

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON SEPTEMBER 11, 2017 WITH PRESIDENT OF COUNCIL, SAM HITCHCOCK, PRESIDING. COUNCILMAN HOLLAND 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: LAW DIRECTOR MARVIN FETE

- MR. LAUTENSCHLEGER MOTIONED TO ADD RESOLUTION 34-2017 TO TONIGHT'S AGENDA
MR. ZUCAL SECONDED THE MOTION
7 YEAS
RESOLUTION 34-2017 HAS BEEN ADDED TO TONIGHT'S AGENDA FOR 1st READING

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

- MRS. MAY MOTIONED TO ACCEPT THE MINUTES FROM THE AUGUST 28, 2017 REGULAR SESSION OF CITY COUNCIL
MR. MAURER SECONDED THE MOTION
7 YEAS
MINUTES FROM THE AUGUST 18, 2017 REGULAR SESSION OF COUNCIL HAVE BEEN APPROVED

CORRESPONDENCE CLERK, JULIE COURTRIGHT

1. *To Clerk of Council from Income Tax Administrator for the City Vicki Daniels, dated August 30, 2017. This is the Month End Tax Revenue by Year.*
2. *To Clerk of Council from Mayor Joel Day, dated August 30, 2017. This is the Mayor's Monthly Statement to Council.*
3. *To Clerk of Council from Treasurer Tom Gerber, dated September 1, 2017. This is the City of New Philadelphia August 2017 Deposits.*
4. *To Clerk of Council from Auditor Beth Gundy, dated August 31, 2017. This is the Expense Report with Encumbrance Detail, the Statement of Cash from Revenue and Expense, and the Auditor's Monthly Statement of 2017 Revenue.*
5. *To Clerk of Council from the Ohio Division of Liquor Control, dated September 1, 2017. This is a Notice of Legislative Authority that reads: To Mathew J. Smith DBA Bud and Tooties 601 West High Avenue and Patio New Philadelphia Oh. 44663 From B2 Management LLC 601 West High Avenue and Patio New Philadelphia Oh. 44663. Mailed September 1, 2017 Important Notice: please complete and return this form to the Division of Liquor Control Whether or not there is a request for a hearing. Refer to this number in all inquiries: BTRFO 5626730 no later than October 2, 2017.*
6. *To Clerk of Council from the Ohio Division of Liquor Control, dated September 1, 2017. This is a Notice of Legislative Authority that reads the following: To Aramark Educational Services LLC 300, 330, 360 University Dr. and patios, New Philadelphia, Oh. 44663. From Armitts Trax LLC DBA Kent Café Science Tech/ Founders/ Performing Arts, 300, 330, 360 University Dr. and patios New Philadelphia Oh. 44663. Important Notice: please complete and return the form to the Division of Liquor Control whether or not there's a request for a hearing. Refer to this number in all inquiries: B TRFO 0252069-0090 no later than October 2, 2017*
7. *To Councilman Ricklic from President of New Philadelphia City Council Sam Hitchcock, dated September 5, 2017. This is an email that reads: "Please take these liquor license requests into your Committee for consideration."*
8. *To Councilmembers from Law Director Marvin Fete, dated September 11, 2017, this is an email titled "Law Director will not be present this evening."*
9. *To Council and Administration from Mayor Joel Day, dated September 11, 2017. The Mayor's Report.*

Administrative Reports.....

MAYOR'S REPORT/REQUESTS ...MAYOR JOEL B. DAY

Mayor Day had the following report:

- **Help for the Victims of Hurricanes Harvey and Irma:** I urge all New Philadelphians to do what they can to assist in the Hurricane Harvey recovery effort in Texas and Louisiana, and in the states being hit by Hurricane Irma. The Salvation Army, the Red Cross and many faith-based and private disaster response organizations are accepting monetary donations, as well as donations of canned food and cleaning supplies. Work teams of volunteers are also needed. Recovery from these storms will take years and the commitment of an army of volunteers.

- **Remembering 9/11 and New Philadelphia's First Responders :** Today American flags were flown at half-staff to remember the victims of the 9/11 terrorist attacks 16 years ago. It's also a day to honor the bravery of first responders and other American citizens on that day. Today our nation's fight against terrorism is joined by a battle against opioid addiction: a battle that we face in our own town. Once again, our first responders are being called upon to save lives. And they're putting their lives on the line to hunt down drug traffickers and dealers. Please support them and pray with them for courage and protection.

- **J-N-G Grill Celebrates its 70th Year as a New Philadelphia Business:** This coming Saturday, September 16th, the J-N-G Grill will be celebrating its 70th anniversary as a New Philadelphia business. Since its establishment by the Comanita family in 1947, the restaurant has become a downtown institution and is likely to be the City's oldest business operating under the same name. I would like to thank the past owners for their efforts and thank current owner Ron Rosenthal for his commitment to keep the J-N-G alive and well in downtown New Philadelphia.

- **Welcome Pioneer 360 into the New Philadelphia Business Community:** I would like to welcome Pioneer 360 into the New Philadelphia business community. The technology company has moved from its Dover location into the former Red Cross building on 4th Street NW in New Philadelphia. The new location will enable the company to expand its services and its staff, which presently numbers 32 employees.

- **The 20th Summer Showcase Season Ends with a Retirement Announcement:** The 20th season of RTY's Summer Showcase concert series ended on September 3rd with the annual performance by the Tuscarawas Philharmonic Orchestra. Before the music played, Summer Showcase producer Sam Hitchcock announced his retirement and introduced his successors Joe and Mindy Croft. I would like to thank Sam for developing the concert series as a main summer attraction at Tuscora Park, where people of all ages gather to enjoy live musical performances. I know it was a tough decision. But the good news is president Hitchcock still has a number of hats he will continue to wear in service to our community.

- **Tuscora Park Tennis Courts Construction Update:** Last week the installation of new energy efficient LED lights were completed at the Tuscora Park tennis courts. This week, Vasco Sports should complete the application of the surface finish coats and begin striping the courts. Since I wrote this this morning there's been even further news to talk about. I'd like to yield some time to Tom Farbizo to give us an update about what he knows about the Tennis Court Project.

Tom Farbizo had the following comment:

I was at Tuscora Park twice today and talked to the Tennis Court Project engineer. From the way it looks New Philadelphia had scheduled all of their August and September matches away, and we had set a target date this week. Weather permitting everything should be done Thursday, which New Philadelphia Girls Tennis Team has a home match. Hopefully that's going to come to fruition. Actually the top two courts, they have the two coats of blue on, one coat green and the bottom coat. They should finish all the paint tomorrow and then they stripe it and put the nets up. Hopefully we'll have a walk through on Thursday, that's the plans, so we should be ready Thursday the 14th if everything goes according to plan.

- **The Date is set for the City's Annual Halloween Trick or Treat Night:** The date for New Philadelphia's annual Halloween Trick or Treat Night is on Tuesday, October 31st. And the time is from 6pm to 8pm.

Mr. Zucal had the following question:

The older tennis courts that aren't being resurfaced that are up above, what's the plan for that area? Is there a firm plan in place?

Mayor Day had the following reply:

The plan right now is to remove those courts.

Mr. Zucal had the following reply:

The only reason I ask is because I've had a few people who are familiar with the tennis program at New Philadelphia say to me that they should consider maybe some picnic tables or areas where folks can gather if you wanted to be there ahead of time or afterwards, rather than have to

tie up any of the pavilions that we have, maybe just make it a little more a gathering space for the families of the tennis players especially those from out of town. If they wanted to bring something to eat beforehand

SERVICE DIRECTORMR. RON MCABIER

Mr. McAbier had the following report:

A few things I'd like to go over tonight. We had a preconstruction meeting on Friday, September 8, 2017 for the Runway Rehab. They will start on that job the 25th of this month taking them roughly four weeks to complete. For the first two weeks the grass runway will be able to be used. After that naturally nothing will come in or out of the airport. So, weather permitting I say four weeks from start to finish. Also, an update on the backwash line down at the Water Treatment Plant. It got pressure tested today and it passed inspection. We have one more manhole to set down there. Other news on that, remember we had to put in new stormline to the river but after digging and finding the one force main down through there I was able to just skim over top of it. So that's going to save us about \$30,000 versus putting in new storm line. Also the garbage truck that had the advertisement on it, which had been put on about 2 and a half weeks ago, is on the street and looks good.

Mr. Holland had the following question:

Yesterday I was contacted by an individual who had come to City Hall and picked up a demolition permit. His comments were nothing but flowers, how well he was received by all the City employees they contacted. He commented about their knowledge, the fact that they were able to answer all of his questions he just could not have been more complementary and asked that I passed that along.

Mrs. Ramos had the following comment:

I just want to say what a nice job they did on Ray Ave. NW. It's wonderful. I saw somebody called in to 30 Seconds about the fast cars going by and it's so smooth. It's wonderful.

AUDITORMS. BETH GUNDY.....NO REPORT

SAFETY DIRECTORMR. GREG POPHAM

Mr. Popham had the following report:

Last week in the Police Department a promotional test was given to promote someone to take Sgt. Randy Williamson's place who is retiring on I believe the 24th of this month. Those results should be in and then will be submitted to the Civil Service Commission and then we'll have a new Sgt. here in the next month. Also I just learned today that we are partners in a grant that was given to us by the Attorney General's Office. I believe last week there was an article about the opioid drug abuse response team. It went on about trying to contact people that had an overdose event to try to talk them into treatment. The Sheriff's Department, the New Phila. Fire Department, and the ADAHMS Board were the recipient of an \$83,500 grant for that team to set up and get going.

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

LAW DIRECTOR MR. MARVIN FETE.....EXCUSED ABSENSE

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR JOEL DAY

The Planning Commission will meet at 1:00 pm here in Council Chambers tomorrow and we'll be discussing the annexation of City owned Goshen Township land.

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

The Board of Zoning Appeals will meet tomorrow evening at 5:00 pm here in Council Chambers and there will be four variance requests to be heard.

AIRPORT COMMISSION.....MR. JOHN ZUCAL

The Airport Commission will meet tomorrow evening at 7:00 pm at the Harry Clever Field Meeting Room.

PARK BOARD.....MR. DARRIN LAUTENSCHLEGER

The City Park Board will meet on Wednesday, September 20, 2017 at noon at the Tuscora Park Pavilion.

HEALTH BOARD..... MR. KELLY RICKLIC

The Health Board will meet Wednesday, 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 with a couple of items on the Agenda. One was Proposed Resolution 34-2017 and Proposed Ordinance 19-2017. As you'll see on your Agenda 34-2017 was added to the Agenda this evening. That provides for a 3 percent retroactive pay increase to the City's non bargaining and elected Officials for this year. It helps meet the muster from legislation that was originally approved in 2016 for development of a Formalized Salary Scale and that leads me into Ordinance 19-2017 which was up for further discussion. We'll continue to discuss that in upcoming meetings, but it starts to lay out that structure for creating a salary scale, how it will be managed, and that will be reported back to Council and considered for approval through the budget process. So there will be upcoming meetings on that, and the Committee recommends approval this evening on 1st Reading, Suspension of the Rules and approval of 34-2017.

SALARY COMMITTEEMR. JOHN ZUCAL.....NO REPORT

PUBLIC WORKS COMMITTEE.....MR. DEAN HOLLAND

Mr. Holland had the following report:

We have a new neighbor next door to City Hall at 138 East High. I spoke with Mr. Andrew Harper who is the owner and operator of Off the Wall Music. The building is now being painted and converted. He's planning to open in October. Mr. Mayor, he will be contacting you for a ribbon cutting ceremony.

**President of New Philadelphia City Council Sam Hitchcock asked Mr. Holland to take into his Committee a consideration for tablets and software for Council and Administration with a priority on tablets so that can get into the budget.*

Mr. Holland made the following comment:

I do have some information I received about a month ago concerning some quotes. I had a brief conversation with the Mayor concerning tablets and notebooks and the type of hardware.

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

Mr. Maurer had the following report:

The Safety Health and Service Committee met tonight at 6:35 PM to discuss a proposal by a gentleman by the name of Bill Sturtz who is inquiring about low speed vehicles being allowed on City streets in the City of New Philadelphia. Mr. Sturtz lives in St. Petersburg, Fl. on the beach and had a plane ticket a month ago to come up here for tonight's meeting. Due to the hurricane he's unable to make it, so I kept the meeting and just had a general conversation about it. We took no action. He will get ahold of me here in the near future over the next 6 to 8 weeks to plan a time to come up and meet with us and tell us what his ideas are.

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

SPECIAL & CONTACT COMMITTEEMR KELLY RICKLIC

Mr. Ricklic had the following report:

The Special and Contact Committee met this evening at 6:15 pm. We had a couple things on the Agenda. Number one was Resolution 36-2017 which is an agreement between the Municipal Court and Attorney General Debt Collection. After a lengthy discussion with the Committee and other Council Members we decided to table that and invite the Clerk of Courts and Clerk Administrator to next Council Meeting to have a Committee Meeting to discuss more in depth about that agreement. The other issues on the Agenda for tonight were three liquor permits. The first one was Family Dollar Stores of Ohio Inc. at 566 Wabash Ave. which is a new permit, a transfer permit from Armitts Trax LLC to Aramark Educational Service LLC at 300 330 360 University Dr. and patios, known as Kent State University and the Performing Arts Center, and the Science Center. The last transfer is from B2 Management LLC to Matthew J. Smith 601 West High Avenue known as Bud and Tooties. At this time I would ask the Clerk to call a roll for the acceptance.

**No Councilmember Objected to all three requests being taken on a roll call vote at one time.*

ROLL CALL

7 YEAS

ALL THREE LIQUOR LICENSE REQUESTS HAVE BEEN APPROVED

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

VISITOR’S COMMENTS:

Bill Marino 1021 Mooreville Rd. in Dover Oh. had the following comment:

I don’t like to be upset but I’ll just start by reminding you of the last time I was here. In the Times Reporter the Mayor said the tax payers in the City of New Philadelphia should not have to foot the bill for companies that do not want to share in the burden and cost of the City services and utilities. I have a car wash. I also told City Council if you remember properly that if I didn’t pay my fair share send me a bill. I wanted to know what it was. When the Mayor says that we do not want to share in the burden it’s a blatant lie. I don’t receive any City services other than water and sewer. The City receives money from Goshen for fire protection. There’s no trash pick up at my place, I pay for that separate. If anything I think there’s an overpayment. I paid \$4846.00 in real estate taxes. I’m confused because if we’re not paying our fair share what is it? I want to know. If someone jumps on my case and says I’m not paying my fair share then by God stand up and tell me what it is, but when I’m paying \$4846.00 in case anybody knows it’s \$5.00 a piece at the car wash just to cover my taxes. It’s a fair amount of money. It’s a fair amount of money. I think that applies to a lot of people outside of the City limits. What was said was wrong. Now I’ve said this twice to City Council about the water, my water bill is doubled now, I think twice as much as everybody else. That’s okay, I understand. Nobody ever talks about where all that extra money goes. That should have been a fair increase, I stay my statement go the wrong direction but I don’t know where all the extra money goes. It should be a thank you from the people outside the City limits rather than a condemnation. Now let me get to the next subject, imagine my surprise when the paper under the headline “it’s a victory” listed my name and my family as owners of the Hong Kong Buffet building at 1216 West High Avenue. Let me introduce you to my wife. This is my family, my wife and five kids. She has four businesses north of Tuscarawas County, Cleveland, Stark County, and those weight loss businesses. Her first comment was “do we own the Hong Kong Buffet?” I sent Mr. Ricklic an email. I called over to the Auditor’s office, a phone call to the County Auditor’s Office and asked Larry Lindberg to spell out who owns the Hong Kong Buffet. The disrespect of not checking your facts before you make a statement and put somebody’s name in the newspaper. It shows a lot of unprofessionalism and that’s my opinion and that’s what I’m here to tell you today.

Tom Farbizo 936 3rd St. SW New Philadelphia had the following comment:

I’m just piggybacking off Service Director McAbier’s report here representing QDA and the QDA Educational Foundation. Thank you for allowing us the opportunity on the sanitation trucks as Mr. McAbier stated, the one side has an advertisement for Quaker Digital Academy, on the other side is an advertisement. If anybody’s interested in advertisement on the sanitation trucks it has an email or phone number, and I will tell you I’ve had some response to that already. I guess my only question Mr. McAbier is this is what route does that sanitation truck go on? Is there a specific route?

Mr. McAbier had the following reply:

I’m not sure which exact one it’s on, it’s been so long since I’ve been down there.

Mr. Farbizo had the following comment:

Does it vary, does it go through different areas of town?

Mr. McAbier had the following reply:

Yes. It's not the downtown one I know that. The downtown one will pick up downtown in the morning three days a week and it also picks up Buckeye, Kent. So it's not all that one it's in a residential area daily.

COUNCIL COMMENTS:

Mr. Holland had the following comment:

I'm sorry that Mr. Marino left. We don't control what the media does, says, or prints. I think it's unfortunate that we seem to be put in that position as though we control it from time to time. Whether the Mayor was quoted correctly or not I can't say. However, I know that there are frequent circumstances where the print media does not report things 100 percent accurate. I think it's very unfortunate arrows get shot at us from time to time that are certainly undeserved.

Mr. Zucal had the following comment:

Just to take a few moments, it is September the 11th. Just to reflect back at what happened 16 years ago in horrific events that happened here in our Country. I would ask all of you to join me in a moment of silence to remember those souls who lost their lives so tragically that day, and ask God to please continue to bless our Country.

**President of New Philadelphia City Council Sam Hitchcock stated that September 11, 2017 is just a date on the calendar, no more important than any other date, but it is a reminder of what can happen, and what did happen. Not only are we to think about the families of those who perished on 9/11, but we've also got Mother Nature to deal with right now that's causing some tragedy in the Country.*

READING OF ORDINANCES AND RESOLUTIONS

ORDINANCES:

- 12-2017 AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA TO ENACT CODIFIED ORDINANCE CHAPTER 948 FOR COMPREHENSIVE STORMWATER MANAGEMENT.
3rd Reading
- MR. HOLLAND MOTIONED FOR PASSAGE OF ORDINANCE 12-2017
MR. RICKLIC SECONDED THE MOTION
7 YEAS
ORDINANCE 12-2017 HAS BEEN APPROVED
- 13-2017 AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA TO ENACT CODIFIED ORDINANCE CHAPTER 949 FOR EROSION AND SEDIMENT CONTROL.
3rd Reading
- MR. HOLLAND MOTIONED FOR PASSAGE OF ORDINANCE 13-2017
MR. RICKLIC SECONDED THE MOTION
7 YEAS
ORDINANCE 13-2017 HAS BEEN APPROVED
- 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.
3rd Reading
- MR. HOLLAND MOTIONED FOR PASSAGE OF ORDINANCE 14-2017
MR. RICKLIC SECONDED THE MOTION
7 YEAS
ORDINANCE 14-2017 HAS BEEN APPROVED
- 17-2017 AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO MODIFY CODIFIED ORDINANCE 901.01 EXCAVATION PERMIT AND FEE, TO INCREASE THE PERMIT FEE FROM FIVE DOLLARS (\$5.00) TO TWENTY DOLLARS (\$20.00).
1st Reading

18-2017

AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO MODIFY CODIFIED ORDINANCE 1309.01 TO ADD AN EXCAVATION PERMIT FEE OF \$20.00.

RESOLUTIONS:

AMENDED 34-2017 A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO ENACT A PAY INCREASE FOR DESIGNATED NON-BARGAINING UNIT EMPLOYEES AND ELECTED OFFICIALS, LISTED HEREIN, IN THE AMOUNT OF 3.0% SUBJECT TO THE TERMS AND CONDITIONS LISTED HEREIN.

1st Reading

MR. LAUTENSCHLEGER MOTIONED FOR SUSPENSION OF RULES ON RESOLUTION 34-2017

MR. HOLLAND SECONDED THE MOTION

6 YEAS 1 NAY

RULES HAVE BEEN SUSPENDED ON RESOLUTION 34-2017

MR. LAUTENSCHLEGER MOTION FOR PASSAGE OF RESOLUTION 34-2017

MR. ZUCAL SECONDED THE MOTION

Mrs. Ramos had the following comment:

I recognize the work of the non-bargaining employees. They've been working hard so I don't have any problem with the raise. My problem as I said in Committee is the word "retroactive". I hope, just like last time we have to deal with retroactive raises back to January 1. As I said earlier in Committee, and at least in the world I live in, and my friends do, there's no such thing as retroactive raises, so I have a big problem with that, but I know Council's been working hard, and the Administration, to try to take care of that so it would be dealt with in the budget, and those plans and the salary scale, and I'm glad to see that happening, but I just want to go on the record as saying I do have a problem with retroactive raises.

7 YEAS

AMENDED RESOLUTION 34-2017 HAS BEEN APPROVED

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.

2nd Reading

UNFINISHED OR OLD BUSINESS: NONE

NEW BUSINESS: NONE

Mr. Maurer motioned to adjourn at 8:13 pm

CLERK OF COUNCIL _____
Julie Courtright

APPROVED _____

PRESIDENT OF COUNCIL _____
Sam R. Hitchcock