

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON MAY 8, 2017 WITH PRESIDENT OF COUNCIL, SAM HITCHCOCK, PRESIDING. PASTOR SCOTT BELL WITH COMPASS CENTER, 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
MR. ROB MAURER
MRS. CHERYL RAMOS
MR. KELLY RICKLIC*
MR. JOHN ZUCAL

**President of New Philadelphia City Council Sam Hitchcock informed Council that due to a previous engagement Mr. Ricklic would be late to tonight's Council Meeting. Mr. Ricklic arrived after the vote to accept the Minutes.*

- MR. ZUCAL MOTIONED TO ACCEPT THE AGENDA
MRS. RAMOS SECONDED THE MOTION
6 YEAS
TONIGHT'S AGENDA HAS BEEN ACCEPTED.

- MRS. RAMOS MOTIONED TO ACCEPT THE MINUTES FROM THE APRIL 24, 2017 REGULAR SESSION OF COUNCIL.
MR. HOLLAND SECONDED THE MOTION
6 YEAS
MINUTES FROM THE APRIL 24, 2017 REGULAR SESSION OF COUNCIL HAVE BEEN ACCEPTED.

CORRESPONDENCE CLERK, JULIE COURTRIGHT

1. *To Council and Administration from President of New Philadelphia City Council Sam Hitchcock, dated April 26, 2017. This is an email titled Re: House Sub Budget Bill Removed Centralized Collection.*
2. *To New Philadelphia City Council and Administration from Mayor Joel Day, dated April 28, 2017. The Mayor's Monthly Statement to Council.*
3. *To Clerk of Council Julie Courtright from Income Tax Administrator Vickie Daniels, dated May 1, 2017. The City of New Philadelphia Income Tax Department April 2017 Report "Month End Tax Revenue by Year"*
4. *To Council and Administration from Clerk of Council Julie Courtright, dated May 2, 2017. This is a forwarded email from Jen Boger with The Ohio Ethics Commission. This is a reminder the 2017 Financial Disclosure Statement general deadline is quickly approaching. The deadline for general filing is Monday, May 15, 2017.*
5. *To Clerk of Council Julie Courtright from Auditor Beth Gundy, dated May 2, 2017. This is the Auditor's Monthly Statement of 2017 Revenue for the General Fund, The Auditor's Financial Statement for April of 2017, The City of New Philadelphia Statement of Cash Position with MTD, and the City of New Philadelphia Budget Report with Encumbrance Details.*
6. *To Administration and Finance Committee Members from Auditor Beth Gundy, dated May 5, 2017. This is an email titled "Budget Reporting"*

7. To Council and Administration from Mayor Joel Day, dated May 8, 2017. This is The Mayor's Report.

8. To Clerk of Council Julie Courtright from the Ohio Division of Liquor Control, dated May 8, 2017. This is a notice of Legislative Authority for a new permit Class D-5 for The Craft Bistro and Lounge LLC DBA Craft Bistro and Lounge located at 104 Fair Ave. NE New Philadelphia. This was mailed on May 4, 2017. It says "Please complete and return this form to the Division of Liquor Control whether or not there's a request for a Hearing. Responses must be postmarked no later than June 5, 2017."

Administrative Reports.....

MAYOR'S REPORT/REQUESTS ...MAYOR JOEL B. DAY

Mayor Day had the following report:

➤ Update on New Hangar Construction at Harry Clever Field: Last Friday, Service Director McAbier, Airport Commission member Don Kennedy and myself met with executive director Harry Eadon of the Economic Development and Finance Alliance of Tuscarawas County, to learn if the EDFFA could help with construction of new hangars at Harry Clever Field. After explaining the project to Mr. Eadon, he told us there are several ways the EDFFA could assist with the hangar project, including possible financing and construction. He said he would consult with the county commissioners to perhaps make this a joint City, County, EDFFA effort.

Meanwhile, as requested, City airport consultant Kevin Sigg of Michael Baker International has written a letter that details the City's ownership of Harry Clever Field through the eyes of the Federal Aviation Administration. I will be sending the letter to local lenders to address the confusion over the airport's ownership. I am still awaiting the letter I've requested from Rea and Associates that explains and corrects the erroneous statement in past City annual financial statements that was the cause of the confusion and lenders' concern.

➤ Ulta Beauty Opens at New Towne Mall: I want to welcome Ulta Beauty to the New Philadelphia Business Community. This past week Ulta opened its new store at New Towne Mall, much to the delight of many residents. Over the past several weeks I received many inquiries about Ulta's opening, almost as many as Starbucks. I want to thank New Towne Mall manager Jason Jordan for his hard work in bringing Ulta to New Philadelphia, and for his ongoing efforts to retain businesses, attract new businesses and create jobs at the mall. On a related note, I've learned that Starbucks on Bluebell Drive and the Goo Goo Car Wash on West High Avenue both plan to be open for business by the end of the month.

➤ New City Website is Online : I would like to thank City Information Specialist Jeff Erb and Lisa Geers of Whitemyer Advertising for the work they've put in to give the City's website a complete new design. It's now online at www.newphilaoh.com. There are still a few tweaks that need to be done. The goal of the redesign was to make the site more user friendly and make it easier to access documents and City departments.

➤ A Recent Meeting with Howden Buffalo Officials : The morning following the last City Council meeting I met with officials of Howden Buffalo and Howden's parent company Colfax Corporation to learn if progress is being made in selling the vacant plant. They asked for the meeting after I had expressed my frustration with the buildings being vacant for nearly four years and what I felt was a lack of effort by Howden's real estate agent in marketing the property. Tomas Horak, Colfax Regional Category Manager, told me that there are two parties interested, but the environmental issue at the property is still a sticking point. Last week at his request, I send him the documents I received from the Ohio EPA that state the site can be used for commercial, as well as industrial development. And I told him that New Philadelphia, and county and state officials, stand ready to assist in the sale in any way we can.

➤ The First Downtown Second Saturday Celebration is this Saturday: A reminder that the New Philadelphia Business and Community Association's first Second Saturday celebration downtown is this Saturday May 13th. The hours are from 5-9pm and it will feature artwork from several high schools in Tuscarawas County.

SERVICE DIRECTORMR. RON MCABIER

Mr. McAbier had the following report:

I want to touch base on the two bid openings we had on April 27, 2017. The CDBG Project was opened and awarded to Lanzer Excavating from Uhrichsville, Ohio. The total bid was \$79,957.80. We have \$6500.00 of that coming from the New Philadelphia School System. We put a bid in there for them to do East Elementary School sidewalk and curb. I met with Travis Alberts on Friday to finalize that. That brings our total share then to the \$73,457.80. I believe them stepping up and doing that, we put it as an alternate just in case they wouldn't do it. So now that whole section will be all done with curbs and sidewalks. Also on the backwash from the sanitary sewer line from the water plant, we had five bid packets out, unfortunately none of them got turned back in. We extended our time to May 18, 2017. We'll open them again, see what we have, and we'll award at that time. They'll still have to stay under the same timetables we all remember. You have to be in compliance by August 1, 2017 to meet that deadline on sampling, so they still have that same tight schedule. I'll let you know more at the next Council meeting on who that got awarded to and make sure we stay on track. Also, Mr. President, with the CDBG Projects now being every two years I would ask for you to put in the appropriate Committee the legislation to award and go out for bids the 2017 CDBG Project.

Mr. Lautenschleger had the following questions:

Just a couple things, first, I had a resident on Bank Lane SE Rear asking if the southern portion facing on the street curb line guardrail area is going to be trimmed at some point because it's starting to get overgrown and look bad. The second thing is I had another report and I've got a photo if you need it. One of our trash hauling trucks this past Friday at approximately 8:30am in the 100 block of 2nd Drive SE came the wrong way on a one way street and encountered vehicle traffic going the correct way. The car apparently moved to the side and allowed the trash truck to move through. Can you check into that and have them not use that for their route and if they do to let them know that you will consider implementing progressive discipline?

**President of New Philadelphia City Council Sam Hitchcock asked Mr. Lautenschleger to take the CDBG request from the Service Director in your Committee.*

AUDITORMS. BETH GUNDYNO REPORT

SAFETY DIRECTORMR. GREG POPHAM

Mr. Popham had the following report:

I would like to announce a calendar note. I was informed today that there will be a VIP dinner for Administration and Council and Spouses at the new fire station on June 20 at 6:00pm.

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

LAW DIRECTOR MR. MARVIN FETE

Mr. Fete had the following report:

I had indicated previously that I might be asking for an executive session. I'm

not going to be doing that. The information that I was hoping to receive in relation to our case, I met with the attorney on the other side two weeks ago now and asked him to put his offer in writing. I still haven't received that so that's still up in the air. So, I don't have anything new to report with regards to our case in Goshen Twp. I had hoped that I would have it by now to present that to you in executive session. Among the things that I'm working on, after consulting with our Cemetery Superintendent, I'm going to be requesting an opinion from the Attorney General's Office as to whether or not we can use our Endowment Funds to purchase cemetery land. It appears by first reading of the statute that we're required by law to maintain the endowment fund. That same statute exempts us from being able to collect on fees from people being buried there to maintain that endowment fund. The whole point of the endowment fund is to make sure that you have sufficient funds to run the cemetery and we have sufficient funds to do that. It was brought to my attention by the superintendent that the City of Cleveland turned their endowment fund in and were able to revamp theirs. I did point out to them that this was a newspaper article that he gave me that Cleveland is a City of charter, and charter cities don't have to abide by the same statutes that we do. We're a city by statute, therefore we have to abide by the Ohio Revised Code. A city by charter goes by its charter. If they don't like something in their charter they just eliminate it and change the charter, do whatever they need to do, so that might have been the case there. I thought it was a good idea to request something from the Attorney General's Office. If they say we can do it, we'll do it. My first read is that we're required to maintain an endowment fund and certainly the Attorney General outranks me and if he tells me we can that would be good news for all of us. In addition to that Smith Ambulance has agreed to replace the concrete area where the blacktop pavement is, and I received from the Service Director an estimate of what that will cost. They did agree that they were responsible for the hole that's there. We want to get the hole covered before we put up a fence. Then the City will be paying to put up fencing in that small area there. So that's another thing that I'm working on. I'm also working on making sure that all of our requirements are done with regards to our incident with the Equal Employment Opportunity Commission, and I think we're on track to do all that. I'm also writing a legal opinion for the Service Director regarding a bid process that we need to deal with in terms of the Wastewater Effluent Backwash Project.

Mr. Zucal had the following question:

Do we have a perpetuity clause in that endowment?

Mr. Fete had the following reply:

I would have to look at the actual wording.

Mr. Zucal had the following reply:

If you could have the Superintendent take a look at that. If there's a perpetuity clause that says as long as we, for the perpetual life of the cemetery, as long as we continue to operate a cemetery most endowments can't be terminated.

Mr. Fete had the following reply:

The statute says that. The statute says if you want to operate a cemetery you must maintain an endowment fund.

Mr. Zucal had the following reply:

It just always worries me because the spirit of an endowment is that it's given with that intent, so to honor those contributions. I'm anxious to see how they respond to that.

Mr. Fete had the following reply:

I'm anxious to see that too because what's strange about it is we're no longer receiving contributions from it because the statute doesn't allow it. So it's basically just kind of sitting there.

Mr. Zucal had the following reply:

So those dollars were given with that intent of continuing to operate and maintain the cemetery.

Mr. Lautenschleger made the following comment:

I anticipated there would be an Executive Session so I would like to ask for one for potential litigation and personnel. I anticipate it will be very brief.

MR. LAUTENSCHLEGER MOTIONED FOR AN EXECUTIVE SESSION REGARDING LITIGATION
MR. ZUCAL SECONDED THE MOTION
7 YEAS
AN EXECUTIVE SESSION WILL BE HELD DURING TONIGHT'S COUNCIL MEETING DIRECTLY FOLLOWING LEGISLATION

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR JOEL DAY
The Planning Commission will be meeting here in Council Chambers tomorrow at 1:00pm. On the Agenda we'll be reviewing central business district sign regulations and also start a discussion on establishing a downtown design review that's included in Chapter 13.33 of the Codified Ordinances.

BOARD OF ZONING APPEALS.....MR. RON MCABIER
The Board of Zoning Appeals will meet tomorrow, May 9, 2017 at 5:00pm here in Council Chambers.

AIRPORT COMMISSION.....MR. JOHN ZUCAL
The Airport Commission will meet tomorrow evening as well, 6:00pm at the Harry Clever Field Meeting Room.

PARK BOARD.....MR. DARRIN LAUTENSCHLEGER
The next meeting of the Park Board is next Wednesday, May 17, 2017 at Noon at the Tuscora Park Office.

HEALTH BOARD..... MR. KELLY RICKLIC.....NO REPORT

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEEMR. DARRIN LAUTENSCHLEGER.....NO REPORT

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

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

SAFETY HEALTH & SERVICE COMMITTEE.....MR. ROB MAURER.....NO REPORT

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

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

**President of New Philadelphia City Council Sam Hitchcock asked Mr. Ricklic to take into his Committee the request from Craft Bistro and Lounge for an additional liquor permit. This is different than the original one. This is a D5. If I'm correct on this I think that is for Sunday sales. If it is it may also have to be a ballot option for the November election. As part of your investigation with the Committee I would ask you to look into that and make sure that is the case.*

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

VISITOR’S COMMENTS:

Julie Levegood Stephon 448 3rd St. NW, Director of the New Philadelphia Business and Community Association, made the following comment:

I just have a few items to go over with Council. First of all, in case you haven't noticed, we have Community Service Workers back on the Square this Spring. In April we logged 44 man hours. They're cleaning, they're sweeping, they're pulling weeds, just maintaining the Square. We are working with about three different agencies so people that need to can complete Community Service hours whether it's through Job and Family, The probation department, the Sheriff's Department. They come to our office and we just start cleaning the square. Also, the hanging baskets will be installed on May 20, 2017. If anyone wishes to join us and help us out with that it's going to be at 9:00am. We'll meet at the House of Stones. Finally, this Saturday we are kicking off our 2nd year of Second Saturday. We have added a month, we've increased it to include May. This is going to be a student focused event, a student Art Walk, area schools are going to be participating in not only displaying their art but the entertainment as well. So we'll have students either at the gazebo or in the center of the Square providing entertainment. There's also going to be food and there will be some other displays around the Square and it will be contained in the Square. I've been working with Ray and the Traffic Department because we will be shutting down the Square from Ashwood and Allen Lanes into the Square, so it starts at 5:00pm if you're not doing anything come down and support our students and just see the hard work they've been doing this year in our schools.

Bill Weisgarber had the following comment:

I'm simply here for Resolution 22-2017 to voice my approval of it. I'd like to encourage Council to do the same. I appreciate the hard work that the Committee has done, the Sub Committee that did all the leg work, I'm sure it took some time. I'm totally in support of it.

COUNCIL COMMENTS:

Mr. Zucal had the following comment:

The New Philadelphia City Schools is going to be losing one of it's veteran long-time employees Charlyn Menapace. If you had any dealings or interactions with Charlyn you know that she always conducted herself with great class and dignity and did a fabulous job relating to the community and keeping all of us apprised of what was happening in the school district. I don't think you find very often, anymore at least, someone who's dedicated 47 years to one singular position in the district like she has. There was a great story that happened the other night at our recognition banquet. That's where she went to school. She started as a young lady and she's walking out the doors as a retired employee after a large portion of her life so it's my hope that maybe Mayor Day, on behalf of that if you haven't already given consideration to, would be willing to honor Charlyn on behalf of the City of New Philadelphia because you don't find someone who has done the work that she's done and done it so gracefully anymore. I think that would be noteworthy. Just one last comment with Mother's Day coming up, I think we're all mindful of the fact that we have so much to be thankful for in our community and we're all here because of the love our mothers have given us. Let's not forget that as a Council.

Mr. Ricklic had the following comment:

I'd like to apologize for being late I was watching my grandson beat Dover 11-1. That is why I was late. I did not get to see the last two outs I did leave before the end of the game.

READING OF ORDINANCES AND RESOLUTIONS

ORDINANCES:

7-2017

AN ORDINANCE ENACTED BY THE CITY OF NEW PHILADELPHIA, TUSCARAWAS COUNTY, OHIO, HEREINAFTER REFERRED TO AS THE LOCAL PUBLIC AGENCY (LPA), IN THE MATTER OF THE STATED DESCRIBED PROJECT. WHEREAS, THE STATE HAS IDENTIFIED THE NEED FOR THE DESCRIBED PROJECT: ADD A TURN LANE TO THE US 250 WB/ IR 77 NB OFF RAMP, THE IR 77 SB OFF RAMP AND ON THE SR 39 APPROACH AT THE CR 21 INTERSECTION AT THE INTERCHANGE OF IR 77, US 250 AND SR 39 NEAR NEW PHILADELPHIA. OPTIMIZE TRAFFIC SIGNAL TIMING AND PHASING AT THE INTERSECTION OF THE SOUTHBOUND IR 77 EXIT RAMP AND SR 39.
2nd Reading

RESOLUTIONS:

22-2017

A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA AUTHORIZING THE MAYOR TO PREPARE AND EXECUTE AN APPLICATION FOR THE TRANSPORTATION ALTERNATIVE PROGRAM THROUGH THE STATE OF OHIO, DEPARTMENT OF TRANSPORTATION FOR THE LAKEVIEW ROAD AND PARK LANE DRIVE IMPROVEMENT PROJECT.

3rd Reading

MR. HOLLAND MOTIONED FOR PASSAGE OF RESOLUTION 22-2017
MR. MAURER SECONDED THE MOTION
7 YEAS
RESOLUTION 22-2017 HAS BEEN APPROVED

23-2017

A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA AUTHORIZING THE MAYOR TO PREPARE AND EXECUTE AN APPLICATION FOR THE TRANSPORTATION ALTERNATIVE PROGRAM THROUGH THE STATE OF OHIO, DEPARTMENT OF TRANSPORTATION FOR THE BLUEBELL DRIVE SIDEWALK IMPROVEMENT PROJECT.
2nd Reading

MR. ZUCAL MOTIONED FOR SUSPENSION OF RULES ON RESOLUTION 23-2017
MR. RICKLIC SECONDED THE MOTION
7 YEAS
RULES HAVE BEEN SUSPENDED ON RESOLUTION 23-2017

MR. ZUCAL MOTIONED FOR PASSAGE OF RESOLUTION 23-2017
MR. RICKLIC SECONDED THE MOTION
7 YEAS
RESOLUTION 23-2017 HAS BEEN APPROVED

**COUNCIL ADJOURNED INTO EXECUTIVE SESSION AT 8:01
AT 8:12 PM COUNCIL RECONVENED INTO REGULAR SESSION OF COUNCIL
UNFINISHED OR OLD BUSINESS: NONE**

NEW BUSINESS: NONE

MR. MAURER MADE A MOTION TO ADJOURN AT 8:12 PM

CLERK OF COUNCIL _____
Julie Courtright

APPROVED _____

PRESIDENT OF COUNCIL _____
Sam R. Hitchcock