

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON MARCH 12, 2018 WITH PRESIDENT OF COUNCIL SAM HITCHCOCK PRESIDING. MAYOR DAY OFFERED A PRAYER, AND ALL IN ATTENDANCE RECITED THE PLEDGE OF ALLEGIANCE.

COUNCIL MEMBERS IN ATTENDANCE

MR. DAN LANZER
MR. ROB MAURER
MRS. CHERYL RAMOS
MR. KELLY RICKLIC
MR. JOHN ZUCAL

EXCUSED ABSENSE

MR. DEAN HOLLAND
MRS. AIMEE MAY

- MR. ZUCAL MOTIONED TO ACCEPT THE AGENDA
MR. RICKLIC SECONDED THE MOTION
5 YEAS
TONIGHT’S AGENDA HAS BEEN ACCEPTED

- MR. LANZER MOTIONED TO ACCEPT THE MINUTES FROM THE FEBRUARY 26, 2018 REGULAR SESSION OF CITY COUNCIL
MRS. RAMOS SECONDED THE MOTION
5 YEAS
MINUTES FROM THE FEBRUARY 26, 2018 REGULAR SESSION OF COUNCIL HAVE BEEN APPROVED

CORRESPONDENCE CLERK, JULIE COURTRIGHT

1. *To Council and Administration from Auditor Beth Gundy, dated February 28, 2018. This is a Check Report by Fund, the Auditor’s Monthly Statement of 2018 Revenue from the General Fund, and the Statement of Cash Position from Revenue and Expense.*
2. *To Council and Administration from Mayor Day, dated February 28, 2018. This is the Mayor’s Monthly Statement to Council.*
3. *To Councilmembers from President of Council Sam Hitchcock, dated March 6, 2018. This is a forwarded email from Mayor Day that says “Parks and Cemetery Assignment” and it states; “Amy, please take the following request from Mayor Day into your committee for consideration.”*
4. *To President of Council and Clerk of Council from Councilman Holland, dated March 10, 2018. This is an email titled “Absent from Council Meeting” It states the following: Sam, requesting an excused absence from City Council Meeting on March 12 due to extended illness.*
5. *To Clerk of Council from Treasurer Tom Gerber, dated March 8, 2018. This is the City of New Philadelphia Investment and Savings Report.*
6. *To Clerk of Council from Treasurer Tom Gerber, dated March 12, 2018. This is the City of New Philadelphia February 2018 Deposits.*
7. *To Council and Administration from Mayor Day, dated March 12, 2018. This is the Mayor’s Report.*

Administrative Reports.....

MAYOR’S REPORT/REQUESTSMAYOR JOEL B. DAY

Mayor Day had the following report:

- NPHS Lady Quakers Basketball Team Makes History :Congratulations to Head Coach Tracy Payne and her Lady Quakers girls varsity basketball team on their historic season, which now has them playing in the girls Division Two State Championship semi-final game on Friday. This is New Philadelphia’s first girls basketball team to reach the state semi-finals and have a chance to play for a state championship. The New Philadelphia Schools administration is planning a big send off for the Lady Quakers on Thursday. We will have information about the send off on the City’s social media pages. You can also read the details in the Times

Reporter and listen for them on local radio. The City and school officials are planning a Community Welcome Home Celebration for Sunday March 18th at 2pm at the downtown gazebo.

➤ Gradall's Union Workers are on Strike: I was saddened to learn this morning that Gradall's union workers are on strike. I hope they can resolve their differences quickly. Gradall is one of the City's key employers. There is always the fear of a plant shutdown and workers losing their jobs as the result of a strike.

➤ Meetings with New Philadelphia Schools Administrators to Discuss School Security: Over the past two weeks, myself, Police Chief Goodwin and Fire Chief Parrish have attended meetings with New Philadelphia Schools administrators to review the safety forces response to the recent high school lockdown and to discuss building security and student safety. The meetings were very productive. We will continue to work together to make improvements that will address the concerns raised by the lockdown incident.

➤ Update on the Municipal Coalition's Lawsuit against the State of Ohio: Franklin County Common Pleas Court Judge David Cain has denied the coalition's motion to halt the changes made to the municipal tax code that give the State Tax Commissioner the authority to collect local business net profits income tax. The City of New Philadelphia is a member of the coalition of over 100 Ohio municipalities fighting to stop the State government from taking away what we feel is our constitutional right to collect local tax revenue to fund city services. Frost, Brown, Todd, the Columbus law firm hired by the coalition to defend our right, has filed an appeal of Judge Cain's decision in the Franklin County Court of Appeals. A decision may come as late as sometime in the fourth quarter of this year. In the meantime, the changes made to the municipal tax code, including New Philadelphia's, are in effect.

SERVICE DIRECTORMR. RON MCABIER

Mr. McAbier had the following report:

I want to start by giving an update to Council on the remote radio reads that we've been installing on the water meters. First I want to apologize that I don't know that I've updated it lately. In 2015 when we started we had just under 700 put in, in 2016 and 2017 we installed approximately 3200 each year. So far this year we're going to install another 700. The bulk of the rest, just under 500 will be installed this month. So what that gives us the ability to remotely see what the gas company is doing. So April will be our first whole City being remotely read. So, a guy goes out, has a computer with him, another guy watches that computer, it's uploading while you're driving. All reads come in and go back to the water office, get uploaded into the computer, generates a bill. We used to have two guys manually walking and reading for 14 days a month. That will take that down to two and a half days because you're going to read for one day. There will be misreads for various reasons but it's a step in the right direction. So if you see a little maroon Suzuki riding around that's what the water department is doing with the reads. I also wanted to bring to your attention the three newly decorated trash containers downtown. On the 100 block of South Broadway a few local artists from the Tuscarawas County Center for the Arts did those. It's all one inch mosaics. The one closest to Front St. has a Quaker Hat on it. I would like to thank the artists and the kind donor that had that done for us.

AUDITORMS. BETH GUNDY

Ms. Gundy had the following report:

I will be sending an email out to Council with a summary for February and an outlook for March.

SAFETY DIRECTORMR. GREG POPHAM.....NO REPORT

LAW DIRECTOR MR. MARVIN FETE

Mr. Fete had the following report:

On February 5 a law took effect in Ohio called Marsy's Law. That was something that was voted for overwhelmingly as an amendment to our Ohio Constitution which gives the victims statutory rights similar to the statutory rights that criminal defendants have. The key aspect of this is that it's something that everybody's going to have to work through is that the way the law currently reads it appears that every person that is a victim of crime whether it's a fender-bender or domestic violence is entitled to these rights and to be heard at every aspect of the criminal proceeding including arraignment. We're trying to figure out how does that work if it's a fender-bender, they just waive the ticket, how do you include and allow the victim to be heard? We're hoping that the legislature will try to refine it to make this applicable to someone who really needs to have victim input like domestic violence and vehicular manslaughter, all things that we deal with on this level, menacing, any type of violent crime or those involving death or serious physical bodily harm. I believe that was the intent why most people voted for this. Unfortunately the way it reads now it's very broad. Along those lines we are attempting to do something that we tried a couple years ago, which was to get a victim's advocate in New Philadelphia. Tuscarawas County has a victim's advocate. To refresh your recollection a victim's advocate is somebody who assists the victim throughout the entire procedure of a criminal case. They are there with the victim, they inform the victim, they are trained in how to help counsel the victim, how to put the victim in touch with various agencies that can assist them. They can also assist with getting a protection order if the person's a victim of domestic violence. I worked with the Tuscarawas County victim advocate several times and it's phenomenal that they have this. We applied two years for a grant to have a victim advocate here. After the application was done and over with and we didn't get it the State sent two people over to observe us and said the reason they didn't grant it was because we didn't think there was a need for it at your level, and what we pointed out to them is the County level handles between 113 and 143 cases a year. My office handles roughly around 14,000 criminal cases a year. A large number of those are cases involving menacing, assault, domestic violence, that's a large part of what we deal with. In each of those cases the victim would benefit from a victim advocate. When they saw that they said "wow, we had no idea the case load and the amount that you had or the fact that there was a need for it". They encouraged us to file again and the judge would really like to see us get a victim advocate here. If we're successful in the grant we're applying for now I believe we would have to come up with \$17,000.00 in matching funds. We're proceeding on two tracks to try to get a victim's advocate here. The first track is we are looking at setting up and contracting with an outside agency like Harbour House or Compass who deal with helping victims get protection orders and to see if we can do some sort of an independent contract with them and utilize them in that fashion. We're also looking at bringing in our own with the grant money. If we bring in our own the advantage would be that we could then contract with Dover, Sugarcreek, all the other surrounding communities that have similar cases. They'll pay us to use our victim advocate. What we may have to look at at some point down the road is maybe taking about \$17,000.00 out of that because that is money that goes directly from criminal defendants. That is money that goes directly from criminal defendants. The intent was to give that back to the community which has been utilized very well by the court and I think that taking \$17,000.00 out of that to invest for a victim's advocate would be a great use of resources if we're successful in getting the funding for a victim advocate, but that's what we're doing with regards to Marsy's Law. Two places that it's going to have an impact with first appearance. Currently our prosecutors are required to be at all arraignments. Not a big deal we're there already for other cases so shuffling arraignments is not that big of deal. The difficult part is if somebody might get arrested for domestic violence tonight and be arraigned tomorrow at 10:00am, we don't know about it until 8 o'clock in the morning. We don't know who the victim is or how to get ahold of the victim, we don't have a police report because often a police report isn't done in that quick of fashion. So one of the things we're doing now to ensure the victims are guaranteed their rights is we are bringing together a sheet that alerts the victim what all their rights are and who to contact to find out when the court date is. The police will have this and they'll have the victim sign that at the time, and the police are very well trained in dealing with victims and putting them in touch with the help and assistance they need. So that's what we're trying to do to deal with it right now. Everything else that's required by Marsy's Law we already do. We make sure that there is a restitution orders in place for everything from fender benders to a dui or somebody crashing into somebody's house. It makes sure that the victims are subpoenaed and are available for every other aspect with the exception of the arraignment which we're now including by virtue of this sheet. So we're already doing everything and have been doing it well before Marsy's Law came into place. That's what the prosecutors have been doing all along. They always have a voice, they always have input into it. We don't make plea bargain decisions without consulting the victim. Lastly, I just wanted to throw in with what the Mayor said. When I was a little boy my dad used to take me to basketball games. I can remember pressing my face against that trophy case that's in the New Philadelphia High School Gym and looking at the picture of the 1940s State Championship Basketball Team that Leo Benjamin was on. They actually had a basketball that was signed by all the players. I used to look at that and

think “wow, they won a State Championship.” Little did I realize at that time how difficult it is to actually get to that level, and as the Mayor said this is the first time that the girls have ever done it. This is the first time that a team from New Phila. has done it since 1940, so it’s not something that happens very often and I am so proud of these ladies and a lot of them were here when they came in as students. They’re just phenomenal kids they’ve got a phenomenal coach and to get to this level is so challenging. We have so much to be proud of. What they’re doing in representing us in this Community. Because it’s so rare I’m taking my 4 and 6 year old boys to the basketball game this Friday because I want to show them what’s possible.

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

At one point in the County there was the Victim’s Witness Program is this something that is also that they’re also going to be offered to victims from the case?

Law Director Fete had the following response:

We work very closely with witnesses while we’re preparing for a trial. I’m not sure what the victim advocate does with regards to preparing the witnesses. Your principal witness is going to be the victim. That’s who your victim advocate is going to be working with.

President of New Philadelphia City Council Sam Hitchcock made the following statement:

As we both know witnesses are very important to a case if we want proof.

Law Director Fete had the following response:

Yes, but a lot of times in domestic violence cases it’s he said/ she said, and it comes down to the credibility of the witness, the documentation that the law enforcement officer provided to show that there were actual injuries to the person, but I don’t believe that the victim advocate is actually working with other witnesses outside of the actual victim themselves.

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR JOEL DAY

The Planning Commission will be meeting here in Council Chambers March 13, 2018 at 1:00pm. We will be discussing Jerry Lawver’s request to construct a condominium development at the corner of 2nd Street and Carrie Ave. NW.

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

The Board of Zoning Appeals will meet March 13, 2018 at 5:00pm with one variance request on the Agenda.

AIRPORT COMMISSION.....MR. JOHN ZUCAL

The Airport Commission will meet March 13, 2018 at 6:00 PM at the Harry Clever Field Meeting Room.

PARK BOARD.....MR. DEAN HOLLAND.....EXCUSED ABSENSE

HEALTH BOARD..... MR. KELLY RICKLIC

The Health Board will meet Wednesday, March 14, 2018 at noon in the Health Department.

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEEMR. ROB MAURER.....NO REPORT

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

PUBLIC WORKS COMMITTEE.....MR. DEAN HOLLAND.....EXCUSED ABSENSE

SAFETY HEALTH & SERVICE COMMITTEE.....MR. KELLY RICKLIC

Mr. Ricklic had the following report:

The Safety, Health, and Service Committee met tonight with one issue to discuss. It was a water/sewer application for the A1 Development. Mr. McAbier the Service Director gave a presentation on the background of the application. He discussed what they tried to put parcels in that aren't even owned by the development company themselves. The Committee discussed it and decided we needed some more information. Mr. Maurer made a motion to table this issue until the owner for the application could provide more detailed information to allow us to make a more reasonable decision on water and sewer that would be produced from this property. We voted 3-0 to table this at this time.

ZONING & ANNEXATION COMMITTEEMRS. CHERYL RAMOS

Mrs. Ramos had the following report:

The Committee met tonight at 6:45 here in Council Chambers to discuss Chapter 1339 regarding wind energy facilities, wind turbines. We had a discussion about that. We did get some questions answered and some information which was very productive. The Committee did move to have the Law Director draw up Legislation to accept Chapter 1339 into the City Ordinances. We also started a discussion on some land that we're going to annex around the airport that's in Goshen Township and we held that for the next City Council Meeting.

SPECIAL & CONTACT COMMITTEEMR DAN LANZER.....NO REPORT

PARKS & CEMETERY COMMITTEEMRS. AIMEE MAY.....EXCUSED ABSENSE

VISITOR’S COMMENTS:

James Mulnoch of Prospect St. had the following comment:

I am a union employee at Gradall. I have some concerns on Mill Avenue being closed. Social media says it’s closed for safety reasons which nobody in the Union understands why.

Mr. Zucal had the following reply:

Council does not handle that type of thing that would be more of an administrative decision.

Mr. Mulnoch had the following comment:

I was under the impression that Mr. Day is the one who ordered that closure. I was on the picket line for 7 to 8 hours today. It was very peaceful. We just want what we think is right. We were told that if we go past the blockades that we’re going to be ticketed and cited. I understand that. I personally won’t do it because I don’t want to get cited. My question would be tomorrow morning whenever 50 salary employees roll in there and they go past the barricades will they be cited?

Mayor Day had the following response:

The road was blocked on the recommendation of the Police Chief.

Mr. Mulnoch had the following question:

Is the road going to be closed as long as the strike is on?

Mayor Day had the following response:

That’s up to the discretion of the Police Chief. You’re welcome to come talk with him.

COUNCIL COMMENTS:

Mr. Zucal had the following comment:

I would like to acknowledge the Mayor, our Fire Chief, Police Chief, as well as Sherriff Orvis Campbell as the Mayor presented in his report to all gathered here this evening. There have been meetings in regard to school safety. I do want to commend them for taking the time. I know at Central Elementary they graciously came and met with me, met with a member of our teaching staff and a parent about those things and were very, very favorable about meeting again and doing anything they could to help promote school safety so I commend the Mayor and all those that I mentioned earlier for their willingness to listen to be a part of the team effort to make sure that our schools are safer.

READING OF ORDINANCES AND RESOLUTIONS

Mr. Zucal called a Point of Order:

Ordinance 4-2018, there seems to be a question in regard to whether that Ordinance was assigned to Committee and was moved out of Committee.

Law Director Fete had the following response:

I believe it did come out of Committee. It fell through the cracks. It was sponsored by Rob’s Safety, Health, and Services Committee.

Mr. Maurer had the following comment:

We need more info like how many disorderly conducts. We needed some information what kind of money it will bring in. I have the Minutes for that meeting. We left it as you and Captain Skinner were going to get together.

Law Director Fete had the following comment:

I can tell you as a prosecutor the vast majority of our cases were disorderly conducts and the Safety Director can attest to that too. Usually when you look at plea bargains you plea bargain things down to a disorderly conduct.

Mr. Zucal had the following comment:

Regardless, Mr. President, since it has not come out of Committee I would request that Ordinance 4-2018 be held for further investigation in regard to passage by Committee. It's already in a Committee. So if we can just hold the legislation until it comes out of committee.

ORDINANCES: NONE

RESOLUTIONS:

7-2018 A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, TUSCARAWAS COUNTY, OHIO, AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO PURCHASE A NEW GARBAGE TRUCK.
3rd Reading

MR. LANZER MOTIONED FOR PASSAGE OF RESOLUTION 7-2018
MRS. RAMOS SECONDED THE MOTION
5 YEAS
RESOLUTION 7-2018 HAS PASSED

UNFINISHED OR OLD BUSINESS:

Law Director Fete had the following comment:

According to the Minutes from the Safety, Health, and Service Committee September 26, 2016 it does say that Chairman Maurer asked that Captain Skinner confer with the Law Director and bring back to Committee a proposal in the form of a Resolution or Ordinance. It does appear that it was still in Committee. That's not the Clerk's fault. I sent it to her thinking it was out of Committee.

NEW BUSINESS:

President of New Philadelphia City Council Sam Hitchcock made the following statement:

We all know that the next major holiday that's coming up is St. Patrick's Day. So in the style of the holiday, the wearing of the green. (President Hitchcock, Clerk of Council Courtright, and Law Director Fete all donned green hats.)

Mr. Maurer motioned to adjourn at 8:05 pm

CLERK OF COUNCIL _____
Julie Courtright

APPROVED _____

PRESIDENT OF COUNCIL _____
Sam R. Hitchcock