

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON JULY 26, 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. DEAN HOLLAND
MR. DAN LANZER
MR. ROB MAURER
MRS. CHERYL RAMOS
MR. KELLY RICKLIC

EXCUSED ABSENCES

MRS. AIMEE MAY
MR. JOHN ZUCAL

- MR. HOLLAND MOTIONED TO ADD RESOLUTION 29-2021 TO TONIGHT’S AGENDA
MR. LANZER SECONDED THE MOTION
5 YEAS
RESOLUTION 29-2021 HAS BEEN ADDED TO TONIGHT’S AGENDA

- MR. LANZER MOTIONED TO ACCEPT TONIGHT’S AGENDA AS AMENDED
MR. HOLLAND SECONDED THE MOTION
5 YEAS
TONIGHT’S AGENDA HAS BEEN ACCEPTED

- MRS. RAMOS MOTIONED TO APPROVE THE MINUTES FROM THE JULY 12, 2021 REGULAR SESSION OF COUNCIL
MR. HOLLAND SECONDED THE MOTION
5 YEAS
MINUTES FROM JULY 12, 2021 REGULAR SESSION OF COUNCIL HAVE BEEN APPROVED

CORRESPONDENCE CLERK, JULIE COURTRIGHT

1. *To Council Clerk from Treasurer Gerber, dated July 13, 2021. This is the City of New Philadelphia June 2021 Investment and Savings Report.*
2. *To City Council Members from Mayor Day, dated July 14, 2021. This is an email titled “Delaying Action on Resolution 28-2021: Crane Carrier Enterprise Zone Tax Abatement.”*
3. *To Council and Administration from Mayor Day, dated July 23, 2021. This is a forwarded email, the subject is “Solid Rock Photos”. It says “Great News! I just received an email from Denny Trimmer. Solid Rock Photos is joining the New Philadelphia Downtown Business Community. I’ll let you know when the ribbon cutting grand opening event is scheduled.*
4. *To City Council from Councilman Zucal, dated July 23, 2021. It states “Good Afternoon I’ll be out of town on Monday, July 26. Mr. Kemp, please excuse me from the regularly scheduled meeting for this date. Thank you.*
5. *To Council and Administration from Mayor Day, dated July 26, 2021. The Mayor’s Report.*

MAYOR’S REPORT/REQUESTSMAYOR JOEL B. DAY

Mayor Day had the following report:

Land Transfer Documents are headed to Governor DeWine’s Desk A two-year process will end this week when Governor DeWine signs off on the transfer of land ownership at Harry Clever

Field. I received word this past Friday that the deed transfer and related documents were headed to the Governor's desk for his signature. The City has been negotiating with the Ohio History Connection and the Ohio Department of Transportation to take ownership of land located at the southeast or "33" end of the airport runway. The Federal Aviation Administration required the City's ownership of the property to continue to receive federal funding for airport improvements. The land is currently owned by the State of Ohio and managed by the Ohio History Connection because of it being within the Schoenbrunn Village historical site. Deed restrictions will require OHC approval of any disturbance of the land.

Business Developments in New Philadelphia New Philadelphia's downtown business community continues to grow. Solid Rock Photos has announced that it's moving from Dover to a new location at 128 North Broadway. Solid Rock founder Suzanne Trimmer told the Times Reporter that she is "so excited to be in the heart of what is a thriving downtown environment in New Philadelphia." Meanwhile, Books and Things owner David Croto has announced that his business is moving to a new downtown location at 173 North Broadway, in the building that also houses the Craft Bistro restaurant. Mr. Croto says that his business will be renamed "The Bookman's Café" and feature pastries and beverages as well as the usual wide variety of reading materials. Soon, a local Caveman Meat franchise will be located in the same building beside The Bookman's Café. Also on the west end of town, the former Skate Place building on Front Avenue SW has been purchased by an investment company, with the intent to locate a Harbor Freight business there. And if you haven't noticed, site preparation is underway at the West High Avenue location of a new Marriott hotel. Construction of the 88-unit building will take about a year to complete. It will be located beside the Hog Heaven restaurant to the west. Hog Heaven's ownership is still considering options for using the property purchased to the east of the restaurant (the former adult video store).

The Ford Model T Owners Praised New Philadelphia and T County While attending the Model T Ford Club International's banquet last Thursday at Tuscora Park, I was told by numerous club members how much they enjoyed their stay in New Philadelphia and their tour of Tuscarawas County. One club member said it was the best tour he ever attended. I want to thank Tom and Patty Strickling of New Philadelphia for bringing the club's annual tour to our City. Seeing the model T's driving along our streets and roadways lifted our spirits and reminded us of how the genius of Henry Ford created America's love of automobiles.

Thank you to Don and Susie Whittingham Repairs to the iconic "Welcome to our City" sign will be completed, thanks to a generous donation of \$11,000.00 to the project by Don and Susie Whittingham, the owners of Aqua Blue, Incorporated. The sign has been lifted back onto the roof of the House of Stones building downtown, where final repairs will be made. Chief repairman George Lawrence of Museum Acrylics, says if all goes well, the sign will be raised and lighted by October.

The Schoenbrunn Meadows Cemetery is now Officially Open The City's newest cemetery, Schoenbrunn Meadows on Delaware Drive SE, is now officially open. I want to thank everyone who attended the ribbon-cutting ceremony this past Saturday. To schedule an appointment to purchase grave lots or columbarium niches, call Cemetery Department Superintendent Kelly Herron at 330-339-3797.

SERVICE DIRECTOR.....MR. RON MCABIER

Mr. McAbier had the following report:

Starting out with the Lakeview Project. Anything on the Lakeview side of Wabash is completed. The sidewalks and curbs are in, they're starting to put top soil around the strip between the curb and the sidewalks. They would like to produce a punch list this Friday, so they're moving along very well in the last few weeks, extremely well actually. They've got to get the ramp completed, hopefully this week. There is a back order on the crosswalk and lights, so that may be two weeks behind. They have until August 31 to complete that project. Also, the basketball courts, they started a basecoat on the ones out at the park. The third one at South School has subpar sub soil. They'll put some more rock in it and see what it does before we put in the base coat. That's going to get the same paint colors as the tennis courts. Also at Southside Park the final walk through for the three bridges; the two pedestrian bridges and the vehicular bridge, will be Thursday at 10:00am. So that will be the last items on the punch list. They started to mobilize out on North Avenue for the Waterline Project. They had some material that they mobilized there today. They'll start tomorrow, and that's approximately two weeks until we get that project done, so that's another project moving along nicely. Diversified Engineering is doing that job. Paving will be starting soon. I talked with Newton Asphalt, on Monday they'll start on 2nd Street NE and work their way from East High to Summit Avenue. From there they'll go to Poplar Avenue, from there Belmont, and there's an alley there between the 700 block that goes to Kaderly. They'll also be paving the Artagain Alley, so they can get started on that project.

President Kemp asked the following question:
Is Mushrush pretty much finished.

Service Director McAbier had the following reply:

Yes, I did meet with Jason today. On Wednesday he'll be on Ashwood and paving that in. He's 100% finished on sidewalks, now it's all road repair. He did tell me today that they will be doing more on Beaver Avenue. Once they did this project they found out that line was next to no good.

AUDITORMS. BETH GUNDY

Ms. Gundy had the following report:

I registered for the American Rescue Plan Act and was notified on July 19th that we have been approved. Our award amount is \$911,857.97. They say in this email that that we should be receiving that within 10 days so I'm looking for it to come any day. Also, I will not be here the next Meeting.

SAFETY DIRECTORMR. GREG POPHAM

Mr. Popham had the following report:

A couple weeks ago the State of Ohio came into the police department and we were informed that the police department received 100% on their inspection. That's probably the first time that we've ever had 100%. Kudos for Mr. Rossi and those in charge of taking care of the jail. Secondly, in the process of increasing our manpower in the police department, today we promoted up to police officer Darren Avon, who was a dispatcher over at the police station. Then we hired a new dispatcher. Her name is Helen Kinsey. We have one more person to hire. We're just waiting for him to pass his police school exam. We should have our two additional police officers then.

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

LAW DIRECTOR MR. MARVIN FETE

Law Director Fete had the following report:

I spent the bulk of last week in three continuing education seminars. I had approximately 18 hours of class time. The whole thing because its covered by the Municipal Attorney's Association covers all issues related to Cities. There were two that I wanted to highlight. One was the session on DORAs (Designated Outdoor Refreshment Area). That's something that the City may consider down the road. Mayor, if you're ready to discuss that I've got everything we need for it. Even more important than that, something that was really near and dear to me was the Nuisance Abatement session. Nuisance Abatement is the legal technical term for tear down orders. As you know that's something that's very important to me and the Mayor. Thanks to Captain Shultz and the Fire Department and the efforts that we've been doing in the Law Director's Office we've been showing that we're very serious about tearing down dilapidated buildings and homes that have been abandoned. What I found most interesting about this session is I got to ask questions. The person who put this together actually brought a court action against a hotel. The police were being called there on a constant basis for everything from prostitution to drug overdoses. It reminded me of a hotel that we've been having problems with here. They managed to go to court. They got a court order based on, not fire code violations. They managed to get a court order on this hotel in Grove City to shut it down for one year on the basis of criminal activity there, and how many times they were having to respond to things. As a result when they shut it down for one year the property began to fall into disrepair. They didn't have any money coming in so they couldn't do anything with it. As a result they cut a deal with them to have the property razed. The owners razed the property. I was really pleased to learn about an action that was successful and learn how to do that.

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR JOEL DAY

The Planning Commission will be meeting on Tuesday, August 10 at 1:00 PM here in Council Chambers. We'll be continuing our discussion about the City's Master Vision Plan.

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

The Board of Zoning Appeals met on Tuesday, July 13 with two variance requests to be heard. The first one was at 1298 West High Ave over the signage. Noncompliance with 1167.09. After some discussion it was voted on and approved on a 4-0 vote. Secondly we had a lot split in the office zone. It was at 117 5th Dr. SW. In violation of 1153.02 which decreased the size of the property even further. After a discussion there also it was brought up to the Board and approved by a 4-0 vote.

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

PARK BOARD.....MRS. AIMEE MAY.....EXCUSED ABSENSE

CEMETERY BOARD.....MRS. AIMEE MAY.....EXCUSED ABSENSE

HEALTH BOARD MR. JOHN ZUCAL.....EXCUSED ABSENSE

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEEMR. ROB MAURER.....NO REPORT

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

PUBLIC WORKS COMMITTEE.....MR. DEAN HOLLAND

Mr. Holland had the following report:

The Public Works and Economic Development Committee met this evening in Council Chambers at 6:30 to discuss Resolution 29-2021. That resolution directs the Mayor to act as the signature designee for the adoption of an anti-displacement and relocation assistance plan. The assistance plan is required in order for the City of New Philadelphia to receive funding provided under the Housing and Community Development Act. Mayor Day executed and provided the required document on July 12, 2021. After Committee discussion it was approved to place Resolution 29-2021 on tonight's Agenda and pass on the 3rd Reading. There being no further business to come before the Committee it was adjourned at 6:35 PM.

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 with one item to discuss. That was the Liquor License transfer from Lams Restaurant to Joe Tonys Bourbon Steak. After a short discussion we voted unanimously 2-0 to at this time get a voice vote from all of Council to have Ms. Courtright sign that the request is approved.

ROLL CALL VOTE
5 YEAS
THE LIQUOR LICENSE TRANSFER IS APPROVED

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

VISITOR'S COMMENTS: NONE

COUNCIL COMMENTS: NONE

READING OF ORDINANCES AND RESOLUTIONS

ORDINANCES:

- 14-2021 AN ORDINANCE TO ALLOCATE FUNDS COLLECTED UNDER THE CITY OF NEW PHILADELPHIA INCOME TAX ORDINANCE
2nd Reading
- 15-2021 AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO PERMANENTLY REZONE THE FOLLOWING ADDRESSES IN THE CITY OF NEW PHILADELPHIA, OHIO FROM BUSINESS, RESIDENTIAL, AND INDUSTRIAL TO TRAILER PARKS
3rd Reading

MRS. RAMOS MOTIONED FOR APPROVAL OF ORDINANCE 15-2021
MR. LANZER SECONDED THE MOTION
5 YEAS
ORDINANCE 15-2021 HAS BEEN APPROVED

RESOLUTIONS:

28-2021 A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO AUTHORIZING THE MAYOR OF THE CITY OF NEW PHILADELPHIA TO ENTER INTO THE OHIO ENTERPRISE ZONE AGREEMENT WITH THE CRANE CARRIER COMPANY, LLC, A COPY OF WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE AS IF FULLY REWRITTEN, FOR THE PURPOSES OF THE TAX ABATEMENT DESCRIBED THEREIN
2nd Reading

29-2021 A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, TUSCARAWAS COUNTY, OHIO AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEW PHILADELPHIA TO ACT AS THE SIGNATURE DESIGNEE FOR THE ADOPTION OF AN ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN FOR LOCAL GOVERNMENT
1st Reading

30-2021 A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO AUTHORIZING THE ANNEXATION OF REAL PROPERTY LOCATED IN GOSHEN TOWNSHIP, PARCEL NUMBER 25-02508-003
2nd Reading

UNFINISHED OR OLD BUSINESS: NONE

NEW BUSINESS:

Mr. Holland had the following comment:

It's been brought to my attention that Chapter 121 in the Codified Ordinances that there needs to be some revision. I most specifically point to Rule 14 which is the rule that guides the Council concerning the passage of ordinances and resolutions. This has not been updated in quite some time but what was noted when it was brought to my attention is that what has recently been published is entirely different than what I think the council intended.

Mr. Holland showed Rule 14 on the Overhead Projector in the original version on the left and the changed version on the right.

Mr. Lanzer had the following reply:

In Chapter 121 Rule 14 A we changed one word in there because at the time things getting put in Committee that weren't being put in the appropriate committee.

Mr. Holland asked President Kemp to put this issue into Committee for it to be researched and if there are changes that need made we can make those changes.

Mr. Fete had the following comment:

The Official Codified Ordinances that I get from Walter Drane reads exactly like Mr. Holland showed. Whether that's a typo or not I don't know. Our official ordinance book reads what's on the right-hand side. It's what the law is. My preference would be to clean up this section. Council needs to decide when passing ordinances if they want a majority of Council to pass it or a majority of those present when you have a quorum.

Mr. Maurer motioned to adjourn at 8:11 PM.

CLERK OF COUNCIL _____

Julie Courtright

APPROVED _____

PRESIDENT OF COUNCIL _____
Don Kemp