

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON MARCH 11TH, 2013 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

PRESIDENT OF COUNCIL, SAM HITCHCOCK ANNOUNCED THE SAFETY DIRECTOR, MR. GREG POPHAM WAS EXCUSED FROM TONIGHT'S COUNCIL MEETING

MS. COX MADE A MOTION TO ACCEPT TONIGHT'S AGENDA
MR. ZUCAL SECONDED THE MOTION
ROLL CALL, 7 YEAS, MOTION PASSED.

MS. COX MADE A MOTION TO APPROVE THE MINUTES FROM THE PREVIOUS REGULAR SESSION OF COUNCIL HELD ON MONDAY, FEBRUARY 25TH, 2013
MS. WALKER SECONDED THE MOTION
ROLL CALL, 7 YEAS, MOTION PASSED.

CORRESPONDENCE CLERK, PATRICIA MCKAY

1. Mayor's Report/Request to Council March 11th, 2013
2. Request dated March 7th, 2013 to Sam Hitchcock, President of City Council from Council Member John R. Zucal, in regard to the assignment to the following ad hoc committee the study of current budget development and implementation process for potential change for the fiscal year 2014; Members: Sandy Cox Finance Chair, John Zucal Salary Chair, Darrin Lautenschleger Public works and Economic Development Chair, Rob Maurer Safety Health and Service Chair to be assigned March 11th, 2013 at the Regular Session of Council.
3. Notice dated Thursday March 7th, 2013 from Suzanne Haefner announcing the Ohio Ethics Commission's Online Financial Disclosure Statement Filing System is now available.
4. Public Works & Economic Development Committee Meeting Minutes from February 25th, 2013
5. Mayor's Monthly Statement to Council a revised copy for February 2013
6. City of New Philadelphia Statement of Cash Position for February 2013
7. Auditor's Monthly Statement of 2013 Revenue for the General Fund for February 2013.
8. Auditor's Financial Statement for the Month of February 2013
9. New Philadelphia Police/Monthly Activity Report for February 2013
10. A notice to Council from the Ohio Division of Liquor Control, 6606 Tussing Road, P. O. Box 40005, Reynoldsburg, Ohio 43068-9005. Dated March 1st, 2013
To DLC Venture, LLC, DBA The Back Alley, 110 Ashwood Lane NW, New Philadelphia, Ohio 44663 for Type TRFO D5 permit from Danny's Grill LLC, DBA Danny's Grill, and asking that objections be made no later than April 1st, 2013.
11. A notice to Council from the Ohio Division of Liquor Control, 6606 Tussing Road, P. O. Box 40005, Reynoldsburg, Ohio 43068-9005. Dated March 7th, 2013
To B2 Management LLC, DBA Bud and Tooties, 601 West High Ave. and Patio, New Philadelphia, Ohio 44663 for Type TRFO D1, D2, and D3 permit from BA Entertainment LLC, DBA Bud and Tooties, and asking that objections be made no later than April 8th, 2013
12. A notice to Council from the Ohio Division of Liquor Control, 6606 Tussing Road, P. O. Box 40005, Reynoldsburg, Ohio 43068-9005. Dated March 8th, 2013
To S H A Petroleum Inc., 162 South Broadway, New Philadelphia, Ohio 44663 for Type New C2 permit and asking that objections be made no later than April 8th, 2013

ADMINISTRATIVE REPORTS:

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

Mayor Taylor addressed the following:

The Mayor requested:

- The Council President assign to the Finance Committee the final legislation required for the STR 259 East High Avenue paving with ODOT. (The Finance Committee had this issue last fall when the preliminary legislation was passed.)
 - The Mayor received the ODOT request today in the mail wanting it back by March 18th, 2013. (He called ODOT regarding this)
 - The Mayor is requesting the Finance Committee have a meeting March 25th, 2013 and pass legislation that evening during regular council session as an emergency.
- Mayor Taylor reported:
 - The agreements for the income tax credit for State Electric have been completed and a copy forwarded to the Income Tax Department.
 - The agreement for the real estate tax abatement for GE Mobile Water is in the signature pipeline and should be completed in the near future. The County Commissioners have given their approval.
 - He and the Auditor recently met with our insurance consultant, Pipes Insurance, and the process has begun to identify any part-time employees who may qualify for health insurance coverage in 2014. This is based upon hours they work with an average of 30 hours a week over a year being the measuring stick.
 - Due to the large volume of paving with ODOT this summer, the regular annual paving projects will be greatly curtailed. The Service Director and General Services Superintendent are trying to prioritize a short list that we may be able to do.
- Mayor Taylor announced:
 - We will still do our annual crack sealing program in the fall.
 - If council members have any paving requests they want considered, let the Service Director know soon.

The Mayor announced that he would like to cede the floor to Tom Farbizo, Chairman of the Airport Commission to give a summary report which the Mayor passed out to everybody of the 2012 Activity.

Mr. Farbizo thanked everyone and gave the summary of the 2012 Annual Report for Harry Clever Field.

- The written report:
 - Listed the capital improvement that took place in 2012 and the revenue the City has collected from the airport facilities.
- Mr. Farbizo pointed out in the revenue column.
 - The farm lease revenue is up because of the lease. "We were in a long term lease with the ground for farming. It was minimal now it is more industry standard so to speak so revenues are up for that category."

Comments from Council Member John Zucal. Mr. Zucal expressed appreciation to Mr. Farbizo's for his leadership, commitment, his hard work as Chair of the Airport Commission and for being here tonight.

Mr. Hitchcock wanted to know how long has that farm lease been in effect.

Mr. Farbizo replied it has been in effect for a long time. It has just been negotiated in the last year

The Mayor said credit should be given to the Service Director for negotiating that land lease. The Service Director, Mr. Zucal and Ms. Gilland worked on that. It went out for bids and what we are now getting per acre has significant increased. "The young man who is farming the land is happy for what he is paying and happy for the opportunity."

SERVICE DIRECTOR.....MR. JAMES ZUCAL

The Service Director Mr. James Zucal reported on the following:

- The Service Director reported he had a request to provide a recommendation for the oil and gas leasing in the City. He has worked with Attorney Brad Hillyer and Attorney Brett Hillyer they have RFP proposal put together. Mr. Zucal stated he will be talking to the chair of the committee and providing that recommendation and asking for another meeting. Attorney Brad Hillyer said to wait six months as the oil and gas business is booming in other adjacent counties but not in Tuscarawas County.

- On the campers, Mr. Zucal and Ms. Gilland have researched and checked other communities. Campers referring to the individuals who are living in campers on residential lots; not the folks that have a RV or camper parked that have current plates. He does have some suggestions and recommendations.
- In usual business Mr. Zucal and Ms. Gilland met with Matt Baker with the AFSCME Clerical union. The issues there are going to fact finders.
- The Service Director reported that he met with Township Trustees, the Fire Chief and Department Heads about the East High Townhomes. That is property outside of the City limits. The City would only be providing water and sewer at 1 ½ times the normal rate and spelled out in the code. We would provide fire protection per the Goshen Township Agreement.
- Met with Ed Wilson Water Superintendent, Mr. Zucal and Ms. Gilland, again on Blake Street the water line project that we finished with Tucson Inc. being the contractor. It went well and was funded out of line 314. It was very successful looping of the City water line.
- Question on street lights on South Broadway to Mill Av South to Commercial Ave are currently not operating. There is a short. Currently at night, it is very dark in that area so use caution. We will explore that and find out what the problem is and get it corrected.

President of Council wanted to know how many of the camper situations do we have.
 The Service director replied we have documented seven or eight possible campers for sure.
 Service Director said this issue was brought to his attention by various complaints.

They are a recreational vehicle or pull behind campers that people are actually living in; some of the issues with those are the electric cords that are stretched out to them and the water hoses from the home to the camper is actually an issue with the Ohio EPA (that is a back flow problem the water could flow back in to the system.) They're a lot of issues.

President of Council wanted to know how many people are living in those.
 The Service director replied he has personally seen four or five?
 We are not talking about people that travel and put their camper with valid license plates in the back yard.
 In the residential district the code reads single family, duplex or garage, you are not allowed to have another living quarters there.
 President of Council comment we are not looking to infringe on people that have their campers with a valid license plates parked on their property this is legal.

Mr. John Zucal comment

What you have brought to the attention of Council is:
 A violation to City Code.

We have potential EPA violation with back flow - water hoses from the home to the camper
 A fire code violation the electric cords that are stretched out from the home to the camper

Mr. John Zucal requested the Law Director make a ruling.

The Law Director did not make a ruling at this time as to whether or not these were actual violations. He needed more information.

The residential code spells out allowed to have a single family, duplex or garage that is not a living structure on a residential lot in the City of New Philadelphia It only allows for one of those.

Campers with someone living in it you now have two residences on that property. It does not explicitly say.

Most of the Cities that we looked at their code they have a supplemental section that basically spells out Friend, family of the owners is allowed to stay not more than 30 days. The committee will dig into that further.

President do you think our code is sufficient on the issue that we have or will run into
 He asked for a ruling from the Law Director

Law Director replied that the code needs up dated and that is why it is in a committee at this point and time.

The Service Director stated "It does not say if you have a camper you can't live in it but it also says these are the only structure allowed so that is where I think just a few sentences supplemented to the code will address the issue."

AUDITORMS. BETH GUNDY

Ms. Gundy reported the following details on the revenue:

- “The income tax revenue is up; it is not a trend, yet. We’ll talk again in May or June to see whether that holds, if it does we might get back to our 2008 levels. Everything else is as it should be.”
- “Our Cemetery Department is holding its own. We may be able to look at May or June the distribution percentages of the income tax. Maybe bump the Street Department down a point and give another point to the General Fund. (I think we can do that; I will have to keep you apprised of that)”
- “We should be getting our real estate tax distribution in the next week or two.”

Mr. John Zucal asked if there are any potential liabilities as far as retirements that we are going to have that might impact the budget for this year.

Ms. Gundy replied that they are all in the budget as far as she knows.

TREASURER LORI STATLER..... NO REPORT

Comment from President Sam Hitchcock requesting a name tag be provided for the Treasurer as soon as possible.

LAW DIRECTORMR. MARVIN FETE

Mr. Fete reported on the following:

- He was scheduled to represent the City on a jury trial for Workers' Compensation Case that has apparently settled. Received notice of dismissal from the plaintiff's attorney as of this morning that is was filed.
- A motion to dismiss pending in New Philadelphia Municipal Court the City was sued by a gentleman claiming that police had violated his rights by not arresting somebody in 2010 the Law Director filed a motion to dismiss under the Ohio Rules of Civil Procedure it was not a proper method for filing the claim police have discretion in that regard providing they don't actually witness the crime.
- Completed the third draft for a complete re write of Ordinance 9-39 Waste Water Ordinance. The Law Director commended Aaron Hixenbaugh for is his leadership. The Ohio EPA new regulation mandates that we update Ordinance 9-39 Wastewater Ordinance. The Ohio EPA will review the third draft of Ordinance 9-39 and hopefully give the go ahead for us to move forward with this.
- Safety issue at the prosecutor's office. It has been determined there is a need for security in the prosecutor's office. The Mayor suggested the problem be presented to the Service Director and the Safety Director so they can get together and do a little research on the issue before it goes to committee and maybe it can be resolved without going to a committee. Temporary fix is the doors are locked so people cannot just walk in or out of the office. Mr. Fete is requesting a security window be installed to ensure the safety of those who work in the prosecutor's office.

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR MICHAEL TAYLOR

Mayor Taylor announced that the next Planning Commission Meeting will be held Tuesday, April 9th, 2013 at 1:00 PM in Council Chambers pending and agenda.

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

Mr. Zucal reported the Board of Zoning Appeals meeting, for Tuesday March 12th, 2013 at 5:00 PM in Council Chambers was cancelled due to a lack of a variance request. The next Board of Zoning Appeals meeting will be held Tuesday, April 9th, 2013 at 5:00 PM in Council Chambers providing there is an agenda.

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

Mr. John Zucal announced that the Airport Commission will meet Tuesday, March 12th, 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, March 20th, 2013 at 12:00 Noon at the Health Department.

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEE.....MS. SANDY COX NO REPORT

President of Council Sam Hitchcock assigned to the Finance Committee the Mayor’s request for the final legislation required for the STR 259 East High Avenue paving with ODOT

SALARY COMMITTEEMR. JOHN ZUCAL

Mr. John Zucal reported that the Salary Committee met this evening at 7:02 PM in Council Chambers with two items on the agenda

First item was the Commendation for Michael Ley, previously of Robert’s Men Shop. For Council to have resolution commending Mr. Ley for his years of service to the City of New Philadelphia. After a discussion the committee voted and it was defeated. The voting results were 1-2. Mr. Zucal voting for it and Mr. Lanzer and Ms.Walker voting against it.

Second item The non bargaining unit members and potential insurance; platform that is available for them. Rick Pipes from Pipes Insurance was present this evening with a goal of helping to educate council, administration and those in attendance the need to move to one uniform platform across the City of New Philadelphia. During that time, recommendation was made that we provide for the non bargaining unit members of the City of New Philadelphia the same platform and same opportunities the FOP was granted including the pickup on the first year. That was voted upon by the members of the committee 3-0 to move forward and place it for legislation with the Law Director be placed on the March 25th, 2013 agenda and passed on first reading.

Comments from the President “In regard to the request for ad hoc committee to be formed as I mentioned to you I am requesting additional information which I will reduce for writing and have it for you tomorrow and then I will consider that.” Mr. Zucal thanked the President and asked that he move forward as quickly as he can.

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

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

Mr. Darrin Lautenschleger reported the Public Works & Economic Development Committee met this evening in Council Chambers at 6:15 PM with one item on the agenda to discuss the request from Ohio Mid-Eastern Governments Association (OMEGA) on its request to entities in its ten county service area for a resolution of support.

The Governor’s office has submitted its annual State Budget for a two year period. The method of funding for OMEGA and all States District that service in an Economical Development fashion as well as the amount that OMEGA is receiving has been changed. The amount OMEGA has been receiving from the State Budget is part of its overall Budget is \$135,000 that would not be guaranteed in the next budget. All LDD or development districts such as OMEGA would be lumped into one basic Appalachian Aid Package Program in the Governor’s Budget and there is some concern with that and how it would be applied. OMEGA services New Philadelphia among its ten county area on a fee basis that is part of OMEGA budget. A lot of the work they do is for Economical Development, kind of picking up the ball and looking for grant funding helping to coordinate projects. One of the significant projects it has been working with the City on is the five point intersection and the flooding problem we had over the past few years. OMEGA was instrumental in obtaining the two grants totaling \$399,000 for that project among the \$3.4 million in funding that OMEGA achieved in 2012 in the service area.

Committee did agree on a 3-0 vote to prepare a resolution of support to restore funding and the method of funding for OMEGA in the next Biennium Budget, suspend the rules at the March 25th, 2013 Council Meeting, and pass on first reading.

ZONING & ANNEXATION COMMITTEEMS. COLLEEN ESPENSCHIEDNO REPORT

CONTACT & SPECIAL COMMITTEE MR. DAN LANZER

Mr. Lanzer reported that the Special & Contact Committee met tonight at 6:30 PM in Council Chambers to discuss three items.

First Item: The notice to council from the Ohio Division of Liquor Control, 6606 Tussing Road, P. O. Box 40005, Reynoldsburg, Ohio 43068-9005. Dated February 20th, 2013 To Coyote Morgan LLC, 115 Front Avenue SW, New Philadelphia, Ohio 44663 for Type TRFO D5, permit. From R & S Enterprises a partnership DBA R & S Party Center and Asking that objections be made no later than March 25th, 2013.

This was presented before the committee. Discussion was held a recommendation of three votes to direct the Clerk of Council to sign, date and forward to the Ohio Division of Liquor Control stating that there is no reason for any type of public hearing.

Full council accepted the liquor permit as is directing the Clerk of Council to forward to the Ohio Division of Liquor Control with no need for public hearing.

Ms. Cox made the motion and Mr. Lautenschlger seconded the motion Roll Call, 7 Yeas, Motion Passed.

Second Item: The notice to council from the Ohio Division of Liquor Control, 6606 Tussing Road, P. O. Box 40005, Reynoldsburg, Ohio 43068-9005. Dated March 1st, 2013 To DLC Venture, LLC, DBA The Back Alley, 110 Ashwood Lane NW, New Philadelphia, Ohio 44663 for Type TRFO D5 permit. From Danny's Grill LLC, DBA Danny's Grill, and asking that objections be made no later than April 1st, 2013. This was presented before the committee. Discussion was held. It was tabled for a future meeting as the committee found al discrepancy in the application.

Third Item The Buckeye Community Thirty Eight, L.P., 3021 E. Dublin - Granville Road, Columbus Ohio 43231, Roy Lowenstein Vice President of Buckeye Community Hope Foundation., addressed council With regard to the East High Townhomes that are going be built on East High Avenue located in the Goshen Township off of E. High Avenue near the City's airport.

Mr. Lanzer reported:

- It was determined that it was an informative meeting and definitely good public relations for the City.
- There is not a whole lot council can do as far as legislation
- The East High Townhomes, a 36 unit housing development, will be located outside the corporation limit.

Council President assigned to the Special & Contact Committee:

Two notices to Council from the Ohio Division of Liquor Control for the following:

- To B2 Management LLC, DBA Bud and Tooties
- To S H A Petroleum Inc.,

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

VISITOR'S COMMENTS:

Richard Butterbaugh
506 Beaver Avenue NE
New Philadelphia, Ohio 44663

Mr. Butterbaugh's concerns were the increase in truck traffic going in and out of the City on Beaver Ave NE. The noise, the speed of the trucks, the safety issues on Beaver Ave NE, the re- paving of the Beaver Ave NE. and snow removal issues

Council Member John Zucal supported all of Mr. Butterbaughs concerns. The Mayor said that Beaver Ave NE is scheduled for repaving for this year. The Mayor said he will follow up on the truck speeding issue with the Police Department. The Service Director said he will take care of the snow removal issues.

Joseph Reiger
930 Third Street NE
New Philadelphia, Ohio 44663

Mr. Reiger's concern was the traffic pedestrian signal on the corner of North Broadway & Donahey Avenue NE doesn't work. The Mayor said there has been a problem with that; the Mayor thought it was fixed but he will have it checked.

READING OF ORDINANCES AND RESOLUTIONS

ORDINANCES:

3-2013 An ordinance to make appropriations for current expenses and other expenditures of the City of New Philadelphia, State of Ohio, during the fiscal year ending December 31, 2013 and declaring an emergency. (2nd Reading)

4-2013 An ordinance by the Council of the City of New Philadelphia directing the Service Director to advertise for bids and to enter into contracts with the lowest and best bidder for the City’s requirements of various materials and supplies for 2013 and declaring an emergency. (2nd Reading)

RESOLUTIONS:

4-2013 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 for the 2013 project year the CDBG contract, and declaring an emergency. (2nd Reading)

UNFINISHED OR OLD BUSINESS:NONE

NEW BUSINESS:

Council Member John Zucal “request for an Executives session following the legislation agenda March 25th, 2013 to discuss the potential acquisition of property.”

Council Member Darrin Lautenschleger reminded all that “2013 is the 100th Anniversary of the Great Flood of 1913. It was the greatest National Disaster in the State’s History and a portion of New Philadelphia, especially in the Broadway area, was affected. Council Member Darrin Lautenschleger announced that a panel discussion and presentation on that flood will take place on Saturday, March 30th, 2013 at 10:00 AM at J. E. Reeves home in Dover.”

MS. COX MADE A MOTION TO ADJOURN THE MEETING AT 8:15 PM.

CLERK OF COUNCIL_____

APPROVED _____

PRESIDENT OF COUNCIL_____