

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON APRIL 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
MR. MITCH PACE
MRS. CHERYL RAMOS
MR. STEVE RIPPETH
MR. TOM SIMMELINK
MR. MIKE WALKER

EXCUSED ABSENCES: NONE

- MRS. RAMOS MOTIONED TO ADD ORDINANCE 16-2024 TO TONIGHT’S AGENDA FOR 1st Reading
MR. KREINBIHL SECONDED THE MOTION
- MR. RIPPETH MOTIONED TO ADD ORDINANCE 15-2024 TO TONIGHT’S AGENDA FOR 1st Reading
MR. LANZER SECONDED THE MOTION
- MR. RIPPETH MOTIONED TO ADD ORDINANCE 17-2024 TO TONIGHT’S AGENDA FOR 1st Reading
MR. KREIHBIHL SECONDED THE MOTION
- MRS. RAMOS MOTIONED TO APPROVE TONIGHT’S AGENDA WITH THE ADDITIONS
MR. SIMMELINK SECONDED THE MOTION
7 YEAS
TONIGHT’S AGENDA HAS BEEN APPROVED
- MR. SIMMELINK MOTIONED TO APPROVE THE MINUTES FROM THE REGULAR SESSION OF COUNCIL ON APRIL 8, 2024
MR. RIPPETH SECONDED THE MOTION
6 YEAS, 1 ABSTAINED (MRS. RAMOS)
MINUTES FROM THE APRIL 8, 2024 COUNCIL MEETING HAVE BEEN APPROVED

CORRESPONDENCE CLERK, JULIE COURTRIGHT

1. *To President Kemp from Law Director Fete, dated April 19, 2024. This is an email titled “Please assign to the Finance Committee” regarding Ordinance 17-2024. President Kemp asked Mr. Rippeth to take this matter into his committee.*
2. *To President Kemp from Law Director Fete, dated April 19, 2024. This is an email titled “Please Assign to the Zoning and Annexation Committee” regarding Ordinance 16-2024. President Kemp asked Mrs. Ramos to take this issue into her committee.*
3. *To Council and Administration from Mayor Day, dated April 22, 2024. The Mayor’s Report.*

MAYOR’S REPORT/REQUESTSMAYOR JOEL B. DAY

Mayor Day had the following report:

Rod Miller's Retirement

After a 52-year career with the City, Rod Miller is retiring on Sunday, April 28th. But his positive influence on this City as the Superintendent of Parks and Recreation will continue far into the future. The improvements that have been made in the City's parks system over the span of his career were the result of Rod's support and encouragement. There is no doubt: He loves this town and its people.

We are having a retirement party for Rod on Friday (April 26) from 11am to 1pm at the Tuscora Park pavilion. Please attend if you can. I know Rod doesn't want a lot of fanfare about his retirement, but he deserves it. To commit your entire adult life to serving the citizens of New Philadelphia as the steward of Tuscora Park and the City's parks system is worthy of our praise and gratitude.

Annual Arbor Day Tree Planting Ceremony

Also this Friday (April 26), the City will hold its annual Arbor Day tree planting ceremony at the Southside Community Park. One new tree will be planted along the Oldtown Valley Road entrance road. The dirt will fly at 10am. Tomorrow, Service Director McAbier and General Services Superintendent Grewell will travel to Canton to receive an award for the City being designated as a Tree City USA community for the 37th consecutive year.

It Will Be a Busy Weekend at Tuscora Park

The new season at Tuscora Park officially opens on Saturday (April 27th) with the second annual Rainbow Trout Fishing Derby, the annual County Classic Middle School track meet at Woody Hayes Quaker Stadium, and the first day of the two-day annual Soap Box Derby races on the Wabash Avenue hill. Also, the Quakers varsity baseball team has a game scheduled at Field #1.

The Algae at the Tuscora Park Pond Will Become Fish Food

Last week the City Parks and Recreation Board approved adding tilapia to the assortment of fish in the Tuscora Park pond. Tilapia are algae eaters and should remove the nutrients that encourage algae growth. Lake management specialist Alec Hillyer recommended the use of tilapia to control algae blooms. The downside is that the fish can't survive in water temperatures below 55 degrees, so they will have to be fished out of the pond by October. That will give Councilman Mitch Pace another opportunity to plan a third fishing derby at the park this year. The second annual Rainbow Trout Fishing Derby is this Saturday at Tuscora Park. Another derby, featuring a different species of trout, is planned for this fall.

Geib Family Foundation's Donation

I would like to publicly thank the Geib Family Foundation for its donation of \$10,000 to offset expenses related to the acquisition and installation of a new children's Ferris wheel on the Tuscora Park midway. Rich Geib's leadership of RTY, Inc. has resulted in untold private financial support for the repair and maintenance of the existing children's rides at the park, and for the acquisition of new rides. By the way, the delivery of a new train is expected by mid-to-late June. RTY traded the old train to an amusement ride operator for three additional children's rides that will be installed along the midway sometime in the future.

Why You Should be Yodeling Every Day

My Executive Assistant Jami Bailey has been working to develop a community calendar where everyone can go to find out what's happening in New Philadelphia. As a result of her effort, the City has partnered with a company called Yodel. Mr. President, I would like to give the remainder of my time to Jami to allow her to introduce Council to Yodel and show you how easy it is to use.

Mrs. Bailey gave a presentation on Yodel to Council and Administration.

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

Mr. McAbier had the following report:

The relocation for the taxiway was supposed to start last Monday. Due to the contractor's scheduling, it was moved to today. I went down there today. They were working on

getting the lighting started. It will be about 90 days from today that this project is finished, so that will be about in early July. It did start today and that's a week later than scheduled. Also, flushing has ended. It went good for the most part. We had a main line break on the last night of working. It's a typical spot on 21 A, which is 21st Street. That was almost at Route 250. Last year we had to bore a line at 250 so that is in the radar for replacement now for sure. It's been multiple times in the past 32 years. Other than that, we've had some dirty water calls. Some hydrants, maybe two open at a time. We've had some new guys, they'll get better as they go.

AUDITORMS. BETH GUNDY.....NO REPORT

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

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

LAW DIRECTOR.....MR. MARVIN FETE

Mr. Fete had the following report:

First, I want to acknowledge that Mr. Denny Henke is in the house tonight. He is a former Council President in New Philadelphia. If you grew up in the 80s and 90s in New Philadelphia, we didn't have cellphones and we didn't get robo-calls that school was cancelled. The only way you knew that you didn't have school is if you turned to Denny Henke on Cable TV 2 in the morning to find out if school was cancelled. He was a joy to watch, very entertaining and funny.

I know you've heard a lot recently about the canal land, and I've been working on that subject and researching it. This subject of a governor's deed, and the governor's deed does in fact have restrictions in it, with the land being used for public utility and recreation. I'm in the process of getting those restrictions lifted, so that the City will be able to sell that land and do whatever they want with it without having the restrictions on it. I've spoken to two people with the state including Damien Sikora, the Chief Legal Council and the Ohio Department of Public Resources. In addition to that I'll be meeting with Wendy Moehler. She has some legal issues that she wants me to review with regards to our upcoming plans for rezoning laws. We'll be meeting on Thursday at 1:00 pm. I'm also rising to ask that Council pass Ordinance 16-2024. Even though marijuana is legalized it might not be something you see in your downtown community. I personally don't want to see it in my downtown community. I know the Mayor doesn't want to see it in the downtown. I think it's best to err on the side of caution to restrict that. Another reason I raise to restrict it is that it's going to be located near the homeless shelter. Many of the people there are struggling to overcome drug and alcohol addiction. To have something in close proximity to people who are trying to work on that sends a terrible message. It's not something we want in our community.

In addition to that I want to bring up an issue that I've been following. The Supreme Court today heard oral arguments on whether or not a community could criminalize homeless activity. The way this came up in our community is we had a homeless person living in our dugouts where our baseball fields are. I was asked to research and find out if we could criminalize this. It was much tougher than I thought it was going to be. There is a court of appeals case that says you can't restrict that. A lot of courts were erring on the side of allowing homeless people to camp in public. The people who brought the case out of Oregon are actually trying to make it easier to take people off the streets and into shelters. The way we dealt with it here is our park system is open from dusk til dawn. The dugouts are a part of our park system, so there shouldn't be anybody sleeping overnight in our park system. That has been a problem with encampments and litter and things of that nature. It

does make efforts to get people into shelters and back on their feet more difficult. This is a landmark case within the Supreme Court as to whether or not a city can criminalize that type of thing within their community. I'm anxious to see what the supreme court does on that. They won't have a decision until June when their term ends.

Mr. Walker had the following question for Mr. Fete:
Have we had any movement on the Fuel Depot.

Mr. Fete:
I filed my court case. There seems to be a tremendous effort to try and open. I met with the gentleman who was trying to open it personally. He told me he planned to open in April. I don't think he'll make that deadline, but he brought in brand new tanks, he took the old tanks out. Our best case scenario is to open a thriving gas station there with people working. I have no desire to punish people when they're looking to invest and open commercial property.

Mr. McAbier had the following comment:
We haven't received anything on the tank replacement. They put in some new pumps, so they're running the above ground stuff off of those old tanks. We did get a call on Friday that they're going to change it to a BP, but to my knowledge it is the old tanks.

Mr. Walker asked the following question:
Who will determine the move ahead for them if they do finally take the tanks out?

Mr. Popham said that the State will determine that.

BOARD/COMMISSION REPORTS:

PLANNING COMMISSION.....MAYOR JOEL DAY
The Planning Commission will be meeting the 2ne Tuesday of next month, May 14th. We'll have the new Zoning map and new zoning regulations in hand. The meeting will be at 1:00 PM in Council Chambers.

BOARD OF ZONING APPEALS.....MR. RON MCABIER
The Board of Zoning Appeals met on April 9th at 5:00 PM in Council Chambers. Present that night Were three members. The way the ordinance reads is you have to have an affirmative 3 to either vote It in or divide the variance. Unfortunately, on 1st Reading it was voted 2-1. The first was 112 Fair Ave. NE which is a business called The Delaware, which is a new restaurant/ piano bar. This is a Variance request 1165.06B9. We met back on April 16th after having four people there. It was Voted to approve that variance request as given. Also, the same thing happened with the address Of 1104 Thomas Drive which was against ordinance 1161.1AE. Our ordinance reads that you Need a 6 foot fence, he needed 8 foot to try to block some unsightly things. On April 9th there was A 2-1 vote, on the 16th it was approved 3-1.

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

PARK BOARD.....MR. MITCH PACE
The long-awaited trout derby is this Saturday. The weather is going to be 74 degrees and cloudy. It's going to be a great event.

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

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

STANDING COMMITTEE REPORTS:

FINANCE COMMITTEEMR. STEVE RIPPETH

Mr. Rippeth had the following report:

The Finance Committee met tonight in Council Chambers at 7:00 o'clock. All of our members were present. We took before our Committee Ordinance 15-2024 and Ordinance 17-2024. We have recommended both of those to be on the Agenda tonight, and one to be passed as an emergency if we can. We adjourned at 7:22.

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

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

ZONING AND ANNEXATION COMMITTEE.....MRS. CHERYL RAMOS

Mrs. Ramos had the following report:

The Committee met tonight at 6:30 PM to discuss Ordinance 16-2024. We heard from members of the Administration including the Law Director about the need to pass this Ordinance. The Committee voted unanimously to put that on the Agenda tonight.

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

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

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

VISITOR’S COMMENTS

Karl Russo of 324 West High Ave. had the following comment:

I do have a question. It was mentioned about the homeless situation. One Councilman asked about squatting. I would like to know, and I think maybe it would be wise if Council would put out what the Ohio law is when it comes to squatters in someone’s home.

Mr. Fete had the following comment:

I can look up (the Ohio laws pertaining to squatters).

Mrs. Ramos had the following comment:

I had a question about squatting on private property. Where do we stand if we go away for a vacation and we don’t have family members to watch our homes?

COUNCIL COMMENTS

Mr. Lanzer had the following comment:

Meeting notices are supposed to be 72 hours notice. We’re getting notices 48 hours before the meeting.

READING OF ORDINANCES AND RESOLUTIONS

ORDINANCES:

15-2024 AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO, AMENDING AND ADJUSTING THE PERMANENT APPROPRIATIONS ORDINANCE FOR THE YEAR 2024.

1st Reading

MR. RIPPETH MOTIONED FOR SUSPENSION OF RULES ON ORDINANCE 15-2024

MR. LANZER SECONDED THE MOTION

7 YEAS

RULES ARE SUSPENDED ON ORDINANCE 15-2024

MR. RIPPETH MOTIONED FOR APPROVAL OF ORDINANCE 15-2024

MR. LANZER SECONDED THE MOTION

7 YEAS

ORDINANCE 15-2024 HAS BEEN APPROVED

16-2024 AN ORDINANCE AMENDING SECTION 513 OF THE CODIFIED ORDINANCES OF THE CITY OF NEW PHILADELPHIA TO ADD A NEW SECTION 513.18 TITLED “ADULT USE CANNABIS OPERATORS.

1st Reading

MRS. RAMOS MOTIONED FOR SUSPENSION OF RULES ON ORDINANCE 16-2024

MR. SIMMELINK SECONDED THE MOTION

Mr. Lanzer had the following comment:

I'm going to vote "no" because we didn't get notice of this meeting until Saturday.

6 YEAS, 1 NAY (MR. LANZER)
RULES HAVE BEEN SUSPENDED ON ORDINANCE 16-2024

MRS. RAMOS MOTIONED FOR APPROVAL OF ORDINANCE 16-2024

MR. SIMMELINK SECONDED THE MOTION
6 YEAS 1 NAY (MR. LANZER)
ORDINANCE 16-2024 HAS BEEN APPROVED

17-2024 AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN PROPERTY OWNED BY THE CITY OF NEW PHILADELPHIA NOT REQUIRED FOR PUBLIC PURPOSES, PURSUANT TO OHIO REVISED CODE SECTION 721.15- DISPOSITION OF PROPERTY UNNEEDED, OBSOLETE OR UNFIT FOR MUNICIPAL PURPOSES.
1st Reading

RESOLUTIONS: NONE

UNFINISHED OR OLD BUSINESS:

Mr. Fete had the following comment:

I've got your squatter's rights answer. "Squatters rights are in place in the State of Ohio in what is called adverse possession. You have to squat for 21 years before you can claim interest in the property."

NEW BUSINESS: NONE

With no other business to discuss Mr. Lanzer motioned to adjourn at 8:13 PM.

CLERK OF COUNCIL _____
Julie Courtright

APPROVED _____

PRESIDENT OF COUNCIL

Don Kemp