

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON JULY 22, 2024 WITH PRESIDENT DON KEMP PRESIDING. COUNCILMAN WALKER OFFERED A PRAYER, AND ALL IN ATTENDANCE RECITED THE PLEDGE OF ALLEGIANCE.

COUNCIL MEMBERS IN ATTENDANCE

MR. KRIS KREINBIHL
MR. DAN LANZER
MRS. CHERYL RAMOS
MR. STEVE RIPPETH
MR. TOM SIMMELINK
MR. MICHAEL WALKER

EXCUSED ABSENSES: MR. MITCH PACE

- MR. LANZER MOTIONED TO ADD ORDINANCE 24-2024 TO TONIGHT’S AGENDA.
MR. RIPPETH SECONDED THE MOTION
6 YEAS
ORDINANCE 24-2024 HAS BEEN ADDED TO TONIGHT’S AGENDA

- MR. LANZER MOTIONED TO ADD ORDINANCE 21-2024 TO TONIGHT’S AGENDA
MR. RIPPETH SECONDED THE MOTION
5 YEAS, 1 NAY (MRS. RAMOS)
ORDINANCE 21-2024 HAS BEEN ADDED TO TONIGHT’S AGENDA

- MR. WALKER MOTIONED TO APPROVE TONIGHT’S AGENDA
MR. SIMMELINK SECONDED THE MOTION
6 YEAS
TONIGHT’S AGENDA HAS BEEN APPROVED

- MR. KREINBIHL MOTIONED TO APPROVE THE MINUTES FROM THE REGULAR SESSION OF COUNCIL ON JULY 8, 2024
MRS. RAMOS SECONDED THE MOTION
6 YEAS
MINUTES FROM THE JULY 8, 2024 REGULAR COUNCIL MEETING HAVE BEEN APPROVED

CORRESPONDENCE CLERK, JULIE COURTRIGHT

1. *To Councilman Lanzer from President Kemp, dated July 16, 2024. This is an email titled “2024 Replacement Pages” with a sample ordinance as an attachment. President Kemp asked Mr. Lanzer to take the issue into his Committee.*
2. *To Council and Administration from Nick Lautenheizer, dated July 16, 2024. This is an email titled “Support for Curbside Recycling”*
3. *To Council and Administration from Mayor Day, dated July 17, 2024. This is an email titled “Designated Outdoor Refreshment Area (DORA) Application”.*
4. *To Council and Administration from Mayor Day, dated July 22, 2024. This is an email titled “Public Notice of DORA Meeting”.*
5. *To Council and Administration from Mayor Day, dated July 22, 2024. This is an email titled “Materials for Tonight”*
6. *To Council and Administration from Mayor Day, dated July 22, 2024. The Mayor’s Report.*

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

Coyote Management Tips from the U.S. Humane Society

Word of the coyote problems in the City reached Mark Finneran, the Director of the U.S. Humane Society in Ohio. Last week he sent me a link to the Humane Society's coyote management guide, which you can download here: https://www.humanesociety.org/sites/default/files/docs/HSUS-Coyote-Mgt-Plan_2020.pdf. It contains very useful information on how not to attract coyotes and how to safeguard your pets from becoming a food source. The City will also utilize the management plan to address coyote issues in the future. As the guide recommends, please do not put out feed for deer.

DORA Application Sent to City Council

Last Wednesday (July 17), I sent an application to City Council to create a Designated Outdoor Refreshment Area in the downtown area. The application and my letter of introduction can be viewed here: <http://www.newphilaoh.com/Public-Hearing--Notices>. I'm requesting that, to start, the DORA only be used for special events downtown, taking into consideration the concerns that some residents have raised. Let's try it, then decide whether to end it or set regular hours for its use. The eight liquor permit holders in the proposed DORA area and City law enforcement bear the responsibility of making it work to the satisfaction of the community. I'm confident they will. I have visited DORA areas in other cities to see how they function. Here are links to their DORA websites:

<https://www.mariettamainstreet.org/dora>

<https://www.mainstreetwooster.org/dora>

<https://www.louisvilleohchamber.org/dorainformation>

As the Mayor of Coshocton told me, a DORA has proven to be a great economic benefit to downtown businesses. Council President Kemp will be scheduling a public meeting of City Council to hear comments about the DORA application. You can view a copy of the application at the Mayor's office or request a PDF copy by emailing jbailey@newphilaoh.com. You can send written comments to: Clerk of Council, John Knisely Municipal Centre, 150 East High Avenue, New Philadelphia, Ohio 44663. Or email comments to clerk@npohcc.com.

Public Meeting on City Zoning Code Revisions

If you would like to learn about the revisions that will be made to the City's zoning code, plan to attend a public meeting at 6:30pm on Wednesday, August 7, 2024, in the City Council chamber. Wendy Moeller of Compass Point Planning will present her completed revisions of the zoning code and answer any questions you may have. The City Planning Commission will then consider the comments when it meets on August 13th to decide whether to recommend adoption of the new code to City Council.

Friday Is a Good Day for a Downtown Business Walk

This coming Friday morning, Service Director McAbier and I will be joined by representatives of the Chamber of Commerce and the County Economic Development and Finance Alliance (port authority) to take a walk downtown to visit our local merchants. Last year's visitation yielded some great recommendations for improvement from the business owners and operators. So, we've decided to make the downtown walk an annual event. It gives all of us a better perspective of the daily challenges faced by the businesses. It also gives the Mayor and Service Director recommendations on how we can do a better job of serving the downtown business community.

What's Happening at Battle Motors

Several people have asked me what's going on at Battle Motors. Excavators have been moving dirt in areas around the plant on Reiser Avenue SE. The company is expanding its parking lot, clearing land to build another 500,000 square foot addition, and constructing a test track for the vehicles it manufactures. Battle Motors has been a blessing to New Philadelphia for its support of our community and the manufacturing jobs it has created and will continue to create.

Letters of Commendation

Now I would like to call Officer Kyle Kelley and Firefighter Justin Heavelyn to the podium to present them with Letters of Commendation for the life-saving actions they recently took to help members of our community.

****Both Officer Kelley and Firefighter Heavelyn were in attendance with their families and were awarded the Letters of Commendation by the Mayor.***

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

Mr. McAbier had the following report:

The 2024 paving has been completed. The only street on the list that we were not able to do was Oak Street. Also, we had a main watermain break on 3rd Street in the 200 block between St. Clair and Front. We had to replace a 10-foot piece. They're continuing to work on it tonight and it should be done within the next few hours. They've been working since noon today. Also, the Franklin Square Phase 2 project, Woodford is mobilizing. You can see some of the equipment down on the Puritan property. They're going to start digging next week so try to avoid that area. They're going to start on 4th Street between Front and West High. Also, the Pickle Ball Courts and Tennis Courts are now back up. On Thursday we have the first pre-construction meeting for the Kent State Connector Trail. I'll know more at the next council meeting and be able to report on a possible start date for that.

Mr. Walker had the following question:

Is the stadium project on schedule?

Mr. McAbier:

It seems to be a little ahead of schedule, before the next Council Meeting I'll talk with Jeff Haney and Diversified and get their input.

AUDITORMRS. HEATHER DENHAM

Mrs. Denham had the following report:

Today we received a check for the new Streetsweeper, so we'll move forward on getting that. Also, Danielle, my replacement for my former job started today, so we'll be able to get things caught up.

SAFETY DIRECTORMR. GREG POPHAM.....NO REPORT

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

LAW DIRECTOR.....MR. MARVIN FETE

Mr. Fete had the following comment:

I would like to request an Executive Session for matters that are required to be kept confidential.

MR. WALKER MOTIONED FOR AN EXECUTIVE SESSION AT THE
LAW DIRECTOR'S REQUEST
MR. SIMMELINK SECONDED THE MOTION
6 YEAS
COUNCIL WILL GO INTO EXECUTIVE SESSION TONIGHT AFTER
THE LEGISLATIVE AGENDA

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR JOEL DAY
The Planning Commission will be meeting on August 13th. As I indicated in my Mayor's Report
They'll be considering the recommendation of the new Zoning Code and Zoning Map to City Council.

BOARD OF ZONING APPEALS.....MR. RON MCABIER
The Board of Zoning Appeals will meet here in Council Chambers on August 13th at 5:00 PM. I'd
Like to give an update on the water leak since I first reported it I heard the water is back on.

AIRPORT COMMISSION.....MR. DAN LANZER.....NO REPORT

PARK BOARD.....MR. MITCH PACE.....EXCUSED ABSENSE

CEMETERY BOARD.....MR. MITCH PACE.....EXCUSED ABSENSE

HEALTH BOARD MR. TOM SIMMELINK.....NO REPORT

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEEMR. STEVE RIPPETH.....NO REPORT

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 7:15. We had two items to discuss. One was Proposed Ordinance 24-2024. The Committee voted 3-0 to add that to tonight's Agenda. The other item was Proposed Ordinance 21-2024. The Committee voted 2-1 to add that to tonight's Agenda.

SAFETY, HEALTH, AND SERVICE COMMITTEE.....MR. TOM SIMMELINK.....NO REPORT

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.....EXCUSED ABSENCE

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

VISITOR'S COMMENTS

Ryan Barnaby of 724 Oak St. NW New Phila had the following comment:

I wanted to speak about the proposed sanitation rate increase. I am against the increase. \$3.00 a month might not seem like much dollar-wise, but as a percentage from the current rate to the increase it would be a 20%. I think Council can be more creative with finding some alternatives maybe to make some cuts, whether that be the recycling program or going into a tier grade as Mrs. Ramos suggested.

Council Comments

Mrs. Ramos had the following comment:

For most of my professional career, I have worked in our community as a case manager/ counselor/ advocate for individuals with substance abuse, severe mental illness developmental disabilities and other individuals. Given my background and training, I am deeply concerned about creating a DORA (Designated Outdoor Refreshment Area (open carry alcohol in a designated cup) for several reasons:

- 1) It would change our community culture & values & community norms about open carry alcohol especially in front of minors and those in recovery and those who struggle with alcohol. Remember children and youth “catch” more than what is taught. Increasing accessibility increases use.
- 2) The message relayed to our youth and others would be: one cannot enjoy art, events, shopping without an open carry alcoholic drink in their hand. In fact, at recent Council Meetings, local business owners, most of whom are liquor sales permitted establishments, stated the reasons for having open carry alcohol (in a special cup) is to “to enhance shopping, increase tourism, enhance quality of life, make the City more liveable, increase the festive atmosphere, increase revenue for downtown business, help the City grow.” Those are direct quotes.
- 3) A DORA may negatively affect those who are in recovery and those struggling with alcohol – remember the message that open carry alcohol is needed to enjoy events changing the culture, values

and community norms. I personally do not want to see any stumbling blocks put in the way of an individual's recovery.

We all want to be able to enjoy the downtown events and want them to be held in a safe and nurturing environment. A DORA would remove controls that parents have in exposing their children to alcohol by allowing it in the public space. The alternative is for those families not to enjoy the downtown events during the DORA. One speaker suggested having alcohol permitted events separate from family oriented events or split the times of the event for open carry alcohol. For example 10-6 is family time, 6-10 is DORA time. That way all can enjoy the special event freely.

I want to thank the various residents of the City who have bravely come to Council to shared their own recovery stories, their concerns and their opposition to a DORA (open carry alcohol in a special cup). I thank you. In addition to the brave souls who have come to Council to share, phone calls and comments to me, there is also a petition of 405 signatures against a DORA (and yes, people know what one is). The signatures on the petition are people who live here in the City, live in the County or tourists in our City, who have also come to shop and spend money in downtown New Philadelphia. Signees also include 5 downtown business owners and some area pastors.

Just like the people who live here, spend money here why would there be a desire to discount them and replace their dollars with the dollars of "more tourists."

Currently, there are not many downtown retailers open after 5:00 pm in the downtown area...I wonder who the "enthusiastic" retailers are that support the DORA mentioned in the Mayor's application. I know of at least five who do not.

For the past several months we have heard comment from the public and the liquor permit holder establishments regarding the DORA (Designated Outdoor Refreshment Area – the refreshment is open-carry alcohol in the special cup). This initiative has been heavily pushed by certain downtown business people and the NPact Organization. Although, I am sure that the same business people do a cost-benefit analysis and have data to base decisions on, none of this has been provided to City Council. Only antidotal stories about how great open-carry alcohol would be for our community: increase tourism, enhance quality of life, enhance shopping experience, make the City more liveable, increase the festive atmosphere, increase revenue for downtown business, help the City grow. No data, no cost-analysis benefits provided. Nothing. My own research provided no data, again, just "it's great." A local businessman said a DORA would cost the city taxpayers nothing. Now, we see this is not true and it will cost the City the price of signage and placement, extra sanitation, extra safety forces (they should be there), consultant costs in writing the application for the DORA, and the list goes on.

Alternative suggestion would be to issue permits for alcohol based events rather than establish a DORA. A Beer Garden as included in the downtown re-design would be acceptable and the liquor sale permitted businesses can use that venue. Importantly, parents could control alcohol exposure to their children and still enjoy the community event.

All businesses strive to increase the bottom line BUT Let us strive not to put profit over people, but put the great residents of our City and our County above profit.

READING OF ORDINANCES AND RESOLUTIONS

ORDINANCES:

21-2024 AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO, TO INCREASE ALL SANITATION ACCOUNTS BY THREE DOLLARS (\$3.00) PER MONTH, SANITATION ACCOUNT BILLS MAILED IN THE MONTH OF NOVEMBER 2024 SHALL REFLECT THE RATE INCREASE

1st Reading

24-2024 AN ORDINANCE TO APPROVE, ADOPT, AND ENACT THE
CURRENT REPLACEMENT PAGES TO THE CODIFIED
ORDINANCES AND DECLARING AN EMERGENCY
1st Reading

RESOLUTIONS: NONE

Council adjourned into a 2 minute recess at 8:00pm before going into an Executive Session which started at 8:02pm. Council reconvened into Regular Session at 8:13pm.

UNFINISHED OR OLD BUSINESS: NONE

NEW BUSINESS: NONE

With no other business to discuss Mrs. Ramos motioned to adjourn at 8:15 PM.

CLERK OF COUNCIL _____
Julie Courtright

APPROVED _____

PRESIDENT OF COUNCIL _____
Don Kemp