

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON JANUARY 27TH, 2014 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

MR. LAUTENSCHLEGER MADE A MOTION TO ADD TO TONIGHT'S AGENDA ORDINANCE 1-2014
MS. COX SECONDED THE MOTION.

ROLL CALL 7 YEAS
MOTION PASSED

MS. COX MADE A MOTION TO ACCEPT TONIGHT'S AMENDED AGENDA
MRS. RAMOS SECONDED THE MOTION.

ROLL CALL 7 YEAS
MOTION PASSED

MR. LANZER MADE A MOTION TO APPROVE THE MINUTES FROM THE PREVIOUS REGULAR SESSION OF COUNCIL HELD ON MONDAY, JANUARY 13TH, 2014.
MS. COX SECONDED THE MOTION

ROLL CALL, 7 YEAS
MINUTES WERE APPROVED.

CORRESPONDENCE CLERK, PATRICIA A. MCKAY

1. Mayor Johnson's Report to Council dated January 27th, 2014
2. Filing Reminder 2013 Financial Disclosure Statement to be filed in 2014
Notice from the Ohio Ethics Commission dated January 16th, 2014, from Jen Boger, Financial Disclosure Analyst, re: official list of elected officials and notification of filing requirements.
3. Thank you dated January 27th, 2014 to the President of Council, Sam Hitchcock and all City Council Members from Council Clerk Patricia McKay.
(A thank you for the reappointment to the position of New Philadelphia Clerk of Council and for the opportunity to serve Council once again.)
4. Minutes of the New Philadelphia Airport Commission dated November 12th, 2013
5. A Notice Dated January 10th, 2014 to Council from the Dominion East Ohio, Robert Varley Managing Director State and Local Affairs, 1201 East 55th Street, Cleveland, Ohio 44103
(Dominion is providing this notice to Council at least 30 days in advance of its anticipated filing of the annual AMR cost recovery charge application)

ADMINISTRATIVE REPORTS:

MAYOR'S REPORT/REQUESTSMAYOR DAVID JOHNSON

Mayor Johnson addressed the following:

- The Mayor announced that he has been in office for seventeen very educational days.
- The Mayor met with the Safety Director Popham and Fire Chief Parrish
To discuss recent retirements in the Fire Department
Decided to give the go ahead for the Civil Service Promotional and Entrance Exams in the Fire Department (which will provide an active list to hire from when the monies become available.)

- The Mayor met one on one with each Department Supervisor to discuss:
 - Their departments activity
 - 2014 Budget and where any cuts could be made
- January 21st, 2014 the Mayor attended the CIC Meeting in recognition of the CIC 50th Anniversary Meeting. Mayor Johnson commended CIC for their hard work and dedication to make Tuscarawas County a better place to live.
- January 22nd, 2014 met with Mr. Dave Wheeler and Mr. Dave Heck for an AEP update on their available services.
- The Mayor reported that he and Service Director met with Mr. Lloyd MacAdam, Deputy Director of the Ohio Department of Transportation, District 11.
 - O.D.O.T. presented possible changes to the original construction plan for the West High Widening Project.
- The Mayor reported, this morning he hosted an informal staff meeting for all supervisors and assistants.
- The Mayor commended the Fire and the Police Departments for their brilliant work in the discovering of a methamphetamine lab and putting out a fire and corralling the criminals in such a quick and efficient manner.
- Mayor Johnson also thanked the Service Department, Mr. Fred Neff and Mr. Mark Henke, for getting the snow out of the way and helping us through the endless train of snow storms.
- The Mayor requested passage of Amended Ordinance 28-2013 which deals with Salaries.
 - By giving them the raise we are investing in New Philadelphia's future.
- The Mayor also requested the suspending of the rules and passage of Ordinance 1-2014 tonight.

SERVICE DIRECTOR.....MR. JAMES ZUCAL

The Service Director reported on the following:

- The Service Director thanked Mayor Johnson for the team approach he has put in place with the City Administration
 - All department Heads have worked together and appreciate that.
 - The Service Director feels we are getting together on the the right track and we will be able to move forward on some hurdles and challenges that we may have in a profession fashion, Thank You Mayor.
- The Service Director thanked the Department Heads.
 - They fulfill an obligation every year by providing him with a report of their 2013 activities which he shares with all the members of Council. The Service Director encourages Council to read those.
 - They do a great job they are a key part to the City running so smoothly.
- The Service Director thanked our workers that are out there every day.
 - Mr. President, this year it has been very difficult it has been cold these guys do a great job for us and provide a service for our community.
- The Service Director reported that he passed out the 2013 infrastructure tabulations.
 - (For a City our size it is very enlightening to look at.)
 - We have 94 miles of paved roads in the City
 - (We are out there on a day to day basis repairing those roads).
 - We have a Sewer Department that does a great job with over 90 miles of line in the ground.
 - The Water Department with over 106 miles of line in the ground.
 - We are a fairly good size City and we have a lot of infrastructure to maintain and the Department Heads and the people that work with them do a very nice job.
- Mayor mentioned we met Friday with the Administration at O.D.O.T.
 - We are very excited about our project this year which is the the West High Widening Project and O.D.O.T. has made a recommendation to ask the Administration to get back with them by Wednesday of this week.
- What they are asking for:
 - Originally they had concept idea of keeping one lane west bound open on West High during the project.
 - They know there are some challenges out there with the very deep Storm Sewer that is going in place. They feel that it would be prudent on their part to encourage us to allow them to close West High from 7th to 10th Street only.
 - That would be for a sixty day period (August and September 2014). They would like to start the construction project just after the fourth of July, after First Town Days on Monday July 7th, 2014.

We think it's in theory, in Engineering Standards, it is a good idea. We are weighing all the options. The Mayor has met with the Safety Department Heads and our other Service Sector People. The Problem with the sandy soil the dredge does collapse. We have to pull behind two trench boxes. They are using such large equipment they feel that one lane would be tough to keep open. Moving that equipment and the obstacles they have. We don't think that will deter our project; it might be a benefit to us. The reward is we would finish that project accept for some minor seeding and asphalt work in the year 2014. There would be very little carryover in 2015. It would be a couple of months of inconvenience. We think our traveling public would learn to go to alternate routes, which would make the primary route Front Avenue SW and they would use other streets. (Maple Avenue and Tuscarawas Avenue all would be open) Businesses would all have access from the alleys either to the North or the South. They really looked into it they have done their homework. I think it is well planned I think it is a good idea that we would wrap up our project in a very timely fashion. We done a lot of work and thought about it. The Mayor is going to get back with them on Wednesday. That is the direction we are probably headed. It is a big project, one of the biggest the City has ever under taken. The Service Director stated he is looking forward to it. Once it is all wrapped up it will be well worth it.

Comment from Council Member Ms. Walker:

Are you going to notify any of the homeowners regarding what you just said?

Reply from the Service Director:

Public access and notification by O.D.O.T. It will be to all Businesses and Homeowners.

They have already had some preliminary talks with those folks. The idea is to keep the businesses in operation. There are only three in that area.

The area from 10th Street West would still be open or at least one lane open.

Car lot where the Fuel Depot use to be will be able to be served by various streets 10th Street and West High.

Comment from Council Member Ms. Walker:

This is up to 7th Street?

Reply from the Service Director:

Five Points to 7th down to 10th that will be closed for two months the entire thing.

Comment from Council Member Ms. Walker:

The residences need to know about that.

Reply from the Service Director:

I will take care of that. There will be slight inconveniences we do want to minimize those and move forward with the project.

Comment from Council member Ms. Walker:

That will be hard getting out of those streets without a light.

The complaints I receive I will refer to the Service Director.

Comment from Council member Mrs. Ramos:

I live in that area and we use West High a lot I'm wondering if you are going to notify the People that might be using West High to get on I-77.

Reply from the Service Director:

The folks from O.D.O.T. will do a "Media Blitz" this will let everybody know Radio Stations, Television and News Papers what their plans are. It will be well rehearsed and put into play.

Keep in mind, this is their project, and we are just a cost share in the project it is a State Route.

AUDITORMS. BETH GUNDY

Ms. Gundy announced that the Auditors that we have contracted with will be in next Monday, February 3rd, 2014.

Ms. Gundy informed all that they may be contacting any of you in the next month or two.

Comment from Council Member Mr. Zucal:

Is there any news on R.I.T.A.?

Ms. Gundy replied:

There is going to be a meeting February 10th 2014 before the next Council Meeting.

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

Comment/Concern from Council Member Mr. Zucal:

This is question is for the Fire Chief. In case of a fire do we have warming equipment within the Fire Station to get ice off the hoses and their gear? In other communities that is a vital part of what they are experiencing right now.

Chief Parrish replied:

Yes, the City of New Philadelphia Fire Department is well prepared.

We don't have warmers but we do have a laundry facility, and plenty of hoses.

We have 2 sets of turnout gear for every Firefighter so when they go out and get wet they have a backup to put on when they return.

President of Council Sam Hitchcock commended the Safety Forces for the speedy response to the methamphetamine lab and commended the Department of General Services specifically the Street Department for clearing the roadways and keeping them as safe as possible.

TREASURERMR. AARON HILLYER.....NO REPORT

LAW DIRECTORMR. MARVIN FETE

As the Law Director was absent from the last Council Meeting:

Mr. Fete announced that he welcomes the opportunity to work with the Treasurer Mr. Hillyer, Council Member Cheryl Ramos and the Mayor David Johnson and informed them that he is available to help them in any way that he can to succeed in their positions.

- January 21st, 2014 The Law Director reported that he met with Melanie Osborn, Graphic Publications (The Bargain Hunter) in regard to their services for Advertising.
Our own Ordinance 121.22 requires us to post in local newspapers, pay reasonable fee and have the widest possible dissemination of information available. The Law Director feels it bears looking into he has information available that he will be happy to pass on to the appropriate person or committee to review.
- January 22nd, 2014 met with the Service Director James Zucal and the Service Director's Assistant Amy Gilland on two legal issues they were concerned with.
 1. The payment to a Railroad Company we have by virtue of a prior agreement.
 2. They asked about refunding a past Building Permit that was issued in 2011 people that requested it did not end up building.
- January 23rd, 2014 Mr. Fete prosecuted at the Municipal Court to fill in for the Prosecutor Tara Wright Who is on maternity leave for six week which is starting today.
Ms. Wright and her husband had a healthy Girl last Thursday.
For the next six weeks Mr. Fete will prosecute from time to time during her leave.
- Met with O.D.O.T. last December with regard to Mr. Fete's role in the West high Widening Project.
We have petitions to appropriate property and fix compensation I have to file with the Common Pleas Court The jest of these is taking 10 feet of property from the people homes down there "Eminent Domain"
If the people do not come to an agreement with O.D.O.T. on the cost of it the petition to appropriate property and fixed compensation has to be filed with the Common Pleas Court. (Filed by February 28th 2014)
Mr. Fete has eight drafted already and he just received news of the 9th one. Each could potentially be resolved in a jury trial on basis of their trial whether or not you can take the property, whether or not the amount that was offered for the property is fair and equitable that would be for a jury to decide.
He is holding off in filing these to the last possible moment there are filing fees that City would have to pay for each one. If we are able to work out and negotiate a settlement to these property owners.
Initially, back in December, there were seventeen that needed to be filed. We are now down to nine.
All of these are people that have liens on the properties. We have to negotiate with the result of that 10% of their lien that covers that amount of property.
- The Law Director requested an Executive Session to be held before the legislation this evening to discuss personnel and pending of potential litigation.
Mrs. Ramos made that motion
It was seconded by Mr. Lautenschleger
Roll call
7-0 Motion passed

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR DAVID JOHNSON

The Mayor announced the next scheduled Planning Commission Meeting will be held Tuesday February 11th, 2014 at 1:00 PM here in Council Chambers at this time there are no items for the agenda.

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

Mr. James Zucal announced the Board of Zoning Appeals will meet Tuesday February 11th, 2014 here in Council Chambers at 5:00 PM there is one variance request.

AIRPORT COMMISSION..... MR. JOHN ZUCAL

Mr. John Zucal announced that the Airport Commission met Tuesday, January 14th, 2014 at 6:00 PM in the Airport meeting room. Mr. John Zucal announced this was the organizational meeting for 2014.

We went over some of our goals and objections for the Airport Commission for 2014.

We did welcome the the two new members Commission members Don Kennedy and Dean Holland.

Mr. Holland was on vacation and was unable to attend Mr. Holland is an experienced pilot, has had a great deal of work around the United States, and he has served municipalities in various capacities. He will bring a great deal of regional and national expertise to the position.

We have long time pilot and business owner here in New Philadelphia Mr. Don Kennedy as a member. Mr. Kennedy has been an active participant at the meetings as a guest and his expertise will be a welcome contribution to the Airport Commission.

PARK BOARD.....MR. DARRIN LAUTENSCHLEGER.....No Report

HEALTH BOARD.....

Ms. Cox announced that the next scheduled meeting for the Health Board is Wednesday, February 19th, 2014 at 12:00 Noon in the Health Department.

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEE reported the following:

Ms. Cox reported that the Finance Committee met tonight at 7:01 PM. the first item was a request from the Auditor to keep Master Capital in the General Fund.

We asked for that ordinance to be prepared for the next meeting the vote was two yeas and one nay (Mrs. Ramos)

The second item was the CHIP program which is authorizing the Mayor to submit an application for fiscal year 2014 for a CHIP grant and the proposer which was Tony Danza to Administrate and Implement for CHIP to be on the agenda for the next meeting and passed in the March meeting.

SALARY COMMITTEEMR. JOHN ZUCAL....NO REPORT

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

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

Mr. Darrin Lautenschleger reported that Public Works & Economic Development Committee had two separate meetings on January 27th, 2014 with the first one getting underway at 6:15 PM.

The first meeting we heard all the details on the upcoming Widening Project the topic to be discussed by the committee was the financing for that project. This dated back to December when Mr. Zucal, Service Director provided Council with a letter explaining the various finance options including all the dollars that originally had bet set aside for funding a portion or all of the cost.

City's portion is estimated to be anywhere from \$475,000 to roughly \$550,000 and potentially paying for that entirely through a loan funding through the State Infrastructure Bank administered by ODOT.

After much discussion and with a proposed ordinance authorizing the administration to apply for the loan funds the Committee voted 3-0 to go ahead and add ordinance 1-2014 which authorizes administration to borrow up to \$350,000 from the (SIB) bank loan fund through ODOT. For the West High Widening Project suspend the rules and pass tonight on first reading.

The other portion of the meeting was a presentation by Dan Rice, Executive Director of of the Ohio & Erie Canalway Coalition, on an update on the Towpath Trail Project.

The Towpath Trail stretches from Cleveland to New Philadelphia and of the 101 miles of trail 85 miles have been completed most of what is left 14 miles or so that is right here in our County.

Mr. Rice reported to the Committee the goal for New Philadelphia's portion to be completed by 2020. Roughly \$300,000,000 in community impact development from an Economic Development stand point that trail system produces. 100,000 people utilizes what trail system that is already developed in Tuscarawas County and 2.5 million people a year utilize that trail system, over all. There is an economical aspect to that. The committee did request that the Council through the Public Works & Economic Development Committee authorize the City administration to work with the Law Director to review a draft easement with the Gradall Corp. to allow access for some trail development and the committee voted 3-0 to get that moving. and that will help that 2020 goal to be met with no cost to the City at this point.

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

CONTACT & SPECIAL COMMITTEE MR. DAN LANZER

Mr. Lanzer reported that the Special & Contact Committee met tonight at 6:00 PM in Council Chambers to discuss three items. The first two items were the appointments of Airport Commission Members Dean Holland proposed Resolution 3-2014 and Don Kennedy proposed Resolution 4-2014 to the Airport Commission. The committee voted 3-0 on both Proposed Resolution 3-2014 and Proposed Resolution 4-2014 to put them on the agenda for the next Council Meeting and read for three readings. The third item was a Notice to Council from the Ohio Division of Liquor Control, 6606 Tussing Road, P. O. Box 4005, Reynoldsburg, Ohio 43068-9005 To Bigfoot Acquisitions DBA and Gavins, Inc., 110 South Broadway & Patio, New Philadelphia, OH 44663 (Elaine D. Van Sile active President). from Bigfoot Acquisitions DBA and Gavins LLC. 110 South Broadway & Patio, New Philadelphia, OH 44663 Dated December 31, for Type TRFO D1, D2, D3 permit and asking that objections be made no later than January 31st, 2014. A motion was made by Ms. Walker to request Council to authorize the Clerk of Council to sign her name and title, date and designate we do not request a hearing for the notice and mail to Ohio Division of Liquor Control, 6606 Tussing Road, P. O. Box 4005, Reynoldsburg, Ohio 43068-9005 before the due date.

Ms. Cox made a motion to vote on the committee's recommendation
Ms. Walker seconded the motion.

Roll Call 7yeas
Motion passed.

The President of Council, Mr. Sam Hitchcock
Assigned to the Contact and Special Committee from the Law Director
Melanie Osborn, Graphic Publications (The Bargain Hunter) in regard to an Advertising issue.

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

VISITOR'S COMMENTS:
NONE

COUNCIL ADJOURNED FROM REGULAR SESSION INTO EXECUTIVE SESSION
AT 8:06 PM AS REQUESTED BY THE LAW DIRECTOR, FOR PERSONNEL AND POTENTIAL
LITIGATION.
COUNCIL RECONVENED INTO REGULAR SESSION AT 9:24 PM

READING OF ORDINANCES AND RESOLUTIONS

ORDINANCES:

AMENDED
NO. 22-2013 AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO
MODIFY SUPPLEMENTAL SECTION 1141.05 AS ENACTED BY ORDINANCE 13-2013 TO
ADDRESS RECREATIONAL VEHICLE PARKING AND STORAGE IN THE CITY OF NEW
PHILADELPHIA WITH REGARD TO ZONING LANGUAGE AND APPLICATION AND
DECLARING AN EMERGENCY. (4th READING)

AMENDED
NO. 28-2013

AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO ENACT A PAY INCREASE FOR NON-BARGAINING GROUP TIERS A, B, D AND E AS IDENTIFIED IN ORDINANCE 21-2013 PASSED DECEMBER 23, 2013 AND ALL HEALTH DEPARTMENT PERSONNEL TO BE THE AMOUNT OF 5.25% INCREASE EFFECTIVE JANUARY 1ST, 2014 AND DECLARING AN EMERGENCY. (3rd READING)

Mr. Lautenschleger made a motion to amend the Amended Ordinance 28-2013 By inserting after Tiers A (excluding the position of Fire Chief) in all 3 places Tiers A appears in the Amended Ordinance 28-2013.

Mr. Zucal seconded the motion

Roll call 7 yeas

Amended Ordinance 28-2013 has been amended

Mr. Lautenschleger made a motion to pass Amended Ordinance No. 28-2013

Mr. Zucal seconded the motion

Roll Call 3 yeas and 4 nays (Ms. Cox, Mr. Lanzer, Mrs. Ramas, and Ms. Walker)

Amended Resolution No. 28-2013 has failed

1-2014

AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO AUTHORIZING THE MAYOR TO APPLY FOR AN OHIO DEPARTMENT OF TRANSPORTATION (ODOT) STATE INFRASTRUCTURE BANK (SIB) LOAN TO ASSIST THE CITY OF NEW PHILADELPHIA IN FUNDING THE CITY'S PORTION OF THE WEST HIGH WIDENING PROJECT AND TO EXECUTE ALL THE NECESSARY LOAN DOCUMENTS FOR THE SAME, AND DECLARING AN EMERGENCY. (1ST READING)

Motion to Suspend the Rules made by Mr. Lautenschleger,

Seconded by Ms. Cox

Roll Call, 7 yeas rules suspended.

Motion to vote on passage made by Mr. Lautenschleger,

Seconded by Ms. Cox

Ms. Cox reminded all that in Section 1. The \$ 600,000 has to be changed to \$350,000

Roll call, 6 yeas and 1 nay (Mrs. Ramos)

Ordinance 1-2014 passed

RESOLUTIONS:

1-2014

A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO COMMEND DEE GROSSMAN FOR HER 14 YEARS OF SERVICE AND DEDICATION TO THE CITY OF NEW PHILADELPHIA AS A MEMBER AND SECRETARY ON THE NEW PHILADELPHIA AIRPORT COMMISSION. (2nd READING)

2-2014

A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO COMMEND TED GENTSCH FOR HIS 13 YEARS OF SERVICE AND DEDICATION TO THE CITY OF NEW PHILADELPHIA AS A MEMBER OF THE NEW PHILADELPHIA AIRPORT COMMISSION. (2nd READING)

UNFINISHED OR OLD BUSINESS:

NONE

NEW BUSINESS:

The President of Council, Mr. Sam Hitchcock reported as a member of the Lions Club he shares the responsibility of inviting guest speakers in from time to time.

The President of Council, Mr. Sam Hitchcock invited our Health Commissioner, Ms. Vickie Ionno, as a guest speaker for the Lions Club today at noon at The Pros Table.

Mr. Sam Hitchcock reported Ms. Ionno gave a very informative as well as educational talk which was well received by the members of the New Philadelphia Lions Club.

Mr. Hitchcock commended Ms. Ionno for a job well done.

MS.COX MADE A MOTION TO ADJOURN THE MEETING AT 9:24 PM.

CLERK OF COUNCIL _____

APPROVED _____

PRESIDENT OF COUNCIL _____