

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON JULY 10, 2017 WITH PRESIDENT OF COUNCIL, SAM HITCHCOCK, PRESIDING. COUNCILWOMAN CHERYL RAMOS OFFERED A PRAYER, AND ALL IN ATTENDANCE RECITED THE PLEDGE OF ALLEGIANCE.

COUNCIL MEMBERS IN ATTENDANCE

MR. DEAN HOLLAND  
MR. DARRIN LAUTENSCHLEGER  
MR. ROB MAURER  
MRS. AIMEE MAY  
MRS. CHERYL RAMOS  
MR. KELLY RICKLIC  
MR. JOHN ZUCAL

- MR. RICKLIC MOTIONED TO ADD ORDINANCE 11-2017 AND RESOLUTION 31-2017 TO TONIGHT’S AGENDA  
MRS. RAMOS SECONDED THE MOTION  
7 YEAS  
ORDINANCE 11-2017 AND RESOLUTION 31-2017 HAVE BEEN ADDED TO THE AGENDA
- MR. MAURER MOTIONED TO ADD RESOLUTION 30-2017 TO TONIGHT’S AGENDA  
MR. LAUTENSCHLEGER SECONDED THE MOTION  
7 YEAS  
RESOLUION 30-2017 HAS BEEN ADDED TO TONIGHT’S AGENDA
- MR. ZUCAL MOTIONED TO ACCEPT THE AGENDA FOR TONIGHT’S MEETING  
MR. RICKLIC SECONDED THE MOTION  
7 YEAS  
TONIGHT’S AGENDA HAS BEEN ACCEPTED
- MR. LAUTENSCHLEGER MOTIONED TO ACCEPT THE MINUTES FROM THE JUNE 26, 2017 REGULAR SESSION OF COUNCIL.  
MRS. MAY SECONDED THE MOTION  
6 YEAS (MR. ZUCAL ABSTAINED)  
MINUTES FROM THE JUNE 26, 2017 REGULAR SESSION OF COUNCIL HAVE BEEN ACCEPTED.

**CORRESPONDENCE** . . . . . CLERK, JULIE COURTRIGHT

1. *To Clerk of Council from Alex McCarthy, Director of the Tuscarawas County Homeland Security and EMA, dated June 27, 2017. This is an email titled “adoption of Tuscarawas County Mitigation Plan”.*
2. *To Clerk of Council from Vickie Daniels, Income Tax Administrator for the City of New Philadelphia, dated July 1, 2017. This is a June 2017 Report Month End Tax Revenue by Year.*
3. *To President of New Philadelphia City Council Sam Hitchcock from Mayor Joel Day, forwarded to Members of the Public Works and Economic Development Committee, dated July 7, 2017. This is an email titled “Storm Water Management Legislation”.*
4. *To Clerk of Council from Treasurer Tom Gerber, dated July 10, 2017. This is the City of New Philadelphia June 2017 Deposits.*

## Administrative Reports.....

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

Mayor Day had the following report:

- Commend the New Philadelphia Police Department TAC Team for its Work in Apprehending a Drug Dealer: I would like to publicly commend the work of detectives Chaz Willet and Shawn Nelson and members of the New Philadelphia Police Department Tactical Response Team for apprehending a known drug dealer last week. On Thursday, the detectives found enough evidence to obtain a warrant to send the TAC team into a house at 244 Minnich Avenue NW. The suspected drug dealer was not home at the time, but was arrested the following morning when he returned. Dover police and the Sheriff's department provided valuable assistance in this operation. This is just a start. I, Chief Goodwin and all members of the New Philadelphia Police Department are putting drug dealers in this town on notice that you are not welcome here. We will find you and we will bring you to justice. For those New Philadelphia residents battling drug addictions, we want to help you. Please reach out to us. Come to the City Health Department. We have programs that will help you beat your addiction and regain your health and your life.
- Hats off to the First Town Days Festival Committee for Another Successful Celebration: The only downside of the 40th First Town Days Festival was the rain out of the annual City softball doubleheader. I want to thank the members of the Festival Committee for their hard work in creating another successful celebration. The fireworks display was outstanding and the addition of the Rotary Club's boardwalk and gazebo made the setting at Tuscora Park all the better.
- The New Tennis Courts Construction Project is Underway at Tuscora Park: The day following the close of the festival, Vasco Sports Contractors of Massillon got the new tennis courts construction project underway at Tuscora Park. Construction will proceed over the next eight to nine weeks. Visitors to the park should be aware that construction vehicles will be using Al Maloney Drive. It's possible that the road could be closed from time to time.
- New Uses for the Old Fire Station: This past Thursday Service Director McAbier and I met at the former fire station with Superintendent Bob Alsept, Adult Education Director Frank Polen and Maintenance Supervisor Kelly Ricklic of Buckeye Career Center. Buckeye is interested in leasing one bay of the building for its adult education fire and EMS program. Mr. Alsept and I will discuss a lease agreement over the next couple of weeks. If an agreement can be reached, I will ask that it be assigned to the appropriate Council committee and brought to the floor for consideration. Officials at Diversified Engineering have assured us that the building will remain structurally sound as long as vehicles with the weight of fire trucks are not parked in it. It is my intention to allow the police department to use the other bay for its purposes.
- Smoke the Burger Joint to Start Construction of its Bluebell Drive Restaurant :Gregg Bartlow, vice-president of restaurant operation for Smoke the Burger Joint, has informed me that construction will begin on the new restaurant. The company was waiting for approval of its Federal Small Business Administration loan to finance the project. That approval came last week.
- New State Biennium Budget Removes More Operating Money from the City: I want to make City Council members and New Philadelphia citizens aware of another victory for State government in its ongoing effort to take control of collection of our tax dollars. Included in the new State biennium budget is a provision that gives businesses the option of allowing the State Treasurer to collect local business net profits tax dollars and charge municipalities an administration fee to do so. That removes more operating dollars from the City budget and will put more pressure on Council and the administration to maintain our level of city services

with less money. While Governor Kasich and Ohio legislators boast that they are pro-business, continually finding ways to take operating money away from municipalities will, in my mind, hurt our local businesses and discourage new business growth. Not having enough revenue to maintain our safety forces, traffic signalization and street repair and paving for instance, could discourage employers from being here or consider coming here to do business.

SERVICE DIRECTOR .....MR. RON MCABIER

Mr. McAbier had the following report:

Our paving season will start tomorrow. Newton Asphalt was the bid work winner and they will start on Ray Avenue NW and go to North Broadway and work to Tuscarawas Avenue. It will continue for approximately two weeks getting the rest of the 2017 paving done. Also, an update on this year's CDBG Project that's going down on Fair Avenue NE, I would say 100 percent of the curbs are in and probably 75 percent of the sidewalks are in. We still need the approaches and on some of the ends with the handicap ramps in there need done so I still look for them to be done by the end of July with plenty of time before school starts. Also, two weeks ago we met out at the end of Crider Avenue where we're going to have our living classroom and the trail. Met with Travis Alberts, walked the trail, staked the trail. They will GPS it now and we still want to get that project up and going by the end of this year. There's progress there and as we get it staked out and have another meeting Wednesday, so any further updates I will be sure to let everybody know.

AUDITOR .....MS. BETH GUNDY

Ms. Gundy had the following report:

The audit is finished, the report has been prepared. I don't know if you all got a copy of that or if I need to send you one. I'll send you one, because the auditors from Rey want to know when you'd like to have an exit conference. I'll make sure you get a copy before that because if they bring it with them you've already seen it, so Mr. President, you'll have to organize that when they want to have that exit conference. Also, I know in the Mayor's Report he had mentioned something about our Income Tax collections might be effected with a change in state law and I just wanted to piggyback on that too. Our local government fund is going to be effected to because the state is going to set aside some money for their new addiction assistance fund. I don't know how that impacts us yet. I know it will reduce our revenue but I just don't know by how much.

SAFETY DIRECTOR .....MR. GREG POPHAM

Mr. Popham had the following report:

I would just like to take a moment to thank everyone in this room. With all of your support you were able to accomplish something that we talked about for over 25 years. To me it's still, I'm still pinching myself to see if that new fire station is a reality. We're a building for the community to be proud of. Once again, as someone once said "Rome was not built in one day", but it also didn't take 25 years either. Once again, thanks to all of you that put all of your differences aside and came to a worthwhile cause along with the citizens of New Philadelphia to have such an outstanding building for the next at least 50, 75, 100 years.

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

LAW DIRECTOR . . . MR. MARVIN FETE.....NO REPORT

**BOARD/COMMISSION REPORTS:**

PLANNING COMMISSION.....MAYOR JOEL DAY  
The Planning Commission will not meet this month. Our next meeting will be on August 8, 2017 in Council Chambers.

BOARD OF ZONING APPEALS.....MR. RON MCABIER  
The Board of Zoning Appeals will meet here tomorrow evening at 5:00 PM and there is one variance to go in front of the Board.

AIRPORT COMMISSION.....MR. JOHN ZUCAL  
The Airport Commission will meet tomorrow evening 6:00 PM at the Harry Clever Field Meeting Room.

PARK BOARD.....MR. DARRIN LAUTENSCHLEGER.....EXCUSED ABSENSE  
The next meeting of the Park Board is Wednesday, July 19, 2017 at noon at the Tuscora Park Pavilion.

HEALTH BOARD..... MR. KELLY RICKLIC  
The next meeting will be Wednesday, July 12, 2017 at noon at the Health Department.

**STANDING COMMITTEE REPORTS:**

FINANCE COMMITTEE .....MR. DARRIN LAUTENSCHLEGER.....NO REPORT

SALARY COMMITTEE .....MR. 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 here in Council Chambers at 6:30 PM to discuss individuals that rifle through trash at the curb and scatter that trash on the homeowner's property. After Committee discussions and information from the Law Director and input from the general public it was recommended that the Law Director review the littering law for changes and make recommendations to the Committee. There was no other business and we concluded the Committee meeting at 6:45 PM.

*\*President of New Philadelphia City Council Sam Hitchcock noted that three pieces of Legislation were assigned to the Public Works Committee at the Mayor's request regarding Storm Water Management Legislation. One was dealing with comprehensive storm water management, another dealing with erosion and sediment control, and a third dealing with illicit discharge and illegal connection control.*

SAFETY HEALTH & SERVICE COMMITTEE.....MR. ROB MAURER

Mr. Maurer had the following report:

The Safety, Health, and Service Committee met at 6:45 tonight to discuss the annual police auction which will be held Monday, August 28, 2017 at 5:00 PM. It will be held here and also down at the City Garage. We're going to have it in two spots so we'll get that out to the media. We have Resolution 30-2017 that we added to tonight's Agenda. We want to try to pass that as an emergency, the Committee's recommending that so that we can get started on advertising because more advertising equals more money.

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

SPECIAL & CONTACT COMMITTEE .....MR KELLY RICKLIC

Mr. Ricklic had the following report:

The Special and Contact Committee met tonight at 7:00 PM. On the Agenda was the advertising on the City Garbage trucks. We made a motion to add that to the Agenda tonight. It is advertising similar to as the airport has on their window screening agreement with QDA Foundation. Mr. Farbizo spoke upon that and said they'll be giving their first scholarship away this year. The Committee voted 3-0 to add that to the Agenda tonight. The second item we discussed is Resolution 31-2017. This is the mitigation plan of the EMA of Tuscarawas County . We discussed it a little bit with the Fire and Police Chief being present the next meeting. As a Committee head I would like that to be on the Agenda tonight so the public can see it on our website if they wanted to comment at the next meeting it would be there for them. The Committee then agreed to that and a motion was made and it was voted 3-0 to approve that, also to be placed on the Agenda and was. The Meeting was adjourned at 7:18 PM.

PARKS & CEMETERY COMMITTEE .....MRS. AIMEE MAY.....NO REPORT

**VISITOR'S COMMENTS:**

Greg Miller of 567 Donald Dr. SW had the following comment:

Mr. Mayor, Administrative Officials and Staff, I'm here to address a potential Ordinance that you are looking at this evening, Ordinance 10-2017. I have concerns about this Ordinance. I have a silent majority of others who would not speak but I think these comments need to be heard. This is regarding your land trade and swap of property down on Donald Drive SW for the new cemetery. The concerns I have is I guess somewhat being in the dark of trade and what the intent is for its future development. As a citizen I am concerned about the amount of traffic that could be brought on to Donald Drive SW. That street, especially the northern part of it is weak and has not been repaved. The development bond has never been put on it to have it fully serviced. The only access that I am aware of with this property lies between my property and an adjoining property to the west. The access is a vertical climb up probably 300 feet. It is not wide, I don't know what the intended use is, nothing's been discussed. I don't know if an intended use is available and reasonable. I am concerned what that intended use could be. Depending on the use, we could have another west end hillside to look at. That would be in a residential neighborhood impacting over 30 homes. I hope and pray that this Ordinance has placed restrictions on the use of this property. If it has not, I hope you will amend it and put a set-back variance of at least 100 feet from the edge of the properties, that somebody can not come within, I'd rather 200 feet. Without knowing what it can be, it's already used as a dump. The City used it. What else could they do to impact us? I'm concerned. Fortunately my children are grown. If you personally go down there and look at the access, it's only 20 feet wide off the street. What can we do with that? I looked at the maps, I cannot find any other property around that shows any type of access up to this. So number 1, it's the access. Number 2, was there foresight in planning this to protect us as citizens and our investments that we've made on our properties down there? I sure hope there was. When you live where I do and you built your dream home 17 years ago and you think "what could be behind me?" , I think you, too,

would be scared. You can see that hillside from uptown here and see it going down South Broadway. Is it going to remain a nice sight or could it be an eyesore to the residents and the visitors to New Philadelphia? I hope that before you pass this Ordinance you will look out for your voters and place protections in this Ordinance that it cannot be used for purposes that would demean our property value. Maybe that's a selfish request. There are at least 29 more people, I don't know how many houses out or past Starlight border this property too, and I don't know exactly where the boundaries are. Lastly, I have read the Ohio Revised Code, and I have questions if this comes within the inceptions in Ohio Revised Code Section 721 which regards Sale of Property and Permitted Uses in the Sale of that Property. So I am begging, and I'm asking this Council to use solid decision making when you think about potentially giving property unrestricted that will effect over 30 homeowners plus three commercial buildings; Starlight, Starlight Workshop, and Hospice.

Mr. Zucal had the following comment for Mr. Miller:

Thank you for coming, thank you for sharing that perspective. I think it's something that we as a Council and Administration will certainly give consideration to and weigh that as we make that decision.

George Helbling with A1 Developers of Donald Dr. had the following comment:

We've been waiting for an answer over sewer and water. I'd like to know what I should do about that.

Service Director McAbier had the following comment:

I emailed Mr. Flowers on Friday on the sewage hookup out there.

Mayor Day had the following comment:

I would defer to the Law Director on this matter.

Law Director Fete had the following comment:

Mr. Helbling, A1 has a lawsuit pending against the City of New Philadelphia. We're awaiting a decision. We, like your company, are all waiting to see what the Fifth District Court of Appeals says with regards to whether or not the City's going to be ordered to provide water and sewer out there. I presume your attorneys will find out at the same time we do. It's not legal for me to address you directly when you're an agent for a company that's represented by a very capable law firm.

**COUNCIL COMMENTS: NONE**

## **READING OF ORDINANCES AND RESOLUTIONS**

ORDINANCES:

9-2017 AN ORDINANCE TO APPROVE, ADOPT AND ENACT THE CURRENT REPLACEMENT PAGES TO THE CODIFIED ORDINANCES.

2<sup>nd</sup> Reading

MR. RICKLIC MOTIONED FOR SUSPENSION OF RULES ON ORDINANCE 9-2017

MR. HOLLAND SECONDED THE MOTION

7 YEAS

RULES HAVE BEEN SUSPENDED ON ORDINANCE 9-2017

MR. RICKLIC MOTIONED FOR PASSAGE OF ORDINANCE 9-2017

MR. HOLLAND SECONDED THE MOTION

7 YEAS

ORDINANCE 9-2017 HAS BEEN APPROVED

- 10-2017 AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO, TO AUTHORIZE THE MAYOR OF THE CITY OF NEW PHILADELPHIA TO ENTER INTO A PURCHASE AGREEMENT PURSUANT TO OHIO REVISED CODE 721.28 FOR THE ACQUISITION OF REAL ESTATE FOR THE EXPRESS PURPOSES OF URBAN DEVELOPMENT FOR ADDITIONAL CITY OWNED CEMETERY PLOTS AS AN ADDITION TO THE EXISTING EAST AVENUE CEMETERY.  
1<sup>st</sup> Reading
- 11-2017 AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA AUTHORIZING THE MAYOR TO ENTER INTO A LEASE AGREEMENT WITH THE QDA EDUCATIONAL FOUNDATION FOR THE PURPOSES OF SOLICITING ADVERTISING AND GENERATING REVENUE FOR THE CITY SANITATION DEPARTMENT.  
1<sup>st</sup> Reading

RESOLUTIONS:

- 30-2017 A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA TO AUTHORIZE THE NEW PHILADELPHIA POLICE DEPARTMENT TO HOLD THE ANNUAL CITY AUCTION ON MONDAY, AUGUST 28, 2017 AT 5:00 PM.  
1<sup>st</sup> Reading
- MR. MAURER MOTIONED FOR SUSPENSION OF RULES ON RESOLUTION 30-2017  
MR. RICKLIC SECONDED THE MOTION  
7 YEAS  
RULES ARE SUSPENDED ON RESOLUTION 30-2017

MR. MAURER MOTIONED FOR PASSAGE OF RESOLUTION 30-2017  
MR. RICKLIC SECONDED THE MOTION  
7 YEAS  
RESOLUTION 30-2017 HAS BEEN APPROVED

- 31-2017 A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO, TO ADOPT THE TUSCARAWAS 2017 HAZARD MITIGATION PLAN AS THE OFFICIAL HAZARD MITIGATION PLAN OF THE CITY OF NEW PHILADELPHIA, OHIO.  
1<sup>st</sup> Reading

**UNFINISHED OR OLD BUSINESS:** NONE

**NEW BUSINESS:** NONE

Mr. Maurer motioned to adjourn at 8:03pm

CLERK OF COUNCIL \_\_\_\_\_  
Julie Courtright

APPROVED \_\_\_\_\_

PRESIDENT OF COUNCIL \_\_\_\_\_  
Sam R. Hitchcock