESSION AT 8:20 PM  
AS REQUESTED BY THE MAYOR PENDING LABOR NEGOTIATIONS WITH AFSCME AND FOP.  
COUNCIL RECONVENED INTO REGULAR SESSION AT 8:35 PM.

UNFINISHED OR OLD BUSINESS: .....NONE

NEW BUSINESS:

President of Council assigned the Contact & Special Committee “2011 Public Defenders Contract”

MOTION TO ADJOURN MADE BY MS. COX, MEETING ADJOURNED AT 8:36 PM

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

APPROVED \_\_\_\_\_

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