

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON OCTOBER 13TH, 2014 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. DARRIN LAUTENSCHLEGER
MR. ROB MAURER
MRS. CHERYL RAMOS
MR. JOHN ZUCAL

PRESIDENT OF COUNCIL, SAM HITCHCOCK ANNOUNCED THAT MAYOR JOHNSON, AUDITOR BETH GUNDY, TREASURER AARON HILLYER, AND COUNCILPERSON MS. WINNIE WALKER HAVE EXCUSED ABSENCES FOR TONIGHT'S COUNCIL MEETING.

MS. COX MADE A MOTION TO ACCEPT TONIGHT'S AGENDA.
MRS. RAMOS SECONDED THE MOTION.

ROLL CALL 6 YEAS
MOTION PASSED

MS. COX MADE A MOTION TO APPROVE THE MINUTES FROM THE PREVIOUS REGULAR SESSION OF COUNCIL HELD ON MONDAY, SEPTEMBER 22ND, 2014.
MR. LANZER SECONDED THE MOTION.

ROLL CALL, 6 YEAS
MINUTES WERE APPROVED.

CORRESPONDENCE CLERK, PATRICIA A. MCKAY

1. Zoning and Annexation Committee Meeting Minutes from September 8th, 2014
2. Notice from Dave Yost, Auditor of State, dated Monday, October 6th, 2014
Bankers Acceptances and Commercial Paper Investment Training, Monday, October 20th, 2014, 12:30 PM-3:30 PM, State Library of Ohio, 274 E. First Ave., Columbus Ohio, deadline for registration is October 15th, 2014.
3. Public Notice FY 2014 CHIP and Fair Housing Public Meeting Notice November 10th, 2014 in Council Chambers, 150 E. High Ave. at 7:00 PM.
4. City of New Philadelphia Income Tax Department September 2014 Report Month End Tax Revenue by Year from Joel B. Day Income Tax Administrator
5. Auditor's Monthly Statement of 2014 Revenue for the General Fund for the Month of September 2014
6. Auditor's Financial Statement for the Month of September 2014
7. City of New Philadelphia Budget Report with Encumbrance Details as of September 30th, 2014
8. City of New Philadelphia Statement of Cash Position with Month to Date as of September 30th, 2014
9. Mayor's Monthly Statement to Council dated September 30th, 2014
10. September 2014 Month-End Summary, New Philadelphia Fire Department, dated October 1st, 2014

ADMINISTRATIVE REPORTS:

MAYOR'S REPORT/REQUESTSMAYOR DAVID JOHNSON.....NO REPORT
EXCUSED ABSENCE

SERVICE DIRECTOR.....MR. JAMES ZUCAL

Service Director reported since our last meeting:
The Service Director continues to monitor the West High Avenue Project.
Meeting at ODOT tomorrow at 10:00 AM with the
Department Heads, Contractor, and a Representative of ODOT. The project is progressing well.

Two Administrative Issues

The Service Director is requesting they be assigned to Committee

1. Letter from Rodney Weekin from Menards Inc.
Menard Inc. is under contract to purchase the former Super K-Mart Building in New Philadelphia. What Menard Inc. is asking for is 50% Tax Abatement for 10 years.
2. A letter from Mr. Lee Montgomery, American Federation of Government Employees.
Mr. Lee Montgomery reported that there are changes taking place in Social Security Agency Structure. He wants to keep Social Security as a Community Based Agency. He has a resolution requesting support from City Council to address the Federal Government on how they structure Social Security Agencies and their locations.

Law Director Menard question:

The letter from Menards in regard to the abatement the Service Director thinks it is Income Tax related but this needs clarification.
When it is assigned to Committee the Service Director will give the letter to the Committee Chair.

AUDITORMS. BETH GUNDY.....NO REPORT
EXCUSED ABSENCE

SAFETY DIRECTOR.....MR. GREG POPHAM

Mr. Popham reported on September 30th, 2014 in the Police Department:

There were four promotions two Sergeants were promoted to Captain and two Patrolmen were promoted to Sergeant.

Sergeant Rocky Dusenberry was promoted to Captain

Sergeant Ty Norris was promoted to Captain

Patrol Officer Don Woods was promoted to Sergeant

Patrol Officer Michael Pierce was promoted to Sergeant

President of Council Sam Hitchcock requested Mr. Popham to

“Please pass on our congratulations.”

TREASURERMR. AARON HILLYERNO REPORT

EXCUSED ABSENCE

LAW DIRECTORMR. MARVIN FETE

The Law Director reported the following:

- September 24th, 2014 supplied a records request regarding vacation pay-outs for one of our former employees to their Attorney.
- Drafted an order to release funds for the City of New Philadelphia versus Steven Spring in regard to the expansion of the West High Widening Project that concludes the City’s involvement in terms of trying to take the property by Eminent Domain in conjunction with ODOT.
- Corresponded with Lucas Law Firm in regard to a records request on an over-dose for a past employee. (That can be addressed in an Executive Session or you can talk to me privately about that.)
- September 29th, 2014 had a meeting with James Zucal, Service Director, Jim Parrish, Fire Chief, Amy Gilland, , Assistant Service Director and Mayor Johnson.
- I’m in the process of drafting a letter on an old issue regarding a neighbors living next door to each other that are fighting over overhanging tree branches.

They have now requested the Service Director; they won’t take the Service Director’s word on it, that they they can cut down the overhanging branches which is the law. They want something in writing from me. I previously worked with them to negotiate a settlement between the neighbors.

We have an ordinance on the books that allows for the entire removal of a tree if it causes a hazard or danger to a neighboring property.

The way the Ordinance is written it is not clear hazarding danger is a pre requisite to the overhanging part but I didn’t think it was in the City’s interest to go to Common Pleas Court file an injection, use the City’s resources to have the tree removed just because of some overhanging branches.

What I try to do is work out a compromise between parties. The neighbor who owned the tree offered to pay for half of the cost of the removal he had gotten an estimate that was pretty high.

The neighbor who has overhanging tree branches got a substantial lower estimate

The Law Directors suggested why don’t we go ahead and do this because if you take it to court it is going to cost you a lot more. Last year they removed the branches for around \$100 each.

This year they want to cut the branches down themselves.

The Law Director is drafting a letter so he will have the whole history of the City’s involvement with this is clear. The people that are requesting this is under the impression the ordinance says the overhanging we have a law on the books that says the neighbor must cut down those branches at their expense and that is not what the ordinance says.

- The Law Director drafted the resolution that you have before you.
 - Sent a letter to the Fire Chief in regard to his analysis of when someone in the area requests permission to do a Bonfire.
- The Fire Code, Ohio Revised Code also our Ordinances says it is the Fire Chief or the Fire Officer some instances the Fire Marshall that makes that call. The Fire Chief is the one who says whether you can or cannot have a Bonfire. He would be liable if anything went wrong.

- October 9th, 2014 drafted a response to our Fixed Base Operator who is re-negotiating his Fixed Base Operator Contract with the City Airport.

- The Law Director corresponded with Kathy Pietro regarding the Oak Shadows Plat recording is presently going through the process of the county to be recorded.

- The Law Director drafted Ordinance 23-2014 to repeal Ordinance 39-97 which the Law Director previously recommended to the Salary Committee on that issue.

He later had discussions with the Service Director.

The Service Director pointed out something that wasn’t addressed in the meeting

It wasn’t until after the meeting when he talked with the Service Director that he understood what he was saying.

What brought this to the forefront beside the Law Directors request that Ordinance 39-97 be updated and redone.

We have employees that are leaving for different reasons the question of payouts for the vacation time and 39-97 prohibits that except for the instance of passing away.

“We apply the use or lose standard.”

Unfortunately it has not been applied through various Administrations. I thought using the handbook instead would be adequate however Mr. James Zucal pointed out the Handbook only addresses termination of employment I know if we don’t address this now it is going to be an issue.

As the Service Director pointed out there are a lot of different incidences and they are all looked at differently under the law. You can have termination, resignation, retirement, or separation from employment. The Handbook only addresses one of them. If they call and ask me interpretation I would have to look at the first paragraph employees are encouraged to use their vacation time employees who do not use their vacation time employees will forfeit unused vacation time the Law Director said we probably need to correct that.

It can go back to committee or amend it on the floor or how do you want to handle that?

But until we have clear guidance it is still going to be up in the air as to what we want to do on this issue.

It seems that 90% of what I do for the City deals with Human Resource issues.

Comment from Councilperson John Zucal:

“During the Committee Meeting I actually realized this was a whole separate issue and as I mentioned to you tonight I think it is even bigger than what you brought up tonight I’d like to continue the discussion in the Salary Committee.”

“The first step is to adopt the Handbook from 2007 as we were very clear in our meeting the other night we have had great inconsistency how matters have been handled over the years in regard to vacation time payout and nonpayment of vacation time. My big concern is we need to look at this in totality.

I would hate to see further inconstancy in how we handle that not again drafting piece of legislation for individual cases but how do we handle the scope of that over a period of time requires further study and further discussion. It was never my intent that night to solve that big issue during the Salary Committee.”

Comment from the Law Director:

“You might want to take into consideration before you repeal it
You might want to have something in place before hand.

I don’t think it is a good idea to repeal it in total and refer to the 2007 Handbook when there are large issues that aren’t in place. As you pointed out in the Committee Meeting this was the first time that an administration had dealt substantially with non-bargaining employees and tried to layout clear cut guidelines for the rules and regulation that apply to non-bargaining employees. The bargaining employees never enter into this problem because they have contracts through their unions.”

The non-bargaining are constantly being treated different based upon what Administration is in there.

How the Mayor applies it, whether it goes to the Law Director, or just the Auditor. It is all over the place and as you pointed out there is only three times with the last time being 2003 when 39-97 was actually referenced, addressed, or updated as part of legislation that was done by this body.

My recommendation would be to draft a new section codify it and make it part of our codified ordinances that deals substantially with non-bargaining personnel. We can go ahead and repeal that it is not going to solve the problem for the people requesting payment of vacation payout right now because it is not clear.”

Comment from Councilperson John Zucal:

“It does grant us the opportunity to remove the legislation as you had requested and to begin to look at the 2007 Handbook. Potentially make any modification or adjustment that to reflect some of the intent and desires may be of the Committee and that of Council. Since we do not have a handbook in place as we noted the other night in the meeting. Right now we have two conflicting documents.

Just for the good of Council, audience and members of the media, 39-97, as well as the 2007 Handbook are in conflict at times with one another that is not good practice. I still stand behind the decision to go ahead and repeal 39-97 to adopt this and any changes we need to make prior to the potential adoption of the new handbook would allow us to deal with it again some of those major issues at hand.

The first step is to repeal 39-97 and the recognition of this is the guide for the non-bargaining that to adjust that accordingly so when we do have any issues that are coming up we can deal with them coming under the scope of the Law and potentially we will be having a new handbook that will cover that as well.”

Comment from Councilperson Mrs. Cheryl Ramos:

“Page eleven of the 2007 Handbook I am hearing you say that you are looking at upon termination of employment as one of the four definitions. I just thought it meant when the employment ends.

You are saying legally we have to be more definitive.”

Comment from the Law Director:

“It is always better to be more definitive than less definitive and leave it up to interpretation.

I think that it is a reasonable interpretation.”

Comment from the Service Director:

Mr. Zucal reported the Law Director and he talked extensively about it. “If you look up termination it is firing.” “That document was crafted to address termination in labor management it was to address termination by firing.”

The ways you can leave the City: resign, retire, termination (firing) or separation of duties.

Comment from the Law Director:

“After speaking with the Service Director on the issue we looked up resolution 17-2007 which adopted the 2007 Handbook.”

In adopting it says where as the *employee handbook is directory only and should be enacted as a guideline.*

Section 1. The Council of the City of New Philadelphia hereby adopt the employee handbook as directory in nature and a guideline only.

It was only intended as a guideline for enforcing other ordinances already on the books that again doesn’t take care of our whole problem. Ideally we would have something from administration as recommendation.

When 39-97 was adopted it came from Mayor Greg Erb that was his intention he had background in human resources and employee relations spent a lot of time drafting that with conjunction with the Law Director and that was the full intention of it. Unfortunately, it has not been followed as it was intended.”

Comment from Councilperson John Zucal:

“Part of my concern is termination of employment what that means. We talk about employee resigning, taking employment elsewhere. Termination of employment what that means as a legal prospective that person be appropriately compensated for any unused vacation time. My concern is we only deal with cases on an individual basis how far back do we go. I want to make sure we look at the broad scope. We are looking at one or two individuals. We might have a bigger issue than the consequences. It is important to go forward with 2007 discuss that in more total depth as how long do we want to extend or what extent do we extend that opportunity for payment without holding up the process for those who are entitled to that.

Comment from Councilperson Mr. Dan Lanzer:

“Hopefully the new handbook will be installed before too much research for 2007 Handbook.”

Comment from Councilperson Ms. Sandy Cox:

“The vacation really needs to be resolved.”

If we recognize the 2007 handbook as the Official Policy Guide for all non-bargaining employees is it still the consensus of this Council to move forward with a more comprehensive handbook for 2014 which we are currently working on?

Ms. Cox concern at the moment is the 2007 Handbook has certain sections that are obsolete.

“Page twenty-five of the 2007 Handbook *Travel Reimbursement*. (For two years 2008-2009 the State Auditors in their draft letter had recommended the City update their Travel Policy.) In 2010 the Finance Committee worked six months with the State Auditor’s Office and the previous Law Director in updating the policy.”

Ms. Cox’s recommendation would be to delete this section and insert refer to Codified Ordinance 159.05 Reimbursement for Travel Expenses: some items that were updated were as follows:

1. Whenever possible, employees shall attempt to use city owned vehicles.
2. City shall not be responsible or liable for any expenses associated with the use of a private vehicle except for mileage reimbursement.
3. City shall not be responsible for any fines or penalties incurred by employee.
4. No personal side trips shall be permitted without written consent.
5. No reimbursement for alcoholic beverages.
6. No reimbursement for meals included with conference or meetings.
7. There will be no reimbursement for in room services.
8. Any and all requests for reimbursement shall include all itemized receipts and/or documentation shall be made to Auditor’s office within thirty days.

Ms Cox’s hope is that we do not endorse the Section on the 2007 Travel Policy.

“Another item I want to make you aware of, in the 2014 Handbook Veteran’s Day is not considered a holiday and the 2007 handbook does recognize Veteran’s Day. Under the previous Mayor the Non-bargaining followed the ASFMCE Contract.”

Comment from Councilperson John Zucal:

“The problem we heard from the Committee Meeting the other night the problem right now that is what the employees are given. Ms. Ionno, Health Commissioner, said that they were given this and that is what you need to go by.

There are elements and issues in this; we are talking about a document that is seven years old when you are talking about dealing with employees. Mr. Lautenschleger and I feel what we have is a Human Resources issue.

That is not the scope of City Council it is not the scope of the Law Director to work with Human Resources we need a HR Specialist to take care of that. If we adopt this than we can begin to make some changes to it we still have it and it is still being used.

It gives us the opportunity to make the necessary changes and not to have it conflict with 39-97

Mr. Zucal said he agrees with Ms. Cox it has to be cleaned up. There are other elements we need to look at it again in Committee to decide what we do and what we do not want to address to get that all taken care of in totality and move forward.”

Comment from the Law Director:

His hope was the the 2007 Handbook could serve as a bridge to get us from 39-97 to the new handbook.

Comment from Councilperson John Zucal:

Mr. Zucal felt the 2007 Handbook can be adopted and the 2007 Handbook will serve as a bridge, now we can clean it up. 39-97 and the 2007 handbook are in conflict.

We can deal with the issues within that are definitely conflicting.

Hopefully we can come to an agreement on 2014 handbook and recommend it should be examined annually to make sure we are current with that.

If we wait and take the time to do this we are not helping anybody we are still in conflict with what you had ask us to do which is repeal 39-97.

Ms. Cox reminded Mr. Zucal that page 25 of the 2007 Handbook has to be deleted.

Mr. Zucal said we can have another meeting on it and move on that.

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR DAVID JOHNSON

EXCUSED ABSENCE

Mr. James Zucal announced the there is no Planning Commission Meeting for the month of October, 2014

There were no submissions for the Planning Commission; therefore the meeting for the month of October has been cancelled the next Planning Commission is tentatively set for November 11th, 2014.

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

Mr. James Zucal announced there are three Variance Requests; the Board of Zoning Appeals will meet Tuesday October 14th, 2014 at 5:00 PM in Council Chambers.

AIRPORT COMMISSION.....MR. JOHN ZUCAL

Mr. Zucal the Airport Commission will meet tomorrow evening in the Airport Meeting Room

A Special Meeting will take place at 5:00 PM followed by the regular meeting at 6:00 PM.

We will be covering some of the annual requirements of the Airport Commission and talk a little more in depth with with our folks from Michael Baker Jr. Company.

PARK BOARD.....MR. DARRIN LAUTENSCHLEGER....NO REPORT

HEALTH BOARD..... MS. SANDY COX

Ms. Cox announced that the next scheduled meeting for the Health Board is Wednesday, November 12th, 2014 at 12:00 (Noon) at the Health Department.

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEEMS. SANDY COX

Ms. Cox announced that the next scheduled Finance Committee Meeting will be held October 27th, 2014 at 7:00 PM in Council Chambers in regard to the 2014 Handbook.

SALARY COMMITTEEMR. JOHN ZUCAL

Mr. Zucal encouraged council to suspend the rules tonight for Ordinance 23-2014 so we can move forward potentially addressing issues within the 2007 Handbook.

Mr. Zucal is requesting the suspension of rules and the passage of Ordinance 23-2014 tonight.

(Ms. Cox ask Mr. Zucal if we can delete page 25 first)

The Salary Committee agreed in Committee Meeting that we didn't want to do individual pieces of the 2007 Handbook one by one.

Comment from the Law Director who said he has become very nervous since he has talked to the Service Director On this issue since I really believed that this would be the bridge between the two.

It is clear that it does not solve everything

It still leaves us in limbo with what do we do if someone quits before you have your meeting and adopt legislation amending this. We have 39-97 but it does not address the issue you want to address.

Cox you still didn't answer the question can you delete page 25 and put in there we are following Codified Ordinance 159.05.

Mr. John Zucal so what we could do is suspend the rules and amend by striking page 25 of the 2007 Handbook and replacing that with Codified Ordinance 159.05.

Mr. Jim Zucal the Service Director offered an opinion

"I think that when the employees come they sign for it.

I think it would be an error of Council to adopt the 2007 Handbook

And I believe that we are working on the new handbook it should be addressed in that handbook from front to back

That handbook is full of errors. Whether it is travel, vacation, funeral leave it is full from front to back

I think it would be a mistake on Council's part to accept that handbook currently. There are a lot of problems with it.

Read it closely."

Mr. Lanzer

So we repeal it and get rid of it don't adopt anything until the new handbook and go by case by case scenario.

Law Director said it could be the discretion of the Chief Executive Officer which is the Mayor.

Until we get the new handbook.

Mr. John Zucal I understand what the Service Director is saying and what Ms. Cox is saying

Why are we handing out to employees a document that is full of errors?

We should repeal the 2007 Handbook as well because if it is full of errors and allow the Chief Executive Officer the Mayor to execute his job in lieu of this.

Right now what we have is 39-97 which you do not feel comfortable with because it is outdated.

The 2007 Handbook which is the only document that the City uses for its employees to provide direction.

It has not been maintained that leaves us with nothing.

I'm okay with that, if the Law Director says the Mayor can execute that duty (handle that on a case by case base.)

The best news is we get 2014 in place as quickly as we can. We want to make sure we are doing that in fairness of non-bargaining too because that becomes the document for non-bargaining. The insanity never stops.

Ms. Cox had a question for the Service Director

"We are following the present codified ordinance under the code right?

Because I know the Auditor the 30 day for receipts I know when anyone goes over certain expenditures it still comes back to the Finance Committee.

So if we do pass 2007 it wipes out our Codified Ordinance."

The Service Director stated, "That was a serious issue that the State Auditor pointed out."

Mr. John Zucal announced that all we need to do is have the Salary Committee say amend that.

"But after hearing all of this I have no problem with not doing anything tonight. It is just insanity."

Mr. John Zucal" it brings to light how desperately we need a HR person or an agreement with a Company that can handle this for us in an efficient manner."

Council President Mr. Hitchcock mentioned that at the Salary Committee Meeting about expediting the review of the new handbook and the Finance Chair Ms. Cox announced tonight that the Finance Committee Meeting will be held October 27th, 2014 at 7:00 PM in Council Chambers in regard to the 2014 Handbook.

Ms. Cox reported that the previous Mayor spent a long time working on that what we have as a document.

"They covered issues from 39-97 and the 2007 Handbook. The 2014 handbook will solve a lot of problems

There was a lot of work done on it.

The President reminded all that he had appointed a Screening Committee which also went through the entire book.

Mr. John Zucal the problem in his opinion is at least an HR Specialist to deal with or a firm that specializes in HR.

Law Director suggested "Clemans Nelson & Associates, Inc."

You don't necessary have to have an HR you need to have a policy or firm who is engaged in that business.

Mr. Lautenschleger:

"the complexity of a work force with bargaining units with safety forces and folks that are elected we have a very complex system you are going to need at some point you are going to need someone or something to be able to oversee that." (It was noted that the 2007 Handbook was not being handed out per the previous Mayor)

SAFETY HEALTH & SERVICE COMMITTEE.....MR. ROB MAURER

Mr. Maurer reported that the Safety Health & Service Committee met tonight at 6:30 PM in Council Chambers to discuss 2 different issues:

Sanitation regarding special pickups

Dog Ordinance

The first issue was sanitation and special trash pick up the Service Director brought to our attention that residence are allowed three per year. It is meant for the clean out of basement, clean out of garage call the City they will come and pick it up 3 times a year.

What is happening Land lords are abusing it pictures were provided showing where the entire house/apartment was out on the cub strip, one picture even had kitchen cabinets.

The problem is when the land lords evict someone or when someone leaves for whatever reason they are cleaning house/apartment out pulling it on the curb strip and expecting the City to take care of it which results in higher tipping fees, several trucks might have to go out to the land fill, it also increases the cost of gas and labor. This is going to be looked into and see if we can get roll back containers or have the land lords do it on their own. We are going to look further into it and try to clear up this problem.

The next item Chapter 505 which deal with Animals and Fowl.

Vicious Dogs running loose.

New Philadelphia resident Mark Sturm owned a Maltese Terrier which was attacked by an unleashed unvaccinated and unlicensed King Mastiffs having a prior history.

Mr. Sturm is not happy with the City's laws in regard to animals. Specifically attacking another animal his dog passed away because of the attack.

We reviewed: it does seem on the surface that we do have laws to protect residents and their dogs; as far as if something happens.

A dog killed by another dog it is a misdemeanor it is up to \$5,000.00 fine and jail time for the owner.

There might be some disconnect between the City Law Enforcement, Health Commissioners and Dog Warden.

We are going to have the Safety Director talk to the Chief or some of the Police Officers and see if we can have better communications.

If a dog attacks another dog in Dover and moves to New Philadelphia we have some kind of history that there have been prior Offenses.

We are going to work on that

Ambulance Committee:

The Ambulance Committee had a Meeting Tonight immediately following the 6:30 PM Safety, Health and Service Meeting in Council Chambers.

The good news is there is no increase in the ambulance rates for 2015.

President of Council Sam Hitchcock assigned to Committee the Resolution Commendations for Sheldon Dematto, William Stewart and Brian Graham and the recommendation from the Ambulance Committee

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

President Sam Hitchcock assigned to the Public Works & Economic Development Committee the Menard Inc. tax abatement request.

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

President Sam Hitchcock assigned to the Zoning & Annexation Committee the letter from Lee Montgomery In regard to the American Federation of Government Employees

SPECIAL & CONTACT COMMITTEE MR. DAN LANZER

Mr. Lanzer reported that the Special & Contact Committee will have a Committee Meeting on Wednesday, October 15, 2014 at 6:30 PM at the Tuscora Park Pavilion to discuss the Grant Applications for the NP2R Trail; and any other matter to come before the Committee. Immediately following the Special & Contact Committee Meeting there will be a Public Hearing on the NP2R Trail at Tuscora Park Pavilion.

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

VISITOR'S COMMENTS:

Aaron Hixenbaugh
561 Crider Avenue NE
New Philadelphia

Mr. Hixenbaugh's concern:

Termination of employment vacation time

The handbook says termination but does not say if the termination is by me or the City.

My vacation time I requested that I take my vacation I was denied I don't know how you can deny me the ability to take my vacation time and than refuse to pay me.

John Zucal:

I agree whole heartily that you should be compensated for your vacation time

I can't understand why you were denied that. I don't think that is right or just. City Council will move so you are compensated for that time.

Ms. Cox asked that Mr. Hixenbaugh's be patient

There are so many issues we are trying to work them out

I can't imagine you not getting paid when we've had legislation where we granted it to other people.

READING OF ORDINANCES AND RESOLUTIONS

ORDINANCES:

23-2014 AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO, TO REPEAL ORDINANCE 39-97 AND RECOGNIZE THE CITY HANDBOOK APPROVED BY COUNCIL IN 2007 AS THE OFFICIAL POLICY GUIDE FOR ALL NON-BARGAINING EMPLOYEES AND DECLARING AN EMERGENCY. (1ST READING)

Comment from John Zucal:

"I would like clarification for the part of that Handbook by the Law Director Page 2 paragraph 3 of the Management Prerogative it states

“It is possible a conflict may arise between a policy and the employee handbook and the City ordinance or Ohio Revised Code or term or condition in the labor agreement between the City and the union that represent some employees. If such a conflict arises the terms and conditions in those documents (I do believe is referencing City Ordinance the Ohio Revised Code and negotiated agreements that those conditions and those documents) will govern without nullifying any other policies in the employee handbook.”

In reference to the codified ordinance for travel

“This manual is directory only and does not convey any contractual or substantive right to employees or employment.”

Comment from Ms. Cox:

The only problem is if it is not wrote that it is deleted and we have a Codified Ordinance in place this is what gets us in trouble.

Comment from John Zucal:

Ohio Revised Code agree those elements are in place so I would have a hard time seeing an Auditor of the State of Ohio that piece of information in there write the repeal of 39-97 if it had in fact happened.

Comment from the Law Director:

Conflict with the Codified Ordinance the Ohio Revised Code those would take **precedence** over the hand book.

Comment from John Zucal:

I don't have any problem putting it out there but we would be protected from the Auditor Finding because of that nature of the language and paragraph two.

RESOLUTIONS:

27-2014

A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO FOR SUPPORTING THE DEVELOPMENT OF NP2R TRAIL. (3rd READING)

Motion to vote on passage by Mr. Lanzer

Seconded by Ms. Cox

Comment from Ms. Ramos:

“Just to clarify to the audience that this is just a maintenance agreement and that the City was going to lease that property to a nonprofit and they were supposed to run it and fund it.”

Roll call, 6 yeas

Resolution 27-2014 has been passed

28-2014

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. (3rd READING)

Motion to vote on passage by Ms. Cox

Seconded by Mr. Lautenschleger

Roll call, 6 yeas

Resolution 28-2014 has been passed

29-2014

A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO COMMEND JUDITH BAKER FOR HER 21 YEARS OF SERVICE AND DEDICATION TO THE CITY OF NEW PHILADELPHIA AS A DATA PROCESSING CLERK IN THE CITY INCOME TAX DEPARTMENT. (2ND READING)

30-2014

A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO COMMEND EUGENE H. NEMITZ FOR HIS 30+ YEARS OF SERVICE AND DEDICATION TO THE CITY OF NEW PHILADELPHIA AS BOTH A PROSECUTOR AND AN ASSISTANT PROSECUTOR. (2ND READING)

UNFINISHED OR OLD BUSINESS:

NONE

NEW BUSINESS:

NONE

MS.COX MADE A MOTION TO ADJOURN THE MEETING AT 8:30 PM.

CLERK OF COUNCIL _____

APPROVED _____

PRESIDENT OF COUNCIL _____