

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON MAY 30TH, 2013 AT 7:30 P.M. WITH PRESIDENT OF COUNCIL PRO-TEM SANDY COX PRESIDING.

MADAM PRESIDENT OFFERED A PRAYER, "MOST ETERNAL GOD, DURING THIS MEMORIAL DAY WEEK AS AMERICANS WE WANT TO THANK YOU FOR THIS GREAT COUNTRY. THANK YOU FOR THOSE SERVING AND WHO HAVE SERVED IN THE MILITARY THAT PROTECT THIS COUNTRY OF OURS. THANK YOU FOR THOSE MEN AND WOMEN IN OUR MILITARY SERVICES WHO WERE WILLING TO GIVE THEIR LIVES AND WHO GAVE THEIR LIVES TO FIGHT TO KEEP THIS COUNTRY FREE. ALSO LET US REMEMBER THE PEOPLE OF OKLAHOMA. GIVE THEM COURAGE, STRENGTH AND GRANT THEM PEACE OF HEART AND MIND. AMEN."

AND ALL IN ATTENDANCE RECITED THE PLEDGE OF ALLEGIANCE.

MADAM PRESIDENT ANNOUNCED THAT THE COUNCIL PRESIDENT, MR. HITCHCOCK AND TREASURER, MS. STATLER ARE EXCUSED FROM TONIGHT'S MEETING.

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. MAURER MADE A MOTION TO ADD THE FOLLOWING TO TONIGHT'S AGENDA  
RESOLUTION 16-2013 (THE POLICE AUCTION)  
MR. LANZER SECONDED THE MOTION  
ROLL CALL, 7 YEAS, MOTION PASSED

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

THE COUNCIL MINUTES FROM THE PREVIOUS REGULAR SESSION OF COUNCIL HELD MONDAY, MAY 13TH, 2013, STAND APPROVED AS PRESENTED.

CORRESPONDENCE . . . . . CLERK, PATRICIA MCKAY

1. Mayor's Report/Requests to Council May 30th, 2013
2. Salary Committee Meeting Minutes from May 13th, 2013
3. Letter dated May 30th, 2013 from the Jessica Haney, 2108 Race Street, Dover Ohio, owner of My Museum LLC To City Council requesting:  
*Tattoo/ Body Piercing Business Regulation Code 767.05 Additional Requirements for Tattoo Services (Section D) be Amended to allow Tattoos to be performed over scar tissue, on hands below the wrist line, on feet below the ankle, and on the head, neck and face above the collar line.*
4. Letter dated May 29th, 2013 to Council and Administration from President of Council Sam Hitchcock in reply to the Mayor's request for a Screening Committee be selected for the recently completed draft of the Employees' Handbook.
  - *The Screening Committee include the following:  
Mayor Mike Taylor, Service Director Jim Zucal, Fire Chief Jim Parrish, Council Member Sandy Cox and Council President Sam Hitchcock*
  - *The purpose to meet weekly:  
To examine each section of the Employees' Handbook to possibly make recommendations for changes, amendments, additions or corrections before it is assigned to a committee and brought before full Council.*
5. Finance Committee Meeting Minutes from Monday, May 13th, 2013
6. News Release City of New Philadelphia sets pricing for Natural Gas Program- May 16th, 2013 officials with the City of New Philadelphia have again partnered with Constellation Energy with a fixed rate of \$4.578 per thousand cubic feet (Mcf) has been set for the June 2013 through November 2013 billing cycles.

ADMINISTRATIVE REPORTS:

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

Mayor Taylor addressed the following:

- The Mayor requested an Executive Session this evening after the Legislative Agenda to discuss police personnel staffing and to give a brief update on AFSCME negotiations. The Mayor announced Councilman Zucal had previously requested an Executive Session for this evening so the Mayor informed all that he is fine with piggybacking on to Mr. Zucal's request.
- The Mayor reported that upon the recommendation of our City's electric consultant, AEP Energy:
  1. We have entered into an agreement with them for a Voluntary Electric Curtailment Program.
  2. This program only applies to our Wastewater and Water facilities that currently have generator backup in case of an electric outage.
  3. The program allows AEP Energy to request either or both of these locations to voluntarily go on our generators during an unusual high electric demand event.
  4. For agreeing to voluntarily participate, the City will be paid several thousand dollars a year.
  5. If there is no event for a request, we are required to participate in a test of the system one time in the fall of the year.
  6. In discussions with our Superintendents, they are in support of this and they want the opportunity to test their generators anyhow. This is another opportunity to provide some additional revenue to the City with virtually no risk.
- The Mayor announced the City will be purchasing a new identification card machine to provide employees, with a photo I.D. card. Some departments require these and for those who do not we will make them available on a voluntary basis. Recently these cards were provided through the Teen Center's machine but we would like to expand the use and have our own system. The Service Director's IT Department will be in charge of the machine and process.
- The Mayor reported there have been problems in City Hall, the Fire Department and Police Department with our current internet service provider. Therefore for those three buildings only, we are changing to Time Warner Business Class for our internet service. This will significantly increase the speed of our service as well as reduce the downtime issue problems that have been experienced. Other City locations will continue with their current providers. Cost of this will be about \$260 per month and will be split between all the department budgets affected. Everyone was in support of making this change and improvement.

Mr. Zucal made a motion to go into an Executive Session this evening immediately after the legislation to discuss police personnel staffing, AFSCME negotiations and employment/personnel.

Mr. Lautenschleger seconded the motion

Roll call 7 yeas motion passed.

SERVICE DIRECTOR.....MR. JAMES ZUCAL

The Service Director Mr. James Zucal reported the following:

- Attended an ODOT pre-construction meeting on paving with several of the Department Heads. (This year the ODOT paving will also include curb radiuses and ADA ramps.)
- Attended a meeting with W.E. Quicksall finalizing the CDBG Project for this year (Maple Avenue NW primarily that is a Storm Sewer Projects along with curb gutter and sidewalk.) The bids will be open for that next week.
- The Housing Review Team met on May 16th, 2013 the Service Director forwarded all the notes and minutes that Ms. Gilland put together in everyone's box and is asking the Law Director for further action to demolish two properties that have been pursued for several years.
- We also awarded on May 23rd, 2013, the Board of Control met, the materials for this year. We (several Department Heads) also attended a pre bid meeting on the Five Point Storm Sewer Project that was presented by Diversified Engineering. One local company, Tucson Inc., was there to ask questions.
- As a reminder, the Five Points Project will be bid. Bids will be opened next week also.

**\*\*\*THE SERVICE DIRECTOR REQUESTED THAT PRIOR TO THE 3RD READING OF THE LEGISLATION FOR COUNCIL ON THE REZONING OF WABASH LANES, AS A REMINDER, A PUBLIC HEARING NEEDS TO BE HELD AFTER A 30 DAY NEWSPAPER NOTICE. IF A 4TH READING IS NECESSARY WE NEED TO INCORPORATE THAT.**

**SERVICE DIRECTOR STATED THAT HE WILL TALK TO THE LAW DIRECTOR ON THAT FOR ASSISTANCE FOR THE TIME FRAME SO THE PUBLIC CAN ADDRESS THAT.**

- Reported that Mr. Neff has been off work this last week with a work related injury. Mark Henke has been filling in and doing a fine job and keeping up with all the Street Department work and Sanitation.  
The Water Department is doing a fine job.  
We are trying to be proactive before our paving.  
The Service Director has had a lot of questions as to why we are on East High Avenue and other areas. (We are trying to eliminate any possible cuttings to the street by doing our repairs now).

AUDITOR .....MS. BETH GUNDY

Ms. Gundy reported:

1. That our Audit is wrapped up. We will be scheduling an exit conference sometime in early June.
2. The Ohio Bureau of Workers Compensation has declared a surplus of around a billion dollars. They have proposed rebates for different entities. Our rebate is looking to be around \$137,000. (Their Board needs to vote on that yet so that is not finalized.)
3. We've gotten a notice about additional State Tax Revenue that we should be receiving. (That won't be until at least August 2013.)
4. The Refunding Bonds go to Market on June 5th, 2013.

SAFETY DIRECTOR.....MR. GREG POPHAM.....NO REPORT

TREASURER . . . MS. LORI STATLER..... NO REPORT  
EXCUSED ABSENCE

LAW DIRECTOR . . . MR. MARVIN FETE

The Law Director reported:

- The past week he participated in settling a Law Suit that involved our Police Department and one of our officers. It was actually handled by our Insurance Company. Mr. Fete attended the second chair and reported the suit was settled.
- Had a request for a legal opinion from the Health Department that he is currently working on.  
Met with Calvin Schwartz a couple hours today to discuss some issues that he is having at the Airport Restaurant the Law Director is in the process of preparing a report that will go to full Council.
- Met with the Head of the Water Department and we are looking at what to be done to make sure our interest is protected in bankruptcy cases. "I'm going to figure out what can be filed to protect our interests in bankruptcy cases. Our secured interest remain secured we do get some form of payment when the bankruptcy case is settled."
- Had a conference with Fred Neff on whether or not the Law Director would back him upon a trash collection on a particular property. Whether or not they should be cited the Law Director would defer to the Chief of Police if they decided the individual needs to be charged because of having violated this over and over in the past we would be happy to prosecute that individual.
- Met with the Service Director and his assistant Ms. Gilland on the following:
  - A couple of houses that need to be demolished.
  - An easement that was requested by them.
  - Talked about the issue of the trailers (The Law Director has not made a decision on that yet)
- The Law Director thanked the Police Department and the Fire Department for the Emergency Services they provide. He reported that his parents recently had a grease fire and that he was grateful for the *fast response time* of the New Philadelphia Fire Department, the Police Department and the men who responded to that.
- In honor of Memorial Day the Law Director recognized Thomas Michael Struchen and Marine Private Heath Warner and stated that we need to remember all those that fought and all those that gave their lives so we could have the freedoms that we have today. The Law Director also stated that he is eternally grateful to the military and their families for the sacrifices they made.

Council Member John Zucal requested an update on the Chief Prosecutor's Office.

- The Law Director reported that Doug Jackson is back to work on a part time basis and after this week is expected back on a full time.  
We discussed keeping Heidi Sanner on in the same capacity and same price as we have now. (This will result in a less expensive rate than what we have done previously.)

The office has five people that prosecute cases and only two that receive benefits.

The Law Director reported they managed to cut a lot of money by working harder and smarter with what they have.

**BOARD/COMMISSION REPORTS:**

**PLANNING COMMISSION.....MAYOR MICHAEL TAYLOR**

Mayor Taylor announced that the Planning Commission Meeting is scheduled for will Tuesday, June 11th, 2013 at 1:00 PM in Council Chambers pending an agenda.

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

Mr. James Zucal announced the Board of Zoning Appeals next scheduled meeting is Tuesday, June 11th, 2013 at 5:00 PM in Council Chambers.

**AIRPORT COMMISSION..... MR. JOHN ZUCAL**

Mr. John Zucal announced the Airport Commission is scheduled to meet Tuesday, June 11th, 2013 at 6:00 PM at 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, June 19th, 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 prior to council at 7:15 PM.

- The first item to discuss was proposed Resolution 19-2013 in regards to the AFSCME Local 1958 Clerical Chapter agreement. This piece of legislation is on hold until June 10th, 2013 because the Fact Finder did not have his report ready in time for tonight's meeting. (May 30th, 2013)
- The second item the Committee approved additional money for the four Fire Fighters who attended the Annual Fire Department Instructor Conference held in Indianapolis, Indiana on April 22-27, 2013.
- The third item the Mayor informed the Committee the ODOT Paving Project came in at a higher cost. The Mayor didn't have all the details yet; however he would provide them for the June 3rd, 2013 meeting.

Ms. Cox reminded Council that we need to vote on Ordinance 8-2013 (Allocation of funds under the Income Tax Ordinance), Ordinance 9-2013 (Planning and Construction of the Five Point Sewer Project) and Resolution 17-2013 the CDBG application.

**SALARY COMMITTEE .....MR. JOHN ZUCAL**

Mr. Zucal reminded Council Resolution 15-2013 it's at its second reading this evening if there is no action to be taken, we will be seeking approval on the third reading at our June 10th, 2013 meeting.

**SAFETY HEALTH & SERVICE COMMITTEE .....MR. ROB MAURER**

Mr. Maurer reported the Safety Health and Service Committee met tonight at 7:07 PM in Council Chambers with one issue to discuss, Resolution 16-2013 the Annual Police Auction to be held Monday June 24th, 2013 at 5:00 PM to sell unneeded, unclaimed and confiscated personal property.

Council gave their Blessing on this. Ms. Jennifer Horner will put the Auction Notice in the paper to be advertised for three times and the Committee is asking that Council passes this tonight as an emergency.

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

Mr. Lautenschleger announced that the Public Works & Economic Development Committee will meet on Monday, June 24th, 2013 at 6:45 PM with Park Board Members present in the Council Chambers to discuss the proposed Master Planning Process for the Southside Community Park.

**ZONING & ANNEXATION COMMITTEE .....MS. COLLEEN ESPENSCHIED**

Ms. Espenschied reported that the Zoning & Annexation Committee met tonight at 7:00 PM in Council Chambers with one item to discuss the issue of the Rosenberry Annexation. The Law Director was delayed so the Committee recessed and reconvened at 7:08 PM to discuss the issue.

Council had previously passed the resolution in 2010 in regard to this matter but the Township Trustee would not sign off on it. After a discussion, the Committee decided that the process would have to start over; this time with their plan being 15 years with 60/40 Tax reduction and to have the Law Director draw up the paper work for this and then brought back to Council Meeting Adjourned at 7:15 PM

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

PARKS & CEMETERY COMMITTEE .....MS. WINNIE WALKER....NO REPORT

VISITOR’S COMMENTS:

Jessica Haney  
2108 Race Street  
Dover Ohio

Owner of My Museum LLC

Ms. Haney would like to bring her business into New Philadelphia in order for her to be able to do this

She is requesting City Council update the law for *Tattoo Services*

*Tattoo/ Body Piercing Business Regulation Code 767.05 Additional Requirements for Tattoo Services (Section D) be Amended to allow Tattoos to be performed over scar tissue, on hands below the wrist line, on feet below the ankle, and on the head, neck and face above the collar line.*

Ron McAbier  
350 21st Drive NE  
New Philadelphia, Ohio 44663

Comment from Mr. McAbier, President of Local 1958 AFSCME Union reminded all that he spoke at the Council Meeting 16 days ago and tonight Mr. McAbier informed Council that they do not want to be treated like second rate employees.

What they ask for in that report was the wage that has already been approved with two other units and the insurance which was approved by two other units and the non bargaining employees. He would like to see outline of the Fact Finder Report and go with the wage and insurance with your urging and move forward. After 10 months it has been 9 months to long.

Look at the Fact Finder Report there are 15 articles in there that the City has brought to the table that we signed off on. Our issues have all gone to the Fact Finding, he believes it was fair in negotiating he would like to see us do something with the Fact Finder Report if it needs tweaked than tweak it a little bit we are not asking for anything more than anyone else has gotten.

Madam President Assigned the Tatoon request to the Public Work & Economic Development Committee

READING OF ORDINANCES AND RESOLUTIONS

ORDINANCES:

- 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. (2<sup>nd</sup> Reading)
  
- 8-2013            An ordinance to allocate funds collected under the City of New Philadelphia Income Tax Ordinance and Declaring An Emergency. (1<sup>st</sup> Reading)
  - Motion to suspend the rules made by Mr. Lautenschleger, seconded by Mr. Lanzer  
Roll call, 7 yeas rules suspended.
  - Motion to vote on passage made by Mr. Lautenschleger, seconded by Mr. Lanzer  
Roll call, 7 yeas ordinance passed
  
- 9-2013            An ordinance authorizing the Cooperative Agreement for the Planning and Construction of the Five Points Storm Sewer Project between the City of New Philadelphia and the Ohio Water Development Authority and declaring an emergency. (1<sup>st</sup> Reading)
  - Motion to suspend the rules made by Mr. Lautenschleger, seconded by Ms. Walker  
Roll call, 7 yeas rules suspended.
  - Motion to vote on passage made by Mr. Lautenschleger, seconded by Ms. Walker

Roll call, 7 yeas ordinance passed

RESOLUTIONS:

- 15-2013 A resolution by the Council of the City of New Philadelphia, Ohio to request the Airport Layout Plan Update for the New Philadelphia Municipal Airport (Harry Clever Field) be submitted to the Federal Aviation Administration (FAA) for review and conditional approval and declaring an emergency. (2<sup>nd</sup> Reading)
- 16-2013 A resolution by the Council of the City of New Philadelphia to authorize the New Philadelphia Police Department to hold the Annual Police Auction on June 24, 2013 at 5:00 P.M., and declaring an emergency. (1<sup>st</sup> Reading)
- Motion to suspend the rules made by Mr. Maurer, seconded by Mr. Lanzer  
Roll call, 7 yeas rules suspended.
- Motion to vote on passage made by Mr. Maurer, seconded by Mr. Lanzer  
Roll call, 7 yeas resolution passed
- 17-2013 A resolution by the Council of the City of New Philadelphia, Tuscarawas County, Ohio, authorizing and directing the Mayor of the said City of New Philadelphia to act as the signature designee and to file an application for financial assistance under title 1 of the Housing and Community Development Act of 1974 (PL 93-383) to the Ohio Department of Development, Division of Community Development, Office of Local Government Services. (1<sup>st</sup> Reading)
- Motion to suspend the rules made by Mr. Lautenschleger, seconded by Mr. Lanzer  
Roll call, 7 yeas rules suspended.
- Motion to vote on passage made by Mr. Lautenschleger, seconded by Mr. Maurer  
Roll call, 7 yeas resolution passed
- 20-2013 A resolution by the Council of the City of New Philadelphia, Ohio to pay former New Philadelphia Police Chief Jeffrey L. Urban for unused vacation existing at the time of his retirement on March 22nd, 2013 and declaring an emergency. (1<sup>st</sup> Reading)

COUNCIL MEMBER JOHN ZUCAL REQUESTED FOR HIS PORTION OF THE EXECUTIVE SESSION TONIGHT THAT THE NON-BARGAINING MEMBERS THAT HAVE BEEN ASKED TO PARTICIPATE BE ALLOWED TO ATTEND. MADAM PRESIDENT DID APPROVE.

COUNCIL ADJOURNED FROM REGULAR SESSION INTO EXECUTIVE SESSION AT 8:08 PM AS REQUESTED BY THE MAYOR, TO DISCUSS THE FACT FINDERS REPORT. COUNCIL RECONVENED INTO REGULAR SESSION AT 9:01 PM

UNFINISHED OR OLD BUSINESS:

NONE

NEW BUSINESS:

Council Member John Zucal announced that he proudly is sporting the logo and the Red of New Philadelphia. "I want everyone to recognize it is great as a community that we have been blessed with a school that has been recognized in US News and World Report and News Week Magazine as being one of the best High Schools in the State of Ohio and across the country. Join with me in recognizing our Board of Education Superintendent the Building Principals and Facility and Staff across the New Philadelphia City Schools."

"STRONG SCHOOLS MAKE FOR STRONG COMMUNITIES."

President Cox Assigned the Management Group Proposal to the Salary Committee.

MS. ESPENSCHIED MADE A MOTION TO ADJOURN THE MEETING AT 9:03 PM.

CLERK OF COUNCIL \_\_\_\_\_

APPROVED \_\_\_\_\_

PRESIDENT OF COUNCIL \_\_\_\_\_