

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON AUGUST 26TH, 2013 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
MS. COLLEEN ESPENSCHIED
MR. DAN LANZER
MR. DARRIN LAUTENSCHLEGER
MR. ROB MAURER
MR. JOHN ZUCAL

PRESIDENT OF COUNCIL, SAM HITCHCOCK ANNOUNCED COUNCIL MEMBER, MS. WINNIE WALKER AUDITOR, MS. BETH GUNDY, TREASURER, MS. LORI STATLER AND SAFETY DIRECTOR, MR. GREG POPHAM ARE EXCUSED FROM TONIGHT'S COUNCIL MEETING.

MS. COX MADE A MOTION TO AMEND ORDINANCE 13-2013, "TO REMOVE SNOWMOBILE", MS. ESPENSCHIED SECONDED THE MOTION.

ROLL CALL 6 YEAS
MOTION PASSED

MS. COX 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 THE MINUTES FROM PREVIOUS REGULAR SESSION OF COUNCIL HELD ON MONDAY, AUGUST 12TH, 2013.
MR. LANZER SECONDED THE MOTION

ROLL CALL, 6 YEAS
MOTION PASSED

CORRESPONDENCE CLERK, PATRICIA MCKAY

1. Mayor's Report/Requests to Council August 26th, 2013
2. Minutes from the New Philadelphia Airport Commission Meeting July 9th, 2013
3. Finance Committee Meeting Minutes from Monday August 12th, 2013
4. Special/Contact Committee Meeting Minutes from Monday August 12th, 2013
5. Planning Commission Meeting Minutes from August 13th, 2013
6. Request dated August 20th, 2013 to Council President Sam Hitchcock to assign to the Zoning and Annexation Committee for review a request for rezoning from residential to business for the property located at Seventh and Tuscarawas Avenue NW, New Philadelphia (Miller Studio, Inc.) presented by Mr. Jeff Miller, President and Mr. John Basiletti, President /Magic Mounts Division of Miller Studio, Inc.

ADMINISTRATIVE REPORTS:

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

The Mayor addressed the following:

- The Mayor announced that Board of Election has informed him that the City's Income Tax Increase Ballot Issue will be Issue #1.
 - A Committee for this issue will be formed
 - Anyone (members of the public as well as City related individuals) who is interested in serving on this should contact the Mayor.

- The Mayor reported that last week one of our police cruisers was involved in an accident.
It is his understanding, a driver pulled out in front of the cruiser.
The cruiser is being evaluated for the actual extent of damages.
A patrolman and an auxiliary member were in the cruiser at the time and only received minor injuries.
The accident was investigated by the Ohio Highway Patrol.
- The Mayor reported he recently attended the monthly Safety Council Meeting.
The Mayor is required to attend one meeting annually to qualify for our Bureau of Workers Compensation discount.
- The Mayor reported the Joint Solid Waste District Policy Committee, which he is a member, is about done with the update on the policy manual. (Overall there were some changes but they were minimal in terms of the length of the policy.)

Comment from Ms. Cox:

Ms. Cox wanted to know in regard to the police cruiser was the other person insured.

The Mayor replied yes.

SERVICE DIRECTOR.....MR. JAMES ZUCAL

The Service Director reported the following:

- The Paving Project with ODOT is progressing well
They have finished paving on 4th Street NW from West High to Park Avenue. They did that so the schools could get started and it was done before the opening day. They will come back and finish the rest of 4th Street. They will also do the East High, West High Sections, Beaver Avenue and Graff Road. It is going to be done in three phases as part of this initial paving project.
- The Planning Commission did meet on August 13th, 2013
The Service Director expressed an approval for Miller Studio to be rezoned from residential to business. (Because of the request by ODOT in regard to their electronic sign) The Service Director thinks that is a good idea to do that; it complies with the zoning of New Philadelphia. Bob Martinelli and Kathy Pietro are moving forward with Oak Shadows Phase 4-5. They do a nice job and Mr. Zucal mentioned that it would be a good project for them to work on and a great addition to the City. (Mr. Zucal is hoping and anticipating that both of these will be assigned to the Zoning & Annexation Committee.)
- The Housing Review Team met on August 1st, 2013
Reviewed eight structures and as part of that ongoing review they had asked for two demolition request. Mr. Zucal thanked the Law Director and reported that he met with Mr. Fete several times and worked with him on that.
The one property on Ray Avenue, the gentleman Mr. Chad Sampson is going to do the repairs of that building. He is going to move forward with renovating the structure.
The Service Director reported that the 1118 College Avenue building the Law Director did a nice job of presenting a teardown order. After thirty days we are going to get three quotes for the demolition of 1118 College building corner of 12th Street and College.
(The neighbors out there are very upset it has been this way Mr. Zucal talked with them and they are happy we are moving forward with that.) It is the Service Director's intention to see that structure does get razed.

AUDITORMS. BETH GUNDY.....NO REPORT
EXCUSED ABSENCE

SAFETY DIRECTOR.....MR. GREG POPHAMNO REPORT
EXCUSED ABSENCE

TREASURERMS. LORI STATLER.....NO REPORT
EXCUSED ABSENCE

LAW DIRECTORMR. MARVIN FETE

The Law Director reported the following:

Over the past two weeks:

On August 20th, 2013 the Law Director had a meeting at his office.

He had a conference with one of our citizens to discuss an ordinance in regard to a tree issue; specifically dead or over hanging trees on another members property.

Mr. Fete reported that he followed up with the Service Director on this. They are trying to get neighbors to do what is neighborly rather than have the Law Enforcement Officer issue a dictate as to what should be done.

8/21/13 had a meeting with a gentleman from Technical Survey Services in regard to a City case on property lot; Specifically, he needed some direction on how to achieve variance. The Law Director referred him to the Service Director's Office they were helpful and resolved that matter.

Meeting with our Prosecutor Doug Jackson, August 21st, 2013.

We had a complaint on how one of our cases was handled.

It was a case predated to his Administration.

It was filed prior to him taking office in 2011 and resolved by his office.

The victim of this case was not happy as to how it was done.

The Law Director met with Doug Jackson to review the case details and the Law Director concluded that our prosecutor is not doing anything wrong in that case.

If members of Council want further details on that he asked that it be discussed in an executive session even though it is a matter of a public record.

Last week, the Law Director received a Law Suit filed against the City of New Philadelphia and the New Philadelphia Police Department in regard to a case for wrongful prosecution that was referred to our insurance company.

Mr. Fete had a conference this afternoon with the insurance adjustor.

He will brief Council in the Executive Session of the pending case.

August 23, 2013 the Law Director prosecuted four cases in New Philadelphia Municipal Court.

He announced that he would be there this Thursday all morning prosecuting cases. (The Law Director reported that he will be covering for Eugene Nemitz.)

Because there is a time limits to respond to Law Suits

The Law director initiated a letter on a policy of how Law Suits should be delivered to his office; he requested that they be hand delivered by the Police Chief so he can respond immediately. Or to call the Law Director's Office so he could have them picked up. In the past they were hand delivered by the Police Chief and he would like that policy to be continued.

The Law Director reported that he drafted three letters in regard to a CHIP Grant Problem with three of our CHIP Programs.

The person has defaulted on the terms of the loan; they either moved and not living there any more or they have transferred the residence to somebody else and that would trigger an automatic default; so the Law Director sent a letter to ask them to respond to that and to basically to settle the loan.

The Mayor asked if the Law Director copied Tony Danzo on the CHIP letters.

The Law Director said no that he wanted to run it past the Mayor first before he sent them out.

The Law Director requested an Executive Session following legislation in regard to the Law Suit that we were served with this past Thursday.

Ms. Cox made that motion to go into an Executive Session immediately following the legislation.

Mr. Lautenschleger seconded the motion

Roll call 6 yeas motion passed.

President of Council advised all that there will be a five minute recess prior to the Executive Session.

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR MICHAEL TAYLOR

The Mayor announced that Service Director reported on the last Planning Commission Meeting and the next Planning Commission Meeting will be held Tuesday, September 10th, 2013 at 1:00 PM in Council Chambers pending an agenda.

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

Mr. Zucal announced, pending and agenda, the Board of Zoning Appeals Meeting will meet Tuesday, September 10th, 2013 at 5:00 PM in Council Chambers.

AIRPORT COMMISSION..... MR. JOHN ZUCAL.....NO REPORT

Mr. John Zucal announced the Airport Commission met Tuesday, August 13th, 2013 at 6:00 PM at the Airport meeting room.

Mr. Zucal reported the following:

- A series of updates on the status of the Airport was given by Mr. Eric Hubbard, fixed base operator.
- Announced that the Experimental Aircraft Association under of the leadership of Mr. Terry Henry, once again, is sponsoring their Labor Day Pancake Breakfast. They are going to have some very nice planes coming into the Airport.
- Encouraged the Members of Council to consider attending the Pancake Breakfast and/or stopping by the Airport to see some of the great things that are happening as far as what the EAA is doing.
The EAA is a volunteer group; they do a lot in the community. They have been very active in engaging young people in the Middle and High School level in New Philadelphia with opportunities to learn more and actually be mentored by some of the folks when it comes to the use of the Air Craft.
- Any support Council can lend them will be appreciated by the EAA group.

PARK BOARD..... MR. DARRIN LAUTENSCHLEGER.....NO REPORT

HEALTH BOARD..... MS. SANDY COX

Ms. Cox announced that the next scheduled meeting for the Health Board is Wednesday, September 18th, 2013 at 12:00 Noon at the Health Department.

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEE. MS. SANDY COX

Ms. Cox announced the Auditor would like the following ordinance and resolutions be past tonight.

Ordinance 14-2013

An ordinance amending and adjusting the permanent appropriations ordinance.

Resolution 25-2013

The transfer is from interest only from the Cemetery Endowment Fund over to the Cemetery Operating Fund for the 2013 year.

Resolution 26-2013

To direct the Auditor to transfer from the General Fund to the Sidewalk Program Fund .

Ms. Cox announced the Treasurer asked for the rules be suspended on the following resolutions and for it to be past tonight.

Resolution 28-2013

To make adjustments for posting differences on the Treasurer and Auditor Reports in the amount of \$683.73 due to posting errors so the books will be balanced.

SALARY COMMITTEEMR. JOHN ZUCAL

Mr. John Zucal announced that he did not have a formal report but wanted to share with Council the following:

Mr. Zucal Salary Chair/ Member of Council

Received an invitation to an informational breakfast for Tuesday, August 20th, 2013

Which was held at Gavin's on the Square, New Philadelphia, Ohio.

The invitation was from members of the NPBCA and from the individual who is heading the committee for that group, Alan Rodriguez.

The purpose of the meeting was to work together with some of our business owners /land owners downtown; to see what we could do to continue to move forward with improving some of the existing infrastructure, facades, faces of the buildings and also to think about different ways we can engage in recruiting new business, sustaining those businesses that are downtown and doing anything that we can to make our downtown businesses more attractive to various groups.

Mr. Zucal reported the Mayor was in attendance at that meeting.

Mr. Zucal informed all the meeting was very productive and lasted a little over an hour. Mr. Zucal reported it is a worthwhile effort to promote our downtown.
 Next meeting will either be in September or October.
 He will keep Council apprized.
 Any Council member that would like to attend is more than welcome to do so.
 Mr. Zucal would be more than happy to facilitate communication between the group.

President of Council Sam Hitchcock asked Mr. Zucal if he would like to comment on the record; to Council on the Ad hoc Committee
 Mr. Zucal replied he did not have any comment.

SAFETY HEALTH & SERVICE COMMITTEEMR. ROB MAURER....NO REPORT

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

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

Council President Sam Hitchcock assigned to the Zoning and Annexation a request dated August 20th, 2013 to review a request for rezoning from residential to business for the property located at Seventh and Tuscarawas Avenue NW, New Philadelphia (Miller Studio, Inc.)

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

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

VISITOR'S COMMENTS:

NONE

READING OF ORDINANCES AND RESOLUTIONS

ORDINANCES:

AMENDED

13-2013 AN ORDINANCE AMENDING CODIFIED ORDINANCE CHAPTER 1141 OF THE CITY OF NEW PHILADELPHIA, OHIO, TO ENACT A SUPPLEMENTAL SECTION 1141.05 TO ADDRESS RECREATIONAL VEHICLE PARKING AND STORAGE AND DECLARING AN EMERGENCY. (2ND READING)

14-2013 AN ORDINANCE AMENDING AND ADJUSTING THE PERMANENT APPROPRIATIONS ORDINANCE FOR THE YEAR 2013 AND DECLARING AN EMERGENCY. (1ST READING)

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

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

15-2013 AN ORDINANCE TO APPROVE, ADOPT AND ENACT THE CURRENT REPLACEMENT PAGES TO THE CODIFIED ORDINANCES AND DECLARING AN EMERGENCY. (1ST READING)

RESOLUTIONS:

25-2013 A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO APPROVE THE TRANSFER OF UP TO \$7,500.00 FROM THE CEMETERY ENDOWMENT FUND (#812) TO THE CEMETERY OPERATING FUND (#209) FOR THE 2013 FISCAL YEAR. (1ST READING)

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

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

26-2013 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 \$10,000.00 FROM THE GENERAL FUND #101 TO THE SIDEWALK PROGRAM FUND #285, AND DECLARING AN EMERGENCY. (1ST READING)

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

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

27-2013 A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO COMMEND DEAN E. MILLER FOR HIS 21 YEARS OF SERVICE AND DEDICATION TO THE CITY OF NEW PHILADELPHIA, AS A PART-TIME SANITARIAN WITH THE NEW PHILADELPHIA HEALTH DEPARTMENT. (1ST READING)

28-2013 A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO MAKE ADJUSTMENTS FOR POSTING DIFFERENCES ON THE TREASURER AND AUDITOR REPORTS DUE TO POSTING ERRORS, AND DECLARING AN EMERGENCY. (1ST READING)

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

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

Comment from Mr. Lautenschleger:

Formerly thanked the Treasurer, Ms. Statler for all her hard work and her time that it took to clear up that situation and get it down to just a few hundred dollars.

Comment from Ms. Cox:

Ms. Cox said she would say the same thing;

“It took Ms. Statler time to do it. Since the first of the year she has worked very hard.”

Roll call, 6 yeas, resolution passed.

29-2013 A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO APPROVE THE TRANSFER OF \$50,000.00 FROM THE SANITATION FUND (#219) TO BE TRANSFERRED \$25,000.00 TO THE WATER OPERATING FUND (#711) AND \$25,000.00 TO THE SEWER OPERATING FUND (#713) FOR THE 2013 FISCAL YEAR. (1ST READING)

COUNCIL ADJOURNED FOR A FIVE MINUTE RECESS AT 8:01 PM

AT 8:07 PM COUNCIL RECONVENED INTO REGULAR SESSION

COUNCIL ADJOURNED FROM REGULAR SESSION INTO EXECUTIVE SESSION AT 8:07 PM

THE LAW DIRECTORS REQUEST TO DISCUSS THE LAW SUIT THAT WE WERE SERVED WITH THIS PAST THURSDAY. COUNCIL RECONVENED INTO REGULAR SESSION AT 8:11 PM.

UNFINISHED OR OLD BUSINESS:

NONE

NEW BUSINESS:

President Sam Hitchcock reported:

Mr. Hitchcock reported that last Wednesday a group of young people from the Teen Center contacted Mr. Hitchcock concerned about the vandalism that took place at the Skate Park which is located on Mill Avenue SW, this past week.

The teens were offended and wanted to assist in cleaning up the skate ramps that vandals had spray painted.

President Hitchcock felt it was refreshing to see kids stand up, voice their disapproval, want something done about it and be willing to help make it happen.

The Teens were hoping it could get it cleaned up before the weekend before the James Short Memorial Benefit. Mr. Hitchcock contacted the Service Director who in turn contacted Fred Neff and they moved forward on making this happen.

Mr. Fred Neff met with the teens at 9:00 AM Friday.

The teens joined City Workers in cleaning up the Skate Park.

Mr. Hitchcock commended the Service Director, James Zucal , Services Superintendent Fred Neff and a City's crew for responding to some of our younger citizens and making that happen.,

MS. COX MADE A MOTION TO ADJOURN THE MEETING AT 8:15 PM.

CLERK OF COUNCIL _____

APPROVED _____

PRESIDENT OF COUNCIL _____