NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON MARCH 11, 2024 WITH PRESIDENT DON KEMP PRESIDING. COUNCILMAN RIPPETH OFFERED A PRAYER, AND ALL IN ATTENDANCE RECITED THE PLEDGE OF ALLEGIANCE.

COUNCIL MEMBERS IN ATTENDENCE

MR. KRIS KREINBIHL MR. DAN LANZER MR. MITCH PACE MRS. CHERYL RAMOS MR. STEVE RIPPETH MR. MIKE WALKER

EXCUSED ABSENSES: COUNCILMAN SIMMELINK AUDITOR GUNDY

MR. PACE MOTIONED FOR AN EXECUTIVE SESSION AT SAFETY
DIRECTOR POPHAM'S REQUEST FOR THE PURPOSE OF PERSONNEL
REASONS
MR. WALKER SECONDED THE MOTION
6 YEAS
AN EXECUTIVE SESSION WILL BE HELD DURING TONIGHT'S MEETING

- MR. LANZER MOTIONED TO ADD RESOLUTION 5-2024
 TO TONIGHT'S AGENDA
 MR. PACE SECONDED THE MOTION
 6 YEAS
 RESOLUTION 5-2024 HAS BEEN ADDED TO TONIGHT'S AGENDA
- MR. WALKER MOTIONED TO ADD ORDINANCE 7-2024, ORDINANCE 8-2024
 AND ORDINANCE 12-2024 TO TONIGHT'S AGENDA
 MR. PACE SECONDED THE MOTION
 6 YEAS
 ORDINANCE 7-2024, ORDINANCE 8-2024, AND ORDINANCE 12-2024 HAVE BEEN
 ADDED TO TONIGHT'S AGENDA
- MR. LANZER MOTIONED TO APPROVE TONIGHT'S AGENDA WITH THE ADDITIONS
 MR. RIPPETH SECONDED THE MOTION
 6 YEAS
 TONIGHT'S AGENDA HAS BEEN APPROVED
- ➤ MR. KREINBIHL MOTIONED TO APPROVE MINUTES FROM THE FEBRUARY 26, 2024 REGULAR SESSION OF COUNCIL MRS. RAMOS SECONDED THE MOTION 6 YEAS MINUTES FROM THE FEBRUARY 26, 2024 REGULAR SESSION OF COUNCIL HAVE BEEN APPROVED

<u>CORRESPONDENCE</u>......CLERK, JULIE COURTRIGHT

- To Council and Administration from Executive Administrative Assistant to the Mayor Jami Bailey, dated February 29, 2024. This is the Mayor's Office End of Month Report for February of 2024.
- 2. To Council and Administration from Law Director Fete, dated February 29, 2024. This is an email titled "City of New Philadelphia vs. Singh Sukhjinder
- 3. To Council and Administration from Income Tax Administrator for the City Carly Loos, dated March 1, 2024. This is the February Month End Report.

- 4. To Council and Administration from Heather Denham with the Auditor's Office, dated March 4, 2024. This is the Statement of Cash Position from Revenue and Expense and the Expense Report with Incumbrance Details for February 2024.
- 5. To Councilman Lanzer from President Kemp, dated March 8, 2024. This is an email titled "ODNR Recreational Trails and our Clean Ohio Trails Announcement with a sample resolution and a letter of support. Mr. Kemp asked Mr. Lanzer to take this issue into his Committee for consideration.
- 6. To Council Clerk from the Ohio Division of Liquor Control dated March 5, 2024. This is a Class B Liquor License Request from Sarai Petroleum LLC located at 1219 East High Ave. Responses must be postmarked no later than April 5, 2024. I emailed this request to President Kemp so he can place it in the proper Committee.
- 7. To Council and Administration from Court Administrator Judee Dzigiel, dated March 8, 2024. This is the New Philadelphia Municipal Court 2023 Annual Report.
- 8. To Council and Administration from Mayor Day, dated March 8, 2024. This is an email titled "Out of Office Sunday, March 10th Returning the Evening of March 13th". Mayor Day stated that he's attending the National Association of Development Organizations and the Development Association of Appalachia Washington Conference.
- 9. To Council Clerk from Treasurer Gerber, dated March 11, 2024. This is the City of New Philadelphia Investment and Savings Report.
- 10. To Council and Administration from Mayor Day, dated March 11, 2024. The Mayor's Report.

MAYOR'S REPORT/REQUESTSMAYOR JOEL B. DAY......EXCUSED ABSENSE Mayor Day had the following report:

Attending the Annual NADO & DDAA Washington Conference

As the president of the Ohio Mid-Eastern Government Association's Executive Board, I am in the nation's capital attending the annual National Association of Development Organizations and the Development District Association of Appalachia Washington Conference. It's an annual gathering of officials from economic development districts like OMEGA within the 13 state Appalachian Region. During the three-day conference, we will hear from Gale Manchin, the Federal Co-Chair of the Appalachian Regional Commission, and have break-out sessions that will focus on Federal funding and programs that impact Tuscarawas and the other 31 Appalachian counties in Ohio. There will also be opportunities for OMEGA to meet with Ohio's members of the U.S. House and Senate to push for more help in solving our issues at home, like the lack of affordable housing and workforce development.

The New Philadelphia Housing Plan

A program is being developed to use U.S. Department of Agriculture (USDA) direct loan funding to help first-time home buyers in New Philadelphia find affordable housing. Successful eligible low-income applicants could use the USDA loan to purchase an existing home in New Philadelphia or build a new home on a vacant lot in the City. The City is partnering with the Tuscarawas County Economic Development Corporation and the USDA in this effort, which is being spearheaded by former Tuscarawas County resident Matt Karam. He learned about the USDA direct loan program by attending a TCEDC-sponsored conference last year in Dover. Mr. Karam has a concern for young adults and families not being able to afford a home and saw the USDA program as a way to make that happen.



The plan is to encourage home ownership and utilize vacant lots within the City on which to build housing for successful applicants. This flyer will be posted on the City's website and social media to help get the word out. For more information and to apply, go to www.tuscedc.com/applyusda or call 330-401-3623.

Spring Cleaning? Old Tires? Call Zach at the City Health Department

If getting rid of some old tires is in your spring cleaning plans, call Zachary Phillips at the City Health Department at 330-364-4491 extension 1206. He will schedule a time when you can bring the tires to the City Garage for disposal. Zachary is the Health Department's Director of Environmental Health. The program is nearly a year old. So far, it's collected around 100 old tires each month. The Stark-Tuscarawas-Wayne Recycling District partnered with the Health Department to create the collection program.

The Tuscora Park Foundation's Annual Pancake Breakfast Fundraiser

If you would like to help purchase a new cotton candy machine for Tuscora Park, plan to attend the Tuscora Park Foundation's annual pancake breakfast on Saturday, March 16th. The Foundation's Board of Trustees will be serving pancakes and sausage from 8 to 11 a.m. in the Tuscora Park dining hall. Tickets are \$5.00 each and are available at the Mayor's office or at McInturf Realty's office on Tuscarawas Avenue NW. Tickets will also be sold at the door on Saturday. See you there!

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

Mr. McAbier had the following report:

The ODNR Grant for the Roswell Trail, they had to do a few things before we got the official letter. We did get the official letter so that funding will be available. The trail goes from Hillendale to Rt. 39. \$650,600 to start, that will be at least three phases. It will be around mid-2025 when we get started on that. It will be multi-surfaced, that will be a blacktopped trail. Also tomorrow we will open our CDBG Project Community Grant. That's a grant we get every two years for \$150,000. It goes for curbs and sidewalk improvements in eligible areas. That will be open tomorrow. We'll do College Ave. down 11th St. with that money. Our plan is to go from there to Maple Ave. as the years progress, from Tuscarawas Ave. down to 12th St. and College over to Maple Ave. There's five plan holders who picked up packets so we'll see what we get in on bids tomorrow. Also today, Supt. Fulton and I met with Benchmark down at the restrooms at the Al Maloney Midway. They're geared up to start Phase 2. Phase 1 is the interior, it is complete. The stone siding is going to go on. They've got a new steel roof, and that extension that we put on there. Also, I want to thank The Park Foundation because they had offered to pay for some concrete out front. All that will tie into the new concrete we bought for the Pickle Ball Courts, so they'll do that all at one time. They look to be done with that project in the next five weeks. Also, with the Mayor's Report, he had urged Council to pass Ordinance 9-2024 tonight. He wanted me to mention it also. Again, it's just to rezone. We don't have to sell anything tomorrow. We can have that conversation of what we want to sell a year from now if we want to.

Mr. Kreinbihl had the following question:

Do you have an update on the Stadium Bleachers?

Mr. McAbier:

I will have an update at the next Regular Session of Council meeting.

Mr. Kreinbihl:

They definitely were doing some work there today.

AUDITORMS. BETH GUNDYEXCUSED ABSENSE

SAFETY DIRECTORMR. GREG POPHAM

Mr. Popham had the following report:

One item this evening on Friday, March 1st Officer Dugan resigned and took a position in the Jackson Township Police Department.

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TREASURER MR. TOM GERBER NO REPORT

LAW DIRECTOR.....MR. MARVIN FETE

Mr. Fete had the following report:

For the last couple meetings I didn't have a report and that's because I've been very busy with the lawsuit I filed. It's involving the owner of the former Fuel Depot. What's at issue is Codified Ordinance 1167.07, specifically Section C: Special Regulations for Gas Stations. It states: The owner or occupant of any gas station which becomes vacant and remains vacant for a period of 90 days shall, at the discretion of the Fire Chief and the Safety Director either remove all storage tanks or fill the storage tanks with the appropriate substance. Notice to remove or fill such tanks shall be delivered by certified mail to the owner of the occupant of the premises, and such work shall be completed within 30 days of the notice. The former Fuel Depot has been closed officially since 2020. The current owner came into ownership of it in 2022. We have tried to work with him to comply with our Ordinance. We were told when he initially bought it, we informed him what we had sent the prior owners that it needed to be corrected. He assured us that it was going to be open within a couple of months, that was in 2022. Here we are in 2024 and nothing's been done. After that our Ordinance allows us to impose fines on him. These are civil fines not criminal. We have imposed Civil fines on him in the hope of getting him to move on this. I have an obligation to enforce our Ordinances. His fines are currently up to \$105,000. I checked the docket today and he was served with the paperwork on March 6th. What I filed is seeking a Declaratory Judgment. I am asking the court to acknowledge that he is in violation of our Codified Ordinance and impose the fines so I have a judgment entry that I can collect on. I regret that we had to take this step but I really didn't see any other course. I want to acknowledge the hard work that Captain Shultz has done for us. We're going to let it play out in court but that's what our position is. I think we'll be successful because the Ordinance is very clear.

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.......MAYOR JOEL DAY......EXCUSED ABSENSE
The Planning Commission meeting this month got rescheduled for next Tuesday, March 19th at
2:00 PM in Council Chambers. The meeting will be recorded and the recording will be
Available after that meeting.

BOARD OF ZONING APPEALS......MR. RON MCABIER
The Board of Zoning Appeals meeting for this month has been cancelled.

AIRPORT COMMISSIONMR. DAN LANZER The Airport Commission Meeting will be tomorrow at 6:00 PM at the Harry Clever Field Meeting Room.
PARK BOARDMR. MITCH PACE

Mr. Kreinbihl had the following comment:

Done.

Wood Electric is hoping to be down there on Thursday. We're hoping the ground dries up Enough to put the netting that needs to go up. Reidl Construction will be putting the handicap parking And walkway in. That should all be done by the end of April. We are going to pull the bleachers out And put concrete in for new bleachers. That will be done at the same time.

The Field 1 Project at Tuscora Park, the fence is complete. The Batting Cages that are also coming Down, they're working on that. Down at the Soccer Fields, Councilman Kreinbihl has his dug-outs

HEALTH BOARD MR. TOM SIMMELINK
The Health Board will be meeting on Wednesday at Noon at the Tuscora Park Pavilion.

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEEMR. STEVE RIPPETH

Mr. Rippeth had the following report:

The Finance Committee will be meeting on Thursday at 6:30 PM here in

Council Chambers.

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PUBLIC WORKS AND ECONOMIC DEVELOPMENT COMMITTEE...MR. DAN LANZER Mr. Lanzer had the following report:

The Public Works and Economic Development Committee met this evening at 6:45 PM. We had one item to discuss which was Proposed Resolution 5-2024, which is an ODNR grant

application which involves a trail down at the Waterworks and restrooms, etc. It was voted unanimously to put it on tonight's agenda. We're asking Council to suspend the rules and pass it upon 1st Reading.

SAFETY, HEALTH, AND SERVICE COMMITTEE.....MR. TOM SIMMELINK....EXCUSED ABSENSE

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

SALARY COMMITTEE......NO REPORT......MR. KRIS KREINBIHL....NO REPORT

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

Mr. Pace noted that the Cemetery Board will be meeting Thursday at 8:00am in Council Chambers.

SPECIAL AND CONTACT COMMITTEE.....MR. MIKE WALKER.....NO REPORT

Mr. Walker had the following report:

We met tonight at 6:58pm. We di

We met tonight at 6:58pm. We discussed numerous Ordinances moving to the Agenda: Ordinance 7-2024, Ordinance 8-2024, and Ordinance 12-2024. We also had a small discussion about DORA. We're working on setting up a public meeting once we all can agree on a day and time. We adjourned at 7:30pm.

VISITOR'S COMMENTS

Jill White with Martinelli Pools

Mrs. White spoke about the following issues concerning Ordinance 10-2024 Rezoning to Business from Residential.

- Requested that this be made public record that she would like to be notified about all City Council Meetings, Planning Commission Meetings and Hearings having to do with the following three parcels:
 - 1. Parcel No. 4300876000
 - 2. Parcel No. 4307136000
 - 3. Parcel No. 4307281000
- Requested to be given 3 to 5 day notice by email at <u>jwhitepools@gmail.com</u>.
- Requested to have it read into Public Record what the Erie Canal property was issued to be used for when it was given to the City in 1970 when we were sold the other 12 foot.
- Stated that in 1970 the City was told the Erie Canal Property could only be used for waterways and public use.

Tim Sidel of 128 Allen Lane SE

Mr. Sidel wanted to address the DORA situation. He stated the following:

- As a downtown business owner in the last several years through Covid, we've been making an effort to bring people to the downtown area.
- Seven new businesses were brought in during Covid.
- Would like to see the Police Department take a zero tolerance policy for public intoxication.

- Mr. Sidel came from Massillon where he saw residence resist a casino in town. Cleveland got a casino and now Massillon residence are spending their money at the Cleveland casino.
- Thinks we need to do everything we can to keep people from other areas coming into our area.
- As long as the DORA is regulated it will bring lots of money into the downtown.

Josh Davis of 1113 12th Street NW

Mr. Davis stated the following about DORA:

- Opposed to Dora. He has as much of a vote as business owners do.
- Would like to see a study that proves DORA doesn't bring in any extra crime.
- Moved to New Philadelphia because it's a family-oriented environment.
- As a parent doesn't want to take his kids to a place with alcohol being served.
- This would change the culture of the city.

COUNCIL COMMENTSNONE

READING OF ORDINANCES AND RESOLUTIONS

ORDINANCES:

AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW 5-2024

> PHILADELPHIA, OHIO TO AMEND ORDINANCE 159 BY REPEALING SECTIONS 159.02 SICK LEAVE; VISIT BY CITY NURSE AND 159.03

RESIDENCE REQUIREMENT.

2nd Reading

AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW 6-2024

PHILADELPHIA, OHIO, TO REPEAL CODIFIED ORDINANCE CHAPTER 778 CLOSING OUT FIRE SALES IN ENTIRETY.

2nd Reading

AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW 7-2024

PHILADELPHIA, OHIO TO AMEND CODIFIED ORDINANCE 145.02, TO UPDATE THE ORDINANCE WITH THE CURRENT

CITY DEPARTMENT NAMES.

1st Reading

AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW 8-2024

> PHILADELPHIA, OHIO TO AMEND THE CITY'S CODIFIED ORDINANCES FOR THE PURPOSES OF CHANGING THE

TITLE OF "BUILDING INSPECTOR" TO "CODE

ADMINISTRATOR" AND UPDATING THE DUTIES OF THE

SAME. 1st Reading

AN ORDINANCE BY THE COUNCIL OF OFTHE CITY OF NEW 9-2024

> PHILADELPHIA, OHIO TO PERMANENTLY REZONE THE FOLLOWING PARCELS IN THE CITY OF NEW PHILADELPHIA,

OHIO FROM RESIDENTIAL ZONE TO BUSINESS ZONE.

4th Reading

MRS. RAMOS MOTIONED FOR APPROVAL OF ORDINANCE

MR. KREINBIHL SECONDED THE MOTION

Mrs. White requested to comment before the vote. She stated the following:

- None of the issues that were brought up at the last meeting regarding parking, etc. were discussed.
- The records that she told Council about from 1970 were not brought into consideration.
- Wondered how the vote could take place without all of the information.

President Kemp:

We're just voting to rezone this, not sell it.

Mr. McAbier:

It's just a simple rezoning. I don't think there's anything that anyone will find on a simple rezoning that the City or this Council has done anything improperly.

- Mrs. White is asking that it be brought forward what the City decided in 1970.

The owner of South Phila Pizza had the following comment:

- -Asked what the big picture was behind buying this land.
- Stated that there is a 3rd generation of ownership for this business and they will move if this land is sold.
- -Concerned that the parking lot is too small for employees.
- Asked why the business owners couldn't buy that land.

Mr. Fete:

Anyone can buy that land if it goes to sale.

The owner of South Phila Pizza stated that he feels the City is rushing this along without all the answers.

Mr. Kreinbihl:

Whether it's residential or business, you guys will be conducting your business as you are now. I love South Phila Pizza by the way. When it goes to auction everybody will have an option to buy it. I've done real estate for 20 years. You guys can go together and buy a parcel and you can divide it up and get what you want. It's probably going to be sold. This has been land that has been used for free for years. The City is trying to correct this.

The owner of South Phila Pizza stated that the City is trying to bring in more small businesses with the DORA but this rezoning will run three businesses out.

Mr. Walker stated that whether the land is zoned as Business or Residential the City can sell it and auction it off.

Mrs. White wondered if there was a variance to the ordinance that was in place in 1970. Stated that she doesn't understand what the urgency is.

- Mrs. Martinelli stated that she wants to be notified anytime these three parcels are being brought up in conversation.
- Mrs. Martinelli suggested that Council change the Ordinance regarding announcing Public Hearings in The Times Reporter, due to a lack in subscriptions.

President Kemp noted that all meetings are announced on The City of New Philadelphia website.

Law Director Fete explained that the rule about The City being required to auction land is not a City Ordinance, it's in The Ohio Revised Code.

- City Administration and City Council explained to the audience how the City Agenda is posted and how meetings are scheduled and posted on the website.
- Mr. Davis asked why the City is rezoning tonight and suggested it was a monetary issue.

Jeffrey Cox of 303 Commercial Ave. SE had the following comment:

It is not a business it is a residential area I am at currently. The 50 foot frontage causes a problem for me if I happen to want the area behind my house. I just wanted that put on the record tonight.

- Mrs. White suggested a 4-foot easement be created in the 50-foot frontage.

Mrs. Kreinbihl made the following statement:

I promise all of you that we will look into this, and if there's anyway you guys can buy it, outside of what Marvin's saying, we will look into it. Please don't say we don't care about small businesses. There's no one in here that cares about small businesses more than me. That's what made my career. I will take this personal. I will look into it with you. I will be available by cell phone. This is a zoning issue. We are not selling them tonight.

Mr. Fete stated that whether a section of land was sold legally or illegally in 1970 is irrelevant as to whether the City wants to rezone a section that it owns. That's not going to undo any of this.

Mr. Pace stated that if the land goes to auction everyone has an option to buy the land.

Mr. McAbier made the following comment:

I don't know if we'll ever see anything from the pizza shop down sold. I doubt if we'll ever sell these parcels.

6 YEAS ORDINANCE 9-2024 HAS BEEN APPROVED

12-2024 AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO AMEND CHAPTER 901 OF THE CODIFIED ORDINANCES OF THE CITY OF NEW PHILADELPHIA FOR THE PURPOSES OF UPDATING THE SAME AND INCREASING PERMIT FEES FOR EXCAVATION AND CURB CUTTING. 1st Reading

RESOLUTIONS:

4-2024 A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO TO INCREASE HANGAR RENTS AT THE HARRY CLEVER FIELD AIRPORT PURSUANT TO THE ATTACHED KPHD HANGAR RENT PROPOSAL FOR 2024, BEGINNING MAY 1, 2024.

1st Reading

MR. LANZER MOTIONED FOR SUSPENSION OF RULES ON RESOLUTION 4-2024 MR. PACE SECONDED THE MOTION 6 YEAS RULES HAVE BEEN SUSPENDED ON RESOLUTION 4-2024

MR. LANZER MOTIONED FOR APPROVAL ON RESOLUTION 4-2024 MR. RIPPETH SECONDED THE MOTION 6 YEAS RESOLUTION 4-2024 HAS BEEN APPROVED

5-2024 A RESOLUTION BY THE COUNCIL OF THE
CITY OF NEW PHILADELPHIA, TUSCARAWAS
COUNTY, OHIO, AUTHORIZING AND DIRECTING
THE MAYOR TO SUBMIT A GRANT APPLICATION
WITH THE OHIO DEPARTMENT OF NATURAL
RESOURCES, THROUGH THE OHIO RECREATIONAL

TRAIL PROGRAM FOR ASSISTANCE FOR PUBLIC RECREATIONA PURPOSES, AND ONCE THE GRANT OFFER IS RECEIVED, FURTHER AUTHORIZING THE MAYOR TO EXECUTE THE GRANT CONTRACT AND ALL RELATED DOCUMENTS AND AUTHORIZING THE CITY OF NEW PHILADELPHIA TO ACCEPT ANY GRANT MONEY AWARDED TO THE CITY OF NEW PHILADELPHIA.

1st Reading

MR. LANZER MOTIONED FOR SUSPENSION OF RULES ON RESOLUTION 5-2024 MR. PACE SECONDED THE MOTION 6 YEAS RULES HAVE BEEN SUSPENDED ON RESOLUTION 5-2024

MR. LANZER MOTIONED FOR APPROVAL OF RESOLUTION 5-2024 MR. KREINBIHL SECONDED THE MOTION 5 YEAS, 1 NAY (MRS. RAMOS) RESOLUTION 5-2024 HAS BEEN APPROVED

At 8:50 PM Council Adjourned into a 5 Minute Recess before going into Executive Session. Council reconvened into Regular Session at 8:59 PM.

UNFINISHED OR OLD BUSINESS:

NEW BUSINESS:

Mrs. Ramos had the following comment:

I heard several times about the publication in the paper of the meeting notifications. It has to go into the publication that has the most circulation in the community. When I first came on Council the Bargain Hunter and Times Reporter were in here, and we had to vote on what publication we decided to use. I wonder if we can revisit what the larger circulation is in the community.

Mr. Popham had the following comment:

I know for a fact that for Civil Service notifications they have to be published a certain number of times in a local publication. That has been changed to electronic. Now as far as Civil Service goes we do not have to put it in the Bargain Hunter or the Times Reporter.

Mrs. Ramos:

Maybe we need to revisit our Ordinance into that issue.

Mr. Fete noted that we're already publishing it on the City's website which is available to everyone.

With no other business to discuss Mr. Lanzer motioned to adjourn at 9:02 PM.
CLERK OF COUNCIL

APPROVED		
PRESIDENT OF COUNCIL		
	Don Kemp	