

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON AUGUST 10TH, 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

PRESIDENT OF COUNCIL, SAM HITCHCOCK ANNOUNCED:  
BE ADVISED THE LAW DIRECTOR IS HERE; HE HAD TO STEP OUT BUT WILL BE BACK SOON.

- MS. COX MADE A MOTION TO ACCEPT THE AGENDA  
MRS. RAMOS SECONDED THE MOTION.  
ROLL CALL 7 YEAS  
MOTION PASSED
- MR. LANZER MADE A MOTION TO APPROVE THE MINUTES  
FROM THE REGULAR COUNCIL MEETING HELD ON MONDAY, JULY 27TH, 2015  
FROM THE SPECIAL COUNCIL MEETING HELD ON TUESDAY, JULY 28TH, 2015 AND  
FROM THE SPECIAL COUNCIL MEETING HELD ON THURSDAY, JULY 30TH, 2015  
MS. COX SECONDED THE MOTION.  
ROLL CALL, 7 YEAS  
THE MINUTES WERE APPROVED.

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

1. Special and Contact Committee Meeting Minutes from Monday July 13th, 2015
2. Auditor's Monthly Statement of 2015 Revenue for the General Fund for July 2015
3. Auditor's Financial Statement for the Month of July 2015
4. City of New Philadelphia Budget Report with Encumbrance Details as of July 31st, 2015
5. City of New Philadelphia Statement of Cash Position with Month to Date as of July 31st, 2015
6. Mayor's Monthly Statement to Council for the Month of July 2015
7. City of New Philadelphia Income Tax Department July 2015 Report Month End Tax Revenue by Year by Joel Day Income Tax Administrator

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

Mayor Johnson announced that he did not have a report for tonight  
Mayor Johnson did mention that everything is running smoothly.

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

Service Director reported the following:

- We are again doing some more paving. The Contractor from Newton Asphalt Company was out today working on our projects. We are about 60 to 70% complete. We will get done here in the month of August. I think you will notice the paving is going exceptionally well.
- Service Director thanked our Service Crews.  
As you know, we have about 55 Service Employees.  
I can tell you they have been busy, if you have been to  
The park it looks really nice.  
The Cemetery the upkeep is exceptional.  
The Water Department continually with this weather cycle we have with wet, dry, freezing and thawing in the winter they continue battle an aging infrastructure.  
We have pipe in the ground that is 70 to 80 years old.

Our Wastewater Division has never been busier. They are upgrading some of the design and compatibility issues that we have at the plant. (The plant is over ten years old)  
We are battling some storm sewer issues. I feel we are going to get an answer soon on the Franklin Square Problems.  
The Sanitation guys are out every day picking up garbage.  
As you know that is the hardest job in New Philadelphia. I admire them when they go out when it is hot and working off the back of those trucks they do an outstanding job.  
I want to thank our Service Crews as the Mayor has said we are doing the best we can for our constituents.

Question from Ms. Cox:

Joe Baughman has reported about the salt and the law suit.  
Is there a possibility we might get a refund from that too?

Reply from the Service Director:

We already submitted all that prior to the deadline.  
We were one of the government entities to put our application in  
We are not so sure on the salt we used at the water plant but the salt that we used on the street. Mr. Zucal said he has already mentioned that one time and he will continue to watch that. If we do get a rebate he will certainly let everyone know about it.

AUDITOR .....MS. BETH GUNDY

Ms. Gundy did not have a formal report.  
Ms. Gundy announced that she will not be here for the next Council Meeting she will be on vacation.

SAFETY DIRECTOR.....MR. GREG POPHAM

Mr. Popham reported there was an issue that arose in the Fire Department about two weeks ago.  
They started to notice a sewer smell; last week they had a company come in they did some type of a smoke test.  
There was smoke coming from places that smoke was not supposed to come to in the sewer.  
It was literally coming behind the bad spot in probably the oldest part of the station of over 100 years old.  
They have another company coming in supposedly in the next week or so to try to camera that to see if that can be fixed.  
Once again it is just another issue that is now starting to come about because of the aging facility.

TREASURER . . . . . TOM GERBER .....NO REPORT

LAW DIRECTOR . . . . .MR. MARVIN FETE

The Law Director was not back.  
The President of Council Mr. Sam Hitchcock announced that Mr. Fete will give his report when he returns.  
\*\*The Law Director gave his report following Mayor Johnson's reminder under New Business.

**BOARD/COMMISSION REPORTS:**

PLANNING COMMISSION.....MAYOR DAVID JOHNSON

The Mayor announced the Planning Commission meeting scheduled for Tuesday, August 11th, 2015 at 1:00 PM in Council Chambers was cancelled due to lack of an agenda.  
The next Planning Commission meeting will be held tentatively September 8th, 2015 at 1:00 PM pending any agenda.

BOARD OF ZONING APPEAL .....JAMES ZUCAL

Mr. Zucal announced the Board of Zoning Appeals will meet Tuesday, August 11th, 2015 at 5:00 PM in Council Chambers there are four variance requests.

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

Mr. Zucal announced that the Airport Commission Meeting for the month of August has been cancelled we will reconvene September 8th, 2015 at 6:00 PM in the Airport Meeting Room.

Mr. Zucal reported that one of the really neat things that has been going on at the Airport, that we continue to explore, is the private/ public partnership with the development of more hangar space at the Airport. Again if we can get more pilots to secure hangar space and make the Airport more valuable, we are certainly looking to do that.

We have a great group working on that Board right now and moving things ahead at the Airport.

**PARK BOARD.....MR. DARRIN LAUTENSCHLEGER**

Mr. Lautenschleger announced that the next Park Board Meeting will be Wednesday, August 19th, 2015 at noon at the Tuscora Park Office.

**HEALTH BOARD..... MS. SANDY COX**

Ms. Cox announced that the next meeting for the Health Board is scheduled for Wednesday, August 12th, 2015 at 12:00 (Noon) at the Health Department.

**STANDING COMMITTEE REPORTS:**

**FINANCE COMMITTEE .....MS. SANDY COX**

Ms. Cox reported the Finance Committee met tonight at 7:15 PM in the Council Chambers with one item to discuss Ordinance 15-2015.

There was an increase in appropriations we added Police Prosecutor 101-0800-5-1230

Medical Insurance \$10,000.

General Court Maintenance \$5,700 (paying off a copier lease).

Income Tax was Travel \$100.

Master Capital increase of \$38,000 from the (CDBG Grant)

We are asking this Ordinance be put on the Agenda for the next Council Meeting and passed.

Meeting adjourned at 7:19 PM.

**SALARY COMMITTEE .....Mr. John Zucal**

Mr Zucal deferred some of his time to introduce Mr. David Brand, Superintendent of the New Philadelphia Schools, to allow him to speak more freely.

The President of Council, Mr. Sam Hitchcock welcomed Mr. Brand and mentioned that he had the pleasure of meeting Mr. Brand earlier at the Lions Club today.

Mr. Brand thanked everyone and said

he appreciated Mr. Zucal giving him the opportunity by inviting him here tonight so he could formally introduce himself and to touch base a little on New Philadelphia City Schools.

He mentioned he is getting to know the community of New Philadelphia and the staff of New Philadelphia City Schools.

I want to take this time to say how welcoming the Mayor's office and his staff were.

We moved into the east side of town and how easy they made the transition utilities etc. for us.

The Mayor's office treated his family very well and made the process easy.

We as a school honor the traditions of New Philadelphia and what the Quakers stand for. We will continue to grow on that and improve for the 3,144 students that walk in the hall way every day.

That is our focus we will do right by them, continue to grow and improve, as a district and Mr. Brand looks forward to getting to know the community, staff, and students better.

If you have any questions his office is always open to you.

Mr. Brand said he appreciated the relationship the City has built with the School District as a unique wonderful partnership. (Mr. Brand did mention the recent project at the West Elementary School)

**Comment from Mr. Sam Hitchcock President of Council:**

Thank you Mr. Brand

We welcome you to the community and also to one of the greatest school districts in the State of Ohio.

Congratulations on your new position and we look forward to working with you.

**Comment from Mr. John Zucal:**

Thank you Mr. Brand the City recognizes the wonderful partnership between the schools and the community.

Mr. Zucal mentioned the staff reports officially Monday August 17th, 2015 with three days of service training.

Then the students head into the buildings the 20th of August 2015.

**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 that the Special & Contact Committee met this evening at 7:00 PM to discuss one item the transfer

TO:

Garland N P LLC.  
DBA Schoebrunn Catering  
Executive Conference Center  
143-49 McDonalds Drive SW  
New Philadelphia OH 44663

FROM:

F & L Realty Investments LTD  
McDonalds Marlite  
Executive Conference Center  
143-49 McDonalds Drive SW  
New Philadelphia OH 44663

For Type TRFO  
D1 D2 D3 and D3A Permit Class  
And asking that objections be made no later than August 13th, 2015

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 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 postmarked no later than August 13th, 2015.

Mr. Lanzer Made the Motion and  
Mr. Maurer Seconded the Motion  
Roll Call 7-0  
Motion Passed.

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

**VISITOR'S COMMENTS:**

*Comments and Concerns:*

Carl Russo, President of Overcoming Blindness  
630 Jordan Drive NW  
New Philadelphia, Ohio 44663

Mr. Russo informed Council the American Council of the Blind of Tuscarawas Valley  
Will have their 4th Annual White Cane Walk  
Sunday, August 23rd, 2015 at the Tuscarawas Senior Center,  
425 Prospect Street, Dover, Ohio 44622 from 1:00 to 3:00 PM.

Judy Harpley, Mobility Specialist, will provide instruction on the use of the white cane.  
All residents, Council and Guests are invited to participate in the 4th Annual White Cane Walk.  
The event will provide you with an understanding of what it is like to function as a blind or visually impaired person.

Mr. Russo encouraged everyone to attend. Mr. Russo thanked everyone for their time.

President of Council Mr. Sam Hitchcock thanked Mr. Russo for coming and for all his efforts.

*Comments and Concerns*

Mr. Dean Holland  
335 Springbrook Drive SE  
New Philadelphia, Ohio 44663

Mr. Holland informed Council his dog (Yorkie) had been attacked by a vicious dog (American Bulldog 90% Pit Bull) and killed.

Mr. Holland has spoken with the Law Director, Police Department, Safety Director and Safety Health and Service Committee Chair Mr. Maurer.

He also presented and distributed a Statement to Council from Craig and Patti Tolloti.

August 6, 2015

Statement to New Philadelphia City Council from Craig & Patty Tolloti

We have lived on Springbrook Drive SE for the past twenty years. During this time, we have NEVER had an issue with any neighbor or any pets. In the last month there have been 3 incidents with dogs on our street. A neighbor behind us has two dogs that are not leashed when their owner brings them outside. One of the dogs aggressively confronted Dean Holland in Dean's own backyard and had to be physically removed from the yard by the neighbor. These same dogs tried to attack our dog and the dog of the Proctor family that we were watching while they were away. As we walked both dogs on leashes in our own backyard, the neighbor's dogs ran in attack mode to our two dogs and tried to bite them on the back of the neck. As both dogs yelped continuously, the neighbor stood on his back porch simply calling for his dogs and made no attempt to come get them until we pushed the attacking dogs away. He proceeded to yell at us as if it were our fault and told us to never touch his dogs again.

The Holland's have informed you of the manner in which their dog, Theodore, was violently killed by a pit bull. I was a witness to this attack and am haunted by what I saw. I thank God there were no children on the street at the time to see this brutal attack. The images of what I saw will never be forgotten. I understand that Theodore slipped out of his leash and was not in the owner's control at the time of the attack. However, I watched the pit bull owner, Brian Rabis, repeatedly punch his dog in an effort to get him to let go of Theodore. At one point in time, the attacking dog knocked Brian to the ground. Nothing Brian did worked effectively in stopping the attack. It was plain to see that although Brian's dog was on a leash, it was not in Brian's control. Clearly a leash does not equal control. All pet owners can relate to an occasional accident where a pet slips off its leash or escapes briefly through an open door. It should never end in a violent death!

We are concerned for other dogs and especially for all the small children in the neighborhood. Four days after the pit bull attack, a four year old little boy got off his tricycle while I was walking my dog, Sophie, and ran to Sophie yelling "I want to see the puppy!" His mother was a few yards behind pushing a stroller and would have had no chance to catch her child if he had been running toward that pit bull.

In the span of one month, we no longer feel safe in our neighborhood and sadly, not even in our own backyard. We now carry mace or a weapon when walking our dog and even while mowing the lawn. We never thought we would feel this way in New Philadelphia. No one should be afraid in their own backyard!

We urge city council to require all vicious animals as defined in city ordinance #505.14 be muzzled as well as leashed when they are not on the owner's property. Please give this serious consideration before another New Philadelphia family loses a beloved pet or God forbid a child.

Sincerely,

Craig & Patty Tolloti

Mr. Holland would like Council to look into the ordinances to make our code stronger that relates to vicious and dangerous dogs, as WE NEED TO PROTECT OUR COMMUNITY.

(Right now a vicious dog does not have to wear a muzzle but a dangerous dog does.)

At the request of Safety Health and Service Committee Chair Mr. Maurer, the President of Council Mr. Sam Hitchcock assigned this back to his Committee.

President of Council Mr. Sam Hitchcock and Councilperson Mr. John Zucal expressed their condolences to Mr. Holland for the loss of their beloved pet and thanked him for coming.

Concern and Comments from

Mr. Paul Beitzel

3616 Crooked Run Road

New Philadelphia Ohio 44663

Mr. Beitzel thanked Council and Administration for all they are doing for the City of New Philadelphia. The cracking down on junk cars some of the things that have been an eye sore around the community. They are taking action to clean up the City and that is what a lot of people are looking for.

Mr. Beitzel mentioned the note in the Times Reporter this is not his comment but he agrees with it.

“The Intersection at Bluebell and W. High Avenue is a terrible bottleneck, and now we’re getting Menard’s. It is time New Philadelphia Council and the Safety Department to get on the ball and get another entrance and exit to that area. They have had two or three years to do it. Come on, let’s get that straightened out.”

Mr. Beitzel reported that he has talked with the Mayor and the Service Director ODOT was contacted. It has to start right in this room. It is a real concern and others agree. It can only get worse.

Comment from the Mayor:

1. The turning lane is State Property and they will have to look at that
2. We are in contact with the railroad  
I will get a written report from them on their feelings on the whole matter.
3. The problem we have with it is money.

We are looking into this:

Before we spend money on plans we want to make sure we can get the right a ways and make sure we can cross the railroad tracks.

We work on this weekly.

### **READING OF ORDINANCES AND RESOLUTIONS**

#### **ORDINANCES:**

12-2015 AN ORDINANCE TO APPROVE, ADOPT, AND ENACT THE CURRENT REPLACEMENT PAGES TO THE CODIFIED ORDINANCES AND DECLARING AN EMERGENCY. (2ND READING)

13-2015 AN ORDINANCE AUTHORIZING THE ADOPTION OF A LAND REUTILIZATION PROGRAM AND IMPLEMENTING THE PROVISIONS OF CHAPTER 5722 OF THE OHIO REVISED CODE AND DECLARING AN EMERGENCY. (1ST READING)

#### **RESOLUTIONS:**

17-2015 A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO AUTHORIZE AND DIRECT THE AUDITOR OF THE CITY OF NEW PHILADELPHIA TO TRANSFER UP TO \$10,000.00 FROM THE GENERAL FUND #101 TO THE SIDEWALK PROGRAM FUND #285, AND DECLARING AN EMERGENCY. (2ND READING)

18-2015 A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO APPROVE THE TRANSFER OF \$50,000.00 FROM THE SANITATION FUND (#219) TO BE TRANSFERRED \$25,000.00 TO THE WATER OPERATING FUND (#711) AND \$25,000.00 TO THE SEWER OPERATING FUND (#713) FOR THE 2015 FISCAL YEAR. (2ND READING)

19-2015 A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO APPROVE THE TRANSFER OF UP TO \$3,500.00 FROM THE CEMETERY ENDOWMENT FUND (#812) TO THE CEMETERY OPERATING FUND (#209) FOR THE 2015 FISCAL YEAR. (2ND READING)

### **UNFINISHED OR OLD BUSINESS:**

NONE

### **NEW BUSINESS:**

Reminder from Mayor Johnson:

Thursday night City Park  
Annual Employee Picnic  
From 4-9 PM in the Tuscora Park Pavilion  
Dinner will begin at 5:45 PM  
The Mayor encouraged everyone to attend  
We would appreciate it if you would

Call Mary Ann to let us know how many will be attending

LAW DIRECTOR . . . . .MR. MARVIN FETE

\*\*Mr. Marvin Fete reported the following:

- The Law Director spoke with a number of individuals on the new Fire Station. Helped film a Commercial in support of the new Fire Station at his Law Office. They came in talked to him to get his opinion.
- He spoke with someone in regard to a right away he has been working with the Service Director on that.
- Met with individuals on the development of the apartment structure. Met with school member who approached him on it. Met with the Service Director met and with people involved with the investment process of that.
- He is working to cut through some red tape on annexing the Rosenberry property. Council has been trying to do that for a long time. Their Attorney did everything that was necessary there seems to be one person. That one person in the bureaucratic hierarchy at the county that is holding things up. Try to go to the boss and get this done. (Short version)
- Prepared all the documents for the Fire Station. Made sure everything was filed and done appropriately so that what Council voted on will be on the ballot.
- Had a conference with somebody regarding a sidewalk issue. The roots of a tree were pushing up the sidewalk if someone slips and falls would they be legally liable for it. This is not their liability; they were fine after they heard that.
- Had two meetings with Vickie Ionno, City Health Commissioner. The Law Director will be attending the next Health Board Meeting On August 12th, 2015 to discuss some issues. What we are looking at right now is the ORC jurisdiction. Where you have a City Health Department and a County Health Department. What are Our Jurisdictional Boundaries when it comes to health emergencies. Versus the County Jurisdictional Boundaries and how we can better work together? After 911, a large amount of grant money goes to each county. It is supposed to be divided up among the Health Departments. For Example Stark County has four the grant money gets divided among the four. It does not have to be divided equal only that it is shared. New Philadelphia City Health Department has not been getting their cut. Normally everyone works together and just kind of come to an agreement. What the Law Director is looking into is to make sure that we are included and make Sure everyone is protected evenly and our citizens are protected appropriately.

Comment from Mrs. Ramos:

You mentioned the Apartment Complex.

Are you referencing the one on East High or the one in Goshen Township?

The Law Director replied the Goshen Township.

The Law Director pointed out:

You have companies that want to locate just outside of town so they don't have to pay taxes for our schools,

Even though that is where their kids are going to be going.

They don't have to pay taxes for our services even though they are going to be using them.

The way we are looking at it is what kind of control we have in terms of how much we charge for our services.

To provide services we could be going an extra mile.

People that don't want to contribute to the community even though they want to benefit. That is one of the issues we are looking at in terms of the apartment complex.

There are issues that the schools are struggling with the influx of students without the cash to back it up.

It is a tough situation.

President of Council, Mr. Sam Hitchcock thanked all of our guests for being here tonight.  
Mr. Hitchcock thanked Mr. Brand for coming in and visiting with us.

MS.COX MADE A MOTION TO ADJOURN THE MEETING AT 8:13 PM

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

APPROVED \_\_\_\_\_

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