

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON AUGUST 9, 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
MR. KELLY RICKLIC
MR. JOHN ZUCAL

EXCUSED ABSENCES

MRS. CHERYL RAMOS
AUDITOR BETH GUNDY

- MR. MAURER MOTIONED TO ADD ORDINANCE 17-2021 AND ORDINANCE 18-2021 TO TONIGHT'S AGENDA
MR. ZUCAL SECONDED THE MOTION
6 YEAS
ORDINANCE 17-2021 AND ORDINANCE 18-2021 HAVE BEEN ADDED TO TONIGHT'S AGENDA

- MR. LANZER MOTIONED TO ACCEPT TONIGHT'S AGENDA AS AMENDED
MR. HOLLAND SECONDED THE MOTION
6 YEAS
TONIGHT'S AGENDA HAS BEEN ACCEPTED

- MR. HOLLAND MOTIONED TO APPROVE THE MINUTES FROM THE JULY 26, 2021 REGULAR SESSION OF COUNCIL
MR. MAURER SECONDED THE MOTION
6 YEAS
MINUTES FROM JULY 26, 2021 REGULAR SESSION OF COUNCIL HAVE BEEN APPROVED

CORRESPONDENCE CLERK, JULIE COURTRIGHT

1. *To Clerk of Council from Walter H. Drane Company at 525 Vine St. Suite 310 in Cincinnati, date July 16, 2021. This is an invoice for the annual 2021 Codified Ordinance pages.*
2. *To Chairman of the Finance Committee Rob Maurer and Council from President Kemp, dated August 5, 2021. This is an email, the subject is Resolution with rates and amounts. It states: Rob, please take this Resolution into your Committee.*
3. *To Council and Administration from Vickie Ionno, Health Commissioner for the City of New Philadelphia. This is an email the subject is "Rabie Bating Operation by Air".*
4. *To Clerk of Council from the Ohio Division of Liquor Control, dated August 9, 2021. This is a notice of legislative authority permit class D51 D6. To: Kent State University 300 330 360 University Dr. from Aramark Educational Services LLC, 300 330 360 University Dr. New Philadelphia, mailed August 5, 2021. Responses must be postmarked no later than September 7, 2021. This is an important notice, please complete and return this form to the Division of Liquor Control whether or not you request a hearing. I forwarded this to President Kemp.*
5. *To Clerk of Council from the Ohio Division of Liquor Control. This is a notice of Legislative Authority, dated August 9, 2021. This is a D1 Permit Class to*

*Whittingham Real Estate Properties LLC 112 Fair Ave.
NE New Philadelphia, Oh. Mailed August 5, 2021.
Responses must be postmarked no later than September
7, 2021. This states "Please complete and return this
form to the Division of Liquor Control whether or not
there's a request for a hearing". I forwarded this to
President Kemp.*

6. *To Council and Administration from Mayor Day, dated
August 9, 2021. The Mayor's Report*

MAYOR'S REPORT/REQUESTSMAYOR JOEL B. DAY

Mayor Day had the following report:

➤ Meeting with RTY Officials to Discuss Tuscora Park's Rides

I have scheduled a meeting on Wednesday with officials of RTY, Inc. to discuss what needs to be done to keep the Tuscora Park rides operational and in compliance with state laws. As the story in Sunday's Times-Reporter indicated, the rides must pass new inspection requirements as the result of Tyler's Law, which the Ohio Legislature adopted in 2019. This came to light when repairs to the 1926 Ferris wheel got underway about a month ago.

The rehabilitation of the vintage Ferris wheel has become a community project. Gradall Industries, Dover Tank and Plate and City of Dover mechanic Jim Hobart have contributed their time and parts to make the necessary repairs that will bring the ride into compliance. I am grateful for their willingness to volunteer to help RTY. The cost of the rehab project is estimated to be \$90,000.00. RTY has pledged \$45,000.00 and the New Philadelphia Rotary Club \$5,000.00 to the project. Anyone who would like to help can send a donation, in care of RTY, Inc., to:

Tuscora Park

161 Tuscora Ave. NW

New Philadelphia, Ohio 44663.

Donations are tax deductible.

➤ State Fire Marshal's Inspection Results in More Citations

Ohio Fire Marshal Inspector Roger Clark made a return visit on July 28th to the former OYO Motel at 181 Bluebell Drive NW. The motel is now operating as a Days Inn. Inspector Clark found 23 State Fire Code violations and gave the motel operator 28 days to correct them. Last year the Fire Marshal's Office ordered the operator to correct 96 violations or face having the motel's operating permit revoked. City Fire Chief Parrish and Police Chief Goodwin have told me that calls to the motel related to drug use and crime have declined in recent weeks.

➤ Volunteers Needed to Serve on the City's Housing Board of Appeals

If you've been looking for an opportunity to serve our community, here's your chance. I'm looking for volunteers to serve on the City's Housing Board of Appeals. The board hears appeals of citations given under the code.

The seven-member board was established under Codified Ordinance Chapter 1335 Housing Code, which you can read online on the City's website at www.newphilaoh.com. Board members serve one-, two- or three-year terms and must be a citizen of the United States and a resident of the City. The ordinance states that membership shall include at least three of the following fields or groups: real estate, building construction, property management, finance, public health, law, homeowners, and tenants. If you're interested, please send a resume to my Executive Assistant's attention at jbailey@newphilaoh.com. Thank you

➤ Thank You...Thank You

The recent structure repairs to the University Drive SE bridge over Beaver Dam Creek took two days, not the week as originally estimated, thanks to the help of Tuscarawas County Engineer Joe Bachman, county road superintendent Steve McQueen, and the skill of the county's bridge crew. We are grateful for their efforts to get the project done quickly before classes at Buckeye Career Center and KSU-Tusc got underway.

Also, I want to give a huge shoutout to Gradall Industries and its president Mike Popovich, for arranging for the donation of a new zero turn 60-inch Dixie Chopper mower to use at the new Southside Community Park.

Dixie Chopper is known as “the world’s fastest lawn mower”. The machine is manufactured at a plant in Fillmore, Indiana owned by The Alamo Group, Gradall’s parent company.

COVID-19 vaccinations - Pfizer, Moderna and Johnson & Johnson - are available at the New Philadelphia City Health Department. Call the Health Department at 330-364-4491 extension 1208 to schedule a time to get your shot.

Mr. Zucal had the following comment:

Helping with the ferris wheel project would be a good fundraising project for many of the children and young adults in the New Philadelphia City School District, since many of them benefit from those rides. I know schools do a lot of fundraisers, maybe they can add that to their calendar to help support their park and such a great piece of history we have.

Mayor Day replied that was a great idea and he will communicate that to the new Superintendent when he meets with her.

SERVICE DIRECTOR.....MR. RON MCABIER

Mr. McAbier had the following report:

Everything is completed with the Lakeview Avenue Project except the crosswalk. We’re still waiting on our post and our lights for that. We’re also waiting on a handrail on the ADA compliant ramp. It’s been on back order. Once the handrail is complete and the posts and lights go in that job will be completed. The North Avenue Waterline Project: the whole mainline got installed today, so once we do the bacteria testing, we should be switched over to the 6-inch line by Friday. Tomorrow there will be paving on 5th St. NE from East High Ave. to Beaver Dam Creek. Also, they’ll be doing 7th Dr. SE. Mushrush Utilities went in there with a big gas line project. After looking at it and being down there I didn’t think it would lay right, so they’ll mill and fill that after 5th Street. Also, as we look tonight at the two retirements we had in my office. I failed to let everybody know that Mike Scolati, Building Code Administrator is also retired. He’s been gone now for three weeks. We hired Josh Mathias in his place. He has a police background and he’s doing fantastic so far. Laurie McCahill has taken over for Maureen Wenger as my secretary, and we have it on the website that we’re looking for a new I.T. person.

Mr. Holland had the following question:

We’ve watched ever since the Mayor appointed Mr. Scolati. We’ve watched his efforts, and it’s very apparent to me that on a part-time basis he can’t accomplish all that needs to be accomplished. No individual could accomplish that. We still get complaints about high weeds, things that Mr. Scolati is addressing. There’s only so much time and space to address everything that needs to be addressed from a code enforcement perspective. Are we at the point where we need a full-time code enforcement officer?

Mr. McAbier had the following reply:

Mr. Holland, I agree with you. I think it’s time. I talked with Josh about this and he works great with Captain Sholtz. They’ve teamed up together and there’s some online book working to do to help him out to get the training he needs.

Mr. Holland asked if the position was hourly and Mr. McAbier said it’s salary and it’s non-bargaining.

Mr. Zucal had the following question:

Regarding the park pond and the green algae. I’ve had a lot of questions from people about that.

Mr. McAbier had the following reply:

I met with Paragon today out of Newcomerstown. They’ve given us some ideas. We’re working on getting that cleaned out.

AUDITORMS. BETH GUNDY.....EXCUSED ABSENSE

SAFETY DIRECTORMR. GREG POPHAM

Mr. Popham had the following report:

A couple weeks ago the State of Ohio came into the police department and we were informed that the police department received 100% on their inspection. That’s probably the first time that we’ve ever had 100%. Kudos for Mr. Rossi and those in charge of taking care of the jail. Secondly, in the process of increasing our main power in the police department, today we promoted up to police officer Darren Avon, who was a dispatcher over at the police station. Then we hired a new dispatcher. Her name is Helen Kinsey. We have one more person to hire. We’re just waiting for him to pass his police school exam. We should have our two additional police officers then.

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

LAW DIRECTOR . . . MR. MARVIN FETE

Law Director Fete had the following report:

I rise this evening to address Ordinance 18-2021. This deals with the Opioid Settlement. The state of Ohio through the Attorney General’s Office has negotiated and been a part of the nation’s largest Opioid Settlement in its history. The Opioid Settlement has been negotiated in all 50 states. It’s a \$26 Billion Dollar settlement. The settlement is with the drug maker Johnson and Johnson, as well as three of the nation’s largest drug distributors. As part of the settlement New Philadelphia would receive a little over \$109,000 and \$56,000. The money is targeted toward addressing the opioid epidemic. As I mentioned last month the victim advocate program needs some funding. At the halfway point this year we’re up 130 cases of where we were last year. A large part of that is due to domestic violence and drug abuse, so I think that would be a worthy project. I am urging Council to pass this this evening. It needs to be passed for us to participate in these funds. I brought with me the documents for the Mayor to sign should it pass this evening on an emergency basis. They have requested that it be done no later than the 13th. I am asking for this to be passed on an emergency basis. We just received the documents last week and I got them to you as soon as I could. The goal of the State of Ohio is to get 95% participation in this. The more participation the more money the State of Ohio is going to get. My thoughts with regards to the settlement: In my personal and my professional life, both as a private attorney and a person who’s had a family member who died of a drug overdose, and as a prosecutor I see this all the time. We lost a family member who started off with prescription pain killers. I had people in my private office whose families were destroyed who came to see me about a divorce because one of the spouses got addicted to prescription pain killers. Both as a defense attorney and prosecuting attorney I’ve seen cases where prescription drugs are being sold on the street, and that’s where it starts. This action in my opinion doesn’t go far enough. The tobacco settlement in the 1990s, which is a precedent for this, was \$206 Billion. This one is \$26 Billion. This is not going to bring back one person, but it could prevent others from dying. Today Tuscarawas County ranks 18th in Ohio in drug overdose deaths from 2017 to 2019. It’s going to be worse when you look at 2020 and 2021 because of the pandemic. I’m disappointed that this does not affect Purdue Pharma. They are the ones that introduced Oxycodone. Documents in court cases have shown that they have lied to officials about the addictive properties of Oxycodone. They are now embroiled in bankruptcy at the federal level, however through the bankruptcy process they’re not going to be charged criminally, but they should be held personally accountable for their actions, especially in light of the fact they mislead the public and lied about it. That shows you the power that these big pharmaceutical companies have.

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR JOEL DAY

The Planning Commission will be meeting here in Council Chambers tomorrow at 1:00PM. We’ll be reviewing the City’s Master Plan. There’s also an annexation issue that we have to discuss.

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

The Meeting scheduled for tomorrow night at 5:00 PM has been rescheduled for the 17th at 5:00 PM with one variance request to be heard.

AIRPORT COMMISSION.....MR. JOHN ZUCAL

The Airport Commission will meet tomorrow evening at 6:00 here in Council Chambers.

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

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

HEALTH BOARD MR. JOHN ZUCAL

The Health Board is scheduled to meet this Wednesday at Noon in Council Chambers. I think we're going to have an exciting Agenda and we'll fill you in at the next Council Meeting as to what transpired.

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEEMR. ROB MAURER

Mr. Maurer had the following report:

The Finance Committee met tonight to discuss a few things. The first one was Ordinance 17-2021, which was amending and adjusting several 2021 appropriations due to some retirements, technology improvements, the Pulse Point Program that the Fire Chief touched upon at the last meeting, and the payment on the Fire Department’s tanker truck. We also discussed Ordinance 18-2021, which is what Law Director Fete just discussed. I am strongly urging Council to pass Ordinance 18-2021 which deals with the opioid settlement.

SALARY COMMITTEEMR. JOHN ZUCAL.....NO REPORT

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

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

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

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:

14-2021 AN ORDINANCE TO ALLOCATE FUNDS COLLECTED UNDER THE CITY OF NEW PHILADELPHIA INCOME TAX ORDINANCE
3rd Reading

MR. MAURER MOTIONED FOR APPROVAL OF ORDINANCE 14-2021
MR. HOLLAND SECONDED THE MOTION
6 YEAS
ORDINANCE 14-2021 HAS BEEN APPROVED

17-2021 AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO, AMENDING AND ADJUSTING THE PERMANENT APPROPRIATIONS ORDINANCE FOR THE YEAR 2021
1st Reading

MR. MAURER MOTIONED FOR SUSPENSION OF RULES ON ORDINANCE 17-2021
MR. HOLLAND SECONDED THE MOTION
6 YEAS
RULES HAVE BEEN SUSPENDED ON ORDINANCE 17-2021

MR. MAURER MOTIONED FOR APPROVAL OF ORDINANCE 17-2021
MR. HOLLAND SECONDED THE MOTION
6 YEAS
ORDINANCE 17-2021 HAS BEEN APPROVED

18-2021 AN ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT THE MATERIAL TERMS OF THE ONE OHIO SUBDIVION SETTLEMENT PURSUANT TO THE ONEOHIO MEMORANDUM OF UNDERSTANDING AND CONSISTENT WITH THE TERMS OF THE JULY 21, 2021 NATIONAL OPIOID SETTLEMENT AND TO SIGN THE ONEOHIO SUBDIVISION PARTICIPATION FORM
1st Reading

MR. ZUCAL MOTIONED FOR SUSPENSION OF RULES ON ORDINANCE 18-2021
MR. RICKLIC SECONDED THE MOTION
6 YEAS
RULES HAVE BEEN SUSPENDED ON ORDINANCE 18-2021

MR. ZUCAL MOTIONED FOR APPROVAL OF ORDINANCE 18-2021
MR. RICKLIC SECONDED THE MOTION
6 YEAS
ORDINANCE 18-2021 HAS BEEN APPROVED

RESOLUTIONS:

28-2021 A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO AUTHORIZING THE MAYOR OF THE CITY OF NEW PHILADELPHIA TO ENTER INTO THE OHIO ENTERPRISE ZONE AGREEMENT WITH THE CRANE CARRIER COMPANY, LLC, A COPY OF WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE AS IF FULLY REWRITTEN, FOR THE PURPOSES OF THE TAX ABATEMENT DESCRIBED THEREIN
3rd Reading

MR. HOLLAND MOTIONED FOR APPROVAL OF RESOLUTION 28-2021

Mr. Zucal asked for a Point of Order and asked Mayor Day if he needed more time on that. Mayor Day said he did not.

MR. ZUCAL SECONDED THE MOTION
6 YEAS
RESOLUTION 28-2021 HAS BEEN APPROVED

29-2021 A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, TUSCARAWAS COUNTY, OHIO AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEW PHILADELPHIA TO ACT AS THE SIGNATURE DESIGNEE FOR THE ADOPTION OF AN ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN FOR LOCAL GOVERNMENT
2nd Reading

30-2021 A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO AUTHORIZING THE ANNEXATION OF REAL PROPERTY LOCATED IN GOSHEN TOWNSHIP, PARCEL NUMBER 25-02508-003
3rd Reading

MRS. MAY MOTIONED FOR APPROVAL OF RESOLUTION 30-2021
MR. LANZER SECONDED THE MOTION
6 YEAS
RESOLUTION 30-2021 HAS BEEN APPROVED

UNFINISHED OR OLD BUSINESS: NONE

NEW BUSINESS:

Mr. Maurer motioned to adjourn at 8:05 PM.

CLERK OF COUNCIL _____
Julie Courtright

APPROVED _____

PRESIDENT OF COUNCIL _____
Don Kemp