

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON JULY 24, 2017 WITH PRESIDENT OF COUNCIL, SAM HITCHCOCK, PRESIDING. PRESIDENT HITCHCOCK 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. HOLLAND MOTIONED TO ADD RESOLUTION 32-2017 TO TONIGHT’S AGENDA WITH RECOMMENDED PASSAGE UPON 1<sup>ST</sup> READING  
MR. ZUCAL SECONDED THE MOTION  
7 YEAS  
RESOLUTION 32-2017 HAS BEEN ADDED TO THE AGENDA
  
- MR. HOLLAND MOTIONED TO ACCEPT THE AGENDA FOR TONIGHT’S MEETING  
MRS. RAMOS SECONDED THE MOTION  
7 YEAS  
TONIGHT’S AGENDA HAS BEEN ACCEPTED
  
- MRS. RAMOS MOTIONED TO ACCEPT THE MINUTES FROM THE JULY 10, 2017 REGULAR SESSION OF COUNCIL.  
MRS. MAY SECONDED THE MOTION  
7 YEAS  
MINUTES FROM THE JULY 10, 2017 REGULAR SESSION OF COUNCIL HAVE BEEN ACCEPTED.

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

1. *To Council and Administration from Auditor Beth Gundy dated July 17, 2017. The Auditor’s Financial Statement for Council for the Month of June 2017, Expense Report with Encumbrance Details, and Statement of Cash Position with MTD.*
2. *To Council and Administration from Auditor Beth Gundy, dated July 17, 2017. This is the City of New Philadelphia Expense Report as of January 1, 2017 to June 30, 2017.*
3. *To Clerk of Council from Treasurer Tom Gerber dated July 17, 2017. The City of New Philadelphia June 2017 Investment and Savings Report.*
4. *To Clerk of Council from Auditor Beth Gundy, dated July 17, 2017. This is an Expense Report.*
5. *To Council and Administration, Police Chief Goodwin, Fire Chief Parrish, Julie Levengood Stephon, Vickie Ionno, and Vickie Daniels, from Mayor Joel Day, dated July 18, 2017. This is an invitation to the Chipotle Ribbon Cutting set for July 29, 2017 at 10:30am.*
6. *To New Philadelphia City Council from Auditor Beth Gundy, dated July 19, 2017. This is a forwarded email from Income Tax Administrator Vickie Daniels to Beth Gundy titled “Research on Numbers from Last Year”.*
7. *To Council and Administration from Auditor Beth Gundy, dated July 21, 2017, this is an email titled “Post Audit Conference”.*
8. *To Council and Administration from Mayor Joel Day, dated July 24, 2017. This is the Mayor’s Report.*

**Administrative Reports.....**

**MAYOR’S REPORT/REQUESTS ....MAYOR JOEL B. DAY**

Mayor Day had the following report:

- Chipotle’s Ribbon Cutting and Grand Opening Set for July 29<sup>th</sup>: The new Chipotle Restaurant on Bluebell Drive will have its official ribbon-cutting and grand opening on Saturday July 29<sup>th</sup>. According to Chipotle’s marketing specialist Katie Hanna, the restaurant’s new employees will undergo training over the next couple of weeks in preparation for the grand opening. She told me that Chipotle is excited to be joining

the growing family of New Philadelphia businesses. Meanwhile, Smoke the Burger Joint has begun construction of its restaurant in the same building at the Shops at Bluebell Drive location. Its opening date is to be announced.

- Update on the Tuscora Park Tennis Court Project: The project contractor, Vasco Sports, reports that the construction timetable is still as scheduled despite the recent rainfall. When the asphalt was removed from the surface, it revealed a poor underlying soil composition on the lower courts that will require modifications to the original plans for drainage. Ten inch corrugated drainage pipe will be installed around the perimeter of the courts. Provided the weather cooperates, the project is expected to be completed by mid to late September.
  
- RTY, Inc. Contracts with the City are being Revised: Members of the City administration and the Parks and Recreation Board have been working with representatives of RTY, Inc. to revise the group's contracts for rides, concessions and the Teen Center at Tuscora Park. The agreements have not been updated since the year 2008. I felt it was time they were revised to reflect the changes that have been made at the park since that time. I have recommended that language be written into new agreements that allows RTY to offset losses, so it has enough revenue to maintain the rides, concessions and Teen Center in the future. Once the new agreements have been finalized, I will ask that they be assigned to committee for Council's consideration.
  
- Community Support of Projects that will Shape the Future: I would like to congratulate and thank the organizers of the Dale Lauren Foland Tuscarawas County Manufacturing camp for again, showing the young people in our community the diversity of local manufacturing jobs that could be available to them upon graduation from high school or college. And I also congratulate Rick Arredondo and Kris Lemmon on the success their Ezekiel Project is having for recovering addicts and thank them for bringing more artistic expression into downtown New Philadelphia.

SERVICE DIRECTOR .....MR. RON MCABIER

Mr. McAbier had the following report:

I first want to go over the CDBG Project on Fair Ave. by East School. They paved today. That part is done. They poured the cement in front of East School. We know the school is picking up the tab for that part. They got hydroseed in. That part will be finished. Matt Miller from Quicksall's and Charlie wants to do a final walk through by next week, so we should mark it off by the end of next week. The fence was put up where the Lifeflight was at the airport almost two weeks ago now, but if finally got put up by Southway. It's been very, very busy so that had been delayed. Also, I talked with Dave Heck late this afternoon.

I'd like to go over the Ridge Tool Line Transmission and Distribution Project that AEP has going through town. The reason I want to bring it up is when we first talked late May, when the project started June 5, 2017, we're placing about over 40 poles, spreading all new line. It starts from Orrville Road at the railroad tracks and comes up that, hits College, dumps across to Tusc, goes that unnamed alley between Emmett and Wabash, jumps over Logan, hits Bowers, goes down Bowers, goes behind Beech Engineering, Ferris', meets up with Kelly Ave right there at Gary Dr., goes back behind the storage place right beside Tuscora Electric and Schwepp's, pops out at Kaderly, goes Kaderly down to 4<sup>th</sup> Dr. all the way to Mill at Gradall. That would be the extent of the project. It's probably, I'd say almost 50 percent done. The reason I want to bring it up tonight is because Dave said this afternoon that there will be some outages. Before there weren't going to be any but they're going to have to kill some power. That will be the 2<sup>nd</sup> and 3<sup>rd</sup> at 6:00pm and back on by 8:30pm on both Wednesday and Thursday next week. Dave and I have a meeting scheduled Wednesday and we'll take two of our maps down and we'll mark them up and have them on the website if anybody would like them I could ship them out there that way everybody has them. As soon as we mark it up and Dave goes over everything that will be out I'll go over it with everybody and also the media. I'll get that out to everybody after Wednesday morning after we have that meeting.

AUDITOR .....MS. BETH GUNDY

Ms. Gundy had the following report:

I just wanted everybody to know that we got our portion of the billion dollars back from Worker's Comp. It came in two checks and was about \$107,000.00 all together. Now if they would just give back the other billion they still have we'd have our premium back, but I guess we have to wait for that.

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

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

LAW DIRECTOR . . . . . MR. MARVIN FETE

Mr. Fete had the following report:

I'd like to reserve the bulk of my comments for an executive session and I'd like to request an executive session before Legislation on the basis of pending or threatened litigation.

MR. ZUCAL MOTIONED FOR AN EXECUTIVE SESSION BEFORE THE READING OF LEGISLATION DURING TONIGHT'S COUNCIL MEETING

MRS. MAY SECONDED THE MOTION

7 YEAS

AN EXECUTIVE SESSION WILL BE HELD BEFORE THE READING OF LEGISLATION DURING TONIGHT'S COUNCIL MEETING

**BOARD/COMMISSION REPORTS:**

PLANNING COMMISSION.....MAYOR JOEL DAY

The Planning Commission will meet on August 8, 2017 at 1:00Pm here in Council Chambers.

BOARD OF ZONING APPEALS.....MR. RON MCABIER

We met July 11, 2017 at 5:00PM here in Council Chambers. We did have one variance come in front of us from the Tuscarawas County Board of DD at 610 Commercial Avenue SW. It was over allowable signage. A non compliance with 1161-18D. It got voted on and the variance request was approved 4-0.

AIRPORT COMMISSION.....MR. JOHN ZUCAL

The next meeting of the Airport Commission will be on August 8, 2017 at 6:00PM at the Harry Clever Field Meeting Room.

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

HEALTH BOARD..... MR. KELLY RICKLIC

The Health Board met on July 12, 2017 at 12:00PM in the Health Department. The majority of the meeting was over the mosquito spraying and trapping with the result of there was no West Nile Virus found in any of the trapping. He had the whole batch of mosquitos there to show you how you trapped them but Mr. Finley does a great job, the new equipment works great too. That was the bulk of the Meeting. The other part was the ADAHMS Board had a focus group meeting with the Opiate users. They wanted to find out how they could reach the active users. There was a no fault meeting. They just sat down with them and talked to them and tried to reach out to try to get the epidemic more in control. So I thought that was interesting that they were reaching out to the users. How can we get to the ones that aren't in prison? Most abusers are not in jail. They are in the streets and they're everyday people in our City so they are citizens.

**STANDING COMMITTEE REPORTS:**

FINANCE COMMITTEE .....MR. DARRIN LAUTENSCHLEGER

Mr. Lautenschleger had the following report:

We have a Finance Committee Meeting set for August 14, 2017 at 6:30 PM for the discussion of salary range development for certain non bargaining elected officials positions.

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 in Council Chambers at 6:30 PM to discuss legislation that related to Storm Water Management in New Philadelphia that is required by the EPA and legislation relating to reimbursement of any overages in the Water Treatment Plant Project. The reimbursement for overages in the Water Treatment Plant Project is important for the City fiscal stability and legislation is required by the Ohio Public Works Commission. After Committee discussion, information from the General Services Director and staff, and input from the public, the following action was taken: Resolution 32-2017 was placed on tonight's Agenda for passage on the 1<sup>st</sup> Reading, and Ordinances 12-2017, 13-2017, and 14-2017. A motion was made to put those on the Agenda for the Council Meeting set for August 14, 2017. There was no further business and the Meeting adjourned at 6:56 PM.

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

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

SPECIAL & CONTACT COMMITTEE .....MR KELLY RICKLIC.....NO REPORT

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

**VISITOR'S COMMENTS:**

Bill Sturt of 716 3<sup>rd</sup> St. SW had the following comment:

My primary residence is St. Petersburg Beach, Florida. I'm there four months and in Key West four months, and I'm here four months, and it's beautiful. I recently purchased a low speed vehicle. My wife is a sever asthmatic and we use that as license, title, and large insurance. It exceeds the safety standards of the requirement for low speed vehicles in the State of Ohio. We have photographs that I've passed out showing it's title as well as condition. Since I've been here I've been driving to the Marathon Station four blocks . A police man came to the house and said "I checked your license plate, everything is fine, it's a nice cart", and about a week later Mr. Goodwin said "you can't do that, it's the law". I said "okay", and then when he left I was back in his office and said "it's not a golf cart it's a low speed vehicle." He informed me that it's still against the law and he was there to enforce the law not change the law. Later that day he must have sent officers to the house because when I came I had papers and what I had to do is ask for legislation to change the law. I have not driven it since then, although this weekend I went to the boat races in Mentor, Ohio. I had the Mentor police, a state trooper, a sheriff, they all asked if I had a license, tags, insurance, which I did. They said it's not a problem. The sheriff said Strasburg and Tusky are working on passing either a resolution or an ordinance to allow low speed vehicles. My request, as humble as it is, is to submit it to Committee and pass a resolution that would allow low speed vehicles that meet the standards of the State of Ohio, and you can change those, you can say "can't drive after dark", "can't drive on Broadway", whatever you like, but if you have met all the State standards, I appreciate your help.

Tom Farbizo of 936 3<sup>rd</sup> St. NW had the following comment:

President Hitchcock, Mayor Day, Service Director McAbier, Law Director Mr. Fete, and Councilmembers, I'm here tonight representing Quaker Digital Academy. Again I want to thank the Administration and Council for allowing us to do what we've done so far. I'm just here to tell you tonight that as promised about two months ago you told me to keep the money that would have been coming to Council for the Airport windows to put windows in. I told you we were going to put 3 windows in and I'm here tonight to tell you the windows are installed. So, again thank you. This is just a follow up to let you know that what we say we're going to do we're trying to do.

Mr. Zucal had the following comment:

As the Chair of the Airport Commission, Mr. Farbizo, thank you. I drove by the Airport today and noticed the new windows in and it looks good and again the continual improvements and it's a win-win for us in so many different ways. Tom, can't thank you enough I know I've said that before and I sincerely mean that. The leadership you've taken with that has been very beneficial not only to the airport and the City but to the young people benefitting from the scholarship dollars.

Julie Levensgood Stephan of 440 3<sup>rd</sup> St. SW had the following comment:

I'm here representing New Phila Business and Community Association. Just letting everybody know that this weekend, Thursday, Friday, and Saturday will be the 63<sup>rd</sup> Annual Downtown Sidewalk Sales. I encourage everyone to come out, shop local. As I said in the past for every \$100.00 that you spend when you shop locally \$45.00 of that goes back into your local economy, and that's three times the average if you would spend that money at a national chain. It's very important that we promote our Sidewalk Sale, not just to bring people downtown but to bring them to our stores and to just shop downtown. We've got some great sales coming. Also in two weeks on August 12, 2017 will be our last 2<sup>nd</sup> Saturday and we've got a lot of great things planned. If anyone on Council has not been to a 2<sup>nd</sup> Saturday I would encourage you to come out and visit and fingers crossed we're going to have great weather. I know it will rain for the Sidewalk Sales that's a tradition so we're planning for that. Hopefully 2<sup>nd</sup> Saturday will be great weather and we'll finish out our Summer with a car show. We've got a lot of things coming up, almost every two weeks there's something going on downtown so I really encourage people to come down and enjoy our City.

*\*President of New Philadelphia City Council Sam Hitchcock asked Mr. Maurer to take Mr. Sturt's request into his Committee.*

**COUNCIL COMMENTS:**

Mr. Zucal had the following comment:

I would just like to thank Julie for all of her hard work on behalf of NPBCA. It's one of those thankless jobs. We don't pay her a lot of money but she is out there all the time and it's a very small group of volunteers that traditionally make all those different events happen. I know she has worked extremely hard to make a great summer for our downtown through the different events including 2<sup>nd</sup> Saturdays, the car show, the Sidewalk Sales.

**COUNCIL WENT INTO EXECUTIVE SESSION AT 7:56.  
AT 8:11 PM COUNCIL RECONVENED INTO REGULAR SESSION OF COUNCIL.**

**READING OF ORDINANCES AND RESOLUTIONS**

**ORDINANCES:**

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.  
2<sup>nd</sup> Reading

MRS. MAY MOTIONED TO TABLE ORDINANCE 10-2017  
MRS. RAMOS SECONDED THE MOTION  
7 YEAS  
ORDINANCE 10-2017 HAS BEEN TABLED

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.  
2<sup>nd</sup> Reading

**RESOLUTIONS:**

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.  
2<sup>nd</sup> Reading

MR. RICKLIC MOTIONED TO SUSPEND THE RULES ON RESOLUTION 31-2017  
MR. ZUCAL SECONDED THE MOTION

Mr. Ricklic asked for comments from the Police Chief or Fire Chief.

New Philadelphia Fire Chief Jim Parrish had the following comment:

So this is to accept funds from FEMA in the instance we would have a natural disaster in our Community. Every community in the County has to pass a resolution stating that we accept that. That's what this is about. The plan is online. I did not print that for everyone to save trees. You're welcome to go on the County EMA website and look at the plan.

Mr. Lautenschleger had the following comment:

Chief Parrish you're well in favor of this plan as I take it.

Safety Director Popham had the following comment:

We've used this before and we received funds back from the government based on incidences.

Mr. Zucal had the following question for Chief Parrish:

Could you predict or have any reason why passage of this legislation would not be in the best interest to Citizens of New Philadelphia?

Chief Parrish had the following response:

Absolutely not.

Service Director McAbier had the following comment:

We did have a buy in on this in early March of 2016 all representatives from all cities, villages. We met at the County Jail and all of us just had a questionnaire of our problem areas, what we'd like to see if FEMA came in to buy up some things. We located some stuff down by the creek off Ray Ave. there, if we had some extra money we could buy these places up. So, we did have input on this.

Mrs. Ramos had the following question:

When does this have to be passed?

Mr. Ricklic had the following response:

Sooner than later. I don't see there's any negative in holding. I'd rather not take a chance that there would be a disaster and we'd be left out, so I think the sooner we pass it the more we're involved, we are part of the agreement.

7 YEAS

RULES HAVE BEEN SUSPENDED ON RESOLUTION 31-2017

MR. RICKLIC MOTIONED FOR PASSAGE OF RESOLUTION 31-2017

MR. ZUCAL SECONDED THE MOTION

7 YEAS

RESOLUTION 31-2017 HAS BEEN PASSED

32-2017

A RESOLUTION DECLARING THE OFFICIAL INTENT AND REASONABLE EXPECTATION OF THE CITY OF NEW PHILADELPHIA ON BEHALF OF THE STATE OF OHIO (THE BORROWER) TO REIMBURSE ITS 314 WATER IMPROVEMENT FUND FOR THE WTP BACKWASH EFFLUENT TO SANITARY SEWER, OPWC PROJECT NUMBER CCN19U/CN20U WITH THE PROCEEDS OF TAX-EXEMPT DEBT OF THE STATE OF OHIO.

1<sup>st</sup> Reading

MR. ZUCAL MOTIONED FOR SUSPENSION OF RULES ON RESOLUTION 32-2017

MR. HOLLAND SECONDED THE MOTION

7 YEAS

RULES HAVE BEEN SUSPENDED ON RESOLUTION 32-2017

MR. ZUCAL MOTIONED FOR PASSAGE OF RESOLUTION 32-2017

MR. HOLLAND SECONDED THE MOTION

7 YEAS

RESOLUTION 32-2017 HAS BEEN APPROVED

**UNFINISHED OR OLD BUSINESS:** NONE

**NEW BUSINESS:**

Mr. Holland had the following comment:

I am concerned that we have a Hazard Mitigation Plan that we're just now reading. I am concerned that there have been tabletop exercises and a full blown exercise which the City of New Philadelphia did not participate in when invited to participate. There's no way that a hazard circumstance that would be considered a disaster that our emergency forces would not be involved in mitigating that hazard. We have too many resources and personnel not to be involved. We're the largest City in the County. There's no reason we wouldn't be involved, but yet our personnel are being asked to respond to those circumstances in the event there was a disaster incorporated in that master plan for emergency responses. It just seems awkward and I guess my comment is just that, a comment, that the City of New Philadelphia is not actively involved with what's happening at LEPC in the development of these Hazardous Mitigation plans. I think it's critical that our emergency forces be involved in what's happening because we are going to be called on and they need to be trained and at least aware of all the provisions of such a plan.

President of New Philadelphia City Council Sam Hitchcock had the following question for Mr. Holland:

In your opinion do you have a suggested remedy for your concern?

Mr. Holland had the following response:

Previous Councilmember Walker was a member of LEPC. Due to health reasons she's not been able to attend. I've been a member for the past two years and I'm presently stepping down. I have spoken with the Mayor. Even though the Mayor might recommend someone to be appointed to the LEPC (Local Emergency Planning Committee) it would be that, a recommendation. There's a background check and a number of steps that have to take place before the Committee actually accepts a new member. What I had recommended to the Mayor is that he consider someone out of our public safety forces be appointed to that Committee. I think the Mayor's recommendation to the Committee would carry quite a bit of weight in getting that person appointed. I just think it's critical that we have someone from our emergency forces that participate on a regular basis. The meetings that they hold, the plans that they develop, I just think it's critical for the safety and welfare of our Community.

Mr. Maurer motioned to adjourn at 8:25pm

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

Julie Courtright

APPROVED \_\_\_\_\_

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