

COUNCIL MINUTES

March 15, 2021

Via Zoom

7:00 P.M.

President Ellington called the meeting to order

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

INVOCATION – Mr. Josh Sexton, Granville Christian Academy

PLEDGE OF ALLEGIANCE- President Ellington

CAUCUS :

Motion by Mr. Lang to excuse Mr. Marmie, second by Mr. Baker, passed by acclamation

Mr. Doug Sassen, Law Director – As we discussed in committee tonight, these 5 pieces of legislation all refer to one issue, one annexation of property on Horns Hill Rd., they're here tonight pursuant to Rule 11 with the agreement of Majority Leader Marmie and Minority Leader Blake under Rule 11, also as an emergency because we are subject to statutory deadlines for addressing this annexation. It's a single property owner annexation and has been filed as an Expedited II, so we're on very tight timelines that have to be acted within. Between 20 and 25 days respectively, so I would ask Council with the consent of both leaders to hear those tonight and it was my suggestion, Mr. President, that put these in caucus so they could be discussed, but that we move these to Miscellaneous to be voted on so that if anyone is here to comment on these matters they can do so during the citizen comments.

President Ellington – I have talked to Mr. Marmie today and he is in agreement with this. Mr. Blake if it's okay with you, when we get to miscellaneous if you would do these that would be great.

Mr. Blake – Thumbs up.

MINUTES of March 1, 2021 - Motion by to approve the March 1, 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. Bubb , carried by acclamation**

APPOINTMENTS

City Council- appointing Mark Labutis to the Community Reinvestment Area Housing Council (CRAHC) by recommendation of the Department of Development Director Mark Mauter. His term will begin immediately and expire December 31, 2021.

Mr. Mark Mauter, Director of Development – we had a situation where Roy VanAtta had to resign from the Newark Community Reinvestment Area Housing Council, so I had a position to fill. The position is the

Newark City Council appointment and I would like to highly recommend that council would appoint Mark Labutis to this position. Mark currently serves on the Tax Incentive Review Council and this position compliments the work that is done there.

Appointment passed by acclamation

REPORTS OF STANDING COMMITTEES

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

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

Streets - **no objections, received and filed**

REPORTS FROM CITY OFFICIALS

Judge David N. Stansbury – Licking County Municipal Court 2020 Annual Report

No objections, received and filed

City Auditor, Stephen E. Johnson – Operating report for period ending February 28, 2021

No objections, received and filed

COMMUNICATIONS

Sam & Marcy Bowser.– Email in opposition of 209 N. 21st Street Re-zoning

Ohio Division of Liquor Control – New application for Don & Sues Pizza Plus LLC, DBA Don & Sues Pizza, 645 W. Church St.

Ohio Division of Liquor Control – New application for Mariachis Grocery Store LLC, 297 Deo Dr.

Ohio Division of Liquor Control – New application for A4 Ragtime Band Newark LLC, 325 W. Main Street

Roger Loomis, Water Administrator – properties being sent to lien for past due water, sewer and storm water bills in the amount of \$3,778.22

With no objections all were received and filed

COMMENTS FROM CITIZENS

Mr. Steve Layman – I am the petitioner for the annexation of 55 acres on Horns Hill Road. If annexation is granted it is our intent to seek Residential Zoning to do a single family subdivision with 115 lots.

ORDINANCES ON SECOND READING

By: Mr. Bubb

21-02 AN ORDINANCE AMENDING THE POSITION CLASSIFICATION, PAY RANGE AND DEPARTMENT AUTHORIZATION TABLES OF THE CITY OF NEWARK, DEPARTMENT OF Service, DIVISION OF Cemetery/Parks BY CREATING THE CLASSIFICATION OF Operations Manager, AND SETTING THE COMPENSATION THEREFORE

Motion to adopt by Mr. Bubb, second by Mr. Lang, motion passed 9-0

ORDINANCES ON FIRST READING

By: Mr. Fennell

21-08 AN ORDINANCE VACATING A SIXTEEN AND ONE-HALF (16.5) FOOT WIDE ALLEY AS SHOWN ON THE PLAT OF THE CANAL LAND, AS RECORDED IN PLAT BOOK 2, PAGE 20 OF THE LICKING COUNTY PLAT RECORDS; SAID ALLEY IS LOCATED BETWEEN MARKET AND CANAL STREETS, AND BETWEEN SOUTH FIRST AND SOUTH SECOND STREETS.

Held two weeks for second reading

RESOLUTIONS ON SECOND READING

There are none this meeting

RESOLUTIONS ON FIRST READING

By: Mr. Marmie

21-12 Expedite APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION

Motion to waive the 2 day reading rule, second by Mr. Bubb

Mr. Blake – There is a payout for an employee and we would like to get that done as soon as possible.

Motion passed 9-0

Motion to adopt by Mr. Blake, second by Mr. Bubb, Motion passed 9-0

By: Mr. Marmie

21-13 A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK TO SUBMIT AN APPLICATION TO THE OHIO DEPARTMENT OF PUBLIC SAFETY FOR AN AWARD OF FISCAL YEAR 2021-2022 FUNDING UNDER THE OHIO EMS TRAINING AND EQUIPMENT GRANT PROGRAM.

Held two weeks for second reading

By: Mr. Marmie

21-14 APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION

Held two weeks for second reading

By: Mr. Rath

21-15 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO SELL BY INTERNET AUCTION PERSONAL PROPERTY, INCLUDING MOTOR VEHICLES NO LONGER NEEDED FOR PUBLIC USE, OR WHICH ARE OBSOLETE, OR UNFIT FOR THE USE FOR WHICH IT WAS ACQUIRED

Held two weeks for second reading

COMMENTS FROM CITIZENS

Dawn Pettit, 317 Moull St – I wanted to bring up the Sheetz business that's coming in at 21st and Moull St. I've talked to a lot of the Council people about this over the phone and I wasn't to say that I appreciate them talking to me. I understand that there is nothing that can be done about this business coming in now that it's been rezoned, but I would like to say that if there's anything Council can do as far as making sure that safety is utmost here. There are lots of accidents at Moull and 21st Street and I think there's going to be a lot of congestion. I'm also concerned about increased traffic on Moull St. which is a secondary road and has had a lot of speeders and I think this will increase. I would also like to say that when something is going to be rezoned that's this huge or has the potential to be this huge that maybe people be informed a little better. It's my understanding that only people who live within 350 feet of this project were notified and this has a huge impact on our part of town.

Caroline Cook, 898 Lateglow Ct. – I would like to agree with Dawn, that's a very bad place to have a gas station. The only accident I've had in years was coming out of a gas station on 21st Street, somebody ran into me. There are always accidents on 21st Street and this is on one of the most dangerous places and to have another gas station with people pulling in and out at this particular place, close to the school, it's just the wrong place to have it. I also appreciate that you didn't allow a gas station where the family Dollar was, that was a wise decision. We don't need more gas stations. We need more housing for families, especially low income housing. I have a lot of questions about this annexation on Horns Hill Rd. I want to know what kind of housing is going in there, what kind of services is the city going to supply to that development, I live in an area where my street has been patched over and over and has holes and there are areas where we don't have sidewalks. You're not taking very good care of parts of our city very well and I'm in one of the better parts that's being taken care of. So, what services are you going to provide to developers who develop other places and I'm also against the River Road development, but I think maybe that's out of the picture now. Thanks for listening.

Deanna Wickliff, 362 Cedarcrest Ave – I would like to bring to light possibly some better conditions for walking conditions, crosswalks and signage for schools a little further out than what they currently are. Unfortunately, on the 3rd of March my daughter was struck by a vehicle on Cedar Street walking home from school. She didn't see the vehicle and the vehicle didn't see her because she had to come out from between parked vehicles to be able to cross Cedar Street. At this time the only actual cross walk which is within walking distance of us other than Everett Avenue is Clarendon and we see cars fly past that continuously as the lights are on. It's not safe for the children to be walking and when you're looking at close to 2500 student in a city walking, I believe there needs to be more light shown onto this and better conditions for these students who are walking to and from school.

Mr. Steve Layman – we have an agreement with a production builder. The homes, we figure, are going to be in the upper \$200k range and like I said before, we'll be asking for 115 lots. We will build city streets. We have agreed to provide a \$1,500 per lot impact fee for the improvement of whatever the

city would think would need to be improved, but we would think for the intersection of Horns Hill Rd and Waterworks Rd.

MISCELLANEOUS

President Ellington – We are going to have Mr. Mauter, Director of Development and Ms. Tegtmeier speak about COVID dollars. We will be able to ask questions of them afterwards. I think this is the best place to put this.

Mr. Mark Mauter, Director Of Development – I appreciate you giving me and Debbie Tegtmeier from the Licking County Coalition for Care a few minutes to speak on the COVID-19 CARES ACT funds that are being used in our community. Deb and I wanted to let you all know that my department, which is the City Department of Community and Economic Development, the Licking County Coalition for Housing, LEADS and Licking County Jobs and Family Services have been meeting weekly via Zoom for quite some time. We've been coordinating our efforts to be sure we are working together in a comprehensive effort to distribute those CARES ACT funds as efficiently as possible. We've been concentrating on three areas, that is rental assistance, mortgage assistance and utility assistance such as sewer, water, telephone etc. We felt that it was important to communicate regularly and to keep each organization informed as to how they were progressing and if there were solutions that could possibly be shared to better implement the distribution of the funds. We've worked together to create an infographic and a press release which I sent out to all the Council Members last Thursday. This illustrated all of the community organizations that have been involved in helping the Licking County community and the number of households that have been assisted as well as the amount of dollars that were distributed. Now, I would like to allow Debbie Tegtmeier, the Executive Director of Licking County Coalition for Housing to say a few words.

Ms. Debbie Tegtmeier, Executive Director Licking County Coalition for Housing – I want to thank everybody since you were all involved in awarding some of those initial CARES ACT funds, specifically to the Licking County Coalition for Housing, but with the infographic and press release we were trying to illustrate just how much broader it has turned out to be. With the \$250k that Newark City Council awarded back in November of 2020, we added that to what turned out to be \$900k from the Licking County Commissioners of CARES ACT funds and again in addition to several other sources of dollars, but with that money, just within the Licking County Coalition for Housing's effort, assist over 500 households, a huge portion of which were actually within the City of Newark itself. We got several of those dollars out before the December 30th deadline. We did carry some forward, so the infographic and the information that you have in front of you is actually just specifically for 2020. We intend to provide follow up and a final report, whatever you need but we did want to give you at least this preliminary information. We will have more information. We've actually depleted all of the CARES ACT dollars from the County and the City, however, the efforts for rental assistance, foreclosure prevention and utility assistance continue. I'm sure you're aware the City was awarded some CDBG CD Funds and we're participating with mark and his team in order to get those dollars out the door. We're taking applications specifically for the City of Newark. LEADS has received 3 different waves of funds and we are now waiting to see what the American Rescue Plan pieces of legislation that President Biden just signed, there is additional rental and foreclosure

assistance in that Bill as well. We have in front of us lots of money well into 2022 to spend. We will continue to work collectively to prevent homelessness and to prevent evictions. It's been a key part of anybody's strategy to mitigate the spread of the virus, but as you also know when we first approached you about using the CARES dollars, it's also been an extreme effort to try to maintain the housing stock in our community. You're probably aware that most of the State and Federal Housing Programs rely almost exclusively on the use of private housing stock. There are some subsidized housing units around, but for the most part, the work that Licking County Coalition for Housing does every day is either preventing homelessness or helping homeless adults and families and veterans find new housing rely almost exclusively on the private housing market, so what you have been able to do with those dollars is help over 240 property owners in the City of Newark and in Licking County. So, it did not end up being a concentration of only one or two property owners getting money by a long shot. We were able to work with quite a few people and I feel really good about that and I hope you do too because it's been a really extremely important effort. I do want to acknowledge Judge Stansbury's efforts, he's been extremely helpful, as has Marcia Phelps from the Clerk of Courts, in terms of giving us information and keeping us up to date and frankly helping both property owners and those facing eviction to get information in a timely manner so we could help prevent a lot of those. We want to make sure you feel fully informed, so if you have any questions we are happy to answer them for you.

Mayor Hall – I would like to congratulate the Newark High girls' basketball, while they didn't have a State Championship win over the weekend, we're awful proud of them for getting into the finals. Mount Notre Dame, the team that beat them hasn't lost a game in two years and is the reigning number of State Championship wins in the State of eight. It's a powerhouse team they played a few years ago in the semi-finals that's just real strong and real good and our girls did a phenomenal job. If you didn't get to watch or listen to it, it was a double overtime loss by 2 points and Gwen Stare shot a 3 pointer that bounced off the rim that would've won it in the last few seconds, so it was a really thrilling game, I was not there but was able to watch it on Spectrum 1 and certainly want to congratulate them for an outstanding year, I'm sur they're healing a little bit from that emotional loss, but I want them to know that we are behind them and real proud of them.

Mr. Fennell – I would like to thank David Rhodes for some help on some property maintenance issues that I've been having, I really appreciate the hard work that he and his team do to keep our city up and running.

Mr. Harris – I too would like to congratulate the lady Wildcats for a great year. I also want to thank Mr. Hickman for helping me out on a couple issues. Deanna if you would shoot me an email I would be glad to get with you and talk about the school crossings.

Mr. Labutis – I want to thank Mr. Sexton for offering the invocation. I certainly want to congratulate the Newark girls' basketball team. That was a fantastic game and they fought hard and made us all proud. That was a great season.

Mr. Lang – First, I'll say I'm really excited about the announcement of the Newark Station. I think there's some really cool long and short term plans for that property and it's going to be a unique and fun addition to the City. I know Mr. Barker has more to share on that, I'm not going to steal his thunder, but I'm really excited about that announcement. Ms. Wickliff, I'm really sorry to hear about your daughter, that was a terrible event that happened. I hope she's doing

okay now. Pedestrian safety is a really important issue and Jeff, I'd be happy to coordinate with you on that. I know it's not my end of town, but I'm working with the engineering team on some other pedestrian safety issues so I'd be happy to coordinate there. I'd also like to thank everybody who came to speak about the location of the proposed Sheetz development on 21st Street. Ms. Pettit and Ms. Cook. I know I received a few other calls from neighbors over the weekend. I share your concerns regarding the construction of this drive-thru deli, gas station at those location. I think the expected increase in traffic and the backups that will be caused will at a minimum be an inconvenience and delay, but worse case if not managed correctly it will lead to increased accidents in the area and pose logistics problems and access problems for our safety forces. So, I think it's important that we manage that well. While I don't like it and certainly I think we were hoping for something a little more low key for the area, I think it's important to say that we really don't get a say how a given area of land should be zoned. Once a property is zoned General Business the owner can build a book store or coffee shop or put in a gas station. We really don't have a say. There's been a lot of folks saying hey, you should ring in this and bring in that and I think it's important that everyone understands that we don't ring in a gas station here or put a bank over there. The different developers that come in look to invest in the best opportunity to build a business where they think it's going to be successful so, while we don't think a gas station is best there, there are folks that do think that and are putting their money behind it to make that investment. I think this is a little different than what happened over at River Road or the Circle K, those developers were looking to modify current zoning to complete their project and I think it's important that folks understand. They could still go and build a gas station where the Family Video is. That is already zoned for that use. They wanted to rezone the adjacent property. Similarly over on River Road,, they could build 300 plus single family homes, that property is already zoned that way, we just didn't approve the higher density use. For this property I think it's important to note that the General Business classification already went through the standard process. So, what does that mean? It means letters did go out to folks in the area, there were public hearings that were advertised in the paper, there was review and discussion that happened over the course of, I think, 5 different meetings and we looked at the property across the street that has the same zoning and there wasn't really a big opposition at the time. I think it's important that people understand that change was approved by a unanimous, bipartisan vote of Service Committee and Planning Commission and of Council. So, what do we do now. We can ask for review and consideration of the different safety concerns in the development of the property. I've reached out to our engineering team and they've assured me they're already doing what they can to mitigate those issues with the developer. Specifically looking at how many cars can stack up in the drive thru. The curb cuts, we're getting some money from the developer to improve that intersection a little bit. I know they will be applying for a zoning variance to reduce the number of required parking spaces. I'll be sure to share that information through my social media accounts when I have it. Then moving forward, Ms. Pettis, you made a good point that concerned me as well. Advertising in the Advocate is what's required by statute, but we could probably do more. I've already set the ball rolling with President Ellington and our Council Clerk, Janine and Spencer to look at how we can improve our communication with zoning applications and all council matters general. I ask that we consider using social media as another resource to help improve

transparency when these kinds of changes are requested. Hopefully we'll be able to announce more specific plans at our next meeting, but that's something we're working on as well.

Mr. Rath – I'll call a Service Committee Meeting for the 5th. Looking forward to hearing Mr. Barker speak about the new project.

Mr. Barker – First, I'd like to thank Mr. Hickman, he helped out with a need form 2nd Presbyterian Church in downtown, so thank you to him. Director Rhodes also helped with that. I'll echo Councilman Lang's comments on Sheetz. I've taken many calls and emails and some Next Neighborhood posts as well. I understand, I would echo that this property is already zoned for that use and it's up to the property owner how that property gets built out with the current zoning. With that, I will move to Newark Station, which is at 325 West Main Street, I would like to invite all of you on May 28th to the Grand Opening of what is called The Yard at Newark Station. It is phase I of a multiphase project of redevelopment of 325 West Main Street, the former Westinghouse site, and at this event the master plan outlining the entire development project, I believe 4 phases, will be unveiled for the first time to the public. It is something that we do not have in Newark or Licking County. This is going to be something that will attract not only young and old, but also we are hoping out of county residents to come and visit Newark. The developer is fully committed. As I know he has met many times with the Mayor, Director Rhodes and Director Mauter, he is committed to Newark. This is something he sees as a legacy project for himself. He spent the last 35 years of his career driving to Columbus and retired and has now decided that every morning he wants to drive to Newark. So, it's a very exciting project and again May 28th is the Grand Opening. There's a Facebook event where you can register to get updates and you can also visit Newark-Station.com for additional updates. I also want to echo the Mayor's and other comments on the Newark Girls Basketball game. I watched it and was on the edge of my seat right till the end, double overtime it was fantastic, it was a fantastic game, they should be very proud. I thought it was very fitting that former Newark Supt. Doug Ute was the official who presented their trophy, that was great to see. Mrs. Wickliff, I'm glad you came and talked to us tonight about pedestrian safety as Councilman Lang mentioned we've been working on that with Director Rhodes and Mr. Morehead. We were able to allocate some funds and hopefully that's just a start to down the road some pedestrian safety improvements. We hope your daughter is okay and mending well.

President Ellington – At this point, if it's okay with Mr. Blake, we will go ahead with the Legislation using Rule 11.

By: Mr. Rath

21-11 AN ORDINANCE CONSENTING TO THE ANNEXATION OF CERTAIN TERRITORY, GENERALLY DESCRIBED AS BEING APPROXIMATELY 55.5 ACRES, MORE OR LESS, LOCATED IN NEWARK TOWNSHIP, TO THE CITY OF NEWARK, OHIO, AND DECLARING AN EMERGENCY

Motion by Mr. Blake to adopt, second by Mr. Rath, motion passed 9-0

By: Mr. Rath

21-12 AN ORDINANCE OBJECTING TO THE ANNEXATION OF CERTAIN TERRITORY, GENERALLY DESCRIBED AS BEING 55.5 ACRES, MORE OR LESS, LOCATED IN NEWARK TOWNSHIP, TO THE CITY OF NEWARK, OHIO, AND DECLARING AN EMERGENCY

No motion to adopt, so this will die due to lack of a motion

By: Mr. Rath

21-13 AN ORDINANCE ASSUMING MAINTENANCE RESPONSIBILITY FOR THE FULL WIDTH OF HORNS HILL ROAD FROM THE EXISTING CITY OF NEWARK CORPORATE BOUNDARIES, AS SHOWN ON THE MAP ATTACHED AS EXHIBIT "A", UPON ANNEXATION OF 55.5 ACRES, MORE OR LESS, LOCATED IN NEWARK TOWNSHIP, TO THE CITY OF NEWARK; AGREEING TO COOPERATE IN THE MAINTENANCE OF SAID ROADWAY AND INDEMNIFYING THE TOWNSHIP OF NEWARK AND LICKING COUNTY; AND DECLARING AN EMERGENCY

Motion to adopt by Mr. Blake, second by Mr. Rath, motion passed 9-0

By: Mr. Rath

21-16 A RESOLUTION ADOPTING A STATEMENT INDICATING WHAT SERVICES, IF ANY, THE CITY OF NEWARK, OHIO, WILL PROVIDE FOR APPROXIMATELY 55.5 ACRES, MORE OR LESS, LOCATED IN NEWARK TOWNSHIP, A TERRITORY PROPOSED FOR EXPEDITED II ANNEXATION; AND DECLARING AN EMERGENCY

Motion to adopt by Mr. Blake, second by Mr. Rath, motion passed 9-0

By: Mr. Rath

21-17 A RESOLUTION REGARDING A BUFFER ZONE FOR THE ANNEXATION OF APPROXIMATELY 55.5 ACRES, MORE OR LESS, LOCATED IN NEWARK TOWNSHIP; AND DECLARING AN EMERGENCY

Motion to adopt by Mr. Blake, second by Mr. Rath, motion passed 9-0

Mr. Blake - I will call a Finance Committee Meeting for April 5th on behalf of Mr. Marmie. I want to thank Director Rhodes and Joe Paul, a few months ago, myself, Director Rhodes, Councilman Harris met with some residents on Penny Avenue that were concerned about a house that was an eyesore and causing some disruption. That house is now demolished and I know the residents there are very pleased and happy with what occurred there. Thank you to Director Rhodes and kudos to Joe Paul and the property maintenance team. I want to thank Deanna Wickliff for speaking tonight. Coincidentally we had met on Friday night and we briefly talked about the situation and I will let everyone know that her daughter is fine. She had some bruises and other minor things but she is okay. I do agree that we need to work with her to

better improve the conditions along Cedar Street for children, for safety and for getting to that school. There's a large number of kids that do cross Cedar Street to get to the school back there and we need to work with her and see what we can do to improve conditions over there. I appreciate you speaking up on behalf of your daughter and all the students on the east side of town. I want to announce that we have a south Newark cleanup coming up on April 17th. I Thank you to Director Mauter for working with the South Newark Civic Association. This will be our 9th annual cleanup. We are expecting to get a lot of old tires, so if anyone has leads on how to dispose of old tires we would like to connect with you. We weren't able to have a real cleanup last year because of the pandemic,, so we're expecting to get a lot of old tires and if people have a way to help us with that it would really be appreciated. Kudos to all those who have been working on the Newark Station. Councilman Barker I know I had a conversation about what's been happening over there and I know there are some great things that are planned there on West Main Street. There's a lot of entertainment that already happens and a lot of night life in that general area but this seems like a huge improvement, not only for that area, but for the whole city. The only thing I would caution, and I'm happy to work with you, is we need to reach out to the residents on West Main Street and Jefferson Street. These residents are going to live immediately next door to this piece of property and I've received some phone calls from some people that live on West Main right across the street and also on Jefferson Street on the other side. I think we need to do some outreach to make sure, what a wonderful thing we're ringing to Newark but, we need to make sure we have some open communication with the residents that live on both of those streets, so we can progress I a very positive way and no one gets any surprises. Both with the development that's going to occur but also with the upcoming change in the zoning that's coming for that area. We just need to do some outreach to the residents and that's important for us to do that. Congratulations to the girls basketball team, I agree with all the other comments, kudos to them.

President Ellington – That was a tough one for the girls' basketball team, so close. We'll have to go for next year. Our next full Committee Meeting will be at 5:45pm April 5th and full Council that same night promptly at 7:00pm

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

Don Ellington, President of Council