

COUNCIL MINUTES

February 1, 2021

Via Zoom

7:00 P.M.

President Ellington called the meeting to order

ROLL CALL – Mr. Bubb, Mr. Fennell, Ms. Hall, Mr. Harris, Mr. Labutis, Mr. Lang, Mr. Marmie, Mr. Rath, Mr. Barker, Mr. Blake

INVOCATION – Mr. Blake

PLEDGE OF ALLEGIANCE- President Ellington

CAUCUS

MINUTES of January 19, 2021 - Motion by to approve the January 19, 2021 Newark City Council Minutes as presented and the reading be dispensed with in view of the fact each member of Council has received written summary of same, second by **Motion to approve by Mr. Labutis , second by Mr. Barker , carried by acclamation**

APPOINTMENTS

There are none this evening

REPORTS OF STANDING COMMITTEES

Finance – **no objections, received and filed**

Service – **no objections, received and filed**

REPORTS FROM CITY OFFICIAL

There are none this evening

COMMUNICATIONS

River Road Project Opposition: Mara Hoover, Megan Cuda, Matthew Perry, Allison Sergio, Jeff & Kim Ventura, Seth Teagle, Jeff Holman, Betsey Hampton, Linda & Donald Neubig, Jes Padgett, Jackie Hill, Maria Losh

Megan Cuda – Petition against River Road Development project

President Ellington – Speaking of the River Road project, I will say this, just in case there is anyone out there listening, we did get a letter from Connie Klema, the attorney for Corridor Development Co. it got here too late to make the agenda, but the letter says. On behalf of the Corridor Development Co. I request that the rezoning application scheduled for 2-9-2021 before the Planning Commission be Tabled until the next scheduled meeting. We are reviewing site and infrastructure plans and questions posed at the public hearing and need more time to adequately complete our review. So, that will not be on Planning Commission February it won't be on the Planning Commission until March.

Ohio Division of Liquor Control – Transfer application from Mid Ohio Spirits LLC to Don & Sues
Pizza Plus LLC

Carl Lescalleet – Questions regarding the Newark City Zoning Code and Board of Zoning
Appeals

Houston Byrd – Barking dog complaint

COMMENTS FROM CITIZENS

Nancy Welu, 7441 Stewart Rd., Newark – On behalf of the Newark Homeless Outreach I wanted to thank the City of Newark Firefighters Local Union 109 and a special thank you to their union president Kevin Garwick for their support. Last Saturday the firefighters prepared and brought down food for the Newark Homeless Outreach. We served over 90 residents of Newark. One firefighter brought his wife and two young sons and they jumped in and helped out and it was just an amazing act of kindness to see everybody come together. The union has also donated some warm weather gear that we've been passing out the last several weeks. I just wanted to publicly acknowledge and thank the firefighters for what they're doing and supporting the Newark Homeless Outreach.

Daniel Crawford, 163 S. Second St., Newark – I want to thank you, Spencer Barker of course, from reading the minutes he's been helping to manage all of this, so I want to say I appreciate that. I appreciate all of the efforts for keeping everything safe that I've seen. I talk to Dee Hall a lot when she come into Giant Eagle, she's always very nice and we've talked before about the safety precautions. I also keep in touch with Jeremy Blake and a lot of you others I see from coming into City Council all the time. The reason I wanted to speak is there have been quite a few things going on as of late and I read all of the minutes from the last year that I've missed within the span of the last month. That was a lot of reading. About six years ago when I first ran for City Council, one of the things I campaigned on was at the time was the need for city sidewalks and it was so tragic what happened on Londondale Pkwy. When I saw that, it's one of those things where when I talked about that I always had feared that something like that would happen. Of course my big fear was for the school children being hit, that's just something that I saw when I was campaigning it's a major safety issue and I think that within the city limits every neighborhood should have sidewalks. I get why people don't like sidewalks in their neighborhoods, but tragedies like the one that we saw, I think was right before Christmas, that should be a sign that we need to do this. I know it's not going to be cheap and it's not going to be done overnight, but it's something we should work towards as a city. The other thing I wanted to mention was, I was pretty disheartened about this investigation against Marcia Phelps, which I'm not the biggest Marcia Phelps fan, but at the same time I saw she had an independent investigation and I can definitely respect having an independent investigation against that, but it's just kind of weird how all of this came up. I see the expenditure of money towards this seeming like there is no limit towards it whatsoever, but I see that as weird because when we brought up the whole issue about the gazebo and how it was taken away in the middle of the night and we still don't know how officially those dollars were spent or where they came from. We kind of had suspicions but we never investigated

that, yet we're investigating this thing with Marcia Phelps. Also there is this whole weird thing where there was money appropriated for changing how City Council Chambers look to make it safer and more secure and that was changed sort of like in the middle of the night too. My point is, the City is always talking about how we don't have money for this or that but then we're throwing money away at this investigation that seems like it's not going to bring up anything extra from what we already learned from the independent one. At least I absolutely hope not. Anyways, that's just a small concern. I respect the desire to look more into this, but it's just weird how it came up out of nowhere. Seemingly it emerged when there was a request for funds to raise the pay for some of the people in the County Clerk of Courts office. I won't be able to stay on to watch everything I will read the minutes from this later on, so I will definitely be interested to what people say in response. I appreciate this opportunity to speak and I hope everyone stays safe, especially with the weather.

PUBLIC HEARING

20-35 AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 298 BELLE VISTA AVENUE, CITY OF NEWARK, LICKING COUNTY, OHIO, FROM THAT OF LC – LIMITED COMMERCIAL DISTRICT, TO SINGLE-FAMILY RESIDENCE RH – HIGH DENSITY DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO.

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

PUBLIC HEARING

20-37 AN ORDINANCE AMENDING ARTICLE 135: DISPLAY SIGNS AND OUTDOOR ADVERTISING (N.C.O. CHAPTER 1294) OF THE ZONING CODE OF THE CITY OF NEWARK, OHIO

Motion to adopt by Mr. Rath, Second by Mr. Lang

Motion by Mr. Lang to amend to adopt the recommendation of the Planning Commission and add that “except that in a district Commercial or Industrial signs should not exceed 32 square feet, section G1 of the legislation” second, by Mr. Rath

Mr. Lang – Just clarifying in the packet I think we usually would have like a 20-37-A so that's why I proposed it the way I did there. Originally this legislation was brought to make our sign legislation constitutional based on some complaints that we've received, I think this has been discussed but I'm happy to discuss it further. We did have a recommendation from the Engineering Department that I think was passed through Planning Commission that we make an exception for commercial or industrial zoned areas consistent with the size of signs on that property. The Law Director felt that as long as we continue to make all these restrictions content neutral so they apply no matter what's on the sign that it would pass muster with the 1st Amendment and be something we could continue to enforce. As we discussed before there is not intent to change the way we enforce this it will still be a complaint based enforcement.

Motion to amend passed 10-0

Motion to adopt passed 10-0

ORDINANCES ON SECOND READING

No Ordinances on 2nd Reading

ORDINANCES ON FIRST READING

21-01 AN ORDINANCE EXTENDING THE AUTHORITY OF THE TEMPORARY BOARD OF ZONING

DISTRICT REVISION

Held for two weeks for 2nd reading

RESOLUTIONS ON SECOND READING

By: Mr. Rath

21-02 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACTS, SUBJECT TO THE APPROPRIATION OF FUNDS, FOR VARIOUS CONSTRUCTION PROJECTS.

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

By: Mr. Rath

21-03 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 2021.

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

RESOLUTIONS ON FIRST READING

By: Mr. Marmie

21-04 Expedite A RESOLUTION APPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION

Motion to waive the two day reading rule by Mr. Marmie, second by Mr. Bubb

Mr. Marmie – We have bills that are due, mainly in the Sewer Department and we just want to get these out so they can get the equipment they're trying to get and also a couple vehicles.

Motion to waive the two day reading ruled passed 10-0

Motion to adopt by Mr. Marmie, Second by Mr. Bubb, motion passed 10-0

COMMENTS FROM CITIZENS

Rochelle Volen Smith, 237 Violet Ct., Newark – Two items, one on the topic of the signs, I see in the ordinance it forbids flashing and blinking signs, but I think moving signs that change their advertising throughout are as distracting as blinking signs and are as likely to cause an accident and I think that need to be considered. The second item is that I was curious where the funds for the changes to the administration building are coming from.

President Ellington – I believe and Mr. Rhodes you can correct me if I'm wrong, but I believe the funding is COVID funding that's being used to change the way the Council Chambers is set up, Mayor hall may have something to say about that during miscellaneous.

Service Director David Rhodes – That is correct.

Steven Smith, 237 Violet Ct. Newark – I just wanted to piggy back on Daniels comments about the sidewalks earlier. This is a topic that I've brought up myself a few times during my tenure attending Council Meetings. The example I've given before which I think is still a problem is on Reddington Rd. near the apartments by the park. There's a situation where there's a bus stop there. There are no sidewalks in that area. The children have to wait in snowy weather where the snowplows have plowed a big wedge of snow right where they would wait and they end up either having to go through a big deep snowdrift or walk in the street. I think this is a public safety issue and I know the funding is always going to be a problem but I think as we saw tragic results happen when the safety issues are not taken care of. The playground is right there and I think it's an accident waiting to happen.

MISCELLANEOUS

Mr. Harris – I just wanted to remind everybody that today starts Black History Month. I'm sure there's going to be a few things going on around the city and I encourage you to research different names of African Americans that have contributed to nice things we have today.

Mr. Labutis – I just wanted to thank Service Director Rhodes and all of those out there keeping our roadways safe and getting the salt down with the snow and ice coming, I appreciate that.

Mr. Lang – First, Rochelle, I'll address your comments about the sign legislation. I wanted to clarify that we really only are talking about temporary signs in the legislation so this didn't affect any of the digital billboards that you're referencing in your comments. I would like to thank my colleagues for working with me to get that passed. Anytime we've got legislation on the books that we're told we can't enforce it's always great to clean that up so that we have legislation that we actually can enforce. Daniel and Steven thank you for your comments about the importance of pedestrian walkways. Spencer and I continue to work with the administration and be hopeful that we can get some dedicated funds set aside for making some improvements to pedestrian walkways. There is obviously a ton of places in the city that could use them and hopefully we can start addressing some of those and get some dedicated funds. Thank you for your comments and continue to bring that to light.

Mr. Marmie – I need to call a Personnel Committee Meeting and a Finance Committee Meeting. I also want to thank Director Rhodes and all of those who have been working numerous hours from the weekend and continuing on even this evening making our roadways safe and doing a superior job there I just want to thank them. I also want to piggyback on the sidewalk comments, hopefully you're going to see in a couple weeks legislation come through

where there is going to be dedicated funding. We're working through the process of that making sure there is some funding for sidewalks. Hopefully that will come out either in two weeks or four weeks, but you should be seeing it very soon.

Mr. Rath – I would like to call a Service Committee Meeting for two weeks. Thank you to all of the road warriors that are out there most of them through the night plowing our roads did a great job I certainly appreciate all their efforts. All the pretreating done prior to the snowfall, certainly appreciate that as well. I know we have more snow coming so they will be out there, if everyone can remember to get your cars off the streets if at all possible, it makes the job a whole lot easier and make the road clearing a lot better for everybody else. Also, not to be caught unaware, I know last year there were some warming rooms that had opened up during the winter months and I know that starting next week we're supposed to start having some significantly colder temperatures. Actually I think I heard the weatherman say tonight, the coldest weather we've had in ten years. Single digit highs and negative temperatures for lows, so hopefully we'll get some people in the community to reinstitute the warming centers and get some of those people taken care of.

Mr. Blake – It is the first day of Black History Month and so I would advise all of my colleagues here on Zoom tonight to participate in some of the speaker series that the NAACP has organized. You'll find all the details at LickingCountyNAACP.org each one of you are welcome to attend the events will be happening on Wednesdays so I look forward to seeing one or two or quite a few of you on those calls to celebrate the month that we're in. The next item I wanted to bring up was, many of you may have known Ray Kress, he was a principal, I had him when I was at Lincoln Middle School, he was my Middle School Principal and he recently passed away and I just want to publicly acknowledge Ray Kress and all the years of service that he gave to students and families here in our community and just lift his family and all his loved ones up in prayer today due to his recent passing.

President Ellington – I agree Ray was a great guy. Back when I was at Lincoln he was a gym teacher there, I think it was his first or second year. Never mind about the rest of that. I would like to just add my thanks to the street crew, except for the guy that does Sharon Valley Road, after I JUST got my driveway fully shoveled he came through and plowed me back in, but that's just the way it goes. Thanks to you guys, you're doing a great job and I know it's tuff when it continues to snow and you just get things cleared off and then it snows again. We sure appreciate it, so if you'll hang in there, that's great. Our next meeting will be Tuesday, February 16th, the 15th will be a holiday I believe. It will be 5:45pm for Committee Meetings and 7:00pm for Full Council Meeting.

ADJOURNMENT

Motion to adjourn by Mr. Labutis seconded by Mr. Harris , passed by acclamation

Don Ellington, President of Council