

Service Committee Minutes

Honorable Council
City of Newark, Ohio
August 22, 2018

The Service Committee met in Council Chambers on Monday August 20, 2018 with these members in attendance:

Jeff Rath, Chair
Bill Cost Jr
Jonathan Lang
Jeremy Blake
Ryan Bubb

We wish to report:

1. **Ordinance No. 18-26** consenting to the annexation of certain territory generally described as being approximately 0.53 acres, more or less, located in Newton Township, to the city of Newark, Ohio, and declaring an emergency was considered.

Law Director- I am going to address items 1-4 and if they look familiar to you that means that you are paying attention because this bundle of legislation was addressed by this committee and Council approximately a month ago. It addresses the lot next to the Duke and Duchess station on Route 13 north of town. The petition had to be withdrawn by the petitioner because of a procedural error I think with regard to the legal description of the map at the County Commissioners end. They had to start all over again so here we are. They all have the emergency clause because they will need to be effective within the 20 day time period that the annexation statute allows us. They are also going to be on the agenda tonight at Council pursuant to Rule 11 and I'm hoping that Mr. Cost and Mr. Marmie will consent to that so that Council can have a meaningful opportunity to either object or consent. All four of these can pass out of Committee to Council but when we get to the floor of Council with regard to objecting or consenting only one can pass.

Mr. Lang- we are going to be using Rule 11 at Council do we need to vote on these now?

Director Sassen- we don't have to vote on them but it is a weird conundrum procedural because under the old meeting schedule these would have been addressed in Service Committee last Monday and voted on then they could have come to Council tonight as an emergency without Rule 11. The legislation was in the Clerk's office in time to get on your schedule here as a Committee so it still has to be addressed tonight as Rule 11. This committee I think was a more appropriate forum to discuss the four pieces of legislation they don't have to be voted out but there is no harm in voting them out though.

Mr. Lang- just to clarify we could have just brought them straight to Council tonight using Rule 11 not discussed them here tonight?

Director Sassen- that is correct

Rochelle Bolen Smith, 237 Violet Ct- I am wondering why we are even addressing this property because it is not in Newark as I understand. Why the special interest?

Mr. Rath- that is why we are addressing the property because it is not in the City of Newark and at the request of the owner we discussing whether to annex the property into the City of Newark.

Rochelle Smith- what is the advantage to Newark? Is that other property in the City of Newark?

Mr. Rath- yes so this is going to give this company an opportunity to expand that station which is in the entrance to the City of Newark

Roger Loomis- they are wanting sewer service and they have to be in the city limits to receive that so to expand their business they have to have city sewer.

Motion by Mr. Bubb to send to full Council, second Mr. Cost

Motion passed by 5-0.

2. **Ordinance No. 18-27** objecting to the annexation of certain territory generally described as being approximately 0.53 acres, more or less, located in Newton Township, to the city of Newark, Ohio, and declaring an emergency was considered.

Motion by Mr. Lang to send to full Council, second Mr. Bubb

Motion passed by 5-0.

3. **Resolution No. 18-68** adopting a statement indicating what services if any the city of Newark, Ohio will provide for approximately 0.53 acres more or less located in Newton Township, a territory proposed for expedited II annexation and declaring an emergency was considered.

Motion by Mr. Bubb to send to full Council, second Mr. Lang

Motion passed by 5-0.

4. **Resolution No. 18-69** regarding a buffer zone for the annexation of approximately 0.53 acres more or less located in Newton Township to the city of Newark, and declaring an emergency was considered.

Motion by Mr. Bubb to send to full Council, second Mr. Lang

Motion passed by 5-0.

5. **Ordinance No. 18-28** changing the zoning classification of certain real property generally described as 1621 N 21st Street, City of Newark, Licking County, Ohio from that of GO General Office Zoning district to GC General Commercial Zoning district was considered.

Director Rhodes- if you look at 18-28 and 18-29 both of those will be moved to Planning Commission if they are voted out of here and then the Planning Commission will have a public meeting and make a recommendation, vote on that recommendation and then send it back to Council for another public hearing.

Motion by Mr. Bubb to send to full Council, second by Mr. Lang

Mr. Lang- do you know the zoning for the properties adjacent to the one on N. 21st Street?

Director Rhodes- I don't but I could find out and call you in the morning.

Dave Morris, 363 Queens Dr N- my question is, is it normal for you guys to find out why it needs to be rezoned or want to be rezoned at this stage of the game or do you wait until the Planning Commission before you hear that?

Mr. Rath- I think at this point in time we are forwarding this on to Planning Commission and then they get all the detail as to what is going to go in there and then it comes back to us. They also host a public meeting so that people in the area can voice their opinion either for or against.

Dave Morris- so it is not really appropriate to ask what is going in there tonight?

Mr. Rath- I don't know if anyone here tonight has an answer to that question right now.

Dave Morris- Mr. Antritt might

Steve Antritt, 2000 Jones Rd Granville- I am General Office trying to go to General Business. It has been brought to my attention that ADR who I hired put down General Commercial so we will have to fix that. I am just trying to go one step up from General Office to General Business to make the property worth more. Almost all the businesses up and down 21st Street have General Business or higher. I can't answer Mr. Morris I don't know what would go in there but one day when I go to sell it I want it to be worth more.

Mr. Rath- do we pass this on as General Commercial and it gets changed in Planning Commission or do we make an amendment here?

Director Sassen- technically you could do it either way but I think the better way is to allow it to move forward to the Planning Commission so they can have a more detailed presentation presented at the public hearing and then they would make a recommendation back to Council more than likely changing that to General Business and that would maybe be the more thorough way to do it.

Mr. Marmie- I wanted to answer your question, what Council needs to look at is according to Ohio Revised Code. In reality we have to look at everything that is within use in that classification and basically vote on everything that is in that classification that is allowable. As long as the Council is ok with everything that is allowable under that classification. We can't vote on the specific use that is against the Ohio Revised Code because in reality of they say A is going in there today and they sell the property the next owner could put B in there.

Dave Morris- aren't you curious?

Mr. Marmie- I'm always curious about a new business in town because if it generates revenue to increase taxes then of course.

Mr. Cost- for clarification you are looking for General Business for both of these not General Commercial?

Steve Antritt- I bought the property 10 years ago at 1621 N 21st Street then the couple at 158 Myrtle passed away and I bought that so I want to get them combined which would put me at 1.1 acres.

Mr. Cost- it says that they are both General Office now and are both going to General Commercial. I was just asking if your goal was General Business.

Steve Antritt- yes, General Business then get them combined. I noticed that he put General Commercial right away that is what I tried last time.

Dave Morris- with all the mistakes in the application shouldn't it be corrected and resubmitted? Did the Law Director know the second mistake?

Director Sassen- the answer is still the same.

Dave Morris- there is a public hearing at the Planning Commission level?

Mr. Rath- yes there is and there will also be a public hearing at Council

Dave Morris- how will we know about the public hearing?

Mr. Rath- they are advertised and any properties adjacent to the property will get letters.

Mr. Cost- the application is correct our cover sheet is incorrect.

Bob Klockner, 289 Myrtle Ave- are we supposed to speak against this rezoning at this time or is that coming at a later time?

Mr. Rath- this is a public meeting and as long as you are on topic you can speak anytime you want. I will tell you that at public hearings are when opinions are taken into consideration.

Bob Klockner- are you guys going to pass this opportunity to rezone tonight?

Mr. Rath- I can't answer that I am going to call for a vote very soon. What we are voting on tonight is whether we can pass this on to the Planning Commission. What we vote tonight nothing becomes law. We are voting to send it to the Planning Commission where they will have a public hearing and get the details and do their research then they make a recommendation which is sent back to Council for another public hearing where we will hear opinions then we take a vote at Council as to whether it gets rezoned or not.

Bob Klockner- spoke his reasons why he is against the rezoning such as additional foot traffic which he stated what they have now is not good so they will have more of it, more vehicle traffic coming off of 21st Street to go to the business and then some of that traffic won't leave out on to 21st Street they will be coming through their residential area and go out on King Road then people will come from King Road to go to that business and back again to King Road. He asked about the safety of the residents where that business is and how that would come into play.

Mr. Rath- there are codes and regulations that the Planning Commission will take into consideration and enforce when developing a business on that block such as the egress and ingress. When they combine the lots they will dictate where the curb cuts will be.

Bob Klockner- the safety aspect that I am speaking of is all the traffic going through our residential area. That is a tremendous concern. Is safety at the bottom of your list because you want to put a business in there? I would think that it would be at the top of your list. You folks are going to be voting do you have businesses in the areas where you live? If you do, do you like it and if you don't would you want it? We don't want the zoning change. A doctor's office, an insurance company or a financial place those don't bother us. I would think that there should be some residential rights in

your decision; I would think that we have some say. You just do what you want because you want a business corridor on 21st Street. You people who are voting against us will you please tell us why you are voting against us.

Mr. Rath- I don't know how everyone is going to vote tonight but tonight typically it is a 5-0 vote to send it on to Planning Commission and most people are not going to vote against this until we get a recommendation from the Planning Commission and go through two public hearings. Most typically we will allow it to go through the process before anybody vote against it. If you don't hear a no vote here tonight it doesn't mean that you won't hear a no vote at the end.

Bob Klockner- will the safety of the residents ever be a part of your vote?

Mr. Rath- absolutely, I can only speak for me but it is always a part of the consideration along with a multitude of other things.

Mr. Cost- for any of us to vote to send this on to the Planning Commission is not an implication that we are supporting or not supporting that this is an issue. Sending it to Planning Commission is allowing them to look at detailed information and come back to us with a recommendation that I have always found to be fair and balanced as far as a recommendation. How we receive it is where the rubber meets the road.

Mr. Bubb – in addition to what Mr. Cost said Mr. Antritt is a property owner in the City of Newark and his business is in the City of Newark and as we serve the City of Newark he deserves his full rights and diligence to be heard out and a property owner in Newark I think that is important.

Mr. Klockner- I have been a resident there for about 40 years

Mr. Bubb- are you in Newark?

Mr. Klockner- Newark Township. There is Newark Township and Newark City throughout that place.

Motion passed by a vote of 5-0.

6. **Ordinance No. 18-29** changing the zoning classification of certain real property generally described as 158 Myrtle Avenue, City of Newark, Licking County, Ohio from that of GO General Office Zoning district to GC General Commercial Zoning district was considered.

Mr. Fraizer- point of clarity it sits in between a church which is CSI which is church, school or institution and General Commercial on the other side which includes the storage facility and property behind it as well. That is where the property sits.

**Motion by Mr. Bubb to send to full Council, second Mr. Lang
Motion passed by 5-0.**

7. **Ordinance No. 18-30** accepting the dedication to public use of the streets in Timcyn Woods Subdivision, Phase 3 was considered.

Brian Morehead- this came through Planning Commission last week so the legislation is to dedicate the streets in Timcyn Woods Phase III of the subdivision.

Mr. Rath- just for general knowledge if you could tell us where the Timcyn Woods subdivision phase III is.

Brian Morehead- it is off of Welcome Road in the north end of town off of Horns Hill Road west of the Trout Club. The developer has finished construction and would like to sell lots as soon as possible and he has a builder that would like to get started before winter so I would ask that when it gets to Council and gets read the first night that the two day reading rule is waived.

Motion by Mr. Bubb to send to full Council, second by Mr. Lang

Motion passed by a vote of 5-0.

8. **Ordinance No.18-31** authorizing and directing the Newark City Safety Director to certify to the Licking County Auditor, the sum of \$255, 532.37 incurred by the Newark City Property Maintenance Division with respect to Property Maintenance violations to be placed was considered.

Director Baum- these are fines levied on individual properties and property owners by Property Maintenance that have yet to be paid. We are sending them to the Licking County Auditor and it will be applied to property taxes on the next 6 months.

Motion by Mr. Bubb to send to full Council, second by Mr. Cost

Mr. Lang- timing wise the next property bill would be?

Director Baum- February. Some of these are current accounts as well, these all aren't new fines this is just an updated list.

Mr. Lang- if our inspector wrote a citation in September when would it make this list then it to actually go on your property tax?

Director Baum- typically it wouldn't make February's but it might make falls. It all depends because if you provide them with an improvement plan they don't write you a fine when they show up they give you a time period to fix what you have wrong then if you have a plan they will give you some time then and the fines start small and gradually increase with your non-compliance.

Mr. Lang- this list is people who have been fined and we have reached that final step. They have been cited went through the improvement plan have been cited and they have not paid it and now it will be added to their property bill?

Director Baum- correct

Mr. Fraizer- that was just an extra zero correct?

Mr. Rath- yes

Mr. Blake- Director Baum there are several businesses listed here and I am curious what the experience has been with some of these businesses?

Director Baum- it would be a case by case basis, some are currently operating businesses, now there is a person behind each business but they don't fine the person

instead the business because if you own ten businesses they wouldn't fine you they would fine that particular business that they have issue with.

Mr. Rath- so if I own a business and I am doing business in that building over there which is owned by this guy are you assessing the fine on me or the guy who owns the property?

Director Baum- I am going to assess the fine on the property owner but that is between you and the property owner if you're responsible to keep up the property then if I am the property owner I am evicting you.

Motion passed by a vote of 5-0.

Jeff Rath, Chair