

COUNCIL MINUTES

June 6, 2022
Council Chambers
7:00 P.M.

President Pro Tem Harris called the meeting to order

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

INVOCATION – Michael Houser

PLEDGE OF ALLEGIANCE

CAUCUS – Motion by Mr. Barker, second by Mr. Houser to excuse Mr. Marmie, Mr. Lang and President Ellington, motion passed by acclamation.

Ms. Hottinger – I will need to abstain from Ordinance No. 22-08

MINUTES of May 16 , 2022 - Motion by to approve the May 16, 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. Barker , second by Mr. Houser, passed by acclamation**

APPOINTMENTS

There were none this evening

REPORTS OF STANDING COMMITTEES

Finance **Received & Filed without objection**

Service **Received & Filed without objection**

REPORTS FROM CITY OFFICIALS

There were none this evening

COMMUNICATIONS

Ohio Division of Liquor Control –New Liquor permit application for West Church 1650 LLC, 1650 West Church St, Newark, Ohio 43055

Roger Loomis, Water Administrator – properties being sent to lien for past due water, sewer and storm water bills in the amount of \$4,704.42

Both are received and filed without objection

PUBLIC HEARING

By: Mr. Rath, Mr. Barker, Mr. Marmie, Mr. Harris, Ms. Bline, Mr. Rine

22-08 AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS MULTIPLE PARCELS ON HUDSON AVENUE, ELMWOOD AVENUE AND MT. VERNON ROAD BETWEEN SR 16 AND ST. CLAIR/HOOVER STREETS (SEE ATTACHED EXHIBIT 1), CITY OF NEWARK, LICKING COUNTY, OHIO, FROM THAT OF CSI-CHURCH SCHOOL INSTITUTIONAL; GO – GENERAL OFFICE; LB – LIMITED INTENSITY BUSINESS; MB – MEDIUM INTENSITY BUSINESS; MFR – MULTI-FAMILY RESIDENCE; SINGLE FAMILY RESIDENCE – RH – HIGH DENSITY AND TRF – TWO –FAMILY RESIDENCE DISTRICTS TO DC – DOWNTOWN DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO.

Planning Commission has recommended passage and approval of Ordinance 22-08 by Council

Steve Layman, 915 Hawthorne Ln. – I'd just like to give a quick history of this situation. This ground was zoned B4 under the zoning ordinance in place in 2007. B4 allowed for a wide variety of uses including residential and commercial. In 2008 when the new zoning ordinance was created B4 as a classification ceased to exist and an attempt was made to zone the properties in this district in the manner they were being used. It made sense at the time, but since that was done 6 or 7 buildings have come down, now there is a hodge podge of zoning on vacant lots that makes very little sense. It seems appropriate to rezone the entire area Downtown Commercial, it comes the closest to restoring the rights those properties had under their code in 2007. That's essentially what this is about. I do not own any property in the district, I do represent NDP who was the applicant and who does own property there.

Mr. Rath – Have you had any opposition voiced in any of these zoning applications?

Mr. Layman – There may be here, at the Planning Commission, there were people curious about why this was being done and what it meant, but once it was explained that it's restoring the rights they had 13 years ago, no one objected.

Steven Smith, 237 Violet Ct. – I don't think I qualify as speaking for or against, but am possibly wanting a bit of clarification on what this is. I think I have a good idea of what the zonings means, but I don't know what Downtown District means and if that could be explained, I would appreciate it.

Mr. Harris – The Planning Commission has recommended passage and approval of Ordinance No. 22-08 by Council.

Motion to adopt by Mr. Rath, second by Mr. Rine, motion passed 7-0 with Ms. Hottinger abstaining

PUBLIC HEARING

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

22-09 AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 1303 LOG POND DRIVE, CITY OF NEWARK, LICKING COUNTY, OHIO, PARCEL TAX ID # 054-269904.00.000 (ZONING CHANGE OF ONLY 3.648 ACRES) FROM THAT OF GB – GENERAL BUSINESS DISTRICT TO MFR – MULTI-FAMILY RESIDENCE DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO.

Planning Commission has recommended passage and approval of Ordinance 22-09 by Council

Motion to adopt by Mr. Rath, second by Mr. Barker, motion passed 8-0

PUBLIC HEARING

By: Mr. Rath, Mr. Barker, Mr. Marmie, Mr. Harris, Mr. Houser, Ms. Bline, Mr. Rine

22-10 AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 170 RIVERVIEW DRIVE, CITY OF NEWARK, LICKING COUNTY, OHIO, PARCEL TAX ID # 054-276750-00.000 AND 054-270288-00.000 FROM THAT OF GB – GENERAL BUSINESS DISTRICT TO MFR – MULTI-FAMILY RESIDENCE DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO.

Planning Commission has recommended passage and approval of Ordinance 22-10 by Council

Conrad Sokolowski, 5019 Clancy Ct. , Gahanna. Oh. – Thank you for the opportunity to share my thoughts. I'm very excited about the future of Newark, Ohio. I grew up in Westerville and spent a lot of time in Johnstown, I see what's been happening with the growth and think it's safe to say it won't be slowing down anytime soon, especially with the increase in the small and large businesses coming to the area, such as Intel. The current growth rate and the coming boom it's inevitable the demand for homes, especially apartments will increase dramatically, I would be very honored to do my part to helping this community advance by providing additional quality living spaces for citizens. It's known in real estate that one of the primary reasons apartments degrade is due to poor management and lack of care by the property owners. Absentee owners who live out of state are typically the number one culprit in degradation of their

properties. AS a local to the area, as I said I live in Gahanna and grew up in Westerville, and being that `170 Riverview will be my first multi- unit project I assure the community that I will give extra special care to the property in order to preserve its high standard while happily supporting Newark's positive accountable growth. Newark is where I made my very first real estate deal and I am very happy to be here and look forward to watching this community continue to blossom for many years to come.

Motion to adopt, second by Ms. Bline

Mr. Rath – Just on a note, Conrad, I didn't catch your last name. I just wanted to say welcome to Newark, we're happy to have you and I hope you live up to your promise, but welcome to Newark. Glad you're here.

Motion passed 8-0

COMMENTS FROM CITIZENS

Dave Arndt, NPD S. 4th Street – I came to invite Council and community members on the 18th of June 10am – 2pm, we will be hosting Community Day. It' for kids and families to come out and participate, we'll have bounce houses, food, and snow cones, please come out and meet your police and fire departments. It's a kick off to our Hope Behind the Badge program that we will be doing this summer its' going to be on Wednesdays for 6 weeks. Myself and Sgt. April Fleming spearheaded this, we have 35 kids with a handful of high school kids coming out to help us go through a mentorship program. I have a flyer to give you and you and your constituents feel free to come down on the 18th.

Mark Frazier, 20. W. North St. – I came here today for the Mayor's birthday, but I figured I would give you a legislative update while I was at it. Ultimately, we've been very busy at the Statehouse. We had a very successful Capital Budget. We got a million dollars for the Arcade, \$100,000 for the Sullivan building, \$5 million for Black Hand Gorge as well as a host of other projects in the district. We have this major Intel initiative going on, we've been meeting with individuals about housing, about education and making sure that we can be as prepared and as opportunistic with the future with our local school districts, with our future generations. What we expect to see is a widening of 270 and 161 to 62. That's going to be probably one of the most things impacting your residents. Also Mink Road interchange will have construction being done underneath it to be widened to 4 lanes and a turn lane in order to accommodate the future Mink Interchange and construction that's going to occur there. What you're going to see as well is construction moving from east to west, so they will start at Mink and go to the west. Right now they are building an access road. We have a lot of local residents in Jersey that are impacted by this, but from a Newark prospective it's probably the ODOT component for the first phase that you guys are really going to see. 7,000 construction jobs, 1700 carpenters included in that will be coming to work on site, housing is always top of mind, we're trying to find some creative ways in order

to encourage that and we expect construction to begin in relatively short order in the next few months as well. They've just announced the General Contractor, we expect hiring, local contractors should go to intel.com to see what requests are out there, that's going to be the catch all for hiring, partnerships with local companies and ultimately it's helping to develop curriculum to meet these in demand jobs. 55-75% of the jobs are two year or certificate degrees, so we're trying to get clarity right now to make sure that our programs on the local level meet with these jobs that are going to be coming online in three years. We've been very successful in advocating for Licking County projects. We have a \$500,000 grant out there for western Licking County for roads. Part of that is the Thornwood Crossing interchange. What we really need to do is help build the 161 to 70 connectors, we need one near Thornwood Crossing and in western Licking County as well and that's going to be a future phase as well. It's an honor to be here and serve with you guys and continue to have you guys represent me. Colton, thank you for being my representative as well as you At Large individuals, I won't forget about you either. If there's anything we can do to help, let us know. It's going to be a very busy time in Licking County and it's nothing that we probably have ever seen before. But with that partnership I think we're going to do great things. Thank you for the opportunity to speak tonight and thank you for your service.

Mike Muncie, Pittsburgh, Pa. – Actually Sewickley, Pa. Mr. mayor, members of Council, members of the gallery, I'm here because of a problem that we have. I went to school here in Newark, Ohio, I graduated in 1972, I married a lady from Newark, both of my children live in Newark, my granddaughter lives in Newark and my great grandson lives in Newark. The issue is, over the past year we've had a conflict my son has had a conflict with code enforcement. I've spoken to Mr. Rine and Mr. Barker and Ms. Hottinger regarding this matter. Today I met with Mr. Paul, I don't see him in the gallery, but I think we may have reached a consensus on the problem, however, I wanted to address the Council on this because during the period from October 2020, which was after Covid started, my son started receiving citations from Code enforcement propagated probably by a neighbor complaint. I know code enforcement is stretched pretty thin the area they have to cover and the numbers they have. During this time period my son had two automobile accidents, he was blasted on the interstate, he drives back and forth to Columbus every day, he's a master electrician, specialty in fire alarms and is also a union electrician. He works hard every day, when he works, however, during the period of 2020 he had two automobile accidents and Covid twice. During this time period he had 5 months of rehabilitation when he was physically not able to do anything. This was also a problem because during Covid there were no contractors to do work, even if you paid them,, the contractors had no abilities. The City filed a lien against his property and I can understand a lien that sticks against a property and is settled at the time the property is sold, however, the City lien attached through his tax bill and because of the escrow his house payment jumped from \$400 and change to over \$2100 and change per month. My son can't afford that. In essence this action by the City Code Enforcement has forced my son who has lived at this property, he bought this property when he was in his 20's in 2006, he's been a tax paying member of this community and his credit is in serious jeopardy because he is not able to pay a

\$2,000 adjustment in his payment. I'm here to give this body an opportunity to come up with a solution on this. I think given the time period, given the fact there was Covid and in addition to that, my son was dealing with the death of his wife. She died in August of this past year. I don't know how you feel about losing a family member, but I know that it bends you. Quite frankly my son, having spoken to him on multiple occasions, every day actually, I understand that he was having a lot of stress. Quite frankly, he threw up his hands and said let the City do what they want to we'll fight it later. Today we're here to give the Council an opportunity to rectify this. I met with Mr. Paul today, we actually traveled out to the property, I think we have agreed in essence the deficiencies are corrected, we have a problem as far a semantics with the law regarding a Cadillac. My son has a 1958 Cadillac in the driveway, which has license plates on it registered to that car, it has insurance on it and if the car were sitting on the street the City police would never say anything about it because it has license plates on it. They are citing him, one of the major points City Code enforcement has is with this Cadillac. It's a project car, it's not on cinder blocks, it has patina, rust, the chrome needs re-chroming. It certainly is a classic car, it has some exemptions I believe at law, I also believe the citation he received from the City is using the Ohio Revised Code which is not applicable in this point. So, I'd like to give Mr. Rine, if Mr. Rine is the Council Person for that ward and I would like to have this Council review this matter. The problem is the City has collected \$10,000, they put a lien against his property and pulled money from his escrow. Mr. Paul indicated that you've never faced this problem before, that he could mitigate any current fines or violations, looking at the property, I believe he's willing to do that, however, this has to come before Council in order to make reparation for the money that the City has already collected. If you have any questions I would be happy to attempt to answer them, if not my son is here and we can call him.

ORDINANCES ON SECOND READING

There are none this meeting

ORDINANCES ON FIRST READING

By: Mr. Rath, Mr. Barker

22-17 AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AND A RESOLUTION AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; PROVIDING FOR THE ADOPTION OF NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH; AND DECLARING AN EMERGENCY

Motion to adopt by Mr. Rath, second by Mr. Barker, motion passed 8-0

RESOLUTIONS ON SECOND READING

By: Mr. Marmie, Mr. Barker, Ms. Bline

22-46 APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION

(\$17,773.00 -Reimbursement from PNB for 2022 Stand on Blower and ABI Water Trailer)

Motion to adopt by Mr. Barker, second by Ms. Hottinger, motion passed 8-0

RESOLUTIONS ON FIRST READING

By: Mr. Marmie, Mr. Barker, Ms. Bline

22-48 APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION

(\$925.00 -Req. appropriation of funds back into equip. & Supplies from sale of equip on govdeals bill of sale #432022)

Held two weeks until June 21st

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

22-49 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE OF THE CITY OF NEWARK, OHIO, TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACT, SUBJECT TO THE APPROPRIATION OF FUNDS, FOR CONSTRUCTION OF A GRAVITY SANITARY SEWER ON RIVER ROAD FROM PARK TRAILS TO THORNWOOD DRIVE.

Held two weeks until June 21st

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

22-50 A RESOLUTION AUTHORIZING THE LICKING COUNTY COMMISSIONERS TO ACT AS THE PURCHASING AGENT AND GOVERNMENTAL AGGREGATOR FOR NATURAL GAS AGGREGATION PROGRAM FOR THE CITY OF NEWARK, LICKING COUNTY, OHIO.

Held two weeks until June 21st

By: Mr. Marmie, Mr. Barker, Ms. Bline

22-51 A RESOLUTION ESTABLISHING A DRUG LAW ENFORCEMENT FUND AND DECLARING AN EMERGENCY

Motion to adopt by Mr. Rath, second by Mr. Barker, motion passed 8-0

COMMENTS FROM CITIZENS

Rob Evans, 22 Summit Street – I know we have this music venue that has a concert coming up, we mention at the last Council meeting on the 17th, I would like to invite any one of you to come to my address, hang out and listen to some music. It's going to be most likely unbearable, but that's another thing. Anyhow, I just wanted to make you all aware that the concert is coming up on the 17th and you are all more than welcome to come to my house and listen to it.

MISCELLANEOUS

Mr. Labutis – I will wish the Mayor a Happy Birthday.

Mr. Rath – I will also wish Mr. Mayor a Happy Birthday and I will call a Service Committee meeting for the 21st.

Mr. Rine – I will wish the Mayor a Happy Birthday. The intent of the rezoning on Hudson is to rejuvenate and lift the area. The purpose of the Downtown District is residential zoning and commercial zoning. It's high density, a pretty crowded area on Elmwood and Hudson. I've spoken with almost everyone on this list, everyone that I could get ahold of, there have been multiple Planning Commission meetings, it's been in the Advocate so, I've been up and down Elmwood and I'm not for rezoning residential to commercial, but this area is very desperate for help and so safety is what I ran on and I'm going to do anything I can to make sure that happens.

Mr. Barker – First, I need to call a Finance Meeting for June 21st. Mr. Muncie thank you for coming in I appreciate it. I know I did speak with Joe Paul earlier today after he met with you and your son. I know I believe that the commitment has been made, there have been corrective actions filed and once you follow through that we will be able to abate current fines for that. I've spoke to the Law Director about it, I don't see where there is any way we can go back in time and negate the previous fines. My wife happens to be a mortgage lender and I asked her about this and said if someone is escrowing their taxes and this happens and gets paid it would be a conversation with your banker to re amortize the escrow. That was her opinion as a mortgage lender, I will make a statement that I am a Realtor and a Councilman, not a mortgage lender, but I would suggest talking to your bank or who you amortize through in regards to re amortizing that. Our property maintenance team only works off of complaints, I know there have been some thoughts of specific people in the department coming after people, I know myself, Councilwoman Hottinger, Councilman Rine and Councilman Labutis, we're dealing with another issue in his ward, we've been in constant contact with Joe Paul, even while he was on vacation about different issues and the department is working as it should be, you made appropriate step That's s today by meeting with Joe Paul and I hope this can all come to a resolution for you guys very much. So, that's what I wanted to say on that. Regarding the Downtown Commercial zoning, Mr. Smith, I would just say to you, the DC zoning is our broadest classification of zoning that allows for not only commercial, but residential mixed in and it really what you see in the Square. You can't have a tattoo parlor, vape shops, things like that in those areas. There's one tattoo parlor left, they've been there, I'm 31 years old, as long as I can remember, they are grandfathered in. So no new tattoo parlors things like that can go into Downtown Commercial zoning areas. So, I would say, like Mr. Rine said, this rezoning is a step in the right direction to also fix as Mr. layman had stated some spot zoning, that happened, so, I'm glad we passed that tonight.

Ms. Bline – Thank you for explain those things, it's how we learn, so thank you. I have a list, I'll try to keep it short. Sir, I don't want to mispronounce your name, your comments are very contemporary, a necessity to stop baby sitting landlords that are either out of state or are conglomerates so they don't care. So, I appreciate and again thank you for your concern and I would like to even consult with you about how you plan to maintain these complexes so they fulfill the purpose in your vision. I'd like to

thank David Rhodes and AEP they put great lights on the Second Street bridge and Wilson Street bridge, very necessary and grateful for that. And Lindsey Brighton, she has been wonderful, she has made multiple visits over flooded areas, doing studies, collecting data and I would like to thank the Parks Department for getting the underpasses painted as well and our great NPD. Where would we be? We as a Council need to find a way to fund officers. We need more officers. I'm new, several of us are new, but that doesn't mean it can't be done. There's a way to do this, it must be done. I would like to thank our residents. The sound ordinance is being fashioned right now, it has multiple pieces, each are very important, but thank you for coming. It's foundational to many processes that are necessary that will bring stability to our area. As more change comes in the citizens need to participate in these ordinances. Come to committees, everybody comes to Council and that's great, but come to committees because that's where a lot of the give and take and change is added or taken away according to the needs of the community so, your voice is really important in that. Happy Birthday Mayor, I really appreciate you, have a great night tonight.

Ms. Hottinger – It would be odd if I didn't say Happy Birthday, so, Happy Birthday Mayor. I want to thank Mr. Muncie for coming in, it's nice to put a face with a voice. We spoke on the phone a couple of times. I think that's hopefully great positive news that something has been worked out and ditto Mr. Barker's comments about contacting your bank about the escrow. We can talk afterwards. The last thing is I have SID annual reports I gave each of you and also there are extra on the table if anybody in the audience is interested. SID is the Downtown Newark Special Improvement District we put out an annual report to let you know statistics of what we do with tax payer dollars and we're getting ready to come up on a renewal. We will be seeking a five year renewal, so help yourself to that.

Mr. Houser – I would like to thank you for coming down and telling us about the next concert I will take advantage of coming and hearing just how loud it is. I would like to thank the Parks Department, I went to the Memorial Day Celebration down there and it was a fantastic celebration. I would also like to wish a Happy Birthday to the Mayor.

Mr. Harris – I want to thank the Cemetery Department workers for the Veterans Ceremony, that was a really nice ceremony, they had the cemetery looking really good and I appreciate their hard work. I want to thank everybody for being patient with me tonight. Problem is, I wear bifocals, and Mr. Ellington's print is humungous so I need to take off my bifocals just to see what's going on, but anyway, I hope Don's not watching tonight. What happens at Council stays at Council. Next Council Meeting will be Tuesday, June 21st, because June 20th is a holiday for Juneteenth. One last thing, the Charter Review Committee will be having one final meeting this Wednesday, June 8th at 4:30pm in the Law Directors Conference Room.

ADJOURNMENT Motion to adjourn by Mr. Barker , second by Mr. Houser , passed by acclamation

Jeff Harris, President Pro-tem of Council