

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON NOVEMBER 26, 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. KELLY RICKLIC
 MR. JOHN ZUCAL

EXCUSED ABSENSES MR. DEAN HOLLAND

- MR. MAURER MOTIONED TO ACCEPT TONIGHT’S AGENDA
MRS. RAMOS SECONDED THE MOTION
6 YEAS
TONIGHT’S AGENDA HAS BEEN ACCEPTED

- MR. LANZER MOTIONED TO ACCEPT THE MINUTES FROM THE NOVEMBER 12, 2018 REGULAR SESSION OF CITY COUNCIL AND THE NOVEMBER 15, 2018 SPECIAL SESSION OF COUNCIL
MRS. RAMOS SECONDED THE MOTION
5 YEAS 1 ABSTAINED (MR. RICKLIC)
MINUTES FROM THE NOVEMBER 12, 2018 REGULAR SESSION OF COUNCIL AND THE NOVEMBER 15, 2018 SPECIAL SESSION OF COUNCIL HAVE BEEN APPROVED

CORRESPONDENCE CLERK, JULIE COURTRIGHT

1. *To Clerk of Council from the Department of Commerce Division of Liquor Control. This is dated November 8, 2018. This is a letter titled “Notice of Legislative Authority Objections to Renewal of Liquor Permit.*
2. *To Council, Administration, and Members of the Planning Commission from Mayor Day, Dated November 14, 2018. This is an email and it’s titled “Jan McInturf’s City Planning Commission Appointment Letter”. It states the following: “All, I have appointed long term realtor, businessman, and NPHS graduate Jan McInturf to the City Planning Commission. His experience and love for the community will be a valued asset for planning the City’s future. This was replied to by President Hitchcock who said “Excellent choice”.*
3. *To President of New Philadelphia City Council Hitchcock from Safety Director Greg Popham, dated November 15, 2018. This is a letter and it states “Sam, I will not be in attendance at the Special Session of Council tonight, November 15, 2018.*
4. *To Clerk of Council from Treasurer Tom Gerber, dated November 15, 2018. This is the City of New Philadelphia November 2018 Investment and Savings Report.*
5. *To Clerk of Council from the Ohio Division of Liquor Control, dated November 14, 2018. This is a Liquor License Transfer Request from Buckeye Beverage on East High LTD DBA Buckeye on East High LTD, to Oszust LLC, 1103 East High Ave. This states the following” Responses must be postmarked no later than December 17, 2018. Please complete and return this form to the Division of Liquor Control whether or not there is a request for a hearing.”*
6. *To Councilman Lanzer from President of Council Hitchcock, dated November 20, 2018. This is an email titled FWD: Liquor License Transfer Request. It states the following “Dan, please take the attached liquor permit transfer into your Committee”*
7. *To Mayor Day from Councilwoman Ramos, dated November 25, 2018. This is an email titled “Ordinance 23-2018. This was replied to by Mayor Day.*
8. *To Council and Administration from Mayor Day, dated November 26, 2018. This is the Mayor’s Report.*

Administrative Reports.....

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

Mayor Day had the following report:

- Why City Council should adopt Ordinance 23-2018: Since my administration took office nearly three years, we have been addressing complaints from City Council members and constituents about abandoned and dilapidated properties and substandard housing in the City. Fire Chief Parrish and City Building and Zoning Code Administrator Scolati have been leading that effort, and in doing so, have discovered the limitations of our local fire and building codes. Because of those limitations, they are recommending to Council - and I support their recommendation - that New Philadelphia should adopt the International Property Maintenance Code as an additional tool they can use to do their jobs. It would not replace our existing codes, but would be used to supplement them. It would be used if necessary. If adopted by Council, the appeals process contained in the IPMC would be implemented and followed. The IPMC is nothing new. My research shows that it is now in use by many Ohio communities, including Green Township in Summit County, Gallipolis, Upper Arlington and Olmstead Falls. It has been in existence for over two decades and has been adopted by 40 of the 50 states in America, including Ohio. The decision to adopt it for New Philadelphia is up to this Council. If you feel it's not needed, then vote against passage of Ordinance 23-2018. If you do adopt it, then changes that are necessary over time can be made by City Council. In my mind, the fears raised by adopting the IPMC are unfounded. My administration, as do the people of New Philadelphia, believes in fairness in following the law. The Law Director has a duty to see that we do. We will exercise patience in enforcing the IPMC as we have done with our existing codes. And we should expect the same from future administrations. If you want the fire chief and building and zoning code administrator to better address the condition of properties in our City, Ordinance 23-2018 should be adopted.
- Development of a City Cemeteries Master Plan Continues: On November 15th, members of the City Cemetery Board held a two hour meeting with consultant Jose Castrejon of Cincinnati to learn of the progress made in his designing a City cemeteries master plan. The meeting focused on the design of the new cemetery land on Delaware Drive NE and the repurposing of land in the East High Avenue cemetery where the Cemetery Department office exists. Castrejon, of MSP Designs, took the recommendations given to him by the board and will present a revised version of the master plan within the next couple of months. Once the board's work on the plan is completed, it will be presented to City Council and the public for comment.
- The Tuscarawas County Economic Development Corporation holds its first meeting: Earlier in the morning on November 15th, the newly created Tuscarawas County Economic Development Corporation board of directors held its organizational meeting at the Tolotty Center on Tech Park Drive NE. The mayors of the county's cities - New Philadelphia, Dover and Uhrichsville - are members of the board. The County Commissioners established the TCEDC as the single point of contact for site selectors and others who inquire about business locations in our county. The board adopted a code of regulations, working agreements with the county Economic Development Finance Alliance (port authority) and County Community Improvement Corporation (CIC) and hired Harry Eadon as the TCEDC's executive director. Eadon formerly managed the EDFA. The structure of the TCEDC was modeled after similar economic development organizations in Stark and Wayne counties.
- A Reminder about the City's Upcoming Christmas Season Celebrations: The annual Christmas Lighting Ceremony is this Friday, November 30th at 6pm at the gazebo downtown quadrant. The program includes performances by the Broadway United Methodist Church choir, the New Philadelphia elementary school and middle school choirs and the choir from the Kent State-Tuscarawas campus. Plus the New

Philadelphia High School Guitar Ensemble will perform holiday music. To conclude the program, the County Commissioners will have a brief ceremony to dedicate the new LED courthouse lighting, which will be revealed when all the downtown Christmas lights come on. Check the City's Facebook page for more details. Then don't forget the annual City Christmas Parade, which will step off from Tuscora Park at 6:30pm. If you would like to enter a unit in the parade, signup sheets are available on the City website www.newphilaoh.com or at the Mayor's office or Convention and Visitors Bureau office downtown on East High Avenue. Santa's house was delivered to the courthouse quadrant downtown today. And there's a rumor that the Jolly Fellow could make a special appearance at Friday's lighting ceremony, before riding in the parade on December 7th.

SERVICE DIRECTORMR. RON MCABIER

Mr. McAbier had the following report:

Just a quick update on two grants that we were successful in receiving. The first one was through OPWC in the amount of \$299, 000. That was for the Wabash Ave. Project. We reported before that we're going to upgrade both the storm lines and water lines and separate them. They were in the same ditch which makes it problematic every time they worked on the waterline. We'll receive that money in July of 2019. That project will be done in Spring of 2020. Also, the Water Asset Management Loan through Ohio EPA in the amount of \$10,000 which will pay for the entire project which tracks the distribution system from leaks to interrupted service to consumer complaints. We're working with Diversified through that. Again, that's something the EPA just came out with and requires for us to do. We're very pleased to get that one. There's fifteen of them in the amount of \$10,000 each.

AUDITORMS. BETH GUNDY.....NO REPORT

SAFETY DIRECTORMR. GREG POPHAM

Mr. Popham had the following report:

I would like to relinquish my time to Fire Chief Parrish who would like to put out some information.

Fire Chief Parrish had the following report:

Good Evening. I've done this job for 10 years now and I've never once done anything to push the Council to do something they don't want to do. As the Mayor eluded to we've been talking about the International Property Maintenance Code for quite some time. If you recall the first Committee meeting that we discussed this was on Thursday, December 29, 2016. So there's nothing new here before you. They are updating the International Property Maintenance Code. They have a 2018 version. In the Ordinance you'll see that we ask for the most current version. We also do that with the fire code. That keeps up from continually having to go back to Council when there's revisions. They don't just update those without any input from us because the fire departments across the State of Ohio whenever they get ready to do a code update they put out a request for information to all the Fire Chiefs in the State of Ohio. After the code is changed they put out a continuing education program to express all the changes that were made. You even have to take a little quiz afterward. The International Property Maintenance Code is very similar to that. **(Chief Parrish gave a slide show presentation showing houses that would be in violation of the International Property Maintenance Code)** At the end of the day you guys have a decision to make, whether to pass the property maintenance code or not. I've sat in the back of the room. I've listened to comments of "we're all hammers. We're not hammers, we're public servants serving all of the people in this City. Whether you're black or white, whether you're rich or poor, whether you're gay or straight, whether you like us or you don't like us. We serve everybody because we're public servants. That's what we do. We're not out to get anybody. We're not out to put elderly people in jail. In the history of the fire department as far back as I can tell we've had one citation to one individual and that was because of a childish act that he did. I would like to see us clean this City up. If there's someone that's poor who doesn't have resources, we have a ton of churches. We have a ton of people in this community that would love to go out and help people. Why don't we identify them and help them? We're not here to put people in jail. We're here to make the City safer.

Councilwoman May had the following question:

The house on Poplar that had the fire that the bank has control of, how

would this make it different?

Fire Chief Parrish had the following comment:

Our situation now we would give them a tear down order. We would tear it down and we would assess the taxes, and when the bank and the insurance company and all those folks figure out who really owns the property then they would just have to pay those taxes.

Mr. Zucal had the following comment:

I can speak on that Poplar address. It's in my ward and very close to me. You hit key details about that. The other concern of neighbors has been that you'll see people from time to time attempting to gain access inside that. I think it's been proven in urban research as well that it would apply to us that the more homes you have that are decrepit, vacant, the more likely you are to have crime association with it in that general area, because they become a place where people have ill intent to perform ill intended acts.

Mrs. Ramos had the following question:

What is deficient in the current Ohio fire code that will not address these problems?

Fire Chief Parrish had the following reply:

The Ohio Fire Code deals primarily with Commercial properties and multi-family dwelling properties.

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

In Chapter 3 about having a vehicle in the garage, who is going to approve my garage?

Fire Chief Parrish had the following reply:

The spirit of that part of the code is when we have an individual that has one car in the garage and five in the front yard and was doing that for hire. He was running a business out of his home and the neighbors didn't like that. This is discretionary. The intent is to clean up problems and take care of problems.

Robert Knauss of 301 East High Avenue had the following question:

When it says no non-working vehicle should be stored on any premises, what do you mean by premises? I have a non-working Mercedes Benz in my garage right now and there's no license on it. I don't want to put a license on it because if I do I have to insure it. I'm not driving it. I don't want to sell it right now. It's in my garage. I had that privilege for years and years. I don't want to give up my privileges.

Fire Chief Parrish had the following reply:

We're not after your privileges.

President of New Philadelphia City Council Sam Hitchcock had the following comment:

Enforcement offers discretion all through the scale. Attempts are made to deal with whatever clears up the problem but the laws have to have enough teeth that if the simple warning or the lower approach doesn't work there's an opportunity to move up the scale a little bit to do whatever is needed to get the enforcement.

Jack Jones of 124 4th St. NE had the following question:

We have a health department in the City that offers STD tests on a daily basis. We have a County Health Board that is supposed to look into things like the pictures that you showed. Are you telling us that they don't address these issues?

Fire Chief Parrish had the following reply:

I didn't allude to anybody not doing their job. That particular situation we had the County prosecutor involved we had the police department involved. We had Job and Family Services involved, we had Community Mental Health involved, and we also had a doctor involved. We did everything in our power to help this individual make that good decision and at least put a roof on his house. We exhaust every possible way to work with people.

Councilman Zucal had the following comment:

Many of those issues that Chief Parrish showed us tonight are not Health Department issues. When you see tires in front yards they are breeding grounds for mosquitos, and there was nothing the City of New Philadelphia could do get people to remove those tires. Right now the City of New Philadelphia there is a fear of the unknown, that the City of New Philadelphia is conducting a witch hunt. As a member of City Council I'm telling you right now I'm going to vote for passage of this. Not because we're going to go out and attack people who have a car in their garage. We have far more important things to do as a community than that, but at the same

time individuals in this City shouldn't have to live next to some of the issues that we see on those screens. Those are the same people, the silent majority, who will not come forward and say that this is going to be helpful to me. I try to sell my home and people come by. I had a lady call me right before Thanksgiving. She said "can you please do something, can you call the Service Director or the Mayor? We're having family coming in for the holidays and the house across the street is in such a deplorable condition." I trust the City Administration and our Police Department to make the right decisions. The Health Department alone does not solve that. What we're trying to do is clean up the City. If you're doing things right we're not going to penalize you.

Fire Chief Parrish had the following reply:

There will be an appeals process just like there is for the fire code. So if an individual thinks that we wronged them the first thing they can do is file an appeal.

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

LAW DIRECTOR MR. MARVIN FETE

Mr. Fete had the following report:

Just to update you on what's going on with our Victim Advocate Program, we received 15 resumes and applications for the position. We are starting to interview. We're not putting up a deadline on when to apply because our goal is to get the best quality person in there that we can possibly have. Also, I do want to say that I support passage of Ordinance 23-2018. This puts one more tool in the hands of this body to clean up the City and make it a safer place. I strongly support the teeth that are in this for enforcement purposes.

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR JOEL DAY

The Planning Commission is scheduled to meet the second Tuesday of next month in Council Chambers.

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

The Board of Zoning Appeals met November 13 here in Council Chambers at 5:00 PM with three variance requests. One at 2228 Rieser Ave. SE in New Phila. Non-compliance 1169.08 over allowable signage. The variances were requested and voted and approved on with a 5-0 vote to locate that variance. Also, we had a non-compliance on Chauncey Ave 1153.02. That was under allowable square footage. That was taken to a vote and also voted on 5-0 to pass that variance for that property. Also, we had a 3rd one from 223 Fair Ave. NW a non-compliance with 1165.06. The individuals there did not show up so the Chair had voted to table it.

AIRPORT COMMISSION.....MR. JOHN ZUCAL

There will not be a December meeting of the Airport Commission however I would like to inform all that are here this evening that Mr. Kennedy has been working on our new Hangar Project and he has been able to go out and secure the color scheme that will match the other Delaware hangars, so progress is being made. Again I'm very appreciative of Don Kennedy and all the hard work he puts into this City airport and doing things right.

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

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

HEALTH BOARD..... MR. KELLY RICKLIC.....NO REPORT

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEEMR. ROB MAURER

Mr. Maurer had the following report:

The Finance Committee met tonight at 6 PM to discuss 2019 Temporary Appropriations. The Committee is asking the Law Director to draw up appropriate legislation to allow the City to operate in the first three months of 2019 as per the Auditor’s figures. We plan to meet by the end of January or the first of February to start discussing permanence. We also discussed a request by Auditor Gundy to transfer money and several line items to the general fund. We’re going to also ask the Law Director to draw up appropriate legislation for passage by the end of the year on both items.

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

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

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 will be meeting December 10, 2018 at 7:00 PM.

PARKS & CEMETERY COMMITTEEMRS. AIMEE MAY.....NO REPORT

VISITOR’S COMMENTS: NONE

COUNCIL COMMENTS: NONE

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.
4th Reading

MR. RICKLIC MOTIONED FOR APPROVAL OF ORDINANCE 23-2018
MR. MAURER SECONDED THE MOTION

Mrs. Ramos had the following comment:

I was hoping that this would be tabled so that we could work on this some more, but I am voting no, not because I don't believe some tool is needed to address some issues of eye sore, unsafe, or substandard housing, as we've seen in the Fire Chief's presentation in the City. I believe that targeted and localized legislation is needed. I do want the building code administrator and the Fire Inspector to better address the conditions of properties in the City. I have many concerns with the wholesale adoption of the International Property Maintenance Code which is overly broad and contains many yet to be filled in blanks. My concerns have been voiced and questions remain. I believe that Council and the Administration can work together to develop better legislation to target the City areas of concern instead of casting a broad net. Therefore, I do not support wholesale adoption of the International Property Maintenance Code including future and unknown additions.

6 YEAS 1 NAY (Mrs. Ramos)
ORDINANCE 23-2018 HAS BEEN APPROVED

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.
3rd Reading

MR. MAURER MOTIONED FOR APPROVAL OF RESOLUTION 31-2018
MR. ZUCAL SECONDED THE MOTION

7 YEAS
RESOLUTION 31-2018 HAS BEEN APPROVED

UNFINISHED OR OLD BUSINESS:

President of New Philadelphia City Council Sam Hitchcock had the following comment:

Our bylaws stipulate that our regular meetings are the 2nd and 4th Mondays of the month, unless one of those falls on a Holiday, in such a case that we're supposed to move the meeting to the following Thursday. Christmas is a Holiday but Christmas

Eve will be the 4th Monday. So, unless you want to be here on Christmas Eve we should probably entertain a motion to move that meeting to the Thursday.

MR. ZUCAL MOTIONED TO MOVE THE SECOND COUNCIL MEETING IN DECEMBER FROM MONDAY, DECEMBER 24 TO THURSDAY, DECEMBER 27, 2018

MRS. RAMOS SECONDED THE MOTION
7 YEAS

THE SECOND COUNCIL MEETING IN DECEMBER WILL TAKE PLACE ON THURSDAY, DECEMBER 27, 2018

NEW BUSINESS: NONE

Mr. Maurer motioned to adjourn at 8:52 pm

CLERK OF COUNCIL _____
Julie Courtright

APPROVED _____

PRESIDENT OF COUNCIL _____
Sam R. Hitchcock