

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON AUGUST 28, 2017 WITH PRESIDENT OF COUNCIL, SAM HITCHCOCK, PRESIDING. COUNCILMAN ZUCAL 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

EXCUSED ABSENCE: AUDITOR BETH GUNDY

- MR. LAUTENSCHLEGER MOTIONED TO ADD RESOLUTION 35-2017 TO TONIGHT’S AGENDA FOR 1ST READING
MR. ZUCAL SECONDED THE MOTION
7 YEAS
RESOLUTION 35-2017 HAS BEEN ADDED TO TONIGHT’S AGENDA FOR 1ST READING

- MR. ZUCAL MOTIONED TO ACCEPT TONIGHT’S AGENDA AS AMENDED
MR. RICKLIC SECONDED THE MOTION
7 YEAS
TONIGHT’S AGENDA HAS BEEN ACCEPTED

- MR. HOLLAND MOTIONED TO ACCEPT THE MINUTES FROM THE AUGUST 14, 2017 REGULAR SESSION OF CITY COUNCIL
MRS. MAY SECONDED THE MOTION
7 YEAS
MINUTES FROM THE AUGUST 14, 2017 REGULAR SESSION OF COUNCIL HAVE BEEN APPROVED

CORRESPONDENCE CLERK, JULIE COURTRIGHT

1. *To New Philadelphia City Council, Service Director McAbier, and Law Director Fete from Mayor Joel Day, dated August 21, 2017. This is an email titled “Lease Agreement with Buckeye Career Center”.*
2. *To Councilman Ricklic from President of New Philadelphia City Council Sam Hitchcock, dated August 21, 2017. This is an email titled “Attorney General Delinquent Debt Collection Agreement”. President Hitchcock wrote the following: Kelly, per our phone conversation of today please take the attached document and issue into your Committee for consideration.*
3. *To Council and Administration from Councilwoman Ramos, dated August 24, 2017. This is an email titled “Responding to Non-Bargaining Personnel.*
4. *To Council and Administration from Auditor Beth Gundy, dated August 24, 2017. This is an email titled “Non-Bargaining Personnel” with the attachment “Non-Bargaining Personnel Wage Proposal”.*
5. *To Council and Administration from Mayor Joel Day, dated August 25, 2017. This is an email responding to Mrs. Ramos’ email concerning non-bargaining personnel.*
6. *To Clerk of Council from the Ohio Division of Liquor Control, dated August 24, 2017. This is a notice of Legislative Authority that states the following: Please complete and return the form to the Division of Liquor Control whether or not there is a request for a hearing. It was mailed on August 24, 2017 and it must be postmarked no later than September 25, 2017. Refer to this number in all inquiries, B New To Family Dollar Stores of Ohio Inc. DBA Family Dollar 1339 566 Wabash Ave. NW New Philadelphia, Oh. 44663.*
7. *To Clerk of Council from the Ohio EPA, dated August 28, 2017. This is a public notice that reads “Application for Antidegradation Project Gnadenhutten WWTP 230 W. Main St., Gnadenhutten, Oh. 44629. Facility Description: Municipality, Receiving Water: Tuscarawas River, ID#: OPB00017, Date of Action: 08/25/2017.*
8. *To Council and Administration from Mayor Joel Day, dated August 28, 2017. The Mayor’s Report.*

**President of New Philadelphia City Council Sam Hitchcock asked Mr. Ricklic to take the Liquor License Request for Family Dollar Store into his Committee.*

Administrative Reports.....

MAYOR’S REPORT/REQUESTS ...MAYOR JOEL B. DAY
Mayor Day had the following report:

➤ Tear Down Order Issued for the Former Hong Kong Buffet Building on West High Ave: I am happy to report that a tear down order has been issued to the owners of the building at 1216 West High Avenue – the former Hong Kong Buffet building. The order was issued by the City’s Building and Zoning Code Administrator Mike Scolati following a re-inspection of the building by the Fire Chief. The order gives the owners the option to tear down the building immediately at their cost or the City will do it and assess the cost to the property’s real estate taxes. I would like to thank Law Director Fete for the work he has done to streamline the process to remove neglected and unsafe structures in the City. With this new process in place, Mr. Scolati has targeted several other structures in New Philadelphia for tear down orders.

➤ Thank You Julie Levengood Stephon for your Leadership of the NPBCA: This past week Julie Levengood Stephon announced that she is resigning her position as director of the New Philadelphia Business and Community Association to take a new job with the County Convention and Visitors Bureau. On behalf of the citizens of New Philadelphia, I would like to thank Julie for her service and for creating events like Second Saturdays that brought the community downtown for fun and fellowship. It is my hope that the new director continues her effort to grow the association’s membership. The organization exists to sustain local businesses and to create a network for New Philadelphia business owners, small and large, to share ideas and learn from each other.

➤ Tuscora Park Tennis Courts Project Update: Construction of the new tennis courts at Tuscora Park remains on schedule for a mid-September completion. The installation of new fencing and net posts began last week. Vasco Sports will return next week to begin applying the finish coats to the new court surfaces. In a related note, because of an increase in vandalism at Tuscora Park, the administration is exploring ways to enhance security and surveillance in the park.

➤ New Uses for the Old Fire Station: Once this evening’s City Auction is finished and the auctioned items removed, the Police Department will be using the South bay of the old fire station. The North bay is being leased to Buckeye Career Center, where its adult education firefighting and emergency medical technician classes will be held. The City will be paid \$750 per month by Buckeye. Also, the upstairs of the old fire house will house the Safety Director’s office, police records and possibly the Municipal Court probation department.

SERVICE DIRECTORMR. RON MCABIER

Mr. McAbier had the following report:

I just want to update us on two projects we have going on in the City. It was reported last Council Meeting for the Crider Ave. Trail Project we opened bids on August 17th on Thursday we had the Board of Control award that to Tucson Excavating out of New Philadelphia and that was okayed for \$90,608.00. That came in right at the estimate so that is all taken care of with our Clean Ohio Grant so we’ll have no out-of-pocket money to get that project completed. After talking with Ed from Diversified we look to start here by the end of September and take approximately three and a half weeks to complete that project. So we’re looking forward to getting that started and also the completion this year. Also an update on the Backwash at the Water Plant that needs to go to the Sanitary Sewer they’ve been working on. They started from the manhole north of Mill Ave., receiving manhole, and have worked their way towards the plant. They got across Mill Ave. on Wednesday which we were happy about, got one day because of Gradall down there, so they did complete that, now they’re about halfway in the yard, so I look for another two weeks for that project to be done. We’re having phone line issues there. Other than that it’s been pretty much what we thought was in the ground, with the help of Eugene Grasselli and Derek, knowing what comes in and out of there. So, that project will still be done by the deadline of mid September.

Law Director Fete had the following question:

Are we going to bring up about that Ordinance we discussed on the water?

Service Director McAbier had the following reply:

I have a couple requests. If we look at 935 Section 3 when we changed it back in December a couple folks that are interested in tying in and it says there that Council has to okay it versus we didn’t cut it just as, you have to be incorporated. So, if you read it here the City reserves the right to deny any request for new water, sewer, and other extensions outside of the corporation limits of the City, in the opinion of Council such extension would not be in the best interest of the City of New Phila. So, I guess my question is, how do I want to handle these two? Then I’ll refer to Marvin Fete what that can do to our case.

Law Director Fete had the following reply:

My suggestion would be to handle these things the way we do liquor permits, the Administration could make a recommendation then just take a voice vote on it. It’s really good to do these on a case by case basis because you’ve got the Goshen Township scenario where you’ve got a huge influx of people drawing on City resources that will be paying for it. That’s somebody that we want to annex in. When you’ve just got a small business that wants to pay to hook on to our property or hook on to our water or sewer lines, but it’s not going to make a difference one way or another for us in terms of taxes. They’re going to pay the premium two times the rate. I think that’s the way it should be handled. My recommendation would be to have the Administration make a recommendation to Council, people come to them for the request, they make a recommendation and just do a voice vote similar to what you do with liquor permits.

Mr. Holland had the following question:
Does this not affect our income tax if they're in the City versus being out of the City?

Law Director Fete had the following reply:
Yeah, it would. The incentive to annex in is you don't have to pay a huge water bill. If they don't want to do that and they want to pay the premium I think that's fine. If you're only talking about very small numbers, if you're talking about a huge influx like we were talking about with Goshen Township then you want those annexed in.

Mr. Holland had the following question:
Is there not property taxes related to that single family residence?

Service Director McAbier had the following reply:
Not to my knowledge. No.

Law Director Fete had the following reply:
Ultimately you might want to look at changing the Legislation to either you have to annex in or you don't get it, or you raise your water rates to such a level that it's beneficial to us to the point where the water rate outweighs what we're given a tax forfeit. The goal is to have an annex in, I agree with that.

Mr. Zucal had the following reply:
I think for the conversation piece what we've always struggled with is annexing, even when folks who requested annexation, can we provide City services to them? Is it cost effective to go that route? I think those are the recent conversations we've had. I know I've heard them talk to Kelly long enough to just try to get water to a certain location almost prohibitive for us. I think in most cases where we're not struggling to provide services, I don't think that a whole lot of downsides to annexation, and we should be encouraging that. Certainly when you start to get more remote or you're extending your limits that's what always concerns me because now you've got to plow roads that you weren't plowing before, you've got to salt roads, you've got to service those things but again generally speaking I would hope that we would be looking at that as opportunities to get annexation when it's really very feasible to do so.

Service Director McAbier had the following reply:
I think the reason that I brought it up is because, and I think we're treading on this because what we have going on with the Helblings, so if body wise, clear cut would just be annexation or nothing, you don't get, that's easy.

Law Director Fete had the following reply:
That court case would have no effect on this because this came after the court case was initiated. So the people in the court case would be grandfathered in if the court doesn't rule in our favor, but everybody is coming after it, it's entirely up to Council if they want them to annex in or just pay a premium.

Mr. Ricklic had the following reply:
Would we just appoint it to a Committee in an individual basis like you do a liquor permit? Then whoever the Committee person is, use the resources, talk to the Water Superintendent, talk to the Wastewater Superintendent, and talk to the Administration, then report back to Council just like I'm going to do with the liquor permit.

**President of New Philadelphia City Council Sam Hitchcock asked Mr. Maurer to take this issue into his Committee.*

Mr. Zucal made the following comment:
I think at some time too you have some consideration for that discussion in a Committee, but there's a rubric too that leaves it beyond just being a discretionary, or opinion of how it is, there's a rubric or a template there that says you check these things, you get the responses so that to a degree people see that you're acting fairly and not just, "well I like him better than him". There are some guidelines there or rubric to measure and to say is this a wise move or is it not? Then you utilize that case to case with the same type of criteria then hopefully then you get what people would think is at least a fair evaluation of whether it should take place or not.

AUDITORMS. BETH GUNDY.....EXCUSED ABSENCE

SAFETY DIRECTORMR. GREG POPHAM

Mr. Popham had the following report:
As we speak the City Auction is taking place. Actually when I left over

there, there is an excess of 200 people that signed in to buy our treasures and just a little bit ago I checked and they were just about through the old fire station and getting ready to move down to the City garage where all the vehicles are. We had a wonderful evening for that.

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

LAW DIRECTOR . . . MR. MARVIN FETE

Mr. Fete had the following report:

Previously we voted out of the Committee the International Property Management Code. I'd like to have that because of a discussion we had earlier, I'd like to request that that be placed back into a Committee to decide whether or not that's something we want to act on or if we want to move with what the Zoning and Building Code inspector recommended.

**President of New Philadelphia City Council Sam Hitchcock asked Mr. Maurer to take the matter into his Committee.*

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR JOEL DAY

The Planning Commission will meet on September 12, 2017 at 1:00 PM in Council Chambers. We're in the process of developing the Agenda.

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

The Board of Zoning Appeals met on August 15, 2017 on a special meeting. We had an appeal for a variance with 1161-05, 1161-07 as far as setbacks on a garage on a corner alley at 744 2nd St. NW. It was voted on by the Board and voted to agree with the variance request with a vote of 5-0 to grant it.

AIRPORT COMMISSION.....MR. JOHN ZUCAL

The Airport Commission will meet on Tuesday, September 12, 2017 at 6:00 PM in the Harry Clever Meeting Room.

PARK BOARD.....MR. DARRIN LAUTENSCHLEGER

The City Park Board met on August 16, 2017 and what was notable about that Meeting is Joe and Mindy Croft, who will be the new chairpersons for the First Town Days Festival, taking over for Mr. Hitchcock, were in attendance. They talked about their vision and thoughts about the festival and growing it going forward, and provided us with the dates for the 2018 festival. It will be a five day festival next year, beginning on July 4th through July 8th. They're already developing the schedule and working hard at it. The next meeting of the Park Board will be on Wednesday, September 20, 2017 at noon at the Tuscora Park Office.

HEALTH BOARD..... MR. KELLY RICKLIC

The next meeting will be September 13, 2017 at Noon in the Health Department.

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEEMR. DARRIN LAUTENSCHLEGER

Mr. Lautenschleger had the following report:

The Finance Committee met this evening in Council Chambers at 6:30 PM. We had three items on the Agenda. Resolution 34-2017 dealing with a pay increase in the 2017 budget for non-bargaining and certain elected personnel. That item was held and will be discussed at an upcoming Finance Committee Meeting, as will Ordinance 19-2017 which is an ordinance dealing with the Salary Scale discussion we had and how to manage that in future years. What we did deal with is what you see on the Agenda for First Reading this evening, Resolution 35-2017 which is the annual acceptance of the County Auditor rates for collection of monies and voted issues. The Committee has recommended that that be read three times and passed on Third Reading. We'll have upcoming Meetings September 11, 2017 and September 25, 2017 to discuss various topics related to the Salary Scale and a couple other requests as well.

SALARY COMMITTEEMR. JOHN ZUCAL

Mr. Zucal had the following report:

I would like to share with Council that I have had ongoing conversations with some constituents here in the City of New Philadelphia regarding the use of loud noise in neighborhoods. Mr. Fete and I met along with those individuals and based on the information that was shared with them from the attorney that they

were able to secure, he advised them that they probably would not be getting the desired outcome if they moved forward . So they've returned back to me and I do appreciate their concern and I certainly can identify with the issues they have given that one of those individuals has a health issue. I spoke to Mayor Day about this and we're just going to try to do some independent research at some point in time based on what the Mayor and I find. I may ask, Mr. President, that it be reassigned back to Committee. Part of the reason, I do want to let Council know that we have made some recommendations about decibels and the loudness of those decibels. Typically any decibel around 90 for a continued period of time leads to permanent hearing damage. The individuals aren't claiming that their neighbors are playing it at that level, but what we would like to do is maybe explore that and we'd be looking maybe primarily at private residents rather than impacts from events such as football games or festivals that are taking place. I do want to maybe potentially down the road have the opportunity to maybe discuss that again. Where it goes I do not know, but I do feel for the individuals who are struggling with this and if it is assigned to Committee I would like for them to come in at least to speak to Council and the administration about the issues they're facing. I look at it that we represent those individuals and that if it was me who had that going on next store I probably wouldn't be overly happy about it either from what I've been hearing, so again I don't want to minimize their situation but I don't want to overemphasize it either. So maybe just doing more research and seeing what we could do would be beneficial.

**President of New Philadelphia City Council Sam Hitchcock said he would consider Mr. Zucal's request to have this issue reassigned to Committee.*

PUBLIC WORKS COMMITTEE.....MR. DEAN HOLLAND.....NO REPORT

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

ZONING & ANNEXATION COMMITTEEMRS. CHERYL RAMOS

Mrs. Ramos had the following report:

The Zoning and Annexation Committee met tonight. We discussed several pieces of Legislation. Ordinance 17-2017 and Ordinance 18-2017 had to do with raising excavation fees. We are going to put them on the Agenda for the next Council Meeting on September 11, 2017 to be read three times. We are holding another piece of Legislation. That's Ordinance 16-2017 in regards to lowering the fence required for a pool. We'll be doing some more research on that and we'll be visiting that again.

**President of New Philadelphia City Council Sam Hitchcock had assigned Ordinance 18-2017 to Mrs. Ramos' Committee prior to tonight's Meeting of City Council.*

SPECIAL & CONTACT COMMITTEEMR KELLY RICKLIC

Mr. Ricklic had the following report:

I have scheduled a Committee meeting for September 11, 2017 for 6:15 PM. We'll be discussing the Attorney General's Delinquent Debt Collecting Agreement with Municipal Court and the liquor permit request that I received tonight for Dollar General.

PARKS & CEMETERY COMMITTEEMRS. AIMEE MAY.....NO REPORT

VISITOR'S COMMENTS:

Julie Levengood Stephan of 440 3rd Street NW had the following comment:

If you noticed we have taken down the hanging baskets. First of all I'd like to thank Buckeye Career Center and the student worker Josephine Fike. She watered them all Summer long and they met an untimely demise so we got them down. There are a few left because they're currently occupied with birds. Last weekend we had the car show downtown and I spoke to the chairman today and he said it was very well attended. They had a great evening and the weather was perfect for them so they were very pleased with their response. Thank you, Mr. Mayor, for your comments. It has been a pleasure to work with Council and the Mayor and the Service Director and I'm going to miss my General Service guys. So I just want to thank you all for your support and it has been a pleasure.

**President of New Philadelphia City Council Sam Hitchcock said he would like to echo the comments the Mayor made a little bit earlier. You left some big shoes to fill there. I think all the activities that you've had in the downtown areas deserves a round of applause.*

Mr. Zucal had the following comment:

Many thanks to Julie for her efforts. I do have to commend those who coordinated the car show because my wife and I were there and wow, what a nice crowd, what a large number of cars. I said it was very impressive with the number of people who turned out for that. When I look at it I continue to be assured that New Philadelphia is certainly a hot rod city and people enjoy seeing their cars so again thanks to those who put that together.

COUNCIL COMMENTS:

Mr. Holland had the following comment:

I would hope that everyone would keep the people of Texas and Louisiana in their thoughts and prayers. We had an opportunity to speak with family over the weekend and there are literally people who have a foot or more of water in their homes and they can't open their doors because there's three or more feet of water outside their homes. They're literally trapped. So they need our thoughts and our prayers and I would certainly encourage that. I also had a comment concerning Spectrum Cable. In February I reported on Spectrum coming to town and the opportunity that it presented for Spectrum to truly become a working partner with the City of New Philadelphia. I encouraged Spectrum to adopt Mayor Day's vision for a smart community and I'd like to be able to report that they've become involved in that. Unfortunately that's not so. Sadly now, I can report that they are adjusting their rates. There are many people in our community that their soul entertainment happens to be through cable television. They don't have money to spend on sports venues and the arts. Their soul entertainment comes from cable television. Spectrum has now demonstrated that they're not going to become partners of our community and that's really, really sad. Shame on Spectrum. I have contacted Spectrum myself and tried to encourage them to get involved and for whatever reason they've chosen not to do that. I think that's very sad, not only for Spectrum as a major corporation in our community but for the community itself.

Mr. Lautenschleger had the following comment:

I would like to thank Ms. Levensgood Stephon for all her hard work. I'd also like to thank the Law Director, Mayor, all the staff involved, Mr. Scolati. The biggest news as far as I'm concerned tonight is that the Hong Kong Buffet is going to go to its demise. When that happens it will be a grand day indeed and outside of zoning change request many, many years ago for the development of a Walgreen's store in our neighborhood, that was the largest amount of phone calls and comments I've received through the years.

READING OF ORDINANCES AND RESOLUTIONS

ORDINANCES:

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| 12-2017 | AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA TO ENACT CODIFIED ORDINANCE CHAPTER 948 FOR COMPREHENSIVE STORMWATER MANAGEMENT.
2 nd Reading |
| 13-2017 | AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA TO ENACT CODIFIED ORDINANCE CHAPTER 949 FOR EROSION AND SEDIMENT CONTROL.
2 nd Reading |
| 14-2017 | AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA TO ENACT CODIFIED ORDINANCE CHAPTER 950 FOR ILLICIT DISCHARGE AND ILLEGAL CONNECTION CONTROL.
2 nd Reading |

RESOLUTIONS:

- | | |
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| 35-2017 | A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.
1 st Reading |
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UNFINISHED OR OLD BUSINESS: NONE

NEW BUSINESS:

President of New Philadelphia City Council Sam Hitchcock had the following comment:

Mayor Day has requested that we consider adding some notebooks or some tablets to the Council budget for our use. Mr. Holland has done some research on my request on some of these items and I will be emailing some of that information to everyone in Council for your consideration and your suggestions so that we may get something like that in next year's budget.

Mr. Maurer motioned to adjourn at 8:06 pm

CLERK OF COUNCIL _____
Julie Courtright

APPROVED _____

PRESIDENT OF COUNCIL _____
Sam R. Hitchcock