

COUNCIL MINUTES

April 19, 2021
Via Zoom
7:00 P.M.

President Ellington called the meeting to order

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

INVOCATION – Mark Labutis

PLEDGE OF ALLEGIANCE- President Ellington

CAUCUS:

MINUTES of April 5, 2021 - Motion by to approve the April 5, 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

Mayor Hall – Reappointing Bill Wilson to the Heath-Newark-Licking County Port Authority Board of Directors. His new four year term will begin June 1, 2021 and expire May 31, 2025

Mayor Hall – Bill is a great person in our area, been on the Port Authority for many years and brings a wealth of knowledge to them, they are very open armed to welcome him back again, he's very involved and I believe has been on the Port Authority Board since it's inception, so I would just ask that you would give him a nod on that.

Passed by acclamation

REPORTS OF STANDING COMMITTEES

Finance - **Received and filed no objections**

Service – **Received and filed no objections**

Streets – **Received and filed no objections**

REPORTS FROM CITY OFFICIALS

City Auditor, Stephen E. Johnson – Operating report for period ending March 31, 2021

COMMUNICATIONS

City Auditor, Stephen E. Johnson – Auditor's office awarded the Certificate of Excellence in Financial Reporting by the Government Finance Officers of the United States and Canada

Mr. Johnson – I look forward to you saying “our award winning auditor” every meeting, so I’m glad we received this award again so this tradition can continue. AS I’ve said before this is because of the excellent staff I have and the very professional work they do for the citizens and the city, so hopefully, this streak will continue.

President Ellington – Thank you Steve and congratulations.

Tony Tertuliani, Audit Manager, Ohio Auditor of State – Regarding finance audit for the City of Newark for FY ended December 31, 2020

COMMENTS FROM CITIZENS

Rochelle Volen – Smith, 237 Violet Ct. – First I want to congratulate Mr. Johnson for a wonderful job and a well deserved honor. I have two questions, one is on the Nature Works, , I wanted to find out if those monies are being used in others areas of the city beside Horn’s Hill and in what capacity. I also wanted to find out about the Railroad Street project. We just spent a lot of time there this weekend cleaning up along with a lot of other very hard working people.

Director Rhodes – The Nature Works Grant is something that we apply for and use it in different areas of town. This particular application is in regards to upgrades at Horn’ Hill Park. The next application might be in regards to upgrades at a different park in the city or something else going on in the city, so it is applied around the city , not just in one area.

Caroline Cook, 898 Lateglow Ct. – I would like to thank Jonathan Lang for suggesting that information gets put on Facebook for people about zoning issues, I appreciate that. The other suggestion that I have is that not only do people need to get information from you, but you have better ways of getting information and input from us. I know soon we’ll be hiring a police chief and I think the public needs a way to provide input in that choice. The people most affected by different things in the city need to have ways to give you their input, so that you understand what is going on in their particular areas. I know that before we’ve done some studies on transportation and homelessness, but then things don’t seem to happen. We need to know what’s happening with those things once you get community input.

Linda Mossholder, 224 Green Meadow Dr. – You probably already know that the City of Newark is scheduled to receive a little over \$18 million in Rescue Act Funds, I believe that’s going to be in two different parts, I was just wondering if the community could have some input, just to think outside the box. I know it has to be COVID related, but some things that money could probably be used for since COVID has resulted in an increase in the number of overdoses in the area, it could possibly be used for fentanyl testing strips, Narcan or other types of things that would help individuals in the city. I assume that money will be coming fairly soon, from what I read on the National Association of Cities, it should be starting to come down within 60 days, I just wondered if the citizens will be made aware of the plans and how that money will be spent.

Mollie Prasher, 701 Tall Oaks Dr. – Following up on something Caroline Said, will something be published or will information be available on what the process is the administration will use for hiring the new chief and is it normally something that you do with the finalists where the city offers a meet

and greet for residents to meet these people and possibly give some feedback to the administration. I certainly want to express my sympathies to the Baum family because this is going to be very difficult for them with the City moving on and I'm sure that they bare so devastated that it's hard to see people move on and I hope we keep them in our thoughts and prayers, as well as the department, it's a great loss for the department. Thank you for this opportunity to speak.

Michael Reagan, 474 East Main St. – I just want to reflect what Mollie was saying there, kind of the process of how the chief is selected or appointed into that office and if the community as a whole gets to have any type of input in that process being that position will directly affect every single citizen in Newark on how things are carried out and done according to the police force.

ORDINANCES ON SECOND READING

There were none this meeting

ORDINANCES ON FIRST READING

By: Mr. Fennell

21-15 AN ORDINANCE VACATING A PART OF A TWENTY (20) FOOT WIDE ALLEY AS SHOWN ON THE PLAT OF LUCIUS SMITH'S ADDITION, AS RECORDED IN VOLUME 2, PAGE 156 OF THE LICKING COUNTY PLAT RECORDS, AND RENUMBERED IN VOLUME 52, PAGE 19 OF THE LICKING COUNTY DEED RECORDS; SAID ALLEY IS LOCATED SOUTH OF EAST RAILROAD STREET, BETWEEN SOUTH SECOND AND SOUTH THIRD STREETS.

Held 2 weeks for 2nd reading

RESOLUTIONS ON SECOND READING

By: Mr. Marmie

21-19 A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK TO APPLY FOR FUNDING FROM THE UNITED STATES DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE UNDER THE BULLETPROOF VEST PARTNERSHIP GRANT PROGRAM.

Motion to adopt by Mr. Marmie, second by Mr. Labutis – Motion passed 10-0

By: Mr. Rath

21-20 A RESOLUTION AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY NOW OWNED BY THE CITY OF NEWARK, OHIO TO NEWARK DEVELOPMENT PARTNERS AS ITS AGENT FOR INDUSTRIAL, COMMERCIAL, DISTRIBUTION, AND RESEARCH

Motion to adopt by Mr. Rath second by Mr. Bubb – Motion passed 10-0

RESOLUTIONS ON FIRST READING

By: Mr. Marmie

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

Held 2 weeks for 2nd reading

21-22 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO PARTICIPATE IN THE ODOT WINTER CONTRACT (018-22) FOR ROAD SALT AND DECLARING AN EMERGENCY.

Motion to adopt by Mr. Rath, second by Mr. Bubb

Mr. Rath – The reason for the Emergency Clause is to meet ODOT bidding deadlines

Motion passed 10-0

21-23 Expedite APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION

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

Mr. Marmie – We have some payouts and such that need to be expedited to get those funds to the persons quickly.

Motion to waive 2 day reading rule passed 10-0

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

21-24 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO ACCEPT BIDS AND SELL CERTAIN SURPLUS PERSONAL PROPERTY NOW OWNED BY THE CITY OF NEWARK, OHIO, AND DECLARING THAT SUCH PROPERTY IS NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE, AND DECLARING AN EMERGENCY.

Motion to adopt by Mr. Rath, second by Mr. Bubb

Mr. Rath – This has the emergency clause to meet deadlines for advertising

Motion passed 10-0

COMMENTS FROM CITIZENS

Rochelle Volen – Smith , 237 Violet Ct. – I wanted a clarification on Ordinance No. 21-15, the Lucias Smith addition, what is that organization, I wanted to find out more about the place of beginning.

Director Sassen – It's a very simple answer, I don't know why the place of beginning is capitalized it's not an entity it's simply a starting and ending points for the meets and bounds of the alley that's being vacated.

Mrs. Smith – So, who is getting that property and what is it going to be used for?

Director Sassen – When an alley is vacated, the adjoining property owners' property extends to the middle of the alley, so the people on each side will assume one half of that alley and they can use it for whatever purpose they like.

Linda Mossholder, 224 Green Meadow Dr – I would just like to give an update on something that was mentioned at the last council meeting. The Homeless Outreach partnered with the Health Department to give COVID vaccinations on the 10th and we were able to vaccinate 22 people. We are also helping

the Salvation Army and Vertical 196 work with the Health Department to also get their populations vaccinated.

MISCELLANEOUS

Safety Director, Tim Hickman – Development Director Mark Mauter was unable to make it tonight so he asked that I give Council the following update: On Saturday 4/17, the South Newark Civic Association held their annual cleanup day in conjunction with the City of Newark. City departments of Community Development, Property Maintenance all contributed manpower to make this a successful event. Close to 900 mailers were sent out in advance to notify residents of the event, how they could participate and where to bring their disposable items. The parking lot of the old Little Bear Market was the collection drop off location. Property Maintenance staff did property inspections of all the residences within the cleanup area to let anyone know of any possible violations and where they could bring their trash. Once again, residents could arrange via appointment to have a city truck come to their home and pick up any trash and waste items and haul them away to the drop off site. The day was considered a success even though participation and volunteer help from OSUN and Dennison was down somewhat. Finally, the city is teaming up with the Hudson Historic District for a cleanup day this coming Saturday, April 24th.

Law Director, Mr. Sassen - I'll comment briefly on some questions that were asked during the citizen comments with regard to the process of replacement of Chief Baum. The process that the city is required to follow is set forth in chapter 7 of the Ohio Revised Code and it's a very specific civil service process as to testing, certification of a list of available candidates and how that selection is made and those rules tie the Mayor's hands, probably more than he would like, maybe it frees him up to follow a stricter procedure, but the procedure set forth in the Ohio Revised Code is very clear and the Mayor is required to follow that process. I believe that in discussions with the administration and HR Director Spurgeon that this is exactly what they are doing.

Mayor Hall – I'll comment on a couple things. To piggyback on what Law Director Sassen said, we are going through a complete process to be sure we dot the i's and cross the t's as far as Ohio Revised Code and Civil Service, there are a lot of guidelines to this. Our City Charter does not cover it, but there are all those little parts and pieces we have to look at and be sure we do it the right way. It varies across communities across Ohio and the country and it varies across villages vs cities and things like that, so it's a bit of an investigative process so I surely want to thank our HR Department and Doug Sassen and the Law Department for the input on that. Some of the process, we've been going through grieving with the Police Department and that's critical and important. If you think about a retirement of a chief, you plan for that, you know that's coming, this obviously was quite unexpected. As a result the shock was a little more, the Police Department has to keep rolling and I think they have, they've done a phenomenal job by the structure of the Chief and Deputy Chiefs working together as they have in the past years. So, I have had no concerns or worries from that point, but we had to be sure we also gave them a little space to grieve, we've had a lot of dialogue and conversations to go through that. The entire department, they're people like you and I, it's very tough when you lose someone that's only been with you 8 months, that kind of tough in many ways. There's been some focus on

that but we are covering the process and making sure we know what we can and can't do. I do want to thank Linda Mossholder for updating us and working with the Health Department, kudos on getting those vaccines out. That's critical in our community in so many ways and it's outstanding when you report the numbers and what you've achieved I love that. The American Rescue Plan, we are anxiously awaiting those guidelines from the U.S. Treasury Department, as everyone is. I was told they had made a statement about 3 weeks ago that it would be about a month, so are we anticipating a week out on that, I don't know. I would agree in the next 60 days you would like to think there's some distribution, but in the next couple weeks we hope the guidelines will come out and we can start to create some parameters around how it can be best used throughout our community to help the citizens and to help the community. It's usually not simple, it's pretty complex and we want to do the right thing. Finally, I will offer, while our Auditor is keeping a little quiet this evening, I'll offer Steve Johnson and his staff, he says it right, kudos to receiving the Certificate of Excellence in Financial Reporting. That's something that doesn't happen overnight, that happens every day in that department and it handles quite a bit for the few people they have and they do a great job. I speak also for the Administration as well as Council that it is comforting to know that all those bases are covered and we stay in a very good, compliant manner as we do financial reporting. Of course, on the heels of that is our external audit, so there's no rest for the weary and Steve and his tea are getting ready for the external auditors to come in and audit the city, which is quite a daunting task, but a good one in many ways.

Ms. Hall – I just wanted to thank our Property Maintenance department. They've been really good about getting bugged about some things. When some people call they don't understand that you have to go by the law, you can't just walk onto someone's property and start cleaning it up for them. They've been very patient and stayed on top of a particular issue in my ward and I wanted to thank them for that.

Mr. Harris – I would like thank the city workers for working the south side cleanup, I was down there for a couple hours and they really did a nice job. I also wanted to give a quick update, about a month ago Deanna Wickliffe came to us about her daughter getting hit by a car. She and I and her daughter went to the School Board meeting last Monday and talked to the School Board and explained what happened and suggested maybe getting a crossing guard down there at Cedar Street to help the kids get across the street. Mr. Lewis was going to look at that and also was going to go take a look at the intersection to see what they could do. I also want to thank director Hickman, I talked to him, he got an officer down there on Friday to look at the traffic and to check things out. I appreciate all the work he is doing to try to help with that situation.

President Ellington – I know at one time there used to be a traffic light there, but then there wasn't enough reason to keep it.

Mr. Harris – we've talked about them maybe doing another study to see if it calls for another traffic light there.

President Ellington – For some reason I've lost all sound, can you ask Mr. Bubb to continue with Mr. Labutis?

Mr. Lang – I wasn't here to extend my condolences on the passing of Chief Baum, so I just wanted to extend my thoughts to the Baum family and to our police force, I know their a tight knit group and it was hard for everybody. The service a couple weeks ago was very touching

and I think that it was a testament to the man that he was, all the people that were there and certainly the impact he had on the community, so I just wanted to extend my thoughts to everybody grieving. Linda, thank you for reporting back on the vaccinations, that's really important work that you're doing there with homeless outreach and vertical and the other groups to get the homeless population vaccinated. Finally, I just wanted to talk a little more about the Facebook page for anyone who was not at our committee meetings. I fulfilled a promise made regarding transparency to constituents following some recent questions on some zoning changes that were made. So, what we're going to do going forward to help improve transparency is we're going to be posting Public Notices to a Newark City Council unofficial Facebook page. Really just to provide another informal way to get notifications about in particular Public Hearings, but we'll also be posting links to our agenda items and making it a little bit easier to follow what's going on with City Council. That page will be [facebook.com/NewarkCityCouncil](https://www.facebook.com/NewarkCityCouncil). I'll post some links and try to share the page as well. I'd like to thank President Ellington, Councilman Barker, Clerk Janine Paul and Director Sassen for the help putting the finishing touches on that so we can improve transparency for our constituents and make it easier for them to participate and see what council's up to.

Mr. Marmie – I need to call a Finance Meeting for two weeks from this evening.

Mr. Rath – I need to call A Service Committee Meeting for two weeks.

Mr. Blake – I do have some thank you's to send out to various individuals. I would mention this was the ninth annual South Civic Association spring neighborhood cleanup. St. John's church in the south end provided lunch to the volunteers, it was a very good Saturday we were able to get out a lot of garbage. Thank you to Director Mauter, Property Maintenance and the other city employees that worked on that. It was really a community effort between the number of resident volunteers to the city workers that helped on that effort, so thank you for that. While a lot of attention was given to the SNCA cleanup, we also had another cleanup at Well's Park. Several years ago the Service Director put in a bench honoring Ruth and Donald Halblaub's family member so they have kind of adopted Well's Park, so they also had their cleanup over there. So, it was a great day of cleanup and beautiful weather that day. I want to thank some staff members. Lindsey Brighton has been working with me and a few constituents on storm water issues, Nick Shultz worked with a resident having an issue over on Grant Street and Joe Paul met with myself and a resident last week and just kudos to the way that situation was taken care of. This person wasn't a city worker, but they worked for the YMCA, but they manage Don Edwards Park on our behalf. The person I'm talking about is Adam Jenkins and many of you know him and he has since moved on as you probably read in the Advocate to being the General manager for the Indian Mound Mall, but while he was managing Don Edwards Park he did an outstanding job and I just wanted to publicly give thanks to that young man for all the leadership he provided while he was with us. I'll just finish by saying that many times our guidelines and rules and laws that we have to follow are a minimum, but we have to ask ourselves, is the minimum always what is necessary. Sometimes going above the minimum is what is necessary for our particular community. So, if it's looking at notifying people about zoning issues, we shouldn't just look at the minimum, if we're looking at hiring key personnel we shouldn't just always look at the minimum, but we should look at what's best for our citizens and making sure that our community moves forward together and so I hope we don't look at the minimum, we look at more, what's better to engage our community and best to get

a decision. Finally, I just want to say thank you to Nancy Welu, Linda Mossholder and Trish perry at Newark Homeless Outreach. I know Nancy did a lot of the spearhead work with Chad Brown to get that effort organized for the vaccinations, thank you very much for doing that and it's greatly appreciated.

Mr. Bubb – Just a reminder, we will have Personnel Committee meeting immediately after the council meeting. Our next meeting will be May 3rd with Committee's starting at 5:45pm

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

Don Ellington, President of Council