

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON NOVEMBER 12, 2018 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. DAN LANZER  
MRS. AIMEE MAY  
MR. ROB MAURER  
MRS. CHERYL RAMOS  
MR. JOHN ZUCAL

EXCUSED ABSENSES

MR. DEAN HOLLAND  
MR. KELLY RICKLIC

- MR. MAURER MOTIONED TO ADD ORDINANCE 28-2018 AND RESOLUTION 31-2018 TO TONIGHT'S AGENDA  
MR. ZUCAL SECONDED THE MOTION  
5 YEAS  
ORDINANCE 28-2018 AND RESOLUTION 31-2018 HAVE BEEN ADDED TO TONIGHT'S AGENDA
  
- MRS. RAMOS MOTIONED TO ACCEPT TONIGHT'S AGENDA  
MR. LANZER SECONDED THE MOTION  
5 YEAS  
TONIGHT'S AGENDA HAS BEEN ACCEPTED
  
- MR. LANZER MOTIONED TO ACCEPT THE MINUTES FROM THE OCTOBER 22, 2018 REGULAR SESSION OF CITY COUNCIL AND THE OCTOBER 24 SPECIAL SESSION OF COUNCIL  
MR. ZUCAL SECONDED THE MOTION  
5 YEAS  
MINUTES FROM THE OCTOBER 22, 2018 REGULAR SESSION OF COUNCIL AND THE OCTOBER 24 SPECIAL SESSION OF COUNCIL HAVE BEEN APPROVED

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

1. *To Clerk of Council from Mr. Kurt W. Boveington, representative of the Cin-Day Lucky Dawgs, a Cleveland Browns Fan Club based in Marion, Oh., dated October 29, 2018. This is a proclamation declaring New Philadelphia the Cin-Day Lucky Dawgs Browns Backers Suburb of the Week.*
2. *To Councilman Holland from President of New Philadelphia City Council Hitchcock, dated October 29, 2018. This is a forwarded email dated October 29. It states the following: "Dean, as per our conversation,*

*please take into your Committee the attached document and request by the Mayor for your consideration.*

3. *To Council and Administration from Income Tax Administrator for the City Vicki Daniels, dated November 1, 2018. This is the October Income Tax Report.*
4. *To Council and Administration from Auditor Gundy, dated November 2, 2018. This is the 2019 Temporary Appropriations.*
5. *To Clerk of Council from the Ohio Department of Natural Resources, dated November 6, 2018. This is a letter regarding the Kimble Company's application for an Industrial Minerals Permit No. AEX2430-1.*
6. *To Council and Administration from Auditor Gundy, dated November 5, 2018. This is the October 2018 Cash Position MTD, The Cash Position Revenue and Expense for October 2018, and the Expense Report with Encumbrance Detail through October 2018.*
7. *To Clerk of Council from Treasurer Tom Gerber, dated November 7, 2018. This is the City of New Philadelphia October 2018 Deposits.*
8. *To Councilman Ricklic from President of New Philadelphia City Council Sam Hitchcock, dated Thursday, November 8, 2018. This is a forwarded email titled "Info to Write Resolution to Apply for SIB Loan for Airport Hangar Construction" and it states: "Kelly, as per our phone conversation of today please take the attached resolution request from the Mayor into your Committee for Consideration prior to Monday's Council Meeting."*
9. *To Councilwoman Ramos from President of Council Hitchcock, dated November 10, 2018. This is a response to an email titled "International Property Management Code Ordinance 2018-23", and it states "Cheryl, I have added the Fire Chief in receipt of your message since he was the one who proposed the legislation.*
10. *To President of Council Hitchcock from Councilman Kelly Ricklic, dated November 11, 2018. This is an email that's titled "Council" and it states: "Sam, I will be unable to attend Council on Monday, November 12 because I'm in Columbus for an OSBA Conference for Buckeye Career Center. Also, Mr. Maurer will be running my Committee Meeting. He will be discussing Item #4 the Airport issue, and if it comes out of Committee and does not pass as an emergency, if needed, please call a Special Council Meeting on Wednesday if possible and the other Council Members agree. I won't be able to attend, and if you have any questions please call me.*
11. *To Council and Administration from Mayor Day, dated November 12, 2018. This is the Mayor's Report.*

### **Administrative Reports.....**

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

**Mayor Day had the following report:**

- **Honoring New Philadelphia and Tuscarawas County's Military Veterans :Today I had the honor of representing the City in the annual Veterans Day Ceremony on the County Courthouse plaza. New Philadelphia and Tuscarawas County has a long history of its men and women entering the armed forces to serve America and defend our freedoms. We are**

proud of that tradition. And proud of the families of veterans who serve and have served alongside them.

- New Businesses Open in New Philadelphia while Construction of others continues :Last week the opening of Spectrum Orthopedics' New Philadelphia location at Monroe Mall was celebrated with a Chamber of Commerce ribbon cutting ceremony. Spectrum is North Canton's largest orthopedic practice. The expansion to our City makes its staff of 12 highly skilled and board-certified surgeons available to area patients and raises the level of medical care available to our residents. Jersey Mike's Subs also opened its new restaurant on Bluebell Drive Northwest beside Starbucks. By the size of the crowds seen inside during its first week of business, Jersey Mike's has quickly become one of the area's favorite lunch destinations. Meantime, construction continues at Menard's on Bluebell Drive, Gemini Industrial Machine on Tech Park Drive and on East High Avenue Five Bullet Barrel Brewing Company and the Kent State-Tuscarawas gateway entrance road. Completion of those projects are expected in the late winter or early spring months of 2019. A new retail shop, called "The Gift Market" is set to open this month in the Gundy building at the corner of West High Avenue and 2nd Street downtown. Plus construction of the new addition onto the County's Main Library downtown is underway. It will be completed in about a year.
- The City's Annual Christmas Lighting Ceremony is Friday November 30that 6pm :We are planning some new features for this year's annual Christmas Lighting Ceremony downtown. The ceremony will begin at 6pm on Friday November 30th. We have asked local church choirs and musicians to join the elementary and middle school choirs in singing traditional Christmas songs. Several churches have offered to serve hot chocolate and cookies after the program. We are talking with the county about having the unveiling of the new courthouse lighting at the same time we light the downtown Christmas decorations. In addition, we've asked carolers to walk the downtown area afterward. And I've asked merchants and restaurants to use the event to create sales and specials that night. My executive assistant Mary Ann Otte is planning the event. Contact her at 330-364-4491 extension 1242 for more information. She is also accepting donations of candy canes to hand out at the Christmas lighting event. I'll have an update on the program in my November 26th Mayor's Report. I would like to that Pastor Josh McDonald and his group from the Authentic Church for changing the bulbs in the downtown Christmas light decorations and getting them ready to hang this week.
- The Mayor's Office First Winter Clothing Drive :Mary Ann is also busy collecting adult and children's winter clothing for the Salvation Army to give to needy individuals and families. If you would like to donate a new winter coat, hat, gloves, mittens or socks, please bring them to the Mayor's office at City Hall. We hope to make this an annual event.
- The Annual Christmas Parade is on Friday December 7<sup>th</sup>: New Philadelphia's annual Christmas Parade will step off at Tuscora Park on Friday December 7th at 6:30pm. If you would like to enter a unit in the parade, entry forms are available at the Mayor's office or at the Convention and Visitors Bureau on East High Avenue downtown. You can also download an entry form from the City's website at [www.newphilaoh.com](http://www.newphilaoh.com) or from the City's Facebook page.
- Contract Negotiations with the City's Bargaining Units is Underway:The Administration has begun negotiating new three-year contracts with the City's four bargaining units. Our team held its first meeting with the Fraternal Order of Police on October 25th and the American Federation of State, County and Municipal Employees on November 8th. We will open negotiations with the International Association of Fire Fighters this coming Friday November 16th. The City's current three year contracts with the unions expire on December 31st.
- Construction of a new 12 Bay Hangar has started at Harry Clever Field: Buckeye Career Center's heavy equipment and construction adult education class did a masterful job of preparing the site of a new 12 bay hangar on Delaware Drive at Harry Clever Field. Having

the adult students do the site prep work shaved thousands of dollars off the cost of the project, which is being financed by a \$500,000.00 loan from the State Infrastructure Bank (SIB). Rent payments from the new hangar will pay off the 20-year loan. Straitline Structures of Sugarcreek was awarded the bid to construct the metal hangar. I request that Council suspend its rules and pass Ordinance 28-2018 as an emergency tonight. It is the final document that's needed from the City to complete the loan agreement with the SIB.

SERVICE DIRECTOR .....MR. RON MCABIER

Mr. McAbier had the following report:

As reported last month on the 416 Paving Project, it is confirmed that it won't happen this year. I was able to meet with Shelly & Sands and another engineer on 416, showed them some areas that we'd like them to be able to address before this winter, so far they haven't. We're trying to reach out to them today, still have not received anything from them. All maintenance is up to Shelly & Sands between now and when they do the project. The areas that we did point out to them, they did want to come in and build that area up and repave it to get us through, but at this time they haven't done it yet, so it's definitely not going to be done in full this year. They will have a deadline at the end of May to get it done in the year 2019. Also, I'll bring everybody up to date on the Carlisle and Coniglio Projects. If we remember right in the summer we had bid those out. We have a deadline on Clean Ohio Money, it's supposed to be spent by December 31<sup>st</sup>. We're able to extend that to July 1<sup>st</sup>. We reopened bids October 30th and we got 3 bids in. We did have a bid at \$639,000 which saved us \$110,000 on those two ramps. We'll have a meeting tomorrow at 2:00 PM and hopefully award that to Ohio Erie Excavating out of Bolivar. So it worked in our favor, I'd especially like to thank the folks at OPWC for extending that grant time, so we're very thankful. Also, leaves started today. East High from the Square down I would say is 95% done. From there we'll go to North Broadway, out to Tusc, Union, Ray, and Fair and continue to fill in on the main streets. Again if you get any calls, please urge them to keep them in the curb strips not in the road because of the flooding that happens.

Mrs. Ramos had the following question:

Last year you guys picked up in the quarter sections of the City. Are you doing that again?

Mr. McAbier had the following reply:

Yes, we're staying on the mains right now, then the secondaries.

AUDITOR .....MS. BETH GUNDY.....NO REPORT

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

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

LAW DIRECTOR . . . . . MR. MARVIN FETE

Mr. Fete had the following report:

Several months ago this body passed Resolution 16-2018 and Ordinance 18-2018. Resolution 16-2018 was in support of our efforts in my office to apply for a grant that would allow for a full-time victim advocate for the prosecutor's office that would go to Municipal Court to support victims of crime. Ordinance 18-2018 ensured that the funds would be available for our matching portion of that grant. I am pleased to announce that we have been awarded that grant. We are going to be able to for the first time in the City's history have a full-time victim advocate position through the New Philadelphia Prosecutor's Office. They are going to the New Philadelphia Municipal Court to assist victims of crime. As many of you know Marci's Law was voted on and passed in 2017. That guaranteed constitutional rights to victims of crime at every level. I strongly support it, and it passed with overwhelming support in the State of Ohio. I'll be happy to entertain questions on the details. A lot of the details of the grant and things of that nature are in Resolution 16-2018 and Ordinance 18-2018. What I want to do is kind of speak from the heart tonight. It's rare that in government you get to vote for something that is so good and right and decent and has a direct impact for the good of individuals. An immediate impact. I've been practicing law since 2001 and I've seen a lot of domestic violence cases. What I want to try to do tonight is take you in the mind of a victim of domestic violence. Everybody here comes from good families. There's a lot of people out there that didn't have that opportunity. They may have grown up in a home where one parent was an alcoholic and in a lot of cases an abusive alcoholic. That impacts them for the remainder of their lives and having relationships that reflect what they do growing up. The essence of domestic violence is control. The abuser seeks to control all of the aspects of the other person. The abuser is so insecure that they must control the other person. Victims of domestic violence often are not allowed access to a car. They have to get permission as to who they keep as friends. They don't have any control over money. They are constantly reminded who's in charge and what they can and can't do. The abuser forces his will, or her will, to the extent that it escalates to violent beatings in some cases. A person in that circumstance is so beat down. This is in some cases all they know in life, in some cases what they think is the right kind of relationship. Maybe they are seeking to fix what they knew growing up. There's a whole range of psychological issues that are at play there. I see this happen all the time. I saw it in 2001 and I still see it come across my desk today. These people are so beat down and controlled that they will get beat up, sent to the hospital, and the next day be asking our office to drop charges against their abuser. Thanks to what we have done these people are going to have resources available to them. They're going to have somebody in their corner maybe for the first time in their lives. They're going to have somebody that's going to direct them to get help. They're going to have somebody that's going to advocate for them on a day to day basis in the courtroom to help them get through this process, to help them stand up on their own two feet in a situation that many of us can't even comprehend. That's what you did by passing this legislation. That's what we did and it's a good thing. It's something that is long overdue. In comparison the County Prosecutor's Office has about 150 criminal cases a year. My office prosecuted 450 criminal cases last year that involved victims and that's everything from assault, domestic violence, harassment, criminal damaging, violation of protection orders that are designed to protect people that are in fear of their lives, and that's not even counting the hundreds of traffic cases that we prosecute that also involve victims. These folks now have a constitutional right, and because of what we did they now have someone in their corner. I just want to thank everybody for what you did and the difference you have made in your community. I thank you, and I'm sorry that Councilman Holland and Councilman Ricklic aren't here, because it was Councilman Ricklic's Committee that shepherded this through. I am deeply grateful to all of you for the difference that

you've made in this Community.

**BOARD/COMMISSION REPORTS:**

PLANNING COMMISSION.....MAYOR JOEL DAY

The Planning Commission meeting for this month has been cancelled. We're working on some things and hopefully we'll be able to meet next month.

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

The Board of Zoning Appeals will meet tomorrow night at 5PM here in Council Chambers with three variance requests to be heard.

AIRPORT COMMISSION.....MR. JOHN ZUCAL

The Airport Commission will meet tomorrow evening 6 o'clock PM in the Harry Clever Field Meeting Room.

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

CEMETERY BOARD.....MRS. AIMEE MAY

The Cemetery Board will meet this Thursday, November 15 at 10 AM in Council Chambers.

HEALTH BOARD..... MR. KELLY RICKLIC.....EXCUSED ABSENSE

**STANDING COMMITTEE REPORTS:**

FINANCE COMMITTEE .....MR. ROB MAURER

Mr. Maurer had the following report:

The Finance Committee met this evening at 6:00 PM to discuss the budget process. It's that time of the year and earlier in the meeting I said that the Auditor, the Service Director and I have been meeting and we felt that it's best to go back to temporary appropriations due to not knowing exactly where we're going to be at the end of the year plus we have three union contracts that are out there that

have not been decided. The Service Director mentioned various equipment purchases. The equipment is in very poor condition with tons of miles, a 1992 model and a 1995 model. We plan to meet again November 26. I've asked the Committee, Council Members and the Administration to look over the temps that were sent to them and bring their concerns and we'll go over those at the next meetings.

SALARY COMMITTEE .....MR. JOHN ZUCAL.....NO REPORT

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

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

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

SPECIAL & CONTACT COMMITTEE .....MR DAN LANZER.....NO REPORT

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

**VISITOR'S COMMENTS:**

Tom Strickling of 319 Fair Ave NW had the following comment:

I've lived in New Philadelphia for 25 or so years. I own rental property, I'm a Teacher, and I'm on the Zoning Board of Appeals. I'm certainly in favor of discussing the Property Maintenance Code that you're considering. Certainly in favor of Ordinances that are designed to maintain safe and attractive structures. Well kept and maintained properties benefit neighborhoods and property values and overall appearance and image of the whole City. There are too many properties in New Phila that are in various states of disrepair. A house beside my house has been in disrepair for 20 years. Houses in disrepair lower the property values of neighboring houses. I fully trust the Service Director and the Mayor, but there's a lot in the property maintenance code that doesn't need to be there. As a layman it's difficult to read that code and ascertain what's residential and what's commercial. It doesn't divide it out. In Chapter 3 they talk about one hobby. For some reason in Chapter 3 you're not allowed to restore a car in your own garage. If your vehicle doesn't run you can't store it in your own garage. How can a code say you can't keep a car in your garage if it doesn't run? Then the code continues to say you can't disassemble the car to make it run. I definitely agree that there are too many properties in New Phila that need repaired. We need to do something about it. There are a lot of things we need to address, I just don't think we need to address 50 pages of code to address those issues.

Sue Behm of 341 East High Avenue had the following comment:

I am a landlord and I was a realtor until 2 years ago. I 100% agree with Mr. Strickling that I'm not sure this is the stuff we need in there if someone can't work on their own car. I would just like you to think about it and maybe check on some other small towns and see if they already have this code that you need. I know of a house in the 100 block of Poplar Avenue NW. It burnt and is still standing there.

Mr. Zucal had the following comment:

That house is in my ward. I've spoken with the Mayor and the Fire Chief about it. If I'm not mistaken right now a tear down order is in place for that home. I saw one of the excavation companies out there the other day so it should be coming down rather shortly. It took so many years partly because of a legal situation.

Tom Farbizo of 936 3<sup>rd</sup> Street NW had the following comment:

I'm hearing representing the Quaker Digital Educational Foundation. A couple things that I would like to address tonight, first of all you got a little packet that I put together. We were able to issue two \$1,000 scholarships as promised in the 2017-2018 school year, and I enclosed a photo of the female who received her check and the male who received his check, a little bio on each one of them and the newspaper article. Also, I'd like to address the project at the airport. First of all, since we've undertaken the new windows at the main hangar at the New Phila City Airport, the City has received 18 new, energy efficient windows at no cost to the City. You have 11 windows that face East High Avenue. They have advertising on them. The advertising is approximately 4x8. The other seven windows are on the side of the building. Secondly, the electrical students at Buckeye Career Center installed new lights in all the windows, so it lights up the advertising at night and gives you a security factor. What we hope to do next year is give out some more scholarships. Tonight, I have a check that I'll let the Mayor open.

Mayor Day had the following comment:

This is from the Quaker Digital Academy Foundation to the City of New Philadelphia, a check for \$4, 200.00.



**COUNCIL COMMENTS:**

Mr. Zucal had the following comment:

I just wanted to take a few moments to recognize Veteran's Day. At Central Elementary we accompanied the Fourth and Fifth Graders to our courthouse where Mr. Day was present representing the City for the program there. I just wanted to take the opportunity on behalf of myself and my family, representing Ward 2 of New Philadelphia to thank all those veterans out there who have done so much to protect the freedom that we enjoy each and every day. One of the great freedoms we have is to gather here in a free country and a free society to debate those things at times that we can agree to disagree upon, but also to work to make our world a better place starting with our own little community.

Mrs. Ramos had the following comment:

I want to thank Mr. Strickling and Mrs. Behm for coming tonight. I also expressed these concerns about the International Property Maintenance Code. I too have concerns with grabbing something off the shelf. I too feel that we have to tailor the International Property Maintenance Code, although it will take a lot more time. Yes, I agree that we do need something. There's a lot of properties that need some help. I was concerned also about due process for property owners that maybe didn't have the funds to make the required changes to their property. I was concerned about the \$1,000 per day fine and possible imprisonment up to 6 months for violations. Most of the homes in New Philadelphia are older. I, myself live in a home that was built in 1920. Many property owners may not have the money to pay for the changes that they're required to make but also to pay for \$1,000 a day fine. This code does apply to all existing buildings including residential and commercial. I agree it's a little hard to read. I'm also concerned that the Fire Chief when he was at the Committee meeting said that this would be initiated by citizen's complaining against each other. So I was asking what the procedure and process would be to protect residents and business owners from unwarranted complaints.

Law Director Fete had the following comment:

I just want to address that and the concerns that were raised by the citizens that came here to speak. This law like all laws is discretionary. The Ordinance that is before Council is patterned after other communities that have adopted the International Property Maintenance Code. The Ohio Revised Code gives us the authority to adopt different procedures of our codes from different venues. I share Mr. Strickling's concerns that what about a future Service Director down the road that might want to enforce everything in it. The reason the Fire Chief, who has been the biggest advocate for this, pushed for it, is it gives your leaders in the community another tool to make our community better, to clean it up, to make it more attractive to businesses that want to come here and people that want to live here, which I know all of you support. The fact that it's discretionary, you need to understand that there are multiple checks on the balance of power in this regard. Before somebody is cited there are probably 3 entities that are going to be involved. That is the Service Director, Fire Chief, and the Police Department. In addition to that let's say somebody does get cited, then it comes to my office and as prosecutors we are sworn to do justice. If it came across my desk that we're prosecuting somebody for working on a car in their garage that's going to be dismissed. It will be dismissed at a cost to the City. So, I want you to know that there are multiple checks on the authority for enforcing this. As the Fire Chief said citing somebody is not our first goal, it's a last resort.

**READING OF ORDINANCES AND RESOLUTIONS**

ORDINANCES:

23-2018 AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO ADOPT CHAPTER 1323 OF THE CODIFIED ORDINANCES OF THE CITY OF NEW PHILADELPHIA FOR PURPOSES OF ADOPTING THE INTERNATIONAL PROPERTY MAINTENANCE CODE FOR THE PURPOSES OF REGULATING BUILDING AND STRUCTURES WITHIN THE CORPORATION LIMITS OF THE CITY OF NEW PHILADELPHIA AS THEREIN PROVIDED.  
2<sup>nd</sup> Reading

28-2018 AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO AUTHORIZING THE MAYOR TO APPLY FOR AN OHIO DEPARTMENT OF TRANSPORTATION (ODOT) STATE INFRASTRUTURE BANK (SIB) LOAN TO ASSIST THE CITY OF NEW PHILADELPHIA IN FUNDING TO FINANCE 100% OF THE CONSTUCTION OF A 12 BAY NESTED T HANGAR IN THE CITY OF NEW PHILADELPHIA, OHIO.  
1<sup>st</sup> Reading

**RESOLUTIONS:**

31-2018 A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO AUTHORIZE AND DIRECT THE AUDITOR OF THE CITY OF NEW PHILADELPHIA TO TRANSFER FUNDS FROM THE TV CABLE FRANCHISE FEES FUND #260 TO THE GENERAL FUND #101.  
1<sup>st</sup> Reading

**UNFINISHED OR OLD BUSINESS:**

President of New Philadelphia City Council Sam Hitchcock had the following comment:  
Due to the request from the Safety Chair I would like to schedule a Special Session of Council to deal with Ordinance 28-2018 for Thursday, November 15 at 5:30.

**NEW BUSINESS:**

Mr. Maurer motioned to adjourn at 8:29 pm

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

APPROVED \_\_\_\_\_

PRESIDENT OF COUNCIL \_\_\_\_\_  
Sam R. Hitchcock