

Service Committee Minutes

Honorable Council
City of Newark, Ohio
December 18, 2019

The Service Committee met in Council Chambers on Monday December 16, 2019 following the Street Committee with these members in attendance:

Jeff Rath
Bill Cost Jr
Spencer Barker for Jonathan Lang
Jeremy Blake
Ryan Bubb

We wish to report:

1. **Resolution No. 19-89** authorizing the Director of Public Service to execute a contract for reimbursement of legal representation of indigent persons for calendar year 2020 with the Licking County Board of Commissioners for the City of Newark, Licking County, Ohio and declaring an emergency was considered.

Law Director Sassen- this is a standard annual piece of legislation that we do to allow us to enter into contract with the County Commissioners to be reimbursed for attorney fees for indigent defendants in Municipal Court. It is an emergency because the County Commissioners have to wait until they get information from the State as to how much money they are going to be getting from various funds that are collected they then do a resolution and send it to us and we have to have this resolution done in a timely manner to enter into contract with them.

**Motion by Mr. Bubb to send to full Council, second by Mr. Cost
Motion passed by a vote of 5-0.**

2. **Resolution No. 19-90** authorizing participation and ratifying prior participation of the city of Newark, Ohio with the Department of the Army, Corps of Engineers and the Ohio Department of Transportation, for the design and construction of the City of Newark, Raccoon Creek, Licking County, Ohio, Section 14 emergency streambank protection project, and authorizing the Director of Public Service of the City of Newark, Ohio and other City of Newark Officials, to act for and on behalf of the City of Newark, Ohio, in executing, accepting, or otherwise approving all documents, agreements, instruments, or other necessary papers required by the Department of the Army to implement said participation in the project was considered.

Roger Loomis- this is some standard legislation from the Army Corp of Engineer's. We have a project that has been going on for several years regarding erosion on Raccoon

Creek; it is basically at the County Club exit. If you look down over the hill there is a small cutoff dam what they would call a control structure down there and we happen to have a main water and sewer line that run through there and part of that is to prevent erosion from that water and sewer line but it is also in there to avoid erosion along the bank because erosion to far over that exit ramp would be a problem. A couple of years ago we did some temporary work there but that has not worked as well as we thought it would but it gave it some time before we got to this project. We are to the point that we need to move forward with this. Fortunately they are only asking for 35% of the cost of this and they have estimated the cost at 4.7 million dollars there is a huge amount of contingency in that number because they are working in an active stream and we don't know what is going to happen while they are working there. The Army Corp has put a bunch of estimates in there that we feel are to the extreme to the amount of money that it could be but we don't know what is going to happen. This started out around the 1 million to 1.5 million mark is what we thought was going to come in at but their cost estimate came in at 4.7 so we had to put those numbers into our program. We are going to be responsible for 35% of that, it will be water, waste water and storm water will be paying the portion of that. Army Corp of Engineer's will do the design and bidding all we are doing is giving them some money. They will get the work done.

Mr. Rath- so you are budgeting for 35% of 4.7 million?

Roger Loomis- yes, they have to do the design and bidding so it won't probably happen until 2021 but this is the legislation to say that we are agreeing to move forward with the project. We have to move forward with it because if something would happen to that water or sewer line we are going to have some problems.

Mr. Rath- if we were to budget for 35% of 4.7 million which is going to be 1.6 million.

Roger Loomis- we are going to pay \$60,000.00 up front to get this started then we will pay a little bit more then once the project is done we will pay.

Mr. Blake- can you explain where the location of this is?

Roger Loomis- it is just off the exit of State Route 16 and Country Club, it is at the 13th or 14th hole at the Country Club golf course down in that bank.

Motion to send on to full Council passed by a vote of 5-0.

3. **Ordinance No. 19-43** an ordinance amending Chapters 618 and 672 of the codified ordinances of the City of Newark, Ohio to permit a controlled Canada Geese Hunting Program within the city limits pursuant to the terms and conditions of the City of Newark Director of Public Service was considered.

Director Baum- I am assuming that the Director of Public Service in paragraph 6 is a typo. This is managed by Deputy Chief McKee at the Police Department but it runs out

of my office for deer hunting and this is a part of the same ordinance for goose hunting. This is to allow people to hunt geese within the city limits as long as you are approved by NPD. It is going to make it a misdemeanor in the 1st degree if you are violating the section. Obviously the same rules apply for discharging a firearm in the city limits; it is going to have to be on certain property under certain conditions which will be made clear to the people when they try to register to hunt geese in the city just like you have to hunt deer in the city. There are only certain people who are allowed to do it.

Mr. Rath- so we are allowing them to hunt geese with a firearm?

Director Baum- that is this proposal to allow people to hunt geese with a firearm inside the city just like we allow people to hunt deer inside the city limits, not with a firearm.

Mr. Blake- if we are changing Director of Public Service to Safety in the title it also says Director of Public Service in several places in the legislation.

Mr. Rath- would that have to come as an amendment?

Director Sassen- not necessarily those are just typos on my part. We have done several drafts of this legislation both with regard to hunting deer and geese. This is the first one for geese that has come before Council and I just missed a couple of places where I should have changed Public Service to Public Safety.

Mr. Rath- when will the first season begin?

Director Baum- I couldn't answer that I have no idea. The only thing I have ever hunted was people I have never hunted a deer or a goose in my life.

Mr. Rath- so we don't know if we are going to participate in the 2019 2020 season?

Director Baum- I would imagine that it would be for the next season as long as it isn't immediately but I wish that Deputy Chief McKee was here to answer your questions but unfortunately he is not. If you care to table this for another Council meeting I will make sure that he is here to answer all of your questions.

Mr. Blake- can you explain the need?

Director Baum- I will say as a golfer that golf courses are overrun with geese at most times of the year and they will make a golf course unplayable. I can tell you that I am sure that the Trout Club is having a problem and I'm sure that other people with large areas of property are struggling as well but I can't give you individual addresses.

Mr. Rath- they are a huge problem at Crystal Lake

Director Baum- a large body of water that doesn't surprise me.

Law Director Sassen- I think that Deputy Chief McKee is the person that can answer all of these questions however having some conversation with him and other members in my office initially this was drafted because of the serious problem that they are having at TJ Evans Park. The initial intent was to address city owned parks only, TJ Evan being the principal one. There have been larger land owners and land owners who have been in a recreation business who are wanting their lands included also. This will be set up so

that there is sufficient area involved so that safety is maintained and Deputy Chief McKee is very well familiar with that if you have dealt with him on the deer hunting program. The main changes that we made this time before it came forward was to expand the scope of the available properties but it is going to mainly focus on recreational type properties because they are the only ones with a large enough area and present the problem that Canada Geese bring into contact with human beings. They call it Wild Cat Park, TJ Evans Park and probably the Trout Club is going to be your three main locations. If your back yard has them don't call Deputy Chief McKee to come get rid of them because your backyard is probably not big enough.

Mr. Blake- I don't understand the scope of the problem, if the Trout Club is having an issue I guess I'd like to hear from someone at the Trout Club.

Law Director Sassen- I would recommend that you contact Deputy Chief McKee.

Mr. Rath- I do know that the season is rather limited and we are rushing into this if we are going to do any hunting this year at all and I don't know if that is even possible without an emergency clause.

Director Baum- I wouldn't concern myself with passing it with any immediate action in mind.

Mr. Rath- I think that we are looking at the 2021 season, being familiar with the deer hunting program we are still going to have to follow the ODNR season restrictions so we are not going to be able to hunt any geese outside of the season designated by ODNR so I don't think that we are going to be doing any of this until the fall of 2020. If anybody would like to make a motion to table this and have Deputy Chief McKee here the next time and give us time to review this that would be awesome.

Mr. Bubb- I know that there is a real issue at TJ Evans as the Law Director said I will make a motion to put Deputy Chief McKee on the agenda on the next time to talk about it.

Motion by Mr. Bubb to send to full Council, second by Mr. Cost

Mr. Rath- before I call for a vote on January 6th I would like Deputy Chief McKee to be here to allow us to have some discussion with him. I would appreciate that if possible.

Director Baum- absolutely.

Mr. Cost- were you looking for this for this season or were you looking for a year from now?

Director Sassen- I think that this season is already over. Like Mr. Rath said we are subject to ODNR's hunting season and the 2019 season is over. We are talking about next fall.

Mr. Blake- so the motion before us is to move this on to full Council?

Mr. Rath- it is with the stipulation that we will have a discussion in Service Committee on January 6th and this won't be voted on until Monday January 20th.

Dee Hall- I had a long discussion today with a wildlife officer and it is a problem and I think that the sooner that we deal with it the better off some people will be. My question is could a land holder get permission to take care of their own geese. The one thing that I found out today was that if you move them they come back and if they have babies there the babies come back so it isn't just a matter of moving them. You may want to talk to Ohio Wildlife.

Steven Smith, 237 Violet Ct- the one thing that remains in my mind is if this is an extermination program of some sort what is going to be done with the birds that are shot? Are they the property of the people who shoot them? Are they going to be used for the food pantry or is something set up to do that?

Mr. Rath- if the geese are harvested they would be the responsibility of the harvester and the harvester has the authority to make the decision to do whatever he pleases with the meat.

Rochelle Bolen Smith, 237 Violet Ct- in our neighborhood there is a person that has a large property that does hunting in his backyard which is close to a lot of other houses and the bullets actually do get into their yard during deer season.

Mr. Rath- let me ask for a point of clarification, I know that you live on Violet Ct which is in an urban area so you are talking about someone who is currently hunting in your neighborhood?

Rochelle Bolen Smith- yes, I assume they have permission.

Mr. Rath- are they deer hunting?

Rochelle Bolen Smith- I believe so, there have been rifles and people have been complaining about bullets coming into their backyards.

Mr. Rath- that would be illegal, you need to report that to the Police that is a serious matter. There are no bullets allowed to be used in the City of Newark for the purpose of hunting at this point. Only a crossbow and longbow can be used for deer hunting in the City of Newark.

Mayor Hall- if it makes this a little more simple the cover page of this ordinance is to address that there is an issue and a problem and if you look to the third page they have added 6,7,8 in bold letters just to address geese. It doesn't mention firearms anywhere in this legislation. That is all within the hunting program that would be established as a result of this and essentially included in the ordinance is punishment for any violators. The program is a separate issue this is to add it into the legislation.

Motion passed by a vote of 4-1(Blake)

Jeff Rath, Chair