

COUNCIL MINUTES

OCTOBER 5, 2020
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. Fennell. Ms. Hall, Mr. Harris, Mr. Lang

INVOCATION – Mr. Blake

PLEDGE OF ALLEGIANCE- President Ellington

CAUCUS -

MINUTES of September 21, 2020 - Motion by to approve the September 21, 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

Mayor Hall - Reappointing Kandee Engle, Chris Harkness, Mark Mauter and Jillian Flowers (alternate) to the Etna Corporate Park Joint Economic Development Zone 2 (ECP JEDZ2) Board. Their two new terms begin October 20, 2020 and will expire October 19, 2022.

REPORTS OF STANDING COMMITTEES

Finance **Received & Filed with no objections**
Service **Received & Filed with no objections**
Personnel **Received & Filed with no objections**

REPORTS FROM CITY OFFICIALS

COMMUNICATIONS

Ohio Environmental Protection Agency – 2020 Annual Discharge Fee Preliminary Notice
received & filed without objections

PUBLIC HEARING

20-18 AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 44 N. WESTMOOR AVENUE, CITY OF NEWARK, LICKING , OHIO, FROM THAT OF GO-GENERAL OFFICE DISTRICT, TO MB-MEDIUM INTENSITY BUSINESS DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO.

President Ellington – I will say the Planning Commission said, the zoning classification for 44 N. Westmoor will remain as zoned in the GO- General Office District and the requested zoning district change recommended is to be denied. That being said, Council will have to have 7 votes to overturn this and make it MB. Is there anyone here to speak for or against this zoning change? We will close the Public Hearing.

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

Mr. Rath – In light of the Planning Commission’s recommendation to deny this and with the absence of anyone to speak on behalf of it, I will be voting this down and would encourage everyone else to do the same.

Motion failed 10-0

COMMENTS FROM CITIZENS

Mr. Dave Lipstreu – 40 N. 40th Street – I'll read my comments which I provided to the clerk. This is concerning the improvements on N. 40th Street as part of the large water line project. The recent wholesale clearing of all trees in the right away of n. 40th Street was an outrage to me personally and the neighborhood generally. Such action by the city shows a total lack of sensitivity and concern for the residents and worse a huge disconnect between city officials and the public for whom they work. In over 30 years as a municipal land planner I've never seen such callous disregard for the environment and those who inhabit it. I recently purchased my home on N. 40th Street precisely because of the abundance of mature trees some in excess of 100 years old and the excellent landscaping of the multi-family residence immediately across from my home. If I had been aware of what was to come I would not have purchased the property. Trees are critically important to our lives. They provide oxygen, store huge amounts of carbon which offsets the effects of climate upheaval and absorb large quantities of storm water. They also provide traffic calming and sound abatement. The city cannot afford to wantonly destroy trees because of the lack of proper careful planning in development and improvement projects. This is simply no longer the way things are done and with the rapidly changing climate it is neither a wise approach nor a financially viable one. Taxpayers expect much more of their public policy makers than a hands off approach to events with the potential for major impacts. Sustainable development methods are now a widely accepted method of accomplishing projects while protecting natural resources such as trees which provide multiple eco system services benefits such as storm water and flow management at zero cost to the community. I cannot begin to adequately express my disappointment with the city of Newark over this matter. The city has great potential, however, for that potential to be actualized, the approach to land development and infrastructure must change. Respect for the environment and a successful economic development program are not mutually exclusive. In fact, they support one another. People desire to live and do business in a community that places a high priority on environmental protection as well as a strong economy. Newark can and must do better in this regard. Though the foregoing comments are critical, I am more than willing to assist the city on a voluntary basis on formulating and implementing a more ecologically sustainable approach to land development. I'm confident that such an approach will prove worthwhile to Newark over time. That would also consider a request that the city consider, and I don't expect an answer now, consider replacing some trees on that street because everything in the right of way is gone. I encourage you all to take a drive over there and look at it. The before and after is incredible. I very much appreciate the opportunity to make these comments Mr. President.

Linda Mossholder- 224 Green Meadow Dr. – It's my understanding that we were unable to reconvene the Safety Committee Meeting last session because, basically we didn't have the capability. I just wanted to add a few things from the discussion that took place. I understand that the council received copies of the AI Report. I'll be honest I have not read the entire 115 pages, but I did read the parts with some of the concerns about the community. One of the concerns of the community was the lack of collaboration between providers. That was mentioned several different places in the report. During the Safety Committee Meeting I did hear that Deb Tegtmeyer of the Housing Coalition who has done a tremendous amount of work with this report is going to have her board see which action plans from the report that they could take on. To me that does not sound like collaboration. I think we need to have other entities involved. To my knowledge, the Licking County Housing Initiative which is required by HUD to meet on a regular basis has not met since January. This would be a good place to start. I would encourage that to take place. The other thing the report contained is to keep the community updated on what's happening with the homeless situation. Part of the contract with AI was to have them come back .and I know due to COVID they did not do this, and give another report to the community as a whole. The community was very involved in this process. They had three community meetings, they had stakeholder meetings which were focus groups. Part of the contract with AI was to have a public meeting. To my knowledge, I think I'm still a member of the task force, I still don't know if the task force is in existence or not, we've had no communication. I know that Deb Dingus who is a member of the task force is trying to get AI to do some type of a community meeting. I think the community deserves to know what's in this report a lot of tax payer dollars went into it. The other thing we didn't have time to address during the safety Committee Meeting was the Lukan Solutions contract. I am concerned that the contract was terminated. Phase 2 of the contract involved having Sally Lukan who has extensive experience in this area to come up with a community acceptance plan knowing that sometimes a low barrier shelter can be controversial. This plan would've addressed things like what's going to be done with the safety in the area, how is this going to be run and it would've answered some of the questions that come up once a low barrier shelter work begins. I am concerned that did not take place. I think all of you who are representatives of this community do not want phone calls when construction or renovation start on this shelter, saying why weren't we informed. I was very concerned that did not take place. That was part of her contract, she wanted to do some training on that, I receive one email with a possible schedule for a two hour training. Part of this community accepts plan was working with safety, working with potential homeless operators and I think this would've been of vital importance to make this successful. I get that we

don't want to re-hash the whole thing in another Safety Committee Meeting, but I do think Council needs to be aware of these issues.

Rochele Volen-Smith – 237 Violet Ct. – I would like to thank Linda for her speaking , I think it's important to re-hash this and involve the public in it. I have seen the 40th Street issue and I think it could be possible to both put in a sidewalk and have landscaping to have part of our neighborhood which is crucial to our area. Good to see you all back.

ORDINANCES ON SECOND READING

ORDINANCES ON FIRST READING

By: Mr. Bubb and Mr. Marmie

20-30 AN ORDINANCE AMENDING THE POSITION CLASSIFICATION, PAY RANGE AND DEPARTMENT AUTHORIZATION TABLES OF THE CITY OF NEWARK, DEPARTMENT OF SERVICE, DIVISION OF PARKS AND CEMETERY BY CREATING THE *ADDITIONAL* POSITION OF ***GROUNDS MAINTENANCE WORKER***, AND SETTING THE COMPENSATION THEREFORE

Held for two weeks for 2nd reading

RESOLUTIONS ON SECOND READING

By: Mr. Rath and Mr. Marmie

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

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

By: Mr. Marmie

20-67 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

By: Mr. Rath and Mr. Marmie

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.

Motion to adopt by Mr. Rath, second by Mr. Barker, motion passed 10-0

RESOLUTIONS ON FIRST READING

By: Mr. Marmie

20-71 A RESOLUTION APPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION

Held for 2 weeks for 2nd reading

By: Mr. Marmie

20-72 Expedite A RESOLUTION APPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION

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

Mr. Marmie – We have a payout for an employee that needs expedited so we can get them their funds. Also, we have some safety supplies and overtime dollars for safety forces that need to be paid.

Motion to waive 2 day reading rule passed 10-0

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

COMMENTS FROM CITIZENS

Timothy Ray Barnes – 927 Weiant Ave – Being born and raised in the short North area of Newark, Keller Elementary School district, Hollander St., Maple Ave., Stevens St area, as a child I didn't understand the problem, but I think I do now. Water fluoridation is not the greatest thing since bubble gum. I know it's mandated, but Hitler mandated the Jews be executed and persecuted, did that make it right? I think if you took a look at the bus riders born and raised going to Hillview, your bus riders born and raised going to the Junior High on Ballard Ave. ,=, you'll find they have a much lower GPA than the other kids. I'm thinking if you checked the local fertility center there would be a 4 to 1 ratio of city raised vs county born and raised people. Sodium Fluoride is a corrosive. There is nothing positive about it inside the human body. Toothpaste labels say do not ingest. The traffic issues on N 21st St. are ridiculous. Basic traffic laws not being enforced. I was a Donatos driver on N 21st St. Constantly coming from 16 and 21st is a nightmare. You need to change that sign that sets at the bottom 16 west that reads right turn on red, curb lane only, it needs to add curb lane to curb lane. Way too many people come out of there making a right turn on red coming out 2 lanes and sometimes 3 all the way over to get into the left hand turn lane. That's illegal driving, it's an illegal turn. They do the same thing at stop signs, come out 2 lanes and go nowhere. If you're going up and down 21st St pacing the car in the right hand lane and you're in the left hand lane, to me, you're littering the lane with your car. Traffic laws say there are 3 things you do in the left hand lane, pass, move right, move left. That would greatly improve the traffic problem on 21st Street. Remove the left hand turn into those two coffee shops. Too many people in that fast lane going into the coffee shop, they get half in the turn lane and the other half is still clogging up the passing lane. Those are basic traffic laws, if you'd enforce them you could come up with the money that you've lost on your property tax value, which you were a victim of your own making. Fraudging up peoples' property taxes is exactly what happened. I know you frauded them because you're missing 20 percent at least if not 40 percent of your home value since I've become a homeowner. It went from a \$50,000 median to a \$40,000 median, that's a whole load. 22,000 \$50,000 valued homes. That's basic math. I realize Kraner property got annexed out, you tore down the 50 homes with the x's, you probably had numerous house fires that have burnt down a few, that's a far cry from 22,000 homes. That pretty much covers it.

MISCELLANEOUS

Roger Loomis – Water Administrator for the City – 34 S. 5th St – I just wanted to make a quick comment about the comments on the 40th Street project. As I understand it we have along with the City Engineer and Project Engineer offered to replace those trees that have been torn down out there. I also take a little bit of offense at saying that we're not ecologically responsible. Take a look at the downtown project. I spent over \$3 million for a passive storm water treatment system for that project it's a keystone of the Ohio Development of Development funding for economic development and ecological development. Our 4th Street project here, we have a lot of passive treatment systems in there as well. We designed them into all of those projects. The landfill is a complete passive system, we've installed trees, several hundred trees to treat that waste in the landfill, so, we take a lot of pride in the work that we do for this are. Certainly we are willing to work with him on any of the projects we are working on, we're willing to do that. I just want to say that one of our goals is to have a system like this and to say that we're not doing that is really a falsehood. Thank you.

HR Director Spurgeon – It's good to see the committee back in council chambers. Quickly , for those of you who don't know me, many of you do, I'm Bill Spurgeon, I've been the HR Director since June 21st. I want to publicly thank Mayor Hall for giving me the opportunity to serve the great city of Newark again and for the wonderful things his administration is doing. We are poised and ready to make sure our appointing authorities

and our division heads have the talent they need to meet their mission as well as promoting harmonious labor relations. Christina Barth is one of the finest assistant directors you could ever hope to inherit and I am fortunate to have her. We've engaged our labor unit representatives as evidence by some of the legislation we proposed at Personnel Committee and I'd like to thank the chair and members for their support. We've also target a software solution that we believe is going to create an efficiency in government and better customer experience and we're going to come back with a funding stream to do that. We're working very, very hard to make sure your needs are met and just wanted to make sure I introduced myself to the committee. Thank you.

Mr. Lang – Welcome back, it's good to see everyone in person through glass. It's a little strange, but glad to be back in chambers. Director Rhodes, thank you for your help to get this all set up for us and for working with the Health Director to make sure we did this the right way. I want to extend a thank you to Joe Paul for a maintenance issue he helped me with in the 5th ward. Mr. Loomis, thank you for your comments. I think it's a testament to what you guys generally do as far as thinking through environmental issues when these projects come forward, I can't think of the last one that didn't pass unanimously and I think everyone on council has faith in what you guys are doing there. Thank you. Linda thank you for your comments. I guess I have to follow up with Deb Tegtmeier and others from the task force, the budget we got back from the task force when we were asking about what happened with the money, did show that there was some money left and of course I want to understand what's happening with that money. It's become very challenging to have meetings as you see this is the first time we've been able to be here.

Director Rhodes – I can answer the question of the funds left over from the task force. Those funds are being returned to the people who funded it in proportion of the work that was done.

Mr. Lang – I was hoping that would be the case. I do think there are still conversations that need to be had, obviously we need to work through the challenges of having public meetings. I had the opportunity to have a pretty extensive conversation with Trish Perry down at Newark Homeless Outreach. It was interesting just standing on the corner with her for a couple of hours while we were chatting, the number of people that came by and that she helps. I don't have any answers. I think we need to be looking for small wins. I think it was great that Mr. Loomis worked with Mr. Blake to get the water filling stations downtown those were needed and I was glad we were able to get those done. Continue to look for small wins to be able to bridge the gaps and have a more collaborative effort. I was a little disappointed how the conversation went, looking for controversy with the Lukan Report. I understand the frustration. I would've liked to spend a little more time in that conversations focusing on the report from AI. I do agree with you that we need to have a further discussion, not necessarily here in council chambers, I don't think it's the right forum. I think Mr. Labutis was having a hard time picking on everyone to give everyone a chance to speak. Hopefully we can find a different format for that conversation to continue.

Mr. Marmie – I need to call a Finance Committee Meeting for two weeks. Just a couple of quick comments. Mr. Lipstreu regarding the trees in the right of way. The city has always been very cognitive of the concerns with residents with that, but in reality we have laws on the books that say no trees are allowed in the right of ways. Something like this where we had to complete a project, in order to complete the project those trees had to be removed. I'm glad to hear Roger say they were going to try to replace them if individuals wanted them replaced. The gentleman, Mr. Barnes, I believe he left also, property taxes are pretty much out of our control, the County more or less handles that, so we just get a portion of it based on what their calculations are. There've been a number of different studies on N. 21st Street with traffic issues and concerns, honestly if we tried to enforce right lane only unless passing cars would never get up and down 21st Street. There's just way too much traffic to do that. Enforcing those who are straddling the lanes, you try to do your best and the police officers aren't necessarily be there at the right time, but that happens everywhere. I'm glad to be back and glad to see everyone.

Mr. Rath – I want to say welcome back to Mr. Spurgeon, it's good to see you. In regards to Mr. Lipstreu's comments, unfortunately he's gone but, it's interesting you can take a painting and cover it completely with a white sheet and uncover one square inch of it and ask someone how much they'd pay for it at an auction and it probably wouldn't even sell. You pull off that sheet and find out the painting is actually the Mona Lisa. That's

exactly what we're doing. We're looking at 40th Street, one tiny little square inch of the city and we're looking at some trees that came down. We don't look at the big picture, we don't look at what we do. I wanted to say thank you to Roger Loomis for coming up and speaking. We do a lot and we always take that into consideration, we take the environment into consideration and we do a lot to make sure that is very well taken care of. To look at a thumbnail sketch of a tiny location in the vast city that Newark is and to make some of the statements that were made here is incredibly inappropriate. I just wanted to get that off my chest for what it's worth and I will call a Service Committee Meeting for two weeks.

Mr. Barker – As others have said, it's good to be back here in chambers and to see everyone. Director Spurgeon, instead of being on Zoom, welcome back it's always good to have you here. I'd like to thank Director Rhodes, he helped me with some property maintenance issues in the past two weeks that could've been serious and he was able to get it taken care of. I would like to say also, that I'm thankful I'm not having to manage a Zoom meeting tonight.

Mr. Blake - I just want to welcome a south ender back to City Hall, welcome back Bill Spurgeon.

Mr. Bubb – Welcome back Bill. You're professional. Prepared and you do a nice job. I'm very happy to have you back. It's also nice to have our Council clerk here in person, you're doing a great job. Just to change the subject I just also want to encourage everyone to keep supporting our local restaurants, they need it, they're going through a tough time still. Do your best to get out and support our local business.

Mr. Fennell – I would also like to welcome Director Spurgeon and it was nice to meet you and I look forward to working with you. You are an excellent addition to the community.

Ms. Hall – Mr. Spurgeon it's good to see you back. I wanted to thank Code and our Special Ops. They came to our neighborhood, I have no idea how many hours they were involved in a take down, and I missed it, but I heard from neighbors, there was a lot of details, it was like a TV show and people were arrested. It was quite a little nest of things going on right there. I would imagine there were a lot of surveillance hours where they would be parked in dark areas and watching this house, it was really something and they took care of it and it was wonderful. I just wanted to thank them and Chief Baum as well for following through on many complaints, not just mine, thank you. It's good to see everyone in real time.

Mr. Harris – It's good to see Mr. Spurgeon back and Janine, you did a nice job tonight, it's good to see you. I want to thank Spence for all his help with the Zoom Meetings and all our technical difficulties. I also want to thank the administration and the city for what they did with Don Edwards Park a couple years ago. My nephew played in the baseball tournament over the weekend and they live in Grove City and there were a lot of people from out of town at the park and they were really impressed with park and how nice and clean it was. One gentleman told me he's got an older son, 16 year old and Don Edwards was the first park that opened in central Ohio back in June and they spent most of their summer here. They were impressed with the downtown and the restaurants. With that being open we were able to bring people from out of town to help support our local businesses. It's good to see everybody and if nothing else, I think the only good thing out of 2020 is the Cleveland Browns are 3 and 1.

Mr. Labutis – It is good to be back in council chambers and I just want to thank Director Rhodes for getting chambers set up so we could come back. I want to welcome back Director Spurgeon as well, glad to have you back on the team, it's good to see you.

President Ellington – This is our clerk, Janine Paul, for those of you who don't know her, introduce yourself. She's been our clerk since March, but we hired her right about the time COVID started, not that I should blame you for that and then we went on Zoom. You're kind of a long time employee now, but haven't met everybody, so at least you have a chance to see them. Thanks, you're doing a great job. Thank you all for coming tonight. We appreciate it. For those of you who asked about the meeting on Zoom or YouTube. We are going to try to livestream the meeting next meeting. We'll see how that works. I think we've got a plan in place, we'll see if it works or not. We'll let you know as that goes on. This is our first opportunity to come back, I think it went fairly well. We'll just play this by ear and if things continue the way they are maybe try to be here for our next meeting. If not we'll have to do something else.

ADJOURNMENT.

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

Don Ellington, President of Council