

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON FEBRUARY 25, 2019 WITH PRESIDENT OF COUNCIL SAM HITCHCOCK PRESIDING. PRESIDENT HITCHCOCK OFFERED A PRAYER, AND ALL IN ATTENDANCE RECITED THE PLEDGE OF ALLEGIANCE.

COUNCIL MEMBERS IN ATTENDANCE

MR. DEAN HOLLAND
MR. DAN LANZER
MR. ROB MAURER
MRS. AIMEE MAY
MRS. CHERYL RAMOS
MR. KELLY RICKLIC
MR. JOHN ZUCAL

EXCUSED ABSENCE:

LAW DIRECTOR MARVIN FETE
SAFETY DIRECTOR GREG POPHAM

- MR. ZUCAL MOTIONED TO ACCEPT TONIGHT’S AGENDA
MR. LANZER SECONDED THE MOTION
7 YEAS
TONIGHT’S AGENDA HAS BEEN ACCEPTED

- MRS. RAMOS MOTIONED TO ACCEPT THE MINUTES FROM THE FEBRUARY 11, 2019
REGULAR SESSION OF CITY COUNCIL
MR. MAURER SECONDED THE MOTION
7 YEAS
MINUTES FROM THE FEBRUARY 11, 2019 REGULAR SESSION HAVE BEEN APPROVED

CORRESPONDENCE..... CLERK, JULIE COURTRIGHT

1. *To Clerk of Council from Treasurer Tom Gerber, dated February 12, 2019. This is the Investment and Savings Report for January 2019.*
2. *To New Philadelphia City Council and Administration from Brian Mertes, dated Febraury 25, 2019. This is a confidential memo titled “AFSME Local 1958 Service and Maintenance and AFSME Local 1958 Clerical Tentative Agreements”.*
3. *To Council and Administration from Mayor Day, dated February 25, 2019. This is the Mayor’s Report.*

Administrative Reports.....

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

Mayor Day had the following report:

- More than Half of the City Affected by Power Outages from Sunday's Wind Storm: Sunday's high winds caused widespread power outages primarily on the northwest and northeast quadrants of the City. AEP officials told us that three substations were knocked out because of transmission issues. The high winds delayed repair crews yesterday. But they have been working as quickly as possible today to restore service. AEP has sent 20 trucks and 50 linemen from the state of Georgia to help. They are using Tuscora Park as a staging area. The City has an agreement with AEP that allows it. Status updates can be viewed at AEP's web site ([www. AEP.com](http://www.AEP.com)). I thank the City's safety forces and Service Department for their help in responding to emergencies during the period and helping with the storm cleanup.

- Very Encouraging Meeting with Downtown Business and Property Owners: Last Thursday the New Philadelphia Business and Community Association hosted a breakfast meeting at Gavin's with downtown business and property owners. I spoke about the City's efforts to make the downtown area more attractive and open to events, and also the tax abatement available for building improvements. The association's interim director Rick Arredondo gave an overview of the downtown business climate and why membership in the NPBCA benefits all members of New Philadelphia's business community. I hope we can conduct these meetings on a regular basis so that all owners can have a say in the growth of the downtown area.

- Hines Specialty Vehicle Group is now Crane Carrier Company: Last week Service Director McAbier and I visited the Crane Carrier Company on Reiser Avenue SE to meet with company officials and tour the plant. At the first of the New Year, Crane Carrier merged with Kimble Mixer to become an independent company owned by Turnspire Capital Partners LLC of New York City. Company officials said the merger and purchase means that Crane Carrier will stay and grow in New Philadelphia. Crane Carrier manufactures a variety of specialty vehicles, including those for the agriculture, cement mixing, refuse, and drilling and well service industries. Look for Crane Carrier to become a well-known New Philadelphia-based brand like Cooper Standard, Gradall and Timken.

- Request for an Executive Session to Discuss Collective Bargaining Matters : Mr. President I request an executive session with Council members tonight to discuss the tentative collective bargaining agreement the City's negotiating team has reached with Local 1958 of the American Federation of State, County and Municipal Employees (AFSCME). The tentative agreement has been ratified by the union members. It needs Council's approval in order for it to become official.

- My State of the City Report will be issued this week: Today I put the finishing touches on my annual State of the City Report and sent it off to be reviewed by staff members. It will be released to the public later this week. Look for it on the City's social media sites.

MR. ZUCAL MOTIONED FOR AN EXECUTIVE SESSION ON THE MAYOR'S REQUEST
MR. LANZER SECONDED THE MOTION
7 YEAS
AN EXECUTIVE SESSION WILL TAKE PLACE DURING TONIGHT'S COUNCIL MEETING
AFTER LEGISLATION AND A 5 MINUTE RECESS

SERVICE DIRECTORMR. RON MCABIER:

Mr. McAbier had the following report:

I want to update Council on two of the ongoing projects. The Hangar Project, if anyone has been down there they'll see the bones are all up, the trusses are set. They're going to work 7 days a week. They anticipate being done by the end of Monday, March 4, 2019. Electricians will be there Wednesday, and doors are supposed to be on this week also. I look forward to being done by the end of March. I'll have updates as they become available. Also, an update on the new water line that we put in at Crider Ave. Rear. About 605 feet of 12 inch waterline, upgraded from the 10 inch, pressure tested Friday and passed. So that project is completely sized. We need four more services transferred over to that line. Once that happens that project will be completed 100 percent.

AUDITORMS. BETH GUNDY.....NO REPORT

SAFETY DIRECTORMR. GREG POPHAM.....EXCUSED ABSENSE

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

LAW DIRECTOR MR. MARVIN FETE.....EXCUSED ABSENSE

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR JOEL DAY

The Planning Commission will be meeting here in Council Chambers on March 12, 2019 at 1:00 PM. I'm trying to arrange another meeting with Michael McInturf and his graduate students to give us an update on the progress and the Master Plan. So, I'll have more to say about that at our next Council Meeting.

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

The Board of Zoning Appeals met February 12, 2019 at 5:00 PM in Council Chambers with two variance requests. One from a business at 371 South Broadway that was in non-compliance with 1157 having to do with billboards. After a vote it was approved 3-1 to allow the variance request. Then we had a business at 223 Fair Avenue NW non-compliance with 1165.06 B, which is a sign attached to the building. After a discussion it was voted on 4-0 to accept the variance request.

AIRPORT COMMISSION.....MR. JOHN ZUCAL

Just to piggyback on the Service Director’s report with regard to the new Airport Hangars. In our last meeting the Airport Commission did decide that we would love to host a specific ribbon cutting ceremony for those new hangars. When that gets done we’ll have a more fixed date in place and we look to do it on the Friday so we’re able to get some folks in and the media is able to attend, because we do want to celebrate that event in the life of Harry Clever Field.

PARK BOARD.....MRS. AIMEE MAY.....NO REPORT

CEMETERY BOARD.....MRS. AIMEE MAY.....NO REPORT

HEALTH BOARD..... MR. KELLY RICKLIC

The Health Board met on February 13, 2019 at Noon in the Health Department. The topic this month Director of Nursing Nichole Bache explained the communicable disease reporting requirements for the State of Ohio, the different classes of diseases and how they must be reported. If anybody is interested I can make copies of that. She had a nice presentation of how and what the requirements are depending on the level of the disease.

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEEMR. ROB MAURER

Mr. Maurer had the following report:

The Finance Committee met tonight at 6:30 PM to continue working on the 2019 Budget. It's a work in progress. We're probably ¾ of the way through it. I anticipate one more meeting to finish it up which will be on March 11, 2019. On March 25, 2019 I anticipate passage.

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

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

SAFETY HEALTH & SERVICE COMMITTEE.....MR. KELLY RICKLIC.....NO REPORT

ZONING & ANNEXATION COMMITTEE.....MRS. CHERYL RAMOS.....NO REPORT

SPECIAL & CONTACT COMMITTEEMR DAN LANZER

Mr. Lanzer had the following report:

The Special and Contact Committee met this evening at 6:15 PM to discuss Proposed Ordinance 4-2019. It's an Ordinance for Council to amend the Codified Ordinances specifically Chapter 1309 Building Permit Fees, and amend Ordinances 1141.03 and Ordinance 901.01. We had some discussion and questions we want to get answered so I'll schedule a meeting in the near future.

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

VISITOR'S COMMENTS: NONE

COUNCIL COMMENTS: NONE

READING OF ORDINANCES AND RESOLUTIONS

ORDINANCES:

24-2018 AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO AMEND CHAPTER 521 HEALTH, SAFETY, AND SANITATION OF THE CODIFIED ORDINANCES OF THE CITY OF NEW PHILADELPHIA TO INCLUDE SECTION 521.08 (h) GRASS CLIPPING AND FOLIAGE.
3rd Reading

MR. RICKLIC MOTIONED FOR APPROVAL OF ORDINANCE 24-2018
MR. HOLLAND SECONDED THE MOTION
7 YEAS
ORDINANCE 24-2019 HAS BEEN APPROVED

25-2018 AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO AMEND CHAPTER 353.09, OF THE CODIFIED ORDINANCES OF THE CITY OF NEW PHILADELPHIA REGARDING THE WAIVER OF FINES FOR VIOLATION OF PARKING METERS.
3rd Reading

MR. RICKLIC MOTIONED FOR APPROVAL OF ORDINANCE 25-2018
MR. LANZER SECONDED THE MOTION

Mr. Zucal had the following comment:

I just want to make sure that I'm correct in my understanding before I vote on that. From what I understand from Chief Goodwin, in certain cases where someone has been in a business and maybe a meeting has run longer than anticipated, that if they were to be cited that they can turn that ticket over to have it validated. They wouldn't be responsible for it?

Mayor Day had the following response:

That's correct.

Mr. Zucal had the following reply:

The only question I have is how do you anticipate us communicating that to the general public so that folks are aware of that? I had a situation just the other day that was shared with me again. A gentleman was at an important meeting for the community at a local establishment and ended up getting ticketed. He paid it, but I said to him I think we're in a position now where that can be validated. How do you think we can get that communication out?

Mayor Day had the following reply:

The local media can help us, as well as our social media, and the police department can put out a press release on it, and notify the New Philadelphia Business and Community Association.

7 YEAS

ORDINANCE 25-2018 HAS BEEN APPROVED

1-2019 AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO ENACT AN OPERATIONAL PERMIT PROCESS THROUGH THE NEW PHILADELPHIA CITY FIRE DEPARTMENT FOR ITEMS RELATED TO PUBLIC HEALTH AND SAFETY.
3rd Reading

MR. RICKLIC MOTIONED FOR APPROVAL OF ORDINANCE 1-2019
MR. LANZER SECONDED THE MOTION

Patrick Barbee of New Philadelphia, Owner of Three Lil Piggies Food Truck, had the following comment:

How are we going to implement all of this? Especially for food trucks. What if a food truck comes in to Bud and Tooties at 9 o'clock at night? Is the Fire Chief going out to check this truck? Or is it just on a daily operation like myself, and will this eventually include restaurants?

Fire Chief Parrish had the following response:

As far as restaurants we already inspect restaurants right now. They actually get a fee from the Health Department, I'm not sure what that is. That's between them and the Health Department. The fire department does not charge for inspections. As far as if someone comes to Bud and Tooties at 9 o'clock at night are we going to be out patrolling and looking for them? The answer to that obviously is no.

Mr. Barbee had the following response:

I also pay for the Health Department, and I also pay for Conson's to come and check out truck to make sure everything's legit. I get checked 15 times a year. Why would this make it any different? I understand the safety precautions for it all and I believe trucks should have safety precautions, but if it's not going to apply to everybody unless somebody turns them in, is that actually fair enough? How are we going to regulate the inspections at First Town Days?

Chief Parrish had the following response:

We need to communicate that every food truck that sets up at First Town Days needs inspected. Whatever is convenient for the truck owner. If he wants to stop by the fire station and get inspected he can.

Mr. Barbee had the following response:

Do I just mail in my Corson's inspection to you?

Chief Parrish had the following response:

There's more to it than the fire suppression system. The spirit of this is to keep people safe. We're not going to make any money on this. The point is to increase the margin of safety for not only the people who are in the truck but also the people in the community that are buying off of that vendor.

Mr. Barbee had the following response:

I understand that, but that doesn't make a restaurant any safer than me, other than I have propane hooked to the back of my truck. A restaurant can blow up from someone doing something wrong just as easy as my truck can blow up. I don't mind paying the \$50.00, I just want to be fair across the board.

Mrs. Ramos had the following question:

We've heard your concerns expressed a number of times, is there any way to do advanced permitting? To let people know you can't come in unless you have a permit to be here?

Chief Parrish had the following response:

That was my point to having a time that they could stop by the fire station and have their food trucks inspected. It's not going to be a perfect system. It's something we have to communicate to them and we'll do our best to do that the best we can.

Mrs. Ramos had the following response:

So maybe this needs to be thought out some more.

Mr. Zucal had the following comment:

I applaud the safety aspect of it. At our last meeting I continue to reflect on it and I know Three Lil Piggies has been a fixture in our community. Owned by a family that lives here in New Philadelphia. I certainly don't want to hinder their business opportunity. From what I know of the family they're an asset to our community and I would like to further discuss this matter. I think it's warranted. I think there's lots of opportunity and this isn't the time to continue it, it would be in a Committee Meeting, but I've given thought as to, do we hold the individual who's sponsoring the food truck accountable? That the only food trucks that can show up are ones that can provide a City of New Philadelphia permit. Is that the route we want to go? What's the recourse, what's the penalty if they operate without a permit? There's nothing that requires us on a 3rd Reading to pass, I just hope we can look at this a little more fully.

**MR. LANZER RESCINDED SECONDING THE MOTION
ORDINANCE 1-2019 WILL BE HELD FOR A 4th Reading**

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| 3-2019 | AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO REZONE THE 15 PARCELS LISTED IN THE ATTACHED DOCUMENTATION IDENTIFIED AS EXHIBIT A, QUAKER DOME AREA REZONING 2019, AS RECOMMENDED BY THE NEW PHILADELPHIA PLANNING COMMISSION FROM INDUSTRIAL TO BUSINESS ZONING.
2 nd Reading |
| 5-2019 | AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO AMEND CODIFIED ORDINANCE CHAPTER 1167 BUSINESS DISTRICT TO INCLUDE SECTION 1167.14 FOR PURPOSES OF ALLOWING EDUCATION AS A CONDITIONAL USE IN BUSINESS ZONES.
2 nd Reading |

RESOLUTIONS: NONE

**COUNCIL ADJOURNED INTO A 5 MINUTE RECESS AT 8:02 AND
RECONVENED BEFORE GOING INTO EXECUTIVE SESSION AT 8:07.
AT 8:40 PM COUNCIL RECONVENED INTO REGULAR SESSION OF COUNCIL**

UNFINISHED OR OLD BUSINESS: NONE

NEW BUSINESS:

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

The administration would like to thank all citizens who participated in the voluntary “trashcan exchange program” conducted over the weekend in cooperation with the high winds furnished by the National Weather Service. The administration is in further hope that the trashcans you may have received in your yards during the program are of equal or greater value to the ones you may have contributed to someone else’s yard.

Mr. Ricklic had the following statement:

I spoke with the Mayor and some of the other Councilmen to see about getting a Grant Committee together. Since we have a Salary Committee and a Finance Committee, speaking with Mr. Zucal and Mr. Maurer, if there could be some benefit in having a grant writing committee. I just think we’re missing the boat because the only one writing grants now is the Mayor when he has time. If we could get a Committee together that could write some grants and find some money we could get \$50,000 a year.

President Hitchcock had the following question:

Mr. Holland, would you be interested in serving on an Ad Hoc Committee for that purpose?

Mr. Holland had the following response:

I would be honored to serve in whatever capacity I can to assist the Mayor and Council Members.

President Hitchcock made the following statement:

I would like to appoint the Ad Hoc Committee of Mr. Ricklic, Mr. Holland, and Mr. Zucal. It will be among the three of you to decide who’s going to Chair that Committee.

Mr. Maurer motioned to adjourn at 8:45 pm

CLERK OF COUNCIL _____
Julie Courtright

APPROVED _____

PRESIDENT OF COUNCIL _____
Sam R. Hitchcock