

COUNCIL MINUTES

July 5, 2022
Council Chambers
7:00 P.M.

President Ellington called the meeting to order

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

INVOCATION – Mark Labutis

PLEDGE OF ALLEGIANCE

CAUCUS

MINUTES of June 21 , 2022 - Motion by to approve the June 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

There were none this meeting

REPORTS OF STANDING COMMITTEES

Finance **Received & Filed without objection**

Service **Received & Filed without objection**

Rules **Received & Filed without objection**

REPORTS FROM CITY OFFICIALS

Mr. Dustin Neely, Chairman of Charter Review Committee – The Commission began meeting in April, we conducted 5 meetings, the meetings went very well, very civil, very respectful. Thank you Law Director Moore for coming to the meetings to help us interpret some of the legalese. Janine was very helpful setting up the meetings, getting print outs we needed. At the five meetings we went through it line by line and had discussions, if anyone had a proposed amendment we would continue those discussions. At the end we took a vote on all the changes that we wanted to put forward, only two of those actually got put forward to you, they were regarding grammatical changes. It went well, it was very informative. I never read the City Charter so now I know it pretty in depth. On behalf of all the Commission, thank you for letting us serve and we were happy to do it.

COMMUNICATIONS

Ryan Shearer – City of Newark Street Paving List

Chance Patznick – City of Newark Parks Department hosting 1st annual T.J. Evans Youth Fishing Derby on July 9th at T.J.Evans Family Park

COMMENTS FROM CITIZENS

Mary Jo Ferrell, 93 Grant St. – I’m here to talk about fireworks and what happened over the weekend and trying to find out how to get them banned within the City of Newark. We had people who were setting off commercial fireworks in the Newark Nazarene asphalt parking lot until midnight on Friday night and Saturday night both. I want to know how to go about getting them banned. We had to medicate our dog twice to get her to calm down. So, any direction you can give me, I’m good with that.

President Ellington – I know dogs are not happy about fireworks. Director Moore you sent something out about that didn’t you, I think there has been a change in the laws in the State of Ohio hasn’t there?

Law Director Moore – There is a change in the laws. Cities have the opportunity to opt in or opt out. With the remnants of our City Code, I believe the only thing that survived is that they are still banned in the City, however, we were waiting to see how the State Laws came into effect and how they affected the 4th to make a decision of whether we want to go with the State Code or whether we want to ban them within our City. Your information is useful, I appreciate you coming in. on it.

Ms. Ferrell – Another concern I am having is, I looked up the law. Regular fireworks can be purchased and let off on the 3rd, 4th and 5th of July from 4pm – 11pm. No commercial fireworks. These people were letting off commercial fireworks like you would go see at red, white and boom. There’s houses, cars. Animals, people around. I called the police, they said they would not come So, I filed a complaint online.

Elizabeth Richard, 42 N. Buena Vista Street – I am here to praise the fire department. On the 22nd I was woken up by a passerby ringing my front doorbell, saying ma’am, you might want to move your car, the neighbors garage is on fire. The garage was totally engulfed in flames. I called 911. Less than 5 minutes later a fire truck was there. They put out the fire. My garage had external damage only. If they had been a little bit slower, I would’ve lost my garage, then my tree, then to my house. Not only that, they were super calm the entire time, I was not panicking, they were so calm and professional that I was calm and not scared. So, whatever training they are doing is working. One of their hoses had a little hole in it, we were joking about with bystanders, so maybe we can buy them a new hose, I think they deserve it.

Rochelle Volen-Smith, 237 Violet Ct. – To piggyback off the fireworks thing, these days fireworks happen year round, not just at holidays and a lot of times it is commercial. Over the weekend we had fireworks of incredible colors all around us and especially now what’s happening with guns and that sort of thing, it’s a bit much. I think we should call for some restraint.

ORDINANCES ON SECOND READING

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

22-18 AN ORDINANCE VACATING A PORTION OF A SIXTEEN AND ONE-HALF (16.5) FOOT WIDE ALLEY AS SHOWN ON THE ORIGINAL PLAT OF NEWARK, AS RECORDED IN VOLUME 2, PAGE 4 OF

THE LICKING COUNTY PLAT RECORDS; SAID ALLEY IS LOCATED NORTH OF EAST CHURCH STREET, BETWEEN NORTH 2ND STREET AND NORTH 3RD STREET.

Motion to adopt by Mr. Houser, second by Ms. Bline, motion passed 10-0

ORDINANCES ON FIRST READING

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

22-19 AN ORDINANCE SUBMITTING THE QUESTION “SHALL THE PROPOSED CHARTER AMENDMENTS, AS RECOMMENDED BY THE CHARTER REVIEW COMMISSION OF THE CITY OF NEWARK, LICKING COUNTY, OHIO, BE ADOPTED” TO THE VOTERS OF THE CITY OF NEWARK, OHIO AND DECLARING AN EMERGENCY.

Motion to adopt by Mr. Harris, second by Mr. Barker, motion passed 10-0

RESOLUTIONS ON SECOND READING

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

22-52 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 (16 NORTH SEPARATION PROJECT) AND DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN.

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

RESOLUTIONS ON FIRST READING

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

22-54 A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF NEWARK TO ENTER INTO A COMMUNITY DEVELOPMENT BLOCK GRANT FUNDED SUBRECIPIENT AGREEMENT WITH THE HEREINAFTER NAMED ORGANIZATIONS TO CARRY OUT ACTIVITIES INCLUDED WITHIN NEWARK’S FY 2022 COMMUNITY DEVELOPMENT BLOCK GRANT ONE YEAR ACTION PLAN.

Held until 7.18.22 for a second reading

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

22-55 A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK TO SUBMIT AN APPLICATION TO THE OHIO DEPARTMENT OF PUBLIC SAFETY OFFICE FOR FEDERAL FISCAL YEAR 2022 AMERICAN RESCUE PLAN ACT (ARPA) FIRST RESPONDER WELLNESS, RECRUITMENT, RETENTION & RESILIENCY GRANT.

Held until 7.18.22 for second reading

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

22-56 Exp APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (CHASE 2nd floor & basement \$595k)(NPD Body Cams \$145k)(Fire OT

\$250k)(Street Plows \$450k)(4-Police Cruisers \$200k)(Ice Rink Sign \$50k)(Parks Shelter House \$40k)(Hollander Pool Liner \$175k)(Street Paving \$600k)(Bike Path Slip Repairs \$440k)(Street Dept Fuel \$100k)(Future Maint of City Website \$120k)(Traffic Control Striping \$70K)

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

Mr. Marmie – We have some things that need to be expedited, some of them deal with overtime and street paving, things we need to get in motion in order to meet deadlines so I would appreciate everybodys support on the expedite.

Motion to waive 2 day reading rule passed 10-0

Motion to adopt by Mr. Marmie, second by Mr. Lang, motion passed 10-0

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

22-57 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE OF THE CITY OF NEWARK, OHIO, TO ENTER INTO A CONTRACT TO SELL APPROXIMATELY 65,630 BOARD FEET OF TIMBER LOCATED ON PART OR ALL OF PARCEL #'S 4815989400000, 5528271400000, 5528277400000, 5515860000000, AND 5515860200000 LOCATED OFF OF E. MAIN STREET AND ECOLOGY ROW IN A PORTION OF Q3, LOTS 3 AND 4 OWNED BY THE CITY OF NEWARK IN MADISON TOWNSHIP, LICKING COUNTY, OHIO, AND DECLARING AN EMERGENCY.

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

Mr. Rath – The emergency clause is to take advantage of current timber pricing since it seems to be decreasing

Motion passed 10-0

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

22-58 APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (\$500.00 -Request appropriation of funds from VFW Post 1060 earmarked for First Responders into misc. acct) (\$20,000.00 -Intel economic impact study-city share)

Held until 7.18.22 for second reading

COMMENTS FROM CITIZENS

Steven Smith, 237 Violet Ct. – I just wanted to point out that tomorrow is the beginning of early voting in Ohio. I think in these times when we've seen some very scary things happenings with insurrectionists who would seem to take the will of our voters, it's important for us all to get out and combat that attitude by voting. It's one of the things we just celebrated this last weekend, our right to freedom and our right to express our views by voting is something we should all do and I would like to encourage everyone to get out there and vote.

Kevin Garwick, President Newark Firefighters Local 109 – First, I would like to congratulate Chief Metzger and wish him best of luck in his new position. I want to thank the citizen for her comments,

we never do this for praise and thanks but it's nice to hear. I wanted to speak on overtime within the fire department. I know there was a resolution that appropriated more funds for overtime, I'm sure overtime is something that has been on your radar because it's very high, it's the highest it's been in a long time. I wanted to talk on the cause of the overtime. There was some discussion in committee as to the increase in overtime and possibly why there is an increase, I wasn't present to speak then, so I wanted to now. The reason for increase in overtime is because of retention difficulties. Newark has a significant retention problem. For years we've seen our employees leave Newark for higher paying jobs. Since 2010, 61 have resigned from Newark Fire to take higher paying jobs. That's 75% of our total authorized firefighters and they are gone within the last 12 ½ years. This doesn't include retirements or resignations to pursue jobs outside the fire service. As soon as we hire a firefighter, at least one leaves leaving us in a constant cycle of being understaffed. Overtime has been a solution to maintain staffing in this perpetual staffing shortage. We haven't been fully staffed at the fire department since May 13, 2021. On May 17th of that same year, 2021 we were back below staffing. In the past 6 years there's been roughly 2 months where we've been fully staffed. Top pay for a Newark firefighter is \$20-\$25 thousand less than other central Ohio departments that people are leaving for. Newark cannot compete for qualified candidates because of this. Other central Ohio fire departments actively recruit Newark Firefighters at their departments. They know they can recruit us because of the pay disparity and one or two years of experience at a busy department like Newark is very attractive to these other departments. We are essentially a farm system for these higher paying Central Ohio Departments. Recruitment has also been affected by this pay disparity. Out of the last civil service exam, which we just completed, only 6 out of the 44 applicants in the testing consortium that we share with Heath and Madison Township chose to apply at Newark. Six candidates on the list is before any background checks or any pre-employment testing, which some will certainly get eliminated from consideration for employment. We currently have 5 vacancies within the department, so it is highly unlikely that these vacancies will be filled with the eligibility list and we will remain understaffed in the foreseeable future. The candidate pool for lateral transfers is also dwindling. The number one solution to the overtime issue is retaining the firefighters that we hire. This cannot and will not be done until the pay disparity is fixed and Newark is able to compete with other Central Ohio Fire Departments.

MISCELLANEOUS

Tricia Moore, Law Director – I would like to congratulate Chief Metzger, I'm glad I was here to see that. Thank you to Dustin Neely and Tim Waldren for serving on the Charter Review Commission. It was a great experience for me as well, it was the first time I have sat on that. The way the meetings were conducted was very professional, the conversation was always civil, so it was a very positive experience for myself as well. I want to thank you for coming in and giving us some information. The State law in regards to fireworks is interesting because you shouldn't be able to buy commercial fireworks unless you have an exhibitors license. So that's a different kind of investigation. One of the things we took into considerations was as a prosecutor I haven't seen many fireworks citations come through my

office. So we wanted to see how this went since it wasn't really enforced that often before, so I appreciate your information and we have started a conversation about what we would like to do.

Mayor Hall – Chief Metzger will do a wonderful job. He was our first Deputy Chief and he's done a great job and I think Pat Connor who was our former chief, endorsed him highly also. It's going to be exciting to move forward with that. I also wanted to thank citizens for coming in about fireworks. It's not easy. If we sent them everywhere there were fireworks going off, we can't do that, but when we know where the biggest ones are, or the ones you are talking about, I don't know, it's possible. I looked at the sky and there were a whole lot of big fireworks other than at OSU, which seemed more than in the past. It seems like people may have misinterpreted the State law they read the words just allowed, not anything else. So, we'll talk about it and see what we can do.

Mr. Lang – I just wanted to highlight Resolution 22-56, I was real happy to see that come through. A lot of good funding for police cruisers and in particular glad we got the rest of the funding for police body cameras. I was real happy to see that come through. I'll share my congratulations for Chief Metzger as well I think he's going to be a fine chief and I look forward to working with him.

Mr. Marmie – I need to call a Finance Committee meeting for July the 18th. I also want to congratulate Chief Metzger, I'm looking forward to working with him. In the interim he's done a great job and I think will continue to do more and more great things for our city. I want to thank Mr. Neely and Mr. Waldren who are here this evening for their work on the Charter Review Committee, I know there was tedious activity at times but it's greatly appreciated. I really appreciate the fact that we're moving forward with something that is going to help as far as those administrative things, so we won't have to make corrections and put it out there on the ballot every single time if it's just a grammatical type of error that need fixed. Appreciate your work and your coming this evening and your comments, thank you very much. I'll just make a comment on the fireworks. I know the State law has changed on that. I also know that in the City of Newark even before, it was not enforced. The main reason why is we don't have a consistent mechanism to enforce it. It would be impossible and I can tell you that, in my opinion, if the City of Newark comes out with anything that says they are banned, the switchboards are just going to be lighting up and there is no way for our police to adequately enforce that. So even though I think there are things we could do to possibly assist with it, to completely ban fireworks, I'm not in support of any legislation that is not enforceable and I feel like that would be unenforceable. I think we could do some things to assist like timing and things like that, which the State has already, but to completely ban them I think it would be a direction the City would have a tough time as far as enforcement. Then we have a law on the books that is not enforceable and I don't agree with that.

Mr. Rath – I would also like to thank the Charter Review Committee, Mr. Neely and Mr. Waldren, wherever he disappeared to as well as the others that served on that we certainly appreciate you going through that process. Congratulations to Chief Metzger, I am sure he will do an outstanding job. I too am excited about 22-56 with the funding of the body cams and replacing some of our snow plows. I will call a Service Committee meeting for the 18th of July.

Mr. Rine – I would also like to congratulate Chief Metzger. I see a bright future for him. I'd like to thank you for sharing that information about the Fire Department, I didn't know about any of that so I appreciate that. Mr. Neely and Tim, thank you guys, a lot of cities don't have a Charter Review Committee, so I thank you. I would like to thank Mr. Rhodes for the Hollander pool liner. I've gotten some complaints, it's the communities pool, it's the cheapest pool to go to around here, so it not being open is kind of a bummer. I think the FLOCK system is going to be great. I have a buddy who had his truck stolen and we have yet to find it, I believe if we had that system already, we would've seen it leave town already.

Mr. Barker – Just again congratulations to Chief Metzger, looking very forward to seeing what his direction of leadership will be for NFD here soon. I also want to thank the Charter Review Committee as everyone has already stated that is very important for that to be reviewed and we really appreciate all the hard work the entire group did.

Ms. Bline – I would like to thank and congratulate Chief Metzger. Our fire department is amazing. I was in Columbus recently and they were telling me how great they were. I'd also like to thank Chief McKee for his very good presentation, it's a hopeful process. I'd like to thank Jeff Hotchkiss and David Rhodes for attacking the and along anywhere the stuff popped up, I know it was in my yard. It's been all over, but they have been on it since it was first reported. I'd also like to thank the prosecutors office for sending us to some very good training on how to be of greater assistance to our EMS services. That was very good and very eye opening. Last I would like to thank Chance Paznick and her intern, we have flowers now on the south side of the railroad tracks and they are going to spread, so I'm grateful for that.

Mr. Harris – I also would like to congratulate Chief Metzger and wish him the best.

Ms. Hottinger – I also want to congratulate Chief Metzger as we all have done, it's always exciting when you have new leadership sometimes and I'm sure he will do a great job. I thanked the Charter Review Commission before, thank you for coming Mr. Neely, but just remember that their work might be done, but the voters still have to approve these amendments. Sometimes it can be very confusing to people, so promote when you can is what I would say because if someone doesn't understand something, typically they don't know. I appreciate your work, but we have more to do. I also wanted to comment on the FLOCK safety cameras. I don't believe we should wait to find out whether we get grant funding to do this. It's been proven that this would be an effective tool for the city. Everyone up here campaigned on safety being their number one priority and I believe this is a way to put our money where our mouth is. I can't wait for that to come back and we can approve it sooner rather than later.

Mr. Houser – I also as everyone else has, congratulate the new Fire Chief, I'm sure he'll do a great job. I want to echo Councilwoman Hottingers' comments on the FLOCK system, I think as she said we all campaigned on safety here in the city and I think it's a great opportunity to move in that direction. I also want to thank Dustin and Tim this evening and I appreciate all of your work.

Mr. Labutis – I would like congratulate Chief Metzger I think he will do a fantastic job, he's done a great job in the interim. I would like to thank the Charter Review and Mr. Neely for your input on that.

Finally, I'd like to thank Chief McKee for coming in and talking about the FLOCK system. I would echo some of my colleagues sentiments that it will be a very effective tool for the city for the police department to try to prevent crime in a very cost effective way and to have minimal investment.

President Ellington – Again, thank you Mr. Neely, I appreciate your work on that, I know everyone else has thanked you, but I really appreciate it and being the chairman. I'd also like to thank everyone who spoke tonight, we appreciate you coming in, that's the only way we hear about anything. I'll add my thanks to Chief Metzger. You are so much calmer than Mr. McElfresh, I'm looking forward to seeing you back.

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

Don Ellington, President of Council