

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON AUGUST 22, 2016 WITH PRESIDENT OF COUNCIL, SAM HITCHCOCK, PRESIDING. COUNCILWOMAN RAMOS OFFERED A PRAYER, AND ALL IN ATTENDANCE RECITED THE PLEDGE OF ALLEGIANCE.

COUNCIL MEMBERS IN ATTENDANCE:

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

- MR. LAUTENSCHLEGER MOTIONED TO ADD RESOLUTION 34-2016, RESOLUTION 39-2016, RESOLUTION 42-2016, AND RESOLUTION 43-2016 TO TONIGHT’S AGENDA
MR. ZUCAL SECONDED THE MOTION
7 YEAS
RESOLUTION 34-2016, RESOLUTION 39-2016, RESOLUTION 42-2016, AND RESOLUTION 43-2016 HAVE BEEN ADDED TO TONIGHT’S AGENDA
- MR. RICKLIC MOTIONED TO ADD RESOLUTION 33-2016 TO TONIGHT’S AGENDA
MR. ZUCAL SECONDED THE MOTION
7 YEAS
RESOLUTION 33-2016 HAS BEEN ADDED TO TONIGHT’S AGENDA
- MR. HOLLAND MOTIONED TO ADD RESOLUTION 41-2016 TO TONIGHT’S AGENDA
MR. RICKLIC SECONDED THE MOTION
7 YEAS
RESOLUTION 41-2016 HAS BEEN ADDED TO TONIGHT’S AGENDA
- MRS. RAMOS MOTIONED TO ADD RESOLUTION 38-2016 TO TONIGHT’S AGENDA
MR. LAUTENSCHLEGER SECONDED THE MOTION
7 YEAS
RESOLUTION 38-2016 HAS BEEN ADDED TO THE AGENDA
- MR. ZUCAL MOTIONED TO ACCEPT THE AGENDA AS AMENDED
MR. RICKLIC SECONDED THE MOTION
7 YEAS
THE AGENDA HAS BEEN ACCEPTED
- MRS. RAMOS MOTIONED TO ACCEPT THE MINUTES FROM THE AUGUST 8, 2016 REGULAR MEETING OF COUNCIL
MRS. MAY SECONDED THE MOTION
7 YEAS
THE MINUTES FROM THE AUGUST 8, 2016 COUNCIL MEETING HAVE BEEN ACCEPTED

CORRESPONDENCE CLERK, JULIE COURTRIGHT

1. *To New Philadelphia City Council from President of Council Sam Hitchcock, dated August 9, 2016. This is a forwarded email from Councilwoman Ramos that states “Hi Sam, as per our discussion last night and per the agreement of the Mayor I would like to request that the City Drug-free Workplace Commitment and Prohibition of Public Use of Marijuana be assigned to my Committee.” Mr. Hitchcock emailed back saying “As per your request, please take that issue into your Committee for consideration.”*
2. *To New Philadelphia City Council from Mayor Joel Day, dated August 9, 2016. Mayor Day wrote the following: “City Councilmembers, below are the parameters being used by Director of HR Mary Kurtz to construct salary scales. Any input would be appreciated.”*
3. *To Clerk of New Philadelphia City Council Julie Courtright from Chelsea Shortland, a*

Law Clerk with the City of Parma Law Department, dated August 9, 2016. Ms. Shortland wrote the following: “Dear Ms. Courtright, I’m a Law Clerk with the City of Parma doing research on what other cities in Ohio have done with regard to Ohio’s legalization of marijuana. Would it be possible for you to send what your Council is currently considering?” I replied back with Ordinance 9-2016.

- 4. To New Philadelphia City Council from President of Council Sam Hitchcock, dated August 16, 2016. This is a forwarded email to President Hitchcock from Law Director Marvin Fete concerning requested legislation from Erin Begue with W.E. Quicksall and Associates. President Hitchcock assigned the legislation to The Public Works and Economic Development Committee.*
- 5. To New Philadelphia City Council from Law Director Marvin Fete, dated August 16, 2016. Mr. Fete states the following in this email: “Attached please find amended copies of Ordinance 9-2016. Based upon recent conversations I’ve had with Councilwoman Ramos I’ve prepared amended versions of Ordinance 9-2016. In one version I amended it to include the specific Ohio Revised Code Section 3796.29. The other version I also included prohibitions against the use of medical marijuana by City employees and in public places.” The email continues and says “please contact me should you have any further questions regarding this matter.”*
- 6. To Clerk of New Philadelphia City Council Julie Courtright from Treasurer Tom Gerber, dated August 17, 2016. This is the City of New Philadelphia 2016 Deposits.*
- 7. To Clerk of New Philadelphia City Council Julie Courtright from Councilman Darrin Lautenschleger, dated August 22, 2016. In this email Councilman Lautenschleger says “A revised version of Resolution 34-2016 should be printed and handed out to Council to replace the previous version of Resolution 34-2016.*
- 8. To Clerk of New Philadelphia City Council Julie Courtright from Treasurer Tom Gerber, dated August 22, 2016. This is the Investments and Savings Program for July of 2016.*
- 9. To New Philadelphia City Council and Administration from Mayor Joel Day, dated August 22, 2016. This is the Mayor’s Report.*

Administrative Reports.....

MAYOR’S REPORT/REQUESTSMAYOR JOEL B. DAY

The Mayor reported the following:

- Meeting at New Albany to Learn How the City Built Its Fiber Optic Cable Network : Service Director McAbier, Information Specialist Erb, Gary Little of the Planning Commission and County CIC and myself traveled to New Albany Ohio on August 15th to meet with AEP officials and Jennifer Chrysler, New Albany’s economic development director. The purpose of the meeting was to learn how New Albany built its fiber optic network in partnership with AEP and how it’s used for economic development. Because of its network and available construction sites, New Albany was able to attract Amazon and other data-driven businesses that rely on high speed broadband Internet service with fiber optic cable connections. Tomorrow we will meet with Frontier Communications officials to learn how its fiber optic cable in New Philadelphia may be utilized as we continue to develop a plan to create a high speed network for economic development and downtown revitalization.
- Promotion of the Community Energy Savers Program with American Electric Power : Promotion of the Community Energy Savers Program is underway as we approach the official start of the four month effort on September 1st. AEP has established a website <http://www.communityenergysavers.com/new-philadelphia> that explains how residents and businesses can participate in the program and help the city receive money from AEP to upgrade the downtown street lights to energy saving LEDs.

- Successful Second Saturday Celebrations: I would like to thank Julie Levengood Stephon for her efforts that resulted in successful Second Saturday celebrations downtown. Though the rain cut short the August 13th event, the summer celebrations did well in bringing people downtown for entertainment and fellowship. The next downtown event is the annual Car Show on Saturday August 27th.
- Important Dates to Remember: The city's second annual Fall Festival is Sunday October 16th from 3-7pm at Tuscora Park. The city's annual Trick or Treat Night will be on Saturday October 29th from 6-8 pm.

Mr. Zucal had the following question for the Mayor:

Great to hear about the fiber optics. How's that comparable to what we have at the Tech Park right now. Is it anything close to that?

Mayor Day had the following response:

It's close to it, but we're underutilizing all the fiber optics that we have here in town. So I'm learning from people who have created networks like New Albany and how we can apply their developments to New Philadelphia.

Mr. Zucal had the following response:

Sounds good. I think it's a great step and I applaud you for taking the time to go to New Albany. I know fiber optics was one of the attractions out at the Tech Park as well.

Mayor Day had the following response:

Yeah, the Tech Park challenges are building sites and we're working on trying to overcome that too.

SERVICE DIRECTORMR. RON MCABIER

Mr. McAbier had the following report:

- I'd like to give a few updates on the fire station. Right now over there you'll see the north and south stairs and the elevator ports up to the 2nd floor bearing wall. Electricians have done some conduit, there are some recessed boxes in those two areas. Other than plumbers went in and put the two boil separators in, Apparatus Bay 1 and 2. Really right now masons are the biggest ones over there. They're asking for more to come but they can't seem to find them so that's what's going on at the fire station construction site. The road will be closed over there this week at the 100 block of Front SE up to probably about the 700 block so they can get the utilities stubbed into the property and do some storm sewer upgrades. Lastly, the Water Quality Report has been on the City website. I urge everybody to go there and check it out.

AUDITORMS. BETH GUNDY.....NO REPORT

Ms. Gundy had the following report:

- My staff and I went to Blue Ash, Ohio last Thursday and Friday for some training on the software upgrade that we're going to be getting. We went through the payroll module and will get a lot more training on that so it's specific to us when it's installed of course, and then at the end of September we go down again to the same place for our accounting software. I think it went really well and it looked like fun when you use it.

SAFETY DIRECTORGREG POPHAM

Mr. Popham had the following reminder:

- Deadline to buy a brick for the wall in the fire station is the 27th of August.

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

Can it be done online?

Mr. Popham had the following response:

Yes. At quakerclub.com or contact the Fire Chief.

TREASURER MR. TOM GERBER

Mr. Gerber had the following report:

- I turned in our July 2016 Deposits. What I do is daily I receive deposit slips. At the end of the month when I receive the bank statement, then I'm going to compare, make sure that everything is jiving. So for the total deposits for July we had \$1,832,009.25. To break it down we had that Auditor at \$307,549.23, and I'm not going to go through all of these. The income tax was \$504, 767.84, the Water Department was \$626,181.94, the Health Department was \$5,531.72, the Mayor's Office was \$499, the Service Director was \$3,180, the Cemetery was \$10,875, and then we had the Parks. In the summertime the park really pulls in a lot of revenue. Here we had \$32,623, and then we have other things that are involved in that. I just want to say when we get the statement we look at it and say "what in the world is this?" We say "okay, let's get these deposit slips and match and see what these departments are doing."

Mr. Ricklic had the following question:

When you stated "The Water Department", are you stating just the Water Fund or the Water, Sewer, and Garbage Fund?

Mr. Gerber had the following reply:

Water, Sewer, and Garbage, then there are others that go into the Water too.

LAW DIRECTOR MR. MARVIN FETE

Mr. Fete had the following report:

- I would like to request an Executive Session to discuss pending litigation. I'm going to reserve my comments for the Executive Session since that's primarily what's been dealt with.

MR. ZUCAL MOTIONED TO GO INTO EXECUTIVE SESSION PER THE LAW DIRECTOR'S REQUEST

MR. RICKLIC SECONDED THE MOTION

7 YEAS

COUNCIL WILL GO INTO EXECUTIVE SESSION FOLLOWING A 10 MINUTE RECESS AFTER TONIGHT'S LEGISLATIVE AGENDA

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR JOEL DAY

The Planning Commission will be meeting on Tuesday, September 13, 2016 at 1:00pm in Council Chambers. We're developing the agenda.

BOARD OF ZONING APPEALS.....MR. RON MCABIER

We have two variance requests, a homeowner at 450 Ray Avenue NW which was approved, and another homeowner at 703Ackey St. NW, that variance was denied.

AIRPORT COMMISSION.....MR. JOHN ZUCAL

Mr. Zucal had the following report:

The Airport Commission will meet on Tuesday, September 13th at 6pm at the meeting room at Harry Clever Field. Just a reminder that you will have tonight Resolution 33-2016 on the Agenda. We will be looking forward to 3 Readings and then recommending passage.

PARK BOARD.....MR. DARRIN LAUTENSCHLEGER

The Park Board met last Wednesday, August 17 at the Park Office. There were a couple major items on the agenda. A number of updates were provided on pending and upcoming projects including the Master Plan at the Southside Community Park.

One of the other items that Park Board Members have decided, is that to assist them in determining what some of the Priority Projects would be in upcoming years at the Park, is to host members of the RTY Board at an upcoming meeting and discuss some of those and determine if some of those projects could be planned together with grant funding requests and so on, so that will happen at an upcoming meeting. The next meeting of the Park Board will be on Wednesday, September 28th at 11am at the Park Board Office to do a walk through the park area followed by a noon meeting.

HEALTH BOARD..... MR. KELLY RICKLIC

The Health Board met on August 10, 2016 at the Health Department. Lee Finley reported that his mosquito traps were throughout the City. We have had no mosquitos, so he viewed that as no spraying needed. Vickie Ionno talked on a couple topics of immunization. They usually do a 1-day, they changed that to 2 days due to the students going back to school needing that extra day. She did talk a little bit about a sampling of the Narcan, the two different dispensers are the nasal or the injection. For cost for the nasal is \$90, for the injection it's \$1,200. She showed us demonstrations on those. Also, for Old Business, she discussed the continuation of the HVI testing. Last year they had 3 cases, there (cont.) have been no new cases this year. They received a grant for \$20,025 which takes care of the funding. Also, in New Business, receiving a grant for Hepatitis C. They are capable of doing 300 free Hepatitis C tests for a price of \$5,000. Also, Flu Shots will be coming soon and the cost for those at the Health Department is \$25 per person.

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEEMR. DARRIN LAUTENSCHLEGER

Mr. Lautenschleger had the following report:

The Finance Committee met this evening in Council Chambers at 6:15. We had a number of items on the Agenda including Resolution 39-2016, 42-2016, and 43-2016. Resolution 39-2016 deals with transferring funds from the Cemetery Trust Fund to the Cemetery Operating Fund. Resolution 42-2016 basically is the annual County setting of the rates and we need to pass that each year to continue collection of levies that the City has in place. Resolution 43-2016 is the dollars that the City sets aside for the annual sidewalk program and I will report that we had 13 property owners according to the Service Director who have taken advantage of that this year. We're pretty proud of that. For \$12,500 we get a lot done. In addition a discussion was held on Ordinance 10-2016. You'll see that on your Agenda this evening for 1st Reading. We will be asking some members of the Municipal Court Administrative Team to come in and answer a couple questions we have about use of some of those funds for further clarification. In addition Resolution 34-2016 has been added to the Agenda this evening dealing with pay increases for certain non-bargaining elected positions. That is being recommended for passage this evening, as is Resolution 42-2016. So we had two items from the meeting that we're asking for suspension of the rules and approval on 1st Reading.

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

PUBLIC WORKS COMMITTEE.....MR. DEAN HOLLAND

Mr. Holland had the following report:

The Public Works and Economic Development Committee met here in Council Chambers this evening at 5:45 to review Resolution 41-2016 which in essence is replacing Resolution 30-2016. It was necessary to reword the Resolution to conform to legal verbiage requirements. The Committee voted to send it to full Council, add it to tonight's Agenda and suspend the rules to pass on 1st Reading. This puts us in conformance with the deadline that was set under the Clean Ohio Conservation Fund Requirements. We adjourned at 5:53pm.

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

ZONING & ANNEXATION COMMITTEEMRS. CHERYL RAMOS

Mrs. Ramos had the following report:

The Zoning and Annexation Committee met tonight at 7:00pm. We had two items on the agenda. I'll talk about the second one first, that is Resolution 38-2016. This has to do with the Farm Land Lease. The City leases land out to farmers to be farmed. The Committee voted to put that on the agenda for tonight as per the Service Director it does need to have rules suspended and passage tonight because planting season is coming up in September. So, it will have to be put out to bid before then to be ready for planting. We just needed to change the acreage numbers in Section 2 of Resolution 38-2016. The other item, the first one we discussed, was to add the Ohio Revised Code numbers 3726.29 to Ordinance 9-2016 to make that clear. That is on the agenda tonight so I will be asking to add that during the that part. The other discussion was about including in that Ordinance a prohibition of City employees using medical marijuana and prohibiting public use of marijuana. So the Committee voted 2-1 to go ahead and separate that out and have separate legislation. So just a reminder that there will be a Special Session of Council scheduled on September 7, 2016 at 7pm and have a Public Hearing for soon to be Amended Ordinance 9-2016, just with the Ohio Revised Code numbers.

SPECIAL & CONTACT COMMITTEEMR KELLY RICKLIC

Mr. Ricklic had the following report:

The next Committee meeting is September 12, 2016 at 6:30pm to discuss the renaming of McDonald Drive.

PARKS & CEMETERY COMMITTEEMRS. AIMEE MAY

Mrs. May had the following report:

The Parks and Cemetery Committee met this evening to discuss investing in Endowment Funds and the best route to take. We also discussed what portions to invest and what to keep liquid. Discussion on cemetery land available also occurred. The Committee decided to table the discussion, do some further research, and hold another meeting at a later date. The Parks and Cemetery Board met on August 11, 2016 and Kelly Herron reported that since June 27th when collection letters went out they have been able to collect \$6, 260.00 on the past due accounts. Four lots were forfeited for \$1,500.00 and one of those lots was sold at \$575.00. The remaining to collect is just over \$15,000. They also discussed Column Bariums, those are for cremation, and they discussed cost and profit. The next meeting will be held on September 9, 2016 at 9am in the Service Director's Meeting Room.

VISITOR'S COMMENTS: NONE

COUNCIL COMMENTS:

Mr. Zucal had the following comment:

It's that time of year again. Just a reminder to all members of Council, Administration, guests and our Community members that students will begin reporting back to New Philadelphia City Schools on Thursday and begin a year-long time of excitement and plenty of learning taking place. I'm just reminding folks that the kids will be out there. We'll have lots of walkers, kids on bikes, so just make sure that we're attentive to them and helping them to arrive at school safely and securely. Again we'd like to thank all the Citizens of New Philadelphia. They certainly support our school district very well and we're pleased to be partners in that effort together.

READING OF ORDINANCES AND RESOLUTIONS

ORDINANCES:

9-2016 AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO PROHIBIT MEDICAL MARIJUANA CULTIVATORS, PROCESSORS, AND RETAIL DISPENSARIES FROM BEING OPERATED ANYWHERE WITHIN THE CORPORATION LIMITS OF THE CITY OF NEW PHILADELPHIA.
3rd Reading

MRS. RAMOS MOTIONED FOR ORDINANCE 9-2016 TO BE AMENDED TO INCLUDE THE OHIO REVISED CODE SECTION 3796.29
MR. LAUTENSCHLEGER SECONDED THE MOTION
7 YEAS
ORDINANCE 9-2016 HAS BEEN AMENDED

10-2016 AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO, AMENDING AND ADJUSTING THE PERMANENT APPROPRIATIONS ORDINANCE FOR THE YEAR 2016 AND DECLARING AN EMERGENCY.
1st Reading

12-2016 AN ORDINANCE TO APPROVE, ADOPT, AND ENACT THE CURRENT REPLACEMENT PAGES TO THE CODIFIED ORDINANCES.
2nd Reading

RESOLUTIONS:

33-2016 A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO AUTHORIZE AND DIRECT THE SERVICE DIRECTOR TO ADVERTISE FOR AND RECEIVE BIDS FOR THE PURPOSES OF DEVELOPING ADDITIONAL

IN NEW PHILADELPHIA, OHIO.

1st Reading

34-2016 A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO ENACT A PAY INCREASE FOR DESIGNATED NON-BARGAINING UNIT EMPLOYEES AND ELECTED OFFICIALS, LISTED HEREIN, IN THE AMOUNT OF 3.0% SUBJECT TO TERMS AND CONDITIONS LISTED HEREIN.

1st Reading

MR. LAUTENSCHLEGER MOTIONED FOR SUSPENSION OF RULES ON RESOLUTION 34-2016

MR. ZUCAL SECONDED THE MOTION

4 YEAS

3 NAYS

SUSPENSION OF THE RULES HAS FAILED ON RESOLUTION 34-2016

38-2016 A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO AUTHORIZE THE MAYOR TO ENTER INTO A FARM LAND LEASE FOR A PARCEL 26.01 ACRES AND A PARCEL 43.07 ACRES FOR FARMING PURPOSES FOR A PERIOD NOT TO EXCEED 3 YEARS.

1st Reading

MRS. RAMOS MOTIONED FOR SUSPENSION OF RULES ON RESOLUTION 38-2016

MR. LAUTENSCHLEGER SECONDED THE MOTION

7 YEAS

RULES HAVE BEEN SUSPENDED ON RESOLUTION 38-2016

MRS RAMOS MOTIONED FOR PASSAGE OF RESOLUTION 38-2016

MR. LAUTENSCHLEGER SECONDED THE MOTION

7 YEAS

RESOLUTION 38-2016 HAS BEEN PASSED

39-2016 A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO APPROVE THE TRANSFER OF UP TO \$5,000.00 FROM THE CEMETERY ENDOWMENT FUND (#812) TO THE CEMETERY OPERATING FUND (#209) FOR THE 2016 FISCAL YEAR.

1st Reading

41-2016 A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO AUTHORIZE THE MAYOR OF THE CITY OF NEW PHILADELPHIA TO EXECUTE AND FILE AN APPLICATION FOR FINANCIAL ASSISTANCE UNDER THE CLEAN OHIO CONSERVATION FUND THROUGH THE OHIO PUBLIC WORKS COMMISSION FOR CRIDER AVENUE.

1st Reading

MR. HOLLAND MOTIONED FOR SUSPENSION OF RULES ON RESOLUTION 41-2016
MR. RICKLIC SECONDED THE MOTION
7 YEAS
RULES HAVE BEEN SUSPENDED ON RESOLUTION 41-2016

MR. HOLLAND MOTIONED FOR PASSAGE OF RESOLUTION 41-2016
MR. RICKLIC SECONDED THE MOTION
7 YEAS
RESOLUTION 41-2016 HAS BEEN PASSED

42-2016 A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.

1st Reading

MR. LAUTENSCHLEGER MOTIONED THAT THE RULES BE SUSPENDED ON RESOLUTION 42-2016
MR. ZUCAL SECONDED THE MOTION
7 YEAS
RULES HAVE BEEN SUSPENDED ON RESOLUTION 42-2016

MR. LAUTENSCHLEGER MOTIONED FOR PASSAGE OF RESOLUTION 42-2016
MR. ZUCAL SECONDED THE MOTION
7 YEAS
RESOLUTION 42-2016 HAS PASSED

43-2016 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 \$12,500.00 FROM THE GENERAL FUND #101 TO THE SIDEWALK PROGRAM FUND #285.

1st Reading

**COUNCIL WENT INTO A 10 MINUTE RECESS AT 8:11PM
AT 8:22 PM COUNCIL RECONVENED INTO REGULAR SESSION AND ADJOURNED INTO EXECUTIVE SESSION
AT 8:41 PM COUNCIL RECONVENED INTO REGULAR SESSION OF COUNCIL**

UNFINISHED OR OLD BUSINESS:

Mrs. Ramos had the following comment:

Just a reminder that there's a Special Council Meeting called by the Mayor on September 7th at 7pm to take action on Amended Ordinance 9-2016 where we added the Ohio Revised Code Section.

NEW BUSINESS: NONE

MR. MAURER MADE A MOTION TO ADJOURN AT 8:42 PM

CLERK OF COUNCIL _____
Julie Courtright

APPROVED _____

PRESIDENT OF COUNCIL _____
Sam R. Hitchcock