

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON NOVEMBER 11TH, 2013 WITH PRESIDENT OF COUNCIL, SAM HITCHCOCK, PRESIDING.

MR. HITCHCOCK OFFERED A PRAYER AND ASKED FOR A SPECIAL BLESSING FOR ALL THE MEN AND WOMEN WHO ARE IN UNIFORM, WHO HAVE SERVED OR PRESENTLY ARE SERVING IN THE MILITARY WE ASK FOR THEIR SAFETY AS THEY GO ABOUT THEIR DUTIES PROTECTING THE FREEDOMS THAT WE ALL ENJOY TODAY.
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 THE TREASURER, LORI STATLER IS EXCUSED FROM TONIGHT'S MEETING.

MS. COX MADE A MOTION TO ACCEPT TONIGHT'S AGENDA
MS. WALKER 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 28TH, 2013.
MR. LAUTENSCHLEGER SECONDED THE MOTION

ROLL CALL, 7 YEAS
MOTION PASSED

CORRESPONDENCE CLERK, PATRICIA A. MCKAY

1. The Mayor's Report/Requests to Council dated November 11th, 2013
2. Request dated November 11th, 2013 to the President of Council Sam Hitchcock from the Service Director, to assign to Committee the request to review and accept the final plat for Oak Shadows Phase VI.
3. A notice from the Ohio Municipal Advocates dated November 1, 2013 an update about HB-5 for more details go to www.ohmuniadvocates.com
4. Request dated November 8th, 2013 to the President of Council Sam Hitchcock from the Mayor's Office, to assign to Committee the Contract with Tuscarawas County Sheriff Department to house prisoners at the County Jail.
5. Notice dated November 7th, 2013 from Fred Neff, Superintendent of General Services, "Citywide Leaf Pickup begins November 11th, 2013"
6. Airport Funds Report dated October 29th, 2013 from Amy Gilland, Assistant Service Director
7. Mayor's Monthly Statement to Council for October 2013
8. Request to Public Officials dated October 2013 from Robert Varley, Managing Director at Dominion to partner with them by promoting safe digging throughout our Community.
9. New Philadelphia Month End-Summary for New Philadelphia Fire Department for October 2013
10. New Philadelphia Police Monthly Activity Report for the Month of October 2013
11. Auditor's Financial Statement for the Month of October 2013
12. Auditor's Monthly Statement of 2013 Revenue for the General Fund for October 2013
13. City of New Philadelphia Statement of Cash Position with Month to Date as of October 31, 2013
14. City of New Philadelphia Budget Report with Encumbrance Details as of October 31, 2013

ADMINISTRATIVE REPORTS:

MAYOR'S REPORT/REQUESTS....MAYOR MICHAEL TAYLOR

The Mayor addressed the following:

- The Mayor reported that earlier this year Council passed Ordinance 1-2013 granting an Enterprise Zone Agreement to GE Mobile Water.
 - That project has been put on hold
 - GE's future use of the land they purchased is to be determined in the future
 - Based on that, Council needs to rescind this legislation
 - If some project is to go forward in the future, a new agreement and new legislation will have to be passed.
- We do not have much choice in this issue so however the Law Director wants to do it.
 - We need legislation passed to rescind the earlier one.
 - All legislation must go through a Committee before it is created
 - So maybe the Council President needs to assign this to a Committee for a Formal Record
 - Requesting the new legislation.
- The Mayor announced that it was disappointing that Our Income Tax Levy Increase failed in the recent election.
 - The failure of the levy does not diminish the need to replace funds that were taken away from the City by the State of Ohio in a manner that the City had no control over.
 - The premise of our request for additional funds was to be able to maintain our staffing and service levels that we presently operate with.
 - The Mayor encouraged Council to meet either through Committee or as a Committee of the Whole to discuss their interest in how they want to address the failure of the Tax Request and to move forward in 2014 and beyond.
 - As the makeup of Council, the Mayor and the Treasurer, change in 2014 it is important in his view for a team approach and consensus as to how the revenue and expense issues of the City be addressed.
- The Mayor reported he recently attended the grand openings for both Marshalls in New Towne Mall and for Rural King in the former River Front Antique Mall.
 - I think I can speak for all of us in saying again, Welcome to New Philadelphia and thanks for judging our City as a viable place to invest your dollars.

President of Council, assigned to the Public Works and Economic Development Committee Ordinance 1-2013 granting an Enterprise Zone Agreement to GE Mobile Water we need legislation passed to rescind this ordinance.

President of Council announced that he has spoke with the Auditor with regard to the failure of the tax levy and requested she prepare current figures of our revenue and expense.

President of Council reported that the Auditor would have that information to him sometime in December 2013 and as soon as we have that we will call a meeting of the Whole to discuss where we go from there.

SERVICE DIRECTOR.....MR. JAMES ZUCAL

The Service Director reported on the following:

- Every year in November, the Service Director addresses the water, sanitary sewer rates, and sanitation.
 - A letter dated November 1, 2013 from the Service Director was given to Council with regard to rate increase proposals for water, wastewater, & sanitation.
 - (If the President of Council Sam Hitchcock decides that can be assigned to a Committee)
- Request for the Oak Shadows Phase VI Final Plat be assigned to Committee.
 - That is a Plat of three lots that were previous developed by REM Construction in the Oak Shadows Development
 - It has been through the Planning Commission.
 - The street and utilities are in place
- The Service Director reported he met with the Law Director several times in the last week.
 - The ordinance on campers and the legislation that has been created that was supposed to be for every zone in the City
 - We have an issue with the office zone (It was brought to Service Directors attention by the Police Department) the ordinance needs to be modified.
 - The Service Director is requesting the ordinance
 - Be assigned to the Zoning and Annexation Committee to be modified to include all Zoning in the City of New Philadelphia.

Question from Council Member Mr. Darrin Lautenschleger:

Based on the increase expenses you have reported that is strictly sanitation, did you anticipate by the end of the year will we see any more requests for supplemental funds from the General Fund to carry us to the end of the year.

Comment from the Auditor:

Not for the Sanitation Department but she was going to bring that up on her report but it needs a little tweaking.

Comment from Council Member John Zucal:

What do we pay in tipping fees approximately annually from sanitation?

The Service Director replied:

It was \$30,000 a month, currently it's up to around \$40,000 a month. It is up 20 to 25%.

That is based upon tipping fees or based on the tonnage that goes out to Kimble Landfill.

Comment from the President of Council

Assigned the Camper Zoning issue back into the Zoning & Annexation Committee

Comment from the President of Council:

Requested the Safety Director thank the Police Department for bring the Zoning issue to our attention.

AUDITORMS. BETH GUNDY

Ms. Gundy reported on the following:

- Ms. Gundy requested her reports for September 2013 be approved by Council
- There will be a cleanup ordinance sometime in December 2013. She expects it will be all in the General Fund and less than \$10,000. There may be some reductions otherwise in some other lines.
- Ms. Gundy Appointed Joel Day as the Interim Income Tax Administrator and his first day was today.

President of Council Sam Hitchcock congratulated Mr. Day for his appointment.

Ms. Cox made a motion to approve all the Auditor's Reports for September 2013.

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)

Comment from Council Member John Zucal:

Month-End Tax Revenue from 2012 and 2013

Requested clarification:

Looking at that October total we are \$227,000 to the good in Tax Revenue

Our projection for the end of the year shows deficit between 2012 and 2013 of \$340,000

That is over a \$567,000.00 swing in the next couple of months. Is there any or explanation for that.

Auditor:

We don't know if that is timing yet or not. I think it is the way the calendar falls, when the due dates for withholding and those who file extensions.

We won't know until November if that was a timing issue as far as when we received the revenue.

I'm not following you on projected deficit.

Comment from Council Member John Zucal:

What I'm saying is this year whenever you look at 2012 and 2013 being over \$6,049,999.54

Looking at the other side from 2012 \$6,389,455.92

Auditor:

Currently we are up 8%.

Auditor:

December is a very light month.

The Auditor does not anticipate it being any different.

She will keep Council updated.

SAFETY DIRECTOR.....MR. GREG POPHAM.....NO REPORT

TREASURERMS. LORI STATLER.....NO REPORT
EXCUSED ABSENCE

LAW DIRECTORMR. MARVIN FETE

The Law Director reported the following:

- The bulk of his report he has reserved for an Executive Session
- Case against the City that has been resolved
- Pending a case that may come into play
- Law Director has requested an Executive Session tonight after the New Business

Comment from Council Member John Zucal:

Mr. Zucal would like to partner with the Law Director’s request for an Executive Session for the purpose of Employment and Personnel.

Ms. Cox made a motion to go into an Executive Session this evening immediately following New Business
Ms. Espenschied seconded the motion

Roll call 7 yeas motion passed.

President of Council Sam Hitchcock announced that following New Business tonight, there will be a five minute recess before going in the Executive Session.

President of Council Sam Hitchcock announced that it is 7:45 PM
We are interrupting the flow of the Council Meeting for the Public Hearing

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.

Comments:

Mayor Taylor requests passage of Ordinance 16-2013 tonight on the Fourth Reading.

The Service Director reported that he and the Service Director Assistant, Amy Gilland have worked on this property and he thinks it is a good use of the property and the zoning change it is totally acceptable.

Hearing closed at 7:47 PM.

The Council Meeting resumed.

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR MICHAEL TAYLOR

The Mayor announced the Planning Commission was scheduled to meet Tuesday, November 12th, 2013 at 1:00 PM in Council Chambers. There is no agenda. The next scheduled the Planning Commission Meeting will be December 10th, 2013 at 1:00 PM in Council Chambers pending an agenda.

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

Mr. James Zucal announced the Board of Zoning Appeals will meet November 12th, 2013 at 5:00 PM in Council Chambers.

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. The Airport Commission members will be reviewing and will be asked to approve the new Airport Beacon Lease as was requested by the Mayor Taylor.

PARK BOARD.....MR. DARRIN LAUTENSCHLEGER

Mr. Lautenschleger announced that the Park Board has formed the Southside Park Sub Committee. Their first meeting was held Friday, November 8th, 2013 and he was unable to attend but as soon as he receives the minutes from the meeting or any information, he will pass that along to all Council Members.

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

Ms. Cox reminded all of the Finance Committee Meeting tonight immediately following the Regular Council Session.

SALARY COMMITTEEMR. JOHN ZUCAL....NO REPORT

Mr. Zucal reminded Council the Committee of the Whole will have the minutes from the reorganization of the tier groups from the 2010 Ad Hoc Committee Work and those will be available at the next regular scheduled meeting of Council.

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

President of Council, assigned to the Safety Health & Service Committee.
The Contract with Tuscarawas County Sheriff to house prisoners at the County Jail.

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

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

President of Council assigned the Service Director’s request to the Zoning & Annexation Committee.
The request to review and accept the final plat for Oak Shadows Phase VI

CONTACT & SPECIAL COMMITTEE MR. DAN LANZER

Mr. Lanzer announced that the Special/Contact Committee is scheduled to meet Monday November 25th, 2013 at 7:00 PM in Council Chambers

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

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

VISITOR’S COMMENTS:

Janay and Mike Myers
411 Lockport Avenue SW,
New Philadelphia Ohio 44663

Their concern and comments are the overhanging limbs on the property line “is it an ordinance issue or a civil matter.”

Mr. Myers distributed to Council a packet with copies of letters, pictures, quotes and a copy of City Ordinance 905.02, which is in question in regards to the neighbor’s (Mr. & Mrs. Lamb) tree.

Karen and Chess Lamb
1006 Fourth Street SW
New Philadelphia, Ohio 44663

The City Law Director received a letter from Stephenson, Stephenson & Carrothers Attorneys at Law stating that they represent the Myers with respect to the issue of the tree overhanging on their property from the Lamb property.

A letter from the Service Director was sent to Mr. Lamb recommending the removal of the overhanging limbs on the property line under the authority of New Philadelphia City Ordinance 905.02.

Comment from Law Director:
You can spend a lot of money on attorneys fighting this out in court;
the civil way to do it is to take the low bid, split the cost, and get it taken down.

President of Council Mr. Sam Hitchcock thanked the Myers for coming and their comments.

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. (4th Reading)

Motion to vote on passage made by Ms. Cox
Seconded by Mr. Maurer
Roll call, 7 yeas, Ordinance passed

RESOLUTIONS:

NONE

UNFINISHED OR OLD BUSINESS:

NONE

NEW BUSINESS:

Auditor Beth Gundy introduced Charles B Hawk, Marketing Specialist for R.I.T.A. (Regional Income Tax Agency) Who presented an overview of how RITA works and how they may assist us in the future.

Mr. Hawk thanked the Auditor and went on to give the history of the R.I.T.A.

He gave the history of agency (which was established in the 1971) and distributed to Council members a handout that gives a summary of their services.

Mr. Hawk informed Council that a news letter goes out to their members on a quarterly basis to keep them up to date and well informed.

Mr. Hawk thanked the Mayor, the Auditor and the member of Council for touring their facility a couple of months back.

Mr. Hawk explained the cost; how it is based on a two part-Formula consisting of transactions processed and dollars collected. Based on the information that was given to him by the Auditor on 6.3 million (141,000 to 155,000 is approximately 2.33%.)

In order to accomplish the necessary tasks for the transition to R.I.T.A. a six to nine month timeframe is recommended this allows time for Council's approval, R.I.T.A.'s Board approval, conversion of tax data, notices to taxpayer and changes to the income tax ordinance, if warranted.

R.I.T.A. has already analyzed the tax ordinance, reviewed it, and made some recommendations to get everything up to speed. Mr. Hawk thinks R.I.T.A. has already or is reviewing the tax records.

R.I.T.A. has already done a lot on their side.

There is no charge from R.I.T.A. to transfer our records to them.

The keys to R.I.T.A.'s success are people, process and technology.

Dedicated teams of Tax, Finance and IT professionals work together in the development of new processes and systems which continually improve organizational efficiencies.

Some reasons why city Council should chose R.I.T.A.

Exceptional customer service

The technology they are able to deliver to municipalities

Questions from Council:

Ms. Cox:

Does R.I.T.A. provide multi-levels of service or is there only one?
(I heard that there were different levels of service)

Mr. Hawk:

It is all the same.

Ms. Cox:

Does R.I.T.A. have any additional fees or charges like for the software?

Mr. Hawk:

The only additional charges would be if you were to participate in the subpoena program. Which is \$8.00 per subpoena or if you were going to do small claims and you elected to participate in that program, which is 35.00 per hour. Other than that everything is included in the fee.

Ms. Cox:

When we find new residence or workers how do you obtain the taxes that are due? What is R.I.T.A.'s responsibility and duties toward that versus the City? (There was an article in the newspaper from different village that had some problems with what the duties were.)

Mr. Hawk:

R.I.T.A.'s duty is to follow up and make sure that is filed. We have a partnership with our municipalities sometimes we don't know when a contractor comes in and does work. The City has to provide information to R.I.T.A. and they will follow up

Ms. Cox:

We have to have someone here to provide R.I.T.A. with that information.

Mr. Hawk:

We have to have some understanding with you building department. You get us the info we will follow up.

Question for the Auditor from Ms. Cox:

What kind of reports will Council see from this?

Auditor:

That is hard to say without being a member and seeing their reports.

Mr. Hawk:

Municipalities receive standard monthly revenue reports and customized reports if desired. R.I.T.A will work with you and created the kind of report you need to keep you fully informed.

R.I.T.A. offers members portal that provides easy access to members and the ability to run reports on demand. Five different reports are available reports to analyze compare.

Council Member John Zucal:

Report that have data that show changes or trends. A report that shows where you stand at the end of the fiscal year compared as to where you are.

Mr. Hawk:

R.I.T.A. has a full time staff and that is what they do is create reports. It is important to communicate the kind of report you would like created.

Council Member John Zucal is looking for a report that is detailed that says who is doing what and when so we can utilize the information to make decisions and projections.

Council Member Dan Lanzer wanted to know more on the phase in timeline, please

Mr. Hawk:

We have a timeline we will provide once we get the contract. The sooner we get going the better. R.I.T.A. would like to have a full 6 to 9 months.

Auditor:

Will you please explain the 3% that you will adjust annually?

Mr. Hawk:

When we send out your distributions on the first and the tenth of every month we will automatically take out the 3% amount at the end of the year when Christy looks at the books In June and says the 2.33 % was less she will make that adjustment and we will maintain that same level all away across. You are not paying anything forward you are only paying on the dollars that you collect for that particular month.

Question from Mr. Lautenschleger for the Auditor:

What do you anticipate staffing levels internally if the recommendation was to utilize the service?

Auditor:

I see us as having one full time clerk left. That person would be primarily responsible for all the things that Municipal Level that are for the Income Tax although that person would be following up on new vendors and new businesses.

The traffic at the door would be very light. There may be a few that come in they no longer would file with us but we could take their return and remit it to R.I.T.A. or we could show them how to file on line. That clerk would also be available to do any other duties in any other department as assigned. That is how she envisions it.

Mr. Lautenschleger

And obviously you brought R.I.T.A. here because you identified that there would be an overall savings after a period do time.

Auditor replied yes.

President of Council Sam Hitchcock thanked Mr. Hawk for his presentation.

Mr. Hawk thanked council for the opportunity.

8:25 PM COUNCIL RECESSED FOR 5 MINUTES

RECONVENED INTO REGULAR SESSION AT 8:30 PM

8:30 PM COUNCIL ADJOURNED FROM REGULAR SESSION INTO EXECUTIVE SESSION AT 8:30

PM AS REQUESTED BY THE LAW DIRECTOR, MARVIN FETE, TO DISCUSS LITIGATION AND REQUEST BY COUNCIL MEMBER JOHN ZUCAL FOR THE PURPOSE OF EMPLOYMENT AND PERSONNEL.

COUNCIL RECONVENED INTO REGULAR SESSION AT 8:53 PM

Council Member Winnie Walker:

In remembering Veterans Day

“My husband was in the service during the Korean War.

It ended days before he was to go overseas. He served six more years

on standby not knowing when he would be called to duty or have to get ready to leave to go wherever he was needed. Yes, I thank each one serving and I also thank their families.

I hope and wish them all a safe journey home.”

President of Council Sam Hitchcock announced this is Veterans Day we should thank our veterans every day for the freedoms we have. President of Council Sam Hitchcock recognized all veterans that were present and thanked them for their service. Every one applauded.

President of Council Sam Hitchcock requested everyone to send Prays for the people of the Philippines.

Those people have experienced a terrible storm. There are over 10,000 people that have died from this disaster.

MS. COX MADE A MOTION TO ADJOURN THE MEETING AT 8:54 PM.

CLERK OF COUNCIL _____

APPROVED _____

PRESIDENT OF COUNCIL _____