

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON JUNE 22, 2020 WITH PRESIDENT OF NEW PHILADELPHIA CITY COUNCIL 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. ZUCAL MOTIONED TO ADD ORDINANCE 10-2020 TO TONIGHT'S AGENDA FOR 1st Reading
MR. RICKLIC SECONDED THE MOTION
MR. MAURER MOTIONED TO ADD ORDINANCE 11-2020 AND RESOLUTION 17-2020 TO TONIGHT'S AGENDA FOR 1st Reading
MR. HOLLAND SECONDED THE MOTION
7 YEAS
ORDINANCE 10-2020, ORDINANCE 11-2020, AND RESOLUTION 17-2020 HAVE BEEN ADDED TO TONIGHT'S AGENDA

MR. ZUCAL REQUESTED AN EXECUTIVE SESSION FOLLOWING THE LEGISLATIVE AGENDA THIS EVENING TO CONSIDER THE APPOINTMENT/ EMPLOYMENT/ DISMISSAL/ DISCIPLINE/PROMOTION/ DEMOTION OF AN EMPLOYEE OR ANY INVESTIGATION OF CHARGES OR COMPLAINTS AGAINST A PUBLIC EMPLOYEE, OFFICIAL LICENSEE OR REGULATED INDIVIDUAL UNLESS THEY REQUEST A PUBLIC HEARING BY DIVISION G1 SECTION 121.22 OF THE REVISED CODE.
MR. RICKLIC SECONDED THE MOTION
AN EXECUTIVE SESSION WILL BE HELD AFTER TONIGHT'S LEGISLATIVE AGENDA

- MRS. RAMOS MOTIONED TO ACCEPT THE MINUTES FROM THE JUNE 8, 2020 REGULAR SESSION OF COUNCIL
MRS. MAY SECONDED THE MOTION
7 YEAS
MINUTES FROM THE JUNE 8, 2020 REGULAR SESSION OF COUNCIL HAVE BEEN APPROVED

CORRESPONDENCE CLERK, JULIE COURTRIGHT

1. *To Clerk of Council from Treasurer Tom Gerber, dated June 9, 2020. This is the City of New Philadelphia May 2020 Investment and Savings Report.*
2. *To President of New Philadelphia City Council Don Kemp from Councilman John Zucal, dated June 16, 2020. This is an email titled "Assignment" and it states "Mr. Kemp, I'm respectfully requesting that you place into the Salary Committee the establishment of Legislation pertaining to the practice of retire/ rehire in the case of Mr. Herron."*
3. *To President Kemp from Law Director Fete, dated June 19, 2020. This is an email titled "Urgent" and it states "Mr. President, the Mayor needs this assigned to the Finance Committee for the Monday Meeting" It was replied to by President Kemp and Councilman Maurer.*
4. *To Council and Administration from Mayor Day, dated June 22, 2020. This is a press release from RTY regarding reopening of the park rides and mini golf course.*
5. *To Council and Administration from Mayor Day dated June 22, 2020. This is the Mayor's Report.*
- 6.

Administrative Reports.....

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

Mayor Day had the following report:

- **CSX TRANSPORTATION DECLINES THE COUNTY EDFA'S PURCHASE OFFER:**
Today I received a letter from CSX Transportation's Resident Vice President Rusty Orben, stating that the company has declined the county Economic Development and Finance Alliance's (port authority) offer to purchase the CSX rail line from Dover to Uhrichsville. Obtaining local ownership of the line for economic development has been the focus of the Railroad Task Force I formed in 2017. During a follow-up telephone call this morning (Monday), Mr. Orben told me that the railroad industry is in flux right now because of the COVID-19 pandemic. He said CSX may entertain another offer from the EDFA once the company has solved supply chain issues across its rail network and the company knows the direction of the country after the November 3rd election.

- **RTY PLANS TO REOPEN THE TUSCORA PARK RIDES ON SATURDAY JUNE 27th:**
RTY, Inc., the operator of the rides at Tuscora Park, has informed the City that it plans to reopen the rides on Saturday June 27th. The rides passed State inspection earlier this month and RTY's reopening plan was approved by the City Health Department and is being reviewed by Governor Dewine's office. The park's miniature golf course will also be reopened on the 27th. RTY's ride operators are being trained on COVID-19 protocols. According to a press release issued today (Monday) by RTY, the rides and golf course will be open weekends from Noon until 8pm and weekdays from 4:30pm to 8pm.

➤ **WORK TO BEGIN ON NEW PHILADELPHIA'S LEG OF THE OHIO & ERIE CANAL TOWPATH TRAIL:** The Ohio and Erie Canalway Coalition will begin preliminary work this summer to clear the way for construction of New Philadelphia's leg of the Towpath Trail. At a recent meeting with OECC president Dan Rice, he said that the \$20,000.00 donation from the Cooper Standard Foundation will be used to move Gradall's fence line along the Tuscarawas River back to make room for the Towpath's construction. The City will seek grant money next year to construct the trail from the Waterworks boat ramp, around the Gradall fence to Mill Avenue. Once that stretch is constructed, the OECC will help the City determine the best route for connecting with the Towpath Trail coming down Tuscarawas Avenue from Dover.

➤ **I URGE COUNCIL TO GIVE UNANIMOUS SUPPORT TO ORDINANCE 5-2020 TO HONOR FORMER CITY POLICE CHIEF AND COUNCILMAN JIM LOCKER:** Now that the COVID-19 restrictions have been eased at City Hall, I am pleased that members of the family of former City Police Chief and Councilman Jim Locker are able to attend tonight's (Monday) meeting to see Council act on Ordinance 5-2020. Designating a portion of Bank Lane SE as "Honorary Jim Locker Lane" will be a fitting tribute to a man who loved New Philadelphia and its people. Jim Locker was a mentor to many of us who chose the path of public service to our community.

➤ **RESOLUTION 17-2020 IS AN ILLUSTRATION OF WHY U.S. CENSUS DATA IS IMPORTANT :** The Coronavirus Relief Distribution Funds the City would receive from the county by passage of Resolution 17-2020 is tied directly to New Philadelphia's 2010 census data. The data was used to help determine the distribution. The City will receive over \$524,000 according to figures released by the Tuscarawas County Commissioners. The money will help offset the expenses incurred by the City in battling the local COVID-19 outbreak. If you haven't completed the new U.S. Census questionnaire, please do so. This reimbursement from the CARES Act is an example of why an accurate census count is important to New Philadelphia.

Mr. Holland had the following question for Mayor Day:

Will the Port Authority be prepared to resubmit the request after the November 3, 2020 Election?

Mayor Day had the following response:

That's hopefully what we will be able to sit down and plan.

SERVICE DIRECTOR.....MR. RON MCABIER

Mr. McAbier had the following report:

I want to bring everybody up to date on the two ongoing projects. All the waterlines are complete on the Wabash Ave. Project. The sewer line is complete. If we had four good days we could be done. We've got curbs to go in. They believe two days on curb, one day griming, and one day paving. As you see the weather is not going to cooperate this week, but we need four days to complete that project. On Wednesday, June 24, 2020 we'll have our first preconstruction meeting with a construction company out of Coventry, Ohio. They're doing the Phase 1 of Southside Park. Hopefully at the next meeting I will have a construction schedule so everyone knows where that lays out. Also since our last meeting we had two bid openings. The first one was on the 18th for the new office building at the cemetery. Unfortunately we

only received one bid and it was considerably higher than the engineer's estimate. We will evaluate our options and I will let everyone know what we decide to do moving forward with that. Today at 10am in Council Chambers we opened up bids for the CDBG Project. On that one we were \$26,000 under the engineer's estimate. So, the three projects I spoke of before, all three will get done.

Mr. Ricklic had the following question:

What percentage did the office come in over bid?

Mr. McAbier had the following reply:

They estimated \$225,000 and they had \$135,000.

AUDITORMS. BETH GUNDY..... NO REPORT

Mr. Zucal had the following question:

Any updates on the lodging tax situation ?

Ms. Gundy had the following response:

It's still down and one payer is not paying.

SAFETY DIRECTORMR. GREG POPHAM

Mr. Popham had the following report:

Last year the fire department applied for a grant through Muskingum Watershed. Recently, within the last week we received the award of that grant of \$2,452. The purpose was to purchase a small boat trailer and the mounting of a motor on a smaller Zodiac in the fire department. We want to thank Muskingum Watershed for their donation.

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

LAW DIRECTOR MR. MARVIN FETE

Mr. Fete had the following report:

Tonight I rise to honor someone who was a great Quaker, a great Buckeye, and a great community servant to the City of New Philadelphia. Our community suffered a tremendous loss recently. We laid to rest one of our own, Mr. Ed Breehl. He was kind of a celebrity around here but you wouldn't know it if you looked at him because he was so humble. Mr. Breehl played on two very famous teams in his lifetime. One was the 1953 New Philadelphia Quakers, very possibly the greatest team to every come through New Philadelphia. That team was not only undefeated, they were only scored on one time during their entire season. They were ahead against Ashtabula by 33 points and a third string quarterback threw an interception with seconds left to go. Ashtabula picked it off and ran it back for a touchdown. The first team went back and actually blocked the extra kick. That team outscored their opponents 265-6. Mr. Breehl was also named his senior year First Team All Ohio. He played Center and Linebacker for the Quakers. Back then you only had one First Team all Ohio in the entire state. That means that 11 kids were picked as First Team for Offense and 11 kids were picked as First Team for Defense, and that was it. 22 players in the entire state, so that was quite an achievement. One would think that achievement couldn't have

been surpassed, but it was. He went on to play for Ohio State. He played for Woody Hayes at Center and Linebacker and he played on the 1957 Ohio State National Championship Team who beat Oregon that year. Up until Ethan Zucal got a National Championship ring to my knowledge Mr. Breehl was the only man in Tuscarawas County with a National Championship ring for college football. In addition to that he was a teacher. He taught at Buckeye Career Center from 1976 to 2010 and something that you don't see too often these days was that he never missed a day working in education. He also was a dedicated public servant. He served on both the New Philadelphia Board of Education as well as this City Council. He also served on the Zoning Board and the Tuscora Park Board. He also coached Pony League for 20 years and was actually my coach. He was also a United States Marine and served honorably in the United States Marine Corp. Mr. Breehl was a lot more than just a list of accomplishments. Someone with that list of achievements you would think would have a tremendous ego and would be strutting around talking about how great they were, and nothing could be further from the truth for Mr. Breehl. If you talked to Mr. Breehl he was a season ticket holder at the New Phila. football games and he never missed a home game his entire life once he became a season ticket holder. If you saw him and talked to him he wouldn't talk about his own achievements, he was more interested in you. He was a hero to me and a roll model and a friend. He was also a husband, father, grandfather, and brother. His father died when he was 11-years-old and he ended up taking care of the rest of his siblings, so he was the patriarch of his family. I know we're honoring Mr. Locker tonight, but I wanted to make sure that people knew that we also lost a great man who was a tremendous community servant and was laid to rest right here in New Philadelphia and spent his life serving and dedicating his life to others.

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR JOEL DAY

The Planning Commission will be meeting here in Council Chambers on Tuesday, July 15, 2020 at 1:00 PM.

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

The Board of Zoning Appeals met on June 9, 2020 with three variance requests to be heard. The first one was located at 175 Mark's Place Commons, chapter 1161 Business Zone, less than 50 foot of street frontage. It was voted on and denied. The next one was a house at 224 Watson Circle 1161.05 front setback variance request denied. The next one was 1297 West High Avenue which is the new Arby's building, noncompliance with 1161.09. The variance request was heard and approved on a vote of 3-2.

AIRPORT COMMISSION.....MR. JOHN ZUCAL

The Salary Committee will meet in regard to an item pertinent to the Airport Commission. They will be meeting on July 13, 2020 at 7:00pm. We're passing along information that one of our projects will meet Council's approval for suspension of rules. It will be on the ODOT Fiscal year grant application for runway 1533, a lighting replacement project. The project, selected by ODOT, will be at a 100% coverage by ODOT. If the City wants to kick in 5% of the project costs, as noted by Mr. Sigg, our airport consultant. That would be at a cost of \$22,444. Mr. Sigg notes that the project would score better and increase the chances of being funded. We will also need at our meeting on July 13 as a Council to pass both the application process and the approval process. The cost of the project is pretty sizeable, so it's up to the Administration as to if they would like to pursue that 5% or go ahead and ask that we cover the full amount with the ODOT Grant application.

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

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

HEALTH BOARD MR. KELLY RICKLIC

The Health Board met on Wednesday, June 10th at 12:00 PM in Council Chambers. The topic for this month was public health enforcement which was done by Lee Finley. He explained that sense the Covid-19 pandemic how much time and effort has been put into the enforcement because it changes daily.

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEEMR. ROB MAURER

Mr. Maurer made the following statement:

The Finance Committee met tonight at 7:12 PM. The first thing we discussed was Resolution 17-2020 which was House Bill 481. It basically reimburses city's costs in reference to the

Coronavirus Relief Act. We're going to ask for suspension of rules tonight and pass this as an emergency. We also had to create a fund for that which is Fund 295. We're also asking for suspension of rules and to pass this as an emergency. We also had a couple appropriations that we added to the Agenda and we're going to pass it on 2nd Reading.

SALARY COMMITTEEMR. JOHN ZUCAL

Mr. Zucal had the following report:

In addition to the Airport Grant Application the Salary Committee will be entertaining discussion on July 13, 2020 at 7:00PM in regards to the establishment of legislation pertinent to the retire/ rehire of City employees. We will be diving into that. We have had that take place in the City of New Philadelphia and currently we don't have any Legislation that reflects the process by which that should be done. We as a Committee will be studying that and making recommendations to all of Council.

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

SAFETY HEALTH & SERVICE COMMITTEE... .MR. KELLY RICKLIC.....NO REPORT

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

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

VISITOR'S COMMENTS: NONE

COUNCIL COMMENTS:

Mrs. Ramos had the following comment:

I just want to say quickly that yesterday was Father's Day and I want to give a shout out to my own father. He has always been a wonderful man and worked his tail off to give his children a better chance at life. I thank him for that, and also he and my mother will celebrate their 70th wedding anniversary.

Mr. Zucal had the following comment:

I wanted to take just a moment to say how pleased I was to join with all of City Council. Tonight will be the long awaited approval of Legislation to name a street after Jim Locker. Mr. Locker was always a special man. I think he may have set the record in house for the number of readings on a piece of legislation. I know the Salary Committee was very pleased to sponsor that and I know that speaks for all of Council as well. I'm excited to see where we go this evening with it.

READING OF ORDINANCES AND RESOLUTIONS

ORDINANCES:

5-2020	AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO HAVE AN HONORARY DESIGNATION OF A PORTION OF BANK LANE SE DESIGNATED IN HONOR OF JIM LOCKER FOR HIS MANY YEARS OF SERVICE TO THE CITY OF NEW PHILADELPHIA, SPECIFICALLY, THE PORTION OF BANK LANE
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SE FROM 3rd ST SE TO 4th ST SE WOULD HAVE SIGNAGE PLACED UNDER THE STREET NAMES THAT WOULD READ “HONORARY JIM LOCKER LANE”, THE STREET NAMES THEMSELVES WOULD REMAIN UNCHANGED.

9th Reading

MR. ZUCAL MOTIONED FOR APPROVAL OF ORDINANCE 5-2020

MR. RICKLIC SECONDED THE MOTION

7 YEAS

ORDINANCE 5-2020 HAS BEEN APPROVED

*Members of the Locker family who were in the audience were invited to come to the front of Council Chambers where they were presented a framed copy of Ordinance 5-2020 and they posed for a group photo.

Mr. Maurer had the following comment:

Back when I came on Council Mr. Locker was the Ward IV Representative. I remember our Law Director Marvin Fete calling me Sunday night and telling me Mr. Locker was stepping down. He wanted to know if I had any interest. I didn't know much about politics. When I joined Council Mr. Locker was such a mentor to me. He was a great guy.

Mr. Zucal had the following comment:

I knew Mr. Locker a long time, growing up on 2nd Dr. SE. I could practically throw a stone and hit his house. My dad loved going down and talking to Jim. When I told him about this he said it couldn't go to a better man. I just echo those comments. What a gentleman and a great mentor to a lot of us. I'll be pleased to go down Bank Lane and see those signs hanging.

Mayor Day had the following comment:

Just to add to what I said in my Mayor's Report, this was a very precious person who touched so many lives. He did so much for the City of New Philadelphia. He made us all better people. He taught me a lot and I miss him dearly.

Law Director Fete had the following comment:

It's amazing how many lives one life can touch and how those lives can have an impact on other lives. When that person's gone it leaves a terrible hole. I went to church with Mr. Locker. He was one of the first people I went to outside of my family when I was thinking about running for Law Director, to get his input and his opinion, because I ran as an independent. Mr. Locker was an independent when he ran and was very successful. This is a fantastic honor to a great man. I'm so glad his family's here to see it and it's been a long time coming.

Tom Locker had the following comment:

On behalf of Jeff, Brenda, and myself and our families we want to thank John Zucal, the Salary Committee, and the rest of City Council for passing this Ordinance. We also want to acknowledge Mayor Joel Day, Law Director Marvin Fete, and all other administrators that supported this evening's recognition. Our dad

proudly served the City of New Philadelphia as a Police Officer, Chief of Police and a member of City Council. He would be humbled by this Ordinance that recognizes him for all the years as a public servant.

10-2020 AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO, AMENDING AND ADJUSTING THE PERMANENT APPROPRIATIONS ORDINANCE FOR THE YEAR 2020.
1st Reading

11-2020 AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO CREATE A NEW FUND TO BE KNOWN AS THE LOCAL CORONAVIRUS RELIEF FUND #295.
1st Reading

MR. MAURER MOTIONED FOR SUSPENSION OF RULES ON ORDINANCE 11-2020
MR. ZUCAL SECONDED THE MOTION
7 YEAS
RULES HAVE BEEN SUSPENDED ON ORDINANCE 11-2020

MR. ZUCAL MOTIONED FOR APPROVAL OF ORDINANCE 11-2020
MR. MAURER SECONDED THE MOTION
7 YEAS
ORDINANCE 11-2020 HAS BEEN APPROVED

RESOLUTIONS:

17-2020 A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA TO AFFIRM THAT FUNDS FROM THE COUNTY CORONAVIRUS RELIEF DISTRIBUTION FUND WILL BE EXPENDED ONLY TO COVER COSTS OF THE SUBDIVISION CONSISTENT WITH THE REQUIREMENTS OF SECTION 5001 OF THE CARES ACT AS DESCRIBED IN 42 U.S.C. 601 (D), AND ANY APPLICABLE REGULATIONS BEFORE RECEIVING SAID FUNDS IN ACCORDANCE WITH H.B. 481 OF THE 133RD GENERAL ASSEMBLY
1st Reading

MR. MAURER MOTIONED FOR SUSPENSION OF RULES ON RESOLUTION 17-2020
MR. ZUCAL SECONDED THE MOTION
7 YEAS
RULES HAVE BEEN SUSPENDED ON RESOLUTION 17-2020

MR. MAURER MOTIONED FOR APPROVAL OF RESOLUTION 17-2020
MRS. MAY SECONDED THE MOTION
7 YEAS
RESOLUTION 17-2020 HAS BEEN APPROVED

**COUNCIL ADJOURNED INTO EXECUTIVE SESSION AT 8:15.
AT 8:40 PM COUNCIL RECONVENED INTO REGULAR SESSION OF COUNCIL**

UNFINISHED OR OLD BUSINESS:

Mr. Ricklic had the following comment:

I sent you an email regarding the lease with the City of New Philadelphia Schools and the City of New Philadelphia be placed in Committee. I think it needs put in Committee and it should be brought up to date.

Law Director Fete had the following comment:

When the Service Director, the Mayor, and I met by teleconference a while back the Superintendent left the impression that they had to exercise the right to extend that to 2029. I asked them for that documentation last Monday and I received it Thursday or Friday. My question is has it actually lapsed?

Mr. Zucal had the following comment:

It has to be approved by Council. Without Council voting on it nothing has happened.

Law Director Fete had the following comment:

They sent a letter in 2014 to Sam Hitchcock asking to extend the lease at that time. None of us saw it.

President Kemp had the following question for Mr. Fete:

To you want to write up a legal opinion and send it to Council?

NEW BUSINESS: NONE

Mr. Maurer motioned to adjourn at 8:46 pm

CLERK OF COUNCIL _____
Julie Courtright

APPROVED _____

PRESIDENT OF COUNCIL _____
Don Kemp