

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON JULY 28TH, 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. LAUTENSCHLEGER
MR. ROB MAURER
MRS. CHERYL RAMOS
MR. JOHN ZUCAL

PRESIDENT OF COUNCIL, SAM HITCHCOCK ANNOUNCED THAT COUNCILPERSON MS. WINNIE WALKER HAS AN EXCUSED ABSENCE FROM TONIGHT'S COUNCIL MEETING.

MS. COX MADE A MOTION TO ACCEPT TONIGHT'S AGENDA
MR. LANZER SECONDED THE MOTION.

ROLL CALL 6 YEAS
MOTION PASSED

MS. COX MADE A MOTION TO APPROVE THE MINUTES FROM THE REGULAR COUNCIL MEETING HELD MONDAY JULY 14TH, 2014 AND THE MINUTES FROM THE SPECIAL COUNCIL MEETING HELD MONDAY JULY 21ST, 2014 MR. MAURER SECONDED THE MOTION.

ROLL CALL, 6 YEAS
MINUTES WERE APPROVED

CORRESPONDENCE CLERK, PATRICIA A. MCKAY

1. Mayor's Report to Council July 28th, 2014
2. A notice from Jeff Erb, the City of New Philadelphia IT person, announcing the City of New Philadelphia has online presence in three social networks:
 - Internet website at www.newphilaoh.com.
 - Facebook at www.facebook.com/cityofnewphiladelphiaoh.
 - Twitter at www.twitter.com/NewPhilaOh.
3. Bulletin from the Auditor of State's Office dated July 21st, 2014 to all Public Offices and Independent Public Accountants from Dave Yost Ohio Auditor of State subject Telephone ("Tele") Town Hall Meetings Bulletin 2014-004
4. Special and Contact Committee Meeting Minutes from Monday, July 14th, 2014
5. Finance Committee Meeting Minutes from Monday, July 14th, 2014
6. June 9th, 2014 Zoning and Annexation Committee Meeting Minutes as corrected
7. New Philadelphia Fire Department Overtime Report from the Fire Chief Parrish
8. Audit Release Documents from the Auditor of the State for the City of New Philadelphia Release Date July 22nd, 2014:
 - Financial Audit (1/1/2013-12/31/2013)
 - Management letter (1/1/2013-12/31/2013)

ADMINISTRATIVE REPORTS:

MAYOR'S REPORT/REQUESTS...MAYOR DAVID JOHNSON

The Mayor addressed the following:

1. The Mayor reported he attended the monthly CIC Meeting and conducted a Staff Meeting.
2. The Mayor joined the Service Director, James Zucal and his Assistant, Amy Gilland in attending The Steering Committee Meeting with Union Members and Supervisors. As a result of that meeting the City Employee Picnic will be held August 14th, 2014 from 4:00 to 9:00 PM at Tuscora Park. (We will be eating at 6:00 PM.)
3. The Mayor met with New Philadelphia Business and Community Association Board of Directors. (NPBCA)

4. Attended a Meeting with Shelly & Sands to discuss West High Avenue Project, W.E. Quicksall to discuss the CDBG Project, and finally with some Union Members.
5. Traveled to Glouster, Ohio with the Service Director for the E.O.D.A. Meeting. (Eastern Ohio Development Alliance)
6. The Mayor visited various sites/areas of the City in need of attention.
7. The Mayor attended a Special Meeting of Council on July 21st, 2014.
8. The Mayor commended our City's Health Commissioner, Vickie Ionno and her staff for the wonderful open house they hosted recognizing the Health Department's 160th Year Anniversary. A good amount of educational material was available along with light refreshments.
9. Attended the monthly Park Board Meeting.
10. Mayor Johnson requested an Executive Session to discuss Personnel.

Comment from Councilperson Mrs. Ramos:

What is the reason for discussing personnel?

Comment from Law Director: It is a personal matter regarding a person within the City.

The Mayor replied:

Overtime and possible transfer of an employee.

Suggestion from Councilperson Mr. Lautenschleger:

To consider the Revised Code Section to possibly make it clearer as to why we are going into an Executive Session.

R.O.C.

To explain what is exactly occurring, which is a Personnel discussion matter.

(Mr. Lautenschleger said this is just a thought.)

Mr. Lanzer made a motion for an Executive Session after legislation for the purpose of Personnel

Mr. Lautenschleger seconded the motion.

Roll call

6-0 motion passed.

President of Council Sam Hitchcock:

Be advised we will have the Executive Session after legislation following a recess of five minutes.

(visitors will be excused)

SERVICE DIRECTOR.....MR. JAMES ZUCAL

The Service Director reported on the following:

Service Director reported:

- The CDBG Project on Tuscarawas Avenue has begun. Mid-Ohio Concrete is progressing well. That will be a major improvement to that area.
- The West High Widening Project the contractor, Shelly & Sands Inc., did start there seven day scheduled closure today for the tie-in of the Storm Sewer at Five Points. Intersection of West High and Seventh Street. There were very few issues in that area. (*The Service Director was out there earlier this morning*) The Contractor did a good job. Our City Crews did help with some of the traffic control and did a fine job also.
- The Service Director thanked the crews in the Street Department and the Park Department. Prior to the Sidewalk Sales downtown the Mayor and the Service Director spent a lot of time walking around got our crews motivated. The Service Director received a lot of positive e-mails. The streets were swept and you could see some of the areas being brightened by some new color. The folks said it went very well. We are really pleased as to how it looks.
- The Service Director reported that he attended a Park Board Meeting last week.
- Mr. Zucal also said he works closely with the Park Board and with Mr. Farbizo who has been working at the airport. One of the functions of the Service Director and his Assistant is to spend quite a bit of time on airport related projects and improvements. I noticed today the first window has been installed and it looks exceptionally nice. Mr. Zucal then turned over some of his time to Mr. Farbizo to let him explain what has been done.

➤ Mr. Farbizo reported the following

Council saw fit to give us an opportunity; the Quaker Digital Education Foundation to try to secure new windows for the Main Hanger Building at the Airport.

Mr. Farbizo said he was here tonight to show you that we are trying to follow through on exactly what we said we were going to do we are proceeding ahead with the project. Mr. Farbizo distributed a colored photo to all Council members and gave the following explanation.

The top two photos: the old window, the removal of the old window.

The bottom two photos: the new window and the new window with the advertising on it.

We contacted four other businesses, currently; a couple of those businesses are interested in purchasing a new window and putting the advertising on.

What we are trying to do is work with Service Director and Miceli Glass Co. rather than do one window at a time we are trying sell maybe three windows, economy scale, and put in three new windows and the advertising.

Mr. Farbizo thanked the Service Director James Zucal, Mayor Johnson, President of Council Sam Hitchcock, Law Director Marvin Fete, Council Members, and Guests for their time.

Comment from Councilperson John Zucal:

“Thank you for coming tonight to update us with the pictures. Pictures are worth a thousand words. Thanks to you and all the folks that are making this a reality. We appreciate it. You can see from the pictures the enhancement to our Airport. Thank you.”

Comment from the Service Director James Zucal:

“Just a reminder, the Main Hanger is a City owned building. The Service Director encouraged everyone to take a look at it.

The group that Mr. Farbizo is working with is adding value and a lot of professionalism to the character of the building.” The Service Director thanked Mr. Farbizo.

AUDITORMS. BETH GUNDY.....NO REPORT

SAFETY DIRECTOR.....MR. GREG POPHAM

Mr. Popham reported from the Police Department that he was in receipt of a retirement letter from Capt. William Stewart, who is retiring effective September 1st, 2014 after many years on the Police Department.

Comment from Councilperson John Zucal:

Mr. Zucal thanked the Service Director and the Safety Director on behalf of himself and the members of Ward II. We have had some issues in the Ward recently that has needed the expertise the Service Director and the Safety Director and his men/women.

What we are doing is in the best interest of the citizens and in helping them with their issues.

In both of these cases the groups came forward and did a great job in helping out.

Councilperson John Zucal and members of Ward II would like to thank and commend them for their professionalism, it is deeply appreciated.

TREASURERMR. AARON HILLYERNO REPORT

President of Council, Sam Hitchcock announced that the Treasurer, Mr. Hillyer is absent from tonight’s meeting.

LAW DIRECTORMR. MARVIN FETE

The Law Director reported the following:

The Law Director reported that recently a lot of his time has been spent on his concern for a Law Suit that was filed against the New Philadelphia Municipal Court and a Visiting Judge.

The Law Director reported he had a number of consultations with the Court, the Judge on this matter and other legal entities of the State of Ohio.

The Ohio Supreme Court has original jurisdiction over a select few items and one of those is Mandamus Action.

The Huth Family of Bolivar brought a Mandamus Action against the New Philadelphia Municipal Court.

The jest of the Mandamus Action:

“It is illegal for the Village of Bolivar to contract with a law firm for purposes of prosecuting cases within the New Philadelphia Municipal Court.”

The Law Director, and the Judge, will try to have a conference call with the Disciplinary Counsel Office to get input and guidance on that issue. (The Law Director invited the Judge to be part of the process with what the Disciplinary Counsel Office had to say.)

The Law Director announced a retirement in the Prosecutors' Office.

Mr. Eugene Nemitz is going to be retiring after working in some capacity for the City of New Philadelphia for over 30 to 40 years.

Mr. Nemitz worked when Judge O'Farrell was the Municipal Court Judge. Judge O'Farrell was the Judge who imposed stricter limits on DUI Offenders which are now mandatory throughout the State of Ohio.

At that time, back in the 70's, there were jury trials 6 days a week. Everyone fought the charges because of the imposed stricter limits on DUI offenders. Mr. Nemitz did his job well.

Mr. Nemitz has been a mentor and a respected leader.

AN INVITATION FROM THE LAW DIRECTOR:

All are invited July 31st, 2014 to attend a get together

Honoring Mr. Nemitz from 11:30 to 1:30 PM here in Council Chambers.

Refreshments will be served.

Council Members and Administration feel free to stop by and wish him luck and to thank him for the great job he has done for the City of New Philadelphia.

The Law Director requested the commendations be assigned to the appropriate Committee for Mr. Nemitz years of service to the City of New Philadelphia upon his retirement.

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR DAVID JOHNSON

Mayor Johnson announced there was no Planning Commission Meeting for the month of July there were no items.

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

Mr. James Zucal announced providing there is an agenda the next scheduled meeting of the Board of Zoning Appeals is Tuesday August 12th, 2014 at 5:00 PM in Council Chambers. Currently there are no variance requests.

AIRPORT COMMISSION.....MR. JOHN ZUCAL

Mr. Zucal announced the Airport Commission will meet Tuesday August 12th, 2014 at 6:00 PM in the Airport Meeting Room.

PARK BOARD.....MR. DARRIN LAUTENSCHLEGER

Mr. Lautenschleger reported that the Park Board met last Wednesday July 23rd, 2014 and the minutes from that meeting are forthcoming.

HEALTH BOARD..... MS. SANDY COX

Ms. Cox announced that the next scheduled meeting for the Health Board is Wednesday, August 13th, 2014 at 12:00 (Noon) at the Health Department.

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEEMS. SANDY COX

Ms. Cox announced that the Committee is looking for Resolution 21-2014, 22-2014 and 23-2014 (after the correction of 23-2014) be passed this evening.

The Finance Committee is requesting that Resolution 23-2014 be Amended.

Section 2 of Resolution 23-2014 says in order to preserve, protect, and maintain the cemeteries in the City of New Philadelphia, Ohio.

It should read in order to preserve, protect, and maintain the health, safety, and welfare of the citizens of the City of New Philadelphia, Ohio.

Ms. Cox thanked Mrs. Ramos for bringing that to her attention.

Ms. Cox made a motion to Amend Resolution 23-2014

Mrs. Ramos seconded the motion

Roll call 6-0

Resolution 23-2014 has been Amended.

SALARY COMMITTEEMR. JOHN ZUCAL

Mr. Zucal reported that the Salary Committee met this evening at 7:00 PM in Council Chambers. Present were Mr. John Zucal as the Committee Chair, Committeeperson Mr. Lanzer, Committeeperson Ms. Cox is the Alternate. Absent from tonight’s meeting was Committeeperson Ms. Walker, a regular member of the Salary Committee.

The purpose of tonight’s meeting was to discuss the placement of New Philadelphia City Council Committee Meeting Minutes on line at the City’s Website.

Committeeperson Mr. Lanzer made a motion to include City Council Committee Meeting Minutes on line located at the City’s Website.

The motion was seconded by Ms. Cox.

Committee voted 3-0 motion passed.

Since this is an Administrative Function of Council, Mr. Zucal requested that the Clerk call the roll for Council as a whole on this Administration Act to include the Council Committee Meeting Minutes on line at the City’s Website.

Motion was made by Mr. Lanzer

Seconded by Mr. John Zucal.

Roll call 6-0

Motion Passed to include Council Committee Meeting Minutes on line at the City’s Website.

President of Council, Sam Hitchcock assigned to the Salary Committee:

Commendations upon Mr. Nemitz retirement, for for his years of service to the City of New Philadelphia as was requested by the Law Director.

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

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

Mr. Lautenschleger reported that the Public Works & Economic Development Committee met this evening at 6:30 PM in Council Chambers with two items to discuss.

First item: **Proposed Ordinance 13-2014**

An Ordinance for the City to Adopt the Ohio Attorney General’s Model Public Records Request Policy. It needs to be put in place by legislative authority.

The Committee requested the Ohio Attorney General’s Model Public Records Request Policy be reviewed by the Law Director and for him to make the appropriate updates for clarity and understanding in the City of New Philadelphia which was completed.

By a vote of 3-0 the Committee asked for it to be put on the Agenda for the August 11th, 2014 meeting and recommended passage upon the 3RD Reading.

The second item: **Cemetery Land**

The Committee discovered with some discussion, Administration and Staff issues beside the dwindling space available in the City grave yards/Cemetery Areas.

The Committee felt it was appropriate to convene a meeting of the City Cemetery Board which hasn’t met in a few years.

To get together with Administration and interested Council Members

To discuss some of the priorities and

Determine some courses of action with those priorities in the upcoming weeks and months.

The Committee will keep Council and the public up to date on the progress.

With no other action to come before the Committee, the Meeting was adjourned at 6:53 PM.

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

SPECIAL & CONTACT COMMITTEE MR. DAN LANZER

Mr. Lanzer announced that the Special & Contact Committee has scheduled a meeting August 11th, 2014 at 7:00 PM in Council Chambers.

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

VISITOR'S COMMENTS:

Carl Russo
630 Jordan Drive NW
New Philadelphia, Ohio 44663

Mr. Russo informed Council the American Council of the Blind of Tuscarawas Valley
Are changing their name to Overcoming Blindness.
Their 3rd Annual White Cane Walk
Will be held Sunday, August 24th, 2014 at the
Tuscarawas Senior Center, 425 Prospect Street, Dover, Ohio 44622 from 1:00 to 3:00 PM.
All residents, Council and Guests are invited to participate in the 3rd Annual White Cane Walk.
The event will provide you with an understanding of what it is like to function as a blind or visually impaired person.
Mr. Russo mentioned there have been a couple new challenges added to the event this year and
encouraged everyone to attend.

READING OF ORDINANCES AND RESOLUTIONS

ORDINANCES:

14-2014 AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA,
OHIO TO MODIFY CHAPTER 902.01 TO ADDRESS THE PRIVATE DRIVE STANDARDS
CHECK LIST AND DECLARING AN EMERGENCY. (2nd Reading)

RESOLUTIONS:

21-2014 A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA,
OHIO TO APPROVE THE TRANSFER OF UP TO \$3,500.00 FROM THE CEMETERY
ENDOWMENT FUND (#812) TO THE CEMETERY OPERATING FUND (#209) FOR THE 2014
FISCAL YEAR. (2ND READING)

Motion to suspend the rules made by Ms. Cox,
Seconded by Mr. Lautenschleger
Roll call, 6 yeas
Suspension of the rules has passed for Resolution 21-2014

Motion to vote on passage Ms. Cox,
Seconded by Mr. Lautenschleger
Roll call, 6 yeas
Resolution 21-2014 has been passed.

22-2014 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.
(2ND READING)

Motion to suspend the rules made by Ms. Cox,
Seconded by Mr. Maurer
Roll call, 6 yeas
Suspension of the rules has passed for Resolution 22-2014.

Motion to vote on passage Ms. Cox,
Seconded by Mr. Maurer
Roll call, 6 yeas
Resolution 22-2014 has been passed.

AMENDED

23-2014 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 2014 FISCAL YEAR.
(2ND READING)

Motion to suspend the rules made by Ms. Cox,
Seconded by Mr. Lanzer
Roll call, 6 yeas
Suspension of the rules has passed for Amended Resolution 23-2014.

Motion to vote on passage Ms. Cox,
Seconded by Mr. Lanzer
Roll call, 6 yeas

Amended Resolution 23-2014 has been passed.

24-2014 A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, TO AUTHORIZE THE NEW PHILADELPHIA POLICE DEPARTMENT TO HOLD THE ANNUAL POLICE AUCTION ON AUGUST 25, 2014 AT 5:00 PM, AND DECLARING AN EMERGENCY. (2ND READING)

Motion to suspend the rules made by Mr. Maurer,
Seconded by Mr. Zucal
Roll call, 6 yeas
Suspension of the rules has passed for Resolution 24-2014.

Motion to vote on passage Mr. Maurer,
Seconded by Mr. Zucal
Roll call, 6 yeas

Resolution 24-2014 has been passed.

25-2014 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 A CONTRACT FOR THE BROADWAY/WABASH AVENUE WATERLINE REPLACEMENT PROJECT, AND DECLARING AN EMERGENCY.
(2ND READING)

8:12 PM COUNCIL RECESSED FOR FIVE MINUTES
COUNCIL RECONVENED AT 8:19 PM AND WENT INTO AN EXECUTIVE SESSION AS THE MAYOR REQUESTED FOR PERSONNEL.
COUNCIL RECONVENED AT 8:30 PM.

UNFINISHED OR OLD BUSINESS:

NONE

NEW BUSINESS:

NONE

MS.COX MADE A MOTION TO ADJOURN THE MEETING AT 8:30 PM.

CLERK OF COUNCIL _____

APPROVED _____

PRESIDENT OF COUNCIL _____