

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON JANUARY 28TH, 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
MR. DAN LANZER
MR. DARRIN LAUTENSCHLEGER
MR. ROB MAURER
MS. WINNIE WALKER
MR. JOHN ZUCAL

PRESIDENT OF COUNCIL SAM HITCHCOCK ANNOUNCED THAT COUNCIL MEMBER MS. COLLEEN ESPENSCHIED IS EXCUSED FROM TONIGHT'S COUNCIL MEETING.

MS. COX MADE A MOTION TO REMOVE ORDINANCE 2-2013 FROM TONIGHT'S AGENDA AND REFER BACK TO COMMITTEE.

ORDINANCE 2-2013 AN ORDINANCE AMENDING THE TAX CODE OF THE CITY OF NEW PHILADELPHIA, OHIO, TO ENACT A LODGING TAX FOR HOTELS, MOTELS AND OTHER ESTABLISHMENTS FOR TRANSIENT GUESTS WITHIN THE CITY OF NEW PHILADELPHIA.

MR. LAUTENSCHLEGER SECONDED THE MOTION ROLL CALL 6 YEARS, MOTION PASSED ORDINANCE 2-2013 WAS REMOVED FROM TONIGHT'S AGENDA.

MS. COX MADE A MOTION TO ACCEPT TONIGHT'S AGENDA
MR. LAUTENSCHLEGER SECONDED THE MOTION
ROLL CALL, 6YEAS, MOTION PASSED.

MS. COX MADE A MOTION TO APPROVE THE MINUTES FROM THE PREVIOUS REGULAR SESSION OF COUNCIL HELD ON JANUARY 14TH, 2013.

MR. ZUCAL SECONDED THE MOTION
ROLL CALL, 6 YEARS, MOTION PASSED.

CORRESPONDENCE CLERK, PATRICIA MCKAY

1. Request to Council dated January 28th, 2013 from Aaron A Shanklin, owner of Wabash Lanes, 655 Wabash Avenue NW, New Philadelphia; his property is Zoned Residential and he is requesting that it be Rezoned to Commercial.
2. Request to Council dated January 18, 2013 from Council Member John Zucal in regards to Recognition Legislation for City Council to formally recognize:
 - o Mike Ley of Robert's Men Shop for his many years of dedicated service to the City of New Philadelphia.
 - o Businesses that have operated continually within the City of New Philadelphia for a least twenty years and that the legislation include recognition at fifty and one hundred years.
3. Notice of Public Hearing #1 to be held Monday, February 11, 2013 at 6:45 PM in Council Chambers to provide Citizens with pertinent information about the CDBG program including an explanation of eligible activities and program requirements.
4. A letter to Ms. Cox, Finance Committee Chair, from the New Philadelphia Athletic Department, President Jeff Graham stating that the Athletic Department would pursue funding if the Bed Tax Legislation is approved.
5. A letter to Ms. Cox dated January 9th, 2013 from the Education Hangar Chairman, Terry Henry requesting funding for EAA should the Bed Tax Legislation be approved. (for the support of the airport and educational activities)
6. Public Works and Economic Development Committee Meeting Minutes From January 14th, 2013
7. Salary Committee Meeting Minutes From January 14th, 2013

ADMINISTRATIVE REPORTS:

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

The Mayor distributed the Mayor's Report/ Requests to Council dated January 28th, 2013.

Mayor Taylor addressed the following:

- The Mayor requested an Executive Session tonight after the legislative portion of our agenda for Matt Baker from Clemans-Nelson to review a tentative agreement he has reached with the FOP on behalf of the City. The Mayor reported that since Council last met this agreement was voted on and passed by the FOP Union. Matt will explain the terms of the Confidential Agreement and review the timeline in place for Council to act there will be no action requested upon the tentative agreement tonight.
- The Mayor announced the New Philadelphia Democratic Central Committee will be meeting tomorrow evening to again appoint someone as the New Philadelphia City Treasurer.
- The Mayor announced that he is holding Budget Meetings with most departments this week so he can review what their needs are prior to the meeting with the Finance Committee. The Mayor informed Council that we will work to have a lean budget again for 2013 and be willing to review any additional requests later in the year if funds permit. The Mayor requested the Finance Committee Chair schedule a Finance Committee Meeting the first half of February; so the budget can be completed legislation prepared for the first reading of the budget can be February 25th, 2013.
- The Mayor announced that Mr. Kelly Watson has been reappointed to the New Philadelphia Planning Commission for his second term.

Ms. Cox made a motion to go into an Executive Session after the Legislation to discuss the FOP contract
 Mr. Zucal seconded the motion.
 Roll call 6 yeas motion passed.

SERVICE DIRECTOR.....MR. JAMES ZUCAL

The Service Director Mr. James Zucal distributed to Council the List of Accomplishments for 2012 for:
 The Service Director Accomplishments 2012 and Yearly Business, 2012 Accomplishments at General Services, 2012 Water Department Report, Wastewater/Sewer Review 2012, Wastewater Projects Completed in 2012, Cemetery Department 2012 Yearly Summary and Tuscora Park Major Accomplishments 2012.

- The Service Director reported that Amy Gilland and he met with a representative from the Gradall Company about the easement that we are securing across their property for the Five Point Storm Sewer Project which is progressing well and on schedule.
- Mr. Zucal report that he met with a representative from Attorney Brad Hillyer’s office last week regarding the Gas/Oil Leases for the City. Mr. Zucal reported that they will be putting the final draft together for the RFP. (that will be out for bids very soon)
- Mr. Zucal commended the Street Department Employees stating they did an excellent job this year of plowing and salting the City streets.
 Mr. Zucal informed Council in this season (which included December of the last year; with our first call out in December: We Used 785 tons of Salt which is about \$37,000 had Overtime of \$4,000, Fuel and repairs to vehicles \$8,600 for a total this year of \$46,000. Mr. Zucal reported there is 1,200 tons of salt still on hand.

President of Council Sam Hitchcock echoed the comments Mr. Zucal made in regard to the Street Department with the plowing and the salting of the streets.

Council Member John Zucal expressed appreciation to the Service Director and the Street Department Employees for their dedication, hard work and a job well done.

AUDITORMS. BETH GUNDY

Ms. Gundy announced that the Auditors will be in tomorrow.

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

TREASURER NO REPORT

LAW DIRECTORMR. MARVIN FETE

The Law Director reported in accordance with the request from Council Member Ms.Cox as the Chair Person of the Finance Committee that the Law Director provide a Legal Opinion in regards to the proposed 3 % Lodging/Bed Tax and any related issues.

The Law Director put together a very comprehensive proposal including a full written legal opinion that gives an overview of the Bed Tax in the State of Ohio and also deals with some understanding of Equal Protection in Due Process and how that

could be applied in that case and ends with his conclusion as City Law Director. The Seven Page legal opinion, attached legislation to allow what you've done from the Ohio Revised Code as well as an overview from Baldwin's Ohio Revised Code Annotated and also a Court of Appeals Case where City Income Tax was challenged and found unconstitutional on the basis of Equal Protection in Due Process.

Once you have an opportunity to read this and digest it, if you have questions please contact Mr. Fete.

The Law Director announced that if anyone in the audience would like a copy of the legal opinion with attachments contact his office.

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR MICHAEL TAYLOR

Mayor Taylor reported the Planning Commission did not meet in the Month of January because of a lack of an agenda.

Mayor Taylor announced that the next Planning Commission Meeting will be held Tuesday, February 12th, 2013 at 1:00 PM in Council Chambers pending and agenda.

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

Mr. Zucal announced the next Board of Zoning Appeals will meet Tuesday, February 12th, 2013 at 5:00 PM in Council Chambers providing there is an agenda.

AIRPORT COMMISSION..... MR. JOHN ZUCAL NO REPORT

PARK BOARD..... MR. DARRIN LAUTENSCHLEGER

Mr. Lautenschleger announced that the Park Board scheduled and held a meeting Sunday, January 27th, 2013 to take care of a few items. Minutes will be forthcoming.

HEALTH BOARD.....MS. SANDY COX

Ms. Cox announced that the Health Board will meet Wednesday, February 20th, 2013 at 12:00 Noon at the Health Department.

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEE.MS. SANDY COXNO REPORT

SALARY COMMITTEEMR. JOHN ZUCAL.....NO REPORT

President of Council Sam Hitchcock assigned to the Salary Committee the following request for Recognition Legislation

- Mike Ley of Robert's Men Shop for his many years of dedicated service to the City of New Philadelphia.
- Businesses that have operated continually within the City of New Philadelphia for a least twenty years and that the legislation include recognition at fifty and one hundred years

President of Council Sam Hitchcock assigned to the Salary Committee the previous work that was completed by the Ad Hoc Committee.

SAFETY HEALTH & SERVICE COMMITTEEMR. ROB MAURER.....NO REPORT

PUBLIC WORKS & ECONOMIC DEVELOPMENT COMMITTEE ...MR. DARRIN LAUTENSCHLEGER

Mr. Lautenschleger reminded all:

Reminded all that Ordinance 1-2013 is on the agenda for first reading this evening and the Committee has recommended that the Ordinance be read three times with passage upon the third reading.

ZONING & ANNEXATION COMMITTEEMS. COLLEEN ESPENSCHIEDNO REPORT

Excused Absence

CONTACT & SPECIAL COMMITTEE MR. DAN LANZERNO REPORT

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

VISITOR'S COMMENTS:

Dee Grossman President, of the New Philadelphia Business and Community Association
126 East High Avenue
New Philadelphia, Ohio 44663

Dee Grossman Director of the Tuscarawas County Convention and Visitors Bureau,
124 East High Avenue
New Philadelphia, Ohio 44663

Ms. Grossman thanked Council for sharing the proposed legislation and ordinance 2-2013
She applauded the Law Director's effort for putting in the words travel and tourism and some other specific language and she reported that she reviewed and made comments on the legislation that Mr. Fete prepared.

Ms. Grossman did distribute to Council in writing questions and a few suggestions for clarification and consistency.
Ms. Grossman was concerned with how the money will be disbursed and made comments on the time frame for disbursement.
Provided a copy of the County Lodging Tax form that is for consistency purposes.

Consistency issues:

1. The times of the collection in terms of 30 days or 60 days. It was made known collection would start with passage of the ordinance. (hotels need time to upgrade their software so we recommend 60 or 90 days)
2. Terms of collections on five rooms or more (the county is ten rooms or more.)
3. Exemption issue the State is pretty clear on that exemption for Lodging Tax
Federal Employees only (there are no County employees State or local employees that are exempt from the Lodging Tax.)

Ms. Grossman stated that her request in the past was to disburse that money to NPBCA she is now requesting the money be given to Tuscarawas County Convention and Visitors Bureau in the form of 40% with 60% going to the City.

Ms. Grossman announced that they will take that money and turn it into grants (100 % of that money for grants.) they will follow to the letter of the legislation where those grant money goes. Whether it is parks, historic sites or museums which is straight forward and out lined in the legislation and that is her official request.

READING OF ORDINANCES AND RESOLUTIONS

ORDINANCES:

20-2012 An ordinance by the Council of the City of New Philadelphia to
Authorize the Mayor of the City to enter into a contract with State Electric Supply Company to offer a three
year Tax Credit for Income Taxes as the result of new jobs created beginning _____, 20 _____
within the City for the Calendar year 2013, 2014, and 2015, and declaring an emergency.
(3rd Reading)

Motion to vote on passage made by Mr. Zucal
Seconded by Mr. Lanzer
Roll call, 6 yeas, Ordinance passed

1-2013 An ordinance to authorize the Mayor of the City of New Philadelphia, Ohio, to enter into an Ohio 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. (1st Reading)

RESOLUTIONS:

29-2012 A resolution by the Council of the City of New Philadelphia, Ohio to confirm the re-appointment of Alan
Welch to the Airport Commission for a three year term beginning January 1, 2013. (1st Reading)

32-2012 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. (3rd Reading)

Motion to vote on passage made by Ms. Cox

Seconded by Mr. Maurer
Roll call, 6 yeas, Resolution 32-2012 Passed.

- 1-2013 A resolution by the Council of the City of New Philadelphia, Ohio to commend Theodore R. Wenger for his thirty five (35) years of service and dedication in Water Filtration for the City of New Philadelphia. (2nd Reading)

- 2-2013 A resolution by the Council of the City of New Philadelphia, Ohio to commend Daniel B. Risinger for his twenty six (26) years of service and dedication to the City of New Philadelphia as a Police Officer with the New Philadelphia Police Department. (2nd Reading)

COUNCIL ADJOURNED FROM REGULAR SESSION INTO EXECUTIVE SESSION AT 7:55 PM AS REQUESTED BY THE MAYOR, MICHAEL TAYLOR, TO DISCUSS THE FOP CONTRACT. COUNCIL RECONVENED INTO REGULAR SESSION AT 8:34 PM.

UNFINISHED OR OLD BUSINESS:NONE

NEW BUSINESS:NONE

MS. COX MADE A MOTION TO ADJOURN AT 8:35 PM.

CLERK OF COUNCIL _____

APPROVED _____

PRESIDENT OF COUNCIL _____