

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON OCTOBER 23, 2017 WITH PRESIDENT OF COUNCIL, SAM HITCHCOCK, PRESIDING. COUNCILMAN HOLLAND OFFERED A PRAYER, AND ALL IN ATTENDANCE RECITED THE PLEDGE OF ALLEGIANCE.

COUNCIL MEMBERS IN ATTENDANCE

MR. DEAN HOLLAND
MR. DARRIN LAUTENSCHLEGER
MRS. AIMEE MAY
MRS. CHERYL RAMOS
MR. KELLY RICKLIC
MR. JOHN ZUCAL

EXCUSED ABSENCE

MR. ROB MAURER

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

- MR. LAUTENSCHLEGER MOTIONED TO ACCEPT THE MINUTES FROM THE OCTOBER 9, 2017 REGULAR SESSION OF CITY COUNCIL
MRS. MAY SECONDED THE MOTION
6 YEAS
MINUTES FROM THE OCTOBER 9, 2017 REGULAR SESSION OF COUNCIL HAVE BEEN APPROVED

CORRESPONDENCE..... CLERK, JULIE COURTRIGHT

1. To Council and Administration from Law Director Fete, dated October 10, 2017. This is an email titled “We Won” with the attachment “Susier vs. City of New Philadelphia”. This was replied to by Mayor Day, President of Council Hitchcock, and Councilwoman Ramos.
2. To Councilman Zucal from President of New Philadelphia City Council Sam Hitchcock, dated October 13, 2017. This is a forwarded email from Jeff Erb titled “please assign to Salary Committee.”
3. To President of New Philadelphia City Council Sam Hitchcock from Law Director Marvin Fete, dated October 20, 2017. This is an email that states the following: “Attached are two proposed resolutions with accompanying attachments. As these both deal with the airport could you assign them to John Zucal’s Committee?”
4. To President of New Philadelphia City Council Sam Hitchcock from Mayor Day, dated October 20, 2017. This is a reply to the above email that states: “Sam, before the Michael Baker legislation is brought to the floor it should be reviewed and recommended by the Airport Commission.”
5. To Clerk of Council from Treasurer Tom Gerber, dated October 14, 2017. This is the Investment and Savings Report from September 2017 and Deposits from September 2017.
6. To President of Council Hitchcock from Law Director Fete, dated October 20, 2017. This is an email that states the following: Sam, attached is Proposed Ordinance 21-2017 with accompanying attachments. Could you please assign to the Finance Committee because it deals with City Income Tax.”
7. To Council and Administration from Mayor Joel Day, dated October 23, 2017. This is the Mayor’s Report.

Administrative Reports.....

MAYOR’S REPORT/REQUESTSMAYOR JOEL B. DAY
Mayor Day had the following report:

- University of Cincinnati Graduate Students Work on a City Master Plan: New Philadelphia native Michael McInturf is a lead instructor at the University of Cincinnati’s School of Architecture. Over the past eight months, he and I have discussed the possibility of having a team of his graduate school students take on

the assignment of creating a plan that would help guide the City's future. The possibility became a reality. The City Planning Commission held its first meeting with professor McInturf and his four graduate students last Thursday. The purpose was to gather more data about New Philadelphia for use in developing the plan. It will incorporate the City's street layout, architecture, history, assets like the Tuscarawas River, airport and the KSU-Tusc campus and the City's location in Eastern Ohio. All who attended the meeting were excited to learn of the team's approach and look forward to the next meeting later this year. Professor McInturf is the brother of local realtor Jan McInturf and was looking for a way to use his position and knowledge to help his hometown.

➤ **Joining a Coalition of Ohio Municipalities to Challenge the Constitutionality of the Ohio Legislature's Changes to Ohio Revised Code Chapter 718:** The proposed Ordinance 21-2017 now being considered by Council's Finance Committee would give me the authority to include the City of New Philadelphia in a coalition of cities and villages across Ohio that may sue the General Assembly for amendments it has made to ORC 718, the municipal income tax law. The coalition members are demanding recension of the amendments because they violate the Ohio Constitutional authority given to municipalities to collect and keep income tax to operate city services. I ask that the Finance Committee bring the ordinance to the floor with a recommendation for passage, so our City can join others to send a clear signal to Columbus that they are overstepping their constitutional boundaries.

➤ **A Healthy New Philadelphia School District is Key to a Healthy City:** When business owners and developers ask me to name the key assets of the City of New Philadelphia, I always include the list of our educational institutions: Kent State-Tuscarawas, Buckeye Career Center, Tuscarawas Central Catholic High School, Quaker Digital Academy and New Philadelphia City Schools. No other community in Tuscarawas County has more educational opportunities. That's a fact that makes employers want to stay in New Philadelphia and makes new businesses want to locate here. Our education systems give us a competitive edge. Our future sustainability and growth directly relates to the quality of education we can provide to kids and adults. I bring this to your attention because New Philadelphia City Schools has an important issue on the November election ballot. It addresses the need to maintain school buildings and infrastructure and address class sizes. It's important that you know all about this issue before casting your ballot.

➤ **Colfax Hires a New Realtor to Market the Howden Buffalo Property:** I received a call last Friday from Michael Howard, vice president of CBRE brokerage services of Cleveland. He informed me that Colfax, Howden Buffalo's parent company, has retained his company in an attempt to find a buyer for the Howden property. CBRE replaces Putman Properties of Canton. Mr. Howard was aware that the Appalachian Partnership for Economic Growth, or APEG, has arranged for an Italian steel manufacturer to tour the Howden property the week of November 12th. Colfax agreed to repair the overhead lights inside the buildings after I explained that this could be the first serious buyer to tour the plant since it was closed nearly five years ago.

➤ **Phila-Dover Week is Here!** Events leading up to Friday night's big game began this past Saturday morning, with the first Rotary Sportsmanship Breakfast at Buckeye Career Center. It was moved from Monday evening at the request of both schools athletic directors and head coaches, in order to remove one less distraction from preparations for the game. From the reaction of all who attended, the change was welcome. I ask all New Philadelphia residents to proudly wear your Red and Black this week, and attend the annual pep rally Thursday at 7 at the high school gym. I like our Quakers chances, though this one is shaping up to be another nail biter. Can't wait. GO QUAKERS!!!

SERVICE DIRECTORMR. RON MCABIER

Mr. McAbier had the following report:

I want to talk about the airport runway rehab project. I was down there this morning and it's all been milled and it's 85 to 90 percent had the overlay put on. The grass runway is still available but won't be here more than two or more three days. The tie ins on the taxi ways will need some work. I think barring the weather they're hoping to have it completed by Friday. We have to go down and do some crack sealing on the end, stop bar and some center lines that were not covered on the grant, so General Services is going to come, and right now we're tentatively scheduled for Monday for that. So if we get that done Monday, Tuesday, we look for the airport to be open and back up and going by the end of next week. That project seems like it's going to be coming to a close. Also, I want to touch base with the Crider Avenue Trail Project. The Mayor and about everybody from the office went out and walked it today and did the final walk-through. Very nice. I hope everybody gets out there. A couple little minor things, we've got to bring in some dirt and trench out some spots in there and we've got to put benches in and a couple trash receptacles around. So that should be done, hopefully by the end of this week and that project will be finished. Everybody make sure they get out there. Lastly, next week on Wednesday the 1st we start leaf pickup, so anybody you can call we'll start Wednesday General Services will be out doing it. I urge everyone to put it in the curb strip not in the road.

AUDITORMS. BETH GUNDY

Ms. Gundy had the following report:

I just want to let Council know that I'm going to have the first draft of the 2018 Budget to them by email probably by the beginning of next week. It will give you time to look that over before the Finance Committee Meeting is scheduled. We're also going to have at least one more supplemental appropriation to fix a few things.

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

TREASURER . . . MR. TOM GERBER.....NO REPORT

LAW DIRECTOR . . . MR. MARVIN FETE

Mr. Fete had the following report:

I was inquired as to land that's in Goshen Township that the City owns. There was an issue raised as to whether or not there's a reversion in these. We did look into that, there's no intention to use this land for anything other than it's intended purposes so I don't believe that the reversion is an issue. Secondly, I filed a motion to quash this movement last week, one of my prosecutors was subpoenaed to testify in a domestic relations case in juvenile court concerning custody. As you could imagine I thought this would set a really bad precedent. Imagine if my prosecutors in the course of doing these to serve justice, which is what a prosecutor does. A prosecutor doesn't look to get as many convictions as they can, but to do justice. In a course of doing their duties whether or not they had to consider if they were going to be called to testify in a custody case over this. One of my prosecutors was, in fact, subpoenaed to testify. I found what's called a "motion to quash" which is asking the court for a protective order so that my prosecutor does not have to appear for that subpoena. The basis upon which I found that it would have a joint effect on the prosecutor's ability to do their duty and I also thought that it violated the attorney work product, which says you don't have to turn over an attorney work product. So, we were successful in that. The court granted it today and my prosecutor does not have to appear tomorrow for the hearing. In addition to that I would like to request an executive session to discuss pending or threatened litigation. I'll brief Council on that at the appropriate time. Lastly, I just want to echo what the Mayor said "Go Quakers Beat Dover!"

MR. ZUCAL MOTIONED FOR AN EXECUTIVE SESSION ON THE LAW DIRECTOR'S REQUEST

MR. RICKLIC SECONDED THE MOTION

6 YEAS

AN EXECUTIVE SESSION WILL BE HELD FOLLOWING TONIGHT'S LEGISLATIVE AGENDA AND A FIVE MINUTE RECESS

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR JOEL DAY

The Planning Commission will meet on Tuesday, November 15, 2017 at 1:00pm here in Council Chambers.

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

The Board of Zoning Appeals met October 10, 2017 at 5:00pm here in Council Chambers. There were two variance requests in front of the Board, one from Agland at 1062 West High Avenue with noncompliance with 1169.08 which is over the signage. It was brought to the Board, voted on and approved on a 5-0 vote. Also we had 233 Fair Avenue NE which is the Church of the Nazarene. Same one, 1161.08 over signage allowable and that was brought to the Board and approved 5-0. The next time we meet will be November 14, 2017 at 5:00pm here in Council Chambers.

AIRPORT COMMISSION.....MR. JOHN ZUCAL

The Airport Commission will meet on Tuesday, November 14, 2017 at 6:00pm at the Harry Clever Field Meeting Room.

PARK BOARD.....MR. DARRIN LAUTENSCHLEGER

The City Park Board met last week on Wednesday, October 18, 2017 and probably the biggest news that came out of the Meeting was a report that security cameras had been installed in strategic locations around Tuscora Park. I know the Mayor had reported on that previously that they were coming and they have been installed. The next Meeting of the Park Board is on Wednesday, November 15, 2017 at noon at the Tuscora Park Office.

HEALTH BOARD..... MR. KELLY RICKLIC

The Health Board met on October 11, 2017 at noon at the Health Department. The topic of discussion was the medical marijuana issue by Director Vickie Ionno. She went through the procedures with medical marijuana in some of the Communities and are looking into being distributors for that. I'd like to note that on November 6, 2017 at 11:00 am in Council Chambers the Food Permit Fees Public Hearing will be held. Also the Typhoid Fever outbreak in Columbus was discussed. They can't get a lot of information out due to HIPPA Laws but there was a church sponsored birthday party. It was either the food or the swimming pool because it could be born in either incident. So that was discussed at our meeting also. Our next Health Board Meeting will be Wednesday, November 8, 2017 at 12:00 noon in the Health Department.

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEEMR. DARRIN LAUTENSCHLEGER

Mr. Lautenschleger had the following report:

You heard from the Auditor that the 2018 Budget is on its way. We will hold a Meeting and start talking about it initially prior to our regular Council Meeting on Monday, November 13, 2017 at 6:30pm here in Council Chambers along with a couple other items that we'll have on the Agenda.

SALARY COMMITTEEMR. JOHN ZUCAL

Mr. Zucal had the following report:

The Salary Committee will be holding a Meeting on November 13, 2017 prior to the regularly scheduled Council Meeting. We will be discussing Resolutions 38-2017 and 39-2017 as assigned by the President of Council pertaining to the airport.

PUBLIC WORKS COMMITTEE.....MR. DEAN HOLLAND.....NO REPORT

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

ZONING & ANNEXATION COMMITTEEMRS. CHERYL RAMOS.....NO REPORT

SPECIAL & CONTACT COMMITTEEMR KELLY RICKLIC.....NO REPORT

PARKS & CEMETERY COMMITTEEMRS. AIMEE MAY.....NO REPORT

VISITOR'S COMMENTS: NONE

COUNCIL COMMENTS:

Councilman Holland had the following comment:

I wanted to direct my comment to Mayor Day. What a dramatic improvement in our website. It is really looking so much better. It's now easier to refer someone to the website. I also wanted to comment on the Quaker Varsity Girls Volleyball. They won the sectionals last week and have now moved into divisionals and will be playing at Coshocton tomorrow at 6 o'clock.

Councilwoman Ramos had the following comment:

My husband and I yesterday went out to the Crider Avenue Trail and it's very nice. Looking forward to the benches. Very nice.

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

Seventeen and a half years ago Tuscora Park gained a brand new Teen Center through the generosity of the late Max and Erma Miller. It's a wonderful place for teens to congregate and meet students from other school districts under adult supervision. It seems like it's gone very quickly, but seventeen and a half years of teen activity has caused a little bit of wear and tear to the Teen Center. We have applied to the Ronald McDonald Charities recently for a grant to replace some of the furniture and also to replace the computers and add some new gaming machines to attract more kids to the Teen Center. I was very pleased to find out that we were awarded that grant recently for \$10,106.00 to make these needed improvements. This would not have been possible without the support of the Mayor of New Philadelphia also the owners of our local McDonald's stores, Vickie Lewis and Amy Lewis Ansel, and of course the blessings of the Park Board and this also would not have even gotten to the first step without the assistance of someone who has become a good friend of mine, our own City Council-at-Large Mr. Dean Holland, who's expertise in the grant writing process made something possible that I would not have been able to do myself and I thank him very much for doing that. It's my pleasure to be able to announce this officially in the City Council meeting. So within the next couple of weeks we hope to be putting everything in place for the Teen Center renovation.

READING OF ORDINANCES AND RESOLUTIONS

ORDINANCES:

16-2017 AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO MODIFY CODIFIED ORDINANCE 1161.18(f)(3) TO CHANGE THE MANDATORY MINIMUM HEIGHT FOR FENCES AROUND EXISTING SWIMMING POOLS FROM NOT LESS THAN FIVE FEET IN HEIGHT TO FOUR FEET IN HEIGHT.
2nd Reading

19-2017 AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO AUTHORIZE AND DIRECT THE MAYOR OF THE CITY OF NEW PHILADELPHIA TO ESTABLISH A SALARY SCALE FOR NON-BARGAINING UNIT EMPLOYEES AND TO REPEAL ORDINANCE 39-97.
2nd Reading

RESOLUTIONS:

37-2017 A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO, TO COMMEND SERGEANT RANDY WILLIAMSON FOR HIS 27 YEARS OF SERVICE AND DEDICATION TO THE CITY OF NEW PHILADELPHIA AS AN OFFICER WITH THE NEW PHILADELPHIA POLICE FORCE AND FOR SETTING THE STANDARD FOR THE DUTIES OF THE K9 OFFICER IN THE NEW PHILADELPHIA POLICE DEPARTMENT.
2nd Reading

COUNCIL ADJOURNED INTO A 5 MINUTE RECESS AT 7:53 AND RECONVENED BEFORE GOING INTO EXECUTIVE SESSION AT 7:58. AT 8:14 PM COUNCIL RECONVENED INTO REGULAR SESSION OF COUNCIL

UNFINISHED OR OLD BUSINESS: NONE

NEW BUSINESS: NONE

Mr. Lautenschleger motioned to adjourn at 8:14 pm

CLERK OF COUNCIL _____
Julie Courtright

APPROVED _____

PRESIDENT OF COUNCIL _____
Sam R. Hitchcock