

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON DECEMBER 27TH, 2012 WITH PRESIDENT OF COUNCIL SAM HITCHCOCK PRESIDING. MR. HITCHCOCK OFFERED A PRAYER, AND ASKED FOR A SPECIAL BLESSING FOR ALL THOSE AFFECTED BY THE RECENT TRAGIC EVENTS ASKING HE BE WITH THE FAMILIES OF THE VICTIMS OF THESE HORRIFIC HAPPENINGS AND TO BRING THEM PEACE. 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. JOHN ZUCAL

PRESIDENT OF COUNCIL, SAM HITCHCOCK, ANNOUNCED COUNCIL MEMBER, MS. WINNIE WALKER, COUNCIL MEMBER ROB MAURER AND THE SAFETY DIRECTOR MR. POPHAM ARE EXCUSED FROM TONIGHT'S COUNCIL MEETING.

MS. COX MADE A MOTION TO ACCEPT TONIGHT'S AGENDA
MR. LANZER SECONDED THE MOTION
ROLL CALL, 5 YEAS, MOTION PASSED.

MR. LAUTENSCHLEGER MADE A MOTION TO APPROVE THE MINUTES FROM THE PREVIOUS REGULAR SESSION OF COUNCIL HELD ON DECEMBER 10TH, 2012.
MS. COX SECONDED THE MOTION
ROLL CALL, 5 YEAS, MOTION PASSED.

CORRESPONDENCE CLERK, PATRICIA MCKAY

1. New Philadelphia Treasurer's Reconciliation for the period ending October 2012
2. New Philadelphia Treasurer's October 2012 Summary of Transactions for the General Checking Account
3. Mayor's Report/ Requests to Council dated December 27th, 2012
4. Notice dated December 13th, 2012 from the Ohio Municipal League date of OML Luncheon February 6th, 2013 from noon to 1:15 PM in the State House Atrium purpose is to meet with our Representatives and Senators. Reservations are required.
5. Correspondence from Buckingham, Doolittle and Burroughs LLP dated December 17th, 2012 alert regarding new approaches used by Check Cashing Services and Short Term Lenders to Avoid Zoning Laws.
6. Notice from Ohio Ethics Commission Financial Disclosure Liaison information sessions outline was cancelled December 12th, 2012
7. Public Works & Economic Development Committee Meeting Minutes From December 10th, 2012
8. Thanks and gratitude from Schoenbrunn Community Moravian Church Dated December 9th 2012 to the City on the drainage issue at the corner of 22nd Street NE and East High Avenue, New Philadelphia, Ohio.

ADMINISTRATIVE REPORTS:

MAYOR'S REPORT/REQUESTSMAYOR MICHAEL TAYLOR

Mayor Taylor addressed the following:

- The Mayor congratulated and thanked McInturf Realty for a successful Christmas in the Park event. The Mayor acknowledged Rod Miller and the Park staff as the park looked great for this event.
- The Mayor, Service Director and staff continue to meet with ODOT and Diversified Engineering to begin to finalize the exact method of completion for the West High Widening Project scheduled for 2014. The Mayor announced that we are on schedule and based upon how final specs are done then ODOT can begin to prepare the bid documents to go out in 2013. Estimation of our portion of this project is about \$550,000 the Mayor had planned by 2014 budget to have set aside \$600,000 in the Master Capital Fund for this project.
- The Mayor requested the Council President assign to a Committee a coming request for possible Real Estate Abatement by GE Mobile Water who is considering developing some of the acreage in the Kinsley Industrial Park. The Mayor requested a Committee Meeting be held the first meeting in January and GE Representatives would attend with further details and be able to answer questions at that time.
- The Mayor recently attended the OPWC District 14 integrating Committee Meeting for the next round of funding through OPWC. At this time, it looks like the grant request for \$300,000 towards next year's 5 Points Storm Sewer

Project will be granted. That along with \$100,000 of grant money I secured through the State ARC funds will cover about 30% of the estimated project estimate. The City will need to borrow any unfunded balance to complete the project. The Mayor informed Council that we are considering OWDA for that low interest loan.

- The Mayor announced a budget preparation memo from him to all City Departments will be distributed soon. The Mayor will instruct the departments to use a 20% increase for Health Insurance and to not make any increases from 2012 levels for wages. As negotiations are still in process, it is unknown what, if any, wage increases may come out of that for 2013 Adjustments, if needed, can always be made later in the year. Departments primarily funded through the General Fund will need to have lean budgets due to the cuts from the State and loss of Estate Taxes starting next year.

The Mayor reminded all that Llewellyn's Office Furniture, a locally owned family business, will close shop at month end after many years of operation. The Mayor thanked them for their service and wished the Llewellyns luck and happy retirement.

The Mayor announced that he hopes to complete his annual State of the City Report prior to the end of January and wished everybody a Happy New Year and looks forward to working with everyone next year.

SERVICE DIRECTOR.....MR. JAMES ZUCAL

The Service Director reported the following:

- The Service Director reported he met with Representatives from Select Energy Group. They are group out on 16th Street SW Oil/Gas Service Industry. They have set up their offices and we have finalized their water and sewer connections.
- The Blake Avenue Waterline is in place and is in service. The project went well. We do have some street repairs and some top soil clean up in the spring.
- The Service Director reported on the recent snow event, the Service Director complimented Fred Neff, Mark Henke, Department Leaders the General Services' Division and all the Street Department Workers and also gave compliments to Ed Wilson and the Water Department Staff they worked today in the downtown area. The Service Director felt that was our first real challenge, a test for the year due to the extreme winter event.
- The Service Director reported a rash recently, anywhere from 4, 5, 6 campers that are located now on residential lots. People are running water hoses and electric cords from the residence to the back of the property they are living in them they are just not campers. The Service Director reported he went through the Housing Code and talked with the Law Director briefly about that. There is not anything we have that restricts that at this time. The Service Director did look at legislation in other Cities. They have time frames like maybe 30 days. The Service Director requested the Council President Mr. Hitchcock assign this to a Committee. The Service Director's Staff is more than willing to look at amending the City Code to restrict that.

President of Council congratulated the snow removal crew on their quick & efficient job and thanked the Service Director. The Service Director replied they are doing a great job and I promise it will even get better.

AUDITORMS. BETH GUNDY NO REPORT

SAFETY DIRECTOR.....MR. GREG POPHAMNO REPORT
EXCUSED ABSENCE

TREASURERMR. DAVE JOHNSON.....NO REPORT

President Sam Hitchcock commended Mr. Johnson for his service to the City.

LAW DIRECTORMR. MARVIN FETE

The Law Director reported he had a meeting today with Water Superintendent Ed Wilson, a follow up to the meeting he had last week; He met with Mr. Wilson as well as David and Barbara Conant of the Conant Family Trust, who recently purchased at a sheriff's sale an apartment building located at 144 6th Drive SE New Philadelphia. It is the Policy of the City of New Philadelphia for a long time that any liens on the property run with land that is the way townships do it all the law people I have talked to about this issue.

The Conant's have a unique proposal, that the Water Superintendent Ed Wilson and Service Director Jim Zucal both back, that is they ask in consideration of us releasing the Lien they would redo the plumbing at this particular location. They would give the City the ability to shut off individual units if water bills are not paid. Right now if water bills are not paid they have to shut off water for the entire building or not do anything at all.

Based upon his conversation with Water Superintendent Ed Wilson and Service Director Jim Zucal on this issue the cost of redoing the plumbing is at least equal to or exceeds what the cost of the liens are and they felt this is a good deal. Normally they would only need my permission to discharge a lien or after it was paid to the lien company they would be dismissed. Because we are asking for the Conant's to do something in exchange for us releasing this lien I believe we need to have a contract drawn up Law Director is asking this be assign to committee for a contract to be drawn up where by the Service

Directors & Water Superintendent Ed Wilson be committed to enter into a contract to have this done the contract should be specifically. "We would release the lien in exchange for their re piping this building so that allows for individual shut off to each unit."

Comment from the Mayor; the Mayor stated that it is his understanding the property owners are the responsible party for the water and sewer bills not the tenant and he see no value in the proposal. The Mayor stated that he sees value that we are going to get individual apartments billed but regardless the man that owns the apartment building is responsible for all 3 apartments. Because one of his tenants isn't paying him the building gets shut off but it is his/her responsibility to pay the bills not the tenant. The Mayor stated that is the City Policy and he don't think we should change that and so he stated he will not endorse that.

The Mayor suggested that when they bought the property maybe it was never disclosed at the purchase that there were liens for outstanding utility bills. The Law Director felt that would not be possible they would have had to have that knowledge, it was public records. The Law Director stated that based upon his input both the Water Superintendent Ed Wilson and Service Director Jim Zucal backed the idea. The Law Director is asking it be put into legislation form so they can enter into a contract.

The Mayor confirmed that it is the owner's responsibility to pay the bill

Service Director Jim Zucal stated no way does he want to take the responsibility away from the land owner for paying the bill. "We would release the lien in exchange for their re piping this building so that allows for individual shut off to each unit."

The Law Director stated they do not want to change the City Policy. Law Director is asking this be assign to committee for a contract to be drawn up where by the Service Directors & Water Superintendent Ed Wilson be committed to enter into a contract to have this done.

Treasurer Mr. Johnson agreed with the Mayor and said it is land lord's responsibility.

President of Council announced that this request will be assigned later to the Safety Health and Service Committee.

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR MICHAEL TAYLOR

Mayor Taylor announced the Planning Commission did not meet in the Month of December. Pending an agenda, the Planning Commission will meet Tuesday, January 8th, 2013 at 1:00 PM in Council Chambers.

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

Mr. Zucal announced pending an agenda the Board of Zoning Appeals will meet Tuesday, January 8th, 2013 at 5:00 PM in Council Chambers.

AIRPORT COMMISSION..... MR. JOHN ZUCAL

Mr. Zucal, pending an agenda and a quorum, announced that the Airport Commission will meet January 8th, 2013 at 6:00 PM in the Airport Meeting Room.

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

HEALTH BOARD.....MS. SANDY COX

Ms. Cox announced that the Health Board will meet Wednesday, January 16th, 2013 at 12:00 Noon at the Health Department

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEE.MS. SANDY COX

Ms. Cox reported the Finance Committee met this evening, December 27th, 2012 at 7:00 PM in the Council Chambers with several items to discuss:

- Ordinance 18-2012 the Contract Agreement with the Public Defenders Commission in regard to indigents the Committee is asking that this be put on the agenda and passed at the next meeting.
- Ordinance 19-2012 Amending and Adjusting Appropriations basically to clean up year end books the Committee is asking that this be put on the agenda and passed at the next meeting.
- The Auditor brought to our attention the checks for the City needs to be signed by the Treasurer and the Auditor. Since the treasurer has retired, we decided to make a motion that at the time one signature would be sufficient and for the Law Director to look into it as to whether one signature or having an option for a deputy Treasurer or somebody to fill in when the need arises.
- Last item the Lodging Tax, Ms. Cox will be reporting on at a later time.

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

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

PUBLIC WORKS & ECONOMIC DEVELOPMENT COMMITTEE ...MR. DARRIN LAUTENSCHLEGER
Mr. Lautenschleger announced that January 14th, 2013 the Public Works & Economic Development Committee will meet in Council Chambers at 6:45 PM to discuss a Proposed Enterprise Agreement.

President of Council, Sam Hitchcock assigned to the Public Works & Economic Development Committee
Request for Real Estate Abatement by GE Mobile Water

ZONING & ANNEXATION COMMITTEEMS. COLLEEN ESPENSCHIEDNO REPORT

- 1. President of Council, Sam Hitchcock assigned to the Zoning & Annexation Committee the Check Cashing Services and Short Term Lenders issue
- 2. President of Council, Sam Hitchcock assigned to the Zoning & Annexation Committee the Service Directors request to look into campers that are living on residential lots issue.

CONTACT & SPECIAL COMMITTEE MR. DAN LANZER
Mr. Lanzer reported the Contact & Special Committee met this evening, December 27th, 2012 at 6:30 PM in the Council Chambers. Committee members present were John Zucal and Mr. Lanzer to discuss: the commendations of Dan Risinger from the Police Department and Ted Wenger from Water Filtration for their years of service. The Committee agreed to have the Law Director draw up the proper legislation and for this be put on the agenda for the next meeting.

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

VISITOR’S COMMENTS:

Joe DiDonato
567 Second St. NE
New Philadelphia Ohio 44663

Concern of Citizen: Mr. DiDonato reported to Council an ice problem created by water flowing onto Summit Avenue NE at North Broadway. His concern was the possibility of a potential bad accident occurring.

President of Council stated he recently has had personal experience with the ice problem on Summit Avenue NE and North Broadway.

Mr. Zucal stated that he felt the issue was the discharging of a sump pump from a basement into the alley.

The Service Director announced that he would work with the Law Director, the property owner and talk to Mr. DiDonato to get this resolved.

READING OF ORDINANCES AND RESOLUTIONS

ORDINANCES:

- 17-2012 An ordinance to amend and replace Codified Ordinance Chapter 947 Water Wells and Ground Water Protection, and enact the current replacement pages to the Codified Ordinances and declaring an emergency. (2nd Reading)
- 20-2012 An ordinance by the Council of the City of New Philadelphia to Authorize the Mayor of the City to enter into a contract with State Electric Supply Company to offer a three year Tax Credit for Income Taxes as the result of new jobs created beginning _____, 20_____ within the City for the Calendar year 2013, 2014, and 2015 and declaring an emergency. (1st Reading)

RESOLUTIONS:

- 31-2012 A resolution by the Council of the City of New Philadelphia, Ohio to authorize the rate increase for ambulance services provided by the New Philadelphia Fire Department for the calendar year 2013, and to

adopt changes in the Ambulance Service Fees charged by the City of New Philadelphia for 2012, and declaring an emergency. (2nd Reading)

32-2012 A resolution to authorize the City of New Philadelphia to enter into a contract with the Tuscarawas County Commissioners and the Tuscarawas County Sheriff's Office for the Housing of inmates in the Tuscarawas County jail. And payment of Housing costs to the Tuscarawas County Commissioners and declaring it an emergency. (1st Reading)

Amended
No. 33-2012 A resolution by the Council of the City of New Philadelphia, Ohio to enact a pay increase for all Elected Officials and the Clerk of Council, excluding the Judge of Municipal Court, Members of City Council and the New Philadelphia City Law Director, to be the amount of 3.0% increase retroactive to January 1, 2012 and declaring an emergency. (2nd Reading)

UNFINISHED OR OLD BUSINESS:NONE

NEW BUSINESS:

Mayor Taylor commended the Treasurer Dave Johnson for his years of service the Mayor mention that Mr. Johnson was on Dover City Council and was the City of New Philadelphia Council President for eight years and served five years as the City of New Philadelphia Treasurer. Mayor Taylor wished Mr. Johnson the best of luck.

Ms. Cox wished Mr. Johnson the best of luck.

President of Council, Sam Hitchcock thanked Mr. Johnson for his years of service to the City of New Philadelphia.

President of Council expressed his concern and sorrow for the life's that were lost at the horrific shooting at Sandy Hook Elementary School, and prays that we as a country will find a solution to help keep this from happening again.

REQUESTS FROM THE PRESIDENT OF COUNCIL SAM HITCHCOCK

1. A reminder to all to show common courtesy to the Chair that is conducting the Committee Meeting.
2. Recommended Guests addressing Council use the portable microphone.
(This will help recording the comments and concerns of everyone more clearly and utilize our recording equipment.)

Joe DiDonato expressed his appreciation for the Christmas in the Park. Mr. DiDonato thanked the City and McInturf Realty.

PRESIDENT OF COUNCIL, SAM HITCHCOCK WISHED ALL A HAPPY NEW YEAR!

MS. COX WISHED ALL A HAPPY NEW YEAR!

MS. COX MADE A MOTION TO ADJOURN AT 8:08PM.

CLERK OF COUNCIL_____

APPROVED _____

PRESIDENT OF COUNCIL_____