

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON JUNE 27, 2016 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:

MR. DEAN HOLLAND
MR. DARRIN LAUTENSCHLEGER
MR. ROB MAURER
MRS. AIMEE MAY
MRS. CHERYL RAMOS
MR. KELLY RICKLIC
MR. JOHN ZUCAL

EXCUSED ABSENSE:

SAFETY DIRECTOR GREG POPHAM

MRS. RAMOS MOTIONED TO APPROVE THE AGENDA
MR. ZUCAL SECONDED THE MOTION
7 YEAS
THE AGENDA HAS BEEN ACCEPTED

- MR. ZUCAL MOTIONED TO ACCEPT THE MINUTES FROM THE REGULAR COUNCIL MEETING MONDAY, JUNE 13, 2016.
MRS. RAMOS SECONDED THE MOTION
7 YEAS
THE MINUTES WERE ACCEPTED

CORRESPONDENCE CLERK, JULIE COURTRIGHT

1. *To Safety Director Greg Popham from Fire Chief Jim Parrish, dated May 24, 2016, This letter was in regards to the need to replace a 1990 Tanker for the Fire Department. The letter and supporting documents were given to President of New Philadelphia City Council Sam Hitchcock to assign to a Committee. Tonight President Hitchcock assigned this to the Finance Committee.*
2. *To Council and Administration from Councilwoman Cheryl Ramos, dated June 24, 2016. Mrs. Ramos forwarded the following documents: The Hamilton, Oh. Ordinance, Talking Points for House Bill 523 and House Bill 523.*
3. *To Council and Administration from President of New Philadelphia City Council Sam Hitchcock, dated June 16, 2016. This was an invitation from the Tuscarawas County Chamber of Commerce to attend a Ribbon-cutting Ceremony for the newly renovated Boulevard McDonald's, which was held on Tuesday, June 21, 2016 at 10am.*
4. *To Health Commissioner for the City of New Philadelphia Vickie Ionno from President of New Philadelphia City Council Sam Hitchcock, dated June 16, 2016. The email correspondence was in response to Ms. Ionno's email regarding Councilwoman Aimee May's inability to represent Council at the Board of Health Meetings and recommending Councilman Kelly Ricklic as her replacement. President Hitchcock emailed Councilman Ricklic on June 16 and asked him to accept the assignment.*
5. *To Clerk of Council Julie Courtright from the Ohio EPA, dated June 18, 2016, this is a Public Notice of Receipt of 401 Application.*
6. *To Council and Administration from Mayor Joel Day, dated June 27, 2016, this is The Mayor's Report.*
7. *To Council and Administration from Fire Chief Jim Parrish, dated June 27, 2016, a few facts regarding the tornado sirens.*

Administrative Reports.....

MAYOR'S REPORT/REQUESTSMAYOR JOEL B. DAY

The Mayor reported the following:

Mayors Association of Ohio Conference: The effect of House Bill 5 on city budgets was the main topic of discussion at the annual Mayors Association of Ohio Conference I attended last week in Dublin. HB 5 resulted in New Philadelphia and other municipalities having to rewrite its income tax code to comply with the changes made to Ohio Revised Code chapter 718. Many mayors, including myself, spoke out against the confusing changes and unfunded conversion costs mandated by HB5. (cont.) Governor Kasich has already signed into law legislation that restores the original monthly withholding reporting dates. If more rollbacks aren't passed by the legislature, it's likely that the Association will send a resolution to the Statehouse asking for the repeal of HB 5.

- Planning Commission Work on the Central Business District and Digital Signage : As a result of the rezoning request now before Council, I have asked the Planning Commission to examine the boundaries of the Central Business District and research whether the conditional uses of the zoning are contiguous to downtown revitalization. Input will be sought from members of the New Philadelphia Business and Community Association as well as property owners in the area. The Service Director's office is gathering information to present to the Planning Commission regarding the need to update regulations on the use of electronic or digital signs. Such signs are replacing traditional signage. The Commission should recommend changes to the city's building and zoning codes that assure digital signs do not become distractions and that they fit into the overall design of the city.
- Gradall Celebrates the Production of its 20,000th Excavator : I had the honor of being invited to represent the city at the June 24th ceremony marking the production of Gradall's 20,000th excavator. Since 1950 Gradall has been the foundation of New Philadelphia's manufacturing base. The fact that the company has survived several ownership changes over the years is a tribute to the skill and commitment of Gradall's management and workforce. We are grateful for what Gradall has meant to this community and look forward to the company's continued success.
- The Renovation of the McDonald's Restaurant on 4th Street NW: I also was honored to participate in the June 21st ribbon cutting ceremony at the newly renovated McDonald's Restaurant on 4th Street NW. I thanked owner Vickie Lewis and her family for their long time commitment to New Philadelphia as an employer and community supporters. It's encouraging to see the growth of local businesses.
- Establishing Safety Training Programs in City Departments: Mary Kurtz, the city's Director of Human Resources, plans to implement employee safety training programs in city departments. I have asked her to attend the July 25th Council meeting to explain the programs and give an update on her activity. There is a need to have formal safety training programs to reduce workplace injuries as well as teach employees how to respond to emergency situations.
- Fire Department Construction Costs to be Reported at this Week's Budget Meeting : Fire Chief Parrish has asked to attend the monthly budget meeting with Auditor Gundy, Finance chair Lautenschleger and Service Director McAber. He wants to show where the money is being spent on the new fire station construction. I think it's a great idea that will give more oversight to the project.
- New Philadelphia Fire Chief Jim Parrish sent me an email saying that he was notified today from The Ohio Department of Public Safety that we have received a Priority One Training and Equipment Grant for \$2,750 for EMS Equipment. That will be used to upgrade one of our stair chairs that we utilize to move patients up or down stairways. We currently have one power chair, and this will equip our second ambulance with one.

Mr. Lautenschleger made the following statement:

I appreciate the look at the signage and determining how best to fit in the overall City structure. From a zoning standpoint also I know of at least two businesses that have erected billboard style signs on their properties that are advertising businesses other than their own. One of which is also encouraging additional advertising. Those would both be in violation. We're probably going to have to start looking at those types of things.

Mayor Day had the following response:

We're investigating.

Mr. Lautenschleger made the following statement:

Also, regarding the Safety Programs, not only do I support that but as some people know I've been a long-time critic of some of our staff members who failed to properly wear or even try to wear their safety equipment. There have been times when I've taken photos and sent those in for my frustration that my previous employer even had the Safety Director there come in and speak to the staff to talk about how important that is. I continued to see that. Just the other day, Downtown in the quadrant area I saw some of our staff without hard hats or eye protection. One of them had on shorts instead of long pants for the type of work that they were doing. That's ridiculous. I can't think of a better term than that to use. I'm hopeful that this will start to get that message through. If not, I think we need to start suspending people without pay to send that message.

SERVICE DIRECTORMR. RON MCABIER

Mr. McAbier had the following report:

- Three things tonight: On the Sidewalk Replacement Program, that is completed. We had 12 homeowners we were able to help out. We signed those today. Everybody who is going to participate put in their half, with our half, and they're on their way. The paving list you have in front of you tonight, that will start late July at the latest with work being done by Newton's Asphalt out of Strasburg. Last week we awarded a \$7,000 Art Grant to help pay for the Headworks Project at the wastewater plant.

Mr. Lautenschleger had the following question:

I've been contacted by a couple constituents who have asked me about the new vehicle that was assigned to the Service Director's Office. It does not have any type of appropriate signage or decals on it. I did look and Ordinance 109.1 says within 60 days you have to have the decal on there so you are within that time.

AUDITORMS. BETH GUNDY

Ms. Gundy had the following report:

- The Audit is completed. It's not filed yet so it's not public. I was asked to ask all of you if there's any interest in having some representatives from Rae and Associates come and talk to you again. Last year it was done because they hadn't done it in a while and had everybody together. This year they can do it again if you want but it's pretty much the same comments and that kind of thing.

MR. ZUCAL MOTIONED FOR A REPRESENTATIVE FROM REA AND ASSOCIATES TO GIVE A PRESENTATION TO COUNCIL

MRS. MAY SECONDED THE MOTION

7 YEAS

TIME WILL BE PROVIDED DURING AN UPCOMING REGULAR MEETING OF COUNCIL FOR A REPRESENTATIVE FROM REA AND ASSOCIATES TO MAKE A PRESENTATION.

SAFETY DIRECTORGREG POPHAM.....EXCUSED ABSENSE

TREASURER MR. TOM GERBER

Mr. Gerber made the following report:

➤ Approximately a month ago Mrs. May asked me, with the Cemetery Funds, “where could we place these from where they are now on the Board?” I came up with some suggestions. I have recently contacted First Federal. They do not have that program anymore, it was a 4-year tier where it eventually went up. I received a letter from them and the interest rate on the 14th month is below 1 percent. It is pitiful. I think if you look everywhere throughout the banks they’re not going to give you any interest rates. It’s not like grandma and grandpa where you’d have the high CDs and the high rates, it’s all below 1 percent. I checked with Chase, they have the availability of which we did the Fire Department funds in, and we have easy access. If something comes at the cemetery and they need to purchase something, do whatever they can, we can make it right away. Beth could make out the check and it can be taken care of. I still recommend the Chase account. This year in May it was .08. There is nothing out there where you are going to have access to these things that will be paying you any interest at all. I’d like to make one additional comment. In the Times Reporter today there was a fantastic article toward the rear of the newspaper. I’ve given every one of you a copy of what it says. “Fentanyl Worries Change Ways Narcotics Officers Operate”. I know this doesn’t deal with the treasury, however, I hope that each one of you would read this. Some of you are probably more up on this, probably more than me, because I was kind of shocked at this thing. You read about two officers making a bust, all they did was breath this stuff and they ended up in the hospital. I just want to make you aware if you don’t think it’s around here it is here. You should all be aware of it. Mr. Lautenschleger, I don’t know if you’re more informed on this or not being associated with the hospital, I think being professional people here we should know what’s going on.

LAW DIRECTOR MR. MARVIN FETE

Mr. Fete had the following report:

➤ Today I spent all morning filling in for one of our prosecutors who had to attend her grandfather’s funeral this morning. In addition to that we’re going to be having one of our prosecutors go on maternity leave in the near future. I’ve authorized Doug Jackson our Prosecutor to begin the search for a fill-in that I would like to retain as an independent contractor, not on a full-time basis but on a part-time basis for a 3 month period. That will likely be paid out of my professional funds from my Law Director account rather than out of the professional funds from the Prosecutor’s account because we use those when there’s conflicts.

➤ I know that a lot of you are aware of an incident that happened at Tuscora Park on Father’s Day Weekend. I’d like to request an Executive Session on the basis of threatened or pending litigation.

MR. ZUCAL MOTIONED TO GO INTO EXECUTIVE SESSION TONIGHT AFTER THE READING OF LEGISLATION

MR. RICKLIC SECONDED THE MOTION
7 YEAS

AFTER LEGISLATION THERE WILL BE A 10 MINUTE RECESS, AFTER WHICH COUNCIL WILL GO INTO AN EXECUTIVE SESSION

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR JOEL DAY

The Planning Commission will meet on Tuesday, June 12 at 1pm in Council Chambers.

BOARD OF ZONING APPEALS.....MR. RON MCABIER

The Board of Zoning Appeals met on June 14, 2016 at 5:00pm in Council Chambers. There were three items that were up for discussion; On the topic of billboard signs, Barnes representing Bill Marino wanted to put up two billboard signs at 218 and 311 South Broadway.

The Board had denied them because of the 600 foot distance between the one by Mark's Place. The next thing that came in front of the Board was Garland Real Estate's doing business as McDonald Drive. Their sign was a few inches over the allowable square footage. They were able to allow that, they okayed that variance on that. Also Midwest Restaurant doing business as Arby's, the same thing there, the sign went over a couple of inches and the Board okayed that also. The next meeting will be Tuesday July 12, 2016 at 5:00pm in Council Chambers.

AIRPORT COMMISSION.....MR. JOHN ZUCAL

The Airport Commission will meet Tuesday July 12th at 6pm at the Airport Meeting Room at Harry Clever Field.

PARK BOARD.....MR. DARRIN LAUTENSCHLEGERNO REPORT

HEALTH BOARD..... MRS. AIMEE MAY.....NO REPORT

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEEMR. DARRIN LAUTENSCHLEGER

Mr. Lautenschleger had the following report:

I have no formal report this evening but I will draw everyone's attention to the Minutes from the Meeting held June 13, 2016. I appreciate members of the Committee and Council standing in while I was gone. I will point out that one of the items I noticed is the subject of Resolution 31-2016, the tentative contract agreement with AFSCME Service Employees. The deadline for dealing with that particular piece of legislation would be July 9, 2016 which means that would be prior to our next Regular Session on July 11, 2016. I would encourage everyone to think about that when we reach legislation this evening. Thank you.

**President of New Philadelphia City Council Sam Hitchcock asked Mr. Lautenschleger to accept the issue of the fire department tanker into his Committee.*

SALARY COMMITTEEMR. JOHN ZUCAL

Mr. Zucal had the following report:

I would like to take the opportunity to once again acknowledge and continue to support our Fire Chief Jim Parrish in his efforts to keep the members of Council and Administration apprised with what's transpiring with the fire station that's being built. Chief Parrish is very concerned with making sure that we're aware how he's operating from a fiscal responsibility. He wants to make sure that folks know that he's doing the right thing, that he's out there continuing to stay on top of that. So, he has requested to be a part of the Budget Hearings that are conducted along with the Mayor and the Finance Committee Chair and the Service Director. They're allowed to come together and talk about that and highlight what's going on. Chief Parrish again had requested to be a part of that. I just think that speaks volumes about the kind of person he is and how he wants to keep Council, Administration, and the Citizens of New Philadelphia informed of where things are going and how we're moving along from a financial perspective and doing our best to keep spending down.

PUBLIC WORKS COMMITTEE.....MR. DEAN HOLLAND

Mr. Holland had the following report:

I would like to set a Committee meeting for 6:00pm on July 11, 2016. The purpose of this meeting will be to review Resolution 30-2016.

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

Mr Maurer made the following statement:

The Safety Health and Service Committee met tonight at 7:00pm and had two items on the Agenda. The first was the Annual City Auction. Pending Council passage we are looking to hold the auction on Monday August 29, 2016 at 5:00pm. Rick Keffer has once again agreed to be the auctioneer. Ms. Horner is the point of contact person should departments have items to add to the auction. The second thing we talked about is Ordinance 8-2016 which addresses people driving on private property to avoid traffic control signals. An example would be down at

Bluebell Drive, driving east on West High. Sometimes drivers will turn into the Speedway parking lot or turn into Denny's to get on Bluebell Drive or wherever they're looking to go. People go through driveways of private businesses to try to avoid traffic signals because there's a line at the traffic light. Other cities have laws addressing this, New Phila does not, so our Committee has given it's blessing to Ordinance 8-2016 which was suggested by the Safety Director and Police Chief Mike Goodwin.

ZONING & ANNEXATION COMMITTEEMRS. CHERYL RAMOS

Mrs. Ramos had the following report:

Our Committee met tonight at 6:00pm and we had two items up for discussion. Carolyn Berry did come and explain her signage and gave us pictures of the signage at 233 Fair Avenue and that Resolution is going to be read for the second time tonight. Also, we had a discussion of medical marijuana sales in the City. We discussed House Bill 523 and municipalities and townships have the authority to restrict or prohibit cultivators, processors and retail sales of medical marijuana. That's a bill that was signed by the Governor. We had several guest speakers that came; Vickie Ionno, Chief Goodwin, Mary Ann Otte, Kerry Metzger, Orvis Campbell, and Sam Hitchcock. They all gave us information, it was a very good discussion. The Committee is going to approve a motion to have the Law Director prepare the appropriate Legislation to ban the sale, dispensaries or medical marijuana in the City and all the zoning areas and that's going to come back to the Committee for approval and from there will go to the Planning Commission and a Public Hearing. We'll be having a meeting on July 11, 2016 to review that Legislation.

SPECIAL & CONTACT COMMITTEEMR KELLY RICKLIC

Mr. Ricklic had the following report:

I would like to set a meeting for July 11, 2016 at 6:30pm. I contacted the Clerk. The purpose of the meeting will be to deal with the Airport Hangars and the McDonald Drive issue.

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

VISITOR'S COMMENTS:

Nicholas Ashton, 408 North Broadway New Philadelphia Ohio.

Mr. Ashton made the following statement:

I'm a resident as of December 22, 2015. My other half Paula works at the VA. I had the pleasure of meeting Mayor Day the first week that he took office and we've been talking ever since. I've been to every Council meeting in the last 3 or 4 months and I commend the Council on the way they do handle themselves. For such a small City your professionalism absolutely stands firm. I'm a world traveller and I commend all of you. I have inserted myself into the Community working with Sam at Tuscora Park where we are doing quite a bit of photography and video and marketing of a great park. I think it's tremendous. I really feel the new Downtown opportunities at Second Saturday is a great way to get the Citizens to enjoy everything that's going on. On a business side, I actually have my offices in the Netherlands so this is why the European thing is good. I'm still in Europe. I also have offices in London and also here. I had the great pleasure last week of riding with our law enforcement because that's part of our business. We are in counter terrorism and cyber crime. It was great to see how the quiet morning which turned out to be exceedingly busy, and I commend again not only the Police Chief but the Officers that I was with. To come up with one other thing, that is we were talking earlier about marijuana. One of the incidents that took place absolutely highlights the issue of drugs. It was a young lady who unfortunately was certainly high. A major issue without going into detail. The girl ended up being "pink slipped" and taken in for evaluation. It was pathetic. In talking to security at the hospital they informed me that this is now so regular it's getting ridiculous at Union Hospital, including down to a 10-year-old child absolutely smashing up a room that was there for psyche evaluation. I mean completely destroying it. We've got to look after our kids. All of my family, by the way, is in marketing, including one black sheep in our family who's a drug dealer in England. I have no feelings for him whatsoever except he is selling to children. So, on the American medical marijuana side I absolutely support what you're doing. You guys do not need to be taking that stance and saying "yes, why not". Don't look at profit. Let's look at liability. Also, speaking of liability regarding the incident that took place at the park, we have a diverse world. We have a world where culture has totally changed and I think we all need to look at making us aware of the diversity change and culturally making those changes, because again it comes down

to liability.

COUNCIL COMMENTS:

Mr. Lautenschleger made the following comment:

We should mention that we have an exciting weekend ahead. The First Town Days Festival, under the leadership again of President Hitchcock and the entire City crews and our Park staff. They work diligently to present an outstanding program. I will also throw out that we do, as part of that event, have a 5k run on Saturday morning at 9:00. For those of us who don't want to run you can go Walk With a Doc, and you can not only walk with a doc, but also Mayor Day and President Hitchcock at 9:00am at Tuscora Park Pavilion and we'll walk through the area, led by Dr. Aruna Rao from Union Hospital.

President of New Philadelphia City Council Sam Hitchcock made the following statement:

We also have the Annual City vs. County Softball Game this weekend. Last year the City team, which normally plays the County team won with a 31-4 score. The Dover Team, which took the trophy across the river, wasn't able to play last year because the game was right on the 4th of July and they weren't able to field a team. So, we're hoping that the City team is going to be ready to face that challenge again under the leadership of the Mayor and bring that trophy back to where it belongs across to this side of the river.

Mr. Zucal made the following comment:

As the Mayor had spoken about earlier, the celebration for Gradall that was highlighted in the newspaper, but again, I believe on behalf of all of City Council we too extend our sincere congratulations to the Gradall corporation for many years of success and wish them all the best here in the City of New Philadelphia as they have been a great asset to our Community.

President of New Philadelphia City Council Sam Hitchcock had the following reply:

Absolutely, Gradall is a very important part of our local economy.

Mr. Holland made the following statement:

I've been preempted by the Mayor, by Mr. Lautenschlager, by Mr. Zucal, however we do have a big week coming up in the Community. It will be a fun time for everyone. I encourage everyone to participate.

READING OF ORDINANCES AND RESOLUTIONS

ORDINANCES:

7-2016 AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO PERMANENTLY REZONE 233 FAIR AVENUE FROM RESIDENTIAL TO CENTRAL BUSINESS.
2nd Reading

RESOLUTIONS:

27-2016 A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, TUSCARAWAS COUNTY, OHIO, AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO PURCHASE A NEW GARBAGE TRUCK.
3rd Reading

MR. LAUTENSCHLEGER MOTIONED FOR PASSAGE OF RESOLUTION 27-2016
MR. HOLLAND SECONDED THE MOTION
7 YEAS
RESOLUTION 27-2016 IS PASSED

28-2016 A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, TUSCARAWAS COUNTY, OHIO, AUTHORIZING AND DIRECTING THE SERVICE

DIRECTOR TO PURCHASE A NEW PLOW TRUCK.

3rd Reading

MR. LAUTENSCHLEGER MOTIONED FOR PASSAGE OF RESOLUTION 28-2016

MR. ZUCAL SECONDED THE MOTION

7 YEAS

RESOLUTION 28-2016 IS PASSED

31-2016

A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO ADOPT THE TENTATIVE AGREEMENT BETWEEN THE CITY OF NEW PHILADELPHIA, OHIO AND LOCAL 1958 AND THE OHIO COUNCIL 8 AFSCME, AFL CIO TO BE EFFECTIVE JANUARY 1, 2016 THROUGH DECEMBER 31, 2018.

2nd Reading

MR. LAUTENSCHLEGER MOTIONED FOR SUSPENSION OF RULES ON RESOLUTION 31-2016

MR. MAURER SECONDED THE MOTION

7 YEAS

RULES ARE SUSPENDED ON RESOLUTION 31-2016

MR. LAUTENSCHLEGER MOTIONED FOR PASSAGE OF RESOLUTION 31-2016

MR. RICKLIC SECONDED THE MOTION

6 YEAS

1 NAY (MRS. RAMOS)

RESOLUTION 31-2016 IS PASSED

32-2016

A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO APPROVING AND SUPPORTING THE DESIGNATION OF U.S. BICYCLE ROUTE 50 THROUGH THE CITY OF NEW PHILADELPHIA, OHIO.

1st Reading

COUNCIL WENT INTO A 10 MINUTE RECESS AT 8:09PM

AT 8:19PM COUNCIL RECONVENED INTO REGULAR SESSION AND ADJOURNED INTO EXECUTIVE SESSION

AT 9:00PM COUNCIL RECONVENED INTO REGULAR SESSION OF COUNCIL

UNFINISHED OR OLD BUSINESS: NONE

NEW BUSINESS:

Mr. Zucal made the following comment:

Happy 4th of July and God Bless America.

MR. MAURER MADE A MOTION TO ADJOURN AT 9:00 PM

CLERK OF COUNCIL _____
Julie Courtright

APPROVED _____

PRESIDENT OF COUNCIL _____
Sam R. Hitchcock