

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON JANUARY 9, 2023 WITH PRESIDENT 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
MRS. AIMEE MAY
MR. MITCH PACE
MRS. CHERYL RAMOS
MR. KELLY RICKLIC

EXCUSED ABSENCES

- MR. RICKLIC MOTIONED TO APPROVE THE COMMITTEE ASSIGNMENTS FOR 2023
MRS. MAY SECONDED THE MOTION
6 YEAS
THE COMMITTEE ASSIGNMENTS FOR 2023 HAVE BEEN APPROVED

- MR. LANZER MOTIONED TO APPROVE TONIGHT’S AGENDA
MRS. MAY SECONDED THE MOTION
6 YEAS
TONIGHT’S AGENDA HAS BEEN APPROVED

- MR. PACE MOTIONED TO APPROVE THE MINUTES FROM THE DECEMBER 28, 2022 REGULAR SESSION OF COUNCIL
MR. LANZER SECONDED THE MOTION
5 YEAS, 1 NAY (MR. RICKLIC ABSTAINED)
MINUTES FROM THE DECEMBER 29, 2022 COUNCIL MEETING HAVE BEEN APPROVED

CORRESPONDENCE CLERK, JULIE COURTRIGHT

1. *To Council and Administration from Jami Bailey, Executive Administrative Assistant to the Mayor, dated January 3, 2023. This is the Mayor’s Month-end Report for December 2022.*
2. *To Council and Administration from Mayor Day, dated January 4, 2023. This is a forwarded email titled “Jay Hottinger Joins Sunday Creek Horizons.”*
3. *To Council and Administration from Heather Denham, Administrative Assistant to the Auditor, dated January 6, 2023. This is the Statement of Cash Position from Revenue and Expense, The Expense Report with Encumbrance Detail, and the Requisition Purchase Orders and Payment Request Report for December of 2022.*
4. *To Council Clerk from Treasurer Gerber, dated January 9 2023. This is the December 2022 Deposits to the General Account and the City of New Philadelphia Investment and Savings Report.*
5. *To Council and Administration from Auditor Gundy, dated January 9, 2023. This is an email title “2023 Preliminary Outlook”. It was replied to by Mrs. Ramos.*
6. *To Council and Administration from Income Tax Administrator for the City Vickie Daniels, dated January 9, 2023. This is an email titled “Tax Totals for December 2022.” This is replied to by Mayor Day.*
7. *To Council and Administration from Mayor Day, dated January 9, 2023. The Mayor’s Report.*

MAYOR’S REPORT/REQUESTSMAYOR JOEL B. DAY

Mayor Day had the following report:

➤ ***Updates on Projects as the New Year Gets Underway:***

2023 will be another busy year for the City. Here are updates on the projects already underway:

- Compass Point Planning is putting the finishing touches on a public survey it will release this month to gather the community's thoughts on zoning revisions that need to be made.
- The County's Transportation Improvement District Board has completed interviews and will be selecting a consultant to study a redesign of the Interstate 77/US 250 interchange on West High Avenue. The study's findings will be used to apply for construction funding from the Ohio Department of Transportation and the Federal Transportation Department.
- The steering committee selected to draft a strategic plan for the downtown area will reconvene on February 17th to review the data collected from Aegis 360's community survey.
- This week, the Ohio EPA will begin a phase 2 environmental study on the former Puritan Laundry property on the east side of Mill Avenue SW. The study is necessary so that the City can take ownership of the property once its completed. Demolition of the buildings on the west side of Mill Avenue should be done this month. The City is awaiting a report on an asbestos abatement survey.
- The Tuscarawas County Economic Development and Finance Alliance (port authority), the owner of the Joy/Howden property, is actively marketing the site to developers.
- The project to complete the Ohio and Erie Canal Towpath Trail from Zoarville to New Philadelphia is moving forward. We should know by mid-February whether our application for a \$250,000 technical assistance grant gets approved by the Ohio Department of Development. The money would come from Governor DeWine's \$550 million Appalachian Community Development program to create transformational projects in Ohio's Appalachian Region. New Philadelphia has joined Tuscarawas County, Dover, Zoar, Bolivar and the Ohio and Erie Canalway Coalition to apply for funding that would complete the trail by October of 2026.

➤ ***The City Planning Commission to Consider Two New Business Developments:***

At tomorrow's (Tuesday's) monthly meeting of the City Planning Commission, the members will learn about two proposed business developments: a car wash to be built on the southern Menard's outlot at 611 Bluebell Drive and a dental clinic at 175 Marketplace Commons SW behind BW3's. In a related note, Petco is working through the permitting process to build its new store on Bluebell Drive NW on Menard's northern outlot. Construction of these developments is expected this year.

➤ ***The City's Income Tax Revenue Increased in 2022:***

The final numbers are in. The City collected \$708,486.73 in additional income tax revenue than was collected in 2021. That is a clear indication of the impact the jobs added by Battle Motors, our other manufacturers, and small businesses in the City are having on the local economy. I want to thank our business community for their investments in New Philadelphia and for employing our citizens.

➤ ***A New City Civil Service Commission is in Place:***

I have appointed Federal Administrative Judge Bob Preston, Attorney Lacey Felix and Kevin Milligan, a former City firefighter and State Highway Patrolman as the new members of the City's Civil Service Commission. Safety Director Greg Popham will provide more details about the appointments and the Commission during his report to City Council.



Department Heads Will Take Leadership Training:

Later this month, City department heads will attend two leadership training sessions at KSU-Tuscarawas. One is titled "Supervisor Essentials" and the other "Getting Results Through People." I will also be attending the classes. They should help improve management skills and help us to be proactive to changes in the workplace.

City offices will be closed on Monday, January 16th in observance of Martin Luther King Day.

SERVICE DIRECTOR..... Service Director Ron McAbier:

Mr. McAbier had the following report:

A quick update on the Park Lane and North Broadway Waterline Project: Park Lane has been completed. They're up there now working on North Broadway. The Water Department made the taps on Friday so now they're hooking everybody up. They should have the temporary ditch repair done by the end of the week and they'll pull out of there on Friday. Temporary means they'll get the low-density concrete in. In the Spring they'll replace that with black top and finish North Broadway. By the end of the week that project should be wrapped up.

On December 31st we held the first bid opening for Glen Drive. Two bids were received that day, but the Engineer's quote was \$472,000.00. The closest one we had was \$588,000.00, well above the 10% awardable. So, right now we're going to move forward with it. We don't want to cut it down any because right now it's spaced at getting 50 percent done and then another 50 percent. We'll put it back up for bid and then award it and have the Engineer's estimate match the actual numbers that are out there. The rebid will probably be at the end of January.

Also, General Services, leaves have been completed. If anybody has leaves just bag them up and put them out with the regular sanitation route.

Since the last council meeting the OPWC met here in Council Chambers. We had a grant opportunity for phase 2 of Franklin Square. We were awarded a grant in the amount of \$299,900.00. That will be awarded in July.

Mr. Ricklic had the following question:

That piece of property on Bluebell Drive that Raising Cane's was looking at, did anything ever happen with that?

Mr. McAbier:

No, they haven't really gotten back about it.

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AUDITORMS. BETH GUNDY

Ms. Gundy had the following report:

Some of the budgets need to be revisited. A couple of them look like they have a problem. We were just a little over-zealous in budgeting and we just need to back some of those out. I'm sure Finance Committee is going to want to get busy on that at some point. We are also through my department now using web-based remote payroll. It seems to be going pretty well. This is only the second payroll that we've done.

****President Kemp asked Mr. Ricklic to take the Budget Issue into his Committee.***

SAFETY DIRECTORMR. GREG POPHAM

Mr. Popham had the following report:

Some more details on the new Civil Service Commission: It basically consists of three members. Back in December we had two members that submitted resignations, and the third member after several letters and a certified letter. There was a failure to respond to those so we just went ahead and appointed a third member to the commission.

TREASURER . . . MR. TOM GERBER

Mr. Gerber had the following report:

I have a couple things I want to go over. First of all, our 5 year contract with Chase has expired. We're now working with First Federal for our banking needs. The conversion will be very lengthy because of the different types of deposits and everything. Eventually we'll institute these other types of deposits into it. Secondly, I've given you reports, the City of New Philadelphia December 2022 Investment and Savings Report. If you open it up it's going to be the yearly, which December is included in that.

(Mr. Gerber briefly went over the report with Council Members.) Mr. Gerber summarized by saying the City is looking good, the money is coming in, and with all the expenses the balance is ahead.

Mrs. Ramos had the following question:

Is just the checking going to go to First Federal?

Mr. Gerber said just the checking is going to First Federal.

Mrs. Ramos asked what the interest rate was for U.S. Bank and Mr. Gerber said that varies because it's investments. Mrs. Ramos noted that interest rates are really good right now.

Mr. Gerber stated that the City's payroll account, general account, and secondary account are all going to First Federal.

Ms. Gundy stated that First Federal is providing the City with a "Sweep Account" that they don't have at Chase. Money that the City doesn't need immediately is actually going to be swept into another account and earn 1.2 %. We don't earn anything right now at Chase. It's all "eaten up" by fees.

LAW DIRECTOR.....MR. MARVIN FETE

Mr. Fete had the following report:

We've got a couple things we're working on, some of the things will wait until we have a new Council Member on board because it's actually going to go to that person's Committee. One of the things is the new jail contract for the Municipal Court, the other one is rental registration. Rental registration is ready to go. With rental registration, people in rental units will have to register and be subject to an annual inspection. This is something that the Board of Zoning and the Fire Department really want to get rolling. Another one that I am looking at is vacant property registration.

Mrs. Ramos had the following question:

On the rental registry, are the landlords going to be registering how many people are allowed in that unit?

Mr. Fete:

They have to register who is living in that unit, and they'll have to register anytime there's a change in occupancy, and they'll be subject to an annual inspection.

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR JOEL DAY

The Planning Commission will be Meeting in Council Chambers tomorrow at 1:00 PM.

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

Due to no variance requests the meeting for tomorrow evening at 5:00 has been cancelled.

AIRPORT COMMISSION.....MR. DAN LANZER
The Airport Commission will be meeting tomorrow evening at 6:00 PM in Council Chambers.

PARK BOARD.....MR. MITCH PACE.....NO REPORT

CEMETERY BOARD.....MR. MITCH PACE.....NO REPORT

HEALTH BOARD MR. DEAN HOLLAND
The Health Board will be meeting Wednesday at Noon in Council Chambers.

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEEMR. KELLY RICKLIC.....NO REPORT

PUBLIC WORKS AND ECONOMIC DEVELOPMENT COMMITTEE...MR. DAN LANZER

Mr. Lanzer had the following report:

I was informed by the Service Director that we'd like to have Resolution
41-2022 be passed.

SAFETY, HEALTH, AND SERVICE COMMITTEE.....MR. DEAN HOLLAND.....NO REPORT

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

SALARY COMMITTEE.....NO REPORT

PARKS AND CEMETERY COMMITTEE.....MR. MITCH PACE.....NO REPORT

SPECIAL AND CONTACT COMMITTEE.....MRS. AIMEE MAY.....NO REPORT

VISITOR'S COMMENTS

Mr. Paul Beitzel of 3616 Crooked Run Rd. New Philadelphia had the following comment:

Mayor Day, Council President Kemp and Council members, I'm here tonight to support Jeff Mathias and his proposal for a house of hope. First, let me do a little background on his life. Jeff had a father who was known as Shorty Mathias. One of his goals was to sell cars, and in some cases he would lend money to someone who really needed a car. This was the DNA that was passed on to his son Jeff, to love God and to help people. It's been said that there are only two kinds of people; those that are part of the problem, and those that are part of the solution. I hope all of you will be a part of the solution to this problem. There's a sign at the town square that says "Welcome to the City". How would you feel if you were a homeless person and you came into town looking for a place to rest your weary soul and body and there's no place to go? What Jeff wants to do is to give these people a ray of hope. Someone wrote a verse about this subject and he said that it is possible for man to live about 40 days without food, about 3 days without water, and about 8 minutes without air. You can't live a second without hope. City Council, I hope you will take all of this into consideration and do the right thing for the people that can't help themselves.

Pastor Ben Lippert of 126 22nd St. SE had the following comment:

First, as a member of the Friends of the Homeless House of Hope Committee, I want to thank everyone who attended the public forum. It was great attendance. It personally touched our hearts to see so many public officials, judges, commissioners, many people from Council there. We had a lot of good dialogs, a lot of good questions and comments that came from there. I know there has been a petition going around of people against our shelter. I did pull up our Change.org petition today and that has 242 residents from New Philadelphia in support of this location, so we're very grateful for those people. I think there's a strong consensus from our forum that a new homeless shelter needs to happen. It probably isn't uncommon for a homeless shelter to fall within the cracks in zoning as to whether it is commercial or business or residential. They did find a great solution is VanWert, Ohio. They were trying to decide if the homeless shelter was residential or commercial or business. The law director and attorney sat down and decided that there was this complex issue required one sentence that needed to enter their zoning code. We do have a similar code for that if you look at 116109 for permitted conditional uses. That code states the following may be located within residential districts provided such uses conform to all requirements pertaining to conditional uses or are consistent with the aforementioned statement of purpose. It goes on to define what that means. There were two conditions they have to abide by for that to be approved. One is that there is a supervisor at the shelter at all times, and there's a fence put up on the property. Two other things mentioned by our committee as well is that all residents of the shelter receive background checks, and that no resident with a history of sexual crimes or arson will be allowed residence. I know there has been a lot of back and forth but there are still simple solutions that are out there. We can find common ground on this issue. Do we have an assigned date as to when this will be discussed?

Mrs. Ramos answered no.

Mr. Fete stated that the Clerk can notify everyone as to when there is a Committee meeting, so you have advanced time to prepare to address the Committee or make any comments.

Reverend Joe Svancara of 217 East High Avenue had the following comment:

I stand here today not just as a pastor of the First Presbyterian Church, but I also am here today as President of the Board of the Friends of the Homeless. Our organization truly is an organization not only dedicated to helping the least of these in our community, but we are also an organization that makes partnerships, seeks to make alliances, seeks to work with everybody to solve the common problem, including the City of New Philadelphia and everyone that comprises it's government. We did have an open forum discussion with members of the neighborhood surrounding the Beaver Ave. property, which is being proposed as a possible site for the new shelter to be built. We had a very frank, open, honest, and forthright discussion in addressing all the members of the community, including receiving their criticisms, as well as some of their suggestions. We heard about many of the problems that many of the residents were fearful of, including the flooding problem that occurs sometimes on the property, including traffic, including our clientele, including our procedures, and including the access of law enforcement, in case something should happen on site. At the same time we also wanted to present ourselves as an organization dedicated to transparency and willing to meet halfway on any issue. We know sometimes in the spirit of compromise tempers may rise, disagreements may be had, disagreements may escalate, but we know nothing good comes as a result of harsh feelings, rushed decisions, or out of control emotions. We want to come to a reasonable, common sense solution, and we truly think that one of the ways to do that is through the zoning code, whether it be amended or clarified. What we want to know is where we stand in the City, whether we are a social service, a business, or a multi-family residence. In my opinion, I feel as though we have not been given any clarification about that information. We need to have that information so we can continue to work with all of you in order to make our City better.

Sharon Ricklic of 819 North Broadway, New Philadelphia had the following comment:

I too would like to talk about the homeless shelter. I want to take a little different perspective on this though. I was at the meeting concerning the shelter at Sacred Heart last week. While none of the proposed sites are anywhere near my home, this issue does affect me, because this is my community. Anybody who knows me knows how passionate I am about this community. This is weighing heavily on my mind, so I'm here tonight to advocate for the shelter, not necessarily for a particular site. First, I'm not affiliated with the homeless shelter at all. I do know some of the people. I have done some research and I lost some sleep over this. I did meet with Ben Lippert and he pointed me in the direction to someone who could better answer my questions. There is a proposed site for the new homeless shelter and they have had several other sites rejected by the City for variance reasons that I am not getting into. There are several facts:

Fact 1: A new shelter is needed. The current structure is deplorable. I have not seen it first hand but I would like to.

Fact 2: Most of the services that the people in the shelter receive are in New Philadelphia.

Fact 3: The residents of the shelter are provided with a 90 day program to help them with such things as gaining and maintaining employment.

Fact 4: Background checks are conducted by the New Philadelphia Police Department on these residents.

Fact 5: Sex offenders and those convicted of arson and violent crimes are not admitted.

Fact 6: The residents have a 10:00 PM curfew.

Fact 7: Guest's belongings are inspected.

I know this great country of ours believes in human rights. There are 10 amendments to the Constitution that give us such things as Freedom of Speech, Freedom of Press, the Right to Assemble Peacefully, among others. Our young people are taught these freedoms, and they're also taught that along with these freedoms comes responsibilities. I know this because I taught it. While not mandatory these responsibilities are central to helping make a democracy run more smoothly. Our young people learn the responsibility of staying informed of the facts and the issues affecting our communities. To be active in the civic process, to be pro active if possible, to understand a problem, to research information, to run for a public office. Our youth learned about the responsibility of community involvement. By becoming actively involved in the community it can help the wellbeing of the community by recognizing where help is needed. We can get involved by offering our knowledge, offering our talents to organizations, committees, community projects, that all can help make our community a better place, because our communities are only as good as the citizens make it. I have volunteered my time to help provide community involvement for the students. We decorated the town square at Christmas time. We had cookie walks at York Elementary where we raised thousands of dollars to help organizations such as Share-a-Christmas, the Dover/ New Philadelphia Food Pantry, Schoenbrunn Village. We raked leaves for the elderly of this community because they needed our service. Our young people are taught the skill of practicing tolerance because with democracy comes diversity. We need to learn to support and protect the rights of others. Perhaps the biggest of all, our young people see the need to pass on the importance of good citizenship to future generations. Our young people are the future of our communities, and I feel right now that we are not setting a very good example for them. We are showing our young people that it's okay to turn our back on a population of people that need our help. I liked what I heard last week at the meeting, that the shelter provides its residents with a hand up, not a hand out. I implore the city leaders to actively help the friends of the homeless shelter. Locate a place that they can call home. Perhaps we need to address previous locations that were rejected, locations that maybe match their zoning needs. Your job in serving the City is not an easy one, your job is to do what's best for the common good, and that includes all individuals. So I ask you to be proactive. If this shelter closes it's doors we're going to have to be reactive. Let's show our young people that we are responsible for doing the right thing. Let's show our young people what good citizenship looks like. Let's give this shelter a hand up.

COUNCIL COMMENTS

Mr. Ricklic had the following comment:

I want to thank everyone for coming tonight. Whether they're for or against the homeless shelter I think everyone should express their opinions and give them to Council.

President Kemp asked Mayor Day when the next Committee meeting is for the appointment of a new Councilmember to replace Mr. Seldenright. Mayor Day stated that the next Meeting will be January 26, 2023.

READING OF ORDINANCES AND RESOLUTIONS

ORDINANCES: NONE

RESOLUTIONS:

39-2022 A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO AUTHORIZING THE ANNEXATION OF REAL PROPERTIES LOCATED IN GOSHEN TOWNSHIP, PARCEL NUMBERS 25-01887-000 AND 25-01989-000 OWNED BY LAWVER PROPERTIES
3rd Reading

MRS. RAMOS MOTIONED FOR APPROVAL OF RESOLUTION 39-2022
MR. LANZER SECONDED THE MOTION
6 YEAS
RESOLUTION 39-2022 HAS BEEN APPROVED

41-2022 A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, TUSCARAWAS COUNTY, OHIO TO AUTHORIZE THE SERVICE DIRECTOR TO ENTER INTO A LPA FEDERAL ODOT LET PROJECT AGREEMENT AND ANY OTHER NECESSARY AGREEMENTS FOR THE MILLING AND FILLING OF PORTIONS OF CR 21 / 16TH STREET SW, MILL AVE SW/ 7TH STREET SW, RAY AVENUE NE, AND WABASH AVENUE SW (PID 114061) (CRS: TUS NEW PHILA PAVING PHASE 1) (AGREEMENT NO: 37316), AND DECLARING AN EMERGENCY
2nd Reading

MR. LANZER MOTIONED FOR SUSPENSION OR RULES ON RESOLUTION 41-2022
MRS. MAY SECONDED THE MOTION
6 YEAS
RULES HAVE BEEN SUSPENDED ON RESOLUTION 41-2022

MR. LANZER MOTIONED FOR APPROVAL OF RESOLUTION 41-2022
MRS. MAY SECONDED THE MOTION
6 YEAS
RESOLUTION 41-2022 HAS BEEN APPROVED

UNFINISHED OR OLD BUSINESS: NONE

NEW BUSINESS: NONE

With no other business to discuss Mr. Holland motioned to adjourn at 8:23 PM.

CLERK OF COUNCIL _____
Julie Courtright

APPROVED _____

PRESIDENT OF COUNCIL _____
Don Kemp