

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON AUGUST 13TH, 2012 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. ZUCAL MADE A MOTION TO ACCEPT TONIGHT'S AGENDA.

MS. COX SECONDED THE MOTION.

ROLL CALL, 7 YEAS, MOTION PASSED.

MS. COX MADE A MOTION TO APPROVE THE MINUTES OF THE TWO (2) PREVIOUS SESSIONS OF COUNCIL BOTH HELD ON JULY 23RD, 2012; ONE WAS THE SPECIAL COUNCIL MEETING TO DISCUSS AIRPORT ISSUES AND THE SECOND WAS THE REGULAR COUNCIL MEETING.

MR. LANZER SECONDED THE MOTION.

ROLL CALL, 7 YEAS, MOTION PASSED.

CORRESPONDENCE CLERK, PATRICIA MCKAY

1. Mayor's Report/ Requests to Council dated August 13th, 2012
2. New Philadelphia Treasurer's Reconciliation for the period ending June 2012 and July 2012
3. New Philadelphia Treasurer's June 2012 and July 2012 Summary of Transactions for the General Checking Account
4. Request from Auditor, Beth Gundy dated July 24th, 2012 for a stipend of \$1,650 for the 2012 Calendar Year for her HSA Medical Insurance Plan.
5. New Philadelphia Police/Monthly Activity Report for the Month of July 2012
6. Notification dated July 25th, 2012 for filing of Audit Report from David Yost, CPA, Auditor of State of Ohio for year ended December 31st, 2011
7. Finance Committee Meeting Minutes from July 30th, 2012
8. Auditor's Financial Statement for the Month of July 2012
9. Auditor's Monthly Statement of 2012 Revenue for the General Fund for July 2012
10. Finance Committee Meeting Minutes from July 23rd, 2012
11. Mayor 's Monthly Statement to Council for July 2012
12. New Philadelphia Fire Department July 2012 Month End Report Summary

ADMINISTRATIVE REPORTS:

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

Mayor Taylor addressed the following:

- Mayor Taylor thanked GO SHRED who partnered with the City for the Second Annual Citizen Free Shred Day. Approximately 5250 pounds of paper items were collected and shredded. Mayor Taylor also extended thanks to all the City workers who made this happen and to the recycling staff for their assistance.
- Mayor Taylor announced that the City Recycling Program is expanding in terms of what may now be included and recycled. All plastic items coded (1) through (7) is now eligible to be included in the bins.
 1. Mayor Taylor reminded residents to rinse out their bottles and cans before they put them in the bin and to not put in broken glass, bottles or jars.
 2. Mayor Taylor announced the updated list of eligible items for recycling will be posted on the City website. (a copy of the weekly curbside recycling program with an updated list of what is acceptable and what is unacceptable was attached to the Mayor's Report and was distributed to all)

3. Mayor Taylor encouraged any citizen not on the recycling program to call the City garage to sign up and receive a bin.
- Mayor Taylor announced the Labor/Management Committee did a great job in getting the Annual City Employees Picnic together. Mayor Taylor thanked the unions that donated funds to cover the costs.
 - Mayor Taylor announced he attended the ribbon cutting for Casa di Bella Hair Salon at 1145 West High. Mayor Taylor wished the owners the best.
 - Mayor Taylor congratulated the New Philadelphia Business and Community Association for a successful Merchants and Artist Walk last Saturday evening. Mayor Taylor gave thanks to Diane Lautenschleger, Bri Sinden and all who worked to make the event successful.

SERVICE DIRECTOR.....MR. JAMES ZUCAL

The Service Director reported on the following:

- The Service Director announced the CDBG Project located in the 300 block of Ray Avenue on the South side and on 4th Street has been completed. Newcomer Concrete out of Norwalk, Ohio was the Contractor.
- The Service Director reported the Robinson Drive Lift Station Project which is an OPWC Grant Project on the corner of Robinson and Reiser Avenue; the contractor has mobilized and has begun that project. (it is an upgrade to the Sanitary/Sewer Lift Station)
- The Service Director reported the Housing Team met last week and identified eight Structures as he showed in the documentation he passed around.
The Service Director announced the documentation, letter and pictures will be forward to the Ohio Regional Development Corporation as a list of structures possibly to be demolished.

AUDITORMS. BETH GUNDY

The Auditor reported two (2) things:

- The Auditor reported she gave everybody the local Government Distribution from the Budget Commission who met on August 6th, 2012.
- The Auditor reported she gave notice to the Law Director and everybody on the Finance Committee for (2) resolutions to accept the amounts and rates. The deadline to get those into the Budget Commission is October 31, 2012.

Safety Director.....Mr. Greg Popham

The Safety Director reported on the following:

The Safety Director reminded all that on Wednesday August 22nd, 2012 at 6:00 PM at Tuscora Park, a Civil Service Entrance Exam for the New Philadelphia Police Department will be administered. The deadline for applications will be this Thursday at noon at the Mayor’s Office.

TREASURERMR. DAVE JOHNSON

The Treasurer reported he distributed to all the Treasurer’s Reports for June 2012 and July 2012. Mr. Johnson requested Council approve the Treasurer’s Reports for January 2012 through May 2012.
NO ACTION WAS TAKEN

LAW DIRECTORMR. MARVIN FETE

The Law Director distributed a revision of our Parking Ordinances to Council Chapter 351 through 355.

The Law Director informed Council that everything that is highlighted is the part that is being changed and there is a new section 355.05 that the Mayor requested.

The Law Director requested that the President of Council, Sam Hitchcock, assign this to a committee

The Law Director informed Council that both he and the Mayor have given input for the revision and he welcomed members of Council to offer their input as to any changes they want to see.

The Law Director announced “if anyone should have any question feel free to ask him, the Safety Director or the Chief of Police.”

The Law Director reported that the revision is common sense updating and some others just tweaking what is already there.

The Law Director credited the Chief of Police for the tremendous amount of work he did on this.

In addition the Law Director wanted to bring to Councils attention Ohio Revised Code 2981.1282

The Law Director gave an explanation of Ohio Revised Code 2981.1282.

“Anytime that a gun is used in a commission of a crime and that person is convicted of that crime

the court will often order that the gun be turned over to the local Police Department for either destruction or disposal as they see fit.”

The Law Director reported “the code section 2981.1282 has been changed a number of times over the years. And to the credit of our Safety Director and the Chief of Police they have always used these confiscated firearms that have been given to them by the court, firearms that are used in an commission of a crime and that person has lost their right to have as they as they have been convicted (those are turned over to the local police if it is done in the City and if it is done on the out skirts of the City to the Sheriff’s Department.) Over the years what the New Philadelphia Police has done, they have sold these to a licensed firearm dealer and took that money to purchase their own firearms for the safety of our citizens at no cost to the taxpayers.”

The Law Director reported after meeting with the Safety Director Chief of Police, he drafted a proposed resolution and requested the President assign the proposed resolution to a committee.

The Law Director reported what the resolution does is gives the Chief of Police authorization to advertise, receive bids to Federal Licensed Firearm Dealer for weapons that have been confiscated and given to them by order of the court to sell those firearms and the money received would go in the General Fund to be to be used specifically to purchase firearms to be used by Law Enforcement Officials for the protection of our City.

President Sam Hitchcock assigned to the Safety Health and Service Committee the Firearm Resolution and the ordinances update issues.

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR MICHAEL TAYLOR

Mayor Taylor announced the Planning Commission will not meet in the month of August and the next meeting will be Tuesday, September 11th, 2012 at 1:00 PM in Council Chambers pending an agenda.

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

Mr. Zucal announced providing an agenda the Board of Zoning Appeals will meet Tuesday, August 14th, 2012 at 5:00 PM in Council Chambers there is one Variance Request.

AIRPORT COMMISSION..... MR. JOHN ZUCAL

Mr. Zucal announced the Airport Commission will meet August 14th, 2012 at 6:00 PM in the Airport Meeting Room.

PARK BOARD..... MR. DARRIN LAUTENSCHLEGER

Mr. Lautenschleger announced that the Park Board will meet August 15th, 2012 at 6:00 PM at the Tuscora Park Office.

HEALTH BOARD..... MS. SANDY COX

Ms. Cox announced that the Health Board will meet Wednesday, August 15th, 2012 at 12:00 Noon at the Health Department.

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEE.MS. SANDY COX

The Finance Committee met this evening at 7:15 PM with 3 items on the agenda

1. Resolution 20-2012 (A resolution supporting the Ohio Attorneys General’s Office Program, Moving Ohio Forward Grant Program.) This is help to combat slums and blight through demolitions. The money was gained through the Ohio Attorneys General Office from multi - state Mortgage Fraud and abuse lawsuit judgment. The committee recommends it be put on the agenda and passed at the next meeting so we can proceed with the Grant. The Service Director informed the committee there were 8 structures that could be considered for demolition.
2. Resolution 19-2012 (A resolution by the Council of the City of New Philadelphia, Ohio to create a new fund to be known as Payment Plan Program Fund #253.) The New Philadelphia Municipal Court forwarded a new local rule creating a Payment Plan Program and the fund number is #253. The Committee is recommending the resolution be put on the agenda and passed at the next meeting.
3. Chaplain Steve Bailey attended the International Conference of Police Chaplains in Spokane, Washington. His request was for the department to cover his airfare, hotel and conference cost. He covered his shuttle expenses from the airport and all of food for the week he was there. The difference in the hotel cost is a total of \$183.85 plus taxes for the weeks stay from the government set rate. The Police Chief asked for the Finance

Committee to approve this request to Tanya to pay the difference in the cost. The committee did approve the request.

Adjourned at 7:20PM

Ms. Cox reported the Finance Committee met July 30th, 2012 at 6:00 PM to discuss the New Philadelphia Business & Community Association request for a 3% increase in the Local Lodging Tax. Ms. Cox informed everyone the meeting was for informational purposes only and no decision would be made this evening. Ms. Cox announced that there would be another meeting at a later time on this issue.

Ms Cox reported there was a big discussion. Ms. Cox has a five page written report on the meeting and if anyone should need a copy please contact Ms. Cox.

SALARY COMMITTEEMR. JOHN ZUCALNO REPORT

Council President Sam Hitchcock assigned to the Salary Committee the Stipend Request from the Auditor.

SAFETY HEALTH & SERVICE COMMITTEEMR. ROB MAURERNO REPORT

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

Mr. Lautenschleger announced that the Public Works & Economic Development Committee will meet Monday, August 27th, 2012 at 7:00 PM in Council Chambers to discuss a legal over view on leasing of public grounds for oil/gas through an attorney who will be present.

ZONING & ANNEXATION COMMITTEEMS. COLLEENNO REPORT

CONTACT & SPECIAL COMMITTEE MR. DAN LANZERNO REPORT

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

VISITOR’S COMMENTS:

NONE

READING OF ORDINANCES AND RESOLUTIONS:

ORDINANCES:

- 8-2012 An ordinance by the Council of the City of New Philadelphia, Ohio to purchase three (3) additional new 2012 Dodge Police Chargers 5.7L V-8 Hemi through the State Cooperative Purchasing Program for a price no to exceed \$90,000.00, and declaring an emergency. (1st Reading)
- 11-2012 An ordinance amending and adjusting the permanent appropriations ordinance for the year 2012 and declaring an emergency. (1st Reading)
- 12-2012 An ordinance to approve, adopt and enact the current replacement pages to the codified ordinances and declaring an emergency. (1st Reading)

RESOLUTIONS:

- 18-2012 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 a contract for the sale of two (2) used heavy trucks in the Sanitation/Recycle Department to be advertised on govdeals.com., and declaring an emergency. (2nd Reading)

UNFINISHED OR OLD BUSINESS:

Council President Sam Hitchcock reported the Mayor called a Special Meeting of Council on July 23rd, 2012 from 6:00 PM up to 7:00 PM, for the Airport Consultant and Airport Commission Members to inform Council of issues that need addressed and alternatives available to the City.

Following that meeting the Mayor has requested the Council President assign this issue to a Council Committee or assign it to Council as a Whole to make a decision as to how they want to move forward with the Airport.

Council President Sam Hitchcock announced that he is assigning this issue to the Salary Committee, Chairman Mr. John Zucal. Council President Sam Hitchcock informed Mr. Zucal that the Airport Commission is requesting that action be taken on that issue by October 9th, 2012.

NEW BUSINESS:

Council Member John Zucal reported on the following concerns:

- Projects by Dominion East Ohio Gas.
Council Member John Zucal commended the Service Director for all the hard work that he has done with Dominion East Ohio Gas.
Council Member John Zucal read a letter from Dominion East Ohio Gas that was sent to home owners on North Broadway and where ever Projects by Dominion East Ohio Gas were done within the City. (A letter in regard to the Tree Lawn Maintenance)
Council Member John Zucal reported he has received several phone calls and visits from folks who had concerns for their tree lawns.
The home owners who received the letter from Dominion East Ohio Gas are not very happy because of the tone and the Nature of the letter.
The letter stated “The construction is complete. The Tree Lawns have been seeded and mulched
The maintenance of the tree lawn is the property owner’s responsibility.
Once the new grass is at least two inches in height the home owner may begin mowing this area. Mowing will keep weeds down. Recommendation: watering the tree lawn every other day during hot weather and continue watering two to three more weeks, to insure good germination and growth of the newly planted grass. (The drought has had a negative impact on the germination of the grass seed.) Any water used to maintain the tree lawn is at the home owner’s expense. If you should have any restoration questions call Don Wartko Construction Co at 330-673-5252.”
- Council Member John Zucal also reported the following concerns:
Some of the members of our homeless community are locating themselves in the stairwell in the square close to the Philadeli. The Passio's, who maintain and created that business, are concerned.
Council Member John Zucal reported their concern is genuine It is a deterrent to the business and not an ideal situation for the homeless. Friends of the homeless have made themselves available to us. Council Member John Zucal thinks as a Council and administration for the City we have a responsibility to make sure that we provide support for the homeless and steer them in the right direction. It’s a trespassing issue on private property that does have a negative effect on business owners’ downtown.
- Treasurer, Dave Johnson elaborated on the homeless by informing everyone there are homeless living at the Don Pancho's, homeless sleeping behind buildings leaving their trash. Mr. Johnson remarked that it is almost getting out of hand.
- The Mayor informed council that he talked to the Police Chief about the issue with the steps and the Police Chief said he had no knowledge of this. Mr. Passio complained to the building owners but apparently there has been no call from the building owner to file a complaint. The last time the Mayor asked the Police Chief about Don Pancho's the Police Chief has not received a call from the building owner to file a complaint “it is private property the property owners are not voicing their concerns to the Police Department addressing this issue.” The Mayor stated we do have issues but we have no right to go to Don Pancho's if we do not have a complaint. We do not know if he is trespassing. He might have permission.
- Council Member John Zucal reported that is not what he is asking, but only to continue to explore what we need to do. Council Member John Zucal reported Philadeli has expanded in to new area and is a good business. Council Member John Zucal suggested we all work together to solve the issue.
- Concern of Council Member Rob Maurer addressed the Service Director:
From your report everything was good with Ohio Dominion Project.
The Service Director Mr. Jim Zucal replied that he does talk to them everyday. Nancy Kovack Project Manager in the Akron Area is the one who put the letter together.
Mr. Zucal has emailed pictures of the City crews out weeding. Mr. Zucal stated there is grass seed in there. Grass will come in, it just needs cut. Keep in mind, Mr. Zucal reported that he does work with them. The project is not done by any means and he will continue to work with them addressing the issues that need resolved.
- President of Council Sam Hitchcock comments

The tree lawns do look bad but keep in mind when winter comes the weeds will die and the grass will take over. (Grass is a perennial and weeds are an annual.)

MOTION TO ADJOURN MADE BY MS. COX AT 8:06 PM

CLERK OF COUNCIL _____

APPROVED _____

PRESIDENT OF COUNCIL _____