

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON JULY 8TH, 2013 WITH PRESIDENT OF COUNCIL, SAM HITCHCOCK, PRESIDING. MR. HITCHCOCK OFFERED A PRAYER, AND ALL IN ATTENDANCE RECITED THE PLEDGE OF ALLEGIANCE.

PRESIDENT OF COUNCIL, SAM HITCHCOCK WELCOMED EVERYONE AND RECOGNIZED THE REPRESENTATIVES FROM BOY SCOUT TROOP 181 WHO WERE WITH US TONIGHT FOR COMMUNITY SERVICE.

COUNCIL MEMBERS IN ATTENDANCE: MS. SANDY COX
MS. COLLEEN ESPENSCHIED
MR. DAN LANZER
MR. ROB MAURER
MS. WINNIE WALKER

PRESIDENT OF COUNCIL SAM HITCHCOCK ANNOUNCED COUNCIL MEMBER MR. DARRIN LAUTENSCHLEGER AND COUNCIL MEMBER JOHN ZUCAL ARE EXCUSED FROM TONIGHT'S MEETING.

Mr. HITCHCOCK REMINDED ALL THAT COUNCIL WOULD NOT BE ABLE TO PASS ANY EMERGENCY LEGISLATION TONIGHT WITH THOSE TWO ABSENT.

MS. COX MADE A MOTION TO ADD RESOLUTION 23-2013 TO TONIGHT'S AGENDA AND TO AMEND RESOLUTION 21-2013 TO THE PRESENT LANGUAGE.
MR. LANZER SECONDED THE MOTION.

ROLLS CALL, 5 YEAS
MOTION PASSED

MS. COX MADE A MOTION TO ACCEPT THE AGENDA AS AMENDED.
MS. WALKER SECONDED THE MOTION.

ROLL CALL 5 YEAS
MOTION PASSED.

MS. ESPENSCHIED MADE A MOTION TO APPROVE THE MINUTES FROM THE PREVIOUS REGULAR SESSION OF COUNCIL HELD ON MONDAY, JULY 8TH, 2013.
MR. MAURER SECONDED THE MOTION

ROLL CALL, 5 YEAS,
MOTION PASSED.

CORRESPONDENCE CLERK, PATRICIA MCKAY

1. Mayor's Report/Requests to Council July 8th, 2013
2. Invitation from the Health Department for the Retirement Reception for Dean Miller July 17, 2013 1:00 PM to 3:00 PM in Council Chambers.
3. An Invitation from American Council of the Blind of Tuscarawas Valley President Carl Russo, to participate in the White Cane Walk Sunday August 25th, 2013 at the Tuscarawas County Senior Center from 1:00 PM to 3:00 PM.
4. Public Works & Economic Development Committee Meeting Minutes from June 24th, 2013.
5. Mayor's Monthly Statement to Council for the Month of June 2013.
6. New Philadelphia Police Monthly Activity Report for the Month of June, 2013.
7. Finance Committee Meeting Minutes from June 24th, 2013
8. New Philadelphia Fire Department Month End Summary for the Month of June 2013
9. Auditor's Monthly Statement of 2013 Revenue for the General Fund for the Month June 2013
10. Auditor's Financial Statement for the Month of June 2013
11. City of New Philadelphia Statement of Cash Position with Month to Date as of June 28th, 2013
12. Copy of Audit Release Documents dated July 2nd, 2013 from Dave Yost, Auditor of the State of Ohio, to the City of New Philadelphia (Financial Audit 1-1-2012 -12/31/2012 and Management Letter 1-1-2012 -12/31/2012

ADMINISTRATIVE REPORTS:

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

Mayor Taylor addressed the following:

- Mayor Taylor congratulated the First Town Days Committee, City Workers for all their hard work in last week's festival and thanked the vendors and entertainer who support the festival and the citizens for their attendance.
- The New Philadelphia City Slickers played two games this past weekend. They lost their game to the County but came back and beat Dover!
The Mayor congratulated all our team participants and I thanked them for representing the City.
- Our first paving project with ODOT on East High Avenue is well under way.
Other paving should begin in the next few weeks throughout the City.
- The City received approval from the Ohio Water Development Authority for its loan for the Five Points Storm Sewer Project. The amount approved is \$634,068.78.
- The attached letter to the Mayor's Report is from Jeffery Erb, Information Specialist, to update the Mayor on the server upgrade and the positive benefits from that.

SERVICE DIRECTOR.....MR. JAMES ZUCAL

Mr. Zucal reported the following:

- The Housing Review Team met last week and reviewed seven structures.
Mr. Zucal reminded everyone that Chief Parish, Amy Gilland and Lee Finley are all members that go monthly to look at these structures. We have given the Law Director three older homes that we would like to see razed.
- There will be another preconstruction meeting this Thursday for the Five Point Project. This will be the largest Storm Sewer Project the City has ever under taken.
Tucson Inc. is the Contractor the Board of Control met and approved that.
The paper work is in place with the OPWC (Public Works Commission) the Mayor did a great job on that we look forward to moving forward in August, 2013 through the end of the year.
- There will be a lot on construction on Seventh Street and Front Avenue area.
It won't impact West High much. As the Mayor mentioned I will piggy back on to take it further. The paving that is taking place in the City is ODOT Paving with the City cost shared in. What they have is the base material down; they are doing a lot of milling. It's an ODOT Project they have their inspectors out there.
We've had some complaints, calls and issues. But it is moving quite well. The weather has hindered them a little but they will be wrapping that up soon.
- There will be a few more projects to start yet this year.
Finished through the Market Square West and Fourth Street will be done also this year.
All the curb radius is a part of that project too so that has been an important part and a Federal Law we are complying with.

Ms. Cox asked if the three older homes that are going to be razed are under the grant money.

The Service Director replied:

No. The homes that are already in Moving Ohio Forward Program, one is currently under demolition on Front Ave SE. There are a few more to come I will keep you posted on those.

The ones we recommended for the Law Director, when Amy finishes the minutes from that meeting I will make sure everyone gets a copy.

AUDITORMS. BETH GUNDY

Ms. Gundy reported she had one item and that today she got the Ohio BWC premium refund for us in the amount of \$137,206.14.

SAFETY DIRECTOR.....MR. GREG POPHAM

Mr. Popham reported that in the Police Department, we now have a new Parking Control Officer who would be Larry Kopp. The previous Parking Control Officer Diane Erdman resigned we hired Larry to work 29 Hours a week as Parking Control Officer.

TREASURERMS. LORI STATLER.....NO REPORT

LAW DIRECTORMR. MARVIN FETE

Mr. Fete requested an executive session after legislation to discuss pending litigation and possible litigation involving an agreement with the City of New Philadelphia over a contract dispute.

Ms. Cox made a motion to go into an Executive Session this evening as the Law Director requested immediately following the legislation.

Mr. Lanzer seconded the motion

Roll call 5 years motion passed

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR MICHAEL TAYLOR

Mayor Taylor reported the Planning Commission Meeting for the month of July was cancelled there was no agenda. The Mayor announced that the next Planning Commission Meeting is scheduled for Tuesday, August 13th, 2013 at 1:00 PM in Council Chambers pending an agenda.

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

Mr. Zucal announced the Board of Zoning Appeal’s will meet Tuesday, July 9th, 2013 at 5:00 PM in Council Chambers there are two variance requests.

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

EXCUSED ABSENCE

PARK BOARD..... MR. DARRIN LAUTENSCHLEGER.....NO REPORT

EXCUSED ABSENCE

HEALTH BOARD..... MS. SANDY COX

Ms. Cox announced that the next scheduled meeting for the Health Board is Wednesday, July 17th, 2013 at 12:00 Noon at the Health Department.

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEE. MS. SANDY COX

Ms. Cox reported the Finance Committee met June 24th, 2013 in Council Chambers at 8:04 PM at the Knisely Centre. The following is the overview of the meeting on the Lodging Tax Options:

- Reviewed were two 501 .C (3) letters, (EAA Chapter 1077 and New Philadelphia Quaker Club) Mr. Zucal’s Proposal and Ms. Gundy’s suggestions.
- Ms. Cox discussed the results of the state cut backs to local governments and read a recent letter from our Mayor to the Governor in regard to loss of revenues.
- Reviewed were Ms. Grossman’s suggestions to Ordinance 2-2013 and other comments.
- The Law Director informed the Committee that he drafted the legislation for the purpose of giving Council the broadest option available but reminded all these are extraordinary times and before we go to the public to ask for additional money, this is a source that is available to us to make a good faith effort to exhaust every other available source to us.
- Ms. Cox opened the floor for comments and the following people expressed their opinions- Mr. Lanzer, Mr. Zucal, Ms. Grossman, Ms. Lautenschleger and Mr. Conner.

The meeting was adjourned at 8:55 PM.

Tonight you have Ordinance 2-2013 in front of you.

Ms. Cox reported that the Finance Committee met July 8th, 2013 immediately following the 7:00 PM Public Hearing at 7:03PM in Council Chambers

There were five items reviewed:

Item 1. AFSCME OHIO COUNCIL 8, LOCAL 1958 Agreement

Council placed resolution 23-2013 on the agenda this evening to be given its first reading this evening.

- Item 2. Ordinance 12-2012- An Ordinance amending and adjusting the permanent appropriations for 2013.
 Bond Retirement Fund 360-6000-5-6020 Bond & Legal Expenses \$55,439.92.
 360-6000-5-6100 Principal Payment \$1,495,000.00
 360-6000-5-6400 Interest Payment \$6,921.13
 Escrow Fund 805-8560-5-9701 Distribution of Funds \$444,610.00 (this is for the ODOT Project)
 The committee is asking this be placed on the agenda for July 22nd, 2013 meeting and request passage that evening.
- Item 3. Amended Resolution 21-2013 a resolution declaring the necessity of an election on the question of approving the passage of an ordinance amending Ordinance 51-2003, providing for an increase of three fourths (¾%) in the existing income tax.
 Under the first **WHEREAS** and **A. Basis of Imposition** the language has been changed to explain the purpose of the 1% and ½% income tax.
- Item 4. Ordinance 10-2013 is the Companion Ordinance to Resolution 21-2013
- Item 5. Ordinance 2-2013 the Lodging Tax Ordinance in section 195.05 Vendor To Collect Tax (f) and 195.07 Interests and Penalties (b) the collection date has been changed to the 15th of the month.
- Adjourned at 7:13 PM

SALARY COMMITTEEMR. JOHN ZUCAL....NO REPORT
 EXCUSED ABSENCE

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

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

ZONING & ANNEXATION COMMITTEEMS. COLLEEN ESPENSCHIED....NO REPORT
 Ms. Espenschied announced that the Zoning & Annexation Committee will meet July 22nd, 2013 at 7:00 PM in Council Chambers to discuss the Campers issue.

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

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

VISITOR'S COMMENTS:
 NONE

READING OF ORDINANCES AND RESOLUTIONS

ORDINANCES:

2-2013 AN ORDINANCE AMENDING THE TAX CODE OF THE CITY OF NEW PHILADELPHIA, OHIO, TO ENACT A LODGING TAX FOR HOTELS, MOTELS, AND OTHER ESTABLISHMENTS FOR TRANSIENT GUESTS WITHIN THE CITY OF NEW PHILADELPHIA. (1ST READING)

6-2013 AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO PERMANENTLY REZONE CERTAIN LAND LOCATED AT 655 WABASH AVENUE NW FROM RESIDENTIAL TO BUSINESS, AND DECLARING AN EMERGENCY. (5TH READING)

Motion to vote on passage made by Ms. Espenschied, seconded by Mr. Maurer
 Roll call, 5 yeas Ordinance passed

Comment from the Mayor for the benefit of the audience:
 This is the fifth reading on this piece and it takes four (4) people to vote one way or the other.
 (If anyone should wonder why we are voting on this and nothing else.)

10-2013 AN ORDINANCE AMENDING SECTIONS 3, 5, 7 AND 16 OF ORDINANCE NO. 51-2003 PROVIDING FOR AN INCREASE OF THREE-FOURTHS PERCENT (¾%) IN THE EXISTING INCOME TAX LEVIED BY THE CITY OF NEW PHILADELPHIA, EFFECTIVE JANUARY 1, 2014 AND CONTINUING UNTIL REVOKED, TO PROVIDE FUNDS FOR GENERAL MUNICIPAL OPERATIONS. (1ST Reading)

11-2013 AN ORDINANCE BY COUNCIL FOR THE CITY OF NEW PHILADELPHIA, OHIO TO REPEAL EXISTING ORDINANCE 767.05 (a) THROUGH (i) AND ENACTING NEW SECTION 767.05 (a) THROUGH (i), AND DECLARING AN EMERGENCY. (2nd READING)

RESOLUTIONS:

AMENDED 21-2013 A RESOLUTION DECLARING THE NECESSITY OF AN ELECTION ON THE QUESTION OF APPROVING THE PASSAGE OF AN ORDINANCE AMENDING ORDINANCE NO. 51-2003, PROVIDING FOR AN INCREASE OF THREE-FOURTHS (¾%) IN THE EXISTING INCOME TAX LEVIED BY THE CITY OF NEW PHILADELPHIA, EFFECTIVE JANUARY 1, 2014 AND CONTINUING UNTIL REVOKED, TO PROVIDE FUNDS FOR GENERAL MUNICIPAL OPERATIONS, AND DECLARING AN EMERGENCY. (2nd READING)

22-2013 A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO REPEAL RESOLUTION NO. 9-2007, WHICH CREATED FUND #420 KNOWN AS THE FIRE EQUIPMENT AND CAPITAL FUND AS THIS ACCOUNT WILL NO LONGER BE UTILIZED BY THE CITY AND SAID FUNDS WILL NOW BE PLACED IN THE GENERAL FUND, AND DECLARING AN EMERGENCY. (2nd READING)

23-2013 A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO ADOPT AN AGREEMENT BETWEEN THE CITY OF NEW PHILADELPHIA, OHIO AND AFSCME OHIO COUNCIL 8, LOCAL 1958 TO BE EFFECTIVE JANUARY 1, 2013 THROUGH DECEMBER 31, 2015, AND DECLARING AN EMERGENCY. (1st READING)

COUNCIL ADJOURNED FROM REGULAR SESSION INTO EXECUTIVE SESSION AT 7:52 PM AS REQUESTED BY THE LAW DIRECTOR, TO DISCUSS PENDING LITIGATION AND POSSIBLE LITIGATION INVOLVING AN AGREEMENT WITH THE CITY OF NEW PHILADELPHIA OVER A CONTRACT DISPUTE COUNCIL RECONVENED INTO REGULAR SESSION AT 8:40 PM

UNFINISHED OR OLD BUSINESS:

NONE

NEW BUSINESS:

NONE

MS. COX MADE A MOTION TO ADJOURN THE MEETING AT 8:41 PM.

CLERK OF COUNCIL _____

APPROVED _____

PRESIDENT OF COUNCIL _____