

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON FEBRUARY 8, 2021 WITH PRESIDENT PRO TEM ROB MAURER PRESIDING. COUNCILMAN ZUCAL 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 ABSENCES

PRESIDENT DON KEMP

- MRS. MAY MOTIONED TO ADD RESOLUTION 4-2021 TO TONIGHT’S AGENDA
- MR. RICKLIC MOTIONED TO ADD RESOLUTION 9-2021 TO TONIGHT’S AGENDA
- MR. MAURER MOTIONED TO ADD ORDINANCE 3-2021 AND ORDINANCE 4-2021 TO TONIGHT’S AGENDA

- MR. ZUCAL MOTIONED TO ACCEPT TONIGHT’S AGENDA AS AMENDED
MRS. RAMOS SECONDED THE MOTION
7 YEAS
TONIGHT’S AGENDA HAS BEEN ACCEPTED

- MR. HOLLAND MOTIONED TO APPROVE THE MINUTES FROM THE JANUARY 25, 2021 REGULAR SESSION OF COUNCIL
MRS. MAY SECONDED THE MOTION
7 YEAS
MINUTES FROM THE JANUARY 25, 2021 REGULAR SESSION OF COUNCIL HAVE BEEN APPROVED

CORRESPONDENCE CLERK, JULIE COURTRIGHT

1. *To Council and Administration from Executive Administrative Assistant to the Mayor Lacey McKain, dated January 29, 2021. This is an email. The subject is the Mayor’s Month End Report and that was the attachment.*
2. *To Council and Administration from President Don Kemp, dated January 29, 2021. This is an email that was originally sent from Maureen Wenger with the Service Director’s Office. The subject is: Material bids and landfill fees. The attachments are Material Bid Letter and Landfill Fees Letter. President Kemp wrote: Rob, please take this into the Finance Committee.*
3. *To Council Clerk from Treasurer Gerber, dated February 1, 2021. This is the City of New Philadelphia January 2021 Deposits.*
4. *To Clerk of Council from Alex McCarthy with the Tuscarawas County Emergency Management Agency, dated February 1, 2021. This is an annual letter that he sends with an invoice. It states: “Please find enclosed invoice for \$4,322, which is the renewal of the 2021 Contractual Agreement with the Tuscarawas County Homeland Security and Emergency Management Agency.*

5. *To Council and Administration from Auditor Gundy, dated February 5, 2021. The subject is 2021 Budget and the attachment is 2021 Permanent Budget Third Draft. This was replied to by Mr. Zucal, Mrs. Ramos, and Mr. Maurer.*
6. *To Council and Administration from Auditor Gundy, dated February 3, 2021. This is the Expense Report with Encumbrance Details for January 2021, the Check Report by Check Number for January 2021, Check Report by Fund for January 2021, Statement of Cash Position with MTD Totals for January 2021, and Statement of Cash Position from Revenue and Expense for January of 2021.*
7. *To Council and Administration from President Kemp, dated February 1, 2021. This is an email originally sent by Fire Chief Parrish on February 1, 2021. The subject is AFG Grant and it states "Kelly, please take this into your Committee".*
8. *To Council and Administration from Vickie Daniels, dated February 1, 2021. This is the January Income Tax Report.*
9. *To Council and Administration from Mayor Day, dated February 8, 2021. The Mayor's Report.*

Administrative Reports.....

MAYOR'S REPORT/REQUESTSMAYOR JOEL B. DAY

Mayor Day had the following report:

A Feasibility Study Will Help Determine New Uses for the Howden Property
 the County's Economic Development and Finance Alliance (port authority) has begun interviewing companies who could conduct a feasibility study of the property at 338 South Broadway, formerly known as Howden Buffalo. The study would help determine the best new use of the property. EDFA officials hope to have a company selected by early March.

An Opportunity to Help our Police Department Purchase an Important Tool
 The New Philadelphia Police Department is accepting donations to fund the purchase of a second K-9 unit. Chief Mike Goodwin wants to increase the K-9 force to help combat the rise in illegal drug activity in the City and related crimes. The cost of purchasing the additional police dog and necessary equipment is \$22,000.00. Members of the community have helped with the purchase of our first K-9 unit. And I'm hoping their generosity will continue with the purchase of this second dog. K-9 units have proven to be invaluable in solving crimes and protecting citizens as well as police officers. To make a donation, contact Chief Goodwin by calling 330- 343-4488 or by email at mgoodwin@newphilaoh.com.

Making Vaccination of our Police Force a High Priority I have asked City Health Commissioner Ionno to give members of the City Police Department high priority when extra doses of the COVID-19 vaccine are available. I think it was wrong for the Governor and State Health Department not to include police in the first phase of the state's vaccination program. Our police officers come in contact with the public during their daily work shifts, and at times assist City firefighters in answering calls. They should be protected.

A Master/Vision Plan for the City is Nearing Completion I have proofread the final version of a City Master/Vision Plan and returned it to University of Cincinnati professor Michael McInturf for completion. Finalizing the project was delayed because in-person classes were cancelled at UC last spring due to the coronavirus pandemic. School of Architecture and Interior Design graduate students have been assisting him in constructing the plan. I am excited to have it finished to present to City Council and New Philadelphia residents and businesses. The plan is very forward-thinking and gives insight on what the City has and makes recommendations on where we need to go in the future to remain a prosperous community.

Reminders.... The John Knisely Municipal Centre (City Hall) will be closed on Monday February 15th for Presidents Day. Water bill payments and income tax forms can be put in the night deposit slot on the west side of the building. Please continue to support our hometown businesses. And clear the walkways for your elderly neighbors. Looks like more snow is on the way.

SERVICE DIRECTOR.....MR. RON MCABIER

Mr. McAbier had the following report:

All drywall has been installed in the cemetery office project. Electrical has been completed today. The heating HVAC crew was there today. They should finish tomorrow if not Wednesday so then they can finish the drywall. So we continue to make progress there. After that we can paint. Periodically throughout the previous years we've been installing generators on our lift stations. One got completed last week. It was our natural gas lift station. It saves us on overtime in the long term and also disruption of service. Also the big gas line project will be starting next Monday.

Mr. Ricklic had the following question:

Approximately how much does it cost to set up a generator at a lift station at the Industrial Park?

Mr. McAbier had the following response:

It cost around \$36,000.

AUDITORMS. BETH GUNDY.....NO REPORT

SAFETY DIRECTORMR. GREG POPHAM.....NO REPORT

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

LAW DIRECTOR MR. MARVIN FETE

Mr. Fete had the following report:

I want to address our Water Ordinance and in particular the case of Mrs. Haney who we voted on last time. I think there's been some misunderstanding as to how the Water Ordinance needs to be applied. You heard me talk a lot about equal protection and due process under the law. We have to treat everybody equally. Under this Ordinance that doesn't apply because water is a commodity that the City owns. Legally you don't even need that ordinance, but the purpose behind that ordinance is to give Council a say so that company wants to locate right on the outskirts of town and get all the benefits of being part of the City without paying the taxes for it we could prevent that. We didn't need an Ordinance to do that, but because our last Ordinance was challenged and I fought it in the Fifth District Court of Appeals and won, I thought it was best to add some language in there that made it a little more clear that we're going to pick and choose what we do with our water. From my prospective that was the only reason the Ordinance was enacted to prohibit it from going to people who are outside the City limits, or in the case where it would be a tremendous cost for the City of New Philadelphia to supply water some place where we'd have to build an entirely new infrastructure. It was not meant to keep everybody who lives outside the City limits from getting water. I feel bad that I should have spoken up at the last meeting and educated you a little more on that. I know that Council wanted to see everyone treated equally. That's really not the case when you have a commodity. Legally speaking we could contractually sell our water to outside entities for even more than what we're doing now under the Ordinance that charges them two times the rate. In the case of Ms.Haney she actually has a waterline that runs right in front of her house. Ms. Haney reached out to me and spoke to me and I looked into it and brought together the Mayor, the Service Director, and Scott DeVault ,our Water Superintendent. Mr. DeVault said when that waterline was put in the hope was that people would hook on to it. There's a large

hookup fee that allows us to recoup the cost of putting that waterline in, and on top of that we're getting two times the rate, so it's a win-win for the City to actually make money. I spoke with the Administration and they are all on board with allowing Mrs. Haney to have water. Mrs. Haney and her deceased husband and her current husband all worked in the City of New Philadelphia. They have a combined 90 years of income taxes they paid to the City. What I am asking is to have a re-vote on allowing Mrs. Haney to hook on to the water supply. Again, she's going to be paying around a little over \$6,000 for that hook on. It's a way for us to recoup that money by putting a line in, and also regenerate the revenue by getting two times the rate.

Mrs. Ramos had the following question:

Wouldn't it have to go back to Committee since the recommendation from the Committee was not to approve that?

Mr. Fete had the following reply:

The Ordinance only says that Council has to approve. We decided to do that in a voice vote. It hasn't always gone to a Committee. In the past we have done it various ways, either through Committee or we just brought it up to the Service Director and voted on it that way. The only time you have to go through Committee is if you're passing Legislation. There's nothing in the Ordinance for water that says we have to go through Committee procedure. I believe that legally we can have a voice vote.

Mr. Ricklic had the following comment:

As a former Water Superintendent I'm always in favor of selling water to anyone. What we've done here in the past since I've been in Council, the gentleman on Rt. 39 and Hillandale was denied it. I felt by being in Committee it's a better opportunity for me or for the members of the Committee to discuss the opportunity of the City's revenue and the individual, as we do this on an individual basis. Yes, I'm for selling water to Mrs. Haney and anywhere else where the waterline runs past the front, side, corner, edge, whatever that touches their property. I'm for them having water. I'm terribly stricken with the gentleman on 39 who was denied and had to put a well in. I drove by that. That bothers me. I would like not only a vote but to get consistent with putting it in Committee so Committee can discuss it.

Law Director Fete commented that Ms. Haney can't do another well because the Ohio EPA restricts the digging of a second well on a property.

Mrs. Ramos had the following question:

At this minute though she has water though, right?

Law Director Fete had the following reply:

No, she has no water.

Mr. Zucal had the following comment:

I have no objection to approving water for Mrs. Haney. I feel very strongly that everyone should have access to water as best as we can serve them. I feel badly because we applied that legislation incorrectly. That was a very bad thing to deny that gentleman on Hillandale access to that. He had a similar plight to what Mrs. Haney has now. I don't have any problem providing her with water. I think we as a Council need to be very thorough with the application. We're saying it's okay for her but it wasn't for him after the fact. That bothers me on an ethical level.

Law Director Fete had the following comment:

What I would recommend in the future is if it's in Committee to invite Scott DeVault to come in. Take each one on a case-by-case basis and examine all the factors.

Mrs. Ramos had the following comment:

I thought she had access to water. It's a different picture now that we know there's no water for her. Water is a commodity. You have to have it. I also was not aware that there was a water line in front of her house. I agree with Mr. Ricklic that we have to keep this consistent. I think Committee is a good way.

Mr. Ricklic stated that the Heads of Departments should be at the Committee meetings when they're considering residential water hookups in the future.

Mr. Holland had the following comment:

I am not in favor of it. We discussed in detail as a Council last year about providing a commodity to someone outside of City limits. Myself personally I am not for it.

Mr. Maurer had the following comment:

There has been a change in circumstances and to allow her to go a few more weeks until we have another Committee meeting. I think we should think outside of what we would normally do to help a person.

Law Director Fete had the following comment:

I ask that the President Pro Temp ask for a voice vote on this at the appropriate time during tonight's Meeting.

President Pro Tem Maurer made the following comment:

At this time I ask for a voice vote allowing water at 811 Blake Ave. SW

Mr. Zucal stated the following:

I am extremely disappointed about the way this was handled for that gentleman on Hillandale. That was a mistake that should have never been made on the floor of Council because we deprived an individual of water. We as a Council dropped the ball on that. In this case I vote yes.

ROLL CALL VOTE

6 YEAS, 1 NAY (MR. HOLLAND)

COUNCIL VOTED IN FAVOR OF ALLOWING WATER AT 811 BLAKE AVE SW

Law Director Fete made the following comment:

We continue to be shorthanded in the Prosecutor's Office. I was informed today that I had to quarantine one of my Prosecutors, which puts us down to myself and the Chief Prosecutor for the time being.

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR JOEL DAY

The Planning Commission will be meeting here in Council Chambers tomorrow at 1:00 PM. We have 5 properties on West High Ave., 4 properties on 11th St. NW and one property on Maple Ave. that should be rezoned, so we'll just be discussing that. We'll also be discussing a request for a subdivision on 5th St. SE.

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

The Board of Zoning Appeals will meet tomorrow night at 5:00 PM here in Council Chambers with one variance request to be heard.

AIRPORT COMMISSION.....MR. JOHN ZUCAL

The Airport Commission is scheduled to meet tomorrow evening, February 9 at 6:00 PM or Immediately following the Board of Zoning Appeals Meeting here in Council Chambers.

PARK BOARD.....MRS. AIMEE MAY

The Park Board will meet February 17 at Noon at Tuscora Park.

CEMETERY BOARD.....MRS. AIMEE MAY
The Cemetery Board will meet February 18 at 8:00am in Council Chambers

HEALTH BOARD MR. JOHN ZUCAL
The Health Board Meeting that was scheduled on February 10 at Noon has been cancelled due to lack of quorum.

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEEMR. ROB MAURER

Mr. Maurer had the following report:

The Finance Committee met at 6:15 tonight to discuss two things, one was to allow the Service Director to advertise for materials and supplies including asphalt, paving, diesel, salt, chemicals for 2021. The Committee has asked that this legislation be added to the Agenda and passed at the next meeting. The other thing was allowing the Service Director to advertise for landfill fees, a 3 year contract that begins in May of 2021. That was also added to tonight's Agenda and we're asking for passage at the next meeting. The third thing was the 2021 Budget. We plan to meet at the next Council Meeting. Our deadline to get this passed is March 1, 2021.

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

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 Services Committee met this evening at 6:00 PM. The one item on the Agenda was giving approval for the administration to apply for a FEMA Assistance Fire Grant for the burn building. A motion was made to add Resolution 9-2021 to tonight's Agenda with recommended suspension of the rules and passage upon 1st Reading.

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

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

PARKS & CEMETERY COMMITTEE.....MRS. AIMEE MAY

The Parks and Cemetery Committee met this evening to discuss Resolution 4-2021 which is to appoint Jim Range to take over the remaining term as Park Board President which will expire in 2024.

VISITOR'S COMMENTS: NONE

COUNCIL COMMENTS:

Councilman Holland had the following comment:

Mr. President I have three items I would like to speak too.

First, ...What in the world is the matter with the Governor? What could he possibly be thinking? I can't imagine that law enforcement personnel on the street responding to every type of incident mankind can think of...exposed to similar environments as other emergency first responders...and yet, these personnel are not considered essential personnel to receive the COVID vaccine. How insensitive, uncaring and a complete lack of understanding concerning law enforcement. Shame on you Mr. Governor. Your extremely poor decision will be remembered...hopefully by everyone in Ohio.

Second, if each member of council has not viewed recent council proceedings, I would encourage all to do so that they would be aware of camera views and audio being produced in relation to each council member position. Members might want to be certain that microphones are directly in front of them to produce the best sound quality for listeners.

Thirdly, I would like to comment on COVID-19 and each one of you being a covivian. A covivian is someone who has successfully made it through the pandemic.

I know there are people here tonight who have contracted COVID-19 and I know there are differing impacts on those who contracted the illness. I want to take a moment to encourage everyone to take all the recommended precautions to avoid the illness...and, please...*Wear Your Mask*.

There is a TV ad that is currently being aired that is sponsored by the State of Ohio Health Department and it shows three Nurses wearing medical scrubs and begging everyone to wear their mask, one is beginning to cry as she represents the message about COVID. They point out experiences they have had with dying patients and dealing with family members...they talk about the patient difficulties in encountering the COVID affects...encouraging everybody to Wear A Mask properly. They point out the necessity to *Wear A Mask* properly, covering both your mouth and nose...and I want to encourage everyone...*Wear Your Mask*. I would point out there is a reason that the nurses, doctors, and hospital staff all wear two masks and most wear a face shield along with the masks. Logic tells me if the professionals wear this many masks I certainly should be wearing at the very least, a mask. If anyone does not have a mask the City of New Philadelphia Health Department, located in City Hall, will provide you one.

I would like to point out some things that COVID and the hospital can provide for you.

Our hospital has some very talented people. On more than one occasion these highly trained people have saved the life of someone in my family or reduced the extent of pain and suffering being experienced. I cannot say enough positive about Cleveland Clinic Union Hospital and my personal experiences with them.

First...I would say regarding COVID, the hospital can provide you with: 1) the medicine Remdesivir and so many other medicines at one time it is difficult to count the number of hanging medicine bags; 2) they will hook you up to oxygen and when that is insufficient they will provide a DPAP machine which breathes for you by forcing your lungs to expand and if you are paying attention this is where they begin talking about a ventilator; 3) you might be able to see a crash cart brought in for the one you love more than anything; 4) and

having the experience of hearing them calling a Code Blue...there is so much that the hospital can provide you.

Second...COVID can do a number of things for you also... 1) it can cause a consistent cough so severe that you cannot get a breath of air...it can last a full hour or two causing *debilitating irreparable* damage to your throat and vocal cords, and this may occur multiple times every day for two or more months; 2) damage the inside of your lungs that will put you in a circumstance where you cannot breathe without mechanical assistance; 3) put your body in a position where you do not have any energy or strength so there is almost nothing you can do physically; 4) certainly everyone has heard of the loss of smell and taste (not always experienced) and sometimes this does not come back; 5) cause you to be placed on oxygen 24/7 and not just while you are in the hospital but,... *if* you go home,...you will have an oxygen generator and oxygen tanks sitting everywhere in your home to help keep you alive; 6) If you have a serious case of COVID you will be in and out of several doctors' offices after you are released from the hospital and you can experience continual testing and so many medicine changes you won't be able to count, 7) you will be visiting doctor's offices and these visits can easily consume a year or more depending on the severity of your individual case; 8) many people are alone with nobody to visit with or to talk to...you may not be released to go home unless you have someone who can serve as a caregiver; 9) once you are home...be prepared to be inside and unable to accomplish almost anything for an extended period of time...having to depend upon family and friends for the most simple things you do around the house...sound like fun?

Wear Your Mask...Please Wear Your Mask and wear it correctly...Please.

Mr. Ricklic had the following comment:

I just want to thank Dean for sharing his experience. We may not always agree but we're friends. I commend him for his statement tonight.

Law Director Fete had the following comment:

I also want to thank Mr. Holland. He has been a leader on this Council and a role model to me. He hasn't been on Council very long but I consider him a senior statesman with all the life experiences that he brings to the position. For someone of his caliber to come forward and be a leader and say to please wear your mask because this is what happens. I want to thank you for your inspirational words.

Mr. Holland commented for anyone watching the meeting who doesn't have a mask, the City Health Department will provide you with one at City Hall.

Mr. Zucal made the following comment:

Thank you, Dean for making a public statement. I know wearing a mask is controversial to some. I lost my Mother-in-Law to Covid. I've seen people here this evening not wearing masks. The statement you made is very, very wise.

READING OF ORDINANCES AND RESOLUTIONS

ORDINANCES:

- 2-2021 AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO AMEND CODIFIED ORDINANCE 1157.08 WITH REGARDS TO VIOLATIONS AND ENFORCEMENT OF SIGNS.
1st Reading
- 3-2021 AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO AUTHORIZING THE SERVICE DIRECTOR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR SANITARY LANDFILL SERVICES FOR A TERM BEGINNING MAY 15, 2021 AND ENDING MAY 15, 2024
1st Reading
- 4-2021 AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA DIRECTING THE SERVICE DIRECTOR TO ADVERTISE FOR BIDS TO ENTER INTO CONTRACTS WITH THE LOWEST AND BEST BIDDERS FOR THE CITY'S REQUIREMENTS OF VARIOUS MATERIALS AND SUPPLIES FOR 2021
1st Reading

RESOLUTIONS:

- 1-2021 A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO APPROVE THE APPOINTMENT OF CHRIS BOWER BY THE MAYOR TO THE AIRPORT COMMISSION FOR THE TERM OF THREE YEARS
1st Reading
- 2-2021 A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO APPROVE THE APPOINTMENT OF ALEX MCCARTHY BY THE MAYOR TO THE AIRPORT COMMISSION FOR THE TERM OF THREE YEARS
1st Reading
- 3-2021 A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO APPROVE THE APPOINTMENT OF JOSH LIMBACHER BY THE MAYOR TO THE AIRPORT COMMISSION FOR THE TERM OF THREE YEARS
1st Reading
- 4-2021 A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO APPROVE THE APPOINTMENT OF JIM RANGE TO FILL THE UNEXPIRED FIVE YEAR TERM OF MIKE ERNEST BY THE MAYOR TO THE NEW PHILADELPHIA PARK AND RECREATION BOARD ENDING ON DECEMBER 31, 2024
1st Reading
- 7-2021 A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO COMMEND DEBBIE LIEBOLD, VICTIM'S ADVOCATE AT THE NEW PHILADELPHIA PROSECUTOR'S OFFICE FOR GOING ABOVE AND BEYOND THE CALL OF DUTY FOR THE CITIZENS OF THE CITY OF NEW PHILADELPHIA
1st Reading
- 9-2021 A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, TUSCARAWAS COUNTY, OHIO, AUTHORIZING AND DIRECTING THE FIRE CHIEF TO APPLY FOR A FEMA ASSISTANCE TO FIREFIGHTER'S GRANT TO ASSIST IN PURCHASING A BURN BUILDING FOR LIVE FIRE TRAINING
1st Reading

MR. RICKLIC MOTIONED FOR SUSPENSION OF RULES ON RESOLUTION 9-2021
MR. LANZER SECONDED THE MOTION
7 YEAS

MR. RICKLIC MOTIONED FOR APPROVAL OF RESOLUTION 9-2021
MR. LANZER SECONDED THE MOTION
7 YEAS
RESOLUTION 9-2021 HAS BEEN APPROVED

UNFINISHED OR OLD BUSINESS:

Mr. Zucal had the following comment:

Going back to the water situation. We want to make sure we don't make that same mistake again. I just want to know how we can assure that won't happen again. We denied water to someone who needed it. I'm not asking for an answer tonight but I'd like one down the road.

NEW BUSINESS: NONE

With no other business Mr. Zucal made a motion to adjourn at 8:35 PM.

CLERK OF COUNCIL _____
Julie Courtright

APPROVED _____

PRESIDENT OF COUNCIL _____
Don Kemp