

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON SEPTEMBER 25, 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: TREASURER TOM GERBER

- MR. RICKLIC MOTIONED TO ADD RESOLUTION 36-2017 TO TONIGHT’S AGENDA
MRS. MAY SECONDED THE MOTION
7 YEAS
RESOLUTION 36-2017 HAS BEEN ADDED TO TONIGHT’S AGENDA FOR 1st READING

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

- MR. ZUCAL MOTIONED TO ACCEPT THE MINUTES FROM THE SEPTEMBER 11, 2017 REGULAR SESSION OF CITY COUNCIL, SEPTEMBER 18, 2017 SPECIAL SESSION OF COUNCIL AND SEPTEMBER 20, 2017 SPECIAL SESSION OF COUNCIL
MR. HOLLAND SECONDED THE MOTION
7 YEAS
MINUTES FROM THE SEPTEMBER 11, 2017 REGULAR SESSION OF COUNCIL, SEPTEMBER 18, 2017 SPECIAL SESSION OF COUNCIL AND SEPTEMBER 20, 2017 SPECIAL SESSION OF COUNCIL HAVE BEEN APPROVED

CORRESPONDENCE CLERK, JULIE COURTRIGHT

1. *To Council, Administration, and local media from Mayor Day, dated September 14, 2017, this is an email titled Special City Council Meeting for Monday, September 18, 2017 at 6:30pm.*
2. *To Council Clerk from Treasurer Tom Gerber, dated September 13, 2017. This is the City of New Philadelphia 2017 Investment and Savings Report.*
3. *To Council and Administration from Mayor Joel Day, dated September 25, 2017. This is the Mayor’s Report.*

Administrative Reports.....

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

- City Planning Commission Recommends Annexation of City-Owned Land: At its September 12th monthly meeting, the City Planning Commission recommended that the administration proceed with an annexation request to the Goshen Township Board of Trustees. There are eight parcels of City-owned land in the township – three within the footprint of Harry Clever Field and five within the footprint of the City’s East Avenue and Evergreen cemeteries. I have written a letter to the Goshen trustees asking that they approve the request, which is the first step in the annexation process. The commission recognizes that islands of township land within our municipal corporation limits impedes future planning for the City’s development and growth.

- I Urge City Council to Pass Ordinance 20-2017 on its Third Reading Tonight: We are all aware of the need for new City cemetery land. By approving Ordinance 20-2017, this City Council will have the distinction of being the council that addressed that need. I thank Service Director McAbier, Law Director Fete, Cemetery Superintendent Herron and City Council members for their hard work and commitment to make this opportunity possible.

- Nine New Downtown Parking Spaces: Another benefit of building a new City Fire Department building is the creation of nine new parking spaces in the downtown area. The spaces are located on the east side of 2nd Street across from the old fire station along the curb by the Emmanuel Lutheran Church buildings.

- A New Non-Profit Foundation will Assist in the Development of the City Park System: The newly created Tuscora Park Foundation has agreed to become a third party easement holder for development of several areas of the Southside Community Park. Criteria of Clean Ohio grant funding prohibits the City from applying for improvement money for land it already owns. Instead, a third party entity, like a non-profit foundation, can apply for the grant as an easement holder. The Tuscora Park Foundation is a 501 (c)(3) charity created to accept donations and fund improvements to all City parks. Its formation is the result of the City Park Board looking for ways to supplement the efforts of RTY at Tuscora Park and generate additional funds for maintenance, repairs and development at all parks. The foundation’s board consists of the Mayor, the City Parks Superintendent and three members of the City Park Board. Board member and attorney Mike Ernest developed the bylaws for the foundation and applied for its IRS 501(c) (3) status.

- Honoring Sgt. Randy Williamson on his Retirement from the City Police Force: I would like to take this opportunity to salute Sergeant Randy Williamson, who is retiring from the City police force. Sergeant Williamson served the citizens and businesses of New Philadelphia for 27 years. And he set the standard for the duties of the K9 officer in our department. Being a police officer takes an extraordinary commitment to serve and protect our community. These are very challenging times, and I urge all New Philadelphians to thank our police officers for their service at every opportunity. That recognition means a lot to them.

SERVICE DIRECTORMR. RON MCABIER

Mr. McAbier had the following report:

I’d like to bring everybody up to date on current and future projects. This Thursday, September 28, 2017 we will be opening the bids for the Headworks Project, which we know that’s a mechanical bar screen at the wastewater plant, with an engineer’s project cost of \$480,000.00. With that we were successful in receiving a \$70,000.00 grant for that project. So, once we get the bids reviewed and awarded we’ll update at a later time. Also, the Crider Avenue Trail Project, we met out there last week with Tucson. They’re ready to go. They will start next Monday. Again, that will take approximately three weeks to complete. Last, I want to let everybody know, they may have seen things going on at South Broadway at the parking lot there beside the mini shop. We were able to, with the help of an anonymous donor, put a new sign in there and we’re also going to put pavers in there, and with the help of Buckeye Career Center and in particular Bruce Vandall we’ll put pavers back in there, have a curb and have little seating around there in benches. A new sign from Sinergy Sign, which is a great sign, they’re still working on it but we had some drawings.

President of New Philadelphia City Council Sam Hitchcock had the following question:
Has Alan Rodriguez offered any assistance or suggestions on that?

Mr. McAbier had the following response:

He was the one that went out and got the donor.

AUDITORMS. BETH GUNDY.....NO REPORT

SAFETY DIRECTORMR. GREG POPHAM.....NO REPORT

TREASURER . . . MR. TOM GERBER.....EXCUSED ABSENCE

LAW DIRECTOR MR. MARVIN FETE

Mr. Fete had the following report:

Rather than do my usual report this evening and talk about things I’ve done

over the past couple weeks, what I want to do is take this opportunity as part of my time to address an issue that was brought to my attention that I would like to see the Council President assign to a Committee. I was contacted recently by a widow of a veteran from our area who served in the Korean Conflict. The issue that was brought to my attention is that the Veteran Administration provides a free plaque to veterans to be placed at their grave site. The City of New Philadelphia charges \$250.00 to have this plaque put in there. A lot of these veterans don't have that or their families don't have \$250.00 to put that plaque in. As many of you know my family lost somebody in a war. My son is named after him. We lost him in Iraq. He's buried in Arlington, and it didn't cost the family anything, not for the marker, not for anything. Considering that the Veteran's Administration provides this I think the City of New Philadelphia needs to either look at finding a way to lower that cost or assume that cost for themselves. There's not a lot of veterans in our area that will be buried there so I don't see this as an enormous cost. In my opinion these folks have already paid for this through their service and the cost isn't something that we should be passing on to families to put a plaque that's provided by the Veteran's Administration on their grave marker indicating what war they served in, where they served, and their years of service. I think that's something that I would really like to see Council take up and take a look at.

**President of New Philadelphia City Council Sam Hitchcock asked Mrs. May to take this issue into her Committee for consideration.*

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR JOEL DAY

The Planning Commission will be meeting the second Tuesday of October in Council Chambers at 1:00 PM.

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

The Board of Zoning Appeals met on Tuesday, September 12, 2017 and we had three variances that we met on. We had a homeowner at 759 Oak St. NW noncompliance with 1161.05 which is a rear setback. It was voted on, brought to the Board and accepted on a 5-0 vote. We also had a homeowner at 428 Carrie Ave. NW. Noncompliance with 1161.18 over the signage. It was brought to the Board, voted on, and granted 5-0. We also had a homeowner at 224 3rd St. NW on residential zoning. Noncompliance 1161.08 conditional use and noncompliance with 1161.18 B non-home occupation. It was brought to vote and it was rejected by a vote of 5-0.

AIRPORT COMMISSION.....MR. JOHN ZUCAL

The next regularly scheduled meeting of the Airport Commission will be Tuesday, October 10, 2017 at 6:00 PM in the Harry Clever Field Meeting Room.

PARK BOARD.....MR. DARRIN LAUTENSCHLEGER

The City Park Board met last Wednesday, September 20, 2017. One of the primary topics of discussion was establishment of the 501(c)(3) Tuscora Park Foundation. The next meeting of the Park Board is Wednesday, October 18, 2017 at noon at Tuscora Park Office.

HEALTH BOARD.....MR. KELLY RICKLIC

The next meeting of the Health Board is Wednesday, October 11, 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. We discussed three items, two of which were presented by Fire Chief Parrish. Mr. Parrish explained to the Committee that the Fire Department and Administration have started to look into a possible grant application to the federal government for a safer grant which would actually be to help fund the addition of up to 6 additional firefighters to the City fire department. Basically the breakdown of the grant is as follows; in years one and two it pays 75% of salary, in year three 35%, so that you can develop the planning process accordingly. There is no authorization from Council needed for the application however. The chief will keep us updated and if an application is made and awarded then at that time the City would have to authorize accepting those dollars and the terms and conditions. The other item that he discussed with us was that based on the current amount that the City is paying for the billing services related to the City's ambulance service, they're doing really a cost benefit analysis to determine if a position should be created in house to handle that service and then go ahead and go away from a contract with a 3rd Party vendor. So, that will be continued to be updated and will be part of an updated budget hearing in process as soon as the 2018 budget. The 3rd item was further discussion on Ordinance 19-2017 which is the proposed ordinance to develop the procedure for a salary scale review for non bargaining employees for the City. Basically what that does is vets the Administration with preparing a salary scale which will be reviewed by the City, Finance Committee, and the Council as part of the annual budget review process. That item was voted out of Committee. The 1st Reading will be at the October 9, 2017 Regular Session of City Council and the Committee further recommended that if be approved on 3rd Reading. So there will be additional work related to that and

information coming in upcoming weeks and months.

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

**President of New Philadelphia City Council Sam Hitchcock asked Mr. Zucal to take into his Committee a Resolution honoring Randy Williamson for his 27 years at the Police Department in the City of New Philadelphia.*

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 Committee met tonight in Council Chambers to discuss Proposed Ordinance 16-2017 which would reduce the minimum fence height for pools from 5 to no less than 4 feet. We are going to put that on the Agenda at the next Council Meeting.

SPECIAL & CONTACT COMMITTEEMR KELLY RICKLIC

Mr. Ricklic had the following report:

The Special and Contact Committee met tonight at 6:15 PM in Council Chambers. The discussion on the Agenda tonight was Resolution 36-2017, the Attorney General Delinquent Collection for the courts. Julie Stamets, the clerk, and Judy Dzigiel spoke today to give us their recommendation in how this tool would help them in being able to pull the extra funds by way of the Ohio Income Tax Return. The cost was between \$3,035.00 for the software, which would be a one-time fee. A termination agreement which the Council questioned is a 45 day that either party could terminate the contract with that 45 day written agreement by sending a letter to resolve that. A motion was made by Aimee May and seconded by Mrs. Ramos to add it to the Agenda tonight and pass on emergency.

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

VISITOR’S COMMENTS:

Roger Russell of 1045 Clearview had the following comment:

I’m here as a follow-up to meeting with you a year ago with regards to the condition of the tennis courts. I’m happy to report that you’ve done a fantastic job. It’s a real showcase for the community. I’m not from this area originally. I was teacher, coach, and Athletic Director at Maysville High School for 36 years. I came up here due to a girl by the name of Christy Bloom, she’s my daughter. About 7 or 8 years ago I came up on a visitation for several weeks and I was looking for a place to play tennis and someone to play with. Christy got on facebook and posted “my dad is looking for someone to play tennis with”. The rest is history. The reason I came in here a year ago is a found out that some of the teams coming in to play New Phila tennis would not play on those courts because they were in bad shape. That’s how I got involved in this thing. I am there Monday, Wednesday, and Friday for two to three hours playing tennis.

Greg Miller of 567 Donald Dr. SW had the following comment:

I was here at the July meeting when the Proposed Legislation was being discussed regarding land for the Cemetery. At that meeting it was still in its preliminary stages and I have been watching for Ordinances to come about and I was stunned just to see last Thursday I received a notice in the mail that this Ordinance had been in for its 2nd Reading last week, and was coming up for a 3rd Reading this week. There’s no Council Meeting Minutes on the website for the Meeting when the 1st Reading was held.

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

We had approved those Minutes tonight. The 1st Reading was on September 18, 2017 and the 2nd Reading was on September 20, 2017. Those were Special Sessions of Council. The first Special Session was called by the Mayor and the second was called by Members of Council. Tonight would be the 3rd Reading. Our bylaws require that these must be read on 3 separate days.

Mr. Miller had the following question:

I am immediately adjacent to the access to that property. When I talked to the Law Director last time he indicated the Legislation would contain wording that the zoning on that was residential. Is that in the Ordinance?

Law Director Fete had the following response:

What I had indicated was not the Legislation for doing that, it's already zoned residential. It doesn't need to be in the Ordinance if it's already zoned that way. To change it from residential it would have to go through Planning Commission, Zoning and Annexation Committee and Council.

Mr. Miller had the following comment:

Lastly, we talked about under Revised Code 721 that gave the City the right to give land away. I still can't find that. It talks about sale and leasing and talks about competitive situations but I don't see where it says it could be thrown in as additional collateral.

Law Director Fete had the following response:

What we had examined before was under Ohio Revised Code 721.28. The City's not proceeding under that. If you look at the Ordinance it lists the case laws listed in the Ordinance.

COUNCIL COMMENTS:

Mr. Zucal had the following comment:

I would like to commend Fire Chief Parrish for being willing to take on a new role and to act now as part of the New Philadelphia City School's Board of Education. I think that speaks to Chief Parrish and his commitment to our Community and to the youth here, and I know we're very blessed to have him now in two different capacities to help make our City a better place to live.

READING OF ORDINANCES AND RESOLUTIONS

ORDINANCES:

- | | |
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| 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).
2 nd 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.
2 nd Reading |
| 20-2017 | AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO, AUTHORIZING THE MAYOR AND THE FISCAL OFFICER TO ENTER INTO A REAL PROPERTY, LAND EXCHANGE AGREEMENT, WITH NO MONEY TO BE PAID.
3 rd Reading |

MRS. MAY MOTIONED FOR APPROVAL OF ORDINANCE 20-2017
MR. MAURER SECONDED THE MOTION

Mr. Zucal had the following comment:

I know this piece of Legislation has been revised and revamped as we've gone through the process of trying to do this. As we prepare for the vote this evening I think the three critical elements have been duly addressed. First I would like to thank the Law Director for his work at being able to cite case law that allows Council to be able to move forward in this direction. Again, I know the concerns of those who have been here previously, again to confirm that fact that it is zoned as a residential section of the City of New Philadelphia and I hope that it's maintained in that capacity. It's very critical for me and my vote this evening. Last but not least I'd like to thank the work of the Committee that helped establish this. I know we've been long and hard looking for area for the cemetery. There has been great discussion about that. Again, just a commitment to that and solving that big problem, I applaud their efforts.

7 YEAS
ORDINANCE 20-2017 HAS BEEN APPROVED

RESOLUTIONS:

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.

3rd Reading

MR. LAUTENSCHLEGER MOTIONED FOR APPROVAL OF RESOLUTION 35-2017
MR. ZUCAL SECONDED THE MOTION
7 YEAS
RESOLUTION 35-2017 HAS BEEN APPROVED

36-2017 A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO APPROVE THE TERMS OF THE MUNICIPAL COURT DEBT COLLECTION AGREEMENT BETWEEN THE OHIO ATTORNEY GENERAL AND NEW PHILADELPHIA MUNICIPAL COURT FOR THE PURPOSES OF COLLECTION DELINQUENT FINES, COURT COSTS, AND JUDGMENTS (“CLAIMS”) AS MAY BE ASSIGNED BY THE NEW PHILADELPHIA MUNICIPAL COURT.

1st Reading

MR. RICKLIC MOTIONED FOR SUSPENSION OF RULES ON RESOLUTION 36-2017
MRS. RAMOS SECONDED THE MOTION
7 YEAS
RULES HAVE BEEN SUSPENDED ON RESOLUTION 36-2017

MR. RICKLIC MOTIONED FOR PASSAGE OF RESOLUTION 36-2017
MRS. RAMOS SECONDED THE MOTION
7 YEAS
RESOLUTION 36-2017 HAS BEEN APPROVED

UNFINISHED OR OLD BUSINESS: NONE

NEW BUSINESS: NONE

Mr. Maurer motioned to adjourn at 8:02 pm

CLERK OF COUNCIL _____
Julie Courtright

APPROVED _____

PRESIDENT OF COUNCIL _____
Sam R. Hitchcock