

## COUNCIL MINUTES

April 4, 2022  
Council Chambers  
7:00 P.M.

**President Ellington called the meeting to order**

**ROLL CALL** – Ms. Hottinger, Mr. Houser, Mr. Labutis, Mr. Marmie, Mr. Rath, Mr. Rine, Mr. barker, Ms. Bline

**INVOCATION** – Michael Houser

**PLEDGE OF ALLEGIANCE**

**CAUCUS** – Mr. Marmie, motion to excuse Mr. Lang and Mr. Harris, second by Mr. Barker, passed by acclamation

**Mr. Marmie – Motion to bring off the Table Resolution No. 22-12-A APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION -, 2<sup>nd</sup> by Mr. Barker, passed 8-0, this resolution is for radon testing and remediation for that. We asked the Service Director to get some additional quotes and also tried another remedy to try to reduce the cost by just going ahead and performing the remedy as far as radon, but by law they have to test before they can remediate so, I want to make a Motion to adopt Resolution No. 22-12, second by Mr. Barker, motion passed 8-0**

**Ms. Hottinger – I need to abstain from Resolution No. 22-22**

**MINUTES of March 21, 2022** - Motion by to approve the March 21, 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. Labutis , second by Mr. Houser, passed by acclamation**

**APPOINTMENTS**

**REPORTS OF STANDING COMMITTEES**

Finance **Received & Filed without objection**  
Service **Received & Filed without objection**  
Safety **Received & Filed without objection**  
Capital Improvements **Received & Filed without objection**

**REPORTS FROM CITY OFFICIALS**

None this evening

## COMMUNICATIONS

**Seth Dobbelear, Campaign & Resource Director, United Way of Licking County** – United for Ukraine Fund

### PUBLIC HEARING

**By: Mr. Rath, Mr. Harris, Mr. Barker**

**21-43** AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 26 VINE STREET, CITY OF NEWARK, LICKING COUNTY, OHIO, FROM THAT OF SINGLE-FAMILY RESIDENCE – RH – HIGH DENSITY DISTRICT TO HB – HIGH INTENSITY BUSINESS DISTRICT, ZONING CODE OF THE CITY OF NEWARK OHIO

*Planning Commission has made no recommendation for either passage or denial of Ordinance No. 21-43*

**Mr. Rath** – Nobody has come forward to say what their plans are for this. No one has come forward to speak for or against it. With that being said and without a recommendation from the Planning Commission, I recommend this die from lack of a motion.

**President Ellington** – As Mr. Rath said no one has come forward to speak for or against this and with a lack of a recommendation from the Planning Commission, this will die for lack of a motion.

**By: Mr. Rath, Mr. Barker**

**22-02** AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 404 RIDGE AVENUE, LOT NUMBER 3975 (PARCEL #054-195288.00-000), CITY OF NEWARK, LICKING COUNTY, OHIO, FROM THAT OF SINGLE FAMILY RESIDENCE – RH – HIGH DENISTY DISTRICT TO MFR – MULTI-FAMILY RESIDENCE DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO.

*Planning Commission has made a recommendation to amend Ordinance 22-02 to reflect zoning classification change from RH to TFR before passage by Council.*

**President Ellington** – As you can see here, the Planning Commission has made a recommendation to amend Ordinance no. 22-02 to reflect zoning classification change from RH to TFR before passage by Council.

**Motion to adopt by Mr. Rath, second By Mr. Barker**

**Motion to amend Ord. No 22-02 from Multi-Family Residence to Two-Family Residence and name it 22-02-A, second by Mr. Barker, motion passed 8-0  
Motion to adopt as amended passed 8-0**

**By: Mr. Rath, Mr. Barker**

**22-03** AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 404 RIDGE AVENUE, LOT NUMBER 3976 (PARCEL #054-195282.00-000), CITY OF NEWARK, LICKING COUNTY, OHIO, FROM THAT OF SINGLE FAMILY RESIDENCE – RH – HIGH DENSITY DISTRICT TO MFR – MULTI-FAMILY RESIDENCE DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO.

*Planning Commission has made a recommendation to amend Ordinance 22-03 to reflect zoning classification change from RH to TFR before passage by Council.*

**Motion to adopt by Mr. Rath, second by Mr. Barker**

**Motion to amend by Mr. Rath from Multi-Family Residence to Two Family Residence, second by Mr. Barker, motion passed 8-0  
Motion to adopt as amended passed 8-0**

#### **COMMENTS FROM CITIZENS**

**Melinda Molden, 494 Beacon Rd** – Thank you for giving me the opportunity to speak. I have a concern it's about a music venue, Roost on The River. I know it's something that was addressed a couple years ago before COVID. The only thing good I can say about COVID is it stopped the nuisance of the venue. Unfortunately, I've been keeping an eye on their site and they're advertising they're going to have an event on June 17<sup>th</sup> and 18<sup>th</sup>. My concern is still the same, the nuisance, the noise. I can't really even explain, it's not just the noise, the only way I can explain it, you know like when you go to a parade and the band goes by and you just feel that, that's what it's like. You can't get away from it in your home. The walls vibrate, it's tortuous and I'm just asking you please do something about the noise. We have a very quiet neighborhood and when this goes on it's tortuous.

**Jeff Molden, 494 Beacon Rd.** – My concern is the same thing, the music venue. They were going to work on the sound ordinance and everything and I haven't heard anything, so, that's why I'm here. I hope something gets done.

**President Ellington** – I think Mr. Barker is working on that as we speak.

**David Lewis, Superintendent of Newark City School District, 2091 Morgan Run** – With me this evening is Julio Valladares, our Treasurer and Board members Warren Weber and Mark Christenberry and we appreciate the opportunity just to speak to you briefly about our

upcoming levy renewal that we have coming on the ballot, May 3<sup>rd</sup>. I just wanted to share a little bit of information, answer any questions, I believe you're getting some handouts there. Basically it's a levy renewal, it's no new money, so people like to hear that no new money. It's a 1% income tax levy renewal and these funds go to pay operating expenses about \$10 million a year we get from this money, which is about 13% of our budget. I believe this was first adopted back in 1997 and has been passed every 5 years since then, the only difference with this time around is we are trying to make this permanent, so we don't have to keep coming back to the ballot every 5 years. I think every time that you're on the ballot, even though it's no new money, folks see you out there and think they're asking for more, they're asking for more, when in fact we're just asking for the same funds that we've been getting since 1997. One thing we're trying to make clear to folks, obviously, we purchased the State Farm property, this has nothing to do with the State Farm property, with the purchase or renovation of that property. Those are Federal Grant funds that we're able to use to make that possible. We just wanted to come and share some of that information, if anyone has any questions, I'll have Julio come up and fill in the gaps.

**Julio Valladares, Treasurer for Newark School District-** Just as Mr. Lewis said, this is just a continuation of the tax levy for the operations of the district. State Farm is a building that we were fortunate to get some federal funds that we are utilizing to build a preschool institution there and also a digital academy. We are also building some partnerships with other institutions to see what we can do to fill that building of 350,000 sq ft. It's huge, most of you have been in that building. We're going to try to do the best that we can to utilize that building for our community, to put it to use for our community moving forward and secure some space for the school district as we see growth going forward. Again, the funds that we're using are federal funds. We've been very frugal with our funds and will continue being frugal moving forward so that we don't have to come back and ask for more money. Fortunately with the funds that we receive those funds are enough to continue the work for our students.

**Mark Christenberry, School Board Member** – I was a board member years ago and helped run the levy campaigns in 2002 and 2004. 2004 for the new schools, one of the parts of that was when we did it in 2004 we got a 27 year deal, which means we couldn't really go anywhere or do anything, we were pretty much done with expansion and all of that kind of stuff for a long time. Three or four years later the State decided to come along and say that pre-K is important, so we've been stuffing kids in corners now in brand new school buildings for quite some time. The State Farm building is actually fabulous for us because it's 8 acres under roof. We're going to be able to do lots of good things with that and have plenty of room for as many kids as we'll ever need. For me, this is a piece of infrastructure for Newark. This is the last piece in our funding that we need. You have to do it for so many times before you can ask for it to be permanent. We've been there, done that. With all the cool stuff that's coming I think parents are going to get on the computer and look at our graduation rate, how many languages we teach, how many different sports we have, they're going to look at all this kind of stuff. I think we are absolutely at the top of the list in Newark and this little piece lets everybody understand that we're not going to be asking for money all the time. With the State Farm building we've got plenty of room for as many kids as we'll ever have, this is a really good place to be, with the number of houses that are less than \$100,000 to buy in Newark, I don't know how many of

those there are, probably not very many at this point, but still as people move to our area, they're going to be looking for houses, good neighborhoods and I think that Newark is a great place to be and that this type of infrastructure is what they'll be looking for.

**Warren Weber , School Board Member, 896 Jean Ct.** – I'd just like to give you a historical perspective from my point of view. On June 28, 1993 I drove down Route 13 from Germany, to come to Newark, Ohio. Never heard of it. Thought I was going to Newark, New Jersey. I retired from the Air Force here, had two kids who graduated from Newark High School, I have a grandson who graduated from Newark High School, who just recently graduate from Otterbein and I have a young grandson who's 9 years old and I'm thinking that in 9 years or so, he'll graduate from Newark High School. With Intel coming in, we want to make sure that our kids have the best education possible so that they can move forward. We talked about our money and the levy and those kind of things, but you know during the pandemic we were able to give all of our kids one on one chrome books. So, every student in Newark School District has a computer. So we've used our money very frugally and the Mayor and you all, the money that you gave us a year or so back, we used it wisely and we plan on doing the same thing with the levy money. I worked on the levy for 10-15 years while my kids were in school and I'm retired twice and I'm still trying to do it. We appreciate your support and your constituents support so we can get this thing done.

**Eric Barber, 481 Hudson Avenue** – I have concerns with semi-truck traffic on my part of Hudson. Obviously, for all of Hudson. It's a front porch neighborhood, semi-trucks seem like they are making a 30 minute dropping off and leaving every 30 minutes or so, the same truck comes back flying down Hudson. Similar to previous comments earlier about rattling windows, obviously the house I live in is 122 years old. We love it. We love the neighborhood, I have kids at home, the last thing we want to do though is have them out front on our front porch with semi-trucks flying down the road. I know the traffic circles were a temporary study, when those were up it was one or two a week. This past Friday my wife kept track and got a little excel spreadsheet going and we had 16 of them come in a 5 hour window in the middle of the day. To me, being a residential street, a historical street, it just doesn't seem like the place for it. I know I've made calls to the City Engineer and Traffic Control, somewhere along the line over the past couple of years we've lived there, I've heard from somebody, I can't tell you off the top of my head who it is right now, that there are posted truck routes, I don't know if those are specifically for Owens Corning, I'm a little further north than Owens Corning, so where these trucks are going I'm not certain. Also, there is property that is zoned on Maple Avenue, right at the intersection of Maple and Sisal, it looks like it's zoned residential right now, there is no house there and there is a gravel driveway to business back there that appears to be receiving semi-truck traffic. I don't know if that's an issue. I've reached out to Colton, I appreciate his time and him doing what he can do for us as well. Just some sort of consideration about what we can do with the semi-truck traffic and the speeding, I know there are digital signs out there too, but just want to see if City Council and the City can address it in some way.

**Rob Evans, 22 Summit Street** – I'm here to complain about the music venue that's going to be going on here in the near future. My house is in direct line of the speakers of this place and the last time they had a concert there was on a Saturday night, I had to go to work on Sunday morning and I got literally two hours sleep and that's after they stopped at midnight, thanks to

somebody stopping them at midnight. So, in two days I got two hours sleep. Since the last concert though, we've added three grandchildren that are in and out of my house quite often, we have a dog and what are we supposed to do with this music going on and literally the windows in my house are rattling. What are we supposed to do. Pack up and leave? That's my house. I pay for that, I pay taxes for it. So, I just wanted to let it be known, thank you.

**Everett McKee, 255 Upson Downs Rd.** – Yea I'm going to talk about the noise thingy. First of all, a fundamental thing about rights. We all have the right to do whatever we please as long as it does not interfere with the rights of others, or cause harm to others. That's fundamental. Noise is all around us. If it's too loud, it's harmful, it's a health issue, not just an annoyance. We're focusing on this concert thing, but we have loud mufflers, you name it, it's all around us and it must be controlled. We're living in a very, we have a lot more people in a smaller space than we used to have, so it becomes more critical that everybody keep their noise levels down and of course the law is a way of monitoring that. I know you're going to be working on a noise ordinance and I'd like to be involved in that too. I have quite a bit of experience in sound. I have a noise level meter, it's a decibel meter. It's really old and very simple and also not very hi tech stuff, it's a microphone an amplifier and a meter that's it. It's a very reliable instrument. There's been an issue about how are you going to enforce that, well obviously, you're going to get a complaint, I don't expect the police to be there monitoring these things all the time, so a complaint basis is probably the simplest way to do that. If you get a complaint, they take their handy dandy meter, go down and measure the level and report it. You can get recording meters, it does that automatically and also you can get calibration for those. So, it can be dealt with. It's been said you are supposed to calibrate before and after you use it, well that's kind of ridiculous. Given their reliability of these devices a reasonable schedule for calibration would be enough. Just a note how the police really did handle a situation a couple years ago, I live in the Sherwood Downs addition, it's pretty far away from any businesses and I heard this loud music, so I called the non-emergency number and they said yes, we've had some complaints on that and we're going to deal with it, and it wasn't five minutes later and I didn't hear it anymore, so they did a great job, just on that one complaint and they didn't have to use a db meter, it was subjective. If you're listening to it different people have different responses to sound, one person noise might be another persons music, so that's why we have this device to measure the raw physical sound. I assume this law will change the level of noise, right now it's 95db, that is really loud. Around 80-85 is about the accepted threshold that the industry sill say it's starting to be too loud.

#### **ORDINANCES ON SECOND READING**

**By: Mr. Houser, Mr. Marmie, Mr. Barker, Mr. Harris, Ms. Bline, Mr. Rine, Ms. Hottinger**  
**22-11** AN ORDINANCE VACATING A PORTION OF A TWELVE (12) FOOT WIDE ALLEY AS SHOWN ON THE PLAT OF WEST MAIN STREET ADDITION, AS RECORDED IN PLAT BOOK 3, PAGE 100 OF THE LICKING COUNTY PLAT RECORDS; SAID ALLEY IS LOCATED NORTH OF WEST MAIN STREET, RUNNING EAST FROM NORTH 23<sup>rd</sup> STREET.

**Motion to adopt by Mr. Houser, second by Mr. Labutis, motion passed 8-0**

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

**22-12** AN ORDINANCE ANNEXING CERTAIN TERRITORY, GENERALLY DESCRIBED AS BEING 0.948 ACRES, MORE OR LESS, LOCATED AT 137 NORTH VERNON AVENUE IN NEWTON TOWNSHIP, TO THE CITY OF NEWARK, OHIO.

**Motion to adopt by Mr. Rath, second by Mr. Labutis, motion passed 8-0**

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

**22-13** AN ORDINANCE AMENDING THE POSITION CLASSIFICATION, PAY RANGE AND DEPARTMENT AUTHORIZATION TABLES OF THE CITY OF NEWARK, DIVISION OF WATER AND WASTEWATER, BY CREATING THE CLASSIFICATIONS OF UTILITIES ENGINEER, CONSTRUCTION SERVICES MANAGER AND MAINTENANCE TECHNICIAN/OPERATOR AND ELIMINATING THE POSITIONS OF PROJECT ENGINEER, UTILITY OPERATOR AND SECRETARY 1 WITHIN THE DIVISION AND SETTING THE COMPENSATION THEREFORE, AND ESTABLISHING ALL OTHER POSITIONS WITHIN THE DIVISION.

**Motion to adopt by Mr. Marmie, second by Mr. Rath, motion passed 8-0**

#### **ORDINANCES ON FIRST READING**

There are none this meeting

#### **RESOLUTIONS ON SECOND READING**

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

**22-20** A RESOLUTION APPROPRIATING MONIES FOR THE EXPENSES OF THE MUNICIPAL CORPORATION ((\$25,838.16 -Check rec'd from State of Ohio for Continuing Police Training Funds for 2022)

**Motion to adopt by Mr. Marmie, second by Ms. Bline, motion passed 8-0**

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

**22-21** A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO SELL CERTAIN PROPERTY, WITHOUT BIDDING, OWNED BY THE CITY OF NEWARK, OHIO TO THE CITY OF HEATH, OHIO AND DECLARING THAT SUCH PROPERTY IS NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE.

**Motion to adopt by Mr. Rath, second by Mr. Labutis, motion passed 8-0**

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

**22-22** A RESOLUTION AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY NOW OWNED BY THE CITY OF NEWARK, OHIO TO NEWARK DEVELOPMENT PARTNERS AS ITS AGENT FOR INDUSTRIAL COMMERCIAL, DISTRIBUTION, AND RESEARCH

**Motion to adopt by Mr. Rath, second by Mr. Barker, motion passed 7-0 with Ms. Hottinger abstaining**

#### **RESOLUTIONS ON FIRST READING**

**By: Mr. Marmie, Mr. Barker**

**22-24** A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK TO APPLY FOR FINANCIAL SUPPORT FROM THE STATE OF OHIO 2022 NATUREWORKS GRANT.

**Held two weeks for second reading**

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

**22-25 Exp** APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (\$5,000.00 -Payout for resigning firefighter Nathaniel Greene) (\$41,774.58- Insurance check from car hitting cemetery bldg.; Bluebird Grant money; Money rec'd in 2021 from LC Veterans services for concrete work in veteran section)

**Motion to waive the 2 day reading rule by Mr. Marmie, second by Mr. Labutis**

**Mr. Marmie** – We have a payout that we always expedite to get the funds to the employee and also we have some grant money that needs expedited because there are state deadlines

**Motion to waive 2 day reading rule passed 8-0**

**Motion to adopt by Mr. Marmie, second by Mr. Labutis, motion passed 8-0**

**By: Mr. Rath, Mr. Barker, Mr. Marmie, Ms. Hottinger**

**22-26** A RESOLUTION APPROVING AND RATIFYING AN UPDATED SOLID WASTE MANAGEMENT PLAN

**Held two weeks for second reading**

**By: Mr. Rath, Mr. Barker**

**22-27** A RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO THE LICKING COUNTY GOVERNMENTAL AGGREGATION PROGRAM PARTICIPATION AGREEMENT WITH THE LICKING COUNTY BOARD OF COMMISSIONERS AND VARIOUS MUNICIPALITIES AND/OR TOWNSHIPS LOCATED WITHIN LICKING COUNTY, OHIO, FOR THE CITY OF NEWARK, LICKING COUNTY, OHIO; AND DECLARING AN EMERGENCY.

**Motion to adopt by Mr. Rath, second by Mr. Barker**



**Mr. Rath** – The reason for the emergency clause it to meet filing deadlines

**Motion passed 7-1**

**By: Mr. Marmie, Mr. Barker**

**22-28** APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION ( \$60,000.0-(Drainage work at pathways and other misc drainage work)  
Held two weeks for second reading

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

**22-29 CI** APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (\$29,500.00 -Dump Truck for Cemetery)  
**Held two weeks for second reading**

#### **COMMENTS FROM CITIZENS**

**Linda Mossholder, 224 Green Meadow Dr.** – I would just like to talk a little about something that just happened. On March 27<sup>th</sup> Newark officers responded to 1280N. 21<sup>st</sup> Street, the Speedway. A female advised that there was fentanyl on the pumps. Newark Fire also responded. The female was checked by the Newark Fire Department and it was determined that she was having a panic attack after she heard a rumor about the pumps. The report was false. I appreciate that this was put out that the rumor was false. I know it's not the responsibility of the Police or Fire Departments to inform the public on misconceptions of accidental overdoses from touching or getting too close to fentanyl. However, it's virtually impossible to overdose by touching or simply getting too close to fentanyl. Doctors and toxicologists warn that this kind of hype around the perceived threat is harming overdose victims, tax payers and first responders. It was all over the scanners and social media. Accidental overdoses by skin exposure is chemically and physically implausible, this has been cited by medical toxicologist Dr. Ryan Marino. I just want to again say that I appreciate that it was posted that this was a false report. We've had a rash of overdoses lately in Licking County, it has not reached a crisis point but I wanted to make everyone aware that there is a webinar coming up and I can send the link, it's directed to basically Law Enforcement on how to deal with the opioid crisis in the community. It will be April 28<sup>th</sup> from 4-5pm and I do have a link and I can forward that to Council. The other thing I'd like to talk about is some things that are encouraging. I don't know if anyone is aware of Senate Bill 296, it would legalize the use of narcotic testing products including fentanyl testing strips and deregulate naloxone. If passed, this legislation would be a significant step forward for local communities and organizations working to prevent fentanyl-related overdose deaths in the state. The other encouraging piece of news is the opioid settlement dollars, there are a lot of dollars coming down to municipalities, counties, cities and there will be a regional amount. This money has to be used for specific purposes like increase services that are already provided and to provide methadone treatment, right now anyone prescribed methadone has to drive to Columbus to receive the treatment and they have to drive there everyday.

So, I would encourage people making decisions about the opioid settlement dollars to work with people in the recovery community and people who are experts on addiction. There is a tool kit available and I would be happy to forward that to you. Lastly I would like to invite Council members and City Officials to the “Steps of Change” that will occur on May 14<sup>th</sup> from 10-1pm and this a program where we recognize people who have overdosed and a number of youth who are homeless. It will be on the Courthouse steps.

**Bill Cost, 1639 Krebs Ct.** – I think it’s incredibly important that you all take a second look at this noise ordinance. We talked about this a long time a couple years back, we’ve all been down this road before and I think that we’ve got to realize not only is it an issue about how loud this sound is, but realizing that it’s for the entire city. We can’t spot zone this, it has to be something that will work all over the city and also realize it has to be a factor of what time of day that this noise is being produced. It got ridiculous last time around, it was midnight screaming into microphones and it’s very important work. If all are going to take this up and would like anyone as a private citizen to be involved, I would like to volunteer.

**Stephen Smith, 237 Violet Ct.** – We had these signs on our street here this morning, no parking by order of Service Safety Director, 7am – 7pm, 4/4/22 to date unspecified. First of all there doesn’t appear to be any such city official as a Service Safety Director. There isn’t anything on the posted by, so we don’t know where this sign came from, apparently not posted by the city. I will be the first to acknowledge that Green Meadow, Lakeview and Cherrywood streets in that are going to be resurfaced and they need it desperately, I will be the first to acknowledge that. But I also saw the work that was done and is still being done on 40<sup>th</sup> and it took a long time and there were extended periods where those residents did not get trash pick- up for instance because of the disruption, it caused a real sanitary issue. I would like that to not happen in this area too. I understand the work being proposed here is a much more limited nature than what’s been going on on 40<sup>th</sup> Street, but lack of information on this for people to know what’s going on. I ended up having to call my council person to try to get some information. Supposedly the dates this temporary no parking is today until an unspecified date and the only information I get was the work isn’t even going to happen for two weeks, I don’t know. Sort of lack of information, I think we can do better. We should do better.

**President Ellington** – I would agree that sign is a little lacking there’s no doubt about that. This is a response from our City Engineer, basically just saying the Shelly Co. is the paving contractor, they use a sign for no parking on streets which they’ve used in other communities. They plan to begin work on Thursday 4/7, weather permitting. The reason for posting the sign today is because you have to allow 72 hours notice before any work. That’s the time period we have understood over the years that would allow the Newark Police Department to tow cars if they needed to if they were in the way of the milling or paving operation. Although we try to exhaust all efforts to get vehicles moved, sometimes towing is the last resort. This is also very time consuming for the contractor and they are not specific dates, depending on the weather, delays equipment problems etc. Although not a perfect method, if

anyone has a better method to get the vehicles off the street and be sure they are clear, I'd be happy to hear it, feel free to volunteer your comments.

**Rochele Volen-Smith, 237 Violet Ct.** – These signs appeared this afternoon and that is still not 7 days until the start date, the 7<sup>th</sup>. I understand it's customary to send out notices to people that are going to be affected, but that is not going to be happening this time. You're not allowing enough time to do that. Is there anyway of delaying it to allow for that and give people more information, because a lot of people are going to have be towed unless someone tells them. I intend to try to help that myself and partner for that because I don't want to see people hurt. There's lots of questions about how long this will take and how it will impact people and I think they are fair questions that should be addressed.

**Vanessa Evans, 22 Summit Street** – I'm here about Roost on The River and the noise as well. A couple years ago we went through all this and literally it is so loud you can't get away from it. It's so loud in your head, in your house, there is no escaping it, so I didn't know if there was a way to turn the speakers, turn down the decibels, do something, but something needs done. Thank you.

## **MISCELLANEOUS**

**Law Director, Tricia Moore** – I just want to say that we are working on the noise ordinance. We're not only working on the Ordinance, I've worked with Chief McKee and Safety Director Hickman back there, but we're also working on a permit system and I'm working on that with Mr. Barker, Ms. Blin and we're talking to some experts. I think Mr. Cost said it best that we can't just rush and put a law on the books for one venue when it could have negative impacts on other parts of the city. So, we want to write a law that addresses and can be applied across the board from Roost on The River to the Parrish Festival down the road. So, we are working diligently on that. We hear you, it will get done and I believe it will be effective, I know Chief McKee is happy to enforce these laws once we get them written. It is more complicated than it may seem, for example, your decibel meter is not acceptable in court. So we have to find a way so that we can do criminal prosecutions as well as keep professional venues in line with a permit system. So, I am hearing you, we are working hard on this, I just wanted to give you that update.

**Mayor Hall** – Probably just an extension on that a little bit. We really have been working on this for a long time and that's Administration, Council, Law Department, Citizens and you know noise comes off of White Field during ball games and I don't think that's something that we want to hinder. It's different types of noise and we understand that, but it has to be enforceable and it has to have repercussion and at the end of the day the uniqueness of Roost on The river, it's a business and they might just want to break the law and pay the fine. You have to be careful with that too, so we want things that can be effective out there. There's a lot of discussion on that. That happens throughout society people say I'll just break a law and pay the fine and for the amount of revenue they are making off an event they maybe don't care because we can't also have unreasonable fines. There's a balance there and that's why it takes a while. I do appreciate everyone coming in and sharing your feelings, we get it we understand. Chief McKee and everyone wants to make it work. You come out with a meter

and they turn it down and you leave and they turn it back up, so there are a lot of complications to it. We've dealt with this in Property Maintenance, if they don't cut the grass we'll fine them. Well, what if they don't pay the fine. We have people who don't pay multiple fines and they still break the law, so there are complications to it but they are working very diligently and I think Councilman Barker will talk about that and again I thank everyone for coming in to share their feelings.

**Ms. Hottinger** – First I would like to give my condolences to Councilman Lang on the loss of his mother, I just went through that myself, so sorry for his loss. Also I miss Councilman Harris tonight, I hope he's feeling better and will be back with us next time. I wanted to mention that Coalition of Care is having an event on April 16<sup>th</sup> at the Trout Club, Fashion with Compassion. It's a style show and luncheon, but it's a great organization, you can get tickets, it's from 12:00- 3:30pm, so if anyone is interested I'd be happy to let them know the details of it. Lastly, I want to thank the gentleman for coming in about the truck traffic on Hudson Avenue. It's a bigger problem than just Hudson Avenue, for someone who works on the downtown a lot with projects and the amount of money that is being spent in the downtown, we have trucks that are damaging our roundabouts, our flowers, our curbs and they don't know where they're going. So, it's something that I think we need to look at as a Council and I was going to get with the Law Director on our current ordinances or signage or something has to happen because it's ruining our neighborhoods and it's impacting financially the city in terms of the amount of damage they are causing, there's no reason for them to be down here going around the roundabouts or going through those kind of historic neighborhoods, so I look forward to working with Council and the Law Director on that issue.

**Mr. Houser** – I also want to offer my condolences to Councilman Lang and my prayers are with him for sure. In addition, I want to thank Joe Paul he helped me out with a couple things in the past couple of weeks, he always does a great job, so I appreciate him. I also want to thank everybody for coming in and talking about the sound ordinance, as multiple people have said, we'll be actively working on this.

**Mr. Labutis** – I want to pass on my condolences to the Lang family on the loss of his mother, I pray for him. For everyone who came in to talk about the noise ordinance, I appreciate the feedback on that and we've had some discussion on that amongst Council. I'm excited about the direction we're going with that and hopefully will see that soon come through Council. This Friday the 8<sup>th</sup> Granville Christian Academy will have their auction called "Evening at the 5<sup>th</sup> Street Gym", it's at the historic 5<sup>th</sup> Street Gym, the auction and fundraiser is to benefit the gym as they continue to renovate that. You can get tickets online at [granvilleca.org](http://granvilleca.org).

**Mr. Marmie** – I also want to extend my thoughts and prayers to Mr. Lang and his family, I know they're going through a really rough time and my thoughts and prayers are with he and his family. I need to call a Finance Committee Meeting. There was a lot said and I really appreciate everyone coming in and voicing their concerns. The one thing I always say and if you would've been here during the Committee Meetings, putting laws on the books that are not enforceable is a huge waste of time. It actually causes more frustration for citizens, so therefore we need to make sure we put something in place that is enforceable and will deter future activity of it and also not harm other individuals. Everett said it well,

you want to make sure that your rights are not harming somebody else's rights, well that goes both ways. We can't put an ordinance in place that is going to harm businesses and what they do. I'm not speaking specifically to that, you have wedding celebrations, you have other events in our community that the City even sponsors sometimes and we're promoting. So, we need to make sure we're not harming that when we're putting something in place. I think the Law Director and those involved are doing a great job of crossing every T and dotting every I to make sure that does happen. It doesn't happen overnight either, they have to look into everything the Law Director indicated and they are talking to experts and other people in the field that help with that. We're talking to other communities, what has been enforceable, what has worked, what are the obstacles, what are the hurdles, all of those types of things and that just takes time and then putting it into Newark's own unique situation. I can't say when it's going to happen, but I know with the Law Director's Office and those that have been very diligent, it will happen. I guess some of the comments about the notifications and things like that, it's a courtesy for them to notify, it's their street. The City can do what we want. We contract with a contractor, they have deadlines they have to meet. They have to get it done or else they're in non-compliance and it could impact their bond rating, because they have to be bonded in order to perform that. Weather in Ohio is not very friendly or conducive to construction and to doing things like paving. We do our best to notify and inform, it is not a requirement for the City to do that. I believe that what is being done is above and beyond what is actually required, so therefore, anything we do to notify or communicate is a benefit to those in the area. You also notify too soon folks forget about it, trust me, I know that in my business. If we schedule things two or three weeks down the road they're not going to remember. It's a timing issue, just try to do your best to impact the most. I think our City does a great job of going above and beyond when it's required to communicate with citizens and I commend all of our departments and especially the folks working on roads and infrastructure, I commend all of them for all that they do.

**President Ellington** – Just to let you know, Mr. Lang's 66 year old mother who was as far as anyone knows, very healthy, passed away unexpectedly last week, so that's what folks are talking about. Our sympathies are with his family.

**Mr. Rath** – I will start off with my condolences for Councilman Lang and his family, it can't be an easy thing to go through. As far as the rest of the stuff, I know the reason Law Director Moore stood up and that was to show off her cross-fit body, but about Law Director Moore I will say this, you've heard the saying there's a new Sheriff in town, well there's a New Law Director in town and twice tonight I've heard reference to that. Earlier in committee meetings, Chief McKee talked about her willingness to prosecute misdemeanor crimes and we're talking about the noise ordinance and we keep saying it takes time and it does take time, but it's been two years since we've had a concert and I know you all are thinking that, aren't you. But there's a new Sheriff in town and she hasn't been the Sheriff for that long, so we have a Law Director now, we have a Chief of Police now that are willing to take on this issue, which we did not have in the past. That was the biggest obstacle. That's why in two years we don't have an ordinance, but she's only been Law Director for a short time and I can tell you that when

she was jockeying for that position and we all had an opportunity to interview her, probably the most common question you got asked was how are you going to put together a noise ordinance, how are we going to enforce it. So, be patient, we are working on that. I think Mr. Cost hit the head ion the nail, we do need to come up with something that satisfies our need, but we can't spot zone or spot pass a law just for this neighborhood, it's got to be good for the whole city. As far as the road signs and the street paving, quite honestly to compare this to the 40<sup>th</sup> Street project is just totally unfair. The 40<sup>th</sup> Street project was a major waterline re-work, re-building the entire street after re-building water lines to make sure people in the west end had enough water pressure to ensure the Fire Department could put a fire out should they have a fire at their house. That was a major project and took some time, but I will say, even in that project, while dumpsters may not have been picked up by trash companies, the contractors and the City bent over backwards to ensure that everybody on 40<sup>th</sup> Street had access to their house during the entire project. Access was incredibly limited even though huge portions of the street were missing they made sure you had access to your house. When we're talking about street paving we're talking about limiting your access for a couple of hours. They'll strip the street away and while they're doing that you obviously can't be on that street and then they may come back the next day or two or three days later and they'll pave the street and while they pave the street you can't be on that street. It takes a few hours to do that. All the other time, you have total access. So, we're going to pave the streets, people have been asking for that for years, we're spending more money on paving streets this round than I think we have in the last 12 or 15 years and it's because people have been screaming for that, we've got money to get that done and we are doing that. It's a very limited time that you'll have limited access to your street, it's a very limited inconvenience. I will say the signs were put out today on the 4<sup>th</sup> city wide. You've been told that you got 72 hours notice and we're going to start on the 7<sup>th</sup>. I can tell you that they're not going to grind down every street in the city of Newark on the 7<sup>th</sup>, so they may not start on your particular street on the 7<sup>th</sup>. It might be the 8<sup>th</sup>, 9<sup>th</sup>, 10<sup>th</sup> or the 30<sup>th</sup>. We've contracted with them to do the job because they're experts at that and we're pretty much going to stay out of their way. You do you, we'll do us and we'll go on from there. If I haven't already I'm going to call a Service Committee Meeting for the 18<sup>th</sup>.

**Mr. Rine** – I just want to offer my condolences to Jonathan for his mother, my grandmother always told me they went out in pairs and my grandmother passed away a week and a half ago at the age of 66. So, she was right. Thank you Mr. Barber for coming in. you're not the only one that I've received emails and calls about, Manning, Hudson, Sisal have all reported semi-trucks. You said you've seen metal trucks cut through, that's kind of a cut through from 13. Some of the streets getting paved are Maple and manning and we don't need semi's tearing them up.

**Mr. Barker** – I would give my condolences to the Lang family, losing a parent is never something that is easy at all and we all know that at some point in our lives. The noise ordinance. Thank you all for coming tonight to talk about that. It's something that we started talking about, the Law Director, Safety Director and I met about a month ago to start working on it and we're looking at it from multiple municipalities point of view. The Law Department pulled multiple different language from multiple

different municipalities, not only in Ohio, but also outside the state to look at what are others doing to handle situations with noise in their municipalities. We had some good ideas from that, we had some odd ideas come up from that, some of which are just not the direction we want to go and I would reiterate what has been said tonight, we have to do this in a way, Mayor said it, Law Director said it, Mr. Cost said it, in a way that is smart for Newark and how we can best respect everyone's rights. So, I'm going to tell you tonight, there will be a new noise ordinance this year in the city. This is going to be a noise ordinance that is going to be smart for business and residents. From everything we've looked at so far and the experts we've talked to there is going to be cost involved for businesses, for any individual who wants to basically, have a party. We're not going to have a Roost on The River situation. We're not targeting at all, but there's enforcement, there's commitment from the Police Department and this Administration and this City Council to get this done. Again I'm going to say to you, there will be a new noise ordinance in the City of Newark this year.

**Ms. Bline** – I too want to send Jonathan and his family my condolences, they're sweet people and it's very difficult at any level of life. Again, talking about the noise ordinance, I want to thank everyone for coming out tonight and the great thing about it is that we're getting a reflection of the social fabric right here and right now. Newark has to decide on their identity. We as a City together can decide on that identity and what that looks like. What does our social fabric look like. Unsolicited noise that is imposed on a community can have serious repercussions, psychological, mental, physical. Where do you want to go, it's your house. There are equations involved, time, noise level, weighted. That's one thing that Everett brought up a little bit was weighted. Noise is weighted. Base is usually the most powerful, yet often is the least monitored. That's largely the destructive value that marks a difference between a baseball game and rock concert, is that pounding base, that's where the issue is. That's what makes it intolerable because it's something that can be centralized not only mentally, but physically and emotionally. That's where the impact lies and so to be able to figure that equation out and make it work within a community is the challenge. We all need to get together on this, because I feel like I've been beating the Law Director's door down and trying to reach Spencer and I've been really grateful to find some nationally known sound engineers that have been willing to chat and I've learned a lot and we're going to see if we can talk with one gentleman on Zoom, because I know I can't afford to bring him here. He's a really great guy and sound engineer and they know their stuff, so I'm excited about that and please keep coming it's so good to hear the reflective voices that we've been talking about the noise ordinance since 2019 and I know some of the things to partner with Mr. Barker there, some would be difficult to defend, but hopefully more community partnership and more expertise this will get ironed out. I'd like to thank really quickly the Street Department and the NPD, they've been really going above and beyond in south Newark because there's a lot of change and anytime there is change things that weren't noticed before get noticed, so I'm grateful for their assistance and all their help.

**President Ellington** – I'd just like to thank everyone for coming tonight and expressing your opinion. We at Newark City Council certainly appreciate it. You have been heard. Whatever comes out of this

may not be exactly what you want, but you need to come and let us know your opinions, that's the only way we can know about things, so we appreciate it. Our next meeting is April 18<sup>th</sup>, committees are at 5:45, full Council will be at 7:00pm that night.

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

**Don Ellington , President of Council**