

COUNCIL MINUTES

December 20, 2021
Council Chambers
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. Blake

INVOCATION – Mark Labutis

PLEDGE OF ALLEGIANCE – Jaxon Marstella, 5th grade McGuffey Elementary

CAUCUS – Motion by Mr. Marmie to excuse Ms. Hottinger and President Ellington, Second by Mr. Blake passed by acclamation

Consider Change to Council Rule 11

**Motion to adopt change by Mr. Marmie Second by Mr. Blake, passed by acclamation
Rule 11**

By: Mr. Rath

21-41 AN ORDINANCE CONSENTING TO THE ANNEXATION OF CERTAIN TERRITORY, GENERALLY DESCRIBED AS BEING APPROXIMATELY 0.948 ACRES, MORE OR LESS, LOCATED AT 137 NORTH VERNON AVENUE, IN NEWTON TOWNSHIP, TO THE CITY OF NEWARK, OHIO, AND DECLARING AN EMERGENCY

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

By: Mr. Rath

21-42 AN ORDINANCE OBJECTING TO THE ANNEXATION OF CERTAIN TERRITORY, GENERALLY DESCRIBED AS BEING 0.948 ACRES, MORE OR LESS, LOCATED AT 137 NORTH VERNON AVENUE, IN NEWTON TOWNSHIP, TO THE CITY OF NEWARK, OHIO, AND DECLARING AN EMERGENCY

Died from lack of a motion

By: Mr. Rath

21-85 A RESOLUTION ADOPTING A STATEMENT INDICATING WHAT SERVICES, IF ANY, THE CITY OF NEWARK, OHIO, WILL PROVIDE FOR APPROXIMATELY 0.948 ACRES, MORE OR LESS, LOCATED AT 137

NORTH VERNON AVENUE IN NEWTON TOWNSHIP, A TERRITORY PROPOSED FOR EXPEDITED II ANNEXATION, AND DECLARING AN EMERGENCY

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

By: Mr. Rath

21-86 A RESOLUTION REGARDING A BUFFER ZONE FOR THE ANNEXATION OF APPROXIMATELY 0.948 ACRES, MORE OR LESS, LOCATED AT 137 NORTH VERNON AVENUE, IN NEWTON TOWNSHIP; AND DECLARING AN EMERGENCY

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

MINUTES of December 6, 2021 - Motion by to approve the December 6, 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 **Motion by Labutis , second by Mr. Barker, passed by acclamation**

APPOINTMENTS

There are none this meeting

REPORTS OF STANDING COMMITTEES

Finance **Received & Filed without objection**

Service **Received & Filed without objection**

Rules **Received & Filed without objection**

Personnel **Received & Filed without objection**

REPORTS FROM CITY OFFICIALS

City Auditor, Ryan T. Bubb – Operating report for period ending November 30, 2021

Tax Administrator, Brenda Cooper - Income Tax Revenue Reports for the period ending November 30, 2021.

COMMUNICATIONS

Roger Loomis, Water Administrator- properties being sent to lien for past due water, sewer and storm water bills in the amount of \$4,795.57

Dave Froelich – Edwards Park Scoreboard

COMMENTS FROM CITIZENS

Joe Kennedy, 867 Shelbourne Pl. – I'd like to take this opportunity to thank 2 members who are having their last meeting and are leaving after tonight, Sean and Jeremy Blake. Particularly I wanted to shed some light on Jeremy Blake because he has shown what a true citizen should be. One who's involved in his community and started out getting involved in this community literally from the day he graduated from high school. He's one of the youngest Presidents of the Newark School Board we've ever had, probably the youngest and that's in his 20's. He's been involved as a City Councilman and to see the way he jumped into the poorest section of this

community and started developing leadership to start the South End Association to get those people to know they had a voice and could do something he led the way for them. He did that on School Board, on City Council and has been an outstanding example of a citizen really getting involved, with nothing to gain for himself, but do something for the people he knows and loves and lives with. I think we need to think a lot about what he has done and what he has stood for and continues to stand for. AS one who's always looking to see who's the new leadership coming up the line, he's one of the finest ones I've seen in my forty years in this community. Congratulations and my best to you Jeremy.

Rochelle Vole-Smith, 237 Violet Ct. – First I want to say that I'm going to miss Dee and Jeremy and Sean so much, you've all accomplished so much in the city and I can't imagine how anyone could follow in your footsteps. Last time I was here I spoke on a number of issues. Ms. Vole-Smith cited an article related to Arlington, Virginia and fentanyl related deaths. She stated statistics in regards to the distribution and use of fentanyl testing strips and fatal overdoses.

Bill Cost, 1639 Krebs Ct. – I guess I'm the one who has the honor to also thank Dee for her service. Dee came along and we became good friends. What I admired about Dee is, she did things from the heart, she did things with common sense and in a pleasant manner, she's just a very easy person to like. She never made a vote that was based on re-election, she never made a vote based on partisanship. She made her vote based on what she thought was right and she stuck to it and I admire that. I'd also like thank you Jeremy and thank Sean as well. I enjoyed serving with all of you.

ORDINANCES ON SECOND READING

There are none this meeting

ORDINANCES ON FIRST READING

By Mr. Labutis , Mr. Marmie

21-35A AN ORDINANCE AMENDING THE POSITION CLASSIFICATION, PAY RANGE AND DEPARTMENT AUTHORIZATION TABLES OF THE CITY OF NEWARK, DEPARTMENT OF Treasurer, DIVISION OF Income Tax BY CREATING THE CLASSIFICATIONS OF Assistant Treasurer and Tax Office Manager, ABOLISHING THE CLASSIFICATIONS OF Assistant Tax Administrator and Revenue Clerk I, AND SETTING THE COMPENSATION THEREFORE

Motion by Mr. Labutis to waive the 2 day reading rule, second by Mr. Marmie, motion passed 9-0

Motion to adopt by Mr. Labutis, second by Mr. Marmie, motion passed 9-0

By: Mr. Marmie

21-38 AN ORDINANCE TO MAKE AN APPROPRIATION FOR THE EXPENDITURES OF THE CITY OF NEWARK, OHIO DURING THE YEAR ENDING DECEMBER 31, 2022 (General Fund Budget)

Motion to waive 2 day reading rule by Mr. Marmie, second by Mr. Lang, motion passed 9-0

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

Mr. Marmie – I appreciate all the hard work on the budget from the Auditor’s Office and Administration and all the Department Heads for bringing these together. We need to expedite these so they can pass before the end of the year so the City can function on January 1st. It’s a very solid budget, we’ll need to make changes after January 1st just like any other budget.

By: Mr. Marmie

21-39 AN ORDINANCE TO MAKE AN APPROPRIATION FOR THE EXPENDITURES OF THE CITY OF NEWARK, OHIO DURING THE YEAR ENDING DECEMBER 31, 2022 (All Others Budget)

Motion to waive 2 day reading rule by Mr. Marmie, second by Mr. Lang, motion passed 9-0

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

By: Mr. Marmie

21-40 AN ORDINANCE TO MAKE AN APPROPRIATION FOR THE EXPENDITURES OF THE CITY OF NEWARK, OHIO DURING THE YEAR ENDING DECEMBER 31, 2022 (Grants Budget)

Motion to waive 2 day reading rule by Mr. Marmie, second by Mr. Lang, motion passed 9-0

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

RESOLUTIONS ON SECOND READING

By: Mr. Marmie, Mr. Barker

21-74 A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK TO PREPARE AND SUBMIT APPLICATIONS TO THE DEPARTMENT OF HOMELAND SECURITY, FOR FISCAL YEAR 2021 FIRE ACT GRANT PROGRAMS, IN SUPPORT OF TRAINING PROGRAMS, EQUIPMENT PURCHASES, FUNDING FOR

PERSONNEL, FIRE PREVENTION, AND FIRE SAFETY PROGRAMS THROUGHOUT THE CITY.

Motion to adopt by Mr. Marmie, Second by Mr. Barker, Motion passed 9-0

By: Mr. Rath, Mr. Barker

21-75 A RESOLUTION AUTHORIZING ALL ACTIONS NECESSARY TO EFFECT A GOVERNMENTAL NATURAL GAS AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO SECTION 4929.26 OF THE OHIO REVISED CODE, DIRECTING THE LICKING COUNTY BOARD OF ELECTIONS TO SUBMIT A BALLOT QUESTION TO THE ELECTORS.

Motion to adopt by Mr. Rath, second by Mr. Barker, motion passed 8-0 with Mr. Harris abstaining

By: Mr. Rath, Mr. Barker

21-76 A RESOLUTION AUTHORIZING ALL ACTIONS NECESSARY TO EFFECT A GOVERNMENTAL ELECTRICITY AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO SECTION 4928.20 OF THE OHIO REVISED CODE, DIRECTING THE LICKING COUNTY BOARD OF ELECTIONS TO SUBMIT A BALLOT QUESTION TO THE ELECTORS.

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

Mr. Marmie – The previous 21-75 and 21-76 whether you believe in the aggregation of the program or not, I’m a firm believer that the voters should decide. This is not saying anyone on Council necessarily is supporting it, we just are supporting that it goes on to the ballot. It allows the electors to make the decision, so anytime something like that comes forward as long as it’s not going to create a huge expenditure on behalf of the City then I’m going to be in support of it. I contacted the board of elections, because there is going to be a Primary, there’s definitely going to be an election, so therefore our cost will be minimal as far as putting this on the ballot. So, it’s great timing for us to put something like this on the ballot, so that’s why I’m in support of these moving forward at this time.

Motion passed 9-0

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

21-77 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO NEGOTIATE AND ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE NEWARK SPORTS AND EVENTS COMMISSION FOR THE CONSTRUCTION AND MANAGEMENT OF PICKLEBALL COURTS AT THE NEWARK MUNICIPAL ICE RINK, SUBJECT TO THE APPROPRIATION OF FUNDS.

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

RESOLUTIONS ON FIRST READING

By: Mr. Marmie

21-78 Exp A RESOLUTION APPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (\$18,500.00-(Request appropriation of funds from the sale of Tower 1) (\$119,834.60 -Principal pymt Note Hornshill) (\$250,000.00 -JEDZ 2) (\$60,000.00 - Computer Software/Hardware)

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

Motion to adopt by Mr. Marmie, second by Mr. Labutis, motion passed 9-0

By: Mr. Rath, Mr. Marmie

21-79 A RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO EXECUTE A CONTRACT FOR REIMBURSEMENT OF LEGAL REPRESENTATION OF INDIGENT PERSONS FOR CALENDAR YEAR 2022 WITH THE LICKING COUNTY BOARD OF COMMISSIONERS FOR THE CITY OF NEWARK, LICKING COUNTY, OHIO AND DECLARING AN EMERGENCY.

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

By: Mr. Rath, Mr. Marmie

21-81 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 2022.

Held 2 weeks for second reading

COMMENTS FROM CITIZENS

Linda Mossholder, 224 Green Meadow Dr – I would like to inform the Council that the position that Councilman Blake had talked about the BHP Outreach coordinator has been filled and what I would like to offer Council is once this person is established in this job is that he would come and give a brief presentation on what this position would do. It will be a position that will work with people who are currently unsheltered, with landlords, with law and order, but maybe he can give you an overview of what the position will do. At the Homeless Outreach we meet from 12-2 every Saturday, we are seeing over 100 people every Saturday. Granted not all of those people are unsheltered, but having over 100 people come through in order to get food, clothing and socks, does indicate that we have some issues in the City and I am hoping we will be able to with the new Council members be able to address those.

Steven Smith, 237 Violet Ct – First I'd like to add my thanks to Dee and Jeremy and Sean for their service to the City, I appreciate their fine work. A number of times Council has tried to find solutions to problems and we've had a number of things brought up by Ms. Householder and Rochelle brought up some solutions with fentanyl strips. The example brought up was in Virginia where the strips were

decriminalized, which is unfortunate, but not the case in Ohio. I think this is a clear example of how the community should be contacting our representatives and asking them to forward this legislation to repeal the outlaw of fentanyl testing strips. This is something that saves lives and I just think it's the right thing to do.

Gary Babcock, 67 Philmont Ave – Dee, thank you very much, we had a lot of prayers going up for you during your illness, please leave your telephone line open. The younger people may need you. Jeremy, thank you for all that you've done for Council. Really in my heart I know you're going to continue your mission, the missions you've started and a lot you have completed and a lot aren't quite done yet, so please stay right in there and please run again. The rest of Council, thank you. You're probably more under paid and more over worked than anyone in the City of Newark. Sean, thank you. Bill Cost, stay active in the City Bill, appreciate what you have done.

MISCELLANEOUS

Tricia Moore, Law Director – I would like to thank Dee Hall, Jeremy Blake and Sean Fennell for their service to the City. It's been a pleasure.

Mr. Fennell – I would like to start off by saying what an honor this has been serving the City of Newark. I said when I was first elected and will still say to this day it's probably the greatest honor I will ever receive. The faith that people who voted for me put in me and the work they allowed me to do here in Council. I wish the best for the rest of Council here and all of the challenges and opportunities that are going to be put forward, you've made a lot of difference, made a lot of progress, but there is always work to be done in the City. Please continue to come, keep speaking, your voice is important. I would also be in big trouble if I did not thank my Mom and my family. I will admit serving on City Council can be very challenging, there were times when my family are the ones who kept me going, so thank you for all of the support. Specifically I want to call out Jeremy Blake, I wouldn't be here if it wasn't for you and your leadership. I'll never forget standing right out there that one night as this Council voted in equality, that helped me know I could do what I could, so thank you for that. Dee, Bill, thank you for everything, it was wonderful working with you, the rest of Council as well, there are so many here that have been enjoyable to work with. Some of you I count as friends and I do wish you the best as you continue to serve this City. I was on the fence about whether or not to say this, but I'm going to go ahead and say it, because why not. I will say that on a Council that is all one party it's important that you speak up and to bring in as many ideas, as many perspectives as possible and I just encourage everybody to be true to that. I think we've seen an honest Council, I haven't always agreed with my party on certain things and those votes came out, so please continue to do that. When you see things, bring in the perspectives it is really important to do that especially when you don't have these kind of built in checks and balances and I just hope everybody will really take that to heart and know that it's not coming from a place of partisanship because I firmly believe in local government we don't have to be partisan. You see us voting yes on most things, because we agree on most of the things, but on those things that do require that introspection I ask that you bring that forward.

Ms. Hall – I agree with a lot of what Sean just said. It's challenging and I cannot believe that 8 years has just zoomed here. Every single week there is something new, it is a challenge, no, we don't always agree. You just have to talk to people and get their support. The Administration, their door is open. I would suggest to the new people that you go knock on their doors and get to know the Safety Department our officer, firefighters, Police Chief, he's not really new he's been around for a while, but get to know these folks because when things come up, you've got questions and their door is always open. That's with the Mayor as well. It's been a great 8 years, it's been an honor to serve with you. I appreciate your support and conversations we've had along the way. Continue to do what you've been doing, there are some unique challenges and I hope to continue to work with the City somehow. I've enjoyed my Ward as well as the entire City. You're going to have lots of questions and you've got to have somebody to rely on and say hey I don't know about this. Thank you very much and I wish you all a Happy New Year and a Merry Christmas.

Mr. Labutis- First I need to call a Personnel Committee meeting for January 3rd. I want to thank the Police Department and Property Maintenance for their help on a couple of issues in the 4th Ward, fantastic job with that. I would also like to thank Dee and Jeremy and Sean for your service to the City on Council, it's been an honor to serve with each of you. I've enjoyed having discussions over the past 4 years and hope those continue and I wish you all the best. Finally, last but not least, Merry Christmas to everyone. Make sure you focus on those that are around you, if you have kids you know that after they open the first present 20 minutes later they forgot they got it. So, just make sure you focus on those around you.

Mr. Lang – It's good to be back, I was out with COVID during the last few meetings, it was odd to watch the meeting online all that's going on and not be able to be here. COVID is no fun, if you haven't had it, you don't want it, get that booster, avoid it. Dee, it's great to see you back here, I'm glad we were able to fit in one last meeting before you leave, it's been a true pleasure serving with you. Your independence is admirable and I really enjoy watching you and working with you the last 4 years, so thank you for all you've done. Jeremy I know we've not agreed on a lot, we've disagreed on quite a bit, but I respect you for your passion and all you've brought to Council over the last 8 years, so thank you. Sean, it's been a pleasure working with you as well. We haven't always agreed either, but we've done it respectfully and I admire that, so thank you for your service as well. With that I'd just like to wish everyone Happy Holidays, Merry Christmas, and Happy New Year.

Mr. Marmie – I would like to thank Dee and Jeremy and Sean also. It's been a real pleasure working with all 3 of you and I want to thank you for your service. Anybody who sits up in these chairs, you put yourself out there and it's very much appreciated. Not only for what you've done for the citizens of Newark, but what you've done for me personally. I've learned from every single one of you. It's always nice to learn vicariously instead of the school of hard knocks, I'm just kidding, I do appreciate all three of you and I did learn a lot. Anytime you let somebody into your life that is even the slightest bit different than you are, then diversity gets into your life and I really appreciate that from the three of you. Everybody on this Council is different and unique and I think we all learn from each other and I

definitely learned from the three of you, so thank you very much. I 'm sure that we have not seen the end of any of the three of you, you're just the type of individuals that will still be here to help, so I do thank you for that. I too want to wish everyone a very Merry Christmas and a Happy New Year.

Mr. Rath – I'll start by calling a Service Committee meeting for January 3rd. Congratulations Mr. Harris, for running the meeting. Nobody died. You did a decent job, nice job. I wanted to thank Dave Rhodes and Barbara Gilkes, I don't know if I did this 2 weeks ago or not, but just in case I forgot last time, I'm going to say it again. We've got a phenomenal looking brand spanking new dog park on Reddington Rd at Reddington Park. It's awesome and very nicely constructed, it's going to be widely used I believe as soon as the gates come in. There are supply chain issues with the gates, they aren't there yet, but if you get a chance if you're in the neighborhood of Cherry Valley Rd. and Reddington stop by and see the dog park, you can bring your dog, but clean up after it, we all appreciate that. I'd like to say thank you to Dee and Sean and Jeremy. Kudos to you guys and everybody has said a lot, I agree with everything everybody else has said, it's been a pleasure serving with you guys. I certainly have learned from you and appreciate you guys being here. I say guys, I mean you too Dee. I know Sean mentioned about being all one party and that's true we all are one party, but we most definitely are 10 very unique personalities that are going to be up here. There have been causes that I have championed that haven't been supported strictly by my party and they've been supported by Democrats. There's been several issues where that has happened. Unique personalities will come into play, hopefully we'll get some different ideas, I'm sure we'll get along just fine, but we aren't always going to agree and that's fine, that's what we're here for. I'll end with Merry Christmas and Happy New Year.

Mr. Barker – First I want to wish everyone a Merry Christmas, Happy Holiday, Happy New Year. It's always a great time of year, but there are always as brought up earlier those in need of warming shelters and I know there are churches and a warming task force that will be working on that. So. thank you to all those volunteers who do that as well as our safety forces. I want to thank Director Rhodes, I made Councilman Rath aware, earlier there was a commercial user of power over in the 3rd Ward that was getting quite a few power surges and we got with AEP to figure out why that was happening to them, so I appreciate that and they appreciate that as well. I also want to send condolences to Cheri Hottingers family for the passing of her mother, so condolences to their family. It's always hard to lose a parent, I know that, but at the holidays it's even worse. Dee. Jeremy, Sean, my first 2 years on Council has been fantastic working with all of you. I remember specifically with Jeremy, we knew each other through the Young Leaders of Licking County and at my first meeting you asked if we could go get coffee and we did and we got to know each other better. I would echo Mr. Marmie's comments on we are a diverse group and that makes us all better. It's sad to see you go, I wish the best for all three of you, I'm sure we will hopefully see you here during citizens comments and the phone is always open.

Mr. Blake – I guess I first want to thank the people of Newark. I served 5 ½ years on the School Board and now 8 years in this Chamber, it really has been an honor. Each one of us, regardless of party affiliation and I do agree with Sean that hopefully in the future people in the City of Newark will be

able to vote on a charter amendment to remove partisanship from our City Government. I think that's something that should be considered and should be voted upon by the people. Serving the people is truly an honor and that's our way of government, that's the way in which we serve. People putting themselves out there to get involved in local government. We need good people with good will. In challenging times, people who want to step up, regardless of your background, we have insurance agents, we have teachers, we have artists. We have a variety of backgrounds on this dais, but we need people with good will to run for office to get involved in local government, especially in these times. The role of the City Council, you're not just a legislator, I also view the role as facilitator and convener working with various different groups throughout our community and trying to find discussions and solutions. I want to thank some of my supporters who came tonight for my last meeting, I appreciate them, but they represent so much more, because we are trying to do things for people and that's what I've tried to use my service for, to try to better things for people or just move that needle a little further for people to have a better quality of life. I've just really enjoyed my time both on School Board and here in this Chamber. So, I thank you, all the people of Newark, I appreciate all the time I have had to serve and it's really been an honor, so thank you. Like Sean, I can't let my last comments go without thanking my mother. Mom's played a big role in your life, she's played a big role in mine. Always the biggest cheerleader and always the biggest supporter, so she's here, many of you know her. Many of you probably like her better than you like me! I appreciate you always being there for me. We're starting a new chapter in 2022, but I love you and I thank you so much. Thank you all, I appreciate the time we have had together and just remember the people and as you continue forward that good things are to come. Government service is always going to continue on, there's always more to do, nothing ever ends. This is work that you really have to be passionate about and I know each of you are.

Mr. Harris – I want to thank everybody for their patience tonight with me throughout the meeting. Mr. Rhodes, what's the Browns score? Browns? I'm a big Browns fans so I'm worried about the game, trying to run the meeting. I want to remind everybody, I passed out a flyer to all the Council Members, if anybody else wants one, the Martin Luther King breakfast is on January 17th at 7am at the Reese Center, so hopefully you can make that. I want to thank all of our students that have been coming in and doing the pledge. They seem to really enjoy it and I think all of them have done a really good job. So, I want to thank all of the schools for participating in that this year. I want to wish everybody a Merry Christmas and a Happy New Year and want to continue to pray for Cheri and her family. Christmas was her mom's favorite holiday, so, she'll have her first Christmas without her mom, so pray for them. The next meeting will be January 3rd.

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

Jeff Harris , Acting President Pro-temp of Council