

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON MARCH 23, 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

SAFETY DIRECTOR GREG POPHAM  
AUDITOR BETH GUNDY  
TREASURER TOM GERBER

- MR. MAURER MOTIONED TO ADD ORDINANCE 9-2020 TO TONIGHT’S AGENDA  
MR. ZUCAL SECONDED THE MOTION  
(LAW DIRECTOR FETE PRESENTED RESOLUTION 7-2020 AND ASKED FOR IT  
TO BE ADDED TO TONIGHT’S AGENDA)  
MR. ZUCAL MOTIONED TO ADD RESOLUTION 7-2020 TO TONIGHT’S  
AGENDA  
MR. LANZER SECONDED THE MOTION  
7 YEAS  
ORDINANCE 9-2020 AND RESOLUTION 7-2020 HAVE BEEN ADDED TO TONIGHT’S  
AGENDA
  
- MR. ZUCAL MOTIONED TO ACCEPT THE MINUTES FROM THE MARCH 9, 2020  
REGULAR SESSION OF COUNCIL  
MR. RICKLIC SECONDED THE MOTION  
7 YEAS  
MINUTES FROM THE MARCH 9, 2020 REGULAR SESSION OF COUNCIL HAVE BEEN  
APPROVED

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

1. *To Clerk of Council from Treasurer Tom Gerber, dated March 13, 2020. This is the City of New Philadelphia February 2020 Deposits.*
2. *To Clerk of Council from Treasurer Tom Gerber, dated March 13, 2020. This is the City of New Philadelphia February 2020 Investment and Savings Report.*

3. *To Council and Administration from Mayor Day, dated March 14, 2020. This is an email regarding the John Knisely Municipal Center. It states that it will be closed to the public because of the Covid 19 Pandemic. The determination of when it will reopen to the public will be made after a staff review of the City's emergency protocols and upon the recommendation of the New Philadelphia City Health Department.*
4. *To Council and Administration from Mayor Day, dated March 17, 2020. This is an email and the subject is "Restricted Hours Announced for John Knisely Municipal Center Press Release".*
5. *To Council and Administration from Mayor Day, dated March 18, 2020. This is an email and the subject is "Governor DeWine directs all employers in Ohio to check employee's temperatures at the start of each workday.*
6. *To Council and Administration from Mayor Day, dated March 19, 2020. This is an email and the subject is "Update on the City's Response to the Covid 19 Pandemic"*
7. *To Council and Administration from Mayor Day, dated March 23, 2020. This is an email with the subject "The John Knisely Municipal Center Closes to the Public"*
8. *To Council and Administration from President of Council Kemp, dated March 23, 2020. The subject is Council Meeting March 23, 2020. It states "We will have Committee and Council Meetings tonight as planned. Dean and Amy will be available by phone. Council Chambers has been set up to comply with Social Distancing. We will comply with no more than 10 people in Council Chambers. We are taking precautions to be socially responsible. We will get through this together.*
9. *To Council and Administration from Mayor Day, dated March 23, 2020. This is an email and the subject is "Tuscarawas County is now Under a State of Emergency".*
10. *To Council and Administration from Mayor Day, dated March 23, 2020. This is the Mayor's Report.*
11. *To Council and Administration from Mayor Day, dated March 23, 2020. This is an email and the subject is "Spending Limits Enacted". It states "Councilmembers, after consulting with Auditor Gundy I put a freeze on spending on big ticket items in Department Budgets until further notice.*

**Administrative Reports.....**

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

Mayor Day had the following report:

- The Tuscarawas County Commissioners Declare a State of Emergency in the County: Today the Tuscarawas County Commissioners adopted a resolution that put the entire county under a State of Emergency. This was done in response to local COVID-19 reports and the recommendations made by New Philadelphia's Health Commissioner Vickie Ionno, the Tuscarawas County's Health Commissioner and the director of the County's Emergency Management Agency. The resolution allows the health departments and the County EMA to exercise all necessary emergency authority for protection of the lives and property of the people of Tuscarawas County and the restoration of local government with a minimum of interruption. Their proclamation coincides with Dr. Amy Acton and Governor Dewine's Stay at Home order, which goes into effect at 11:59pm tonight (March 23rd) and expires at 11:59pm on April 6th.
  
- COVID-19 Protocols are in place to Maintain City Services: City department heads have put protocols in place to assure that city services can be maintained throughout this health emergency. Employees can be put on staggered work schedules when necessary to minimize person-to-person contact and maintain social distancing. The City Health Department staff has educated all supervisors on the coronavirus and its symptoms. City Human Resources Director Mary Kurtz has disseminated COVID-19 information to all city employees and will keep them updated on a regular basis. At City Hall, the custodial staff has been instructed to regularly disinfect all counters, hard surfaces and fixtures like door handles. To pay city water bills or file city income tax returns, all residents and businesses can use the outside night deposit box located on the wall opposite the main entrance door on the west side of the building.
  
- City Safety Forces COVID-19 Protocols: Fire Chief Parrish and Police Chief Goodwin have implemented protocols to safeguard our safety forces as much as possible. Chief Parrish has closed the City Fire Department to the public and to visitation by the family members of firefighters. A deposit box has been placed outside the front door of the fire station to receive ambulance bills. Chief Goodwin has allowed the police station lobby to remain open to the public for the time being. Police officers have been instructed on the precautions they must take in answering calls and making traffic stops during this public health emergency period.
  
- Remember to take care of our Medical Professionals: The medical professionals in our community – those in our health departments, hospitals and clinics – are running on fumes these days. They are stressed, working long hours and no doubt are struggling with the need to also tend to their families. If you know of any, ask them how you can help. Take them meals, volunteer to shop for them or check in on their family members. These are the soldiers on the front line of this war against the Coronavirus. A simple act of kindness can lift them up and give them the energy they need to keep moving forward to win this war. I want to thank the staff of the New Philadelphia City Health Department for the courage and leadership it has shown throughout this Coronavirus crisis. Their commitment to win this war is inspiring.
  
- The State and City Tax Filing Deadlines are still April 15<sup>th</sup>: My office and the Income Tax Department have received several calls about the income tax filing deadline. At this point, all State and City income tax returns must be filed and paid by April 15th. The Ohio legislature could take action to change it. You can ask for an extension to file your return but not for payment. Call the City Income Tax Department for more information.

- Continue to Support our Local Businesses: I am proud of how New Philadelphians are rallying around our local businesses during this crisis. The resourcefulness of our small business owners has been amazing. We must continue to support them. Call for pickup or delivery. Include restaurant carry out in your weekly meal planning.
- We are living in a public health emergency. Our City, our state and our country are at war against a hidden enemy. The Coronavirus is in our community. Don't be in denial. The key symptoms of virus infection are fever, cough and shortness of breath. If you have these symptoms, contact your doctor or a Teledoc service immediately. You will need a doctor's permission to be tested. Most importantly, if you feel sick stay home. People could be infected by the virus and not know it until the symptoms appear. If you've lost your job because of a business closing, go to Ohio.gov to learn how to file for unemployment benefits. Food assistance information is available by contacting the United Way of Tuscarawas County or the Salvation Army. Continue to visit the New Philadelphia City Health Department's Facebook page for the latest updates on the COVID-19 pandemic. The reality is the outbreak may get worse before it gets better. Practice social distancing, which means keep at least six feet between you and any people around you. Plan to shop for food and supplies once a week. Work from home if you can. If you have to go to work, make sure your workplace has safeguards in place. Get out in the fresh air. It will lift your spirits. Take a walk around your neighborhood for exercise. Don't panic. Remain calm and informed. Be strong. Pray: it really helps. If we all do our part, this virus will be defeated soon. We are in this together. We will get through this together. 2020 Census forms are in the mail. Complete them online, by telephone or by mail. Remind your family members and friends to do the same. Census data is strictly confidential and helps bring federal tax dollars back to help New Philadelphia.

Mr. Zucal had the following comment:

Vickie Ionno and her staff have been top-notch. They have provided very accurate information and have been a great asset to our community and the citizens. If they want information I think going on the City website you're going to find nothing but the truth in relationship to what you hear on the internet sometimes, so thank you to that entire staff.

SERVICE DIRECTOR.....MR. RON MCABIER

Mr. McAbier had the following report:

I'd like to update Council, February 27<sup>th</sup> we had a Board of Control Meeting to award two very important projects coming up in 2020, one to Bronder Technical Services for the installation of our new PAPI lights at Harry Clever Field in the amount of \$117,798.46. Secondly we awarded a contract to MJS Paving for Wabash Ave. waterline improvements and sewer line upgrades. That was \$555, 970.50. We do have a grant for both of those projects, \$95,000 from ODOT Aviation for the PAPI lights, and \$299,000 from OBWC for the Wabash Project. We have had no preconstruction meetings yet. Once we do I will have an update at that time.

AUDITOR .....MS. BETH GUNDY.....EXCUSED ABSENSE

SAFETY DIRECTOR .....MR. GREG POPHAM.....EXCUSED ABSENSE

TREASURER . . . . MR. TOM GERBER.....EXCUSED ABSENSE

LAW DIRECTOR . . . . . MR. MARVIN FETE

Mr. Fete had the following report:

A week ago this past Thursday I did a phone conference with the Ohio Department of Health specifically their legal counsel. It's a conference for legal authorities throughout the State of Ohio. I did this in conjunction with the Health Department. One of the things we discussed was Ohio Revised Code 3707. I'm going to address a couple things that have come up just for purposes of informing the public. Revised Code 3707 is what governs Health Departments. Health Departments have tremendously broad authority in terms of effective emergency orders when needed. That is what the Ohio Health Department and Dr. Amy Acton is acting under Revised Code 3707. We have the same authority here to do that. We have the authority to issue protective orders whether in the event of a hot spot or quarantine orders. What the City of New Philadelphia is doing is as of today there were no positive cases in New Philadelphia. We do have one test that we're awaiting the results of. There are people in the City of New Philadelphia who have been exposed to people who have tested positive for Coronavirus. They are currently on a voluntary quarantine. When we would issue quarantine orders is if somebody is not adhering to what we advise them to do. We would check up on them on a regular basis. If we find out they're not home and out and about that's going to be a problem and that's when I would get involved by issuing an order that mandates that they have to be in their home and can't be around other people. 3707 does give our local health district tremendous authority when it comes to addressing a crisis of this nature. So I want everybody to be aware of that and what the legal rights are. In addition to that one of the other subjects that came up and that I've done some research on was the Open Meetings Law. The Open Meetings Law says that all meetings for the public must be open to the public, just as this one is. There is a 2009 Attorney General's opinion that says in the event of a pandemic the open meetings law must still be adhered to. In fact what the Attorney General's Office did was to give some guidance in regards to that. What the Attorney General's Office has said is that we can meet and livestream in order to make sure that the meeting is open. That's what the City of New Philadelphia is currently doing. In here as you can tell we're observing the limit of 10 people per room 6 feet distance from each other, we are also making sure that people can communicate via Skype or some other electronic means. We have two more Councilmembers who are present this evening who for their own reasons are not present in the building. Myself included I'm actually considered a high risk person. I have Type 2 Diabetes which I control through diet and exercise. I want to thank the Mayor for keeping open the park and stadium because exercise is so important for so many people. I want to encourage people to continue to go out and workout. With the Open Meetings Law the guidance that we got from the Attorney General's Office does allow us to livestream and allows Councilmembers to participate via teleconferencing. In addition to that in terms of the Order of the Governor that's going into effect this evening, one of the the topics that comes up is what is the rule of our law enforcement officials. Law Enforcement under the Ohio Law has the power to enforce that order. One of the things I'm going to give an example of is, in the section that dealt with exercise it specifically says walking and running are permitted. Things where our law enforcement might be involved in is let's say there's a group of high school kids playing a basketball game. Our law enforcement officers would then address them and ask them to disperse, again the order says walking and running is permitted. Everyone of these briefings that I've been involved in with the health department is scarier than the last one. Nobody is exempt from this. Michigan just recently had a one month old who contracted the disease. I want to applaud our Councilmembers who are showing an example by staying home yet still doing their job via video conferencing. They understand the risk that this is for the general public.

Mr. Holland had the following question:

I spoke with the Mayor earlier today. The President had enacted the Stafford Act. What the Stafford Act provides for is reimbursement to the City in the event that we for example, experience overtime related to an operation that directly relates to the virus. My question is, would you know or perhaps could you research to determine whether or not the Mayor would have to declare a City emergency to make

sure that we receive those funds in the event that we experience whatever guidelines that we would have to meet.

Law Director Fete had the following answer:

That was actually covered in our conference call. Under the Stafford Act Mayors don't have the authority to call an emergency, the county can. We can be refunded though the Stafford Act through the Health Department.

President Kemp had the following question:

Is there a law that says we have to meet twice a month, or could we meet once a month during these circumstances.

Law Director Fete had the following answer:

It would take an Ordinance passed by Council that would change the amount of times we meet. If things got bad enough and we all were quarantined it is Council's prerogative. That is something that you do have the authority to do.

Mr. Zucal had the following comment:

I think it's really important for the Citizens of New Philadelphia to see in us that we are not panicking. There are ways for us to continue the continuity of government.

Mrs. Ramos had the following comment:

I just wanted to add also with this teleconferencing the people that are on quarantine are in their homes. Most are not hospitalized. Apparently we could still conduct a meeting now, does a quorum have to be physically present to do an electronic meeting?

Law Director Fete had the following comment:

I would have to research that. I know that we have to have a live video on social media of any closed meeting. If that video stops the meeting would have to stop.

#### **BOARD/COMMISSION REPORTS:**

PLANNING COMMISSION.....MAYOR JOEL DAY

The Planning Commission will meet on the 2<sup>nd</sup> Tuesday of April at 1:00 PM here in Council Chambers. That meeting is subject to any further restrictions as a result of the pandemic.

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

The Board of Zoning Appeals met on Tuesday, March 10 at 5:00 PM here in Council Chambers with one variance request to be heard. The permanent address was 317 Charles Dr. NE which was non compliance with lot coverage. After a vote of 4-1 it passed.

AIRPORT COMMISSION.....MR. JOHN ZUCAL

The Airport Commission is scheduled to meet on Tuesday, April 14 at 6:00 PM. However any Government orders concerning the virus could impact that.

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

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

HEALTH BOARD..... MR. KELLY RICKLIC

The April 8<sup>th</sup> Health Board Meeting has been cancelled due to the pandemic. It will be rescheduled for May.

**STANDING COMMITTEE REPORTS:**

FINANCE COMMITTEE .....MR. ROB MAURER

Mr. Maurer had the following report:

The Finance Committee met tonight at 7:00 PM to discuss Ordinance 9-2020 which is the allocation of funds collected by the New Philadelphia Income Tax. Allocation percentages for 2020 are the same as 2019 except for the following: The Police and Fire Retention Fund will be reduced by 2% and Master Capital will get an increase of 2%. We've added this to tonight's Agenda and I've asked Council to consider suspending the rules with emergency passage.

SALARY COMMITTEE .....MR. JOHN ZUCAL

Mr. Zucal had the following report:

The Salary Committee met this evening in Council Chambers. We did notify the members that were here this evening as well as those listening on Facebook that we do have a situation where Trina Woodland from OMEGA was scheduled to be our guest speaker. Obviously that's something we wanted to postpone to a later date so that she could share more accurately her presentation and information in regard to the Historic Downtown Preservation Acts that we could do and opportunities to allow us to apply for more government and federal loans and grants to help us, so we'll be looking forward to the Summer when Trina can join us. Just a couple comments in relationship to that. We have had some real implications in regard to the impact this has all had on our downtown businesses. I have sent out a Google survey to many of them asking on behalf of NPBCA where they stand on many of these things? What are they able to endure should they be shut down for a period of time? I've very concerned about the economic impact and I know the Mayor is as well. I did participate in a Webinar with the folks from Heritage Ohio. This is not unique to New Philadelphia. Communities all across the Country are experiencing this. There are lots of things you can do to help support our local businesses. One would be to buy a gift card. You can shop online or over the phone if that's available. Leave a positive review or promote those businesses on social media, purchase carryout. Additionally we need to think about our lodging establishments. We as a City are going to be greatly impacted by the Lodging Tax Decrease. As you drive by some of our more prominent hotels, places that would have consistent traffic in front of them of people visiting the Community, they're dead right now.

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 COMMITTEE .....MR DAN LANZER.....NO REPORT



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

**VISITOR'S COMMENTS: NONE**

**COUNCIL COMMENTS:**

Mr. Ricklic had the following comment:

I'd like to make an announcement from my wife Sharon Ricklic. She's a 7<sup>th</sup> Grade teacher at Welty Middle School. She's going to do a project for our Community and her students and all students in New Philadelphia. What she's going to put together is a book of remembrance of the effect of the pandemic. Together we can create history so that future generations can know how Covid 19 effected the Community and how our community responded. She's looking for journal reports, anything that had an effect on you or your family that can be put in this book and the future generations could reflect on it. You can contact her on her facebook and it will be on the school website.

Mr. Zucal had the following comment:

Another issue regarding the schools is the fact that these are tough times for a lot of families. There are layoffs and families that not know what the future holds for them. I do want to remind people that mental health services will always be readily available. There are people out there willing to help you in these tough times.

**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 SE FROM 3<sup>rd</sup> ST SE TO 4<sup>th</sup> ST SE WOULD HAVE SIGNAGE PLACED UNDER THE STREET NAMES THAT WOULD READ “HONORARY JIM LOCKER LANE”, THE STREET NAMES THEMSELVES WOULD REMAIN UNCHANGED.

3<sup>rd</sup> Reading

6-2020 AN ORDINANCE MAENDING CODIFIED ORDINANCE CHAPTER 505 ANIMALS AND FOWL, OF THE CITY OF NEW PHILADELPHIA, OHIO, BY AMENDING SECTION 505.01.

3<sup>rd</sup> Reading

MR. RICKLIC MOTIONED FOR APPROVAL OF ORDINANCE 6-2020  
MR. LANZER SECONDED THE MOTION  
6 YEAS 1 NAY (MRS. RAMOS)  
ORDINANCE 6-2020 HAS BEEN APPROVED

7-2020 AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO, ACCEPTING THE FINAL PLAT FOR THE DEERFIELD SUBDIVISION AS ACCEPTED BY THE PLANNING COMMISSION.

2<sup>nd</sup> Reading

9-2020 AN ORDINANCE TO ALLOCATE FUNDS COLLECTED UNDER THE CITY OF NEW PHILADELPHIA INCOME TAX ORDINANCE

1<sup>st</sup> Reading

MR. MAURER MOTIONED FOR SUSPENSION OF RULES ON ORDINANCE 9-2020  
MR. ZUCAL SECONDED THE MOTION  
7 YEAS  
RULES HAVE BEEN SUSPENDED ON ORDINANCE 9-2020

MR. MAURER MOTIONED FOR APPROVAL OF ORDINANCE 9-2020  
MR. ZUCAL SECONDED THE MOTION  
7 YEAS  
ORDINANCE 9-2020 HAS BEEN APPROVED

RESOLUTIONS:

5-2020 A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO APPROVE THE APPOINTMENT OF MIKE ERNEST BY THE MAYOR TO THE NEW PHILADELPHIA PARK AND RECREATION BOARD FOR THE TERM OF FIVE YEARS  
1<sup>st</sup> Reading

6- 2020 A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO APPROVE THE APPOINTMENT OF COURTNEY SHALOSKY BY THE MAYOR TO THE NEW PHILADELPHIA PARK AND RECREATION BOARD FOR THE TERM OF FIVE YEARS  
1<sup>st</sup> Reading

7-2020 A RESOLUTION AUTHORIZING THE LAW DIRECTOR OF THE CITY OF NEW PHILADELPHIA, OHIO TO ACCEPT THE ONE OHIO MEMORANDUM OF UNDERSTANDING REGARDING THE PURSUIT OF POTENTIAL OPIOD LITIGATION SETTLEMENT FUNDS.  
1<sup>st</sup> Reading

MR. RICKLIC MOTIONED FOR SUSPENSION OF RULES ON RESOLUTION 7-2020  
MR. MAURER SECONDED THE MOTION  
7 YEAS  
RULES ARE SUSPENDED ON RESOLUTION 7-2020

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

**UNFINISHED OR OLD BUSINESS: NONE**

**NEW BUSINESS: NONE**

Mr. Maurer motioned to adjourn at 8:20 pm

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

APPROVED \_\_\_\_\_

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