

## COUNCIL MINUTES

July 6, 2021  
Council Chambers  
7:00 P.M.

**President Ellington called the meeting to order**

**ROLL CALL** – Mr. Lang, Mr. Marmie,  
Mr. Rath, Mr. Barker, Mr. Blake, Mr. Bubb, Mr. Harris, Mr. Labutis

**INVOCATION** – Pastor Dan Meek, Newark Naz

**PLEDGE OF ALLEGIANCE- President Ellington**

**CAUCUS - Motion by Mr. Marmie to excuse Ms. Hall and Mr. Fennell, second by Mr. Blake, motion passed by acclamation**

**Mr. Barker will be abstaining from Resolution No. 21-36**

**MINUTES of June 21, 2021** - Motion by to approve the June 21, 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 meeting

### **REPORTS OF STANDING COMMITTEES**

Finance – **Received and filed no objections**

Safety – **Received and filed no objections**

### **REPORTS FROM CITY OFFICIALS**

There are none this meeting

### **COMMUNICATIONS**

There are none this meeting

### **PUBLIC HEARING**

**21-09** AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 19 EAST STREET, CITY OF NEWARK, LICKING COUNTY, OHIO, FROM THAT OF TFR – TWO-FAMILY RESIDENCE DISTRICT TO MFR – MULTI –FAMILY RESIDENCE DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO

Planning Commission has recommended, MFR – Multi Family Residence District

**By: Mr. Rath, Mr. Barker, Mr. Marmie**

**21-09** AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 19 EAST STREET, CITY OF NEWARK, LICKING COUNTY, OHIO, FROM THAT OF TFR – TWO-FAMILY RESIDENCE DISTRICT TO MFR – MULTI –FAMILY RESIDENCE DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO

**Motion to adopt by Mr. Rath, second by Mr. Barker, motion passed 8-0**

### **PUBLIC HEARING**

**21-18** AN ORDINANCE ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS HORNS HILL ROAD (LOCATED BETWEEN THE ADDRESSES OF 1700 HORNS HILL ROAD TO 3131 HORNS HILL ROAD), PARCEL TAX ID # 058-286682-01.000 AND 058-286194-00.000; CITY OF NEWARK, LICKING COUNTY, OHIO, TO SINGLE-FAMILY RESIDENCE – MEDIUM DENSITY DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO.

Planning Commission has recommended, Single-Family Residence RM– Medium Density District

**Steve Layman, 915 Hawthorne Ln.** – We have 55 acres of ground on Horns Hill Rd. that we would like to put a housing subdivision on. When we approached Council first time and Planning Commission, we asked for RM Zoning with a stipulation that it would be no more than 115 lots. We’re not interested in a lot of density, this ground would support through zoning probably 150 lots, but we didn’t want to do that. If you look at the drawing you’ll see right in the middle there’s about a 5 acre open space playground, ball field, we think it’ll make a nice development. We asked for the RM zoning simply because we want to make the lots more clustered to build less road and preserve the open space. This doesn’t really have anything to do with zoning, but at Planning Commission, the main opposition from the neighbors if I characterize it correctly was the connection between one of our streets and Meadowland Drive. We have in consultation with the engineers revised our initial drawing and that connection goes away and that is now planned, assuming the final plat is approved that way, a culdesac so there is no connection to the subdivision to the south. One other thing talked about at the Planning Commission, in lieu of building a turn lane, we are prepared to pay a \$1500.00 per lot impact fee to the city upon planning, the intention is that money would be used for improvements on Horns Hill Road where the City deems it most appropriate. It adds up to just under \$170,000. It’s not an insignificant

amount of money, it doesn't solve all problems, but it's certainly a start. With that said, we would like to develop a single family subdivision starting this summer, we believe the market is there. Originally the homes were going to be starting at \$280,000, I suspect now they will be more than that just because costs have gone up since we started this. We would like to have RM zoning.

**Brian Wallwey, 1676 Abby Dr.** – In the Meadowlands area where the connector road was going to go, I was here at the Planning Commission meeting when Mr. Layman presented his plans and I was one that expressed concern about the connector road and how it would generate additional noise in a neighborhood that generally is very quiet. I believe it's called Meadowlands for a reason, it's very calm, quiet and peaceful. I would like to take this opportunity to thank Mr. Layman for hearing our voices of concern and modifying the plans. I greatly appreciate that. One question is you mentioned that the plot where that connector road was planned to be would become a culdesac?

**Mr. Layman** – It will be a culdesac, so there will be no connection.

**Mr. Wallwey** – Do we know what will happen with that particular lot?

**Mr. Layman** – If I owned the lot after it was all done, I would ask to vacate it.

**By: Mr. Rath, Mr. Barker, Mr. Marmie**

**21-18** AN ORDINANCE ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS HORNS HILL ROAD (LOCATED BETWEEN THE ADDRESSES OF 1700 HORNS HILL ROAD TO 3131 HORNS HILL ROAD), PARCEL TAX ID # 058-286682-01.000 AND 058-286194-00.000; CITY OF NEWARK, LICKING COUNTY, OHIO, TO SINGLE-FAMILY RESIDENCE – MEDIUM DENSITY DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO.

**Motion to adopt by Mr. Rath, second by Mr. Lang**

**Mr. Marmie** – Due to the fact that we have not yet annexed this property , we probably will in a matter of minutes, but because we cannot do zoning for something not within our city limits **Motion to Table this until Miscellaneous.**

**President Ellington** – How about if we table this ,then do Ordinance 21-19 out of order and then come back to this.

**Mr. Marmie motion to table 21-18 until we have voted on 21-19, second by Mr. Barker, motion passed 8-0**

**President Ellington** – 21-18 has been tabled for the moment, now I am going to change the order and we are going to the second reading of 21-19.

**Mr. Rath** – Point of order. Not to be a stickler, but we are going to be voting on a rezoning and an annexation without the opportunity for citizen comment, I would like to suggest that we do citizens comments first, just in case someone might want the opportunity to comment on these particular issues.

**President Ellington** – Even though we just did a public hearing, I will go ahead and do that.

#### **COMMENTS FROM CITIZENS**

**Rodney Coble, 308 Summer St.** – I am here because of Coble Park. They feed the kids down there and the fence has been cut down there. I know the price of lumber is high right now, but they could take some old guardrail posts or something and drive them in the ground down there and put a cable or something to keep the vehicles from coming into the park or the children running out of the park. Also the picnic tables are so deteriorated that the boards are like U's. If they would just replace the ones that are bad, it would be a big help-. You have all the traffic coming down through there from Babe Ruth and you want the city to look nice. Plus, her sign is leaning at a 45 degree angle and at the top where it says City of Newark it's about rotted in half. I did speak with Mr. Rhodes and he got the graffiti off the sidewalk under the shelter, I deeply appreciate that because it was awful vulgar and the kids are there. Today, I was down there and picked up a brake caliper and a can of brake fluid up out of the parking lot, there's always people working on cars in the parking lot. I think maybe we need to put a light right there by the shelter house so it would be lit up more. Today I also picked up 2 phone things from the Salvation Army and put it in the trash basket. I just ask that maybe we can get some of these things addressed so the kids would have a decent place to eat their meals and make it safe, like I said there's a lot of traffic from Babe Ruth and if a car would go through the park, the trees aren't big enough to stop them and they hang over the road and if a kid would run out, I mean what's few dollars compared to a kids life. All I'm asking for is someone to straighten the park up a little bit so it looks decent and make the city look presentable.

#### **ORDINANCES ON SECOND READING**

**By: Mr. Rath, Mr. Barker, Mr. Marmie, Mr. Labutis, Mr. Lang**

**21-19** AN ORDINANCE ANNEXING CERTAIN TERRITORY, GENERALLY DESCRIBED AS HORNS HILL ROAD (LOCATED BETWEEN THE ADDRESSES OF 1700 HORNS HILL ROAD) PARCEL TAX ID # 058-286682-01.000 AND 058-286194-00.000, BEING 55.5 ACRES, MORE OR LESS, LOCATED IN NEWARK TOWNSHIP, TO THE CITY OF NEWARK, OHIO.

**Motion to adopt by Mr. Rath, second by Mr. Marmie, motion passed 8-0**

**Motion by Mr. Marmie to bring 21-18 off the table, second by Mr. Barker, motion passed 8-0**

**Motion to adopt 21-18 passed 8-0**

#### **ORDINANCES ON FIRST READING**

There are none this meeting

#### **RESOLUTIONS ON SECOND READING**

**By: Mr. Marmie, Mr. Barker, Mr. Rath, Mr. Labutis**

**21-36 A RESOLUTION APPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION**

**Motion to adopt by Mr. Marmie, second by Mr. Labutis, motion passed 7-0 with Mr. Barker abstaining**

#### **RESOLUTIONS ON FIRST READING**

**By: Mr. Marmie, Mr. Barker, Mr. Labutis, Mr. Rath**

**21-37 Expedite APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION**

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

**Mr. Marmie** – We have a payout and some other miscellaneous items that we need to be sure get expedited to get finances to the individuals as soon as possible

**Motion to waive 2 day reading rule passed 8-0**

**Motion to adopt by Mr. Marmie, second by Mr. Bubb, motion passed 8-0**

**By: Mr. Marmie, Mr. Labutis, Mr. Rath**

**21-38 APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION**

**Held for 2 weeks for second reading**

#### **COMMENTS FROM CITIZENS**

##### **MISCELLANEOUS**

**Mr. Lang** – I wanted to congratulate the Newark Police Detectives for making an arrest for the unfortunate shooting that happened over the weekend. Swift action as always from the Newark Police and I just wanted to congratulate them on a job well done.

**Mr. Marmie** – I need to call a Finance Committee meeting for July 19<sup>th</sup>. I want to thank Property Maintenance they are doing a great job this year and anytime I have had to communicate with them on issues they've been very responsive, so I want to thank Joe Paul and also Director Hickman for the job that they do. I know it's a busy department and they can't get to everything right away, but they do end up getting to it. I also want to thank Director Rhodes for help with a couple of small issues in the past 15 days. He's been very responsive also in making sure I get

all of the information that I need. I think it was quite an exciting 4<sup>th</sup> of July in the City of Newark and for the City not having fireworks, wow, there was a lot of fireworks. There was plenty of them and they went until late in the evening and my dog does not like them. I hope everyone enjoyed the 4<sup>th</sup> of July holiday and we all know that with the mark of the 4<sup>th</sup> of July that just means that Fall is on it's way.

**Mr. Rath** - I want to call a Service Committee Meeting for the 19<sup>th</sup> and I want to thank Mr. Rhodes for taking care of the road flooding issue in my neighborhood, it has made a huge difference and I appreciate that. I want to congratulate the Newark Police Department on a job well done this weekend and with that being said I want you to know that it's still on my mind about our officers not having bodycams. I know we're looking into some different issues on that, different funding considerations, but none the less it should be something, in my minds at least, that should take priority.

**Mr. Barker** – The arrest of the two individuals by NPD, they did a great job this weekend. I saw it very quickly happened by people reporting it online and was pleased this morning when that release was sent out. I also want to make sure that we are all aware that there is a Storm water Management meeting this coming week, we'll be discussing a couple different issues, Buckeye Avenue being one of those. It had to be postponed a little bit due to some vacations and things but we will be having that this Thursday and I know that Councilman Harris, Blake and I have all been invited to that, so we're looking forward to looking at what our storm water department is looking at to correct some of those issues.

**Mr. Blake** – I also want to just give some kudos to Lindsey Brighton our Storm water coordinator, in addition to Buckeye Avenue there are some issues on Maple Grove and down off of 2<sup>nd</sup> Street, so I've had a few different constituents with concerns about storm water and she's been very responsive and cooperative and a true professional, so I look forward to attending that meeting that councilman Barker mentioned to see how we can better work with our residents. Mr. Coble and Ms. Coble, I thank you for coming in tonight. I was a young man when Florence Coble was the mayor of Little Texas and her memory does live on in the south end and in Little Texas and I know I've communicated and you've communicated with Director Rhodes and hopefully we can get her a new sign down there and continue that memory on. I know it's very sentimental to you, but it also expands beyond your family because I've also talked to Dreama Hughes and Carol McCallister and Chad Varrasso down there you know Little Texas is a tight knot community and they really care about that place of pride and that park really is a place of pride. We want to celebrate the legacy of Florence Coble and I know that the summer lunch programs continue on and just to add onto what you announced they do have a back to school program that's going to be happening at the park on July 24<sup>th</sup>, 5-7 in the evening, so if we could make sure the park is looking really spectacular for that, that would be great. In addition, I wanted to make another event announcement, the South Newark Civic Association is hosting our new police chief and we'll have a summer picnic on July 31<sup>st</sup>, it's a Saturday from 1-3 and the chief is going to give few words and build community and fellowship with the residents, we'll have games for kids and some hotdogs and hamburgers, but looking forward to that.

**Mr. Bubb** – I'm looking very forward to the housing addition on Horns Hill Road, thank you Mr. Layman, it's very much needed in the City of Newark, long overdue so I think we're moving in the right

direction. Mr. Coble, your concerns are heard. Mr. Rhodes will be all over that, he'll work with the Parks Department and he gets things done, so appreciate you coming in.

**Mr. Harris** – On Friday I had the privilege to go to the high school and speak to Linda Parks class, I think the Mayor went to a banquet or something back in May and it's the JOG Summer Work Program and she had asked me to speak on City Council and what they do and I got maps of the city with each ward and I passed the maps out. They were more interested in the ward that they lived in than most and they were really interested in what the President of Council does. I struggled to answer that question. I asked them to find what ward they lived in and everybody lived in a different ward which was nice, there were a couple people that lived in the same ward. They asked me which ward was the best and I said the 1<sup>st</sup> ward. They said why is that because it's the first? And I said no, it's because that's the ward I live in. While I was talking there was a young man right in the front row right beside me and he had his head down the whole time and I thought man I must be putting him to sleep and Mrs. Parks came over and tapped him and he said I'm not asleep, I'm listening. At the end we had questions and he asked the most questions and was the most interested of all the kids. They were asking me what the President does and I said he conducts the meeting and he has the gavel and he's always hitting the gavel and I said he's the only one that doesn't vote unless it's a tie, so they were interested in your position Don, so you may have some competition.

**Mr. Labutis** – I'd like to thank Property Maintenance and Zoning, I had a property in my area that had some zoning issues and they were able to help me. I'd also like to thank the County Health Department, there was an area in the 4<sup>th</sup> ward that needed some spraying for mosquitos and they were able to do that for me as well.

**President Ellington** – I hope everybody had a good 4<sup>th</sup>, there's still a little bit of summer left. Our next meeting is July 19<sup>th</sup> which is almost two weeks from tonight, back to Mondays Committees at 5:45pm and Council at 7:00pm

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

**Don Ellington, President of Council**