

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON DECEMBER 23RD, 2013 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  
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 ABSENT FROM TONIGHT'S MEETING.

MR. LAUTENSCHLEGER MADE A MOTION TO ADD TO TONIGHT'S AGENDA ORDINANCE 26-2013  
MS. COX SECONDED THE MOTION.

ROLL CALL 7 YEAS  
MOTION PASSED

MR. LANZER MADE A MOTION TO ADD TO TONIGHT'S AGENDA ORDINANCE 27-2013  
MS. COX SECONDED THE MOTION.

ROLL CALL 7 YEAS  
MOTION PASSED.

MS. COX MADE A MOTION TO ACCEPT TONIGHT'S AGENDA AS AMENDED  
MR. LAUTENSCHLEGER SECONDED THE MOTION.

ROLL CALL 7 YEAS  
MOTION PASSED.

MR. ZUCAL MADE A MOTION TO APPROVE THE MINUTES FROM THE SPECIAL SESSION OF COUNCIL HELD ON WEDNESDAY DECEMBER 18, 2013  
MR. LANZER SECONDED THE MOTION

ROLL CALL, 7 YEAS  
MOTION PASSED

MS. COX MADE A MOTION TO APPROVE THE MINUTES FROM THE PREVIOUS REGULAR SESSION OF COUNCIL HELD ON MONDAY, DECEMBER 9TH, 2013.  
MR. ZUCAL SECONDED THE MOTION

ROLL CALL, 7 YEAS  
MOTION PASSED

**CORRESPONDENCE** . . . . . CLERK, PATRICIA A. MCKAY

1. A request dated December 23rd, 2013 to the President of Council, Sam Hitchcock from the Service Director, James Zucal in regard to the Ohio Department of Transportation State Infrastructure Bank Loan (SIB) for the 2014 West High Avenue Widening Project along with a letter of request as to a decision regarding the City's portion of funding for this project
2. E-mail to Mayor Taylor from Barbara Boyarsky dated December 20th, 2013 notice of mailing to New Philadelphia Home Owners in regard to AWR's Water Line Protection Program
3. Finance Committee Meeting Minutes from December 9th, 2013
4. Public Works & Economic Development Committee Meeting Minutes from December 9th, 2013
5. New Philadelphia Fire Department Month-End Summary for November 2013 dated December 11th, 2013
6. A request dated December 16th, 2013 to Council President Sam Hitchcock, from Mayor Taylor

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

The Mayor addressed the following:

The Mayor's Final Report /Requests to Council Dated December 23, 2013

The Mayor greeted everyone!

The Mayor requested the Council President assign to a Committee the ratification of the appointments to fill vacancies on the Airport Commission and requested the Suspension of the Rules for Resolution 33-2013 Beacon Lease and for it to be passed tonight.

The Mayor Reported the Following:

The City itself is a better place than when he first took office in January of 2008 in the beginning of a serious Nationwide Economic Recession.

During his six years in office many upgrades and improvements were made throughout the City from storm, sanitary and water lines to many freshly paved streets.

In addition, upgrades to buildings were made at City Hall, the Water Department, Municipal Court, Cemetery, Tuscora Park, Wastewater, General Services, the Fire Department, and Police Department.

Every department was able to upgrade their vehicle fleet and in many cases the equipment they use to service our citizens.

In addition new leadership took over in the Service Director, Wastewater, Water, Cemetery, Fire, Police, Treasurer, Law Director, Prosecutor, Health Department, Income Tax and Municipal Court. That is a lot of change but for those that he was able to place in their positions. He has not second guessed those appointments.

Our citizens enjoy excellent service from our well trained workforce. We now offer them choice of participation in a competitively priced gas aggregation program and provide them with a single stream weekly curbside recycling program.

Since 2008 we have joined the social media ranks with a City Face Book page and a Smartphone app as another way to instantly communicate information to our citizens and the public at large.

We have a modern up to date economic development video on our website for citizens and anyone who would like to learn more about our City.

We have attacked problem areas of our City on the Third St. NE area, the Mill Avenue area, the Buckeye St. area, the Hilan Avenue area, the Southside Water Retention Pond, the Five Points area, the West High Avenue area, and the Lagoon and Tuscora Park areas.

We have made many upgrades in problem street surface areas, concreted many new curb radiuses, and removed many problem trees though the City.

Our City Airport has also seen many improvements including a rehabilitated ramp area. All of these items were done within the annual budgets of the City and with the approval of Council where necessary.

Each year of his time in office the City has done an annual Community Development Block Grant Project and beautified an area of our City that qualified as a low to moderate income area. Many of these projects were fortunately able to be done in the area of some of our schools and these improvements have significantly improved the looks and property value in those areas.

In the six years that he has been the Mayor the City has literally received millions of dollars in grant funding toward many of the previously mentioned projects as well as grants for the Community Housing Improvement Programs and grants to support our Safety Forces and Health Department.

Our Health Department offers child immunizations, shingles vaccines and the flu shots and does HIV testing on an anonymous basis.

The City also now has an effective Records Retention Program and an active Records Commission. Through these efforts many departments have been able rid themselves of space dominating outdated records that were of little value.

To provide for a more central location, the second floor of City Hall was remodeled to move the balance of the Service Director's Staff to his location which also eliminated many hours of travel time and fuel use for staff running between City Hall and the Southside.

The Southside Community Park was improved by constructing two new football fields. We were then able to move the peewee football league to this location and move them off of the busy area near the water works.

There is more that could be listed but it is important to say that none of this was accomplished without the hard work of Jim Zucal the Service Director and all those who report to him. Jim was the glue who kept his finger on all the projects and educated the Mayor about so many things regarding construction and how infrastructure is built he also knows more about trees than he ever wanted but they do consume many hours of City workers time.

Under the leadership of Safety Director Greg Popham, we have made many improvements with our Safety Forces. The Fire Chief has saved the City hundreds of thousands of dollars in working to rehabilitate existing apparatus in lieu of replacing it. The Police Chief is relatively new in the position.

But all signs are positive that the department is moving forward in many positive ways one example is being willing to institute the School Resource Officer in the New Philadelphia City Schools from his existing staff and at no cost to the City.

Every department head has shown a sincere interest in operating their departments in the best way possible and in serving our citizens to the best of their abilities.

We have a strong management team in place and the Mayor stated that he can step down knowing that the City is managed in a way for progress and for teamwork to exist among our management staff.

The Mayor thanked all the citizens of New Philadelphia that have supported him in his two elections as Mayor, two elections as City Treasurer and one as Council at Large. He also thanked his immediate staff of Mary Jo Fragasse and Vicki Daniels our part time receptionist. (answering incoming calls over 16,000 times a year also provided valuable support to many departments who just needed some additional clerical assistance.)

As Mayor he feels that he has had a good working relationship with Council Members and other elected officials both present and past. His goal was to try to always keep everyone informed and to communicate to them in an understandable manner. The Mayor appreciated council's faith in him to jump into the West High Widening Project, the Five Points Storm Sewer Project, the gas aggregation, and curbside recycling efforts and many others. The Mayor thanked all for their confidence.

The Mayor thanked all the volunteers who so freely give of their time and expertise serving on the many City Boards. Lastly thanked his family and especially his wife Patty for putting up with all the issues and crazy schedules that a Mayor can experience.

The Mayor wished whomever is chosen as his successor the best of good fortune and wise decision making abilities His two words of wisdom is to remember that you cannot please everyone and that there are always two sides to every story.

The City always has some challenge before it and the Mayor has dealt with many. Much progress has been made but much remains to be done.

When everyone is willing to work together to compromise when necessary and be willing to step out of a comfort zone for the good of the City, in his opinion this provides the chance of success and making progress to continue to move the City forward.

Mayor Taylor than wished all a Merry Christmas and good wishes for the coming year.

Comment from the President of Council:

Mr. Hitchcock commended the Mayor for his service and dedication to the citizens of New Philadelphia not only as Mayor but as City Treasurer, and Council at Large. Mr. Hitchcock speaking on behalf of the people and his self stated, "The City is much better off with the services that the Mayor has given."

Mr. Hitchcock wished Mayor Taylor the best on whatever he chooses to do.

SERVICE DIRECTOR.....MR. JAMES ZUCAL

The Service Director reported on the following:

Five Point Storm Sewer Project

Last Friday the contractor finished the installation of all the infrastructure  
A base coat of asphalt was put down on 7<sup>th</sup> Street SW  
Along with a portion on Front Street at the intersection at the south lane.

That base coat of asphalt is a temporary sealer put in place for the winter months.  
Traffic was open for that on Friday.  
That will be milled out in the spring and  
Replaced with a new permanent smooth coat of asphalt.

The Service Director reported the Infrastructure is 90% in place there is a small portion sanitary sewer line on Bank Lane that has to be put in it will be done after the first of the year if the weather allows.

Again under Mayor Taylor's Tenure, that was the largest infrastructure project the City has ever under taken. The original price tag of that was 1.2 million dollars they succeeded in getting that for under \$900,000 that project progressed very well.

The Service Director reported there were very few complaints, a local contractor, all American made products, it was a wonderful success for the City and next year when the West High Avenue Widening is constructed the portion of that storm sewer will be tied in with manholes in place at Five Points for that. That is a huge success for the City.

Everyone can tell you how many times there was flooding at Five Points I can tell you over the week end there was no flooding at that intersection. Huge Project for the City we could not have done it without Mayor Taylor.

The Service Director reported this has been the worst winter reported, on record, in the last 20 years last Friday we have used to date 575 tons of salt and have had 215 hours of overtime in the Street Department.

The Service Director reminded Mr. Hitchcock of his request dated December 23rd, 2013 in regard to the Ohio Department of Transportation State Infrastructure Bank Loan (SIB) along with a letter of request as to a decision regarding the City's portion of funding for this project.

The President of Council, Sam Hitchcock assigned the request to Public Works and Economic Development Committee Chair, Mr. Darrin Lautenschleger.

AUDITOR .....MS. BETH GUNDY.....NO REPORT

SAFETY DIRECTOR.....MR. GREG POPHAM

The Safety Director reported that in the Fire Department the Fire Chief received a letter on December 10th, 2013 from Lieutenant Kendall Bick announcing his retirement effective February 2nd, 2014. Lieutenant Bick will have completed over 25 years of Service with the City.

Mr. Popham wished everyone a Merry Christmas..

TREASURER . . . . .MS. LORI STATLER.....NO REPORT  
ABSENT

LAW DIRECTOR . . . . .MR. MARVIN FETE

The Law Director reported the following:

He has had legal opinions on various issues by phone and e-mail with the Ohio Attorney General's Office, Ohio Ethics Commission, Council Member John Zucal, Council Member Rob Maurer, former Congressman Zach Space, President of Council, Sam Hitchcock, City Income Tax Interim, Joel Day, and Josh O'Farrell.

One opinion impacts the future leadership of our City.

The President of Council, Sam Hitchcock was approached by several people about seeking the Mayor's position.

Mr. Hitchcock went to the Law Director seeking legal advice on this issue.

Specifically he wanted to know if there were any Contracts between the City of New Philadelphia and RTY Inc.

Whether there were any issues with him serving as the Producer of Summer Show Case and soliciting ads and sponsors for the summer production on behalf of RTY Inc. and whether a conflict would be removed should he donate his salary back to RTY Inc. while he was Mayor.

It is up to the Democratic Central Committee as to who they select for Mayor.

The Law Director appreciated the fact that Mr. Hitchcock came to him for a legal opinion.

The Law Director reported that he has spent a great deal of time in the past week researching this issue. In an effort to be very thorough Mr. Fete thinks it is an important issue that deserves a direct answer.

RTY Inc. is a nonprofit company that the City contracts with to give RTY Inc. the authority to manage and operate rides and immediate surrounding area at our local City owned park along with all the concessions. The City of New Philadelphia has contractual obligation that date back to the 1970's.

After extensive research the Law Director's Final Legal Opinion on this issue:

There is no conflict with Mr. Hitchcock serving as Council President while being employed by RTY Inc.

There is a conflict should he become Mayor without first divesting all of his interests with RTY Inc.

Ultimately that choice would be up to him as to what direction he wishes to go in.

Mr. Fete stated he applauds and thanks Mr. Hitchcock for the integrity he demonstrated in this matter and his foresight in seeking a legal opinion on this issue is to be commended. By seeking a legal opinion to determine what is right he placed the best interest of the City first.

The Law Director wished Mayor Taylor the very best as he heads into retirement. Mr. Fete thanked the Mayor for the personal and professional relationship he has shown toward him and stated he appreciated the fact that he was always available for him and always made things very concise and easy for him to digest.

"Thank you Mayor Taylor!"

Comments from the President of Council

Mr. Hitchcock thanked the Law Director for the extensive investigation/research he has done on Mr. Hitchcock's behalf. Mr. Hitchcock apologized for putting a heavier work load on the Law Director.

It is a personal matter on whether Mr. Hitchcock would decide to leave RTY Inc. or not  
When Mr. Hitchcock left the Police Department in 2000 it would not have taken a lot of arm twisting for him to stay there. It was a great job he loved the Police Department.  
When he decided to leave he had the years in to do it and he had an opportunity to take over a brand new Teen Center that was being built in Tuscora Park.

Mr. Hitchcock enjoyed raising his own family. His family was grown raising their own families.  
He had an opportunity to have a parent role for a larger group of kids and that was very exciting to him.  
This was 13 years ago and he said this was one of the greatest decisions he has ever made.

He has seen a lot of kids go through there he thinks we have been successful in guiding some of the kids in the right direction keeping kids out of trouble.

His goal is to be there for the kids of the kids that first came in those doors in 2000 some are raising families.

He enjoys producing the concerts at Tuscora Park at the amphitheater. It is going on the 17<sup>th</sup> year.

For 20 + years he has enjoyed being Chair of the First Town Days Festival.

He made a comment about the Park being his Home away from Home

Which someone immediately corrected and said the park is his home.

Mr. Hitchcock informed everyone that he has no intentions of leaving RTY, Inc. unless they would want to get rid of him he loves it there and that is where he is going to stay and he stated he appreciated the support of the people that thought he would do a good job as Mayor and that humbles him. He stated that he was sorry he can't put his hat in the ring. He said, "There are other good people and I'm sure they will do a fine job."

**BOARD/COMMISSION REPORTS:**

PLANNING COMMISSION.....MAYOR MICHAEL TAYLOR

The Mayor announced the next scheduled Planning Commission Meeting will be held Tuesday January 14th, 2014 at 1:00 PM here in Council Chambers pending an agenda.

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

Mr. James Zucal announced the Board of Zoning Appeals meeting is scheduled for Tuesday January 14th, 2014 here in Council Chambers at 5:00 PM pending an agenda.

AIRPORT COMMISSION.....MR. JOHN ZUCAL

Mr. John Zucal reported that there was no Airport Commission Meeting in the month of December the next

Airport Commission Meeting is scheduled to meet Tuesday, January 14th, 2014 at 6:00 PM in the Airport meeting room.

PARK BOARD.....MR. DARRIN LAUTENSCHLEGER.....No Report

HEALTH BOARD.....

Ms. Cox announced that the next scheduled meeting for the Health Board is Wednesday, January 15th, 2014 at 12:00 Noon in the Health Department.

Ms. Cox wished Mayor Taylor the Best and thanked his wife Patty for letting us have Mike on loan for the last six plus years.

**STANDING COMMITTEE REPORTS:**

FINANCE COMMITTEE

Mr. Lautenschleger wished everyone a Merry Christmas and reported the following:

The Finance Committee met this evening December 23rd, 2013 at 6:15 PM in Council Chambers with Committee

There were two items on the agenda Ordinance 19-2013 and Proposed Ordinance 26-2013.

Proposed Ordinance 26-2013 deals with some updates and changes that were needed in the permanent appropriations for 2013.

It has been recommended by the committee on a 3-0 vote. That it be added to tonight's agenda, which it has been, approved with the rules suspended on first reading this evening.

The second item was Ordinance 19-2013 which is on tonight's agenda for the third reading

It is the temporary appropriations ordinance for the temporary budget ordinance for the year 2014.

In summary, the committee has recommended that ordinance be amended to include the updated temporary appropriations prepared by the Auditor at Mr. Lautenschleger request for review and discussion and that was approved by a vote of 2-1 in the Committee Meeting for final approval for when it is read its third time this evening and what that will include utilizing a memo that was written back in November by the Mayor dealing with non bargaining salaries for groups that are listed as Tiers A, B, D, and E in Ordinance 21-2013 which is also up for a third reading this evening and the Health Department Staff.

Basically all staff members from non bargaining standpoint accept for Elected Officials and the Clerk of Council. What it entails is pay increases of equal amounts that have been enacted by contracts for the bargaining units effective 2013 /2014 for budget years. Temporary appropriations be included in the 2014 budget.

Basically 2.75% increase retroactive to January 1st, 2013 and a 2.5 % increase effective January 1st, 2014 all be placed within temporary appropriations effective January 1st, 2014 the total net amount benefits salary for both years combined is \$92,768.69 in comparison the total amounts for all bargaining unit contract for those two years. The effect so on the budget is slightly more than \$323,000.

With no other business to come before the committee it adjourned at 6:25 PM.

Comment from the Mayor:

Do we need to pass Ordinance 21-2013 to create the tiers referenced in Ordinance 19-2013 before we pass Ordinance 19-2013?

Law Director:

They both are up for third reading they can be passed simultaneously.

Mr. Lautenschleger:

From that standpoint I don't believe so, the temporary appropriations that would be amended The proposed amended appropriations do not break down as groups they break down by departments with the budgets in place; both ends would be covered as far as that goes.

Law Director:

Mr. Feted agreed with Mr. Lautenschleger.

President of Council assigned to the Finance Committee 2014 CHIP Program Application

SALARY COMMITTEE .....MR. JOHN ZUCAL....NO REPORT

Salary Committee Chair Mr. John Zuical announced that the Amended Ordinance 20-2013 that Members of City Council have before them with duly amended section 5 and 6, the Committee will be seeking those amendments be made this evening as Ordinance 20-2013 is being read for its third reading and will be seeking approval of that ordinance.

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

Safety Health & Service Committee Chair Mr. Maurer is asking Resolution 31-2013 be held over for a fourth reading.

Mr. Maurer wished Mayor Taylor the Best of Luck in his Retirement.

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

ZONING & ANNEXATION COMMITTEE .....MS. COLLEEN ESPENSCHIED

Ms. Espenschied reported that the Zoning & Annexation Committee met tonight at 7:00 PM in Council Chambers With one item to discuss Ordinance 22-2013 to see if we can Grandfather Mr. Stead's request.

To Grandfather the Zoning & Annexation Committee would have to Grandfather for everybody, (which everyone does not feel that is fair.)

The Committee came up with an alternative to help with this request.

The Committee decided to hold Ordinance 22-2013 for a fifth reading and add an effective date of March 1st, 2014, To remove snowmobile in Section (1a ) and put Amended in front of the Preamble.

The motion for this was made by Mr. Lautenschleger and seconded by Mr. John Zucal motion passed.

Meeting adjourned at 7:10 PM.

CONTACT & SPECIAL COMMITTEE ..... MR. DAN LANZER

Mr. Dan Lanzer reported the Special/Contact Committee met tonight at 6:00 PM in Council Chambers with two items to discuss:

The first item discussed was the commendations for the outgoing Airport Commission Members, Ms. Dee Grossman and Mr. Ted Gentsch.

After a discussion it was decided unanimously to move that along for the first reading at the next Council Meeting to have the Law Director prepare the resolutions for that.

The second item the committee discussed was proposed Ordinance 27-2013.

An ordinance authorizing the Mayor of the City of New Philadelphia, Ohio, to enter into an agreement with the Tuscarawas County Public Defender's Commission 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.

Ordinance 27-2013 was added to the agenda for tonight and the Committee is asking to have that passed on the first reading tonight.

President of Council assigned to the Contact and Special Committee the new appointments for the Airport Commission.

PARKS & CEMETERY COMMITTEE .....MS. WINNIE WALKER....NO REPORT

**VISITOR'S COMMENTS:**

Comments from:

Mr. David E. Johnson

515 Union Avenue NW

New Philadelphia, Ohio 44663

Mr. Johnson, who has had the opportunity to work with Mayor Taylor and Ms Colleen Espenschied, stated they both are excellent people who did an excellent job and he wished them well in their future endeavors.

**READING OF ORDINANCES AND RESOLUTIONS**

**ORDINANCES:**

19-2013 AN ORDINANCE TO MAKE TEMPORARY APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF NEW PHILADELPHIA, STATE OF OHIO DURING THE FISCAL YEAR ENDING DECEMBER 31, 2014, AND DECLARING AN EMERGENCY. (3<sup>RD</sup> READING)

Motion to vote on passage made by Mr. Lautenschleger, seconded by Ms. Sandy Cox because Council did not have the Amendment.

Ms Cox stated there was suppose to be an amendment to it and there wasn't any She approve it because it was the original. We have to vote on it now.

The Law Director ruled there is a motion on the floor (if that does not pass we can amend the the original.

Roll call

3 yeas and 4 nays (Ms. Espenschied, Mr. Lautenschleger, Mr. Maurer, and Mr. John Zucal. Ordinance 19-2013 failed.

Mr. Lautenschleger offered to amend Ordinance 19-2013 with the updated temporary appropriations prepared in a report by the Auditor at the request of Mr. Lautenschleger excluding specific pay increases that were included in that report from Bargaining Group C which are Elected Officials and the Clerk of Council.

Seconded by Mr. John Zucal

Roll call, 4 yeas and 3 nays (Ms. Cox Ms. Walker, and Mr. Lanzer)

The Amendment to Ordinance 19-2013 has passed.

Mr. Lautenschleger moved for the approval of Amended Ordinance 19-2013 (And offered an apology to everyone present for the initial confusion and discussion of it)

Seconded by Mr. John Zucal

Roll call, 4 yeas and 3 nays (Ms. Cox Ms. Walker, and Mr. Lanzer)

Amended Ordinance 19-2013 has passed.

20-2013 AN ORDINANCE BY THE COUNCIL FOR THE CITY OF NEW PHILADELPHIA TO ENACT CERTAIN CRITERIA TO BE MET BY ANY PERSON SERVING AS FIRE CHIEF FOR THE CITY OF NEW PHILADELPHIA, OHIO, ALLOCATION OF BENEFIT COST BETWEEN LINE ITEMS AND MODIFICATION IN SALARY FOR THE FIRE

CHIEF AND DECLARING AN EMERGENCY. (3<sup>rd</sup> READING)

Mr. John Zucal moved that Ordinance 20-2013 be amended to reflect the amendment suggested in section 5 and 6 of the Amended Ordinance 20 2013 presented to New Philadelphia City Council this evening.

For clarification purposes for the President of Council

I move that the Amended Ordinance 20-2013

Section 5:

Shall state salary rate for Fire Chief shall by an annual salary of \$85,000 effective January 1st, 2014 the salary and benefits be paid from the Ambulance Fund Fund 715-5100-1104 and/ or 715-5100-1112.

As well as Section 6

The Fire Chief shall receive the same pay increase and benefits as any Fire Department union employee negotiated through the City of New Philadelphia each year such increase is awarded to any employee with the exception that the Fire Chief shall not be permitted to collect or be paid overtime compensation, as this is a salaried position.

Seconded by Mr. Lautenschleger

Roll call, 4 yeas and 2 nays (Ms. Cox, Ms. Walker, and Mr. Lanzer)

Ordinance 20-2013 has been amended.

Mr. John Zucal made a motion for the passage of Amended Ordinance 20-2013

Mr. Lautenschleger seconded the motion

Matthew Graham, a New Philadelphia Firefighter, paramedic, and President of the Fire Fighter's Union 1501 Requests Council passes this on the third reading.

Comment from Council Member Mr. Lanzer:

"For the record let it be known that I was not a participant in the writing of this ordinance granting the Fire Chief his generous pay increase and I believe this is not in the best interest of our taxpayers. I view this as excessive and encourage my fellow Council Members to strongly consider voting this ordinance down."

Comment from Council Member Ms. Walker:

I have not voted for the Fire Chief's raise I have not been part of Council as a Whole asking for this.

So don't assume that I am part of this as a Council as a Whole approving this raise.

Question to the Law Director, Marvin Fete from Council Member Ms. Cox

Yesterday I read in the headlines in our local Newspaper where the Fire Chief says his position is now salaried.

When did this change come about?

Law Director, Marvin Fete:

"The change came about it was made as an amendment; Council Member John Zucal had ask him if he would draft An Amendment Ordinance to that so we could propose it on the floor last week and I prepared that legislation for him."

Comment from Council Member Cox:

I m guessing on December 19, 2013, which is only four days ago where the paper reported that this position would earn overtime and yesterday in the paper it was reported that there is no overtime. I assume that changed at the same time last week.

Law Director, Marvin Fete:

It changed officially when it was voted on

I was asked to amend that last Friday and to draw up legislation so it could be proposed at Council which I did.

He cannot address what was said in an interview.

Comment from Council Member Cox:

Why does this ordinance refer to the pay increases and benefits as any Fire Department Union Employee Negotiates?

The ordinance still lacks details of his position and is wide open for anyone's interpretation.

Law Director, Marvin Fete:

His interpretation is if the Union gets 1% increase the Fire Chief will be entitled to the same raise. But Fire Chief is not permitted to earn overtime.

Comment from Council Member Cox:

For clarification purposes the newspaper and the radio reported that the salary amounts proposed were established by Mr. Zucal and his Committee of a whole (all Members of Council). that statement is inaccurate it needs to be corrected November 25th, 2013 at the Ad Hoc Committee Meeting I made it perfectly clear what I thought. I did not see this Ordinance until November 22nd, 2013. I did not agree to sponsor this and no one had discussed this

Ordinance with me. It is a sad day when Council has to read in the newspaper as to what is or is not included in our Ordinances.

Council just received these changes at 6:10 PM this evening and I really think that is disgusting.

Comment from Council Member Mr. Lautenschlegler

We have had discussion going back several weeks we have an Amended Ordinance in front of us.

We have had plenty of time to make suggestions or offer amendments. Council member Zucal and I have not completely agreed on this legislation and pieces of that are not included in that Amended legislation that is before us tonight. And I believe that is the way the legislation process is suppose to work.

Comment from Council Member Mr. Zucal

Mr. Zucal thanked Ms. Espenschied Mr. Lautenschler and Mr. Maurer for working on this with him.

Mr. Zucal did send out an e-mail requesting input on the ordinance to all Council Members.

Mr. Lautenschlegler and Mr. Maurer did have a suggestion which was looked at and discussed and resulted in the Amendment of the Ordinance.

The Law Director clarified that he does not have a rule in determining a salary and when he addressed the media he was not speaking on Ms. Cox's behalf it is clear that it was a 4-3 vote. The Law Director stated that he has the highest regards for Ms. Cox.

Mr. Zucal, Mr. Maurer and Mr. Lautenschlegler made comments supporting the

Ordinance and the process and the discussion ended with Mr. Zucal offering clarification of the Ordinance.

Mr. Zucal reminded all that this Ordinance is about a position that has been strengthened and

a special criteria that will enhance the qualification for a new Fire Chief to make sure we have the best and the brightest in that position.

Roll call, 4 yeas and 3 nays (Ms. Cox, Ms. Walker, and Mr. Lanzer)  
Amended Ordinance 20-2013 has passed

21-2013

AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO MODIFY ORDINANCE NO. 7-2011 WHICH CATEGORIZED AND LISTED THE DEPARTMENT HEADS, ASSISTANT DEPARTMENT HEADS AND OTHER NON-UNION EMPLOYEES AND DECLARING AN EMERGENCY. (3<sup>rd</sup> READING)

Mr. John Zucal made a motion for the passage of Ordinance 21-2013  
Mr. Lautenschlegler seconded the motion

Roll call, 4 yeas and 3 nays (Ms. Cox, Ms. Walker, and Mr. Lanzer)  
Ordinance 21-2013 has passed.

22-2013

AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO MODIFY SUPPLEMENTAL SECTION 1141.05 AS ENACTED BY ORDINANCE 13-2013 TO ADDRESS RECREATIONAL VEHICLE PARKING AND STORAGE IN THE CITY OF NEW PHILADELPHIA WITH REGARD TO ZONING LANGUAGE AND APPLICATION AND DECLARING AN EMERGENCY. (2<sup>nd</sup> READING)

25-2013

AN ORDINANCE TO REPEAL ORDINANCE 1-2013 AND RESCIND THE ENTERPRISE ZONE AGREEMENT WITH GE MOBILE WATER, INC., A VIRGINIA CORPORATION TO GRANT A TAX EXEMPTION OF SEVENTY FIVE PERCENT (75) FOR TEN (10) YEARS PURSUANT TO SECTION 5709.62, 5709.63 OR 5709.632 FOR ELIGIBLE REAL ESTATE AND NEW TANGIBLE PERSONAL PROPERTY ACQUIRED IN CONJUNCTION WITH THEIR PROJECT FOR A PERIOD OF TEN (10) YEARS, AND DECLARING AN EMERGENCY. (1<sup>st</sup> READING)

Motion to Suspend the Rules made by Ms. Cox, Seconded by Mr. Lautenschlegler  
Roll Call, 7 yeas rules suspended.

Motion to vote on passage made by Lautenschlegler, seconded by Ms. Cox  
Roll call, 7 yeas Ordinance passed

26-2013

AN ORDINANCE AMENDING AND ADJUSTING THE PERMANENT APPROPRIATIONS ORDINANCE FOR THE YEAR 2013 AND DECLARING AN EMERGENCY. (1<sup>ST</sup> READING)

Motion to Suspend the Rules made by Mr. Lautenschleger, seconded by Ms. Cox  
Roll Call, 7 yeas rules suspended.

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

27-2013

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NEW PHILADELPHIA, OHIO, TO ENTER INTO AN AGREEMENT WITH THE TUSCARAWAS COUNTY PUBLIC DEFENDER'S COMMISSION 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 Mr. Lanzer, seconded by Ms. Cox  
Roll Call, 7 yeas rules suspended.

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

#### RESOLUTIONS

31-2013

A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO TO AUTHORIZE THE RATE INCREASE FOR AMBULANCE SERVICES PROVIDED BY THE NEW PHILADELPHIA FIRE DEPARTMENT FOR THE CALENDAR YEAR 2014, AND DECLARING AN EMERGENCY. (3<sup>rd</sup> READING)

33-2013

A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO ENTER INTO A LEASE AGREEMENT WITH THE TUSCARAWAS COUNTY UNIVERSITY BRANCH DISTRICT FOR THE PURPOSES OF MAINTAINING AN AIRPORT BEACON FOR THE NEW PHILADELPHIA MUNICIPAL AIRPORT AND DECLARING AN EMERGENCY. (2<sup>nd</sup> READING)

Motion to Suspend the Rules made by Mr. Lanzer, seconded by Ms. Cox  
Roll Call, 7 yeas rules suspended.

Motion to vote on passage made by by Ms. Cox, seconded by Mr. Lanzer  
Roll call, 7 yeas Resolution passed

34-2013

A RESOLUTION TO AUTHORIZE THE CITY OF NEW PHILADELPHIA TO ENTER INTO A CONTRACT WITH THE TUSCARAWAS COUNTY COMMISSIONERS AND THE TUSCARAWAS COUNTY SHERIFF'S OFFICE FOR THE HOUSING OF INMATES IN THE TUSCARAWAS COUNTY JAIL. AND PAYMENT OF HOUSING COSTS TO THE TUSCARAWAS COUNTY COMMISSIONERS AND DECLARING IT AN EMERGENCY. (1<sup>st</sup> READING)

Motion to Suspend the Rules made by Mr. Maurer, seconded by Mr. Lanzer  
Roll Call, 7 yeas rules suspended.

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

#### **UNFINISHED OR OLD BUSINESS:**

Council Member Mr. Darrin Lautenschleger thanked the Treasurer Lori Statler, Colleen Espenschied and Mayor Taylor for their services and wished them the very best of luck

Mr. Fete thanked Ms. Espenschied for her service and wished her the best

#### **NEW BUSINESS:**

Council Member Mr. Rob Maurer thanked Ms Espeschied and wished her well.

The Service Director thanked the Mayor and wished the Mayor the very best in his retirement.

PRESIDENT OF COUNCIL, MR. SAM HITCHCOCK WISHED ALL A VERY MERRY CHRISTMAS.

MS.COX MADE A MOTION TO ADJOURN THE MEETING AT 9:00 PM.

CLERK OF COUNCIL \_\_\_\_\_

APPROVED \_\_\_\_\_

PRESIDENT OF COUNCIL \_\_\_\_\_