

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON NOVEMBER 9TH, 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. ROB MAURER
MRS. CHERYL RAMOS
MS. WINNIE WALKER
MR. JOHN ZUCAL

EXCUSED ABSENCE:

MAYOR DAVID E. JOHNSON
COUNCILPERSON DARRIN LAUTENSCHLEGER

- MS. COX MADE A MOTION TO ACCEPT TONIGHT'S AGENDA
MR. ZUCAL SECONDED THE MOTION
ROLL CALL 6 YEAS
MOTION PASSED

- MS. COX MADE A MOTION TO ACCEPT THE MINUTES
FROM THE REGULAR COUNCIL MEETING HELD ON MONDAY, OCTOBER 26TH, 2015
MS. WALKER SECONDED THE MOTION
ROLL CALL, 6 YEAS
THE MINUTES WERE APPROVED

CORRESPONDENCE CLERK, PATRICIA A. MCKAY

1. A Notice from Department of Commerce Division of Liquor Control to Legislative Authorities With regard to Permit Renewal Objections dated November 6th, 2015
All permits to sell alcoholic beverages in our political subdivision will expire on February 1st, 2016 in order to maintain privileges every permit holder must file a renewal application.
Ohio Revised Code Section 4303.27 1(B) provides the Legislative Authority with the right to object to the renewal of a permit and to request a hearing.
2. As required by Ordinance; a Recommendation to the City of New Philadelphia Council President Sam Hitchcock from James Zucal, Service Director With regard to rate increase proposals for Water Sewer and Sanitation dated November 9th, 2015 to be considered and studied by Council Committee.
3. Salary Committee Meeting Minutes from October 26th, 2015.
4. New Philadelphia Airport Commission Meeting Minutes from September 8th, 2015
5. Finance Committee Meeting Minutes from Monday, October 26th, 2015
6. Mayor's Report to Council November 9th, 2015
7. City of New Philadelphia Budget Report with Encumbrance Details as of October 31st, 2015
8. Statement of Cash Position With Month to Date as of October 31st, 2015
9. Auditor's Financial Statement for the Month of October 2015
10. Auditor's Monthly Statement of 2015 Revenue for the General Fund for the Month of October 2015.
11. A copy of Resolution Number 10-21-15-2 Goshen Township Trustees
Tuscarawas County, Ohio
A Resolution of Support for the New Philadelphia Fire Department Levy number 36 on the November 3rd, 2015 Ballot.
Goshen Township Board of Trustees: Joe Ginnetti, Sam Wise, and Bill Miller
12. City of New Philadelphia Income Tax Department October 2015 Report Month End Tax Revenue by Year submitted by Joel B. Day Income Tax Administrator
13. Mayor's Monthly Statement to Council for the Month of October 2015, submitted November 2nd, 2015

MAYOR'S REPORT/REQUESTSMAYOR DAVID JOHNSON
EXCUSED ABSENCE

The Service Director announced that he did not have a Report for Mayor Johnson but added the Law Director is the acting Mayor and maybe the acting Mayor Fete had a report.

November 6th, 2015 the Mayor and his wife Nancy departed on vacation.

November 17th, 2015 will return from his vacation to his job as Mayor of the City of New Philadelphia.

When the Mayor is out of the Country pursuant to Ohio Revised Code 705.81

The Law Director, Marvin Fete, is next in line.

Mayor Johnson could have designated someone in writing prior to leaving but did not do so according to Ohio Revised Code 705.81 the Law Director is the acting Mayor.

Anyone wishing to reach the acting Mayor call him on his cell phone or call his office and his secretary will get hold of him.

Mr. Fete, as acting Mayor, had one issue he wanted to bring up and wanted President Hitchcock to consider assigning it.

The acting Mayor Mr. Fete informed everyone that he works out every morning about 6:00 AM. Because of cold weather he went to the YMCA the cost is \$55.00 per month. They have an inside track.

The Law Director called Tom Farbizo in regard to the amount owing on the Quaker Dome. The amount is about \$240,000

The Law Director suggested to Mr. Farbizo they should consider opening this up

To the members of the public for a fee.

You could get that paid off a lot faster.

Mr. Farbizo replied:

They have been trying to do a City School Community Partnership with the Quaker Dome. Darrin Lautenschleger and the Park Board are interested in this.

We can help pay off some of the cost

(The Law Director said he would much rather pay \$55 a month to pay that off for our students then give it to Dover.)

Students should have priority, no different than the YMCA.

Mr. Fete thought that would be wonderful, if we could do something

like that even a partnership with the schools making that some sort of Community Center.

Mr. Fete made that suggestion as acting Mayor:

Mr. Fete informed all as acting Mayor his door is always open if there are any issues just call him on his cell or stop by his office.

The President of Council assigned this issue to the Salary Committee Mr. John Zucal.

SERVICE DIRECTORMR. JAMES ZUCAL

Mr. James Zucal informed Council and guests about the Water, Sewer, and Sanitation rates every year in November by Ordinance 937.04 he is required in November to report on water, sewer, and sanitation rates.

He pointed out to go back in time he did pass out to Council Members

The 2010 study that was performed by the W.E. Quicksall Company.

Regarding our water and sewer, rates.

In his letter to Council President Hitchcock and copied Council Members you will notice the following

2009 Water Rates were raised

2012 Sewer rates

2014 Sanitation.

It is Mr. Zucal's opinion:

He would be glad to work with the Council Committee.
We need to increase those rates especially for Sanitation.
If we are looking at a truck (we haven't purchased a new truck for four years.)
He has checked on line
We buy the cab and chassis and we put on a packer body.
It's all done through the State Purchasing and Contracts
They are about a \$200,000 item.

Each dollar we increase the rates generates about \$92,000.

We are on thin ice in Sanitation, Water and Sewer are holding their own,
providing we don't have anything that is catastrophic;

The Service Director does think it needs to be raised.

The Service Director reported that is his recommendation at this time.

Mr. Zucal said he will be glad to work with committee closely on that and mentioned
attached to his letter were all the previous ordinances for the increases and the ordinance for the required
recommendation for the Service Director.

Mr. Zucal reminded everyone:

With our Performance Audit of 2008 the Ohio EPA sends us a letter every year stating
our rates are significant low and that hinders our Grant Application Process.

To follow the guidelines of the Ohio EPA we will have to raise our rates.

Mr. Zucal said he is working with a lady in the Logan office. She is going to send the Service Director some
documentation on that. He will provide that for Council at the next meeting.

He talked to Councilperson Maurer on the extra trash pick-up. Our tonnage is increasing as he mentioned this
goes back in time to 2014 when we were looking at possible front load or rear load containers that the property
owners would have to have.

Mr. Zucal told Councilperson Maurer there is a property on Kaderly Avenue (he'll bring pictures for the next
meeting) right now the gentleman is entitled to the extra trash pickup it has over 100 pieces; sofas appliances,
television sets.

For our crews to do that is a big task and on top of that is the tonnage that goes to the landfill.

Serious consideration should be given to both.

Mr. Zucal will keep Council updated.

The packet clearly spells out what we have to do. Again this is something he does in November.

He thinks Council really has to look at that closely.

Comment from Mrs. Ramos:

For every dollar you raise the trash rate we get \$92,000.

In the letter you do not say how much the trash rate should go up.

Reply from the Service Director:

We get together as a group if we have Council Committee which is open to the public we will dig into that
a little more. Your question is how much is it going to raise.

Mr. Zucal said he was not prepared to give an actual amount it is typically around a dollar for each account.

Comment from Mrs. Ramos:

It would be about four years before you could get a new truck

Reply from the Service Director:

For sanitation that is correct, there is some money in sanitation that is available it is dependent on the bid and
contract amount.

***President of Council Sam Hitchcock assigned the water rate increase to Mr. Maurer Safety Health and Service
Committee.***

President of Council Sam Hitchcock asked Mr. Maurer if he would be having a meeting on the trash pickup.

Mr. Maurer pointed out that Mr. Zucal asked that it be put on hold until we talked tonight.

Comment from Mr. Zucal:

We have been reviewing the extra trash pickup

Mr. Grewell came to the Service Director and wanted to know what to do about the 100 pieces of junk appliances

Mr. Zucal replied this would be a good time to start to talk about this again.

AUDITORMS. BETH GUNDY

Over a week ago she was contacted by a Trust Officer from Huntington Bank one of our Cemeteries Evergreen Cemetery and East Avenue Cemetery both have Trust Accounts. The Evergreen Cemetery is actually held by Huntington Trust, East Avenue is actually kind of part of our General Checking Account it is not in a Special Trust Account. The Trust Officer from Huntington alerted Ms. Gundy to the fact; according to a section in the Ohio Revised Code a Municipality does not fall under the requirement to maintain trusts for cemeteries. The Law Director and the Auditor are going to be looking into that. If that is actually the case and we can get that money released we have over \$300,000 between the two trust funds that can be used for Operation Cemetery.

Comment from Councilperson Mr. John Zucal:

For a while Ms. Gundy you were giving us Lodging Tax Reports the status of each of those. Would it be possible to get the Year-End Report sometime in early January 2016?

The President of Council, Mr. Sam Hitchcock requested Ms. Gundy e-mail that to everyone.

SAFETY DIRECTOR... MR. GREG POPHAM

Mr. Popham did not have a report; however, he wanted to personally thank everyone that was in support of Issue #36 on the Ballot last week. Mr. Popham pointed out that will be a major improvement over what has been happening over the last 10 to 15 years. The Safety Director than said "THANK YOU."

TREASURER MR. TOM GERBERNO REPORT

LAW DIRECTOR MR. MARVIN FETE

The Law Director reported the following:

- Mr. Fete reported Mr. Hitchcock called him late Friday and informed the Law Director that he was acting Mayor.
- The Law Director received a check from Attorney Steven Domingo with regard to Income Tax that you have heard him brief the City on from the company that self reported to us that owned a number of rental businesses and that has been turned over to the Auditor.
- Had a phone conference with Mr. Ed Wilson regarding Sewer Line Extensions and that lead to A phone conference with Attorney Rick Hinig. We were on the same page with that It concerned Public Right A Way and whether or not there were proper permits issued. A private company can go ahead and start digging where a public right away is. My opinion was they could Attorney Hinig agreed with that and as far as he knows everything went smoothly with that.
- Received a call from somebody with regard to a Park Bench collapsing and wanted to know about liability issues. (There was an 82 year old woman sitting in it) the Law Director is looking into that issue presently.
- The Law Director had two conferences recently with our Bond Counsel at Squire Sanders with regard to passage of Issue #36 and he prepared the first half of the legislation. There is a schedule that has to come with that. There is something they do it is called Bond Schedule they said it would take them about a week they thought they could have it done before the next meeting.
- On Thursday of this week the Law Director and the Fire Chief will be meeting in Beth Gundy's office doing a phone conference with our Bond Consultant from Cleveland to lay out our strategy and to know everything to go forward.
- Mr. Fete echoed Mr. Popham's thanks as well. One time he was a broken person and and he wouldn't be here if it would not have been for the New Philadelphia Fire Department. He is grateful to all the citizens who helped pass this. A wonderful addition to our community Mr. Fete thinks the reason it passed is because of the caliber of individuals we have working in the Fire Department.
- Had a couple consultations with the President of Council, Sam Hitchcock

On the process of interviewing for our next Council Clerk.
He determined the person is hired by the entire Council
Mr. Fete requested an Executive Session this evening after legislation for Personnel,
specifically to discuss applicants and procedures for hiring Clerk of Council.

Comment from Mr. Maurer:

Mr. Maurer said he just got the information this evening and did not have time to review.

Comment from the President:

Mr. Hitchcock said we are just going to talk about the process.

Comment from the Law Director:

We are just going to talk about the process and determining how we want to go about the interview.

Do you want to have a Special Council Meeting? As you don't want to talk about people that applied for the position in open session.

Comment from Mr. Maurer:

Since we have three new members should they be part of the process.

Comment from the Law Director:

The three new members can be invited in as a courtesy and get their input.

They will not have any authority to hire or vote on the person.

Tonight is dealing with procedure.

Request from the Law Director:

Mr. Fete requested an Executive Session this evening after legislation for Personnel,
Specifically to discuss applicants and procedures for hiring Clerk of Council.

Question from Ms. Cox:

The Company that self-reported did that money go in the General Fund?

Reply from the Auditor:

More than half of it was actually penalty and that goes into the General Fund. Divided by the years according to our Income Tax Ordinance as to where it should go.

Mr. Lanzer made a motion to go into an Executive Session this evening after Executive Session for Personnel, specifically to discuss applicants and procedures for hiring Clerk of Council
Ms. Cox seconded the motion

Roll Call 6 Yeas

Motion Passed

President of Council announced that after legislation there will be a five minute recess after which we will come back into regular Council Session and at that time we will go into the Executive Session.

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR DAVID JOHNSON

EXCUSED ABSENCE

Mr. Zucal announced that he is not aware of any meeting for the Planning Commission for this month.

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

Mr. Zucal announced the Board of Zoning Appeals meeting will be held Tuesday, November 10th, 2015 at 5:00 PM in Council Chambers there is one variance request.

AIRPORT COMMISSION.....MR. JOHN ZUCAL

Mr. Zucal announced that the Airport Commission Meeting will meet Tuesday, November 10th, 2015 at 6:00 PM for its *last regular scheduled meeting for the 2015 year* at the Airport Meeting Room.

PARK BOARD.....MR. DARRIN LAUTENSCHLEGERNO REPORT

EXCUSED ABSENCE

HEALTH BOARD..... MS. SANDY COX

Ms. Cox announced that the next regular scheduled meeting for the Health Board is Wednesday, November 11th, 2015 at 12:00 (Noon) at the Health Department.

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEEMS. SANDY COX

Ms. Cox reported the Finance Committee met November 9th, 2015 at 7:15 PM in Council Chambers

To discuss the following one item:

Ordinance 18-2015

To enter into an agreement with the Tuscarawas County Public Defender’s Office for the provision Of legal representation for indigents charged with violations by New Philadelphia City Ordinance in the Municipal Court.

The cost of the agreement of legal representation for indigents charged with violations increased from \$24,750 to \$27,225.

Law Director Fete informed everyone the Public Defender’s Agreement was not only increased due to the caseload but it included the hiring of an additional lawyer(the Public Defender’s Office now has 3 lawyers for for the three courtrooms).

The case load for Municipal Court as of November 5th, 2015 is 1,026 cases. The 10% increase works out to be approximately \$30.00 per case.

We are planning to putting that on the agenda and passed at the next meeting November 23rd, 2015 so we can get that to them.

Finance Committee will meet November 23rd, 2015 at 7:15 PM in Council Chambers in regards to the 2016 Temporary Appropriations.

SALARY COMMITTEEMr. John Zucal

Mr. Zucal reminded everyone that he chaired the legislation that led to issue #36 being placed on the November ballot and he would like to echo the kind words expressed by Mr. Fete and Mr. Popham in regard to the citizens of New Philadelphia so overwhelming supported issue 36. He said he didn’t think there is a greater initiative that we have had on the ballot that has allowed for voter participation to make a difference in the City’s safety for all of our citizens.

He said he is very grateful to all the citizens that supported issue #36 and all of the Salary Committee Members for their efforts on behalf of that.

Mr. Zucal announced that the Salary Committee will have a meeting November 23rd, 2015 at 6:30 PM.

We will have a special guest with us Fire Chief has invited Ed McCall. Ed is the partner in McCall Sharp firm which is working on the design of our Fire Station and he will be here to give us an update.

It will be a very positive and enlightening presentation.

Mr. Zucal requested that everyone try to be in attendance for that.

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

PUBLIC WORKS & ECONOMIC DEVELOPMENT COMMITTEE . MR. DARRIN LAUTENSCHLEGERNO REPORT
EXCUSED ABSENCE

ZONING & ANNEXATION COMMITTEEMRS. CHERYL RAMOS....NO REPORT

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

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

VISITOR’S COMMENTS:

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

Ms. Julie Levengood Stephon with the New Philadelphia Business and Community Association.

Ms. Levengood Stephon pointed out to Council there are some Christmas decorations up in the square the decorations will continue to go up.

The annual Lightening Ceremony will take place November 20th, 2015 at 6:00 PM

We are preparing for the Annual Christmas Parade which will take place on December 4th, 2015.

Ms. Levengood Stephon reported that we have a lot of things going on down town and she encouraged people to visit us and take part in our upcoming events.

READING OF ORDINANCES AND RESOLUTIONS

ORDINANCES:

17-2015 AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO AMEND CHAPTER 191 OF THE CODIFIED ORDINANCES OF THE CITY OF NEW PHILADELPHIA REGARDING MUNICIPAL INCOME TAX AND DECLARING AN EMERGENCY. (2ND READING)

19-2015 AN ORDINANCE AMENDING CODIFIED ORDINANCE CHAPTER 505 ANIMALS AND FOWL, OF THE CITY OF NEW PHILADELPHIA, OHIO, TO STRENGTHEN SECTION 505.01 WITH REGARDS TO PROPER LEASHING OF ANIMALS AND TO INCLUDE A PROHIBITION AGAINST MENACING AND AGGRESSIVE ANIMALS WITHIN THE CITY OF NEW PHILADELPHIA AND DECLARING AN EMERGENCY. (1ST READING)

***AT 8:04 PM COUNCIL ADJOURNED FOR A FIVE MINUTE RECESS
AT 8:09 PM COUNCIL RECONVENED INTO REGULAR SESSION
COUNCIL ADJOURNED FROM REGULAR SESSION
INTO EXECUTIVE SESSION AT 8:09 PM.***

***EXECUTIVE SESSION FOR PERSONNEL,
SPECIFICALLY TO DISCUSS APPLICANTS AND PROCEDURES FOR HIRING
CLERK OF COUNCIL.***

AT 8:50 PM COUNCIL RECONVENED INTO REGULAR SESSION OF COUNCIL

UNFINISHED OR OLD BUSINESS:

NONE

NEW BUSINESS:

Comment from Councilperson Mr. John Zucal:

*“Thank you to all those men and women who serve in Our Country Past and Present to Protect the Freedoms we enjoy.
As we celebrate Veterans Day, Wednesday, we are reminded of that every time we come into Council Chambers what a Great County we have;
Opening with a Prayer saying the Pledge and being able to meet like this.
It does not happen everywhere.
Thank You Veterans, thank you to the armed service today it is very much appreciated.”*

Comment from the President of Council, Mr. Sam Hitchcock:

*Well said, Mr. Zucal,
President of Council, Mr. Sam Hitchcock announced our Veterans Day Ceremony is Wednesday at 11:00 AM at the Courthouse Plaza.
Mr. Zucal announced:
A Veterans Day Ceremony will also be held at 2:00 PM Central Elementary back playground.*

MS.COX MADE A MOTION TO ADJOURN THE MEETING AT 8:52 PM

CLERK OF COUNCIL _____
Patricia A. McKay

APPROVED _____

PRESIDENT OF COUNCIL _____
Sam R. Hitchcock