

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON SEPTEMBER 24, 2018 WITH PRESIDENT OF COUNCIL SAM HITCHCOCK PRESIDING. COUNCILMAN HOLLAND OFFERED A PRAYER, AND ALL IN ATTENDANCE RECITED THE PLEDGE OF ALLEGIANCE.

COUNCIL MEMBERS IN ATTENDANCE

MR. DEAN HOLLAND
MR. DAN LANZER
MRS. AIMEE MAY
MR. ROB MAURER
MRS. CHERYL RAMOS
MR. KELLY RICKLIC
MR. JOHN ZUCAL

EXCUSED ABSENCES

NONE

- MR. HOLLAND MOTIONED TO ADD RESOLUTION 28-2018 TO TONIGHT'S AGENDA
MR. ZUCAL SECONDED THE MOTION
7 YEAS
RESOLUTION 28-2018 HAS BEEN ADDED TO TONIGHT'S AGENDA
- MRS. MAY MOTIONED TO ADD RESOLUTION 26-2018 TO TONIGHT'S AGENDA
MR. HOLLAND SECONDED THE MOTION
7 YEAS
RESOLUTION 26-2018 HAS BEEN ADDED TO TONIGHT'S AGENDA
- MR. LANZER MOTIONED TO ADD RESOLUTION 27-2018 TO TONIGHT'S AGENDA
MR. LAURER SECONDED THE MOTION
7 YEAS
RESOLUTION 27-2018 HAS BEEN ADDED TO TONIGHT'S AGENDA
- MR. ZUCAL MOTIONED TO ACCEPT TONIGHT'S AGENDA AS AMENDED
MR. RICKLIC SECONDED THE MOTION
7 YEAS
TONIGHT'S AGENDA HAS BEEN ACCEPTED
- MRS. MAY MOTIONED TO ACCEPT THE MINUTES FROM THE SEPTEMBER 10, 2018
REGULAR SESSION OF CITY COUNCIL
MR. LANZER SECONDED THE MOTION
7 YEAS
MINUTES FROM THE SEPTEMBER 10, 2018 REGULAR SESSION OF COUNCIL HAVE BEEN
APPROVED

CORRESPONDENCE CLERK, JULIE COURTRIGHT

1. *To Council Clerk from Treasurer Tom Gerber, dated September 11, 2018. This is the City of New Philadelphia August 2018 Investment and Savings Report.*
2. *To President of New Philadelphia City Council Sam Hitchcock*

from George "Kas" Kaswinkle, dated September 4, 2018. This is a letter titled "Honey Valley Estates" with the following excerpt: "I tried during the last Administration and this Administration to seek Resolution in regard to the sidewalk situation and one driveway without success. I was told that if the City enforced the situation here it would need to be done all over New Philadelphia i.e. let things continue to get worse. The City Officials are aware of the requirements so I won't repeat them. The residents who pay for their sidewalks and drives ask that the City take immediate action and install these sidewalk and driveways and bill the owners. Buckeye Career Center would be a chief place to start or make a deal with the various masonry companies." Signed George "Kas" Kaswinkle

3. To Council and Administration from Auditor Beth Gundy, dated September 12, 2018. This is an email titled "August 2018" with the attachment "Auditor's Financial Statement August 2018"
4. To Council, Administration, and City Officials from Mayor Day, dated September 13, 2018. This is a 2019 Budget Planning Calendar.
5. To Councilmembers from President of New Philadelphia City Council Sam Hitchcock, dated September 18, 2018. This is a forwarded email titled "Contract" with the attachment "Contract New Philadelphia" and it states the following "Dan, please take the Public Defender's Contract into your Committee for consideration noting a December 15, 2018 deadline for signing and return to the Public Defender's Office.
6. To Members of Council from Mayor Day, dated September 13, 2018. This is an email titled "Lease of a new SWAT vehicle for the New Philadelphia Police Department.
7. To Members of the Public Works and Economic Development Committee from President of New Philadelphia City Council Sam Hitchcock, dated September 17, 2018. This is an email titled "Please assign to Committee" and it states the following "Dean, as per our conversation today please take the forwarded Resolution into your Committee". It has the attachment "LPA Fed ODOT LET Project"
8. To Council and Administration from Councilman Holland, dated September 21, 2018. This is an email titled "Proposed Schedule" and it has the attachment "West High and Bluebell Dr." and it states "All, attached please find the Proposed construction time schedule for the intersection of West High Avenue and Bluebell Dr. for upgrading the intersection signalization and installation of pedestrian crosswalks.
9. To Council and Administration from Mayor Day, dated September 24, 2018. This is the Mayor's Report.

Administrative Reports.....

MAYOR'S REPORT/REQUESTS ...MAYOR JOEL B. DAY

Mayor Day had the following report:

- Our Area is Positioned to Reap the Benefits of Eastern Ohio's Petrochemical Boom: New Philadelphia and Tuscarawas County is positioned to greatly benefit from the downstream petrochemical value chain that is being created in Eastern Ohio by the Utica and Marcellus shale

plays. That fact was repeated by every industry presenter that spoke at a workshop held last week at Kent State-Tuscarawas. They stressed that no other region in America has the advantage of having located within it, the means to bring oil and gas up out of the ground, turn it into petrochemicals, manufacture the petrochemicals into products and have those products purchased by consumers. This advantage has already prompted leading energy companies to invest over \$70 billion dollars in the region to build power plants, cracker plants, pipelines and related drilling and manufacturing support facilities. The challenge we face is finding ways our local businesses can profit by entering the downstream value chain. We also have to continue to improve our city's attraction to petrochemical-related employers, their employees and families. City Council's continued support of economic development and expanding the City's parks system are big steps in that direction.

- Exploring the Need to Locate Electric Vehicle Chargers in the City: Later this week Service Director McAbier and I will sit down with officials of American Electric Power to discuss the possibility of locating electric vehicle chargers in the City. AEP has created an Electric Vehicle or EV program to meet the growing need for public charging stations. We need to learn more about the EV program to decide whether the City should participate and where best to locate EV chargers.

- The Rotary Club Seeks Donations to Restore the Tuscora Park Carousel Band Organ : The band organ in the Tuscora Park carousel is in need of repair to replace worn parts and bring it back to its original condition. The estimated cost of the renovation is around \$45,000.00. The club has established a web site where you can do to donate online to help fund the project. The web address is www.tuscoracarousel.com. The would be a great opportunity for friends and family members who live out of town to help restore the band organ to the condition we remember as kids riding the merry-go-round.

- The Next Phase of the State Route 416 Project Will Begin Soon: The week of October 1st is when the Ohio Department of Transportation expects the next phase of the State Route 416 paving project to begin, weather permitting. The grinding and resurfacing will begin near the City Garage on Commercial Avenue SE and proceed to South Broadway. From there, the project will turn north and repave North Broadway to the northern city limits. The work is scheduled to be done between the hours of 7pm and 6am to minimize traffic disruptions.

SERVICE DIRECTORMR. RON MCABIER

Mr. McAbier had the following report:

There have been some changes in the Carlisle Coniglio plans. We're going to put those back out to bid. We've only received one bid. I was able to talk to Jen Klein over at EWC and they are going to extend the grant on that to 6/30/2019 so we will have an extra six months. Bids will open on October 30, 2018. Also the Hangar Project, we know that came in over the 10 % of the Engineer's estimate so that will also go out to bid and we'll open that October 10th. We're hoping to bring that down. Buckeye Career Center was going to do the grating on that so we'll have that dynamic out of the project so hopefully we'll get underneath that \$500,000 threshold we have for the loan. Before the last Council Meeting they let us go out on loan until basically the end of the year. On that hangar we have the bathroom issue but tomorrow we'll be travelling down to Columbus for the Board of Appeals

to hopefully let that not go with project. They'll give us a verbal tomorrow and hopefully a written in two weeks. Also flushing continues. It started last night and into this morning and we'll be doing it through Sunday.

AUDITORMS. BETH GUNDY.....NO REPORT

SAFETY DIRECTORMR. GREG POPHAM

Mr. Popham had the following report:

Tomorrow night, 6:00PM at the New Philadelphia Fire Department will be a Civil Service Entrance Exam for firefighter/ medic. There are 34 applications.

TREASURER MR. TOM GERBER.....NO REPORT

LAW DIRECTOR MR. MARVIN FETE

Mr. Fete had the following report:

Council, as you're aware this year we've had some pretty comprehensive Legislation. We're in the process of radically redoing some of our Codified Ordinances and potentially adding at least two brand new sections. We've already added one when we codified the Cemetery Endowment Fund and we're now contemplating the false alarm information. Really this is a matter of keeping up with the times. I would like to, based on some meetings I've had with Administration, throw another one out for Council consideration. That is mobile food vehicle permit requirements. Food trucks are a big part of the environment these days and I see that becoming more and more prevalent. A lot of cities regulate this and require a permit. This would be comprehensive legislation similar to the other codified ordinances that deal with cemetery, false alarms. A lot of people think that if you just pass one piece of legislation saying if you have a false alarm this is what's going to happen. You have to have a definition, a purpose section and so on. This would define what constitutes a mobile food vehicle at special events and requirements for permits and things of that nature. I would throw this out to Council to see what Council's pleasure is on this and contemplate what if any legislation is needed in this regard.

Mr. Zucal had the following question:

When you express that you'd like to throw it out to Council how do you see that conversation taking place? Are you looking for a Committee assignment to take a look at that?

Mr. Fete had the following reply:

I recommend it's proper for a Committee assignment and we have an open discussion about it and look at some sample legislation or at least draft some prepared legislation that

you can work from similar to what we did on the Cemetery Endowment Fund and the false alarms.

Mr. Zucal had the following question:

If I understand you correctly you're looking for potentially legislation that would be respectful of those food trucks that are consistently in town and operate out of New Philadelphia vs. those that come into town for special events such as when we have sidewalk sales downtown?

Mr. Fete had the following reply:

The legislation that I looked at deals with all of those. It deals with the special events. The sample legislation that I looked at from other cities deals with regulating anything that's mobile that is for food sales and food consumption and it defines what consists of a special event. It would apply to all those. Of course it would be up to Council and Committee to decide whether or not they want to have that as part of the legislation or if you want to limit it to the food trucks that are around here. We currently have Section 753.10 which a broad interpretation of it would say that it applies in this case. That's actually the headline in 753.10 it deals with selling furniture/ appliances from vehicles and it deals with every firm, person, organization that uses or has special permission to use a space to sell products or merchandise from a vehicle or mobile unit. They'll get a monthly licensing fee. The way that is set up is a little more costly than what the Administration was discussing. We were talking about getting a yearly one time permit for those and it's all over the place. Cleveland might have \$160, Avon might have \$60 for the permit.

Mr. Zucal had the following reply:

Could you get us some of those sample pieces of legislation prior to a Committee meeting so we can review that ahead of time?

Mr. Fete had the following reply:

Sure! I'd be happy to provide you with the sample legislation from other areas or just to draw one up and go from there.

Mr. Zucal had the following comment:

As a member of the New Philadelphia Business and Community Association I know we've been talking about having more food truck at more of the events in downtown New Philadelphia. I would also like to be able to speak with some type of background and knowledge whenever we do address that.

Mr. Fete had the following reply:

Absolutely, and I spoke with Lee Finley on this issue. They're already required to get licensing from the State on things of this nature which allows somebody to go in and make sure the refrigerators are kept at a certain temperature and that sort of thing.

**President of New Philadelphia City Council Sam Hitchcock asked Mr. Lanzer to take this issue into his Committee for consideration.*

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR JOEL DAY

The Planning Commission will meet in Council Chambers on Tuesday, October 9th at 1:00 PM. At this point in our Agenda we'll be dealing with one Goshen Township Annexation.

BOARD OF ZONING APPEALS.....MR. RON MCABIER

The Board of Zoning Appeals met September 11 in Council Chambers at 5:00 PM with two variance requests to be heard. One from 1256 West High Avenue. The request was for noncompliance 1167.09 which is an over signage voted on and approved on a 5-0 vote. Also heard that night was Taco Bell 320 Bluebell Dr., also noncompliance 1167.09 with signage also and that was approved for the variance by a vote of 5-0.

AIRPORT COMMISSION.....MR. JOHN ZUCAL

The Airport Commission discussed at its most recent meeting what Mr. McAbier had spoken to previously in regard to where we stand with the airport hangar project as well as the ECOHBA discussion regarding the need to provide restroom facilities because the existing hangar that would be produced by the New Philadelphia Airport would be 500 feet away from any other accessible restroom. We did feel that to be very, very burdensome and potentially could be problematic to the work that we're trying to undertake to create a new hangar space. The commission's response to that was that they were appreciative to the fact that the Mayor and the Service Director were willing to go to Columbus and be a part of that appeal process and we're very hopeful that we will win that appeal because it would be rather restrictive. I think it costs around \$65,000.

PARK BOARD.....MRS. AIMEE MAY.....NO REPORT

CEMETERY BOARD.....MRS. AIMEE MAY.....NO REPORT

HEALTH BOARD..... MR. KELLY RICKLIC.....NO REPORT

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEEMR. ROB MAURER

Mr. Maurer had the following report:

The Finance Committee is asking that Resolution 25-2018 be passed tonight on 2nd Reading as an Emergency as we have to have that back to the County by October 4, 2018.

SALARY COMMITTEEMR. JOHN ZUCAL.....NO REPORT

PUBLIC WORKS COMMITTEE.....MR. DEAN HOLLAND

Mr. Holland had the following report:

The Public Works and Economic Development Committee met this evening in Council Chambers at 6:30 PM to discuss a request by the Ohio Department of Transportation to adopt final legislation for intersection improvement at Bluebell Drive and West High Avenue. The intersection improvements are the upgrade of the traffic signalization system, and the installation of two pedestrian crosswalks. The signalization upgrades would allow pedestrians to control the signal lights for safer pedestrian crossing of these two very busy roadways allowing for shopping and dining opportunities expanded for those individuals who are visiting our community and who are at the hotels on the west end of town. After Committee discussion the meeting was adjourned at 6:37 PM.

SAFETY HEALTH & SERVICE COMMITTEE.....MR. KELLY RICKLIC.....NO REPORT

ZONING & ANNEXATION COMMITTEE.....MRS. CHERYL RAMOS.....NO REPORT

SPECIAL & CONTACT COMMITTEEMR DAN LANZER

Mr. Lanzer had the following report:

The Special and Contact Committee met this evening at 7:00 PM with

four items to discuss. The first was Proposed Ordinance 22-2018 which was a request from the Fire and Police Chiefs for the False Alarm Ordinance. The Committee after discussion agreed 3-0 to move it to 1st Reading on the next scheduled meeting. The second item we discussed was Walter Drane request for having our Codified Ordinance online through their system. It would have cost a little bit more money than necessary so we decided to table that issue. The third item we discussed was the Mayor's request for the partners in watershed, a big stone so we can get our canoes in the water. Everything will be covered by the grants completely refundable to the City. We agreed 3-0 and we motioned to have that Proposed Resolution 27-2018 added to tonight's Agenda and to be passed on 3rd Reading. The fourth item we discussed is the public defender agreement for indigent defense and we agreed 3-0 to have that added to the next meeting's agenda for 1st Reading.

President of New Philadelphia City Council Sam Hitchcock had the following question for Mr. Lanzer:

I understand that after a discussion with Mr. Holland that you are interested in taking the tablet and computers for Councilmembers issue into your Committee?

Mr. Lanzer had the following reply:

Yes I am.

President of New Philadelphia City Council Sam Hitchcock had the following reply:

Okay, then that will be taken from the Public Works Committee and put into your Committee.

PARKS & CEMETERY COMMITTEEMRS. AIMEE MAY

Mrs. May had the following report:

The Parks and Cemetery Committee met this evening at 6:45 PM regarding Resolution 26-2018 which is a Resolution authorizing the City to prepare and submit an application to the Land and Water Conservation Fund for recreational improvements at the Southside Park for restrooms and concession stands. It was voted on and a motion was made to add Resolution 26-2018 to tonight's Agenda and to pass on 3rd Reading.

VISITOR'S COMMENTS: NONE

COUNCIL COMMENTS: NONE

READING OF ORDINANCES AND RESOLUTIONS

ORDINANCES:

20-2018 AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO FOR PURPOSES OF MAINTAINING THE 18TH STREET BRIDGE BY CONTRIBUTIONS FROM NEW DEVELOPMENTS THAT UTILIZE THE SAME.
2nd Reading

RESOLUTIONS:

25-2018 A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.
2nd Reading

MR. MAURER MOTIONED FOR SUSPENSION OF RULES ON RESOLUTION 25-2018

MR. ZUCAL SECONDED THE MOTION
7 YEAS

RULES HAVE BEEN SUSPENDED ON RESOLUTION 25-2018

MR. MAURER MOTIONED FOR APPROVAL OF RESOLUTION 25-2018

MR. ZUCAL SECONDED THE MOTION
7 YEAS

RESOLUTION 25-2018 HAS BEEN APPROVED

26-2018 A RESOLUTION AUTHORIZING THE CITY OF NEW PHILADELPHIA TO PREPARE AND SUBMIT AN APPLICATION TO THE LAND AND WATER CONSERVATION FUND FOR RECREATIONAL IMPROVEMENTS AT THE SOUTH SIDE PARK- RESTROOM/ CONCESSION STAND.
1st Reading

27-2018 A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF NEW PHILADELPHIA TO EXECUTE AND FILE AN APPLICATION WITH THE MUSKINGUM WATERSHED CONSERVANCY DISTRICT AND TO PROVIDE ALL INFORMATION AND DOCUMENTATION REQUIRED TO BECOME ELIGIBLE FOR POSSIBLE FUNDING ASSISTANCE.
1st Reading

28-2018 THE FOLLOWING FINAL RESOLUTION ENACTED BY THE CITY OF NEW PHILADELPHIA, HERINAFTER REFERRED TO AS THE LEGISLATIVE AUTHORITY OR LOCAL PUBLIC AGENCY (LPA) IN THE MATTER OF THE DESCRIBED PROJECT. THE PROJECT CONSISTS OF INTERSECTION IMPROVEMENTS AT THE INTERSECTION OF SR 39 AND BLUEBELL DR., LYING WITH THE CITY OF NEW PHILADELPHIA.
1st Reading

UNFINISHED OR OLD BUSINESS: NONE

NEW BUSINESS: NONE

Mr. Maurer motioned to adjourn at 8:01 pm

CLERK OF COUNCIL _____
Julie Courtright

APPROVED _____

PRESIDENT OF COUNCIL _____
Sam R. Hitchcock