

COUNCIL MINUTES

August 1, 2022
Council Chambers
7:00 P.M.

President Ellington called the meeting to order

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

INVOCATION – Michael Houser

PLEDGE OF ALLEGIANCE

CAUCUS Motion by Mr. Marmie to excuse Ms. Hottinger, second by Mr. Harris, passed by acclamation

MINUTES of July 18 , 2022 - Motion by to approve the July 18, 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. Barker , passed by acclamation**

APPOINTMENTS

There were none this meeting

REPORTS OF STANDING COMMITTEES

Finance **Received & Filed without objection**

Service **Received & Filed without objection**

REPORTS FROM CITY OFFICIALS

None this meeting

COMMUNICATIONS

Trish Perry – 8th Annual Overdose Awareness Day Rally, August 31st, 5-7pm at the Canal Market

PUBLIC HEARING

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

22-15 AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 137 NORTH VERNON AVENUE, CITY OF NEWARK, LICKING COUNTY, OHIO, FROM THAT OF NEWLY ANNEXED PROPERTY TO SINGLE-FAMILY RESIDENCE – RL – LOW DENSITY DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO.

Planning Commission has recommended passage and approval of Ordinance 22-15.

Motion to adopt by Mr. Rath, second by Ms. Bline

Mr. Rath – This has been approved by the Planning Commission, I do not see any opposition to this, I plan to support this and would hope everybody else will as well.

President Ellington – I failed to mention this, but since the Planning Commission did recommend approval it will take 7 votes to vote it down.

Motion passed 9-0

PUBLIC HEARING

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

22-16 AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 91-93 CLINTON STREET, CITY OF NEWARK, LICKING COUNTY, OHIO, FROM THAT OF TFR – TWO-FAMILY RESIDENCE DISTRICT TO MFR – MULTI-OFAMILY RESIDENCE DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO.

Planning Commission has recommended passage and approval of Ordinance 22-16.

Motion to adopt by Mr. Rath, second by Ms. Bline

Mr. Rath – Again this has been approved by the Planning Commission, I do not see any opposition to this, I plan to support this and would hope everyone else will as well.

Motion passed 9-0

COMMENTS FROM CITIZENS

Nancy Welu, 7441 Stewart Rd., Newark – Good evening Mayor, Law Director and Council. I am here on behalf of the Newark Homeless Outreach just to give you all an update on the activity and what we've been involved in over the last several months. On July 16th we had a Health Fair at the Outreach. We partnered with LAPP, Therin Healthcare and Lower Lights. Also in attendance was the Family Health Service who administered 16 HIV tests and I'm happy to say we had no positives. The Health Department came down again and administered 8 vaccines, a combination of COVID and HEP-A. Central Outreach also administered 6 HEP-C tests, of those 4 were negative, 2 were positive and one person signed up for treatment. That was a highly successful, in our opinion, Health Fair. That's the second one we've done and to my knowledge, we are the only street outreach bringing these types of services to folks in need. It's not just the unsheltered, anybody could stop by for these vaccines and tests. We didn't keep track of are you on the street or just passing by because we don't discriminate. We really enjoy doing those and will be doing them again in the future. We also are a member of the warming center taskforce, Linda Mossholder and myself are on the board. We had a very successful

warming shelter this last year. We were open 15 nights, which as somebody helping coordinate volunteers that's a lot of folks. We had 9 at Trinity Lutheran and 5 at the Disciple Factory which is ran by Pastor Critter. Unfortunately that building is being sold and as of right now for this coming winter we only have Trinity Lutheran. If you know of a church that is willing to open up, please contact myself, Linda, Shawn Grady anybody on the Warming Center Task Force. We are in desperate need of sites and volunteers, we'll be gearing up the 1st of October. Newark homeless Outreach I am happy and proud to say was also part of the Veggie Bus Pilot Program. I don't know if you all have heard of that. Dee Hill from United Way spearheaded this and at 4 different locations in the county, we had one in Utica, one in Licking Valley, one in Newark at the YMCA, and in Pataskala at the YMCA. We got a grant and partnered with a group out of Columbus, they brought fresh fruits and vegetable and canned goods to the sites and they were at a reduced price and the feedback was really good. In Utica we set up at the Senior Living place next to the high school and over 50-60% of their clients came and shopped and were amazed at how much they could get for a low cost. At the Outreach we have a gentleman who buys a peck of peaches from Branstool's each week and brings them and that is a real treat, if you haven't had Branstool peaches, I would recommend going up there. Lastly, we are real proud, the Outreach building has solar panels. If you've driven by 184 East Main Street, we had an anonymous donor who believes in solar pay to have solar panels and electricity installed. We have 6 solar panels which is the smallest Kenards LLC has ever put in, I myself have solar and have not had an electric bill since March. That will lower our costs, with us being a small non-profit.

Kim Blaney, 1407 Misty Glenn, Newark – Since I have this chance to speak, there is an election tomorrow and I thought the election had something to do with transgender high school students, so I spoke to Mark Frazier who was on this Council before and I spoke to Claggett. If you noticed in the ads yesterday they didn't mention the girls sports or bathroom at all. So, sometimes in life you see something you think is wrong and you speak up against it and maybe or maybe not I made a difference. Many of you know I own most of Rice Street, if not all of it, we've torn down half a dozen houses and will probably tear down a couple more. I guess there might be some developer interested in it, but I don't think they are going to buy our property at Land Bank prices, I think that is what they would like. I get to know a lot of the tenants and they say that next time you speak at least start with a little joke. Come down and say you'd like to change the name of the Street to My Street or we were talking about the tours at Hoover Dam and they had Boy Scouts and Eagle Scouts at one time and I don't know how many times a tour guide said My Dam entrance so they said to call it My Dam Street, anyway I would at least throw some humor at you. The real reason I am here to speak to you is because the Property Maintenance is unbearable in my life. Two years ago I fell, because I was so stressed, I went in for an MRI, I might need surgery, the whole aspect of this has been emotional. It's just been off the scale. So now, I have a new violations and it says if I don't correct it, it will be \$500 a day. My point in speaking today is that I am not sure City Council should be or could be putting tax liens on peoples property. In the City of Columbus, I think it goes through the judicial process, so I think this City has skipped the judicial. There are three parts of government, the legislative , the executive

and at least give a person the ability to go through the court system. The idea that in a month or two I have enough tax liens against my property that you can vote and take my property away is extremely stressful in my life and I think it's rather unfair. I'm going to make a little bit of a joke and if you follow the hearings in Washington sometimes the Attorney General used a word I won't say, they say BS about it. What somebody did was spray painted a word that starts with F and second word starts with U and it will probably be removed in the next couple of days unless I file because I don't think \$500 a day is appropriate to scare someone, it's just wrong. If I speak about it, I don't know how many properties you've taken away from people, at least 100 and you might feel this is right, but I feel it's intimidation and threatening and that's just my opinion. It's affecting my life. AS I limp out of here, let it be known that I'm a human being and this situation has affected me in a negative way. Thank you very much, I hope I was respectful. Aaron saw me fall out there a couple years ago, he's security out here.

ORDINANCES ON SECOND READING

There are none this meeting

ORDINANCES ON FIRST READING

There are none this meeting

RESOLUTIONS ON SECOND READING

By: Mr. Marmie, Mr. Barker, Ms. Blin, Mr. Labutis, Mr. Houser, Mr. Rath

22-60 A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK TO PREPARE AND SUBMIT APPLICATIONS TO THE UNITED STATES BUREAU OF JUSTICE ASSISTANCE FOR FISCAL YEAR 2022 EDWARD BYRNE JUSTICE ASSISTANCE GRANT FUNDING.

Motion to adopt by Mr. Marmie, Second by Mr. Labutis, motion passed 9-0

By: Mr. Marmie, Mr. Barker, Ms. Blin, Mr. Labutis, Mr. Houser, Mr. Rath

22-62 APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (\$110,000.00.-Law Technology and Engineering Technology)

Motion to adopt by Mr. Marmie, second by Mr. Houser. Motion passed 9-0

By: Mr. Rath, Mr. Barker, Mr. Marmie, Ms. Blin, Mr. Labutis, Mr. Harris, Mr. Rine

22-63 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO NEGOTIATE AND ENTER INTO CONTRACT WITHOUT COMPETITIVE BIDDING FOR THE PURCHASE AND INSTALLATION OF A POOL LINER FOR THE HOLLANDER POOL

Motion to adopt by Mr. Rath, second by Mr. Harris, motion passed 9-0

RESOLUTIONS ON FIRST READING

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

22-67 Exp APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (\$40,000 -To cover costs of minor home repairs for low-moderate income home owners in city of Newark)

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

Mr. Marmie – We need to expedite this in order to get the funds to do these repairs.

Motion passed 9-0

Motion to adopt by Mr. Marmie, second by Mr. Barker, motion passed 9-0

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

22-68 APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (\$205,000.00 -vehicles)(\$348,409.28 --1-NPD ATV Purchase;2-Land Purchase 620 Granville Rd;3-City Hall Front Entrance;4-Add'' monies needed for Chase Bldg. floor 2 and basement purchase)

Held two weeks until 8-15-22

By: Mr. Rath, Mr. Barker, Mr. Marmie

22-69 A RESOLUTION AUTHORIZING THE LICKING COUNTY COMMISSIONERS TO ACT AS THE PURCHASING AGENT AND GOVERNMENTAL AGGREGATOR FOR THE ELECTRIC POWER AGGREGATION PROGRAM FOR THE CITY OF NEWARK, LICKING COUNTY, OHIO

Motion to waive the 2 day reading rule by Mr. Rath, second by Mr. Barker

Mr. Rath – We need to waive this in order to get the participation agreement to the County Commissioners Office.

Motion passed 9-0

Motion to adopt by Mr. Rath, Second by Ms. Bline, motion passed 9-0

COMMENTS FROM CITIZENS.

Linda Mossholder, 224 Green Meadow Dr., Newark – First I's just like to thank those who came out to the South Newark Civic Association picnic on Saturday. It was our 10t year, we had representatives from Property Maintenance, the Police Department and the Fire Department. The Fire Department brought out the big ladder truck which was a huge hit with the kids they were all excited to see it and they were very good with the kids, they actually showed them all the insides, they didn't go up on the ladder, but they did a really nice job. We also had Council members Bline and Houser there. It was an opportunity for residents to ask questions and get some answers by talking to the people directly involved. So, it was a very successful event. The next thing I'd like to discuss is and you are probably aware, the first round of the Opioid Settlement Funds has been distributed. I believe the County and also the City has received it. I've also talked with the County Commissioners, Mr. Bubb who heads up the team at the County making the decision, has agreed to the importance of having some listening sessions to get some input on how this money should be spent. That could include people who are currently impacted by opioids, they may be still using and not know what to do or not have access to funds for treatment or the people who have shared experience. These are people who have lost their loved ones or have been involved in treatment. Their voices need to be

heard because these are the people who have actually died for this money. To exclude them about how the money should be spent is really a slap in their faces. So I would encourage when it comes time to make decisions on how that money should be spent that at least we have some input from some people who have experience with opioids. The opioid situation is still increasing, I believe someone else will be speaking to the number of overdoses this year, but they are not going away. This is an opportunity to have money to help save lives and I'm sure that's something we all believe needs to be done.

Patricia Perry, 282 N. 21st Street – I have a handout for you, I just wanted to make reference to a couple of things in there. Last year Licking County has 63 overdose deaths here in Licking County according to ODH, this is quite a jump from the year before at 47. There is a team called the Strike Force Team out of Governor DeWine's office and I had a chance to sit in on that meeting and they talked about what was needed here because Licking County is in the top 22 of the 88 counties for overdose increase. They talked about things to curb the epidemic and the overdose rates. One of the things talked about was some of the counties have funding for they put Naloxone in a dispenser machine in the jail, so when people walk out of the jail they have automatic Naloxone there. The first Naloxone box in Licking County is now on our property where people can get Naloxone at any time 24 hours a day. The box is monitored, several of us volunteers go down sometimes 2 to 3 times a day to make sure there is Naloxone in there. That's huge. I seen an overdose recently on Buena Vista and it's important that we get this information into the people's hands. A lot of times, the stigma is so hard here in Licking County, many people will not go to the Health Department or come to us personally because they don't want their address known, don't want their name known, so this way they can go and get what they need and walk away. I also recently submitted a proclamation to the Mayor. We would like to see and I can read it; Dear Mayor Jeff Hall, On June 21, 2021 Ohio Governor Mike DeWine signed the Ohio Senate Bill 30, officially recognizing August 31st of each year as Ohio Overdose Awareness Day. The law went into effect September 7, 2021. Be it enacted by the General Assembly of the State of Ohio Section 1, 5.2269 of the revised code has been amended to read as follows: Section 5.2269 a month of May designated as substance abuse awareness and education month. The first Friday of May is designated as prescription drug abuse awareness and education day. Section B: The 31st of August is designated as Ohio Overdose Awareness Day to raise public awareness to the epidemic and to remember the lives lost to the epidemic. On the 31st of August in recognition of Ohio Overdose Awareness Day a State Flag displayed at a State Building or Public Institution shall be flown at half -staff from sunrise to sunset. The new law was sponsored by the Ohio Senate Health Committee and the Ohio Health, Behavioral Health and Recovery Support Committee. It was also co-sponsored by Licking County State Senator Jay Hottinger. We are grateful for Governor DeWine and Senator Hottinger's support because overdose awareness is extremely important here in Licking County. The most recent annual statistics in the Licking County Health Department office August 2021 overdose fatality report shows that Licking County showed a 30.6% increase in overdose deaths. Fentanyl deaths have increased by 84.2% in Licking County. To help raise awareness in Licking County we seek your help, Mayor. Specifically, we ask you to provide a proclamation identifying August 31st as overdose awareness day. The proclamation would be an important symbol of hope to our community and would demonstrate the compassion we value here in Licking County. The

proclamation would also parallel with Governor DeWine and Senator Hottinger's support for the Ohio Senate Bill 30. We thank you for your consideration, myself as OhioCan County Coordinator and co-founder of Newark Homeless Outreach, Linda Mossholder who is also a board member of OhioCan. The other thing was, in May we requested the Court House be lit in purple for Overdose Awareness Day, it was denied, surprisingly. We are one of 88 counties that will not light a structure for public awareness on August 31st. That I see as kind of sad, one out of 88 counties. Thank you for your time.

MISCELLANEOUS

Assistant Law Director Clippinger – I promised Mr. Harris that I would give a rousing speech. I would like to thank Council and Mayor Hall and Director Rhodes for their assistance with getting passed the Law Director's Technology upgrade. I know my computer personally is from when I started 9 years ago and it's long overdue, so thank you.

Mayor Hall – This morning we swore in 3 new police officers. Officers Scalmato, Lafferty and Peddicord, welcome to them and thank them for becoming police officers. I think we have another one coming, but those are all three laterals, they've been police officers other places, but are very proud and honored to be here in Newark, it was a good event. This past Friday was pretty busy downtown, certainly Travis Tritt sold out the house at the Midland, Final Friday was going on and that worked out well, the weather was cooperative and it was probably one of the biggest days the farmers market has had since its inception 6 years ago. Finally, remind everyone we have what we've tagged as Summerfest the last Friday of the summer will be this Friday from 4pm-10pm, it's going to launch with our Hometown Heroes Veterans Program and we'll have a couple groups on the north side of the square and the businesses are excited about that, there will be some local food trucks and we just want people to come and enjoy.

Mr. Marmie – I need to call a Finance Committee meeting for August 15th.

Mr. Rath – First I will remind everybody to vote tomorrow, that's very important. I would respond to Kim Blaney, but she's not around, so I won't. I'll call a Service Committee meeting for the 15th. Linda and Patricia I want to thank you personally for what you are doing, I do appreciate that and encourage you to keep up the good fight.

Mr. Rine – I want to thank Council and David Rhodes and the mayor for 22-63 which is the progression of the liner for the Hollander Pool, I'm excited to get that up and running next year.

Mr. Barker – I wanted to announce that the Light the Night cruise in will be returning to downtown Newark on September 10th. This is the event normally spearheaded by Jim Matheny and the Newark Rodders. We lost Jim, he actually passed away the day of the cruise in last year and his son and family have decided to keep that tradition going in conjunction with the Courthouse Lighting Committee, so that will be September 10th downtown.

Ms. Bline – Very excited about Light the Night. I'd like to thank Deputy Chief Brnjic, he was very instrumental in working some things out for a citizen, really appreciative of his assistance and Mohammad Khan, we don't talk about him a whole lot but he is a great fellow at the Health

Department, very helpful also, Joe Paul and his office of course his office is always on task and Ms. Householder, that picnic was a ball, it was a great time just to see those kids having a ball with the Fire Department and the NPD. I would also like to thank Little Texas Ministries and at South Newark Camp we gave out backpacks later that day it was like an all day picnic. It was really great to help some folks out that normally wouldn't get assistance. I'd like to thank those who have been donating flowers for 4th Street, it's almost finished and we'll start on 5th Street next, so get ready.

Mr. Harris – I want to thank our City employees, the Parks and Street guys for when that storm came through on that Saturday a lot of trees were down and they got out there and did a great job of clearing the trees and opening up streets and it's good to hear that we've got 3 new police officers, that's encouraging for us.

Mr. Houser – I would like to echo Mr. Rath about voting, it's very important to do that and I would like to thank Director Rhodes and Joe Paul for helping clean up some things.

Mr. Labutis – I would like to thank Joe Paul and Director Rhodes for some help with some things.

Mr. Lang – First I would like to thank Joe Paul, George Carter, Dave and Brian and the engineering team for a couple issues and off of Londondale some issues there. Nancy, Patricia and Linda, thanks for all the work you guys do and for keeping us updated, I appreciate it. I did want to talk about the FLOCK safety brought to our attention a few weeks ago. I sat down with Director Moore this past week to share some of my thoughts and privacy concerns on how we might use that system in Newark. Our grant application is pending right now so it's the right time for us to talk about using the system in the City. First, I would say thank you to Chief McKee for being proactive and bringing forward a way to improve how we police. From my research it is certainly a powerful tool that can be used to improve solve rates and help our police work more efficiently. The Chiefs mission is to look for the best way to police, so thank you Chief. Our mission on Council is a bit broader. AS stewards of the public trust it is incumbent upon us to ensure that surveillance tools like these are used responsibly. That means that council needs to ensure that these tools are used in a way that is transparent, tailored to minimize the information that is collected and stored and that we maintain safeguards so that we ensure they are not abused. First, more diligence is going to be needed on FLOCK in general. It's a well funded private equity backed company that raised more than \$300 million in the last 7 months. Their CEO has said they plan to expand beyond license plate readers. They are certainly focused on license plate readers right now, but it's not hard to see how pressure from those investors to pivot from cameras that read vehicle features to cameras that read facial features. So, we just need to make sure we don't give up all kind of control of surveillance in our community and open the door for any future uses that FLOCK may market to our police force. Certainly I have the most faith in our current leadership, but someday we may have a different Mayor, different Safety Director, different police, so we have to proceed with caution and keep the long term in mind. So, with that in mind I sent initial policy considerations to the Law Director, the Safety Director and Chief McKee. We're going to be having discussions over the next few weeks to start drafting policy for appropriate use. I would be happy to include anyone from Council who wants to participate, so please just let me know if you're interested. I think we also need

legislation to ensure that Council maintains control over where the cameras are placed to ensure we maintain proper policies and appropriate usage reporting is provided back to Council and made available to the public so we ensure transparencies. At the end of the day I think we just need to stay ahead of this and put in place a structure that allows the police department to use this powerful tool to work more effectively and to use it in a responsible manner. Any time we are gathering information about private citizens we need to ensure it's done in a careful and controlled manner that prevents abuse.

President Ellington – I'll just add my thanks to all of you for coming tonight, we appreciate it, thank you for sharing your opinion with us, it's always welcome. Our next meeting will be August 15th, 5:45pm for Committees, 7:00pm for Full Council.

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

Don Ellington, President of Council