

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON SEPTEMBER 14TH, 2015 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

EXCUSED ABSENCE:

SERVICE DIRECTOR, MR. JAMES ZUCAL
SAFETY DIRECTOR, MR. GREG POPHAM

- MS. COX MADE A MOTION TO ACCEPT THE AGENDA
MRS. RAMOS SECONDED THE MOTION
ROLL CALL 7 YEAS
MOTION PASSED
- MS. COX MADE A MOTION TO ACCEPT THE MINUTES
FROM THE REGULAR COUNCIL MEETING HELD ON MONDAY, AUGUST 24TH, 2015
MS. WALKER SECONDED THE MOTION
ROLL CALL, 7 YEAS
THE MINUTES WERE APPROVED

CORRESPONDENCE CLERK, PATRICIA A. MCKAY

1. An overview from Mike DeWine, Ohio Attorney General (provided by Mr. Gerber)
The Ohio Sunshine Laws 2015, a spirit of open government by promoting:
The Ohio Public Records Act
The Ohio Open Meetings Act
2. FOR IMMEDIATE RELEASE dated September 11th, 2015:
“New Phila Mayor Welcomes Calls About Potholes.”
Mayor Dave Johnson announced today (Friday September 11th, 2015) that he is welcoming calls from City residents who are aware of potholes that need repaired in streets in their neighborhoods and throughout the City.
3. Council Update dated September 14th, 2015 from Amy Gilland, Assistant Service Director
4. Certificate, from the Auditor of State Dave Yost, for Sam Hitchcock who has successfully completed the August 26th, 2015 Certified Public Records Training fulfilling the requirements under Ohio Revised Code Section 109.43(B) effective September 29th 2007.
5. New Philadelphia Police Monthly Activity Report for the Month of August 2015
6. A Notice to Council from the Ohio Division of Liquor Control
Notice dated August 25th, 2015:
***Armitts Trax LLC DBA Kent Café Science Tech/ Founders Performing Arts
300 330 360 University Drive & Patios
New Philadelphia, Ohio 44663***
Notice dated August 31st, 2015:
***B2 Management LLC
601 W High Av & Patio
New Philadelphia, Ohio 44663***
7. Tuscarawas County Board of Developmental Disabilities had their Grand Opening, Saturday September 12th, 2015 they are located at 223 Fair Ave NW, New Philadelphia, Ohio 44663.
8. Bulletin 2015-005 from the Auditor of State’s Office date issued September 1st, 2015 from Dave Yost, Ohio Auditor of State
Subject: Estimating Historical Costs of Capital Assets Using the Consumer Price.
9. Safety, Health, and Service Committee Minutes from August 24th, 2015

10. Correspondence from Councilperson Darrin Lautenschleger dated Thursday August 27th, 2015
In regard to Dog Ordinance
From Mr. Michael Strimbu
Asking that City Council take a look at the Proposed Dog Ordinance and
Stating it is Mr. Strimbu's opinion that some of the measures mentioned are not needed.
11. August 2015 Month End Summary for the New Philadelphia Fire Department.
12. Request from Councilperson Mrs. Cheryl Ramos dated September 8th, 2015 opportunity
For Council to stand to protect our youth and families
Model resolution in opposition to Marijuana legalization to be assigned to a Committee.
13. Finance Committee Meeting Minutes from Monday, August 24th, 2015
14. Mayor's Monthly Statement to Council for the Month of August 2015
15. City of New Philadelphia Income Tax Department August 2015 Report Month End
Tax Revenue by Year submitted by Joel B. Day Income Tax Administrator
16. Ohio Municipal League Memorandum dated August 2015
To City and Village Clerks of Council, Village Clerks and Clerk Treasurers
Subject Ohio Municipal Leagues 64th Annual Conference Registration Information.
17. Salary Committee Meeting Minutes from Wednesday, July 15th, 2015
18. Auditor's Financial Statement for the Month of August 2015
19. Auditor's Monthly Statement of 2015 Revenue for the General Fund for the
Month of August 2015
20. City of New Philadelphia Budget Report with Encumbrance Details as of August 31st, 2015
21. City of New Philadelphia Statement of Cash Position with Month to Date as of
August 31st, 2015.

MAYOR'S REPORT/REQUESTSMAYOR DAVID JOHNSON

Mayor Johnson announced he did not have a formal report for tonight's meeting
The Mayor did confirm, as the clerk announced, we are asking the citizens of New Philadelphia
to inform us of any pot holes in the City of New Philadelphia "we want to know where they are."
So we can repair them as quickly as we can. Just call the Mayor's office.

SERVICE DIRECTOR.....MR. JAMES ZUCAL

Assistant Service Director Amy Gilland had a written report, Council Update for September 14th, 2015 to the Mayor
and the Mayor reported the following:

- Working on the drop off site for yard disposal, hopefully we have that later this fall at the
City Garage.
- Ms. Gilland has been working with Utility Supervisors Health and Environmentalist
Updating the City's Storm Management Plan this is an EPA requirement.
This is something we have been working on; each year the EPA gives us certain sections to do.
(We are on it and ready to go.)

AUDITORMS. BETH GUNDY

Ms. Gundy reported it is not a done deal yet; but we are going to extend our Audit Service Contract with
Rea & Associates for another four years.

The State Auditor's Office is going to allow us to do that.
Ms. Gundy said she had requested that because the contract provision said we could extend it
another year if we wanted to.
Ms. Gundy wrote a letter to the State Auditor saying we wanted to.
There are a lot of benefits having an IPA come in versus the State.
The State Auditor's Office called today and said the law changed, since it was originally a four
year contract we can extend it for another four years and that is what she is looking to do.
The IPA, Rea & Associates, has been cheaper than the State and they are not here for six months,
etc. Ms. Gundy said she just wanted Council to know that.

**SAFETY DIRECTOR.....MR. GREG POPHAM.....NO REPORT
EXCUSED ABSENCE**

TREASURER TOM GERBER

Mr. Gerber reported he along with Mayor Johnson, President of Council Sam Hitchcock, and some Managers from the City of New Philadelphia recently attended a seminar in Newcomerstown on the Ohio Sunshine Law 2015.

Mr. Gerber gave all a copy of a highlight of what was covered at the seminar.

First Page: was a letter from the Ohio Attorney General Mike DeWine
a copy was also given to our Law Director. He says the manual is intended as a guide because most open Law comes from interpretation of the Ohio Sunshine Law by the courts. They encourage local government to seek guidance from their legal Counsel when specific questions arise. That would be to our Law Director.
It was a very good informative meeting.

Second Page was an overview of the Ohio Public Records Act.
The act details how to request public records the act also includes Certain records from disclosure and enforces production when an office denies a proper public records request.
The pages that follow will explain the details of this process.

Third Page was the Ohio Open Meetings Act.
Ohio Open Meetings Act requires public bodies in Ohio to take official action To conduct all deliberations upon official business only in open meetings where the public may attend and observe.
It went on to executive session
it defines some of the questions.

Coming in as a Treasurer he received a request it referenced the Treasurer and what investment companies we utilized. He went to the Law Director and asked "what should he do" the Law Director said act now.

The people that were giving this course were two Attorneys out of Columbus.

Comment from Mr. Sam Hitchcock:

Mr. Hitchcock said the seminar was very informative this was his third time he has attended one of these sessions.
Each time it gets better and is more informative. Mr. Hitchcock said it is probably because he is absorbing a little more. (Building on information from previous times.) There is a lot of information that is given at one of these sessions, there is no way you are going to remember all of it. That is why they give us a booklet to go through.
"as you know, Mr. Gerber, the Law changes all the time" that is why they call it the Revised Code the Administrative Code and sections are no different.
I think this is why we are required for public officials to attend these sessions. It helps us do our jobs better and serve the people we are serving better
"Good Comments Well Taken."

LAW DIRECTORMR. MARVIN FETE

The Law Director reported since his last meeting:

He attended a Steering Committee Meeting as their guest along with the City Auditor

He was asked whether or not he was willing to participate in interest base bargaining.

Mr. Fete signed up for 2 seminars; one is General Information Updates for City Law Directors and Solicitors

And the other one is directly related to Unions and Collective Bargaining.

One is October and the other is in December.

Had a meeting with Craig Barnett and the Fire Chief on the land we drew up, a sales contract for the new Fire Station. I am working with Alban Title to try to figure out a way to transfer the title of that and still have some type of interest with the City not having a mortgagee there are some legal problems with that. The owner is interested in getting it out of his name because he does not want to maintain the property he does not want to cut grass pay or for utilities for a property that is not being used. We will work on that to make sure that happens.

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR DAVID JOHNSON

The Mayor announced the Planning Commission meeting is set for Tuesday, October 13th, 2015 at 1:00 PM in Council Chambers pending any submissions for the agenda

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

The Mayor announced the Board of Zoning Appeals will meet Tuesday, October 13th, 2015 at 5:00 PM in Council Chambers pending any submissions for the agenda.

AIRPORT COMMISSION.....MR. JOHN ZUCAL

Mr. Zucal reported on the Harry Clever Field held on the Labor Day Holiday

Mr. Zucal mentioned the beautiful weather we had for the Labor Day Holiday.

There were a lot of activities at the Airport

The EAA was excited

President Hitchcock mentioned the DC-3 flying over

Mr. Zucal mentioned a lot of rides were given out.

Mr. Zucal announced if you are going down Delaware Drive towards historical Schoenbrunn Village if you look over you can see the newly painted lettering on the Airport.

Mr. Zucal publically thanked Mr. Don Kennedy from the Airport Commission for his efforts on behalf of the beautiful sign.

Mr. Zucal announced that the Airport Commission Meeting will meet Tuesday, October 13th, 2015 at 6:00 PM in the Airport Meeting Room.

PARK BOARD.....MR. DARRIN LAUTENSCHLEGER

Mr. Lautenschleger announced that the next Park Board Meeting will be held Wednesday, September 16th, 2015 at noon at the Tuscora Park Office.

HEALTH BOARD..... MS. SANDY COX

Ms. Cox announced that the next meeting for the Health Board is scheduled for Wednesday, October 14th, 2015 at 12:00 (Noon) at the Health Department.

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEEMS. SANDY COX

Ms. Cox reported the Finance Committee met tonight at 6:30 PM in the Council Chambers.

Item 1: Ordinance 14-2015

Amending and Adjusting the Permanent Appropriations Ordinance for the year 2015.

Increase (Decrease) In Appropriations

General – Law Director

101-0700-5-2000 Travel \$500

(Attending meetings/seminars in regard to Law Director’s duties and union interest based bargaining)

Cemetery

209-4500-5-1230 Medical Insurance \$8,000

(Discussed and approved at the Finance Meeting held on August 24th, 2015 the difference in funding was due to the current superintendent being enrolled in a family plan; whereas the former superintendent was enrolled in a single plan)

Master Capital

437-7708-5-5200 Court \$25,000

(The court wishes to purchase a new vehicle, the old vehicle is being retired. The money will be advanced from Master Capital and will be paid back to the City at the rate of \$500 a month.)

The committee recommends Ordinance 14-2015 added to the agenda for September 28th, 2015, suspension of rules and passed on the first reading.

Item 2: Resolution 23-2015:

A resolution by the Council of the City of New Philadelphia, Ohio to authorize the New Philadelphia City Auditor to issue Blanket Fiscal Officer Certificates, up to a maximum of \$5,000 for each certificate (Purchase Order) and declaring an emergency.

The Auditor informed the Committee this was prompted by The Management Letter from our last Audit. This resolution authorizes the Auditor to issue blanket certificates for a sum not exceeding an amount established by this resolution for these two or three months appropriations.

The committee recommends:

Resolution 23-2015 be added to the agenda for September 28th, 2015 suspension of rules and passed on the first reading.

Item 3: Auditor Gundy discussion of upgrading the Payroll and Accounting Software in the Auditor’s Office

Ms. Gundy is going to take three years to pay for it

We haven’t upgraded for the last 17-18 years

Ms. Cox thinks it is time we do something

This will be an ongoing discussion.

Meeting adjourned at 6:46 PM.

SALARY COMMITTEEMr. John Zucal

Mr. Zucal announced he did not have a formal report.

Mr. Zucal did remind Council Administration and guests the Salary Committee will be meeting on Monday, September 28th, 2015 at 6:30 PM in Council Chambers.

Mr. Zucal said he is looking forward in hearing from Mr. Day and Ms. Gundy in regard to updates and any information they can share with us regarding the new legislation pertaining to the Income Tax Codes.

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

Mr. Maurer reported that the Safety Health & Service Committee met tonight at 7:00 PM to discuss chapter 505 which is Animals and Fowl Ordinance

Mr. Maurer summarized what took place three weeks ago.

The Committee discussed Mr. Holland’s proposal from Springbrook Drive as far as what he was looking to do.

We are looking to mirror vicious and dangerous animals to make them somewhat uniform

And he also added a menacing at the end of the chapter which we briefly discussed.

The committee is going to digest this over the next few weeks and we will have another meeting and try to come to some conclusion.

PUBLIC WORKS & ECONOMIC DEVELOPMENT COMMITTEE DARRIN LAUTENSCHLEGER .NO REPORT

ZONING & ANNEXATION COMMITTEEMRS. CHERYL RAMOS

Mrs. Ramos as per your request: the email I sent to you I would like it to be assigned to Committee.

A possible resolution against Issue 3 which will be on the November ballot.

For Council to take a stand for our families, youth and workforce.

To promote a healthy lifestyle and a safe community.

Comment from the President:

Request is well taken. Mr. Hitchcock assigned it to Safety Health & Service Committee Mr. Maurer Chair for consideration.

SPECIAL & CONTACT COMMITTEEMR. DAN LANZER

Mr. Lanzer reported that the Special & Contact Committee met this evening at 6:46 PM to discuss (2 notices) to Council from the Ohio Division of Liquor Control

Armitts Trax LLC

DBA Kent Cafe

Science Tech/ Founders Performing Arts.

300 330 360 University Dr. & Patios

New Philadelphia OH 44663

Notice dated 8/25/15 responses must be postmarked no later than 9/25/15

Type Stck
D5l D6 Permit Class

B2 Management LLC
601 W. High Av & Patio
New Philadelphia OH 44663

For Type New
D5 Permit Class

Notice dated 8/31/15 responses must be postmarked and asking that objections be made no later than October 1st, 2015.

After a brief discussion the Committee recommended, by a 3-0 vote to move forward, to have these brought before full Council for a vote to authorize the Clerk of Council to date, sign and to immediately forward the notice to the Ohio Division of Liquor Control designating we do not request a hearing.

Mr. Lanzer Made the Motion and
Ms. Cox Seconded the Motion
Roll Call 7-0
Motion Passed.

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

VISITOR'S COMMENTS:
NONE

READING OF ORDINANCES AND RESOLUTIONS

ORDINANCES:

13-2015 AN ORDINANCE AUTHORIZING THE ADOPTION OF A LAND REUTILIZATION PROGRAM AND IMPLEMENTING THE PROVISIONS OF CHAPTER 5722 OF THE OHIO REVISED CODE AND DECLARING AN EMERGENCY. (3RD READING)

Motion to vote on passage by Mr. Maurer
Seconded by Ms. Cox
Roll call, 7 yeas
Ordinance 13-2015 has been passed.

RESOLUTIONS:

22-2015 RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR AND DECLARING AN EMERGENCY. (1ST READING)

UNFINISHED OR OLD BUSINESS:

NONE

NEW BUSINESS:

Councilperson Zucal commented on some of the improvements he has noticed in downtown New Philadelphia That Mayor Johnson had shared with us earlier.

One of the buildings being painted is in the quadrant of the square.

Mr. Zucal welcomed the new State Farm Agency he saw new signage today.

Mr. Zucal said it is always great to see improvements being made toward City Centers.

It reflects who we are as a community.

MS.COX MADE A MOTION TO ADJOURN THE MEETING AT 7:57 PM

CLERK OF COUNCIL _____
Patricia A. McKay

APPROVED _____

PRESIDENT OF COUNCIL _____
Sam R. Hitchcock