

COUNCIL MINUTES

July 1, 2024
Council Chambers
7:00 P.M.

President Harris called the meeting to order

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

INVOCATION – Mr. Labutis

PLEDGE OF ALLEGIANCE

CAUCUS

MINUTES of June 17, 2024, Motion to accept by Mr. Houser, Second by Mr. Lang, passed by acclamation

APPOINTMENTS

Mayor Hall - Appointing the following individuals to serve as the initial Developer representatives to the Newark Downtown New Community Authority Board of Trustees:

- David Rhodes, term beginning June 17, 2024 and ending June 16, 2026
- Tim Hickman, term beginning June 17, 2024 and ending June 16, 2025
- Mark Mauter, term beginning June 17, 2024 and ending June 16, 2025

REPORTS OF STANDING COMMITTEES

Finance - **Received and Filed without objection**

Street - **Received and Filed without objection**

Safety – **Received and Filed without objection**

REPORTS FROM CITY OFFICIALS

Brandon Fox, Water Administrator – A list of properties being sent to lien for past due water, sewer, and stormwater bills.

COMMUNICATIONS

Ryan Bubb, City Auditor – An audit report by Wilson, Shannon & Snow Inc. for the year ended December 31, 2023.

Received and Filed without objection

Ohio Division of Liquor Control – New D1 Liquor Permit Application for 3GFAN LLC, DBA Fantuzzos Ristorante, 24-30 N. 4th St. Units 41, 19, 21, 23, 25, Newark, OH 43055
Received and Filed without objection

Public Hearing

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

24-46 A RESOLUTION APPROVING THE RENEWAL APPLICATION FOR PLACEMENT OF FARMLAND IN AN AGRICULTURAL DISTRICT AND DECLARING AN EMERGENCY.

Motion to Adopt by Mr. Rath, Second by Mr. Rine, Passed 10-0

COMMENTS FROM CITIZENS

Daniel Crawford, 163 S. Second St. – First, I want to get up here before you guys vote on 24-20. I was one of those who voted in favor of legalization, but I definitely understand the apprehensions about that. I most certainly, like Councilman Lang, oppose the notion of arbitrarily limiting who can have a dispensary. I also oppose limiting how many there can be, but you know, baby steps. I think instead of picking winners and losers as I believe Councilman Rath had pointed out, which I think is bad government, I think that should be taking a step back, regulating where these things can be and kind of regulating them like a liquor store. That's my opinion. Thank you.

Rochelle Volen-Smith, 237 Violet Ct. – I mentioned to Mr. Lang earlier that I really appreciated the careful research that he had been doing on this topic. I also agree with Daniel about his words on that as well. I feel it's premature to vote on this issue. One of my concerns is that there isn't a universal consistency on quality control yet. We also don't have a consistency on how we're going to designate the criteria for distributing this product. I'm big on people knowing what they're taking in terms of all medications. I think there needs to be standards, and I understand the states are not in agreement. It's too easy to not have control over things like pesticides and other things that are difficult to qualify in terms of product. I'm also concerned about whether there are standards, and I'm unclear on what the standards are on who gets to sell this stuff and what our role is in that. I think there should be more research on it. I have another topic that I think is going to take the rest of my 3 minutes plus. It has come to my attention that in the last month, there have been 3 hit and runs in our area. Two were on bicycles, and one is dead. One was a pedestrian. I've been involved on education on bicycle and road safety before, but that's been a while. When inquiring with people in Granville for instance, more people are aware of what side of the street you are supposed to ride on. In our area, I see a whole lot of people not knowing. In fact, there is a belief that downtown you're supposed to ride on one side of the street if you're on a bicycle, and in other areas of Newark, you're supposed to ride on the other side of the street. That's ridiculous. This is so easy to fix. In terms of the pedestrian that was hit, that was in my vicinity. It was also a hit and run. The person briefly stopped. She said she needed help. The person drove away. It's inexcusable. In our area, there are a lot of streets that do not have sidewalks. That has been a problem that has caused a lot of accidents. Thank you.

Bob Klockner, 289 Myrtle Ave. – I have heard from law enforcement that marijuana is a lot stronger and a lot more dangerous now, which in turn means to me, and I think you also, that it's going to be a lot more dangerous for the entire Newark community.

ORDINANCES ON SECOND READING

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

24-19 AN ORDINANCE AMENDING CHAPTER 210 OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO TO ESTABLISH PROCEDURES FOR SETTING THE COMPENSATION OF ELECTED OFFICIALS

Motion to Adopt by Mr. Lang, Second by Mr. Rath, Passed 10-0

ORDINANCES ON FIRST READING

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

24-20 AN ORDINANCE AMENDING CHAPTER 850 OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO, TO IMPOSE LICENSING REQUIREMENTS FOR ADULT USE MARIJUANA FACILITIES, TO LIMIT THE NUMBER OF MARIJUANA DISPENSARIES OPERATING WITHIN THE CITY OF NEWARK, OHIO, AND DECLARING AN EMERGENCY.

Motion to Adopt by Mr. Cost, Second by Ms. Bline

Mr. Marmie – Mr. President. I think this has been debated quite a bit and discussed. I know that there are members of Council, the Law Director's office, and our safety forces and everybody would like to come to an agreement on things. I think there's been a little bit of give and take on the different concerns and things. With that, I'd like to propose a motion for an amendment, and everybody should have a copy. To add the definition of dual use license, which means a license issued by the division that allows the cultivator, processor, testing laboratory, or dispensary to engage in permissible activities for their respective license type under both the medical and non-medical cannabis statutes. Also, add the definition of "Certification of Operation" which means a certification of operation or license issued by either the department of commerce of the state board of pharmacy pursuant to Chapter 3796 of the Revised Code and Chapter 3796 of the Administrative Code. The proposed amendment would be to amend Section 850.02(B) to take the place and to read "Pursuant to authority granted by Ohio Revised Code Section 3780.25, the number of adult use marijuana dispensaries permitted to operate within the City is hereby limited to three (3). To qualify for an adult use dispensary license, a facility must possess and maintain a certificate of operation as a medical marijuana dispensary, acquire a dual-use license from the State of Ohio, and be compliant with all applicable ordinances, codes, rules and regulations of the State of Ohio and the City of Newark."

Motion to amend 24-20 by Mr. Marmie, Second by Mr. Lang,

Mr. Houser – Mr. President, I'll make a brief comment. I think this amendment keeps intact the licensing limit that I've been seeking from the beginning. It changes it slightly, but I think it still keeps that all intact. So, I'll be in support of this.

Ms. Bline – Thank you, Mr. President. I agree with Mr. Houser. However, that doesn't mean I like it. To the citizen's point, this marijuana is not the same that we grew up with. The higher level of THC is damaging. I researched it. There's no good data out there yet because it's still

being tested. It's still being run through community research. There's nothing foundational to say whether or not it's harmful to people in the long term. So, what do we take from this? Hey citizens, come to zoning, come to Planning Commission. Come because our maps will be able to demonstrate what is available for sites. Say your peace. This is a great time to participate.

Mr. Lang – Thank you, Mr. President. I'd just like to say I appreciate the amendment language and the support from different folks. I think this is a good compromise that gets us to a place where we're not over regulating the market. I'm still not totally happy with it like Ms. Bline said as well, but I think at the end of the day we've got to find common ground. I appreciate the work that was done by folks to try to come up with something that gets us to a similar result that was the desire of Mr. Houser and others, but also addresses some of the concerns we've stated here about the dispensaries being able to move to another location or change ownership, that sort of thing. I'm in full support of this.

Motion to amend passed 10-0

Motion to adopt passed 10-0

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

24-22 AN ORDINANCE VACATING A PORTION OF IRON AVENUE, RUNNING WEST FROM VANVOORHIS STREET; SAID STREET RIGHT-OF-WAY IS LOCATED NORTH OF 383 IRON AVENUE.

Held until July 15th.

RESOLUTIONS ON SECOND READING

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

24-59 A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (\$50,000 - Construction of Eastside Transmission Line. These funds are being unencumbered from engineering services and will be used for construction. This is funded by Ohio Dept of Development Grant.)

Motion to Adopt by Mr. Marmie, Second by Mr. Lang, Passed 10-0

RESOLUTIONS ON FIRST READING

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

24-61 Exp. A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (Additional monies needed due to 7.4% increase in premiums)

Motion to waive the 2-day reading rule by Mr. Marmie, Second by Mr. Lang, Passed 10-0

Motion to Adopt by Mr. Marmie, Second by Mr. Lang

Mr. Marmie – Mr. President, as I indicated in finance this evening, we're wishing to amend this to change it from a 7.4% increase to an 8% increase. So, my motion to amend is for anything indicating 7.4% will be changed to 8%. As far as line items:

Sect 1 – New Total \$1,400

100.204-5124 was \$1,350 – Increase \$50 - new amount \$1,400

Sect 2 - New Total \$87,250

100.102-5124 was \$11,250 – Increase \$75 – new amount \$11,325

100.106-5124 was \$15,550 – Increase \$650 – new amount \$16,200

100.107-5124 was \$10,200 – Increase \$750 – new amount \$10,950

100.112-5124 was \$7,000 – Increase \$650 – new amount \$7,650

100.114-5124 was \$6,400 – Increase \$150 – new amount \$6,550
100.121-5124 was \$4,400 – Increase \$100 – new amount \$4,500
100.127-5124 was \$3,600 – Increase \$150 – new amount \$3,750
100.155-5124 was \$1,400 – Increase \$25 – new amount \$1,425
100.203-5124 was \$20,500 – Increase \$600 – new amount \$21,100
100.601-5124 was \$1,600 – Increase \$200 – new amount \$1,800
100.602-5124 was \$1,900 – Increase \$100 – new amount \$2,000

Sect 3 – New Total \$420

231.113-5124 was \$362 – Increase \$58 – new amount \$420

Sect 4 – New Total \$25,750

661.713-5124 was \$15,500 – Increase \$700 – new amount \$16,200
661.714-5124 was \$4,500 – Increase \$150 – new amount \$4,650
661.715-5124 was \$4,700 – Increase \$200 – new amount \$4,900

Sect 5 – New Total \$37,900

621.706-5124 was \$22,000 – Increase \$800 – new amount \$22,800
621.707-5124 was \$2,010 – Increase \$90 – new amount \$2,100
621.708-5124 was \$12,400 – increase \$600 – new amount \$13,000

Sect 6 – New Total \$275

261.161-5124 was \$265 – Increase \$10 – new amount \$275

Sect 7 – New Total \$7,000

221.302-5124 was \$5,800 – Increase \$1,200 – new amount \$7,000

President Harris – Can you repeat that, please?

(laughter)

Motion to Amend by Mr. Marmie, Second by Mr. Lang, Passed 10-0

Motion to Adopt Passed 10-0

COMMENTS FROM CITIZENS

Daniel Crawford, 163 S. Second St. – Despite my comments earlier about 24-20, I didn't know it was going to be amended. So, although I'm not happy about a limit of 3, the process works, and in the spirit of compromise, I think it was a good thing. Something that can be built on later. I also want to say thank you to the city. When I was parking downtown to come here, the water filling station seemed like it was working so I'm very happy for that. I was thinking about this past week the Supreme Court ruled about how local government is going to be able to effectively penalize you for sleeping outside. I'm oversimplifying it here, but I'm thankful that in this city we don't have a law penalizing people for sleeping on a bench for a moment. I've always been proud of our city, but I will be forever happy if we don't go that route. It's a sad time when we have such division in our country that people are being demonized left and right, and it speaks to a need for civility. Thank you.

Rochelle Volen-Smith, 237 Violet Ct. – In continuation of the of the safety issue that I spoke of earlier, I can't stress enough how important I think it is to keep this issue in mind. One of the

bicyclists that was run over who happened to live was a person who is both a physician and a regular bicyclist. I think the city should really, really consider taking some action in terms of educating the public on how to cohabitate on the roads properly. I'm trying to do my part in that. I know a number of other people that are interested in participating. It's almost time for Pelotonia, and that's a great resource for teachers. That's why Granville doesn't have as many accidents as we do. Thank you.

Gary Babcock, 67 Philmont Ave. – I was here about a month ago, and I mentioned the electric bikes, the electric scooters, the dirt bikes, the four-wheelers. They are totally out of control. I was told there was no ordinance against it. Well, it's a motorized vehicle. If it's going to be on the street it should be licensed, lights, turn signals, and such. It must be a prerequisite that most of them have to cut off their muffler because most of them don't even have a muffler. The electric bikes, electric scooters, I watch them go around the square, and when we do our new roundy rounds that are so nice, I do like them I'm one of the few, they go the wrong way on purpose. I've witnessed that over and over. So, we are going to have to do something. I think if we were to impound a few of the dirt bikes and four-wheelers, the word would get out and things would happen. I live down close to President Harris, E. Main St. would be a great place for the police to set up for a couple of hours. Noon to one is not a good time to set up. Six to eight in the evening it's like a drag strip down near our place. We need to get it under control before we're like Columbus where they're going down High St. on two wheels if it's a four-wheeler, one wheel if it's a two-wheeler. Thank you. I appreciate what you do do.

MISCELLANEOUS

Tricia Moore, Law Director – Thank you, President Harris. I was on vacation last week and apparently, I missed a very interesting meeting, but trust me, it was planned. I didn't miss it on purpose. I just wanted to say I have a lot of pride in my office. I have a lot of pride in how I handle myself in my capacity. I would never advise the city in a manner that I would not strenuously defend, and that isn't based on research that was pretty much ad nauseum on this issue. I know others have researched, but I will say I know what efforts my law office has gone through researching this topic, and we are very proud of the way we handled ourselves in this matter. I know that it was a dicey subject. I know that there were strong feelings on both sides, but I would say that I'm very happy, ecstatic really, that we could come to a decision on this matter that was a unanimous vote. So, I appreciate that. I congratulate this Council on being able to work through this. With that, I pass. Thank you.

Ms. Bline – Thank you, Mr. President. I'd first like to thank Mr. Marmie. I know we don't agree on everything, however, I think everyone agrees on your fluency and attention to detail. I know it sounded like rambling numbers, but those are important numbers, and thank you for doing such a great job. Mr. Crawford, you said something about civility. Defined, civility is the act of being civil. Now, that goes on both sides. Certainly, all of us have a choice to be civil, but in the realm of community we also have to understand that one behavior often creates a ripple effect within that same community. I believe that's something that we need to take – there's going to be opportunity to take more – to create more accountability. We all have a role to play. As far

as ATV, I'm with you. I really am. I'm with you. Our police force is doing a great job when they can. They can't chase people. That's the rough part. Again, this is something that we're going to have to come to a solution, and it will come, but we're going to have to take it apart, piece it together, take it apart, piece it together just like you see here. It's going to take a minute, but a lot of it goes back to civility and just talking to one another. Hey, do you know your kid is out in the street? Did you know they almost got killed? I mean, just being that part of community that hold each other together and accountable. Thank you, sir.

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

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

Mr. Houser – Thank you, Mr. President. I just want to thank the Law Director for her work on 24-20. I really appreciate that and I'm glad we were able to come to what I consider to be still a careful approach on an issue. With that, I'll pass.

Mr. Labutis – Thank you, Mr. President. I want to thank everyone for their work on 24-20. Getting to the point where we did with that legislation. I also would like to wish everyone a happy Independence Day in a couple days. Celebrate our nation's birthday. With that, I'll pass.

Mr. Lang – Thank you, Mr. President. I'll just comment briefly on 24-20. I had some pretty negative comments last time about my thoughts on where we were headed as a body because it really was getting to a point where I feel like we weren't listening to each other. I feel like that really changed over the last couple of weeks. We've had different conversations with each other and we were able to find common ground. I think the passage of this unanimously is a good sign of things to come, and it's a lesson for all of us that no matter how tense any issue is, there's always a way for us to find common ground. We just have to be thoughtful, listen to each other, and be a little creative at times. With that, I'll pass.

Mr. Marmie – Thank you, Mr. President. I need to call a Finance Committee meeting for the 15th of July. First comments I want to say is I was very pleased with the decision by the Supreme Court in Oregon, however, I do know that it's been indicated that municipalities can't do something right away on it. It still has to be interpreted and you still have to have other things that will go into place, but I think it's a step in the right direction. I'm very pleased that that came through last week. On 24-20, I just want to thank everybody for working together. I know there were still some disagreements, but I think it was a good compromise. I want to individually thank the Law Director for discussing it with me. We both are two of a kind in the fact that we're passionate, and we stand behind what we say. I really do think that that's a strength that I admire in her. I don't like to go up against her either. She's tough. I do appreciate that. The other thing that I will also state, I learned from it. Not everything that I said and did was necessarily correct, but I learned. I think that if something doesn't go a particular way, it's ok as long as you learn from it and you utilize those learnings for future opportunities. I hope that we all learned from this. It was good, healthy debate. There was also some unhealthy debate, but I think as long as we've learned from it, and we learned to come together and work together at

the end, I think that's what it's all about. I think the citizens of Newark were the benefactors of that. I do appreciate everybody and all their efforts and time that they put into that. I too want to wish everyone a very happy Independence Day. Mr. Harris definitely is ready for the occasion with his tie. I didn't know whether to put my hand over my heart to the flag or to his tie when I was saying the pledge tonight, but you look dapper tonight. With that, I will pass.

Mr. Neely – Thank you, Mr. President. I will speak briefly on 24-20. I do want to thank the Law Director for all her work on it and other members on this body. A lot of work was put into it. I think what we have come up with as an ordinance is really a good mix of giving citizens what they voted for, what they wanted, while also doing so very cautiously into this new ground that we're unfamiliar with. I think the ordinance we've introduced is that good mix that we're not going to jeopardize safety or overburden our safety forces. So, for that I'm thankful. I do also want to wish everyone a happy Independence Day. With that, I will pass.

Mr. Rath – Thank you. I'll call a Service Committee meeting for July 15th. I want to remind everybody to go to the Water Department's website. Make sure you sign up and give the Water Department permission to work on your service lines. They're going through the process of replacing those at no cost to the citizens. So, make sure you comply and take care of that. I'll speak very briefly on 24-20. Obviously, everybody was passionate about their beliefs. The reason I voted for it was because the one thing that I was most passionate about was the fact that we were dictating precisely who could and could not do business in the city of Newark. I am vehemently opposed to that. I always have been. I always will be. This amendment, I think, resolved that issue, or at least satisfied it to my satisfaction. So, that's why I voted for it. I want to wish everybody a very happy Independence Day. I thank all of those who have served to make sure that we remain independent. With that, I will pass.

Mr. Rine – Thank you, Mr. President. Kudos to this legislative body. We kind of been through a lot this last couple of years. I'd like to echo Mr. Crawford. Baby steps. This is a good first step. I know it's very cautious territory and I'm glad we pulled it together and got it done. Happy Independence Day. I'll pass.

President Harris – I want to wish everybody a happy Independence Day. Is the campus still doing fireworks? Wednesday night. Don't forget. That's always a nice event to hear the orchestra and the bands, and then the 12-minute fireworks display that they do.

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

Jeff Harris, President of Council