

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON OCTOBER 27TH, 2014 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 THAT MAYOR JOHNSON IS EXCUSED FROM TONIGHT'S MEETING, (HE IS SPEAKING AT THE SPORTSMANSHIP BANQUET) AND ALSO TREASURER AARON HILLYER IS ABSENT FROM TONIGHT'S MEETING.

MS. COX MADE A MOTION TO ACCEPT TONIGHT'S AGENDA.
MS. WALKER SECONDED THE MOTION.

ROLL CALL 7 YEAS
MOTION PASSED

MS. COX MADE A MOTION TO APPROVE THE MINUTES FROM THE PREVIOUS REGULAR SESSION OF COUNCIL HELD ON MONDAY, OCTOBER 13TH, 2014.
MS. WALKER SECONDED THE MOTION.

ROLL CALL, 7 YEAS
MINUTES WERE APPROVED.

CORRESPONDENCE CLERK, PATRICIA A. MCKAY

1. Special and Contact Committee Meeting Minutes from October 15th, 2014
2. Invitation from Linus Kilchenman, Chairman of the New Philadelphia Veterans Coordinating Committee, to Attend the Veterans Day Parade and Program. (November 11th, 2014)
Parade will assemble at 10:30 AM at New Philadelphia, Post Office.
Leave the Post Office at 10:45 AM.
The Parade will go south on North Broadway to East High Avenue then into Tuscarawas County Courthouse Plaza. Veterans Day Program will take place at 11:00 AM in the Courthouse Plaza.
Immediately following the program, there will be a luncheon for all veterans, guests, and honorees participating which will be held at the New Philadelphia VFW Post #1445 sponsored by the Coordinating Committee. The Committee has representatives from each of the following organizations:
Vietnam Veterans of America #857
American Legion Post #139
AMVETS Post #1338 and
VFW Post #1445
(If you should have any questions call Linus Kilchenman 330-897-0929)
3. New Philadelphia Police Monthly Activity Report for September 2014.

ADMINISTRATIVE REPORTS:

MAYOR'S REPORT/REQUESTSMAYOR DAVID JOHNSON.....NO REPORT
EXCUSED ABSENCE

SERVICE DIRECTOR.....MR. JAMES ZUCAL

Service Director reported since our last meeting:

- Update on the West High Widening Project:
The Mayor, Services Director and several City representatives from Departments met with ODOT Personnel and the Shelly & Sands Inc. The contractor believes they are ahead of schedule. We did allow the portion (West High west bound from 10th Street to the railroad tracks) there going to work on that yet this fall they want to be done November 15th, 2014 and to remind everyone it will just be the base coat of asphalt.
We are hoping that we are well passed the 30 days of the 60 day closure.
November 15th, 2014 traffic will be open.
They had concrete pouring machines out there today. The project has gone well and ahead of schedule.
- Service Director introduced Ray Grewell, the new Superintendent of General Services.
Mr. Grewell started with the City on September 22nd, 2014.
Mr. Grewell brings a lot of experience to the City he was Supervisor at the Asplundh Tree Service. Lives with his wife and children in Baltzley-Valley. Ray attended Muskingum College.
The Services Director felt that Mr. Grewell is a good fit for the position and seems to be doing a nice job for us. Service Director wanted to share with Ray a little of the legislation function.
“We welcome Ray.”
Service Director announced as of October 20th, 2014 Mr. Rick Marcaletti is the Assistant for the General Services Superintendent.
The Service Director will introduce Mr. Marcaletti to Council at the next Council Meeting.
President of Council, Sam Hitchcock, welcomed Mr. Grewell to the City Services Department.

AUDITORMS. BETH GUNDY

The Auditor reported she has a personnel related item, too.

There is going to be a job opening in the Income Tax Department, Jackie Draher will also be retiring next month. That position has already been filled by Vicki Daniels, who has been our Receptionist out front and we look forward to having her join us.

Request from the President of Council, Sam Hitchcock:

“Would you put together a Financial Picture for the City to the end of the year and a projection for the near future years to come?”

“Let me know when you get that and we will schedule a meeting with Council.”

SAFETY DIRECTOR.....MR. GREG POPHAM

Mr. Popham reported last week in the Fire Department:

“We hired our last Fireman to bring us up to staff, Zach Geib.

Zach is a recent New Philadelphia graduate, football player and a fine young man.”

The Safety Director thinks Mr. Geib will be a good fit for the Fire Department.

TREASURERMR. AARON HILLYERNO REPORT
EXCUSED ABSENCE

LAW DIRECTORMR. MARVIN FETE

The Law Director reported the following:

- The Law Director recently drafted a request to the President of Council asking the Indigent Defense Contract which was he read, reviewed and approved as to form, be appointed to the appropriate Committee for passage and approval. This is for indigent’s defense in the New Philadelphia Municipal Court that is provided by the Public Defender’s Office.
- The Law Director was involved issuing what the appropriate legal action was in terms with the union and bidding procedures for the opening bids; as Auditor Gundy stated was recently filled. As part of that, the Law Director had conferences with a number of different entities that were within and outside the City and issued a legal opinion in regards to that which helped the process to move forward.
- The Law Director made counter recommendations on behalf of the Service Director with regards to our *Fixed Base Operator Contract.*

- The Law Director revised a letter which Council Members should have received a copy of regarding the tree issue. The Law Director stated that he put a lot of time and effort into it. His hope is the letter will take care of it.
- The Law Director had a meeting with the Mayor and the Service Director, in regard to the request for Tax Abatement from Menards and laid out the procedures that were necessary to follow. That was discussed earlier in a Committee Meeting.
- The Law Director requested a PDF version of the City Handbook, the one that was currently being discussed in Finance Committee earlier tonight.
- The Law Director requested a brief Executive Session (which should take about five minutes) “It deals with personnel issues as well as issues pertaining to possible lawsuits.”
The Law Director requested the Executive Session to be held before legislation because it pertains to Ordinance 23-2014. (Many of you received a copy of an Amended Ordinance 23-2014.)
The Law Director recommended getting rid of 39-97 because it was out of date and had not been updated. It was his hope this document could be an effective bridge between the two of them.
The Service Director pointed out to the Law Director recently that there are some shortcomings. To address the shortcomings and get us from Point A to Point B getting rid of 39-97 to the passage of our new handbook;
The Law Director requested Council follow his recommendations on the floor. The Law Director would not like to see it passed tonight, it is a lot to take in, but requested somebody make a motion on the floor to amend it when it comes up for discussion so it can be an effective bridge between the two. The Law Director said he took the language from the new handbook, that has already been discussed, and put it into this and he will discuss further in the Executive Session why he has done what he has done in greater detail. (It does apply to at least three personnel issues.)
The Law Director requested a Council member make that amendment on the floor and it go at least another reading.
- The Law Director had phone conferences with two Council Members in regard to some issues that are before us.

Comment from the Law Director:

“GO QUAKERS BEAT DOVER”

*“From a former Quaker and the son of a Quaker who is raising two future Quakers
That is important to our Family”*

Ms. Cox made a motion to go into an Executive Session

Before Legislation as the Law Director requested.

Mr. Zucal seconded the motion

Roll call 7-0

Motion passed

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR DAVID JOHNSON

EXCUSED ABSENCE

Mr. James Zucal announced the Planning Commission Meeting would typically be set for Tuesday November 11th, 2014 at 1:00 PM in Council Chambers. That is Veterans Day. If there is anything, Mr. Zucal will make sure Council is informed.

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

Mr. James Zucal announced the Board of Zoning Appeals will meet Tuesday November 11th, 2014 at 5:00 PM in Council Chambers. Mr. Zucal is not aware of any variance requests, but if that should change, Mr. Zucal will inform Council.

AIRPORT COMMISSION.....MR. JOHN ZUCAL

Mr. Zucal announced that the Airport Commission will meet Tuesday November 11th, 2014 at 6:00 PM in the Airport Conference Room for their Regular Monthly Meeting.

PARK BOARD.....MR. DARRIN LAUTENSCHLEGER

Mr. Lautenschleger reported that the Park Board met October 22, 2014 at the Tuscora Park Office to approve the construction of a batting cage with a temporary netting to be placed at the main baseball field at Tuscora Park along the third base dugout area this will be available to various teams throughout their various seasons. No City funds are being used to construct it. There will be a lot of groups that will actually be using it. It will help relieve some of the pressure at the Quaker Dome.

Tennis Courts: because of the high cost of resurfacing the Tennis Courts at the Park. One of the alternatives that is being reviewed is what is called sport court. A kind of a plastic covering that would go over the top. It is being utilized in one local location Uhrichsville City Park and of course the Claymont teams and their opponents as well use that. This is being reviewed and the Park Board and the City is looking for potential grant funding to help pay for the cost of that. It is the initial stage of that but there is more to come.

Parks Superintendent Rod Miller reported that overall it has been a pretty good summer.

Final reporting in Accounting will be coming out in the next few weeks; Mr. Miller anticipates the pool receipts are down which was due to the weather.

RTY receipts will be up slightly, the final report will come up in an upcoming Park Board Meeting.

Christmas in the Park presented by McInturf Realty will be Sunday December 21st, 2014.

The next meeting of the Park Board is November 19th, 2014 at 7:00 PM.

HEALTH BOARD..... MS. SANDY COX

Ms. Cox announced that the next scheduled meeting for the Health Board is Wednesday, November 12th, 2014 at 12:00 (Noon) at the Health Department.

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEEMS. SANDY COX

Ms. Cox announced that the Finance Committee met tonight, October 27th, 2014, at 7:00 PM in Council Chambers. The first item was proposed Ordinance 24-2014 Adjusting and Amending the Permanent Appropriations for the year 2014.

IDATE		
	WAGES ETC.	\$10,000.00
INCOME TAX OFFICE		
	CLERKS	\$30,000.00
	REFUNDS	(\$30,000.00)
AMBULANCE	REFUNDS	\$2,500.00
GENERAL-PARK		
	POOL REPAIRS	(\$2,500.00)
	POOL SUPPLIES	(\$4,000.00)
	EQUIPMENT	\$6,500.00

The Finance Committee recommended that Ordinance 24-2014 be put on the Agenda for the next meeting and passed. The Second Item was the Temporary Appropriations based on last year's Temporary Appropriations, it is very similar. There was one correction page (25) Clerks Wages under the Water Office the \$93,000 should be \$9,000.00.

The Third Item: the Committee discussed Chapter 6 of The Handbook.

Ms. Cox informed everyone she is planning to have another meeting soon.

The meeting was adjourned at 7:23 PM.

SALARY COMMITTEEMR. JOHN ZUCAL....NO REPORT

SAFETY HEALTH & SERVICE COMMITTEE.....MR. ROB MAURER

Mr. Maurer reported that the Safety Health & Service Committee met tonight at 6:45 PM to discuss several different issues.

The First Item: Resolution 34-2014 Ambulance Rates for 2015.

The Committee took the Ambulance Committee's recommendation as far as no increases for any ambulance services. There will be no increase in ambulance rates for next year. (Unless Council disapproves it.)

The next issue was commendations for three retirees. (Sheldon Dematto, William Stewart and Brian Graham)

Committee's recommendation was to have the appropriate legislation drawn up for them. (The resolutions have already been drawn up.)

President of Council Sam Hitchcock assigned the Safety Health and Service the request from the Law Director for the agreement for indigent prisoners.

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

Mr. Lautenschleger reported that the Public Works & Economic Development Committee met in Council Chambers Tonight with one item on the agenda the request for Real Estate Tax Abatement for Menard Inc. what would propose to demolish and remove the former K-mart building.

The issue was assigned to the Committee at the last meeting.

The Law Director did some review on that to determine the proper procedure to be followed because that area is zoned as business the proper request form is provided by the State of Ohio through the Community Re-investment Area abatement process. And that will require that Menard Inc. to make the first step in filing an application for the abatement to request why they are requesting etc.

The Law Director also suggested the City provide full disclosure because the City will be the appointing authority that will review that request and eventually decide whether to grant it or not.

The Law Director suggested the City provide full disclosure to the Boards of Education and Administration for both New Philadelphia Schools and Buckeye Joint Vocation School Districts which operates the Buckeye Career Center.

The Committee itself was concerned about the proper procedures suggested the Law Director, Service Director, and the Mayor continue with negotiations with Menard Inc. prepare the proper recommended legislation and return to Committee at the proper time so we can act on this.

For those that were not in attendance at the meeting:

The biggest concern of the Committee Members was how do we cross that bridge to get from the request to the proper abatement if it is proper and because the costs that will be borne by Menard Inc. are more than appreciated by the City of New Philadelphia to help bring this property up and actually create and retain jobs in our community.

Meeting adjourned at 6:11 PM.

ZONING & ANNEXATION COMMITTEEMRS. CHERYL RAMOS

Mrs. Ramos reported that the Zoning & Annexation Committee met tonight in Council Chambers

First item of business:

Putting proposed Ordinances and Resolutions on line for the taxpayers and residence to view.
(Another step in true Accessibility & Transparency)

The Committee recommended to Council:

That those do be posted with a category and a disclaimer
Clearly marked it is a proposed ordinance or proposed resolution and water marked as such.
Emailed from the Law Director to Council Clerk.
The Law Director okayed the process.

Mrs. Ramos made the motion

Mr. Lautenschleger seconded the motion

Roll call 7-0

Motion passed.

Second item of business:

A letter to the Mayor from Mr. Lee Montgomery the Union Representative for the the American Federation of Government Employees regarding the "Vision 2025" for the Social Security Office.

The Committee will schedule another meeting and investigate this further.

Since there has been no personal visit from Mr. Lee Montgomery, the Service Director Offered to call him. *The Committee decided to investigate the issue further.*

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

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

VISITOR'S COMMENTS:
NONE

AT 7:55 PM COUNCIL WENT INTO AND EXECUTIVE SESSION AS THE LAW DIRECTOR REQUESTED. COUNCIL RECONVENED AT 8:04 PM.

READING OF ORDINANCES AND RESOLUTIONS

ORDINANCES:

23-2014 AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO REPEAL ORDINANCE 39-97 AND RECOGNIZE THE CITY HANDBOOK APPROVED BY COUNCIL IN 2007 AS THE OFFICIAL POLICY GUIDE FOR ALL NON-BARGAINING EMPLOYEES AND DECLARING AN EMERGENCY.(2ND READING)

Ms. Cox made a motion to Amend Ordinance 23-2014
Mr. Zucal seconded the motion
Roll call 7-0
Motion passed. Ordinance 23-2014 is Amended.

RESOLUTIONS:

29-2014 A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO COMMEND JUDITH BAKER FOR HER 21 YEARS OF SERVICE AND DEDICATION TO THE CITY OF NEW PHILADELPHIA AS A DATA PROCESSING CLERK IN THE CITY'S INCOME TAX DEPARTMENT. (3RD READING)

Ms. Cox made a motion to pass Resolution 29-2014
Mr. Maurer seconded the motion

Comment from Ms. Cox:

"Thank you Judy for all your years and for all the help and information you have given to me through the years. I really appreciated everything and I will miss you."

Roll call 7-0
Motion passed. Resolution 29-2014 has passed.

President of Council, Sam Hitchcock, requested Ms. Baker to come forward.

The President then read the entire resolution and then presented a framed copy of Resolution 29-2014 to Ms. Baker and congratulated her.
Everyone applauded. Ms. Baker thanked everyone.

30-2014 A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO COMMEND EUGENE H. NEMITZ FOR HIS 30+ YEARS OF SERVICE AND DEDICATION TO THE CITY OF NEW PHILADELPHIA AS BOTH A PROSECUTOR AND AN ASSISTANT PROSECUTOR. (3RD READING)

Mr. Zucal made a motion to pass resolution 30-2014
Mr. Lautenschleger seconded the motion

Comment from the Law Director:

Mr. Fete announced that he is speaking on behalf of the Administration.
"It is my pleasure to wholeheartedly endorse this legislation and humbly ask for Council's approval on this. As you know I was the one who asked that this be assigned to Council in honor of Gene Nemitz.

Mr. Fete stated that he wanted to tell Council a little about Mr. Nemitz and his history.

"Mr. Nemitz was a prosecutor when the the Law Director was a child. Mr. Fete has been an attorney for 13 years and Mr. Nemitz has prosecuted for 30+ years.

When I was elected in 2011 and came into office in 2012, all of the prosecutors under the prior administration quit, I did not fire anybody they either retired or moved on to other positions.

When I came in there we had a full slate of people in there with the exception of Doug Jackson had not prosecuted before.

It was a tremendous “Blessing” to have somebody like Gene Nemitz, who is a long time Veteran to come in and set us young folks on the right path to doing things the right way. He was Prosecuting when Judge O’Farrell was the Municipal Court Judge. Judge O’Farrell made a name for himself by implementing very strict first-offense procedures on DUI’s. Those procedures have now become commonplace for passing the legislation. Long before there was a lot of recognition DUI he was doing this. As a result you knew what you were going to get on the First-Offense DUI. And so they had jury trials literally every day. As an attorney I can tell you there is nothing more challenging than a full jury trial. You are required to be on your toes the entire time. From Jury selection through the entire procedure. No the law Ready to react within a moment’s notice. To make a proper objections or you are going to lose on an appeal. There is nothing more mentally and sometimes physical challenging having to do a full jury trial. When Gene Nemitz was the head prosecutor for the City of New Philadelphia and Judge O’Farrell was on the bench the City of New Philadelphia was having jury trials six days a week and he was conducting every single one of them. I can’t imagine doing that. I talked with Veteran Law Enforcement Officers like the Council President and the Safety Director, as well as the Chief of Police, they said how wonderful it was to have someone like Gene Nemitz on staff who new those things and did those things. When he retired as head prosecutor he never really left. My predecessor used him as a Special Prosecutor to do appointed cases when there was a conflict. We brought him on as an assistant prosecutor he continued with us and voluntarily retired so we could make room for another young person. Again putting someone ahead of his own interest. I’m just grateful that we had somebody like this with our City. I’m personally filled with gratitude for the work that he did for us. I strongly recommend this passage.”

Comment from the Safety Director Mr. Popham:

“I would just like to give my thanks to Gene. (1970’s and early 80’s) it was a very busy time in the Court and Gene was probably the *best prosecutor* that I ever worked with in my entire time with the New Philadelphia Police Department. He never had an issue you never had to worry when you went into a trial with Gene because he was always well prepared and that wasn’t always the case with prosecutors that have followed. My thanks to you for all the cases you handled for all those years and trust me there were an awful lot of cases back then.”

Comment from the President of Council:

“Back when Judge O’Farrell took the bench I was a policeman on the midnight shift as midnight shifts go I wound up making my fair share of DUI arrests which wound up in the jury trial arena of the Municipal Court. I would also echo Mr. Fete’s words and Mr. Popham’s words Thanks to Gene for his professionalism and his effective prosecution he was defiantly a policeman’s prosecutor he has done his job very well and I think the City has benefited greatly from his services. It will be my pleasure as President of Council to present this framed copy of Resolution 30-2014 to him.

Comment from Councilperson Ms. Cox:

Ms. Cox thanked Mr. Nemitz for his 30+ years of dedication to the City. Ms. Cox said she really appreciated it too. Thank You!

Roll call 7-0
Motion passed.
Resolution 30-2014 has passed

President of Council, Sam Hitchcock, requested Mr. Nemitz to come forward.

The President than read the entire resolution and then presented a framed copy of Resolution 30-2014 to Mr. Nemitz and congratulated him. Everyone applauded. Mr. Nemitz thanked everyone.

UNFINISHED OR OLD BUSINESS:

NONE

NEW BUSINESS:

Comment from Service Director:

“On behalf of the Mayor and the Service Director, Mr. Zucal commended Ms. Vickie Ionno, New Philadelphia Health Commissioner for the Ebola Clinic she put on last week.” (Ms. Ionno gave three presentations on Ebola the purpose of those meetings was to update and inform our employees and to help them understand Ebola.)

The Service Director then announced,

“As a representative of the City, Vickie Ionno really stepped forward, was proactive, and did an excellent job informing a lot of our public and our employees.”

Comment from Council President Sam Hitchcock:

President Sam Hitchcock said he attended all three sessions; he was the audio/video guy.

The President said it was very informative session and commended Vickie for doing that for the City.

Comment from John Zucal:

“GO QUAKERS BEAT DOVER.”

MS.COX MADE A MOTION TO ADJOURN THE MEETING AT 8:19 PM.

CLERK OF COUNCIL _____

APPROVED _____

PRESIDENT OF COUNCIL _____