

COUNCIL MINUTES

June 7, 2021
Council Chambers
7:00 P.M.

President Ellington called the meeting to order

ROLL CALL – Mr. Labutis, Mr. Lang, Mr. Marmie,
Mr. Rath, Mr. Barker, Mr. Blake, Mr. Bubb, Mr. Fennell, Mr. Harris

INVOCATION – Minister Blyth Barnow, Faith in Public Life

PLEDGE OF ALLEGIANCE- President Ellington

CAUCUS - Motion by Mr. Marmie to excuse Ms. Hall, second by Mr. Blake, motion passed by acclamation

MINUTES of May 17, 2021 - Motion by to approve the May 17, 2021 Newark City Council Minutes as presented and the reading be dispensed with in view of the fact each member of Council has received written summary of same, second by **Motion to approve by Mr. Labutis , second by Mr. Barker , carried by acclamation**

APPOINTMENTS – There are none this meeting

REPORTS OF STANDING COMMITTEES

Finance – **Received and filed no objections**

Service – **Received and filed no objections**

Capital Improvements – **Received and filed no objections**

REPORTS FROM CITY OFFICIALS – There were none this meeting

COMMUNICATIONS

Brenda Cooper, Newark Income Tax Division – Notice that Income Tax Collections reports have been delayed due to a recent software conversion.

AEP Ohio – North Newark – Sharp Road 138 kV Transmission Line Rebuild Project notification

Licking County Board of Commissioners – Invitation to Electric & Natural Gas Government Aggregation Program, June 10th at 1:00pm

PUBLIC HEARING

By: Mr. Rath

21-07 AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 166 HUDSON AVENUE, CITY OF NEWARK, LILCKING COUNTY, OHIO, FROM THAT IF MFR- MULTI-FAMILY RESIDENCE

DISTRICT TO MB – MEDIUM INTENSITY BUSINESS DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO.

Planning Commission has recommended, MB – Medium Intensity Business District

Motion to adopt by Mr. Rath, second by Mr. Bubbs, motion passed 9-0

COMMENTS FROM CITIZENS

Rochelle Volen-Smith, 237 Violet Ct. – First I would like to extend my condolence and hope for a speedy recovery to Dee. Second, on the 11th Street issue, I hope we are going to be proactive to avoid the problems that we've been having in the south end with the noise ordinance, in considering of developing that land. I think this would be a good time to be proactive about that and get public comment before it's too late. Also on the streets, I don't expect that every street is going to be fixed every year, that would be impossible. However, I think the way we are doing it is not the most cost effective in that, for instance in my neighborhood, it's been patched several times and there have been a number of times where a patch doesn't last a day. There are better materials available and I think that it would serve the public to do it right the first time and finish some of the areas that were started and not finished. There's a lot of work being done on 40th Street, but this is all around Newark where patching is being done, they use this left over material it seems like throwing it in a hole, it just does not work. They've done this year after year and it's just effectual, so I suggest we research some other ways of doing it to help the public in the meantime until the street can actually be done. The other thing is I think it should be easier to find out what streets are being done. Mr. Morehead is a not bad communicator and that sort of thing, but there's got to be some other ways of doing this.

Mr. David Lipstreu, 40 N. 40th Street – I've been here before talking about the 40th Street project and I would invite council during the present moment to come out and look at that project as it presently stands. It's flooded. There's no accounting for the weather, I completely understand all that, but this project has been an absolute disaster from the beginning. I've spoken with Mr. Rath on it, he concurs there should've been better publicity on it and so forth, but the people out there need some relief. I understand this is not even close to being finished, but I have an elderly neighbor, she's 82 years old, has a heart condition, she's had damage to her house from flying rocks. We'd like to have the houses power washed at the conclusion of the project if possible and have trees planted back out there, because everything was taken down from the right of way, we've discussed this also. Right now I have a lake, literally, well it's not a lake, it's a small pond at the end of my driveway, so, it's very difficult and the concern I have is, if an emergency vehicle had to get in there tonight, a fire engine or an ambulance, there's going to be a problem. Particularly with my house and with Rosalee McDonald's house. Please come out and take a look at it. If this is any indication of house projects are going to be done from now on, we are in a lot of trouble.

Linda Mossholder, 224 Green Meadow Dr. – I'd like to piggyback a little on the last gentleman's comments, but just a different section. My back yard actually faces the radio station property, so I often use the bike path. I'm not sure who is responsible for maintain the bike path, but there are huge trees that are ready to come down and go into the creek, and there's only one place those trees are going to go if they come down. So, if the city is not responsible for maintaining it, maybe the city needs to let someone know that something needs to be done. There's huge erosion around the creek and the property opposite the radio station property. I know some repairs have been done, left of the bridge near cherry bend and there's been new paving put there and some of the neighbors are very concerned because the paving is very close to their backyards, so I just think some attention needs to be placed on the bike path there. And as always, I'll ask if any plans have been made for use of the COVID funds that the city is going to receive and if there is going to be an opportunity for public input.

Mary Ellen Rhodes, 90 S. 22nd Street – I live on the corner of Buckeye and that's the problem, Buckeye. There are so many semi's that are using that end of Buckeye right now. Some of them have driven into my yard. They were able to get the city to pave the city's 3 feet of my back yard part of the way, not all of it so it looks kind of strange, but they still get into my year. There is a tree that my daughter and I planted and it broke branches off the tree when they are trying to get into those bays. These are the big semi's not the little ones. They have little ones too, but I think it was last week, there was one big one in the bay, one down here, one down there and another one waiting and a small truck pulled in, so there were 5, 4 of them the big semi's and that's a lot of traffic for that little street. I've been there 25 years and the people across the street are trying to help, but there is only so much they can do. They can't control the semi's and I realize that. I have asked them to let me know if they see a semi that has gone into my yard. If they will tell me I will call them, the company, but they haven't done that yet. From the alley all the way to the stop sign there are dents and grooves and holes, I had one hole that was a foot deep and of course that was during the rainy time too, but still. I can't cut that until it's fixed and they're working on fixing it, but they've been working on fixing it for a couple of months. My grandsons came and cut it back yesterday because I use a riding lawn mower and I can't do the holes. I'd like to still be able to cut my grass because I can. I think Buckeye needs more attention because of so many semi's. Most of them come from 21st Street, but sometimes some come down from 30th. That's a lot of weight whether they're empty or not. Sometimes they are delivering and sometimes they are picking up. I would just somehow like to get more attention to Buckeye, because that's my corner street.

President Ellington – You have the house with the extra strip of pavement and the new chain link fence? I know exactly where it's at.

ORDINANCES ON SECOND READING

There are none this meeting

ORDINANCES ON FIRST READING

There are none this meeting

RESOLUTIONS ON SECOND READING

There are none this meeting.

RESOLUTIONS ON FIRST READING

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

21-31 Expedite APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION

Motion to waive the two day reading rule by Mr. Marmie, second by Mr. Labutis

Mr. Marmie – We need to expedite this because we have some payouts.

Motion to waive the two day reading rule passed 9-0

Motion to adopt by Mr. Marmie, second By Mr. Labutis

Motion passed 9-0

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

21-32 APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION

Motion to waive the two day reading rule by Mr. Marmie, second by Mr. Bubb

Mr. Marmie – There are some items in here that need expedited and weren't originally on the council agenda, however, in order to meet the paving list and getting that forward in time we would like to expedite this.

Motion to waive the two day reading rule passed 9-0

Motion to adopt by Mr. Marmie, second by Mr. Labutis, motion passed 9-0

By: Mr. Lang, Mr. Barker, Mr. Rath, Mr. Bubb

21-33 CI APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION

Motion by Mr. Lang to waive the two day reading rule, second by Mr. Barker

Mr. Lang – For the same reasons as Mr. Marmie mentioned for 21-32 we would like to expedite this.

Motion to waive the two day reading rule passed 9-0

Motion to adopt by Mr. Lang, second by Mr. Barker, motion passed 9-0

By: Mr. Rath, Mr. Barker, Mr. Bubb

21-34 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO NEGOTIATE AND ENTER INTO CONTRACT WITHOUT COMPETITIVE BIDDING FOR THE REPAIR AND/OR REPLACEMENT OF THE ROOF ON NEWARK CITY HALL AND DECLARING AN EMERGENCY

Motion to adopt by Mr. Rath, second by Mr. Labutis

Mr. Rath – Currently we have flooding on the 4th, 3rd and possibly the 2nd floor of this building. We have monies now to fix it and a contractor ready to do so, that's why we've invoked the emergency clause so we can get it done.

Motion passed 9-0

COMMENTS FROM CITIZENS

Beth Bline, 33 Summit Street – First I want to thank everyone for that great discussion about streets. I was just telling someone that this was a very good discussion and I really appreciated it. I am here to advocate for those residents who could not be here tonight either because they are seniors or because they were working. Some had heard about the opportunity to come and place their street on the list and some I knew were in needful situations, so I asked their permission to come and advocate for them on their behalf. With that being said, I want to thank Mr. Morehead. The following streets are decreed unusable by the citizens and they are very concerned about the conditions and the fact that they are going around the block to avoid the holes. Decrow at Maholm entrance, so respectfully they're asking their street be placed on the list. Cambria, residents are concerned if there were an emergency situation would there be a problem, Jefferson, residents on Jefferson next to Newark Station, residents are unable to go either east or west and use alleys at cut throughs because the street is so broken. In fact, a resident at 38 Jefferson, Mr. Cowdery, has been making repairs himself, he's been doing some really good concrete work. He's made some calls and received no response so he has made some repairs himself. Poplar, that's a great old street, a lot of good folks there with many senior citizens that were unable to come here tonight, they have asked that their street be put on the list tonight. There are several businesses, Brewsky's on 6th Street, the gentleman there asked that they be given consideration. The business owner of Modern Design asked that they be included. James Street, South Pine and Western. I thank you. I'm going to go back and visit these folks and let them know that you heard their requests. Also, the citizens on Boner, there's a lot of construction being done on that street but there are also a lot of seniors and people who have ambulatory issues so they struggle getting around. They have issues getting to their cars.

Mark Frazier I, 30 North Street - I want to thank you all, I wasn't planning to speak, but Done Ellington seemed like he really wanted me up here. I want to give you a brief update. We are going through the finals cycle now in the state budget, so it's about a \$74 billion budget, we have tax cuts that are in it it's in the senate right now and supposed to come back to us and go to conference committee, we also are finishing up the BWC budget as well, what we see with the BWC is the usage of the funds that we are collecting continues to be distributed back to those that are paying through rebates and dividends and so we're evaluating those rates, trying to make it more conducive so we're not paying up front and reimbursing in arrears. We're working through multiple pieces of legislation from our office prospective to be applied in the senate right now one of which is nursing home legislation. Trying to make use of what we learned during the pandemic that everyone has access to their loved ones. We're also focusing on the COVID Relief Funds, we have about \$2.6 that we get this year from the Federal Government to the State. We're looking at the unemployment debt which is about \$1.5 billion and also infrastructure projects for water and wastewater and broadband. We're targeting about \$200 million on the broadband side, we're still negotiating that to see what's in that pot of money. There are questions on your COVID dollars and questions about the programs that we have. There's also grant programs for businesses, restaurants, bars that's a new pipeline that's opening up, so if you know anybody that have businesses that were impacted, have them reach out to our office, we'll send an

email out to you guys as well as far as how to apply to the organizations running those grants. Thank you.

MISCELLANEOUS

Mayor Jeff Hall – Three things. First, American Rescue Plan Funds, I watched two webinars, we did have a group last week kind of driven from the Governor's request to One Columbus that's a little bit of JOBS Ohio, some of us talked. Just FYI the US Treasury came out with the fine print, it is open for public input until July 16th, so that fine print isn't final, while there is some encouragement to spend it before it's final, I'm hesitant to that, because they will say at the same time, you are responsible. So it's not real clear exactly what you can and can't do, but it never is. It's fair. You'll have to the end of 2024 so, there's a lot of time, so I encourage citizens to reach out to your council members or through my office, I don't think it has to be a formal forum, but there is some talk in a lot of those groups about how we can make larger impacts in the communities by pooling funds. County has money, everybody has money and also we don't want to have duplication of efforts because there are different pots of money for different subsets of industry out there, there are some unique things we want to see how all that's going to fit in. So, we're researching and going through it, but there's nothing official yet.

Second, big congratulations to Newark Station, Todd Alexander and team did a great grand opening last weekend despite the rough weather for Memorial Day weekend and I'm sure that challenged a lot of people, but they did get the volleyball courts open and will be moving forward on a lot of great things on that property. Then also the Works I joined them this Saturday morning and they celebrate their 25th Anniversary and Howard LeFevre started that and they gave out some awards and opened a new thing in the courtyard called habitat, so they planted some habitat areas and it's very nice and the children got to enjoy it and it'll be a great teaching facility as you go through that.

Finally, I attended a Cub Scout Group Pack 145 that meets at Neal Avenue United Methodist Church. Kudos, five of those young Cubs, keep in mind they are between 5 and 10 years of age, got the Super Nova Award. It is so rare to get it less than 12% of all Cubs ever get that. They got proclamations from the Governor and Congressman Balderson, but they had to track spending money for a week, help cook meals and shop for them, keep track of time log for a week and then do research on 3 different scientists in the field of STEM and they finally had a science fair. These kids and great bonding of the parents through the process, but these young men just did a wonderful job. I think look to the future when they work and getting into Scouting, so pretty neat projects and my congratulations to all of them.

Mr. Labutis – I too want to thank everyone involved with Newark Station, I was able to attend the grand opening, it's fantastic now and will continue to get better over the next three years as they continue to develop the next phases. I was glad we were able to get Resolution 21-34 passed this evening to get the roof fixed.

Mr. Lang – First I would like to extend best wishes to Dee on her recovery, hoping to see her back here soon. I think when it comes to the street committee meeting we had tonight, I think in the future it would be fair to ask that if we're going to have a meeting where the expectation everyone is going to reach out to their constituents and bring people that that be communicated. I don't think that was effectively communicated tonight and that was reflected in the folks that were here to talk. I'd also like to thank Mr. Morehead and Mr. Rhodes for

including me in the roundabout pre-construction meeting. Really interesting to sit in on of those and kind of see how the sausage gets made, so to speak. It was also a bit disappointing, the utilities delayed that project, but that was something that I would never have learned. I would say to all of my council colleagues, if you have an opportunity to sit in on one of those pre-construction meetings before a big project in your ward, it's really helpful in answering questions that come up, because I was definitely prepared for questions that came through, and thanks for letting me participate.

Mr. Marmie – I need to call a Finance Committee Meeting for the 21st. I too want to wish Dee Hall the best of health, she's been really going back and forth with things, it's been a rollercoaster ride for her and I want to wish her speedy recovery. I also want to ask the President what the plan is for July 5th, is that going to be a Holiday, are we actually going to convene on the 6th because our little schedule here in front of us says we're meeting on the 5th.

President Ellington – The 5th is a holiday so we will be meeting on the 6th.

Mr. Marmie – I want to talk a bit in reference to Mrs. Volen –Smith's remarks regarding the different types of patching jobs. We know some of them don't last. There are basically 3 different types that are used. There's a cold patch, which under a certain temperature we have to use because under certain situations it's all that's available because you cannot mix up a hot patch. There's hot patches, which is just actually a hot patch like it says and that lasts a little longer, not necessarily years but longer than a cold patch. A cold patch is very temporary but is what's used when we can't use a hot patch and it is a waste of money. Then we have the chip and seal. It's for a little bit bigger jobs, we can do a bigger area and we actually bring out machinery and it puts tar and rock together and puts a more solid patch on. So depending upon the time of year, the temperature, the size of the hole and what's going on with the situation, the city dictates and the administration dictates which one is going to be put on. Some they'll put on knowing it won't last but wait until the weather changes so they can put on a different type. So that happens within the city so, if you see those especially the cold ones, we know they don't last but it does help. One other thing, I believe Mr. Lipstreu, you may want to check into, you alluded to the streets within the right of way, the city does not allow any trees in any right of way. We have allowed that to grandfather for those trees previously within the right of way before that was passed. It goes back to the issue of street paving. We don't want them in the right of way because they hang over the street. If they hang over the street, the sunshine does not get onto the street, you have more freezing and less thawing and it really creates havoc on the street when it doesn't dry out and the water stays there because of the shade from the trees. So, therefore, you need sunshine on your streets more than anything as far as making them last and that's why they're not allowed in the right of way and why the legislation is now in place.

Mr. Rath – First off, I do want to send out well wishes to Dee, I hope she gets well soon, I know she's been struggling for a while and we're all hoping for her recovery. I want to call a Service Committee meeting for the 21st. Doug, I'm glad you talked about the different types of patches, I've heard several people talk about using left over material and I know that's just not the case. There is a method to our madness I will say, but we'll leave that up to the engineers. They are the experts. Mr. Lipstreu, your concerns have been voiced and forwarded on, however, Mr. Hickman, our Safety Director, I don't anticipate it being a problem, but if you wouldn't mind sir,

I'd appreciate it if you would check with the good fine folks at Station 3 and make sure they feel they have adequate access and response time to 40 N. 40th Street, as well as 42, 44 and 46.

Safety Director Hickman – I've had that conversation with the Fire Chief.

Mr. Rath – Thank you, I appreciate that. Mrs. Householder, you spoke about the trees along the bike path, that's maintained by the Licking County Foundation. We've done some work along with them when it is in the City of Newark, but it is Licking County Foundation.

Mr. Barker - I will make this just brief. One thing about getting notices out, as we spoke about in Committee, we've created a new process with our clerk to get information out, but even the engineer's office when there are road closures, they send these notices out, they go out everyone in city offices, as well as all of the media contacts that we have. It's the media's choice then to report them or not. I personally don't see them being reported, which means citizens don't see them. I've mentioned this to the editor of the Advocate once, didn't get much feedback, I would definitely encourage citizen's if they are wanting to hear additional input they should pass that along to the team at the Advocate, because they get these notices when there are closures or projects going on in the city that might have an extended closure. I also wanted to thank Ms. Speake for coming tonight and talking. Councilman Harris and I met with her after our committee meetings were over, heard her concerns, have a plan of action. We believe it's part of another issue that our water treatment department is working on already. So, we're happy that she did come tonight and speak those concerns so that we can help her as we would any constituent here in the city.

Mr. Blake – First I want to thank the minister for coming tonight and thank you for your work that you do in our community and the service you provide and appreciate your prayer tonight very much. Thank you for the discussion that we did have tonight. I think that any time that we can have an opportunity for our residents to come and voice their opinions, whether it's good or bad I think it's part of my duties to hear the good and bad, so I do appreciate those that came tonight and spoke and if we only talk about the good we can never correct the wrong and so it's necessary for us to sometimes have those hard conversations. It's not just related to our streets, but related to substance abuse, related to crime, serious crimes and those that are petty. Many times I've had one issue, getting notices, even the situation with the Newark Station, understanding that notices will be given to a 300 foot radius. When those issues come forward, I see what's happening on the agenda's, I go out and notify people. I see that as my responsibility as a council member to notify my residents about what's happening. That's what happened with the Street Committee. You see you're going to have a discussion, you go out and notify people that this discussion is an opportunity and when this Newark Station zoning change goes before Planning Commission, I'll go notify that neighborhood about what's happening, just so we cannot have this situation where people feel that they were not properly notified. Sometimes it's hard to hear public input and public comment, but I feel that's part of our duties and responsibilities and our accountability is to the residents of Newark.

Mr. Bubb – Just a few things this evening. I too, wish Dell Hall the best and a speedy recovery, I'd like to congratulate the Newark Catholic girls for their final four appearance, coach did a great job this year. I'd like to congratulate The Works on their 25th Anniversary and Founders Award Recipients Dan DeLawder, Diane DeLawder and Jay Heller. The Founders Award is given to those who inspire lifelong learning, support education, history and science. Very well deserved to all those folks.

Mr. Fennell – I too would just like to thank everyone who spoke and shared their opinions, all of their candor this evening about streets. It was one of the more lively committee's that we've had in a while and we should have more of those. Also, I do want to wish Dee Hallo a speedy recovery. Also, this is our first council meeting during June and June is Pride month, so I would like to wish everyone Happy Pride.

Mr. Harris – I too also attended the Newark Station celebration, it was a nice event, except for the cold weather. I'm looking forward to seeing what excitement they're going to have there. Also, I want to thank the cemetery workers. Thursday before Memorial Day I went up to the cemetery and talked to the city workers and they did a nice job of getting the cemetery ready, mowing the grass and trimming and everything. Then on Memorial Day I went to the Memorial Ceremony that the veterans put on at the cemetery and it was really a nice ceremony. I want to thank B.J Varner, he helped me get a street light fixed and I want to wish Dee Hall a speedy recovery.

President Ellington – Our next meeting is June 21st, which is two weeks from tonight. Committees are at 5:45pm and Council will start promptly at 7:00pm.

ADJOURNMENT Motion to adjourn by Mr.Labutis, seconded by Mr. Bubb, passed by acclamation

Don Ellington, President of Council