

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON SEPTEMBER 26, 2016 WITH PRESIDENT OF COUNCIL, SAM HITCHCOCK, PRESIDING. MAYOR JOEL DAY 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  
MR. ROB MAURER  
MRS. CHERYL RAMOS  
MR. KELLY RICKLIC  
MR. JOHN ZUCAL

EXCUSED ABSENCE:

AUDITOR BETH GUNDY

- MR. MAURER MOTIONED TO ADD ORDINANCE 15-2016 TO TONIGHT’S AGENDA  
MR. RICKLIC SECONDED THE MOTION  
7 YEAS  
ORDINANCE 15-2016 HAS BEEN ADDED TO TONIGHT’S AGENDA
- MR. ZUCAL MOTIONED TO ACCEPT THE AGENDA  
MRS. MAY SECONDED THE MOTION  
7 YEAS  
TONIGHT’S AGENDA HAS BEEN ACCEPTED
- MR. LAUTENSCHLEGER MOTIONED TO APPROVE THE MINUTES FROM THE SEPTEMBER 12, 2016 REGULAR SESSION OF COUNCIL  
MRS. RAMOS SECONDED THE MOTION  
7 YEAS  
MINUTES FROM THE SEPTEMBER 12, 2016 REGULAR SESSION OF COUNCIL ARE APPROVED

**CORRESPONDENCE** . . . . . CLERK, JULIE COURTRIGHT

1. *To Council and Administration from Mr. Keith Garrett, 741 Patio Lane New Philadelphia, dated September 9, 2016. Mr. Garrett wrote the following: “City of New Philadelphia, I reside at 741 Patio Lane as a tenant of Gary Rubel the sole owner of Garland Real Estate. I am unable to attend the meeting on September 13, 2016 however I am in favor and support renaming McDonald Drive SW to the name of Garland Drive SW.*
2. *To Council and Administration from Mayor Joel Day, dated September 15, 2016, this is an email correspondence with the subject “the foreclosure process is not complete for the former Eagle Gas Station property”.*
3. *To Council Clerk Julie Courtright from the Ohio Division of Liquor Control, dated September 12, 2016, this is from Fairways Bar and Grill LLC at 451 Fairview Ave. and patio in Barberton, Ohio, to Sumo Hibachi Steakhouse Inc. 503 Mill Ave. SE New Philadelphia, Ohio. This was mailed September 12, 2016, the deadline is October 13, 2016. “Please complete and return this form to the Division of Liquor Control whether or not there is a request for a hearing.”*
4. *To Council Clerk Julie Courtright from the Ohio EPA , dated September 19, 2016, This is a Public Notice of a final issuance of a modification to certification for Cornerstone Pipeline 5825 E. Cumberland Rd. Martinsville, Ill. The facility description 501Water Quality Modification. The date of action is September 9, 2016.*
5. *To New Philadelphia City Council, Mayor Day, and Safety Director Popham, from Fire Chief Jim Parrish, dated September 13, 2016, The New Philadelphia Fire Department Report Summary from August 1, 2016 through August 31, 2016.*
6. *To Council Clerk Julie Courtright from the State Auditor’s Office, dated September 19, 2016. This is a notification of filing of the Audit Report.*

7. *To Council and Administration from President of Council Sam Hitchcock, dated September 19, 2016. This is a forwarded article from the Columbus Dispatch titled "Some Ohio Cities Wary of Future Medical Marijuana Business". The article mentions New Philadelphia.*
8. *To New Philadelphia City Council from the Ohio Municipal League, dated September 26, 2016. This is an invitation to the 2016 Annual Conference at the Renaissance Hotel in Columbus from October 26, 2016 through October 28, 2016. I gave hard copies at the Council Meeting tonight and I also sent digital copies to Councilmembers.*
9. *To Council and Administration from Mayor Joel Day, dated September 26, 2016. The Mayor's Report.*

## **Administrative Reports.....**

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

The Mayor reported the following:

- The AEP Community Energy Savers Program Update: AEP reports that, as of last Thursday September 22, seven percent of the 773 point goal had been reached in the Community Energy Savers program. That was not unexpected because the community awareness campaign is in its early stages. I would encourage Council members to take some of the program handouts and distribute them to your neighbors and constituents. I made a presentation to the county commissioners today asking them to consider energy audits in eligible county buildings to participate in the program and urge the county's New Philadelphia employees to also take advantage of the energy savings opportunities in the program.
- A Reminder about the Go Shred Event October 1st at Tuscora Park : The free Go Shred drive-thru document disposal event is coming up this 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.
- Active Shooters Training for City Employees : HR Director Mary Kurtz has scheduled active shooters training sessions for city employees, including Council members. The sessions will be held tomorrow at the Tuscora Park pavilion and will be conducted by noted expert Colonel Robert Cutajar of Cincinnati. This follows our safety forces active shooter training session held on September 17th at Buckeye Career Center.
- Cretes' Clothing a Welcome Addition to the Downtown Business Community : Now we know what's been going on behind the brown paper covering the windows at the former Robert's Men Store downtown. Yesterday's Times-Reporter story confirmed what was anticipated: Cretes' Clothing Fashions for Men will be opening its doors on October 13th. The store will bring new energy for downtown shopping and fill a void left by the closing of Roberts in 2012. I want to thank Kevin Neidig, Mike Ley and Rob McCullough for their commitment to downtown New Philadelphia and our community. You were sorely missed, and we are glad you're back!
- Menard's Construction Update: On Friday I spoke with Rodney Wekken, Menard's Stores real estate representative. He confirmed that a New Philadelphia store is on the company's 2017 construction list. When asked if the Presidential election will affect construction, he said: "That decision is above my pay grade."
- Fire Department Citation of the former Hong Kong Buffet Building on West High Avenue : Following an inspection with the State Fire Marshal on August 22nd, Fire Chief Jim Parrish issued a citation to the owner of the former Hong Kong Buffet

building at 1216 West High Avenue. The owner was given 30 days to correct the cited fire code violations. I will ask Chief Parrish to do a follow-up inspection of the building to gauge the owner's compliance. As we all know the building has been an eyesore for too long. It's my hope that we can work with the property owner to either renovate the building or tear it down.

SERVICE DIRECTOR .....MR. RON MCABIER

Mr. McAbier had the following report:

- Last Tuesday in Council Chambers we opened the bids for the Farm Land Leases. I'm happy to report we got \$90 more per acre so that's good for us. So the Airport plus Skinner Lanes, Delaware Drive also. Road closures on the 100 block of Front SE should end due to the utilities all got stubbed in , all ditches are cemented, so that should be fine there. I will add that they're going to be a little behind because Steel has now been a 3 week push back. It was supposed to be delivered on Friday, it's now 3 weeks later. Also we continue to flush hydrants. We started this morning and we'll go through Sunday morning. I also ask, Mr. President, that you would assign to a Committee a grant for capital improvements to the water treatment plant.

The reason this is running late is I had a meeting with Quicksall's last Thursday and found out that the backwash line to the sanitary had to be increased in size and volume. The routing has been changed some. It's going to be an increase of between \$80,000 and \$100,000.

*\*President of New Philadelphia City Council Sam Hitchcock asked Mr. Maurer to take the Service Director's request into his Committee.*

AUDITOR .....MS. BETH GUNDY .....EXCUSED ABSENCE

SAFETY DIRECTOR .....GREG POPHAM

The Safety Forces Open House will be October 6, 2016.

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

LAW DIRECTOR . . . . . MR. MARVIN FETE

Mr. Fete had the following report:

This afternoon I received a Motion Contra to my Motion to Dismiss that I filed in the case involving Susier Company regarding the Goshen Twp. apartment complex. A Motion Contra , in plain terms, is their motion opposing my Motion to Dismiss, and that's basically what it is. If you would like to be briefed on it I would be happy to to that in Executive Session. I'm not requesting an Executive Session but if you want to be briefed on it I'd be happy to do that, or I'll anticipate that you'll have it by tomorrow morning in your emails. If you have questions you can call me anytime. I saw it too late this afternoon to be able to get you folks copies of it. I also wanted to point out that I will not be here on the 10<sup>th</sup> because I will be out of state on a vacation with my family. So I'm informing the Council President that I will not be here and asking for an excused absence. I will be back in time for the meeting on the 24<sup>th</sup> and all the necessary documents will be drafted at that time. I'm going to have Doug Jackson my Chief Prosecutor available in the event you need any legal action or input that requires an emergency. All of you also have my cellphone number. I'm not going out of the country, I'll be in the same time zone so if you need to reach me that's not a problem.

**BOARD/COMMISSION REPORTS:**

PLANNING COMMISSION.....MAYOR JOEL DAY

The Planning Commission will meet on Tuesday, October 11, 2016 at 1:00pm in Council Chambers. The Agenda is being developed.

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

We met on September 13, 2016 in Council Chambers at 5:00pm. We had two variance requests to consider. 429 Fair NE, on a noncompliance on a side set-back. It was granted. We also had one for 922 Grant Avenue also on a side set-back. That was also granted.

**AIRPORT COMMISSION.....MR. JOHN ZUCAL**

The next regularly scheduled meeting of the Airport Commission is Tuesday, October 11, 2016 at 6:00pm in the Harry Clever Field Meeting Room.

**PARK BOARD.....MR. DARRIN LAUTENSCHLEGER**

The next meeting of the Park Board is on Wednesday, September 28, 2016 at the Tuscora Park Office. Park Board members will gather there at 11:00am for a walk-through to identify some priority projects.

**HEALTH BOARD..... MR. KELLY RICKLIC**

The Health Board met on September 14, 2016 at noon in the Health Department. The big issue there was the new A1C Machine which tests blood sugar as a result of previous 60 days of blood sugar so it's not if you fast and you trick the machine. It gives you a true reading. That was paid for from a grant. The second item is the fact that flu shots are in. City Employees get their flu shots free of charge, the public for \$25.00. The biggest issue came from the Health Department concerning the drug issues. They're proud of being part of the recovery, getting their lives back together. The Director mentioned that and they do feel good that they're part of that with the drug programs here.

**STANDING COMMITTEE REPORTS:**

**FINANCE COMMITTEE .....MR. DARRIN LAUTENSCHLEGER**

Mr. Lautenschleger had the following report:

I have no formal report this evening. I just remind members that Resolution 34-2016 is up for 3<sup>rd</sup> Reading this evening. The Committee is recommending approval.

**SALARY COMMITTEE .....MR. JOHN ZUCAL**

Mr. Zucal had the following report:

No formal report for this evening but I would like to remind all members of City Council that you do have before you as part of tonight's legislative agenda Resolution 36-2016 recognizing Terry Brick for his 31 years of service and dedication to the City of New Philadelphia. We are pleased to have Mr. Brick in attendance this evening.

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

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

Mr. Maurer had the following report:

The Safety, Health, and Service Committee met tonight at 7:15 and discussed two things, one was a housekeeping measure to enter into a contract with ODOT for bridge inspections. It's no cost to the City so we are asking the Council to suspend the rules tonight and pass Ordinance 15-2016 so that they can get arrangements made to make sure our bridges are safe. The second thing we talked about was a possible fine assessed to Disorderly Conduct. People who are cited for Disorderly Conduct would have to pay a \$50.00 fee to cover the cost of tasers. Where they train or qualify each year they have 2 shots to qualify for each person plus the amount of times they use them per year, plus the cost of the taser, holster, and everything else. So, Captain Skinner is asking the we possibly implement a \$50.00 fine to people charged with Disorderly Conduct. We've asked the Law Director to meet with Captain Skinner and draw up some proposed legislation for the Committee to review.

**ZONING & ANNEXATION COMMITTEE .....MRS. CHERYL RAMOS**

Mrs. Ramos had the following report:

The Zoning and Annexation Committee met tonight and we discussed Proposed Ordinance 14-2016 which is to permanently rezone certain areas in the City that are located from Fair Ave NW and 2<sup>nd</sup> Dr and Ray Ave NW to 3<sup>rd</sup> St NW and 3<sup>rd</sup> St SW to Bank Lane SW and 2<sup>nd</sup> Dr SW to the railroad tracks to rezone these from Residential to

Central Business. We did not move the Proposed Legislation out of Committee tonight. We're going to be waiting until the next meeting on October 10, 2016 at 5:45. The individual property owners will be notified and invited to attend that meeting. As part of the rezoning we will also have to have sent out notices 30 days prior to when we finally act on the Legislation. It does have to be read a minimum of 3 times. The next meeting is going to be October 10, 2016 at 5:45.

**SPECIAL & CONTACT COMMITTEE .....MR KELLY RICKLIC**

Mr. Ricklic had the following report:

The meeting was called to order at 6:00pm. Present were Chair Mr. Ricklic, Cheryl Ramos and Aimee May. The request of changing the name of McDonald Dr. to Garland Dr. was presented by Linda Riffle and Lynette Sciarini. Ms. Riffle and Ms. Sciarini gave some explanations of the loss of revenue due to the name of McDonald Drive. Some brides didn't want the name to be on their invitations. They expressed their concern for that. Mrs. Riffle also commented she's never heard of that happening before. After several questions from Councilmembers including Safety Director, Service Director, President of Council, and Mayor Day, we came to the conclusion to bring it to the Council floor. The Law Director gave an explanation to present that to Council floor. I made the motion to have the Law Director draw up the legislation to change the name of McDonald Drive to Garland Drive. It was seconded by Cheryl Ramos and passed 3-0. Mrs. May made a Motion to Adjourn at 6:41pm. The second issue was a request for a Liquor Permit Transfer. I need a roll call.

**ROLL CALL**

7 YEAS

**THE REQUEST FOR THE LIQUOR PERMIT TRANSFER HAS BEEN APPROVED**

**PARKS & CEMETERY COMMITTEE .....MRS. AIMEE MAY**

Mrs. May had the following report:

The next Cemetery Board Meeting will be October 13, 2016 at 9:00am in the Service Director's Meeting Room.

**VISITOR'S COMMENTS:**

Julie Levengood Stephon, Director of the New Philadelphia Business and Community Association had the following comment:

We have a lot of things happening downtown as the Mayor reported Cretes' is going to be opening. I spoke to Ron McCullough this morning and they were looking at a projected Grand Opening of October 13, 2016. So we're very excited about that. Also if you notice on the corner of South Broadway Metro PCS is opening as well so we're very excited to have new businesses downtown. Last weekend I went on a fact-finding mission to Hamilton, Ohio to visit them and see what they've done to completely transform their downtown area. They had around a 1% occupancy in a lot of their buildings and I'm sharing with Councilman Holland we rent about 80 to 85% so I think we're doing well downtown and the opening of these new stores is just showing that people want to be downtown. October 17, 2016 Heritage Ohio will be hosting an informal coffee at The Daily Grind and they will be discussing historic tax credits that building owners down here can take advantage of. It's very informal, it's going to last about an hour from 10am to 11am and it's really informative. If anyone has any questions they can contact my office. We are really encouraging our businesses to participate in two different events this month. One is the Paint Tusc Pink Campaign which is through Union Hospital. So we're going to encourage all of our businesses to decorate their storefronts. We'll have students from Kent State Tuscarawas decorating on October 9, 2016. Also we're going to try to get our businesses involved in Spirit Week this year (Phila-Dover week). We really just encourage them to show community spirit and support the students and we're hoping that will really encourage a great sense of community in the downtown. No upcoming big events. Thank you to all of Council for your support this year of Second Saturday and the car show. I really appreciate all the support for NPBCA.

*\*President of Council Sam Hitchcock thanked Ms. Levengood Stephon and said "we appreciate all the work you do for the Community."*

## **COUNCIL COMMENTS:**

Mr. Zucal had the following comment:

As the Chair of the New Philadelphia Business and Community Association I'd like to thank Julie. She's doing a very dynamic job of going out and seeing what's working in other communities and we're very thankful for that. I do know that we will be having a little bit of an effort coming up as we're trying to increase our membership. So often we forget about the last part of the NPBCA, it's a community association. Just to remind folks out there, hopefully members of the media can give us a little press on that. Any resident can be a member of the NPBCA. It's very, very cost friendly for individuals and families and it gets reinvested much of it right back into our Community. It's like our Christmas Parades, trying to do more to enhance Downtown with flowers and decorations, a great opportunity, and just to commit yourself financially you say that our downtown and our community is worth investing in.

Mr. Holland had the following comment:

I wanted to say congratulations to Metro PCS. They're opening a new office and sales center in the square. The Ribbon –Cutting Ceremony will take place on October 1, 2016 which is a Saturday. Mr. Mayor you'll be receiving an invitation, so will you, Mr. President. It will be to acknowledge their presence in the Community. As a part of their business plan they are working on two additional sites for a total of three stores in the City of New Philadelphia. Their home office is actually in Florida and I spoke with the corporate office today. They stressed the fact that their wanting to partner with the City of New Philadelphia in regard to their business expansion. They are partners with Cloud's Coffee Company and Cloud's is also looking for a site here in New Philadelphia. They would like to be on the square or at least as close as possible. So we'll welcome them to the Community. Also, thank goodness the exit on Northbound 250 onto West High Avenue is now open. I think a lot of people are happy to see that.

Mrs. Ramos had the following question for Mr. Holland:

The new business coming in, Metro PCS, what is their product?

Mr. Holland had the following reply:

It's cellular telephone service. They're a competitor to Verizon, Sprint. Their closest partner is T-Mobile. They really walk hand-in-hand in developing facilities across the nation.

## **READING OF ORDINANCES AND RESOLUTIONS**

### **ORDINANCES:**

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.

3<sup>rd</sup> Reading

MRS. RAMOS MOTIONED FOR APPROVAL OF ORDINANCE 13-2016

MR. LAUTENSCHLEGER SECONDED THE MOTION

7 YEAS

ORDINANCE 13-2016 HAS BEEN PASSED

15-2016                    AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION AT NO CHARGE TO INSPECT AREA BRIDGES.

1<sup>st</sup> Reading

MR. MAURER MOTIONED FOR SUSPENSION OF RULES ON ORDINANCE 15-2016

MR. RICKLIC SECONDED THE MOTION

7 YEAS

RULES HAVE BEEN SUSPENDED ON ORDINANCE 15-2016

MR. MAURER MOTIONED FOR APPROVAL OF ORDINANCE 15-2016  
MRS. MAY SECONDED THE MOTION  
7 YEAS  
ORDINANCE 15-2016 HAS BEEN PASSED

RESOLUTIONS:

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.  
3<sup>rd</sup> Reading

MR. MAURER MOTIONED FOR RESOLUTION 34-2016 TO BE AMENDED\*  
MR. HOLLAND SECONDED THE MOTION

**\* FOR A 3% NON-RETROACTIVE PAY RAISE EFFECTIVE THE DATE OF THE RESOLUTION PASSAGE TO THE FOLLOWING POSITIONS: THE SERVICE DIRECTOR, THE WATER SUPERINTENDENT, ASSISTANT WASTEWATER SUPERINTENDENT, INCOME TAX ADMINISTRATOR, ASSISTANT CUSTODIAN, PARKING PATROL OFFICER, AND MAYOR.**

Mr. Lautenschleger made the following comment before roll call on amending Resolution 34-2016.

Thank you Mr. Maurer for the amendment. That's actually some of the first input we've received on Resolution 34-2016. If you recall we had quite a bit of discussion on the original piece of legislation on this and we really did not come to a conclusion. Committee members then asked me to go ahead and follow up on that which I did. I worked with the Law Director and we prepared the piece of legislation that you have in front of you. I feel that it's a very fair and equitable piece of legislation produced. In order to be fair to the tax payers and to our employees who are effected including our newer employees who came in. Many of them, not all of them, but many came in at pay rates that were higher than the people they were replacing in the same position. I felt at that time it was probably appropriate to set up the salary scale process, I still feel that's the best approach. If Councilmembers feel that the piece needs to be amended to be more fair I'd like to hear more about that and would encourage that perhaps to be subject of another Committee meeting.

Mr. Maurer had the following comment before roll call on amending Resolution 34-2016:

I talked to Mr. Lautenschleger last week and I recall the last meeting whenever the motion was made, in my recollection I can't remember excluding certain people and I would have to go back and research. That's what I did. Going back to 2002, Resolution 90-2002 granted a 2% increase to all non-bargaining. 2003 granted 3% to all, 2004 granted 2 ½ % to all, 2005 granted 3% to all except for the Mayor and I recall Mayor Brodzinski at that time was stating that he wanted to be excluded. So he asked to be excluded. There have been similar instances where the Law Director has asked to be excluded. 2007 granted 3 ½ % to all except for the Mayor, again Brodzinski asked that he forgo his raise. 2008 was 3 ½ % for all except for the Mayor, 2009 3% for all except for the Mayor, 2010 granted 2% for all except for Councilmembers, 2011 granted 3% for all except for seasonal part-time workers, 2012 granted 3% for all except for the judge, City Council, and the Law Director, in 2015 we agreed to pay the non-bargaining salaries stated in the budget. This took quite a while to compile so it's been stated that these raises were not based upon performance. I guess I'm just basing my amendment, my feelings on past experience. That's why I'm asking for this. I see nowhere where we took certain positions and excluded them and if we want to have another Committee meeting, it's been this long, I'd be in favor of that. I'd be in favor of other comments too.

Mr. Lautenschleger had the following question for Mr. Maurer before the vote on amending Resolution 34-2016:

In 2011, where did you get the information for the raises for all except non-seasonal?

Mr. Ricklic added the following question:

Would you also look in there to see if the language is “and you have to be employed at the time of the passage (regarding the Water Superintendent position) ?”

Mr. Maurer had the following reply:

I can give you that, and everyone else on the payroll did get raises, and we’ve had other issues.

Mr. Ricklic had the following reply:

I agree with you they’ve always included everyone and I know the Mayor has turned down raises in the past.

Mr. Zucal made the following comment before voting on amending Resolution 34-2016:

As I look at this piece of legislation it’s been discussed and there are certainly pros and cons to any piece of legislation. There’s lots of room for interpretation as well. What the legislation means to some it means something else to others. Again if it raises any point I think for the whole of Council it has to be that we are so desperately in need of a salary scale that reflects what we need to do as a City, where we need to go, to continue to hire, maintain, and sustain the best and the brightest in our Community. There’s a purpose. We need people that are highly educated with a salary scale that we can put in place we can attract folks in positions that have the education, qualifications, skillset, to

make our Community even better than it is. To continue to go year-in and year-out and debate who should get a raise and who should not get a raise where it should be by position, performance. As Mr. Holland eluded to in one of our previous Committee meetings we have to have a plan in place in so many different ways. I know Mr. Lautenschleger and I have been championing the effort to get a salary scale in place for a number of years. I’m still perplexed by the fact that we have a tiered approach to issuing raises, that was at least something, but we still really don’t address that in any capacity. It does recognize the need to look at different positions differently because the responsibility that we put particularly upon our department heads to operate the City in the official way from a budget perspective, manage employees, and to make decisions that affect every one of the citizens day in and day out. My concern is that the legislation does not pass as it’s found in Resolution 34-2016. We are ignoring those individuals in particular as members of the non-bargaining unit who traditionally have been an after-thought in the City of New Philadelphia. It bothers me immensely, and I think it should bother everyone that those who we call upon to make decisions each and every day that affect us and affect our community are many times those who have the least regard shown to them. As written I would support Resolution 34-2016 in its passage, and I realize it’s still much debated on the floor of Council, but again as it is written I would certainly support it.

Mrs. May had the following question for Mr. Maurer before roll call on amending Resolution 34-2016:

You said you went back to 2002?

Mr. Maurer had the following response:

That’s correct.

Mrs. May had the following response:

That just shows, we keep saying that we want to do this better, get a salary scale and make it right, but since 2002. I’ve been coming to these meetings for years I was even on Council, we keep doing the same thing over and over and over again. By approving this either way it’s written approving this, we’re doing the same exact thing and we need to take a stand. I agree that it’s these people who are effected, but



if we don't take a stand on this and fix it and do it the right way we're continuing down that same path, and I won't approve this.

Mr. Lautenschleger had the following comment before roll call on amending Resolution 34-2016:

We have a clarification for all of Council. Finance Update Meetings that the Administration hosts that I attend on behalf of Council. Mrs. Kurtz, our HR coordinator attended and provided a basic update on the work and the salary scale data has been accumulated and prepared. At my request she will be coming. We'll have the 1<sup>st</sup> draft of our 2017 Budget early October, as reported to us by Ms. Gundy. At that particular time I'm going to have a Finance Committee meeting to roll out what we have at that point. I've invited Ms. Kurtz to come in, explain the process and where she's at at this point with the goal of a development of a salary scale looking at 2017, 2018, and 2019 initially. That may change as she gets into the data and so on. So, I'm happy to report there has been significant progress on that, the most I've ever seen since I've been here.

Mr. Zucal had the following comment before roll call on amending Resolution 34-2016:

I think the part of what we lobbied as part of this effort with Resolution 34-2016 is that a salary scale be created. I can see your perspective entirely, that a "yes" vote continues to perpetuate the long standing tradition we've been dealing with on an annual basis, and perpetuates the longer standing tradition of ignoring the non-bargaining unit members and not giving them a full consideration. They should not be those who suffer because of our lack of ability to create such a document. I'm happy to hear that Ms. Kurtz is doing such a good job in getting that data together so we can talk about it, look at it and vet it entirely out. Again the last thing I want to see is for those people to be ignored because everybody else, those who are members of bargaining units are not going to suffer because of our lack of desire to fill that obligation of a salary scale, so they do appreciate that.

Mr. Maurer had the following comment before roll call on amending Resolution 34-2016:

Section 3 in Resolution 34-2016 pretty much addresses, it says "there shall be no further pay increases for either non-bargaining unit employees or elected officials until the City of New Philadelphia has adopted an official pay scale at that time. So, I think that does say that this is a final straw. I think everybody in this room would agree that we do need a salary scale and a different way of doing it, however, I don't feel that punishing these 6 people for either job changes or whatnot, you know, out of fourteen, fifteen years here it's not fair. I'm talking about the last three months of the year.

Law Director Fete had the following comment before roll call on amending Resolution 34-2016.

Just to piggyback on what Councilmen Zucal and Maurer said in response to Councilwoman May's concerns over a pay scale. I credit Chairman Lautenschleger for making sure that this was put in this legislation. Section 3 actually phrases pay raises for all non-bargaining and all elected officials until a pay scale is passed. So, I don't think it sends a more clear signal. I think the vote for this mandates a pay scale, in my opinion. I credit that as something Chairman Lautenschleger, it was his idea and we discussed it and the Committee worked on it. I think it's a good piece of legislation for that fact alone.

Mr. Ricklic had the following comment before roll call on amending Resolution 34-2016:

I just don't want to neglect any position. I don't want to make it personal. I want the position to be what it's paid. If the person can handle

the position, Administration needs to follow through with that, if the person can't handle that position, Administration must follow through with that. I agree I want nobody left behind. I would like for it to be amended to include those people but under the understanding, which Mr. Fete has just proven, there will be no more raises for anybody that's non-bargaining.

Mrs. May had the following comment before roll call on amending Resolution 34-2016:

In Section 3 about this being the last time, that just tells us, I look at it differently, I see this is our time to get our act together and get it done quickly and get it resolved, not just keep approving the same thing over and over again. So I think we need to get in gear and get this fixed and do right by those people. By not approving this I think we are doing right to do it the right way, and not continue down this path.

Mrs. Ramos had the following comment before roll call on amending Resolution 34-2016:

I think Mr. Maurer has offered a mostly happy compromise in his amendment. I definitely agree with non-retroactive. I don't like retroactive pay raises period for anybody. In the future though I would like to see the raises granted according to the tier system that is already part of our Ordinances, Resolutions that have been passed. People when they get hired in, we're working on the pay scale and there's been significant progress according to what Mr. Lautenschleger has said. This is my 3<sup>rd</sup> year on Council and we've never even heard that anybody's working on it. So, I know she's been doing the research. To me amending that is kind of a compromise, although I would like to see elected officials dealt with separately than non-bargaining because they're two different groups of people.

Mr. Zucal made the following comment before roll call on amending Resolution 34-2016:

Hearing about others being left behind, the only question I would have was if we looked at those individuals in those positions, and the rate at which they were hired or promoted into those positions. I believe there are very few that would not have received an increase in assuming their new title, new position as of January 1, 2016 than what was previously paid to those same employees. So, I think if we looked at that, just by the development of the contractual agreement that was based on their employment as of January 1, 2016 there's inherently raises built in to those hirings themselves. I think for the most part if we do continue that, a retroactive increase to the date of approval what you have actually done is had a wage increase as of January 1 for those assuming a position they had been employed in previously or upgraded and then additionally increase their pay at the date of the approval if it does happen by 3%, so you actually have a tag-on to an increase that was higher than those who had previously held the position. So, I've always looked at that from the perspective of those positions were almost granted pay raises as of their hiring, and as of January 1, 2016. You don't want to make it personal, too often we do that, but at the same time I think for us to be fiscally responsible, and to me that was just one more push to continue to try to get a pay scale in place. As I said very early on, one of my comments two or three times, each person looks at it from a different lens and a different perspective. I think the best thing that can happen is that we get this in place, and I hope we really vet it out, we look at it and we look at the qualifications, education, and skill set so that we can really enact something and put in place something to make New Philadelphia an attractive venue for people to want to work at.

Mr. McAbier had the following comment before roll call on amending Resolution 34-2016:

I think you said in 2007, 2008, and 2009 pay increases were granted, that would have been new Administration, and new Service Director in those years that were granted raises when they just came into those positions.

Mr. Holland made the following comment before roll call on amending Resolution 34-2016:

Two years ago I spoke before this body regarding these positions. There may be disagreement about who runs the City and who watches out for the liability of this City, but that's the primary responsibility of these positions, to protect our City, our citizens, and watch that liability. Yet for some reason, year after year after year they seem to be overlooked. I looked at the Ohio Municipal League's most recent salary survey. If we were to enact today that survey of comparable cities and what they're paid for comparable positions. There is no way we could come up with that money. It's physically impossible without a substantial raise in taxes. However, to not approve all of the non-bargaining positions continues to increase that chasm. We've got an opportunity tonight to in fact start on closing that chasm. It makes no logical sense to me to not take action in that direction. To leave the chasm or to increase the chasm for what ultimately is going to be an accepted salary scale for all positions does not make any sense. It's incomprehensible to me that we don't have a set pay scale for every position in the City, including elected officials. I want to see everybody get a raise, especially those that have been overlooked or pushed back for years, but I can't do that without recognizing that all of the non-bargaining positions deserve the increase, and the fact that we're looking at a scale increase, not a performance increase I think is significant.

ROLL CALL ON AMENDING RESOLUTION 34-2016  
4 YEAS, 3 NAYS  
RESOLUTION 34-2016 HAS BEEN AMENDED

AMENDED 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.  
3<sup>rd</sup> Reading

MR. MAURER MOTIONED FOR PASSAGE OF AMENDED 34-2016  
MRS. RAMOS SECONDED THE MOTION

Mr. Lautenschleger had the following comment before the final vote:

Now that Council has agreed to amend Resolution 34-2016, I had asked for further meetings, I don't think that will occur. Believe it or not in most cases it's good to foster some discussion, I'm glad we finally did on the topic. I felt that was healthy. In the spirit of compromise I will actually support Amended Resolution 34-2016. However there may be some changes in salary ranges that will be coming and we need to have a plan on how those are going to be adopted. Some of the positions will shock you on where they should go from an increase, some will shock you on where they should go from a decrease standpoint. I think we should be prepared and our budgets for the next few years will have to reflect that. I also think Council should be thinking and be prepared that if we do this the correct way there will be changes in staffing at lower levels that will not be comfortable in my opinion.

Mr. Ricklic had the following comment before the final vote:

I want to thank Mr. Lautenschleger for his research and everything in this and spending all the time you have to get to this point. Thank you very much.

Mr. Zucal had the following comment before the final vote:

It puts me in a bind, honestly it's my position on this again. There has been a lot debated and a lot said and there have been some things that have been said accurately and maybe potentially inaccurately along the way. We don't have the time to foster that debate this evening. To a large degree I think that whenever we begin this process of a salary scale that is where we need to be. I think we also need to remember that with that

comes different degrees of accountability along the way too. I'm not saying that any of our employees are not accountable but when you look to increase those the Ohio Municipal League does provide a great deal of documentations and evidence of what comparable communities are doing. At the same time that's not typically enough to be fully judicious in how we handle that type of an increase and how we handle that type of a scale because built within many of those parameters are certain expectations for education, for experience and whatnot. Many of those cases if you look at the Ohio Municipal League they're looking at hiring in many communities individuals who had a minimum of a Bachelor's degree in an area that allows them to maximize their performance, so we look at new hires within the City of New Philadelphia we'll be looking at a little bit of following the Municipal League model at hiring people who are more highly skilled and trained from an education perspective. I think that's something we have to consider as well. I know I've heard Mrs. Ramos speak about that previously as well too that you have to look at that beyond just the sheer numbers itself and ask "what are those communities expecting from those positions and what are they able to do so that we don't third-party contract a lot of those services out as well.

Again, just food for thought as we move forward.

Mr. Maurer made the following comment before the final vote:

I just want to thank Mr. Lautenschleger for his support and again I always worked well with you and I felt that was the proper thing to do was to give you my feelings on it instead of coming to Council and just blindsiding someone, so I appreciate that.

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

I would like to thank all of you for the interest that you've taken in this matter. I think it's a very important matter. I think everybody realizes that and I think we had some good conversation and discussion.

ROLL CALL ON PASSAGE OF AMENDED RESOLUTION 34-2016  
6 YEAS, 1 NAY  
AMENDED RESOLUTION 34-2016 HAS PASSED

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.

2<sup>nd</sup> Reading

MR. LAUTENSCHLEGER MOTIONED TO SUSPEND THE RULES ON RESOLUTION 36-2016

MR. ZUCAL SECONDED THE MOTION

7 YEAS

RULES HAVE BEEN SUSPENDED ON RESOLUTION 36-2016

MR. ZUCAL MOTIONED FOR PASSAGE OF RESOLUTION 36-2016

MR. RICKLIC SECONDED THE MOTION

7 YEAS

RESOLUTION 36-2016 HAS BEEN PASSED

President of New Philadelphia City Council Sam Hitchcock invited Mr. Brick to step to the front of Council Chambers to be presented with a framed Resolution 36-2016 signed by all members of Council and Mayor Day.

President Hitchcock read the entire Resolution 36-2016 to Mr. Brick as he was presenting it to him.

“ 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 THE GENERAL SERVICES FOR THE CITY OF NEW PHILADELPHIA, FROM JULY 10, 1985 THROUGH JULY 29, 2016, AND DECLARING AN EMERGENCY.

WHEREAS, Terry L. Brick has now retired from the City of New Philadelphia, Ohio; and

WHEREAS, Terry L. Brick has shown his loyalty, dedication, and commitment by his 31 years of service to the City of New Philadelphia, Ohio, as Street Sweeper.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO, AS FOLLOWS:

SECTION 1. The Council of the City of New Philadelphia, Ohio, does hereby recognize, commend and thank Terry L. Brick for his 31 years of service and dedication to the citizens of New Philadelphia, Ohio, by serving as Street Sweeper in General Services for the City .”

Mr. McAbier had the following comment:

Terry, for all of you out there on snow routes, when we would come in there were always five of us. You always knew that Terry was hills and bridges. You never had to ask he just always came every time year in and year out in my 25 years with Terry. He was very dependable. I want to thank you, Terry.

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.  
3<sup>rd</sup> Reading

MR. LAUTENSCHLEGER MOTIONED FOR APPROVAL OF RESOLUTION 39-2016  
MRS. MAY SECONDED THE MOTION  
7 YEAS  
RESOLUTION 39-2016 HAS BEEN PASSED

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.  
3<sup>rd</sup> Reading

MR. LAUTENSCHLEGER MOTIONED FOR APPROVAL OF RESOLUTION 43-2016  
MR. MAURER SECONDED THE MOTION  
7 YEAS  
RESOLUTION 43-2016 HAS BEEN PASSED

**UNFINISHED OR OLD BUSINESS:**

**NEW BUSINESS:**

MR. MAURER MADE A MOTION TO ADJOURN AT 8:41 PM

CLERK OF COUNCIL \_\_\_\_\_

Julie Courtright

APPROVED \_\_\_\_\_

PRESIDENT OF COUNCIL \_\_\_\_\_

Sam R. Hitchcock