

COUNCIL MINUTES

February 22, 2022
Council Chambers
7:00 P.M.

President Ellington called the meeting to order

ROLL CALL – Ms. Bline, Mr. Harris, Ms. Hottinger, Mr. Houser, Mr. Labutis, Mr. Lang, Mr. Marmie, Mr. Rath, Mr. Rine, Mr. Barker

INVOCATION – Beth Bline

PLEDGE OF ALLEGIANCE - Luke Davis, 5th Grade Legend Elementary

CAUCUS

Mr. Lang – Ordinance 20-16-C was Tabled at our January 18th meeting until this meeting so we will need to consider that legislation.

Motion by Mr. Lang to amend 20-16-C and replace it with 20-16-D, it's removing the reference to the creation of the Deputy Clerk/IT Coordinator position and adjustments to the pay scale of the IT Coordinator. Second by Mr. Marmie.

Mr. Lang – This is really to amend at the request of our Clerk of Courts and I think, I for one will support this motion to amend. I wanted to help her out since she was asking to adjust her request. I think that we should go forward with her request as she wants to amend it.

Motion to amend passed 10-0

President Ellington – 20-16-C has been amended to 20-16-D, is there any discussion on 20-16-D as amended.

Mr. Lang – Just some updated numbers that I want to put on the record. I asked our Auditor to provide us with new figures with the new amended legislation. The total cost of the change to our annual budget will be \$59, 218.41. I asked our HR Director Mr. Spurgeon to help me calculate the percentage increases so, for the Office Manager Position the increase is 11.9% from \$25.25/hr to \$28.05/hr, Senior Deputy Clerk from \$22.77/hr to \$24.21/hr a 6.32% increase, Deputy Clerk positions from \$22.40/hr to \$23.86/hr which is 6.52% increase. Personally, I'm not in favor of the amount of increases, I think it's going to create issues for other departments, that said, based on the conversations I've had with our Law Director, I think my discretion puts me in support of this.

Mr. Marmie – I've done a lot of contemplating about this, I've read case law about how our discretion is being taken away from us, however, I have to be able to look citizens in the face and indicate that I have performed fiscal responsibility. We have been told the purpose of this is because of the disparity of salaries with other departments, I have not seen any evidence of a disparity between this department and other departments within the City. In addition we were told the disparity between Lancaster and Delaware. As far as in Lancaster, they have positions that have an hourly rate as low as \$15.45 an hour. They have two part time positions, they also have fulltime positions that are as low as \$17.28 an hour. Our lowest salary is \$20.62 as far as a

fulltime position. Their overall budget is actually over \$80,000 less than ours just for the salaries of their positions. We were also told there was disparity between Delaware. Delaware has 42 positions compared to our 17. Their lowest salary is \$16.51 an hour for a fulltime position, where again, our lowest salary is \$20.62 and that's at our current not including the increases. I can't compare the overall salary with Delaware because like I said they have 42 individuals where we operate with 17 positions, excluding the IT position. So, in all good consciousness I can't see a disparity. I can't see any proof or fact of a disparity and therefore, I don't believe that it's justifiable and I've seen no evidence to prove the disparity that was presented to us as the reason for these pay raises. Pay raises are going to be negotiated this year, I think that is where they should be discussed along with every other position with our bargaining units and I just don't think it would be fiscally responsible at this time, so I'm not going to be in support of this.

Ms. Hottinger – My two concerns, one which Mr. Marmie raised, is the timing of it. We just passed our budget, I believe we passed the budget and had this appear pretty quickly within the same time and nothing against the people that want the raises or anything like that, but I think the right thing to do is have it in the budget, especially since we just passed one. Then again with the collective bargaining that's happening this year. I just think the timing is not right. So, for that reason I will be voting no.

Mr. Rath – I was going to say the same things that everyone else has said as well, but we're looking at 4% raise over the previous 3 years, so that's a 12% raise and if you add these on that's a 23% raise for the Office Manager, over 18% for the Deputy Clerk and Chief Deputy Clerk and coming up this fall we have the negotiations coming up and potential raises again. No.

Motion to adopt 20-16-D does not pass with a vote of 9-1

MINUTES of February 7, 2022 - Motion by to approve the February 7, 2022 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 Mr. Labutis, second by Mr. Harris, passed by acclamation**

APPOINTMENTS

There are none this meeting

REPORTS OF STANDING COMMITTEES

Finance **Received & Filed without objection**

Service **Received & Filed without objection**

Capital Improvements **Received & Filed without objection**

Personnel **Received & Filed without objection**

REPORTS FROM CITY OFFICIALS

City Auditor, Ryan T. Bubb – Operating report for period ending January 31, 2022

Tax Administrator, Brenda Cooper - Income Tax Revenue Reports for the period ending January 31, 2022

COMMUNICATIONS

COMMENTS FROM CITIZENS

Stephen Smith, 237 Violet Ct. – In Sundays Newark Advocate there was a short piece that discussed the pluses and minus of the Homeless Outreach. I want to express my appreciation to them, I felt privileged to have participated in that activity in some small way. There have been several times the warming shelter has opened ,it’s currently set so the shelter opens if the overnight temperature gets down to 15 degrees. There are a number of people that this could be a life saving shelter for, in fact we did see someone who we were able to persuade to get someone to take them to the hospital from a problem that was potentially life threatening. This is an example of how our community comes together to give compassionate aid to a group that is very much at risk. My hope is that we eliminate the homeless people in our community and I want to do that by making sure that they get housed and services and hopefully become tax paying productive citizens.

ORDINANCES ON SECOND READING

There were none this meeting

ORDINANCES ON FIRST READING

Here were none this meeting

RESOLUTIONS ON SECOND READING

By: Mr. Marmie, Ms. Hottinger, Mr. Barker, Mr. Harris, Mr. Rath, Mr. Lang, Ms. Bline

22-07 A RESOLUTION APPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (\$4,241.00 - Insurance money from stolen tractor) (\$3,000 – Refund of City Cremations)

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

RESOLUTIONS ON FIRST READING

By: Mr. Rath, Ms. Bline, Mr. Barker, Mr. Harris, Mr. Lang

22-08 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE OF THE CITY OF NEWARK, OHIO TO APPLY FOR, ACCEPT AND ENTER INTO A WATER POLLUTION CONTROL LOAN FUND AGREEMENT ON BEHALF OF THE CITY OF NEWARK FOR PLANNING, DESIGN AND\OR CONSTRUCTION OF WASTEWATER FACILITIES (SOUTH SECOND STREET INTERCEPTOR PROJECT) AND DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN.

Held until March 7th for second reading

By: Mr. Marmie, Ms. Hottinger, Mr. Barker, Mr. Harris, Mr. Lang, Ms. Bline

22-09 APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (\$1,904.00 -Money received in 2021 from the Mental Health & Recovery for Licking & Knox Counties) (\$9,000.00 - Req. Appropriation of funds received from Licking County

ODMAP Demonstration Project used to enhance & promote real time overdose data and surveillance) **Held until March 7th for second reading**

By: Ms. Hottinger, Mr. Barker, Mr. Harris, Mr. Rath, Mr. Lang, Ms. Bline

22-10 CI APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (\$16,286.50 - Lowering Device is 30-40 years old, Tent & Frame is 12 years old, Jumping Jack is used for tamping graves) (\$15,000 - TJ Evans Trail Reddington Rd to steel truss bridge at SR 16 Berm work – split cost with Park District) (\$7,604.75 -Rooftop Unit Cherry Valley Rd Crime Lab) **Held until March 7th for second reading**

By: Mr. Rath, Mr. Barker, Ms. Hottinger, Mr. Lang, Ms. Bline

22-11 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACTS, SUBJECT TO THE APPROPRIATION OF FUNDS, FOR VARIOUS CONSTRUCTION PROJECTS. **Held until March 7th for second reading**

By: Mr. Marmie, Mr. Barker, Mr. Harris, Ms. Hottinger, Mr. Rath, Mr. Lang. Ms. Bline

22-12 Exp APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (\$6,612.00 -Radon Gas Testing for Basement) (\$96,058.40 - Grant Dollars received from the State of Ohio Criminal Justice System for body worn cameras for the police dept) (\$15,000.00 - An unexpected refund request from a business within the JEDZ1 after the budget was approved) **Motion by Mr. Marmie to waive the 2 day reading rule, second by Mr. Lang**

Mr. Marmie – We need to expedite this because we have some bills that need to be paid and also the JEDZ

Motion to waive the 2 day reading rule passed 10-0

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

Motion by Mr. Marmie to separate section 1 for \$6612.00 for the Radon Gas Testing, second by Mr. Lang

President Ellington – We will make that section Resolution No. 22-12-A

Mr. Marmie – We don't have all the final information for the radon testing, Director Rhodes has communicated tremendously and is working on it, we just don't have all the answers yet, there is a possibility instead of testing we might just go straight to mediation, we just don't have all those details so we don't want to vote on this until we do.

Motion to separate 22-12 into 22-12 and 22-12-A passed 10-0

Motion to adopt 22-12 as separated passed 10-0

Resolution No. 22-12-A APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (\$6,612.00 -Radon Gas Testing for Basement)

Motion by Mr. Marmie to Table, second by Mr. Lang, motion passed 10-0

By: Mr. Rath, Mr. Lang, Mr. Barker, Mr. Harris, Ms. Bline

22-13 The project consists of the construction of a single lane roundabout at the 4th Street (S.R. 13) / West Main Street (C.R. 132) intersection, including walkway, curb ramps, drainage, lighting, signage, pavement markings, and landscaping, lying within the City of Newark

Held until March 7th for second reading

COMMENTS FROM CITIZENS

MISCELLANEOUS

Law Director, Tricia Moore – Today is February 22, 2022 and today a lot of people around the country are remembering those veterans who have killed themselves by suicide, we lose 22 veterans a day. So, I would just ask that on this day we keep them in mind, keep them in your prayers and continue to support organizations like Save a Warrior that fight to end the veteran suicide epidemic. The numbers are just as high among our first responders, so I would just ask that you would continue to support those organizations and keep those people in your prayers as they fight for their lives.

Ms. Bline – I'd like to thank David Rhodes. He doesn't get a lot of the greatest press sometimes, but he is one of the hardest working guys in town. I've lived in a lot of major cities and there are very few David Rhodes in this world. We are grateful for you sir. I also want to thank Joe Paul for the very timely demolition that he did on national Drive that was very necessary. It just helped moral throughout our community. We have a special gentleman here, Mr. Everett McKee, representing the Licking County Computer Society that is a little known service where anyone can get their computers repaired at low cost or they may even exchange what you have for another product at low cost. The address there is 123 S. Third Street.

Mr. Harris – I just want to thank Luke for coming in and doing the Pledge tonight.

Ms. Hottinger – This year marks almost our final year of the SID, the downtown Newark Special Improvement District. We petitioned the property owners and this body passed legislation that created a Special Improvement District for five years. So, we are now discussing a renewal. The next Board Meeting will be here in Council Chambers on March 9th at 5pm. If you have an interest in joining us we will be discussing renewal terms, whether it's a 5 year, 7 year, 10 year, what the percentage will be, if we can increase it each year, so it's an important meeting because it will ultimately come back to this body. If you have liked what the SID has produced I hope you will be in support.

Mr. Houser – I would also like to thank Service Director Rhodes. I texted him at probably 10pm on a Friday night a week and a half ago about a pothole. I had no anticipation that I would get any response

that evening, but within a few minutes I got a text back that it would be taken care of and I just appreciated that.

President Ellington – Mr. Houser is our youngest member and I noticed 2 weeks ago at the meeting he had something going on there that looked like either a mustache or a goatee. I'm really glad to see you decided to give up on that because it's so much nicer. I don't know if your wife had something to do with it.

Mr. Lang – I appreciate your attempt to try to put the script on the youngsters instead of the old age jokes.

Mr. Marmie – I need to call a Finance meeting for March 7th. I'm just going to put it out there. I don't know who is not doing their job, there's a lot of potholes out there. I'm just kidding. There are a lot of potholes out there, but it isn't anybody's fault. They are doing a good job. It was strange because it was about 5am I saw the crews out on the road and they were patching so, I was impressed. They were out early before all the traffic and everything. We're never going to satisfy folks and as soon as we put it in, it could be a matter of hours and it will come back out. Same thing with the snow removal. I think that Newark did a great job, Director Rhodes and all the crews out there and everything did a great job with the snow removal. It's a matter of priorities. We have to work the priority system and it's about the safety of those most impacted. State Routes 79 and 16 is always a huge priority and any route to the hospital, of course, is going to be a high priority and then it goes to our hills. I tell folks all the time, that plow goes right by my road to get back to the hills in hidden valley because that's a priority. My road is not. They don't come down my road and swoop around while they're doing it either, they've got to stick to their priorities. When it settles down and they get those priorities cleared then they go to the next and it takes some time sometimes when we have systems coming right after another and it's hard to tell citizens that, but it's the truth and we have to tell them that we're not going to get all side streets right away. Yes, it's an inconvenience, but if there is a safety hazard that needs to be addressed then yes. There was literally sheets of ice that folks could not pass in Gregory Park and we had to get to that. It was a little bit different than just there were ruts of snow in the roads. So, I hope all citizens can be understanding of that. Especially residential roads that aren't traveled as much, the city is not going to get to them right away. We have so many miles of roads that we have to plow, so when it comes down the way it has a few times this year, there is just no way to keep up. So, I commend David and all his folks underneath him and all the folks that work on the vehicles etc. Fabulous job and I think that we're doing a good job. Thank you.

Mr. Rath – Talking about potholes, obviously it's pothole season and I tell people this all the time. We can't fix what we don't know is broke. Please get on SeeClickFix. Please if you're watching at home, if you have a pothole that's a problem, call one of us let us know about it and know that we're working on it and will get it filled as quickly as possible. Know also that this is the season where pothole fills are temporary. We may fill a pothole 4,5,6 times we can't do a permanent fill until the weather warms. It's just not possible. So, we're out there trying, I know they are out there trying and I know they are doing

the best that they can, but they are temporary fixes. If they get torn up again let us know. I will call a Service Committee Meeting for March 7th.

Mr. Rine – I would like to reiterate what Mr. Rath said, it's pothole season, yep. Get on SeeClickFix, make a profile and report it, I'm on there as councilman Rine, so you can send me a message on there if you want. We had a block watch meeting at the Police Station organized by Christy Wilson. Mr. Labutis, Mr. Houser and myself attended there will be another one on St. Paddy's Day at 6:30pm at the Police Station. I believe it's 4th, 6th and 7th Wards, but anybody if you want to come, I'm pretty excited it's at the police Station now.

Mr. Barker – One thing I just would mention, SeeClickFix, I didn't know this, I found this out last week, they also have an app for your phone, so I know citizens have reaching out, I've been instructing them to download the app because you can actually take a picture with your phone and upload it to SeeClickFix as well. So, that's the best way to report them. Like many have said we don't know they are there unless it gets reported.

President Ellington – I'd also like to add my thanks to Luke Davis who did the Pledge tonight, he did a nice job. Mr. Rhodes the winter has been tough on the roads that's for sure. I'm just glad that our City is in fairly good enough shape that we'll have some paving dollars coming up this spring and fall so hopefully we'll get a lot of that fixed. It's a tough job, but you're doing a good job at it, thank you for that.

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

Don Ellington , President of Council