

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON FEBRUARY 25TH, 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
MS. COLLEEN ESPENSCHIED
MR. DAN LANZER
MR. DARRIN LAUTENSCHLEGER
MR. ROB MAURER
MS. WINNIE WALKER
MR. JOHN ZUCAL

MR. LAUTENSCHLEGER MADE A MOTION TO ADD RESOLUTION 5-2013 TO TONIGHT'S AGENDA
MS. COX SECONDED THE MOTION
ROLL CALL, 7 YEAS, MOTION PASSED

MS. COX MADE A MOTION TO ACCEPT TONIGHT'S AGENDA AS AMENDED
MR. LAUTENSCHLEGER SECONDED THE MOTION
ROLL CALL, 7 YEAS, MOTION PASSED.

MR. LANZER MADE A MOTION TO APPROVE THE MINUTES FROM THE PREVIOUS REGULAR SESSION OF COUNCIL HELD ON MONDAY, FEBRUARY 11TH, 2013
MS. ESPENSCHIED SECONDED THE MOTION
ROLL CALL, 7 YEAS, MOTION PASSED.

CORRESPONDENCE CLERK, PATRICIA MCKAY

1. Mayor's Report/Request to Council for February 25th, 2013
2. Request dated February 21st, 2013 to Sam Hitchcock, President of City Council from Council Member John R. Zucal, Ward 2 City Councilman in regard to the Lodging Tax Distribution Proposal for it to be assigned to the Finance Committee for study and discussion.
3. A thank you note from Cherylanne Stead to the Mayor and Council Members in regard to the CHIP Program (Thanking them for applying for the grants.)
4. A Certified letter to the Clerk of Council from the Buckeye Community Thirty Eight, L.P., 3021 E. Dublin - Granville Road, Columbus Ohio 43231, Roy Lowenstein. Dated February 19th, 2013. Notification that Goshen Housing Partners, Inc. will be the general partner of a residential rental development located outside the city Limits of New Philadelphia, in regard to the East High Townhomes. Asking that objections be made no later than 30 days of the receipt of this notice and received by the OHFA within 45 days of the date of this letter.
5. A notice to Council from the Ohio Division of Liquor Control, 6606 Tussing Road, P. O. Box 40005, Reynoldsburg, Ohio 43068-9005. Dated February 20th, 2013 To Coyote Morgan LLC, 115 Front Avenue SW New Philadelphia, Ohio 44663 for Type TRFO D5, Permit from R & S Enterprises, a partnership DBA R & S Party Center and asking that objections be made no later than March 25th, 2013.
6. Minutes of the New Philadelphia Airport Commission Meeting dated January 8th, 2013
7. A letter from Dale W. Holm, 422 Chauncey Avenue NW, New Philadelphia, Ohio 44663, dated February 18th, 2013 In regard to the possible enactment of RV bans in our City. (Was read as Dale A. Holm)
8. Finance Committee Budget Hearing Minutes from Thursday, February 21st, 2013

ADMINISTRATIVE REPORTS:

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

Mayor Taylor addressed the following:

- The Mayor requested an executive session this evening for Matt Baker, of Clemans Nelson to update us on negotiations and also to discuss personnel.
- The Mayor requested the Council President assign to committee wage reviews for 2013 for the non bargaining staff members.
- Mayor Taylor announced that another monetary item for discussion is the General Fund Based upon the Auditors projections, the cuts in local government funds and loss of estate taxes. The Mayor requested the Council President assign to the Finance Committee the challenges faced by our General Fund Revenue and Operating Expenses. The

Mayor stated “A plan of action needs to be discussed and developed to determine how the City will deal with these things in the future in order to maintain our current level of services.”

- The Mayor reported that last Friday he received a certified letter as did the Clerk of Council from Buckeye Community Thirty Eight, L. P. regarding a 36 unit family construction project at 1847 East High Avenue. This development will have income and rent targets to fill these new units. This project is not in the City limits but in Goshen Township. Currently there are City utilities in the area and to access them the developers will have to meet both Ohio EPA and City guidelines. The Administration has no objections to this development and if council does or would like to comment or object, the time frame and how Council needs to respond are in the letter that you received in your Council packets.
- The Mayor reported that OMEGA, to which we belong, has requested members adopt a Resolution to support the specific line item in the next Ohio Budget for Local Development District funding. Mayor Taylor requests the Council President assign to a committee for consideration.
- The Mayor announced that he would like to cede the floor to have Gary Little, Executive Director of the Tuscarawas County CIC to update Council on the Tech Park and what will be happening there and marketing efforts for it.

Mr. Little thanked the Mayor and addressed Council: (Mr. Little distributed a flyer and a brochure to Council Members)

Gary Little announced that “ this coming Wednesday, there will be an opportunity to market the Tech Park and some other properties in the Tuscarawas County.

The Eastern Ohio Development Alliance (EODA) has assembled 16 counties that each will have three featured properties that will be marketed to Real Estate Brokers, Developers and Oil/Gas Executive in the Pittsburg area. A reception has been organized and there will be representatives from each of the 16 counties attending the reception Wednesday evening. They had word that 29 to 30 of those brokers and developers will be attending that meeting so they will be providing them with a lot of information about properties in our area.

You can see the sheet that has been put together on the Tech Park; all of the properties from all 16 counties have a similar layout, they have put together a nice package of information that will be given to the Real Estate Brokers and the Oil/Gas Executives that will show these in a hard copy and then they will also be given a thumb drive so they will have all the properties to load on their computers.

Mr. Little stated “we wanted to market the Tech Park; market of course, as a facility for office locations and for laboratory environmental lab location. We are pretty excited about the possibility of presenting the Tech Park information to this many people. We honed in on the Pittsburg area initially because a lot of corporate offices for the oil/gas industries are still located in Pittsburgh and are having people look this direction some of their headquarters operations are in the eastern US and in our region are still located in the Pittsburg area and there are quite a few national brokerage firms too that are located in that area that are looking for properties for the oil/gas industry. We also have with our new brochure on the Tech Park, included on the inside is the new Artist's rendering of the Tolloty Incubator. We updated this brochure to move from the original drawing that was developed back in 2006 to the actual drawing of the building as it will be built. We will be presenting this brochure to some of those individual also.”

Question from the Mayor “Will you just talk about the Tolloty Building what is going on and where we are at?”

Mr. Little replied “Kent State University is in the final stages of working with a contracting firm on the general contract for that building. There are still details that need to be ironed out by KSU office University Architects and we also have to present all the information we gathered so far on the bid and possibly contractor to EEA in Chicago. There are some conversations that are going to take place tomorrow with the engineer with economic development administration. We could know within a couple of weeks whether will be able to contract with a particular bidder and start things moving forward. If things move along in a timely manner we should be able to break ground in April.”

John Zucal thanked Mr. Little for the update.

President of Council Sam Hitchcock thanked Mr. Little and stated that “all of us are eager to see development in the Tech Park and this is a step in the right direction.”

Mayor Taylor thanked Mr. Little.

Ms. Cox made a motion to go into an Executive Session after the Legislation for Personnel and negotiations

Ms. Espenschied seconded the motion.

Roll call 7 yeas motion passed.

SERVICE DIRECTOR.....MR. JAMES ZUCAL

The Service Director Mr. James Zucal reported on the following:

- The Service Director reported he has been actively involved in the AFSCME Service negotiations along with Matt Baker and Amy Gilland in the AFSCME unit. Tomorrow we will be starting to work with AFSCME Clerical Unit.
- The Service Director reported that he attended an OMEGA Meeting last week. It was held at Chef Ernie's. There was a lot of talk about the Oil/Gas Industry. The RFP for the City is in the final stages.
- Two pieces of Legislation are started.
Reminder: The CDBG Maple Avenue completion date for that will be August 16, 2013.
Various materials are just yearly business.

Comment from the President In the past we had a problem on Summit Avenue with water coming out on the road than freezing. Mr. Hitchcock announced that the problem has been resolved and thanked the Service Director for taking care of this problem.

Mr. Zucal reported that the Team at the Street Department helped with that and reported that all of the neighbors are now happy.

AUDITORMS. BETH GUNDY NO REPORT

SAFETY DIRECTOR.....MR. GREG POPHAM

The Safety Director reported that the Police Department was notified a few weeks ago that the Police Department is the recipient of the Rosenberry Grant in the amount of \$6,106.00. The Grant was put together by Officer Don Woods. It will be used to purchase equipment laser equipment for accident reconstruction and crime scene reconstruction equipment.

Comment: Councilman Zucal thanked the officer for filing the grant application.

Mr. Popham stated "Mr. Woods has an engineering degree this is in an interest that he really likes to do. I think we will be a lot better equipped and will be able to put together reconstruction of accidents and crime scenes."

TREASURER LORI STATLER..... NO REPORT

LAW DIRECTORMR. MARVIN FETE

The Law Director introduced his son to Council, the fourth Marvin in the Fete family; his son is called Buddy after his Grandfather. Buddy's middle name is Heath after his cousin Heath Warner, who was killed in Iraq in 2006. The Law Director requested the Rosenberry Zoning Property be assigned to a committee for annexation purposes. He spoke with Mr. Rosenberry earlier today with regard to the property. Previously Council had passed in 2010 and approved an annexation of that property. The problem is it was passed and approved without the the consent of the township. The township trustees wanted a fifteen year spend down of taxes as opposed to an eleven year what Council had previously approved. We will have to start over again He felt they will be in support of the eleven years the Law Director said he will attend one of their meetings would just have them sign. Otherwise in order for it to be annexed we will have to go through the procedure again and approve a fifteen year spend down opposed to a eleven year if that is what they wish to do.

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR MICHAEL TAYLOR

Mayor Taylor reported the Planning Commission did not meet in the Month of February there was no agenda. Mayor Taylor announced that the next Planning Commission Meeting will be held Tuesday, March 12th, 2013 at 1:00 PM in Council Chambers pending and agenda.

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

Mr. Zucal reported the Board of Zoning Appeals February meeting did have one variance request from Ferris Chevrolet for a new sign. The Board did give approval to Ferris Chevrolet for a new sign. There is no agenda currently, if that should change the next meeting will be held Tuesday March 12th, 2013 at 5:00 PM in Council Chambers.

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

Mr. John Zucal announced that the Airport Commission will meet Tuesday, March 12th, 2013 at 6:00 PM in the Airport Meeting Room. Mr. Zucal announced to Council Members that they should have received the latest update of the Airport Commission Minutes in their packets.

PARK BOARD..... MR. DARRIN LAUTENSCHLEGER

Mr. Lautenschleger announced that the Park Board met Wednesday February 20th, 2013, at the Tuscora Park Office and that the meeting minutes will be forthcoming.

HEALTH BOARD.....MS. SANDY COX

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

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEE.MS. SANDY COX

Ms. Cox announced that the Finance Committee met Thursday, February 21st, 2013 in the council chambers at the Knisely Centre at 2:00 PM for the Budget Hearings and were completed by 4:20 PM.

Ms. Cox thanked everyone who participated in the budget hearings Darrin Lautenschleger, Mayor, Auditor and all the department heads. Finance Committee reviewed the budget and made minor changes. The 2013 budget has very few major purchases of equipment or vehicles. The Finance Chair commended all the department head, Auditor and the Mayor for work done on the budget ahead of time. "By providing information to all departments on the discontinuation of the Estate Tax, the continued loss of local Government Funds and State Taxes made balancing the budget an easier task."

In attendance were committee members Darrin Lautenschleger and chair Sandy Cox.

Guests throughout the meeting were the Mayor , Auditor , Council Clerk, Council President, Council Members Dan Lanzer and John Zucal, Police Chief Urban, Michael Goodwin, Fire Chief Parrish, Water Superintendent Ed Wilson, Sewer Superintendent Aaron Hixenbaugh, Public Health Commissioner Vicki Ionno, Park Superintendent Rod Miller Cemetery Superintendent Keith Limbacher, Income Tax Administrator Dixie Dyer, Service Director James Zucal, Assistant Service Director Amy Gilland, Street & Sanitation Superintendent Fred Neff, Municipal Court Administrator Judee Dzigiel and Clerk of Courts Julie Stamets. There were 6 minor changes in a 47 page document. Everyone has a list so she did not go over them.

There were very few major purchases of equipment some items purchased were hoses, tractors and bullet proof vest and used truck for the water department.

At the end of the Budget Hearing there were no questions or comments the Committee accepted the budget and you have Ordinance 3-2013 on the agenda.

- Item 2 The Fire Chief requested approval for the 2013 JEMS Conference which was approved.
- Item 3 The Service Director requested the approval of the CDBG project for 2013 on Maple Avenue which was approved by the Committee. Resolution 4-2013.
- Item 4 the Service Director requested the yearly legislation for the various materials and supplies for 2013 which was approved by the Committee. Ordinance 4-2013.
- Item 5 at the end of the budget hearings there was a discussion on the status of the budget due to the loss of Estate Tax, reduction of Local Government funds and reduction of other line item. (such as State Taxes)

On November 5th, 2012 the Council President called a meeting of the whole to have the Auditor explain to Council members a financial projection for major operating funds for the next 4 years and there were concerns at that time over the loss of the above revenues.

The Mayor expressed his concerns about our budget in the 2012 State of the City. The Mayor made it known in his report the City needs to address possible new resources of revenues to maintain existing operation levels as well as to assist in covering increased expenses related to fuel, utilities and personnel.

After reviewing the 2013 budget last week, Ms. Cox did research on revenues collected in the General Fund over the last 25 years. Our revenue in 2013 is estimated at 4.3 million. The last time our General fund revenue collection was at the 4.3 million levels was in 1994/1995. Our 2012 collection was 6 million.

The Mayor and Auditor reviewed a couple options available. Nothing was resolved and there will be future discussions on this issue.

Ms. Cox reported the General Fund 2013 budget is 6.1 million. Total budget is over 24 million.

President of Council Sam Hitchcock assigned to the finance committee the following requests the challenges faced by our General Fund Revenue and Operating Expenses. The Mayor stated "A plan of action needs to be discussed and developed to determine how the City will deal with these things in the future in order to maintain our current level of services.

Request dated February 21, 2013 to Sam Hitchcock, President of City Council from Council Member John R. Zucal, Ward 2 City Councilman in regard to the Lodging Tax Distribution Proposal for it to be assigned to the Finance Committee for study and discussion.

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

Mr. Zucal announced that he will be hosting a Town Hall Meeting March 5th, 2013 at the Tuscarawas County Public Library from 6:00 to 7:30 PM for the purposes of keeping the New Philadelphia Citizens up to date on what is taking place in the City of New Philadelphia.

Mr. Zucal requested following the Executive Session being conducted by the Mayor for negotiation purposes the Council reconvenes into the Executive Session for the matters of personnel employment.

President of Council Sam Hitchcock assigned the Mayor’s request to assign wage reviews for 2013 for the non bargaining staff members to the Salary Committee.

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

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

MR. DARRIN LAUTENSCHLEGER reported the Public Works & Economic Development Committee met this evening in Council Chambers at 7:00 PM with one issue on the agenda proposed Resolution 5-2013 the Cities renewal for natural gas aggregation for citizens sign up through Constellation Energy Gas Choice, Inc. (CEGC.)

It has been in place now for two years for natural gas aggregation. The City makes no money on this program but does offer it as a service and we were joined by Mr. Thomas Bellish from Buckeye Energy Brokers Inc. who coordinated the program for the City of New Philadelphia. To date in the past two years, there has been a total of 216 residents that have participated in the program. He is hopeful within the next couple years that will increase and currently that the rate that would be offered will be substantially lower than the rates that are being quoted on the low end throughout the State of Ohio. The Mayor requested that legislation be prepared to continue, renew for a two year period, be added to the agenda and passed on the first reading. Motion by Mr. Maurer seconded by Ms. Cox the Committee voted 3-0 to do that. Before you tonight on the agenda is Resolution 5-2013. With no further business brought before the Committee the meeting adjourned at 7:15PM.

President of Council Sam Hitchcock assigned to the Public Works & Economic Development Committee the resolution for support of OMEGA as for the Mayor’s request.

ZONING & ANNEXATION COMMITTEEMS. COLLEEN ESPENSCHIEDNO REPORT

President of Council Sam Hitchcock assigned to the Zoning & Annexation Committee the Law Director’s request for the Rosenberry Zoning Property be assigned to a committee for annexation purposes.

CONTACT & SPECIAL COMMITTEE MR. DAN LANZERNO REPORT

President of Council Sam Hitchcock assigned to the Special & Contact Committee the notice to council from the Ohio Division of Liquor Control, 6606 Tussing Road, P. O. Box 40005, Reynoldsburg, Ohio 43068-9005. Dated February 20th , 2013 To Coyote Morgan LLC, 115 Front Avenue SW New Philadelphia, Ohio 44663 for Type TRFO D5, Permit from R & S enterprises a partnership DBA R & S Party Center and asking that objections be made no later than March 25th, 2013.

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

VISITOR’S COMMENTS:

NONE

READING OF ORDINANCES AND RESOLUTIONS

ORDINANCES:

- 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. (3rd Reading)
Motion to vote on passage made by Ms. Cox
Seconded by Mr. Lautenschleger
Roll call, 7 yeas, Ordinance passed

- 3-2013 An ordinance to make appropriations for current expenses and other expenditures of the City of New Philadelphia, State of Ohio, during the fiscal year ending December 31, 2013

and declaring an emergency. (1st Reading)

4-2013 An ordinance by the Council of the City of New Philadelphia directing the Service Director to advertise for bids and to enter into contracts with the lowest and best bidder for the City's requirements of various materials and supplies for 2013 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. (3rd Reading)
Motion to vote on passage made by Mr. Zucal
Seconded by Mr. Lanzer
Roll call, 7 yeas, Resolution passed

4-2013 A resolution by the Council of the City of New Philadelphia, Ohio to authorize and direct the Service Director to advertise for bids, receive bids, and award for the 2013 project year the CDBG contract, and declaring an emergency. (1st Reading)

5-2013 A resolution by the Council for the City of New Philadelphia, Ohio to enter into an agreement with Constellation Energy Gas Choice, Inc. (CEGC) as recommended by Buckeye Energy Brokers Inc. to provide to eligible consumers within the City of New Philadelphia natural gas service, and declaring an emergency. (1st Reading)

Motion to suspend the rules made by Mr. Lautenschleger, seconded by Mr. Maurer
Roll call, 7 yeas rules suspended.

Motion to vote on passage made by Mr. Lautenschleger, seconded by Mr. Maurer
Roll call, 7 yeas resolution passed

Comment from Mr. Lautenschleger just for clarification the Law Director can answer.

"We did have a second request for an executive session are we covered or do we have to amend. There was a request by Council Member Mr. Zucal."

Reply from the Law Director "We are covered."

COUNCIL ADJOURNED FOR A FIVE MINUTE RECESS AT 8:08 PM

AT 8:15 PM COUNCIL RECONVENED INTO REGULAR SESSION

COUNCIL ADJOURNED FROM REGULAR SESSION INTO EXECUTIVE SESSION AT 8:15 PM

COUNCIL RECONVENED INTO REGULAR SESSION AT 9:07 PM

UNFINISHED OR OLD BUSINESS:

The President of Council wanted to know if there were any objections or comments by council in regards to the certified letter to the Mayor from the Buckeye Community Thirty Eight, L.P., dated February 19th, 2013. Council Member Lanzer felt we should review the issue. The President assigned it to the Special Contact Committee.

NEW BUSINESS:

Request from Mr. Lautenschleger: "We heard the first reading tonight of the appropriations for this year and we understand we have a significant reduction in revenue that was pointed out by Ms. Cox. I thought perhaps we need to have more of a description."

Once a month during our upcoming meetings have discussions of our revenue.

To see if we are on par; to be informed of any concerns the Auditor/Treasurer may have on the revenue expenses.

To have a report based on the Auditor's Monthly Report highlighted for us.

Mr. Lautenschleger stated that it would be helpful if we all received the monthly report timely so there could be discussions on it in the public setting.

MS. COX MADE A MOTION TO ADJOURN AT 9:10 PM.

CLERK OF COUNCIL _____

APPROVED _____

PRESIDENT OF COUNCIL _____