

Zoning and Annexation Committee Meeting Minutes

September 8, 2014

The Zoning and Annexation Committee of the New Philadelphia City Council meeting was called to order at 7:01 p.m. on September 8, 2014 in Council Chambers. Present were Mrs. Cheryl Ramos, Chair; Committee members Darrin Lautenscheleger and John Zucal. The Chair announced that the meeting would be recorded.

Guests attending were: Council President Sam Hitchcock; Council Clerk, Patty McKay; Council members: Winnie Walker, Sandy Cox, Rob Maurer, and Dan Lanzer; Law Director, Marvin Fete; Service Director, Jim Zucal; Mayor Dave Johnson; Treasurer Aaron Hillyer; Auditor Beth Gundy; Ethan Zucal; Mark Cox; Robert Martinelli of REM Construction; Fire Chief Jim Parrish, Sandy Parrish; and Safety Director Greg Popham; and Nathan Cozart, WTUZ.

The chair started the meeting with expressing appreciation to Mr. Jeff Erb, the city's IT person, on the changes and improvements to the website; photos, tweets, and council committee meeting minutes. She also noted the addition of photos documenting places in New Philadelphia.

The Chair stated that there were two items of business to discuss tonight and any other matter to come before the committee. Regarding true, accessible transparency that was raised in the Chair's letters of March 10th and August 28th the items will be discussed in a series. To start, **the first item of business is:** To discuss proposed ordinance #20-2014 – to post council agendas on-line. The purpose is to foster and promote true, accessible, transparency for our residents and tax-payers. As was discussed during the meeting to post committee meeting minutes on the city website, it is possible and the records are already in electronic form. The agendas for regular and special council meetings have been intermittently posted on-line already with no problem (March 24, March 31, May 12 and July 28, 2014.) The purpose of this ordinance is to have agendas consistently posted on-line to ensure transparency to the public, and in keeping with the spirit of the Ohio Public Records law and "Sunshine in the state of Ohio, council agendas should be posted on-line consistently and regularly."

The Chair noted that committee members had proposed ordinance #20-2104 before them and the proposed ordinance had been in the council packets they received the Friday before Council meeting. The Chair asked for any questions and comments.

Mr. Lautenscheleger asked what the idea was behind having an ordinance. He stated that Council did not pass legislation to have council committee meeting minutes placed on line.

Mrs. Ramos, agreed that was the case but in talking with Mr. Fete, Law Director, he had suggested an ordinance to ensure the agendas were placed on line rather than just a suggestion.

Mr. Fete explained that absent an ordinance it would be discretionary as to what is put on-line.

Mayor Johnson stated that, "Council has to be very, very careful with this because the website is under my domain and it is not going to happen." "I can end this whole committee meeting right now, if you would come and talk to me. We have been working to put things on-line, the minutes have been on-line for a couple of years. Every thing is ready to put on except for personal information. You asked for that earlier in the year and I said that I would look into it. We have started on it and according to Jeff (Erb) we are ready to go with the ordinances, the committee meetings, agendas, we are ready for it all."

Mr. John Zucal stated that he did not have an objection to agendas going on-line with folks understanding that agendas could be modified depending on what is added but did not feel that there needed to be an ordinance. He did not think an ordinance was necessary and that it was a function of Council or the administration. He did have a problem with going on and on with the items and prolonging the discussion, "we should be very careful." He felt that the majority of citizens knew the City had a public records law and that the City is transparent and that no records are withheld when requested as we now have a public records law in place.

He felt that the citizens know they can ask for records and that most people were more concerned with infrastructure improvement, sewers taken care of and getting the roads taken care of and that we have a “culture of please come and build here.” Mr. Zucal said that he has talked with many residents and they would rather see those improvements done, even though they appreciate records on-line, they know they can come and ask for them. He felt that looking at each item to be put on-line would be taking up Council time and it would be more productive to discuss ways to enhance life in the community.

Mrs. Ramos thanked Mr. Zucal for his comments and explained that putting items on-line had been assigned to the Zoning and Annexation Committee and the items would be discussed one at a time. She explained that Council already has committee meetings to discuss infrastructure and the items Mr. Zucal had mentioned, and no time would be taken away from discussions regarding these concerns. These meetings are to ensure Sunshine and transparency on-line. It was noted that things have changed over the years and more people are on-line. It actually saves staff time and paper, a massive amount of work, when people are asking for records. You can just click on-line and see. Noted that it was really nice to go on-line and see the committee meeting minutes and ask “Do I really need to have a paper copy of this since it is on-line? It saves a massive amount of paper and staff time which is money.” It was mentioned that the County Commissioners are now posting their agendas on-line. Suggested that we could add a note at the bottom that the agenda may be changed by a majority vote of council members at the open meeting for which the agenda has been prepared. Explained that with an ordinance the agendas would have to be placed on-line and with all due respect to the mayor he just said that it was not going to happen. Mrs Ramos stated, “We want to move towards Sunshine and transparency.”

Mr. Lautenscheleger did not want anyone to think that the City was not transparent and complying. An audit has shown that the City is complying. He did not think that legislation was needed as the Clerk works for Council and Council can direct her to put any amount of information on-line. Council just needs to determine what that is and work with the Mayor’s office. He stated that he had no problem with putting the agendas out there. He suggested that Mr. Erb could put a notice on-line to direct people in how to request records and that would go to the most appropriate person to respond to the request. He feels that Council members are elected by the people to review the budgets and other information and that it would be impossible to put all information on-line. The electronic world is changing rapidly and that we should put as much as possible on-line. Mr. Lautenscheleger stated that he has individually fulfilled 3,000 public record requests in the last 15 years. He felt that it was a waste of time for discussion and legislation to put agendas on-line and that everything could not be put on-line.

Mrs. Ramos again reminded the committee that the discussion was about posting council agendas on-line.

Mr. John Zucal stated that he felt that legislation was not needed to put agendas on-line. He felt that it would be as simple as the legislative body agreeing to direct the Clerk to put the agendas on-line, that Council would like their agendas put on-line. He stated that if the committee tonight agrees to direct the Clerk to put the agendas on-line that would be sufficient.

Mr. Fete asked if the audit mentioned by Mr. Lautenscheleger were available on-line. Mr. Lautenscheleger said the information was on-line. Auditor Gundy replied that the audits were available on-line at the State Auditor’s website. Mr. Fete felt that it would be better to be ahead of the curve instead of behind because the Ohio Legislature is moving to require a substantial amount of information to be posted on-line. He has learned this from attending recent seminars for law directors. He stated that no one is saying that we are not transparent, but posting information on-line is just another way to obtain it. He has requested information from the Auditor Gundy and she had to go look it up which took some time. It would be much easier if he could go on-line and look stuff up. No one is talking about putting personal information like addresses on-line.

Mr. John Zucal felt that legislation was not needed to put agendas on-line and that it was a function of council. We already comply with the public records law and if it changes then we would abide by the change. He felt that we should just wait and see what the Ohio legislature would require to be posted on-line.

Mrs. Ramos reminded everyone that the meeting was to discuss posting agendas on-line.

Mayor Johnson, addressing the Chair, "First of all, so I have your attention, I said that we have everything ready for agendas, we can start almost anytime. I said that when it comes to personal information, that won't happen."

Mrs. Ramos: "Nobody is asking for personal information."

Mayor Johnson: "You can put it into law to put it on the website but if we get in to financial trouble, guess what will go bye-bye, the website and then you can't comply with your own law. That is just something to think about."

Mr. Maurer stated that he did not feel that this belongs in Council or in legislation but that it was a function of the Mayor's office as he is the boss of the IT guy. If there is a public outcry to have agendas on-line then the mayor has to take care of it or deal with the wrath of it. "I don't think we need to create legislation for something that should be done through the administration."

Mrs. Cox asked Mr. Fete if he was saying we should do this by ordinance and not resolution. She felt that this should be connected to our rules and regulations because it would now be law and would go into the ordinance book and we would have to find it.

Mr. Fete responded that it would go in the ordinance book but would not be codified. She felt that it should go under Council rules and regulations.

Mrs. Cox asked Mrs. Ramos how many items were we talking about. Mrs. Ramos responded that tonight we are only talking about agendas. Mrs. Cox asked how many total. Mrs. Ramos started to read the list from the letters of March 10th and August 28th letters. Mrs. Cox asked how many not what. Mrs. Ramos said maybe around 10 – 20. Mrs. Cox said that she had a problem with (individually) that asking for an ordinance or resolution would cost around \$60 to put in the newspaper for each item and it would cost for either a resolution or an ordinance.

Mr. John Zucal said that all we have to do is agree that the function of the agenda placement on-line would go through the Clerk and the Mayor's office. It becomes a part of the rules and regulations of how we operate as a city council and it is done.

Mayor Johnson stated that a comment was made that it costs money and he asked if Council was going to give him extra money in his budget to post agendas on-line.

Mrs. Ramos noted that during the meeting about placing committee meeting minutes on-line, he had said that there would be no cost and it was not a big deal.

Mayor Johnson stated that time costs. There is an IT person but he has regular duties and then there are emergencies and he needs money in his budget to put information on-line because "everything you ask to be put on-line costs money."

Mrs. Ramos reminded everyone that we were only discussing agendas tonight. She asked if the committee would agree to ask Council to recommend that agendas be put on-line by the Clerk, without legislation, only a resolution, recommendation by Council. Mr. Lautenscheleger asked that the Clerk work together with the Mayor's office to see what would be the most appropriate way to put agendas on-line. He felt that this was not a big deal, a minor issue, but is administrative and they deal with it all the time. Mr. Zucal stated that he could agree in principle.

Mrs. Ramos asked for a motion. Mr. Lautenscheleger moved that the committee recommend that agendas be put on-line and Mr. Zucal seconded. Motion passed unanimously with three ayes (Ramos, Lautenscheleger, Zucal).

Mr. Zucal instructed that as part of the Zoning and Annexation Committee meeting report tonight that the committee's recommendation be voted on by Council as there is no formal legislation required.

Mr. Fete clarified that he prepared proposed ordinance #20-2014 because he had been asked (by the Chair) how to shape something that would mandate agendas be put on-line. That is why he had prepared an ordinance. He does what he is requested to do.

Second Item: To discuss proposed ordinance #19-2014 the City of New Philadelphia accepting Oak Shadow Phase V plat. Chair reviewed summary of minutes from the planning commission: August 13, 2013 the preliminary Oak Shadow Phase V accepted. Mrs. Ramos, Chair, asked Mr. Martinelli to explain the situation with Phase V and if the weather had delayed development. Mr. Martinelli explained the he thought Gulf Course Drive had been included with the Whispering Pines but he found out that it wasn't. This section was completed at the same time as Whispering Pines but the plat had not been approved by Council (it is a separate plat).

Mr. Jim Zucal said that all the requirements have been completed, that he whole-heartedly endorses the project, and recommends passage tonight. The building season is ending and the property taxes will benefit the city.

Mr. Lautenscheleger made the motion that proposed Ordinance #19-2014 be added to the agenda tonight for a first reading and that the committee recommend suspension of the rules and passage on first reading. Motion seconded by Mr. John Zucal. Motion passed unanimously with three ayes (Ramos, Lautenscheleger, Zucal).

As there were no other matters to come before the committee, Mr. John Zucal moved to adjourn at 7:26 p.m.

Respectfully submitted,

Mrs. Cheryl Ramos
Chair
Zoning and Annexation Committee

An audio recording of this meeting is available upon request from the Clerk of Council.