

## COUNCIL MINUTES

November 7, 2022  
Council Chambers  
7:00 P.M.

**President Ellington called the meeting to order**

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

**INVOCATION** – Mr. Harris

**PLEDGE OF ALLEGIANCE**

**CAUCUS**

**President Ellington** - We are going to wait and do the Rule 11 during Miscellaneous, if that's okay, that way if anyone wants to comment during citizens comments they can.

**Mr. Marmie - Motion to excuse Mr. Houser, Second by Mr. Barker, passed by acclamation**

**Ms. Hottinger** - I will need to abstain from Resolution 22-98

**MINUTES of October 17 , 2022** - Motion to approve the October 17, 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**

**MINUTES of October 24 , 2022** - Motion to approve the October 17, 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 were none this meeting

**REPORTS OF STANDING COMMITTEES**

Finance **Received & Filed without objection**

Service **Received & Filed without objection**

Safety **Received & Filed without objection**

Capital Improvements **Received & Filed without objection**

**REPORTS FROM CITY OFFICIALS**

There were none this meeting

## **COMMUNICATIONS**

**Akron City Council** – Resolution 279-2022 expressing support for H.R. 82, Social Security Fairness Act of 2021 and S. 1302, the Social Security Fairness Act; and declaring an emergency  
**Ohio EPA** - NPDES Pretreatment Compliance Audit/Inspection

## **COMMENTS FROM CITIZENS**

**Devon White, 15 Vogel St.**, - I represent Roost on The River Music Center, I own it, I understand there is petition to get a sound ordinance in the City regarding what I thought was for everybody, but it seems it's been directed toward me. I had a meeting with Ms. Moore and the Chief of Police and the Safety Director in the spring. I was assured that there would be a meeting with everyone involved that would include the Trout Club the Moose Lodge, the Midway Tap and the Hub. I never got a phone call or email it was just all through the newspaper and the radio and was directly put toward me and my venue. The sound ordinance at 50 and 60 decibels, at the courthouse square yesterday I recorded 87 decibels sitting on a bench. So, I don't know what's going on and why I wasn't contacted, I just want to touch base because I thought this was about everybody not me. I'm lost and I never got told anything, so I'm just wondering what's involved, how you're going to enforce it, the equipment you're using and all of that because this is directly pointed toward me.

**Danielle Quick, 101 2<sup>nd</sup> St. NE** - I wasn't going to speak my first time here, but I don't know what City Council is all about but I wanted to ask you guys, is there a way we can look into proper waste getting rid of, I was down in Florida and they have recycling receptacles and trash receptacles that they use that the City or the State gives to them and I just feel like as people who are supposed to be green and care about the environment for our children, a lot of plastic gets thrown away and it's just something that is heavy on my heart and you guys seem like you might be able to look into something like that, so that's all I wanted to bring up.

**Rochele Volen-Smith, 237 Violet Ct.** - My impression was the sound ordinance was going to be affecting a lot of venues including houses and cars and things like that, so I don't know where this is coming from that it's directed toward one person. So, I'm a little confused.

## **ORDINANCES ON SECOND READING**

**By: Mr. Lang, Mr. Barker, Mr. Labutis, Mr. Marmie, Mr. Harris, Mr. Rath**

**22-40-A** AN ORDINANCE AMENDING THE DEPARTMENT AUTHORIZATION TABLES OF THE CITY OF NEWARK DEPARTMENT OF HUMAN RESOURCES AND CREATING THE POSITION OF *RISK CONTROL AND EDUCATION SPECIALIST* AND SETTING THE COMPENSATION THEREFORE

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

**By: Mr. Lang, Mr. Barker, Mr. Labutis, Ms. Blaine, Mr. Marmie, Mr. Rath, Mr. Harris**

**22-41-A** AN ORDINANCE AMENDING THE DEPARTMENT AUTHORIZATION TABLES OF THE CITY OF NEWARK DEPARTMENT OF SERVICE, DIVISION OF CEMETERY & PARKS AND CREATING THE POSITION OF *ASSISTANT SUPERINTENDENT* AND SETTING THE COMPENSATION THEREFORE  
**Motion to adopt by Mr. Lang, second by Mr. Barker, motion passed 9-0**

**ORDINANCES ON FIRST READING**

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

**22-43** AN ORDINANCE AMENDING CHAPTER 634 OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO RELATIVE TO THE NOISE ORDINANCE OF THE CITY OF NEWARK  
**Held 2 weeks until 11-21-22**

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

**22-44** AN ORDINANCE AMENDING CHAPTER 648.04 DISORDERLY CONDUCT OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO RELATIVE TO NOISE CONTROL IN THE CITY OF NEWARK AND DISORDERLY CONDUCT BETWEEN FAMILY OR HOUSEHOLD MEMBERS  
**Held 2 weeks until 11-21-22**

**RESOLUTIONS ON SECOND READING**

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

**22-94 CI** A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (\$34,337.92 -replacement of aging mowers)  
**Motion to adopt by Ms. Hottinger, second by Mr. Harris, motion passed 9-0**

**RESOLUTIONS ON FIRST READING**

**By: Mr. Marmie, Mr. Barker, Ms. Bline, Ms. Hottinger, Mr. Rath**

**22-96 Exp** APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (\$3,000.00 -Increased gas and fuel costs)( \$128,400.00 -FLOCK safety license plate readers – State award to NPD for two year service)( \$15,425.00 -2022 JAG Grant shared with the Licking County Sheriff)( \$15,425.00 -To provide for expenditures at the end of year until grant funds are received in 2023, fund cannot be in the red at end of year)(\$150,000.00 - Completion of 40<sup>th</sup> Street Project Concrete Work)

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

**Mr. Marmie** - We have a bill that was due and needs to be expedited, plus it's that time of year where sometimes our funds are getting a little low in certain categories so we have to replenish them to make sure they stay in the black, so we need to put some of those funds back immediately.

**Motion passed 7-2**

**Motion to adopt by Mr. Marmie, second by Mr. Barker**

**Mr. Marmie** -

**By: Mr. Marmie**- Sensing that there are some different opinions about some of the items, I would like to make a **motion to separate out to 22-96-A, the FLOCK safety license plate readers portion of that.**

**President Ellington** - Okay, so we're going to vote on 22-96-A will be the FLOCK and then 22-96 will be everything else?

**Mr. Marmie** - Correct.

**Second by Mr. Lang**

**President Ellington** - Assistant law Director, it takes 6 correct?

**Ms. Clippenger** - Correct

**Motion to amend fails 5-4**

**Motion to adopt by Mr. Marmie, second by Mr. Barker, motion passed 7-2**

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

**22-97** APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION \$3,872.96 (Appropriate funds back into overtime from reimbursement of HazMat recovery incident. Appropriate funds back into Medical Supplies from the sale of three stair chairs on GovDeals)

**Held 2 weeks until 11-21-22**

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

**22-98** A RESOLUTION REAUTHORIZING THE DOWNTOWN NEWARK SPECIAL IMPROVEMENT DISTRICT, INC., APPROVING THE ARTICLES OF INCORPORATION, THE PROPOSED PLAN FOR SERVICES FOR THE SPECIAL IMPROVEMENT DISTRICT, AND DECLARING THE NECESSITY TO LEVEL A SPECIAL ASSESSMENT FOR THE COST OF SERVICES AS SET FORTH IN THE PLAN AND DECLARING AN EMERGENCY.

**Motion to adopt by Mr. Rath, second by Mr. Harris**

**Mr. Rath** - This has the emergency clause because they are going to meet and couldn't get this to us earlier.

**Motion passed 8-0 with Ms. Hottinger abstaining**

**By: Mr. Rath, Mr. Barker, Mr. Labutis, Ms. Hottinger, Mr. Marmie, Mr. Harris**

**22-99** A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO NEGOTIATE AND ENTER INTO CONTRACT WITHOUT COMPETITIVE BIDDING FOR THE PURCHASE OF FLOCK SAFETY SYSTEM AND CAMERAS

**Held 2 weeks until 11-21-22**

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

**22-100 CI** APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (\$73,500.00 -(1-Equipment to be used on bike path, cemetery roadways & parks parking lots 2-Replacement of 1992 Dump truck, needs transmission, rear end, clutch, leaf springs, door & window)

**Held 2 weeks until 11-21-22**

## COMMENTS FROM CITIZENS

**Matt Migliorisi, 444 S. 2<sup>nd</sup> Street** - It's recently come to my attention that these FLOCK cameras are to be installed in our City. This seems to be a trend in cities across this country and it's one that deeply troubles me as American's who value their privacy and their freedom. First of all I understand the position of the NPD, having worked through the pandemic myself I am deeply aware of being short staffed and not having the help I needed has become more than a problem it's become a way of life for me and a lot of people. For that I empathize. That being said though there has to be another way. From what I can see these camera systems represent a moral and technological dilemma for our City. While on their face they seem like a good idea, ultimately they are another system of power and control that, if left unchecked could easily turn on the people they are meant to protect. These cameras are only as effective as the people wielding it and not to say that anybody now could possibly misuse them, but the morality and proficiency required to operate this system represents a persistent issue that will long outlast those who seek to install them, besides the obvious risk of them being monitored for corrupt or nefarious means they also represent a new frontier in technology one that our City might be ill prepared to deal with. AS I've learned our City only recently upgraded their system from burning CD ROMS. So what assurances do we have that this system can't be hacked by tech savvy criminals, corrupt businesses seeking to harvest our data even foreign intelligence agencies and our own government might seek to use it against political dissidents at some point. People I've spoken to about this issue pretty much expressed their unease about the idea. Moreover, the way in which this issue has been brought to the public's attention is the most troublesome because almost nobody knew about it. It seems the secrecy and haste in which this system is being sought to be implemented there is very little to bolster the public trust in its use. Beyond potential abuse and misuse of this technology is a real liability issue. As I understand it, the company itself holds no liability for whatever might transpire due to misuse. AS this is the case the liability remains squarely on the City of Newark as I understand it so if lawsuits emerge as a result of this it will be another financial burden we will have to deal with. My wife and I put together a bit more of a comprehensive list of issues, within 15 minutes we were easily able to do a search on this. One is an ACLU report that they did, so ethically this companies goal is to expand to every single city in America. The company has already installed cameras in over 1400 cities, photographed over a billion vehicles every month. It's come into trouble in the past for pushing police departments to embrace their technology without getting approval of the communities that they serve. They've been accused of coordinating with departments in ways that are unseemly for agencies serving the public such as working with the police to generate positive media coverage, advocating for the company at public meetings, providing the company with neighborhood contact lists, introducing other Police Chiefs to company sales managers. There's privacy issues obviously. In addition to the cameras used by Law Enforcement the FLOCK system is connected to private camera owners as well that are allowed to buy these and they are all connected on the same network so we're seeing businesses and private citizens be a part of this including neighborhoods and public complexes including motels, hotels, malls, hospitals. As for the contract with the city Of Heath there is a lot of ambiguity on if this private data is being sold for profit. Ultimately too, their effectiveness is being called into question. Having an appropriately staffed Police Department is essential to

responding to any of the alerts that these cameras are giving off. Without being able to accurately read a plate these cameras can track specific makes and models of cars leading to harassment of civilians by law enforcement. Criminals have responded to these cameras simply by printing fake license plates on paper which is fairly easy to do. This technology has already been misused in several cases. Apparently in New York City and Birmingham Alabama it was used to specifically target members of the Muslim community, an officer in Florida was discovered to be using it to search for romantic interests, back in 1998 even an officer plead guilty to extortion after identifying license plates of cars parked at a gay bar and using the information to blackmail the owners. In 2009 a woman named Denise Green was handcuffed, forced to her knees, held at gunpoint and searched because her car was misidentified as stolen. I believe her kids were involved in that one too. Basically, I have some serious questions and this is not just me speaking, it's everybody I have talked to about this. I know there are some cities that perform stringent monthly audits to track the search history of every query to make sure they are all being made in connection with an ongoing investigation, so is this something the NPD is prepared to do. If these records are generated who is going to have oversight over them, will the public be made aware of any discovered misuses while auditing this system? What metrics were used and will continue to be used to determine how much money is actually saved by implementing this system? Most importantly what measures are being taken to ensure this system will not be misused, hacked and will that information be available to the public? I want to be clear about one thing here, I am not against law enforcement obviously, I deeply respect those that take up the badge in order to serve and protect, but as a concerned and responsible citizen I'm simply seeking an open dialogue about how we can do better with this. I'm asking all of those involved not to allow this to become a divisive issue, but rather work with the citizens of Newark. Do we really want our city to become another on a long list of cities of a network of surveillance cameras.

**Tim Waldren, 167 S. 2<sup>nd</sup> Street** - I'm going to defend the city. There was meetings about the noise ordinance, there was a meeting here 4 weeks ago, so you don't see this all the time but I do defend the city. Another thing, the camera system. You're on camera now worldwide. I'm on TV now around the world and somebody that did subcontracting for the government, I know they are watching us now. Last thing, 3 weeks ago, Don and Doug mentioned about the homeless people and I've been sitting back here for years listening about homeless people, both sides. There's only one thing keep coming up on both sides, what do we do about them? Well for several months I've been on the WEB about homeless people. Several cities are "officially" making it illegal to be homeless in that certain city. Council actually passed laws where you can't take care of them, you can't feed them, you can't house them, you can't do nothing. If you are homeless in that city you have to have an address in several areas and it's working. Just recently Lawrence, California had banned completely in the city, they made them go outside the city. It dropped the homeless people in that city over 89%. They weren't allowed to come into the city for water out in the dessert. Florida had banned helping, actually put people, churches in jail because they helped them like they do down here on East Main Street .There is stuff you guys and girls can do about the homeless. Now, I'm not talking about the ones that really need or want the help. I'm talking about the ones that ride around at night time

on bicycles, steal your cars, motorcycles, 4 wheelers, steal your bicycles, break into your garages and stuff like that. Them guys you guys can stop overnight, almost or well, over a week.

**Danielle Quick, 101 2<sup>nd</sup> Street NE** - I just want to mention that I had no idea that we were thinking about getting a camera system and I don't know if I'm just not looking in the right places, but just as a Newark resident, as someone who loves the city and I know it's got its issues and changes quite a bit over the last decade and it's sad to me because I feel like Newark is a special place, but just if there was more communication with all of us because I had honestly no idea about this camera system being installed and I also agree that we're always on camera, if you have a smart phone you're on camera, right, so that doesn't bother me, but I just feel like that money could be put to so much better use, since people are already on camera, I just feel like I just wish more people knew so we could have more informed decisions and thoughts on what we could do otherwise.

**Rochelle Volen Smith, 237 Violet Ct.** - In terms of the homeless issue, I have not met anyone and I've met quite a few homeless people that just say I want to be homeless, I want to be poor, I want to live in poverty. I think introducing the idea of a debtors prison is not a place we want to go. It didn't work in the Medieval times and it doesn't work now. Enough said.

**Daniel Crawford, 163 S. 2<sup>nd</sup> Street** - There's a lot to impact about tonight. Originally I only had one goal to talk about the election, but a lot of stuff has happened since then. First, democracy is a very fragile thing, it requires a constant participation at every stage from voting to constant participation in meetings like this, that feedback is what we require for this to work and it's said the Ben Franklin once remarked that they gave us a republic if we can keep it. Thinking about that and watching as 22-96 was being voted on I was very disappointed it wasn't amended to be voted on with a very controversial part of it separate from the rest. I think that would have been better to be voted on separately because those who voted on the entire measure, obviously we had 4 and 5 who wanted to separate them and then at least 2 who would've supported the bulk of that legislation had it been separated. Things like that, it should've been broken apart. Also, if I'm not mistaken it was also an expedited measure as well, so with that in mind, that's also a concern with me. whenever we bring up this issue of cameras, I was actually supportive of the traffic cameras right across the street from where I work at Giant Eagle, it reportedly reduced accidents and stuff like that, so I'm not opposed to cameras but, I think there are legitimate privacy concerns that should be shared and listened to at length for as long as possible about these things. You know some concerns were brought up from around the country where these things have been used. That stuff requires our attention in depth. So I think we should reduce this to if your against this you're somehow demonizing the police. We have a great Police Department here in Newark, definitely not perfect because we're humans we have a lot of imperfections, but I've met a lot of Police Officers in the area at Giant Eagle, I've worked with a lot of the officers from the Heath Police Department so I know a lot of the officers in this area are respectable good people. But that's not to say that something like this couldn't be corrupted at some point as was his comment and I think that's a legitimate concern once again, we're given a republic if we can keep it and part of keeping it is holding it accountable. So I do think that's important. Finally, on the homeless issue, I hate to be that person, but we have to remember the human aspect here and to criminalize people just because they are outside of a house is, I think, horrible. Especially having been homeless myself

when I was a child, If my family had been criminals in some way shape or form just because we were temporarily out of a home, Like it was said before, no one ever asks to be homeless and for most it is just a temporary stop from one thing to another, we all enter that from time to time. Finally on the noise ordinance, I agree there have been plenty of meetings about that and obviously one more meeting coming up, I think it's unfortunate that the gentlemen that were here left before this part of the meeting, but I think it is well past time for a noise ordinance to be clear in the city.

## **MISCELLANEOUS**

**Mayor Jeff Hall** - Safe Trick or Treat was last Thursday and I surely want to thank all the downtown businesses that did such a great job serving well over 1,000 children and putting smiles on a lot of faces. The weather was very cooperative, it was great and just very excited to see it. On Friday I attended the Lifetime Achievement Award Ceremony and I'll congratulate Drs. Tom and Mary Beth Hall for receiving an award, they live in Newark, they've done a lot of good things in the community, but also the Boys and Girls Club, they've done such good things with that a great summer program but also a very active school program throughout the year. Rolling Thunder Toy Run was yesterday, they set records but, we watched, my wife and I for probably 20-25 minutes along the parade route, it was outstanding. It really fills the Salvation Army with toys and helps hundreds of families have a good Christmas and put smiles on kids that might not otherwise have such a good Christmas. Finally, this Friday is Veteran's Day, I encourage everybody to reach out and thank a veteran and keep in mind in your thoughts and prayers those that gave their life for freedom. We have events across the City and the County so please plan to attend if you'd like. Veterans Park on 6<sup>th</sup> Street at 11:00, the VFW Hall will have food at 2:00 and then there is an event at the Trout Club at 5:30.

**Mr. Barker** - I want to congratulate, on Friday I attended the Grand Ribbon Cutting Reopening of the YES club in downtown Newark who back in May of last year caught fire, pretty well gutted the place, it coincided coincidentally with the 35<sup>th</sup> anniversary of the creation of the YES Club, so it was nice to see that facility has been totally rebuilt, it's really what the kids need even through COVID and the fire and everything they were able to maintain their membership and help kids of all ages so it was great to see that. I want to say good luck to the Newark Catholic Volleyball and Football teams, this week volleyball will be playing in the final four on Thursday and football will be working towards a quest for the Regional title on Saturday, good luck to those athletes there. As you all know I am the president of the Licking County Courthouse lighting, we'll have a press release coming out this week announcing the event at the end of the month. Unfortunately due to construction still happening at the courthouse we have to have a bit of a modified lighting, but we've gotten through COVID and other construction projects so we'll make it through. With that I would just urge everyone to make sure you go vote tomorrow, polls open early and make sure you exercise your right.

**Ms. Bline** - I am grateful that everyone has come and voiced their opinions and concerns and their great input concerning the sound ordinance, I wish the gentlemen had stayed. We had many community meetings, we had a large one at Ben Franklin with our Law Director, she gave a wonderful presentation of what it is and what it is not. I really appreciate her as well as Mr. Barker on working



through that. Ms. Quick, I am a great recycler as well and grateful that Newark has many receptacle sites where you can take things to be recycled large and small. It does save a little bit of cost, I participate in recycling programs before and it puts a bit of a tariff on your refuse bill, so it's nice to be able to freely take things there. Matt and Sarah thank you for coming. It's been a privilege to hear yourself and the other citizens and their opinions on the cameras and this is a great opportunity for public communication. I've not heard one person say anything negative about our police department. They are 100% behind our police officers. I think it's just the ambiguity as well as it came sudden, the information did and so there's still time for public gathering for information, so I'm willing to do whatever, truth be told, we had a meeting planned at Ben Franklin, but I got sick and didn't have a chance to get the Law Director involved and there would've been no purpose to have it without her or the Police Chief, so we canceled it. As far as the homeless issue, this is an opportunity for dual accountability and working in this venue for many years, one of the things that's been very valuable is targeted compassion. People feel good about going out and giving things away with that understanding that not all things are received well, not all things are purposefully received and therefore we see what's left and sadly it's a great cost to the citizens and to the city. So just taking this in steps that for me would be the first step, monitor what is being given and is it being purposefully received. Quickly, thank you to Property Maintenance, they are taking care of properties that have troubled communities for quite some time and again great, great work.

**Mr. Harris** - I'd like to thank Property Maintenance and Dave Rhodes for helping me take care of a situation we had in the city. Also, our President had a birthday last week, he turned 75 and Cheri had a birthday yesterday, she turned 25. I've been waiting to wear my Cleveland Browns tie for a long time and they finally beat the Bengals last Monday night, so I'm proud to wear my Browns tie and Alabama and Clemson got beat, Dusty Baker won the World Series so it was a great weekend.

**Cheri Hottinger** - I will be brief, but I just wanted to say a couple of things that are exciting for downtown Newark. I know Councilmen Barker and Harris were with me when we attended the groundbreaking for the Arcade Building. What a wonderful opportunity for downtown Newark to bring in businesses and residents and bring more life and activity to downtown. Of course it won't be done until February of 2024, but a wonderful opportunity. A lot of people participated in that donors and the City and a lot of people went far places to make this happen. So, very exciting. Then, thank council for passing Resolution 22-98, I had to abstain on because I'm on the board of the SID, it's another 5 year renewal for the SID, another great thing for downtown Newark. We've made substantial progress in the last 5 years and will continue to make progress so thank council for that. If you are interested you can come to our annual meeting which is Wednesday night this week on the stage of the Midland, it starts at 6pm. There's a brief election then we'll have a meeting and discuss plans for the next 5 years. How exciting that the wonderful roundabout out here is at least open on two sides, oh three sides, I can go south. Thank you whoever made that happen.

**Mr. Labutis** - I was going to mention the roundabout out here as well, it's great to see it open. Also, a thank you to Director Rhodes, he helped me get a stop sign that had fallen down over the weekend so people knew where to stop. I also wanted to remind you to vote if you haven't already.

**Mr. Lang** -Resolution No. 22-96 , I couldn't agree with you more that was one of the most puzzling votes, I don't understand why we couldn't separate it out, it would've been a pretty easy discussion. That said, Matt thank you for your comments as well, it was good to hear somebody repeat some of the things I identify with as issues, the terms themselves, I do think we're moving along pretty quick on that. I'm hopeful that our esteemed Law Department can make some changes and negotiate some of those terms. There are many things that I find troubling with the terms. The latest one I noticed was we're signing away our rights to designate where the locations are. The terms I read say FLOCK gets final say on that. I hope that we're able to work with FLOCK and at least come to some agreeable terms and are able to move forward. I do still think we're being hasty and don't quite have all of the terms and checks and balances in place, I guess as much as I do support the police department I would urge them to consider some communications on FLOCK and how it's going to be implemented so we're answering some of these questions about how we're going to have accountability and how we're going to go forward in a way that's responsible as a community. With that I will urge everybody to get out and vote tomorrow.

**Mr. Marmie** - I need to call a Finance Committee meeting for November 21<sup>st</sup>. A number of things, noise ordinance, I wish the gentlemen would've stayed also even though he thinks it's a new ordinance, we're just modifying our Old ordinance actually and it's not targeted towards just one individual or location, it is going to encompass the entire city limits and be enforced fairly and equitably. Next I want to talk just a bit about the FLOCK system. I'm in support of the system, I believe that the cameras will be beneficial for law enforcement, I think it will deter criminals from actually coming into our community and I'm hoping that it will create a reduction. My only concern all along, it's kind of ironic, the safety of the data and that's what is very puzzling is the data is being utilized by our safety forces and yet we're not safeguarding the data and FLOCK actually has a clause in the contract that holds them harmless completely of any kind of data breach. Those were my only concerns, I am supportive of the system itself, I just want to make sure that the data is secure and safeguarded and also that we have procedures in place in case there is a breach of that data. Finally, I just want to talk a little bit about the homeless. I've heard a number of things this evening as far as ideas, suggestions, implications. I guess the biggest thing that I want to make sure that, yes I believe in the human aspect of helping those who need assistance and who need help with a path from being homeless back to having shelter. I believe in the human aspect of making sure that we have things in place to protect those who need that temporary type of a situation. I disagree with some of the comments that folks are choosing not to remain homeless. I believe that there are folks who are choosing to stay homeless, maybe they didn't start there and didn't ask for it to begin with, but now they are choosing to do that. Whether it's refusing help, whether it's refusing to do something about their substance abuse, whatever the situation is, they're not choosing the path, that we have great avenues of help in the City

of Newark, very generous organizations, very generous individuals who are willing to assist. I believe that it should not be criminalized to be homeless, but some of the activities of some of those that are homeless should be criminalized. And the human aspect is that property owners should not have individuals defecating on their property. Property owners should not have to clean up needles, tents, garbage, all of that on their property. The human aspect of it is their human aspect of it too, equally. Both of them equally we have to have the human aspect of that. We're trying to work together with organizations. We just need to do what we can do as a City as a Council, as an Administration as a Safety Force, what we can do to try to help this City become better at helping those that want the help and also deterring those that don't. If there's criminal activity with them being homeless, with individuals that are homeless then we need to do something to stop that or eliminate that. And that's where I feel we need to come from as a City. As a legislative body we need to make sure that our current laws are being enforced and if we need to adopt some new laws to ensure criminal activity can be enforced then we need to do that. I also want to wish Newark Catholic both the volleyball and football teams good fortune this weekend, both programs have worked very hard. I think it's an exciting time for Licking County, unfortunately Newark Catholic are the only teams that have advanced at this point, so I want to wish them well. Hopefully we'll have them in here, we always celebrate State Champions and I know that's both teams goal and I look forward to having them here and representing themselves as State Champions.

**Mr. Rath** - Matt thank you for coming out, I appreciate your comments, I agree with a lot of them, concerns that you have are concerns that we all have. That was awesome. The one thing that I will take issue with is the secrecy part. We had a lot of meetings here in these chambers. All of those meetings are published online, all of those meetings are public record, all of the discussion we had is public record, it's all available. We aren't sending out notices in the newspaper or dropping flyers or leaflets, you've just got to be here or watch it online, it's not secrecy this is all public. So, there is no secrecy to it, but I do have a lot of the same concerns you have as well. The next thing about this is we're funded for two years. At the end of two years, I'm going to ask for metrics that shows how this works and is it worth the money that we spent, before I will ever vote to do it again. I am for the program, I think it will help us, I had serious concerns when it first came out, most of those have been answered, I'm okay with that, but I still have concerns like everybody else does. So it will be nice to revisit this and see how it's helped, if it's helped. One of the concerns and questions I had was corruptions and it's just not founded. There are a lot of checks and balances in place. Matt he one case you talked about was dates 1996, that was a long time ago, that's not current information. Doug, your comments on the homeless are spot on. I agree with you, I know there are some deniers out there that will not and I'm okay with that. I know there is a process that we need to go through to improve the situation here in Newark and I know that part of that process is going to be painful. We need to do it none the less, we just need to have the will to move forward and do that. I'm excited to see that they are getting body cameras for our officers and that is coming soon. Not soon enough, we've been talking about that for months, but I'm happy about that. I'd like to bring up the bridge again on Cherry Valley Road because I know there's

been some letters to the editor that have been written and some other things that have been said and I'll just say this, that bridge being closed has inconvenienced thousands upon thousands of people. It has affected the business workings of hundreds of different businesses. It has decreased response times, I don't know how long it took our trucks to get to the Buxton Inn when that was on fire, I know we responded to it, I know we didn't respond very quickly they had to go around that. It affects the response time of everybody west of Cherry Valley Road to get to the hospital, notice I said everybody, I mean everybody. It doesn't matter who you are, it affects everybody. First off we have an engineer do research and come up with some brilliant ideas. We found a company that has the skill to bring those ideas to fruition and is available on our timeline which is very short and tight to complete that. I only have two words for that, Thank you. It's nice to be able to get that done and it will be a huge relief to thousands of people, if you have a problem with that go somewhere else. I encourage you to vote tomorrow. Next Friday is veterans day, remember to thank a veteran, and please remember it's veterans day it's a day to thank those who have served our country, not those who gave their lives, that's Memorial Day. I think I've said enough.

**Mr. Rine** - I just have a few things, mainly about the FLOCK Cameras .I appreciate Matt coming in. It's a very slippery slope but I think we are all for the progressive safety of our citizens. Matt you've checked all the boxes. The main thing is follow the money, who are the investors in FLOCK. One of the main ones is Peter Thiel. He was one of the first investors in Facebook, he invested \$500k back in the 2000's and now is a billionaire and that's all fine and dandy, but I think we all kind of know what Facebook does, they advertise and kind of do it in malicious ways. I 100% support the police, I've had friends cars stolen a friends diesel truck was stolen and never found so, my friends support the cameras, trust me. Matt, just follow the money and you'll see and they openly work with the CIA and NSA, they're not hiding it, that company was founded by Peter Thiel. It's the information after it's captured, where it's going, I know that's in the contract, but when Facebook was first built up none of us thought it would be where it is today so it's a perfect example of what might be here in the future.

**President Ellington** - I think everything has been covered so I won't go over it again. Don't forget to vote tomorrow, if you haven't already please vote tomorrow, it's part of democracy. I know there's a lot of talk about democracy being ended, but you need to vote if you haven't. Mr. Marmie do you want to talk about Rule 11?

**Consider Rule 11 By: Mr. Marmie, Mr. Barker, Ms. Bline, Mr. Harris, Mr. Labutis, Ms. Hottinger, Mr. Rath**

**22-105** A RESOLUTION AUTHORIZING THE MAYOR TO MAKE APPLICATION TO AND ENTER INTO AGREEMENTS WITH THE OHIO DEPARTMENT OF TRANSPORTATION STATE INFRASTRUCTURE BANK FOR A LOAN IN THE AMOUNT OF \$5,000,000.00 FOR THE LIC-THORNWOOD CROSSING BRIDGE AND ROADWAY CONSTRUCTION PROJECT, PID 87642, AUTHORIZING THE EXECUTION OF ALL DOCUMENTS NECESSARY TO EFFECTUATE THE SAME AND DECLARING AN EMERGENCY

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

**Mr. Marmie** - Just to let folks know who were not here during committees, basically we are applying

for this loan to have it in place in case it is necessary. We're anticipating and hopeful that ODOT will supply a lot of the funding and that either none or not all of this will be necessary, but we need to have it in place in order to make sure that we can move forward with the project. We have to have funding sources there, so that's what this is for.

**Motion passed 9-0**

**President Ellington** - With that we appreciate you coming tonight, we appreciate your input, come any time.

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

**Don Ellington, President of Council**