

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON OCTOBER 28TH, 2013 WITH PRESIDENT OF COUNCIL, SAM HITCHCOCK, PRESIDING.

MR. HITCHCOCK OFFERED A PRAYER AND SAID THIS IS THE TIME OF THE GREAT RIVALRY, THE DOVER NEW PHILADELPHIA FOOTBALL GAME COMING UP THIS FRIDAY I'M SURE YOU KNOW WE ARE PRAYING FOR A VICTORY FOR THE QUAKERS EVEN MORE IMPORTANT WHEN THE GAME IS OVER WHOEVER IS VICTORIOUS WE PRAY ALL THESE YOUNG ATHLETES WILL COME HOME SAFE AND SOUND AND WITHOUT INJURY.

ALL IN ATTENDANCE RECITED THE PLEDGE OF ALLEGIANCE.

COUNCIL MEMBERS IN ATTENDANCE:

MS. SANDY COX
MS. COLLEEN ESPENSCHIED
MR. DAN LANZER
MR. DARRIN LAUTENSCHLEGER
MR. ROB MAURER
MS. WINNIE WALKER
MR. JOHN ZUCAL

PRESIDENT OF COUNCIL, SAM HITCHCOCK ANNOUNCED THAT MAYOR TAYLOR AND THE AUDITOR, BETH GUNDY ARE EXCUSED FROM TONIGHT'S MEETING.

MS. COX MADE A MOTION TO ACCEPT TONIGHT'S AGENDA

MR. LANZER SECONDED THE MOTION.

ROLL CALL 7 YEAS

MOTION PASSED.

MS. COX MADE A MOTION TO APPROVE THE MINUTES FROM PREVIOUS REGULAR SESSION OF COUNCIL HELD ON MONDAY, OCTOBER 14TH, 2013.

MS. WALKER SECONDED THE MOTION

ROLL CALL, 7 YEAS

MOTION PASSED

CORRESPONDENCE CLERK, PATRICIA A. MCKAY

1. Request from the Safety Director, Greg Popham dated October 28th, 2013 to President of Council Sam Hitchcock for a meeting November 11th, 2013 of the Ambulance Committee to review the fees for the year 2014
2. The Mayor's Report/Requests to Council dated October 28th, 2013
3. Minutes of the Finance Committee Meeting dated October 14th, 2013
4. City of New Philadelphia Treasurer's Reports:
 - Reconciliation of all Bank Accounts with Auditor as of September 30th, 2013
 - Reconciliation of Auditor's Receipts and Expenditures with Main City Checking Account at Chase Bank for September 2013
 - Reconciliation of Receipts and Expenditures with Huntington Account for September 2013
 - Payroll Account Reconciliations for September 2013

ADMINISTRATIVE REPORTS:

MAYOR'S REPORT/REQUESTS TO COUNCIL REPORT SUBMITTED IN HIS ABSENCE BY THE SERVICE DIRECTOR. (READ BY SERVICE DIRECTOR MR. JAMES ZUCAL)

The Mayor Reported:

- On October 15th, the Mayor and the Auditor did a presentation at lunch to the New Philadelphia Kiwanis Club regarding the Income Tax Increase Issue.
- The Mayor appointed Michele Lieser, a New Philadelphia resident, to the Board of Zoning Appeals to replace Craig Barnett who resigned. Michele is a realtor with McInturf Realty for approximately the last 10 years.
- On October 17th, 2013 the Mayor attended the ribbon cutting and open house at the new State Electric and Supply Company location on the west end of the City.

- The Mayor requested the Council President assign to the Special/Contact Committee the updated proposed lease agreement with the Tuscarawas Campus Board of Trustees for the Airport Beacon that the City has had on their property since the 1950's.
- Last Thursday the Mayor, the Assistant Service Director, the Airport Consultant and two members of the Airport Commission, participated in a conference call with our FAA Representatives to discuss the Proposed Improvement Plans at the Airport for the next ten years using the Federal Funding the City receives for the Airport, currently the FAA covers 90 % of the cost of projects with the City providing 10% our annual allocation is \$150,000 and unused funds if any can be carried forward or accumulated to tackle larger projects when needed. This plan is submitted each year as required by the FAA and is annually subject to revision. It is beneficial to discuss our airport directly with the FAA and to work together with them to strive to meet standards and keep our Airport maintained and with a planned schedule to operate in the future.

Council Member John Zucal
His Comment on State Electric

It is a nice organization with a nice group of people
They invited Council Members to come to the new State Electric and Supply Company location on the west end of the City, they are looking forward to meeting them.
They are very appreciative to the City for the work they did in getting them to come here.
Council Member John Zucal stated "they are a first rate organization, a good company to have in New Philadelphia."

President of Council: "Comment well taken."

SERVICE DIRECTOR.....MR. JAMES ZUCAL

The Service Director reported on the following

- Five Point Storm Sewer Project:
The Contractor Tucson Inc. along with the Engineering Team with Diversified Engineers are following along with the Five Point Storm Sewer Project.
They are right on schedule and doing a great job.
There are some traffic delays and the Service Director appreciates the patience of our constituents. Because of the good weather; they are currently at 7th Street and Front Avenue and about 70% of the construction phase complete.
As the Service Director presented at our last meeting. "It is a local contractor, local workers, American made products, one of the nicest and one of the best planned projects the City has ever under taken."
- The paving is about 90% complete.
The representative from ODOT. The Service Director reported he spoke with the inspector today they still have the downtown area to complete. Their deadline is October 31, 2013 they will be back in town this Wednesday at 6:00 PM (The Shelly Company) they plan on finishing the project Wednesday night; by Thursday morning 8:00 AM the paving should be complete.
- Every year at this time by Ordinance the Service Director has to report on the status of the Water Sewer and Sanitation; (where we are at with our Funding and Expenditures) It is prepared and he will give the report at the next Council Meeting on the status of all three departments.

Comment from the President of Council:

Mr. Hitchcock reported he had to travel through that area several times where they are doing the Storm Sewer Project it is a little congested which is to be expected the detours are well marked and easy to follow.

AUDITORMS. BETH GUNDY
EXCUSED ABSENCE

SAFETY DIRECTOR.....MR. GREG POPHAM

Mr. Popham wanted to expand on the request he had earlier the request is pursuant of 143.02 Section D2 of the Codified Ordinances of New Philadelphia that we have an annual Ambulance Committee Meeting that is purpose of the request.

President of Council Sam Hitchcock:

Assigned Mr. Popham's request to the Ambulance Committee

TREASURERMS. LORI STATLER

Ms. Statler reported there are new investments for September, (she invested funds in September) there was two million setting in Huntington which was earning very little money.

What she did was invested with Ross, Sinclair & Associates, LLC (RSA Investments). What is good about those investments two million dollars was split up over different financial institutions so that everything is under \$250,000 dollars so it is all secured by FDIC insurance; earning ten times the interest rates we were getting. She is anticipating that those should earn 10 to 20% more in interest in 2014 than it did 2013.

The Treasurer requested Council approve her Reports for September 2013.

- Reconciliation of all Bank Accounts with Auditor as of September 30th, 2013
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Ms. Statler informed council that she will not be at the next meeting. She has a conference in Columbus.

President of Council, Sam Hitchcock commended Ms. Statler for moving the amounts around so they are FDIC Secured.

LAW DIRECTORMR. MARVIN FETE

The Law Director reported the following:

The Law Director:

- Meeting last Wednesday with the Mayor at 11:00 AM/ Meeting with the Civil Service Commission which was held in the Mayor's office later that afternoon.
- Mayor requested an update on the Rosenberry Annexation
 - We reached a tentative agreement which Mr. Fete approved.
 - The Administration signed off on that and we are now waiting for for the Township Trustees to sign off on it.
 - It will come before Council to get the required Council final approval before we can move forward we are hopeful that the Goshen Township Trustees will be on board with this agreement.
 - Discussed and the Mayor reviewed the CHIP letter he had drafted for the three persons that are in our Chip Program that are in violation of our terms and provisions of the agreement. Drafted a standard form letter the Mayor added some additional language he wanted put in there and we are going to be sending them out this week.
- Reviewed and approved the final draft of the Airport Beacon Lease with Kent State. That was drafted by Attorney Dennis Traverse on behalf of Kent State.
- The Members of Council should have a copy of the letter regarding the proceedings we have had ongoing in regard to the money down at the Airport Restaurant. He will inform Council if we receive any reports back on that.
- He is in the process of getting in touch with a Dennis Snyder, his family had one of the hangars down at the airport. The Law Director is going to be drafting a new lease, the old lease had lapsed he has been using it for sometime the Law Director is going to draft a new lease so we can get some revenue in terms of that for the City.
- The Mayor and the Law Director are going to be working on an Electric Aggregation Program. He has not proceeded on that so there hasn't been anything for him to report.
- We also discussed the Law Director's legal input on the Airport Advertising Issue.
 - I thought the way to look at that (nobody asked my opinion) we are essentially sub-contracting to QDA to do the advertising for us so we don't have to do that function.
 - So essentially they're taking over that branch of it and they receive a small amount to handle that.
 - My legal opinion on it was:
 - As long as we didn't limit it on terms of advertising for anybody that wanted to advertise and if the advertisement were appropriate, he doesn't see a legal issue with it from the City's stand point.
- I'm reviewing a MOU with the Red Cross and I'm going to issue a legal opinion on that for the Health Department.
- Also have a Memo from the Water Office regarding Delinquent Accounts and how to handle them.
 - He thought he handled this issue with a personal meeting back in August he thinks they want something in writing so what he talked about back in August that will be the Official Policy that the City will follow on that.

- Also researching the issue of employees working two paid positions why do we have to pay them time and a half. It is increasing and it is something we are going to have to do.
City of New Philadelphia School Board does pay a stipend for that.
The Law Director spoke to the Treasurer with regard to her experience with the schools doing that and she felt what the schools are doing is not appropriate.
- Also discussed the West High Widening Project and appropriations and contacted ODOT on that.
There may be some filings down the road they are going to supply him with what has to be filed with Common Pleas Court. To date he has not received anything from them.
- Purpose of the Civil Service Commission Meeting was to review the Civil Service Rules.
- He was provided with a draft of the Employee Handbook which he is going to review.
- He has a meeting scheduled for November 14th, 2013, the Service Director and the Mayor will be involved in regarding to the dispute with one of our CHIP recipients.
- Request from Police Chief Goodwin regarding increasing disorderly conduct fees for misdemeanors under the local ordinance.
You can't charge more than \$150 on that. Right now it is up to the courts discretion; what he is considering is doing a presentation to Council or advising that we make it mandatory to take away the courts discretion with regard to our own local ordinance that helps to generate more funds in that regard.
- Loitering Issue near the 133 North Avenue N E. New Philadelphia Area as to what could be done about it?
He is researching the issue on behalf of the Police.
- Typo on Ordinance 18-2013 which was passed October 14, 2013 as an emergency.
Appropriation Ordinance:
Under the section increase decrease appropriations for the General Funds Court for Office Supplies that was put in parentheses (should not be in parentheses)
Under Domestic Violence Funds under Wages that was put in parentheses for \$4,000 (should not be in parentheses).

The Law Director requested the council approve to remove parentheses from both of that section by voice vote.

He already provided a clean copy to Council Clerk for that purpose.

Comment from Mr. John Zucal on loitering concern that was on North Avenue.

That doesn't have to be on foot that can be done by vehicle.

The Law Director:

The gentleman who is alleged to be a loitering issue was in Mr. John Zucal's Ward.

The Law Director informed Mr. Zucal that a lot of Loitering Laws have been challenged by the Supreme Court because of the Constitution Right to be on a Public Street.

Ms. Cox:

Wanted to make sure everyone understood the following:

"At the last meeting we passed the transfers from the Bailiff \$10,000 to Office Supplies

So we had to decrease one and increase one

The brackets were around both items so both items were decreased

so we have to remove the brackets."

Ms. Cox made a Motion to remove the brackets from Office Supplies \$10,000 and \$4,000 Domestic Violence Wages because both were increases.

Mr. Maurer seconded the motion

Roll Call 7 Yeas

Motion passed.

Ms. Cox made a motion to approve the Treasurers Reports for September 2013.

- Reconciliation of all Bank Accounts with Auditor as of September 30th, 2013
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Mr. Lanzer seconded the motion

Roll Call 7 yeas

Motion passed

(The Auditor's Reports for September 2013 were part of correspondence for October 14, 2013)

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR MICHAEL TAYLOR

The Service Director announced that pending an agenda the Planning Commission is scheduled to meet Tuesday, November 12th, 2013 at 1:00 PM in Council Chambers. At this time there is not an agenda.

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

Mr. James Zucal announced pending and agenda the Board of Zoning Appeals is scheduled to meet Tuesday, November 12th, 2013 at 5:00 PM in Council Chambers. At this time there is not an agenda

AIRPORT COMMISSION..... MR. JOHN ZUCAL

Mr. John Zucal announced the Airport Commission will meet Tuesday, November 12th, 2013 at 6:00 PM at the Airport meeting room. All are invited to attend.

PARK BOARD.....MR. DARRIN LAUTENSCHLEGER....NO REPORT

HEALTH BOARD.....MS. SANDY COX

Ms. Cox announced that the next scheduled meeting for the Health Board is Wednesday, November 20th, 2013 at 12:00 Noon at the Health Department.

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEEMS. SANDY COX....NO REPORT

SALARY COMMITTEEMR. JOHN ZUCAL

Mr. John Zucal reported there are two different groups whose concern is to promote and improve the downtown area. Downtown New Philadelphia Business Owners, as well as the NPBCA which we have membership in and Council receives a monthly report on.

There has also been an ad hoc group that has shown a great deal of interest in improving the downtown. They met again October 15th, 2013 at the Daily Grind in downtown New Philadelphia with over fifty in attendance. The speaker was Bill Lamb, member of City Council from Medina and former Mayor, who led some of the out profiting growth Medina has experienced as well as maintaining the historical infrastructure there. He gave us a great report it was comforting to know many of the suggestions we have made as a collective group with that both NPBCA and Downtown Owners Association they were already doing in Medina.

Mr. Lamb thought some of those ideas were very good and liked some of the decisions that are being made. Hopefully that will come, as we continue to work with that group some of it is already taking place.

The Brew House is doing some work on the outside of their building to make it look better Fred Haflinger who is one of the Downtown Property Owners has also been doing some work on his building which use to be the old Rite Aid Drug Store. (Just down the street from the Daily Grind)

We are glad to see that the Robert's Store is going to be filled Mr. Kevin Neidig has purchased that they have some great thing going on there. We will be forwarding a detailed report on that in the future. To let you know some good things that are going on we are gaining some momentum in the downtown.

President of Council asked what kind of business does Mr. Neidig have.

Mr Zucal he does some work in the medical field area:

- Front part of the store plans to lease as retail space
- Back part of the store for his retail business
- and Possibly getting something up above as well.

Mike Ley was the previous owner and felt very comfortable about the plan he heard.

Mr. Mathias and Mr. McInturf were involved and help to secure that as well.

Mr. Neidig will let us know when things start to transpire there.

Perhaps he will fill us in personally as to what is going on.

SAFETY HEALTH & SERVICE COMMITTEE.....MR. ROB MAURER....NO REPORT

Mr. Maurer announced the Ambulance Committee will meet November 11, 2013 at 7:00 PM to discuss rates for 2014.

PUBLIC WORKS & ECONOMIC DEVELOPMENT COMMITTEE . . .MR. DARRIN LAUTENSCHLEGER..... NO REPORT

ZONING & ANNEXATION COMMITTEEMS. COLLEEN ESPENSCHIED.....NO REPORT

CONTACT & SPECIAL COMMITTEE MR. DAN LANZER

Mr. Lanzer reported the Special/Contact Committee met Monday October 28, 2013 at 7:00 PM in Council Chambers to further discuss the window replacements at the main hangar at the airport. We had a lengthy discussion we have a few more questions to be answered before we can proceed any further with that.

We will be scheduling a meeting for November 25th, 2013 to further discuss the window replacements at the main hangar at the airport and also the assignment that was given to the committee tonight.

The updated proposed lease agreement with the Tuscarawas Campus Board of Trustees for the Airport Beacon.

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

AD HOC COMMITTEEMR. JOHN ZUCAL....NO REPORT

Mr. Zucal announced no report the clerk and he are working on finalizing the minutes. Next scheduled Meeting there will be a detailed report.

VISITOR'S COMMENTS:

Mr. Gabriel Riggle
308 West Cherry
Gnadenhutten, Ohio

Mr. Riggle's Concern/Comments:

He is an advocate for Healthy Tusc. Active Healthy and Safe Life Style
His concerns are promoting an active life style by improving safety for those that chose to be active.
He is happy to get involved in any way particularly the Roswell New Philadelphia Bike Trail
He is interested in bicycle lanes, bicycling trails and getting a cross walk at Wabash and Fourth Street.

He mentioned the YMCA has made a deal with Ernie's Bicycle Shop to give a discount on bike rentals but currently there is no safe way to cross Fourth Street.

Mr. John Zucal asked Mr. Riggle if he had a chance see our new downtown the walking paths that the NPBCA has come up with our partnership with Union Hospital.
Anything Healthy Tusc. can do to get that information out would be appreciated.

The Service Director reported that the NPBCA partnering with Union Hospital, when completed, will have stencils on the sidewalk with a logo foot print with a directional arrow creating walking paths on the sidewalk with distances involved on our downtown walking paths.

President of Council thanked Mr. Riggle for coming.

Mr. Dean Holland
335 Springbrook Drive SE
New Philadelphia, Ohio

Mr. Holland's has lived in New Philadelphia for a little over 3 years.
He complimented the City of New Philadelphia on their Municipal Services.

Mr. Holland's Comments/Concern:

The Department Heads are part of the executive management team of the City and he did not think it was right for Executive Level Managers to have to come to Council and grovel to this body to get a salary adjustment.
He encouraged Council to adopt the "Me too clause" and begin adjusting salaries for Department Heads, immediately.

President of Council thanked Mr. Holland for his positive comments in regard to the City services and thanked him for coming.

READING OF ORDINANCES AND RESOLUTIONS

ORDINANCES:

16-2013 AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO PERMANENTLY REZONE CERTAIN LAND LOCATED ON PARCEL NO. 43-03496-000 AT THE CORNER OF TUSCARAWAS AVE. NW. AND 7TH STREET NW (MILLER STUDIO, INC.) IN NEW PHILADELPHIA, OHIO FROM RESIDENTIAL TO BUSINESS, AND DECLARING AN EMERGENCY. (3rd Reading)

A Public Hearing will be held Monday, November 11th, 2013 at 7:45 PM in Council Chambers to give citizens an adequate opportunity to review and comment on the City’s proposed rezoning of certain land located on parcel No. 43-03496-000 at the corner of Tuscarawas Avenue NW and 7th Street NW (Miller Studio, Inc.) in New Philadelphia, Ohio from Residential to Business

RESOLUTIONS:

NONE

UNFINISHED OR OLD BUSINESS:

NONE

NEW BUSINESS:

Council Member Mr. Zucal announced

GO QUAKERS

President of Council, Sam Hitchcock, echoed Mr. Zucal’s comment.

MS. COX MADE A MOTION TO ADJOURN THE MEETING AT 8:12 PM.

CLERK OF COUNCIL _____

APPROVED _____

PRESIDENT OF COUNCIL _____