

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON FEBRUARY 11, 2019 WITH PRESIDENT OF COUNCIL SAM HITCHCOCK PRESIDING. PRESIDENT HITCHCOCK OFFERED A PRAYER, AND ALL IN ATTENDANCE RECITED THE PLEDGE OF ALLEGIANCE.

COUNCIL MEMBERS IN ATTENDANCE

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

EXCUSED ABSENCE:

SERVICE DIRECTOR RON MCABIER

- MRS. RAMOS MOTIONED TO ADD ORDINANCE 5-2019 TO TONIGHT’S AGENDA  
MR. HOLLAND SECONDED THE MOTION  
7 YEAS  
ORDINANCE 5-2019 HAS BEEN ADDED TO TONIGHT’S AGENDA
  
- MR. ZUCAL MOTIONED TO ACCEPT TONIGHT’S AGENDA  
MR. LANZER SECONDED THE MOTION  
7 YEAS  
TONIGHT’S AGENDA HAS BEEN ACCEPTED
  
- MR. ZUCAL MOTIONED TO ACCEPT THE MINUTES FROM THE JANUARY 28, 2019  
REGULAR SESSION OF CITY COUNCIL  
MR. RICKLIC SECONDED THE MOTION  
7 YEAS  
MINUTES FROM THE JANUARY 28, 2019 REGULAR SESSION HAVE BEEN APPROVED

**CORRESPONDENCE** . . . . . CLERK, JULIE COURTRIGHT

1. *To Clerk of Council from Treasurer Tom Gerber, dated January 30, 2019. This is the City of New Philadelphia January 2019 Deposits.*
2. *To Council and Administration from Mayor Day, dated January 30, 2019. This is an email with the subject “Decision from 10<sup>th</sup> District Court of Appeals”.*
3. *To Council and Administration from Service Director Ron McAbier, dated January 31, 2019. This is an email titled “Vacation” and it states “Good Afternoon, I will be out of the office February 4, 2019 and returning on February 12, 2019.” Signed Service Director McAbier.*
4. *To Council Clerk from Alex McCarthy, Director of Tuscarawas County Homeland Security and Emergency*

*Management Agency, dated February 4, 2019. This is a letter with the following excerpt “please find enclosed an invoice for \$4,322.00 which is the renewal of the 2019 contractual agreement with the Tuscarawas County Homeland Security and Emergency Management Agency. The renewal of the contract will satisfy the State and Federal requirements for your jurisdiction concerning the establishment of an Emergency Management Agency as well as your emergency operations plans.” Signed Alex McCarty.*

5. *To Council and Administration from Auditor Gundy, dated February 5, 2019. This is an email with the attachments: January 2019 Statement of Cash Position, January 2019 Council Report , January 2019 Statement of Cash Position Revenue and Expense, and January 2019 Expense Report with Encumbrance Details.*
6. *To Council and Administration from Income Tax Administrator for the City Vicki Daniels, dated February 5, 2019. This is an email with the subject January Income Tax Report.*
7. *To Council and Administration from Auditor Gundy, dated February 6, 2019. This is an email with the subject 2019 Budget Draft with the 2019 Appropriations Byline as the attachment.*
8. *To Council and Administration from Auditor Gundy, dated February 7, 2019. This is an email titled 2019 Budget.*
9. *To Council and Administration from President of New Philadelphia City Council Sam Hitchcock, dated February 7, 2019. This is an email with the subject “Please assign to a Committee” with the attachment Ordinance 4-2019: Building Permit Fee. It states: “Dan, please schedule a meeting of the Special and Contact Committee to consider the Law Director’s request for the attached Proposed Ordinance.*
10. *To Council and Administration from Auditor Gundy, dated February 8, 2019. This is an email titled “January 2019” with the attachment “Auditor’s Financial Statement for January 2019.”*
11. *To Council and Administration from Mayor Day, dated February 11, 2019. This is the Mayor’s Report.*

## **Administrative Reports.....**

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

Mayor Day had the following report:

- Update on Contract Negotiations with the City's Four Bargaining Units : The City's negotiating team has reached a tentative agreement on a new contract with the two bargaining units represented by the American Federation of State, County and Municipal Employees (AFSCME). The agreement was ratified last month by the Service and Clerical units. It will be presented to City Council during its regular meeting on February 25th. Negotiations with the safety forces bargaining units will continue later this month.
  
- City Planning Commission meets to Plan for the Growth of the KSU-Tusc Campus: The City Planning Commission held its regular monthly meeting today to allow KSU-Tusc Dean Dr. Brad Bielski to attend to discuss the campus' future plans. Commission members needed to learn what zoning changes and City ordinance revisions will be required to accommodate the campus' growth. The first phase of the university's Gateway Roadway project will be completed in the spring. Phase two will involve construction of student housing and other amenities related to students' living on campus.
  
- Downtown Business and Property Owners are Invited to a February 21st Breakfast Meeting: The New Philadelphia Business and Community Association is inviting downtown business and property owners to attend a breakfast meeting on Thursday, February 21st at 7:30am at Gavin's Restaurant. The purpose of the gathering is to update the owners on the work being done by the NPBCA and the City to revitalize the downtown area. It will be a great opportunity for the owners to share their opinions and ideas. All who are interested in the future of our downtown area should join in the revitalization effort and benefit from the opportunities being created from it.
  
- Remembering Travis Alberts, Mr. New Philadelphia :Travis Alberts' sudden death on February 2nd sent a shock wave throughout the community. From the many stories told during our grieving we learned of Travis' love of New Philadelphia and the many lives he touched as a father, coach, mentor, tireless volunteer and school district CFO. Continue to keep his family and those close to him in your prayers.
  
- Work of the Railroad Task Force Continues: On February 4th I met with a CSX Railroad official and representatives of Congressmen' Gibbs and Johnson's office to discuss the objectives of my railroad task force. From the meeting I learned that there are more railroad-related issues to resolve before reaching the task force' goal of achieving local ownership of the 13 mile CSX railroad track that runs between Uhrichsville and New Philadelphia and onto Dover. I will gather task force members later this month to discuss the issues and plan our next steps in the effort
  
- A County Mayor's Association has been created: Newcomerstown Pat Cadle has reached out to all mayors in Tuscarawas County to create a county mayors association. The group will meet monthly to share ideas and work together to encourage economic development and solve common problems.
  
- City Hall will be closed on Presidents' Day: The John Knisely Municipal Centre (City Hall) will be closed on Monday February in observance of Presidents' Day. Trash collection will not be affect. It will continue on its usual weekly schedule.

SERVICE DIRECTOR .....MR. RON MCABIER: EXCUSED ABSENSE

AUDITOR .....MS. BETH GUNDY.....NO REPORT

SAFETY DIRECTOR .....MR. GREG POPHAM

Mr. Popham had the following report:

In the Fire Department the new ambulance is at the station and barring any unforeseen issues should be in service tomorrow. In the Police Department, a few meetings ago we were told that Omega had helped the Police Department do a grant to apply with the Department of Justice for in car cameras. The City has received \$9,000 on that grant so that will be going to help Replace in car cameras.

Mr. Zucal had the following comment:

Congratulations to the Police Department for securing the grant.

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

LAW DIRECTOR . . . . . MR. MARVIN FETE

Mr. Fete had the following report:

In November I had announced that we had secured a grant through your efforts to hire the first ever full time Victim Advocate for the New Philadelphia Municipal Court. At that time I pointed out that the County has two Victim Advocates and we prosecute about four times more criminal cases involving victims than the County does. It was highly unusual for the State to see this high of a volume for a Municipal Court. When we had applied in the past we kept getting denied, so we invited them to come and look at what our case load was, what we were doing. So they encouraged us to reapply for the grant. We did, and I was able to secure that this year. At that time when I informed you rather than go into the grant and all of those things I talked about what it was like to be a victim of crime, particularly a victim in this case of domestic violence, and what that person goes through and how difficult it is for people in those circumstances. Tonight I'm going to do something a little bit different as well. I am happy to announce that we have hired a full time Victim Advocate. Her name is Debbie Liebold. She is both a New Philadelphia Quaker and an Ohio State Buckeye so I knew we were getting the absolute best. She also was the only person who applied for the position that has actually been a victim advocate under this exact same grant program. She's previously been a Victim Advocate in the Summit

County Prosecutor's Office. You can imagine the challenges that that would entail in Summit County so we think we hired an outstanding person to do our job. Rather than my going into details, I'd like to turn over the balance of my time to Debbie Liebold who is here today. I want her to talk about what a Victim Advocate actually does.

Debbie Liebold made the following statement:

I'm very happy to be a part of this team. I'm very happy that Law Director Fete was able to bring victim advocacy awareness to the Municipal Court and they worked very hard on it. Just having someone there is very important. I started on January 31, 2019. I was able to observe court on that first day. On the second day I was right into cases. Working as a victim advocate before in the State of Maryland as well as the State of Ohio I've had experiences in both Municipal as well as Common Pleas Court. With both experiences I have the ability to know what to do. Jumping right in, talking to individuals as they come into court. Whenever a crime happens it's a terrible experience. You don't know what to do or where to go. You get reports and information from the police. They give you as much guidance as they can while gathering information to build the charges, but as far as getting emotional support, as far as getting support about "where do I go next?" "what does this subpoena mean?" "do I have to be there?" "what can I do about the things that were broken?" "what can I do about a protection order?" That's where I come in. After charges have been brought and there's an arraignment, someone's been arrested then I'm there to talk to them when they first come into court and explain to them what the next steps are. If they do want to get a protection order, restitution, their rights as a victim, compensation.

Mr. Ricklic had the following comment:

Thank you and I wish you well.

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

Welcome aboard.

Mrs. Ramos had the following question:

Just to clarify this is any crime?

Ms. Liebold had the following reply:

Crimes where there would be a victim involved. That would be a crime that would not necessarily be domestic violence. It could be assault. It could also be trespassing or criminal mischief.

Mr. Holland had the following comment:

I would like to thank Mr. Fete for sticking with it ensuring that we got the grant. Being told no two or three times you give up, but he stuck with it and I think deserves our kudos for doing so.

## **BOARD/COMMISSION REPORTS:**

PLANNING COMMISSION.....MAYOR JOEL DAY

The Planning Commission met today. Its next meeting will be on March 12, 2019. Mr. Scolati and Mr. Erb will be doing a lot of research on zoning in college towns.

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

The Board of Zoning Appeals will meet on February 12, 2019 at 5:00 PM in Council Chambers.

AIRPORT COMMISSION.....MR. JOHN ZUCAL

The Airport Commission will meet tomorrow evening at 6:00 PM at the Harry Clever Field Meeting Room. We will be discussing the FAA and their proposal to potentially look at decreasing the amount of runway space at our local airport. The Mayor has done a great job working with Kevin Siig, our airport representative from Michael Company. Soliciting support from the standpoint that we do not need to have our runways shortened. The FAA is making the recommendation for shortened runways under the guise that we need that to protect the safety zones. One of the thought processes was to begin the discussion of closing Delaware Drive or impacting our local cemeteries and moving graves. Again we are not open to that discussion and we're also trying to make a strong point that those who do fly into Harry Clever Field have not had those type of issues in the past. The FAA should be more supportive our local needs and how we've been able to manage the airport very effectively, rather than putting us in a bind when it comes to potentially impacting our grant funding.

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

CEMETERY BOARD.....MRS. AIMEE MAY

The Cemetery Board will be meeting Thursday, February 14 at 11:00 AM here in Council Chambers. The Master Plan will be presented to Board members.

HEALTH BOARD..... MR. KELLY RICKLIC

The next Health Board meeting will be Wednesday, February 13, 2019 at 12:00 PM in the Health Department.

**STANDING COMMITTEE REPORTS:**

FINANCE COMMITTEE .....MR. ROB MAURER

Mr. Maurer had the following report:

The Finance Committee met tonight at 6:00 PM to discuss the 2019 Budget. We got about half way through the appropriations. We're going to meet again on February 25, 2019 at 6:30 PM .

SALARY COMMITTEE .....MR. JOHN ZUCAL

Mr. Zucal had the following report:

I will be sharing with you and potentially asking for an assignment as we move closer to the 3<sup>rd</sup> and 4<sup>th</sup> Quarters of this year to look at working with the local HR to examine some of the salaries of elected officials.

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 did meet tonight. We looked at Ordinance 5-2019 which is to add secondary and post secondary educational institutions to business districts. That has been put on the Agenda tonight. It will be read three times as well as another piece of Legislation to change some zoning. There will be a Public Hearing on Monday, March 11, 2019 at 7:00 o'clock to finally listen to the public input to those changes to zoning and hopefully Council will go ahead and approve those.

SPECIAL & CONTACT COMMITTEE .....MR DAN LANZER

Mr. Lanzer had the following report:

The Special and Contact Committee will be meeting February 25, 2019 at 6:15 PM to discuss Proposed Ordinance 4-2019 regarding the building permit fees.

**VISITOR'S COMMENTS:**

Rick Arredondo of 473 N. Broadway St. had the following comment:

I'm here as a small business owner and also the Director of the Downtown Association. What got my attention was Ordinance 1-2019 that there would be some changes related to food trucks. I just wanted to give some background. In my new role I'm talking to a lot of small business owners. This last part of 2018 was tough. I think any small business is under stress. Any rural community that's gone through the recession can probably honestly tell you that they haven't really come out of the recession. I think that any change that relates to our business community can create a big wave and that wave doesn't always mean progress. What I want to encourage is creating a very strong, friendly business environment.

Pat Barbee, Owner of Three Lil Piggies Food Truck had the following comment:

My concerns are that we're supposed to be business friendly and we want to be safe. I know we're really ahead of the curve a lot of times. Last year everything had to be moved up three foot. It goes into effect this year but we went ahead and moved all of our stuff up. We try to be as legal as possible without trying to spend a lot of money but on the same token we get checked six, eight, nine, ten times a year by the Fire Marshall. Restaurants get checked twice a year. I don't understand the whole system with the Fire Marshall the \$50.00. What different things is he going to show me or check that hasn't already been checked? We do pay all of our taxes here. If we go to another city our sales go to New Philadelphia, I've lived here for 56 years. I've been in the restaurant business for over 34 years. I'm over three restaurants plus we do the food truck on our own. I don't get charged \$50.00 for the fire department to check Shoney's at any of my locations. So I really would like a fair playing field as well as brick and mortar restaurants and our truck. I get checked by health departments numerous times a year. A level playing field would be only being checked a couple times a year for each. \$50 isn't a lot, but how's it going to affect other food trucks coming in to different events?

Lori Knuckles, Owner of Three Lil Piggies Food Truck had the following comment:

One other thing that affects our business, we really enjoy being able to give back to our community, not just New Philadelphia but all of Tuscarawas County. It's a joy to us that we're recognized in the community. Other food trucks sometimes travel 50 miles to set up in this area. It's hard for us to recommend those food trucks if they would have to pay \$50.00. We're concerned for the future of our business.

Rick Arredondo had the following comment:

If you look at the fire prevention permit food trucks could be several places in one day and they would have to pay \$50.00 at each location.

Mr. Zucal had the following comment:

I had a conversation earlier today with Chief Parrish regarding this matter. He's unable to attend tonight but he said for me to please speak on his behalf. He did want me to communicate specifically that it would be just an annual fee. I think that fee is something we want to talk about more because we all want to be small business friendly, especially the small businesses that are housed in New Philadelphia that are paying those taxes and are doing things right and I agree with you. I think we should have a level playing field, and I do think at some point in time we might need to have discussion of the differences between food trucks and concessionaires.

Lori Knuckles had the following comment:



An annual \$50.00 fee is workable. The other food trucks that come into the City for sometimes one or two hours, sometimes local bars bring in food trucks. We don't want to be punished because we live and work in town so we're constantly seeing ones that come in and out of town. I just ask that there's a fair way to monitor that also.

Mr. Ricklic had the following comment:

This Ordinance went through my Committee and I spoke to the Fire Chief today and yes, he wanted you to definitely know that it's a one-time fee and that would be for all food trucks.

Law Director Fete had the following comment:

(The fee) can't apply to some and not others, otherwise it's a violation of equal protection and due process which is guaranteed by the Constitution. So because you have to pay people who are coming in for festivals will have to pay too.

Mr. Holland had the following comment:

When Council first started discussing this I called Pat and talked with him briefly. I would surely hope that when the day comes that you're looking at brick and mortar that you look at New Philadelphia first. I would surely hope that our administration will bend over backwards to work with you. It is certainly business friendly and we want to see you continue in our community.

Mr. Zucal had the following comment:

Thank you, Mr. Arredondo. As being a member of the Board of the NPBCA your efforts to lobby on behalf of small businesses in New Philadelphia is appreciated. That's exactly what we hope our Director or Business and Community Associations in our community does is to sit there and advocate for them and to think about what this all entails, and thank you to the Barbees for their commitment to our City as well.

**COUNCIL COMMENTS: NONE**

### **READING OF ORDINANCES AND RESOLUTIONS**

ORDINANCES:

24-2018      AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO AMEND CHAPTER 521 HEALTH, SAFETY, AND SANITATION OF THE CODIFIED ORDINANCES OF THE CITY OF NEW PHILADELPHIA TO INCLUDE SECTION 521.08 (h) GRASS CLIPPING AND FOLIAGE.  
2<sup>nd</sup> Reading

- 25-2018 AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO AMEND CHAPTER 353.09, OF THE CODIFIED ORDINANCES OF THE CITY OF NEW PHILADELPHIA REGARDING THE WAIVER OF FINES FOR VIOLATION OF PARKING METERS.  
2<sup>nd</sup> Reading
- 1-2019 AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO ENACT AN OPERATIONAL PERMIT PROCESS THROUGH THE NEW PHILADELPHIA CITY FIRE DEPARTMENT FOR ITEMS RELATED TO PUBLIC HEALTH AND SAFETY.  
2<sup>nd</sup> Reading
- 3-2019 AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO REZONE THE 15 PARCELS LISTED IN THE ATTACHED DOCUMENTATION IDENTIFIED AS EXHIBIT A, QUAKER DOME AREA REZONING 2019, AS RECOMMENDED BY THE NEW PHILADELPHIA PLANNING COMMISSION FROM INDUSTRIAL TO BUSINESS ZONING.  
1<sup>st</sup> Reading
- 5-2019 AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO AMEND CODIFIED ORDINANCE CHAPTER 1167 BUSINESS DISTRICT TO INCLUDE SECTION 1167.14 FOR PURPOSES OF ALLOWING EDUCATION AS A CONDITIONAL USE IN BUSINESS ZONES.  
1<sup>st</sup> Reading

RESOLUTIONS: NONE

**UNFINISHED OR OLD BUSINESS: NONE**

**NEW BUSINESS: NONE**

Mr. Maurer motioned to adjourn at 8:15 pm

CLERK OF COUNCIL \_\_\_\_\_  
Julie Courtright

APPROVED \_\_\_\_\_

PRESIDENT OF COUNCIL \_\_\_\_\_  
Sam R. Hitchcock