

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON SEPTEMBER 12, 2016 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
MRS. AIMEE MAY
MRS. CHERYL RAMOS
MR. KELLY RICKLIC
MR. JOHN ZUCAL

EXCUSED ABSENCE:

MR. ROB MAURER
SAFETY DIRECTOR GREG POPHAM

- MR. ZUCAL MOTIONED TO ADD RESOLUTION 36-2016 TO TONIGHT’S AGENDA
MR. HOLLAND SECONDED THE MOTION
6 YEAS
RESOLUTION 36-2016 HAS BEEN ADDED TO TONIGHT’S AGENDA
- MRS. RAMOS MOTIONED TO ACCEPT THE AGENDA
MRS. MAY SECONDED THE MOTION
6 YEAS
TONIGHT’S AGENDA HAS BEEN ACCEPTED
- MRS. RAMOS MOTIONED TO APPROVE THE MINUTES FROM THE AUGUST 22, 2016 REGULAR SESSION OF COUNCIL
MRS. MAY SECONDED THE MOTION
6 YEAS
MINUTES FROM THE AUGUST 22, 2016 REGULAR SESSION OF COUNCIL ARE APPROVED

CORRESPONDENCE CLERK, JULIE COURTRIGHT

1. *To Council and Administration from Mayor Joel Day dated August 30, 2016. The Mayor’s Monthly Statement to Council.*
2. *To Council President Sam Hitchcock from Safety Director Greg Popham, dated August 31, 2016. It states “Sam, I will not be in attendance at the Council Meeting on Monday, September 12, 2016 as I will be on vacation.”*
3. *To New Philadelphia City Council, Safety Director Popham, and Mayor Joel Day from Fire Chief Jim Parrish, dated August 31, 2016. This is The Fire Incident Report for the Month of July 2016.*
4. *To Council Clerk Julie Courtright from Treasurer Tom Gerber, dated August 31, 2016. The Investment and Savings Program for August 2016.*
5. *To Council and Administration from Mayor Joel Day, dated September 12, 2016. The Mayor’s Report*
6. *To Council and Administration from President of New Philadelphia City Council Sam Hitchcock, dated September 1, 2016. President Hitchcock wrote the following “I was just informed that Art Cicconetti has passed away. Art was a longtime public servant for the City of New Philadelphia. He served as the City’s Safety Director and was a longtime member of City Council.”*
7. *To Council and Administration from Auditor Beth Gundy, dated August 31, 2016. The Statement of Cash Position with MTD as of August 31, 2016, The Auditor’s Monthly Statement of 2016 Revenue from The General Fund, The AT Check Report by fund as of August 31, 2016, and the Budget Report with Incumbrance Detail as of August 31, 2016.*
8. *To Council Clerk Julie Courtright from Treasurer Tom Gerber, dated September 1, 2016, The City of New Philadelphia Deposits for the Month of August 2016.*
9. *To Council and Administration from Mayor Joel Day, dated September 12, 2016, A Notice*

of a Public Information Meeting for Wednesday, September 14, 2016. This will be at Harry Clever Field from 5:30 to 7:30pm.

Administrative Reports.....

MAYOR'S REPORT/REQUESTSMAYOR JOEL B. DAY

The Mayor reported the following:

- The AEP Community Energy Savers Program is Underway :The New Philadelphia – AEP Community Energy Savers program began on September 1st. Residents and Businesses are being encouraged to visit the New Philadelphia Energy Savers website at www.communityenergysavers.com/New-Philadelphia to learn more about how to participate in the program. By participating, they will learn how to lower their electricity bills while earning points to reach the city's goal of 773 points. If that is achieved, AEP will give the city \$35,000.00 to upgrade the downtown street lights to energy efficient LEDs. I would ask Council members to urge their constituents to visit the website and at the minimum take the online energy profile survey to learn how to save money on their energy costs. And any community group that needs a speaker for an upcoming meeting can contact my office to schedule a presentation explaining the program.
- Go Shred Event October 1st at Tuscora Park: The City, in partnership with Go Shred, is having a free drive-thru document disposal event on Saturday October 1st at Tuscora Park from 9:00 am until 11:00 am. Only New Philadelphia residents can participate. Go Shred will accept documents that can be shredded, such as legal documents, old tax records and old cancelled checks. It won't be necessary to remove paper clips, staples or rubber bands. There is a limit to two boxes or bags per car. For more information, contact Mary Ann Otte in the Mayor's office.
- Planning for Upcoming Fire Contract Negotiations with Goshen Township: Mr. President I would like to request that this be assigned to the proper Council Committee tonight to discuss the upcoming fire contract negotiations with Goshen Township. The City's fire contract with the township expires on December 31st of this year. The Goshen trustees informed Fire Chief Parrish last week that they would like to begin negotiations on a new contract soon.
- A Very Successful Food Truck Festival at Schoenbrunn Park: I would like to congratulate Schoenbrunn Village and Dennison Depot officials for their efforts in planning a very successful Food Truck Festival on Saturday September 3rd. Hopefully this annual event will become a Labor Day weekend tradition in New Philadelphia.
- There will be a public open house at the EAA Hangar at the airport on Wednesday from 5:30 until 7:30pm so the public can hear about the progress being made on the Airport Master Plan.

**President Hitchcock said that he will assign the Goshen Twp Fire Contract Negotiations to the Safety, Health, and Services Committee.*

SERVICE DIRECTORMR. RON MCABIER

Mr. McAbier had the following report:

- I'd like to talk about the Waterline Replacement Project on Crider Avenue. We're going to have to move that back until after flushing because of a line stop and with flushing, with feeding it just off that 14 inch runs down Crider, so that will be delayed until after we flush. Flushing will start the 25th of September and will last approximately 1 week. Also, I'd like to address Council on an Ohio EPA Notice of Violation we had on June 30, 2015. It was addressed to Mayor and Council. I'd

like to report that on September 8, 2016 we have had a Resolution of Violation and we have met our standards on this. That is no longer a violation. Also, Mr. President, I would ask you to put into Committee legislation for the Mayor to enter into contract with the Ohio Department of Transportation to inspect our area bridges. It's always been a 3-year-contract. Last time it was in the Safety, Health and Services Committee.

**President of New Philadelphia City Council Sam Hitchcock noted he will assign the legislation to the Safety, Health and Services Committee.*

AUDITORMS. BETH GUNDYNO REPORT
SAFETY DIRECTORGREG POPHAM.....EXCUSED ABSENSE

TREASURER MR. TOM GERBER.....NO REPORT
LAW DIRECTOR MR. MARVIN FETE

Mr. Fete had the following report:

- Briefly I want to update Council, all of you are aware of the gas station that has been abandoned for several years at the corner of Front and South Broadway. Working with the County we were successful with foreclosing on that. We got a final appealable order from Judge O'Farrell on September 8. I also filed a formal Motion to Dismiss in the case involving the Goshen Township Apartments. The Petition for Issuance of Writ of Mandamus was filed with the 5th District Court of Appeals. At this point I've provided all of you with a copy of what I filed on Friday. I am going to also request an Executive Session to brief you on that and where things stand at this point in time.

Mayor Day had the following question for Mr. Fete:

So the foreclosure process is complete and the City now owns the property?

Mr. Fete had the following response:

That's correct.

Mr. Ricklic had the following question for Mr. Fete?

So we own that property, now the fuel tanks that are buried there, they're now ours? Are we liable then for any contamination or clean-up that would be necessary with those tanks after they are dug up and removed?

Mr. Fete had the following response:

No, but we'll have to find a way to dig those up. Those would have had to pass inspection so I can't imagine there's any contamination. They would have been inspected by the County Auditor's office

Mayor Day had the following response:

The Fire Chief is already looking into that for me. He's confident there's going to be no problem. If there is I've already talked to people in Columbus in the Fire Marshall's office and there's grant money available to pay for bringing the tanks out.

MR. ZUCAL MOTIONED TO GO INTO EXECUTIVE SESSION FOLLOWING TONIGHT'S LEGISLATIVE AGENDA ON THE REQUEST OF THE LAW DIRECTOR

MR . RICKLIC SECONDED THE MOTION\
6 YEAS

COUNCIL WILL GO INTO EXECUTIVE SESSION AFTER TONIGHT'S LEGISLATIVE AGENDA AND A 5 MINUTE RECESS

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR JOEL DAY

The Planning Commission will be meeting on Tuesday, September 13, 2016 at 1:00pm in Council Chambers.

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

The Board of Zoning Appeals will meet Tuesday, September 13, 2016 at 5:00pm in Council Chambers.

AIRPORT COMMISSION.....MR. JOHN ZUCAL

The Airport Commission will meet Tuesday, September 13, 2016 at 6:00pm in the Harry Clever Field Meeting Room. I did want to apprise Council as to an update on Resolution 33-2016. Having met with some members of the Commission you do have in front of you that piece of legislation for it's 2nd Reading. Given the timeliness, all that we're looking to do is to allow for the Service Director's Office to secure bids. Given where we're at in the year we believe it would be helpful with just a few additional weeks to be able to secure those bids to allow us to make a more informed decision for members of Council and to know from a Commission perspective where we're headed with a possibility of that additional hangar space. So I would respectfully ask that we are able to forego and suspend the rules this evening to pass Resolution 33-2016 on it's 2nd Reading.

PARK BOARD.....MR. DARRIN LAUTENSCHLEGER

The next meeting of the Park Board is on Wednesday, September 28, 2016 at the Tuscora Park Office for a walk through and identify some of the priority needs at the park. The regular meeting will commence around that.

HEALTH BOARD..... MR. KELLY RICKLIC

The Health Board will meet Wednesday, September 14, 2016 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 to discuss one item. That is on your Agenda for 2nd Reading this evening, Ordinance 10-2016. We were pleased and welcomed in Leslie Miller, Chief Probation Officer and Judith Dzigiel, Court Administrator for New Philadelphia Municipal Court. Specifically to discuss one portion of Ordinance 10-2016 and that is the CILOCS Fund Appropriation that's included in that Ordinance. Members of Council remember that there were some questions that had been raised at the last meeting regarding the funding. Fortunately Ms. Dzigiel and Ms. Miller were able to provide us with an update about the funding as well as a number of other items related to the Municipal Court, including the probationary load that the court is dealing with now. They've expanded, they have four full-time Probation Officers and they're dealing with more than 750 probationary folks right now in the system. So it's pretty significant. It's obviously taking up quite a bit of time and there are some needs that have developed as a result, including the way fees are not being paid. As a result this is the fund that's being requested to be transferred into the CILOCS Fund. As a result the Committee originally had agreed to add Ordinance 10-2016 to the Agenda this evening, in fact it is on the Agenda this evening. The Committee does recommend and urges the full Council to suspend the rules and pass that item on 2nd Reading this evening. Our meeting adjourned at around 6:35 PM this evening.

SALARY COMMITTEEMR. JOHN ZUCAL

Mr. Zucal had the following report:

The Salary Committee met this evening at 7:15 in Council Chambers with members myself, Mr. Lautenschleger, and Mr. Holland, and alternate Ms. May in attendance. We had one item on the Agenda and that was the discussion of a Resolution to commend Terry Brick for his 31 years of service to the City of New Philadelphia as an employee. The Committee did agree to recognize Mr. Brick. We have added Resolution 36-2016 to the Agenda this evening. We will be looking to commend Mr. Brick at the September 26, 2016 Meeting of City Council. We'll be asking for suspension of rules on that and passage of that at that time. Part of that was brought about by the fact that Mr. Holland has championed the effort to recognize the employees in a more timely fashion upon their retirement. A discussion did ensue as to that and I believe it was the consensus among members of Council and the Administration that that could be more effectively done in a more timely fashion by foregoing the resolution in

placement to the Committee, a process allowing the Mayor to establish a Proclamation recognizing those employees upon their retirement. Again Council Members would be able to assign such a document but it allows for a more administrative function and allows it to be completed in a timely fashion. That is something I believe is for the best interest of our employees. It allows them to be recognized with the due respect that's entitled to their commitment to the City over that period of time. That was a good recommendation made by Councilman Holland. Our meeting adjourned at 7:24 PM.

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

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

ZONING & ANNEXATION COMMITTEEMRS. CHERYL RAMOS

Mrs. Ramos had the following report:

We will have a Zoning and Annexation Committee meeting on September 26, 2016 at 6:45 PM. The topic to be discussed is Ordinance 14-2016, to permanently rezone Fair Ave. NW from 2nd Drive and Ray Ave. NW to 3rd St. NW and 3rd St. SW to Bank Lane SW and 2nd Dr. SW to the railroad tracks from Residential to Central Business. If anyone needs maps I've got maps I can get to you.

SPECIAL & CONTACT COMMITTEEMR KELLY RICKLIC

Mr. Ricklic had the following report:

We will be having a meeting on September 26, 2016 at 6:00PM to discuss the issue of the McDonald Drive SW.

PARKS & CEMETERY COMMITTEEMRS. AIMEE MAY

Mrs. May had the following report:

The Cemetery Board met September 8, 2016 at 9:00am. Mr. Herron reported that he has collected \$6,260 on the past due accounts. Four lots were forfeited and one resold. Several people are also making payments. He thinks that we will be collecting the rest of that money to go back in to this fund. He's been doing a lot of repairs at both cemeteries. The roof of the Lautzenheiser mausoleum at Fair Avenue has been repaired and they're adding a steel roof. They've been doing some tree trimming, fence replacement, painting, reslating the roofing, hydrant replacements, and other jobs at both Fair Avenue and East Avenue cemeteries. Mr. Bud Winn gave a presentation regarding some genealogy work that he's been doing. There was discussion regarding Alvin Victor Donahey who was an Ohio Governor. He and his family are buried in the East High Avenue Cemetery. It's suggested that a photo and article be posted on the City's social media and website. The Mayor added that they could put a sign at the cemetery entrance indicating that Governor Donahey is buried there. The next meeting will be Thursday, October 13, 2016 at 9:00am in the Service Director's Meeting Room.

VISITOR'S COMMENTS: NONE

COUNCIL COMMENTS:

Mr. Holland had the following comment:

To echo the Mayor's comments regarding the Community Energy Saver's Program, I've had an opportunity to speak to several civic and social organizations and there has been significant energy developed, a lot of interest. I want to encourage everybody to go online to the simple program, it walks you through. It's not going to ask you to create a new account and password. They're not going to send you any additional information. As a matter of fact what they're going to send you are some free light bulbs, some insulation and some other data related to the overall program and how you can go about saving money. This can truly impact the cost of the City's electric bill. It can truly impact the visibility of our downtown business district, and it can truly save you money. Just wanted to encourage everybody to go online and take the survey. It's about 7 minutes. I took it and did it in 5. It's a very simple survey and easy to follow through.

Mr. Zucal had the following comment:

Just very briefly I would like to commend our City Safety Forces. They were out and have helped the New Philadelphia City Schools with our annual Fire Inspections and our first evacuation so the firemen were out. They did a fabulous job in each of the buildings going about, making sure that those drills work effectively, providing suggestions, and I know they've always been very, very helpful and not to be outdone the Police Department followed up with that and did a great job helping us with our lockdown drills, assessing those within the district. It's great to have those type of folks in our community making

our schools a safer place. So on behalf of New Philadelphia City Schools I express my sincere thanks to both those safety forces for their commitment in time, energy, manpower, resources, to help us do what we do, and that's to protect children in our buildings. So, thank you.

READING OF ORDINANCES AND RESOLUTIONS

ORDINANCES:

10-2016 AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO, AMENDING AND ADJUSTING THE PERMANENT APPROPRIATIONS ORDINANCE FOR THE YEAR 2016 AND DECLARING AN EMERGENCY.
2nd Reading

MR. LAUTENSCHLEGER MOTIONED TO SUSPEND THE RULES ON ORDINANCE 10-2016
MR. ZUCAL SECONDED THE MOTION
6 YEAS
RULES ARE SUSPENDED ON ORDINANCE 10-2016

MR. LAUTENSCHLEGER MOTIONED FOR PASSAGE OF ORDINANCE 10-2016
MR. ZUCAL SECONDED THE MOTION
5 YEAS 1 NAY
ORDINANCE 10-2016 HAS BEEN APPROVE

12-2016 AN ORDINANCE TO APPROVE, ADOPT, AND ENACT THE CURRENT REPLACEMENT PAGES TO THE CODIFIED ORDINANCES.
3rd Reading

MR. RICKLIC MOTIONED FOR PASSAGE OF ORDINANCE 12-2016
MRS. MAY SECONDED THE MOTION
6 YEAS
ORDINANCE 12-2016 HAS BEEN APPROVED

13-2016 AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO PROHIBIT THE USE OF MEDICAL MARIJUANA BY EMPLOYEES OF THE CITY OF NEW PHILADELPHIA, AND THE USE OF MEDICAL MARIJUANA ON ANY AND ALL PUBLIC PROPERTIES WITHIN THE CITY OF NEW PHILADELPHIA CORPORATION LIMITS.
2nd Reading

RESOLUTIONS:

33-2016 A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO AUTHORIZE AND DIRECT THE SERVICE DIRECTOR TO ADVERTISE FOR AND RECEIVE BIDS FOR THE PURPOSES OF DEVELOPING ADDITIONAL HANGAR SPACE AND HANGAR BUILDINGS AT HARRY CLEVER AIRPORT IN NEW PHILADELPHIA, OHIO.
2nd Reading

MR. ZUCAL MOTIONED FOR SUSPENSION OF RULES ON RESOLUTION 33-2016
MR. RICKLIC SECONDED THE MOTION
6 YEAS
RULES HAVE BEEN SUSPENDED ON RESOLUTION 33-2016

MR. ZUCAL MOTIONED FOR PASSAGE OF RESOLUTION 33-2016
MR. RICKLIC SECONDED THE MOTION
6 YEAS
RESOLUTION 33-2016 HAS BEEN APPROVED

34-2016 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 TERMS AND CONDITIONS LISTED HEREIN.
2nd Reading

MR. LAUTENSCHLEGER MOTIONED FOR SUSPENSION OF RULES ON RESOLUTION 34-2016
MR. ZUCAL SECONDED THE MOTION
3 YEAS
3 NAYS
SUSPENSION OF THE RULES HAS FAILED ON RESOLUTION 34-2016

36-2016 A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO COMMEND TERRY L. BRICK FOR HIS 31 YEARS OF SERVICE AND DEDICATION TO THE CITY OF NEW PHILADELPHIA AS STREET SWEEPER IN GENERAL SERVICES FOR THE CITY OF NEW PHILADELPHIA, FROM JULY 10, 1985 THROUGH JULY 29, 2016.
1st Reading

39-2016 A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO APPROVE THE TRANSFER OF UP TO \$5,000.00 FROM THE CEMETERY ENDOWMENT FUND (#812) TO THE CEMETERY OPERATING FUND (#209) FOR THE 2016 FISCAL YEAR.
2nd Reading

43-2016 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 \$12,500.00 FROM THE GENERAL FUND #101 TO THE SIDEWALK PROGRAM FUND #285.
2nd Reading

**COUNCIL WENT INTO A 10 MINUTE RECESS AT 8:04 PM
AT 8:10 PM COUNCIL RECONVENED INTO REGULAR SESSION AND ADJOURNED INTO EXECUTIVE SESSION
AT 8:31 PM COUNCIL RECONVENED INTO REGULAR SESSION OF COUNCIL**

UNFINISHED OR OLD BUSINESS:

NEW BUSINESS:

Mr. Holland made the following statement:
Think Community Energy Savers Program.

MR. LAUTENSCHLEGER MADE A MOTION TO ADJOURN AT 8:32 PM

CLERK OF COUNCIL _____
Julie Courtright

APPROVED _____

PRESIDENT OF COUNCIL _____
Sam R. Hitchcock