

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON MARCH 25TH, 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  
MS. WINNIE WALKER  
MR. JOHN ZUCAL

PRESIDENT OF COUNCIL, SAM HITCHCOCK ANNOUNCED THE AUDITOR, MS. GUNDY WAS EXCUSED FROM TONIGHT'S COUNCIL MEETING.

MS. COX MADE A MOTION TO ADD RESOLUTION 7-2013 TO TONIGHT'S AGENDA  
MR. MAURER SECONDED THE MOTION  
ROLL CALL, 7 YEAS, MOTION PASSED

MS. COX MADE A MOTION TO ACCEPT TONIGHT'S AGENDA AS AMENDED  
MR. LANZER SECONDED THE MOTION  
ROLL CALL, 7 YEAS, MOTION PASSED.

MS. COX MADE A MOTION TO APPROVE THE MINUTES FROM THE PREVIOUS REGULAR SESSION OF COUNCIL HELD ON MONDAY, MARCH 11TH, 2013  
MS. ESPENSCHIED SECONDED THE MOTION  
ROLL CALL, 7 YEAS, MOTION PASSED.

CORRESPONDENCE . . . . . CLERK, PATRICIA MCKAY

1. An e-mail to James Zucal, Service Director, from Attorney Brad Hillyer in regard to Oil & Gas Bids for City Owned Property.
2. Mayor's Report/Request to Council March 25th, 2013
3. Request dated March 12th, 2013 from Sam Hitchcock, President of City Council to Council Member John R. Zucal, in regard to Mr. Zucal's request for the assignment to the following ad hoc committee the study of current budget development and implementation process for potential change for the fiscal year 2014.
4. The City Scoop dated March 22nd, 2013 featuring comments from the Mayor's office, Service Director's office, the NPPD, Water Department, General Service Department, Health Department, and the NPPD News.
5. News Release dated March 12th, 2013 from Mayor Taylor in regard to New Philadelphia appoints NEW CHIEF of Police
6. New Philadelphia Public Works & Economic Development Committee Meeting Minutes from March 11th, 2013
7. City of New Philadelphia Month End Summary for the Fire Department for January 2013
8. City of New Philadelphia Month End Summary for the Fire Department for February 2013

ADMINISTRATIVE REPORTS:

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

Mayor Taylor addressed the following:

The Mayor announced:

- He received a letter from the Ohio Department of Development Services Agency commending Tony and Cindy Danzo for their work and record keeping for the City's C.H.I.P. Program.
- He attended the Annual Tax Incentive Review Committee meeting on behalf of the city last week. This meeting was to review companies in the program during 2012. The City of New Philadelphia had no participants for 2012 but will eventually have GE Mobile Water Project as a participant, if that development is finalized and moved forward to construction.

Mayor Taylor reported:

- A tentative agreement was reached last week with the International Association of Fire Fighters and the City. The union met on Thursday the 21st and voted to ratify the tentative agreement. The Mayor requested the Council

President assign this tentative agreement to a committee so that a meeting can be scheduled and this agreement voted on and hopefully ratified by full council at the next council meeting on April 8th, 2013.

- The City’s quarterly newsletter was distributed in pay envelopes last Friday. The Mayor expressed appreciation to the Labor/Management Steering Committee’s efforts to continue this newsletter and thanked all of the departments who submit information for it.
- Constellation Energy will be mailing a solicitation out to all local residents for sign up to the opt - in Gas Aggregation Program.

Existing residents on the program will have to sign up again. At the end of this next new two year cycle, the terms and conditions were changed to the residents for automatic renewal on the next two year cycle. (Assuming the city continues the program and the citizens want to remain a participant.)  
The new rate to sign up for is 4.57 per Mcf for a May through October cycle.  
The city will then establish a new rate to go into effect beyond October (and the anticipation at this time is that it may be lower)  
The Mayor announced citizens should be alert for the upcoming mailing from Constellation  
Be sure to follow the sign up instructions to either re- opt on the program or to be a new participant.

Mayor Taylor took a moment to acknowledge the passing of Ed Schumacher, owner of WTUZ Radio, “Ed was a great community leader, a friend of the city and a big supporter of our Safety Forces at the open houses we had in the past several years.” The Mayor personally offered on behalf of the City Condolences to the family and friends of Ed Schumacher.

Council Member:

John Zucal requested an update on the Tech Park.

The potential ground breaking date on the Tolloty Technology Center  
And who the contractor would be.

Mayor replied:

That is a Kent State University Project. They will be the owner of the building that will be built on the piece of ground immediately behind the Colonial Manor.  
They have not pinned down a date for the ground breaking  
They did go out for bid and did award a contract to Jeffrey Carr Construction of Massillon, Ohio will be the General Contractor.

Council Member:

John Zucal asked if there were any issues with GE Mobile Water.

Mayor replied:

They have a wet land issue they need to deal with. We have contacted them and offered our services. They are investigating that and have not responded back.

President of Council said he would like to echo the Mayor’s comments on the passing of Ed Schumacher. “He was a friendly very decent individual. He will be missed by many in this community.”

President of Council assigned the tentative agreement with the firefighters to the Finance Committee.

SERVICE DIRECTOR.....MR. JAMES ZUCAL

The Service Director Mr. James Zucal reported the following:

- Attended a meeting at ODOT regarding the paving this year and took along several of the traffic employees so they would be up to speed on the paving for this year so they would know what they are getting into as far as traffic loops and signalization.
- Met with Diversified Engineering looking on finalizing all the storm sewer issues throughout the city. Including the Five Points Storm Sewer Project, one of the biggest infrastructure project the city has ever under taken.
- Passed out a copy of the e-mail from Attorney Brad Hillyer on the request for proposal for oil and gas leasing and based upon the results from the County RFP which he also prepared wanted everyone to see in writing that he said to hold off. He is in touch with the industry and now is not a good time. When things do change he will let us know and then we can move forward with that.

Council Member Cox

Requested an update on South Broadway on the Street lights problem.

The Service Director replied

Traffic did use a contractor to find a broken piece of conduit. The street lights are back on it was on the east side of South Broadway between the railroad over pass and Mill Avenue that fed to a line that went under Mill Avenue that went to Commercial where it was dark.

AUDITOR .....MS. BETH GUNDY ..... NO REPORT  
EXCUSED ABSENCE

SAFETY DIRECTOR.....MR. GREG POPHAM

The Safety Director reported  
That the 21st of March the Chief Urban was his last day and Chief Michael Goodwin was sworn in as Police Chief.  
March 22nd we finished the second part of the Civil Service Examination. We will be waiting the results being sent back from the tester and then those will be forwarded to the Civil Service Commission for the adding of seniority credits and then we will be announcing the possible Sergeant and a new Captain in the Police Department.

TREASURER . . . . . LORI STATLER

The Treasurer announced that that she has found a way to save a substantial amount on our debt service through refunding of some bonds that we have outstanding. The refunding would allow the City to issue the new bonds at a lower interest rate but not lengthen the time of the bond issue. Ms. Statler requested the Council President assign this to council for the consideration for bond refunding.

President Sam Hitchcock assigned the request to the Finance Committee.

LAW DIRECTOR . . . . .MR. MARVIN FETE

Mr. Fete requested an executive session on 2 issues for tonight.

1. Pending of a court action
2. Personnel matter in regard to compensation
3. The potential acquisition of real estate

It was determined that a pervious request from Council Member John Zucal request for an Executives session following the legislation agenda March 25th, 2013 to discuss the potential acquisition of real estate it will be included in this executive session.

Ms. Cox made a motion to go into an Executive Session after the Legislation  
Mr. Lanzer seconded the motion  
Roll call 7yeas motion passed.

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR MICHAEL TAYLOR

Mayor Taylor announced that the next Planning Commission Meeting will be held Tuesday, April 9th, 2013 at 1:00 PM in Council Chambers there is one agenda item.

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

Mr. Zucal announced provided there is an agenda the Board of Zoning Appeals meeting will be held Tuesday April 9th, 2013 at 5:00 PM in Council Chambers.

AIRPORT COMMISSION.....MR. JOHN ZUCAL

Mr. John Zucal reported;  
as previously passed as legislation through the City Council of New Philadelphia, we are making some adjustments in the status of our airport.  
Michael Baker Jr. Consulting Firm is providing a detail of that plan.  
We need to pass that as City Council as a part of the FAA requirement for us to move forward.  
That will be forth coming but it will be necessary for Council to move as quick and in an efficient manner to approve that.  
This is the finalization of the plan being completed than for our passage as per the FAA requirement

President of Council Sam Hitchcock  
Asked Council Member John Zucal "Is this something that has to go to committee."

Mr. Zucal replied

It has already been in committee we have already addressed this

This is what we had asked Michael Baker Jr. Consulting Firm to do actually drafting that document which we then need to approve.

PARK BOARD..... MR. DARRIN LAUTENSCHLEGER

Mr. Lautenschleger announced he did not have a formal report but the Park Board is working on scheduling a meeting hopefully by the end of month or first part of April. They are working on dates. Nothing is confirmed, yet.

HEALTH BOARD..... MS. SANDY COX

Ms. Cox announced that the Health Board will meet Wednesday, April 17th, 2013 at 12:00 Noon at the Health Department.

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEE.....MS. SANDY COX

Ms. Cox reported the Finance Committee met tonight at 7:00 PM in Council Chambers with two items to discuss:

- First item to discuss was Resolution 7-2013 which was added to the agenda. We are asking that it be passed tonight. It is the final resolution for the project of resurfacing with asphalt concrete on St. Rt. 259 from St. Rt. 416 to St. Rt. 39 within the City Limits. It was passed by the Committee 3-0.
- Second item to discuss was an update in regard to the challenges faced by General Fund Revenue and Operating Expenses.

The committee revisited some of the items that had been reviewed before;

That the Auditor had brought up at the November 5th, 2012 Council Meeting of the Whole

The budget she projected for four years out.

Concerns of the Mayor stated in the State of the City Report.

The committee did request more information from the Auditor which Ms. Cox will get that information to her. Ms.

Cox announced her Committee will have another meeting soon.

SALARY COMMITTEE.....MR. JOHN ZUCAL

Mr. John Zucal reminded all that Resolution 5-2013 is on the agenda for tonight. The committee is recommending the rules be suspended and it be passed tonight on the First Reading.

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

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

Mr. Lautenschleger reminded all that Resolution 6-2013 is on tonight's agenda. The committee is recommending the rules be suspended and it be passed tonight on the First Reading.

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

Ms Espenschied reported the Zoning and Annexation Committee met this evening at 6:30 PM in Council Chambers

With one item to discuss Campers as Permanent Residence.

Ms. Espenschied commended the Service Director, James Zucal and Assistant Service Director, Amy Gilland for the research they did gathering information as to what other cities (referring the individuals who are living in campers on residential lots) are doing. They looked into that thoroughly on how the other communities are setting guidelines to control it by an Ordinance.

The Committee made a recommendation for thirty day maximum for relatives to come and stay on their property with no utilities hookups. It was asked how we could control this and it was suggested by the Law Director that they purchase a permit for a dollar.

Mr. Lautenschleger made a motion for the Law Director and Service Director get together and draw up legislation from the information and suggestions we have received.

Ms Espenschied announced the committee will have another meeting to go over the legislation.

Seconded by Mr. Zucal Committee voted 3-0.

Meeting adjourned at 6:43PM

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

four items. Three of the items were Liquor License variances. There were no questions Mr. Lanzer spoke with the Police Chief on all three and the Chief did not see a reason not to allow any of them. Mr. John Zucal and Mr. Lanzer agreed unanimously on all three to bring to full Council for a vote Mr. John Zucal  
Three items.

1. A notice to Council from the Ohio Division of Liquor Control, 6606 Tussing Road, P. O. Box 40005, Reynoldsburg, Ohio 43068-9005. Dated March 1st, 2013  
To DLC Venture, LLC, DBA The Back Alley, 110 Ashwood Lane NW, New Philadelphia, Ohio 44663 for Type TRFO D5 permit from Danny’s Grill LLC, DBA Danny’s Grill, and asking that objections be made no later than April 1st, 2013.
2. A notice to Council from the Ohio Division of Liquor Control, 6606 Tussing Road, P. O. Box 40005, Reynoldsburg, Ohio 43068-9005. Dated March 7th, 2013  
To B2 Management LLC, DBA Bud and Tooties, 601 West High Ave. and Patio, New Philadelphia, Ohio 44663 for Type TRFO D1, D2, D3 permit from BA Entertainment LLC, DBA Bud and Tooties, and asking that objections be made no later than April 8th, 2013
3. A notice to Council from the Ohio Division of Liquor Control, 6606 Tussing Road, P. O. Box 40005, Reynoldsburg, Ohio 43068-9005. Dated March 8th, 2013  
To S H A Petroleum Inc., 162 South Broadway, New Philadelphia, Ohio 44663 for Type New C2 permit and asking that objections be made no later than April 8th, 2013.

All three were presented before the committee. Discussion was held  
a recommendation of two votes to direct the Clerk of Council to sign, date and forward to the Ohio Division of Liquor Control stating that there is no reason for any type of public hearing.  
Mr. Zucal made the motion and Mr. Lanzer seconded the motion  
Roll Call, 7 Yeas, Motion Passed

Full Council did accept all three liquor permits as is directing the Clerk of Council to forward to the Ohio Division of Liquor Control with no need for public hearing.

4. The commendation for Police Chief Urban for his 33 years of service to the City of New Philadelphia. The committee did vote 2-0 for proper legislation be drawn up for that and put on the agenda for the nest meeting and read for three readings.

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

VISITOR’S COMMENTS:

NONE

READING OF ORDINANCES AND RESOLUTIONS

ORDINANCES:

3-2013 An ordinance to make appropriations for current expenses and other expenditures of the City of New Philadelphia, State of Ohio, during the fiscal year ending December 31, 2013 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, 1 nay (John Zucal)  
Ordinance passed

4-2013 An ordinance by the Council of the City of New Philadelphia directing the Service Director to advertise for bids and to enter into contracts with the lowest and best bidder for the City’s requirements of various materials and supplies for 2013 and declaring and emergency. (3<sup>rd</sup> Reading)

Motion to vote on passage made by Ms. Cox  
Seconded by Ms. Espenschied  
Roll call, 7 yeas, Ordinance passed

RESOLUTIONS:

4-2013 A resolution by the Council of the City of New Philadelphia, Ohio to authorize and direct the Service Director to advertise for bids, receive bids, and award for the 2013 project year the CDBG contract, and declaring an emergency. (3<sup>rd</sup> Reading)

Motion to vote on passage made by Ms. Cox  
Seconded by Ms. Walker  
Roll call, 7 yeas, Resolution passed

**\*PLEASE NOTE NUMBER RESOLUTION 5-2013 WILL HAVE TO BE OFFICIALLY CHANGED THE NUMBER IS A DUPLICATION.**

5-2013 A resolution by the Council of the City of New Philadelphia, Ohio to authorize a contract for health care benefits between by the City of New Philadelphia and all non- bargaining unit employees, with health and medical insurance under two plan options and declaring an emergency. (1<sup>st</sup> Reading)

Motion to suspend the rules made by Mr. Zucal, seconded by Mr. Lanzer  
Roll call, 7 yeas rules suspended.

Motion to vote on passage made by Mr. Zucal, seconded by Ms. Cox  
Roll call, 7 yeas resolution passed

6-2013 A resolution of support by the Council of the City of New Philadelphia. for the Development Services Agency (DSA) Appalachian Assistance Fund line items. (1<sup>st</sup> 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  
Roll call, 7 yeas resolution passed

7-2013 The final resolution enacted by the City of New Philadelphia, Ohio, hereinafter referred to as the Legislative Authority/Local Public Agency or "LPA", in the matter of the stated described project. (1<sup>st</sup> Reading)

Motion to suspend the rules made by Ms. Cox, seconded by Ms. Espenschied  
Roll call, 7 yeas rules suspended.

Motion to vote on passage made by Ms. Cox, seconded by Mr. Lautenschleger.  
Roll call, 7 yeas resolution passed

COUNCIL ADJOURNED FOR A FIVE MINUTE RECESS AT 8:02PM

AT 8:07 PM COUNCIL RETURNED AND WENT DIRECTLY INTO AN INTO EXECUTIVE SESSION.  
COUNCIL RECONVENED INTO REGULAR SESSION AT 9:05 PM

UNFINISHED OR OLD BUSINESS:

Sam Hitchcock, President of City Council requested Council Member John R. Zucal take into his Committee the unused vacation issue of the Chief.

Request dated March 7th, 2013 to Sam Hitchcock, President of City Council from Council Member John R. Zucal, in regard to the assignment to the following ad hoc committee the study of current budget development and implementation process for potential changes for the fiscal year 2014. Sam Hitchcock, President of City Council reported He did have a conversation on the phone with all Council Members, the Mayor and the Auditor on the request made by Council Member John Zucal.

It was the general consensus that there was no need for the assignment to go to the ad hoc committee for the study of current budget development and implementation process for potential changes.

Mr. Hitchcock did have a conversation on the phone last night with Mr. John Zucal who did rescind his request. Mr. Zucal did clarify that he did rescind his request.

Council Member Darrin Lautenschleger did feel it should be reviewed.

Sam Hitchcock, President of City Council informed all that he appreciated everybody's comments.

The President of City Council announced "if anyone has any suggestions to improve any of the committees that they submit that recommendation in writing to the chair of that committee for consideration."

NEW BUSINESS:

NONE

MS. COX MADE A MOTION TO ADJOURN THE MEETING AT 9:07 PM.

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

APPROVED \_\_\_\_\_

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