

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON OCTOBER 23, 2023 WITH PRESIDENT KEMP PRESIDING. COUNCILMAN 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. STEVE RIPPETH

EXCUSED ABSENSES:

- MR. RICKLIC MOTIONED TO ADD ORDINANCE 24-2023 TO TONIGHT’S AGENDA
MRS. MAY SECONDED THE MOTION
7 YEAS
ORDINANCE 24-2023 HAS BEEN ADDED TO TONIGHT’S AGENDA

- MR. RIPPETH MOTIONED TO APPROVE TONIGHT’S AGENDA WITH THE
ADDITION
MRS. RAMOS SECONDED THE MOTION
7 YEAS
TONIGHT’S AGENDA HAS BEEN APPROVED

- MR. LANZER MOTIONED TO APPROVE MINUTES FROM THE OCTOBER 9, 2023
REGULAR SESSION OF COUNCIL
MRS. MAY SECONDED THE MOTION
6 YEAS, 1 ABSTAINED (MR. RICKLIC)
MINUTES FROM THE OCTOBER 9, 2023 REGULAR SESSION BEEN APPROVED

CORRESPONDENCE CLERK, JULIE COURTRIGHT

1. *To Council Clerk from Treasurer Gerber, dated October 10, 2023. This is an updated Investment and Savings Report for September 2023.*
2. *To Councilmembers from Mayor Day, dated October 19, 2023. This is an email titled “Budget Request from RTA Inc. to maintain the rides at Tuscora Park.*
3. *To President Kemp from Law Director Fete, dated October 21, 2023. This is an email titled “Please Assign to Dan Lanzer’s Committee” with Resolution 19-2023 as the attachment. President Kemp asked Mr. Lanzer to take the issue into the Public Works and Economic Development Committee.*
4. *To Council and Administration from Mayor Day, dated October 23, 2023. This is the Mayor’s Report.*

MAYOR’S REPORT/REQUESTSMAYOR JOEL B. DAY

Mayor Day had the following report:

RTY Requests Ride Repair and Maintenance Funds from the City Budget

The cost of the repair and maintenance of the rides at Tuscora Park continues to rise. As a result, I received a letter from RTY, Inc. asking the City to create an expense line in the Parks Department budget that would earmark \$25,000 this year and in 2024 for ride maintenance and improvements. Since Tyler’s Law was implemented in 2021, RTY’s expense to keep the amusement rides in compliance has more than doubled. Its cost in 2022 was \$25,697.00, over \$18,000 more than it paid before the law was enacted. The letter states: “Until recent times, profits from rides and miniature golf ticket sales were sufficient to pay for most preventive maintenance and repairs to the rides. But escalating operating expenses, especially wages and ride maintenance/repair costs, have reduced net profits and in recent years even resulted in operating losses.” I ask City Council to seriously consider this request from RTY. As it stated in its letter: “Without some assistance, these rising expenses could push RTY out of business when the money is exhausted.”

The Sound of Music is Back in Downtown New Philadelphia

Recently the City had the downtown audio system upgraded. So now music can be played during the day and throughout the holiday season. The system can also be utilized for events at the downtown gazebo quadrant and for announcements during our annual parades.

Watch Out for Ghosts and Goblins This Saturday

This Saturday from 6 to 8pm is the City’s annual Trick or Treat Night. If you want ghosts and goblins to come to your door for treats, please put your porch light on. Keep an extra eye on kids and adults crossing the streets. City police will be patrolling the neighborhoods. Don’t hesitate to ask if you need their assistance.

Proclaiming This as “Red Ribbon Week” in New Philadelphia

Young Marines of the Marine Corp League is joining National Family Partnership in sponsoring the annual Red Ribbon Campaign, to raise awareness of the harm done to families and communities by the selling and use of illicit drugs. This week has been designated as “National Red Ribbon Week” across the United States. At this time, I would ask Chris Osborne, the City’s Assistant Water and Sewer Department Superintendent, to come to the podium. He is a representative of the Young Marines, and I’d like to present him with a proclamation that declares this week as “Red Ribbon Week” in New Philadelphia.

Mrs. Ramos had the following question:
Could you explain what Tyler’s Law is?

Mayor Day:
It mandates safety equipment and procedures for amusement rides. Tyler (The boy whom the law was named after) was killed in an amusement ride accident, and from that tragedy came a law that mandated better safety features on amusement rides.

SERVICE DIRECTOR..... Service Director Ron McAbier:

Mr. McAbier had the following report:

I believe everyone here knows, last Thursday, the 19th, Mill Avenue opened up. I want to explain how we reached that milestone. Franklin Square Phase 1 is complete as far as all the pipe, the base material they had to put in, and the topcoat that went in to those two points. They have some restoration work to put material back on to where they paved, especially on the Bank Lane area, and some still on Mill Avenue, we also needed to have the Small Cities Paving done there. They held off on that piece because of that project. What happened there was in the construction zone for Phase 1, going south underneath the bridge about 35 feet, was the construction site, and the other way all the way up to Bank Lane headed east about 75 feet to make that connection. They had the pavement stop there. Shelly Company had come to those guys met up. That’s why Mill Ave. is open. When this is complete, Shelly still has four loops to put in, some striping, and some lanes. They believe that will be done tomorrow or Wednesday because of the nice weather we have. Once that’s done the project will be out of here. Hopefully by the next Council meeting we’ll have a walk-through on both those projects. Also, a reminder that the docks were removed last week from the Waterworks Ballfield, and also down at the Carlisle on 416. We’ll put them back in Spring of 2024. As I had said about the appropriations for the Al Maloney restroom, requests for quotes closes out on Friday. Next week on November 3rd we’ll go through them and hopefully pick a contractor out of that and get it moving by the 12th or 15th. I’d like to award it the 6th and have them start the 12th or 15th. Also, Ray Grewell from the General Service Department had put out a press release. Next week will be leaf pickup on North Broadway, South Broadway, East High, West High, 4th Street, Central Business, and then start to disperse out. I’ll be able to give an update as we move through town.

Mr. Ricklic had the following question:

Do we have a lot of interest in the restroom project?

Mr. McAbier:

We sent it out to four people.

AUDITORMS. BETH GUNDY

Mrs. Gundy had the following report:

Today I received the retirement letter from our Income Tax Administrator Vickie Daniels. She's leaving December 31, 2023. I will be looking for a new Income Tax Administrator.

SAFETY DIRECTORMR. GREG POPHAM

Mr. Popham had the following comment:

Last meeting I reported that we had a vacancy in the police department again. Effective today we no longer have a vacancy.

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

LAW DIRECTOR.....MR. MARVIN FETE

Mr. Fete has the following report:

You often hear me talk about the Civil Aspect of what I do for my job and things I do related to Council. That's half of my job. The other half of my job is the prosecution. Tonight I thought I'd give you a little insight into some of the things we're doing as far as prosecutions are going on. One of the things that I recently did is I'm taking a case up on an appeal that we lost on a suppression issue. This was an OVI case, it's rare that we would take an OVI case up on appeal. A suppression is when a defense attorney files a motion to suppress on the basis that there was an illegal stop or something was done illegally or improperly by the police during the stop or in the course of the investigation. If you can get the cop thrown out then everything else is gone too. In this case the trooper stopped the defendant because he didn't have a license plate light. Once he made contact it was clear that the gentleman was under the influence. The defense attorney filed to suppress on the basis that that wasn't a sufficient reason for a stop. They had people testify that they saw that his license plate light was working. The judge ruled that because after the stop the officer didn't walk around and make sure that the license plate light was working, that he didn't do his job. From my perspective that's irreverent. The stop has already been initiated, the officer doesn't have a duty to make sure the license plate light is not working. In fact, that would go against all safety protocols because once he's ascertained that the individual is under the influence, he can't then leave and check out the guy's vehicle, and leave this guy in control of the vehicle. If this was somebody that was 50 or 60 years old and didn't have a history of this we might not be taking it up on appeal, but this is somebody that has five lifetime DUIs and to me is considered a danger. I feel very confident that it will be thrown out of the 5th District and brought back as a regular OVI. We prosecute over 3500 criminal cases a year, more than anyone else in the entire county does. We prosecute for the City of New Philadelphia and the 13 surrounding townships. I have a fantastic team and I can't say enough good about them.

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR JOEL DAY

The Planning Commission will be meeting the 2nd Tuesday of November, the 14th. We'll be reviewing Some of the points raised by the presentation by Wendy Moehler with Compass Point Planning.

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

The Board of Zoning Appeals met here in Council Chambers on October 10th at 5:00pm with two Variance requests to be heard. The first one was at 352 St. Clair SW in violation of 1161.05 AC. That Was brought to vote and it was granted by a vote of 5-0. Also, 1276 Lakeview Rd. NE which is in Violation of 1161.05 D. That was brought to vote and it was denied on a 5-0 vote.

Mrs. Ramos asked Mr. McAbier if she could start receiving email notices of the Board of Zoning Appeals meetings.

AIRPORT COMMISSION.....MR. DAN LANZER

The Airport Commission will be meeting on November 14th here in Council Chambers at 6:00 PM.

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

CEMETERY BOARD.....MR. MITCH PACE.....NO REPORT

HEALTH BOARD MR. DEAN HOLLAND

In regards to Covid, two weeks ago there was an outbreak in New Philadelphia that resulted in 41 New Covid cases that were reported to the Health Department. There were no hospitalizations. Last Week there were 20 new cases reported to the Health Department, 15 of those occurred this last Weekend. The Health Department is working on the new vaccine, it's on order, but the orders Are being received very sporadically. The Health Department has been working on the public health Accreditation. The first visit is scheduled for November the 2nd, and that will be a virtual visit. The Second visit is scheduled for November the 30th and that will be in-person. We have provided all of The information requested by the Accreditation Board and just going through the process. It's been Very lengthy and I think we're probably still several months away from getting an answer to our

Request. Flu shots are available in the Health Department. Please call for an appointment for Children, walk-in is available for adults. Everyone has been provided with the Health Department's Strategic Plan. The Health Board has approved the 2024 through 2027 Strategic Plan. The plan sets Out to have a vision. The Health Department's visions are health services and core values. I think Once you read it you'll see it's rather detailed and well thought out. If you have any questions at all Contact Health Commissioner Ionno in the Health Department. The next Health Board Meeting is November 15th here in Council Chambers at 12:00 PM.

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEEMR. KELLY RICKLIC

Mr. Ricklic had the following report:

This evening the Finance Committee met at 6:30 PM in Council Chambers. We Had two items on the Agenda for this evening. Ordinance 24-2023 pertains to making adjustments to the 2023 appropriation budget. It was heard and added and the Auditor recommended we pass this Legislation This evening. The Committee approved that 3-0. The second item was the temporary budget for 2024. We basically reviewed all the projects so they would be in the temporary part of the budget. The rest of the temporary budget would be half of the normal budget would be. It will be brought up and presented at November 13th Council Meeting to see if we could get it passed before the end of the year so we don't have to have a special meeting. That also passed 3-0 in the Committee to go to the floor. The meeting adjourned at 7:14 PM.

PUBLIC WORKS AND ECONOMIC DEVELOPMENT COMMITTEE...MR. DAN LANZER....NO REPORT

SAFETY, HEALTH, AND SERVICE COMMITTEE.....MR. DEAN HOLLAND.....NO REPORT

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

SALARY COMMITTEE.....NO REPORT.....MRS. AIMEE MAY.....NO REPORT

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

SPECIAL AND CONTACT COMMITTEE.....MR. STEVE RIPPETH.....NO REPORT

VISITOR'S COMMENTSNONE

COUNCIL COMMENTS

Mrs. Ramos had the following comment:

I would like to give my time to Mary Marshall, RN. Nurse Manager at Eva Women's Clinic in New Philadelphia. The just opened up in January of this year and I'm excited to have her to tell about services we have in our community.

**Nurse Marshall showed Council a short video about where Eva Women's Clinic is located and the services they provide.*

Mrs. Ramos had the following question:

You can also make referrals or have a connection with parenting classes?

Nurse Marshall:

Yes, locally here through Bridges there are pregnancy and parenting classes offered. We also are in Canton and Akron if someone would want to go there. For clothes and supplies Birthright really does a good job of that here.

READING OF ORDINANCES AND RESOLUTIONS

ORDINANCES:

19-2023 AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO AMEND ORDINANCE 1141.05 WITH REGARDS TO THE DEFINITION OF RECREATIONAL VEHICLES TO INCLUDE ALL TRAILERS.
2nd Reading

21-2023 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NEW PHILADELPHIA, OHIO, TO ENTER INTO AN AGREEMENT WITH THE TUSCARAWAS COUNTY PUBLIC DEFENDER'S OFFICE FOR THE PROVISION OF LEGAL REPRESENTATION FOR INDIGENTS CHARGED WITH VIOLATIONS OF NEW PHILADELPHIA CITY ORDINANCES IN THE MUNICIPAL COURT WHERE SUCH OFFENSES CARRY A POSSIBLE LOSS OF LIBERTY, ESTABLISHING COMPENSATION AND TERMS THEREOF.
2nd Reading

23-2023 AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA TO ENACT SALARY RATE INCREASES FOR DESIGNATED NON-BARGAINING UNIT EMPLOYEES AND ELECTED OFFICIALS FOR 2024, 2025, AND 2026 IN ACCORDANCE WITH THE ATTACHED NONBARGAINING WORKSHEET AS LISTED THEREIN, AND SUBJECT TO THE TERMS AND CONDITIONS LISTED THEREIN.
3rd Reading

MRS. MAY MOTIONED FOR APPROVAL OF ORDINANCE 23-2023
MR. HOLLAND SECONDED THE MOTION

Mr. Ricklic had the following comment:

I want to be on record on this Ordinance. I've been out, missed the last three meetings. Ordinance 23-2023 is an Ordinance that is going to increase the budget by \$765,000 plus in the next 3 years. A seven percent increase is not heard of by today's standards. Those are considered promotions, and to do that in three consecutive years to me is insanity. That's a 21% increase, 21% in three years. There are no evaluations done on these employees, these are numbers that I'm not sure how it is done, and I'm on the Salary Committee. I was not part of any of the numbers. I want to make sure that this is all on record. It is our responsibility to our constituents to be wise how we spend their money. \$765,000 will do a lot of projects. Taking \$765,000 out of that budget, there's going to be some increases somewhere; water bills, sanitation bills, there has to be. The income tax can't support a \$750,000 increase over three years. I believe this will cripple the City. I believe this will leave a mess for the three new Councilmembers that are starting next year. They're going to have to clean it up and fix it, and do something with the Budget to make it fit. The Auditor told me the budget can sustain for one year. I was elected to represent these taxpayers. I have heard from them, by phone calls and stopping to see me personally. It's very hard for me to do this. This is the hardest Meeting I've ever had to come to in the City of New Philadelphia. I've lived here almost my entire life. I know one thing, in my heart is a Quaker and a City of New Philadelphia resident. I used to be the Water Superintendent. The last thing I ever wanted to do was shut somebody's water off. City Council should think about providing services rather than filling their pocket with \$765,000 plus in wages. I'm not against wages. I am against a 3 year, 21 percent increase on anybody. What I would rather see done is my colleagues tonight vote this down and spend more time with the Mayor to come up with whatever he wants to come up with to evaluate these individuals, to make the increases based on their performance at work. I want to end with asking my fellow Councilmembers to reconsider this, and come back with a more educational and financial increase in wage, which I believe can be done. I also believe the ramification from this is the unions knocking on the doors for the identical amount. Last, a very wise man who I used to work for would always tell me "Kelly, pigs get fat and hogs get slaughtered, so watch what you ask for".

Mr. Pace had the following comment:

Regarding Ordinance 23-2023 I firmly believe that many non-bargaining employees deserve a higher wage. Furthermore, I also believe that a 7% consecutive yearly raise across the board over the next 3 years isn't ideal. A compounding raise such as this is a tough ask from our constituents given the financial crush that the private sector is currently enduring. This Ordinance would be an additional \$550,000 in salary costs which is roughly half of the rescue truck we just approved in 2024. With the three new Councilmembers taking seats in 2024, I suggest that we amend the current ordinance for a one time 7% increase in 2024, and then exploring our options under the next Council. A year by year merit based approach I think is the most appropriate move for the Council. We must have certainty that we can occur the proposed increases in the 2025 and 2026 calendar years.

Mrs. Ramos had the following comment:

I would like to say that I agree with the comments made by Mr. Pace and Mr. Ricklic. I have said in an email also how I felt about this. Everybody has my statements in writing. This is a very large wage increase, and we do need to sit down and look at this, and the cost to the City. We need to use comparable cities. We did not take a tax base into consideration. I do not agree with this either.

Mr. Rippeth had the following comment:

I agree as I said in the committee meeting that we have to remain competitive with other cities to maintain the great employees we have. I find myself agreeing with Mr. Pace that I like the idea of a 1-year proposal to be reviewed by the three new members of Council who will be pretty much held to whatever we decide to do tonight. I would much rather they have an input into the budget moving forward that we would be strapped to. I think we need to do something to raise the salaries, they deserve it. I struggle with three years of commitment at this time.

Law Director Fete had the following comment:

As I had indicated before there is nothing tying anyone to any of these timeframes. This can be altered at any time.

Mrs. Ramos had the following comment:

I've worked around government agencies for a very long time. That is true, Mr. Fete, usually when something's passed it's never rescinded.

Mr. Pace:

Can we amend the current ordinance to just 2024?

Mr. Ricklic:

There's other things in that, not just 7%. I believe fair to everybody would be to vote yes or no tonight, and then you go through each one of those individuals how they've been set up, to get them to a rate that is acceptable in today's standards. I believe a competitive increase is deserving to each and every one of those non-bargaining people. I'm not saying they don't deserve

anything. I agree because they fell so far behind, that's why three, four years ago we had to do such a large increase, which I supported totally.

Mrs. Ramos:

There are some extra positions added in there too, which we need to look at.

3 YEAS, 4 NAYS
ORDINANCE 23-2023 IS NOT APPROVED

24-2023

AN ORDINANCE BY THE COUNCIL OF THE CITY
OF NEW PHILADELPHIA, OHIO, AMENDING AND
ADJUSTING THE PERMANENT APPROPRIATIONS
ORDINANCE FOR THE YEAR 2023
1st Reading

MR. RICKLIC MOTIONED FOR SUSPENSION OF RULES
ON ORDINANCE 24-2023
MRS. RAMOS SECONDED THE MOTION
7 YEAS
RULES HAVE BEEN SUSPENDED ON ORDINANCE 24-2023

MR. RICKLIC MOTIONED FOR APPROVAL OF ORDINANCE
24-2023
MRS. RAMOS SECONDED THE MOTION
7 YEAS
ORDINANCE 24-2023 HAS BEEN APPROVED

RESOLUTIONS: NONE

UNFINISHED OR OLD BUSINESS: NONE

NEW BUSINESS: NONE

With no other business to discuss Mrs. Ramos motioned to adjourn at 8:25 PM.

CLERK OF COUNCIL _____

Julie Courtright

APPROVED _____

PRESIDENT OF COUNCIL _____
Don Kemp