

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON AUGUST 24TH, 2015 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. DARRIN LAUTENSCHLEGER
MR. ROB MAURER
MRS. CHERYL RAMOS
MS. WINNIE WALKER
MR. JOHN ZUCAL

EXCUSED ABSENCE:

SERVICE DIRECTOR, MR. JAMES ZUCAL
SAFETY DIRECTOR, MR. GREG POPHAM
CITY AUDITOR, MS. BETH GUNDY.

- MS. COX MADE A MOTION TO ACCEPT THE AGENDA
MS. WALKER SECONDED THE MOTION
ROLL CALL 7 YEAS
MOTION PASSED
- MS. COX MADE A MOTION TO ACCEPT THE MINUTES
FROM THE REGULAR COUNCIL MEETING HELD ON MONDAY, AUGUST 10TH, 2015
MS. WALKER SECONDED THE MOTION
ROLL CALL, 7 YEAS
THE MINUTES WERE APPROVED.

CORRESPONDENCE CLERK, PATRICIA A. MCKAY

1. Mayor's Report to Council August 24th, 2015
2. Salary Committee Meeting Minutes from Monday July 27th, 2015
3. Special and Contact Committee Meeting Minutes from Monday August 10th, 2015
4. New Philadelphia Police Monthly Activity Report for the Month of July 2015
5. Finance Committee Meeting Minutes from Monday August 10th, 2015
6. City of New Philadelphia Tuscarawas County Ohio Management Letter for the Fiscal Year Ending December 31st, 2014 from the Auditor of the State Dave Yost prepared by Rea & Associates dated June 4th, 2015
7. City of New Philadelphia Tuscarawas County Ohio Audited Financial Statements for the Fiscal Year Ending December 31st, 2014 from the Auditor of the State Dave Yost prepared by Rea & Associates dated August 6th, 2015
8. Tuscora Park Board Meeting Minutes from July 22nd, 2015
9. A letter August 20th, 2015 to Sam Hitchcock President of New Philadelphia City Council in regard to the request from TCHD to raise the legal age to 21 for sale of tobacco products.

Dear President Hitchcock,

Back on June 11th 2015 you had received a letter from Health Commissioner, Katie Seward from the Tuscarawas County Health Department, requesting a change in the ordinance to raise the legal minimum age for sale of tobacco products to age 21. That letter was passed on to our Board of Health for review on June 23rd.

The Board of Health first reviewed the letter during their July meeting on July 8th. After some discussion the decision was made to table the discussion until the August 12th board meeting. After much discussion at the August meeting, the Board voted to not recommend a change in the city ordinance or legislation limiting the sale of tobacco products to under 21 aged residents. The Board feels changing the age limit in New Philadelphia will not prevent an individual from driving to a neighboring city or township to purchase their tobacco/nicotine products elsewhere or to ask someone over the age of 21 to purchase it for them.

We will continue to educate clients on the adverse health effects of tobacco and nicotine by offering verbal and written education and assist with referrals to tobacco cessation classes in the area. When presenting to community partners and groups we include education regarding the use of tobacco/nicotine products that cause preventable diseases. Although adolescent smoking rates have been on a decline, we are concerned by the introduction of e-cigarettes and other newer methods that may appeal to youths. Due to this we have developed new presentations addressing these methods and are targeting our area youths to expand our educational outreach. After 161 years, the New Philadelphia City Health Department continues to work hard to provide a safe environment and provide education to raise awareness of preventable diseases

Sincerely,
Vickie Ionno RN, Health Commissioner
And the New Philadelphia Board of Health

President of Council, Sam Hitchcock reminded everyone that the deadline for down loading the Audit is only going to be available for a short time.

MAYOR'S REPORT/REQUESTSMAYOR DAVID JOHNSON

Mayor Johnson had a written report for tonight s meeting:

August 9th, 2015 spent the day interviewing four (4) Architects for the Fire Station.

Those were the 4 that we deemed best out of the original 16.

August 11th, 2015 attended Rotary and discussed City affairs and fielded questions.

August 13th, 2015 held Records Commission Meeting.

Attended the City Picnic at the Park. It was a great turnout probably best attendance ever. The Mayor Thanked Ms. Fragasse and Mr. Rod Miller and many others for all their hard work.

August 18th, 2015 Attended Community Improvement Corporation Meeting

August 19th, 2015 Attended grand opening of What's Cooking Café.

wished them well and pointed out that these young people are our future.

Attended the Park Board Meeting.

August 20th, 2015 met with our Labor Attorney, Matt Baker.

August 21st, 2015 Attended Stark-Tuscarawas-Wayne Recycling District Meeting.

August 22nd, 2015 Went to the Art Walk in downtown New Phila

Where artists displayed their work.

It was a wonderful evening in downtown New Phila.

August 25th, 2015 the Mayor and his Wife Nancy will be celebrating 42 years of Marriage.

Question for the Mayor from Ms. Cox:

Did you pick someone for the Fire Station Ms. Cox thought they would be picked on the August 19th, 2015?

Mayor Johnson replied:

Yes we did he will report that at the next meeting.

Question for the Mayor from Mr. Maurer:

Someone from the Police Department (13 year employee but they are part time) wanted to know if the Employee Picnic was for full timers?

Mayor Johnson replied:

No it wasn't. Someone accidently didn't get something sent to their home and they were upset.

It was not anything intentional it was for everybody it was for retirees and that was explained.

Mr. Hitchcock wished the Mayor and his wife a Happy Anniversary.

SERVICE DIRECTOR.....MR. JAMES ZUCAL

Assistant Service Director Amy Gilland had a written report, *Council Update for August 24th, 2015* to the Mayor and the Mayor reported the following:

- The paving has been completed for 2015.
we paved different areas all through the City.
We paved the worst.

Front Street you will see where it was paved down the middle but not the sides. There are no pot holes or problems in any of the parking areas. So we were able to take that asphalt and use it in another area. You will see some new asphalt on Wabash one side but the other side is still bad. We are going to tear that up next year and put in a new waterline so we should not pave it. You will find around town places we did not pave because we know construction is coming in those areas.

- The FY14 CDBG Community Block Grant and NRG (Neighborhood Revitalization Grant) Project has been completed and looks great. The Mayor suggested everyone check it out the bus lane at West Elementary is wonderful. They did a very nice job they took care of every aspect they could think of. The Mayor pointed out the parking lot at the side (the right side as you are facing the school) was not paved; originally it was not in the plans. The City did not have it in their Paving Budget and the school said they had other parking lots that needed more attention. The two contractors paid for it and paved that lot. They took it up on themselves to go ahead and pave it at no charge to anyone.

There have been numerous intersection violations addressed in the last couple weeks. There must be a clear and unobstructed view of traffic from all directions. Any endangerment to life, health, safety, etc. is a public nuisance.

The Bistro Restaurant that was located on Bluebell Drive SW is in the process of being demolished the new building that will be constructed is proposed as Restaurant/Retail, no specifics at this time.

An FYI for Council Members and residents The New Philadelphia Park Village being constructed on South Broadway and Sibley Mart being constructed on East High Avenue are in Goshen Township not in the City Corporation. All we can do is give them water and sewer and restrict some of the travel.

The Park Village themselves wanted to come in the back way to deliver. The roads going in there were not made for truck traffic so we are protecting our own. This was signed by Amy Gilland, Assistant Service Director who has been working on this.

Question from Ms. Cox:

What is going on Ray and Second Street NE by Sherwin –Williams Co.?

Reply from the Mayor:

Diversified Engineer Inc. is building a new building the Mayor added at one time it was railroad property with buildings on it.

Question from Mrs. Ramos:

Part of the project for West Elementary part of the City share was going to be new Fire Hydrants.

Mrs. Ramos asked if they had been installed.

The Mayor replied:

They have been installed that is our in-kind contribution.

AUDITORMS. BETH GUNDYNO REPORT
EXCUSED ABSENCE

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

TREASURER TOM GERBER

Mr. Gerber reported he is currently working on monthly reconciliations.

LAW DIRECTORMR. MARVIN FETE

The Law Director reported since his last meeting:

- He had meetings with two Attorneys from Akron along with our Auditor and our Income Tax Administrator.
Turns out there were some rental properties that had not paid taxes in a number of years. They have self reported to us.
We are in the process of negotiating what would be a fair settlement.
We are in the process of confirming their numbers. We have asked for copies of their Federal Tax Returns. When the Attorneys met with us they just brought us print outs of what they estimated that would be owed to the City. We want to confirm those on our own by verifying what their numbers were.
We want to work closely with the Auditor and Income Tax Administrator to determine what would be a fair and reasonable amount that should be paid to the City for that.
- The Law Director had a follow up meeting with the Tax Administrator regarding the overhaul of our Income Tax Ordinance. I believe that this has been assigned to the Salary Committee. Mr. Fete said he should have that legislation soon for Council to look at. It is very comprehensive and complex.
There are 63 pages to explain what it is for and what it does
The actual sample ordinances were only about 10 pages.
He met with all consecutively, the Fire Chief, Captain Sholtz from the Fire Department, and Lee Finley from the Health Department and Police Chief Mike Goodwin from the Police Department.
- We have a citizen in our community that was a Veteran.
He is not living in very good conditions. We are trying to get this individual some help. and wanted to know what was available from a legal standpoint.
This person was calling 911 every time he had to use rest room facilities in his own home. We took care of that by telling him if he continues to do that he was warned by the Police Chief if he reported this again he would be charged with misusing the 911 system. That has not happened since then.
A number of Home Health Aids that have gone in there that have been government paid to assist the individual. He really needs to be in some sort of assisted living because this individual is not 60 years old. Mr. Fete had a phone conference with Jeff Kiggans at Job and Family Services. They cannot come in until a person is 60 years old.
So we are also looking as to what can be done from a veteran's standpoint.
Part of the problem is the individual does not want help even though it is clear that he needs it. One of the things we are looking at is having his home condemned.
Our ordinance does allow us to condemn a home if it is not suitable for human living. It is a very sad situation.
To let you know we had that many people come in to speak to the Law Director over just one person. That shows you the level of care we have in our community for our citizens.
- Received a court filing on another BWC case.
When you file a BWC case they rarely go to trial usually keep pushing it.
When it close to trial civil rules allows you to withdraw your complaint and re file it.
The Law Director is constantly refilling answers to BWC claims.
- Reviewed an Architect Agreement provided by the Fire Chief for a Fire Station
Reviewed and approved that as to form and then returned to the Fire Chief.
- Communicated with Tony Danzo regarding one of the homes we had worked on that regarding People were no longer living in it we are basically going to call in the promissory note on that and have the people make payments on that
- Receive d a call from one of our citizens who was concerned about what her liability role was with regard to a tree that was planted by the City in front of her house that was causing the sidewalk to move causing a hazardous condition. I told her she personally would not be liable for that.

- The Law Director received a call from a Council Member wanting to know whether or not smoking was permitted at the park
The Law Director confirmed it is not permitted. And told the Council Member what steps could be taken to make sure it was enforced.
- The Law Director said he attended the City Picnic and it was fantastic.
He reported that 24 were in attendance last year and over 96 for this year.

Comment from the Mayor:

There is no smoking on all of the Park Land. The Park Board deemed that last year
The Mayor said it is posted.
Mr. Gerber said he has not seen any non smoking signs at the Park.

Comment from Council Member John Zucal

Mr. Zucal said he has seen the posting and any time an event is held in the venue Quaker Stadium
An announcement is made stating that Tuscora Park and Quaker Stadium is a no- smoking facility. Please abide by those rules. At the pool before every 10 minute break it is announced there is no smoking allowed.

Comment from Council Member Mrs. Ramos

Does that include electronic cigarettes?
The Mayor replied:
“That was not determined.”

Comment from Council Member Ms. Cox:

Is it going to be costly to do the update?

Law Director replied:

No, the Income Tax Director did not mention any thing in terms of cost, he just wanted to make sure the Law Director was aware of the what legislation changes that had to be made.

Mr. Fete said we have to create a whole new section it is not like we can replace it.

We will still be collecting taxes under the old section. So we will have to have 2 sections for Income Tax.

There is also a big belief that this might be over-turned eventually because it is being challenged in the courts currently.

Comment from Council Member Mr. Lautenschleger:

Pointed out the Ohio Municipal League is concerned for the long term effects of what this will mean and how it will negatively impact income tax collection for Municipalities.

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR DAVID JOHNSON

The Mayor announced the Planning Commission meeting is tentatively set for Tuesday, September 8th, 2015 at 1:00 PM in Council Chambers pending any agenda.

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

The Mayor announced the Board of Zoning Appeals will meet Tuesday, September 8th, 2015 at 5:00 PM in Council Chambers pending any agenda.

AIRPORT COMMISSION.....MR. JOHN ZUCAL

Mr. Zucal announced that the Airport Commission Meeting will meet September 8th, 2015 at 6:00 PM in the Airport Meeting Room.

PARK BOARD.....MR. DARRIN LAUTENSCHLEGER

Mr. Lautenschleger reported the Park Board had a meeting Wednesday August 19th, 2015 at noon at the Tuscora Park Office with two items to discuss:

1. Some sound improvements are being made in the pavilion as far as being able to hear. There is a product being installed by Marsh Industries sometime in the late Fall. Mr. Lautenschleger will keep us posted when the Park Board reports that.
2. Last Week was the James Short Memorial event at the Skate Park at the Water Works facility.

The facility is becoming a concern for members of the Park Board and the Park Board Administrative Staff several of the facilities there the infrastructure is starting to deteriorate. The Park staff is going to contact a contractor to get the scope of the improvements that need to be made and what the potential cost would be. There will be a report in an upcoming meeting.

Mr. Lautenschleger reported

The Park is planning an October Festival to be held Sunday, October 18th, 2015 sometime in the afternoon there are a number of items that are being planned:

They expect to have a Hayride, Face Painting, Pumpkin Carving, and maybe a Movie To have the concessions open and some of the rides open.

As it develops with more details a formal announcement will be made, Mr. Lautenschleger said he will pass that on as well.

Mr. Lautenschleger announced that the next Park Board Meeting will be held Wednesday, September 16th, 2015 at noon at the Tuscora Park Office.

HEALTH BOARD..... MS. SANDY COX

Ms. Cox announced that the next meeting for the Health Board is scheduled for Wednesday, September 9h, 2015 at 12:00 (Noon) at the Health Department.

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEEMS. SANDY COX

Ms. Cox reported the Finance Committee met tonight at 7:19 PM in the Council Chambers with two items to discuss

1. Resolution 22-2015 which is accepting the amounts amounts and rates as was determined by the Budget Commission the deadline to be submitted is October 30th, 2015. The Committee did approve it and recommend it go for three readings.
2. Request for Cemetery Department Superintendent an increase in his medical Insurance due to the fact we use to be a single plan and they did not include the family plan this year so it needs to increase by \$8,000.

Meeting adjourned at 7:22 PM.

The Finance Committee is asking Ordinance 15-2015 be passed this evening as an emergency.

SALARY COMMITTEEMr. John Zucal

Mr. Zucal announced that he did not have a formal report for this evening but he did mention the legislation we need to address with the Income Tax.

We will have Mr. Day Income Tax Administrator and hopefully the Auditor being able to way in on those as well.

He anticipates that during the month of September until we are able to finalize that working with the Law Director for the appropriate legislation.

Mr. Zucal did speak with Mr. Day earlier this summer we did have some other issues in committee we wanted to resolve. Since those have been taken care of we will move forward with the Income Tax discussion.

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

Mr. Maurer reported that the Safety Health & Service Committee met tonight at 6:45 PM

For the purpose to discuss the request from Mr. Dean Holland to re check chapter 505 which deals with Animals and Fowl. He suggested a few things in order to strengthen the current chapter and to allow Citizens to feel safe in their own back yards.

A few of the suggestions were to create a dog category of menacing dogs, display a vicious dog sign in a window or yard, disallowing vicious dogs on porches patios and etc., vicious/dangerous dogs must be muzzled anytime they are outside their pen, yard or holding area, and increase penalties for violations.

Recommendations were taken from citizens and Council members. No action was taken at this time.

Mr. Maurer announced there will another meeting in the near future on this issue.

PUBLIC WORKS & ECONOMIC DEVELOPMENT COMMITTEE DARRIN LAUTENSCHLEGER .NO REPORT

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

SPECIAL & CONTACT COMMITTEEMR. DAN LANZERNO REPORT

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

VISITOR'S COMMENTS:

Comments and Concerns

Mr. Dean Holland
335 Springbrook Drive SE
New Philadelphia, Ohio 44663

Mr. Holland mentioned the abandoned Eagle Service Station at Front and South Broadway that was previously discussed at a Council Meeting that through the division of the State Fire Marshal Office, which is a division of Ohio Department of Commerce, there are approximately 20 million dollars set aside this year to handle such service stations that have abandoned underground storage tanks, if the City can in fact prove that every step has been taken to contact the previous owner unsuccessfully. The State Fire Marshal Office has a unit that will move forward and remove those underground storage tanks. Realize that is a different question concerning ownership of the property, however there are funds available.

Comment from the Mayor:

We talked about this several weeks ago we are we are working on it we are waiting for the rules to come out. As soon as the rules come out we are applying "post haste". Mayor Johnson said the City, County as well as others were unable to locate the owner.
The Mayor thanked Mr. Holland for his concern.

READING OF ORDINANCES AND RESOLUTIONS

ORDINANCES:

12-2015 AN ORDINANCE TO APPROVE, ADOPT, AND ENACT THE CURRENT REPLACEMENT PAGES TO THE CODIFIED ORDINANCES AND DECLARING AN EMERGENCY. (3RD READING)

Motion to vote on passage by Mr. Lanzer
Seconded by Ms. Walker
Roll call, 7 yeas
Ordinance 12-2015 has been passed.

13-2015 AN ORDINANCE AUTHORIZING THE ADOPTION OF A LAND REUTILIZATION PROGRAM AND IMPLEMENTING THE PROVISIONS OF CHAPTER 5722 OF THE OHIO REVISED CODE AND DECLARING AN EMERGENCY. (2ND READING)

15-2015 AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO, AMENDING AND ADJUSTING THE PERMANENT APPROPRIATIONS ORDINANCE FOR THE YEAR 2015 AND DECLARING AN EMERGENCY. (1ST READING)

Motion to suspend the rules made by Ms. Cox
Seconded by Ms. Walker
Roll call, 7 yeas
Rules for Ordinance 15-2015 have been suspended

Motion to vote on passage by Ms. Cox
Seconded by Ms. Walker
Roll call, 7 yeas
Ordinance 15-2015 has been passed.

RESOLUTIONS:

17-2015 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. (3RD READING)

Motion to vote on passage by Ms. Cox
Seconded by Mr. Lanzer
Roll call, 7 yeas
Resolution 17-2015 has been passed

18-2015 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 2015 FISCAL YEAR. (3RD READING)

Motion to vote on passage by Ms. Cox
Seconded by Ms. Walker
Roll call, 7 yeas
Resolution 18-2015 has been passed

19-2015 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 2015 FISCAL YEAR. (3RD READING)

Motion to vote on passage by Ms. Cox
Seconded by Ms. Walker
Roll call, 7 yeas
Resolution 19-2015 has been passed

UNFINISHED OR OLD BUSINESS:

NONE

NEW BUSINESS:

NONE

MS.COX MADE A MOTION TO ADJOURN THE MEETING AT 8:11 PM

CLERK OF COUNCIL _____
Patricia A. McKay

APPROVED _____

PRESIDENT OF COUNCIL _____
Sam R. Hitchcock