

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON AUGUST 12, 2019 WITH PRESIDENT OF NEW PHILADELPHIA CITY 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  
MRS. AIMEE MAY  
MR. ROB MAURER  
MRS. CHERYL RAMOS  
MR. KELLY RICKLIC  
MR. JOHN ZUCAL

EXCUSED ABSENCE: NONE

- MRS. MAY MOTIONED TO ADD ORDINANCE 13-2019 TO TONIGHT'S AGENDA
- MR. HOLLAND MOTIONED TO ADD ORDINANCE 18-2019 TO TONIGHT'S AGENDA
- MR. ZUCAL MOTIONED TO ADD RESOLUTION 17-2019 TO TONIGHT'S AGENDA  
MR. RICKLIC SECONDED THE MOTIONS  
7 YEAS  
ORDINANCE 13-2019, ORDINANCE 18-2019-2019, AND RESOLUTION 17-2019 HAVE BEEN ADDED TO TONIGHT'S AGENDA
- MR. ZUCAL MOTIONED TO ACCEPT TONIGHT'S AGENDA  
MR. HOLLAND SECONDED THE MOTION  
7 YEAS  
TONIGHT'S AGENDA HAS BEEN ACCEPTED
- MR. LANZER MOTIONED TO ACCEPT THE MINUTES FROM THE JULY 22, 2019 REGULAR SESSION OF CITY COUNCIL  
MR. MAURER SECONDED THE MOTION  
6 YEAS 1 ABSTAINED (Mr. Zucal)  
MINUTES FROM THE JULY 22, 2019 REGULAR SESSION OF COUNCIL HAVE BEEN APPROVED

**CORRESPONDENCE** . . . . . CLERK, JULIE COURTRIGHT

1. *To Councilman Holland copied to all of Council from President of New Philadelphia City Council Sam Hitchcock, dated July 25, 2019. This is a forwarded email with the subject "Municipal Bridge Inspection Program Renewal". It states: "Dean, please take the forwarded request into your Committee for*

- consideration. Also, please note the Mayor's request for standard procedure of three readings on any proposed legislation coming out of the Committee.*
- 2. To Members of Council from the Mayor's Executive Assistant Mary Ann Otte, dated July 26, 2019. This is an email with the subject "Invitation". It states "Good Morning, the Mayor is inviting you to view the property located at 1945 Delaware Dr. SE on Tuesday, July 30 anytime between the hours of Noon and 4:00 PM.*
  - 3. To Clerk of Council from Treasurer Tom Gerber, dated August 1, 2019. This is the City of New Philadelphia July 2019 Deposits.*
  - 4. To Councilwoman May, copied to All of Council, from President of New Philadelphia City Council Sam Hitchcock, dated August 1, 2019. This is an email titled "Purchase of Property" It states: Aimee, Please take into your Committee consideration on the Purchase of Property at 1945 Delaware Dr. NE for cemetery department use. It was replied to by Councilwoman May. To Council and Administration from Income Tax Administrator Vickie Daniels, dated August 5, 2019. This is an email with the subject "July Income Tax Report" and it has that as the attachment. To Council and Administration from Auditor Beth Gundy, dated August 6, 2019. This is an email with the subject "Check Report by Check Number July 2019, Check Report by Fund for July of 2019, Expense Report with Incumbrance Detail for July of 2019, Statement of Cash Position with MTD for July of 2019. It has all of those as the attachments.*
  - 5. To Councilman Zucal from President of New Philadelphia City Council Sam Hitchcock, dated August 6, 2019. This is an email with the subject "Forward, please assign the IAFF Tentative Contract Agreement to the Proper Council Committee." It states: "John, please take the Firefighter's Contract into your Committee for consideration. As the Mayor indicates the contract will be in our packets that we receive on Friday. Also please note that the Mayor would like to have Committee action on this prior to the Council Meeting on the 12<sup>th</sup>.*
  - 6. To Councilman Maurer from President of New Philadelphia City Council Sam Hitchcock, dated August 7, 2019. This is an email. The subject is "New Debt Fund". It states "Rob, please take into your Committee the attached email requesting the creation of a new debt fund for the repayment of a loan on the new airport hangars.*
  - 7. To Law Director Fete from Councilman Holland, dated August 7, 2019. This is an email with the subject "ODOT Bridge Inspection Legislation" It states "Marvin, ODOT is requesting an Ordinance recognizing bridge inspection services to be performed by ODOT and the City of New Philadelphia. We passed a similar ordinance in 2016, Ordinance 15-2016. The work to be performed includes bridge load, rating calculations, bridge inspections, scour assessments, and fracture critical plan development. Please prepare the necessary*

- legislation for the Public Works and Economic Development Committee on August 12.*
8. *To Council and Administration from Auditor Beth Gundy, dated August 8, 2019. This is an email. The subject is July 2019 and it has the attachments "SAFER" and "Auditor's Financial Statement for July of 2019".*
  9. *To Council and administration from Mayor Day, dated August 12, 2019. The Mayor's Report.*

**Administrative Reports.....**

MAYOR'S REPORT/REQUESTS ....MAYOR JOEL B. DAY  
 Mayor Day had the following report:

SERVICE DIRECTOR .....MR. RON MCABIER

Mr. McAbier had the following report:

Last week Superintendent Grewell and I were able to walk the rest of the Rt. 416 Paving Project. After that we compiled a list and had a phone conversation with ODOT. Our concerns were shared with them and we put those in letter form and sent it on to ODOT for our final findings. With that they had a couple other things that they didn't exactly like but we shared all our notes and sent them on. From there they notify the contractor. The contractor has 30 days to address our concerns. Within 30 days now they will have to come up with a few little things. The big thing, when you're heading east on High Street the bump when you come across Broadway. I'll have updates on that at the next Council Meeting. Also, on the City paving, we did receive our invoice from Newton Asphalt last week. It was a little under estimate so we do have some money left there. Also a new building is going up at 1216 West High Avenue. It's the old Perkins and Hong Kong Super Buffet. There will be a new retail spot going in there. They should start building within the next month.

AUDITOR .....MS. BETH GUNDY

Ms. Gundy had the following report:

We need to consider a new debt fund for the airport hanger construction for paying off that loan and having 100% of the new rent go into that fund to make those payments. Ordinances that exist right now are telling me that I need to split that money between The Airport Fund and the General Fund and that's not going to work if we're intending for that to pay off the loan. Secondly, the meeting that we would like to have with the auditors post audit. I would like to consider having a Meeting before Council Meetings so that they don't get all wrapped up in whatever else goes on here. Maybe even in a Finance Committee Meeting if that's feasible. I haven't talked to Rob about that yet, but maybe a second meeting in August of the 1<sup>st</sup> Meeting in September we're going to do a pre council meeting. Would that work for people? Are we allowed to go into Executive Session during a Committee Meeting?

President of New Philadelphia City Council Sam Hitchcock replied that yes, we could.

Ms. Gundy continued:

Otherwise if we can't do it that way it would have to be at the first Meeting of September during the general meeting.

Mr. McAbier had the following comment:

I would urge the first meeting in September because we have the Public Hearing on August 26<sup>th</sup>.

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

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

LAW DIRECTOR . . . . . MR. MARVIN FETE

Mr. Fete had the following report:

I've been filling in as a Prosecutor this week. Due to personal reasons one of our will be back on Thursday, but until then I will be filling in and we're also going to welcome back Tara Wright Timberlake who's also going to be filling in at least one of the days to assist me.

**BOARD/COMMISSION REPORTS:**

PLANNING COMMISSION.....MAYOR JOEL DAY

The Planning Commission will be meeting on Tuesday, August 13 here in Council Chambers at 1:00 PM. At this point I don't think we have anything on the Agenda, but I'm sure we will be then.

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

The Board of Zoning Appeals will meet Tuesday, August 13 at 5:00 PM here in Council Chambers. At this time we have one variance request to be heard.

AIRPORT COMMISSION.....MR. JOHN ZUCAL.....EXCUSED ABSENSE

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

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

HEALTH BOARD..... MR. KELLY RICKLIC

The Health Board met on July 10, 2019 at 12 Noon in the Health Department. The monthly topic was a brief overview of the accreditation process that we're still going through. This is something we have to do to be in compliance to keep our Health Department. They're still spraying for mosquitos and doing the best they can with the weather.

**STANDING COMMITTEE REPORTS:**

FINANCE COMMITTEE .....MR. ROB MAURER.....NO REPORT

*\*President of New Philadelphia City Council Sam Hitchcock asked Mr. Maurer to take the Airport Fund into his Committee.*

SALARY COMMITTEE .....MR. JOHN ZUCAL.....EXCUSED ABSENSE

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

SAFETY HEALTH & SERVICE COMMITTEE... MR. KELLY RICKLIC

Mr. Ricklic had the following report:

The Safety, Health, and Service Committee met tonight at 7:12 PM in Council Chambers. There were three items before Committee: Resolution 14-2019, Resolution 15-2019, and Resolution 16-2019. Resolution 14-2019 had to do with two plow trucks, Resolution 15-2019 was a garbage truck purchase, and Resolution 16-2019 was the lease for the cell tower. All three of the items were motioned to be added to the Agenda for tonight and seconded. All three passed 3-0. The Meeting adjourned at 7:29 PM.

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

SPECIAL & CONTACT COMMITTEE .....MR DAN LANZER

Mr. Lanzer had the following report:

The Special and Contact Committee met this evening at 6:45 PM. We discussed the replacement pages for the Codified Ordinances. The Committee voted 3-0 to add Proposed Ordinance 11-2019 to tonight's Agenda.

PARKS & CEMETERY COMMITTEE .....MRS. AIMEE MAY .....NO REPORT

**VISITOR'S COMMENTS: NONE**

## COUNCIL COMMENTS:

Mrs. Ramos had the following comment:

On the Ward I Cemetery Master Plan Meeting that is August 1 at 7:30 PM at 335 Union Ave. NW, commonly known as the Potter's House. Kelly Herron, the Cemetery Superintendent will be presenting the Master Plan. After that's done if there's any concerns from Ward I people can express those in a town hall format.

Mr. Holland had the following comment:

Something just to bring to everyone's attention. I've been contacted regarding I have been contacted regarding signs going up around our city with the address [imperialkratom.com](http://imperialkratom.com) and concerns for the advertising stated on the signs of drugs that represent a "legal high," and a telephone number to place an order. I have conducted a little research about this drug and want to share what I found with members of this body. Advocates say the herb Kratom offers relief from [pain](#), [depression](#), and [anxiety](#). Scientists say it may hold the key to treating chronic pain and may even be a tool to combat [addiction](#) to [opioid medications](#).

The Drug Enforcement Administration (DEA) was initially moving to ban its sale citing an "imminent hazard to public safety." The DEA has announced it would make Kratom a Schedule 1 drug -- the same as [heroin](#), LSD, [marijuana](#), and [ecstasy](#). The decision was delayed after members of Congress urged the DEA to delay the ban and give the public a chance to comment.

The DEA has withdrawn its initial intent to make Kratom a Schedule 1 drug and established *public comment period*. The DEA has asked the Food and Drug Administration (FDA) to speed up a previously requested scientific and medical evaluation of Kratom along with a scheduling recommendation. The agency says Kratom has a high potential for abuse and no current medical use.

What Is Kratom? Kratom is a tropical tree in Southeast Asia. In low doses, Kratom acts as a stimulant. In larger amounts, it acts as a sedative, and the DEA says it can lead to psychotic symptoms and psychological addiction. According to the Centers for Disease Control (CDC), about 42% of cases of Kratom use reported between 2010 and 2015 involved non-life-threatening symptoms that required some treatment placing a burden on the medical system. About 7% of exposures were classified as major and life-threatening. The DEA says it knows of 15 Kratom-related deaths between 2014 and 2016.

Kratom has been on the DEA's list of drugs and chemicals of concern for several years and they note that *it's use appears to be going up*. Law enforcement agencies across the country seized more Kratom in the first half of 2016 than ever before, indicating a climb in usage. U.S. poison control centers received 263 calls about Kratom in 2015, a tenfold increase from 2010, the CDC says.

How Kratom Works In mice, Kratom targets a part of the [brain](#) that responds to drugs like *morphine*, *codeine*, and [fentanyl](#). These types of drugs are called opioids.

Anecdotal reports suggest it is less addictive than opioids but, many companies in the U.S. advertise it as a legal high. Several Southeast Asian countries have outlawed it because of addiction concerns. What's Next? After the public comment period expires, the DEA could proceed with banning Kratom, which would trigger another comment period. It could decide to temporarily make Kratom a schedule 1 drug. Or it could decide to take no action.

In March of this year the Ohio Pharmacy Board voted to allow the drug to be sold in Ohio even though the drug is 13 times stronger than Morphine and the fact that several states have already moved to make Kratom illegal.

**READING OF ORDINANCES AND RESOLUTIONS**

ORDINANCES:

- 11-2019 AN ORDINANCE TO APPROVE, ADOPT, AND ENACT THE CURRENT REPLACEMENT PAGES TO CODIFIED ORDINANCES.  
1<sup>st</sup> Reading
- 12-2019 AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO PERMANENTLY REZONE PARCEL NO. 43-03778-000 LOCATED ON 1226 KADERLY STREET NW AND PARCEL NO. 43-0378L0-000 LOCATED ON 1230 KADERLY STREET NW IN THE CITY OF NEW PHILADELPHIA, OHIO, FROM RESIDENTIAL TO BUSINESS ZONE.  
1<sup>st</sup> Reading

RESOLUTIONS:

- 13-2019 A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO COMMEND EUGENE GRASSELLI FOR HIS 30 YEARS OF SERVICE AND DEDICATION TO THE CITY OF NEW PHILADELPHIA, WHICH INCLUDED THREE YEARS IN GENERAL SERVICES, 24 YEARS IN THE WATER DEPARTMENT, AND THREE YEARS AS ASSISTANT SUPERINTENDANT IN THE WATER AND WASTEWATER DEPARTMENT  
2<sup>nd</sup> Reading
- 14-2019 A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, TUSCARAWAS COUNTY, OHIO, AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO PURCHASE two (2) NEW PLOW TRACKS.  
1<sup>st</sup> Reading
- MR. RICKLIC MOTIONED FOR SUSPENSION OF THE RULES ON RESOLUTION 14-2019  
MR. LANZER SECONDED THE MOTION  
6 YEAS

RULES HAVE BEEN SUSPENDED ON RESOLUTION 14-2019

MR. RICKLIC MOTIONED FOR APPROVAL OF RESOLUTION  
14-2019

MR. LANZER SECONDED THE MOTION

6 YEAS

RESOLUTION 14-2019 HAS BEEN APPROVED

15-2019

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.

1<sup>st</sup> Reading

MR. RICKLIC MOTIONED FOR SUSPENSION OF THE RULES FOR  
RESOLUTION 15-2019

MR. MAURER SECONDED THE MOTION

6 YEAS

RULES HAVE BEEN SUSPENDED ON RESOLUTION 15-2019

MR. RICKLIC MOTIONED FOR APPROVAL OF RESOLUTION  
15-2019

MR. LANZER SECONDED THE MOTION

6 YEAS

RESOLUTION 15-2019 HAS BEEN APPROVED

16-2019

A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW  
PHILADELPHIA, TUSCARAWAS COUNTY, OHIO, TO RATIFY  
AND APPROVE THE LEASE CONTRACT FOR CELL TOWER  
CONSTRUCTION BETWEEN THE CITY OF NEW PHILADELPHIA,  
OHIO AND TOWERCO LLC 2013 A DELAWARE LIMITED  
LIABILITY COMPANY, A COPY OF WHICH IS ATTACHED  
HERETO AND INCORPORATED HEREIN BY REFERENCE AS IF  
FULLY REWRITTEN.

1<sup>st</sup> Reading

**UNFINISHED OR OLD BUSINESS: NONE**

**NEW BUSINESS: NONE**

Mr. Maurer motioned to adjourn at 8:00 pm

CLERK OF COUNCIL \_\_\_\_\_  
Julie Courtright

APPROVED \_\_\_\_\_

PRESIDENT OF COUNCIL \_\_\_\_\_  
Sam Hitchcock