

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON OCTOBER 12TH, 2015 WITH PRESIDENT OF COUNCIL, SAM HITCHCOCK, PRESIDING. MR. HITCHCOCK OFFERED A PRAYER, AND ALL IN ATTENDANCE RECITED THE PLEDGE OF ALLEGIANCE.

COUNCIL MEMBERS IN ATTENDANCE:

MS. SANDY COX
MR. DAN LANZER
MR. DARRIN LAUTENSCHLEGER
MR. ROB MAURER
MRS. CHERYL RAMOS
MS. WINNIE WALKER
MR. JOHN ZUCAL

- MS. COX MADE A MOTION TO ACCEPT THE AGENDA
MRS. RAMOS SECONDED THE MOTION
ROLL CALL 7 YEARS
MOTION PASSED

- MS. COX MADE A MOTION TO ACCEPT THE MINUTES
FROM THE REGULAR COUNCIL MEETING HELD ON MONDAY, SEPTEMBER 28TH, 2015
MR. ZUCAL SECONDED THE MOTION
ROLL CALL, 7 YEARS
THE MINUTES WERE APPROVED

CORRESPONDENCE CLERK, PATRICIA A. MCKAY

1. Announcement from City of New Philadelphia Mayor David E. Johnson for immediate release dated October 12th, 2015
“NEW PHILA MAYOR, CITY MANAGERS OPPOSE MARIJUANA LEGALIZATION”
City Managers prepared a signed declaration in opposition to the legalization of marijuana and the ballot issue at the November General Election.
2. Safety, Health, and Service Committee Meeting Minutes from September 28th, 2015
3. City of New Philadelphia Income Tax Department September 2015 Report Month End Tax Revenue By Year dated October 2nd, 2015 Submitted by Joel B. Day, Income Tax Administrator.
4. Mayor’s Monthly Statement to Council for the Month of September 2015
5. Auditor’s Monthly Statement of 2015 Revenue for the General Fund for the Month of September 2015.
6. Auditor’s Financial Statement for the Month of September 2015.
7. City of New Philadelphia Statement of Cash Position with Month to Date as of September 30th, 2015
8. City of New Philadelphia Budget Report with Encumbrance Details as of September 30th, 2015
9. Tuscora Park Board Meeting Minutes for August 19th, 2015
10. Reminder from the Ohio Municipal League Dated October 8th, 2015
The 64th Annual Conference will be held at the Renaissance Hotel in Columbus, Ohio October 21st–23rd 2015

MAYOR’S REPORT/REQUESTSMAYOR DAVID JOHNSON

Mayor Johnson announced he did not have a formal report.
The Mayor did report on the following two items:

1. Press Release from the Managers Meeting
The Mayor, all of his appointees and all the managers voted against the Marijuana Bill
The Mayor said we want that known for the safety of our citizens.
We thought that was the right thing to do.

2. In attendance were two young men from the New Philadelphia Elks Mr. Jeff Warner and Mr. David Johnson who presented to the Police Chief Michael Goodwin on behalf of the New Philadelphia Elks Lodge a check in the amount of \$749 to the New Philadelphia Police

Department The contribution is to go for the purchase of a radar unit for one of the Police Cruisers.

Mr. Warner announced that this is an:

Expression of our commitment to serving our community.

Our emphasis is on conducting the youth programs, serving our veterans, and doing charitable work for the community where we live and work.

Last year alone our lodge gave \$52,000 to the community.

Last year the lodge awarded (15) \$1, 000 scholarships.

One of the other things they do is have Community Service Grants once a year; this is the result of one of the Community Service Grants.

Police Chief, Michael Goodwin, on behalf of the Police Department, expressed appreciation and thanked the New Philadelphia Elks, Mr. Jeff Warner, and Mr. David Johnson.

The Chief stated the Police Department will use the funds to purchase a refurbished radar unit for one of our cruisers.

The Police Chief said he was excited when they contacted him and he announced "It will go a long way in helping to keep members of our community safe."

SERVICE DIRECTOR.....MR. JAMES ZUCAL

Mr. Zucal reported the following:

- Mr. Zucal announced he will meet twice this week with ODOT (There are several major road repairs that are going to happen in the area within the corporation limits.)

The Mayor and the Service Director have talked to them:

We are planning ahead for next year and the following years to look at Budgeting for asphalt paving.

There will be quite a bit of asphalt paving on State Route 800 (which is North Broadway and South Broadway) we need to plan ahead for that.

There is also a slip repair that is going to be on State Route 800 (which is North Broadway near the corporation limits going out of town.

ODOT is working to partner with us on that.

- Mr. Zucal had a meeting this week with Dominion East Ohio Representatives regarding the Gas Company Project in town to see where they are with their production and the cleanup crew.
- As Mr. Zucal does every year, he will present at the first meeting in November the rates for water, sewer sanitation and his recommendation will be forth coming.

AUDITORMS. BETH GUNDYNO REPORT

SAFETY DIRECTOR.....MR. GREG POPHAM

The Safety Director Mr. Greg Popham reported the following:

Commended the Police Chief, the Fire Chief all the members of both Departments and the countless number of volunteers that helped make the Safety Day a huge success on Thursday evening and that along with the other people who donated.

There will be a list coming out later of those who made contributions towards that.

It was a success and Mr. Popham just wanted to thank all of them for their hard work.

Comment from the Council President:

Mr. Hitchcock said he was there.

The weather was great. It was well attended.

Lot of information was available.

The Council President congratulated the Safety Forces for a successful event.

Comment from Councilperson Mr. John Zucal:

He echoed the Presidents comment and Mr. Zucal thanked the Safety Forces.

Mr. Popham said it is all on them, they put this on the the hard work of the men and women in the Departments and the volunteers.

Councilperson Mr. John Zucal said the kids look forward to going to that.
It is the highlight of Fire Safety and Prevention Week.
Mr. Zucal again thanked the Safety Forces.

Comment from Councilperson Lanzer:

Mr. Lanzer reported that his family really enjoyed it and said he was glad the Safety Forces were able to put that on for the community.

Comment from the Law Director:

Mr. Fete thanked the Police Chief, and the Fire Chief for a great job.
This is the first year his family had an opportunity to attend.
He mentioned you really try to raise your kids to have respect for Law Enforcement as well as our Fire Department and the work that they do.
What a great opportunity this was for kids and families.
Mr. Fete said, "It was fantastic."
His boys really enjoyed it.

Comment from the Mayor:

It was a phenomenal evening.
He thanked the Fire Department, Police Department, and Lowe's.
Lowe's came in with volunteers they helped with the cooking,
the serving ,the balloons, and all kind of things.
The kids and their parents loved it.
The Mayor said he heard great reviews for the event.
The Mayor said he appreciates everything that was done.
This was the Tenth Anniversary for this event.

Comment from President of Council:

He thinks this is one of the greatest things we do in this community.
It is an opportunity for people to come in and actually see the inner workings of
Two of the most important departments in the City.
The safety forces are always there when needed.
Mr. Hitchcock said he hopes the event continues for many years to come.

TREASURER TOM GERBER

Mr. Gerber reported the following:

The Ohio Association of Public Treasurers had its Fall Conference at the McKinley/Grant Hotel in Canton September 30th through October 2nd 2015.
Mr. Gerber attended along with our Auditor Beth Gundy. They attended all three sessions.
He said all the areas they covered were very informative.
Mr. Gerber commented on the Last Session "Banks Working Together with Municipalities"
They had three representatives from different banks
They said since 911 and the meltdown in 2008 things have changed in the Banking Industry.
They had to close branches and lay off people but they said work with us and we will work with you.

When it comes time for a contract:

The Bank says "give us one page on how you want to work with us and we will work with you."
They are cutting costs however they can with modernization.

Mr. Gerber said we have to do the same in our municipality.

Cut our costs however we can with modernization.

LAW DIRECTORMR. MARVIN FETE

The Law Director reported since his last meeting:

- He addressed a couple legal issues

Whether or not the City could overtly advocate the passage of Issue 36.
His research indicated, and he expressed this to our website operator,
The City was able to provide information on it;
For example we can show what's not working with the the Fire Department and how it going to be improved and why it needs changed.
We cannot come out and ask them to vote for Issue 36.
That was another thing that was great about the Fire Safety Day
People were able to see what the conditions of the Fire Station were for themselves.
Mr. Fete said his mother and others could not believe the condition of the barracks.
The Law Director conversed with an Attorney in the Secretary of State's Office to confirm that the way he was reading the law was correct.

- The Law Director informed candidates you cannot put signs in a Public Right Away you can only put them on Private Property. Any signs that are on a Pubic Right Away the police will remove them.
- He arranged a private meeting in his office October 19th, 2015 with Katie Seward Health Commissioner For the County Health Department on how we can better work with that agency to make sure that we maintain our own independence as a Health Department in the City of New Philadelphia.
- He requested President Hitchcock assign to Committee the 2015 the Indigent Defense Services Contract From the Public Defender's Office. To have the legislation passed and to the Public Defender's office by December 15, 2015 as it is due January 1st, 2016. Mr. Fete said he has already reviewed it and approved as form.
- Mr. Fete settled an issue regarding back taxes that were owed to the City from a Private company. We negotiated a settlement on that.
- Received and responded to a foreclosure notice regarding one of the homes we invested into our program to help improve low income housing in the area . Mr. Fete had to file an answer to that to make sure our interests are protected.
- Sent a four page letter to Rick Hinig who represents a couple different people that have issues with the City. I can brief council privately on that or if they wish to request an Executive Session for more details on what he is addressing there.
We have a business in an area that is not zoned, and is currently operating.
- Mr. Fete announced that he had the pleasure of attending the New Philadelphia football game last Friday. Coach Matt Dennison and New Philadelphia Football Staff have a program where They take people from the community that have contributed to the school in one form or another and ask them to serve as honorary coaches.

Mr. Fete's father was invited to serve as an Honorary Coach this past Friday.
Mr. Fete's father spent 44 years in local education.
He was born and raised a Quaker he graduated from New Philadelphia in 1957.
The program recognized and expressed appreciation for Mr. Fete's service.
The Law Director stated his father was equally impressed with the coaching staff as they were happy for him to be honored in this capacity.
The Law Director stated his father said he was blown away by how thorough and organized and the support structure Coach Dennison runs for the Quakers.
As you know, New Philadelphia beat Zanesville 13 to 10 in overtime.
His father said all of us should be proud of that school and the character of those young men that is being produced by Coach Dennison.
Mr. Fete said he just wanted everyone to be aware of the program.
Mr. Fete expressed appreciation for Coach Matt Dennison and New Philadelphia Football Staff.

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR DAVID JOHNSON

The Mayor announced the Planning Commission meeting tentatively set for Tuesday, October 13th, 2015 at 1:00 PM in Council Chambers has been cancelled the next Planning Commission meeting is tentatively set for Tuesday, November 10th, 2015.

BOARD OF ZONING APPEALS.....MR. JAMES ZUCAL

Mr. Zucal announced the Board of Zoning Appeals meeting for Tuesday, October 13th, 2015 at 5:00 PM in Council Chambers was cancelled due to a lack of an agenda.

AIRPORT COMMISSION.....MR. JOHN ZUCAL

Mr. Zucal announced that the Airport Commission Meeting will meet Tuesday, October 13th, 2015 at 6:00 PM at the Harry Clever Airport Meeting Room.

PARK BOARD.....MR. DARRIN LAUTENSCHLEGER

Mr. Lautenschleger announced the Park Board met Wednesday, September 30th, 2015 at noon at the Tuscora Park Office.

A couple of finance reports in general were provided:

One by Carey Gardner, the Executive Director of RTY Inc., who oversees Rides and Concessions at the Park. After a wet June, Concessions and Rides rebounded even with the Ferris Wheel and the condition it was in. It will be fixed and ready for next season. Over all there should be some type of profit return final numbers should be coming in the upcoming weeks.

Same with the General Park Operations the Park Superintendent Rod Miler reported that it there was a tremendous bounce back after the wet June. They were very please as to what they saw. Attendance numbers were outstanding.

Mr. Lautenschleger reminded all of the Fall Festival at Tuscora Park from 2:00 PM to 7:00 PM Sunday October 18th, 2015. There will be free rides and a lot of other activities will be available. The President of Council, Sam Hitchcock will be showing a movie. It should be a fun time.

Please go to the Tuscora Park Facebook Page where the Fall Festival has already been viewed by 25,000 people.

Mr. Lautenschleger announced that the next Park Board Meeting will be held Wednesday, October 21st, 2015 at noon at the Tuscora Park Office.

Comment from the President:

The name of the movie is “Hotel Transylvania” to be shown in the amphitheater.

Comment from the Mayor:

Pumpkins for the contest should be carved in advance.

HEALTH BOARD..... MS. SANDY COX

Ms. Cox announced that the next meeting for the Health Board is scheduled for Wednesday, October 14th, 2015 at 12:00 (Noon) at the Health Department.

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEEMS. SANDY COX

Ms. Cox reported the Finance Committee met October 12th, 2015 at 7:15 PM in Council Chambers To discuss the following three items:

1. The Law Director’s request for expenditures above the IRS Per Diem. In October and December, Mr. Fete is attending two seminars; The first will be held in Columbus for the “Labor and Employment Law” The second seminar will be held in Cleveland on “Local Government Law”. He is requesting an additional \$364.62. The Committee approved that.
2. Resolution 23-2015 to authorize the City Auditor to issue Blanket Fiscal Officer Certificates, up to a maximum of \$5,000. Committee is requesting this be on the agenda at the next meeting and passed.

3. Resolution 24-2015 which is the Super Blanket that is for \$50,000.
Committee is requesting this be on the agenda at the next meeting and passed.

Meeting adjourned at 7:25 PM

SALARY COMMITTEEMr. John Zucal

Mr. Zucal announced he did not have a formal report for this evening but he did have a notification to members of Council, our Administration, and Guests that he is requesting a Salary Committee Meeting for Monday, October 26th, 2015 at 7:00 PM in Council Chambers.

The Law Director will have the required legislation in place as it pertains to the new requirements for Income Tax Collection as proposed by the State of Ohio.

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

Mr. Maurer reported that the Safety Health & Service Committee met tonight at 6:45 PM in Council Chambers to once again discuss the Animal and Fowl Ordinance .

Mr. Maurer apologized for the length of time this took and mentioned the Committee did meet three out of the last four Council Meetings. The bottom line was to get it right.

The Committee came to the conclusion

1. We are going to combine the term vicious and dangerous into one to make it clear.
2. Add a Menacing Section
3. Strengthen the Leash Law, emphasizing the words under **Control**.

The Law Director will draw up the legislation

Mr. Maurer is going to follow Senate Bill 151 as it progresses along

The Chair, Mr. Maurer, stated he will keep Council apprised of anything on that.

Comment from Committee Member Mr. Lanzer:

He thought the Committee's recommendation was:

Add a **Menacing Section**

Strengthen the Leash Law Emphasizing the words under **Control**

It did not include:

We are going to combine the term vicious and dangerous into one.

Comment from Committee Member Mrs. Cheryl Ramos:

Mrs. Cheryl Ramos agreed with Mr. Lanzer.

Mr. Maurer said he stands corrected.

PUBLIC WORKS & ECONOMIC DEVELOPMENT COMMITTEE DARRIN LAUTENSCHLEGER .

Mr. Darrin Lautenschleger reported the Public Works & Economic Development Committee met this evening at 6:15 PM in Council Chambers to discuss Proposed Resolution 25-2015. That resolution would permit the City to apply for Grant Funds through the Ohio Public Works Commission to correct some safety and performance issues at the City's Wastewater Treatment Plant specifically a project estimated to cost \$480,000.

It is for some very severe safety concerns with some antiquated operational operations at the head works; basically the first area where the raw sewage enters our Wastewater Treatment Facility.

Our workers are exposed to some safety issues there the performance is poor and this would correct those safety issues as well as correct some of the performance issues there.

Our Wastewater Superintendent Ed Wilson as well as representatives from W.E. Quicksall who are helping to design the project as well as develop the grant funding.

The grant proposal will be for roughly half the cost with the other half coming from some of the budgeted funds that have been set aside by Mr. Wilson in the budget as well as potential other grants and loans if necessary.

On a motion by Ms. Cox seconded by Mr. Maurer the Committee agreed to place Resolution 25-2015 on the agenda for the next regular scheduled Council Meeting October 26th, 2015.

Recommended suspension of rules and passage on first reading.

Deadline for this application is October 30th, 2015.

Meeting was adjourned at 6:40 PM

ZONING & ANNEXATION COMMITTEEMRS. CHERYL RAMOS

Mrs. Ramos thanked the Mayor and City Managers for having the courage and foresight to oppose Issue (3) three which is an Amendment to the Ohio Constitution.

Reading over this they have some zoning issues in here.

If you go on the Secretary of State's Website you will see that the Amendment is 16 pages long with lots of details.

1. The Ohio Marijuana Control Commission is composed of Seven Members appointed by The Governor.
Providing for Commission Licensed Retail Marijuana Stores to sell marijuana and marijuana-infused products to individual 21 years of age or older for personal use and that marijuana Infused products for personal use may be sold by such state licensed and regulated stores
2. The commission would determine the number of Retail Marijuana Stores (RMS) that may be within any political subdivision.
3. However the number of stores statewide would be limited by the ratio one to 10 thousand based on the state's population. The location of such stores must first be approved by electors of the precinct where the store would be located at a special election similar to elections for sale of alcohol at a particular location in a precinct.
4. Provides that the marijuana establishments shall be subject to all applicable State and Local Laws and regulation related to health, safety and building codes, including signage, but providing that no zoning land use law, subdivision or agricultural regulation shall prohibit the development or operation of marijuana establishments provided that no such establishment shall be located in a district zoned exclusively residential as of January 1, 2015. Marijuana Growth Cultivation Extraction Facility or the date that a license application is First filed for a Marijuana Product Manufacturer, a Marijuana Medical Dispensary Or a Retail Marijuana Store.

MRS. RAMOS SAID "THAT IS AFFECTING OUR ABILITY TO GOVERN HERE."

SPECIAL & CONTACT COMMITTEEMR. DAN LANZER....NO REPORT

PARKS & CEMETERY COMMITTEEMS. WINNIE WALKER....NO REPORT

VISITOR'S COMMENTS:

Ms. Julie Levensgood Stephon
440 3rd Street NW
New Philadelphia, Ohio 44663

Ms. Levensgood Stephon reported that she is our newly appointed Director, of New Philadelphia Business and Community Association (NPBCA)

Ms. Levensgood Stephon said she had the opportunity to meet with the Mayor and the Service Director She said she looks forward to working with Council and the downtown businesses and the Community.

The Mayor requested the Ms. Levensgood Stephon be put on the agenda so she would have an opportunity to give a report on the New Philadelphia Business and Community Association (NPBCA)

The President Sam Hitchcock welcomed Ms. Levensgood Stephon and said he was looking forward to hearing her reports.

Mr. Laurantenschleger suggested that Ms. Levensgood Stephon give Council a little bit of her back ground as she has an quite an educational background that will help us.

Ms. Levensgood Stephon Reported she graduated from Kent State University and is currently working on her Masters in Liberal Studies which is focusing on Public Administration.

Julie works at the Performing Arts Center at Kent State as well.

She is looking forward to working with everyone and promoting the City of New Philadelphia.

Councilperson, Member, and Vice President presently of the New Philadelphia Business and Community Association, Mr. John Zucal welcomed Julie to the position he said she is very eager, energetic and enthusiastic about our City and in helping to revitalize our downtown.

As Mr Laurantenschleger shared, she does have a very extensive background in education and we can utilize those skills for the betterment of our community.

READING OF ORDINANCES AND RESOLUTIONS

ORDINANCES:

NONE

RESOLUTIONS:

22-2015 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 AND DECLARING AN EMERGENCY. (3RD READING)

Motion to vote on passage by Mr. Lanzer
Seconded by Ms. Cox
Roll call, 7 yeas
Resolution 22-2015 has been passed.

UNFINISHED OR OLD BUSINESS:

NONE

NEW BUSINESS:

Comment from Mayor Johnson:

1. The Mayor said City of New Philadelphia will have its First Fall Festival Sunday, October 18th 2015 at Tuscora Park.
The Mayor pointed out this was the Mayor's and the Service Director's idea to utilize the Park for a Fall Festival. The Mayor said they turned the idea over to Chase Hostetler, Assistant Superintendent at Tuscora Park who has done a phenomenal job of putting it together. Mayor Johnson said it is really nice to have young ideas.
2. The Salt Law Suit has been settled.
We were one of the first participants. We received a check for approximately \$13,000.

Comment from Councilperson John Zucal:

Councilperson John Zucal shared with Council that a Representative from the New Philadelphia Elks will be visiting all Third Grade Classes in the City of New Philadelphia schools and presenting and distributing a dictionary to every one of the students.
Mr. Zucal said it is the type of dictionary that they can take with them to Middle School, High School and on into College maybe keep for the rest of their life.
We are fortunate to have those types of groups that care about our kids.

Comment from President Hitchcock:

Mr. Hitchcock said he didn't think there was anything more important than helping young people further their education.

The President then shared with Council
The start of the First Town Days Festival

The purpose for the first one was to raise enough money to repair the aging Carousel.
The organizers thought it was fun doing the festival they decided to keep the festival going,
We just completed the 38th year out at the park
The plan after the Carousel was repaired was to add or refurbish something out at the park.
The fountain that set outside the main office was dormant for many years the festival contributed to that to put it back in service.
With the passing of previous chair Mr. Al Maloney, we created a scholarship in his name
Two years ago we were able to give (5) \$1,000 scholarships away.
We should be able to continue that and even maybe increase that.

The Elks gave a great gift not only to the Police Department but for the students.
The President congratulated the Chief.

At the request of the Clerk of Council President Hitchcock read the correspondence he received from the Clerk dated October 12, 2015 announcing her resignation from the position of Clerk of Council as of December 31, 2015. The Clerk has held the position since January of 2010.

The President and Council were very kind and understanding of her decision.

Council will immediately start taking applications to fill the position.

MS.COX MADE A MOTION TO ADJOURN THE MEETING AT 8:20 PM
CLERK OF COUNCIL _____

Patricia A. McKay

APPROVED _____
PRESIDENT OF COUNCIL _____

Sam R. Hitchcock