

NEW PHILADELPHIA CITY COUNCIL MET IN COUNCIL CHAMBERS
ON FEBRUARY 2ND, 2015 (RESCHEDULED REGULAR SESSION OF NEW PHILADELPHIA CITY COUNCIL
FOR JANUARY 26TH, 2015) WITH PRESIDENT OF COUNCIL, SAM HITCHCOCK, PRESIDING.

MR. HITCHCOCK OFFERED A PRAYER AND ALL IN ATTENDANCE RECITED THE PLEDGE OF
ALLEGIANCE.

COUNCIL MEMBERS IN ATTENDANCE:

MS. SANDY COX
MR. DAN LANZER
MR. DARRIN LAUTENSCHLEGER
MR. ROB MAURER
MRS. CHERYL RAMOS
MS. WINNIE WALKER
MR. JOHN ZUCAL

EXCUSED ABSENCE:

SAFETY DIRECTOR GREG POPHAM
AUDITOR BETH GUNDY

MS. COX MADE A MOTION TO ACCEPT TONIGHT'S AGENDA.

MRS. RAMOS SECONDED THE MOTION.

ROLL CALL 7 YEAS

MOTION PASSED

MS. COX MADE A MOTION TO APPROVE

- THE MINUTES FROM THE REGULAR SESSION OF COUNCIL MEETING HELD ON
MONDAY, JANUARY 12TH, 2015.
- THE MINUTES FROM THE PREVIOUS COUNCIL MEETING HELD ON MONDAY,
JANUARY 26TH, 2015. (JANUARY 26TH, 2015 REGULAR SESSION OF COUNCIL
RESCHEDULED TO FEBRUARY 2ND, 2015)

MR. LAUTENSCHLEGER SECONDED THE MOTION.

ROLL CALL, 7 YEAS

BOTH SETS OF MINUTES WERE APPROVED.

CORRESPONDENCE CLERK, PATRICIA A. MCKAY

1. Mayor's Report to Council dated January 26th, 2015
2. Candidate Financial Disclosure Notification-2015 (Online Filing Available)
3. Tuscora Park Board Meeting Minutes dated October 22nd, 2014
4. New Philadelphia Police Monthly Activity Report for the Month of December 2014
5. City of New Philadelphia Budget Report with Encumbrance Details as of January 12th, 2015
6. City of New Philadelphia Public Works and Economic Development Committee Meeting Minutes
From January 12th, 2015
7. Planning Commission Meeting Minutes from January 13th, 2015
8. Rezoning requests for the Zoning and Annexation Committee dated January 23rd, 2015
419 Tuscarawas Avenue NW submitted by Christopher J. Wagner, Esq., of 162 North Broadway on
behalf of David E. Moreland, property owner
1121 Tuscarawas Avenue NW Presented by Brian Bauer, Architect, MKC Associates for Frontier
Communications.
9. Commendation Request for outgoing Park Board Member dated January 23rd, 2015
Mr. William Bichsel III who served six years on the New Philadelphia Park Board
10. City of New Philadelphia Public Works and Economic Development Committee Meeting Minutes
From January 26th, 2015
11. Request for assignment dated February 2nd, 2015 from the Service Director
CDBG FY2014 (Construction 2015)
12. Request for assignment dated February 2nd, 2015 from the Service Director
2015 CDBG and Materials Bids
13. Request for assignment dated February 2nd, 2015 from the Service Director
In regard to Sanitary Landfill Services.

14. New Philadelphia Fire Department Lifenet Monthly Transmission Summary Report for 1/1/15 – 2/1/15
15. New Philadelphia Fire Department Month-End Summary for the Month of January 2015

ADMINISTRATIVE REPORTS:

MAYOR’S REPORT/REQUESTS ...MAYOR DAVID JOHNSON

The Mayor reported the following:

- Attended the Steering Committee Meeting (Union People and the Administration working together to get things done)
- Attended the monthly Health Board Meeting
- Met with a local business owner to discuss a liquor license
- Conducted a Monthly Staff Meeting and immediately following had a budget training in Council Chambers
- Met with the Law Director Marvin Fete, to discuss various items
- Attended a S-T-W Policy Meeting in Bolivar and met with the Director of the Tuscarawas County Water and Sewer District
- Held a Board of Control Meeting to award the Engineering Services for CDBG (Community Development Block Grant) & NRG (Neighborhood Revitalization Grant)
- Attended the monthly Park Board Meeting
- Participated in a Press Conference at Tuscora Park Pavilion announcing improvements to the Health Insurance Marketplace and Enrollments (It was quite an enlightening experience to see how easy it is to enroll.)
- Met with Tony Danzo of Municipal Services to discuss the CDBG Projects
- Attended festivities honoring the inductees to the New Philadelphia High School Athletic Hall of Fame Class of 2015
- Went to the PAC (Performing Arts Center) to see "Sister Act " what a wonderful asset to the City of New Philadelphia! It draws new people into our City.
- Friday at 5:00 PM after weeks of dealing with our Health Insurance Company, good news.
(Several weeks ago they came to us with a 9% increase; we ended up our negotiations with no increase for 2015.)

SERVICE DIRECTOR.....MR. JAMES ZUCAL

Since our last meeting he reported on the following:

- Passed out the FYI Income Comparison for Water Sewer and Sanitation Income from 2014
Mr. Zucal would appreciate it if everyone would take a look at those.
We are fairly solvent in the Enterprise Funds we had a slight decrease in the Sanitation Fund. We are seeing some tear downs and demolitions of different structures that have been taken off properties that do take away from the number of accounts. Please look at that and compare the numbers.
- Complimented our team of City Workers, Administration and the hourly personnel;
This is tough time we have consolidated some forces.
we had crews out for the last snow that were not just the Street Department but Water Services, Park, Cemeteries and various dept all working together as a team. Mr. Zucal feels our streets are in very good shape. All the guys are chipping in it is tough under the condition we’ve had freezing and thawing snow and ice. I appreciate all they do.
- He had many calls today on the conditions they are treacherous; off the streets and on the sidewalks.
There is not much the City can do about that.
He encouraged everyone to be careful and safe we don’t want anyone getting hurt.
“We will continue to provide the quality service that we always give to our constituents.”

AUDITORMS. BETH GUNDY.....NO REPORT

EXCUSED ABSENCE

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

EXCUSED ABSENCE

TREASURER TOM GERBERNO REPORT

Mr. Gerber announced that he is working hard on reconciliation, striving ahead and making progress.

LAW DIRECTORMR. MARVIN FETE

Mr. Fete reported he has talked with a lot of attorneys over the last several days

- Mr. Fete had phone conference with Matt Baker on a couple of legal opinions he is working on on the 27th.
- A phone conference with Attorney Ed Mack in relation to a possible litigation issue.

That he has briefed Council before, it makes reference to a restaurant; there really has not been much of a change from what he briefed Council on previously. When he has something he will call for an executive session before we move forward on any type of settlement or we decide on what we are going to do with those issues.

- Multiple conferences with Doug Jackson in relation to Mr. Mark Sturm who previously addressed Council about his little dog that was attacked. We are working with that issue; charges have been drawn up. Mr. Fete wants to consult with the Safety Director before he moves forward.
- Mr. Fete had a meeting with the Mayor and the Service Director; they discussed multitude issues that are facing the City.
- On Resolution 1-2015 Authorizing Political Subdivision to Participate in the State of Ohio Cooperative Purchasing Program. The Ohio Revised Code requires that they have a resolution of file from us. This has been the case since 1985.

Only has to be done one time they looked they didn't have one on file for us it can go two readings The auditor did inform Mr. Fete you have to participate in the program every year. There is a fee of \$100 so we can participate there have been purchases for police cruisers and etc. at discounted rates.

- The Law Director talked with Ms. Jennifer Syx, inSight Advisory Group, We agreed we do have to get the schools permission on this Normally the Statue does not require it unless it is over 50% for the Tax Abatement that would go for the Company that is coming in here. Because Menard Inc. have estimated they are going to make over a million dollars in profit we do have to get their permission. The Law Director pointed out in his letter from last October we would do that anyway even if we were not required to. We have a very good partnership with our school system.

Mr. Fete informed Council the he has already started on contacting the schools.

Question from Mrs. Ramos:

Considering they estimated a \$1,000,000 profit, would that affect our Income Tax Revenue?

The Law Director:

Tax Abatement is Property Tax Abatement it will have no effect on our Income Tax Revenue.

The Service Director brought to everyone's attention:

"It is actually \$1,000,000 payroll."

It won't affect us as much as it will the schools.

PLANNING COMMISSION.....MAYOR DAVID JOHNSON

The Mayor announced that the next scheduled Planning Commission meeting will be Tuesday, February 10th, 2015, at 1:00 PM in Council Chambers pending an agenda.

BOARD OF ZONING APPEALS.....MR. JAMES ZUCAL

Mr. Zucal announced the Board of Zoning Appeals will meet Tuesday, February 10th, 2015, at 5:00 PM in Council Chambers pending an agenda. (at this time there are no variance requests)

AIRPORT COMMISSION.....MR. JOHN ZUCAL

Mr. Zucal announced the Airport Commission will meet at 6:00 PM, Tuesday, February 10th, 2015 in the Harry Clever Field Meeting Room.

PARK BOARD.....MR. DARRIN LAUTENSCHLEGER

Mr. Lautenschleger announced the next Park Board Meeting will be held at noon Monday February 23rd, 2015 at The Pro's Table Restaurant.

HEALTH BOARD.....MS. SANDY COX

Ms. Cox announced that the next scheduled meeting for the Health Board is Wednesday, February 11th, 2015 at 12:00 (Noon) at the Health Department.

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEEMS. SANDY COX

Ms. Cox reported that she wanted to amend Ordinance 29-2014

Council has not reviewed the budget yet and we do not know if there is a real need to bring the estimated \$800,000 from Master Capital to the General Fund and placing Master Capital into the General Fund is not a true reflection of the budget as we enter into negotiations this year.

Ms. Cox made a motion to amend ordinance 29-2015 to read as follows, which returns the distribution to the former allocations

d. 47% of the net available income tax receipts received annually shall be used to defray the general operating expenses of the City.

And add the following:

e. 20% of the net available income tax receipts received annually shall be used to defray the Master Capital Expenses of the City.

As we go on through the year, if there seems to be a need later we will look at this.

Mr. Lautenschleger seconded the motion

Roll call

7 yeas

Ordinance 29-2014 has been amended

President of Council Sam Hitchcock assigned the following requests to the Finance Committee:

1. Request dated February 2nd, 2015 from the Service Director
CDBG FY2014 (Construction 2015)
2. Request dated February 2nd, 2015 from the Service Director
2015 CDBG and Materials Bids

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

SAFETY HEALTH & SERVICE COMMITTEE.....MR. ROB MAURER.....NO REPORT

President of Council Sam Hitchcock assigned the following request to the Safety Health & Service Committee

1. Request dated February 2nd, 2015 from the Service Director in regard to Sanitary Landfill Services

PUBLIC WORKS & ECONOMIC DEVELOPMENT COMMITTEE ...MR. DARRIN LAUTENSCHLEGER

Mr. Darrin Lautenschleger reported that the Public Works & Economic Development Committee held a meeting this evening at 6:45 PM with one item on the agenda. We had Jennifer Syx who represents inSight Advisory Group from Fairlawn who the City has contacted to work on the CRA for the City. The Program identified by the Mayor potential Economic Development Tool to attract the Menard store to the former Kmart Property.

Ms. Syx determined that the entire city could benefit by being designated as a CRA except for primary residential areas.

Her work in working with administration is to put that together

A preliminary draft was prepared by the Law Director to kind of get a look at that

Copies of the hand out of her presentation, which you have already received the draft piece of legislation, in a previous packet, the details of that will be coming forward.

We expect to see Ms. Syx in upcoming meetings.

We expect to see a final presentation and a CRA proposal in upcoming weeks.

This could be very beneficial for New Philadelphia and the Community in general. Some of our locations throughout the City could really benefit from this type of reinvestment.

No action to be taken at that meeting.

“With Mr. Lanzer and I able to conduct the meeting this evening we adjourned it at 7:20 PM.”

Comment from Councilperson John Zucal:

Commending Mayor Johnson for his efforts in getting the Community Reinvestment Area going

At the Chamber Banquet, Mr. Zucal talked with Gary Little from CIC and shared with him a few thoughts. They are very appreciative as to what Mr. Johnson has established. It is good news and hopefully we can drive some economic growth in the City of New Philadelphia.

Comment from the President:

Commended the Mayor on his aggressive attitude in pushing forward with this and also Mr. Lautenschleger for his very productive meeting.

ZONING & ANNEXATION COMMITTEEMRS. CHERYL RAMOS....NO REPORT

President of Council Sam Hitchcock assigned the following requests to the Zoning & Annexation Committee

1. Rezoning requests for the Zoning and Annexation Committee dated January 23rd, 2015
419 Tuscarawas Avenue NW submitted by Christopher J. Wagner, Esq., of 162 North Broadway on behalf of David E. Moreland, property owner.
2. 1121Tuscarawas Avenue NW Presented by Brian Bauer, Architect, MKC Associates for Frontier Communications.

SPECIAL & CONTACT COMMITTEE MR. DAN LANZER....NO REPORT

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

VISITOR’S COMMENTS:

NONE

READING OF ORDINANCES AND RESOLUTIONS

ORDINANCES:

AMENDED

29-2014

AN ORDINANCE TO ALLOCATE FUNDS COLLECTED UNDER THE CITY OF NEW PHILADELPHIA INCOME TAX ORDINANCE, AND DECLARING AN EMERGENCY. (3RD READING)

Motion to vote on passage made by Ms. Cox, seconded by Mrs Ramos.
Roll call, 7 yeas,
Amended Ordinance 29-2014 Passed

RESOLUTIONS:

38-2014

A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO, TO COMMEND WILLIAM L. ("BILLY") MARTIN FOR HIS 35 YEARS OF SERVICE AND DEDICATION TO THE CITY OF NEW PHILADELPHIA IN WATER DISTRIBUTION AS A PIPE FITTER, METER INSTALLER, SERVICEMAN, AND METER READER FOR THE CITY FROM OCTOBER 22, 1979 TO OCTOBER 31, 2014. (3RD READING)

Motion to vote on passage made by Ms. Cox, seconded by Ms Walker.
Roll call, 7 yeas,
Resolution 38-2014 passed.

President Sam Hitchcock announced:

Mr. Martin was not present to receive the famed copy of the commendation resolution but it will be forwarded to him.

39-2014

A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO, TO COMMEND JACKIE DRAHER FOR HER 12 YEARS OF SERVICE AND DEDICATION TO THE CITY OF NEW PHILADELPHIA, OHIO, FROM JANUARY 14, 2002 THROUGH NOVEMBER 28, 2014. (3RD READING)

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

Comments from Council Person Ms. Cox:

“I’ve known Jackie for quite a while. I do wish you all the best you will be missed. Thank you for all the jobs you have done in the City, it has been more than one department you have been with, I wish you the best.”

Comments from Council Person Mr. Lautenschleger:

“Thanked Jackie for her years of service thank you for being an outstanding representative of the City whenever anyone came up, and sometimes they might come up with an attitude with the most recent department you worked in they might be frustrated or upset they were always greeted with a smile, a hello and I can help you. You can’t do any better than that in my opinion thank you very much.”

Comments from Council Person Mr. John Zucal:

“Congratulations thank you for your years of service for the City of New Philadelphia and again for working on the front line of that department, it is not always easy. You were there to lend a hand even for myself for my kid’s income tax when they were out of town. Thank you very much.”

Comments from President Sam Hitchcock:

“Congratulation Jackie on your retirement, I’ve known her for a long time maybe even longer than Ms. Cox as well as her husband Carl Draher. They are my neighbors, they are my good friends. Jackie’s service to the City is something that has been very valuable to the citizens of New Philadelphia. Congratulation to her again on her retirement and I wish her all the joy and satisfaction that can give her as being a public servant for the City of New Philadelphia.”

Roll Call 7 yeas
Resolution 39-2014 has passed.

The President asked Ms. Draher to come forward

The President read the framed copy of the Resolution 39-2014 in its entirety,
And then presented it to Jackie.
Everyone applauded and Ms. Draher expressed her appreciation.

1-2015

A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO,
AUTHORIZING POLITICAL SUBDIVISION TO PARTICIPATE
IN THE STATE OF OHIO COOPERATIVE PURCHASING PROGRAM AND DECLARING AN
EMERGENCY. (1ST READING)

UNFINISHED OR OLD BUSINESS:

Comment from the President Mr. Sam Hitchcock:

“Last Monday something happened that I have never witnessed happening here in my two terms at Council at Large or my three year term as President of Council that is failing to reach a quorum for a City Council Meeting.” Ms. Cox said she had not ever witnessed this either. Due to one of Mr. Lanzers meetings we updated our bylaws for City Council. The most important thing that came out of that was to make reference to the most recent version of Robert’s Rules of Order.

Mr. Hitchcock stated:

Right before we were going to start the January 26th, 2015 Council meeting
We received the 4th excused absence request which dropped us below quorum.
The President referred to most recent version of Robert’s Rules of Order.

Proceedings in the Absence of a Quorum.

“If a quorum fails to appear at a regularly or properly called meeting the inability to transact business does not detract from the fact that the society’s rules requiring the meeting to be held were complied with and the meeting was convened-even though it had to adjourn immediately.”

If that happens we still have to stick around and call the meeting to order
Even though we are just going to call an adjournment.

Our bylaws require that we have two meetings a month and that satisfies that requirement. The other point I want to read

If a quorum is not present the chair waits until there is one in some cases don’t show up for a different reason other than sickness it would be the President’s responsibility to call up members in order to have a quorum.

“I was under the impression everyone was under the flu bug so I wasn’t going to attempt to do that besides they were excused absences.”

“If it appears there is no prospect of a quorum will assemble the chair calls the meeting to order announces the absence of a quorum and entertains a motion to adjourn the meeting which was done.”

The President said that updated him on that and thought everyone would like to know that as well. The January 26th, 2015 Regular Session of Council was rescheduled for tonight, February 2nd, 2015.

NEW BUSINESS:

NONE

MS.COX MADE A MOTION TO ADJOURN THE MEETING AT 8:06 PM.

CLERK OF COUNCIL _____
Patricia A. McKay

APPROVED _____

PRESIDENT OF COUNCIL _____
Sam R. Hitchcock