

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON JUNE 13, 2022 WITH PRESIDENT PRO TEM DEAN HOLLAND PRESIDING. PRESIDENT PRO TEM 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
MRS. CHERYL RAMOS
MR. KELLY RICKLIC
MR. JIM SELDENRIGHT

EXCUSED ABSENSES

PRESIDENT DON KEMP
COUNCILMAN MITCH PACE
SAFETY DIRECTOR GREG POPHAM

- MRS. MAY MOTIONED TO ADD ORDINANCE 11-2022 AND ORDINANCE 12-2022 TO TONIGHT’S AGENDA FOR 1st Reading
MRS. RAMOS SECONDED THE MOTION
6 YEAS
ORDINANCE 11-2022 AND ORDINANCE 12-2022 HAVE BEEN ADDED TO TONIGHT’S AGENDA
- MR. RICKLIC MOTIONED TO ADD RESOLUTION 21-2022 AND RESOLUTION 22-2022 TO TONIGHT’S AGENDA FOR 1st Reading
MRS. MAY SECONDED THE MOTION
6 YEAS
RESOLUTION 21-2022 AND RESOLUTION 22-2022 HAVE BEEN ADDED TO TONIGHT’S AGENDA
- MR. LANZER MOTIONED TO APPROVE THE MINUTES FROM THE MAY 23, 2022 REGULAR SESSION OF COUNCIL
MR. SELDENRIGHT SECONDED THE MOTION
6 YEAS
MINUTES FROM THE MAY 23, 2022 COUNCIL MEETING HAVE BEEN APPROVED

CORRESPONDENCE CLERK, JULIE COURTRIGHT

1. *To Clerk of Council from Treasurer Gerber, dated June 1, 2022. This is the Investment and Savings Report for May of 2022.*
2. *To Council and Administration from Executive Administrative Assistant to the Mayor Jami Bailey, dated May 31, 2022. This is the Mayor’s End of Month Report for May of 2022.*
3. *To President Kemp and Mayor Day from Law Director Fete dated June 3, 2022. This is an email titled “Please assign to the Finance Committee” regarding Resolution 22-2022. President Kemp asked Councilman Ricklic to take this issue into his Committee.*
4. *To President Kemp from Law Director Fete, dated June 3, 2022. This is an email titled “Please assign to the Special and Contact Committee”. This is regarding Ordinance 11 and Ordinance 12. President Kemp asked Councilwoman May to take the legislation into her Committee.*
5. *To Council and Administration from Assistant to the Service Director Jonalee Fernatt, dated June 7, 2022. This is an email titled “Possible ODOT Tower Purchase”.*

6. *To Council and Administration from Income Tax Administrator for the City Vickie Daniels, dated June 9, 2022. This is the May 2022 Income Tax Report.*
7. *To Council and Administration from President Kemp, dated June 10, 2022. This is an email stating President Kemp will be out of town this week and unable to attend tonight's Council meeting.*
8. *To Council and Administration from Law Director Fete, dated June 11, 2022. This is a legal opinion on Ordinance 11-2022 and Ordinance 12, 2022.*
9. *To Council and Administration from Law Director Fete, dated June 11, 2022. This is a legal opinion on water and sewer.*
10. *To Council and Administration from Mayor Day, dated June 13, 2022. This is a forwarded email titled "Governor DeWine Outlines Statewide School Safety Efforts".*
11. *To Council and Administration from Mayor Day, dated June 13, 2022. The Mayor's Report.*

MAYOR'S REPORT/REQUESTSMAYOR JOEL B. DAY

Mayor Day had the following report:

Developing a Community Security Plan: In light of the recent mass shootings across the nation, the City of New Philadelphia will be leading an effort to create a community-wide security plan that will encompass our school systems, our churches and our businesses. We will start the process by having our safety forces meet with officials from New Philadelphia City Schools, Tuscarawas Central Catholic Middle and High School, Buckeye Career Center, and Kent State University-Tuscarawas. The goal will be to review each institution's active shooter and other security measures so that our police and fire departments learn them and can offer recommendations to improve them. Once that is achieved, we will move on to our churches, then businesses.

The idea of a community-wide response plan was discussed by City department heads at our most recent staff meeting. All agreed that it was time to create a proactive "See Something, Say Something" campaign that will discover security shortfalls, teach prevention, and allow us to respond as a community to any threats. All Council members are invited to attend the meetings and have a role in developing the plan.

Money for School Security Upgrades Included in the Legislation to Arm Teachers: Last week, I attended the two-day annual Mayors Association of Ohio conference in Dublin, where Governor Mike DeWine told us that he will sign the legislation that will allow local school boards to decide whether to allow school employees to carry guns.

The Governor said that he looked at putting police resource officers in each school, but decided it was too expensive. Also included in the legislation is \$100 million from the state's construction budget for school security upgrades and \$5 million for upgrades at colleges. In his address, Governor DeWine also told the mayors that he is making a substantial amount of ARPA money available for student wellness and urged schools to use it for mental health purposes.

Woody Hayes Quaker Stadium Track Update: New Philadelphia Schools Superintendent Amy Wentworth has notified me that construction of the new track at Woody Hayes Quaker Stadium will begin this week. The delayed start is because the project's contractor got behind on other projects due to the wet spring weather. Superintendent Wentworth said completion of the project has now been pushed back to early August. The stadium will be closed during the construction.

Closing the Downtown Square During Memorial Day and Veterans Day Ceremonies: From now on, the downtown square will be closed to traffic during all Memorial Day and Veterans Day ceremonies on the County Courthouse Plaza. The disrespect shown by a few motorists during the May 30th Memorial Day ceremony led me to make that decision.

Creating an Arts and Culture District in Downtown New Philadelphia: Late last year, I used funds from the Mayor's Office Economic Development budget to pay the Tuscarawas Arts Partnership to conduct a study on the feasibility of creating an Arts and Culture District in downtown New Philadelphia. The study has been completed. And here tonight to discuss its findings is Wilma Mullet, the Executive Director of TAP. President Kemp, I yield the remainder of my time to Ms. Mullet for her presentation and ask that the Arts and Culture District proposal be assigned to the proper Council committee.

Ms. Mullet gave a presentation to Council

SERVICE DIRECTOR.....MR. RON MCABIER

Mr. McAbier had the following report:

A few project updates I'd like to give you tonight: Last Tuesday, June 7th we met to discuss the CDBG Project. An update on that, it's 2nd Street NW, curbs and sidewalks hopping over to 2nd St. NW between North and Minnich. We got a schedule last week different than what we typically use. We should be done by August 15, which is seven days before school starts. Hopefully he's going to be okay, if not he'll be into the school traffic out there. Also, two weeks ago was the deadline for the Sidewalk Replacement Program. We graded everything out last week. We'll be able to help 10 homeowners. That's all we had, so I'm urging anyone out there who still gets calls we're going to leave it open until we get up against the wall that we won't be able to get done with what the form lays out as a deadline, which is the end of October. Also, at the last Council meeting, we had a meeting before that about the runway lighting so I had that on my mind. The Beacon Tower is actually what was being done. We're still waiting on the beacon and the pole, which they say will be delivered in July. So, hopefully by the end of July we'll have a new beacon up. I also talked with Newton's Asphalt and paving will start on Wednesday. We're going to go to Church Ave. and then they added Howe Ave by Fenton's. We'll try to keep everybody up on the City's website to see where we go from there, from Broadway to Fifth and then First Drive. I'm sure we'll be down there all week. Once we move we'll keep everybody in the loop on the City's website.

Mr. Ricklic asked the following question:

Do you mind taking into consideration looking to see if it would be beneficial if we could add curbs to the Sidewalk Program? I just think the appearance of curbs is very necessary in our town for water and runoff.

Mr. McAbier said he would look into that.

Mrs. Ramos had the following question:

Would it change, with the addition of curbs, of how many more sidewalks you think we could do?

Mr. McAbier:

This added up to \$9200 and some change, and I think we had \$40,000 in there, so we're not even half-way. We're just going to keep it open until we meet that window where we can't get it done in this year.

Mr. Ricklic asked the Law Director if Council would have to change the Ordinance so it says "curbs and sidewalks".

Mr. Ricklic suggested that a Committee could look into adding curbs and using any leftover money in the sidewalk program to improve curbs in the City.

Mr. Carl Russo had the following question for Mr. McAbier:

What happened with the sinkhole?

Mr. McAbier had the following response:

On the storm sewer side which runs closer to the West Side, unearthed it, it's a storm sewer with a 24-inch line coming out of it. You could see where mortar had come out of a joint. If you could imagine the base probably being a third there, the rest of it is gone. What we did was we packed concrete around it, made another trough for the pipe. We ordered new sanitary and storm manholes. The repairs are temporary now, we feel safe with it, 10 yards of concrete is down that hole.

President Pro Tem Holland asked Mr. Lanzer to take Mr. Ricklic's request about adding curbs to the Sidewalk Program to his Committee.

AUDITORMS. BETH GUNDY.....NO REPORT

SAFETY DIRECTORMR. GREG POPHAM.....EXCUSED ABSENSE

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

LAW DIRECTOR MR. MARVIN FETE

Mr. Fete had the following report:

Really, I'm just going to restate what I already sent you in terms of my legal opinions. I'm asking tonight that Ordinance 11 and Ordinance 12 be passed at the June 27, 2022 Council Meeting. I think it's pretty self-explanatory why we need it and why it's a good program. This deals with our Nuisance Abatement Program, which was constructed to go after the former OYO Hotel and the number of runs we were making due to illegal drug overdoses. I also issued a legal opinion at the request of Cheryl Ramos and Dean Holland when the question was raised about what we can do with our water and sewer.

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR JOEL DAY

The Planning Commission will be meeting in Council Chambers at 1:00 PM tomorrow. We will be discussing the Air B&B legislation that's being considered in Columbus.

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

The Board of Zoning Appeals will meet tomorrow evening at 5:00 PM in Council Chambers with two variance requests to be heard.

AIRPORT COMMISSION.....MR. JIM SELDENRIGHT

The Airport Commission will meet tomorrow in Council Chambers at 6:00 PM.

PARK BOARD.....MR. MITCH PACE.....EXCUSED ABSENSE

Mr. Ricklic gave this report at the request of Mr. Pace:

A renovation project is going to be starting at Tuscora Park Field #1. The project is going by the name of Turf Tuscora Diamond, organized and administrated with the help of the Park Board and Foundation “For the Love of the Game”. There will be a presentation at a future Council Meeting and a press release at that time. Members of the “For the Love of the Game” Committee are Myself, Mr. Tom Farbizo, Mr. Mitch Pace, Ed Marsh, Sharon Ricklic, Ed Breehl, and Chase Hostetler. The Park Board approved our presentation. This is for the ballfield by the stadium.

CEMETERY BOARD.....MR. MITCH PACE....EXCUSED ABSENSE

HEALTH BOARD MR. DEAN HOLLAND

The Health Board met Wednesday February 8th here in Council Chambers at 12:00 PM and the meeting was open to the public.

A) The City Health Board discussed mosquito trapping which has begun, and trappings are being submitted to the laboratory for testing. In the event West Nile Virus is determined spraying will commence within a two-mile radius of the test site.

B) COVID is on the rise in the City of New Philadelphia with a rate for the first week of June being equal to the entire month of April. All vaccines are available in the City Health Department as well as COVID testing kits. Appointments for vaccine injections can be made by contacting the City Health Department, (330) 364-4491 x1208. Anyone self-testing positive for COVID should quarantine for a period of five days.

C) Discussion of contact with the Public Health Accreditation Board, PHAB, concerning the City Health Board submittal for accreditation took place with no information on submittal status.

D) The Health Board also discussed the need for additional office space for health staff due to personnel working in every available space of the health department. I would invite everyone to visit the Health Department and see the working conditions personnel are experiencing due to the lack of space.

E) There was also discussion of Food Handling Operation Regulation changes being implemented to conform to the Ohio Safety Code. Changes being considered are 1) Illumination of workspaces from forty foot-candle illumination to fifty foot-candle illumination, 2) Temperature Control: Food needing refrigeration to prevent spoilage shall be maintained at forty-one degrees Fahrenheit rather than forty-five degrees Fahrenheit. 3) Previously all persons engaged in food handling were required to have a negative Tuberculin Test every three years, this requirement is being removed as the requirement for this test resides with the State of Ohio Health Department. 4) Discussion was had concerning an Embargo of Food Regulation, Resolution 2-2022, which is being developed in concert with the Law Director. 5) Resolution 3-2022, Plan(s) Review Requirement, which is also being developed, was discussed and will be submitted the Health Board for approval as soon as it is completed. The resolution would require Retail Food Establishments to submit a plan review application for changes in the structure due to remodeling, change in ownership, change in facility risk level or a laps in licensing.

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEEMR. KELLY RICKLIC

Mr. Ricklic had the following comment:

The Finance Committee met this evening in Council Chambers at 7:00 PM.

Two items were discussed: Resolution 21-22, an increase of funding to the stadium track from the \$30,000 the Council approved to the \$50,000 the Mayor requested; and Resolution 22-2022, a Resolution to purchase a piece of property on Ridge Road. A Motion was made for both Resolutions to be read for a 1st Reading at tonight's Meeting. The Meeting was adjourned at 7:19 PM. Could I request a Meeting for June 27th at 7:00 PM? The two items that will be discussed will be additional appropriations to the budget and the ambulance request from the Fire Chief, an 18 month window.

SALARY COMMITTEEMR. JIM SELDENRIGHT.....NO REPORT

PUBLIC WORKS COMMITTEE.....MR. DAN LANZER.....NO REPORT

SAFETY HEALTH & SERVICE COMMITTEE... MR. DEAN HOLLAND.....NO REPORT

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

SPECIAL & CONTACT COMMITTEEMRS. AIMEE MAY

Mrs. May had the following report:

The Special and Contact Committee met this evening regarding Ordinance 11-2022 with the typos within it and Ordinance 12-2022 for the Housing Board of Appeals. We discussed it and put them on the Agenda this evening for passage on 2nd Reading. The Law Director also touched on those points in his report.

PARKS & CEMETERY COMMITTEE.....MR. MITCH PACE.....EXCUSED ABSENSE

VISITOR’S COMMENTS:

Bart Ames from 418 Union Ave. NW had the following comment:

I wanted to ask the Mayor about the school safety. You said you would meet with the police and fire department. Is the Public going to be involved in that as well? The Police and Fire Departments are very closed minded. I’ve talked to the Police Chief about that. There are grants. I don’t know if people are aware the Department of Homeland Security has grants available.

Does the City of New Phila have a Facebook page? I’m blocked on it and I’m asking to be restored because you are impeding on my 1st Amendment right. I made comments on the page before about all the self-imposed raises that everybody gave themselves on the Council, and in return I got blocked from the page. I’d like to get a copy of the City’s social media policy as well. I’m asking to be restored, this is my first step, I’ve already contacted the ACLU.

Mr. Holland:

We will respond to you, Mr. Ames, thank you for your comments.

Mr. Ames continued:

Also, I live on Union Ave. A lot of semi traffic on the road. I don’t know if anything can be done on that. I know they have signs at the ends of Union. Also, the house that burnt down on Union Ave. , whoever from the Fire Department that was there, it was in the winter time, 40 degrees. His truck was running, and I live right there. His truck was running for an hour and 20 minutes while he was inside doing his report. I just think stuff like that is a huge waste, especially with gas prices.

COUNCIL COMMENTS: NONE

READING OF ORDINANCES AND RESOLUTIONS

ORDINANCES:

- 8-2022 AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO AMEND AND CORRECT CERTAIN SPECIFIC SECTIONS OF THE HOUSING CODE IN CODIFIED ORDINANCE 1335 DUE TO APPARENT TYPOS WHEREIN IT APPEARS THE NUMBER 4 WAS IMPROPERLY INSERTED WHERE THERE SHOULD INSTEAD BE THE NUMBER 5
3rd Reading
- MRS. MAY MOTIONED FOR APPROVAL OF ORDINANCE 8-2022
MR. LANZER SECONDED THE MOTION
5 YEAS
ORDINANCE 8-2022 HAS BEEN APPROVED
- 9-2022 AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO ADOPT A NEW SECTION IN THE CITY’S CURRENT ORDINANCES REGARDING FIRE DAMAGED STRUCTURES.
2nd Reading
- 11-2022 AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO AMEND AND CORRECT CERTAIN SPECIFIED SECTIONS OF THE HOUSING CODE IN CODIFIED ORDINANCE 1335 DUE TO APPARENT TYPOS WHEREIN IT APPEARS THE NUMBER 4 WAS IMPROPERLY INSERTED WHERE THERE SHOULD INSTEAD BE THE NUMBER 5, AND TO AMEND THE SECTION 1335.62 TO INCLUDE DUTIES OF THE HOUSING APPEALS BOARD UNDER CHAPTER 510 OF THE NEW PHILADELPHIA CODIFIED ORDINANCES.
1st Reading

12-2022 AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO AMEND CHAPTER 510 OF THE NEW PHILADELPHIA CODIFIED ORDINANCES REGARDING THE BOARD OF NUISANCE ABATEMENT APPEALS.
1st Reading

RESOLUTIONS:

18-2022 A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO AUTHORIZING THE CITY OF NEW PHILADELPHIA TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION (OPWC) STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAMS. EXECUTE CONTRACTS AS REQUIRED, AND UPON AWARD OF THE GRANT TO ACCEPT ANY GRANT MONEY AND TO AUTHORIZE AND DIRECT THE SERVICE DIRECTOR TO ADVERTISE FOR BID AND AWARD BIDS FOR THE 4th St. SW STORM WATER IMPROVEMENT PROJECT- PHASE 2.
3rd Reading

MR. LANZER MOTIONED FOR APPROVAL OF RESOLUTION 18-2022
MR. RICKLIC SECONDED THE MOTION
5 YEAS
RESOLUTION 18-2022 HAS BEEN APPROVED

21-2022 A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, AUTHORIZING THE AUDITOR TO PAY \$20,000.00 TO THE NEW PHILADELPHIA CITY SCHOOL DISTRICT FOR THE REFURBISHING OF THE TRACK AT WOODY HAYES QUAKER STADIUM
1st Reading

22-2022 A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, TUSCARAWAS COUNTY, OHIO, AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) TO PURCHASE PARCEL NO. 25-02150-000, LOCATED AT 1450 RIDGE AVENUE NE, NEW PHILADELPHIA, OHIO, AT A COST OF \$16,500.00 AND AUTHORIZING THE AUDITOR TO ALLOCATE FUNDING FOR THE SAME.
1st Reading

UNFINISHED OR OLD BUSINESS: NONE

NEW BUSINESS:

Law Director Fete had the following comment:

I request an executive session to discuss pending litigation.

MR. RICKLIC MOTIONED FOR AN EXECUTIVE SESSION AT THE LAW DIRECTOR'S REQUEST

MRS. RAMOS SECONDED THE MOTION

5 YEAS

COUNCIL WILL GO INTO EXECUTIVE SESSION

COUNCIL ADJOURNED INTO A 3 MINUTE RECESS AT 8:43 BEFORE MOVING INTO AN EXECUTIVE SESSION AT 8:48. AT 8:57 COUNCIL RECONVENED INTO REGULAR SESSION OF COUNCIL

With no other business to discuss Mrs. Ramos motioned to adjourn at 8:57 PM.

CLERK OF COUNCIL _____
Julie Courtright

APPROVED _____

PRESIDENT OF COUNCIL _____
Don Kemp