

COUNCIL MINUTES

September 5 , 2023
Council Chambers
7:00 P.M.

President Harris called the meeting to order

ROLL CALL - Mr. Barker, Ms. Bline, Mr. Chute, Mr. Houser, Mr. Labutis, Mr. Lang, Mr. Marmie, Mr. Neely, Mr. Rath, Mr. Rine

INVOCATION – Mr. Houser

PLEDGE OF ALLEGIANCE - Mr. Gary Babcock

CAUCUS

MINUTES of August 21, 2023 Motion to accept by Mr. Labutis, Second by Mr. Barker, Passed by acclamation

APPOINTMENTS

There are none this meeting.

REPORTS OF STANDING COMMITTEES

Finance - **Received and filed without objection**

Service - **Received and filed without objection**

Personnel- **Received and filed without objection**

REPORTS FROM CITY OFFICIALS

Brandon Fox, Water Administrator - Water bill Liens to County total amount \$6,684.71 - **Received and filed without objection**

PROCLAMATION - Mayor Hall - Childhood Cancer Awareness Month, September 2023

Veronica Porter - Emily was diagnosed at the age of 8 years old with ovarian cancer, she passed away at the age of 21. It will be two years in November.

PROCLAMATION - Mayor Hall - Licking County River Roundup Day on Saturday, September 9, 2023

Lindsey Brighton - The River Roundup is this Saturday, September 9th, the deadline to register is already closed, but we can still get you in, if you decide Saturday morning that you want to help go clean the river up you can come to one of our 6 locations in Newark. I'll be at the Everett Park location, we have another location at the South Fork at Ohio Street, two down at

Riverview Preserve and Rotary park. So, we invite everyone to come help clean the trash out of the river and help keep our waterways clean.

COMMUNICATIONS

Auditor of State of Ohio, Keith Faber - City of Newark, Licking County, Single Audit January 1, 2022- December 31, 2022

Ohio Division of Liquor Control - Transfer from Kwik & Kold 21 LLC to Kwik & Kold Express LLC, 998 N. 21st Street, Newark, Ohio 43055

Chance Patznick, Superintendent Parks and Cemetery Department - Echoes of the past, Spentember 15th 6-7:30pm Cedar Hill Cemetery, \$5 per person or \$15.00 per car

PUBLIC HEARING

By: Mr. Rath, Mr. Barker, Mr. Chute, Ms. Bline, Mr. Marmie, Mr. Labutis, Mr. Neely

23-17 AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 235 EAST MAIN STREET, CITY OF NEWARK, LICKING COUNTY, OHIO, PARCEL TAX ID#054-205116.00.000 AND PARCEL TAX ID#054-204636.00.000 FROM THAT OF SINGLE-FAMILY RESIDENCE RH-HIGH DENSITY DISTRICT TO MB MEDIUM INTENSITY BUSINESS DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO

Upon consideration of the information presented, the following actions are recommended:

- 1. The zoning classification for the parcel at 235 East Main Street shall be changed to MB - Medium Intensity Business. Ordinance 23-17 is recommended for passage and approval by Council.*

Motion to adopt by Mr. Rath, Second by Mr. Barker, Motion passed 10-0

By: Mr. Rath, Mr. Neely, Mr. Chute, Ms. Bline, Mr. Barker, Mr. Marmie, Mr. Labutis

23-18 AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 1975 CHERRY VALLEY ROAD, CITY OF NEWARK, LICKING COUNTY, OHIO, PARCEL TAX ID#054-216642.00.000 FROM THAT OF SINGLE-FAMILY RESIDENCE RH-HIGH DENSITY DISTRICT TO MFH MULTI-FAMILY HIGH RISE DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO

Upon consideration of the information presented, the following actions are recommended:

- 1. The zoning classification for the parcel at 1975 Cherry Valley Road shall be changed to MFH Multi-Family High Rise District. Ordinance 23-18 is recommended for passage and approval by Council.*

Motion to adopt by Mr. Rath, Second by Mr. Bline, Motion passed 10-0

By: Mr. Rath, Mr. Neely, Mr. Chute, Mr. Barker, Ms. Bline, Mr. Labutis, Mr. Marmie

23-19 AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS WEST MAIN STREET, CITY OF NEWARK, LICKING COUNTY, OHIO, PARCEL TAX ID#054-216636.00.000 FROM THAT OF GC GENERAL COMMERCIAL DISTRICT TO MFH MULTI-FAMILY HIGH RISE DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO

Upon consideration of the information presented, the following actions are recommended:

1. *The zoning classification for the parcel at West Main Street shall be changed to MFH Multi-Family High Rise District. Ordinance 23-19 is recommended for passage and approval by Council.*

Motion to adopt by Mr. Rath, Second by Mr. Houser, Motion passed 10-0

By: Mr. Rath, Mr. Neely, Mr. Chute, Mr. Barker, Ms. Bline, Mr. Labutis, Mr. Marmie

23-20 AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS THORNWOOD DRIVE, CITY OF NEWARK, LICKING COUNTY, OHIO, PARCEL TAX ID#054-216654.00.000 FROM THAT OF GC GENERAL COMMERCIAL DISTRICT TO MFH MULTI-FAMILY HIGH RISE DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO

Upon consideration of the information presented, the following actions are recommended:

1. *The zoning classification for the parcel at Thornwood Drive shall be changed to MFH Multi-Family High Rise District. Ordinance 23-20 is recommended for passage and approval by Council.*

Motion to adopt by Mr. Rath, Second by Ms. Bline

Mr. Rath - These last three Ordinances 23-18, 23-19 and 23-20, all three are part of one particular project on West Main and Thornwood intersection, welcome the new housing coming into the third ward, it's going to be a good project, so I encourage everybody's support.

Motion passed 10-0

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

23-22 AN ORDINANCE AMENDING PORTIONS OF THE CURRENT ARTICLES OF THE ZONING CODE OF THE CITY OF NEWARK, OHIO ADOPTED MAY 5, 2009 BY ORDINANCE 08-33A AND IMPLEMENTING ADDITIONAL ARTICLES OF THE ZONING CODE OF THE CITY OF NEWARK, OHIO

Upon consideration of the information presented, the following actions are recommended:

1. *Ordinance 23-22 is recommended for passage and approval by Council.*

Motion to adopt by Mr. Barker, Second by Ms. Bline

Motion to amend to 23-22-A, what this amendment is doing is striking items 150.2 and 150.2.1 from this legislation, these are items that actually need to be handled by a Charter Review Commission of the City. The Law Director made me aware of this earlier, so I would ask that we amend this piece of legislation. Second by Mr. Houser, Motion to amend passed 10-0, Motion to adopt passed 10-0

COMMENTS FROM CITIZENS

Wayne Anderson, 914-B Empire Drive - I haven't been to Council meetings for probably 4 or 5 years, so 3 times 5 is 15. First, is a challenge to all the Council members, I read where the Mayor wanted a \$40,000 pay increase, I challenge each Council member to go out and talk to their constituents whenever something this idiotic comes up for a vote and get the opinion of the people that elected you here. Secondly, I walked around the square today, it's my first time, I'm diabetic so I need water, there's no water on the square, neither water fountain is functionable. Third, I read where our Law Director wanted to enforce or try to enforce the noise ordinance. Which, back when Doug Sassen was the Law Director he said that was impossible because the equipment had to be calibrated right before use and right after use. So, gentlemen, go out and see what your people that elected you want you to do.

ORDINANCES ON SECOND READING

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

23-42-A AN ORDINANCE AUTHORIZING THE COMPENSATION OF THE THREE CIVIL SERVICE COMMISSIONERS AND SECRETARY OF THE CIVIL SERVICE COMMISSION OF THE CITY OF NEWARK, OHIO.

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

ORDINANCES ON FIRST READING

By: Mr. Lang, Mr. Barker, Ms. Bline, Mr. Labutis, Mr. Rath

23-40-B AN ORDINANCE SETTING COMPENSATION AND STATING POLICY WITH RESPECT TO CERTAIN APPOINTED POSITIONS OF THE CITY OF NEWARK, OHIO REPEALING ALL ORDINANCES AND RESOLUTIONS IN CONFLICT HEREWITH

Held until 9-18-23

RESOLUTIONS ON SECOND READING

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

23-71 APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (\$184,254.50 -East side transmission water main construction project original \$3,250,000 funding through Ohio Builds Development of Developmental grant (total cost

\$3,434,254.50)

Motion to adopt by Mr. Marmie, second by Mr. Lang

RESOLUTIONS ON FIRST READING

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

23-74 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO ACCEPT BIDS AND SELL CERTAIN SURPLUS PERSONAL PROPERTY NOW OWNED BY THE CITY OF NEWARK, OHIO, AND DECLARING THAT SUCH PROPERTY IS NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE, AND DECLARING AN EMERGENCY

Motion to adopt by Mr. Rath, second by Ms. Bline

Mr. Rath - The reason for the emergency clause on this is to meet advertising deadlines.

Motion to adopt passed 10-0

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

23-75 APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (\$40,000.00 -Purchase of 600-3/4" Water meters for Lead Service Line Replacement Projects)

Held until 9-18-23

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

23-76 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

Held until 9-18-23

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

23-77 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE OF THE CITY OF NEWARK, OHIO TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACT FOR THE OFF-SITE DISPOSAL AND BENEFICIAL REUSE OF LIME SLUDGE FROM NEWARK'S WATER TREATMENT PLANT

Held until 9-18-23

COMMENTS FROM CITIZENS

Linda Mossholder, 324 Green Meadow Dr. - I didn't plan on coming to Council tonight however, I felt the need to show support for the children of my church. A couple weeks ago, a bunch of the kids and their parents came to the Homeless Outreach to help feed the people. Their parents saw this as an opportunity for the children to learn compassion. They taught their children, as Christians we are to feed the poor and the needy. I'll admit, the kids wore me out, we have quite a few dogs as I've mentioned before that come to the Outreach. All of the kids wanted to feed the dogs do biscuits. You can't have 5 kids running at the dogs at the same time.

One little girl wanted to trade in a dog collar because there was a girl dog there and it didn't have a pink collar. I was able to convince her that the dog didn't need another collar, but was able to give her a pink leash. We pass out freezer pops when it's really warm and the children know to offer the people a choice of what flavor they want rather than just hand someone a freezer pop and say here. Our children all wore their first name on name badges. When she gave him a choice of what freezer pops he wanted, he said thank you Charlotte, this is very nice of you I am very grateful. I realize feeding people can result in creating trash in different areas. Many of the people who get food at the Outreach do eat on the premises. There is no trash on our property. We pass out trash bags for people who want them, but where are you going to take your trash bag after you fill it with something. So, I know this has created a problem. I'm proud of my church, I actually wore a church t-shirt tonight instead of my Outreach t-shirt, It's United Church of Granville, for showing such compassion. Several other churches also bring their youth to the Outreach. I see this as love in action. I want to give you just a really brief update about the woman I told you about at the last Council meeting, after 12 hours, not all on the same day, of taking this person from one place to the next, we are making some progress in getting her the ID she needs. Just an example, one day we went from the BMV, to the Social Security office, which once again, if you don't have a picture ID you get nowhere, they told us to go to the hospital to get a copy of her medical record and bring it back. The hospital was very cooperative, however, their notary wasn't there, so we couldn't finish that, we did finish that today. It's really interesting spending that many hours in the car with someone who has been living on the streets. I'm not going to use her name, some of you have probably seen her on a bench downtown before she was put in the motel. One of the things she told me was I learned to starve myself so I could make the food I have last, that stuck with me. So, she would limit the amount of food she ate because she wanted to make what little food she had last. I make sure she has food in her refrigerator at the motel in Heath. We're still making progress, but just before I came today I got a message from one of the places that's helping, that one of the agencies that said they were going to help find her housing, doesn't think she qualifies, so again, we'll probably have to start all over again tomorrow. Fortunately she's staying at the motel in Heath and that's being paid for by the Coalition for Care. I am thankful that the Director did not take the recommendation not to serve the homeless, this woman is 76 years old, she would not survive living on the streets now. It's going to take some more time to get all her documents together, I was at least able to get an application for her Social Security replacement card done today, her Social Security, which I never knew comes on a little green like Mastercard that you use, we were able to get that changed to the correct address, what else did we do today, I can't remember it all. So, again, it is not easy if you are a homeless individual, especially without an ID to get services, thank you for your attention.

Ralph Prince, Street/Traffic Superintendent - Doug Smith from the Christian Life Center out on Linnville Pike got ahold of Greg and I and their church wanted to pick up trash in different areas

of the roadway. We have an adopt a roadway program and on August 28th they did between 21st and Country Club east and westbound and they notified us where the trash bags were and we sent guys out to pick them up. Their next setup is September 28th, so you'll see them around the City we supply them with vests and trash bags and they'll contact us, so just wanted you to know if you see them that's what it's all about.

Gary Babcock, 67 Philmont - Just to add on to what he just said, the reason Christian Life Center was out there was because I copied off the City minutes where this nice Council person here said the people that make the mess ought to clean up the mess. Christian Life Center, I've been going there for a lot of years, so anyhow I presented that like I said at the last meeting to our Pastor and of course he gave it to his wife and said get this done and she did. Ms. Blin she showed up and had one of the Church shirts on I guess and it worked out really well. So, I guess my suggestion, if I may, is there's other organizations handing things out in these cartons that get thrown along the bike path and areas, so when they have these meetings, I'd like someone from Council to approach those people and say this is a great thing it really is, but how about a cleanup and this nice lady there said her church cleaned up and that's the way it ought to be.

MISCELLANEOUS

Tricia Moore, Law Director - The gentleman that talked about the noise ordinance if you stay after I think we can resolve that.

Brandon Fox, Water Administrator - I've heard a couple questions the last couple months on the drinking fountains downtown, we're aware of it and are in the process of ordering parts to get those repaired. So, hopefully that will be soon.

Mayor Hall - Friday I was fortunate enough to attend an event at CTEC a high school signing day and a lot of signing days are based around sports, this is based around jobs and the future, so last year there were 37 Seniors that signed up, as a reminder CTEC is your Junior and Senior year and teaches trades which is desperately needed everywhere in Licking County, last year 37 signed up on the first day and 99 participated by year end. We had 46 I think on this Saturday, so what they basically do is employers take them on and internship for the entire Senior year, so they get up on stage and sign that agreement with the employers who shake their hands and give them a little swag, a cap or something. I will say I sat next to a mother last year where the son was going to do 40 hours at an electrical trade in Gahanna one week and then come back the next week and do 2 weeks worth of CTEC in one week, that's how their entire 9 months go. I will tell you I give a lot of kudos to those young men and women, they were lined up they took every single electrical trade graduate from CTEC, they are in such demand, so kudos to all of them for stepping up and the hard work. Surely they're going to have steps ahead for their future and understand it's a tough life out there for a lot of people, but they'll be steps ahead of that and certainly the employers are extremely happy. I give kudos to all of those students for stepping up and taking a responsible commitment and of course the parents that are supporting them.

Mr. Barker - This Saturday is the Lite The Nite Cruise in downtown in Newark starting at 9am - 3, that's one of the drivers of the Christmas Courthouse lighting and is always a great time in downtown, it will be full I'm sure with different classic cars, this is the event that Jim Matheney

used to run and now his family runs for the committee, so wanted to make sure everybody is aware of that. I want to thank Director Rhodes and Joe Paul regarding a couple of different issues in the East End that they were able to help residents with as well as one on Church Street where a cross walk is not lighting up and if anyone knows this that cross walk somebody many years ago was hit and killed there and we want to make sure that is back operating and I know they are working on getting parts to get that done this week. I know one thing the Law Director touched on the noise ordinance, there is a new noise ordinance, one that in my opinion is enforceable and so I know she's going to talk to you about that, I would be happy to meet with you as well Mr. Anderson to talk about that because I worked on that for quite a long time with my fellow members and the Law Director to get to what is an enforceable ordinance.

Ms. Bline - Mr. Babcock, thank you for the opportunity it was great and I offered CLC a list of opportunities, there's quite a few. As far as trash, as you know we have volunteers out every weekend fairly consistently and I was told by some that it's the City's job to clean up after them and I do not agree with that. So, when I get that attitude, I offer them another opportunity. Dumpsters are throughout the City in the south and east end provided by businesses, they don't care what goes in those dumpsters, they want people to put the trash in the dumpsters because trash laying around affects their property and their business. So it means a great deal for people to pick up after themselves. I'd like to thank Tectum for laying a patch of asphalt. So they did their part and I have something I need to do as well to improve their property. I'd like to thank everyone who helped with the picnic in the park, the Licking County Barbershop Quartet were fantastic, there were other groups that came and you know it was great just to hear people singing along. At a time when it's kind of stressful just to hear people sing it was great. Thanks to the Street Department and Parks for putting up signs, Property Maintenance as well.

Mr. Houser - I just want to thank Brandon Fox, I had a couple residents reach out to me with not urgent complaint issues and I sent the email to Brandon expecting it to be addressed later on and he emailed me back on Saturday, I appreciate that. I'd also like to thank Lindsey Brighton for coming out, my wife and I always like to participate in the roundup and encourage anybody that can to get out to that, it's a great event. I'll call a Street Committee meeting for September 18th.

Mr. Marmie - I need to call a Finance Committee meeting for the 18th. I want to really thank Veronica for coming in, I know that must have been difficult, it definitely generated some emotions within me and I was just happy that she could be here and receive the Mayor's proclamation, it's a horrible disease and when it hits children it's even worse, so I'm in agreement with everything that's going on as far as childhood cancer awareness. The last thing I think everyone kind of commented on a lot of different things, but Ms. Bline when people say it's the City's responsibility to pick up, no it's the law not to litter.

Mr. Rath - I will call a Service Committee meeting for Monday the 18th.

President Harris - I have a couple things, the last meeting I forgot to welcome Mr. Neely with everything that was going on, so welcome to Council, hope you do a lot better job than the guy you replaced, so, I wish you well and I'm sure you'll do well. I read it earlier in the Communications, but on September 15th is the Echoes of the Past, this year they are going to be honoring our African American heritage. It's at Cedar Hill Cemetery, if you've never been to one of those you really need to go, it's a really neat thing. I was supposed to play Oren Henry, but

I'm going to be out of state that week so I will not be able to participate in that, but it starts at 6 to 7:30, children 12 and under are free, the Historical Society will have lemonade and popcorn free of charge, so, it's a really cool thing, I think the Mayor can back me up on that. Also, school has started back up and I always reach out to different schools in Newark for students to come and lead the pledge, so if you guys have anybody you'd like to have, I think Brad's kids are going to do it next meeting, so if you guys know pf any students that would like to come and do the pledge, let me know. Then on Sunday, it's the Browns and the Bengals and I will be in Cleveland rooting on the Browns, sorry about that there HR Director. Our next meeting is September 18th.

ADJOURNMENT- Motion to adjourn by Mr. Barker , Second by Mr. Houser, passed by acclamation

Jeff Harris, President of Council