

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON MAY 11TH, 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. DARRIN LAUTENSCHLEGER  
MR. ROB MAURER  
MRS. CHERYL RAMOS  
MS. WINNIE WALKER  
MR. JOHN ZUCAL

EXCUSED ABSENCE:

SERVICE DIRECTOR JAMES ZUCAL

- MS. COX MADE A MOTION TO ACCEPT THE AGENDA FOR TONIGHT'S MEETING  
MR. ZUCAL SECONDED THE MOTION.  
ROLL CALL, 7 YEAS  
MOTION PASSED
- MS. COX MADE A MOTION TO APPROVE  
THE MINUTES FROM THE COUNCIL MEETING HELD ON MONDAY, APRIL 27TH, 2015  
MS. WALKER SECONDED THE MOTION.  
ROLL CALL, 7 YEAS  
THE MINUTES WERE APPROVED.

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

1. Mayor's Report to Council for May 11th, 2015
2. April 2015 Month End Summary Report for the New Philadelphia Fire Department  
Dated May 5th, 2015
3. Salary Committee Meeting Minutes from Monday, April 13th, 2015
4. Finance Committee Meeting Minutes from Monday, April 27th, 2015
5. City of New Philadelphia Income Tax Department April 2015 Report Month-End Tax Revenue  
by Year submitted by Joel B. Day Income Tax Administrator
6. Auditor's Monthly Statement of 2015 Revenue for the General Fund for the Month of April 2015
7. Auditor's Financial Statement for the Month of April 2015
8. City of New Philadelphia Statement of Cash Position with Month to Date as of April 30th, 2015
9. Budget Report with Encumbrance Details as of April 30th, 2015
10. A notice to Council from the  
Ohio Division of Liquor Control,  
Dated May 8th 2015,  
To 5DUBCO DBA Brickyard Dining Co.  
140 Commercial Ave SE  
New Philadelphia, Ohio 44663  
For Type new  
D1 Permit Class  
To Strykers Drive thru LLC  
729 South Broadway  
New Philadelphia, Ohio 44663  
For Type TRFO  
C2 and C2X Permit Class  
And asking that objections be made no later June 8th, 2015
11. A notice to Council from the from the  
Ohio Division of Liquor Control,  
Dated April 28th 2015,  
To B2 Management LLC  
601 W. High Av  
New Philadelphia, Ohio 44663  
For Type New  
D1 and D3 Permit Class  
And asking that objections be made no later May 29th, 2015
12. City of New Philadelphia Listing Non-Bargaining rates corresponding to Resolution 9-2015

**ADMINISTRATIVE REPORTS**

MAYOR'S REPORT/REQUESTS ....MAYOR DAVID JOHNSON

Mayor Johnson reported on the following:

- 4/29/2015 Attended the 25th Anniversary Celebration of WTUZ at the PAC
- 4/30/2015 Planted a tree at the Schoenbrunn Village Park in observance of Arbor Day.  
(It was attended by special guests; Lucy and Bryce Posey the Mayor's Grandchildren.)
- 5/04/2015 The Mayor was the guest speaker for the May New Philadelphia Lions Club Meeting.  
The Mayor reported on what was happening in the City New Philadelphia.
- 5/05/2015 Mayor Johnson opened the Material and Landfill Bids

- 5/06/2015 Attended the monthly New Philadelphia Business & Community Association Board Meeting. The Mayor was a guest at the Buckeye Career Center Foundation Recognition Banquet.
- 5/07/2015 Attended the National Tourism Week with Mr. Lee Fisher and the Tuscarawas County Convention & Visitors Bureau at Kent State University - Tuscarawas Campus.

Mayor Johnson introduced Ms. Mary Ann Otte, his new Executive Assistant and reported that today was her first day.

**SERVICE DIRECTOR.....MR. JAMES ZUCAL**

Mayor Johnson reported for the Service Director the following:

- Bids for CDBG and NRG Projects are due Thursday, May 14th, 2015 at 11:00 AM
- Bids were opened on the Material and Landfill Service May 5th, 2015 at 2:00 PM (Bids that were received are being reviewed.)
- Housing Review Committee met on May 5th, 2015 evaluated seven structures that are need of repair or demolished. Letters were sent to the owners of the properties. They will be evaluated again next month.
- The City has been approved for \$25,000 yard waste startup grant through the Stark, Tuscarawas ,Wayne Recycling District. The grant money will be used to prepare the site at the General Service facility including excavation, fence, and security cameras. We will let constituents know when the site is available. We will be able to take everybody’s yard waste there. They will come in and dump it as often as we need it and it doesn’t cost us anything.
- In the last couple of weeks, approximately 30 building permits have been submitted and reviewed. The Mayor announced that the report was signed by Amy Gilland the Assistant Service Director.

**AUDITOR .....MS. BETH GUNDY**

The Auditor announced as the Clerk mentioned

1. Ms. Gundy reported she prepared the Non-Bargaining rates corresponding to Resolution 9-2015.
2. The Audit is wrapping-up; the Auditors are now back in their own offices. We should be hearing about an Exit Review sometime soon.

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

**TREASURER . . . . .TOM GERBER**

Mr. Gerber reported:

1. The Audit is very detailed. The Auditors review everything that we have done. Mr. Gerber commended the Auditors saying they were polite, they were demanding but very respectful.
2. Mr. Gerber met last Tuesday with Chase Banking Senior Representative and Auditor Ms. Gundy. We have experienced very good working relationship with Chase Bank. We will be extending the contract with Chase Bank for another two years this will be one more year additional option and it will be to our benefit.

**LAW DIRECTOR . . . . .MR. MARVIN FETE**

- The Law Director reported among the things he has been working on: Vacation Pay Issue with past employee. The Law Director reported that he has touched base with our HR person on the issue.
- Reviewing a Lease Agreement for approval on behalf of New Philadelphia City Schools.
- For our Audit: write a Pending Litigation Letter that is due by May 14th, 2015 It deals with any Pending Litigation Issues that may be affecting the City in the coming year and his analysis of those things.
- Finished a letter by the Housing Review Committee so he can issue a demolition order for the business that they have ordered to be demolished.
- Talked to Joe Skinner: The Law Director reported he is working on a General Liability Release Document for when our Police and Firefighters do their training. Mr. Fete reported that he has a rough draft done right now and it should be finished by tomorrow; Whenever they do their training any liability for injury is assumed by the City and won’t be expected on behalf of where they are doing their training.

**BOARD/COMMISSION REPORTS:**

**PLANNING COMMISSION.....MAYOR DAVID JOHNSON**

The Mayor announced there were no submissions for the Planning Commission therefore the meeting for the month of May has been canceled. The next Planning Commission is tentatively set for June 9th, 2015 pending items for the agenda.

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

The Mayor announced the Board of Zoning Appeals will meet Tuesday, May 12th, 2015 at 5:00 PM in Council Chambers there are several items on the agenda.

**AIRPORT COMMISSION.....MR. JOHN ZUCAL**

Mr. Zucal announced the Airport Commission Meeting will be held at 6:00 PM, Tuesday, May 12th, 2015 at the Harry Clever Field Meeting Room.

Mr. Zucal reminded everyone of the Annual EAA Fly-In Pancake Breakfast, A tradition for the Experimental Aircraft Association is always held Memorial Day weekend.

If your schedule allows, if you feel so inclined to support this group it would be appreciated.

PARK BOARD.....MR. DARRIN LAUTENSCHLEGER  
Mr. Lautenschleger reported the next Park Board Meeting will be held on Wednesday, May 20, 2015 at noon at Tuscora Park Pavilion.

HEALTH BOARD..... MS. SANDY COX  
Ms. Cox announced that the next scheduled meeting for the Health Board is this Wednesday, May 13th, 2015 at 12:00 (Noon) at the Health Department.

**STANDING COMMITTEE REPORTS:**

FINANCE COMMITTEE .....MS. SANDY COX  
Ms. Cox reminded all that the Finance Committee is requesting Ordinance 9-2015 be passed this evening.

The Auditor at the last meeting we had, requested Ordinance 9-2015 be passed this evening.

President of Council Mr. Sam Hitchcock assigned to the Finance Committee the CDBG request.

SALARY COMMITTEE .....MR. JOHN ZUCAL  
Mr. Zucal mentioned to Council and Administration that we will continue to move forward with the determination on the vacation pay. (That has been a while, still coming to resolution.)  
Mr. Zucal thanked the Law Director for his efforts working with HR to make sure that we have our T's crossed and our I's are dotted. Look forward to an upcoming Salary Committee Meeting to finalize what we need to do there.

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

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

ZONING & ANNEXATION COMMITTEE .....MRS. CHERYL RAMOS....NO REPORT

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

Mr Lanzer reported the Special & Contact Committee met this evening at 7:15 PM briefly.

All Committee Members were present Mr. Maurer, Ms. Walker, alternate Mr. John Zucal and Mr. Dan Lanzer, Chair with one item to discuss:

To: A notice to Council from the from the  
Ohio Division of Liquor Control,  
Dated April 28th 2015,  
B2 Management LLC  
601 W. High Av  
New Philadelphia, Ohio 44663  
For Type New  
D1 and D3 Permit Class  
And asking that objections be made no later May 29th, 2015

New license for Bud and Tooties at 601 West High Ave.  
They are going to be doing business as B2 Management LLC

After a brief discussion the committee recommended, by a 3-0 vote to move forward, to have this brought before full Council for a vote tonight.

To authorize the Clerk of Council to date, sign and to immediately forward the notice to the Ohio Division of Liquor Control designating we do not request a hearing postmark no later than May 29th, 2015

MR. LANZER MADE THE MOTION AND  
MR. MAURER SECONDED THE MOTION  
ROLL CALL 7-0  
MOTION PASSED.

President of Council Sam Hitchcock assigned the following to the Special & Contact Committee:

A notice to Council from the  
Ohio Division of Liquor Control,  
Dated May 8th 2015,  
To 5DUBCO DBA Brickyard Dining Co. and  
Strykers Drive thru LLC  
and asking that objections be made no later June 8th, 2015

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

**VISITOR'S COMMENTS:**

Mr. Kyle Sundheimer  
510 6th Street NW (Between Baker and Miller Avenue)  
New Philadelphia, Ohio  
Mr. Sundheimer is employed by the New Philadelphia City Schools  
Mr. Sunheimer Concerns/Comments:  
When they purchased their house the alley was a grass alley.  
Last week the alley was opened.  
The alley impacts five houses three of those five houses have children;

This grass alley has been a play area for the kids in the neighborhood.  
 We were not talked to by anyone within the City.  
 We were never asked our opinion; we found out they don't have to,  
 (but sometimes that is just a common courtesy)  
 They don't have much of a reason it is based on request.  
 Mr. Sundheimer expressed his concern with the alley being open  
 It could be a safety issue.  
 The five houses that run along the alley, not one of those home owners want that gravel put down.  
 It was requested from a home owner who lived further down the street.  
 Mr. Sundheimer thanked Mr. Fete for his time.  
 Mr. Sundheimer did mention that Mayor Johnson immediately met with him and they did have a  
 good conversation.  
 Mr. Sundheimer did voice his concern over the issue which he knows is still unresolved.  
 He would like to see the City do what is right.  
 Mr. Sundheimer requests City Council take into consideration in the future  
 When an alley needs to open up the homeowners along the alley be consulted with and asked  
 their opinion.  
 At the end of the day, if you have small children that are used to playing in a grass alley and you  
 open that up to stone, it becomes a safety concern.  
 Mr. Sundheimer thanked everyone for their time.

Roger Russell  
 1045 Clearview SE  
 New Philadelphia, Ohio

Mr. Russell Concerns/Comments are the Tennis Courts at Tuscora Park  
 Mr. Russell reported the Tennis Courts at Tuscora Park are a safety issue.  
 Sectional tournaments have not been able to be held here the last four years because they would not approve the courts.  
 We still play on them we take our chances.  
 Mr. Russell invited Council to look at them and they will see that they are in bad shape.  
 Money is a problem you could look at others sources like a Grant.  
 Maybe there are other groups out there that would be interested in helping out with something like that.  
 Mr. Russell thanked everyone for their time.

Comment from Councilperson Mr. Lautenschleger:

Mr. Lautenschleger thanked Mr. Russell for coming  
 Mr. Lautenschleger informed Mr. Russell that he attends the Park Board Meetings on behalf of Council and reports  
 back to them. For the past two years the tennis courts have been a topic at nearly every meeting.  
 Mr. Rod Miller who is the Park Superintendent as well as one of our new members, Mr. Tom Farbizo, former athletic  
 director for the City of New Philadelphia Schools, has been looking into alternative methods for financing and the  
 courts themselves; all the way from total resurfacing, to taking them out, and total replacing them, to a cover of some  
 sort.  
 No decision has been made. Part of it is financing.

**READING OF ORDINANCES AND RESOLUTIONS**

ORDINANCES:

9-2015 AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA,  
 OHIO, AMENDING AND ADJUSTING THE PERMANENT APPROPRIATIONS ORDINANCE  
 FOR THE YEAR OF 2015 AND DECLARING AN EMERGENCY. (1ST READING)

Motion to suspend the rules made by Ms. Cox  
 Seconded by Mr. Lautenschleger  
 Roll call, 7 yeas  
 Rules for Ordinance 9-2015 have been suspended

Motion to vote on passage by Ms. Cox  
 Seconded by Mr. Lautenschleger  
 Roll call, 7 yeas  
 Ordinance 9-2015 has passed

10-2015 AN ORDINANCE AMENDING CODIFIED ORDINANCE CHAPTER 505 ANIMALS  
 AND FOWL, OF THE CITY OF THE NEW PHILADELPHIA, OHIO, TO INCLUDE A  
 PROHIBITION AGAINST FEEDING AND MAINTAINING CANADIAN GEESE ON  
 PUBLIC PROPERTY WITHIN THE CITY OF NEW PHILADELPHIA, AND DECLARING  
 AN EMERGENCY. (2ND READING)

RESOLUTIONS:

8-2015 A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA IN  
 SUPPORT OF MAINTAINING THE REGIONAL SOCIAL SECURITY ADMINISTRATION  
 FIELD OFFICE IN NEW PHILADELPHIA, OHIO. (3RD READING)

Ms. Cox made a motion to pass Resolution 8-2015  
 Ms. Walker seconded the motion  
 Roll Call 7 yeas

Resolution 8-2015 has passed

13-2015 A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO  
COMMEND TOM FARBIZO FOR HIS 14 YEARS OF SERVICE AS AIRPORT MEMBER AND  
CHAIRMAN TO THE NEW PHILADELPHIA AIRPORT COMMISSION FOR THE CITY OF  
NEW PHILADELPHIA. (2ND READING)

**UNFINISHED OR OLD BUSINESS:**

NONE

**NEW BUSINESS:**

Comment from John Zucal, Salary Committee Chairperson:

Reported that there is a great little read in the March/April  
Cities & Villages from the Ohio Municipal League on Collective Bargaining and  
some Case Study Law.

John Zucal reported that the article was very informative and well done.

Mr. Zucal said hopefully it will help us be more informed, better educated to make  
better decisions.

Comment from Rob Maurer, Safety Health and Service Committee Chairperson

Monday, May 25th is Memorial Day

The President of Council, Sam Hitchcock thanked Mr. Maurer for reminding everyone.

The next scheduled Council Meeting has been moved to Thursday, May 28th, 2015 because of the Holiday.

MS.COX MADE A MOTION TO ADJOURN THE MEETING AT 7:59 PM

CLERK OF COUNCIL \_\_\_\_\_  
Patricia A. McKay

APPROVED \_\_\_\_\_

PRESIDENT OF COUNCIL \_\_\_\_\_  
Sam R. Hitchcock