

COUNCIL MINUTES

January 17, 2023
Council Chambers
7:00 P.M.

President Ellington called the meeting to order

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

INVOCATION – Mr. Labutis

PLEDGE OF ALLEGIANCE - Logan Peters, 4th grade, Hillview Elementary

CAUCUS - Motion by Mr. Marmie to excuse Council Members Rine and Hottinger, second by Mr. Houser, passed by acclamation

MINUTES of January 3, 2023, Motion to approve by Mr. Labutis, second by Mr. Harris , passed by acclamation

APPOINTMENTS There were none this meeting

REPORTS OF STANDING COMMITTEES

Finance - **Received and Filed without objection**

Service - **Received and Filed without objection**

Safety - **Received and Filed without objection**

Capital Improvements - **Received and Filed without objection**

REPORTS FROM CITY OFFICIALS

City Auditor, Ryan T. Bubb – Operating report for period ending December 31, 2022

Brenda Cooper, Tax Administrator's Office – Income Tax Revenue Reports for period ending December 31,2022

Received and Filed without objection

COMMUNICATIONS

COMMENTS FROM CITIZENS

Rochelle Volen-Smith, 237 Violet Ct. - I wanted to speak in reference to celebrating Martin Luther King Day, a person that inspired my life. I've heard a number of times in Council that the homeless should be pulling themselves up by the bootstraps. To paraphrase Martin Luther King Jr., one I consider to be one of the best spiritual leaders and orators of the 20th century, It is okay to ask someone to pull themselves up by their bootstraps, but it is a cruel jest to ask someone to ask themselves to pull

themselves up by their bootstraps if that someone has no boots. On another note, it is fabulous to see people working together in service of others all over the country, creating in the style of Martin Luther King Jr. youth throughout the country in service to celebrate Martin Luther King Jr.'s birthday with incredible artworks. Many spoke of what needs to be done to make our communities more just for all. It is heartening to see our youth be so wise and so enlightened. I'm encouraged to see so many youth in our own community part of this group by engaging in justice for all through study and service. Finally, it is my hope that more volunteers come forward to help the poor and unsheltered during unpredictable winter. From experience, I've found it a very worthwhile experience.

Evan Price, Attorney, P.O. Box 40577, Columbus, Oh. 43220 - I am here to speak on behalf of several game room operators in the City. Let me first emphasize that the owners share your security concerns that were discussed in the Safety Committee Meeting 2 weeks ago and they would welcome the opportunity to work with the City to address those concerns. Indeed, one of the game rooms I've spoken to first approached the City about licensing more than 10 years ago. However, they share the concern raised by Councilman Houser at the conclusion of that meeting, when he asked how is this proposed Ordinance going to reduce crime? Frankly, they do not believe it addresses those concerns at all. Specifically, they believe that there are a few rooms that generate most of the problems that were talked about, however, the focusing on the State Licensing process in the proposed Ordinance, apart from requiring background checks for owners and a so called key employee at each of these locations, there is nothing in that process that is designed to address locations that may in fact be havens for criminal activity, which appears to be part of the problem. Of course, the same is true of other businesses, bars, some convenience stores that just seem to attract crime and the way to address that they believe is to focus on the problems that are existing with the current rooms. They believe these concerns can be better addressed by strengthening Newark's own licensing requirements. For example, four rooms paid almost \$55,000 in licensing fees in 2022, they would support doubling those fees, or even increasing them more because they believe that would both defray the cost associated with emergency response and in all likelihood discourage some of the more problematic locations from continuing to operate in the City of Newark. There were also suggestions about background checks for all employees and again the game rooms would pay the cost of having those checks done, but not just for the owner and one key employee. A number of them already do this for their own protection as you might expect. One room has over 31 indoor/outdoor security cameras and they provide access to those cameras to the NPD 24/7. They can look in at any time and see if there is anything going on. They have a panic button they can press, so if there is a situation, the police can see what's going on before they ever arrive at the location. Again, these are things that can be addressed in the context of the Ordinance. Also, set the hours of operation, I don't know if there is a timeframe when problems appear, but again, they would be open to discussing that. One thing I know some of the game rooms do is they make a scan copy of the license or State ID for everyone that comes in, so if somebody causes a problem they can give that information straight to the police. Again, that helps discourage people from causing problems, knowing that information is there. I know at least one game room has

significantly reduced problems by limiting access to people who reside in Licking County or within a reasonable distance, because they find most of their problems that arise, arise from people from out of town, out of state or people who don't have valid ID. So again, they think that is something that could be addressed in the Ordinance to help address these problems. They also believe it should be up to the Safety Director or someone to be able to revoke licenses if a place is a nuisance. Again, we can develop a framework for deciding what constitutes a problem and literally revoke those licenses if they become a problem for the police department. Again, the game rooms are willing to work with the City to develop those guidelines. The proposed Ordinance currently focuses on State Licensing, but that will not address any of these practical problems, it's not going to require background checks for all employees or to check Id's at the door, any of those things. Instead, we believe it will result in the closing in all likelihood of all of Newark's game rooms. As noted by Safety Director Hickman at the Safety Committee Meeting, the State has adopted a hands off approach to game rooms that are licensed by the City and that is similar to how the Federal Government treats State Licensed marijuana distribution facilities not withstanding it's status under federal law, they've taken a hands off approach. Many of the rooms have relied on that for the past 10 years, they've operated for 5-10 years or more with Newark licenses, however, based on experience with other applicants, the State will deny licenses to any Newark game rooms that have been operating under Newark licenses, because they don't have a State license and again that was cited as a reason for denying other rooms that have applied, you were operating before you applied. They've denied for the simple reason they have been operating without State licenses. With that in mind, four of the rooms that I have information on, they have over 50 employees with over half a million dollars in payroll, in addition also paying City taxes on that and if the Ordinance as currently framed is passed, in all likelihood all of those people will be unemployed in a very short order, it wouldn't give much time for them to make other plans. So, for those reasons we really urge the Council to have further discussion and like I said , they would like to be involved in solving the problem, rather than creating new ones.

President Ellington - I know a lot of you are here about this gaming Ordinance, it's on its first reading tonight, 23-01, nothing will be decided tonight it will be held for two weeks, so nothing will be decided on that tonight, if that's why you are here. I also believe Mr. Barker was discussing maybe tabling that at the next meeting and then going back to Safety Committee to have some more discussion on it, so, if you are here for that reason only, you don't have to stay, if you'd like to stay, you're more than welcome.

ORDINANCES ON SECOND READING

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

22-56 AN ORDINANCE AMENDING THE POSITION CLASSIFICATION, PAY RANGE AND DEPARTMENT AUTHORIZATION TABLES OF THE CITY OF NEWARK, DEPARTMENT OF Safety, DIVISION OF Police BY CREATING THE POSITION OF Criminalist, ABOLISHING THE POSITIONS OF 2 Communications Operator(s), 3 Communications Operator 1(s), 7 Communications Operator 2 (s), 1 Crime Prevention Coordinator, 1 Forensic Scientist, 1 Parking Meter Repair Worker and 1

Police Communication Supervisor AND SETTING THE COMPENSATION THEREFORE--

Motion to adopt by Mr. Lang, second by Mr. Barker, motion passed 8-0

ORDINANCES ON FIRST READING

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

23-01 AN ORDINANCE AMENDING PORTIONS OF CHAPTER 830 OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO, REGARDING LICENSING REQUIREMENTS FOR ELECTRONIC GAMING PARLORS OPERATED WITHIN THE CITY OF NEWARK, OHIO.

Held until 2-6-23 for second reading

RESOLUTIONS ON SECOND READING

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

22-112 APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (Appropriate funds back into the vehicle maint. fund. Rec's check from State Farm for insurance claim and payment should have went to the vendor repairing vehicle. The repair was paid for out of the vehicle maint. fund)

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

RESOLUTIONS ON FIRST READING

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

23-01 ODOT Final Resolution THE PROJECT CONSISTS OF CONSTRUCTING A TWO-LANE ROUNDABOUT INTERSECTING THORNWOOD CROSSIN, THORNWOOD DRIVE, RIVER ROAD, AND REDDINGTON ROAD, INCLUDING ROADWAY REALIGNMENT, DRIVEWAYS, GUARDRAIL, FENCE, DRAINAGE, WATER MAIN WORK, LIGHTING, SIGNAGE, PAVEMENT M,ARKINGS, TRAFFIC SIGNALS, LANDSCAPING, BUILDING DEMOLITION, AND A STRUCTURE, LYING WITHIN THE CITY OF NEWARK

Held until 2-6-23 for second reading

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

23-02 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACT FOR CERTAIN ESSENTIAL SUPPLIES FOR VARIOUS DEPARTMENTS OF THE CITY OF NEWARK, OHIO, FOR 2023.

Held until 2-6-23 for second reading

By: Ms. Hottinger, Mr. barker, Ms. Bline, Mr. Harris, Mr. Houser, Mr. Rath

23-03 Exp APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (\$100,000.00 -Maintenance of Streets) (\$100,000.00 -Alley Paving)

Held until 2-6-23 for second reading

COMMENTS FROM CITIZENS

Linda Mossholder, 224 Green Meadow Dr. - I just wanted to give Council an update on the warming center. We opened the warming center on a Friday afternoon earlier than we had anticipated because we had two people who were walking down the street and they were cold, we extended our hours from Friday evening until Monday morning. People were very grateful to not have to go out into the cold. Nothing was open on Christmas Day. We were able to recruit volunteers on the spur of the moment, but we do like to know if you are planning to volunteer, or visit just so we know who is coming into the building. We were able to get some food because we were not prepared to be open for 24 hours straight, so that means we had to come up with breakfast and lunch for a couple of days. The hospital did provide food. They provided a warm meal for the first night we were open and because of staffing, they provided a number of sandwiches and ramen noodles for the rest of the time that people stayed. The hospital also provided transportation of which we were very grateful for. Just to give you a little bit of understanding of how important it was, a couple came in the first night and they had a dog, she was walking holding onto the leash, I don't know how far they walked, but when they came in she started to cry because her hand hurt so much. We looked at her hand and it was awful, we knew she had severe frostbite. We called the squad, she was transported to LMH and then to Columbus, they were afraid she was going to lose her hand. I'm happy to say she was able to keep her hand, we saw her at the outreach the next week, her hand did look bad, but it was dry and we were able to give her some antibiotic cream that we keep at the outreach. Another woman got out as a patient from LMH she had no shoes, just socks, so we were able to get her feet covered before she had to walk through the ice. All in all it was a very good weekend, I was there about 30 hours over the weekend, I was very glad I had all green lights going down West Main Street because I was probably driving illegally in a snow emergency 3, but I had to get there. It was a good weekend, and just getting to know some of the people, yes some of the people were still using drugs, but they came in, they laid down and were no problems. We had no incidents of anybody disrupting anything. We are a low barrier shelter, we had two dogs, one cat and one kitten, so we did take animals. The animals were very safe. Just a couple of other updates at Newark homeless Outreach, we figured out in 2022 we served an average of 103 people every Saturday. That's an average, not all of those people are unsheltered, some are just hungry and they come for a meal. Some of the services we provide that are just not for just people living on the street, we'll be running a health clinic on Saturday, we'll be doing HEP C testing and treatment, HIV testing, HEP A Vaccines first and second dose, COVID Vaccines First Second and Booster and FLU Vaccines. Anybody can come and get those for free, it's not just for the people who are living on the street. This is our effort to provide a one stop place for people who don't have other access to health treatment. This past weekend the Licking County Coalition for Housing, after a year of asking, did come and offered their services at the outreach. People were able just to go up and talk to people, but a lot of people

didn't sign up because currently for a single person wanting to get housing, there are 60-75 people on a waiting list. In order to keep your eligibility to be on that waiting list you must remain in a homeless status, which means at least 3 days of living in a place not fit for human habitation. So a lot of people, if they just crashed on a couch they just lost their place on that waiting list. So, a lot of people don't sign up. I was talking to the staff that were there and they just cannot find housing. They have money to get housing, but there is no housing available. Yes, some people do choose to remain on the streets, but there's not places for them to live, they can't get the services that they need. We realize that we're just a stopgap in services, we need to try to get people connected to the help they need. One of the women who had no shoes, obviously her mental health status was not good. She was not disruptive, but some of her language would make a sailor blush, she only did it in front of the mirror, she was cursing herself out in front of the mirror. If you lightly tapped her on the shoulder, then she became kind of clingy, every time I would try to leave that building, I have to get a break, she would say where are you going. So, creating that safe environment for her was really important. So, I just wanted to update you on those couple things and I'm curious if anyone knows the status of the Opioid Settlement Funds, has any money been received and if that money is being received, will there be input from citizens on how that money is going to be spent. I know the County had four sessions to get information on how that money could be spent.

Daniel Crawford, 163 S. 2nd Street - First I want to wish Councilman Lang a very belated birthday, I saw your wife a few days ago at Giant Eagle and asked her to make sure she passed that on. A few other things here, the last meeting Councilman Rath offered an apology, I personally didn't think you had to apologize because you weren't one of the Council people I felt was offensive, however, I don't speak for Mr. Smith and Mrs. Volen -Smith, however, it's still appreciated. At least the thought was there. Trying to make sure you don't offend someone, I get it. Also, Mr. Marmie, thank you for staying for like half an hour to an hour and having the great conversation with yourself, Mr. Smith, Mrs. Vole-Smith and Council President Ellington was there for a little bit of time as well listening. I know you guys typically are really good listeners and stuff so that was very much appreciated. Everyone else had places to be, so I get it. One thing here I don't want to forget to mention, I went on the website, those links are working now, the only thing I can't find are the archives. Thank you for addressing that issue. On religion, I tell people I used to be the most religious member of my family for the longest time and when I was 26, back in 2011, I converted to agnostic. I'm not going to get into why, but I used to hold religion near and dear to my heart, I know it's important. When you're religious it defines who you are and God is your compass. So, that's important to a lot of people, billions of people obviously. SO, I don't want to disparage anyone who is religious, I guess my point, last time and this time was that and hopefully this is the last time, is that we just need to remember there is more out there than just Christians, there's Muslims, me each time I've voted I've voted for a Christian each time with the exception of one time I know I

voted for someone who was Jewish. I don't care about someone's religion, it doesn't bother me at all, because I know that your religious views do not impact me at all, unless unfortunately you make it a point to do so. The first amendment is crucial, I think it's the most important amendment personally because it discusses our freedom of conscience, our freedom to think for ourselves and obviously enshrined as part of that is freedom of religion. So this is obviously our founding fathers had at the forefront of their conversations especially being part of an empire that before that was constantly bouncing back and forth from one religious view to another, it's important to protect religious freedom. Also, after the last meeting I had a little bit of an angry knee jerk reaction, but it's a good thing these meetings only take place every two weeks because you have some time to think, some time to consider everything and miscellaneous is obviously your view points but also your opinions, not everything you're stating is a fact and that's something I have to recognize. My first reaction is you can't tell me what's indisputable, that's just my opinion that the Bible is disputable, I'm not going to debate whether or not it is, but just remember, I am not in a dangerous place, being agnostic, atheist leaning agnostic, I never actually wanted to say anything about that in a public forum because I don't think this is an appropriate place, but I felt compelled to stand side by side with Mr. Smith and Mrs. Volen-Smith, but I wanted them to know that they weren't alone. So either way, I just wanted to come and make those comments, MS. Blaine you offered me a ride after the meeting, which that kindness doesn't go unnoticed. I appreciate it my car was parked around the corner to make myself walk a little further, I do that at work too. Either way, thank you guys, there was more I wanted to say but I thought I would condense it so I wouldn't do an hour long speech.

Rochelle Volen - Smith, 237 Violet Ct. - I agree, personally I think having multiple religions makes the world a better place. Martin Luther King was one of those people that was very inspired by Ghandi, who believed that he was Christian and Buddhist and etc. and the point was that he gained from all of these philosophies. I would like to read a statement from Dalai Lama because I think it's very pertinent to some of the situations we're having in our city. Whether you believe in God or not does not matter so much and whether you believe in Buddha or not does not matter so much, as a Buddhist whether you believe in reincarnation or not does not matter so much, you must lead a good life and a good life does not just mean good food or good clothes or good shelter, these are not sufficient. A good motivation is what is needed and passion without complicated philosophy, just understanding that others are human brothers and sisters and respecting their rights and human dignity, again that's Dali Lama, I thought these words were rather wise.

Miscellaneous

Tricia Moore, Law Director - First Linda, thank you for the update on the warming center. We appreciate all that you do, especially when it's winter weather. I appreciate you and what you do. Mr. Price thank you for the information that you were giving about our legislation change

and your suggestions. My issue is you want to help us reduce crime, but by opening the doors every day you're committing a crime. Skilled gaming parlors are required by the State of Ohio to be licensed. All we want is compliance with the law. I feel that by just turning our head to the licensing issue, our license doesn't protect you from State action and by turning our heads we're almost condoning criminal behavior because if you don't have State license you're operating illegally. That is my stance as the Law Director, I don't speak for Mr. Hickman.

Mr. Harris - I'd like to thank everybody who attended the Martin Luther King breakfast yesterday. That was probably one of the best breakfasts we've had in a long time. It was really crowded, we had people standing which is a good thing. So that means next year we'll have to find a bigger place. The speaker was outstanding. He talked a lot about Dr. King, what he went through, how he used children to march and he talked a lot about Birmingham. If you guys have never been down there you need to go visit that, I was there 4 or 5 years ago and it's a pretty cool place to visit and to learn about history.

Mr. Houser - I'd like to wish Councilman Lang Happy Birthday, a little bit delayed there. I also want to thank Jeff for his efforts with the Par Excellence Academy breakfast, it was a great turnout and the first time I've been when there actually were kids there and that was a lot of fun.

Mr. Labutis - I too would like to wish Mr. Lang a Happy Birthday and to thank Mr. Harris for his efforts with the Martin Luther King breakfast, the kids did a great job it was a great program and a great morning.

Mr. Lang - Thank you for the Birthday wishes, Daniel thank you, I appreciate it. Thank you to everyone who came to speak today.

Mr. Marmie - I need to call a Finance Committee meeting for February 6th at 5:45pm. I too want to wish Mr. Lang a Happy Birthday again. Hopefully you enjoyed a little bit of good bourbon, that's what I do on my birthday. Not only with what Council Members have indicated about the breakfast, I've seen on social media so many great posts, it's unfortunate that I wasn't able to attend, I had team members out, so I had to open my business that day and was unable to attend, but hopefully next year I will be able to attend. I have hear nothing but great accolades about that entire event and that it's growing and I know Mr. Harris does a fantastic job of promoting it and it's just one of those events that you can tell that he is part of it because it's a pleasant place to go and attend and always a good speaker and just sharing of breaking bread and doing that in the community is just fantastic and Jeff I want to thank you for your efforts. It's greatly appreciated.

Mr. Rath - I will call a Service Committee meeting for Monday, February 6th. Kudos to Mr. Harris, it's getting better every year.

Mr. Barker - Happy belated birthday Mr. Lang. Councilman Harris congratulations on another great Martin Luther King breakfast, as Mr. Marmie said, you put your all into that and it does show. I was very happy this year to not have to truck through the snow to get to it as was the

Mayor, I know he's not here tonight, but he did a Proclamation for Martin Luther King Day and I think it's the first one that I've been to, in probably 5 years, where it didn't snow, so that was nice.

Ms. Bline - Thank you sir for doing what you do, I wasn't able to attend, there was a lot going on in my Ward that day and with that being said, I would like to thank the Water Department and Mr. Mauter, the Director of Development for working on a difficult situation with a resident and he is very grateful. We're still working on outcomes, but just to know that someone was there was a big deal. I'd like to thank Streets for helping with the tire pickup over the weekend, we had 65 tires, I haven't seen that many in a long time and it was really great to see citizens and the businesses coming together. Businesses are investing in corners of their community that have been formerly trashed or ill represented for a lack of a better word and they are not getting anything out of it and they are putting their money and their time into their community and I thought what a better representation of what Dr. King lived for, was no matter who you are or where you're from we're in this together. Things are going to get better, they are getting better. I thank Lindsey and Carter Brighton for coming to the Easy Street Park that was really nice to have them come, we had a ball, again just making it a better place for the kids there and Happy Birthday Councilman Lang.

President Ellington - Mr. Harris nice job on the breakfast, as always, good job. Happy Birthday Mr. Lang/Rath. Thank you to everyone for coming this evening we appreciate it. Thank you for giving us your opinion, that's the only way we hear some things. With that, our next meeting will be on February 6th, 5:45 Committees will start, 7pm Council will start.

ADJOURNMENT

Motion to adjourn by Mr. Lang , second by Mr. Harris , with that we are adjourned

Don Ellington, President of Council