

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS  
ON AUGUST 11TH, 2014 WITH PRESIDENT OF COUNCIL, SAM HITCHCOCK, PRESIDING.

MR. HITCHCOCK OFFERED A PRAYER, AND OFFERED A SPECIAL PRAYER FOR THE FAMILY OF OUR  
GOOD FRIEND AND FORMER COLLEAGUE, COLLEEN ESPENSCHIED, AS THEY DEAL WITH THEIR  
HOUR OF GRIEF.

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  
MS. WINNIE WALKER  
MR. JOHN ZUCAL

PRESIDENT OF COUNCIL, SAM HITCHCOCK ANNOUNCED THAT THE AUDITOR, MS. BETH GUNDY  
WILL BE ABSENT FOR TONIGHT'S COUNCIL MEETING.

MR. ZUCAL MADE A MOTION TO ADD ORDINANCE 17-2014 TO TONIGHT'S AGENDA  
MR. LAUTENSCHLEGER SECONDED THE MOTION.

ROLL CALL 7 YEAS  
MOTION PASSED

MR. LAUTENSCHLEGER MADE A MOTION TO ADD RESOLUTION 26-2014 TO TONIGHT'S AGENDA  
MS. COX SECONDED THE MOTION.

ROLL CALL 7 YEAS  
MOTION PASSED

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

ROLL CALL 7 YEAS  
MOTION PASSED

MR. LANZER MADE A MOTION TO APPROVE THE MINUTES FROM THE REGULAR COUNCIL MEETING  
HELD MONDAY JULY 28TH, 2014  
MRS. RAMOS SECONDED THE MOTION.

ROLL CALL, 7 YEAS  
MINUTES WERE APPROVED

**CORRESPONDENCE**. . . . . CLERK, PATRICIA A. MCKAY

1. Mayor's Report to Council August 11th, 2014
2. Salary Committee Meeting Minutes from Monday, July 28th, 2014
3. Request from Joel Day dated August 8th, 2014 for Commendations for Judy Baker for her Years of Service for the City of New Philadelphia Income Tax Department
4. A flyer announcing the City of New Philadelphia Employee Picnic Thursday, August 14th, 2014 from 4:00 PM to 9:00 PM with dinner at 6:00 PM at Tuscora Park.
5. Request from the Mayor to the President of Council dated August 8th, 2014 in regard to the S-T-W Management Plan. (Stark-Tuscarawas-Wayne)
6. Bulletin 2014-005 from the Auditor of State's Office dated August 4, 2014 From Dave Yost Ohio Auditor of State subject Estimating Historical Costs of Capital Assets using the Consumer Price Index
7. A notice to Council from the Ohio Division of Liquor Control Dated August 4th, 2014 To Red Lobster Hospitality LLC, DBA Red Lobster #564, 255 Graef Road SE, New Philadelphia, Ohio,

From N and D Restaurants Inc. DBA Red Lobster #564, 255 Graef Road SE, New Philadelphia, Ohio, for type TRFO, Permit Class D1, D2, D3, and D6 Permit Classes and asking that Objections be made no later than September 4th, 2014

8. New Philadelphia Police /Monthly Activity Report for the Month of July 2014
9. Public Works and Economic Development Committee Meeting Minutes from Monday, July 28th, 2014
10. Mayor's Monthly Statement to Council for July 2014
11. City of New Philadelphia Statement of Cash Position with Month to Date as of July 31st, 2014
12. City of New Philadelphia Budget Report with Encumbrance Details as of July 31st, 2014
13. Auditor's Financial Statement for the Month of July 2014
14. Auditor's Monthly Statement of 2014 Revenue for the General Fund for July 2014
15. City of New Philadelphia Fire Department Month End Summary Report for the Month of July 2014 Dated August 4th, 2014.

ADMINISTRATIVE REPORTS:

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

The Mayor addressed the following:

1. The Mayor reported he attended the Retirement Open House for Judy Baker, Income Tax Department to congratulate her on her retirement and to wish her well with any future endeavors.
2. The Mayor spoke with several agents regarding utilities and their Aggregation Programs.  
(If we go into an Electric Aggregation it has to go on a ballot)
3. Mayor Johnson met with several employees and the Mayor and the Service Director met with State Rep Al Landis on O.D.O.T. matters.
4. Mayor Johnson traveled to Springfield, Ohio with Fire Chief Jim Parrish and Service Director Jim Zucal to speak with architects who have designed various fire stations. They showed us the design process involvement from the beginning to the end. We then visited several stations in the area.
5. The Mayor met with Law Director, Marvin Fete.
6. The Mayor conducted the Monthly Staff Meeting.
7. The Mayor went to Sacred Heart Elementary School and with Marketplace Commons with an Inspection Team.
8. The Mayor attended the monthly New Philadelphia Business and Community Association Meeting.
9. Met with Matt Baker regarding personnel matters.
10. Met with Sam Hitchcock, Council President.
11. Attended the funeral of my dear friend Colleen Espenschied former Ward I Councilperson. She was an extraordinary person and she will be missed.
12. Mayor Johnson requested an Executive Session tonight under the appropriate State Law for Personnel.

Mr. Lanzer made a motion for an Executive Session as the Mayors requested

Mr. Lautenschleger seconded the motion.

Roll call

7-0 motion passed.

President of Council Sam Hitchcock:

Be advised we will have the Executive Session after legislation following a recess of five minutes.  
(Guests will be excused from the Council Chambers before going into the Executive Session)

SERVICE DIRECTOR.....MR. JAMES ZUCAL

The Service Director reported on the following:

Service Director reported:

- The first closure of West High Avenue that was performed by Shelly and Sands. (7 day closure)  
It went well.  
The traveling public (Mr. Zucal talked with) said it was not so bad.  
We are hoping the Project continues that way.  
The company is working outside the limits of the traveling lanes right now.  
The Service Director and the Mayor are working with them and continuing to work with our friends from O.D.O.T. Service Director said, "Maybe we can get the project done by the end of this year."
- The Service Director reported on the funding team at the W. E. Quicksall Co.

The New Philadelphia Schools did receive funding for NRG (Neighborhood Revitalization Grant) That is a big award to the City and to the schools for the Bus Lanes at West School. It was a team effort. A lot of good people were involved. The Service Director thanked everyone and mentioned that Council was a big part of that. The Service Director reminded all that next year will be the construction year.

- The Service Director reported we continue to patch pot holes; we have not got caught up from last winter. We are doing some tree work and our crews our very busy. The Water Department continues to work with the contractor on West High and also worked with Mr. Bob Martinelli. They have done a fantastic job. “If you go to the Park and Cemetery, I can assure you, all of our Department Heads and employees are keeping busy and doing a good job.”

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

SAFETY DIRECTOR.....MR. GREG POPHAM

Mr. Popham reported on the Civil Service Testing for the Police Department.

We are half way through the process.

The written examinations have been given.

In the near future, we will be conducting Agility Tests for the Entrance Examine and Assessments for the Promotional Examine.

In the Promotional Field in the Police Department there were (7) candidates for the entrance examination a couple weeks ago we had (44) candidates.

Potentially there are three openings coming up.

Captain Stewart is already gone,

Captain DeMattio leaves September 19th, 2014,

There is possibly a third.

TREASURER . . . . .MR. AARON HILLYER .....NO REPORT

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

LAW DIRECTOR . . . . .MR. MARVIN FETE

The Law Director reported the following:

The Law Director, as he informed Council at the last meeting, reported that he was in consultation with the Disciplinary Counsel Office and was waiting an answer from them regarding the Law Suit that has been filed, actually a Mandamus Action was filed against the New Philadelphia Municipal Court.

(A case out of Bolivar filed by William Huth and Michele Huth.)

Disciplinary Counsel determined that it was appropriate for Mr. Fete (received in writing) to represent the City of New Philadelphia Municipal Court in that action because it was a Bolivar case and Mr. Fete’s office does not Prosecute Bolivar cases.

The Law Director did file an answer last Friday that was due today.

It is on line. If you go to the Ohio Supreme Court’s website, you can read it with all the attachments.

Tomorrow, the Law Director announced he will be representing the City’s Interest at a mediation hearing regarding both of those issues.

The Law Director requested an Executive Session for the reason of briefing Council on pending Court Actions.

The Law Director reported that a retirement celebration was given for Mr. Eugene Nemitz

July 31st, 2014 from 11:30 to 1:30 PM in Council Chambers.

Refreshments were served.

Mr. Fete thanked Ms. Cox for attending and representing Council

and he also thanked the Chief as well as his Prosecutors that were in attendance for that.

Comment from Councilperson John Zucal:

Since the following was assigned to the Salary Committee at the last meeting:

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.  
Mr. Zucal requested information from the Law Director on Mr. Nemitz.

The Law Director said he did have that information and would give it to Councilperson John Zucal as he requested.

Mr. Lanzer made a motion for an Executive Session following the Mayor's as requested by the Law Director.

Ms. Cox seconded the motion.

Roll call

7-0 motion passed.

President of Council announced that the Law Directors request for an Executive Session will be immediately following the Mayor's Executive Session.

**BOARD/COMMISSION REPORTS:**

PLANNING COMMISSION.....MAYOR DAVID JOHNSON

Mayor Johnson announced the Planning Commission Meeting for this month has been cancelled.

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

Mr. James Zucal announced there is a meeting of the Board of Zoning Appeals, Tuesday August 12th, 2014 at 5:00 PM in Council Chambers. There are four variance requests.

AIRPORT COMMISSION.....MR. JOHN ZUCAL

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

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

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 COMMITTEE .....MS. SANDY COX....NO REPORT

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

The issue a resolution accepting the amounts and rates to go to the Budget Commission.

SALARY COMMITTEE .....MR. JOHN ZUCAL....NO REPORT

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

The Income Tax Administrator, Joel Day's request to Council for commendations for Ms. Baker's years of service to the City of New Philadelphia in the Income Tax Department.

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 all Committee Members present with one item to discuss that is now:

Resolution 26-2014 for first reading on tonight's agenda which:

INVOLVES THE CITY'S REVIEW AND ADOPTION OF THE SOLID WASTE MANAGEMENT PLAN.  
FOR THE STARK-TUSCARAWAS-WAYNE JOINT SOLID WASTE MANAGEMENT DISTRICT.  
(First reading)

There is a window of time that this needs to be done.

The committee has recommended by a vote of 3-0 for Resolution 26-2014, the rules be suspended and passage upon the 1st Reading.

ZONING & ANNEXATION COMMITTEE .....MRS. CHERYL RAMOS

Mrs. Ramos reported that the Zoning & Annexation Committee met this evening at 6:00 PM in Council Chambers with one item to discuss Proposed Ordinance 17-2014.

ACCEPTING THE ROADWAY DEDICATION PLAT FOR MARKETPLACE COMMONS S. W.

Ordinance 17-2014 has been placed on the agenda for tonight’s meeting.  
The committee recommended suspension of the rules  
and passage upon the 1st Reading.

SPECIAL & CONTACT COMMITTEE ..... MR. DAN LANZER

Mr. Lanzer reported that the Special & Contact Committee met this evening at 7:00 PM in Council Chambers with two items to discuss.

First Item:

TO APPROVE, ADOPT AND ENACT THE CURRENT  
REPLACEMENT PAGES TO THE CODIFIED ORDINANCES.

After a discussion:

By a vote of 3-0 the Committee:  
Asked for the Law Director to prepare the proper legislation  
To put it on the Agenda for the August 25th, 2014 meeting.

Second Item:

The maintenance agreement for the NP2R Trail

After a lengthy discussion the Committee recommended:

Have the Law Director clean the legislation up  
(Change the wording and change from an ordinance to a resolution)  
Have another meeting August 25th, 2014.  
(Time and details to be announced.)

President of Council assigned to the Special and Contact Committee the Notice to Council from the Ohio Division of Liquor Control Dated August 4th, 2014 for Red Lobster Hospitality LLC, DBA Red Lobster #564, 255 Graef Road SW New Philadelphia, Ohio 44663

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

VISITOR’S COMMENTS:

Mark Sturm  
469 Third Street NE  
New Philadelphia, Ohio 44663

Mr. Sturm informed Council his concern was requesting an ordinance with stricter penalties for animals that do harm to other animals. Recently Mr. Sturm’s dog while he was walking it had been attacked and killed by a larger dog.

Mr. Sturm’s request is to have pet owners take more responsibility for keeping their pets under control and doing what is required by law.

(This issue is in the Safety Health and Service Committee Councilperson Mr. Rob Maurer is chairperson)

Chairperson Rob Maurer invited Mr. Sturm to attend the meetings that he will be scheduling in the near future for the purpose of strengthening the laws if needed. Mr. Maurer said he will keep Mr. Sturm posted.

Councilperson John Zucal announced that Council does recognize the importance of pets and expressed his regrets that this did transpire and thanked Mr. Sturm for coming.

Mr. Sturm thanked Council for their time.

**READING OF ORDINANCES AND RESOLUTIONS**

ORDINANCES:

13-2014 AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA TO

ADOPT THE OHIO ATTORNEY GENERAL'S MODEL PUBLIC RECORDS REQUEST POLICY FOR PURPOSES OF ADDRESSING PUBLIC RECORDS REQUESTS FOR THE CITY OF NEW PHILADELPHIA AND DECLARING AN EMERGENCY. (1<sup>ST</sup> READING)

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. (3<sup>RD</sup> READING)

Motion to vote on passage by Ms. Cox,  
Seconded by Mr. Maurer  
Roll call, 7 yeas  
Ordinance 14-2014 has been passed

17-2014 AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA ACCEPTING THE ROADWAY DEDICATION PLAT FOR MARKETPLACE COMMONS S. W. AS APPROVED BY THE SERVICE DIRECTOR. (1<sup>ST</sup> READING)

Motion to suspend the rules made by Mr. Zucal  
Seconded by Ms. Cox,  
Roll call, 7 yeas  
Suspension of the rules has passed for Ordinance 17-2014

Motion to vote on passage by Ms. Cox  
Seconded by Mrs. Ramos  
Roll call, 7 yeas  
Ordinance 17-2014 has been passed

#### RESOLUTIONS:

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. (3<sup>RD</sup> READING)

Motion to vote on passage by Mr. Maurer,  
Seconded by Ms. Cox  
Roll call, 7 yeas  
Resolution 25-2014 has been passed

26-2014 A RESOLUTION TO ADOPT THE SOLID WASTE MANAGEMENT PLAN. FOR THE STARK-TUSCARAWAS-WAYNE JOINT SOLID WASTE MANAGEMENT DISTRICT AND DECLARING AN EMERGENCY. (1<sup>ST</sup> READING)

Motion to suspend the rules made by Mr. Lautenschleger,  
Seconded by Ms. Cox  
Roll call, 7 yeas  
Suspension of the rules has passed for Resolution 26-2014

Motion to vote on passage by Mr. Lautenschleger,  
Seconded by Ms. Cox  
Roll call, 7 yeas  
Resolution 26-2014 has been passed.

8:11 PM COUNCIL RECESSED FOR FIVE MINUTES  
COUNCIL RECONVENED AT 8:16 PM AND WENT INTO AND EXECUTIVE SESSION AS THE MAYOR REQUESTED FOR PERSONNEL AND IMMEDIATELY FOLLOWING THE LAW DIRECTOR'S REQUEST FOR BRIEFING COUNCIL ON PENDING COURT ACTIONS. COUNCIL RECONVENED AT 8:50 PM.

**UNFINISHED OR OLD BUSINESS:**  
**NONE**

**NEW BUSINESS:**

Comments from Mayor Johnson:

“Thanked everybody on Council for tonight; we all worked together and got some things done.”

Comments from Councilperson Zucal for the loss of Ms. Colleen Espenschied:

“She will be missed.”

Comments from the Council President Hitchcock for the loss of Ms. Colleen Espenschied:

“She was friends to a lot of people and I am proud to say I was a friend of Colleens.

She was a kind person she cared about people and about her position here on City Council.

She took her job very seriously.

The rapid time that transpired with her health from the time she was diagnosed until she passed reminds all of us how fragile and temporary that life really is and that we all should make the most of everyday.”

“Colleen will be sadly missed and fondly remembered.”

MS.COX MADE A MOTION TO ADJOURN THE MEETING AT 8:53 PM.

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

APPROVED \_\_\_\_\_

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