

NEW PHILADELPHIA CITY COUNCIL MET IN SPECIAL SESSION IN COUNCIL CHAMBERS ON MARCH 28, 2019 WITH PRESIDENT OF COUNCIL, SAM HITCHCOCK, PRESIDING. PRESIDENT HITCHCOCK OFFERED A PRAYER, AND ALL IN ATTENDANCE RECITED THE PLEDGE OF ALLEGIANCE.

COUNCIL MEMBERS IN ATTENDANCE

MR. DEAN HOLLAND  
MR. ROB MAURER  
MRS. AIMEE MAY  
MRS. CHERYL RAMOS  
MR. KELLY RICKLIC  
MR. JOHN ZUCAL

EXCUSED ABSENCE: LAW DIRECTOR MARVIN FETE  
SAFETY DIRECTOR GREG POPHAM  
AUDITOR BETH GUNDY  
MR. DAN LANZER

President of New Philadelphia City Council Sam Hitchcock had the following comment:

I was contacted by Councilwoman Ramos who was questioning whether Ordinance 7-2019 should be on the Agenda and could not remember any proper Committee action for that to be placed on the Agenda. Number 14 of our bylaws states “no matter shall be considered for legislative action by New Philadelphia City Council without first being considered, approved, and recommended by the appropriate City Council Committee. In discussing the matter with Mr. Maurer the Chair of the Finance Committee the Minutes were not prepared so I had asked if there had been any roll call vote taken.

Mr. Zucal had the following comment:

If I remember correctly in speaking to the Auditor we had to have a companion piece of legislation to allow her to collect the Income Tax funds which is typical each and every time we do the budget.

Mr. Maurer had the following comment:

I remember dialogue between Mr. Zucal and Mr. Ricklic as to that and the Committee made a recommendation. I asked the Auditor to get with the Law Director to draw up legislation. There was no roll call vote.

President of New Philadelphia City Council Sam Hitchcock had the following comment:

I also had some conversation with the Law Director last night and if we remember the last meeting Mr. Maurer had made an attempt to place those two Ordinances on the Agenda and they were already there. That’s because the Law Director was under the impression that a recommendation had been sent to the floor. I think just to be on the safe side because it’s my job that legislation is supposed to be properly placed on the Agenda I would interpret the recommendation as being a Committee vote. We have further in Rule 14 a remedy for the City situation and that states “in the event Legislation requires immediate action due to an existing emergency or other situation in which a delay would be detrimental to the health, welfare, or safety of the residents of New Philadelphia, City Council may waive this rule for the particular instance only by a vote of not less than two thirds of its members. So since there may not have been proper recommendation to Council for placing this on the Agenda then I would like to call for a roll call vote of Council to waive the rule.

Mr. Zucal had the following comment:

I hear what you’re saying, but I’m going to dispute that that was not properly discussed and that it was not properly moved to be a part of the Agenda. I personally don’t find that we need to relinquish our will to say that we made a mistake on this process because it’s being disputed. The Auditor duly noted that in order to accept the budget we needed to have companion legislation. It was clearly understood or else we wouldn’t have had Ordinance 7-2019 adopted, and if you read Ordinance 7-2019 it looks like every other Ordinance we had since I’ve been on City Council. I hope to God there’s not anyone here who objects to us collecting revenue. We can’t operate the City without it. Beth made that very clear. We had a conversation about it. It was included as part of the Committee meeting that the Auditor’s prefer that we have a separate piece of legislation that authorizes her to collect the funds on behalf of the City which then in turn allows the budget to be fulfilled.

Mr. Maurer had the following comment:

The Committee agreed and I asked Council after that if there was anything in the budget.

Mrs. Ramos had the following comment:

There are two separate things and Council has to agree to move it to this percentage to that percentage, which is a separate piece of legislation that we do every year. We moved and voted on the budget but not the other. So we can fix it.

Mr. Zucal made the following statement:

We don’t need to fix it. It’s included in the agreement.

President of New Philadelphia City Council Sam Hitchcock had the following comment:

I don’t think that there’s anyone who would dispute that it’s included in the agreement, I just think the procedure may have not been in agreement with at least one of our Council people. To make sure that we have the votes that we’re going to need to emergency pass both of these pieces of legislation I think this would be a remedy.

- MR. HOLLAND MOTIONED TO FORGO WITH ANY FURTHER COMMITTEE ACTION ON ORDINANCE 7-2019 AND HAVE IT PLACED ON THE AGENDA  
MR. RICKLIC SECONDED THE MOTION  
6 YEAS  
ORDINANCE 7-2019 HAS BEEN PLACED ON THE AGENDA
  
- MR. HOLLAND MOTIONED TO ACCEPT THE AGENDA  
MRS. RAMOS SECONDED THE MOTION  
6 YEAS  
THE AGENDA HAS BEEN ACCEPTED
  
- MRS. RAMOS MOTIONED TO FOREGO WITH THE REPORTS AND COMMENTS SECTION OF THE MEETING AND MOVE DIRECTLY TO THE LEGISLATIVE AGENDA.  
MR. MAURER SECONDED THE MOTION  
6 YEAS  
TODAY'S MEETING WILL MOVE DIRECTLY TO THE LEGISLATIVE AGENDA.

**READING OF ORDINANCES AND RESOLUTIONS**

ORDINANCES: (PRESIDENT OF COUNCIL SAM HITCHCOCK HAS INSTRUCTED THE CLERK NOT TO READ ORDINANCE 1-2019 BECAUSE IT IS STILL BEING CONSIDERED IN COMMITTEE)

6-2019 AN ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF NEW PHILADELPHIA, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2019.  
2<sup>nd</sup> Reading

MR. MAURER MOTIONED FOR SUSPENSION OF RULES ON ORDINANCE 6-2019  
MR. ZUCAL SECONDED THE MOTION  
6 YEAS  
RULES HAVE BEEN SUSPENDED ON ORDINANCE 6-2019

MR. ZUCAL MOTIONED FOR APPROVAL OF ORDINANCE 6-2019  
MR. MAURER SECONDED THE MOTION  
5 YEAS 1 NAY (MRS. RAMOS VOTED NO)  
ORDINANCE 6-2019 HAS BEEN APPROVED

7-2019 AN ORDINANCE TO ALLOCATE FUNDS COLLECTED UNDER THE CITY OF NEW PHILADELPHIA INCOME TAX ORDINANCE.  
1<sup>st</sup> Reading

MR. ZUCAL MOTIONED FOR SUSPENSION OF RULES ON ORDINANCE 7-2019  
MR. HOLLAND SECONDED THE MOTION  
6 YEAS  
RULES HAVE BEEN SUSPENDED ON ORDINANCE 7-2019

MR. ZUCAL MOTIONED FOR APPROVAL OF ORDINANCE 7-2019  
MR. RICKLIC SECONDED THE MOTION  
5 YEAS, 1 NAY (MRS. RAMOS VOTED NO)  
ORDINANCE 7-2019 HAS BEEN APPROVED

RESOLUTIONS:

3-2019            A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA OHIO AUTHORIZING THE MAYOR OF THE CITY OF NEW PHILADELPHIA TO ENTER INTO THE OHIO ENTERPRISE ZONE AGREEMENT ADDENDUM #3 WITH THE CRANE CARRIER COMPANY, LLC, A COPY OF WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN AS IF FULLY REWRITTEN, FOR THE PURPOSES OF THE TAX ABATEMENT DESCRIBED THERIN.  
2<sup>nd</sup> Reading

**UNFINISHED OR OLD BUSINESS: NONE**

**NEW BUSINESS: NONE**

Mr. Maurer motioned to adjourn at 7:14am.

CLERK OF COUNCIL \_\_\_\_\_  
Julie Courtright

APPROVED \_\_\_\_\_

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