

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON OCTOBER 14, 2019 WITH PRESIDENT OF NEW PHILADELPHIA CITY COUNCIL SAM HITCHCOCK PRESIDING. COUNCILMAN HOLLAND OFFERED A PRAYER, AND ALL IN ATTENDANCE RECITED THE PLEDGE OF ALLEGIANCE.

COUNCIL MEMBERS IN ATTENDANCE

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

EXCUSED ABSENCE: NONE

- MR. ZUCAL MOTIONED TO ACCEPT TONIGHT’S AGENDA
MR. MAURER SECONDED THE MOTION
7 YEAS
TONIGHT’S AGENDA HAS BEEN ACCEPTED

- MR. LANZER MOTIONED TO ACCEPT THE MINUTES FROM THE SEPTEMBER 23, 2019
REGULAR SESSION OF CITY COUNCIL
MR. HOLLAND SECONDED THE MOTION
7 YEAS
MINUTES FROM THE SEPTEMBER 23, 2019 REGULAR SESSION OF COUNCIL HAVE BEEN
APPROVED

CORRESPONDENCE CLERK, JULIE COURTRIGHT

1. *To Clerk of Council from the Ohio Division of Liquor Control, dated September 25, 2019. This is a new Liquor License request from Dolgen Midwest LLC DBA Dollar General Store 1075 S. Broadway St. New Philadelphia, Ohio. It says “Please complete and return this form to the Division of Liquor Control whether or not there’s a request for a hearing.” Mailed on September 25, 2019 response must be postmarked no later than October 28, 2019.*
2. *To Clerk of Council Julie Courtright from Richard W. Hinig, Attorney and Counsellor at Law, dated September 25, 2019. This is a letter and it has some pages with it*

- regarding Riker Annexation. It says "Dear Julie, I represent John C. Riker in the annexation of Goshen Township Property in New Philadelphia. Enclosed is the annexation petition with the accompanying affidavit, the property deed and the surveyor's map indicating the property to be annexed. This has been submitted on September 25, 2019 to the County Commissioner's Office for approval. I forwarded this to President of Council Sam Hitchcock.
3. To Clerk of Council from Treasurer Tom Gerber, dated September 30, 2019. This is the City of New Philadelphia September 2019 Deposits.
 4. To City Council from Executive Assistant to the Mayor, Mary Ann Otte, dated September 27, 2019. This is the Mayor's End of Month Report for the Month of September.
 5. To Councilman Zucal from President Hitchcock, dated September 30, 2019. This is an email with the subject nonbargaining salaries and it states "John, regarding the attached email communications please take into your Committee a review of the nonbargaining wage increases and adjustments."
 6. To Council and Administration from Auditor Gundy dated October 3, 2019. This is an email with the subject Check Report by Fund for September 2019, Cash Position from Revenue and Expense for September 2019, Expense Report with Encumbrance Detail for September 2019, Statement of Cash Position with MTD Totals for September 2019. It has all of those as the attachments.
 7. To Council and Administration from Vickie Daniels, dated October 3, 2019. This is the September Income Tax Report with that as the attachment.
 8. To Council and Administration from Mayor Day, dated September 6, 2019. This is an invitation to attend the October 16 Meeting to learn about the New Philadelphia Bicycle and Pedestrian Connectivity Plan.
 9. To Council and Administration from Auditor Gundy, dated October 8, 2019. This is an email with the subject "September 2019" and the attachment is "Auditor's Financial Statement for September 2019".
 10. To Councilman Ricklic from President of Council Sam Hitchcock, dated October 8, 2019. This is an email with the subject "Forward Appoint to Committee Increase Rate" and it says "Kelly, please take into your Committee the Service Director's Request for Consideration of an increase in water and sewer rates".
 11. To Council from Auditor Gundy, dated October 8, 2019. This is an email titled September 2019 with the attachment "Lodging Tax for September of 2019
 12. To Councilman Ricklic from President Hitchcock dated October 9, 2019. This is a forwarded email with the subject "Please assign this issue to the appropriate Committee for consideration" it has the attachment Chapter 971 Garbage and Rubbage Collection and it states "Kelly, please take the attached request from Mayor Day into your Committee for Consideration".
 13. To Councilman Zucal from President Hitchcock, dated October 10, 2019. This is an email titled "Airport Assignment" and it states "John, thank you for your

request for assignment of this important matter being chair of the Airport Commission. Please take these items into your Council Committee for consideration.

14. *To Councilman Lanzer from President Hitchcock, dated October 11, 2019. This is an email with the subject Liquor License Permit Dollar General with that as the attachment. It states "Dan, please take the Liquor License Permit into your Committee for consideration.*
15. *To Council and Administration from Mayor Day dated October 14, 2019. This is the Mayor's Report*

Administrative Reports.....

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

Mayor Day had the following report:

- **Enacting Chapter 1333 of the City's Codified Ordinances:** Chapter 1333 of the City's Codified Ordinances has never been implemented since its adoption in July of 1989. The law creates a Design Review Board, which establishes architectural design standards for structures in the downtown area. It's time to put this ordinance into effect to further assist the revitalization of the Central Business District and to have our downtown achieve a uniform, attractive look. I ask Council members to read section 1333.04 of the ordinance and send me the names of candidates for the Design Review Board. The design standards should be obtainable and should help owners increase the value of their downtown property.
- **Learn about the New Philadelphia Bicycle and Pedestrian Connectivity Plan:** A public meeting will be held this coming Wednesday October 16th to present a plan being developed to connect bicycle and walking trails in the City with other trails throughout the county. The meeting will begin at 6pm in City Council chambers and will be hosted by Dan Rice of the Ohio and Erie Canalway Coalition and Envision, a consulting group hired by the East High Avenue Corridor Committee. The committee, led by County Commissioner Joe Sciarretti, has been working on the plan for the past 18 months. Your input on the plan is encouraged. The connectivity plan will be rolled into the City's master/vision plan, which will direct future growth and economic development.
- **The City Jail Receives High Marks in its annual State Inspection :** State Jail Inspector David Hicks has announced that a recent inspection revealed that the New Philadelphia City Jail is in compliance with the Minimum Standards for Jails in Ohio. The inspection found the jail in compliance with 108 standards, 51 "Essential" and 57 "Important". I commend Police Chief Mike Goodwin and his staff for continuing to meet and exceed the State's standards for jail operations. And I hope that less people need to spend time in our jail to learn how well it's operated.

- The Autumn “Art on the Alley” Event Should be Quite a Show: The fall version of Art on the Alley downtown is coming up on Sunday October 20th from Noon until 5 pm. And according to organizer Rick Arrendondo, every vendor location at the event has been filled. It will be a mix of new and returning artists and vendors with live music and entertainment on the 1st Drive NW and 1st Drive SW stages. Art on the Alley is becoming a signature community event for downtown New Philadelphia. Bring the family, invite your friends and neighbors and join in the celebration of our town and our area’s artistic talent.
- Shout outs to the championship Quaker Ladies Volleyball Team and the Marching Quaker Band: I’d like to give a special shout outs to the state-ranked New Philadelphia High School Quakers Volleyball Team, for repeating as East Central Ohio League champions, and the Marching Quaker Band, which swept the Class A awards at the Norton High School Art in Motion Field Competition. The achievements of the girls’ athletic programs and marching band programs in all of New Philadelphia’s schools are a great source of community pride.

SERVICE DIRECTORMR. RON MCABIER

Mr. McAbier had the following report:

The 2019 paving has been completed with Donahey Ave. NE being done from Broadway over to Hillendale and Countryside also being completed. So that will be the end of 2019’s paving. Also I want to talk about the floodplain study that Kent State had done in 2018. They submitted that. It has been officially okayed, it won’t be officially published though until November 29th. Right now quite a few financial institutions are honoring that map because of that, but officially not until November 29. It’s on the website, it shows the difference there. We’ve had about 25% or more drop out of the floodplain. Also the price of road salt has gone up a few dollars. It’s now \$86.83 a ton. We started receiving some last week and it continues for the next few weeks that we are complete.

AUDITORMS. BETH GUNDY

Ms. Gundy had the following report:

I attended the Annual Government Finance Officer’s Conference and I met our State Auditor personally and he also spoke before the group. One thing that he said was what he’s most concerned with is not necessarily fraud. Fraud is still there and will always be there but it doesn’t seem to be as big of a problem as it has been in past years. What is most concerning to him is the cyber security threat. He’s just advised us to all make sure that we have every safeguard in place. I just want to pass that along.

Mr. Fete had the following question:

Did (the State Auditor) happen to mention why he ordered real estate taxes to be re-evaluated and increased by 15% in value which raised everyone’s property taxes across the state?

Ms. Gundy had the following response:

That’s an ongoing thing. It’s done every seven years.

SAFETY DIRECTORMR. GREG POPHAM

Mr. Popham had the following report:

First I'd like to ask for an Executive Session for personnel/ compensation to tie into your requirements. Next I'd like to thank everyone for their participation in last week's Safety Day. Police and Fire Departments, the Street Department for blocking the road. It was a good crowd, good weather, and a good time by all. Sunday morning one of the 2019 police cruisers was involved in an accident on 4th Street at Gooding. At this point we don't know whether they're going to total it or not.

MR. ZUCAL MOTIONED FOR AN EXECUTIVE SESSION ON THE SERVICE DIRECTOR'S REQUEST

MR. LANZER SECONDED THE MOTION

7 YEAS

AN EXECUTIVE SESSION WILL BE HELD AFTER TONIGHT'S LEGISLATIVE AGENDA AND A 5 MINUTE RECESS

TREASURER MR. TOM GERBER

Mr. Gerber had the following comment:

On the subject of downtown revitalization I noticed that Miller Clothing is doing a fantastic job of revitalizing their building.

Mr. Zucal had the following comment:

Marty Miller actually studied the design of the building as to what it looked like years ago and he's trying to restore the historical integrity of it as well.

LAW DIRECTOR MR. MARVIN FETE

Mr. Fete had the following report:

Two things came across my desk recently involving the City. One was the issuance of fees for copyrighted materials. RTY was approached. There's three agencies that represent song writers, performers, and producers. They wanted RTY to pay this enormous fee to put on Summer Showcase at the park. I think it was \$1500 per performance. My initial reaction was that RTY is a nonprofit organization. Everything is funded by contributions. I had to read the Federal Copyright Statute. According to that the terms of whether or not you owe money for a copyrighted song is whether or not the performers are being paid. Fortunately for the City we can pay the licensing fee and substantially reduce the cost. We can pay a \$500 per year licensing fee and that covers the whole City. If it's not paid they can come and shut you down.

**President of New Philadelphia City Council Sam Hitchcock asked Mr. Maurer to take that matter into his Committee for consideration.*

Mr. Fete had the following statement:

Recently Captain Skinner called my office asking for my input on Chapter 1141.05 regarding building permits. This pertains to people parking their campers on other people's property and living on it, which we don't permit. There is no penalty section in section 1141.05 so it needs to be revised.

**President of New Philadelphia City Council Sam Hitchcock asked Mr. Lanzer to take this matter into his Committee for consideration.*

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR JOEL DAY

The Planning Commission will be meeting on Tuesday, November 12 in Council Chambers at 1:00 PM. Members will continue their discussions on possible rezoning from Industrial to Business some properties at the corner of Seventh Street and Front Avenue SW and along Mill Avenue SW.

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

The Board of Zoning Appeals will meet on November 12 at 5:00 PM in Council Chambers. At this time we have one variance request.

AIRPORT COMMISSION.....MR. JOHN ZUCAL

The Airport Commission met last Tuesday at 6:00 PM at the Harry Clever Field Meeting Room. We did discuss again the RFP and RFQ for the fixed base operator's position and will continue to examine that as to how to best operate the airport.

PARK BOARD.....MRS. AIMEE MAY

The Park Board will meet Wednesday, October 16 at Noon at Tuscora Park.

CEMETERY BOARD.....MRS. AIMEE MAY

There's no Cemetery Board Meeting for October.

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

STANDING COMMITTEE REPORTS:

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

SALARY COMMITTEEMR. JOHN ZUCAL

Mr. Zucal had the following report:

We do have a Committee Meeting scheduled for October 28, 2019 at 6:00PM.

PUBLIC WORKS COMMITTEE.....MR. DEAN HOLLAND.....NO REPORT

SAFETY HEALTH & SERVICE COMMITTEE... MR. KELLY RICKLIC.....NO REPORT

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

Mrs. Ramos had the following report:

The Zoning and Annexation Committee met tonight at 6:45 to discuss two things; The rezoning of properties at 333 Canal St. SE, at 401 Canal St. SE. The Committee approved to put on the next Agenda Ordinances 16-2019 and 17-2019 to approve that rezoning from Industrial to Business. We are having another meeting on October 28 at 6:45 PM to discuss rezoning from Industrial to Business the area around the old Zimmer Building. That is in the northwest sector of the town.

SPECIAL & CONTACT COMMITTEEMR DAN LANZER

Mr. Lanzer had the following report:

We will be meeting October 28, 2019 at 6:30 PM

PARKS & CEMETERY COMMITTEEMRS. AIMEE MAYNO REPORT

VISITOR’S COMMENTS: NONE

COUNCIL COMMENTS:

Mr. Zucal had the following comment:

I would like to thank the New Philadelphia Fire Department during Fire Safety Week at our elementary schools. They made a great opportunity again to come around and talk about fire safety with the kids. We had a number of firemen in the building. I also want to recognize our local Lowe’s store for donating smoke detectors for all the kindergarten students.

READING OF ORDINANCES AND RESOLUTIONS

ORDINANCES:

14-2019 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NEW PHILADELPHIA, OHIO, TO ENTER INTO AN AGREEMENT WITH THE TUSCARAWAS COUNTY PUBLIC DEFENDER'S OFFICE FOR THE PROVISION OF LEGAL REPRESENTATION FOR INDIGENTS CHARGED WITH VIOLATIONS OF NEW PHILADELPHIA CITY ORDINANCES IN THE MUNICIPAL COURT WHERE SUCH OFFENSES CARRY A LOSS OF LIBERTY, ESTABLISHING COMPENSATION AND TERMS THEREOF.

1st Reading

15-2019 AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA TO CREATE THE NEW PHILADELPHIA TECHNOLOGY FUND #230 FOR THE PURPOSES OF DEPOSITING REVENUE DERIVED FROM THE LEASE BETWEEN THE CITY OF NEW PHILADELPHIA AND TOWERCO LLC 2013 TO BE UTILIZED FOR THE SPECIFIC PURPOSES OF ADVANCING CITY TECHNOLOGY AND SERVICES IN THE COMMUNITY.

1st Reading

RESOLUTIONS:

22-2019 A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, TUSCARAWAS COUNTY, OHIO, AUTHORIZING AND DIRECTING THE SAFETY DIRECTOR TO PURCHASE A NEW CHASSIS THROUGH THE STATE COOPERATIVE PURCHASE PROGRAM FROM ADVANTECH SERVICE AND PARTS, LLC FOR THE PURPOSES OF REFURBISHING A 2012 NEW PHILADELPHIA CITY FIRE DEPARTMENT AMBULANCE AT A COST NOT TO EXCEED \$50,400.00.

1st Reading

MR. RICKLIC MOTIONED FOR SUSPENSION OF RULES ON
RESOLUTION 22-2019
MR. HOLLAND SECONDED THE MOTION
7 YEAS
RULES HAVE BEEN SUSPENDED ON RESOLUTION 22-2019

MR. RICKLIC MOTIONED FOR PASSAGE OF RESOLUTION 22-2019
MR. HOLLAND SECONDED THE MOTION
7 YEAS
RESOLUTION 22-2019 HAS BEEN APPROVED

**COUNCIL ADJOURNED INTO A 5 MINUTE RECESS AT 8:02 AND
RECONVENED BEFORE GOING INTO EXECUTIVE SESSION AT 8:07.
AT 8:19 PM COUNCIL RECONVENED INTO REGULAR SESSION OF COUNCIL**

UNFINISHED OR OLD BUSINESS:

Law Director Fete had the following comment:

We had a pungent gas smell that came out of my stove. I called the fire department and they checked it. It's so nice to have something like that where they come and check CO2 levels for you. I'm thankful for the fire department they have and the job they do.

NEW BUSINESS: NONE

Mr. Maurer motioned to adjourn at 8:21 pm

CLERK OF COUNCIL _____
Julie Courtright

APPROVED _____

PRESIDENT OF COUNCIL

Sam Hitchcock