

NEW PHILADELPHIA CITY COUNCIL MET IN REGULAR SESSION IN COUNCIL CHAMBERS ON SEPTEMBER 25, 2023 WITH PRESIDENT KEMP PRESIDING. COUNCILMAN RIPPETH 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. STEVE RIPPETH

EXCUSED ABSENCES: MR. KELLY RICKLIC

- MR. LANZER MOTIONED TO ADD RESOLUTION 14-2023, RESOLUTION 17-2023, RESOLUTION 18-2023, AND ORDINANCE 20-2023 TO TONIGHT’S AGENDA  
MR. RIPPETH SECONDED THE MOTION  
6 YEAS  
RESOLUTION 14-2023, RESOLUTION 17-2023, RESOLUTION 18-2023, AND ORDINANCE 20-2023 HAVE BEEN ADDED TO TONIGHT’S AGENDA
  
- MRS. MAY MOTIONED TO APPROVE TONIGHT’S AGENDA WITH THE ADDITIONS  
MR. RIPPETH SECONDED THE MOTION  
6 YEAS  
TONIGHT’S AGENDA HAS BEEN APPROVED
  
- MR. HOLLAND MOTIONED TO APPROVE MINUTES FROM THE SEPTEMBER 11, 2023 REGULAR SESSION OF COUNCIL  
MR. PACE SECONDED THE MOTION  
5 YEAS, 1 ABSTAINED (MR. RIPPETH)  
MINUTES FROM THE SEPTEMBER 11, 2023 REGULAR SESSION OF COUNCIL HAVE BEEN APPROVED

**CORRESPONDENCE** . . . . . CLERK, JULIE COURTRIGHT

1. *To Council and Administration from Law Director Fete, dated September 22, 2023. This is an email titled “Resolution 14-2023”.*
2. *To President Kemp from Law Director Fete, dated September 22, 2023. This is an email titled “Please assign to the Special and Contact Committee” with Resolution 17-2023 and Ordinance 21-2023 as the attachments. President Kemp asked Mr. Rippeth to take these issues into his Committee.*
3. *To President Kemp from Law Director Fete, dated September 23, 2023. This is an email titled “Please assign this Natureworks Application to the Proper Council Committee”.*
4. *To President Kemp from Law Director Fete, dated September 23, 2023. This is an email titled “Please assign to the Public Works Committee” with Ordinance 20-2023 and Resolution 18-2023 as the attachments.*

*President Kemp assigned this legislation to Mr. Lanzer's Committee.*

5. *To Councilmembers from Councilwoman Ramos, dated September 25, 2023. This is an email titled "Resolution 15-2023".*
6. *To Council and Administration from Mayor Day, dated September 25, 2023. The Mayor's Report.*

## MAYOR'S REPORT/REQUESTS ....MAYOR JOEL B. DAY

Mayor Day had the following report:

### ***Ohio EPA Wants Further Testing for PCE on Bank Lane SW***

During the City administration's virtual meeting with the Ohio EPA on September 15th, OEPA officials said that they wanted to expand the testing area on Bank Lane SW to determine if PCE (tetrachloroethane) was present on the north side of the roadway. PCE is a common cloth dry cleaning fluid that entered the soil by water on the south side of the roadway during the Puritan Laundry fire in 1985. The City Health Department will be utilized if the OEPA determines that it would be necessary to do periodic testing inside of homes in the area. During the meeting, the OEPA officials also said that the phase one environmental study on parcels east of Mill Avenue SE determined that limited remediation is necessary. That clears the way for the donation of that land to the City.

### ***Progress on the I-77/US 250 Interchange Redesign Study***

Engineers from Burgess and Niple of Columbus have a traffic study underway that will help determine the best way to redesign the Interstate 77/US 250 interchange in New Philadelphia. The engineers presented their preliminary findings last Thursday to the Tuscarawas County Economic Development Corporation's (TCEDC) board of directors. The area they are studying is from the Stonecreek to North Dover exits on I-77, west of the interchange to Crooked Run Road and east to the West High/Bluebell Drive intersection. The engineers said that intersection is what they termed "the hot spot" in contributing to traffic congestion and safety issues at the interchange. I am going to ask that their study area be extended further west to include the Five Points intersection. The timetable they presented to the TCEDC board had the study completed by March of 2024. The recommendations will then be presented to the Ohio Department of Transportation for final design and funding applications.

### ***You Can Help Support Funding for Phase 2 at the Southside Community Park***

Erin Wright, the chief grant writer at the Mid-Eastern Governments Association (OMEGA) is helping the City apply for a Department of Natural Resources NatureWorks grant to help fund construction of phase 2 of the Southside Community Park. Letters of support from the public must be included in the application. That's why she had the following announcement published on the City's Facebook page:

The City of New Philadelphia is soliciting public support for construction of phase two of Southside Community Park. The phase two improvements would be funded through several grants (State Capital Bill, ODNR Grants, and Local Foundation Grants). Some of the proposed projects would consist of soccer fields, parking lots, concession stands, a play pod, picnic tables, and a continuation of the trail that will encircle the entire park.

You can send your letter to support to:

Erin Wright  
Senior Community Development Specialist  
326 Highland Avenue, Suite B  
Cambridge, Ohio 43725

Or by email – [ewright@omegadistrict.org](mailto:ewright@omegadistrict.org)

The deadline to submit your letter is Monday, October 2nd. Thank you!

### ***Asking Churches and the County to Help Expand Downtown Parking Choices***

The Mayor's office has sent letters to the councils of downtown churches and to the County Commissioners, asking if they would be willing to utilize their parking lots as public parking spaces. The first to respond was the First Christian Church at 3rd Street and West High. It offered its parking lot on the west side of the church property. Here is the text of the letter sent to the church councils:

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Church Board Members,

In planning for the future of New Philadelphia and the revitalization of our downtown area, parking has been one of the most common problems identified by our business owners and residents. As the downtown area continues to grow and attract more businesses and patrons, the need for public parking will only increase.

We feel that the best way to improve the options for off-street parking is through collaboration with the downtown community. One idea that has been brought forth is a shared parking plan that would utilize parking spaces that you may have available during weekday work hours. With your church being located within the Central Business District, this would greatly increase the options for patrons and downtown employees to park a short distance from their destination. We envision using a parking app and/or additional signage to make the public aware of downtown parking options, including shared lots.

Any lots downtown used for public parking would be eligible for winter snow removal by City crews. Opening your parking lots to the public during the week could also potentially be an additional revenue source for the church, as you would have the option to establish paid parking permits or to ask for free-will donations.

Thank you for your consideration. If you feel you may be interested in participating in a shared parking plan and would like to discuss this idea further, or have additional ideas for increasing downtown parking options, please feel free to contact me at 330-364-4491 ext. 1242 or by email at [jday@newphilaoh.com](mailto:jday@newphilaoh.com)

A similar letter has been sent to the County Commissioners asking if they would open the downtown County lots for public parking.

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### ***Empower Tusc Presents Reasons to Oppose State Issue #2***

In the November 7th General Election, Ohioans will vote on a proposal to legalize recreational marijuana which, in my mind, would bring on a whole new set of societal and law enforcement problems to our City. Representatives of Empower Tusc, formerly known as the Tuscarawas County Anti-Drug Coalition, have asked to address Council tonight (Monday) to give reasons to oppose passage of Issue #2 and to inform us of the group's efforts to raise awareness of the mental and behavioral health issues impacting New Philadelphia and all of Tuscarawas County. President Kemp, I would like to yield the remainder of my time to Jodi Salvo

and Kerry Metzger. (You can learn more about Empower Tusc by visiting its website at: <https://empowertusc.com/>.)

*Mayor Day yielded the remainder of his time to Empower Tusc Members Jodi Salvo and Connie Limbacher for a presentation.*

*Following the presentation the floor was opened up for questions from Councilmembers.*

Councilman Holland asked the following questions:

Is this issue on the ballot? Is it posed as a yes or no question?

Ms. Salvo:

This one is not tricky at all, a no is a no and a yes is a yes, and it is Issue 2.

Mrs. Ramos noted that any citizen can log onto the Tuscarawas County Board of Elections website to read your ballot ahead of time. Just look up your name and your ballot will be there.

Mrs. Ramos:

Issue 2 is a law and Issue 1 is to amend the Ohio Constitution.

Ms. Salvo:

I also wanted to add that Empower Tusc is not able to do any lobbying, because we do receive federal dollars. Kerry Metzger though as a private citizen is working to develop a political action committee that can do yard signs and mailers, and radio ads. I also want to add that we're bringing in one of the best National Speakers on October 9<sup>th</sup> at the Performing Arts Center.

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

Mr. McAbier had the following comment:

On Thursday, September 14<sup>th</sup> we did our final walk-through on Glen Drive, and happy to report it is finished. They may come in and do some seeding, depending on how it grows in this year, but at that time there's about 70% growth. We need 80% to be okay through our standards. I believe we'll have that, we still have a month or so of growing, so that project is completed. Tonight Resolution 14-2023 is on the Agenda for passage upon 1<sup>st</sup> Reading. I'd urge Council to pass that, because we'd like to do Phase II up there to continue that project and the progress we made so far. Also, we had our walk-through with Shelly Company for our Small Cities Paving. If anyone was out on 16<sup>th</sup> Street they started to mill that. They'll go to Wabash tomorrow and will mill that for Tuesday and Wednesday. They'll go over to Ray Avenue and mill that on Thursday, on Friday they'll put a couple butt joints in on Front Street, Bank Lane, and on South Broadway. There are approximately 165 different repairs that are needed for the project, so they'll start repairs before they pave. I urged them to go down on Mill Avenue if they could, make it easier on the guys being out there. They will start the repairs next week and that will take about two weeks before they start the paving. Also, flushing was supposed to be happening this week. We're going to postpone that until March. We were hoping to have the 250 Waterline under construction by then. Also, today we had our pre-construction meeting for the Take 5 Oil Change, which will be next to Hog Heaven. It will take about 2 to 3 weeks to tear the building down and then they'll start all the groundwork, then in 90 days the building should be completed. Also, tomorrow will be the first pre-construction meeting on the Board of Elections Building on West High. Also, there was a presentation last week at Kent State Tusc for the Love Tusc Sculptures that are displayed throughout the County. Our sculpture will go in the Gavins Quadrant on Sunday. Also, the Franklin Square Storm line Project, the big transfer spot right now is at Mill Ave. and Bank Lane. That was completed on Friday. The paver is not scheduled to go in there for two weeks. We still have some of our streets to do yet; by the courthouse, Forbes, those will still be on the paving list.

Mr. Holland asked the following question:  
How far up Glen Drive will you be going?

Mr. McAbier:

It's approximately 1450 feet. We wanted to go 850 on this one, but we tracked it down to 750, so we're going to fall about 450 short on this project. We're at 1200, we're going to slowly climb up that hill.

AUDITOR .....MS. BETH GUNDY.....NO REPORT

SAFETY DIRECTOR .....MR. GREG POPHAM

Mr. Popham had the following report:

The equipment in the police department that the Chief and Captain Rossi have ordered, most of it has been installed. Chief Pahovey has come up with a new design on police cars. Two of the cruisers are currently marked the way all of them eventually will be. Also in the police department, we just recently in the last couple days hired a new employee to replace the Chief, and I believe today was the first day for the new Clerk in the Police Department. In the Fire Department we received notice that one of the firefighter/ medics is leaving. Yesterday, we had a firefighter/ medic that was in the wings waiting sworn in.

Mrs. Ramos had the following question:

The new design for the police cars, I saw it on Facebook and I like it a lot, because you know it's a police car. Are they going to paint the other ones we have in the fleet with the new design?

Mr. Popham:

I think at this point we're not going to. As they're replaced we'll do the new design.

Mr. Pace asked if it's a wrap or if they're painted. Mr. Popham commented that it's a decal.

Mr. Fete had the following comment:

I just want to commend you on Office DeMattio. I've very impressed with him. I've got two kids in the school system. I see him all the time everywhere. I see him walking the perimeter with students at the Middle School and High School. I've seen him in gym class. The way that he introduced himself to the community with the first day of school sign I thought was wonderful and something that everyone can relate to. I dropped my one son off at the elementary school the other day and he's there holding the door open, talking to the kids coming in. I think he's a tremendous role model and it fills me with a sense of safety when it comes to my children and the job that he's doing. I just want to thank you and commend you with the decision you and the Chief made on that.

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

LAW DIRECTOR.....MR. MARVIN FETE

Mr. Fete had the following report:

As many of you know I wear a couple different hats. As Law Director I am in charge of 3500 criminal prosecutions in Municipal Court. We have the highest volume because we represent not just the City of New Philadelphia but the 13 surrounding townships. In addition to that I'm also the Civil Attorney for the City. For that I have hearings coming up where I'm representing the City in the next couple of weeks. One is a mediation hearing on a worker's comp case, and the other one is a foreclosure. In addition to that I am requesting an Executive Session to discuss a matter that's required to be kept confidential so that I can advise Council as their legal counsel.

MR. HOLLAND MOTIONED FOR AN EXECUTIVE SESSION

MR. PACE SECONDED THE MOTION

6 YEAS

THERE WILL BE AN EXECUTIVE SESSION DURING TONIGHT'S COUNCIL MEETING

**BOARD/COMMISSION REPORTS:**

PLANNING COMMISSION.....MAYOR JOEL DAY

The Planning Commission will be meeting on October 10<sup>th</sup> at 1:00 PM in Council Chambers. We're still working on the Agenda.

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

The Board of Zoning Appeals meeting we had scheduled on September 12<sup>th</sup> had two Variance requests to be heard and neither showed up. We did have one scheduling Conflict on the one and the other one did not show up. We have heard back from the One, we're going to try to schedule a Special Meeting if it's available.

AIRPORT COMMISSION.....MR. DAN LANZER

The Airport Commission will be meeting in Council Chambers at 6:00 PM on October 10<sup>th</sup>.

PARK BOARD.....MR. MITCH PACE

The Park Board met this past Wednesday and only one thing to report, the basketball courts at the park And at the Southside are completed with the warranty work. They didn't seal properly so they came In and fixed them.

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

HEALTH BOARD ..... MR. DEAN HOLLAND.....NO REPORT

The Health Board met on Wednesday, September 13<sup>th</sup> at noon. Some of the items that were Covered; The Health Department has received Workforce Development Grants in the amount Of \$370,000, and an Enhanced Operations Grant for \$83,000. That’s what helps cover salary costs for The Health Department. Covid is not over. We’ve had 22 new cases, none of which have been Hospitalized, but it’s a concern that it’s still here with us. We have free test kits in the Health Department. The Federal Government has announced that as of last Friday there are additional Covid tests available for U.S. Citizens. We also have flu shots available for New Philadelphia Citizens

**STANDING COMMITTEE REPORTS:**

FINANCE COMMITTEE .....MR. KELLY RICKLIC.....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 6:30 PM and had some general housekeeping legislation for tonight. The first one was Resolution 14-2023, a grant opportunity for Phase II of Glen Drive. The Committee voted unanimously to add that to tonight’s Agenda and we’re recommending Suspension of the Rules and approval upon 1<sup>st</sup> Reading. The next item we discussed was Proposed Resolution 17-2023. This involves getting all the paperwork in order for the County Auditor. We also voted unanimously to place this on tonight’s Agenda and recommended Suspension of the Rules and approval upon 1<sup>st</sup> Reading. The next item was Proposed Resolution 18-2023. This has to do with a grant opportunity with the ODNR for our Southside Park Phase II. We voted unanimously to add that to tonight’s legislation and we’re going to ask for 3 Readings on that. The next item with Proposed Ordinance 20-2023. This is in regards to Service Replacement for the bridge over the Tuscarawas River, State Route 59. We voted unanimously to add that to tonight's Agenda and hold that for 3 Readings.

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

Mrs. May had the following report:

The Salary Committee met this evening at 6:45 To discuss proposed increases for Non-Bargaining personnel. We had lengthy discussions and great input and comments. Hopefully we'll get this moving forward and see a resolution to it soon. We adjourned at 7:30.

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

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

Mr. Rippeth noted that he will be getting with the Clerk of Council to set a Meeting before our next regularly scheduled Council meeting to address a couple of matters of Legislation in our Committee.

**VISITOR'S COMMENTS** .....NONE

**COUNCIL COMMENTS** .....NONE

**READING OF ORDINANCES AND RESOLUTIONS**

ORDINANCES:

13-2023 AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO, AMENDING AND ADJUSTING THE PERMANENT APPROPRIATIONS ORDINANCE FOR THE YEAR 2023.  
3<sup>rd</sup> Reading

MR. LANZER MOTIONED FOR APPROVAL OF ORDINANCE 13-2023  
MR. PACE SECONDED THE MOTION  
3 YEAS  
ORDINANCE 13-2023 HAS BEEN APPROVED



16-2023 AN ORDINANCE BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO, TO PERMANENTLY REZONE THE FOLLOWING PARCELS OWNED BY THE LITTLE THEATER OF TUSCARAWAS COUNTY, INC, IN THE CITY OF NEW PHILADELPHIA, OHIO FROM RESIDENTIAL TO BUSINESS ZONE  
3<sup>rd</sup> Reading

20-2023 AN ORDINANCE ENACTED BY THE CITY OF NEW PHILADELPHIA, TUSCARAWAS COUNTY, OHIO, HEREINAFTER REFERRED TO AS THE LOCAL PUBLIC AGENCY (LPA), IN THE MATTER OF THE DESCRIBED PROJECT  
1<sup>st</sup> Reading

RESOLUTIONS:

12-2023 A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, OHIO, TO COMMEND POLICE CHIEF MICHAEL GOODWIN FOR HIS YEARS OF SERVICE AND DEDICATION TO THE CITY OF NEW PHILADELPHIA DURING HIS THIRTY-THREE YEARS HE SERVED IN THE NEW PHILADELPHIA POLICE DEPARTMENT  
3<sup>rd</sup> Reading

14-2023 A RESOLUTION AUTHORIZING THE CITY OF NEW PHILADELPHIA TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED  
1<sup>st</sup> Reading

MR. LANZER MOTIONED FOR SUSPENSION OF RULES ON RESOLUTION 14-2023

MR. RIPPETH SECONDED THE MOTION  
6 YEAS

RULES HAVE BEEN SUSPENDED ON RESOLUTION 14-2023

MR. LANZER MOTIONED FOR APPROVAL OF RESOLUTION 14-2023

MR. RIPPETH SECONDED THE MOTION

Mr. McAbier asked the Clerk for a signed copy of this legislation if Council passes it tonight.

6 YEAS

RESOLUTION 14-2023 HAS BEEN APPROVED

15-2023 A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA, TUSCARAWAS COUNTY, OHIO, AUTHORIZING AND DIRECTING THE SAFETY DIRECTOR TO ENTER INTO AN AGREEMENT WITH PIERCE MANUFACTURING TO PURCHASE AN ENFORCER HDR PUC AND NECESSARY EQUIPMENT FOR THE FIRE DEPARTMENT AT A COST NOT TO EXCEED \$1,474,992  
2<sup>nd</sup> Reading

MR. HOLLAND MOTIONED FOR SUSPENSION OF RULES ON RESOLUTION 15-2023

MR. RIPPETH SECONDED THE MOTION  
5 YEAS, 1 NAY (MRS. RAMOS)

RULES HAVE NOT BEEN SUSPENDED

***President Kemp announced that a Special Council Meeting will be held on Wednesday, September 27, 2023 at 5:30 PM. Mrs. May announced she will call a Salary Committee Meeting on***

*Wednesday, September 27 prior to the Council Meeting. The time for the Council Meeting has been changed to 6:00PM and the Salary Committee Meeting will be held at 5:30 PM.*

16-2023 A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA TO AUTHORIZE THE NEW PHILADELPHIA POLICE DEPARTMENT TO HOLD THE CITY AUCTION ONLINE FROM NOVEMBER 8, 2023 UNTIL NOVEMBER 17, 2023  
2<sup>nd</sup> Reading

MR. LANZER MOTIONED FOR SUSPENSION OF RULES ON RESOLUTION 16-2023  
MR. PACE SECONDED THE MOTION

Mrs. Ramos had the following comment:

I have no problem with the Police Department having an online auction. The legislation however named a particular company to conduct that online auction, therefore Tying the hands of the Chief of Police. I know they do their own advertising about the online auction so I just wanted to say that's my objection.

Mr. Lanzer stated that he's just trying to give the Police Department plenty of time to advertise the auction

5 YEAS, 1 NAY (MRS. RAMOS)  
RULES HAVE NOT BEEN SUSPENDED ON RESOLUTION 16-2023

17-2023 A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR  
1<sup>st</sup> Reading

18-2023 A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEW PHILADELPHIA, OHIO TO APPLY FOR FINANCIAL ASSISTANCE FROM THE OHIO DEPARTMENT OF NATURAL RESOURCES THROUGH THE LAND AND WATER CONSERVATION FUND FOR THE PURPOSES OF OBTAINING A PARK GRANT FOR IMPROVEMENTS AT THE SOUTH SIDE COMMUNITY PARK  
1<sup>st</sup> Reading

AT 8:36 PM COUNCIL ADJOURNED FOR A 5 MINUTE RECESS FOLLOWED BY AN EXECUTIVE SESSION AT 8:11PM  
COUNCIL RECONVENED INTO REGULAR SESSION AT 8:56 PM

**UNFINISHED OR OLD BUSINESS: NONE**

**NEW BUSINESS: NONE**

With no other business to discuss Mr. Holland motioned to adjourn at 8:57 PM.

CLERK OF COUNCIL \_\_\_\_\_  
Julie Courtright

APPROVED \_\_\_\_\_

PRESIDENT OF COUNCIL \_\_\_\_\_  
Don Kemp