

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON JULY 22ND, 2013 WITH PRESIDENT OF COUNCIL, SAM HITCHCOCK, PRESIDING.

MR. HITCHCOCK OFFERED A PRAYER, AND A SPECIAL BLESSING FOR SAFETY DIRECTOR GREG POPHAM AND HIS FAMILY AS THEY ARE DEALING WITH THE LOSS OF GREG'S FATHER AND ALSO FOR CONTINUED BLESSING AND SUPPORT FOR COUNCIL MEMBER WINNIE WALKER AND HER FAMILY.

ALL IN ATTENDANCE RECITED THE PLEDGE OF ALLEGIANCE.

COUNCIL MEMBERS IN ATTENDANCE:

MS. SANDY COX
MS. COLLEEN ESPENSCHIED
MR. DAN LANZER
MR. DARRIN LAUTENSCHLEGER
MR. ROB MAURER
MR. JOHN ZUCAL

PRESIDENT OF COUNCIL SAM HITCHCOCK ANNOUNCED SAFETY DIRECTOR MR. GREG POPHAM AND COUNCIL MEMBER MS. WINNIE WALKER ARE EXCUSED FROM TONIGHT'S MEETING.

MS. COX MADE A MOTION TO ADD RESOLUTION 24-2013 TO TONIGHT'S AGENDA AND MR. LAUTENSCHLEGER SECONDED THE MOTION.

ROLLS CALL, 6 YEAS
MOTION PASSED

MS. COX MADE A MOTION TO ACCEPT THE AGENDA AS AMENDED.
MR. LAUTENSCHLEGER SECONDED THE MOTION.

ROLL CALL 6 YEAS
MOTION PASSED.

MR. LANZER MADE A MOTION TO APPROVE THE MINUTES FROM THE PUBLIC HEARING HELD AT 7:00 PM AND THE MINUTES FROM PREVIOUS REGULAR SESSION OF COUNCIL HELD AT 7:30 PM ON MONDAY, JULY 8TH, 2013.
MS. COX SECONDED THE MOTION

ROLL CALL, 6 YEAS
MOTION PASSED.

CORRESPONDENCE. CLERK, PATRICIA MCKAY

1. Mayor's Report/Requests to Council July 22nd, 2013
2. A response dated July 12th, 2013 to Council President Sam Hitchcock from James Zucal, Service Director and Chief Parrish the response to Hootie Bear LTD billing for repairs at the Airport Restaurant "Maggoo's"
3. Minutes of the New Philadelphia Airport Commission for June 11th, 2013
4. Housing Meeting Minutes from June 27th, 2013
5. Finance Committee Meeting Minutes from July 8th, 2013
6. A flyer from NPBCA announcing the New Philadelphia Sidewalk Sales "Summer Sun and Sand Tastic- Sales" which will be held Thursday, July 25th, Friday, July 26th and Saturday, July 27th, 2013. The children's festivities and the Crabby Critter Cook-off will be held on Saturday, July 27th, 2013

ADMINISTRATIVE REPORTS:

MAYOR'S REPORT/REQUESTS.....MAYOR MICHAEL TAYLOR
The Mayor addressed the following:

- The Mayor requested an Executive Session this evening after Visitor's Comments and before the legislative portion of the agenda to discuss collective bargaining issues with the AFSCME Service Unit.
- The Mayor commended the City Crews for doing a great job cleaning up after the storm on July 10th. The Mayor expressed appreciation to all the workers who came out after hours to work on getting the streets open and all the hard work last week in the heat to clean downed trees and to pickup and chip limbs.
- The Mayor reported that he is in the process of working with Buckeye Energy to set our next natural gas price for a 12 month period beginning with the December billing cycle. The Mayor is hoping for it to be in the range of \$4.80 per Mcf. He will announce the price we lock in at when it occurs.
- The Mayor reported last Thursday there was a large contingent here from Team NEO. (The Tuscarawas County Arm of Job's Ohio). There was a bus tour to some of the industrial and potential business growth areas in the county including Tech Park. There was tour of one of Lauren Manufacturing facilities in New Philadelphia. They were impressed with the Lauren's product lines and sophistication of production.

Gary Little from the Tuscarawas County CIC organized this event for the Team NEO people, who are mostly from the Cleveland area. (It was a good opportunity for them to become more familiar with one of the areas they serve.)

The Mayor offered his condolences to Safety Director Greg Popham and his family. Greg's father passed away late last week in Florida and Greg will be unavailable this week.

Ms. Cox made a motion to go into an Executive Session prior to legislation tonight to discuss collective bargaining issues with the AFSCME Service Unit.

Mr. Lautenschleger seconded the motion

Roll call 6 yeas motion passed.

SERVICE DIRECTOR.....MR. JAMES ZUCAL

The Service Director reported the following:

CDBG Project for this year is on Maple Avenue. Mid - Ohio Concrete is doing the project. (New sidewalks, curb, gutter, and storm sewers) It will be done by the time school starts.

The Service Director reported Paving in town is actually through ODOT. The City is cost shared in that.

They are working on East High, which is State Route 259 that will come into Market Square in the Beaver Avenue area. They are doing this in lifts that is the Engineering Process they use, multiple layers of asphalt. They are within schedule but they are a little behind because of the rain. There is more paving to come this year.

The Service Director reported that he provided a cost estimate for Patti Levengood on the storm of July 10th, 2013 on the emergency work that was done. The crews did a great job. He gave her a figure he thought would cover our time and expenses. Ms. Levengood is going to submit that and see if we get a refund or reimbursement from the Federal Government.

President of Council complimented the City Service workers on the quick clean up from the storm that blew down multiple trees.

AUDITORMS. BETH GUNDY.....NO REPORT

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

TREASURERMS. LORI STATLER.....NO REPORT

LAW DIRECTORMR. MARVIN FETE

The Law Director reported the following:

Over the past two weeks he had to issue two legal opinions:

Illegal trespassers who were camping in Tent City down along the river.

Police had asked for the Law Directors input on that. Mr. Fete gave an Executive Order that they should be removed. They gave them a warning and they removed it and everything since then has been cleaned up. No action has been taken against those individuals. That matter has been cleaned up.

Second legal opinion involved Tuscora Park.

At Tuscora Park we have rules and regulations if you want to use the swimming pool.

One of the rules and regulations is you must wear a swimming suit.

We changed that from proper swimming attire to a swimming suit because people from different ethnicities or cultures, back grounds may be use to swimming in their underwear for example. Because we have a public pool we made sure that people have to wear a bathing suit if they use the pool. It does not restrict you from wearing a T-shirt over your suit or a wet suit over your suit you have to have a swimming suit on first.

Last week a person was escorted from the park by our Law Enforcement Authorities not because of inappropriate attire but because of inappropriate language that was directed to one of the life guards.

What led to the inappropriate language was someone who was wearing inappropriate attire they wanted to go swimming in a T shirt or a sports bra and park regulations indicate you have to wear a swimming suit.

If you chose to swim in a public pool you chose to obey the rules and regulations of the pool.

It is a family pool and everyone has to obey those regulations.

When the person was escorted from the premises she complained she was being discriminated against. Clearly the reasons for her removal had nothing to do with her sexual orientation, race, creed or color. No matter what background you are from you are not permitted to swim in an inappropriate swimming suit if you chose to swim in a public pool.

The Law Director’s legal opinion is that the authorities acted appropriately and he did not see any discrimination issues involved there.

Mr. Fete requested an Executive Session after legislation to brief Council on four pending imminent court actions that he is defending the City in currently.

Mr. Lanzer made that motion to go into a second Executive Session following legislation

Ms. Espenschied seconded the motion

Roll call 6 yeas motion passed.

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR MICHAEL TAYLOR

Mayor Taylor reported the there was no Planning Commission Meeting for the month of July there was no agenda items. The Mayor announced that the next Planning Commission Meeting is scheduled for Tuesday, August 13th, 2013 at 1:00 PM in Council Chambers pending agenda items.

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

Mr. Zucal announced provided there are any variance request, the Board of Zoning Appeals will meet Tuesday, August 13th, 2013 at 5:00 PM in Council Chambers.

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

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, August 21st, 2013 at 12:00 Noon at the Health Department.

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEE. MS. SANDY COX

Ms. Cox reported the Finance Committee met Monday, July 22nd, 2013 at 6:45 PM in the Council Chambers at the Knisely Centre. On the following:

- Item one: Reviewed were the following pieces of legislation for this evening’s agenda.
 - Ms. Cox discussed Ordinance 2-2013 – this is the second reading for Ordinance 2-2013 and the Finance Committee on June 24th, 2013 recommended passage on the second reading (Lodging tax issue and the due date has been updated to the 15th.)
 - Ordinance 10-2013 this is the companion ordinance to Amended Resolution 21-2013 and should only be read for the second reading this evening. (Changes the City Income Tax Code)

Ordinance 12-2013 this is the first reading of Ordinance 12-2013 and the Auditor requested passage on the first reading. (Bond expenses, principal payment, interest payment and ODOT appropriations)

Amended Resolution 21-2013 this is the 3rd reading of Resolution 21-2013 and poses the income tax issue question to the citizens for the November election.

Resolution 22-2013 Fire Equipment Fund poses the question to repeal fund #420 3rd reading.

Note: the Fire Chief expressed his concern about repealing this account for the reason of future fire equipment purchases.

Resolution 23-2013 – and Resolution 24-2013 are both dealing with the AFSCME agreement and will be discussed in the Executive Session.

Item 2: Resolution 24 -2013 which is the AFSCME AGREEMENT ESTABLISHING WAGES, HOURS AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT this is put on the agenda for the first reading tonight.

The Auditor informed the Committee there will be a supplemental appropriation ordinance prepared for the next meeting.

Meeting was adjourned at 6:49 PM.

SALARY COMMITTEEMR. JOHN ZUCAL....NO REPORT

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

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

Mr. Darrin Lautenschleger reminded all that Ordinance 11-2013 is up for its 3rd reading this evening dealing with the City’s tattoo regulations and the committee has recommended passage this evening.

President of Council Sam Hitchcock assigned to the Public Works & Economic Development Committee the A response dated July 12th, 2013 to Council President Sam Hitchcock from James Zucal, Service Director and Chief Parrish the response to Hootie Bear LTD. billing for repairs at the Airport Restaurant “Magoo’s”

ZONING & ANNEXATION COMMITTEEMS. COLLEEN ESPENSCHIED....NO REPORT

Ms. Espenschied announced that the Zoning & Annexation Committee met July 22, 2013 at 7:00 PM in Council Chambers to discuss the Camper issue. People living in them as permanent We have decided permanent consists of people who are hooked up to the electric, sewer, telephone, water and everything and we do not want that in our City. I’ve talked to the Service Director and the Law Director to get together They went through Dover’s. We have decided to put in Chapter 1141 (clarified by Mr. James Zucal) part of the definition of a recreational vehicle. And add there general requirements how it can be put. No such recreational vehicle shall have fixed connections to electricity, water, gas or sanitary sewer facilities. Nor shall any vehicle at any time be used for living or housekeeping purposes on a zoning lot.

A motion was made by Mr. Lautenschleger seconded by Mr. Zucal for legislation to be drawn up put on the agenda for the next meeting.

Meeting adjourned at 7:13 PM.

CONTACT & SPECIAL COMMITTEE MR. DAN LANZER....NO REPORT

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

VISITOR’S COMMENTS:

Ron McAbier

350 21st Drive NE

New Philadelphia, Ohio 44663

Comment from Mr. McAbier, President of Local 1958 AFSCME Union.

Starting with the Fact Finder Report from 2½ months ago, the City voted down

And the last best offer which they voted down; “no one was happy with it.”

“I don’t know where we got so far off the path.”

Mr. McAbier expressed disappointment as to how the contract issue was being handled.

Cheryl Ramos
759 Ray Avenue NW
New Philadelphia, Ohio 44663
Ms. Ramos concerned resident and taxpayer comments.

Ms. Ramos asked and urged Council:

To vote against putting an income tax increase on the November ballot.
To balance the budget, bring the City finances into line, get the spending under control, and make hard choices before asking for more money.

Comments from:

Jim Hobart
746 Blake Avenue SW
New Philadelphia, Ohio 44663

Mr. Hobart’s concern was the fact finder report and feelings of being treated unfairly. Mr. Hobart did thank the Mayor for his comments. The Mayor commended the City Crews for doing a great job cleaning up after the storm on July 10th. The Mayor expressed appreciation to all the workers who came out after hours to work on getting the streets open and all the hard work last week in the heat to clean downed trees and to pickup and chip limbs.

Comments from:

Bill Groom
1601 Campbell Road SW
New Philadelphia, Ohio 44663

Mr. Groom’s concern was the contract issue and Matthew B. Baker of Clemans, Nelson & Associates of Dublin as the City’s Chief Negotiator.

Comments from:

Sean Finnicum
116 South Broadway
New Philadelphia, Ohio 44663

Mr. Finnicum’s concern was why did the City hire Attorney Baker when we had our own attorney and what was the cost?

COUNCIL ADJOURNED FROM REGULAR SESSION INTO EXECUTIVE SESSION
AT 8:00 PM AS REQUESTED BY THE MAYOR, TO DISCUSS COLLECTIVE BARGAINING ISSUES WITH
THE AFSCME SERVICE UNIT.
COUNCIL RECONVENED INTO REGULAR SESSION AT 8:40 PM

READING OF ORDINANCES AND RESOLUTIONS

ORDINANCES:

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. (2ND READING)

Motion to suspend the rules made by Ms. Cox, seconded by Ms. Espenschied
Roll call, 6 yeas rules suspended.

Motion to vote on passage made by Ms. Cox, seconded by Ms. Espenschied
Roll call, 6 yeas Ordinance passed

10-2013 AN ORDINANCE AMENDING SECTIONS 3, 5, 7, AND 16 OF ORDINANCE NO. 51-2003 PROVIDING FOR AN INCREASE OF THREE-FOURTHS (¾) PERCENT IN THE EXISTING INCOME TAX LEVIED BY THE CITY OF NEW PHILADELPHIA EFFECTIVE

JANUARY 1, 2014 AND CONTINUING UNTIL REVOKED, TO PROVIDE FUNDS FOR GENERAL MUNICIPAL OPERATIONS. (2ND READING)

11-2013 AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO REPEAL EXISTING ORDINANCE 767.05 (A) THROUGH (I) AND ENACTING NEW SECTION 767.05 (A) THROUGH (I), AND DECLARING AN EMERGENCY. (3RD READING)
Motion to vote on passage made by Mr. Lautenschleger, seconded by Mr. Lanzer
Roll call, 6 yeas Ordinance passed

12-2013 AN ORDINANCE AMENDING AND ADJUSTING THE PERMANENT APPROPRIATIONS ORDINANCE FOR THE YEAR 2013 AND DECLARING AN EMERGENCY. (1ST READING)
Motion to suspend the rules made by Ms. Cox, seconded by Ms. Espenschied
Roll call, 6 yeas rules suspended.

Motion to vote on passage made by Ms. Cox, seconded by Ms. Espenschied
Roll call, 6 yeas Ordinance passed

RESOLUTIONS:

AMENDED 21-2013 A RESOLUTION DECLARING THE NECESSITY OF AN ELECTION ON THE QUESTION ON APPROVING THE PASSAGE OF AN ORDINANCE AMENDING ORDINANCE NO 51-2003 PROVIDING FOR AN INCREASE OF THREE FOURTHS (¾%) IN THE EXISTING INCOME TAX LEVIED BY THE CITY OF NEW PHILADELPHIA, EFFECTIVE JANUARY 1, 2014 AND CONTINUING UNTIL REVOKED, TO PROVIDE FUNDS FOR THE GENERAL MUNICIPAL OPERATIONS AND DECLARING AN EMERGENCY. (3RD READING)

Motion to vote on passage made by Ms. Cox, seconded by Mr. Lanzer
Roll call, 4 yeas and 2 nays (Mr. Rob Maurer and Mr. John Zucal)
Amended Resolution 21-2013 passed

22-2013 A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO REPEAL RESOLUTION NO. 9-2007, WHICH CREATED FUND #420 KNOWN AS THE FIRE EQUIPMENT AND CAPITAL FUND AS THIS ACCOUNT WILL NO LONGER BE UTILIZED BY THE CITY AND SAID FUNDS WILL NOW BE PLACED IN THE GENERAL FUND, AND DECLARING AN EMERGENCY. (3RD READING)

Motion to vote on passage made by Ms. Cox, seconded by Mr. Lautenschleger
Roll call, 6 yeas
Resolution passed

23-2013 A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO ADOPT AN AGREEMENT BETWEEN THE CITY OF NEW PHILADELPHIA, OHIO AND AFSCME OHIO COUNCIL 8, LOCAL 1958 TO BE EFFECTIVE JANUARY 1, 2013, THROUGH DECEMBER 31, 2015, AND DECLARING AN EMERGENCY. (2ND READING)

Motion to table Resolution 23-2013 made by Ms. Cox, seconded by Mr. Lautenschleger
Roll call, 6 yeas
Resolution 23-2013 has been tabled

24-2013 A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO ESTABLISHING WAGES, HOURS AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT FOR ALL SERVICE, MAINTENANCE, AND TECHNICAL EMPLOYEES EMPLOYED BY THE CITY OF NEW PHILADELPHIA AND REPRESENTED BY OHIO

COUNCIL 8, AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES (AFSCME), AFL-CIO, AND LOCAL 1958, AFSCME, AFL-CIO EFFECTIVE JULY 22, 2013, AND DECLARING AN EMERGENCY. (1ST READING)

Motion to suspend the rules made by Ms. Cox, seconded by Mr. Lautenschleger
Roll call, 6 yeas rules suspended.

Motion to vote on passage made by Mr. Lautenschleger, seconded by Ms. Cox
Roll call, 6 yeas Resolution passed

COUNCIL ADJOURNED FROM REGULAR SESSION INTO EXECUTIVE SESSION AT 8:50 PM AS REQUESTED BY THE LAW DIRECTOR, TO BRIEF COUNCIL ON FOUR PENDING IMMINENT COURT ACTIONS THAT HE IS DEFENDING THE CITY IN CURRENTLY. COUNCIL RECONVENED INTO REGULAR SESSION AT 9:04 PM.

UNFINISHED OR OLD BUSINESS:
NONE

NEW BUSINESS:

Comment from Council Member John Zucal:

NPBCA last Board Meeting Pam Dummermuth came from Union Hospital and there is a group of us working with her to establish a Health and Wellness Walking Path through the City of New Philadelphia. Mayor Taylor was at the meeting. It is something that might turn out to be very nice as a good community activity. Areas will be marked on the sidewalk mapping out a mile or two mile walking area to try to engage the community in more Health and Wellness.

MS. COX MADE A MOTION TO ADJOURN THE MEETING AT 9:05 PM.

CLERK OF COUNCIL _____

APPROVED _____

PRESIDENT OF COUNCIL _____