

## COUNCIL MINUTES

March 18, 2019

Council Chambers

7:00 P.M.

**7:00 P.M.-** President Ellington called the March 18, 2019 Newark City Council Meeting to order

**ROLL CALL-** Mr. Cost, Mr. Fraizer, Mr. Labutis, Mr. Lang, Mr. Marmie, Mr. Rath, Mr. Blake, Mr. Bubb

**INVOCATION** – Mr. Blake

**PLEDGE OF ALLEGIANCE-**President Ellington

**CAUCUS-** Motion by Mr. Marmie to excuse Mr. Fennell and Ms. Hall, second by Mr. Labutis. Motion carried by acclamation.

**Mr. Bubb-** I will be abstaining from voting on Ordinance 19-07

**President Ellington-** I will be abstaining from Ordinance 18-42 and turning the meeting over to Mr. Bubb if Ordinance 18-42 is brought back up tonight.

**MINUTES of March 4, 2019** Motion by Mr. Labutis to approve the March 4, 2019 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 Mr. Fraizer. **Motion carried by acclamation.**

### REPORTS OF STANDING COMMITTEES

Finance- **Received & Filed**

Economic Development- **Received & Filed**

### REPORTS FROM CITY OFFICIALS

**City Auditor, Stephen Johnson-** operating report for period ending February 28, 2019- **Received & Filed**

**City Tax Administrator, Barb Jobs-** Income Tax Revenue report for the period ending February 28, 2019. - **Received & Filed**

### COMMUNICATIONS

**Mayor Hall-** will present a proclamation for Developmental Disabilities Awareness month

**David Clay-** email regarding the article in the Advocate about Council being asked to restrict/ban chickens in the City of Newark. He is not in favor of the restriction or ban of chickens in the City of Newark. - **Received & Filed**

**Jaclyn Whitacre-** email regarding the article in the Advocate about Council being asked to restrict/ban chickens in the City of Newark. She is not in favor of the restriction or ban of chickens in the City of Newark. - **Received & Filed**

### COMMENTS FROM CITIZENS

**Betsy Beckman, 888 Mt. Vernon Rd-** I would like to thank City Council, Zoning Board and the Service Director for being so helpful and listening to our opinions about the lot at 20 Cherry Street and I would also like to thank Council President Ellington for recusing himself from this vote due to his connection with the present owner. We hope that you will consider the input of the 83 residents who signed a petition against the zoning of this lot. We want our neighborhood to remain a quiet place where our kids and grandkids can ride their bikes and we can walk at night. Cherry Street has always been a single family and we want it to stay that way. We hope that you will consider our input when you make your final vote tonight.

**Comments were received by the following citizens regarding the homeless in Newark:**

**Daniel Crawford, 163 S 2<sup>nd</sup> St-** he also made comments about Jen Kenagy's statement two weeks ago at Council regarding the Police Department and the homeless being removed from their campsite.

**Jen Kenagy, 2584 Uplandview Ct, Copartner of Newark Homeless Outreach-** she also commented on her statement from the Council meeting two weeks ago regarding the homeless and the Newark Police Department's involvement removing them from their campsite.

**Patricia Perry, 282 N 21<sup>st</sup> St, Copartner of Newark Homeless Outreach**

**Chris Wills, 161 D S 6<sup>th</sup> St**

**ORDINANCES ON A FIRST READING**

**By: Marmie, Cost, Rath**

**19-07** AN ORDINANCE TO PROVIDE FOR THE ISSUANCE OF \$850,000.00 OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING A PORTION OF THE CITY'S COST AND A PORTION OF THE PROPERTY OWNERS' COST IN ANTICIPATION OF THE LEVY AND COLLECTION OF SPECIAL ASSESSMENTS FOR HORNS HILL ROAD SANITARY SEWER PROJECT IMPROVEMENTS AND DECLARING AN EMERGENCY.

**Motion by Mr. Marmie to adopt Ordinance No. 19-07, second by Mr. Fraizer**

**Motion passed by a vote of 7-0-1 (Mr. Bubb abstaining)**

**RESOLUTIONS ON SECOND READING**

**By: Marmie, Cost, Rath**

**19-13** A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK TO SUBMIT AN APPLICATION TO THE OHIO DEPARTMENT OF PUBLIC SAFETY FOR AN AWARD OF FISCAL YEAR 2019-2020 FUNDING UNDER THE OHIO EMS TRAINING AND EQUIPMENT GRANT PROGRAM.

**Motion to adopt Resolution NO. 19-13 by Mr. Marmie, second by Mr. Cost**

**Motion passed by a vote of 8-0.**

**By: Rath, Cost**

**19-14** AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A LEASE AGREEMENT WITH SELECTIVE SITE CONSULTANTS REGARDING LAND AT THE CITY OF NEWARK SERVICE COMPLEX

**Motion to adopt Resolution No. 19-14 by Mr. Rath, second by Mr. Fraizer**

**Motion passed by a vote of 8-0.**

**RESOLUTIONS ON FIRST READING**

**By: Marmie, Cost, Rath**

**19-16** 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 2019 FIRE ACT GRANT PROGRAMS, IN SUPPORT OF TRAINING PROGRAMS, EQUIPMENT PURCHASES, FUNDING FOR PERSONNEL, FIRE PREVENTION, AND FIRE SAFETY PROGRAMS THROUGHOUT THE CITY.

**Held for a second reading**

**By: Marmie, Cost, Rath**

**19-17** A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION- **Expedite (334 Construction Note Fund-\$306,798.59: Services General: New Fire Station)**

**Motion by Mr. Marmie to waive the two day reading rule on Resolution No. 19-17, second by Mr. Fraizer**  
**Mr. Marmie-** we need to expedite this in order to secure these funds to move forward with this project.  
**Motion passed by a vote of 8-0.**

**Motion to adopt Resolution No. 19-17 by Mr. Marmie, second by Mr. Lang**  
**Motion passed by a vote of 8-0.**

#### **COMMENTS FROM CITIZENS**

**Comments were received by the following citizens regarding the homeless in Newark:**

**Nancy Welu, 7441 Stewart Rd-** she also commented on Jen Kenagy's statements at the Council meeting 2 weeks ago and that she was just relaying information being told to her and that she didn't think the Safety Director comments and reaction was appropriate as a member of the Mayor's cabinet.

**Bill Hammond, 1215 Mt. Vernon Rd**

**Jeff Perry, Pastor of the Church across from the Salvation Army**

**Tresa Jewell, 84 W 5<sup>th</sup> St**

**Steven Smith, 237 Violet Ct**

**David Greene, 1791 Olympic Ct**

**Alan Swartz, Madison Twp**

**Beth Bline, 33 Summit St**

**Daniel Crawford 163 S 6<sup>th</sup> St-** he also spoke about his concerns regarding the tax abatements discussed in the Economic Development Committee.

**Tina Perry, wife of the Pastor who spoke earlier**

#### **MISCELLANEOUS**

**Mr. Cost-** first of all I would like to thank everybody for coming tonight. This is a great opportunity for all of you to be heard and a great opportunity for us to be able to listen to hear that there are people who want to help, are willing to help. Sometimes you feel like there aren't good answers but with this many people that there are answers if you're willing to work at it.

**Mr. Fraizer-** I want to thank you all for coming and not only your compassionate but your dedication to the subject and your willingness to come in and speak honestly and open about it. With all the dates that were thrown out there let's talk about the next things to do. On 3/20 Vertical 196, on 3/27 I'll be volunteering with the Newark Nazz and on the 30<sup>th</sup> I am going to stop by Buena Vista as well to see what that program looks like. So at the end of the day what it seems to me that we need is a better coordination of the individual needs of people. With Mental Health America, Salvation Army, St. Vincent, Clothes Closets, Food Pantries, free meals how do we communicate better and inform people of the services that are currently available to provide for their immediate individual needs? The second piece is providing health, recovery and job opportunities for people to transition them to a more sustainable life. The next piece is temporary housing to get them out of the tents and into something more permanent. The last piece is permanent housing. When it comes to the items that I heard tonight how do we best coordinate, this is not all on the city there is limited budgets, limited opportunities and there are social service agencies that are closer to the need that are better aware. How do we better coordinate with the pieces that we have? Those are the next three things that I am going to do this week and next week to be a better informed Councilman on the subject at hand.

**Mr. Labutis-** I want to thank everyone for coming in this evening it has been informational and educational for me to hear each of your perspectives and how you have dealt with the homeless issue and how it has touched each of your lives. This is obviously by no means a small issue or easy to fix. Fortunately you were able to come together and learn about different groups that you didn't know existed and see a bigger picture as far as how to maybe attack this issue. I appreciate all of your commitment and compassion for the homeless in our town.

**Mr. Lang-** I want to thank everyone who came and spoke tonight. I'd like to mention a few people and I apologize to the folks that I don't mention by name. Daniel it was impactful to listen to your personal story I know that was really hard for you to come up and share that in front of everybody. Pastor Perry and your wife Mrs. Perry I appreciated your comment, Mark already touched on it but I think coming together and form a network where we have people talking to be able to coordinate the care that folks need is vital. Mark and I and Mr. Rath as well had gone to transportation meetings last year to talk about our transportation issues, it was a lot the same where we have all of these fragmented resources that aren't coordinated together. I think that we are starting to have some of those conversations but we certainly have a long way to go. I said that I'd be surprised if we had bulldozed on the railroad property two weeks ago and I was surprised. We did from what I heard and it was a little bit of an education for me. I understand that we have a trespass enforcement standing order from the railroad to enforce trespass laws on their property. My understanding was that is essentially what happened. One of the gentlemen was picked up for assault. I haven't seen anything that has shown me that the Police did anything that they weren't supposed to do under the circumstances they were presented with. Having ridden along with the Police Department and the Fire Department and gone to the homeless outreach to see what you guys have done it is not an easy issue. Police have a very hard job and so I am certainly sensitive to when we are raising questions and we can split hairs about whether it was an accusation or a question but however you want to characterize it I think anytime we are questioning what the Police are doing we should do so with all of the evidence and an understanding of what is really going on. I still want to know what is going on. I haven't been presented with all of the facts yet so I will reserve judgement. If the Police were doing something they weren't supposed to do then let's fix it. What I learned they should have done and didn't do was take pictures. From my understanding this particular camp when it was left there was a lot of trash left and inhumane conditions. My understanding is that it doesn't happen terribly frequently where we have trash that has been abandoned that we go clear it up. I will spend more time trying to understand what is going on. I was really pleased to see that Resolution 19-17 passed tonight to start planning our new Fire Station. It is critical in the 5<sup>th</sup> Ward to get a fire station there to improve response times. Big Brothers & Big Sisters had a great bowling event this past weekend, it was really great to support to their organization. . I know they raised a great deal of money. I thank the Mayor for counting the beans.

**Mr. Marmie-** called a Finance Committee meeting. I too want to thank everyone who spoke tonight and showed up in support. What excited me about tonight was that so often we have folks come in that just talk about problems and they don't talk about the solutions but what I heard tonight was a lot of solutions, a lot of things that can be done and should be done as far as working together and collaborations. I am optimistic things are going to get better just from what I heard tonight from the different entities and individuals in here. I think that you will find that this Council is compassionate and does want to help. I don't think that there is anybody up here who doesn't care about every single citizen in the City of Newark whether they are homeless or not. I think that the future is bright and we are going to get better at this, I'm not saying that we're going to solve every problem but I am optimistic things will get better and I appreciate all of you for helping with that. At this time I would like to invoke Rule 21 to reconsider Ordinance 18-42.

**Motion by Mr. Marmie to reconsider Ordinance No. 18-42, second by Mr. Fraizer**

**Mr. Cost-** I want to make sure that I understand something; on this reconsideration if the vote is in favor of going with the Planning Commissions suggestion my understanding is that it will be a two family residence as opposed to a multi-family situation. I want to clarify that and the second question I have if duplexes are going to be able to be built on that lot does that mean more duplexes can be built in the larger area behind it? Will that make that zoning so that more than one duplex can be built or just this one duplex on this one lot?

**Mr. Bubb-** asked Director Rhodes to answer Mr. Cost's questions.

**Director Rhodes-** yes on a duplex can be built not a multi-family.

**Director Sassen-** the motion that is on the table right now is simply to reconsider, it's not to adopt or amend. This is simply a matter of are we going to undo two weeks ago. A vote of yes to reconsider all that does is undo what happened two weeks ago and then you begin the debate and vote all over again.

**Motion to reconsider passed by a vote of 6-2 (Mr. Blake, Mr. Cost)**

**Motion to adopt Ordinance No. 18-42, second by Mr. Fraizer**

**Mr. Cost-** on this lot where we would allow a duplex would that be one duplex on this lot? Is that correct?

**Director Rhodes-** it is a big lot I believe more than one duplex would be allowed.

Mr. Cost- would there be any limit to that?

Director Rhodes- I don't want to say because I have laid the lot out to see what exactly they could get there also parking to consider. Where the Planning Commission's decision came in at was it went to the Temporary Board of Zoning then it would have been very easy for us to accept an opinion and go back to what was B-2 zoning and then go back to two-family. We felt that this should be done in the light of day. We felt that it should go through the process; it's not something that we were required to do. That is why we sent it to Council because it is a change and we felt the neighbors should be aware that the property was zoned B-2 and that the property owner realized that the zoning was changed when we redid the Zoning Code. The property owner wanted it returned to a minimum of B-2. They did ask for a little bit more which would have allowed them to build multi-family. The Planning Commission did see it that way, we didn't feel like that property shouldn't be enriched to multi-family housing to build apartment complexes although we felt the property owner had the right to go back to two-family housing which is what it was when they bought it. We checked the zoning maps clear back to 1980 and they were B-2 zoning at that point we decided to do this publicly. And so here we are.

**Mr. Cost-** I totally agree for full transparency. I serve on the Temporary Board. I agree with you that it should have been done publicly and I commend you for that. I don't know the size of that lot and if it could have several duplexes. I'm wondering what the parameters are for that one lot that we are talking about.

**Director Rhodes-** on that one lot two unit housing would be allowed. The zoning code would guide whether it could be one unit or two or three. It would all have to do with density, parking requirements and things like that. I have talked to the property owner and they don't have any plans to build on it at this time. They just realized that it was a piece of property that they have own for a period of time that the zoning had been changed on it so they asked for it to be returned to what it was or similar to what it was. That doesn't prevent them from selling it or coming forward at a later date with a proposal to build.

**Motion by Mr. Marmie to amend Ordinance 18-42 to Ordinance 18-42 A which would be consistent with the recommendation of the Planning Commission, second by Mr. Rath**

**Motion to amend passed by a vote of 6-2 (Mr. Blake, Mr. Cost)**

**Mr. Cost-** the only thing that I would say is that the neighbors of that area want their neighborhood to stay single family. I understand that, that is what I would want in my neighborhood as well especially if I thought that is what the zoning was when I bought property there. I sympathize and personally think that it should stay a single family.

**Mr. Marmie-** I agree that everybody wants the perfect situation in their neighborhood. My neighborhood is single family but we have multiple houses that have multiple individuals living there and it is all because of the zoning and the property owner's rights. Property owner's rights should be held sacred. This individual purchased this piece of property with a certain zoning and it was taken away from them. I firmly believe that it was taken away inadvertently and that property owner has the right to the zoning in which he purchased the property. We are giving him what it was previously so I think that it is right and just that he is given the same type or close as possible zoning he had when he purchased the property.

**Mr. Fraizer-** thank you to Betsy for the dedication that you had. At the end of the day I see the Planning Commission as a compromise; from the single family side to the multi-family side what is the right thing for Cherry St, for the property owner and for the residents? I am going to support the Planning Commission's decision. We are zoning it for two-families and that seems like the right and most appropriate thing to do.

**Motion to amend passed by a vote of 6-2 (Mr. Blake, Mr. Cost)**

**Mr. Rath-** called a Service Committee meeting for April 1<sup>st</sup>. I want to thank everybody for coming tonight, a lot of people have said a lot of things. I know that there are a lot of different organizations here. We all do things for the homeless and we all do things to try to rectify the situation. The city is not completely blind to this we do invest money into this. I know somebody stated earlier that we spend money on this or that why we don't spend money on the homeless. We do, we invest it into a lot of different organizations in town and they probably couldn't survive without the money that the city gives them. With all the different organizations that

are represented here tonight I think the one thing that was said that makes the most sense that we do need a coordination of efforts. I definitely agree with that and think it is sadly needed. I know that there are times that I have food that I would love to donate and I wouldn't even know where to take it. I don't even know the regulations on what you can take. Do I have to bring packaged and canned foods or can I bring cooked foods? To be able to have a central location for that can tell you where you need to go for what you want to do. Pastor Perry, I got to love the things you say brother you make a lot of sense. If somebody would form a committee and nominate you as chair I would jump on that and support that in a heartbeat. I think that what you said made a lot of sense and I think that you have a good grasp on reality. I think that you have the knack and the desire and heart to do that. I did want to support Ordinance 18-42, I guess the one thing that comes to mind is if I buy a piece of property and then a few years later somebody comes in and tells me I know you bought this piece of property for this use and it was legal when you bought it but we changed our minds and you can't use it for that anymore. That's not right and we have to stand up for property rights. I understand not wanting to have an apartment complex in your backyard that doesn't make sense and that is why we didn't support that. That is the one issue that got me interested in City Council. I live in a residential neighborhood and there are two lots behind my house and if they are combined it is 7 acres and they wanted to tear down the two houses and build an apartment complex on the 7 acres and it is surrounded by 50-60 year old houses all the way around it there are no apartments near it. I rallied the neighborhood and was successful at blocking that. That was a change this isn't a change. This is someone who wants to do with their property what they wanted to do with it when they bought it.

**Mr. Blake-** I first want to speak on Resolution 19-17, this is the resolution that we unanimously adopted for the new fire station. Knowing that the administration is going to be coming back for future approval for a loan for the remaining cost of that building I hope that we still can have a public discussion about the staffing. The permanent budgeted positions is 79 and I understand that we are going to go for some grant positions but I hope that we can have some more dialog as to how we are going to move forward with building a permanent facility and how we are going to permanently staff it. The second concern with that resolution is dealing with the equipment, how are we going to spread the apparatuses that are currently at our fire stations to equip this new building. We are building a new building so hopefully we can have some permanent understanding regarding staffing and equipment going into that facility. I want to bring up the issue with Ordinance 18-42 regarding Cherry Street rezoning. Councilman Fennell wasn't here tonight and many times we have looked to the Ward Councilman as to how we should decide on some of these zoning issues and I know he was against this issue and the 83 people who signed the petition also have property rights. I appreciate the efforts that were given there unfortunately it didn't go the way the residents wanted but I have to recognize that they have some issues there too. The reason that the major of people are in our audience tonight is related to the homeless issue in our city. This isn't an issue that we can't be silent on. Many of you spoke very well tonight addressing your compassion, addressing the organizations that you are all here for and us sitting up here shouldn't be silent on this. We need to communicate openly and we need to be transparent about how we are going to move forward. It is a unique situation because and I mean not to offend you but in many ways the volunteering and the grass roots efforts that you are doing we need to connect you with all of the social service agencies like the Licking County Coalition for Housing, the Salvation Army, all these different groups because just last week I was at a meeting organized by The United Way and I was in a room with all of those people talking about the homelessness issue and now tonight here at City Council you have the grass roots people, the ones day to day, week to week working with our brothers and sisters that are dealing with the homeless issue. I think that we can as government officials can combine this effort. I know there is going to be an upcoming Task Force meeting that United Way Deb Dingus is organizing. She has done a great job but that p[iece of what you are doing and what the sort of professional staff is doing there is a disconnect there and we have to connect that. It is going to take all of us ultimately to get people intake into proper social service agencies, to get in that level of care to get them from off the streets and into either mental health services or job programs whatever that unique situation is. The other piece that I think is missing is and this is personal too. Jason I see the work that your group does, working with the Methodist Church opening up that warming center that we had. I have seen some of the tent cities, I have seen a relative under a bridge in our city and it

was disheartening. I had no idea that he was living under a bridge. Classmates that I graduated high school with I see them living on our streets. This isn't the way that it should be, this isn't our Newark, this isn't the way that we represent and take care of our own. The people that head all of these agencies do wonderful things, I don't want to discredit the work that they do but people are still falling through the cracks and you folks are trying to pick up the pieces where you can and many times out of your own pockets. There has to be a way for us to do better and come together and move forward. We need to build that bridge to get over that gap. I applaud you for having the courage to do what you do every day. You are working with people that it is an emotional rollercoaster and I know that the work that you are doing takes a toll both mentally and physically but you do it out of the love of your heart. Mr. Hammond talked about Matthew in the Bible, take care of the stranger, take care of the prisoner, take care of our poor that is where my faith is too I appreciate you saying what you said. Folks let's not give up we have a lot of work to do but we need to build some bridges and hopefully you will keep coming to these meetings and hopefully we can come together. I don't think that we will ever end homelessness but I think that we can end chronic homelessness. Let's be specific about what we can and what we can't do.

**Mr. Bubb-** I too want to thank everyone for coming here tonight and I appreciate your compassion. I also wanted to tell folks here tonight we were talking about a need for additional housing in Newark. I know something is in the works, I believe it is about 84 units up near Log Pond. The city has signed on their support of it, I think that it is going to be a program that helps folks that have been incarcerated and some that haven't that are getting back on their feet. There is movement here on the city's end. The Housing Coalition does a great job as well. I had a chance to work with them, it really is a need and they try day in and day out. It's good to see you Jason, I went to school with Jason and I really appreciate your efforts. You have really stepped up and done a good job especially around Christmas time so I just wanted to point that out. Perry's thank you for what your church is doing as well.

**President Ellington-** I would like to thank everybody for coming tonight and sharing your opinions. I know we all up here appreciate it. I would like to add that there certainly isn't an easy answer to this problem but maybe this will be a start to move in the right direction like everybody up here has talked about. Maybe we can get some of these groups together and make some progress. Next Committee meeting will be Monday April 1<sup>st</sup> at 5:45 P.M. and Council will follow at 7:00 P.M.

**ADJOURNMENT – Motion by Mr. Cost, second by Mr. Labutis. Motion carried by acclamation**