

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS
ON AUGUST 12TH, 2013 WITH PRESIDENT OF COUNCIL, SAM HITCHCOCK, PRESIDING.

MR. HITCHCOCK OFFERED A SPECIAL PRAYER AND A BLESSING FOR COUNCIL MEMBER WINNIE WALKER AND HER FAMILY ON THE RECENT LOSS OF HER HUSBAND AND ASKED FOR A SPECIAL BLESSING FOR THE SERVICE DIRECTOR, GREG POPHAM AND HIS FAMILY FOR THE RECENT LOSS OF MR. POPHAM'S FATHER.

ALL IN ATTENDANCE RECITED THE PLEDGE OF ALLEGIANCE.

PRESIDENT OF COUNCIL, SAM HITCHCOCK THANKED EVERYONE AND EXPRESSED APPRECIATION FOR THEIR PRAYERS AND ALL THE CARDS HE RECEIVED IN HIS RECENT STAY IN THE HOSPITAL.

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

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

ROLL CALL 7 YEAS
MOTION PASSED.

MR. LANZER MADE A MOTION TO APPROVE THE MINUTES FROM PREVIOUS REGULAR SESSION OF COUNCIL HELD AT 7:30 PM ON MONDAY, JULY 22ND, 2013.
MS. COX SECONDED THE MOTION

ROLL CALL, 7 YEAS
MOTION PASSED.

CORRESPONDENCE. CLERK, PATRICIA MCKAY

1. To Beth Gundy, City Auditor of the City of New Philadelphia *Auditor of State Award* from Dave Yost, Auditor of State for a "Clean" Audit Report. Ms. Gundy received a certificate to display.
2. Mayor's Report/Requests to Council August 12th, 2013
3. Thank you from Council Member Winnie Walker and Family, dated August 1st, 2013 to Council Members, President and Clerk of Council acknowledging and thanking them for their kind expression of sympathy for the recent loss of her husband, Albert.
4. A Request dated August 2, 2013 to Council President Sam Hitchcock and John Zucal Salary Committee Chairman from the 22 Members of the New Philadelphia Management Group Tiers AB&D. for a pay increase of 2.75% in 2013, 2.50 % in 2014, and 2.25% in 2015 for Non-Bargaining Members of Tiers A, B & D.
5. Press Release dated July 23rd, 2013 sent by fax to the media. Legislative process has formerly enacted its last and best offer to the AFSCME Service local 1958 union as is permitted by law.
6. Ohio Municipal League 62nd Annual Conference September 26th-27th 2013 information.
7. Finance Committee Meeting Minutes from July 22nd, 2013
8. New Philadelphia Fire Department July 2013 Month- End Summary.
9. Auditor's Financial Statement for the Month of July 2013
10. Auditor's Monthly Statement 2013 Revenue for the General Fund for July 2013.
11. City of New Philadelphia Statement of Cash Position with Month to Date as of July 31st, 2013.
12. New Philadelphia Police Monthly Activity Report for the Month of July 2013.
13. Mayor's Monthly Statement to Council for the Month of July 2013.
14. Summer Merchants and Artists Walk Downtown New Philadelphia Saturday, August 17th, 2013 6-9 PM

ADMINISTRATIVE REPORTS:

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

The Mayor addressed the following:

- The Mayor requested an Executive Session this evening after legislation to discuss compensation benefits for Permanent Part-Time Staff.
- The Mayor reported that he met recently with all department heads reporting to the Service Director or Safety Director to review their first six months of their budget performance.
The need is still great for equipment or personnel that were not budgeted.
(Most line items are on pace or under budget for the first six months of 2013.)
- The Mayor announced that he was able to lock in \$4.69 per Mcf. for the City's Gas Aggregation Program for the billing cycles of December 2013 through November of 2014.
- The Mayor reported that the ad hoc committee reviewing the handbook draft completed its work over the last couple of months.
The Mayor met with Mike Sever of Clemans Nelson to make the corrections the committee found.
There should be a new final draft soon for Council to consider.
They Mayor requested the Council President assign the adoption of a new employee handbook to a committee.
- The Mayor reported last Thursday evening City employees and their families met at Tuscora Park for the annual picnic.
A great time was had by all those who attended.
The Mayor appreciated their participation and the union's willingness to donate money for some of the expenses.

Comment from Ms. Cox:

Ms. Cox wanted to know how many bridges are we responsible for.

The Mayor replied three.

Mr. Lanzer made a motion to go into an Executive Session after legislation to discuss compensation benefits for Permanent Part-Time Staff.

Ms.Cox seconded the motion

Roll call 7 yeas motion passed.

Comment from President Hitchcock:

"Be advised we will take a brief five minute break immediately following Legislation after which we will go into an Executive Session."

SERVICE DIRECTOR.....MR. JAMES ZUCAL

The Service Director reported the following:

- The Service Director announced that Fred Neff brought to his attention that we bid on a Program through ODOT for Road Salt for this year.
This year the bid for salt for roads is \$36.45 per ton last year it was \$46.75 per ton. (This was the lowest it has been since 2005.)
- The Service Director reported that he has in place an agreement with ODOT for the widening of West High next year which is going to be reviewed by the Law Director.
It is a plan where the traffic will be maintained going west out of the City.
You will be able to precede West on West High Avenue
In bound east bound will be on Front Avenue SW that is the Detour Plan.
There is a road use agreement along with that.
- The Service Director reported that he attended a Five Point Preconstruction Meeting last week.
Tucson, Inc. is excited to start the project.
It looks like that will begin the last week of August.
They will begin down by the river on the Gradall Property.
We won't see a big impact on Seventh Street SW until later in September there is a plan in place we've studied this two or three times a week. The Service Director reported everyone is on track to make this a successful project.

- Attended a paving meeting last week with ODOT which was a preconstruction meeting for paving for Fourth Street, State Route 39 and a portion of Graff Avenue.
It is going to be a Three Phase Project that will all be part of one big ODOT Paving Program. They started Saturday on Fourth Street NW the goal is to get all the ADA Ramps and Curb Radius in place on Fourth Street to do everything around the High School and Welty Junior High School before school starts.
They are on track; the contractor is the Shelly Co., a big contractor in the State of Ohio. This seems to be a big project for the City but actually a simple project for them. (They will knock this out rather quickly.)
- Minor wrap up details, the Service Director met with the construction inspector with ODOT the East High and State Route 259 paving project is complete.
- CDBG Project on Maple Avenue is finished.
There are a couple of clean-ups to do.
The final walk through was last week.

AUDITORMS. BETH GUNDY.....NO REPORT

Ms. Gundy informed the Council that she will not be at the next meeting she will be on vacation.

President Sam Hitchcock congratulated the Auditor and her staff on her award “Auditor of State Award” she received from the State of Ohio, Dave Yost Auditor of State.

SAFETY DIRECTOR.....MR. GREG POPHAM

The Safety Director thanked everyone for all the cards he received.

Mr. Popham reported the following:

- In July the City received a reimbursement check from Tuscarawas County Local Emergency Planning Committee for a call that was handled by the Fire Department on April 11th, 2013 in the amount of \$2,236.08
- Fire Department we’ve learned Captain Daugherty is going to retire at the end of December 2013. Also receive a letter from the Chief of the Fire Department that is requesting to step down and fill that Captain’s position. There will be more information on that later.

TREASURERMS. LORI STATLER.....NO REPORT

The Treasurer congratulated the Auditor on the award she received from the State Auditor and stated that it is very difficult to get a “Clean Audit.”

The Treasurer announced that she hopes to have Treasurer Reports for the next meeting.

LAW DIRECTORMR. MARVIN FETE

The Law Director reported the following:

Over the past two weeks:

1. Drafted petition to dismiss and release escrow funds from an escrow account for the New Philadelphia Municipal Court in regard to Maggoo’s lease for the Airport Restaurant.
2. Issued tear down letters in conjunction with the Service Director’s Office.
3. Issued written legal opinion on the Tolloti Building specifically as ask by the Service Director; whether or not the college (Kent Tuscarawas) where the Tolloti Building is being built had to get permits from the City. They are exempt from that under the Ohio Law.
4. Issued a Legal opinion for Sewer Bill for Lauren Manufacturing.
5. Drafted a Comprehensive Part-Time Sick Leave legal opinion which he believes the Mayor will be addressing this evening in Executive Session.
6. Doug Jackson, Chief Prosecutor, was out last week on vacation so Mr. Fete prosecuted two full days in Municipal Court on his behalf.
7. The Law Director met with the Mayor and the Service Director on separate times to discuss pending issues.
8. The Law Director reported that he has brought in Casey Felix, a law student at the University of Akron who is beginning her second year at the University.
She is going to be shadowing Mr. Fete and some of the other prosecutors.
Our goal is by spring she will get her certificate from the Ohio Supreme Court to be allowed to prosecute cases and do court work providing she is supervised by Mr. Marvin Fete or Mr. Doug Jackson. The Law Director reported that in effect by spring there would be six available

prosecutors to prosecute for Municipal Court, which we need to keep up with the demand as currently the Municipal Court Judge runs three Court Rooms simultaneously and reduced the amount of spending by \$42,000.00. (Of the six prosecutors only two, which are full time personnel, receive tax payer benefits.) The Law Director reminded all that Heidi Sanner, an attorney, who works as an Independent Contractor will be prosecuting cases as well.

9. Mr. Fete requested an Executive Session after legislation for Land Acquisition Issue.

President of Council congratulated the Law Director on his cost saving measures in the Prosecutor's Office.

Mr. Lanzer made that motion to go into a second Executive Session immediately following the previous Executive Session Mr. Lautenschleger seconded the motion
Roll call 7 years motion passed.

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR MICHAEL TAYLOR

The Mayor announced that the Planning Commission Meeting will be held Tuesday, August 13th, 2013 at 1:00 PM in Council Chambers there are two agenda items.

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

Mr. Zucal announced, the Board of Zoning Appeals Meeting which would be held tomorrow, Tuesday, August 13th, 2013 at 5:00 PM in Council Chambers typically, was cancelled as there are no variance requests.

AIRPORT COMMISSION..... MR. JOHN ZUCAL.....NO REPORT

Mr. John Zucal announced the Airport Commission will meet Tuesday, August 13th, 2013 at 6:00 PM at the Airport meeting room. All are invited to attend.

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 21st, 2013 at 12:00 Noon at the Health Department.

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEE. MS. SANDY COX

Ms. Cox reported the Finance Committee met Monday, August 12th, 2013 at 7:15 PM in the Council Chambers to discuss the following:

Item 1: Resolution 25-2013

The transfer is from interest only from the Cemetery Endowment Fund #812 over to the Cemetery Operating Fund #209 which is \$7,500.00 for the 2013 year.
It will be on the agenda for August 26th, 2013 meeting and we ask for it to be passed at that meeting.

Item 2: Resolution 26-2013

To direct the Auditor to transfer up to \$10,000.00 from the General Fund #101 to the Sidewalk Replacement Program Fund #285.
It will be on the agenda for August 26th, 2013 meeting and we ask for it to be passed at that meeting.

Item 3: Resolution 27-2013

This resolution was withdrawn we are not going to do anything with that.
The number can be reused.

Item 4: Resolution 28-2013

To make adjustments for posting differences on the Treasurer and Auditor Reports due to posting errors.
The Auditors book balance needs to be reduced by \$683.73 in order to match the Treasurer's Depository Reconciliation. This amount of \$683.73 has been the difference between the Auditor's and Treasurer's balance for several months and has been determined to be a clerical

error. It will be on the agenda for August 26th, 2013 meeting and we ask for it to be passed at that meeting.

Item 5: Resolution 29-2013

To approve the transfer of up to \$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 2013 fiscal year.

The City has incurred expenses in the Water and Sewer Fund to billing for sanitation pickup in 2013 and this amount will need to be offset by the transfer.

It will be on the agenda for August 26th, 2013 meeting and we ask for it to be read for three readings.

Item 6: Ordinance 14-2013

An ordinance amending and adjusting the permanent appropriations ordinance for the year Reviewed ordinance 14-2013 and several items were corrected, changed or updated.

It will be on the agenda for August 26th, 2013 meeting and we ask for it to be passed at that meeting.

Item 7: Reminded everyone that Ordinance 10-2013 should be tabled until this November.
Meeting adjourned at 7:25 PM

Ms. Cox congratulated the Auditor on the award she received from the State Auditor and stated that it is very difficult to get a "Clean Audit "from the State.

SALARY COMMITTEEMR. JOHN ZUCAL....NO REPORT

Mr. Zucal requested an Executive Session prior to the legislation for the purpose of Employment of Personnel.

Mr. Lanzer made that motion to go into an Executive Session prior to the legislation agenda

Mr. Lautenschleger seconded the motion

Roll call 7 yeas motion passed.

SAFETY HEALTH & SERVICE COMMITTEEMR. ROB MAURER....NO REPORT

PUBLIC WORKS & ECONOMIC DEVELOPMENT COMMITTEE ... MR. DARRIN LAUTENSCHLEGERNO REPORT

ZONING & ANNEXATION COMMITTEEMS. COLLEEN ESPENSCHIED....NO REPORT

CONTACT & SPECIAL COMMITTEE MR. DAN LANZER

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

The first item for discussion:

- The updating of the Codified Ordinances book- updates as provided by Walter H.Drane. The committee, reviewed the Codified Ordinances to make sure there were no problems, finding none, the committee voted 3 -0 to accept those and have the Law Director provide an ordinance so it will be on the agenda for August 26th, 2013 meeting.

The Second item for discussion:

- The commendation for Dean Miller, who retired from the Health Department after 21 years of service as a part-time sanitarium on July 31, 2013 for the City of New Philadelphia. The committee voted 3 -0 to commend Mr. Miller for his years of service And to have the Law Director provide a resolution so it will be on the agenda for August 26th, 2013 meeting.

Meeting adjourned at 7:04 PM.

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

VISITOR'S COMMENTS:

Comments from:

Richard Tschudy

712 Lake Street

New Philadelphia, OH 44663

Mr. Tschudy presented a map to council in regard to the following;

at Tuscora Park the road that comes out past the tennis courts onto Lake Street NW dead ends into Moore Avenue NW and winds around to the main street toward downtown.

Mr. Tschudy requested some action be taken to slow down traffic in this area near Tuscora Park. He informed Council that it is a dangerous area especially on Moore Avenue NW going west.

The Safety Director said for Mr. Tschudy to leave his name and phone number and they will look into it and try to resolve the problem. Mr. Tschudy thanked Mr. Popham for his help.

Comments from:

Carl Russo, President of the American Council of the Blind of Tuscarawas Valley
630 Jordan Drive NW
New Philadelphia, OH 44663

Asked the President of Council if he could distribute flyers to all in regard to the 2nd Annual White Cane Walk to be held on Sunday, August 25th, 2013 from 1 to 3 PM

At the Tuscarawas County Senior Center, 425 Prospect Street, Dover, Ohio

The purpose of the walk is educational "to gain understanding with what someone who is blind is dealing with."

The focus of this year's white cane walk is the ADA's concept of one size fits all which doesn't meet the needs of the visually disabled.

The Service Director and Mr. Russo have had conversation on a particular area that Mr. Russo has found to be difficult to travel at night and if he doesn't use the white cane in the right way it will catch.

To gain awareness in Tuscarawas County Chapter does exist. They are a nonprofit organization with low vision aids that they loan out to the blind and visually impaired.

The event will teach people what it is like to have a visual impairment and to try to have mobility with it.

The event is a fund raiser.

They have issued a challenge for every other City in Tuscarawas County to be represented.

All are invited to participate. There is no cost they do ask if you would like you can have someone sponsor you.

You will be wearing a blindfold and using a white cane. Judy Harpley, Mobility Specialist will be instructing on the use of the white cane. You are going to feel with the white cane. The white cane is your third eye. This is set up as a two person team so you have someone with you. The prescribed route will be the parking lot of the Senior Center and out on Prospect to the stop sign with a couple of obstacles and back to the Senior Center. Everyone is invited.

Mr. Russo thanked Council for their time.

President of Council, Sam Hitchcock thanked Mr. Russo for coming in and for addressing Council and distributing the flyers in regard to the 2nd Annual White Cane Walk. President of Council, Sam Hitchcock wished Mr. Russo much success with the event and commended him on his worthwhile project.

Comments from:

Kevin Compton
159 Ninth Street NE
New Philadelphia, OH 44663
Business
Island Palm Winery L.L.C.
101 South Broadway Street
New Philadelphia, OH 44663

Mr. Compton's request for potential outside seating so as to enhance his business, Island Palm Winery.

Mr. Compton had spoke with Council Member John Zucal previously, during the sidewalk sales, saying he is looking for some potential area outside the Island Palm Winery in the gazebo area to enhance his business.

Council Member John Zucal encouraged him to come to Council and pass the request along so the President of Council Mr. Hitchcock could address that to the appropriate Committee.

The Service Director said he will be glad to work with the Law Director to share his information on Island Palm Winery so as to move this forward.

COUNCIL ADJOURNED FROM REGULAR SESSION INTO EXECUTIVE SESSION AT 8:05 PM
AS REQUESTED BY JOHN ZUCAL THE SALARY CHAIR, PURPOSE EMPLOYMENT OF
PERSONNEL. COUNCIL RECONVENED INTO REGULAR SESSION AT 8:25 PM

READING OF ORDINANCES AND RESOLUTIONS

ORDINANCES:

10-2013 AN ORDINANCE AMENDING SECTIONS 3, 5, 7, AND 16 OF ORDINANCE NO. 51-2003 PROVIDING FOR AN INCREASE OF THREE-FOURTHS (¾) PERCENT IN THE EXISTING INCOME TAX LEVIED BY THE CITY OF NEW PHILADELPHIA EFFECTIVE JANUARY 1, 2014 AND CONTINUING UNTIL REVOKED, TO PROVIDE FUNDS FOR GENERAL MUNICIPAL OPERATIONS. (3rd READING)

Motion to table Ordinance 10-2013 made by Ms. Cox, seconded by Mr. Zucal
Roll call, 7 yeas
Ordinance 10-2013 has been tabled

13-2013 AN ORDINANCE AMENDING CODIFIED ORDINANCE CHAPTER 1141 OF THE CITY OF NEW PHILADELPHIA, OHIO, TO ENACT A SUPPLEMENTAL SECTION 1141.05 TO ADDRESS RECREATIONAL VEHICLE PARKING AND STORAGE AND DECLARING AN EMERGENCY. (1ST READING)

RESOLUTIONS: NONE

COUNCIL ADJOURNED FOR A FIVE MINUTE BREAK AT 8:27 PM
AT 8:35 PM COUNCIL RECONVENED INTO REGULAR SESSION
COUNCIL ADJOURNED FROM REGULAR SESSION INTO EXECUTIVE SESSION AT 8:35 PM FOR THE MAYORS REQUEST TO DISCUSS COMPENSATION BENEFITS FOR PERMANENT PART-TIME STAFF AND THE LAW DIRECTORS REQUEST TO DISCUSS A LAND ACQUISITION ISSUE.
COUNCIL RECONVENED INTO REGULAR SESSION AT 8:54 PM.

UNFINISHED OR OLD BUSINESS:

The Ad Hoc Committee reviewing the employee handbook draft completed its work over the last couple of months. The typos and the issues the committee found are being corrected.
Council President Sam Hitchcock assigned the adoption of the New Employee Handbook to the Finance Committee.

NEW BUSINESS:

President Sam Hitchcock reported:

He received a letter tonight right before Council started, requesting a pay increase for non bargaining employees Tier A B & D. from the 22 members of the New Philadelphia Management Group Tier A B & D.

Mr. Hitchcock instructed the Clerk to read it as correspondence there was no signature the only thing representing a signature was the "22 members of the New Philadelphia Management Group Tier A B & D." (Not everyone in those tier groups was in favor of this.)

The President of Council is not going to assign this request for pay increases to the Salary Committee. Earlier in the year he appointed the Salary Committee the previous work from the Ad Hoc Committee that was dealing with non bargaining and there is more work to be done on that. Beginning with basically classification of the tiers he doesn't believe anything like that has been formerly accepted.

He is going to pull that back out of the Salary Committee; create the Ad Hoc Committee of the Council as a Whole and take this into Ad Hoc Committee Mr. Hitchcock spoke to the Salary Chair Mr. John Zucal and Mr. Zucal agreed we need to do more work on that moving forward with that where ever it goes so non bargaining may be represented equally.

The Ad Hoc Committee will be chaired by Mr. John Zucal, Chair of the Salary Committee.

President of Council reminded all to contact him by phone or email to give him heads up on any issues they may have.

Service Director responded:

He contacted Mr. John Zucal Chair of Salary Committee the signature sheet is forth coming. The Management Group does meet bi-weekly this was authorized; he talked to the Mayor about it, All the members were invited, a signature sheet was passed around, members that did not want to sign the sheet did not sign, the Service Director will give the completed signature sheet to President of Council Sam Hitchcock. (They are waiting for a couple members to come back from vacation.)

The Service Director confirmed that he gave the request to the Council Clerk today as it was forwarded to him.

MS. COX MADE A MOTION TO ADJOURN THE MEETING AT 9:00 PM.

CLERK OF COUNCIL _____

APPROVED _____

PRESIDENT OF COUNCIL _____