

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON APRIL 26, 2021 WITH PRESIDENT DON KEMP PRESIDING. COUNCILWOMAN RAMOS OFFERED, AND ALL IN ATTENDANCE RECITED THE PLEDGE OF ALLEGIANCE.

COUNCIL MEMBERS IN ATTENDANCE

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

EXCUSED ABSENCES

NONE

- MR. RICKLIC MOTIONED TO ADD RESOLUTION 17-2021 TO TONIGHT’S AGENDA FOR 1st Reading
MR. ZUCAL SECONDED THE MOTION
7 YEAS
RESOLUTION 17-2021 HAS BEEN ADDED TO TONIGHT’S AGENDA FOR 1st Reading
- MR. ZUCAL MOTIONED TO ADD RESOLUTION 18-2021 TO TONIGHT’S AGENDA FOR 1st Reading
MR. HOLLAND SECONDED THE MOTION
7 YEAS
RESOLUTION 18-2021 HAS BEEN ADDED TO TONIGHT’S AGENDA FOR 1st Reading
- MR. LANZER MOTIONED TO ACCEPT TONIGHT’S AGENDA AS AMENDED
MRS. MAY SECONDED THE MOTION
7 YEAS
TONIGHT’S AGENDA HAS BEEN ACCEPTED
- MRS. RAMOS MOTIONED TO APPROVE THE MINUTES FROM THE APRIL 12, 2021 REGULAR SESSION OF COUNCIL
MR. MAY SECONDED THE MOTION
7 YEAS
MINUTES FROM THE APRIL 12, 2021 REGULAR SESSION OF COUNCIL HAVE BEEN APPROVED

CORRESPONDENCE CLERK, JULIE COURTRIGHT

1. *To Clerk of Council from Treasurer Tom Gerber, dated April 13, 2021. This is the City of New Philadelphia March 2021 Investment and Savings Report.*
2. *To Clerk of Council from the Ohio Division of Liquor Control, dated April 15, 2021. This is an important notice “Please complete and return this form to the Division of Liquor Control whether or not there is a request for a hearing.” This is to 1911 Group LLC Oak Shadows Golf Club DBA Oak Shadows Golf Club 1063 Oak Shadows Dr. Golf Course New Philadelphia Ohio. From GAC Corp DBA Oak Shadows Golf Course. This is a D5 D6 Permit Class. I forwarded this notice to the President of Council.*
3. *To Clerk of Council from the Ohio Division of Liquor Control, dated March 23, 2021. I received it on April 15, 2021. It’s to Tienda Esmerelda LLC 1st Floor Only 650 and 654 West High Ave. New Philadelphia, Ohio. Please complete and return this form to the Division of Liquor Control whether or not there is a request for a Hearing. It’s a D5 Permit Class. I also sent this notice to the President of Council.*
4. *To Councilmembers from Mayor Day, dated April 19, 2021. This is a forwarded email titled “Michael McInturf “. It says “Councilmembers, follow the link below to download the complete Volume 1 of the City’s Master Vision Plan. It states “Please share your comments with me. I will invite Michael McInturf to*

- attend an upcoming Council Meeting to provide explanations and answer questions.”*
5. *To Council and Administration from Lacie McKain, Executive Administrative Assistant to Mayor Day, dated April 21, 2021. This is an invitation to the Arbor Day Celebration on Friday, April 30, 2021 at 10:00am at the new Southside Park.*
 6. *To Councilman Ricklic from President Kemp, dated April 23, 2021. This is an email and the subject is “Please assign to the Safety, Health, and Service Committee”. It has the attachment Resolution 17-2021. It states “Kelly, please take Resolution 17-2021 into your Committee.*
 7. *To Clerk of Council from Health Commissioner for the City of New Philadelphia Vickie Ionno, dated April 26, 2021. This is a statement by Judge Nanette DeGarmo VonAllman in Support of the New Philadelphia Health Department April 2021. It states:
Statement of Judge Nanette DeGarmo VonAllman in support of the New Philadelphia Health Department April 26, 2021 All of us have seen the tireless efforts and essential role our city Health Department staff played during the COVID-19 pandemic. Another public health issue facing New Philadelphia is alcohol and drug addiction and our health department has been involved in the fight. Addiction impacts our safety, local law enforcement, fire and EMTs, hospitals, schools and jails. It negatively affects children who end up in foster care and local employers in need of reliable employees. Commissioner Ionno stepped up to the plate when other local agencies were unable to meet the needs of our city regarding treatment. The New Philadelphia Health Department and Health Commissioner Vickie Ionno have provided important support and guidance to my New Philadelphia Municipal Recovery Court program. Commissioner Ionno is an integral member of my recovery court treatment team, the only member with a nursing degree and certification in public health. She saw the need for medication assisted treatment to fight alcohol and opiate addiction and established a program which was one of the first in rural Ohio. She helped us to set up and use the Ohio Board of Pharmacy prescription drug-abuse program called OARRS, an important tool which we use routinely. She has also taken a holistic, public-health approach to addiction, including testing for serious communicable diseases prevalent among addicts, such as HIV and Hepatitis-C. She is not afraid to take on tough issues when the health of our citizens is at risk. There is an old adage we have all heard that, "an ounce of prevention is worth a pound of cure." Everyone knows that preventing illness and disease is more cost effective than treating it. As the county seat and population center, New Philadelphia needs to fight to maintain its city health department as an autonomous public service center. We should be doubling down, not diluting, our work in public health. If it isn't broken, don't fix it. I encourage council and the citizens of New Philadelphia to join me in letting our State elected officials know about the importance of the New Philadelphia Health Department.
Nanette DeGarmo VonAllman*
 8. *To Council and Administration from President Kemp dated April 26, 2021. This is an email titled ODOT Grant and it states “this grant request needs immediate attention tonight. I am reassigning it to the Salary Committee as they have a Committee meeting tonight.”*
 9. *To Council and Administration from Mayor Day dated April 26, 2021. The Mayor’s Report.*

Administrative Reports.....

MAYOR'S REPORT/REQUESTSMAYOR JOEL B. DAY

Mayor Day had the following report:

- Volume One of the City's Master/Vision Plan has been Completed Architect Michael McInturf and his University of Cincinnati graduate students have completed the first volume of the City's Master/Vision Plan. The 192-page document is available for viewing and download from the Mayor's section of the City's website at www.newphilaoh.com. Professor McInturf will attend an upcoming City Council meeting to gather feedback and answer questions. I would like to hear from members of the public. Email me your thoughts on the study at jday@newphilaoh.com. The second volume of the study is close to completion. It will contain more detailed recommendations on city planning for the future.
- The City Partners with the Tuscarawas Arts Partnership Executive Director Wilma Mullet and members of the Tuscarawas Arts Partnership (TAP) have agreed to help the City promote visual art in the downtown area and assist artists hired by property owners to paint murals. TAP will also lend its expertise to the City's Downtown Design Standards Board of Review as it continues to work to develop standards for downtown facade improvements. I am grateful that Director Mullet and the TAP board are willing to partner with the City to encourage the growth of positive artistic expression in our community. It's become an attraction to New Philadelphia and a source of economic development.
- Fresh the Market Officially Opens on Saturday May 1st Downtown New Philadelphia is the place to be this upcoming weekend. Fresh the Market, an indoor farmers market, will have its official opening on Saturday May 1st. The market is located in the former Packers Garage at 1st Drive and Allen Lane SW. Owners Debbie and Jim Knisely have completely remodeled the building to provide spaces for fresh produce vendors and crafters. Then on Sunday May 1st, the annual spring Art in the Alley festival will be held in the downtown alleys. It will feature 50 art and crafts vendors, displays by non-profit groups, live music and eight food trucks. COVID-19 protocols will be followed at both weekend events.
- The New Philadelphia Auxiliary Police Force Gains Two More Members I recently had the honor of giving the oaths of office to Amy Vargo and Paul Townsend, the newest members of the New Philadelphia Police Department's auxiliary unit. The auxiliary plays an important role in assisting our police department in carrying out its mission to serve and protect our community. Auxiliary officers help patrol our parks and provide security at city and school events
- State Lawmakers are Threatening to Close the City Health Department Our City Health Department needs your help. Your voice needs to be heard in Columbus. The Ohio Legislature is considering the closure of local health departments in cities with populations less than 50,000. And members of the Ohio House and Senate are considering this in the midst of a global pandemic, in which local health departments like ours has more than proven their value to citizens and businesses. I'm calling on all New Philadelphia residents and businesses to contact our State Representative Brett Hillyer and our State Senator Jay Hottinger to express your support for the New Philadelphia City Health Department and tell them closures are a terrible idea that would make access to public health services, like COVID-19 vaccinations, much more difficult for everyone. The legislation, Substitute House Bill 110, has been approved by the House and is now in the hands of the Ohio Senate. Mr. president, I would like to yield the balance of my time to City Health Commissioner Vickie Ionno, to give her the opportunity to provide you with more information on this matter.

Health Commissioner Ionno Made the Following Statement:

I think by now you've seen or heard what's come to light in recent days.

Yesterday's paper had the headline "Health Department Proposal is Cause for Concern". I was only made aware of it on April 16th. I've handed you a packet of some of the information we have been made aware of. House Bill 110 was written to abolish all City Health Departments with less than 50,000 residents in their jurisdiction. The Finance Committee in the House met and did strike some of the language. The bill was amended on April 20 and passed through the house on April 21. We are dumbfounded right now because we didn't expect this while we're dealing with a global pandemic. That's why I need everyone's help to reach out to our Senators and Brett Hillyer. The bill states that according to the Census the Health Department has to complete a feasibility study with the Department of Health and the State Auditor. The feasibility study needs to be completed in 18 months. If it's determined that we should not stand alone as our own health department there would be a forced merge. Some of

the highlights of what we do: we are probably one of two oldest health departments in the State. We were established in 1854. In 2019's annual report we did 16,603 services with a staff of seven.

Mr. Zucal had the following comment:

Having had the chance to work with you as a Member of the Board of Health and to look around at Members of your team, I would reiterate, I don't know the history but I can guarantee you if you ever worked harder in your life I don't know when that would have been. The way that Board has supported you and the way your department has worked diligently above and beyond the call to support citizens during the pandemic. I think this is the ultimate slap in the face by the state legislature to even go down this path in the middle of a pandemic, and it's not the first time. We've had legislation passed previously to this that reduces the roll of health departments again. This is an attack on small, municipal government and our ability to have local control. All I need to do to know how vital your department is is to look around the City of New Philadelphia and see the difference that you made in the lives of so many. From children coming for school vaccinations, to daily blood pressure checks, to visiting our restaurants to make sure that they're sanitary. We need to get behind this. We need to call, and email, and let them know that this is something that shouldn't be tolerated. It's an attack on small cities, it's an attack on small government.

Health Commissioner Ionno made the following comment:

We get \$3200 in subsidy dollars every year. That equals around 30 cents per capita. That's the support we get financially from the State. We are going to do our best to get something changed in this language. We hope that everyone who has used our services will do something; reach out, email, call. If it's deemed that we are to be merged they give us 30 months to finish.

****Health Commissioner Ionno introduced everyone on her staff who was in the audience.***

Contact Tracer with the Health Department Dana Fischio made the following statement:

The role I'll be speaking as tonight is not as a Health Department employee but as a college student. Over the last few weeks and days we've heard many financial buzzwords from the Ohio Department of Health. The one that sticks with me is they would like to realize operational efficiencies with this merger. That's what it is, it's a buzzword. I want to talk about another financial term that's on every balance sheet but it's hard to put a number to. That word is "intangible assets". What I'm talking about is in the form of education and real world experience. Over the last several years the New Philadelphia City Health Department has hosted public health interns. I'm one of them, Vickie's one of them. During my internship I was exposed to many facets of public health. In speaking with my classmates at Kent State it's rare that a public health intern would have this much exposure to the various aspects of local health departments. My classmates when they accept an internship with a health department are sequestered to a singular area, usually it's with mosquito spraying. In short, the New Philadelphia City Health Department is training the next generation of public health leaders. If the local boards of health and local health departments are abolished these learning opportunities will disappear.

Health Commissioner Ionno made the following statement:

The last thing I'll say is that this staff has worked in snow, cold, pouring rain to immunize people.

Mr. Ricklic made the following statement:

I do appreciate you here and I do know the compassion you have for the health department and your staff. The Committee and also Council as a Whole are going to present Resolution 17-2021 tonight in support of the Health Department to protect it from being closed.

Mrs. Ramos made the following comment:

We want to maintain local control of our own health department and local accountability. As we've seen over the last year 15 days to slow the spread. I've asked you questions and I've gotten answers and I trust you, but up above, no, I don't. I would also like to say, when my children were young, we came here for our immunizations. That was really important to me as a young mother.

Law Director Fete made the following statement:

First, I want to thank you folks for what you do. I've worked more closely with you this past year than I have since I was elected in 2012. I got to know how up close and intimate all of you are working. As a child I was brought here to get my shots. Everybody sees the health efforts that are done to keep citizens safe. What you don't see is what we would lose if we lose our local health department. If we lose our local health department we have no control whether or not our parks or our stadium stays open. One of the things that we did when the governor's orders went out, the County Health Department sent letters to businesses asking them to prove why they were essential businesses. Vickie took an opposite approach of that. Her and Lee worked with me to work on what we could do to keep these businesses open. I was writing regulations left and right to keep businesses open and just keep them safe by developing safety protocols. Keeping people working and providing for their families is also essential to people's health. I am outraged that Columbus would consider something like this in the middle of a pandemic. This Health Department is too important to our community and must be kept open for more reasons than just keeping people healthy.

President Kemp made the following statement:

Vickie, thank you for what you do. I'm so glad your staff wanted to come this evening. We're doing everything we can to support you and the City Health Department for what you mean to this City.

Mr. Zucal had the following question:

Are we past the testimony portion of interested parties at the state level?

Mayor Day had the following response:

In the House but not in the Senate.

Mr. Zucal had the following response:

Vickie, I highly recommend that. If you could get yourself in front of that group as an interested party that would carry a huge weight in representing not only our City but also all other Cities that are going through this.

SERVICE DIRECTOR.....MR. RON MCABIER

Mr. McAbier had the following report:

On the week of April 12th we were able to create two punch lists on the closing jobs at Schoenbrunn Meadows Office Building. After creating the punch list we had under a dozen items we needed to address. As of today there's three items remaining so that job should be coming to a close. Hopefully that project will be finished by the end of this week once we get some electrical issues straightened out. On April 15 we were able to do a much more lengthy walk through and punch list for the new Southside Park. As you could imagine we had just under 80 items on that particular punch list. Through today approximately 75 still remain. There were some things that were not finished to our satisfaction. The split rail fence for instance, they did not install cement on all end posts. The water fountains in the dog park are not in. Our big issue right now, we're not sure how we're going to address it yet, both areas for parking are the grass with mats underneath it. They were installed four weeks ago and the manufacturer recommends six months to stay off for it to grow in. I had a meeting with Dominion on the gas line project. They're approximately 30% done with two more months of construction. Also, Superintendent Grewell and I have a budget that we will finish with paving tomorrow. We have one more street to look at. Once I receive that I will send it out to all members of Council.

Mr. Ricklic had the following question:

Were there any change orders in the two projects that cost us any more money?

Mr. McAbier had the following reply:

On the Southside Park right now change orders-wise approximately \$75,000, but we had a deduction on some line they put in that was approximately \$26,000. A project that big at \$2.2 million that's not much. No change orders at the cemetery.

Mr. Zucal had the following comment:

Mr. McAbier, I just wanted to share hopes that you can help with a concern for a citizen in Ward 2. It's coming from Kay Lorenz Trunk and her husband. They're expressing a concern about Chauncey Ave. NW. The concrete on that street is in serious degrade. The concrete is coming up in chunks. Anything we can do to create a smoother surface for them to drive on would be greatly appreciated.

AUDITORMS. BETH GUNDY.....NO REPORT

SAFETY DIRECTORMR. GREG POPHAM.....NO REPORT

Mr. Zucal had the following request for the Safety Director:

I'd like to ask the Safety Director to explore a request I asked Chief Goodwin. It's a common problem in Ward 2 in New Philadelphia. I personally have been effected by this. In Ward 2 you

can't park on the sidewalk and you can't drive through a curb strip to park your car in the yard. This is happening frequently. I've got a number of pictures that show sidewalks being blocked, cars parked on curbs, parked up in yards and then leaving yards and coming back into the roadway. I was out for my morning walk. I walk early, sometimes as early as 4:30 in the morning. There was a car parked on the sidewalk and I almost got hit by a car going too fast in the road when I tried to walk around it. Cars should not be parked on sidewalks. I took my concerns to Chief Goodwin and I'm asking them to do a little bit more. I'm asking that something be enforced. I'm not looking for Citizens to get tickets, but if we could develop a plan, like a good neighbor plan, where our police officers can go by and give a warning. I can't believe that is something we continue to allow in the City, especially when we're trying to clean it up and make things right, and we want our Citizens to have a safe place to walk. We're working on investing in an alleyway. Let's tell people it's no longer okay to park the wrong way, to park on sidewalks, to park in yards.

Mrs. Ramos had the following comment:

I just want to add to that we have the same problem in Ward 1.

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

LAW DIRECTOR MR. MARVIN FETE

Mr. Fete had the following report:

I've got two criminal trials that I'm handling. Most criminal cases are resolved short of trial, usually with a plea bargain. This will be interesting because we're doing our criminal trials now completely by video. I also have a video hearing with the 5th District Court of Appeals regarding the Big Scotty Gas Station Issue that I elaborated and discussed with Council previously. I have also provided everyone with a letter that I sent to all of the New Philadelphia Board of Education Members. It appeared to me from the last Board Meeting that my legal opinions were not being shared with the full group. I believe that my opinion was being mischaracterized, so I took the extreme step of reaching out to each Board member to let them know what my position is on issues, what my role is as Law Director in relation to the City Council, and the New Philadelphia Board of Education. I probably spent more time on the Stadium Lease than anything else this year. It seems to me this is something that's very simple. The two sides should be able to come together and reach a compromise. I'm not permitted by law to advocate for one side against another. I am available to answer specific questions and give my legal opinion on specific issues.

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR JOEL DAY

The Planning Commission will be meeting Tuesday, May 11 in Council Chambers at 1:00 PM. On the Agenda we have the Community Development Implementation Strategy with something relating to the CHIP Program that the Service Director wants the Planning Commission to take a look at. We're going to continue our discussion about community entertainment districts. That may be something that we bring to Council in the near future.

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

The Board of Zoning Appeals met Tuesday, April 13 here in Council Chambers at 5:00 PM with four variance requests to be heard. The first variance request to be heard was at 203 and 211 Church Ave. with non-compliance with 1161.03. After a lengthy discussion it was approved on a vote of 4-0. Secondly, a residence at a residence at 844 South Broadway, non-compliance with 1161.07 the driveway setback. After discussion it was denied on a 4-0 vote. Next was 527 Gary Dr. NW with non-compliance with 1161.05 a rear set back. That was voted on and approved by a 4-0 vote. Next we had a residence at 152 3rd St. NE with 1161.04 which is over the lot coverage. It was voted on and approved on a 4-0 vote.

Mr. Ricklic had the following question:

What was the non-compliance on Church Ave.?

Mr. McAbier responded:
Minimum yard width

AIRPORT COMMISSION.....MR. JOHN ZUCAL

The Airport Commission will meet on Tuesday, May 11, 2021 at 6:00 PM in Council Chambers. We will be joined by some of our friends from the United Way specifically Sue Reidenbach. The United Way has been in contact with me about the potential for utilizing the Airport area for a fundraiser. We met as a Commission last month to discuss that but we had some concerns. We thought that rather than to speak for Susan and United Way we've invited them here so we can be problem solvers. They're very excited for the opportunity.

PARK BOARD.....MRS. AIMEE MAY

The Park Board met last Wednesday at Tuscora Park. The big announcement was that we had grants from Rosenberry for \$25,000 and Reeves for \$45,000 to get started on the basketball courts.

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

HEALTH BOARD MR. JOHN ZUCAL

I think you heard about the importance of the Health Board this evening. We'll be meeting on Wednesday, May 12, and hopefully we can share a little bit more about feedback and encourage all those who are watching tonight on Facebook Live and to all the members of Council and Administration to please reach out. I know it takes time, I know we're all busy, but this is really an investment in our community and the Health Board deserves our support.

STANDING COMMITTEE REPORTS:

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

SALARY COMMITTEEMR. JOHN ZUCAL

Mr. Zucal had the following report:

The Salary Committee met this evening at 6:45. We were able to recess out at 7:01 and continue the Meeting at 7:17 with an adjournment of 7:24. We discussed two issues tonight. The first was Resolution 18-2021 which is on tonight's Agenda. We will be asking to suspend the rules and pass it on 1st Reading. It is to allow the Mayor to go forward with the runway rehabilitation program. The other issue we've been discussing is Ordinance 11-2021 which is an ordinance pertinent to the position of the Assistant Fire Chief.

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

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

Mr. Ricklic had the following report:

The Safety, Health, and Services Committee met this evening at 6:22 PM. We had several things on the Agenda. We were able to get through two of them. The first issue was legislation in support of the Health Department and against the State for closing the Health Department. We discussed that and will have it on the Agenda for this evening, suspend the rules and try to pass on first reading. The second item was the nuisance ordinance. We had some good discussion, had some good input. After that we decided that the Ordinance that the Law Director had prepared for us he will assign a number to it, and we'll have it on the Agenda for 1st Reading at the May 10th Council Meeting. The next Meeting of the Committee will be May 10 at 6:00 PM. The meeting was adjourned at 6:44 PM.

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

SPECIAL & CONTACT COMMITTEEMR DAN LANZER.....NO REPORT

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

VISITOR'S COMMENTS: NONE

COUNCIL COMMENTS: NONE

READING OF ORDINANCES AND RESOLUTIONS

ORDINANCES:

- 8-2021 AN ORDINANCE BY THE COUNCIL WOF THE CITY OF NEW PHILADELPHIA, OHIO TO PERMANENTLY REZONE THE FOLLOWING ADDRESSES IN THE CITY OF NEW PHILADELPHIA, OHIO FROM INDUSTRIAL TO BUSINESS ZONE.
2nd Reading
- 9-2021 AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO PERMANENTLY REZONE THE FOLLOWING ADDRESSES IN THE CITY OF NEW PHILADELPHIA, OHIO FROM RESIDENTIAL TO BUSINESS ZONE.
2nd Reading
- 10-2021 AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO CREATE A NEW FUND TO BE KNOWN AS THE LOCAL FISCAL RECOVERY FUND #275 TO MANAGE FUNDS ALLOCATED UNDER THE FEDERAL AMERICAN RESCUE ACT.
2nd Reading

RESOLUTIONS:

- 13-2021 A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO AUTHORIZE AND DIRECT THE SERVICE DIRECTOR TO ENTER INTO A LEASE AGREEMENT WITH THE NEW PHILADELPHIA CITY SCHOOL BOARD PURSUANT TO ORDINANCE 13-74 TO LEASE WOODY HAYES QUAKER STADIUM, LOCKER ROOM AND CONCESSION FACILITIES, THE PRACTICE FIELD AND PARKING LOT AREA TO THE SCHOOL BOARD FOR FIFTY YEARS WITH AN OPTION TO RENEW FOR AN ADDITIONAL TEN YEARS UNDER THE TERMS LAID OUT IN THE ATTACHED LEASE.
3rd Reading

MR. LANZER MOTIONED TO AMEND RESOLUTION 13-2021

- Mrs. Ramos asked what the amendment would be.

Mr. Lanzer stated the following:

It would be the information that was sent to us from President Kemp. The School Board had made slight changes to the agreement to make it a little less restrictive. We received these changes also today from the School Superintendent.

- Mayor Day made a Point of Order that the Amendment needs to be read on the floor.
- Mr. Lanzer read the proposed amendments to the Stadium Lease Agreement on Council floor.

Mr. Lanzer stated the following:

The New Phila. School District agrees with the Proposed Lease on it's 3rd Reading tonight on Article 2, 3, 4. On Article 5 there's a small typo there needs to be a colon after the 5 not a period, 6, 8. The ones that he addresses are the word "stadium" out of the lease agreement. The other one is the word "situated", and then the Board is owner of the stadium, locker rooms, facilities, track, field, and all the structures just like it has been in all the other contracts that we've done since 1928. Then not "rent" but "leases" and then "the land ware" instead of "premises" and then "is located as described" in 7A. Another change is under C, and then Article 7.

MRS. MAY SECONDED THE MOTION TO AMEND RESOLUTION
13-2021

- Law Director Fete made a Point of Order stating that there is a section missing from the redacted version of Article 7.

Mr. Fete stated the following:

This section was added in Committee and it was in the lease that's currently before Council. The Committee added that both parties should collaborate on all issues regarding closure. That is not included in this Amendment. Are you asking to redact this also?

Mr. Lanzer had the following response:

Yes because that falls in line with the part about the School Board.

2 YEAS, 5 NAYS

THE MOTION TO AMEND RESOLUTION 13-2021 HAS FAILED

MR. MAURER MOTIONED FOR APPROVAL OF RESOLUTION 13-2021

MR. RICKLIC SECONDED THE MOTION

5 YEAS, 2 NAYS

RESOLUTION 13-2021 HAS BEEN APPROVED

Mr. Zucal had the following comment:

I've spoken on this in the past. I feel like we've made strides with this Resolution. I also know that the City of New Philadelphia and the New Philadelphia City School Board both were encouraged to come to some kind of movement on this because of the time frames. I also believe that Article 8 continues to allow for discussion as needed. We've worked together for a hundred years. Let's move this thing forward.

Mr. Maurer had the following statement:

I'd like to start by saying that this has been over a year's worth of work. Tonight isn't about the School Board of the City it's about the Citizens of New Philadelphia I vowed to work for when I took my oath. I don't want to hear that the Stadium Lease is just for the students. It can be shared amongst adults and students alike. Woody Hayes Quaker Stadium belongs to our taxpayers of this City. When money was raised for renovation it was sold to the people that they would always be entitled to two lanes of the track. A problem arose when the pandemic hit. The lease did not specify who has the authority to close the stadium. The stadium is owned by the City and the Mayor being our CEO has the right to close it. I've been friends with Mayor Day since probably before phones had texting ability. The issue of not being able to reach him on short notice when the stadium needs to be closed is not accurate. Mayor Day is always responding promptly whether it be a phone call, text, email, etc. The language of not being able to change a lightbulb is bothersome. I have no problem stating in the lease that it can be closed for repairs. As I said at your school board meetings I was in the stands in 2018 at my daughter's graduation with lighting over the skies in the stadium. In hindsight it was I good call having it outside because each parent could invite more friends and family. On the flipside it could have been a disaster. So when you

talk to me it's about safety of the students. It's also worrisome to me that school officials feel a need to be closed so often that this is even a concern. I've been asking at our various meetings over the summer and in the fall who's decision it was to close. I did not get an answer until November. I wasn't given an answer because there were none. The Ohio Department of Health stated that there were no ODH orders that would prohibit the continued use of lanes seven or eight by the public. OHSA said they do not have knowledge of any OHSA regulations past or present that would prohibit the New Philadelphia High School from continuing such practices. No such regulations in the OHSA Handbook that we could cite to you regarding this. We were told OHSA would possibly shut down, forfeit seasons, not true. A letter from two attorneys from OHSA. I wish I had this last November and December because this issue would have been over long ago. Then I asked: Why was the community locked out? I can tell you that what's been called restrictive language by the school was there for this very reason. If it's going to be locked the Mayor needs to know the reason why. If this is going to cause a team to forfeit a season it's not going to be in a Zoom Meeting and not written on paper as a mandate. We lease the stadium for \$1.00 a year. Does the school put money into the stadium? Sure they do. Does the City get any ticket revenue from gate sales of athletic events? No they don't. Does the City mow the grass, maintain fields at Waterworks, Southside, etc.? Yes we do. There might not be a dollar amount attached but City workers are being paid it comes from our taxpayer's money in New Philadelphia. It's also wear and tear on our mowers, vehicles, etc. My point is we have to collaboratively work together. Over the years I added an article that's beneficial to both sides that states "the agreement may be modified if we put it in writing by both sides".

Mr. Ricklic made the following statement:

I'm not going to fight with the school. This is not about who wins and who loses. This is about the New Philadelphia Citizens winning or losing. It's time to put this lease behind us and show our community we made the best lease for the City and School that shows the highest number of individuals access to Quaker Stadium.

15-2021 A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, TUSCARAWAS COUNTY, OHIO, AUTHORIZING AND DIRECTING THE MAYOR OF THE SAID CITY OF NEW PHILADELPHIA TO ACT AS THE SIGNATURE DESIGNEE AND TO FILE AN APPLICATION FOR FINANCIAL ASSISTANCE UNDER TITLE 1 OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974 (PL-93-383) TO THE OFFICE OF COMMUNITY DEVELOPMENT, DIVISION OF THE OHIO DEVELOPMENT SERVICES AGENCY, OFFICE OF LOCAL GOVERNMENT SERVICES, AND TO ACCEPT THE SAME UPON AWARD.
2nd Reading

17-2021 A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO STRONGLY OPPOSING ANY EFFORT BY THE STATE OF OHIO TO ABOLISH THE LOCAL NEW PHILADELPHIA CITY HEALTH DEPARTMENT, WHICH HAS PROVEN INVALUABLE IN PROTECTING THE HEALTH, SAFETY, AND WELFARE OF THE ENTIRE CITY AND SURROUNDING COMMUNITIES DURING A TIME OF A GLOBAL PANDEMIC
1st Reading

MR. RICKLIC MOTIONED FOR SUSPENSION OF RULES ON RESOLUTION 17-2021

MR. HOLLAND SECONDED THE MOTION
7 YEAS

RULES HAVE BEEN SUSPENDED ON RESOLUTION 17-2021

MR. RICKLIC MOTIONED TO APPROVE RESOLUTION 17-2021

MR. HOLLAND SECONDED THE MOTION
RESOLUTION 17-2021 HAS BEEN APPROVED

AMENDED 18-2021 A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, TUSCARAWAS COUNTY, OHIO, AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEW PHILADELPHIA TO ACT AS THE SIGNATURE DESIGNEE AND TO SUBMIT THE GRANT APPLICATION FOR THE OHIO AIRPORT GRANT PROGRAM TO THE OHIO DEPARTMENT OF TRANSPORTATION (HEREINAFTER REFERRED TO AS ODOT) WHICH IS DUE ON MAY 1, 2021 FOR RUNWAY LIGHTING REHABILITATION PROJECT WITH AN ESTIMATED COST OF \$495,562.50 (INCLUDING DESIGN, CONSTRUCTION, AND CONSTRUCTION ADMINISTRATION) GRANT WILL BE LOCAL, AND AUTHORIZING THE ACCEPTANCE OF THE GRANT FROM ODOT IN THE EVENT THE SAME IS AWARDED TO THE CITY

OF NEW PHILADELPHIA, OHIO.
1st Reading

MR. ZUCAL MOTIONED TO SUSPEND THE RULES ON RESOLUTION
18-2021
MR. LANZER SECONDED THE MOTION
7 YEAS
RULES HAVE BEEN SUSPENDED ON RESOLUTION 18-2021

MR. ZUCAL MOTIONED FOR APPROVAL OF RESOLUTION 18-2021
MR. HOLLAND SECONDED THE MOTION
7 YEAS
RESOLUTION 18-2021 HAS BEEN APPROVED

UNFINISHED OR OLD BUSINESS: NONE

NEW BUSINESS:

President Kemp had the following comment:

It was brought to my attention that Michael Pearch retired back in December. We should do something to honor his years of service to New Philadelphia. Mr. Zucal, would you take that into your Committee.

Mr. Zucal said he would like to add a Commendation for Anne Proctor as well.

Mr. Maurer motioned to adjourn at 9:18 PM.

CLERK OF COUNCIL _____
Julie Courtright

APPROVED _____

PRESIDENT OF COUNCIL _____
Don Kemp