

COUNCIL MINUTES

March 7, 2022
Council Chambers
7:00 P.M.

President Ellington called the meeting to order

ROLL CALL – Mr. Harris, Ms. Hottinger, Mr. Houser, Mr. Labutis, Mr. Lang, Mr. Marmie, Mr. Rine, Mr. Barker, Ms. Bline

INVOCATION – Mark Labutis

PLEDGE OF ALLEGIANCE - Maicen Lewis, 4th grade, St. Francis de Sales

CAUCUS - Mr. Marmie – **Motion to excuse Mr. Rath, second by Mr. Labutis, motion passed by acclamation**

MINUTES of February 22, 2022 - Motion by to approve the February 22, 2022 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 **Motion by Mr. Barker, second by Mr. Labutis, passed by acclamation**

APPOINTMENTS

There are none this meeting

REPORTS OF STANDING COMMITTEES

Finance **Received & Filed without objection**

Service **Received & Filed without objection**

Economic Development - **Received & Filed without objection**

REPORTS FROM CITY OFFICIALS

Clerk of Licking County Municipal Court, Marcia J. Phelps – 2021 Annual Report

Mayor Hall – Proclamation for Developmental Disabilities Month

COMMUNICATIONS

Roger Loomis, Water Administrator – properties being sent to lien for past due water, sewer and storm water bills in the amount of \$8,153.58

COMMENTS FROM CITIZENS

Patricia Newcomb, 15 S. Park Place – I live in downtown Newark in a property on South Park Place, I've been living there for about 4 years. I'm also the President of the Downtown Newark

Association. It has been brought to my attention by many of our members that there is extreme dissatisfaction with the snow plowing in downtown Newark. Particularly with the last big storm. It's not just this year it has happened before, where there are berms left where the snowplows don't scrape close enough to the curb and nobody comes and cleans off the curb so people can, when they leave their cars, try to get to the sidewalk. They are left with a mound of snow and ice. I brought it up to the SID and it's an issue. It's a safety issue and it's an issue that the merchants are concerned about because of loss of business because people can't get out of their cars safely and get to their business or shops, it hurts them. So, I thought I would bring it up tonight as something to discuss and think about. We've got plenty of time between now and the next snowfall, maybe we can talk about getting the proper equipment purchased that will handle these types of instances. I have personally seen people fall, I'm surprised that someone hasn't been hurt very badly. So, that's what I wanted to bring up.

ORDINANCES ON SECOND READING

There were none this meeting

ORDINANCES ON FIRST READING

By: Mr. Marmie, Ms. Bline

22-04 TO PROVIDE FOR THE ISSUANCE OF NOT TO EXCEED \$1,125,000 OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING THE COST OF CHURCH STREET AREA IMPROVEMENTS AND REPAIR, INCLUDING ELECTRICAL, SIDEWALK, STREET AND STREETScape, AND ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY

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

By: Mr. Marmie , Ms. Bline

22-05 TO PROVIDE FOR THE ISSUANCE OF \$550,000 OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING A PORTION OF THE CITY'S COST FOR HORNS HILL ROAD SANITARY SEWER PROJECT IMPROVEMENTS, AND DECLARING AN EMERGENCY

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

By: Mr. Marmie, Ms. Bline

22-06 TO PROVIDE FOR THE ISSUANCE OF \$500,000 OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING THE COST OF CONSTRUCTION OF THE STREAMBANKPROTECTION PROJECT, INCLUDING REPLACEMENT OF THE SHEET PILE DAM ON RCCOON CREEK, SITE PREPARATION AND ALL NECESSARY APPURTENANCES, AND DECLARING AN EMERGENCY

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

By: Mr. Marmie, Ms. Bline

22-07 AN ORDINANCE CONSOLIDATING THREE BOND ANTICIPATION NOTE ISSUES OF THE CITY OF NEWARK, OHIO AND DECLARING AN EMERGENCY

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

By: Mr. Barker, Mr. Marmie, Mr. Harris

22-08 AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS MULTIPLE PARCELS ON HUDSON AVENUE, ELMWOOD AVENUE AND MT. VERNON ROAD BETWEEN SR 16 AND ST. CLAIR/HOOVER STREETS (SEE ATTACHED EXHIBIT 1), CITY OF NEWARK, LICKING COUNTY, OHIO, FROM THAT OF CSI-CHURCH SCHOOL INSTITUTIONAL; GO – GENERAL OFFICE; LB – LIMITED INTENSITY BUSINESS; MB – MEDIUM INTENSITY BUSINESS; MFR – MULTI-FAMILY RESIDENCE; SINGLE FAMILY RESIDENCE – RH – HIGH DENSITY AND TRF – TWO –FAMILY RESIDENCE DISTRICTS TO DC – DOWNTOWN DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO.

Referred to Planning Commission

By: Mr. Barker, Mr. Harris, Mr. Marmie, Ms; Bline

22-09 AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 1303 LOG POND DRIVE, CITY OF NEWARK, LICKING COUNTY, OHIO, PARCEL TAX ID # 054-269904.00.000 (ZONING CHANGE OF ONLY 3.648 ACRES) FROM THAT OF GB – GENERAL BUSINESS DISTRICT TO MFR – MULTI-FAMILY RESIDENCE DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO.

Referred to Planning Commission

By: Mr. Barker, Mr. Marmie, Mr. Harris, Ms. Bline

22-10 AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 170 RIVERVIEW DRIVE, CITY OF NEWARK, LICKING COUNTY, OHIO, PARCEL TAX ID # 054-276750-00.000 AND 054-270288-00.000 FROM THAT OF GB – GENERAL BUSINESS DISTRICT TO MFR – MULTI-FAMILY RESIDENCE DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OH

Referred to Planning Commission

RESOLUTIONS ON SECOND READING

By: Mr. Rath, Ms. Hottinger, Mr. Marmie, Ms. Bline, Mr. Barker, Mr. Harris, Mr. Lang

22-08 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE OF THE CITY OF NEWARK, OHIO TO APPLY FOR, ACCEPT AND ENTER INTO A WATER POLLUTION CONTROL LOAN FUND AGREEMENT ON BEHALF OF THE CITY OF NEWARK FOR PLANNING, DESIGN AND/OR CONSTRUCTION OF WASTEWATER FACILITIES (SOUTH SECOND STREET INTERCEPTOR PROJECT) AND DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN.

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

By: Mr. Marmie, Ms. Hottinger, Mr. Barker, Mr. Harris, Mr. Lang, Ms. Bline

22-09 APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (\$1,904.00 -Money received in 2021 from the Mental Health & Recovery for Licking & Knox Counties) (\$9,000.00 - Req. Appropriation of funds received from Licking County ODMAP Demonstration Project used to enhance & promote real time overdose data and surveillance)

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

By: Ms. Hottinger, Mr. Marmie, Mr. Barker, Mr. Harris, Mr. Houser, Mr. Rath, Mr. Lang, Ms. Bline

22-10 CI APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (\$16,286.50 - Lowering Device is 30-40 years old, Tent & Frame is 12 years old, Jumping Jack is used for tamping graves) (\$15,000 - TJ Evans Trail Reddington Rd to steel truss bridge at SR 16 Berm work – split cost with Park District) (\$7,604.75 -Rooftop Unit Cherry Valley Rd Crime Lab)

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

By: Mr. Rath, Mr. Marmie, Mr. Barker, Mr. Lang, Ms. Bline, Ms. Hottinger

22-11 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACTS, SUBJECT TO THE APPROPRIATION OF FUNDS, FOR VARIOUS CONSTRUCTION PROJECTS.

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

By: Mr. Rath, Mr. Marmie, Mr. Lang, Mr. Barker, Mr. Harris, Ms. Bline

22-13 The project consists of the construction of a single lane roundabout at the 4th Street (S.R. 13) / West Main Street (C.R. 132) intersection, including walkway, curb ramps, drainage, lighting, signage, pavement markings, and landscaping, lying within the City of Newark

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

RESOLUTIONS ON FIRST READING

By: Mr. Marmie, Mr. Barker, Ms. Hottinger, Ms. Bline

22-14 Exp APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION

Motion to waive 2 day reading rule by Mr. Marmie, second by Mr. Lang

Mr. Marmie – We have some things that need to be expedited in order to meet deadlines.

Motion passed 9-0

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

By: Mr. Marmie, Mr. Barker, Ms. Hottinger, Mr. Harris, Ms. Bline

22-15 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.

Held until 3-21-22

By: Mr. Marmie, Ms. Hottinger, Mr. Barker, Ms. Bline

22-16 A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK TO SUBMIT AN APPLICATION TO THE OHIO DEPARTMENT OF PUBLIC SAFETY FOR AN AWARD OF FISCAL YEAR 2022-2023 FUNDING UNDER THE OHIO EMS TRAINING AND EQUIPMENT GRANT PROGRAM.

Held until 3-21-22

By: Mr. Harris, Mr. Marmie, Mr. Barker, Ms. Bline

22-17 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO ACCEPT BIDS AND SELL CERTAIN SURPLUS PERSONAL PROPERTY NOW OWNED BY THE CITY OF NEWARK, OHIO, AND DECLARING THAT SUCH PROPERTY IS NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE, AND DECLARING AN EMERGENCY.

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

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

22-18 A RESOLUTION IN SUPPORT OF THE APPLICATION FOR AN OHIO HISTORIC PRESERVATION TAX CREDIT TO BE FILED BY HACR PARTNERS, LLC FOR THE REHABILITATION OF 169 HUDSON AVENUE, NEWARK, OHIO AND DECLARING AN EMERGENCY

Motion to adopt by Mr. Barker, second by Mr. Rine

Ms. Hottinger – I will need to abstain on this

Motion passed 8-0 with Ms. Hottinger abstaining

By: Mr. Marmie, Mr. Barker, Ms. Hottinger, Ms. Bline

22-19 APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION

Held until 3-21-22

COMMENTS FROM CITIZENS

Linda Mossholder, 224 Green Meadow Dr. – I just wanted to give Council hopefully a final update on the warming centers that we did this winter. We were open 15 or 16 times. The threshold is when the temperature at the Newark-Heath Airport is predicted to be at 15 degrees or below. We served a maximum on one night of 24 people and the minimum we served were 9. We also worked in cooperation with the Licking County Coalition for Housing, they were invited to possibly come to one of the warming centers, but were not able to provide staff, so we collected information for them from the individuals who were there giving them permission to contact people who were staying at the warming centers. Many of the people stayed more than one night. I took those slips and sent them to the Coalition for Housing. They were able to follow up with some of the people, but I would say a third of the people did not have phones, so there was really no way to contact them and unfortunately there is very little housing available to assist the people. I would like to say that every night that we were open with the exception of maybe one time, all of the people who came were very polite and very grateful to be out of the cold weather. We did have to call the squad one night because one gentleman's toes looked really bad. He was taken to the hospital treated and released and I did see him at another warming shelter and the only thing he had on his feet were the little socks you get at the hospital and tennis shoes. That made us think we needed to put a cry out for some boots. Most people coming to the warming center wear tennis shoes and if you are walking around in wet cold weather in tennis shoes, you're going to get frostbite. We were able to put out a request for boots. The Hospital bought I think 30 pairs, we collected over 100 pair of boots from different churches and places, so basically anyone who came in who had tennis shoes or had cold feet we were able to give them boots. The remainder of the boots were given out at the homeless outreach. The gentleman who had just the socks from the hospital did show up at the outreach still with the tennis shoes. We were able to give

him some warm socks, we took off his socks. One of the volunteers is a nurse, she said his bandages are wet, we need to do something. We cannot provide medical attention. We were at least able to get him dry socks and boots that fit. We continued to give boots out the following weeks. I wanted to thank Mr. Harris for stopping by the Disciple Factory and so did Ms. Bline. I would encourage you if we open again to stop by Trinity. It's two very different situations. Pastor Critter, we are grateful he opened, but is a little less stringent on the wearing of masks, we require all of our volunteers to wear masks at Trinity to keep the spread of COVID down. The other thing I would like to bring up, I don't know if you're aware, but the Health Department has issued two alerts for overdoses in the area. We work pretty closely with the Health Department, Mr. Brown notifies us of the areas where these are occurring. The ones we're aware of where fatal overdoses did occur, one was on Idlewilde and the other was on Elmwood. When we get that notice, we have narcan on hand, we make a special trip down the road with the narcan to see if we can find people to give it to. We normally give out about 50 of those on a Saturday, last Saturday we gave out 124 kits. Some of those were multiple kits we gave out to someone who said, hey I live on the street we know this is happening, I don't want another person to die. We know of at least one person still in intensive care, we don't know the status of the other people. My church was able to obtain 500 kits of the narcan, which I've been sharing with the outreach they are completely out. We have put in a request for more, so we will be out there on the street giving out the narcan as long as the situation continues.

Elizabeth Royster, 918 King Rd. – I just wondered the motions you guys were discussing and voting on, where can I find those in full to read. The motion about the bullet proof vests.

Mr. Harris – I would like to thank our Firefighters, last week when Bummies caught fire I went down there just to see how hard they work and everything that they did and had to do and all the other Fire Departments that came in, the Firefighters were impressive putting out the fire. If you ever know of a fire you should go support the firefighters. It's just a bummer that Bummies burned down so, hopefully they can re-build that. I need to call a Service Committee Meeting for March 21st. Then to the snow plowing, Mark and all the people that plow the snow do a good job, they work hard, they are here about 4am, they do the best that they can. This winter was a different kind of winter, but I want to give them credit for all they do. It's not an easy job and I appreciate what they do. I also want to thank Janine for putting up with all of our names. You're doing a good job, maybe all of us need to take handwriting classes up here.

Ms. Hottinger – Two quick things, I want to thank the Street Department. I know they have their hands full right now trying to keep up with filling potholes. The ones I have been reporting have been getting fixed. I'm sure it's just an on-going cycle. They work really hard. This is just a reminder, I brought this up last time, but there is a SID meeting here on Wednesday, it's an important one because we are discussing the future of the SID and it's up for renewal. One of the things that we asked property owners, if they want the SID to take over snow plowing, to see if that is something that they want. It will cost a tremendous amount of money, to be honest, and that will be something that the SID property owners would have to bear the cost of. So, we'll see what the outcome of that is. Ms.

Newcomb did speak to the SID about it and MR. Rhodes was there and did explain that as you said Mr. Harris, with the layers of ice and snow, I mean I still actually have ice in my yard and it was 74 degrees this weekend, so, it has to go somewhere and unfortunately it was just hard to keep up with and I understand the frustration from the business owners of getting people there, but I do think that was kind of a one off. I do think we try to take care of snow as much as we can. It is not a SID responsibility. It is a City and property owner responsibility. I think we can learn a lot of lessons, obviously, from snow storms, but I think we do a great job. If you have any suggestions for the SID as far as good things, bad things etc, please come on Wednesday and voice your opinions or let me know and I will be happy to share those on your behalf.

Mr. Houser – I just want to echo what Mr. Harris said about Bummies and my prayers go out to the owners there.

Mr. Labutis – I too would like to thank the Street Department, there were a few potholes that I reported on SeeClickFix and they were repaired within a few days. I got a reply on the app that said your issues were resolved. That's a great resource to use. I would like to announce that on April 8th, the historic 5th Street gym, that used to be Newark High School gym, is currently owned by Granville Christian Academy and they are having a fundraiser that night to help renovate the gym. They obviously want to keep it historic but want to renovate it as well, so that will be April 8th from 6-9:30pm. You do need to purchase tickets for that which you can do on their website at GranvilleCA.org.

Mr. Marmie – First I need to call a Finance Committee meeting for the 21st. I just want to kind of chine in about the snow plowing in the downtown area. One thing I want to start off by saying, I believe our Street Department and the way the Service Director has handles snow plowing has been incredible and has done a fantastic job. In particular with some of the different snowfalls we've had and ice in particular. I am going to comment that their responsibility is to plow the streets and to make sure our streets are clear. We will risk putting ourselves in a position that if we are cleaning the downtown sidewalks, my driveway gets a whole thing of snow, when it does get plowed, gets a whole thing of snow right in front of it. It's my responsibility as a business owner to clear my driveway even if the plows come through and push snow there. I believe if there's a solution which is the manner in which the way they plow the downtown that could assist, I believe that could be incorporated, but as far as city funding of equipment and manpower to plow the parking of the downtown area and the sidewalk accessibility and everything, I don't think I can support that, because that's a property owners responsibility. Although I do feel for them, I am a business owner and had to plow mine out three times and I know what it takes for that to happen. Also, I know what I had to do at my home, just clearing the driveway so we could get the vehicles out because it's their responsibility to make sure the streets are clear. That is their primary role and responsibility and I support that. So, that's kind of where I stand on the whole thing. Cheri, that's my opinion about where we are at on that.

Mr. Rine – I'd like to announce that we are having a neighborhood block watch meeting on the 17th, so that is next Thursday, at the police station at 6:30pm. We'll be having a presentation from an NPD

Special Operations Group. We'll be discussing issues and problems within any ward, it's for the 6th and 7th, but anyone is welcome to come.

Ms. Bline – I thank you for getting a chance to thank people. I'd like to thank Joe Paul, I apologize, I've kept his docket full, but I'm learning and I'm grateful for his time. I'm thankful for Buster at the Street Department, we had a long chat over the phone about various processes and how things are done. I'm grateful for the Law Department, I'm going up and down the rungs learning how things are done and processes of arrests and non-arrests. First, what's SID, before I comment? I also want to highlight the upcoming possibility of zoning changes. If citizens are out there and watching, I know the Advocate is not as read as it used to be but, zoning is huge. And when zoning changes the possibilities for everything come, so we don't know what happens when zoning changes. We can't tell the future, but we do know they are going to change it. So in a time of great change right now, it's a time for us a citizens to get up on the wall and have foresight for our communities and say, if the zoning goes through, what will happen to my community. Or to say, no, I don't want zoning changes. So, please, like Mr. Ellington has said so many times, this is your city council. This is your place to let your voice be heard because again when zoning changes it can be change for generations so we may or may not hear what come of it, so it's an open opportunity for citizens to come, let your vision be given and let your voice be heard.

President Ellington – Our next meeting will be march 21st. Committees will start at 5:45pm, full council will start promptly at 7pm, is there a motion to adjourn.

MISCELLANEOUS

ADJOURNMENT Motion to adjourn by Mr. Labutis, second by Mr. Harris , passed by acclamation

Don Ellington , President of Council