

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON JUNE 9TH, 2014 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
MR. DAN LANZER
MR. DARRIN LAUTENSCHLEGER
MR. ROB MAURER
MRS. CHERYL RAMOS
MS. WINNIE WALKER
MR. JOHN ZUCAL

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, MAY 29TH, 2014.
MS. WALKER SECONDED THE MOTION.

ROLL CALL, 7 YEAS
MINUTES WERE APPROVED

CORRESPONDENCE CLERK, PATRICIA A. MCKAY

1. Mayor's Report to Council June 9th, 2014
2. Bulletin from the Auditor of State's Office, date issued June 6th, 2014 to all Public Offices and Independent Public Accountants from Dave Yost, Ohio Auditor of State in regard to Telephone ("Tele") Town Hall Meetings.
3. A flyer from NPBCA in regard to Colors of Summer, "Artists & Merchants Walk" Saturday, June 14th, 2014 6:00 PM – 9:00 PM
4. Notice from Officer Jennifer Horner for the City Auction to be held August 25th, 2014 at 5:00 PM at the New Philadelphia City Garage.
5. City of New Philadelphia Income Tax Department dated June 2, 2014 May 2014 Report Month End Tax Revenue by Year from Joel Day, Income Tax Administrator.
6. Auditor's Financial Statement for the Month of May 2014
7. Auditor's Monthly Statement of 2014 Revenue for the General Fund for May 2014
8. City of New Philadelphia Statement of Cash Position with Month to Date as of May 31st, 2014
9. City of New Philadelphia Budget Report with Encumbrance Details as of May 31st, 2014
10. City of New Philadelphia Fire Department Month-End Summary for May 2014 dated June 3rd, 2014
11. City of New Philadelphia Police Monthly Activity Report for the Month of May 2014

ADMINISTRATIVE REPORTS:

MAYOR'S REPORT/REQUESTS....MAYOR DAVID JOHNSON

The Mayor addressed the following:

May 2014

- o 27th- The Mayor met with IAFF Union Members.
- o 28th- The Mayor reported that he did an interview with TV 2. First in a new series.

June 2014

- o 3rd- The Mayor met with Fire Chief Parrish and the Law Director Marvin Fete.
- o 5th- The Mayor met with New Philadelphia Business and Community Association on downtown and heard presentation on Meth Labs and the County Drug Dog.
- o 8th- The Mayor served at the Annual Hospice Spaghetti Dinner sponsored by Dante's and New Philadelphia Elks 510.
- o 9th- The Mayor had a meeting with Alan Rodriguez on downtown improvements.

SERVICE DIRECTOR.....MR. JAMES ZUCAL

The Service Director reported on the following:

- Service Director continues to give updated on the paving:
 - The Shelly Company came in last Thursday and Friday night to do some work on the downtown pavement.
 - It is an ODOT Project that we were to do a cost share they have their own Inspectors and Department Heads on the project. The Mayor and I are working with them. There are some things we want to change it is not finalized yet. We do think it is a major improvement. Keep in mind that is an ongoing process. Until the City is satisfied and ODOT is satisfied it won't be closed out there are some improvements there and looking forward to working with them for a while yet.
 - The City's General Paving is about 80% complete. We did a lot of work around the New Town Mall. It has been a tough year because of the weather. We are doing a good job.
 - Newton Asphalt is out there working with us they are going to finish up next week.
- Again as the Mayor, said he has been very busy.
 - Duties change we've had a lot of requests by the Department Heads.
 - Employees with various departments would like to meet with us.
 - Tomorrow we are going to meet with the General Services Division.
 - We are going to have weekly meetings with all five Departments that serve us.
 - Hopefully we get on track, share information with them, and keep moving forward.

➤ Mayor Johnson requested an Executive Session after the Legislation the pursuant to O.R.C. 102.03B

The Law Director gave an explanation of O.R.C. 102.03B as the Mayor requested. In his opinion based on his consultation with the Mayor it fits the template under 102.03B as a proper requirement for an executive session.

Mr. Lanzer made a motion for an Executive Session after legislation as the Mayor requested pursuant to O.R.C. 102.03B and Ms. Cox seconded the motion.

Roll Call 7 yeas
Motion passed

President of Council Sam Hitchcock:

Be advised we will go into an Executive Session after legislation following a Five Minute Break.

AUDITORMS. BETH GUNDY.....NO REPORT

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

TREASURERMR. AARON HILLYER.....NO REPORT

LAW DIRECTORMR. MARVIN FETE

The Law Director reported the following:

- On June 1st made a correction on Resolution 20-2014 and Ordinance 12-2014: (There were typographic errors.) They were voted on unanimously to be corrected.
- On June 3rd had a meeting (Mayor has already spoke about), with the Mayor and the Fire Chief concerning issues revolving around the Fire Department. I have duties that are related to that I'm working on presently.
- May 29th I received a phone call from one of our citizens, Mr. John Wagner regarding an issue concerning the West High & Key Stop Gas Station which I addressed privately with him.
- On June 3rd reviewed the Clerical Contract almost as closely as he reviewed it back when he approved it as a form when Council voted on it.
 - We had a change in our office.
 - Previously had a full time secretary Wanda McEnroe.
 - The assistant was Rachel Ciereszewski.
 - Previously there was an opening in the Water Department, Wanda McEnroe had a bid on and was awarded that position.
 - By virtue of my ability under the contract to move someone into that position he moved Rachel into that position.
 - Rachel Ciereszewski bid on that position and was awarded the position.

We have now lost Rachel. Wanda has returned to our office. Because Wanda has come back Rachel was the second bid for the Water Department job. We ended up losing the assistant we previously had in that position very knowledgeable of the office.

Wanda will be there on a full time basis.

The Law Director had several meetings with Doug Jackson in relation to that position and bringing in another assistant.

Also had two phone conferences with Matt Baker to make sure he was interpreting the contract the way it was intended and just to get a second opinion.

Matt Baker is our legal consultant for purposes of negotiating union contracts.

Having met with Doug Jackson, we are going to be having a meeting in the near future to go over some office policies and to decide how we are going to move forward in that office.

At this time we don't have any immediate plan to replace Rachel,

Which is going to be a tremendous burden on Wanda McEnroe in terms of what she is going to do to pick up the slack we will only have one person in that office.

As everyone knows Honorable Judge Von Allman runs three court rooms almost full time. That places a great burden on the Prosecutor's Office and in turn places a large burden on Wanda McEnroe.

Right now Doug Jackson, Chief Prosecutor, or the Law Director doesn't have any immediate plan to fill Rachel Ciereszewski's position.

- o The Law Director drafted a Resolution 21-2014, Resolution 22-2014, and Resolution 23-2014. They have been given to the Clerk even though they won't be on the agenda until the June 23rd, 2014.

- o This morning had to report to receive a judgment that was in the Common Pleas Court which gave us a default Judgment. The Law Director Filed a number of complaints with regards to the West High Widening Project.

This involved the taking clause of the constitution so we could continue with this project and we had to file motions in Common Pleas Court to settle the cost of what it would cost the City and the State of Ohio in order to get this property.

ODOT had previously negotiated with all the people who live where the project is being done. We are requesting about ten feet off their property to expand West High. The last outstanding hold out we have now successfully, through the Law Directors Office, won default judgments on all six of the properties. There are no longer any obstacles to the City to move forward with the West High Widening Project.

Question from Council Person Mrs. Ramos for the Safety Director.

The year to date total of the Fire Department overtime from January through May \$165,075. What do you attribute that to?

Mr. Popham replied:

It is based on the call volume.

It is a combination of in the monthly report it breaks down exactly what kind of runs they go on. It is a combination of Service Calls, Fire Calls, and EMS Calls.

It is also because of the overtime that is based on the Union Contract and Minimum Manning.

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR DAVID JOHNSON

Mayor Johnson announced the Planning Commission meeting for Tuesday June 10th, 2014 at 1:00 PM in Council Chambers has been cancelled. There are no items.

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

Mr. James Zucal announced the Board of Zoning Appeals will meet Tuesday, June 10th, 2014 at 5:00 PM in Council Chambers there is one variance request.

AIRPORT COMMISSION.....MR. JOHN ZUCAL

Mr. Zucal announced the Airport Commission will meet Tuesday June 10th, 2014 at 6:00 PM in the Airport Meeting Room.

PARK BOARD.....MR. DARRIN LAUTENSCHLEGER

Mr. Lautenschleger announced the Park Board Meeting will meet Wednesday June 25th, 2014 at 7:00 PM at the Tuscora Park Office. (The first part of the meeting will be devoted to a discussion of the Southside Community Park)

HEALTH BOARD..... MS. SANDY COX

Ms. Cox announced that the next scheduled meeting for the Health Board is Wednesday, June 11th, 2014 at 12:00 (Noon) at the Health Department.

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEEMS. SANDY COX

Ms. Cox announced the Finance Committee will have a meeting on Monday, June 23rd, 2014 at 7:00 PM in regard to the Handbook and there are a couple resolutions that will be looked at also.

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

President of Council, Sam Hitchcock wanted to know if the Salary Committee had any Upcoming Meetings.

Mr. Zucal announced he has scheduled a meeting for Monday, July 14th, 2014

On what we need to do to be more transparent and to open up Council Meetings to the General Public and make them more accessible and available.

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

Mr. Maurer announced the Safety Health and Service Committee will have a meeting Monday, June 23rd, 2014 at 6:45 PM to discuss a proposed Amendment to Chapter 902 regarding private driveways the Police Auction, and the North Broadway/Wabash Avenue Waterline Replacement Project.

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

Mr. Lautenschleger reported that the Public Works & Economic Development Committee met June 9th, 2014 at 7:00 PM in Council Chambers to discuss one item the Development of a Public Records Request Policy for the City. One of the findings, City Council needs to have an approved and adopted Public Records Request Policy.

Records are being fulfilled for requests when they do come in but this formalizes the process.

There is through the State of Ohio a model public records policy, the Committee voted 3-0 to ask the Law Director to review that, and make suggested changes and provide that to the Committee along with suggested legislation for the Committee to review at a future meeting.

With no further business to be discussed by the Committee, the meeting was adjourned at 7:08 PM.

ZONING & ANNEXATION COMMITTEEMRS. CHERYL RAMOS

Mrs. Ramos announced that the Zoning & Annexation Committee met tonight, June 9th, 2014 at 6:30 PM in Council Chambers to review Oak Shadows Phase Four Development.

“We are going to have a Special Council Meeting on Monday June 16th, 2014 at 6:30 PM to have the first reading and then approve the Ordinance.”

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

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

Comment from the President of Council, Sam Hitchcock:

“A couple meetings ago I assigned to your Committee Cemetery Land. Do you have anything in the works?”

Ms. Walker replied:

“I have not scheduled a meeting because I have had nothing given to me by Mr. Zucal. I spoke with him today. We’ll have to wait.”

Comment from the President of Council, Sam Hitchcock:

“Mr. Zucal hasn’t given you anything on that?”

Ms. Walker replied:

“Not yet.”

Mr. Zucal Replied:

“I will be more than happy to share. There are two pieces of property; I believe are for sale locally that meets the soil types for cemeteries. I did talk with Ms. Walker today I’ll be glad to get with her tomorrow we’ll get that information and get that rolling.”

Comment from the Mayor:

“I would like to know if we are going to stay in the business (Cemetery) or get out of it.”

Ms. Walker replied:

“That’s what Mr. Zucal said also.”

VISITORS COMMENTS:

Mr. Carl Russo
630 Jordan Dr NW
New Philadelphia, Ohio 44663

Mr. Russo's first concern was RITA.

He mentioned that tonight is the third reading and requested that the Ordinance be dumped; reason because it would be taking money out of the area and we can manage things better here.

He would like to see the Income Tax Department tighten up the penalties of nonpayment which will help bring in the Revenue that is owed to the City.

Mr. Russo's second concern was the garbage pickup:

Mr. Russo received a survey in his Water Bill mentioning the privatization of the garbage pickup. He is in favor of privatizing it simply because it would be a local contract and it would be more fiscally responsible for the citizens of this area.

In regard to jobs lost, he feels Mr. Kimble would be happy to take on a few of these people.

Ms. Paula Fawcett
471 Fair Avenue NE
New Philadelphia, Ohio 44663

"When you people are elected to handle our money that does not necessarily mean I want the lowest price I want the wisest decision made with my money. The wisest decision, in Ms. Fawcett's opinion, is to keep our City Income Tax Department Office here and keep the garbage collection here. We have the best there is why would we want to change that."

Mr. Thomas Locker
470 Springbrook Dr. SW
New Philadelphia, Ohio 44663

Mr. Locker's concern was RITA.

Mr. Locker is requesting Council vote no on RITA his reason is we have a good Income Tax Department here anytime there is a question or concern you can personally come to their office and ask the question.

Ms. Cathy Casebeer
1019 Grant Ave. NW
New Philadelphia, Ohio 44663

Ms. Casebeer as a Representative for the AFSCME Clerical Union "we are totally against RITA."

Ms. Shirley Robinson
222 Bank Lane SE
New Philadelphia, Ohio 44663

Ms. Robinson concern was the possibility of the City using RITA for Income Tax Collection.

Ms. Robinson is a local accountant, and has been dealing with RITA for five or six years and informed Council that it has not been a good experience.

Ms. Robinson recommends that we do not go with RITA and that we keep our Income Tax Department.

Mr. Denny Vitt
1061 Kelly Street NW
New Philadelphia, Ohio 44663

Mr. Vitt's recommended that we keep the Income Tax Department here

And "we have the greatest Sanitation Department in the world;" we would be making a big mistake to go private.

Mr. Chad Abuhl
133 Providence Avenue SE
New Philadelphia, Ohio 44663

Mr. Abuhl's concern was the Sanitation Department;

Mr. Abuhl reminded Council that the Sanitation Department is a self funded unit.

His question was, if the Sanitation Department is self funded, how is getting rid of it going to benefit the General Fund? How are you going to pay for the salaries and other expenses that come out of that fund?

At an earlier meeting with Mr. Zucal and the Mayor it was mentioned that we do not need to raise the Sanitation Department Billing.

The survey asks if we are willing to pay an increase for the sanitation and his question was “why was the survey put out.”

Mr. James Locker
258 Bank Lane SE
New Philadelphia, Ohio 44663

Mr. Locker’s concern was the Ordinance for RITA.

Mr. Locker requested that all the Council Members vote that thing down. “We have a good man in the Income Tax Department, Joel Day and I think he is doing a good job.”

Comment from Councilperson John Zucal:

Councilperson John Zucal acknowledged all the folks that were present. It is nice to have a Council Meeting and have people express their concerns and voice their opinions. I think communication is important. And I thank you all for attending tonight.

Comment from President of Council Sam Hitchcock:

Mr. Hitchcock echoed Mr. Zucal’s remarks. And thanked everyone for attending.

READING OF ORDINANCES AND RESOLUTIONS

ORDINANCES:

10-2014 AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEW PHILADELPHIA, OHIO TO ENTER INTO A CONTRACT WITH A REGIONAL COUNCIL OF GOVERNMENTS FOR THE PURPOSE OF ADMINISTRATION AND COLLECTION OF INCOME TAX IN THE CITY OF NEW PHILADELPHIA, OHIO AND DECLARING AN EMERGENCY. (3rd Reading)

Motion to vote on passage Ms. Cox,
Seconded by Mr. Lautenschleger

Comment from Councilperson Mrs. Ramos:

“I oppose RITA for the following reasons:”

1. Many residents have expressed their opposition to RITA to me.
2. Just a few cities our size are part of RITA.
3. They charge around 3% of our total income tax collection which would transfer around \$150,000.00 or more out of our local economy. We need to keep that money here. RITA has verbally said there is a 3% retainer but the contract says 5%. The cost could be higher. No one knows.
4. RITA is a governmental agency outside of our local government to which we would transfer our sovereignty over our tax collection. New Philadelphia with 17,000 residents will have one vote (must be personally present to vote) the same as cities with 300 population but our cost would be prorated (they did not answer my question as to city size/number of filers) when major purchases etc. have to be made. Their top man makes \$219K a year. Governor Kasich is paid \$148,000.
5. RITA has stated certain parts of their contract are no longer in effect but they are still in the contract. 6A
6. We would still have to maintain staff here. So what is the point?
7. They will use the IRS to gain access to our private information and RITA (another agency would have access to our private and personally identifying information.) We all know how the IRS has been recently with their scandals.
8. The Income Tax Department has the most contact with us (the residents) we do not want to have to get answers from an automated system. Many citizens would have trouble navigating the impersonal system I do not want to use a 15 page income tax form when we currently have one. We would have to use their form and rules.

Comment from Mayor Johnson:

The Mayor Reported that the Administration does not recommend RITA.

Comment from Councilperson Ms. Cox:

Ms. Cox was concerned about the response time for several requests she had. With the Mayor indicating he wanted to retain the employees, Ms. Cox reported that she don't see any benefit in joining RITA at the present time.

Roll call, 0 yeas, 7 nays (Ms. Cox, Mrs. Ramos, Ms. Walker, Mr. Lanzer, Mr. Lautenschleger, Mr. Maurer and Mr. Zucal)
Ordinance 10-2014 has failed

11-2014 AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO MODIFY CHAPTER 121.01 RULES OF PROCEDURE FOR COUNCIL AND DECLARING AN EMERGENCY. (2nd Reading)

RESOLUTIONS:
NONE

8:08 PM COUNCIL RECESSED FOR FIVE MINUTES
COUNCIL RECONVENED AT 8:13 PM AND WENT INTO AND EXECUTIVE SESSION AS THE MAYOR REQUESTED PURSUANT TO O.R.C. 102.03B.
COUNCIL RECONVENED AT 8:19 PM.

UNFINISHED OR OLD BUSINESS:
NONE

NEW BUSINESS:

- Councilperson Mr. Zucal thanked the Mayor, the Service Director, and Alan Rodriguez for the recent improvements to downtown New Philadelphia. "Just what the artists have done with the barrels and stuff it looks very nice. I had a chance to stop, talk, and thank them for what they were doing. They are excited to share their talent and to improve our downtown."
- "Just on behalf of the New Philadelphia City Schools, I would like to thank the citizens for their support for the levy. I say that as a member of City Council because I think it is inherent that the City and it schools have a strong relationship. Great Cities Need Great Schools."
- The President reminded everyone of the Special Council Meeting on Monday June 16th, 2014 at 6:30 PM in Council Chambers. The meeting was requested by three Council Members and the purpose was Ordinance 12-2014 Oak Shadows Plat IV.
- The President commented on the Community Hospice Benefit that was held at the New Philadelphia Elks on Sunday. Mr. Hitchcock mentioned how it has grown and how the community and its leaders come together including the Mayor to make this event very successful. It is a credit to Betty Drabik's memory and a credit to our community. "It makes me proud to be a citizen of the City of New Philadelphia."

MS.COX MADE A MOTION TO ADJOURN THE MEETING AT 8:23 PM.

CLERK OF COUNCIL _____

APPROVED _____

PRESIDENT OF COUNCIL _____