

COUNCIL MINUTES

December 1, 2025
Council Chambers
7:00 P.M.

President Harris called the meeting to order

ROLL CALL – Mr. Rath, Mr. Rine, Mr. Barker, Ms. Bline, Mr. Chute, Mr. Cost, Mr. Houser, Mr. Labutis, Mr. Marmie, Mr. Neely

INVOCATION – Ms. Bline

PLEDGE OF ALLEGIANCE

RECOGNITION OF THE NEWARK CATHOLIC GIRLS VOLLEYBALL TEAM – 2025 State Champions

Mayor Hall - Thanks for coming in, I know you all wanted to come to council on Monday night, didn't you? Exactly. But that's what happens when you do good stuff. The community is extremely proud of you in so many ways. Mr. Marmie, I'm sure you have a few things to say. We've already talked about it a couple times in this room already.

Mr. Marmie - Yeah, first of all, I mean, I watched the entire season, it was just fantastic. And collectively, you all did a great job. There wasn't one person that's here that did not contribute in some way, shape, or form. That teamwork was just demonstrating just the camaraderie that I saw between all of you and how you all got along. You helped each other out, you picked each other up. It was just consistent through the entire season. It was a fun run, I had a blast. That semi-final, oh my god... There're also some individual accolades, but like I said, these individuals would not have achieved this without everybody on the team contributing and helping them out, assisting them, just making them look better and things like that. First of all, LCL, we had Leah Caudill and Natalie Harrington were first team all LCL. Natalie got player of the year in the LCL. Congratulations. Second team, Sophia Basham, and honorable mention, Syd Gummer. So, fantastic, as far as LCL. District, first team, Natalie Harrington, Leah Caudill, and Sophia Basham. Fantastic. Second team, district, is Syd Gummer. Then we had all Ohio. We had second team, Natalie Harrington, although my opinion should have been first team. Then honorable mention, Sophia Basham. Again, these individual accomplishments would not have been there without the collectiveness of the team. Not only that, if you all weren't playing well and winning week after week, match after match, then no one would have been watching. They wouldn't have been paying attention to the girls that got there. So, congratulations as a team. Congratulations and also good fortune to the next endeavor for some of the seniors. I know that that's going to be something that you're going to continue to do. I know some of you have club coming up and you're going to continue to work on that and enjoy that. So, I'm expecting good things next year as well. So, congratulations.

Mayor Hall - I'm going to share a proclamation with you tonight. Whereas the Newark Catholic girls volleyball team won the state championship title after its 3-0 sweep over St. Henry at Wright State's Nutter Center in Dayton, Ohio on Saturday, November 8, 2025. The City of Newark would like to recognize the championship players for their awesome overall record season of 27-0. That's all wins. That's pretty cool. The first unbeaten season since 1983 and for bringing home the ninth volleyball state championship title in the Green Wave history books. Now, this is where I get tested again, but this is all right. The 2025 Newark Catholic state championship game was won by the following team

players. Maybe just throw your hands up as I read your name. Christiana Scarsella. Beautiful, Christiana. Leah Cox. Lily Anderson. Aubrey Winters. Braelyn Lange. Jahni Whitney. Layla Jones. Mackenzie Gebhart. Ella Mckinstry. Natalie Harrington. Leah Caudill. Sophia Basham. Veronica Bailey. And Sydney Gummer. Very good. The 2025 Newark Catholic state championship team win was led by volleyball coaching staff head coach Katie Hill and assistant coaches Mackenzie Egan and Barb Miller. The City of Newark would like to congratulate the 2025 Newark Catholic girls volleyball team, as well as all the other participating teams in the division, without them you wouldn't get where you are today, for making this another great season of great volleyball and great memories. Now, therefore, I, Jeff Hall, Mayor of the great City of Newark, do hereby proclaim Monday, December 1st, 2025, as Newark Catholic State Girls Volleyball Championship Day in Newark, Ohio, and encourage all citizens to support and recognize the accomplishment of this team's players, parents, real important, and coaches. Thank you very much, girls.

Coach - I think the girls really showed kind of who they were beyond just their natural abilities on the court. All the training that took place. They were just great people that showed a lot of love and laughter on the court and just brought a whole community together on this incredible run, so it was a pleasure coaching all these girls and couldn't have done it with a different 14. It was a great year.

CAUCUS

MINUTES of November 17, 2025, Motion to accept by Mr. Labutis, Second by Mr. Houser, Passed by acclamation

APPOINTMENTS

Mayor Hall – Reappointing Linda Parks and Mark Mauter to the Licking County Tax Incentive Review Council (TIRC). Their new two-year terms will begin January 1, 2026 and will expire December 31, 2027. **Passed by acclamation**

Mayor Hall - Reappointing Veronica Patton to the Newark Community Improvement Corporation (CIC), known as Newark Development Partners. Her new term will begin January 1, 2026 and will expire December 31, 2028. Subsequent appointments will be three-year terms. **Passed by acclamation**

REPORTS OF STANDING COMMITTEES

Finance – **Received and Filed without objection**

Service - **Received and Filed without objection**

Personnel - **Received and Filed without objection**

REPORTS FROM CITY OFFICIALS

Brandon Fox, Water Administrator - A list of properties being sent to lien for past due water, sewer, and stormwater bills, totaling \$4,506.50 - **Received and Filed without objection**

COMMUNICATIONS

Ohio Division of Liquor Control - Transfer liquor permit from Babas Grill, LLC., 19 S. Park Pl., to Morning Harvest Café, LLC., 19 S. Park Pl., Newark, Ohio. - **Received and Filed without objection**

PUBLIC HEARING

By: Mr. Rath, Mr. Cost, Mr. Barker, Mr. Marmie, Mr. Labutis

25-24 AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS THE SE CORNER OF SHARON VALLEY ROAD AND COUNTRY CLUB, CITY OF NEWARK, LICKING COUNTY, OHIO, PARCEL TAX ID #054-286350-00.000, FROM THAT OF TFR – TWO-FAMILY RESIDENCE ZONING DISTRICT TO CSI – CHURCH SCHOOL INSTITUTIONAL ZONING DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO.

Bryan McAnally, 2025 Londondale Pkwy - Like you said, we're here to change the zoning from duplex to CSI so we can build an assisted living facility there, which we feel like that's the best location in Newark, and it's the best use for that land. It's going to look very similar to this. We're still in the early stages of schematic design, so not exactly like that, but something similar to Middleton at Granville. It's going to be an upper scale assisted living. We feel like, again, that's a great location. There's a huge need in our community. We have a home health company. We started seven years ago from scratch. It's really grown. It's done well. It's up to 175 patients, and the one thing we're seeing around town, there's just not enough beds. So, we'd like to keep those beds in our town versus building this outside of our town. We might as well build it here and keep the tax dollars and the jobs here in our town. That's the best location for it. We will hire a civil engineer, professional civil engineer, to do storm calculations. We'll work with the City. I know there're concerns about the creek. We'll do everything on our end to try to make that better any way we can. So, again, we'll do our part. That has to be approved through EPA and the City. We'll work with them. Everything's going to be done proper. It's going to be an outstanding facility, great location, and we're real excited. If there're any questions, let me know.

David Gough, 1340 Deer Run Rd. - First off on the agenda, I noticed it still says the southeast corner of Sharon Valley and Country Club, and it's not the southeast corner. It's the southwest corner. This is the second meeting I've come to where it's been wrong on your end. I don't know if that's causing any issues. I'm assuming you or someone would have caught it sometime. Concerns, not a great place to build as it hasn't been built on before for 30 years. Questions that we have would be, what else were you planning on putting in that area? Don't know if you have to answer that or not because you're clearing out the entire parcel or two parcels. But my concern is what happens the 10 to 15 years that the previous owner, Gary, has been dumping dirt up on that land, changing the drainage, changing the way the water goes, forcing the creek to go up into people's yards more than they were, when the north wall of the retention pond erodes away fully from mismanagement, from building up on that side, and then what Bryan is going to do, take away all of the natural rainwater drainage. What happens when something goes wrong right now? When the north wall of the retention pond erodes? When a basement gets flooded? When someone's yard gets partially taken away? For us right now, does the City pay a third? The developer pays a third? The homeowners pay a third? Do the homeowners have to sue you or someone, the owner, to get the work done? I'd like to know what happens right now in that situation because it's going to happen. Is anyone able to give me that answer? And I don't know if I'm supposed to be asking questions like that or not. But do we know what the process is right now when something goes wrong from this in a couple years? What do we do? Does anyone?

Mr. Barker - Mr. President, can I answer? So, Mr. Gough, I'll answer your questions two-fold. One, the property owner has already split a significant cost with the City on clearing out the creek bed. That has already started, I'm sure you've seen, they get it on trucks there. So that is a 50-50 split between the City and the property owner. As far as the retaining wall and retention pond, that is currently under

engineer study that the City is paying for because there is no homeowners association which owns that property to pay for it. So that is something the City is going to take care of at a one-time cost to the City using our unencumbered stormwater funds, which is what that is for. So, that will also be graded. As far as the creek, you know, in the recommendation from the Planning Commission, prior to any construction, a detailed review of the stormwater and the creek has to be completed with our engineering department. That includes EPA, that includes the state, everything. We've already been in great conversation with the owner and the developer on getting that process started. So as far as the creek beds that run through different people's homes, you own that section of the creek. This first initial time, the City is going to be with the developer splitting the cost of cleaning that up. Moving forward, that creek area, you have quote-unquote waterfront property. So that would be the homeowner's responsibility after we come in and do all the repairs.

Mr. Gough - Okay, thank you. And then my last comment would be in the past, Bryan McAnally, when he lived on Deer Run and the Homeowners Association, breaking the rules was something he would do. He would put a satellite dish on his house when the HOA says no satellite dishes. Why does he do it? Because he can get away with it maybe. His dad's the developer, who knows. He builds a house later on in the development with a metal roof. We say there's no metal roofs in our neighborhood, the HOA says that, but he does it anyway for his own personal benefit. So yes, he's going to do what he's going to do in that area, whatever we allow. Whatever kind of oversight we have, I would suggest we make sure he stays on the up and up, because he has a past history of breaking rules. And that's all I have to say. Thank you.

David Peddicord, 1320 Deer Run Rd. - Good evening. I have an easement in my side of my house, and there's a drain that goes back to the creek. Well, that drain's about to fall over, and as you clear this creek out, and as the creek gets worse, when I was a kid, I used to trap in that creek. It used to be pretty much straight line down through there. Now it goes down through there like a snake. I mean, it comes up to the road at part places, and it comes way up in my yard. I've already got beachfront property, or whatever you want to call it, but it's eroding my property. I'm paying tax on that property, and it keeps eroding it, and every time we get a hard rain, you know, I lose five to six inches every time we get a hard rain. And now, if you come to my backyard and you stand and look at Sharon Valley Road, you can't even see it from where I stand at the creek. But if you back up to the house, you can look at it, and it's probably 20, maybe 25 feet down. So, I want to know what you're going to do with the water when you pave all that, where that water's going to go. It's going to go to the creek, come up into my yard, go into my basement. I mean, that's a big concern. And then, you know, are you going to put drains along there to drain off that? But I mean, how's the water going to get physically to those drains if it's, you know, angled at the creek? I mean, it's a big concern of a lot of us, and don't get me wrong, you know, you move places, and things happen, and you can't do it, and I understand that. But, you know, to have deer and wildlife and birds and all that one day, and to have, you know, a bunch of dirt in your backyard the next day, and it just changes over time. I mean, I understand some of that's out of our control, but I would think, would any of you guys want that to happen in your backyard? Honestly, would you? I mean, just come in, a developer's going to develop right behind you and take what you've been looking at for 30 years, and really, you know, he's never maintained that lot at all, at all. I mean, you go down to Sharon Valley and Milner right now, you can actually see the traffic coming up the road where they cleared it out. I mean, it's a nice change that you can see that, but now they changed the speed limit a couple years ago to 55 miles an hour out there in the county, in the township, and they're coming in 55 miles an hour into that 35 miles an hour zone, and there's a lot of people that are going a lot faster than 55, and so if you've got older people out there pulling out, I think not the kind of safety, I wouldn't want my mom or your mom or your aunt or your uncle hit by a

car, you know, and I know (inaudible) an accident, but it's something for everybody to look at. And the other thing is, how many of you guys have all been out there to look at this? I mean, it's, you know, it's in pretty sad shape, and it's gone over time. And I just, you know, this is in your hands, and I hope you make the right decision.

Garry McAnally, 1467 Highpoint Dr. - I'm hearing my name so often here. I developed the Estates at Highpoint. I developed the Deer Run and Wilmington Ponds some 30-some years ago. Bought 113 acres, 116 acres of raw land, and I had 150 people at the council meeting objecting to it when we decided to bring our plans in to have it developed. People saying that it's going to be low-income housing, to this, to that, to this, to that. I ride my horse in that once a week. I won't be able to do that. But anyway, bottom line is, it turned out pretty nice. And again, we did that 30 years ago. Obviously, when we did it, when we do our drawings for the development, you know, we have to have those approved by the city engineering office. We work with civil engineers to collect the stormwater that you're concerned about in the new development. Obviously, we could not do anything unless we have a nice detention pond that's designed to meet the needs of that development through the years. So, in the Estates at Highpoint, for example, Village of Deer Run Phase 3, you have a floodway which you cannot touch. That's where the water runs. You have a floodplain that you can raise to certain elevations. In fact, if you want to build there, you need to raise it above a certain flood elevation, which is what we did in Phase 3. I think we raised it some three or four feet. So, when we talk about dumping dirt and things like that in this undeveloped land, it's in the floodplain which you're allowed to do, not in the floodways. I want to point that out quickly. Obviously, when we do this new development, which we do developments all over the state, we do a lot of large projects all over the state, we work with civil engineers, everything will be done properly. And again, it has to go through the Corps of Engineers, that kind of thing. You can fill in a floodplain. You can't fill in a floodway. So, we'll follow those steps all the way through. Obviously, we've worked, we're talking, we have worked with the City. We're paying half of that where they're cleaning up the flood - Pretty much it's in the floodway where they're cleaning and right on the perimeter of that, just cleaning up some brush that's down and that kind of thing through the years. We'll do whatever, you know, working together as a team, we want that to be a successful assisted care facility. It's going to be one of the nicest facilities in the city, and we'll do our best to maintain it, you know, that kind of thing. And I think it's low traffic, it's low noise, it seems to be, and we've talked to a lot of real estate people, and they all say that is the best location for that facility. Thank you.

David Peddicord, 1320 Deer Run Rd. - Okay. The floodplain is on Sharon Valley Road. The flood where you can't build is in between the creek and the run into the (inaudible). And so, where's all that water going to go? It's going to go right down in there, and again, it's going to come to our houses. I mean, that's the thing. I mean, okay, you can improve it, you can raise it up. If you're raising it up, like I said, it's already raised, and if you're going to raise it even more, it's going to be even worse. I mean, that's, you know, with all due respect, you know, and I know Garry's a heck of a guy and done a lot for the community and everything like that, but, I mean, this is, you know, this is where we live and this is where we want to live for a long time. But, you know, with water in the basement or things like that, your property value is going to go down. Like I say, our taxes are already going up and our insurance is going up. So, I mean, this is, you know, we have a no-win situation here at all. So, I just want to point that out. Thank you.

Motion to adopt by Mr. Rath, Second by Mr. Barker

Mr. Rath – Mr. President, we'd like to make a motion to amend 25-24. It does read as southeast corner, and it should be southwest corner. I believe we have a copy of the amended ordinance in your folders. That's the only change.

Motion to amend by Mr. Rath, Second by Mr. Barker, Motion passed 10-0

Mr. Marmie - Mr. President, I want to make some comments and clarify some things. First of all, yeah, development does happen and it does occur. I mean, I had it happen behind my house. So, it does happen everywhere. I have a creek that runs back through my yard. Every year that creek changes direction. It erodes away my property. It's part of what I have to understand as far as a creek being in my backyard. In addition, the river does the same thing. Water just takes its own path, decides what direction it needs to go, and unless it's fixed or corrected, and usually it's costly, then it's going to choose the direction that it wishes to go. A lot was said about different things. I want to clarify that no matter what gets developed on that property, whether it's changing the zoning to allow this or keeping the current zoning, which could be multi-residential facility, which creates more traffic and it would not probably be as nice as this, but no matter what is being developed there, there has to be a stormwater plan in place. And it is the law, and it's something that our engineers take great pride in, is that you cannot alter the flow of water in any way, shape, or form from the natural. So, if it's all asphalt or concrete, then you have to bring that water in and you have to send it on its way in a natural manner that it will not create any other type of erosion or problems. As far as other concerns, as far as some of the drainage and things like that, you can lift the elevation on a property. That is the property owner's right, just like any other property owner has the right to do things on their property. The thing is, if you lift that property, you cannot cause the water drainage, the natural water drainage, to shift or alter. That is something that we enforce as a city, and we will continue to enforce that no matter what. So, I know that that can be a concern when there isn't something that's developed, but it's one of those things that you have to trust that we do our job, and we do our job very well. Brian Morehead and his department take great pride in that, along with the stormwater, and we make sure that if something does come up where that natural flow has been altered, we're the ones who usually end up fixing it. So, there're other things, you know, I guess where I'm in support of this. With the current zoning, what can be developed there, the changing of the zoning does not really change the type of development as far as the size. The only thing that this does is it allows it to be a facility that would be less traffic and less density and population that would create a positive environment for that area, honestly, versus the alternative at the current zoning. So, if we vote this down, it could be something that you're really not going to like. I also am here to say that, you know, as a council member, we are governed by the Ohio Revised Code that says property owner rights are there, if it's justifiable, you can't spot zone, you can't deny somebody because it's something that they're choosing to develop. Anything within the zoning, that's what we have to vote on. Are we okay with anything that's within the zoning and the property owner has the right to change zoning as long as it is not considered spot zoning, meaning it doesn't conform with any other. This was already zoned in a similar capacity, so changing it to this zoning does not create a situation in which we would be spot zoning. So, I am going to be in support of this. I have confidence that our city, our engineering department, and everybody as far as the development of this is going to be done properly and will not create additional burdens as far as water runoff and things like that. Thank you, Mr. President.

Mr. Barker - Thank you, Mr. President. Yeah, just to echo, I need to let Councilman Marmie speak before me all the time now, but you know, the one thing that I want to make sure everyone understands is that the way this is currently zoned, 48 duplexes could start construction as soon as plans are approved. That's the potential of an additional 100 vehicles, and when I said that to a couple of Deer Run residents, they said, well, we don't want that. I said, I don't want that either. I live around the corner. I don't want an additional 100 vehicles. I am going to be in full support of this. I truly believe that there is a huge need in our community for additional senior living facilities, and I would rather see a very nice senior living facility at this location than 48 duplexes that could be sold off to

individuals and you never know who and could become a property maintenance nightmare, whereas this use, this type of facility, I think is probably one of the most highly regulated in the state as far as standards that they have to have. So, I would ask my fellow members of Council to support this as I will be supporting it and I will be done now, Mr. President.

Mr. Rath – Mr. President, I also am in support of this and will let you know that the Planning Commission has recommended approval of this ordinance and zoning change. However, they have stipulated that prior to any construction, a detailed review of the stormwater and creek needs to be completed with the City.

Motion to adopt passed 10-0

By: Mr. Rath, Mr. Cost, Mr. Barker, Ms. Bline, Mr. Marmie

25-29 AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 2205 CHERRY VALLEY ROAD, CITY OF NEWARK, LICKING COUNTY, OHIO, PARCEL TAX ID #056-042864-00.001, FROM THAT OF CSI CHURCH SCHOOL INSTITUTIONAL ZONING DISTRICT TO GB GENERAL BUSINESS ZONING DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO.

John Gordon, 447 James Parkway, Heath, Ohio - I'm with Englefield Oil Company. Englefield Oil currently has 120 Duchesses throughout Ohio and our headquarters is in Heath, Ohio. We currently have seven Duchesses in the City of Newark and we'd like to make it eight.

Motion to adopt by Mr. Rath, Second by Mr. Houser

Mr. Rath – Mr. President, I will say that the Planning Commission has recommended that we pass this. Also, as a resident of that neighborhood, we can certainly use this as a nice addition to the neighborhood. So, I would encourage everybody to vote with me and vote yes.

Mr. Marmie - Thank you, Mr. President. I just want to state that Englefield Oil has just done a great job for our community. The very first Duke and Duchess, which was on the corner of 21st and Jefferson. To think back when that started and now it's really evolved in the company that it is, they've just represented themselves well and done a great job for our community. All of their facilities are taken care of. They work with our safety forces when there are issues and so I just want to thank them for what they do and I'm definitely in support of having Englefield Oil have and addition of another facility. Thank you.

Motion passed 10-0

By: Mr. Rath, Mr. Cost, Mr. Barker, Ms. Bline, Mr. Marmie

25-31 AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 274 NORTH CEDAR STREET, CITY OF NEWARK, LICKING COUNTY, OHIO, PARCEL TAX ID #054-193848-00.000, FROM THAT OF LC LIMITED COMMERCIAL ZONING DISTRICT TO MFR MULTI-FAMILY RESIDENCE ZONING DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO.

President Harris - 25-31 is now open for public hearing. Do we have anybody to speak for or against 25-31? Anybody? Okay, we will close this public hearing

Motion to adopt by Mr. Rath, Second by Ms. Bline

Mr. Rath - Mr. President, I will say that the Planning Commission has also reviewed this and recommended passage. I'll be supporting it for that reason. I encourage the rest of the Council members to do the same.

Motion passed 10-0

COMMENTS FROM CITIZENS

Phil Wince, 2350 West Broadway, Granville, Ohio - I went to Newark High School and graduated in 1966. I'm here on behalf of the class of 1966. One of our classmates, Doug Varner, who was a football teammate of mine and number one in his class. He went to the University of Cincinnati, was number one in his class there. He was accepted at Stanford Law School, which was one of the best law schools and still is in the country. Instead of going to Stanford, he ended up being drafted into the infantry and went to Vietnam and two months later he was killed. He was a wonderful person, a smart guy, and a great teammate. Our class has tried to get together to honor his memory and through working with Mayor Hall, David Rose, and particularly Chance Patznick, we were able to recently get a plaque made that went on one of the benches around the courthouse. It sits on the north side of the square and the east side of the main crossway that goes over to the courthouse. It was just installed a week or so ago and I came here to thank the mayor, thank David Rose, and especially Chance. She worked with us. It took about 10 to 12 weeks to get the plaque made and to fit on the bench. We worked through that with her and they all did a wonderful job and our class just wants to thank them for doing that and honoring his memory. Thank you.

Tim Waldren, 167 S. 2nd St. - I need some legal thing about what's going to happen. Number 36, the water well. Well, I did some investigation on the Ohio Supreme Court and the United States Supreme Court. It goes way back in 1830-something and just as recently as 1985 about punching holes in the ground for water. The Ohio Supreme Court ruled that the water beneath your land is yours. You are allowed to use it. Reasonable. I'm saying reasonable. Any way you want to do it. You can pump it out and stuff. Reasonable. Several years ago, I was going to put a well down in my south end and they told us I couldn't do it. But then you guys said now you want to ban putting water wells in the city. But the United States Supreme Court and the Ohio Supreme Court even say that I'm allowed to do it. So, I want to know before you vote on this one, is it legal for me to do it or is it legal for you guys not to let me do it?

Rob Evans, 22 Summit St. - I'm here to also speak about Ordinance 25-36 on the prohibition of water wells. I am on the city water and you were the gentleman that spoke earlier about the water. I don't have any complaints about the city water. Okay. But I personally think that banning people from putting wells on their own property shouldn't happen. That seems to me, personally, that that is just government overreach. I think that if you want to put a well on your property, you should be able to. I have an acre of property there. If I would want to drill a well, I should be allowed to. There was something that I read that there was a concern that it may deplete the water. As far as that goes, I don't think you're going to deplete the water ever. What the water that's there has been there for years. You're not going to do away with it. If I drink the water, whether I use it or if I do dishes or do laundry or whatever, that water is still going to end up back either into the city or if I have my own septic system, which I don't, it's going to end up back in the ground where it came from. So as far as banning people in the City of Newark from drilling their own wells, I think is really, like I said before, government overreach. A thousand-dollar day fine per day for using something that's on my own property, that's also what was going to be brought up into this. So, if I would do this and go against whatever is decided, a thousand dollars a day for something that's my own property that I pay my own taxes on, I don't see that happening. That doesn't seem right to me. I would be more worried about our roads in the City of Newark. Our roads are, I mean especially coming up 2nd Street, Mount Vernon Road, I know I'm hearing stuff about that things are going to be taking place on Mount Vernon Road. Thank you. I drive down through the center of the road in the turn lane just so I'm not beating my car to death or my truck. But I would think I would be more worried about that than I would be somebody

drilling a water well on their own property that they pay their own taxes on, that they paid for with their own money. Okay, thank you very much.

ORDINANCES ON SECOND READING

By: Mr. Rath, Mr. Cost, Mr. Barker, Mr. Marmie

25-35 AN ORDINANCE ENACTING SECTION 256.18 REGARDING PUBLIC IMPROVEMENT RETAINAGE PROVISIONS AND PLACING IT WITHIN THE ADMINISTRATIVE CODE OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO.

Motion to adopt by Mr. Rath, Second by Ms. Bline, Motion passed 10-0

By: Mr. Rath, Mr. Cost, Mr. Barker, Mr. Marmie

25-36 AN ORDINANCE AMENDING PART TEN, TITLE FOUR, CHAPTER 1048, "WATER" OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO TO INCLUDE SECTION 1048.16 "PROHIBITION OF WATER WELLS".

Motion to adopt by Mr. Rath, Second by Mr. Rine

Ms. Bline - Yes, Mr. President. I did some research between the last Council meetings and I learned quite a bit. Number one, I need definitions of groundwater and surface water and how does that relate to water wells? I don't know if Mr. Fox would be allowed to speak to that now.

President Harris - Very briefly.

Ms. Bline - Thank you.

Brandon Fox, Water Administrator - Yeah, groundwater is water that's below the surface, so a well would pull groundwater. Surface water is in a surface body such as the Licking River or a lake or a pond or a reservoir or the ocean.

Ms. Bline - Okay, perfect. Yeah, that was my understanding as well. I just wanted to be sure we were on the same page and, you know, I really appreciate Mr. Fox. He does a great job and as he gave the presentation during service committee, he has a list of things he's doing. However, I'm opposed to this ordinance largely because, one, as Mr. Marmie spoke, you know, we're getting into property owner rights, okay, and that definition of groundwater and surface water are omitted from this ordinance because what we're not talking about is surface water. That could be synonymous to runoff water as well, I believe, but groundwater is that, true to his point, is that which is collected in the ground and if you own that ground, that's yours. Okay, you pay taxes on that. I also checked, according to the Ohio Constitution, article one, section 19b, protecting, this is under protecting private property rights in groundwater, lakes, and other watercourses. It says that, this is A, the protection of the rights of Ohio's property owners, the protection of Ohio's natural resources, and the maintenance of the stability of Ohio's economy require the recognition and protection of property interests in groundwater, lakes, and watercourses. Now, of course, this is broken down into several layers, which is, you know, obviously important, depending on the definition of what you're looking for. But I'm going to skip down to B. Okay, it says, under B, the preservation of private property interests recognized under Division C and D of this section shall be held inviolate or intact, but subservient to public welfare as in provided. Meaning, once that water gets down to the aquifer section, that does become public property, okay? People are gaining use from it. I am going to go down to C. A property owner has a property interest in the reasonable use of groundwater underlying the property owner's land. Like I said, and I understand the main idea of this, you know, you want to protect our aquifers, and I understand that, but we have to clean this up with the language, because, again, we're putting our hands into people's property, and as the resident stated, they pay property taxes. So, we need to

consider what we're doing here. Recently, we've seen other communities where their water has been bought, much to their own disagreement, through getting into their aquifers, which, again, doesn't necessarily speak to their property rights, but, you know, we have to become very educated in this as a city, because it's coming our way. So, again, I'm going to vote against that. So, thank you, sir.

Mr. Chute - I want to ask the law director, just on behalf of Mr. Waldren, if you can expand a little bit for me on the legal concerns, address those just briefly, and then, secondly, perhaps address the other concerns. I look at it as a concern for the public welfare with regard to the water wells throughout the city and differentiating between public or private property rights within the city, where the city has a reasonable expectation to regulate some property owner rights if you were to live in the country, in the county, or in a township.

Tricia Moore, Law Director - We did a lot of research in looking at this piece of legislation, and we are, by far, not even close to being the first city in the state to pass such legislation. In fact, we looked at several communities in Ohio and throughout the country that have passed such legislation. There's a significant legitimate government interest in this type of legislation. Not only can wells subject a community to pollution and chemicals leaking into the municipal water supply, but it's also about preserving water so that our community can ensure that we have a sufficient amount of water for our community. So, these are legitimate government interests that we are allowed to regulate. I would stand behind this piece of legislation. Brandon, I don't know if you want to speak. I know we talked a lot about this.

Mr. Fox - So, back to your point of groundwater versus surface water. So, we do currently pull our water source from the Licking River, right, which is a surface water. However, there is a direct impact north of our water plant from the surface water and the groundwater table. So, during a drought condition, if we would pull water from the ground, which is under the ground, there is a direct correlation of the Licking River that we would impact the amount of water in the Licking River. So, there's a concern with that. When we looked at some of our studies, about 50 percent, if I would pull a million gallons of water north of the of our water plant out of the ground, only about 50 percent of that would be a net positive into the water, into the river, if that makes sense, because of the correlation between the river and the groundwater. The further north you go, there's more clay in the soil and so there's not as direct a correlation. So, it varies based on the geology that's in the area. Obviously, there's a lot of sand mines north of the city, that's why that impact is there, because there's a lot of sand and gravel where the groundwater surface water can percolate through the soil and get into the groundwater table, into the aquifer. So that's a little bit of the concern. Number two, it is a concern for the city, that's why we're trying to do this, is to protect our water source and the volume and the quantity of water that's in our river. We want to protect that and try to make sure that we've got an adequate water source long term in the city. So, if private wells are drilled, whether it's a private homeowner or a business, that definitely impacts the ability of us to pull more water out of the ground or out of the river. So that was the main driver behind this, just trying to protect our water source on long term.

Mr. Cost – I know there are a lot of folks in the City of Newark that have well water as opposed to city water. What happens, not that they are going to go drill one now, but folks that already have a well and use a septic tank...

Mr. Fox - Nothing would happen with that well, and I did try to find that information, and you can go on, anybody can go on the Ohio Department of Natural Resources website and look at the well logs. When I talked to the county, unfortunately, I wasn't able to get a, there's a difference between a private well that you're pulling water out of and an inspection well. There's a lot of inspection wells that are shown on that website that I couldn't, I couldn't get the information to differentiate between

the two. So, it may show that there're 25 wells near Owens Corning, but those aren't private wells to pull water out of. Those are just monitoring wells that they're monitoring the groundwater. So, it's a well that's drilled to just monitor that groundwater. They're not removing any of the groundwater out of the aquifer. So, any private well that's currently in the city would not be impacted by this ordinance.

Director Moore - There is also an exception written into the ordinance, for example, if they're not close enough to city water or any other cause of unreasonable or undue hardship, then they can ask for an appeal.

Mr. Rath – Mr. Evans I agree with you that the fact that that fine seems excessive, although it is most definitely encouraging not to break this. But as far as the personal property rights, I know when you're drilling a well and you're drilling for water, you're drilling into an aquifer, and while that water is quite possibly directly below your property, it's not entirely your water, because an aquifer is kind of like a lake, and it encompasses a multitude of properties. It could be miles. So, you're not necessarily pumping out the water from directly below your property. We absolutely need to protect our city water supply. It's in the best interest of the city. So, I am going to support this and encourage the rest of our Council members to do so as well.

Mr. Marmie - Thank you, Mr. President. Making sure that the city has adequate water supply is beneficial to the healthy safety and welfare of our community. If you think about drilling a well and being able to pull it out, and it's not just one person doing it to water their yard, the problem is that you could have one person who purchases a property and trying just to extract water from under the surface that could completely deplete the city's supply of water, if they should so choose. That is happening in places, and that's what we're trying to protect. In addition, contamination of that can definitely occur if it is not done properly in the well that has been drilled. It can be devastating to our water supply as well. What Mr. Rath was indicating, is talking about, is that the reservoir of water isn't just directly beneath. It would be just like some of the folks that came in here earlier and said that they have a creek running through their backyard, and I decided that I want to extract all the water of that creek, and no one down the stream is going to have any water anymore. Is that fair? So, property owner rights are justifiable, but yet you cannot take away somebody else's rights, the rights of the water in that entire underground water, whether it's a river or a lake type of situation. You can't just pull it all out. And so, that is what we are protecting, and it is the government's job to protect the health, safety, and welfare of our community, and the future of our community. Stick around, and I'll talk more about the roads in your comments also. So, thank you.

Ms. Bline - I was just wondering, who's going to enforce this? Is this going to go to property maintenance? Is it going to go to water department?

Mr. Fox - First off, the county health department, I've already spoken with them, they're fully supportive of this as well. They approve any new permit that's being drilled. So, if Joe wants to go out and drill a new well, they're required to hire a contractor. That person, or that company would then submit a request for a permit, a well permit, and then the county health department would approve or deny that. In this case, any time that a well permit would come through their office, and it was inside the City of Newark, if this passes, they would then reach out to us and say, hey, do you have water at this property? And if so, the person could connect to our water system, and then the well permit would be denied.

Mr. Houser - I'm sorry, Mr. President. We're turning this into a committee, but I just have one more question for Brandon. Do we have an idea of how often we're seeing new permits pulled for wells? I just want to get a general idea in my mind.

Mr. Fox - In the city? I'm not aware of any in my time. I mean, I don't see them come across the health department's desk. But there're very few wells in the city already.

Mr. Marmie - I'll make one additional comment. One of the individuals indicated that previously they were more or less told that it was not permissible to drill. And you're right. Everybody was told, no, you can't have a well if you have access to city water. But it wasn't legal for us to say that. But I know that it had been said in the past. 100%. I know for a fact that it was. It was just one of those things that I believe that it was one of those unwritten rules, but now we're making it a written rule. We need to make it legal. There is a true threat. There're large companies that are coming in, and they are going to devastate water supplies for communities because they do not have something like this to protect themselves. There's nothing they're going to be able to do if they don't have something like this in place. We're just making sure that we're protecting that. But yes, 100% true that, I know that I've talked to Roger about it before when he was the water superintendent. No, you can't have a well. I was told that. So, we have been more or less operating in that function or that capacity. That's why we haven't had it in the City of Newark. Thank you.

Motion passed 9-1 (Bline)

By: Mr. Rath, Mr. Cost, Mr. Barker, Mr. Marmie

25-37 AN ORDINANCE AUTHORIZING AND DIRECTING THE NEWARK CITY SAFETY DIRECTOR TO CERTIFY TO THE LICKING COUNTY AUDITOR, THE SUM OF \$484,600.00 INCURRED BY THE NEWARK CITY PROPERTY MAINTENANCE DEPARTMENT WITH RESPECT TO PROPERTY MAINTENANCE VIOLATIONS TO BE PLACED AS A LIEN UPON CERTAIN PARCELS OF REAL PROPERTY SITUATED IN THE CITY OF NEWARK, OHIO.

Motion to adopt by Mr. Rath, Second by Ms. Bline

Motion to amend by Mr. Rath, Second by Ms. Bline

Mr. Rath - Apparently, we're not putting as much on a lien as was noted. Originally it said \$484,600. We would like to change that to \$310,550.

Motion to amend passed 10-0

Motion to adopt passed 10-0

ORDINANCES ON FIRST READING

There are none this meeting.

RESOLUTIONS ON SECOND READING

By: Mr. Marmie, Mr. Cost, Mr. Barker, Mr. Rath

25-72 A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK TO APPLY FOR FUNDING FROM THE UNITED STATES DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE UNDER THE BULLETPROOF VEST PARTNERSHIP GRANT PROGRAM.

Motion to adopt by Mr. Marmie, Second by Mr. Barker, Motion passed 10-0

By: Mr. Marmie, Mr. Cost, Mr. Barker, Mr. Rath

25-73 A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION.

Motion to adopt by Mr. Marmie, Second by Mr. Barker, Motion passed 10-0

RESOLUTIONS ON FIRST READING

By: Mr. Marmie, Mr. Cost, Mr. Barker, Mr. Rath

25-75 A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION.

Held until 12.15.25

By: Mr. Rath, Mr. Cost, Mr. Marmie, Mr. Barker

25-76 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACT FOR CERTAIN ESSENTIAL SUPPLIES FOR VARIOUS DEPARTMENTS OF THE CITY OF NEWARK, OHIO, FOR 2026.

Held until 12.15.25

By: Mr. Rath, Mr. Cost, Mr. Barker, Mr. Marmie

25-77 Resurfacing with related work. Scope of work within city will include resurfacing and replacement of curb ramps as needed. The general location within Newark is State Route 16 from just west of Dayton Road to the east corporation limit.

Held until 12.15.25

By: Mr. Marmie, Mr. Cost, Mr. Rath

25-80 Exp A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION.

Motion to waive the 2-day reading rule by Mr. Marmie, Second by Mr. Barker, Motion passed 10-0

Motion to adopt by Mr. Marmie, Second by Mr. Barker, Motion passed 10-0

COMMENTS FROM CITIZENS

Tim Waldren, 167 S. 2nd St. - I did find all the information, but it's old now. There's one thing. Jeff, this is going to be the last time I say this. Next week is your birthday and my birthday. Happy birthday. I hope to see you a lot more. Thank you.

MISCELLANEOUS

Tricia Moore, Director of Law – Congratulations to Newark Catholic. That was quite the accomplishment. I know Doug and I were talking about everybody who went to Newark Catholic thought that they should win the state every year. And some of us didn't, and they were really disappointed about that. It's always great to see them in the finals. (inaudible). So, congratulations to them and all their hard work. With that I pass. Thank you.

Mayor Hall – This past Friday evening was the annual courthouse lighting. What a great, wonderful day, evening to kick off the holiday season. I want to thank Spencer and his direction under the courthouse lighting committee. I'm sure it's always great when it comes. It's great when it goes, probably. It's a lot of work. Phenomenal work from the police department and fire department in collaboration. They do wonderful things behind the scenes that you don't always know, but it's just outstanding. I thought it would be a lesser crowd because of the cold weather. It wasn't a lesser crowd. But I would just tell you downtown, between Canal Market at 330 and on, I was over there. The Arcade was a great, warm place to kind of hide out a little bit. All the restaurants and all the businesses did phenomenal. I don't know that it's ever been busier downtown. So, thank you everybody for working

and having another great season. The courthouse looks beautiful and will for the next month. So, thank you.

Mr. Rath – Thank you. I also attended the courthouse lighting. I was able to go down there with my wife, my daughter and son-in-law, my son and daughter-in-law, five of our grandkids, and a bunch of friends. We made that an annual tradition. It definitely lived up to its expectations. It was a great time. It was absolutely cold. I wouldn't have it any other way. This is the way it should be. Santa Claus did an awesome job. The grandkids were excited to see that the Grinch did not reoccur, but as a grandfather, bring him back. I like that. Mr. Wince, that was a very nice thing you did there to have that park bench dedicated to Mr. Varner. We appreciate that. I'm glad that we could work with you on that. Congratulations to the Newark Catholic Volleyball Team. That was awesome seeing that. Mr. Waldren, I had it written down in my notes. Happy Birthday. Sunday is your birthday. Happy Birthday. I've done that every year up here. And then, finally, I want to encourage our administration to continue to research, look at, reopening the Showman Arch Bridge. I know there's a lot of moving parts to that. It seems like those parts change every time I hear something about it. But nonetheless, it's not anything that we expect you to do tomorrow, but it is something that I personally expect you to at least look into. I know there was an article that was put in the newspaper about this. I said something about talking about snow in July. I just don't think that he got the gist of that. So, I'll let you know what I meant by that. When I first came on the Council, one of my pet issues was our snow removal system, which 16 years ago was one team, for sure. Everybody laughed at me about calling a Safety Committee meeting in July to talk about snow removal. Everybody said, why do you want to talk about snow removal in July? I said, because I don't want to talk about it after we screwed up in February. It's that simple. Same thing with the Showman Arch Bridge. I want to talk about it now because when all those apartments get pulled, when PCA gets occupied with all the other industrial development goes up and down Thornwood, when all the housing development goes up and down River Road. That's not the time to start thinking about, well, crap, what do we do with all this traffic? So, I want to start thinking about that now. I will call a Service Committee meeting for December 15th. And with that, I will pass.

Mr. Rine – Thank you, Mr. President. I just want to comment on the courthouse. Absolutely beautiful. I love the Christmas music when you're driving by. I don't know if that was there last year, but beautiful touch. I want to comment on the Showman Bridge. I've seen the article in The Advocate. You know, the asphalt companies are only open a certain time of year. So, we'd have to plan ahead to get the ball rolling. So, I'd like to see that going. And with that, I'll pass.

Mr. Barker – Thank you. I'm going to pass right now.

Ms. Bline – Mr. Barker, thank you. Thank you, you and your committee. You did a fantastic job on the courthouse lighting. We were down there, it seemed to be between three, around 3,000, between three and 4,000. There's a lot of people. It was a great time. So, thank you again to your committee and everyone. That doesn't come free. People have donated throughout the year, light the night. Okay, great cause for that. So again, thank you for that. Mr. Wince, thank you. Thank you for doing that. It means a lot. It shows that we honor and we respect those who have sacrificed. That's such an important part of community. It's a big deal. Thank you. I want to thank everyone who invested and donated to the community dinner. A couple weekends ago, we had last count 435 people come and they were largely families, and we, frankly, we ran out of food. Estimate was we probably would have served over 500, again, largely families. So, I want to thank everyone. Jason, he put that together. Afie and his team. They, again, they did a fantastic job.

Mr. Chute – Thank you, Mr. President. I will pass.

Mr. Cost – I was hesitant how I voted on the Sharon Valley development. I understand completely the neighbor's concerns. And the answer to the question was, would I want that in my backyard? The

answer is no. I would not want that in my backyard, but I have the faith and confidence in our engineering department that they will make that right. I think that's something that we have to be able to count on because it needs to be done correctly. So, I'm willing to support that. Thank you.

Mr. Houser – Thank you, Mr. President. I would echo Mr. Cost's comments on the Sharon Valley development. I'd also like to thank you guys for coming out and talking about Ordinance 25-36. I think it's always an important question to evaluate individual rights when it comes to a question like that. So, I appreciate you guys prompting that good discussion around that ordinance. So, I appreciate that. And with that, I'll pass.

Mr. Labutis – Thank you, Mr. President. I would like to congratulate the Newark Catholic volleyball team on their state championship. That's a huge accomplishment. And congratulations to Spencer and the courthouse lighting committee. Courthouse lighting is always one of my favorite events every year. Our family's there every year and we look forward to it. So, the courthouse looks great. (Inaudible). With that I will pass.

Mr. Marmie – Thank you, Mr. President. I need to call a Finance Committee meeting for December the 15th. Mr. Wince, I applaud you and what your class has done. That's just fantastic. God rest his soul, and very proud that he served our country. So, I appreciate that. As far as talking a little bit about the ordinance with the rezoning. One thing that I will add, no, I didn't want what I ended up getting in my backyard when somebody built this huge barn and he's got all kinds of equipment and campers and everything else. And it's in my backyard. But you know what, it was vacant property, and if I didn't want it, sure, I was welcome to purchase it. But I didn't want to purchase it. Anybody who doesn't have anything in their backyard currently, they don't want anything back there. That's the thing. But there are some things that might be more beneficial than the alternative, so always have to think of that. The downtown, oh wait, let's go to the roads. Okay, I agree 100% Mount Vernon Road is just treacherous. Unfortunately, the part of Mount Vernon Road that we're going to be working on with the project is not that part. It's closer to the downtown area that is going to be closed down and part of our phase one of that sewer separation there on Mount Vernon Road. I have said all along when the utility company came in and cut that strip down there and they resurfaced it and did a horrible job and it is uneven and it pulls trucks and trailers and everything else is just an accident waiting to happen. I also agree with the fact that you know roads need to be a priority. We need to focus on roads. Unfortunately, the voters disagreed. We told them all along that, you know, we need more money in order to help with the roads. We're not going to be able to have paving because the tax increase did not pass. So, you know when it comes to priorities, we do need to thank the safety forces first and foremost. Our infrastructure is very important, but we have to run the city as well. Roads are very important to us, but when you don't have the money, you don't have the money and that price continues to just go up. Until we find another revenue source it's going to hurt and it's going to hurt not only this year, but whenever you don't pay you get instead of one year behind you usually get two to two and a half years behind because the cost increased to where you could have paid for it previously. So, I do agree that we need to make it important. Downtown courthouse was fantastic. Again, thanks Spencer. Santa Claus did a great job. We always enjoy him coming into town and greeting everybody and it was just really a neat evening and like the mayor said people were enjoying downtown. The numbers just keep going up and up and up for that event. I really believe that folks are really, really starting to enjoy coming downtown. Every single year there's something new that they can see, that they can experience and I think it's just going to continue to grow as far as the use of our downtown. Not to take away from any other part of our city, but it's you know, it was it was much over needed the overhaul that is taking place downtown and there's a lot more pride in our city because of it and folks outside of the community comment on it all the time. Man, you all have done a fantastic

job with your downtown area. The murals, it's just beautiful down there. Just all the different things. How did you guys afford it? Well, a lot of it was private money. It wasn't the government's money, you know, so it's been collaborations of that and helping each other and the other thing, right across the street that parking garage was slam-packed on Friday and it was much needed. You would go around downtown and there was not a parking place around and you know, a lot of folks were able to enjoy that event because they didn't have to walk, you know, from all the way down to the library because the parking garage was made available. So, I am just going to state, I know some folks are commenting on some things they want to see in the future. You're going to hear me saying because the budget's coming out, you know with the budget, it's not going to look pretty. So, I'm just going to start pounding my little drum here that we need to look at our models. Every model that we have with our safety forces, with anything within our city, we have to look and see if there's a better way in order to try to manage that. And sometimes it may not save us money, but it'll reduce expenses in the future, or the increased amount, because everything goes up in price. So, I think that we need to definitely take the time to look at those and make sure that we're operating in the most efficient manner possible. And with that, I will pass.

Mr. Neely – I will pass, thank you.

Mr. Barker - Thank you, Mr. President. I'm not contagious. I've gone to the doctor. I want to really send a big thank you to NPD and NFD. This was the, I have been to 33, I'm 34. 33 out of 34 courthouse lightings. I've ran eight of them now. This was the smoothest delivery of Santa Claus we've ever had. That just speaks to the coordination between my committee, NPD, and NFD, and the City, as far as keeping the community safe during this event. As Ms. Blaine said, we had a couple thousand people there. I thought we were going to have maybe a couple hundred because of the weather, but I was pleasantly surprised. But it just shows that we have continually worked, and one of the other things, and the mayor spoke on this a little bit, it's truly an economic driver for the City of Newark, for our private businesses, for public businesses. It's an event that's going into, it's finishing out its 77th year. I don't know many other events in the community that can say that they've sustained 70 plus years here in Licking County. So, I want to thank everybody, my committee of nine, the City, county commissioners, this is not a government funded project. We raise the funds one penny at a time each year. So, it's definitely a labor of love, and I appreciate just the community's continued support of it. And with that, I will pass.

President Harris – I'd like to wish Mr. Rath a happy birthday. I think Mr. Houser has one coming up, and Mr. Cost has one coming up. Mr. Cost is not telling the truth. The real reason he voted for that senior citizen facility is because he's first in line on the waiting list. I'd like to congratulate the Newark Catholic girls. Our next meeting, our last meeting of the year is December 15th.

ADJOURNMENT - Motion to adjourn by Mr. Cost, Second by Mr. Labutis, passed by acclamation

Jeff Harris, President of Council