

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON NOVEMBER 23RD, 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:

DARRIN LAUTENSCHLEGER

- MS. COX MADE A MOTION TO ACCEPT TONIGHT'S AGENDA
MS. WALKER 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, NOVEMBER 9TH, 2015
AND THE MINUTES FROM THE SPECIAL COUNCIL MEETING HELD ON THURSDAY
NOVEMBER 19TH, 2015
MR. ZUCAL SECONDED THE MOTION
ROLL CALL, 6 YEAS
THE MINUTES WERE APPROVED

CORRESPONDENCE CLERK, PATRICIA A. MCKAY

1. New Philadelphia Airport Commission Meeting Minutes from October 13th, 2015
2. New Philadelphia Fire Department October 2015 Report dated November 17th, 2015
3. Finance Committee Meeting Minutes from Monday, November 9th, 2015

***President of Council Mr. Sam Hitchcock requested and executive meeting:
Mr. Hitchcock requested an Executive Session to be held after Legislation to discuss the
Personnel of hiring the new Council Clerk.***

Ms. Cox made a motion to go into an Executive Session after Legislation
For Personnel of hiring the new Council Clerk
The motion was seconded by Mr. Lanzer
6 Yeas
Motion Passed

President of Council announced that after legislation there will be a five minute recess before going into the Executive Session.

MAYOR'S REPORT/REQUESTSMAYOR DAVID JOHNSON

The Mayor did not have a written report so he gave a verbal report on the following.

- The Mayor announced that the ***Christmas Parade*** will be held ***December 4th, 2015.***
- The Mayor reported that cemetery land we have identified an area for Cemetery Land.
We have worked on testing and worked on a Topographic Survey the Mayor hopes is that this Council and the next Council will find a way to make it work.
- Mayor Johnson suggestion to Council:
Mayor Johnson suggested Council should consider an ordinance when you are displaced by an election that they are paid for their vacation, sick time, and comp time.
When you let someone know at the last minute they don't have time to use it.
The Mayor felt it was not fair and it is not the way we should treat the employees of New Philadelphia.

SERVICE DIRECTORMR. JAMES ZUCAL

The Service Director reported since our last meeting:

We recently completed three nice projects.

1. Storm sewer, catch basins, concrete replacement of a fire hydrant out at Third Street NW and Ohio Avenue. (Next to the Midtown Dry Cleaners).
The Mayor and the Service Director talked with the Duda Family, owners of the Midtown Dry Cleaners they were happy about the project. The Service Director said it has been a long time coming but it is finally finished.
The Service Director encouraged everyone to take a look at it and said, "It looks nice and is very functional."
2. We also did a Phase II of a Storm Water Project on 2nd Drive NE. (A portion of a small alley that is up there west of Summit Avenue.(we know that it is an ongoing problem especially in the winter water coming out of the hill and storm pipes from the home owners houses.)
We did Phase II up there and he hopes that is completed.
We have always had a plan to get all the way down to Minnich Ave. NE that is something we are working on.
3. Recently we had a water line issue.
There was a pipe that burst under Beaver Dam Creek which was a main feed line to the City. Through emergency repairs we did put in new high density pipe (plastic pipe that was bored and fused) put under the creek and finished that. The price tag on that (we did have three quotes) was \$93,000 just to go a mere 280 feet. That is fixed that is key component of the dynamics of our Water System. Tucson Inc. was actually the low bidder on that project.
4. Last Thursday November 19th, 2015
The Service Director reported the Mayor Elect Joel Day did notify the Service Director in a casual meeting in the parking lot that his services will no longer be needed as of the first of the year.

Mr. Zucal said he will not be here for the next meeting in December he will be out west in *Colorado* on his *Western Adventure*.

He announced he will only be here for one more Council Meeting.

As Mayor Johnson mentioned he does have a lot of accumulated time and he does want to use that.

Mr. Zucal thanked the City, the Administration the Legislative Body and everybody he has worked for, and he will continue to work for the City he does care about.

He said he still has several County appointments and State appointments. He said he will continue to be an active voice in our community.

he then said "*Thank You Very Much*".

The Service Director asked the Law Director for a follow up:

A paper copy from Mayor Elect Joel Day to that effect.

AUDITORMS. BETH GUNDY.....NO REPORT

Question from Councilperson John Zucal for the Auditor or Income Tax Administrator.

I know we passed legislation that leads us to being compliant with the new Ohio Revised Code in regard to the Collection of Income Tax.

Mr. Zucal was just checking to see where we stand on that as it is his understanding we have to be fully compliant by January 1st, 2016 on that.

He was hoping to receive an update or report on that.

Reply from Mr. Day:

You have the 3rd reading of that Ordinance tonight.

Mr. Zucal requested an update on what has been transpiring.

Mr. Day replied that no action has taken place in Columbus.

Mr. Zucal just wanted to know where we stand he knew we had talked about developing some type of a plan. Working with the County Chambers of Commerce to educate people on that.

Mr. Zucal the presumption right now there is nothing happening in Columbus in regard to the change.

Do we have any written plan as to how we are going to deal with that

in the transition of your position to Income Tax Administrator to Mayor?

We spoke about the need to have that taken care of.
Mr. Zucal requested an update and further discussion.
So we are fully compliant for January 1st, 2016 and ready to go.
Mr. Day said, "We will be fully compliant for January 1, 2016"
Mr. Zucal Thanked Mr. Day.

SAFETY DIRECTOR... MR. GREG POPHAM

Mr. Popham reported the following:

Back on November 11th the New Philadelphia Fire Department was called on for assistance on an accident. This was one of those accidents you see on television. Leaking hazardous gas, individuals trapped in vehicle
Our firefighters led by Captain Sholtz, Lieutenant Robert Snyder, Firefighters Jeff Parks, Brandon Winnie, and Firefighter Scott Torchik.
They responded to the call for assistance. Mr. Popham passed the letter around that was prepared by Captain Sholtz to the Chief and passed on to Mr. Popham along with a picture of the tractor trailer that was involved in this.
"These Firefighters train weekly on different kinds of scenarios."
There was a hazardous gas leaking.
They were not only in their turnout gear they were in their hazmat gear.
For a considerable amount of time they worked to remove the the driver from the truck.
Mr. Popham said it just goes to show the type of professionalism that we have available for the citizens not only for New Philadelphia but basically the whole county.
You are not going to find this kind of qualified individuals basically anywhere.
Mr. Popham passed along the letter that you can read what the material was and a picture of the truck.
They need to be commended for a job they train for everyday you hope they don't have use it. But when they are called on they have the expertise to do it.

Comment from President Hitchcock:

President Hitchcock thanked Mr. Popham for his report and mentioned how fortunate we are to live in a community with the safety forces we have. Professionalism like you said not just New Philadelphia but the entire area and the cooperation they have among each other.

TREASURER MR. TOM GERBERNO REPORT

Mr. Gerber announced that he will have an Investment Committee Meeting on Thursday December 10th at 11:00 AM in the Treasurer's Office.

LAW DIRECTOR MR. MARVIN FETE

The Law Director reported the following:

- Mr. Fete announced that on the agenda for tonight is the first reading of the Indigent Contract. In committee it was recommended that it would be read for one reading and passed. The reason for the increase we had to add another attorney because of the case load. The fact is they are operating 3 courtrooms. The Law Director requested that it be passed this evening so as to get that contract signed.
Mr. Fete requested the Clerk return that to the Law Director so he can get it to the Public Defender's Office. They are requesting that be done prior to December so that is the reason he would like to have it passed this evening.
- The Law Director is asking on the third reading the ordinance that overhauls, our Income Tax be passed this evening for some of the reasons that were discussed earlier by Mr. Zucal. The Law Director anticipates there will be a lot of legal challenges to this new legislation. The problem is until it takes affect. You can't challenge it. The case has to be judicially right. You can't file in anticipation of a bad law.
You have to wait until the law takes effect so you can challenge it.
Mr. Fete anticipates there will be challenges to that.
We are maintaining the original one we have to collect under that.

Still that is what we have in the event this gets thrown out by the Ohio Supreme Court or the Federal Court.

- Mr. Fete requested an Executive Session after Legislation for the Purpose possible contract which is being discussed and negotiated at this time. Reason it is a very sensitive nature it is still in early discussion stages and that does qualify for and Executive Session. The Law Director asked Captain Sholtz and the Fire Chief to stay and all the Elected Officials that will be taking office to also be included in the Executive Session also.

The Law Director said he has been an advocate for 4 years that people take their vacation time when they leave.

Comment from Ms. Gundy:

(Sick pay is not paid unless somebody retires.)

The Law Director said it is something you earn when you leave you should be able cash it in rather than have the use it or lose it standard. He feels it should apply to everyone across the board. This is something he has been pushing for for four years and he still supports that idea.

President Hitchcock asked for a motion to extend the Executive Session.

Mr. Lanzer made the motion for the Executive Session

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. This request will be included in the Executive Session that has already been approved.

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR DAVID JOHNSON

Mayor Johnson announced the Planning Commission Meeting is tentatively set for Tuesday, December 8th, 2015 at 1:00 in Council Chambers pending any agenda.

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

Mr. Zucal announced pending an agenda the Board of Zoning Appeals will meet Tuesday, December 8th, 2015 at 5:00 PM in Council Chambers.

AIRPORT COMMISSION.....MR. JOHN ZUCAL

Mr. Zucal announced there is no Airport Commission Meeting in the month of December 2015. The organizational meeting will reconvene in January 2016.

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, December 9th, 2015 at 12:00 (Noon).

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEEMS. SANDY COX

Ms. Cox reported the Finance Committee met this evening, at 7:15 PM in Council Chambers. The committee recommended passage of Ordinance 18-2015 which is the indigent ordinance. The meeting tonight was in regard to ordinance 20-2015 Temporary Appropriations for 2016 (first three month of the the year). We are putting this on the agenda for the next meeting and recommending passage. Resolution 22-2015 has already been passed.

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.

The Committee is asking that Resolution 22-2015 be amended

We need to add the Fire Station Construction Bond Fund which is \$317,671 per year
It is outside the 10 mil limit.
The Committee is asking it be put on the agenda for the next meeting and passed.
The meeting adjourned at 7:20 PM.

SALARY COMMITTEEMr. John Zucal

The Salary Committee met this evening at 6:30 PM in Council Chambers. The one item we had was a presentation by representatives from McCall Sharp the Architecture Firm for our New Fire Station as well as representatives from Diversified Engineer Civil Engineer for that matter as well.
It was a very nice presentation by Mr. Ed McCall stating some of the changes that will be taking place in the City of New Philadelphia with the building of the new Fire Station.
We had the opportunity to see a schematic fly through on that and learn a little about the previous work of his firm out of Springfield has done.
Chris Bowers, Diversified Engineer is a 50/50 partnership providing the Engineering support to the Architectural Firm. Discussion and the presentation went well
The meeting adjourned at 7:14PM.

Mr. Zucal reminded Council Ordinance 17-2015 is on the agenda which is to Amend Chapter 191 of the Codified Ordinances of the City of New Philadelphia regarding Municipal Income Tax this is the 3rd Reading and the Committee is recommending passage.

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

President assigned the Contract for Housing Prisoners at the County jail.

**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:

NONE

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. (3RD READING)

Motion to vote on passage by Mr. Zucal
Seconded by Ms. Cox
Roll call, 6 yeas
Ordinance 17-2015 has been passed.

18-2015 AN ORDINANCE AUTHORIZING G THE MAYOR OF THE CITY OF NEW PHILADELPHIA, OHIO, TO ENTER INTO AN AGREEMENT WITH THE TUSCARAWAS COUNTY PUBLIC DEFENDER'S OFFICE FOR THE PROVISION OF LEGAL REPRESENTATION FOR INDIGENTS CHARGED WITH VIOLATIONS OF NEW PHILADELPHIA CITY ORDINANCES IN THE MUNICIPAL COURT WHERE SUCH OFFENSES CARRY A POSSIBLE LOSS OF LIBERTY, ESTABLISHING COMPENSATION AND TERMS THEREOF, AND DECLARING AN EMERGENCY. (1ST READING)

Motion to suspend the rules made by Ms. Cox
Seconded by Ms. Walker
Roll call, 6 yeas,
Rules for Ordinance 18-2015 have been suspended

Motion to vote on passage by Ms. Cox
Seconded by Ms. Walker
Roll call, 6 yeas
Ordinance 18-2015 has passed

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. (2ND READING)

***AT 7:55 PM COUNCIL ADJOURNED FOR A FIVE MINUTE RECESS
AT 8:02 PM COUNCIL RECONVENED INTO REGULAR SESSION
COUNCIL ADJOURNED FROM REGULAR SESSION
INTO EXECUTIVE SESSION AT 8:02 PM.
THE PRESIDENT'S REQUEST
TO DISCUSS FOR PERSONNEL MATTERS THE HIRING OF A NEW COUNCIL CLERK.
THE LAW DIRECTOR'S REQUEST:
POSSIBLE CONTRACT WHICH IS BEING DISCUSSED AND NEGOTIATED AT THIS TIME.
REASON IT IS A VERY SENSITIVE NATURE.
COUNCIL RECONVENED INTO THE REGULAR SESSION OF COUNCIL AT 8:16 PM***

UNFINISHED OR OLD BUSINESS:

NONE

NEW BUSINESS:

Comment from Councilperson Mr. John Zucal:

“Happy Thanksgiving everybody enjoy the Holiday with all your family and friends and God Bless America.”

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

President of Council, Mr. Sam Hitchcock echoed Councilperson Mr. John Zucal's Comments.

MS.COX MADE A MOTION TO ADJOURN THE MEETING AT 8:17 PM

CLERK OF COUNCIL _____
Patricia A. McKay

APPROVED _____

PRESIDENT OF COUNCIL _____
Sam R. Hitchcock