

COUNCIL MINUTES

June 3, 2024
Council Chambers
7:00 P.M.

President Harris called the meeting to order

ROLL CALL - Mr. Rine, Ms. Bline, Mr. Chute, Mr. Cost, Mr. Houser, Mr. Labutis (not present), Mr. Lang, Mr. Marmie, Mr. Neely, Mr. Rath

INVOCATION – Mr. Houser

PLEDGE OF ALLEGIANCE

CAUCUS –

Motion by Mr. Marnie to excuse Mr. Labutis, Second by Mr. Houser

Mr. Rath – I'd like to invoke Rule 21 and reconsider Resolution No. 24-46. This is going to require a public hearing. I'd like to table Resolution No. 24-46 until July 1st where it will be read at a public hearing.

Motion to invoke Rule 21 by Mr. Rath, Second by Mr. Lang,

Motion to table until July 1st by Mr. Rath, Second by Mr. Lang, passed 9-0

MINUTES of May 20, 2024, Motion to accept by Mr. Rath, Second by Mr. Lang, 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**

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

Economic Development – **Received and Filed without objection**

REPORTS FROM CITY OFFICIALS

There were none this meeting

COMMUNICATIONS

There were none this meeting.

Public Hearing

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

24-03 AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 994 MT. VERNON ROAD, CITY OF NEWARK, LICKING COUNTY, OHIO, PARCEL TAX ID #054-274176-00.000 FROM THAT OF SINGLE-FAMILY RESIDENCE - RM - MEDIUM DENSITY DISTRICT TO MFR - MULTI-FAMILY RESIDENCE DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO

(Planning Commission has recommended approval and passage of Ord. No. 24-03)

Joshua Lyons, 646 Greenwood Loop – We put in the request originally. I'm for the request.

Motion to Adopt by Mr. Rath, Second by Mr. Lang, Passed 9-0

Public Hearing

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

24-09 AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 15 MESSIMER DRIVE AND 55 SCHAFFNER DRIVE, CITY OF NEWARK, LICKING COUNTY, OHIO, PARCEL TAX ID #054-216684-00.000 AND PARCEL TAX ID #054-216684-00.003 FROM THAT OF GO- GENERAL OFFICE AND MFH- MULTI-FAMILY HIGH RISE ZONING DISTRICT TO MFR-MULTI-FAMILY RESIDENCE DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO

(Planning Commission has recommended approval and passage of Ord. No. 24-09)

Jason Umstot – Superintendent for the Licking County Board of Developmental Disabilities. I'm asking Council to please consider this rezoning on 15 Messimer Dr. and 55 Schaffner Dr. which is currently zoned as general office and the multi-family high-rise for the purpose of the board to construct a one home, approximately 3200 sq. feet for the purpose of five individuals, unrelated with developmental disabilities to reside.

Motion to Adopt by Mr. Rath, Second by Mr. Lang, Passed 9-0

Public Hearing

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

24-10 AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 359 THORNWOOD DRIVE, CITY OF NEWARK, LICKING COUNTY, OHIO, PARCEL TAX ID#054-216606-00.000 FROM THAT OF SINGLE-FAMILY RESIDENCE - RL - LOW DENSITY DISTRICT TO AD- AGRICULTURAL DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO

(Planning Commission has recommended NOT approving or passing Ord. No. 24-10)

Mr. Rath – This piece of property is in the third ward. They are asking to change zoning from single family residence, which encompasses the entire neighborhood, to agricultural district. I would never ever agree with that. Aside from having the agricultural in the middle of the neighborhood, it is the pure definition of spot zoning. So, I will be voting no for this and would encourage each of my fellow council members to vote that way as well.

Motion to adopt by Mr. Rath, Second by Mr. Lang, Failed 9-0

COMMENTS FROM CITIZENS

Thomas Brunner, S. 2nd St. – I just want to know if we're going to get clarification on animal control. It seems to be that we're paying Licking County Animal Control to do what our own animal control did, and we're paying them \$40,000 more a year, for them to do not even a fourth of what Toby did. To me, moneywise, that ain't right. We're losing money because they're not wanting to do their job. Toby did his job. He went out there and did decent, even though I had disagreements with Toby on certain things, but who don't? When you're paying that much money out that hurts the city. The other thing I got is our Newark PD. I've been doing a lot of reading on ordinances and stuff like that. It seems to me like, do we even have ordinances? I know parking across the sidewalk used to be an ordinance. The other day we had a neighbor down here, every time he has his family there they park across the sidewalk. You can't get down the street unless you walk out in the road. That's not good for kids or even adults. I called Newark PD, an officer came by, he looked at it and just kept right on going. So, I called dispatch again. Dispatch said I'll send him back out. Guess what. I sat on my porch for another hour, then I went in and started watching TV. They never came out. Come to find out, it was shift change. Why do you want to come back out? That ain't right. They're either wanting to do their job or not. If they don't want to do their job, then go to McDonald's and get a job. I come from a background when you get paid to do a job you do the job, and you're honest about it. I haven't been able to make any of the other council meetings because of things going on, but in the last five years, we have had two resource officers that's been involved with students in the high school. They're there to serve and protect if I'm correct. Is that serving and protecting, going after teenagers? I don't think so. I surely don't want my great granddaughter to go to Newark City schools no more. If that was me or anyone else, they'd have a felony against them or they'd be in jail. One gets a slap on the hand and he resigns, the other more or less gets a slap on the hand and gets a misdemeanor and resigns. How's that fair? Because they're an officer? They get special privileges? That ain't right. They did something wrong, treat them like everybody else. We got guys running around the neighborhood. They got cars barely clearing the ground. They zigzag all over the road to keep from missing potholes and stuff. I remember there was an ordinance when I was in school. We used to raise our cars up, put big tires on the back, little skinny ones on the front. If your bumper was more than 12" off the ground, you got a ticket for it. It was a safety issue. If somebody hit the back of your car and hit your gas tank. What's the difference in these imports being slammed down on the ground, and our gas tank down near the ground. Isn't that just as dangerous? It creates a lot of problems. I think if you ain't allowed to have your car jacked up so high, you shouldn't be allowed to have your car slammed so low. The other thing too, as far as homeless outreach. I know she is doing what she feels good in her heart, but I'm tired of picking up needles, Narcan, and stuff out of my yard so my grandkids don't get it. I'm not saying it's all coming from them, but pretty much so more or less. That's all I have. Thank you.

ORDINANCES ON SECOND READING

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

24-16 AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$14,000,000 PARKING GARAGE BONDS AND/OR BOND ANTICIPATION NOTES, SERIES 2024.

Motion to Adopt by Mr. Marmie, Second by Mr. Lang. Passed 9-0

ORDINANCES ON FIRST READING

By: Mr. Cost, Mr. Marmie

24-18 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 SEPTEMBER 5, 2023, BY ORDINANCE 23-22A AND IMPLEMENTING ADDITIONAL ARTICLES OF THE ZONING CODE OF THE CITY OF NEWARK, OHIO.

Referred to Planning Commission

RESOLUTIONS ON SECOND READING

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

24-33 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 2025 OHIO TRAFFIC SAFETY GRANTS PROGRAMS: SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) AND THE IMPAIRED DRIVING ENFORCMENT PROGRAM (IDEP).

Motion to Adopt by Mr. Marmie, Second by Mr. Lang, Passed 9-0

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

24-34 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 2024 COMMUNITY DEVELOPMENT BLOCK GRANT ONE YEAR ACTION PLAN.

Motion to Adopt by Mr. Marmie, Second by Mr. Lang, Passed 9-0

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

24-41 A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION

Motion to Adopt by Mr. Marmie, Second by Mr. Lang, Passed 9-0

By: Mr. Chute, Mr. Cost, Mr. Marmie, Ms. Bline, Mr. Rath

24-42 CI APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION

Motion to Adopt by Mr. Chute, Second by Mr. Houser, Passed 9-0

By: Mr. Chute, Mr. Marmie, Mr. Cost, Ms. Bline, Mr. Rath

24-43 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE FOR THE CITY OF NEWARK, OHIO, TO NEGOTIATE AND ENTER INTO A PURCHASE AGREEMENT WITHOUT COMPETITIVE BIDDING WITH COUGHLIN FORD, INC. FOR THE PURCHASE OF A 2023 FORD F-350 DUMP TRUCK.

Motion to Adopt by Mr. Chute, Second by Mr. Houser, Passed 9-0

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

24-44 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO NEGOTIATE AND ENTER INTO CONTRACT WITH MPW INDUSTRIAL SERVICES, INC., WITHOUT COMPETITIVE BIDDING FOR PRESSURE WASHING OF THE SIDEWALKS SURROUNDING THE DOWNTOWN SQUARE.

Motion to Adopt by Mr. Rath, Second by Mr. Lang, Passed 9-0

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

24-45 A RESOLUTION TO DISBURSE ONEOHIO OPIOID SETTLEMENT FUNDS IN ACCORDANCE WITH THE TERMS OF THE ONEOHIO MEMORANDUM OF UNDERSTANDING ENTERED INTO BY THE CITY BY WAY OF RESOLUTION 21-52

Mr. Lang – Mr. President, I apologize. I should have mentioned in caucus. I'm going to need to abstain from this.

Motion to Adopt by Mr. Marmie, Second by Mr. Rine, Passed 8-0, Mr. Lang abstaining

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

24-48 A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION

Motion to Adopt by Mr. Marmie, Second by Mr. Lang, Passed 9-0

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

24-49 A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION

Motion to Adopt by Mr. Marmie, Second by Mr. Lang, Passed 9-0

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

24-50 A RESOLUTION REVISING AND DESCRIBING THE BOUNDARIES OF "THE FLATS COMMUNITY REINVESTMENT AREA NO. 6" IN NEWARK, OHIO.

Motion to Adopt by Mr. Cost, Second by Mr. Lang, Passed 9-0

RESOLUTIONS ON FIRST READING

By: Mr. Marmie, Ms. Bline

24-53 Exp A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION

Motion to waive the 2-day reading rule by Mr. Marmie, Second by Mr. Lang, Passed 9-0
Motion to Adopt by Mr. Marmie, Second by Mr. Lang, Passed 9-0

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

24-54 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO PARTICIPATE IN THE ODOT WINTER CONTRACT (018-25) FOR ROAD SALT AND DECLARING AN EMERGENCY.

Mr. Rath – Mr. President, there is an emergency clause on this reason being it allows us to make deadlines to participate in a group to purchase salt for the upcoming winter with the state of Ohio as well as other municipalities.

Motion to Adopt by Mr. Rath, Second by Mr. Cost, Passed 9-0

By: Mr. Marmie, Ms. Bline

24-55 A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK TO SUBMIT AN APPLICATION TO THE OHIO OFFICE OF BUDGET AND MANAGEMENT FOR THE OHIO AMBULANCE TRANSPORTATION IMPACTED INDUSTRY PROGRAM.

Motion to waive the 2-day reading rule by Mr. Marmie, Second by Mr. Lang, Passed 9-0

Motion to Adopt by Mr. Marmie, Second by Mr. Lang, Passed 9-0

By: Mr. Marmie, Ms. Bline

24-56 A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION

Held until June 17, 2024.

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

24-57-A. A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE FOR THE CITY OF NEWARK, OHIO, TO NEGOTIATE AND ENTER INTO A LEASE PURCHASE AGREEMENT WITHOUT COMPETITIVE BIDDING WITH SOUTHEASTERN EQUIPMENT CO. INC., FOR THE PURCHASE OF AN ASPHALT GRINDER

Held until June 17, 2024.

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

24-58 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE OF THE CITY OF NEWARK, OHIO TO PURCHASE TWO (2) USED STREET SWEEPERS FOR THE STORMWATER UTILITY WITHOUT COMPETITIVE BIDDING.

Held until June 17, 2024.

COMMENTS FROM CITIZENS

Linda Mossholder, 224 Green Meadow Dr. – This past weekend I had the honor of attending an Ohio CAN, and that stands for Ohio change addiction now. The mission of Ohio CAN is to embrace, educate, and empower those whose lives have been impacted by substance abuse. The Nora Outreach program is a program under Ohio CAN. One of the co-founders of Ohio CAN stated that she had been asked on several occasions of the rarity of nine women coming together (inaudible) with the most stressful, hurtful, debilitating, devastating and shaming times of our lives. We were muted and judged by strangers and those we call family and friends. 10-12 years later, we're still together. Still grass rooting, and still holding space for each other, and others in need. Holding space means working with people without judgement, that you are planning on helping people without looking at your needs, to accept someone's truth no matter who they are, to allow and accept. Holding space means putting your needs and opinions aside and allow someone to just be him, her, or them. Holding space is a huge deal. If we don't hold space, then people are just stuck, and they're just surviving. Back then there were so many obstacles such as shame, blame, and stigma, we had no time to be stuck. Our children's lives mattered as to all those living and dying in Ohio. One of the topics that was discussed at the retreat was opioid settlement funds. I shared with the group that a resolution would be put before council dispersing money to Licking Memorial Hospital. I was asked if there was an application process for these funds. I told them to my knowledge I was not aware if there was a process. Please correct me if I'm mistaken. It is my hope that some of the funds dispersed to Licking Memorial will be used to expand treatment options such as distribution of Methadone. Methadone is an approved form of treatment for opioid substance use. Currently, people using this form of treatment have to drive on a daily basis to Columbus to obtain this form of treatment. During a level three emergency about two years ago, one of the people who needs Methadone on a daily basis, went to Licking Memorial Hospital and said we have a prescription for this. You can call the clinic. Can I please get the Methadone treatment here? The hospital stated they did not feel comfortable giving this person Methadone. So, three hours later, well, more than that to travel to and from Columbus. So, we're hoping something new can be implemented by the hospital to make sure people are getting the treatment they need. Currently, a lot of the people who need treatment are reluctant to go to the hospital, and this is not substantiated, but they are afraid that a warrant check will be run on them and they will be arrested as they leave. So, we just have to make sure access to treatment is fair, and we start reducing the stigma associated with substance abuse. Thank you for your time.

MISCELLANEOUS

Tricia Moore, Law Director – Mr. Brunner, I have spoken with the dog warden, and their statement is that they do enforce the laws within the city. I'm not sure of your particular circumstance, I can talk with you further, but if you're calling them to say can you enforce the Newark laws, they're not going to do that. They will enforce the laws of the state.

Mayor Hall – Last Monday was Memorial Day. Cedar Hills Cemetery had a great event. We want to thank those who gave their lives for our freedoms. I'm very proud of this community that we honor that at the veterans' section. Thank you to the Parks and Recreation Department. They did a great job getting it ready. Thank you to local county veteran service organizations that organize events that bring everybody together. There were even a few members of the Newark High band there. Keeping in mind the next day the whole band was going to Cedar Pointe, which was pretty exciting for them. They were marching up there. There were a few members there to play the military salutes and that makes it very special. I want to thank everybody that puts that together. It's a real honor in this community to honor those citizens who gave their lives.

Mr. Rine – I'll pass tonight, thank you.

Ms. Bline – Thank you, Mr. President. Memorial Day was a great day. Cedar Hill was just a beautiful ceremony. They did a great job. I was grateful to attend the honors bestowed upon those who've given their lives at the VFW, as well as the traditional breakfast at The American Legion. Don't miss that next year. It's really a great time. Not only do you get to do KP, but you get to hear the stories of these men and women who served, and it really is great. I'd like to thank all the growing relationships, neighborhoods, and the businesses between S. Pine and S. Williams. Their interfacing is creating a new opportunity to not only secure that area, but to birth some new opportunities there as ODOT has cleared a large swath of property that was problematic. So, I really appreciate the backbone that these residents and these businesses are showing. They're doing a great job. Shout out to Modern Welding and the Donna Jean Center. They've just been very stable, and again, they've showed a lot of backbones in difficult times. So, thank you for them. To address the idea of warrant checks at the hospital, you know, going to jail can be very therapeutic. I've been speaking to a lot of people who have been involved in the process as of late, and some of them just being arrested for their warrant saved their lives. So, accountability is certainly part of the process, and I would consider part of the stigma, but again, it's part of the healing. Thank you, sir.

Mr. Chute – Thank you, Mr. President. I will pass.

Mr. Cost – I want to agree with you, Mr. Mayor. The Cedar Hill Cemetery service was just phenomenal as it always is.

Mr. Houser – Thank you, Mr. President. I will also pass.

Mr. Lang – Thank you, Mr. President. Just one comment on ordinance 24-20. I have been working on that for several months trying to bring it forward. I'm really frustrated that we had to table it tonight because some extra provision was added to it, and you know, basically copied the legislation that I had drafted and then it was kind of taken out of my hands. Then we were forced to consider this other issue, which quite frankly, took over the conversation today. We didn't talk about any of the great things that we collaborated with the Safety Director on to come up with a better way of dealing with licenses we're not sure about. That sort of stuff. I

thought it was a good, thoughtful piece of legislation. For somebody to say that they would not support it if it didn't have a limit in it, to me logically, doesn't make sense to say I'm so worried about dispensaries on the one hand that I need this limit, but on the other hand, I don't want to license them if I can't include my limit. To me, they are totally separate issues. The licensing piece I thought was a pretty non-controversial issue. Everybody up here can support getting information to our Safety Director, making sure we have access for our safety forces to go in and do a search anytime we want to at these facilities. I think everybody up here is in favor of that. If you're worried about the dispensaries, the licensing is a great piece of legislation to move forward whether it has a limit in it or not. Clearly the limit itself is a pretty controversial issue and something I think that requires a lot of thought. A lot more detail needs to go into any kind of provision like that, and I think it should be considered separate.

Mr. Marmie – Thank you, Mr. President. I need to call a Finance Committee meeting.

Mr. Neely – Thank you, Mr. President. I will pass.

Mr. Rath – Thank you. I'll call a Service Committee meeting for June 17th. I wish all the fathers out there a Happy Father's Day. We won't be meeting before that.

President Harris – Thank you. I too would like to wish all the fathers a Happy Father's Day. Our next meeting will be June 17th.

ADJOURNMENT - Motion to adjourn by Mr. Cost, second by Mr. Lang, passed by acclamation

Jeff Harris, President of Council