

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON MARCH 14, 2022 WITH PRESIDENT PRO TEM DEAN HOLLAND PRESIDING. PRESIDENT PRO TEM HOLLAND OFFERED A PRAYER, AND ALL IN ATTENDANCE RECITED THE PLEDGE OF ALLEGIANCE.

COUNCIL MEMBERS IN ATTENDANCE

MR. DEAN HOLLAND
MR. DAN LANZER
MRS. AIMEE MAY
MR. MITCH PACE
MRS. CHERYL RAMOS
MR. KELLY RICKLIC
MR. JIM SELDENRIGHT

EXCUSED ABSENSES

COUNCIL PRESIDENT DON KEMP
MAYOR JOEL DAY

- MR. LANZER MOTIONED TO ADD RESOLUTION 7-2022 TO TONIGHT’S AGENDA FOR 1st Reading
MRS. RAMOS SECONDED THE MOTION
7 YEAS
RESOLUTION 7-2022 HAS BEEN ADDED TO TONIGHT’S AGENDA
- MR. LANZER MOTIONED TO ADD RESOLUTION 9-2022 TO TONIGHT’S AGENDA FOR 1st Reading
MRS. RAMOS SECONDED THE MOTION
7 YEAS
RESOLUTION 9-2022 HAS BEEN ADDED TO TONIGHT’S AGENDA
- MRS. MAY MOTIONED TO APPROVE THE MINUTES FROM THE FEBRUARY 28, 2022 REGULAR SESSION OF COUNCIL
MRS. RAMOS SECONDED THE MOTION
6 YEAS 1 ABSTAINED
MINUTES FROM THE FEBRUARY 28, 2022 COUNCIL MEETING HAVE BEEN APPROVED

CORRESPONDENCE CLERK, JULIE COURTRIGHT

1. *To Clerk of Council from Treasurer Tom Gerber, dated March 1, 2022. This is the Investment and Savings Report for February 2022*
2. *To Clerk of Council from Gregory Swope from the law firm of Fitzpatrick, Zimmerman and Rose, dated March 1, 2022. This is a notice regarding the Piedmont Gas Company Annexation of Parcel No. 12-00257-01. It states: This is the client’s notice to you that Piedmont filed the enclosed petition of annexation with the City of New Philadelphia, Tuscarawas County, Ohio, on February 23, 2022 at 1:00 PM.*
3. *To Council and Administration from Mayor Day, dated March 1, 2022. This is an email titled “State of the City Report” with that as the attachment.*
4. *To Clerk of Council from Tanya Dickey with the Auditor’s Office, dated March 2, 2022. This is an Expense Report with Encumbrance Detail for February of 2022, and the Statement of Cash Position from Revenue and Expense from February of 2022.*
5. *To Council and Administration from Vickie Daniels, Income Tax Administrator for the City. This is the Income Tax Report for February of 2022.*
6. *To Council and Administration from Judy Dziegel with the Municipal Court. This is the 2021 New Phila Municipal Court Annual Report.*
7. *To Council and Administration from Service Director McAbier, dated March 8, 2022. This is an email titled City of New Philadelphia RTPO Capital Allocation Application.*

8. *To Council and Administration from Auditor Gundy, dated March 11, 2022. This is the 2022 Permanent Budget 4th Draft.*
9. *To Council Clerk from the Ohio Division of Liquor Control, this is a Notice of Legislative Authority, dated March 3, 2022. Responses must be postmarked no later than April 4, 2022. This is to Whittingham Real Estate Properties llc 112 Fair Ave New Philadelphia. This is a request for a D5 Permit Class Liquor License. I forwarded the request to President Kemp and he asked Councilwoman May to take it into the Special and Contact Committee.*
10. *To Council and Administration from Mayor Day, dated March 14, 2022. This is the Mayor's Report.*

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

Mayor Day had the following report:

- **Urging City Council to Approve Resolution 9-2022:** The City has an opportunity to receive a \$250,000.00 grant that would reduce by more than 50 percent its local share of the cost to build the bicycle and pedestrian trail from 13th Street NE to downtown. That's why I am urging City Council to approve Resolution 9-2022, which would allow me to apply to the Ohio Mid-Eastern Governments Association (OMEGA) for the grant money. The estimated cost of the total project is just over \$1.8 million. New Philadelphia's share of the cost would be \$441,541.00. If our application is approved, the local share would be reduced to \$191,541.00. The balance would be paid with ODOT Transportation Alternatives Program funds.
- **New Appointments to the City Airport Commission:** I have made new appointments to the City's Airport Commission and ask that City Council confirm them within 90 days as required by ordinance. John Marsh III is a 1968 graduate of NPHS and a graduate of the engineering college at The Ohio State University. He spent his career working in hospital management and consulting, primarily for university teaching hospitals. He holds a commercial pilot's license and learned to fly at Harry Clever Field in 1967. He and his wife Carol are retired and returned to New Philadelphia in 2020. Bob Bedard is president of National Association Supply Cooperative, or NASCO-OP on Reiser Avenue SW. NASCO-OP is the recycling industry's source for supplies and equipment. He is a licensed pilot who hangars his plane at Harry Clever Field. Mr. Bedard has served on several industry-related boards as well as the boards of the Tuscarawas County YMCA and County Chamber of Commerce. He and his wife Robin reside in Bolivar.
- **Promotions in the New Philadelphia Police Department:** One of my favorite duties as mayor is to give oaths of office to promote members of the City's safety forces to higher ranks. I did just that this past Friday to promote officer Tessa Pohovey to the rank of captain and officer Kurt Olson to the rank of sergeant. It is not easy to rise in rank in our safety forces. The required tests are tough and the commitment to stay on a promotion path is challenging. New Philadelphia is blessed to have officers like Captain Pohovey and Sergeant Olson serving our community and protecting our neighborhoods and businesses.
- **GOA Grant is Approved:** On Friday of this week, I will be meeting with other members of the Tuscarawas County Transportation Improvement District's board of directors to begin crafting a Request for Proposal to conduct a study of the Interstate 77/US 250 interchange on West High Avenue. Last week TID members were notified that the Ohio Department of Development awarded the district a \$60,000.00 grant to help pay for a study to improve the I-77/250 interchange by eliminating the need to exit from 250 onto West High Avenue to get to I-77 south. As we've all experienced, that design creates daily bottlenecks under the overpass as vehicles line up to enter the I-77 south ramp. The traffic issues are impeding growth south along 16th Street SW/Stonecreek Road and have long affected the businesses located in the area of the West High bridge and Bluebell Drive NW.

SERVICE DIRECTOR.....MR. RON MCABIER

Mr. McAbier had the following report:

Last week on March 8 we opened bids for the new runway lighting at Harry Clever Field. I'm happy to report they came in at approximately 9% under bid. We will this Thursday award that bid with a Board of Control meeting and I will report on the numbers and the awardee at the next Council meeting. Next Tuesday on March 22 we will open bids for the Glen Dr. Project. On the next meeting, on the 28th I will update Council on the numbers of that and maybe by then we will have it awarded to a contractor on Monday at the Board of Control Meeting. Both of those I will report on on the 28th with the final numbers on each and the contractors for each, and the contractors for each. Also, last week on Wednesday we opened bids for materials and as we all figured paving is going up, it went from \$63.00 last year a ton to \$78.00 a ton this year. In the numbers we did last year, 8,456 ton I believe, that same amount we did last year, this year will cost us approximately \$127,000 more dollars. Supt. Grewell and I have started grading out with the ODOT standards the roads that need done. We should have that to everybody by the first meeting in April.

AUDITORMS. BETH GUNDYNO REPORT

SAFETY DIRECTORMR. GREG POPHAM

Mr. Popham had the following report:

In the Police Department last Thursday there were two promotions: Tessa Pohovey was promoted to Captain and Kurt Olson was promoted to Sergeant.

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

LAW DIRECTOR MR. MARVIN FETE

Mr. Fete had the following report:

I conducted my first Tax Board of Appeals Hearing at 5:30 in Council Chambers today. They have 90 days to issue a ruling on that. I have something very exciting to share that you're going to hear more about next meeting as part of the Mayor's presentation. My office in conjunction with Josh Mathias our Building and Zoning Code Administrator have successfully conducted our first search warrant under the Building and Zoning Code last week. To my knowledge that has never been done in the City of New Philadelphia. I have not found it in the database and the archives where it had been done previously. The reason this is important is it's critical to being able to tear down these houses and go into these houses that are being used for drugs in a lot of cases. To refresh Council's memory Tuscarawas County ranks 18th in drug overdose mortality rates out of 88 counties. There is a serious drug problem in this area and it's only gotten worse. What's happening in these dilapidated houses is homeless people are going in and making meth. We've had fires related to meth lab explosions. I've gone on some of these locations to view them and I've seen the spoons that are used to burn and do the drugs that are there. It's affecting our neighborhoods and it's around our kids and it's something that we've put a stamp on trying to deal with. That's why the Housing Code has been so important. When I first came into office the way the buildings were tore down was very hap-hazard. They had basically 3 people in the City deciding what properties were going to be torn down, then the prior Law Director would send out a letter to the property owner stating that we were going to tear down their house. I looked at that and said "wow, if we're taken to court on something like this we're going to

lose.” That’s because we didn’t have the legal justification to do it. The first thing that I did was to tie our tear-down orders to the fire code. By tying it to the fire code that’s how I was able to get rid of the Hong Kong Buffet where there now sits a brand-new Verizon store. The reason I did that is if I have to go into court and put an expert on the stand to justify why we tore down the building I can have a firefighter familiar with the fire code take the stand and address that as an expert. In addition to that we now have three tools that I’ve implemented for going after these types of dilapidated buildings and abandoned homes. The second tool that I’ve implemented is the International Property Maintenance Code. This gave us another tool in our arsenal where property owners can be held criminally liable for violating the International Property Maintenance Code. Something that’s been a goal of mine for years and became more important when Mayor Day was elected because he made it a priority was using the Housing and Building Code which the City’s had for years as a third tool for going in. The Housing Code gives us wide discretion. Up until this point we’ve been tearing down houses just by what we’ve seen on the outside. A lot of the property owners don’t want us to go inside. We got our first warrant and we’re now going to be able to go in this house and we’ll have greater authority to tear this house down if we need to. We’ve talked earlier about the need for a full-time position there and I want to thank the administration for making that happen. We now have a full-time person who has a background in the police force. You’re going to see that we’ve been very successful when the report comes out next week. My chief prosecutor bought a home that was dilapidated and was revitalized. I’m hoping to eventually bring to council a registration where abandoned properties will have to register.

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR JOEL DAY.....EXCUSED ABSENSE

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

The Board of Zoning Appeals will meet on April 12 at 5:00 PM in Council Chambers with one variance request to be heard.

AIRPORT COMMISSION.....MR. JIM SELDENRIGHT

Mr. Lanzer had the following report:

The Airport Commission met March 8 and the Mayor appointed two new members to the Committee; Mr. March and Bob Bedard. At some point we’ll have to have a Resolution to ratify them within 90 days. We’ll meet again on the 2nd Tuesday of next month.

PARK BOARD.....MR. MITCH PACE.....NO REPORT

The Park Board will be meeting this coming Wednesday at Noon at the Tuscora Park Pavilion.

CEMETERY BOARD.....MR. MITCH PACE....NO REPORT
The Meeting for March was cancelled. We'll be meeting again on April 14 at 8:00am.

HEALTH BOARD MR. DEAN HOLLAND

The Health Board met Wednesday March 9th here in Council Chambers at 12:00 PM and the meeting was open to the public.

- A) The Board discussed environmental issues and the recent animal exposure survey; there were 44 animal bites of assorted animals and 2 squirrel bites in the City of New Philadelphia in the previous 12-month period.
- B) The question was raised about following the annual flu trends and the numbers of diagnosed cases and it was reported that only those cases that were reported would be followed the Health Department.
- C) The City Jail was inspected and there were no discrepancies noted in any portion of the jail and its operation.
- D) The Annual Summary of Communicable Diseases: 2021 prepared by the Tuscarawas County Health Department, the City of New Philadelphia Health Department and Tuscarawas County, Ohio was released and copies can be obtained from the City Health Department here in city hall.
- E) It was reported that Health Department operation is back to normal from the COVID Pandemic and that individuals needing the second COVID shot should contact the City Health Department to schedule an appointment

Mrs. Ramos had the following question:

Has the report on communicable diseases been posted on the Health Department's Facebook page?

Mr. Holland said he will ask and let Council know.

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEEMR. KELLY RICKLIC

Mr. Ricklic had the following report:

The Finance Committee met on March 9 at 6:30 PM in Council Chambers. The purpose was to start the review of the Finance and Appropriations for the City for the year 2022. We got about half-way through with a few items still needing to be finished in the Salary Committee. I would like to hold another Finance Committee meeting on Monday, March 21 at 6:30 PM in Council Chambers.

SALARY COMMITTEEMR. JIM SELDENRIGHT

Mr. Seldenright had the following report:

The Salary Committee met this evening from 6:15 PM to 7:10 PM to discuss Ordinance 5-2022. We had in attendance the Health Director and the Fire Chief. Mr. McAbier gave a presentation as well with the positions to be added to scale. Based on the information presented to the Committee tonight we tabled for further research. Our next meeting will be determined shortly.

PUBLIC WORKS COMMITTEE.....MR. DAN LANZER

Mr. Lanzer had the following report:

The Public Works and Economic Development Committee met this evening at 7:10 PM. We discussed a few different items. The first was the ODNP Proposed Resolution 7-2022, which we voted unanimously to add to tonight’s Agenda and we’re asking Council to suspend the rules and pass on 1st Reading. We also discussed the Omega Proposed Resolution 9-2022 and we voted unanimously to suspend the rules and pass on 1st Reading. We probably will be having a meeting at the beginning of April to see the legislation with the rate change on the sanitation rates.

SAFETY HEALTH & SERVICE COMMITTEE... .MR. DEAN HOLLAND.....NO REPORT

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

SPECIAL & CONTACT COMMITTEEMRS. AIMEE MAYNO REPORT

PARKS & CEMETERY COMMITTEE.....MR. MITCH PACE.....NO REPORT

VISITOR’S COMMENTS:

Superintendent of New Philadelphia City Schools Amy Wentworth had the following comment:

President and Members of City Council, thank you for the opportunity to speak here this evening. I am here tonight, on behalf of the district, to ask your financial support on a project to repave Woody Hayes Quaker Stadium. As you know, the New Philadelphia City Schools has a lease with the City to conduct sporting events and other activities at Woody Hayes Quaker Stadium, which is owned by the City of New Philadelphia. As part of that lease New Philadelphia City Schools has agreed that “ at all times the

General Public should have free and open access to the track at Woody Hayes Quaker Stadium for exercise purposes, specifically track lanes 7 and 8 at a minimum, which will not be restricted by the Board, except when Woody Hayes Quaker Stadium is hosting competitions with other school districts, track and field practice during the traditional track season, band shows, elementary track and field day, and graduation ceremonies. That's from Article 7 of the lease. Under the terms of our lease City residents consistently walk and jog on the tracks at the stadium. The amicable partnership between the school and the City is a benefit to our residents. The district acknowledges that we are responsible for maintaining Woody Hayes Quaker Stadium. During the previous 4 fiscal years the district has spent \$1.18 million in expenses for that. New Philadelphia City Schools is firmly committed in assuring that this community remains safe and reliable for our students, our families and the entire Quaker community to enjoy. Right now though we need some help. The track at Woody Hayes Quaker Stadium needs resurfaced. The estimated cost to resurface the track, replace the pull-out pit and standards, is \$306,748.00. Since the track is used and enjoyed by both the school district and City residents we are asking for financial support from City Council to help fund this project. New Philadelphia City Schools has set aside and committed \$185,000.00 for the track resurfacing. Additionally, we have sought and received donations from area foundations totaling \$70,000.00 additional dollars to help fund this new track surface, however, that still leaves us with a deficit of \$51,748.00 to complete the project. We are asking the City of New Philadelphia to appropriate \$50,000.00 to help bridge that gap. This will enable the district to get the track resurfaced, and will ensure that this facility will remain as one of the top-notch facilities in the State. A contribution from the City will enable us to provide both the residents in our community and the students in our schools a quality and safe track surface for many years to come. Thank you for your consideration.

Mrs. Ramos had the following question for Ms. Wentworth:

I understand that there's different kinds of tracks. Did you guys choose to go with the top tier, the Olympic one, is that true?

Ms. Wentworth had the following reply:

No that's not true. We did not go with the bottom tier track. There is a cheaper option when we looked at the different options that were available it was very important to us that we treat all of our athletes at the district approximately the same. The bottom tier track would be substandard compared to the football surface and compared to the other tracks in the area. So to match the quality of the football surface and the other tracks in the area we went up the next grade.

Mr. Pace had the following question:

Mrs. Wentworth, you said the \$306,000 is going to be for the resurfacing, the finish line system, and what was the other thing?

Ms. Wentworth:

To replace the pole vault pit and standards, about \$278,345 to resurface the track. Replacing the pole vault pit is over \$23,000.

Law Director Fete:

The track is going to be a different color, right?

Ms. Wentworth:

Yes, it's going to be red.

COUNCIL COMMENTS: NONE

READING OF ORDINANCES AND RESOLUTIONS

ORDINANCES:

3-2022 AN ORDINANCE TO APPROVE \$22,039.39 PAID TO CUSTODIAN D. CIERESZEWSKI FOR AN ADDITIONAL 1,656 HOURS WORKED, AND \$21,669.99 PAID TO CUSTODIAN M. INHERST FOR AN ADDITIONAL 1,629 HOURS WORKED, DUE TO WORKING ADDITIONAL HOURS IN RESPONSE TO THE UNEXPECTED MEDICAL LEAVE OF ANOTHER EMPLOYEE AND DUE TO THERE BEING 27 PAYS IN 2021, AND DECLARING THEIR PAY RATE FOR 2022 AND 2023.

1st Reading

Mr. Seldenright had the following comment:

I believe the language needs to be revised in this Ordinance. There was not an additional 1,656 hours worked. As Auditor Gundy explained those hours were the total hours worked, but those were over what they had originally been scheduled to work. We used those numbers to determine the payrate of 2022 and 2023.

MR. SELDENRIGHT MOTIONED TO ADJUST THE LANGUAGE IN THE ORDINANCE AND REMOVE THE WORDS ADDITIONAL BEFORE THE HOURS

MR. RICKLIC SECONDED THE MOTION

7 YEAS

THE ORDINANCE WILL BE AMENDED

RESOLUTIONS:

7-2022 A RESOLUTION APPROVING THE TERMS OF THE ATTACHED CAPITAL IMPROVEMENT COMMUNITY PARK, RECREATION/ CONSERVATION PROJECT PASS THROUGH GRANT AGREEMENT BETWEEN THE STATE OF OHIO, DEPARTMENT OF NATURAL RESOURCES, AND THE CITY OF NEW PHILADELPHIA, AND AUTHORIZING THE MAYOR TO ENTER INTO SAID AGREEMENT ON BEHALF OF THE CITY

1st Reading

MR. LANZER MOTIONED FOR SUSPENSION OF RULES ON RESOLUTION 7-2022

MR. PACE SECONDED THE MOTION

7 YEAS

RULES HAVE BEEN SUSPENDED ON RESOLUTION 7-2022

MR. LANZER MOTIONED FOR APPROVAL OF RESOLUTION 7-2022

MR. PACE SECONDED THE MOTION

7 YEAS

RESOLUTION 7-2022 HAS BEEN APPROVED

9-2022 A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF NEW PHILADELPHIA TO APPLY FOR THE OHIO MID-EASTERN GOVERNMENTS ASSOCIATION (OMEGA) REGIONAL TRANSPORTATION PHANNING ORGANIZATION (RTPO) CAPITAL ALLOCATION PROGRAM.

1st Reading

MR. LANZER MOTIONED FOR SUSPENSION OF RULES ON RESOLUTION

9-2022
MR. PACE SECONDED THE MOTION
7 YEAS
RULES HAVE BEEN SUSPENDED ON RESOLUTION 9-2022

MR. LANZER MOTIONED FOR APPROVAL OF RESOLUTION 9-2022
MRS. RAMOS SECONDED THE MOTION
7 YEAS
RESOLUTION 9-2022 HAS BEEN APPROVED

UNFINISHED OR OLD BUSINESS: NONE

NEW BUSINESS: NONE

With no other business to discuss Mrs. Ramos motioned to adjourn at 8:17 PM.

CLERK OF COUNCIL _____
Julie Courtright

APPROVED _____

PRESIDENT OF COUNCIL _____
Don Kemp