

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON JUNE 14, 2021 WITH PRESIDENT DON 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
MR. ROB MAURER
MRS. AIMEE MAY
MRS. CHERYL RAMOS
MR. KELLY RICKLIC
MR. JOHN ZUCAL

EXCUSED ABSENCES

NONE

- MR. RICKLIC MOTIONED TO ADD RESOLUTION 10-2021, AND RESOLUTION 25-2021 TO TONIGHT'S AGENDA
MR. LANZER SECONDED THE MOTION
7 YEAS
RESOLUTION 10-2021, AND RESOLUTION 25-2021 HAVE BEEN ADDED TO TONIGHT'S AGENDA
- MR. ZUCAL MOTIONED TO ADD RESOLUTION 23-2021 AND RESOLUTION 24-2021 TO TONIGHT'S AGENDA FOR 1st Reading
MR. RICKLIC SECONDED THE MOTION
7 YEAS
RESOLUTION 23-2021 AND RESOLUTION 24-2021 HAVE BEEN ADDED TO TONIGHT'S AGENDA FOR 1st Reading
- MRS. MAY MOTIONED TO ACCEPT TONIGHT'S AGENDA AS AMENDED
MRS. RAMOS SECONDED THE MOTION
7 YEAS
TONIGHT'S AGENDA HAS BEEN ACCEPTED
- MR. ZUCAL MOTIONED TO APPROVE THE MINUTES FROM THE MAY 24, 2021 REGULAR SESSION OF COUNCIL
MR. LANZER SECONDED THE MOTION
7 YEAS
MINUTES FROM THE MAY 24, 2021 REGULAR SESSION OF COUNCIL HAVE BEEN APPROVED

CORRESPONDENCE CLERK, JULIE COURTRIGHT

1. *To Council Clerk from Treasurer Tom Gerber, dated June 1, 2021. This is the May, 2021 Investment and Savings Report*
2. *To Councilman Lanzer from Council President Don Kemp, dated June 7, 2021. This is a forwarded email from the Clerk of Council. The subject is Liquor License Request. The attachment is Liquor License Request from Whittingham Real Estate. It states "Dan, Please take this request into your Committee for consideration.*
3. *To Council and Administration from Income Tax Administrator Vickie Daniels, dated June 7, 2021. This is the May Income Tax Report. The Attachment is May Report.*
4. *To Council and Administration from Auditor Gundy, dated June 4, 2021. This is the Expense Report with Encumbrance Details for May, 2021. The Statement of Cash Position with MTD Totals for May of 2021. The Statement of Cash Position from Revenue and Expense from May of 2021, and the Check Report by Number for May of 2021.*
5. *To Council and Administration from Auditor Gundy, dated June 10, 2021. This is an email with the subject Lodging Taxes.*

6. *To Council and Administration from Law Director Fete, dated June 10, 2021. This is a forwarded email with the subject Participation Agreement.*
7. *To Councilman Ricklic from President Kemp, dated June 10, 2021. It's a forwarded email from Law Director Fete and the subject is "Please assign to the Safety, Health, and Service Committee". It states "Kelly, please take this request into your Committee with the attachment Resolution 25-2021.*
8. *To Council and Administration from Mayor Day, dated June 14, 2021. This is a forwarded email with the subject Downtown New Philadelphia Happenings. It states "All, this is a schedule of upcoming events in downtown New Philadelphia compliments of Debbie Knisely, owner of Alleycats and Fresh the Market.*
9. *To President Kemp from Law Director Fete, dated June 10, 2021. This is a forwarded email and it states "Mr. President for Monday's Meeting could you please assign the attached legislation to the Safety, Health, and Service Committee?"*
10. *To President Kemp from Law Director Fete, dated June 14, 2021. This is a forwarded email and it says "Can you assign this to the Public Works Committee?" It was forwarded to Dean Holland and it's Resolution 26-2021.*
11. *To Councilman Lanzer from President Kemp dated June 14, 2021. It states "Dan, please take this into your Committee." It's a Liquor License Request and the attachment is Liquor License Request from Whittingham Real Estate number 2.*
12. *To Council and Administration from Mayor Day, dated June 14, 2021. The Mayor's Report.*

MAYOR'S REPORT/REQUESTSMAYOR JOEL B. DAY

Mayor Day had the following report:

Tin Lizzy's are coming to New Philadelphia The Model T Ford Club International is bringing its 64th annual tour to New Philadelphia the week of July 18th through the 23rd . Local club members and hosts Tom and Patty Strickling have put together a tour with stops at tourist attractions in New Philadelphia, as well as in Tuscarawas County and Holmes County. Around 80 vehicles and their owners are expected to attend the week-long event. It will be exciting to see the Model T's, nicknamed Tin Lizzy's, traveling our streets to remind us of the vehicle's importance in the world's automotive history. Please join me in welcoming them to New Philadelphia.

All are Welcome to the Grand Opening of the Southside Community Park I hope you've made plans to join us this Saturday, June 19th at 11am for the ribbon-cutting and Grand Opening of the new Southside Community Park. The park's new entrance is on Oldtown Valley Road, just beyond the city limits on South Broadway. The three-million-dollar project would not have been possible without the Tuscora Park Foundation agreeing to be a third-party easement holder of the park land. That was required by the Ohio Public Works Clean Ohio grant program, which funded most of the construction. Following the ribbon-cutting ceremony the Foundation will be holding a Chicken BBQ fundraiser until 2pm. Tickets are \$10 and are available at the Mayor's office and also at McInturf Realty's office on Tuscarawas Ave NW. Bring your dog and your walking shoes. There will be limited parking within the new park. You can also park at the soccer fields parking lot and easily walk to the BBQ event. I want to thank the members of City Council, the City Park Board, the Tuscora Park Foundation and my administration for following and supporting the vision of the park's master plan. A city park dedicated to natural conservation, outdoor recreation and our four-legged friends is something we can all be proud of and preserve for future generations.

Date Set for the Official Opening of the Schoenbrunn Meadows Cemetery It's been four years since the land on Delaware Drive SE was purchased. And now the date has been set for the official opening of the City's new Schoenbrunn Meadows Cemetery. The Cemetery Board has selected Saturday July 24th at 11am to hold the ribbon-cutting and official opening of the new ceremony. More details are forthcoming but mark it on your calendar. It will be a historic event. The City has not opened a new cemetery in at least 50 years, maybe longer.

The County's Main Library Will Host a Free Walk-in Clinic for COVID-19 Shots The City Health Department is having a walk-in COVID-19 vaccination clinic at the Tuscarawas County Main Library on Thursday June 24th from 3pm to 6pm. Johnson and Johnson vaccines will be available as well as Pfzier vaccinations for people 12 years of age and older. Call the City Health Department at 330-364-4491 extension 1208 for more information.

Meeting with Ohio Governor Mike DeWine On Monday June 7th I had the honor of joining nine other members of the Ohio Mayors Association in a meeting with Governor DeWine at the Governor's mansion in Columbus. The Governor wanted to learn the problems our cities were facing now that his COVID pandemic restrictions have been lifted. All mayors told him that the number one problem is businesses who can't find workers. I told him about the issues of mental illness, drug addiction and overdose deaths and homelessness that have doubled the number of police and EMS response calls in New Philadelphia since the pandemic began. The Governor said funding to address several of our concerns is included in the new biennial budget being finalized in the Ohio Legislature. The group plans a follow-up meeting with DeWine in about six months.

Mayor Day concluded his report by introducing Jami Bailey, the new Executive Assistant to the Mayor.

Mrs. Bailey made the following statement:

I'm pleased to meet you all. I'm proud to live in this City and I have two children in the New Phila. Schools. I am loving my new job.

SERVICE DIRECTOR.....MR. RON MCABIER

Mr. McAbier had the following report:

If anyone was out at Lakeview Ave. today, D.L. Smith out of Norwalk was mobilized out there. They started putting up the silk fence. They're doing the wastewater stuff now and laid out the stakes at the corner of Lakeview and Wabash. There's approximately 3250 feet of new sidewalk and curb going in. The ADA accessible ramp will lead down to the stadium. They'll probably start digging by Monday. If you can slow down in that area. It will be very busy. We'll stay away from that intersection on the 25th and the 4th due to the Soapbox Derby and First Town Days. He believes he'll be done by the first week of August. We'll see how the weather goes. Also, on June 1st all applications were in for the Sidewalk Replacement Program. They have been evaluated. They'll be putting in approximately 1400 feet of new sidewalks. I want to thank Council for okaying the extra \$5000 for that program. The 20 residents that we helped was everyone who filled out an application. Also, we're making progress at Southside Park. We're having a ribbon-cutting this Saturday. York Bridge will be in afterwards to seal all the bridges. The wire cable needs tightened. They loosen up over time. I know it's the Grand Opening but due to their schedule not being inline with us you'll have one bridge closed off at a time. Also, the Northwest Side of North Avenue we'll be replacing approximately 600 feet of 2 inch waterline with 6 inch waterline. That will start on June 21 and they'll get out of there long before school starts.

President Kemp had the following question:

How about Mushrush, the Gas Project?

Service Director McAbier had the following reply:

They have a couple services to do. They got on the Sidewalk Replacement Program this year so they'll do all the sidewalks. They have twelve more services to do but right now it's reclamation work.

AUDITORMS. BETH GUNDY.....NO REPORT

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

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

LAW DIRECTOR MR. MARVIN FETE

Mr. Fete had the following report:

Today is National Flag Day. The reason we celebrate Flag Day on this day is because on June 14, 1777 the Continental Congress officially adopted Betty Ross' design for the flag that we utilize today. The reason I bring that up is I want to talk about 1st Amendment Law. Everybody in here would be offended to see the American Flag burned. The 1st Amendment Law protects free speech. The reason I bring that up is because I've gotten more calls than I've probably gotten on any issue regarding a sign that is down by West Elementary School. This sign says "F Biden" on it. There was a similar sign down on West High during the campaign that said "F Trump". Just as we are offended by the burning of the American Flag. I imagine that all of you are also offended to see that type of speech. That type of speech is constitutionally protected speech. There is no provision for hate speech. What I thought I would do is give you a little bit of 1st Amendment Law today to tell you what is protected and what's not protected, and what we can and cannot do about it. The 1st Amendment says "Congress shall make no law abridging the freedom of speech." It also addresses Freedom of Religion and Freedom of the Press. We're not going to get into those today because it's not relevant to our discussion. I've told you about "case law" and "precedent". Once a court rules a certain way it sets a precedent for other cases. There's actually a court case that the U.S. Supreme Court ruled on called Cohen vs. California. This case came out of the Vietnam War era where a man wore a jacket that said "F the Draft" to a public building and was arrested for it. In that decision the court ruled that one man's vulgarity is another man's lyric. The whole purpose of this type of speech is designed to arouse passions. The court ruled that the individual had a 1st Amendment right to wear a jacket that said "F the Draft" in a public building. As you can see if we apply that to the current situation since that's the precedent, it was protected speech at that time. It's still protected speech at this time. We hear an awful lot about hate speech. Hate speech is actually protected speech under the 1st Amendment. That's why the Ku Klux Klan and Neo Nazis have the right to march. There is no 1st Amendment protection against hate speech. What governments can do is Time, Place, and Manner Regulations. Where you get in trouble is if you start to regulate content. The type of content that the government can regulate because it is not protected 1st Amendment Speech is obscenity, defamation, fraud, incitement, and true threat. I'm going to go through each one of these. The first one is obscenity. The best example of obscenity is child pornography. All pornography is not banned, but child pornography is illegal. Defamation is slander and libel. That's something you can go after somebody civilly for. Fraud is not protected 1st Amendment speech. Incitement came under a lot of scrutiny on January 6th with the riot at the Capitol. Incitement must be directed at a certain person or group and must be a direct call to commit immediate lawless action. The other one is a true threat. Government can regulate signs if they are posted on government property or if they are posted on a right of way. I like to refer to what Abraham Lincoln called The Better Angels of our Nature. What we can do is go up to people who are displaying something offensive and tell them we have kids in the area, you're right by a school, maybe you should consider taking the sign down, or replacing it with a less offensive sign.

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR JOEL DAY

The Planning Commission will be meeting on July 13 at 1:00pm. We'll continue our review of the City's Master Vision Plan.

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

The Board of Zoning Appeals will be meeting on Tuesday, July 13 at 5:00 PM here in Council Chambers.

AIRPORT COMMISSION.....MR. JOHN ZUCAL

We did have a change of date for the Airport Commission due to the inability to have a quorum on Tuesday, June 8. We have moved it to tomorrow evening, Tuesday, June 15 at 6:00pm at the Harry Clever Municipal Airport.

PARK BOARD.....MRS. AIMEE MAY

The Park Board meets this Wednesday at Noon at Tuscora Park.

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

HEALTH BOARD MR. JOHN ZUCAL

Many of you may remember conversations and call to action by Mayor Day regarding the Legislation that would have deeply impacted our local Health Department with the loss of local control and closing of our Health Department. I'm pleased to share with you this evening just a brief part of an email from our Health Director Vickie Ionno. It reads in part: "I'm happy to report that some of the House Bill 110 language was changed in our favor yesterday. Thanks to Senator Jay Hottinger. He lobbied to include language that exempts city health departments from doing a feasibility study if they are less than 50,000 residents and if they are either accredited or in the process of pursuing national accreditation. The New Philadelphia City Health Department is in the process and will be submitting our document before the deadline of August 26, 2021. I personally cannot thank you all enough for your support of our Health Department." Good news for the City of New Philadelphia and we will be accredited. We'll have that documentation helping us for many years down the road.

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 with two items to discuss. We added Resolution 23-2021 and Resolution 24-2021 to the Agenda for this evening. These Resolutions Commend Mike Pearch and Ann Proctor for their dedication and service to the Community. We will be reading those Resolutions 3 times beginning this evening. We will formally recognize those individuals on the floor of Council.

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 Service Committee met this evening at 6:30 PM with two items on the Agenda. The first item was emergency repairs to the University Drive bridge, Resolution 25-2021. Some discussion and input by the Mayor and Service Director of the need to repair the West Side of the bridge. That resolution was discussed and passed 3-0 to move it to the Regular Session of Council Agenda, suspend the rules and pass it on 1st Reading. The second item was the Goshen Township Service Agreement. After some discussion we were able to move this out of Committee. It was voted to add it to the Agenda tonight for 3 Readings. The Meeting was adjourned at 6:56 PM.

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

Mrs. Ramos had the following report:

The Zoning and Annexation Committee met tonight to review Ordinance 15-2021. That specifically will rezone to Mobile Home Park Zone three mobile home parks that have been incorrectly zoned for a number of years. Those are the ones on Willow Street, Karen Ave, and 11th Street. The motion passed to put that Ordinance on the next Council Agenda for 3 Readings.

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:

12-2021 AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO, TO AMEND CODIFIED ORDINANCE 549.10 SLINGSHOT; BOW AND ARROW
2nd Reading

13-2021 AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO CREATE SECTION 510 WITH REGARDS TO NUISANCE ACTIVITY AND CREATING A BOARD OF NUISANCE ABATEMENT APPEALS
1st Reading

RESOLUTIONS:

10-2021 A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO AUTHORIZE THE MAYOR TO ENTER INTO AN AGREEMENT WITH

THE GOSHEN TOWNSHIP TRUSTEES FOR FIRE AND EMERGENCY MEDICAL SERVICES FROM THE CITY OF NEW PHILADELPHIA, WITHIN GOSHEN TOWNSHIP, OHIO, TO CONTINUE QUARTERLY INVOICES, AND TO HAVE THE NEW PHILADELPHIA FIRE DEPARTMENT BE RESPONSIBLE FOR ANY ADDITIONAL INVOICES, AND ALLOWING ANY ASSETS RECOVERED TO REMAIN THE PROPERTY OF THE NEW PHILADELPHIA FIRE DEPARTMENT FOR THE CALENDAR YEARS 2022, 2023, 2024, 2025, AND 2026, AND APPROVING A MEMORANDUM OF UNDERSTANDING APPROVED BY GOSHEN TOWNSHIP TO ADJUST THE TERMS AND CONDITIONS OF 2021.

1st Reading

23-2021 A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA TO COMMEND MICHAEL PEARCH FOR HIS YEARS OF SERVICE AND DEDICATION TO THE CITY OF NEW PHILADELPHIA DURING HIS 32 YEARS AT THE NEW PHILADELPHIA FIRE DEPARTMENT SERVING THE CITY OF NEW PHILADELPHIA, INCLUDING 11 YEARS AS LIEUTENANT

1st Reading

24-2021 A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO COMMEND ANN PROCTOR FOR HER YEARS OF SERVICE AND DEDICATION TO THE CITY OF NEW PHILADELPHIA DURING HER 25 YEARS SERVING THE CITY OF NEW PHILADELPHIA AS THE IMMUNIZATION NURSE FOR THE NEW PHILADELPHIA CITY HEALTH DEPARTMENT

1st Reading

25-2021 A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO AUTHORIZE AND DIRECT THE AUDITOR OF THE CITY OF NEW PHILADELPHIA TO TRANSFER UP TO \$10,000 FROM THE GENERAL FUND #101 TO THE CITYWIDE REPAIRS FUND #101-1700-3505, FOR BRIDGE REPAIR AT UNIVERSITY DRIVE

1st Reading

MR. RICKLIC MOTIONED FOR SUSPENSION OF RULES ON RESOLUTION 25-2021

MR. LANZER SECONDED THE MOTION

7 YEAS

RULES HAVE BEEN SUSPENDED ON RESOLUTION 25-2021

MR. RICKLIC MOTIONED FOR APPROVAL OF RESOLUTION 25-2021

MR. LANZER SECONDED THE MOTION

7 YEAS

RESOLUTION 25-2021 HAS BEEN APPROVED

UNFINISHED OR OLD BUSINESS:

Mr. Zucal had the following statement:

I just wanted to share an email I received from a member of our Community who was able to go into great detail about an experience he had with a pit bulldog. The dog was acting violently and they've had some concerns about the behavior of the dog in regards to attacking folks in the neighborhood, including one of our mail delivery individuals who was chased because the pit bulldog got loose from his leash. I know we were encouraged and all of us supported a legislation that Mr. Holland had spoken deeply and passionately about, the dangerous dog ordinance. I do want to remind all of those listening and those in attendance that that legislation is not

something that's dead, it's out there, and those folks are required to follow safety guidelines in regards to dangerous dogs. That pit bulldog does fit that category, so I am responding back to this individual and making sure that he reviews and understands the legislation that's been adopted by City Council, the laws we operated under. Mr. Fete, if there's any question he may have is he able to speak to you in regards to the details?

Mr. Fete had the following reply:

Yes, I would suggest he call me directly. I'd like to hear the details of what happened specific to the Ordinance.

Mr. Zucal replied:

I'll share with you the specifics of the detail and ask him to give you a call as well.

NEW BUSINESS:

Mr. Maurer motioned to adjourn at 8:19 PM.

CLERK OF COUNCIL _____
Julie Courtright

APPROVED _____

PRESIDENT OF COUNCIL _____
Don Kemp