

COUNCIL MINUTES

SEPTEMBER 21, 2020

Meeting Held via Zoom and streamed live via YouTube

7:00 P.M.

President Ellington called the meeting to order

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

INVOCATION – Mr. Labutis

PLEDGE OF ALLEGIANCE- President Ellington

CAUCUS - Mr. Bubb – I will be abstaining from any voting or discussion on Ordinance No. 20-29.

MINUTES of September 8 , 2020 - Motion by to approve the August 17, 2020 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

REPORTS OF STANDING COMMITTEES

Finance **Received & Filed with no objections**

Service **Received & Filed with no objections**

REPORTS FROM CITY OFFICIALS

COMMUNICATIONS

Roger Loomis – Water Administrator – properties being sent to lien for past due water, sewer and storm water bills in the amount of \$2,817.74
received & filed without objections

COMMENTS FROM CITIZENS

ORDINANCES ON SECOND READING

By: Mr. Rath

20-27 AN ORDINANCE ENACTING AMENDMENTS TO NEWARK’S SEWER USE AND SEWER CHARGES ORDINANCE (91-59); DIRECTING LIMITED PUBLICATION OF THE SEWER USE AND SEWER CHARGES ORDINANCE

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

By: Mr. Fennell

20-28 AN ORDINANCE VACATING A PART OF A SIXTEEN AND ONE-HALF (16.5) FOOT WIDE ALLEY AS SHOWN ON THE ORIGINAL PLAT FOR THE CITY OF NEWARK, AS RECORDED IN PLAT BOOK 2, PAGE 4 OF THE LICKING COUNTY PLAT RECORDS; SAID ALLEY IS LOCATED EAST OF NORTH 4th STREET, AND SOUTH OF WEST CHURCH STREET.

Motion to adopt by Mr. Fennell, Second by Mr. Barker, motion passed 10-0

By:Mr.Rath

20-29 AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE IMPROVEMENT OF PROPERTIES IN AND ABUTTING FAIRWAY ESTATES SUBDIVISION AND ALONG HORNS HILL ROAD BY UPGRADING THE EXISTING SANITARY SEWER SYSTEM AND INSTALLING A NEW GRAVITY SEWER SYSTEM AND THE NECESSARY APPURTENANCES, THERETO

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

Motion by Mr. Rath to amend Ordinance No. 20-29 **Mr. Rath** - It seems we've had 18 additional properties voluntarily join the assessment, I would like to amend the dollar amount to read \$292,397.40.

Second by Mr. Marmie

Motion to amend Ordinance No. 20-29 passed 9-0 with Mr. Bubb abstaining

Motion to adopt Ordinance No. 20-29-A passed 9-0 with Mr. Bubb abstaining

ORDINANCES ON FIRST READING

RESOLUTIONS ON SECOND READING

By: Mr. Marmie

20-60 A RESOLUTION APPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION

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

RESOLUTIONS ON FIRST READING

By: Mr. Marmie

Resolution No. 20-64 Expedite A RESOLUTION APPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION

Motion by Mr. Marmie to waive the 2 day reading rule, Second by Mr. Lang

Mr. Marmie – We have a payout for a city employee that we would like to get their funds to them as soon as possible, we also have CDBG Funds from the CARES Act that we want to get where it needs to go, finally we have some refunds we need to issue to TIFS

Motion to waive 2 day reading ruled passed 10-0

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

BY: Mr. Marmie

Resolution No. 20-65

A RESOLUTION AMENDING R-19-74 AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK TO PREPARE AND SUBMIT TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) A FIVE YEAR CONSOLIDATED PLAN AND A ONE YEAR USE OF FUNDS/ACTION PLAN ALONG WITH AN APPLICATION FOR FY 2020 FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS (CDBG), AS REQUIRED BY 24 CFR PART 91.220, FOR VARIOUS PROGRAMS RELATED TO HOUSING AND COMMUNITY DEVELOPMENT, AND DECLARING AN EMERGENCY.

Motion to adopt by Mr. Marmie, Second by Mr. Bubb

Mr. Marmie – We already passed this plan for 2020, however, because there are CARES Act dollars we need to make the adjustments in order to incorporate those funds into our CDBG Funding, that's what this legislation

is for and it's an emergency because we need to get that money working for our community.

Motion passed 10-0

By: Mr. Rath

Resolution No. 20-66 A RESOLUTION AUTHORIZING THE CITY OF NEWARK, OH TO ENTER INTO A MARKETING AGREEMENT WITH UTILITY SERVICE PARTNERS PRIVATE LABEL, INC. ("USP) D/B/A SERVICE LINE WARRANTIES OF AMERICA ("SLWA") (COMPANY) FOR ADVERTISEMENT TO THE CITY'S RESIDENTS OF WARRANTY PLANS FOR REPAIRS OF EXTERNAL WATER LINES, EXTERNAL SEWER LINES, IN-HOME PLUMBING ON RESIDENTIAL PROPERTY

Held for 2 weeks for 2nd reading

By: Mr. Marmie

Resolution No. 20-67 A RESOLUTION APPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION

Held for 2 weeks for 2nd reading

By: Mr. Rath

Resolution No. 20-68 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE OF THE CITY OF NEWARK, OHIO TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE REBUILDING OF TWO BELT PRESS DEWATERING SYSTEMS AT THE WASTEWATER TREATMENT PLANT

Held for 2 weeks for 2nd reading

By: Mr. Marmie

Resolution No. 20-69 A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR AND DECLARING AN EMERGENCY

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

By: Mr. Rath

Resolution No. 20-70 A RESOLUTION AUTHORIZING THE GRANTING OF AN EASEMENT OVER CERTAIN REAL PROPERTY NOW OWNED BY THE CITY OF NEWARK, OHIO AND DECLARING AN EMERGENCY

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

Mr. Rath – This is a piece of property that we are doing a correction on this easement that should've been done years ago. The reason for the emergency is because there is a sale pending and it's been a hassle to the owner through our own fault so we are trying to accommodate.

Motion passed 10-0

COMMENTS FROM CITIZENS

President Ellington – we will not be going back to Safety Committee after this meeting because the call-in is different and it's just not going to work so, if you would like an opportunity to speak, now is your time.

Nancy Welu – 7441 Stewart Rd – It's disappointing we aren't going back to Safety Committee, I think a lot of people were counting on that, but I understand. I would just like to ask the administration and all council members if you are satisfied this evening with the report and everything that was said at the Safety Committee and how the \$30,000 of taxpayer dollars has been spent. We had an AI Report, which is a really good report that I have also read. The Luken Consultant, according to Linda Mossholder who was also on the task force, there should be something forthcoming, but we're not real sure if we'll see that or not. We have architectural plans for the Evans building, but only a select few people have seen those plans and I'm not sure

if you all will get to see them either and no one really answered my question if the task force is done. A few people asked that question, if everything is wrapped up. I'm all for a low barrier shelter. I think we need one, obviously I was here two weeks ago talking about the three men that passed away on the east side that maybe could've benefited from a low barrier shelter. We'll never know because they're not here to speak about it. I would just ask if you think you got your moneys' worth. There are some fiscal conservatives on this committee and I'd just like to know your thoughts.

Rachelle Volen Smith – 237 Violet Ct. – I also wanted to comment that it was nice to hear what we did, but there are still lots of unanswered questions, I'm looking forward to hearing more about it. On Resolution Number 65, I'm hoping there's a little more transparency that there's going to be disclosure in how this is being directed and also I was wondering in Resolution Number 66, what the actual name of the company is and who is benefited by that. I'm wondering if there is a conflict of interest.

MISCELLANEOUS

Mayor Jeff Hall – Just quickly, Resolution 65 is CDBG standard type processes we go through with one year and five year plans and they always need to have public hearings. We always have to seek public input on that it's a standard procedure. Resolution 66 was brought forward by the utility department. We can repair lines and pipes up to the connect and then when you get to private property, that's up to the homeowners, so there's potential here that they could, for lack of other terms, buy some insurance that could help cover them and it's a company that we've looked at and feel they are good. There are no requirements, but again, if they have to tear up their front yard to fix the water line that doesn't come under the cost of the tax payer, this would be a service that could help with that. Lastly, Nancy said it. I don't think the process is nearly over with the homelessness. It isn't as simple as just a report. It's where does it go from here. There's a cost to purchase a facility and then there's a cost to operate a facility and that can get quite hefty. We want to be certain, does the City stand behind it, well, we came up with \$30,000 and we're the largest partner in at least the beginning of this project. If you go to Columbus facilities, you'll see a who's who list of supporting companies over in Franklin County because of just the sheer number of them. They contribute to a number of issues and help with people who do not have permanent shelters. We are a bit more challenged here. What we don't want to do is get a facility rolling and then have to close it down in a couple years because it can't be self-supporting. There is an amazing amount of groundwork and research, do we want it to stop, but no it flips into a different phase with implementation. I think up to this point it's been good consulting and at the end of the day we're happy at this point, but if it stopped here we wouldn't be happy, we've got to keep going. With that, I think we will continue the dialogue and I want to thank everyone for their input tonight.

Mr. Labutis – I would just like to thank everyone for their input this evening during Safety Committee.

Mr. Lang – Nancy I appreciate your comments and I can't answer everything but, I do recall back in June when we had the last discussion on the task force there was a request for an accounting of the funds collected and that accounting showed that about half the funds deposited, about \$37,000 was still there. I think the task force work is still on-going. From this perspective I think we've got our moneys' worth so far, I think Jeremy pointed to a number of interesting points from the report and there's quite a bit of information in there that will help us moving forward. I would like to get a little more discussion around the last question I had of Deb Dingus in Safety Committee around how do we get some of those large employers to help us with some funding sources for operating a low barrier shelter or some of the other things we need to do in the community. I'm interested to see where the task force goes from here and hopefully we come up with the right infrastructure to start bringing some of that money, like the Mayor was saying that you see in Franklin County and bring it here to Newark.

Mr. Marmie – I need to call a Finance Committee Meeting for two weeks. Just to answer a couple of questions, as far as Nancy's question, are we satisfied with the report and the spending of our funds. We're not finished yet. I guess the next thing is execution, let's see how those entities that have indicated that they are on board, are they going to execute. In addition, I think it was Jeremy, that brought up the whole thing about collaboration and how will they work together. So, that's where the rubber meets the road and if we're going to get our monies' worth, that's where it's going to happen. The best plans un-executed are just paper.

We will see how it gets executed. As far as 20-65, the CDBG Funds, I'll echo what the Mayor had to say. Those are completely transparent, CDBG is for low income and that money is being spent in accordance with all the guidelines for the CDBG. As the Mayor indicated there are all kinds of open forms as far as what goes on with that. As far as 20-66, there is a company, the name of it escapes me, it says Service Line Warranties of America. They are working in conjunction with another company and I have it in my note in another location, but, this is not insurance. I did some research, it is a service agreement, therefore, it does not fall under the guidance of The Department of Insurance. That's why there are some differences as far as them be able to dictate who does the repairs and such. I did speak to one of the representatives of the company and she indicated that to me. It's just one of those avenues to try to get information out to the citizens as far as a way to help them if something does go wrong with the water lines like the Mayor said. The City is only responsible to the tap. From the tap to the house is the responsibility of the homeowner or the property owner. Inside the house usually your homeowners insurance protects it. The other thing is, there are some Insurance companies that are offering homeowners' protection for that line in between, so I just want to get that information out to the public so it gives the public an opportunity to possibly purchase something that could benefit them so they wouldn't have to come up with that large amount of money.

Mr. Rath – First, I'm very excited to call a Service Committee meeting in Council Chambers on Monday, October 5th. It will be exciting to get back to live and in person. I just wanted to say thank you for all of the paving that's going on. I haven't been in Newark, but have had people tell me about it and I'm very excited about that, especially where it hasn't been paved in a very long time and on 35th coming straight out of the hospital and connecting 35th to 30th. Both of those roads were in really bad shape and are utilized extensively so I'm excited to finally have those paved.

Mr. Barker – I would like to thank Chief Baum. There were some incidents over on Bryce Street for a business owner who had a significant amount of equipment stolen as well as the muffler cut out from his own vehicle. Chief Baum and I had a discussion and talked with Patrol and they really stepped up and that business owner is very thankful, just doesn't have a muffler on his truck anymore. I would also like to thank Director Rhodes for some work he did last week.

Mr. Blake – I first want to say thank you to Director Rhodes, Over the last two months when we first had our committee discussion regarding the status of the homelessness efforts in our city, ever since then, every call I've received regarding homelessness I've included him on. So, we've been on this journey together dealing with private property owners having concerns, a church having concerns, veterans, park, the Buckingham House and the Museums have called requesting some guidance in dealing with the homeless. So what we see tonight, with the number of people on the call, this discussion and this issue is most definitely at the forefront of many people's minds and wanting to find some type of resolution. I for one think that the AI Report is very thorough, a very good document. I think it recommends some avenues for a public entity to coordinate efforts and it goes through and I think was very fair talking about the strengths and weaknesses of our environment. We have multiple agencies that provide different types of services and while all are good and doing their things in their silos, it does say there is need for improvement and coordination and wanting to bring all of those different services together so that we can have better system here in Newark and Licking County. It sounds like the Dan Delawder situation is going to be a private group, so it's not going to have the same type of requirements and need to be publically reported and meet sunshine laws. I would advocate for anything that's going to be completed or improved that we have some type of public entity overseeing it. Not just dealing with a shelter, but all of the services dealing with homelessness and housing in our community because the report also talks about affordable housing and some other initiatives. Secondly, I do want to reflect on the Lukan letter that was sent to all of us as council members. It was a two page document and during the Safety Committee Meeting Deb Tegtmeier did mention that Lukan Solutions wasn't able to complete the six step training that she wanted to. She was going to do it virtually but that never happened because of some mis-coordination amongst the task force members. The third item was part of her contract was to hopefully have a shelter in place by December of this year and that does sadden me, because that means we aren't going to have additional spaces for people to go this winter. Tomorrow is officially Fall and as the seasons change and people are out in our streets and in my case as I reported to this council a few

committees ago, I get called about people living along the river. They're there and we know that and it's very concerning that piece of her contract is not going to be completed. It does concern me that we spent that much money and the contract wasn't completed. I am hopeful. I was on the initial field trip when we went to Columbus and Cincinnati and toured those facilities and the Mayor's right, the Columbus Community Shelter Board is a public entity that operates under Sunshine Law and they have several different partners involved. Hopefully we can come together and bring a solution to this, not a complete solution because our community is growing and these urban issues are coming to our community, but hopefully we can work together to continue to discuss this. I hope the Safety Committee reconvenes at some point because there were a lot of people on that call tonight and I know Celia Kendall wanted to speak, her hand was raised at the end and I'm sure there were others that wanted to speak. Hopefully we can reconvene sometime in the future so that others can publicly discuss this issue.

Mr. Bubb - I need to call a Personnel Committee for two weeks and also we will be having a Personnel Committee meeting after this Council, about 5-10 minutes after.

Mr. Fennell – I would also like to thank everyone who is working on this task force. It's wonderful to see so much energy around this important issue. To answer Nancy's question directly, I am personally satisfied with the AI Report. I haven't made it all the way through Jeremy, but I am working on it. It's very long but very thorough and I appreciate the attention to detail that I have read so far. I will admit that I am still conflicted and concerned about the Lukan letter and Sally Lukan no longer being a part of this process. I feel like her expertise would've been a really wonderful thing to have here. I think we need to make sure that we not only have all of these incredible community partners but an expert in the field of implementing and running a low barrier shelter. I feel like Sally was that expert and I'd like to see where that might go and who we might bring on to help guide us from here moving forward. I too think that just by the number of people that came to our committee that it would warrant having another meeting of some kind to let people digest some of the information they've had and to make sure everyone has all of their opinions voiced and that they feel heard because I feel that is a very important part of what we do here. I appreciate everyone sharing all of the information and thank you to Deb Tegtmeyer, I know that was not an easy thing and I appreciate her coming and presenting. Of course, thank you so much to Dan Delawder for what you're doing to help move this forward. I just hope we can continue to involve the United Way and government entities just to make sure that we have those systems of transparency and accountability built in. I think that's an important part of running a low barrier shelter.

Ms. Hall – I want to thank Deb Tegtmeyer as well and everyone who brought information to us. I had a long conversation with the person who was the manager at Washington Square and we talked about safety concerns with the shelter that would be there on East Main and I'm sure that will be taken into consideration. No one spoke to COVID this evening and we're not over it. If that's to be a low barrier shelter then that has to be taken into consideration I believe for anyone coming in. It could be a Mom with two kids and who knows who is going to be staying there and they need to be safe. That's part of the whole issue. Police Chief Baum and I had a long conversation about the safety around Washington Square and Save A Lot and up and down East Main Street. They're trying to keep a better eye on the area, the Street Department had to clean up some things that they did so there's a lot of things to cover. I want to continue having conversations, I hope that we do. I thank those that were here tonight and I thank Chief Baum for his input, we had a nice long conversation about safety. The two people that passed away, one wasn't overdosed and the other was actually a brain aneurysm. I just wanted to clear that up.

Mr. Harris – As Mr. Rath said, it's good to see all of the paving going on in the City and kudos to the Mayor and Administration last year for putting the extra gas tax dollars in Capital Improvements to get a lot more streets paved. I'm sure we all appreciate that.

President Ellington- Mr. Labutis I'm going to leave it up to you if you want to have another Safety Committee meeting and if you want to reach out to Deb Tegtmeyer and Deb Dingus and see if they want to continue a meeting sometime or have their own meeting or whatever, so, I'm going to leave that in your hands if you would please. Spencer thank you again for this evening. I was thinking about this, is there any reason why we can't just stay on this site until Mr. Bubb is ready and continue with Personnel?

Mr. Barker – We can stay here if you want, yes.

President Ellington – Why don't we do that then. If I had thought of that before we possibly could've continued the other meeting.

Mr. Barker – After we adjourn this meeting I will stop the YouTube stream and then re-start it for the committee.

President Ellington – We will be back to our live meetings on October 5 unless there is some catastrophe between now and then.

ADJOURNMENT.

Motion by Mr. Labutis second by Mr. Bubb, passed by acclamation