

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON NOVEMBER 9, 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. DAN LANZER  
MR. ROB MAURER  
MRS. AIMEE MAY  
MRS. CHERYL RAMOS  
MR. KELLY RICKLIC  
MR. JOHN ZUCAL

EXCUSED ABSENCES

MR. DEAN HOLLAND

- MR. RAMOS MOTIONED TO ADD RESOLUTION 24-2020 TO TONIGHT’S AGENDA  
MRS. MAY SECONDED THE MOTION  
MR. RICKLIC MOTIONED TO ADD RESOLUTION 25-2020 TO TONIGHT’S AGENDA  
MR. ZUCAL SECONDED THE MOTION  
MR. ZUCAL MOTIONED TO ADD ORDINANCE 18-2020 TO TONIGHT’S AGENDA  
MR. LANZER SECONDED THE MOTION
  
- MR. ZUCAL MOTIONED TO ACCEPT TONIGHT’S AGENDA WITH THE ADDITIONS  
MR. MAY SECONDED THE MOTION  
6 YEAS  
THE AGENDA WITH THE ADDITIONS WAS ACCEPTED
  
- MR. MAURER MOTIONED TO ACCEPT THE MINUTES FROM THE OCTOBER 26 , 2020  
REGULAR SESSION OF COUNCIL  
MR. LANZER SECONDED THE MOTION  
6 YEAS  
MINUTES FROM THE OCTOBER 26, 2020 REGULAR SESSION OF COUNCIL HAVE BEEN  
APPROVED

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

1. *To Councilman Ricklic from President Kemp, dated October 30, 2020. This is an email titled “Annual Ambulance Committee Meeting” and the attachment is Resolution 26-2020, the annual ambulance rate increase and it states: Kelly, can you take this into your Committee and schedule a meeting? Thank you.*
2. *To Council and Administration from Mayor Day, dated October 30, 2020. This is an email and the subject is “Regarding Howden Buffalo Property Donation”. Here’s an excerpt: “Welcome news, Howden Buffalo has agreed to donate their property to the County’s Economic and Finance Alliance Port Authority. The real estate closing will take place sometime before the end of the year.*
3. *To City Council from Income Tax Administrator for the City Vickie Daniels, dated November 4, 2020. This is the October Income Tax Report.*
4. *To Clerk of Council from Joshua Limbacher. I also have several other letters but I’m going to read Mr. Limbacher’s, dated November 5, 2020. It states “Dear Ms. Courtright, I submit this letter to the Members of the City Administration, City Council, and to the Citizens of New Philadelphia as an expression of my support for legislation requiring individuals, groups, or organizations to*

*the City of New Philadelphia that provides, among others the name of the individual, organization, or group, a contact name, address, phone number, and email address. Additionally the specifics of the event should be identified including, but not limited to the date, time, location, and nature of the activity. Critically the individual, organization, or group must provide at a minimum the appropriate certificate of insurance naming the City of New Philadelphia as an additional insured party. I believe it's important that these measures are put into place to protect the welfare of our community. I sincerely want the City of New Philadelphia to be vibrant and thrive. At the same time I'm confident that this can be achieved using a system of accountability that ensures health and safety for all of us. Thank you for your consideration, Best Regards, Joshua Limbacher: Member of the Airport Commission. " I also received letters from Carrie Silverthorn, Craig Barnett, Mallory Gerstacker, John Schmidt, and Drew Silverthorn. They were all regarding the same thing.*

5. *To President Kemp from Councilman Holland, dated November 9, 2020. It states: President Kemp, I would request an excused absence from the City Council meeting on this date due to illness.*
6. *To Council and Administration from Mayor Day, dated November 9, 2020. This is the Mayor's Report.*

**Administrative Reports.....**

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

Mayor Day had the following report:

- Plans are Underway for the Annual Christmas Lighting Ceremony and City Christmas Parade Under the guidance of the New Philadelphia City Health Department, plans are moving forward for the City's annual Christmas Lighting Ceremony and Christmas Parade. The lighting ceremony will be held on the gazebo quadrant downtown on Friday November 20th at 6pm. COVID-19 restrictions will be in place. This year you can stay in your car for the Christmas parade. It will be a reverse parade held in the parking lots at New Towne Mall on Friday December 4th from 6pm to 8pm. The parade units will be lined up in the mall parking lots, and a roadway will be marked so that you can drive thru to view them. The details of both events are still being worked out. I want to thank my Administrative Assistant Lacey McKain for taking the lead in planning these holiday events, and the City Health Department, New Towne Mall officials and volunteers to have stepped up to make them happen. More information is available on the City's Facebook page or by calling Ms. McKain in the Mayor's office at 330-364-4491 x1242.
- McInturf Realty's Annual Christmas in the Park will be a Drive Through Event Another holiday tradition will also be a drive-thru event because of the pandemic. McInturf Realty's Christmas in the Park will be held on Sunday December 20th from 4pm to 8pm. The usual attractions will be set up along Al Maloney Drive, Bill Kidd Drive and the 2nd Street area on the park hill. The plan is to start the drive thru by entering Maloney Drive from Tuscora Avenue NW, drive by Storybook Lane, proceed to the parking lot area of Woody Hayes Quaker Stadium, drive up the hill to 2nd Street, then finish the drive thru at the bottom of the 2nd Street hill.
- OYO Motel Changes its Name, but Still Faces a December 31st Deadline Despite the name change to Boutique Lodge, the owners of the former OYO Motel on Bluebell Drive NW still must correct the 63 citations issued against the property by the State Fire Marshal. Code Enforcement Chief Alan Smith returned to New Philadelphia on October 29th to meet with the owners and reiterate his order to correct the citations by December 31st or face losing the license to operate the business. The owners, who are from Baltimore Maryland, told Chief Smith that they were confident that the deadline could be met and pledged to rid the business of the people and problems that led to the citations and the motel's bad reputation.
- Design Standards Board of Review Assists with two Downtown Building Projects The owners of two downtown properties have sought advice from the City's Downtown Design Standards Board of Review on their upcoming

building projects. Off the Wall Ministries, the new owner of the former Adoni Dance Studio at 141 West High Avenue, asked the board for its recommendations for façade improvements. The Tuscarawas County Public Library wanted the board's ideas on the construction of its new electronic messaging sign in the library's North Broadway parking lot. It's gratifying to see how the board members are encouraging property owners to make improvements that reflect our downtown structures' historic features.

- The Times Reporter/Midwest Offset Building and Oak Shadows Golf Course are For Sale Two key properties in the City are up for sale. The Times Reporter/Midwest Offset building on Wabash Avenue NW are listed at \$1.75 million. The Oak Shadows Golf Course is scheduled to be sold by an absolute auction on Saturday December 5th . Information on both properties is available at LoopNet.com.
- NP Guide Promotes City Businesses A group of local business owners have launched a new effort to promote New Philadelphia dining, shopping and tourism. They have funded the development of the website [www.newphilaguide.com](http://www.newphilaguide.com) and companion brochures with a marketing message of "Shop Local, Eat Local and Experience Local". The NP Guide brochures are available in downtown businesses and also at the County Convention and Visitors Bureau. One of them contains a map of the onemile route you can follow to view the murals that have been painted in the downtown area.

SERVICE DIRECTOR.....MR. RON MCABIER

Mr. McAbier had the following report:

The 2020 Paving Project will end Wednesday. They're doing Gooding Avenue at this time. That goes from 2<sup>nd</sup> Street into the entrance to Jaycee Village. 2<sup>nd</sup> Street NE was left off this year due to funding. We will make sure that is top of the list for the 2021 Paving Season. That will end tomorrow but he is leaving Wednesday open just in case. Also, our CDBG Project on Poplar Avenue. I believe I stated before that it did come in under budget so we were able to add additional curbing onto 2<sup>nd</sup> Street. That has already been completed so that will close out our CDBG Project for this year. We have a conference call coming up with OMEGA at the end of this week. They are proposing to no longer fund the CDBG Projects in the budget so we will be seeing where that goes. Everybody knows every two years we get \$150,000 to help with the LMI properties which is great. OMEGA for two days had traffic counters out and I'll continue to update at future Council Meetings. Also this Thursday we'll have a first round of OPWC grating with County Engineer Joe Bachman and other board members. The Glen Drive Project is up for this year's funding.

Mr. Ricklic had the following question:

Have they started on the Cemetery Office Building?

Mr. McAbier had the following reply:

Yes they have. They poured the outer limits of the garage. They have three locations for the coloumn barriums.

President Kemp had the following question:

How's the progress on Southside Park?

Mr. McAbier had the following reply:

Southside Park is moving along very well. Extensions are complete on both pedestrian bridges. They're putting the decking on all three today. That project should be completed by December 23<sup>rd</sup>. They paved, the basecoat is on and they'll top it again in the Spring.

AUDITOR .....MS. BETH GUNDY

Ms. Gundy had the following report:

We received \$164,709 from Worker's Comp. That was our 2019 rebate. We should be getting 3 to 3.27 times that in December because Worker's Comp is issuing another rebate.

SAFETY DIRECTOR .....MR. GREG POPHAM

Mr. Popham had the following report:

In the police department we have a new officer. His name is Christian Lambert. He started last week and he'll go through a training process before he goes out on his own. Secondly in the police department dispatcher Bill Morgan resigned so we're looking for a new dispatcher. In the Fire Department we have two officer medics who are out on quarantine. We hope that they recover soon and get back to carry on their duties.

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

LAW DIRECTOR . . . . . MR. MARVIN FETE

Mr. Fete had the following report:

(Mr. Fete delivered a presentation on the overhead projector concerning the Stadium Lease)

- Background: The Stadium is owned by the City of New Philadelphia. Since 1974 there’s been a lease with the school for \$1.00. There was a supplemental lease done in 1979 that expired in 2019.
- The expired lease became an issue when the Mayor was forced to make the difficult decision to close the stadium due to Covid 19 concerns. When the stadium was reopened the City Administration and Council were not aware it would be closed from 8am to 2pm for high school sports practices. (Mr. Fete read an email he had received from Supt. Brand).
- Mr. Fete looked into enforcing local control of the stadium.

*The audience was presented a slide show that showed the 1974 lease, the 1979 lease, and the new draft of the lease.*

- The new draft of the lease gives control of closing the stadium to the City. An outside government entity cannot make the decision to close the stadium.
- The draft lease has a 50 year term.
- The draft lease has times the stadium needs to be closed to the public including ticketed events, competitions, graduations, other public gatherings.
- Mr. Fete suggested an updated change to the liability clause.

Mr. Fete had the following comment:

Now it’s in your hands as to what you want to do. We’re having another meeting tomorrow. I would ask that Council have another public meeting to discuss this.

Mr. Zucal had the following comment:

The Mayor is going to always hear about this as well. Once this is enacted it becomes part of the Executive Branch of the City, so input from the Mayor I believe is critical as well. We all have to be on the same page.

Mr. Maurer had the following question for Mayor Day:

Do you feel like the School Board’s going to have something different to say?

Mayor Day had the following response:

I just need their opinion on it. If this is something that they can live with.

Mr. Maurer had the following comment:

My feelings are we have to put our trust in the School Board and the School Board has to put their trust in us.

Mr. Fete had the following comment:

My thoughts when drafting this new lease was to take the burden of closing the stadium off of the School Board. I am open to all suggestions. This is nothing more than a draft.

President Kemp asked the following question:

What’s the situation with the basketball court?

Mr. Fete had the following response:

The school is selling it. They passed a resolution to sell the Southside Basketball Court and the parcel property that is sits on to the City of New Philadelphia. That would have to be approved by Council.

*\*President Kemp asked Mrs. May to take the sale of the Southside Basketball Court into her Committee.*

**BOARD/COMMISSION REPORTS:**

**PLANNING COMMISSION.....MAYOR JOEL DAY**

The Planning Commission will meet in Council Chambers tomorrow at 1:00 PM. On our Agenda will be a discussion on the usage of shipping containers as housing. Also a discussion about rerouting the water under the Howden Buffalo Property. If we have enough time left in the meeting the commission will get an update on the use of the International Property Maintenance Code.

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

With no variances to be heard tomorrow's meeting will be cancelled.

**AIRPORT COMMISSION.....MR. JOHN ZUCAL**

The Airport Commission will meet tomorrow evening at 6:00 PM in Council Chambers Also, a brief update on the John Glenn Mural Project. I spoke with the sponsor of the mural about having the back of it paneled as well. It would be an enclosed look rather than looking directly into the back of it. There's also talk of installing lighting so drivers can see the mural at night.

**PARK BOARD.....MRS. AIMEE MAY**

The Park Board will meet November 18, 2020 at noon at Tuscora Park.

**CEMETERY BOARD.....MRS. AIMEE MAY**

The Cemetery Board will meet this Thursday, November 12, 2020 at 8:00 AM at the new cemetery.

**HEALTH BOARD ..... MR. JOHN ZUCAL**

The Health Board will be meeting this Wednesday at Noon in Council Chambers.

**STANDING COMMITTEE REPORTS:**

**FINANCE COMMITTEE .....MR. ROB MAURER**

Mr. Maurer had the following report:

The Finance Committee met tonight at 6:10 PM with the purpose of creating a new ODOT Projects Fund with the purpose of creating an ODOT Projects fund to account for all ODOT's improvement projects. The Committee recommended we add that to tonight's Agenda and pass it at the next Council meeting.

SALARY COMMITTEE .....MR. JOHN ZUCAL.....NO REPORT

PUBLIC WORKS COMMITTEE.....MR. DEAN HOLLAND.....EXCUSED ABSENSE

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

Mr. Ricklic had the following report:

Part of the Safety, Health, and Services Committee is the Ambulance Committee. They must meet once a year to discuss Ambulance Rates. That was done tonight at 6:15. Chief Parrish and Denise Phillips did a presentation of the billing updates and how that process is being taken over by the City and how it's working very well and the revenue is coming in at a good pace. They made a recommendation for the Ambulance rates. That went to the Safety, Health, and Services Committee. There was a very short discussion and it was voted on 3-0 to take that rate structure to the full Council Agenda. That would be Resolution 25-2020. It will be held for 3 Readings. The Meeting adjourned at 6:27.

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

Mrs. Ramos had the following report:

The Zoning and Annexation Committee met tonight to discuss annexing a property owned by the Kinseys into the City. That was Resolution 24-2020. It's been added to the Agenda tonight.

SPECIAL & CONTACT COMMITTEE .....MR DAN LANZER.....NO REPORT

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

**VISITOR'S COMMENTS:**

Rick Arredondo of 473 North Broadway had the following comment:

I've got two questions regarding the Proposed Legislation for Ordinances on the downtown square. Will we have the opportunity to speak and actually have dialogue with the Committee?

President Kemp had the following reply:

I know I've spoken to Mr. Holland and I think that he would like to have a Committee meeting and that would be publicized. The date of the meeting will depend on Mr. Holland's health.

Rick Arredondo had the following question:

As far as the music and art protections under the 1<sup>st</sup> Amendment, would a legal opinion letter go directly to Marvin Fete or to the Committee?

Mr. Fete had the following reply:

I would recommend that you send it to whoever you want and I just ask that you CC me on it. Ms. Courtright could notify you of the meeting.

**COUNCIL COMMENTS:**

**READING OF ORDINANCES AND RESOLUTIONS**

**ORDINANCES:**

15-2020 THE FOLLOWING ORDINANCE IS ENACTED BY THE CITY OF NEW PHILADELPHIA, TUSCARAWAS COUNTY, OHIO, HEREINAFTER REFERRED TO AS THE LOCAL PUBLIC AGENCY (LPA), IN THE MATTER OF THE DESCRIBED PROJECT. THIS PROJECT IS LOCATED IN GOSHEN TOWNSHIP AT THE INTERCHANGE OF IR 77, US 250, AND SR 39 (WEST HIGH AVENUE). THIS PROJECT WILL REPAIR THE EXPANSION JOINTS ON STRUCTURE TUS-250-1232 R (SFN 7904835) CARRYING US 250 OVER IR 77.  
3<sup>rd</sup> Reading

MR. LANZER MOTIONED FOR APPROVAL OF ORDINANCE 15-2020  
MRS. MAURER SECONDED THE MOTION  
6 YEAS  
ORDINANCE 15-2020 HAS BEEN APPROVED

17-2020 AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO CREATE THE NEW PHILADELPHIA 2019 SAFER GRANT FUND #223 FOR THE PURPOSES OF MANAGING ALL FUNDS RECEIVED FROM FEMA PURSUANT TO THE CITY'S AWARD UNDER THE 2019 SAFER GRANT PROGRAM.  
2<sup>nd</sup> Reading

18-2020 AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO CREATE A NEW FUND TO BE KNOWN AS THE ODOT PROJECT FUND #435.  
1<sup>st</sup> Reading

**RESOLUTIONS:**

24-2020 A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, AUTHORIZING THE ANNEXATION OF REAL PROPERTY LOCATED IN GOSHEN TOWNSHIP AT 278 HUMMEL VALLEY RD. SW, PARCEL NUMBER 25-00670-000  
1<sup>st</sup> Reading

25-2020 A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO, TO AUTHORIZE THE RATES FOR AMBULANCE SERVICES PROVIDED BY THE NEW PHILADELPHIA FIRE DEPARTMENT FOR THE CALENDAR YEAR 2021.  
1<sup>st</sup> Reading

**UNFINISHED OR OLD BUSINESS:**

**NEW BUSINESS:**

Mr. Ricklic had the following comment:

I'd like to ask Mayor Day about the lien transfer at Joy Manufacturing. My concern is as Councilman and former Water Superintendent, is the judgment against Joy Manufacturing going to maintain with Joy Manufacturing or would it be transferring?

Mayor Day had the following reply:

That responsibility would be with Joy which is now owned by Kamatsu.

Mr. Ricklic had the following reply:

I just wanted to make sure the public was aware that there was a federal lawsuit against Joy Manufacturing that was filed in the 1980s. I don't want that burden on the Citizens.

Mr. Zucal had the following question for Mayor Day:

I know Governor DeWine has asked for a Covid Defense Team to be developed in each County. What's our City's role in the Covid Defense Team?

Mayor Day had the following reply:

Our role is through our Health Department. The Administration doesn't have a role in that because we're fortunate enough to have our own health department.

Mr. Maurer motioned to adjourn at 8:43pm

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

APPROVED \_\_\_\_\_

PRESIDENT OF COUNCIL \_\_\_\_\_  
Don Kemp