

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON OCTOBER 11, 2021 WITH PRESIDENT DON KEMP PRESIDING. PRESIDENT KEMP OFFERED A PRAYER, AND ALL IN ATTENDANCE RECITED THE PLEDGE OF ALLEGIANCE.

COUNCIL MEMBERS IN ATTENDANCE

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

EXCUSED ABSENSES

MR. DEAN HOLLAND

- MR. RICKLIC MOTIONED TO ADD ORDINANCE 21-2021 AND ORDINANCE 22-2021 TO TONIGHT’S AGENDA
MR. LANZER SECONDED THE MOTION
6 YEAS
ORDINANCE 21-2021 AND ORDINANCE 22-2021 HAVE BEEN ADDED TO TONIGHT’S AGENDA
- MR. MAURER MOTIONED TO ADD RESOLUTION 31-2021 TO TONIGHT’S AGENDA
MR. ZUCAL SECONDED THE MOTION
6 YEAS
RESOLUTION 31-2021 HAS BEEN ADDED TO TONIGHT’S AGENDA
- MRS. RAMOS MOTIONED TO ADD RESOLUTION 32-2021 TO TONIGHT’S AGENDA
MRS. MAY SECONDED THE MOTION
6 YEAS
RESOLUTION 32-2021 HAS BEEN ADDED TO TONIGHT’S AGENDA
- MR. ZUCAL MOTIONED TO ACCEPT TONIGHT’S AGENDA
MRS. MAY SECONDED THE MOTION
6 YEAS
TONIGHT’S AGENDA HAS BEEN ACCEPTED
- MRS. RAMOS MOTIONED TO APPROVE THE MINUTES FROM THE SEPTEMBER 27, 2021 REGULAR SESSION OF COUNCIL
MRS. MAY SECONDED THE MOTION
6 YEAS
MINUTES FROM THE SEPTEMBER 27, 2021 REGULAR SESSION OF COUNCIL HAVE BEEN APPROVED

CORRESPONDENCE CLERK, JULIE COURTRIGHT

1. *To Council and Administration from Mayor Day, dated October 6, 2021. This is a forwarded invitation from the Tuscarawas County Chamber of Commerce for the Shoenbrunn 250 Mural Ribbon Cutting Ceremony on Tuesday, October 12 at Noon in front of the Mural.*
2. *To President Kemp from Councilman Dean Holland, dated October 10, 2021. This is an email titled “Excused Absense” . It states “I will be unable to attend the Council Meeting and Committee Meetings on October 11, 2021. I am requesting an excused absense.”*
3. *To Clerk of Council from Treasurer Gerber, dated October 10, 2021. This is the City of New Philadelphia Deposits to the General Account.*
4. *To Clerk of Council from the Ohio Division of Liquor Control, dated October 7, 2021. This is a Notice of Legislative Authority to Speedway LLC DBA Speedway 1260 W. High Ave. New Phila. This is a C1 and C2 Permit mailed on October 27, 2021. To be postmarked no later than November 8, 2021. It states “Important*

Notice, please complete and return this form to the Division of Liquor Control whether or not there is a request for a hearing". I forwarded this to President Kemp.

5. *To Clerk of Council from the Ohio Division of Liquor Control, dated October 10, 2021. It was mailed on October 7, 2021. Responses must be postmarked no later than November 8, 2021. This is a Notice of Legislative Authority Permit Classes C1 and C2. To Speedway LLC DBA Speedway 6242, 243 N. Broadway New Philadelphia, Oh. This states "Important Notice, please complete and return this form whether or not there's a request for a hearing. I forwarded this to President Kemp.*
6. *To Council and Administration from Mayor Day, dated October 11, 2021. The Mayor's Report.*

MAYOR'S REPORT/REQUESTSMAYOR JOEL B. DAY

Mayor Day gave the following report:

- **A Good Outcome for a Dilapidated Property:** A house at 481 Fair Avenue NE that was marked with a tear down order has been sold to a new property owner who intends to make necessary repairs to restore the structure to a livable condition. This is the preferred outcome for any property owner who is cited under local codes and the International Property Maintenance Code. Tear down orders are a last resort for negligent property owners. The City will continue its aggressive program and use tear down orders, when necessary, to rid neighborhoods of dilapidated or abandoned properties.
- **Fire Department EMS and Fire Calls are on Track to Substantially Exceed Last Year's Amount:** According to Fire Chief Jim Parrish, the department is on course to far exceed last year's 3,080 Emergency Medical Response and fire calls. As of today, the department has answered 2,614 calls. That's 260 more than last year at this time, with two and a half months left in this year. The Chief's statistics also show that 32 percent of the EMS calls were related to mental illness and drug abuse. He also points out that, thanks to the federal SAFER grants used to hire nine additional firefighter/EMT's over the past four years, his department had the manpower to handle the increase. 75 percent of the calls are for emergency medical services. In addition, the fire loss so far this year has totaled \$154,000 compared to \$910,020 in all of 2020. He attributes the downward trend to the work of the department's Fire Prevention Bureau.
- **The City's Fire Inspector Works on a New Plan for Festival Fireworks:** The safe area at Tuscora Park will be expanded for next year's First Town Days Festival fireworks display. At a meeting this (Monday) morning with City department heads, City Fire Inspector Captain Jim Sholtz explained the changes that will be necessary because the 2022 Festival fireworks display will be bigger and better. Slightly more area will be off limits to parking and people around the Tuscora Park baseball field and stadium parking lot. Captain Sholtz will be meeting with Festival committee members soon to make them aware of the new safe area. None of the festival's vendors should be affected by the change.
- **New Contract Negotiations are Set to Begin with the City's Bargaining Units:** The existing three-year contracts with the City's bargaining units will expire on December 31st. That's why plans are underway to begin negotiating new agreements with employees of the clerical, general services, fire, and police unions. The City administration's bargaining teams will sit down with union representatives later this month to get the process started.
- **Ribbon May Be in Short Supply in New Philadelphia This Week:** Three ribbon-cutting ceremonies will be held this week in New Philadelphia. The first will be on Tuesday (October 12th) at noon to dedicate the new mural to celebrate the 250th anniversary of the founding of Schoenbrunn Village. The mural was designed and painted by several local artists. It's located on the side of The Eye Doctors building at 163 West High Avenue. The second ribbon-cutting will be on Saturday, October 16th at 10am to officially open the Artagain Alley, that joins First Drive SW with West High Avenue behind the ManCan building downtown. The lighted walkway will feature a gallery of murals designed by local artists. The project was funded by community members and has been a collaboration between local merchants and the Tuscarawas Arts Partnership. The third ribbon-cutting will be held on Sunday, October 17th at 2pm, when the Tuscora Park Foundation dedicates the newly constructed basketball courts at Tuscora Park. That ceremony will mark the official opening of the Tuscora Park courts, as well as the new basketball court on South Broadway at the old South School. The Foundation will hold a chicken BBQ fundraiser at the park, beginning at 11am, as a lead-in to the event. I invite everyone to attend these ceremonies. They will celebrate improvements to our City, and the people and businesses that made them possible deserve our thanks.

SERVICE DIRECTOR.....MR. RON MCABIER

Mr. McAbier had the following report:

The 2nd St. to 4th St. Minnich Ave. Waterline Project has started today. They've got the tie-in done on 2nd Ave. to Minnich. That will continue for approximately two more weeks. Next Monday the Countryside and Lakeview Intersection will be torn up for the third phase of the storm sewer upgrade. Paving update: Highland Ave. is getting topped. It didn't get completed today. We've got a new section on 2nd Street that goes into the new duplexes. In approximately two weeks they'll come back in and they'll still have to finish Allen Lane. Also I want to talk about the Park Pond and the Lagoon. The Park Pond is much better. They put in the 45 fish last week. In the lagoon it's a slow process but there's not much they're getting as far as dredging. They'll continue working on that seven days a week and they'll be there about three more weeks.

Mr. Zucal asked the following question:

The area between Broadway and 2nd Street NW, will they be doing anything with that?

Mr. McAbier had the following response:

Yes, that's Diversified's Project so I don't have an approximate date. It will be done before the end of the year.

Mr. Ricklic had the following question:

Do we have a new Assistant General Service?

Mr. McAbier had the following response:

Yes, Mike Pyle.

AUDITORMS. BETH GUNDYNO REPORT

SAFETY DIRECTORMR. GREG POPHAM

Mr. Popham had the following report:

In the Police Department over the last two months there have been over 75 calls for service for drug related or mental health issues, which continues to be a drain on the services that we provide.

Mr. Ricklic had the following question:

Any update on the new police dog?

Mr. Popham responded:

As far as I know he has not started his training yet.

Mrs. Ramos had the following question:

The two individuals that have to do their training yet are the two new hires, correct?

Mr. Popham responded:

Correct.

Mrs. Ramos had the following question:

Do you see an increase in Fentanyl and drugs that are coming up through the border?

Mr. Popham responded:

I don't know if we can call it an increase but Fentanyl, Cofentanyl, and Crystal Meth are major players in what's effecting the residents here.

Mr. Zucal had the following question:

Can you talk a little bit about what is a typical training for safety forces dealing with the mental health issues?

Mr. Popham had the following response:

There's training that they do attend and they have attended. That's not the issue, it's the system. The whole system just needs some work.

Mr. Zucal responded:

My hope would be that the Federal Government or someone would say we need to ramp up our efforts to deal with the mental health issue.

Mr. Popham responded:

I think the police and fire do an excellent job of dealing with people with mental issues, the numbers keep increasing instead of decreasing.

Mrs. Ramos responded:

This is a local problem, our own people involved. What is the local involvement in the anti-drug task force?

Mr. Popham responded:

We have people in both departments involved in the anti-drug coalition and ADAMHS Board. We have personnel on different boards here in the County.

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

LAW DIRECTOR MR. MARVIN FETE

Mr. Fete had the following report:

This past week I had the pleasure of meeting with our newly appointed Housing Board of Appeals. That is a critical piece to cleaning up our communities and getting rid of the drug infestation that we have in Tuscarawas County. Here's why I was thrilled to be a part of this. I applaud the Mayor's efforts for putting this in place as well as the Mayor's efforts to bring someone in full-time to address this issue in the form of Josh Mathias. When I first came onboard as Law Director one of the first things I did was to tie the Fire Code with tear down orders. That's how we were able to get rid of that eye-sore on West High where we now have a cellphone place. A few years ago we added another building block to that which was the international Property Maintenance Code. One of the things I've been pushing for a long time is to use our building code which will allow us a lot of leeway in that regard. We've never had a full-time person onboard that can do that. The Mayor has now brought somebody on full-time, a police officer that's highly qualified to do this job. The Housing Board of Appeals is there if someone is in violation of the housing code you can appeal. I wasn't comfortable enforcing anything until we had the Housing Board of Appeals onboard. Like I said to the Housing Board of Appeals when I met with them last Monday, what we're doing is using our building blocks that we put together so that I can come after you under the Ohio Revised Code Chapter 7. We have to tear down your home because you have allowed it to fall under disrepair, it's being used by druggies and drug dealers to cook meth or just live there homeless in neighborhoods where kids are, we're coming after you. I'm thrilled that we've added another piece to that, to be able to go after these drug infested houses in communities, and again I want to applaud the Mayor for his efforts in doing that. In addition to that I would ask that the President assign the Indigent Defense Contract to Mr. Lanzer's Committee for consideration at his next Meeting on the 25th. The Indigent Defense Contract is something that comes up every year. Under the 6th Amendment of the Constitution we're required to provide Indigent defense to those who can't afford an attorney and are facing a criminal charge. We've always had a contract with the Public Defender's Office to do that.

*President Kemp asked Mr. Lanzer to take the Indigent Defense Contract into his Committee for consideration.

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR JOEL DAY
The Planning Commission will not be Meeting this month.

BOARD OF ZONING APPEALS.....MR. RON MCABIER
The Board of Zoning Appeals scheduled Meeting for tomorrow at 5:00 PM with no variance requests to be heard has been cancelled.

AIRPORT COMMISSION.....MR. JOHN ZUCAL
The Airport Commission will be meeting tomorrow evening at 6:00 here in Council Chambers pending a quorum.

PARK BOARD.....MRS. AIMEE MAY
The Park Board meets next Wednesday at Noon at Tuscora Park.

CEMETERY BOARD.....MRS. AIMEE MAY
The Cemetery Board meeting for October was cancelled.

HEALTH BOARD MR. JOHN ZUCAL
The Health Board will meet this Wednesday at 12:00 PM in Council Chambers. We will address the question that was raised as part of tonight's meeting as to the Workforce Development Coordinator and the exact role that would play in our Community.

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEEMR. ROB MAURER

Mr. Maurer had the following report:

The Finance Committee met tonight at 6:30 PM we had two items to discuss, one was a corporate credit card for department heads with the potential of rebates depending on how it's used. Department Heads would have a separate number so the Auditor can identify what's being put on it and approved. We've asked for an Ordinance to be drawn up as such by the Law Director, or a Resolution. The second thing was appropriation increases; the hangar debt so we can pay that down, services so we can have a more modern automated payroll system, and the health fund which was a couple of increases for the Workforce Development Coordinator and a Bilingual Health Educator. We also asked for the Law Director to draw up appropriate legislation for that. We adjourned at 6:57 PM.

SALARY COMMITTEEMR. JOHN ZUCAL

Mr. Zucal had the following report:

No official report this evening I do have a question though. Are we moving the Housing Inspector into a full-time position?

Mayor Day said yes, from the Building and Zoning Code Administrator. It was a full-time position years ago.

PUBLIC WORKS COMMITTEE.....MR. DEAN HOLLAND.....EXCUSED ABSENSE

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

Mr. Ricklic had the following report:

The Safety, Health, and Service met this evening at 6:15 PM. We had two Ordinances to look at: Ordinance 21-2021, and Ordinance 22-2021. Both items we discussed and both will be put on the Agenda tonight and passed on 1st Reading as an emergency to allow the funding from the State to come forward for that with no expense to the City before the end of the year. The other item that came forth is the petition for water service for 2430 East High Ave. It was approved by the Members of Committee to have a roll call by the Clerk at this time:

ROLL CALL VOTE
6 YEAS
THE REQUEST WAS APPROVED

ZONING & ANNEXATION COMMITTEE.....MRS. CHERYL RAMOS

Mrs. Ramos had the following report:

The Committee did meet tonight to continue discussing Proposed Resolution 32-2021. The Goshen Township Trustees did attend and explained their position on annexing City Property located in Goshen Township, and also the request, and also the long-term plan for annexation of the township property. The Committee did agree to put the Proposed Resolution on the Agenda tonight. Also the Mayor is going to be Meeting with the Township Trustees to develop a plan for Annexation.

SPECIAL & CONTACT COMMITTEEMR DAN LANZER.....NO REPORT

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

VISITOR’S COMMENTS:

Mr. Carl Russo of West High Ave. New Philadelphia had the following report:

The one question I had here listening, Mr. Ricklic you’re allowing the ODOT bike path to come up 13th Street up East High to Broadway?

Mr. Ricklic: That is correct, that’s what is proposed.

Mr. Russo: Between 2nd and Broadway, where might the bike path be? You have angled parking on both sides. It’s against City Ordinance to ride a bike on the sidewalks, thus they would be in the traffic lane.

Mr. Ricklic: That would be the Service Director who would address that, sir.

COUNCIL COMMENTS:

President Kemp had the following report:

I know Mayor Day in his report mentioned we’ve got three ribbon cuttings this week; one tomorrow, one Friday, and one Sunday. It would be great if we had a good turnout by Council.

READING OF ORDINANCES AND RESOLUTIONS

ORDINANCES:

16-2021 AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO AMEND CODIFIED ORDINANCE 1161.18 SECTIONS (b)(2), (d)(1), AND (d)(8) WITH REGARDS TO NONILLUMINATED SIGN SIZES, CHANGING THE SIGN SIZE RESTRICTIONS FROM 2 SQUARE FEET TO SIX SQUARE FEET.
3rd Reading

MR. LANZER MOTIONED FOR APPROVAL OF ORDINANCE 16-2021
MR. MAURER SECONDED THE MOTION
6 YEAS
ORDINANCE 16-2021 HAS PASSED

20-2021 AN ORDINANCE TO APPROVE, ADOPT, AND ENACT THE CURRENT REPLACEMENT PAGES TO THE CODIFIED ORDINANCES.
3rd Reading

MR. LANZER MOTIONED FOR APPROVAL OF ORDINANCE 20-2021
MRS. MAY SECONDED THE MOTION
6 YEAS
ORDINANCE 20-2021 HAS BEEN APPROVED

21-2021 THE FOLLOWING IS AN ORDINANCE ENACTED BY THE CITY OF NEW PHILADELPHIA OF TUSCARAWAS COUNTY, OHIO, HEREINAFTER REFERRED TO AS THE LOCAL PUBLIC AGENCY (LPA). WHEREAS, THE LPA/ STATE HAS DETERMINED THE NEED FOR THE DESCRIBED PROJECT: CONSTRUCTION OF NEW SHARED USE PATH AND ADA FACILITIES CONNECTING KENT STATE TUSCARAWAS TO DOWNTOWN NEW PHILADELPHIA ALONG EAST HIGH AVE (SR 39 AND SR 259). APPROXIMATELY 3 MILES IN LENGTH.
1st Reading

MR. RICKLIC MOTIONED FOR SUSPENSION OF RULES ON ORDINANCE 21-2021
MRS. MAY SECONDED THE MOTION
6 YEAS
RULES HAVE BEEN SUSPENDED ON ORDINANCE 21-2021

MR. RICKLIC MOTIONED FOR APPROVAL OF ORDINANCE 21-2021
MRS. MAY SECONDED THE MOTION
6 YEAS
ORDINANCE 21-2021 HAS BEEN APPROVED

22-2021 THE FOLLOWING ORDINANCE IS ENACTED BY THE CITY OF NEW PHILADELPHIA, TUSCARAWAS COUNTY, OHIO, HEREINAFTER REFERRED TO AS THE LOCAL PUBLIC AGENCY (LPA), IN THE MATTER DESCRIBED PROJECT, INSTALL BIKE LANE PAVEMENT MARKING AND BIKE LANE SIGNING ON THE PAVED SHOULDER OF STATE ROUTE 259 (EAST HIGH AVENUE) BEGINNING AT BALTZEY VALLEY ROAD AND SUSPENDING AT 21ST ST SE, RESUMING AT UNIVERSITY DRIVE NE AND ENDING AT 13TH STREET NE. SINCE A PORTION OF THE PROJECT LIES WITHIN THE CORPORATION LIMITS OF THE CITY, CONSENT LEGISLATION IS REQUIRED
1st Reading

MR. RICKLIC MOTIONED FOR SUSPENSION OF RULES ON ORDINANCE 22-2021
MRS. MAY SECONDED THE MOTION
6 YEAS
RULES HAVE BEEN SUSPENDED ON ORDINANCE 22-2021

MR. RICKLIC MOTIONED FOR APPROVAL OF ORDINANCE 22-2021
MRS. MAY SECONDED THE MOTION
6 YEAS
ORDINANCE 22-2021 HAS BEEN APPROVED

RESOLUTIONS:

31-2021 A RESOLUTION ACCEPTING THE AMOUNTS AND RATES DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR
1st Reading

MR. MAURER MOTIONED FOR SUSPENSION OF RULES ON RESOLUTION 31-2021

MR. ZUCAL SECONDED THE MOTION
6 YEAS

RULES HAVE BEEN SUSPENDED ON RESOLUTION 31-2021

MR. MAURER MOTIONED TO APPROVE RESOLUTION 31-2021

MR. ZUCAL SECONDED THE MOTION

6 YEAS

RESOLUTION 31-2021 HAS BEEN APPROVED

32-2021 A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO AUTHORIZING THE MAYOR TO EXECUTE ANNEXATION PETITIONS FOR CITY OWNED PROPERTY, AND AUTHORIZING THE ANNEXATION OF REAL PROPERTY LOCATED IN GOSHEN TOWNSHIP, PARCEL NUMBERS 25-01174-000, 25-01175-000, 25-01176-000, 25-0177-000, AND REAL PROPERTY LOCATED IN YORK TOWNSHIP, PARCEL NUMBER 71-00159-000
1st Reading

MR. RICKLIC MOTIONED TO SUSPEND THE RULES ON RESOLUTION 32-2021

MR. ZUCAL SECONDED THE MOTION

6 YEAS

RULES HAVE BEEN SUSPENDED ON RESOLUTION 32-2021

MR. ZUCAL MOTIONED TO APPROVE RESOLUTION 32-2021

MR. RICKLIC SECONDED THE MOTION

6 YEAS

RESOLUTION 32-2021 HAS BEEN APPROVED

33-2021 A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, TUSCARAWAS COUNTY, OHIO, AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO ENTER INTO AN AGREEMENT WITH THE SOUTHEASTERN EQUIPMENT COMPANY TO PURCHASE A CASE 580 SUPER N WT LOADER BACKHOE AND NECESSARY EQUIPMENT AT A COST OF \$97,573.00

1st Reading

MR. RICKLIC MOTIONED FOR SUSPENSION OF RULES ON RESOLUTION 33-2021

MR. LANZER SECONDED THE MOTION

6 YEAS

RULES HAVE BEEN SUSPENDED ON RESOLUTION 33-2021

MR. RICKLIC MOTIONED FOR APPROVAL OF RESOLUTION 33-2021

MR. LANZER SECONDED THE MOTION

6 YEAS

RESOLUTION 33-2021 HAS BEEN APPROVED

37-2021 A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA,
OHIO AUTHORIZING THE ANNEXATION OF REAL PROPERTY LOCATED IN
DOVER TOWNSHIP, PARCEL NUMBER 12-00257.001
1st Reading

UNFINISHED OR OLD BUSINESS:

Mrs. Ramos had the following comment:

I would like Council to look into the City having their own impound lot somehow so that we could realize the profits from the impound lot.

Mayor Day said he would talk to Mrs. Ramos about that matter.

NEW BUSINESS:

Mr. Zucal had the following comment:

Go Quakers beat the Tornados!

Mr. Maurer motioned to adjourn at 8:21 PM.

CLERK OF COUNCIL _____
Julie Courtright

APPROVED _____

PRESIDENT OF COUNCIL _____
Don Kemp